



## Case Western Reserve Law Review

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Volume 4 | Issue 1

---

1952

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### Recommended Citation

Robert C. Bensing, *Sex Law Enforcement in Indianapolis*, 4 W. Res. L. Rev. 33 (1952)

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# Sex Law Enforcement in Indianapolis\*

*Robert C. Bensing*

**W**HILE PROBLEMS connected with the enforcement of the criminal sex laws vary from state to state and even city to city, it is, nevertheless, believed that there are certain problems and aspects concerning the enforcement of these laws that are common to most, if not all, large or relatively large urban areas, and that what exists usually in one exists in the others. This article embodies the results of a study of the enforcement of the criminal sex laws in the Marion County Criminal Court situated in the City of Indianapolis, Indiana, in the year 1947.<sup>1</sup>

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The Indianapolis area was chosen because of its representative character.

The survey had two aims: first, to render an account of the functioning of the systems enforcing

the sex laws, as fully as such social institutions are adaptable to statistical appraisal; and second, to attempt to trace to their sources whatever defects, weaknesses, or inconsistencies the study revealed. It was felt that in order to ascertain how the sex laws were administered a day-to-day, quantitative study was essential as a basis for judgment. As a result, there is little play upon the occasional dramatic case; the emphasis is upon bare, unweighted statistics. On the other hand, however, it must be admitted that certain aspects of the social structure in the City of Indianapolis have been taken

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\*This article is an excerpt from a doctor's thesis submitted to Yale Law School, June, 1950.

<sup>1</sup>The Marion County Criminal Court has original jurisdiction over all felonies and misdemeanors committed within the county with the exception of various minor offenses the jurisdiction over which has been vested exclusively in certain inferior tribunals, such as municipal and magistrate courts. IND. STAT. ANN. § 4-2304 (Burns 1946). As a result, the case statistics are not limited solely to offenses committed in the City of Indianapolis, but include an indeterminate number of offenses occurring outside the boundary of the municipality. Since the City of Indianapolis completely dominates the county in which it is situated, however, (Marion County, pop. 460,926; Indianapolis, pop. 386,972, U. S. Census, 1940) it is a safe assumption that a large majority of the offenses were committed within the confines of the city boundaries, or, at least, by residents of the municipality. The records, based upon the parties' given residences, so indicate, for thirty-nine cases out of the total

into account. Since social ideals, opinions, mores, and practices all have their roots deep in the everyday job of enforcement of the criminal law, such treatment was realized to be inevitable.

(1) *Total Number of Defendants Convicted as Charged*

In the Indianapolis area during 1947 a total of fifty-one persons were charged with the commission of some type of sex offense and their cases placed upon the docket books of the Marion County Criminal Court.<sup>2</sup> Out of this number twenty-three defendants, or approximately 45 per cent, were convicted of the sex offenses with which they were originally charged by indictment or affidavit.

(a) *Number Pleading Guilty as Charged*

Important to a complete understanding of the twenty-three convictions is the number obtained as a result of pleas of guilty as compared to the number of persons found guilty by either the court or the jury. Figure I shows that eight, or approximately 35 per cent, of the defendants convicted as charged pleaded guilty, while the remaining fifteen were found so after standing trial upon the merits of the cases.

(2) *Number of Defendants Convicted on Reduced Charges*

Figure I also lists the number of persons convicted of lesser offenses than those with which they were originally charged, and six defendants out of the total of fifty-one are to be found in this category. This accounts for approximately 12 per cent of all sex cases docketed in the Indianapolis area for the period under study.

(a) *Number Pleading Guilty to Lesser Offenses  
and Number Found Guilty*

Of these six convicts, three pleaded guilty and three were found guilty by the court after trial. Here, then, is found an even 50 per cent split between the number of persons pleading guilty to reduced charges and those found guilty. As compared to the number of persons pleading guilty to the original charge, the above figure is some 15 per cent higher.<sup>3</sup> This, it seems, is only natural, for a defendant would be more likely to plead guilty to a lesser offense after being charged with a greater one, than to plead guilty to the greater offense in the first instance. And especially is this true if the defendant is actually guilty, for by standing trial he still has a chance of being found not guilty of the original charge, or, at least, merely guilty of a lower degree of the offense.

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of fifty-one cases involved Indianapolis residents. And the total on municipal residents may actually be greater than stated, for in making the computation cases in which no record of residence was found were placed in the non-resident category.

<sup>2</sup> The Marion County Criminal Court is comprised of two divisions, both located in the City of Indianapolis.

<sup>3</sup> Eight defendants out of twenty-three convicted as charged pleaded guilty. This represents approximately 35 per cent.

FIGURE I

*Number and Disposition of Cases During 1947—Indianapolis*

I.	Number convicted as charged	-	-	-	-	-	-	-	-	23
a.	Pleaded guilty	-	-	-	-	-	-	-	-	8
b.	Found guilty	-	-	-	-	-	-	-	-	15
II.	Number convicted of lesser offenses	-	-	-	-	-	-	-	-	6
a.	Pleaded guilty	-	-	-	-	-	-	-	-	3
b.	Found guilty	-	-	-	-	-	-	-	-	3
III.	Number not guilty	-	-	-	-	-	-	-	-	9
IV.	Number nolle prosequi	-	-	-	-	-	-	-	-	11
V.	Number disposition unknown	-	-	-	-	-	-	-	-	2
										—
									Total	51

(3) *Number Found not Guilty*

Twenty-seven defendants out of the total fifty-one accused of the commission of sex offenses during 1947 actually stood trial after having been arraigned and having entered a plea of not guilty. Of this number, nine were determined not guilty of any offense, thereby giving the Indianapolis Court a 66 2/3 per cent conviction record for the cases in which the defendants actually stood trial.<sup>4</sup> It must be remembered, however, that three of the eighteen cases in which convictions were obtained after complete trial were cases in which the convictions were for lesser offenses than those with which the convicts were originally charged. On this basis, therefore, only 56 per cent of the Indianapolis prisoners standing trial were convicted.

(4) *Nolle Prosequis*

Since the number of nolle prosequis in any given period directly affects conviction statistics, and also represents wasted time, money and energy, as well as a general retarding effect upon the judicial process, the relative degree of the presence, or absence, of these cases is of importance.

Eleven cases out of the total fifty-one docketed for the year studied were nolle. This represents approximately 22 per cent of the Indianapolis cases during 1947. Significantly, in every instance the reason given by the prosecuting attorney in asking that a nolle prosequi be entered was in some way directly indicative of a lack of interest on the part of the prosecuting witness.<sup>5</sup> In no case, at least to the writer's knowledge and from the information gained from the court records, was lack of evidence given as the prosecutor's sole reason for his asking that a case be nolle.

<sup>4</sup> Compiled on the basis of fifteen defendants found guilty as charged, three found guilty of lesser crimes, plus the nine persons determined innocent after complete trial of the cases.

<sup>5</sup> The witness did not wish to continue prosecution because of embarrassment involved in public trial; witness could not be located at time of trial, or had moved out of town and did not, or would not, appear for trial.

(5) *Other Disposition of Cases*

The disposition of two cases is unknown, the cases merely appearing upon the docket book and no further record being found.

(6) *Total Number of Convictions*

Adding all the figures together, it is seen that out of the total fifty-one sex cases docketed in the Indianapolis Court during 1947, twenty-nine resulted in conviction, either for the offense originally charged, or for a lesser offense. This represents an over-all conviction rate of approximately 57 per cent for the Indianapolis Court.

(7) *Number Receiving Suspended Sentences*

(a) *Convicted as Originally Charged*

Of the twenty-three Indianapolis defendants who were convicted of the sex offenses with which they were charged originally, only one received a suspended sentence. In that instance the crime was sodomy, committed by a twenty-eight year old man upon a seven year old girl. The defendant pleaded guilty and received a \$100 fine plus an indeterminate two to fourteen year penitentiary sentence. Thus, only 4.3 per cent of those defendants convicted as charged received a suspended sentence during 1947. No explanation has been found, nor can be given, as to why this one convict was singled out.

(b) *Convicted of Lesser Offense*

Not a single defendant of the six convicted for lesser offenses than those with which they were originally charged received a suspended sentence during 1947.

(8) *Number Receiving Minimum Sentences*

(a) *Convicted as Charged Originally*

Only three defendants convicted as originally charged received minimum sentences. The first, a thirty-six year old man convicted of the offense of sodomy committed upon a seventeen year old boy, received the minimum \$100 fine permissible under the Indiana statute.<sup>6</sup>

The second defendant, a sixty year old man, convicted of the same offense with a dog, also received a \$100 fine.<sup>7</sup> The third, another man, was convicted of public indecency, and received the minimum \$5 fine.<sup>8</sup>

Such a small number of minimum sentences is very understandable in view of the Indiana indeterminate sentence statutes. Under these statutes only misdemeanants,<sup>9</sup> minors,<sup>10</sup> and defendants convicted of felonies for

<sup>6</sup> IND. STAT. ANN. § 10-4221 (Burns 1942).

<sup>7</sup> *Ibid.*

<sup>8</sup> IND. STAT. ANN. § 10-2801 (Burns 1942).

<sup>9</sup> IND. STAT. ANN. § 9-1819 (Burns 1942).

<sup>10</sup> IND. STAT. ANN. § 9-1815 (Burns 1942).

which a fine only is permissible,<sup>11</sup> can receive a determinate penalty. All others must be given, upon conviction, an indeterminate prison sentence, the exact length of time to be served depending upon the judgment and discretion of the parole board.

(b) *Convicted of Lesser Offenses*

Only two defendants convicted of lesser offenses than originally charged received minimum penalties. One, a sixteen year old boy, after having been charged with the commission of statutory rape upon a thirteen year old girl, pleaded guilty to assault and battery with intent to commit rape and received the minimum sentence permissible— one year.<sup>12</sup> The other defendant, charged originally with assault and battery with intent to commit the felony of rape,<sup>13</sup> was found guilty of assault and battery, a misdemeanor, for which he was fined \$1 and costs of the proceedings.<sup>14</sup>

Once again, the presence of only two cases in which minimum sentences were imposed is understandable in the light of the fact that only six instances involving conviction for lesser offenses than those originally charged existed in Indianapolis during 1947, and that in two of them the indeterminate sentence law applied. Therefore, in the four cases in which convictions for lesser offenses were obtained, where the court had discretion to assess determinate sentences, it imposed only minimum penalties upon the convicts in two of the cases. In the other two instances, both involving simple assault and battery, the defendants received maximum six month jail terms, but they received fines of only \$200 and \$250, when the maximum fine was \$1,000.<sup>15</sup>

In the light of the evidence presented, it is not felt that the Indiana court can be classified as harsh in regard to the length of sentences or the amount of fines imposed upon defendants convicted of lesser offenses than those with which they were originally charged.

(9) *Number Receiving Minimum and Suspended Sentences*

(a) *Convicted as Charged Originally*

No defendant in the Indianapolis area during the year studied received both a minimum sentence and a suspension of that sentence after having been convicted as charged originally by affidavit or indictment.

<sup>11</sup> IND. STAT. ANN. §§ 9-1820 and 9-1821 (Burns 1942).

<sup>12</sup> IND. STAT. ANN. § 10-401 (Burns 1942). The determinate sentence was permissible because of the convict's minority. IND. STAT. ANN. § 9-1815 (Burns 1942).

<sup>13</sup> IND. STAT. ANN. § 10-4201 (Burns 1942).

<sup>14</sup> While assault and battery is punishable by a maximum fine of \$1,000, to which may be added six months imprisonment, thereby making it theoretically possible that one cent might be the minimum penalty under such statute, it is believed that \$1 is not too great to be excluded from the minimum classification.

<sup>15</sup> IND. STAT. ANN. §§ 10-402, 10-403 (Burns 1942).

(b) *Lesser Offenses*

There were, also, no instances in which a defendant received both a suspended sentence and a minimum sentence after having been convicted of an offense in a lower degree than that with which he was originally charged.

(10) *Manner of Arrest*

As between the two methods of taking a defendant into custody in the first instance, that of arrest by a police officer acting under his inherent or statutory powers, or that of arrest by police officer acting with the aid of a warrant of arrest issued after complaint filed by a prosecuting witness, the first of these methods occurred in only three instances, while the second method existed in the remaining forty-eight cases.

Three different types of sex offenses were involved in the three arrests made by police officers acting without the aid of warrants. One case charged public indecency; the second, prostitution; and the third, sodomy. These cases have one outstanding feature in common. That feature is the relative ease and likelihood of discovery and apprehension when compared to most other sex offenses. This is especially true of prostitution and public indecency, and while perhaps not typical of sodomy cases in which both participants are members of the human race, in a case like the one mentioned above, where the one participant was a dog, it is quite probable that the offense would be committed outside the seclusion of a house. At least, in the case referred to, the prisoner was so discovered by police officers who made the arrest.

(11) *Procedure Used in Bringing Cases to Trial*

Either indictment or affidavit is permissible as a means of prosecution in the State of Indiana. The only limitation placed upon this is the exclusion of the use of the affidavit in cases of murder and treason.<sup>16</sup> Also, the affidavit method of procedure, due to the greater ease, convenience and speed inherent in this type of procedure as compared to indictment by a grand jury, is the system most favored and used in the Indianapolis area. As a result, it was to be expected that out of forty-five cases<sup>17</sup> which required the choice of one or the other of these methods, affidavits existed in forty instances, and indictments in only five.

<sup>16</sup> IND. STAT. ANN. § 9-908 (Burns 1942).

<sup>17</sup> Six cases out of the total fifty-one cases in the Indianapolis area during 1947 were public indecency cases, all misdemeanors and all within the jurisdictional limits of the Municipal Court. IND. STAT. ANN. §§ 4-2502 and 4-2402 (Burns 1942). These cases were first tried in the Municipal Court, and appealed to the Marion County Criminal Court. The records did not reveal whether affidavits were used in the Municipal Court. However, since none is necessary and they are ordinarily not used in such instances, it may be presumed that they were not present here. Also, no indictment or affidavit is needed upon appeal. *Parish v. State*, 194 Ind. 44, 141 N.E. 786 (1923).

Exclusive of the six cases involving public indecency, in which it is not definitely known whether affidavit was used or not,<sup>18</sup> the following table indicates the disposition of the forty affidavit cases and the five indictment cases:

I. Conviction	-	-	-	-	-	-	23 Affidavit	1 Indictment
II. Not guilty	-	-	-	-	-	-	7 Affidavit	1 Indictment
III. Nolle Prosequi	-	-	-	-	-	-	8 Affidavit	3 Indictment
IV. Unknown	-	-	-	-	-	-	2 Affidavit	0 Indictment

Total      40 Affidavit    5 Indictment

From these figures it is seen, therefore, that the conviction rate of the forty cases in which affidavits were used was approximately 57½ per cent, while the conviction rate for indictment cases was only 20 per cent. Much the same results appear when the nolle prosequi rate is made the subject of comparison. The indictment cases reveal a nolle prosequi rate of 60 per cent, while the affidavit cases registered only eight nolles out of forty cases, for a rate of 20 per cent. At least the face value of the statistics reveals that the affidavit in the limited number of cases under consideration has produced the better results.

#### (12) *Manner of Trial—Court or Jury*

In Indiana a defendant has a right to trial by jury in a criminal case,<sup>19</sup> but, with the assent of the prosecutor and the court, he may waive such right and be tried by the court.<sup>20</sup> Since trial by jury has long been considered a fundamental, inalienable right of democratic America, investigation of the frequency with which such right was waived by Indianapolis defendants in sex crime cases during 1947 seems justified.

An interesting but little expected phenomenon was discovered. Out of a total of twenty-seven cases in which defendants pleaded not guilty and actually stood trial, all twenty-seven chose to waive their right to trial by jury and rested their hopes upon the decision of a one-man court. Fifteen of the twenty-seven, or 55 per cent, were found guilty of the offenses with which they were originally charged. Three of the remainder, or 11 per cent, were convicted of various lesser offenses. When these totals are added together it is found that 66 2/3 per cent of all the defendants waiving jury trial were found guilty of some offense by the court. Since no cases existed in Indianapolis where trial by jury was not waived, a comparison of the conviction rate cannot be made with trial by jury cases.

The sole reason given by the Indianapolis attorneys and law enforce-

<sup>18</sup> See note 17 *supra*.

<sup>19</sup> IND. CONST. ART. I, § 13; *Graves v. State*, 203 Ind. 1, 178 N.E. 233 (1931).

<sup>20</sup> IND. STAT. ANN. § 9-1803 (*Burns* 1942); *Murphy v. State*, 97 Ind. 579 (1884).



ment officials for the mass waiver of trial by jury on the part of Indianapolis defendants in sex offense cases was that their attorneys felt that their chances were better before a one-man court than before a jury.

(13) *Ages of the Parties*

The records of the Marion County Criminal Court pertaining to the ages of the parties were not complete. As a result, in only twenty-six instances were the ages of both the defendant and his "victim" available.

FIGURE II

<i>Original Charge</i>	<i>Ages of the Parties—Indianapolis</i>		<i>Disposition</i>	
	<i>Defendant</i>	<i>Victim</i>		
Statutory Rape	1. 16	13	Pleaded guilty assault & battery. 1 year minimum.	
	2. 17	15	Transferred to juvenile court.	
	3. 21	13	Nolle prosequi	
	4. 21	14	Nolle prosequi	
	5. 30	13	Pleaded guilty assault and battery with intent to rape. 1-10 years.	
	6. 57	under 12	Found guilty assault and battery. 1-10 years.	
	Rape	7. 21	19	Nolle prosequi
		8. 22	21	Not determined.
		9. 25	22	Nolle prosequi
		10. 25	23	Nolle prosequi
		11. 25	20	Nolle prosequi
		12. 26	23	Pleaded guilty assault and battery. 6 months. \$250.
		13. 27	22	Found guilty. 2-21 years.
Sodomy	14. 28	21	Nolle prosequi	
	15. 28	24	Not guilty.	
	16. 32	22	Nolle prosequi	
	17. 32	27	Not guilty.	
	18. 28	7F	Pleaded guilty. \$100. 2-14 years. Suspended.	
	19. 36	17M	Pleaded guilty. \$100—minimum.	
	20. 47	10M	Found guilty. \$100. 2-14 years.	
	21. 50	47M	Not guilty.	
	22. 58	16M	Not guilty.	
	Incest	23. 31	16	Found guilty. 2-21 years.
24. 18		12	Pleaded guilty. 2-21 years.	
25. 25		15	Not guilty.	
26. 24		10	Not guilty.	

F - female M - male.

Figure II shows the ages of the parties in the twenty-six cases. The average age of the defendants listed is approximately twenty-nine years, while the average of the so-called "victims" is eighteen years of age. There is, therefore, more than a ten year difference between the ages of the two groups. Certainly, the "victims" may be classified as young, and it would not seem to be stretching matters too greatly also to classify the defendants as relatively young as compared to various age classifications in the population as a whole.

It is interesting to note that upon an actual comparison of the ages of the particular defendants and their particular victims, in regard to only two types of offenses, sodomy and incest, were the differences between the ages of the parties relatively large.<sup>21</sup> For example, the parties involved in the statutory rape cases were both either minors or at least no older than twenty-one years of age, which places them in approximately the same age group.

The rape cases are an even more significant example of the parity in age between the two parties involved, for here not only were the parties in each case in the same "young," "middle-aged," or "old" group, but in only two instances<sup>22</sup> were the parties more than five years apart in age, and in these cases the female victims were both of the age of majority.

A cursory glance at the ages of the parties charged with incest and sodomy, however, is sufficient to show the offenses where the discrepancy is greatest. In only two cases was the discrepancy in age between the parties less than ten years, and in three of the total of nine cases it was greater than twenty years. The average age of the defendants involved in these two crimes was thirty-five years, while the age of their victims was only sixteen years.

While it may be said in summary that, as a whole, Figure II shows the sex crimes listed to have been committed by relatively young men, rape and statutory rape appeared to attract younger men more than did incest and sodomy. Their "victims" also were younger than those involved in the other two offenses.

#### (14) *Ages and Minimum Sentences*

Of the defendants listed in Figure II who were convicted as originally charged, only one received a minimum penalty. The offense charged was sodomy and was committed by a thirty-six year old defendant upon a seventeen year old boy. The accused pleaded guilty and received a \$100 fine.<sup>23</sup>

Since the indeterminate sentence law applies in cases of rape, incest, and

<sup>21</sup> See Figure II, p. 40.

<sup>22</sup> Cases 14 and 15, Figure II, p. 40.

<sup>23</sup> One hundred dollars is the minimum penalty permissible upon conviction of sodomy in Indiana. IND. STAT. ANN. § 10-4221 (Burns 1942).

statutory rape,<sup>24</sup> no minimum sentences were possible for the parties involved in those offenses. Any comparison looking to ages and minimum sentences in connection with convictions for the crimes listed under "Original Charge" in Figure II, therefore, would appear to be restricted to the parties involved in sodomy cases. Upon making such comparison it is apparent that the one case resulting in the assessment of a minimum penalty after conviction contained possible mitigating factors not present in the two remaining cases of sodomy. For example, the victim of the defendant was a male child, much older than either the seven year old girl in the one case, or the ten year old male child involved in the other. It is also highly probable that in the one case there was consent on the part of the seventeen year old victim, a fact not likely to have been present in the other cases.

The only other instance of a defendant receiving a minimum sentence in any of the twenty-six cases where the ages of both parties is known was upon the conviction of a lesser offense than the crime with which he was charged originally. In this instance a sixteen year old boy was charged with having committed statutory rape. His victim was a thirteen year old girl. He pleaded guilty to assault and battery with the intent to commit rape and received the minimum sentence of one year.<sup>25</sup>

Once again, it is not difficult to understand why the particular defendant received a minimum sentence when other defendants listed in Figure II did not. He was, after all, the youngest convict, the offense with which he was originally charged was statutory rape, where it was admitted that the female, though only thirteen, consented to the intercourse. While the girl's assent is not an excuse in the eyes of the law, the actions of a sixteen year old boy after having received such assent on the part of the girl would not seem to demand too harsh an application of the law. The law, after all, is not designed to punish all indiscriminately and without consideration of ameliorating factors. They existed in Case Number 1, and simply were not present in the others.

#### (15) *Age and Suspension of Sentences*

Only one convict listed in Figure II, as well as in Indianapolis as a whole during 1947, received a suspended sentence. The defendant, a man twenty-eight years of age, pleaded guilty as charged to the offense of sodomy. His victim was a seven year old girl. He was given a \$100 fine coupled with two to fourteen year penitentiary sentence.

<sup>24</sup> The indeterminate sentence law does not apply in misdemeanors, in felonies where a fine is permissible, or where the convict is a minor. IND. STAT. ANN. §§ 9-1815, 9-1819, and 9-1820 (Burns, Repl. 1942). Rape, incest, and statutory rape all are punished only by prison terms and not by fines. They are also felonies.

<sup>25</sup> IND. STAT. ANN. § 10-401 (Burns 1942). Since the defendant was a minor the indeterminate sentence law did not apply. IND. STAT. ANN. § 9-1815 (Burns 1942).

Why this defendant, out of twenty-three persons convicted as originally charged, received the only suspended sentence in the Indianapolis Court during 1947 is beyond explanation on the basis of the records available. Since not even one of the six persons convicted of lesser offenses received a suspended sentence the matter is complicated further. Figure II reveals the defendant's victim as the youngest of all the victims listed. The convict, being twenty-eight years old, was certainly of mature age; he had committed a crime of perversion, and, moreover, he admitted his guilt. This case, at least on its face, represents the most heinous offense of all twenty-six cases listed in Figure II. Unless ameliorating factors existed which were not revealed by the records, no reason for suspending sentence in the case can be found.

(16) *Residences of the Defendants*

(a) *General Characteristics of the City of Indianapolis*

The addresses of defendants residing within the City of Indianapolis are known in thirty-one of the fifty-one sex cases docketed in the Marion County Criminal Court during 1947.

For the purpose of illustrating the various socio-economic areas, the City of Indianapolis may be regarded as two concentric circles — the inner circle, which shall be designated as Zone I, and the outer circle, Zone II.<sup>26</sup>

Within the center of Zone I is the main business district. This area is dominated by retail stores, office buildings, banks, and public buildings. Proceeding toward the periphery of Zone I, one finds wholesale houses, passenger and freight terminals, and various types of light industry. Also scattered throughout this general area, with the exception of the central business district, are residential dwellings. These are, for the most part, however, rooming houses, multiple dwellings, and cheap hotels. The further one moves away from the center of Zone I the more abundant become areas devoted predominantly to residential dwellings, with business and general commerce assuming a minority role. Here are found the homes of the working class — dwellings that were once occupied by families of a higher social and economic strata who have, many years before, moved farther away from the expanding central business district. Contained within Zone I, also, is the great majority of the city's Negro population.

Once outside the boundary of Zone I, however, the homes of the middle class and the wealthy are found. Here, wherever business and residences are found in the same general areas they seem to exist in mutual exclusion, with little or no intermixture of the two. Each occupies its specific geographic area, with the inherent characteristics of each localized within that area.

<sup>26</sup> Admittedly, the City of Indianapolis is not circular in form, but generalized illustrations cannot portray specific individual variations.

(b) *Areas in which the Defendants Resided*

Of the thirty-one defendants whose Indianapolis addresses are known, thirteen resided within Zone I. This represents forty-two per cent of the cases. The remaining defendants resided within Zone II, with the greatest concentration of cases within the center of Zone II, and the number decreasing as one progresses toward the periphery.

The majority of Indianapolis defendants, therefore, came not from the lower class residential areas, but rather from the middle class sections of the city; and, if the residential areas are indicative of the social, economic, and educational status, the majority of the alleged sex criminals were members of middle class and possibly even of the wealthy class in several instances.

*Conclusion*

Specific aspects of the general problems of enforcement of the sex statutes have been discussed at length. Here no more will be attempted than to sum up what seem to be the salient points.

(1) The police played a very minor role in the detection and arrest of alleged sex offenders. Arrests by police officers acting without the aid of a warrant sworn to by prosecuting witnesses were made in less than six per cent of the Indianapolis cases.

(2) Enormous amounts of time, money, and energy are wasted and the due administration of the law hindered by lack of continued interest in prosecution on the part of complaining witnesses. As a direct result of such lack of interest, nolle prosequis were entered in 22 per cent of the cases docketed in the Marion County Criminal Court during 1947.

(3) In the Indianapolis area, 45 per cent of the defendants were convicted of the offenses with which they were originally charged. Within this group, 35 per cent of the defendants pleaded guilty, and the remainder were found guilty after trial.

(4) Twelve per cent of the docketed cases resulted in convictions for offenses in lesser degrees than those with which the defendants were originally charged, and 50 per cent of these convicts pleaded guilty.

(5) Eighteen per cent of the docketed cases resulted in a finding of not guilty.

(6) Less than 2 per cent of the Indianapolis convicts received suspended sentences.

(7) While the persons accused of sex offenses were, in general, older than their victims, both offenders and victims were relatively young, and the age differences existing between particular defendants and their victims were not large in the majority of cases.

(8) The majority of defendants resided in areas definitely middle class in nature.