



New investigation finds police departments claim success while leaving rape suspects on the street

Joint investigation from Newsy, Reveal and ProPublica finds police departments across the U.S. masking the truth about how effective they are at getting justice for rape victims

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CINCINNATI – Dozens of cities in America are making many rape cases look as if they are solved without actually arresting a suspected rapist.

In “Case Cleared: How Rape Goes Unpunished in America,” reporters from Newsy, Reveal from The Center for Investigative Reporting and ProPublica found that in those cities, a type of clearance intended to be the exception has become the rule for closing rape cases.

In 2016 in Austin, Texas, for example, police records show that 51 percent of rape cases were cleared. But “Case Cleared” reporters found that suspects were arrested only 17 percent of the time. The rest were exceptionally cleared – closed with no arrest.

The FBI allows police departments to clear a case two ways: By making an arrest, or by what is called “exceptional means.” For a rape to be cleared by exceptional means, the FBI requires that the police know who and where the suspect is and have enough evidence to support an arrest but can’t arrest the suspect because of an element outside the control of law enforcement, such as the suspect is dead or already in jail. When police report how many cases they have cleared, most do not have to identify how or why, just the number of cases cleared.

For the project, reported by Newsy’s Mark Greenblatt and Mark Fahey; ProPublica’s Bernice Yeung; and Reveal’s Emily Harris, reporters requested data from the 100 largest police jurisdictions and analyzed more than 70,000 rape cases. Almost half of those who responded cleared more rape cases by “exceptional means” than by making an arrest, including Oakland and Long Beach, California; Wichita, Kansas; Baltimore County, Maryland; and Hillsborough County, Florida.

“They are not solving crimes,” said Dr. Cassia Spohn, a leading expert in criminology and the director of the School of Criminology and Criminal Justice at Arizona State University. “In the public’s mind, when you say we cleared a case, I think the public assumes that means you solved it and you made an arrest.”

Among the investigation’s findings:

- In one large county, despite gathering a trove of evidence against a suspected child sex predator, police exceptionally cleared the case. The suspect was left free and traveled hundreds of miles to another city where he was arrested for similar crimes.

- A longtime sex crimes supervisor and 26-year veteran of the Austin Police Department reveals, for the first time, how she was ordered to change police records in a way she says falsely portrayed the city's success in solving rapes.
- The investigation uncovered a major flaw in the FBI's new system for reporting crimes: cases classified as "unfounded," where police either do not believe the victim or do not believe the crime occurred, are no longer tracked – erasing any trace of this practice in the FBI's new system. This goes against the recommendation of a joint FBI and Department of Justice task force.

The news organizations' investigation has already had impact:

- The Prince William County Police Department in Virginia has directed a top-level review of every unfounded rape case going back several years. The department has already identified cases from its preliminary review of 2017 rapes that were misclassified as unfounded. By classifying a case as unfounded, it removed the crime from official statistics. The department's police chief has already agreed to change some unfounded cases to unsolved rapes, with more reclassifications possible.
- A prominent official with the DOJ's Bureau of Justice Statistics is calling for the federal government to begin tracking unfounded crimes in the new FBI crime reporting system. The chairman of a key FBI committee that is implementing the new system has agreed to push for reform.

"Case Cleared" will be released in two episodes of "Reveal," airing on Nov. 10 and 17, and available through local public radio broadcasts and via the "Reveal" podcast. Newsy airs its two "Case Cleared" documentaries on its cable channel, over-the-top streaming platforms and online at newsy.com, on Nov. 14 and 15 at 6 p.m. Eastern. ProPublica will feature an interactive graphic and make the police data used in this investigation available on its website, making it possible for many communities to learn the truth for the first time about how often rape cases in their own areas are solved "exceptionally."

For more details on where to listen and watch, visit revealnews.org, newsy.com/casecleared and propublica.org.

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