Clearance Methods for Sexual Assault Cases

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July 2007, Last updated May 2012
Acknowledgements

Some of this material was adapted from the module on unfounded cases and false allegations in: "Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement." Developed by the National Center for Women & Policing, with support provided by the Violence Against Women Office, Office of Justice Programs (Grant #97-WE-VX-K004).

The following individuals provided expert feedback, which was incorporated into the module:

- Alison Jones-Lockwood, Victim Advocate and Consultant, Sacramento, CA
- Sergeant Elizabeth M. Donegan, Sex Crimes Unit, Austin Police Department, Austin, TX
- Lieutenant Sue Welch (Ret.), EVAWI, Coeur d’Alene, ID
Learning Objectives

In this module, we will provide information for officers, investigators, and supervisors who make decisions regarding how to clear or otherwise close sexual assault cases. These determinations can be extremely difficult, yet many law enforcement personnel are provided little or no guidance in how to make them appropriately. Therefore, in this module we will walk through the various ways in which a sexual assault case can be cleared or otherwise closed, and how some are not really closed at all but simply suspended or inactivated.

This will include answering questions such as the following:

- What are the various methods for closing a sexual assault case?
- Should all sexual assault reports actually be officially closed?
- How are clearance methods defined by the Uniform Crime Report (UCR) program?
- What are the criteria for clearance by arrest, exceptional clearance, and unfounding, according to the UCR?
- What exactly is the difference between an unfounded and a false report?
- What problems are seen with UCR unfounding?
- Why are these problems with UCR unfounding so common?
- How is UCR unfounding sometimes used to make difficult cases “disappear?”
- What are other ways that difficult cases “disappear?”
- What happens when all those sexual assault cases “disappear?”
- How can we fix these problems?

Interestingly, these questions go to the heart of some of the most difficult aspects of sexual assault investigation, particularly in those cases where the victim and the suspect know each other. This module may therefore be the most challenging one in this entire training curriculum.

New UCR Definition for Forcible Rape

Before we get too far into the discussion on how to clear or otherwise close sexual assault cases, we should first discuss the new definition for Forcible Rape that was recently adopted for the Uniform Crime Reporting (UCR) program. The UCR Program will be described in more detail later, but it is sufficient for our purposes here to simply state that it is the national data collection program administered by the FBI, to record information from law enforcement agencies on how many crimes reports they receive and how they are resolved. As such, UCR statistics are widely regarded as the “official source” for information on crime in the United States and they are often reported in the media and used by policymakers as well as the public, to evaluate the safety of their communities as well as the effectiveness of their police departments.

In December 2011, FBI Director Robert Mueller officially approved a new, more comprehensive, definition of Forcible Rape for the UCR program. The previous definition, the
“carnal knowledge of a female forcibly and against her will,” was extremely limited in its scope. This definition was so limited, that many victims (such as male victims, drug- or alcohol-facilitated rape victims, victims with disabilities, minor victims, etc.) did not meet the criteria for Forcible Rape under UCR guidelines and thus remained invisible in UCR crime statistics.

The new definition of Forcible Rape is “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This new definition includes all the excluded victim populations mentioned above, meaning that they will now be classified as victims of Forcible Rape and UCR crime statistics will more accurately reflect the full range of sexual assault offenses.

As a result of this change, many communities will see a dramatic increase in the number of Forcible Rape cases reported to their law enforcement agencies. The public will therefore need strong leadership and clear communication – both from their law enforcement agencies as well as other community leaders – to understand that this does not necessarily mean that more rapes have been committed in their communities. Rather, the data being reported to the FBI now includes the full range of sexual assault offenses that have been committed all along. This will inevitably impact the way these cases are cleared or otherwise closed.

What are the Various Methods for Closing a Sexual Assault Case?

Throughout this training curriculum, we have provided recommendations to assist law enforcement personnel in successfully investigating sexual assaults, particularly those committed by someone known to the victim. At some point, however, investigators either reach a conclusion in a case (e.g., by referring it for prosecution) or exhaust all the investigative leads without reaching any meaningful conclusion. Either way, it becomes clear at some point in every sexual assault investigation that a case needs to be “put to bed” and removed from the active investigative caseload for the department or unit. This module deals with the various methods for closing a sexual assault case or otherwise removing it from an active caseload.

Unfortunately, there is a great deal of confusion surrounding this topic because of the different terminology and procedures used. Some of the most common terms used are: “clearance” (or “clearing” a case), “closure” (or “closing” a case), and “cancellation” (or “canceling” a case).

- On the one hand, “clearance” refers to the disposition of a sexual assault case, based on criteria specified by the UCR program. These case dispositions include “clearance by arrest,” and “exceptional clearance,” as well as “unfounding.”
- On the other hand, the term “closure” is often used more broadly to include cases that are cleared as well as those that are closed using some administrative mechanism. It may even be used to describe cases that are still technically open but suspended or temporarily inactivated and removed from an active caseload.
- The term “cancellation” is also used differently across agencies, sometimes to refer to cases that are “cleared” and sometimes those for cases that are “closed.”
Therefore, we want to make sure we are on the same page with the terminology that we use throughout this module. So let’s first figure out what terms you use in your agency.

Which term does your agency use to refer to sexual assault cases that are given a disposition (such as cleared by arrest, exceptionally cleared, or unfounded)? Do you use the term “cleared,” “closed,” “cancelled,” or something else?

Cleared    Closed    Cancelled    Other: _______________________

Throughout the module, we will generally use the term “clearance” to refer to the process by which cases are removed from an active investigative caseload and given a disposition as specified in the UCR guidelines (i.e., cleared by arrest, exceptionally cleared, or unfounded).

Then we will use the term “closure” more broadly, to include cases that are cleared as well as those that are closed using some other administrative mechanism. In general, we will not describe cases that are suspended or temporarily inactivated as “closed.” Rather, we will try to explicitly indicate whether or not we are including such cases in our discussion.

Should All Sexual Assault Reports Be Closed?

Most officers and investigators will recognize that not all sexual assault reports can actually be cleared even if they need to be removed from the department’s active caseload. In fact, there are a variety of different procedures that law enforcement agencies use to suspend or temporarily inactivate a sexual assault case – in other words, to remove it from their active caseload but still leave it technically open in case it is later picked up for further investigation.

The specific method used for closing a case depends on whether it is recorded as a crime report or informational report, as discussed in the module on Reporting Methods. You will recall from that module that a crime report is used to document an incident that meets the elements of a sexual assault offense whereas an informational report documents an incident that does not meet the elements of a sexual assault offense, at least at the time. Then depending on whether an incident is documented in a crime report versus an informational report, the methods used for closing the case will differ.

- For example, if a sexual assault is recorded in an official crime report, it will need to be removed from the active investigative caseload either by: (1) clearing the case using the criteria specified by the FBI in the Uniform Crime Report (UCR); (2) closing it with some other administrative mechanism; or (3) suspending or temporarily inactivating the case, based upon agency policies and practices.
- On the other hand, if a sexual assault is recorded in an informational report, it may not need to be cleared or otherwise closed at all. This would depend on the specific policies and practices of the individual law enforcement agency.
We’ve already discussed how clearance represents a case disposition, and we will get into the nitty gritty details of how this is done later. However, we all know that officers and investigators often have to decide what to do with a sexual assault case after they have exhausted all investigative leads but cannot properly clear it. In those situations, best practice dictates that the case should remain technically open but suspended, inactivated, or otherwise removed from the department’s active investigative case load. The specific procedure for doing so will vary dramatically from department to department.

- In some agencies, this process is informal and consists only of physically moving the file from an investigator’s desk to the file cabinet – or from the file cabinet to the Records Unit or a storage closet. The case is still recorded as open or active, but for all practical purposes it has been “put to bed” at least for the time being.

- In other agencies, the process is more formal, with an administrative procedure for recording the case as “inactivated” or “suspended.” This will also mean that the case is still technically open or active, but for all practical purposes it has been “put to bed” (and is also likely to be physically moved for storage).

Unfortunately, too many agencies have a practice of clearing or closing cases improperly, just to remove them from an investigator’s case load. We will discuss this problem in detail later. But we want to highlight even at the beginning of the module that not all sexual assault cases should be cleared or closed. In fact, many law enforcement agencies are moving toward the practice of leaving a significant proportion of their sexual assault caseload technically open but suspended or inactivated or otherwise removed from an investigator’s active caseload using administrative mechanisms. So again, let’s hear from you.

Which term does your agency use to refer to sexual assault cases that remain technically open but are removed from an investigator’s active caseload? Do you use the term “suspended,” “inactivated,” “unsolved,” or something else?

Suspended  Inactivated  Unsolved  Other: ________________________

Throughout the module, we will generally use the term “suspended” and “inactivated” interchangeably to refer to those cases that are removed from an investigator’s active caseload but not given any disposition for clearance (such as cleared by arrest, unfounded, or exceptionally cleared). These cases thus remain technically open, and they can be reactivated at any time within the statute of limitations for that jurisdiction. However, we will also try to remind you regularly that we use those two terms (“suspended” and “inactivated”) interchangeably.

Next, let’s talk in more detail about the proper use of the various clearance methods.

**The Uniform Crime Report (UCR)**

We’re now ready to move on to the various ways in which a sexual assault case can be cleared. These methods are technically referred to as “clearance methods.” Yet to understand proper
Clearance methods for sexual assault cases, it is first necessary to understand the history and purpose of the Uniform Crime Report (UCR).

The Uniform Crime Report (UCR) is a nationwide statistical effort of over 17,000 city, county, and state law enforcement agencies that voluntarily report data on reported crimes. The UCR program was originally conceived in 1929 by the International Association of Chiefs of Police to meet a need for reliable, uniform crime statistics for the nation. Then in 1930, the Federal Bureau of Investigations (FBI) took over collecting, publishing, and archiving those statistics. Today, several annual statistical publications are produced on the basis of UCR data, and they are widely disseminated and cited for information about crime in the United States.¹

**Index crimes in the UCR**

When the UCR program was initially started, seven offenses were selected to serve as an index for tracking any variations in the overall volume and rates of crime. Known as the Crime Index, these offenses included:

1. Murder
2. Forcible Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Larceny / Theft
7. Auto Theft

Arson was then added as the eighth Index Crime in 1979. Data on these eight Index Crimes are thus provided from the law enforcement agencies participating in the UCR program.

Information is collected regarding how many Index Crimes were completed or attempted, and how they were cleared using specific criteria and procedures. The three primary methods for clearance used in the UCR program are (1) “clearance by arrest,” (2) “exceptional clearance,” and (3) “unfounding.” We will discuss each of these specific clearance methods separately.

**(1) Clearance by Arrest**

The most obvious method for clearance using UCR guidelines is “clearance by arrest,” where someone is arrested for completing or attempting the Index Crime, AND that person is charged with the commission of the offense, AND the case is turned over to the court for prosecution.²

Unfortunately, this is a source of some confusion. Many law enforcement professionals believe that a suspect has been “charged” with a crime when a warrant is issued. Thus, it is routine practice in many police agencies to clear a case once a warrant has been issued. However, this is incorrect.

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¹ For more information, please see the web site for the Uniform Crime Report at [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm).
In fact, a case cannot be cleared just because a warrant has been issued. To clear the case, the suspect has to be taken into custody, AND charged, AND handed over to the court for prosecution.

Thus, several crime reports may be cleared with the arrest of a single person, if that person committed more than one offense. On the other hand, the arrest of several suspects may only clear a single offense, if it was perpetrated by more than one individual acting together.

Of course, keep in mind that when we say “arrest” here, we don’t just mean an arrest. To clear the case, the suspect must be arrested AND charged AND turned over to the prosecutor. The primary exceptions to this are the following:

For juvenile offenders (under age 18), clearance by arrest can be claimed even when they are not physically arrested if they are cited to appear in juvenile court or before other juvenile authorities.

A case can also be cleared by arrest if a summons to appear (often referred to as a “notify letter”) has been issued. Although different terminology may be used for this procedure, it is used when the suspect has agreed to surrender or to appear in court at a certain date or time. This agreement is reached between the suspect, prosecutor, and defense attorney, and it is documented in writing.

(2) Exceptional Clearance

Exceptional clearance is the second primary method for officially clearing (or “canceling”) crime reports. According to UCR guidelines, law enforcement personnel may clear a crime report by exception (referred to as “exceptional clearance”) when some element beyond law enforcement control precludes issuing formal charges against the offender. These could include:

- The death of the offender.
- The victim’s refusal to cooperate after the offender has been identified.
- The offender’s arrest and prosecution in a different jurisdiction.
The victim’s “refusal” to cooperate is best viewed as an “inability” to participate

When we discuss exceptional clearance, it is important to note that law enforcement professionals often refer to the victim’s “refusal” to cooperate with the investigation or prosecution. Others use the phrase “victim declines prosecution” (or “VDP”).

However, a better way to view this is that the victim is unsure or unable to participate in the investigation at that point in time. By characterizing the behavior as a “refusal,” it conveys a negative image that fails to recognize the very real effects of trauma and the legitimate reasons why participating in the investigation may be difficult if not impossible for many victims. It also fails to acknowledge the possibility that the victim’s inability to cooperate with the investigation may change at a later time. Thus, throughout this module we will typically avoid referring to the victim’s “refusal” to cooperate but rather his or her “inability” to do so at the time.

Criteria for exceptional clearance

Returning to UCR guidelines, law enforcement personnel can only clear a case by exception if:

1. the offender is identified
2. there is enough evidence to support an arrest
3. the offender’s location is known.

In this regard, UCR guidelines are clear that a case cannot be cleared simply because an arrest is not made or because the victim is unable to participate with the investigation at that time. Rather, cases that are closed with an exceptional clearance must have sufficient evidence to support probable cause.

Unfortunately, there is reason to believe that law enforcement agencies across the country are using exceptional clearance improperly, either because they cannot find the victim or because he/she is viewed as uncooperative – which calls into question whether there was in fact sufficient evidence to support probable cause.

There is also reason to believe that law enforcement agencies often prematurely close sexual assault cases with exceptional clearance, based on indications by the local prosecutor that the case will not be pursued – even though this assessment may be based on limited information and only a verbal case summary provided by the investigating officer or deputy.

These practices are clearly unacceptable. But don’t take our word for it. According to the UCR guidelines, a case can only be exceptionally cleared if law enforcement personnel can answer “yes” to four separate questions. The exact wording from the UCR guidelines follows:

1. Has the investigation definitively established the identity of the offender?
2. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?

3. Is the exact location of the offender known so that the subject could be taken into custody now?

4. Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender? (Recall that these could include the death of the offender, the victim’s inability to cooperate with prosecution after the offender has been identified, or the offender’s arrest and prosecution for another crime in a different jurisdiction).

If the answer to each of these questions is “yes,” then the case can be cleared by exception.

(3) Unfounded Crime Reports

Now we have discussed clearance by arrest and exceptional clearance as two clearance methods outlined in the UCR guidelines. The third primary clearance method is then “unfounding.” According to UCR guidelines, a reported offense can be cleared as unfounded “if the investigation shows that no offense occurred nor was attempted.”

These cases thus remain as official crime reports and are included in the departmental statistics on sexual assault crimes that are reported to the UCR.

- However, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes.

According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either (a) “false” or (b) “baseless.”

(a) False reports

As discussed at length in the module on False Reports, UCR guidelines are clear that a report can only be determined to be false on the basis of the evidence that the crime was not committed or attempted. Specifically, the UCR Handbook states that a case can only be unfounded if it is “determined through investigation to be false or baseless. In other words, no crime occurred” (p. 77). According to these guidelines, a case cannot be unfounded if no investigation was conducted or if the investigation failed to prove that the crime occurred – this would be an inconclusive or an unsubstantiated investigation (although this is not a clearance category as defined in the UCR guidelines). Another way of describing this would be that the investigation produced “insufficient evidence.” However, none of these should be considered a false report. Rather, crime reports can only be properly determined to be false if the evidence from the investigation establishes that the crime was not completed or attempted.

While this is the actual definition of a false report for UCR purposes, it does not typically reflect the way officers and investigators tend to think of their sexual assault investigations. It therefore requires a bit of a shift in the thinking of many law enforcement professionals.
(b) Baseless reports

Next, cases that are determined to be baseless include those that do not meet the elements of the offense and those that were improperly coded as a sexual assault in the first place. For example, individuals frequently report sexual acts to law enforcement that are unwanted but do not meet the elements of a sexual assault offense. To illustrate, an adult might report to police a situation where they felt pressured or coerced into having sexual contact with another person, but the coercion did not meet the criteria for a forcible sexual assault.

- If such an incident was recorded in a crime report, it will need to be unfounded, not because it is false but because it is baseless – that is, because it does not meet the elements of a sexual assault offense in that jurisdiction. Then the case will be included in the UCR statistics for Index Crimes, under the category of unfounded crimes.

- This is a common – and appropriate – use of UCR unfounding once a crime report is recorded for the incident. However, it obviously increases the percentage of unfounded sexual assault cases reported by the agency.

In fact, incidents such as this really should not be recorded with a crime report in the first place. As described in the module on Reporting Methods, a better approach for law enforcement agencies is to document all calls for service requiring officers to evaluate crimes of sexual assault as well as other potential crimes (e.g., peeping toms/prowlers, indecent exposure, child abuse, where the information is incomplete) and a crime cannot be established, at least initially in an informational report rather than a crime report. Then, the determination can be made later regarding whether or not to “score” the informational report as a crime report – based on the findings from a thorough, evidence-based investigation. If the investigation does not establish that the elements of a crime have been met, the informational report would not need to be unfounded (because it is not a crime report), and it would not be included in crime statistics reported to UCR for the agency.

UCR unfounding can also be used to properly clear cases that were recorded as sexual assault in error. We all know that calls often come in to law enforcement agencies as a sexual assault report, but the follow-up investigation reveals that either no crime occurred or that some other type of crime was actually committed (or attempted). This may be particularly common in agencies where an incident number and/or crime code is assigned upfront by communications personnel or responding officers or deputies. In these situations, the crime report would again be unfounded, not because it was false but because it was baseless – that is, it does not meet the elements of a sexual assault offense in that jurisdiction.
This also highlights the importance of flexibility in the process for determining whether an incident is recorded with a crime report or informational report and what crime code(s) if any are used. Clearly, these decisions have important implications for how the report will be cleared or closed, yet they often change as a result of the evidence uncovered during the course of an investigation. Therefore, if the decisions are in question, they are best made at a later stage, on the basis of findings from a thorough, evidence-based investigation. (See the module on Reporting Methods for further discussion.)

**Other guidelines for unfounding**

In addition to these general criteria for unfounding, three additional guidelines need to be described because they are critically important.

- First, cases cannot be unfounded using the UCR criteria on the basis of findings from a coroner, court, jury, or prosecutor. The decision to unfound a case using UCR criteria can only be made by law enforcement personnel. So, investigators and supervisors should not change their clearance of a case based on the decisions of a prosecutor or a verdict by a judge or jury.

- Second, UCR Guidelines explicitly state that “the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a reported offense.” (Recall that the victim’s “refusal” can better be understood as an inability to cooperate at that time.) Although the victim’s inability to cooperate with a police investigation is often used as a basis for unfounding a sexual assault case, this is clearly incorrect.

- Third, a case cannot be unfounded simply because the police were unable to locate or arrest the suspect. Such factors do not establish that the crime report is (a) false or (b) baseless, so they cannot be used as the basis for unfounding it.

*Wait! Are you saying that not all “unfounded” sexual assault reports are “false?”*

Yes. To repeat, UCR guidelines state that crime reports can be unfounded either because they are (a) false or because they are (b) baseless. Yet we all know that agencies use very different procedures for determining that a sexual assault case is in fact false or baseless.

- For example, UCR criteria are clear that a crime report can only be determined to be false on the basis of investigative findings establishing that the crime was not committed or attempted. Yet every day, sexual assault reports are classified as false – and improperly unfounded – because the investigation failed to substantiate the allegation or because the investigator simply did not believe the victim’s account. Thus, the percentage of sexual assault reports determined to be false will vary dramatically from one law enforcement agency to another.

- On the other hand, variations in reporting procedures will also dramatically influence the percentage of reports that are determined to be baseless. To illustrate, an agency that requires responding officers or deputies to write a report for every single sexual assault call may end up (mistakenly) recording some
questionable crime reports for incidents that do not actually meet the elements of a sexual assault offense. These crime reports will later need to be cleared, and they will likely be unfounded because they are baseless (i.e., they do not meet the elements of a sexual assault crime). With this kind of practice, however, the agency is likely to have a much higher percentage of unfounded cases than another one that allows patrol officers or deputies to routinely clear from (even legitimate) sexual assault calls without writing a report to document them.

This is another reason for recommending that all sexual assault incidents be recorded, at least initially, with an informational report if there is any question regarding whether or not it meets the elements of a sexual assault offense. Then the subsequent investigation will be used to determine whether it should remain an informational report or become a crime report if the elements of a sexual assault offense are in fact met. Again, this is discussed in detail in the module on Reporting Methods.

Clearly, the percentage of both (a) false and (b) baseless sexual assault reports will vary from one law enforcement agency to another. However, to complicate matters even further, law enforcement agencies almost never track the percentage of unfounded cases that fall under these two categories (false vs. baseless). So even if agencies are using exactly the same procedures for determining a sexual assault report to be false or baseless, the UCR statistics on unfounded cases still would not provide any indication of which was which. For all of these reasons, UCR statistics on the percentage of unfounded sexual assault cases should never be used as an estimate for the percentage of false reports. We repeat:

UCR statistics on the percentage of unfounded sexual assault cases should NEVER, EVER, EVER be used as an estimate for the percentage of false reports.

Unfortunately, this is exactly how UCR statistics are used all the time. In practice therefore, “unfounded rape can and does mean many things, with false allegation being only one of them, and sometimes the least of them” (Kanin, 1994, p. 81).

Back to the myth of false reporting

As we discussed at length in the module on False Reports, one of the most powerful myths in our society regarding sexual assault is that women routinely make up allegations. As you will recall, this is one of the primary barriers to conducting an effective sexual assault investigation.

- Thus, any time law enforcement professionals and many other members of the community discuss sexual assault, the issue of false reporting is always lurking there in the background, powerfully affecting the way they react to sexual assault cases and victims.
Despite the fact that law enforcement professionals often believe that many (or even most) reports of sexual assault are false, it is not typically said out loud. Instead, many officers and investigators work their cases with the (incorrect) assumption that this belief does not affect how they perceive victims and how they do their jobs.

Of course, the evidence is clear that law enforcement professionals are not the only ones to believe this myth that many (or most) sexual assault reports are false. In fact, the research documents that this particular myth is widely held by people of all kinds in our society, and it damages the credibility of sexual assault victims who seek assistance from friends, family, social services, and the criminal justice system.

In an effort to challenge this myth, law enforcement professionals, victim advocates, and others have tried to use the statistics of how many sexual assault charges are unfounded by the FBI (meaning the UCR). They note that the percentage of unfounded sexual assault charges is low, comparable to or even lower than for other felony crimes. This is used to make the point that very few sexual assault reports are actually false.

To illustrate, a handout distributed by a local rape crisis center is titled “MYTHS” and includes the following statements. Note how the quote uses the terms false and unfounded as if they mean exactly the same thing.

**MYTH:** There are more false reports of rape than any other crime.

**FACT:** Statistics show that the percentage of unfounded accusations in the area of rape is about 2%. This is approximately the same percentage of unfounded charges which are found in other felonies.

This strategy of using law enforcement statistics is understandable, because they often carry a great deal of credibility, particularly in community education programs. Such statistics are thus used to suggest that the police have objectively determined that a certain, small percentage of sexual assault cases are false. Yet the use of statistics in this way is misleading at best and contributes to an atmosphere where even law enforcement professionals are often unclear as to the true meaning of unfounded versus false reports.

**Confusing terminology of “false” vs. “unfounded” reports**

It should therefore come as no surprise that even experts in the field have trouble distinguishing the definition of a false versus an unfounded sexual assault report. In fact, the language in the UCR itself has been unclear about this distinction, as illustrated with this excerpt:

> As for all other Crime Index offenses, complaints of forcible rape made to law enforcement agencies are sometimes found to be false or baseless. In such cases, law enforcement agencies ‘unfound’ the offenses and exclude them from crime.

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counts. The ‘unfounded’ rate, or percentage of complaints determined through investigation to be false, is higher for forcible rape than for any other Index crime. In 1995, 8 percent of forcible rape complaints were ‘unfounded,’ while the average for all Index crimes was 2 percent (Uniform Crime Report, 1995, p. 24).

This excerpt equates the terms unfounded and false, and it is easy to understand how law enforcement professionals, victim advocates, and others would have a similar misunderstanding. Subsequent UCR publications have clarified the issue somewhat by referring to cases as “unfounded or false.” However, the confusion surrounding the two terms obviously remains.

**Problems with UCR Unfounding**

Unfortunately, this confusion between the terminology of false and unfounded sexual assault reports is only one of many problems currently seen with the use of UCR unfounding.

**No clear criteria for unfounding**

Another problem with the use of UCR unfounding is the lack of clearly specified criteria and procedures. As previously described, UCR guidelines state that a case is only to be unfounded if it is determined after investigation to be "false or baseless." However, there is no clear criteria for either term, and so future work is needed to articulate the standards that might be used to determine that a sexual assault report is in fact “false or baseless” and thus unfounded. We actually hope that this module can be used to help clarify this terminology, and provide guidance for investigators and supervisors struggling with these complex and difficult issues.

**Extremely wide range of unfounded statistics**

Given these problems with the UCR definitions and criteria, it should not be surprising that agencies use very different procedures for determining that a sexual assault report is unfounded, and therefore have widely varying rates of unfounded cases.

To illustrate, take a look at the following statistics collected by Mark Fazlollah and his colleagues at *The Philadelphia Inquirer* for an investigative series that revealed how Philadelphia police had routinely minimized many sexual assault claims and eventually led to significant reforms of the system in Philadelphia. These statistics represent the proportion of an agency’s sexual assault caseload that was determined to be unfounded. Even a cursory examination reveals that the figures vary widely, from a low of 0.5% to a high of 18%.

<table>
<thead>
<tr>
<th>City</th>
<th>Unfounded Rate</th>
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<tbody>
<tr>
<td>Philadelphia</td>
<td>18%</td>
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<tr>
<td>Chicago</td>
<td>17%</td>
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<tr>
<td>San Antonio</td>
<td>14%</td>
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<tr>
<td>Dallas</td>
<td>11%</td>
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<td>New York</td>
<td>8%</td>
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<td>6%</td>
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<td>San Diego</td>
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<td>Detroit</td>
<td>4%</td>
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<tr>
<td>Phoenix</td>
<td>2%</td>
</tr>
<tr>
<td>Houston</td>
<td>0.5%</td>
</tr>
</tbody>
</table>
The wide range of statistics for unfounding should certainly raise concern regarding whether or not agencies are using the same definitions and criteria.

**Police scandals involving unfounded sexual assaults**

These concerns seem warranted, given the scandals that have erupted in a number of communities around this issue:

For example, the Oakland Police Department came under fire in 1990 for routinely unfounding cases without sufficient investigation. When they conducted an internal audit of 203 unfounded sexual assault reports received over a period of 18 months, over half (108) were improperly classified. The department subsequently re-opened hundreds of cases for investigation.4

Similarly, the Baltimore Police Department conducted an internal audit in 2003 and found that they had improperly unfounded a total of 33 rapes in 2002, which increased the number of rapes reported to the FBI by more than 15%.5 Specifically, most of the 33 cases did not have sufficient information in the investigative file to support the determination of unfounded.

Perhaps the greatest notoriety has been achieved by the Philadelphia Police Department, however, which unfounded as many as half of their sexual assault reports in the 1980’s – a rate that was five times the national average. That proportion fell when the FBI put pressure on the department to change, yet in 1998 the rate again increased to 18% – doubling in a single year to a figure that was twice the national average and the highest among the 10 largest U.S. cities.6

In fact, public scrutiny of the Philadelphia Police Department resulted in a number of significant changes for that agency, including a complete reorganization of the Sex Crimes Unit and the appointment of a multidisciplinary review committee to examine all unfounded sexual assaults.

However, there is no reason to believe that these problems are unique to Oakland, Baltimore, and Philadelphia. In fact, there is evidence that such problems are seen within law enforcement organizations across the country, both large and small, and in both urban and rural communities.

**Why So Many Problems with UCR Unfounding?**

**Lack of training on UCR criteria**

There are a number of reasons why law enforcement officers, investigators, and supervisors often have problems with the UCR definitions and criteria for unfounding. These include the problems with the UCR Guidelines that have already been discussed.

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4 “Unfounded rape cases to get a second look from Oakland PD." *Law Enforcement News* 16 (322), 1990.
5 “Police figures on rape in error.” Del Quentin Wilber, December, 2003. Distributed by the National Association for Civilian Oversight in Law Enforcement at [www.nacole.org](http://www.nacole.org).
6 "How police use a new code when sex cases are 'unclear.'" *The Philadelphia Inquirer*, October 18, 1999. By Mark Fazlollah, Michael Matza, Craig McCoy and Clea Benson.
But even if the UCR guidelines were crystal clear there would still be problems with unfounding because officers and investigators typically receive no training at all in the proper use of various clearance methods.

Since no training is provided on this topic, two detectives sitting at desks directly next to each other may be following different criteria for clearing their cases – not only for unfounding but for all other clearance methods as well.

To make matters worse, many supervisors do not carefully review the reports that are submitted, thus providing poor quality control and allowing for inaccuracies and inconsistencies in the clearance of sexual assault cases.

There is also some reason to believe that detectives may be confused by the terminology of unfounded versus unsubstantiated, the latter term being used in cases of child abuse but not for UCR coding of sexual assault cases with adult and adolescent victims. Given that many detectives and supervisors investigating adult sexual assault gained their experience in cases of child abuse, such confusion is understandable.

These problems with a lack of training are seen at the “back end” of an investigation, when an investigator or supervisor is deciding how to clear a case. However, lack of training also creates problems at the “front end” of the investigation.

Problems establishing the elements of an offense

There are two primary ways in which problems arise at the “front end” of the investigation, with responding officers and deputies who are unable to properly identify whether an incident meets the elements of a sexual assault offense. Both problems seem to stem from a lack of training.

On the one hand, many patrol officers and deputies write a crime report for incidents that do not meet the elements of a sexual assault offense. Once such a crime report is completed, it has to be cleared, so it is unfounded on the basis of UCR criteria that the report is “baseless.” This is a proper use of UCR clearance, but it increases the percentage of cases that are unfounded.

As discussed in the module on Reporting Methods, a better approach is to record all sexual assaults initially with an informational report, and then make the determination regarding whether or not to “score” it as a crime report later, on the basis of a thorough, evidence-based investigation.

On the other hand, responding officers and deputies also have problems when they do not realize that the incident they are investigating actually does meet the elements of a sexual assault offense, perhaps because it does not involve the use of force or fear. When the officer or deputy decides that the incident does not meet the elements of a sexual assault offense – when it actually does – the case is not properly recorded in a crime report at that time. Then, because the incident is not recorded in a crime report, it is not later cleared using UCR criteria.
• This again highlights the importance of following up with victims to verify the initial information obtained during the preliminary stages of the investigation.

• It also underscores the importance of having all sexual assault reports reviewed by a supervisor, co-worker, or other colleague with specialized training in sexual assault investigation.

This issue is discussed extensively in the modules on Law and Investigative Strategy as well as Reporting Methods, but it needs to be mentioned here because it often creates problems for clearance decisions. That is, if the responding officer or deputy decides that the incident does not meet the elements of a sexual assault offense – when it actually does – the case will not be properly recorded in a crime report and therefore it will not be cleared using proper UCR criteria.

Obviously, the lack of training is a source of considerable trouble for the clearance of sexual assault cases, both at the “front end” and the “back end” of the investigation.

**Insufficient investigation and premature conclusions**

Other problems with unfounding occur because the determination is made on the basis of insufficient investigation and/or premature conclusions on the part of the responding officer.

For example, many law enforcement agencies allow responding officers and deputies the discretion to declare a complaint as “unfounded” after taking only an initial statement from the victim or following a routine, cursory investigation.

Others allow responding officers and deputies to clear from a sexual assault call without documenting the incident in a written report of any kind.

Neither of these practices is acceptable. Officers cannot make a reliable determination regarding the validity of a sexual assault complaint with only an initial victim statement or a cursory preliminary investigation. With such limited information, the determination cannot be based on the totality of the investigative findings, and it will be influenced by the stereotype of “real rape” that makes officers and investigators view more typical sexual assault incidents with suspicion.

This again highlights the need for recording sexual assault incidents at least initially with an informational report, and making the determination to score it as a crime report on the basis of findings from a thorough, evidence-based investigation. Even for incidents that do not ultimately meet the elements of a sexual assault offense, best practice dictates that they be recorded in an informational report, assigned a number for tracking, and submitted for secondary review by a supervisor, co-worker, or other colleague with training in sexual assault investigation. (Again, see the module on Reporting Methods for more information.)

**Pressure to close cases**

Unfortunately, another source of trouble is the pressure that is often placed on law enforcement agencies and units to clear a high percentage of their cases. This is the legacy of an era within law enforcement where success has been evaluated primarily on the basis of reported crime and clearance rates. As a result, there is often pressure on officers, investigators, and supervisors to
clear a high percentage of their cases, and this pressure is communicated through both informal modeling and more formal means such as performance evaluations.

- This pressure may be particularly pronounced in cases where the suspect is known, because investigators are not accustomed to leaving cases with identified suspects open. However, if there isn’t sufficient evidence to present the case for prosecution it might be inappropriate to clear the case. (Recall the criteria for exceptional clearance discussed before.)

- Rather than shelving these cases to remove them from an investigator’s active caseload, it is therefore best to leave them open but suspended or inactivated – so the investigator can pick them up again if additional information surfaces or the victim changes his/her mind about participating in the investigation at a later time.

- Of course, this also requires a trusting and cooperative relationship with the victim, with every effort made to keep the victim informed.

In reality, rates of reported crime and police clearance are poor indicators of the quality of law enforcement response, investigation, and prosecution within a community, especially with sexual assault crimes. Yet the unfounding of a high percentage of sexual assault cases can appear to be superficially beneficial to police agencies – at least in the short term.

When sexual assault cases are dropped from the caseload and statistical reporting through unfounding, the caseload for a unit or department is reduced. At the same time, the community’s crime rate appears to decrease while the department’s clearance rate increases.

Sadly, these “benefits” may serve to reinforce the improper use of unfounding, perpetuating the practice among investigators and supervisors. However, this practice is wrong, and it constitutes a ticking time bomb for public relations within the department. Just ask anyone in Philadelphia.

**Unfounding to Make Difficult Cases “Disappear”**

Although all of these factors can create problems regarding the use of UCR clearance methods, perhaps the biggest source of trouble is the use of unfounding to avoid investigating “difficult cases.” Sadly, officers and investigators all too often unfound a sexual assault report improperly.

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7 To illustrate, a typical Sex Crimes Unit might strive to clear 50 percent of the cases they receive. Yet more appropriate measures of success for evaluating the investigation of sexual assault crimes might be based on self-initiative, investigative skills, tenacity, validation, and compassion. For example, a thorough investigation may take months, using search warrants, forensic evidence, witness interviews, a search for prior victims, and pretext phone calls (where allowed by law). Even if an arrest is never made and the case remains open indefinitely, the investigation may be extremely successful based on more appropriate outcome measures and explicit recognition of the realities of sex crimes investigation. In fact, an extremely high clearance rate can actually be a sign of serious trouble, as in Philadelphia Police Department, which reportedly cleared 74% of its sexual assault caseload in 1993. As discussed throughout this module, this exceptionally high clearance rate was only possible because of the “shell game” of statistical manipulation that was played, where detectives dumped a large percentage of their sexual assault cases in non-criminal codes such as “call for service” or “investigation of person.”
simply because it contains some of the “red flags” described earlier, either because they do not believe it or because they simply want to make it “disappear.”

As a reminder, these “red flags” are the characteristics of a sexual assault incident that are common but nonetheless seen as reasons to doubt the validity of the report. Thus, “red flags” often go off in the mind of officers and investigators when:

- The victim and suspect know each other.
- The victim and suspect have had sex before.
- The victim is an adolescent.
- No weapon was used.
- No physical violence was reported.
- There is no sign of physical injury.
- The victim is calm.
- The victim didn’t report to police for days, weeks, or even months.
- The victim reported to someone other than law enforcement.
- The victim is difficult to locate.
- There is little or no evidence to corroborate the allegation.
- The victim decides not to follow through or participate with the investigation.
- The victim changes his or her account of the sexual assault.
- The victim is uncertain or vague about the events of the sexual assault.
- The victim recants.
- The victim later recalls additional information.
- Details in the victim’s story are provably false.
- The victim is not seen as credible.
- The victim was under the influence of alcohol or drugs at the time of the assault.
- The victim is suspected of being a prostitute.
- The victim is belligerent.
- The victim is homeless and/or mentally ill.
- The victim fails a polygraph examination.
- No assailant can be identified.
When any of these “red flags” are present, cases are all too often unfounded simply because the officer or investigator does not believe the victim. We have already discussed how this is not a sufficient basis for unfounding a crime report according to UCR guidelines.

- Clearly, it is inappropriate for officers and investigators to unfound reports of sexual assault simply because they are viewed with suspicion on the basis of such “red flags.”
- Rather, every single report of a sexual assault needs to be investigated thoroughly and fairly, regardless of any gut feeling on the part of the officer or investigator.

The determination to unfound a report can only be made on the basis of findings from a thorough, evidence-based investigation.

**When the case is just plain difficult**

In other situations, officers and investigators may not necessarily doubt the victim’s account, but the “red flags” indicate that the case is going to be difficult to investigate. In these situations, they may want to unfound the case simply because it is difficult and they are overwhelmed by their caseload. They also know that the likelihood of such a case being successfully prosecuted is low. As previously described, there is also considerable pressure on officers and investigators to clear as many of their cases as possible. All of these motivations are certainly understandable, but they still cannot be used as the basis for unfounding a sexual assault report.

For example, when the Oakland Police Department came under fire in 1990 for the improper use of unfounding, it became clear that a high percentage of the cases involved prostitutes, drug abusers, women of color, and victims who did not “cooperate” with the investigation. Clearly, such cases are difficult to investigate. “But just because a case is going to be hard to prove doesn’t mean you classify it as unfounded,” said Captain James Hahn of the Criminal Investigation Division.

Hahn is right. As we have discussed already, UCR guidelines explicitly state that “the refusal of the victim to cooperate with prosecution or the failure to make an arrest does not unfound a legitimate offense.” Such factors do not establish that a report is “false or baseless,” so they cannot be used as the basis for unfounding it. (Of course, recall that a victim’s “refusal” is better understood as the inability to cooperate at that time.)

Sadly, there is no reason to believe that these problems are unique to Oakland – in fact, there is evidence that unfounding is used to make difficult cases disappear from the caseload of law enforcement agencies across the country. Perhaps nowhere is this problem more commonly seen than in those cases where the victim recants.

**When the victim recants**

Although all of the “red flags” listed above can trigger suspicion in the minds of some officers and investigators, perhaps none is more powerful than victim recantation. After all, why should

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8 Law Enforcement News, 1990, 21(19), p.6
the investigator believe that the sexual assault happened when even the victim says it didn’t? Surely, victim recantation can be used as a basis for unfounding a sexual assault report, right?

Wrong. Although there is reason to believe that sexual assault reports are routinely unfounded solely because the victim recanted, this is clearly in violation of UCR guidelines. Even when victims recant, this cannot be used as the only evidence to determine that the sexual assault report is “false or baseless.” In fact, investigators need to be very cautious about using a recantation as the sole basis for determining that a sexual assault report is false.

• The reality is that many sexual assault victims recant when they encounter skepticism, disbelief or blame from law enforcement personnel, medical personnel, or others involved in responding to their report.

• Other victims recant because they see that their report of the sexual assault will only make matters worse for them. For example, given that most sexual assaults are committed by someone known to the victim, reporting the crime will inevitably disrupt their personal lives and relationships. Many victims decide that the potential disruption and difficulty are not worth it, so they recant.

• Still other victims recant when their credibility or behavior is questioned by family members and friends. Again, these victims may decide that the possible benefits of reporting the sexual assault are not worth the price they would have to pay in their own lives.

• In settings such as the military, workplace, university, or college, victims may even face the possibility of sanctions for their own behavior. These could include charges of conduct unbecoming for their own use of alcohol or drugs, fraternization, or other prohibited actions. Discipline can even extend up to possible termination from the military or workplace, or expulsion from the university or college.

• In religious communities, victims often face excessive scrutiny, shame, and a lack of support for similar behaviors. All of these could lead a victim to recant.

Despite these realities, many law enforcement personnel, forensic examiners, and others have improperly used victim recantation as the basis for determining that a sexual assault report is false. Then they use this justification to unfound the case, clearly violating UCR guidelines.

When there are no significant findings from the forensic examination

Similar to victim recantation, some law enforcement professionals, forensic examiners, and others regularly unfound sexual assault reports because no significant findings are observed during the forensic examination. As one forensic examiner stated after reviewing a number of sexual assault case reports from 1994:

“A review of these cases shows they all fail to meet the mean number of sites of microtrauma associated with victims of non-consensual sexual intercourse which is three.”
“6% of the cases had no physical findings at all which was inconsistent with the specific history related by the victim.”

Clearly, this forensic examiner decided that a number of the sexual assault claims were suspicious because the victims did not have “enough” signs of visible physical injury. Unfortunately, some law enforcement agencies use this lack of physical findings as a basis for determining that the report is unfounded, and some may even then bill the sexual assault victim for the cost of the forensic examination.

In fact, the absence of genital trauma should never be used as a basis for unfounding a sexual assault report. Most state laws specifically state that a victim does not need to be injured to establish the elements of forible sexual assault. Furthermore, many sexual assaults have been proven to be true when the forensic examination was inconclusive, on the basis of:

- evidence revealed through the subsequent crime lab analysis
- other crime scene evidence
- the testimony of witnesses
- a pattern of similar serial offenses
- a confession by the suspect
- a guilty verdict in the trial

Clearly, findings from the initial forensic examination are insufficient to make a determination regarding the validity of a sexual assault report. This type of determination is not even part of the professional role of a forensic examiner.

- The role of the forensic examiner is not to determine the validity of a sexual assault report.
- Rather, their role is to obtain a history, treat the patient, document visible physical injuries observed during the examination, and collect forensic evidence.

In fact, no conclusions can be drawn regarding the presence or absence of findings until the evidence is analyzed by a crime lab. The conclusion that a sexual assault report is false and/or unfounded can only be made on the basis of reviewing all of the investigative findings together.

Other Ways that Difficult Cases “Disappear”

Unfortunately, improper use of UCR unfounding is only one of many ways in which officers and investigators have made difficult cases of sexual assault “disappear.” Other methods include the inappropriate use of non-criminal codes, informal “memos,” and “secret files” as a dumping ground for sexual assault reports.
Using non-criminal codes as a dumping ground for sexual assault reports

In a series of articles that was nominated for a Pulitzer Prize, investigative journalist Mark Fazlollah and his colleagues brought to national attention a host of problems with the Philadelphia Police Department’s handling of sexual assault cases. Some of these problems have been highlighted already (e.g., the disproportionately high rate of unfounded sexual assault cases). However, the journalists also revealed that the agency was routinely categorizing sexual assault complaints as "2701," a police code designating a non-criminal call for service.9

- Once classified as such, a case was not investigated further and subsequently disappeared from the department's criminal statistics and active caseload.

- Throughout the 1980’s, as many as one-third of all sexual assault reports reported to the Philadelphia Police Department ended up in such a non-criminal category.

The resulting public outcry led to a number of important changes in the agency, yet the Philadelphia Inquirer documented that the “shell game” of statistical manipulation continued in various other guises.

- For example, the journalists revealed that even after investigators stopped using the non-criminal code of 2701, there was a sharp increase in the number of cases with the non-criminal code of 2625 for “investigation, protection, medical examination.”10

- In fact, the unit filed over 400 complaints in this non-criminal category that was originally designed for situations where police picked up teenage runaways.

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“How police use a new code when sex cases are ‘unclear.’” The Philadelphia Inquirer, October 18, 1999. By Mark Fazlollah, Michael Matza, Craig McCoy and Clea Benson.


“Rape cases swell in Phila. as police reporting changes.” The Philadelphia Inquirer, December 2, 1999. By Mark Fazlollah, Michael Matza and Craig McCoy.


Clearly, this particular code was certainly never intended to designate a crime as serious as sexual assault. Yet this non-criminal code of “investigation, protection and medical examination” was used by the unit for recording cases in which the victim was unconscious, drugged, or drunk at the time of the assault. Retired Lieutenant Thomas Doyle explained:

“Investigation of person” was for cases that were just too hard to sort out. “You have the college student, the female, who was drinking the night before and was wet between the legs,” said Doyle, 40, now Director of the criminal justice program at Philadelphia Community College. “Is that a rape? That’s an investigation of person.”

Sorry Lieutenant Doyle, but the FBI disagrees. In fact, FBI officials quoted in the Philadelphia Inquirer stated that:

“There is, in fact, no requirement that a victim specifically recall the act of penetration – especially in cases where a woman might have blacked out. If a woman says she has reason to believe she was raped, but cannot recall details because she was under the influence of alcohol or drugs, the incident should be counted as a rape. If subsequent investigation proves that no rape took place, police can subtract it from their crime total.”

As a result of the scandal in Philadelphia, hundreds of sexual assault complaints were reviewed and many were returned to detectives for investigation. Unfortunately, the scandal only provided a spotlight for problems that are actually seen in departments around the country.

**Informal “memos,” “secret files,” and other tactics**

As many officers and investigators know, the use of non-criminal codes is only one of many ways that sexual assault cases “disappear.” Other methods include the improper use of informational reports, informal “memos,” and “secret sex crimes files.”

- As described in the module on Reporting Methods, informational reports provide a way for citizens (or law enforcement personnel) to document activity that doesn’t meet the elements of any criminal violation.
- We have already discussed how informational reporting is a necessary procedure for law enforcement agencies, and it can be very effective in increasing the intelligence regarding sexual assault victimization in a particular area.

As long as the agency tracks every single report, and each one is submitted for some kind of secondary review to insure that they are coded, cleared, and closed appropriately, this can be

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11 “How police use a new code when sex cases are ‘unclear.’” The Philadelphia Inquirer, October 18, 1999. By Mark Fazlollah, Michael Matza, Craig McCoy and Clea Benson.

12 Quoted from Maryvictoria Pyne, spokeswoman for the FBI’s Uniform Crime Reporting program, in the Philadelphia Inquirer, October 18, 1999.

extremely effective. However, the system can create problems if an agency is filing a disproportionate number of sexual assault cases as informational reports, and they are not being reviewed by anyone with specialized expertise in sexual assault investigation.

For example, a former sex crimes investigator with the Phoenix Police Department indicated that approximately one-third of the sexual assault reports were typically filed as “information only” (Fazlollah, 2000). This percentage is extremely high, and likely indicates a problem with the system review of informational reporting.

More recently, journalist Jeremy Kohler has documented the widespread practice within the St. Louis Police Department of officers writing an informal “memo” to document incidents instead of an official crime report. These memos were simply filed in the area station house and were not recorded or tracked within the agency’s formal system. On the basis of an external review, 485 memos were converted to official reports, the agency’s rape statistics were adjusted upward by 58%, and detectives reviewed all of the cases to see if charges were still possible. This required contacting many of the victims whose cases were recorded only in memos.14

Similar problems are seen in other law enforcement agencies that use exceptional clearance inappropriately, in order to make difficult cases “disappear.” However, one of the worst examples of this problem may be the use of an unauthorized filing system for crime reports that investigators simply want to disappear. In October of 2001, for example, Joshua Good of the Atlanta Journal and Constitution revealed the use of a “Secret Sex Crimes File” within the Atlanta Police Department. This secret file was used as a dumping ground for sexual assault reports that the investigators viewed as difficult or dubious. As Good reported:

“During the past two years, Atlanta police detectives placed certain sex crime reports in a secret file. Detectives working the graveyard shift created the file to deal with reports from women who they thought were either lying about being raped or gave police a false name. The effect was that 34 reports were not part of the city’s overall crime count. The secret filing system was allegedly started just after the department was audited by the Georgia Bureau of Investigation for allegedly underreporting crimes.”15

Clearly, such practices are inappropriate – regardless of the specific method used – and the consequences of having all those sexual assault cases “disappear” are tragic.

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What Happens When all those Sexual Assault “Disappear?”

Whether the report is improperly unfounded or exceptionally cleared, or whether it is dumped in a non-criminal code, informal memo, or secret file, the consequences are serious not only for victims but also for law enforcement personnel and the general public.

- For victims whose cases are improperly unfounded or otherwise “disappear,” they often feel a sense of betrayal and distrust that has devastating effects on their recovery from the sexual assault.

- For law enforcement agencies, high rates of unfounding (or other similar methods) can lead to heightened public scrutiny and pressure to change policies and procedures. To illustrate, pressure from the media and the public in Oakland led to the police department’s reopening of 203 rape cases that were “dropped without even minimal investigation...including 37 in which the victim was never interviewed.”

- We’ve also already discussed the fallout and subsequent reforms within the Philadelphia Police Department.

- For police and prosecutors, any sexual assault case that is unfounded may also be used by defense counsel to discredit future cases involving additional victims. For example, if the report of one victim is improperly unfounded and then the same suspect goes on to sexually assault other victims, successful prosecution of that suspect will be made all the more difficult by the fact that the first case was unfounded.

On a larger scale, improperly unfounding sexual assault cases or otherwise making them “disappear” represents a miscarriage of justice and threat to public safety. As Marcia Blackstock, the Executive Director of Bay Area Women Against Rape concluded, even those cases that are difficult can sometimes result in successful prosecution.

“If you get a good investigation behind it, you can still get those cases charged and convicted. It doesn’t make her less of a victim because she’s using drugs and it doesn’t make the rapist less of a threat to society because he’s raping women who are on drugs.”

Still other consequences for the public include the false sense of reality created when departmental statistics indicate that the rate of sexual assault is lower than it really is, and clearance rates are higher than they actually are.

To illustrate, many law enforcement executives, college campus administrators, and military commanding officers place great emphasis on keeping crime statistics low, and this can put pressure on officers and investigators to make sexual assault cases “disappear” by improperly using non-criminal codes, unfounding, exceptional clearance, “secret sex crimes files,” or other means.

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17 Quoted in Law Enforcement News, 1990, 16(322) p.11
Finally, the public awareness that sexual assault cases are not taken seriously will inevitably reduce the willingness of future victims to report to police. This may be the most devastating consequence of all.

**Fueling the myth of false reports**

Yet another important consequence of making sexual assault cases disappear is that it provides even more fuel for the societal myth that women routinely file false reports of sexual assault. This is perhaps especially true when a high percentage of sexual assault reports are improperly coded as unfounded. By regularly coding cases as unfounded when they should not be – and then having many members of society confuse unfounded cases with false reports – this combines to fuel the myth that a high percentage of sexual assault reports are false.

**One cop’s perspective**

Perhaps nowhere are these issues articulated more eloquently than by retired NYPD sex crimes investigator Harry O’Reilly (1984). While the following excerpt is a long one, it summarizes many of the complex issues we have sought to untangle in this module.

>The last myth I want to deal with is that of false accusations. Do we really have women running around making false accusations against innocent men? Does this happen? Are there false reports? Of course there are, and we must always be on the alert and be aware that victims may be telling a lie.

>Some women do lie, of course, but the number of women who make false reports is negligible in comparison with the number of valid complainants. In a six-month period in New York City there were around 2000 reported rapes, of which about 250 were unfounded reports. But ‘unfounded’ does not mean lying.

>Let’s see what it means: 200 of the 250 were simple administrative errors. They should never have been called rapes in the first place; for example, a woman phones the station and yells rape. The police car goes out and there’s no one home. The next day a detective goes to follow the incident up and the woman says “Oh yes, my boyfriend and I had a fight last night and I yelled “rape.”’ ‘Why did you yell rape?’ ‘Because if I had yelled disorderly conduct, nobody is going to come, but if I yell rape I know damn sure that a cop is going to come in a hurry.’ That kind of thing is not a false rape charge, but a mild inconvenience to the police.

>We are therefore left with potentially 50 liars out of a total of 2000 complainants. Of that 50, perhaps 20 cases of false report were made as some kind of attempt by the woman to protect herself against a tyrannical father or husband because she had violated some family rule, usually a time curfew, and she has to account for why she is late. Rarely in these cases, however, does she accuse a specific person; rather, she claims that some mysterious figure in the night pulled her into a car and did this awful thing to her and caused her to be two hours late in coming home.
Other times we have women who have psychological problems, loneliness being the main one, and they know if they say ‘rape’ the officer will come and talk with them awhile. These women have lied, of course, but no more maliciously than has the woman with the tyrannical husband/father.

After analyzing all the ‘unfounded’ reports, we found that there were actually only five cases of women maliciously telling lies and deliberately falsely accusing men of rapes that had never been committed. In these cases the women are arrested for making false accusations – false charges are crimes which must be punished. The bottom line, then is that out of 2000 charges of rape, there were five proven liars. That is good enough evidence for me to conclude that most victims are telling the truth! (p.96-7).

The bottom line

In fact, many law enforcement professionals recognize that the rate of false reporting is much higher for property crimes, arson, auto theft, and burglary – crimes where there is a lot of insurance fraud. Yet we don’t see the same attitudes with these crimes as we do for sexual assault. Why is this?

- In other words, even though the rate of false reporting is higher for these other crimes than they are for sexual assault, law enforcement investigators do not typically approach them with the attitude that they are false until proven true.

- As we have previously stated, this attitude is one of the primary barriers to conducting an effective sexual assault investigation, and it represents a bigger problem than any lack of training or technical expertise. We believe it stems from the societal myth that women make up charges of sexual assault, either to be vindictive or to cover up for their own misdeeds.

- The good news, however, is that because this attitude is the biggest source of trouble, it is the best place to create change. So, when we turn our attention to fixing these problems, it is the first place we need to look.

How Can We Fix These Problems?

Clearly, it is inappropriate to use unfounding, exceptional clearance, or other methods to dump sexual assault cases that are seen as dubious or difficult. The solution to the problem, however, has four primary components.

(1) Treat every sexual assault report as valid

First and foremost, law enforcement personnel must fundamentally shift the way sexual assault cases are viewed. In other words, every single case of sexual assault must be assumed to be valid and investigated thoroughly, unless the evidence indicates that it is false.
Until now, officers and investigators have all too often shared the societal myth that many (or even most) sexual assault reports are false, so victims are often viewed with suspicion. In other words, sexual assault reports are all too often seen as “false until proven true.”

This harmful belief was perhaps best illuminated by the policy implemented by Harvard University, which stated that an investigation would not be initiated for any sexual assault unless the victim produced a witness or other corroboration. Although this policy was later reversed, it helps to show just how widespread the myth is in our society and how it “shuts down” the investigation of sexual assault reports.

Instead, sexual assault victims must be given the same consideration as other crime victims, so that each and every sexual assault report is assumed to be valid and investigated accordingly, unless or until the evidence indicates otherwise.

We must simply accept the reality that only a very small percentage of sexual assault reports are truly false, and approach each and every single one as if it is valid. No matter how many “red flags” there are in a particular report, it must be investigated thoroughly and only determined to be false if established by the investigative facts. If we could make only this one change, we would have gone a long way toward dramatically improving the way that sexual assault victims are treated within the criminal justice system as well as the larger society.

Part of this change must be to establish both formal and informal practices within law enforcement agencies to reward investigators for conducting a thorough, evidence-based investigation regardless of the outcome of the case. While investigators are likely to feel discouraged, frustrated, or even angry in such a situation, supervisors must be trained to debrief their detectives and commend them for doing a good job regardless of the outcome of the case.

(2) **Improve sexual assault investigations with a teamwork approach**

By approaching all sexual assault reports with the assumption that they are valid, officers and investigators will often find that victims respond with increased openness and trust that facilitates the investigation. This, in turn, yields increased victim cooperation, better information, and more investigative leads. Then, by taking steps to reduce the likelihood of inconsistent or untrue information in the victim’s statement (as described in the module on **Victim Interviewing**), investigators will learn to better distinguish reports that are false from those that are true but described with some omissions, inconsistencies, or inaccuracies.

Moreover, by utilizing a teamwork approach to sexual assault response, law enforcement investigators can join other professionals in improving services for victims that will facilitate their cooperation and ultimately, their recovery.

This teamwork approach will require collaboration with victim advocates, forensic examiners, prosecutors, and others involved in the community response to sexual assault.

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The need for a teamwork approach may be particularly critical in those cases where a person has been victimized repeatedly. These cases can be heartbreaking, but they are often difficult if not impossible to investigate because victims with a prior history of physical, emotional and/or sexual abuse have often learned to use negative coping mechanisms.

- For example, the research literature demonstrates that these victims are able to correctly identify potential danger cues and risks, but their response is often inappropriate or ineffective because of the negative coping mechanisms that they have learned to use to survive past abusive situations.

- Even children who are abused often learn negative coping mechanisms that help them to survive the abuse during childhood but then leave them vulnerable to continued abuse in adulthood, without appropriate interventions.

Sadly, responding officers, deputies, and others sometimes refer to these individuals as “professional victims.” As professionals working in this field, we all know that there are many sexual assault cases involving adults but especially adolescent victims who may have many challenges to their credibility that successful prosecution is extremely unlikely.

- However, it is important to keep in mind that prosecution is not the only – and perhaps not even the most important – indicator of success for a community’s response to sexual assault.

- At least equally important is the ability of the community to determine in a coordinated way which services are most needed by these individuals, and assist them in accessing those services.

For example, many adults and adolescents “fall through the cracks” of existing community services. This may be because they have repeated victimizations, or because they are living on the streets, engaged in survival sex, promiscuous sex, drug use, or other criminal activity. Therefore, one clear example of a best practice is for communities to establish a multidisciplinary review committee to discuss how best to provide outreach and assistance to these high risk individuals.

- This is particularly true because many of these victims do not contact law enforcement at all to report a sexual assault.

- Instead, they often access multiple systems within the community through other mechanisms such as suicide, substance abuse, eating and sleeping disorders, promiscuous activity and prostitution, just to name a few.

This type of multidisciplinary committee can review these difficult cases and discuss how the community can best respond to the needs of victims. This will likely include referrals for victim advocacy and other social services. Law enforcement personnel can also assist in facilitating these referrals, which can help to meet the needs of victims when investigation and prosecution are unlikely. However, other members of the multidisciplinary committee should include representatives from the medical community (especially forensic examiners), victim advocacy, adult and child protective services, and other social services.
(3) Use proper criteria closing cases and review them for balance

Third, sex crimes investigators must use proper criteria for closing all sexual assault cases, whether through arrest, unfounding, exceptional clearance, or other means.

- Recall that the three methods of clearing a sexual assault case using UCR criteria are: “cleared by arrest,” “unfounded,” or “exceptionally cleared.” The criteria for each of these clearance methods are described in detail earlier in the module.
- In addition, recall that sexual assault cases are also sometimes closed using other administrative mechanisms or left technically open but suspended or inactivated.

To truly understand the entire picture of a department’s or unit’s sexual assault caseload, one good strategy is to view the number of cases that are closed in each of the various means, or left open but suspended/inactivated. This is an important part of the review process that supervisors and managers should use, by creating a pie chart to visually depict the balance of the department’s entire caseload, broken down into the primary disposition categories of:

(1) Open   (3) Cleared by Exception   (5) Suspended/Inactivated
(2) Cleared by Arrest   (4) Cleared as Unfounded   (6) Informational Reports

(Recall that Cleared by Arrest also requires that the suspect be charged and the case referred for prosecution.) Once an appropriate tracking system is set up, this type of review can be conducted both for the department (or unit) as a whole, as well as for individual investigators. The resulting pie chart would then look something like the example below:
Supervisors can then further review the balance of an investigator’s case load, by examining the outcome of some of these categories in more detail. For example, a more detailed review could determine what percentage of the cases that were cleared by arrest were issued versus rejected by the prosecutor. This review could also include the breakdown of cases that were exceptionally cleared on the basis of the victim being unable to participate in the investigation or prosecution (often referred to as “VDP”) versus other reasons (e.g., the death of the offender, the prosecution of the offender in another jurisdiction). It is also critically important to review the breakdown of cases that were unfounded because they were false versus baseless.

<table>
<thead>
<tr>
<th>Cleared by Arrest:</th>
<th>Exceptionally Cleared:</th>
<th>Unfounded:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Issued by Prosecutor</td>
<td>(1) Victim Declined Prosecution</td>
<td>(1) False</td>
</tr>
<tr>
<td>(2) Rejected by Prosecutor</td>
<td>(2) Other Exceptional Clearances</td>
<td>(2) Baseless</td>
</tr>
</tbody>
</table>

This type of detailed analysis could be conducted using a single chart, or a series of charts, and then reviewed both for the department or unit as a whole as well as for individual investigators as part of their supervisory review. Any investigator who has an extremely high or extremely low number of cases in any of these categories should be contacted for supervisory review and discussion, because such an imbalance could indicate a problem. Again, this type of pie chart would look something like the following example.
As previously stated, this type of tracking system highlights the importance of reporting and clearing and closing all sex crimes using the same procedures and terminology – regardless of whether they meet the narrow definition of “forcible rape” specified by the UCR guidelines for index crimes. To get a comprehensive picture of the balance of the crime reports that are cleared or otherwise closed in the various ways, law enforcement agencies must use consistent procedures and terminology.

**4) Use alternative procedures for inactivating cases**

Finally, law enforcement agencies must implement procedures for suspending or inactivating cases that are not cleared or otherwise closed. This may mean that a large number of sexual assault cases are left open indefinitely, because they cannot be properly cleared using UCR criteria. Of course, this requires a change in the law enforcement culture that often places a high value on clearance rates. Yet many agencies across the country are in fact moving toward the practice of leaving a high percentage of sexual assault cases open yet suspended or inactivated. Again, this is particularly important given the number of states that are abolishing or extending the statute of limitations because DNA technology provides the opportunity to identify suspects years – even decades – after the crime.\(^{19}\) In fact, this type of procedure is explicitly authorized by the UCR guidelines, which state that:

> “Departmental policy in various law enforcement agencies permits the discontinuance of investigation and the administrative closing of cases in which an investigation has been completed.”

The key here, however, is that the case can only be discontinued (or suspended or inactivated, in our terminology) after a thorough investigation has been conducted or if the victim is unable to participate in the investigation at that time.

The benefits of such a procedure can include a decrease in the inappropriate use of unfounding and exceptional clearance, as investigators and supervisors are relieved of the pressure to clear a high percentage of their caseload. In fact, this pressure stems as much from internal factors as agency policies and practices. The reality is that investigators are often uncomfortable leaving a case open (thus “unsolved”) when they know that a crime was committed and they know who committed it. This is certainly understandable. However, law enforcement professionals must recognize that this discomfort is simply inevitable in a considerable percentage of sexual assault cases, based on the realistic dynamics of the crime and the impact that it has on victim’s lives.

- Despite any discomfort that investigators may feel, it is not acceptable to unfound or otherwise clear sexual assault cases when they do not meet the criteria specified in the UCR Guidelines.
- If they do not meet the criteria for clearance according to the UCR Guidelines, but all investigative leads have been exhausted, these cases are best left suspended or inactivated.

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\(^{19}\) For more information on the legislative developments on the statute of limitations, see the report prepared by Smith Alling Lane, Governmental Affairs Attorneys at Law.
Such cases cannot be properly unfounded, but all too often they are unfounded anyway. Sadly, many law enforcement agencies realize too late the tragic consequences of this error, when they have unfounded a sexual assault case that is later proven to be valid, when the offender went on to commit other sexual assault crimes. In this kind of situation, prosecutors will likely have great difficulty using the unfounded case to establish prior acts when the suspect re-offends.

Of course, most individuals who commit sexual assault do re-offend, so the improper use of unfounding can have a serious negative impact on the likelihood of prosecuting and convicting these offenders. If these cases are left open but temporarily suspended or inactivated, they are much more likely to assist in the successful prosecution of repeat offenders.

Another benefit is that the case can be easily picked up for renewed investigation if new information comes into the department. This is particularly true in departments where sexual assault victims are given multiple opportunities to respond to requests for follow-up. For example, many agencies have re-opened unfounded cases as the result of a lawsuit or complaint by the victim and then determined that they were legitimate upon further investigation.

- By following up with all sexual assault victims – even those who appear to be non-cooperative – and providing them multiple opportunities to respond, agencies can ensure that all sexual assault reports receive proper investigative attention.
- Furthermore, by allowing these cases to be left open but suspended or inactivated, the agency also provides itself with an appropriate mechanism for removing such cases from an investigator’s active caseload.

All of these are good reasons for law enforcement agencies to implement a formalized system of suspending or inactivating sexual assault cases using administrative procedures that allow them to remain open while easily being picked up in the future if new investigative leads emerge.

**Summary of Best Practices**

We have already described a number of best practices in the area of sexual assault investigation. However, before we conclude this module we would like to take a moment to spotlight other promising practices that law enforcement agencies have devised across the country to address the problems we have discussed. These include the following:

1. **Giving patrol officers and deputies the clear directive that all sexual assault cases are assumed to be valid unless the investigative findings establish otherwise.** This would mean that all sexual assault cases will be documented with a written report and investigated to the extent possible. This would be true, regardless of whether the report was a crime report or informational report, and regardless of whether or not the victim provides identifying information (i.e., a blind report).

2. **Notifying officers and investigators that they cannot unfound a case based solely on the victim’s initial statement or a cursory preliminary investigation.** The determination that a case should be unfounded can only be made after reviewing all of the findings from a thorough, evidence-based investigation. Then the case can only be unfounded if the investigative findings
establish that no crime was completed or attempted. Officers and investigators must receive at least some basic training in the definition and criteria for unfounding, according to the UCR.

(3) Clarifying the definitions and criteria for the various clearance methods, including “unfounding” and “exceptional clearance.” Particular care must be taken to distinguish the definition of unfounded cases from false reports, and even unsubstantiated reports and cases with insufficient investigation, for those investigators with a background or training in child abuse where that terminology is used.

(4) Developing a standardized form to record the clearance method for each sexual assault case, and including it with all investigative case files. One example of such a form is included in the appendix of this module, in order to provide a model for what this might look like. The benefit of such a standardized form is that it includes all of the information that is needed for UCR reporting. It can therefore assist officers and investigators in reviewing the case file and making an appropriate decision regarding clearance.

(5) Eliminating the pressure from officers and investigators to clear a high percentage of their cases. This will require addressing formal reinforcement systems, so they are not rewarded for high clearance rates or punished for low clearance rates. Equally important is changing the informal atmosphere that pushes officers and investigators to clear their cases using the path of least resistance. Instead, officers and investigators must be recognized and rewarded for conducting a thorough, evidence-based investigation – even when it does not result in prosecution, but is suspended or inactivated because there isn’t enough information to move the case forward or prosecute the offender(s).

(6) Using graphics to review the balance of cases in the various dispositional categories. For supervisors, this will mean looking for a balanced case load among investigators, with the numbers of cases that are open, cleared by arrest, exceptionally cleared, unfounded, and open but suspended/inactive. Then the cases within each of these primary dispositional categories can be analyzed in detail, to determine the percentage of cases that were exceptionally cleared for each of the various reasons (especially those in which the victim is unable to participate in the investigation and prosecution), issued versus rejected by the prosecutor, and unfounded because they were false versus baseless. Any investigator who has an extremely high or extremely low number of cases in any one category should be contacted for supervisory review and discussion, because such an imbalance could indicate a problem. For examples of real performance evaluations of sexual assault investigators that incorporate this strategy, please see the appendix.

(7) Improving the department’s internal tracking system, to better record the progress of sexual assault cases through the criminal justice process. These improvements will also clarify the disposition of cases, so agency staff can have a better picture of case attrition – to understand both how many cases "fall out" of the criminal justice system at which stage, and what the characteristics of those cases are. Analysis can then be used to improve responses to these outcomes.

(8) Working collaboratively with Child Abuse Units to standardize the process for recording crimes of sexual violence against children and adolescents. This will include developing a tracking system to differentiate reports that are recorded as "Unfounded" versus those that are recorded as "False" or “Unsubstantiated” or “Insufficient Evidence.” By using
consistent terminology and procedures, an agency will be able to provide a comprehensive picture of how all sex crimes are reported and resolved.

(9) **Implementing a multidisciplinary review process of some kind, to ensure that established guidelines have been followed when it comes to clearance decisions.** This review process should include other members in the coordinated community response to sexual assault, such as victim advocates, forensic examiners, prosecutors, and others. The purpose is not only to review the unfounded sexual assault reports within a specified time frame, but also to discuss any adult and adolescent victims who are in particular need of community intervention and resources.

(10) **Providing rape crisis centers and others in the community with the total number of sexual assaults that are reported and information about their dispositions.** This is important information for the community to have, and it provides an external system of checks and balances that can be helpful for law enforcement officers, investigators, and supervisors.

(11) **Immediately investigating any complaints or inquiries about the outcome of any case.** Not only is this good for public relations, but it often provides new information that causes officers to pick up the investigation of a case that was previously suspended or inactivated.
References


### Sample Crime Case Cancellation Form

**Appendix:**

<table>
<thead>
<tr>
<th>Case</th>
<th>Approved By</th>
<th>Investigator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PROPERTY RECOVERED:**
- [ ] Adult
- [ ] Juvenile
- [ ] Not realized

**MISSING PERSON:**
- [ ] Adult
- [ ] Juvenile
- [ ] Not realized

**TYPE OF CANCELLATION (MARK ONE):**
- [ ] Yes
- [ ] No

**IS CASE PART OF A SERIES?**
- [ ] Yes
- [ ] No

**LAST FIRST MIDDLE Initial(s) Individual**

**CASE #**

**TYPE OF CRIME/INCIDENT:**
- [ ] Other
- [ ] FELONY
- [ ] MISD

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Clearance Methods
Archambault, Lonsway

May 2012

End Violence Against Women International
phone | 509-684-9800
Appendix:
Sample Performance Evaluations of Sex Crimes Investigators

Throughout this module, we discussed strategies that can be used to review the performance evaluations of sexual assault investigators. These include reviewing the balance of various disposition categories for all of the cases in the investigator’s assigned caseload. They also include establishing evaluation criteria that reduce the pressure to close cases and value appropriate determinations to clear a case or leave it open but suspended/inactivated. To illustrate these strategies, a few examples are provided from real performance evaluations of sex crimes investigators that were provided by the San Diego Police Department. The names of these investigators have been changed, however, in order to protect their privacy.

First, you will see the breakdown of one investigator’s caseload (42 cases) for a 9-month period of time, with the disposition categories of: Open, Inactivated, Cancelled, and Informational.
In the second graphic, you will see a more detailed breakdown of the same investigator’s caseload during the same period of time, which only includes those cases that received a disposition. The categories thus include: (1) Informational; (2) DA Charged; (3) DA Rejected; (4) Leads Exhausted; (5) Pending Review by DA; (6) Unfounded – False Report; (7) Unfounded – Baseless; (8) VDP (with Suspect ID); and (9) VDP (without Suspect ID). Note that the cases referred to the District Attorney’s Office are tracked by whether the case was ultimately charged or rejected (or is pending review at the time of the evaluation).

Similarly, the cases that are unfounded are tracked separately if they are determined to be false versus baseless (i.e., the case lacks the element for a sexual assault offense). Finally, the cases that are denoted as VDP (i.e., victim declines prosecution) are tracked separately based on whether or not the suspect has been identified. This is because the cases where a suspect has been identified can be cleared by exception using UCR criteria but those cases without a suspect identification cannot be exceptionally cleared. In most cases, the most appropriate determination for these cases is that they remain technically open but inactivated/suspended.
Next, you will find two examples of written performance evaluations that incorporate the type of strategies that were discussed in this training module. For example, both investigators are recognized for having a high percentage of the cases that were referred to the District Attorney’s office result in a charge, because this is an indicator that their investigations were thorough and well documented. In one example, the investigator is also rewarded for actively pursuing investigations where the victims have been initially uncooperative, because he was able to establish sufficient rapport with these victims so that they were eventually able to participate in the law enforcement investigation. Both evaluations therefore place a high value on criteria that are not traditionally emphasized, including: investigative skills, understanding of the dynamics of sexual assault investigations, rapport with victims, report writing, and record keeping. By highlighting these values, it rewards sex crimes investigators for their job performance without placing undue emphasis on the outcome within the criminal justice system.

**Example 1:** Mark was assigned to investigate 94 cases in 2006. As of the first week of January 2007, he had 29 cases pending disposition. 56% of the 25 cases he cancelled were charged by the District Attorney’s office. Only 8% of his cases were cancelled because the victim declined prosecution. 4% were unfounded. The unit average for cases cancelled VDP is 20%, and 12% for unfounded. Some might argue that these statistics reflect the special circumstances involving unlawful sexual intercourse cases. However, the second detective working these same cases cancelled 26% of his cases VDP, and 19% unfounded. Only 36% of his cases were charged. I believe the data reflects Mark’s understanding of the dynamics involved in sexual assault investigations. He has actively pursued many investigations where the victims have been uncooperative and in many cases, he has developed enough rapport with the victim that she has agreed to participate in the criminal justice system. The high percentage of cases charged also demonstrates Mark’s investigative ability and his exceptional report writing skills.

**Example 2:** Vanessa has outstanding caseload management skills. She was assigned 86 cases to investigate in 2006, the second highest caseload in the Unit. However, when I ran the statistics around the first of February 2007, Vanessa only had 8 open cases. Another striking note is that 51, or 59% of her cases were cancelled. 43% of her cases were referred to the DA’s office and 49% were issued, indicating that Vanessa’s investigations are thorough and well documented. Vanessa is also very meticulous about her records. She is one of the few detectives I know who consistently goes back to check the status of the cases she has referred to the DA’s office for review or warrants. She meticulously revises her paperwork to reflect the current status of each case resulting in up to date and accurate case status reports.