
EVALUATION, DIAGNOSTIC AND MANAGEMENT OF RECIDIVE TO SEXUAL INFRACTORS IN THE VIRTUAL MEDIA

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Abstract

The paper addresses the types of sexual crimes committed with the help of virtual space, presents two case studies and offers aspects of the situation of sexual crimes in Romania. It details the possible risk factors of recidivism of cyber-offenders in Romania.

Key words: cybercriminal, paraphilia, risk factors in recidivism.

INTRODUCTION

Even if human behavior has always been influenced by technology, we are now witnessing the greatest possible modeling of behaviors of all historical times. It is about the decisive impact of the internet on communication, on impulsivity and attitudinal and relational disinhibition, even on encouragement and stimulation in adopting behaviors that would not take place outside virtual space.

Human relation also has undergone massive transformations, especially in the ritual procedures of sexual closeness, evident by the emerging behaviors of sending selfie images and sexting (sexually explicit messages).

Crimes of a sexual nature, such as rape or other sexual abuse (perversion or sexual corruption or incest), committed on minors or adults, mark the lives of victims, leave deep traces on a psychological level, not only physically. Research continues to look for ways to contain these crimes, but statistics indicate that

the chances of rehabilitation are unfortunately quite low.

Theoretical Approach

John Suler (apud Aiken, 2016) believes that the online disinhibition effect contributes massively to the adoption of hostile conduct, while M. Aiken () emphasizes the influence of online escalation, through which problematic behaviors in the online space are amplified, from excessively hostile verbal exchanges to highly challenging personal attacks on people. M. Aiken (2016, p.30) also observed that "whenever technology meets an adjacent predisposition or a tendency towards a certain type of behavior, it can lead to an amplification or an escalation of behavior. I would argue that the trends and vulnerabilities that cause the greatest difficulties in real life could become even more aggressive online." Mr. Aiken noted that cyber-harassers are not limited to a single victim, as in the real world, but that they are developing an evolution of criminal behavior

by migrating, accelerating or amplifying it in the virtual environment.

If in the past unusual sexual behaviors have been classified as deviant or perverse, they are now known as paraphiles. These behaviors are not associated with a “traditional” romantic relationship, but with atypical behaviors that include fetishes. DSM-5 identifies 8 main types of conditions: exhibitionist disorder, pedophile disorder, fetish disorder, erotic masochism disorder, sexual sadism disorder, transvestic disorder, voyeuristic disorder, frotteuristic disorder. Although dozens of other paraphilias have been identified, starting with sexual attraction to people with amputated organs or limbs (acrotomophilia), to deceased people (necrophilia), to pregnant women (maiesiophilia), toys (plushophilia), it seems that the most common sexual attractions are to shoes, leather and latex items, respectively to female underwear.

Why are these fetishes and paraphiles important? Because there is a fine line between behavior considered normal and disorder, i.e. between non-criminal and criminal behavior. If it is practiced between two adults, with the explicit expression of the consent of both and which does not cause physical or mental damage/ trauma to either partner, then we may be tempted to consider it acceptable. After all, what provokes pleasure in the privacy of adult sexual partners does not concern society, but only themselves.

Problems arise, however, when these paraphiles become harmful, when they defy social and legal conventions. For example, the most common association of paraphilias with social crimes is burglary, theft, damage to public or private property, coercion or the obligation to participate forcibly in their performance. On these coordinates, the internet and technology do nothing but provide a fertile ground for the initiation or full manifestation of these paraphiles in the sense of criminal behavior, especially by popularizing with a somewhat romantic, rebellious and libertine tinge these types of behaviors.

One of the most disturbing and sad cases of amplified paraphilia after the person found several partners on social media, occurred in

2012. It is about Ewelle O’Hara, alone, 36, a child carer from Ireland, who was initially reported missing. Police discovered sexy latex lingerie and images of two hunting knives in her apartment. Her history has revealed self-mutilation, depression and suicide attempts. But the most worrying aspect was that Emaine had confessed to her father that she had found on the internet a sexual partner who liked to tie her up and asked her to kill her!

In 2013, Emaine’s body was discovered in the bushes of the Dublin Mountains, her mobile phone, a rusty chain, a sex slavery mask, a rope, knives and other BDSM accessories. The text message history showed that Elaine had been in a relationship with a man named Graham Gwyer who had declared himself sadistic and that they had shown mutual interest in stabbing and being stabbed in search of sexual pleasure. Interestingly, Graham had three children and had a good job as an architect in Dublin. In 2015 he was sentenced to life in the murder of killing Elaine.

To discover their shared history, the police noticed that both were using the FetLife website, as well as other BDSM sites to touch their sexual fantasies. The message exchanges between the two show a gradual increase in discussions about BDSM up to those about the killing itself. It can be said that it was the story of the slave who was looking for a sexual master and a master who was looking for a slave. But it can also be the tragic story of a depressed and suicidal woman who met the man who had impulses and stabbing fantasies. In the absence of the Internet, they may never have met!

Due to anonymity and disinhibition, reactions and behaviors atypical to the real world take place online. As M. Aiken observes (2016, p.35) “online syndication is not just about finding other people who share your interests. It can start a process of regulation and socialization which, when it comes to deviant or criminal behavior, poses an enormous threat to society if it is not recognized or moderate.” By hyper-connecting people can socialize faster, you can quickly start interacting with members of a community with the same interests as yours and you are introduced to a system of

beliefs, attitudes, values, principles, habits etc., which will gradually become the norm of their lives. The feeling of finding other people “like you” is unparalleled, and membership in such a community can end up replacing real-life social relationships, especially when they are not gratifying enough.

Another example of paraphilia is exhibitionism, which affects men of very different age, professional training and social statuses. One of the famous cases of US Congressman Anthony Weiner, who in 2011 was forced to relinquish any political office because of the sexting scandal in which he was involved. Interestingly, nearly a third of adult men arrested in the US for sexual offences are exhibitionists. They show or send pictures of the sexual organs of women, girls or underage boys. The reasons are diverse: they are either looking for masculinity, they want attention, or they are so angry with women that they want to shock and scare them. However, the practice of sexting has become quite common today, very close to being considered “normal”.

Another situation is present in Romania. “Official statistics on rapes in Romania tend to remain within constant limits in recent years. In 2005 there were 1,013 rapes, in 2006, 1116, in 2007, 1048, and in 2008, 1016. In the first 6 months of 2009 there were already 493 rapes recorded. Rape ranks second among violent crimes against the person after robbery, the number of which has almost halved between 2006 and 2007. We must consider that not all sexual offences are reported, due to the shame of the victims, the lack of knowledge of the laws and the flawed system of police reports. « (Decse-Radu, Pripp, 2009, source: http://penal-reform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf).

The literature distinguishes two types of sexual abusers: legal and clinical, as being different, though not mutually exclusive. The legal sex offender is the person convicted of committing illegal sexual acts, and the clinical sexual abuser is the one who can be diagnosed as showing a paraphilia (Burdon, Gallaghes, 2002, p. 87-109).

In the Manual of Diagnostic and Statistics of Mental Disorders (DSM IV TR, 2000), rape

is not included in the category of paraphilias, although some authors consider it a paraphilia, making as arguments the statements of rapists who experience recurring fantasies about the commission of abuse as well as the association of rape with other paraphiles (exhibitionism, frotteurism, voyeurism).

The earliest diagnosis category of rape and included in DSM IV TR (2000) is that of sexual sadism. A clear overlap over the category of clinical sex offender is the diagnosis of pedophilia (manifestation for a minimum of 6 months, of sexually exciting, intense, recurrent fantasies, impulses or behaviors involving sexual activity with a child or with prepubertal children, aged up to 13 years).

From the perspective of the legal sex offender, in our country, the legislature introduces a number of offences relating to sexual abuse, whether committed on an adult person (according to Article 197 from the Penal Code, rape is sexual intercourse of any kind, with a person of different sex or is the same sex, by coercing him or taking advantage of his inability to defend himself or express his will) or on a minor (pedophilia - sexual act of any kind, with a person of a different sex or of the same sex, who has not reached the age of 15 or sexual corruption, art. 198 PC – obscene acts committed on a minor or in the presence of a minor).

The process of assessing sexual abusers

The initial assessment is an essential process because, on the one hand, it must determine the personality characteristics, the focus points, and, on the other hand, it sets the timing, format and content of the specialized intervention. Although there is no standard evaluation procedure, it must consider the three principles: risk, need and responsiveness. Evaluations must sum up all conclusions regarding: criminogenic needs, risk factors (static and dynamic), risk of relapse.

Dynamic and static risk factors

“Static risk factors aim at assessing traits related to criminal history and personality, in terms of traits that do not support major changes over time. Dynamic risk factors, on the other hand, target daily variables susceptible

to change through treatment or other interventions. In terms of the factors that can influence rape, we also talk about distal and proximal factors. The first category includes personality characteristics, attitudes and general life experience of the abuser and victim. The second category refers to the current elements, which characterize the general context that favored the occurrence of abuse. « (Decse-Radu, Pripp, 2009, source: http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf).

Based on studies undertaken by Decse-Radu and Pripp (2009, source: http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf), we will present below the factors we consider at risk in the recidivism of online sex offenders.

Static risk factors in relation to relapse may be:

More research has focused on establishing a relationship between risk factors and relapse. Among them, an important role in deciding to reoffend appear to have the following static risk factors:

- personality disorder (psychopathy),
- cognitive dysfunctions (linked to the process of learning)
- the age up till 40,
- antisocial behavior and compulsive, deviant,
- detachment, lack of secure attachments.

Dynamic risk factors associated with relapse can be:

- stereotypical, hostile attitudes towards women,
- a high level of impulsivity,
- cognitive distortions and emotional loneliness,
- low empathy towards the victim,
- emotionally impaired control,
- deficits in the sphere of privacy and problem solving,
- deviant sexual pursuits and fantasies.

There is no doubt that **cognitive distortions** are characteristic of sexual abusers, however,

the question arises whether they are precursors of the crime or strategies for maintaining an appropriate self-image, strategies that have been developed post-offence. Research covers both cognitive structures (schemes), cognitive operations (information processing strategies) and cognitive products (beliefs, attributions, attitudes, self-statements), but tend to focus more on the last category, the result, the most easily accessible. Cognitive distortions are most often regarded as rationalizations developed before, during and after the sexual offence.

Denial

A special type of cognitive distortion is denial. The general purpose of therapeutic programs aimed at sexual abusers is to reduce relapse. There is, however, resistance from the abuser to involvement in specialized intervention, generated, in part, by the process of denial. Those who do not take responsibility will show a lower compliance with the tasks of treatment, will be resistant to accepting its purposes and will often fail to complete it. The fact is that at least indirectly denial increases the relapsing potential. The Association for the Treatment of Sexual Abusers (USA) strongly recommends that accepting responsibility for abusive behavior be a goal of all treatments and not be considered an obstacle to treatment or a criterion for eliminating subjects in the pre-treatment selection process.

Gender roles

Research indicates that hostility of sexual abusers is based on poor socialization, lack of inhibitory and control factors. Hostility precedes and facilitates sexual aggression, being a good predictor for violent crimes. A high level of hostility to women in the case of sexual abusers is confirmed by several researches. Rigid gender attitudes towards women seem to differentiate sexual abusers from other categories of offenders (Muresan-Chira, Decsei-Radu, 2007).

Emotional dimension of sexual abusers

A research led by Pithers & et al. (1988, apud Decse-Radu and Pripp, 2009, source:

http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf) indicate that 89% of sexual abusers had experienced negative emotional states in the hours before the crime was committed. To cope with these stressors, abusers use inappropriate coping strategies, including deviant sexual behaviors - as well as self-denigration. In this context, anger appears as a pre-criminal emotional state or as a means of justifying the crime and less as a feature of it. Sexual abusers also have higher levels of anxiety relative to men in the general population.

Lack of empathy

More than 91% of psychotherapeutic programs for sexual abusers in the US have as their key objective to increase participants' empathy, expecting this to lead to the strengthening of internal inhibitors that play a role in preventing relapse. It is useful to approach empathy from the perspective of information processing. Most research identifies an even lower level of sexual abuser empathy towards their own victim. These deficits have also been linked to sexual arousal (a competing emotional state that can inhibit empathy) or to specific cognitive distortions.

Parent relationship

The attachments most often identified in the case of sexual abusers are those anxious, ambivalent or avoidant. In general, families of sexual abusers appear to be characterized by instability and disorganization. Consequently, the adult romantic attachment style of sexual abusers tends to be avoidant and ambivalent (Muresan-Chira, Decsei-Radu, 2007).

Intimacy and loneliness

Intimacy is, according to Erikson (apud Decse-Radu and Pripp, 2009, source: http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf) an indicator of the quality of an adult relationship and involves closeness, openness, disclosure, affection, warmth, self-confidence and confidence in others. Research points out that sexual abusers are much more privacy-deficient and lonelier.

Thus, the recommendation that strengthening privacy and reducing loneliness in the case of sexual abusers must be part of the intervention model.

Social and heterosocial competences

Sexual abuse was considered the result of the abusers' inability to establish natural adult relationships. Most research on the social competence of sexual abusers shows deficits at this level and high degrees of social anxiety, especially in relation to the members of the opposite sex.

Impulsiveness

Impulsivity is differentiated in general impulsivity - characteristic of the lifestyle of individuals and impulsivity related to the commission of the crime. It seems that modal impulsivity involved in the commission of the crime does not correlate with impulsiveness as a lifestyle. Lower levels of impulsivity have been identified as a trait for sexual abusers in relation to other categories of offenders.

Size of sexuality and sexual abuse

Sexual offences are essentially motivated by sexual desire, but also by the desire for power and control. An important role in this context is played by the deviant sexual fantasies of sexual abusers who generally have a rather active, impersonal, aggressive, power-oriented content, sadism. Although the sexual satisfaction experienced as a result of abuse appears to be insignificant, deviant sexual fantasies reinforce and maintain the risk of recidivism.

Personality disorders

In the research that studies the presence of personality disorders, the authors identify, in the case of sexual abusers:

- two personality profiles - anxious and dramatic (Luissier & et al., 2001, apud Decse-Radu and Pripp, 2009, source: http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf),
- four profiles - detached, antisocial-aggressive, antisocial-passive aggressive and a subclinical profile (Bard, Knight, apud Decse-Radu

and Pripp, 2009, source: http://penalreform.ro/uploads/media/reducerea_recidivei_in_abuzurile_sexuale.pdf).

High scores are found at the level of characteristics: histrionic, narcissistic, compulsive, anxious, schizoid, avoidant, passive-aggressive, schizotypal, borderline. The point of convergence of research is the existence of high scores at the level of passive-aggressive personality disorder.

CONCLUSIONS

Virtual space can no longer be restricted, but on the contrary, it will continue to expand and take more and more niches of real life. It's a place where people can become everything they want to be, either in a positive or negative sense. And since sexual impulse is native, virtual space is a good place for the full manifestation of the entire cortege of sexual behavioral deviations, starting from an increasingly young age towards increasingly earth-shattering aggressions. Numerous studies Delcea C, Enache A, Stanciu C, 2017; Delcea C, Enache A, 2017; Gherman C, Enache A, Delcea C, 2018; Delcea C, Fabian A. M, Radu C. C, Dumbravă D. P, 2019; Rus M, Delcea C, Siserman C, 2019; Siserman C, Delcea C, Matei H. V, Vică M. L., 2019; Gherman C, Enache A, Delcea C, Siserman C, ; Delcea C, Siserman C., 2020 confirm our results. It is therefore vital that the personality aspects associated with sexual offences online are known, properly assessed and ways of intervention are established as early as possible. It is perfectly true that this increases social control over the online activity of individuals, which will lead to protests about the penetration of personal privacy.

Perhaps soon we will have a choice whether to protect the privacy and freedoms of the potential victim or potential sexual abuser.

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