HEARING BEFORE THE SENATE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND DRUGS
DIRKSEN SENATE OFFICE BUILDING

RAPE IN THE UNITED STATES:
THE CHRONIC FAILURE TO REPORT AND INVESTIGATE RAPE CASES
SEPTEMBER 14, 2010

TESTIMONY FROM CAROL E. TRACY
EXECUTIVE DIRECTOR
WOMEN'S LAW PROJECT
PHILADELPHIA, PA

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Good Afternoon. My name is Carol Tracy and I am the Executive Director of the Women's Law Project (WLP), a public interest law center located in Pennsylvania, whose mission is to create a more just and equitable society by advancing the status of women.

First, I wish to commend Senator Specter for responding to my request to hold these hearings, and to Senator Graham and the other members of the Subcommittee on Crime and Drugs for conducting these hearings. We believe it is critically important that Congress address the claims that are being made in numerous newspapers that police departments around the United States are mishandling rapes and other sex crimes. It is also essential that this Committee review the serious inadequacy of the Federal Bureau of Investigation (FBI) Uniform Crime Report (UCR) program's definition of rape and assess the quality of the rape data reported by local law enforcement agencies.

The Women's Law Project first became involved in addressing police mishandling of sex crimes in the fall of 1999. At that time, the *Philadelphia Inquirer* published an investigative report revealing that for almost two decades the Philadelphia Police Department had downgraded thousands of rapes and other sex crimes to a non-criminal category, thereby precluding a full and complete investigation of the crime.[1] Thousands of sexual assault cases – almost one third of all reports from the mid-1980's through 1998 – were buried in a non-crime code – "2701 – Investigation of Person."[2] The victims were never advised that their complaints had been shelved. This disclosure came on the heels of the murder of Shannon Schieber by a serial sexual predator. The police eventually tied the attack on Schieber to at least two other women in the same neighborhood whose cases had been incorrectly coded as non-criminal incidents.

The WLP led a group of women's and children's organizations in responding to the scandal and demanding reform. Recognizing the need for public oversight, the Women's Law Project requested that the Public Safety Committee of Philadelphia City Council hold hearings to investigate *The Inquirer*'s allegations. In addition, we organized meetings with then Police

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[1] Mark Fazlollah, Michael Matza, Craig R. McCoy, Clea Benson, *Women Victimized Twice in Police Game of Numbers*, Phila. Inquirer, Oct. 17, 1999; Mark Fazlollah, Michael Matza, Craig R. McCoy, Clea Benson, *How Police Use A New Code When Sex Cases Are Unclear*, Phila. Inquirer, Oct. 18, 1999; Michael Matza, Craig R. McCoy, *Police Used 'Throwaway Categories' Since 1960's*, Phila. Inquirer, Oct. 18, 1999; Mark Fazlollah, Michael Matza, Craig R. McCoy, *After FBI Questioned One Tactic, Another Was Found*, Phila. Inquirer, Oct. 18, 1999. These articles as well as those describing Philadelphia's response to the reports and continuing reverberations from this scandal through March, 2004 can be found on The Philadelphia Inquirer's website *Down With Crime: The Rape Squad Files* at http://inquirer.philly.com/packages/crime/html/

[2] Fazlollah, et al., *Women Victimized Twice in Police Game of Numbers*, *supra* note 1.

Commissioner John Timoney and his senior staff to discuss the need for change in the Department.

The Commissioner undertook a comprehensive audit that included a reinvestigation of all cases coded "2701" for the previous five years – the statute of limitations, or maximum time period, during which rape prosecutions could still be commenced. He assigned 45 newly graduated detectives to conduct this reinvestigation, which revealed that 681 cases should have been classified and investigated as rape – a first degree felony. The reinvestigation also found that over 1700 additional cases should have been investigated and classified as other sex crimes. Massive reforms have been implemented and advocates were invited to provide input and suggestions at numerous junctions. Most notable was the invitation to review all rape complaints that were "unfounded,"a UCR classification for "false or baseless complaints" which is used when "the investigation shows that no offense occurred or was attempted."[3] Ten years later, the Women's Law Project, along with Women Organized Against Rape, the Support Center for Child Advocates, and the Philadelphia Children's Alliance, continues to annually review "unfounded" rape files as well as files coded as non-crimes and a random sampling of open rape and sexual assault cases. A very strong collaborative reform effort put in place by Commissioner Timoney continues under the able leadership of Commissioner Ramsey. We all recognize the need for constant vigilance and cooperation. We believe that we have a successful partnership in Philadelphia.

Because of the role the Women's Law Project played in Philadelphia, I have been contacted by journalists from the *St. Louis Post Dispatch,* the New Orleans *Times Picayune,* the *Baltimore Sun,* and *the New York Times*, who have reported similar problems in their cities. I have also discussed this issue with reporters from the *Cleveland Plain Dealer*, the *Journal Sentinel* in Milwaukee, and the *Village Voice*, who have also reported on this problem.

Questions are being raised across the United States about sex crime data reported to the FBI:

- The *Baltimore Sun* reported that, since 1992, the number of Baltimore rape cases reported to the FBI has declined by 80%[4] and, since 1991, the percentage of unfounded rape cases has tripled.[5] From 2003 through 2010, police wrote reports for only 4 in 10 rape calls, signifying that patrol officers were rejecting cases prior to investigation.[6]

- The *St. Louis Post-Dispatch*, reported that many St. Louis rape complaints were written up in informal memos, not counted in crime statistics, and then filed away for 1-2 years before being shredded, often before the statute of limitations

[3] Federal Bureau of Investigation, U.S. Department of Justice, *Uniform Crime Reporting Handbook* 77 (2004) [hereinafter *Handbook*].
[4] Justin Fenton, *City Rape Statistics, Investigations Draw Concern,* Balt. Sun, June 27, 2010, *available at* http://articles.baltimoresun.com/2010-06-27/news/bs-md-ci-rapes-20100519_1_fbi-data-mayor-orders-review-detectives (last visited Aug. 05, 2010).
[5] *Id.*
[6] *Id.*

had run out. The city's official rape tally declined during the 20 year period that the "memo" system was in place.[7]

- *The Times-Picayune* reported that more than half of the reports of rape in New Orleans are put in a noncriminal category, raising questions about the accuracy of the department's recent rape statistics showing a sharp decrease by 37%.[8]

- The *New York Times* reported that the number of rapes in New York City declined by 35.7% between 2005 and 2009.[9] Yet since 2005, the number of sex crimes classified as misdemeanors rose 6%, and there was a dramatic increase in the rate at which forcible rape complaints have been "unfounded."[10]

- The *Baltimore Sun* and the *Times-Picayune*, reported more homicides than rapes in Baltimore and New Orleans in 2009.[11]

The translation of this data to real life presents horrifying events:

- The Cleveland *Plain Dealer* reported that a Cleveland victim was found to be "not credible" after she filed a complaint that she had been sexually assaulted by Anthony Sowell, a man who had spent 15 years in prison for a 1989 rape and registered as a sex offender upon his release from prison.[12] Her complaint was unfounded even though she was bleeding when she flagged down a police cruiser and provided the police with detailed information about the assailant and the location of the assault, and the police took her to a hospital where she received stitches and found blood and signs of a struggle at Sowell's home.[13] Police eventually found the remains of 11 women at Sowell's home, six of whom were murdered after police failed to pursue the complaints of this and one other woman.[14]

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[7] Jeremy Kohler, *What Rape: Abused by the System*, St. Louis Dispatch, Aug 28, 2005, *available at* http://dartcenter.org/content/what-rape-0 (last visited Sept. 10, 2010).
[8] Laura Maggi, *NOPD Downgrading of Rape Reports Raises Questions*, Times-Picayune, July 11, 2009, *available at* http://www.nola.com/news/index.ssf/2009/07/nopd_downgrading_of_rape_repor.html (last visited Sept. 8, 2010).
[9] John Eligon, *Panel Seeks More Police Training on Sex Crimes,* N.Y.Times, June 3, 2010, A26, *available at* http://www.nytimes.com/2010/06/03/nyregion/03rape.html (last visited Aug. 06, 2010).
[10] *Id.*
[11] Fenton, *supra* note 4; Maggi, *supra* note 8.
[12] Rachel Dissell, *History Shows Sexual-Assault Cases Have Not Been a Priority for Cleveland's City Leaders, Law Enforcement*, Plain Dealer, Mar. 28, 2010, *available at* http://blog.cleveland.com/metro/2010/03/history_shows_sexual_assault_c.html (last visited Sept. 9, 2010).
[13] Rachel Dissell, *Sowell's Arrest, Release in 2008 Leaves Lingering Questions About Handling of Case*, Plain Dealer, Nov. 13, 2009, *available at* http://blog.cleveland.com/metro/2009/11/sowells_arrest_release_in_2008.html (last visited Sept. 10, 2010)
[14] Rachel Dissell, *Mayor Names Panel to Look at Handling of Sex Assault*, Plain Dealer, Dec. 10, 2009.

- The *Journal Sentinel* in Milwaukee reported that the apprehension of a serial rapist, Gregory Tyson Below, prompted Milwaukee police to look into previously received complaints by three women who had been victimized by him and claimed they were not assisted by police when they reported the assaults.[15] One woman was kidnapped from a nightclub and sexually assaulted over a period of several hours; she said she went to three different Milwaukee police stations to report the attack but gave up because officials kept telling her to go to a different station.[16] Police arrived in the middle of the assault against the second woman, who was naked from the waist down, bruised and screaming for help; one of the officers asked her if the incident was a "dope date," as he had discovered a drug charge against the woman and did not believe her.[17] No arrest was made in either case. The serial rapist re-offended after these reports were ignored and was eventually apprehended only after raping more women.

- The *Baltimore Sun* reported that a woman who had been raped at gunpoint and treated at a hospital for vaginal bleeding retracted her statement because of the intimidating and accusatory questioning she was subjected to by the police: "Why had she waited two hours to call police? Why didn't she flag down a squad car? Where was she coming from before she was assaulted? Who was she with?"[18]

- The *Village Voice* reported that a woman was pushed into the woods by an unknown assailant, physically overpowered and held down while the perpetrator told her he wanted to have sex with her and masturbated against her.[19] She was told by police officers, who had consulted with the Special Victims Unit, that the crime was a misdemeanor, "forcible touching," while she protested it was a felony, attempted rape. She was ignored.[20]

Having been in the news on this subject, we hear from women whose complaints of rape and other sex crimes have been disbelieved by police. If the complaints relate to the Philadelphia Police Department, we attempt to intervene on their behalf. In cases in which a civil lawsuit is filed, we often file "friend of the court" briefs in support of the victim whose case was mishandled by the police. Most recently we filed such a brief in support of a western Pennsylvania woman who was sexually assaulted at gunpoint by a perpetrator during a robbery

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[15] Gina Barton & Becky Vevea, *Police Launch Investigation into Inaction Complaints,* J. Sentinel, July 07, 2010, *available at* http://www.jsonline.com/news/crime/97995519.html (last visited Aug. 06, 2010); Gina Barton & Becky Vevea, *Rape Victims Say Police Failed Them,* J. Sentinel, July 06, 2010, *available at* http://www.jsonline.com/news/milwaukee/97848834.html (last visited Aug. 06, 2010).
[16] *Id.*
[17] *Id.*
[18] Fenton, *supra* note 4.
[19] Graham Rayman, *NYPD Forced to Apologize Publicly to Rape Victim for Downgrading Her Attack,* Village Voice, May 10, 2010, *available at* http://blogs.villagevoice.com/runninscared/archives/2010/05/ nypd_forced_to.php (last visited Aug. 06, 2010).
[20] *Id.*

of her workplace. She sued the local police after they not only disbelieved her but actually arrested her for falsely reporting a crime, theft, and receiving stolen property. The perpetrator sexually assaulted at least two other women before he was apprehended for a subsequent assault and confessed to assaulting all of them. This is not the first time we have dealt with a woman who has been arrested instead of helped by law enforcement.

Initially I thought the reports of egregious police conduct were isolated incidents. However, viewing the totality of the news accounts, it is clear that we are seeing chronic and systemic patterns of police refusing to accept cases for investigation, misclassifying cases to non-criminal categories so that investigations do not occur, and "unfounding" complaints by determining that women are lying about being sexually assaulted. They also show a shocking disregard and callous indifference to victims who are interrogated as though they are criminals, are presumptively disbelieved, are threatened with lie detector tests and/or arrest, and are blamed for the outrageous conduct of perpetrators.

We believe this is a national crisis and that the factors contributing to it can be addressed through federal action. There is no question that sexual stereotypes and bias are a root cause of police mishandling of sex crimes. Less visible but no less responsible is the manner in which the FBI's UCR system defines, analyzes, and publicizes the incidence of sex crimes. The combination of bias and an unrealistic definition result in highly unreliable data on the incidence of sex crime in America.

Myths and Stereotypes Influence Police Behavior

Myths and stereotypes about rape and sexual assault that are so deeply embedded in our culture impact on police handling of sex crimes. Rape myths are "attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women."[21] Many of these myths blame the victim, trivialize the seriousness of sexual assault, excuse the assailant's behavior, or assume the victim's untruthfulness.[22] These myths are tied to biased stereotypes about women and the notions of how they should behave before, during, and after sexual assault.[23] They include the myth that a "genuine" sexual assault victim cooperates with law enforcement authorities and pursues criminal charges against her assailant to the utmost, concluding that any failure to fully cooperate suggests that the assault did not really occur. Decades of research have documented, however, that the vast majority of sexual assault victims do not report their

[21] Kimberly A. Lonsway & Louise F. Fitzgerald, *Rape Myths in Review*, 18 Psych. of Women Quarterly, 133-64, 134 (1994).
[22] *See*, *e.g.,* Martha R. Burt, *Rape Myths and Acquaintance Rape, in Acquaintance Rape: The Hidden Crime* 27 (2001).
[23] *See*, *e.g.,* Kristine M. Chapleau et al., *How Ambivalent Sexism Toward Women and Men Support Rape Myth Acceptance*, 57 Sex Roles 131-136 (2007).

sexual assault to police. [24] Victims do not report because they fear that their report will not be taken seriously, they will not be believed, or they will be seen as responsible for their own assault.[25]

Critically, police officers who adhere to rape myths handle rape cases differently from the way they handle other types of crimes by immediately assuming victims who report rape are liars.[26] "Even in cases of theft where insurance would cover losses, victims are not presumed to have consented to the theft … Ulterior motives, like financial benefit in the case of insurance, do not automatically arise when someone reports a theft."[27] In rape cases, however, victims may find themselves doubted and re-victimized by having their entire lives closely scoured for information which could be inculpatory, even before the police begin investigating the rape allegations.

This mishandling of rape and other sex crimes puts victims at a unique disadvantage in the criminal justice system, decreasing the rate of reporting rape and other sex crimes and increasing the rate of claims withdrawn by victims.[28] Overall, police mistrust and interrogation of victims of rape and other sex crimes create seemingly uncooperative victims, feed the misperception that uncooperative victims are lying, and discourage future victims from reporting to police.

<u>The FBI's Uniform Crime Reporting System Does Not Accurately Report Sex Crimes</u>

The FBI created the UCR system in 1927 in order to collect uniform police statistics from local police departments. Over 17,000 law enforcement agencies nationwide *voluntarily* contribute their crime statistics.[29] The UCR system has become a collective effort on the part of city, county, state, tribal and federal law enforcement agencies to present a nationwide view of crime.[30]

UCR data have been considered the authoritative source of nationally representative information on crime. According to the Government Accountability Office, UCR data are used by policy makers, the media, and researchers to describe and understand crime and police activity. [31] In addition, Congress allocates federal funds to state and localities based on these data.[32]

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[24] *See, e.g.,* Dean G. Kilpatrick, et al., Nat'l Victim Ctr. & Crime Victims Research and Treatment Ctr., *Rape In America* 5 (1992); Shannan Catalano, Bureau of Justice Statistics, U.S. Dep't of Justice, *Criminal Victimization, 2005* 91 (2006).
[25] *See* Patricia Tjaden & Nancy Thoennes, *Extent, Nature, and Consequences of Rape Victimization: Findings from the National Violence Against Women Survey*, *Nat'l Inst. of Just. Special Report* 35 (2006).
[26] *See* Susan Caringella, *Addressing Rape Reform in Law and Practice* 115 (2009).
[27] *Id.*
[28] *See* Tjaden & Thoennes, *supra* note 25, at 35.
[29] *Handbook*, *supra* note 3.
[30] *Id.*
[31] Government Accountability Office, *Community Police Grants: COPS Grants Were a Modest Contributor To The Decline In Crime In The 1990's* (Report to the Chairman, Committee on the Judiciary House of Representatives)

Decades of press reports, however, raise serious questions as to whether this data is in fact reliable as far as sex crimes are concerned. Criminologists have informed me that the data on sex crimes that states report to the FBI Uniform Crime Reporting system – unlike data on other major crimes – is so inaccurate that most academic researchers do not use it as a separate measure when examining violent crime patterns.[33]

The inaccuracy stems from the apparent undercounting of rape due to police improperly unfounding rape complaints at extremely high rates, or failing to classify them as crimes and accept them for investigation.

The lack of reliable and verifiable national data on the incidence of rape and other sex crimes and the disposition of such cases is a grave problem. It is not possible to manage – or improve – what is not measured. The lack of solid data about the incidence and disposition of rape and other sex crimes means we—as a society—do not really know how prevalent this violent crime is, how safe our citizens are, or how effective are the methods used to investigate and apprehend perpetrators.

Our review of current national data found that at least 45 cities with populations over 100,000 have unfounded rates of over 20 percent; some cities have more unfoundeds than total reported rapes.

The problem with the UCR does not end with its inadequate data analysis. The narrow definition of rape does not reflect societal and legal definitions of serious sexual assault.

The Women's Law Project recognized the need to change the UCR definition of rape in 2001 after learning about the impact of the UCR on the Philadelphia Police Department's handling and reporting of sex crimes. As the Law Project worked with the Department, it became apparent that it was the UCR definition of rape and not Pennsylvania's criminal sexual assault statutes that in large part drove police perception and response to sex crimes. In 2001, the Women's Law Project spearheaded an effort to change the definition of rape used by the FBI in its UCR system. In a letter-memorandum sent to the Acting Director of the FBI on September 20, 2001, the Law Project outlined the enormous deleterious impact of the UCR's definition of rape on public knowledge about serious sex crimes and on the reporting and handling of sexual assault complaints. Over 90 organizations involved in advocacy on behalf of victims of sexual assault signed on in support of the persuasive argument that the UCR's definition of rape should be updated immediately. The memorandum sent to the FBI was prepared for mailing on the ominous day of September 11, 2001. We delayed the mailing and understood, of course, that, at that time, the FBI was completely immersed in the events of September 11th. We see

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(2005), cited by James P. Lynch, *Missing Data and imputation in the Uniform Crime Reports and the Effects on National Estimates*, 24 J Contemporary Crim. Justice 69 (Feb. 2008).

[32] *Id.*

[33] Conversations in August, 2010 with John M. MacDonald, Associate Professor of Criminology, School of Arts and Sciences, University of Pennsylvania.

today's hearing as an opportunity to follow up on this issue. Attached to my testimony is the letter and the list or organizations, including representatives from 40 states and one territory that supported the effort.

"Forcible rape," is defined by the UCR as "the carnal knowledge of a female, forcibly and against her will."[34] This definition, unchanged since 1927, is exceedingly narrow, including only forcible male penile penetration of a female. It excludes oral and anal penetration, rape of males, penetration of the vagina and anus with an object or body part other than the penis, rape of females by females, incest, statutory rape, and non-forcible rape. The force requirement also excluded rape victims incapable of giving consent because of youth, disability, or drugs.

"Forcible rape" is the only sex crime included in the FBI's category of serious crimes, or Part I crimes. All other sex crimes are relegated to a secondary broad undifferentiated Part II data category of crimes that is not used as a barometer of serious crime and therefore is not shared with the public to the same extent as Part I crime data.

In the intervening years since the UCR created its definition of rape, America has significantly expanded its understanding of rape, and states have revised their laws accordingly. Many state criminal laws — and the public at large — now recognize that all forms of non-consensual sexual penetration regardless of gender, relationship, or mode of penetration are as serious as the criminal conduct included in the UCR definition of rape.

In 2004, following our 2001 letter to the FBI, the FBI issued a revised UCR Handbook. However, the definition of rape remains the same: it continues to be restricted to forcible male penile penetration of a female. While the explanatory material accompanying the definition of rape reflects an attempt to include victims incapacitated by disability or youth within those raped "against their will," the attempt falls short. Little guidance is provided as to how the law enforcement agency is to make the required professional determination regarding the ability of the victim to give consent. In addition, there are serious questions as to whether this change has been adequately communicated to the individuals in the field who are responsible for submitting local data to the FBI, and therefore whether there has been any resulting change in the data submitted to the FBI.

The inconsistencies between the UCR's reported data on rape and the broader statutory definitions of serious sex crimes promulgated by state legislatures impact society's response to sex crimes on a number of levels.

First, the UCR definition has a powerful influence on police perception of serious sex crimes and resulting police response. By minimizing what crimes count as rape, it sends a powerful message to those who gather the statistics — the local agencies — that the only serious sex crime is UCR rape. The UCR's definition of rape becomes the standard of "real" rape, negatively influencing the attitudes of law enforcement towards the many rape victims whose stories do

[34] *Handbook*, *supra* note 3, at 19.

not fit within this narrow, stereotypical view of rape. When a sex crime is considered less serious, it may not receive the full range of police resources and attention that it deserves. Police response is already hampered by pervasive biases against victims of rape and other sex crimes. By minimizing the seriousness of sex crimes, the UCR's limited definition of rape exacerbates this problem.

Second, inadequate police response in turn leads to diminished public confidence in the handling of sex crimes by police within a particular community. Sexual assault is already the most underreported of crimes.[35] Because sexual assault victims find it so difficult to come forward under the best of circumstances, diminished trust in the police strongly undermines the likelihood of victims to report to police. When a victim does not report a sexual assault to the police, the police cannot bring the perpetrator to justice, making it possible for this assailant to strike again and again.

Third, by diminishing the scope of the problem, the narrow definition of rape reduces our ability to develop programs and policies that appropriately respond to the problem, thus hampering law enforcement and victim assistance efforts. It impacts all those who would help the victims, from the decision-makers who control funds for investigation and prosecution of sex crimes to rape crisis centers who provide essential victim services to community organizations concerned with crime in their communities. Accurate information is essential to the work of all these parties, and the data on rape and other sex crimes currently reported by the UCR are not adequate.

Conclusion

Rape is a heinous crime and second only to murder in severity in the FBI's Crime Index. That it does not receive the attention it merits – by police officers, by police departments, by the FBI, by researchers – seems inescapable. Indeed, it seems to be quite marginal to public policy.

The view that sex crimes are marginal issues permeates police departments across the country and contributes to the underreporting of rape and sexual assault. One of the most commonly cited reasons by victims for not reporting is fear of police bias,[36] a fact that illustrates the far-reaching consequences of police neglect and hostility.

Sexual assault survivors who have come forward to report the crime are entitled to be treated fairly and with dignity. If police do not regard complaints of rape as crimes, then there is no investigation or arrest, thus further endangering the public as sexual predators remain free, to continue to rape other victims, and in some cases murder them as the news accounts describe.

As happened in Philadelphia in 1999, those municipalities that have recently come under fire in the press for mishandling sex crimes are taking steps to organize a response and develop plans

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[35] *See* Mary P. Koss, *The Underdetection of Rape*, 48 J. Soc. Issues 61, 63 (1992) (citing the 1982 *Uniform Crime Report*).
[36] *Id.*

to make changes. We hope that police departments throughout the United States will follow the example of the Philadelphia Police Department and thoroughly review their practices, and work closely with the advocacy community. The International Association of Chiefs of Police, the National Sheriffs' Association, and the Police Executive Research Forum are well qualified to exercise leadership at the local level. Having criticized law enforcement's response, we know that there are many police officers that take this crime very seriously. Even at the height of the crisis in Philadelphia, we knew that to be true. We also understand that investigating sex crimes, particularly crimes against children, is extremely stressful. Police suffer a high rate of post traumatic stress disorders and little is offered to police officers to deal with their secondary trauma.

We recognize the limitations of the federal government in responding to local criminal justice issues. However, the FBI is responsible for assessing the validity of the arrest and crime data that states provide to it as part of the UCR program. The FBI office that deals with the UCR is responsible for checking submitted data, training local agencies in UCR data collection procedures, and performing quality assurance reviews to maintain the quality of UCR data.[37] The UCR Program staff develop and revise the *Uniform Crime Reporting Handbook*, which provides the definitions and instructions used by local law enforcement agencies to submit crime data to the FBI.

We ask this committee to charge the UCR Program staff with updating the definition of rape to conform to modern understanding that all forms of non-consensual sexual penetration regardless of gender, relationship, or mode of penetration are serious sexual assaults. We recommend this be done in consultation with the Department of Justice Office of Violence Against Women and the National Sexual Assault Resource Center. The Women's Law Project will also be honored to assist in this endeavor.

We also ask you to charge the UCR Program staff to undertake a nationwide audit of police practices to insure that local law enforcement agencies are recognizing and investigating sex crimes so that they are properly reported as crimes to the FBI.

There are numerous federal government entities that are equipped to assist the FBI in this effort. The Bureau of Justice Statistics in the Department of Justice has expertise in data analysis of crime. The General Accounting Office is noted for its superb and unbiased research and analysis. It would be appropriate for this Committee to direct these offices to lend their expertise to correcting these problems and issue a report to the public. We believe that accurate collection and analysis can drive improvements in police practice on the ground.

We also ask Congress to continue its support of the Department of Justice Office of Violence Against Women (OVAW) in its commendable efforts to improve and expand law enforcement's response to sexual assault, domestic violence, and stalking, and its approach of including advocates in working with law enforcement. OVAW funding and technical support can play a

[37] Michael Maltz, *Bridging Gaps in Police Crime Data: A Discussion Paper from the BJS Fellows Program* 1 (1999).

critical role in training local law enforcement in understanding sexual assault and overcoming the influence of myths and stereotypes as well as in properly coding and reporting crime to the FBI, including when it is proper to unfound a complaint.

We are grateful for the opportunity to address this committee today on an issue of critical importance to the safety of women. We also wish to thank the journalists whose courageous and relentless pursuit of the truth has and will continue to promote change in the way sex crimes are handled: Craig McCoy, Mark Fazlollah, Mike Matza, Cleo Benson from the *Philadelphia Inquirer*, Rachel Dissell from the *Cleveland Plain Dealer*, Laura Maggi, from *The Times-Picayune,* Justin Fenton, from the *Baltimore Sun*, Graham Rayman from the *Village Voice,* John Elgin, from the *New York Times*, Gina Barton and Becky Vevea from the *Journal Sentinel*, and Jeremy Kohler, from the *St. Louis Post Dispatch*.