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# **Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault**

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This report reinforces a striking observation in recent studies about crimes involving rape and sexual assault: In a high percentage of cases, the victims are children. In self-reported victimization surveys of the public age 12 and older, teenagers report the highest per capita rates of exposure to rape and sexual assault. Data drawn from police-recorded incidents of rape in three States revealed that 44% of rape victims were under the age of 18. The self-reports of convicted rape and sexual assault offenders serving time in State prisons indicate that two-thirds of such offenders had victims under the age of 18, and 58% of those--or nearly 4 in 10 imprisoned violent sex offenders--said their victims were age 12 or younger.

Though the vast majority of violent sex offending involves males assaulting female victims, females account for a small percentage of known offenders, and males account for a small percentage of victims. In a very small fraction of sexual assaults, victim and offender are of the same sex.

Victim and offender are likely to have had a prior relationship as family members, intimates, or acquaintances. Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger. Based on police-recorded incident data, in 90% of the rapes of children younger than 12, the child knew the offender; two-thirds of the victims 18 to 29 years old had a prior relationship with the rapist. The FBI's UCR arrest data, as well as court conviction data and prison admissions data, all point to a sex offender who is older than other violent offenders, generally in his early thirties, and more likely to be white than other violent offenders-- characteristics that match the information obtained from victims who describe the offender to interviewers in the National Crime Victimization Survey.

This report was prepared as background information for the Assistant Attorney General's 1996 National Summit Promoting Public Safety Through the Effective Management of Sex Offenders in the Community. It presents a thorough analysis and compilation of the currently available national data, but we anticipate that even more will be learned in the coming years as BJS assembles data on rape and sexual assault from the redesigned National Crime Victimization Survey and surveys of felony probationers, local jail inmates, and State and Federal prison inmates.

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## Highlights

### Measuring the extent of sex offending

In 1995, persons age 12 or older reported experiencing an estimated 260,300 attempted or completed rapes and nearly 95,000 threatened or completed sexual assaults other than rape.

The number reported by victims age 12 or older in 1995 declined significantly from 1993:

- 1993 -- 1 violent sex offense for every 435 residents
- 1995 -- 1 violent sex offense for every 625 residents

Juveniles accounted for about 16% of forcible rape arrestees in 1995 and 17% of those arrested for other sex offenses (figure 11). Age and the type of sex offense for which an arrest occurred were related, with arrestees for rape concentrated in younger age groups while arrestees for other sex offenses more prevalent among older arrestees. Persons at least 50 years old, for example, accounted for 5% of rape arrestees but 10% of those arrested for other sex offenses. About a third of those arrested for rape and a quarter of those arrested for other sex offenses were in their twenties.

**Table 11. Figure 11. Age of persons arrested for forcible rape and for other sex offenses, 1995**

Age of arrestees	Forcible Rape	Other Sex offenses
Less than 18	15.7	16.9
18-19	8.5	5.6
20-24	17.3	12.9
25-29	15.4	12.9
30-34	15.0	14.7
35-39	12.0	12.6
40-44	6.9	8.8
45-49	4.0	5.7
50-54	2.2	3.6
55-59	1.2	2.3
60 or older	1.7	3.7

Source: FBI, Uniform Crime Reports, 1995

## Pretrial release and adjudication of rape offenders

About 5 out of 10 rape defendants are released prior to trial, and 8 out of 10 convicted rape defendants had entered a guilty plea to the offense.

Every other year BJS obtains longitudinal case processing data on a sample of felony defendants representing the Nation's 75 most populous counties. The defendants' cases are tracked for 1 year following the filing of felony charges by the prosecutor. The counties account for about a third of the U.S. population but about half of all reported crime and about half of all felony convictions nationwide.

The most recently published survey findings are drawn from information collected on 13,206 felony cases filed in May 1992 across these counties representing more than 55,000 felony cases filed that month. An estimated 1.4% of the felony filings were for rape.

Data on the sentencing of convicted felons are also collected biennially under the BJS National Judicial Reporting Program (NJRP). This data collection program, also a survey, obtains information from a nationally representative sample of counties about the sentences that felons receive in State courts, the methods by which convictions were obtained, and the types and duration of sentences imposed, as well as any contingent requirements associated with sentences.

The most recently available data are drawn from the 1992 annual collection, which covered 300 counties and detailed data on 105,657 felony defendants. An estimated 2.4% of the convicted felons had been convicted of rape.

In both collection programs, rape is the only sex offense category for which data are separately reported. Also in both series, rape victims can include males and females.

## Processing of rape defendants before disposition of their case

- About 1 in 20 filings for a violent felony (or 1.4% of all felony filings) in the 75 largest counties in 1992 were for rape. That same year, there were about 6 times as many felony filings for robbery, 9 times as many felony filings for assault, and 21 times as many filings for felony drug offenses.
- An estimated 48% of rape defendants were released from detention prior to the disposition of their case (table 1). The rate of release pending disposition of a rape charge was lower than that for other violent felonies: Only defendants charged with murder had a lower rate of release (24%) than those for whom rape charges were pending. An estimated 3% of all rape defendants had no bail amount set and were not eligible for release pending the outcome of their case. An estimated 49% of rape defendants had bail set but were unable to post sufficient collateral to secure release.

**Table 12. Table 1. Pretrial release of rape defendants in large urban counties**

	<b>All Violent Offenses</b>	<b>Rape</b>		
	<b>Subtotal %</b>	<b>Total %</b>	<b>Subtotal %</b>	<b>Total %</b>
<b>Released Prior to Trial (Total)</b>		<b>58%</b>		<b>48%</b>
Released Prior to Trial: Financial release	25%		24%	
Released Prior to Trial: Nonfinancial release	33%		24%	
<b>Detained until disposition (Total)</b>		<b>42%</b>		<b>52%</b>

	<b>All Violent Offenses</b>	<b>Rape</b>		
	<b>Subtotal %</b>	<b>Total %</b>	<b>Subtotal %</b>	<b>Total %</b>
<b>Total</b>		<b>100%</b>		<b>100%</b>
Median bail amount set	\$10,000	\$23,000		

**Table 13. Figure 12. Based on data from 6 States in 1990, about half of those arrested for rape were convicted. For 4 in 10 arrestees, the conviction was for a felony.**

<b>Result of Prosecution</b>	<b>Subtotal %</b>	<b>Subtotal %</b>	<b>Total %</b>
Arrestees for Rape			100%
Arrestees for Rape: Felony Prosecution Sought			80%
Felony Sought: Convicted (Total)		48%	
Felony Sought: Convicted of Felony	40%		
Felony Sought: Convicted of Misdemeanor	6%		
Felony Sought: Convicted of Other	2%		
Felony Sought: Not Convicted (Total)		32%	
Felony Sought: Not Convicted: Dismissed	29%		
Felony Sought: Not Convicted: Acquitted	2%		
Felony Sought: Not Convicted: Other	1%		
Arrestees for Rape: Felony Prosecution Not Sought			20%

This analysis retrospectively tracked case-processing of rape defendants following disposition in 1990. The analysis utilized more than 527,000 felony arrests, of which 4,175 were for rape.

- About half of felony rape defendants who secured release posted financial collateral, and the other half obtained release through nonfinancial means.
- The most common methods used by those charged with rape for securing financial release were obtaining a surety bond (12% of all defendants) that involved a promissory note from a bail bondsman, posting a deposit bond that is a percentage of the set bail (6% of all defendants), paying the full cash bail amount required (4%), or posting property as collateral (1%).
- The most commonly used method of nonfinancial release was release on personal recognizance (11% of all rape defendants), which is a promise to appear as required by the court. An estimated 9% of all rape defendants were released on some form of conditional release or supervised release pending disposition of their case, a method that normally entails supervision by a pretrial services agency under special conditions set by the court. Small percentages of rape defendants were also released by an unsecured bond or due to a crowding emergency in the jail.
- The court set bail for an estimated 73% of rape defendants. The median bail for rape defendants was \$23,500, about \$50,000 less than the median bail set for murder defendants and \$13,500 more than the median bail accorded robbery defendants. Among rape defendants securing release, the median bail was \$10,000; among rape defendants failing to secure release, the median bail was \$25,000.

## **National Incident-Based Reporting System**

The National Incident-Based Reporting System (NIBRS) represents the next generation of crime data from law enforcement agencies. It is designed to replace the nearly 70-year-old UCR program that compiles aggregate data on eight crimes. Rather than relying on a narrow group of eight Index offenses, which are meant to convey the overall crime situation, NIBRS collects information on 57 types of crimes: 46 Group A crimes and 11 Group B crimes.

BJS received data tapes from the first NIBRS-participating States for calendar year 1991--Alabama, North Dakota, and South Carolina. These three States account for about 3.3% of the U.S. population and 3.4% of rapes reported nationwide.

### **Sex of victim**

About 10% of the rapes in the three States did not conform to the UCR definition of forcible rape--the victims were male (8.7% of rapes), the victim and offender were both female (0.8%), or the victim was male and the offender was female (0.2%).

### **Race of victim**

Victims of rape were about evenly divided between whites and blacks; in about 88% of forcible rapes, the victim and offender were of the same race.

## **Age of victim**

About 80% of rape victims were under age 30--about half of these were under age 18. Victims younger than 12 accounted for 15% of those raped, and another 29% of rape victims were between 12 and 17.

## **Victim-offender relationship**

For nearly 90% of the youngest victims of rape, those younger than 12, the offender was someone known to them. Law enforcement agencies reported that family members victimized 43% of these young victims--about 4 times the proportion found among victims age 30 or older (11%). Older victims (age 30 or above) were about 12 times as likely as the youngest victims to have been raped by a stranger (36% versus 3%).

About two-thirds of the victims age 18-29, the largest age group of rape victims, had a prior relationship with the rapist, but they were 7 times as likely to have been acquaintances (57%) as family members (8%).

## **Age of rapist**

Just over 40% of the rapists were age 30 or older, about twice the percentage of victims of this age (20%). About 1 in 8 rapists was under 18. In 9 out of 10 rapes in which the offender was under 18, so was the victim.

## **Where rape occurred**

Just over 60% of the rapes took place in a residence--about 1 in 3 rapes by a stranger and 9 in 10 rapes by a family member.

## **When rape occurred**

Across the 3 States, an average of 8 rapes a day took place, ranging from 11 on Saturdays to 6 on Wednesdays. Nearly a third of the rapes took place between midnight and 4 a.m., with little variation in time of day by victim-offender relationship or by location of occurrence. The period from 8 p.m. Friday to 8 a.m. Saturday held the largest number of rapes in a 12-hour block reported by the NIBRS participants.

## **Weapons**

About 12% of rapes involved the use of a gun (5%) or knife (7%), and 80% involved the use of physical force only.

Offenders were 5 times more likely to use a gun in the rape of a stranger (10%) than in the rape of a family member (2%). About 8% of rapes by ex-spouses involved a gun, and another 12%, a knife.

Rapes with black offenders and black victims were about twice as likely as white-on-white rapes to involve the use of a gun or knife (14% versus 7%), but interracial rapes, black-on-white or white-on-black, were equally likely to involve the use of a gun or knife (about 22%). Roadways or alleys were the most likely places where a rapist used a gun (13%).

## **Injuries**

About 40% of rape victims suffered a collateral injury--5% suffered a major injury such as severe lacerations, fractures, internal injuries, or unconsciousness.

More than half of spousal rapes, rapes by ex-spouses, and stranger rapes resulted in victim injury, while about a quarter of parent-child rapes resulted in major injury. Injuries were most common among victims age 30 or older and victims of rapists armed with a knife. Nearly 6 in 10 rapes involving a knife resulted in victim injury.

## **Sentencing of convicted rape defendants**

- In 1992 an estimated 21,655 felony defendants nationwide were convicted of rape (figure 12). For about 14%, the conviction followed a jury trial, but for most defendants (82%), conviction followed a guilty plea. The remainder, 4%, were convicted following a bench trial.
- Overall, just over two-thirds of convicted rape defendants received a prison sentence. An additional 19% of convicted rape defendants were sentenced to a term in a local jail, and about 13% received a sentence to probation supervision in the community.
- For rape defendants sentenced to prison, the average term imposed was 164 months, or just under 14 years. The average jail term for an offender convicted of rape was 8 months, and the average probation term was just under 6 years. An estimated 2% of convicted rapists received a term of life imprisonment.
- About a third of rape defendants had one or more additional felony convictions collateral to the conviction for rape. Collateral convictions were associated with an increased probability of receiving a prison sentence.
- Sentences of convicted rape defendants also carried additional penalties, which included a fine (13% of convicted defendants), victim restitution (12%), required treatment (10%), community service (2%), and other penalties (10%).
- The method of conviction affected both the probability of receiving a prison sentence and the term of imprisonment for rape. Defendants convicted by a jury were substantially more likely to receive a prison term than those convicted in bench trials or by plea, and the term was substantially longer. The average prison term for rape following a jury conviction was nearly 13 years longer than the average sentence received by those pleading guilty to rape (figure 13).

**Table 26. Figure 23. Conviction histories of offenders serving time in State prisons for rape or sexual assault, 1994 estimates**

	<b>Forcible Rape</b>	<b>Statutory Rape</b>	<b>Lewd acts with Children</b>	<b>Forcible Sodomy</b>	<b>Other Sexual Assault</b>
Number of inmates	33,800	1,450	13,400	2,500	36,900
Prior Convictions	64%	56%	55%	70%	59%
Prior convictions for violence	26%	31%	22%	32%	26%
Prior conviction for Rape or Sexual assault	10%	26%	17%	20%	12%

In 1994, in the custody of State corrections authorities: 906,112 offenders Serving time in State Prisons for a violent offense: 429,000 offenders Serving time for rape and sexual assault: 88,100 offenders

Rapists and sexual assaulters serving time in State prisons were less likely to have had a prior conviction history or a history of violence than other incarcerated violent offenders. However, they were substantially more likely to have had a history of convictions for violent sex offenses--imprisoned sex offenders, while accounting for about 20% of all violent offenders, accounted for about 66% of all violent offenders with a prior history of sex offenses.

**Table 27. Offenders in State prison**

<b>Prior Convictions</b>	<b>All violent</b>	<b>Rape</b>	<b>Sexual Assault</b>
Any felony	71%	64%	58%
Violence	31%	26%	25%
Sex offenses	4%	10%	15%

Sexual assault offenders were substantially more likely than any other category of offenders to report having experienced physical or sexual abuse while growing up (figure 24). However, two-thirds of sexual assault offenders reported that they had never been physically or sexually abused as a child.

	All	Rape	Sexual Assault
Knife	11.1%	9.6%	3.1%
Other Weapon	4.7%	1.6%	0.5%
No Weapon	54.3%	83.4%	94.4%

## Recidivism of violent sex offenders

About 45% of State prisoners participating in the 1991 survey had committed the crime for which they were serving a sentence while in the community on probation or parole. These offenders were convicted of about 13,000 rapes out of nearly 91,000 convictions for violence during the period preceding imprisonment when they had been under supervision in the community.

Violent sex offenders in State prisons were less likely than violent offenders overall to have been on probation or parole prior to prison admission. As a group, about 1 in 5 sex offenders reported that they had been under conditional supervision in the community prior to entering prison.

An estimated 24% of those serving time for rape and 19% of those serving time for sexual assault had been on probation or parole at the time of the offense for which they were in State prison in 1991.

A 3-year BJS follow-up of a sample of felony offenders placed on probation found that rapists had a lower rate of re-arrest for a new felony and a lower rate of re-arrest for a violent felony than most categories of probationers with convictions for violence. While about 41% of violent probationers were re-arrested within 3 years of placement on probation for a new felony offense, an estimated 19.5% of rapists were re-arrested for a new felony within 3 years.

Rapists on probation were more likely than other felons, however, to be re-arrested for a new rape. While about 1.5% of violent felony probationers were rearrested for a new rape within 3 years, about 3% of probationers under conditional supervision after conviction for rape were re-arrested for a new rape within 3 years.

BJS also carried out a 3-year follow-up of a sample drawn to represent 109,000 prisoners released in 1983 from prisons in 11 States. During the period, this group of releasees acquired about 50,000 arrests for new violent crimes, including nearly 4,000 arrests for rape and sexual assault. Prior to their imprisonment, fingerprint records for this group of offenders evidenced more than 19,000 prior arrests for rape and sexual assault.

Offenders convicted of rape and sexual assault composed just over 4% of those discharged from prisons in the 11 States in 1983. Over the 3-year period following prison release, an estimated 52% of discharged rapists and 48% of discharged sexual assaulters were re-arrested for a new crime. Their criminal history records also evidenced a lower percentage of sex offenders who were reconvicted and reimprisoned during the follow-up period than was the case for all violent offenders discharged from prison.