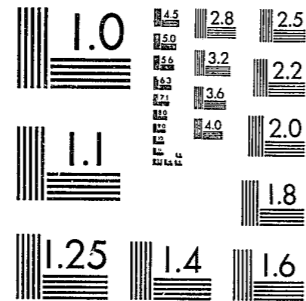


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X RAPE AND SEXUAL ASSAULT:
AN ANALYSIS OF CASES REPORTED

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Ministry of Justice The Hague - Netherlands

RAPE AND SEXUAL ASSAULT:
AN ANALYSIS OF CASES REPORTED

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Research and Documentation Centre
Ministry of Justice, The Hague - Netherlands

1. Introduction

For some years now the women's movement and criminology and victimology have been devoting a growing amount of attention to sexual assault and rape. A change is also becoming perceptible, influenced by this development, in criminal law procedures.¹

This increased concern among social groups working for the wellbeing (in the widest conceivable sense) of women is not surprising. First, recent research has shown that in most western countries, including the Netherlands, 30% to 40% of women do not dare leave their homes in the evening for fear of criminal attack. The fears with which many women have to contend are apparently concerned in particular with violent sexual crime. This fact explains the rather unexpected result of research carried out by Cozijn and Van Dijk (1975), which was that feelings of insecurity were worst among young women in the large towns. Fear of sexual crime clearly plays an important part in the life of large numbers of Dutch women.

It is understandable, therefore, that this form of crime is of special concern to the women's movement.

Its concern about the crime of rape, however, seems also to be related to its symbolic significance. In the view of some feminist authors the crime of rape exemplifies the way in which women are treated by many men in our culture.²

The negative or even hostile attitude of many men towards women is said to manifest itself in its purest form in the crime of rape. This idea that rape degrades a woman to a mere object is an illustration of this view. Mention is also made of the lack of understanding displayed by male police officers and male acquaintances when confronted with rape victims.

1) See for instance the way the Amsterdam District Court dealt with the case against Hell's Angels, and the more recent case where a man who had raped his wife was prosecuted under Section 246.

2) See for instance Susan Brownmiller, Against Our Will; Men, Women and Rape, New York, 1975.

The deep concern felt by society in recent years about violent sexual crime led the Research and Documentation Centre (WODC) to include questions on women's experience of violent sexuality in the streets and at home in its annual survey of crime victims. The Centre also decided to take part in an international research project to pinpoint the similarities and differences between the extent and nature of sexual offences against women recorded in a number of western countries.³ A report on this project is to appear at a later date in a publication by Gilbert and Robley Geis, its initiators, and some of the participants. The present article reports some of the results of the Dutch part of the project; some tentative comparisons are made with figures from the United States, Britain and Canada.

The study comprised an analysis of the reports drawn up by the Leiden Municipal Police and the Oegstgeest Division of the National Police under Sections 242-246 of the Criminal Code between 1 January 1972 and 31 December 1977.

A registration form was filled in for each combination of offender and victim; the form itself was devised by G. Geis and D. Wright.

2. The Results of the Study

2.1 Incidence of rape and sexual assault

From the beginning of 1972 to the end of 1977 a total of

3) The project continues previous comparative studies of rape in the United States. D. Chappell, G. Geis, S. Schafer and L. Siegel, for instance, in their article "A Comparative Study of Forcible Rape Offences known to the Police in Boston and Los Angeles", come to the conclusion: "From our viewpoint we would be particularly interested in comparative studies between, for instance, climatically congruent cities such as Phoenix and Los Angeles, and ecologically similar settings such as Boston and, perhaps, San Francisco. It is only when such materials become available that we will be able to reach fully substantiated explanations of the relationships between social conditions and criminal offences such as forcible rape". (In: D. Chappell, G. Geis (editors), Forcible Rape, New York, 1977).

134 incidents of rape and sexual assault were reported to the police in the municipalities of Leiden and Oegstgeest, involving 135 victims and 117 offenders. Table 1 shows that there were two cases involving one offender and two victims; eight cases involving two offenders and the same victim; and one involving two offenders and two victims. This gives a total of 145 offender-victim combinations (and therefore 145 completed registration forms). Both the crime of sexual assault and that of rape would appear to be carried out by more than one offender only in very exceptional cases in Leiden. Studies carried out in some larger American cities gave much higher percentages of group rapes (46% of all rapes in Los Angeles).⁴ Another calculation based on this Table shows that there could have been 143 offenders and 137 victims. The fact that no more than 117 offenders and 134 victims were actually involved indicates the presence of both multiple offenders and multiple victims. In fact it turns out that three victims each reported two incidents. Multiple offenders are considerably more common: five offenders were named twice, four three times, one four times and one even eleven times. The presence of multiple offenders, as far as can be judged from police records, is however closely related to police detection and the readiness of victims to report attacks. An offender who commits several crimes runs a greater risk of eventually being caught.

Table 1. Incidence of rape and sexual assault; numbers of offenders and victims involved

Number of victims	Number of Offenders		Total
	One	Two	
One	123	8	131
Two	2	1	3
Total	125	9	134

$\chi^2 = 3.49$

$V = 0.161$

4) Figures for the United States are taken from D. Chappell, R. Geis, G. Geis, Forcible Rape, New York, 1977.

2.2 Incidence of rape and sexual assault: the time factor

As stated above, the police records of the municipalities of Leiden and Oegstgeest contain 145 combinations of offender and victim for the years 1972-1977. The distribution of these combinations among the various offences is shown in Table 2.

Table 2. Offender-victim combinations by type of offence

Type of Offence	Frequency	Percentage
Rape	24	16.6
Attempted rape	8	5.5
Sexual assault	87	60.0
Attempted sexual assault	26	17.9
Total	145	100.0

The most striking fact here is that attempts are less frequent than completed offences. This could have something to do with the readiness of victims to report to the police: the principal reason for not reporting an attack to the police is that it was too insignificant. This argument is more likely to apply where attempts are warded off or otherwise unsuccessful than in the case of a completed offence.

Table 3 shows that rape and sexual assault are seasonal offences, and that rape is more seasonal than sexual assault. Significantly more rapes are committed in the summer than in the rest of the year. The incidence of rape is probably more closely related to social patterns than that of sexual assault: in the Netherlands people tend to go out more in the summer.

Table 3. Offender-victim combinations by type of offence and season

Season	Type of Offence		Total
	Rape*	Sexual Assault*	
Summer	17 (53.1%)	34 (30.1%)	51 (35.2%)
Autumn	4 (12.5%)	31 (27.4%)	35 (24.1%)
Winter	7 (21.9%)	22 (19.5%)	29 (20.0%)
Spring	4 (12.5%)	26 (23.0%)	30 (20.7%)
Total	32 (100.0%)	113 (100.0%)	145 (100.0%)

* Including attempts. $\chi^2 = 7.47$ $V = 0.13$

This last fact is also apparent from the distribution of incidents among the days of the week (Table 4). More than half of the rapes take place at the weekend, on Saturday and Sunday. The fluctuation during the week is less marked in the case of sexual assault.

Table 4. Offender-victim combinations by type of offence and day of the week

Day	Type of offence		Total
	Rape	Sexual Assault	
Monday	3 (9.4%)	16 (14.6%)	19 (13.4%)
Tuesday	4 (12.5%)	20 (18.2%)	24 (16.9%)
Wednesday	1 (3.1%)	14 (12.7%)	15 (10.6%)
Thursday	4 (12.5%)	10 (9.1%)	14 (9.9%)
Friday	2 (6.3%)	15 (13.6%)	17 (12.0%)
Saturday	10 (31.2%)	14 (12.7%)	24 (16.9%)
Sunday	8 (25.0%)	21 (19.1%)	29 (20.3%)
Total	32 (100.0%)	110* (100.0%)	142 (100.0%)

*In three cases the day was not known.

A third indication that rape and sexual assault are connected with the pattern of leisure activities can be seen in the time of day when the incidents took place: 78% of the rapes took place in the evening or at night as against 49% of the sexual assaults.

To summarise, the dates and times of the incidents indicate that there are fluctuations according to the season, day of the week and time of day. These fluctuations are more marked in the case of rape than in that of sexual assault. This shows that rape is more closely related to the pattern of leisure activities than sexual assault. In this respect rape in particular differs little if at all from other crimes of violence.⁵ Comparison with figures from other countries for recorded cases of rape shows that the rapes which took place in Leiden have more in common in this respect with those that took place in Cambridge, Los Angeles and Toronto⁶ (Canada) than with those recorded in New York, Boston and Philadelphia. In these three towns on the American east coast a comparatively large number of rapes seemed to be unrelated to social behaviour.

2.3 Incidence of rape and sexual assault: the location factor

Many people believe that women are more exposed to rape or sexual assault outside the home, i.e. in the streets, in a park or bus, or on open ground. The fear of becoming a victim of a crime of this sort prevents many women from leaving their homes, especially in the evening and at night, when the danger is thought to be particularly great. Whether the risks are so great as to justify their restricting their lives to such an extent is not a question we wish to go into at this point, since the figures presented here relate only to recorded cases and do not therefore give a complete picture of the extent of the risk. We should however like to comment on the current notion that the streets are particularly dangerous during the hours of darkness. It emerged that

5) W. Buikhuisen, R. Jongman, T. Schilt and T. Schilt-Drost. Onderzoek agressieve criminaliteit Limburg: 2e voortgangsrapport, Criminology Institute, State University, Groningen, p.62.

6) The figures for Toronto are taken from M.G. Clark, D.J. Lewis, Rape; the price of coercive sexuality, Toronto, 1977. We also have the results of the English part of the project, carried out by D. Wright, which relate to Cambridge.

56% of rapes and sexual assault took place during the evening and night; 46% took place at night outside the home. On this basis the fears reflected in the determination never to go out alone at night are not irrational. Nevertheless some caution is called for: rapes and sexual assault differ considerably in their distribution during the day (78% of rapes in the evening and at night as against 49% of sexual assaults). The distribution of locations is also different (56% of rapes outside the home as against 90% of sexual assaults). Altogether 50% of rapes and 44% of sexual assaults in the evening and at night took place outside the home. This means that in the evening the risk of rape in the home is by no means negligible, and sexual assaults can also take place during the daytime. A woman who, for fear of becoming the victim of a sexual crime, does not go out alone in the evening has only a very slightly reduced risk of being sexually assaulted or raped (see Table 5).

Table 5. Rape and sexual assault by location

Location	Rape	Sexual Assault	Total
In the home	14 (45.2)	11 (10.0)	25 (17.7)
In cars	9 (29.0)	1 (0.9)	10 (7.1)
Outside the home (town)	5 (16.1)	91 (82.7)	96 (68.1)
Outside the home (country)	3 (9.7)	7 (6.4)	10 (4.1)
Total ¹	31 (100.0)	110 (100.0)	141 (100.0)

1) Excluding 4 indeterminate locations

$\chi^2=59.96$

V =63

Caution is also called for with the often-expressed assumption that women are in danger in urban parks. None of the rapes which took place outside the home took place in parks, and only one in twenty sexual assaults taking place outside the home were in urban parks. This can also be illustrated in another

way: in the seven years covered by the survey no more than five cases of sexual assault took place in the parks of Leiden, i.e. an average of less than one a year. If we are to indicate the "dangerous" places, in the case of rape these are the home (and cars), and in the case of sexual assault the streets. Another important location factor is the place where the offender and victim met (Table 6).

Table 6. Rapes and sexual assaults by meeting place of offender and victim

Meeting Place	Rape	Sexual Assault	Total
House of victim (forced entry)	4 (12.9)	5 (4.6)	9 (6.5)
House of offender or victim(invited)	6 (19.4)	4 (3.7)	10 (7.2)
In the street	6 (19.4)	94 (87.0)	100 (71.9)
Offender's car (victim hitch-hiking)	6 (19.4)	1 (0.9)	7 (5.0)
Offender's car (victim invited)	3 (9.7)	- (---)	3 (2.2)
Open field, park etc.	- (---)	4 (3.7)	4 (2.9)
Café, bar etc.	6 (19.4)	- (---)	6 (4.3)
Total ¹	31 (100.0)	108 (99.9)	139 (100.0)

1) Excluding unclassifiable cases.

It is clear from the above that in the case of rape the meeting place was rarely the street or a park. A study of recorded cases of rape in Groningen carried out by G. Metz and H. Rypkema had earlier indicated that only in a quarter of the cases did the offender and victim meet on the public highway (including hitch-hikers).⁷ The majority of rapes taking place in the home (ten out of fourteen) followed a voluntary meeting in the offender's or victim's home. In only four cases did the offender force an entry into the victim's home. In six cases of rape

7) Y. Quispel, G. Metz and H. Rypkema, *Verkrachting*, paper presented to conference of the Dutch Criminology Association, Amsterdam, 8-9 June 1978.

in the home the offender and victim had met there, in one case in the street, in one case in a café, and in one case the victim had accepted the offender's offer to take her home in his car.

The victims of rape in cars in the town had accepted lifts: they had either been hitching a ride or had accepted an offer of a lift. The rapes in cars outside the town all followed a meeting in a café or bar.

The picture we gain from the data on meeting places of offenders and victims thus partly refutes the stereotyped idea of situations where women are in danger.

The fears women have of being overpowered in the street at night by a strange man are not supported by the figures. Since the readiness to report this type of rape is probably comparatively great, we would seem to be justified in concluding that this very frightening kind of crime is very infrequent, at least in Leiden and the surrounding areas. On the other hand it emerges that quite a lot of the victims were women who had accepted a lift from a stranger, which is consistent with the stereotyped conception.

2.4 The victim

The majority of victims of sexual assault and rape were in the 15-25 age range; there were hardly any victims over 35 (6.2% of the number of offender-victim combinations). The studies of rape carried out in other countries give similar results.

Table 7. Rape and sexual assault by age of victim

Age	Sexual Assault	Rape	Total
under 16	19 (16.8)	1 (3.1)	20 (13.8)
16-25	66 (58.4)	24 (75.0)	90 (62.1)
26-35	22 (19.5)	4 (12.5)	26 (17.9)
36-45	4 (3.5)	2 (6.3)	6 (4.1)
over 45	2 (1.8)	1 (3.1)	3 (2.1)
Total	113 (100.0)	32 (100.0)	145 (100.0)

Previous research, as indicated in the Introduction, has shown that women under 35 have the worst feelings of insecurity about criminal attacks. These were due mainly to the fear of becoming the victim of the offences of sexual assault and rape⁸. The figures given here show that the category of women who are most in fear of attack are most often the victims of such offences. The national surveys of victims have shown that people over 35 run distinctly less risk of becoming the victim of a sexual crime. Of the "assaults with sexual intentions" committed in 1977, 76% of the victims were younger than 35.⁹ The comparatively strong feelings of insecurity of young women are therefore probably based partly on actual experience, mainly of minor sexual violence (sexual assaults etc.) and not of rape. The victims of sexual assault and rape are predominantly young (more than half of them, even, under 21). This partly accounts for the high percentage of unmarried women (78%) among the victims. In this respect there is little disparity between the victims of sexual assault and those of rape (79% as against 75%). The same phenomenon, namely the youth of the victims, also accounts for the high percentage of victims still living at home with their parents (about 50% if we exclude the victims whose place of residence is unknown). After this, incidentally, the high percentage of women in rented accommodation is striking: 39.8% of all victims, 34.8% of the victims of rape and 41.4% of those of sexual assault. Altogether 37% of the victims were still in full-time education (no information was available on 23% of the victims). This covers 22% of the victims of rape (22% unknown) and 41% of the victims of sexual assault (14% unknown). All but one of the rape victims and 41% of the victims of sexual assault were students at the University of Leiden. Only 8% of all victims were housewives: 16% of the rape victims and 6% of the victims of sexual assault.

8) C. Cozijn en J.J.M. van Dijk, Onrustgevoelens in Nederland, Research and Documentation Centre, The Hague, 1976.

9) J.J.M. van Dijk en C. Steinmetz, W.O.D.C.-slachtoffer-enquêtes 1974-1977, The Hague, 1979 (being printed).

If we take these figures as a whole it is evident that the victims of rape and sexual assault are people who are active outside the home, first because they are young and therefore go out more to public places, and second because the majority of them are either schoolchildren or students or go out to work full time. Women who are less active outside the home, namely the somewhat older housewives who do not go out to work, are victims to a much lesser degree.

This result is consistent with the results of the analysis of the time factor in the incidence of rape and sexual assault, where we concluded that these offences were connected with the pattern of leisure activities, i.e. the portion of leisure time spent outside the home. Women who do not fit into this pattern of leisure activities accordingly run much less chance of becoming the victim of a sexual assault or rape.

2.5 Offenders and how they compare with victims

In 60 of the 145 offender-victim combinations the offender was interrogated by the police. This means that in the other 80 cases (=58.6%) there was no verified information on the offender, and we were dependent on the description of the offender given by the victim. In cases where no other information was available than that supplied by the victim, this information was used. Some caution is therefore called for in interpreting the figures. The most important consequence of the high percentage of "unknown offenders" is however that often there is no information at all on the offenders, and the description of their characteristics is thus necessarily minimal.

If we proceed from the assumption that sexual assaults are usually brief encounters, it may be assumed that in these cases in particular the offender is often not caught and cannot therefore be interrogated. This proved to be the case: the offender was interrogated in 66% of rape cases and 34% of sexual assault cases. The longer contact which takes place in rape cases is thus clearly to the disadvan-

tage of the offender.¹⁰

The only information we have on offenders to which any value can be attached concerns their ages. Table 8 gives the distribution of offenders and victims by age. It clearly shows that the perpetrators of sexual assault are younger than those of rape. Almost two-thirds of the former and a little more than half of the latter are under 26. Moreover, a mere 10% or so of the former are older than 35 as against 50% of the latter. In general the offenders are older than the victims. It is noteworthy that the ages of offenders and victims are less disparate in sexual assault cases than in rape cases, while in the latter the offenders are often older than the victims.

Table 8. Ages of rape and sexual assault offenders and victims

Age	Type of Offence					
	Sexual assault				Rape	
	Offender		Victims		Offender	Victims
under 16	8	(7.8)	19	(16.8)	- (-)	1 (3.1)
16-25	59	(57.9)	66	(58.4)	16 (53.3)	24 (75.0)
26-35	23	(22.5)	22	(19.5)	5 (16.7)	4 (12.5)
36-45	10	(9.8)	4	(3.5)	5 (16.7)	2 (6.3)
over 45	2	(2.0)	2	(1.8)	4 (13.3)	1 (3.1)
Total	102	(100.0)	113	(100.0)	30 (100.0)	32 (100.0)

10) To avoid misunderstanding it should be pointed out that our use of the terms "sexual assault" and "rape" includes attempts.

Finally, Table 9 shows the relationships between offenders and victims.

Table 9. Relationships between offenders and victims

	Sexual Assault		Rape	
	Number	Percentage	Number	Percentage
Strangers	106	93.8%	11	34.4%
Slightly acquainted	3	2.7%	4	12.5%
Recent acquaintances	2	1.8%	8	25.0%
Neighbours etc.	2	1.8%	9	28.1%
Total	113	100.0%	32	100.0%

Table 9 shows that in most sexual assault cases the offender and victim are complete strangers at the time of the offence, while the opposite is true in rape cases. Comparison with rape figures from other countries again shows that the rapes in Leiden display more similarity with those recorded by the police in Cambridge (England), Toronto (Canada) and Los Angeles than with those recorded in the towns on the east coast of America. In New York and Boston in particular, the percentage of rapes where the offender and victim are complete strangers is greater.

Conclusions

The survey of rape cases recorded in Leiden and the surrounding area shows that the offences of sexual assault and rape differ not only in seriousness but also in their general characteristics. Sexual assault is sometimes committed by very young offenders (under 15), which is hardly ever the case with rape. Sexual assaults are fairly evenly distributed throughout the year and throughout the week and are as frequent during the daytime as during the hours of darkness. In sexual assault cases the offender is virtually always a complete stranger to the victim. Lastly, almost all sexual assaults take place

in the street. In short, the offence of sexual assault, at least as far as can be judged from police reports, would seem to be a typical crime of the anonymous public highway.

The rapes reported to the police display completely different characteristics. In Leiden the majority of rapes were found to have taken place in the home or in a car. In most cases the offender was not a complete stranger to the victim. Three-quarters of the rapes took place after eight o'clock at night. The frequency of the offence rose to a distinct peak in the summer, and more than half of the offences were committed at the weekend. The information collected on rapes reported to the police indicates that these offences are related to the pattern of social life outside the home. This would seem to be one explanation of the high percentage of comparatively young women among the victims.

The picture that emerges from the figures bears a strong resemblance to the results of a survey of reported violent crime in Limburg previously carried out by the Criminology Institute in Groningen,¹¹ which indicated that most of the crimes of violence recorded were committed in the context of leisure activity (café's etc.). In this respect the crime of rape does not seem to differ from other crimes of violence.

Finally, we should like to consider how these results correspond to those of studies of reported rapes in other countries. The results from Leiden show a high degree of similarity with the data for Cambridge (England), Toronto (Canada) and Los Angeles; they differ clearly, however, from the known data on rapes in Boston, Philadelphia and in particular New York. In these three cities there is no concentration at the weekend and the percentage of rapes preceded by a meeting of strangers in the street is much higher. D. Chappell, G. Geis and S. Schafer, in their article on rapes in Los Angeles and Boston, put forward the hypo-

11) W. Buikhuisen, R.W. Jongman, T. Schilt en T. Drost, Onderzoek agressieve criminaliteit in Limburg; tweede voortgangsrapport, Groningen, 1971.

thesis that the rapes in Los Angeles are fairly often the result of relationships entered into during normal social life which have gone off the rails. This characterisation also seems to apply to the rapes recorded in Leiden.

The more frightening type of rape, which consists of an attack by a stranger on the public highway, is probably a specific phenomenon of the big cities on the east coast of America and as such forms part of their existing tradition of public violence against strangers on the street. If this assumption is correct, it has important practical consequences. Suggestions for ways of preventing rape or minimalising its results based on American experience of this crime would not be appropriate in the European situation without modification. In particular, the idea put forward by some American experts that it is very dangerous, and therefore unwise, for a woman to put up physical resistance to an attempted rape should not be accepted unconditionally.¹² This notion is probably true only in the case of attempted rapes by strangers on the public highway involving guns or knives. Rapes of this kind account for a considerable proportion of the rapes committed in New York but seem to be the exception in western Europe, at least in Leiden and Cambridge.

12) At the third Symposium on Victimology held at Münster on 3 September 1979, two papers on rape were submitted which concluded that physical resistance often resulted in more serious injuries. This conclusion was based on data on rape cases in Israel and West Germany. It should be pointed out, however, that the data related to cases of rape reported to the police. It seems reasonable to assume that these data give an inaccurate picture of the consequences of physical resistance since a large number of rape attempts which have been successfully warded off will not be reported to the police. One of the working groups at the Symposium presented results of a survey among young women which indicated that many of them had at some time in their lives successfully resisted a rapist. It would seem, therefore, that the last word has not yet been said on this point.

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