

Why your rape statistics are likely wrong (and are begging for media attention)

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We at PRI sincerely hope, and highly suggest, that your agency pay heed to and take action on what you are about to read. Doing so may very well help it avoid disastrous media attention. The all too common lack of media interest in reporting the facts, or in taking the time to provide the reader the detailed "why" behind the story, only contributes to the negative perception of law enforcement that is so prevalent today. How? In this case, an assumption is being made that law enforcement is purposefully manipulating sexual assault statistics. Unfortunately, the profession has brought it upon itself.

When is the last time your agency audited its rape statistics? Exceptional clearances? Unfounded cases? For the last several years, police rape investigations and the statistics they produce have been the subject of numerous news articles. Several of them came from ProPublica, a well-known investigative journalism organization, which conducted an in-depth review of various police agencies rape statistics from around the country.

The [ProPublica article](#) reported the following:

- The Baltimore County Police Department reported a 70 percent exceptional clearance rate of its rape cases in 2016, nearly twice the national average.
- The Oakland Police Department cleared 60 percent of rapes reported in 2016, according to agency data. For every case they resolved through arrest, Oakland police cleared more than three by exceptional means, data provided by the department shows.
- In Hillsborough County, Florida, home to Tampa, the Sheriff's Office cleared 12 percent of rapes in 2016 by arrest. It cleared more than three times as many by exceptional means.

How this happens comes down to one simple thing- a common misunderstanding and misapplication of the requirements for reporting an exceptional clearance.

In Austin, Texas, where two out of three cleared rape investigations were closed by exceptional means in 2016, Police Chief Brian Manley said the high numbers are driven by the fact that so few victims decide to cooperate with police. *"It's the unfortunate reality of sexual assault in this country,"* he said.

While that may be, it is not why agencies ex-clears are so high. The primary issue is due to investigators erroneously changing a case to exceptionally cleared the moment the victim indicates a refusal to cooperate or press charges, despite not having a suspect, or if there is one, not having probable cause for arrest. Here are the elements which must be established in order to clear a case by exception:

1. The suspect has been identified. Without this, you have most certainly not cleared the crime;
2. There is enough information to support an arrest/charge.
3. The location of the suspect/offender is known.
4. There is a reason beyond the control of the agency/investigator which prevents an arrest being made.

It's that simple. These golden "4" should be known by every officer, investigator, supervisor and records employee in the country. If they don't, how can the profession be expected to produce accurate data? The education system reports school/grade data. The medical profession reports health data. Law enforcement produces crime data. It must be accurate.

[The ProPublica article obtained statistics from a variety of agencies \(see if yours are here\)](#). 39 of the agencies contacted "did not respond to our records requests while others said they were unable or unwilling to provide the data requested", said ProPublica. That is not acceptable. No agency should refuse to provide this information, and every agency has the capability to do so.

Probable Cause Is Not the Standard for Documenting a Crime

The second problem with rape statistics is quite possibly more egregious than the ex-clear issue, and it has to do with not classifying reports as a sexual assault when they should be.

A woman attends a party at a residence and gets intoxicated to the point of blacking out. In the morning she wakes up in a bedroom in the same house, naked, experiencing vaginal pain. No one is around. As she gets dressed, she attempts to recall the events of last night and remembers everything up to a certain point including dancing with a group of friends. Beyond that, she does not know what happened but does know she shouldn't be naked in this house. She believes she was raped and calls the police.

An officer responds and through an exhaustive interview, cannot determine any other details about the incident. There are no witnesses, no video, and only some physical evidence which was impounded for forensic analysis. The woman reports she does not recall having any interaction with a man whatsoever.

A detective initiates an investigation and through a follow-up interview is unable to obtain further information beyond what was already provided. The results from a forensic sexual assault exam indicate evidence of sexual activity however, the woman reveals she had sexual relations with her boyfriend earlier in the day, but was not experiencing any pain as a result.

The pain she describes has never occurred before and feels as though someone assaulted her. She is adamant that she was raped and would never consent to sex with anyone other than her boyfriend. The victim does not appear deceptive and has no criminal history.

In analyzing the facts of the investigation and thinking of possible scenarios that could have happened, the detective determines there is no evidence *proving* a crime occurred, and feels it is possible the reporting party may have consented to the sex but just does not remember doing so. Accordingly, he authors a report classified as a "suspicious incident", which he notes will be further investigated as needed. Another supplement is written several weeks later suspending the case.

With that, the agency has just reported that a rape did not happen, despite the claim by a victim that one did. This practice is common place and is exactly what leads to trouble, the ramifications of which are far more profound than the average sex crime investigator realizes.

Absent proof that a reported crime is false or baseless, neither of which is the case in this scenario, police agencies are to report and document crimes as they are reported to them by the public. When someone reports their bicycle stolen, a theft report is written. When someone claims their house was burglarized, a burglary report is taken. Neither of these crimes were proven to have happened but neither was the rape; yet it just got classified as a non-criminal, suspicious incident.

Unfounded?

An unfounded case is one in which the reported crime was 1) determined through investigation to actually not be a crime or 2) was a crime but occurred outside of your jurisdiction. [Read how a Phoenix area police department incorrectly labeled sex crimes as unfounded.](#)

PRI has assisted numerous agencies in ensuring they report their crime stats correctly. Through our training and consulting services, your agency will receive knowledge, tools and resources needed to get everyone on board and doing it right. [Contact us](#) today to help you with:

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