

To Some Rape Victims, Justice Is Beyond Reach

By JANE GROSS

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OAKLAND, Calif., Oct. 11 — Prostitutes and drug addicts are being raped with increased frequency and brutality in the menacing corners of American cities and towns, but they rarely report the assaults, often disappear during an investigation or are disregarded by the criminal justice system.

There are no reliable statistics, but interviews with dozens of counselors and law enforcement officials around the nation all point to the same trend. The police and prosecutors, however, often can not pursue the cases because of intractable problems that begin in the disordered netherworld of sex and drugs and end in courtroom debates over knotty questions of consent and coercion.

These problems came to light here last month when the Oakland police chief admitted closing rape cases without proper investigation because of cultural bias on the part of the authorities and the need to set priorities in an understaffed department. More than 200 rape cases have been reopened in Oakland, and the sexual-assault unit has been reorganized and retrained.

Advocates for rape victims say that prostitutes and addicts encounter similar problems in other cities, and cite these examples: In New Haven, faced with a prostitute dressed for work, the police have said, "What do you expect? Look at you." In Houston, officers have shut their notebooks after a victim said she was raped in a crack house. In the

Atlanta suburbs, victims have been told they will be given a lie detector test and sent to jail if any part of their story is untrue.

Where Are the Villains?

But the behavior of police departments here and elsewhere is only one link in a tangled chain. "It would be easier if we could pinpoint a villain and then get mad at that part of the system, but it isn't that simple," said Mimi Silbert, the president of the Delancy Street Foundation, a San Francisco drug-rehabilitation program.

Ms. Silbert, one of several experts who said that the spread of crack cocaine has contributed to the higher rates of rape of prostitutes and addicts, said that "everything is conspiring against" the aggressive pursuit of the rapists who prey on these women of the streets, "from their own perception of reality" to "all the other crimes that take up everyone's time."

But the stakes are enormous, she said, and the assailants likely to repeat their crimes time and again. "Even if we don't like prostitutes or addicts," she said, "the people who are raping them are raping other people too. At the basest level, we need to do something about this because it affects everybody."

Ms. Silbert, the nation's leading expert on the rape of prostitutes, many of whom are addicted to drugs, continued: "If juries were more responsive, district attorneys would be more likely to prosecute. If district attorneys were more likely to prosecute, cops would be more likely to make cases. If cops were more likely to make cases, women would be more likely to come forward."

The Most Vulnerable

Rape, in general, is an under-reported crime, its victims often blamed for their own assault. Addicts and prostitutes are the most vulnerable to rape, experts say, because of where they live and work and whom they consort with. But they are the least likely to report sexual assault, because of distrust of the establishment, concern that they will be arrested for their own crimes and fear of retaliation by the assailant.

"I've been out of prostitution for 20 years, and I'd be hard-pressed to bring a charge of rape against anybody, even now," said Evelina Giobbe, a former prostitute who counsels prostitutes in St. Paul.

In the rare situations in which addicts or prostitutes file a complaint, experts say, they routinely lie about the circumstances of the rape, give a false name or address or disappear midway through an investigation, thwarting and sometimes infuriating overworked investigators.

"We'd rather not work these cases,"



Bart Bartholomew for The New York Times

"It's hard enough to make a rape case with a legitimate victim," said David P. Lambkin of the Los Angeles police. "When you throw in the lies and the fact that they report a crime and you never see them again . . . It's a waste of time and we're really busy here."

Addicts, prostitutes and cultural bias.

said Lieut. Joe Glezman, the commander of the sex crimes unit in the Houston police department.

Investigators say that in some instances assailants seek out such victims just for that reason. Such a rapist has prowled the streets of Hollywood, Calif., for 15 years, preying on transient women. More than a dozen women have reported being raped by him, according to David Lambkin, a detective and investigator in that city's sex crime unit, but none has hung around long enough for an investigation. And for each report, Mr. Lambkin said, there are probably 10 victims who chose silence.

"He's smug when we bring him in," Mr. Lambkin said. "He says, 'You don't know where your victim is, do you?' And he's right."

In the rarest instances of all, when a rape victim is willing and able to par-

ticipate in an investigation, she often faces subtle discouragement or outright hostility from police officers who do not want to invest time in a case that will be risky to prosecute because of the victim's life style.

That was the situation for June Williams, a cocaine abuser in Oakland, who told The San Francisco Examiner and local television stations a story of abuse and neglect that contributed to the police department's admission that it was improperly abandoning cases. Ms. Williams said she was raped and beaten by a cousin after a July 4 outing, then treated dismissively by investigators.

"They said I'd been partying all day, drank some wine and even smoked a rock," Ms. Williams said. "I said: 'Big deal. I didn't consent to sex.'"

The police say they dislike dealing with addicts and prostitutes, in part, because of the blurry line between consent and coercion. Exchanging sex for drugs is common in crack houses, where many of these rapes occur, and it may be difficult to distinguish an outright assault from a drug deal gone sour. Similarly, prostitutes sometime fail to get paid or agree to perform certain sex acts and then get forced into others.



Fred Mertz for The New York Times

Mimi Silbert, head of a San Francisco drug rehabilitation program, said prostitutes and drug addicts who are raped consider themselves outside the "straight world and its services."

Outrage Isn't Automatic

Even advocates for rape victims are confused by these cases. "It's abuse, no question about that," said Peg Ziegler, the director of a rape crisis center at Grady Memorial Hospital in Atlanta. "But legally, it's probably failure to honor a contract."

Other advocates cite situations that may be muddled, but still cry out for attention, like the prostitute recently counseled in New York City by Yolanda Serrano, who runs a drug abuse agency called Adapt. Ms. Serrano said the woman got into a car expecting to service a single client and instead was raped by five men. Two of the men were caught, but not prosecuted, Ms. Serrano said, because the police thought the victim was too disoriented by drugs to know what happened to her.

But with violent crime on the rise and police resources stretched to the limit, priorities have to be set and cases involving uncooperative or less than credible witnesses may be abandoned. Even the most sympathetic detectives said they were stymied and finally angered by women who gave an address that turned out to be an empty lot or said they were raped while visiting a sick relative when they were actually at a known prostitution location.

"It's hard enough to make a rape case with a legitimate victim," said Mr. Lambkin, the Hollywood detective, who said rapes of prostitutes and addicts were on the increase.

The drug abusers are the most difficult, here today and gone tomorrow, abusive to investigators when they are high and impatient with the process of examining sketches or answering questions when it is time to hit the streets for another fix. "They get victimized, but they are their own worst enemies," said Lieut. Vito Spano, head of the sex crimes unit in Brooklyn.

'Pending' in a Drawer

Even advocates for rape victims can lose patience with such women. "They won't let you take care of them," said Dr. Dorothy Hicks, the medical director of the rape crisis center at Jackson Memorial Hospital in Miami.

Official crime statistics shed little light on how police departments dispose of such rape cases. In Oakland last year, nearly one in four rape reports was listed as "unfounded," meaning the police believed the complainant was lying, although in many cases no interviews had been done. More commonly, these rape reports will wind up in someone's desk drawer, marked "pending" and thus not accounted for in the Federal Bureau of Investigation's Uniform Crime Report.

No matter how difficult it is to bring cases, many victim advocates and law enforcement officials say the battle is still worth fighting. Ms. Silbert said she limited her studies to assaults that did not occur on the job and nevertheless found three of four street prostitutes say they had been raped.

Linda Fairstein, the head of the sex crimes unit in the office of the Manhattan District Attorney, was just one of the experts who said that handling these cases requires uncommon patience. "You devote an inordinate amount of resources" to finding the victims and persuading them to tell the truth, she said. "But a good cop and a good prosecutor, with enough attention, can get a story and make a case."