

# Modus operandi, signature and fantasy as distinctive behaviour: Fundamental considerations in the case linkage of child rape cases<sup>1</sup>

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This article explores the intricacies of modus operandi, signature and fantasy as distinctive behaviour in stranger rape cases involving child victims that were reported in Port Elizabeth, which were analysed by means of a rape matrix. The authors identified distinctive behaviour of offenders in two possible rape series' involving child victims. Consequently, the authors probe whether a more comprehensive investigation, which reflects an understanding of modus operandi, signature and fantasy behaviour, could have determined if both rape series were perpetrated by the same offender. The article, furthermore, explores examples of reported cases to illustrate how modus operandi, signature or fantasy can manifest amongst offenders, and, should this behaviour recur in a subsequent case, could be indicative of the same offender committing the crime. The findings suggest that the presence of these distinct behaviours in conjunction with aspects such as the geographic location and time of the rapes could be indicative of serial rape activity. The results obtained from the child rape cases in this study contribute to a practical understanding of how distinctive behaviour, indicative of serial rape activity, can be identified by practitioners, who provide response and investigative service to sexually abused children in a professional capacity, such as police officials, social workers and psychologists.

## INTRODUCTION

The best rape investigators, as evidenced by high clearance rates, are living encyclopaedias of sex crime and rapist behaviour. They have studied all kinds of rapists, what they do, why they do it and assembled and understood all the elements of the extreme violation that is rape (Turvey 2005:259). As a crime, rape usually contains a substantial amount of behavioural information which is often evidenced in the offender's crime scene behaviour (Santtila, Junkkila & Sandnabba 2005: 88). Shipley and Arrigo (2008:120) refer to a host of factors ranging from, amongst others, modus operandi, criminal background of the assailant, the use of fantasy, paraphilia, psychiatric illness, psychopathy and the role of sadism in the commission of the crime that would have to be carefully and systematically explored. The South African Police Service (SAPS) was accused of linkage blindness in their investigation of the serial child rapist Dan Matebula. Matebula was convicted of nine rapes after using the same modus operandi in a relatively small area in Mabopane, yet many of the case dockets showed no efforts by detectives to identify or trace the 'unknown' suspect (Pistorius 2005:271). Similar to comments made

by Pistorius (2005:271), Conradie and Tanfa (2005:4) in their study of 96 rape case dockets in Gauteng identified various problems with most cases, such as poor police investigations, procedural errors and offenders not being apprehended. One of the reasons ascribed to crucial rape investigations not getting the attention they deserve is police investigators being overloaded by high volume of cases assigned to each investigator (Viljoen 2005:2), the consequences of which includes ineffective investigative strategies in crucial rape investigations, unlawful arrests and cases being struck from the court roll (Mphande 2005:1-2). Major backlogs in deoxyribonucleic acid (DNA) testing at police forensic laboratories are another challenge faced by the criminal justice system in South Africa. DNA results, sometimes viewed as a 'luxury', play an important role in the successful conviction of offenders. Backlogs in DNA results may cause many suspected rape offenders to walk free (Loewe 2006:1; Makunga 2008:1). Considering that many of these 'free-walking' suspects may be serial offenders, other means are necessary to narrow down the scope of investigation among the high volume of rape cases.

Modus operandi, fantasy and signature are all valuable distinctive behaviours to consider when conducting any murder or rape investigation as all three continuously interact during such crimes (South African Police Service 2009:135). These elements are also fundamental in the compilation of a linkage analysis (Hazelwood & Warren 2003:587; Labuschagne 2006:183-191; Turvey 2008:309). According to Woodhams, Bull and Hollin (2007:118), linkage analysis is a process that aims to identify crimes that are likely to have been committed by the same offender because of behavioural similarity across the crimes. Crimes committed in a similar manner are 'linked' to form a 'series'. In other words, the crimes are linked together because the offender has behaved in a very similar way when committing these crimes and, therefore, it is probable that the same offender committed all of these crimes. Profiles compiled by the Investigative Psychology Section (IPS) of the SAPS include a linkage analysis that can be used by the profiler during the trial to explain the linkage between cases (Hicks & Sales 2006:46; Labuschagne 2014).

## RESEARCH RATIONALE

This article serves as a response to the current knowledge vacuum on the phenomenon of serial rape in the South African context (De Wet, Labuschagne & Chiroro 2009:37) and the fact that international research has limited application value locally (Labuschagne 2014). The media is often saturated with reports on issues related to child rape and sexual child abuse. One of these reports raised the bar after reporting on yet another rape of a five-year-old girl and reminded readers of the age-old cultural adage 'It takes a village to raise a child' (Rape speaks of rot 2012). As practitioners and academics we are part of this village. Therefore, the authors argue that an improved operational understanding of modus operandi, signature and fantasy may be another arrow in the response quiver of every child care practitioner.

## CONCEPTUAL CLARIFICATION

For the purposes of this article the following concepts are defined:

### Modus operandi

'Modus operandi' is a characteristic pattern of methods observed in a repeated criminal act which can be used to identify the culprit (*Modus Operandi Law and Legal Definition* 2008:1).

According to Turvey (2008:310) 'modus operandi' is a Latin term that means 'method of operating'. It refers to the manner in which a crime has been committed and comprises choices and behaviours that are intended to assist in the completion of a crime.

### Signature

A signature is a personal stamp or ritual, symbolic or compulsive in nature, which an offender leaves behind at a crime scene. It evolves from a psychological need on the part of the offender to develop a personal fantasy, which is acted out in reality during the commission of the offence (Pistorius 2005:29).

### Fantasy

All human beings fantasise, these may be non-sexual fantasies such as winning the lottery, or they may be sexual fantasies involving partners or strangers. Most sexually violent acts will have an underlying fantasy guiding them and the content of the fantasy will differ from person to person (South African Police Service 2009:135). Hazelwood and Warren (2003:589) refer interchangeably to ritual or fantasy-based behaviours and state that they are symbolic, as opposed to functional. As such, they are highly individualised and reflect the aspects of the crime scene that are unnecessary to the accomplishment of the crime, but are pivotal in expressing the primary motivation or purpose of the criminal act itself.

### Rape

Section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007) provides that a person is guilty of the offence of rape if he or she unlawfully and intentionally commits an act of sexual penetration with a complainant without his or her consent (South Africa 2007:20).

### Stranger rape

Stranger rape is defined as a rape which is committed by someone that the victim does not know (Abbey, Zawacki, Buck, Clinton & McAuslan 2001:15).

### Serial rape

Serial rape refers to two or more rapes that are committed by the same offender with a cooling-off period between the offences (Goldsworthy 2006:166).

The concepts modus operandi, signature and fantasy, as well as their behavioural interaction, will be discussed in greater detail below.

## RESEARCH METHODOLOGY

The goal of this article is to explore the intricacies of modus operandi, signature and fantasy as distinctive behaviour that should be considered in the investigation of child rape as a psychologically motivated crime. Empirical data was obtained from a study by Van der Watt (2012) in which docket analysis was evaluated as an investigative tool in stranger rape cases. Owing to the fact that serial rapists mostly reside within the category of stranger rape cases (De Wet *et al.* 2009:37; South African Police Service 2009:75), Van der Watt (2012) explored the value of docket analysis in the identification of patterns and similarities among such cases which could be indicative of serial rape activity. A rape matrix was used as a docket analysis tool to analyse the content of 184 stranger rape cases which were closed as 'undetected'. The 184 stranger rape cases analysed in the study by Van der Watt (2012) had a significant amount of investigative shortcomings in terms of the available information in the case dockets. Despite these shortcomings and lack of information in the case dockets, patterns and similarities in the cases based on distinctive behaviour and aspects such as the geographical locations of incidents enabled the identification of possible serial rape activity. These were identified by analyzing the complainants' statements. In the following discussion on modus operandi, signature and fantasy, the authors will include examples obtained from cases analysed in the study by Van der Watt (2012), during which 15 stranger rape cases were identified which presented six possible rape series, to highlight how these distinctive behaviours manifests in actual cases, and, should this behaviour recur in a subsequent case, could be indicative of the same offender committing the crime resulting in such cases possibly being classified as serial rape activity.

In this article the authors explore two of the six rape series (The 'Two Rand Rapist' and the 'Kwadwesi Bush Rapist') identified by Van der Watt (2012) based on these two rape series' relevance to child rape by strangers, which consists of a total of five rape incidents (two incidents in the 'Two Rand Rapist' and three incidents in the 'Kwadwesi Bush Rapist'). Four of the five rape incidents included girls, aged 16 (case 1), 19 (case 2), 15 (case 3) and 16 (case 5), being accosted on their way to or from school. The fourth victim (case 4) was a 32 year old female raped in the same geographical area under similar circumstances. The authors will

discuss the concepts of modus operandi, signature and fantasy and illustrate how these concepts manifests in the two rape series.

Numerous shortcomings in the investigation of these cases are highlighted and the authors indicate the possibility of a linkage between the two series should a more comprehensive investigation which reflects an understanding of modus operandi, signature and fantasy behaviours have been conducted. Permission was obtained from the SAPS to do the research and the research complied with the ethical principles contained in the University of South Africa Policy on Research Ethics (UNISA 2007:9-10).

## MODUS OPERANDI, SIGNATURE AND FANTASY: A CONCEPTUAL DISCUSSION

Rape is hardly a haphazard collection of behaviors. It has a consistent thematic structure which, amongst offenders, contributes to their differentiation (Santtila *et al.* 2005:101-102; Grubin, Kelly & Brunson 2001). Furthermore, the advantages of linking cases of serial stranger rape using behavioural information and multi-dimensional methods should not be underestimated, as this can be of practical use in the total absence of physical evidence and witness statements (Santtila *et al.* 2005:102; Hazelwood & Warren 2003:588).

The authors are therefore in agreement with Santtila *et al.* (2005:102) and Hazelwood and Warren (2003:588) regarding the value of using behavioural information in cases of stranger rape. Evidence of behavioural case linkage has also been presented, and accepted, in courts locally and internationally (Labuschagne 2010). Hazelwood and Warren (2003:588) argue that there are a significant proportion of sexual crimes where no physical evidence, such as DNA evidence, is left at the crime scene, or where the DNA that is available for analysis is insufficient to allow for a definitive identification. It is in such cases that analysing the offender's modus operandi and identifying a unique pattern, commonly referred to as a 'signature', can be of great use during the investigation and subsequent prosecution of serial rapists (Labuschagne 2010:187-215; Woodhams & Labuschagne 2011; Labuschagne 2006:183-191).

### Modus operandi

Law enforcement officials have historically analysed crimes by examining the behaviours of the offenders that is referred to as the 'MO' or

modus operandi (Hazelwood & Warren 2003: 588). Traditionally, all crime scene behaviours were grouped under the category of modus operandi, however, with time those analysing offender behaviour started to identify 'signature' aspects. According to Turvey (2008:310-311), the collection, storage, and examination of a criminal's modus operandi have traditionally been investigatively relevant for the following reasons:

- The linkage of unsolved cases by modus operandi;
- Offender identification by comparing known criminal modus operandi with the modus operandi evident in unsolved cases;
- Routine comparison of arrestee modus operandi with the modus operandi evident in unsolved cases;
- Development of investigative leads or offender identity in unsolved cases by virtue of accumulating modus operandi information;
- Offender prioritisation or elimination; and
- Clearance of unsolved cases.

Besides the linking of cases, modus operandi also gives insight into the motives and inner characteristics of the offender relevant to offender profiling or criminal investigative analysis. For example, if an offender continually sexually molests children then issues such as paedophilia need to be considered. Beauregard, Lussier and Proulx (2005:265) state that modus operandi is dynamic and may fluctuate due to certain situational factors related to offenders and victims. Similar to this, the South African Police Service (2009:135) states that modus operandi is usually learned behaviour and can be modified as the offender gains more experience (for example, committing more crimes or learns from fellow criminals), when circumstances change (for example, when certain types of victims are difficult to come by), when things go wrong during the crime (for example, when a victim fights back) or when the media reports a serial offender's activities in detail.

According to the South African Police Service (2009:135) and Hazelwood and Warren (2003: 590), modus operandi can include any of the following: the type of crime; property stolen; victim type; time and place of the offence; tools used; method of gaining entry to a premises; method of subduing the victim; and having an accomplice. According to Turvey (2008:311), modus operandi is important to consider because it can provide an array of information about the

offender. This includes the involvement of choices, procedures, or techniques that can be characteristic or reflective of a particular discipline, trade, skill, profession, or area of knowledge (criminal and non-criminal), knowledge particular to the victim, suggesting contact, or a prior relationship, and knowledge particular to a crime scene, suggesting varying levels of familiarity.

### **Modus operandi example: Algoa Park rape case**

In this example, the victim was waiting to board a taxi when an unknown vehicle stopped next to her. *The unknown occupant offered the victim a lift after informing her that there were no more available taxis due to the time of night.* The victim was then taken to a nearby 'hiking spot' where she was raped by the offender. After raping the victim, the offender ordered the victim to walk to another scene in an open field where he raped the victim for a second time. After the rape, the suspect bound the victim's arms behind her back using a belt and placed her underwear in her mouth.

The binding of the victim afterwards and placing underwear in her mouth is an example of modus operandi but could also lean towards signature. In this example a repetition of the modus operandi features of a male stopping his vehicle at a taxi stand late at night and offering a lift would be distinct modus operandi features for investigators to look out for.

### **Signature**

According to South African Police Service (2009:138) signature can occur in one of two manners. Firstly, signature behaviours are those behaviours that go beyond what is necessary to commit the crime and represent the behaviours that the offender wants to carry out for their own psychological reasons. In serial murder this is often something sexual, but can include the kind of violence the offender inflicts on the victim, other crime scene behaviours, and also certain things said to the victim (verbal). Secondly, signature behaviours can also be a unique combination of common modus operandi behaviours (Labuschagne 2010). They are those behaviours that when seen in isolation are common criminal behaviours, but in combination become unique to the offender. They are modus operandi behaviours that allow an investigator to realise that the same offender has struck again.

Recognition of signature aspects in a crime can occur when crime analysts, criminal investiga-

tive analysts and/or investigators are attempting to link two or more crimes that have occurred in either close physical or temporal proximity, or at times or locations that are highly divergent (Hazelwood & Warren 2003:591). Irrespective of which type of signature, a signature is noted after the crime and based on visible features noted on the scene, or verbal descriptions by witnesses or victims. In essence, signature is what remains behind after the offender has left. With the potential of being somewhat distinct to a particular offender, depending on the available convergence of physical and behavioural evidence, a specific pattern of signature behaviours and the need that they represent can be used to distinguish between crime scenes and potentially between offenders. This is not to say that offender signature behaviour will always be distinct, unique, or even present (Turvey 2008: 325). Signature is often more revealing of the inner psychological motives and desires of the offender and can thus provide great insight to investigators regarding the offender.

These insights can be incorporated into an interview strategy. The importance of training is also emphasised by Goldsworthy (2006:185), who states that it is vital for police to receive training in relation to psychological traits of these types of offenders so that they at least have some basic understanding of the offender and his behaviour. The important issues of offence linkage and signature behaviour should also be kept in mind and will require the investigator to approach the investigation with an open mind. The investigator needs to accept the possibility that the single offence he or she is investigating could well be part of a series of offences, especially if 'bizarre' and 'beyond what are necessary' types of behaviour are identified.

#### **Signature example of unique modus operandi behaviours: Swartkops rape case 1**

The victim was walking through an open field when she was accosted by two unknown males. One of the offenders threw her to the ground and tied her hands behind her back with a piece of rope. The first offender raped the victim and ejaculated next to her on the ground and ran away. The second offender then *took a brown piece of paper and made a hole in it. He then placed the brown piece of paper over his penis before penetrating the victim. The suspect told the victim that he is scared that she might have AIDS and therefore he placed the brown piece of paper over his penis. The suspect also ejaculated*

*next to the victim on the ground after raping the victim. The suspect then also ran away.*

In this example, the use of a brown piece of paper fashioned into a form of rudimentary condom (albeit ineffective), and ejaculating on the ground (possibly for a forensic counter measure), can be seen as unique modus operandi behaviour.

#### **Signature example of behaviours that are beyond those necessary to commit the crime: Bethelsdorp rape case**

The victim was asleep at her home when two offenders broke into her home. Both offenders raped the victim. *After the rape, one of the suspects took a stick and inserted it inside the victim's vagina.* This is behaviour more commonly regarded as behaviour going above and beyond what is necessary to commit the crime. Both offenders had successfully penetrated (and thereby raped) the victim but thereafter they inserted a stick in the victim's vagina, constituting another count of rape under South African law. Foreign object insertion is often regarded to be psychologically motivated (Labuschagne & Theron 2008:117).

#### **Fantasy**

All human beings fantasise, these may be non-sexual fantasies such as winning the lottery, or they may be sexual fantasies involving partners or strangers. Most sexually violent acts will have an underlying fantasy guiding them and the content of the fantasy will differ from person to person (Gray, Watt, Hassan & MacCulloch 2003; South African Police Service 2009:135). Hazelwood and Warren (2003:589) refer interchangeably to ritual or fantasy-based behaviours and state that they are symbolic, as opposed to functional. As such, they are highly individualised and reflect the aspects of the crime scene that are unnecessary to the accomplishment of the crime, but are pivotal in expressing the primary motivation or purpose of the criminal act itself. According to Beauregard et al. (2005:266), fantasy is seen as a motivating factor underlying the crime and the behaviour exhibited while committing the crime. This has implications for offender rehabilitation also, and often poses a great challenge to those tasked with providing therapeutic support because unless these can be addressed the offender will still continue to pose a risk (Vanhoek, Van Daele & Gykiere 2011).

A serial murderer may at first only act out a part of the fantasy, for example, by kidnapping

and raping the victim and then releasing her, whereas in later crimes he kidnaps, rapes, tortures, and then murders victims. These earlier attempts are known as ‘trial runs’. Even if he fantasised about murdering the earlier victims, the offender may not do so at first, but may progress to murder later in the series (South African Police Service 2009:136). Similar to this, Prentky, Burgess, Rokous, Lee, Hartman, Ressler and Douglas (1989:890) state that “once the restraints inhibiting the acting out of the fantasy are no longer present, the individual is likely to engage in a series of progressively more accurate trial runs in an attempt to enact the fantasy as it is imagined”. According to South African Police Service (2009:137), the underlying fantasy remains constant and will therefore have expressive elements that will always be present in one form or another at the crime scene. The victim and crime are superimposed onto the fantasy and it is therefore the fantasy that profiling aims to analyse. Furthermore, it is these elements that help link crimes and provide insight into the offender’s motivation. These fantasy elements will influence who becomes a victim, the behaviour that a victim must display during the crime, guide the method of approaching the victims, and guide crime scene behaviour (such as removing clothes, weapon of choice, verbal and sexual behaviour), and also influence whether any items are taken for monetary, trophy or souvenir purposes.

**Fantasy example: Swartkops rape case 2**

The victim in this incident took a taxi where after the driver diverted to a gravel road as he ‘wanted to evade a roadblock’. The driver then stopped the vehicle under the ruse that the ‘exhaust of the vehicle is giving problems’. The victim was subsequently raped by the driver. The following manner in which the victim was raped

could be indicative of a fantasy being acted out on the part of the offender: *The first incident of rape took place on the rear seat of the vehicle. The suspect then took the victim out of the vehicle and placed her on the boot (rear end) of the car where the rape continued. The victim then informed the suspect that she had a need to urinate where after the suspect took her to the front of the vehicle and placed her on the bonnet. The victim then urinated while the suspect forced her to perform oral sex. Hereafter the victim was forced to turn around and to hold on to the bonnet of the car while the offender penetrated her from behind. Finally, the offender again took the victim to the boot of the vehicle where he continued raping her. The rape ended when two unknown males came across the incident while walking on the gravel road. The offender climbed into the vehicle and drove away while leaving the victim at the scene.*

The example above illustrates a possible underlying sexual fantasy, and some of these features might be identified as signature behaviours when interviewing the victim or reading her statement, especially if noted in subsequent incidents.

**SHORTCOMINGS IN THE INVESTIGATION OF STRANGER RAPE CASES**

In order to contextualise the importance of considering modus operandi, signature and fantasy as distinctive behaviour, the shortcomings identified in the analysis of the 184 stranger rape dockets in the study conducted by Van der Watt (2012) is illustrated. Table 1 below represents the investigative shortcomings identified in the 184 stranger rape cases from which the ‘Two Rand Rapist’ (two cases) and ‘Kwadwesi Bush Rapist’ (three cases) were identified:

**Table 1: Numerical representation of the shortcomings identified in 184 stranger rape investigations by means of a rape matrix**

| No. | Matrix element looked for | Matrix element present   |       |     |       |
|-----|---------------------------|--|-------|-----|-------|
|     |                           | YES  | %     | NO  | %     |
| 1   | Crime Scene Photos        | 5  | 2.717 | 179 | 97.28 |
| 2   | Fingerprints              | 8  | 4.348 | 176 | 95.65 |
| 3   | Facial composites         | 0  | 0     | 184 | 100   |
| 4   | Full medical exam         | 170  | 92.39 | 14  | 7.609 |
| 5   | First report statement    | 77   | 41.85 | 107 | 58.15 |
| 6   | Witness statement         | 24   | 13.04 | 160 | 86.96 |
| 7   | Quality of statements     | None of the statements (0 of the 184) met <u>all</u> the criteria for the sexual offences statement checklist  |       |     |       |
| 8   | Description of suspect    | Statements seldom elaborate on suspect description. In 33 (17.93%) cases it is mentioned that the suspect can be identified, yet no facial composites was compiled |       |     |       |
| 9   | Duration of investigation | 95.52 days per case  |       |     |       |

These shortcomings also have a negative impact on case linkage by means of physical evidence and behavioural case linkage. Linkage analysis in rape cases relies heavily on the statement made to the police by the victim. For example, none of the above statements meet all the criteria according to the sexual offences statement checklist which is part of the training curricula of detectives undergoing the SAPS Family Violence, Child Protection and Sexual Offences Investigators Course. The lack of a medico-legal examination would mean that injuries, including bite marks, injuries to the sexual organs and the like, would not be recorded, besides any forensic evidence such as DNA being collected.

### Distinctive behaviour amongst the ‘Two Rand Rapist’ and ‘Kwadwesi Bush Rapist’ cases

Upon reflection on the ‘Two Rand Rapist’ and ‘Kwadwesi Bush Rapist’ series identified in the study by Van der Watt (2012), the authors identified distinctive behaviours in these cases

which could be representative of a common modus operandi, signature and fantasy between the two series. Furthermore, based on the shortcomings in both investigations and with due consideration to certain similarities, the question could be posed as to whether the two possible rape series could be perpetrated by the same offender. Table 2 (‘Two Rand Rapist’) and Table 3 (‘Kwadwesi Bush Rapist’) below illustrates the case details as captured in the rape matrix. The cases associated with the two rape series were closed as ‘undetected’, that effectively suggests that the offenders have evaded arrest, and will possibly continue to commit this heinous crime should an intervention not be launched.

It is in cases such as these that the identification of modus operandi, signature and fantasy behaviour could serve as a fundamental ‘tipping point’ which could lead to the identification and linkage of a single offender to multiple rape cases by combining investigative information in cases that were previously investigated in isolation from each other.

**Table 2: Rape matrix results for the ‘Two Rand Rapist’**

| Kwadwesi                                    | Case 1  | Case 2   |
|---|---|--|
| <b>Active for investigation</b>             | 57 days   | 297 days   |
| <b>Scene</b>                                | Kwadwesi bushes, next to Uitenhage Road opposite Kwamaqaki  | Kwadwesi bushes, near Mbaba Street, Kwadwesi   |
| <b>Victim</b>                               | Black female, 16 years old  | Black female, 19 years old   |
| <b>Date</b>                                 | 2007-04-02  | 2007-08-07   |
| <b>Day</b>                                  | Monday  | Tuesday  |
| <b>Time</b>                                 | 14:30   | 14:30  |
| <b>Suspect description</b>                  | Black male, tall/medium, no distinguishing marks  | Black male, tall, no distinguishing marks  |
| <b>Clothing description</b>                 | White T-shirt without collar, blue jeans, brown check hat with white sports shoes.  | Caramel brown jacket, brown trousers, black shoes, white panama hat.   |
| <b>Approach by suspect</b>                  | Surprise: While the victim was walking along a footpath on her way home from school, she was approached by the suspect who asked her for R2. The suspect then searched the victim.  | Surprise: The victim was accosted by the suspect on her way from school. The suspect asked her for R2 and started to search her, and in the process started to touch her breast.   |
| <b>Control over victim</b>                  | The suspect made verbal threats and was in possession of a knife and a big stone.   | The suspect made verbal threats and was in possession of a knife which had a red handle.   |
| <b>Victim raped</b>                         | The victim was raped vaginally, then forced to perform oral sex and again raped vaginally.  | The victim was raped once vaginally.   |
| <b>Unique actions or verbal interaction</b> | The suspect told the victim she was “cheeky” and that he would kill her with his knife. He told the victim to remove her clothes. He also told the victim to get “on top” of him and also to lick and suck his penis. During the rape he commanded the victim to “get on top” of him. | The suspect told the victim that he was going to search her and that he was going to stab her if she screamed. He told the victim that she must have sex with him as she did not have R2. The suspect told the victim to remove her pantyhose. He took out a condom and requested the victim to put it on his penis. After the rape, he placed the used condom in his trouser pocket and requested the victim to be his girlfriend and told her that he would visit her at school. He wrote a name and cellphone number on a page and gave it to the victim. He told the victim he stayed in Veeplaas. |
| <b>Condom used</b>                          | No  | Yes  |
| <b>Stolen items</b>                         | None  | None   |
| <b>Harm to victim</b>                       | Before the rape he strangled the neck of the victim and hit her with a closed fist in the face.   | Nothing mentioned in statement.  |

**Series 1: The ‘Two Rand Rapist’**

In this possible series of two rape incidents the offender targeted two teenage black female victims in the Kwadwesi bushes approximately four months apart.

**Series 2: The ‘Kwadwesi Bush Rapist’**

In this possible series the offender raped three black females ranging from 15 to 32 years of age over a period of one year.

**Table 3: Rape matrix results for the ‘Kwadwesi Bush Rapist’**

| Kwadwesi                                    | Case 3   | Case 4  | Case 5  |
|---|--|---|---|
| <b>Active for investigation</b>             | 175 days   | 229 days  | 177 days  |
| <b>Scene</b>                                | Kwadwesi bushes opposite Kwadwesi extension  | Kwadwesi bushes at the back of the shopping complex   | Kwadwesi bushes   |
| <b>Victim</b>                               | Black female, 15 years old   | Black female, 32 years old  | Black female, 16 years old  |
| <b>Date</b>                                 | 2007-01-19   | 2007-03-03  | 2008-01-16  |
| <b>Day</b>                                  | Friday   | Saturday  | Wednesday   |
| <b>Time</b>                                 | 08:00  | 07:30   | 14:45   |
| <b>Suspect description</b>                  | Black male   | Black male  | Black male  |
| <b>Clothing description</b>                 | Navy blue tracksuit top, black pants with yellow stripes, torn white dirty sports shoes, maroon and white balaclava, ‘Chinese-like’ eyes, scales on hands.               | Navy trousers, dotted black and white shirt, blue and white sports shoes.   | Not mentioned.  |
| <b>Approach by suspect</b>                  | Blitz: The victim was on her way to school taking a short cut through the bushes. The suspect grabbed her from behind, around her waist and arms and also strangled her. | Blitz: The victim was on her way to visit her boyfriend when the suspect strangled her from behind and ordered her not to scream. She was ordered to go deeper into the bushes. | Blitz: The victim was on her way back from school when she was suddenly grabbed around her neck by the suspect and dragged into the bushes. |
| <b>Control over victim</b>                  | The suspect made verbal threats and was in possession of a knife.  | The suspect was in possession of a knife.   | The suspect was in possession of a knife.   |
| <b>Victim raped</b>                         | The victim was raped three times vaginally.  | The victim was raped continuously until the suspect ejaculated.   | Raped once: “He wet his fingers and my vagina before everything started”  |
| <b>Unique actions or verbal interaction</b> | The victim was told to put down her bag, pull down her pantyhose and take off her clothes.   | The suspect repeatedly told the victim to take off her clothes.   | The suspect told the victim to take off her panties. He also told her to “shut up” when she cried and not to scream.                        |
| <b>Condom used</b>                          | No   | Not mentioned   | No  |
| <b>Stolen items</b>                         | None   | None  | None  |
| <b>Harm to victim</b>                       | Strangled  | Strangled   | Grabbed from behind around her neck (strangled)   |

**Investigative shortcomings**

The dockets analysed contained no evidence that aids or resources in the form of photographs, fingerprints or facial composites were used in any of the abovementioned investigations. In all five cases Sexual Assault Evidence Collection Kits (SAECK) were used during the medical examination of the victims. However, the investigation diary contained no details as to whether these kits or other DNA samples were submitted to the Forensic Science Laboratory (FSL) for analysis. None of these cases contained any first report nor witness statements. There were no indications in the investigation diary that the investigator followed up the leads contained in Case 2 with regard to the piece of paper handed to the victim by the offender containing a name and cell phone number and whether an application for detailed billing of the

cell phone number given to the victim by the suspect offender was submitted. Fingerprints should also have been obtained from this piece of paper. The victim in Case 5 indicated that she would be able to identify the offender yet no facial composite was compiled. In Case 4 an offender was apprehended by the community after the victim raised alarm, but, for undisclosed reasons he was released and not charged, and no reference DNA sample was collected and submitted to the FSL.

**Modus operandi**

Bartol and Bartol (2013:150, 153) explain that research into serial rapes would indicate that the majority of serial rapists are marauders, who commit their crimes close to either their place of residence or their place of employment. Furthermore, the serial rapist is likely to use the

same approach when selecting his victims. In exploring the possibility of the same offender being responsible for the two rape series, it is noteworthy that the approaches used by the 'Two Rand Rapist' and the 'Kwadwesi Bush Rapist' in selecting victims are different. The 'Two Rand Rapist' uses a typical surprise approach where a ruse is used to engage with the victim before turning hostile and escalating to the act of rape. The 'Kwadwesi Bush Rapist' on the other hand uses a blitz approach which is characterised by a sudden attack by the offender. All the rapes occurred in the area of the Kwadwesi bushes as the geographical location of the rapes. The Kwadwesi bushes were also used by scholars as three victims were accosted by the offender on their way back home from school, whilst another was raped as she was en route to school. It could be argued that the rapist knew the vicinity and was well aware of schoolgirls being isolated on their journey. Four of the five incidents took place on weekdays with timeframes possibly revolving around the identification of school-going victims (14:30, 14:30, 08:00 and 14:45).

It was mentioned in all the rape incidents that the offender was in possession of a knife which he used as a mechanism to control the victims. In four of the five incidents it was mentioned by the victims that they were strangled by the offender. A 'two rand' ruse was used by the offender in two incidents. In exploring the question of all five cases possibly being committed by the same offender, a search for supporting evidence could include whether the 'two rand' ruse was possibly used when a head-on interaction with the victim was initiated where a conversation precipitated the rape. The three incidents in the 'Kwadwesi Bush Rapist' included a blitz attack resulting in strangulation from behind. It could be explored whether this was the preferred method of approach by the offender when the victim was unaware of his presence. Finally, multiple penetrations by the offender occurred in two incidents, once by the 'Two Rand Rapist' and once by the 'Kwadwesi Bush Rapist'.

### **Signature**

The importance of verbal interaction between an offender and a victim for investigative purposes is also alluded to by Keppel (2006:178), who refers to the case of serial rapist Ronnie Shelton, convicted of 28 rapes, whose verbal communications and sexual assaults manifested his signature. The verbal communications by the 'Two Rand Rapist' were clearly recorded and, therefore, by means of the docket analysis,

simplified the identification of the 'two rand' ruse in two of the cases. However, the 'two rand' ruse is not carried over to the 'Kwadwesi Bush Rapist' and there is obviously not sufficient evidence to suggest a signature link between them. Further cases being reported where a 'two rand' ruse is used amongst other combinations highlighted in the 'Two Rand Rapist' and the 'Kwadwesi Bush Rapist' will serve as an indicator that such cases can possibly be credited to the same offender.

### **Fantasy**

It could be argued that schoolgirls were part of the offender's fantasy. It is however not clear whether all the girls were wearing a school uniform or even whether the offender knew that his victims were schoolgirls. A pervasive pattern is found in the offender's instruction to each of the five victims to remove their clothing or parts thereof. This pattern is evident in both the 'Two Rand Rapist' and the 'Kwadwesi Bush Rapist'. Specific instructions by the offender to the victim regarding the removal of her 'panty hose' appears twice - once in each of the 'Two Rand Rapist' and 'Kwadwesi Bush Rapist' incidents and an instruction to the victim to remove her 'panties' appearing once in the 'Kwadwesi Bush Rapist' series.

### **RECOMMENDATIONS**

The following recommendations are made, based on the results of this research:

The necessity for child care practitioners and SAPS investigators to be aware of and understand distinctive behaviour, such as modus operandi, fantasy and signature during response services and the investigation of child rape incidents cannot be overemphasised. It is thus recommended that child care practitioners and relevant SAPS investigators receive ongoing training and development related to psychologically motivated crimes, particularly to the dynamics of child rape investigations. The SAPS Psychologically Motivated Crimes Course could enhance the knowledge of child care practitioners and SAPS investigators to facilitate improved identification and awareness of distinctive behaviour such as modus operandi, fantasy and signature.

Many investigators underestimate the significance of a detailed and comprehensive victim statement during rape incidents, often believing that a victim statement need only contain the legal elements of the crime. Victim statements are essential since they provide the investigator

with vital information which can lead to solving the case. In rape cases victim statements are crucial for linking cases together and compiling the offender profile. It is thus recommended that investigators should continuously be trained and sensitised to obtain and include important information in the victim statement, such as the physical behaviour of the offender and the victim, verbal communication between the offender and victim, sexual behaviour of the offender and victim and a detailed description of the offender. This information could provide valuable corroboration for distinctive behaviour such as modus operandi, fantasy and signature.

The lack of communication between investigators contributes to the non-recognition and identification of rape offenders. It is recommended that investigators across different police jurisdictions regularly communicate information of rape offenders, including child rape, amongst each other. Constant communication of rape incidents could, to a great extent, limit linkage blindness.

The processing of the rape scene remains crucial to the investigation. The collection and processing of DNA, photographs, fingerprints, facial composites and medical examinations of rape victims should be sufficiently identified, obtained and analysed to facilitate a successful investigation. It is thus recommended that the relevant SAPS support units, such as the FSL and Local Criminal Record Centre identify, collect and process all the possible forensic

evidence at the crime scene. These units are however reliant on the investigating officer for activation.

## CONCLUSION

The aim of this article was to explore the intricacies of modus operandi, signature and fantasy as distinctive behaviour that should be considered in the investigation of child rape as psychologically motivated crimes. The authors identified such distinctive behaviour of offenders in two possible rape series' involving child victims. Consequently, the authors probed whether a more comprehensive investigation, which reflects an understanding of modus operandi, signature and fantasy behaviours, and better use of investigative resources could have determined that both rape series' have been perpetrated by the same offender. The article, furthermore, explored examples of cases reported to illustrate how modus operandi, signature or fantasy could manifest amongst offenders, and, should this behaviour recur in a subsequent case, could be indicative of the same offender committing the crime. The findings suggest that the presence of these distinct behaviours in conjunction with aspects such as the geographic location and time of the rapes could be indicative of serial rape activity. This research has established that modus operandi, signature and fantasy as distinctive behaviour are fundamental considerations in the case linkage of child rape cases.

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### Endnote:

- 1 A portion of the data used in this article has been extracted from a Masters dissertation of the principal author, Van der Watt, titled: *The value of docket analysis in stranger rape investigations: A case study in Port Elizabeth* (MTEch in Forensic Investigation, UNISA 2012).

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