



2009-2015

Sexual Violence in Idaho



Sexual Violence in Idaho: 2009-2015

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Images on the cover and throughout the report do not represent actual victims.

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Executive Summary

Idaho Incident Based Reporting System (Crimes Reported to Law Enforcement)

- The rate of reported sex crimes has steadily decreased from 2009 to 2015.
- A lower percentage of reported sex crimes involve the offender's suspected use of alcohol during the crime compared to other violent crimes.
- 72% of victims of reported sex crimes are under the age of 18 and 83% are female.
- 96% of reported sex crimes are committed by someone known to the victim.
 - 38% of all reported sex crimes are committed by a friend/acquaintance and 34% are committed by a family member.
- Shoshone (2.118), Bear Lake (2.011), Valley (1.825), Bingham (1.662), and Cassia (1.403) counties had the highest sexual victimization rates per 1,000 people in 2015.
- 24% of reported sex offenses between 2009 and 2015 resulted in an arrest compared to 49% of other violent crimes.
 - Idaho, Nez Perce, Caribou, Minidoka, and Teton counties exhibit the largest disparities between arrests for sex crimes and arrests for other violent crimes.
 - Sex crimes committed by a same-sex partner are least likely to result in arrest (14%).

Idaho Supreme Court Repository (Court Cases)

- Nearly half (46%) of sex crime charges were dismissed while 48% resulted in a guilty disposition.
- Of those resulting in a guilty disposition, certain offenses are more likely to be amended to a misdemeanor, including sexual assault with an object (43%), sexual abuse or exploitation (32%), and human trafficking (25%).
- Rape charges are most likely to be amended or modified (30%), followed by forcible fondling (24%) and sexual assault with an object (20%).

Law Enforcement and Court Data

- 4% of reported rapes in the state of Idaho result in a guilty disposition for a sex crime.

Introduction

Sexual violence is a significant concern in the United States. Nationally, nearly 1 in 5 women and 1 in 59 men have been raped in their lifetime¹. Results from the Idaho Crime Victimization Survey indicate that 202 per 1,000 residents have been sexually assaulted in their lifetime²; based on current population estimates³, this equates to more than 330,000 Idaho residents. The purpose of this report is to inform the criminal justice community and other interested parties about the prevalence, characteristics, and response to sexual violence in Idaho. Information discussed throughout this report reflects reported sexual violence in Idaho from 2009 through 2015.

In order to prevent misinterpretations of the data, clarifications have been added to the methodology, footnotes, law enforcement response, and criminal justice system response sections of this report. It is important to note that Idaho Incident Based Reporting System (IIBRS) categories do not use the same terminology as state statutes. Therefore, a crime code conversion table was used to determine which state statutes fit within IIBRS federal coding categories for the criminal justice response section of this report. For example, the charge of Sexual Penetration - Forcible by Use of Foreign Object is coded as Sexual Assault with an Object (11C) in IIBRS (see Methodology for a detailed explanation of the matching process). Therefore, even if Idaho does not have a statute with the same name as the IIBRS category (i.e., Sodomy), other Idaho statutes may still fit within the broader IIBRS category.

Methodology

Two sources of data were used for this report:

- 1) Crime data from the Idaho Incident Based Reporting System (IIBRS)
- 2) Criminal court filings for defendants aged 18 or older from the Idaho Supreme Court Repository.

Idaho Incident-Based Reporting System (IIBRS)

One portion of the data on sexual violence comes from police incidents reported to the Idaho Incident Based Reporting System (IIBRS). Within this section of the report, sexual violence includes rape (except statutory rape), sodomy, sexual assault with an object, and fondling. IIBRS defines each of these as follows⁴:

Rape (except Statutory Rape) (11A): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (p.39).

Sodomy (11B): Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving

¹ Centers for Disease Control and Prevention. (2014). *Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization - National Intimate Partner and Sexual Violence Survey, United States, 2011*. Retrieved from http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm?s_cid=ss6308a1_e

² Idaho State Police, Statistical Analysis Center. (2014). *Idaho crime victimization survey*. Retrieved from <https://www.isp.idaho.gov/pgr/inc/documents/2012Reportc.pdf>

³U.S. Census Bureau. (2015). *QuickFacts: Idaho*. Retrieved from <http://www.census.gov/quickfacts/table/PST045215/16>

⁴ Incident-Based Reporting System (IIBRS) User Manual Version 1.0 Document Date: 1/17/2013

consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (p.39).

Sexual assault with an object (11C): To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia (p.39).

Fondling (11D): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity (p.40).

Idaho Supreme Court Repository

For the Idaho Supreme Court section of this report, sexual violence includes charges related to child sexual abuse, child enticement, human trafficking, lewd conduct with a child under 16, rape, sexual abuse of a vulnerable adult, sexual battery of a minor child, sexual crime against nature, and forcible sexual penetration by use of a foreign object (see Appendix B for a full list of charges). However, to enhance accuracy, analyses comparing IIBRS data with court data only include charges which, by statute, fall within the four designated IIBRS categories. Therefore, these analyses are limited to the following charges: child sexual abuse, lewd conduct with a child under 16, rape, sexual abuse of a child, sexual battery of a minor child, sexual abuse of a vulnerable adult, sexual crime against nature, and forcible sexual penetration by use of a foreign object (see Appendix C for a full list of charges).

Flowcharts

In order to provide a systemic understanding of the processing of sexual assault cases in Idaho, flowcharts were created based on the total number of offenders reported to law enforcement, total number of offenders arrested, total number of cases filed, and total number of cases resulting in a guilty disposition⁵. Reports and arrests were measured using IIBRS while cases and dispositions were measured using data from the Idaho Supreme Court Repository.

Because federal coding categories differ from statutory definitions, a crime code conversion table was used to determine the correct federal coding category for each statute. As illustrated in Appendix C, all sexual assault related statutes included in the flowcharts distinctly align with the four IIBRS categories for sex crimes with the exception of statutes related to sexual battery and lewd and lascivious conduct, which could have been coded by law enforcement as All Other Offenses (90Z). Because these cases could be excluded from IIBRS reports and arrests, but still included in court cases filed and dispositions, the percentage of reported sex crimes resulting in cases filed and a guilty disposition may be an overestimation. Additionally, because IIBRS has a specific category for rape, every statute included in the flowchart analysis of rape cases and dispositions distinctly aligns with the

⁵ For the purposes of this report, ‘guilty’ included the following dispositions: guilty, withheld judgment, and retained jurisdiction. Because withheld judgments and retained jurisdictions are sentences requiring a prescribed punishment or treatment, they were also included within the category of guilty dispositions.

Rape (11A) category in IIBRS, ensuring an accurate reflection of the processing of rape cases in Idaho.

If a case was dismissed initially to allow for further investigation and subsequently refiled within the 2009-2015 timeframe, the refiled case would be included in flowchart analyses. However, multiple court filings for the same incident may result in an overestimation of cases filed. For example, if a reported offender was arrested and the case was dismissed initially and then refiled after further investigation, IIBRS data would count the offender once while court data would count two separate case filings. Despite the potential overestimation in cases filed, the number of guilty dispositions would not be affected. Furthermore, only 6% of defendants who committed an IIBRS comparable sex crime had multiple cases filed against them between 2009 and 2015, some of which could have been new crimes⁶.

Comparison of Sex Crimes and Other Violent Crimes

Because of the violent nature of sex crimes, data were analyzed for both sex crimes and other violent crimes in order to provide necessary context. The researchers acknowledge that the investigation and prosecution of sex crimes pose unique challenges for law enforcement and prosecutors. Despite the unique nature of sex crimes compared to other violent crimes from an investigative and prosecutorial standpoint, the fact that both sex crimes and other violent crimes are violent crimes against persons warrants further examination and the provision of context. Furthermore, this method of looking at sex crimes along with other violent crimes is consistent with national examinations of criminal justice system response to sexual violence⁷. For these comparisons, other violent crimes included robbery, homicide, aggravated assault, simple assault, intimidation, and kidnapping.

⁶ Removing multiple cases filed against a defendant (even if the case was based on a new incident) reduces the percentage of cases filed by 1.7% for all sex crimes and 0.8 percent for rapes.

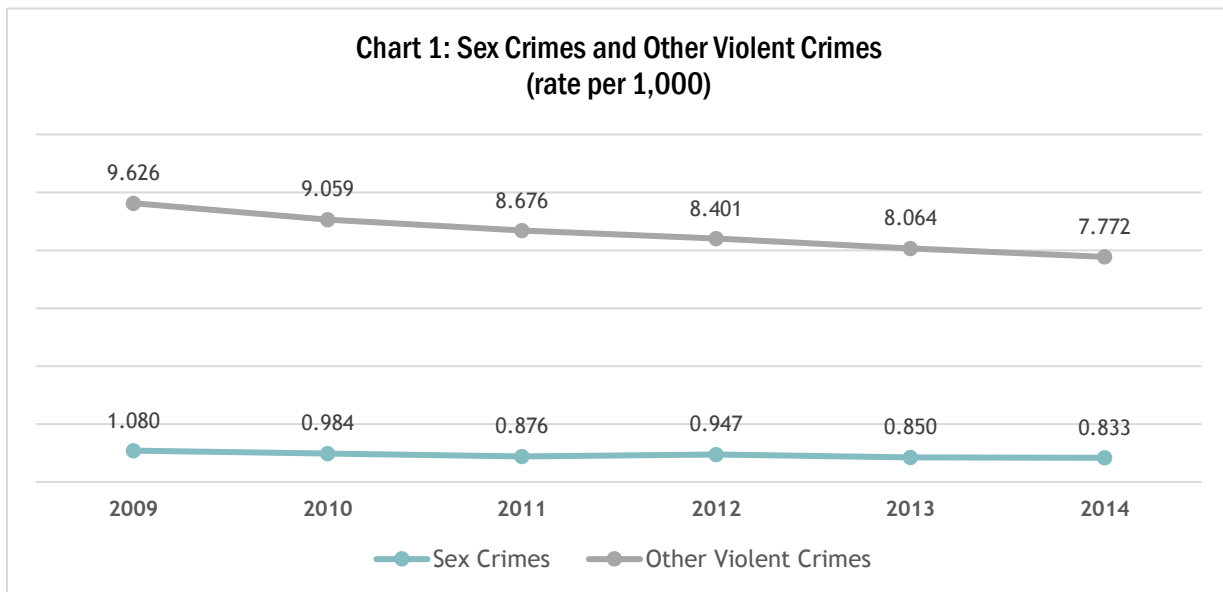
⁷ Rape, Abuse & Incest National Network. (2016). The criminal justice system: Statistics. Retrieved from <https://www.rainn.org/statistics/criminal-justice-system>

Results

Idaho Incident-Based Reporting System (IIBRS)

The Idaho Incident Based Reporting System is designed to gather data on crime incidents reported to police agencies throughout the state. Local agencies collect and report these data to Idaho State Police. IIBRS collects information regarding victim, offender, arrestee, and offense characteristics.

IIBRS reporting rules are defined by the FBI. As statutes defining sexual violence vary widely between states, the FBI provides standardized categories and definitions for reporting purposes. Forcible sex crimes are classified into four categories: rape (except statutory rape), sodomy, sexual assault with an object, and fondling. Therefore, sexual violence within this section includes reported incidents that meet the classification requirements for one or more of these categories. As noted previously, the following information only considers reported cases of sexual violence in Idaho. This is particularly important to note when examining sexual violence considering that an estimated 67% of rapes and sexual assaults are not reported to the police⁸.



*n=95,335 for other violent crimes and 10,264 for sex crimes

⁸ Truman, J.L. & Morgan, R.E. (2016). *Criminal victimization, 2015*. U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cv15.pdf>

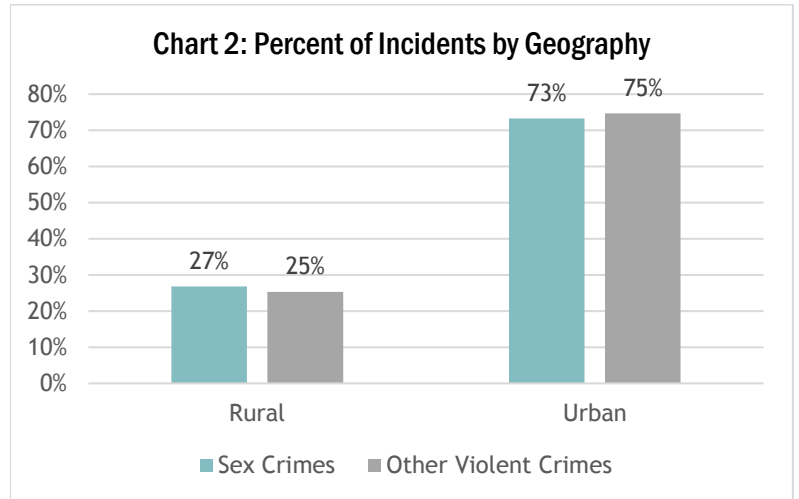
Incident Characteristics

The statewide rate of both sex crime and other violent crime incidents has steadily decreased from 2009 to 2015. Nearly 75% of both sex crimes and other violent incidents occur in urban jurisdictions with just over 1 in 4 occurring in rural areas.

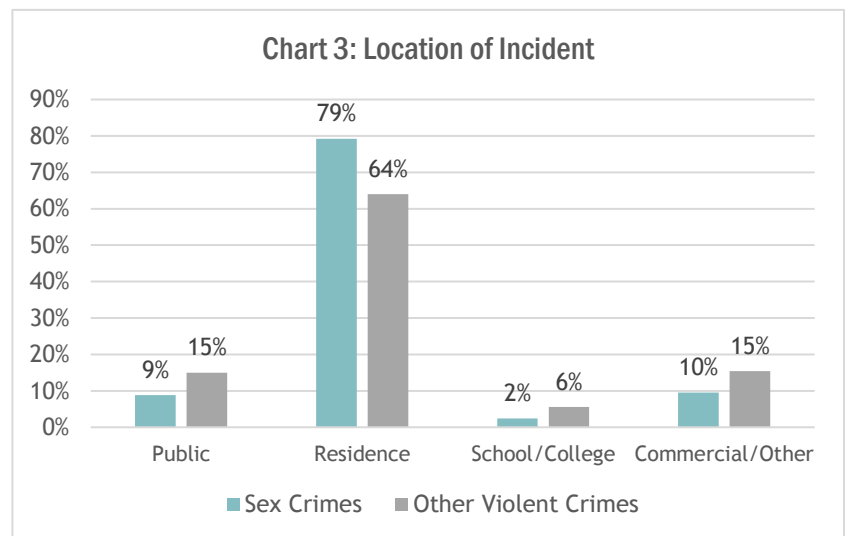
The sizable majority (79%) of sex crimes occur in a residence/home compared to 64% of other violent crimes. Reported sex crimes are also less likely to occur in public and on school/college campuses compared to other violent crimes.

Alcohol and Drugs

Of the four types of sex crimes identified in IIBRS, rape is the most likely to involve suspected use of alcohol or drugs. However, as illustrated in Chart 4, sex crimes overall are less likely than other violent crimes to involve the suspected use of alcohol. No difference is observed between sex crimes and other violent crimes in regards to suspected drug use.



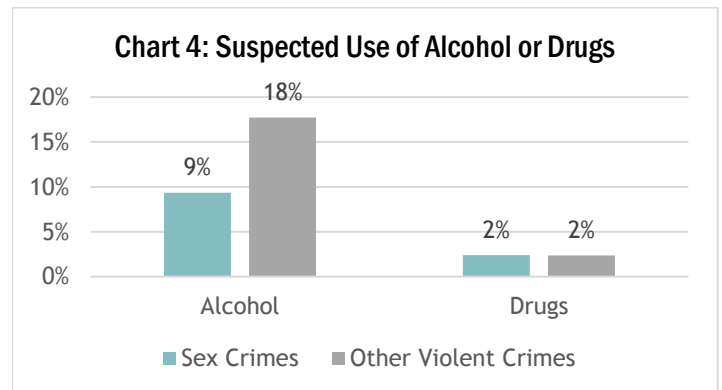
*n=95,099 for other violent crimes and 10,207 for sex crimes



*n= 95,745 for other violent crimes and 10,347 for sex crimes

Crime Type	% Alcohol	% Drugs
Sodomy	10%	3%
SA w/Object	11%	3%
Rape	18%	5%
Fondling	4%	1%

*n= 95,745 for other violent crimes and 10,347 for sex crimes



*n= 95,745 for other violent crimes and 10,347 for sex crimes

Victim Characteristics⁹

Age

More than half (51%) of victims of sex crimes are under the age of 14 and nearly 3 in 4 (72%) are under the age of 18. Comparatively, less than 20% of victims of other violent crimes are under the age of 18.

Sex

More than 8 in 10 victims of sex crimes are female compared to just over half (54%) of other violent crime victims.

Race

Of cases in which victim information is known, 98% of victims of sex crimes are White, 1% are Black, and 1% are American Indian.

Victim-Offender Relationship

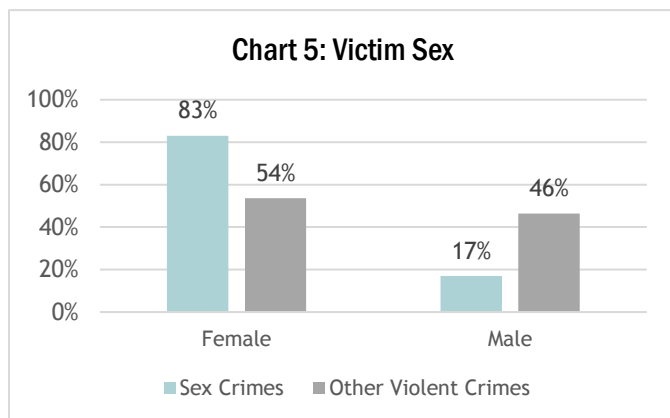
Both sex crimes and other violent crimes are most commonly committed by someone known to the victim (96% and 84%, respectively). However, victims of sex crimes are more likely to be victimized by a family member (34%) or friend/acquaintance (38%) and less likely to be victimized by a stranger (4%) compared to victims of other violent crimes (10%)¹⁰.

Table 2: Victim Age - Sex Crimes and Other Violent Offenses

Age	Sex Crimes	Other Violent
0-14	51%	11%
15-17	21%	6%
18-19	5%	5%
20-24	8%	16%
25-34	8%	26%
35-44	4%	18%
45+	3%	17%

*n= 113,324 for other violent crimes and 11,457 for sex crimes

Chart 5: Victim Sex



*n= 113,393 for other violent crimes and 11,420 for sex crimes

Table 3: Victim Offender Relationship

	Sex Crime	Other Violent
Family Member	34%	16%
Friend/Acquaintance	38%	22%
Intimate Partner	11%	34%
Otherwise Known	13%	12%
Stranger	4%	10%
Victim Was Offender	0%	6%

*n= 104,559 for other violent crimes and 10,082 for sex crimes

⁹ All percentages exclude cases in which victim information is unknown.

¹⁰ See Appendix A for a breakdown of victim-offender relationship categories

Offender Characteristics¹¹

Age

Although the majority (72%) of sex crime victims are under the age of 18, only 25% of offenders of sex crimes are under the age of 18. Instead, the majority (51%) of sex crime offenders are age 25 or older.

Sex

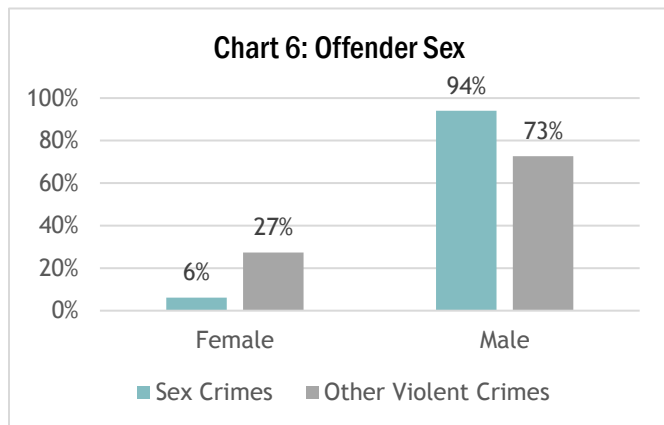
Males account for a larger percentage of offenders of sex crimes (94%) compared to other violent crimes (72%). Considering the notable majority (83%) of victims of sex crimes are female, it is evident that sex crimes are most frequently committed by men against women.

Race

The distribution of race is very similar for sex crimes and other violent crimes, with more than 90% of offenders classified as white.

	Sex Crimes	Other Violent
0 to 14	13%	7%
15 to 17	12%	7%
18 to 19	10%	5%
20 to 24	15%	16%
25 to 34	20%	28%
35 to 44	16%	19%
45+	15%	17%

*n= 106,750 for other violent crimes and 10,126 for sex crimes



*n= 107,480 for other violent crimes and 10,310 for sex crimes

Sexual Victimization by County

As displayed in the table below, Shoshone (2.118), Bear Lake (2.011), Valley (1.825), Bingham (1.662), and Cassia (1.403) counties had the highest rate of reported sexual victimizations in 2015. While there are several counties with a disproportionate percentage of sexual victimizations based on their representation in Idaho's population, Bingham, Canyon, Shoshone, and Twin Falls counties are the most noticeable. For example, although Canyon County accounted for slightly over 12% of the statewide population, 18% of reported sexual victimizations in 2015 occurred there. It is important to note, while this may indicate that more sex crimes are occurring in Canyon County, it may also be influenced by reporting practices. In other words, victims may be more likely to report sexual victimizations in Canyon County compared to other counties in Idaho.

¹¹ All percentages exclude cases in which offender information is unknown.

Table 5: Sexual Victimizations by County

County	2009-2014 Avg Rate	2015 Rate	% Change from 2009-2014 rate	Population	% of State Population	% of Total Victimizations
Ada	0.893	0.821	-8.1%	453,265	26.5%	24%
Adams	0.047	0.000	-100.0%	4,654	0.3%	0%
Bannock	0.647	0.571	-11.7%	84,044	4.9%	3%
Bear Lake	1.414	2.011	42.3%	5,967	0.3%	1%
Benewah	0.488	0.660	35.2%	9,097	0.5%	0%
Bingham	1.437	1.662	15.6%	45,724	2.7%	5%
Blaine	0.391	0.278	-28.9%	21,579	1.3%	0%
Boise	0.496	0.158	-68.2%	6,337	0.4%	0%
Bonner	1.145	1.243	8.5%	41,849	2.4%	3%
Bonneville	1.183	0.810	-31.5%	125,909	7.3%	7%
Boundary	0.517	0.273	-47.2%	10,996	0.6%	0%
Butte	0.231	0.291	26.2%	3,436	0.2%	0%
Camas	0.149	0.000	-100.0%	1,025	0.1%	0%
Canyon	1.523	1.308	-14.1%	207,220	12.1%	18%
Caribou	0.705	0.648	-8.2%	7,720	0.5%	0%
Cassia	1.018	1.403	37.8%	34,213	2.0%	3%
Clark	0.000	0.000	0.0%	843	0.0%	0%
Clearwater	1.465	0.773	-47.2%	9,051	0.5%	0%
Custer	0.230	0.244	6.2%	4,096	0.2%	0%
Elmore	1.144	1.032	-9.8%	27,130	1.6%	2%
Franklin	0.972	0.305	-68.6%	13,113	0.8%	0%
Fremont	0.400	0.469	17.0%	12,805	0.7%	0%
Gem	1.027	1.357	32.2%	16,951	1.0%	1%
Gooding	1.361	0.667	-51.0%	14,998	0.9%	1%
Idaho	0.315	0.493	56.7%	16,228	0.9%	1%
Jefferson	0.274	0.073	-73.3%	27,286	1.6%	0%
Jerome	1.310	1.002	-23.5%	22,963	1.3%	1%
Kootenai	1.145	0.973	-15.0%	150,107	8.8%	9%
Latah	0.519	0.177	-66.0%	39,596	2.3%	0%
Lemhi	0.405	0.000	-100.0%	7,690	0.4%	0%
Lewis	0.756	0.778	2.9%	3,856	0.2%	0%
Lincoln	0.602	1.307	117.2%	5,355	0.3%	0%
Madison	0.570	0.262	-54.1%	38,237	2.2%	1%
Minidoka	1.194	1.223	2.4%	20,434	1.2%	2%
Nez Perce	1.003	1.014	1.1%	41,424	2.4%	3%
Oneida	0.319	0.325	1.8%	6,163	0.4%	0%
Owyhee	0.459	0.352	-23.1%	11,350	0.7%	0%
Payette	0.827	0.736	-11.0%	24,441	1.4%	1%
Power	1.202	0.661	-45.0%	7,563	0.4%	0%
Shoshone	1.480	2.118	43.1%	13,691	0.8%	2%
Teton	0.373	0.083	-77.8%	12,077	0.7%	0%
Twin Falls	1.722	1.322	-23.2%	83,196	4.9%	7%
Valley	1.823	1.825	0.2%	9,861	0.6%	1%
Washington	0.426	0.400	-6.1%	10,002	0.6%	0%
Statewide	1.032	0.902	-12.6%	1,713,542	100.0%	100%

*n= 11,406

Law Enforcement Response to Sexual Violence in Idaho

Percentage of Reported Sex Crimes Resulting in Arrest¹²

As illustrated in Tables 6 and 7 below, law enforcement response in the form of arrest is minimal for sex crimes compared to other violent crimes. Specifically, while nearly 50% of reported violent offenses result in arrest, less than 25% of reported sex crimes result in arrest. Interestingly, arrests are more likely to occur in rural areas compared to urban areas for both sex crimes and other violent crimes.

Although statewide response to sex crimes in the form of arrest is limited, as illustrated in Table 10, there are several counties with even larger disparities. For example, in Idaho County, only 17% of reported sex crimes result in arrest compared to 74% of other violent crimes. Nez Perce, Caribou, Minidoka, and Teton counties also exhibit noteworthy disparities between arrests for sex crimes and other violent crimes.

Sex Crimes

Table 6: Percent of Reported Sex Offenses Resulting in Arrest			
	Total Reports	Total Arrests	% of Reports Resulting in Arrest
2009	1,827	430	24%
2010	1,647	425	26%
2011	1,480	373	25%
2012	1,654	379	23%
2013	1,469	370	25%
2014	1,508	348	23%
2015	1,486	281	19%
Total	11,071	2,606	24%

Table 8: Reported Sex Offenses Resulting in Arrest by Geography			
	Total Reported	Total Arrests	% reported resulting in arrest
Rural	2,942	853	29%
Urban	8,059	1,750	22%

Other Violent Crimes

Table 7: Percent of Other Violent Offenses Resulting in Arrest			
	Total Reports	Total Arrests	% of Reports Resulting in Arrest
2009	17,524	8,478	48%
2010	16,616	8,238	50%
2011	16,101	8,086	50%
2012	15,790	7,811	49%
2013	15,128	7,480	49%
2014	15,096	7,060	47%
2015	15,117	7,228	48%
Total	111,372	54,381	49%

Table 9: Reported Other Violent Offenses Resulting in Arrest by Geography			
	Total Reported	Total Arrests	% reported resulting in arrest
Rural	28,220	14,849	53%
Urban	82,901	39,376	47%

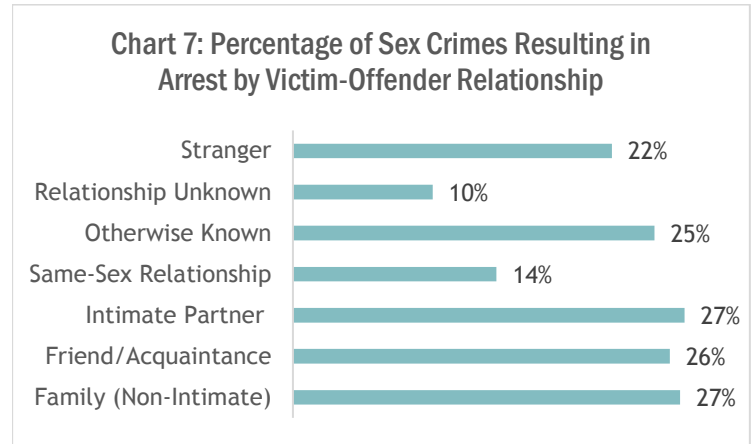
¹² Arrest percentages for 2015 may be influenced by the number of active cases still under investigation.

Table 10: Percent of Reported Sexual and Violent Crimes Resulting in Arrest by County

County	Sex Crimes			Other Violent Crimes		
	Total Reported	Total Arrests	% Reported Resulting in Arrest	Total Reported	Total Arrested	% Reported Resulting in Arrest
Ada	2,541	572	23%	27,090	12,229	45%
Adams	2		0%	120	53	44%
Bannock	346	97	28%	9,491	4,538	48%
Bear Lake	57	15	26%	423	202	48%
Benewah	26	13	50%	619	450	73%
Bingham	432	72	17%	3,697	1,849	50%
Blaine	57	31	54%	809	578	71%
Boise	17	5	29%	298	92	31%
Bonner	315	77	24%	2,623	1,388	53%
Bonneville	857	125	15%	8,943	4,103	46%
Boundary	33	10	30%	366	215	59%
Butte	5	5	100%	128	119	93%
Camas	1	1	100%	29	9	31%
Canyon	1,930	385	20%	13,557	7,108	52%
Caribou	29	11	38%	183	148	81%
Cassia	191	50	26%	1,636	753	46%
Clark				21	7	33%
Clearwater	74	9	12%	867	340	39%
Custer	6	4	67%	101	55	54%
Elmore	209	43	21%	2,173	833	38%
Franklin	66	37	56%	271	229	85%
Fremont	34	26	76%	511	305	60%
Gem	120	31	26%	821	440	54%
Gooding	126	49	39%	764	347	45%
Idaho	36	6	17%	743	553	74%
Jefferson	38	24	63%	760	386	51%
Jerome	189	83	44%	1,390	862	62%
Kootenai	1,097	346	32%	13,422	6,641	49%
Latah	116	31	27%	1,581	894	57%
Lemhi	19	10	53%	269	169	63%
Lewis	18	4	22%	250	131	52%
Lincoln	20	10	50%	192	125	65%
Madison	129	47	36%	468	257	55%
Minidoka	164	26	16%	1,002	593	59%
Nez Perce	269	31	12%	3,228	2,222	69%
Oneida	8	5	63%	108	75	69%
Owyhee	34	10	29%	758	279	37%
Payette	134	27	20%	1,512	806	53%
Power	58	26	45%	388	241	62%
Shoshone	141	46	33%	1,393	687	49%
Teton	24	5	21%	180	98	54%
Twin Falls	890	147	17%	6,702	2,278	34%
Valley	117	31	26%	918	281	31%
Washington	26	20	77%	316	257	81%
Statewide	11,001	2,603	24%	111,121	54,225	49%

Percentage of Sex Crimes Resulting in Arrest by Victim-Offender Relationship

Sex crimes committed by someone known to the victim are most likely to result in arrest, including family member (27%), intimate partner (27%), friend/acquaintance (26%) and otherwise known (25%). However, this is not true for same-sex relationships with only 14% of sex crimes committed by a same-sex partner resulting in arrest¹³.



*n= 10,871

Days from Incident to Arrest

In addition to significantly lower percentages of arrest for sex crimes, such cases also take law enforcement considerably longer to investigate and complete an arrest, when one does occur. In fact, the average number of days from the date of incident to arrest is nearly 86 days for sex crimes compared to less than 9 days for other violent crimes. However, it is important to note that the discrepancy is much smaller when considering the impact of outliers. Specifically, the median days from incident to arrest is 0 days for violent offenses and 10 days for sex offenses.

Crime Type	Average Time
Sex Crime	85.75 days
Other Violent Crime	8.75 days

*n= 54,381 for other violent crimes and 2,606 for sex crimes

The time it takes for an arrest to occur for sex crimes compared to other violent crimes may highlight the unique complexity of sex crime investigations. For example, the required timeframe for evidence collection and private nature of the offense result in unique barriers for law enforcement¹⁴. Research further suggests that investigator skepticism and heightened focus on victim credibility may also impact the investigation of sexual assault cases^{14,15}. It is also important to note that victims of sexual violence may delay reporting for a variety of reasons, which is not accounted for in the present study.

Exceptional Clearance

Prosecution declined is more likely to be used as an exceptional clearance in sex crimes (15%) compared to other violent crimes (11%). Very little difference is observed regarding victims' refusal to cooperate.

	Prosecution Declined	Victim Refused to Cooperate
Sex Crime	15%	6%
Other Violent Crime	11%	5%

*n= 95,335 for other violent crimes and 10,264 for sex crimes

¹³ Same-sex partner is coded in IIBRS as "homosexual relationship"

¹⁴ Center for Sex Offender Management. (n.d.). *Investigation, prosecution, and disposition*. Retrieved from http://www.csom.org/pubs/cap/1/1_0.htm

¹⁵ Spohn, C. & Tellis, K. (2012). The criminal justice system's response to sexual violence. *Violence Against Women*, 18(2), 169-192.

Idaho Supreme Court Repository

Court records were categorized for all adult cases involving a sex offense between 2009 and 2015 (see Appendix B for a full list of charges). A total of 4,457 charges for a qualifying sex offense were filed within this timeframe, accounting for approximately 7% of all charges filed for violent crimes.

For flowcharts comparing IIBRS data with court records, charges were further limited to those in which the statutory definition falls within one of the four designated IIBRS categories (i.e., rape, sodomy, sexual assault with an object, and fondling). A total of 3,685 charges meeting this criteria were filed between 2009 and 2015.

Court Response to Sexual Violence

An offender can have multiple cases against him/her with multiple charges in each case. The number of *cases* includes the individual number of cases filed between 2009-2015. Because each court case may include one or more charges, the individual number of *charges* filed during the specified time period was also examined. These charges are referenced by statute in Idaho code and can be a misdemeanor or felony. Most defendants of sexual violence related cases had one case filed against them (91%) and most of those cases involved one charge (59%). However, more than 40% of defendants in sexual violence cases had multiple charges before the court between 2009 and 2015 (see Table 14).

Disposition

Nearly half (46%) of charges for a sex crime were dismissed prior to the conclusion of the court case, while 48% resulted in a guilty disposition¹⁶. A total of 69% of guilty dispositions were for a sex-related charge. The likelihood of a guilty disposition varies greatly by crime type; for example, only 27% of charges for sexual assault with an object result in a guilty disposition compared to 59% of charges for child enticement (see Chart 8).

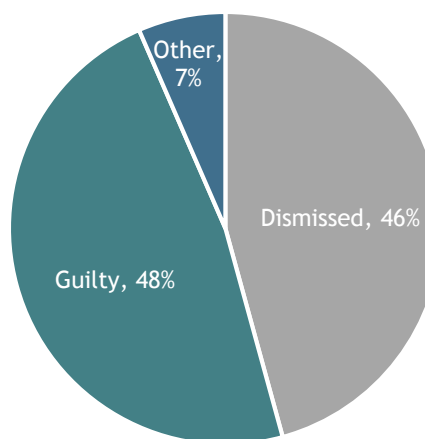
Of the 45% resulting in a guilty disposition, 87% were found guilty of a felony and 13% were amended to a misdemeanor.

Number of Cases	Percentage
1	91%
2	8%
3+	1%

*n=2,778

Number of Charges	Percentage
1	59%
2	22%
3	8%
4	5%
5	2%
6	2%
7+	2%

Chart 7: Disposition of Sex-Related Charges



¹⁶ For the purposes of this report, 'guilty' included the following dispositions: guilty, withheld judgment, and retained jurisdiction. Because withheld judgments and retained jurisdictions are sentences requiring a prescribed punishment or treatment, they were also included within the category of guilty dispositions.

Of those resulting in a guilty disposition, certain offenses are more likely to be amended to a misdemeanor, including sexual assault with an object (43%), sexual abuse or exploitation (32%), and human trafficking¹⁷ (25%) (Chart 8)¹⁸.

As illustrated in Chart 9, rape charges are most likely to be amended or modified (30%), followed by fondling (24%) and sexual assault with an object (20%). While none of the child sexual enhancement charges were amended, it is important to note that this does not consider disposition, so it is possible the enhancement was dismissed pursuant to a plea agreement instead of being amended.

When considering amended charges resulting in a guilty disposition, 36% of charges for sex crimes are amended to a non-sex crime. In fact, 57% of sexual assault with an object, 50% of human trafficking, and 45% of rape charges resulting in a guilty disposition are amended to a non-sex crime (see Table 15).

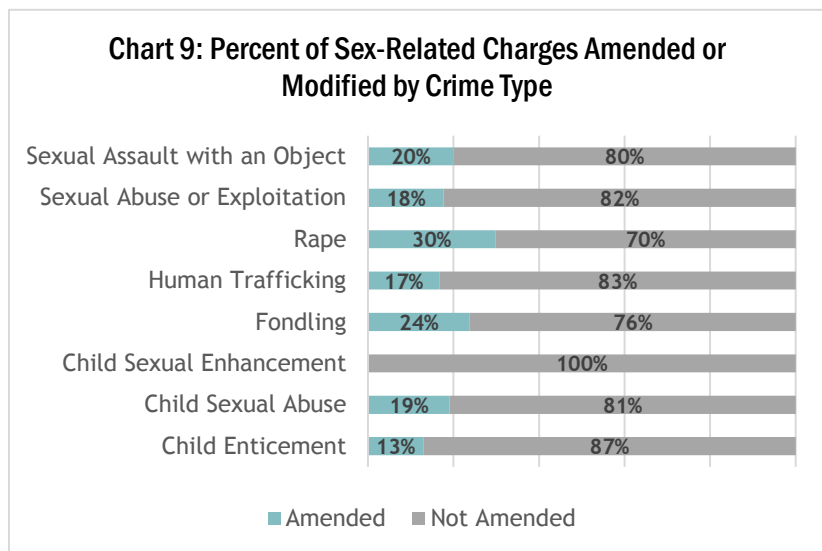
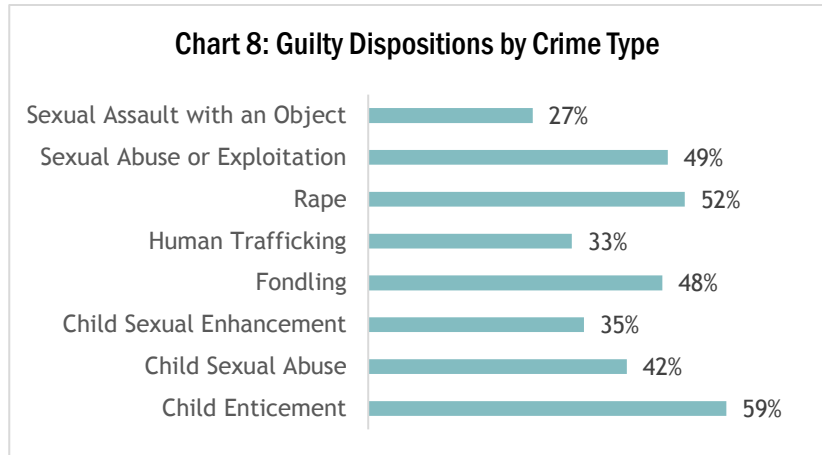


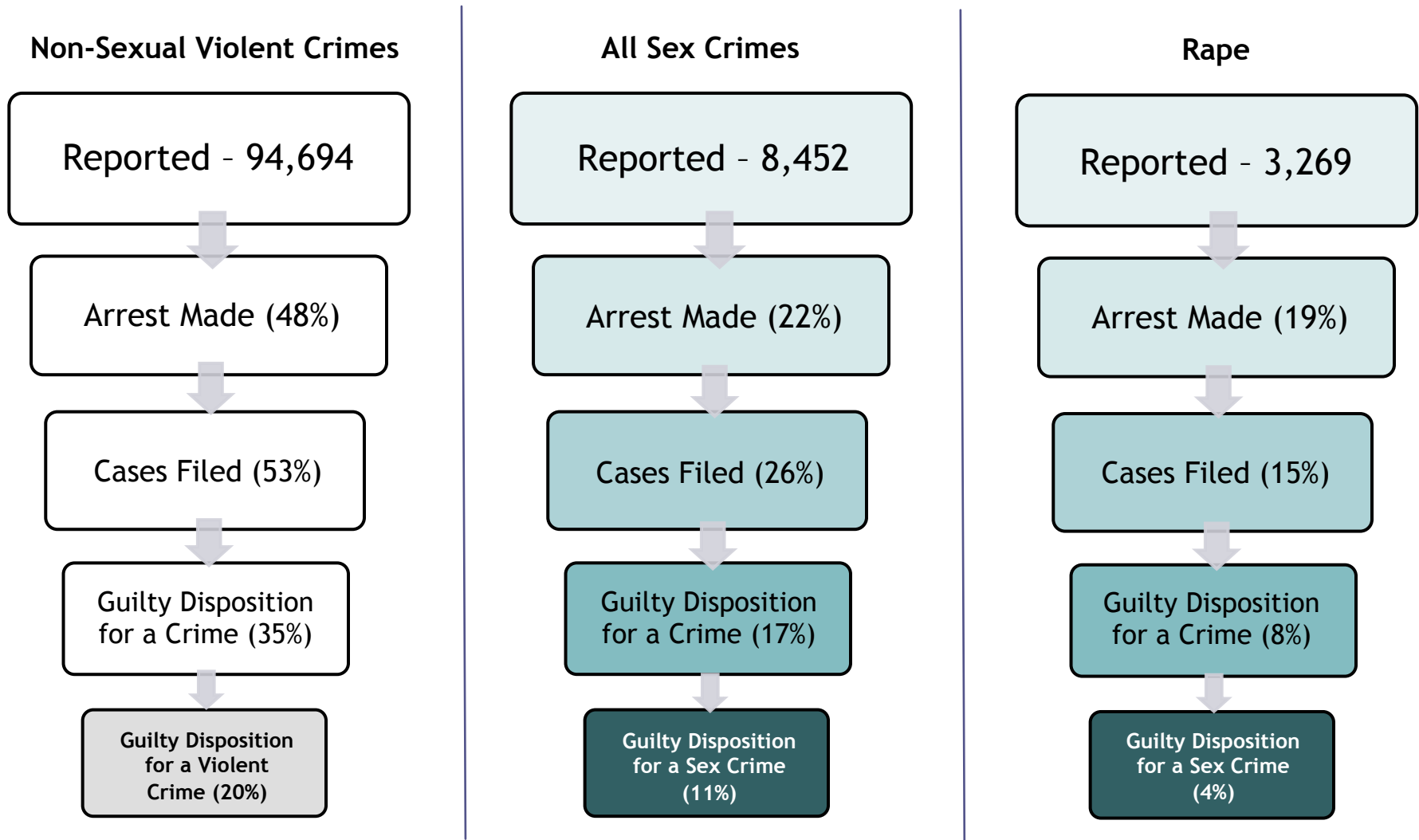
Table 15: Amended Charges by Crime Type with a Guilty Disposition

	Guilty Sex Crime	Guilty Non-Sex Crime
Child Enticement	82%	18%
Child Sexual Abuse	64%	36%
Child Sexual Enhancement	100%	0%
Fondling	68%	32%
Human Trafficking	50%	50%
Rape	55%	45%
Sexual Abuse or Exploitation	64%	36%
Sexual Assault with an Object	43%	57%
Total for All Sex Crimes	64%	36%

¹⁷ Interpret with caution. There were only three qualifying human trafficking charges filed between 2009 and 2015.

¹⁸ For ease of analysis, original and adjudicated charges were classified into the following categories: sexual assault with an object; sexual abuse or exploitation; rape; human trafficking; fondling; child sexual enhancement; child sexual abuse; and child enticement.

Criminal Justice System Response¹⁹



¹⁹ Because Twin Falls County is not included in court data for 2014, all three flowcharts exclude IIBRS data for Twin Falls County in 2014.

Note: Because the court data excludes cases involving an offender under the age of 18, any reported sex crimes in IIBRS where the offender was under the age of 18 were also excluded from this comparison

Note: Number of cases filed is based on the original charge

Note: The discrepancy between arrest and cases filed for non-sexual violent crimes and all sex crimes may be due to a variety of different factors, which are explained below.

As illustrated in the flowcharts above, sex crimes are less likely to result in arrest, have cases filed, and result in a guilty disposition compared to other violent crimes. In fact, reported violent crimes are nearly twice as likely to result in a guilty disposition compared to all sex crimes and more than three times more likely to result in a guilty disposition compared to reported rapes. Only 11% of all reported sex crimes and 4% of reported rapes result in a guilty disposition for a sex crime.

It is important to note the discrepancy between reported sex crimes resulting in an arrest and cases being filed. Some of the discrepancy may be due to instances where a court case is filed, then dismissed until further evidence can be obtained, then refiled as a different court case. However, these instances account for less than 2% of case filings (see page 6). The larger percentage of cases being filed compared to arrest may be due to the fact that Lewd Conduct with a Child Under 16 and Sexual Battery charges can be coded in IIBRS as a forcible sex offense (11D) or in the “all other offenses” category (90Z), as discussed in the methodology section. Therefore, some of these cases, which account for more than half of all sex-related cases filed, may have been originally coded as a non-sex offense in IIBRS and are thus not incorporated in the total number of reports and arrests for sex crimes, but are included in the number of cases filed and guilty dispositions. As a result, the percentage of all sex crimes resulting in a case filed and a guilty disposition may be an overestimation.

A similar discrepancy is noted in the other violent category. It is possible that some offenses resulted in an arrest in a previous year, but were not filed with the court until the next calendar year. For example, if an arrest occurred in December of 2008 but charges were not filed until January 2009, then the arrest would not be included in the present data but the case filing would. Additionally, it is possible that an incident was not originally classified as a violent offense in IIBRS, but was a qualifying violent charge by the prosecutor when the court case was filed. Similar to the sex crime analysis, this discrepancy could result in an overestimation of the percentage of reported violent crimes resulting in a guilty disposition.

Furthermore, the lower percentage of rape cases filed compared to arrests may be due to the fact that all charges that fit the IIBRS definition of statutory rape (non-forcible sexual intercourse with a person who is under the statutory age of consent) were excluded from the court comparison. Therefore, it is possible that an offense was coded as a rape (11A) in IIBRS but charged as a rape fitting the IIBRS definition of statutory rape in the court data (i.e., 18-6101(2)), which would not have been included in the calculation of rape cases filed. However, the impact of this is likely minimal considering the IIBRS category of Rape specifically denotes the exclusion of statutory rapes.

Cost of Sexual Violence

Nationally, tangible and intangible losses due to rape and sexual assault are estimated at \$240,776 per offense, making it the second most costly crime²⁰. Using these estimates, the approximate cost of rape in Idaho between 2009 and 2015 was more than \$906 million (3,764 x \$240,776) for an average of over \$129 million annually. In fact, rape costs an average of more than \$14 million per year in criminal justice system costs alone. Considering these

²⁰ McCollister, K.E., French, M.T., & Fang, H. (2010). The cost of crime to society: New crime-specific estimates for policy and program evaluation. *Drug and Alcohol Dependence*, 108(1-2), 98-109.

figures only include reported rapes and exclude other sex crimes, the actual cost of sexual violence in Idaho is likely notably higher.

Conclusion and Policy Implications

Sexual violence is a prevalent concern in Idaho with a significant fiscal impact. Results indicate that reports of sexual violence take almost ten times longer to investigate, and are nearly half as likely to result in arrest, charges being filed, and a guilty disposition. A total of 4% of reported rapes in the state of Idaho result in a guilty disposition for a sex crime. Considering these results, four recommendations are provided to improve response to sexual violence in Idaho:

- (1) Increased training for criminal justice personnel on the dynamics of sexual violence and best practices for response may help facilitate more equitable enforcement of sex crimes. Certain counties exhibiting a particularly disparate response to sexual violence would be appropriate starting points for training implementation²¹.
- (2) Based on the amount of time between incident and arrest for sex crimes as well as the percentage of cases resulting in a guilty disposition, additional remedies to ensure victim safety, regardless of criminal justice system response, are warranted.
- (3) State appropriated funding for prevention programs and victim services are needed in order to adequately address the tangible and intangible costs of sexual violence in Idaho.
- (4) Additional research examining unreported cases of sexual violence and victims' perspectives of justice system involvement would provide valuable context regarding the prevalence and response to sexual violence in Idaho.

²¹ Resources and trainings on response to sexual violence are available from the International Association of Chiefs of Police and the Office on Violence Against Women, among others.

Appendix A: Categorization of Victim-Offender Relationship

Family (Non-Intimate)

- Victim was Child
- Victim was Grandchild
- Victim was Grandparent
- Victim was In-law
- Victim was Other Family Member
- Victim was Parent
- Victim was Sibling (Brother or Sister)
- Victim was Stepchild
- Victim was Stepparent
- Victim was Stepsibling (Stepbrother or Stepsister)

Friend/Acquaintance

- Victim was Acquaintance
- Victim was Friend

Homosexual Relationship

- Homosexual relationship

Intimate

- Victim was Boyfriend/Girlfriend
- Victim was Common-Law Spouse
- Victim was Ex-Spouse
- Victim was Spouse

Otherwise Known

- Victim was Babysittee (the Baby)
- Victim was Child of Boyfriend/Girlfriend
- Victim was Employee
- Victim was Employer
- Victim was Neighbor
- Victim was Otherwise Known

Relationship Unknown

- Relationship Unknown

Stranger

- Victim was Stranger

Victim Was Offender

- Victim Was Offender

Appendix B: Sexual Violence Charges

Statute Number	Charge
I18-1505B	Sexual Abuse or Exploitation of a Vulnerable Adult
I18-1505B(1)	Sexual Abuse or Exploitation of a Vulnerable Adult
I18-1506	Child Sexual Abuse of a Minor Under 16 Years of Age
I18-1506 {A}	Child Sexual Abuse of a Minor Under 16 Years of Age (Attempted)
I18-1506(1)(a)	Child Sexual Abuse by Soliciting a Minor Under 16 to Participate in a Sexual Act
I18-1506(1)(b)	Child Sexual Abuse by Causing or Having Sexual Contact with a Minor Under 16 Y
I18-1506(1)(b) {AT}	Children-(Attempted) Sexual Abuse by Causing or Having Sexual Contact with a Minor Under 16 YOA
I18-1506(1)(c)	Child Sexual Abuse by Making Photographic or Electronic Recording or a Minor Under 16
I18-1506(1)(d)	Child Sexual Abuse - Induce, Cause or Permit Minor Under 16 to Witness a Act of Sexual Conduct
I18-1508	Lewd Conduct With Child Under 16
I18-1508 {A}	Lewd Conduct with Child Under 16 (Attempted)
I18-1508 {AB}	Lewd Conduct with a Minor under Sixteen (Aid & Abet)
I18-1508 {AT}	Lewd Conduct with Child Under 16 (Attempted)
I18-1508A	Sexual Battery Of Minor Child 16/17 Years Of Age
I18-1508A(1)(a)	Sexual Battery of a Minor Child 16 to 17 Years of Age Committed by Lewd or Lascivious Acts
I18-1508A(1)(b)	Sexual Battery of a Minor Child 16 to 17 Years of Age Committed by soliciting
I18-1508A(1)(c)	Sexual Battery of a Minor Child 16 to 17 Years of Age - Sexual Contact but Not Defined as Lewd
I18-1508A(1)(d)	Sexual Battery of a Minor Child 16 to 17 Years of Age by Making Photographic or Recordings
I18-1509A	Enticing Through the Internet, Video Image or Other Communication Device
I18-1509A {F}	Children - Enticing Over the Internet
I18-1509A(1)	Children-Enticing Through the Internet, Video Image or Communication Device to Lure a Child Under 16
I18-306, 18-1506(1)(a)	Sexual Abuse of a Child (Attempted)
I18-306, 18-6101	Rape (Attempted)
I18-5601	Prostitution - interstate Trafficking
I18-5605	Prostitution - Compels Another Person to Engage in by Holding, Detaining or Restraining
I18-5609	Prostitution - Induce Person Under 18 Years of Age into Prostitution
I18-5610	PROSTITUTION Utilizing person under 18 YOA
I18-5611	Prostitution - Induce Person Under 18 Years of Age into Prostitution
I18-6101	Rape
I18-6101 (AB)	Rape - Aid and Abet
I18-6101 {A}	Rape (Attempted)
I18-6101 {AT}	Rape (Attempted)
I18-6101(1)	Rape - Female Under the age of 18 (Statutory Rape)
I18-6101(3)	Rape - Incapable of Giving Legal Consent Due to Any Cause
I18-6101(3) {F}{AT}	Rape - (Attempted) Incapable of Giving Legal Consent Due to Any Cause
I18-6101(4)	Rape - Victim Resists but Resistance is Overcome by Force or Violence
I18-6101(4) {AB}	Rape (Aid/Abet)
I18-6101(4) {SO}	Rape (Solicitation)
I18-6101(5)	Rape - Prevented from Resisting by Infliction of Bodily Harm, Intoxicating Substance or Anesthetic
I18-6101(6)(a)	Rape - Victim was Asleep or Unconscious and Incapable of Resisting
I18-6101(9)	Rape-Victim Submits with the Belief Instilled by the Actor Using Threat of Harm or Any Other Threat
I18-6101{A}	Rape
I18-6108	Rape - male
I18-6108(1)	Rape-Male Victim is Under the Age of 16 and the Male Perpetrator is 18 Years of Age or Older
I18-6606 (AT)	Sexual Crime Against Nature - (Attempted) Penetration
I18-6608	Sexual Penetration - Forcible by Use of Foreign Object
I18-6608 {AT}	Sexual Penetration - (Attempted) Forcible by Use of Foreign Object
I18-6608(1)	Sexual Penetration-Forcible by Use of Foreign Object Against the Victim's Will

I18-6608(1)(a)	Sexual Penetration-Forcible by Use of Foreign Object Using Violence
I18-6608(3)	Sexual Penetration-Forcible by Use of Foreign Object-Resistance Prevented by Intoxicating Substance
I18-6608(4)(a)	Sexual Penetration-Forcible by Use of Foreign Object-Victim was Unconscious or Asleep
I18-6608{AB}	Sexual Penetration - Forcible By Use of Foreign Object by Aiding & abetting
I18-8602(1)	Human Trafficking-Underage Victim Used for Commercial Sexual Acts Induced by Force Fraud or Coercion
I19-2520G	Child Sexual Abuse Enhancement - Mandatory Minimum Sentence
IPART II(19-2520G)	Child Sexual Abuse - Mandatory Minimum Penalty

Appendix C: Sexual Violence Charges Included in IIBRS Comparisons

Statute	Charge	IIBRS Code
I18-1505B	Sexual Abuse or Exploitation of a Vulnerable Adult	11A-D
I18-1505B(1)	Sexual Abuse or Exploitation of a Vulnerable Adult	11A-D
I18-1506	Child Sexual Abuse of a Minor Under 16 Years of Age	11D
I18-1506 {A}	Child Sexual Abuse of a Minor Under 16 Years of Age (Attempted)	11D
I18-1506(1)(b)	Child Sexual Abuse by Causing or Having Sexual Contact with a Minor Under 16 Y	11D
I18-1506(1)(b) {AT}	Children-(Attempted) Sexual Abuse by Causing or Having Sexual Contact with a Minor Under 16 YOA	11D
I18-1508	Lewd Conduct With Child Under 16	11D; 90Z
I18-1508 {A}	Lewd Conduct with Child Under 16 (Attempted)	11D; 90Z
I18-1508 {AT}	Lewd Conduct with Child Under 16 (Attempted)	11D; 90Z
I18-1508A	Sexual Battery Of Minor Child 16/17 Years Of Age	11D; 90Z
I18-1508A(1)(a)	Sexual Battery of a Minor Child 16 to 17 Years of Age Committed by Lewd or Lascivious Acts	11D; 90Z
I18-1508A(1)(c)	Sexual Battery of a Minor Child 16 to 17 Years of Age - Sexual Contact but Not Defined as Lewd	11D; 90Z
I18-6101	Rape	11A
I18-6101 {A}	Rape (Attempted)	11A
I18-6101 {AT}	Rape (Attempted)	11A
I18-6101(3)	Rape - Incapable of Giving Legal Consent Due to Any Cause	11A
I18-6101(3) {F}{AT}	Rape - (Attempted) Incapable of Giving Legal Consent Due to Any Cause	11A
I18-6101(4)	Rape - Victim Resists but Resistance is Overcome by Force or Violence	11A
I18-6101(5)	Rape - Prevented from Resisting by Infliction of Bodily Harm, Intoxicating Substance or Anesthetic	11A
I18-6101(6)(a)	Rape - Victim was Asleep or Unconscious and Incapable of Resisting	11A
I18-6101(9)	Rape-Victim Submits with the Belief Instilled by the Actor Using Threat of Harm or Any Other Threat	11A
I18-6108	Rape - male	11B
I18-6608	Sexual Penetration - Forcible by Use of Foreign Object	11C
I18-6608 {AT}	Sexual Penetration - (Attempted) Forcible by Use of Foreign Object	11C
I18-6608(1)	Sexual Penetration-Forcible by Use of Foreign Object Against the Victim's Will	11C
I18-6608(1)(a)	Sexual Penetration-Forcible by Use of Foreign Object Using Violence	11C
I18-6608(3)	Sexual Penetration-Forcible by Use of Foreign Object-Resistance Prevented by Intoxicating Substance	11C
I18-6608(4)(a)	Sexual Penetration-Forcible by Use of Foreign Object-Victim was Unconscious or Asleep	11C