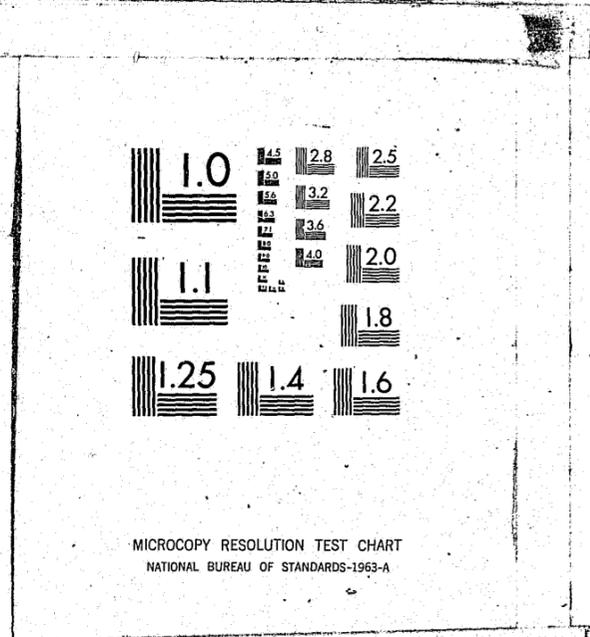


National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

DATE FILMED
8/13/81

77278

U.S. Department of Justice
National Institute of Justice

77278

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Miki Vohryzek
CA. Assembly Off. of Research

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

X
A STATISTICAL DESCRIPTION OF ARRESTS AND
DISPOSITION OF ARRESTS FOR TWELVE
SEX CRIMES IN CALIFORNIA

NCJRS
APR 20 1981
ACQUISITIONS

PURPOSE OF THE STUDY

The growing incidence of sexual assault crimes in California has raised a number of concerns regarding the adequacy of protection offered to the public by the criminal justice system. The basic question is: Are sex offenders being apprehended and when apprehended, are they being convicted and sent to prison? Although the question is simple, the complex nature of our criminal justice process does not allow for a simple answer.

The purpose of this study is to describe, by use of relevant available statistical information, how the criminal justice system is responding to the crimes of sexual assault. Data are not available which address the issue of arrests relative to the total number of sex crimes actually committed. Data which are available allow us to describe the number of arrests made for various sex offenses and the treatment of these arrests by the different segments of the criminal justice system.

To determine what happens after an arrest is made, statistical data were obtained from the California Department of Justice, Bureau of Criminal Statistics, showing the number of arrests and subsequent disposition of these arrests for the following 12 sex offenses for the years 1976, 1977 and 1978:

- o Forcible Rape
- o Assault to Forcibly Rape

- o Attempt to Forcibly Rape
- o Aiding or Abetting a Rape
- o Forcible Sodomy
- o Attempted Forcible Sodomy
- o Assault to Commit Forced Sodomy
- o Oral Copulation
- o Lewd and Lascivious Behavior
- o Annoying and Molesting a Child
- o Incest
- o Indecent Exposure

There are certain limitations to the data presented here and caution must be exercised when generalizing from them. Reasons for this include:

1) Limitations of convictions data. Tables showing disposition of arrests were compiled on the basis of the sex offense for which an individual was arrested. The individual may have been subsequently convicted of a crime other than the one cited in the arrest. There is no way to determine from these data the actual crime for which a person was convicted and any conclusions regarding convictions must bear this in mind.

2) Inadequacies of official statistics. The crime statistics may not correspond to the actual incidence of crime due to underreporting and to variations in the ways jurisdictions accumulate and report the data.

3) Insufficient number of cases. Where the number of cases is small, the unusual or exceptional case can predominate and skew the

NCJ# 77278

results toward the abnormal, leading to incorrect conclusions regarding what might typically occur.

4) Restricted geographical applicability. The data were compiled and presented for the state as a whole. As a result, no statements can be made with respect to how one particular jurisdiction may handle these crimes.

OVERVIEW OF THE DATA

Descriptive characteristics for the 12 sex crimes include: 1) the total number of arrests for the years 1976 through 1978, 2) disposition of these arrests by law enforcement agencies and prosecutors offices, 3) lower court disposition of misdemeanors and felonies, 4) superior court disposition of felonies, and 5) multiyear comparisons.

As an appendix to the report, there is a set of four tables for each of the 12 crimes. The first table in a set provides information on disposition of arrests by law enforcement and prosecutors; the second table provides information on lower court dispositions; the third table provides information on superior court dispositions; and the fourth table provides a summary of all dispositions and also a comparison of trends over the three-year period 1976, 1977 and 1978.

A review of the data on arrests shows that more persons were arrested for forcible rape than any other felony sex offense during the three years examined. As Table A on the following page indicates, there were relatively few arrests for sexual offenses other than forcible rape and lewd and lascivious behavior. The lower number of arrests for the other crimes may be due in part to the lower incidence of these acts, the type of evidence necessary to file such a charge, or underreporting.

TABLE A
FELONY ARRESTS REPORTED FOR TWELVE SEXUAL ASSAULT
OFFENSES DURING 1976, 1977 AND 1978
(California)

Offense	1976	1977	1978
Forcible Rape	1401	1272	1576
Attempt to Forcibly Rape	19	25	14
Aiding or Abetting a Rape	5	5	3
Assault to Forcibly Rape	415	415	512
Forcible Sodomy	80	78	88
Attempt to Forcible Sodomy	0	2	1
Assault to Commit Forced Sodomy	3	1	4
Oral Copulation	313	308	279
Lewd and Lascivious Behavior	988	1028	1131
Annoying and Molesting a Child	34	29	5
Incest	30	34	39
Indecent Exposure	115	104	72

Disposition Without Trial

Much of the criminal justice process is based on the assumption that criminal cases initiated by the police will be decided in a trial by a court or jury. The limited statistical data which was analyzed indicate that with respect to sex offenses this assumption is not justified. Most cases are disposed of outside the court, either by law enforcement's decision to release, the prosecutors' decision not to charge, or by a plea of guilty by the accused.

Table B presents data on the total number of law enforcement releases and prosecutorial complaints denied for the 12 sex offenses in

1976, 1977 and 1978. The data show that for those offenses with more than 100 arrests, anywhere from seven percent (indecent exposure) to 37 percent (rape) of the cases are dropped prior to disposition by the court. The lower percentage of releases for indecent exposure (seven percent) and lewd and lascivious behavior (18 percent) may indicate that these types of offenses are easier to prosecute. This may be due to the nature of the required evidence, the nature of the act itself or the

TABLE B

PERCENT OF CASES DROPPED BY LAW ENFORCEMENT AND PROSECUTORS PRIOR TO COURT DISPOSITION FOR TWELVE SELECTED SEX OFFENSES DURING 1976, 1977, 1978

Offense	Total No. of Arrests	Law Enforcement Releases	Prosecutors Complaints Denied	Percent of Cases Dropped
Forcible Rape	4,249	536	1,023	37
Assault to Forcibly Rape	1,342	140	284	32
Attempt to Forcibly Rape*	58	6	12	31
Aiding or Abetting a Rape*	13	4	2	46
Forcible Sodomy	246*	13	62	30
Attempted Forcible Sodomy*	3	0	1	33
Assault to Commit Forced Sodomy	8	0	4	50
Oral Copulation	900	58	127	21
Lewd and Lascivious Behavior	3,147	193	363	18
Annoying and Molesting a Child*	58	6	3	13
Incest	103	2	20	21
Indecent Exposure	291	10	10	7

*Due to small numbers, caution must be exercised in generalizing from these findings.

particular emphasis of the law enforcement and prosecutor's offices. The most frequently cited reasons for releases prior to court review were insufficient evidence and failure of victims to prosecute.

Convictions resulting from guilty pleas also contribute to the small incidence of sexual assault cases going to trial. Table C presents data, for the twelve sex offenses, on the total number of convictions and the basis for these convictions in 1976, 1977 and 1978. The data indicate that the number of persons convicted as a result of a court or jury finding of guilt is relatively small. For instance, 21 percent of all persons convicted, who were arrested for forcible rape, were found guilty by a court or jury; only 11 percent of all persons convicted, who were arrested for lewd and lascivious behavior, were similarly found guilty by a court or jury. The bulk of the convictions resulted from guilty pleas. It is significant that those involving a change in plea (from not guilty to guilty) accounted for a large number of the convictions. The largest proportion of convictions of persons arrested for rape resulted from changes in plea (43 percent). The term change in plea typically implies that a plea to a lesser offense was negotiated.

Our analysis confirms other research findings that most criminal cases are disposed of without trial and most convictions are based on a guilty plea, whether it be a change in plea, nolo contendere or straight guilty plea.

Victim Cooperation

Other research has found that victims are initially reluctant to report a sexual assault and even when they file a report, they often

TABLE C

THE BASIS FOR ALL CONVICTIONS IN LOWER AND
SUPERIOR COURT IN CALIFORNIA FOR TWELVE SELECTED
SEX OFFENSES DURING 1976, 1977, AND 1978 COMBINED

Offense	Total Number of Persons Convicted	Guilty Plea		Nolo Contendere		Court Finding of Guilt		Jury Finding of Guilt		Change in Plea		Transcript	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Forcible Rape	1,768	489	28	122	7	61	3	324	18	756	43	16	1
Assault to Forcibly Rape	657	298	45	85	13	24	4	66	10	183	28	1	-
Attempt to Forcibly Rape*	30	11	37	4	13	0	-	4	13	10	33	1	3
Aiding or Abetting a Rape*	4	2	50	0	-	0	-	1	25	1	25	0	-
Forcible Sodomy	116	53	46	9	8	8	7	15	13	31	27	0	-
Attempted Forcible Sodomy*	1	1	100	0	-	0	-	0	-	0	-	0	-
Assault to Commit Forced Sodomy*	1	0	-	1	100	0	-	0	-	0	-	0	-
Oral Copulation	487	263	54	52	11	17	3	36	7	118	24	1	-
Lewd and Lascivious Behavior	1,982	874	44	230	12	82	4	144	7	637	32	15	1
Annoying and Molesting a Child*	46	26	57	8	17	2	4	1	2	9	20	0	-
Incest*	48	15	31	4	8	4	8	8	17	18	37	0	-
Indecent Exposure	227	121	53	19	8	6	3	5	2	74	33	2	1
Total	5,367	2153	40	533	10	204	4	604	11	1837	34	36	1

*Due to small numbers, caution must be exercised in generalizing from these findings.

do not proceed with the complaint and prosecute. Our analysis confirms those findings. Table D indicates that of those offenses with more than 100 law enforcement releases, between 19 and 41 percent of the releases were due to victim refusal to prosecute. Specifically, the data show that for the crime of forcible rape, law enforcement agencies released 32 percent of the cases due to victim refusal to prosecute; for the crime of assault to forcibly rape, there was a 41 percent release; and for the crime of lewd and lascivious behavior, there was a 19 percent release.

Between 20 and 32 percent of the complaints denied by prosecutors are due to victim refusal to prosecute, excluding those offenses with less than 100 complaints denied. For the crime of forcible rape, prosecutors released 23 percent of the cases because the victim was unwilling to prosecute; for assault to forcibly rape, 32 percent were released; and for lewd and lascivious behavior, 20 percent were released.

Most of the law enforcement releases for all 12 offenses were because of insufficient evidence, and often secondarily because of the reluctance of the victim to prosecute. The third most frequently cited reason for release was insufficient grounds for filing a complaint, which is reported as "further investigation" in the data.

Total Number of Convictions

Some research has suggested that only a small percentage of persons arrested for sexual offenses, specifically forcible rape, are later convicted of the crime for which they were arrested. Because of the nature of the data used in this analysis, we cannot determine the percentage of persons arrested and later convicted of a particular sex offense. We can, however, examine the number of convictions (for a misdemeanor or a

TABLE D

THE NUMBER AND PERCENT OF VICTIMS REFUSING TO PROSECUTE AS A PORTION RESPECTIVELY, OF THE TOTAL NUMBER OF LAW ENFORCEMENT RELEASES AND PROSECUTOR'S COMPLAINTS DENIED FOR TWELVE SEX OFFENSES IN CALIFORNIA DURING 1976, 1977 AND 1978

Offense	Law Enforcement			Prosecutors		
	Number of Releases	Number of Victims Refusing to Prosecute	Percent of Law Enforcement Releases	Number of Complaints Denied	Number of Victims Refusing to Prosecute	Percent of Prosecutor Releases
Forcible Rape	536	171	32	1,023	236	23
Assault to Forcible Rape	140	58	41	284	91	32
Attempt to Forcibly Rape*	6	2	33	12	5	42
Aiding or Abetting a Rape*	4	0	0	2	0	0
Forcible Sodomy*	13	2	15	62	9	15
Attempted Forcible Sodomy*	0	0	0	1	0	0
Assault To Commit Forced Sodomy*	0	0	0	4	2	50
Oral Copulation*	58	16	28	127	28	22
Lewd and Lacivious Behavior	193	37	19	363	71	20
Annoying and Molesting a Child*	6	4	66	3	0	0
Incest*	2	0	0	20	2	10
Indecent Exposure*	10	1	10	10	0	0

*Due to small numbers, caution must be exercised in generalizing from these findings.

felony) as a proportion of the total number of arrests for each of the 12 sex offenses during 1976, 1977 and 1978. Table E examines this relationship. As the data indicate, for the major offenses of forcible rape, assault to forcibly rape, oral copulation, and lewd and lascivious behavior, approximately 40 percent of the forcible rape arrests led to conviction; approximately 49 percent of the arrests for assault to forcibly rape led to conviction; approximately 54 percent of the oral copulation arrests led to conviction; and approximately 63 percent of the lewd and lascivious behavior arrests led to convictions. Thus, the likelihood of a person being convicted of some crime is relatively high for these sex offenses.

In terms of an analysis of the changes which have occurred between 1976 and 1978, the data indicate that for forcible rape, there was a 15 percent increase in the number of convictions; for assault to forcible rape, there was a 46 percent increase in the number of convictions; for oral copulation, there was a six percent decrease in the number of convictions; and finally, for lewd and lascivious behavior, there was a 17 percent increase in the number of convictions.

Sentences

In general, a large proportion of all persons convicted in either the lower or superior court were sentenced to a combination of probation and jail. One exception is those cases where a person was arrested for forcible rape and later convicted of some offense in superior court. A large number of those persons convicted in superior court were sent to state prison (548 of 1,483 during 1976, 1977 and 1978).

TABLE E

NUMBER AND PERCENT OF CONVICTIONS FOR TWELVE SELECTED SEX OFFENSES
IN CALIFORNIA DURING 1976, 1977 AND 1978

Offenses	Total Number of Arrests			Number and Percent of Convictions as a Proportion of Total Arrests					
	1976	1977	1978	1976		1977		1978	
				Number	Percent	Number	Percent	Number	Percent
Forcible Rape	1,401	1,272	1,576	582	42	514	40	672	43
Assault to Forcibly Rape	415	415	512	186	45	199	48	272	53
Attempt to Forcibly Rape*	19	25	14	12	63	9	36	9	64
Aiding or Abetting a Rape*	5	5	3	2	40	2	40	0	0
Forcible Sodomy	80	78	88	34	43	42	54	40	45
Attempted Forcible Sodomy*	0	2	1	0	0	0	0	1	100
Assault to Commit Forced Sodomy*	3	1	4	0	0	0	0	1	25
Oral Copulation	313	308	279	172	55	154	50	161	58
Lewd and Lascivious Behavior	988	1,028	1,131	639	65	598	58	745	66
Annoying and Molesting a Child*	34	29	5	26	76	16	55	4	80
Incest*	30	34	39	14	47	15	44	21	54
Indecent Exposure	115	104	72	89	77	80	77	58	81

*Due to small numbers, caution must be exercised in generalizing from these findings.

Another frequently used form of sentence for all the sex offenses was straight probation. A less frequent sentence imposed on persons convicted for a sexual offense was commitment to a state hospital as a mentally disordered sex offender. Three hundred or 23 percent of all persons convicted in superior court following an arrest for lewd and lascivious behavior were sentenced to the state hospital.

A detailed discussion of the disposition of arrests for each of the 12 sexual offenses follows.

Forcible Rape (Tables 1A - 1D)

There were 1,401 felony arrests for forcible rape in 1976; 1,272 arrests in 1977; and 1,516 in 1978.

In 1976, less than one-half of those arrested for forcible rape (41.5 percent) were convicted of some crime, not necessarily rape. Convictions in 1977 accounted for 40.4 percent of all rape arrests and for 42.6 percent of the arrests in 1978.

Sentences imposed on those convicted in the lower courts were most frequently the combination of probation and jail; the second and third most frequent sentences were straight probation and jail. All lower court convictions were for misdemeanor crimes.

The two most frequent sentences imposed on those convicted in the superior courts were state prison and the combination of probation and jail. There was a relatively significant shift in the application of these two options between 1976 and 1978. During 1976, probation and jail was the sentence given in 54 percent of the convictions while 46

percent of those convicted were sentenced to state prison. In 1978, probation and jail was imposed in 47 percent of the convictions and 53 percent of those convicted were sent to state prison.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement agencies accounted for 10.3 percent in 1976; 13.7 percent in 1977; and 13.8 percent in 1978. The most frequently cited reason for these releases was insufficient evidence followed closely by victim refusal to cooperate.
- o Complaints were denied by prosecutors in 25.8 percent of the arrests in 1976; 24.5 percent in 1977; and 22.2 percent in 1978. Lack of probable cause and victims' refusal to cooperate were the two most likely reasons for denials.
- o There was no conviction by either the lower or superior courts in 22.4 percent of all arrests in 1976; 21.4 percent in 1977; and 21.3 percent in 1978. The reason for nonconviction in over 80 percent of the cases was court dismissal.

Assault to Forcibly Rape (Tables 2A - 2D)

There were 415 felony arrests for assault to forcibly rape in 1976; 415 in 1977; and 512 in 1978.

In 1976, less than one-half of those arrested for assault to forcibly rape (44.8 percent) were convicted of some crime, not necessarily assault to forcibly rape. There were convictions in 1977 in 67.7 percent of all arrests and in 53.1 percent in 1978.

Sentences imposed for those convicted in lower court were most frequently a combination of probation and jail and straight probation, with the third most frequent being jail.

The three most frequent sentences imposed on those convicted in the superior courts were the combination of probation and jail, state prison, and straight probation. There was a 129 percent increase (35 to 80 percent) in the use of the combination of probation and jail between 1976 and 1978.

Those arrests which did not result in convictions were disposed of as follows:

- o Release by law enforcement agencies accounted for 10.6 percent of all arrests in 1976; 9.2 percent in 1977; and 11.3 percent in 1978. The most frequently cited reason for these releases was victim refusal to prosecute, followed closely by insufficient evidence.
- o Complaints were denied by the prosecutors in 24.6 percent of all arrests in 1976; 20 percent in 1977; and 19.3 percent in 1978. Almost an equal number of complaints were denied for victim refusal to prosecute and lack of probable cause.
- o There was no conviction by either the lower or superior courts in 20 percent of all arrests in 1976; 22.9 percent in 1977; and 23.4 percent in 1978. The reason for nonconviction in approximately 85 percent of the cases was court dismissal.

Attempt to Forcibly Rape (Tables 3A - 3D)

There were 19 felony arrests for assault to forcibly rape in 1976, 25 in 1977, and 14 in 1978.

In 1976, more than one-half of those arrested for attempt to forcibly rape (63 percent) were convicted for some crime, not necessarily attempt to forcibly rape. Convictions in 1977 accounted for 36 percent of all arrests and for 64 percent in 1978.

The sentence imposed most frequently for those convicted by either the lower or superior courts was the combination of probation and jail. The second most frequently imposed sentence in the lower court was jail, and in the superior court it was state prison.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement agencies accounted for 21.1 percent of all arrests in 1976; eight percent in 1977, and none in 1978. Most were released because of either victim refusal to prosecute or insufficient grounds for filing a complaint, reported as "further investigation" in the data.
- o Complaints were denied by the prosecutors 10.5 percent of all arrests in 1976, 32 percent in 1977, and 14.3 percent in 1978. Lack of probable cause and victim refusal to prosecute were the two most likely reasons for denial.
- o There was no conviction by either the lower or superior courts in five percent of all arrests in 1976; 24 percent in 1977; and 21 percent in 1978. The reason for nonconviction in over 80 percent of the cases was court dismissal.

Aiding or Abetting a Rape (Tables 4A - 4D)

There were five felony arrests for aiding or abetting a rape in 1976, five in 1977, and three in 1978.

Of the seven cases disposed of in lower court over these three years, there were two convictions. Three of the cases were sent to the superior court for final disposition, two of which resulted in convictions.

Those arrests which did not result in convictions were disposed of as follows:

- o There were four releases by law enforcement agencies because of insufficient evidence.
- o Two of the prosecutors' complaints denied were for lack of probable cause and unknown reasons.
- o There was no conviction by either the lower or superior court in 23 percent of all arrests for the three years.

Forcible Sodomy (Tables 5A - 5D)

There were 80 felony arrests for forcible sodomy in 1976, 78 in 1977 and 88 in 1978.

In 1976, less than one-half of those arrested for forcible sodomy (42.5 percent) were convicted of some crime, not necessarily forcible sodomy. Convictions in 1977 accounted for 53.8 percent of all arrests and for 45.5 percent in 1978.

The sentence imposed most frequently in the lower court was straight probation, with the second most frequent sentence being a combination of probation and jail.

The three most frequent sentences imposed for a conviction in superior court were state prison, a combination of probation and jail, and straight probation.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement accounted for five percent of all arrests in 1976; 7.7 percent in 1977; and 3.4 percent in 1978. The most frequently cited reason for these releases was insufficient evidence, followed closely by insufficient grounds for filing a complaint, reported as "further investigation" in the data.
- o Complaints were denied by the prosecutor's offices in 28.8 percent of all arrests in 1976; 17.9 percent in 1977; and 28.4 percent in 1978. Lack of probable cause and unknown reasons were the two most frequently cited reasons for denial of complaints.
- o There were no convictions by either the lower or superior courts in 23.8 percent of all arrests in 1976; 20.5 percent in 1977; and 22.7 percent in 1978. The reason for nonconviction in 80 percent of the cases was court dismissal.

Attempted Forcible Sodomy (Tables 6A - 6D)

There were a total of three arrests for attempted forcible sodomy during 1976, 1977 and 1978. There was one conviction with a sentence of a combination of probation and jail.

Assault to Commit Forced Sodomy (Tables 7A - 7D)

There were three arrests for assault to commit forced sodomy in 1976, one in 1977, and four in 1978.

There were four cases disposed of in the lower court, one resulted in a conviction and the rest resulted in no convictions.

Complaints were denied by prosecutors in 50 percent of all arrests during the three years. The reasons cited were victim refusal to prosecute, lack of probable cause and witness unavailability.

Oral Copulation (Tables 8A - 8D)

There were 313 felony arrests for oral copulation in 1976, 308 in 1977, and 279 in 1978.

In 1976, more than one-half of those arrested for oral copulation (55 percent) were convicted of some crime, not necessarily oral copulation. There were convictions in 1977 in 50 percent of all arrests and 57.7 percent in 1978.

Sentences imposed for those convicted in lower courts were most frequently straight probation and a combination of probation and jail, with the third most frequent sentence being jail.

The three most frequent sentences imposed on those convicted in superior court were a combination of probation and jail, straight probation, and state prison, in that order. There was a 12 percent increase in the use of state prison between 1976 and 1978 and a 64 percent increase in the use of straight probation during this period.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement agencies accounted for 6.4 percent of all arrests in 1976, 5.5 percent in 1977, and 7.5 percent in 1978. The most likely reason for release was insufficient evidence, followed closely by victim refusal to prosecute.

o Complaints were denied by the prosecutors in 12.5 percent of all arrests in 1976; 13.3 percent in 1977; and 16.8 percent in 1978. Lack of probable cause and victim refusal to prosecute were the two most likely reasons for denial of complaints.

o There were no convictions by either the lower or superior courts in 26.2 percent of all arrests in 1976; 31.1 percent in 1977; and 17.9 percent in 1978. The primary reason for nonconviction was court dismissal. This occurred in 95 percent of those cases not convicted in 1976; 93.6 percent in 1977; and 86 percent in 1978.

Lewd and Lacivious Behavior (Tables 9A - 9D)

There were 988 felony arrests for lewd and lacivious behavior in 1976; 1,028 arrests in 1977; and 1,131 arrests in 1978.

In 1976, 64.7 percent of all the arrests resulted in a conviction for some crime, not necessarily lewd and lacivious behavior. Convictions in 1977 accounted for 58.1 percent of all arrests and for 65.9 percent in 1978.

Sentences imposed for those convicted in lower court were most frequently straight probation and a combination of probation and jail.

The two most frequent sentences imposed for those convicted in superior court were a combination of probation and jail and straight probation. Of the 1,298 persons sentenced in superior court during the three years, 23 percent were committed as mentally disordered sex offenders.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement accounted for 5.1 percent of all arrests in 1976; 8.2 percent in 1977; and 5.2 percent in 1978. The most likely reason for release was insufficient evidence, followed closely by victim refusal to prosecute.
- o Complaints were denied by the prosecutor in 11.1 percent of all arrests in 1976; 12.6 percent in 1977; and 10.9 percent in 1978. Lack of probable cause and victim refusal to prosecute were the two most likely reasons for denial of complaints, followed closely by lack of corpus and unknown reasons.
- o There were no convictions by either lower or superior courts in 19.1 percent of all arrests in 1976; 21.0 percent in 1977; and 18 percent in 1978. The reason for nonconviction in over 85 percent of these cases was court dismissal.

Annoying and Molesting a Child (Tables 10A - 10D)

There were 34 felony arrests for annoying and molesting a child in 1976, 29 in 1977, and five in 1978.

In 1976, more than one-half of those arrested for annoying and molesting a child (76.4 percent) were convicted of some crime, not necessarily annoying and molesting a child. Convictions in 1977 accounted for 55.1 percent of all arrests and for 80 percent in 1978.

Sentences most frequently imposed for those convicted in either the lower or superior courts were a combination of probation and jail and straight probation.

Those arrests which did not result in convictions were disposed of as follows:

- o Releases by law enforcement accounted for nine percent of all the arrests for the three-year period. The most likely reason for release was victim refusal to prosecute.
- o Of the 51 prosecutorial complaints requested during the three years, six percent were denied because of lack of corpus, illegal search, or unknown reasons.
- o There were no convictions by either the lower or superior courts in 17.6 percent of all arrests in 1976; 20.7 percent in 1977; and 80 percent in 1978. The primary reason for nonconviction was court dismissal.

Incest (Tables 11A - 11D)

There were 30 felony arrests for incest in 1976, 34 in 1977, and 39 in 1978.

In 1976, 46.7 percent of all arrests resulted in conviction for some crime, not necessarily incest. Convictions in 1977 accounted for 44.1 percent of all arrests and for 53.8 percent in 1978.

Sentences imposed for those convicted in both lower and superior courts were most frequently a combination of probation and jail and straight probation.

Those arrests which did not result in conviction were disposed of as follows:

- o Releases by law enforcement agencies accounted for the disposition of only two percent of all arrests for the three-year period.

o Complaints were denied by the prosecutors in 19 percent of all arrests during the three-year period. Lack of probable cause was the most likely reason for denial of a complaint, followed closely by unknown reasons.

o There were no convictions by lower or superior courts in 23 percent of all arrests in 1976; 32.3 percent in 1977; and 20.5 percent in 1978. The primary reason for nonconviction was court dismissal. This occurred in over 90 percent of the nonconvictions in 1976 and 1977 but in only 75 percent in 1978.

Indecent Exposure (Tables 12A - 12D)

There were a total of 115 felony arrests for indecent exposure in 1976, 104 in 1977, and 72 in 1978.

In 1976, 77.4 percent of all arrests resulted in a conviction for some crime, not necessarily indecent exposure. Convictions in 1977 accounted for 76.9 percent of all arrests and for 80.6 percent in 1978.

Sentences imposed for those convicted in lower court were most frequently a combination of probation and jail and straight probation.

The most frequent sentences imposed for convictions in superior court were a combination of probation and jail and straight probation. There was a 14.8 percent decrease in the use of a combination of probation and jail between 1976 and 1978.

Those arrests which did not result in conviction were disposed of as follows:

o Releases by law enforcement agencies accounted for three percent of all arrests during this three-year period. The most likely reason for the release was insufficient evidence.

o Complaints were denied by the prosecutors in three percent of all arrests during the three-year period. Lack of corpus and in the interest of justice were the two most likely reasons for denial of the complaints.

o There were no convictions by either the lower or superior courts in 18.3 percent of all arrests in 1976; 13.5 percent in 1977; and 12.5 percent in 1978. The primary reason for nonconviction was court dismissal. This occurred in 81 percent of those cases not convicted in 1976; 93 percent in 1977; and 88.8 percent in 1978.