

145054

Violence Against Women: The Increase of Rape in America 1990

A Majority Staff Report
Prepared for the Use of the
Committee on the Judiciary
United States Senate

One Hundred Second Congress
First Session

March 21, 1991

145054

**U.S. Department of Justice
National Institute of Justice**

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 [REDACTED] material has been granted by

Public Domain

United States Senate

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the [REDACTED] owner.

Violence Against Women: The Increase of Rape in America 1990

TABLE OF CONTENTS

Overview

Introduction by Chairman Joseph R. Biden, Jr.	i.
Factual Findings	v.

Chapter I: Women In Danger: The National Rape Epidemic 1.

The Rape Problem Is Immense... And Growing	2.
It Is National	4.
It Is American	6.
It Is Underestimated	7.
Rape Data's Other Side: Unofficial Reports	8.
Conclusion	9.

Chapter II: The Violence Against Women Act: A Response To The Epidemic 11.

Safe Streets For Women	12.
Safe Campuses For Women	15.
Civil Rights For Women	17.
Conclusion	18.

Chapter III: Measuring the Epidemic: The Report's Methodology 19.

What Does This Data Tell Us?	20.
Where Did The Data Come From?	20.
How Accurate Is It?	21.
What Does It Count?	22.
What Does It Not Count?	23.
Silent Data: Unreported Rapes	27.

INTRODUCTION

by Senator Joseph R. Biden, Jr.
Chairman, Senate Committee on the Judiciary

Over the past year, the Senate Judiciary Committee has been holding hearings on the topic of violence against women in this country. We have discussed the problem at length with victims and experts, and I have tried to use these hearings to show the American people just how pervasive, devastating and immediate the problem has become.

Today, we are releasing the findings of a Majority Staff Report that reveals the extent of the rape epidemic that has spread across the country. Here are our conclusions:

* In 1990, more women were raped than in any year in United States history.

To address the problem, I reintroduced S.15 -- the "Violence Against Women Act" -- in this Congress. I hope this Act will serve as the cornerstone of the movement to make the United States a safer place for women. Some of its provisions include:

- * Doubling penalties for rape and aggravated rape, creating new penalties for repeat sex offenders, and increasing the restitution for victims of sex crimes.
- * Aiding women in prosecuting their attackers by requiring states to pay for women's medical examinations to determine if that have been raped and by extending "rape shield law" protections.
- * Authorizing \$300 million for beefed-up law enforcement efforts to combat sex crimes, with \$100 million targeted for the 40 metropolitan areas most dangerous for women.
- * Defining gender-motivated crimes as "bias" or "hate" crimes that deprive victims of their civil rights, allowing them to bring civil rights suits against their assailants.
- * Creating a \$20 million grant program for the neediest colleges to fund campus rape education and prevention programs and services.

Judiciary Committee Majority Staff Report

Violence Against Women: The Increase of Rape in America 1990

Summary of Findings

The Senate Judiciary Committee's Majority Staff has undertaken an extensive study of state and local law enforcement agencies and rape crisis centers in all 50 states to discover -- as early as possible -- the true extent of the escalating epidemic of rape. Below are the major findings:

- * In 1990, more women were raped than in any year in United States history.
- * In 1990, American women were more likely to be raped than ever before.
- * In 1990, the number of rapes in this country reported to authorities exceeded 100,000 for the first time ever.
- * There was over a 6% increase in the number of rapes last year. The increase -- 5,929 attacks -- was the largest in over a decade.
- * 1990 continued a three-year trend of increases in the number of rapes. Further, the 1990 increase was nearly 3 times greater than the 1989 increase.
- * Last year, over 1/2 of the states (29) set all-time records for the number and rate of rapes.

The Rape Problem Is Immense... And Growing

It is easy to understand why women in this country do not feel safe. At one point, their fears were confined to dark, secluded alleys. Now women must worry about crowded offices, local restaurants, and comfortable homes. For women, there is no longer any place that they can call "secure."

The findings of this report confirm that the number and rate of rapes have increased at a truly devastating rate. In 1989, there were 94,504 rapes known to police -- at the time, a record number. In 1990, however, police identified over 100,000 rapes -- shattering the previous record.

In 1989, according to the FBI, there were 10 rapes every hour. In 1990, the "crime clock" ticked faster -- up to 12 rapes every hour, close to 300 every day.

Further, the rape rate -- the percentage of women who were raped -- rose to a record level last year. This means that in 1990, American women were more likely to be raped than ever before.

These painful facts are apparent to no one more than to women, who must daily face the prospect of being attacked. And as if these facts were not terrible enough, there is every indication that the worst is yet to come.

Not only is the threat of rape increasing with each passing year, but -- even more disheartening -- it is increasing faster than the threat of other crimes.

In fact, the rape rate has increased much faster than the overall crime rate -- 4 times faster over the last 10 years.

Rape Is A National Problem

This report reveals that 1990 was the worst year ever for the personal safety of American women. A detailed analysis of the data collected by the committee shows that this deplorable fact held true for every region of the country. No state or locality was immune.

Of all of the committee findings, none is more illustrative of the national rape crisis than this fact: In 1990, 29 states set records for the number of reported rapes while 27 set records for the rate of reported rapes.

In other words, more than half of the states in the country set rape-related records last year.

- * The 5 states suffering the greatest number of rapes are located in every area of the country. Those states were, in order: California (12,413), Texas (8,427), Michigan (6,938), Florida (6,874), and New York (5,315).

Hampshire, and Mississippi to Minnesota.

Rape Is An American Problem

While we have surrounded ourselves in gender-specific violence, women in no other nation or culture are more likely to be raped than those around us.

In 1990, the United States led the world with its number and rate of reported rapes.³

No other nation is even close to the United States when it comes to the number and rate of reported rapes.

- * Last year, American women were eight times more likely to be raped than were European women.

- * Further, in 1990 the rape rate in the United States was 20 times higher than it was in Portugal, 26 times higher than in Japan, 15 times higher than in England, 8 times higher than in France, 23 times higher than in Italy, and 46 times higher than in Greece.

³ United States Department of Justice, Bureau of Justice Statistics Special Report, International Crime Rates, May 1988.

Researchers have also discovered that young women are the least likely of all to report their rape. The most comprehensive study ever of college rape victims found that less than 5% inform police that they have been so victimized. And further, more than half of college rape victims tell no one of their plight.⁵

This issue will be discussed further in Chapter III.

Rape Data's Other Side: Unofficial Reports

To complement the rape data obtained from law enforcement authorities, the Senate Judiciary Committee contacted rape crisis centers in over half of the states in the country. The information supplied by these centers paints an even bleaker picture for American women.

- * Every crisis center that provided state-wide totals reported increases in the number of rapes.

- * In 2 out of every 3 cases, the state-wide rape crisis center totals showed higher -- often dramatically higher -- increases than the data provided by police.

⁵ Dr. Mary Koss, testimony before the Senate Judiciary Committee (August 29, 1990).

That these questions must prey daily on the minds of American women is intolerable. Sweeping, comprehensive changes must be made in our laws and society that will allow the women of this country to live in peace.

On January 14, 1991, Judiciary Committee Chairman Joseph R. Biden, Jr. introduced the "Violence Against Women Act" (S.15) in the 102nd Congress. This legislation can be the cornerstone of an effort to make America a safer nation for women.

The discussion below will summarize the three titles of the "Violence Against Women Act" that concern themselves primarily with rape.⁷

Safe Streets For Women

Title I seeks to make the streets safer for America's women -- and make the court system harsher on America's rapists.

The Act achieves this purpose with a variety of measures. It creates new penalties for rape and increases the severity of those penalties already on the books.

- * The Act doubles penalties for rape and aggravated rape prosecuted in federal courts, creates new penalties for repeat sex offenders, and increases restitution to the victims of sex crimes.

⁷ The Violence Against Women Act also deals with domestic violence -- but, given the focus of this report, only the rape-related titles are discussed.

suffering."⁹

- * The Act requires states to pay for women's medical examinations to determine if they have been raped; extends "rape shield law" protection to civil cases; authorizes \$65 million in funds for rape prevention and education; and bars the use of women's clothing to claim, at trial, that the victim incited or invited sexual assault.

The Act seeks to make the streets safer by boosting law enforcement efforts to prevent rape and creating more secure public environments.

- * The Act authorizes \$300 million for law enforcement efforts to combat sex crimes, with \$100 million targeted for the 40 metropolitan areas most dangerous for women. Further, the Act creates special units of police, prosecutors, and victim advocates to fight crime against women.
- * And for a more secure public environment, the "Violence Against Women Act" funds increased lighting and camera surveillance at bus stops, bus stations, subways, and parking lots adjacent to public transit facilities.

⁹ Ms. Marla Hanson, testimony before the Senate Judiciary Committee (August 29, 1990).

- * Second, the Act requires grantee colleges to disclose to rape survivors the outcome of college disciplinary proceedings against their attackers.

This way the women who have been attacked can be sure that justice is served. The survivors will know what measures their school has taken against their attacker and they can seek other judicial remedies if they are not satisfied.

- * Third, it strengthens campus security by requiring colleges to report not only rape but all forms of sexual assault.

Although Congress passed a measure last year requiring colleges to report crime statistics, more must be done to assure a full disclosure of violence on campus. This provision closes a loophole in reporting laws that has for a long time masked the true extent of the problem of violence against women on America's college campuses. As it stands, colleges hope to avoid the "bad public relations" that accompanies admitting that serious crimes occur on their campuses.

- * And fourth, the Act requires grantee colleges to expressly bar sexual assault as a violation of student disciplinary codes.

political pressures and the power to screen out jurors who harbor irrational prejudices against, for example, rape victims."¹¹

Conclusion

This section has briefly discussed the relevant titles of S.15, Senator Biden's "Violence Against Women Act." Together, the titles form a comprehensive and progressive plan to help end the brutality women are now forced to endure.

The Congress should pass, and the President should sign, the "Violence Against Women Act." It is a needed first step in an effort to make America safer for women and to arrest the rape epidemic outlined in this report.

¹¹ Report on the Violence Against Women Act of 1990, Report No. 101-545, p. 42.

What Does This Data Tell Us?

It is worth noting at the outset that it would be impossible at this point to know the exact number of rapes that police reported last year. In fact, the tabulations continue to change even after the FBI publishes its findings in August. Still, although the exact number of reported rapes is elusive, we believe that our extensive information-gathering and analysis has yielded a very close estimate.

The findings of this report -- by replicating the FBI's methodology -- represent the closest and, yet, most conservative estimate of the number of rapes known to police in 1990.

Where Did It Come From?

The data presented in this report comes from two sources. The first source -- and by far the largest one employed here -- is state and local law enforcement agencies.

In the majority of states, local law enforcement offices pass on their annual crime counts to a centralized crime data collection centers which, in turn, pass their information on to the FBI. In the states that do not have such centers, localities submit their data directly to the FBI.¹² 1990 rape data had been collected and tabulated and was available at the state level in over 1/2 (27) of the states we contacted.

¹² There are only eight states that do not have centralized crime data collection centers.

the agencies in a given state report their rape data to federal authorities, the FBI will add to that data its estimate of the number of rapes that occurred in the remaining 5% of the state's agencies. The sum of the two figures -- the 95% known plus the 5% estimated -- will yield the official rape total for the state.

To take a concrete example, in 1989, police agencies covering 87.9% of the rural population eventually reported crime data to the FBI. The remaining 12.1% had to be estimated by the FBI to yield the rural crime total.

What Does It Count?

This report, like the FBI's, counts the number of rapes known to police. The information comes from state and local law enforcement agencies and, so, by definition, the police must be informed of a rape for it to be tabulated in our final count. Also, like the FBI, we include reports of attempted rapes in our count of total "rapes."¹³

Further, this report's definition of rape is the same as the one relied on by the FBI -- "carnal knowledge of a female forcibly and against her will." The point of this report is to show the rate of change in the number of rapes reported between 1989 and 1990. To do this, we need to use the same, standard UCR definition or else our findings would not be directly comparable to the UCR data. While other national surveys and

¹³ The Department of Justice's Bureau of Justice Statistics (BJS) publishes annually its National Crime Survey. In it, the BJS makes a distinction between rapes and attempted rapes and calculates them separately before adding them together for a final "rape total." As noted (here and below), however, the UCR makes no such distinction and, therefore, neither do we for the purposes of this report.

Because the FBI adds these estimates to the state data, its "grand total" is usually larger than the figure initially given to them by the states.¹⁴ Basically, if any agency or part of an agency in a state does not report its data, assuming that there is some measure of crime in that agency, the FBI's "grand total" -- which adds the crimes estimated for non-reporting jurisdictions -- will be higher than the state's original, incomplete reported number of crimes.

To ensure that our estimate would be conservative, we considered the state-wide data we gathered to be the total for each state. In other words, the rapes that went unreported to the states were also not counted in this report.¹⁵

The second area of missed data concerns late reporting. Some localities volunteer their data to the state data collection centers but do not deliver their results until after the FBI's state reporting deadline. The FBI publishes its Crime in the United States in August and even then there are still reports trickling in.

This problem was particularly evident when we contacted states to find their 1989 and 1990 rape totals. Some states provided 1989 figures that differed from those appearing in the 1989 UCR report. The reason: The states had recalculated their rape

¹⁴ Of course, this would not be true when fully 100% of a state's metropolitan, suburban, and rural agencies report their data to the FBI. In 1989, there were 10 states, including the District of Columbia, that provided the FBI with 100% of their agencies' data.

¹⁵ This point applies only to those states that provided state-level data.

the rapes known to police in Nebraska in 1989.

Using this method, we were able to contact enough cities so that we received actual counts for the areas that account for an average of 60% of each state's reported rape totals from 1989.¹⁶

The fewer the number of large metropolitan areas in a state, the more cities we had to contact to reach a strong percentage of the previous year's reported rapes. The lowest percentage contacted was 29% (Mississippi) and the highest was 87% (Hawaii).

An issue arose over how to measure the number of rapes that were reported to police yet not known to us -- meaning the rapes reported to police in localities we did not contact. As mentioned above, the FBI faces this challenge every year. And they answer the challenge by extrapolating a "grand total" for each state based on a very complicated set of statistical assumptions.

Ultimately -- again in the spirit of producing a conservative estimate -- we decided to apply no increase to these remaining agencies, despite every indication that these areas experienced increases in their numbers of reported rapes.¹⁷

¹⁶ The percentages are based on comparing the number of 1989 reported rapes in the contacted cities with the 1989 UCR reported rape total for the state.

¹⁷ According to the 1990 6-month figures released by the FBI in October, reported rapes in suburban areas increased by 7% on average while they increased by 5% in rural areas. Also, the FBI category of "other cities" -- those with fewer than 50,000 population -- reported increases of 15% on average.

Department of Justice unit, the Bureau of Justice Statistics (BJS), also publishes its findings (the National Crime Survey) according to annual incidence rates.

It is important to note that even the Administration believes that the FBI and BJS undercount the number of rapes. The BJS's latest National Crime Survey finds that the rape total is 127,000 -- and that was back in 1988.¹⁹ The Survey has extensive methodological flaws that all, including BJS, agree result in a severe undercounting of victims.

In fact, one noted researcher estimates that the BJS incidence figure is low by a factor of 15.²⁰

In other words, as many as 2 million women are raped each year when non-reporting is taken into account.

Because there is such an enormous discrepancy between the number of rapes reported to police and the number that researchers claim actually occur, we emphasize that our findings represent no more than the number of "offenses known to authorities."

¹⁹ Department of Justice, Bureau of Justice Statistics, Sourcebook on Criminal Justice Statistics, 1989, Table 3.2, p. 221.

²⁰ Dr. Mary Koss, testimony before the Senate Judiciary Committee (August 29, 1990).

Table 1

NUMBER OF REPORTED RAPES IN 1990

(by alphabet)

<u>State</u>	<u>Number</u>	<u>Increase</u>
Alabama	1,369	7%
Alaska	367	31%
Arizona	1,480	15%
Arkansas	969	5%
California	12,413	4%
Colorado	1,518	26%
Connecticut	897	1%
Delaware	520	-9%
District of Columbia	303	63%
Florida	6,874	9%
Georgia	3,610	15%
Hawaii	530	7%
Idaho	272	15%
Illinois	4,128	-1%
Indiana	1,931	7%
Iowa	483	5%
Kansas	1,004	10%
Kentucky	968	6%
Louisiana	1,680	0%
Maine	163	-29%
Maryland	2,184	23%
Massachusetts	1,983	5%
Michigan	6,938	5%
Minnesota	1,553	14%
Mississippi	1,044	3%
Missouri	1,822	15%
Montana	150	4%
Nebraska	426	12%
Nevada	771	16%
New Hampshire	348	6%
New Jersey	2,358	-4%
New Mexico	772	10%
New York	5,315	1%
North Carolina	2,093	7%
North Dakota	81	4%
Ohio	5,038	3%
Oklahoma	1,328	10%
Oregon	1,330	1%
Pennsylvania	3,044	3%
Rhode island	245	-8%
South Carolina	1,840	13%
South Dakota	225	-2%
Tennessee	2,424	7%
Texas	8,427	6%
Utah	636	30%
Vermont	145	11%
Virginia	1,915	17%
Washington	2,948	0%
West Virginia	420	21%
Wisconsin	1,019	3%
Wyoming	132	-2%
<u>TOTAL</u>	<u>100,433</u>	<u>6%</u>

Table 3

NUMBER OF REPORTED RAPES IN 1990

(by increase)

<u>State</u>	<u>Number</u>	<u>Increase</u>
District of Columbia	303	63%
Alaska	367	31%
Utah	636	30%
Colorado	1,518	26%
Maryland	2,184	23%
West Virginia	420	21%
Virginia	1,915	17%
Nevada	771	16%
Idaho	272	15%
Arizona	1,480	15%
Missouri	1,822	15%
Georgia	3,610	15%
Minnesota	1,553	14%
South Carolina	1,840	13%
Nebraska	426	12%
Vermont	145	11%
New Mexico	772	10%
Oklahoma	1,328	10%
Kansas	1,004	10%
Florida	6,874	9%
Alabama	1,369	7%
Hawaii	530	7%
Indiana	1,931	7%
Tennessee	2,424	7%
North Carolina	2,093	7%
New Hampshire	348	6%
Texas	8,427	6%
Kentucky	968	6%
Massachusetts	1,983	5%
Iowa	483	5%
Arkansas	969	5%
Michigan	6,938	5%
Montana	150	4%
North Dakota	81	4%
California	12,413	4%
Ohio	5,038	3%
Mississippi	1,044	3%
Pennsylvania	3,044	3%
Wisconsin	1,019	3%
New York	5,315	1%
Oregon	1,330	1%
Connecticut	897	1%
Louisiana	1,380	0%
Washington	2,948	0%
Illinois	4,128	-1%
Wyoming	132	-2%
South Dakota	225	-2%
New Jersey	2,358	-4%
Rhode Island	245	-8%
Delaware	520	-9%
Maine	163	-29%
<u>TOTAL</u>	<u>100,433</u>	<u>6%</u>

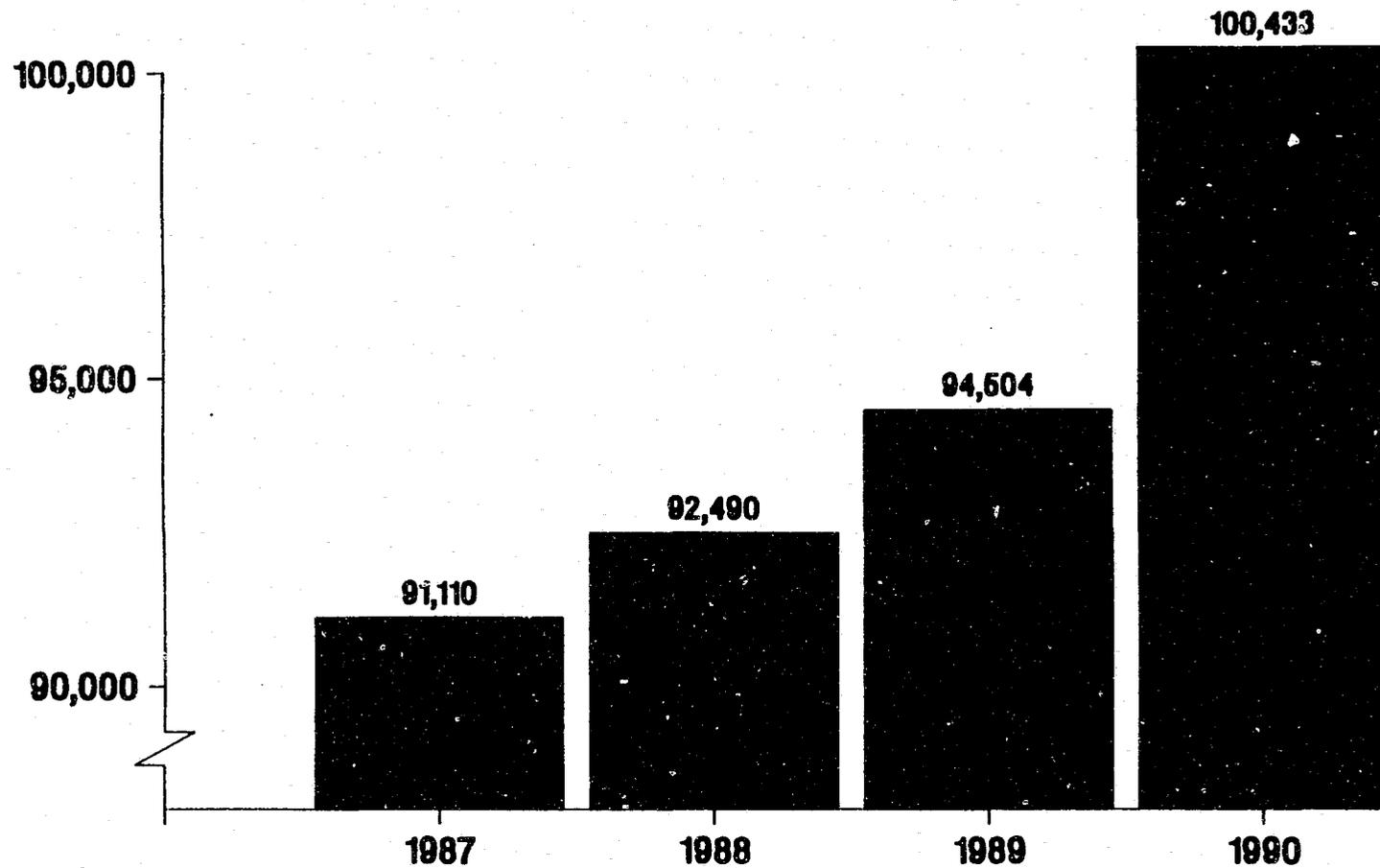
Table 5

NUMBER OF RAPES - 29 NEW STATE RECORDS IN 1990

<u>State</u>	<u>Old Record Number</u>	<u>New 1990 Record Number</u>	<u>Increase</u>
Hawaii	393	530	34.9%
Utah	489	636	30.1%
Virginia	1,638	1,915	16.9%
Idaho	236	272	15.3%
Georgia	3,150	3,610	14.6%
South Carolina	1,632	1,840	12.7%
Maryland	1,944	2,184	12.3%
Missouri	1,638	1,822	11.2%
Nebraska	385	426	10.6%
Kansas	917	1,004	9.5%
Florida	6,299	6,874	9.1%
Minnesota	1,439	1,553	7.9%
Alabama	1,276	1,369	7.3%
Indiana	1,808	1,931	6.8%
Tennessee	2,270	2,424	6.8%
North Carolina	1,964	2,093	6.6%
New Hampshire	327	348	6.4%
Kentucky	917	968	5.6%
Massachusetts	1,881	1,983	5.4%
Iowa	459	483	5.2%
Michigan	6,624	6,938	4.7%
Ohio	4,872	5,038	3.4%
Mississippi	1,017	1,044	2.7%
Wisconsin	993	1,019	2.6%
Arizona	1,458	1,480	1.5%
Oklahoma	1,315	1,328	1.0%
Connecticut	892	897	0.6%
Colorado	1,510	1,518	0.5%
Washington	2,938	2,948	0.3%

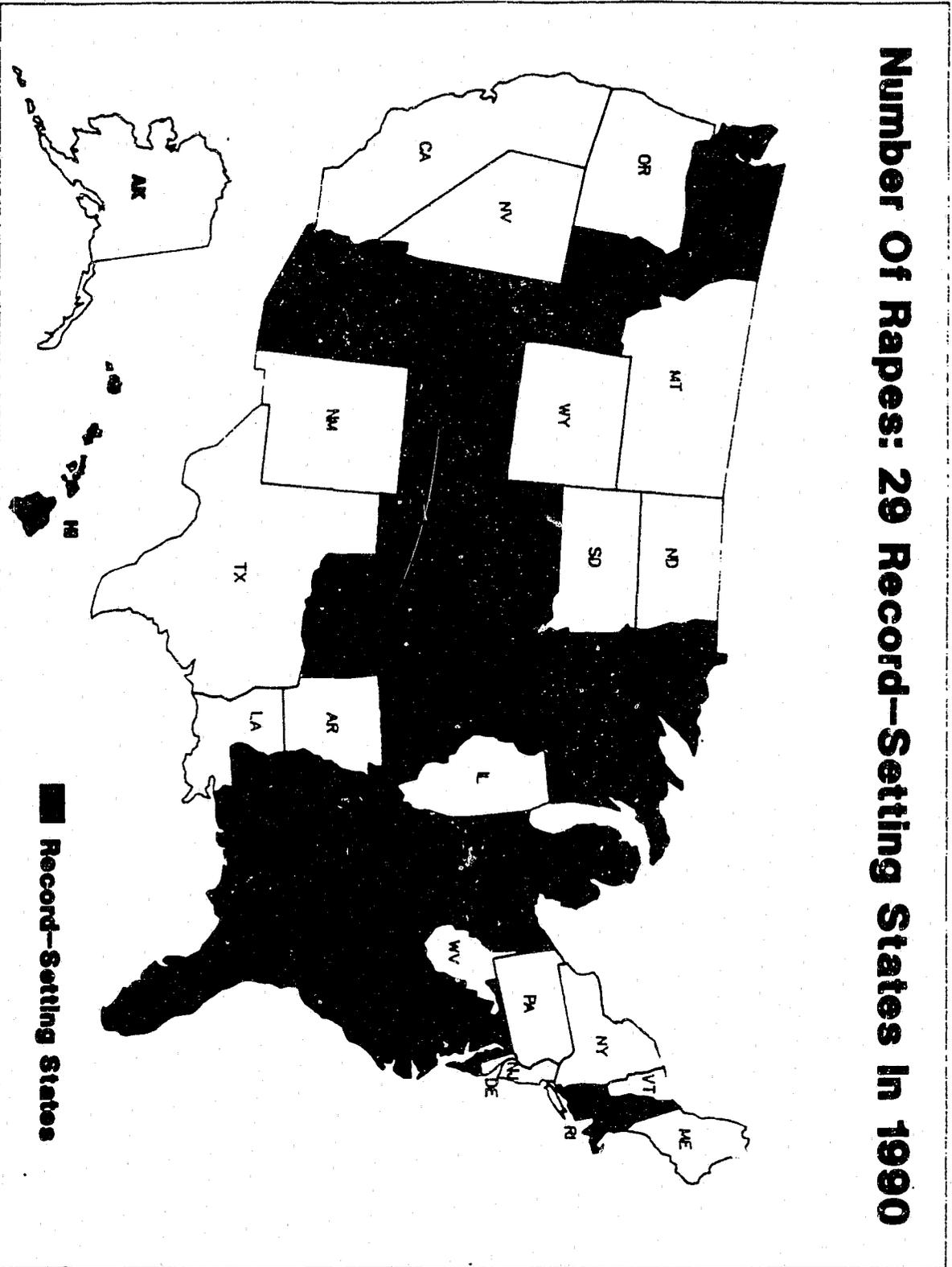
TOTAL NUMBER OF NEW STATE RECORDS - 29

Number Of Rapes Known To Authorities (1987 - 1990)



Source: Federal Bureau of Investigation

Number Of Rapes: 29 Record-Setting States In 1990



Number Of Rapes: Percent Increases In 1990

