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Taking Rape Seriously: Sexual Assault in Cook County

*A report from the DePaul University College of Law
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Purpose of This Report

“Rape is in decline in the U.S.” proclaim newspaper statistics, based mainly on declining police department reports of sexual assault. In September 2007, Index Crime Reports from the FBI reported another 2% decline in rape reports to police departments for 2006.

Rape crisis providers in Cook County, who have seen no decline in the need for their services, are quick to point out that unlike other crimes, rape is only rarely reported to police authorities. What, then, is the prevalence of rape in Cook County, Illinois, and is our response to this crime adequate? This report attempts to answer these questions.

Available data, as will soon be apparent, make definitive statements problematic. However, when we analyze the data we do have beyond police reports, we find that sexual assault is an underestimated problem in Cook County, and responses are grossly inadequate.

Cook County Data

DATA FROM RAPE CRISIS PROVIDERS

Let's begin with data from Cook County rape crisis providers.

In any given fiscal year, the rape crisis agencies in Cook County provide services to new rape victims as well as those abused in the past. The services data information system, mandated by the Illinois Coalition Against Sexual Assault and maintained by the Illinois Criminal Justice Information Authority, currently does not require agencies to provide the number of victims raped during a particular year who have sought service. But by using data entered for medical advocacy, we are able to determine a portion of the number of new victims each fiscal year, because most medical advocacy occurs very near the time of the sexual assault and, according to rape crisis providers, most medical advocacy cases are picked up in hospital emergency rooms by rape victim volunteers on call. The number of victims seen in the past three fiscal years has virtually remained constant (Table 1, page 3).

It is important to note that these numbers can only provide us with a minimum number of new rape victims. There are only three programs providing rape crisis services in all of suburban Cook County (population: 2,480,727), and six programs in Chicago (population 2,896,016). **Rape victim advocates are available in only 27 of Cook County's 77 hospitals, or 35% of these medical centers.**

The total number of new victims seen by Cook County rape crisis providers has also remained constant: 1,979 seen in 2004-5; 1,888 in 2005-6; and 1,943 in 2006-7. Not all these individuals were victims of rape in the year they sought service, but, if over time, the number remains constant, this will be an indication that rape is not declining in Cook County.

Providers also report that almost 50% of the victims seen in total needed medical treatment for injuries from the rape, indicating that in these cases, at least, evidence for prosecution for sexual assault might have been available.

Info Net data also demonstrate that declining percentages of all victims seen by rape crisis providers are reporting their sexual assault to the police.

POLICE REPORTS

Because of the large number of individual police departments in suburban Cook County, it is not practicable or possible to obtain data for areas outside of Chicago.

Criminal Sexual Assault Reported to the Chicago Police Department

The number of rape cases reported to the Chicago Police Department has declined over the past ten years, with a small increase reported for 2007 over 2006 (a .4% increase).

There are two important items to keep in mind when analyzing these police statistics.

Removing “false” or “baseless” accusations

These numbers do not represent all the cases of rape reported to the Chicago Police Department. These are the data reported to the FBI’s Uniform Crime Reports (UCR). UCR allows case reports to be removed if they are determined to be “false” or “baseless” by a police department. The Chicago Police Department does not maintain a record of the number of cases removed from the list due to these determinations. We did ask the Chicago Police Department to provide us with information about the factors that might cause a case to be labeled “false” or “baseless.” We were told verbally that one such factor would be victim recantation. Although we were promised a memorandum detailing other factors about six months ago, we have yet to receive it. Because the criteria are unavailable to us, at this time we cannot know what types of circumstances would cause these numbers to be reduced. Thus we cannot fully obtain a picture of how this process works. However, it is important to remember that these data do not represent initial reports or calls for service statistics.

Failure to report to the police

Second, unlike other types of crime, rape is an unreported crime. Researchers have repeatedly documented low reporting rates. The National Crime Victimization Survey (NCVS), a yearly general

Table 1: Victims Receiving Medical Advocacy Services

7/1/04-6/30/05	1100
7/1/05-6/30/06	1086
7/1/06-6/30/07	1184

Table 2: Rape Crisis Clients Reporting to the Police

04-05	79%
05-06	67%
06-07	51%

Table 3: Sexual Assault Cases Reported to the Chicago Police Department

(includes forcible and attempted rape, excludes non-forcible statutory rape and other sex offenses)

1996	2,675
1997	2,420
1998	2,292
1999	2,092
2000	1,984
2001	1,976
2002	1,961
2003	1,787
2004	1,757
2005	1,693
2006	1,521
2007	1,593

population survey of U.S. residents (77,200 household and 134,000 individuals age 12 or older), found that in 2005 only 38.3% of sexual assaults were reported to the police.* NCVS consistently shows much higher rates of reporting to law enforcement than do most general population surveys; some recent research in individual states finds reporting in a range of 10% to 20%. (Note: when research is limited to a question of rape within one's lifetime, reporting rates will be averages that do not reflect lower reporting of rape in previous years. Rape reporting, although still low, has increased over time.)

Using a reporting figure of 20%, that established by the National Violence Against Women Survey, the 1,521 rapes reported to the Chicago Police Department in 2006 convert to a total figure of **7,605 sexual assaults** in Chicago in that year, about .5% of the female population, a figure that comports with recent social science rape research data in individual states.

Decreasing numbers in index crime reporting for rape might reflect a reduction in rape in Cook County, but might also indicate an increase in the number of reported cases that are believed by individuals in the police department to be "false" or "baseless," perhaps as a result of a preponderance of cases in which the victim either knows or was "dating" the alleged perpetrator. It might also signal a decline in the number of victims coming forward to report rape.

Race of victims reporting

The vast majority of victims reporting "bonified" sexual assault cases to the Chicago Police Department are individuals of color. In 2005, almost 70% were African-American, 17% Hispanic, and 13% White. The numbers did not differ in previous years. (According to the 2000 Census, African-Americans represented 36.8% of Chicago's population, and whites 42%.) Research on race and ethnicity, in both national and state studies, reflects great inconsistencies, with some studies finding no differences and others finding overrepresentation of rape victims of color.

It is important to note that according to the Chicago Police Department's 2005 Annual Report, 71% of defendants arrested for rape were African-American, 23% Hispanic, and 5% white. (The numbers are similar for 2004). That the overwhelming majority of cases found to merit an arrest by the Chicago Police Department involve persons of color as both victims and defendants is startling and raises serious questions.

Sexual Assault Cases Charged in Cook County

Prosecution helps prevent sexual assault by bringing accountability and letting the community know that rape is not tolerated. Obviously, decreases in cases reported to police departments will affect the number of charges brought by prosecutors in the Cook County State's Attorney's Office; that office can only charge those cases that come to the attention of police officers and are determined by the officers to merit prosecutorial review.

And, indeed, the total number of sexual assault and abuse cases charged in Cook County has declined, but only since 2003. With reporting declines fairly steady, just why the number of cases charged has decreased only since 2003 is worthy of further study. It is also important to note that some cases of sexual assault occurring among intimates or those with a dating relationship may be charged, improperly, as domestic batteries (misdemeanors); thus these numbers may not reflect all incidences of rapes that are charged.

* In 2006 the percentage rose slightly, to 41.4%. However, the researchers caution that the introduction of new methodology in the crime victimization research study now makes comparisons of 2006 with earlier years problematic.

Also startling is the low number of charges of sexual assault and abuse charged in suburban Cook County, in comparison to Chicago, despite the similarities in total population.

When the charges are broken out between sexual assault (sexual penetration by use of force or threat of force) (Table 5) and sexual abuse (an act of sexual conduct by threat of force or force), (Table 6) interesting differences between the City and the suburbs appear. A far greater number of sexual abuse cases are charged in suburban Cook County relative to sexual assault cases as compared to the City of Chicago.

Consulting Illinois Criminal Justice Information Authority Info-Net data for suburban programs, we found that the three programs in FY'07 provided medical advocacy to 312 victims in the 10 suburban hospital emergency rooms they cover, only a small percentage of the 34 total suburban hospitals in suburban Cook County. Assuming that the majority of these victims, presenting themselves in hospital emergency rooms, were victims of sexual assault (as opposed to sexual abuse), the 30 charged in 2006 represent a small percentage of these cases.

Cases involving children

The data available to us do not enable us to determine the age of the victim in cases being charged. In Chicago, all cases of children up to age 18 must be referred to the Children's Advocacy Center, a public/private partnership that serves as a central location for intake, investigation, and follow-up for all child victims of sexual assault and abuse. Each year, 2,500 children are seen at the Center.

So we asked the Chicago Child Advocacy Center to tell us the number of cases charged in 2006 for children up to the age of 18. The Center told us that an average of 203 individual cases involving children had criminal charges filed, although the Center states this is an underestimate of the

**Table 4
Total Sexual Assault and Abuse Cases Charged in Cook County**

	Chicago pop. 2,896,016	Suburbs pop. 2,480,727	Cook Co. pop. 5,376,741
2000	1011	148	1159
2001	1331	128	1459
2002	1463	141	1604
2003	1518	119	1637
2004	1355	90	1445
2005	1340	110	1440
2006	1249	109	1358

**Table 5
Total Sexual Assault Cases Charged in Cook County**

	Chicago pop. 2,896,016	Suburbs pop. 2,480,727	Cook Co. pop. 5,376,741
2000	547	19	566
2001	711	19	730
2002	770	24	794
2003	725	13	738
2004	706	13	719
2005	707	21	728
2006	627	30	657

**Table 6
Total Sexual Abuse Cases Charged in Cook County**

	Chicago pop. 2,896,016	Suburbs pop. 2,480,727	Cook Co. pop. 5,376,741
2000	464	129	593
2001	620	109	729
2002	693	117	810
2003	793	106	899
2004	649	77	726
2005	633	89	722
2006	622	79	701

number of charges in Chicago, because prior to 2007 only those cases which received a forensic interview were put into the data system. For this reason, we are unable to determine an accurate number of children's cases charged in Chicago at this time.

DATA SUMMARY

Rape crisis providers report steady numbers of new sexual assault cases, the Chicago Police Department shows steadily declining rape reports, with a small increase in 2007 over 2006, and the number of cases charged in Cook County has also declined, but only since 2003. Despite similar population figures, the number of cases charged in suburban Cook County is low in comparison to the City. We have seen that the police numbers do not reflect the total number of cases actually reported, and that overall, rape remains a seriously under-reported crime.

Without knowing how many cases are reported and removed by police departments, it is difficult to know what percentage of rape victims are reporting to the police. But the discrepancy between data of rape crisis providers and police and court data raises issues that need discussion.

Evaluating the Cook County Response

When reporting rates are factored in, we had in the past 12 months a *minimum* of 7,605 rape victims in Chicago alone, undoubtedly with similar numbers in the suburbs. (This figure is calculated using a reporting rate of 20%.)

How can we, then, gauge the adequacy of our response?

Low or declining reporting rates for rape is a problem occurring throughout the United States, and Cook County is no exception. We can, however, become the exception in crafting a vigorous response to this problem.

Increase the number of hospital emergency rooms with available rape victim advocates

Advocates available in hospital emergency rooms may be key to increased reporting. For example, victims who are in shock or under the influence of alcohol or date rape drugs may be incapable of speaking with the police, but could be assisted by an advocate. Advocates help victims in navigating the medical and legal system, making the systems both more effective and accountable.

Sexual assault service provider services are available in only 27 of Cook County's 77 hospitals, or 35% of the facilities. Expansion of this service will require greater commitment and cooperation from the area's hospitals, as well as funding from the City, the County, and a wide array of other public resources.

Adequately publicize the Chicago Rape Crisis Hotline

The Chicago Rape Crisis Hotline, operated by the YWCA of Metropolitan Chicago, is an excellent source of information for rape victims and their families. Connection with the hotline could assist victims in reporting to the police.

Funds to advertise the hotline have not been available on a consistent basis in the Hotline's budget. Without consistent promotion, many victims and their families remain unaware of this resource. When special grant funds are available, the spike in calls to the Hotline is immediately noticeable.

Set goals for increased rape reporting

We recommend that the Mayor and the Chicago Police Department establish the goal of an **increased** number of sexual assault and sexual abuse cases reported to the police department in 2008 and following years. Increased number of cases means that victims are seeking help and seeking to hold the perpetrator accountable, all of which serve to prevent rape. The number of individuals reporting should more nearly represent the number of victims of rape. Reporting the crime does not automatically mean that charges will need to be brought, but would allow us to obtain a better understanding of the extent of sexual assault and abuse in Chicago.

To increase reporting to the police, our criminal justice system must create a culture that encourages victims to feel safe and comfortable in talking with police officers about rape. They need to believe their pre-and-post-rape conduct will not be judged. Unfortunately, victims repeatedly report that talking to police officers and detectives causes a second victimization. Investigating rape cases takes special skills. It is necessary to test the victim's story but without causing him or her more trauma.

Police officers and detectives should be rewarded for achieving increased numbers of reports and charges. All too often, given the seriousness of the crime, the pressure may be on to reduce these numbers rather than to increase them.

Provide information to victims of rape

When police officers are called to the site of a domestic violence disturbance, police protocol requires that they provide the victim a tear sheet that provides information about the domestic violence help line among other resources. This procedure is required by Illinois law. We recommend that a similar law be passed for rape victims.

Rape crisis providers have requested that the Chicago Police Department develop a similar tear sheet for rape victims, but it has not responded affirmatively to date. The failure of the Chicago Police Department to consistently provide sexual assault victims with information, including the number of the Chicago Rape Crisis Hotline, is perplexing. Such information could help connect victims with needed information and support, including counseling, medical care, and legal advice and advocacy, all of which could assist victims in reporting and prosecuting perpetrators.

Revise data collection procedures

Police departments should be required to keep a complete record of the number of all rape complaints, with separate calculations of the numbers removed as "false" or "baseless," along with the criteria defining these categories. Until this occurs, it is impossible to evaluate the success of efforts to encourage reporting or to provide oversight of police investigative processes.

We also recommend that the Chicago Police Department review the process and criteria it uses to remove cases, a practice that encroaches upon the role and duties of prosecutors to screen and review cases.

The Circuit Court Clerk of Cook County should develop a coding system so that cases involving children under the age of 18 can be distinguished from those of adults, to enable us to determine the Cook County response to *adult* victims or rape and sexual abuse.

Adequately fund rape crisis services in Chicago

Although the City of Chicago provides needed funding for domestic violence services and for the domestic violence hotline, it makes no financial contribution for rape crisis services. We believe that increased attention to the issue of sexual assault by the City of Chicago, as part of its long-standing commitment to ending domestic violence, is now in order.

Rape crisis providers—especially in area hospitals—and the Hotline do much to cushion the harsh effects of rape on survivors. They also help to prevent rape by helping victims hold perpetrators accountable by assisting them to navigate the system. Rape crisis providers should be seen as an important tool of crime prevention in Chicago, and as a result should receive resources from city and county government to achieve these important goals.*

Beef up the suburban rape crisis effort

Although the population size is similar, suburban Cook County has half the number of rape crisis providers than does the City of Chicago. We also wonder whether prosecutorial resources are also lagging in suburban Cook County. We were unable to obtain this information from the Cook County State's Attorney's Office.

Only 11 of suburban Cook County's 34 hospitals (32%) have coverage from rape victim advocates, compared to the 22 hospitals out of 43 (51%) that are covered in the City of Chicago. The three existing rape crisis organizations in suburban Cook County need an immediate infusion of additional resources for victim awareness and outreach.

Train suburban police forces

Given the large number of individual police departments in suburban Cook County, leadership on this issue must come from the Cook County State's Attorney's Office to see that the police departments are adequately trained and personnel well integrated with prosecutors. Establishing a specialized suburban sex crimes trial unit, as exists for the City, would be one good way to ensure that this occurs and might also result in more rape prosecutions. Goals for increased reporting and prosecutions should be set.

* Rape crisis providers also undertake innovative prevention programs in educational settings, for which they also lack adequate funding.