SEXUAL VIOLENCE BY STRANGERS IN MADRID AND BARCELONA: A SITUATIONAL ANALYSIS

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Summary: INTRODUCTION. 2. HYPOTHESIS. 3. METHODOLOGY. 4. RESULTS. 5. DISCUSSION. 6. CONCLUSIONS. 7.. BIBLIOGRAPHICAL REFERENCES

Abstract: Sexual assaults, as crimes of particular victimisation and media significance, are of great public alarm, concern and interest. As a result, they are often at the epicentre of the general debate on criminal policy. As a result, sexual assaults and their protagonists - offender and victim - are not always adequately analysed , treated and understood outside of criminological, police and legal environments. In the same way, criminological research itself, as well as the legislative, legal and penitentiary developments linked to the subject - necessarily controversial - often tend to blur into theoretical generalities that are difficult to confront and even to fit with particular facts and cases which, when studied in detail, seem impossible to fit into the general explanatory frameworks available. The present study, which is based on the approach provided by the Theory of Situational Action (TAS), proposed by Wikström and his collaborators, and makes use of the qualitative and quantitative analysis of judicial sentences issued in the provinces of Madrid and Barcelona, aims to show how the criminal ecosystems in which crimes are committed substantially modify their course, as well as the actions of the aggressor and his victim. A fact that can be extremely useful as a tool for police investigation and behavioural analysis, as well as for the understanding of criminogenetic events and specific criminal dynamics.

Resumen: Las agresiones sexuales, en tanto que delitos de especial significación victimal y mediática, suscitan gran alarma, preocupación e interés públicos. En consecuencia, suelen formar parte del epicentro del debate general en torno a las políticas criminales. Ello motiva que las agresiones sexuales y sus protagonistas -agresor y víctima- no siempre sean adecuadamente analizados, tratados y entendidos fuera de los entornos criminológicos, policiales y jurídicos. Del mismo modo, la propia investigación criminológica, así como el devenir legislativo, jurídico y penitenciario vinculados al tema -necesariamente controvertido-, tienden a menudo a difuminarse en generalidades teóricas que cuesta confrontar e incluso encajar con hechos y casos particulares que, al estudiarse en detalle, parece imposible de encajar en los marcos explicativos generales de que se dispone. El presente estudio, que se realiza partiendo del enfoque aportado por la Teoría de la Acción Situacional (TAS), propuesta por Wikström y sus colaborares, y se vale del análisis cualitativo y cuantitativo de sentencias judiciales emitidas en las provincias de Madrid y Barcelona, pretende mostrar cómo los ecosistemas criminales en que se cometen los delitos, modifican sustancialmente su curso, así como las acciones del agresor y su víctima. Un hecho que puede ser extremadamente útil como herramienta para la investigación policial y el análisis de conducta, así como para la comprensión de eventos criminogenéticos y dinámicas criminales específicas.

Keywords: Sexual Aggression, Situational Action Theory, Multidimensional Scaling, Behaviour Analysis.

Palabras clave: Agresión Sexual, Teoría de la Acción Situacional, Escalamiento Multidimensional, Análisis de Conducta.

1. INTRODUCTION

Sexual assaults are a source of suffering for the victims . This is aggravated in those cases which, for particular reasons, become particularly "famous" and arouse the interest of public opinion. The fact is that sexual assaults, often highly publicised, provoke great alarm and social debate, which usually triggers investigations and particularly mediatic trials that have a strong impact on the victims through secondary victimisation and *ex post attendentes*[1] (Gutiérrez de Piñeres, Coronel and Pérez, 2009; Domínguez Vela, 2016). To provide some data for reflection, it should be recalled that, according to the Statistical Yearbook of the Spanish Ministry of the Interior, in 2022, 19,013 crimes against sexual freedom were "known" by the State Security Forces and Corps (FCSE) - they speak of complaints and investigations - of which 11,426 were sexual abuse/assaults and, of these, 4,270 became sexual abuse/assaults with penetration[2] . A high percentage of these assaults/abuses took place in commercial premises, dwellings and other attached spaces such as garages or storage rooms, one of the most frequent modalities of this type of crime being that in which the sexual aggressor, usually a man acting alone, attacks a woman in the entrance hall of a residential building, or in the garage, for which he is commonly known as a "portalero" (Janosch González, Pérez-Fernández and Soto Castro, 2020).

Be that as it may, the "grey figure" in the statistics reflects the ominous police, victimisation and judicial evidence that underlies this problem: the clarification of sexual assaults committed by individuals unknown to the victims is more complex than in those cases in which there is some kind of link between victim and offender that facilitates FCSE investigators to positively identify the aggressor and, if necessary, to obtain evidence that can be used as evidence in court (Corovic, Christianson and Bergman, 2012; Janosch, Pérez-Fernández and Herrero, 2025). It should be borne in mind that the cognitive-behavioural dynamics of these individuals tend to operate through a process of escalation, which implies that, in relation to their potential dangerousness, it is very possible that there is a bias of seriality - or at least repetitiveness - that leads them to commit more than one sexual assault in the course of their criminal career if they are not identified and arrested (Pueyo and Redondo Illescas, 2007). Especially because, rather than a direct link to more or less serious diagnosable disorders, in this class of offenders it seems to be driven by the influence of a complex amalgam of socio-cultural elements, life stressors and personality structures (Arqué-Valle et al., 2024).

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[1] Both types of victimisation are often confused. Secondary victimisation relates to the personal and psychological costs to the victim of being more or less constantly exposed to situations that make him or her relive (or recall) the harm suffered over and over again (Kühne, 1986). *Ex-post* victimisation - also called "fourth level" victimisation - is triggered when the person experiences hopelessness and helplessness after not receiving the expected help from those institutions and professionals they trusted (e.g. police, health, administration, justice) and from whom they do not receive the expected moral and material support (Triviño, Winberg and Moral, 2021).

[2] In total, a total of 14,555 crimes against sexual freedom were solved, counting all types of crimes against sexual freedom, which gives a total of 4,518 "grey figure" - crime investigated but not solved - of 4,518 complaints. In terms of abuse/assault with penetration, the number of unsolved cases in 2022 was 860 (Ministry of the Interior, 2023).

On the other hand, and to expand on the last idea, it is well known that the context - material and human environment - in which the offender acts modifies his behaviour, so that strategies and resources that may be perfectly useful in a certain place do not necessarily have the same value of applicability in a different criminal-delinquent ecosystem. Wikström, faced with this contingency, developed the so-called Situational Action Theory of Crime Causation (or CAS), whose foundational proposals appeared between 2004 and 2006 (Serrano Maíllo, 2017). There, an attempt has been made to integrate, within the framework of an adequate theory of action, the main achievements of theoretical formulations and research in criminology, as well as theoretical and empirical knowledge from the social and behavioural sciences in general. This is because the correlates of criminality are fairly well known, but there is little agreement about the causes of crime, which are offered as a confusing mixture of elements to which each researcher attaches greater or lesser importance according to his or her interests. This explains the inflation of theories - and internal contradictions - that affect criminological studies (Pérez-Fernández, Janosch and Popiuc, 2023).

In short, TAS states that criminal acts can be explained as processes - systemic and interactive, but not deterministic, mechanisms - that mobilise "actions" that ultimately transgress formal or informal rules of conduct (Wikström, et al., 2012). It would thus be a subset of behaviours included in the more general set of *acts that violate moral rules of conduct*. Although these constructs of moral conduct are not specified in any law and therefore not all of them are crimes per se, they could respond to the same mechanisms that mobilise crimes in a legal sense (Janosch González, 2013). In other words, the TAS defines crime as an act that breaks some rule of conduct established by law -inserted in the penal code of each state-, and that can be analysed in terms of *moral action*. Moral action, in turn, would be understood as conduct that is guided by rules that establish what, under certain specific circumstances - or situations - would be right or wrong to do (Wikström and Treiber, 2016).

Defining crime in these terms, as an act that violates a rule of moral conduct that is embodied in the form of laws, has the advantage that it can be applied to any kind of crime, anywhere, and at any time. Thus, what is defined is an act of violation of a rule of moral conduct that is specified in the form of some particular law "there given". It can thus be argued that TAS is, fundamentally, a general theory of moral action (Wikström, et al., 2012), as it would explain all types of moral rule-breaking in any time or place, with the emphasis on the mechanism inducing the moral rule-breaking, rather than on the content of the disobeyed moral rule as variable and subject to constant modification according to the variations of the particular positive law in a specific space-time (Pauwels, 2018a; Pauwels, 2018b). The causal mechanism of perception and action would be present in petty theft as well as in sexual assaults or homicides. Consequence: criminal policies, in the medium and long term, would be more successful if they were aimed at education in conformity with the prevailing moral rule, rather than at punishment or mere control (Pérez-Fernández, Janosch and Popiuc, 2023; Janosch, Pérez-Fernández, Popiuc and López-Muñoz, 2024).

Ultimately, it is the interaction between the crime propensity of a particular person and the criminogenic characteristics of the setting that will trigger the process that will - or will not - lead to the criminal act itself. The propensity to offend will depend on the person's moral standards and ability to exercise self-control - bearing in mind that this ability may be diminished by alcohol or drug use, or by intense stress with emotional imbalance. These criminogenic characteristics of the scenario, in turn, will depend on the so-called "moral environment" - the one perceived by the individual rather than the real one - and on the existence or not of deterrent factors, which encourage or discourage the violation of rules (Wikström, et al., 2012). The corollary of all this, as far as this study is concerned, is clear: the sexual aggressor will not always act in the same way and with total independence of the place where he is, because the general situation in which he is inserted - which has to be analysed and understood - will necessarily modify his perception of rules, his moral considerations, his attention to laws and restrictions and, finally, his criminal action (Pérez-Fernández, Popiuc and López-Muñoz, 2024).

Considered in this way, it will be understood that for the CAS, beyond any debatable ideas, a person's nationality, political ideology, sexual identification or religion are not in themselves causes of crime in any form, or at least should not be assessed as more important than other personal circumstances, such as age or level of education, because in reality they are merely attributes of the person which, moreover, are changeable. Just as it would not make sense to say that someone is more likely to commit crime because he or she is taller, neither does it make sense to emphasise other personal attributes which, moreover, would fall within the controversial area of individual rights and freedoms. Thus, variables such as nationality or religion should be evaluated with the same rigour as other contributory causes of different forms of crime recognised in the literature, such as poverty, level of education, living in criminogenic environments, lack of opportunities, polyconsumption, truancy, inappropriate companionship and so on (Pérez-Fernández, Janosch and Popiuc, 2023). In other words, just as it would make no sense to say that a person commits crimes - or does not commit crimes - because of the colour of their hair or their weight in kilograms, it is also inconsistent to argue that they could be driven to commit crimes simply because they were born in a certain country, or because they share a certain ideological sentiment, identify with a specific gender or practice a certain religion (Janosch, Pérez-Fernández and Herrero Roldán, 2024).

1.1. A NECESSARY LEGAL NOTE

This introduction concludes by recalling something that is well known, and that is that in Spain there have been relatively recent changes in the Penal Code (PC) with respect to sexual crimes, which have come to modify the different existing perspectives with respect to the police and judicial approach to the problem. To begin with, and linking with the TAS model described above, they entail an alteration of statistical counts - which will also alter future media discourses - whose effects will only be perceptible in the medium term and, consequently, open up new perspectives on the general perception of criminality, as well as on reactive policies of action with respect to it whose effects are yet to come. It is therefore worthwhile, in order to anticipate what is to come and in order

to properly contextualise the results presented here, to provide a brief critical overview of these changes.

The LO 10/2022, of 6 September, popularly known as the *Law of the only yes is yes*, has meant a notable change with respect to the consideration of crimes against sexual freedom. This regulation has introduced significant changes in the PC, especially in the unification of the crimes of sexual abuse and aggression, the redefinition of consent and the modification of the associated penalties. But, apart from these legislative novelties, it has also generated an intense debate as a consequence of the sentence reductions that have taken place: 1205 sentence reductions that include 121 releases from prison (CGPJ, 2023). The enactment of this law was contextualised in the need to reinforce the protection of sexual freedom and to guarantee a comprehensive response to all forms of sexual violence.

Prior to the entry into force of LO 10/2022, the Spanish Criminal Code distinguished between sexual abuse and sexual assault. Abuse referred to acts without violence or intimidation, while assault involved the use of violence or intimidation. With the new law, this distinction disappears. Thus, any sexual act without consent is considered sexual assault, regardless of whether violence or intimidation was involved. This unification seeks to recognise that any non-consensual sexual action is an assault on a person's sexual freedom.

The law establishes that consent is only understood to exist when it has been freely expressed through acts that, given the circumstances of the case, clearly express the will of the person. This definition places consent at the centre of sexual relations, eliminating interpretations that could justify non-consensual conduct. This implies that any non-consensual sexual act is an assault, regardless of whether or not there is violence or intimidation, because the absence of consent alone implies implied violence. Although consent was not explicitly defined, this did not mean that the jurisprudence did not understand that such consent was substantial, as an element in this negative case of the type, that the agent acted: 1) without the consent of the person sexually assaulted; 2) through the existence of consent vitiated by concurrent circumstances derived from the position of the perpetrator of the act, significantly derived from kinship or an equivalent situation, or from the dominance that his position as a consequence of an employment relationship, teaching, superiority, ascendancy, even as a consequence of a range of age with respect to the victim, could restrict the victim's sexual self-determination; and 3) that the agent took advantage of a position of privilege derived from the victim's vulnerability or state of unconsciousness[3] . These last sequences of attacks on sexual freedom were previously classified as sexual abuse, while the cases in which the perpetrator acted against the victim's consent opened the category of sexual aggression, being committed by means of violence or intimidation, which was the characteristic required for such aggression. However, the concurrence of the absence of consent that permeates the title that embraces these crimes was always necessary, as they are crimes against sexual

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3 See, for example: STS 3865/2024; SAP A 872/2018.

freedom, which is naturally based on the existence of consent in the provision of consent to carry out actions with sexual content.

The formula used today by the legislator is therefore an open formula, and one that was already taken into consideration in case law, in similar terms, to understand consent as concurring. The aforementioned formula is based on acts, so that "consent will only be understood to exist when it has been freely manifested through acts which, in view of the circumstances of the case, clearly express the will of the person" (LO 10/2022). By *acts*, all kinds of manifestations or signs of the person who is going to consent are to be understood, whether verbal, gestural or situational, but they must be considered as explicit. Thus, consent is constructed as positive and conclusive, and must be freely given (implicitly, not vitiated: it must depend exclusively on the will of the person, as in any crime whose generic object of protection is freedom in any of its expressions).

The reform motivated by the approval of LO 10/2022 has also adjusted the penalties associated with sexual offences. For example, sexual assault without penetration was previously punishable by 1 to 5 years in prison, while the new law establishes a range of 1 to 4 years. In the case of penetrative assaults, the minimum sentence is reduced from 6 to 4 years, while the maximum sentence remains at 12 years. These modifications have been the subject of controversy, especially because of the effect of their retroactive application for the benefit of convicted offenders. The retroactive application of the law, a basic principle of criminal law when a rule favours the offender, has led to the review of numerous final sentences. This unforeseen effect has generated an intense debate on the need to adjust the law to avoid undesired consequences, something that was finally done by LO 4/2023, of 27 April.

There is no doubt that Organic Law 10/2022 was guided by a laudable objective in the protection of sexual freedom by unifying offences and focusing on consent. However, the reduction of penalties in certain cases has highlighted the complexity of reforming the PC, so it is essential that future changes consider in detail the practical implications of legislative amendments to ensure effective protection of victims and adequate punishment of perpetrators. The controversy described above has arisen from the fact that both the maximum and minimum criminal limits have been touched upon without providing for the possibility of introducing a transitional provision. The PC in a democracy is an extremely important instrument and should remain outside ideologies and sectarianism.

2. HYPOTHESIS

It is true that the legislation to be applied is the same in Madrid and in Barcelona, and that the conditions for its application are identical, which means that the initial legal approach - and its vicissitudes - will be basically the same. However, if attention is paid to the TAS model described above, it becomes clear that, accepting that the context in which the potential offender develops his activities will modify his behaviour, it is implied that the strategies and resources that may be perfectly useful in the province of Madrid do not necessarily have the same value of applicability in another different criminal-delinquent

ecosystem, such as that of the province of Barcelona, in which, moreover, it operates under the control of police forces and penitentiary models that are also differentiated.

Consequently, the interest of this article is based on the formulation and study of a basic hypothesis: the sexual aggressions perpetrated in the province of Madrid must be, in some way and insofar as they are mediated by different models of situational action, significantly different from the sexual aggressions committed in the province of Barcelona.

3. METHODOLOGY

It is true that criminological research does not find sufficient or appropriate data in the different public databases in Spain to test its approaches. The problem, already widely criticised by other researchers, lies in the fact that this information is collected for public-administrative purposes that respond to the competences of the competent body, and therefore rarely takes into account the needs of researchers and tends to meet other criteria that are not coherent with the pretensions of science (Linde and Aebi, 2021). Particularly exceptional, however, is the information provided by the Judicial Documentation Centre (CENDOJ) of the General Council of the Judiciary (CGPJ), which offers unfiltered data, allowing researchers to process it to suit their specific needs. However, given other shortcomings inherent to the very nature of this database, the documentation it provides must be properly categorised and filtered, based on very specific starting criteria (Janosch, Pérez-Fernández, Nut and Marset, 2023). Furthermore, and no less important, the information provided by CENDOJ is anonymous, public and free of rights.

Taking the above into account, 76 cases of sexual assault committed by a perpetrator initially unknown to the victim in the provinces of Madrid and Barcelona were analysed for this study, based on the analysis of court rulings published in the CENDOJ database. The sample size corresponds to a representation of the total number of known and judged sexual assaults committed by unknown perpetrators in the provinces indicated. The inclusion criteria delineated were the following:

1. The sexual offender was a male unknown to the victim until at least 24 hours before the crime, and always acted alone.
2. The victim, always female, was 16 years of age or older at the time of the offence.
3. The cases are legally defined, in the sentence itself, as "sexual assaults" (actual or at least attempted penetration with a penis, through the vagina, mouth and/or anus; or actual penetration with fingers or other objects, through the vagina and/or anus).

Based on these inclusion criteria, 38 crimes were found, by chance, in the province of Madrid and 38 in the province of Barcelona. Subsequent analyses were carried out using the statistical package R version 4.4.2 (2024), *Pile of Leaves*, Copyright (C) 2024 The R Foundation for Statistical Computing. Libraries used: *vegan, ggplot2, ggrepel, cluster, factoextra, readxl, mclust* and *clue*.

3.1. CATEGORISATION OF JUDGMENTS

In order to properly compile the data from the judgements for subsequent statistical analysis, the criteria and nomenclatures described below have been followed:

- Judicial record of the accused. These are coded in variables called *Ag_Sex* (judicial record for sexual offence), *Ag_Theft* (judicial record for robbery), *Ag_Viol* (judicial record for non-sexual violence), and *Ag_Unesp* (judicial record for unspecified offence). These variables were coded in the database as follows: 0 if the offender has no psychiatric history or problems, 1 if he/she does, and 2 if none of these is stated in the sentence.

- Specific situational variables. A group of seven variables respond to situational circumstances related to the rape itself - they could be considered as "scenographic". The victim may or may not have resisted the commission of the crime (*Ver_Resist*); she may or may not have screamed for help (*Ver_Shout*); third persons, such as possible witnesses or police forces alerted by the event, may or may not have been present during the commission of the sexual assault (*Ver_Third*); or the rape may or may not have been interrupted for some reason (*Ver_Inte*). As far as the sexual aggressor is concerned, it is assumed that he could have acted under the influence of alcohol (*Ver_Alc*), or drugs (*Ver_Drug*), or he could even have had his volitional and intellectual capacities diminished (*Ver_Vic*). In all detected cases the variables were coded as 0 (absence of the behaviour), 1 (presence of the behaviour), or 2 (behaviour not stated in the sentence).

- Sexual behaviour of the offender. The following variables take on three possible values, with 0 indicating no conduct, 1 indicating presence of conduct, and 2 indicating conduct not recorded in the court file. The variables *Ver_Vag*, *Ver_Anal*, and *Ver_Fel* indicate that the victim suffered penetration with the penis in the vagina, anus, or mouth, respectively. The variables *Ver_Vag_Attempt and Ver_Anal_Attempt* indicate that the sexual assailant unsuccessfully attempted to penetrate the victim with his penis in the vagina or anus, respectively. The variable *Ver_Finger* indicates that the assailant penetrated the victim with his fingers in the vagina or anus.

- Non-sexual behaviours of the aggressor. These variables have also taken the values 0 (absence), 1 (presence), and 2 (no record). If the offender approached the victim by means of a deceptive manoeuvre, the variable *Ver_Con* was coded with 1. If the offender attacked the victim by surprise, then the variable *Ver_Surp* was coded with 1. If he used some kind of weapon (usually a knife) the variable *Ver_Weap* was coded with 1. If the victim was robbed of some kind of valuables (money, mobile phone, credit card, etc.), the variable *Ver_Val* was coded with 1. If the theft was of personal objects (underwear, photos, diary, etc.) that could be used for some fetishistic purpose, the variable *Ver_Pers* was coded with 1.

- Other variables. They arose in relation to other alternative issues raised by the judgments and which are of interest for the detailed analysis of the cases. Thus:

a. Did the sex offender display forensic knowledge in his behaviours (condom use, gloves, cleaning behaviours and so on)? If yes, the variable *Ver_Fore* was coded with 1.
b. Did the sex offender act between 22:00 and 6:00 local time? If so, the variable *Ver_Darkness* was coded as 1.
c. Did the offender act between noon on a Friday and noon on the following Monday? If the answer to this question was yes, the variable *Ver_Wend* (*weekend*) was coded as 1.

4. RESULTS

Table 1 shows the percentage presence of the variables described above in the sentences for sexual assault referring to the provinces of Madrid and Barcelona. As can be seen in Table 2, two variables have a significant difference between Madrid and Barcelona, and one variable is not significant, but is at the limit of significance -p≤0.05-. It can also be seen that sex offenders act more under the influence of drugs and use more weapons in the province of Barcelona than in Madrid. However, more vaginal penetrations are committed in the cases detected in Madrid than in those sentenced in Barcelona.

Table 1. Percentages of "presence" of the different behaviours referred to the crimes analysed.

Variables	Meaning	Madrid	Barcelona
Ag_Sex	Offender's criminal record for sexual offences.	5,3%	13,2%
Ag_Theft	Assailant's criminal record for robbery.	13,2%	13,2%
Ag_Viol	Offender's judicial record of non-sexual violence.	10,5%	10,5%
Ag_Unesp	Judicial record for unspecified offence.	15,8%	15,8%
Ver_Resist	The victim resisted.	52,6%	60,5%
Ver_Shout	The victim screamed.	23,7%	28,9%
Ver_Third	Alerted third parties appeared.	31,6%	18,4%
Ver_Inte	The sexual assault was interrupted by unexpected circumstances.	28,9%	34,2%
Ver_Alc	The assailant was under the influence of alcohol.	5,3%	21,1%
Ver_Drug	The assailant was under the influence of drugs.	5,3%	28,9%
Ver_Vic	The perpetrator had diminished volitional and intellectual capacities.	7,9%	18,4%
Ver_Vag	The victim suffered vaginal penetration.	76,3%	50,0%
See_Anal	The victim suffered anal penetration.	7,9%	15,8%
Ver_Fel	The victim suffered oral penetration (fellatio).	34,2%	47,4%
Ver_Vag_Attempt	There was an unsuccessful attempt at vaginal penetration.	7,9%	13,2%
View_Anal_Attempt	There was an unsuccessful attempt at anal penetration.	10,5%	10,5%
Ver_Finger	The assailant penetrated the victim with his fingers in the vagina or anus.	13,2%	13,2%
See_Con	The assailant approached the victim by means of deception.	55,3%	36,8%
See_Surp	The assailant approached the victim by surprise.	44,7%	63,2%

| Ver_Weap	The assailant used some kind of weapon.	23,7%	47,4%
Ver_Vehi	The assailant drove to the scene of the attack in a vehicle.	10,5%	5,3%
Ver_Val	The assailant stole financial assets from the victim.	36,8%	36,8%
See_Pers	The assailant took an object that could be used as a fetish.	7,9%	5,3%
Ver_Fore	The assailant demonstrated forensic expertise.	5,3%	15,8%
Ver_Darkness	The assault was committed between 22:00 hours and 6:00 hours.	42,1%	39,5%
Ver_Wend	The robbery was committed on the weekend (between noon on Friday and noon on Monday).	71,1%	60,5%

Table 2. Variables that have shown significant differences between sexual assaults committed by strangers in Madrid and Barcelona.

Variable	p-value	Test used
Ver_Drug	0,012	Fisher's Exact
Ver_Vag	0,032	Chi-Square
Ver_Weap	0,055	Chi-Square

The result of the multidimensional scaling procedure (MDS) for the Madrid cases can be seen in Figure 1. The 3 clusters found (A, B and C, in the figure), formed by the groupings of the data and which determine as many typologies, were found by means of *K-Means clustering* analysis. The typologies detected in the province of Madrid, analysed independently, would be as follows:

- Type A, impulsive, is a person with a history of other sexual assaults who usually acts in the dark, during the weekend, and approaches the victim using some kind of subterfuge. However, the victim often resists and screams, alerting third parties, so that the rape, despite the existence of anal or vaginal penetration, is interrupted. Nevertheless, the victim may be robbed of valuables.
- Type B, of a versatile nature, shows a sexual offender who operates under the influence of drugs and therefore has diminished intellectual and/or volitional capacities. In this case, in which the offender may have a history of robbery and other violent crimes, there is usually an unsuccessful attempt at vaginal penetration, as well as anal penetration. Possibly, one could think of a person with impaired reasoning, initially motivated by the robbery, who tries to take advantage of the occasion.
- Type C suggests the presence of a planning and more specialised sexual aggressor, with some forensic awareness, who travels in a vehicle and who uses some kind of weapon during the assault to intimidate and subdue the will of his victims. In this case there is usually alcohol consumption by the aggressor, who will force the victim to perform fellatio, may attempt vaginal insertion with his fingers and will try to perform anal penetration. This third type of aggressor usually takes objects from the victim to use as fetishes or trophies.

Figure 1. Multidimensional scaling of sexual assaults committed in Madrid.
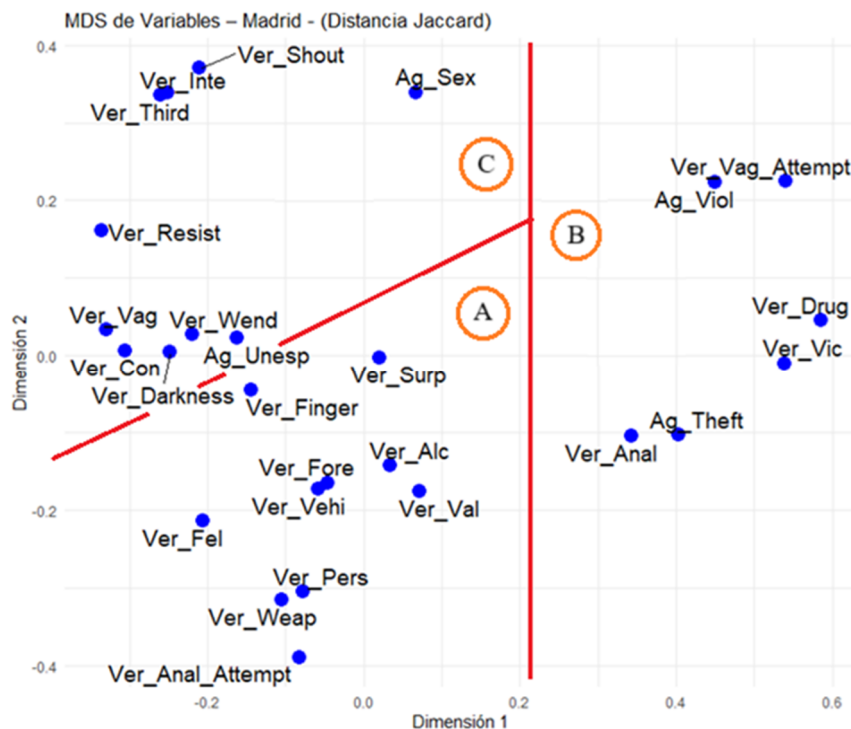
As in the previous case, the 3 clusters (A, B and C in the figure), formed by the groupings of the data, were found by means of *K-Means clustering* analysis. The typologies detected in the province of Barcelona are as follows:

- Type A, occasional bias, would be a person with some forensic awareness, who travels in a vehicle, uses drugs and has a history of other offences not specified in the sentence. This person, often using weapons to subdue the victim and under the influence of drugs and alcohol, approaches his victims by surprise and may try to force them to perform fellatio on him. He will try, after inserting his fingers into the victim's genitals, and indistinctly, to proceed to anal and/or vaginal penetration, but is usually unsuccessful.
- Type B, very versatile, poly-criminal and therefore poorly defined, is an offender with a history of other sexual offences, robbery and non-sexual violence, who will take from the victim objects of no apparent value that can be used as fetishes.
- Type C, casual and recreational bias, operates at night and usually on weekends. He approaches the victim by deception and/or various subterfuges in order to proceed to vaginal penetration, but in the absence of weapons or prior planning to facilitate his activities, the victim will resist, scream and alert third parties who may interrupt the assault.

Figure 2. Multidimensional scaling of sexual assaults committed in Barcelona.
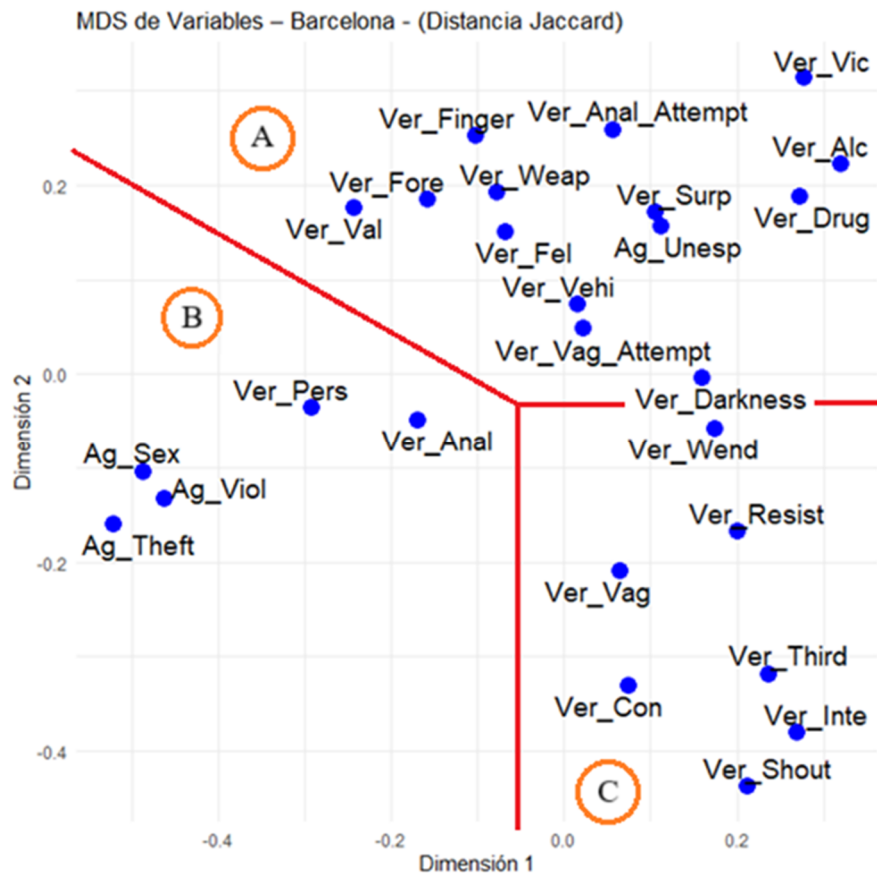

In order to make a comparison between the aggressions and typologies present in both contexts, the Procrustes test was applied to the multidimensional scalings (MDS) that show the clusters/typologies of Madrid and Barcelona, in such a way as to achieve the best fit between the two. After this process, the Jaccard Index (0.393) and the ARI Index (0.332) have been calculated. This has resulted in an overlap and differentiation of the typologies described for each of the crime settings. Figure 3 appears as the result of the Procrustes test to compare the MDS result applied to the Madrid data with the MDS result applied to the Barcelona data[4] . It is significant at this point that the Procrustes analysis is useful for assessing the similarity between two spatial configurations -or clouds- of data. The results obtained by this procedure, therefore, show how the spatial configurations of the Madrid and Barcelona data align after an optimal transformation

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[4] Procrustes analysis is a Euclidean transformation process within the series of statistical methods that apply group theory to the analysis of homogeneous data sets in order to compare them with each other and make inferences from these comparisons. It is one of the procedures included in the so-called "multivariate statistical analysis". Its name comes from the myth of Procrustes, one of the sons of Poseidon, who also happened to be a terrible serial killer. He had a house where he offered lodging to weary travellers who ventured into the area. There he invited them to lie down on an iron bed which, while they slept, he tied hand and foot to its four corners. If the propitiatory victim was so tall that his body was longer than the bed, Procusto proceeded to saw off the protruding parts of his body. If it was shorter than the bed, then he would hammer the victim to stretch it to the proper dimensions (Hurley and Cattell, 1962; Gower, 1975).

(rotation, scaling and translation) aimed at minimising as much as possible the differences between them.

Figure 3. Comparison between the DMEs of the provinces of Madrid and Barcelona.
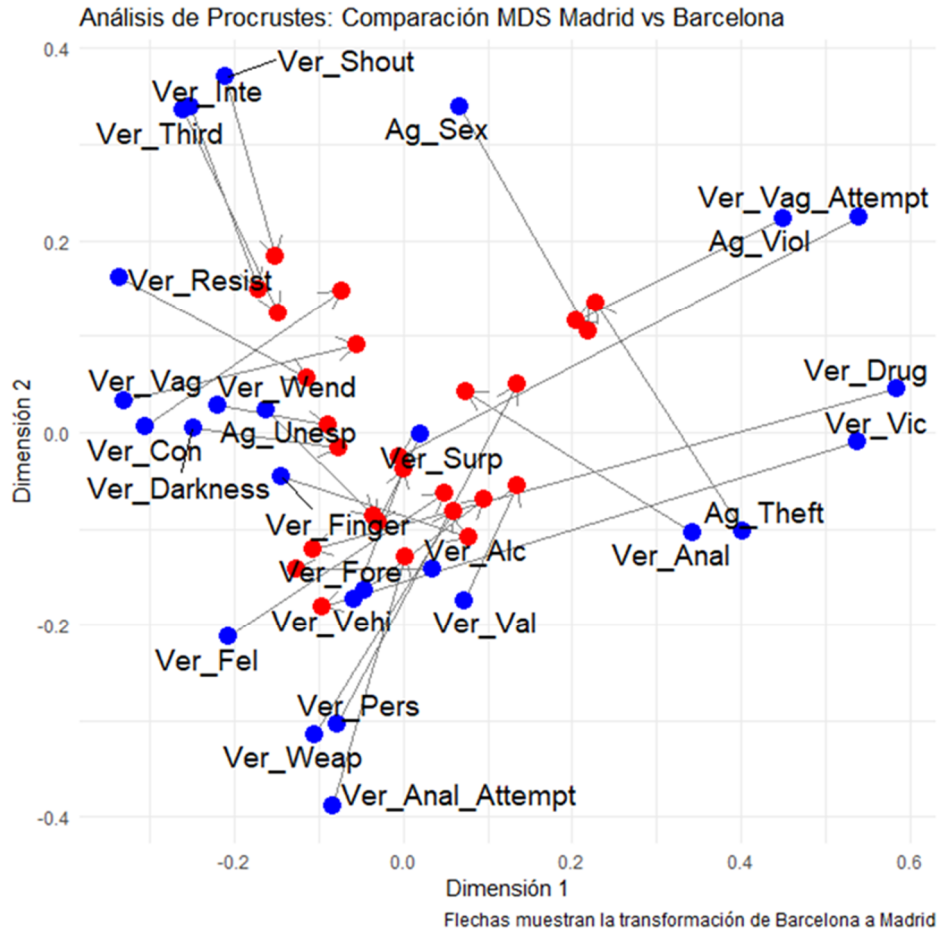
4.1. TYPOLOGIES A

In the case of Madrid, as indicated above, this cluster groups variables related to crimes where there is a theft of objects or a less violent aggression in physical terms. In Barcelona, however, within this cluster there is a predominance of offenders with a history of violent crime and robbery, without variables that directly indicate consummated sexual violence.

The main differences between the two environments have to do with criminal records, as in the case of Barcelona there is a high presence of offenders with a history of sexual offences, robbery and violence. In Madrid, however, the cluster is more related to the theft of material goods, trophies or fetishes. Significant variations can also be found with regard to sexual aggression itself. While in the cases of the province of Barcelona there is a greater relationship with anal penetration, in Madrid, unsuccessful attempts at anal penetration and aggression with fingers or fellatio are observed.

As a general rule, it could be indicated that in cluster A, for Madrid, there are more cases of deception, subterfuge or excuse to approach the victim and robbery, while in Barcelona the offender's criminal record becomes a key factor to be taken into account when assessing his potential dangerousness.

4.2. TYPOLOGIES B

With regard to Madrid, the variables included in this cluster indicate a profile of aggressors with a judicial record for violent and/or sexual crimes, as well as circumstances in which the aggressor is under the influence of various substances. The victim, on the other hand, suffers consummated or attempted sexual aggression. With respect to Barcelona, the variables provide a profile of aggressors without a specific criminal record, but with characteristics that reflect a clear planning of the attack and a consumption of substances.

The main differences in terms of criminal records are that, for Madrid, there is a clearer presence of records for robbery and violence, while in Barcelona there is a rather more ambiguous category of unspecified records. Regarding the aggressor's mode of operation, in the Barcelona cases there is more evidence of planning, as evidenced by the very systematic presence of the use of deception, vehicles and weapons. In Madrid, however, direct violence seems to play a much more relevant role.

With respect to the use of substances and sexual aggression itself, in both cases the presence of drugs or alcohol is observed, but in Madrid sexual violence is more evident in terms of consummated aggression. In Barcelona, within type B, there is a greater tendency towards unsuccessful attempts at aggression, but with more diverse methods such as penetration with fingers.

4.3. TYPOLOGIES C

In the context of Madrid, the variables in this cluster reflect aggressors who do not necessarily have a serious judicial record, but who operate impulsively, without much planning and in environments where the victim tries to resist and there is usually third party intervention. In the case of Barcelona, interrupted attacks are also found, but with less emphasis on the use of deception to approach the victim and with less intervention by third parties who can thwart the attack.

The main differences, as far as criminal records are concerned, have to do in Madrid with the fact that this group includes aggressors with a history of sexual offences, while in Barcelona there is no mention of such a criminal record. As mentioned above, in both cases there is resistance from the victim and a possible interruption of the attack, but in Madrid there are more variables associated with the presence of third parties. Similarly, in the assaults in the province of Madrid, night-time occurrence is a stronger factor, while in Barcelona the variable of night-time does not appear in this cluster.

Figure 4, on the other hand, is illustrative in that it represents the contribution of each variable to the Procrustes error - that is, to the mismatch of the two data sets. This indicates which aspects of aggression differ most between the data configurations found between the Madrid and Barcelona clusters after transformation.

Figure 4. Differences of each of the variables in the spatial position of the MDS obtained with the Madrid data and the Barcelona data.
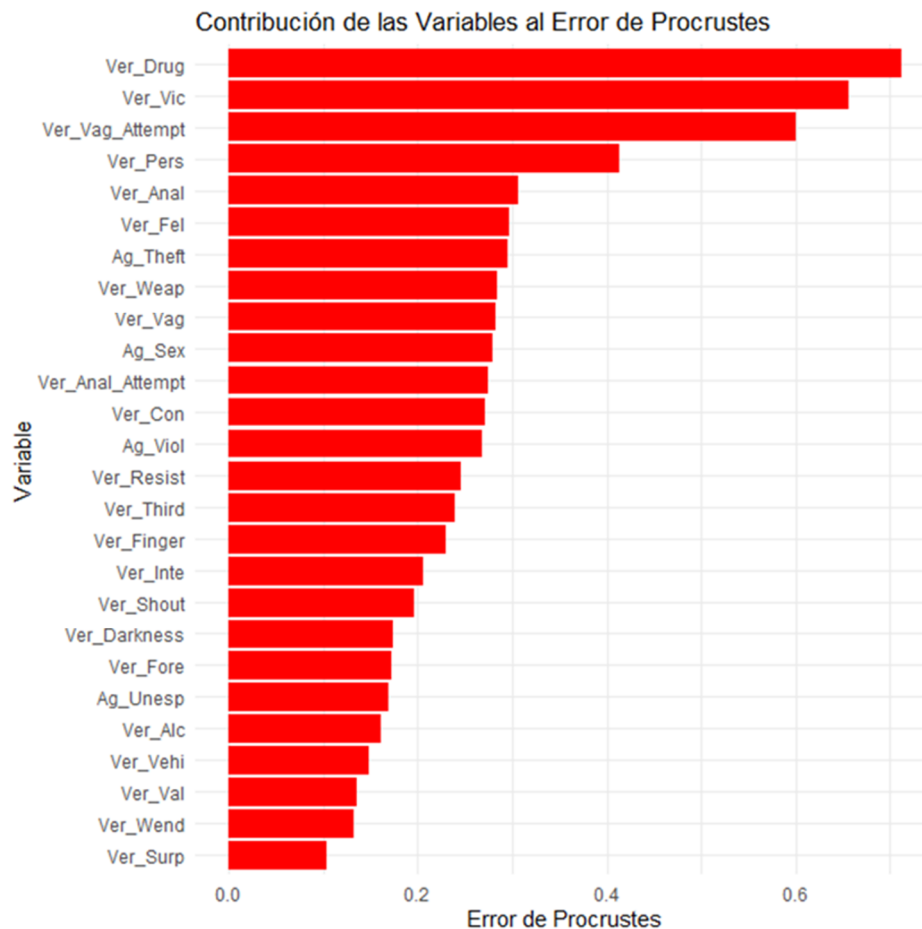
When looking at the general interpretation of the results described above, several elements have to be taken into account:

1. Number of objects and dimensions: 26 variables were compared in a 2-dimensional space.
2. Fit measure (Procrustes sum of squares): 2.6286, indicates the level of difference between the configurations before and after the transformation.
3. Procrustes root mean square error (RMSE): 0.31796, represents the average magnitude of the error in the alignment of the points (Table 3).

Distribution of the mean squared errors found in the Procrustes analysis.

Minimal error	0,1041
First quartile (Q1)	0,1719
Medium	0,2568
Third quartile (Q3)	0,2919
Maximum error	0,7121

Taking all of the above into account, what the data in Table 3 suggest, then, is that most of the variables have a relatively low error of fit, but there are some with higher errors. In any case, to achieve the best possible fit of the graphs presented in figures 1 and 2, a rotation of 180° had to be made, with practically zero translation, and a scaling of approximately 0.5. This did not imply a significant alteration of the results and responded to the fact that the graph for the province of Barcelona had a linear size of approximately half that obtained with the data from the province of Madrid, which prevented adequate comparisons from being made . The fact is that the Madrid and Barcelona configurations are similar in structure, but differ in scale and orientation. This in itself indicates that there are differences between the data for the two provinces which cannot be ignored and that, therefore, we are dealing with different realities in relation to the subject studied. Thus, although the correspondence between the data sets is acceptable, some items have higher errors that indicate differences in the way certain types of aggression - and offender behaviours - are structured in both provinces.

Having made this clarification, a closer look at Figure 3 shows that the blue dots represent the original configuration of Madrid before the transformation, while the red dots represent the transformed configuration of Barcelona in order to align with Madrid's. The arrows show the magnitude and direction of the adjustment needed to align Barcelona with Madrid. The arrows show the magnitude and direction of the adjustment needed to align Barcelona with Madrid. As seen in the numerical results, the Barcelona structure was rotated almost 180°, as well as scaled from the Procrustes procedure, in order to align it with Madrid. This is evident from the fact that some blue and red points are in opposite positions in certain areas. Dots with longer lines relating the same variable indicate that there were significant differences in the representation of that variable between the two cities. For example, *Ver_Drug*, *Ver_Vic* and *Ver_Vag_Attempt* show large shifts, suggesting that Madrid's spatial representation in the MDS is different from that of Barcelona.

On the other hand, in the areas with higher concordance, i.e. where the variables where the red and blue dots are close, similar structures are suggested in both provinces. For example: *Ver_Finger*, *Ver_Fore* and *Ver_Alc* show less displacement, indicating that their patterns are similar in both cities. The general structure of the types of aggressions and behaviours attached to them is similar in both cities, but with interesting differences in orientation and scale. As we have already seen, some variables show greater discrepancy, as in the cases of *Ver_Drug*, *Ver_Vic* and *Ver_Vag_Attempt*, indicating that these factors are perceived or structured differently in each province. Other variables have similar structures, suggesting common patterns of aggression and response in both cities that criminology should explain in order to deepen its field of research and not simply assume.

Such differences in the structures of the corresponding Madrid and Barcelona SDMs must necessarily be related to the typologies found by the *K-Means* procedure. Refer now to Figure 4, as it will help to clarify numerically what is going on. The variables with the highest Procrustes error - i.e. those that differ the most between the two cities - are:

- *Ver_Drug* (0.71): The offender was under the influence of drugs.
- *Ver_Vic* (0.66): The offender's volitional and intellectual capacities were impaired.
- *Ver_Vag_Attempt* (0.60): There was an unsuccessful attempt at vaginal penetration.
- *Ver_Pers* (0,41): The perpetrator stole an object that could be used as a fetish.
- *Ver_Anal* (0,30): Victim suffered anal penetration.
- *Ver_Fel* (0,29): The victim suffered oral penetration (fellatio).
- *Ag_Theft* (0,29): Offender's judicial record for robbery.
- *Ver_Weap* (0.28): The aggressor used some kind of weapon. There are differences in the assaults in which the aggressor uses a weapon, being more frequent in Barcelona.
- *Ver_Vag* (0,28): The victim suffered vaginal penetration.

5. DISCUSSION

It seems clear that the comparative study between sexual assaults committed by strangers in the provinces of Madrid and Barcelona has revealed significant differences in the way in which these crimes are perpetrated in each of the contexts and that, therefore, the initial hypothesis is fulfilled. Based on the analysis of 76 cases extracted from court sentences and examined using robust statistical tests - Fisher's exact test, chi-square, multidimensional scaling and Procrustes analysis - distinctive patterns have been identified in the sexual assaults committed in both territories.

In terms of the relevance of the statistics used, the use of Fisher's exact test and chi-square to compare the presence of certain characteristics in the crimes committed in Madrid and Barcelona allowed us to establish significant - or almost significant - differences in key aspects such as drug use by the aggressor *(Ver_Drug*, $p = 0.012$), the use of weapons (*Ver_Weap*, $p = 0.055$, at the limit of significance), and vaginal penetration (*Ver_Vag*, $p = 0.032$). These tests were appropriate for assessing associations between categorical variables in a representative but relatively small dataset.

The MDS and *K-means* analysis allowed us to identify typologies of offenders and patterns of assault in each province, showing structural differences in the way these crimes are committed. The Procrustes analysis showed - always within the reference sample, which should lead to reasonable caution - that, although there is a similar structure to sexual assaults in both areas, the scale and orientation of the factors differ significantly, indicating specific patterns in each area.

Regarding the differences between Madrid and Barcelona, the statistical and spatial analysis of the data has revealed that, although sexual crimes committed by strangers show structural similarities in Madrid and Barcelona, there are important differences in the methods and circumstances of the assaults that call for the importance of a detailed study of both criminal ecosystems, as mentioned in the introduction, and as predicted by the TAS:

- Higher drug use by offenders in Barcelona: 28.9% of offenders were under the influence of drugs at the time of the offence, compared to only 5.3% in Madrid. This could indicate a stronger association between substance use and aggression in Barcelona or a different criminological context in which offenders in Barcelona have a greater history of drug use at the time of the attack.

- Greater use of weapons in the province of Barcelona: 47.4% of the aggressors used some type of weapon to subdue the victim, while in Madrid this percentage was 23.7%. This suggests a higher degree of instrumental violence in assaults committed in Barcelona, which could be related to context-specific environmental or criminological factors.

- Differences in the way of perpetrating the sexual aggression: in Madrid, vaginal penetration was more frequent (76.3%) compared to Barcelona (50%). But, on the other hand, assaults with oral penetration (fellatio) were more frequent in Barcelona (47.4%) than in Madrid (34.2%). Similarly, anal penetration was also more common in Barcelona (15.8%) than in Madrid (7.9%).

- Differences in the aggressor's approach strategy: in Madrid, aggressors used more strategies of deception, distraction or subterfuge to approach the victim (55.3%) than in Barcelona (36.8%). In contrast, a greater number of surprise and unplanned attacks were observed in Barcelona (63.2% compared to 44.7% in Madrid). This suggests that aggressors in Barcelona province opt more frequently for direct and violent attacks, while those in Madrid rely more on the use of manipulation and deception to reduce the resistance of the potential victim.

- Differences in victim response and crime interruption: victims in Barcelona tended to resist in greater proportion (60.5%) compared to Madrid (52.6%). Perhaps because of this, the interruption of the aggression due to unexpected circumstances was more frequent in Barcelona (34.2%) than in Madrid (28.9%), which suggests that in Barcelona the aggressions tended to take place in contexts less controlled by the aggressor, a fact that makes sense given the idea of a greater use of violence, and, therefore, of a component of greater impulsivity and less practical control of the scene in the unknown sexual aggressor in the province of Barcelona.

- Criminal records of the offender: offenders in Barcelona had a higher number of records for previous sexual offences (13.2%) compared to Madrid (5.3%). There were, however, no significant differences in the records for robbery or non-sexual violence.

6. CONCLUSIONS

From the findings described in this study, it is possible to describe a profile of sexual assaults by strangers found in the sentences issued in each of the provinces analysed.

In Madrid, there was a greater use of deception to approach the victim, a greater frequency of vaginal penetration, a lower use of weapons and drugs at the time of the aggression, and a group of aggressors with less previous convictions for sexual offences. In Barcelona, on the other hand, there was a higher frequency of surprise attacks, a higher use of weapons and drugs, and a higher number of perpetrators with a criminal record for sexual offences. A higher frequency of assaults with oral and anal penetration was also detected, as well as a greater tendency of the victim to resist, although with a higher proportion of assaults interrupted by external factors.

The results of this study confirm that sexual assaults perpetrated by strangers present significant differences in both territories, suggesting the need for prevention and response strategies adapted to the specific criminological characteristics of each city. This, in the context of the TAS, would only be possible by paying attention to a detailed analysis of the delinquent-criminal context in which the aggressors act in each case, which would require concrete, specific, detailed and detailed studies that, quite simply, call into question the validity of the TAS, call into question the validity of the great theories and methodologies - which explain the general with certain guarantees, but tend to fail in their approach to the particular - and impose the need for a surgical study of each criminal ecosystem in order to specify precise and efficient policies - of detection, investigation and prevention. Thus, for example, this work suggests that in the province of Barcelona, given the greater use of weapons and drugs in attacks, it would be advisable to implement the relevant control measures on these aspects, as well as to proceed to a more profuse, detailed and accurate study of the criminal history of potential aggressors. In Madrid, however, the marked tendency detected in the use of deception in the approach to the potential victim by the sexual aggressor could indicate the need for awareness campaigns to help women to identify the use of possible strategies of manipulation, control and isolation in strangers.

From a criminological perspective, and always taking into account ecosystemic variables, the findings highlight the importance of further research into the relationship between the criminal background -their previous criminal career, in general- of the aggressors and their behaviour during the aggression, as well as the detectable differences in the specific response of the victims and the factors that may lead to the interruption of an attack, which may suggest interesting advances and developments in the framework of criminal policies at the regional and even provincial level.

On the other hand, it should be noted the relevance of this study for the development of criminological techniques auxiliary to police investigation, and more specifically to the growth of inductive criminological profiling -behavioural analysis-, as the data found are useful for the detailed qualification of current criminal typologies which often, because they are excessively broad, tend to be of little use in terms of their

practical application. We see, for example, that in the province of Madrid the aggressors have more differentiated clusters depending on the seriousness of the crime committed, while in the province of Barcelona the aggressor shows a behavioural organisation more linked to his specific criminal history. In both cases, indistinctly, the consumption of substances and the planning of the attack play a relevant role, but there are clear differences in terms of the execution and interruption of the crime that should be known and properly nuanced, as they would be of great help in terms of the design of specific criminal profiles, as well as in police investigation processes.

Ultimately, this study, which only addresses two provinces here, but could be expanded nationally with adequate funding and infrastructure, contributes to a better understanding of stranger sexual violence, while showing that a situational-ecological study of crime not only provides useful data to improve crime prevention, intervention and prosecution, but also its criminological understanding beyond generalities.

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