

58553



JOSEPH P. FOLEY
COMMISSIONER

The Commonwealth of Massachusetts
Office of Commissioner of Probation
211 New Court House, Boston 02108

RAPE DEFENDANTS IN
THE COMMONWEALTH OF MASSACHUSETTS
1974 - 1978

Joseph P. Foley
Commissioner of Probation

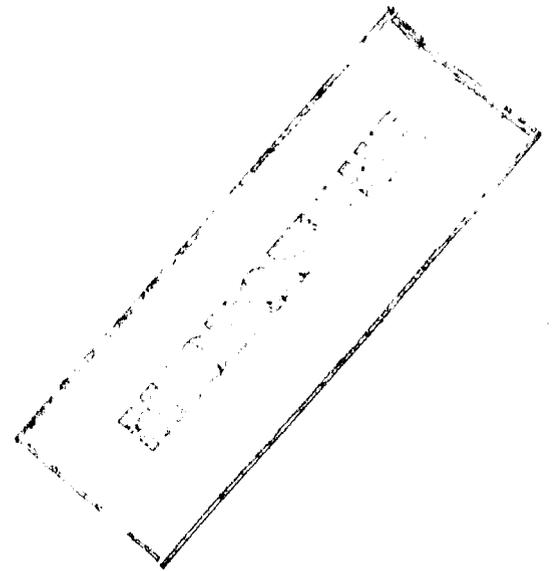
Marjorie Brown Roy
Director of Research

Thomas A. McDonagh
Research Assistant

Elizabeth A. Mills
Graduate Student Intern

Elise R. Sklar
Graduate Student Intern

JUNE 1, 1979



58553

I. INTRODUCTION

Rape is one of the most unreported crimes in the United States today. In the past, women have refrained from reporting rape due to the treatment they have received from the police and the courts. Although, in many cases, rape still continues to go unreported, pressure from women's movements has focused attention on this heinous crime.

In an effort to study the patterns and trends of rape in the Commonwealth of Massachusetts, the Office of the Commissioner of Probation collected data on arraignments for rape and rape-related offenses from 1974 to 1978. The Office of the Commissioner of Probation is unique in that Massachusetts is the only state which centrally stores all criminal and delinquency records statewide. Six million records, dating back to 1924, are stored in the Probation Central File.

This report is the first stage of a three part study. Stage two will contain:

- 1.) conviction rates for rape defendants.
- 2.) the average amount of time between arrest and trial.
- 3.) the average length of the sentence imposed on rape defendants or the treatment prescribed if the sentence is probation.

Stage three of the study will consist of information concerning convicted rapists which will be obtained at the court level. It will be a socioeconomic analysis of the rape defendant with such information as education, family background, and employment experience stressed. Research will also be conducted noting the relationship between the rapist and the victim, prior sexual history of the rapist, and finally, the race of the victim and the defendant.

II. METHODOLOGY

The first step in analysis began by alphabetizing all the record slips by year (1974-1978). Extensive cross-checking was then done to prevent any duplication of cases within the sample. For example, a court sends records of all proceedings on a particular case to the Probation Central File. Caution had to be taken to make certain that regardless of the number of slips received on a case, the case was only recorded once.

The data was next organized and coded by categories of age (7-16, 17-25, 26+), sex, type of offense, (a rape charge as opposed to a rape-related charge), and the court where the arraignment occurred.

Age of Defendant

Age categories were not randomly selected but rather were chosen in conformity with other studies published by the Office of the Commissioner of Probation. Juveniles are all those between the ages of 7 and 16. Those between the ages of 17 and 25 were grouped together because they are responsible for an inordinate amount of crime in the Commonwealth and it was important to determine if they are equally represented in rape statistics. Finally, those over the age of 26 constituted the last group.

Sex of Defendant

Suprisingly, tabulation by sex revealed that thirteen (13) women were charged with a rape offense during the four and one-half years of the study. Due to the oddity of this phenomenon, a study will be published under separate cover analyzing case histories of these women rapists.

For each year of the sample, figures were calculated for such information as:

- 1.) total number of rape and rape-related charges per year within age groups;
- 2.) breakdown within age group according to type of offense;
- 3.) mean age of defendants within each age group per year;
- 4.) geographic distribution of rape and rape-related charges by originating court.

III. RESEARCH FINDINGS

A.) Arraignment Rates by Year

The frequency of rape and rape-related cases remained relatively consistent throughout the four and one-half years of the study. Note that both 1974 and 1978 show low arraignment rates for rape offenses but this is due to the fact that collection of the data began in mid-1974 and ceased on October 1, 1978. Projections done for both these years showed that if cases had been drawn for twelve months, the total for 1974 would be approximately 524 and the total for 1978 would be 546. This is consistent with the totals for 1975, 1976, and 1977.

Suprisingly, the statistics indicate that the number of arraignments for rape has not increased between 1974 and 1978, staying constant at about 548 per year. This would appear to contradict the widespread notion that increased concern about the crime of rape has resulted in increased prosecution of accused rapists.

(Table 1 about here)

B.) Arraignment Rates by Year and Age

Table 2 indicates the number of arraignments for each of the three age categories (7-16, 17-25, 26+) for each year of the study. The distributions show that males between the ages of 17 and 25 represent the highest percent of defendants arraigned for rape and rape-related offenses (52.01%). This is consistent with previous crime pattern studies which indicate that those in this age category are responsible for almost 50 percent of the reported crime in the Commonwealth (see Patterns of Crime and Delinquency in Massachusetts - 1978, published by the Office of the Commissioner of Probation). Juvenile defendants account for slightly over seven percent (7.43%) of the total sample while defendants over the age of 26 account for 40.56 percent. Attention will be focused on the age distribution later in the study.

(Table 2 about here)

C.) Offense Categories

Over the four and one-half years period, there has been a decrease in the percentage of rape charges (forcible rape) as opposed to other rape-related offenses. These latter offenses include:

- a. assault with the intent to rape
- b. attempted rape
- c. conspiracy to rape
- d. accessory before the fact of rape
- e. breaking and entering with the intent to rape
- * (see appendix)

The last three charges (conspiracy, accessory, and breaking and entering) account for only 13 cases out of the total sample of 2342 cases. Assault with the intent to rape clearly accounts for the majority of rape-related offenses (90%).

Arrests for rape accounted for 85.88 percent of the cases in 1974, decreased to 63.47 percent in 1976, but began an upward swing in 1977 (69.12 percent). Over the four and one-half years of the study, arrests for rape charges averaged almost 71 percent.

(Table 3 about here)

D.) Age Distribution by Offense

As already stated, close to 72 percent of the offenders in the study over the age of 17 were arrested for rape compared to 28 percent who were arrested for rape-related offenses. However, with juveniles, the statistics show that almost 46 percent were arrested for the less serious rape-related charges. This indicates that those over the age of 17 are more prone to complete the act of rape rather than commit less serious charges, while juveniles are more inclined towards the less serious charges.

(Table 4 about here)

E.) Court Distribution

Table 5 shows the number of arraignments for rape and rape-related offenses by court jurisdiction over the four and one-half years of the study. One out of every five arraignments for rape and rape-related charges come from the Metropolitan areas of Boston, Springfield, Fall River, and Worcester. Note that 311 cases (13.28% of the total sample) are listed in Superior Courts because the court appearance records did not specify the district court jurisdiction in which the offense allegedly occurred.

(Table 5 about here)

F.) Distribution of Rapes and Rape-Related Offenses by County

Not surprisingly Suffolk County accounted for almost 30 percent (29.09%) of the state-wide arraignments for rape and rape-related offenses. The figures from the court distribution table indicate that Boston Municipal Court accounted for 22.46 percent of the Suffolk County arraignments.

Of particular interest is the fact that the Greater Boston Metropolitan area (includes the counties of Essex, Middlesex, Norfolk, and Suffolk) accounts for 58.80 percent of state-wide arraignments.

Table 7 indicates the number of defendants arraigned for rape for each county with the populations being equalized at 100,000. Tabulations for the number of rapes per 100,000 show that Suffolk County ranks number one in rape frequency with 94.22 rapes per 100,000. Surprisingly, the small island counties of Nantucket and Dukes rank second and fourth respectively in rape arraignment frequency: Nantucket had a rape rate of 53.00 over the four and one-half years period while Dukes had a rape rate of 49.79.

Also interesting and surprising is the fact that Norfolk County had the least rape frequency of all counties. One would expect that Norfolk County's developed and suburban demography in addition to the fact that it is the fifth largest county in the Commonwealth (in terms of population) would lead to a much higher rate of rape frequency. However, the statistics clearly prove the opposite.

In order of rape frequency (highest to lowest), the counties can be ranked as follows:

Rank Order of Counties by Population:

1. Suffolk	1. Middlesex
2. Nantucket	2. Suffolk
3. Hampden	3. Worcester
4. Dukes	4. Essex
5. Barnstable	5. Norfolk
6. Plymouth	6. Bristol
7. Hampshire	7. Hampden
8. Bristol	8. Plymouth
9. Berkshire	9. Berkshire
10. Worcester	10. Hampshire
11. Essex	11. Barnstable
12. Middlesex	12. Franklin
13. Franklin	13. Dukes
14. Norfolk	14. Nantucket

(Tables 6 and 7 about here)

G.) Age Distribution of those charged
with Rape and Rape-related Offenses

The statistics show that 75.88 percent of those arrested for rape and rape-related offenses were 30 years of age or below. Further it should be noted that 49.93 percent of those in the sample were between the ages of 20 and 29. Therefore, close to 50 percent of those arrested for rape and rape-related offenses between the years 1974 and 1978 were between the ages of 20 and 29.

Note also that 29 percent of those arrested for rape and rape-related offenses were under the age of 20 with 87.63 percent of these falling between the ages of 16 and 20.

Additionally note that men over the age of 46 accounted for only 4.44 percent of the total cases.

Clearly, the majority of rape defendants in Massachusetts are young males under the age of thirty. Incredibly, one out of every four rape defendants is between the age of 16 and 20.

(Table 8 about here)

H.) Mean Age of those Charged with
Rape and Rape-related Offenses

The mean age of juveniles (7-16) charged with rape or rape-related offenses during the four and one-half years of the study is 15.08. Overall, the mean age of juvenile rape defendants has decreased from 15.22 in 1974 to 14.80 in 1978. There was a steady decrease in the years of the study except in 1976 when the mean age jumped to 15.42 from the 1975 figure of 15.02.

For rape defendants between the ages of 17 and 25, the mean age has increased from 20.98 in 1974 to 21.29 in 1978. However, it has not been a gradual increase but rather has been somewhat sporadic. There was a slight decrease from 20.98 in 1974 to 20.84 in 1975. An increase was recorded in 1976 when the mean age jumped to 21.18 but once again it decreased in 1977 to 19.62. Finally it increased to 21.29 in 1978.

However, for rape defendants over the age of 26, there has been a steady increase in the mean age over the four and one-half years of the study. In 1974, the mean age was 31.67 and by 1978 it was 35.89. This represents a 13.22 percent increase in the mean age for rape defendants over the age of 26 during the period of the study.

Thus for all rape defendants except juveniles (7-16) the mean age has increased since 1974. Surprisingly, the mean age of juvenile rape defendants appears to be getting younger.

(Table 9 about here)

IV. CONCLUSIONS

The statistics clearly reveal that the number of arraignments for rape between 1974 and 1978 has stayed constant at about 548 per year rather than increasing, as might have been expected. Apparently, increased concern about the crime of rape has not resulted in increased prosecution of accused rapists.

The distribution of arraignments by age of the defendants showed that males between the ages of 17 and 25 represented the highest percent of rape defendants. The statistics showed that 75.88 percent of those arrested for rape and rape-related offenses were 30 years of age or below.

Between 1974 and 1978, there has been a decrease in the percentage of defendants arraigned for rape charges as opposed to other rape-related offenses. In 1974, arraignments for rape accounted for 85.88 percent of the total while 14.12 percent of the arraignments were for rape-related offenses. By 1978, 71.46 of the arraignments were for rape while rape-related offenses accounted for 28.54 percent of the total arraignments.

When the offenses were analyzed by age of the defendant, it was found that juveniles were less likely to commit the act of rape than were adults. Slightly more than 54 percent of the juvenile defendants were charged with rape, compared to 72 percent of the adults.

Suffolk County accounted for almost 30 percent of the state-wide arraignments for rape and rape-related offenses. Note that the Greater Boston Metropolitan area (Essex, Middlesex, Norfolk, and Suffolk counties) accounted for 58.80 percent of the total state-wide arraignments. Computation of a rape rate (population being equalized at 100,000) showed that Suffolk County ranked number one. Surprisingly, Nantucket and Dukes counties ranked second and fourth in rape frequency.

Table 1 -- Frequency and Percent Distribution of Rape Defendants, by age and by year

YEAR	TOTAL	7-16	17-25	26+
1974	262 (11.19%)	27 (15.52%)	125 (10.26%)	110 (11.58%)
1975	573 (24.47%)	35 (20.11%)	317 (26.03%)	221 (23.26%)
1976	553 (23.60%)	43 (24.71%)	288 (23.65%)	222 (23.37%)
1977	544 (23.23%)	44 (25.29%)	268 (22.00%)	232 (24.42%)
1978	410 (17.51%)	25 (14.37%)	220 (18.06%)	165 (17.37%)
TOTAL	2342 (100.00%)	174 (100.00%)	1218 (100.00%)	950 (100.00%)

Table 2 -- Frequency and Percent Distribution of Rape Defendants, by year and by age

YEAR	TOTAL	7-16	17-25	26+
1974	262 (100.00%)	27 (10.31%)	125 (47.71%)	110 (41.98%)
1975	573 (100.00%)	35 (6.10%)	317 (55.32%)	221 (38.57%)
1976	553 (100.00%)	43 (7.78%)	288 (52.08%)	222 (40.14%)
1977	544 (100.00%)	44 (8.09%)	268 (49.26%)	232 (42.65%)
1978	410 (100.00%)	25 (6.10%)	220 (53.66%)	165 (40.24%)
TOTAL	2342 (100.00%)	174 (7.43%)	1218 (52.01%)	950 (40.56%)

Table 3 -- Frequency and Percent of those Charged with Straight Rape VERSUS those Charged with other Rape-Related Offenses

	<u>Rape</u>	VERSUS	<u>Rape-Related Offenses</u>
			{ asslt.int.to rape attempted rape consp.to rape accessory to rape B&E w/ int.to rape
1974	225 (85.88%)		37 (14.12%)
1975	416 (72.60%)		157 (27.40%)
1976	351 (63.47%)		202 (36.53%)
1977	376 (69.12%)		168 (30.88%)
1978	293 (71.46%)		117 (28.54%)
TOTAL	1661 (70.92%)		681 (29.08%)

Table 4 -- Frequency and Percent Distribution by Age Group and by Offense (Rape vs. Rape-Related)

7-16 (Juveniles)

Rape -	94 (54.02%)
Assault w/ int.Rape -	72
Att.Rape -	7
Consp. -	1
	<hr/> 174 (100.00%)

17-25

Rape -	886 (72.74%)
Assault w/ int.Rape -	296
Att.Rape -	31
Consp. -	3
Access.-	2
	<hr/> 1218 (100.00%)

26+

Rape -	681 (71.68%)
Assault w/ int.Rape -	245
Att.Rape -	17
Consp. -	1
Access. -	4
B&E int. Rape -	2
	<hr/> 950 (100.00%)

TOTAL

Rape -	1661 (70.92%)
OTHER -	681 (29.08%)
	<hr/> 2342 (100.00%)

COURT DISTRIBUTION OF RAPE CASES

COURT APPEARANCES

Date 1974 - 1978

TOTAL --- 2342

COURTS		COURTS		COURTS	
1. Boston	153	39. Gloucester	6	77. Essex Sup.	19
2. Roxbury	113	40. Ipswich	—	78. Franklin Sup.	1
3. South Boston	35	41. Greenfield	10	79. Hampden Sup.	36
4. Charlestown	4	42. Orange	2	80. Hampshire Sup.	14
5. East Boston	20	43. Palmer	8	81. Middlesex Sup.	26
8. West Roxbury	56	44. Westfield	11	82. Norfolk Sup.	24
7. Dorchester	87	45. Northampton	39	83. Plymouth Sup.	34
5. Brighton	58	48. Ware	—	84. Suffolk Sup.	91
9. Brookline	21	47. Concord	14	85. Worc. Sup.	12
0. Somerville	17	48. Ayer	19	88. Peabody	11
1. Lowell	79	49. Framingham	35	87. Natick	2
2. Newton	11	50. Malden	24	88. Nantucket	1
3. Lynn	59	51. Waltham	36	89.	
4. Chelsea	34	52. Cambridge	58	90. District Ct. (Fed)	1
5. Brockton	60	53. Woburn	48	91. Br. Cty. Juv.	13
6. Fitchburg	16	54. Dedham	3	93. Fed. Ct. Spr.	
7. Holyoke	23	55. Stoughton	6		
8. Lawrence	46	56. Quincy	50		
9. Lee	4	57. Wrentham	16		
20. Chicopee	10	58. Hingham	26		
11. Marlborough	14	59. Plymouth	20		
12. Newburyport	4	60. Wareham	24		
23. Springfield	132	61. Leominster	9		
23. Spr. Juvenile	11	62. Worcester	80		
24. Williamstown	1	62. Wor. Juvenile	3		
25. Barnstable	29	63. Gardner	18		
26. Provincetown	23	64. Southbridge	14		
17. Pittsfield	22	65. Blackstone	9		
28. North Adams	8	68. Milford	15		
29. Gt. Barrington	6	67. Westboro	14		
20. Adams	4	68. Clinton	5		
31. Taunton	12	69. E. Brookfield	3		
12. Fall River	70	70. Winchendon	3		
23. New Bedford	42	71. Boston Juv.	30		
4. Attleboro	9	72. Barnstable Sup.	9		
5. Edgartown	4	73. Bristol Sup.	32		
13. Salem	24	75. Nantucket Sup.	2		
7. Amesbury	11	74. Dukes Co. Sup.	—		
8. Haverhill	13	78. Berkshire Sup.	11		

Table 6 -- Number of Defendants Charged with Rape by County (1974-1978)

Barnstable	61	2.61%	Hampshire	53	2.26%
Berkshire	56	2.39%	Middlesex	383	16.36%
Bristol	178	7.60%	Nantucket	3	.13%
Dukes	4	.17%	Norfolk	120	5.13%
Essex	193	8.24%	Plymouth	164	7.00%
Franklin	13	.56%	Suffolk	681	29.09%
Hampden	231	9.87%	Worcester	201	8.59%
			*** TOTAL	2341*	100.00%

* One case is from the Federal District Court

Table 7 -- Number of Defendants Charged with Rape per 100,000 by County (1974-1978)

COUNTY	No. of Rapes 1974-1978	Population (as of 7/1/75)	Rapes per 100,000 population
Barnstable	61	127,932	47.68
Berkshire	56	148,969	37.59
Bristol	178	463,813	38.38
Dukes	4	8,033	49.79
Essex	193	631,182	30.58
Franklin	13	63,532	20.46
Hampden	231	463,804	49.80
Hampshire	53	133,600	39.67
Middlesex	383	1,398,987	27.38
Nantucket	3	5,660	53.00
Norfolk	120	619,994	19.35
Plymouth	164	379,778	43.18
Suffolk	681	722,794	94.22
Worcester	201	648,095	31.01

Table 8 -- Age Distribution

Age	Number	Percent
11-15	84	3.59%
16-20	595	25.44%
21-25	713	30.48%
26-30	383	16.37%
31-35	257	10.99%
36-40	128	5.47%
41-45	75	3.21%
46-50	43	1.84%
51-55	31	1.33%
56-60	14	.60%
61+	16	.68%
2339*		100.00%

* Three cases lack a date of birth

Table 9 -- Mean Age of those Arraigned for Rape and Rape-Related Offenses

I. Juveniles (7-16)

1974 -	15.22	
1975 -	15.02	the <u>average age</u> of juveniles charged with rape and rape-related offenses for all years is <u>15.08</u>
1976 -	15.42	
1977 -	14.95	
1978 -	14.80	

II. 17-25

1974 -	20.98	
1975 -	20.84	the <u>average age</u> of those between 17 and 25 charged with rape and rape-related offenses for all years is <u>20.78</u>
1976 -	21.18	
1977 -	19.62	
1978 -	21.29	

III. 26+

1974 -	31.67	
1975 -	34.16	the <u>average age</u> of those over the age of 26 charged with rape and rape-related offenses for all years is <u>34.42</u>
1976 -	34.54	
1977 -	35.87	
1978 -	35.89	

APPENDIX

The following are legal definitions of Rape and Rape-Related Offenses:

1. Rape

Whoever has sexual intercourse or unnatural sexual intercourse with another person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, should be punished by imprisonment in the state prison for life or for any term of years.

2. Assault with the intent to Rape

This offense is instituted by the existence of the facts which bring the offense within the definition of an assault, coupled with an intention to commit the crime of rape. An assault is an intentional, unlawful offer of corporal injury to another by force, or force unlawfully directed toward persons of another, under such circumstances as create well-founded fear of imminent peril, coupled with apparent present ability to execute attempt if not prevented.

3. Attempted Rape (legal definition of "attempt")

An effort or endeavor to accomplish a crime amounting to more than mere preparation or planning for it, which, if not prevented would have resulted in the full consummation of the act attempted, but which in fact, does not bring to pass the party's ultimate design.

4. Conspiracy to Rape (legal definition of "conspiracy")

A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is innocent in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.

5. Accessory before the fact of Rape (legal definition of "accessory before the fact")

One who, being absent at the time a crime is committed, yet assists, procures, counsels, incites, induces, encourages, engages, or commands another to commit it.

6. Breaking and Entering with the intent to commit Rape (legal definition of "breaking and entering with the intent to commit a felony")

Exerting force to gain entry into a house or dwelling with the intent to commit a felony.

END