THE ROLE OF THE VICTIM-ASSAILANT RELATIONSHIP IN SEXUAL ASSAULT CASE ATTRITION

A dissertation presented

By

Laura Siller

to
The School of Criminology and Criminal Justice

In partial fulfillment of the requirements for the degree of
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ABSTRACT OF DISSERTATION

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ABSTRACT

Estimates show that one in six women in their lifetime will be the victim of a sexual assault. Of those victims, the majority are assaulted by someone known to them and do not report the assault to police. Victims who do report the assault are unlikely to see their case move forward in the justice system. The current study examines the correlates between sexual assault case attrition and the role of the victim-assailant relationship in sexual assault case processing. A dearth of literature dedicates extensive time exploring whether the victim-assailant relationship differentially influences case outcomes. Such studies fail to examine how the victim-assailant relationship influences extralegal and legally relevant factors, particularly as those factors relate to criminal justice outcomes. This dissertation contributes to the literature by assessing whether different victim-assailant relationship groups impact certain case characteristics and how that impact influences the trajectory of a sexual assault case.

Data for this study come from a sample of sexual assault complaints that were forwarded to an urban Northeastern prosecutor’s office from the local police department between 2005 and 2011. The analyses explore the outcomes of arrest, the filing of criminal charges, and whether the case was carried forward to prosecution. Findings reveal that cases involving intimate partner sexual assault have a higher probability of charging and that the link between intimate partner assault and arrest is mediated by whether the victim was using drugs or alcohol at the time of the assault. Additionally, extra-legal and legally relevant factors contributed to the probability of arrest, the filing of criminal charges, and whether the case was carried forward. The overarching goal of the research is to better understand the processing of sexual assault complaints in the criminal justice system. Implications for implementing policy and practice changes within the
criminal justice system aimed at decreasing case attrition, as well as future directions for research are also discussed.
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CHAPTER I: INTRODUCTION

Over the course of the last several decades, the United States has seen significant changes in laws related to sexual violence. Many jurisdictions have replaced narrow definitions of rape with a range of more inclusive, gender-neutral offenses that vary by seriousness and penalty (Spohn & Tellis, 2012a; Ullman, 2007). In addition, many jurisdictions have repealed marital rape laws that have historically exempted spouses from being charged with sexual assault, loosened or eliminated the requirement that a victim must actively resist an attack for it to be considered a crime, and enacted rape shield laws that prohibit the use of a victim’s prior sexual conduct as evidence in a case (Spohn & Horney, 1993; Ullman, 2007). Accompanying these legal changes, the criminal justice system has also shifted how it processes sexual assault cases by developing specialized units within both law enforcement agencies and prosecutor’s offices (Spohn & Tellis, 2012b). These units often function by using a multidisciplinary approach that includes medical providers, community service agencies, and criminal justice personnel. Reforms in both policy and practice were meant to improve the response of the criminal justice system to sexual assault by reducing case attrition and increasing the likelihood of a successful prosecution (Spohn & Tellis, 2012a). Unfortunately, reforms in both policy and practice have not produced the effects that they were intended to produce. Specifically, cases of sexual assault remain both underreported and under-prosecuted (R. Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001; Morabito, Pattavina, & Williams, 2016).

Sexual assault case attrition occurs at all points in the decision-making process, beginning with non-reporting of the crime to police. According to findings from the 2016 National Crime Victimization Survey (NCVS), 22.9% of respondents who experienced sexual assault in the past year reported the victimization to police. This is comparable to the findings
from the National Violence Against Women Survey (NVAWS) that shows only one in five adult
women, or 20%, reported sexual victimization to the police. Both proportions are considerably
lower than reporting for other types of violent crime. According to findings from the 2016
NCVS, 58.5% of respondents who experienced aggravated assault and 54% of respondents who
experienced robbery reported the incident to the police.

After reporting, an incident results in either arrest, exceptional clearance, or unfounding.
The 2016 Uniform Crime Reporting (UCR) system shows that arrest occurred in roughly 18% of
reported rapes. Compare this to arrest for other violent crimes such as aggravated assault and the
difference is substantial. According to the 2016 UCR, arrest occurred in 48% of aggravated
assault incidents. That is a 30% difference in the proportion of reported rape incidents resulting
in arrest compared to reported aggravated assault incidents. Even more jarring is the fact that the
ratio of arrest to reporting for rape has declined considerably in the last several decades whereas
aggravated assault has remained relatively stable. Figure 1 compares trends in the ratio of arrests
to reporting of forcible rape and aggravated assault over-time. In 1970, the figure shows that the
ratio of arrests to reporting for both crimes is relatively similar with approximately 50% of either
crime resulting in an arrest after being reported. As time progressed, the ratio of arrests to
reporting remained somewhat stable for aggravated assault with roughly 50% of cases resulting
in arrest by the end of the period. In contrast, the ratio of arrests to reporting for forcible rape
noticeably declined during the period from approximately 50% in 1970 to a little over 20% in
2011.

This trend illustrates that sexual violence is resulting in fewer arrests since the
advancements in the criminal justice system’s response to sexual violence. One possible
Figure 1. Ratio of Arrest to Reports: Forcible Rape and Aggravated Assault

Source: Computations based on the Uniform Crime Reports statistics, as reported in the Sourcebook of Criminal Justice Statistics Online

explanation for this is that rape by non-strangers is being reported at a higher rate than in previous years. According to the 1973 National Crime Survey, 25% of incidents that were reported to the police involved non-strangers. This survey contrasts with the 2014 NCVS, which shows 72% of incidents that were reported to the police involved non-strangers.

Research shows that the characteristics associated with non-stranger rape vary considerably from the characteristics associated with stranger rape (Stermac, Del Bove, & Addison, 2001; Stermac, Du Mont, & Dunn, 1998; Ullman, Filipas, Townsend, & Starzynski, 2006). These differences in turn are likely impacting case attrition. For instance, the decision by law enforcement to make an arrest is often influenced by legal factors such as the presence of witnesses, the victim’s willingness to cooperate, the use of a weapon, and whether the victim
sustained injuries (Alderden & Ullman, 2012; Bouffard, 2000; Cross et al., 2014; Frazier & Haney, 1996; Kerstetter, 1990; LaFree, 1981; Spohn, White, & Tellis, 2014). Extra-legal factors that have been found to impact arrest decisions in sexual assault cases include victim age (cases involving younger victims are more likely to result in arrest) (Du Mont & Myhr, 2000), prompt reporting (LaFree, 1981; Spohn & Horney, 1996), engaging in behavior that might damage the victim’s credibility (e.g., alcohol consumption), and if the victim agrees to undergo a forensic medical examination (Alderden & Ullman, 2012; Bouffard, 2000; Du Mont & Myhr, 2000; LaFree, 1981; Spohn & Horney, 1996).

These extralegal and legally relevant factors often vary by the victim and assailant relationship. A small but growing body of literature finds that intimate partner sexual assault is more likely than acquaintance and stranger sexual assault to involve violence, penetration, and the use of a weapon (Logan, Cole, & Capillo, 2007; Moller, Backstrom, Sondergaard, & Helstrom, 2012). Intimate partner sexual assault victims are less likely to be under the influence of drugs and/or alcohol at the time of the assault, they are less likely to seek help within 72 hours of the assault, and they are more likely to undergo forensic medical examinations when compared to acquaintance sexual assault victims (Moller et al., 2012; Starmac, Del Bove, & Addison, 2004). These findings suggest that the victim-assailant relationship plays a central role in determining the kinds of legally relevant and extralegal characteristics associated with crimes of sexual violence.

For these reasons, the victim-assailant relationship may provide an interesting lens through which to examine the attrition of sexual assault cases. Relative to the 1970s, cultural views of sexual assault have evolved from a limited vision of “real” rapes involving perpetration by an unknown male assailant against an unsuspecting female victim (Estrich, 1987), to an
increasing acknowledgement of sexual assault perpetrated by anyone from a recent acquaintance to an intimate partner. Indeed, research confirms that sexual assault is most often committed by individuals the victim is acquainted with (Koss, Dinero, Seibel, & Cox, 1988; Lonsway & Archambault, 2012; Stermac et al., 2001, 1998). One result of this shift is that sexual assault by non-strangers is now reported at higher rate than in earlier time periods (for comparison see NCS, 1973; NCVS, 2014).

Despite a cultural shift and acknowledgement that rape is more likely to be perpetrated by someone known to the victim (NCVS, 2010-2014), sexual assault is still considered steeped in stereotypes (termed rape myths) (Estrich, 1987) that have been linked to case processing. Research on rape myth acceptance finds that a significant proportion of police officers ascribe to rape myths particularly as they relate to a victim’s credibility and blameworthiness (Goodman-Delahunty & Graham, 2011; Page, 2010; Sleath & Bull, 2012). Rape myth acceptance among police officers is also more likely in cases where the victim and assailant know each other (Bieneck & Krahé, 2011). Stereotypes about victims and assailants have the potential to influence how criminal justice professionals perceive sexual assault and ultimately how cases are processed.

In addition to rape myths, focal concerns perspective has also been utilized to understand case attrition. The focal concerns perspective posits that there are three central considerations for criminal justice professionals in the processing of criminal cases including: (1) the culpability/blameworthiness of the offender; (2) the need to protect the community; and (3) the financial constraints of the criminal justice system (Spohn et al., 2014; Steffensmeier, Ulmer, & Kramer, 1998). The combination of all three focal concerns is said to contribute to whether a case will move forward in the criminal justice system. However, it is often difficult for criminal
justice officials to weigh all three considerations when determining how to proceed in a case because they often lack all the background information necessary to make an informed decision. Studies that use the focal concerns perspective as a framework for understanding decision making in sexual assault cases suggest that criminal justice practitioners use a “perceptual shorthand” to overcome the limitation of available background information. Perceptual shorthand is said to involve stereotypes associated with victims, suspects, and incidents that inform decisions made by criminal justice professionals about cases (Alderden, 2008; O’Neal & Spohn, 2016; Spohn, Beichner, & Davis-Frenzel, 2001). Perceptual shorthand in the case of sexual assault often reflects rape myths or stereotypes associated with victims and the incident. Many scholars contend that decisions made in sexual assault cases reflect the decision makers’ view of what constitutes rape and what constitutes a legitimate or believable victim (Estrich, 1987; LaFree, 1989). Empirical inquiry confirms that these stereotypes play a role in whether a case will move forward in the criminal justice system (Frohmann, 1991; LaFree, 1989).

Thus, it appears that the role of the victim-assailant relationship is quite complex, as it is likely to influence whether the victim reports the incident to the police, it is associated with certain legally relevant and extralegal factors (depending on the group) that impact case processing, and it may influence police and prosecutor perceptions of the case. Overall, it appears to play a central role in explaining case attrition. Therefore, the aim of this study is to better understand how and why the victim-assailant relationship influences case attrition after the victim reports the assault.

This dissertation will begin with a discussion of how sexual assault is socially constructed and how the social construction of sexual assault influences criminal justice decision making. It will proceed into a discussion of the research on sexual assault case processing; the
focus being on how the victim-assailant relationship influences police and prosecutor decision-making. Following that, a review of the literature on the characteristics associated with the victim-assailant relationships (i.e., stranger, acquaintance, and intimate partner) will be discussed. From there, the research strategy, central research questions, and study hypotheses will be presented. It will then proceed into a discussion of the research methodology, the analytic strategy, the results, a discussion of the findings and the policy implications of the study.
CHAPTER II: LITERATURE REVIEW

Theoretical Perspectives

Rape mythology and the focal concerns theory have both been widely used to explain decision making in sexual assault cases (Alderden, 2008; Clay-Warner & Burt, 2005; Du Mont, Miller, & Myhr, 2003; Frohmann, 1991; Grubb & Turner, 2012; Lonsway & Archambault, 2012; Morabito et al., 2016; O’Neal, Tellis, & Spohn, 2015; Sleath & Bull, 2012; Spohn & Tellis, 2012a). Both rape myths and the focal concerns perspective relate to how sexual assault is socially constructed. Generally, social constructionist theory posits that knowledge and ideology are constructed and reproduced in society. The aim of social construction theory is to uncover how this knowledge is reproduced and by whom (Keat & Urry, 1982). Examining and questioning how reality is socially constructed can be a valuable way in which to identify and deconstruct hidden assumptions (Bem, 1993), particularly the assumptions surrounding sexual assault (Alderden, 2008). Understanding how criminal justice actors perceive sexual assault victims, suspects, and cases, is an important step in understanding why case attrition is so prominent. It is especially important given that the framing of what is considered a legitimate sexual assault complaint is often linked to how the victim and assailant know one another.

This section will begin with a discussion of rape myths, the literature on rape myth acceptance, and how rape myths are linked to the victim-assailant relationship. It will then proceed into a discussion of focal concerns theory, how the theory is framed in the context of sexual assault case attrition, and how the victim-assailant relationship has been discussed relative to the theory. It will conclude with a discussion of “perceptual shorthand” that links rape myths to focal concerns theory.
**Rape Myths.** The concept of rape mythology was first introduced in the 1970s by social scientists and feminists who set out to describe a series of complex cultural beliefs about rape that were said to support and perpetuate male sexual violence against women (Brownmiller, 1975; Burt, 1980). At the time, common rape myths included the idea of the “beautiful victim,” the idea that women “ask for rape,” and that rape is the result of uncontrollable male impulses (Lonsway & Fitzgerald, 1994). Early scholars theorized that the cultural mythology that surrounds rape serves as a platform with which to delegitimize women’s claims of sexual assault (Brownmiller, 1975; Schwendinger & Schwendinger, 1974). The way this is achieved is through a series of simultaneous events including blaming the victim, exonerating the victimizer, and diminishing and/or legitimizing the victimizer’s aggression (Burt, 1980; Lonsway & Fitzgerald, 1994; Payne, Lonsway, & Fitzgerald, 1999). For example, law enforcement officers may perceive that a sexual assault victim is not credible because she has a history of engaging in sex work. Engaging in sex work might signal to law enforcement that the victim was “asking for it” or has ulterior motives for reporting the assault. By shifting blame onto the victim and ultimately delegitimizing the report, the perpetrator is absolved of guilt.

In many ways, rape myths are framed around the victim-assailant relationship. For instance, one of the most researched myths about rape involves the belief that a husband cannot rape his wife. This myth is situated historically as marital exemption laws were in place in the United States until the late 1970s. Despite the growing acknowledgement that rape can occur between those in intimate partnerships, the myth remains. For example, Kirkwood and Cecil (2001) in a sample of college students, found that 31% of men and 19% of women felt that a husband having sex with his wife without her consent did not constitute rape.
Scholars who study rape myth acceptance among criminal justice professionals have found that police and prosecutors of both sexes have been known to endorse rape myths (Aronowitz, Lambert, & Davidoff, 2012; Rich & Seffrin, 2012; Suarez & Gadalla, 2010). In studies of rape myth acceptance among police officers, many have found that a significant proportion of police officers ascribe to rape myths particularly as they relate to a victim’s credibility and blameworthiness (Goodman-Delahunty & Graham, 2011; Page, 2010; Sleath & Bull, 2012). Rape myth acceptance among police officers is also more likely in cases where the victim and assailant are known to each other. For instance, Bieneck and Krahé (2011) found that police were more likely to attribute blame to the victim if the assault involved known assailants. An explanation for the attribution of blame in the study was associated with what the police believe to be ulterior motives by the victim. Similarly, Krahe (1991) found, in a study using data from 108 police officers, that officers often felt that victims assaulted by known assailants reported the assault in an attempt to enact revenge.

Ultimately, the stereotypes about victims and assailants have the potential to influence how criminal justice professionals perceive sexual assault. These perceptions likely influence the rate of attrition in sexual assault cases. It appears that cases involving strangers are more likely to be considered believable and viewed as legitimate complaints of rape compared to cases involving non-strangers. This is problematic because most cases of sexual assault occur between people known to one another. If criminal justice professionals tend to shift blame onto victims in cases of known assailant sexual assault, then that could explain the high rate of attrition in sexual assault cases.

**Focal Concerns Theory.** A prominent theoretical explanation for how cases are processed is focal concerns theory. It is often used in sexual assault case attrition research to
examine the factors that influence decision making (Hartley, Maddan, & Spohn, 2007). Although the focal concerns perspective was initially developed to explain judicial decision making, the perspective has since been extended to examine decision making by other criminal justice actors such as prosecutors and police (O’Neal et al. 2015). The focal concerns theory posits that there are three central considerations for criminal justice professionals in criminal cases. These considerations are the culpability/blameworthiness of the offender, the need to protect the community, and the financial constraints of the criminal justice system (Spohn et al., 2014; Steffensmeier et al., 1998).

The first focal concern, offender blameworthiness, centers on the degree of the offender’s culpability. This concern is often identified as the most salient factor within the focal concerns perspective (O’Neal et al., 2015; Steffensmeier et al., 1998). Criminal justice practitioners often reflect on how culpable the offender is when making decisions about how best to handle the case (Kautt & Spohn, 2007; Steffensmeier et al., 1998). Much of this decision is based on the degree to which the suspect is considered responsible or guilty of the assault (Steffensmeier et al., 1998). The second focal concern, protecting the community, is based on the perceived dangerousness of the offender and the likelihood that the offender will recidivate (Kautt & Spohn, 2007). To protect the community, criminal justice practitioners consider the offender’s level of dangerousness—reflected in the offender’s prior criminal history—and the nature of the offense (e.g., the level of violence used) (Steffensmeier et al., 1998). The final concern, the consideration of resource constraints, often reflects the practical constraints of the decision. For instance, considerable system resources are necessary for thoroughly investigating a crime and ensuring that a case progresses through the criminal justice system. These resource constraints
are considered by criminal justice practitioners when making decisions about which cases to focus on (Steffensmeier et al., 1998).

The combination of all three focal concerns is said to contribute to whether a case will move forward in the criminal justice system. However, it is often difficult for criminal justice officials to weigh all three considerations when determining how to proceed in each case because they often lack all the background information necessary to make an informed decision. Studies that use the focal concerns perspective as a framework for understanding decision making in sexual assault cases suggest that criminal justice practitioners use a “perceptual shorthand” based on stereotypes associated with victims, suspects, and incidents in order to make decisions about cases (Alderden, 2008; O’Neal & Spohn, 2016; Spohn et al., 2001).

Perceptual shorthand in the case of sexual assault often reflects rape myths or stereotypes associated with victims and the incident. Specifically, many scholars contend that decisions made in sexual assault cases reflect the decision-maker’s view of what constitutes rape and what constitutes a legitimate or believable victim (Estrich, 1987; LaFree, 1989). Empirical inquiry confirms that these stereotypes play a role in whether a case will move forward in the criminal justice system. For example, Frohmann (1991), using data from two prosecutor’s offices, found that cases of sexual assault, and specifically victim’s allegations about what occurred, were discredited if they conflicted with the decision maker’s “repertoire of knowledge.” The decision maker’s “repertoire of knowledge” is made up of the characteristics associated with sexual assault incidents and victim behavior. Similarly, LaFree (1989) found that women who were engaging in risky behavior were seen as less deserving of protection under the law.

These findings suggest that the prosecutor’s use perceptual shorthand to assess the convictability of a case. Perceptual shorthand in the case of a prosecutor is often associated with
a “downstream orientation.” Downstream orientation is the concern by prosecutors that the case will result in a conviction (Spohn et al., 2001). Cases in which the victim does not appear to fit within the stereotype of a “legitimate victim” are often not considered for prosecution. Thus, prosecutors use their discretion to reduce uncertainty in the likelihood of conviction. This discretion appears to incorporate beliefs about “real rape” and “legitimate” victims.

Only one study to date has disaggregated the influence of focal concerns by the victim-assailant relationship. O’Neal and Spohn (2016), in a study of police and prosecutor decision making in intimate partner sexual assault cases, found that focal concerns were a large part of case determinations. Specifically, they found that arrest decisions included all three focal concerns (i.e., blameworthiness, protection of the community, and practical/organizational constraints). They also found that the extra-legal factors (i.e., victim or suspect race, marriage, alcohol consumption by victim or suspect, and whether the victim had a motive to lie) did not significantly influence the probability of arrest. An examination of the decision to file criminal charges by the prosecutor found support for two tenets of focal concerns theory, that of community protection and practical/organizational consequences. However, neither the offender’s blameworthiness nor extralegal factors (same as stated for arrest) significantly influenced whether criminal charges were filed. The researchers concluded that prosecutors in the study were not using perceptual shorthand to make decisions about cases.

While the O’Neal and Spohn (2016) study did not find that extra-legal factors influenced decision-making (thus contradicting the notion of perceptual shorthand), the study’s focus on intimate partner sexual assault exclusively makes it an important contribution. In the study they found that intimate partner sexual assault cases that had factors associated with focal concerns were more likely to move forward in the justice system. Exploring the tenets of focal concerns
theory as they relate to each victim-assailant relationship individually is an important next step in shedding light on case attrition. If certain factors are associated with certain groups, then it seems logical to conclude the factor associated with focal concerns will vary by group. Disaggregating by group will allow for a more nuanced understanding of the complexities of decision making in sexual assault cases.

**Rape Myth Acceptance and Focal Concerns Conclusion.** Taken together, rape myths and the focal concerns theory suggest that sexual assault case attrition is informed by stereotypes about victims, suspects, and cases. The stereotypes associated with incidents of sexual violence help to create a perceptual shorthand for both police and prosecutors. Perceptual shorthand may be a part of sexual assault case processing as early decisions are made without complete information and thus all three concerns cannot be evaluated. The lack of information may mean that police and prosecutors use what they know about a case and perhaps stereotypes about cases to make decisions about whether to go forward with a case.

Influential in these stereotypes is how the victim and assailant know one another. For example, the victim-assailant relationship might predict how believable the victim is and therefore the likelihood that the case will move forward. In this framework, rape myths might predict that intimate partner and acquaintance assault would be less likely to be considered “real” rape and in turn would be less likely to be processed whereas stranger assault would be more likely to move forward since it conforms with stereotypical images of rape. The focal concerns theory suggests that offender blameworthiness, community protection, and practical/organizational consequences are considered when making decisions about cases. These tenets might reflect stranger sexual assault as it is considered more of a community protection issue and the offender is more “blamable” than known assault assailants.
In order to fully grasp the influence of these stereotypes, it is important to understand how cases of sexual assault are processed in the criminal justice system. The next section will focus on sexual assault case processing particularly as it relates to the influence of extralegal and legally relevant characteristics on case outcomes. Special attention will be paid to the victim-assailant relationship as it appears to play a central role in whether a case will move forward in the criminal justice system.

Sexual Assault Case Processing

Criminal justice case processing can be thought of as a multi-stage process involving victims, law enforcement, prosecutors, and judges. The first step in the process is for the victim to report the assault to law enforcement. A significant number of cases are lost immediately at this step as many victims do not report victimization. For example, according to the 2014 National Crime Victimization Survey, 284,345 individuals reported being the victim of sexual violence in the past year. Of those 284,345 individuals, a mere 33.6% of individuals reported the victimization to the police. Despite relatively low numbers with respect to police reporting, police notification for sexual assault has increased since the 1980s (Baumer, Felson, & Messner, 2003; Clay-Warner & Burt, 2005; Wolitzky-Taylor et al., 2011).

This section focuses on what happens after a victim makes the decision to report the assault to police. Specifically, it will examine law enforcement’s decision to make an arrest and the prosecutor’s decision to accept a case for prosecution. Special attention will be given to the victim and assailant relationship at each point in case processing. First, a discussion of the police decision to make an arrest will be made, outlining the factors that have been found to be significantly associated with the decision. Then a discussion of the prosecutor’s decision to file criminal charges and whether they carry the case forward to prosecution will be presented.
Police Decision-making. Police officers exercise a considerable amount of discretion in their day-to-day work activities. Much of the discretionary practices of police happens outside the lens of the public. These practices include creating investigative reports, dedicating time to investigating cases, making arrests, and presenting cases to prosecutors (Alderden & Ullman, 2012). These early efforts made by police officers ultimately determine which cases move through the criminal justice system. Although this process seems somewhat straightforward, it is quite complex, particularly considering stereotypes about how police may perceive sexual assault victims. In fact, law enforcement officers are frequently criticized for holding patriarchal beliefs about women, especially as those views relate to victimization experiences. Police have been said to promote selective justice for victims whom they deem fit within the construct of “legitimate” or “real” victims (Estrich, 1987; LaFree, 1981). For instance, police perceive victims who engage in risky-behavior such as using drugs or alcohol, or who violate traditional gender norms (like being promiscuous) as partially responsible for their own victimization (Shaw, Campbell, Cain, & Feeney, 2017). Therefore, understanding the legal and extralegal factors that inform their decisions is of paramount importance to promoting equity across cases of sexual assault. In addition, because the victim and assailant relationship can amplify patriarchal images of legitimate victims, a close examination of the factors associated with each type of relationship is critical.

Arrest. An important decision-making point for police is whether to make an arrest. There are a few prominent characteristics that impact whether an arrest will be made. These characteristics are both legal and extralegal. Legally relevant characteristics that influence the probability of an arrest include the presence of a weapon (LaFree, 1981) and the presence of collateral injuries (non-genital or genital) (Cross et al., 2014; Frazier & Haney, 1996). Extralegal
factors that influence the probability of arrest include victim age (cases involving younger victims are more likely to result in arrest) (Du Mont & Myhr, 2000), prompt reporting (LaFree, 1981; Spohn & Horney, 1996), and whether the victim agrees to undergo a forensic medical examination (Bouffard, 2000).

The victim-assailant relationship also appears to play a role in whether a case will result in arrest. However, studies that explore the role of the victim-assailant relationship and arrest have produced mixed results. Early studies exploring the victim-assailant relationship included only known versus unknown offender categories. For instance, Lafree (1981), using a sample of 905 forcible sex offenses reported to a police department in 1970, 1973, and 1975, found that a prior victim-assailant relationship increased the likelihood that a case would result in arrest or be solved by the police. Specifically, the odds of an arrest were more likely if the victim and offender were acquainted. Similarly, Bouffard (2000), using a sample of 326 felony sexual assault cases reported to an urban police department in 1995, found that arrest was more likely in cases in which the suspect was known to the victim. Conversely, McCahill, Meyer, and Fischman (1979) found that the victim-assailant relationship had no influence on the likelihood that a rape case would result in an arrest.

There is a dearth of literature that disaggregates known victim-assailant relationship categories into more specific groupings such as intimate partner and acquaintance. To fill this gap, recent empirical work has begun to disaggregate the victim-assailant relationship into three groups: stranger, acquaintance, and intimate partner. The results of this research have found mixed results regarding the influence of the victim-assailant relationship. For instance, Tasca et al. (2012), using a sample of 220 cases from a large Arizona city police department in 2003, found that cases involving strangers were significantly more likely to result in arrest than cases
involving acquaintances or relatives. Conversely, Alderden & Ullman (2012), using a sample of 465 criminal sexual assault cases reported to the Chicago Police in 2003, found no relationship between arrest decisions and the victim-assailant relationship. Instead, they found that victim credibility (in the form of consistent statements to the police), victim resistance, and victim cooperation were associated with the probability of arrest.

On the other hand, Cross et al. (2014), using a sample 528 cases of sexual assault in which the victim underwent a forensic medical examination, found that intimate partner sexual assault and acquaintance sexual assault was more likely to result in arrest when compared to stranger sexual assault. In addition, the authors found that assaults with genital injuries and cases in which the victim had a forensic medical examination done within 24 hours of the assault were significantly more likely to result in arrest. Similarly, Johnson et al. (2012), using a sample of 602 rape cases reported in 2003, found that incidents involving intimates or acquaintances were more likely to result in arrest when compared to incidents involving strangers. The authors also found that arrest was more likely if there was collection of crime scene/victim evidence and if there was lab examined evidence. In addition, rape incidents involving older victims and black and Latina victims were more likely to result in an arrest.

These findings suggest that extralegal and legally relevant factors play an important role in determining whether an arrest will occur. The results also suggest that the victim-assailant relationship plays a role in whether an arrest will occur. The focus of this research is to examine whether those factors are differentially associated with each type of victim-assailant relationship. Perhaps the relationship itself does not predict whether an arrest will occur, and instead certain factors are associated with each type of victim-assailant relationship and those associations influences whether an arrest will occur. All the studies discussed view the victim-assailant
relationship as external to other case characteristics. However, it is possible that some of the characteristics, such as victim credibility and victim active resistance during the assault, might be influenced by the victim-assailant relationship. Take for instance active resistance. The literature comparing across the victim-assailant relationship finds that intimate partner sexual assault is often more violent than acquaintance and stranger sexual assault. It is possible that victims of intimate partner sexual assault might use more resistance during the assault because it is in the context of domestic violence. Thus, instead of the victim-assailant relationship directly influencing arrest, the context of the assault informs whether the victim actively resists the assault, which in turn affects whether a case will result in arrest.

**Prosecutorial decision-making.** Prosecutors play an important role in the criminal justice system as they decide who will be charged, what charges will be filed, who will be offered a plea bargain, and the type of plea bargain that will be offered (Spohn & Holleran, 2004). Some have suggested that no decision is more critical than the decision to prosecute or not prosecute a case (Spohn & Holleran, 2001). This decision lies solely at the discretion of the prosecutor’s office (Alderden & Ullman, 2012). Similar to law enforcement, prosecutors are able to exercise a considerable amount of discretion in their day-to-day work activities. This discretion impacts the kinds of sexual assault cases that move forward in the criminal justice system and should be considered in the examination of how and why case attrition occurs.

Research on prosecutorial decision-making in sexual assault cases finds that prosecutors do not pursue cases that they believe will not result in a conviction (Albonetti, 1987; Spohn et al., 2001). This phenomenon is described by Frohmann (1997) as “downstream orientation.” Downstream orientation is a process by which prosecutors attempt to predict the likelihood that a case will move through the entire criminal justice system ending with a successful conviction.
The focus on downstream orientation is problematic because it may rely on the prosecutor’s own perceptual shorthand which likely includes stereotypes related to victims, assailants, and case characteristics. In addition, prosecutors may be reluctant to take cases in which the victim and assailant are known to one another because establishing a lack of consent is difficult.

**Charging decisions.** There are several case characteristics that predict whether a prosecutor will file criminal charges in a sexual assault case. Legally relevant factors include whether the victim was injured or force was used to accomplish the assault (Alderden & Ullman, 2012; Beichner & Spohn, 2005; Frazier & Haney, 1996; Kerstetter, 1990), if the victim was threatened (Frazier & Haney, 1996), if a weapon was used (Alderden & Ullman, 2012; Beichner & Spohn, 2005; Kerstetter, 1990), the strength of the evidence available to the prosecutor (Holleran, Beichner, & Spohn, 2010; Spohn & Holleran, 2004), and if the suspect had a prior criminal record (Spohn & Holleran, 2004).

Extralegal factors also have been found to influence the likelihood that criminal charges will be filed. Extralegal factors include whether the victim seemed credible at the time reporting (Spohn & Holleran, 2004), whether the victim resisted the attack (Spohn & Horney, 1993; Spohn & Spears, 1996), if there were witnesses available to corroborate the victim’s account of the incident (Beichner & Spohn, 2005; Kingsnorth, MacIntosh, & Wentworth, 1999), and if the victim promptly reported the assault to police (Beichner & Spohn, 2005; Kingsnorth et al., 1999; LaFree, 1981; Spohn & Spears, 1996). The victim’s age also appears to play a role in whether criminal charges will be filed, however, the literature has produced differing results. Specifically, some studies find that cases that involve younger victims are more likely to result in the filing of criminal charges (Beichner & Spohn, 2005; Kingsnorth et al., 1999; LaFree, 1981) and some find that age has no impact on the filing of criminal charges (Spohn & Holleran, 2001, 2004). The
victim’s race also appears to influence whether criminal charges will be filed, however, the findings are unclear for this characteristic as well. For instance, Spohn and Holleran (2001, 2004) found that stranger sexual assault cases (compared to intimate partner and acquaintance sexual assault cases) were significantly more likely to result in the filing of criminal charges if the victim was white (when compared to all other racial/ethnic groups). Conversely, LaFree (1981) found that victim race was not a significant predictor of charges being filed. These mixed findings are problematic, particularly in light of the fact that victim characteristics appear to play an important role in criminal justice outcomes.

In addition, the victim-assailant relationship appears to play a role in whether a case will move forward to prosecution. However, the findings from the available literature are also mixed. For instance, some have found that there is no relationship between the filing of criminal charges by prosecutor’s offices and the victim-assailant relationship and others have found that there is a relationship. For example, Kingsnorth et al., (1999), using data from 467 sexual assault cases processed at the Sacramento County District Attorney’s office from 1992-1994, found that the victim-assailant relationship did not significantly predict the likelihood that prosecutors would file criminal charges. Instead, the authors found that swift reporting (3 hours or less), victim age (older victims), victim cooperation during prosecution, and the degree of injury to the victim all significantly predicted the odds of the prosecutor filing criminal charges. Similarly, Spohn and Holleran (2001) using data from sexual assaults that resulted in arrests in Kansas City from 1996 to 1998 and Philadelphia from 1997, found that the relationship between the victim and the suspect had no effect on prosecutors’ decisions to file charges. However, in the same study, the authors found that in intimate partner sexual assault cases, victim injury and victim physical resistance increased the odds of criminal charges being filed when compared to all other groups.
And that the odds of charging were higher if the suspect used a weapon in stranger sexual assault cases (when compared to all other groups) but not in intimate partner and acquaintance sexual assault cases.

Conversely, some have found that the victim-assailant relationship significantly predicts the likelihood that prosecutor’s office will file criminal charges. For instance, Spohn et al. (2001) found that assaults perpetrated by acquaintances were more likely than those committed by strangers to be charged by prosecutors handling cases in Miami-Dade. Alderden (2008), using data from Chicago, found that the odds of a case having felony charges approved were significantly lower when the victim and offender were either acquaintances or intimate partners when compared to strangers. Taken together, these mixed findings suggest that the victim-assailant relationship plays an important role in whether a case will be accepted for prosecution. The complex nature of the role of the victim-assailant relationship is not yet fully understood particularly as it relates to case characteristics.

Case Attrition and the Victim-Assailant Relationship

The victim-assailant relationship appears to play a complicated role in case attrition. Some have found that the closer the victim and the assailant, the more likely the case will go forward. Others have found that the closer the victim and assailant relationship the less likely the case will go forward. These mixed findings have left a gap in the literature on sexual assault. Specifically, few studies have looked exhaustively at the characteristics associated with each category of victim-assailant relationships (i.e., intimate partner, acquaintance, and stranger). Perhaps it is not the victim-assailant relationship the predicts outcomes, but instead how the victim-assailant relationship mediates the link between various legal and extralegal characteristics and criminal justice case outcomes.
Studying the victim and assailant relationship more closely is an important part of the puzzle. Police officers and prosecutors may halt the progression of a case because they believe that it will be difficult, if not impossible, to prove that a crime occurred, particularly in cases where the victim and assailant are previously known to each other. In fact, prosecutors may be less likely to file criminal charges in cases in which defense attorneys can offer alternatives to the victim’s claim such as guilt over sexual intercourse, revenge against a previous lover, and promiscuity. Conversely, police officers and prosecutors may be more likely to move forward with a case involving strangers because consent is far less likely to be argued and, if it is, it is less likely to be believed.

The next step in understanding attrition is to look at patterns of assault in terms of collateral injury (both genital and non-genital), types of sexual victimization (i.e., penetration, unwanted touching, attempted assault), and other characteristics to see how each of those factors is differentially associated with the victim-assailant relationship. This in turn should shed light on case attrition. The next section will discuss each victim-assailant group and the characteristics associated with each group.

**Sexual Assault and the Victim-Assailant Relationship**

One area of study that is both relevant and under researched is how the characteristics of sexual assault vary across the victim-assailant relationship. Since there is reason to believe that the victim-assailant relationship plays a compelling role in whether a case will go forward, it is important to distinguish how incidents of sexual assault are different across various victim-assailant relationship groups. The following section will discuss the relevant empirical literature on the characteristics associated with stranger, acquaintance, and intimate partner sexual assault and how those characteristics vary across different victim-assailant relationships. This section will proceed with a definition of each victim-assailant relationship group, the national estimates
of assault in each group, how assaults are generally perpetrated in each group, and how assault characteristics in one group compare to the other two groups.

**Stranger Sexual Assault.** Stranger sexual assault is defined as a sexual assault committed by someone that the victim does not know (Koss et al., 1988). National estimates of the prevalence of stranger sexual assault suggest that roughly 24.3% of sexual assaults are committed by a stranger (NCVS, 2014). Stranger sexual assault is perpetrated in a few different ways. One way is through a “blitz attack,” when the perpetrator quickly and brutally attacks the victim with no prior contact. A blitz attack typically occurs in a public place at night (Du Mont et al., 2003; R.A.I.N.N., 2015). Another way is through home invasion which involves a stranger breaking into a victim’s home with the intention of committing a sexual assault. Perpetrators who attack strangers are often referred to as “anger excitation rapists” or “sadistic rapists” (Robertiello & Terry, 2007). They typically plan their offenses and exhibit little to no remorse for the victimization. These types of perpetrators often commit several types of torture in the course of the event including bounding, beating, and biting the victim (Robertiello & Terry, 2007).

**Characteristics of Stranger Sexual Assault.** There is a dearth of literature exploring the incident and demographic characteristics associated with stranger sexual assault. This literature finds that stranger sexual assault victims are younger than intimate partner sexual assault victims but older than acquaintance sexual assault victims (Logan et al., 2007), less likely than acquaintance victims to be under the influence of alcohol but more likely than intimate partner victims (Moller et al., 2012), and the most likely to seek help within 24 to 72 hours (Moller et al., 2012; Murphy, Potter, Pierce-Weeks, Stapleton, & Wiesen-Martin, 2011, respectively).
Early studies found that assaults by strangers and intimate partners were more violent than acquaintance rapes (Koss et al., 1988; Ullman & Siegel, 1993). For instance, Stermac, Du Mont, and Dunn (1998) using a sample of 1,162 treatment seeking women, found that stranger sexual assault and intimate partner sexual assault were similar with respect to assault characteristics because they both had greater physical violence and injuries when compared to acquaintance sexual assault. More recent empirical literature finds that stranger sexual assault appears to be more violent than acquaintance assault but less violent than intimate partner assault. For instance, Moller et al. (2012) using a sample of 503 cases from a sexual assault care center in Stockholm, Sweden found that stranger sexual assault victims were more likely to experience violence during the sexual assault compared to acquaintance sexual assault victims but they were less likely to experience violence when compared to intimate partner sexual assault victims. The same study found that stranger sexual assault victims were more likely than acquaintance sexual assault victims to experience kicking and strangulation during the assault but less likely than intimate partner sexual assault victims to experience such things. Stranger sexual assault victims were the most likely to experience being held down during the assault when compared to both acquaintance and intimate partner victims.

**Acquaintance Sexual Assault.** Acquaintance sexual assault is defined as sexual assault that occurs between known parties (excluding intimate partners) (Sampson, 2002). Typically, acquaintances are characterized as individuals known to the victim by sight or casually. Estimates from the National Intimate Partner and Sexual Violence Survey suggest that 40.8% of female rape victims are assaulted by an acquaintance (Black et al., 2011). Tactics of acquaintance sexual assault often include the use of isolation (locking a door or promising to take the victim home but taking them to someplace different), economic pressure (intimacy
coerced because they paid for dinner or something else for the victim), and emotional pressure (threatening to leave the person if they do not agree to the sexual act or threatening to embarrass the victim publicly) (R.A.I.N.N., 2015). Additionally, new and emerging research on campus sexual assault finds that acquaintance sexual assault typically involves the use of alcohol and/or drugs to subdue the victim in order to accomplish the assault (Abbey, 2002).

**Characteristics of Acquaintance Sexual Assault.** Very few studies explore the characteristics associated with acquaintance sexual assault. The ones that do often find that acquaintance sexual assault victims are younger (Logan et al., 2007; Stermac et al., 2001), they are more likely to be under the influence of drugs and/or alcohol at the time of the assault (Logan et al., 2007; Moller et al., 2012; Stermac et al., 2001), and they are more likely to seek help within 24 hours of the assault when compared to intimate partner sexual assault victims (Murphy et al., 2011). In a study using data from 331 women who sought treatment in an emergency room between 2001 and 2004, Logan et al. (2007) found that acquaintances were more likely to experience non-genital injuries when compared to victims who had recently met (within 24 hours) their assailant but not when compared to stranger or intimate partner sexual assault victims. Moller et al. (2012), using a sample of 503 sexual assault victims in Stockholm, Sweden, found that acquaintance sexual assault victims were less likely to experience violence during an assault than strangers or intimate partner assault victims. In addition, acquaintance sexual assault victims were the least likely to be held down, kicked, and strangulated during an assault when compared to stranger and intimate partner sexual assault victims.

These findings appear to suggest that acquaintance sexual assault infrequently results in collateral injury and frequently involves the use of drugs and/or alcohol. The findings on injury may reflect incapacitation at the time of the assault. Alcohol and drug consumption might
significantly diminish a victim’s ability to resist an attack. In turn, the inability to actively resist the attack might account for the limited number of documented injuries at the time of a forensic medical examination.

**Intimate Partner Sexual Assault.** Intimate partner sexual assault is defined as an assault committed against a current or former intimate partner (McFarlane et al., 2005; O’Neal et al., 2015). National estimates of the prevalence of sexual violence within intimate partner relationships are rather wide. Studies suggest that anywhere from 15% to 51.1% of rape is committed by an intimate partner (Black et al., 2011; Tjaden & Thoennes, 2000). The broader intimate partner violence literature suggests that women in abusive relationships are particularly vulnerable to sexual violence (McFarlane et al., 2005). A national study comparing rates of sexual assault in a sample of women who obtained domestic violence related protection orders found that roughly two-thirds of women who had been physically assaulted by an intimate partner had also been sexually assaulted by that partner (McFarlane & Malecha, 2005). These estimates are not only wide but also provide little to no specificity about the scope and nature of intimate partner sexual violence (Logan et al. 2015).

**Characteristics of Intimate Partner Sexual Assault.** There is limited research that explores the characteristics of intimate partner sexual assault. The studies that do explore such characteristics generally find that intimate partner sexual assault victims are older than acquaintance and stranger sexual assault victims (Logan et al., 2007; Moller et al., 2012; Stermac et al., 2001), less likely to be under the influence of drugs or alcohol around the time of the assault (Moller et al., 2012), less likely to seek help within 72 hours (Moller et al., 2012), and more likely than acquaintance sexual assault victims to complete physical and forensic medical examinations (Stermac et al., 2004).
Early studies using representative samples of community and college students found that assaults by strangers and husbands were more violent than assaults by acquaintances (Koss et al., 1988; Ullman & Siegel, 1993). More recent studies, all of which use nonrandom samples, find variation across intimate partner sexual assault and stranger sexual assault with respect to the severity of the assault. These studies find that intimate partner sexual assault is typically associated with an elevated level of violence when compared to other groups. For instance, Moller et al. (2012), found that victims of intimate partner sexual assault were more likely than victims of acquaintance and stranger sexual assault to experience violence during the attack. Furthermore, intimate partner sexual assault victims were more likely to experience multiple forms of violence. Specifically, they were more likely to experience kicking and strangulation when compared to victims of acquaintance and stranger sexual assault. Similarly, Logan et al. (2007), using a sample of 331 women who went to an emergency room for treatment at an urban community hospital, found that intimate partner sexual assault victims were more likely to have non-genital injuries than acquaintances and recent acquaintances but not strangers.

In addition, Stremac, Del Bove, and Addison (2001), comparing 547 female victims of sexual assault seeking hospital-based-treatment, found that physical injury was more likely in intimate partner sexual assault than in acquaintance sexual assault but equal to that of injury patterns in sexual assaults involving boyfriends/former boyfriends. Therefore, the number of injuries in intimate partner sexual assaults is higher when compared to other groups. Murphy, Potter, Pierce-Weeks, Stapleton, and Wiesen-Martin (2011), using a state-wide sample of sexual assault data collected by sexual assault nurse examiners in New Hampshire, found that intimate partner sexual assault victims were more likely to report that the suspect used a weapon to complete the attack than acquaintances and strangers. In the same study, the authors found that
intimate partner sexual assault victims were less likely to be under the influence of drugs or alcohol during the assault than acquaintances and strangers.

Research also indicates that victims of intimate partner sexual assault are more likely to experience vaginal and anal penetration than acquaintance and stranger sexual assault victims (Moller et al., 2012). Consequently, intimate partner sexual assault victims are significantly more likely to have anogenital injuries than acquaintance and stranger assault victims (Moller et al., 2012). These findings suggest that intimate partner sexual violence appears to include rape and sodomy at a higher proportion and results in a higher proportion of genital and non-genital injuries. Thus, assault characteristics including the level of violence, type of assault (e.g., rape and sodomy), and injury patterns (both genital and non-genital) all present at a higher frequency for intimate partner sexual assault victims than any other group.

**Victim-Assailant Relationship Conclusions**

A few prominent findings make it clear that there are certain incident characteristics associated with each victim-assailant relationship groups. Patterns of collateral injury (genital and nongenital), the use of a weapon, incapacitation by way of alcohol and/or drugs, and the use of force, all appear to vary across the victim-assailant relationship. For example, intimate partner sexual assault involves a higher level of violence, multiple types of penetration, and weapon use is more likely, when compared to other victim-assailant relationship groups. Conversely, acquaintance sexual assault often involves the use of alcohol and/or drugs and far less force than either group. Finally, stranger assault appears to be more violent in nature than acquaintance sexual assault but less violent than intimate partner sexual assault. Stranger assault results in more injuries than acquaintance assault but fewer injuries than intimate partner assault. Stranger assault is also more likely to involve the use of a weapon when compared to acquaintance assault.
but less likely when compared to intimate partner assault. These findings suggest that the victim-assailant relationship differentially influences the likelihood that legally relevant and extralegal characteristics will be present in the case. These same incident level characteristics have been found to influence case attrition. The victim-assailant relationship appears to differentially impact the types of incident level characteristics associated with the assault which in turn informs whether the case will move forward. Thus, exploring the association of these factors with each group and controlling for that association as it relates to criminal justice outcomes is an important step in understanding case attrition.
CHAPTER III: RESEARCH QUESTIONS AND HYPOTHESES

The victim-assailant relationship is one of the strongest predictors of whether a sexual assault case will move forward in the criminal justice system. However, few studies explore whether the victim-assailant relationship differentially influences case outcomes. Specifically, studies fail to examine how the victim-assailant relationship influences extralegal and legally relevant factors, particularly as those factors relate to criminal justice outcomes. The current dissertation aims to assess whether different types of victim-assailant relationships impact certain case characteristics and how that impact influences the trajectory of a sexual assault case.

Despite finding that the victim-assailant relationship plays an important role in sexual assault case attrition, no study to date has explored how the victim-assailant relationship might indirectly affect case attrition. This study adds to the literature by shedding light on the way the victim-assailant relationship differentially influences various points of attrition in sexual assault cases. The following research questions guide the current inquiry:

Research Question 1: Does the likelihood of a case going forward differ by the victim-assailant relationship?

Research Question 2: What legal and extra-legal factors are associated with whether a case will go forward?

Research Question 3: Do any of these factors help explain why cases with particular victim-assailant relationships are more likely to go forward?
Summary of Proposed Hypotheses

Legal factors including injury to the victim and the presence of witnesses and extralegal factors such as victim credibility, drug and/or alcohol use, and victim physical resistance, influence whether a case will move forward in the criminal justice system. These factors are expected to be associated with the victim-assailant relationship. The central interest in this study is whether legal and extra-legal factors help to explain the difference in criminal justice outcomes by the victim-assailant relationship. The proceeding section will start with a discussion of how each factor relates to different victim-assailant groups, how those relationships influence the presence of extra-legal and legally relevant factors, the impact of those factors on case attrition, and the proposed hypotheses for the present study.

Hypothesis 1a. Injury to the victim significantly increases the likelihood that a case will move forward in the criminal justice system (Cross et al., 2014; Kingsnorth et al., 1999; Spohn & Holleran, 2001). There are significant differences in injury severity and patterns of injury across the victim-assailant relationship (Moller et al., 2012; Stermac et al., 2004). Assaults by intimate partners tend to result in more injury than those committed by strangers and acquaintances (Moller et al., 2012). Perhaps this is because intimate partner sexual assault often occurs within the context of intimate partner violence (Coker, Smith, McKeown, & King, 2000). These types of victims are often sexually assaulted during incidents that involve other forms of violence (Coker et al., 2000). This may be why injury is more common in intimate partner sexual assault victims.

Hypothesis 1a: There is a direct relationship between injury to the victim and a case moving forward. There is an association between intimate partner sexual assault and
injury to the victim. Intimate partner sexual assault is more often associated with injury to the victim which in turn is associated with a case moving forward.

**Hypothesis 1b.** Witnesses can help to corroborate the victim’s account of what happened and, in turn, act as additional sources of evidence in sexual assault cases. Incidents that have witnesses are significantly more likely to move forward in the criminal justice system (Holleran et al., 2010). There are likely differences in whether the assault has witnesses based on the victim-assailant relationship. For example, stranger sexual assaults are more likely to have eyewitnesses because the assault is more likely to occur outdoors (Ullman, 2007). Acquaintance assault tends to occur indoors, however this type of assault is more likely to happen within the context of a social setting (e.g., party, bar, etc.). Therefore, acquaintance assault is more likely to have corroborating witnesses. Intimate partner sexual assault tends to occur indoors, out of the eye of the public, which means that it is less likely to have witnesses (Ullman, 2007).

Hypothesis 1b: There is a direct relationship between the presence of witnesses and a case moving forward. There is an association between stranger or acquaintance sexual assault and the presence of witnesses. Stranger or acquaintance sexual assault is more often associated with witnesses, which in turn is associated with whether a case moves forward in the criminal justice system.

**Hypothesis 1c.** Many criminal justice professionals cite victim credibility as a major factor in whether a case will move forward in the criminal justice system (Beichner & Spohn, 2005; B. A. Campbell, Menaker, & King, 2015; Frohmann, 1991; Goodman-Delahunty & Graham, 2011; Spohn et al., 2001). Credibility is comprised of a number of different factors including questions about the victim’s character, inconsistent statements made by the victim to the police, and issues related to the timeline of events (Alderden & Ullman, 2012; Spohn &
Prosecutors and law enforcement professionals often remark on the importance of victim credibility in case outcomes, particularly if the victim and assailant are known to one another (O’Neal, 2015). For instance, Spohn and Holleran (2004) found that the odds of a prosecutor filing criminal charges was significantly less likely in acquaintance and intimate partner sexual assault cases if there were questions about the victim’s “moral character.” In the same study, the authors found that stranger sexual assault was not associated with questions about the victim’s moral character. O’Neal (2016) using qualitative data found that law enforcement officers described credibility as a central concern when the assailant was an intimate partner and that once a victim disclosed that the person was known to them, the victim’s credibility was “shot.” This might explain why credibility appears to play a role in cases of acquaintance and intimate partner sexual assault but not in cases of stranger sexual assault.

Hypothesis 1c: There is a direct relationship between case attrition and victim credibility. There is an association between victim credibility and acquaintance or intimate partner sexual assault. Intimate partner or acquaintance sexual assault is more often associated with issues concerning a victim’s credibility which in turn is associated with case attrition.

Hypothesis 1d. A substantial portion of sexual assaults occur when the victim has been drinking and/or using drugs (Abbey, Zawacki, Buck, Clinton, & McAuslan, 2004). Assaults that involve drug and/or alcohol use are less likely to move through the criminal justice system when compared to assaults that do not involve drug and/or alcohol use (R. Campbell, 1998; Morabito et al., 2016). This may be because victims are more likely to be blamed for the assault if they are under the influence of drugs and/or alcohol (Sims, Noel, & Maisto, 2007; Untied, Orchowski, Mastroleo, & Gidycz, 2012). The victims’ memory of the assault might also be limited, making
them appear less credible as witnesses in court. These types of assaults have the added complication of being most often perpetrated by people with whom the victim is acquainted (Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007). The high prevalence of co-occurrence between intoxication and sexual assault by acquaintances is likely due to an increase in the probability that victims will encounter motivated offenders in spaces where alcohol consumption occurs (Testa & Livingston, 2009). Drinking itself does not predict sexual victimization but instead, it is the proximity of assailants in spaces in which drinking occurs, such as at bars and parties, that is associated with increased risk for victimization (Testa & Livingston, 2009). This reflects the premise of Routine Activities Theory that posits that crime occurs because of a convergence of three factors: a motivated offender; a vulnerable victim, and the lack of a capable guardian (L. E. Cohen & Felson, 1979). In drug- or alcohol-facilitated sexual assault/incapacitated sexual assault, the motivated offender goes to spaces where alcohol consumption is happening. This space produces a vulnerable victim who is impaired because of alcohol and/or drug use, which produces an absence of capable guardians, and in turn leaves victims vulnerable to victimization.

Hypothesis 1d: There is a direct relationship between drug- or alcohol-facilitated sexual assault/incapacitated sexual assault and case attrition. Victim drug or alcohol use will be positively associated with acquaintance assault and negatively associated with intimate partner assault or stranger assault.

Hypothesis 1e. For decades, legal statutes have required that a victim show proof of active resistance to a sexual assault in order for the assault to be considered a crime (Ullman, 2007). These requirements have been loosened and/or exempted in the years since advances in the criminal justice system’s response to sexual violence (Spohn & Tellis, 2012a). Despite these
changes, police and prosecutors still use active resistance as a means to assess the credibility of a victim’s rape complaint (Spohn et al., 2014). Incidentally, active resistance is an atypical response to sexual assault (Tebockhorst, O’Halloran, & Nyline, 2015). There are multiple reasons why a victim might not actively resist an attack, and these reasons appear to vary by the victim-assailant relationship.

Tonic immobility, defined as diminished or absent volitional movement in response to a traumatic event, appears to be more likely in cases of stranger sexual assault (Tebockhorst et al., 2015). Individuals who are sexually assaulted by strangers and/or in unfamiliar contexts are more likely to exhibit tonic immobility because of increased levels of fear (Marx, Forsyth, Gallup, Fusé, & Lexington, 2008). Tonic immobility may not impact acquaintance sexual assault victims since alcohol and/or drug ingestion might be inhibiting their ability to process fear (or they may be fully incapacitated). Conversely, intimate partner sexual assault often occurs in the context of domestic violence. These types of assaults have a heightened level of violence. Victims in this context might be more likely to resist because they have been the victim of this type of violence before and it is therefore not an unfamiliar scenario.

Hypothesis 1e: Active resistance is associated with a case moving forward. Victim resistance will be associated with intimate partner assault and not with stranger assault or acquaintance assault.
CHAPTER IV: RESEARCH METHODS AND ANALYTIC STRATEGY

This project utilizes data collected as part of a National Institute of Justice funded grant entitled, “Physical Evidence, Forensic Evidence, and the Prosecution of Sexual Assault,” number 2013-NE-BX-0005. The sample for the study was derived from a list of all sex crimes involving victims 12 years of age or older that had been referred to a Northeastern metropolitan prosecutor’s office by the police department between 2005 and 2011. Of the 452 cases identified by the police department as having been referred to the prosecutor’s office, 257 cases met the inclusion criteria (had both a victim over 12 years of age and had case files maintained by the prosecutor’s office). Of the 257 cases included in the study, nine cases involved male victims and one case involved a female perpetrator. Given the differing dynamics of female perpetrated sexual assault and male sexual assault victimization, coupled with the limited number of both in the sample, the current study will include only cases that involve female victims and male assailants. Additionally, the original sample included 53 cases in which the suspect was never identified or information about suspect identification was missing. Since this research is interested in attrition relative to known assailants, those cases were dropped from the analysis. Finally, since this research explores the role of the victim-assailant relationship in sexual assault case attrition, cases with missing victim-assailant relationship information (n = 5) were dropped from the sample. The final sample for the current study included 189 cases of sexual assault in which the police were able to identify a suspect, for which the victim-assailant relationship was known, and involved assaults by males against females.

These data are particularly well suited for a study of the victim-assailant relationship because they: (1) include information pertaining to both parties (including background information such as criminal history); (2) include documentation from law enforcement officers,
prosecutors, medical professionals, and forensic scientists; and (3) are newly collected, which means that the data can capture advancements in evidence collection as it pertains to sexual assault. No study to date incorporates all three of these factors. The data were collected directly from prosecutor’s office files and from data collected at the jurisdiction’s crime laboratory.

**Prosecutor’s Case Files**

The prosecutor’s case files contained a host of information from a variety of sources including police department initial crime reports taken by the patrol officer who responded to the call for service, detailed follow-up reports from the sexual assault unit detectives that had been assigned to the investigation, forensic medical examination forms filled out by medical personnel, internal prosecutor’s office documentation, and court records.

The case files had extensive information about the assault, the victim(s), the witnesses (if any), and the suspect(s). For instance, the files included statements made by the victim, statements made by witnesses (including corroborating witnesses such as friends or family members that the victim disclosed to after the assault), and statements made by the suspect (if any suspect was interviewed). Police also documented whether physical evidence was recovered from the crime scene, what evidence was taken into custody, whether the victim underwent a forensic medical examination, and what evidence was included as part of the rape kit. Prosecutors documented evidence pertinent to the case including any issues that may impact the trajectory of the case (such as victim credibility), and decisions about how to move forward.

Using a case abstraction form (see Appendix for details), graduate student researchers (including the author of the current study) read through each case file and recorded the data in an SPSS data file. The case abstraction form captured a variety of details including victim and assailant demographic and background information, details of the assault, evidence procured by
the police, reviews of evidence by prosecutors, the timeline of events, and case progression details. An inter-rater reliability check was conducted to ensure that there was inter-coder agreement. Most variables achieved a Cohen’s kappa of .50 or greater (values that are considered weak to strong) (Mchugh, 2012). For the variables that were .59 or below, a system of consensus coding was developed to ensure agreement amongst data abstractors.

**Crime Laboratory Documentation**

The state requires medical examiners to complete a standardized forensic evidence kit for any medical examination conducted within 120 hours of the assault. The kit involves a 20-step protocol of specimen collection, which includes a standard blood sample from the victim, saliva sample, vaginal swabs and smears, external genital swabs, anorectal swabs and smears, perianal swabs, and oral swabs and smears. In addition, the kit includes a standard set of forms completed by medical examiners as well as a strict evidence protection protocol. Once complete, kits are transported by law enforcement officers to the city’s crime laboratory. Kits sent to the crime laboratory for screening undergo standardized analysis allowing laboratory personnel to report on the presence of forensic evidence in the kit. Data collection from the kits was done at the local crime laboratory. Kit documentation was reviewed, and information was abstracted using a crime laboratory documentation abstraction form by a trained research assistant who is employed as a criminalist at the laboratory. Of the cases presented to the prosecutor’s office in the study, 185 cases had completed forensic medical examination kits.

**Power Analysis**

A power analysis was conducted to determine the sufficient sample size necessary to conduct logistic regression analysis using the G*Power software, version 3.1. The following parameters were set in order to run the analysis for the arrest and charging models: \( \alpha=0.05, 1-\beta \)
err probability=0.80, odds ratio=3.14 (estimate based on stranger compared to non-stranger arrest outcome found in Spohn & Tellis, 2012a) and an R² other X=.70 (the proportion of the variance X explained by other predictors) (Faul, Erdfelder, Buchner, & Lang, 2009). The analysis produced a sample size requirement of N=128. The arrest and charging models included 181 and 189 cases (respectively), which is more than the number of cases needed to achieve the necessary statistical power for the present analysis. For the carried forward subsample (N=80), a post-hoc power analysis was conducted and the following parameters were set: α=0.05, 1-β err probability=0.80, odds ratio=10.10 (estimate based on the smallest statistically significant effect size in the final carried forward logistic regression model) and an R² other X=.70 (the proportion of the variance X explained by other predictors) (Faul et al., 2009). The analysis produced a 1-β err probability=.94, which is more than the .80 threshold considered sufficient for analysis.

**Measures**

**Dependent Variables.** Three distinct measures of criminal justice outcomes were utilized in the present study. The measures include arrest, the filing of criminal charges, and whether the case was carried forward to prosecution. The arrest variable was dummy coded to account for whether the case had been cleared by arrest (0=no and 1=yes). The criminal charges variable was dummy coded to account for whether the case resulted in the filing of criminal charges (0=no and 1=yes). It is important to note that both variables (arrest and the filing of criminal charges) utilized the entire sample of cases (N= 189). The reason for this is because emerging research has found that prosecutors have increasingly become more involved in the processing of sexual assault complaints in the initial stages (Williams, Pattavina, & Morabito, n.d.). In this sample, the influence of the prosecutor at the initial stage of processing made it so that some of the cases that went forward did not first result in arrest but instead, resulted in the
filing of criminal charges. Specifically, 18% (n=13) of the 121 cases that did not result in arrest resulted in the filing of criminal charges. This finding illuminates the importance of considering the entire sample when discussing both outcomes.

The variable carried forward to prosecution was dummy coded (0=no and 1=yes) and only included cases where criminal charges were filed, or the case was advanced without the filing of criminal charges (e.g., if it went to a grand jury for indictment) (N=80). The coding of “no” included those cases that were criminally charged or otherwise accepted for prosecution but resulted in a decline to prosecute (nolle prosequi) by the prosecutor and the coding of “yes” included cases that were accepted for prosecution/diverted. Table 1 presents the descriptive statistics for all the variables of interest. Arrest occurred in 36% of cases, the filing of criminal charges occurred in 38% of cases, and of the cases that were charged or otherwise accepted for prosecution, 43% were carried forward.

**Victim-Assailant Relationship.** The victim-assailant relationship variable was constructed categorically with stranger sexual assault equal to zero, intimate partner sexual assault equal to one, and acquaintance sexual assault equal to two. Twenty-two percent of cases involved strangers, 22% of cases involved intimate partners, and 56% of cases involved acquaintances. Consistent with prior literature, stranger sexual assault was the reference category in the multivariate models.¹

**Penetration.** A measure for whether penetration occurred was included in the analysis. Penetration was defined as any penetration of the vagina or anus by an object or body part. The

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¹ Supplemental analyses were conducted with acquaintance assault as the reference category. These models did not show that either intimate partner assault or stranger assault were significantly influencing the odds of the outcomes when compared to acquaintance assaults. The results of the supplemental analyses are available from the author upon request.
variable was dichotomous with zero representing no penetration occurred and one representing penetration occurred. Penetration occurred in approximately 86% of cases in the sample.

Table 1. Descriptive Statistics for the Entire Sample

<table>
<thead>
<tr>
<th>Variables</th>
<th>N</th>
<th>Proportion or Mean</th>
<th>SD</th>
<th>Min</th>
<th>Max</th>
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<td>.31</td>
<td>--</td>
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</table>

**Injury Type.** Two types of injuries were included in the analyses and both groups were coded as continuous on a scale of zero to three or more. The first was non-genital injury, which represented any injury that was sustained outside of the victim’s genital region. The second variable was genital injury, which represented any injury that was sustained to the genitals only. Both variables were coded from zero (no injuries) to three or more injuries. The average case had .54 (SD = .84) non-genital injuries and .25 (SD = .58) genital injuries.
**Use of Force.** There were two ways in which use of force was constructed. The first variable was dichotomous and assessed whether physical force, in the form of holding down, pushing, punching/slapping, strangling, and other physical force, was used during the assault. The variable was dichotomous with zero representing no physical force and one representing physical force. The second variable was whether the suspect used threats of assault on the victim. The variable was dichotomous with zero representing no verbal threats and one representing verbal threat occurred. The suspect used physical force in 38% of the assaults and 53% of assaults involved verbal threats by the suspect.

**Witnesses.** There were two types of witnesses explored in the analyses, eyewitnesses and corroborating/outcry witnesses. The variable eyewitness was included to account for whether any person other than the victim directly witnessed the assault (0=no and 1=yes). The corroborating/outcry witness variable was constructed dichotomously (0=no and 1=yes) and defined as any person that the victim disclosed to after the assault and that the police or prosecutor’s office interviewed. Few cases had eyewitness (7%) and more than half (62%) had corroborating witnesses.

**Evidence Collected.** Types of evidence collected included bedsheets, clothing, condoms, biological evidence, surveillance video, towels, a sexual assault kit, a toxicology kit, cellular communication, social media information, photographs, drugs, personal effects, weapons, sources of potential forensic evidence, alcohol, and other evidence. The variable was constructed as a continuous measure to account for the number of different types of evidence collected. The higher the number the more evidence collected. The average case had 3.31 (SD = 2.52) pieces of evidence.
**DNA Match.** A yes/no variable was coded from crime laboratory reports representing whether a DNA match was made (either a match to the suspect or a DNA hit in the Combined DNA Index System [CODIS] database) from analyzing biological samples present in the victim’s forensic medical examination. DNA matches appeared in 31% of cases that were included in the carried forward to prosecution analyses. It is important to note that a DNA match can occur at any point in the process of a criminal investigation and that a DNA match often results from the prosecutors’ initiative in seeking a court order for a suspect sample. Thus, it is plausible that a DNA match could be either a cause or an effect of prosecutor decision making. Regardless, this variable is only included in the analysis predicting whether a case moved forward to prosecution, since it is at that point in the investigation that prosecutors have collected all the evidence necessary to submit for discovery.

**Victim Resisted the Attack.** Two variables were created to account for victim resistance. The first was whether the victim physically resisted the attack by using a weapon, bodily force, or fleeing. The variable was dichotomous and reflects whether the victim used any resistance (0=no and 1=yes). Victim physical resistance was present in 38% of all cases. The second variable was whether the victim verbally resisted the attack in the form of screaming, demanding the suspect stop, or crying. The variable was dichotomous and reflects whether the victim used any verbal resistance (0=no and 1=yes). Victim verbal resistance was present in 53% of all cases.

**Victim Credibility Concerns.** There are a number of measures used to capture whether the police or prosecutor noted a credibility concern about the victim including: the victim made inconsistent statements, the victim provided limited information, the victim had a possible ulterior motive, the evidence in the case contradicted the victim’s statement, there was no
corroborating evidence, there was suspicion that the victim fabricated the assault, the victim had a mental illness, the victim was engaging in risky behavior, and the victim was engaging in, or had a history of, prostitution. This variable was collapsed into a dichotomous measure representing if any victim credibility concern was noted in the case file (0=no and 1=yes). Victim credibility concerns were noted in 37% of cases.

**Drug and Alcohol Incapacitation.** The victim’s use of drugs and/or alcohol prior to the assault variable was dichotomous and based on whether the victim disclosed being incapacitated by drugs or alcohol prior to the assault (0=no and 1=yes). Victim drug and/or alcohol use prior to the assault was noted in 49% of cases.

**Control Variables.** Three characteristics of the victim and the suspect—age, minority status, and arrest record—were included in the analyses. The age variables are continuous with lower numbers indicating younger victims or assailants. The average age of victims in the sample was 27.8 (SD = 10.5) and the average age of suspects in the same was 33.6 (SD = 11.5). The minority status variables were created by collapsing the race/ethnicity categories of non-Hispanic black, Hispanic, Asian, and other into one group representing minority status (minority=1) and white non-Hispanic representing majority status (non-minority=0). In the sample, 62% of cases had minority victims and 81% of cases had minority suspects. The arrest record variables included whether the victim or the suspect had at least one arrest prior to the date of the assault. In the sample, 13% of victims had at least one arrest prior to the assault and 51% of suspects had at least one arrest prior to the assault.

**Analytic Strategy**

The primary objective of this study is to examine the link between criminal justice outcomes and the victim-assailant relationship. In order to determine what salient differences
exist between various victim-assailant groups, a series of analytic tests will be run in order to
test: (1) the association between the victim-assailant relationship, victim characteristics, suspect
characteristics, and case characteristics relative to the criminal justice outcomes (arrest, charging,
and carried forward); (2) the association between the characteristics that have been found to be
significantly related to criminal justice outcomes and the victim-assailant relationship; (3) the
influence of the victim-assailant relationship on the probability that a criminal justice outcome
will occur, controlling for victim, suspect, and case characteristics; and 4) the potential mediating
influence of victim, suspect, and case characteristics on the direct relationship between the
victim-assailant relationship and criminal justice outcomes.

**Bivariate Analyses.** The bivariate analyses for the current study were conducted in two
steps. First, Pearson’s chi-square tests and one-way analysis of variance tests were utilized to
compare assault characteristics, victim characteristics, suspect characteristics, and the victim-
assailant relationship by the criminal justice outcomes (arrest, charging, and carried forward).
Second, to assess the association between the variables found to be significantly related to the
outcomes and the victim-assailant relationship, a series of pairwise comparisons were conducted.

**Hierarchical Logistic Regression Analyses.** All the dependent variables were
dichotomous in nature. Thus, the primary statistical technique utilized was hierarchical logistic
regression analysis. The analyses were done by building successive regression models each
adding more predictors into the model in order to examine how the factors associated with each
victim-assailant relationship influenced the probability of each outcome after the inclusion of the
variable into model (for a detailed discussion of this technique see J. Cohen, Cohen, West, &
Aiken, 2003).
CHAPTER V: RESULTS- ARREST

The objective of this section is to explore the association between the victim-assailant relationship, legally relevant factors, extra-legal factors, and the probability of arrest. The overarching hypothesis is that each victim-assailant relationship group differentially influences the probability that a case will result in arrest relative to the group’s association with legally relevant and extra-legal factors. The following section will begin with a discussion of the distribution of the independent variables relative to arrest and the victim-assailant relationship groups. It will conclude with a presentation of a hierarchical logistic regression analysis testing whether the link between arrest and relationship groupings is mediated by legally relevant and extra-legal factors.

Arrest and the Distribution of Extra-legal, Legal, and Demographic Characteristics

This section provides descriptive and correlational results for each independent variable and arrest. Table 2 shows the distribution of case characteristics relative to the outcome of arrest with Pearson chi-square or analysis of variance test results. Several factors were found to be significantly related to arrest including the victim-assailant relationship, three legally relevant factors (i.e., suspect arrest record, non-genital injury, and suspect use of threats during or before the assault), one extra-legal factor (i.e., victim use of drug or alcohol prior to the assault), and two demographic characteristics (i.e., victim minority status and suspect minority status).

In terms of the victim-assailant relationship, significant differences were found in the proportion of intimate partner assaults that resulted in arrest compared to either stranger or acquaintance assaults. Specifically, 58.4% of intimate partner assault cases resulted in arrest compared to 29.3% of stranger assault cases and 31.1% of acquaintance assault cases that resulted in arrest ($x^2 [2, N = 189] = 8.32, p = 016$).
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<tr>
<th>Independent variables</th>
<th>Percent or mean (std. deviation) arrested</th>
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<td>Victim-assailant relationship*</td>
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</tr>
<tr>
<td>Stranger</td>
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</tr>
<tr>
<td>Intimate partner</td>
<td>54.8%</td>
</tr>
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<td>Acquaintance</td>
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<td>Victim minority***</td>
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<td>No</td>
<td>21.1%</td>
</tr>
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<td>44.9%</td>
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<td>27.6 (9.9)</td>
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<tr>
<td>Yes</td>
<td>29.0 (11.4)</td>
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<td>36.3 (11.8)</td>
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<tr>
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Victim defense during assault

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>34.6%</td>
<td>43.1%</td>
</tr>
</tbody>
</table>

Verbal resistance

<table>
<thead>
<tr>
<th>Verbal resistance</th>
<th>No</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>36.0%</td>
<td>36.0%</td>
</tr>
</tbody>
</table>

Concerns about victim

<table>
<thead>
<tr>
<th>Victim credibility concern</th>
<th>No</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>39.2%</td>
<td>30.4%</td>
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</table>

<table>
<thead>
<tr>
<th>Victim used alcohol or drugs***</th>
<th>No</th>
<th>Yes</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>47.4%</td>
<td>23.9%</td>
</tr>
</tbody>
</table>

Witness type

<table>
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<tr>
<th>Eyewitness</th>
<th>No</th>
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</tr>
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<tbody>
<tr>
<td></td>
<td>35.8%</td>
<td>38.5%</td>
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</table>

Corroborating witness

<table>
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<tr>
<th>No</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>33.3%</td>
</tr>
</tbody>
</table>

| Yes | 37.6% |

*p < .05; **p < .01; ***p < .001; For the count variables, the no category = not arrested and the yes category = arrested to illustrate the distribution in both groups.
This finding shows that a larger proportion of intimate partner assault cases resulted in arrest than any other victim-assailant group.

In terms of the legally relevant characteristics, the study found that non-genital injury was positively and significantly associated with arrest. The average number of non-genital injuries in cases resulting in arrest was 0.7 (SD = 1.0) compared to an average of 0.5 (SD = 0.8) in cases that did not result in arrest (F [1, 189] = 4.22, p = .041). Additionally, suspect prior arrest history was significantly and positively associated with arrest. Of cases in which the suspect had a prior arrest history, 47.7% resulted in arrest compared to 23.9% of cases in which the suspect did not have a prior history of arrest ($\chi^2 [2, N = 189] = 11.33, p < .001$). Finally, 53.5% of cases in which the suspect made verbal threats to the victim resulted in arrest compared to 30.8% of cases in which the suspect did not make verbal threats to the victim ($\chi^2 [2, N = 189] = 7.41, p = .006$).

In terms of the extra-legal factor of victim drug or alcohol use, cases in which the victim was noted to have used drugs or alcohol prior to the assault were less likely to result in arrest than cases in which the victim was not noted to have used drugs or alcohol prior to the assault (23.9% compared to 47.7%, respectively; $\chi^2 [2, N = 189] = 11.33, p < .001$). This suggests that significantly fewer alcohol-facilitated or alcohol-incapacitated sexual assault cases were advanced through the criminal justice system than non-alcohol-facilitated or non-alcohol-incapacitated sexual assault cases.

In terms of demographic characteristics, significant differences appeared relative to the proportion of minority victim cases that resulted in arrest compared to the proportion of non-minority victim cases (44.9% compared to 21.1%, respectively; $\chi^2 [2, N = 189] = 10.89, p < .001$). In addition, cases with minority suspects had proportionately more arrests than cases without minority suspects (40.3% compared to 17.1%, respectively; $\chi^2 [2, N = 189] = 6.61, p =$
.010). Finally, suspect age significantly increased the likelihood that a case would result in arrest with the average age of a suspect in a case that resulted in arrest being 36 years (SD = 11.8) compared to an average of 32 years (SD = 11.1) in cases that did not result in arrest (F [1, 189] = 6.05, p = .015).

**The Victim-Assailant Relationship and Correlational Association with the Independent Variables of Interest in the Arrest Model**

The next step in the analyses was to explore how the factors associated with arrest were associated with each victim-assailant relationship grouping. Only the factors found to be significantly associated with arrest were included in this portion as they are the only factors that will be included in the final model. Table 3 presents a correlation matrix exploring the association between the factors associated with arrest and the victim-assailant relationship.

Stranger assaults were significantly less likely to involve minority victims ($r = -.175$). Intimate partner assaults were significantly and positively associated with minority victims ($r = .231$) and minority suspects ($r = .157$). This finding mirrors a similar association found in the sexual assault help-seeking literature with minority intimate partner victims having an increased probability of seeking help from formal resources (i.e., law enforcement). Lending support for hypothesis 1d, intimate partner assaults were also found to be significantly and negative related to victim drug or alcohol use prior to the assault ($r = -.317$). Finally, acquaintance assault was significantly and negatively related to minority suspects ($r = -.175$) and suspect use of threats during the assault ($r = -.156$). Lending support for hypothesis 1d, acquaintance assault was also found to be significantly and positively related to victim use of drugs or alcohol prior to the assault ($r = .286$). These findings taken together might reflect the context of the situation. If acquaintance assault is positively related to drug or alcohol use prior to the assault, then the use
of threats during the assault might not be necessary given that the victim is incapacitated by drugs or alcohol.

**Arrest Multivariate Results**

The bivariate findings lend partial support for hypothesis 1d only: that victim drug or alcohol use may mediate the direct relationship between the victim-assailant relationship and arrest. To test hypothesis 1d, a hierarchical logistic regression analysis was conducted. A total of 9 independent variables were entered into the final model (Model 3). Overall, Model 3 predicting arrest was significant at the p < .001 level (-2 log likelihood = -101.259, $\chi^2 [9, N = 181] = 37.09$, p < .001) and produced a McFadden’s R² of .16 and a Nagelkere R² of .25. Review of the Hosmer and Lemeshow goodness-of-fit test showed that the model was a good fit for the data. ($\chi^2 [10, N = 181] = 6.92$, p .545).

Table 4 presents the results of the hierarchical logistic regression analysis exploring the odds of an assault resulting in arrest relative to non-arrest. In the baseline model (model 1), it appears that intimate partner assault has significantly higher odds of resulting in arrest when compared to stranger assault. Acquaintance assault does not emerge as significantly impacting the probability of arrest. Model 2 explores the impact of the mediator of victim drug or alcohol use on the victim-assailant relationship coefficients. The influence of intimate partner assault on arrest diminishes in significance with the inclusion of the mediator and victim drug or alcohol use emerges as significantly associated with a higher probability of arrest. While not significant, the odds ratio for acquaintance assault increases by 17% with the inclusion of victim drug or alcohol use. This might represent a suppressor effect. Conversely, the odds ratio for intimate partner assault decreases by 54% with the inclusion of victim drug or alcohol use. This lends
Table 3. Correlation Matrix for Independent Variables Predicting Arrest

<table>
<thead>
<tr>
<th>Variables</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Stranger</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Intimate partner</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Acquaintance</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Victim minority</td>
<td>.175*</td>
<td>.231**</td>
<td>-.048</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Suspect minority</td>
<td>.053</td>
<td>.157*</td>
<td>-.175*</td>
<td>.418***</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Suspect age</td>
<td>-.049</td>
<td>.084</td>
<td>-.029</td>
<td>.038</td>
<td>.070</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Suspect arrest record</td>
<td>.025</td>
<td>.113</td>
<td>-.115</td>
<td>.141</td>
<td>.244***</td>
<td>.117</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Non-genital injury</td>
<td>-.017</td>
<td>.096</td>
<td>-.066</td>
<td>-.061</td>
<td>.014</td>
<td>-.146</td>
<td>.134</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>9. Suspect used threats</td>
<td>.082</td>
<td>.105</td>
<td>-.156*</td>
<td>.213**</td>
<td>.194**</td>
<td>.013</td>
<td>.301***</td>
<td>.057</td>
<td>--</td>
</tr>
<tr>
<td>10. Victim drug/alcohol use</td>
<td>-.025</td>
<td>-.317***</td>
<td>.286***</td>
<td>-.272***</td>
<td>-.299***</td>
<td>-.043</td>
<td>-.174*</td>
<td>.105</td>
<td>-.276***</td>
</tr>
</tbody>
</table>

*p < .05; **p < .01; ***p < .001
some support for the hypothesis that victim drug or alcohol use prior to the assault is mediating the link between arrest and the victim-assailant relationship.

Model 3 shows the final model, including the mediator of victim drug or alcohol use prior to the assault, the victim-assailant relationship, and the other independent variables found to be significant at the bivariate level (minority victim, minority suspect, suspect age, suspect arrest record, non-genital injury, and suspect use of threats). The final model shows that several factors are statistically significant at the $p \leq .05$ level. Expressly, the analysis reveals that with each additional suspect year of age, the odds of arrest increased by 4% and with each additional non-genital injury, the odds of an assault resulting in arrest increased by 72 percent. In contrast, cases involving victims who used drugs or alcohol prior to the assault had 55% lower odds of the case resulting in arrest than cases that did not have victims who used drugs or alcohol prior to the assault.
Table 4. Hierarchal Logistic Regression Predicting the Likelihood of Arrest (N=181)

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th></th>
<th>Model 2</th>
<th></th>
<th>Model 3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coef.</td>
<td>SE</td>
<td>OR</td>
<td>Coef.</td>
<td>SE</td>
<td>OR</td>
</tr>
<tr>
<td>Intimate partner</td>
<td>1.07*</td>
<td>.46</td>
<td>2.93</td>
<td>.87</td>
<td>.47</td>
<td>2.39</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>.09</td>
<td>.40</td>
<td>1.09</td>
<td>.23</td>
<td>.41</td>
<td>1.26</td>
</tr>
<tr>
<td>Victim drug/alcohol use</td>
<td>- .90**</td>
<td>.34</td>
<td>.41</td>
<td>- .79*</td>
<td>.39</td>
<td>.45</td>
</tr>
<tr>
<td>Victim minority</td>
<td>.70</td>
<td>.42</td>
<td>2.02</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect minority</td>
<td>.23</td>
<td>.57</td>
<td>1.26</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect age</td>
<td>.04*</td>
<td>.02</td>
<td>1.04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect arrest record</td>
<td>.52</td>
<td>.37</td>
<td>1.69</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-genital injury</td>
<td>.54**</td>
<td>.21</td>
<td>1.72</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect use of threats</td>
<td>.28</td>
<td>.41</td>
<td>1.33</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-.88**</td>
<td>.34</td>
<td>.41</td>
<td>-.51</td>
<td>.37</td>
<td>.60</td>
</tr>
</tbody>
</table>

Notes: Abbreviations: Coef. = coefficient; SE = standard error; OR= odds ratio
Model 3: -2 log likelihood = -101.259, x2 [9, N = 181] = 37.09, p < .001;
* p < .05; ** p < .01; ***p < .001
CHAPTER VI: RESULTS- THE FILING OF CRIMINAL CHARGES

The objective of this section is to explore the association between the victim-assailant relationship, legally relevant factors, extra-legal factors, and the probability of the filing of criminal charges. The overarching hypothesis is that each victim-assailant relationship category differentially influences the probability that a case will result in the filing of criminal charges in relation to the group’s association with legally relevant and extra-legal factors. The following section will begin with a discussion of the distribution of the independent variables relative to the filing of criminal charges and to the victim-assailant relationship groups. It will conclude with a presentation of a hierarchical logistic regression analysis that tests whether the link between the filing of criminal charges and relationship groupings is mediated by legally relevant and extra-legal factors.

Charging and the Distribution of Extra-legal, Legal, and Demographic Characteristics

This section provides descriptive and correlational results for each independent variable relative to the filing of criminal charges. Table 5 shows the distribution of case characteristics relative to the outcome of charging with Pearson chi-square or analysis of variance test results. Several factors were found to be significantly related to the filing of criminal charges including the victim-assailant relationship, four legally relevant factors (i.e., suspect arrest record, non-genital injury, suspect used force, and suspect threatened the victim), three extra-legal legal factors (i.e., victim used drugs or alcohol prior to the assault, the victim physically resisted the assault, and suspect used drugs or alcohol prior to the assault) and two demographic characteristics (i.e., victim minority status and suspect minority status).

In terms of the victim-assailant relationship, significant differences were found between the proportion of intimate partner assaults that resulted in charging compared to the proportion of
Table 5. Distribution of Independent Variables by the Filing of Criminal Charges

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>Percent or mean (std. deviation)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>charges filed</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim-assailant relationship**</td>
<td></td>
</tr>
<tr>
<td>Stranger</td>
<td>31.7%</td>
</tr>
<tr>
<td>Intimate partner</td>
<td>59.5%</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>32.1%</td>
</tr>
<tr>
<td>Victim minority**</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>25.4%</td>
</tr>
<tr>
<td>Yes</td>
<td>45.8%</td>
</tr>
<tr>
<td>Victim age</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>27.7 (9.8)</td>
</tr>
<tr>
<td>Yes</td>
<td>28.0 (11.5)</td>
</tr>
<tr>
<td>Victim arrest record</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>37.0%</td>
</tr>
<tr>
<td>Yes</td>
<td>45.8%</td>
</tr>
<tr>
<td>Suspect minority***</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>14.3%</td>
</tr>
<tr>
<td>Yes</td>
<td>43.5%</td>
</tr>
<tr>
<td>Suspect age</td>
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<td>No</td>
<td>32.6 (11.7)</td>
</tr>
<tr>
<td>Category</td>
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</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Suspect arrest record***</td>
<td>35.3 (11.0)</td>
</tr>
<tr>
<td>Any penetration</td>
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</tr>
<tr>
<td>Injuries to victim</td>
<td></td>
</tr>
<tr>
<td>Non-genital injury (count)**</td>
<td>0.4 (0.7)</td>
</tr>
<tr>
<td>Genital injury (count)</td>
<td>0.3 (0.6)</td>
</tr>
<tr>
<td>Suspect actions during assault</td>
<td></td>
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<tr>
<td>Suspect used force*</td>
<td>28.6%</td>
</tr>
<tr>
<td>Suspect threatened victim***</td>
<td>31.5%</td>
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<tr>
<td>Suspect used drugs*</td>
<td>45.4%</td>
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<td>-------------------------------------------------</td>
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<tr>
<td>Victim defense during assault</td>
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</tr>
<tr>
<td>Physical resistance**</td>
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<td>Corroborating witness</td>
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<td></td>
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</tbody>
</table>

*p < .05, **p < .01, ***p < .001; For the count variables, the no category = not charged and the yes category = charged to illustrate the distribution in both groups.
stranger or acquaintance assaults that resulted in charging. Particularly, 59.5% of intimate partner assault cases resulted in charging compared to 31.7% of stranger assault cases and 32.1% of acquaintance assault cases that resulted in charging ($x^2 [2, N = 189] = 10.58, p = .005$). This finding suggests that a larger proportion of intimate partner assaults resulted in the filing of criminal charges than any other victim-assailant group.

In terms of the legally relevant characteristics, non-genital injury was found to be positively and significantly associated with the filing of criminal charges. The average number of non-genital injuries in cases resulting in the filing of criminal charges was 0.8 (SD = 0.9) compared to an average of 0.4 (SD = 0.8) injuries in cases that did not result in the filing of criminal charges ($F [1, 189] = 7.53, p = .007$). A higher proportion of cases with suspects that had a history of arrest resulted in charging than cases with suspects that did not have a history of arrest (52.6% compared to 22.8%, respectively; $x^2 [2, N = 189] = 17.72, p < .001$). A greater proportion of cases resulted in charging when they involved the use of physical force by the suspect (43.7%) than cases that did not involve the use of physical force by the suspect (28.6%) ($x^2 [2, N = 189] = 4.28, p = .039$). Cases in which the suspect made verbal threats to the victim were more likely to result in the filing of criminal charges than cases in which the suspect did not make verbal threats to the victim (60.5% compared to 31.5%, respectively; $x^2 [2, N = 189] = 11.81, p < .001$).

In terms of the extra-legal factors, a smaller percentage of cases resulted in charging if the victim was using drugs or alcohol prior to the assault (27.2%) than cases in which the victim was not using drugs or alcohol prior to the assault (48.5%) ($x^2 [2, N = 189] = 9.07, p = .003$). A larger proportion of cases in which the victim physically resisted the assault (50%) resulted in the filing of criminal charges compared to the proportion of cases in which the victim did not
physically resist the assault (30.8%) ($\chi^2 [2, N = 189] = 6.99, p = .008$). A lower proportion of cases resulted in the filing of criminal charges if the suspect used drugs or alcohol prior to the assault (30.4%) compared to cases in which the suspect did not use drugs or alcohol prior to the assault (45.4%) ($\chi^2 [2, N = 189] = 4.46, p = .035$).

In terms of demographic characteristics, a larger proportion of cases that involved minority victims (45.8%) resulted in the filing of criminal charges than cases that involved non-minority victims (25.4%) ($\chi^2 [2, N = 189] = 7.83, p = .005$). Finally, significantly more cases involving minority suspects resulted in the filing of criminal charges than cases that involved non-minority suspects (43.5% compared to 14.3%, respectively; $\chi^2 [2, N = 189] = 10.33, p < .001$).

**The Victim-Assailant Relationship and Correlational Association with the Independent Variables of Interest in the Charging Model**

The next step in the analyses was to explore how the factors associated with the filing of criminal charges were associated with each victim-assailant relationship grouping. Only the factors found to be significantly associated with charging were included in this portion as they are the only factors that will be included in the final model. Table 6 presents a correlation matrix exploring the relationship between the factors associated with charging and the victim-assailant relationship.

Stranger assault was significantly less likely to involve minority victims ($r = -.175$) and intimate partner assault was more likely to involve minority victims ($r = .231$). Intimate partner assault was also more likely to involve minority suspects ($r = .157$) and suspect use of force ($r = .199$) and less likely to involve suspect use of drugs or alcohol prior to the assault ($r = -.215$). Lending support for hypothesis 1d, intimate partner assault was found to be significantly and
negatively related to victim use of drugs or alcohol prior to the assault ($r = -.317$). This finding might reflect the contextual circumstances of the assault. Where other types of assault might occur in the context of a social setting, intimate partner assault often occurs in the context of physical violence in private residences, so victims might be less likely to engage in alcohol or drug consumption.

Finally, acquaintance assault was significantly and negatively related to minority suspects ($r = -.175$), suspect use of force ($r = -.259$), and suspect use of threats during the assault ($r = -.156$). Acquaintance assault was significantly and positively related to suspect use of drug or alcohol prior to the assault ($r = .265$) and victim use of drugs or alcohol prior to the assault ($r = .286$). These findings taken together might reflect the context of the situation. If acquaintance assault is positively related to drug or alcohol use prior to the assault, then the use of threats during the assault might not be necessary given that the victim is incapacitated by drugs or alcohol.

**Charging Multivariate Results**

The bivariate findings lend partial support for hypothesis 1d only; that victim drug or alcohol use mediates the relationship between the victim-assailant relationship and the filing of criminal charges. To test this hypothesis, a hierarchical logistic regression analysis was conducted. A total of 11 independent variables were entered into the final model (Model 3). Overall, Model 3 predicting the filing of criminal charges was significant at the $p < .001$ level ($-2 \text{log likelihood} = -100.363, \chi^2 [11, N = 189] = 50.47, p < .001$) and produced a McFadden’s $R^2$ of .20 and a Nagelkerke $R^2$ of .32. Review of the Hosmer and Lemeshow goodness-of-fit test showed that the model was a good fit for the data ($\chi^2 [12, N = 189] = 6.30, p .789$).

Table 7 presents the results of the hierarchical logistic regression analysis exploring the
Table 6. Correlation Matrix for Independent Variables Predicting the Filing of Criminal Charges

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Stranger</td>
<td>--</td>
<td></td>
<td></td>
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<tr>
<td>2. Intimate partner</td>
<td>--</td>
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<td>3. Acquaintance</td>
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<tr>
<td>4. Victim minority</td>
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<td>.231**</td>
<td>-.048</td>
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<td>.157*</td>
<td>-.175*</td>
<td>.418***</td>
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<td>-.115</td>
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<td>7. Non-genital injury</td>
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<td>8. Suspect used force</td>
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<td>.199**</td>
<td>-.259***</td>
<td>.084</td>
<td>.114</td>
<td>.174*</td>
<td>.141</td>
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<td>9. Suspect used threats</td>
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<td>.105</td>
<td>-.156*</td>
<td>.213**</td>
<td>.194**</td>
<td>.301***</td>
<td>.057</td>
<td>.181*</td>
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<tr>
<td>10. Suspect drug/alcohol use</td>
<td>-.102</td>
<td>-.215**</td>
<td>.265***</td>
<td>-.206**</td>
<td>-.244***</td>
<td>-.005</td>
<td>.118</td>
<td>-.086</td>
<td>-.226**</td>
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<td></td>
</tr>
<tr>
<td>11. Victim used physical defense</td>
<td>.010</td>
<td>.026</td>
<td>-.030</td>
<td>.136</td>
<td>.037</td>
<td>.045</td>
<td>.106</td>
<td>.286***</td>
<td>-.036</td>
<td>.195**</td>
<td>--</td>
</tr>
<tr>
<td>12. Victim drug/alcohol use</td>
<td>-.025</td>
<td>-.317***</td>
<td>.286***</td>
<td>-.272***</td>
<td>-.299***</td>
<td>-.174*</td>
<td>.105</td>
<td>-.196**</td>
<td>-.276***</td>
<td>.661***</td>
<td>.043</td>
</tr>
</tbody>
</table>

*p < .05; **p < .01; ***p < .001
odds of a case resulting in the filing of criminal charges. In the baseline model (Model 1), it appears that intimate partner assault significantly increases the odds of an assault resulting in the filing of criminal charges when compared to stranger assault. Acquaintance assault did not emerge as significantly influencing the probability of the filing of criminal charges when compared to stranger assault. Model 2 explores the impact of the mediator of victim drug or alcohol use prior to the assault on the victim-assailant relationship coefficient. Victim drug or alcohol use prior to the assault emerged as significantly reducing the probability that a case would result in charging. With the inclusion of the variable, the impact of the intimate partner group on charging declined by 49 percent.

Model 3 shows the final model including the mediator of victim drug or alcohol use, the victim-assailant relationship groups, and the other independent variables found to be significantly associated with arrest at the bivariate level (i.e., minority victim, minority suspect, suspect history of arrest, non-genital injury, suspect use of force, suspect use of threats, suspect use of drugs or alcohol prior to the assault, and victim physical resistance during the assault). The final model shows that several factors were statistically significant at the $p \leq .05$ level. Specifically, the analysis reveals that the odds of an assault resulting in the filing of criminal charges are 2.99 times more likely if the assault occurred between intimate partners compared to strangers. The odds of an assault resulting in the filing of criminal charges was 2.81 times more likely if the suspect had an arrest record. Additionally, with each additional injury, the odds of an assault resulting in the filing of criminal charges increased by 58.5 percent. Finally, if the victim used physical resistance, the odds of the assault resulting in the filing of criminal charges were 2.84 times higher than if the victim did not use physical resistance.
Table 7. Hierarchical Logistic Regression Predicting the Likelihood of Charging (N=189)

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th></th>
<th></th>
<th>Model 2</th>
<th></th>
<th></th>
<th>Model 3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coef.</td>
<td>SE</td>
<td>OR</td>
<td>Coef.</td>
<td>SE</td>
<td>OR</td>
<td>Coef.</td>
<td>SE</td>
</tr>
<tr>
<td>Intimate partner</td>
<td>1.15*</td>
<td>.46</td>
<td>3.17</td>
<td>.99*</td>
<td>.47</td>
<td>2.68</td>
<td>1.10*</td>
<td>.55</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>.02</td>
<td>.39</td>
<td>1.02</td>
<td>.13</td>
<td>.40</td>
<td>1.14</td>
<td>.45</td>
<td>.47</td>
</tr>
<tr>
<td>Victim drug/alcohol use</td>
<td>- .71*</td>
<td>.33</td>
<td>.49</td>
<td>-.17</td>
<td>.49</td>
<td>.85</td>
<td></td>
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<tr>
<td>Victim minority</td>
<td></td>
<td></td>
<td></td>
<td>.10</td>
<td>.42</td>
<td>1.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect minority</td>
<td></td>
<td></td>
<td></td>
<td>.92</td>
<td>.62</td>
<td>2.51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect arrest record</td>
<td></td>
<td></td>
<td></td>
<td>1.03**</td>
<td>.37</td>
<td>2.81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-genital injury</td>
<td></td>
<td></td>
<td></td>
<td>.46*</td>
<td>.21</td>
<td>1.58</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect used force</td>
<td></td>
<td></td>
<td></td>
<td>-.16</td>
<td>.40</td>
<td>.85</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect used threats</td>
<td></td>
<td></td>
<td></td>
<td>.73</td>
<td>.43</td>
<td>2.07</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspect used drugs</td>
<td></td>
<td></td>
<td></td>
<td>-.59</td>
<td>.50</td>
<td>.55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim used physical defense</td>
<td></td>
<td></td>
<td></td>
<td>1.04**</td>
<td>.39</td>
<td>2.84</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-.77*</td>
<td>.34</td>
<td>.46</td>
<td>-.46</td>
<td>.36</td>
<td>.63</td>
<td>-2.83***</td>
<td>.81</td>
</tr>
</tbody>
</table>

Notes: Abbreviations: Coef. = coefficient; SE = standard error; OR = odds ratio; -2 log likelihood = -100.363, $\chi^2$ [11, N = 189] = 50.47, p < .001; *p < .05; **p < .01; ***p < .001
CHAPTER VII: RESULTS- PROSECUTION CARRIED FORWARD

The objective of this section is to explore the association between the victim-assailant relationship, legally relevant factors, extra-legal factors, and the probability that a case will be carried forward to prosecution. Carried forward means that the case went from charging to either a plea deal, trial, or was diverted with punishment. The overarching hypothesis is that each victim-assailant relationship category differentially influences the probability that a case will be carried forward to prosecution relative to the group’s association with legally relevant and extra-legal factors. The following section will begin with a discussion of the distribution of the independent variables and their association with whether the case was carried forward to prosecution and the victim-assailant relationship groups. It will conclude with a presentation of the logistic regression analysis exploring the factors associated with the probability of a case being carried forward to prosecution.

Carried Forward and the Distribution of Extra-Legal, Legal, and Demographic Characteristics

This section provides descriptive and correlational results for each independent variable relative to whether the case was carried forward to prosecution. Table 8 shows the distribution of case characteristics relative to whether the case was carried forward to prosecution with results from the Pearson’s chi-square tests, Fisher exact tests, or analysis of variance tests. Several factors were found to be significantly related to whether a case was carried forward including the victim-assailant relationship, three legally relevant factors (i.e., corroborating witnesses, evidence, and DNA match), one extra-legal factor (i.e., victim credibility), and one demographic characteristic (i.e., victim age).
In terms of the victim-assailant relationship, there were significant differences in the proportion of intimate partner assaults that were carried forward compared to stranger and acquaintance assaults. Of cases that were intimate partner assaults, 20% were carried forward to prosecution compared to 41.2% of stranger assault cases that were carried forward to prosecution and 57.9% of acquaintance assault cases that were carried forward to prosecution \( (\chi^2 [2, N = 80] = 8.88, p = .012) \). This finding suggests that a larger proportion of cases being carried forward involved acquaintance assault than any other victim-assailant group.

Upon exploring the legally relevant characteristics, a significantly larger proportion of cases that had corroborating witnesses (56.1%) were carried forward compared to cases without corroborating witnesses (8.7%). Additionally, the number of pieces of evidence was significantly and positively associated with whether a case was carried forward. The average number of pieces of evidence in cases being carried forward was 5.2 (SD = 2.6) compared to an average of 3.8 (SD = 2.8) pieces of evidence in cases that were not carried forward \( (F [1, 80] = 4.92, p = .029) \). Additionally, of the cases with DNA matches, 80% were carried forward compared to 25.5% of cases without DNA matches \( (\chi^2 [2, N = 80] = 20.93, p < .001) \).

In terms of the extra-legal factors, proportionally fewer cases were carried forward to prosecution if there were concerns about the victim’s credibility (9.1%) compared to cases where there were not concerns about the victim’s credibility (55.2%). Finally, in terms of demographic characteristics, the average age of a victim in cases that were carried forward was 22.4 years (SD = 6.9) compared to the average age of 30.8 years (SD = 12.5) in cases that were not carried forward \( (F [1, 80] = 12.42, p < .001) \).
Table 8. Distribution of Independent Variables by whether the Case was Carried Forward

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>Percent or mean (std. deviation)</th>
<th>carried forward</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victim-assailant relationship</strong>*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stranger</td>
<td>41.2%</td>
<td></td>
</tr>
<tr>
<td>Intimate partner</td>
<td>20.0%</td>
<td></td>
</tr>
<tr>
<td>Acquaintance</td>
<td>57.9%</td>
<td></td>
</tr>
<tr>
<td><strong>Victim minority</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>43.5%</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>42.1%</td>
<td></td>
</tr>
<tr>
<td><strong>Victim age</strong>*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>30.8 (12.5)</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>22.4 (6.9)</td>
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</tr>
<tr>
<td><strong>Victim arrest record</strong></td>
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</tr>
<tr>
<td>No</td>
<td>42.7%</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>41.7%</td>
<td></td>
</tr>
<tr>
<td><strong>Suspect minority</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>66.7%</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>39.4%</td>
<td></td>
</tr>
<tr>
<td><strong>Suspect age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>36.5 (11.8)</td>
<td></td>
</tr>
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<td></td>
<td>Yes</td>
<td>32.5 (9.6)</td>
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<tr>
<td>Suspect arrest record</td>
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<tr>
<td>No</td>
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<td>29.2%</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>48.1%</td>
</tr>
<tr>
<td>Any penetration</td>
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<tr>
<td>No</td>
<td></td>
<td>57.1%</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>41.1%</td>
</tr>
<tr>
<td>Injuries to victim</td>
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<tr>
<td>Non-genital injury (count)</td>
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</tr>
<tr>
<td>No</td>
<td></td>
<td>0.8 (0.9)</td>
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<tr>
<td>Yes</td>
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<td>0.7 (0.9)</td>
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<tr>
<td>Genital injury (count)</td>
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<td>0.3 (0.5)</td>
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<td>Suspect actions during assault</td>
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<tr>
<td>Suspect used force</td>
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<tr>
<td>No</td>
<td></td>
<td>43.5%</td>
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<td>Yes</td>
<td></td>
<td>42.1%</td>
</tr>
<tr>
<td>Suspect threatened victim</td>
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<td>40.7%</td>
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<tr>
<td>Suspect used drugs</td>
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<td>42.6%</td>
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<td>Category</td>
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<tr>
<td>----------------------------------------------</td>
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<tr>
<td>Victim defense during assault</td>
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<td></td>
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<tr>
<td>Physical resistance</td>
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<td>Yes</td>
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<tr>
<td>Concerns about victim</td>
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<tr>
<td>Victim credibility concern</td>
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</tr>
<tr>
<td>Yes</td>
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<td></td>
</tr>
<tr>
<td>Victim used alcohol or drugs</td>
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</tr>
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<tr>
<td>Corroborating witness</td>
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</tr>
<tr>
<td>Yes</td>
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</tbody>
</table>

Evidence (count)*
The Victim-Assailant Relationship and Correlational Association with the Independent Variables of Interest in the Carried Forward Model

The final bivariate analyses necessary to assess the hypotheses involved exploring how the factors associated with whether a case was carried forward were associated with the victim-assailant relationship. Only the factors found to be significantly associated with whether a case was carried forward were included in this portion as they are the only factors that will be included in the final model. Table 12 presents a correlation matrix exploring the association between the factors associated with whether a case was carried forward and the victim-assailant relationship.

Stranger assault was significantly and positively associated with a DNA match ($r = .170$). This finding may reflect the fact that a key way to identify a suspect in a stranger assault is through DNA. The analysis did not support hypothesis 1b, that stranger assault was significantly associated with witnesses. Intimate partner assault was positively and significantly related to victim age ($r = .165$) and negatively and significantly related to whether there was a corroborating witness (or witnesses) ($r = -.210$). This may be a result of social isolation with the victim having fewer informal help-seeking resources than other types of victims or that there was

<p>| | |</p>
<table>
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<th></th>
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</thead>
<tbody>
<tr>
<td><strong>DNA match</strong>*</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>3.8</td>
</tr>
<tr>
<td>Yes</td>
<td>5.2</td>
</tr>
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<td></td>
<td>(2.8)</td>
</tr>
<tr>
<td></td>
<td>(2.6)</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>25.5%</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td>80.0%</td>
</tr>
</tbody>
</table>

1Fisher exact test utilized; *p < .05; **p < .01; ***p < .001; For the count variables, the no category = not carried forward and the yes category = carried forward to illustrate the distribution in both groups.
no one present prior or after the assault. In addition, intimate partner assault was also negatively and significantly related to the number of pieces of evidence collected during the investigation ($r = -.156$). Perhaps this finding reflects the nature of the relationship, as intimate partner victims may live with their assailant and evidence in these cases may be limited. Intimate partner assault did not appear to be significantly associated with victim credibility, thus the analysis did not lend support for hypothesis 1c.

Finally, acquaintance assault was negatively and significantly related to victim age ($r = -.161$). This association reflects other study findings that link acquaintance assault with younger victims (when compared to intimate partner and stranger assault victims) (Logan et al., 2007; Stermac et al., 2004). Acquaintance assault was positively and significantly related to whether there was a corroborating witness (or witnesses) ($r = .272$). Since acquaintance assault typically occurs within the context of a social situation, witnesses may be more likely. Also, younger victims are more likely to utilize informal help-seeking (i.e., talk to friends or family). Thus, corroborating victims may be more likely to appear in this group of assault cases. Finally, acquaintance assault was positively and significantly associated with the number of pieces of evidence collected during the investigation ($r = .189$). This may again reflect the context of the situation. If acquaintance assault typically occurs within a social setting, there may be more evidence such as surveillance footage and receipts. The analyses revealed that credibility was not significantly associated with acquaintance assault and thus did not lend support for hypothesis 1c.

**Charging Multivariate Results**

The bivariate findings did not lend support for the hypotheses. Therefore, mediation will not be tested in the multivariate model. A total of 8 independent variables were entered into
Table 9. Correlation Matrix for Independent Variables Predicting Whether a Case was Carried Forward to Prosecution

<table>
<thead>
<tr>
<th>Variables</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Stranger</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Intimate partner</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Acquaintance</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Victim age</td>
<td>.028</td>
<td>.165*</td>
<td>-.161*</td>
<td>--</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Victim credibility concern</td>
<td>-.053</td>
<td>-.062</td>
<td>.095</td>
<td>.130</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Corroborating witness</td>
<td>-.116</td>
<td>-.210**</td>
<td>.272***</td>
<td>-.217**</td>
<td>.052</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>7. Evidence count</td>
<td>-.069</td>
<td>-.156*</td>
<td>.189**</td>
<td>-.133</td>
<td>.034</td>
<td>.399***</td>
<td>--</td>
</tr>
<tr>
<td>8. DNA match</td>
<td>.170*</td>
<td>-.065</td>
<td>-.087</td>
<td>-.098</td>
<td>-.088</td>
<td>.103</td>
<td>.327***</td>
</tr>
</tbody>
</table>

*p < .05; **p < .01; ***p < .001
the model. Overall, the model was significant at the p <.001 level (-2 log likelihood = -27.429, $x^2_{[8, N = 80]} = 54.24, p <.001$) and produced a McFadden’s $R^2$ of .50 and a Nagelkerke $R^2$ of .66. Review of the Hosmer and Lemeshow goodness-of-fit test showed that the model was a good fit for the data ($x^2_{[9, N = 80]} = 4.97, p .664$).

Table 10 presents the results of the logistic regression analysis exploring the odds of a case being carried forward relative to the odds of a case not being carried forward. The model shows that several factors were statistically significant at the $p \leq .05$ level. Specifically, the analysis revealed that the odds of a case being carried forward were 10.1 times more likely if the case had corroborating witnesses. In addition, a case had 24.7 times higher odds of being carried forward if there was a DNA match. Finally, a case had 5% lower odds of being carried forward if there were concerns about the victim’s credibility.
Table 10. Logistic Regression Predicting the Likelihood of a Case being Carried Forward to Prosecution (N=80)

<table>
<thead>
<tr>
<th></th>
<th>Coef.</th>
<th>SE</th>
<th>OR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intimate partner</td>
<td>-.87</td>
<td>1.04</td>
<td>.42</td>
</tr>
<tr>
<td>Acquaintance</td>
<td>.83</td>
<td>.94</td>
<td>2.30</td>
</tr>
<tr>
<td>Victim age</td>
<td>-.02</td>
<td>.03</td>
<td>.98</td>
</tr>
<tr>
<td>Corroborating witness</td>
<td>2.31*</td>
<td>1.11</td>
<td>10.10</td>
</tr>
<tr>
<td>Evidence count</td>
<td>-.09</td>
<td>.18</td>
<td>.91</td>
</tr>
<tr>
<td>DNA match</td>
<td>3.21**</td>
<td>1.01</td>
<td>24.73</td>
</tr>
<tr>
<td>Victim credibility concern</td>
<td>-3.02**</td>
<td>1.06</td>
<td>.05</td>
</tr>
<tr>
<td>Intercept</td>
<td>-1.69</td>
<td>1.35</td>
<td>.18</td>
</tr>
</tbody>
</table>

Notes: Abbreviations: Coef. = coefficient; SE = standard error; OR = odds ratio
-2 log likelihood = -27.429, $x^2$ [8, N = 80] = 54.24, p < .001; *p < .05; **p < .01; ***p < .001
CHAPTER VIII: DISCUSSION AND CONCLUSION

This study sought to replicate and expand upon prior research on sexual assault case processing in the criminal justice system by identifying the factors that influence the probability of arrest, the filing of criminal charges, and the carrying forward of cases to prosecution. It also explored how those factors related to the victim-assailant relationship. This section will discuss in greater detail the findings of the current study, linking theoretical frameworks—focal concerns perspective and rape myths—with the empirical findings. It will begin with a discussion of the multivariate analyses focusing on the case attrition findings. From there a discussion of the limitations of the present study will be presented, followed by a discussion of how the results of this study can be used to improve public policy. It will conclude with recommendations for future research.

Criminal Justice System Outcomes

This study added to the literature on sexual assault case attrition by exploring the correlates of arrest, the filing of criminal charges, and whether the case was accepted for prosecution. The next three subsections will discuss each outcome, the factors that emerged as significantly influencing the probability of each outcome, and how the findings of the current study reflect or contradict the current body of literature on sexual assault case attrition.

Arrest. Consistent with prior work, the current study found that that both crime seriousness and victim blame influenced the probability that a sexual assault case would result in arrest (Bachman, 1998; Bouffard, 2000; Estrich, 1987; Tasca et al., 2012). Specifically, the factors that were found to significantly influence the likelihood that a sexual assault case would result in arrest included: non-genital injury, victim drug or alcohol use prior to the assault, and suspect age. Each factor and its impact on arrest will be discussed in turn below.
In the current study, the legal factor of non-genital injury was found to increase the probability of arrest. Many scholars have found a similar result (see for example, Alderden & Ullman, 2012), highlighting a general pattern by law enforcement of assessing the severity of the assault and determining if an arrest is warranted. The pattern may also reflect the fact that law enforcement officers are trained to assess injury in victims which, if present, gives them probable cause to make an arrest. Focal concerns theory posits that criminal justice practitioners make decisions based on the seriousness of the offense, the dangerousness of the offender, and the offender’s threat to the community (Spohn et al., 2001). Since the assailant used enough violence for the victim to show visible signs of injury, law enforcement officers working within a focal concerns framework may see injury on a victim as an indicator of crime seriousness, suspect blameworthiness, and the need to protect the community from the suspect. Additionally, injury fits within a rape-myth-facilitated framework that stereotypes victims with injuries as “real” and “genuine” (Grubb & Turner, 2012). The convergence of focal concerns indicators coupled with conforming to a rape-myth-facilitated framework makes injury a reliable source to use in justifying an arrest. It should be noted however, that roughly 65% of the sexual assaults in the current sample did not result in injury to the victim. Relying on injury as a sign of crime seriousness is therefore limited and undermines the experiences of those victims without injury.

A second finding in the study was the influence of the extra-legal factor of victim drug or alcohol use on the likelihood that an assault would result in arrest. It is unclear why this extra-legal factor influenced arrest; some have speculated that when corroborating evidence is unavailable or absent, investigators may rely on characteristics of the victim to build a case (B. A. Campbell et al., 2015). Many of these victim characteristics are related to the behavior of the victim at the time of the assault. Studies have found that drug or alcohol use by the victim prior
to the assault is related to perceptions of blame in sexual assault cases (Beichner & Spohn, 2012; Schuller & Stewart, 2000). For instance, Schuller and Stewart (2000) found that police officers were less likely to view the victim as credible if she had been intoxicated at the time of the assault. Research on rape myth acceptance finds that women who voluntarily consume alcohol prior to a sexual assault are often attributed higher level of blame than victims who are not intoxicated (Grubb & Turner, 2012; Sims et al., 2007). There is also some research to suggest that assailants are viewed as less blameworthy when the victim is drunk, despite the level of (or absence of) assailant intoxication (Wild, Graham, & Rehm, 1998).

An alternative explanation is that drug and alcohol use by the victim has the potential to impair a victim’s knowledge or memory of the assault which will influence the outcome of a case. If the victim, many times the sole witness to the assault, cannot recount the details of the incident, it is hard if not impossible for criminal investigators to build a strong case. It should be noted that the majority of assaults in the current sample involved voluntary intoxication by the victim prior to the assault, making this finding particularly valuable to advancing understanding of sexual assault case attrition.

The victim-assailant relationship did not emerge as a factor that influenced the probability that an assault would result in arrest or be carried forward to prosecution after other case characteristics were considered. This is in opposition to other study findings (Cross et al., 2014; Tasca et al., 2012). The analysis for arrest in the current study revealed that the direct effect of intimate partner assault on the probability of arrest decreased with the inclusion of victim drug or alcohol use. This finding lends support for the hypothesis that victim drug or alcohol use maybe be mediating the link between arrest and the victim-assailant relationship and
highlight the importance of exploring case-level characteristics relative to the victim-assailant relationship.

The correlational analyses reveal that each victim-assailant group had substantively different factors associated with them, illustrating that sexual assault can be contextually different based on the group. One of those factors is drug or alcohol use by the victim. Specifically, acquaintance sexual assault was found to be positively associated with victim drug or alcohol use while intimate partner sexual assault was found to be negatively associated with victim drug or alcohol use. This is consistent with suppositions that alcohol is a risk factor for acquaintance and stranger rape but not intimate partner rape (Jones, Alexander, Wynn, Rossman, & Dunnuck, 2009) and is similar to forensic medical findings that show a negative association between intimate partner assault and alcohol or drug consumption by the victim (Logan et al., 2007; Moller et al., 2012). Perhaps the reason that intimate partner assault is less likely to involve drugs or alcohol use by the victim is because it is less likely to happen in the context of a social situation where alcohol is being consumed and instead occurs in private residences. Since intimate partners are significantly and negatively associated with drug or alcohol use prior to the incident, they may be able to recall the events more clearly, make more accurate statements to law enforcement, and appear as more credible victims.

Finally, the analysis revealed that as victim age increased, the probability of an assault resulting in arrest was higher. It is unclear why this occurred. Perhaps older suspects are viewed as more culpable of committing a sexual assault. A supplemental analysis revealed that victim age and suspect age were highly correlated. It is possible that suspect age serves as a proxy to older victims appearing more credible. Further research is needed to understand why suspect age had an impact on arrest.
The findings on arrest highlight the complexity of law enforcement decision-making in sexual assault cases. The current study suggests that law enforcement officers use not only focal concerns when determining whether to make an arrest but also utilize stereotypes about “real rape” and “genuine victims” through a rape-myth-facilitated framework when making arrests. This is problematic because, as has been shown, victims of sexual assault often do not fit within these stereotypical guidelines. Many of the cases in the current sample were lacking both injury and victim sobriety. Cases lacking injury or victim sobriety are unlikely to move forward. Overcoming these two limitations is imperative in helping to curb the high rate of attrition in sexual assault cases, particularly at the early stages of criminal justice processing.

The filing of criminal charges. Several legal and extra-legal factors emerged as significantly related to the probability that a case would result in the filing of criminal charges, including the victim-assailant relationship, suspect arrest history, non-genital injury, and whether the victim physically resisted the assault. In the current study, it was hypothesized that the victim-assailant relationship would play a central role in whether a case moved forward in the criminal justice system. This study found that cases involving intimate partners were significantly more likely to result in filing of criminal charges than stranger assaults. These results are consistent with some prior work (Beichner & Spohn, 2005; Holleran et al., 2010) and inconsistent with other prior work (Alderden & Ullman, 2012). In addition, this finding contradicts the claim that these types of assault are not perceived to be “real rapes” lacking “genuine victims” leaving them vulnerable to attrition (Estrich, 1987; Spohn et al., 2001). Instead, it appears that prosecutors are keen to prosecute cases involving intimate partners. Perhaps the finding reflects a shift in the perception of these types of cases as being both serious and having legitimate victims. It may also reflect a broader pattern of change in the social
construction of intimate partner violence. Several decades of activism on the part of survivors, advocates, and policy makers, have shifted the perception of domestic violence as a private family matter into one that is considered a major public health issue. Perhaps in this study site, prosecutors are more open to prosecuting intimate partner sexual assault to show that they are serious about these types of cases and to deter domestic violence perpetrators. Alternatively, it might be that intimate partners are easier to apprehend. They may be at the scene of the crime when police respond making it difficult to refute that the assault occurred between anyone else and the victim. There may also be a documented history of violence against the victim by the assailant making the victim’s claims that much more credible.

Another important finding in this study is that with each additional non-genital injury, the probability of filing criminal charges increased. This prominent legally relevant factor reflects much prior work on prosecutorial decision-making in sexual assault cases (Alderden & Ullman, 2012; Beichner & Spohn, 2005; Kingsnorth et al., 1999; Spohn & Holleran, 2001) and lends support for focal concerns theory that posits that prosecutors make decisions about cases based on the suspect’s culpability and the desire to protect the community (Spohn et al., 2001). Specifically, prosecutors in the current study may view an assault with injury as more serious and the offender more culpable than assaults that do not result in injury. Prosecutors may also view victim injury as an indicator of the dangerousness of the suspect and act in a way to protect the community, or more specifically the victim (since intimate partner assault increases the probability of charging). In addition, injury helps in corroborating a victim’s account of what occurred (especially when witnesses are not present) making the victim both a reliable and credible source of evidence (Frohmann, 1997) and increasing the chance of a successful prosecution. Therefore, prosecutors using a downstream orientation may view injury as a means
to assess how likely they are to achieve a successful prosecution. The focal concerns indicators coupled with a downstream orientation might therefore explain why injury is a central factor in the filing of criminal charges.

Another result of the current study suggests that the probability of a case resulting in the filing of criminal charges is higher if the suspect had an arrest record. This finding is similar to the results of other case attrition studies that find that cases with suspects that have criminal records are more likely to be processed through the criminal justice system (Alderden, 2008). The finding may reflect a focal concerns perspective as it indicates that prosecutors use suspect arrest history information as a way to determine the culpability of the suspect and to determine the dangerousness of the suspect while balancing the importance of protecting the community. Additionally, many cases will see a plea deal negotiated and accepted. The criminal record of the suspect may also be used as a bargaining tool by prosecutors to negotiate a plea deal.

Finally, the analysis shows that cases in which the victim physically resisted the assault were more likely to result in the filing of criminal charges. It is important to understand this finding within the context of the current legal requirements about sexual assault case processing. First, victim physical defense and consent do not need to be proven before a case can move forward to prosecution in this particular jurisdiction. The jurisdiction has a legal provision that specifically states that use of physical defense is not a required element to prove that a crime of sexual assault occurred. Although legal requirements do not include disproving consent, if a case has evidence that can prove lack of consent, it may be easier to prosecute. This may reflect a rape-myth-facilitated decision-making process. If a victim physically resists an assault they may be painted as a more “genuine” and “real” victim, which in turn lends more credibility to the assault allegation. Physical resistance also may be viewed as helpful when presenting a case to a
jury, since jurors often expect to see resistance from victims in sexual assault cases (Ellison & Munro, 2009). Thus, not only might prosecutors be making decisions based on rape-myths, they may also be using a downstream orientation to assess the success of the case. In cases with victim resistance, the victim will appear to be more credible in the eyes of a jury and thus it may be more likely that the prosecutor will secure a conviction.

The findings on the filing of criminal charges highlight the complexity of prosecutorial decision-making in sexual assault cases. The current study suggest that prosecutors use not only the focal concerns perspective when making decisions but also utilize stereotypes about rape that lend to a downstream orientation. This is problematic because, as has been discussed, things like victim resistance are present in only a handful of assaults. Relying on that type of evidence to facilitate case processing neglects cases that do not fit into a narrative of “real rape” and thus can explain some of the reason for so much attrition in sexual assault cases.

Carried Forward. Consistent with prior work, the current study found that the decision to carry a case forward is dependent on both legally relevant and extra-legal factors, including whether corroborating witnesses were available, whether a DNA match was made, and if the victim appeared credible. First, cases with corroborating witness were more likely to result in a case moving forward than cases without corroborating witnesses. This is not a surprising finding as sexual assault is one crime that is unlikely to have witnesses (Tasca et al., 2012). If witnesses are present, they can neutralize issues with delayed reporting or lack of physical evidence of a crime. Corroborating witnesses can also attest to the circumstances pre- and post-assault. Thus, corroborating witnesses can be a valuable source of evidence for prosecutors as they use a downstream orientation to assess whether the case will result in a conviction.
Another finding is that cases where a DNA match is present are more likely to be carried forward to prosecution. This reflects findings from a new and growing body of literature on the utility of forensic evidence in sexual assault case progression that suggests that cases with DNA evidence are more often advanced through in the criminal justice system (R. Campbell, Patterson, Bybee, & Dworkin, 2009; Cross, Siller, Vlajnic, Alderden, & Wagner, 2017). This finding might also reflect a downstream orientation in prosecutorial decision-making. In a recent study of prosecutorial decision-making relative to forensic evidence, assistant district attorneys claimed that juries expect to see forensic evidence at trial (Cross, Alderden, Vlajnic, & Siller, 2018). Therefore, cases with a positive forensic profile help support a case at trial, which in turn lends support for the argument that prosecutors use a downstream orientation when making case procession decisions. Alternatively, Cross et al., (2017) suggest that obtaining a DNA match is part of the effect of a prosecutor deciding to go forward with the case. Prosecutors may decide that a case is not likely to go forward and decide not to put additional investigative time or resources into obtaining a comparative sample from a suspect to test against forensic evidence from a victim’s rape kit. This phenomenon likely contributed to the higher probability of cases with DNA matching being carried forward to prosecution.

Finally, the current study found that if the prosecutor’s office noted issues with the victim’s credibility, the case was less likely to move forward to prosecution. This finding is consistent with prior research that suggests that victim credibility plays a role in how prosecutors perceive their ability to secure a conviction in a sexual assault case (B. A. Campbell et al., 2015). Issues surrounding the victim’s credibility (e.g., the victim made inconsistent statements, there is suspicion that the victim fabricated the assault, the victim was engaging in risky behavior, etc.) have the potential to negatively impact a case, especially in cases where consent arguments
might be made. This is problematic, particularly in light of the findings of a recent study that suggests neurobiological response to trauma impact things like mood, fearfulness, and even lack of emotion, and can thus impede the victim’s ability to both accurately and clearly recall details of the assault (including the events surround the assault) (R. Campbell, 2012). Since prosecutors are not trained on how to assess a victim’s trauma, what appears to be a credibility issue might reflect a larger pattern of neurobiological responses to trauma.

The findings on prosecutorial decisions to move a case forward to prosecution highlight the complexity of prosecutorial decision-making. The current study suggests that prosecutors use a downstream orientation when assessing whether to carry a case forward to prosecution. This orientation relies on legally relevant factors like DNA evidence and corroborating witnesses and the extra-legal factor of victim credibility. The finding on victim credibility is particularly problematic since, as has been discussed, victims who appear to be lacking in credibility might be simply responding to trauma. Finding ways to address this issue is an important next step for case attrition research.

Overall, the findings on arrest, the filing of criminal charges, and whether a case was carried forward to prosecution demonstrate that decisions about sexual assault cases are not only based on factors associated with legal relevance, they are also based on factors that are not legally relevant. Generally, the findings of this study support focal concerns theory, the downstream orientation perspective, and the rape-myth-facilitated perspective. With respect to the focal concerns theory, practitioners focus on the culpability of the assailant and the need to protect the community. In terms of the downstream orientation, cases that are charged or accepted for prosecution often include factors that will help in securing a conviction. Finally, this study lends support for the idea that criminal justice practitioners use stereotypes about sexual
assault to make decisions about sexual assault cases as evidence by the influence of extra-legal factors on case outcomes. It also appears that the victim-assailant relationship plays a complicated role in case attrition; a role that is not as straightforward as it appears. While case characteristics have been found to influence the probability of arrest, charging, and a case being carried forward, they have not been considered in the context of the relational dynamic. This study shed light on that dynamic by exploring the factors associated with each group.

Limitations

This study is not without its limitations. First, the study was based on a small sample of cases referred to a prosecutor’s office. Many studies exploring sexual assault case attrition work with small samples and utilize quantitative methodologies to explore the factors associated with case attrition (Alderden & Ullman, 2012; Tasca et al., 2012). One of the limitations of a small dataset is the inability to detect small effects that may be statistically related to case outcomes. Second, the study relied on a secondary data source. This is similar to other studies examining sexual assault case attrition (Alderden & Ullman, 2012; Beichner & Spohn, 2005; Spears & Spohn, 1997; Spohn & Holleran, 2001). The original purpose of the data collection was to explore the association between forensic evidence and prosecutorial outcomes (for details see Cross, Siller, Vlajnic, Alderden, & Wagner, 2017). Despite this, the data collection tool utilized in the current study reflects the widely utilized instrument constructed to assess case attrition (for details see Spohn & Tellis, 2012a). Thus, the data reflect the standard and accepted way of documenting information from case files.

Third, these data were collected and documented as part of a case building process. The information was deemed valuable as evidence during court proceedings by the persons responsible for the cases. Therefore, the information presented within the case files reflects the
practitioner’s interpretations and recollections of case-specific elements. There is no way to assess whether this documentation is systematically biased. However, it should be noted that the objective of any office overseeing the prosecution of a crime is to administer justice. It seems reasonable to assume that despite these interpretations or recollections, the evidence in the case files reflects a sincere and unbiased recollection of the events and evidence important to the case.

Fourth, the prosecutor’s office in this site has developed a pro-active informal protocol for information sharing between their office and the local police department. Every incident that is reported to the police department is forwarded to the prosecutor’s office even if the incident did not result in arrest. Since this relationship is informal, there may have been cases that did not get forwarded to the prosecutor’s office. Informants within the prosecutor’s office assured the researchers that these types of incidents happened rarely if ever. Finally, decision making is not a static process and can often involve a back-and-forth between law enforcement, prosecutors, and victims. It is not possible with cross-sectional quantitative data to capture this dynamic process.

Research and Policy Implications

As this study and others like it indicate, criminal justice practitioners use both legal and extra-legal factors to make decision about the trajectory of sexual assault cases. The utilization of extra-legal factors is problematic because these factors are often linked to perception or stereotypes about victims of sexual violence that persist despite improvement in the criminal justice system’s response to sexual violence. This section will focus on the implications of the current study for both research and public policy.

With respect to research, this study underscores the need for additional research on police and prosecutor decision-making. Despite many studies on sexual assault case attrition, datasets investigating case attrition are both sparse and dated. The dataset for the current study is one of
the first datasets from a Northeast prosecutor’s office that includes recent criminal cases. Future research should focus on collecting data from various criminal justice practitioners across multiple jurisdictions in the years since advancement in the criminal justice system’s response to sexual violence.

Additionally, few studies take victim credibility as a central focus and explore why credibility remains to be a part of the construction of sexual assault cases. Perhaps this is because there may be little physical evidence that ties the assailant to the crime and the ability of a prosecutor to secure a conviction is primarily dependent on the victim’s ability to convince a judge or jury that an assault occurred. Current research on a victim’s ability to accurately recall the events of an assault finds that after serious trauma, a victim may not recall events or can even suffer from selective amnesia. Understanding how frequently this happens after an assault coupled with the factors that may help to alleviate these types of inhibitors might help to diminish credibility issues in sexual assault cases. In addition, focusing training for criminal justice professionals on how to best question victims who may be suffering from these post-assault issues can go a long way in diminishing questions about a victim’s character.

Along these same lines, much more research is needed on the link between alcohol-facilitated sexual assault and arrest. Alcohol-facilitated sexual assault is a major issue, particularly on college campuses. Recent estimates suggest that more than half of all sexual assaults occur after voluntary consumption of alcohol by the victim (Abbey et al., 2004). While it appears that the social construction of sexual assault has shifted to include intimate partners, the same cannot be said for acquaintance assault. Perhaps this is because acquaintance assault is often associated with alcohol or drug use. Research on rape myth acceptance finds that women who voluntarily consume alcohol prior to a sexual assault are often attributed higher level of
blame than victims who are not intoxicated (Grubb & Turner, 2012; Sims et al., 2007). There is also some research to suggest that assailants are viewed as less blameworthy when the victim is under the influence of alcohol, despite the level of (or absence of) assailant intoxication (Wild et al., 1998). These intersections may suggest that rape myths play a more central role in constructing a narrative about acquaintance assaults than other victim-assailant relationship assaults. It also suggests that the social construction of sexual assault has not yet shifted to include acquaintance assault. Developing specialized training for law enforcement officials responding to alcohol-facilitated assaults and changing organizational attitudes about the legitimacy of alcohol-facilitated rape reports may help in reducing the high rate of attrition these cases face.

Finally, research that incorporates several different police departments and prosecutor’s offices in various communities is particularly necessary. Having data from a host of different departments/offices would allow for the detection of smaller effects that might be missed in single sample studies. Additionally, more advanced statistical techniques, including multilevel modeling, could be utilized to assess how organizational differences vary among police departments and prosecutor’s offices and how those differences impact case attrition. The findings of such studies could then be used to assess best practices in sexual assault case processing. For example, if some police departments and/or prosecutor’s offices have less attrition, studies could then be designed to examine how those departments/offices operate and how those operational differences might be instituted in other organizations.

In terms of policy, the social construction of rape appears to be evolving. Policies geared toward shifting the social construction of sexual assault within organizations might be particularly useful. Departments/offices that are seeing less attrition have likely shifted the way
the organization views sexual assault. Assessing how these organizations operate by
documenting their policies (both formal and informal) and interviewing stakeholders could be
useful in building a best practice model for sexual assault response in the criminal justice system.
The goal of a best practice model for sexual assault response in the criminal justice system would
be to develop a standardized approach to the processing of sexual assault cases.

In addition, ongoing specialized training, particularly for law enforcement officers, prosecutors, and judges, is imperative. Research continues to shed light on the dynamics of
sexual assault, particularly how a victim responds to trauma. Having continuous training that, at
minimum, involves appropriate techniques to interviewing victims, building rapport with
victims, interrogating suspects, collecting evidence, and the penal code is critical. One area that
is particularly important is the investigation of non-stranger assault. Investigative training should
focus on non-stranger sexual assault because it is the most common type of assault. Specialized
training should address how to best interview victims who were assaulted by someone known to
them while intoxicated and emphasize that victims may not be able to recall the events of the
assault or have inconsistencies in the account of what happened as a result of the trauma.

Finally, the complex dynamics of intimate partner sexual assault make it particularly
difficult to investigate. Training on how to respond to intimate partner assault involves
understanding the dynamics of intimate partner sexual assault and the social context in which it
occurs. While there are sexual assault and domestic violence units in many police and
prosecutor’s offices, those units sometimes do not overlap leaving intimate parent sexual assault
cases in one or the other unit’s domain. If the case remains with a domestic violence unit, the
rape charge may not be pursued since it is harder to prove. This dropping of the rape charge to
secure some type of conviction related to domestic violence needs much more attention.
Anecdotally, researchers have been advised that it is happening but no research to date has explored the frequency of its occurrence. Thus, developing training techniques relative to these issues and conducting additional research will help to diminish sexual assault case attrition.

Conclusion

Sexual violence is a major public health issue. National estimates suggest that 27.3% of women and 10.8% of men have experienced some form of unwanted sexual contact in their lifetime (Breiding et al., 2014). Experiencing sexual assault can have a profound impact on a victim’s well-being. Survivors often suffer from physical, psychological, and social problems including: chronic pain and sexually transmitted infections, anxiety, emotional detachment and withdrawal, post-traumatic stress disorder, and strained relationships with friends and family (R. Campbell, Dworkin, & Cabral, 2009; Golding, Wilsnack, & Cooper, 2002; Paras et al., 2009).

Sexual assault survivors are often reluctant to report victimization to law enforcement. In fact, national estimates suggest only a third of those assaulted will ever report the victimization (Truman & Langton, 2015). Even more jarring is the fact that after a victim reports an incident of sexual assault, the case is very unlikely to result in a criminal conviction. The serious problem of case attrition in sexual assault diminishes the public’s confidence in the ability of the criminal justice system to get justice for victims. This lack of confidence has the potential to act as a deterrent for victims who might otherwise report the assault to police.

This dissertation was able to elucidate the factors associated with case attrition and in many ways this dissertation tells the same story that many other researchers have told: that serious issues remain in the criminal justice system’s processing of sexual assault cases. The criminal justice system’s response to sexual violence needs ongoing attention by scholars and policy makers to improve outcomes for sexual assault survivors. Until system change addresses
these issues, victims will remain to be reluctant to report sexual violence and the problem of attrition in sexual assault case processing will continue.


Black, M. C., Basile, K. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., …


O’Neal, E. N. (2015). "Often I feel we victimize the victim more than the suspect does": Examining officer attitudes toward sexual assault complainants (Doctoral dissertation). Retrieved from ProQuest Dissertations & Theses Global (Order No. 3738956).


Spohn, C. C., & Tellek, K. (2012). *Policing and prosecuting sexual assault in Los Angeles city and county: A collaborative study in partnership with the Los Angeles Police*


APPENDIX

Data Coding Instrument: Prosecutor Case Abstraction Form (Revised 3/5/2015)

Alleged Victim Information

All of the alleged victim demographic information reported in the original incident report. If the information is missing, check the follow-up investigative report. Only modify demographic information if the file includes explicit language clarifying responding officer's report.

1. Coder initials ______
2. Police Incident Number___________
3. Number of alleged victims _________
4. Alleged victim gender (a supplementary data file will be used if there are multiple alleged victims and/or suspects)
   1 Female
   2 Male
   3 Transgender
   98 Missing

5. Alleged victim race
   0 White
   1 American Indian or Alaska Native
   2 Asian
   3 Black or African American
   Native Hawaiian or other Pacific
   4 Islander
   5 Biracial
   other
   6 (SPECIFY)____________________
   98 information missing for this case

6. Alleged victim ethnic identity?
   0 Not Hispanic or Latino
   1 Hispanic or Latino
   information missing for this case
   98 case
7. Alleged victim age

___ AGE IN YEARS
information missing for this case
98 case

8. Alleged victim arrest record?

0 None reported
1 No
2 Yes

● This information should be based on information contained throughout the report, including official criminal history information AND investigator/patrol officer notes.
● Record “No” when this is explicitly stated in the report (i.e., “alleged victim does not have a history of arrests.”)

9. Alleged victim convictions?

0 None reported
1 No
2 Yes

● This information should be based on information contained throughout the report, including official criminal history information AND investigator/patrol officer notes.
● Record “No” when this is explicitly stated in the report (i.e., “alleged victim has never been convicted.”)

10. Does the alleged victim have a history of mental illness?

No/ nothing is indicated in the report to suggest
0 this
1 Yes

11. Does the alleged victim have a history of engaging in prostitution?

No/ nothing is indicated in the report to suggest
0 this
1 Yes, in the past but NOT during the current event
2 Yes, during the current event

● Use a hierarchical rule here: if prostitution was taking place during the current event and had occurred in the past, then mark response #2.
12. Prior to this event, has the alleged victim reported having been the alleged victim of a sexual assault to police?

   No/ nothing is indicated in the report to suggest
   0    this
   1    Yes

   ● This measure will capture ONLY REPORTS made to the police.

13. Did the alleged victim have a prior sexual relationship with any of the suspects?

   0    No
   1    Yes
       Nothing indicated in the
   2    records

   ● Use “yes” or “no” when this is EXPLICITLY mentioned in the report. We should not assume that close relationships between individuals implies their relationship was sexual, just like we should not assume that “friendship” relationships do not entail sex. Look for explicit indications in the report.
   ● When nothing is clearly indicated in the report, use the “nothing indicated” category.

   Case Information

14. Who reported the incident to police? Include only individuals listed on initial or follow-up police incident reports.

   1     Alleged victim
   2     Parent
   3     Spouse/boyfriend
   4     Other family
   5     Friend(s)
   6     Neighbor
   7     Hospital
   8     Police found
   9     Stranger
       Other public safety
   10    officer
   11    Therapist/counselor
   12    Other
   98    Unknown

15. How was/were the suspect(s) identified? [Record all that apply] Please mark any that apply with the number one and any that do not apply with a zero.
15a Suspect identified by alleged victim at time of reporting
15b Suspect identified by police through investigation activities
15c Photo spread / live line-up
15d Witnesses
15e Forensic evidence was used to identify suspect
15f Other (please specify)_______________________
15g Not applicable-suspect(s) not identified
15h Missing

16. What is the relationship between the suspect and alleged victim?

0 Stranger
1 Casual acquaintance
2 Recent acquaintance
3 Married
4 Divorced / legally separated
5 Intimate partner/dating
6 Former intimate partner/dating
7 Cohabitating/roommate
8 Domestic partner
9 Friend/not romantic
10 Planned first meeting/dating
11 Internet Relationship
12 Coworker
13 Authority: teacher, doctor, coach, babysitter, clergy
14 Relative of alleged victim
15 Parental figure of or lives in home with alleged victim
16 Neighbor
17 Unknown/no suspect
98 Missing from file

17. Did any of the alleged victims and suspects live together at the time of the offense?

0 No
1 Yes
98 Missing
18. What were the means that the suspect used to make contact prior to the offense? [Record all that apply] Please mark any that apply with the number one and any that do not apply with a zero.

18a Immediate attack
18b Attack while alleged victim asleep
18c Began as other crime
18d On date or at a party
18e Met in a bar or other social situation
18f Offered money or something else
18g Offered drugs
18h Posed as a service person or solicitor
18i Asked for a ride
18j Offered a ride
18k Forced the alleged victim into a vehicle
18l Offered or requested assistance
18m Electronic contact
18n Began consensually
18o Domestic violence case
18p Acquaintance; uses deceit
18q Proposition alleged victim for sex
18r Authority figure (teacher, police, clergy, etc.)
18s Lured or groomed (offered candy, look for puppy)
18t Trusted figure (family member)
18u Other
18v Missing

19. Which of the following categories accurately describe the sexual assault (i.e., suspect on alleged victim contact)? [Please check all that apply] The report must explicitly state that the action occurred. Please mark any that apply with the number one and any that do not apply with a zero.

19a Touch over the clothes
19b Touch under clothes
19c Touch w/ penis
19d Touch w/mouth
19e Oral penetration with penis w/ condom
19f Oral penetration with penis w/out condom
19g Oral penetration, condom use unknown
19h Anal penetration with penis w/ condom
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19i</td>
<td>Anal penetration with penis w/out condom</td>
</tr>
<tr>
<td>19j</td>
<td>Anal penetration with penis, condom use unknown</td>
</tr>
<tr>
<td>19k</td>
<td>Anal digital / object penetration</td>
</tr>
<tr>
<td>19l</td>
<td>Vaginal digital / object penetration</td>
</tr>
<tr>
<td>19m</td>
<td>Vaginal penetration w/ penis w/condom</td>
</tr>
<tr>
<td>19n</td>
<td>Vaginal penetration with penis w/out condom</td>
</tr>
<tr>
<td>19o</td>
<td>Vaginal penetration with penis, condom use unknown</td>
</tr>
<tr>
<td>19p</td>
<td>Digital/oral penetration</td>
</tr>
<tr>
<td>19q</td>
<td>Other</td>
</tr>
<tr>
<td>19r</td>
<td>Missing</td>
</tr>
</tbody>
</table>

20. Was bodily force used by any suspect? [Check all that apply]

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20a</td>
<td>No</td>
</tr>
<tr>
<td>20b</td>
<td>Yes, to hold down</td>
</tr>
<tr>
<td>20c</td>
<td>Yes, to push</td>
</tr>
<tr>
<td>20d</td>
<td>Yes, to punch or slap</td>
</tr>
<tr>
<td>20e</td>
<td>Yes, to strangle</td>
</tr>
<tr>
<td>20f</td>
<td>Yes, some other way (SPECIFY___ )</td>
</tr>
<tr>
<td>20g</td>
<td>Missing</td>
</tr>
</tbody>
</table>

21. Was the alleged victim conscious during the attack?

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>No, alleged victim was not conscious</td>
</tr>
<tr>
<td>1</td>
<td>Yes, alleged victim was conscious</td>
</tr>
<tr>
<td>2</td>
<td>Partially, in and out</td>
</tr>
<tr>
<td>3</td>
<td>Alleged victim could not recall</td>
</tr>
<tr>
<td>98</td>
<td>Missing</td>
</tr>
</tbody>
</table>

22. Did the alleged victim sustain any non-genital injuries as a result of the assault? [Check all that apply]

   Code this from the medical report and not the police report.

However, if there is no medical report, do code this from the police report.

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>22a</td>
<td>No injuries indicated</td>
</tr>
<tr>
<td>22b</td>
<td>Bruises</td>
</tr>
<tr>
<td>22c</td>
<td>Cuts/scratches</td>
</tr>
<tr>
<td>22d</td>
<td>Broken bones</td>
</tr>
<tr>
<td>22e</td>
<td>Internal bleeding</td>
</tr>
</tbody>
</table>
22f  Head injury
22g  Burns
22h  Stabbed
22i  Shot
   Other
22j  (Specify__________________)
22k  Missing

23. Did the alleged victim sustain any genital injuries as the result of the assault?
   [Check all that apply] Code this from the medical report and not the police report.
   However, if there is no medical report, do code this from the police report

   23a  No injuries indicated
   23b  Soreness
   23c  Swelling
   23d  Redness
   23e  Tears
   24f  Lacerations/abrasions
        Genital injuries, type not specified
   23g  Missing
   23h  Missing

24. Was the alleged victim hospitalized because of any non-genital or genital injuries?
   Do not code this if the victim merely went to the hospital. The report must state that the
   victim was admitted for injuries

   1  No hospitalization require/indicated in file
   2  Hospitalized due to non-genital injuries
   3  Hospitalized due to genital injuries
      Hospitalized due to both genital and non-genital injuries
   4  Hospitalized, unclear relation to injuries

25. Were the alleged victim injuries photographed?

   1  No photographs taken
   2  Photographs of non-genital injuries
   3  Photographs of genital injuries
      Photographs of genital and non-genital injuries
   4  Photographs of genital and non-genital injuries
   98  Missing/unknown
26. Did the alleged victim voluntarily use recreational drugs and/or alcohol immediately prior to or during the offense? [record all that apply]

   No/nothing indicated in records
   0
   1 Yes
   98 Missing

27. Did the alleged victim report one of the suspects drugged him/her prior to the alleged victimization?

   No/nothing indicated in records
   0
   1 Yes

   • This is to measure whether the alleged victim reported that a “date rape drug” was used.

28. What were the alleged victim’s self-defense actions before or during the attack? [Check all that apply]

   28a Nothing indicated in the report
   28b Used weapon in defense
       Physical resistance (hitting, struggling, biting, etc.)
   28c Fled
   28d Verbal demands to stop
   28e Scream
   28f Cried
   28g Other
   28h (SPECIFY______________________________)

29. Narrative: What were the alleged victim’s self-defense actions before or during the attack? This question should be based on the follow-up investigation report taken by SAU detectives, not the police incident report.

30. Were the alleged victim’s statements ever referred to as inconsistent? This must be based on whether an investigator, or prosecutor explicitly states that the victim’s statement was inconsistent.
31. **Narrative: Were the alleged victim’s statements ever referred to as inconsistent?**
   Please quote directly, the text from the file in which the investigator, or prosecutor states that the victim’s statements are inconsistent.

32. **Did the alleged victim provide limited information?** This question should be based on whether the investigators or prosecutors explicitly stated that victim provided limited information.
   
   No/not indicated in
   1  records
   2  Yes

33. **Narrative: Did the alleged victim provide limited information?** please quote directly, the text from the file where the investigator, or prosecutor states that the victim provided limited information

34. **Did the suspect use threats to gain control or try to gain control of the alleged victim?**
   
   No/not indicated in
   1  records
   2  Yes

35. **Did the suspect use recreational drugs and/or alcohol immediately prior to or during the offense?**
   
   No/not indicated in
   1  records
   2  Yes

36. **Are there eyewitnesses to the actual attack other than the alleged victim and suspect?**
   
   0  No/nothing indicated in the report
   1  One witness
   2  Two witnesses
   3  Three witnesses
   4  More than three
37. What is the relationship of the eyewitness(es) to the event? [Record all that apply in the case of multiple witnesses]

37a  Affiliated with a suspect  
37b  Affiliated with an alleged victim  
37c  Affiliated with both suspect and alleged victim  
37e  Bystander, unaffiliated with either party  
37f  Unknown / not indicated in the reported  

● “Affiliated” refers to being primarily associated with one of the parties involved in the incident. For example a friend of the alleged victim who is not well known to the suspect would be coded as “Affiliated with a alleged victim.” An independent party to the event who is not familiar with any alleged victim or suspect would be coded as “Bystander.”

38. Do eyewitness statements mostly corroborate or contradict the alleged victim’s account?

0  There are no witness statements  
1  Yes, witness statements mostly corroborates the alleged victim’s account  
2  No, witness statements mostly contradict the alleged victim’s account  
3  Witness statements equally contradict and corroborate the alleged victim’s statements  

● The alleged victim’s and the witnesses’ statements corroborate when they match to a reasonable extent without any major contradictions between the two sets of statements. The statements refer to factual observations (e.g. whether the suspect was at a party the night of the offense would be of interest while the individual evaluations of the suspect’s personal character would not be of interest). Option 3 should only be selected when multiple witnesses (more than one person) make statements that equally corroborate and contradict the alleged victim’s statements.

39. Overall, did eyewitnesses cooperate with the investigation?

0  No eyewitnesses  
1  Yes, they did cooperate  
2  No, they did not cooperate  
8  Not applicable – eyewitnesses not asked to participate  

40. Are there witnesses to events before and/or after the actual attack or outcry witnesses?
0  No/thing indicated in the report
1  One witness
2  Two witnesses
3  Three witnesses
4  More than three

41. Statements by witnesses to events before and/or after the actual attack or outcry witnesses mostly corroborate or contradict the alleged victim’s account?

0  There are no statements by these types of witnesses
1  Yes, statements by these types of witnesses mostly corroborate the alleged victim’s account
2  No, statement by these types of witnesses mostly contradict the alleged victim’s account
3  Witness statements by these types of witnesses both contradict and corroborate the alleged victim’s statements

● Option 3 should only be selected when multiple witnesses (more than one person) make statements that either corroborate or contradict the alleged victim’s statements.

42. Overall, did the alleged victim cooperate with the investigation?

0  Active declined to cooperate
1  Cooperated with investigation
2  Passively decline to cooperate
98  Missing

43. Which of the following concerns are explicitly stated in the report about an alleged victim’s credibility? [Record all that apply] Answers should be based on whether the investigators or prosecutors explicitly stated that they doubted the victim’s credibility for the named reason.

43a  No credibility concerns explicitly indicated in the report
43b  Inconsistent story by the alleged victim
   Patrol officer / investigator suspects alleged victim has ulterior motives for
43c  reporting
43d  Evidence contradicts alleged victim story
43e  Lack of witness corroborate
43f  Alleged victim unable to verbalize / articulate details
43g  Patrol officer / investigator believes alleged victim is fabricating the event
43h  Alleged victim has a mental illness
43i Alleged victim was acting as a prostitute at the time of the offense
43j Alleged victim has a history of prostitution
43k Alleged victim was engaged in risky behavior at the time of the offense
43l Alleged victim did not attempt self-defense
43m Parent/caregiver had alternative motives for reporting
43n Emotional response is inconsistent for the event
43o Other (specify) ____________________________

44. **Narrative:** Which of the following concerns are explicitly stated in the report about an alleged victim’s credibility? Please quote directly, the text from the file where the investigator, or prosecutor states that the victim is not credible.

45. Did the report explicitly raise the possibility that the victim had alternative motives for reporting the sexual assault?

0 No/nothing is indicated in the report
1 Yes

- This variable will only capture what is explicitly stated in the report, not your own judgment.
- Include motives of PARENTS/CAREGIVES in child cases.

46. **Narrative:** Did the report explicitly raise the possibility that the victim had alternative motives for reporting the sexual assault? Please quote directly text from the file where investigator or prosecutor states that the victim had alternative motives for reporting the sexual assault

**Physical and Forensic Evidence**

47. What evidence was collected, either on scene or at the hospital, including “scene” evidence collected at a later time by the investigator? [Mark all that apply]

47a None
47b Bedsheets
47c Clothes at the scene
47d Clothes at the hospital
47e Clothes -- where collected not specified
47f Condoms
47g Biological Evidence
47h Surveillance footage
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>47i</td>
<td>Towels at the crime scene</td>
</tr>
<tr>
<td>47j</td>
<td>Towels at the hospital</td>
</tr>
<tr>
<td>47k</td>
<td>Towels -- where collected not specified</td>
</tr>
<tr>
<td>47l</td>
<td>Medical instrument</td>
</tr>
<tr>
<td>47m</td>
<td>Sexual assault kit</td>
</tr>
<tr>
<td>47n</td>
<td>Toxicology kit</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
<tr>
<td>47o</td>
<td>(Specify____________________________)</td>
</tr>
</tbody>
</table>
Rate the probative value of each form of evidence in this case in the table below. In the last column, write a brief summary describing the probative value of each form of evidence, if it was available.

<table>
<thead>
<tr>
<th>Is the evidence probative?</th>
<th>No</th>
<th>Yes</th>
<th>Describe</th>
</tr>
</thead>
<tbody>
<tr>
<td>48 Alleged victim testimony</td>
<td></td>
<td></td>
<td>48a</td>
</tr>
<tr>
<td>49 Physical evidence at the crime scene</td>
<td></td>
<td></td>
<td>49a</td>
</tr>
<tr>
<td>50 Physical evidence (other than injury) from medical exam</td>
<td></td>
<td></td>
<td>50a</td>
</tr>
<tr>
<td>51 Alleged victim non-genital injury</td>
<td></td>
<td>51a</td>
<td></td>
</tr>
<tr>
<td>52 Alleged victim genital injury</td>
<td></td>
<td>52a</td>
<td></td>
</tr>
<tr>
<td>53 Sperm on clothes or other materials</td>
<td></td>
<td>53a</td>
<td></td>
</tr>
<tr>
<td>54 Sperm on body</td>
<td></td>
<td>54a</td>
<td></td>
</tr>
<tr>
<td>55 Semen clothes or other materials</td>
<td></td>
<td>55a</td>
<td></td>
</tr>
<tr>
<td>56 Semen on body</td>
<td></td>
<td>56a</td>
<td></td>
</tr>
<tr>
<td>57 Blood on clothes or other materials</td>
<td></td>
<td>57a</td>
<td></td>
</tr>
<tr>
<td>58 Blood on/in body</td>
<td></td>
<td>58a</td>
<td></td>
</tr>
<tr>
<td>59 Amylase on clothes or other materials</td>
<td></td>
<td>59a</td>
<td></td>
</tr>
<tr>
<td>60 Amylase on body</td>
<td></td>
<td>60a</td>
<td></td>
</tr>
<tr>
<td>61 Hair</td>
<td></td>
<td>61a</td>
<td></td>
</tr>
<tr>
<td>62 DNA match to suspect</td>
<td></td>
<td>62a</td>
<td></td>
</tr>
<tr>
<td>63 CODIS hit on another case</td>
<td></td>
<td>63a</td>
<td></td>
</tr>
<tr>
<td>64 CODIS hit on convict</td>
<td></td>
<td>64a</td>
<td></td>
</tr>
<tr>
<td>65 Eyewitness</td>
<td></td>
<td>65a</td>
<td></td>
</tr>
<tr>
<td>66 Corroborating witness</td>
<td></td>
<td>66a</td>
<td></td>
</tr>
<tr>
<td>67 Fingerprints</td>
<td></td>
<td>67a</td>
<td></td>
</tr>
<tr>
<td>68 Video surveillance</td>
<td></td>
<td>68a</td>
<td></td>
</tr>
<tr>
<td>69 Other (specify)</td>
<td></td>
<td>69a</td>
<td></td>
</tr>
</tbody>
</table>
Suspect Information

All of the alleged suspect demographic information reported in the original incident report. If the information is missing, check the follow-up investigative report. Only modify demographic information if the file includes explicit language clarifying responding officer's report.

70. Was a suspect ever identified?

0  No
1  Yes

71. Any suspects in this case previously sexually assaulted the alleged victim?

0  No/Nothing noted in the report to indicate this
1  Yes

72. How many suspects were there?

___  Number of suspects
88  multiple but no count available
98  information missing for this case

73. What is the primary suspect’s sex? (A SUPPLEMENTAL DATA FILE WILL BE USED IF THERE ARE MULTIPLE ALLEGED VICTIMS AND/OR SUSPECTS)

1  Female
2  Male
3  Transgender
98  Missing

74. What is the suspect’s race?

0  White
1  American Indian or Alaska Native
2  Asian
3  Black or African American
   Native Hawaiian or other Pacific
4  Islander
5  Biracial
   other
6  (SPECIFY)_____________________
98  information missing for this case
75. What is the suspect’s ethnic identity?
   0  Not Hispanic or Latino
   1  Hispanic or Latino
      information missing for this
   98  case

76. What is the suspect’s age in years?
   ___ AGE IN YEARS
   information missing for this
   98  case

77. Suspect arrest record?
   0  No
   1  Yes
   2  None reported

   • This information should be based on information contained throughout the report,
     including official criminal history information AND investigator/patrol officer notes.
   • Record “No” when this is explicitly stated in the report (i.e., “alleged victim does not
     have a history of arrests.”)

78. Suspect convictions?
   0  No
   1  Yes, misdemeanors only
   2  Yes, misdemeanors and felonies
   3  Yes, felonies only
   4  None reported

   • This information should be based on information contained throughout the report,
     including official criminal history information AND investigator/patrol officer notes.
   • Record “No” when this is explicitly stated in the report (i.e., “alleged victim has never been
     convicted.”)

79. Suspect prior arrest or convictions for rape or sexual assault?
   0  No
   1  Yes, arrests only
   2  Yes, arrests and convictions
3 None indicated in records

- This information should be based on information contained throughout the report, including official criminal history information AND investigator/patrol officer notes.
- Record “No” when this is explicitly stated in the report (i.e., “alleged victim has never been convicted.”)

80. Does the suspect have a history of mental illness?

0 No/nothing indicated in records
1 Yes

81. What was the suspect’s final defense?

0 No defense - confession
1 Incident fabricated
2 Victim consented
3 Consent by prostitute
4 Other (specify)
5 Statement not taken
6 Suspect not located/unknown

82. Was a suspect sample collected?

0 No / nothing indicated in the report
1 Yes, by the investigator and suspect voluntary consent
2 Yes, by the investigator through a court order
3 Yes, by other personnel
4 Yes, a specimen was on file
5 Other (specify___________________________)

Case Processing Information

83. Date of incident (if multiple dates, date of last assault)

Record the date (MM/DD/YY);

84. Time of incident (if multiple times, last time of assault)

Record time (hh:mm)

85. Date of report to the police.
Record the date (MM/DD/YY)

86. **Record time of report to police.**

Record the time (hh:mm)

87. **Date of arrest.**

Record the date (MM/DD/YY)

88. **What were the specific arrest charges (check all that apply)**

   88a Rape  
   88b Rape and abuse of child aggravated by age difference  
   88c Rape and abuse of child by certain previously convicted offenders  
   88d Unnatural and lascivious acts with child under 16  
   88e Inducing person under 18 to have sexual intercourse  
   88f Statutory rape  
   88g Drugging persons for sexual intercourse  
   88h Outstanding warrants  
   88i Other  
   88j Information missing for this case

89. **Date criminal charges filed.**

Record the date (MM/DD/YY)

90. **What were the specific criminal charges (check all that apply)**

   90a Rape  
   90b Rape and abuse of child aggravated by age difference  
   90c Rape and abuse of child by certain previously convicted offenders  
   90d Unnatural and lascivious acts with child under 16  
   90e Inducing person under 18 to have sexual intercourse  
   90f Statutory rape  
   90g Drugging persons for sexual intercourse  
   90h Outstanding warrants  
   90i Other  
   90j Information missing for this case

91. **What was the prosecutor’s office decision concerning the prosecution of this case?**

   1 Case accepted for prosecution  
   2 Case diverted (SPECIFY: ________________________________ )
3 Case declined/nolle prosequi
4 Other decision (SPECIFY:______________________________)
98 Information missing for this case

92. Date case was diverted or declined/nolle prosequi (code as 98/98/9998 if not diverted or declined)

Record the data (MM/DD/YY)

93. Reasons given for why the case was dismissed/nolled prosequi by prosecutors (check all that apply)

93a Alleged victim recanted
93b Alleged victim declined to participate
93c Alleged victim unavailable
93d Lack of eyewitnesses
93e Lack of corroborating evidence (SPECIFY ____________________)
93f Lack of forensic evidence
93g Concerns about alleged victim behavior or character (SPECIFY ____________________)
93h Alleged victim not credible (SPECIFY ____________________)
93i Inconsistencies in alleged victim allegation (SPECIFY ____________________)
93j Other (SPECIFY:______________________________)
93k Information missing for this case

94. Was there a grand jury convened?

0 No
1 Yes, no indictment
2 Yes, suspect indicted
   Other
3 (specify_______________________________)

95. If no grand jury, reasons given for why the case was not sent to the grand jury by prosecutors (check all that apply):

95a Alleged victim recanted
95b Alleged victim declined to participate
95c Alleged victim unavailable
95d Lack of eyewitnesses
95e Lack of corroborating evidence (SPECIFY ____________________)
95f Lack of forensic evidence
95g Concerns about alleged victim behavior or character
(SPECIFY____________________)

95h Alleged victim not credible (SPECIFY____________________)
95i Inconsistencies in alleged victim allegation (SPECIFY____________________)
95j Other (SPECIFY:____________________)
95k Information missing for this case

96. Date grand jury indictment (code as 98/98/9998 if no grand jury indictment).
   Record the date (MM/DD/YY)

97. Did the suspect accept a plea bargain?

   0 No
   1 Yes, plead to reduced charges
   2 Yes, plead to existing charges

98. Date when plea accepted/entered (code as 98/98/9998 if no plea).
   Record the date (MM/DD/YY)

99. Was there a trial?

   0 No
   1 Yes, jury trial
   2 Yes, trial by judge

100. Date Trial began (code as 98/98/9998 if no trial).
    Record the date (MM/DD/YY)

101. Date trial ended (code as 98/98/9998 if no trial).
    Record the date (MM/DD/YY)

102. If the case went to trial, what evidence was presented at trial? (check all that apply)

   102a alleged victim testimony
   102b physical evidence collected at the crime scene (specify:____________________)
   102c physical evidence collected at the medical examination (specify___________)
   102d alleged victim non-genital injury
   102e alleged victim genital injury
102f evidence of sperm in clothes or other materials
102g evidence of sperm on alleged victim’s body
102h evidence of semen in clothes or other materials
102i evidence of semen in/on alleged victim’s body
102j evidence of blood in alleged victim’s clothes or other materials
102k evidence of blood in/on alleged victim’s body
102l evidence of amylase/saliva in alleged victim’s clothes or other materials
102m evidence of amylase/saliva on alleged victim’s body
102n hair evidence
102o DNA linking the suspect to the case
102p eyewitness account
102q corroborating witness
102r admission by suspect
102s fingerprints evidence
102t video surveillance
102u suspect testimony
other evidence
102v (SPECIFY:__________________________________________)
102w not applicable—no trial
102x information missing or this case

103. If the case went to trial, what was the outcome of the trial?

0 Not guilty
1 acquitted
2 dismissed with prejudice
3 directed verdict
4 found guilty
5 mistrial, dismissed with prejudice
6 charges dropped
other
7 (SPECIFY:__________________________________________)
8 unknown, case is pending
98 information missing for this case

104. Date of disposition (code as 98/98/9998 if not convicted).

Record the date (MM/DD/YY)
- Conviction includes acceptance of a plea bargain and guilty plea.

105. What were the specific charges the suspect was convicted on (check all that apply)

105a Rape
105b Rape and abuse of child aggravated by age difference
105c Rape and abuse of child by certain previously convicted offenders
105d Unnatural and lascivious acts with child under 16
105e Inducing person under 18 to have sexual intercourse
105f Statutory rape
105g Drugging persons for sexual intercourse
105h Outstanding warrants
105i Other
   (SPECIFY:__________________________________________________)
105j Information missing for this case

106. Date of sentencing (code as 98/98/9998 if no sentencing date)

Record the date (MM/DD/YY)

107. Final Sentence

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Time served</td>
</tr>
<tr>
<td>1</td>
<td>Probation</td>
</tr>
<tr>
<td>2</td>
<td>Jail, plus probation</td>
</tr>
<tr>
<td>3</td>
<td>Prison</td>
</tr>
<tr>
<td>4</td>
<td>Prison, plus probation</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
<tr>
<td>5</td>
<td>(specify________)</td>
</tr>
</tbody>
</table>

108. Total sentence in length in months

- If concurrent, the longest sentence length received for any count noted should be used. If consecutive sentences, the sentence length is cumulative and the time should be added for each consecutive count.
- Should also document length of sentence for time served

Summary Notes

Use this box to provide any information not provided above about what evidence was available in this case and how it was used. This can include specific information about the case or your judgments about the accuracy of the information you recorded with this instrument.