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Abstract:

Indecent exposure is arguably the most under-researched of all sexual offences and is seen as a trivial offence within British society. This is despite academic evidence and the recent murder in London of Sarah Everard, which both demonstrate that the offence can be a precursor to more serious offending. This viewpoint reviews relevant literature on indecent exposure and introduces small-scale research undertaken by the author. It critically explores the prevalence of indecent exposure and the impact this offence has on the victim. The risk of re-offending and escalation for relevant men is also considered, alongside motivations for this type of offending. Ultimately, it is suggested that indecent exposure being viewed as a 'nuisance' by society and the criminal justice system is problematic. Increased prosecutions, monitoring and treatment of relevant men could further support the reduction of violence against women and girls.

Viewpoint

It is almost impossible to hear the words 'indecent exposure' and not visualise a 'flasher' in a long overcoat. He might be hiding in the bushes behind a park or school, or on dating apps sending unwanted 'dick pics'. Either way, he is pathetic. There continues to be a prevalent viewpoint within popular culture that he is likely a 'nuisance'¹. Women, including myself, were taught as children to laugh if they ever see him. Arguably, indecent exposure has become inseparable from its comical stereotype.

This stereotype might explain the lack of literature about indecent exposure, as this sexual offence is particularly 'understudied'². I have reviewed all available literature on the topic and undertook some small-scale research. This research focused on interviews with four Probation Service practitioners who had all spent at least 10 years working with sexual offenders. One of my clearest findings from these interviews was the significance of the societal view of indecent exposure. Every practitioner referenced indecent exposure being seen as 'just a laugh', particularly due to its non-contact nature. They suggested that these representations of indecent exposure as acceptable may give some offenders 'permission' to offend, as they feel society will not take their offending seriously.

The suggestion that societal views can become 'permission-giving' for some offenders demonstrates that the way we view offences can be highly detrimental. It is rather surprising that indecent exposure is seen as comical, because victims' experiences are often not. The academic evidence strongly suggests that most women are stranger victims, who are alone or isolated in public places when they experience indecent exposure³. There are increasing victim accounts of indecent exposure being published online and these reflect the seriousness of the offence as victims describe feeling frightened, shocked and vulnerable⁴. It appears that more of these experiences are being vocalised following the rape and brutal murder of Sarah Everard in the United Kingdom.

Sarah Everard was abducted, raped and murdered in March 2020 by a serving Metropolitan police officer⁵. Wayne Couzens had planned his offences for several weeks and abducted Sarah Everard from a street in London, by falsely arresting her for breaching coronavirus restrictions. He then drove her over 70 miles away to commit his brutal offences. Wayne Couzens has recently received a whole life sentence due to the seriousness of the offences he committed. This means he is one of just 60 prisoners currently in England and Wales who is spending the rest of their life in prison⁶.

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Indecent exposure: a serious 'nuisance' offence

The public reaction to Sarah Everard's murder has been far-reaching and is currently focused on public confidence in the police to protect women against violence⁷. This issue is compounded by several allegations about Wayne Couzens' behaviour during his time as a police officer. Wayne Couzens allegedly indecently exposed himself in 2016, and then twice in a McDonalds Restaurant just three days before he abducted Sarah Everard. The Independent Office for Police Conduct is investigating the police's handling of these three allegations⁸, as it appears these were not formally investigated.

The murder of Sabrina Nessa has also brought addressing the theme of violence against women and girls to the fore⁹. She was walking a short distance through a busy London park to meet a friend in September 2021, before being attacked. The recent UK government response to addressing concerns about women's safety includes a non-statutory inquiry into possible police failings regarding Wayne Couzens¹⁰ and a mobile phone application for women to report where they feel unsafe¹¹. This is very limited and arguably contains too strong a focus on what women can do, rather than the perpetrators.

This viewpoint contends that the societal view of indecent exposure as a 'nuisance' offence is inherently problematic. Further understanding of this offence and its seriousness could assist in switching the focus back to perpetrators of violence against women. The prevalence, victim impact, motivations and risk factors for this type of offending will be explored to demonstrate the seriousness of indecent exposure.

The law and prevalence of indecent exposure

The law in England and Wales has not always seen indecent exposure as a serious offence. It is somewhat surprising that it took until 2003 for the legislation to reflect the sexual nature of an offence which predominantly involves exposure of the penis. Indecent exposure was first specified as an offence by the Vagrancy Act of 1824. This stipulated the act as 'wilfully openly, lewdly, and obscenely exposing his person... in any place of public resort, with intent to insult any female' and that those committed these offences were deemed 'rogues' and 'vagabonds'¹². Concerns about sexual offending and legislation to address this developed during the 20th century, however, indecent exposure was not defined as a sexual offence until the Sexual Offences Act of 2003¹³. This Act meant that convicted men could be placed on the Sex Offenders Register for monitoring by the police, alongside other sentencing implications including supervision and treatment by the Probation Service. So, the law in England and Wales has only recently accepted the significance of indecent exposure.

However, this view does not appear to always be shared within the wider criminal justice system. In revisiting the laws concerning public nuisance and outraging public decency, the Law Commission referred to indecent exposure as 'flashing'¹⁴. This language suggests that the stereotypically trivial and humorous view of indecent exposure is still present within the legal system. There are also concerns highlighted in the introduction to this viewpoint about how seriously the police view indecent exposure. This can be considered more broadly within the criminal justice system by looking at prosecutions of relevant men. Although 10,772 cases of indecent exposure were reported to police in the year ending March 2020¹⁵, the *Guardian* newspaper has recently highlighted that only 594 suspects were taken to Court¹⁶. This reveals that the British criminal justice system is not effectively prosecuting relevant men, despite this being the most common route to monitoring and treatment.

10,772 incidents of indecent exposure may make this issue appear insignificant or unproblematic. However, the wider evidence clearly suggests that the official statistics are not accurately capturing the prevalence of this activity. For example, in a 2006 survey of

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1,279 Swedish men, 4% disclosed indecently exposing themselves during their lifetime ¹⁷. This finding is significant because it comes from a sample of the general population, not just men who had been convicted of this offence. This evidence clearly suggests that the official statistics concerning indecent exposure understate its prevalence.

A reason for this contradiction appears to relate to indecent exposure being under-reported. In the most recent British Crime Survey, 10.2% of 13,515 women surveyed reported being a victim of indecent exposure since the age of sixteen ¹⁸. A recent YouGov hosted UN Women survey of 1,089 women found that almost one in five participants had been a victim of indecent exposure ¹⁹. It therefore appears a significant number of women are not reporting these incidences to the police. The YouGov survey suggested that some women do not report being a victim of a sexual offence due to fear of retaliation and a lack of confidence or knowledge of the criminal justice system. Concerningly, the most common reason cited was that women had not reported their experiences to the police because they didn't think the incident was serious enough to do so.

The psychological impact of indecent exposure on victims, including their perception of safety when in public, can be long-term ²⁰. It would appear then that indecent exposure is a serious offence, in spite of barriers to reporting. Arguably, the most significant barrier to reporting relates to how others will perceive this activity, which reflects the societal view of indecent exposure as predominantly a 'nuisance' offence. To be clear, women reporting the incident does not solve the issues concerning the men who commit this offence. Arguably, the criminal justice system needs to do more to enhance confidence and trust in the public – and particularly women at present. This necessitates taking each reported incidence more seriously by way of formal investigation and, eventually, a higher rate of prosecutions.

Motivations for indecent exposure

Despite underreporting, the research base indicates that indecent exposure concerns an offender population with high rates of re-offending. The sole large-scale meta-analysis on men who indecently expose themselves suggested that on average 25% of relevant men re-offend in a similar fashion ²¹. This is a high figure compared to general recidivism in sexual offending, which demonstrates a clear need to monitor and treat men who indecently expose themselves.

A key part of treatment is to understand why someone has committed an offence. The literature on sexual offending has often suggested that the fantasy reaction anticipated by an offender at the time of their offence indicates their motivation ²². There are three motivations in the academic literature which are the most clearly evidenced. The first is that the men indecently expose themselves to demonstrate anger by causing their victims to feel fear or humiliation. This can be anger and hostility which is specific towards women, especially given that the male sexuality is forced onto the victim to cause a negative reaction ²³.

Contrary to this, the second motivation is sexual gratification, which also relates to the presence of the penis. This motivation has been demonstrated by the high levels of erection and masturbation disclosed in victim accounts, which suggests sexual stimulation. However, indecent exposure is also argued to be a defective or naïve display of sexual interest. This means that indecent exposure is used to gain the pleasurable feelings associated with being noticed sexually, whether this be to further initiate sexual contact or to 'tease' ²³. Thus, the act is not meant to cause fear or intimidation, but is a clumsy attempt at sexual interaction.

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This variety of motivations suggests that men who indecently expose themselves are a diverse group.

My research supported the view that, for some men, indecent exposure is an inappropriate attempt at intimacy with the expectation of arousing the victim²⁴. Intimacy deficits as motivation could explain the act as a deviant way of gaining attention and recognition. It is notable that this act is often committed from afar, which suggests a 'safe' distance from the victim is chosen due to the offenders' feelings of inadequacy. The Probation Officer participants I interviewed supported another existing motivation in the literature²⁵, which is related to power.

The relationship between power and indecent exposure is not quite as straight forward as it sounds. Sometimes power might mean that some men want to feel in control, as a direct result of generating a reaction from their victim. However, others appear to get a sense of excitement and/or control due to the risk-taking nature of public indecent exposure and the breaking of social rules. Overall, the literature base and my research indicate that men who indecently expose themselves are a heterogenous group with varied motivations.

Risk and indecent exposure- a way forward

These differences also relate to some men who indecently expose themselves being riskier than others. The sole large-scale meta-analysis referred to earlier also suggested rates of escalation to contact sexual offending of between 0.9% and 16.2%²¹. This highlights that indecent exposure can be a precursor to more serious offending. It has been argued that exhibitionists who masturbate or communicate with the victim during the offence are more likely to escalate into contact offending²⁶. These actions could suggest a perpetrator who has confidence, is intent on being powerful and/or is sexually aroused by his deviant act. However, recent studies suggest that a sexual preference for children, non-sexual previous convictions and a higher rate of exposure offences are better predictors of future escalation²⁷.

This debate in the literature highlights that identifying a man who might escalate to contact sexual offending from indecent exposure can be difficult. That being said, these suggested risk factors suggest that identifying deviant sexual interests and anti-social attitudes (which were present for Wayne Couzens) could provide a focus to preventing escalation. If more men are arrested for indecent exposure, then more men should become part of the criminal justice system where their risks and needs will be assessed. Regular risk assessments are undertaken by the Police and Probation Service on all men who are convicted of a sexual offence. These are beneficial to monitoring the risk of escalation for indecent exposure because they have a strong focus on deviant sexual attitudes and intimacy deficits²⁸.

Rehabilitation, with the aim of reducing the risk sexual offenders pose, is also an important activity undertaken with convicted sexual offenders. However, treatment for relevant men is under-researched. A specific Probation programme for men who indecently expose themselves does not exist in England and Wales. However, there is a lot of evidence on effectively treating men who generally sexual offend. It has been proven that addressing difficulties in intimacy deficits and deviant sexual interests can be effective, as well as addressing anger towards women where appropriate²³. These three issues relate to key motivations for indecent exposure that have been highlighted in this article. Therefore, the Police and Probation have relevant tools and experience to treat men who are convicted of indecent exposure.

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To conclude, this viewpoint has argued that indecent exposure is a serious offence. It has done so by demonstrating its prevalence, its impact on the victim and the risk that some men will escalate to contact sexual offending. The motivations behind indecent exposure and the reasons for escalation are under-researched, but relevant treatment is accessible. Moreover, the key risk factors relating to deviant sexual interests and anti-social attitudes can be identified within the current criminal justice system. When prosecuted and convicted, these risk factors can be monitored by the Police and Probation Services. This could help to provide a further solution to reducing violence against women, by focusing on relevant men.

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