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Analysis of Cuyahoga County's Procedures for Alleviating the Backlog of Sexual Assault Kits

Cuyahoga County Sexual Assault Kit Pilot Project (SAK): Report on Serial and One-Time Sexual Offenders

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Key Findings

This report provides a descriptive summary comparing serial sexual offenders to one-time sexual offenders as part of the Cuyahoga County Sexual Assault Kit (SAK) Pilot Research Project.

The key findings include:

- The overwhelming majority of both serial and one-time sexual offenders in our sample had felony-level criminal histories. Serial sexual offenders had more extensive and violent criminal histories compared to one-time sexual offenders.
- Serial sexual offenders more frequently sexually assaulted in open areas (i.e., in a vehicle, outdoors).
- Serial sexual offenders were more frequently strangers to their victims.
- Sexual assaults committed by serial sexual offenders more frequently involved:
 - Kidnapping the victims,
 - Verbally and physically threatening the victims, and
 - Using or threatening with weapons
- Sexual assaults committed by serial sexual offenders less frequently involved the victims being:
 - Restrained,
 - Punched/Slapped,
 - Held down, and
 - Injured in order to complete the attack
- Serial sexual offenders with multiple unsubmitted SAKs in Cuyahoga County were more consistent in some aspects of their modus operandi (“MO”) and less consistent in other aspects.
 - These types of serial sexual offenders (those with more than one unsubmitted SAK) more consistently assaulted in the same type of location and inflicted bodily force in the assault.
 - However, they were less consistent with their use or threat of a weapon in the assault and with the type of relationship they had with the victim.

Data and Methodology

In August 2015, we began with a list of cases that had completed the investigative workflow (e.g., a series of investigative tasks in order to determine whether or not to prosecute a sexual assault) and had been closed by the Cuyahoga County Prosecutor's Office and either (1) resulted in prosecution or (2) not pursued due to insufficient evidence.

From the case files we coded police and investigative reports, forensic lab reports, and criminal histories on a random sample of 210 cases representing 243 Sexual Assault Kits (SAKs). For the findings presented here (except those with multiple unsubmitted SAK hits), the same offender is represented more than once but for separate sexual assaults.

These assaults were reported between March 1993 and May 2014; however, the majority of the assaults (74.1%) occurred between 1993 and 1997, which reflect the statute of limitation prioritization for prosecution.

For a more complete description of the history of the unsubmitted SAKs in Cuyahoga County, the SAK Task Force, and a more detailed description of these data, see "The Cuyahoga County Sexual Assault Kit (SAK) Task Force: Describing the Process of Testing, Investigating, and Prosecuting Unsubmitted SAKs" and "The Cuyahoga County Sexual Assault Kit (SAK) Pilot Research Project: Data and Methodology."

What is a serial sexual offender?

A serial sexual offender (hereafter referred to as a serial offender) was defined as anyone with more than one CODIS hit or CODIS hit and an arrest for a sexual offense(s) in their criminal history. A one-time offender is defined as having one CODIS hit or a CODIS hit and no other sexual offense arrest in their criminal history.

Of the 243 sexual assaults coded to date, 124 (51.0%) sexual assaults were connected to serial offenders.

Serial offenders were disproportionally represented in these data relative to their proportion of all unsubmitted SAKs due to the Cuyahoga County Prosecutor's Office

prioritization of serial offenders for prosecution.

Do serial offenders differ from one-time offenders in demographics or criminal histories?

Demographics

All offenders (serial and one-time offenders) in our sample were male. The serial offenders ranged between 14 and 56 years of age at the time of the offense with an average age of 30—5.9% of the serial offenders were minors (under the age of 18) at the time of offense (n=8). One-time offenders ranged from 16 to 55 years of age and were slightly younger—average age at time of offense was 27, 12.7% were minors (n=7).

There were no notable racial differences for serial vs. one-time offenders—86.8% of all offenders were African American/Black, 11.5% were Caucasian/White, and 1.6% Hispanic/Latino.

Criminal Histories of Offenders

We collected serial offenders' criminal histories for felony-level arrests prior to and subsequent to the sexual assault connected to the SAK (plus domestic violence arrests, which are often misdemeanor offenses) (See Table 1 on page 4). We coded based upon arrest and not conviction because what a person is convicted of is often not reflective of the offense they reportedly committed. This provides a glimpse into how often they have criminal justice involvement and for what offense(s). It is important to note that we had criminal histories only for known offenders, meaning that they were already in the CODIS database, were connected to other SAKs, and/or were named offenders in initial police reports.

Prior Offenses

Prior to the SAK sexual assault, serial offenders had on average twice as many felony offenses compared to one-time offenders (1.69 vs. 0.75). The percentage of serial offenders with felony assault and motor vehicle theft arrests were substantially higher for serial compared to one-time offenders.

One-quarter (25.9%) of serial offenders had a prior arrest for sexual assault.

Subsequent Offenses

Subsequent to the SAK sexual assault, serial and one-time offenders were more similar in the number of felony offenses allegedly committed, 2.93 and 2.06, respectively. Although, serial offenders still had, on average, almost twice as many felony arrests (2.93 vs. 2.06).

Table 1. Percent of Offenders with Felony Arrests (+ Domestic Violence) Prior and Subsequent to the SAK Sexual Assault, by Type of Offense*

Type of Offense	Prior		Subsequent	
	Serial Percent (n=58)	One-Time Percent (n=55)	Serial Percent (n=58)	One-Time Percent (n=55)
Murder	5.2	---	8.6	3.6
Sexual assault	25.9	---	60.3	---
Assault	22.4	5.5	39.7	45.5
Robbery	17.2	10.9	34.5	25.5
Burglary	20.7	14.5	29.3	20.0
Larceny/Theft	20.7	9.1	20.7	14.5
Motor Vehicle Theft	17.2	1.8	15.5	16.4
Arson	---	---	3.4	---
Drug	27.6	20.0	46.6	45.5
Domestic Violence	12.1	12.7	34.5	34.5
At least one felony offense	74.1	50.9	94.8	78.2
More than 1 felony offense	50.0	12.7	74.1	56.4
Mean felony offenses	1.69	0.75	2.93	2.06

*A total of 113 unique offenders corresponding to 166 sexual assaults.
 Criminal histories were only available for known offenders

Approximately 60% of serial offenders had a subsequent arrest for sexual assault (not related to the SAK sexual assault).

Domestic violence was the only type of offense that had similar percentages for serial and one-time offenders both prior and subsequent to the sexual assault.

Do serial offenders differ from one-time offenders in their modus operandi (“MO”)?

Type of Location

As illustrated by Table 2 (below), sexual assaults committed by serial offenders most frequently occurred in open areas (i.e., vehicle, outdoors)—*51.7% of the sexual assaults committed by serial offenders occurred in open areas.*

Sexual assaults committed by one-time sexual offenders most frequently occurred in the victim’s or suspect’s house/apartment.

Table 2. Types of Locations Where the Sexual Assaults Occurred for Serial and One-Time Offenders

Type of Location	Serial Offender	One-Time Offender
	Percent (n=124)	Percent (n=119)
In a vehicle	31.5	16.0
Outdoors/ outside	20.2	13.4
Garage	4.0	0.8
Victim’s house/apt	21.0	21.8
Suspect’s house/apt	7.3	19.3
Third party house/apt	9.7	17.6
Unknown	2.4	5.0
All other	3.9	6.1
Total	100.0%	100.0%

Type of Relationship

Table 3 (on page 6) illustrates that serial offenders were more frequently strangers (65.3%) to their victims compared to one-time offenders (41.2%). A recent acquaintance was defined as someone the victim had just met (at a bar, party, on the street, etc.) whereas a casual acquaintance was defined as someone the victim knew something about (“around the neighborhood”) but did not know very well.

Table 3. Relationship of Victim and Offender for Serial and One-Time Offenders

Type of Relationship	Serial Offender	One-Time Offender
	Percent (n=124)	Percent (n=119)
Stranger	65.3	41.2
Casual acquaintance	12.9	16.0
Recent acquaintance	4.8	9.2
Former intimate partner/dating	4.0	4.2
Current intimate partner/dating	0.8	4.2
Friend/not romantic	2.4	1.6
Relationship unknown	4.0	10.1
All Other	5.8	13.5
Total	100.0%	100.0%

Even given the number of assaults by strangers, victims were fairly frequently able to provide identifying information about the offenders to the police (first and last name, a partial name, nickname, or license plate number). For serial offenders, this occurred in 39.0% of the sexual assaults and in 50.4% of the sexual assaults for one-time offenders.

Is there a difference in MO's between serial and one-time offenders?

Multiple Offenders in an Assault

Serial offenders less frequently committed sexual assaults with others (i.e., gang rapes)—13.6% of the sexual assaults involving serial offenders had more than one male involved in the assault vs. 23.7% for one-time offenders.

Weapons

Sexual assaults committed by serial offenders more frequently involved a weapon (44.3%) (primarily a firearm or a knife, respectively) than sexual assaults committed by one-time offenders (20.7%).

Serial offenders also more frequently immediately attacked the victims (26.2 %) compared to one-time offenders (17.1%). An immediate attack was defined as an assault that involved no contact between the victim and offender prior to the offense.

Type of Control and Injuries

Table 4 (below) shows that sexual assaults committed by serial offenders more frequently involved kidnapping, threatening with a weapon, physically threatening, and verbally threatening. However, sexual assaults committed by serial offenders less frequently involved restraining the victims and injuring the victim in order to complete the attack (in other words, “instrumental” and not gratuitous injury). While all sexual assaults injure victims, from the victim’s account of the assault, we specifically coded for the presence of injuries to the victim that occurred as part of the attack (e.g., how the offender was able to “get the upper hand”).

Physical threats were defined as a threat of injury. Verbal threats were defined as those that entailed abusive language but did not specifically mention a threat to physically harm. A physical threat was also counted as a verbal threat. A threat with a weapon was also counted as a physical threat.

Table 4. Type of Control Used in the Sexual Assaults for Serial and One-Time Offenders*

Type of Control Used in Sexual Assault	Serial Offenders <i>Percent(n=124)</i>	One-Time Offenders <i>Percent (n=119)</i>
Kidnapped	44.3	35.5
Verbally threatened	32.0	20.0
Physically threatened	24.6	11.8
Restrained	49.2	54.5
Threatened with weapon	41.0	19.1
Injured victim in order to complete the attack	7.4	19.1

Table 5 (on page 8) details the type of bodily force used by serial and one-time sexual offenders in the sexual assaults. While overall, serial offenders used bodily force more frequently in the attacks (29.6%) vs. one-time offenders (23.1%), one-time offenders more frequently used certain types of bodily force—most notably, punching/slapping and holding down.

Table 5. Type of Bodily Force Used in the Sexual Assaults for Serial and One-Time Offenders

Type of Bodily Forced Used in Sexual Assault*	Serial Offenders Percent (n=124)	One-Time Offenders Percent (n=119)
Used any type of bodily force	29.6	23.1
Dragged	6.5	8.0
Punched/Slapped	13.8	27.4
Pushed	26.8	29.2
Strangled	6.5	8.0
Held down	24.4	32.7

What is the typical MO for serial offenders?

We were interested in exploring the extent to which serial offenders consistently used the same MO in multiple sexual assaults. To explore, we examined serial offenders with more than one CODIS hit (in other words, serial offenders who hit to more than one unsubmitted SAK in Cuyahoga County), as this gave us access to the details of the multiple assaults. Our database included 30 of these serial offenders who committed 85 sexual assaults with the average number of sexual assaults for these serial offenders being 2.83 (min=2, max=6).

Type of Location

We examined whether these 30 serial offenders committed the 85 offenses in similar locations—57.1% of these 30 serial offenders committed all of their offenses in the same type of location—indoors (i.e., house or hotel), outdoors (i.e., outside or in a vehicle), or in a building (i.e., garage, university, commercial building); 14.2% committed the offense in the same location the majority of the time; and 28.6% committed half of their offenses in the same type of location.

For the serial offenders who committed the most number of assaults (4+ sexual assaults, n=7), out of the 32 assaults, 30 were outdoors.

Relationship Crossover

For the 30 serial offenders, 50% only assaulted strangers, 33.3% assaulted strangers and non-strangers (casual/recent acquaintance or former/current

intimidate partner, also known as “relationship crossover” offenders), the remaining offenders, 16.7%, only assaulted non-strangers.

Weapons

Serial offenders did not appear to be as consistent with their use or threat of a weapon during the offense (“consistent” is defined as a weapon being used in all of their assaults)—56.7% inconsistently had a weapon, 16.7% consistently had a weapon, and 26.7% consistently did not have a weapon in the assault.

Bodily Force

Serial offenders were relatively consistent with their use of bodily force (force used over and above the assault)—50.0% consistently did not inflict bodily force to the victims, 16.7% consistently did inflict bodily force, while 33.3% inconsistently inflicted bodily force.

What do these findings tell us?

Our findings show that serial sexual offending is much more common than what was previously thought, potentially changing the way sexual assaults are investigated and the way we view sexual assault, offenders, and victims.

While serial offenders are disproportionately represented in our sample relative to their proportion of all offenders in the unsubmitted SAKs in Cuyahoga County, our findings emphasize that serial sexual offending is quite common. This finding is likely a function of: (1) the use of DNA and CODIS being able to link to a much larger number of sexual assaults (those with unsubmitted SAKs), and (2) serial offender being defined in this report as more than one CODIS hit or a CODIS hit and a history of sexual assault *at arrest and not at conviction*.

Most of what is known about serial offenders is based on offenders who have been convicted of multiple sexual assaults or offenders that self-report multiple assaults. In the former, convicted serial sexual offenders represent a very small and skewed proportion of all sexual offenders. Previous research has consistently illustrated that convictions for sexual assault are much more likely to be the exception rather than the rule. Additionally, self-reported multiple offending has the inherent issue of

relying on the offender to disclose and self-define more than one of their sexual acts as nonconsensual. Our data, on the other hand, pulls from a much larger sample of sexual assaults with unsubmitted SAKs over a 20-year span of time. Moreover, we were able to expand our definition of serial to include an arrest and not conviction for sexual assault, as convictions are less common and often the convicting offense does not accurately reflect the offense that was reportedly committed (e.g., pleading to assault instead of sexual battery).

Our findings also suggest that it is very likely that a sexual offender has either previously sexually assaulted or will offend again in the future. Investigating each sexual assault as possibly being perpetrated by a serial offender has the potential to reduce the number of sexual assaults if the focus of the investigation is more on the offender than on a single incident. Serial offenders have traditionally been investigated according to the consistency of the assault or the MO (e.g., who they assault, where they assault, how they assault). For example, our findings seem to suggest that MOs (while definitely important to track for investigative purposes, especially when DNA is present) are not a consistently reliable link across assaults and thus a missed opportunity to solve unsolved sexual assaults and an opportunity to prevent future offending.

Thus, if an offender comes to the attention of law enforcement for, say, an assault that occurred near a particular bus station, they are not necessarily just investigating an isolated incident or even just other assaults near a particular bus station. Instead, there appears to be merit in reexamining each previously reported assault (including but not limited to sexual assaults) allegedly perpetrated by the offender, whether or not it fits the typical MO. *In other words, fully examining sexual offenders when they come to the attention of law enforcement is likely one of the most important ways to solve unsolved sexual assaults and reduce the number of future offenses.*

Lastly, these findings speak to just how powerful DNA testing can be. Testing each and every SAK not only populates the CODIS database for possible future matches, it also can link crimes across space and time—crimes that likely would never have been linked. Of course, a DNA match is only the first step in the process. Cases, even with a DNA match, must still be thoroughly investigated or prosecuted. *This initiative illustrates that when all SAKs are tested and cases are thoroughly investigated and prosecuted, there is potential to greatly reduce the number of future offenses across the country.*

Next Steps

These data provide a unique opportunity to begin to examine how serial offenders compare to one-time offenders. However, the findings in this report only scratch the surface. Additional research can help us gain a more nuanced understanding of serial sexual offending.

In total, our findings indicate that while serial offenders are different from one-time offenders, they might also be quite different from each other—in other words, different types of serial offenders. As this project matures we hope to investigate in greater detail topics such as: the different types of serial offenders and one-time offenders, what factors or combination of factors most influence the amount of force and injury inflicted on the victim, offender mobility, relationships between the victim and offender, the social networks of offenders and victims, and the spatial relationship of serial offending.

Our findings are more generalizable than much of the previous research on serial offending for reasons discussed above. However, there are limitations to our data. Our data only includes sexual assaults with unsubmitted SAKs, not all sexual assaults or all sexual assaults with SAKs. We also only have criminal history data for known offenders. Most known offenders were identified because they were in the CODIS database indicating previous contact with the criminal justice system, which disproportionately impacts many marginalized groups (such as people of color, economically disadvantaged, etc.). Offenders without a match are likely different (in some currently unknown way) from known offenders. Additionally, the more extensive subsequent criminal histories of offenders should also be interpreted as partially a function of time—approximately 15 to 20 years to reoffend. As this project matures, we hope to be able to expand the number of sexual assaults coded and include a greater diversity of assaults, such as those that proceeded to prosecution and disposition at or near the time of the assault, assaults committed more recently, and sexual assaults without SAKs.