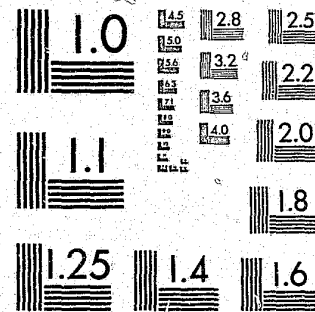


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SEXUAL ASSAULT IN WISCONSIN

JANUARY - JUNE 1984

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FEB 27 1985

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October 1984

97048



State of Wisconsin \ COUNCIL ON CRIMINAL JUSTICE

Anthony S. Earl
Governor

Richard A. Flintrop
Executive Director

October 1984

30 WEST MIFFLIN ST.
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MADISON, WISCONSIN 53702
(608) 266-3323

Dear Colleague,

I am pleased to present for your review and use, Sexual Assault in Wisconsin, January-June 1984. This report was prepared by the Wisconsin Statistical Analysis Center, a program of the WCCJ.

In January of this year, the WCCJ was recognized by the FBI as Administrator of the Uniform Crime Reporting (UCR) Program for the state. In this capacity, we collect monthly data on offenses and arrests from local law enforcement agencies. For the first time, we now have the opportunity to collect data on sexual assault in a manner consistent with Wisconsin's statutory definitions.

I believe that the data presented in this report are significant for a number of reasons. First, they give us a base from which to evaluate future trends in sexual assaults.

Second, the information collected relating to victim age should be extremely valuable to policy-makers, law enforcement agencies, and victim assistance programs. The common stereotype of the adult woman attacked on the street is the exception, not the rule in these data. The finding that 72% of all sexual assault victims are juveniles and that over half the victims are 14 years of age or less, should force us to reassess the responsiveness of the entire system to these youth and their needs. The new state law promoting increased reporting of suspected child abuse and the expanded sexual assault awareness programs conducted in many schools are obviously appropriately focused activities.

Equally striking is the finding that, in cases in which the victim is 12 years of age or younger, over one-third of offenders are family members. While firm prosecution is recognized nationally as the most effective intervention mechanism to prevent repeat offenses, the criminal justice system also has to focus on efforts which successfully reintegrate family members.

Public policy responding to criminal behavior is all too often driven by emotionalism and whim. We believe that the data available to us through the UCR Program offer a unique opportunity to examine trends in crime thoughtfully and to help direct our scarce resources. In this vein, we will be presenting further analyses of crime in Wisconsin during the coming months. We hope that you find these efforts useful.

Sincerely,

Richard Flintrop
RICHARD FLINTROP
Executive Director

SEXUAL ASSAULT IN WISCONSIN
January - June 1984

I. INTRODUCTION

This report presents data on sexual assaults in Wisconsin, from January through June, 1984. These data were collected by the Wisconsin Statistical Analysis Center (SAC), a program of the Wisconsin Council on Criminal Justice, as part of the State Uniform Crime Reporting (UCR) Program.

Information on Wisconsin sexual assaults has been collected by SAC as part of the Wisconsin UCR Program beginning in January, 1984. This information has been collected on an incident-by-incident basis, which will permit detailed analysis of sexual assaults as well as a comparison of data on sexual assaults and rapes--the latter collected as part of the National UCR Program.

A more complete report on these data is anticipated for Spring, 1985. The present semi-annual report will, nevertheless, serve to put some of the principal facts before the public and to indicate some of the possibilities in the data.

Sexual assault is defined in section 940.225 of the Wisconsin Statutes (see Appendix A). This statute covers "sexual contact or sexual intercourse" between persons; this is much more broad than the former rape statute. As will be seen below, rapes represent about 19% of all sexual assaults. Since all rapes are covered under the sexual assault statute, rape per se is not a legally meaningful category in Wisconsin. However, rapes are still of interest for two reasons. First, because rapes are counted as part of the National UCR Program there are many years of historical data on rape in Wisconsin; it is useful to continue collecting these data. Forcible rape, as defined by the UCR Program, is "the carnal knowledge of a female forcibly and against her will." Second, many persons are only vaguely aware of the differences between rapes and other sexual assaults. In operating the State UCR Program, we have discovered that many persons believe that all first-degree sexual assaults are rapes. Consequently, it is useful to take the opportunity presented by these data to distinguish rapes from other sexual assaults.

II. METHOD

The data in this report are cases reported to local law enforcement agencies and submitted by them to SAC, as part of the normal monthly UCR reporting procedure. Data are submitted on the Wisconsin Sexual Assault Form (see Appendix B). As is the case with all UCR data, the sexual assaults reported here are classified on the basis of law enforcement investigation. Whether the case is prosecuted

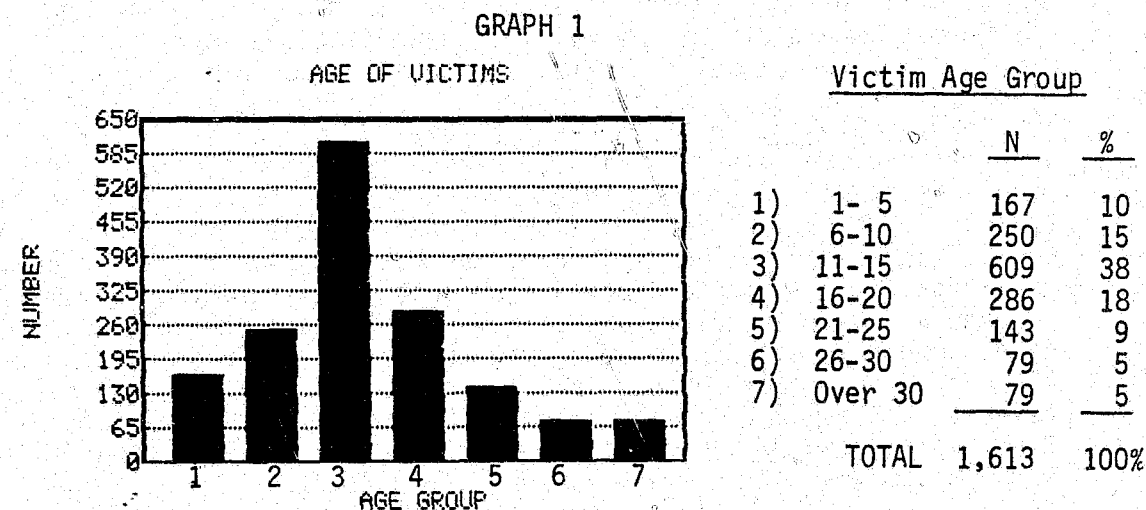
as a sexual assault in the courts or whether it is prosecuted at all have no bearing on the present data. It is likely that many cases of sexual assault are not reported to law enforcement agencies. It is important to remember that the number of these unreported cases is unknown, and that their nature may differ from the cases reported here.

III. VICTIM AGE AND SEX

To a major extent, sexual assault is a juvenile problem: Seventy-two percent of the victims are juveniles; 50% of the victims are 14 years old or less; and over one-third are 12 years old or less.

Victim age is of crucial importance in understanding these Wisconsin sexual assault data. The statute provides that any sexual assault of a person 12 years of age or less is a first-degree assault. Assaults on persons 13 through 15 years are to be considered second-degree assaults, unless they meet first-degree criteria. Because 62% of all victims are, in fact, 15 years old or less, 74% of all first- and second-degree assaults are so classed because of the age of the victims.

Victim age is presented in Graph 1. The preponderance of the 11-to-15-year-old group is obvious from the graph. The average age of all victims is 15 years. The median age is 14. This means that half of all victims are 14 or less years of age. The three most numerous individual ages are 15, 13, and 14, in that order. These three ages account for 26% of all cases. Further detail on victim age is presented in Table 1 (page 4).



As might be expected, victim's sex is predominantly female, with 88% of the victims being female. However, male victims are concentrated in the lower ages. If we consider only victims of 12 years and under (the age for first-degree assault), 23% of the victims are male, 77% are female.

If we consider only those sexual assaults which are rapes, we find that the average victim age is 21 and the median age is 19 years. The most numerous victim ages are 14, 15, and 16 years.

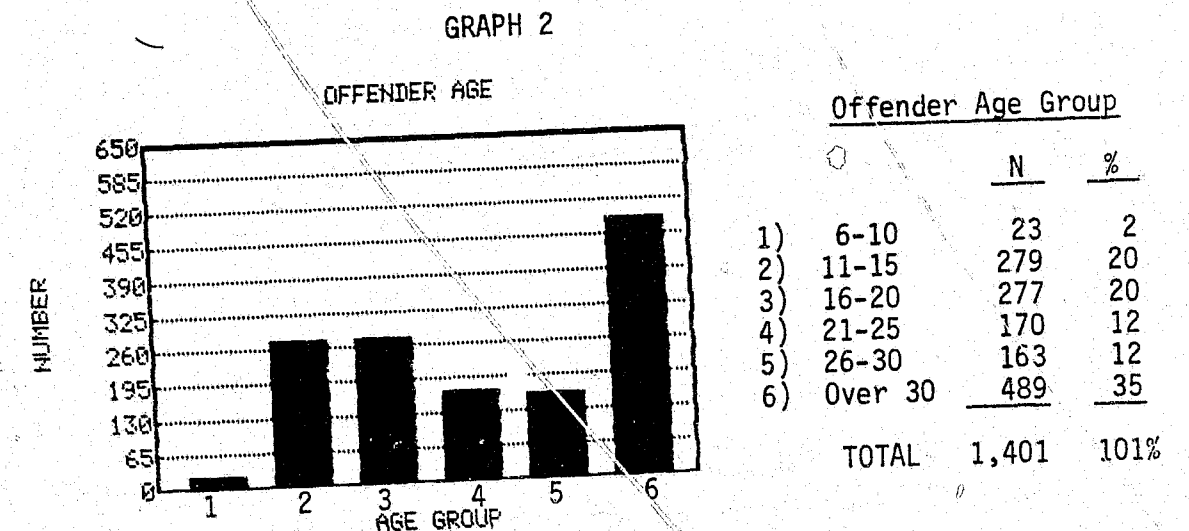
IV. OFFENDER AGE AND SEX

The average offender is 27 years old, 12 years older than the average victim. Twenty-four percent of all offenders are under the age of 18.

Information on offenders was collected on the Sexual Assault Form submitted by local law enforcement agencies (see Appendix B). Information was available on 1,401 offenders, or 85% of total cases.

Offender age is presented in Graph 2. As would be expected, the graph shows that offenders, as a group, are older than the victims, with teenagers the largest group and those over 30 years the next largest. The median age for offenders is 24 years, ten years more than the median age for victims. The offenders average age is 27, 12 years higher than the victim average. Of these offenders, 24% are juveniles.

Virtually all offenders are male--though 42 offenders (three percent of the total) are women. The victims of these women are concentrated in the very young ages; over half of them are ten years of age or younger.



V. RELATIONSHIP BETWEEN OFFENDER AND VICTIM

Half of all sexual assaults are committed by family and friends. Only 17%, less than one in five, are committed by strangers.

The proportion of assaults committed by family members drops as victim age increases. The proportion of assaults committed by strangers increases as victim age increases. This is illustrated in Graph 3.

Data on the relationship of offender and victim, by age of the victim, are presented in Table 1. The age groupings in Table 1 should be explained. They are basically the same five-year groupings shown in Graphs 1 and 2. However, the 11-15 age group and 16-20 age group are broken down so that a variety of combinations relevant to the statutes can be examined. The groupings of 0-12 years and 13-15 years are relevant for the sexual assault statute. The grouping of 17 years and under is relevant for status as a juvenile under the Children's Code. Thus, the 16-17-year-old group are juveniles under the Children's Code but have reached the age of consent under the sexual assault statutes.

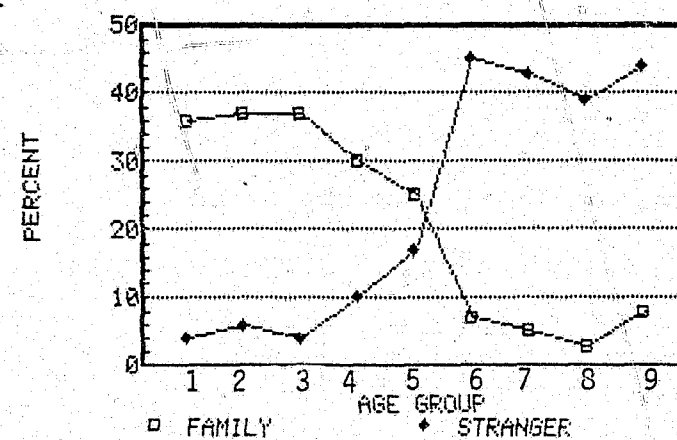
Table 1 shows that, over all sexual assaults, half are committed by family and friends. Only 17% are committed by strangers. However, the table also shows a relationship between age of victim and relationship. Thus, looking at the row for assaults by strangers, we see that the proportion of assaults by strangers increases steadily from four percent in the early ages to 44% for victims over 30 years. Conversely, the proportion of assaults committed by family members decreases steadily as age of victim increases. This is illustrated in Graph 3.

TABLE 1

Total Number of Assaults by Relation of Assailant to Victim and Age of Victim

| REL. OF ASSAILANT TO VICTIM | AGE OF VICTIM | | | | | | | | | | TOTAL |
|-----------------------------|---------------|----------|---------|----------|----------|----------|----------|---------|---------|---------|-----------|
| | 1-5 | 6-10 | 11-12 | 13-15 | 16-17 | 18-20 | 21-25 | 26-30 | Over 30 | Unknown | |
| Friend/Acquaint. | 28 17 | 38 15 | 59 32 | 132 31 | 46 29 | 28 22 | 42 29 | 23 29 | 21 27 | 1 3 | 418 25 |
| Family/Same Household | 60 36 | 93 37 | 68 37 | 128 30 | 39 25 | 9 7 | 7 5 | 2 3 | 6 8 | 0 0 | 412 25 |
| Stranger | 7 4 | 15 6 | 8 4 | 43 10 | 27 17 | 58 45 | 61 43 | 31 39 | 35 44 | 1 3 | 286 17 |
| Other | 72 43 | 104 42 | 48 26 | 123 29 | 45 29 | 34 26 | 33 23 | 23 29 | 17 22 | 30 94 | 529 32 |
| TOTAL | 167 100% | 250 100% | 183 99% | 426 100% | 157 100% | 129 100% | 143 100% | 79 100% | 79 101% | 32 100% | 1,645 99% |

ASSAILANT RELATIONSHIP



GRAPH 3

Assailant Relationship

| Victim Age Group | Assailant | |
|------------------|-----------|------------|
| | % Family | % Stranger |
| 1) 1-5 | 36 | 4 |
| 2) 6-10 | 37 | 6 |
| 3) 11-12 | 37 | 4 |
| 4) 13-15 | 30 | 10 |
| 5) 16-17 | 25 | 17 |
| 6) 18-20 | 7 | 45 |
| 7) 21-25 | 5 | 43 |
| 8) 26-30 | 3 | 39 |
| 9) Over 30 | 8 | 44 |

The data on relationship collected in this study were far more detailed than shown in Table 1. Twenty-five categories were actually utilized, but most did not occur with enough frequency to make them useful. Perhaps the most striking thing about these relationship data was that in all but the 17% of cases where the assailant was a stranger, there was some relationship between victim and assailant. Examples of some relationships would be mother's boyfriend, casual acquaintance, classmate, babysitter, neighbor, and professional or business-related relationships.

Table 2 presents the same information as Table 1 for that subset of sexual assaults which are rapes. The table shows that about the same proportion of rapes as assaults are committed by friends and acquaintances. However, a lower proportion of rapes are committed by family members and a higher proportion by strangers. Since we know that rape victims are older on the average than other sexual assault victims, this may be a reflection of the increasing proportion of stranger assaults at higher victim ages.

TABLE 2

Assaults that are Rapes by Relation of Assailant to Victim and Age of Victim

| REL. OF ASSAILANT TO VICTIM | AGE OF VICTIM | | | | | | | | | | TOTAL |
|-----------------------------|---------------|---------|---------|---------|--------|--------|---------|---------|---------|---------|----------|
| | 1-5 | 6-10 | 11-12 | 13-15 | 16-17 | 18-20 | 21-25 | 26-30 | Over 30 | Unknown | |
| Friend/Acquaint. | 1 9 | 1 6 | 3 20 | 15 23 | 12 36 | 11 22 | 23 41 | 12 34 | 12 29 | 0 0 | 90 27 |
| Family/Same Household | 5 45 | 8 50 | 3 20 | 18 28 | 2 6 | 3 6 | 1 2 | 0 0 | 4 10 | 0 0 | 44 13 |
| Stranger | 2 18 | 1 6 | 3 20 | 16 25 | 12 36 | 26 53 | 21 38 | 16 46 | 16 38 | 0 0 | 113 34 |
| Other | 3 27 | 6 38 | 6 40 | 16 25 | 7 21 | 9 18 | 11 20 | 7 20 | 10 24 | 10 100 | 85 26 |
| TOTAL | 11 99% | 16 100% | 15 100% | 65 101% | 33 99% | 49 99% | 56 101% | 35 100% | 42 101% | 10 100% | 332 100% |

VI. LOCATION OF ASSAULTS

Victim's home is by far the most common location for sexual assaults. The most common assailant in the victim's home is a family member.

Only 12% of assaults are committed outdoors. The most common assailants outdoors are strangers.

Location of assaults, by relationship of offender to victim, is shown in Table 3. Victim's home is by far the most common location, though, again, this probably only reflects the number of victims at very young ages and the high proportion of attacks by family members. Family members make up 25% of all assailants, but they make up 60% of assailants when the assault occurs in the home.

Strangers are 17% of all assailants, but are 43% of assailants when the assault occurs outdoors; 62% of stranger assaults occur outdoors.

TABLE 3
Location of Assault by Relationship of Assailant to Victim

| LOCATION | RELATIONSHIP | | | | | | | | | |
|-----------------|--------------|------|--------|------|----------|-----|-------|-----|-------|------|
| | Friend | | Family | | Stranger | | Other | | TOTAL | |
| | N | % | N | % | N | % | N | % | N | % |
| Victim Home | 30 | 7 | 249 | 60 | 30 | 10 | 96 | 18 | 405 | 25 |
| Offender Home | 27 | 6 | 32 | 8 | 3 | 1 | 75 | 14 | 137 | 8 |
| Other Residence | 86 | 21 | 27 | 7 | 16 | 6 | 70 | 13 | 199 | 12 |
| Other Indoors | 161 | 39 | 43 | 10 | 61 | 21 | 97 | 18 | 362 | 22 |
| Vehicle | 32 | 8 | 5 | 1 | 24 | 8 | 23 | 4 | 84 | 5 |
| Outdoors | 52 | 12 | 4 | 1 | 122 | 43 | 20 | 4 | 198 | 12 |
| Unknown | 30 | 7 | 52 | 13 | 30 | 10 | 148 | 28 | 260 | 16 |
| TOTAL | 418 | 100% | 412 | 100% | 286 | 99% | 529 | 99% | 1,645 | 100% |

VII. USE OF WEAPONS AND VICTIM INJURIES

Some form of injury occurs in 15% of all assaults; a dangerous weapon is used in 9% of all assaults.

Information on victim injury and assailant weapon use is presented in Table 4. The table shows that most assaults do not involve weapons and do not involve physical injury to the victim. Some form of injury occurs in 15% of assaults; a dangerous weapon is used in 9% of the assaults. The 9% of assaults in which a dangerous weapon is used, however, account for 30% of the injuries. Even though many injuries occur when no weapon is used, there is a statistically significant relationship between the use of a weapon and the occurrence of injury.

TABLE 4
Victim Injury by Weapon Used

| WEAPON | INJURY | | | | | |
|---------------------------------|-----------------|--------------------|---|-------|---------|-------|
| | Cuts or Bruises | Hospital Admission | Medical Attn. (Hospital Out-patient Only) | None | Unknown | TOTAL |
| Firearm | 3 | 0 | 9 | 6 | 0 | 18 |
| Knife or Other Cutting Instrmt. | 9 | 4 | 30 | 19 | 1 | 63 |
| Other Dangerous Weapon | 11 | 0 | 8 | 43 | 1 | 63 |
| Personal Weapon | 23 | 3 | 24 | 92 | 1 | 143 |
| None | 30 | 0 | 86 | 1,171 | 6 | 1,293 |
| Unknown | 2 | 0 | 1 | 18 | 44 | 65 |
| TOTAL | 78 | 7 | 158 | 1,349 | 53 | 1,645 |

VIII. DEGREE OF ASSAULT

First-degree assaults make up 47% of all sexual assaults, second-degree make up 39%, and fourth-degree are 13% of all assaults.

For victims over 15 years old (those for whom age is not a factor in categorizing an assault), first-degree assaults are 23% of the total, second-degree are 39%, third-degree are 3%, and fourth-degree are 35%.

Data on the number of assaults of each degree provided for in the statute are presented in Table 5. Data are shown for all assaults, assaults of persons over 15 years of age, and those assaults which are rapes.

The contrast of all assaults with assaults on persons over 15 years of age is important because so many victims are so young. It will be recalled that assaults on persons 15 years and younger are classed as first- or second-degree, "statutorily"; that is, based solely on the age of the victim. Over 70% of all first- and second-degree assaults are so classed because of the age of the victim. Examining the distribution of assaults for victims over 15 years permits a view of the distribution of types of assault based on factors other than age of victim.

TABLE 5
Proportion of Sexual Assaults of Each Degree for All Victims and Victims Over 15

| DEGREE | VICTIM CASES | | | | | |
|--------|--------------|------|---------|------|-----------------|------|
| | All Cases | | Over 15 | | Classed as Rape | |
| | N | % | N | % | N | % |
| First | 766 | 47 | 136 | 23 | 163 | 52 |
| Second | 633 | 39 | 229 | 39 | 150 | 48 |
| Third | 20 | 1 | 20 | 3 | -- | -- |
| Fourth | 208 | 13 | 208 | 35 | -- | -- |
| TOTAL | 1,627 | 100% | 593 | 100% | 313 | 100% |

Table 5 shows that for all assaults, 47% are first degree, 39% second degree, and 13% fourth degree. However, 74% of all first- and second-degree assaults are so classed because of victim age. When assaults on victims over 15 years of age are considered, we

TABLE 3

Location of Assault by Relationship of Assailant to Victim

| LOCATION | RELATIONSHIP | | | | | | | | | |
|-----------------|--------------|------|--------|------|----------|-----|-------|-----|-------|------|
| | Friend | | Family | | Stranger | | Other | | TOTAL | |
| | N | % | N | % | N | % | N | % | N | % |
| Victim Home | 30 | 7 | 249 | 60 | 30 | 10 | 96 | 18 | 405 | 25 |
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| Other Residence | 86 | 21 | 27 | 7 | 16 | 6 | 70 | 13 | 199 | 12 |
| Other Indoors | 161 | 39 | 43 | 10 | 61 | 21 | 97 | 18 | 362 | 22 |
| Vehicle | 32 | 8 | 5 | 1 | 24 | 8 | 23 | 4 | 84 | 5 |
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First-degree assaults make up 47% of all sexual assaults, second-degree make up 39%, and fourth-degree are 13% of all assaults.

For victims over 15 years old (those for whom age is not a factor in categorizing an assault), first-degree assaults are 23% of the total, second-degree are 39%, third-degree are 3%, and fourth-degree are 35%.

Data on the number of assaults of each degree provided for in the statute are presented in Table 5. Data are shown for all assaults, assaults of persons over 15 years of age, and those assaults which are rapes.

The contrast of all assaults with assaults on persons over 15 years of age is important because so many victims are so young. It will be recalled that assaults on persons 15 years and younger are classed as first- or second-degree, "statutorily"; that is, based solely on the age of the victim. Over 70% of all first- and second-degree assaults are so classed because of the age of the victim. Examining the distribution of assaults for victims over 15 years permits a view of the distribution of types of assault based on factors other than age of victim.

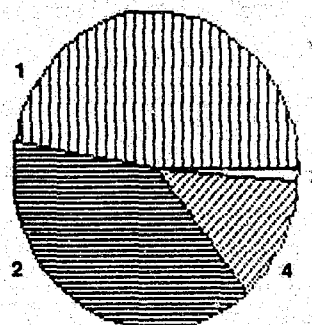
TABLE 5

Proportion of Sexual Assaults of Each Degree for All Victims and Victims Over 15

| DEGREE | VICTIM CASES | | | | | |
|--------|--------------|------|---------|------|-----------------|------|
| | All Cases | | Over 15 | | Classed as Rape | |
| | N | % | N | % | N | % |
| First | 766 | 47 | 136 | 23 | 163 | 52 |
| Second | 633 | 39 | 229 | 39 | 150 | 48 |
| Third | 20 | 1 | 20 | 3 | -- | -- |
| Fourth | 208 | 13 | 208 | 35 | -- | -- |
| TOTAL | 1,627 | 100% | 593 | 100% | 313 | 100% |

Table 5 shows that for all assaults, 47% are first degree, 39% second degree, and 13% fourth degree. However, 74% of all first- and second-degree assaults are so classed because of victim age. When assaults on victims over 15 years of age are considered, we

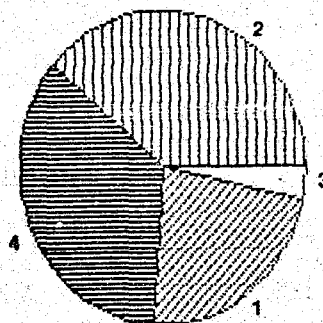
find the proportion of first-degree assaults reduced to 23%, while the proportion of fourth is increased to 35%. The proportion of second-degree assaults remains unchanged at 39%. This is illustrated in Graphs 4 and 5.



GRAPH 4

All Sexual Assaults by Degree

| Degree | N | % |
|--------|-------|---------|
| 1 | 766 | 47.08 |
| 2 | 633 | 38.91 |
| 3 | 20 | 1.23 |
| 4 | 208 | 12.78 |
| TOTAL | 1,627 | 100.00% |



GRAPH 5

Sexual Assault of Victims Over Age 15, by Degree

| Degree | N | % |
|--------|-----|---------|
| 1 | 136 | 22.93 |
| 2 | 229 | 38.62 |
| 3 | 20 | 3.37 |
| 4 | 208 | 35.08 |
| TOTAL | 593 | 100.00% |

Of the 766 first-degree assaults, 163 (21%) were rapes; while of the first-degree assaults on persons over 15 years, 71% were rapes. Of the 633 second-degree assaults, 150 (24%) were rapes; while of the second-degree assaults on persons over 15, 47% were rapes. These data are consistent with previous Wisconsin UCR data collected for 1978-80, which showed the number of rapes to be approximately 20% of all sexual assaults.

At this point, perhaps two or three sample incidents might be appropriate to illustrate the data being discussed.

The victim is a 13-year-old female, the offender her 48-year-old stepfather. The stepfather fondles her breasts, but does not have intercourse with her. This persists over a period of five months before being reported to the police. No weapon is used, no physical injury results. The comment on the data sheet is, "Offender is victim's stepfather. Victim was approached at home, stepfather fondled her breasts." This is classed as a second-degree assault because of the victim's age.

The victim is a 13-year-old female, the offender a 14-year-old acquaintance. The circumstances state, "Fondled breasts without consent. Home." This is classed as a second-degree assault because of the victim's age. No weapon is used and no physical injury occurs.

These two samples show many of the common characteristics for variables on which we have data. The victims are in the most common age group. The offenders are coded as family in the first case and as acquaintance in the second, with both offenders being male. Both assaults occur in a home (although whose home is not clear in the second case--this is coded as "other residence"), and neither assault would be classed as a rape nor do they result in any physical injury to the victims.

Sometimes the relationship cited is not easy to code. For example, in an assault on a five-year-old male by a 15-year-old male, the offender was the "son of the live-in-boyfriend of the sister of victim's mother's live-in-boyfriend." Upon investigation, this description was found to be absolutely accurate and was coded "Friend of relative," as in the more common case when assailant is the son of the "live-in-boyfriend."

While relatively rare in these data (see Tables 3 and 4), some assaults are violent and occur outside. As we have seen, a high proportion of these assaults are committed by strangers. In one example of these with a 16-year-old female victim, she was "grabbed by the throat by unknown. Forced to take off slacks. He fled when she screamed." In a second example, a 32-year-old victim was "dragged from the street into an alley by the neck and forced to have sexual intercourse."

IX. SUMMARY

- **VICTIM AGE AND SEX:** *To a major extent, sexual assault is a juvenile problem: Seventy-two percent of the victims are juveniles; 50% of the victims are 14 years old or less; and over one-third are 12 years old or less.*
- **OFFENDER AGE AND SEX:** *The average offender is 27 years old, 12 years older than the average victim. Twenty-four percent of all offenders are under the age of 18.*
- **RELATIONSHIP BETWEEN OFFENDER AND VICTIM:** *Half of all sexual assaults are committed by family and friends. Only 17%, less than one in five, are committed by strangers.*

The proportion of assaults committed by family members drops as victim age increases. The proportion of assaults committed by strangers increases as victim age increases.

- **LOCATION OF ASSAULTS:** *Victim's home is by far the most common location for sexual assaults. The most common assailant in the victim's home is a family member.*

Only 12% of all assaults are committed outdoors. The most common assailants outdoors are strangers.

- **USE OF WEAPONS AND VICTIM INJURIES:** *Some form of injury occurs in 15% of all assaults; a dangerous weapon is used in 9% of all assaults.*
- **DEGREE OF ASSAULT:** *First-degree assaults make up 47% of all sexual assaults, second-degree make up 39%, and fourth-degree are 13% of all assaults.*

For victims over 15 years old (those for whom age is not a factor in categorizing an assault), first-degree assaults are 23% of the total, second-degree are 39%, third-degree are 3%, and fourth-degree are 35%.

Appendix A

Wisconsin Sexual Assault Statute

940.225 SEXUAL ASSAULT. (1) *First Degree Sexual Assault*. Whoever does any of the following is guilty of a Class B felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person and causes pregnancy or great bodily harm to that person.

(b) Has sexual contact or sexual intercourse with another person without consent of that person by use or threat of use of a dangerous weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a dangerous weapon.

(c) Is aided or abetted by one or more other persons and has sexual contact or sexual intercourse with another person without consent of that person by use or threat of force or violence.

(d) Has sexual contact or sexual intercourse with a person 12 years of age or younger.

(2) *Second Degree Sexual Assault*. Whoever does any of the following is guilty of a Class C felony:

(a) Has sexual contact or sexual intercourse with another person without consent of that person by use of threat of force or violence.

(b) Has sexual contact or sexual intercourse with another person without consent of that person and causes injury, illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care for the victim.

(c) Has sexual contact or sexual intercourse with a person who suffers from a mental illness or deficiency which renders that person temporarily or permanently incapable of appraising the person's conduct, and the defendant knows of such condition.

(d) Has sexual contact or sexual intercourse with a person who the defendant knows is unconscious.

(e) Has sexual contact or sexual intercourse with a person who is over the age of 12 years and under the age of 16 years.

(3) *Third Degree Sexual Assault*. Whoever has sexual intercourse with a person without the consent of that person is guilty of a Class D felony.

(3m) *Fourth Degree Sexual Assault*. Whoever has sexual contact with a person without the consent of that person is guilty of a Class A misdemeanor.

(4) *Consent*. "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (1) (d) and (2) (c), (d) and (e). The following persons are presumed incapable of consent but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs capacity to appraise personal conduct.

(c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(5) Definitions. In this section:

(a) "Sexual contact" means any intentional touching by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the complainant or sexually arousing or gratifying the defendant or if the touching contains the elements of actual or attempted battery under s. 940.19(1).

(b) "Sexual intercourse" includes the meaning assigned under s. 939.22(36) as well as cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the defendant or upon the defendant's instruction. The emission of semen is not required.

(6) Marriage Not A Bar To Prosecution. A defendant shall not be presumed to be incapable of violating this section because of marriage to the complainant.

Appendix B

Wisconsin Sexual Assault Form

U.C.R. Sexual Assault Form
ss. 16.969(2)(b)1 and
16.969(2)(c)
WCCJ - 301

STATE OF WISCONSIN
UNIFORM CRIME REPORTS - SEXUAL ASSAULT REPORT
(See Instructions on Reverse)

| Agency Case # | Offense # | Unfounded | Degree of Assault | Victim | | | Offender | | | Arrest Made | Disposition | Return A Line # | Time of Assault | Date of Assault | Date of Report | Weapon | Extent of Victim Injuries | CIRCUMSTANCES Give relationship of offender to victim. If offender was not known to victim, so state Tell where victim was approached and where assault occurred (indoors, outdoors, in vehicle). |
|---------------|-----------|-----------|-------------------|--------|-----|------|----------|-----|------|-------------|-------------|-----------------|-----------------|-----------------|----------------|--------|---------------------------|--|
| | | | | Age | Sex | Race | Age | Sex | Race | | | | | | | | | |
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Month and Year

Agency

Prepared By

Agency Identifier (NCIC)

Title

Chief, Sheriff (Signature)

Wisconsin Council on Criminal Justice
Wisconsin Statistical Analysis Center
30 West Mifflin St., Suite 1000
Madison, Wisconsin 53702

1. Agency Case Number Your case number for this offense.
2. Offense Report each offense in the month in which it becomes known to law enforcement. Number each offense on the first line used for that offense. Count one offense per victim. If the same victim is assaulted repeatedly in one continuing and distinct criminal operation, score one offense only. An offense with multiple offenders requires a separate line for each offender.
3. Unfounded Check here if the offense was reported and later unfounded. If the offense was reported in a previous month, provide case number, time and date of assault.
4. Degree of Assault 1 - 4 (Wis. Statutes 940.225)
5. Age 01-99. If 100 or older, use 99. New born up to one week, use NB. If over one week but less than one year use BB. Unknown, use U. List on separate line for each offender.
6. Sex M or F. Unknown, use U. List on separate line for each offender.
7. Race White, W; Black, B; American Indian or Alaskan Native, I; Asian or Pacific Islander, A; Unknown, U. List on separate line for each offender.
8. Arrest Made Yes or no. If arrest is for offense reported in a previous month, only offender information plus case number, offense number, time and date of original assault need be reported. Record arrest for any assault occurring in your jurisdiction regardless of where arrest takes place or who makes it. Do not record arrests you make for assaults in other jurisdictions.
9. Disposition: Handled within Department and released, 1; Referred to counseling or other social service agency, 2; Referred to juvenile court, 3; Referred to adult court, 4; Referred to other police agency, 5; Other, 6.
10. How Assault is Classified on Return A Indicate line number on Return A where this sexual assault was reported for UCR purposes (Often 2a-2b or 4a-4e). If not appropriate for Return A, indicate NA.
11. Time of Assault Use 24-hour clock (e.g. 1530). Approximate if necessary.
12. Date of Assault: Use six digits (e.g. 03-15-84). If assault is part of an unreported series (e.g. an intra-family situation that has been going on for some time), give date of first assault
13. Date of Report: Use six digits. Give date assault was reported to law enforcement.
14. Weapon Firearm, A; Knife or cutting instrument, B; Other dangerous weapon, C; Personal weapon (hands, feet, etc), D; Verbal threat only, E; None, F.
15. Victim Injuries None, 1; Cuts or bruises, 2; Medical attention required (hospital treatment on outpatient basis only), 3; Hospital admission required, 4; Victim died, 5.
16. Circumstances Give relationship of offender to victim. If offender was not known to victim, so state. Tell where victim was approached and where assault occurred (indoors, outdoors, in vehicle).

PLEASE FORWARD THIS FORM WITH YOUR OTHER MONTHLY UCR RETURNS TO:

Roland Reboussin
Wisconsin Statistical Analysis Center
Wisconsin Council on Criminal Justice
30 West Mifflin Street, Suite 1000
Madison, WI 53702

If there are any questions about the preparation of this form, call the Statistical Analysis Center at 608-266-7638.

Completion of this form is required by ss. 16.969(2)(b)1 and 16.969(2)(c), Wis. Stats.
There is no penalty for non-compliance.

END