

**D. Structure of the Present Research**

**I. Study 1: Grand Total of All Reported Sexual Contacts, in the State of Lower Saxony, Between 1969 and 1972, from the Victimological Perspective (N = 8,058 declared victims)**

Social science data concerning all sexual contacts reported between 1969 and 1972 in the entire German State of Lower Saxony, in which female persons up to twenty years of age and male persons up to fourteen years of age who were declared to be victims, was gathered through the use of a questionnaire, in addition to the police report itself. [F254]

\* [The text here actually states a male cutoff age of twelve; this appears to be a misprint. Both the English and German summaries give this age as fourteen, which also tracks with the age of consent in West Germany.]

While it is true that the research on the above-described age groups had to rely on institutional cooperation, it is unlikely that this limitation had any substantial influence on the validity of the results obtained. On the basis of police criminal statistics as well as various empirical studies it is known that approximately 75-80% of declared victims are under twenty-one years of age, and approximately 80-85% of declared victims are female.

Along with the police reports themselves, completed questionnaires [F255] were passed by (female) members of the criminal police bureau onto the district attorney's office. Because this questionnaire was based on insights gained in the course of routine police investigatory activities, like the data in Police Criminal Statistics, it was able to elicit detailed statements. It is predominantly focused on obtaining factual details for reported cases of "Sexual Intercourse Between Relatives," "Sexual Abuse of Subordinates," "Sexual Abuse of Children," "Rape," and "Exhibitionistic Acts," which is to say, it follows the old wording of the Laws and Statutes of West Germany.

Over the course of these four years, data concerning sexual contacts reported by some 8,058 declared victims was passed on to criminalistic-criminological research groups within the Federal Police Bureau for evaluation. Alongside this evaluation of the grand total, a cross-section of declared sexual victims was randomly selected for a panel-study consisting of additional victimological and psychodiagnostic assessments.

**II. Study 2: Victimological and Psychodiagnostic Follow-Up Study on a Cross-Section of Declared Sexual Victims Randomly Selected from the Overall Grand Total (N = 112 declared sexual victims)**

From the overall grand total of 8,058 reported sexual contacts in the German State of Lower Saxony, a random cross-section of declared sexual victims was selected [F256]; in the years 1978 and 1979, these persons were contacted, in writing, and asked for their cooperation in the follow-up study. Subsequent to affirmative answers from recipients of this request, these persons were then thoroughly examined by a qualified psychologist. [F257] In order to control for the variable "researcher gender," it was thought that perhaps it would be a good idea to divide up the cases equally between male and female psychologists. The interviews took place in 1979 and 1980.

The method for the follow-up study consisted of a detailed interview with directive as well as open-ended questions [F258], and furthermore contained the following proven test procedures, which at times varied based on the age of the subject:

1. The Mannheim Biographical Inventory (M-B-I) and the Biographical Inventory for the Diagnosis of Behavioral Disturbances (BIV) [F260]
2. The Freiburg Personality Inventory (FPI) [F261]
3. The Anxiety Questionnaire for Schoolchildren (AFS, Scale MA) [F262]
4. The Hamburg Neuroticism and Extroversion Scale for Children and Teenagers (HANES) [F263], and the Eysenck Personality Inventory (E-P-I). [F264]

The questionnaire "Retrospective Data on Sexual Victimization" (RDSV) contains the following subject areas:

- Control questions for the attached questionnaire,
- Social Data, Social Class,
- Educational History,
- Milieu, Family, Parents' Occupations, Siblings,
- Accidents, Sicknesses, Absences from the Home,
- Parenting Style,
- Life Course,
- Sexual Education,
- Sexual Practices (aside from the reported sexual contacts),
- Questions Concerning Possible Victimizations  
(also aside from the reported sexual contacts),
- Sexual Contact Reporter,
- Emotional Adjustment of the Accused,
- Moment and/or Time Period of the Sexual Contacts,
- Degree of Relationship to the Accused,
- Encounter and Act Location,
- Behavior of the Accused,
- Behavior of the Declared Victim,
- Type of Reported Sexual Contact(s),
- Conversations with Third Parties Concerning the  
Reported Sexual Contact(s),
- Interrogations,
- Reason(s) for Making the Report, and,
- Subjective Appraisal of Harm and Its  
Subjectively-Presumed Causality. [F265]

The RDSV questionnaire contains some 220 items. Including the tests, the declared sexual victims in the cross-sectional study were required to answer approximately 700 questions. Because this entailed considerable effort on the part of the persons questioned, understandably, each interview took between two and four hours to complete.

As a token of appreciation for their cooperation, each interviewee received the sum of thirty Deutschmarks from the interviewer. This amount was intended to serve as an acknowledgment that the interviewees had made an essential contribution to the study [F260], and therefore to this extent, it was able to some degree to increase their motivation to cooperate. It was certainly too small to have manipulated the actual expression of these persons' feelings to any significant degree. Because we know both from the literature [F267] and also from therapeutic and personal experience that, even though their victimization had already been declared to the police, even by themselves personally, sometimes, sexual victims nevertheless will not want to talk about this past experience, or have simply forgotten about it; therefore, special care needed to be exercised on this point. If in the meantime formerly-declared sexual victims find themselves in a new social setting (i.e., they get married), then they might not want their current family members to know anything about their sexual victimization. Because it is also well-known that incoming mail is often opened by someone other than the addressee him or herself, that for example in some families it is customary for the husband to open it, we ourselves clearly indicated that we were a scientific research group, asking for the addressee's participation in a scientific "survey of sexual experiences during childhood." For their cooperation, compensation was set in the amount of 30 Deutschmarks. An already prepared, pre-paid postcard was enclosed, on which the person could indicate whether or not he or she wished to take part.

Of the 431 formerly-declared victims written to, 41 declined to participate, 112 stated that they were prepared to take part in the interview, and 278 did not respond at all. We do not know how many of those written to failed to respond because of some logistical reason (i.e., having moved, gone on a trip, etc.). Including both positive and negative responses, the overall return rate was 35.5%. Approximately two-thirds of those who responded indicated a willingness to take part, while about a third declined to do so. Then, with

the help of "special statistics" derived from the victimological data already obtained for reported sexual contacts in Study 1, we were able to assess the degree to which those who did respond constituted a representative sample. So far, however, cases involving declared victims who had a high degree of acquaintance with the accused were under-represented. Thus, the proportion of incest cases here was smaller than that found in the overall cross-section.

In order to minimize any reticence to discuss the previous, punishable sexual contact with the interviewing psychologist which might have existed, the interview was constructed in the following manner: First, the person was asked questions concerning his/her social situation, development, sexual upbringing, and sexual practices; following this, the test procedures were administered. All 112 persons answered the questions and complied with the test procedures. Then, all 112 persons were asked a series of questions concerning the various sexual and non-sexual victimization experiences they may have had (see question 109 ff of the RDSV in Appendix 3).

If the person denied ever having had such an experience (N = 36), then the interview was immediately terminated, out of respect for the fact that the person either did not want to talk about it, or had simply forgotten about it.

Particularly in some cases of exhibitionistic contacts in which the declared victim was very young at the time (i.e., five years old), it seemed quite plausible to the psychologists that the event had, in fact, been forgotten. Moreover, in these cases, it is quite unlikely that the declared victims had been harmed. There were also cases where the psychologist "had the feeling" that the person did not wish to -- yet again -- go over the details of the earlier sexual victimization. Overall, approximately 32% of those interviewed no longer could -- or would -- talk about the earlier reported sexual contact, which is quite comparable to the 29% figure obtained by ~~W. Kürzinger~~ Kürzinger, [F268]

On the other hand, when the interviewees responded affirmatively to the questions beginning with number 109 in the RDSV, concerning sexual victimization (possibly in addition to other victimization experiences), then specific victimological questions were asked concerning the declared sexual contact and its consequences (N = 76). Consequently, the following data from Studies 1 and 2 were able to be utilized in the present volume:

- victimological and social data from 112 declared victims from Study 1;
- social and developmental data from 112 declared victims from Study 2;
- test results from 112 declared victims from Study 2;

- specific data on sexual victimization and its consequences for 76 declared victims (at the same time, the data missing due to the 36 persons who did not give statements was able to be partly offset by the statements from Study 1);

- comparison of analogous victimological and social data from Study 1 with data from Study 2 (Panel).

In Fig. 4 (pg. 133), the groups and sub-groups of studied, declared sexual victims from Lower Saxony are graphically represented proportional to one another as well as to the surrounding 'darknumber' (printed in black).

### III. Study 3: Expert Evaluations of Credibility in Cases of Sexual Contact Resulting in Conviction (N = 131 Sexual Victims)

An analyses of the records concerning a non-representative cross-section of sexual contacts resulting in conviction was also undertaken. In this analysis, detailed expert psychological evaluations of the credibility of declared victims' statements (120 female, 11 male) were utilized. [F269] These 103 expert opinions concerning 131 declared victims covered a time period comparable to the one from Study 1 (1965-1969), and originated from the District of Pfalz (Rheinland-Pfalz). [F270] Aside from a lack of representativeness, this material is to a certain extent suitable for assessment, because it contains detailed diagnostic and social data concerning declared victims as well as the psychodynamic course of events resulting in conviction.

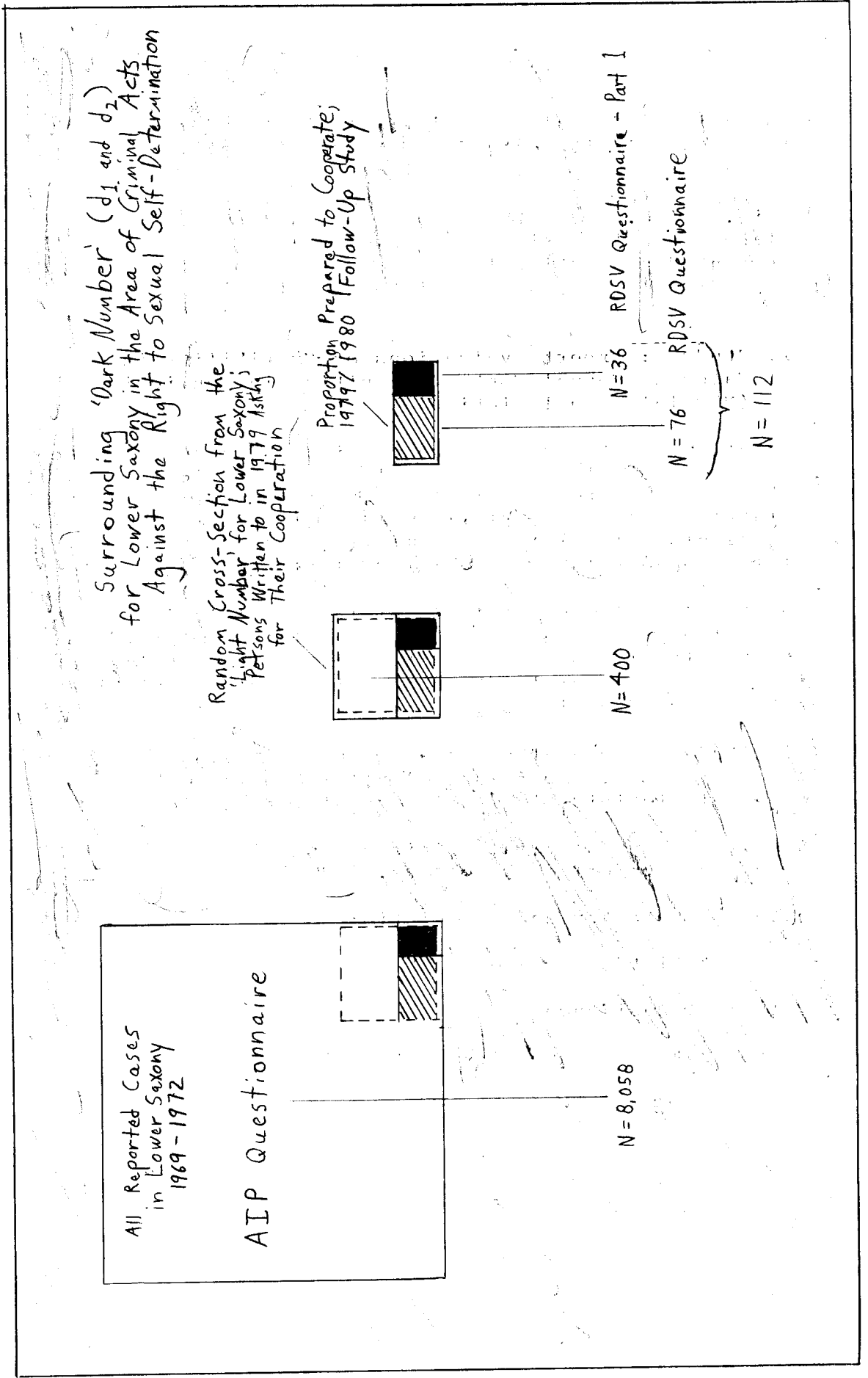
This study was consulted because the analysis of many records (see Tab. 8, pg. 115 f, supra) allows for a better understanding of sexual victimizations which result in conviction.

The expert psychological opinions, on which this analysis is based, were compiled as follows: [F271]

On the perpetrator and the victim:

- Date of Birth
- Place of Residence
- Perpetrator's Occupation at the Time of the Act

Fig. 4: Number of Declared Sexual Victims in Studied Sub-Groups from Lower Saxony, Relative to Each Other and To the Surrounding 'Dark Number'





On the victim:

- Degree of Sexual Development
- Medical Abnormalities and Illnesses
- Psychological Abnormalities
- Social Aspects
- Education (Academic Achievement and Training)
- Intelligence
- Degree of Psychological Development

On the victim's environment:

- Environmental Factors and Disadvantages
- Neighborhood Location
- Neighborhood Conditions
- Sleeping Arrangement
- Previous Sexual Experiences
- Previous Convictions

On the offense:

- Place of the Offense (= Act Location)
- Time of First Sexual Contact
- Ties Between Perpetrator and Victim
- Offense Type
- Punishable Sexual Contacts with Other Perpetrators and/or Victims
- Number of Acts (= Separate Acts)
- Period of Time Over Which the Acts Took Place
- Degree of Acquaintance Between Victim and Perpetrator Prior to the Act

On the known offense:

- Circumstances Under Which It became Known
- Reporter
- Attitude of Relatives and Acquaintances Towards the Offense
- Statement Concerning the Perpetrator's Admission of Guilt
- Comparison of Individual Victim Statements with One Another and with Perpetrator's Statements

- Expert Opinion as to Credibility
- Comments Critical of the Victim's Statement
- View Concerning the Credibility and Believability of Victim's Statements
- Degree of Criminality, as Assessed by the Court
- (in particular cases:) Discussion with Experts Regarding Particular Expert Opinions

Interestingly, in Study 3, observations were also able to be made of the 'dark numbers'  $d_3$ ,  $d_4$ , and  $d_5$ .

Of the original total of 155 cases for which expert opinions had been provided, 52 were discarded because, for various reasons, they had ended either in an acquittal or in the suspension of court proceedings:

31 times the victims was not able to provide sufficient evidence,

8 times this was due to a likely false "victim" statement,

1 time the proceedings were halted later on due to insufficient evidence,

4 times it was due to the fact that, although an offense obviously had been committed, the victim nevertheless recanted his/her statement in the initial proceedings,

2 times the "victim" had actively participated in the offense, which led to the suspension of proceedings,

4 times it was due to the fact that, though an offense obviously had been committed, the perpetrator could not be ascertained with any degree of certainty, and,

2 times the youthful perpetrator could not be held legally responsible for his act.

Among these 52 cases there were approximately 24 in which, though a punishable sexual contact seemingly had taken place, there was nevertheless no conviction. Additionally, there were cases in this material for which a conviction was not only obtained, but further victims and suspects were also revealed:

8 times another victim of the same perpetrator was named,

8 times another victim in connection with a different suspect was named, and,

48 times another suspect was named who, prior or subsequent to the adjudicated act (but before the expert psychological

opinion was prepared), had engaged in a punishable sexual contact with the (same) victim.

Contained within this expert opinion material covering some 155 cases, there is also the 'dark number' of perhaps  $24 + 8 + 8 = 40$  additional victims.

For every one conviction of an accused per one defined victim, the expert opinion materials therefore contain an additional 0.3 victims, thus constituting a documented dark number (1:0.3). If one includes

those cases which are customarily added into the 'dark figure' data, then the material likely comprises some  $24 + 8 + 8 = 48$  additional punishable sexual contacts, which means that for every case resulting in a conviction, an additional 0.6 cases are contained in the documented 'dark number.'

But these 'dark figures' contained within the expert opinion material are merely starting points for assessing the overall dimensions of the 'dark figure' as it pertains to criminal acts against the right to sexual self-determination in the overall population (see pg. 90 ff supra).

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FOOTNOTES

F254. In connection with this, special thanks go to the State Criminal Police Bureau of Lower Saxony for initiating this extensive special survey, as well as for making possible its implementation.

F255. The questionnaire, "Additional Information on the Victim-Perpetrator Relationship in Sexual Offenses Against Minors" (AIP), is printed in Appendix 2. This questionnaire was designed by female members of the police bureau. In some places it has methodological shortcomings, which became apparent when the results were reviewed.

F256. 500 numbers from the case series beginning with 1 and ending with 8,058, chosen randomly. At this point I must thank Achim Hueg of the University of Mainz Computing Center for helping out numerous times with statistical issues.

F257. The Society for the Advancement of Science-Based Research (GFSS) had graciously established contact with qualified collaborators. The psychologists in the research project functioned as free agents, particularly in the area of psychodiagnostic examinations. My special thanks go to those colleagues who not only performed careful diagnostic work, but also provided many valuable conceptual suggestions in the working groups, and above all made substantial contributions to the development of the diagnostic batteries: Dr. Steffi Blandow-Wechsung, Ph.D. (Psychology) (Hamburg); Mrs. Angela Gass, M.A. (Psychology) (Lüneberg); Mrs. Sigrid Ismar-Mävers, M.A. (Psychology) (Hannover); Mrs. Brigitte Koch, M.A. (Psychology) (Bremervörde), and Dr. Manfred Wöbcke, Ph.D. (Psychology) (Mainz). The State Police Bureau of Lower Saxony also vigorously supported this portion of the research project.

F258. The questionnaire "Retrospective Data on Sexual Victimization (RDSV) is printed in the appendix.

F259. Jäger et al.: Mannheim Biographical Inventory (M-B-I).

F260. Jäger et al.: Biographical Inventory for the Diagnosis of Behavioral Disturbances (BIV).

F261. Fahrenberg et al.: Freiburg Personality Inventory (FPI).

F262. Wiczerkowski et al.: Anxiety Questionnaire for Schoolchildren (AFS).

F263. Baumgärtel: The Hamburg Neuroticism and Extroversion Scale for Children and Teenagers (HANES, KJ).

F264. Eggert: The Eysenck Personality Inventory (E-P-I).

F265. The plan for the overall course of the interview is depicted in Appendix 4. The overall plan of action was based on the procedure recommended by Mackay and Hagan. ([>E] Mackay/Hagan: "Studying the Victims of Crime: Some Methodological Notes," in: Victimology [<<E], 1978, pg. 135 ff.)

F266. At this point I must expressly thank all of the persons questioned for so readily agreeing to participate in the follow-up interview. Without these often very long conversations, this study never would have been realized.

Of course, none of the information about or communications with these persons was ever shared or published in such a way as to render identifiable any particular person. From the very beginning, the questionnaires and other data were given out in such an anonymized and computerized manner that the tracking down of any particular person was rendered virtually impossible.

F267. Something Gerchow characterizes as unique to follow-up interviews of previously-declared incest victims actually holds true -- to a lesser extent -- in other sex offenses: "Rennert emphasizes that although it can be presumed that many abused daughters will exhibit resultant abnormalities, only some of them will ever go to see a psychiatrist, and only a few of those will ever reveal this history (Rennert: "On the Problem of Incest," in: German Journal of Social Medicine, 1958, pg. 50 ff).

"We have had similar experiences. We have attempted to carry out large-scale studies four to twelve years after the act occurred. At the time of the act, the children were between eight and sixteen years old. We were not able to complete these studies. Some persons, now young women, were 'happily married' and did not wish to stir up 'ancient history.' Others were astonished at our request, even denying having ever been involved with such a case. Yet others could indeed recall there having been criminal proceedings -- especially inasmuch as these had an impact on their care and upbringing -- but nevertheless could no longer remember the particulars of what had actually occurred." (Gerchow: "The Incest Situation," in von Stockert (Ed.): The Sexually At-Risk Child, pg. 38.)

In a follow-up study, Kürzinger had also found that 29% of persons who were unequivocally known to have in fact made a report, later claimed to have never filed one. (Kürzinger: Personal Crime Reports and Police Reactions.) Concerning this, see also: Stephan: The Stuttgart Victim Survey, pg. 225.)

F268. See Footnote 267, supra.

F269. The expert evaluations were supplied by Dr. Poerting (Ph.D., Psychology; EWH Landau), who provided very knowledgeable assistance with the project.

F270. Study 3 is based on an until-now unpublished work. (Baurmann: "Influence of the Degree of Relationship Between Young Sexual Victims and Perpetrators on Type and Seriousness of Offense.")

F271. The structure of the expert opinions correspond to the scientific standards of the time. Concerning this, see Geisler: Children and Youth as Perpetrators and Victims of Indecent Offenses...; Müller-Luckmann: Concerning the Truthfulness of Child and Teenage Witnesses in Major Proceedings; Nau: "The Character of Young Witnesses," in: von Stockert (Ed.): The Sexually At-Risk Child, pg. 27 ff; Undeutsch: "The Development of the Profession of Providing Expert Psychological Opinions to the Court," in: Undeutsch (Ed.): Psychology Handbook, Vol. XI, pg. 26 ff; Undeutsch: "Criteria for the Evaluation of Witness Statements," in: Federal Police Bureau (Eds.): Fighting Indecent Offenses, pg. 175 ff.