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PROMIS RESEARCH PROJECT

Publication 7

The Prosecution of Sexual Assaults

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Preface

> The system is judged not by the occasional dramatic case, but by its normal, humdrum operations. In order to ascertain how law functions as a daily instrument of the city's life, a quantitative basis for judgment is essential.
>
> *Criminal Justice in Cleveland,*
> Roscoe Pound and Felix Frankfurter, eds.

Pound and Frankfurter's observation of a half century ago is equally applicable today. Having traced by hand what was happening to some 5,000 felony cases in the Cleveland courts, they found evidence that the real workings of the courts were often quite different from the picture that emerged from media coverage of the "occasional dramatic case." The study revealed, for example, that most felony arrests were being dropped without trial, plea, or plea bargain; that a serious problem of habitual, serious offenders was receiving insufficient attention; and that bail and sentencing practices were badly in need of reform.

This series of reports traces what is happening to felony and serious misdemeanor cases in the District of Columbia Superior Court in the 1970s, based on an analysis of computerized data. Although the data base is both larger (over 100,000 cases) and richer (about 170 facts about each case), the analyses reach conclusions strikingly reminiscent of those made by Pound and Frankfurter, and now largely forgotten. We are relearning the lessons of high case mortality, the habitual or career criminal, and bail and sentencing inequities.

The source of the data used in this series of research reports is a computer-based case management information system known as PROMIS (Prosecutor's Management Information System). Because it is an ongoing system, PROMIS provides, on a continuing basis, the kind of quantitative assessment of court operations that heretofore could only be produced on an *ad hoc* research basis.

The area encompassed by the PROMIS data—the area between the police station and the prison—has long been an area of information blackout in the United States. This data void about the prosecution and court arena, which some observers regard as the criminal justice system's nerve center, has meant that courthouse folklore and the atypical, but easy-to-remember, case have formed much of the basis for criminal justice policymaking.

Funded by the Law Enforcement Assistance Administration, the PROMIS Research Project is demonstrating how automated case management information systems serving prosecution and court agencies can be tapped to provide timely information by which criminal justice policymakers can evaluate the impact of

their decisions. The significance of this demonstration is by no means restricted to the District of Columbia. Other jurisdictions can benefit from the types of insights—and the research methodologies employed to obtain them—described in the reports of the PROMIS Research Project.

There are 17 publications in the series, of which this is Number 7. A noteworthy feature of this series is that it is based primarily on data from a prosecution agency. For those accustomed to hearing the criminal justice system described as consisting, like ancient Gaul, of three parts—police, courts, and corrections—the fact that most of the operations of the system can be assessed using data from an agency usually omitted from the system's description may come as a surprise. We are aware of the dangers of drawing certain inferences from such data; we have also come to appreciate their richness for research purposes.

Obviously, research is not a panacea. Much knowledge about crime must await better understanding of social behavior. And research will never provide the final answers to many of the vexing questions about crime. But, as the President's Commission on Law Enforcement and Administration of Justice observed in 1967: ". . . when research cannot, in itself, provide final answers, it can provide data crucial to making informed policy judgments." (*The Challenge of Crime in a Free Society:* 273.) Such is the purpose of the PROMIS Research Project.

William A. Hamilton
President
Institute for Law and Social Research
Washington, D.C.

Acknowledgments

Like the other reports of the PROMIS Research Project, this one has benefited from the help of many individuals and public agencies.

Earl J. Silbert, United States Attorney for the District of Columbia, and members of his staff have cooperated with us throughout the Project, permitting us to examine the operation of their office and helping us to interpret our results. This report in particular benefited from the thorough review of Assistant U.S. Attorney Henry Greene, Director of Superior Court Operations.

We are also indebted to the Honorable Harold H. Greene, who was Chief Judge of the Superior Court Division during the period of this study. Through his cooperation, we were able to obtain information on sentencing decisions and to later assess the meaning of our statistics.

Invaluable assistance was also given by the distinguished members of the Project's National and Local Advisory Committees, in reviewing our research plans, methodology, and findings. The National Advisory Committee includes Curtis Brostron, William A. Cahalan, William H. Erickson, Edith E. Flynn, Paul L. Friedman, Phillip H. Ginsberg, Lester C. Goodchild, Don M. Gottfredson, Willie King, Albert J. Reiss, Jr., Leslie T. Wilkins, Marvin E. Wolfgang, and Hans Zeisel. Edith Flynn in particular read and commented in detail on early drafts of the study. During the period in which this report was being prepared, Robert A. Shuker, then Chief of the United States Attorney's Office, D.C. Superior Court Division, served as the chairman of the Advisory Committee. The Local Advisory Committee members are Bruce D. Beaudin, William Golightly, Harold H. Greene, J. Patrick Hickey, Burtell Jefferson, Earl J. Silbert, and Irving A. Wallach.

The PROMIS Research Project owes its very existence to the funding of the Law Enforcement Assistance Administration of the Department of Justice. We are especially grateful to Cheryl Martorana, Chief of the Courts Division of LEAA's National Institute of Law Enforcement and Criminal Justice, for her conscientious project guidance, to Al Ash, LEAA, for his enthusiastic support of the PROMIS system, out of which the data analyzed in this study emanated; to Gerald Caplan, former Director of the National Institute, for his leadership and encouragement; and to Charles R. Work, former Deputy Administrator of LEAA, both for his vision and his ardent support of INSLAW's research program.

INSLAW staff members who made particular contributions to this report include Kathleen Brosi, Sid Brounstein, Brian Forst, Bill Hamilton, Cynthia Huth, Judith Lucianovic, and Jean Shirhall. The report benefited also from the general support of the entire INSLAW staff. The final responsibility for any errors in the analysis must lie with the principal investigator.

Kristen M. Williams

Contents

1

Introduction

The crime of rape has received a great deal of national attention in the past few years, particularly from concerned women's groups. Trying to prevent rapes from occurring, responding to the psychological needs of rape victims and their families, and improving the treatment of rape victims by police and medical personnel were among the original goals of the action groups.

More recently, interest has grown regarding how the court system handles rape cases once an arrest is made. But here, too, interest has centered on the effect of certain procedures on the victims. Relatively little is known about the prosecution of rape cases, because of the general lack of knowledge about the operations of the prosecutor's office and the courts. A number of opinions are widely held about why it is difficult to obtain a conviction in a rape case, but those opinions have not been tested empirically. It is commonly thought, for example, that rape victims whose cases have resulted in arrest are discouraged from cooperating with the prosecutor because of the way other rape victims have been treated by police and prosecutors.

The lack of knowledge about the prosecution of rape cases suggested the need for empirical research on the following questions: How does the prosecution of rape cases compare with that of other offenses? Do victims frequently refuse to cooperate with the prosecutor? What factors lead to a conviction?

When publicity surrounding a rape trial reveals that the defendant has been arrested for rape before, the question arises as to whether rape defendants are typically highly recidivistic. Such instances also raise questions about case-processing decisions: Did he have to stand trial the first time he was arrested for rape? If not, why not? Again, consideration of questions such as these is usually hampered by lack of data.

Although rape cases receive the most attention, other types of sexual assault should be included in an examination of the prosecution of sexual attacks. Children of both sexes are also molested, and adult males are sometimes attacked by another male. For this reason, the more general term of "sexual assault" has been suggested as appropriate by such diverse sources as Brownmiller, the author of a best-selling book on rape, who states that "all acts of sex forced on unwilling victims deserve to be treated in concept as equally grave offenses in the eyes of the law," and the American Bar Association, whose House of Delegates adopted a resolution to redefine rape and related crimes in terms of persons, rather than females.[1] The proposed revision of the Federal Criminal Code has redefined rape and sexual assault in terms of persons,[2] as has the proposed revision of the District of Columbia Code.[3] Whether all types of sexual assault or only some are difficult to prosecute is another question that can be addressed empirically.

This analysis begins by considering all sexual assault cases and later narrows the focus to forcible rape. "Sexual assault" in this report refers to sexual acts involving a male or female, adult or child, excluding all consensual sexual encounters between adults. "Forcible rape" refers to sexual intercourse with a female victim against her will. The analysis looks at the ways in which different types of sexual assault cases are prosecuted and at the recidivistic behavior of the defendants arrested in the cases. More detail is presented on forcible rape cases than on other types of sexual assault, because the former are more numerous and more data are available concerning them.

The setting of this analysis is the District of Columbia. The District's Metropolitan Police Department (MPD) was one of the first police departments in the nation to establish a separate unit (the Sex Offense Branch, organized in 1942) to investigate sexual assaults. In 1965, Hayman and others in the District of Columbia began working to establish better medical care for victims of sexual assaults,[4] and in 1973 the District of Columbia Task Force on Rape recommended specific changes in the treatment of rape victims by the police, hospitals, and the prosecutor.[5] The District also has a Rape Crisis Center, established in 1972, which handles about 300 cases a year, most of which do not enter the criminal justice system.[6]

Many of the changes made in Washington, D.C., particularly by the police, concern reducing the trauma of victimization. The police department conducts a special two-week training program for police officers assigned to the Sex Offense Branch, has hired more females to serve in the unit, and has prepared a booklet on "Sexual Assault," which is given to rape victims to help explain the procedures used by the police, medical personnel, and the courts in such cases.

One of the areas that could not be fully addressed by the D.C. Task Force on Rape was the handling of rape cases by the prosecutor after an arrest was made. Their final report notes that a large percentage of rape cases are dismissed, but it does not compare the rates with those for other crimes. Acknowledging that "it is possible that nonprosecution rates for other serious crimes are equally as high," they state:

> When less than one of every four persons arrested for rape is convicted of that offense, when more than half are not even prosecuted, something appears to be wrong with the system. That conclusion is buttressed by the facts that (1) rape is probably one of the most underreported of all serious offenses and (2) not all reported rape offenses are closed by arrests.[7]

This report focuses on the prosecution of sexual assaults, using data from PROMIS, a computer-based management information system installed in the U.S. Attorney's Office for the District of Columbia in the division that serves the D.C. Superior Court. Different parts of the analysis utilize different years in the data base covering the period from January 1971 to December 1976.[8] All arrests for a sexual assault that involved an adult defendant are included in the data base.[9]

The next chapter of this report describes the characteristics of the different types of sexual assaults that take place, using data on cases brought by the police to the prosecutor from January 1971 to August 1975. Chapter 3 examines characteristics of the defendants arrested for sexual assault during that period. Also included is an analysis of their recidivistic behavior based on a computerized data file that tracks the defendant's arrest behavior for several years after the arrest under examination. Chapter 4 compares conviction rates for different types of sexual assault cases. In Chapter 5, the focus is on forcible rape cases. The handling of rape incidents is described from the reporting of a rape to the police to the sentencing of an offender convicted of rape. Discussion of the impact of a May 1976 change in the corroboration requirement on the treatment of cases brought in

the last six months of 1976 is also included. The final chapter summarizes the findings and presents conclusions.

Notes

1. Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Simon and Schuster, 1975): 378; and American Bar Association, "House of Delegates Redefines Death, Urges Redefinition of Rape, and Undoes the Houston Amendment," *American Bar Association Journal* 61 (April 1975): 465.
2. S. 1437, 95th Cong., 1st Sess., §1641–1646 (1977).
3. *Proposed District of Columbia Basic Criminal Code and Commentary* (Washington, D.C.: Government Printing Office, 1978).
4. Charles R. Hayman, *et al.*, "A Public Health Program for Sexually Assaulted Females," in Harvey L. Gochros and Leroy G. Schultz, eds., *Human Sexuality and Social Work* (New York: Association Press, 1972): 321–31.
5. See the *Report of the District of Columbia Task Force on Rape,* reprinted in Leroy G. Schultz, *Rape Victimology* (Springfield, Ill.: Charles C. Thomas, 1975).
6. This information was obtained from a telephone conversation with a worker at the Center. A wide range of types of sexual encounters are discussed by the Center's clients, some of which just occurred and some of which are troublesome incidents from the past. The Center does not urge its clients to report to the police.
7. *Report of the District of Columbia Task Force on Rape:* 351 and 353.
8. Different years were selected for different parts of the analysis depending upon the purpose of each section. The early data in 1971 and 1972 were acceptable for some descriptive purposes, but the in-depth analysis of case attrition required using data from 1973 and 1974—when the number of explanatory variables available was at a peak. The analysis of recidivism required a longitudinal data base, based on defendants, rather than cases.
9. For each defendant arrested, up to 170 items of information are routinely collected at the "initial screening" of the case (that is, when police charges are reviewed by the prosecutor) and during later case processing. The data include information on the defendant, the crime, the victim, witnesses, decisions made during the processing of the case, and the reasons for certain decisions, as stated by the prosecutor.

2

Characteristics of the Cases

As background to the discussion of the way in which sexual assault cases are handled in court, it is important to know more about the kinds of offenses under examination. This chapter briefly describes demographic characteristics of the victims, the types of charges, and the offenses included among the sexual assault cases brought by the police to the Superior Court of the District of Columbia. The purpose is to orient the reader to the kinds of cases handled in the jurisdiction under study.

The data in this chapter include all adult arrests for sexual assault between January 1971 and August 1975—1,321 cases. While this may not be a large number of cases from the standpoint of arrests in a major city over a 56-month period, it is a sufficiently large number to enable us to look at the characteristics of some of the less frequent kinds of sexual assault cases. In Chapter 5, we discuss the handling of forcible rape cases beginning with the victim's reporting behavior. Here we can discuss only cases brought by the police, because not as much information is available from other sources for all the different types of sexual assault.

THE VICTIMS AND THE CHARGES

Seven types of charges are included within the sexual assault category. The maximum sentence in the District of Columbia for each type of charge is listed below, in descending order of seriousness. All are felonies, with the exception of attempted rape, which is a misdemeanor.

Charge	*Maximum Possible Sentence*
Rape while armed	Life
Forcible rape	Life
Carnal knowledge	Life
Assault with intent to rape	15 years
Indecent acts	10 years
Forcible sodomy	10 years
Attempted rape	1 year

Sexual assault offenses are also categorized as forcible or nonforcible. If the charge is forcible rape, rape while armed, assault with intent to rape, forcible sodomy, or attempted rape, force or threat of force is implied. These charges can be brought in cases with either an adult or a child victim. On the other hand, charges of carnal knowledge, defined as sexual intercourse with a female under 16 years of age, and indecent acts, defined as sexual contact with a male or female

victim under 16 years, do not necessarily imply force. Carnal knowledge is a more serious charge than indecent acts, since it involves intercourse, not just sexual contact. The D.C. statutes covering both these crimes do not require proof of force, since a person under the age of 16 is not considered to be capable of giving informed consent to sexual relations.[1]

Forcible sodomy charges can be brought with a male or female, adult or child victim. The specific offense can be any one of a wide range of sexual acts other than vaginal intercourse.

Table 1 shows the distribution of the 1,321 sexual assault cases according to type of charge brought against the defendant and the sex and age of the victim. Consistent with current statutory limits, a male or female less than 16 years of age is listed in the table as a child. Looking at the cases by the most serious charge brought by the police or prosecutor, forcible rape was by far the most common, accounting for 63 percent of the 1,321 cases. Rape while armed is actually more common than indicated in the table, but this charge type was not coded separately in PROMIS until 1974. Some of the cases listed as forcible rape were undoubtedly rape while armed, but could not be identified as such in the data.

Not surprisingly, females were the most frequent victims. Female adults were victimized more than twice as frequently as female children, the second largest category of victims. Forcible rape was by far the most common charge in cases involving adult female victims. When female children were the victims, indecent acts was the charge brought most frequently, followed by forcible rape, and then carnal knowledge. In the District of Columbia, the policy of the police and prosecutor is to bring a charge of forcible rape when a female child victim is involved and force was used. Later, the charge could be reduced to carnal knowledge, in which event the use of force would not have to be proven, or indecent acts, which would in addition eliminate the need to establish that intercourse took place.

Table 1.
Type of Sexual Assault Victim According to the Most Serious Charge Brought in the Case, Washington, D.C., January 1971 to August 1975

Most Serious Charge Brought by Police or Prosecutor	All Adult Arrests	Type of Sexual Assault Victim			
		Female Adult	Male Adult	Female Child[a]	Male Child[a]
Rape while armed[b]	30	28	—	2	—
Forcible rape	828	713	—	115	—
Carnal knowledge	73	—	—	73	—
Assault with intent to rape	81	67	—	14	—
Indecent acts	204	—	—	172	32
Forcible sodomy	93	42	26	2	23
Attempted rape	12	11	—	1	—
Total	1,321	861	26	379	55

Source: PROMIS.

[a]Under 16 years of age.

[b]This charge was not coded separately in PROMIS until 1974. All rape while armed cases shown in the table were brought in 1974 or 1975.

Although sexual assault is generally considered to involve only females, 6 percent of the sexual assault victims during the 56-month period were males. Male children were more frequently victims than adult males, the reverse of what we found among female victims. A charge of indecent acts was brought in 58 percent of the cases involving male children, and forcible sodomy in the remainder. All of the cases with adult male victims were cases of forcible sodomy.[2]

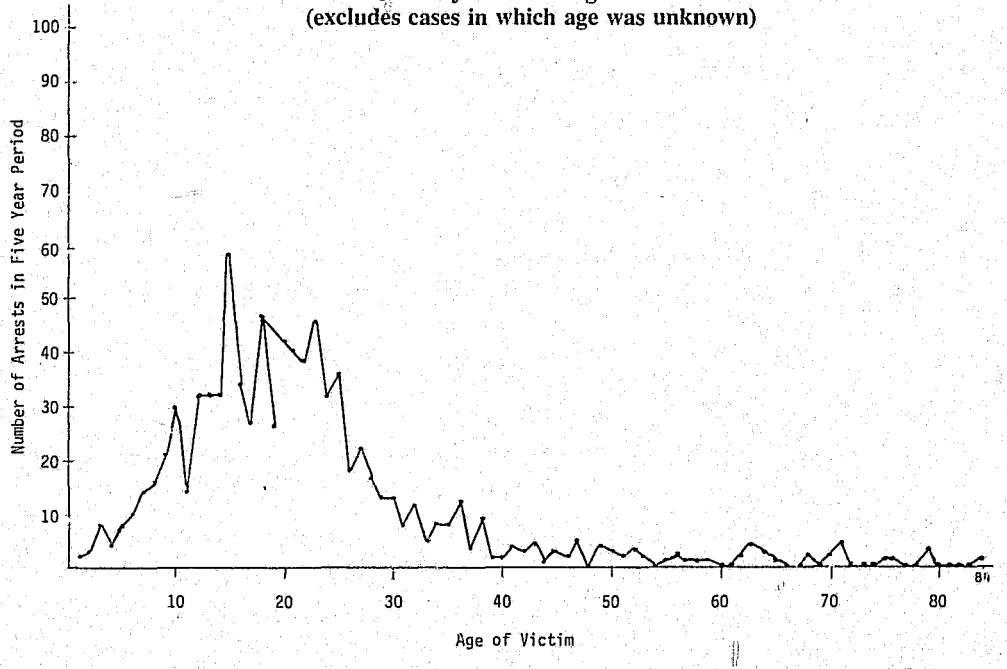
The median age of the female victims of sexual assault was low—20.4 years. As shown in Figure 1, most victims were between the ages of 10 and 30, and the number of victims in their 30s was much smaller than the number in their 20s. In each successive 10-year age group, there were fewer and fewer victims.

THE OFFENSES

Several items in the PROMIS data base describe the offense. Some of the characteristics that would be expected to influence the prosecution of a case—for example, corroboration, witnesses, time between the offense and arrest—will be discussed in Chapter 5 in regard to forcible rape. Four others will be discussed here: whether codefendants were arrested in the incident, whether a weapon was used, the time of the offense, and the social relationship between the victim and defendant.

Codefendants were not common in sexual assault cases—80 percent of the cases involved only one defendant. The largest number of defendants arrested in a single incident was five. Cases with a victim under 16 years of age were even less likely to involve more than one defendant; 86 percent of the cases with a female

Figure 1.
Age Distribution of Female Victims of All Types of Sexual Assault, Washington, D.C., January 1971 to August 1975
(excludes cases in which age was unknown)



N = 868
Source: PROMIS

child victim and 98 percent of those with a male child victim had only one defendant. Adult females were attacked by lone assailants 78 percent of the time.[3]

Whether a weapon was used to intimidate the victim during the offense is an indicator of the violence or potential for violence that attended the offense. Table 2, which shows the percentage of cases in which a firearm or other weapon was used, reveals that weapon use was more common with adult victims than with children. Thirty percent of the cases with an adult female victim involved a weapon; in two-thirds of those cases it was a gun. With children, less than 10 percent of the cases involved a weapon. Children can be more easily intimidated than adults; hence, less force is needed. In many instances, a child may consent to sexual contact without completely understanding what he or she is doing.

Not surprisingly, sexual assaults were more likely to occur at night. Figure 2 shows the distribution of the number of sexual assaults on females by the time of the offense. Separate curves are shown for adults and children.[4] The number of cases peaks at midnight for both adults and children, but the patterns differ slightly. Female adults were victimized frequently during all of the nighttime hours, whereas female children were most frequently victimized at midnight. Despite this concentration, however, sexual assault is clearly not an offense limited to the nighttime hours.

The social relationship between the victim and the offender is an important dimension of any violent crime and one that can influence the outcome of the case in court. Table 3 shows a distribution of the social relationship between the victim and the offender, for female adult and female child victims.[5] (This subject is discussed further in Chapter 5.)

Looking at Table 3, the pattern of social relationships appears quite different for adults and children. Adult female victims were strangers to the defendant in over half of the cases. In another 25 percent of the cases, the defendant was an acquaintance, and in the remaining 23 percent of the cases the relationship was closer—a friend, neighbor, and so on. There were few instances of cases in which the defendant could be seen as the victim's romantic partner. In only 4 percent of the cases, the relationship was that of cohabiting persons or girlfriend-boyfriend.

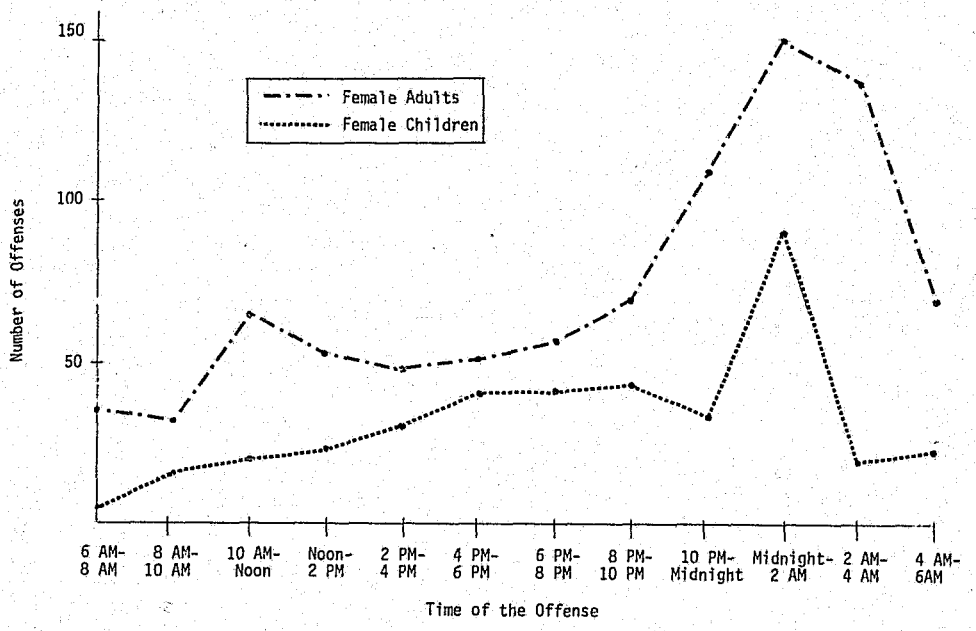
If the victim was a female child, rather than an adult, the defendant was more likely to be known to the victim. Only 18 percent of the cases with female victims under 16 years of age involved a defendant who was a stranger. The largest group

Table 2.
Use of Weapons in Sexual Assault Cases, Washington, D.C., January 1971 to August 1975

Whether Weapon Used in Offense	All Cases	Type of Sexual Assault Victim			
		Female Adult	Male Adult	Female Child[a]	Male Child[a]
No weapon indicated	77%	70%	84%	92%	91%
Weapon used:					
firearm	15%	20%	4%	4%	6%
other	8%	10%	12%	3%	4%
Total	100% (1,321)	100% (861)	100% (26)	100% (379)	100% (55)

Source: PROMIS.
[a]Under 16 years of age.

Figure 2.
Distribution of Sexual Assaults in Which an Adult Arrest Was Made, by Time of Offense, Washington, D.C., January 1971 to August 1975



of defendants, 28 percent, were acquaintances of the child victim. In 22 percent of the cases, the defendant was related to the child victim.[6]

In this chapter, we have seen a number of differences between sexual assault cases involving adults and those involving children. In cases in which the victim was an adult female, the victim was not likely to be well acquainted with her assailant, there was a greater incidence of weapon use, and there were more instances of multiple rape, as measured by whether there were codefendants. Children, on the other hand, tended to be victimized by persons they knew, and those persons were less likely to use force. To complete this picture, we look next at some of the characteristics of the defendants in these cases.

Notes

1. The District of Columbia Task Force on Rape recommended reducing the statutory age to twelve years on the grounds that it is "contrary to the actual mores of our society" and repressive "in that it assumes that a girl cannot validly consent to intercourse." See the Task Force report, reprinted in Leroy G. Schultz, *Rape Victimology* (Springfield, Ill.: Charles C. Thomas, 1975): 362–63. In the proposed revision to the Federal Criminal Code, a sexual act with anyone less than 12 years of age is now considered rape. (S.1437, 95th Cong., 1st Sess., §1641–1646 [1977].) With victims 12 to 15 years old, a charge of sexual abuse of a minor can be brought even if the act was consensual, as long as the defendant is at least five years older than the victim (*ibid.*, § 1643). The proposed revision of the District of Columbia Code (mentioned in Chapter 1, footnote 3) has different provisions from the

Table 3.
Social Relationship Between Female Sexual Assault Victim and Defendant, Washington, D.C., January 1971 to August 1975

Type of Sexual Assault Victim	Total Cases[a]	Social Relationship Between the Victim and Defendant									
		Family			Friend or Acquaintance						Stranger
		Parent/ Child	Spouse	Other	Cohabiting	Girl or Boyfriend	Friend	Neighbor	Employer/ Employee	Acquaintance	
Female adult Percent	100% (548)	—	1%	2%	1%	3%	10%	5%	1%	25%	52%
Female child Percent	100% (225)	7%	2%	13%	1%	5%	13%	12%	1%	28%	18%

Source: PROMIS.

[a]Cases in which the relationship was not known were excluded. "Unknowns" accounted for 36 percent of the cases with an adult female victim and 41 percent of the cases with a female child victim. Such a large proportion of unknowns means that the figures shown in the table might not correspond to those that would be obtained if we had complete information on all cases.

Federal Code proposals. With victims under 11 years, a sexual act is prohibited unless the defendant is under 13 years. With victims 11 to 14 years old, a sexual act is prohibited if the defendant is at least five years older than the victim.

2. Since the police sometimes arrest male homosexuals involved in consensual sodomy, charges of forcible sodomy with a male victim were not included in the analysis unless an item on the PROMIS evaluation form that asks for the number of victims of *forced* sexual intercourse was answered positively.

3. These results are quite different from those obtained by Amir in his study of rape cases in Philadelphia. He found that 43 percent of the rape cases involved multiple defendants. It is not certain whether this is due to the fact that gangs are more prevalent in Philadelphia than in the District of Columbia, or whether gangs were more prevalent in all cities at the time that Amir did his study. Menachim Amir, *Patterns in Forcible Rape* (Chicago: University of Chicago Press, 1971). More comparable figures to those for the District of Columbia were found by Svalastoga in a study in Denmark. Sixteen percent of Svalastoga's 141 cases of rape and attempted rape had multiple defendants. Kaare Svalastoga, "Rape and Social Structure," *Pacific Sociological Review* 5, no. 1 (1962): 48–53.

4. The analyses of the time the offense occurred and of the social relationship between the victim and defendant did not include cases with male victims because the number of such cases was too small to detect meaningful patterns.

5. Only cases in which the relationship was known by the police at the time of screening are included in the table. The exclusion of cases in which the relationship was not known, which ranged from 36 to 41 percent for the two types of victims, could bias the percentages in the table if certain types of relationships were consistently unknown or not recorded. Another possibility for error is that the relationship initially given to the police officer by the victim may not be correct.

6. A recent article by two therapists discusses parental incest, which seems to be a much more common problem for daughters than for sons. Judith Herman and Lisa Hirschman, "Father-Daughter Incest," *Signs* 2, no. 4 (1977): 735–56.

3

Defendants Arrested for Sexual Assault

In this chapter, the personal characteristics, criminal history, and recidivism potential of the sexual assault defendants will be described. Comparisons are drawn between sexual assault defendants and those arrested for other crimes, and between different types of sexual assault defendants.

Information on the characteristics of defendants was available from two sources. One was the PROMIS data on the 1,321 sexual assault cases discussed in the previous chapter. The other source, which contains both PROMIS data and additional, hand-collected data, was a defendant-based data file established for a recidivism analysis.[1] This recidivism file contains data on the criminal histories and subsequent arrests of defendants who had at least one arrest during a four-month period from November 1972 to February 1973. Of the 4,703 adult defendants arrested in the District of Columbia during that period, 136, or 3 percent, had a sexual assault for their first arrest (referred to as their "panel arrest") in that period.

Throughout this chapter, we will be switching back and forth between these two different samples of sexual assault defendants. Each file is useful for different purposes. The file of 1,321 defendants represents a sufficient number of cases for comparison of the characteristics of persons arrested for different types of sexual assault. However, we cannot compare the sexual assault defendants from this file with those arrested for completely different types of crime, since we have not constructed a comparable sample for the same time period. On the other hand, we can compare the 136 defendants in the recidivism file whose panel case involved a sexual assault charge with the 4,567 defendants in the file arrested for other crimes. In addition, the recidivism file is longitudinal, which allows us to study patterns of criminal behavior over a period of time.

The median age of defendants arrested for sexual assault (26.2 years) was approximately the same as for all adult defendants brought to the Superior Court Division of the U.S. Attorney's Office. The age of the defendant varied by the type of victim, however. Defendants who attacked children tended to be older, and those who were arrested for assaulting adults tended to be slightly younger (the defendant's age was unknown in three of the cases):

Type of Sexual Assault Victim	*Median Age of Defendant*
Female adult	25.6 (860)
Male adult	26.5 (25)
Female child	29.2 (378)

Male child	27.5 (55)
All sexual assaults	26.2 (1,318)

Within the category of child victims, the age of the defendant varied with the age of the victim, as shown below (for those victims whose exact age was known):

Age of Sexual Assault Victim	*Median Age of Defendant*
1 to 6 years	26.0 (42)
7 to 11 years	34.2 (117)
12 to 15 years	24.5 (166)

Defendants arrested for molesting pre-adolescent children (7 to 11 years of age) tended to be older as a group, while defendants arrested for sexual assault of children 12 to 15 years of age were younger. Many of the latter cases may involve persons who had some form of social contact before the assault.

The District of Columbia is a predominantly black community, and a large proportion of all the defendants in the recidivism file were black (87 percent). Ninety-two percent of the defendants arrested for sexual assaults were black. Relatively more whites were arrested for sexual assaults of male victims, as shown below:

Type of Sexual Assault Victim	*Proportion of Black Defendants*
Female adult	94% (861)
Male adult	65% (26)
Female child	91% (379)
Male child	87% (55)
All sexual assaults	92% (1,321)

The defendants in sexual assault cases were likely to be persons with ties to the community rather than transients or residents of nearby Maryland or Virginia suburbs. Seventy-seven percent of the defendants in the 1,321 cases were District residents, and of those, 76 percent had been residents for over five years. There was only slight variation in residency patterns by the type of sexual assault victim.

Whether a defendant is employed is a rough indicator of socioeconomic status. Analysis of PROMIS data shows that in 1973, for example, defendants accused of violent crimes were more likely to be employed than those accused of property crimes. In particular, those accused of sexual assault were the most likely of all defendants to be employed. The percentage of employed defendants varied little across victim types.

Perhaps the characteristic of sexual assault defendants of most concern to the public is their past and future recidivism. Comparing the 136 sexual assault defendants with the other defendants in the recidivism file shows that they were slightly more likely than the other defendants to have an arrest record. However, the difference was not large enough to be statistically significant and it may have occurred by chance.[2]

	Percentage Having:	
Defendants in Recidivism File	*An Arrest Record*	*A Past Arrest for a Violent Crime*
Sexual assault defendants	60% (136)	34% (136)
All other defendants	55% (4,567)	30% (4,567)

Since 136 cases are really too few to break down into smaller categories, we used the 1,321 cases of sexual assault to determine whether the previous arrest history pattern for sexual assault defendants varied by type of victim. The information as to whether defendants have an arrest record began to be more accurately recorded in PROMIS at the end of 1972, a year after the system went into operation. Therefore, comparisons will be made for persons arrested for sexual assault between January 1973 and August 1975. The prior arrest percentages are lower for this period than in the recidivism file, since it was possible to correct the recidivism data base to improve the accuracy of the arrest record information available at screening.[3]

As shown below, higher proportions of defendants had arrest records when the victim was male rather than female, although there were so few cases with male victims it is difficult to tell whether this is a general trend. Also, a large proportion of defendants had an arrest record when the victim was a female adult rather than a female child. Persons arrested for assaulting female children were the least likely of the different types of sexual assault arrestees to have an arrest record.

Type of Sexual Assault Victim	*Percentage of Defendants with an Arrest Record January 1973 to August 1975*	
Female adult	54%	(711)
Male adult	57%	(21)
Female child	47%	(256)
Male child	61%	(36)
All sexual assault cases	52%	(1,024)

Another measure of previous criminal history is whether the defendant was on conditional release at the time of his arrest for sexual assault. For all sexual assaults, approximately 20 percent of the defendants were on some sort of conditional release. Of these, about one-third were on bail and the other two-thirds were on probation or parole.

Not on conditional release		80%
On conditional release		20%
bail	7%	
probation or parole	12%	
unknown type	1%	
Defendants arrested for sexual assault from January 1973 to August 1975		100% (1,024)

Not only were the defendants arrested for sexual assault no more likely to have an arrest record than other defendants, they were also not found to be any more likely to recidivate than other offenders, as measured by the frequency and seriousness of their future contact with the criminal justice system.[4] For the 4,703 defendants in the recidivism study, 39 percent were rearrested in the 32-month followup period. Of the 136 sexual assault defendants in that file, 36 percent were rearrested. This finding is not surprising in light of findings about offenders released from prison, which indicate that rapists and other types of sex offenders are not a high-risk group.[5]

Even though sexual assault defendants *as a group* do not seem to be frequent recidivists, compared with other types of arrestees, it may be that some subset of the sexual assault arrestees are frequent recidivists. One hundred and thirty-six defendants are too small a group with which to answer this question definitively,

but some divisions within this group were made in an attempt to explore the issue further. Previous criminal history was examined with this in mind.

The arrest histories of the 136 sexual assault defendants predicted their future arrests from 1973 to 1975. Table 4 shows the percentage who were rearrested after their panel case and the percentage who had at least one previous arrest. Those with a panel case of sexual assault and no previous arrests were rearrested 28 percent of the time. Those with previous arrests were rearrested 41 percent of the time. However, this latter percentage is not unusually high in view of the fact that the defendants in the recidivism file, *with and without* an arrest record, were rearrested 39 percent of the time. The group most likely to be rearrested, and, if rearrested, to be rearrested for a sexual assault, were those defendants who had an arrest for a violent crime prior to their sexual assault arrest. Forty-three percent of these defendants were rearrested—22 percent for sexual assault. While having an arrest history seems to influence the rearrest patterns of sexual assault defendants, a prior arrest only brings their rearrest rates up to the average for all defendants.

It can be argued that looking at arrest statistics is not a good measure of criminal activity, since persons may be arrested, but not be found guilty. For this reason, reprosecution and reconviction for sexual assault were also examined for the 136 defendants whose panel case was sexual assault. (Presumably, a larger proportion of the defendants who were prosecuted and convicted would be actually guilty of sexual assault.) First, only the 109 defendants whose panel case was accepted for prosecution were examined. Of those, 36 percent were rearrested for sexual assault within the next 32 months and 15 percent were reprosecuted. Table 5 shows that those who had at least one previous arrest at the time their panel sexual assault case was prosecuted were more likely to be rearrested and more likely to be reprosecuted for sexual assault than those who had no previous arrests.

Measuring recidivism in terms of reconviction, only one sexual assault defendant would be considered a recidivist. Once a defendant is convicted, at least for

Table 4.
Past and Subsequent Arrests of Defendants Arrested for Sexual Assault, Washington, D.C.

Arrest History of the Defendant Prior to Panel Case	Defendants Arrested for Sexual Assault from November 1972 to February 1973	Arrest History of Defendant After Panel Case	
		% Rearrested 1973-1975	% Rearrested for Sexual Assault 1973-1975
No known previous arrests	54	28%	11%
At least one previous arrest:	82	41%	18%
at least one previous arrest for a violent crime	46	43%	22%
no previous arrests for violent crimes	36	39%	14%
All defendants	136	36%	15%

Source: PROMIS.

Table 5.
Past and Subsequent Criminal History of Defendants Prosecuted for Sexual Assault, Washington, D.C.

Criminal History of Defendant Prior to Panel Case	Defendants Prosecuted[a] for Sexual Assault from November 1972 to February 1973	Criminal History of Defendant After Panel Case	
		% Rearrested 1973-75	% Reprosecuted for Sexual Assault 1973-75
No criminal history	41	27%	10%
At least one arrest	68	41%	16%
All defendants	109	36%	15%

Source: PROMIS.
[a]Indicates the case was accepted for prosecution at screening.

sexual assault, he is likely to be sentenced to a period of incarceration, as we shall see in a later section, which prevents a reconviction for several years.

Although panel defendants arrested for sexual assault were no more likely than other defendants to be rearrested, reprosecuted, or reconvicted, their subsequent rearrests were usually for serious crimes. Table 6 shows that rearrests for a

Table 6.
Distribution of the Subsequent Rearrest Crime Type for Defendants Arrested for Sexual Assault from November 1972 to February 1973, Washington, D.C.

Type of Rearrest	Percentage of All Rearrests	
Violent:	47%	
homicide		2%
assault		9%
sexual assault		23%
robbery		13%
Property:	34%	
burglary		17%
larceny		17%
arson/property destruction		—
fraud		—
Victimless:	17%	
weapons		—
gambling		—
consensual sex		—
drugs		6%
bail violations		11%
Other	2%	2%
Defendants with at least one rearrest between January 1973 and August 1975	100% (47)	100% (47)

Source: PROMIS.

victimless crime were rare, with the exception of bail violations. In contrast, rearrests for a violent crime were most common, the highest proportion being for another sexual assault. Burglary, larceny, and robbery were the next most common rearrest types.

In sum, sexual assault defendants do not appear to be a high-risk group in terms of future serious arrests and prosecution. It should be noted, however, that the rate at which sexual assaults are reported to the police is not known and may be very low.[6] It is possible that many defendants recidivate, but do not get caught. Another caution is that sexual assault defendants may recidivate given a longer followup period than we had in this study. "Time on the street" was controlled for in the recidivism study, as described in footnote 4, but some of the most probable recidivists may have had no "opportunity," because they were serving a long prison term. However, it does not seem appropriate, given the findings reported here, to label sexual assault defendants as highly recidivistic.

Notes

1. See Kristen M. Williams, *The Scope and Prediction of Recidivism,* PROMIS Research Publication no. 10 (INSLAW, forthcoming).

2. A one-tailed t-test yielded a statistic of 1.15 for the comparisons of arrest records and 1.00 for the comparisons of arrest records for violent crime.

3. In the recidivism file, prior arrests in 1971 and 1972 were recorded. If the police said that a defendant had no prior arrests, when we knew that he had a case recorded in PROMIS in 1971 or 1972, the item was corrected.

4. This finding is based on an in-depth analysis of the recidivistic behavior of the 4,703 defendants in the recidivism file, described in Williams, *The Scope and Prediction of Recidivism.* The sexual assault defendants were *not* found to be more likely to recidivate, in terms of frequency and seriousness, when other factors were controlled for. This was true regardless of whether the definition of recidivism was rearrest, reprosecution, or reconviction. Five types of crimes consistently increased the probability of recidivism: robbery, burglary, larceny, assault, and prostitution. Sexual assault was not found to predict recidivism in any of the multivariate analyses. The time the defendant was "on the street" was controlled for in the analysis. The percentages in the discussion that follows illustrate the patterns found in the multivariate analysis.

5. See *Newsletter, Uniform Parole Reports* of the National Probation and Parole Institutes (Davis, Calif.: The National Council on Crime and Delinquency Research Center).

6. This subject will be discussed in regard to forcible rape in Chapter 5.

4

Conviction Rates

The literature on forcible rape has grown tremendously since approximately 1969.[1] There has not been a parallel increase, however, in the number of studies about sexual assault in general. Perhaps this is because the interest in rape has been stimulated by an increased interest in women's problems in general. A growing body of literature, for example, sees rape as the ultimate victimization of women by men.[2] Brownmiller has argued that rape is a crime of violence rather than lust, and that men have always used rape to keep women in their place.[3] Weis and Borges discuss how women are victimized further after the rape if they report it to the criminal justice system.[4] Certain types of women, for example, are often considered to be legitimate targets for rape. And in the handling of the case, emphasis is said to be placed on the female victim's character rather than on that of the defendant. The concern with rape as a women's issue has spawned a number of critiques of the criminal justice system's handling of the crime.[5]

If much of the difficulty in obtaining convictions in rape cases is due to the fact that women are usually the victims, then we could expect that other types of sexual assault cases would have higher conviction rates. To test this notion, we compared the conviction rates for different types of sexual assault cases using the file of 1,321 defendants arrested between January 1971 and August 1975. Since the number of cases in some of the sexual assault categories is small, we cannot go much beyond an analysis of conviction rates in this chapter. In the next chapter, forcible rape—by far the largest category—will be examined in more detail, including victim reporting, police arrest rates, and the reasons given for case processing decisions.

Sexual assault cases infrequently result in a conviction. Of the arrests that had reached final disposition at the time of this analysis, 22 percent resulted in conviction—on some charge. This rate is not only low, it is much lower than the rate for other crimes, which is between 30 and 35 percent. As shown below, the conviction rates were low regardless of the age or sex of the victim.

Type of Sexual Assault Victim	*Conviction Rate (based on closed cases)*	
Adult female	23%	(736)
Adult male	4%	(23)
Child female	22%	(337)
Child male	24%	(46)
All sexual assault cases	22%	(1,142)

Sexual assault cases involving a male victim were so few in number that it was not possible to look at many characteristics within this category. As a group,

however, the cases with male victims also had a low rate of conviction. Although the crime of sexual assault certainly affects more women than men, it seems that when a male is assaulted, the problem of prosecution is even greater. This is consistent with the finding of Davis, who studied the problem of homosexual assaults in the Philadelphia prison system. When men in the prison were victims, the guards usually "looked the other way."[6] Explanations for the difficulties encountered in prosecuting sexual assault cases, therefore, should encompass the fact that cases with male victims are just as likely not to end in conviction as cases with female victims.

The chances of securing a conviction on any charge vary somewhat depending on the most serious charge initially brought in the case. For cases involving adult female victims, three types of charges can be compared.

Most Serious Police Charge Brought with an Adult Female Victim	*Conviction Rate (based on closed cases)*	
Forcible rape	22%	(627)
Assault with intent to rape	31%	(55)
Forcible sodomy	15%	(39)

The conviction rate for assault with intent to rape was appreciably higher than that for the largest group of cases—forcible rape. In contrast, the conviction rate for forcible sodomy was quite low.

For sexual assaults involving child victims, we can compare cases in which consent was an issue with those in which it was not. For female children, three charge categories contained a sufficient number of cases to permit analysis.

Most Serious Police Charge Brought with a Female Child Victim	*Conviction Rate (based on closed cases)*	
Forcible rape	32%	(108)
Carnal knowledge	20%	(64)
Indecent acts	17%	(147)

As shown above, in cases involving female child victims, there seems to be a clear difference in conviction rates between forcible rape and the other two types of cases. That cases in which forcible rape was the most serious charge more frequently result in conviction could be the result of a number of factors. Perhaps a charge of forcible rape allows more room for charge reduction, or perhaps rape is considered a more heinous crime. Another possibility is that the consent of the victim influences the way a case is viewed, even when a child is involved. Sexual assaults that do not involve force may just not be considered serious, hence the lower conviction rate.

The same low conviction rate phenomenon was true for male child victims. Forcible sodomy cases resulted in conviction at almost twice the rate as cases in which the charge was indecent acts. This is consistent with the idea that whether a child consented makes a difference in the outcome of the case. Note that the conviction rate when the charge was indecent acts was the same for both male and female children.

Most Serious Police Charge Brought with a Male Child Victim	*Conviction Rate (based on closed cases)*	
Forcible sodomy	32%	(22)
Indecent acts	17%	(24)

The research on child victims is less extensive than that on adult women, but some literature has appeared in the last few years. The cases with child victims that come to the attention of the courts would seem to be a small proportion of the total number of victimizations. Gagnon reported, for example, in his reanalysis of 4,000 women interviewed by Kinsey, that approximately one-fourth had had a sexual experience before age 13.[7] This suggests that sexual assault of children is commonplace. Most of these experiences were nonviolent and involved fondling, not intercourse. Schultz concluded from a separate study that, in most instances, children are not damaged by early nonviolent sexual childhood experiences,[8] although this finding has been questioned by others. Even if the victimization itself does not harm the child's psychological development, later testimony by the child might be damaging to her or to him, particularly if it involves taking sides in a family problem.

In sum, the difficulties in prosecuting and convicting sexual assault arrestees pervade almost all categories of the crime. The exception would seem to be forcible rape of a female child and forcible sodomy of a male child (although the latter occurs very infrequently). Even for these crimes, however, the conviction rate is only at the average for all crimes.

Notes

1. Chappell, *et al.*, note the increase in the number and the change in the focus of forcible rape studies in their bibliography prepared in 1973. Duncan Chappell, Gilbert Geis and Faith Fogarty, "Forcible Rape: Bibliography," *The Journal of Criminal Law and Criminology* 65, no. 2 (1974): 248–63. An updated bibliography, published recently, has more references although it covers a shorter time period. Hubert S. Feild and Nona J. Barnett, "Forcible Rape: An Updated Bibliography," *The Journal of Criminal Law and Criminology* 68, no. 1 (1977): 146–59.

2. A recent article with this perspective is Gerald D. Robin, "Forcible Rape: Institutionalized Sexism in the Criminal Justice System," *Crime and Delinquency* 23 (April 1977): 136–53.

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

4. Kurt Weis and Sandra S. Borges, "Victimology and Rape: The Case of the Legitimate Victim," *Issues in Criminology* 8 (Fall 1973): 71–115.

5. Nancy Gager and Cathleen Schurr, *Sexual Assault: Confronting Rape in America* (New York: Grosset and Dunlap, 1976); Lisa Brodyaga, *et al., Rape and Its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies* (Washington, D.C.: Government Printing Office, 1975). The Battelle Institute has a multi-volume report series on rape being published by the National Institute of Law Enforcement and Criminal Justice.

6. Alan J. Davis, "Sexual Assaults in the Philadelphia Prison System," in John H. Gagnon and William Simon, *The Sexual Scene* (New York: Aldine, 1970): 107–24.

7. John H. Gagnon, "Female Child Victims of Sex Offenses," *Social Problems* 13, no. 2 (1965): 180.

8. Leroy G. Schultz, "The Child Sex Victim: Social, Psychological and Legal Perspectives," *Child Welfare* 52, no. 3 (1973): 147–55.

5

Forcible Rape

In previous chapters, we have been considering the different types of sexual assault cases. In this chapter, the focus is on the largest single category within the sexual assault group—forcible rape, defined as sexual intercourse with a female victim against her will. We will trace the handling of forcible rape cases from victimization through sentencing. Most of the analysis is based on 1973 and 1974 data, although some data from other years are also presented.

REPORTING A RAPE

Forcible rape is considered to be a widely underreported crime. According to volunteer workers at the Rape Crisis Center in the District of Columbia, few of their clients report their victimization to the police. The victimization survey of Washington, D.C., however, estimated the number of rape victimizations in 1973 to be 600, while the FBI's *Uniform Crime Reports* (UCR) for the same year showed 596 *reported* forcible rapes.[1] Such figures, taken on their face, suggest that almost all rapes are reported to the police. On the other hand, it is possible that the victimization survey underestimated the number of rape victimizations. Such a possibility is strengthened by a methods test of the victimization survey, which indicated that one-third of the rape victims in the study who had already reported to the police failed to tell an interviewer about the event when later questioned.[2] If persons who reported to the police would not tell an interviewer that they had been raped, how many victims who did *not* report to the police also did not tell an interviewer about it?

The District of Columbia may be unusual in its rape reporting rates. A comparison with the other 12 cities of approximately the same size as the District of Columbia that were also surveyed by the Law Enforcement Assistance Administration in 1974 showed that Washington had the highest reporting rate. This was true in terms of comparing the survey results with UCR figures for the same area *and* in terms of reporting rates among respondents in the survey.[3]

Further investigation is required before we can confidently say that reporting rates in forcible rape cases are higher or lower than the rates for other crimes. According to the Criminal Victimization Surveys, cited above, the reporting rate for rape was in the middle of the range for Washington, D.C.: the rates for robbery (90 percent) and burglary (79 percent) were higher than the rate for rape (65 percent), and the rates for assault (44 percent) and larceny (32 percent) were lower.

Increasing interest in rape cases has triggered some research on reporting rates.[4] It may be that a special survey instrument should be designed to elicit

information about victimization and reporting rates for all categories of sexual assault. Results from surveys of female college populations in the 1950s seem to indicate that male sexual aggression was widespread.[5] How many of such incidents become rape is an important question that needs further research.

MAKING AN ARREST: THE POLICE RESPONSE

If the police do receive a report of a rape, they must first decide if the offense is "founded," i.e., whether there is reason to believe a crime was committed. More rapes are considered "unfounded" than other serious crimes, but the percentage is not large.[6] If the police do "found" the offense, they are likely to make an arrest. Beginning with reported offenses, the clearance rate for rape and attempted rape combined is among the highest for any of the major offenses.[7] The clearance rates for rape and attempted rape are shown in Table 7 for fiscal years 1972 through 1975. Two types of clearances are included: clearance by arrest and clearance by arrest or other means. "Case cleared by other means" indicates that the police know who was involved but did not arrest him, perhaps because he is already in jail for another offense. As seen in the table, the number of reported offenses and the overall clearance rates rose and fell from year to year, but the clearance by arrest rate was fairly steady at 50 percent from 1973 through 1975.

One of the hypotheses regarding the recent feminist concern over rape is that the reporting of this crime would increase if police departments were more responsive to victims. The notion is that there is a high incidence of victimization, but women are afraid to tell others about it, including the police. If reporting rates are changing at the same time that the number of actual rape victimizations is changing, it becomes very difficult to discern whether a given change in the number of reported rapes reflects actual changes in the number of rapes or changes in reporting. In the District of Columbia, there was a decline in reported rapes in 1974 and 1975. Because the police have been taking steps to improve the treatment of rape victims, it seems more likely that this reflects a change in the number of rapes. However, we cannot tell for sure without knowing how reporting rates may have fluctuated.

Table 7.
Clearance Rates for Forcible Rape and Attempted Rape, Washington, D.C., 1972-1975

Fiscal Year	Reported Offenses—Forcible Rape and Attempted Rape	Clearance Rate	
		By Arrest	By Arrest and Other Clearances
1972	608	67%	79%
1973	712	49%	70%
1974	556	50%	66%
1975	546	50%	80%

Source: *Annual Report of Metropolitan Police Department* (Washington, D.C.), *Fiscal Years 1972-1975.*

PROSECUTION OF FORCIBLE RAPE CASES

About 20 percent of the arrestees in rape cases in the District of Columbia are below the age of 18. Some of these defendants are brought to the adult division of the U.S. Attorney's Office, but most are brought to juvenile court.[8] Only those cases brought to the adult division are considered in the following analysis.

In the earlier discussion of the prosecution of sexual assaults in general, we saw that these cases had low conviction rates, regardless of the type of victim involved. Previous research on the subject of forcible rape cases in particular has suggested some reasons why their prosecution is problematic. In an article entitled "Rape: Who's on Trial?" Mermey asserts that the victim becomes the defendant in a rape case; her characteristics and behavior become more important than those of the defendant.[9] Repeated questioning by the prosecutor and later by the defense attorney—actual or anticipated—could discourage a victim from cooperating in the prosecution of a case. Two studies, one by Bohmer and Blumberg and one by Holmstrom and Burgess, have pointed out specific problems in the prosecution of a case that cause difficulties for the victim, including numerous delays in the court process, accompanied by frequent, fruitless trips to court.[10] If the case survives to the trial stage, the questions asked there may invade the victim's privacy, while the defendant's privacy remains intact.[11] In terms of evaluating their treatment by criminal justice personnel, the victims in both of the above studies saw the police as more empathetic and helpful than the prosecutor.

In the discussion that follows, the prosecution of rape cases will be analyzed in two ways. First, the handling of rape cases will be compared with that of four other serious crimes. This will enable us to determine which kinds of case attrition are associated with rape in particular, and which are associated with serious crimes in general. The second subsection will identify the types of cases most likely to result in conviction.

At the time the cases in this analysis were being processed by the criminal justice system—1973 and 1974, the law in the District of Columbia required corrobating evidence of the rape victim's story in order to secure a conviction. In May 1976, that requirement was eliminated. Following the discussion of the prosecution of cases in 1973–74, we will look at the extent to which changes in the corrobation requirement appear to have affected the number of arrests and the prosecution of forcible rape cases.

The Prosecution of Forcible Rape and Other Serious Crimes

One of the questions raised by the District of Columbia Task Force on Rape was whether sexual assault is unique, or whether other serious crimes also have high attrition rates during the court process. To explore this question, we computed conviction rates for forcible rape and four other serious crimes: homicide, assault, robbery, and burglary. The percentage of 1973 arrests for these crimes that resulted in either a plea or finding of guilt is shown in Table 8.

One out of five arrests for forcible rape resulted in conviction in 1973, a rate much lower than that for murder, robbery, or burglary. The only crime with a rate at all comparable was aggravated assault. The next question becomes: At what point do cases drop out of the system and for what reason?

Table 9 shows the rate at which cases involving the same five crimes are accepted for prosecution at screening. Seventy-four percent of the forcible rape cases were accepted at screening. Only aggravated assault had a lower rate of acceptance. Homicide cases were virtually always prosecuted. Robbery and burglary cases had an 88 percent acceptance rate, also quite a bit higher than forcible rape.

Table 8.
Conviction Rates for Five Serious Crimes, Superior Court, Washington, D.C., 1973

Type of Case According to Most Serious Police Charge	Conviction Rate[a]
Murder and manslaughter	51% (196)[b]
Aggravated assault	26% (1,879)
Robbery[c]	36% (1,400)
Burglary[c]	48% (916)
Forcible rape	20% (260)

Source: PROMIS.
[a]Computed as guilty pleas and guilty findings divided by arrests. Open cases, i.e., cases that do not have a final disposition, are excluded.
[b]Base N is the number of arrests in 1973, excluding open cases.
[c]Includes attempts.

Table 9.
Prosecution Rates for Five Serious Crimes, Superior Court, Washington, D.C., 1973

Type of Case According to Most Serious Police Charge	Prosecution Rate[a]
Murder and manslaughter	97% (249)[b]
Aggravated assault	70% (2,002)
Robbery[c]	88% (1,657)
Burglary[c]	88% (1,059)
Forcible rape	74% (297)

Source: PROMIS.
[a]Computed as cases filed by the prosecutor at screening divided by arrests.
[b]Base N is the number of arrests in 1973.
[c]Includes attempts.

One way of beginning to understand why forcible rape cases are dropped is to look at the reasons given by the prosecutor for rejecting a case (Table 10). The reasons, as stated, may not be completely accurate, since the prosecutors are asked to explain their decision by choosing from a list of PROMIS reason codes, and they are likely to vary in their conscientiousness, or in their interpretations of the reasons they have to choose from. Nevertheless, some of the differences apparent in Table 10 are large enough to indicate some real differences in the actual reasons for case attrition. Homicide cases are not included in the table because only 3 percent of the cases were declined prosecution.

Three of the seven reasons listed in Table 10 were used to explain 70 percent or more of the case rejections for the four types of crime, but the frequency with which each of the reasons was used varied considerably by type of crime. Forcible rape cases, for example, were less likely than the other three types of cases to be

Table 10.
Reasons Recorded by Prosecutor for Rejecting a Case at Screening for Four Types of Crime, Superior Court, Washington, D.C., 1973

Reason for Not Prosecuting a Case	Type of Case			
	Forcible Rape	Aggravated Assault	Robbery[a]	Burglary[a]
Complaining witness no show or signs off	18%	61%	34%	22%
Witness personal credibility questioned	21	2	7	2
Evidence insufficient	38	12	34	47
Lack of prosecutive merit	9	15	9	9
Element of offense missing	6	4	5	5
Good defense	5	4	4	2
Other reason	3	2	7	12
All rejected cases	100% (77)	100% (595)	100% (205)	100% (130)

Source: PROMIS.
[a]Includes attempts.

dropped at screening because the victim refused to prosecute. This is particularly noticeable when rape cases are compared with aggravated assaults—61 percent of the aggravated assaults but only 18 percent of the forcible rapes were declined because of an apparent lack of willingness to cooperate on the part of the victim. The victim's reluctance to become involved in the prosecution of the case does not appear to be a problem that is uniquely characteristic of forcible rape cases, and indeed is less of a problem than in other types of serious crime.

The witness's personal credibility, however, does appear to be more of a problem in rape cases than in the other cases. Twenty-one percent of the rejections were explained by this reason. For aggravated assaults and burglary, this reason was given for 2 percent of the total rejected group. For robbery, the rate was 7 percent—still only one-third that for sexual assault. These percentages support the common assertion that a victim of forcible rape is less frequently believed and more frequently suspected of fabricating a story than other victims. From this analysis, we cannot tell whether such suspicions are warranted.

The reason used most frequently to explain the attrition of rape cases at screening was insufficient evidence. Forcible rapes were more likely to be rejected for this reason than robberies and, in particular, aggravated assaults. This is not surprising, since several different types of evidence must be present to secure conviction in a rape case, but not in an assault case.[12] For burglaries, close to 50 percent of the rejections were attributed to evidence reasons, which, again, is not all that surprising when we consider that burglaries typically take place in unoccupied buildings or dwellings.

Once a case is accepted for prosecution at screening, it must pass through several additional legal steps before it goes to trial or is otherwise disposed. Table 11 shows the percentage of cases that resulted in one of four outcomes: a dismissal

Table 11.
Final Disposition of Four Serious Crimes, Superior Court, Washington, D.C., 1973

Final Disposition	Type of Case			
	Forcible Rape	Aggravated Assault	Robbery[a]	Burglary[a]
Dismissal by the prosecutor or judge[b]	58%	52%	48%	35%
Grand jury ignoramus	8	2	3	2
Guilty plea	22	28	31	44
Case tried by judge or jury	11	17	17	19
All closed cases accepted for prosecution	100% (183)	100% (1,284)	100% (1,195)	100% (786)

Source: PROMIS.
[a]Includes attempts.
[b]In Washington, D.C., a dismissal by the prosecutor before indictment is known as a nolle prosequi and after indictment as a dismissal.

by the judge or prosecutor, a grand jury ignoramus (i.e., the grand jury refuses to return an indictment), a plea of guilty, or a trial. In general, all types of cases are much more likely to be dismissed or to result in a guilty plea than to go to trial.

Forcible rapes were the most likely of the four types of serious crime cases to be dismissed and the least likely to result in a guilty plea or a trial. Fifty-eight percent of the forcible rape cases that were accepted at screening were later dismissed by the judge or prosecutor. The grand jury was also more likely to "ignore" a forcible rape case than an aggravated assault, a robbery, or a burglary. Thus, it appears that not only the prosecutor, but also the grand jury and the judge are more skeptical of forcible rape cases than of other cases. Again, this may be because charges of rape require more proof than other charges.

As noted, the defendant is less likely to plead guilty in a rape case than in the other cases, and the case is less likely to go to trial. Although one of the arguments advanced in the literature on rape is that victims are traumatized by the questions asked during the trial, it is clear that few of the victims actually undergo this experience. Of the 220 cases of forcible rape accepted for prosecution in 1973, only 21 cases had gone to trial by March 1975. In those cases that did go to trial, the prosecutor appeared to have a slight edge. Twelve of the 21 defendants, or 57 percent, were found guilty. However, for each of the other four types of crime, the prosecutor more frequently achieved a guilty finding or verdict at trial.

We can also learn from the PROMIS data the reasons that were given by the prosecutor for dismissals (by the prosecutor or by the judge), as we did for the screening decision. The same limitations apply to any analysis of these reasons, as mentioned previously in regard to the reasons given for dropping a case at screening. Table 12 shows that, in contrast with the screening decision, almost twice as many reason categories were commonly used to explain dismissal decisions. Consequently, it is more difficult to interpret the results. In addition, for many cases no reason was given for the decision to dismiss. This ranged from 14 percent of the aggravated assault dismissals to 36 percent of the forcible rape dismissals.

Table 12.
Reasons Recorded by the Prosecutor for a Dismissal by the Judge or Prosecutor for Four Serious Crimes, Superior Court, Washington, D.C., 1973

Reason for the Dismissal[a]	Type of Case			
	Forcible Rape	Aggravated Assault	Robbery[b]	Burglary[b]
Complaining witness no show, signs off, or cannot be located	25%	53%	21%	15%
Evidence problems	9	1	13	5
Problem with an essential witness	6	8	3	4
Defendant successful in diversion program	—	2	1	8
Lack of prosecutive merit	3	6	1	3
Case will be brought to grand jury	2	2	5	9
Offense trivial or insignificant	4	3	6	7
Element of offense missing	4	1	2	4
Witness story implausible or contradicted by other testimony	7	1	5	1
Private remedy	1	1	—	1
Pled to other case in exchange for nolle	—	1	2	7
All other reasons	5	6	10	10
Reason not given	36	14	31	28
All dismissals	100% (105)	100% (667)	100% (575)	100% (272)

Source: PROMIS.

[a] Both dismissals by the judge and the prosecutor are included. In the District of Columbia, a dismissal by the prosecutor before indictment is known as a nolle prosequi and after indictment as a dismissal.

[b] Includes attempts.

The frequency with which most reasons were used varied little by type of crime. An important exception to this general statement, however, is the combination of reasons concerning problems with the victim or complaining witness. As in the screening decision, the decision to dismiss aggravated assault cases was most likely to be associated with complaining witness problems. Forcible rape cases were not dismissed for this reason as frequently as assaults, but the rate—25 percent—was somewhat higher than that for robbery and burglary. This may indicate that the police are able to get a victim through the screening process, but that continued contact with the court system then begins to discourage the rape victim, more than the robbery or burglary victim, from proceeding further. On balance, however, the percentage of cases dropped because of a problem with the

victim is not so high that we can conclude that the reason rape cases are dropped is because victims are just not willing to go through with the court process.

For most other reason categories, there was only slight variation among the four crimes. "Element of offense missing" and "witness story implausible or contradicted by other testimony," however, accounted for a higher percentage of dismissals in rape than in other cases. The latter finding is consistent with our earlier finding that the victim's personal credibility is more likely to be questioned at screening in a sexual assault case than in other types of cases. "Element of offense missing" indicates that either penetration or use of force, as described in footnote 12, could not be established. It is not the fact that *more* elements have to be established in rape cases than in others, but rather that the nature of the elements is problematic. Proving that an assault was against a person's will is not difficult; proving that a rape was against the woman's will is difficult, since under other circumstances she may be willing to have sexual intercourse.

Factors Associated with Conviction in Rape Cases

We have established that forcible rape cases are more likely to be dropped than other kinds of cases and that the reasons for this pattern do not necessarily conform to prior expectations that reluctant victims are responsible for much of the case attrition. On the other hand, we have seen that the victim's credibility is more frequently questioned in rape cases and that evidentiary difficulties seem to be a larger part of the problem with rape cases than with others.

Another way of gaining insight into the problems encountered in the prosecution of forcible rape cases is to examine characteristics of the cases that are associated with conviction.

An interesting framework for such an analysis is provided by a study on forcible rape conducted by the Battelle Institute.[13] As part of the project, the study team surveyed prosecutors in 150 cities to learn what factors the prosecutors considered most important in filing a case and in obtaining a conviction. The responses to the survey are summarized in Table 13. Some of the characteristics included in the table were available for analysis in the District of Columbia and others were not.

The analysis of the District of Columbia data was conducted using multiple regression techniques. Included were those cases in which a forcible rape charge was brought by the police in 1973 or 1974. At the time the data were prepared for this analysis, 488 such cases were closed. Readers interested in the details of the regression analysis should consult the appendix. (The appendix also contains a list of all the variables considered in the analysis.) Throughout the discussion, we will identify those regression results that were "statistically significant" in predicting conviction on any charge, when other factors were controlled for.[14] It should be noted that the survey results obtained by Battelle were reported separately for the screening decision and for conviction. In this analysis, the net result of both decisions was examined. As shown in Table 13, the factors listed generally had about the same rank for both decisions.

The results obtained for the District of Columbia did not conform to those obtained in the prosecutor survey. Some characteristics seen as very important by most prosecutors were not at all significant in the District of Columbia, while other characteristics seen as important by only a few prosecutors turned out to be very important. We shall proceed down the list in Table 13 in order, beginning with those characteristics seen as most important by the prosecutors.

Eighty-three percent of the prosecutors responding to the survey ranked "use of physical force" as the most important factor in both filing charges and obtaining

Table 13.
Most Important Factors Involved in Obtaining a Conviction of Forcible Rape, According to Prosecutors' Opinions

Rank in Obtaining Conviction	Rank in Decision to File Charges	Factor	Percent Choosing This Factor
1	1	Use of physical force	83%
2	5	Injury to victim	76%
3	3	Promptness of reporting†	70%
4	2	Proof of penetration†	68%
5	9	Resistance offered by victim	66%
6	8	Use of weapon	64%
7	4	Extent of suspect I.D.†	64%
8*	7	Relationship between victim and suspect	55%
9	6	Circumstances of initial contact†	54%
10*	10	Witnesses	52%
11	11	Suspect's previous record	26%
12*	12	Age of victim and suspect	24%
13*	15	Sexual acts other than intercourse	22%
14	13	Alcohol or drug involvement	9%
15	17	Accomplices	7%
16	18	Race of victim and suspect	6%
17*	14	Victim's previous arrest history	6%
18	16	Location of offense†	5%
19	19	Occupation of suspect	1%

Battelle Memorial Institute Law and Justice Study Center, *Forcible Rape: A National Survey of the Response by Prosecutors* (Washington, D.C.: Government Printing Office, 1977): Table 30, p. 19.
*Indicates which of the factors in the table were found to be important predictors of conviction in the District of Columbia.
†Indicates which of the factors in the table could not be examined using any variable in the PROMIS data.

a conviction. This item is related to that listed as the second most important factor in obtaining conviction—injury to the victim. These two items could not be measured precisely in this form using the D.C. data, but could be measured indirectly by the seriousness of the incident, as reflected in the Sellin-Wolfgang index, an aggregate measure of the extent of physical injury, threats, use of weapon, and so on.[15] The seriousness of the crime, as measured by the index, was not found to predict conviction. In the regression analysis, more serious cases were no more likely to result in conviction than others.

The third factor—promptness of reporting—also could not be measured in the D.C. data, but the effect of the amount of time between the offense and the arrest could. Contrary to what one might expect, cases in which the arrest was made shortly after commission of the offense were *not* more likely to result in conviction.

Time Between the Offense and Arrest	*Conviction Rate (closed cases)*	
Same time	17%	(46)
Up to 30 minutes	29%	(35)
30 minutes to a day	24%	(154)

One day to one week	20%	(130)
One week to one month	40%	(78)
Over one month	36%	(45)
All closed 1973 and 1974 rape cases	26%	(488)

The group with the highest conviction rate, as shown above, included those cases in which an arrest was made between one week and a month after the crime was committed. This time category was the only one that was statistically significant in the multivariate analysis. Arrests in these cases are probably the result of police investigation. These cases frequently involve strangers, rather than persons who know one another, and thorough preparation of the case by investigators may be having the beneficial effect.

The next item examined was "use of a weapon." In the multivariate analysis, use of a weapon, either a gun or another weapon, was not statistically significant. However, if we ignore other factors, we see that cases in which a gun was used resulted in a conviction more frequently than cases in which another type of weapon, or no weapon, was used.

Use of Weapon	*Conviction Rate (closed cases)*	
Gun	33%	(107)
Other weapon	26%	(50)
No weapon	24%	(331)
All closed 1973 and 1974 rape cases	26%	(488)

Use of a gun was also highly associated with two other case characteristics: whether property or other evidence was recovered and whether an additional charge, other than one of the seven sexual assault charges, was brought initially by the police. If another charge was involved in the rape case—weapons possession, robbery, burglary—the case more frequently resulted in conviction. The conviction rate was 39 percent for the 83 cases in which another charge was brought. If property or other evidence was recovered, the conviction rate was 35 percent, based on 63 cases. In the multivariate analysis, the association between conviction likelihood and whether property or evidence was recovered was statistically significant, while that between conviction likelihood and use of a weapon and between conviction likelihood and another charge being brought in the case were not. This suggests that rape cases involving a gun more frequently result in conviction not because a gun was used but because the fact that property or other evidence was recovered strengthened the prosecutor's case.

Item seven—extent of suspect identification—was another that could not be examined using D.C. data. Item eight—the relationship between the victim and suspect—was listed as being important by 55 percent of the prosecutors. In this instance, their perceptions were matched by the D.C. results. The conviction rate was lower for those cases in which the victim and defendant knew one another. The closer the relationship, the lower the conviction rate. In the multivariate analysis, the four categories shown above were tested, but only the category of "acquaintance" was statistically significant. Even though this category does not imply a boyfriend/girlfriend relationship, it appears that the credibility of the victim's story is affected by her even knowing the defendant.[16]

Relationship Between Victim and Defendant	*Conviction Rate (closed cases)*	
Cohabiting, ex-spouse or girlfriend/boyfriend	9%	(21)

Friend	10%	(40)
Acquaintance	19%	(118)
Stranger	27%	(195)
Relationship unknown	41%	(114)

The tenth item listed in Table 13 is whether there were witnesses. This was the last factor in the list seen as important by a majority of the prosecutors; however, it seemed to be an important influence on conviction for rape in the District of Columbia. In 59 percent of the cases, the victim was the only witness, other than the police officer. In the other 41 percent, there was at least one other lay witness. This does not mean that the witnesses actually saw the offense being committed, which probably occurs only infrequently. There can be witnesses, however, to the fact that the victim was very upset after the offense occurred, or that the victim was seen with the defendant. If there were any witnesses other than the victim, the conviction rate was 35 percent. With only the victim as a witness, the conviction rate was 20 percent. Whether there was a witness other than the victim was found to be significantly related to whether there was a conviction.

The remaining nine items in Table 13 were seen as important by less than 26 percent of the prosecutors responding to the survey. Several of them, however, were important predictors of conviction in this analysis.

Item 11—the suspect's previous record—was not found to be important in our analysis. Previous record was measured in four ways: whether the defendant had an arrest record, whether he was arrested in the past five years, whether he was on bail at the time of arrest, and whether he was on probation or parole at the time of arrest. Each item was considered separately in the multivariate analysis, and none was found to be significantly associated with conviction.[17]

The ages of the suspect and victim were considered important by only 24 percent of the prosecutors surveyed by Battelle, but they were found to be predictors of conviction in this analysis. The youngest defendants were the most likely to be convicted, and the chances of conviction continued to decline as the age of the defendant increased.

Age of Defendant	*Conviction Rate*	
Teenager	43%	(103)
Twenties	23%	(265)
Thirties	21%	(81)
Forty or older	13%	(39)

Only the finding for teenagers (18-19) was statistically significant in the multivariate analysis, when dummy variables were used.[18]

For victims, it is more difficult to draw strong conclusions about the effect of age on the convictability of the case. Cases in which the age of the victim was unknown had a very high conviction rate, which suggests that the unknowns were not randomly distributed. Considering only those cases in which the victim's age was known, it appears that cases with the youngest and the oldest victims were the most likely to result in conviction. This may be because younger and older victims generate more sympathy than victims at the peak of their physical attractiveness. The rape of a child or an older woman may be considered more heinous. Also, cases with very young victims may involve charges of carnal knowledge or indecent acts, which means the victim's consent would not be at issue in the case and, therefore, a conviction might be more likely. The victims least likely to have their cases result in conviction were in the 16 to 29 age group. (This was also the only age category found to be significant in the regression analysis.)

Age of Victim	*Conviction Rate*	
Child (1-12)	30%	(27)
Teenager (13-15)	23%	(52)
Young adult (16-29)	19%	(240)
Thirties (30-39)	24%	(46)
Over forty	44%	(39)
Age unknown	42%	(84)

Another item not considered very important in the prosecutor survey was whether additional sexual acts other than intercourse were involved. For our analysis, a variable was constructed for cases in which a forcible sodomy charge was also brought, in order to test whether this item had any effect on conviction. It appeared to be highly significant in adding to the likelihood of conviction. Fifty percent of the 48 cases in which such a charge was brought ended in conviction. Perhaps this is an indicator of lack of consent and may be the variable that matters rather than "use of physical force" or "injury to the victim."

Items 14 (alcohol or drug involvement by the victim or defendant), 15 (accomplices), and 16 (race of the suspect) were not found to have an impact on conviction. The second part of item 16 (race of the victim) could not be measured in our analysis, because the information was not collected in PROMIS during 1973 and 1974.

The victim's arrest record—the 17th item—was significant, however. Seven percent of the victims did have an arrest record, and their cases were less likely to result in conviction. This finding is interesting in light of the finding that the suspect's previous record did not influence conviction. Earlier, we discussed the fact that *victims* must testify in the case, whereas defendants may or may not. When the victim testifies, she may be "impeached" as a witness if she has prior convictions. The defendant's criminal history, however, can be introduced in court only if he chooses to testify.

To summarize this discussion, five variables were found to increase the chances of conviction in a forcible rape case in the District of Columbia:

- Whether the defendant was in the 18 to 19 age group;
- Whether a sodomy charge was also brought;
- Whether property or other evidence was recovered;
- Whether the time between offense and arrest was between a week and a month; and
- Whether there were witnesses other than the victim.

Three characteristics of the victim were found to decrease the likelihood of conviction:

- Whether the victim was between 16 and 29 years of age;
- Whether the victim had an arrest record; and
- Whether the victim was an acquaintance of the defendant.

These results differ from those that would be expected looking at Table 13. Several of the factors considered important by the prosecutors in the survey did not predict conviction in the District of Columbia, and the reverse was also true. Not every variable that might influence conviction could be tested in the analysis, however. Some of the factors suggested as important by the prosecutors surveyed by Battelle were not available in the PROMIS data. Including such variables as "proof of penetration" might have changed the results, but this can be tested only by further research.

Changes in the Corroboration Requirement in May 1976

As noted earlier, during the period of study the law in the District of Columbia required corroborating evidence of the rape victim's story in order to secure a conviction. Both elements of the rape had to be corroborated: penetration and lack of consent by the victim. Examples of corroborating evidence would be:

- A witness who saw the defendant make the victim enter a car,
- Bruises, blood stains, and the like,
- A witness who saw that the victim was very upset immediately after the incident, or
- Medical test results showing the presence of the defendant's semen.

Many states require corroboration for rape, but not other crimes, because the victim is considered to be more likely to falsely accuse a man of rape than of another crime. Falk, in discussing the "hysterical" way in which sex offenses are sometimes treated, wrote that "often these crimes are the products of the imagination of women and children who accuse innocent men."[19] Similarly, an article in the *Columbia Law Review* stated: "Surely the simplest and perhaps the most important reason not to permit conviction for rape on the uncorroborated word of the prosecutrix is that the word is very often false."[20] This line of argument has been countered by the argument that a number of factors discourage a rape victim from making a false claim. An article in the *Yale Law Journal*, for example, points to the stigma and publicity of being labeled a rape victim, the unpleasantness of testifying, and the fear of confronting the defendant in court.[21]

In the analysis for 1973 and 1974, the existence of corroboration could be measured directly through the information recorded by the prosecutor at screening. This item was not found to influence conviction in the regression analysis. However, as we saw in the previous section, two indirect measures of corroboration were found to be significant predictors of conviction: whether there was a witness other than the victim in the case and whether property or other evidence was recovered.

In May 1976, the corroboration requirement in the District of Columbia was dropped. One might expect more arrests and convictions after this date, since presumably the evidence needed for conviction is less. We can examine whether either trend occurred by looking at data for 1976.

As shown below, the number of reported forcible rapes in the District of Columbia has steadily declined since 1973.[22] In 1976, the number was slightly more than one-half that in 1973.

Year	*Number of Reported Forcible Rapes*
1972	534
1973	627
1974	488
1975	437
1976	328

As we noted earlier, it is difficult to tell whether these figures reflect trends in actual incidence or in reporting. We can at least say, however, that the change in the corroboration requirement did not produce a surge of reporting within the District of Columbia community in 1976.

Whether the conviction rate might change as a result of dropping the corroboration requirement has been viewed skeptically by other authors. Hibey points out, for example, that a jury may not always react rationally. The fact that the corrob-

oration requirement has been dropped does not mean that a jury will not still weigh that factor when deliberating.[23]

In fact, there appears to be little change in the conviction rate in the last half of 1976. Of the 50 closed cases we could analyze, 10 cases, or 20 percent, had resulted in conviction. (This compares with a conviction rate of 26 percent for charges of forcible rape brought in 1973 and 1974.) Perhaps it will take several years for the conviction rate to increase after such a change in law, or perhaps it will take a change of attitude on the part of the public. In any event, we have found no evidence to this point that indicates that a change in the corroboration requirement in the District of Columbia has any effect on either arrests or convictions.

CHARGE REDUCTIONS IN RAPE CASES

In the previous two sections, we have considered whether a defendant initially arrested for forcible rape will be convicted of any charge. We learned that conviction in forcible rape cases is even less likely than in other types of serious cases.

Table 14 shows a distribution of the most serious charges on which defendants were convicted if initially charged with forcible rape in 1973 or 1974. Almost 80 percent of the convictions were for a felony charge. One-third were for forcible rape or rape while armed, and other sexual assault charges accounted for another 16 percent of the convictions. Reducing a forcible rape charge to a charge of carnal knowledge or indecent acts is a way of obtaining a conviction if the victim is under 16 years of age.

A conviction for robbery or burglary as the most serious charge was obtained in 20 percent of the cases in which a forcible rape charge was the most serious police charge. Of those forcible rape charges that ended in a misdemeanor conviction, most were convictions for simple assault.

Table 14.
Most Serious Convicted Charge for Cases in Which the Police Brought a Forcible Rape Charge, Washington, D.C., 1973-1974

Most Serious Charge on Which Defendant Convicted	Number of Cases	
Misdemeanor:		
simple assault	21	20%
other	5	
Felony:		
sexual assault charge—		
rape while armed	14	
forcible rape	29	
carnal knowledge	8	
assault with intent to rape	5	49%
indecent acts	6	
sodomy	1	
robbery	16	20%
burglary	10	
other	12	10%
unknown	1	1%
All cases resulting in conviction in which police charge was forcible rape	128	100%

Source: PROMIS.

Charge reduction in forcible rape cases is more frequent than in robbery cases. Seventy-three percent of the persons convicted in robbery cases in 1974 were convicted of some type of robbery charge, while only 49 percent of the persons convicted in forcible rape cases in 1973 and 1974 were convicted on a sexual assault charge.[24] In the next section, we investigate the sentences imposed for different types of convicted charges.

SENTENCING OF DEFENDANTS CONVICTED IN FORCIBLE RAPE CASES

The argument has been made by Gager and Schurr and others that the high penalties for rape reduce the chance of conviction.[25] Rape is equal to murder in terms of the maximum sentence that can be imposed, and judges and juries may be reluctant to find a person guilty of a charge that carries a life sentence. Others argue that higher rather than lower penalties should be imposed to deter others from such acts. An early study of the Philadelphia court, however, found that after an increase in the penalty for rape and attempted rape in Pennsylvania, there was no decrease in the incidence of the crime.[26]

In the District of Columbia, the sentences imposed on persons arrested for forcible rape in 1973 and 1974 and later convicted were substantial. Table 15 shows the distribution of sentences for all defendants who initially were charged with forcible rape and were then convicted of any charge. Persons receiving

Table 15.
Sentences Imposed in Cases with an Initial Charge of Forcible Rape, Superior Court, Washington, D.C., 1973 and 1974

Sentence	All Types	Charge on Which Convicted: Rape While Armed	Forcible Rape	Simple Assault
Probation or suspended	22%	—	3%	52%
Federal Youth Corrections Act[a]				
A	5%	7%	10%	5%
B or C	17%	7%	21%	19%
NARA[b]	5%	—	—	5%
Under 1 year minimum	5%	—	7%	—
1 year minimum	5%	—	3%	14%
2 years minimum	2%	—	—	—
3 years minimum	12%	21%	17%	—
5 to 9 years minimum	12%	21%	27%	—
10 to 15 years minimum	10%	36%	10%	—
Unknown	4%	7%	—	5%
Total	100% (128)	100% (14)	100% (29)	100% (21)

Source: PROMIS.

[a]Sentences imposed under the provisions of FYCA (A) involved probation; under the provisions of FYCA (B) and (C), they involve alternative incarceration with differing release conditions.

[b]Sentences imposed under NARA—the Narcotics Addict Rehabilitation Act—involve alternative incarceration.

probation, a suspended sentence, or probation under the Federal Youth Corrections Act (A) are considered to be "out on the street." Of the 128 defendants convicted on any charge, only 27 percent were given sentences that did not require them to serve time in prison. This compares with 42 percent for all convicted felons in 1974.[27] One reason that the proportion is even as high as 27 percent is that about 25 percent of the rape defendants were convicted of a misdemeanor. Simple assault is by far the most common type of misdemeanor conviction in a rape case. Over half of those convicted of simple assault received no prison time.

For those few defendants who were convicted of rape while armed or forcible rape, there were few instances in which the defendant was not incarcerated. Seven percent of those convicted of rape while armed and 13 percent of those convicted of forcible rape did not receive a prison sentence. Those who did receive a prison term frequently were sentenced to many years in prison. Fifty-seven percent of those convicted of rape while armed and 20 percent of those convicted of forcible rape had a minimum sentence of 5 years or more. Since a minimum sentence is one-third or less of the maximum, these defendants could serve as many as 15 to 20 years in prison.

Notes

1. Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, *Criminal Victimization Surveys in 13 American Cities* (Washington, D.C.: Government Printing Office, 1975): 246; Federal Bureau of Investigation, *Uniform Crime Reports 1973* (Washington, D.C.: Government Printing Office): 224.

2. Law Enforcement Assistance Administration, *San Jose Methods Test of Known Crime Victims,* Statistics Technical Report No. 1 (Washington, D.C.: Government Printing Office, 1972): 9.

3. Using the sources cited in footnote 1, the following comparisons were made:

	Victimization Survey			UCR
	Number of Rape Victimizations	Percentage Reported to Police	Expected Number Reported to Police	Actual Reported Rapes
Boston	700	50%	350	376
Buffalo	600	53%	318	191
Cincinnati	500	37%	185	203
Houston	2,300	34%	782	557
Miami	300	58%	174	86
Milwaukee	1,200	56%	672	175
Minneapolis	1,100	48%	528	236
New Orleans	1,100	46%	506	243
Oakland	700	54%	378	220
Pittsburgh	700	51%	357	274
San Diego	1,100	52%	572	173
San Francisco	1,600	37%	592	540
District of Columbia	600	65%	390	596

4. Richard L. Dukes and Christine L. Mattley, "Predicting Rape Victim Reportage," *Sociology and Social Research* 62, no. 1 (1977): 63–84.

5. Clifford Kirkpatrick and Eugene J. Kanin, "Male Sex Aggression on a University Campus," *American Sociological Review* 22, no. 1 (1957): 52–58; Eugene J. Kanin, "Male Aggression in Dating-Courtship Relations," *American Journal of Sociology* 63, no. 2 (1957): 197–204.

6. Figures from the *Annual Report of the Metropolitan Police Department* in the District of Columbia for fiscal year 1973 indicate that the percentage of *unfounded* offenses was higher for rape than for any of the other Part I offenses, but the proportion was not large in absolute terms (8 percent). An article written over a decade ago took such figures as evidence that rape is "one of the most falsely reported crimes." "Police Discretion and the Judgment That a Crime Has Been Committed," *University of Pennsylvania Law Review* 117, no. 2 (1968): 277–322. A more recent article might take a different perspective on why the police might be less likely to believe a rape victim than a victim of some other offense.

7. For example, in fiscal year 1973 clearance rates by arrest and other means for some of the major offenses were: aggravated assault, 72 percent; rape, 70 percent; murder and non-negligent manslaughter, 66 percent; robbery, 25 percent; and burglary, 20 percent. *Annual Report Metropolitan Police Department, Fiscal Year 1973* (Washington, D.C.): 14.

8. The District of Columbia Code gives the U.S. Attorney discretion to prosecute as adults those 16 and 17 year olds arrested for murder, forcible rape, armed robbery, first degree burglary, and assault with intent to commit any of the above offenses. (Title 16, § 2301 (3) (A).)

9. Joanna Mermey, "Rape: Who's on Trial?" *Jurisdoctor* 4 (December 1974): 23–28.

10. Carol Bohmer and Audrey Blumberg, "Twice Traumatized: the Rape Victim and the Court," *Judicature* 58 (March 1975): 391–99. Lynda Lytle Holmstrom and Ann Wolbert Burgess, "Rape: the Victim and the Criminal Justice System," *International Journal of Criminology and Penology* 3, no. 2 (1975): 101–10.

11. While the defense attorney has discretion as to whether he will put the defendant on the witness stand, the prosecuting attorney must call the victim to testify or there is no case. Thus, the defense attorney can question the victim-witness about her previous sexual behavior and whether she has a conviction record, but similar information about the defendant cannot be introduced in court if the defendant does not take the witness stand.

12. Two elements of the offense must be proven in rape: that there was penetration and that the rape was against the will of the victim. These are not that difficult to establish based on the victim's testimony. However, there must be corroborative evidence of some type for each element. This can be such testimony as: medical evidence of penetration, prompt reporting of the rape, or testimony by other witnesses as to the victim's state of mind after the offense.

13. Battelle Memorial Institute Law and Justice Study Center, *Forcible Rape: A National Survey of the Response by Prosecutors* (Washington, D.C.: Government Printing Office, 1977).

14. A variable was considered statistically significant at the 5 percent level in the multiple regression analysis. This means that the chances are only 5 out of 100 that if repeated samples were drawn from the same population, one would obtain a statistical association that large by chance alone.

15. For a description of the development of the index, see Thorsten Sellin and Marvin Wolfgang, *The Measurement of Delinquency* (New York: Wiley, 1964).

16. The high conviction rate for the cases in which the relationship was unknown is problematic. The results might differ if we knew what the relationship was between the victim and the defendant for these cases.

17. Because the four items were highly correlated, it was necessary to do four separate regressions to test the significance of the four variables. Each variable was tested by itself and with all the other variables that predict conviction.

18. When defendant age was included as a scalar variable, it was negatively associated with conviction, consistent with the results described above.

19. Gerhard J. Falk, "The Public Image of the Sex Offender," *Mental Hygiene* 48, no. 4 (1967): 616.

20. "Corroborating Charges of Rape," *Columbia Law Review* 67, no. 6 (1967): 1138.

21. "The Rape Corroboration Requirement: Repeal Not Reform," *Yale Law Journal* 81 (June 1972): 1365–91.

22. Based on the *Annual Reports of the Metropolitan Police Department*, Washington, D.C. Includes only offenses considered to be "founded," i.e., cases in which the police have reason to believe a crime was committed.

23. Richard Hibey, "The Trial of a Rape Case: An Advocate's Analysis of Corroboration, Consent and Character," in Leroy G. Schultz, *Rape Victimology* (Springfield, Ill.: Charles C. Thomas, 1975): 164–93.

24. Kristen M. Williams, *Robbery and Burglary: A Study of the Characteristics of the Persons Arrested and the Handling of Their Cases in Court*, PROMIS Research Publication no. 6 (INSLAW, forthcoming).

25. Nancy Gager and Cathleen Schurr, *Sexual Assault: Confronting Rape in America* (New York: Grosset and Dunlap, 1976).

26. Barry Schwartz, "The Effect in Philadelphia of Pennsylvania's Increased Penalties for Rape and Attempted Rape," *Journal of Criminal Law, Criminology and Police Science* 59, no. 4 (1968): 509–515.

27. Terence Dungworth, *An Empirical Assessment of Sentencing Practices in the Superior Court of the District of Columbia*, PROMIS Research Publication no. 17 (INSLAW, forthcoming).

6

Summary and Conclusions

Data from the District of Columbia contradict some of the myths about sexual assault and lend support to other commonly held opinions.

That it is primarily strangers who entice young children with candy in order to assault them sexually is not borne out by the cases brought to the D.C. Superior Court. The children in this study generally were approached by persons they knew—friends, acquaintances, family. If we consider how few of such encounters probably come to the attention of the police, the implications are frightening. Warning children not to accept a ride from a stranger may not be enough. Perhaps they should also be warned about the possible behavior of adults they know. Adult women, on the other hand, were not as often victims of "friendly" sexual assaults as might be expected. Over one-half of the adult encounters were between strangers and another one-quarter involved only "acquaintances." With adult victims, force was more frequently used, as measured by the presence of a weapon. With children, weapons were infrequent.

Occasionally, the newspapers will report about a sensational case in which the defendant has raped several women, or attacked several children. This type of behavior does *not* seem typical of sexual assault arrestees, at least insofar as we can tell by looking at their contact with the criminal justice system. Defendants arrested for sexual assault appeared to have arrest records no more frequently than other defendants. In addition, as a group they were not found to be highly recidivistic in terms of subsequent rearrests, reprosecutions, or reconvictions for serious crimes, at least in the few years that we followed them. Of course, this may be because a sexual assault defendant is more careful not to get caught than other defendants, or because their crimes more often go unreported. Nevertheless, based on an analysis of the behavior of defendants over several years, the frequent, serious repeaters seem to be those arrested for robbery, burglary, and to a lesser extent, larceny and assault, *not* those arrested for sexual assault. Those sexual assault defendants who were rearrested had a high proportion of rearrests for violent crimes. Taken together, the low recidivism rate for sexual assault defendants and the high proportion of rearrests for violent crimes among those who *did* repeat suggests that there are violent, pathological rapists, but that it may not be accurate to characterize most sexual assault defendants that way. An important area for further research would be to characterize the types of sexual assault defendants who are serious repeaters.

The idea that arrests for sexual assault frequently do not result in conviction is not a myth, but a reality. The problem seems larger than the perspective that rape is just another way that men oppress women. Sexual assault cases do not fare well in the courts, regardless of whether the victim is female or male, adult or child.

The pervasiveness of the difficulty in obtaining a conviction in these cases suggests that the different crimes of sexual assault may have a common element that makes them difficult to prosecute. Perhaps part of the difficulty is that unlike other crimes, which are inherently distasteful, sexual contact is at times desirable. No one wants to be murdered, assaulted, or robbed, but under the right circumstances people willingly engage in sexual activity. When an adult is victimized, it is difficult for people to judge whether the event really was against the victim's will. This determination is crucial in legally establishing the existence of a sexual assault. Even when the victim is a child, it seems that the use of force adds to the convictability of the case; those cases with charges implying lack of consent more frequently resulted in conviction. It seems likely that it is more than a matter of raising the prosecutor's consciousness about sexual assault. Society's attitudes may have to change if there is to be much of a change in the handling of these cases.

A number of other misconceptions come to light, specifically with respect to forcible rape. Many authors have tried to justify concentrating police and court resources on rape cases by picturing rape as a problem of epidemic proportions. This may be true in other jurisdictions, but the number of reported rapes in the District of Columbia declined from 1973 to 1976. It may be that fewer victims are reporting their victimizations to police, but this seems inconsistent with the fact that the crime has received a lot of attention, much of which has focused on improving the way rape victims are treated by the police and medical personnel so that they will not be discouraged from reporting.

The charge that the police do not respond to reports of rape appears unfounded. If the victim did report, it was likely that the police would clear the case. Unlike some other crimes, such as burglary and robbery, the chance that a rape suspect will be apprehended is fairly high. In addition to apprehending many rape suspects, the District of Columbia's Metropolitan Police Department has made many changes in its handling of rape cases in an effort to be more sensitive to the trauma a rape victim may experience in discussing the episode.

In their analysis of the prosecution of rape in 1972, the D.C. Task Force on Rape reported their concern that sexual assault cases did not fare well in the courts. They were not sure, however, whether this reflected normal attrition, experienced with all cases, or whether rape cases were particularly prone to dismissal. The latter seems to be true. In our analysis, rape cases were less likely to result in conviction than cases of robbery, burglary, and murder. The only crime with an attrition rate at all comparable was aggravated assault. There is an explanation for a large part of the attrition rate of assault cases, but it does not apply to rape. Over 60 percent of the rejections at screening and over one-half of the later dismissals in aggravated assault cases can be attributed to the complaining witness's decision to stop cooperating with the prosecutor. The attrition that results from such a decision on the part of the victim does *not* account for the attrition in rape cases. Attrition in rape cases is more likely to be the result of the prosecutor's judgment that the victim's credibility is questionable. We cannot tell from our analysis whether complaining witnesses in rape cases lie or exaggerate more frequently than complaining witnesses in other cases, but it is clear that they are perceived as doing so. It is not the victim's discouragement with the case that leads to the high attrition in rape cases, but the decisions made by the prosecutor and judge. Those decisions may be made in anticipation of a jury's response to the victim's story if the case goes to trial. Few cases do go to trial, however. Most fall out of the system before they reach that stage.

Our analysis of the characteristics of forcible rape cases that do result in conviction—on any charge—does not correspond to what would be expected on

the basis of previous research on the factors considered to be important predictors of conviction. Of five factors rated as important by a majority of the prosecutors responding to a national survey, two had the same relationship to conviction in our analysis: the social relationship between the victim and suspect, and whether there were witnesses. If the victim recognized the defendant, even if they were not friends, the case was more likely to be dropped. On the other hand, if there was a witness to the incident other than the victim, conviction was more likely.

Two items rated as important by the largest majority of prosecutors—the use of physical force, and injury to the victim—did not appear to affect conviction in our analysis. Nor did use of a weapon, in itself, appear to affect conviction. It does not seem to be the seriousness of the offense that is important to conviction, but rather whether specific items of evidence are available to prove either a rape charge or another charge. Cases in which property or other evidence was recovered resulted in conviction more frequently.

Some of the factors that ranked quite low in the survey turned out to be important predictors of conviction in our analysis. The age of the victim and the age of the suspect were both important to conviction. Young defendants were the most likely to be convicted, and both young and old victims were the most likely to have their cases end in conviction. Victims in the age group 16 to 29 were the least likely to have their cases result in conviction. Perhaps this pattern reflects a perception of dangerousness with a young defendant, and a perception of helplessness with a young or old victim. Sympathies may be aroused for an older defendant and a very young or old victim.

The chances of conviction were increased if a sodomy charge was also brought in the rape case and decreased if the victim had an arrest record. Interestingly, the victim's arrest record was significantly correlated with the likelihood of conviction, while that of the defendant was not. This lends support to the claim that it is the victim who is "on trial" in a rape case, not the defendant.

Since our analysis of the factors associated with conviction was based on data from 1973 and 1974, it is possible that things have changed since that time. In particular, we know that the requirement that there be corroboration of the victim's story was dropped in the District of Columbia in May 1976, which could make securing a conviction easier for the prosecution. However, when we looked at the 1976 data, we found not only that the number of reported rapes was much *lower* than in previous years, but also that there was no increase in the conviction rate for the last six months of 1976. In fact, the rate was somewhat lower than in 1973 and 1974. Conviction rates and reporting behavior may change in the future but as yet we see no move in that direction.

A substantial amount of charge reduction occurs in rape cases. This may be positive, insofar as it helps to obtain convictions. Perhaps a reason for the reductions is that the sentences given for a forcible rape conviction are quite substantial. If a defendant is facing a possible life sentence, a judge or jury may be extremely cautious about finding him guilty. As more attention has been drawn to rape cases, some jurisdictions have increased their penalties. This may be just the opposite of what is needed in order to improve conviction rates for these cases.

The findings in this study also suggest the need for further research in a number of areas. A basic problem is that we still do not have a clear idea of the magnitude of the problem of forcible rape. All crimes are underreported to the police, but whether the reporting of rape is more common or less common than the reporting of other crimes has not been substantiated empirically. Part of the difficulty is in determining when a rape really has occurred. Even disregarding this problem, we do not have a satisfactory way of knowing the rate at which women believe that

they have been raped. To ascertain such information, a carefully designed questionnaire would have to be developed.

The finding in this report that sexual assault defendants are not usually the worst recidivists needs corroboration from a study that allows a longer followup period. From the results presented here, it does not seem that targeting career criminal resources on all sexual assault defendants because they are likely recidivists is appropriate.

The prosecution of sexual assaults has received the most attention in this study. It has been clearly established that conviction rates are among the lowest of all crimes. How this can be changed, or even whether it should be changed, has not been so clearly established. Perhaps assigning cases to individual prosecutors would help, although lack of victim cooperation does not seem to be the crucial difficulty in rape cases. A major problem is the victim's credibility. Rape victims are not believed as frequently as other victims. Perhaps this is why corroboration is so important to the prosecution of the case. Testimony that strengthens the victim's story—evidence, witnesses, not knowing the defendant—add to the convictability of the case. On the other hand, if a victim has an arrest record her credibility is weakened, and conviction is less likely. A change in the corroboration requirement cannot be expected to have an effect on conviction rates as long as rape victims are frequently perceived as not telling the truth.

It has been suggested that forcible rape should be treated as a type of felonious assault under the law. The details of the sexual encounter would be less important than the fact that the victim was the target of a violent personal attack. The range of penalties that could be imposed would be the same as for aggravated assaults, and standards of proof and protections against violating the defendant's rights could also be the same. The feasibility of this approach could be explored further in a nationwide analysis of the relationship between the law in different jurisdictions and the way that rape cases are handled.

Any changes that may occur in the processing of arrests for sexual assault can, clearly, benefit from the available facts about this serious offense. It is less clear that our present laws and procedures have benefited as much from such facts as they have evolved from popular impressions and sensational accounts of isolated incidents.

Appendix

Multivariate Analysis of the Probability of Conviction

Many factors were considered in an effort to determine which ones were most closely associated with conviction in forcible rape cases. The multivariate technique used was multiple regression. Whether the defendant was convicted or not was the dependent variable.

The results of a multiple regression analysis with a dichotomous dependent variable can be interpreted as giving predicted probabilities between "0" and "1" that an event will occur. In this instance, it is the probability that a case with given characteristics will result in conviction. Each variable in the equation has a coefficient ("B" in the following table) that either adds a fractional amount to the probability of conviction or subtracts a fractional amount. Multiple regression analysis with a dichotomous dependent variable can be problematic for several reasons. First, the sum of the effects of all the coefficients for a given empirical case may be higher than 1 or lower than 0. Another problem is that the standard errors of the coefficients tend to be unstable. The coefficients are unbiased, but when computing whether they are significant by dividing them by their standard errors, the results might not be stable. However, there are fewer problems when the event being predicted is relatively frequent. Since the conviction rate for forcible rape is 26 percent, the problems described above are less likely to occur.

The following independent variables were tested to see whether they affected conviction.

Characteristics of the Defendant

- Age in years
- Whether the defendant has an arrest record
  1 if yes; 0 otherwise
- Whether the defendant uses opiates
  1 if yes; 0 otherwise
- Whether the defendant abuses alcohol
  1 if yes; 0 otherwise
- Whether the defendant is employed
  1 if yes; 0 otherwise
- Whether the defendant is on bail at the time of arrest
  1 if yes; 0 otherwise
- Whether the defendant is on probation or parole at the time of arrest
  1 if yes; 0 otherwise
- Whether the defendant has been arrested in the past 5 years
  1 if yes; 0 otherwise

Characteristics of the Victim

- Age in years
- Whether the victim uses heroin or opiates
  1 if yes; 0 otherwise
- Whether the victim abuses alcohol
  1 if yes; 0 otherwise
- Whether the victim is reluctant to testify
  1 if yes; 0 otherwise
- Whether the victim has an arrest record
  1 if yes; 0 otherwise
- Whether the victim provoked the defendant
  1 if yes; 0 otherwise
- Whether the victim participated in the offense
  1 if yes; 0 otherwise

Characteristics of the Incident

- Seriousness of the crime (Sellin-Wolfgang Index)
- Whether there were codefendants
- Whether there was a gun used during the offense
  1 if yes; 0 otherwise
- Whether there was a weapon other than a gun used during the offense
  1 if yes; 0 otherwise
- The relationship between the victim and defendant

Characteristics of the Case

- Whether property or evidence was recovered
  1 if yes; 0 otherwise
- Number of witnesses
- Time from offense to arrest
- Whether a sodomy charge was brought in addition to forcible rape
  1 if yes; 0 otherwise
- Whether there was corroboration
  1 if yes; 0 otherwise
- Whether a charge was brought initially that was not a sexual assault charge
  1 if yes; 0 otherwise

The analysis began by including all these variables in the equation. Some variables were found to be highly correlated with each other (seriousness, whether there was a firearm, and previous arrests, for instance). The variables in each of such groups were tested separately in the equation in order to determine whether problems of multicollinearity were preventing the coefficients from achieving significance. Variables were eliminated through the process of testing many alternative specifications until the results shown in Table A.1 were obtained.

The table gives information that predicts the probability of a conviction for a given case. As an example, suppose we have a rape case with the following characteristics: victim was the only witness; property or other evidence was recovered; no sodomy charge was brought; the defendant was 32 years old; the victim did not know the offender; the time from the offense to arrest was 2 weeks; the victim had an arrest record; and the victim was 18 years old. The probability of conviction would be 19 percent. This is obtained by summing the Bs for this particular case and adding this sum to the intercept.

The R^2 given in the table usually is interpreted as the percentage of variance in the dependent variable that is explained by the independent variable included in the equation. When the dependent variable is dichotomous, the R^2 tends to be much lower than when the dependent variable is an interval or ratio measure. The R^2 in the table is not that low when viewed from this perspective.

Table A.1
Regression Results on the Probability of Conviction in Forcible Rape Cases, Superior Court, Washington, D.C., 1973 and 1974

Independent Variables	Estimated B	Significance Level
At least one witness in addition to victim	.1478	<.001
Sodomy charge brought	.2818	<.001
Defendant age 18 to 19 years	.1773	<.001
Victim age 16 to 29 years	−.1339	<.001
Time from offense to arrest is one week to one month	.1718	<.001
Victim has arrest record	−.1535	<.05
Property or evidence recovered	.1139	<.05
Victim and defendant are acquaintances	−.0876	<.05

Notes:
N = 488
Intercept .1931
Multiple R^2 .164
Includes only cases that were closed at the time of the analysis

END