

Case Study

Characteristics of Juvenile Sex Offenders in Poland

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Abstract

According to statistical data in Poland, sexual acts of minors account for about 3% of all criminal acts committed by minors and nearly 20% of all acts from the catalogue of crimes against sexual freedom and morality. The main objective of the study was to attempt to develop and present characteristics of minors who commit rape with particular cruelty. Taking into account the way the perpetrators act, the motivational background, and the circumstances of the crime. In particular, attention was paid to specific individual and family characteristics. Because it is not clear whether juvenile sex offenders are different from non-sex offenders. The aim of this article is an attempt to capture individual, family, and environmental differences. The study was also intended to provide information about who the victims are. The study was conducted on the basis of empirical material from court cases in which the basis of liability was Article 197§4 of the Penal Code, and the perpetrators or accomplices of the acts were minors who at the time of the act were over 15 years of age but under 17 years of age. The research material consisted of court case files that had been finally completed, including forensic psychological opinions prepared by court experts. Cases from 2015-2020 were analysed. The obtained results allowed us to capture some specific features of families in which minors were brought up and the characteristics of juvenile sex offenders themselves. This article raises the difficult issue of juvenile responsibility for sexual crimes and indicates areas in which it is necessary to regulate interactions and areas of possible preventive impacts.

Introduction

Gang rape and rape with particular cruelty is an aggravated form of the crime of rape, and the perpetrators of these acts are subject to aggravated criminal liability (Czarnecka-Działuk, Drapała, Więcek-Durańska, 2012). The Polish Penal Code lacks a definition of the term “with particular cruelty” which makes the term vague and evaluative (Monitor Prawniczy, 2012). In the doctrine, we find references to the case law of the Supreme Court, which emphasizes that rape with particular cruelty is an act of the perpetrator or perpetrators that causes severe consequences for the victim of both somatic and psychological nature [1]. It is also pointed out that extortion of other sexual activity (e.g., pushing various objects into orifices of the body), which causes anguish and often serious and long-lasting consequences, is qualified under Article 197 § 4 of the Polish Penal Code [2]. Thus, particular cruelty is primarily viewed from the perspective of the high intensity of violence used by the perpetrator, brutality, abuse of the victim, and other drastic means of action. The measure of particular cruelty is the disproportion of the means used by the perpetrator in

relation to the goal of breaking the victim’s resistance and humiliating the victim by inflicting severe suffering [3].

Case law also emphasizes that the victim’s sustained and determined resistance cannot justify the increasing severity of the violence used, which, harming the victim’s health, fulfil the characteristics of particular cruelty [4]. Attention is also drawn to other circumstances giving resulting in rape with particular cruelty, such as repeated and prolonged rape, causing bodily harm to the victim, rape in the presence of relatives, rape of a bedridden, disabled person, and rape of a child [5].

Case law accepts five main criteria of particular cruelty [6]:

1. Particularly vicious rape is one that causes significant physical suffering or serious consequences to the victim’s psyche,
2. The perpetrator applies measures whose intensity is excessive in relation to the victim’s resistance,

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3. The perpetrator's action is aimed not only at achieving sexual intercourse but also aims to humiliating and degrading the victim,
4. The action is drastic, abhorrent, and extremely violent,
5. Characteristics of the victim such as young or old age, awkwardness in life, advanced pregnancy, illness, disability.

It is also worth referring to the phenomenon of sexuality, especially child sexuality. This is because sexual development is coupled with cognitive development, at the heart of which are games and experiments with one's own body and the bodies of other people and animals. During these games and experiments, the child learns about anatomy and the reactions of people and the social environment to gender and sexually targeted activity. They provide an opportunity to learn to draw interactional boundaries [6]. It should be noted that sexual development, however, is inextricably linked to emotional, moral, and social development [7]. Defective development of any of the areas may lead to developmental disorders, and abnormal consolidation of behavioural patterns, including sexual. As Bussey and Bandura point out, the childhood period of sexual development is accompanied by the socialization processes in the scope of distribution and performance of social roles [8]. The literature points to the acceleration of development and maturation of children and adolescents, which results, among other things, in a lowering of the age of sexual initiation, as well as in their maintaining sexual relations before reaching adulthood [9]. Studies show that a significant percentage of people under the age of 18 have already had at least their first sexual encounter, and sometimes those encounters are had with minors under the age of 15 [10].

The article is an analysis of selected aspects of acts committed by minors involving rape with particular cruelty. It consists of two parts. Part one provides a brief overview of the juvenile sex crime phenomenon. The second part presents the results of our research of court files in cases of rape with particular cruelty perpetrated by minors aged 15-16.

Research goal

The main objective of the study was to attempt to develop and present characteristics of minors who commit rape with particular cruelty. Taking into account the way the perpetrators act, the motivational background, and the circumstances of the crime. The study was also intended to provide information on the profile of the victims and the psychosocial characteristics of juvenile sex offenders. In particular, attention was paid to specific individual and family characteristics. Since it is unclear whether juvenile sex offenders are different from non-sex offenders, the purpose of this article is to try to capture individual, family, and environmental differences.

This study contributes to the development of knowledge

about sexual offenders of juvenile offenders, not only in Poland but in general. The collected information can be used for further forecasts and to adjust appropriate ways of dealing with juvenile offenders.

Method

The study was conducted on the basis of empirical material from court cases in which the basis of liability was Article 197§4 of the Polish Penal Code, and the perpetrators or accomplices of the acts were minors who at the time of the act were over 15 years of age but under 17 years of age. The research material consisted of court case files that had been finally completed, including forensic psychological opinions prepared by court experts. The analyses covered cases that ended with a final court judgment in the years 2015-2020. The survey was conducted in 2022.

The research material analysed consisted of the files of 46 cases in which the court decided whether a juvenile would be held accountable as an adult in criminal proceedings or as a juvenile in correctional or guardianship proceedings. All the minors were at least 15 years old and under 17 at the time of the act. All were charged with rape with particular cruelty, and for the seventh, additional charges such as robbery, battery, and holding the victim against their will. Of the 46 people surveyed, 45 were underage boys and in one case an underage girl.

Results and discussions

The act and the circumstances in which it was committed

Most of the analysed acts committed by juveniles were accomplished, with only five cases of attempted rape. Nearly one in three minors (30%) have committed more than one rape. Interestingly, in the vast majority of cases (96%), the acts were committed jointly with other people, ergo they were classified as gang rapes. In about 7% of the cases, the juvenile acted with another younger co-conspirator, in less than 18% with a peer/peers, almost one in three (32%) with seniors over the age of 17. Nearly half (43%) with people of different ages (there were more than two accomplices).

The most common (41%) places where the rape occurred were the street, park, forest, field, or gateway. On the one hand, they can be considered random, but on the other hand, they are places where social gatherings of young people, including alcohol consumption, were most common. In addition, places such as holiday cabins, allotments, and abandoned buildings, i.e. places where people would meet, accounted for nearly 9% of the total. One in four acts (26%) was committed near the residence of the juvenile and the victim and included outbuildings, basements, and boiler rooms. Thus, these were convenient places in terms of hiding from third parties, and at the same time easy access to the victim. When analysing adult sexual crime, rape was oftentimes committed at the place of



residence of either the perpetrator or the victim. With regard to juvenile rapists, the act occurred in the juvenile's place of residence in every ninth case (11%) and in the victim's place of residence in one in seven (13%). In about 9% of cases, rape occurred in the school, boarding house, or dormitory.

An analysis of the motivational background of rapes committed by juveniles shows that in the vast majority of cases (76%) there was a sexual motive aimed at satisfying sexual desire.

The second motive identified was rape for fun, which accounted for 13% of all juvenile acts. The intention to rape was not there from the beginning, and during the proceedings, the minors explained that the actions they took were intended as a form of prank and fooling around and that they only wanted to scare the victim.

The least common motive for rape among minors is revenge rape. It accounted for about 9%. The reasons for rape were information about the victim that they were supposedly spreading false information about the perpetrator, committing adultery - rape was a form of revenge and aimed at humiliating the victim. This group included the only minor female perpetrator.

Most rapes with particular cruelty were committed by juveniles jointly with other perpetrators (96%). An analysis of the relationship between the perpetrators shows that most often they were friends (89%). In one in five instances, the juvenile was complicit in committing the act with a relative (brother, cousin).

An important element in assessing the degree of culpability is the fact that the act was planned in advance. In the cases analysed, it was found that the act was planned by 44% of the minors, the same percentage did not plan to commit rape, and for 12% the issues could not be determined. It was found, however, that one in ten juveniles used dangerous weapons during the act. The most common were a pocket knife, pepper spray, a stick, a bottle, a fork, and a spoon pretending to be a knife. These objects were most often used to break the victim's resistance and were not used to imitate sexual intercourse as in the case of adult rape perpetrators [2].

One in five of the minors in the studied group was proven to have participated in rape as a perpetrator or directing the perpetrator (20%), in 17% the minor acted as an accessory, at one of the stages of committing the act, and in more than half of the cases (54%) the minor was an accomplice to the act. With regard to the remaining 9%, the role performed could not be clearly established. More than half (52%) of the minors were under the influence of alcohol during the act, and in one case the perpetrator was under the influence of alcohol and drugs. After the crime itself, 4% covered their tracks, 7% hid from the police, and one in nine juveniles tried to intimidate the victim into changing their confession. Only 4% of juvenile rapists attempted to apologize in some way to the victim.

Psychosocial characteristics of juvenile sex offenders

The analyses of court records place particular emphasis on psychosocial factors characterizing juveniles, their families, and their educational environment. This is because they were looking for factors that contribute to the emergence of criminal behavior. The literature emphasizes that defective behaviour, including sexual behaviour, can originate in the family environment. Most minors were raised in full families (61%), one in four by only one parent, 24% by the mother, 4% by the father, 2% by others (grandparents), and 9% were in institutional care (children's home, Youth Educational Centres, Youth Social Therapy Centres).

Based on court records, it was determined that:

- 37% of the minors grew up in families in a difficult or very difficult living situation (economic and housing);
- 50% of the families were characterized by parental inefficiency;
- One in three minors (35%) grew up in a family with a parental alcohol problem, of which 11% had both parents addicted;
- Nearly 40% of minors have been observed to have criminal patterns in their immediate family (conviction of their father or siblings);
- Almost one in four minors (22%) have experienced violence in the family;
- Approximately 9% had a family history of mental illness, and 5% had maternal mental disorders;
- For almost 11%, it was stated that the juvenile is raised in a pathological environment, where they are exposed to negative influences from the family and neighborhood.

Due to the age of the respondents (15-16), all minors were subject to compulsory education. At the time of the act, 11% were not pursuing their education, the rest - 9% stopped in elementary school, 61% in middle school, 7% in basic vocational school, and 13% in secondary school (high school or technical school).

Most of the minors - 63% - had problems at school (35% repeated classes, 48% were truant, 54% had very low academic performance, 4% were aggressive toward teachers, and 20% were aggressive toward other students).

In 80%, the first signs of demoralization were observed early on, with one-third described as high or medium, 15% as low, and a further 15 as worsening.

Symptoms of demoralization included:

- Previously committed criminal acts (67%) mainly



- against property, but there were acts against life and health and 10% of a sexual nature;
- Demoralization involving the consumption of alcohol (26%);
- Drug use (10%);
- Vagrancy and running away from home (according to the nomenclature of the Juvenile Delinquency Act),
- Participation in demoralized groups (39%).

More than half of the juveniles (54%) already had previous cases in family court, and more than half (52%) had previously been subjected to educational or correctional measures (e.g., probation, responsible parental supervision, placement in an educational center, correctional facility with or without probation), which proved to be ineffective.

As mentioned earlier, the study analyzed forensic psychological opinions prepared by experts or OZSS [*Court-appointed Team of Experts*] for the needs of the court.

An analysis of the documentation shows that nearly one-third of the minors were not tested, 39% were determined to have a personality that was formed correctly, and one in four minors was determined to have an abnormal personality. In addition, the study of juvenile rape perpetrators highlighted traits such as emotional disturbance (44%); aggressive tendencies (34%); (28%) elevated levels of aggression. Also, the juvenile's susceptibility to environmental influences (25%); problems with interpersonal relationships (25%); elevated levels of anxiety (16%); poor self-control mechanisms (16%); disorders in terms of higher emotions (16%); low self-esteem (10%); difficulty finding their way in new situations (6%); low resistance to stress (3%), and other traits such as infantilism, impulsivity, impaired levels of criticism, tendency to dominance, homosexual pedophilia, and a tendency to alienation.

Intelligence test indicates that 54% had intellect levels within the normal range, and 22% were diagnosed with mild mental retardation. A quarter of juvenile rape perpetrators have not been subjected to such testing. Only one in five juveniles had a criminological prognosis made, estimating the risk of returning to criminal behaviour in the future.

Characteristics of the victims

An analysis of empirical data on rape victims where the perpetrator was a juvenile shows that these are mainly acts directed against one person. Four cases involved the gang rape of two victims. During the course of the case, it was possible to establish that one in five minors had committed similar acts before, but they were not reported by the victims.

In most cases, the victims were female - 83%, male - 13%, and male and female in 4% of the cases due to there being multiple victims.

An analysis of data on the age of the victims shows that one-third of the victims were younger than the juvenile and were under the age of 15 at the time of the incident. About 17% of the victims were peers, ¼ were several years older than the juvenile, and almost one in four victims were many years older.

The literature emphasizes the fact of the perpetrator's prior acquaintance with the victim. Among the minors surveyed, more than half (57%) knew their victims very well. 2% of the juveniles were related to their victim, 4% were neighbours and 48% were well acquainted. One in seven minors (15%) knew the victim poorly or by sight, and in 28% the victim was a stranger.

More often than not, the victims of rape by minors were people to whom they had easy access or who they as judged less credible, for example, due to intellectual disabilities or mental illness. People with a negative social reputation in the community, i.e. the homeless, addicts, or those leading promiscuous sex lives, were also more likely to be targeted. The third group that became apparent were residents of orphanages, and educational centres, i.e. people with reduced social support who are under the care of institutions.

Limitations to the study

Due to the small number of analyses of the effectiveness of corrective measures taken against minors, it would be worthwhile to collect such data in a systematic way in order to be able to verify the effectiveness of the measures taken. It would be important in the future to expand the research to include interviews with minors.

Recommendations

The cases analysed represent specific research material, as they involve the crime of rape with particular cruelty committed by minors. Although 46 cases were investigated, the collected empirical material made it possible to draw important conclusions about possible directions of further research, interactions with minors, and possible preventive measures.

An important observation seems to be the lack of in-depth and sufficient information about the juvenile's functioning, not all juveniles were surveyed. In cases involving the crime of rape with particular cruelty by a person so young, where often the victims are under 15 years of age, a sexological examination also seems important, which was lacking in these cases. The information gathered, including psychiatric, psychological, or sexological diagnoses, can serve both to make further prognoses and to adjust appropriate modes of influence.

In conclusion, it should be emphasized that juveniles who were held liable as adults and were sentenced to imprisonment are serving their sentences in the therapeutic system. In-depth



corrective interactions are also applied to minors who have been placed in a correctional facility. As mentioned earlier, there is a lack of accurate analyses showing the methods and quality of these influences, however, some are underway. However, attention should be paid to juveniles, against whom, mainly in guardianship proceedings but also in correctional proceedings, when a stay at a correctional institution is adjudged and suspended, no corrective or therapeutic measures are applied. It seems important that such measures be taken if only to correct a minor's existing beliefs about the sexual sphere, subjectivity, or empathy [11,12].

Conclusion

What is characteristic of juvenile perpetrators of rape with particular cruelty is that they act in a group. Victims of rape by juveniles were people to whom they had easy access, for example, due to intellectual disability or mental illness, people without support in the immediate family under institutional care. Most of the victims knew the perpetrators. An analysis of the data on the families of the minors indicates that they are very often dysfunctional and juveniles were already showing symptoms of demoralization prior to the rape.

References

1. Kwiatkowski D. New types of qualified crimes of rape (critical analysis of changes in Article 197 of the Penal Code). *Journal of Criminal Law and Penal Sciences*. 2019, 23(3): 105-130.
2. Wiecek-Duranska A. Women as perpetrators of rape with particular cruelty. *Psychiatria Polska*. 2019; 153: 1-18.
3. Judgement of the Court of Appeal in Krakow of 6.06.2002 r. (II AKA 110/02). *KZS*. 2002; 45.
4. Judgement of the Court 25.11.1976 r. (IV KR 253/75). *OSP i KA*. 1977; 139.
5. Supreme Court Judgement. 10.11.1971 r. (III KR 181/71), *OSNPG* 1972/2, poz. 26 and Court of Appeal in Gdansk 25.01.2001 r. (II AKA 382/00), *Orz. Prok. i Pr.* 2001/11, poz. 14.
6. Ratkowska-Pasikowska J, Pasikowski S. Child sexuality as a subject of press publications. Preliminary research report. *Pedagogical Review*. 2019; 155-167.
7. Obuchowska I, Jaczewski A. *Erotic development*, Warsaw: Academic Publishing House "Zak". 2002.
8. Bussey K, Bandura A. Social cognitive theory of gender development and differentiation. *Psychol Rev*. 1999 Oct;106(4):676-713. doi: 10.1037/0033-295x.106.4.676. PMID: 10560326.
9. Izdebski Z, Ostrowska A. *Sex in Polish. Sexual behavior as an element of Poles' lifestyle*. Warszawa Wydawnictwo Muza. 2004.
10. Krajewski R. Raping a person engaged in prostitution. *Jus Novum*. 2012; 6(2): 61-72.
11. The mark of "particular cruelty" in the views of representatives of the doctrine and judicial decisions. *Journals CH Beck*. 2023. <https://czasopisma.beck.pl/monitor-prawniczy/artukul/znamie-szczegolnego-okrucienstwa-w-poglądach-przedstawicieli-doktryny-i-orzecznictwiesadowym/>
12. Judgement of the Court of Appeal in Krakow 4.11.2010 r. (II AKA 182/10). "Prokuratura i Prawo" 2011.