

Prepared Statement

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**“Rape in the United States: The Chronic Failure to  
Report and Investigate Rape Cases”**

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Thank you, Mr. Chairman, Mr. Ranking Member, and Members of the Subcommittee, for the opportunity to testify on this important topic that has been a major focus of my interest and professional work for more than 36 years, beginning in 1974 when I helped establish the first rape crisis center in South Carolina. My testimony is based on considerable experience working with survivors of rape as well as several peer reviewed research projects that my colleagues and I have conducted on the scope, nature, and mental health impact of rape and other types of sexual assault.

The topic of today's hearing involves several separate but related issues. First, it is important to distinguish between rape victims' unwillingness to report cases to police and whether police accurately record, report, and investigate these cases once they know about them. The issue of victims' unwillingness to report rape cases to police is critically important because police cannot record, report, or investigate cases they do not know about. Second, how police record, report, and investigate cases they do know about is also important. Third, it is important to understand rape victims' concerns that might influence rape victims' willingness to

report and cooperate because addressing these concerns might improve reporting and cooperation. Finally, determining whether failure to report and investigate rape cases is a chronic failure requires us to examine these issues over time to see if they have changed.

The United States Department of Justice has two major sources of information about the number of rape cases that occur each year. The National Crime Victimization Survey (NCVS) is designed to provide an estimate the total number of crimes that occur each year in the United States including crimes that were not reported to police. The F.B.I. Uniform Crime Reports (UCR) collects information on crimes that have been reported to law enforcement agencies each year using a standardized format. Ideally, we should be able to compare current with historical data from the NCVS and UCS to address these issues. However, both the NCVS and the UCR have major flaws that result in their being poor tools for measuring rape cases that produce serious underestimates of the total number of unreported and reported rape cases that occur each year. Exhibit 1 (see pages 1229-1231) describe these flaws in detail, but the bottom line is that the problems with both measures are so serious that

they are incapable of providing us with the data needed to determine the proportion of all rape cases that are reported to police as measured by the NCVS or the disposition of those cases reported to police as measured by the UCR.

Therefore, much of my testimony will focus on findings from two research projects conducted with national household probability samples of adult women in the United States that assessed whether these women had been raped at any time during their lives including when they were children or adolescents. These projects also obtained information about the extent to which rape cases were reported to law enforcement as well as rape victims' concerns that are likely to influence willingness to report. The first project, the National Women's Study (NWS), was funded by the National Institute on Drug Abuse and was conducted in the early 1990s. The second project, the National Women's Study Replication (NWS-R), was funded by the National Institute of Justice and was conducted fifteen years later in 2005. The studies used virtually identical methodology, which is described in detail in Exhibit 2, so they can provide valuable information on whether the prevalence of rape, reporting of rape cases to police, and

rape victims' concerns have changed over time. Like the NCVS and UCR, these projects measured rapes that occurred recently, permitting us to estimate the number of adult women in the U.S. who were raped each year. However, unlike the NCVS and UCR, the NWS and NWS-R also gathered information about whether U.S. women had ever been raped, including when they were children or adolescents. Therefore, data from the NWS and NWS-R provide a more comprehensive picture of the burden and nature of rape in the United States at two points in time approximately fifteen years apart, not the blurred annual snapshot we get from the NCVS and UCR.

Here is a brief summary of the most relevant findings from the NWS and the NWS-R:

- The lifetime prevalence of forcible rape using the Federal Criminal Code definition was 12.65% in the NWS and 16.1% in the NWS-R fifteen years later. This means that there was an increase of 27.3% in the percentage of adult women in the U.S. who had ever been forcibly raped at some point in their lives and that the 2005

estimated number of adult women in the U.S. who had ever been forcibly raped was approximately 18 million.

- The estimated annual prevalence of forcible rape among adult women was 0.71% in the NWS and 0.74% in the NWS-R, suggesting that there has been little change over 15 years in the percentage of adult women who are forcibly raped each year. Based on the NWS-R findings, we estimated that over 800,000 adult women in the U.S. were forcibly raped in the year prior to the NWS-R interview.
- The NWS did not measure drug or alcohol-facilitated rape (DAFR), which is clearly defined as rape in the Federal Criminal Code. However, the NWS-R found that the lifetime prevalence of this type of rape was 5.0%, and the annual prevalence was 0.42%, suggesting that approximately 5.6 million adult women in the U.S. have ever experienced this type of rape and 471,000 experience it each year.
- Both the NWS and NWS-R found that a majority of forcible rape cases occurred when the victim was younger than age 18( 61.6% of cases in NWS and 55% of cases in NWS-R). This indicates that

there may have been a small decrease in the percentage of forcible rape cases that occur during childhood and adolescence, but most cases still happen during this period.

- Both the NWS and NWS-R found that only a small percentage of forcible rape cases are reported to police (16.0% in NWS and 18.0% in NWS-R). Although there was a very small increase in willingness to report forcible rape cases, 82% were still never reported. Reporting of DAFR cases in the NWS-R was even lower (10%) than for forcible rape cases.
- Rape victims in the NWS-R expressed many of the same concerns that were expressed by rape victims in the NWS. For example, over half of the rape victims in both studies said they were concerned about their families or other people finding out about the rape, and over 60% said they were concerned about being blamed by others. More rape victims had concerns about these issues than expressed concerns about HIV/ AIDs, other STDs, and pregnancy.
- The NWS-R data indicated that forcible rape and DAFR substantially increased risk of posttraumatic stress disorder, major

depression, and substance use disorders. Most rape victims who ever had these mental health problems still had them, suggesting that they never received effective mental health care.

What conclusions can be drawn from these findings?

- There is no evidence that either the lifetime or annual prevalence of forcible rape is going down. In fact, the burden of rape among U.S. women is higher now than it was in the early 1990's because a larger percentage of women have been raped, and there has been no decrease in the percentage of women who are raped each year.
- Most rape cases (over 80%) are still not reported to police, indicating that this remains a chronic problem that we must address.
- Rape victims' concerns about being blamed by others and about others finding out about the rape are major barriers to increased reporting, and these concerns are likely exacerbated by the way victims are routinely trashed in high profile cases or when the criminal justice system does not pursue reported cases vigorously.



- All types of rape have lasting negative impacts on victims' mental health , and these mental health problems appear to be chronically unaddressed.
- As I describe in detail on pages 1229 - 1231 in Exhibit 1, the way that the NCVS and UCR measure rape and other types of sexual assault is seriously flawed. This is a chronic problem that has been noted by many experts over the years who have offered various suggestions about how to address it. Several of these suggestions are included in the aforementioned document. Congress should demand that changes are made in the UCR and NCVS to fix this problem so these measures can give us the information we need to determine whether we are making progress in addressing our rape problem.

Finally, although whose numbers are right is important and clearly matters, we must not let debates over rape statistics distract us from what matters even more. Although some progress has been made in responding to the problem of rape in the U.S., rape remains a chronic problem for our nation , and we have much work to do to reduce the number of women

and children who are raped and to provide all rape victims with the support and services they need. I would like to thank the Committee for its attention, and I would be delighted to answer any questions.

### References

- Exhibit 1. Kilpatrick, D.G. (2004). What is violence against women? Defining and measuring the problem. *Journal of Interpersonal Violence* .19. 1209-1234.
- Exhibit 2. Kilpatrick, D.G., & McCauley, J., . (2009). Understanding national rape statistics. Harrisburg, P.A: VAWnet. [http//www.vawnet.org](http://www.vawnet.org)