

## Analysis of Cuyahoga County's Procedures for Alleviating the Backlog of Sexual Assault Kits

### Cuyahoga County Sexual Assault Kit (SAK) Pilot Project: Report on Victims

By Fred Butcher, PhD, Rachel Lovell, PhD,  
Daniel Flannery, PhD,

March 2016

THIS REPORT PROVIDES a description of victims involved in the 243 sexual assaults analyzed as part of the Cuyahoga County Sexual Assault Kit (SAK) Pilot Research Project. The key findings include:

- The majority of victims did not have a felony-level criminal history.
- Prostitution was the most common offense in the victim's criminal history. Preliminary findings suggest that cases where the victim had a history of prostitution were less frequently resulting in prosecution compared to cases where the victims had no history of prostitution, although the majority of these types of cases still resulted in prosecution.
- The majority of victims were attacked by strangers or recent acquaintances.

- In most instances, initial police reports did not specifically indicate credibility issues related to the victim.
- Almost all victims initially cooperated with police in the investigation; however, there is a large and significant drop in the number of victims who continue to respond to the police's further contact attempts according to police reports.

*Of the cases we examined, 88% involved victims for whom police reports indicated no credibility issues.*

#### Who are the victims?

Of the 243 victims in the study, 240 were female (99%) and 3 were male (1%). The victims in the sample ranged between 2 and 70 years of age with an average age of 26. Twenty one percent of the victims in these cases were minors (under the age of 18) including two of the three male victims who were both under the age of 4.

Continued on page 2

#### DATA AND METHODOLOGY

In August 2015, we began with a list of cases that had completed the investigative workflow (i.e., a series of investigative tasks in order to determine whether or not to prosecute a sexual assault) and had been closed by the Cuyahoga County Prosecutor's Office (CCPO) and either (1) resulted in prosecution or (2) were not pursued due to insufficient evidence.

From the case files we coded police, investigative, and forensic laboratory reports and criminal histories on a random sample of 210 cases representing 243 Sexual Assault Kits (SAKs).

These assaults were committed between March 1993 and May 2014; however, the majority of the assaults (74.1%) occurred between 1993 and 1997, which reflect the CCPO initially prioritizing cases based on the expiring statute of limitation.

For a more description of the history of the unsubmitted SAKs in Cuyahoga County, the SAK Task Force, and a more detailed description of these data, see "The Cuyahoga County Sexual Assault Kit Task Force: Describing the Process of Testing, Investigating, and Prosecuting Unsubmitted SAKs" and "The Cuyahoga County Sexual Assault Kits (SAK) Pilot Research Project: Data and Methodology."

## Analysis of Cuyahoga County's Procedures for Alleviating the Backlog of Sexual Assault Kits

### Cuyahoga County Sexual Assault Kit Pilot Project: Report on Victims

Continued from page 1

Nearly 70% of the victims were African American/Black, 27% of the victims were Caucasian/White, and the remaining 3% being Hispanic/Latino.

#### Did the victims in these cases have a history of criminal offending and does this affect prosecutorial decision-making?

We collected victim's criminal histories for felony-level arrests prior to and subsequent to the sexual assault in addition to arrests for domestic violence and prostitution, which are most often not felony offenses. Of the cases we examined, 152 victims had available criminal history information.

The majority of the victims did not have any felony arrests prior or subsequent to the assault (59.2%). The percentage decreases when including a domestic violence or a prostitution arrest—53.3% of the victims never had a felony-level, domestic violence or prostitution arrest.

The most common offense in the victims' criminal history was prostitution (10.3%, n = 16). For cases

that involved victims who had a prior history of prostitution, 62.5% (n = 10) had resulted in prosecution while 82.7% (n = 115) of cases involving victims with no prior history of prostitution resulted in prosecution. The remaining cases were not pursued due to insufficient evidence.

#### What do these data tell us?

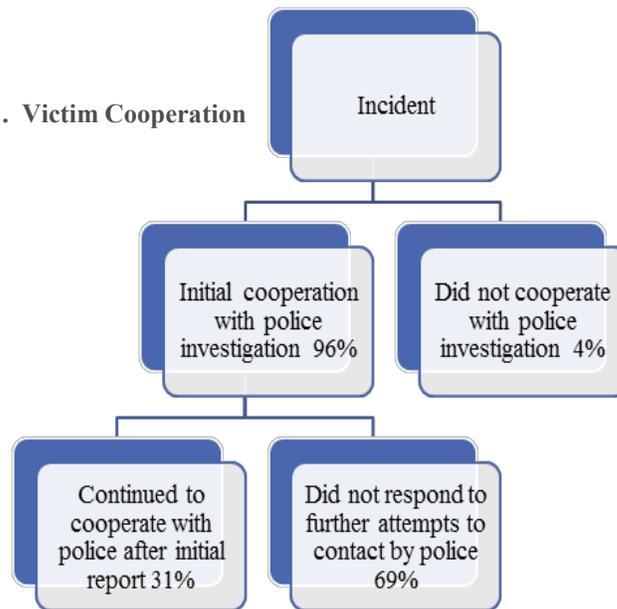
These data suggest that nearly 90% of victims had no history of prostitution arrests. For the handful of victims who did have a history of arrests for prostitution, these data suggest there is a noticeable decline in the proportion of cases resulting in prosecution. Although, of the cases that involved victims that had a history of prostitution, the majority resulted in prosecution.

#### How did the victims know the suspects?

Over half of the victims (53%) were attacked by a stranger and an additional 7% were attacked by recent acquaintances, meaning someone they had just met (at a bar, party, on the street, etc.).

In the cases where the victim was attacked by a stranger, 30% involved an immediate attack (defined as the victim and offender having no contact prior to the offense), 23% were offered a ride, and 16% were forced into a vehicle.

Figure 1. Victim Cooperation



Continued on page 3

## Analysis of Cuyahoga County's Procedures for Alleviating the Backlog of Sexual Assault Kits

### Cuyahoga County Sexual Assault Kit Pilot Project: Report on Victims

Continued from page 2

#### How were the victims viewed by the police?

Of the cases we examined, 88% involved victims for whom police reports indicated no credibility issues. Police reports (Figure 1 on page 2) indicated 3% of victims had a mental illness, 2% of victims were acting as a prostitute at the time of the offense, 1% of victims were unable to describe the incident in detail, and 3% gave inconsistent stories. In all but two cases, officers in the initial police reports did not specifically indicate they believed the victims were not telling the truth about their victimization.

#### Did victims cooperate with the investigation?

At the time of the incident, 96% of the victims cooperated by providing an initial statement for the police report.

However, after the initial police report, 69% of victims who initially cooperated with the police did not respond to further contact attempts by the police according to the police reports.

Thus, the majority of the cases involved victims who did not immediately raise credibility issues. While almost all victims cooperated with the police during the initial investigation, a majority of those victims did not continue to cooperate with the police.

*These findings present several areas for further examination. Research suggests that victim cooperation is one of the most important factors in prosecutorial decision-making. While we cannot determine why the communication between the police and victim stopped in these cases, further research as the project matures should examine the ways in which communication between police and victim can help to foster continued victim cooperation.*

#### Future Research

These findings present several areas for further examination. Research suggests that victim cooperation is one of the most important factors in prosecutorial decision-making.

While we cannot determine why the communication between the police and victim stopped in these cases, further research as the project matures should examine the ways in which communication between police and victim can help to foster continued victim cooperation.

Additionally, further examination of the available data as the project matures will aid in understanding whether a victim's history of prostitution arrest(s) significantly impacted the investigation and prosecution of unsubmitted sexual assaults in Cuyahoga County.