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John A. McCreight

James A. Lash

Harold A. Katersky

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HOW TO CRACK DOWN ON RAPE

By JOHN A. McCREIGHT/Partner, New York
JAMES A. LASH/Manager, Detroit, and
HAROLD A. KATERSKY/Manager, Detroit

Of all the crimes committed in our cities, two receive the most publicity and create the greatest emotional impact. These are murder and rape.

Together, these two crimes account for less than one half of one percent of all police runs in major cities. For example, in Detroit, the emergency telephone answering center receives approximately 1,800,000 calls per year; dispatches police cars 900,000 to 1,000,000 times per year; and records between 2,000 and 2,500 homicides and rapes. Obviously the reason these two crimes receive such attention is because of their potential ability to shatter human lives.

Murder and rape are not the only crimes to have increased in recent years, of course. Indeed, many police officials forecast that today's significant unemployment figures will increase the pressures behind all types of crime. In any event, fighting crime has now become one of our top national priorities. Today a greater percentage of most municipal budgets is used to fight crime than is used by all other city services combined.

Since the federal Law Enforcement Assistance Administration (LEAA) was formed in the 1960s, several billion dollars have been distributed through state and local planning agencies, to police departments, courts, prosecutors, defenders, drug programs, juvenile delinquency programs, correction facilities, and many other elements of the criminal justice system. Even the costs to a city for maintaining the status quo have increased dramatically. For example, patrolmen's salaries (including fringe benefits) have passed \$20,000 per year in many communities. The direct cost of fielding one two-man marked police car 24 hours a day, seven days a week, exceeds \$250,000 annually.

What has been the return on this investment in crime prevention?

This article will deal with the "attack" on one specific crime that was undertaken by the Detroit police department and the relationship of that attack to the need for improvements throughout the criminal justice process. The crime selected by the city for its first attack effort was rape. This article will examine how to deal with both the crime itself and the victim, how to educate both the public and the police, and finally how new techniques of investigation and prosecution may apply to "attacks" on other specific crimes. The rape reduction effort was one of many factors which eventually led police and city executives to a fundamental reorganization of the entire police department. By way of background, here are four statements that highlight why rape presents a particular problem to the criminal justice system.

■ Only half of all rapes occur between strangers. The rapist is just as likely to be someone met casually at a party, a brother's boyfriend, or a stepfather.

■ It is often debated whether or not most rape is "caused" by the victim—the babysitter alone at home who doesn't pull the blinds; the woman who travels alone at night in areas known to be unsafe; the girl who stands alone at night at a bus stop.

■ Rape sometimes occurs as the aftermath of another crime: a kidnapping in an automobile, an assault in a back street or alley, or a simple breaking and entering into a home.

■ Many rapes are never reported.

When a rape is reported, the police are often criticized for their attitudes. They are regarded as being insensitive to the victim's trauma. Their response is usually that the victim's reaction and behavior are quite understandable to them but that her attitude, in turn, is often crippling to the criminal justice system.

First, they point out, many calls which originally are reported as rapes turn out to be nothing more than disagreements between lovers. Second, the evidence will show that in some cases the crime is the victim's fault; a review of police records indicates that some women are repeatedly the victims of rape. Third, the police know that most rapes are perpetrated by men who will repeat the crime. However, they also know that the victim is unlikely to follow through the entire criminal justice process—a necessity if a conviction is to be obtained and the rapist taken off the street. Therefore, the incentive of the police finally to resolve the crime can be low—especially after the victim "backs out" of a good case, forcing the release of a known rapist.

If a rape is such an emotional crime, why don't the victims follow through to see that the rapist is jailed? First, most victims want only to forget the entire unpleasant event. The process of identifying the rapist, securing the warrants, establishing "probable cause," and then going to trial continually reminds the victim and her family of the experience. Due process can drag on for many months, sometimes more than a year.

Second, although some states are revising their laws on rape, in most states the victim must prove that she didn't encourage the attack and that she resisted the crime. Prosecution should become easier, however, under a new statute in Michigan. For example, the victim need not resist. Emphasis is instead put on showing that force was used; and the use of a gun or knife implies force. The maximum sentence in Michigan was changed to life imprisonment, and the defendant may no longer use the history of the victim to show that she had a bad reputation. Florida has passed similar legislation, and California and Iowa have changed their laws relating to evidence. This can be significant, since giving courtroom testimony only adds to the victim's em-

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barrassment. Frequently, in fact, it involves an uneven contest between an experienced defense lawyer and an embarrassed woman of average intelligence in an unfamiliar setting.

For these reasons, many victims fail to follow through, even to the point of simply identifying the attacker. Those women who do identify their attackers may be unwilling to appear in court or may in the opinion of the prosecuting attorney be ineffective witnesses.

In those cases, the prosecutor and defense attorney will bargain for a guilty plea to a reduced charge. In this way, rape becomes "attempted rape" or "simple assault," and the attacker is not removed from the streets for several years but only a few months. Or he may even be placed on probation.

National statistics vividly illustrate the problem. In 1973, 51,000 rapes were reported to the police. This is up almost 10 percent from 1972, over 60 percent from 1968, and almost 200 percent from 1960. It is important to note that these are reported crimes. Recent studies by LEAA and the Bureau of the Census indicate that only about half the rapes that occur are actually reported to the police.

For each 100 rapes reported, 51 percent result in an arrest. When an arrest occurs, prosecutors are able to prosecute in 76 percent of the cases. Of those accused and taken to court, 36 percent are found guilty of the charge, 17 percent are convicted or plead to a lesser offense, and 47 percent are acquitted or dismissed. This means that for each 400 actual rapes, only 200 are reported; and of 100 arrests for the crime of rape, only 14 individuals are found guilty. Sentences, depending upon the state and the facts, as well as on the individuals involved in the trial, will differ significantly.

The Task Force Approach

As LEAA money became available to fight specific crimes, several cities undertook anti-crime programs. In many cases, these projects were limited in scope, dealing with only one aspect of a particular crime; in others, they were too broad to deal with the significant facts of one particular crime. For example, some cities developed education programs, others prevention programs. What was missing was a concerted "attack" on a specific crime that included all aspects—analysis, prevention, education and training, communications, police response, new techniques of patrol and investigation, and prosecution.

In November, 1973, the Detroit Police Department undertook a concerted attack on the crime of rape. A task force was formed, including the department's Women and

Children Services Section, members of the tactical mobile unit, undercover officers, prosecutors, and consultants from Touche Ross.

At the time our consulting engagement began, rape had been increasing in Detroit. An apparently dramatic rise had occurred in the previous nine months as a result of a policy decision to accept reported crimes as "founded," even when the victim would not follow up and participate in normal police procedures. In earlier years, if the victim was unwilling to follow up, it was assumed for record keeping purposes that the rape had not occurred.

Touche Ross consultants analyzed each new rape incident from the first report to police through the investigation, the arrest of the accused, and his eventual prosecution and trial. To identify and revise correctable weaknesses in the criminal justice system, our consultants worked with police commanders seven days a week and twenty-four hours a day. From one to ten rapes occur each day, and at any hour our consultants were present at the scene, at the hospital, and in court to assure that the criminal justice system for each rape was analyzed objectively. Initial investigation uncovered many facts. First, specific patterns of attack could be plotted on city maps. Second, the assailant often fled from the scene on foot. Third, the assailant frequently repeated his crime. Fourth, rape did not appear to be a crime with racial overtones. Fifth, the early arrival at the scene of dogs, police, and trained male and female investigators could preserve evidence vital for successful prosecution.

As a result of this fact finding, a wide range of changes was implemented. For example:

- The Emergency Communications Center dispatched an investigative team consisting of one male and one female officer directly to each rape scene, in addition to the normal marked car response. Previously, investigators had been sent to the hospital to interview the victim, causing significant delays and evidence being lost.
- Each team was equipped with an evidence kit designed for collecting evidence in rape cases both at the scene and at the hospital.
- Tracking dogs were dispatched to the scene of all rapes. These dogs were usually effective up to four hours after the rape.
- Investigative teams were coached each day by senior officers.
- Warrant requests were coordinated with the prosecutor's office so that none would be denied because of an improper or incomplete police action.
- The responsibility for serving warrants was assigned to uniformed units, and the officers' progress in appre-

hending persons wanted for rape offenses was carefully watched by experienced field supervisors.

- A sensitive and more effective approach for communicating with the rape victim and her relatives was implemented. This also meant emphasizing to the victim her responsibility to follow up on the prosecution of her assailant in order to minimize the chance that he would assault other women.
- The location of each rape was traced on transparent overlays on a city map and undercover investigators sought to identify crime patterns.
- The case load of individual investigators was eased by assigning those cases in which all leads had been exhausted to a police unit which had responsibility for identifying rape patterns. This enabled the investigators to concentrate on those cases with the highest probability of being resolved.

What were the overall results of the task force work? It is difficult to cite figures that will indicate a continuing trend. Too many variable factors, such as the changing economy, can affect cold statistics.

Preliminary data does show, however, that during the project more warrants were granted than in any previous period, and more cases were “closed through arrest.” Before the project began, rape cases were up 52 percent over the previous year. In the first three months of the project, cases were up only 16 percent, while in the fourth month they went down 16 percent. At the same time, the number of cases closed increased from 34 percent before the project began to 41 percent six months after it ended—with the same number of staff people.

“I think the most important feature to note,” reports Inspector Ed Hay, who was the rape project director for the police department, “is that we were able to identify specific problem areas and deal with them. After one year of investigative focus, we can show that most police precincts in Detroit, except those in the Van Dyke-Harper area, experienced a drop in the rate of rape and associated sex crimes.”

Also interesting is the reaction of citizens involved in the task force investigations. They were clearly enthusiastic. They felt that the criminal justice process was not only making a professional effort to reduce the frequency of rape, it was also producing results where none had been expected by them.

“The truth is,” says Ed Hay, “had it not been for the task force project, many productive things now considered routine would never have begun.” Many of these routine practices—some came out of a parallel effort to reduce burglaries—are now being utilized throughout the police

department as precincts have been reorganized to implement the task force approach in other crimes, such as homicide, narcotics, car thefts, and armed robberies. The reorganization, which emphasizes decentralized responsibility in attacking specific crimes, is unparalleled in police agencies throughout the country. No longer will full-scale investigations begin after the patrolman’s written report is turned in; they will begin with the first radio reports from a major crime scene.

The Detroit experience, borne out by other cities, clearly indicates that significant progress can be made when the police department and the criminal justice system mount an intensive, well-organized attack on specific crimes. It also shows that significant progress can be made without dramatic increases in police department budgets or for other elements of the criminal justice process. ▲

Conflicting Advice

Should a Potential Rape Victim Resist?

During and after the rape control and prevention project, many requests were made for tactics which might be useful to a potential rape victim. During the consulting engagement, a variety of ideas were discussed, many of them conflicting with one another.

- Protect yourself with a hatpin—don’t attempt to protect yourself with a hatpin.
- Use chemical spray—don’t use chemical spray.
- Become proficient at self-defense—don’t attempt to physically defend yourself.

To be candid, the firm’s consultants dealt with management issues—procedures, personnel deployment, computer and radio systems planning, equipment allocation, statistical analysis, and forecasting. However, they were able to evaluate rape prevention ideas, and in that light can recommend a fairly new book on this subject:

Storaska, Frederic, *How to Say No to a Rapist—and Survive*, Random House, Inc., New York, 1975.

The authors do not agree with every point in the book but it is an impressive effort to help potential victims. One warning: the book is not “light reading.” It is direct, vivid, and, at points, unnerving—but it may help.