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J Interpers Violence 2013 28: 1157 originally published online 16 December
2012

DOI: 10.1177/0886260512468233

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Journal of Interpersonal Violence
28(6) 1157–1177
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DOI: 10.1177/0886260512468233
<http://jiv.sagepub.com>



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Abstract

As the initial gatekeepers of the criminal justice system, police officers hold considerable discretion in the investigation of offenses and in the decision to make an arrest. This is particularly true with sexual assault given the unique nature of these cases. Yet most research in this area has focused on prosecutors' charging decisions rather than police outcomes for reports of sexual assaults. In an effort to address this gap in the literature, we rely on official records collected from all sexual assaults reported to police in a large Arizona city in 2003 ($N = 220$) to examine the effects of crime seriousness, evidentiary strength, victim blame, and believability factors on suspect identification and arrest. Results revealed that both legal and extralegal factors influenced whether police identify and arrest a suspect. These findings raise questions surrounding the role that police play in securing victim cooperation and the extent to which stereotypes of "legitimate" victims shape police officers' willingness to investigate sexual assault cases.

Keywords

sexual assault, rape, police decision making

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There are multiple decision points at which attrition in sexual assault cases occur, including actions taken by victims, police officers, prosecutors, juries, and judges. Among forcible rapes reported to police in 2006, only 39% were categorized as cleared by arrest or by exceptional means¹ (Federal Bureau of Investigation, 2006). The failure of reported sexual assaults to proceed through the entire criminal justice process has far-reaching effects that ultimately undermine rape prevention (Daly & Bonours, 2010). As the initial gatekeepers of the criminal justice system, the police have considerable discretion in the investigation of crimes and the decision to make an arrest (Frazier & Haney, 1996). This is particularly true with respect to sexual assault, which is less likely than other serious crimes to involve witnesses or physical evidence to connect the suspect to the crime and may often involve conflicting testimony from the victim and the suspect. Thus the initial decisions made by police determine the flow of cases that reach prosecutors.

Most existing studies have focused on prosecutors' charging decisions (Frohman, 1991; Spears & Spohn, 1997; Spohn, Beichner, & Davis-Frenzel, 2001; Spohn & Holleran, 2001) rather than legal and extralegal factors that affect police outcomes such as the identification and arrest of a suspect (Bouffard, 2000; Jordan, Nietzel, Walker, & Logan, 2004; LaFree, 1989; Martin, 2006; Tellis & Spohn, 2008). In an effort to extend prior work, we examine the effect of crime seriousness, evidentiary strength, and victim blame and believability (Horney & Spohn, 1996) on identification and arrest of a suspect, using data on cases reported to the police in a large Arizona city. The present study addresses gaps in our knowledge of sexual assault case processing decisions by focusing on *police* decision making.²

Background

Police and other criminal justice officials have been criticized for holding patriarchal beliefs about women and the crimes committed against them that promote selective justice reserved for those who fit the description of a "legitimate" or "real" victim (Estrich, 1987; LaFree, 1980, 1981). It has been suggested that women whose behavior violates traditional gender norms such as using drugs or alcohol, hitchhiking, engaging in impersonal sex, and walking alone at night are often considered to be partially responsible for their own victimization (Konradi, 1997; Kingsnorth, MacIntosh, & Wentworth, 1999; Myers & LaFree, 1982; Spears & Spohn, 1997; Spohn et al., 2001; Spohn & Holleran, 2001). In recent decades, reforms have been implemented to improve sexual assault case processing for victims such as service networks for victims, specialized police and prosecution units, elimination of resistance

and corroboration requirements, and implementation of rape shield laws (Spohn & Horney, 1992; Tellis & Spohn, 2008). Reformers argued that these changes would lead more victims to report sexual assaults to the police and thereby increase the likelihood of arrest and successful prosecution. However, empirical data indicate that their impact has been more symbolic than instrumental (DuMont, 2003; Seidman & Pokorak, 2011; Seidman & Vickers, 2005; Spohn & Horney, 1992).

Our examination of rape case attrition begins with the initial victim report to police. Case processing begins with the police; they decide the amount of investigative resources to devote to the case. They also determine whether to make an arrest of an identified suspect and to refer the case to the prosecutor. These decisions largely determine the fate of the case and do not necessarily produce the outcome that the victim expected (Estrich, 1987; Jordan et al., 2004; Kerstetter, 1990). Police officers take reports from sexual assault victims and thereby affect from the earliest moments the information that is available. If victims are not asked or do not feel comfortable, they may not disclose crucial information. Alternatively, they may not know or remember details. For example, information necessary to identify the suspect may be incomplete (e.g., suspect's last name). Few studies examine the factors that affect suspect identification. The existing research suggests that suspect identification is more likely in acquaintance cases and in cases where the victim resisted her attacker (Horney & Spohn, 1996). Obviously, identification is more likely when the victim and suspect know one another even if only by a first name or a nickname, as the police are theoretically more likely to be able to make a firm identification and these cases require little or no fieldwork (Bouffard, 2000; Frazier & Haney, 1996; Horney & Spohn, 1996; Kerstetter & Van Winkle, 1990; Spohn & Horney, 1992). Nevertheless, police may be selective in allocating investigatory resources, due in part to the pressure to clear (or solve) cases and invest resources in cases they believe are likely to result in successful prosecution (DuMont, 2003; DuMont, Miller, & Myhr, 2003; Tellis & Spohn, 2008). Previous research suggests that a suspect is identified in fewer than half of all sexual assault cases (Frazier & Haney, 1996).

Following identification of a suspect, police must decide to arrest or not. Researchers have concluded that these decisions are also influenced by both legally relevant and irrelevant case characteristics. Relevant characteristics may include those such as the victim's ability to identify the suspect and willingness to be involved in prosecution. Less relevant factors are those such as promptness of report or whether a weapon was involved. Legally irrelevant characteristics include the victim's relationship to the offender, her background, and stereotypes about appropriate conduct prior to the incident (Bachman,

1998; Bouffard, 2000; LaFree, 1981; Horney & Spohn, 1996; Rye, Greatrix, & Enright, 2006). Because so few studies exist, reliance is placed on LaFree's (1981) conclusion that the emphasis on the role played by victim attributes and the situational characteristics of the crime are greatly overstated. He based this conclusion on the jurisdiction he studied where he failed to find that arrest decisions were affected by the victim's race, whether the victim resisted, the location of the incident, whether a witness could corroborate the victim's allegations, or whether the victim was injured. Today, the availability of additional data, more robust statistical analyses and increased sensitivity to problems with low power might lead to a different interpretation of these results.

Recent studies in fact have reached somewhat different conclusions. Bouffard (2000) found that arrest was more likely if the victim and suspect had a prior relationship, if the victim agreed to undergo a sexual assault exam, when a weapon was used, and if the crime occurred outdoors. Many scholars contend that the response of the criminal justice system to the crime of rape is predicated on stereotypes about rape and rape victims (e.g., Estrich, 1987; Jordan et al., 2004; Rye et al., 2006). Using a measure of credibility/seriousness developed for the study,³ Bouffard (2000) concluded that police may devote more effort to investigating cases they believed were true or were otherwise "worthy" of investigation" (p. 537; also see Kerstetter & Van Winkle, 1990). These findings are consistent with portions of LaFree (1981) other than those already mentioned where he asserted that women who engage in some type of risk-taking behavior are less likely to be viewed as genuine victims than those whose behavior is more stereotypically feminine. He found that police appeared suspicious of rapes involving more than one assailant and may not investigate such cases as thoroughly because they consider them *party rapes* and question the victim's credibility.

A number of studies have examined the role of stereotypes on prosecutorial decision making. Frohmann (1991) concluded that a victim's allegations will be discredited if they conflict with decision makers' assumptions about the characteristics of genuine sexual assault incidents and the behavior of legitimate sexual assault victims. Police officers evaluated vignettes in which the victim and suspect's beverage consumption (beer or cola) was systematically varied (Schuller & Stewart, 2000). Whereas officers' perceptions of the suspect's level of intoxication had no effect on their evaluations of the suspect's credibility, blame or guilt, their perceptions of the victim's intoxication did affect their assessments. Specifically,

the more intoxicated the respondents perceived the victim to be, the less blame they attributed to the alleged perpetrator and the more likely

they were to believe that the perpetrator honestly believed that the complainant was willing to engage in intercourse. (Schuller & Stewart, 2000, p. 547)

Estrich (1987) documented that aggravated rapes are taken more seriously and are treated more harshly than are what are referred to as simple rapes.⁴ The most consistently replicated finding in the literature, however, is that the victim–offender relationship is the strongest predictor of arrest and that stranger rape more frequently leads to arrest compared to acquaintance rape (Bachman, 1998; Bouffard, 2000; Kerstetter, 1990; LaFree, 1981; McCahill, Meyer, & Fischman, 1979). Researchers have concluded that police often investigate stranger rapes more thoroughly because these cases are stereotypically considered to involve “genuine” victims (McCahill et al., 1979; Tellis & Spohn, 2008). In contrast, some studies report a heightened probability of arrest when the parties know each other, which may be related to a heightened likelihood of suspect identification (Bachman, 1998; Bouffard, 2000). A comprehensive review reached the conclusion that “the prosecution’s heavy burden of proof has played an important role in the justice system’s treatment of acquaintance rape cases, but so have public biases against *certain classes* [emphasis added] of alleged rape victims” (Bryden & Lengnick, 1997, p. 1326). Considered together, the results of these studies highlight the need for additional research to disentangle the effects of evidence factors and victim characteristics on police decision making in sexual assault cases.

Current Study

In an effort to advance empirical knowledge on sexual assault decision making by police, we assess the influence of legal and extralegal factors on suspect identification and arrest. This study extends prior work in the following key ways. First, we rely on recent data obtained from all sexual assault cases reported to the police in a large Arizona city in 2003. These data contain a diverse group of victims and offenders in an infrequently studied geographic region. Second, we focus on police rather than prosecutorial decision making, which is important because of the initial gatekeeping role of law enforcement. This allows us a vantage point on police discretion in sexual assault cases and the ways in which these cases are handled at the initial stage of the criminal justice process. Lastly, we focus on two understudied outcomes in the sexual assault literature: suspect identification and arrest. Based on the review of existing literature summarized earlier, we advance the following hypotheses about suspect identification and arrest:

Hypothesis 1: Suspect identification is more likely if the victim and suspect know one another, if there is forensic evidence available to corroborate the victim's testimony, and if the victim filed a prompt report. Suspects are less likely to be identified if there are questions about the victim's credibility.

Hypothesis 2: Suspect arrest is more likely if the victim and offender are strangers, if there is forensic evidence available to corroborate the victim's testimony, and if the victim filed a prompt report. Suspects are less likely to be arrested if there are questions about the victim's credibility.

Method

Data

Data for this study comes from a federally funded project designed to divert eligible sexual assault offenders from prosecution (felonies) or as a postplea diversion (misdemeanors) and to provide restorative justice services and treatment to offenders and victims (see Koss, 2009; Koss, Bachar, Carlson, & Hopkins, 2004). Data from multiple sources, including official automated police records and police case files, were used to gather a comprehensive list of all sexual assault cases reported to police in this jurisdiction during 2003.⁵ A population of reports ($n = 220$) was compiled and data were extracted from police case files by trained student research assistants.⁶ All data were coded and entered by two research assistants to increase coding reliability. Data elements were derived from previous studies of sexual assault case attrition. All study materials consisted of unredacted, original, police records.⁷

Measures

Table 1 presents the variables under examination and their corresponding coding schemes. To measure the dependent variable, *suspect identified*, we relied on information in the case files noting whether or not ($no = 0$; $yes = 1$) a suspect had been identified by first and last name. The second dependent variable, *suspect arrest*, captured instances where the suspect was identified and subsequently either was or was not arrested by the police ($no = 0$; $yes = 1$).

The independent variables are measures of crime seriousness, strength of evidence, and victim blame and believability factors that prior research has shown influence the outcomes we are modeling. Crime seriousness was measured using two distinct variables: *number of alleged suspects* ($one = 0$; *more*

Table 1. Coding Scheme and Frequencies of Variables

	%	N
Dependent variables		
Suspect identified		
No = 0	47.7	105
Yes = 1	52.3	115
Suspect identified and arrested		
No = 0	66.1	76
Yes = 1	33.9	39
Independent variables		
<i>Crime seriousness</i>		
Number of alleged suspects		
One = 0	90.9	200
> than one = 1	9.1	20
Suspect–Victim relationship		
Nonstrangers = 0	70.9	156
Strangers = 1	29.1	64
<i>Strength of evidence</i>		
Forensic evidence available		
No = 0	68.6	151
Yes = 1	31.4	69
Victim made a prompt report		
No = 0	20.9	46
Yes = 1	79.1	174
<i>Victim blame and believability</i>		
Victim lacks credibility		
No = 0	51.8	114
Yes = 1	48.2	106
Victim history of drug use		
No = 0	88.6	195
Yes = 1	11.4	25
<i>Suspect–Victim characteristics</i>		
Suspect–Victim race/ethnicity		
White–White	28.1	56
White–Hispanic	3.5	7
White–Black	1.0	2

(continued)

Table 1. (continued)

	%	N
Hispanic–Hispanic	22.6	45
Hispanic–White	18.6	37
Hispanic–Black	1.5	3
Black–Black	5.0	10
Black–White	17.1	34
Black–Hispanic	2.6	5
Victim age		
Median; SD	31.2; 10.1	
Suspect age		
Median; SD	34.3; 10.5	

Note: N = 220.

than one = 1) and *suspect–victim relationship* (*nonstrangers* = 0; *strangers* = 1).⁸ Strength of evidence was measured by whether there was *forensic evidence available* (*no* = 0; *yes* = 1) and whether the *victim made a prompt report* (*did not report within 24 hrs* = 0; *reported within 24 hrs* = 1). Victim blame and believability measures included *victim perceived as lacking credibility* (*no* = 0; *yes* = 1) and *victim history of drug use* (*no* = 0; *yes* = 1).⁹ Consistent with prior studies, we include controls for demographic variables of the suspect and the victim, including *suspect–victim race/ethnicity* (dummy coded variables for White–White, White–Hispanic, White–Black, Hispanic–Hispanic, Hispanic–White, Hispanic–Black, Black–Black, Black–White, Black–Hispanic, with White–White as the reference category), and *victim age* and *suspect age* at time of the reported incident.

Analytic Procedure

Given the dichotomous nature of the dependent variables, logistic regression was used to examine the effects of crime seriousness, strength of evidence, and victim blame and believability factors on suspect identification and the arrest decision.¹⁰ We also present qualitative findings to provide context to the quantitative findings. The materials used for qualitative analysis were coders' notes and police narratives taken directly from case files.

The qualitative analysis was conducted following established methods (Lofland & Lofland, 1995). We created several key indicators of crime seriousness, strength of evidence, and victim blame and believability factors. Separate thematic analyses were conducted by three authors and inconsistencies were resolved with at least one of the other authors to increase coding reliability.

Results

Descriptive statistics in Table 1 show that 71% of cases involved nonstrangers, but only 52% of the cases resulted in an identified suspect. Arrests were made in 34% of cases with identified suspects. Forensic evidence was available in 31% of cases and more than three fourths of the cases involved victims who promptly reported their assaults to police. Almost all of the cases (91%) involved one suspect. The majority of case reports included suspects and victims of the same race or ethnicity including 28% that were White–White and 23% that were Hispanic–Hispanic (23%). The median age of victims was 31 years old and the median age of suspects was 34 years old. In nearly half (49%) of the sexual assault incident reports, officers stated the opinion that the victim lacked credibility. The largest number involved victims with a history of drug use.

Suspect Identification

The results from the logistic regression analysis of suspect identification are presented in Table 2. Both indicators of crime seriousness (i.e., number of suspects and crimes involving strangers) lowered the likelihood of suspect identification. Cases involving more than one alleged suspect were .242 times ($\exp[-1.418]$) less likely than cases involving one suspect to result in the identification of a suspect. Crimes involving assaults by strangers were .106 times ($\exp[-2.245]$) less likely to result in suspect identification than those in which the victim and suspect were acquainted. Text in the police reports revealed the importance of the suspect–victim relationship:

Stranger (4X): Abducted by van full of Hispanic males.

Victim could not identify multiple suspects—negative forensics so ID of offender will be very difficult.

Table 2. Logistic Regression Results: Suspect Identification

	β	SE	Odds
<i>Crime seriousness factors</i>			
Number of alleged suspects	-1.418*	.654	.242
Strangers	-2.245***	.406	.106
<i>Strength of evidence factors</i>			
Forensic evidence available	1.539***	.403	4.661
Victim made a prompt report	-.386	.396	.680
<i>Victim blame and believability factors</i>			
Victim lacks credibility	-0.072	.275	.931
Victim history of drug use	-1.413**	.584	.243
Constant	.847	.369	
Nagelkerke R^2		.347	
-2 log likelihood		238.34	
df		6	

Note: $N = 220$. Alleged suspect and victim characteristics were not significant predictors of the dependent variable and therefore were excluded from the final model.

* $p < .05$. ** $p < .01$. *** $p < .001$.

Mixed results were found for the two indicators that assessed strength of evidence (forensic evidence available; victim reported promptly). Prompt reporting was not significantly related to suspect identification, whereas suspect identification was significantly more likely when forensic evidence (e.g., DNA) was available (4.661 times ($\exp [1.539]$)). However, forensic evidence alone did not guarantee identification of a suspect. Multiple cases were closed because DNA analyses were not completed or the evidence failed to lead police to a suspect. Examples of cases closed without any further police action included:

Passed out during assault woke up bleeding from vaginal area. Victim is crystal meth user. No forensic evidence.

As I do not have the buccals from the victim and suspect, and the lack of cooperation on the part of the victim, this case is being closed at this time.

Moreover, police case files often noted victims' reluctance to cooperate during medical and forensic examinations:

Victim declined sex kit.

Victim ultimately walked out of hospital before forensics, against wishes of police.

Victim blame and believability indicators (credibility rating, history of drug use) also demonstrated mixed results. Whereas the victim credibility rating was not significantly related to suspect identification, when there was a history of drug use, identification was .243 times (exp [-1.413]) less likely. Those victims with histories of drug use were often described by officers in the context of prior criminal activity, in particular prostitution:

Acquaintance: Victim is prostitute, addict, smoked crack with suspect.

Stranger: Meth user reports sexual assault by Black male 3 days earlier. Past/present addict, long history of crimes.

Some officers stated that the identification of suspects was complicated by what they perceived as the unwillingness of victims to cooperate with authorities, which examination of their notes reveals was frequently related to victim fear of retaliation by the suspect.

. . . force used/offender could be identified but victim refused/afraid of retaliation/offender is gang member.

Victim refused to prosecute and adds she could not ID offender as suspect anymore.

Police Arrest

The results of our multivariate analysis of the extent to which crime seriousness, strength of evidence, and victim blame and believability factors influence police arrest decisions are presented in Table 3. Results demonstrate that all variables except history of drug use were significantly associated with arrest; some lowered the likelihood and others raised it. Specifically, cases in which the victim was assaulted by a stranger were 9.123 times (exp [2.211]) more likely than cases involving acquaintances or relatives to result in an arrest, controlling for whether there was an identified suspect. Qualitative analysis revealed that the majority of stranger assaults took place while women were working or in their homes:

Table 3. Logistic Regression Results: Police Arrest

	β	SE	Odds
<i>Crime seriousness factors</i>			
Strangers	2.211**	.853	9.123
<i>Strength of evidence factors</i>			
Forensic evidence available	3.300**	.734	27.125
Victim made a prompt report	-2.306**	.793	.100
<i>Victim blame and believability factors</i>			
Victim lack credibility	-1.540**	.579	.214
Victim history of drug use	1.372	1.066	3.943
Constant	-407	.486	
Nagelkerke R^2		.479	
-2 log likelihood		98.47	
df		5	

Note: $N = 115$. Alleged suspect and victim characteristics were not significant predictors of the dependent variable and therefore were excluded from the final model. Number of alleged suspects was excluded from the model due to the small number of cases with multiple assailants.

* $p < .05$. ** $p < .01$. *** $p < .001$.

Stranger: Male forced entry into trailer and sexually assaulted victim.

Stranger: Victim is a Circle K clerk sexually assaulted by a Hispanic male.

Arrest was far more likely to occur when forensic evidence was available, 27.125 times (exp [3.300]). In contrast, cases where the victim made a prompt report were .100 times (exp [-2.306]) *less* likely to result in the arrest of a suspect. Narratives did not reveal a consistent pattern that illuminated the small negative effect of prompt reporting on the decision to arrest.

We found several cases where prompt reporting appeared to be outweighed by failure to take part in forensic medical examinations:

Victim reported timely, but failed to follow through on forensics (declined) or wish to prosecute.

In several other cases, delayed reporting appeared to be neutralized by the fact that witnesses were present, thus increasing the chances of an arrest:

Victim waited 5 days to report, jumped from car, husband was with her.

In cases where police incident reports described the victim as lacking in credibility, arrest of a suspect was less likely (.214 times (exp [-1.540])). Examples of descriptions of victims who were perceived to lack credibility include the following:

Victim is a dope addict—seen by witnesses freely going with unknown males around the time of the incident.

Victim had contact with police after an assault (physical) with another female but never tells about the SA [sexual assault]. Victim is crack user.

Some narratives suggested that credibility was also reduced when officers perceived the victim as unwilling to assist in the arrest of the suspect. For example, police reports noted:

Victim gave police (deliberately) limited information of offender.

Finally, inconsistencies in victim and offender statements also appeared to lead officers to question the veracity of the account. For example:

Detective reviewed case with Deputy DA (name) and he refused to issue based on lack of evidence and conflicting stories.

Case is closed due to conflicting statements about the incident, and insufficient evidence to support the victim's account of a nonconsensual encounter.

Discussion

Suspect Identification

Our results are consistent with prior work that demonstrates the importance of crime seriousness, strength of evidence, and victim blame and believability factors in police investigations of sexual assault cases (Bouffard, 2000; Horney & Spohn, 1996; Kerstetter & Van Winkle, 1990; Spohn & Horney, 1996; Taylor, 1987). Specifically, the findings demonstrate that the strongest predictor of lack of suspect identification was rapes involving strangers.

Suspect identification also was less likely when the case involved more than one suspect compared to a single offender. In these cases many police reports referenced a lack of detailed information provided by the victim that hindered suspect identification. These findings are intuitively obvious, but must be interpreted in the context that 7 of 10 sexual assaults in these reports involved persons known to each other. Nevertheless, a suspect was identified only in approximately half of the crimes. Availability of forensic evidence was the second strongest predictor of suspect identification, yet narratives revealed that officers responded most strongly to the promise of what DNA could reveal and not on actual findings that allowed them to identify or confirm the identity of a suspect. Potentially, officers assumed that if they found the suspect, the future analysis of the DNA evidence would strengthen the case. Among the victim blame and believability factors, history of drug use significantly reduced the likelihood of suspect identification. Sometimes officers suggested that alcohol and/or drug use may have influence the victim's memory and as a result his or her perceived ability to accurately identify those involved in their assault. Across all the cases, our quantitative rating of credibility did not significantly predict suspect identification. However, qualitative analysis of the incident reports revealed many instances that appeared to represent negative perceptions of some victims that reduced officer effort to pursue suspect identification. In our analysis of arrest decisions after a suspect had been identified, the contribution of credibility ratings to prediction did reach significance as discussed in the following section.

Police Arrest

With the exception of filing a prompt report, our findings are consistent with our hypotheses and with prior work that shows that both legal and extralegal factors play a role in the arrest decision in sexual assault cases (Bachmann, 1998; Bouffard, 2000; Estrich, 1987; Frohmann, 1991; LaFree, 1981; Spohn & Horney, 1992). Stranger cases and cases where forensic evidence was available were more likely to result in arrest. As with suspect identification, narratives suggested that officers did not base judgments on results of DNA analyses (which often take an extended period of time and many evidence kits have never been analyzed creating huge backlogs in some jurisdictions). Their words indicated, rather, that they weighed whether the evidence was collected and thus potentially available, or if not, the victim's willingness to have forensic evidence collected. Although there are medical reasons that make collection of forensic evidence a wise decision even if it is never used except to motivate police efforts, it would be understandable if many victims

opted out. Our data do not cast light on the reasons for resisting evidence collection and there are a myriad of potential explanations such as victims' concern that they would incur expenses, inability to take time off of work, fear of medical exams, or input by officers that subtly suggest the exam would not be worth it given other factors in the case. Whatever the reason/s might have been, the lack of potential for forensic evidence was also highlighted as a negative factor that lowered the victim's credibility.

Failure to arrest, after controlling for suspect identification, was predicted by prompt reporting and perceived lack of victim credibility. The narratives also demonstrated the importance police assign to behaviors they consider indicative of victim credibility. The language of officers suggested that victims with a history of drug use, particularly in the context of prostitution, were not seen as genuine victims and were depicted as undeserving of legal protection. The negative impact of prompt reporting was even larger on the arrest decision than it was for suspect identification. Given the magnitude of this effect, future efforts must be devoted to understanding it. One potential explanation that could be considered is that the relationship is not linear. We have already suggested that there may be a range of explanations for officers to overlook delays in reporting including overriding evidentiary features such as availability of witnesses, severe physical or emotional injury, postponement of victim interviews by officers until medical crises pass, or subsequent forensic evidence that leads conclusively to a suspect.

Limitations and Directions for Future Research

Despite the strengths of the current study, our findings are based on one jurisdiction, which limits the generalizability of these results to other cities and regions in the country. Second, although our study examines a relatively underresearched area of sexual assault case processing outcomes, the sample size is relatively small ($N = 220$). We encourage future research to rely on larger samples from multiple jurisdictions to increase generalizability as well as permit a broader scope of analysis. In our work, information gained directly from officers themselves was crucial to place the findings in a broader context. Additionally, the data source for the current study was comprised solely of official police records. As such, our analysis is limited to only the information documented by police in their reports and does not include data directly from victims. Victims' comments on the same issues recorded in officers' notes, and their perceptions of the interviews would result in a fuller understanding of the interaction context in which police decisions are made. Our data can only speak about a group of victims that

had contact with police. It is unclear how these individuals may differ from the much larger group of victims who do not report their victimization to law enforcement. Given the high number of sexual assaults that go unreported, it is important for research to better understand the reasons behind these dynamics. Given the high value that police placed on forensic evidence, it is very important that future studies examine determinants of victim decisions to have forensic evidence collected. There are many unanswered questions including whether they perceive overt discouragement to have evidence collected, subtle dissuasion stemming from less than optimally sensitive questioning required by the unique nature of sexual assault, suggestions that pursuing their case would be unlikely to have positive results and what practical obstacles they consider. It would also be helpful to know what the victims whose justice outcomes are being examined actually wanted the criminal justice system to do. It may be that victims desired nothing further than to make the offense a part of public record and were satisfied ending their justice experience with making the report. To the extent that this supposition was true, what officers perceive as lack of victim cooperation would be cast in a different light. We are convinced that the mixed method approach used here should be retained in future studies because the availability of narratives enriched and expanded our ability to interpret the quantitative findings.

Conclusions

Our findings raise questions that have been raised over many years by other commentators (Frohmann, 1991; Jordan et al., 2004; Tellis & Spohn, 2008) surrounding the role that police play either directly or indirectly in shaping victims' willingness to cooperate as well as how stereotypes of "legitimate" victims may influence the willingness of police officers to investigate these cases. Our research has several important policy implications. As evidenced by our findings, police value forensic evidence highly. Some researchers have questioned the probative value of forensic evidence based on its relatively low level of introduction at trial and lack of strong relationship to verdicts (DuMont et al., 2003). In those cases where forensic evidence can make a difference, it appears that a bridge between victims and police is needed to help ease victims' reluctance to undergo the exam. When it can be demonstrated that police officers place emphasis on forensics that exceeds its actual probative role, continuing education might be needed to reduce this very significant bias that suppresses both suspect identification (even in cases with known offenders) and even more strongly lessens the likelihood of arrest. Likewise, our results were consistent with previous findings (e.g., Jordan et al., 2004) that victims with a

history of drug use are perceived as less credible and police were less likely to move forward in their investigation of these cases. This finding also signals a need for reexamination of the amount, regularity, and effectiveness of police officer training to do their jobs in sexual assault cases competently, with as much humanity as possible, in light of the tasks they are charged with accomplishing. Decision making, ideally should be focused to the maximum extent possible on defensible grounds as opposed to stereotypes officers personally hold or perceive are applied to decision making upstream from them.

Acknowledgement

The research was funded by the National Center for Injury Prevention and Control, an entity within the US Centers for Disease Control and Prevention #R49/CCR921709-03-3, Mary P. Koss, Principal Investigator.¹¹ Karen Bachar is gratefully acknowledged for her leadership in planning and realizing this study.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article:

The research was funded by the National Center for Injury Prevention and Control, an entity within the US Centers for Disease Control and Prevention #R49/CCR921709-03-3.

Notes

1. According to the FBI's Uniform Crime reporting program, a law enforcement agency can clear (or solve) a case either by arresting at least one suspect or by "exceptional means." Clearance by exceptional means requires that the agency know the identity of the suspect and have enough evidence to make an arrest and turn the suspect over to the court for prosecution, but there is something beyond the control of law enforcement that precludes them from making an arrest. For Uniform Crime reporting purposes, the two types of clearances are combined into a "cleared by arrest" category.
2. Outside of our scope is the substantial literature on the determinants of rape attribution that occurs at the prosecution and trial stages of the criminal justice process. In this article, the word *victim* is used because it is the vocabulary of the criminal justice system. In Arizona criminal statutes, the term *sexual assault* is used to connote rape as it is commonly understood: unwanted oral, anal, or vaginal

penetration including attempts against consent through force, threat of force, or when the victim is incapacitated and unable to consent. In this article, the use of the words rape, forcible rape, and sexual assault reflect the text of the original sources.

3. The credibility measure used by Bouffard (2000) consisted of a scale comprised of variables for use of a weapon, whether the crime occurred outdoors, and whether additional crimes were also committed during the alleged sexual assault.
4. According to Estrich (1987), an aggravated rape is one involving multiple suspects, a suspect who is a stranger to the victim, a suspect who used a weapon, or collateral injury to the victim. A simple rape is a rape with none of these aggravating circumstances.
5. The data were collected from a large police department and the county attorney's office in an Arizona city of approximately 500,000 people located in a county of slightly less than one million people. The police department was selected because it is the largest unit in the county. There are 11 other police departments and a sheriff's department within this geographical area that cover largely rural and sparsely populated areas. So the data set, while large, is an exhaustive catalogue of all the crimes reported to law enforcement during the study period within the geographical boundaries of a large city, but did not extend to capture the remainder of the metropolitan statistical center. Because only one law enforcement agency was sampled, we have no comparable data and cannot speculate as to whether the results would differ if using data from another department.
6. Only felony cases involving female victims and male suspects were included in the current analysis.
7. These data consist of verbatim quotes obtained from police reports. The reports are written by officers themselves and the quotes were presented in officers' own words. While the content may vary in each report, there were police reports available in every case.
8. Separate analyses were conducted using specific measures of suspect-victim relationship (i.e., strangers, acquaintances, family members, and intimate partners). Since there were no differences in the effects of nonstrangers on police outcomes, the dummy variable strangers-nonstrangers was used. A measure capturing whether a weapon was used during the incident was also included in the analysis. Because it was not significantly related to either outcome, it was dropped from analysis.
9. Illicit drug use and alcohol consumption before and/or during the assault were also included in the analysis but were removed from the final models as they were nonsignificant predictors of the dependent variables.
10. Refer to Long (1997) for a description of odds ratios and how they are used.
11. For more information on this project, see Koss (2009).

References

- Bachman, R. (1998). Factors related to rape reporting and arrest: New evidence from the NCVS. *Criminal Justice and Behavior, 25*, 8-29.
- Bouffard, J. A. (2000). Predicting type of sexual assault case closure from victim, suspect, and case characteristics. *Journal of Criminal Justice, 28*, 527-542.
- Bryden, D. P., & Lengnick, S. (1997). Rape in the criminal justice system. *Journal of Law and Criminology, 87*, 1194-1384.
- Daly, K., & Bonhours, B. (2010). Rape and attrition in the legal process: A comparative analysis of five countries. *Criminal Justice: A Review of Research, 39*, 565-650.
- DuMont, J. (2003). Charging and sentencing in sexual assault cases: An exploratory examination. *Canadian Journal of Women and the Law, 15*, 305-330.
- DuMont, J., Miller, K., & Myhr, T. (2003). The role of "real rape" and "real victim" stereotypes in the police reporting practices of sexually assaulted women. *Violence Against Women, 9*, 466-486.
- Estrich, S. (1987). *Real rape: How the system victimizes women who say no*. Cambridge, MA: Harvard University Press.
- Federal Bureau of Investigation. (2006). *Crime in the United States*. Washington, DC: U.S. Department of Justice. Retrieved from <http://www2.fbi.gov/ucr/cius2006/offenses/clearances/index.html>
- Frazier, P. A., & Haney, B. (1996). Sexual assault cases in the legal system: Police, prosecutor and victim perspectives. *Law and Human Behavior, 20*, 607-628.
- Frohmann, L. (1991). Discrediting victims' allegations of sexual assault: Prosecutorial accounts of case rejections. *Social Problems, 38*, 213-226.
- Horney, J., & Spohn, C. (1996). The influence of blame and believability factors on the processing of simple versus aggravated rape cases. *Criminology, 34*, 135-162.
- Jordan, C. E., Nietzel, M., Walker, R., & Logan, T. K. (2004). *Intimate partner violence: A clinical training guide for mental health professionals*. New York, NY: Springer.
- Kerstetter, W. A. (1990). Gateway to justice: Police and prosecutorial response to sexual assaults against women. *Journal of Criminal Law and Criminology, 81*, 267-313.
- Kerstetter, W. A., & Van Winkle, B. (1990). Who decides? A study of the complainant's decision to prosecute in rape cases. *Criminal Justice and Behavior, 17*, 268-283.
- Kingsnorth, R. F., MacIntosh, R. C., & Wentworth, J. (1999). Sexual assault: The role of prior relationship and victim characteristics in case processing. *Justice Quarterly, 16*, 275-298.
- Konradi, A. (1997). Too little, too late: Prosecutors' pre-court preparation of rape survivors. *Law and Social Inquiry, 22*, 1-54.
- Koss, M. P. (2009). Restorative justice for acquaintance rape and misdemeanor sex crimes. In J. Ptacek (Ed.), *Feminism, restorative justice, and violence against women* (pp. 218-238). Thousand Oaks, CA: Sage.

- Koss, M. P., Bachar, K., Hopkins, C. Q., & Carlson, C. (2004). Expanding a community's justice response to sex crimes through advocacy, prosecutorial, and public health collaboration: Introducing the RESTORE program. *Journal of Interpersonal Violence, 19*, 1435-1463.
- LaFree, G. D. (1980). The effect of sexual stratification by race on official reactions to rape. *American Sociological Review, 45*, 842-854.
- LaFree, G. D. (1981). Official reactions to social problems: Police decisions in sexual assault cases. *Social Problems, 28*, 582-594.
- LaFree, G. D. (1989). *Rape and criminal justice: The social construction of sexual assault*. Belmont, CA: Wadsworth.
- Lofland, J., & Lofland, L. H. (1995). *Analyzing social settings: A guide to qualitative observations and analysis*. Belmont, CA: Wadsworth.
- Long, S. J. (1997). *Regression models for categorical and limited dependent variables*. Thousand Oaks, CA: Sage.
- Martin, P. Y. (2006). *Rape work: Victims, gender and emotions in organization and community context*. New York, NY: Routledge.
- McCahill, T. W., Meyer, L. C., & Fischman, A. M. (1979). *The aftermath of rape*. New York, NY: Lexington Books.
- Myers, M. A., & LaFree, G. D. (1982). Sexual assault and its prosecution: A comparison with other crimes. *Criminology, 73*, 1282-1301.
- Rye, B. J., Greatrix, S. A., & Enright, C. S. (2006). The case of the guilty victim: The effects of gender of victim and gender of perpetrator on attributions of blame and responsibility. *Sex Roles, 54*, 639-649.
- Schuller, R. A., & Stewart, A. (2000). Police responses to sexual assault complaints: The role of perpetrator/complainant intoxication. *Law and Human Behavior, 24*, 535-551.
- Seidman, I., & Pokorak, J. J. (2011). Justice responses to sexual violence. In M. P. Koss, J. W. White, & A. Kazdin (Eds), *Violence against women and girls Volume II: Navigating the solutions* (pp. 237-259). Washington, DC: American Psychological Books.
- Seidman, I., & Vickers, S. (2005). The second wave: An agenda for the next thirty years of rape law reform. *Suffolk University Law Review, 38*, 467-492.
- Spears, J., & Spohn, C. (1997). The effect of evidence factors and victim characteristics on prosecutors' charging decisions in sexual assault cases. *Justice Quarterly, 14*, 501-524.
- Spohn, C., Beichner, D., & Davis-Frenzel, E. (2001). Prosecutorial explanations for sexual assault case rejection: Guarding the gateway to justice. *Social Problems, 48*, 206-235.
- Spohn, C., & Holleran, D. (2001). Prosecuting sexual assault: Comparison charging decisions in sexual assault cases involving strangers, acquaintances, and intimate partners. *Justice Quarterly, 18*, 651-689.

- Spohn, C., & Horney, J. (1992). *Rape law reform: A grassroots revolution and its impact*. New York, NY: Plenum Press.
- Taylor, J. (1987). Rape and women's credibility: Problems of recantations and false accusations echoed in the case of Cathleen Crowell Webb and Gary Dotson. *Harvard Women's Law Journal*, 10, 59-116.
- Tellis, K. M., & Spohn, C. (2008). The sexual stratification hypothesis revisited: Testing assumptions about simple versus aggravate rape. *Journal of Criminal Justice*, 36, 252-261.

Bios

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