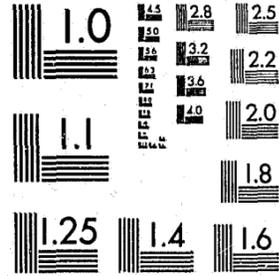


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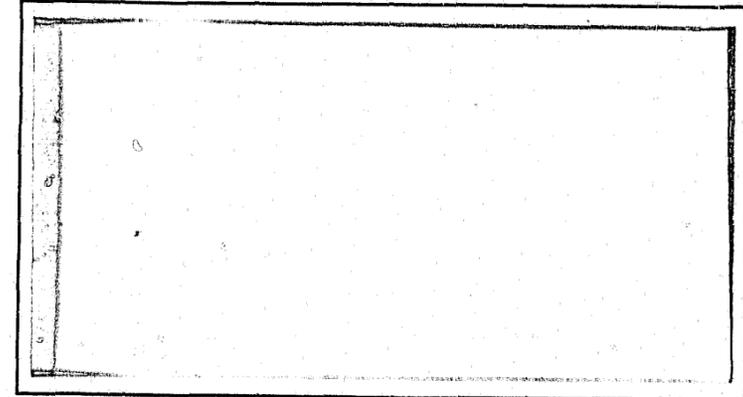
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DEPARTMENT OF THE ATTORNEY GENERAL  
HAWAII CRIMINAL JUSTICE  
INFORMATION DATA CENTER



91983



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**STATE OF HAWAII**  
DEPARTMENT OF THE ATTORNEY GENERAL  
**HAWAII CRIMINAL JUSTICE DATA CENTER**

850 RICHARDS STREET, ROOM 502  
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November, 1983

STEVEN E. VIDINHA  
DIRECTOR

**RAPES IN THE  
CITY AND COUNTY OF HONOLULU**

1981

U.S. Department of Justice  
National Institute of Justice

91983

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PREFACE

The Hawaii Criminal Justice Data Center (HCJDC) studied rapes reported to the Honolulu Police Department during the calendar year 1981. This topic was selected because the number of reported rapes have increased 51 percent in the City and County of Honolulu during the period 1977 to 1981, and as the number of rapes have increased, so has public and legislative concerns.

The report is an initial attempt to gather information for further consideration for preventive, investigative and prosecutorial purposes. The report is descriptive in nature and is not intended to evaluate the performance of any agency. Rather, the study focuses on the characteristics of the victims, arrested offender, the incidents, and on the ultimate disposition of the offender. The report is straightforward and does not take into consideration the rationale at each decision point for case disposition. Decision-making at each level should be the focus of a separate study.

The intent is to answer questions such as "Who is being victimized?" and "What happened to the offenders who were arrested?". Since this study is based on data for only one year, no recommendations are made. More data is needed so that comparative studies may be made and trends established.

The study is not conclusive nor complete, but should be viewed as a starting point. Statistics were obtained

primarily from the police, courts and the state Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) system.

The bottom line of any study within the criminal justice arena is to seek improvements. Therefore, concern should be more properly directed to assisting the victim and to provide for better investigation and prosecution.

A step in that direction was taken by the Prosecutor's Office during September, 1981, when the prosecution of rapist was placed within the Career Criminal Unit (CCU). Vertical prosecution of rapist was implemented. One prosecutor is responsible for a case from beginning to end. The full effect of the CCU on the prosecution of suspected rapists may not be reflected in this report due to the period of time chosen for the study.

The Data Center wishes to express its appreciation to the Honolulu Police Department, to former Police Chief Francis Keala, and to Vernon Ching, Legal Documents Officer of the Judiciary. It also extends its appreciation to the Prosecutor's Office, which reviewed the report and noted concerns requiring further clarification and follow-up study.

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**ACQUISITIONS**

## I. INTRODUCTION

In 1981, the Honolulu Police Department recorded 265 reported rapes.<sup>1</sup> That figure is 50.6 percent higher than the 176 rapes reported in 1977. For the same period, index offenses rose only 5.5 percent.<sup>2</sup> This fact, together with increasing public concern about rape, prompted the Hawaii Criminal Justice Data Center to study reported rapes in order to obtain a better understanding of the victim, offender, offense and criminal justice system.<sup>3</sup>

The Uniform Crime Reporting (UCR) program of the Federal Bureau of Investigation (FBI) defines rape as:

The carnal knowledge of a female forcibly and against her will. Included are rapes by force and attempts or assaults to rape. Statutory offenses (no force used - victim under age of consent) are excluded.

This definition includes Sections 707-730 (Rape in the first degree), 707-731(1a) and 707-731(2) (Rape in the second degree), of the Hawaii Revised Statutes.

The Data Center examined police records to collect data on the characteristics of the victim, arrested offender, and offense. A list of rape reports was provided by the police department.<sup>4</sup> The Data Center then collected additional data on arrested offenders from its OBTS/CCH information system. Data on offenders set for trial, when not available from the OBTS/CCH system, were obtained from circuit court records.

Calendar year 1981 was selected for this study in order to allow offenders sufficient time to pass through the criminal justice system and for court dispositions to be available. Primary data collection began in February and ended in May, 1983. Data on then pending court cases were collected in October, 1983.

Data on 219 reported rapes are included in this study. This figure is less than the 265 mentioned above. After duplicate listings were eliminated, the number dropped to 261. Of the 261 reports, 3 were not available at the time of abstraction and 12 were found to have been classified as miscellaneous public. Those records were correctly classified and should not have been on the rape report listing. A few reports were eliminated because of reclassification or because they did not meet the UCR definition. The remaining cases that were eliminated were either unfounded cases or possible false reports.

The unfounding of cases was done after the reporting period and so was not accounted for in 1981. This occurs because investigation takes time and when a report is unfounded, it usually happens after the period that the rape was reported.

When a rape is reported to the police, the following procedures usually take place. The dispatcher sends the beat officer to make a preliminary investigation. If it is determined that a rape has occurred, the case is assigned to a detective from the rape detail. The detective then

contacts the victim for further information and follow-up. If the suspected offender or offenders are known, they are also contacted. In some cases, both the victim and the offender are requested to take polygraph tests, especially if conflicting statements are made.<sup>5</sup> In that regard, false and possible false reports were also not included in this study.

It should be noted that the key word is "reported". The actual number of rapes is unknown as only a portion of all rapes are ever reported. The 219 cases studied are far less than the 414 and 427 sexually assaulted victims treated or counseled by the Sex Abuse Treatment Center in fiscal years 1980-81 and 1981-82, respectively.<sup>6</sup>

Attempted Rapes

This study includes both rapes and attempted rapes. Out of the 219 reported rapes, 43 were attempted rapes.

	<u>Number</u>	<u>Percent</u>
Rape	176	80.4
Attempted Rape	<u>43</u>	19.6
TOTAL	219	

Note on "Cases"

The word "case" as used in this report, without qualification such as police case or court case, refers to police case and is synonymous to the term reported rape. Each police case represents a single victim.

Multiple offenders may be involved in a single police case and a single offender may be involved in many police cases.

Attrition Rates<sup>7</sup>

Attrition or fallout rates may be calculated from many different starting points, anywhere a decision is made. Decisions are principally made by the victim, police, prosecutor, Grand Jury, judge, and trial jury. Starting at anyone of these points may lead to widely differing outcomes such that the choice of a base really depends on the purpose of the study. Since this study was not designed to evaluate and since some cases are still pending, attrition rates are not emphasized in this report. However, a graphical presentation of fallout is presented.

Dispositions

There are also many ways of presenting dispositions. In this report, dispositions pertain to all charges relating to the rape incident and is reported by offender. Each offender will have only one disposition.

In cases where there were multiple charges or dispositions, rules were used. For a given offender, a guilty rape disposition will be counted over all other guilty dispositions. Guilty pleas or verdicts in general were recorded over all other dispositions.

A pending disposition was counted over any nolle prosequis (nolle pros), and acquittals. If all dispositions for an offender were of the same type, then the disposition pertaining to the rape charge was selected.

## II. FINDINGS

Caucasian women reported the most rapes. They had the highest rate of reported rapes per 100,000 females, a rate of 109. Japanese women had the lowest rate, 13 per 100,000 females. It cannot be determined if the low rate is due to reluctance of reporting to the police.

The median age of the victim was 22. The probability of being raped decreases with age. Only 5.5 percent of the victims were age 40 or older, while only 1.8 percent were age 50 or older. The median age of the arrested offender was 23.

One in ten victims was a visitor. When the victim was a visitor, arrests were made in 62.5 percent of the cases as compared to only 30.6 percent when the victim was a resident. However, when the victim was a visitor, a larger proportion of the arrestees were released without being charged (57.9 percent) than when the victim was a resident (17.4 percent).

An image that is often brought out when thinking about rape is that of a woman returning to find a burglar in her home or being awakened by a burglar. This happens more times than not. In cases where the offender was a stranger and the incident took place at the victim's residence, 55 percent involved burglary.

The probability that an offender will be arrested is almost the same whether the offender is known to the victim or unknown to the victim.

Most of the reported rapes (71), occurred at the victim's residence. Of those rapes, 25 involved burglary. A large number occurred at the offender's residence (33). Of those rapes, only 6 of those involved kidnapping.

At the conclusion of this study, 11 offenders either pled or were found guilty of rape, and 9 pled or were found guilty of other charges.

### III. OFFENSE DATA

#### A. Number of Victims and Offenders per Incident

The number of offenders per incident ranged from 1 to 6. The majority of cases, however, involved a single offender and a single victim.

<u>Number of Victims</u>	<u>Unk</u>	<u>Number of Offender/Incident</u>						<u>Total Incid.</u>
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	
1	6	179	19	7	2	3	1	217
<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Total Incident	6	179	9	7	3	3	1	218

The 218 incidents involved 219 victims and 277 offenders (assuming one offender for incidents where the number of offenders is unknown).

B. Time of Rape

Most rapes occur late at night or early morning. Approximately 41 percent of reported rapes occurred between the hours of 10:00 p.m. and 4:00 a.m.

<u>Time</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
AM		
12:01 - 2:00	40	18.3
2:01 - 4:00	27	12.3
4:01 - 6:00	19	8.7
6:01 - 8:00	7	3.2
8:01 - 10:00	6	2.7
10:01 - 12:00 (Noon)	6	2.7
PM		
12:01 - 2:00	11	5.0
2:01 - 4:00	13	5.9
4:01 - 6:00	11	5.0
6:01 - 8:00	13	5.9
8:01 - 10:00	33	15.1
10:01 - 12:00 (Midnight)	23	10.5
UNKNOWN	10	4.6

C. Day of Week

Most of the rapes occurred during the weekends.

<u>Day</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Sunday	35	16.0
Monday	31	14.2
Tuesday	24	11.0
Wednesday	30	13.7
Thursday	26	11.9
Friday	29	13.2
Saturday	38	17.4
Unknown	6	2.7

D. Month of Rape

Rapes are the highest during the summer months of June, July, and August and during December.

<u>Month</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
January	17	7.8
February	14	6.4
March	16	7.3
April	7	3.2
May	18	8.2
June	20	9.1
July	25	11.4
August	21	9.6
September	18	8.2
October	17	7.8
November	16	7.3
December	22	10.0
Unknown	8	3.7

E. Time Lapse of Reporting

Most of the rape incidences were reported to police within 4 hours of the occurrence (53 percent).

<u>Time Lapse</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Less than 1 hour	66	30.1
1 to 4 hours	51	23.3
4 to 8 hours	18	8.2
8 to 12 hours	6	2.7
12 to 24 hours	13	5.9
More than 24 hours	42	19.2
Unknown	23	10.5

F. Use of Weapon

Most of the rape cases did not involve the use of a weapon.

<u>Weapon</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Firearm	6	2.7
Knife or cutting instrument	39	17.8
No weapon used	172	78.5
Unknown	2	0.9

G. Place of Initial Contact

Public outdoor areas are the places where the largest number of initial contacts were made (33 percent). These areas include parks, streets, and beaches. The second largest area was the victim's residence (29 percent).

<u>Place</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Victim's Residence	64	29.2
Offender's Residence	7	3.2
Other Residence	6	2.7
Motor Vehicle	2	0.9
Public Outdoor Areas	72	32.9
Bus Stop	9	4.1
Restaurant, Night Club, etc.	21	9.6
Vacant lots, Fields, etc.	6	2.7
Office Buildings, Other	21	9.6
Unknown	11	5.0

H. Place of Actual Rape

Most rapes occurred at the victim's residence. A large number also occurred at the offender's residence.

<u>Place</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Victim's Residence	71	32.4
Offender's Residence	33	15.1
Other Residence	9	4.1
Motor Vehicle	32	14.6
Public Outdoor Areas	40	18.3
Other	27	12.3
Unknown	7	3.2

I. Geographic Location

The zip code area where the largest number of rapes occurred was the Waikiki area with 43 report rapes. The location with the second largest number was Aiea which had only 15.

<u>Zip Code Area</u>	<u>Number of Rapes</u>	<u>Percent of Total</u>
Aiea	15	6.8
Ala Moana	8	3.7
Downtown - Punchbowl	9	4.1
Ewa Beach - Makakilo	4	1.8
Haleiwa	5	2.3
Hauula	5	2.3
Hawaii Kai	3	1.4
Hickam - Pearl Harbor	9	4.1
Kaaawa	3	1.4
Kailua	8	3.7
Kaimuki - Kahala	6	2.7
Kalihi - Palama	14	6.4
Kaneohe	10	4.6
Kunia	3	1.4
Laie	1	0.5
Makiki - Manoa	12	5.5
Mililani	1	0.5
Moanalua	14	6.4
Moiliili - Kapiolani	4	1.8
Pearl City	3	1.4
Wahiawa	8	3.7
Waiialae - Niu Valley	2	0.9
Waiialua	1	0.5
Waianae	10	4.6
Waikiki - Kapahulu	43	19.6
Waimanalo	1	0.5
Waipahu	6	2.7
Unknown	11	5.0

The general area where most rapes occurred was the Honolulu area. It also had the highest rate per 100,000 females.

<u>General Area</u>	<u>Number</u>	<u>Total</u>	<u>Estimated Rate<sup>8</sup> per 100,000 Females</u>
Honolulu	124	56.6	70
Windward	28	12.8	47
Central (Wahiawa-Waiialua-North Shore)	14	6.4	56
Leeward (Aiea-Mililani-Waianae)	42	19.2	39
Unknown	11	5.0	--

J. Place of Rape by Other Charges

Of the 71 rapes that occurred at the victims residence, 25 involved burglary. Of the 33 rapes that occurred at the offender's residence, only 6 involved kidnapping.

<u>Place</u>	<u>Kidnapping</u>	<u>Robbery</u>	<u>Burglary</u>
Victim Residence	5		
Offender Residence	6	3	25
Other Residence	1	2	0
Motor Vehicle	14	1	0
Public Outdoors	8	2	1
Other & Unknown	10	4	0
		0	0

There were 40 cases where the rapist was a stranger and the rape took place at the victim's residence. Of those 40 cases, 4 (10 percent) involved kidnapping, 2 (5 percent) involved robbery, and 22 (55 percent) involved burglary.

IV. VICTIM CHARACTERISTICS

A. Age of Victim

The age of victims ranged from 5 to 53. The median age was 22.

The age groups 18-20 and 21-24 accounted for the largest number of reported rapes, 18.7 percent each, while constituting only 5.7 percent and 8.3 percent of the female population of the City and County of Honolulu, respectively. There were only 4 women age 50 or older and they accounted for only 1.8 percent of the victims reporting rapes.

The rape per 100,000 females is the highest for age group 18-20 and decreases as age increases.

<u>Age Group</u>	<u>Number of Victims</u>	<u>Percent of Total</u>	<u>Percent of Female Population</u>	<u>Rate Per 100,000 Females</u>
14 & Under	16	7.3	23.0	19
15-17	36	16.4	5.2	189
Subtotal Juveniles	52	23.7		
18-20	41	18.7	5.7	195
21-24	41	18.7	8.3	134
25-29	34	15.5	9.9	92
30-34	24	11.0	9.0	72
35-39	14	6.4	6.8	56
40 & Over	12	5.5	32.2	10
Subtotal Adults	166	75.8		
Unknown	1	0.5		
TOTAL	219			

B. Race of Victim

Caucasian women accounted for 57.1 percent of all reported rapes in 1981, while constituting only 31.1 percent of the female population. They also had the highest rate per 100,000 population of any single race group. Japanese women, although accounting for 26.6 percent of the female population, had the lowest rate per 100,000 of 13.

<u>Race</u>	<u>Number of Victims</u>	<u>Percent of Total</u>	<u>Percent of Female Population</u>	<u>Rate Per 100,000 Females</u> <sup>10</sup>
Caucasian	125	57.1	31.3	109
Black	2	0.9	1.4	37
Chinese	7	3.2	7.2	26
Japanese	13	5.9	26.6	13
Filipino	13	5.9	12.7	28
Hawaiian/Part Hawaiian	19	8.7	11.0	47
Korean	3	1.4	2.7	30
Samoan	6	2.7	1.9	85
Other	30	13.7	5.4	149
Unknown	1	0.5	-	-
TOTAL	219			

C. Residency of Victim

Approximately 1 out of 10 women who reported being raped was a visitor (in the state for less than 1 year). In 14 of those cases, the offenders were arrested.

<u>Residency</u>	<u>Number of Victims</u>	<u>Percent</u>	<u>Arrest Made</u>	<u>Percent w/ Arrest</u>
Visitor	24	11.0	14	58.3
Resident	194	88.6	67	34.5
Unknown	1	0.4	-	-
TOTAL	219			

D. Visitor Victims

In cases where the victim was a visitor, a total of 19 offenders were arrested. Almost 60 percent were released without charge.

<u>Disposition</u>	<u>Number of Offenders</u>	<u>Percent of Total</u> <sup>11</sup>
Released - no charge	11	57.9
Released - pending investigation	3	15.8
Released - prosecutor declines	1	5.3
Guilty of rape	1	5.3
Guilty of lesser charge only	1	5.3
Still in court system	1	5.3
Offender escaped while on trial	1	5.3
<b>TOTAL OFFENDERS ARRESTED</b>	<b>19</b>	

Most of the attacks on female visitors were by military and resident males. Only 3 of the 19 arrested offenders were visitors themselves.

Half of all rapes committed by Black offenders were against female visitors (7 out of 14).

<u>Residency of Offender</u>	<u>Race of Offender</u>				<u>Total</u>
	<u>Caucasian</u>	<u>Black</u>	<u>Japanese</u>	<u>Other</u>	
Visitor	2	1	0	0	3
Resident	4	0	2	1	7
Military	3	6	0	0	9
<b>TOTAL</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>19</b>

E. Relationship of Offender to Victim

In the majority of cases (64 percent), the rapist was a stranger. In 29 percent of the cases, the rapist was a family member or otherwise known to the victim.

<u>Relationship</u>	<u>Number of Cases</u>	<u>Percent of Total</u>
Stranger	140	63.9
Acquaintance	54	24.7
Family Member	9	4.1
Relationship Unknown	16	7.3

F. Relationship by Arrest

In cases where the rapist was a stranger, 40 percent resulted in an arrest. This figure is almost equal to the 38 percent arrest rate in cases where the rapist was known to the victim.

<u>Relationship</u>	<u>Number of Cases</u>	<u>Cases with Arrest</u>	
		<u>Number</u>	<u>%</u>
Stranger	140	56	40.0
Known to Victim	63	24	38.1
Acquaintance	54	19	35.2
Family Member	9	5	55.6

G. Relationship by Age of Victim

The median age of the victim is lower in cases where the rapist was known to the victim.

<u>Relationship</u>	<u>17 &amp; Under</u>	<u>18-20</u>	<u>21-24</u>	<u>25-29</u>	<u>30 &amp; Over</u>	<u>Median</u>
Stranger	23	26	30	23	38	23
Known to Victim	27	10	9	8	9	19
Acquaintance	23	7	9	8	7	19
Family Member	4	3	0	0	2	19

H. Relationship by Other Crimes

Kidnapping, robbery, and burglary were most often associated with rape in cases where the rapist was a stranger.

<u>Relationship</u>	<u>Total Cases</u>	<u>Cases With</u>		
		<u>Kidnapping</u>	<u>Robbery</u>	<u>Burglary</u>
Stranger	140	31	8	23
Acquaintance	54	7	2	2
Family Member	9	0	0	0
Relationship Unknown	16	6	2	1

V. OFFENDER CHARACTERISTICS

Data in this section is only to offenders arrested for rape or other crimes pertaining to the rape incident. This study includes 88 offenders arrested for rape and 1 offender arrested for assault.

Data was not collected for offenders who were not arrested as such data were often incomplete.

A. Race of Offender

Caucasian males accounted for about 30 percent of all arrestees. Black and Hawaiian/Part-Hawaiian males made up the next largest groups.

<u>Race</u>	<u>Number</u>	<u>Percent of Total</u> <sup>12</sup>
Caucasian	27	30.3
Black	14	15.7
Chinese	0	0.0
Japanese	3	3.4
Filipino	0	0.0
Hawaiian/Part-Hawaiian	14	15.7
Korean	1	1.1
Samoan	6	6.7
Other	22	24.7
Unknown	2	2.2

B. Age of Offender

The median age of arrestees was 23 years. The largest age group, however, was the 18 to 20 years of age group, accounting for about 30 percent of arrestees. The age group 21 to 24, however, accounted for the most rape charges.

<u>Age Group</u>	<u>Number</u>	<u>Percent of Total</u> <sup>13</sup>	<u>No. of Rape Charges</u>
17 & Under	1	1.1	1
18-20	26	29.2	28
21-24	23	25.8	33
25-29	20	22.5	21
30-34	5	5.6	7
35-39	8	9.0	8
40 & Over	5	5.6	7
Unknown	1	1.1	1
<b>TOTAL</b>	<b>89</b>		

VI. DISPOSITION DATA

A. Arrests

Approximately one-third of the rapes reported to the police resulted in the arrest of an offender. A total of 88 offenders were arrested for rape and other crimes. One offender was arrested for assault.

<u>Arrests Made</u>	<u>Rapes Reported to the Police</u>	<u>Percent</u>	<u>Total Offenders Involved</u>
No	137	62.6	--
Yes	82	37.4	89
<b>TOTAL</b>	<b>219</b>		

Most offenders arrested were involved in a single reported rape. One offender was involved in 5 cases.

<u>Number of Reported Rapes Involved</u>	<u>Number of Offenders</u>
1	80
2	8
3	0
4	0
5	1
<b>Total offenders arrested</b>	<b>89</b>

B. Other Crimes

In addition to rape, many offenders were arrested for other crimes. Ten were also arrested for robbery, 29 for sodomy, 18 for sex abuse, 14 for burglary and 34 for kidnapping.

C. Releases

Of the 89 offenders arrested, 39 were released by the police. Seven were released at the prosecutor level.

Of the police releases, 4 were released pending further developments and have not been re-arrested since their initial arrest. The largest portion were released because the victim withdrew the complaint. The next largest (12) were released because of insufficient evidence.

Withdrawal of complaints occurred at various decision points in the criminal justice system. The largest amount occurred at the police level but victims withdrew complaints at the prosecutor and court levels.

D. Indictments

Of the 89 offenders arrested, 41 were indicted by the Grand Jury. Of the 41, 27 were processed as career criminals.

<u>Indicted</u>	<u>Number of Offenders</u>
For rape	40
Other crime but not rape	<u>1</u>
TOTAL	41

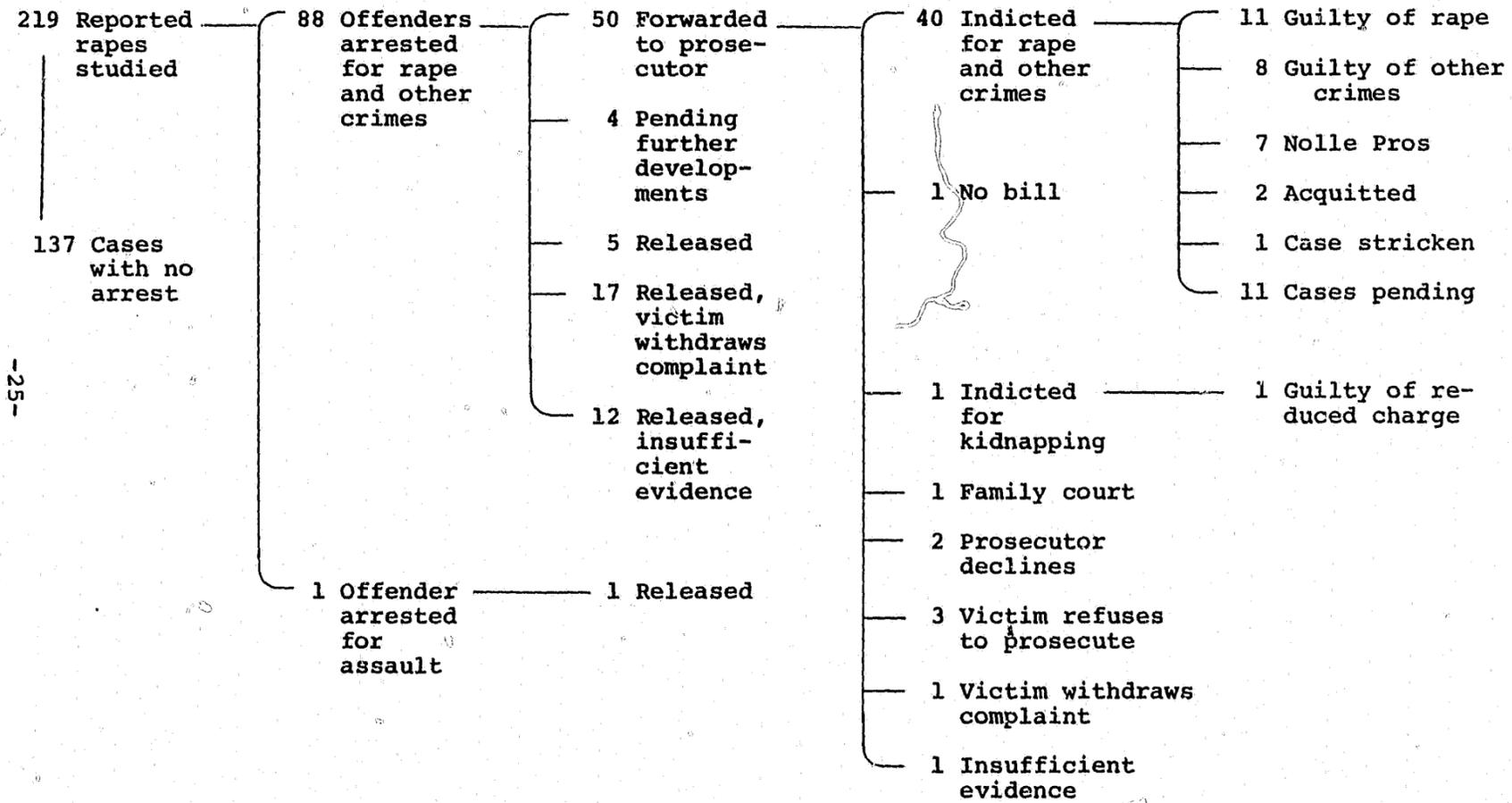
No information was obtained on the offender that was referred to family court.

E. Fallout

Figure 1 graphically displays what happened to the 89 offenders that entered the justice system as a result of the reported rapes. Eleven offenders have pleaded or were found guilty of rape. Nine offenders have pleaded or were found guilty of other crimes but not of rape. Eleven court cases are still pending. These included cases where the offender escaped; the offender failed to appear; and a mistrial.

FIGURE 1

FALLOUT CHART, ALL CHARGES



F. Guilty by Plea or Verdict

Eleven offenders have pleaded or were found guilty of rape. Nine offenders have pleaded or were found guilty of other crimes but not of rape. The 20 offenders account for 69.0 percent of offenders whose outcome is known.

<u>Outcome</u>	<u>Number of Offenders</u>	<u>Percent of Total</u> <sup>14</sup>
Guilty:	20	69.0
Of Rape	11	37.9
Not of Rape	9	31.0
Nolle Prosequi	7	24.1
Acquitted	<u>2</u>	6.9
TOTAL	29	

In 6 of the 7 cases where prosecutor filed for a nolle prosequi, the victim did not want to pursue the matter or was not available to testify. If these cases are omitted from the cases where the outcome is known, the guilty percentage increases to 87.0 percent.

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GOVERNOR



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DEPARTMENT OF THE ATTORNEY GENERAL  
HAWAII CRIMINAL JUSTICE DATA CENTER

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November, 1983

ERRATA SHEET

RAPES IN THE

CITY AND COUNTY OF HONOLULU

1981

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G. Nolle Prosequi (Nolle Pros)

The reason the nolle pros' were filed are as follows:

- 5 - Victim does not want to pursue the matter and withdraws the complaint. Four offenders are dismissed with prejudice.
- 1 - Victim could not be located.
- 1 - State declines to prosecute. Wrong man indicted.

H. Case Stricken

One case was stricken. The wrong offender was arrested. In this case and in the case where the wrong man was indicted, the correct offender was later arrested.

I. Pending Cases

Eleven (11) cases were still pending at the end of this study. The status at the end of the study is listed below.

- 1 - Offender escaped.
- 1 - Extradition, offender in California.
- 1 - Mental exam required, offender may not be fit to proceed.
- 4 - Awaiting trial, late 1983.
- 2 - Awaiting trial, 1984.
- 2 - Bench warrant outstanding.

J. Defense

In court cases where a final disposition is available, most of the defense was handled by a public defender. There seems to be no difference in a defense handled by a public defender versus a private attorney, in terms of guilty dispositions as opposed to dismissals, acquittals and so forth.

In the tables below, the attorney who handled the case through the final disposition is the attorney counted.

<u>Final Disposition</u>	<u>Defense</u>		
	<u>Public Defender</u>	<u>Court Appoint.</u>	<u>Private</u>
Dismiss, acquit, nolle pros	5	3	1
Guilty of at least one charge	<u>14</u>	<u>3</u>	<u>3</u>
TOTAL	19	6	4

Breaking down guilty disposition results in the following table:

<u>Guilty Disposition</u>	<u>Defense</u>		
	<u>Public Defender</u>	<u>Court Appoint.</u>	<u>Private</u>
Guilty of other charges but not of rape	6	1	2
Guilty of rape	<u>8</u>	<u>2</u>	<u>1</u>
TOTAL	14	3	3

K. Type of Guilty Offenders, All Charges

Offenders guilty for at least one charge, not necessarily the rape charge, are broken down by type, such as found guilty by jury or plea bargaining.

<u>Type</u>	<u>Description</u>	<u>Number</u>
I	Plea bargain - rape charge dropped or reduced, guilty of other charges	4
II	Trial - found guilty of lesser included charge or associated crime, not guilty of rape	5
III	Plea bargain - guilty of rape	3
IV	Trial - found guilty of rape	<u>8</u>
	TOTAL	20

L. Sentencing

The sentences of the guilty offenders are listed in the following table. An offender may have been sentenced on one or more charges, but only the most severe sentence is listed. The parole minimum sentence is not presented.

The sentence for one offender was not available since he had not been sentenced when data collection ended.

Table of Sentences (Most Severe)

<u>Offender</u>	<u>Confinement</u>	<u>Probation</u>	<u>Community Service</u>	<u>Disposition of Rape Charge</u>
Type I				Not guilty of rape
A	5 years			
B	6 months	5 years	150 hours	
C		5 years	100 hours	
D		5 years		
Type II				Not guilty of rape
E	Life			
F	8 years			
G		5 years	180 hours	
H		5 years	100 hours	
I		1 year	50 hours	
Type III				Guilty of rape
J	Life			
K	20 years			
L	20 years			
Type IV				Guilty of rape
M	Life			
N	20 years			
O	20 years			
P	20 years			
Q	20 years			
R	20 years			
S	8 years (youthful offender)			
T	Sentence at a later date			

VII. SUMMARY

This report presented data on the offense of rape including victim and offender characteristics. It also shed some light into the handling of the offender once in the criminal justice system. More data is needed to evaluate its performance.

In doing this study, as questions were being answered, new questions were raised. Areas where further research can be done include:

1. Follow-up on active court cases and on police investigations that were still open when data collection ended. This together with research on cases closed without arrest should allow us to calculate an accurate arrest and conviction rate.
2. Examine criminal histories including juvenile criminal history and focusing on previous sex related or other violent crimes.
3. Follow-up on sentenced offenders to see how many are currently in prison and what were their parole minimums.
4. Estimate the number of unreported rapes. Without studying unreporting rapes, it is hard to say if an increase in rapes is due to an increase in the actual number of rapes, reporting levels remaining constant, or if more women are reporting rapes, the actual number of rapes remaining steady. In

reality, it probably is a combination of both. It would also be valuable to compare victims who report rapes versus those who do not and to compare their reasons. Some women who did report rape did so only to inform the police and did not want the offender arrested.

This list is by no means comprehensive, nor is all of the areas listed easily researched, but it should give us a better insight into how effectively the criminal justice system deals with rape.

#### NOTES

<sup>1</sup>Hawaii Criminal Justice Data Center, Crime in Hawaii, 1981, A Review of Uniform Crime Reports, April, 1982, p. 31. The 265 reported rapes represent the number of victims and not the number of incidents. There may have been multiple victims in one incident. Each victim is counted separately.

<sup>2</sup>Index offenses consist of the crimes of murder, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft.

<sup>3</sup>The term offender is used instead of suspect or defendant.

<sup>4</sup>Reported sodomy is not included in this study nor are rape-murders.

<sup>5</sup>Per police department.

<sup>6</sup>Phone conversation with an employee of the Sex Abuse Treatment Center.

<sup>7</sup>For a good report on the problems of measuring attrition, see Floyd Feeney et al, Arrests Without Conviction: How Often They Occur and Why, National Institute of Justice, U.S. Department of Justice, July 1983.

<sup>8</sup>Estimates based on 1980 census data. All population data in this report is taken from, The State of Hawaii Data Book, 1982, published by the Department of Planning and Economic Development (DPED). Their source is the U.S. Bureau of the Census, Census of Population: 1980, General Population Characteristics, Hawaii, (1982).

<sup>9</sup>Population data taken from source in note 8.

<sup>10</sup>Ibid.

<sup>11</sup>Percentages may not add to total due to rounding.

<sup>12</sup>Ibid.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

**END**