

Crime Trend Series

DEPARTMENT OF THE ATTORNEY GENERAL, CRIME PREVENTION AND JUSTICE ASSISTANCE DIVISION

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FELONY SEXUAL ASSAULT ARRESTS IN HAWAII

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The development and progress of felony sexual assault cases has been likened to a funnel, in which the number of cases gets dramatically smaller at various stages of the criminal justice system (LaFree, 1989). Nationally, just one-third of all sexual assaults are reported to the police (U.S. Bureau of Justice Statistics, 1993), and only 5% of those which are reported lead to an alleged offender being arrested, charged, tried, convicted, sentenced, and incarcerated (LaFree, 1989). Considering that the number of reported cases is initially so small, as few as 1 in 60 actual sexual assaults may ever lead to the incarceration of an offender.

Data on sexual offenders in Hawaii have traditionally been derived from studies of those at the bottom of the criminal justice funnel—convicted sex offenders. While these data are important, it is also valuable to examine the larger number of cases that appear at higher levels of the funnel. Following an initial summary of felony sexual assault arrests, convictions, and offender registrations in Hawaii, this report provides

the first arrest-level look at felony sexual assault arrestees, their alleged victims, and the assaults themselves. These data will be explored further in subsequent *Crime Trend Series*.

Except where otherwise noted, the statistics in this report were derived from raw numbers of felony sexual assault arrests and convictions in Hawaii between 1986 and 1996, police arrest reports, criminal history records of those arrested for felony sexual assaults between 1993 and 1996, and the names of registered sex offenders.

Arrests, Convictions, and Registrations in Hawaii, 1986 - 1996

There were 2923 people arrested for felony sex offenses between 1986 and 1996. From this number 1096 (or 37.5%) of the arrestees were convicted for felony sex offenses, and, of those convicted, 370 (33.8%) have registered in Hawaii.¹ The remaining 726 (66.2%) convicted-but-unregistered sex offenders are accounted for by 545 who are still incarcerated², and 181 for whom no specific explanation is apparent.

Table 1: People Arrested, Convicted, and Registered for Felony Sexual Assault

	before 85	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	other states
Arrested		168	214	203	228	269	299	387	339	312	278	226	
Convicted		55	55	79	84	74	105	142	172	126	111	93	
Registered	54	7	8	15	16	21	41	60	72	47	48	35	24

¹Arrest data were gathered in October 1996, conviction data in August 1996, and registration data in September 1996.

²According to Barry Coyne, Ph.D., of the Hawaii Department of Public Safety, this figure is current as of January 1, 1997. Upon their release these individuals must register with their state of residency.

Apart from the 370 registered sex offenders mentioned above, 54 were convicted in Hawaii before 1986, and 24 were convicted in another state and subsequently registered in Hawaii, resulting in a current total of 448 registered sex offenders in Hawaii. Table 1 shows the number of felony sexual assault arrests and convictions in Hawaii since 1986 and the number of registered offenders [see Appendix A for legal definitions of felony sex assaults in Hawaii, and Appendix B for information about sex offender registration].

An analysis of registered offenders by county reveals that 72.4% currently reside on Oahu, 14.3% on Hawaii, 12.2% on Maui, and 1.1% on Kauai. These proportions are within 3.5 percentage points of Department of Business, Economic Development, And Tourism (DBED) county population estimates.

FELONY SEX OFFENSE ARRESTS IN HAWAII, 1993 - 1996

Arrestee Profile

Between 1993-1996, 1043 persons (98.8% males, 1.2% females) were arrested for felony sex offenses. There were some cases with multiple arrestees: eight cases had two arrestees, one had four, and one had five. Their ages ranged from 17 to 85 years old, with a median age of 33. Almost 70% of the arrestees were between the ages of 18 and 39. Table 2 shows the number of persons arrested for felony sexual assault by arrestee age range.

	#	%
17	2	0.2
18-29	367	35.2
30-39	361	34.6
40-49	181	17.4
50-59	88	8.4
60-100	44	4.2

The largest arrestee ethnic group reported was Caucasians, with Hawaiians and Filipinos as the

second and third largest groups represented (Table 3). Hawaiians may have been slightly over-reported because many people classify themselves as Hawaiians based on birthplace rather than true ethnic heritage. Leanne N. Gillespie and Barry J. Coyne, Ph.D., of the Hawaii Department of Public Safety are currently preparing a more thorough report on ethnicity and sex offenders in Hawaii.

	#	%
Black	91	8.7
Caucasians	288	27.6
Chinese	14	1.3
Filipino	181	17.4
Hawaiian, Part-Hawaiian	187	17.9
Japanese	51	4.9
Korean	14	1.3
Samoan	47	4.5
Other	170	16.3

About 75% of those arrested for felony sex offenses were born in the United States (about two-thirds of these from Hawaii), approximately 20% were from foreign countries (half of these from the Philippines), and less than 5% were from U.S. territories.

Oahu accounted for the greatest proportion of those arrested for felony sex offenses (64.2%), with Maui at 16.0%, Hawaii at 13.8%, and Kauai at 6.0%. While the Kauai and Hawaii proportions are within 2.5 percentage points of DBED's estimated population distribution by county, Maui (with 9.8% of the population) and Oahu (with 73.9% of the population) appear to have had, respectively, an over- and under-representation of felony sexual assault arrests between 1993 and 1996.

Two individuals were arrested twice each on different islands: one on Oahu and Kauai, and another on Oahu and Hawaii.

The majority (82.4%) of those arrested had a regular place of residence. Homeless (7.4%), military (5.3%), and visitor (4.2%) categories each accounted

for a significant portion of arrestees, while those living on boats or in prison each accounted for less than 1%.

Employment status ranged from unemployed to private business ownership (Table 4). Unskilled laborers (e.g., tour drivers, waiters, etc., but excluding maintenance and construction workers) comprised almost one-third of the sample, with about one-quarter unemployed, and approximately one-tenth classified as skilled laborers (e.g., repair persons, painters, chefs). Maintenance and construction workers were considered separately due to their frequency of occurrence.

	#	%
Business owner	25	3.5
Professional	28	3.9
Supervisor	22	3.1
Skilled laborer	63	8.9
Enforcement	19	2.7
Unskilled laborer	220	30.9
Maintenance	27	3.8
Construction	37	5.2
Military	43	6.0
Retired	11	1.5
Student	14	2.0
Other	12	1.7
Unemployed	190	26.7
Unknown	100	
Missing	232	

Of the 1043 arrestees, 142 (13.6%) of the arrestees had prior sex offense arrests ranging from petty misdemeanors to Class A felonies. One hundred and eleven (10.6%) of the arrestees had at least one prior felony sex offense arrest.

A total of 3139 felony sex offense charges were brought against the 1043 arrestees. A range of 1 to 66 charges were brought against individual arrestees, with just under one-third being arrested on a single charge.

An analysis of these charges revealed that, at the time the data were collected, 35.3% had ended with a

guilty verdict, 5.4% had concluded with a not guilty verdict, 1.5% had resulted in an acquittal, 36.7% had ended due to any of a number of other circumstances (the arrestee had been released pending investigation, the case had been dismissed from court, etc.), and 21.1% of the charges were still proceeding through the criminal justice system.

Approximately 75% of the guilty dispositions were based on original arrest charges, and about 25% were based on arrest charges which had subsequently been amended (e.g., sexual assault 1 reduced to sexual assault 3, harassment raised to sexual assault 3, etc.).

Of all guilty dispositions, the three most frequent "arrest-to-final charge" scenarios were as follows:

Arrest Charge	Final Charge	% of Guilty Dispositions
Sexual Assault 3	- Sexual Assault 3	37.4%
Sexual Assault 1	- Sexual Assault 1	24.3%
Sexual Assault 1	- Sexual Assault 2	17.2%

Victim Profile

Victim information was available for 811 of the 1043 cases, and in these cases there was a total of 916 victims; this figure includes single cases with multiple victims. Of the 811 cases, 76 arrestees had two victims, 23 had three, 4 had four, and 1 had six. Among the 916 victims there were 827 females, 87 males, and two whose gender was not recorded.

Victim ages ranged from 1 to 85 years (Table 5). The most frequently occurring age was 13 (84 victims).

	#	%
0 - 8	120	13.2
9 - 13	230	25.2
14 - 17	164	18.0
18 - 29	231	25.3
30 - 39	111	12.2
40 - 49	48	5.3
50 - 59	5	0.5
60 - 100	3	0.3
Unknown	4	

More than half the victims were younger than 18 years of age; of these, almost 70% were 13 or younger. The greatest proportion of victims were those between 18 and 29, followed by age ranges 9 to 13 and 14 to 17. The age ranges are not distributed evenly because penalties vary for individuals convicted of crimes against either the young or elderly [see Hawaii Revised Statutes 706-660.2, and, in Appendix A, 707-730-87].

Victims were most frequently Caucasians (29.3%), Hawaiians (24.7%), “Others” such as Spanish or Micronesian, etc. (13.9%), and Filipinos (11.1%). Slightly over 90% of the victims resided in Hawaii while 5.5% were visitors, about 3% were homeless, and categories for those in prison or the military each accounted for less than 1%.

Arrestee-Victim Residence Proximities

Police reports included street addresses from which the general distance between 839 arrestee-victim residences could be determined. Categories were created to generalize the proximity of victim and offender residences and are exemplified as follows:

Neighbors: Same street name & different number
 Same area: in Kahala, in Kaneohe, or in Waianae
 Close Area: Kailua/Kaneohe, Moanalua/Kalihi
 Different areas: Manoa/Kapolei, Waimanalo/Haleiwa

The greatest proportion of victims and offenders had the same home address, while those who either lived in completely different areas from one another or were neighbors followed closely behind (Table 6).

Arrestee-Victim Relationships

A little over 85% of the victims knew their alleged attackers. Slightly over one-third of the relationship data is accounted for by intra-familial offenders³ with the highest percentage of this group classified as “other family members.”⁴ Acquaintances constituted just under one-third of the cases and comprised the largest singular category of relationship type. At 11.3%, strangers accounted for comparatively fewer cases. These data are shown in Table 7.

	#	%
Same address	176	21.5
Neighbor	151	18.4
Same area	87	10.6
Close areas	69	8.4
Different areas	168	20.5
Both homeless	14	1.7
One is homeless	68	8.3
Both visitors	13	1.6
One is visitor	58	7.1
One is military	7	0.9
Homeless/visitor	2	0.2
Homeless/military	3	0.4
Visitor/military	3	0.4
Unknown	97	
Missing	232	

	#	%
Intrafamilial	216	34.4
-----Parent	51	8.1
-----Boyfriend/girlfriend of a parent	20	3.2
-----Spouse	18	2.9
-----Other family members	78	12.4
-----Sibling	4	0.6
-----Step-parent	45	7.2
Acquaintance	204	32.5
Boyfriend/girlfriend	43	6.8
Co-worker	6	1.0
Ex-partner	12	1.9
Friend	41	6.5
Neighbor	22	3.5
Stranger	71	11.3
Other	13	2.1
Unknown	288	
Missing	232	

³Intra-familial offenders are defined as biological father, mother, or sibling; stepfather, stepmother, step-sibling, boyfriend or girlfriend of a parent, or “other family member.”

⁴“Other family members” are defined as individuals from the extended family, such as grandparents, uncles, or cousins.

To provide a more complete picture of the relationships between victims and arrestees, additional data were gathered from both the Children’s Advocacy Center (CAC), which provides assistance to persons who were victimized while under the age of 18, and the Sex Abuse Treatment Center (SATC), which works with victims of any age.

CAC data collected during the calendar year 1995 (n = 1,198 cases), reveal that 61.2% of the relationships between children and alleged offenders were broadly intra-familial, with biological parents (22.9% of all cases) representing the most common type of intra-familial offenders. Acquaintances comprised the second largest category (28.9%), 5.2% were strangers, 2.1% were “others” (e.g., institution staff), 1.8% were babysitters, and 0.8% were teachers. Alleged offenders resided with their victims in 44.8% of the cases.

SATC data (n = 2,496 cases as of October 1996)

showed that the most common relationship type was acquaintance (31.4%), followed by intra-familial (22.5%), stranger (20.8%), and neighbor (3.0%).

Victim Age by Arrestee-Victim Relationship

Almost 90% of victims less than 18 years of age knew their alleged attackers; this proportion decreased to just under 80% for adult victims. Child victims were associated with about 60% of the arrestee-victim “neighbor” relationships, while adult victims appeared in almost 65% of the “stranger” relationships.

In rank order, the most frequently occurring arrestee-victim relationship types among child victims were acquaintance (27.3%), other family member (18.8%), and parent or step-parent (at 12.1% each). For adult victims, acquaintance (40.4%), stranger (17.6%), and boyfriend/girlfriend (12.2%) were the most common relationship types (Table 8).

Table 8: Arrestee and Victim Relationship by Victim Age

	0-13 years		14-17 years		0-17 years		18-100 years		Total	
	#	%	#	%	#	%	#	%	#	%
Acquaintance	70	28.0	32	26.0	102	27.3	103	40.4	205	32.6
Boyfriend/ girlfriend	8	3.2	4	3.3	12	3.2	31	12.2	43	6.8
Employee/ Employer	0	0.0	1	0.8	1	0.3	5	2.0	6	1.0
Ex-partner	1	0.4	1	0.8	2	0.5	10	3.9	12	1.9
Friend	12	4.8	11	8.9	23	6.2	17	6.7	40	6.4
Other	8	3.2	2	1.6	10	2.7	3	1.2	13	2.1
Spouse	0	0.0	0	0.0	0	0.0	18	7.1	18	2.9
Neighbor	13	5.2	0	0.0	13	3.5	9	3.5	22	3.5
Other family member	47	18.8	23	18.7	70	18.8	8	3.1	78	12.4
Parent	25	10.0	20	16.3	45	12.1	6	2.4	51	8.1
Boyfriend/girlfriend of a parent	19	7.6	1	0.8	20	5.4	0	0.0	20	3.2
Stranger	21	8.4	5	4.1	26	7.0	45	17.6	71	11.3
Sibling	1	0.4	3	2.4	4	1.1	0	0.0	4	0.6
Step-parent	25	10.0	20	16.3	45	12.1	0	0.0	45	7.2
Unknown	100		41		141		143		284	
Missing									4	

Location of Assaults

Table 9 summarizes location descriptions for the 1,945 SATC sexual assault cases that included this information. Assaults occurred in a variety of areas but almost 60% had taken place in private residences. Victim residences were the most common locations, and led suspect and other residences by a considerable margin. Other common areas for assaults were in suspects' vehicles and at beaches or parks.

	#	%		#	%
Victim's residence	624	32.1	Victim's vehicle	17	0.9
Suspect's residence	415	21.3	Other's hotel	16	0.8
Suspect's vehicle	126	6.5	Other private place	13	0.7
Other's residence	122	6.3	Building (unoccupied)	12	0.6
Beach/Park	111	5.7	Store/Center	11	0.6
Street/Lot/Lawn	81	4.2	Work site	9	0.5
Suspect's hotel	69	3.5	Other's vehicle	6	0.3
School/Schoolyard	66	3.4	Private party	6	0.3
Other Public locale	60	3.1	Private boat	5	0.3
Victim's office/work	34	1.7	Disco/Bar/Club	4	0.2
Victim's hotel	30	1.5	Theatre/Movie	4	0.2
Suspect's office/work	29	1.5	Restaurant/Fast-food	3	0.2
Woods/Field/Trail	22	1.1	Public Transportation	3	0.2
Military grounds	20	1.0	Other's office/Work	3	0.2
Parking structure	19	1.0	Other	5	0.3

Summary

The data compiled for this report have revealed a number of demographic tendencies associated with felony sexual assault arrests in Hawaii. When the variables are examined individually, arrestees are frequently 18 to 39 year-old males of Caucasian, Hawaiian, or Filipino descent, have no prior felony sexual assault arrests, and are either unemployed or work as unskilled laborers. Victims are most often Caucasian or Hawaiian females under the age of 18, although many are between the ages of 18 and 29. The majority of assaults that lead to an arrest take place between victims and alleged offenders who are either acquaintances or members of the same family (especially in cases with child victims), and assaults

generally occur in private residences.

Conversely, these data also demonstrate that neither victims nor those who are arrested for felony sexual assault always fit a certain profile. It is similarly clear that the crime can occur under a variety of conditions. While the statistical tendencies cited in this report are noteworthy, it is also critical to state that the data should not be used in a simple "demographical formula" for sexual assault. A deeper exploration of the data will be required to assess the extent to which a multitude of variables interrelate and are associated with the occurrence of sexual assaults in Hawaii.

References

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APPENDIX A LEGAL DEFINITIONS

For an individual in Hawaii to be classified as a sex offender and required to register (a common prerequisite for community notification in other states), he or she must have been convicted of a felony sexual offense. Hawaii Revised Statutes define felony sexual assaults as follows:

Sexual assault in the first degree (707-730-87; Class A felony) occurs when a person “knowingly subjects another person to an act of sexual penetration by strong compulsion; or knowingly subjects to sexual penetration another person who is less than 14 years old.” The definition of “penetration” includes cunnilingus and fellatio.

Sexual assault in the second degree (707-731-87; Class B felony) occurs when a person “knowingly subjects another person to an act of sexual penetration by compulsion; knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or when an employee of a state correctional facility knowingly subjects to sexual penetration an imprisoned person...”

Sexual Assault in the third degree (707-732-87; Class C felony) occurs when a person “recklessly subjects another person to an act of sexual penetration by compulsion; knowingly subjects to sexual contact another person who is less than 14 years old or causes such a person to have sexual contact with the person; knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, to sexual contact or causes such a person to have sexual contact with the actor; knowingly subjects to sexual contact an imprisoned person or causes such person to have sexual contact with the actor; or knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor...”

Other applicable sections in the Hawaii Revised Statutes include incest (707-741; Class C felony), promoting child abuse in the first degree (707-750; Class A felony), and promoting child abuse in the second degree (707-751; Class B felony).

Section 706-659 states that a person convicted of a Class A felony “shall be sentenced to an indeterminate term of imprisonment of twenty years without possibility of suspension of sentence or probation.” Section 706-660 states that, “...the court shall impose the maximum length of imprisonment which shall be as follows: For a class B felony—10 years; and for a class C felony—5 years.” Minimum lengths of imprisonment are determined by the Hawaii Paroling Authority in accordance with section 706-669.

APPENDIX B

SEX OFFENDER REGISTRATION IN HAWAII

All 50 states have enacted registration laws for convicted sex offenders. Passed in 1995 and made effective January 1, 1996, Act 160 requires persons residing in Hawaii and convicted of felony sex assaults in Hawaii or any other state or territory to register with the police upon their release from jail, prison, hospitals, or other institutions. Offenders must register within three working days of their arrival in the counties in which they intend to reside, and must give written notice at least three working days prior to making address changes. The police must in turn notify the appropriate county chief of police, and only the chiefs, heads of other law enforcement agencies, or their designees are currently given access to registration information.

Hawaii requires lifetime registration, but offenders may petition the court to be relieved of registration duty no less than five years after conviction or release from incarceration. Offenders must show clear and convincing evidence of rehabilitation in order for petitions to be granted, and, if an application is denied, the offender in question must wait at least one year before reapplying.

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