

Not Just DNA: The Five Trademarks of Sex Offenders

By Detective Don Howell

“ The second trademark is the offender wanting to *blame the victim*, so interviewers should let him. To the sex offender, the victim failing to fight to the death, or having too much to drink, or leaving her window open, or not seizing on an opportunity to escape, all equal consent. ”

After almost 40 years in law enforcement, with nearly 30 of those years spent investigating sexually motivated crimes, I'm becoming alarmed by the perception – which seems to be shared by members of the media and the public, as well as sexual assault survivors and responding professionals – that sex offenders will be arrested and convicted if (and only if) a forensic evidence kit is submitted to the crime laboratory and a DNA profile is obtained. I am also concerned about the over reliance of law enforcement on DNA evidence. Don't misunderstand me, I think DNA evidence is a great tool and I wish it had been available much earlier in my career. Still, I'm “old school” and a firm believer in the importance of a comprehensive victim interview, followed by a thorough suspect interview.

I have attended close to one hundred lectures, seminars and specialized trainings hosted by the FBI, psychologists, victims of sex crimes and just about every other type of expert you can think of. I have read many of the books and articles dealing with sex crimes, interviewing techniques (for both victims and suspects), and a variety of other subjects relating to sexually motivated behavior. I have testified as an expert witness in court and have qualified as an expert for the purpose of writing search warrants for everything from DNA to child pornography.

What I have come to understand is that much of the public and many professionals in this area make a distinction between the stranger rapist, the acquaintance rapist and child molesters.

For the purpose of interviewing a potential sex offender, I do not make this distinction. This will sound odd, especially to law enforcement professionals who have routinely viewed these as completely distinct behaviors. After interviewing hundreds of sex offenders, I have discovered that using a more liberal definition of rape leads to more admissions and confessions. Consider this: If a man breaks into a home, strangles a woman into compliance and forces penetration, he is clearly a rapist. If a husband comes home, strangles his wife into compliance and forces penetration, he too is a rapist. If the boyfriend of a single mom becomes angry at the mother and sneaks into the child's room and molests the child, he too is, behaviorally, a rapist. In other words, the underlying behavior is fundamentally the same and these suspects need to be interviewed in much the same way. Throughout this article I will generally refer to stranger rape and use examples of stranger rape to illustrate my points, but the techniques discussed here actually apply to a wide variety of sex offenders.

Managing Editor: Carl Olsen, Ph.D.

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Importance of Victim Interview

It is from this understanding that I have discovered just how important the victim interview is. It sets the stage for all the decisions to follow. It tells us that the victim has been in the presence of a sex offender, it identifies what type of sex offender he is, and it provides some insights into the perpetrator's fantasy world -- all setting the stage for the suspect interview. However, the offender has to be caught first, which can occur in a variety of ways. Occasionally the suspect is caught fleeing the scene of a crime he has just committed. More often, cases involving strangers are solved on the basis of composite drawings, fingerprints, DNA, parole and probation files, and the occasional anonymous tip from the public. In rare cases, the suspect's own behavior is enough to point law enforcement in the right direction to identify an unknown suspect.

Once the suspect is apprehended, a suspect interview is conducted, and this is where detectives can “make or break” a case depending on their interviewing skills. Interviewing a sex offender is a true art form and very different from interviewing suspects in other types of crime (such as bank robbery, murder and narcotics).

Motivation of Sex Offenders

It is important to remember that most crimes are committed for money, drugs, anger or revenge, or a combination of these. In other words, burglars steal to get money -- often to buy drugs. Bank robbers rob to get money -- often to buy drugs. A bicycle thief rides off with a child's bicycle, only to sell it -- and use the money to buy drugs. On the other hand, crimes such as felony as-

saults and murders are often perpetrated by an angry husband or male partner against his girlfriend/wife -- or they involve local gang members committing a drive-by shooting, for example, to protect their territory and move up in the ranks of the gang.

However, sex crimes are the result of the offender's need to feel good. It is the controlling of a stranger, acquaintance, wife, girlfriend, or even a child that satisfies the needs of the offender. I am referring to sex offenders with an underlying sexual fantasy from which the crime generates. There are other groups of offenders who commit sex crimes, but do not have an underlying fantasy; the interview process is different for this type of suspect. This type of offender would include sexual sadists, anger rapists, and those who commit a sex offense while under the influence of powerful mind-altering drugs or with true mental illnesses.

Interviewing Strategy

Armed with this knowledge about sex offenders, the interviewing detective (or patrol officer) must set the stage for, what I call a soft interview. No amount of fist pounding or “good cop-bad cop” will work better than simply using the suspect's beliefs and behaviors against him during the interview. It has been my experience that interview styles used with bank robbers, burglary suspects, gang members and others are ineffective when dealing with a sex offender. When interviewing non-sex offenders the interviewer's position of authority and confidence are often used, along with confronting the suspect with hard evidence. Yet this confrontational style does not work as well with most sex offenders.



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After interviewing hundreds of sex offenders, from window peepers, flashers, and child molesters to serial rapists, I realized that there was a pattern to their thinking and actions; each offender had a rationale for what he or she had done. Ultimately, I coined the phrases anti-logic and five trademarks as a way to explain how the offender thinks during the commission of a crime and how to use his behavior against him during the interview.

Think of sex crimes as occurring inside of a special effects sphere, or ball; something you might see in a sci-fi movie. Outside of the sphere is the world of logic, where most of us live. Inside the sphere is what I call anti-logic. This is the world in which the sex offender operates when he is acting out his fantasy, by committing a sex crime. The job of the interviewer is to nudge the sex offender back in to the sphere, to get him thinking like a sex offender with all the rationales and fantasies that justify his actions. Once there, the five trademarks of the suspect interview come into play.

The Five Trademarks

The *five trademarks* refer to communication strategies or steps the sex offender will employ during the interview, which are to:

1. Diminish the severity of the offense
2. Blame the victim to some degree
3. Attempt to control the interview
4. Never give 100% of the information regarding the offense
5. Never talk about crimes the investigator doesn't already know about

The job of the interviewer is to let the sex offender use all five strategies, and in fact lead him to do so. The suspect isn't likely to follow the trademarks in the order shown above. Instead he will mix them all together. The job of the interviewer is to listen to what the suspect is saying and identify all five. The first two or three will usually be quite evident, and in many cases, they will result in the admission or confession you are looking for. Listening closely and keeping the suspect talking will often get all five.

The Soft Interview

The soft interview sets the stage. Instead of pounding a fist on the table while going nose-to-nose with the offender and yelling, "I know you forced your penis into her mouth before you raped her!" an interviewer can try something more subtle, and softer, such as: "I'm a little confused here, can you tell me what happened with this girl?" This allows the offender to explain what happened, as he sees it.

Remember, to the offender there is a very fine line between force and consent. His fantasy-rationale allows him to believe that his rape is a consensual act that doesn't hurt anyone. By setting the stage, the interviewer will nudge the sex offender into the sphere of anti-logic. Once there, working the five trademarks will carry the investigator through the rest of the interview.

First Trademark: Diminish Severity

The first trademark is to diminish the severity of the event. In cases involving multiple sexual acts inflicted on one victim, as is common in a stranger rape scenario, the offender may only want to admit to having had "sex"

with the victim once. If that is all he's willing to admit to, leave it at "once", for now. The investigator can always go back later for more, but in the beginning, it is best to let the offender diminish the severity of the offense by admitting to one act instead of multiple acts.

The same is true for ongoing child molestation. The child may have been victimized hundreds of times over several years (as in the case I investigated with 10,000 individual acts of molestation over twelve years), but the offender may only want to admit to a "few times" of "simple fondling." An even more classic rationale in a situation of ongoing, in-family molestation is, "It wasn't like I was actually molesting her, I mean we never had intercourse, it was just touching." When the victim has described the molestation as years of fondling and masturbation, the interviewer can set the stage for asking a question like this: "You didn't have sex with her, right? I mean it was only fondling." As soon as the offender says "yes" the interviewer has helped him diminish the severity of the crime and pushed the perpetrator deeper into anti-logic. This encourages him to continue talking so he can explain why the molestation wasn't "that big of a deal" in his mind.

Second Trademark: Blame the Victim

The second trademark is the offender wanting to blame the victim, so interviewers should let him. To the sex offender, the victim failing to fight to the death, or having too much to drink, or leaving her window open, or not seizing on an opportunity to escape, all equal to consent. To illustrate, I investigated a case of kidnapping and rape several years ago where the suspect kidnapped the girl off the street at gun point and drove with her for ten miles, stopping at every traffic light and never going over the speed limit, before raping her several times, and then driving her home. During my interview I asked, "Could she have jumped out of the car at any time? And if she had, I bet you would have let her go, right?" As soon as the offender said "yes" he had admitted to the kidnapping and was pushed deeper into the sphere of anti-logic. This offender ultimately confessed to about 80% of the crimes.

Some of the more common rationales for on-going molestations include: "I was just teaching her about sex" or "he/she could have said 'no' at any time" or "She's the

one who initiated it, because she kept asking to see me naked" or "I never would have let it go too far." The skilled interviewer should be anticipating these excuses and lead the suspect into them.

Third Trademark: Attempt to Control

Sex offenders are often master manipulators, and they are frequently addicted to power and control. During the interview the third trademark, attempting to control the interview, will therefore usually follow the first two trademarks. As the suspect feels his power slipping away from him, as he starts making admissions to the offense, he will typically want to regain control. Lying, going off on tangents, and trying to interview the investigator will often be his first options. Allowing the offender to do this feeds his need for power and control, which will keep him talking. The investigator's job is to manage his behavior, see it for what it is, and bring him back on subject, in order to keep the interview going down the right path.

Fourth Trademark: Never Tell 100%

In fact, it is this need for power and control that leads to trademark number four, which is never telling 100%. To the typical sex offender, knowledge is power and he is often addicted to the feeling of control it gives him. In order to prove that he has the power, the suspect will often give the interviewer a taste of the information he is searching for. Since, the offender has 'it' and the investigator wants 'it', the offender will hand-out tiny pieces of it to prove that he has the information, which in his mind, gives him power and control over the investigator. If the offender tells everything he knows, he will no longer have the power; therefore, he cannot and will not divulge 100% of what he knows.

Taking this into account the investigator should not ask for 100%, but instead shoot for 40%. If the investigator starts to demand too much from the offender, he'll simply stop talking, which is his way of regaining control of the interview. It's far better to allow the offender to feel that he has won. Winning will keep him talking and the more he talks, the more information he will need to give out to prove his control over the investigator. This may result in the suspect revealing 70% or more of what

actually happened, which is generally more than enough to get the case filed, and results in a much higher probability of a guilty plea in court.

Fifth Trademark: Never Confess to an Unknown Crime

The last trademark, never confessing to a crime the investigator doesn't already know about, is similar to number four. Asking a sex offender if he wants to confess to anything else does not typically result in additional confessions, at least in my experience. From the offender's point of view, it is additional power that he still has, so it isn't likely that he will give it up for free.

In 1974, I arrested Louis Walter Burgess as he ran from the scene of a burglary and rape, which he committed at knife point. I was able to get him to confess to the rape, but it wasn't until 23 years later, when DNA pointed a finger at him, that he was connected to a kidnapping, rape and murder that occurred a few months before my case. Burgess, who was 20 years old at the time, felt no obligation to volunteer the information about a crime I was unaware of. He kept the secret -- and therefore control -- for two more decades. When he was caught during another kidnapping, his DNA was entered into CODIS, resulting in numerous hits. Burgess was a cross-country serial killer who had roamed free for 23 years after his release from prison on my case. Ultimately, he pled guilty to several murders, but only the ones DNA connected him to. This trait of "keeping the secret" is routinely seen in on-going child molestation cases. When an offender is caught molesting one child in the family, he may admit to some of the offenses against that one child, but he's not likely to confess to decades of abuse committed against additional victims. This is why social workers, victim advocates and law enforcement must push for a thorough investigation, to include interviews of all family members, going back many years.

The Role of DNA

I'm a big fan of DNA evidence. It has helped law enforcement arrest many offenders who would never have been identified without it. DNA evidence is also very powerful in court, but not as powerful as the perpetra-

tor's own words. The defendant's attorney may argue the relevance of DNA evidence and question how the samples were collected or analyzed, but it is very difficult to dismiss the defendant's own admissions to the rape of a stranger, the continued abuse of his spouse/girlfriend, or the on-going molestation of a child.

Victim interviewing skills automatically improve when the investigator has a better understanding of how sex offenders view their crimes. Statements and actions committed during the crime, which may at first seem illogical, often make perfect sense in the sphere of anti-logic. For example, a victim accepting a ride home from the offender, after being raped by him, is no longer proof that the victim is lying about being raped and actually consented to the sexual acts. Rather this behavior can be seen as evidence of the power and control the offender had over her (e.g. he had the victim isolated, and accepting the ride, was her best option for getting home and to safety). Victim and suspect interviews should not be viewed as two separate skills; instead, they are linked together and as one improves, so does the other.

Author's Note: This article is an excerpt from the author's book and is not meant to be a compressive guide to victim and suspect interviewing. For more information, please see *Sex Crime Interviews, Simplified*, published by LawTech Publishing, Ltd. Inc (198 pages). Available for \$24.99 from the publisher at <http://www.lawtechpublishing.com/publication.asp?pid=137>.

Don Howell, lecturer and author of *Sex Crime Interviews, Simplified*, can be reached at dhowell@dhlectures.com. He is a retired detective with over 30 years' experience in the Huntington Beach Police Department (California). He has taught at the University of Southern California's School of Sociology for 12 years and written several books on sex crimes. He is also an editorial advisor for the Department of Culture, Law and Policy at *Cancer In-Cytes* magazine.