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by

Danielle M. Soulliere

A Dissertation
Submitted to the Faculty of Graduate Studies and Research through the Department of Sociology and Anthropology in Partial Fulfilment of the Requirements for the Degree of Master of Arts at the University of Windsor

Windsor, Ontario, Canada
1994

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ABSTRACT

This study examined 243 complaints of sexual assault reported to the Windsor Police Service in 1992. Data was collected on the circumstances of the sexual assault incidents as well as on the characteristics of the sexual assault offenders and victims, to determine if the data fit existing literature on sexual assault in Canada.

In general, the findings were consistent with the review of the literature. Nonetheless, a few unique findings did emerge. Results revealed a significant proportion of sexual assault victims under the age of twelve, calling attention to the need for more elementary school-based educational and prevention programs. In addition, the significant proportion of male victims found in this study propels a need to recognize sexual assault as gender-neutral in victimization. Furthermore, the finding that sexual assault frequently occurs over a period of time emphasizes the importance of understanding sexual assault as a multiple-incident occurrence that may substantially differ in effect and/or treatment from single-incident occurrences of sexual assault. Finally, an examination of the nature of attack revealed that sexual assault offenders are primarily opportunists who take advantage of particularly vulnerable targets.

Police decision-making in sexual assault complaints was also probed. Findings revealed that police made decisions primarily on the basis of the legal model, which emphasizes a concern with the likelihood of prosecution. Factors that increased the likelihood of successful prosecution influenced officers to proceed with charges, while factors that decreased the likelihood of successful prosecution influenced officers to take no further action beyond initial investigations of complaints, or to unfound complaints.

An examination of the filtering process at the police level revealed that nearly 70% of the sexual assault complaints made to the Windsor Police in 1992 did not proceed beyond the police level.
ACKNOWLEDGEMENTS

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INTRODUCTION/
RESEARCH PROBLEM
The Prevalence of Sexual Assault In Canada

Sexual assault has been termed "the ever-present terror" (Stanko 1985). Indeed, it may be argued that the possibility of a sexual attack is a regularly invoked fear in many women's minds.

While public perception regarding the fear of crime is often in extreme disproportion to the actual occurrence of crime, this generalized fear of sexual assault against women appears to be well-founded. According to Kinnon (1981) and George, Winfield and Blazer (1992), sexual violence against women is not a rare occurrence, but is, in fact, a fairly common experience. Brickman and Briere (1984) and Gunn and Minch (1988) estimate that one in four women living in Canada will be sexually victimized at some point in their lives. While it is commonly acknowledged that many incidents of sexual assault go unreported, it is important to note that the national Canadian rate of reported sexual assault is 112 incidents per 100 000 population (Department of Justice 1990). The province of Ontario ranks eighth in its rate of reported sexual assault with 103 per 100 000 population (Roberts 1990). The City of Windsor itself, with its population of just under 192 000, had over 200 reports of sexual assault made to the police in 1992. These figures highlight the magnitude of sexual violence toward women in Canadian society, focusing particularly on the depth of the problem at a local level.
Understanding Sexual Assault

An inadequate understanding of sexual assault, in general and specifically in relation to its location, requires a detailed knowledge of the offender and the victim, in terms of their specific characteristics and behavioural patterns, as well as a thorough investigation of the circumstances of the offence. Focusing on sexual assault at the local level would promote a rich understanding of its dynamics by both police officials and community members, which would not only aid in local police investigations of sexual assault complaints but would also aid in community-based sexual assault prevention strategies.

Sexual Assault and the Legal System

It is well-established that the progress of any reported case through the criminal justice system, including sexual assault, reflects a highly selective process of elimination, often referred to as "filtering" (Clark and Lewis 1977; Chandler and Torney 1981; Stanley 1985; Minch, Linden and Johnson 1987; Gunn and Minch 1988). The police play the initial role in this filtering process by deciding which cases will be investigated. Thus, the fate of any reported sexual assault in terms of its movement through the criminal justice system essentially lies in the hands of the police who exercise substantial discretionary power in deciding to proceed with the investigation of the case or to terminate the investigation. Acting as the "gateway" to the criminal justice system (Kerstetter 1990), then, the decisions made by the police
from the initial stage of report are an important factor in analyzing sexual assault within the legal system, and may provide insight into the handling of such cases by the criminal justice system.

Need For The Study

Research in the area of sexual assault has been undertaken primarily by American feminist scholars over the past decade. There have been only a handful of noteworthy Canadian studies done on this highly sensitive topic, including McCaldon (1967), Brickman and Briere (1984), Renner and Wackett (1987), Gunn and Minch (1988), and the pioneering work of Clark and Lewis (1977). Many of these are now out-dated and are limited to only a couple of provinces (ie. British Columbia, Manitoba). Thus, it is anticipated that the current study will contribute to the development of more substantive knowledge in this important area of criminology in Canada. In particular, it will provide significant Ontario data. The information gathered on the characteristics and behaviour of sexual assault offenders and victims, as well as the data collected on the circumstances of the sexual assault will hopefully aid both the local police and residents in better understanding the dynamics of sexual assault. For the police, such data can be used as a tool in investigation and empathetic treatment of victims of sexual assault; for the public, the same data can be used as an educational lesson in understanding and prevention.
Further, it is anticipated that an exploration of decision-making by the police in sexual assault cases at the initial stage of processing will provide significant insight into the process of attrition in the criminal justice system. Given that the police, as initial screeners, are the most crucial element in such a process, a probe into the factors affecting their decisions will be an important aspect in understanding the treatment of sexual assault cases by the criminal justice system.

Theoretical Framework

Decision-Making By Police

Kerstetter (1990) puts forth four main theories that have been advanced to explain decision-making by legal system officials. Legal formalism views the law as a static, closed, logical system in which particular conclusions are deduced from established legal principles and factors; from this perspective, the law is the law, and anyone who breaks it shall be brought to justice. Criminological theories identify the underlying seriousness of the criminal intent as determining official reaction; thus, seriousness of the crime is an important legal variable in official decision-making. Conflict theory sees human life and society as a continuous struggle in which individuals seek to advance their interests by a variety of mechanisms including bonding with others by race, ethnicity, class and gender; this perspective suggests a discrepancy between officials and the public due to underlying conflicts of interest in which discrimination based on extralegal
factors may occur against certain groups of people. The instrumental perspective seeks to determine what is required to transform the law from written word into enforced reality; the focus here is on the factors either necessary to or facilitative of the administration and legal processes that transform statute into action; these factors may be legal or extralegal, in either case related to evidentiary requirements or administrative convenience.

Even more specifically, LaFree (1981) offers two competing models of police decisions: the extralegal model asserts that police discriminate between victims on the basis of extralegal attributes, such as age, race, marital and employment status; the legal model asserts that police do not discriminate on such a basis. The extralegal model, then, suggests that police decisions involving whether or not to investigate a reported offence, may importantly be influenced by legally irrelevant variables, most particularly an individual victim's attributes. Chandler and Torney (1981), applying conflict theory to sexual assault cases, ascribe to the extralegal model, suggesting that there are a host of extralegal considerations, mostly focused on the victim, which influence the decision of the police as well as prosecutors. The researchers assert that "the relative power of the victim who is sexually assaulted may be an important determinant of the extent to which such a victim's case will be processed through the criminal justice system" (p. 157).
In addition to models of police decision-making based on legal or extralegal factors, it is also maintained that police also draw on typifications of "rape-relevant behaviour" in deciding whether to maintain an investigation in a sexual assault charge (Clark and Lewis 1977; Chandler and Torney 1981; Waegel 1981; Frohmann 1991). This entails comparing reported cases to a "typical" sexual assault scenario in terms of the usual or typical offender, victim and circumstances that are involved in a sexual assault. These typifications are frequently based on myths and inaccurate information that hold that sexual assault is usually committed by a stranger, out of the blue, involves considerable physical injury to the victim, and that the victim is visibly hysterically upset. In this way, police efficiently classify each sexual assault brought to their attention as "real rapes" or "deals", those police believe are contrived false complaints (Rose and Randall; Kelly and Radford 1990).

Such scenario typifications also includes:

1) **Typifications of post-incident interaction**: that is, the typical interaction pattern between victim and suspect after a sexual assault incident is one of no contact.

2) **Typifications of rape reporting**: both police and prosecutors expect sexual assault victims to report the incident promptly; any delay in reporting may lessen the victim's credibility or may lead officials to question the victim's motives.

3) **Typifications of victim's demeanour**: the typical emotional state of a victim after a sexual assault incident is one of hysteric's
Chandler and Torney (1981) also suggest that such typifications extend to sex-role stereotyping in which implicit or explicit biases toward women are expressed in police decisions; for example, the unfounding of a sexual assault charge because the woman is a prostitute, or the negation of a promiscuous teenager’s allegation of rape.

In sum, decision-making by police suggests that police are influenced by both legally relevant and irrelevant factors and that police rely on typifications of sexual assault scenarios to make the decision to allocate resources to an investigation of a charge.

Statement of the Problem

The purpose of this study is to gain an insightful understanding of sexual assault by exploring the characteristics of sexual assault incidents, as well as the characteristics and behavioural patterns of both the sexual assault offender and victim. In addition, an understanding of the progress of sexual assault cases through the criminal justice system is sought through an analysis of decision-making at the initial stage of processing.

The primary objective of this study is to explore the factors that influence police decisions to either "found" a sexual assault case, in which a complete police investigation of the case will be conducted, or to "unfound" a case, in which no investigation beyond a preliminary investigation will be conducted. From such an exploration, it is intended that such factors be fitted into the framework of one or more decision-making models. In addition, any
indications of the use of sexual assault typifications by police to make decisions will be examined. Through such an examination of decision-making, it is anticipated that a more thorough understanding of the progress of sexual assault cases through the criminal justice system will be gained.

**Research Elements/Hypotheses**

Based on a review of the literature, the following research elements will be hypothesized:

1. The characteristics of sexual assault and the characteristics and behavioural patterns of sexual assault offenders and victims in the City of Windsor will fit existing literature on sexual assault in Canada. However, Windsor's status as a border city may affect the characteristics of sexual assault to some degree.

2. Decisions made by police in sexual assault complaints, although based to some degree on extralegal variables focusing on victim attributes, are influenced mainly by legal concerns, in particular the prosecutability of the complaint. Put simply, police invest time, effort and resources in sexual assault complaints that will make a strong case for prosecution, but do not invest time, effort and resources in sexual assault complaints that will make a weak case for prosecution.
REVIEW OF THE LITERATURE
Reporting Sexual Assault to the Police

Sexual assault is vastly underreported and this underreporting has the effect of minimizing public awareness of sexual assault as a social problem (Lizotte 1985). In studying both reported and non-reported incidents of sexual assault, Clark and Lewis (1977) estimate that only about 40% of all sexual assaults are reported to the police. Kinnon (1981), who studied 513 cases of sexual assault reported to Ontario Sexual Assault Centres, backs up this estimate by maintaining that the figure that is generally accepted by most police departments in Canada for sexual assault reporting is that one in ten sexual assault is reported.

Victims who experience sexual assault may chose not to report the incident for a variety of reasons. Degree of self-blame, level of support, history of experienced violence, degree of familiarity between offender and victim, degree of injury suffered by victim, degree of resistance offered by victim, legitimacy of contact between offender and victim, marital status, occupational status and perception of successful prosecution are all factors that have been found to influence the decision by a victim of sexual assault to report the incident to the police (Lizotte 1985; Gunn and Minch 1988).

It is interesting to note that many victims that do actually report a sexual assault, had not initially intended to report, but had been persuaded to go to the police. For instance, Brickman and Briere (1984), in their Winnipeg study of 551 women, found that of the sexual assault victims who reported the incident
to the police, 57% had been persuaded to do so.

Even though many sexual assault victims need to be persuaded to report the incident to the police, it is assumed that in most cases the victim would be the initiator of the sexual assault report. However, Holmstrom and Burgess (1978) found surprisingly that in more than one half of the 146 adult sexual assault cases they examined, someone other than the victim was involved in reporting the incident to the police. Likewise, Gunn and Minch (1988) found that the majority (58%) of the sexual assault incidents examined in their study were reported by someone other than the victim. While the victim made the initial report in 42% of the cases, the next three largest categories were strangers (17%), parents (14%), and friends (8%).

**Characteristics of Sexual Assault**

**Type of Assault**

According to the Canadian Department of Justice (1990), the vast majority (95%) of the 29 111 sexual assault incidents reported to Canadian police in 1981 were classified as Level I Sexual Assaults under section 271 of the Criminal Code. These involved unwanted sexual touchings of any sort, including intercourse. Sexual assault with a weapon (Level II) accounted for 4% of the reports, while aggravated sexual assault (Level III) accounted for only 1 per cent.
Based on 3000 interviews with community adults, George et al. (1992) found in their study that intimate physical contact between victim and offender occurred in 79% of the sexual assault experiences reported; among these victims who experience such physical contact, 82% were subjected to actual intercourse. In addition, Kinnon (1981) reports that "physical assault is often accompanied by verbal abuse, such as obscene language, threats and venomous speeches" (p. 17).

A Variety of Sexual Acts

Often a sexual assault will include other sexual acts besides or in addition to vaginal penetration. According to Clark and Lewis (1977), these additional acts include fellatio, cunnilingus, oral copulation, anal intercourse, self-masturbation of the offender, and victim masturbation of the offender. Fellatio was reported be the most common in the Clark-Lewis study, occurring in nearly 50% of the 116 cases of reported sexual assault examined.

Location of the Offence

Sexual assault is a crime that appears to take place "close to home" (Hindelang and Davis 1977; Kinnon 1981). Kinnon (1981), for example, reports that among the 513 studied victims of sexual assault who reported the incident to the police, 72% were assaulted in the general area in which they lived. Likewise, Hindelang and Davis (1977) found that while approximately 1/5 of the 162 reported sexual assaults they studied occurred in the victim's home, an additional 14% took place nearby, such as a yard, carport,
sidewalk, or driveway near the victim's home.

Sexual assault is most likely to take place in an interior setting such as a private residence (Riou 1975; Chappell and Singer 1977; Clark and Lewis 1977; Kinnon 1981; Brickman and Briere 1984; Renner and Wackett 1987; Gunn and Minch 1988). In many cases, the favoured location for sexual assault is the victim's own home or the offender's home. For example, in their study of sexual assault in Halifax, which included 474 reports of sexual assault made to the Sexual Assault Centre, Renner and Wackett (1987) found that the most frequent place of assault (55%) was the victim's own home, while Brickman and Briere (1984) found that the most frequent locations were the victim's, offender's, or another person's home or car. Similarly, Gunn and Minch (1988) found that assaults in vehicles accounted for 29% of the sexual assaults, while assaults occurring in an indoor location such as a residence accounted for 16 per cent.

Time of Occurrence

Sexual assault appears to be primarily a "nocturnal" crime (Riou 1975), most often occurring at night (Chappell and Singer 1977; Hindelang and Davis 1977; Brickman and Briere 1984; Lizotte 1985; Gunn and Minch 1988). Indeed, Brickman and Briere (1984) found that 80% of the 551 sexual assaults examined in their study occurred at night.
Number of Offenders

The majority of sexual assaults are committed by single assailants (McCaldon 1967; Chappell and Singer 1977; Hindelang and Davis 1977; George et al. 1992). For instance, Chappell and Singer (1977) found that slightly more than 75% of the 310 sexual assaults examined in their study involved a single offender. Likewise, Hindelang and Davis (1977) found that about 60% of the 162 sexual assaults in their study were perpetrated by lone assailants. George et al. (1992) similarly found that the vast majority of sexual assault victims (98%) examined in their study were assaulted by single male perpetrators.

Nevertheless, a substantial proportion of sexual assaults are also committed by group offenders. For instance, Johnson, Gibson and Linden (1980), in their study of sexual assault, found that 20% of the 103 sexual attacks examined involved more than one assailant. Similarly, Kinnon (1981) reports that of all sexual assaults examined in her survey, 15% were committed by more than one offender. In addition, Ruch and Hennessy (1983) found in their study of sexual assault that approximately 1/4 of the 326 victims were attacked by more than one perpetrator. In a study of group sexual assault in Vancouver, Clark (1977) asserts that the group rapist is at least as typical as the rapist who acts alone, maintaining that this type represents 50% of all sexual assault offenders (Kinnon 1981, p. 9). Furthermore, it is important to note research in this area by Amir (1971) who maintains that group sexual assault is more likely than single-offender sexual assault
to be pre-planned as well as more violent.

Use of Force

Based on 231 reports of sexual assault made to the Winnipeg Police, Renner, Wackett and Ganderton (1988) assert that most (69%) sexual assaults are accomplished through the use of physical force alone, without the threat of harm or actual injury, and without the use of a weapon. Indeed, Ruch and Hennessy (1983), Brickman and Briere (1984) and George et al. (1992) maintain that the most frequent type of force used by an assailant is the restraining of the victim by his body and/or verbally threatening to harm her. Nonetheless, Clark and Lewis (1977) report that actual physical violence occurred in 32% of the 116 sexual assault cases they studied, in which 17% of the victims were punched, slapped, or kicked, 8% were choked, 3% were badly beaten, 3% were cut, and 1% were rendered unconscious. Furthermore, it is reported by several researchers that about 1/3 of all sexual assaults involve the use or display of weapons (Chappell and Singer 1977; Clark and Lewis 1977; Hindelang and Davis 1977; Ruch and Hennessy 1983; Brickman and Briere 1984). Knives and guns are the most common weapons used (Clark and Lewis 1977) and are generally used to intimidate the victim rather than to physically incapacitate her (Chappell and Singer 1977).

Renner et al. (1988) have found that sexual assaults occurring between acquaintances are less likely to involve the threat of violence or actual physical harm to the victim than sexual assaults
occurring between strangers. In such incidents of "social rape", weapons are rarely if ever used.

Response of the Victim

Most victims respond to a sexual attack by taking some measure to protect themselves. For example, Hindelang and Davis (1977) report that one half of the 162 sexual assault victims examined in their study tried to protect themselves from their attacker, while Ruch and Hennessy (1983) report that 74% of the 326 victims surveyed attempted to resist their assailant.

Victim responses to a sexual assault are quite varied. According to Wyre and Swift (1990), there are many forms of resistance undertaken by victims confronted with a sexual attack. These include:

- verbal counter-attack
- physical attack
- feigning body weakness
- virginity plea
- moral appeal
- interpersonal communication
- retribution threat
- ambivalence

Hindelang and Davis (1977) found that of those victims in their sample who resisted, 60% hit or scratched their attacker, 40% screamed or yelled for help, and 37% tried to reason with the assailant. Similarly, Brickman and Briere (1984) found that reasoning with the assailant was the most frequent victim response; some victims begged, pleaded and cried, others kicked, scratched and hit, while still others remained quiet and motionless. Renner et al. (1988) maintain, however, that while victims usually take
some measure to protect themselves, most do not risk physical injury trying to fight off their attacker. This is especially true for victims of social rape who do not usually resist a sexual assault to the point of provoking threats of violence or actual physical harm.

Injury Sustained by Victim

It is generally reported that about half of all sexual assault victims suffer physical injury as a result of the attack. For instance, in a report prepared for the Canadian Advisory Council on the Status of Women, it was indicated that over half (58.5%) of sexual assault victims suffered physical injury such as severe beating, burning, choking, internal injury, bruises and lacerations to the anus or vagina (Kinnon 1981; Stanley 1985). Earlier, Hindelang and Davis (1977) had reported that one half of all the sexual assault victims examined in their study were injured to the extent that they required medical attention. Likewise, Brickman and Briere (1984) found, in their sample, that some type of physical injury arising from sexual assault was reported by over half of the victims.

Physical injury is less likely to be reported by victims who are sexually assaulted by an offender known to them (Renner and Wackett 1987). This is commensurate with the finding that offenders known to the victim are less likely to subdue the victim through the use of physical force.
Victim-Suspect Relationship

"Women are much more likely to be beaten, raped, or killed by their husbands, boyfriends, cohabiting partners, or male friends than by strangers" (DeKeseredy, Burshtyn and Gordon 1992, p. 157). Indeed, studies on sexual assault have found that many sexual assaults are committed by persons known to the victim (Rioux 1975; Ruch and Hennessy 1983; Stanley 1985; Renner and Wackett 1987; Renner et al. 1988; George et al. 1992). For example, in a report prepared for the Canadian Advisory Council on the Status of Women, it was reported that only 27.3% of the cases examined involved strangers, while 23.2% involved persons known slightly, another 12.7% of the cases involved some relationship between the victim and offender (i.e. neighbour, coworker), and another 27.5% involved a close relationship between the victim and the offender (i.e. family member) (Kinnon 1981; Stanley 1985).

Renner and Wackett (1987) as well maintain that "social rape", sexual assault involving some relationship between the victim and offender, is far more common than "stranger rape", reporting their finding that 82% of the sexual assaults examined in their study involved offenders known to the victim. Likewise, Renner et al. (1988) conclude that most sexual assaults are of the acquaintance type, based on the finding that in 66% of the sexual assault cases they studied, the assailant was someone who was known to the victim through a social contact.

Furthermore, the Department of Justice (1990) calls attention especially to the increase in the proportion of sexual assaults
involving spouses or partners. Indeed, Russell (1990), who calls sexual assault between marital partners "the crime in the closet", found that approximately one in seven married women in her San Francisco sample of 930 married females disclosed an experience of sexual assault by her husband; these assaults included forced vaginal penetration, as well as forced fellatio and anal intercourse.

Despite the common occurrence of sexual assault between acquainted individuals, several researchers have pointed out the large percentage of sexual assaults involving strangers (Chappell and Singer 1977; Clark and Lewis 1977; Hindelang and Davis 1977; Ruch 1983). Chappell and Singer (1977), for example, conclude that an overwhelming proportion of sexual assaults are committed by strangers, pointing out that 71.1% of the 310 cases examined in their study involved victims and offenders who were total strangers. Likewise, Clark and Lewis (1977) found that 64% of the sexual assault offenders in their sample were unknown to the victim. Hindelang and Davis (1977) also found that the majority of sexual assaults were committed by strangers, reporting that four out of five of the cases in their sample involved offenders who were not known to the victim.

Contemporaneous Commission of Other Crimes

In addition to sexual assault, the victim may also be subjected to other offences such as theft, robbery or burglary. Clark and Lewis (1977) found, for example, that in 6% of the cases
they studied, the victim was assaulted after the commission of
another offence; in 19% of the cases, the woman became a victim of
an offence such as robbery or burglary after she was sexually
assaulted; in 12.5% of the cases, theft occurred in addition to
the assault.

Nature of Initial Contact Between Victim and Offender

The nature of initial contact between a victim and her
assailant is an important variable in understanding how sexual
assaults are successfully carried out. Kinnon (1981) reports that
in 32.5% of the 513 cases examined, the sexual assault took place
after some legitimate contact; for example, the victim and
assailant knew each other, the assailant was a serviceman who had
been called in by the victim, the victim and assailant met in a
social setting such as a bar or party, or the assailant was a
friend of a friend with a plausible story. Nonetheless, in 33.8% of
the cases, the victim was violently attacked at the outset.
Furthermore, over 10% of the victims were accosted after accepting
a ride, which included not only hitchhiking but also accepting
lifts home by friends or friends of friends and family.

From the above information, it is clear that women are
attacked in a wide variety of situations and circumstances by both
men they trust and by perfect strangers; they are assaulted while
taking normal risks associated with modern society and while being
extremely cautious (Kinnon 1981). "Most victims of sexual assault
are simply women who are pursuing normal activities for a socially
active age group" (Renner and Wackett 1987, p. 53).
Nature of Attack

Canter and Heritage (1990) assert that the nature of attack varies in the commission of sexual assault. For example, in a confidence approach, a ploy or subterfuge is used by the offender in order to make contact with the victim prior to the assault; this includes verbal contact, such as questions asked, false introductions or stories told to render the victim available to the offender. A surprise attack involves an immediate attack on the victim in which force is used to gain control of the victim. This type of attack includes threats with or without a weapon; force is used primarily for physical control of the victim. A blitz attack involves the sudden and immediate use of violence which incapacitates the victim (i.e., a sudden blow which leaves the victim unable to respond to the attack). This type of attack focuses on extreme violence in the initial assault which leaves the victim incapable of reaction. In profiling sexual assault offenders, Canter and Heritage note the nature of attack demonstrated by offenders as a clue to the behavioural patterns of sexual assault offenders.

The Sexual Assault Offender

Gender

While women and children are overwhelmingly the victims of sexual violence, men are overwhelmingly its perpetrators (Department of Justice 1990; Canadian Advisory Council On the Status of Women 1992). Kinnon (1981) reports that in almost 99% of
the 513 sexual assault cases examined, the offenders are male. Thus, it appears that sexual assault is a male-dominated offence.

Age

Most sexual assaults are committed by young males, who are generally slightly older than their victims (Clark and Lewis 1977; Kinnon 1981; Department of Justice 1990). Clark and Lewis (1977) found that while just over 40% of the assailants in their sample were over 30, approximately 40% were between the ages of 25 and 29. Likewise, Chappell and Singer (1977) found that nearly 21% of the assailants in the cases they studied fell into the 20 - 24 age category while approximately 28% fell into the 25 - 29 range and almost 23% fell into the 30 - 34 age range. Kinnon (1981) reports a slightly younger group of sexual assault offenders, with 38% of the assailants examined falling into the 15 - 19 age range and another 15% falling into the 20 - 24 range. In all, almost 85% of the offenders were under 40. Thus, it appears that sexual assault is an offence mainly committed by men under the age of 40, with the primary offenders being between 20 and 30 years of age.

Marital Status

Both single men and married men commit sexual assault in about equal proportions. Kinnon (1981) reports that in the cases examined, single-dependent or single-independent males accounted for 48% of the sexual assaults, while married men or men living in a common-law relationship accounted for 43.7% of the assaults. Only 8.3% of the cases involved separated, divorced or
widowed men.

Ethnicity Status

The majority of sexual assaults in Canada are committed by white, Canadian-born men (Rioux 1975; Clark and Lewis 1977; Brickman and Briere 1984). Clark and Lewis (1977) found in their sample of arrested sexual assault offenders that almost 72% were white with 63% being Canadian-born.

Employment Status

It appears that most men arrested for sexual assault come from lower socioeconomic groups (Rioux 1975; Clark and Lewis 1977). However, this should not be interpreted as meaning that men from the lower strata are more likely to commit a sexual offence than men from the middle or upper strata. A bias may exist within the criminal justice system that renders such men from lower occupational groupings to be more likely to be arrested, and hence are found to be overrepresented in the arrest data. As well, it has been suggested that those victims who are assaulted by men who are better placed in the social hierarchy may be intimidated not to report the offence, or may be disbelieved by the police if they do report (Clark and Lewis 1977). In any event, men from lower socioeconomic occupational groups represent the majority in sexual assault arrest data.
Drug/Alcohol Use

Johnson et al. (1980) maintain that a relationship between drugs/alcohol and crime, particularly violent crime, is well-established. Research indicates that a substantial proportion of those convicted of criminal offences are under the influence of drugs or alcohol. This relationship holds true in the case of sexual assault. For example, in his early study, McCaldon (1967) found that 10% of the 210 sexual assault offenders studied were classified as "drunk" when they committed their offence, while 53% had been drinking prior to the commission of the assault. Likewise, Brickman and Briere (1984) found that approximately one third of the assailants examined in their sample of 551 sexual assault cases were under the influence of drugs or alcohol during the assault. Furthermore, Stanley (1985), reporting research conducted by Johnson et al., asserts that the files of the Winnipeg Police Department revealed that alcohol was present in almost 73% of the sexual assault cases and was absent in only 27% of the cases. In 38.7% of the cases, both the victim and the offender had been drinking prior to the offence. It was further found that when alcohol was present in the sexual assault situation, there was a greater likelihood of violence taking place than when alcohol was absent.

History of Criminality

Surprisingly, little information has been provided with regard to the criminal record status of sexual assault offenders. However, the Department of Justice (1990) reports that many sexual
assault offenders known to the police are repeat offenders, although not necessarily for sex offences.

The Sexual Assault Victim

Gender

Sexual assault is a crime in which women and girls are by far the primary victims (Kinnon 1981; Department of Justice 1990; Canadian Advisory Council 1992; George et al. 1992). Indeed, George et al. (1992) assert that "there is strong evidence that women are at much greater risk of sexual assault than men" (p. 107), with women reporting a significantly higher lifetime prevalence. In Kinnon’s survey, it was found that 96.4% of the sexual assault victims were female, compared to 98.6% of the perpetrators being male. It is clear from these statistics, then, that sexual assault is an offence in which men dominate as offenders and women dominate as victims.

Age

Victims of sexual assault are predominantly young women; indeed, most studies reveal that the majority of sexual assault victims are under the age of twenty (Riouix 1975; Clark and Lewis 1977; Hindelang and Davis 1977; Kinnon 1981; Brickman and Briere 1984; Stanley 1985; Gunn and Minch 1988; Renner et al. 1988; Department of Justice 1990). For example, in a report prepared for the Canadian Advisory Council On the Status of Women, it was indicated that 53% of the sexual assault victims examined were
under the age of 20, with 15 - 19 being the most common age range at 32 per cent; only 14% of the victims were over 30 years of age (Kinnon 1981; Stanley 1985). Similarly, Brickman and Briere (1984) found from their sample of sexual assault victims that nearly half (46%) of the 551 victims were under 17 at the time of the attack. Likewise, Gunn and Minch (1988) found that almost 60% of the victims in their sample were under the age of nineteen. Renner et al. (1988) found that over half (52%) of the 231 sexual assault victims examined in their study fell within the age range of 16 - 25. Thus, it appears that victims of sexual assault are generally young, most often younger than their average assailter.

**Marital Status**

The majority of sexual assault victims are single at the time of the offence, with a substantial proportion also still residing with their parents (McCaldon 1967; Rioux 1975; Clark and Lewis 1977; Brickman and Briere 1984; Stanley 1985; Gunn and Minch 1988). Brickman and Briere (1984), for example, found in their sample of sexual assault victims, that the majority (70%) were single at the time of the assault with most residing with their parents. Likewise, the Advisory Council reports that in the cases examined, 46.5% of the sexual assault victims were classified as single-dependent while 23% were classified as single-independent; another 14% were either married or living in a common law relationship, and 17% were separated, divorced or widowed (Kinnon 1981; Stanley 1985). Similarly, Gunn and Minch (1988) found in their sample of
victims that 3/4 were single at the time of the sexual assault with a mere 12% either divorced or widowed and 9% either married or living in a common law relationship.

Thus, it appears that single women, especially those who are still living at home with their parents, are at the greatest risk of being sexually assaulted. Indeed, Hindelang and Davis (1977) assert that the risk of sexual assault for married women is less than 1/4 the risk for single women, while the risk for widowed women is less than 1/6 the risk for single women.

**Ethnicity Status**

The majority of sexual assaults in Canada involve victims who are white and Canadian-born (Rioux 1975; Clark and Lewis 1977; Stanley 1985; Gunn and Minch 1988). Clark and Lewis (1977), for example, found in their sample of sexual assault cases, that over 3/4 of the victims were born in Canada and were classified as "white". Similarly, Gunn and Minch (1988) found that the majority of the sample of sexual assault victims were Caucasian women. Although, victims of sexual assault are likely to be white, the majority of non-white victims of sexual assault in Canada are of Native origin (Clark and Lewis 1977; Gunn and Minch 1988).

**Employment Status**

An overwhelming proportion of sexual assault victims are students (Clark and Lewis 1977; Kinnon 1981; Stanley 1985). Indeed, the Canadian Advisory Council On the Status of Women reports that nearly 63% of the sexual assault cases examined
involved students as victims. Although, Rioux (1975), in an early study, based on 1230 cases of reported sexual assault, reports that a majority of sexual assault victims come from lower socioeconomic groups, others such as Kinnon (1981) and Gunn and Minch (1988) stress that women from all classes and all occupational groupings are likely to be victims of sexual assault. Nonetheless, Kinnon points out that some researchers have found that women in helping professions are more vulnerable to sexual assault, "possibly because they have been trained to be responsive to and trusting of others" (p. 6).

**Drug/Alcohol Use By Victim**

Little conclusive data has been provided on the victim's use of alcohol or drugs in sexual assault incidents. Stanley (1985), however, does report that almost 40% of the sexual assault cases brought to the attention of the Winnipeg Police Department involved both the victim and the offender drinking prior to the offence. Given this lack of information, then, it would be interesting to analyze alcohol/drug use as a factor in understanding the incident.
The Filtering of Sexual Assault Reports

Filtering refers to the termination or reduction of sexual assault charges as they proceed through the criminal justice system (Gunn and Minch 1988). Such filtering is evident at several levels of justice system processing. According to Clark and Lewis (1977), the filtering process begins with the sexual assault victims who decide not to report the offence. The next stage of filtering occurs at the police level, where police, acting as elaborate screening devices, classify reported cases as "founded" or "unfounded"; those classified as unfounded will not be investigated, and hence will remain at the police level. The third level of filtering occurs at the prosecutor's office; only those cases perceived as "winnable" will proceed to trial. The final level of filtering occurs in the court; only those cases "strong" enough to bring about a guilty verdict will proceed to actual sentencing.

It is evident from a review of the filtering process, that the police, especially acting as the "gateway" to the criminal justice system, are the most crucial agents in the processing of sexual assault cases. Whether or not an investigation will even be conducted determines whether a sexual assault complaint will be permitted to move through even the first gate of system processing.
The Importance of The Police

Police are the most important processing agents in sexual assault cases. The police officer is typically the victim's first contact with the criminal justice system, and because the police have a great deal of discretionary power in deciding to proceed with an investigation, they are the first "judges" of whether or not, in their minds, a real assault took place (Gunn and Minch 1988).

The most crucial role played by the police is the classification of cases as "founded" or "unfounded". "Founded" cases will have police resources allocated to their investigation, while "unfounded" cases will not proceed beyond a preliminary investigation (Stanley). Since the police investigation is the first step to prosecution of an assailant, decisions made at this early point in the justice system have the greatest potential for affecting the system (Lizotte).

Thus, the importance of the role played by the police in reported cases of sexual assault cannot be over-emphasized: the ultimate disposition of a sexual assault complaint, whether such a complaint will even be investigated much less proceed to the prosecution level, lies in the hands of the initial processing agents, the police.
The "Unfounded" Classification

Officially, a reported sexual assault can be ignored or classified as unfounded when a law enforcement agency receives a complaint and subsequent investigation discloses that no offence has occurred; unofficially, authorities classify reports as unfounded when they believe the report is false or when they cannot verify the incident (Lizotte 1985). In essence, police classify a sexual assault complaint as "founded" if they believe a sexual assault has been committed or if they perceive such a complaint to be prosecutable, that is, there is sufficient evidence to bring it to trial (Kinnon 1981). On the other hand, complaints are classified as "unfounded" when the police do not believe that a sexual assault has occurred, or if they foresee prosecutorial difficulties in proceeding with the complaint (Kinnon 1981; Minch et al. 1987). Indeed, Lizotte (1985) maintains that "the police do not pursue many cases that they believe will not stand up in court" (p. 172); therefore, it may be as Clark and Lewis (1977) contend, that "police use the unfounded classification to screen out cases which will be difficult to prosecute" (p. 58).

It is important to keep in mind, however, that a police classification of a sexual assault report as unfounded should not necessarily be interpreted as meaning that a sexual assault has not occurred or even that the police do not believe that a sexual assault has occurred (Clark and Lewis 1977; Stanley 1985). Rather, for many cases classified as unfounded, the police, for a variety of reasons, are doubtful that such cases will succeed at the
prosecution level and therefore have decided to stay them at the police level. In many cases, the factors or reasons involved in this decisions may be irrelevant to whether a sexual assault has actually been committed.

The Unfounded Rate For Sexual Assaults In Canada

According to the Canadian Advisory Council On the Status of Women (1992), sexual assault is far more likely than other violent crimes to be classified as unfounded. Indeed, Robin (1977) reports that the proportion of index offences considered "unfounded" by police in the United States range from 2% of larcenies to 18% of sexual assaults. Likewise, Roberts (1990) reports that the unfounded rate in Canada is higher for sexual assault than for other crimes against the person such as homicide or assault. In a 1992 Canadian document, the Department of Justice reports that "of the 29,111 reports of sexual assault made to the police in 1988, 15% were declared unfounded" (p. 49). This national unfounded rate is far more conservative than the figure reported in the Clark and Lewis Toronto data in which a high 63.8% of the sexual reports were classified as unfounded (Stanley 1985). A further study conducted by Minch et al. (1987) revealed that 27% of the 211 initial sexual assaults brought to the attention of the Winnipeg Police Department in 1987 were eventually delegated as unfounded. In addition, Gunn and Minch (1988), after examining both founded and unfounded sexual assault cases in Winnipeg, concluded that a significant 53% of the sexual assault reports did not proceed beyond the police level.
Factors Affecting Police Classification of Sexual Assault Complaints

The rationale behind designating a sexual assault complaint as "unfounded" by police agents may be either subjective or practical (Gunn and Minch 1988). In reviewing the literature on police decision-making in sexual assault cases, the reasons for unfounded designations can be divided into four main categories:

1. Police do not believe the sexual assault complaint
2. No formal complaint was made by the victim/victim drops charges
3. Victim apprehension about proceeding with prosecution
4. Prosecutorial concerns by police

Police Do Not Believe Sexual Assault Complaint

The first and foremost reason for police to designate a sexual assault complaint as unfounded is that they simply do not believe, based on the victim's account of the incident and available evidence, that a sexual assault has occurred or that evidence has revealed the complaint to be false (Minch et al. 1987; Gunn and Minch 1988). Indeed, Gunn and Minch (1988) found in their examination of unfounded sexual assault complaints, that 5% of the unfounded reports were labelled as "false complaints".

No Formal Complaint By Victim/Victim Drops Charges

In addition to those complaints believed to be false, sexual assault complaints may be designated as unfounded when no formal complaint by the victim is made or when the victim decides to drop the original sexual assault charges (Minch et al. 1987; Gunn and Minch 1988). In both cases, the complaint is stalled at the police
level either because the victim does not come forward as the primary witness or because the case cannot proceed to the prosecution level; the police, therefore, choose not to follow through with the investigation of the complaint.

Victim Apprehensive About Prosecution

In many cases, the victim's apprehension about proceeding with the charge may lead to a police classification of a sexual assault complaint as unfounded (LaFree 1981; Minch et al. 1987; Gunn and Minch 1988; Kerstetter 1990). Gunn and Minch (1988), for example, found that in 10% of the cases examined, a combination of police and victim apprehension about proceeding with a charge led to an unfounded designation. Likewise, LaFree (1981) and Kerstetter (1990) maintain that a victim's willingness to prosecute is a significant factor in official police decisions to found or unfound a sexual assault complaint. Kerstetter (1990) points out that since detectives have more cases than they can handle, "they have little incentive to pursue a case if the complainant does not want to prosecute because the complainant's cooperation is crucial to a successful investigation" (p. 290).

Prosecutorial Concerns By Police

The majority of the reasons for classifying a sexual assault complaint as unfounded can be attributed to "prosecutorial concerns" by the police. When the police foresee that the prosecutor will have difficulty in proceeding with the charge, this may lead to a decision to stymie the complaint at the police level
with an unfounded classification. Such concerns regarding
prosecution may involve any of the following:

1. **Insufficient Evidence**¹
   - lack of physical injury
   - lack of corroborating medical evidence
   - suspect not identified
   - suspect not apprehended

2. **Victim’s Credibility At Question**²
   - victim’s account inconsistent
   - victim does not initially contact police
   - possible ulterior motives
   - report of sexual assault not prompt
   - emotional state of victim not ‘typical’
   - alcohol/drug use by victim
   - victim has criminal record
   - victim has history of mental illness

3. **Question Of Consent**³
   - lack of resistance by victim
   - victim-offender relationship
   - degree of violence
   - victim-offender contact
   - risk-taking by victim (i.e. hitchhiking)
   - victim is considered promiscuous

¹ See Clark and Lewis 1977; Chandler and Tourney 1981; Lafree 1981;
Rose and Randall 1982; Minch et al. 1987; Gunn and Minch 1988;

² See Clark and Lewis 1977; Holmstrom and Burgess 1978; Chandler and
Tourney 1981; Lafree 1981; Rose and Randall 1982; Stanley 1985;
Minch et al. 1987; Gunn and Minch 1988; Kerstetter 1990;

³ See Rioux 1975; Clark and Lewis 1977; Holmstrom and Burgess 1978;
Chandler and Tourney 1981; Lafree 1981; Rose and Randall 1982;
Minch et al. 1987; Kerstetter 1990; Wyre and Swift 1990.
4. Additional Factors

- occupational status of victim
- marital status of victim
- number of offenders
- criminal record of offender
- multiple sexual acts
- other criminal acts committed
- racial composition of victim-suspect dyad

Models of Decision-Making

Only a proportion of women's complaints of sexual assault are perceived and ultimately treated by the police as "legitimate". Furthermore, the decision to treat any sexual assault complaint as legitimate appears to be influenced by both extralegal and legal factors.

Support For The Extralegal Model

After examining official decisions in sexual assault cases, several researchers conclude that such decisions are strongly influenced by extralegal considerations, mostly focused on victim characteristics and attributes. Clark and Lewis (1977), for example, conclude,

What is clear {from the research} is that it is the prior behaviour of the victim and not the behaviour of the accused which plays a decisive role in the subsequent fate of rape cases....

A {sexual assault} victim's background and character strongly influence the way in which her report is classified by the police (p. 65)

---

Likewise, Chandler and Torney (1981) stress in their conclusion that the data presented in their study of 408 cases of sexual assault reported to the Sexual Abuse Centre, substantiate the supposition that events not required by law are influencing the decision-making processes associated with the movement of a rape case through the criminal justice system (p. 166).

They assert that behaviour and lifestyle of the victim prior to the assault are often considered by processing agents to be as important, if not even more important, as the actions of the assailant during the assault.

In addition, Hinch (1988) also calls attention to the variety of extralegal concerns criminal justice decision-makers have about the victim's reputation and credibility. Hinch's findings stress that victim misconduct clearly affects decisions made by police. Indeed, the fact that victims' behaviour, such as resistance and sexual misconduct, are more commonly noted for sexual assault than for other offences (Myers and LaFree 1982) clearly underlines the primary significance that extralegal factors in the form of victim attributes have in criminal justice decision-making.

Furthermore, the Canadian Advisory Council (1992) asserts that police, as well as prosecutors and judges, are strongly influenced by sexual assault myths. This group of decision-makers frequently rely on typifications and common social stereotypes to construct "legitimate" scenarios of sexual assault (Waegel 1981; Rose and Randall 1982; Frohmann 1991). These stereotypes and typifications primarily evolve from characteristics and actions of sexual assault
victims, and therefore victim attributes play a significant role in police constructions of "real rapes" or "deals".

Support For the Legal Model

According to LaFree (1981), "the legal model best describes the official police reaction to sexual assault " (p. 592). Although LaFree highlights the significance of victim attributes in police decision-making, he concludes that the most important determinants of police decisions are based on legal considerations, particularly evidentiary concerns. Likewise, Myers and LaFree (1982) conclude that,

Primary differences in official reactions centred not on victim characteristics per se, but rather on evidentiary concerns .... Officials base their decisions on the context within which the crime occurred and its ability to generate evidence (p. 1300).

Similarly, Kerstetter (1990) and Kerstetter and Van Winkle (1990) stress the importance of evidentiary sufficiency in making decisions concerning sexual assault complaints.

Thus, according to these researchers, police make decisions about sexual assault complaints not on the basis of victim attributes per se, but on the basis of more pragmatic notions of how the behaviour or characteristics of the victim affects the evidentiary basis of the case. Thus, police are concerned with the victim and her attributes only in so far as it affects the prosecutorial status of her case, whether the victims characteristics and behaviour help make a "strong" case or a "weak" case.
RESEARCH DESIGN

Definition of Concepts and Terms

For the purpose of this study, sexual assault will mean any sexual act that takes places against a person’s will (Brickman and Briere 1984), which includes:

a) oral, anal or vaginal intercourse
b) attempted oral, anal or vaginal intercourse
c) kissing
d) grabbing of breasts, buttocks or genitals
e) holding, rubbing against or squeezing a person
f) tearing or pulling at clothing

A sexual assault complaint will mean any incident reported to the police that has been classified by the police as a "sexual assault offence" under sections 271, 272, or 273 of the Canadian Criminal Code, including sections 151 (sexual interference), 155 (incest) and 159 (anal intercourse), but not including invitation to sexual touching (cc. 152) and indecent acts (cc. 173) such as exposure or nudity (Rodrigues 1991).

A complainant will mean any person who puts forth a complaint of sexual assault. A victim will mean any person upon which a sexual assault was committed.

Other terms used within this study are included and defined, where necessary, on the Coding Sheet (see Appendix F)

Attack Types

Adapting the nature of attack espoused by Canter and Heritage (1990), six types of attack have been constructed for the purpose of this study. The following will serve as conceptual definitions
of the attack types:

1) **Prey Attack**: Offender takes advantage of victim in a vulnerable position (i.e. sleeping/passed out person, helpless or trusting child); offender uses position of trust to take advantage of victim (i.e. parent, clergy)

2) **Surprise Attack**: Offender suddenly attacks after engaging in interaction with victim

3) **Blitz Attack**: Offender attacks victim at outset, immediately attempting to incapacitate victim

4) **Control Attack**: Offender uses physical violence, threats, weapon, or restraint to subdue or gain control of victim

5) **Ploy Attack**: Offender uses some kind of subterfuge or trick to render victim available and open to an attack

6) **Harassing Attack**: Sexual advances or comments are made by the offender as an antecedent to the assault

**Sample**

This study targeted a complete sample of all sexual assault complaints made to the Windsor Police Service in the year 1992. It is felt that this sample will provide a comprehensive, rich data source that will yield extensive information to adequately understand the nature of sexual assault in Windsor and the process of decision-making by police officers.

**An Exploratory Study**

This research is primarily intended to be exploratory rather than explanatory. The study’s aim is to explore the characteristics of sexual assault as it pertains to the local area, to discern whether the characteristics and patterns discovered fit the available existing literature on sexual assault. In
particular, the following research questions were attended to:

1. What are the general characteristics of sexual assault in terms of:
   a. **Type of Assault**: What does the assault consist of? Touching, vaginal intercourse, anal intercourse, fellatio...? Does verbal abuse accompany the sexual assault?
   b. **Location of Assault**: Is sexual assault most likely to occur in certain sections of the City? Is sexual assault likely to take place outside or inside?
   c. **Time of Occurrence**: When is sexual assault most likely to occur?
   d. **Number of Offenders/Victims**: Are offenders most likely to commit a sexual assault alone or with others? Are offenders likely to attack single victims or several victims at one time?
   e. **Use of Force By Offender**: How is the offender likely to subdue the victim? Through physical strength alone, through the use of restraints, weapons, and/or threats?
   f. **Response of Victims**: How do victims respond to the assailant's use of force?
   g. **Injury Sustained By Victims**: What type and what extent of injuries do victims sustain from a sexual attack?
   h. **Victim-Suspect Relationship**: Are offenders likely to be strangers or acquainted with their victims? If acquainted, how so and does this have any effect on the nature of the assault?
   i. **Other Crimes**: Do offenders commit other crimes in addition to their sexual assault?
   j. **Initial Contact Between Offender and Victim**: In what setting or under what circumstances do victims and offenders come into contact?
   k. **Witness**: Is there likely to be an eyewitness to sexual assaults?
   l. **Precipitating Events by Offender**: Are offenders likely to precipitate their assault with one of the following behaviours: stalking, sexual advances/comments, threats?
   m. **Attack Type**: Under which of the following type of attack can the studied sexual assaults be classified: prey, surprise, blitz, control, ploy, or harassing?
2. Since the study is focused on *reported* sexual assault, what is the nature of reporting by sexual assault victims in terms of:

   a. *Promptness of Report*: How promptly do victims of sexual assault report incidents to the police?
   
   b. *Initiator of Report*: Who is likely to initiate the report of sexual assault to the police?

3. What are the characteristics of offenders and victims in terms of:

   a. gender  
   b. age  
   c. ethnicity  
   d. employment status  
   e. marital status  
   f. drug/alcohol use  
   g. criminal history (offender)  
   h. medical examination (victim)

4. In what way do police classify sexual assault complaints? On what basis are these decisions seemed to be made? Which model of decision-making do these bases seem to best fit?

5. Are there examples of police officers 'typifying' sexual assault incidents in terms of:

   a. demeanour of victim  
   b. post-incident interaction between victim and offender  
   c. reporting of sexual assault incident

6. Are there examples of sex-role stereotyping as defined by Chandler and Tourney (1981) by police officers?

**An Analytical Study**

Mauch and Birks (1988) define an analytical research design as one in which "classes of data are collected and studies are conducted to discern can explicate principles which might guide further action" (p. 79). The research design of this study is analytical in that data was collected from existing information in police files to obtain a thorough understanding of sexual assault. In addition, data was collected on decision-making at the initial stage of processing in order to determine which model of decision-
making police were most likely to use in classifying complaints.

Specific documents from which data was collected include:

1. **Investigation Report**: includes victim and offender characteristics, description of suspect, offence synopsis, classification of report, as well as other details pertaining to the offence (see Appendix C and Appendix E)

2. **Victim/Witness Statement**: first-hand account by victim or witness concerning the details of the offence (see Appendix D)

3. **Notes by Investigating Officers**: police notations and comments regarding the case (see Appendix C and Appendix D)

4. **Other Documents Prepared For Prosecution**: including record cards, interim release forms, arrest reports, pre-sentence reports, reports prepared by Children’s Aid Society, as well as document outlining the specific charges against the offender

**Data Collection: Quantitative and Qualitative**

This study is both quantitative and qualitative in nature. Data was collected in raw numerical form and then translated into descriptive statistics. This quantitative analysis was then supplemented by qualitative data in the form of anecdotes taken from statements made by victims and notes made by investigating officers.

**Instrument For Data Collection**

An extensive information coding sheet was used to code the data obtained from the police files (see Appendix F). The coding sheet was prepared on the basis of an extensive review of the literature, so that all significant variables regarding the nature of sexual assault, characteristics of offender and victim, and decision-making in sexual assault cases were included. The coding sheet was divided into the following sections:
1. Circumstances of the Sexual Assault Incident
2. Status of the Sexual Assault Complaint
3. Assailant Characteristics
4. Victim Characteristics

Data Collection

Each piece of data collected was effectively coded on the coding sheet by circling the number of the category or categories that best applied. Additional information was filled in where relevant. As well, separate sheets containing victim statements or statements made by the police were attached for qualitative analysis.

The data was collected by the proposed researcher, Danielle Soulriere.

Treatment of Data

The quantitative data was entered into the leading statistical program, SPSS. SPSS provided descriptive statistics such as frequency tables and crosstabs of variables. With the aid of Harvard Graphics, tables, charts and graphs were created to depict these statistics in an appealing visual manner. Anecdotes accompany these statistics for qualitative examples.

Permission To Carry Out The Study

In order to carry out the study, which entailed examining and collecting data from police files, permission had to be obtained from the Chief of Police of Windsor Police Services, James Adkin. A letter was drafted by Dr. Fleming, the researcher's advisor,
outlining the intent of the researcher to carry out the study, and any benefits such a study would have for both police and public (see Appendix A). Subsequently, permission was granted by the Chief of Police to examine all police files involving complaints of sexual assault occurring in the year 1992 (see Appendix B). The study was conducted under the supervision of Staff Sergeant David Stannard of the Special Investigations Branch, with the assistance of Sue McMullin, Director of Central Records.

Confidentiality

Due to the highly sensitive nature of the topic under study, the need to protect the identity of the victim and to keep all circumstances of the sexual assault incident strictly confidential was paramount. To ensure that such protection and confidentiality was afforded, both the researcher and her advisor took an Oath of Confidentiality under the guidance of the Ontario Provincial Court. Under such an Oath, any breach of confidentiality could result in the consequence of a fine or term of imprisonment.

In addition, to ensure further protection and anonymity of the victim, it was agreed between the researcher and Staff Sergeant Stannard that any written or photocopied material to be included in the data collection would be void of any identifying information, through the deliberate omission of such information in the write-up or the blacking out of such information in photocopied material. This was done at the police station so that any material carried outside of this environment contained no identifying information in
case of loss or theft of the material.

Furthermore, all information collected was kept in a locked cabinet at the researcher’s residence to ensure that confidential information was not readily accessible. Only the researcher and her advisor, Dr. Fleming, had access to the material in the locked cabinet.
RESULTS
INCIDENCE OF SEXUAL ASSAULT IN WINDSOR

Number of Sexual Assaults Reported To Windsor Police in 1992

There were 243 incidents reported to the Windsor Police Service in 1992 that were classified as sexual assault offences. These included offences under sections 271 (Sexual Assault I), 272 (Sexual Assault II), 273 (Sexual Assault III), 151 (Sexual Interference), 155 (Incest), and 159 (Anal Intercourse) of the Criminal Code.

Rate of Sexual Assault

The rate of sexual assault for the City of Windsor in 1992 was 127/100 000.\(^5\)

REPORTING SEXUAL ASSAULT

Initiator of Report

Victims in this sample were the group most likely to initiate the report of their sexual victimization to the police (see Figure 1.0). In over 1/2 of the incidents, the victim was the initiator of the report made to police. Family members were the initiators in 1/4 of the incidents, while staff of social service agencies were the initiators of the reports in 13% of the incidents. 'Other' initiators of the reports included hospital staff, principals, teachers and occasionally offenders themselves.

\(^5\) Based on a population of 191 435.
Figure 1.0: Initiator of Report of Sexual Assault To Police

A larger percentage of victims initiated the report when assaulted by a stranger (64.7%) than when assaulted by an acquaintance (47.6%). For almost 1/2 (48%) of the incidents involving victims under the age of twelve, a family member initiated the report, followed by a social service agency (22.5%).

Promptness of Report

In this sample, reporting of incidents of sexual assault was not prompt. In over 90% of the incidents reported to the police, there was a delay of at least one hour from the time of the assault to the time of the report. In many instances, the delay was over several hours, days, weeks, months and even years.

Only 8.6% of the incidents were reported promptly, within one hour of occurrence.
In some instances, there was little indication as to why the delay took place. In other instances, victims explained to the police why they did not report the incident at the first available opportunity:

Example 1 Sixteen year old Kimberly⁶, who was sexually assaulted by her sister's husband told police she was aware that her brother-in-law physically abused his wife and she was afraid of what he might do to her sister if she told anyone he had touched her. (11)

Example 2 Helen explained that she was upset and confused after being sexually assaulted by her boyfriend: "I was in a relationship with this guy. I thought I was in love with him. I wanted to understand the whole thing first". (52)

Example 3 Christopher, who was forced to participate in fellatio with an older scout leader, explained that he did not report the incident to the police right away because he was embarrassed about it: "I felt like the thing to do was just forget about it. I was too embarrassed to tell anyone." (105).

Strangers vs Acquaintances

A larger percentage (21.6%) of victims who were sexually assaulted by strangers reported the incident more promptly than victims who were sexually assaulted by persons known to them (5.2%).

Characteristics of Sexual Assault

Type of Sexual Assault

Offence Classification of Sexual Assault Complaints

The majority (72%) of the sexual assault incidents reported to the Windsor Police in 1992 were classified by officers as Level I Sexual Assault Offences (cc. 271); only a small number (2.9%) of

⁶ All names have been changed to protect the identity of the victims.
the incidents were classified as Level II Sexual Assault Offences (cc. 272) and no incidents were classified as Level III Sexual Assault Offences (cc. 273). Almost 13% of the incidents were classified as Sexual Interference (cc. 151) and in just over 10% of the incidents, more than one sexual offence was noted (see Figure 2.0).

Figure 2.0: Offence Classification of Incidents of Sexual Assault Reported in 1992

Sexual Acts Committed In Sexual Assault

A Range of Sexual Acts

A range of sexual acts were committed in these incidents (see Table 2.1), with touching (squeezing, rubbing) being the most frequent, occurring in 3/4 of the incidents; vaginal intercourse occurred in nearly 1/4 of the incidents and fellatio (offender or victim) occurred in nearly 1/5 of the incidents. Incidents involving anal intercourse were not common, penetration of the anus
occurring in less than 6% of the incidents reported.

Table 2.1: Type of Sexual Assault Committed

<table>
<thead>
<tr>
<th>Act</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Touching/Squeezing/Rubbing</td>
<td>180</td>
<td>74.1%</td>
</tr>
<tr>
<td>Vaginal Intercourse</td>
<td>55</td>
<td>22.6%</td>
</tr>
<tr>
<td>Fellatio (offender)</td>
<td>31</td>
<td>12.8%</td>
</tr>
<tr>
<td>Masturbation of Offender</td>
<td>15</td>
<td>6.2%</td>
</tr>
<tr>
<td>Anal Intercourse</td>
<td>14</td>
<td>5.8%</td>
</tr>
<tr>
<td>Fellatio (victim)</td>
<td>12</td>
<td>4.9%</td>
</tr>
<tr>
<td>Attempted Vaginal Intercourse</td>
<td>10</td>
<td>4.1%</td>
</tr>
<tr>
<td>Cunnilingus</td>
<td>8</td>
<td>3.3%</td>
</tr>
<tr>
<td>Attempted Anal Intercourse</td>
<td>5</td>
<td>2.1%</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>0.8%</td>
</tr>
<tr>
<td>Multiple Acts</td>
<td>64</td>
<td>26.3%</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

Multiple Sexual Acts

In over 1/4 of the incidents, more than one sexual act was committed on the victim:

Example 4  Becky and Amanda were sexually assaulted by their step-father over a six year period. Both girls reported being touched by their step-father and being forced to have vaginal intercourse with him. They also stated that he performed cunnilingus on them and attempted to have anal intercourse with one of them. (10)

Example 5  In one incident, the assailant, who was the common-law partner of the victim's mother, would have the victim, ten year old girl Christine, masturbate his penis and perform oral sex on him. He also performed oral sex on her and penetrated her vagina and anus with his penis. (26)
Touching Only

Incidents of touching only occurred in over 1/2 (53.1%) of the complaints reported to the police.

Verbal Abuse

In about 10% of the incidents, verbal abuse (insulting, demeaning or obscene language directed at the victim) accompanied the physical assault:

Example 6 Lynne told police that her step-grandfather would verbally abused her while sexually assaulting her, calling her a 'slut' and telling her that she would "never be anything more than a streetwalker". (60)

Example 7 Pamela recounted how she was the object of verbal abuse in addition to sexual abuse when two men attacked her on the way home from a friend's house: "One of the guys called me a bitch and told me that I deserved what I was getting". (95)

Male Vs Female Offenders

While male offenders in this sample committed a full range of acts in their sexual assaults, female offenders most frequently committed sexual assault by touching their victims. Seven out of nine of the female offenders in this sample touched their victims only.

Patrol Area

Sexual assault incidents reported to the Windsor Police in 1992 occurred all over the city, with no heavy concentration in any one patrol area (see Table 3.0 and accompanying Map 3.1).
Table 3.0: Percentage of Sexual Assault Incidents That Occurred In The Eleven Designated Patrol Areas

<table>
<thead>
<tr>
<th>Patrol Area</th>
<th>Name</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>West</td>
<td>11.1%</td>
</tr>
<tr>
<td>2</td>
<td>University</td>
<td>8.6%</td>
</tr>
<tr>
<td>3</td>
<td>Remington Park</td>
<td>5.3%</td>
</tr>
<tr>
<td>4</td>
<td>Downtown North</td>
<td>4.1%</td>
</tr>
<tr>
<td>5</td>
<td>Downtown South</td>
<td>11.5%</td>
</tr>
<tr>
<td>6</td>
<td>Walkerville</td>
<td>11.9%</td>
</tr>
<tr>
<td>7</td>
<td>East Windsor</td>
<td>9.5%</td>
</tr>
<tr>
<td>8</td>
<td>Fountain Bleu</td>
<td>4.1%</td>
</tr>
<tr>
<td>9</td>
<td>South Windsor</td>
<td>4.9%</td>
</tr>
<tr>
<td>10</td>
<td>Riverside</td>
<td>11.1%</td>
</tr>
<tr>
<td>11</td>
<td>Forest Glade</td>
<td>6.2%</td>
</tr>
<tr>
<td></td>
<td>Unknown</td>
<td>11.1%</td>
</tr>
</tbody>
</table>

Map 3.1: City of Windsor Patrol Areas

Downtown Sector

Combining Patrol Areas 4, 5 and 6, the core "downtown" sections of the city, it is found that over 1/4 (27.5%) of the sexual assault incidents took place within this small boundary.
Time of Assault

There is a strong indication that sexual assault in this sample was not necessarily a single-incident occurrence but rather a prolonged multiple-incident occurrence, with nearly 1/3 (31.7%) of the victims reporting being sexually assaulted several times over a period of time. Of those sexual assaults that were single-incident occurrences, many of these were 'nocturnal' offences, with almost 30% of the victims reporting being sexually assaulted between 8 pm and 4 am (see Figure 4.0).

Figure 4.0: Time of Sexual Assault

Location of Sexual Assault

The sexual assaults in this sample most frequently took place in an interior setting such as a residence (62.6%), with the
offender's home being the most common place, followed by a joint residence shared by the offender and victim, the victim's home, and then 'other' home such as the home of a friend or relative (see Figure 5.0). Although the incidents of sexual assault studied appeared to be mostly 'indoor' crimes, a large percentage (16.0%) of the incidents also took place outside.

Figure 5.0: Location of the Sexual Assault Incidents

It is interesting to note that many of the sexual assault incidents that occurred outside, were committed during "daylight" hours; 25 out of the 39 (64.1%) of the sexual assaults that took place outside occurred between the hours of 8 am and 8 pm.

Almost 70% of the sexual assaults that took place in a residence shared by both victim and offender, occurred over a period of time.
In incidents where there was more than one victim, the sexual assaults were more likely to have occurred in a joint residence. If the assault took place outside, the victim was twice as likely to be attacked by a stranger than an acquaintance. In nearly 1/3 (32.4%) of the incidents of sexual assault that took place in the victim's home, the victim was in the care of the offender. In 1/3 of the incidents that took place in the offender's home, the offender was a relative of the victim.

Number of Offenders

In 93% of the incidents reported, the sexual assaults were committed by single assailants; only 7% of the sexual assaults were committed by "group" offenders of two or more (see Figure 6.0).

Figure 6.0: Number of Offenders

![Bar Chart](image)

Number of Victims

Most (95.9%) of the sexual assaults were committed upon single victims; two victims were assaulted in 3.3% of the incidents and more than two victims were assaulted in less than 1% of the incidents (see Figure 6.1).
Figure 6.1: Number of Victims

Victim-Suspect Relationship

In nearly 80% of the incidents reported, victims were sexually assaulted by persons known to them (see Figure 7.0).

Figure 7.0: Victim-Suspect Relationship

Of those offenders known to the victim, over 1/3 were relatives of the victim. Only a small number of victims reported being sexually assaulted by a dating partner (4.2%) or a spouse (0.4%) (see Figure 7.1).
Figure 7.1: Acquaintance Type

Despite the large proportion of sexual assaults committed by persons acquainted with their victims, a large percentage of sexual assaults were still committed by strangers. A little over 1/5 (21%) of the victims reported being assaulted by persons unknown to them.

**Initial Contact Between Victim and Offender**

Figure 8.0: Initial Contact Between Victim and Offender
Relation

In almost 1/3 of the incidents of sexual assault studied, the initial contact between victim and offender was through relation—the offender was a parent, a step-parent, a grandfather, an uncle, a close friend of the family, a common-law spouse of the victim's natural parent.

Example 8 Shauna recounted how she was sexually assaulted by her step-father over a twenty year period, during which he fondled her and made her masturbate him. He would also masturbate in front of her, telling her it would be helpful in her future sex life, and often fingered her vagina, explaining he was giving her a vaginal inspection. (126)

Social Setting

In 13.6% of the incidents the victim and offender made initial contact within a social setting (ie. bar, party):

Example 9 Joanne encountered her assailants at a house party, where a considerable amount of drinking was going on: "I went upstairs to the bathroom. When I walked out, a blond man grabbed me by the arm and pulled me into the bedroom. He showed me around the bedroom, then began to take my clothes off. I didn't say anything, and I didn't try to stop him. I was too wasted to react. After I was naked, another fellow walked into the room. I grabbed a sheet off the bed and yelled at them, "You're not going to do this to me!". I was pushed down on the bed face down. The blond man pushed his penis up my anus. I screamed with pain. He began having anal intercourse with me, while the other guy proceeded to ejaculate in my face". (158)

Example 10 Brian spent a leisurely afternoon drinking with a buddy. When he went into the friend's house to get himself another beer, the friend followed, then backed him into the bedroom, forcing him on the bed. The friend removed his clothing, while Brian protested, telling him that he 'wasn't like that'. The friend masturbated Brian and attempted to force him to perform oral sex. (127)

Victim Attacked At Outset

In 12.3% of the incidents, the victim was attacked at the outset:
Example 11  Karin recounted: "As I was walking, a guy jumped out from the side of these trucks. He grabbed my shirt with his one hand on my chest and with his other hand he ripped open my shirt, tearing it off my back, saying, 'Where are you going, bitch?'. I tried to run away but he grabbed me. He said, 'You know you want it. Don't run away.' He was laughing about it. He threw me to the ground, but let me back up again, challenging me. I squirmed away and ran, screaming and yelling. He ran a few steps, but did not follow me". (130)

Met Through School, Work, Friend

In almost 10% of the incidents, victims were assaulted by persons they had met through school, work, or who were friends of theirs:

Example 12  Rachel was assaulted by a fellow classmate who, on several occasions, grabbed her breasts as he passed her in the hallway of their high school. (61)

Example 13  Kayla, age five, was sexually assaulted by two neighbourhood boys, age seven and eleven, who were her playmates. The boys coaxed Kayla into a shed, where they tied a skipping rope around her wrists and fondled her chest and genital area. (160)

Victim In Care Of Offender

In another 9.5% of the incidents, victims were in the care of the offender when the assault took place:

Example 14  Eight-year old Jennifer was sexually assaulted by a good friend of her parents who was looking after her and her siblings while her parents were away. Jennifer reported that the friend invited her to sit on his lap, which she did because she liked him. He then touched her genital area with his hand which frightened her. She jumped off his lap and went into the living room. Frightened and upset, Jennifer ran into the bathroom and didn’t come out until her parents came home. (9)

Example 15  Jeffrey and Michael, age three and five, were in the care of a babysitter and her teenage son. The boys revealed that the son touched and masturbated their penises and exposed himself to them. (169)

Victim and Offender In a Dating/Marital Relationship

In less than 6% of the incidents, the victim was in a relationship with the offender when the sexual assault occurred.
Example 16  Marianne recounted the pain and humiliation she felt when she was forcefully sexually assaulted by her boyfriend of three years: "He had just finished thrusting hard inside me for the last hour or so and when he pulled out he said 'You're not done yet'. He grabbed me by the hair and leaned back and pulled my head to his penis and forced me to perform fellatio, pulling my head up and down by my hair. I was choking and my body had collapsed. I felt like I was going to pass out. At about this point he was saying very angrily, 'You're not doing a good job'. He was pulling my hair harder. He then pulled my head up with one hand and with the other masturbated in my face and ejaculated in it". (52)

**Victim Accompanied Offender**

In 14 of the 243 incidents (5.8%), the victim accompanied the offender to the place of attack:

Example 17  Brenna told police she was sexually assaulted after accompanying a musician to an after-concert hotel party. Soon after their arrival, the musician accosted her in the bathroom, pulling her towards him, placing his face in her breasts. He pulled at her top and bra in an effort to reveal her breasts, but she struggled and broke free from his grasp. As she reached for the door handle, he again grabbed her and attempted to pull off her top. Brenna finally managed to pull the door open and the musician ceased his assault. (235)

Example 18  Fourteen year old Tina had been sexually abused by her step-father over a six year period. After he and her mother broke up, he invited Tina out to dinner with him. Tina agreed to accompany him, under the presumption that he was finally going to apologize for all his past acts. After dinner, however, he took her to a wooded area and forced intercourse on her. (122)

Example 19  Dianne, at a bar with some friends, went outside the building for a breath of fresh air. A man approached her and she engaged in conversation with him for a few minutes. Then he told her that he wanted to show her something. Dianne went with him around to the back of the building. He forced her into a bathroom and sexually assaulted her. (184)

**Victim Accepted Ride With Offender**

In 11 of the 243 incidents (4.5%), the victim accepted a ride with the offender:

Example 20  Susan told police that she was sexually assaulted after she had accepted a ride with a male who had come from the same house party she was at: "I started to walk home and he drove up in his car and told me he would drive me home. I got in the car and he drove me back to the house we had both just come from and said, 'You do me a favour, you do my friend a favour, then I take you home and give you money'. I told him 'no way' and went to get out of the car. He said, 'I got lots of money, don't worry'. I again told him no, that I just wanted to go home. He said, 'Okay. I'll take you home'. He began to drive and when he passed my street I got very nervous and told him to stop the car and let me out. I began to shout, but he never said a word and just kept driving. I kept hoping he would stop at a red light, so I could jump out, but every time there was one, he would go slow so the car wouldn't stop completely before it
turned green. I was getting very scared. While he was driving, he took his hand and grabbed my breast. I pushed his hand away. I told him to get lost and to let me out. He didn’t say anything. He then slid his hand up my inner thigh. I pushed his hand away before he got to my crotch. I was nervous and kept my hand on the door handle. I decided to jump out before something happened to me". (147)

Victim Invited Offender Into Home

In 2.5% of the incidents, victims invited their later offenders into their homes:

Example 21. Melody revealed how she was sexually assaulted by an acquaintance after she invited him into her house. While he was visiting, Melody received some disturbing news about an ex-boyfriend, became upset, and went into her bedroom. The acquaintance followed her: "He walked into my bedroom and asked me what was the matter and shut my bedroom door. I told him to get out. He walked around my bed and lay down next to me. He began kissing me on the lips. I tried to push him away, but he was too heavy. He put both of his hands under my shirt. I told him to stop and get off me. I was screaming. Then he pulled down my pants and pulled his own down and began having intercourse with me while pinning me down on the bed". (240)

Offender in Position of Trust

In 3 of the 243 incidents (1.2%), the offender was in a position of trust when he/she came into contact with the victim.

To illustrate:

Example 22. Reporting a thirty year old incident, Richard recounted one of several incidents of sexual assault that happened to him as a young boy by a parish priest: "It was the first time I had to go through his bedroom window so that his housekeeper wouldn’t see me. I remember standing up and Father pulling me into the bedroom. I walked over to the bed and he pulled my pants down. He put my on the bed, touched me and made me hard. He played with my penis. Then he took my hand and put it on his penis. He still had his clothes on. I remember I tried to take my hand away, but he grabbed my hand and put it back. He was hard. He then pulled his penis out and put my hand around it and then he put his hand around mine and moved it back and forth". (22)

Precipitating Events By Offender

In the majority (72%) of incidents, no precipitating events were undertaken by the offender prior to the sexual assault (see Figure 9.0).
Figure 9.0: Precipitating Events By Offender

Sexual Advances/Comments

When precipitating events did occur, these were most likely in the form of sexual advances or sexual comments made by the offender to the victim.

Example 23  LeeAnn explained how her assailant made advances toward her before the incident, which she clearly resisted: "The guy came into the living room and started to come onto me by kissing my neck and climbing on top of me. I pushed him and told him to get off me. He left me alone and went back into the kitchen with my sister. The guy knew I had run away and said I could stay over night at his house. My sister told me that I would be okay with him and since he had left me alone the first time, I agreed to stay". Later in the night, the man came into the bedroom where she was sleeping and forced her to have sexual intercourse with him. (25)

Example 24  Heather recounted that a fellow guest at a house party made several sexual comments to her during the evening, telling her he wanted to "screw her" and "wouldn't it be nice to fuck?". Later that night, after crashing over, Heather woke to find the same guest on top of her, trying to get his penis into her vagina. (19)

Example 25  Thirteen year old Carrie was sexually assaulted while sleeping over at a friend's house by a male boarder who was staying there. She told police that the man had made sexual comments to her earlier in the evening, telling her she had "big boobs" and asking her what bra size she was. Asleep, Carrie felt someone rubbing her vagina. She opened her eyes and saw the boarder kneeling beside her bed, fondling her. (224)
Stalking/Following

Example 26  Jocelyn was followed every night after class by a fellow classmate who eventually grabbed her and sexually assaulted her. She told police that the male would leave class the same time she did, taking the same route home, although she usually reached her house before he did. However, on one occasion, Jocelyn did not go straight to her house after class, but walked to her boyfriend's house, a route different from the one she normally took. The male followed the same path. Then, one evening, noticing he wasn't following her, Jocelyn relaxed, but was soon surprised when someone grabbed her as she got around the corner of a building. It was the same male who had been following her. (220)

Example 27  Lisa was followed by four males in a car while walking home. They followed her for a few blocks, then grabbed her and pulled her into their car, where two of the males attempted to sexually assault her. (135)

Other Precipitating Events

Other precipitating events undertaken by offenders in this sample included:

1) Offender drugging the victim
2) Offender offering the victim gifts
3) Offender attempting to or succeeding to get victim drunk
4) Previous physical or sexual attacks on the victim by the offender
Use of Force By Offenders

Table 10.0: Type of Force Used By Offender

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Strength</td>
<td>91</td>
<td>37.4%</td>
</tr>
<tr>
<td>Child</td>
<td>50</td>
<td>20.6%</td>
</tr>
<tr>
<td>Grab</td>
<td>42</td>
<td>17.3%</td>
</tr>
<tr>
<td>Threat</td>
<td>33</td>
<td>13.6%</td>
</tr>
<tr>
<td>Violence</td>
<td>29</td>
<td>11.9%</td>
</tr>
<tr>
<td>Sleeping/Passed Out Victim</td>
<td>18</td>
<td>7.4%</td>
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<tr>
<td>Weapon</td>
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<td>3.3%</td>
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<tr>
<td>None</td>
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<tr>
<td>Other</td>
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<td>1.6%</td>
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<tr>
<td>Restraint</td>
<td>3</td>
<td>1.2%</td>
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<tr>
<td>Multiple Uses of Force</td>
<td>43</td>
<td>17.7%</td>
</tr>
<tr>
<td>Unknown</td>
<td>21</td>
<td>8.6%</td>
</tr>
</tbody>
</table>

Physical Strength and Grabbing

Many (23%) of the sexual assaults in this sample were accomplished through physical strength alone. Sixteen per cent of the incidents involved offenders grabbing at the victim only.

To demonstrate the primacy of physical strength alone in committing a range of sexual assaults, it is noted that:

1) Nearly 1/5 of the incidents of touching were accomplished through physical strength alone.

2) Over 1/3 of the incidents of vaginal intercourse were accomplished through physical strength alone.
3) Almost 1/2 of the incidents of anal intercourse were accomplished through physical strength alone.

4) Over 1/5 of the incidents of multiple sex acts were accomplished through physical strength alone.

**Advantage of Child**

Nineteen per cent of the offenders accomplished their task simply by taking advantage of a helpless or trusting child:

**Example 28** Tara recounted how she was sexually assaulted by her father when she was eight years old: "He picked me up and laid me on top of him. It started with a hug. I was facing him. He had the recliner back. He started swaying me up and down on his penis. He had his hands on my rear end and was moving me back and forth. I remember a panic feeling that he wouldn't let me down". (58)

**Example 29** William, undergoing treatment, confessed to police that he had sexually abused his infant son, telling them that he would "masturbate the boy’s penis until it bled". (55)

**Example 30** The mother of a fourteen year old boy told police she had witnessed him sexually assaulting his two year old niece. She told them she had entered her son’s bedroom and saw him move the hand of the little girl away from his groin and pull up both their pyjamas bottoms. (27)

**Physical Violence**

Physical violence, in the form of slapping, punching, kicking, or pushing the victim was used by 1/8 of the offenders, some in conjunction with other types of force:

**Example 31** Andrea was brutally attacked after accompanying a male friend to the basement of his residence. Once there, he began to beat her on the chest and back with his fists, knocking her to the floor. He then grabbed a piece of soft fibre rope that was laying nearby and tied it to her wrists, looping the rope around a support beam. Once her hands were tied, he stretched her out on the basement floor and lifted her sweater and bra. He bit her on the chest and breasts, then pulled down her pants and penetrated her vagina. (45)

**Example 32** Tanya was accosted by her ex-boyfriend and his friend and made to perform sex acts while they verbally and physically abused her: "They called me names and followed me inside my apartment. My ex demanded that I give him a blow job. I told him ‘no way’ and he started slapping me in the face and head, then he punched me in the nose. The other man also began slapping me. My ex was screaming at me to call him ‘boss’ and the other man ‘sir’. I was thinking I would be killed or badly hurt, so I consented to give both of them a blow job. They ordered me to take off my clothes and I did because I was very afraid.
While I did the blow jobs I could feel myself being burnt with something on my back and sides. Afterwards I was left kneeling on the floor and they took turns hitting me with a cooking pot and kicking me in the chest, legs and butt. I was ordered to lay down. They had taken two peeling knives from the kitchen and a file out of my purse. The one guy took a Jack Daniels bottle and put it in my vagina. I felt the alcohol spilling into me and the burning sensation. They started saying I was an ugly bitch and shouldn't have such nice hair. My ex took scissors from the kitchen and hacked at my hair". (188)

Example 33 Twelve year old Linsey told the police how her abuser, the common-law partner of her aunt, became more violent over the years as he sexually assaulted her. After being burnt by the end of a cigarette, Lindsey maintained that her abuser "began to get more violent. He would put a sword to my inner thigh and threaten to cut me if I cried or moved. A couple of times I did get cut". (87)

**Threats**

Threats were made by offenders in 13.6% of the incidents.

Threats to harm the victim accounted for over 66% of these threats, while threats to harm another accounted for 12 per cent. Threats to harm both the victim and another accounted for another 12 per cent. Other threats besides threats of physical harm were also made, including threats to send the victim away and the taking away of privileges.

Example 34 Thirteen year old Nikki told police that her assaulter threatened to kill her if she didn't do what he asked: "He reached around and tried to touch my breasts. I squeezed my arms into my body to prevent him from touching me. He said 'You shouldn't do that, you're going to make me mad. If you don’t let me touch you, I’m going to kill you and dump your body in the back alley'". (156)

Example 35 Fifteen year old Krista recounted how her assailant, who sexually assaulted her over a five year period, would frighten her into doing the things he asked by telling her 'Satan' would harm her or hurt her family: "He was really into the occult and he often talked about Satan. He told me that he was Satan and that he knew everything about me and where I'd be at any given time. He said that if I didn’t cooperate he would molest my brother or that Satan would kill my family. He would say that if I told, Satan would know and he would kill my cats". (87)
Example 36  Marissa was forced to perform various sexual acts for her stepfather in exchange for privileges given: "From the time I was eleven until I was fourteen, my stepfather would make me touch his penis. He would grab my hand and put it on his penis and he would rub my breasts and my private parts. When I got older, and I would ask to go to my friend's house or I would ask for money, he wouldn't let me go or give me any money unless I did things to him. He would make me kiss his penis and masturbate him and he would put his finger inside me. He would always say that if I didn't do these things I wouldn't be able to see my mom or brother any more, that I would be sent far away to a girl's home." (41)

Restraints/Use or Display of Weapons

Restraints (such as rope, handcuffs) were used in only 3 of the incidents reported. The use or display of a weapon occurred in only 8 of the incidents reported.

Advantage of Sleeping/Passed Out Victim

In just over 7% of the incidents, the offender(s) took advantage of a sleeping or passed out victim in committing the sexual assault:

Example 37  Elaine reported that she was sexually assaulted at a house party. After having several drinks, she partially passed out a couple of times, during which a male at the party made several advances to her, which Elaine resisted. However, after having deeply passed out, she woke to find the same male on top of her, having vaginal intercourse with her. (63)

Example 38  Shannon reported she was sexually assaulted after falling asleep while babysitting. After putting her charge to bed, she fell asleep on the couch. She woke up later to feel someone touching her: "I don't know what time it was because I was sleeping, but I woke up and felt someone's hand in my underwear. I felt a finger touch me directly on the vagina. I immediately rolled over onto my right side, pretending to still be asleep because I was scared. I squinted my eyes open and saw my mother's boyfriend kneeling beside me on the floor. He removed his hand as soon as I began to roll over". (39)

Multiple Use of Force

In almost 18% of the incidents, offenders used multiple acts of force to subdue their victims:
Example 39 Jenny was attacked by an acquaintance who used several means of force to subdue her: "I was walking back home when I saw him walking on the sidewalk. He called my name and then jogged after me. He started to talk to me when he caught up to me and I ignored him. He said, 'Why didn't you call me?'. I still ignored him and then he took a knife out of his belt pouch. He swung the knife at me and it cut me on my left arm. I called him a bastard and he got mad and said that he did not like it when I ignored him. He said, 'I wanna fuck you. You are pretty and I wanna go out with you'. I started walking again and then there was a fence and a gate opening. He pushed me in there and kept pushing me around in the school yard. I kept yelling at him to stop and let me go home. He pushed me to the ground. He said, 'You look pretty'. He was flirting with me. He was standing on my wrists. He kneeled down and started to pull up my t-shirt up. He told me if I told anyone what he was going to do to me that he'd hunt me down like a dog and kill me." (229)

Example 40 Libby was sexually assaulted by her step-grandfather over a one year period. She told police that her step-grandfather started grabbing her breasts and crotch through her clothing then progressed to pinning her down on the bed and forcing vaginal intercourse. He frequently threatened her, indicating that he would kill her if she told anyone what he had done to her. On several occasions, he also gave her Nyquil to make her fall asleep so he could assault her. (79)

Acquaintances vs Strangers

Those persons acquainted with their victims were twice as likely than strangers to take advantage of a child as a form of force in committing sexual assault (21.5% to 9.8%).

Male Offenders vs Female Offenders

Unlike male offenders, female offenders tended not to use physical means of force to subdue their victims, but rather relied on sudden grabbing and taking advantage of a child.

Age of Offender and Force

A larger percentage (33.3%) of offenders over the age of 50 used grabbing as the sole means of force to commit their sexual assault; offenders over 50 were twice as likely than any other age category to grab their victims.
A smaller percentage (6.7%) of offenders under the age of 18 used physical strength as the sole means of force to commit their sexual assault; offenders under 18 were three times less likely than any other age category to rely on physical strength to subdue their victims.

Type of Resistance By Victim

A variety of responses was used by victims confronted with a sexual attack (see Table 11.0).

Table 11.0: Types of Resistance Used by Victims

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verbal</td>
<td>71</td>
<td>29.2%</td>
</tr>
<tr>
<td>Kicked/Scratched/Pushed</td>
<td>48</td>
<td>19.8%</td>
</tr>
<tr>
<td>Moved/Pulled Away</td>
<td>48</td>
<td>19.8%</td>
</tr>
<tr>
<td>Child</td>
<td>33</td>
<td>13.6%</td>
</tr>
<tr>
<td>Screamed/Yelled for Help</td>
<td>31</td>
<td>12.8%</td>
</tr>
<tr>
<td>Begged/Pleaded/Cried</td>
<td>17</td>
<td>7.0%</td>
</tr>
<tr>
<td>Sleeping/Passed Out</td>
<td>17</td>
<td>7.0%</td>
</tr>
<tr>
<td>Caught Unawares</td>
<td>12</td>
<td>4.9%</td>
</tr>
<tr>
<td>Complied Out of Fear</td>
<td>10</td>
<td>4.1%</td>
</tr>
<tr>
<td>None</td>
<td>6</td>
<td>2.5%</td>
</tr>
<tr>
<td>Quiet and Motionless</td>
<td>4</td>
<td>1.6%</td>
</tr>
<tr>
<td>Tried to Reason</td>
<td>3</td>
<td>1.2%</td>
</tr>
<tr>
<td>Multiple Uses of Force</td>
<td>63</td>
<td>25.9%</td>
</tr>
<tr>
<td>Unknown</td>
<td>31</td>
<td>12.8%</td>
</tr>
</tbody>
</table>
Verbal Counter-attack

Almost 1/3 of the victims in this sample gave some kind of verbal response to their attack, such as 'No!', 'Stop!', 'Don't do touch me!', or 'Get away from me!'.

Example 41  After refusing to join in sexual foreplay with two other men, Sean was forcibly pulled from his sleeping bag and dragged to the bottom bunk where the two men attempted to perform fellatio on him. Sean yelled at them to stop and to leave him alone, but they continued their assault. He once again yelled at them not to touch him, but they ignored him and forced him to perform oral sex on one of them. (105)

Physical Resistance

One-fifth of the victims used more physical means of resistance, such as kicking, pushing, scratching:

Example 42  Bonnie actively physically resisted two men who attacked her while walking home: "They grabbed the back of my jacket and then one of them grabbed my one arm and the other grabbed my other arm. I was trying to fight them by kicking them, but one of them was trying to pull my jacket up around my head and I could feel someone grabbing my breasts. I kicked and hit one of them in the groin and he grunted. They let go of me and my jacket and then they started hitting me. I started kicking and punching and grabbing anything I could to get away. The one guy finally said, 'Leave her alone. It's not worth it'". (95)

Moved Away

One-fifth of the victims attempted to move or get away from their attacker:

Example 43  Corrine attempted to get away after her assailant indicated his intention to sexually assault her: "He pulled behind the building. He pulled his pants down and told me to show my tits to him. I told him he was nuts. He said if I didn't screw him he was going to rape me, so either I could cooperate or be raped. I said he was not going to rape me, so I tried to get out of the truck. He pulled me back into the truck, pulled up my top and pulled my bra off and fondled my breasts. I managed to squirm out of his grasp and fled from the truck". (106)

Tried To Reason

Only a small percentage (1.2%) of the victims tried to reason with their assailants:
Example 44  Dana tried to get her attacker to stop by telling him "Don't do this. I'm only fifteen. I could get pregnant". (20)

Example 45  Beverley tried to appeal to her assailant's morals by bringing up his family and the fact that he was a professional. (7)

Complied Out of Fear

Some of the victims (4.9%) eventually complied with their assailants because they were afraid:

Example 46  Sonya, afraid that her assailant would actually kill her, complied with his demands: "I was aware that he had a mean temper and I saw him lose it the day before. He said, 'If you tell anybody what I'm going to do to you, I'm going to find my friend, get his gun, and kill you'. I knew this friend of his and I've seen his gun. I just froze because I was really scared, and didn't know what he would do next." (233)

Quiet and Motionless

In a few incidents (1.6%), the victim remained quiet and motionless, allowing the assault to happen rather than offer any type of active resistance:

Example 47  Charlene recounted how she was quiet and motionless through the assault upon her, which happened when she was eleven: "During the assault, I was scared and numb, and I would not talk, and he would become upset. I kept wishing that this was not happening. I tried to convince myself that it never happened, and two weeks later I went back to see him to prove to myself that it had not happened". (102)

Multiple Acts of Resistance

A little more than 1/4 of the victims demonstrated multiple forms of resistance:

Example 48  Sandra used multiple forms of resistance in response to her attack: "He knelt in front of me and started touching my breasts. I told him to stop and pushed him away. He grabbed me and pushed me down on the couch. I was fighting him, but he was able to pin me down. He held my arms and kept rubbing his genitals against mine. I told him to stop many times and told him I was going to call the police. I was crying and still wouldn't let go".
Example 49  Lori, trying to get her attacker to stop by pleading and fighting with him, eventually gave in: "I could hear him urinating. I was scared because it was dark out. I wanted to drive the car away, but I didn't know how to drive. The passenger door wouldn't open, it was jammed somehow, so I couldn't get out. Then he got into the car and came over to me. I pleaded for him to leave me alone. He wouldn't. This went on for a while and I tried to fight him. He told me the sooner I gave in, the sooner I would get home. I told him I would tell the police. He said they wouldn't believe me because I took money from him. I was crying. He was a heavy man, very large, and I couldn't get out. He pulled my pants down and he penetrated me. I remember lying there with my head toward the glove box and not looking at him, hoping it would just end". (112)

Over 80% of the victims used multiple forms of resistance against persons known to them.

Injury Incurred By Victims

According to the police reports, less than 1/4 (23.8%) of the victims suffered some kind of physical injury, minor or serious (see Figure 12.0).

Figure 12.0: Physical Injury Incurred by Sexual Assault Victims

Injury and Type of Sexual Act

Over 1/2 (53.2%) of the incidents of vaginal intercourse resulted in physical injuries to victims. Over 2/5 (44.4%) of the incidents of anal intercourse resulted in physical injuries. Less than 2% of the touching incidents resulted in physical injuries.
In incidents where victims were subjected to multiple sexual acts, nearly 1/3 (31.3%) sustained physical injuries.

**Injury and Type of Force**

As expected, victims were more likely to sustain injuries if the offender used physical violence in the commission of the offence.

**Strangers vs Acquaintances**

A larger percentage (35.3%) of victims who were assaulted by strangers sustained injuries than victims who were assaulted by persons known to them (20.9%).

**Witness**

In less than 15% of the incidents in this sample, someone was present to witness the sexual assault.

**Suspect Identification**

In most (77%) of the incidents of sexual assault studied, the offender was identified. The victim identified the offender in 72% of these incidents; a witness identified the offender in 2.5% of these incidents, and the offender was identified by both the victim and a witness in 2.5% of these incidents. In nearly 1/4 (23%) of the incidents, the offender was not identified.
Nature of Attack

Figure 13.0: Type of Attack

Prey 47.7

Surprise 11.9

Unknown 2.9

Other 3.7

Blitz 11.1

Ploy 6.2

Control 11.1

Prey Attack

Nearly 1/2 of the incidents in this sample were classified as prey attacks, where offenders took advantage of victims in "vulnerable" positions or situations.

Example 50  Severe physically and mentally handicapped, Rosemary was sexually assaulted by her mother's live-in boyfriend. The assault took place over a period of time, and included fondling of her breasts and vagina, and forced fellatio. (170)

Example 51  As a young boy, Richard revealed he was sexually molested by a parish priest whom he trusted and respected. He told police that at the time he didn't really understand what they were doing was wrong because Father told him it was okay and he was brought up to believe the priest. (22)

Example 52  Young Alicia was taken advantage of by her uncle as she slept: "I went to sleep on the couch in the living room. I was asleep for a while and when I woke up I found my uncle kissing my thighs and my shorts were pulled down to just above my knees. His hand was on the top of my underwear touching my vagina. The heel of his hand was rubbing my vagina and his fingers were on he elastic of the pants. He was starting to pull my underwear down. I told him to stop". (76)
Surprise Attack

In almost 12% of the incidents, offenders engaged in some interaction with their victims then surprised them with a sudden attack:

Example 53  Miranda was sexually assaulted after going for a ride with her boyfriend’s father to discuss a recent fight she had had with his son: “He started massaging my back and neck. I never asked for a massage, but it felt nice. After a few minutes, he turned me around to face him. He started kissing me on the lips, then using his tongue to kiss me. I wasn’t kissing him back, I was scared. I tried to pull back, but he had his hand on the back of my neck. He said, ‘Kiss me’. I told him no. He tried to undo my bra, then he undid his zipper, took out his penis, and told me to suck it. When I told him no, he grabbed the back of my neck and forced me down into his lap. He forced me to suck his penis.” (182)

Example 54  While walking home with her dog, ten year old Jodie met a woman walking a bike who said she liked her dog. Noticing Jodie admiring her bike, the woman told her she could take a closer look. Jodie refused, telling the woman she had to go home and eat. The woman suddenly grabbed her by the hand, pulling her behind a hill. The dog started to growl and the woman hit it. She tried to pull Jodie’s pants down to fondle her crotch area. (211)

Blitz Attack

In 11% of the incidents, victims were attacked at the outset, immediately incapacitated by their assailants.

Example 55  While walking home from a friend’s house, Nancy was suddenly attacked by two men who threw a blanket over her and grabbed around the body. She was dragged down an alley and thrown on the ground. One of the men held her down, then he turned her onto her stomach. He propped her up on her hands and knees and the other man had anal intercourse with her. She screamed from the pain but the other man covered her mouth. She was laid on her back and the other man then had vaginal intercourse with her. Then one of the men told her to stay there covered by the blanket for fifteen minutes before she left. (38)

Example 56  Linda was half asleep on the living room floor of her apartment when she was awakened by a voice at her feet. Opening her eyes, she saw a man, whom she recognized as the caretaker of the building. The man lay down on her and forced his penis into her mouth. Then he removed her clothing and, holding her down, penetrated her vagina. He proceeded to have intercourse with her for about five minutes, then removed his penis from her vagina and reinserted it into her mouth. (8)
Control Attack

In another 11% of the incidents, offenders used physical violence, threats, weapons, or restraints to subdue their victims.

Example 57  Debbie was locked in her own bathroom and threatened by her assailant into having sex with him: "He got me in the bathroom and he locked the door. He took all my clothes off. I kept trying to get away, but I couldn't and he took all his clothes off. He had a knife in his hand. He told me he was going to kill me if I didn't do what he said. I tried to scream out to my friends, but he put his hand over my mouth, then he forced me to have sex with him". (129)

Example 58  Thirteen year old Marcie was forced to have sex with her step-father when he threatened to kill her: "He came into my room and told me to take my clothes off or he would beat me up or kill me. He sounded really mad and I got scared. He ripped my clothes off and pushed his penis into me. He kept grabbing my breasts, saying, 'If you tell your mom, I'll beat you up". (138)

Ploy Attack

In only 6% of the incidents did offenders use some kind of subterfuge to trick their victims into a vulnerable position:

Example 59  Elizabeth gave a coworker a ride home after he claimed that he had lost his licence. When she dropped him off at his apartment, he invited her up, telling her that he had an application for a position she had been wanting. Thinking that the coworker was a nice guy for getting a hold of the application for her, Joan followed him up to his apartment. Once inside, he offered her a drink, but did not produce the application. When she asked him to get the application so she could leave, he grabbed her, yanked off her clothes and forced her to have sex with him. (1)

Example 60  Carolyn was sexually assaulted by a stranger after she was lured into a vulnerable position: "My friends had just dropped me off and I proceeded up the driveway to the house. A car pulled over into the gravel parking area out front. The driver yelled over asking for directions. I walked over to the car. The driver was alone. He asked again for directions. I began to explain, but then he asked me to draw him a map. I opened the car door and sat down sideways in the seat, with my most of my body still out of the car. The driver handed me a paper. When I turned to grab it, I saw a hunting knife in his hand. He gestured with the knife and told me to get in the car. He grabbed the back of my coat and pulled me in". (16)
Example 61  Nicole was tricked into accompanying a male into a nearby residence under the guise of calling an ambulance for an injured female. The woman told police that while walking home, she came across two males who were helping a drunk, injured woman. Seeing that they were having difficulty, she stopped to assist them. One of the males asked her to come with him to a nearby house so that they could call an ambulance for the woman and notify the police. Wanting to be of assistance, she accompanied him. Once inside, he made no attempt to phone the police or an ambulance, but invited her upstairs. When she inquired about the phone call, he backed her into a room, pinned her down, and forced intercourse on her. (222)

Harassing Attack

In only 5% of the incidents, did offenders display harassing behaviour as an antecedent to their attack.

Example 62  Joan described how she was harassed by a coworker at her workplace, who continually made sexual advances towards her, which eventually culminated into him touching her breasts, buttocks, and genital area. (189)

Example 63  Melissa disclosed how her step-father probed her personal and sexual life before he assaulted her: "We were in the car on the way home. He stopped the car at one point so he could talk to me. He told me he had read my diary and that he had watched me in the shower. He asked me all kinds of questions about my personal life. He asked me if I was a virgin and when I told him I was, he asked if I was sure, as if he didn't believe me. When we got home, he asked me if I was mad and I said I didn't know. Then, in the back hallway, he said he was about to do something that would make me mad and he reached up my top and grabbed my breasts. I was in too much shock to do or say anything, so I just ran upstairs and cried." (96)
CHARACTERISTICS OF OFFENDERS AND VICTIMS

Gender

Offender\(^7\)

Men were overwhelmingly the perpetrators of sexual assault in this sample, with 95.8% of the offenders being male. Only 9 of the 260 offenders (4.2%) were female (see Figure 14.0).

Victim\(^8\)

The majority (80.2%) of victims were female. However, a substantial proportion (19.8%) of the victims were male (see Figure 14.1).

Figure 14.0: Gender of Offender

![Graph showing gender distribution of offenders]

Figure 14.1: Gender of Victim

![Graph showing gender distribution of victims]

Victims: Male vs Female Offenders

The victims of the female offenders were most frequently male; seven out of the nine victims (78%) of the female offenders in this sample were male. The victims of male offenders were most

\(^7\) Includes all offenders.

\(^8\) Includes all victims.
frequently female; 196 out of the 234 victims (83.8%) of the male offenders in this sample were female; 38 out of the 234 victims (16.2%) of the male offenders were male.

Age

Offender

Figure 15.0: Age of Offender

Over 1/2 (52.7%) of the offenders were between the ages of 18 and 35. Approximately 20% of the offenders were between the ages of 36 and 50. Nearly 14% of the offenders were less than 18 years of age. Less than 10% of the offenders were over 50 (see Figure 15.0).
Victim

Figure 15.1: Age of Victim

* Includes all victims.

A substantial 43.6% of the victims were under the age of 12 at the time of their sexual victimization. Another 28.2% of the victims were between the ages of 12 and 17. A further 13.9% of the victims were between the ages of 18 and 25. This makes a substantial 85.7% of the victims in this sample under the age of 25 at the time of the sexual assault offence (see Figure 15.1).

Ethnicity

Offender

Most (63.1%) of the offenders in this sample were white, less than 10% were black, and only 3.5% were asian. Offenders of 'other' ethnicity comprised 5%, being of middle eastern or south american descent. Offender ethnicity was unknown in 18.8% of the incidents.
Victim

The majority (80.6%) of the victims in this sample were white; less than 3% of the victims were black, and only 0.8% of the victims were Native. Victims of 'other' ethnicity (middle eastern, south american) comprised 1.2 per cent. Victim ethnicity was unknown in 14.6% of the incidents.

Marital Status

Offender

Marital status of the offender was unknown in 40% of the incidents. For a breakdown of offender marital status, see Table 16.0.

Victim

Over 85% of the victims in this sample were either single (42.9%) or children (42.9%) at the time of the offence. For a breakdown of victim marital status, see Table 16.1.

Table 16.0: Offender Marital Status  Table 16.1: Victim Marital Status

<table>
<thead>
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<th>Marital Status</th>
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<tr>
<td>Widowed</td>
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<td>Separated</td>
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</tr>
</tbody>
</table>
Employment Status

Offender

Offender employment status was unknown in 42.7% of the incidents. Of the incidents where employment status was known, 30% of the offenders were employed, with another 15.4% being students. Eleven per cent of the offenders were unemployed at the time of the offence.

Victim

Students were overwhelmingly the victims of sexual assault in this sample, with nearly 62% of the victims occupationally classified as students. Children formed the next largest occupational group, comprising 14.3% of the victims. Unemployed persons comprised 11.5% of the victim and employed persons 6.7% of the victims.

Alcohol/Drug Use

Offender

Offender alcohol/drug use was unknown in over half of the incidents studied. Less than 1/4 (23%) of the offenders were shown to be under the influence of drugs or alcohol when the sexual assault was committed.

Victim

Victim alcohol/drug use was unknown in 1/3 of the incidents studies. Less than 1/5 of the victims were shown to be under the influence of drugs or alcohol when the assault took place.
Criminal History of Offender

Criminal history was unknown for 60% of the offenders. Twenty per cent of the offenders had no prior criminal charges. Twenty per cent had had prior criminal charges laid against them, with 13.5% previously charged with a non-sexual offence, and 6.5% previously charged with a sexual offence.

Medical Examination

Over 3/4 (76.2%) of the victims did not have a medical examination after the sexual assault. Less than 1/4 (23.4%) did have a medical examination, the details of which were included in the synopsis of the investigating officer's report.
STATUS OF SEXUAL ASSAULT COMPLAINTS

Arrests

Arrests were made in only a little over 1/4 (27.7%) of the sexual assault incidents reported to the Windsor Police in 1992 (see Figure 18.0).

Charges

Charges were laid in nearly 1/3 (31.7%) of the sexual assault incidents reported to the Windsor Police in 1992 (see Figure 19.0).

Additional Charges

In 11.5% of the incidents, charges in addition to charges of sexual assault, were noted by investigating officers. These additionally noted charges included confinement of victim, threats of death and physical assault.
Police Classification of Complaints

In classifying sexual assault complaints, Windsor Police officers did not adhere to a strict founded-unfounded dichotomy, but rather classified complaints under a variety of "status codes" (see code 31 of Investigation Report Template in Appendix)

The following categories were used in classifying complaints of sexual assault made to police in 1992:

1) Unfounded Officers classified as 'unfounded' those complaints that were proved to be false as well as those complaints that they believed to be false.

2) Not Cleared Officers classified as 'not cleared' those complaints that were believed to be true but did not result in an arrest or charge.

3) Charge Officers classified as 'charge' those complaints that resulted in charges against the suspect(s).

4) Victim/Complainant Does Not Proceed Officers classified as 'victim does not proceed' those complaints in which victims or complainants do not proceed with charges against the suspect or halt the investigation of their complaint.

5) Departmental Discretion Officers classified as 'departmental discretion' those complaints in which police do not proceed with further investigation of the complaint or do not proceed with charges against the suspect.

6) Offender Under Twelve Officers classified as 'offender under twelve' those complaints in which the offender(s) were under the age of twelve and therefore legally unable to assume criminal responsibility.

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9 Although fifteen codes are listed on the Investigation Report Template, only the following six codes are relevant to the 1992 sample of complaints.

10 The term "departmental discretion" can be interchanged with "police do not proceed".
Figure 20.0: Status of Sexual Assault Complaints as Classified By Investigating Officers

Nearly 1/3 of the sexual assault complaints made to the Windsor Police in 1992 resulted in a charge. Victims chose not to proceed with their complaints in 1/4 of the incidents. Police chose not to proceed with any further investigation of complaints and/or lay charges in another 1/4 of the incidents. Nearly 10% of the complaints of sexual assault remained not cleared. Complaints were designated by investigating officers as unfounded in 8.2% of the incidents. Classification of complaints as offender under twelve for 0.8% of the incidents.

As can be seen, almost 70% of the incidents of sexual assault reported to the Windsor Police in 1992 did not proceed beyond the police level.
Unfounded Sexual Assault Complaints

Twenty of the 243 complaints of sexual assault brought to the attention of the police were designated as 'unfounded'.

Figure 21.0: Sexual Assault Complaints Designated As Unfounded

False Complaints

A little more than 1/3 (35%) of the unfounded sexual assault incidents were proved to be false complaints:

Example 64 The police classified as unfounded one incident of sexual assault that involved the abduction and confinement of a fourteen year old girl. The girl reported that she was abducted from a mall parking lot and taken to an unknown residence where she was repeatedly sexually assaulted by three males over a two day period. After a preliminary investigation of the complaint, the officers found evidence that the girl was seen on the streets by two witnesses during her two days of "confine ment", totally contradicting the girl's version of the complaint. As a result, the investigating officers decided that the complaint of sexual assault would be marked unfounded, remarking that "this is obviously a false allegation brought forth by a troubled teenage girl". (33)

Example 65 Another complainant, after confronted with discrepancies in her account, broke down and admitted that her accusation of sexual assault was not the truth. She told police that she had made up the complaint in an attempt to hide from her aunt and uncle, whom she resided with, the fact that she was having sexual relations with the accused suspect. The police subsequently filed the complaint as unfounded. (237)

Example 66 Police also classified as unfounded one complaint that involved the sexual assault of a teenage male, who originally told police about forced anal intercourse because he feared he had AIDS. During the course of the investigation, it was discovered that the complainant and the accused had been experimenting with sex. The investigating officers concluded that the accusation was false and that "all acts that occurred between the two males were voluntary". (100)
Example 67  One woman was charged with mischief after her complaint of sexual assault was found to be false. The woman originally reported that she was abducted by a male and pulled into his car, taken to an alley and sexually assaulted by having intercourse forced upon her. When interviewed again by the police, she changed her story, telling them that she was abducted by a man and taken to a hotel where she was sexually assaulted. In a third interview, her story changed again - she was hitchhiking and then taken to a hotel and sexually assaulted. Finally, the woman admitted that she had been hitchhiking and picked up by a male who offered her money to go to a hotel and have sex with him. She agreed and accompanied the man to the hotel on her own free will. (242)

Police Do Not Believe

In 65% of the unfounded incidents, the investigating officers simply did not believe that a sexual assault had occurred (see Figure 21.0).

In some instances, investigating officers did not believe the complaint on the basis of insufficient evidence, inconsistent accounts relayed by the complainant, or shaky credibility of the complainant:

Example 68  In one incident of sexual assault classified as unfounded, it was noted by investigating officers that the complainant was extremely intoxicated at the time of the alleged assault and that all potential witnesses were either drunk or passed out. It was further remarked that the complainant laughed during the interview and did not show signs of being troubled by the incident. There was also evidence that the complainant had even 'bragged' to friends that she had 'done it' with the supposed suspect. The officers classified the complaint as unfounded, maintaining that "It is our opinion that we have no physical evidence externally or internally to support this allegation". (134)

Example 69  The father of a four year old boy reported to the police that his son told him that 'some man made me suck his pee-pee'. The child was subsequently interviewed by police. It was noted by investigating officers that "the boy proved to have a vivid imagination, speaking of boats blowing up, being run over by a car, and men with guns". However, he did not disclose anything about having to perform oral sex on anyone. The officers concluded that "in all likelihood, nothing had happened" and closed the file was unfounded in nature. (151)

Example 70  In another incident, where the complaint of sexual assault was classified as unfounded, the police doubted the credibility of the complainant. The investigating officers noted that "the complainant has reported many sexual assaults over the years, many of which have proved to be false, and is presently undergoing psychiatric care". The officers decided to unfound the complaint, believing that "sexual intercourse was consensual". (91)
In other instances, investigating officers doubted the veracity of the sexual assault complaint, believing that ulterior motives were behind the lodging of the complaint:

Example 71  The police classified as unfounded one complaint of sexual assault that involved a teenaged runaway who had been having problems at home and was constantly seeking attention from her parents. They concluded that there was a strong possibility that the complaint was false and that the complainant was "making up stories to get attention". (202)

Example 72  Police classified another complaint of sexual assault as unfounded due to the belief that the complaint was made for ulterior motives. The complaint was lodged by a young boy's paternal grandmother who told police that her grandson was being sexually molested by his biological mother. When the boy was interviewed, the investigating officers noted that "it was quite obvious that parts of the boy's discussion were rehearsed and that parts were made up as he went along, with numerous inconsistencies and discrepancies". Subsequently, the officers decided that "the complaint was lodged by the grandmother in an effort to better her son's position in a custody dispute. The boy was interviewed at great length and did not disclose any evidence of sexual misconduct. It is believed that the child was coached by the grandmother to say certain things about his mother which were not proved true". (119)

Example 73  In investigating one complaint of sexual assault, the police were told by the complainant's common-law spouse that the story of sexual assault had only surfaced after the complainant was confronted with her infidelity. It was the common-law spouse's belief that the complainant was afraid of losing him and therefore had told him she was raped instead of admitting her unfaithfulness. The police, on the basis of this information, and lack of any evidence to support the allegation, concluded that "the sexual assault allegation appears to be one of convenience, a futile attempt by the complainant to preserve her common-law marriage". (162)

Complaints Not Cleared

In the majority of complaints classified as 'not cleared', identification of the suspect had not been made and/or police had not been able to apprehend the suspect.
Victim Does Not Proceed

Police Persuasion

Figure 22.0: Victim Does Not Proceed: Degree of Police Persuasion

As seen in Figure 22.0, less than 1/4 (21.3%) of the complaints in which the victim did not proceed involved some persuasion on behalf of the investigation officers.

Where persuasion did occur, victims were generally advised by officers not to proceed with charges if:

a) there was a question of consent  
b) there was insufficient evidence  
c) the victim would make a poor witness  
d) there were discrepancies in the victim's account  
e) if the victim would suffer emotional difficulties as a result of testifying  
f) there were mitigating factors concerning the suspect  

Example 74  One woman, who finally came forward and reported that her employer had grabbed her breasts and buttocks, was told by investigating officers that, although they believed her allegation, there was little evidence to substantiate her complaint, which would make prosecution of her case difficult. The victim decided not to proceed with charges. (198)

Example 75  In another incident, involving a fourteen year old male who had been given several drinks by a male acquaintance and then manipulated into having anal intercourse with him, investigating officers remarked that there was a blurred issue of consent and outlined to the complainant the possible complications of pursuing such a complaint. The young male was subsequently persuaded to drop any charges. (59)
Example 76 In another incident, involving an elderly man who sexually assaulted a young boy, the boy's parents, on the recommendation of the police, decided not to proceed with charges due to the fact that the accused "appears to have lost his ability to remember and has become senile". (92)

Example 77 Concerning a four year old girl who was sexually assaulted by a service employee, investigating officers noted that the little girl would often change her story and was easily confused. It was therefore agreed by the officers and the father of the victim that "the victim would not be a good witness in court" and no charges were laid. (30)

Reasons For Not Proceeding

Figure 23.0. Victim Does Not Proceed: Reasons For Not Proceeding

Apprehensive About Charging

The main reason for victims in this sample not to proceed with their complaint was that they were apprehensive about charging their assailants (see Figure 23.0).

Example 78 One victim of sexual assault, who was also the victim of years of physical abuse by her husband, was reluctant to discuss the details of the sexual assault committed on her by her spouse. She appeared very upset and was afraid of her husband, hesitant to proceed with a charge. She stated in the report, "It's a person I once loved. I don't know if I could put him in jail". (3)

Example 79 Another victim, who was sexually assaulted by her cousin, did not want to proceed with charges against him because she didn't want him to go to jail, and she feared the negative impact a trial would have on her. She told police she reported the incident because she wanted the assaults to stop. (49)

Example 80 Another victim decided not to proceed with charges against her father who had sexually assaulted her as a young girl: "I don't want to charge my father because I love him. I'm afraid he may be doing the same thing to my children and I just want it to stop." (58)
Alternative to Charge Desired

Nearly 1/4 of the victims who did not proceed with charges against their assailants, desired instead an alternative to charging.

Example 81  A decision was made by one young victim and her mother that the assailant, who was the victim's grandfather, would not be charged on the condition that he agree to get psychiatric counselling and have no further contact with the victim or her siblings.  (24)

Example 82  Another victim decided not to proceed with formal charges on the condition that the suspect be issued a warning by the police. The victim was sexually assaulted after accepting a ride home from work. While in the car, the suspect touched her breasts and vaginal area over her clothes. Although she was quite upset, she told police she would be satisfied if the suspect was warned and if he agreed to have no further contact with her.  (133)

Difficulties With Prosecution

Approximately 16% of the victims chose not to proceed with charges against their assailants because of foreseen difficulties with prosecuting their complaint.

Example 83  One victim, who was highly intoxicated at the time of the assault and had difficulty recalling the details of the events, was advised by investigating officers that her complaint was "highly unlikely to be prosecuted with any success, given the lack of any type of evidence". The victim, understanding the difficulty of bringing her complaint to court, decided not to proceed with charges.  (36)

Example 84  The parents of a three year old boy, who was sexually assaulted by his babysitter, decided not to proceed with charges after acknowledging that their young son would not make a very competent witness in court and therefore would render successful prosecution unlikely.  (73)

Victim Uncooperative or Unavailable For Follow-up

Victims were uncooperative with the police or unavailable for follow-up in nearly 15% of the incidents in which victims did not proceed.
Example 85 In one incident of sexual assault reported to the police, in which the victim did not make any attempt to contact the investigating officers to pursue the complaint any further, the officers decided to file the case for the time being, stating in the report that the "investigation is complete pending further initiative of the victim". (6)

No Reason Given

One of the victims in this sample gave no reason for not proceeding with the sexual assault committed upon her:

Example 86 The victim told police: "Last night at around 2:30 in the morning I was raped by a black man. I don't wish to complain about this. I don't want to go through the physical examination or anything". (18)

Police Do Not Proceed

Figure 23.0: Reasons Police Do Not Proceed
Complaint Possibly Unfounded

In 1/4 of the incidents where the police did not proceed with further investigation of a complaint or did not proceed with charges against the suspect, there was some belief on behalf of the investigating officers that the accusation of sexual assault was "possibly unfounded".

Example 87  In one incident reported, the complainant, in need of a ride home, had called a casual acquaintance to pick her up and give her a lift home. The acquaintance did, but instead of bringing her home, he took her to his apartment where he dragged her into his bedroom and sexually assaulted her. The investigating officers noted, however, that there were several inconsistencies in the complainant's story as well as unexplained gaps in the evidence. For instance, the officers noted that the complainant conveniently no longer had the suspect's number, could not remember his apartment number or even the floor that she got off onto, and was not seen entering or leaving the apartment building on the security tape. Furthermore, the officers could not locate the suspect or the suspect's car at the apartment building the complainant claimed to have been brought to. As a result, the investigating officers believed the complaint was possibly unfounded and did not proceed with further investigation of the complaint. (205)

Example 88  The police did not proceed with one complaint of sexual assault made by the father of a three year old boy who claimed his son was touched by his mother and step-father, believing the complaint was possibly unfounded. The police noted that when interviewed, the child accused several people of touching him, including his father and step-mother. In addition, the boy was very young and "not capable of forming his thoughts or expressing what had occurred to him". The police further remarked that the boy's parents were currently engaged in a custody battle that was obviously having its impact on their young son. The officers concluded: "It is our opinion that this is a matter of custody dispute and there may be no truth to the sexual assault allegation". (212)

Example 89  One investigating officer made the following remark concerning one woman's allegation of sexual assault: "It is my opinion that, although some incident did occur between the complainant and the suspect, it lies somewhere between an actual sexual assault and a ride home being cut short". (23)

Insufficient Evidence

Police did not proceed in 13.8% of the incidents because the investigating officers felt there was insufficient evidence:
Example 90  In one incident, the investigating officer decided that charges
would not be laid due to difficulties he foresaw with prosecution of the
complaint: "I told the victim diplomatically that, in my opinion, although it
was possible a sexual assault had occurred, there was really, at this time, no
physical or verbal evidence that a sexual assault did occur. I do not feel that
there is enough evidence to take the accused to trial and successfully
prosecute". (116)

Example 91  The police did not proceed in another incident involving a female
who reported that she may have been sexually assaulted over the weekend. The
police noted that the woman had engaged in a five day period of binge drinking
and woke up one of the mornings, naked, her groin hurting. The officers
concluded that there really wasn't much evidence due to the woman's inability to
remember and therefore decided that no charges would be pursued. (181)

Not A Good Witness

In another 13.8% of the incidents, the police did not proceed
because they felt that the victim would not make a good witness in
court.

Example 92  Investigating officers made the following remark in the case of a
five year old boy who reported that his grandfather performed oral sex on him as
well as had the boy perform oral sex on him: "It is apparent, due to a mental
and physical handicap, that the victim would not be a capable witness if his
testimony was necessary in court. The officers feel that this case should be
filed". (34)

Example 93  The police did not proceed in one incident involving a three year
old girl who complained that she was touched sexually by her father. The
investigating officer noted that "the disclosure given by the victims is
confusing and insufficient to be used in a criminal prosecution. Due to the
tended age of the victim and her difficulty in relating the events of the
assault, I feel that she would not be a competent witness at this time". (180)

Example 94  The police decided not to proceed by laying charges in another
incident involving a young girl with cerebral palsy on the basis that "she would
never be able to testify because she doesn't handle crowds well, she becomes
easily confused, wouldn't be able to face the suspect, and might refuse to talk".
Subsequently, the investigating officers felt the victim would not make a very
competent witness. (175)

Mitigating Factors Concerning Suspect

The police did not proceed with charges against the suspect in
6.6% of the incidents due to some mitigating factor(s) concerning
the suspect:
Example 95 In one incident, involving an elderly man who was seen touching a young girl on her genitals, the police made the following decision: "Due to the man's age and health, it is believed that counselling would be most suitable and charges will not be laid at this time". (37)

Example 96 The police followed up on report of sexual assault received from the parents of a five year old girl that a neighbourhood ice cream salesman let her ride on his bicycle, gave her free ice cream and then touched her on her genitals. During the interview with the suspect, the investigating officers noted that "it is apparent that the suspect is mentally deficient". The officers decided not to proceed criminally with the matter, but insisted that the suspect enrol in counselling and assure the victim's parents that a bulletin would be issued to advise uniform officers of his presence. (146)

Example 97 One assailant contacted the Children's Aid Society and reported that she had sexually assaulted her one and half year old nephew while giving him a bath. She told them she had fondled his penis for about five minutes, knew it was wrong and then stopped. It was discovered that the confessed assailant had been sexually assaulted by her father when she was eleven and had been the victim of other sexual assaults as well. As a result of this history, she had been undergoing psychiatric care. The police made the following decision in this case: "Given the age of the victim at the time of the offence and the suspect's history, to pursue this matter criminally would serve no useful purpose for anyone involved". (82)

Transfer To CAS

In another 6.6% of the incidents where the police did not proceed, investigating officers decided to transfer the complaint to the Children’s Aid Society:

Example 98 In one case involving a three year boy who told police his uncle had touched and put his mouth to his penis, the police decided not to proceed with criminal charges. Due to the child's age and lack of evidence, as well as the father's uncooperative attitude, it was decided that the case would be transferred to the Children's Aid Society. (199)

Example 99 The parents of one five year old girl reported to the police that their daughter was sexually assaulted by two neighbourhood boys, age seven and eleven. Due to the young age of the assailants, the police turned the case over to be handled by the Children's Aid Society. (160)
Victim Uncooperative/Unavailable For Follow-up

Police did not proceed in 5.2% of the incidents because the victim was uncooperative or unavailable for follow-up.

Example 100  Investigating officers remarked in one incident in which the suspect admitted to the sexual assault allegation but the victim was uncooperative with the police: "It has been decided that because of the victim's defiant attitude that a charge would not be laid in this matter. The case will be filed at this time". (11)

Not Considered A Sexual Assault

In 5.2% of the incidents, the police did not proceed because they did not consider the reported incident to be a sexual assault.

Example 101  One teenaged girl reported being sexually assaulted by her drunken father. She told officers that her father had put his head on her chest, patted her bottom, and kissed her on the lips. After a preliminary investigation, the officers wrote that they felt that there had not actually been an assault that was sexual in nature, noting that "in the statements made by the victim and her mother, it did not appear that there was a sexual assault, but more of a family problem with the father drinking heavily." (40)

Question of Consent/Lack of Credibility

Police did not proceed due to a question of consent in 3.4% of the incidents and due to lack of credibility on behalf of the complainant in another 3.4% of the incidents.

Example 102  In one case, involving allegations of sexual assault occurring over twenty-five years ago between a student and her teacher, the investigating officers made the following remarks: "There is absolutely no indication that there was a lack of consent from the complainant. We do not feel that we would have a reasonable expectation of obtaining a conviction with regards to these allegations". (29)

Example 103  In another incident involving an extremely intoxicated woman who reported "she was forced to have anal intercourse, the investigating officers advised the woman that they would not be pursuing charges on the basis that "it appeared that she had consented to all of the sexual arrangements that evening with the suspect with perhaps the exception of anal intercourse". (88)

Example 104  In one incident involving a woman who reported she was sexually assaulted by her employer, the investigating officers questioned why she had waited so long to come forward with the complaint and why she had not made the complaint to management. (198)
EFFECT OF VICTIM AND OFFENDER CHARACTERISTICS ON POLICE CLASSIFICATION OF SEXUAL ASSAULT COMPLAINTS

Gender

It was found that a larger percentage (11.1%) of male victims had their complaints unfounded than female victims (7.6%). Also, police were somewhat less likely to proceed in incidents involving male victims than female victims; police did not proceed in 35.6% of the incidents involving male victims and did not proceed in 21.2% of the incidents involving female victims.

Police were least likely to proceed against female offenders. None of the nine female offenders were charged with sexual assault.

Age

Police were least likely to proceed in incidents involving victims under the age of twelve. Victim between the ages of twelve and seventeen had the highest percentage of complaints unfounded (14.3%), twice that of any other age category.

Police were least likely to proceed in incidents involving offenders under the age of eighteen or over the age of fifty.

Ethnicity

Given that victim and offender ethnicity was unknown in a notable percentage of incidents, the effects of such characteristics on police classification cannot be observed or determined.
Marital Status

There was no significant effect of victim marital status on police classification of sexual assault complaints. The large percentage of offender marital status that was unknown in this study renders it difficult to examine any effects this characteristic may have on police classification.

Employment Status

There was no significant effect of victim employment status on police classification. Victims who were unemployed were slightly more likely to not proceed with their complaints than victims who were employed or were children or students.

Since a large percentage of offender employment status was again unknown in this study, the effects of this characteristic on police classification cannot be adequately observed or examined.

Alcohol/Drug Use

Taking into account a very large percentage of alcohol/drug use among victims and offenders was unknown, any effects that alcohol/drug use may have on police classification cannot be observed or determined.

Medical Examination

In general, whether the victim had or did not have a medical examination after the sexual assault did not significantly affect police classification. Police laid charges in 33.3% of the sexual assault complaints for which a medical examination was obtained,
and in 31.4% of the sexual assault complaints for which a medical examination was not obtained. Similarly, police unfounded 7.6% of the complaints of sexual assault for which a medical examination was not obtained and unfounded 10.5% of the complaints for which a medical examination was obtained. Furthermore, police did not proceed in 33.3% of the complaints involving a medical examination and did not proceed in 21.1% of the complaints involving no medical examination. If anything, it appears that investigating officers may utilize evidence obtained by medical examinations to negate the possibility of a sexual assault or to determine if evidence is sufficient to proceed with a charge.
TYPIFICATIONS OF SEXUAL ASSAULT INCIDENTS

Police did rely on some typifications of sexual assault incidents during their investigations, as illustrated by the following examples. However, reliance on typifications was not common, occurring in less than 4% of the cases.

Demeanour of Victim

Example 105 In interviewing one complainant who reported that she was abducted and confined in an unknown residence where she was repeatedly sexually assaulted by three males, the investigating officers commented that the complainant was "quite passive, rather non-emotional for someone who had just been through such an ordeal". (33)

Example 106 Police remarked on the demeanour of another complainant who claimed she was sexually assaulted while at a house party: "During the interview, the victim laughed and did not seem the least bit troubled by what should have been a traumatic experience for her". (134)

Post-Incident Interaction Between Victim and Offender

Example 107 Investigating officers questioned the reasoning behind one complainant's decision to continue dating a man who had brutally attacked and sexually assaulted her for several months after the alleged assault: "When asked why she would continue a relationship with such a man, the victim stated that the suspect was very controlling and manipulative and she felt powerless to break off their relationship". (45)

Example 108 In another incident, investigating officers wanted to know why the victim had agreed to go to dinner with a man who had sexually assaulted her on numerous occasions in the past. The victim told them that she had agreed with the belief that her abused was finally going to apologize for his past wrongs on her. (122)

Reporting the Sexual Assault Incident

Example 109 In one incident, involving a woman who reported she was sexually assaulted by her employer, investigating officers questioned why she did not report the incident at the first available opportunity to police or to management. (198)

Example 110 Investigating officers had difficulty with the timing of another report of sexual assault in which the victim came forward with the complaint only after the suspect, her mother's boyfriend, was found guilty of a similar offence. (76)
SEX-ROLE STEREOOTYPING

The following examples of sex-role stereotyping were found among the notes made by investigating officers:

Example 111  After one woman reported that she was sexually assaulted, investigating officers commented immediately: "As the complainant is a known prostitute, this allegation is most likely nothing more than a trick going bad." (62)

Example 112  After it was brought the attention of investigating officers that one complainant, who reported she was sexually assaulted after accepting a ride with a cab driver, was an alcoholic and part-time prostitute, they dismissed her complaint as probably one of revenge for non-payment of services. (112)

Example 113  Investigating officers advised one woman, who had reported she was sexually assaulted after accepting a ride, to lay a private information after deciding that "based on the credibility of the complainant and her occupation (prostitute), and the accused's credibility and lack of criminal record, it is the opinion of the officers that this matter be filed." (106)

Example 114  After receiving several calls from acquaintances of one complainant claiming that she was "very sexually active" and catching the complainant in lie after lie, investigating officers concluded that "in no way was there a sexual assault to the way the complainant has related the incident". (229)

Example 115  Investigating officers noted in one report that the victim was a "runaway" who often stayed with men and sometimes consented to sexual intercourse with them. (12)
DISCUSSION/CONCLUSIONS
Study Supports Existing Literature On Sexual Assault In Canada

In general, the Windsor data supported the existing literature on sexual assault in Canada, as well as brought out a few unique points.

The Prevalence of Sexual Assault

The rate of reported sexual assault (127/100,000) for the City of Windsor in 1992 was slightly higher than the available national reporting rate of 112 and the provincial reporting rate of 103\(^{11}\). This corresponds with a higher overall assault rate for the City of Windsor. While a number of factors may contribute to this slightlyhigher rate, it is believed that an adequate explanation of these factors is beyond the scope of this paper.

Reporting Behaviour

Coinciding with the findings of Holmstrom and Burgess (1978) and Gunn and Minch (1988), frequently another person aside from the victim reported the incident of sexual assault to the police. This demonstrates a heavy reliance on others to initiate the first step of criminal justice processing.

Victims of sexual assault did not, in general report the incident at the first available opportunity. Often, a period of time that stretched hours, days, weeks, months or years went by

\(^{11}\) Both the national reporting rate and the provincial reporting rate are based on 1988 statistics.
before any report was made to the police. Victims were somewhat more prompt in reporting when assaulted by a stranger than when assaulted by someone known to them.

Characteristics of Sexual Assault

"Social rape" was far more common than "stranger rape", with over eighty per cent of the victims in the Windsor sample reporting that they were sexually assaulted by someone known to them, many of these relatives. It appears, then, that people are likely to be sexually assaulted by those they love and who are close to them.

Even though only a small percentage of victims reported being sexually assaulted by a marital or dating partner, this should not be interpreted as support for the low occurrence of this type of victimization. Calling sexual assault between dating or marital partners the "crime in the closet", Russell (1990) emphasizes the underreporting of such victimizations, which ultimately contributes to the seemingly low occurrence of marital or date rape brought to the attention of the police.

Most of the sexual assaults in the Windsor sample took place after some legitimate contact between the offender and victim. For example, the victim and offender were related, the victim met the offender at a party, the victim and offender met through a mutual friend, the victim was under the care of the offender. Only a small percentage of victims were immediately attacked at the outset. People, then, are likely to be sexually assaulted in a variety of situations and under a variety of legitimate
circumstances, while pursuing normal social activities. Victims of sexual assault do not become victims, as it is often commonly believed, because they engage in extraordinary risk-taking behaviour that ultimately contributes to their vulnerability to an attack.

Sexual assault, as demonstrated by the data in this sample, is largely an indoor crime, with many of the sexual assaults taking place in homes of offenders, homes of victims, and homes shared by both offender and victim. Since many sexual assaults are committed by persons acquainted with their victims, it is not difficult to conceive that victims are likely to accompany offenders to their homes, to invite offenders into their own homes, or already be living with offenders. In general, sexual assaults that occur outdoors are likely to be committed by strangers.

Previous studies have emphasized sexual assault as primarily a "nocturnal" offence, subsequently inferring that sexual assault is a single-incident occurrence. This ignores the current finding that many sexual assaults take place over a period of time, during which several assaults of a sexual nature are inflicted upon the victim. It must be emphasized, then, that sexual assault is also frequently a prolonged multiple-incident occurrence that involves repeated victimizations.
Sexual Assault Offenders

The Windsor data supports previous findings that sexual assault is a male-dominated offence, with females as its primary victims. This is not to say that females are not also occasionally offenders and that males are not likely to be victims of sexual assault. In fact, a significant number of males, especially young males, were found to be the victims of sexual assault in this sample, either victims of female offenders or victims of male offenders.

To account for this significant percentage of male victims, it could be argued simply that more males are now being sexually assaulted; however, it is more likely that a larger number of males are simply coming forward with complaints of sexual victimization to police. This increase in reporting may be due in part to the increased recognition of sexual assault as a crime of violence, considered to be gender-neutral in victimization. Arguably, this increased recognition has led to less frequent attachment of stigmatizing labels of "sissiness" and "homosexuality" to males who report being sexually assaulted, and therefore has served to encourage males who experience sexual victimizations to come forward. However, it cannot be overlooked that the majority of males who reported that they were sexually assaulted in this sample were young males, children. It can be argued that children are seen as victims by virtue of their age, inexperience, and innocence, regardless of gender. Therefore, it is socially acceptable for children, male or female, to expose reports of
sexual assault, while there may still be some hesitation on the part of teenaged and adult males to come forward. This may account for the presence of especially young male victims in this sample.

Sexual Assault Offenders and Their Victims

Sexual assault offenders were generally young, white males, between the ages of eighteen and thirty-five. Although inconclusive because of the large percentage of unknown cases, offenders were likely to be single or married, and to belong to a variety of occupational groups. Victims were generally younger than their assailants, the majority of victims under the age of twenty-five, and sometimes much younger than their assailants, a significant proportion under the age of twelve. Victims were also predominantly white, single or children, and quite often students; the incidence of sexual assault, however cut across all occupational groups. Findings concerning alcohol/drug use among offenders and victims are inconclusive, thus the extent to which alcohol or drug use plays a role in sexual assault remains unknown from this study. It can be noted, however, that approximately one-quarter of the offenders and one-fifth of the victims were under the influence of drugs or alcohol at the time of the sexual assault.

Most of the sexual assault offenders acted alone, sexually assaulting single victims. They committed a wide range of sexual acts in their assaults including touching, vaginal penetration, fellatio and anal intercourse. Multiple sexual acts were also frequently committed on victims. This variety clearly
demonstrates, as is reflected in changes made to sexual assault laws over the past decade, that sexual assault constitutes more than just vaginal penetration and frequently involves multiple victimization.

Unlike Kinnon (1981), who asserts that verbal abuse frequently accompanies the physical sexual assault, the incidence of verbal abuse, in which the offender directed insulting, demeaning or obscene language at the victim, was not found to be widespread in this sample of sexual assaults, occurring in less than ten per cent of the incidents.

Gender influenced type of assault: While male offenders typically committed the full range of sexual acts, female offenders typically committed sexual assault by touching their victims.

Few offenders demonstrated behaviour prior to the assault that might have anticipated its occurrence. Precipitating events undertaken by offenders were likely to be sexually harassing in nature: sexual advances or comments made to the victim. This is not to say that sexual advances or comments will necessarily lead to sexual assault or that sexual assault is necessarily preceded by sexual advances or comments. However, it may be useful to treat such sexually harassing behaviour as a possible warning sign that a sexual assault may occur.

Many of the sexual assaults were accomplished through physical strength alone. The power of physical strength, then, should not be underestimated. A significant proportion of offenders used more than one means of force to subdue their victims. Physical violence
was used by offenders in only a minimal percentage of cases; threats of harm to the victim or others frequently accompanied other means of force; weapons and restraints were rarely used by offenders. Thus, the majority of offenders were able to gain control of their victims through minimal application of force.

In addition, it is important to note that a significant proportion of offenders used little or no "force"\textsuperscript{12}, but rather acted as \textit{opportunists}, taking advantage of persons in vulnerable circumstances and situations. These included: 1) \textbf{Helpless children} (children too young to even be aware of what is happening to them), 2) \textbf{Mentally or physically handicapped persons} (persons incapable of understanding what is happening to them or unable to offer defence), 3) \textbf{Trusting children} (children assaulted by relatives or persons close to them who take advantage of an implicit trust relationship i.e. parent-child bond), and 4) \textbf{Sleeping or passed out persons} (persons who, because of their unconscious state are rendered vulnerable and temporarily defenceless). The attack of such intrinsically vulnerable persons emphasizes the truly \textit{predatory} nature of sexual assault.

Type of force was also gender-influenced. While male offenders typically demonstrated the full spectrum of force (physical, verbal, and predatory means), female offenders tended not to rely on physical or verbal means, but rather on predatory means of force (i.e. taking advantage of a child).

\textsuperscript{12} As it is conventionally defined.
Sexual assault is characterized by opportunism and predation, as reflected in the large proportion of sexual assault incidents classified as prey attacks. Offenders frequently seized opportunities to take advantage of persons in vulnerable situations and circumstances. It will be suggested that under the wing of opportunism, control takes on a new meaning. Sexual assault offenders are able to gain control, not through strength or violence or threats, but by taking implicit trust relationships and twisting them to their advantage.

Offenders also rendered their victims vulnerable by immediately incapacitating them (as in blitz attacks), and by catching them off-guard with surprise attacks, as well as physically harming and threatening to harm them (control attacks). Some, although not a significant proportion of, offenders engaged in ploys to trick their victims into vulnerable positions (ploy attacks). In only a few instances, sexually harassing behaviour led to eventual assault (harassing attacks).

It is the intention of the above discussion, then, to dispel the image of sexual assault offenders as necessarily cunning, violent, premeditating trap-setters, and to emphasize them rather as opportunists who take advantage of vulnerability whenever they can.

Most victims took some measure to protect themselves when confronted with a sexual attack. As Wyre and Swift (1990) have maintained, the responses made by the victims in this sample were varied and demonstrated a wide range, with several victims using
multiple forms of resistance to protect themselves.

Acquiescence is often shunned as a legitimate form of resistance. However, it is important to note that some victims, faced with threatening behaviour or threats of harm, become totally debilitated by fear which culminates in compliance with the assailant. Several victims in this sample complied with their assailants out of fear. It is important to emphasize that compliance or acquiescence is valid and frequently used response to sexual assault.

Less than one-quarter of the victims suffered physical injury as the result of sexual assault. However, this finding must be interpreted with caution. Data gathered on injury was taken from police notations made in investigation reports on the extent of physical injury at the time of the report. It can be argued that such notations are subjective and what constitutes physical injury may differ from officer to officer. More importantly, given the overwhelming delay in reporting sexual assaults, it can be accepted that signs of physical injury (bruises, abrasions, burns) may no longer be present for officers to note. This may very well account for the seemingly low number of injuries recorded by investigating officers. In addition, very few victims undertook a medical examination following the sexual assault. Again, this may contribute to the absence of notable signs of physical injury, as well as diminish the opportunity for officers to obtain clear corroborating physical evidence.
Filtering of Sexual Assault Complaints

From previous research it is known that only a proportion of sexual assault victims report the offence to the police. There also appears to be a considerable reliance on others - family members, social service workers - to report sexual assaults. This has serious implications for the progression of sexual assault complaints through the criminal justice system. Clearly, filtering begins with sexual assault victims who do not report the offence, and is further exacerbated by the reliance on others to report the offence to the police, who then become, in large part, responsible for setting the first step of criminal justice in motion.

Even more crucial as agents in the filtering process were the police who routinely decided which sexual assault complaints would proceed to the next stage of criminal justice, prosecution. It was found that almost seventy per cent of the sexual assault incidents reported to the Windsor Police in 1992 did not proceed beyond the police level. The police, then, effectively acted as "filterers", screening out complaints that were not suitable for prosecution. This screening was accomplished through the designation of some complaints as unfounded as well as by placing a "departmental discretion" label on other complaints, both of which effectively served to stay complaints at the police level. Lack of suspect identification and inability to apprehend suspects also rendered further police action impossible, not allowing such complaints to move beyond the police level.
In some instances, police encouraged victims not to proceed with charges when successful prosecution of their complaints was unlikely. As well, many victims, for reasons of their own, decided not to proceed with charges, allowing their complaints to remain at the police level. Thus, at this second stage of processing, the police level, victims again played a significant role in the progression of their complaints through the criminal justice system.

Unfounding of Sexual Assault Complaints

Unofficial Definition of Unfounded

In classifying sexual assault complaints as unfounded, police tended to rely on an unofficial, rather than official, definition of "unfounded". That is, in the majority of cases, police classified complaints as unfounded when they believed that the complaint was false or when they could not verify the incident. In only a small percentage of cases, did they classify complaints as unfounded because investigation proved the complaint was false.

"Departmental Discretion"

Police did not, as Kinnon (1981) and Lizotte (1985) have maintained, routinely unfound complaints that they believed would be difficult to prosecute. Rather, many of these complaints were tagged with a "departmental discretion" classification, which, in essence, served the same purpose as an unfounded designation: to stay the complaint at the police level.
Unfounded Rate of Sexual Assault Complaints

The unfounded rate for sexual assault in this sample was 8.2 per cent, considerably lower than the available national unfounded rate of 15 per cent. However, it must be noted that if we were to combine the number of unfounded complaints with the number of possibly unfounded complaints, we would reach a level more comparable with the national rate: 14.4 per cent.

Status of Sexual Assault Complaints

Most of the sexual assault incidents brought to the attention of the Windsor Police were classified by investigating officers as Level I sexual assaults. This is not to mean, however, that only minimally serious sexual assaults are usually committed. It is important to note, for example, that some complaints in this sample were classified as Level I sexual assaults, even though they satisfied the conditions that would categorize them as Level II or Level III sexual assaults\(^\text{13}\). This may be explained using the legal model of decision-making in which an emphasis on successful prosecution may lead investigating officers to lay charges of a lesser degree to maximize the likelihood of successful prosecution.

In addition, the significant percentage of sexual assaults

\(^{13}\) For example, some incidents that involved the display and threat of a weapon, threats to cause bodily harm to a person other than the victim, and bodily harm to the victim were classified as Level I sexual assaults even though they satisfied the conditions for Level II sexual assault.
classified as Sexual Interference clearly reflects the number of
victims under the age of fourteen who brought forth complaints of
sexual assault.

Charges were laid in only one-third and arrests were made in
approximately one-quarter of the complaints. This low clearance
rate is not unique to sexual assault, however, but is reflective of
the general charging and arrest patterns for most other crimes.

**Decision-Making By Police: Legal Model**

Data gathered on police decision-making in sexual assault
complaints best fit the *legal model* or *instrumental perspective.*
In making decisions concerning whether to proceed with further
investigation of complaints or to proceed with laying charges,
investigating officers demonstrated an overriding concern with the
likelihood of successful prosecution.

For example, police generally showed a reluctance to proceed
with complaints that had little or no corroborating physical
evidence, whose victims would make poor or incompetent witnesses in
court, or whose victims may have had ulterior motives in lodging
the complaint. To a lesser degree, police were also reluctant to
proceed with complaints where the victim's credibility was in
question or where the issue of consent was significantly blurred.
Since these factors diminish the likelihood of successful
prosecution, it is clear that police in this sample, did not pursue
many complaints that they believed would not stand up in court.
Furthermore, officers occasionally persuaded victims not to proceed with charges when they perceived the victim to have a weak case. Concerned with the likelihood of prosecution, investigating officers would outline to victims the difficulties in pursuing their complaints and argue its unlikely success at prosecution.

In general, extralegal factors such as victim characteristics did not play a significant role in police decision-making. Gender and age did affect police classification to some degree: male victims were more likely than female victims to have their complaints unfounded or classified under "departmental discretion". Teenaged victims (12-17 year olds) were most likely to have their complaints unfounded, and police were least likely to proceed with complaints involving victims under twelve.

Even though there was some indication that extralegal factors such as victim characteristics affected police decision-making, it can be argued that these seemingly extralegal factors may, in effect, be influenced by more pragmatic, legal concerns. For example, young victims may make less than adequate witnesses for the purpose of relating evidence in court. Thus, police may not proceed with complaints involving young victims, not so much based

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14 This may reflect attitudes among officers that males are not, in general, legitimate victims of sexual assault.

15 This may reflect the attitude among officers that teenagers are troubled attention-seekers, who may be prone to mischief and making up stories.
on age per se, but on their inability or inadequacy to convey needed relevant evidence for successful prosecution.

In some instances, offender characteristics played a role in police decision-making. For example, gender affected whether or not police chose to proceed with laying charges in some complaints; police did not proceed with any complaints involving female offenders. Age also played a role; police were less likely to proceed with complaints involving offenders under the age of eighteen or over the age of fifty. In addition, police sometimes took into account mitigating factors concerning suspects (mental competence, sexual history of suspect) in deciding whether to proceed with complaints.

Officers did dismiss some complaints on the basis of sex-role stereotyping and making use of typifications of sexual assault incidents. However, this was not found to be a widespread practice among officers and officers frequently did not dismiss on this basis alone, without the presence of other factors (i.e. lack of evidence).

Thus, decision-making by police reflected a concern with factors that were necessary to facilitate the administration of criminal justice, a concern with legal requirements that were necessary to transform statute into action.
Concern With Successful Prosecution: Implications

It has been put forth in this paper that officers make decisions concerning sexual assault complaints on the basis of an acute concern with the likelihood of successful prosecution rather than on the basis of extralegal factors, such as victim characteristics. This focus on the "prosecutability" of complaints has implications for the reporting behaviour of sexual assault victims. Lizotte (1985) asserts that victims are not idiosyncratic about reporting sexual assault. She maintains that victims who experience sexual victimization report quite often when they believe that they have a "strong" case. It appears, then, that victims, like police, are concerned with the likelihood of successful prosecution of their complaint, which ultimately influences whether or not they report the assault to the police. It can be argued, then, that the concern demonstrated by police officers over the ability to prosecute a sexual assault complaint carries over to many victims, who come to "know the score" and are therefore discouraged to report incidents of sexual assault they perceive will "not stand up in court".

Furthermore, the overwhelming delay in reporting of sexual assaults demonstrated in this sample also has implications regarding the concern for the "prosecutability" of complaints. Such delay in reporting contributes to the disappearance of physical signs of injury, the inability of victims to remember the details of the assault, the inability to extract corroborating medical evidence, the diminishing of victim credibility, as well as
the difficulty in locating and apprehending suspects - all of which weaken a victim's case and greatly diminishes the likelihood of successful prosecution. In addition, the small percentage of victims who undertake medical examinations after an assault\(^\text{16}\) contributes to a lack of corroborating physical evidence which, again, affects the prosecutability of complaints.

Thus, these patterns of frequent delay in reporting and deficient corroborating evidence, falls quite comfortably within the filtering system, effectively contributing to the screening out of "prosecutably weak" complaints.

The concern for successful prosecution also has important implications for some victims of sexual assault, particularly the very young and the handicapped. These victims, because of immaturity or disability, are often deemed as incompetent witnesses, unable to adequately communicate evidence for the purpose of prosecution. Because these victims cannot act as viable witnesses, the likelihood of successful prosecution of their complaints greatly diminishes. In effect, then, these victims become doubly vulnerable to sexual assault. First, because of their age or disability, they are rendered easy targets for sexual assault. Second, because they are unlikely to be able to give adequate testimony for evidentiary purposes, they are not likely to

\(^{16}\) In most cases this is due to omission rather than refusal brought about by delay in reporting, lack of education or counselling about what do in incidents of sexual assault.
have their offenders brought to justice. It has been argued that sexual assault offenders are opportunists who prey upon vulnerable person: young children and handicapped persons, in a unique position of double jeopardy are likely to be perceived as open and easy prey.

Implications Of This Study For Prevention of Sexual Assault

Many sexual assault prevention strategies place a heavy emphasis on "street-proofing" potential victims. This "street-proofing" generally targets women and advocates reducing risk-taking behaviours, such as walking alone at night, accepting rides with strangers, and using alcohol or drugs. However, given that a majority of sexual assaults are committed by persons known to victims, within the boundaries of normal, and sometimes close, social relations, and within the scope of normal risk-taking behaviour, sexual assault prevention strategies must emphasize more than surface "street-proofing". Education and awareness must continue to be the backbone of sexual assault prevention.

Furthermore, warning signs often play a role in prevention strategies. Potential victims are trained to alert themselves to any behaviour that might signal a sexual attack. However, since it was found that the majority of offenders in this sample did not precede their assault with any signalling behaviour, it can be argued that, in most cases, victims are not alerted, through the behaviour of offenders, to the possibility of a sexual attack. The only behaviour demonstrated in this sample that could be construed
as a possible "warning sign" was the making of sexual advances or comments to the victim prior to the assault.

Finally, persons under the age of twelve constituted almost one-half of the victims in this sample. These young victims were both female and male. It is clear that more school-based programs are needed to address the issue of sexual assault and its prevention. In addition, further educational efforts need to be directed at investigating officers who come into contact with victims of sexual assault, in order to assist officers in identifying and evaluating their perceptions and attitudes towards such victims. Furthermore, the notion of sexual victimization as gender-neutral needs to be more clearly emphasized in sexual assault prevention strategies, as well as in general discourse on sexual assault.

Limitations of the Study

No study is without its limitations. One limitation of this study is that official police records were limited to reported sexual assaults. While this was ideal for analyzing decision-making by police agents of reported sexual assault complaints, it created a limited data base for understanding the characteristics of sexual assault, as well as the characteristics and behavioural patterns of sexual assault offenders and victims since it did not provide insight into those cases that do no get reported. Nonetheless, it is felt that this analysis of official police records did provide a rich source of information concerning
reported complaints of sexual assault.

In addition, it is conceded that police records may not be the most complete or the most accurate data source for investigating sexual assault. Indeed, Chappell and Singer (1977) caution about the use of police records as a main source of data, calling attention to the extensive informational deficiencies existing in police files. Likewise, Rose and Randall (1982) caution that "reports are plagued by general inadequacies; it is not uncommon for these reports to contain incomplete and inaccurate information" (p.26). In some cases, police records examined in this sample were not always complete, the degree of completeness often varying from officer to officer and from report to report. This rendered the gathering of certain information (such as ethnicity, employment status, marital status, alcohol/drug use), especially relevant to offender, difficult. Information available for data collection was frequently limited to incomplete reports and arrest records, brief interviews with family and acquaintances of offenders, as well as descriptions and details provided by victims. Nonetheless, police records did act as a rich data source for the general circumstances of the sexual assault incidents and the characteristics of the sexual assault victims (with perhaps the exception of alcohol/drug use), as well as provided extensive and complete information concerning police decision-making.

Furthermore, although the study will add substantially to the literature concerning sexual assault in Canada, the data collected will be specifically limited to the local area of Windsor. While
admittedly a limitation, it also has the benefit of providing specific information to local police and public in terms of the characteristics of sexual assault specific to Windsor.

**Recommendations For Further Research**

**Examination of Sexual Assaults Not Reported to the Police**

Given that the current study focused on reported sexual assault, it is recommended that an extensive local exploration be undertaken to tap the characteristics of sexual assault incidents not officially reported to the police, to determine if the various patterns found in this study (such as age of victim, attack type) hold true for sexual assault in general. A study of this type might entail an examination of statistics recorded by local agencies, such as the Sexual Assault Crisis Centre, as well as data collected from questionnaires administered to a sample of local residents. Also, such a study may significantly uncover data concerning victim and offender ethnicity (to determine if certain non-white ethnic groups are overrepresented), as well as reveal degree of actual physical injury sustained by victims of sexual assault.

In addition, such a study may also provide further insight into the reporting behaviour of sexual assault victims, tapping the characteristics of victims likely to report an incident of sexual assault (either officially to the police or unofficially to a crisis agency) and of victims not likely to report. Reasons for
reporting or not reporting, degree of persuasion to report, as well as reasons for delay in reporting may also be examined.

**Examination of the Effects of Multiple-incident Sexual Victimization**

Furthermore, more research needs to be conducted on sexual assault as a single-incident occurrence as compared to a multiple-incident occurrence. An examination and comparison of the effects of one-time sexual assaults and multiple-victimization sexual assaults that occur over a period of time would certainly contribute to a better understanding of the impact of sexual assault on victims.

**Strategies For Sexual Assault Prevention**

Finally, in light of the high incidence of "social rape" and the finding that most sexual assaults occur within legitimate social settings and through legitimate social contacts, it is necessary for more research to be conducted in the area of sexual assault prevention. An evaluation of current educational programs and prevention strategies needs to be undertaken to determine if such measures are adequate and effective.
Summary

Sexual assault is an offence that frequently involves multiple victimizations over a period of time, often committed by those closet to us. Sexual assault is still largely a male-dominated offence with females as its primary victims, although it should be recognized that a substantial proportion of victims are male. Sexual assault is characterized by opportunism; sexual assault offenders take advantage, whenever they can, of vulnerable persons and situations, often preying upon children and those with whom they have a trusting relationship.

The legal model best described decision-making by police in this sample. Police made decisions concerning sexual assault complaints primarily on the basis of legal factors, such as factors that contribute to successful prosecution of a complaint, rather than on extralegal factors, such as victim characteristics.

This concern for successful prosecution may ultimately influence the reporting behaviour of victims of sexual assault, discouraging those who perceive they have a weak case not to come forward.

Finally, victims play as important a role as police in the filtering of sexual assault complaints. While an overriding concern for the likelihood of successful prosecution by investigating officers contributes to the screening out of many sexual assault complaints at the police level, delay in reporting and failure to secure corroborating medical evidence also serves to
render complaints less "prosecutable", further contributing to filtering at the police level.
REFERENCES
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APPENDIX
February 15, 1993

Chief D. Adkin,
Windsor Police Services,
Windsor.

Dear Chief Adkin:

Ms. Danielle Soulliere, an M.A. candidate in our department under my supervision wishes to undertake a study of sexual assault in Windsor as the focus of her thesis work. Ms. Soulliere is one of our best students who has had a high A average throughout her university career. She is a highly ethical, disciplined and conscientious individual.

Ms. Soulliere’s study would require that she be given access to the sexual assault files for the 1992 year. Our interest is in the general characteristics of sexual assault cases in the Windsor area. As you well know there has been little criminological investigation of this crime since the work of Clark and Lewis in 1977. We would be interested for example, in whether Windsor’s border location has any impact in this area. Ms. Soulliere would review the assault cases and record relevant data devoid of any identifying information. This would consist of a summary of the particulars of the offense and statistical data drawn from the report. She would then analyze the data for the purposes of her M.A. thesis. All materials will be kept in a locked cabinet at the university and, again, would be coded at the police station so that no identifying information is discernable. Ms. Soulliere would, as did Mr. Davidson when he studied homicide files, be prepared to swear an oath keeping the information confidential. If she should at some later point wish to publish the material in a scientific journal, she would certainly present the material to your office before submission.

We feel that the results of such a study may be of use to the police department in Windsor and provide an in-depth understanding of the phenomenon.

As you may know I have had an M.A. student work in the past with the Windsor Police on a study of homicides, Mr. Kurt Davidson. I hope that you will be able to approve Ms. Soulliere’s study. She would like to begin as soon as possible to collect the data. We have been grateful in the past for the interest of yourself and the department in the furtherance of research and knowledge in these sensitive areas. Such efforts are of great benefit both to law enforcement, the academic and wider communities.

I thank you for your kind consideration.

Yours truly,

Dr. Thomas Fleming,
Chair, Criminology Program,
Director, Criminological and Socio-Legal Research Unit.

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Appendix B: Windsor Police Service Civilian Clearance Pass
**WINDSOR POLICE SERVICE**

**Investigation Report**

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**Investigating officers:**
- **Name:**
- **Badge number:**
- **Property value:**
- **Damage value:**
- **Due value:**

**Type of investigation:**
- **Charge section:**
- **Location:**

**Victim:**
- **Surname or Business:**
  - **Given 1:**
  - **Given 2:**
  - **Sex:**
  - **D.O.B:**
  - **Age:**

**Address:**
- **Apt.:**
- **City:**
- **Prov state:**
- **Postal:**
- **Phone:**

**Occupation:**
- **Employer/school:**
- **Address:**
- **Phone:**
- **Martial C.A.U. D.V.U.**

**Reported by surname:**
- **Given 1:**
- **Given 2:**
- **Sex:**
- **D.O.B:**
- **Age:**

**Address:**
- **Apt.:**
- **City:**
- **Prov state:**
- **Postal:**
- **Phone:**

**Complainant:**
- **Employer/school:**
- **Address:**
- **Phone:**

**Fraud Document:**
- **Cheque:**
  - **Crossed:**
  - **Other:**
- **Document/ card state?**
- **Document/ card seized?**
- **Taken?**
- **Copy seized?**
- **Amount/value:**
- **Count:**

**Suspect:**
- **Surname:**
  - **Given 1:**
  - **Given 2:**
  - **Sex:**
  - **D.O.B:**
  - **Age:**

**Address:**
- **Apt.:**
- **City:**
- **Prov state:**
- **Postal:**
- **Phone:**

**Alias/nee:**
- **Nickname:**
- **Religion:**
- **P.O.B:**
- **U.S. res.:**
- **W.P.N.:**
- **P.I.N.:**

**Employer/school:**
- **Address:**
- **Phone:**
- **Martial:**
- **Suspect Arrested:**

**Height:**
- **Weight:**
- **Suspect identified? By whom:**
- **Yes:**
- **No:**
- **Bulletin issued:**
- **Bulletin #:**

**Parent or guardian:**
- **Home/work address:**
- **Home/work phone:**
- **Parent Form Personal Phone notifed?**

**Veh.:**
- **Type:**
- **Year:**
- **Make:**
- **Model/style:**
- **Colour:**
- **Plate:**
- **Prov/state V.I.N.:**

**F.A.:**
- **Make:**
- **Model:**
- **Colour/finish:**
- **Calibre:**
- **Shots:**
- **B.B.L.:**
- **Serial #:**
- **N.C.I.C. C.P.I.C.:**

**Description of suspect and clothing:**
- Full description and location of most visible scars, tattoos, deformities and amputations.

**Before narration, list:**
- Further description of suspects/; witnesses names, addresses and phone numbers; all weapons;
- all injuries, hospital attended, doctors name and treatment; seized property or evidence; all property and damage.
Appendix C: Investigation Report Sample (Part B)

Before narration, list: further description of suspect(s); witnesses names, addresses and phone numbers; all weapons; all injuries, hospital attended, doctors name and treatment; seized property or evidence; all property and damage.

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Appendix D: Victim-Witness Statement Sample (Part B)
**Appendix E: Investigation Report Template (Part B)**

### GENERAL INFORMATION

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<tr>
<th>No.</th>
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<tbody>
<tr>
<td>1A</td>
<td>E (K)</td>
<td></td>
<td>1-Front</td>
</tr>
<tr>
<td>2B</td>
<td>E (K)</td>
<td></td>
<td>2-Rear</td>
</tr>
<tr>
<td>3C</td>
<td>E (K)</td>
<td></td>
<td>3-Side</td>
</tr>
<tr>
<td>4D</td>
<td>E (K)</td>
<td></td>
<td>4-Rear</td>
</tr>
<tr>
<td>5E</td>
<td>G (K)</td>
<td></td>
<td>5-Basement</td>
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<tr>
<td>6F</td>
<td>G (K)</td>
<td></td>
<td>6-Ground floor</td>
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<tr>
<td>7G</td>
<td>G (K)</td>
<td></td>
<td>7-2nd floor</td>
</tr>
<tr>
<td>8H</td>
<td>G (K)</td>
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<td>8-Above 2nd floor</td>
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### SPECIAL STUDIES

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<td>01</td>
<td>Breaker box</td>
</tr>
<tr>
<td>02</td>
<td>Wire cutter</td>
</tr>
<tr>
<td>03</td>
<td>Wire strippers</td>
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<tr>
<td>04</td>
<td>Wire cutting tools</td>
</tr>
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<td>Wire terminating tools</td>
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<tr>
<td>06</td>
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<td>07</td>
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<td>15</td>
<td>Electrical fusebox</td>
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<td>Electrical transformer</td>
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<td>Electrical control panel</td>
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<td>30</td>
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### OFFICE USE ONLY

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<tr>
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<tr>
<td>02</td>
<td>Out of Order</td>
</tr>
<tr>
<td>03</td>
<td>By Request</td>
</tr>
<tr>
<td>04</td>
<td>Suicide of Accused</td>
</tr>
<tr>
<td>05</td>
<td>Accused</td>
</tr>
<tr>
<td>06</td>
<td>Accused less than 12</td>
</tr>
<tr>
<td>07</td>
<td>Accused</td>
</tr>
<tr>
<td>08</td>
<td>Accused in jail</td>
</tr>
<tr>
<td>09</td>
<td>Accused in mental hospital</td>
</tr>
<tr>
<td>10</td>
<td>Accused in mental hospital</td>
</tr>
<tr>
<td>11</td>
<td>Accused in mental hospital</td>
</tr>
<tr>
<td>12</td>
<td>Accused in mental hospital</td>
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<tr>
<td>13</td>
<td>Accused in mental hospital</td>
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<tr>
<td>14</td>
<td>Accused in mental hospital</td>
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<tr>
<td>15</td>
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<td>17</td>
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<td>18</td>
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<tr>
<td>31</td>
<td>Accused in mental hospital</td>
</tr>
</tbody>
</table>
Appendix F: Coding Sheet for Sexual Assault Complaints

CODING SHEET

Record #: __________________________
Assigned Case #: ____________________

A. Circumstances of the Incident

Sexual Assault Type
1. Touching/grabbing/rubbing/squeezing
2. Vaginal Intercourse
3. Attempted Vaginal Intercourse
4. Anal Intercourse
5. Attempted Anal Intercourse
6. Offender/Victim Fellatio
7. Cunnilingus
8. Victim Masturbation of Offender
9. Multiple Sexual Acts
10. Other
11. Unknown

Patrol Area
1. West
2. University
3. Remington Park
4. Downtown 1
5. Downtown 2
6. Walkerville
7. East Windsor
8. Fountain Bleu
9. South Windsor
10. Riverside
11. Forest Glade
12. Unknown

Location of Assault
1. Outside
2. Victim Home
3. Offender Home
4. Other Home
5. Offender Car
6. Victim Car
7. Classroom
8. Workplace
9. Public Building
10. Other
11. Joint Residence
12. Unknown

Time of Assault
1. midnight - 4 am
2. 4 am - 8 am
3. 8 am - noon
4. noon - 4 pm
5. 4 pm - 8 pm
6. 8 pm - midnight
7. Over a period (days, weeks, months, years)
8. Unknown

Promptness of Report
1. Delay (of at least one hour)
2. No Delay (within one hour)
3. Unknown

Initiator of Report
1. Victim
2. Witness
3. Spouse/Dating Partner
4. Family Member
5. Friend
6. Social Service Agency
7. Other
8. Unknown

Number of Offenders
1. One
2. Two
3. Three
4. Four
5. Five
6. More than five
7. Unknown

Number of Victims
1. One
2. Two
3. More than two
4. Unknown
### Victim-Suspect Relationship

| 1 | Strangers   |
| 2 | Acquainted  |
| 3 | Unknown     |

### Acquaintance Type

| 0 | Not applicable |
| 1 | Known slightly|
| 2 | Acquaintance   |
| 3 | Friend         |
| 4 | Relative       |
| 5 | Spouse         |
| 6 | Dating Partner |
| 7 | Ex-spouse/Ex-partner |
| 8 | Neighbour      |
| 9 | Coworker/Employer |
| 10| Instructor     |
| 11| Caretaker (babysitter) |
| 12| Other          |
| 13| Unknown        |

### Injury

| 1 | None |
| 2 | Minor |
| 3 | Serious |
| 4 | Fatal |
| 5 | Unknown |

### Force

| 0 | None         |
| 1 | Grab         |
| 2 | Physical strength |
| 3 | Restraint    |
| 4 | Physical violence |
| 5 | Verbal threats |
| 6 | Weapon       |
| 7 | Advantage of child |
| 8 | Advantage of sleeping/passed out victim |
| 9 | Multiple use of force |
| 10| Other        |
| 11| Unknown      |

### Resistance

| 0 | None                              |
| 1 | Tried to reason                   |
| 2 | Screamed/yelled for help          |
| 3 | Begged/pleaded/cried              |
| 4 | Kicked/hit/scratched/pushed       |
| 5 | Verbal counter-attack             |
| 6 | Quiet and motionless              |
| 7 | Sleeping/passed out               |
| 8 | Moved away/ran away               |
| 9 | Child                             |
| 10| Caught unawares                   |
| 11| Complied out of fear              |
| 12| Unknown                           |
| 13| Multiple forms of resistance      |

### Initial Contact Between Victim and Offender

1. Relation/live in same house/friend of family
2. Met in a social setting
3. Met through school/work/friend
4. Victim in care of offender
5. Dating/marital relationship
6. Assailant in position of trust (i.e. priest, teacher)
7. Victim invites assailant into home
8. Victim accepts ride with assailant
9. Other
10. Unknown
11. Victim abducted/attacked
12. Victim accompanies offender

### Precipitating Events By Offender

1. None
2. Stalking/following
3. Harassing phone calls
4. Threats
5. Sexual advances/comments
6. Other
7. Unknown

### Suspect Identification

| 1 | None     |
| 2 | By victim|
| 3 | By witness|
| 4 | By both victim and witness |
| 5 | Other    |
| 6 | Unknown  |
Witness
1 No
2 Yes
3 Unknown

Verbal Abuse
(insulting, demeaning or obscene language directed at victim)
1 No
2 Yes
3 Unknown

Type of Attack
1 Ploy
2 Harassing
3 Blitz
4 Prey
5 Surprise
6 Control
7 Other
8 Unknown

B. Status of Complaint

Arrest Charge
1 No 1 No
2 Yes 2 Yes
3 Unknown 3 Unknown

Offence Classification Additional Offence(s) Noted
1 Sexual Assault I (cc. 271)
2 Sexual Assault II (cc. 272)
3 Sexual Assault III (cc. 273)
4 Anal Intercourse (cc. 159)
5 Sexual Interference (cc. 151)
6 More than one offence
7 Other
8 Unknown
1 No
2 Yes
3 Unknown

Police Classification of Complaint
1 Unfounded
2 Not cleared
3 Charge
4 Victim/Complainant does not proceed
5 Police do not proceed (departmental discretion)
6 Other
7 Unknown

Unfounded
0 Not applicable
1 Police do not believe
2 False complaint
3 Unknown
## Victim Does Not Proceed A

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<tr>
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<tr>
<td>1</td>
<td>Police-persuaded</td>
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<tr>
<td>2</td>
<td>Not police-persuaded</td>
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## Victim Does Not Proceed B

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<tr>
<td>1</td>
<td>Alternative to charge desired</td>
</tr>
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<td>2</td>
<td>Apprehensive about charging</td>
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<tr>
<td>3</td>
<td>Victim uncooperative/unavailable for follow-up</td>
</tr>
<tr>
<td>4</td>
<td>No reason given</td>
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<td>5</td>
<td>Difficulty with prosecution</td>
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## Police Do Not Proceed

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<td>Insufficient evidence</td>
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<td>Not a good witness</td>
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<td>Victim’s credibility</td>
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<td>Consent issue</td>
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<td>6</td>
<td>Suspect</td>
</tr>
<tr>
<td>7</td>
<td>Uncooperative/unavailable victim</td>
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<tr>
<td>8</td>
<td>Transfer to CAS</td>
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<td>9</td>
<td>At victim’s request</td>
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<td>Not considered a sexual assault</td>
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## Characteristics of Offender

### Gender

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### Age

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<td>3</td>
<td>26 - 35</td>
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<tr>
<td>4</td>
<td>36 - 50</td>
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<td>5</td>
<td>Over 50</td>
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### Ethnicity

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<td>Native</td>
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<td>3</td>
<td>Black</td>
</tr>
<tr>
<td>4</td>
<td>Asian</td>
</tr>
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<td>5</td>
<td>Other (middle eastern, south american)</td>
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### Marital Status

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<td>3</td>
<td>Common Law</td>
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<tr>
<td>4</td>
<td>Cohabiting</td>
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<tr>
<td>5</td>
<td>Separated</td>
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<tr>
<td>6</td>
<td>Divorced</td>
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<tr>
<td>7</td>
<td>Widowed</td>
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<td>8</td>
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### Employment Status

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<td>Unemployed</td>
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<td>Employed</td>
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<td>Child</td>
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### Alcohol/Drug Use

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### Criminal Record

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<td>2</td>
<td>Non-sexual offence only</td>
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<td>3</td>
<td>Sexual offence</td>
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### D. Characteristics of Victim

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<th>Ethnicity</th>
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<td>Under 12</td>
<td>1 White</td>
</tr>
<tr>
<td>2 Female</td>
<td>12 - 17</td>
<td>2 Native</td>
</tr>
<tr>
<td></td>
<td>18 - 25</td>
<td>3 Black</td>
</tr>
<tr>
<td></td>
<td>26 - 35</td>
<td>4 Asian</td>
</tr>
<tr>
<td></td>
<td>36 - 50</td>
<td>5 Other (middle eastern, south american)</td>
</tr>
<tr>
<td></td>
<td>Over 50</td>
<td></td>
</tr>
<tr>
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<td>Unknown</td>
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<th>Employment Status</th>
</tr>
</thead>
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<td>1 Single</td>
<td>1 Student</td>
</tr>
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<td>2 Married</td>
<td>2 Unemployed</td>
</tr>
<tr>
<td>3 Common Law</td>
<td>3 Employed</td>
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<tr>
<td>4 Cohabitating</td>
<td>4 Child</td>
</tr>
<tr>
<td>5 Separated</td>
<td>5 Unknown</td>
</tr>
<tr>
<td>6 Divorced</td>
<td></td>
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<tr>
<td>7 Widowed</td>
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<td>8 Child</td>
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<table>
<thead>
<tr>
<th>Alcohol/Drug Use</th>
<th>Medical Examination</th>
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<td>1 No</td>
<td>1 No</td>
</tr>
<tr>
<td>2 Yes</td>
<td>2 Yes</td>
</tr>
<tr>
<td>3 Unknown</td>
<td>3 Unknown</td>
</tr>
</tbody>
</table>
VITA AUCTORIS

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