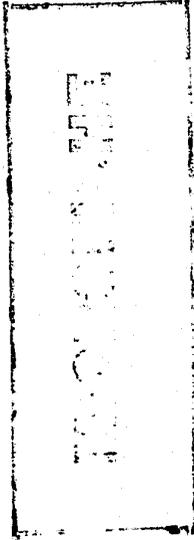


Forcible Rape

Final Project Report



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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

Forcible Rape

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**National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice**

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AND CRIMINAL JUSTICE**

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ABSTRACT

This report gives an overview of the goals, methods, and findings of a major two-phased research program addressing the crime of forcible rape. The overall purpose of the study was to increase the effectiveness of the police, prosecution, and legislative responses to the crime of rape, and the project has produced nine other reports and manuals which focus on specific criminal justice issues or roles as these relate to improved handling of rape cases.

The report summarizes the extensive project findings collected from police and prosecutor surveys; on-site study of rape programs; law enforcement records; and interviews with victims, offenders, and key criminal justice and other professionals dealing with rape cases. The following are examples of these findings.

With respect to the characteristics of the crime, the project found that rape is the most underreported crime in the United States, with only a fraction of the cases reported to police. A major reason for this is the victim's fear about the treatment she will receive from the criminal justice system as her case proceeds to trial. Even when crimes are reported, only 5 percent result in apprehension of a suspect and in less than 3 percent is there an actual conviction. Rapists are largely indistinguishable from the rest of the population. The victim is generally aged 20 or younger, while the rapist's age is typically 30 or younger. Most attacks involve strangers or slight acquaintances. Most rapes take place in the victim's home or on the street. Severe force is used in 60 percent of the cases, while some degree of "strong-arm" force is present in 75 percent of the incidents. Most physical injuries are minor, but the psychological effects on the victim may be extremely severe. Appendices present tables analyzing data from police records in Seattle, Detroit, Kansas City, New Orleans, and Phoenix. Given are number of victims, age, race, witnesses, location of offense, weapons used, types of resistance, injuries sustained, and an analysis of followup investigation.

With respect to criminal justice system response to rape, the study found that the average police officer is given little training in the special problems of rape investigation, yet the initial contact is the most important source of evidence for prosecution. Training for police patrol officers and sex crimes investigators is suggested. Findings are also presented for prosecutor offices and training is recommended for filing and trial deputies. Policy recommendations are also made for both police and prosecutor administration. To support these training and policy recommendations, operational/training manuals for five types of criminal justice personnel were also produced as a part of this project.

Other project documents include reports of national police and prosecution surveys, a handout booklet of medical and legal information for rape victims, and an analysis of the legal issues involved in rape adjudication.

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NOTE:

The complete results of this project are included in 11 research products. This volume represents the findings of one part of a comprehensive study of rape and the criminal justice system response. Additional research findings and recommendations are available in the following publications and reports. Copies may be purchased from the Government Printing Office.

Forcible Rape: A National Survey of the Response by Police (Police Volume I)

Forcible Rape: A Manual for Patrol Officers (Police Volume II)

Forcible Rape: A Manual for Sex Crimes Investigators (Police Volume III)

Forcible Rape: Police Administrative and Policy Issues (Police Volume IV)

Forcible Rape: A National Survey of the Response by Prosecutors (Prosecutors' Volume I)

Forcible Rape: A Manual for Filing and Trial Prosecutors (Prosecutors' Volume II)

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CHAPTER 1. INTRODUCTION

This report concludes a two-year research effort which was initiated in response to the widespread concern felt by the community and the system of criminal justice about the crime of forcible rape. Of all the categories of violent crime, none has increased more rapidly and consistently during the last decade than this form of serious sexual assault. Confronted with this alarming situation, criminal justice agencies across the United States have been actively engaged in a search for new and innovative methods of handling the crime, and, particularly, for methods which increase offender apprehension and conviction rates as well as improve the treatment of victims. It is the principal objective of this research to provide that guidance through the development of systematic strategies and procedures designed to address the operational needs of the criminal justice system in the area of rape.

The three long-range objectives of this project were:

- the development of effective techniques and strategies for law enforcement agencies to utilize in the handling of rape cases, including the gathering of evidence, apprehension of offenders, and response to victims;
- the development of effective strategies and procedures for prosecutor agencies to utilize in the handling of rape cases, including interactions with police during investigation, interrogation and treatment of victims and witnesses, and pre-trial and courtroom procedures; and
- the development of statutory recommendations for legislators to utilize in developing rape legislation, including consideration of corroboration requirements, admissibility of character testimony, cautionary jury instructions, multiple degrees of rape and prescribed penalties.

In order to accomplish these objectives, we undertook to better understand the circumstances of rape offenses, isolate major problems associated with the enforcement of this crime, evaluate the merits of a variety of methods to apprehend and prosecute

suspected rapists, and analyze legal issues associated with rape. This information has been distilled into 11 reports and manuals designed to assist police, prosecutors, victims, legislators and researchers who are interested in or responsible for more effective and efficient means to deal with the crime of rape.

1.1 Overview of First-Year Research Activities/Products

During the first year of our research, we surveyed a nationwide sample of police and prosecutor agencies and made an extensive on-site analysis of criminal justice procedures and victim responses in the pilot city of Seattle. A digest of legislative and case law relating to rape was also prepared. A brief synopsis of each of these products is presented below.

Police and prosecutor surveys. As initially envisaged, two surveys were intended to provide baseline data of existing procedures, identify problems associated with the investigation, apprehension, and prosecution of offenders, and identify new programs or procedures in this area of concern. The survey of police agencies resulted in responses from 208 departments, which represented an 89 percent return rate. The police agencies which returned completed questionnaires represented jurisdictions serving populations of varying sizes throughout the United States. Both the response rate and the personal contacts made with agency heads and personnel by research staff members made it abundantly clear that law enforcement agencies were concerned about rape and were seeking assistance in response to this crime. The findings from this portion of the research appear in *Nationwide Survey of the Police Response to Forcible Rape*.

Similarly, prosecutor agencies surveyed across the country indicated their concern about the crime of rape and the desire to aid in dealing effectively with the prosecution of this serious felony. A total of 150 prosecutor agencies returned completed questionnaires, which represented a response rate of 75 percent. The findings are presented in *Nationwide Survey of the Prosecutor Response to Forcible Rape*.

On-site pilot study. The objectives of this portion of the research program were to:

- (1) test the feasibility of obtaining access to data

from criminal justice and allied agencies concerned with rape; (2) develop and field test research procedures and instruments; and (3) demonstrate that the data obtained from intensive field research at a specified site were of value in the design of effective strategies for criminal justice involvement with rape.

The most important part of the pilot study was to test the feasibility of various methods of obtaining data in an intensive research program at one site. A great deal was learned about the most effective methods to obtain access to information needed to complete this phase of the research. This experience proved especially useful in the approach to research sites during the second year. One of the most valuable sources of information used during this phase of the research was official records of rape cases obtained from police and prosecutor files. A wealth of detailed information about the criminal justice system's response to rape was contained in these records.

Access to interview information from patrol officers, investigators, prosecutors, and policy policymakers was facilitated by a close working relationship established with a rape investigator who became a part of the research staff for a portion of the project. Preparation of interview schedules that related directly to specific rape cases, careful selection and notification of respondents and, in some cases, payment for the respondents' time also proved helpful.

One method proposed and tested to obtain data about initial patrol response to rape calls was direct observation of actual interactions between patrol officers and victims. Members of the research staff rode in patrol cars and were available in a special car that could respond to rape calls during weekend hours most likely to involve sexual assaults. Because of the infrequency of reported rapes, no actual radio call was received during this trial period. It was decided that this method of observing the police response to rape victims was ineffective in terms of resources required and information obtained.

Several methods of gaining access to rape victims for interviews were tested. Since the original research aim was to obtain information from both reporting and non-reporting victims, several approaches were explored to gain victim cooperation and consent to participate in the research. Because of the serious ethical questions raised by utilizing police records to obtain the names of victims, this approach was considered entirely inappropriate and a breach of confidentiality. Instead, the local rape counseling service and crisis center volunteers agreed to act as liaison

between victims and the research staff. Unfortunately, too few victim respondents were obtained through this method. An alternative strategy was employed which consisted of advertising in newspapers and on radio and television for victims willing to be interviewed. A large number of reporting and non-reporting victims volunteered to be a part of the study as a result of this advertising. Because of the success of this method and because of human subjects considerations, this approach seemed the most appropriate method to obtain access to victim respondents.

During the pilot site phase of the research, a number of interview schedules were constructed and tested extensively. Interview schedules for patrol officers, rape investigators, police policymakers, prosecutors, and rape victims were used under field conditions. It was expected that these instruments, modified to focus upon the most relevant problem areas identified during first year research, would be used during the second year research effort.

A more extensive discussion of the methodology and results of each of these tasks undertaken at the pilot site is presented in the document entitled *First Year Report*. This report and supplemental quarterly reports are available from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration.

Legislative digest. An analysis of case law and legislation regarding rape was undertaken for the Battelle Law and Justice Study Center by the National Legal Data Center. The product which resulted from this analysis, *Rape Legislation: A Digest of History and Current Status*, includes a state-by-state listing of rape statutes and relevant case law.

First year research findings. On the basis of our first year of research into the criminal justice system's handling of forcible rape, we identified a number of problems:

- inadequate materials to apprise rape victims of the criminal justice procedures required for reporting and prosecuting rape cases;
- inadequate pre-service police training for handling forcible rape offenses;
- uncertainty regarding the most efficient and effective medical/forensic protocol for properly gathering physical evidence from rape victims;
- inadequate training and facilities for the interviewing of rape victims;
- uncertainty regarding the effectiveness of investigative strategies used to identify rape suspects;

- uncertainty and disagreement regarding prosecutive decisions to charge forcible rape;
- uncertainty and considerable disagreement regarding the most effective strategies to prosecute forcible rape; and
- legislative inconsistency concerning the legal aspects of victim consent, corroboration, cautionary jury instructions, etc.

Within each of the problem areas, a number of specific issues emerged from the analysis of first year research results.

The police survey results and the pilot site observations indicated the extreme importance of the type of *initial police response* to a rape report. Well-handled, this response can greatly facilitate the subsequent investigation of the crime and the ultimate disposition of the case. Poorly handled, it can not only add to the victim's trauma, but actually destroy any possibility of victim cooperation with the criminal justice system.

The survey results showed that in most jurisdictions (82 percent) the initial response to a rape report was made by a patrol officer rather than a member of a special unit responsible for handling rape cases. These patrol officers were often inexperienced and untrained in the investigation of rape complaints. Linked to the initial response to a rape report were the techniques used to gather and preserve information about the rape event. Survey results indicated that most agencies had no special report form to be used by the officers who responded to a rape call. Instead, an open-ended general duty report form was the most common document used to obtain critical and immediate crime scene data.

The survey evidence revealed that much attention has been given to the development of a *specialized police response* to cases of rape. However, the survey results also made it apparent that there were major differences of opinion among law enforcement agencies concerning the structure and responsibilities of units which handle rape. There was a great deal of disagreement concerning the selection criteria for personnel to staff a unit, the advantages and disadvantages of male and female investigators, the nature of in-service training to be provided unit members, the criteria for assigning cases for investigation, and the degree of specialization desirable in handling rape cases.

The optimum set of *investigative techniques* employed for rape cases represents a complex interplay among a number of factors leading from the rape event. There is clearly an important linkage among patrol response, initial information gather-

ing, forensic testing, and victim interviewing and treatment. In general, the investigative techniques utilized are designed to obtain the following: (1) proof that the crime occurred or was attempted; (2) the identity of the suspect(s); and (3) information or evidence necessary to link the victim and suspect in an act or attempted act of nonconsensual intercourse.

Responses to the police survey indicated wide disparity in the frequency of use and perceived effectiveness of specific techniques, such as crime scene analysis, polygraph examinations of offenders and/or victims, and reliance on known offender or photo files for suspect identification. The use of various techniques seemed to differ so greatly from department to department—as well as from investigator to investigator—that we were not able to judge their relative effectiveness on the basis of outcome measures related to suspect identification and apprehension.

The nature and quality of the interaction between police and prosecutors in the development of cases for presentation to the adjudicatory process is critical to the determination of their outcome. The on-site pilot study and the two surveys confirmed that this situation applies to cases of rape. Lack of liaison between police and prosecutor agencies, poor case preparation by either agency, differing levels of understanding of the problem of rape, variations in the specialization afforded rape investigations and prosecutions, as well as other matters, can lead to unsuccessful prosecution of apprehended offenders. Agencies have employed a wide variety of responses to cope with these problems, and there is no clear consensus on methods to facilitate police-prosecutor interaction.

Just as specialization in rape investigations was an important issue for law enforcement agencies, prosecutor survey results indicated that a *specialized prosecutor response* to rape was a topic of interest and concern. Generally, the surveys showed that there was far less specialization within prosecutor agencies than in police departments in the handling of rape cases. Some large jurisdictions which were experimenting with various forms of specialized response were identified in the survey, but there was a clear need for more specialization, as well as for more information concerning prosecutor response to the problem.

Pre-trial procedures utilized by prosecutors in the handling of rape cases encompass a range of activities including victim and witness interviews, preparation for actual trial and the possibility of plea

bargaining. The survey results, as well as those obtained at the pilot site, indicated that only a small proportion of cases charged as rape were actually presented for trial or went to trial at that level. The criteria upon which decisions were made to proceed to trial seemed to vary widely within and between prosecutor offices. In addition, no consistent methods were adopted for interviews and interactions with victims and no consensus of opinion was obtained regarding the appropriateness of plea negotiations in rape cases.

The *trial procedures* adopted by prosecutors are very much influenced by the statutory and case law requirements related to corroboration, admissibility of victim character testimony, and cautionary jury instructions. The survey results indicated that these requirements differed substantially from state to state. Even when requirements were held constant, trial procedures tended to vary widely among prosecutor agencies.

In general, then, the research conducted during the first year indicated substantial differences in the approaches used by the criminal justice system to handle rape cases. Little was known about the *effectiveness* of various procedures and techniques that were currently used by practitioners, and little had been done to examine them.

1.2 Overview of Second Year Research Activities

Second year research activities focused upon the specific problems identified in the first phase of this project. The techniques and instruments developed for study at the pilot site were modified to reflect the concerns expressed by criminal justice practitioners responsible for the enforcement of rape statutes. We then went on to apply these techniques and instruments in selected sites throughout the United States. The data obtained from these efforts were to be integrated to produce practical, objective techniques and strategies for use by police and prosecutors in jurisdictions of various sizes and by legislators in the process of revising rape statutes.

Types of research sites. Six additional sites were selected for data collection. These sites consisted of six sets of paired police and prosecutor agencies. The following data sources were used at *each site*:

- personal interviews with police administrators/policymakers;
- questionnaires mailed to patrol officers;
- personal interviews with sex crimes investigators;

- personal interviews with prosecutor administrators/policymakers; and
- personal interviews with filing and trial prosecutors.

Additional material was also collected from two of these six sites. (For the purpose of clarity, these two sites were referred to as *intensive* research sites; the remaining four were termed *non-intensive* sites.) Supplemental data obtained from these two sites consisted of initial rape report records, follow-up rape report records, arrest records, and prosecutor disposition records. In addition, personal interviews were also conducted with rape victims.

Selection of sites for intensive research. Criteria for the selection of the *two* intensive research sites consisted of the following:

- urban population of 500,000 or more persons;
- innovative response on the part of criminal justice agencies to forcible rape offenses; and
- willingness of criminal justice agencies to cooperate with the research effort.

Although a number of cities qualified under these criteria, two sites were selected which offered great variety—Detroit, Michigan, and Kansas City, Missouri.

Detroit was an obvious choice for a number of reasons. It met our criteria, but it also was unusual in a number of ways. In April, 1975, for example, the new Michigan legislation regarding sexual battery went into effect. This legislation is perhaps the most unique "rape" legislation in the country and may serve as a model for legislation in other states.

The Detroit Police Department was also the recipient of a substantial LEAA grant to provide services to victims through the Detroit General Hospital. Responsibility for the evaluation of this program rests with the Analysis and Planning Unit of the Detroit Police Department. It was clear that the police had made a substantial commitment to a broad range of activities related to enforcement of forcible sexual assaults. Not only had they taken the initiative in the provision of victim services, they had devoted substantial resources to the investigation of these crimes (the sex investigation unit was composed of 19 men and 33 women).

The overlapping Wayne County Prosecutor's Office had no specialized unit which filed or tried cases of sexual battery (rape). Deputies were usually assigned cases on the day of the trial and so had little

or no time for preparation. Discussions with Wayne County deputy prosecutors indicated that the new legislation had created considerable chaos and only added cases to an already overworked staff.

The Rape Counseling Center was located in the Detroit General Hospital, which was less than one block from police headquarters and the prosecutor's office. The Center was staffed with twelve full-time employees and was open around the clock.

Kansas City, Missouri, our other choice as an intensive site, had one of the most unusual rape projects in the country. Eighty-nine police agencies, eight prosecutor offices and one hospital facility formed a working coalition called the Metropolitan Organization to Combat Sexual Assault (MOCSA). This organization was funded by LEAA to provide specialists in rape prosecution and a variety of victim services. The MOCSA staff was directed by a sex crimes detective on leave from the Kansas City Police Department. In addition, MOCSA staff provided training to patrol officers and detectives in the enforcement of rape law.

Although the hub of the MOCSA police activities was located in Kansas City, Missouri, the participating prosecutors were located in both Missouri and Kansas. Thus, the thrust of the project not only overlapped various levels of the criminal justice system, it also straddled two adjacent states. This provided the research staff with a unique opportunity to examine small and large agencies which operated under the same umbrella organization.

Victim counseling services were provided through a 24-hour rape crisis line located in Kansas City, Missouri, but available toll-free to any victim in the MOCSA catchment area. Medical services for victims were centralized in St. Luke's Hospital (Kansas City, Missouri) where follow-up counseling and other services were provided by volunteers.

Selection of sites for non-intensive research. The four sites selected for non-intensive research were Memphis, Tennessee; Austin, Texas; Washington, D.C.; and Oakland, California. Each of these sites had unique features which made it a worthwhile location for research. Memphis, for example, had a very high rate of reported rape offenses. The sex offense investigation unit of the Memphis Police Department was composed of seven women and six men who provided 18 hour/day coverage. In most instances, a detective, rather than a patrol officer, was dispatched to take the initial victim report. Although the Prosecutor's Office in surrounding Shelby County was not specialized in rape prosecutions, it reported a

very *high* conviction rate. The victim service program was relatively new. Professionals staffed both the rape crisis line and the medical/counseling services provided by the Reproduction Health Center.

Washington, D.C., was an obvious site for inclusion in the research. The Sex Crimes Unit of the Police Department was considered one of the best in the world. The detectives were very well trained and provided 24-hour investigative coverage. In addition, the detectives handled most rape cases from the time they were reported (initial complaint) to their conclusion. The U.S. Attorney's Office was responsible for rape prosecutions. Although prosecutors were not specialized, all victims of sexual assault were interviewed. There was a wide variety of victim services available. The Washington, D.C., General Hospital and the Women's Medical Center, for example, were reported to provide outstanding programs for the treatment of victims.

Austin, Texas, our third non-intensive site, had a unique initial response to rape reports. Counselors were always called to assist officers in taking the initial victim statement. Counselors from the Austin Rape Crisis Center were sometimes contacted by victims who did not wish to report to the police. In cases of this kind, the counselors contacted the Austin Police Department. A patrol car was then dispatched to the location of the victim, but only as a "shadow" car to protect the counselors. Reporting victims were usually transported to the hospital immediately where information regarding rape suspects was taken by a police officer assigned to the emergency room. The actual investigative unit was composed of 12 men who provided 20-hour coverage. In most instances, a detective was dispatched to the hospital emergency room to begin an immediate follow-up investigation. Although there were only nine deputies in the Travis County Prosecutor's Office, they filed 36 rape cases in 1975 and conducted approximately eight trials. The number of both filings and trials was large for such a small office. The victim services program was serviced by approximately 150 community volunteers. Counselors responsible for taking the initial victim statement had an exceptional relationship with the police and with the prosecutor. In addition, the counselors from the Austin Rape Crisis Center, in cooperation with the Austin Police Department, provided statewide training in rape investigations to law enforcement personnel throughout Texas.

Our fourth non-intensive research site, Oakland, California, was selected because of the unusually close working relationships between sex crimes investigators and the Alameda County Prosecutor's

Office. The actual sex crimes investigation unit of the Oakland Police Department was quite small (only four personnel), but was highly trained. Personnel were in close professional contact with law enforcement authorities in adjacent police jurisdictions. The Alameda County prosecutors were specialized and were widely known to be aggressive in their willingness to file and try rape cases. A non-attorney rape victim advocate actually worked in the prosecutor's office. This advocate provided needed legal guidance for victims and kept them informed of the progress of their cases.

Research of legal issues. Initially, the Battelle Law and Justice Study Center had intended to subcontract services to accomplish the legislative segment of this research. However, in accordance with Special Condition #5 of the grant award, Battelle assumed sole responsibility for this task.

Two basic research methods were used to examine legal issues related to rape. First, a telephone survey of all fifty states was made to determine the status of current and proposed rape legislation and recent experiences or interpretation of existing statutes. In most states, three individuals representing different perspectives were contacted: a prosecutor, a defense attorney, and a person who had assisted in the development of new rape legislation. This survey method was not intended to solicit a random sample of opinions. Rather, it provided a means to gather subjective data on a variety of legal issues.

The second method adopted was more analytical in nature and required the exceptional skills and fine legal mind of Ms. Camille LeGrand, a practicing attorney and faculty member at Boalt Law School at the University of California (Berkeley). Ms. LeGrand had been an active writer and researcher on California legislation regarding rape and had a national reputation in this field. She conducted the legal research and analyses on issues of definition and scope of the crime, consent, resistance and the use of force, corroboration, victim character evidence, protection of the privacy of the victim and offender; cautionary instructions to jurors, and statutory penalties.

Data collected. The actual amount and kinds of data collected during the second year varied somewhat from that anticipated in the initial proposal. In some instances, these variations represented unexpected pleasures; in others, they were disappointments. The differences between the expected data and the actual data are summarized below.

- *Patrol officer surveys.* A total of 300 officer surveys were expected (50 officers x 6 sites); 242 were obtained.
- *Interviews with sex crimes investigators.* Sixty interviews expected (10 investigators x 6 sites); 86 obtained.
- *Interviews with police administrators.* Sixty interviews expected (10 administrators x 6 sites); 43 conducted.
- *Interviews with prosecutors.* Sixty interviews expected (10 prosecutors x 6 sites); 65 conducted.
- *Initial police reports of rape.* Six hundred expected (300 reports x 2 sites); 710 reports obtained from the intensive research sites, and an additional 237 reports from New Orleans and 105 reports from Phoenix. (These latter two cities had been approached for records during the first year of research. Records did not arrive until the second year.)
- *Follow-up investigation reports.* Six hundred expected (300 reports x 2 sites); 710 received from the two sites; an additional 342 received from New Orleans and Phoenix.
- *Arrest records of rape suspects (names removed).* Two hundred expected (100 records x 2 sites); 220 received.
- *Prosecutor records.* Two hundred expected (100 x 2 sites); 120 received, but only 93 usable. Only a portion of the Wayne County records arrived. Because the data analyses required complete records, no data from this site were used at all.
- *Interviews with rape victims.* Two hundred expected (100 victims x 2 sites); only 47 obtained.
- *Telephone interviews regarding rape legislation.* A total of 50 interviews expected (1 interview x 50 states); more than 200 conducted.

Similar data had been obtained during the first year from the pilot site in Seattle, and thus the figures above are supplemented with 308 initial and follow-up rape reports to the Seattle Police Department, 85 additional arrest reports on rape suspects, and 95 interviews conducted with victims.

Thus, we collected enormous amounts of data, all of which were coded, punched and computer analyzed. These data were then used to assist in the development of all research products prepared for the National Institute of Law Enforcement and Criminal Justice.

1.3 Second Year Research Products

A total of eight research products were prepared during the second and final year of this project. A

sketch of seven of these (excluding only the Final Report) is presented below.

Rape: Medical and Legal Information. This document, intended for distribution to criminal justice agencies throughout the United States, is a booklet of medical and legal information useful to rape victims. Police, medical personnel and prosecutors could simply adapt this booklet to the needs of their own jurisdictions, using it as a prototype for their own publication.

Forcible Rape: An Analysis of Legal Issues. This document contains an extensive discussion of the elements of the crime with particular reference to the extent of contact, sex of the actors, and standards for distinguishing permissible and criminal conduct. Special evidentiary issues are presented, particularly those related to the victims' prior sexual history and corroboration requirements. Included in an appendix is a summary of legislative experiences in all 50 states and the District of Columbia.

Forcible Rape: A Manual for Patrol Officers (Police Volume II). This document is intended as an operational and training manual for the patrol officer and addresses issues and strategies related to the initial investigation of rape complaints. Topics discussed within the document include characteristics of rape cases, techniques for dealing with victims, evidence, medical examinations, involvement in follow-up investigations and prosecution.

Forcible Rape: A Manual for Sex Crimes Investigators (Police Volume III). This document is intended as an operational and training manual for the sex crimes detective. It discusses issues and strategies

common to rape cases, including investigative procedures, preparation of cases for prosecution, interaction with other agencies and special legislative topics.

Forcible Rape: Police Administrative and Policy Issues (Police Volume IV). This document is directed to administrative personnel within police departments and addresses major policy and procedural issues related to the effective handling of rape complaints. Topic areas discussed include law enforcement priorities, training, specialized investigative units, and selection of personnel.

Forcible Rape: A Manual for Filing and Trial Prosecutors (Prosecutors' Volume II). This document is intended as an operational and training manual for filing and trial prosecutors. Topics discussed include characteristics of rape cases, filing procedures, hearing procedures, victim interview techniques, plea bargaining, trial strategies, and sentencing.

Forcible Rape: Prosecutor Administrative and Policy Issues (Prosecutors' Volume III). This document is directed to administrative personnel and addresses the major policy and procedural issues related to the effective prosecution of rape cases. Topic areas discussed include prosecution priorities, prosecutor specialization in filing and trial, training, personnel, systemic interaction, treatment of victims, and standards for filing, plea bargaining and sentencing.

These products represent the culmination of two very exciting, but arduous, years of work. It is our fervent hope that they will assist those for whom they were written and will, in some small way, work to reduce the incidence of this terrible crime.

CHAPTER 2. THE RAPIST

Despite a rather considerable literature on sex offenders, it is extremely difficult to draw a consistent picture of the rapist, his motives, or his potential for "successful" treatment. For example, rapists have been variously described as antisocial or psychopathic,¹ autistic and depressive,² less intelligent than other convicted felons,³ average or above in intelligence,⁴ good treatment prospects,⁵ or poor treatment prospects.⁶

Some authors suggest that it is a myth to presume that rapists share common characteristics. According to Pacht (1976),⁷ the obvious lack of homogeneity among assaultive sex offenders suggests that there are more similarities between rapists and ourselves than there are differences. Thus, readers who search the literature on rapists are likely to emerge from the process more confused and perplexed than before they began.

One primary cause of this confusion is the sampling bias inherent in research on rapists. Of all the rapes actually committed, only a very small number of suspects are ever arrested, charged, and convicted of rape. Our research of the 1974 Seattle rape reports, for example, indicated that 308 complaints resulted in the identification of 85 suspects. Thirty-one of these suspects were charged with rape by the prosecutors; only eight were ultimately convicted of rape or attempted rape. As a result of this "funnel effect" caused by suspect attrition at each stage in the criminal process, less than 5 percent of the rape complaints were disposed as rape convictions. The remaining 95 percent of the offenders were never arrested, never charged, or never convicted of rape, and so were not subjects of research intended to explore the psychodynamics of sexual assault. The subjects in such research are usually drawn from that tiny fraction of the rapist population which is actually adjudicated and convicted. Whether this small sample of rapists is representative of the entire population is subject to serious question.

This problem is further confounded by the fact that much of the research has been conducted on selected sub-samples of convicted rapists. Many states now have special treatment programs for those offenders who qualify as sexual psychopaths, mentally disordered sex offenders, or some other clinical designation. Whatever the designation, some rapists

qualify for special programs while others do not. Much of the research has been done on those rapists involved in treatment programs and, as a consequence, the samples become more biased and the results less generalizable to the entire rapist population.

The purpose of this research project was *not* to examine the personality characteristics of rapists. Research of this nature is better left to clinical specialists such as Pacht and Cowden (1974)⁸ and Cohen, et al. (1971)⁹ who have conducted extensive studies of rapists and other sex offenders. Instead, the present research concentrated on two other methods to examine the characteristics and behaviors of rapists. The first of these methods consisted of an analysis of 1,261 rape victim reports made to the police in Seattle, Detroit, Kansas City (Missouri), New Orleans, and Phoenix. Particular attention was given to the age and race of victims and offenders, the circumstances of their initial contact, the location of the rape offense, and threats or weapons used against the victims. The second research method consisted of interviews with a group of incarcerated offenders. The 50 rapists interviewed were patients at Atascadero State Hospital, a maximum security mental institution in California for the treatment of sex offenders. Topics explored in the course of the interviews included type of victims selected, the amount and kind of pre-rape planning undertaken, *modus operandi*, the effects of victim resistance on offender behavior, and the perceived influence of potentially sexually arousing stimuli such as victim clothing, pornographic materials, etc. In addition, an independent examination of the arrest histories of these 50 individuals was undertaken further by Atascadero staff to supplement the interview data.¹⁰ A combination of these research methods (police reports and offender interviews) provided the offender information discussed below.

2.1 Age of Offenders

Offender ages were obtained from victim reports to law enforcement authorities in five police jurisdictions. Because so many victims were unable to specify the exact age of their attackers, we accepted the *estimated* offender ages which appeared on the

reports. To the extent that these estimates were incorrect, it is presumed that victims might have thought their assailants older than they actually were. Victim estimates indicated that the majority of offenders

were between the ages of 18 and 25. Apparently men over 30 are not likely to be rapists; and once they reach 40, there is only an insignificant probability of involvement in sexual assaults. (See Table 1.)

TABLE 1

Age of Offender (Victim Estimates)

Age	Seattle (N = 304)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 286)	Phoenix (N = 86)	Total (N = 1227)
Less than 18	4%	10%	10%	6%	7%	7%
18-20	8%	17%	14%	15%	16%	13%
21-25	38%	28%	20%	19%	36%	27%
26-30	22%	19%	18%	19%	14%	19%
31-40	12%	16%	13%	11%	8%	13%
41-50	1%	4%	2%	3%	8%	2%
51 +	2%	1%	1%	3%	—	2%
Unknown	15%	5%	23%	24%	11%	16%

2.2 Race of Offender

Minority males were consistently overrepresented in the offender population. This overrepresentation was true in all jurisdictions whether the minority

population was small, as in Seattle, or large, as in Detroit. (See Table 2). The overwhelming majority (80 percent) of all cases which involved multiple rapists were committed by minority males.

TABLE 2

Race of Offender

Race	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
White	34%	10%	31%	15%	45%
Black	59%	89%	65%	81%	38%
American Indian	2%	.4%	—	—	—
Chicano	2%	.4%	2%	.4%	14%
Asian American	1%	—	—	—	—
Other	1%	—	.3%	1%	—
Unknown	1%	.4%	2%	3%	3%

2.3 Number of Offenders

There is a substantial literature which suggests that the psychological and sociological dynamics of pair rape (two offenders) or group rape (three or more of-

fenders) differ significantly from those which underlie rape committed by single individuals. Group rape, in particular, has been variously explained as the manifestation of frustration/aggression; a conse-

quence of hostility and inadequacy coupled with a collective need to dominate;¹¹ the result of the eroticized adulation of one boy for another;¹² or the outcome of social resentment based upon a general pattern of social disorganization.¹³ Whatever the genesis of paired or group rape, it has been thought to constitute a substantial proportion of all sexual assaults. In Amir's well-known study of rape in Philadelphia, for example, 43 percent of the victim reports examined involved more than one offender.¹⁴ Using Amir's data, one might conclude that multiple offender rapes account for as many as one half of all

reported rapes. Our data did *not* substantiate this conclusion.

Analysis of 1974 and 1975 police reports from Seattle, Detroit, Kansas City, New Orleans and Phoenix indicate the overwhelming majority of rapes are committed by a single individual who attacks a lone woman. Paired rapes accounted for 11 to 17 percent of the complaints; group rapes accounted for 3 to 7 percent of the victimizations. (See Table 3.) Thus, multiple rapists were rare. When such offenses were observed, they usually involved juvenile males under the age of 18 years.

TABLE 3

Number of Offenders

Number	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
1	84%	69%	70%	73%	75%
2	11%	15%	15%	17%	13%
3	3%	7%	7%	4%	6%
More than 3	2%	7%	7%	5%	6%
Unknown	—	2%	—	—	—

2.4 Location of First Contact Prior to Offense

The traditional view of rape assumes that sex-crazed males lurk in alleys and roam darkened streets in search of unsuspecting prey whom they may assault. Although this type of rape certainly exists, it does not describe the most frequent circumstances under which victims and offenders come into contact. Indeed, it is not the street which represents the greatest risk of sexual assault to a woman—it is her own home. Except in Detroit and New Orleans, the initial contact between victims and offenders occurred most often in the residence of the victim. This was followed in frequency by street encounters. These two initial locations accounted for 49 percent (Phoenix) to 72 percent (New Orleans) of all rape reports which were analyzed.

Of the nine other initial contact locations identified from the police reports, only the automobile of the offender stood out as a consistently high-risk location. Initial contacts established at taverns, social gatherings, etc., were relatively uncommon. (See Appendix, Table 11A.)

2.5 Location of Offense

The location of the initial contact between the offender and the victim was not always a good indicator of the actual location of the offense. There was a general tendency to move the actual crime scene to an indoor or more private location. Thus, although the victim's residence remained the most likely location of the assault, the offender's residence or his automobile became the next most frequent locations. Relatively few rapes were actually consummated in public places, such as streets or parks. (See Appendix, Table 12A.)

2.6 Threats

Approximately 70 percent of all rape reports indicated clearly that the offender threatened force or used force against the victim. Most common were verbal threats of harm or death to the victim or to someone related to the victim. In other cases, the victim perceived the mere presence of a weapon as a threat; no verbalization were necessary. Occasional-

ly, threats, physical force, and a weapon were used. The victim statement in one police report illustrates such a case.

. . . [H]e hit me in the face and knocked me on the floor. He pulled off my robe and nightgown and I screamed and he threatened to kill me. He stuffed the nightgown in my mouth and tied the rest around my throat and the gown strangled me. He tied my hands behind my back and he pressed my neck so hard I passed out. Then he asked me if I needed air and I nodded and he let it loose a bit but still kept it in my mouth. He tied my legs up to the tie on my hands. . . Then he got my butcher knife from the kitchen and ran the point all over my body . . .

2.7 Weapons

The frequency with which weapons were present or

used during sexual assaults varied considerably from one police jurisdiction to another. Nearly 60 percent of all reported rapes in Detroit involved weapons of some kind; in contrast, only 33 percent of the rapes reported to Seattle authorities involved weapons.

The weapon of choice was usually a handgun, although knives were more popular in Seattle. (See Table 4.) In addition to guns and knives, an incredible variety of other weapons was also used or threatened. Occasionally, these "weapons" consisted of everyday items such as pencils, metal combs, and rolling pins. In other instances, menacing weapons were formed from broken bottles, fire pokers, burning cigarette butts, and rocks. Regardless of the specific nature of the object, some type of weapon was identified in approximately one half of the police reports.

TABLE 4

Weapons Threatened or Used

Weapon	Seattle (N = 307)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1258)
None	45%	36%	58%	49%	37%	47%
Gun	11%	29%	24%	19%	18%	21%
Knife	16%	19%	11%	17%	18%	16%
Other Sharp Object	3%	4%	1%	3%	4%	3%
Blunt Object	1%	2%	2%	3%	6%	2%
Gun and Knife	—	3%	—	2%	—	1%
Other	2%	—	1%	1%	1%	1%
Unknown	22%	8%	1%	5%	16%	10%

2.8 Previous Criminal Record

Insufficient data were available to ascertain the previous criminal records of suspects identified from the police reports. However, the 50 rapists interviewed at Atascadero demonstrated a wide range of previous criminal experience. Official records listed a total of 142 rape convictions or arrests among the group; and the subjects admitted to 69 additional rapes for which they had not been apprehended. Arrests for sex offenses other than rape were extremely rare.¹⁵

Arrests for non-sexual offenses usually were for violent crimes such as robbery and assault. More than

three quarters of the offenders had at least one previous arrest for robbery or assault; five had been arrested for homicide and three convicted of rape/homicide. Eighty percent of these men had one or more adult burglary arrests.¹⁶

Although this group of offenders is *not* representative of the entire rape offender population, their history of both violent and non-violent criminal offenses is impressive. Even more striking, perhaps, is the repetitiveness of the criminal acts. For example, the number of rape offenses committed by this small group alone approximates the number of rape reports one would expect in a given year in a city of 350,000-400,000 people.

2.9 Type of Victim Selected

Rape is not a crime which is inflicted on random members of the female population. Many victims share characteristics which, it is assumed, influence their selection as victim targets. The first and most obvious of these characteristics is victim age. In general, rape is a crime committed against young women. Analyses of rapes reported to five police jurisdictions indicated that more than 50 percent of all rapes were committed against women who were less than 21 years old. Once a woman reaches the age of 30, the likelihood of being raped decreases precipitously. Although there was some variation from one jurisdiction to another, only 11 to 21 percent of all victims were more than 30 years old. (See Appendix, Table 6A.)

Perhaps no other myth is more prevalent in rape lore than that which asserts that most sexual assaults occur in dating situations in which the victim has provoked her own attack. Although such cases may occur on occasion, the frequency of such attacks is inconsequential. In one half or more of all rapes, the offender and the victim are completely unknown to one another.¹⁷ Almost without exception, the offenders interviewed at Atascadero committed this type of rape. Even though the victim targets were strangers to these offenders, most of the subjects professed some reasonably firm concept of the type of woman they preferred to rape and the methods necessary to locate such individuals. When offenders were asked to describe their victim preferences in detail, the picture which emerged was that of the "All American Woman"—a nice, friendly, young, pretty, white, housewife or college student. These same offenders were asked to indicate those characteristics which would make women undesirable victims. Leading the list of non-preferred victims were females who were crippled, dirty, children, sick, pregnant, retarded, fat, middle-aged or prostitutes.

2.10 Planning the Rape

Earlier research has suggested that a significant proportion of rapes are spontaneous or explosive acts wherein the offender exploits an opportunity to attack a vulnerable target. Thus, a burglar might discover that a dwelling he has entered is occupied by a woman who is alone. In the circumstances, the burglar takes advantage of the situation, and woman, and rapes her.

The degree to which a rape of this type is truly

spontaneous is a matter for conjecture. It will be remembered that a large proportion of the rapists interviewed had prior arrests for both burglary and robbery. While details of these earlier arrests and convictions for offenses other than rape were not obtained during interviews, almost a third of the subjects indicated that their primary objective in previously committed burglaries and robberies had been rape. Further, seemingly spontaneous rapes which resulted in the Atascadero subjects' incarceration exhibited a certain level of premeditation or planning. When questioned generally about the planning engaged in before a rape, 36 percent of the group said they did none, 52 percent some, and 12 percent a considerable amount. There was considerable leeway in the definition of planning as the following three cases demonstrate.¹⁹

Case 1

It was spur of the moment. I would fantasize it. My sort of planning was that I would just find a piece of ass and take it because I was only concerned for myself. I wanted some sex. Actually there was no planning but there was planning already about the idea. There was no planning like, I would say, a robbery. You know, at 10 o'clock you're going to do this—at 10:05 you're going to be in there—at 10:10. With mine, there was not that kind of tactic planning. I was in a restaurant and I was pretty well bombed and I thought my friend took me home but evidently he didn't. He took me instead to my girlfriend's house. Then she took me home. That was about an hour and a half. Then I blacked out. Somewhere in there I grabbed this woman and had a piece of ass.

Case 2

I found a couple of guy friends that I knew. We started a party up—a big party and we went down to a place where a hangout is—where a lot of people hang out—and we picked up three chicks and took them over to the party. All the three chicks were jumping from car to car and were pretty wild and we figured that they would be easy to put the make on. So we got over to the party and we had some weed. We were there about an hour and I asked the girl if she wanted to go out in the car and get some fresh air. Like she had been kind of standoffish at the party towards me and so I imagined that I was planning the whole thing to take her out in the car and rape her. I didn't know for sure but—anyway, we got out in the car and I tried to kiss her and she pushed me away and that got me mad. I grabbed

her neck and told her that if she made a sound or made a struggle, I would kill her.

Case 3

I went to work. There were two girls at work who planned to go the park—the lake the next day which we did. One girl we dropped off home; the other girl I went to a bar with and she said, “I want to be with you tonight.” So I figured I’d have a piece of ass, but I got too drunk and threw up and she went off with somebody else that she picked up at the bar. I went home and woke up angry in the morning and I was determined to get a piece of ass—if I couldn’t I would rape. I drove around this area that I knew there were some girls living in these apartments and this one girl that I particularly wanted to rape—I rang her doorbell, this guy answered the door and I made up some excuse up about my car being broken down and I wanted some assistance and to use the telephone. I saw this girl walk into her apartment carrying her laundry and I asked her if she had a telephone and she said “yes.” And that I could use it and I made up a couple of phony phone calls working my courage up and she offered to give me a dime and I grabbed her and pulled her down and I told her I wouldn’t hurt her if she cooperated. I was in her apartment and I made sure the door was locked when I went in. I tied her up and took her clothes off and went to the bedroom and raped her. I was feeling angry. Afterwards I had a cigarette and talked to her about 45 minutes and I split. She walked back to her car and invited me over for a date—she conned me—and I thought everything was okay. I was fooling myself.

The subject in Case 1 denied any specific planning prior to the rape and distinguished the sex offense from robbery in this regard. Case 2 illustrates apparent premeditation, but only after a potential victim had been observed. Indeed, this offender appeared to be attracted by the standoffish behavior of the least provocative woman. Finally, Case 3 portrays an act of pure premeditation. This offender was determined to rape any vulnerable victim while, at the same time, minimizing the risk of interruption or apprehension.

The Release of the Victim. Based on the offender interview responses, victims were usually released immediately after the rape event, although a number of offenders subsequently engaged the victim in a conversation or drove her to a less accessible spot before

letting her go. Seventy-four percent of the subjects stated that they released the woman immediately after the rape while 22 percent said they talked with her for an hour or more. Approximately one half of the sample made some effort to convince the woman not to report the attack to the police. The most common tactic used to deter a report was to threaten bodily harm to the victim. Seventeen percent of the offenders also threatened to return because they knew the identity of the victim and where she lived.

Almost a third of the sample said they would rape the same woman twice. This rather surprising proportion of potentially repeating offenders based their reasons for return on the following (in order of importance): victim responded well; they were invited back; a good relationship was established; they had a desire to further humiliate the woman; the woman agreed not to report the rape to the police. The balance of the offenders expressed no desire to return, usually because of fear of being caught.

Associated crime was also found to be a potential part of the release situation in many cases. About three quarters of the offenders indicated that they would commit some additional crime beyond the rape. Robbery was the most common, followed by theft, and then assault. Eighteen percent of the subjects said that after leaving the victim they would consider committing another rape the same evening.²⁰

2.11 Conclusion: Some Thoughts on Social Attitudes

Although many men who rape may suffer serious psychological disturbances, there is no reason to assume that their attitudes regarding women, sex and violence are significantly different from other males in the population. The offenders interviewed at Atascadero believed that the prevention or avoidance of rape was the responsibility of the female. When asked specifically how such acts could be prevented, the rapists sounded very much like crime prevention officers. Women were advised not to go out alone (32 percent), not to hitchhike (36 percent), to learn self-defense (16 percent), to buy a dog (8 percent), to carry weapons (6 percent), to dress conservatively (6 percent), and not to drink alone (2 percent).

These findings, and this advice, will depress or enrage many women for they represent a gross impingement on their basic freedoms. However, the findings and advice should come as no surprise for they reflect, in part, the male attitudes toward women that have been so completely condemned by feminist writers like Brownmiller (1975)²¹ and Russell (1975).²²

Offenders at Atascadero not only believed that women were responsible for rape avoidance, they also considered many of their offenses the result of provocative or "lead on" situations created by their victims. The following statements by rapists typify these attitudes:

I believe that women who want to be fashionable in some of the styles that are sexually stimulating to men should try to realize some of the consequences of wearing some of these styles before they wear them. Carrying themselves a little better in public when they do wear them—men are going to look, quite naturally, but all men aren't the same. Some of them are going to make more advancements—more aggressive advancements than others in certain situations. If a woman just happens to be weak and not realize what it means, then she's in trouble. That's just the way it is.

Once again, I would say again, by body language—or unconsciously they flirt—sometimes the way that they dress—their minds say one thing—their bodies say another—or some come on with their seduction-type overall tone—that says one

thing but could possibly mean something else. Or they put themselves in the position of being alone.

By hitchhiking—being real loose with themselves—maybe not wearing bras or something like this—so you can see through—or where you can tell where they are drooping down or something like that—by wearing short dresses—being alone at night time walking around.

All three statements imply that victim behavior or apparel arouses an overwhelming sexual desire which men are unable to overcome short of ravaging the provocateur. Thus, the responsibility for the rape is shifted from the helpless male to the cunning or careless female. The error of such misplaced responsibility is best expressed by Bromberg and Coyle (1974):

The average rapist . . . rarely admits his aggressive motives, either during or after the offense; he prefers to accept his act as evidence of sexual need which other men will understand. The purely sexual aspect of rape is more congenial to the perpetrator's inner feelings than his basic desire to demean women.²¹

NOTES

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³Ruff, Carol F. and Donald I. Templer. "The Intelligence of Rapists," *Archives of Sexual Behavior*, 5, 4, 1976, 327-329.

⁴See Cormier, Bruno M. and Siebert P. Simons. "Forensic Psychiatry: The Problem of the Dangerous Sexual Offender," *Canadian Psychiatric Association Journal*, 14, 4, 329-335, 1969 and Perdue, William C. and David Lester. "Personality Characteristics of Rapists," *Perceptual and Motor Skills*, 35, 2, 1972, 514.

⁵Sherrill, Michael S. "Sex Offenders in New Jersey," *Corrections Magazine*, 1, 2, 1974, 13-24.

⁶See Marshall, W.L. and R.D. McKnight. "An Integrated Treatment Program for Sexual Offenders," *Canadian Psychiatric Association Journal*, 20, 2, 1975, 133-138 and Sadoff, Robert L. "Treatment of Violent Sex Offenders," *International Journal of Offender Therapy and Comparative Criminology*, 19, 1, 1975, 75-80.

⁷Pacht, Asher R. "The Rapist in Treatment: Professional Myths and Psychological Realities," *Sexual Assault*, Walker, M. and S. Brodsky (eds.), Chapter 9, Lexington, Massachusetts: D.C. Heath and Company, 1976.

⁸Pacht, Asher R. and James E. Cowden. "An Exploratory Study of Five Hundred Sex Offenders," *Criminal Justice and Behavior*, 1, 1974, 13-20.

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¹⁰For an extensive discussion of the offender interview, see Chappell, Duncan and Jennifer James. "Victim Selection and Apprehension From the Rapist's Perspective: A Preliminary Investigation," Paper presented at the 2nd International Symposium on Victimology, Boston, Massachusetts, September, 1976, 1-37.

¹¹MacDonald, John M. with commentaries by Gilbert Geis, Robert L. Sadoff, Robert Clanninger and Normal Goldner. "Group Rape," *Medical Aspects of Human Sexuality*, 8, 2, 1974, 58-88.

¹²Blanchard, W.H. "The Group Process in Gang Rape," *The Journal of Social Psychology*, 49, 1959, 259-266.

¹³Woods, G.D. "Some Aspects of Pack Rape in Sydney," *Australian and New Zealand Journal of Criminology*, 2, 2, 1969, 105-119.

¹⁴Amir, Menachim. *Patterns in Forcible Rape*. University of Chicago Press: Chicago, 1971, 200.

¹⁵Chappell and James, 6.

¹⁶Ibid.

¹⁷See, for example, Appendix A, p. 9, and the Battelle Law and Justice Study Center survey findings presented in *Forcible Rape: A National Survey of the Response by Police*. Washington, D.C.: U.S. Government Printing Office.

¹⁸Chappell and James, 8-9.

¹⁹Ibid., 11.

²⁰Ibid., 25-26.

²¹Brownmiller, Susan. *Against Our Will: Men, Women and Rape*. New York: Simon and Schuster, 1975.

²²Russell, Diana E.H. *The Politics of Rape: The Victim's Perspective*. New York: Stein and Day, 1975.

²³Bromberg, Walter and Elizabeth Coyle. "Rape: A Compulsion to Destroy," *Medical Insight*, 22, April, 1974, 21-25.

CHAPTER 3. THE VICTIM

Rape can be the most terrifying event in a woman's life. The sexual act or acts performed are often intended to humiliate and degrade her: bottles, gun barrels and sticks may be thrust into her vagina or anus; she may be compelled to swallow urine or perform fellatio with such force that she thinks she might strangle or suffocate; her breasts may be bitten or burned with cigarettes. In many instances, her hope is to save her life—not her chastity. Her terror may be so overwhelming that she urinates, defecates or vomits. If she escapes without serious outward signs of injury, she may suffer vaginal tears or infections, contract venereal disease, or become impregnated. For months or years afterward, she may distrust others, change residences frequently and sleep poorly. Her friends and family may blame or reject her.

Given these circumstances, it is not surprising that many women choose not to report rape offenses. Indeed, victimization studies have shown that rape is probably the most underreported of all major crimes. If victimization estimates are accurate, the *actual* number of rapes in the United States is approximately four times the reported number,¹ or one quarter of a million rapes per year.² Thus, rape is *not* an infrequent offense; it is simply an infrequently reported offense.

Although relatively little data exist on non-reporting victims,³ we were able to interview 29 victims who had not reported their rapes to the police. When these victims were asked to indicate their main reasons for not reporting, the most frequent answer was "fear of treatment by police or prosecutors" (see Table 5). Although this finding was not unexpected, it seems ironic that it is the victim, not the offender, who is often deterred by fear of the criminal justice system. Frequently there were more personal reasons for not reporting, such as "fear of publicity or embarrassment" and "didn't want family or friends to know." An additional, and sometimes very powerful, reason for not reporting was "fear of revenge by the offender." Although this fear is not unique to rape offenses, the force and threats which often accompany the sexual assault reinforce the suspicion that the offender is capable of further violence. Thus, victim concerns for poor treatment by criminal justice authorities, adverse societal reactions, and of-

fender reprisal combined to keep these victims from seeking the protection and retribution they deserved.

TABLE 5

Reasons for Not Reporting the Rape to Police
(N = 29) (Multiple Answers Possible)

Rank	Reasons	% Responses
1	Fear of Treatment by Police or Prosecutors	52%
2	Fear of Trial Procedures	34%
3	Fear of Publicity or Embarrassment	34%
4	Didn't Want Family or Friends to Know	34%
5	Lack of Interest by Police	31%
6	Fear of Revenge by Offender	28%
7	Procedures too Time-Consuming	17%
8	Didn't Want Him Arrested/Punished	14%
9	Probably Couldn't Identify Him	10%
10	Didn't Think Police Would Believe You	3%
11	Lack of Evidence/No Proof	0%

3.1 Motivations for Reporting Offenses

Most of the information on rape victims comes from those who do report their offenses to police. The means by which they report and their reasons for doing so suggest that these victims share much in common. For example, our analysis of more than 1,200 initial rape complaints suggests that the overwhelming majority of victims report very quickly (within six hours of the offense) and, although they may consult with others, the decision is usually their own. These victims are most likely to contact the police first. In most instances, it is only after this official contact with law enforcement officers that reporting victims seek medical attention or emotional support from counselors or rape crisis workers.

A total of 117 reporting victims were interviewed in the course of our research. When these victims were asked to specify their main reasons for reporting to police, a very interesting pattern of responses emerged. These victims reported because they wanted the criminal justice system to do something to the offender (see Table 6). Anger, revenge and outrage were common motivations which were apparently so intense that they overcame any concern for personal

embarrassment or fear of treatment by the criminal justice system. In essence, these women reported because they wanted the offender punished and they wanted protection for themselves and other women.

Rape victim advice regarding reporting. All victims (reporting and non-reporting) who were interviewed were asked whether, on the basis of their experience, they would advise other women to report a rape to the police. An overwhelming 98 percent of the victims responded that they would recommend reporting. When victims were asked why women should report, the majority indicated that official complaints might serve to *protect* others:

TABLE 6

Reasons for Reporting the Rape to Police
(N = 117)

Rank	Reasons	% Response
1	To Protect Yourself From Him	39%
2	To Protect Other Women/To Stop Him	37%
3	To Punish Him	34%
4	You Felt Outrage at What Had Happened	26%
5	It was Your Duty as a Citizen	13%
6	Someone Else Convinced You to Report	13%
7	Someone Else Called the Police Without Your Knowledge	7%
8	You Had Heard That the Police Had Improved Their Treatment	7%
9	You Were Encouraged by Hospital People to Report	4%
10	To Defend Your Reputation	4%
11	You Were Assisted by a Counselor From Crisis Line	2%

“If a lady lets it go, he might go on to kill another woman.”

“Save another woman’s life.”

“To protect themselves and others from the sickness of people who rape.”

or to *punish* offenders:

“Helps get some of these sadists off the street.”

“Why let the rapist go fancy free?”

or to assure *treatment* and emotional support:

“It helps to talk to someone.”

“To get medical and counseling help.”

Only two victims advised against reporting. In both instances, the victims felt that police treatment was so poor that other women should be discouraged from making official complaints. It should be noted, however, that one of these victims had not reported the rape. Thus, the experience of only one reporting victim was such that she would advise others not to report.

In the course of this research project, we were able to obtain a total of 1,261 initial rape complaints made by victims to police agencies in five widely separated jurisdictions, Seattle, Detroit, Kansas City (Missouri), New Orleans and Phoenix. In order to assure the confidentiality of these records and the privacy of victims, suspects and witnesses, names were either eliminated before the records were transmitted or coded after we received them. Although these omissions made the records more difficult to analyze, we were able to obtain an enormous quantity of data regarding the characteristics of victims, the circumstances prior to and during the sexual assaults, victim resistance, victim injury, and the kinds of forced sexual acts attempted or performed. (For a summary of all data obtained from official rape records, see Appendix.)

3.2 Age of Victims

Victim ages obtained from police reports clearly demonstrate that rape is a crime committed against young women. More than 50 percent of the rapes were committed against women under the age of 21 years. Just as it appears that men over 30 are not likely to be rapists, women over 30 are not likely to be victims. Elderly women were almost never raped (see Table 7).

3.3 Race of Victim

In most jurisdictions from which records were obtained, minority women were overrepresented in the victim population. This finding was particularly true in the 61 cases in which there was more than one victim. Fifty-nine percent of all multiple victim cases involved Black and Asian-American women (see Table 8).

3.4 Relationship Between Victim and Offender

For purposes of this research, the relationships between the victim and the offender were divided into four categories. In the first category, *strangers*, the actors had no acquaintance with or knowledge of one another prior to the sequence of events that termi-

TABLE 7

Age of Victim

Age	Seattle (N = 308)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1261)
Less Than 18	22%	38%	39%	32%	26%	32%
18-20	22%	18%	22%	21%	25%	21%
21-25	21%	23%	18%	22%	20%	21%
26-30	15%	7%	10%	9%	10%	10%
31-40	10%	8%	6%	8%	10%	8%
41-50	3%	3%	3%	2%	5%	3%
51 +	6%	2%	2%	5%	6%	4%
Unknown	.6%	—	—	2%	—	.5%

TABLE 8

Race of Victim

Race	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
White	80%	25%	52%	43%	64%
Black	14%	74%	47%	57%	15%
American Indian	3%	—	1%	—	4%
Chicano	1%	1%	.3%	—	16%
Asian American	2%	—	—	—	—
Unknown	1%	—	.3%	—	1%

TABLE 9

Relationship Between Victim and Offender

Relationship	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 102)
Strangers	59%	67%	43%	46%	68%
Acquainted	24%	19%	31%	27%	19%
Friends	10%	11%	19%	19%	8%
Related	3%	2%	5%	4%	5%
Unknown	3%	.4%	2%	4%	1%

nated in the assault. The second and third categories, *acquaintances* and *friends*, were more difficult to distinguish. Victims and offenders were defined as "acquaintances" if they had merely met or were known to one another by reputation prior to the of-

fense. In contrast, the term "friend" was used to define long-standing or previously intimate relationships. The fourth category included all rapes between persons who, either by blood or by marriage, were *related* to one another (see Table 9).

Stranger-to-stranger rapes. Although there was considerable variation among jurisdictions, approximately one half of all rapes involved strangers. This type of rape ranged from a high of 68 percent of all cases from Phoenix to a low of 43 percent of cases from Kansas City.

Acquaintances. Approximately one quarter of all rape cases analyzed involved victims and offenders who were known slightly to one another. These rapes most often resulted from apparently accidental or "chance" encounters.

Friends. Rapes involving friends made up less than 20 percent of the reported assaults in any jurisdiction. In general, these rapes occurred subsequent to planned dating situations or other social interactions.

Related. Rapes of relatives were extremely rare. When such rapes were reported, they usually involved an offender who was related to the victim by marriage, i.e., stepfather, brother-in-law, etc.

3.5 Victim Resistance

Police records indicated that the majority of women resisted the sexual assault. Initial resistance was usually verbal and fell into one of three categories. The first category included verbal methods whereby the victim attempted to make herself *unattractive* to the offender or elicit his sympathy; she indicated that she was pregnant, sick, diseased, virginal, or menstruating. Examples of this method drawn from case records include the following:

Case 1

He just stood there over the bed with his flashlight in my face and told me to take my nightgown off—QUICK! I didn't move at all. I couldn't see his face because he kept the light in my eyes. He reached down and pulled back the covers. I told him I couldn't have intercourse. I told him I was hemoraging [sic] and had just been to the doctor the day before. He said, "Good, you bitch. I can play like you are a virgin."

Case 2

_____ and me had just been listening to music. We had drunk a little wine and he started pulling at my sweater. He told me to take my clothes off and lay on the rug or he would break my arm off. I told _____ that I hadn't ever done it before and I was afraid I would have a baby. _____ said what the

hell did I come over there for if I didn't want a screw. Girls just didn't come over and drink his wine and think they could leave when they wanted to.

The second category of verbal resistance consisted of *threats* that, if the offender persisted, the victim would prosecute or seek retaliation from her family or friends. Finally, some victims attempted to feign stipulated consent, indicating a willingness to engage in sexual activity if they could first use the rest room, change clothes, call a friend, etc. Although these latter ruses sometimes allowed a victim to escape the situation, verbal resistance was singularly ineffective in thwarting sexual assaults. Victims were seldom able to deter the rapist with "talk," no matter which verbal tactics were used.

A related method of victim resistance involved crying—either from fear or as a means to underscore her lack of consent. Again, as in cases of verbal resistance, rapists were seldom deterred by this behavior.

Approximately 20 percent of all victims reported that they screamed or used some device (whistle, etc.) in an effort to attract attention. Whether or not the victims' actions actually attracted assistance from others, this was the most effective method of terminating a sexual assault. Unfortunately, it was also likely to cause some offenders to become more violent in an effort to silence the screams.

Many victims attempted to physically resist their assailants. In general, this resistance took the form of struggling, hitting, biting, and kicking the assailant. Nearly 20 percent of the victims attempted to run from the scene. Although struggling or fighting with the assailant seldom terminated the attack, victims who were able to run sometimes escaped their attackers. Examples from police records indicated the futility most victims experienced when they attempted physical resistance.

Case 3

. . . he pulled real hard on my right arm and I fell down on one knee. I bit him hard on the arm but he hit me real hard on my ear with his fist . . . Then I tried to hit him with my fists but he just laughed . . .

Case 4

I told _____ I would poke his m_____ f_____ eyes out if he laid one finger on me. He just sat there for a minute and stared out the windshield. Then he looked back at me and said something like

“ain’t six of you could stop me when I get fired up.” I tried to hit him but he just grabbed my arms and shoved them over mine [sic] head.

3.6 Injury

The rape reports indicated that approximately one third of all victims were injured (see Table 10). In most instances, the physical injuries were relatively

minor and consisted of bruises and cuts which did not require extensive medical treatment. More serious injuries usually involved severe bruises or cuts, vaginal tears, internal bleeding or bruising, broken bones, broken teeth or concussions. (No records of rape-homicide were examined in the course of this research, and so injuries which resulted in the death of victim were not included in this analysis.)

TABLE 10
Victim Injuries
(Multiple Injuries Possible)

Injury	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 233)	Phoenix (N = 105)	Total (N = 1256)
No Injury	64%	77%	70%	69%	49%	68%
Bruised	29%	16%	19%	19%	46%	23%
Slightly						
Bruised Ex- tensively	6%	4%	8%	6%	22%	7%
Vaginal Tears	2%	2%	2%	6%	4%	3%
Internal	2%	.4%	1%	2%	4%	1%
Broken Bones	2%	1%	1%	1%	6%	2%
Burns	—	.4%	—	—	—	.1%
Concussion	.3%	—	.3%	1%	2%	.5%
Broken Teeth	1%	—	—	1%	1%	.4%
Bullet Wound	—	—	—	—	—	—
Knife Wound	1%	1%	1%	3%	1%	2%
Other	7%	3%	3%	2%	11%	4%

3.7 Victim Services

The Women’s Movement provided the driving force which directed attention to rape and its social and psychological complications for rape victims. In less than a decade, this previously “unmentionable” act has become the subject of media dramatizations as well as discussions in public schools, churches, and civic organizations. This attention has created an atmosphere conducive to the reform of antiquated rape legislation,⁴ the development of more rigorous procedures for enforcement,³ and an insistence on more sensitive treatment of victims by agents of the criminal justice system and the medical profession.⁶

In addition to these more institutionalized changes, rape crisis lines, victim advocacy services, and mental health services have been established to assist victims in communities large and small throughout the United States.⁷

Counseling/advocacy services. During the course of the present research, we found that victim counseling and advocacy services were provided in many different forms. At several of our research sites, for example, rape crisis lines were often operated by community volunteers who had undergone some form of specific training in crisis intervention, rape law, and criminal process. These volunteers were usually

available around the clock and could respond quickly to the immediate emotional needs of rape victims as well as provide important medical and legal information. At other research sites, services were available through mental health professionals who could provide more traditional, long-term counseling and assure proper medical follow-ups.

Although it was impossible to establish the total number of victims who utilized these services at each of our research sites, we were able to question our victim interview respondents about their experiences. Of the 146 victims who answered this set of inquiries, one third had been in contact with their local rape crisis center or rape crisis line. Although most victims learned of the existence of such services from the media (38 percent) or family/friends (29 percent), it was not unusual for referrals to be made by police (15 percent) or by medical personnel (6 percent). If victims sought assistance from rape crisis centers/lines, they usually did so within one day of the assault. Among our victim respondents, the response distribution was as follows: immediate contact = 19 percent; within 4 hours = 23 percent; 4-24 hours = 15 percent; 1 day to 1 week = 33 percent; and more than 1 week = 10 percent.

When respondents were asked their *main* reasons for contacting the crisis line/center (multiple answers accepted), the most frequently mentioned answer (71 percent) was that they "needed to talk to someone." Other reasons for contact included the following: "needed criminal justice information" (46 percent); "needed someone to go with you to the medical facility" (35 percent); "needed someone to go with you to the police" (35 percent); "needed medical information" (25 percent); and "wanted to make a third-party (anonymous) report to the police" (10 percent). In general, victims seemed very satisfied with the services rendered. All victims believed that the information they obtained from rape crisis workers was accurate, and all victims believed that they were treated either with a great deal of understanding (78 percent) or with understanding (22 percent). No victim believed she was treated with indifference or with disrespect.

Medical services. A total of 114 victim respondents received medical treatment. From Table 11, it is obvious that medical attention took many forms. In most instances, the treatment related specifically to the health of the victim: they were examined for injuries and tested for the presence of venereal diseases and pregnancy. However, the majority of victims

also underwent vaginal and/or anal examinations to determine the presence of semen or sperm.

TABLE 11

Medical Tests/Treatment Afforded
Victims (N = 114)

Tests/Treatment	Percentage
Presence of Sperm/Semen	77%
Presence of Gonorrhea (Pap Smear)	88%
Presence of Syphilis (Blood Test)	78%
Injuries	31%
"Morning-After" Medication to Prevent Pregnancy	27%
Follow-Up Examination for Gonorrhea	46%
Follow-Up Examination for Syphilis	48%
Follow-Up Examination for Pregnancy	21%
Follow-Up Examination for Injuries	12%
Other/Unspecified	30%

Many rape victims experience some form of physical problem as a result of forcible sexual assaults. Among the victim interview respondents, 49 percent reported physical complications whether or not they receive immediate medical treatment. The most frequent of these complications were bruises, cuts, or other injury (21 percent), vaginal infections (15 percent), urinary tract infections (9 percent), side effects from "morning-after" treatment (5 percent), venereal disease (4 percent), and pregnancy (2 percent). Thus, in addition to the psychological trauma of rape, many victims also experienced significant and lingering trauma as well.

Victim assessment of the *quality* of medical treatment afforded them was very mixed. Nearly one half of the victim respondents had to wait two or more hours at a facility before they received any medical attention. The examinations, themselves, often required three or more additional hours. In fact, 34 percent of the victim respondents spent a total of six or more hours at the medical facility between the time they arrived and the completion of their examinations.

In addition, one quarter or more of the victims were not satisfied with the kind of treatment they received. Examining physicians, in particular, were often believed to have treated victims with indifference (19 percent) or disrespect (12 percent). Some victims (20 percent) complained that they were not provided sufficient information about the medical tests performed. Finally, more than one third of all

examinations (39 percent) were carried out in general purpose emergency rooms which offered no privacy. Although this lack of privacy did not disturb all victims, many felt embarrassed and humiliated by this procedure.

3.8 Emotional Impact of Rape

The purpose of this research was *not* to study the emotional impact of rape on victims or to evaluate their recovery following counseling or some other form of treatment. The research did, however, attempt to confirm the presence and extent of victim trauma that had been observed by others. Our victim interview data, therefore, appear as footnotes which are used to supplement previous studies in this area.

Other researchers and medical personnel have interviewed victims of rape immediately after the assault and during the weeks and months that follow. They have observed a common sequential pattern of emotional reactions which has come to be known as the *rape trauma syndrome*. Not all victims follow the identical pattern of response or experience the symptoms with the same intensity. However, virtually all victims experience some of the emotions described and, therefore, the rape trauma syndrome provides a useful means to discuss the general reaction of victims to a rape experience.⁸

Acute phase. The first reaction, or acute phase, can last for several days after the rape and is most commonly characterized as extreme psychological shock. Since the victim may be unable to comprehend her situation or what she should do, she sometimes acts in ways which appear illogical or irrational. The victim may not, for example, contact the police for several hours after the rape or she may bathe and wash her clothes repeatedly.

Every victim also experiences some degree of fear or terror. The forcible rape itself is most often perceived as a life-threatening event, rather than a sexual intrusion. In all likelihood, threats were made on her life. This fear, once aroused, does not always diminish immediately upon termination of the sexual assault. It is this continued sense of apprehension and danger that may determine and explain many victim actions during the hours and days immediately after the rape.

In addition to fear, the victim is likely to experience a variety of other emotions. These can include anger, shame, guilt, anxiety, revenge, powerlessness, and humiliation. It is common for a victim to experience severe and abrupt mood swings im-

mediately after the rape. A police officer or prosecutor may be talking with a victim when suddenly she demonstrates a surge of anger followed by expressions of guilt and self-blame. Such mood swings can be as surprising and unexpected to the victim as they are to the interviewer. Victims experience these feelings at different times and in different ways depending on the manner in which they normally cope with crisis.

A common style of victim response to an interview situation during this time is a calm, composed "I'm okay" demeanor which is sometimes known as a controlled reaction. Unfortunately, this type of response occasionally causes others to doubt the victim's account of the rape because she appears too "flat" and unemotional. Furthermore, this reaction of external calm allows others to form the mistaken belief that the experience will have no emotional consequences for the victim.

During this time of crisis, a victim can revert to a state of dependence or helplessness. Because the sexual assault has disrupted her normal ability to cope with a situation, decision-making can become an ordeal. For some victims, it is easier and safer to seek direction and protection from friends, family members or a person in a position of authority. The victim can become extremely suggestible and vulnerable to pressure or authority. This factor can be important if, for example, a relative or a friend has a strong opinion that the victim should or should not prosecute the rapist. The victim is also very sensitive to the attitudes and behavior of the patrol officers, detectives and prosecutors involved with her case. Lack of support from criminal justice personnel is likely to render the victim confused and uncooperative.

Victims often report significant disruptions in their daily routines. Some women are unable to sleep at night and are easily awakened by noises that would not have bothered them previously.⁹ Eating habits can also be affected by the stress of the rape. Frequently, women report loss of appetite or an inability to eat. Others find that eating causes nausea and vomiting, especially if they were forced to perform oral sex.¹⁰ The victim's ability to concentrate may be greatly diminished and her attention span temporarily shortened. In sum, the victim's normal methods of coping with daily stress work so inefficiently that almost all of her life functions are temporarily disrupted.

Adjustment and integration phases. Following the victim's intense emotional reaction to the rape, she

often gives every appearance that she has learned to cope with the experience. Very often she does this by blocking out all thoughts of the rape and rearranging her daily life so that she is not reminded of the crisis.

Although denial is usually only a temporary stage, it can interfere with criminal justice proceedings because the victim may wish to withdraw her complaint or become uncooperative with detectives or prosecutors who want her to relive the incident.

The final stage of dealing with rape trauma occurs over a long period of time and requires the victim to integrate the experience into her life as a whole. Because rape so dramatically upsets the normal routines of a woman, the crisis can be a time for self-evaluation and new decisions. Many facets of the victim's life may be different after the rape. Some women find it necessary to change residences in order to feel safer and more secure.¹¹ This is a particularly common behavior for women who are raped in the security of their own homes or apartments. Other women spend a great deal of time, energy and money to secure their living quarters with new locks, bolts and alarm systems.¹²

Victims may perceive themselves as changed by the rape either because they feel differently about themselves or because they believe that others see them as changed. Family support can be crucial at this time. Unfortunately, family members sometimes respond in ways that are not helpful to the victim.¹³ Victims describe husbands who doubt their account of what happened and are suspicious or accusatory. Parents sometimes find it difficult to talk about the sexual assault and try to dissuade the victim from thinking or talking about the incident. While they

may wish to save the victim from recalling powerful emotions surrounding the rape, it is not unusual for the victim to conclude that what has happened to her has brought shame and embarrassment upon her family.

Dreams, especially nightmares, are a common experience for women who have been raped. The dreams often consist of vivid pictures in which the victim relives the terror of the rape situation. The paralyzing feeling of doom is recreated with such reality that the victim often awakens to the same feeling of powerlessness, loss of autonomy and life-threatening fear of the rape itself.

In summary, the emotional impact of rape is often intense and may persist for months or even years. It is clear, however, that the symptoms can be alleviated if victims receive support from friends, family, criminal justice personnel and the community. Certainly, rapes occur with sufficient frequency and destructiveness that the victims deserve some degree of special consideration.

3.9 Conclusion

Interest in rape victimization and its aftermath is not likely to dissipate in the near future. Although this interest may change its focus or form, rape will never again be an "unmentionable" topic to be kept from the ears and eyes of children and teenagers. Rape is a terrible crime which may have devastating consequences on the lives of victims and their families. Fortunately, society and its institutions seem to be responding to this knowledge in ways which suggest that these victims will someday be treated with the respect they deserve.

NOTES

¹An approximate ratio of one reported rape for every four actual rapes has been observed in several studies. In 1965, for example, the National Opinion Research Center of the University of Chicago conducted a victimization survey and found that the actual rate of forcible rape in their sample was 3.66 times greater than the reported rate. See the President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, D.C.: U.S. Government Printing Office, p. 21, 1967. Also, see State of California, Subcommittee on Sex Crimes of the Assembly Interim Committee on Judicial System and Judicial Process, *Preliminary Report 26* (1950) which estimated that the ratio of reported rapes to actual rapes was 1:5; and *The Sex Offender in Minnesota*, prepared by the Minnesota Department of Corrections, 1964, which estimated this ratio to be 1:4.

²In 1975, the Federal Bureau of Investigation indicated that 56,090 rapes were reported to law enforcement authorities in this country. When this number is multiplied by four (unreported estimate), as many as 225,000 rapes might have been committed. See the Federal Bureau of Investigation, *Uniform Crime Reports for the United States (1975)*, United States Government Printing Office, p. 22, 1976.

³Several research projects, sponsored by The National Center for the Prevention of Rape, National Institute of Mental Health, are now underway to systematically study the reasons why many women choose not to report sexual assaults against them. It is presumed that findings from these projects will be available in the near future.

⁴For a summary of these legislative changes, see *Forcible Rape: An Analysis of Legal Issues*, prepared by the Battelle Law and

Justice Study Center in the course of this research, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977. Also, see Luginbill, David. "Repeal of the Corroboration Requirement: Will It Tip the Scales of Justice?" *Drake Law Review*, 24, 3, 669-683, 1975; Johnson, Edwina Gayle. "Evidence—Rape—Trials—Victim's Prior Sexual History," *Baylor Law Review*, 27, 2, 222-237, 1975; (Anonymous). "Recent Statutory Developments in the Definition of Forcible Rape," *Virginia Law Review*, 61, 7, 1500-1575, 1975; Saska, Helene and Deborah Sesele. "Rape Reform Legislation: Is It the Solution?" *Cleveland State Law Review*, 24, 3, 463-503, 1975; (Anonymous). "The Rape Corroboration Requirement: Repeal Not Reform," *Yale Law Journal*, 81, 7, 1365-1391, 1972; Cobb, Kenneth and Nancy Schauer. "Legislative Note: Michigan's Criminal Sexual Assault Law," *Journal of Law Reform*, 81, 1, 1974.

⁵See, for example, Still, Agnes. "Police Enquiries in Sexual Offense," *Journal of Forensic Social Sciences*, 15, 183-187, 1975; Lichtenstein, Grace. "Rape Squad," *The New York Times Magazine*, March 3, p. 10, 1974; Bard, Morton and Katherine Ellison. "Crisis Intervention and Investigation of Forcible Rape," *The Police Chief*, May, p. 68, 1974; Cottell, Lovis C. "Rape: The Ultimate Invasion of Privacy," *FBI Law Enforcement Bulletin*, May, 2-6, 1974.

⁶See, for example, Putnam, Jerry D. and Denamae Fox. "A Program to Help the Victims of Crime," *The Police Chief*, March, p. 36, 1976; Flammang, C. J. "Interviewing Child Victims of Sex Offenses," *Police*, 16, 6, 24-28, 1972; Hayman, Charles R. "Sexual Assaults on Women and Girls," *Annals of Internal Medicine*, 72, 2, 1970; (Anonymous). "Rx for RAPE: The Listening Ear," *Emergency Medicine*, February, 72-79, 1975; Burgess, Ann Wolbert and Lynda Lytle Holmstrom. "The Rape Victim in the Emergency Ward," *American Journal of Nursing*, 73, 10, 1973.

⁷For an excellent discussion of the developmental history of victim services, see Brodyaga, Lisa, Margaret Gates, Susan Singer, Marna Tucker, and Richardson White. *Rape and Its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies*, National Institute of Law Enforcement and Criminal Justice,

Law Enforcement Assistance Administration, U.S. Department of Justice, 1975.

⁸For more extensive discussions of the emotional impact of rape on the victim, see Burgess, Ann Wolbert and Lynda L. Holmstrom. "Rape Trauma Syndrome," *American Journal of Psychiatry*, 131 (September), 1974, 9. Also see: Burgess, Ann W. and Lynda Holmstrom. "Assessing Trauma in the Rape Victim," *American Journal of Nursing*, 75, 8, 1975; Burgess, Ann Wolbert and Lynda Lytle Holmstrom. "Coping Behavior of the Rape Victim," *American Journal of Psychiatry*, 133, 4, 1976, 413-18; McCombie, Sharon L. "Characteristics of Rape Victims Seen in Crisis Intervention," *Smith College Studies in Social Work*, 46, 1976, 137-58; Notman, Mulkah T. and Carol C. Nadelson. "The Rape Victim: Psychodynamic Considerations," *American Journal of Psychiatry*, 133, 1976, 408-13; Sutherland, Sandra and Donald Schere. "Patterns of Response Among Victims of Rape," *American Journal of Orthopsychiatry*, 40, 1970, 503-11.

⁹In the course of the present research, 78 percent of victims interviewed reported changes in their sleeping patterns. These disruptions included insomnia (50 percent), nightmares (40 percent), sensitivity to sounds (28 percent), and fear of sleeping alone (25 percent). These changes in sleep were quite persistent. More than one half of these victims reported that they lasted for a period of three months or more.

¹⁰Slightly more than one third (37 percent) of the victims interviewed reported changes in their eating habits. The most common symptoms involved a reduction in food intake, i.e., couldn't eat much at all (38 percent), ate less (72 percent), or were unable to hold food down (28 percent). Some victims reported the opposite effects, i.e., ate more (18 percent) and ate compulsively (14 percent).

¹¹Thirty-four percent of all victims interviewed changed residences subsequent to their rape experience.

¹²Nearly one half (49 percent) of all victims interviewed installed new security devices in their residences.

¹³Fifty-seven percent of the victims reported changes in family relationships. When such changes were observed, they were consistently negative, i.e., relationships deteriorated.

CHAPTER 4. PATROL OFFICER RESPONSE TO RAPE COMPLAINTS

All law enforcement agencies have established procedures to answer calls for service. The response models established in most cities specify that personnel from separate departmental divisions conduct the preliminary and follow-up investigations for all crimes except homicide. In most cases which involve the receipt of a rape complaint, a patrol officer is dispatched to take an initial report and a detective is later assigned to conduct the follow-up investigation. The model used by a particular department is dictated by the number of rape reports it receives and the size of the jurisdiction served by the department. In departments which utilize the *traditional model*, the most readily available patrol officer is responsible for the completion of a preliminary investigation. The follow-up investigation is conducted by a detective who is a member of a general investigation division. In the *patrol specialist model*, specific patrol officers conduct the preliminary investigation of rape cases. In some departments these are officers who have received some type of special training; in others, they are female officers. In the *special unit model*, the initial investigation is conducted by the most readily available patrol officer, but the follow-up investigation is conducted by a detective who is a member of a special unit.

The actual division of labor between individual patrol officers and detectives is determined by the response model adopted within a police agency and the speed with which cases are assigned for investigation. Follow-up investigators are normally brought into cases in one of three ways. In some departments, they are notified directly by the agency's communications section; in others, they are notified from the scene of the complaint by the patrol personnel dispatched to take the initial report. In still others, investigators are not normally notified prior to the time they receive a written report through intra-departmental channels.

The research sites chosen for inclusion in this project were chosen, in part, because the respective police agencies represented variations of the special unit model. Memphis and Washington, D.C., immediately dispatched both patrol officers and investigators to the location of the complainant. Thus, in these sites, specialized detectives established im-

mediate control of the entire investigation. In Detroit, Austin and Kansas City (Missouri), only patrol officers were dispatched to take the initial report. Once the nature of the complaint was verified as a possible rape, the patrol officers in the field notified a sex crimes investigator. This investigator, in turn, either proceeded to the location of the complainant or advised the patrol officers to undertake the preliminary investigation. Finally, the response model adopted in Seattle and Oakland required that patrol officers undertake all preliminary investigations of rape complaints. A written report of this investigation was then routed to the sex crimes detectives for case assignment and follow-up investigation. Thus, the response models adopted at the different sites determined the functions of patrol and investigation. In general, the longer the delay between the initial complaint and the investigative follow-up, the more responsibility for preliminary investigation fell to patrol officers. As will be seen in later chapters, this delay had a significant effect on the kinds of evidence collected and the ability of detectives to make contact with victims and other witnesses.

The primary data on patrol officer experiences with rape cases were obtained from 16-page questionnaires distributed to a stratified sample of 70 officers in each of the second-year research sites.¹ Of the 420 questionnaires distributed, 251 responses were received and included in the analyses.² Although an equal number of respondents was not obtained from each site (Memphis = 48; Detroit = 37; Kansas City = 53; Washington, D.C. = 28; Oakland = 36; and Austin = 49), sufficient aggregate data were available to draw conclusions with considerable confidence.

The patrol survey data confirmed the contention that individual officers have relatively little experience in handling rape complaints. With a median of 4.9 years of experience as patrol officers, the respondents averaged 6.1 rape investigations in their career, or less than two per year. Number of years of patrol experience, however, was not a good indicator of experience in rape investigations. Some officers with as much as eight years of patrol experience had never taken a rape complaint; other officers with less

than two years of experience had investigated as many as 18 complaints. Despite this wide range of individual variation, involvement in rape cases was a relatively rare phenomenon for the majority of officers.

4.1 Initial Patrol Response/Investigation

Rape cases often have unique features which make their investigation different from other felony cases. Police personnel who respond to rape complaints are frequently responsible for obtaining unusual types of physical evidence (semen/sperm, etc.), conducting interviews with traumatized victims, and canvassing for witnesses who might corroborate aspects of victims' accounts. Although these activities are not necessarily confined to rape investigations, most law enforcement officers agree that special skills and training are required if victim cooperation is to be maximized and strong cases are to be developed for prosecution.

The following discussion of the initial patrol response and investigation begins with a description of current procedures, and then continues with recommendations for changes in procedures. Although most of the data presented in this discussion are drawn from the patrol officer surveys, interview

responses from sex crimes investigators and victims are included.

Current procedures. In order to obtain the most accurate information on the actual initial response and investigative procedures utilized at the research sites, patrol respondents were asked a series of questions related to the handling of their *most recent* rape complaint.

The first of these questions explored the means by which the patrol officers first learned of the rape. As Table 12 indicates, most officers were alerted to the nature of the offense by the dispatch officer, although 20 percent of the dispatched calls either did not specify the nature of the offense or identified it as some other crime. Patrol involvement arising from "on view" observations or "in-person complaints" from victims was extremely rare.

Almost every police agency considers rape a high priority crime for patrol dispatch. Because of this, patrol response time to the complainant or crime scene is usually very rapid. According to the patrol officers surveyed, 48 percent reached the scene of their last rape case in less than 3 minutes of dispatch; an additional 47 percent arrived in 3-10 minutes. Less than 1 percent of the officers indicated that response time required 30 minutes or more.³

TABLE 12

Method by Which Patrol Officers Became Involved in Rape Investigation

Method	Memphis (N = 45)	Detroit (N = 34)	Kansas City (N = 53)	Wash., D.C. (N = 26)	Oakland (N = 36)	Austin (N = 48)	Total (N = 242)
Dispatch/ Rape	78%	71%	66%	54%	72%	73%	70%
Dispatch/ Other	13%	15%	23%	35%	19%	17%	19%
On View	2%	3%	—	—	3%	2%	2%
In Person	2%	12%	8%	8%	—	6%	6%
Other	4%	—	4%	4%	6%	2%	3%

A rapid response is considered important because most rape complaints were made soon after the rape occurred. Less than 10 minutes had elapsed between the rape and the call to the police in approximately 25 percent of the cases investigated by the patrol respondents. More than two thirds of the cases were still "warm" by the time the patrol officers arrived,

i.e., the rape had occurred less than one hour before (see Table 13). Less than 5 percent of the complaints were "cold" or more than 24 hours old.⁴

The relative "age" of a rape complaint influences the kinds of tasks performed by patrol officers and, to some extent, determines the number of police units sent to the scene or location of the complaint. Since

the majority of rapes investigated by the patrol respondents were "warm" complaints, two or three police units were usually dispatched. Although the total number of police personnel involved in the initial investigation varied considerably from one department to another, it was not uncommon for four or more officers to respond to the call. (See Table 14.)

The actual tasks performed by patrol officers were very much a function of the response model used by their respective agencies. From Table 15, it can be seen that virtually all officers were expected to take an initial complaint. However, patrol officers in Washington, D.C. never processed crimes and rarely transported victims to hospitals for medical examinations. These tasks were ordinarily performed by other police personnel. In Memphis, where special investigators were dispatched to the complainant, patrol officers occasionally conducted some crime scene investigations and were usually responsible for transporting the victim for medical examination.

Regardless of the initial response model utilized, rape complaints demand the expenditure of significant police resources. Patrol officer survey data presented in Table 16 indicate that each complaint required an average of two hours per officer from the time of the call until return to service. If average time per complaint were multiplied by three (median number of responding police personnel), the "typical" initial rape investigation required six man-hours to complete.

It should be noted that a significant portion of this out-of-service time was spent in hospital emergency rooms. It was not at all unusual for patrol officers in Kansas City, Oakland, and Austin to wait two or more hours before victims were admitted for medical examinations.

In addition to identifying specific patrol activities and the time required to perform them, the patrol survey also obtained the ratings of patrol functions relative to rape investigations. Respondents were

TABLE 13

Elapsed Time Between Rape and Report to Police

Elapsed Time	Memphis (N = 45)	Detroit (N = 34)	Kansas City (N = 53)	Wash., D.C. (N = 25)	Oakland (N = 35)	Austin (N = 48)	Total (N = 240)
5 Min.	4%	9%	11%	8%	14%	8%	9%
5-10 Min.	27%	15%	11%	24%	9%	17%	17%
10-60 Min.	42%	50%	36%	40%	34%	56%	43%
1-4 Hr.	11%	24%	19%	4%	29%	13%	17%
4-24 Hr.	13%	—	15%	8%	11%	6%	10%
25 Hr.	2%	3%	6%	16%	3%	—	4%

TABLE 14

Total Police Personnel Who Responded to Rape Complaint

Number Personnel	Memphis (N = 45)	Detroit (N = 34)	Kansas City (N = 53)	Wash., D.C. (N = 23)	Oakland (N = 35)	Austin (N = 48)	Total (N = 238)
1	2%	3%	2%	—	26%	2%	6%
2	11%	22%	30%	4%	26%	25%	23%
3	16%	12%	40%	4%	23%	33%	24%
4	20%	24%	15%	35%	9%	15%	18%
4 +	47%	33%	13%	57%	14%	25%	28%
Unknown	4%	—	—	—	3%	—	2%

TABLE 15

Patrol Officer Tasks - Initial Response

Task	Memphis (N = 45)	Detroit (N = 33)	Kansas City (N = 53)	Wash., D.C. (N = 25)	Oakland (N = 35)	Austin (N = 48)	Total (N = 240)
Take Report	100%	100%	91%	73%	94%	92%	93%
Process Scene	11%	12%	17%	—	20%	48%	20%
Transport Vict.	51%	55%	47%	4%	61%	52%	47%
Search for Susp.	31%	42%	40%	31%	50%	38%	39%
Backup	—	—	4%	12%	8%	—	3%
Arrest Susp.	2%	3%	2%	4%	—	—	2%

TABLE 16

Total Time From Call to Return to Service

Time	Memphis (N = 43)	Detroit (N = 33)	Kansas City (N = 53)	Wash., D.C. (N = 25)	Oakland (N = 34)	Austin (N = 48)	Total (N = 236)
1 Hour	2%	—	—	4%	—	2%	1%
30-60 Min.	16%	6%	11%	12%	—%	4%	9%
1-2 Hours	65%	67%	43%	32%	29%	27%	44%
2-4 Hours	16%	21%	38%	32%	56%	52%	36%
4-6 Hours	—	—	6%	12%	9%	10%	6%
6 Hours	—	—	—	—	6%	2%	1%
Don't Know	—	6%	2%	8%	—	2%	3%

asked to indicate whether each of 11 commonly performed activities with respect to cases "needed no improvement," "needed some improvement," or "needed considerable improvement." From Table 17, it is apparent that the three activities which needed the most improvement—interviewing, handling the problems associated with child victimization, and dealing with the emotional trauma of rape—all related to victim treatment. More traditional police activities, such as handling and gathering evidence, giving testimony, etc., were less frequently rated as activities which required improvement.

Improvements in the initial patrol response to rape complaints can be accomplished through better training or through modifications in response pro-

cedures. It is to this latter area that the remainder of this discussion is devoted. (See Chapter 7, "Training," for a discussion of recommended training needs.)

4.2 Recommended Changes

Information on suggested modification in the initial response to rape complaints was drawn from three sources: patrol officer surveys; investigator interviews; and victim interviews. Because these sources represented different perspectives, each is discussed separately. Note that no effort was made to assess the feasibility of the recommendations. They are presented to provide guidance to those who seek factual information for policy consideration.

TABLE 17

Patrol Officer Activity Ratings With Respect to Rape Cases

Rank	Patrol Activities	Need Some Improvement	Need Considerable Improvement	Total % Improvement
1	Interviewing Victims	61%	29%	89%
2	Dealing With Special Problems of Child Victims	45%	42%	87%
3	Attending to Emotional Needs of Victims	64%	21%	85%
4	Writing Reports	60%	17%	77%
5	Handling Physical Evidence	58%	12%	70%
6	Locating Witnesses	54%	15%	69%
7	Utilizing Community Resources for Victims	48%	20%	68%
8	Testifying at Judicial Proceedings	50%	17%	67%
9	Gathering Evidence Re: Lack of Consent	48%	11%	59%
10	Gathering Evidence Re: Penetration	39%	8%	47%
11	Obtaining Medical Exams for Victims	33%	6%	39%

(1) **Patrol officer perspective.** The first area of change involved *dispatch procedures* for rape complaints and, indeed, 57 percent of the patrol respondents recommended one or more modifications in their current communications operations. The five more frequently suggested modifications were that dispatch should obtain more suspect information from the complainant (45 percent); dispatch should broadcast time since offense (16 percent); dispatch should give rape calls a higher priority (7 percent); dispatch should screen calls more effectively (9 percent); and dispatch should keep victim on the phone until the patrol officer arrives. The first three recommendations are obviously intended to increase apprehensions either by reducing response time or by facilitating the identification of fleeing suspects.

Fifty-four percent of the patrol respondents suggested changes in the initial response to rape complaints. Of the 21 recommendations identified, only five appeared with sufficient frequency to be included in this discussion. The most often mentioned recommendation (13 percent) was for improvements in patrol officer attitudes toward rape or understanding of victims. This finding suggested that officers were aware of insufficient police sensitivity to this crime and its impact on those who experience sexual assaults. In rank order of their frequency, other recommendations for improving the initial response included better training regarding the emotional

needs of victims (9 percent), dispatch of two patrol cars to the scene (9 percent), immediate dispatch of sex crimes investigations to the scene (7 percent), and dispatch of a police woman to conduct the initial investigation (6 percent).

The survey findings clearly indicated that patrol officers were not comfortable collecting and gathering evidence in rape cases. When respondents were asked who should *process the crime scene* for physical evidence, only 10 percent believed that this should be a patrol officer function. The remainder believed that crime scenes should be processed by police personnel with more specialized skills, such as sex crimes investigators (21 percent) or evidence technicians (68 percent).

We had found individual patrol officer experience with rape cases was extremely limited, i.e., less than two reports per year. Because officers were so inexperienced, it was hypothesized that patrol activities might be improved if they used a report form which specified the kinds of information and evidence that should be gathered at the time of the initial complaint. The advisability of a specialized report form was supported in our first year survey of more than 200 police departments throughout the country. These respondents indicated overwhelming dissatisfaction with the use of general complaint forms to take rape reports. However, a similar level of dissatisfaction with current report forms was *not* observed among the patrol officer respondents. A

total of 12 percent of these officers believed rape complaints should be recorded on special forms which encompassed all crimes against persons; an additional 30 percent supported the use of special forms initial complaint. The advisability of a specialized report form was supported in our first year survey of more than 200 police departments throughout the country. These respondents indicated overwhelming dissatisfaction with the use of general complaint forms to take rape reports. However, a similar level of dissatisfaction with current report forms was *not* observed among the patrol officer respondents. A total of 12 percent of these officers believed rape complaints should be recorded on special forms which encompassed all crimes against persons; an additional 30 percent supported the use of special forms for sexual assaults. The primary reason given for the use of special forms was that they acted as guides to obtain necessary information. The most frequently suggested modification involved the adoption of check-list forms which included printed options for offender descriptions, types of victim resistance, victim description and perceived emotional state at the time of the report, and instructions for obtaining victim medical examinations.

When respondents were asked to recommend the *ideal* way to divide initial investigation responsibilities between patrol officers and sex crimes detectives, more than one half (52 percent) suggested that patrol not be involved at all. These respondents believed that, under ideal circumstances, specially trained detectives should be sent to the scene of the rape to conduct the entire investigation. Forty-five percent of the survey respondents supported the specialized response model, i.e., patrol officers should be responsible for the initial investigation and specialized investigators should handle all follow-up investigation. Only 3 percent of the officers felt that a team police model would be most appropriate. According to this model, patrol officers would be responsible for the entire case and would handle both the initial and the follow-up investigation.

Finally, respondents were asked to suggest ways in which patrol officers and detectives could work together most effectively to solve more rape cases. The most frequent suggestion underscored a common problem which surfaces during the investigation of many felony complaints—that is, the need for detectives to share more information with patrol officers. Respondents felt that rape investigations would be more effective if detectives provided information on suspects (34 percent) or simply kept them informed on the progress of their cases (14 percent). Most of the remaining suggestions could be com-

bined under the heading of increased detective involvement in the initial investigation. Specific suggestions for such involvement included dispatching detectives to the scene (12 percent), assigning teams of patrol officers and detectives to conduct investigations (5 percent), and more instructions from detectives on proper patrol procedures in rape cases (9 percent).

In summary, it was obvious that most patrol respondents were not comfortable with current procedures for handling rape complaints. In particular, they believed improvements were needed in the area of victim interviewing and victim trauma. Indeed, most patrol officers would rather not handle rape cases at all. Instead, they would prefer that the initial and follow-up investigation be left entirely in the hands of evidence technicians and sex crimes specialists.

(2) *Investigator perspective.* A total of 86 sex crimes investigators were interviewed at the six research sites. Because the initial response to the investigation of rape complaints is often critical to the development of sound cases, we were particularly interested in the views and recommendations of these experienced police personnel. Investigators were first asked to rate the activities performed by patrol officers with respect to rape cases. From Table 18, it is apparent that a substantial percentage of investigators gave "poor" rating to patrol officers' knowledge of community resources for victims, knowledge of the rape law, conduct of suspect interviews and attention to the emotional needs of victims. Indeed, except for the activity identified as "testifying before judicial proceedings," none of the ratings fared particularly well.

This relatively high proportion of "poor" ratings was somewhat disconcerting in view of the fact that patrol officers conducted an average (median) of 85 percent of all initial rape investigations subsequently assigned to the detective respondents. These same respondents believed that significant advantages would result if they, sex crimes detectives, were to conduct the initial investigations of all rape cases. First, such a change in procedure would be expected to reduce the number of interviews required of the victim (85 percent) and, in addition, would make the victim feel more comfortable (62 percent) and more cooperative (60 percent). Second, more physical and other corroborating evidence in the form of witness statements would be obtained (65 percent and 56 percent, respectively). Only in the area of securing victim medical examinations would a change in procedure have an insignificant impact (19 percent).

TABLE 18

Ratings by Sex Crimes Investigators of Activities Performed
by Patrol Officers With Respect to Rape Cases (N = 86)

Activity	% Poor	% Satisfactory	% Excellent
Knowledge of Community Resources for Victims	57%	40%	2%
Knowledge of Law on Rape	42%	51%	7%
Conducting Interviews with Suspects	32%	56%	13%
Attention to Emotional Needs of Victims	31%	58%	10%
Handling Physical Evidence	26%	61%	13%
Locating Possible Witnesses	26%	56%	19%
Completeness of Written Report	21%	63%	13%
Ensuring Victim Medical Exams	21%	44%	35%
Testifying at Judicial Proceedings	10%	63%	27%

When investigators were asked whether male or female police personnel should take the initial victim report, 68 percent of the respondents indicated that the sex of the officer didn't matter. An additional 28 percent preferred a male/female team. Only one investigator felt that female officers were more appropriate; one investigator favored male officers.

Specific recommendations for improving the initial investigation of rape complaints were solicited from detective respondents. Although 46 independent suggestions were obtained, only four appeared with sufficient frequency to be included in this discussion. The first recommendation (26 percent) was for more training for patrol officers, particularly in the areas of crime scene processing, sensitivity to the emotional needs of victims, rape law and rules of evidence. The second most frequent recommendation (22 percent) was that sex crimes investigators should conduct the entire initial investigation. Third, 21 percent of the detective respondents suggested that the initial investigation report be much more detailed and include complete statements from victims and witnesses, a statement of evidence collected, crime scene descriptions/sketches, and notations regarding the physical and emotional condition of the victim. Finally, 9 percent of respondents recommended that crime scene processing be improved through such methods as more frequent use of evidence technicians, more forensic equipment, or better patrol officer training.

In summary, investigator and patrol respondents shared the same general views on the weaknesses of

the initial investigation of rape complaints. Both groups of respondents indicated that patrol officers were not well trained to handle such complaints and that rape victims and rape investigations would be better served if specialized detectives handled these cases from the very beginning.

(3) *Victim perspective.* Rape victim interviews conducted in Seattle, Detroit and Kansas City attempted to determine victims' perceptions of treatment by criminal justice system personnel. Of the 146 victims interviews in these cities, only 117 had reported the assault to the police. These reporting victims made it very clear that the treatment they received from police during the initial investigation often influenced their decision to proceed with the case. Thus, the "tone" established at the time of the initial complaint was critical to continued victim cooperation and involvement with criminal justice process.

Ironically, victims were not as critical of patrol officers as officers were of themselves. When victims were asked to indicate how they were treated by the uniformed officer(s) who conducted the initial investigation, the majority felt that they were treated either with a great deal of understanding (39 percent) or with understanding (28 percent). The remainder of the victims felt they were treated with indifference (19 percent) or with disrespect (14 percent). Although these victim ratings suggested that substantial improvements would be desirable, they did not support a general criticism of patrol officer insensitivity and crassness.

Most of the victim complaints of patrol officer per-

formance during the initial investigation centered, not on the police procedures to which victims were exposed, but on the manner in which the procedures were performed. There were many complaints about the location or surroundings in which the report was taken. Nearly one half of all victim interviews were conducted in non-private locations, and two thirds of these victims felt uncomfortable and inhibited because of this lack of privacy.

Victim interview data provided only partial support for the recommendations of some feminists that only female police officers should interact with rape victims. Concerning officers assigned to conduct the initial investigation, 50 percent of the victim respondents had no sexual preference. Thirty-nine percent of the respondents preferred a female officer; 11 percent preferred a male officer. Thus, when preferences were observed, female officers were favored. Most victims, however, simply did not care whether the initial investigation was conducted by males or females.

Victims are frequently so traumatized by their rape experience that they are virtually incoherent by the time patrol officers arrive to take their reports. Officers who lack knowledge of the emotional needs of rape victims or who are unskilled in crisis intervention techniques⁵ often exacerbate an already difficult situation. Among the victim respondents, 40 percent stated that they were unable to give a clear statement to the responding officers. Although this incoherence was undoubtedly a function of the emotional state of the victims, the interview techniques used by the patrol officers were often perceived as offensive or inappropriate. Victims were often "put off" by the attitudes of responding officers. In fact, nearly one third (29 percent) of the victims respondents felt that the patrol officers did not believe them.

4.3 Patrol Officer Attitudes Toward Rape Complaints

The results of the patrol officer surveys substantially supported the often-voiced contention that

criminal justice authorities are highly suspicious of rape complaints. For example, when patrol officers were asked to estimate the percentage of rape complaints made to their respective departments in which no real rape occurred, the responses ranged from 0 to 96 percent. Even when the more extreme responses were nullified, the median estimate of false reports ranged from a low of 13 percent (Detroit patrol officers) to a high of 27 percent (Memphis patrol officers). Thus, most patrol officers assumed that approximately one report in every four or five was false.

When patrol respondents were asked whether they had ever been assigned to handle a rape complaint that turned out to be false, 57 percent responded affirmatively. The most frequent presumed motivations for false complaints were: "cover-up" to family or friends for consensual intercourse (24 percent); revenge for an argument or separation from a lover (18 percent); revenge for no payment for an act of prostitution (15 percent); and fear of pregnancy or venereal disease (4 percent). In addition, patrol officers seemed to be particularly reluctant to believe victims who had been drinking, who had engaged in consensual "petting" with the accused prior to the alleged assault, who delayed reporting the offense, who had a criminal record, who appeared "too calm," or who appeared "too hysterical." Indeed, if any of these conditions existed, complainants were believed either to be victims of their own carelessness or victims of their own fantasies.

Whatever the attitudes of patrol officers might be toward rape complaints, there is no reason to assume that they differ significantly from the attitudes shared by members of the civilian community. If patrol officer experience with rape investigations is as limited as that of our survey respondents, police attitudes and activities are not likely to improve without modifications in current response procedures and more specific training on the crime of rape. Patrol officers simply respond to rape complaints too infrequently to develop appropriate investigative techniques based solely upon on-the-job experiences.

NOTES

¹A survey of patrol officers in the seventh research site, Seattle, was accomplished during the first year of the research. Summary results of that survey are included in *First Year Report: Research and Development of Model Procedures for Criminal Justice System Involvement with the Crime of Forcible Rape* available on loan from the National Institute of Law Enforcement and Criminal

Justice, Law Enforcement Assistance Administration, 1976.

²A total of 267 patrol officer questionnaires were returned to the Battelle Law and Justice Study Center. However, 16 replies were received after the "deadline date" and were not included in the statistical analyses.

³Victim interview data indicated that patrol response time to

their complaints was somewhat slower than that indicated by the patrol respondents. According to these victims, the time between their call to police and the arrival of police officers was: less than 15 minutes = 58%; 15-30 minutes = 28%; 30-60 minutes = 7%; more than 60 minutes = 7%.

⁴The distribution of elapsed time between rape offense and

report to the police is in general agreement with data obtained from official records and presented in Appendix A, p. 2.

⁵For an excellent discussion of the application of crisis intervention techniques, see Bard, Morton and Katherine Ellison. "Crisis Intervention and Investigation of Forcible Rape," *The Police Chief*, May, 1974, 68.

CHAPTER 5. INVESTIGATOR RESPONSE TO RAPE COMPLAINTS

Virtually all police agencies dispatch patrol officers to the scene of every rape complaint to obtain an initial report. Follow-up investigators are normally brought into cases in one of three ways. In some departments, they are notified directly by the agency's communications section; in others, they are notified from the scene of the complaint by the patrol personnel dispatched to take the initial report; and in still others, they are not normally notified prior to the time they receive a written report through intra-departmental channels.

The research sites selected for extensive study represented all three models of detective involvement in rape investigations. Detectives in Memphis and Washington, D.C., were dispatched immediately to the location of the complainant and were assigned responsibility for both the initial and follow-up investigations. In Detroit, Austin and Kansas City, detectives were notified from the field by patrol officers dispatched to the complainant. Detectives could then respond immediately to the scene or instruct the patrol officer to conduct the initial investigation. Finally, patrol officers in Seattle and Oakland undertook all preliminary rape investigations. Follow-up investigators became involved only after written reports of the patrol investigations were routed to sex crimes detectives for case assignment. As mentioned previously, the longer the delay between the initial complaint and the investigative follow-up, the more the responsibility for preliminary investigation fell to patrol officers. As will be seen, this delay had a significant effect on the kinds of evidence collected and the ability of detectives to make contact with victims and other witnesses.

The primary data on follow-up investigations of rape cases were obtained from in-person interviews with 86 sex crimes detectives in the six second-year research sites.¹ No attempt was made to equalize the number of interview respondents across sites. Instead, all available sex crimes detectives in each department were approached and requested to participate. The following distribution of interviews was obtained: Memphis = 19; Detroit = 26; Kansas City = 15; Washington, D.C. = 23; Oakland = 2; and Austin = 8. Supplementary data on follow-up investigations were also obtained from analyses of

police records in Seattle, Detroit, Kansas City, New Orleans and Phoenix and from interviews with prosecutors and victims.

Detective interview respondents were not novices to police work. Experience in police service averaged (median) 9.5 years. Length of service as a sex crimes investigator, however, was much more limited and averaged only 2.2 years. Twenty percent of the respondents had been sex crimes detectives for less than one year.

5.1 Case Assignment

An often-heard complaint among detectives assigned to any type of felony investigation is that they are too busy or too overworked to conduct thorough investigations of every case assigned to them. Although this complaint is undoubtedly shared by some sex crimes investigators, our research data did not substantiate that it is a general one. Among the detective respondents, an average (median) of 6.1 rape or attempted rape cases were assigned to them each month; the investigations of these occupied an average of 65 percent of their time. The remainder of their time was spent in the investigation of other types of crimes. When respondents were asked to specify the *ideal* monthly case load assignment, detectives recommended an average (median) of 5.4 rape/attempted rape cases and 2.6 cases of other types. Thus, the difference between actual average assignment and ideal average assignment was insignificant. Indeed, most respondents carried case loads which were within their capacities to investigate with considerable efficiency.

The methods by which cases are assigned for detective follow-up and the speed with which this is done were anticipated to have an impact on the course of investigations. Data from police records tended to confirm this hypothesis. (see Table 19). In Seattle, for example, approximately one third of all cases were assigned for follow-up investigation three or more days *after* the initial report to the police. In contrast, less than 5 percent of the rape cases reported to Detroit authorities required three or more days for investigative assignment.

TABLE 19

Time Between Initial Report and Detective Follow-Up

Time Delay	Seattle (N = 303)	Detroit (N = 283)	Kansas City (N = 326)	New Orleans (N = 236)	Phoenix (N = 104)	Total (N = 1254)
Less Than 1 Day	27%	85%	60%	57%	65%	57%
1-2 Days	32%	11%	16%	12%	25%	19%
3-7 Days	23%	2%	7%	11%	8%	11%
More than 7 Days	10%	1%	6%	3%	2%	5%
Unknown	8%	1%	11%	17%	—	8%

This delay in follow-up investigation influenced the frequency with which investigators had in-person contact with the victims of their cases. Victim-investigator contact was sometimes limited to phone conversations or consisted only of a letter sent to the victim. No victim contact of letter/phone contact only

occurred most frequently in Seattle, which had the greatest delay in investigative follow-up. Victims, and consequently cases, were simply "lost" because of the interval between the initial report and detective assignment. (See Table 20.)

TABLE 20

Method of Detective Contact With Victim

Method	Seattle (N = 302)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
Letter Only	6%	1%	—	3%	—
Phone Only	24%	8%	1%	—	2%
In Person	49%	89%	93%	93%	97%
No Contact/ Unknown	21%	3%	7%	3%	1%

5.2 Location of In-Person Interviews

Data derived from police records suggest that the frequency of in-person interviews with victims was influenced by interview location. (See Table 21.) Jurisdictions where in-person interviews were conducted most often were the same jurisdictions in which interviews were made most convenient for the victim. Particularly high victim attrition was observed if interviews were conducted frequently at police headquarters. Although this method of contact may serve the needs of busy sex crimes investigators, it does so at the expense of victim cooperation and the collection of physical evidence.

5.3 Development of Evidence

In order to facilitate a discussion of evidence, it is important to recognize that statutory definitions of rape differ substantially from one state to another.² Regardless of statutory differences, however, successful prosecutions for this crime usually require that three elements be established: sexual penetration, identity of the perpetrator, and lack of consent.³ In general, sex crimes investigators must develop evidence which may be used either to prove or to disprove the existence of these three elements.

Investigators must frequently make decisions regarding the volume of evidence sufficient to establish

TABLE 21

Location of Victim-Detective Interview

Location	Seattle (N = 158)	Detroit (N = 0)	Kansas City (N = 327)	New Orleans (N = 237)	Phoenix (N = 100)
Police Head- quarters	64%	(Missing Data)	31%	29%	10%
Victim Residence	23%	" "	20%	39%	35%
Victim Place of Employ	3%	" "	—	—	3%
Hospital	3%	" "	21%	20%	37%
Other	1%	" "	13%	5%	8%
Unknown	7%	" "	15%	7%	7%

an element of the crime. Prosecutors generally encourage police to collect every possible piece of physical evidence and interview all potential witnesses. Because resource limitations prevent such extensive efforts in most cases, investigators usually concentrate on the development of evidence that will prove the element that is most likely to be the basis of the defense offered by the accused, i.e., identification, penetration, or insanity defense.

Physical evidence. In rape cases, physical evidence can be used to corroborate all three elements of the crime. In practice, however, the primary use of such evidence is to prove a case against a suspect who has been identified by other means. As a rule, physical evidence seldom leads to the identification of an unknown suspect, and it is rarely the only source of proof presented in a rape prosecution. In fact, technical problems frequently prevent items from being admitted as evidence because they have not been properly obtained, collected or processed.

Obtaining physical evidence. Depending on the circumstances of the crime and how promptly it was reported, physical evidence can be found at any of several different places. The following are locations which could be processed for physical evidence:

- *crime scene*—the location where sexual penetration actually occurred;
- *venue*—general vicinity of the crime scene;
- *location of first encounter*—the place where the victim was first contacted by her assailant;
- *route of travel*—the path taken by the victim

and her assailant from the location of the first encounter to the crime scene;

- *vehicles*—any means of transportation the victim and her assailant used to travel from the location of first encounter to the crime scene;
- *victim*—the victim's person including her external body surfaces, her clothing, her hair, and areas of her body subjected to sexual contact;
- *accused*—the body and clothing of the suspect; and
- *property of the accused*—the home and vehicles of the accused.

The kind of physical evidence actually developed in rape cases is a function of its potential availability and the resources applied to its collection. Under some circumstances, the collection of physical evidence is the responsibility of police personnel other than the sex crimes investigator or the patrol officer who responds to the initial complaint. According to the investigator interview respondents, crime scenes were almost never processed by patrol officers and seldom processed by themselves. Instead, if a crime scene was available, special evidence technicians were almost always called in to collect physical evidence.

Police rape offense records were used as a data source to determine the frequency with which nine specific types of physical evidence were actually collected. The kinds of evidence collected varied considerably from one police jurisdiction to another. (See Table 22.) However, *suspect clothing* was collected in almost every case in which it was available, regardless of the jurisdiction.

TABLE 22

PHYSICAL EVIDENCE COLLECTED
(Multiple Evidence Collection Possible)

Physical Evidence	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 234)	Phoenix (N = 105)	Total (N = 1257)
Vict. Clothing	21%	62%	27%	50%	62%	41%
Susp. Clothing	8%	2%	5%	15%	10%	7%
Weapon	4%	5%	5%	12%	10%	6%
Fingerprints	9%	10%	13%	19%	41%	15%
Vict. Photos	2%	2%	4%	5%	19%	4%
Scene Photos	1%	1%	7%	48%	33%	14%
Auto Impound	1%	4%	6%	4%	4%	4%
Susp. Belongings	6%	6%	5%	14%	18%	7%
Other	15%	10%	20%	30%	79%	23%

The frequency with which fingerprints were processed was dependent on the availability of trained patrol officers or evidence technicians who responded to the scene. The use of photo equipment also varied considerably among jurisdictions. *Victim photos* (torn clothing, physical disarray, abrasions, and other injuries) were fairly common techniques used to preserve evidence in Phoenix. In addition, photographs of the *crime scene* were taken in almost one half of all cases in New Orleans and one third of all cases in Phoenix. Medical *examinations* of victims to obtain evidence of penetration were performed consistently and frequently in all jurisdictions. Many other kinds of physical evidence were also collected. These items ranged from evidence collected on the person of the victim (pubic hair combings, fingernail scrapings, blood and soil samples) to evidence collected at the scene (broken glasses, furniture, towels, sheets) to evidence gathered from the suspect (blood and hair samples, photos of unusual body characteristics, etc.). In all, some form of physical evidence was collected in 80 to 91 percent of the reports from each of the police jurisdictions.

Testimonial evidence. In rape cases, testimonial evidence (the statement made by a witness under oath) is often more valuable than physical evidence because it is usually more readily available. In most states, a rapist theoretically can be convicted solely on the testimony of the victim. However, in practice, a successful prosecution for rape is normally impossible without a substantial amount of corroborating evidence. The most valuable source of such corroborated

tion is testimonial evidence which may be obtained from various kinds of witnesses.

(1) **Patrol officers.** The witnesses of greatest potential value in rape prosecutions are the first police officers who contact the victim. The officers can provide indispensable testimony regarding the victim's lack of consent. If they are trained observers, these personnel can evaluate the emotional condition of the victim as well as her personal appearance. Unfortunately, our research determined that few police report forms require officers to record this highly valuable information; very few officers remember to note it on their own.

(2) **Medical witnesses.** Medical personnel can be extremely valuable witnesses, for they can help prove both sexual penetration and lack of victim consent. The doctor who performs the pelvic examination is an expert witness who can testify regarding both of these elements. Again, however, medical reports are often inadequate to record pertinent data regarding the victim's emotional condition, physical appearance and injuries.

(3) **Fresh-complaint witnesses.** Fresh-complaint witnesses (also known as *res gestae* or "hue-and-cry" witnesses) are individuals to whom victims first report being raped. Such witnesses can often testify to the immediacy of the report and the physical and emotional condition of the victim and may thereby help establish lack of consent. Despite the usefulness of this form of testimony, however, our analysis of police reports indicated that such witnesses were seldom pursued.

(4) **Other corroborating witnesses.** Any number of individuals may be able to help corroborate the victim's lack of consent. Although eyewitnesses to rapes are very rare, witnesses may be available who have heard screams, items being broken, sounds of a struggle, the suspect or victim running from the crime scene, etc. Again, as in the case of the previous witnesses, little police effort is devoted to the identification of corroborating witnesses. Since many of these persons do not even know they were witnesses, only selected area canvasses are likely to determine their existence.

5.4 Investigative Techniques to Prove Sexual Penetration

In order to establish that a rape has been committed, it is necessary to prove that sexual penetration has taken place. Technically, the only evidence necessary to prove the existence of this element is the testimony of the victim. However, corroboration helps to establish proof of penetration and adds credibility to the victim's testimony regarding the remaining elements of the crime.

Medical examination. Most large police jurisdictions have designated hospital facilities which provide medical examinations of rape victims. It is this medical examination immediately following a sexual assault that provides the best means of establishing the existence of sexual penetration. Such medical examinations yield two types of evidence related to penetration: physical evidence in the form of semen or sperm; and physical signs of penetration, such as vaginal abrasions, tears, etc.⁴

On the basis of our analysis of police rape reports, it was clear that victim medical examinations were the most consistent technique applied in all rape investigations. Among the 1,261 reports examined from five police jurisdictions, victim pelvic examinations and vaginal samples were obtained in 834 or 67 percent of the cases. The presence of sperm or semen was confirmed in at least 504 cases.⁵

Crime scene evidence. In addition to medical evidence regarding sexual penetration, physical evidence which corroborates the existence of this element of the crime may also be obtained from the crime scene. Frequently these items are evidence of emission rather than penetration. Despite this distinction, evidence of ejaculation helps corroborate the likelihood of penetration. Depending upon the location of the crime, these stains may be found on bedding, furniture cushions, auto upholstery, and even in dirt

samples at the scene of outdoor assaults.

Our examination of police records revealed very little investigative effort devoted to the collection of this type of crime scene evidence. Even in those relatively few cases in which potentially semen-stained items were collected and placed into evidence, there was seldom any indication that laboratory analyses were performed to establish the presence of semen. Even the underwear taken from victims and suspects was infrequently examined for semen stains.

5.5 Investigative Techniques to Prove Suspect Identification

To obtain a conviction for any criminal offense, the identity of the perpetrator must be proved beyond a reasonable doubt. Developing such proof can be especially difficult in rape cases, since the majority of such crimes are committed by strangers. Except for the victim, there are seldom any witnesses who can identify the accused. Even victims are sometimes unable to provide a visual identification of the perpetrator because many rapists are careful to conceal their identity. Nonetheless, there are many techniques which are used in an attempt to generate pools of possible suspects and confirm the identities of arrestees.

Techniques to identify suspects. The value of any technique used to identify possible suspects is dependent upon the case in which it is used and resources invested in its application. A particular technique may be very valuable in one case and not at all helpful in another. In some instances, success may depend on the circumstances of the particular offense. In other cases, success may be determined by the time devoted to the application of the technique, the extensiveness of available records, or simply a lucky break.

Because the usefulness of these techniques is influenced by so many extraneous factors, an objective assessment of their relative effectiveness was impossible. Instead, the research methodology adopted to examine these techniques relied on the subjective judgments of experienced sex crime investigators. Data were obtained from investigator interview respondents, who were asked to estimate the frequency with which specific techniques were attempted, their usefulness in generating possible suspects, and the likelihood they resulted in successful identifications.

(1) **Previous offender files.** Reference to known offender files was a common technique used by investigator respondents. Although it was judged to be a

TABLE 23

Estimated Use and Effectiveness of Previous Offender Files (N = 86)

Purpose	Almost Never	Seldom	About Half	Often	Almost Always
Attempt to Identify	1%	2%	3%	29%	64%
Possible Suspects Identification	6%	31%	24%	33%	6%
Successful Identification	17%	42%	22%	18%	1%

useful technique to generate suspects, it seldom resulted in successful identifications. (See Table 23.)

(2) **Modus operandi files.** Most investigator respondents were drawn from departments which maintained *modus operandi* files by type of crime reported, rather than by the details of how crimes were committed. Regardless of how they were organized, M.O. files were used with considerable frequency in attempts to identify suspects. However, this tech-

nique, like reference to known offender files, was seldom useful in actually identifying suspects. (See Table 24).

(3) **Photo files.** Showing rape victims pictures of previously arrested offenders was the most common technique used to identify suspects. Despite the frequency of its use, this technique was no more successful than the identification methods already discussed. (See Table 25.)

TABLE 24

Estimated Use and Effectiveness of Modus Operandi Files (N = 86)

Purpose	Almost Never	Seldom	About Half	Often	Almost Never
Attempt to Identify	6%	8%	4%	28%	54%
Possible Suspects Identification	7%	32%	22%	30%	9%
Successful Identification	18%	36%	26%	20%	—

TABLE 25

Estimated Use and Effectiveness of Photo Files (N = 86)

Purpose	Almost Never	Seldom	About Half	Often	Almost Always
Attempt to Identify	2%	8%	5%	16%	69%
Possible Suspects Identification	12%	35%	22%	23%	8%
Successful Identification	19%	40%	25%	13%	4%

(4) **Composite pictures.** Most investigator respondents had little experience with the use of composite pictures of suspects. Thus, this technique was seldom used and seldom resulted in a successful identification.

(5) **Automobile license numbers.** It is unfortunate

that victims so seldom see or remember the automobile license number of their assailants. Investigator respondents consistently judged this as the best technique to successfully identify suspects. (See Table 26.)

TABLE 26

Estimated Use and Effectiveness of Automobile License Numbers (N = 86)

Purpose	Almost Never	Seldom	About Half	Often	Almost Always
Attempt to Identify	31%	59%	6%	3%	—
Successful Identification	11%	39%	17%	27%	7%

(6) **Fingerprints.** Television and other media presentations to the contrary, fingerprints were judged to be one of the worst techniques used in an attempt to identify suspects. Although investigator respondents indicated that most crime scenes were processed for prints, latents were seldom lifted and almost never led to successful identifications. (See Table 27.)

(7) **Live lineups.** Live lineups are generally used to confirm the identification of suspects who were initially identified by other means. A victim who selects a suspect from a photo file may subsequently view the same suspect in a lineup and thus attempt to confirm her initial identification. Investigator respondents found that this technique often (53 percent)

or almost always (16 percent) resulted in successful identifications.

Other techniques used in an attempt to identify suspects included informants, third-party reports, blood-typing, and tracking dogs. However, they were used so infrequently and so unsuccessfully that they do not merit further discussion at this point.

In summary, no investigative technique produced spectacular results in terms of suspect identifications in cases involving strangers. Unless victims could provide specific identifying information (license number, address, etc.), no suspect was likely to be arrested. This unhappy fact was true regardless of the city in which the techniques were applied or the investigative experience of the detectives.

TABLE 27

Estimated Use and Effectiveness of Fingerprints (N = 86)

Purpose	Almost Never	Seldom	About Half	Often	Almost Always
Attempt to Identify	—	6%	8%	22%	64%
Successful Identification	33%	53%	6%	8%	—

5.6 Investigative Techniques to Prove Lack of Victim Consent

Most law enforcement authorities and legal scholars agree that lack of victim consent is the most difficult element to prove in the majority of rape prosecutions.⁶ In rape cases involving persons known to one another, a defense based on this element is highly predictable. In rapes which involve strangers, variations of the consent defense are also common. Specifically, an accused rapist may claim (1) he is being falsely accused by a prostitute seeking to avenge lack of payment for a sexual act; (2) the victim precipitated the crime by her own behavior; or (3) he may attempt to escape censure by impugning the victim's chastity. It is the responsibility of the sex crimes investigator to minimize the use of these defenses by developing evidence which establishes the use of force or coercion, or victim resistance or attempts at escape.

Despite the immense value placed on evidence which corroborates lack of consent, our research findings indicate that this element received very little investigative attention. Indeed, except for the statement provided by the victim, almost no techniques were used systematically to establish perpetrator force or victim resistance. Thus, the remainder of this discussion focuses on techniques which should be adopted or used with more frequency.

Victim statements. Our examination of police records from five departments found that almost one half of the 1,261 rape reports did not include a formal victim statement of the incident. Instead, these reports consisted of patrol officer or investigator summaries of the victim's account. In some instances, these summaries were so concise that they involved no more than four or five short sentences. This was hardly adequate to describe the full circumstances of the assault. It is suggested that the contents of the victim statement can serve as an important investigative tool to establish her lack of consent. Details of any force or coercion used against the victim should be fully documented in her formal statement. In addition, the setting of the crime should be described to demonstrate any advantage the perpetrator may have gained as a result of geographical isolation or surprise. The precise or verbatim threats made against the victim should be specified. Finally, that statement should contain a description of any strong-arm force or weapons used against her.

Since most courts consider resistance and attempts to escape persuasive evidence or lack of consent, it is

important that this information also be included in the victim's statement. All attempts to physically or verbally resist the attack should be documented, including persuasion, crying, shouting for help, kicking, hitting, scratching, or use of weapons. Attempts to escape should be described in a like manner.

Even when resistance or escape is not attempted, the victim may provide other descriptive information which illustrates her lack of consent. Her fear at the time of the assault may have been so great, for example, that she vomited, urinated or fainted. Since these behaviors are obviously not associated voluntary intercourse, they should be made part of her formal statement.

Medical evidence. Although severe physical trauma is relatively rare in rape cases, the victim should be thoroughly examined for injuries. Even the slightest cuts and bruises should be recorded by the examining physician. In addition, experienced physicians are sometimes able to provide testimony regarding the force used against a victim from the condition of her external and internal sexual organs. At the time of trial, color photographs of victim's injuries can be used to establish lack of consent. In all cases involving victims who have been physically abused, appropriate medical or police personnel should request the victim's permission to obtain photographs of her injuries. In some instances, pictures should be taken at the time of the physical examination and again after any bruising has become visible.

Crime scene evidence. Crime scenes often yield evidence which corroborates lack of consent. Indoor scenes, for example, often show signs of a struggle. Any overturned furniture, broken items or torn clothing should be noted in the police report, collected as evidence or photographed. Efforts should always be made to locate any weapons used during the rape by either the perpetrator or the victim. Finally, if the victim reports that there were injuries to herself or to the assailant, evidence of bloodstains should be investigated.

Testimonial evidence. Much of the testimonial evidence described earlier can be used to establish lack of consent. It is incumbent upon the investigator to identify and take statements from as many fresh-complaint and corroborating witnesses as possible. The testimony of such witnesses can be used to graphically describe the behavior and appearance of the victim either during the course of the rape or after the attack.

5.7 Investigative Outcomes

Approximately one third of the 1,261 initial rape reports examined in the course of this research included significant information regarding the identity of the suspect. The victim herself was the most frequent source of such information for she was sometimes able to name her assailant, provide a license number, or identify his residence. In the remaining two thirds of these reported rape cases, investigations were directed toward the identification of perpetrators who were either strangers to or vaguely acquainted with their victims. Data obtained from the police rape records specified more than 40 different investigative methods used in attempts to identify sus-

pects. For the purposes of this discussion, we were concerned only with the most common methods. No technique was employed consistently across police agencies. Only the use of photo files ("mug shots") even began to approach systematic utilization among the different law enforcement agencies. (See Table 28.) We made a separate analysis of these methods in an attempt to determine whether they were associated with "successful" identifications, i.e., if, as a result of investigation, a suspect could be named. Successful identifications were *not* based upon arrests, charges or convictions, since, for a variety reasons, many of these individuals were never taken into custody or charged with any crime.

TABLE 28

Methods Used in an Attempt to Identify Suspects
(Multiple Methods Possible)

Method	Seattle (N = 308)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1259)
"Mug Shots"	22%	48%	43%	13%	14%	31%
Vehicle License	8%	1%	5%	9%	2%	5%
Modus Operandi	5%	10%	8%	5%	5%	7%
Stolen Property	1%	4%	1%	22%	8%	6%
Susp. Belongings	2%	6%	18%	8%	5%	8%
Fingerprints	8%	11%	13%	16%	33%	14%
Lineup	1%	12%	12%	15%	11%	10%
Unusual characteristics	2%	.3%	6%	16%	10%	6%
Informant	.3%	—	.6%	1%	—	.4%

We found that most of these investigative techniques yielded a low payoff in terms of successful identifications (Table 29). For example, in 31 percent of all cases, victims attempted to identify their assailants through the use of photo files ("mug shots"). This method was associated with successful identifications in less than 9 percent of the cases. Similarly, items were processed for fingerprints in 14 percent of the cases, but were matched with those of a suspect in less than 2 percent of the successful identifications.

In sum, the findings from the police records confirmed the conclusions expressed by our investigator interview respondents themselves. In rape cases which involved strangers, no investigative technique had a high likelihood of producing a successful identification, let alone a successful arrest or conviction.

5.8 Case Disposition

If most rapes are committed by strangers and most strangers are never identified, how, then, do police departments dispose of rape cases? To answer this question, we examined the police rape reports for case outcome information. Because each of the five police jurisdictions from which records were obtained had its own system to classify case disposition, it was difficult to develop an adequate scheme that could represent similar outcomes across departments. Instead, five major disposition headings were adopted which were generally consistent with Uniform Crime Reporting guidelines; these were cleared, exceptionally cleared, unfounded, reclassified, and inactive. Sub-classifications within each of these major disposition groupings reflected

TABLE 29

Methods Used in Successful Identifications of Suspects
(Multiple Methods Possible)

Method	Seattle (N = 308)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1259)
"Mug Shots"	8%	2%	23%	.4%	4%	9%
Vehicle License	6%	3%	4%	1%	2%	5%
Modus Operandi	2%	—	2%	1%	5%	2%
Stolen Property	.3%	2%	3%	11%	—	2%
Susp. Belongings	.3%	1%	2%	5%	3%	2%
Fingerprints	1%	2%	2%	1%	3%	2%
Lineup	1%	5%	9%	13%	6%	6%
Unusual Char- acteristics	.3%	—	.6%	2%	1%	.7%
Informant	.3%	—	—	.4%	—	.1%

the individual systems used in each police department.

Substantial differences existed in the case disposition categories used in the five police agencies. For example, the percentage of rape cases "cleared" ranged from 20 percent in Detroit to 36 percent in New Orleans. Even more dramatic, however, were the interdepartmental differences in cases "exceptionally cleared." Kansas City, for instance, exceptionally cleared 41 percent of all rape complaints made in 1975, while the New Orleans authorities exceptionally cleared only 9 percent of their cases. For some unexplained reason, nearly 40 percent of all victims in Kansas City signed waivers of prosecution. The percentage of cases classified as "unfounded" also varied from one department to another. Only 1 percent of the Detroit cases were unfounded compared to 14 percent in New Orleans. Finally, cases disposed as "inactive" varied from a high of 54 percent in Phoenix to a low of 17 percent in Kansas City. (See Table 30.)

The important statistic is the percent of cases cleared "by arrest." Except for the high proportion of arrests noted in New Orleans, only one report in about five resulted in apprehension of a suspect. This arrest statistic is not likely to increase much over time because, from the viewpoint of investigation, the remaining cases are virtually "dead." Even cases classified as "inactive pending further leads," etc., stand little chance of resurrection.

5.9 Interaction with Prosecutors

Survey data obtained from 208 police departments during the first year of our research indicated that the

relationships between these agencies and their prosecutors' offices were generally very positive. Almost two thirds of the police survey respondents described the relationship as excellent.⁷ When a similar question was posed to sex crimes investigators, the responses were less enthusiastic. More than one half of the detectives interviewed thought that the cooperation between their agencies and prosecutor's offices needed improvement in dealing with rape cases. The most frequently suggested methods to increase interagency cooperation included: more personal interaction between investigators and prosecutors (26 percent); more specialization in rape prosecutions (26 percent); more prosecutor sensitivity to rape issues (15 percent); more filing of rape cases presented to prosecutors (11 percent); and more prosecutor knowledge of rape law (9 percent). All of the suggestions to improve cooperation between agencies required changes in procedures or training within the prosecutor's office. Investigator respondents were reluctant to assume any police responsibility for lack of cooperation.

Despite the suggestions for some improvements, however, sex crimes investigators were generally quite satisfied with prosecutors who handled rape cases presented by their departments. The only area in which prosecutors were given consistently "poor" ratings concerned their willingness to actually try cases rather than negotiate pleas (see Table 31).

Sex crimes investigators were aware of needed improvements in police training and procedures in handling rape cases. Detectives, as well as prosecutors and victims, recommended many changes in the way in which rape cases might be investigated. It is to these suggested modifications that we now turn.

TABLE 30
Case Disposition by Police

Disposition	Seattle (N = 300)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
<i>Cleared (Total %)</i>	(22%)	(20%)	(26%)	(36%)	(25%)
By Arrest	15%	13%	15%	32%	23%
At Large Warrant	1%	1%	1%	3%	1%
By Summons	4%	—	—	.4%	1%
Referred to Juv. Ct.	1%	4%	2%	—	—
Referred to City Ct.	—	—	6%	—	—
Referred to Fam.Serv.	—	—	.3%	—	—
By ID—No Warrant	—	—	1%	1%	—
Pol./DA Warning	—	1%	—	—	—
Unspecified	1%	1%	.3%	—	—
<i>Exceptionally Cleared (Total %)</i>	(16%)	(25%)	(41%)	(9%)	(12%)
Victim Refuses Pros.	12%	22%	38%	6%	12%
Pros. Refuses Case	3%	.4%	1%	—	—
Insufficient Evid.	1%	3%	2%	3%	—
Susp. Deceased	.3%	—	—	.4%	—
<i>Unfounded</i>	(3%)	(1%)	(6%)	(14%)	(4%)
<i>Reclassified</i>	(.3%)	—	(2%)	—	—
<i>Inactive (Total %)</i>	(52%)	(53%)	(17%)	(29%)	(54%)
No Known Suspect	13%	—	2%	1%	3%
Pending Further Leads	32%	45%	7%	26%	40%
Pending Further Victim Info.	7%	6%	1%	2%	11%
Investigate V. Offense	—	.4%	—	—	—
Progressive Invest.	—	.4%	7%	—	—
<i>Unknown</i>	(7%)	(2%)	(9%)	(11%)	(5%)

TABLE 31
**Sex Crimes Investigator Ratings of Prosecutors
Who Handle Rape Cases (N = 86)**

Activity	Poor	Satisfactory	Excellent
Willingness to Charge Rape Cases	10%	57%	31%
Willingness to Try Rape Cases	30%	48%	22%
Maintaining Victim Cooperation	7%	59%	34%
Preparing Prosecution Witnesses	12%	58%	30%
Knowledge of Invest. Procedures	10%	64%	26%
Knowledge of Rape Law	5%	40%	55%
Questioning Witnesses at Trial	4%	57%	39%
Utilizing Phys. Evidence at Trial	0%	51%	49%
Protesting Vict. From Abusive Questions	13%	52%	35%
Sentencing Recommendations	14%	57%	29%

5.10 Recommended Changes

Information on suggested changes in the conduct of rape investigations was drawn from three sources: (1) sex crimes investigator interviews; (2) prosecutor interviews; and (3) victim interviews. No effort was made to determine the actual impact or feasibility of the recommendations.

(1) **Investigator perspective.** The first area of change involved modifications in procedures for *follow-up investigations*. Among the 86 interview respondents, 71 percent recommended the adoption of one or more changes. The most frequent suggestion related to the need for increased manpower resources to be applied to rape investigation (51 percent). The investigator respondents believed that a more equitable resource allocation would allow them the opportunity to finish one case before starting another, reduce individual case loads, allow time for more thorough investigations, and maintain better relations with victims and witnesses.⁸ Other frequently mentioned recommendations included earlier involvement of detectives in rape investigations (16 percent); computerized or updated *modus operandi* and photo files (11 percent); more rapid acquisition of statements by witnesses (11 percent); and more training for detectives in crisis intervention and investigative techniques.

In the previous chapter we observed that relatively few patrol respondents felt that changes were required in the format or content of the initial report forms used to take rape complaints. This same general opinion was shared by investigator respondents. Only 22 percent of the detectives who were interviewed indicated that modified forms would be helpful to their investigations. Strangely, only one half of these respondents supported the use of forms specially designed for sex crimes or crimes persons. The other half favored more general forms than were currently in use.

In the course of this research, it was determined that rape cases involving juvenile suspects were often handled differently than those involving adults. Among the six agencies from which investigator interview respondents were solicited, three departments assigned all sex crimes investigations to their special sex crimes detectives. In the other three departments, rapes thought to involve juvenile suspects were assigned to the juvenile division for investigation. When respondents were asked which method of assignment they preferred, the majority (71 percent) believed that sex crimes detectives were more suited to conduct these investigations. The remainder indicated that juvenile cases should be referred to the

juvenile division (24 percent) or that investigations should be conducted jointly (five percent).

Among the innovations implemented in many police departments has been the increased use of female detectives to handle follow-up investigations. Much of the reasoning for this innovation has been based on the assumption that victims would cooperate with female detectives more readily than they would with male officers. In order to explore this issue from the perspective of experienced investigators, we asked interview respondents whether they *thought* victims preferred male or female detectives. The majority of the respondents (86 percent) believed that it didn't make any difference to the victims. The remainder believed victims had a sexual preference either for male detectives (8 percent) or for female detectives (6 percent). Findings from the victim interviews will be discussed later in this chapter.

In summary, most investigator respondents believed that some modification of current procedures for follow-up rape investigations was in order. In particular, they expressed concern that there were not enough experienced personnel to conduct investigations appropriately. They, like their patrol survey counterparts, believed that initial *and* follow-up investigations should be left entirely to evidence technicians and sex crimes specialists.

(2) **Prosecutor perspective.** We interviewed a total of 40 prosecutors. Because the manner in which rape cases are investigated and presented for filing frequently determines whether they can be prosecuted, we were particularly interested in the views of these experienced criminal justice personnel. Rather than request specific recommendations for improvements in follow-up investigations, however, we asked prosecutor respondents to rate particular aspects of the detective response to rape. From Table 32, it is clear that prosecutors were generally satisfied with the performance of most activities—particularly with the degree of cooperation that existed between agency personnel.

The poorest rating given investigators was in the area of gathering and handling of physical evidence. (It is worth noting that this activity is not the sole function of the sex crimes investigator. Frequently inexperienced patrol officers who first respond to victim complaints either fail to gather important physical evidence or handle it incorrectly.) Approximately 20 percent of the prosecutor respondents also believed that investigators could improve their treatment of victims. In general, however, most prosecutors seemed pleased with investigator performance and handling of rape cases.

TABLE 32

Prosecutor Ratings of the Detective
Response to Rape (N=40)

Activity	% Poor	% Satisfactory	% Excellent
Completeness of Follow-up Report	15%	54%	31%
Thoroughness of Follow-up Investigation	15%	60%	25%
Knowledge of the Law	—	68%	32%
Gathering/Handling Physical Evidence	21%	32%	47%
Attending to Emotional Needs of Victims	19%	33%	48%
Taking Statements from Witnesses	9%	47%	44%
Testifying	7%	52%	42%
Cooperating with Prosecutor	4%	31%	65%

Prosecutor respondents, like their investigator counterparts, were asked whether they thought a male or female detective was preferable to achieve a successful outcome in a rape case. Although the majority (66 percent) did not have preference, 26 percent believed that victims were more comfortable with women officers and were more willing to relate details of the assault important to the development of cases. The few prosecutors who preferred male detectives (8 percent) did so because they believed that men would become less emotionally involved in their cases.

(3) Victim perspective. One hundred seventeen reporting rape victims were interviewed in Seattle, Detroit and Kansas City. One purpose of these interviews was to elicit information on victim treatment by criminal justice agents from victims themselves. This portion of the discussion focuses exclusively on victim perceptions of treatment by those sex crimes detectives assigned to investigate their cases.

Overall victim ratings of treatment by detectives were very similar to those applied to patrol officers. The majority of victims felt that they were treated either with a great deal of understanding (34 percent) or with understanding (27 percent). The remainder of the victims were less satisfied; 23 percent felt they were treated with indifference and 15 percent thought they were treated with disrespect.

Most of the victim criticisms of police performance were directed at the manner in which investigations were conducted and not at the procedures themselves. For example, nearly one quarter of all reporting victims complained that patrol officers failed to provide them with adequate information about the criminal justice process to which they would be exposed sub-

sequent to the initial investigation. And, indeed, 19 percent of reporting victims were never even contacted by a detective for a follow-up interview.

Among the 91 victims who actually had interviews with detectives, less than half (40 percent) were interviewed within 24 hours of the initial report. The remaining interviews were held one to three days later (36 percent), four to seven days later (11 percent) or more than a week later (12 percent). When victims were asked what interval they preferred, the majority indicated either an immediate interview (37 percent) or an interview within one day (21 percent). Only 9 percent of the victims preferred a delay of four days or more.

Virtually all victims (91 percent) felt that they were able to give complete and coherent statements to detectives. Although some questions posed by investigators were thought to be offensive or inappropriate (see discussion below), only one victim indicated that she withheld information from detectives. With the exception of this single instance, there was no indication from the victim respondents that they attempted in any way to misrepresent or fabricate the circumstances of their assaults.

In general, most victims appeared satisfied with their interviews with sex crimes investigators. Only 6 percent of the respondents complained that detectives used sexual words that they did not understand or that the language used was coarse and offensive.

One fairly consistent criticism of investigators expressed by victims was that they were asked questions that they believed were inappropriate. Although the exact nature of these inappropriate questions was not explored as a part of this research, it is assumed that they probably related to the specifics of the sexual assault or to the victims' previous sexual experi-

ences. In fact, 27 percent of the victim respondents did state that detectives asked questions about their sexual experiences with other men. Unless responses to such inquiries were truly relevant to the development of the case at hand, victims resented their intrusion into their private lives.

Male detectives were assigned to the majority (63 percent) of our victim respondent cases. The remainder of the cases were assigned to female detectives (27 percent) or to male-female detective teams (10 percent). When these same respondents were asked what sex they preferred to conduct the investigation of their cases, the majority (61 percent) indicated no preference. Thirty-nine percent of the victims preferred female detectives; 6 percent preferred males. Thus, although one third of all victims preferred a woman officer, most victims simply didn't care about the sex of the investigator. In fact, victims were less likely to favor a female investigator than a female patrol officer.

5.11 Conclusion

Rape investigations are not like investigations of other type of felony offenses. Detectives assigned to investigate a robbery or burglary complaint, for example, seldom spend substantial resources simply es-

establishing that the crime occurred as reported. The victim's statement that the crime occurred is usually sufficient. In contrast, detectives assigned to rape cases often spend considerable investigative effort simply establishing that an act of rape was actually perpetrated, i.e., that there was sexual penetration and that this was committed without the victim's consent. Only when these elements of the crime have been addressed can sex crimes investigators turn their attention to the identification or apprehension of a suspect.

It is at the point of suspect identification that sex crimes investigators are often faced with an unusual dilemma. If the suspect were known to the victim, identification is usually quite simple. However, previous knowledge of the accused offender often raises the issue of possible victim consent to the sexual act in question and thereby makes this element of the crime more difficult to establish. On the other hand, if the victim and offender were strangers to one another, the identity of the perpetrator is extremely difficult to determine. In either instance, cases seldom proceed beyond the level of investigation. Indeed, most rape cases are never presented for prosecution. Instead, most cases simply die a bureaucratic death and are "exceptionally cleared" or filed as "inactive."

NOTES

¹Interview data collected from sex crimes investigators in Seattle were not included as part of this analysis. These interviews were obtained during the first year of study with a research questionnaire that was significantly revised. For a discussion of Seattle interview findings, see *First Year Report: Research and Development of Model Procedures for Criminal Justice System Involvement with the Crime of Forcible Rape* available through the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1976.

²See *Forcible Rape: An Analysis of Legal Issues* (Definition of Rape"), prepared in the course of this research by the Battelle Law and Justice Study center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

³For a more thorough discussion of the elements necessary to prove the crime of rape, see *Forcible Rape: A Manual for Sex Crime Investigators* ("The Organization of Rape Investigations") prepared in the course of this research by Battelle Law and Justice Study Center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

⁴For an example of a thorough medical report form for the examination of rape victims, see *Forcible Rape: A Manual for Filing and Trial Prosecutors* (Appendix) prepared in the course of this research by

Battelle Law and Justice Study Center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

⁵The actual number of cases in which semen or sperm could be identified was probably much higher. Unfortunately, the police records did not always contain the medical reports or the test results.

⁶For a thorough discussion of the consent issue, see *Forcible Rape: An Analysis of Legal Issues*, infra, as well as Dworkin, Roger B. "The Resistance Standard in Rape Legislation," *Stanford Law Review*, 18, 680, 1966; "If She Consented Once, She Consented Again—A Legal Fallacy in Forcible Rape Cases," *Valparaso University Law Review*, 10, 127-167, 1975.

⁷See *Forcible Rape: A National Survey of the Response by Police* (Table 48) prepared in the course of this research by the Battelle Law and Justice Study Center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1976.

⁸For further discussion of unusual and innovative use of investigator resources, see Keefe, Mary L. and Henry T. O'Reilly. "The Police and the Rape Victim in New York," *Victimology: An International Journal*, 2, 6, 272-283, 1976; and Cottell, Louis C. "Rape: The Ultimate Invasion of Privacy," *FBI Law Enforcement Bulletin*, May 2-6, 1974.

CHAPTER 6. PROSECUTOR RESPONSE TO RAPE COMPLAINTS

Much of the public criticism of the handling of rape complaints has been directed toward police, who are often accused of poor treatment of victims; toward juries, who often seem unwilling to convict defendants; and toward judges, who sometime sentence convicted defendants to light terms. Only recently has the prosecutor's response to the crime of rape come under careful scrutiny. In particular, the filing and plea bargaining practice of many prosecutors suggest that they are not always committed to aggressive rape prosecution; rather, that they are often reluctant to file or try difficult cases. They, like their police counterparts, are sometimes insensitive to victims and fail to appreciate or understand the impact of rape. In addition, because they lack extensive experience with rape cases, the attitudes of many prosecutors suggest they still embrace the discredited myths that have historically surrounded this crime.

Some of the recent criticism of prosecutors may be unfair. The complex legal issues involved in rape prosecutions are not susceptible to simple solutions. Nonetheless, some prosecutors throughout the country have identified significant problems in traditional rape prosecution and have begun to confront them. For example, prosecutors have created specially trained filing units whose personnel are more experienced and are more sensitive to victim needs. Rape cases have been assigned to certain rather than all trial attorneys within an office, in order that expertise can be developed and consistent decision-making insured. Prosecutors have located victim advocates within their own offices, formed closer liaison with police, lobbied for legislative change, and promulgated formal filing and plea bargaining standards.

Almost all of the research sites included in this study were selected, in part, because their respective prosecutor agencies had demonstrated a willingness to pursue rape cases or because the agencies had recently adopted some innovation in their response to sexual assaults. In Alameda County, California, for example, a victim advocate was located in the Prosecutor's Office and had developed a close working relationship with filing and trial deputies responsible for rape cases. The prosecutor in Jackson County, Missouri, participated in the eight-county MOCSA program, which provided additional specialized pros-

ecutors who filed and tried all rape complaints. In King County, Washington, and Travis County, Texas, prosecutors had developed strong informal ties with victim service groups, participated in the training of service volunteers, and assisted in the development of new rape legislation. Shelby County, Tennessee, had demonstrated a consistent record of vigorous prosecution of rape cases. All in all, the sites represented a variety of approaches to prosecution and provided an opportunity for the research staff to explore several different prosecutive strategies.

The primary data on prosecution of rape cases were obtained from in-person interviews conducted with 65 prosecutors in the seven research sites. Again, as in the case of sex crimes investigators, we made no attempt to equalize the number of interview respondents across sites or to randomly select respondents from within individual offices. Instead, only prosecutors with experience in rape cases were approached and asked to participate. As a consequence, the following distribution of interviews was obtained: Alameda County = 10; King County = 4; Travis County = 4; Wayne County = 18; Washington, D.C. = 14; Shelby County = 6; and Jackson County = 9. We conducted 40 of these interviews with experienced filing and trial deputies; 25 with administrators and policymakers within the offices. Supplementary data on rape prosecutions were also obtained from analyses of police records in Seattle, Kansas City and Detroit, and from interviews with sex crimes investigators and victims.

Most prosecutor respondents were very new to the criminal justice system. Experience as a prosecutor averaged (median) 3.1 years. Our respondents also had relatively little actual experience with large numbers of rape cases. The total cases presented to them for charging averaged only 15 in their career and 2.5 in the last year. Even fewer rape cases survived beyond the filing stage. Respondents averaged only 4.5 rape trials in their career and less than one each during the previous year. Of the 4.5 career trials, only 2.5 resulted in rape convictions.

Analyses of police and prosecutor records vividly illustrate the extent of case attrition at each stage in the criminal process and explain why prosecutors have such limited experience with rape cases. Of the

635 rape complaints received by police agencies in Seattle and Kansas City, criminal cases were prepared on only 167 suspects. Of these 167 suspects, only 45 cases involved suspects who were ever charged with rape by the prosecutor, and only 32 cases actually proceeded to felony court. Finally, of the 20 suspects convicted, 10 were convictions for rape or attempted rape. (See Table 33.) Thus, less than 2 percent of the initial rape complaints ever resulted in rape convictions. Although some complaints were adjudicated as other crimes,—assault, robbery, etc.—the vast majority were simply “lost” as they were processed through the system.

6.1 Filing

Whether to file charges is perhaps the prosecutor's most important decision with regard to rape cases.¹ Analogous to the police decision to investigate the complaint,² the decision to file marks the formal entry of the case into the criminal justice system. More importantly, the decision *not* to file essentially terminates the involvement of the criminal justice system with the case. Furthermore, while decisions to file are highly visible and systematically reviewed through the adversary process, decisions not to file are virtually invisible.

Historically, prosecutor decisions have been quite conservative at the time of filing, and have been dominated by two perceived characteristics of rape cases.³ First, prosecutors have been cautious because it is believed that rape reports are often falsely made. The prominent legal commentator Wigmore has written about the psychological roots of such false reports:

Modern psychiatrists have amply studied the behavior of young girls and women coming before the court in all sorts of cases. Their psychic complexes are multifarious, distorted partly by inherent defects, partly by bad social environment, partly by temporary psychological or emotional conditions. One form taken by these complexes is that of contriving false charges of sexual offenses by men.⁴

Prosecutors more commonly allege false reporting by reference to unpaid prostitutes or the young complainant who must explain her promiscuity to a father or boy friend. The legal system has reinforced this skepticism by requiring corroboration of the crime and special cautionary instructions to the jury, or by permitting extensive cross-examination of the victim. To screen false reports that have passed the scrutiny of the police, prosecutors often insist on per-

sonally interviewing the victim before filing or requiring that she take a polygraph examination. These requirements are not normally made in the filing of other crimes.

Second, even when prosecutors are satisfied with the complainant's veracity, they have been cautious in the filing of rape cases because such cases are perceived to be so difficult to win. Since rape is a crime that generally occurs in private and at night, there are few witnesses. The cases that do reach trial raise either very difficult questions of identification or plausible consent defenses. The victim's character, rather than the criminal assault, often becomes the focus of the trial. To the extent that filing decisions are based on the probability of conviction at trial, rape cases may be filed less often than other types of cases.

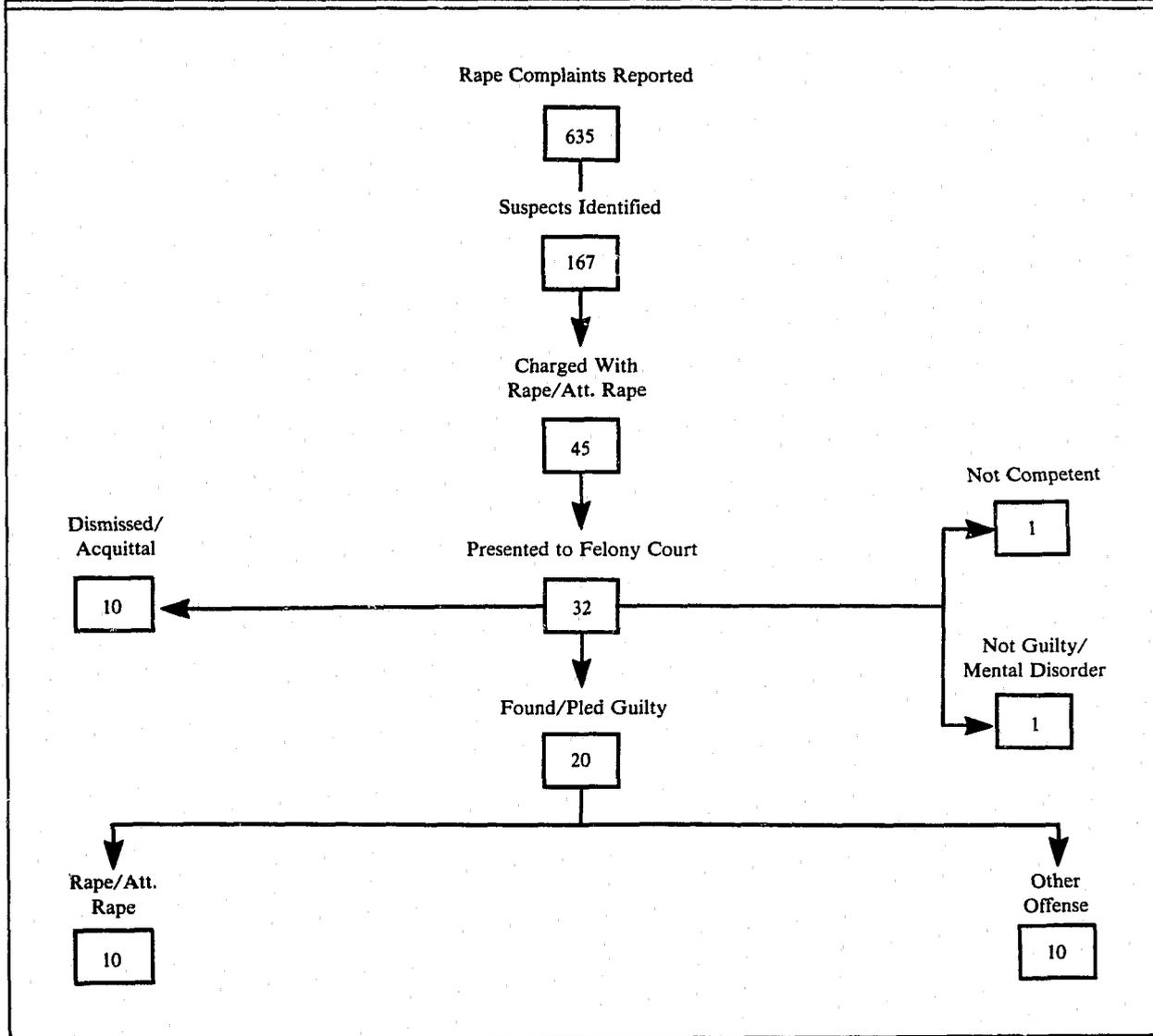
It is impossible to assess accurately the validity of the prosecutor's concerns about rape cases. Not only are statistics unavailable regarding the number of false complaints reported to the prosecutor, but these concerns become self-fulfilling prophecies. If the prosecutors do not believe the victim, the case is not filed and, therefore, cannot be won. If prosecutors believe that the risk of losing is too great, for any of a number of reasons, the case is not filed and failure is assured.

More recently, prosecutors have begun to re-examine some of their assumptions regarding rape cases. While everyone would concede that rape reports are occasionally falsified, many prosecutors have rejected Wigmore's philosophy. They no longer assume false reporting and no longer require extensive use of the polygraph and pre-filing interviews. While prosecutors still consider rape cases to be difficult to win, a new recognition of the seriousness of the crime has encouraged prosecutors to take greater risks at the filing stage. Changes in attitude, coupled with legal changes such as the exclusion of prior sexual history evidence, have encouraged the filing of rape cases that previously would not have entered the system.

In practice the actual filing of a criminal case usually involves a brief presentation by the investigating detective, a quick reading of the case file, perhaps an interview with a key witness, a glance at the appropriate statute and then the presentation of innumerable forms. The more experience the filing prosecutors have, the more likely they will be able to imagine the unfolding of the case and assess its potential strengths and weaknesses. For less experienced prosecutors, however, filing is an imprecise exercise with vaguely articulated goals and standards.

TABLE 33

FLOW OF RAPE CASES THROUGH THE CRIMINAL JUSTICE SYSTEM
(Based on Case Records Obtained from Seattle and Kansas City)



Proving the elements. One means to assimilate the available evidence and to assess the strength of the case is to analyze the evidence by reference to the elements of the crime. The case will generally be presented to the prosecutor as a "rape"; the prosecutor must be familiar with the elements of that crime and then inquire whether the evidence can establish these elements beyond a reasonable doubt. Though statutes vary from state to state, rape generally is defined in such a way that it includes three basic elements: sexual penetration; identification of the defendant; and lack of consent of the victim.

1. Penetration. Statutes vary considerably regarding the type of penetration needed to prove a rape; there is even movement in several states to broaden the definition of rape to encompass assaults without penetration.⁵ Generally, penetration, however slight, must be proven, but whether the penetration is vaginal, oral or anal, and whether it is by a penis or other instrument, the mode of proof is similar. Primary evidence of penetration will be contained in the victim's testimony that the defendant did penetrate the vagina or other orifice with his penis or other instrument. The victim must be expected to testify to this fact in words that are appropriate to her age and experience. However, because of her condition at the time of the rape and the nature of the assault she may be more or less aware of the specific nature of the act. Generally, the victim's testimony can establish this as well as the other elements of the rape case. In those states which do not require corroboration, this testimony will suffice to withstand a motion to dismiss at the end of the state's case. The successful rape prosecution, however, is built upon corroboration of every part of the victim's testimony, even if it is not legally required.

Additional evidence of penetration is most commonly derived from the medical examination of the victim shortly after the assault.⁶ At least two kinds of evidence may be immediately available: evidence of physical trauma at the location of penetration; and evidence of an emission by the assailant. It should be noted, however, that penetration can occur without evidence of trauma and without an emission by the rapist.⁷

2. Identity of the defendant. For the prosecutor, proving the identity of the defendant in a rape case is analogous to proving the identity of a suspect in any other serious felony. Normally the victim is able to identify the defendant by reference to his facial features or general appearance and has chosen him from a photographic montage and/or lineup. The issue in

most identification cases is whether the victim had an opportunity to observe the defendant at the time of the crime and thereby make a reliable subsequent identification.

3. Lack of consent, force, resistance. The legal standard which characterizes sexual penetration as criminal varies greatly from state to state. Some states require proof of the assailant's forcible compulsion; others necessitate proof that the victim did not consent; others require evidence that the victim resisted. Conceptually these standards establish different burdens with regard to the behavior of the victim and the assailant. Some statutes emphasize the acts of the rapist, while others dwell on the reaction of the victim. While these formulations have significant legal implications for the prosecutor in the way charges are filed and juries are instructed, his evaluation of the evidence at filing remains virtually the same regardless of the statutory scheme. The prosecutor seeks to demonstrate that the intercourse was not consensual whether this was because the assailant used force or deception or because the victim's resistance was overcome. The same types of evidence are used to establish the element regardless of its legal formulation. The trier of fact must be persuaded beyond a reasonable doubt after considering the actions of the defendant and the victim, and after understanding the nature of the sexual act, that the intercourse was not consensual.

Once again, the state's primary witness to establish this element is the victim. Her description of the events prior to, during and after the rape should clearly depict nonconsensual intercourse. Where the defendant argues that the intercourse was consensual, the victim's word will be pitted against his. Evidence that tends to support one testimony rather than the other may ultimately determine the outcome of the case.⁸

Pre-Filing victim interview. The most important witness in every case is the victim; she is the essential witness without whom there is unlikely to be a prosecution. In light of this central role, the question is often raised whether the victim should be personally interviewed by the prosecutor prior to the making of a filing decision. Some prosecutors insist on this procedure, while others never require such an interview. The decision whether to interview prior to filing is often not made on the merits of such a procedure, but on the traditions, resources and structures of the criminal justice system in which they occur. In some jurisdictions there is simply not enough time or resources presently allocated for the prosecutor to interview

every victim. The prosecutor relies on police interviews and postpones meeting the victim until she testifies at the preliminary hearing or before the grand jury.

When the 40 filing and trial prosecutor respondents asked whether they interviewed rape victims prior to filing, only 12 percent responded negatively. The remaining prosecutors indicated that interviews were conducted sometimes (26 percent), usually (20 percent) or always (41 percent). Such interviews are usually between 15 and 60 minutes in length.

Prosecutors identified several advantages associated with the pre-filing interview. First, the interviews were thought to provide prosecutors with the opportunity to follow up limited written statements with direct questions to the victims. In addition, the respondents believed that interviews served as a means to test the credibility of victims as well as to test their determination to cooperate with the prosecution.

The use of pre-filing interviews also had its disadvantages. Many prosecutor respondents believed that the time required to conduct the interviews was not worth the potential benefits. In addition, many respondents believed that singling out this crime for a pre-filing interview only reinforced stereotypes regarding the unreliability of victims.⁹

Pre-Filing use of the polygraph. Prosecutors were surveyed regarding their use of the polygraph as a pre-filing screening mechanism. Approximately 31 percent of the respondents *never* used them; the remainder required them sometimes (63 percent) or usually (6 percent). Those prosecutors who used the polygraph cited two primary purposes. First, it allowed them to decide who was telling the truth in difficult cases. While respondents hoped that the defendant would agree to a stipulated polygraph examination, in close cases they frequently requested that victims submit to such a test prior to any filing decision. Close cases included those in which the victim was a prostitute, the victim and the defendant were known to one another prior to the rape, or the victim had voluntarily accompanied the defendant to the scene of the crime. Second, many prosecutor respondents use the polygraph to "test the will" of the victim. It was hypothesized that any victim who agreed to take the examination was probably telling the truth and wanted to proceed with the prosecution. The unstated corollary, of course, was that the victim who refused to take it was either lying or did not want to prosecute with sufficient resolve.

Apart from the almost universal victim resentment of the use of the polygraph to establish her credibility,

there is considerable debate about the accuracy of the results of such examinations. A recent House Committee on Government Operations study concluded that the reliability of the polygraph had not been established and that, given the present state of the art, it should not be used by the federal government.¹⁰ There are additional questions about the reliability of the polygraph in these types of cases. Where consent is a key issue, and the defendant believed the victim consented, the polygraph could suggest that both parties told the truth. This would not resolve the legal issues, though it would seriously damage the state's case. The prosecutors who were surveyed displayed their own lack of confidence in the polygraph. When they were asked if they supported the admission of test results at trial, the overwhelming majority, including those who used polygraphs for pre-trial screening, opposed its admissibility.

The filing decision. After accumulating the information and impressions suggested in the preceding pages as necessary prerequisites to filing, the prosecutor is still left with a qualitative judgment whether the information justifies the charging of a crime. The prosecutor must exercise discretion and decide whether the case, even in its strongest posture, should be filed. Some jurisdictions have the luxury of sending particularly difficult cases to the grand jury. While the determination of the grand jury may be influenced by the prosecutor's presentation, the screening burden is shifted to a citizen body on which the prosecutor can, in essence, "test" the strength of the case.

Prosecutors must also consider the chances of success if cases were to proceed to trial. Despite their belief in the victim and confidence in the guilt of the defendant, prosecutors must make a practical judgment regarding the likelihood of success. A large majority of the interview respondents (80 percent) indicated that a rape case should be filed if a *prima facie* could be established and there was at least a 50 percent chance of a conviction.

A case-by-case analysis of prosecutor records from Seattle and Kansas City indicated that a significant number of rape complaints did not survive the filing process. Of the 139 rape cases presented for charging by the police, the prosecutor refused rape charges in 35 cases. The most frequent reasons cited for refusal to file charges were insufficient evidence and inconsistent victim statements. Occasionally, factors totally unrelated to the merits of cases were cited as reasons for declining to file rape charges. Victim delay in reporting the rape to police, refusal to submit to a polygraph examination, and a record of previous

criminal offenses, for example, were mentioned as reasons to refuse prosecution. In addition, at least eight cases were refused because of some physical impairment of the victim. For instance, declines were noted in cases where a victim was rendered mute by a stroke (subsequent to the rape offense); paralyzed by polio (prior to the rape offense); injured in a car accident; or too senile to act as a competent witness. The disturbing aspect of the prosecutors' decisions not to file in such cases is that it appears that some offenders could rape particularly vulnerable victims with impunity. The analysis of prosecutor records pointed out the need for more consistency in filing decisions within and across prosecutors' offices. It is necessary that prosecution administrators develop policies and standards which can be applied to the important discretionary decisions associated with filing.¹¹

6.2 Preliminary Hearings and Grand Juries

Procedures to establish probable cause in felony cases vary throughout the United States. Most jurisdictions require that an adversary proceeding, usually called a "preliminary hearing" or a "probable cause hearing," be held in a court of limited jurisdiction. Here the state presents its case in skeletal form and calls a minimum number of witnesses who are subject to cross-examination. Many jurisdictions have available a grand jury where the victim or detective can testify without subjection to cross-examination. Still other jurisdictions file felony cases directly into the trial court.

Whatever method is used to establish probable cause, it is likely to have a substantial impact on the development and, perhaps, the success of cases. This is especially true in rape cases where the victim is such a critical witness. Each method offers certain advantages and disadvantages for the prosecution and for the primary witness--the victim.

Advantages/Disadvantages of Preliminary Hearings. According to prosecutor interview respondents, the only significant *benefit* of a preliminary hearing was that it allowed the state to test and evaluate its case. For these prosecutors, the hearing served a critical screening function. It was anticipated that many cases would reach the preliminary hearing only to be reduced or dismissed later. The responsibility of the experienced prosecutor at the preliminary hearing was to determine which cases should proceed.

Most respondents believed that preliminary hearings posed significant risks to the prosecution of rape

cases. The hearing process was thought to endanger the state's case at its weakest moment. Prosecutors stated that the hearing not only created a record which could endanger cases at trial, it also jeopardized further victim cooperation and involvement with the prosecution. Respondents expressed particular concern that the cross-examination of the victim was often brutal and caused her to lose faith in the prosecutor for failing to protect her at the hearing.¹²

Advantages/disadvantages of grand jury hearings. Grand jury hearings allow the prosecutor to realize many of the gains to be achieved at the preliminary hearing without exposing the case to significant risk. Not only can prosecutors more easily control the course of the hearing, but its non-adversarial nature shields and protects the victim. The fact that the hearing is not public and the defendant is absent lessens the strain on prosecution witnesses. The prosecutor has the additional luxury of asking the jurors what questions or doubts they have, and what further evidence they would like to see developed before they would vote to convict.

Grand jury hearings are more time-consuming and expensive than preliminary hearings and, thus are not easily scheduled. Many jurisdictions have virtually eliminated this procedure except in highly political and sensitive cases. Where grand juries sit regularly, they do not meet every day; and rape cases must compete with other cases for a hearing. These factors pose problems for the prosecutor and make the regular use of the grand jury impractical for rape cases.

6.3 Plea Bargaining

For all crimes, including rape, the vast majority of cases are resolved short of trial through plea negotiations. This process is justified by prosecutors because it is efficient and it avoids the risks and trauma of trial. Plea bargaining is an institutional reality of the criminal justice system that is unlikely to change in the near future.

Plea bargaining has been the subject of significant criticism, particularly in relation to rape cases. It is often suggested that rape cases are reduced too routinely. Bargaining is allegedly symptomatic of parochial attitudes toward women or exaggerated fears of losing at trial. Victims, and even the police, complain that they are not consulted about plea bargains and are only informed of an agreement after the fact.

Any negotiation process requires that the interested parties attempt to reach an agreement which provides some benefits to all sides. In the case of plea bargaining, both the prosecutor and defendant expect certain benefits to result from a guilty plea. When prosecutor respondents were asked to specify what is *usually* negotiated in return for a guilty plea in cases originally charged as rape, the most frequent answer was a recommended reduction in sentence (42 percent). Also offered were dismissal of counts (22 percent) and an opportunity to a plea to a felony other than rape (25 percent). Only one prosecutor respondent said that it was usual to offer a plea to a misdemeanor.

Assuming a defendant were guilty and the prosecutor had a reasonable chance of winning if the case were to go to trial, pleas bargaining offers obvious advantages to both the accused and the prosecutor. The defendant is virtually assured of a lesser sentence or a conviction for a crime with less social stigma than forcible rape. The prosecutor is assured of a conviction for some offense without risking a public trial. Furthermore, prosecutors occasionally justify the process on the grounds that victims are saved the ordeal of trial and its consequent public, and often embarrassing, exposure.

We have already indicated that patrol officers and sex crimes investigators were often critical of the frequent use of plea bargaining in rape cases. Our analysis of prosecutor records suggested that some bargains seemed absurdly ridiculous. Most convictions were obtained from pleas to *misdemeanor* offenses, which are crimes with relatively minor sanctions. Most defendants received some form of supervised probation as a sentence, although it was not uncommon for the convicted offenders to receive

a simple fine of \$50-\$100. In one case, a defendant was fined \$1.00 and sent on his way.

6.4 Pre-Trial Preparation

Once it appears that a case cannot be resolved by a negotiated plea, the prosecutor turns his attention to pre-trial legal motions and trial preparation. In most respects, these activities resemble the trial preparation for any major felony. For example, various motions may be made regarding the seizure of evidence, the suggestibility of out-of-court identifications, and the admissibility of the defendant's statements to the police. Witnesses must be contacted and physical evidence organized as the prosecutor devises a trial strategy. There are, in addition, special considerations with regard to pre-trial preparation in rape cases. It is attention to these considerations which sometimes spells the difference between conviction and acquittal/dismissal.

Pre-Trial activities. It is clear that each case requires unique preparation. Some serious cases are quite simple to prepare while others, concerning less significant crimes, are extremely complex. The seriousness of the charge of rape does not require a particular mode of preparation. The requirements of time, the dictates of style, and the facts of the case are usually the ultimate determinants of required preparation.

In order to better understand what pre-trial activities were considered most essential to a successful outcome at trial, we asked prosecutor interview respondents to indicate how often they engaged in specific activities in their own preparation of rape cases. The responses, presented in Table 34, suggested that

TABLE 34

Frequency of Trial Preparation Activities In Rape Cases (N=40)

Activities	Almost Always	Occasionally	Almost Never
Visit Available Crime Scene	47%	38%	14%
Prepare Photos/Diagrams of Crime Scene	73%	17%	10%
Prepare Photos of Victim Injuries, When Available	86%	14%	—
Interview Every Witness	85%	6%	9%
Prepare Voir Dire Questions	68%	23%	9%
Prepare Witness Questions	54%	26%	20%
Prepare Trial Memorandum	6%	28%	66%

the most frequently undertaken pre-trial activities consisted of the preparation of photographs which portrayed the extent of victim injuries subsequent to the physical assault (86 percent), interviews with all trial witnesses (85 percent), and preparation of crime scene photographs and diagrams (73 percent). Less than one half (47 percent) of the respondents made it a rule to visit the crime scene.

Prosecutor respondents generally acknowledged the importance of building rapport and working closely with the rape victim. The victim, after all, is the prosecutor's chief witness at trial. If the jury believes her, a conviction is likely. The victim's credibility depends on many factors including her personality, her ability to articulate her account, and the logic of the story itself. It is the responsibility of the prosecutor to present her in the most convincing and sympathetic light possible. This requires the development of a working relationship between them that will not only support and reinforce the victim, but also facilitate the goals of the prosecutor.

In preparing the victim for trial, some prosecutor respondents met with rape victims as many as six times; most believed that at least two meetings were required. These interviews served several purposes. Prosecutors used them as opportunities to review the victim's anticipated direct examination with her (92 percent), to provide her with a copy of her police statements (89 percent), and to discuss her attire at trial (40 percent). Only 40 percent of the respondents indicated that they actually rehearsed a sample cross-examination with the victim to prepare her for the kinds of questions that she might be asked by the defense attorney.

Among the prosecutor respondents, the most significant problems which arose during pre-trial preparation were finding time to devote to the preparation process (37 percent) and getting medical personnel to cooperate (30 percent). Relatively few respondents believed that obtaining cooperation from criminal laboratories was a problem (8 percent); similarly, maintaining victim cooperation was infrequently identified as a significant problem (18 percent).

6.5 Trial

Most experienced trial attorneys do not perceive the trial of a rape case to be significantly different from the trial of any other major felony. They argue that the experienced trial attorney can try any case; that it is simply a matter of presenting the evidence. Although this assertion may be true to a large extent, certain characteristics of rape cases do pose special

problems at trial that require special prosecutor consideration. The most significant of these problems is surely the possible admission into evidence of the victim's prior sexual history. Such evidence can be used to support the defendant's consent defense and suggest that the victim's behavior contributed to her own victimization. Several state legislatures have specifically limited the use of this evidence and have provided special procedures to test its admissibility. Other states still rely on common law traditions which also limit the admissibility of this evidence. To some extent, however, all states allow the admission of the victim's prior sexual history in certain circumstances.¹⁴

Jury selection. Most actors in the criminal justice system agree that jury selection is critical to the success of the state's case. This process includes not only selecting the individuals who will hear the case, but also preparing them for their deliberations. This is particularly true in rape cases where personal attitudes toward rape, sexuality, and women seem to be so important in the jury's perception of the facts.

The impact of jury attitudes in the deliberation of rape cases has been well documented by Kalvin and Zeisel (1966). The authors studied 106 forcible rape cases which involved adult victims. Their data suggest that juror attitudes toward the victim's behavior were critical factors in the jury's determination of guilt. The authors concluded:

[t]he law recognizes only one issue in rape cases other than the fact of intercourse: whether there was consent at the moment of intercourse. The jury, as we came to it, does not limit itself to this one issue; it goes on to weigh the woman's conduct in the prior history of the affair. It closely, and often harshly, scrutinizes the female complainant and is moved to be lenient with the defendant whenever there are suggestions of contributory behavior on her part. . . . If forced to choose in these cases between total acquittal and finding the defendant guilty of rape, the jury will usually choose acquittal as the lesser evil.¹⁵

Prosecutor respondents were asked a series of questions that related specifically to the *voir dire* or rape trials, trial strategies to counter particular defenses, and the appropriate function of prosecutors in the sentencing process. Answers to these open-ended questions defied simple categorization or generalization for the purposes of this discussion. The *Manual for Filing and Trial Prosecutors* treats these topics more thoroughly.

6.6 Sex of the Filing and Trial Prosecutors

We have stated that both patrol officers and sex crimes detectives indicated that they did not believe that victims had any preference for the sex of the investigating officer or that the sex of the officer had any effect on the outcome of rape cases. Prosecutor respondents were in general concurrence. When asked whether they thought a male or female prosecutor was preferable in *developing* a rape case prior to trial, 78 percent believed it made no difference; 7 percent believed male prosecutors were preferred; and 14 percent, female prosecutors. When these same respondents were asked what sex was preferred in actually *trying* rape cases, the same general response pattern was obtained, i.e., 78 percent had no sexual preference; 14 percent, a preference for male prosecutors; and 7 percent, for female. Thus, these data provided little support for the assignment of rape cases to women prosecutors only.

6.7 Recommended Changes

Information on suggested modifications in the prosecution of rape cases as drawn from two primary sources; interviews with experienced filing and trial prosecutors; and interviews with rape victims. These sources represented different perspectives, and each is discussed separately.

Prosecutor perspective. Prosecutor respondents were in agreement that the criminal justice system was in need of substantial improvements in the handling of rape cases. They, like their police counterparts, not only were critical of their own procedures, but also indicated dissatisfaction with the general treatment afforded victims by medical personnel, patrol officers, detectives and other prosecutors. In addition, they identified specific legislative issues which they believed needed to be addressed before the number of rape convictions could be increased. It is the area of rape legislation which we address first.

Prosecutor respondents were asked to assess the importance of 13 possible legislative changes which, if enacted into law, might increase the effectiveness of rape prosecutions in their respective offices. Since these changes were already part of the rape law at some research sites, not all prosecutors responded to each suggested change. We obtained a sufficient number of responses, however, to conclude that three legislative changes were judged to be most important: (1) provision of legal procedures to limit the admissibility of the victim's prior sexual history; (2) pro-

vision of mandatory minimum sentences for those convicted of rape; and (3) establishment of two or more degrees of rape (see Table 35).

In contrast, legislative changes which were considered least important to more effective prosecutions were: (1) elimination of the husband/wife exception; (2) redefining rape to encompass male victims' (3) replacing the word "rape" with another term, such as "sexual assault," and; (4) reduction at statutory penalties upon conviction.¹⁶

In addition to discussing legislative changes, we asked prosecutor respondents several questions related to possible procedural modifications which might make rape prosecutions more effective. When these respondents were asked to indicate at what point in the investigation of a rape case that the prosecutor *should* become involved, nearly one half (46 percent) believed that prosecutor involvement should occur as soon as the rape is reported. An additional 50 percent thought it should commence when the detective begins the investigation or when the police are about to arrest a suspect. Only 4 percent of the respondents supported the procedure, used by prosecutor offices throughout the country, of bringing the prosecutor into the case when the police are ready to present it for filing.

These findings have serious implications for policymakers in criminal justice for they suggest that prosecutors might become much more effective if they were brought into rape cases at an earlier point. Although this suggestion undoubtedly applies to more effective prosecutions of all felony cases, the conviction rate for rape offenses is so poor in most jurisdictions that rape cases might merit special consideration.

Many prosecutors' offices have already applied unique resources to rape cases in the form of specialization at the filing or trial level. Indeed, prosecutor specialization in the area of rape was not only a common practice at our research sites, it was also a very popular concept. The prosecutor interview respondents, for example, gave us a long list of advantages to specialization, the most frequent of which were (1) the development of more expertise (62 percent); (2) more sensitivity and perceptiveness (22 percent); (3) more familiarity with the law (13 percent); (4) more thorough investigations and case preparation (13 percent); and (5) better treatment of victims (13 percent). Certain disadvantages were also seen to be associated with specialization. Among the most serious was the tendency for prosecutors to become bored or lose their spontaneity (40 percent) if rape cases became too time-consuming. Additional disadvantages

TABLE 35

Importance of Legislative Changes to Increase
The Effectiveness of Rape Prosecutions

Legislative Issue	Very Important		Somewhat Important		Not Important	
	N	(%)	N	(%)	N	(%)
Establish Degrees of Rape	13	(50%)	6	(23%)	7	(27%)
Provide Procedures to Limit Admissibility of Victim's Prior Sexual History	13	(65%)	1	(5%)	6	(30%)
Eliminate Corroboration Requirements	2	(29%)	3	(43%)	2	(29%)
Eliminate Cautionary Instructions	3	(38%)	3	(38%)	2	(25%)
Encompass Acts Other Than Vaginal Intercourse	5	(20%)	3	(12%)	17	(68%)
Eliminate Husband/Wife Exception	2	(8%)	4	(15%)	20	(77%)
Encompass Male Victims	3	(13%)	4	(17%)	17	(71%)
Exchange Word "Rape" for Another Term, e.g., Sexual Assault or Battery	4	(17%)	3	(13%)	17	(71%)
Close Trial to All Except Press	7	(20%)	6	(17%)	22	(63%)
Allow Admissibility of Polygraphs	4	(12%)	7	(21%)	22	(67%)
Lessen Penalties for Rape	7	(23%)	2	(7%)	21	(70%)
Provide Mandatory Minimum Sentences	16	(53%)	4	(13%)	10	(33%)
Provide Offender Treatment Programs	5	(17%)	8	(28%)	16	(55%)

included the concern that specialists would (1) lose skills in other areas (28 percent); (2) become insensitive or callous (9 percent); or (3) become depressed and emotionally exhausted (13 percent).

We were also interested in knowing whether specialization in rape cases was more appropriate for some functions (e.g., filing) than for others (e.g., trial). When we asked prosecutor respondents their opinions on this issue, the overwhelming majority (92 percent) preferred specialization at the pre-trial level. In particular, they favored the use of specialists to interview victims, screen and file cases, issue warrants and present cases at preliminary hearings. Only 8 percent of the respondents thought specialists should be used to actually try rape cases.

Finally, in order to determine the level of personal interest, respondents were asked whether they would volunteer to specialize in rape prosecutions or, if they were already specialized, whether they would do it again. The answer to this question was a rather resounding "NO" (68 percent). Although the reasons

for shunning specialization were diverse, it was not uncommon for prosecutors to state that rape cases were "frustrating," "too emotional," "a pain in the ass," and "not good for one's career." The motivations of those one third of the respondents who would/could again volunteer to specialize were very personal. Some were altruistic: they enjoyed assisting victims and developing particularly challenging cases. The motivations of others were more retributive and included reasons such as a personal "hatred of rapists" and an interest in "seeing violent sex offenders off the streets and behind bars."

In sum, prosecutor respondents saw the need for, or advantages of, a number of legislative and procedural changes to improve the effectiveness of rape prosecutions. Among the suggested procedural changes, respondents favored earlier involvement of prosecutors in rape cases and supported the concept of rape specialization. Despite their support for this latter concept, however, most did not want to be personally involved in such specialization.

Victim perspective. Recall that among the 147 victims interviewed in the course of this research, only 117 actually reported the crime to the police. Of these 117 victims, 86 had an in-person interview with a follow-up investigator. Finally, of these 86 victims only 32 were ever interviewed by a prosecutor. Thus, only one quarter of the victims ever proceeded to the level of possible prosecution of their cases or had any contact with a prosecutor.

Of the 32 victims interviewed by a prosecutor, most were satisfied with their interview(s). With one exception, interviews were conducted in private and in surroundings which were comfortable. Although most prosecutors interviewed victims only once (56 percent), it was not unusual for victims to be called in for two (24 percent) or more (20 percent) interviews. Victims were also quite satisfied with the actual content of the prosecutor interview. Prosecutors usually used sexual words which they could understand, were never considered coarse or offensive, rarely inquired about the victims' previous sexual experiences, and only once were believed to ask questions which were inappropriate. No victim felt that the prosecutor didn't believe her and no victim said that she withheld anything about the rape from the prosecutor.

Victims were less enthusiastic about the thoroughness with which they believed the prosecutor examined their cases. Although satisfied with their interviews, 32 percent of the victims felt that their cases were handled inadequately by prosecutors. In general, however, most victims believed that they were treated either with a great deal of understanding (34 percent) or with understanding (38 percent). The remaining victims felt they were treated with indifference (20 percent) or with disrespect (9 percent).

Again, as was the case with both patrol officers and detectives, we found little data to support the contention that rape victims prefer female prosecutors to handle their cases. Seventy-five percent of the interview respondents indicated no sexual preference; 16 percent preferred a female prosecutor; and 9 percent favored a male prosecutor. In fact, as victims moved through the criminal justice system (patrol officer to investigator to prosecutor), sexual preferences actually diminished.

From the point that cases were presented at a preliminary hearing or before a grand jury, through trial, victims consistently complained that they were not adequately informed about the legal processes to which they were exposed and were not prepared by the prosecutor to testify. For example, only five of the 31 women (16 percent) who testified at a preliminary hearing were prepared for the kinds of questions they would be asked during direct and cross-examination. Twenty percent of these victims were questioned about their previous sexual relations with other men; 40 percent were asked whether they had ever had a sexual relationship with the accused. Unless prepared for this line of questioning, the victims often felt resentment toward the prosecutor who failed to warn them in advance or protect them on the stand.

Not all 31 victim cases actually proceeded to trial. Ten cases were plea bargained, and an additional 10 cases were pending at the time of the interview. Only 11 victim cases had actually gone to trial, because several defendants were ultimately charged with less serious felonies, only seven victims had testified at trial. Again, most of these victims felt inadequately prepared by the prosecutor for the kinds of questions they were asked and expressed a general feeling of awe and confusion with the criminal justice proceedings.

Of the seven trial cases in which the victims actually testified, five rape convictions and two convictions for lesser offenses were obtained. Six additional felony convictions were obtained through pleas; two of these pleas were to charges of rape. Thus, of the 117 reporting victims who were interviewed, only seven victims (7 percent) saw their assailants convicted of the rapes they had committed.

6.8 Conclusion

It is clear that an overwhelming percentage of rapes go unpunished. Even if one subtracts those cases which are considered by the police to be "unfounded," the conviction rate remains dismally low. Until this record improves, it is unlikely that most victims will feel satisfied with the handling of their cases.

NOTES

¹For a general discussion regarding prosecutorial discretion in the filing of criminal charges, see Miller, Frank W. *Prosecution: The Decision to Charge a Suspect with a Crime*. (Boston): Little, Brown, 1969.

²For a more thorough discussion of the extent to which police

processing of rape complaints is governed by the attitudes of personnel and departmental procedure rather than statutory requirements, see Galton, Eric R. "Police Processing of Rape Complaints: A Case Study," *American Journal of Criminal Law*, 4, 1, 15-30, 1975-1976; and (Anonymous). "Police Discretion

and the Judgment that a Crime Has Been Committed: Rape in Philadelphia." *University of Pennsylvania Law Review*, 117, 2, 277-322, 1968.

³See *Forcible Rape: A Manual for Filing and Trial Prosecutors* (Chapter 3) prepared in the course of this research by the Battelle Law and Justice Study Center for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

⁴Wigmore, John H. *Wigmore on Evidence* (Boston): Little, Brown, 1934, Section 924a, p. 379.

⁵See, for example, the general discussion found in *Forcible Rape: An Analysis of Legal Issues* prepared in the course of this research by the Battelle Law and Justice Study Center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

⁶A number of forensic tests are available to detect the presence of sperm, semen or physical trauma associated with forcible penetration. These tests are described in the following articles: Pinto, F. C. "Rape, For the Defense... Acid Phosphatase," *Journal of Forensic Medicine*, 6, 4, 147-159, 1959; Kivela, Edgar W. "On Finding Spermatozoa in Suspected Seminal Stains," *Journal of Forensic Sciences*, 9 1, 138-139, 1964; Marcinkowsil, Tadeusz and Aygmunt Prsybliski. "Seminal Stains: A Simple Device for their Determination," *Journal of Forensic Medicine*, 13, 4, 130-133, 1966; Rupp, Joseph C. "Sperm Survival and Prostatic Acid Phosphatase Activity in Victims of Sexual Assault," *Journal of Forensic Sciences*, 14, 2, 177-183, 1969; Schiff, Arthur Frederick. "Modification of the Berg Acid Phosphatase Test," *Journal of Forensic Sciences*, . . ., 538-544,

1969; McCubbin, Jack H. and Daniel E. Scott. "Management of Alleged Sexual Assault," *Texas Medicine*, 69, September, 59-64, 1973.

⁷For a discussion of other methods which can be used to corroborate penetration, see *Forcible Rape: A Manual for Filing and Trial Prosecutors*, (Chapter 3), *infra*.

⁸*Ibid*.

⁹*Ibid*.

¹⁰Committee of Government Operations. "The Use of Polygraphs and Similar Devices by Federal Agencies," H. R. Rep. No. 94-795, 94th Congress, 2nd Session (1976).

¹¹For a discussion of filing standards, see *Forcible Rape: Prosecutor Administrative and Policy Issues* prepared in the course of this research by the Battelle Law and Justice Study Center, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

¹²For a more thorough discussion of the advantages and disadvantages of preliminary hearings, see *Forcible Rape: A Manual for Filing and Trial Prosecutors*, (Chapter 4), *infra*.

¹³For a discussion of recommended standards for obtaining plea bargains, see Chapter 4, *Ibid*.

¹⁴For a discussion of the issue of admissibility of evidence regarding the prior sexual history of the victim, see *Forcible Rape: An Analysis of Legal Issues*, *infra*; and *Forcible Rape: A Manual of Filing and Trial Prosecutors*, Chapter 7, *infra*.

¹⁵Kalvin, Harry and Hans Zeisel. *The American Jury*, (Chicago): University of Chicago Press, 1966.

¹⁶Each of these legislative issues is discussed in detail in *Forcible Rape: An Analysis of Legal Issues*, *infra*.

CHAPTER 7. TRAINING

Although investigations and prosecutions of rape offenses share many common elements with other serious felonies, in some respects they are unique. In no other crime, for example, is the victim's complaint so suspect. In no other crime is it necessary to demonstrate that the victim did not consent to a criminal act. In no other crime is the victim less protected from abusive treatment by medical personnel, police, prosecutors, and defense attorneys. In sum, this crime requires a response from criminal justice personnel who have special skills and knowledge.

Some police and prosecutors obtain these skills through on-the-job experience. Certainly no one can doubt the usefulness of this method as a valuable educational tool. However, experience is not the only tool, or even the most effective tool. If patrol officers, for example, relied exclusively on experience to conduct initial rape investigations very little would be learned, since most officers handle only one or two such complaints a year. Most prosecutors are similarly inexperienced.

Our first year surveys of police and prosecutor agencies throughout the country made it clear that most criminal justice agencies not only needed more

formal training in the area of rape, they actually requested it.¹ Accordingly, in interviewing patrol officers, sex crimes investigators and filing/trial prosecutors, we focused particularly on an exploration of training deficits. As a consequence, we were able to identify specific topic areas which these experienced personnel felt needed to be addressed through further training.

7.1 Pre-Service Training for Recruit Officers

Most recruit or cadet officers are required to undergo an intensive training period before they are allowed to assume patrol functions. This training concerns a variety of topics, including statutes/ordinances, rules of evidence, techniques of interrogation, crime scene processing, and general departmental rules and procedures. More and more often, however, pre-service training curricula also include sessions devoted specifically to the crime of rape. It is important that these sessions provide information and training which will be most useful to a new patrol officer.

In order to help determine what those topics

TABLE 36

Importance of Specific Subjects with Respect to
Pre-Service Curricula for Recruit Officers

Pre-Service Training Subjects	Pat. Off. %	Invest. %	Pat. Off. Rank	Invest. Rank
Physical evidence unique to rape cases	89%	83%	1	1
Special problems involving child victims	79%	76%	2	2
Techniques for interviewing rape victims	77%	57%	3	6
The law on forcible rape	74%	70%	4	4
Attending to emotional needs of victims	66%	71%	5	3
Techniques for interviewing suspects	60%	46%	6	8
Emotional impact of rape on victims	55%	63%	7	5
Special procedures for obtaining medical exams	50%	38%	8	10
Techniques to corroborate lack of consent	45%	46%	9	9
Crisis intervention/sensitivity training	41%	46%	10	7
Community resources for victims	29%	—	11	—
Characteristics of rapists	29%	31%	12	11
Forensic procedures to corroborate penetration	26%	26%	13	12
Characteristics of victims	15%	19%	14	13

should be, we asked all patrol officers and investigators to rate the importance of 14 subjects with respect to their proposed inclusion in pre-service training curricula. The rating scales ranged from 1 to 3—"very important," "somewhat important," or "not important at all." Although only the "very important" ratings are presented in Table 36, it is clear that there was substantial agreement between patrol officers and sex crimes investigators. The training subject most frequently ranked number one related to the handling of physical evidence unique to rape cases. The apparent need for this training suggests that patrol officers have frequently mishandled or overlooked important physical evidence. The second and third most important training subjects were related to a better understanding and treatment of rape victims.² It is interesting to note that knowledge of the rape law, ranked fourth, was seen as less important than these special victim topics. It is not until the 11th ranked topic that one-third of the respondents failed to rate the training subject as very important. Police policymakers, therefore, might take special notice of the top 10 subjects for possible inclusion in their pre-service training curricula.

7.2 In-Service Training for Patrol Officers

Many police departments require that patrol officers undergo some form of in-service training on a regular basis. In general, such training is intended to augment the skills of already experienced patrol

officers. Rarely, however, is such training devoted to the handling of rape offenses.

In an effort to determine the level of interest in the topic of rape, patrol officer respondents were asked to identify subject areas in which they, themselves, would like additional training. Although 52 different subjects were suggested in response to this open-ended question, those most frequently identified related to various aspects of victim treatment. Training in victim interview techniques, problems of child victims,³ and attending to the emotional needs of victims⁴ were subjects ranked 1, 2 and 3, respectively. Indeed, these three rather "soft" subjects were ranked above the more traditional training subjects, such as handling of physical evidence, follow-up investigations and report writing (see Table 37). Only 13 percent of the respondents felt that they didn't need any additional training.

7.3 Training for Newly Assigned Sex Crimes Investigators

Sex crimes investigators were asked to rate the importance of 13 subjects with respect to their inclusion in a training curriculum for detectives who are *not* experienced in the investigation of sexual assaults. From Table 38, it is clear that more than one half of the respondents believed that all of the topics were important. Closely bunched at the top of the list, however, were four subjects that almost everyone agreed upon. These included two technical

TABLE 37

In-Service Training Needs of Patrol Officers (N=242)

Rank	Training Subject	Percentage
1	Victim interview techniques	33%
2	Special problems involving child victims	27%
3	Attending to the emotional needs of victims	20%
4	Physical evidence unique to rape cases	19%
5	"Refresher" course on rape in general	13%
6	(None or don't know)	13%
7	Court testimony	8%
8	Utilization of community resources for victims	7%
9	Follow-up investigations and preparation for trial	5%
10	Report writing	4%
11	Post-rape trauma of victims	2%
12	Techniques to establish lack of consent	2%
13	Sex crimes in general	2%
14	Offender psychology (deviant behavior)	2%
15	Suspect interview techniques	2%

TABLE 38

Importance of Specific Subjects with Respect to
Training Curricula for Newly Assigned
Sex Crimes Investigators (N = 86)

Rank	Training Subjects	% "Very Important"
1	Physical evidence unique to rape cases	94%
2	Special problems involving child victims	92%
3	Law on rape	90%
4	Techniques for interviewing victims	88%
5	Attending to the emotional needs of victims	81%
6	Techniques for interviewing suspects	81%
7	Techniques to establish lack of consent	79%
8	Emotional impact of rape on victims	76%
9	Specific procedures for obtaining medical exams	71%
10	Crisis intervention/sensitivity training	70%
11	Forensic procedures to corroborate penetration	68%
12	Characteristics of rapists	60%
13	Characteristics of victims	53%

subjects (physical evidence and rape law) and two victim subjects (problems of child victims and interviewing techniques).

7.4 Training for Experienced Sex Crimes Investigators

Sex crime investigator respondents, like their patrol officer counterparts, were queried regarding their interest in further training. Almost one third of these experienced detectives evinced no enthusiasm for further training of any kind. However, at least 10 percent of the respondents identified three specific

subject areas in which they would like more training (see Table 39). The training topic which generated the most interest was the highly technical area of the handling and use of serology and other trace evidence. General detective interest in serology is certainly nothing novel. In rape cases, however, blood types take on an added significance because in the 80 percent of the population known as "secretors" they can be determined from samples of semen, saliva, and other body fluids. Thus, a perpetrator's blood type can often be determined by analyzing specimens from the victim's vagina. Although the ABO blood group cannot be used to identify an individual to the

TABLE 39

In-Service Training Needs of Experienced
Sex Crimes Investigators (N = 86)

Rank	Training Subjects	Percentage
1	(None or don't know)	30%
2	Serology and trace evidence techniques	13%
3	Crisis intervention/sensitivity training	12%
4	Techniques of collecting physical evidence	11%
5	Characteristics of rapists	9%
6	Techniques for interviewing suspects	6%
7	Special problems of child victims	6%
8	Trial procedures and strategies	5%
9	Emotional impact of rape on victims	5%
10	Crime scene investigation	4%
11	Methods to detect false reports	2%

exclusion of all others, it can be a useful investigative technique to eliminate suspects because they are not secretors, or because their blood type does not match that of the perpetrator.

7.5 Training for Inexperienced Filing and Trial Prosecutors

Although the word "training" is sometimes offensive to prosecutors, most agree that a formal law school education often lacks clinical courses which prepare future attorneys for courtroom encounters in criminal cases. Indeed, most filing and trial prosecu-

tors develop their skills through experience and guidance from more seasoned veterans.

All 40 filing and trial prosecutors who participated in this research were asked to rate the importance of 14 subjects if training were available for *inexperienced* prosecutors. Although only the "very important" ratings are presented in Table 40, it is clear that there was substantial support for training in at least nine areas. Again, as we have seen from other respondents, prosecutors selected a non-legal subject most frequently; here again it was techniques for interviewing victims. The remaining subjects represent a blend of needed skills in technical areas as well as areas of greater sensitivity and understanding.⁵

TABLE 40

Importance of Specific Subjects with Respect to Training Curricula for New Filing and Trial Prosecutors (N=40)

Rank	Training Subjects	% Very Important
1	Techniques for interviewing victims	85%
2	Techniques of direct examination of victims	70%
3	Jury selection in rape cases	60%
4	Techniques to counter defense strategies	60%
5	Scope/usefulness of physical exam of victims	58%
6	Scope/usefulness of laboratory analysis of physical evidence	58%
7	Emotional impact of rape on victims	58%
8	Admission of physical evidence at trial	55%
9	Special problems of child victims	50%
10	Admission of victim's prior sexual history	42%
11	Techniques of direct and cross examination of criminalists	25%
12	Charging decisions in rape cases	25%
13	Pre-trial motions in rape cases	18%
14	Special problems at grand jury or preliminary hearings	

7.6 Training Needs of Experienced Filing and Trial Prosecutors

The final training needs explored in the course of this research were those of our filing and trial prosecutor respondents. These experienced prosecutors were asked to indicate those subjects in which formal instruction might increase their ability to prosecute rape cases successfully. Prosecutor respondents, in contrast to their investigator counterparts, identified a wide range of subjects which they believed might increase their skills and improve their performance (see Table 41). Like investigator respondents, however, the prosecutors were also interested in forensic procedures, specifically wanting more knowledge

about the scope and usefulness of laboratory analysis of physical evidence and the scope and usefulness of the physician's examination.⁶

7.7. Conclusion

All interview respondents believed that effective rape investigations and prosecutions required the development of special skills. The more inexperienced the criminal justice personnel, the more the need for training in non-technical subjects such as victim interview techniques, problems of child victims, and the emotional trauma of rape. As personnel become more experienced, their training needs shift to the more technical areas of forensic analyses of various forms of physical evidence.⁷

TABLE 41

Training Needs of Experienced Filing and
Trial Prosecutors (N = 40)

Rank	Training Subjects	Percent
1	Scope/usefulness of laboratory analysis of physical evidence	32%
2	Scope/usefulness of physician's examination	30%
3	Techniques of direct and cross-examination of medical personnel	27%
4	Techniques of rape victim interviewing	22%
5	Jury selection in rape cases	22%
6	Techniques of direct examination of rape victim	20%
7	Techniques to counter defense strategies	20%
8	Emotional impact of rape on victims	18%
9	Special problems involving child victims	13%
10	Pre-trial motions	10%
11	Admissibility of victim's prior sexual history	10%
12	Admissibility of physical evidence at trial	7%
13	Charging decisions in rape cases	5%
14	Special problems of rape cases at grand jury or preliminary hearings	5%

NOTES

¹See *Forcible Rape: A Nationwide Survey of the Response by Police and Forcible Rape: A Nationwide Survey of the Response by Prosecutors* prepared in the course of this research by the Battelle Memorial Institute Law and Justice Study Center for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

²Training materials appropriate for use in pre-service curricula already exist. In particular, see *Forcible Rape: A Manual for Patrol Officers* prepared in the course of this research by the Battelle Memorial Institute Law and Justice Study Center for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977. Also, see Bard, Morton and Katherine Ellison. "Crisis Intervention and Investigation of Forcible Rape," *The Police Chief*, p. 68, May, 1974; and Mohr, William M. and Joseph E. Steblein, Jr. "Mental Health Workshops for Law Enforcement," *F. B. I. Law Experiment Bulletin*, 45, 1, 3-8, 1976.

³For more thorough discussions of child victims of fondling, forcible assault and rape, see Capruo, Vincent J. "Sexual Assault on Female Children," *Annals of the New York Academy of Sciences*, 142, 3, 817-819, 1967; Burgess, Ann Wolbert and Lynda Lytle Holmstrom. "Sexual Trauma of Children and Adolescents," *Nursing Clinics of North America*, 10, 3, 551-563, 1975; Peters, Joseph J. "Children Who Are Victims of Sexual Assault and the Psychology of Offenders," *American Journal of Psychotherapy*, 30, 3, 398-421, 1976; Roth, Edwin. "Emergency Treatment of Raped Children," *Medical Aspects of Human Sexuality*, 6, 8, 89-91, 1972; and Hogan, Walter L. "The Raped Child," *Medical Aspects of Human Sexuality*, November, 129-130, 1974.

⁴For in-service training materials appropriate for either patrol officers or investigators, see Symonds, Martin. "The Rape Victim: Psychological Patterns of Response," *The American Journal of Psychoanalysis*, 36, 27-34, 1976; Stratton, John. "Law Enforcement and Participation in Crisis Counseling for Rape Vic-

tims," *The Police Chief*, 43, 46-49, 1976; Burgess, Ann Wolbert and Lynda Holmstrom. "Rape Trauma Syndrome," *American Journal of Psychiatry*, 131, 9, 1974; Notman, Malkah T. and Carol C. Nadelson. "The Rape Victim: Psychodynamic Considerations," *American Journal of Psychiatry*, 133, 408-413, 1976; McCombie, Sharon L. "Characteristics of Rape Victims in Crisis Intervention," *Smith College Studies in Social Work*, 46, 137-158, 1976; Fox, Sandra Sutherland and Donald J. Schere. "Crisis Intervention with Victims of Rape," *Social Work*, 17, 37-42, 1972; and Schwendinger, Julia R. and Herman Schwendinger. "Rape Myths: In Legal, Theoretical and Everyday Practice," *Crime and Social Justice: A Journal of Radical Criminology*, 1, 18-26, 1974.

⁵For discussions of the social and legal changes which might reduce the trauma experienced by the rape victim during her interaction with the criminal justice system, see Bohmer, Carol and Audrey Blumberg. "Twice Traumatized: The Rape Victim and the Court," *Judicature*, 58, 391-399, 1975; and Holmstrom, Lynda Lytle and Ann Wolbert Burgess. "Rape: The Victim and the Criminal Justice System," *International Journal of Criminology and Penology*, 3, 101-110, 1975.

⁶For a more thorough discussion of training programs for prosecutors, see *Forcible Rape: Prosecutor Administrative and Policy Issues* prepared in the course of this research by the Battelle Memorial Institute Law and Justice Study Center for the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1977.

⁷Excellent videotape training materials are available through the California District Attorneys Association, 933 12th Street, Suite 300, Sacramento, California and through the Texas District and County Attorneys Association, 1411 West Avenue, Suite 102, Austin, Texas. Training Films on rape (e.g., "Reality of Rape" and "A Questions of Consent") are available through Motorola Teleprograms, Inc., 4825 N. Scott Street, Suite 23, Schiller Park, Illinois.

APPENDIX

SUMMARY ANALYSES OF POLICE AND PROSECUTOR RECORDS

OFFENSE CLASSIFICATION. TABLE 1A

Police departments utilize a variety of methods to classify rape offenses. These classifications reflect the legal definitions which prevail in the respective states.

Since the new Michigan statute went into effect during the period in which the sample records were selected, some Detroit cases were classified as "rape" while other offenses were classified as "criminal sexual conduct" in the first-fourth degree.

TABLE 1A
OFFENSE CLASSIFICATION BY POLICE JURISDICTION

Classification	Seattle (N=307)	Detroit (N=283)	Kansas City (N=327)	New Orleans (N=327)	Phoenix (N=105)
Rape	79%	18%	73%	87%	87%
Attempted Rape	21%	17%	27%	13%	13%
Carnal Know./ Stat. Rape	.3%	2%	.3%		
Crim. Sex. Cond. 1°	-	51%	-	-	-
Crim. Sex. Cond. 2°	-	5%	-	-	-
Crim. Sex. Cond. 3°	-	3%	-	-	-
Crim. Sex. Cond. 4°	-	4%	-	-	-

TIME BETWEEN OFFENSE AND VICTIM REPORT. TABLE 2A.

The speed with which victims report the assaults against them is important for two reasons. First, the greater the delay, the greater the loss or contamination of evidence. Evidence is particularly critical in tests to establish penetration: vaginal examinations establish presence of semen or sperm which can usually establish that intercourse occurred within the previous 24 to 48 hours. The second reason relates to the credibility

of the victim's account. Police and prosecutors generally agree that victims who delay reporting are less believable than those who report immediately.

There is considerable similarity across jurisdictions in the speed with which victims report. In general, three-quarters of all victims reported within 6 hours. Less than 5 percent of the victims delayed reporting more than 3 days. This latter finding counters the claim that many women charge rape after they discover they are pregnant.

TABLE 2A
Time Between Offense and Victim Report

Category	Seattle (N=306)	Detroit (N=282)	Kansas City (N=328)	New Orleans (N=237)	Phoenix (N=105)	Total (N=1258)
Within 6 Hours	72%	82%	75%	78%	82%	77%
6-24 Hours	15%	10%	12%	10%	11%	12%
1-3 Days	6%	3%	6%	5%	2%	5%
4-30 Days	4%	4%	5%	3%	4%	4%
More than 30 Days	3%	1%	1%	2%	1%	2%
Unknown	1%	.4%	1%	3%	-	1%

TIME OF OCCURRENCE. TABLE 3A.

Approximately three-quarters of all rapes occurred during the 12-hour interval between 5 P.M. and 5 A.M. In general, the daylight hours represented a low-

risk period for rape occurrences. This time distribution of rape offenses has policy implications for the shift assignments of sex crimes investigators. This issue is discussed more thoroughly in *Forcible Rape: Police Administrative and Policy Issues*.

TABLE 3A
Time of Rape Occurrence

Category	Seattle (N = 308)	Detroit (N = 282)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1261)
8—11 P.M.	18%	24%	14%	16%	24%	18%
11—2 A.M.	28%	21%	22%	19%	24%	23%
2—5 A.M.	19%	17%	18%	22%	28%	19%
5—8 A.M.	6%	9%	5%	14%	1%	7%
8—11 A.M.	3%	4%	8%	5%	5%	5%
11—2 P.M.	6%	5%	8%	7%	4%	6%
2—5 P.M.	8%	7%	12%	5%	2%	8%
5—8 P.M.	12%	14%	12%	10%	13%	12%

NUMBER OF VICTIMS. TABLE 4A.

Rape offenses involving more than one victim were

extremely rare. Only in Detroit did cases of multiple victimization approach 10 percent.

TABLE 4A
Number of Victims

Number	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1260)
1	97%	91%	96%	97%	93%	95%
2	2%	8%	4%	3%	6%	4%
3	.3%	.7%	.3%	—	1%	.3%
More than 3	.7%	.4%	—	—	—	.1%

RACE OF VICTIM. TABLE 5A.

The racial distribution of rape victims did not mirror the racial distribution within the population of the jurisdictions. In most jurisdictions, minority women

were overrepresented in the victim population. This finding was particularly true in the 61 cases in which there was more than one victim. Fifty-nine percent of all multiple victim cases involved Black and Asian American women.

TABLE 5A

Race of Victim

Race	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
White	80%	25%	52%	43%	64%
Black	14%	74%	47%	57%	15%
American Indian	3%	—	1%	—	4%
Chicano	1%	1%	.3%	—	16%
Asian	2%	—	—	—	—
American Unknown	1%	—	.3%	—	1%

AGE OF VICTIM. TABLE 6A.

In general, rape is crime committed against young women. Our data indicate that more than 50 percent of all rapes were committed against women who were less than 21 years old. Women over the age of 30 were

seldom victims of rape. Elderly women were almost never raped. Multiple victimizations were almost exclusively committed against the very young. In 70 percent of all such cases, the victims were under the age of 21.

TABLE 6A

Age of Victim

Age	Seattle (N = 308)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1261)
Less Than 18	22%	38%	39%	32%	26%	32%
18—20	22%	18%	22%	21%	25%	21%
21—25	21%	23%	18%	22%	20%	21%
26—30	15%	7%	10%	9%	10%	10%
31—40	10%	8%	6%	8%	10%	8%
41—50	3%	3%	3%	2%	5%	3%
51 +	6%	2%	2%	5%	6%	4%
Unknown	.6%	—	—	2%	—	.5%

WITNESSES

Rape is obviously not a crime which is typically committed in a crowd. But, although there are few eye witnesses to sexual attacks, several other kinds of witnesses are frequently available. In more than one third of the cases analyzed, we were able to identify witnesses who corroborated the identity of the suspect (17 percent), corroborated some portion of the victim's account or attested to her emotional condition after the rape (13 percent), or actually saw the crime in progress (8 percent). The importance of such witnesses

to prosecution cannot be overstated. In those jurisdictions in which it was the policy of the police department to thoroughly canvass for witnesses, two to three times as many corroborating witnesses were identified as elsewhere.

NUMBER OF OFFENDERS. TABLE 7A.

Most rapes were committed by a single individual who attacked a lone woman. Although "gang" rapes did occur, they are relatively rare and usually involved juvenile males under the age of 18.

TABLE 7A

Number of Offenders

Number	Seattle (N = 337)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
1	84%	69%	70%	73%	75%
2	11%	15%	15%	17%	13%
3 ^F	3%	7%	7%	4%	6%
More than 3	2%	7%	7%	5%	6%
Unknown	—	2%	—	—	—

RACE OF OFFENDER. TABLE 8A.

Minority males were consistently overrepresented in the offender population. This overrepresentation was true in all jurisdictions whether the minority pop-

ulation was small, i.e., Seattle, or large, i.e., Detroit. The overwhelming majority (80 percent) of all cases which involved multiple rapists were committed by minority males.

TABLE 8A

Race of Offender

Race	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
White	34%	10%	31%	15%	45%
Black	59%	89%	65%	81%	38%
American Indian	2%	.4%	—	—	—
Chicano	2%	.4%	2%	.4%	14%
Asian	1%	—	—	—	—
American Other	1%	—	.3%	1%	—
Unknown	1%	.4%	2%	3%	3%

AGE OF OFFENDERS. TABLE 9A.

In general, victims were unable to specify the exact age of their attackers since, in most cases, the assailants were not known to them. Therefore, we accepted the *estimated* offender ages which appeared on the police reports. To the extent that these estimates were incorrect, it is presumed that victims might have thought their assailants older than they actually were.

Victim estimates indicated that the majority of assailants were between 18 and 25. Men over 30 were not likely to be rapists, and once men reached 40, there was only an insignificant probability of involvement in sexual assaults.

RELATIONSHIP BETWEEN VICTIM AND OFFENDER. TABLE 10A.

Perhaps no other myth is more prevalent in rape lore than that which asserts that most sexual assaults occur in dating situations in which the woman has provoked her own attack. Although such cases may occur on occasion, we found the frequency of such attacks to be inconsequential.

For purposes of research, the relationships between the victim and offender were divided into four categories. In the first category, strangers, the actors had no acquaintance with or knowledge of one another

prior to the sequence of events that terminated in the assault. The second and third categories, *acquainted* and *friends*, were more difficult to distinguish. Victims and offenders were defined as "acquaintances" if they had merely met or were known to one another by re-

putation prior to the offense. In contrast, the term "friend" was used to define long-standing or previously intimate relationships. The fourth category included all rapes between persons who either by blood or by marriage were *related* to one another.

TABLE 9A

Age of Offender (Victim Estimates)

Age	Seattle (N = 304)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 286)	Phoenix (N = 86)	Total (N = 1227)
Less than 18	4%	10%	10%	6%	7%	7%
18—20	8%	17%	14%	15%	16%	13%
21—25	38%	28%	20%	19%	36%	27%
26—30	22%	19%	18%	19%	14%	19%
31—40	12%	16%	13%	11%	8%	13%
41—50	1%	4%	2%	3%	8%	2%
51 +	2%	1%	1%	3%	—	2%
Unknown	15%	5%	23%	24%	11%	16%

TABLE 10A

Relationship Between Victim and Offender

Relationship	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 102)
Strangers	59%	67%	43%	46%	68%
Acquainted	24%	19%	31%	27%	19%
Friends	10%	11%	19%	19%	8%
Related	3%	2%	5%	4%	5%
Unknown	3%	.4%	2%	4%	1%

Stranger-to-stranger rapes. Although there was considerable variation from one jurisdiction to another, approximately one half of all rapes involved strangers. This type of rape ranged from a high of 68 percent of all cases in Phoenix to a low of 43 percent in Kansas City.

Acquaintances. Approximately one quarter of all rape cases analyzed involved victims and offenders who had simply met or heard of each other prior to the assault. These so-called "mixed message" rapes

have some unusual characteristics which are discussed in the text of this report.

Friends. Rapes involving friends made up less than 20 percent of the reported assaults in any jurisdiction. This category included rapes committed in dating situations as well as a variety of other social encounters.

Related. Rapes of relatives were extremely rare. When such rapes were reported, they usually involved a male offender who was related to the victim by marriage, i.e., step-father, brother-in-law, etc.

LOCATION OF FIRST CONTACT PRIOR TO OFFENSE. TABLE 11A.

The traditional view of rape assumes that sex-crazed males lurk in alleys and roam darkened streets in search of unsuspecting prey whom they can assault. Although this type of rape certainly exists, it does not describe the most frequent circumstances under which victims and offenders come into contact. Indeed, it is not the street which represents the greatest risk of sexual assault to a woman—it is her own home. Except in Detroit and New Orleans, the initial contact

between victims and offenders occurred most often in the residence of the victim. This was followed in frequency by street encounters. These two initial locations accounted for 49% (Phoenix) to 72% (New Orleans) of all rape reports which were analyzed.

Of the nine other initial contact locations identified from the police reports, only the automobile of the offender stood out as a consistently high-risk location. Initial contacts established at taverns, social gatherings, etc. were relatively uncommon.

TABLE 11A

Location of First Contact Prior to Offense

Location	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1260)
Victim Home	33%	24%	31%	33%	37%	31%
Street	21%	39%	22%	39%	12%	28%
Auto/ Offender	18%	7%	13%	3%	22%	12%
Tavern/ Bar	8%	6%	4%	8%	7%	6%
Building/ Business	4%	7%	9%	3%	8%	6%
Other Home	4%	5%	6%	4%	3%	5%
Offender Home	3%	4%	4%	1%	1%	3%
Auto/ Victim	2%	3%	3%	4%	5%	2%
Park	2%	2%	4%	1%	2%	2%
Social Gathering	2%	.2%	3%	1%	2%	2%
Common Carrier	.7%	.4%	.3%	.4%	—	.3%
Motel/ Hotel	.3%	.4%	.3%	1%	—	.3%
Other	1%	2%	.6%	1%	2%	1%
Unknown	—	.7%	1%	4%	—	1%

LOCATION OF OFFENSE. TABLE 12A.

The location of the initial contact between the offender and the victim was not always a good indicator of the actual location of the offense. There was a general tendency to move the actual crime scene to an indoor or more private location. Thus, although the victim's residence remained the most likely location of the assault, the offender's residence or his automobile became the next most frequent locations.

Relatively few rapes were actually committed in public places, such as streets or parks.

WEAPONS. TABLE 13A.

The frequency with which weapons were present or used during sexual assaults varied considerably from one police jurisdiction to another. Nearly 60 percent of all reported rapes in Detroit involved weapons of some kind; in contrast, only 33 percent of the

rapes reported to Seattle authorities involved weapons.

The weapon of choice was usually a handgun, although a knife was more popular in Seattle. In addition to guns and knives, an incredible variety of other weapons was also used or threatened. Occasionally, these "weapons" consisted of everyday items such

as pencils, metal combs, and rolling pins. In other instances, menacing weapons were formed from broken bottles, fire pokers, burning cigarette butts, and rocks. Regardless of the specific nature of the object, some type of weapon was identified in approximately one half of the police reports.

TABLE 12A
Location of Rape Offenses

Location	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1260)
Victim Home	34%	22%	28%	33%	38%	30%
Auto/Offender	17%	16%	16%	12%	17%	16%
Offender Home	15%	14%	13%	12%	7%	13%
Other Home	7%	15%	13%	8%	9%	11%
Street	10%	11%	10%	11%	6%	10%
Building/ Business	7%	5%	5%	10%	3%	6%
Park	4%	3%	7%	2%	5%	4%
Auto/Victim	2%	4%	2%	1%	3%	2%
Motel/Hotel	2%	2%	2%	4%	—	2%
Tavern/Bar	.3%	.4%	—	1%	—	.3%
Social	—	—	.9%	—	—	.2%
Gathering Common Carrier	—	.4%	—	.4%	—	.1%
Other	3%	8%	2%	4%	12%	4%
Unknown	—	.7%	.9%	2%	1%	.7%

TABLE 13A
Weapons Threatened or Used

Weapon	Seattle (N = 307)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1258)
None	45%	36%	58%	49%	37%	47%
Gun	11%	29%	24%	19%	18%	21%
Knife	16%	19%	11%	17%	18%	16%
Other Sharp Object	3%	4%	1%	3%	4%	3%
Blunt Object	1%	2%	2%	3%	6%	2%
Gun and Knife	—	3%	—	2%	—	1%
Other	2%	—	1%	1%	1%	1%
Unknown	22%	8%	1%	5%	16%	10%

RESISTANCE. TABLE 14A.

The police records indicated that the majority of women resisted the sexual assault. Initial resistance was usually verbal and fell into one of three general categories. The first category included verbal methods whereby the victim attempted to make herself *unattractive* to the offender or elicit his sympathy: she indicated that she was pregnant, sick, diseased, virginal, or menstruating. The second category of verbal resistance consisted of threats *that*, if the offender persisted, the victim would prosecute the offender or seek retaliation from her family/friends. Finally, some victims attempted to feign stipulated consent to intercourse, indicating a willingness to engage in sexual activity if they could first use the restroom, change clothes, call a friend, etc. Although these latter ruses allowed an occasional victim to escape the situation, verbal resistance was singularly ineffective in thwarting sexual assaults. Victims were seldom able to deter the rapist with "talk," no matter which verbal tactic was attempted.

A related method of resistance was that of cry-

ing—either from fear or as a means to underscore lack of consent. Again, as in those cases which involved verbal resistance, rapists were seldom deterred by this behavior.

Approximately 20 percent of all victims reported that they screamed or used some device (whistle, etc.) in an effort to attract attention. Whether or not the victims' actions attracted assistance from others, this method was often effective in terminating a sexual assault.

Many victims attempted to physically resist their assailants. In general, this resistance took the form of struggling, hitting, biting, and kicking the assailant. Nearly 20 percent of the victims attempted to run from the scene. Only 2 percent of the victims threatened or actually used a weapon (gun, knife, bottle, or spray). Struggling or fighting with the assailant seldom terminated the attack. However, victims who were able to run sometimes escaped their attackers. Weapons were threatened or used so infrequently that it was not possible to estimate their effectiveness. It should be noted, however, that even when victims used weapons, they seldom inflicted any real harm to the attacker.

TABLE 14 A

Methods Used to Resist the Offender
(Multiple Methods Possible)

Method	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1260)
No Resistance	53%	36%	36%	40%	20%	41%
Verbal	14%	44%	30%	43%	55%	34%
Cry	4%	16%	12%	11%	24%	12%
Scream	18%	19%	21%	20%	35%	21%
Fight/ Struggle	31%	28%	31%	38%	29%	31%
Threatened Weapon	1%	4%	3%	2%	3%	2%
Used Weapon	1%	1%	3%	2%	1%	2%
Other	2%	5%	5%	5%	11%	5%

INJURY. TABLE 15A.

The rape reports indicated that approximately one third of all victims were injured. In most instances, the physical injuries were relatively minor and con-

sisted of bruises and cuts which did not require extensive medical treatment. More serious injuries were severe bruises or cuts, vaginal tears, internal bleeding or bruising, broken bones, broken teeth or concussions.

TABLE 15 A

Victim Injuries
(Multiple Injuries Possible)

Injury	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 233)	Phoenix (N = 105)	Total (N = 1256)
No Injury	64%	77%	70%	69%	49%	68%
Bruised Slightly	29%	16%	19%	19%	46%	23%
Bruised Extensively	6%	4%	8%	6%	22%	7%
Vaginal Tears	2%	2%	2%	6%	4%	3%
Internal Broken Bones	2%	.4%	1%	2%	4%	1%
Broken Bones	2%	1%	1%	1%	6%	2%
Burns	—	.4%	—	—	—	.1%
Concussion	.3%	—	.3%	1%	2%	.5%
Broken Teeth	1%	—	—	1%	1%	.4%
Bullet Wound	—	—	—	—	—	—
Knife Wound	1%	1%	1%	3%	1%	2%
Other	7%	3%	3%	2%	11%	4%

ADDITIONAL CRIMES. TABLE 16A.

In addition to vaginal intercourse, other criminal

act(s) were recorded in approximately one half of all victim reports. Robbery, kidnap/abduction, and various forms of sodomy were most common.

TABLE 16 A

Additional Criminal Acts
(Multiple Crimes Possible)

Crime	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
Robbery	16%	30%	13%	12%	13%
Kidnap/ Abduction	13%	35%	24%	23%	23%
Sodomy	15%	26%	6%	9%	6%
Burglary	1%	1%	1%	12%	16%

VICTIM MEDICAL EXAMINATION

Although many rape statutes no longer require proof of sexual penetration, prosecutors seldom proceed with cases in which penetration cannot be confirmed. Although this confirmation can take many

forms, it generally requires a medical examination to determine the presence of semen/sperm in the vagina, mouth or anus of the victim. The presence of semen on the clothing of the victim, or a medical observation of vaginal tears or abrasions may also be used as evidence.

METHOD OF DETECTIVE CONTACT WITH VICTIM. TABLE 19A.

Not all victims had in-person contact with the investigator(s) assigned to their cases. Occasionally, victim-investigator contact was limited to one or more phone conversations or consisted only of a letter sent

to the victim. No victim contact, or letter/phone contact only, occurred most frequently in Seattle, the jurisdiction which had the greatest delay in investigative follow-up. Victims, and consequently cases, were simply "lost" during the interval between the initial report and detective assignment.

TABLE 19 A

Method of Detective Contact With Victim

Method	Seattle (N = 302)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)
Letter Only	6%	1%	—	3%	—
Phone Only	24%	8%	1%	—	2%
In Person	49%	39%	93%	93%	97%
No Contact/ Unknown	21%	3%	7%	3%	1%

LOCATION OF IN-PERSON INTERVIEWS. TABLE 20A.

The location of victim-detective interviews was also related to their frequency. Those jurisdictions where in-person interviews were conducted most often were also those in which such interviews were made most

convenient for the victim. Particularly high victim attrition was observed if interviews were conducted frequently at police headquarters. Although this method of contact might serve the needs of over-worked investigators, it did so at the expense of the collection of physical evidence and victim cooperation.

TABLE 20A

Location of Victim-Detective Interview

Location	Seattle (N = 158)	Detroit (N = 0)	Kansas City (N = 327)	New Orleans (N = 237)	Phoenix (N = 100)
Police Head- quarters	64%	(Missing Data)	31%	29%	10%
Victim Residence	23%	" "	20%	39%	35%
Victim Place of Employ	3%	" "	0%	—	3%
Hospital	3%	" "	21%	20%	37%
Other	1%	" "	13%	20%	8%
Unknown	7%	" "	15%	7%	7%

Approximately two thirds of all police reports indicated that victims had actually undergone a medical forensic examination (Seattle=62 percent; Detroit =69 percent; Kansas City=63 percent; New Orleans =66 percent; and Phoenix=88 percent). The presence of sperm or semen was verified in 62 percent of reports examined. (It should be noted, however, that the actual percentage was probably far greater. Several police departments collected vaginal washings from medical facilities, but they did not analyze the contents unless a suspect was actually identified and evidence of penetration was required.)

TIME BETWEEN INITIAL REPORT AND DETECTIVE FOLLOW-UP. TABLE 17A.

In all five jurisdictions from which rape reports

were obtained, the initial response to the complaint was made by patrol officers. Since rape reports constituted high dispatch priorities in each of these departments, patrol officers usually responded with great haste (10 minutes or less). In contrast, the speed with which sex crimes investigators became involved varied enormously from one jurisdiction to another. In Seattle, for example, approximately one third of all cases were assigned for follow-up investigation three or more days *after* the initial report to the police. Less than 5 percent of the rape cases reported to Detroit authorities required three or more days for investigative assignment. The speed with which cases were assigned appeared to have a significant impact on the kinds of evidence collected and the methods used to identify alleged offenders.

TABLE 17 A

Time Between Initial Report and Detective Follow-Up

Time Delay	Seattle (N=303)	Detroit (N=283)	Kansas City (N=328)	New Orleans (N=236)	Phoenix (N=104)	Total (N=1254)
Less Than 1 Day	27%	85%	60%	57%	65%	57%
1-2 Days	32%	11%	16%	12%	25%	19%
3-7 Days	23%	2%	7%	11%	8%	11%
More than 7 Days	10%	1%	6%	3%	2%	5%
Unknown	8%	1%	11%	17%	—	8%

SEX OF FOLLOW-UP DETECTIVE. TABLE 18A.

Among the innovations implemented in many police departments has been the increased use of female detectives to handle follow-up investigations.

Among the five police jurisdictions examined, female officers were assigned to investigate approximately one third of all reported rapes. A significant number of these assignments were made as part of a male-female team, particularly in such cities as Detroit, Kansas City, and New Orleans.

TABLE 18 A

Sex of Follow-Up Detective

Sex	Seattle (N=303)	Detroit (N=283)	Kansas City (N=328)	New Orleans (N=237)	Phoenix (N=105)	Total (N=1256)
Male	54%	22%	55%	75%	71%	52%
Female	37%	42%	6%	1%	7%	21%
Male- Female	9%	11%	11%	.4%	23%	10%
Unknown	.3%	25%	28%	24%	—	18%

TABLE 22A

Methods Used to Identify Suspect at Time of Initial Police Report

Method	Seattle (N = 300)	Detroit (N = 279)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 103)
Not Identified	65%	59%	33%	54%	73%
Victim Info.	29%	26%	55%	33%	12%
Witness Info.	2%	3%	2%	1%	5%
Patrol Canvass	3%	5%	2%	9%	11%
Other/Unknown	1%	7%	8%	2%	—

TABLE 23A

Methods Used in an Attempt to Identify Suspects
(Multiple Methods Possible)

Method	Seattle (N = 308)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1259)
"Mug Shots"	23%	48%	43%	13%	14%	31%
Vehicle License	8%	1%	5%	9%	2%	5%
Vehicle Type	13%	9%	24%	16%	27%	17%
Vehicle Color	13%	8%	23%	16%	27%	16%
Analysis of Scene	10%	32%	39%	72%	35%	36%
Modus Operandi	5%	10%	8%	5%	5%	7%
Stolen Property	1%	4%	1%	22%	8%	6%
Susp. Belongings	2%	6%	18%	8%	5%	8%
Fingerprints	8%	11%	13%	16%	33%	14%
Show-Up	1%	12%	12%	15%	11%	10%
Unusual Characteristic	2%	.3%	6%	16%	10%	6%
Susp. Left Name/Number	3%	1%	2%	4%	1%	2%
Informant	.3%	—	.6%	1%	—	.4%
Susp. Employ/School	1%	12%	16%	5%	3%	8%
Tracking Dogs	1%	5%	—	—	—	2%
Vic. Belongings at Scene	1%	2%	3%	5%	3%	2%
Traced Phone Calls	1%	—	—	2%	1%	.5%
Victim Hypnosis	—	—	.6%	—	—	.1%
Handwriting Samples	—	—	.3%	—	—	—

**PHYSICAL EVIDENCE COLLECTED.
TABLE 21A.**

The frequency with which *victim clothing* was col-

lected varied enormously from one jurisdiction to another. In Detroit and Phoenix, for example, it was collected and placed in evidence two to three times more often than in Seattle or Kansas City.

TABLE 21A
Physical Evidence Collected
(Multiple Evidence Collection Possible)

Physical Evidence	Seattle (N = 307)	Detroit (N = 283)	Kansas City (N = 328)	New Orleans (N = 234)	Phoenix (N = 105)	Total (N = 1257)
Vict. Clothing	21%	62%	27%	50%	62%	41%
Susp. Clothing	8%	2%	5%	15%	10%	7%
Weapon	4%	5%	5%	12%	10%	6%
Fingerprints	9%	10%	13%	19%	41%	15%
Vict. Photos	2%	2%	4%	3%	19%	4%
Scene Photos	1%	1%	7%	48%	33%	14%
Auto Impound	1%	4%	6%	4%	4%	4%
Susp. Belong- ings	6%	6%	5%	14%	18%	7%
Other	15%	10%	20%	30%	79%	23%

In contrast, *suspect clothing* was collected in almost every case in which it was available regardless of the jurisdiction. *Weapons, suspect belongings, and auto impounds* were items that were most frequently collected and entered into evidence in New Orleans and Phoenix.

The frequency with which *fingerprints* were lifted very much depended on the availability of trained patrol officers or evidence technicians to respond to the scene.

The use of photo equipment also varied considerably from one jurisdiction to another. *Victim photos* (torn clothing, physical disarray, abrasions and other physical injuries) were fairly common in Phoenix. Photographs of the *crime scene* were taken in almost one half of all cases in New Orleans and one third of all cases in Phoenix.

Many other kinds of physical evidence were also collected. Items ranged from evidence collected on the person of the victim (pubic hair combings, fingernail scrapings, blood and soil samples) to evidence collected at the scene (broken glasses, furniture, towels, sheets) to evidence gathered from the suspect (blood and hair samples, photos of unusual body characteristics, etc.)

**SUSPECT IDENTIFICATION AT TIME OF
INITIAL REPORT. TABLE 22A.**

One quarter to one half of all initial rape reports taken by patrol officers) included significant information regarding the identity of the suspect. The victim herself was the most frequent source of such information for she was often able to name her assailant, provide a license number, or identify his residence. In contrast, witnesses were a relatively poor source of identifying information. Except in Phoenix, such witnesses were identified by patrol officers in less than 5 percent of all cases. From information generally provided by victims, patrol officers themselves were often able to identify suspects through area canvasses and investigations of suspicious persons.

**METHODS USED IN ATTEMPT TO IDENTIFY
SUSPECTS. TABLE 23A.**

Analyses of the various rape reports indicated that more than 40 different methods were used in attempts to identify suspects. For the purpose of this discussion, only those methods used most frequently are presented.

METHODS USED IN SUCCESSFUL IDENTIFICATION OF SUSPECTS. TABLE 24A.

Methods of identification were classified as "successful" if, as a result of investigation, a suspect could be named. Successful identifications were *not* based upon arrests, charges or convictions, since, for a variety of reasons, many of these individuals were never taken into custody or officially accused of any crime.

When methods which were used in an attempt to identify suspects (see Table 23A) are compared to methods which were successful, a significant failure rate is observed. For example, in approximately 31 percent of all cases, victims attempted to identify their assailants through the use of known offender photos (mug shots). However, this method led to successful identifications in less than 9 percent of the time. Similarly, fingerprints were obtained in 14 percent of the cases, but were matched with those of a suspect in less than 2 percent of the successful identifications.

TABLE 24A
Methods Used in Successful Identification of Suspects
(Multiple Methods Possible)

Method	Seattle (N = 308)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1259)
"Mug Shots"	8%	2%	23%	4%	4%	9%
Vehicle License	6%	3%	4%	1%	2%	5%
Vehicle Type	6%	5%	7%	4%	7%	5%
Vehicle Color	9%	7%	15%	4%	7%	9%
Analysis of Scene	6%	5%	12%	5%	14%	8
Modus Operandi	2%	—	2%	1%	5%	2%
Stolen Property	.3%	2%	3%	11%	—	2%
Susp. Belongings	.3%	1%	2%	5%	3%	2%
Fingerprints	1%	2%	2%	1%	3%	2%
Show-Up	1%	5%	9%	13%	6%	6%
Unusual Characteristics	.3%	—	.6%	2%	1%	.7%
Susp. Left Name/Number	2%	.3%	—	1%	—	.7%
Informant	.3%	—	—	.4%	—	.1%
Tracking Dogs	1%	.3%	—	—	—	.2%
Susp. Employ/School	1%	.3%	.3%	3%	—	1%
Victim Belongings at Scene	—	.3%	2%	.8%	1%	.7%
Traced Phone Calls	—	1%	—	—	—	.4%
Victim Hypnosis	—	—	—	—	—	—
Handwriting Samples	—	—	—	—	—	—

TABLE 22A

Methods Used to Identify Suspect at Time
of Initial Police Report

Method	Seattle (N = 300)	Detroit (N = 279)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 103)
Not Identified	65%	59%	33%	54%	73%
Victim Info.	29%	26%	55%	33%	12%
Witness Info.	2%	3%	2%	1%	5%
Patrol Canvass	3%	5%	2%	9%	11%
Other/Unknown	1%	7%	8%	2%	—

TABLE 23A

Methods Used in an Attempt to Identify Suspects
(Multiple Methods Possible)

Method	Seattle (N = 308)	Detroit (N = 281)	Kansas City (N = 328)	New Orleans (N = 237)	Phoenix (N = 105)	Total (N = 1259)
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Vehicle License	8%	1%	5%	9%	2%	5%
Vehicle Type	13%	9%	24%	16%	27%	17%
Vehicle Color	13%	8%	23%	16%	27%	16%
Analysis of Scene	10%	32%	39%	72%	35%	36%
Modus Operandi	5%	10%	8%	5%	5%	7%
Stolen Property	1%	4%	1%	22%	8%	6%
Susp. Belongings	2%	6%	18%	8%	5%	8%
Fingerprints	8%	11%	13%	16%	33%	14%
Show-Up	1%	12%	12%	15%	11%	10%
Unusual Characteristic	2%	.3%	6%	16%	10%	6%
Susp. Left Name/Number	3%	1%	2%	4%	1%	2%
Informant	.3%	—	.6%	1%	—	.4%
Susp. Employ/School	1%	12%	16%	5%	3%	8%
Tracking Dogs	1%	5%	—	—	—	2%
Vic. Belongings at Scene	1%	2%	3%	5%	3%	2%
Traced Phone Calls	1%	—	—	2%	1%	.5%
Victim Hypnosis	—	—	.6%	—	—	.1%
Handwriting Samples	—	—	.3%	—	—	—