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Decision Making in Sexual Assault Cases

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Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.

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Abstract—“Decision-Making in Sexual Assault Cases: Multi-site Replication Research on Sexual Violence Case Attrition in the U.S.”

We report findings from a multi-site study of sexual violence case attrition in the U.S. -- a replication and extension of work conducted by researchers in Los Angeles. The attrition of sexual assault cases from the criminal justice system has been a concern to victims, practitioners and researchers for the last forty years. Some of the barriers come from police discouraging victims from filing a report while other problems result from prosecutors reluctant to prosecute cases. A growing body of research suggests that there is still much that can be done to support victims and to assure that the role of extra-legal factors in case attrition is minimized. Spohn and Tellis (2012a) study made an important contribution to our understanding of the factors that explain sexual violence (SV) case attrition at the policing and prosecutorial stages, however their findings were specific to agencies in LA County. Thus there was a need to examine case processing in other jurisdictions to understand more about factors predictive of attrition. Our research is a multi-site replication designed to consider individual, locale, and community characteristics; victim advocacy; and police and prosecutorial responses. This research relied on a mixed methods approach using quantitative and qualitative data to uncover and interpret patterns in the attrition of sexual assault cases. In six jurisdictions we tracked reports of rape and attempted rape cases and documented the flow of reports through each stage; analyzing detailed case records to understand the dynamics including victim, offender and case characteristics associated with attrition; and conducting interviews and focus groups with key personnel: police, prosecutors and victim service providers.

Between 2008-2010, 3269 complaints of sexual assault were reported to one of the six jurisdictions in our sample¹. For this replication study we report results on case attrition for the 2887 female victims who reported sexual assault. 1404 (48.6%) of cases were cleared by the police; 544 (18.8%) were cleared by arrest; 860 (29.8%) were exceptionally cleared; 1215 (42.1%) were listed as open/inactive; and 56 (1.9%) were listed as investigation continuing. 212 cases (7.3%) were unfounded by the police. Of the 544 adults arrested, charges were filed in 363 (72%); declined in 115 (22.8%). In cases with charges filed, 189 (53.4%) ended in a guilty verdict; 152 (81%) of guilty verdicts were the product of a plea bargain; 7 (3.7%) involved a guilty finding by a judge and 25 (13.2%) involved a guilty finding by a jury. In 11 cases, a jury acquitted the defendant following a trial. Only 45 (1.6%) of cases reported to the police during across all 6 sites were tried in court.

Multivariate analyses predicting arrest show that legal or evidentiary factors are significant predictors of arrest and that the effects of case characteristics are independent of jurisdiction type. A cooperative victim was the strongest predictor of arrest across all jurisdictions. Medium and large jurisdiction results show that questions related to victim credibility reduced the likelihood of arrest although the type of credibility indicators varied. Race was a significant predictor only for small sites with higher odds of arrest for incidents involving black victims. Notably we found that extra-legal factors significantly predicted arrest and were often those that challenge the credibility of the victim, in contrast to Spohn and Tellis who found that arrest was unrelated to whether victims had mental health issues or engaged in “risk taking” behavior. Spohn and Tellis did not find any effect of race on the likelihood of arrest. Indicators of victim resistance were predictive of arrest of all relationship types in the replication study in contrast to Spohn and Tellis. Victim cooperation was found to be significant for all relationship types in both studies in predicting arrest.

¹ Cases were collected from 2006-2012 in small sites to insure a large enough sample of sexual assault complaints for statistical analysis and comparison to medium and large sites. This number includes cases reported by males; however, our detailed analyses of predictors of attrition relies on the sample of 2887 reports by females because our analyses were a replication of Spohn and Tellis.

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**DECISION MAKING IN SEXUAL ASSAULT CASES:
REPLICATION RESEARCH ON SEXUAL VIOLENCE
CASE ATTRITION IN THE U.S.**

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Policing and Prosecuting Sexual Assault: A Replication Study in Six Jurisdictions

Executive Summary

Introduction

The problem of sexual assault case attrition persists. For decades, studies have consistently reported that the majority of sexual assault complaints are not reported to the police and those that are reported are unlikely to end in arrest and as a result very unlikely to end in conviction. In 2010, Spohn and Tellis (2012a) were funded by the National Institute of Justice (NIJ) to conduct research with the Los Angeles Police and Sheriff's departments (LAPD & LASD) designed to understand better both how the criminal justice system processes sexual assault complaints and where case attrition occurs. Their findings revealed that attrition continues to be a problem and that further investigation into the differences in rates of case attrition across a multitude of jurisdictions was warranted. In 2012, we were funded by NIJ to replicate this study in a sample of six jurisdictions across the country. The main objectives of the study were to:

- Examine and document the extent of sexual assault case attrition at multiple sites and the factors that influence attrition (e.g., political and geographical location, organizational structures, and operational approaches).
- Investigate the case complexities and evidentiary factors that impact attrition in sexual assault cases and how they vary across sites. This includes understanding victim recantation, the possibility of false reports and other investigative complexities as well as their effect on officer and district attorney decision making.
- Explore the case, victim and offender factors associated with police unfounding decisions.
- Examine the use of 'clearance by exceptional means' and all other outcomes in the police and prosecutorial processing.
- Understand the experiences of survivors with the criminal justice process across multiple sites.
- Explore and document the experiences of police detectives and district attorneys who investigate and prosecute sexual assault cases across multiple sites.
- Understand how community characteristics (e.g., ethnic and racial composition of the community; presence of special victims; new immigrant populations) impact patterns of attrition of sexual assault cases?
- Document the challenges of conducting replication research regarding sexual assault case attrition and demonstrate how replication research be made relevant to the field and be used a starting point for future research including providing a baseline for future studies of changes in the administration of justice (e.g., the new UCR definition) and the impact of these and other innovations and changes on SV case attrition.

Our replication did little to allay the concerns that arose from the Spohn and Tellis (2012a, 2012b) findings. We found considerable attrition in the early stages of case processing. Although our site comparisons revealed some interesting differences in case attrition, a consistent finding for all sites was that, only a minority of reports of sexual assaults (less than one in five) were cleared by arrest. In the Los Angeles agencies examined by Spohn and Tellis and in our

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replication study, at least 30% of cases where it is presumed that probable cause for arrest exists, in fact, did not result in arrest but instead were “cleared by exceptional means.” Our smallest replication sites had lower rates of clearance by exceptional means than did larger jurisdictions but revealed greater attrition at later stages in the process. While this study identified some key differences in attrition timing across sites, our findings generally revealed significant levels of sexual assault case attrition.

Research Design

We used a multi-stage purposive sampling framework to select study sites. The approach considered urban, suburban and rural locations and was informed by key police organizational factors, populations served, geographic proximity, quality of prosecution and police records management systems, and, perhaps most important, the cooperation we received from the police and prosecution agencies. We further prioritized agencies that were using automated records management systems and participated in the National Incident Based Reporting System (NIBRS). With the assistance of the Police Executive Research Forum (PERF) we were able to gain the cooperation and participation of six police agencies.

Our approach to the sexual assault case process analyses was by design similar to that used by Spohn and Tellis. Using NIBRS definitions of sexual assault, we selected the population of sexual assault cases reported to the police for the years 2008-2010 for each site. Added to these records were agency reports of unfounded sexual assault cases since those were not officially reported to NIBRS. We tracked rape and attempted rape cases, beginning with the initial police incident reports, through the arrest and prosecution stages and concluding with convictions and sentencing outcomes. We documented the flow of these reports through each stage and examined patterns of attrition and the stages at which attrition was likely to occur to compare the results across sites and with the Spohn and Tellis study to identify similarities and differences in case attrition.

In each site we obtained detailed case records on the population of reported rape and attempted rape cases (with victims over age 12) to provide in-depth understanding of the dynamics of sexual assault cases reported to each agency including victim, offender and case characteristics. In addition, we conducted interviews, field observations and focus groups with key personnel that allowed us to further examine organizational and cultural dimensions to handling sexual assault cases in order to understand how these factors influenced case outcomes.

Main Findings

Our replication findings did little to allay the concerns that arose from those of Spohn and Tellis and we identified considerable attrition in the early stages of case processing across all six sites in our sample.

- Across sites, arrest outcomes were similar, but smaller jurisdictions were more likely to leave cases open and less likely to clear cases than medium or large jurisdictions.
- Case outcomes in the replication study were more in line with those reported in LAPD than LASD.
- Although our site comparisons revealed some interesting differences in case attrition, a consistent finding for all was that only a minority of reports of sexual assault were cleared by arrest.

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- In the Spohn and Tellis LA study sites and in our replication study, at least 30% of cases presumed to have probable cause for arrest, in fact, did not result in arrest but were “cleared by exceptional means.”
- Results did vary across jurisdictions. The smallest replication sites (population of about 100,000) had lower rates of clearance by exceptional means than did the larger jurisdictions. The smallest sites had more attrition at later stages in the process (i.e., post arrest) than the larger sites. In the jurisdictions with lower proportions of cases resulting in exceptional clearance, the district attorney declined to file charges in 50% of the cases.
- The unfounding of cases was relatively rare among all agencies in our sample regardless of agency characteristics.

Patterns of Case Attrition

- Between 2008-2010, 3269 complaints of sexual assault were reported to one of the six jurisdictions in our sample².
- This replication study reports results on case attrition for the 2887 female victims who reported sexual assault. Of 2887 cases, 1404 (48.6%) of cases were cleared by the police. Of all cases, 544 (18.8%) of cases were cleared by arrest and 860 (29.8%) were exceptionally cleared.
- Of 2887 cases, 1215 (42.1%) of cases were listed as open/inactive and 56 (1.9%) of cases were listed as investigation continuing.
- Of 2887 cases, 212 (7.3%) of cases were unfounded by the police.
- Of the 504 adults arrested, charges were filed in 363 (72%) of cases and charges were declined in 115 (22.8%) of cases where an adult was arrested.
- In 354 cases where charges were filed, 189 (53.4%) of those arrests ended with a guilty verdict. Of 189 cases ending in a guilty verdict, 153 (81%) of those guilty verdicts were the product of a plea bargain.
- Of 189 cases ending in a guilty verdict, 7 (3.7%) of cases involved a guilty finding by a judge and 25 (13.2%) involved a guilty finding by a jury. In only 11 cases (5.8%) a jury acquitted the defendant following a trial.
- This study found that of 2887 reported to the police across all 6 sites, only 43 cases (1.5%) were tried in court.

Factors associated with case outcomes

- Size of jurisdiction was important. Across replication sites, arrest outcomes were similar, but smaller jurisdictions were more likely to leave cases open than medium or large jurisdictions.
- Like Spohn and Tellis, multivariate analyses predicting arrest showed that legal or evidentiary factors were significant predictors of arrest and that the effects of case characteristics were independent of jurisdiction type.

² Cases were collected from 2006-2012 in our smallest sites to insure a large enough sample of sexual assault complaints for statistical analysis and comparison to medium and large sites. This number includes cases reported by males, however our detailed analyses of predictors of attrition relies on the sample of 2887 reports by females as a replication of Spohn and Tellis’ work.

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- A case with a victim who cooperated with the criminal justice system was the strongest predictor of arrest across all jurisdictions. Cases involving intimate partners were also significant predictors of arrest for all jurisdictions.
- Non-stranger perpetrators had higher odds of arrest compared to strangers for medium and large jurisdictions.
- Medium and large jurisdiction results also showed that factors related to questions about victim credibility significantly decreased the likelihood of arrest although the type of credibility indicators varied.
- Race of the victim was a significant predictor of arrest only for small sites and higher odds of arrest were found for incidents involving black victims.
- Within each jurisdiction size group (with the exception of the medium site) the significance of specific site indicators revealed that differences in the odds of arrest remained after controlling for other factors. This was in contrast to Spohn and Tellis who did not find a significant effect for site (comparing LAPD and LASD) in their multivariate analysis of arrest outcomes.
- Analyses of the replication sites show that there were extra-legal factors that significantly predicted arrest and tended to be those factors related to challenges to the credibility of the victim. This was in contrast to Spohn and Tellis who found that arrest was unrelated to whether victims had mental health issues or engaged in “risk taking” behavior.
- Spohn and Tellis did not find any effect of victim race on the likelihood of arrest. The replication, however, did reveal that incidents involving black victims were more likely than those reported by white victims to end in an arrest.
- Indicators of victim resistance were predictive of arrest across all relationship types in the replication study in contrast to Spohn and Tellis.
- Victim cooperation was found to be a significant predictor of arrest across all relationship types in both studies in predicting arrest.
- The replication revealed differences in arrest decisions by jurisdiction size for non-stranger and intimate partners.

Overuse of Exceptional Clearance

- Exceptional clearance was used in cases where probable cause existed to make an arrest, suggesting overuse.
- In exceptionally cleared cases suspects were most likely to be non-strangers (in both the Spohn and Tellis and replication study.)
- In alignment with Spohn and Tellis, the replication findings supported the existence of a screening process of cases that occurred at the pre-arrest stage. Cases with factors that may be considered as challenging to prosecution were rejected at the pre-arrest stage, for example, incidents with a victim who engaged in “risk taking” behavior, had mental health issues, could not recall assault details or delayed reporting; cases which lacked witnesses and physical evidence; and those where the victim was deemed to be uncooperative were screened out.
- Significant factors associated with attrition at post arrest stage included questions about victim character, motive to lie, cooperation, weapon use and availability of eyewitnesses. The key questions at the post arrest charging stage for both studies were: was the victim

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believable; was there corroboration or other evidence of seriousness; and will the victim cooperate?

- Victims who reported to have physically and verbally resisted and with many reported injuries were found in cases that were exceptionally cleared across both studies.
- Alcohol use was crucial to understanding the exceptional clearance decision. In the replication study, there was a greater likelihood of victims drinking associated with exceptional clearance than in the Spohn and Tellis study.
- Cases cleared by exceptional means were more likely to involve suspects who claimed consent or fabrication in the replication than in the Los Angeles study.

Unfounding of Cases

- Like Spohn and Tellis, a complaint was more likely to be unfounded by police if the victim alleged that she was assaulted by a stranger than by a non-stranger or intimate partner.
- Unlike Spohn and Tellis, we found few instances of unfounding across all six sites. We were unable to conduct cross-site comparisons due to the small number of unfounded cases in our population.
- The replication study found no evidence of a relationship between the decision to unfound and notation of victim mental health issues.
- Recantation by the victim was the most important predictor of the police decision to unfound a case. The correlation between recantation and unfounding, however, was not as strong in the replication as it was in the Spohn and Tellis study.

Prosecutors and Police Interviews

We interviewed 18 sexual assault investigators across six sites. Our interviews made it clear that these are challenging cases to investigate and clear by arrest. The investigators offered their perspective of the challenges faced both by police and by victims. From their responses, it is clear that they believed that with increased resources, victims could have more support throughout the process and detectives would be able to better investigate the complaint. The complicated relationship with prosecutors also emerged throughout the interviews as well as the clear presence of a downstream orientation.

We interviewed 24 prosecutors from the 6 jurisdictions. The prosecutors offered to the interviewers their understanding of the problem of case attrition and provided justifications for the process they employ in their decision-making. They emphasized the importance of the victim in all cases, stating the cases begin and end with the victim. They indicated the critical importance of plea-bargaining in adjudication of these cases, an observation born out in the quantitative data analysis we conducted. Although prosecutors stated that they were not assessed based on their conviction rates, they emphasized the need to determine and take forward those cases that will be most likely to reach a guilty verdict. The prosecutors were clear that many cases could not be taken forward for a variety of reasons which are reflected in our quantitative data analysis (e.g., issues that speak to victim credibility) but also stressed the need they felt to reduce the number of cases that a unit takes forward to a manageable level given the resources they had available, problems of prosecutor burnout, and the likelihood of conviction.

- There is a lack of staffing continuity in these offices. Turnover was frequent. One ADA reported having worked for four different DAs. During the course of the study there was

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turnover in the elected DA in two of the six jurisdictions. In all of the jurisdictions there had been a change of DA or in the unit head during or since 2007 (the year in which the first sexual assault cases in the study were reported.)

- There is some variation across sites in the involvement of prosecutors in the arrest decision. In some sites, prosecutors reviewed every case file and in others only the most difficult cases. Yet, across all sites, police reported a downstream orientation. That is, even if the prosecutor did not physically review the cases, the detectives had a good idea of whether the case would be pursued and made decisions accordingly.
- Prosecutors made decisions in anticipation of how they believed a jury would respond to the evidence in a case. This means that cases that involved a consent defense were not often taken to trial.
- Within policing, we found that sexual assault investigation had low prestige and was often under-resourced. This was problematic because sexual assault cases are resource intensive.
- The transition of cases from police to prosecutor was not always seamless and some practitioners revealed that this was a key point where some victims ceased cooperation with the criminal justice system.
- The replication data supported the claim by Spohn and Tellis that cases rejected by the prosecutor were more likely than those where charges were filed to be “he said/she said” cases where the victim alleged a sexual assault and the suspect claimed that the victim consented.

Conclusions

Concerning the conduct of replication research, our research demonstrated several important aspects of conducting such research. Replication of field research required considerable time and much attention to the careful measurement of outcomes. The replication research needed to attend to the parameters of the original work and obtain a clear description of the methods and measures. This replication research can be used as starting point for future research including providing a baseline for future studies of changes in the administration of justice and the impact of innovations and changes on SV case attrition. The replication research conducted here required sampling skills, data collection and data management and analysis expertise, and also an interpersonally skilled team and a management strategy designed to promote high levels of collaboration with a variety of agencies and stakeholders, complex and strategic decision-making capabilities, and the capacity to arrive at new solutions to methodological challenges that confronted the project at every turn.

Concerning sexual assault case attrition, we found that:

- Substantial attrition was pervasive in the criminal justice system. Similar to other studies, we found that most victims never received closure.
- The vast majority of cases did not end in arrest and even fewer went trial. 1.5% of all complaints ended in a trial making it difficult to truly anticipate a jury’s response to evidence.
- Both legal and extralegal factors impacted this decision making process. These factors varied across sites. Decision making in smaller jurisdictions was affected by different factors than in larger jurisdictions.

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- Both the replication and Spohn and Tellis studies, multivariate analyses predicting arrest show that legal or evidentiary factors were significant predictors of arrest and that the effects of case characteristics were independent of jurisdiction type. However, our replication study also found that there were extra-legal factors that significantly predicted arrest, including race of the victim and those factors that challenged the character or credibility of the victim.
- Unfounding was not a common disposition across the six sites in the study. In interviews, most detectives could not recall using this case disposition in the last year. Recantation was important predictor of unfounding in both studies but had a much smaller effect in the replication.
- There were some difference and similarities in arrest predictors between the replication and Spohn and Tellis across relationship types. Where Spohn and Tellis did not find that victim characteristics were predictors of arrest by relationship, the replication did report some victim characteristics to be significant including credibility factors for all relationship types, race for non-strangers and age for intimate partners.
- Indicators of victim resistance were also predictive of arrest of all relationship types in the replication study, but not by Spohn and Tellis. Weapon use and injury predicted arrest for intimate partner victims in both studies. Victim cooperation was found to be significant for all relationship types in both studies.
- Exceptional clearance may be overused as a case disposition.
- Police and prosecutors struggle with investigating and trying consent defense cases.

The problem of sexual assault case attrition has persisted over many decades (McCahill, Meter & Fischman, 1979; Spohn & Tellis, 2012b) and although there have been many reforms and advances is seemingly somewhat resistant to reform efforts. While the majority of sexual assaults are never even reported to the police, even those complaints that are brought to police attention are unlikely to end in arrest and few of the reported rapes result in a conviction. Our research has identified considerable attrition in the early stages of case processing. Although our cross-site comparisons reveal some interesting differences in attrition, a consistent finding for all is that, only a minority of reports of sexual assault are cleared by arrest.

An important theme identified by our interviews and focus groups with victim services providers is the need to educate the community about sexual assault so that there will be more support for victims, more understanding of what rape is, and ultimately in order to impact citizens who comprise the jury pools. Our research points to the potential of taking a broader societal focus to ultimately reduce the level of sexual assault case attrition. Such education may be needed to change the criminal justice system actors' calculations of what a jury will do and may ultimately lower rates of case attrition.

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SECTION I

DECISION MAKING IN SEXUAL ASSAULT CASES: REPLICATION RESEARCH ON SEXUAL VIOLENCE CASE ATTRITION IN THE U.S.

Introduction

In 2012, the National Institute of Justice (NIJ) issued a solicitation to conduct research to replicate and expand upon the work of Spohn and Tellis (2012a). In 2013, we were funded to conduct this replication research in six sites across the United States. The central aims were to: (1) learn whether their findings were generalizable to other jurisdictions across the United States; (2) to understand whether and how exceptional clearance is used to close reports of sexual assault; and (3) to understand better how the criminal justice system (CJS) processes sexual assault complaints and where case attrition³ occurs. In the sections that follow, we provide our report from the replication study.

We begin with a literature review on sexual assault case processing to illustrate the context and importance of attrition studies in furthering our understanding of the CJS response to sexual assault. Second, we discuss our study methodology. Third, we map the attrition of the replication study cases through the system comparing our findings to those of Spohn and Tellis (2012a) followed by a comparison of case characteristics. Then we present analyses that feature similarities and differences between the two studies regarding the complexity in decision-making including its occurrence in the context of a police-prosecutor relationships and how legal and extra-legal incident factors and agency factors impact attrition.

Importance of Replication Research

Concerning the conduct of replication research, the field has called for more replication science (McNeeley & Warner, 2015; Pridemore, et al. 2017). Replication of field research requires considerable time and much attention to the careful measurement of outcomes. Such research needs to attend to the parameters of the original work and obtain a clear description of the methods and measures. Replication research may provide a baseline for future studies of changes in the administration of justice and the impact of innovations and changes on case outcomes. Replication research requires sampling skills, data collection and data management and analysis expertise, and an interpersonally skilled team and a management strategy designed to promote high levels of collaboration with a variety of agencies and stakeholders, complex and strategic decision-making capabilities, and the capacity to arrive at new solutions to methodological challenges that confronts a replication project at every turn.

Literature and the Relevance of Case Attrition Research

After several decades of research on how the criminal justice system handles reports of sexual assault, the attrition of cases at the police and prosecutor stages continues to draw the attention of policymakers, victim advocates, and academics. Such attrition has implications for thousands of victims and their alleged offenders each year. In the age of new recognition of the nature and extent of sexual assault that comes from the #MeToo and other movements, attrition

³ Case attrition—refers to the number cases that “drop out” at each stage of the criminal justice system.

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of cases is revived as a concern for citizens, survivors and their advocates, policymakers, CJS actors, and academics.

The Center for Disease Control estimates that approximately 1 in 5 (21.3% or an estimated 25.5 million) women in the U.S. reported completed or attempted rape at some point in their lifetime (Smith et al., 2018). There is much evidence that the majority of these sexual assault cases are never reported to the police (Rennison, 2002), but once reported many cases do not move forward to prosecution and fewer to conviction (Lonsway & Archambault, 2012). Despite recent efforts to address these issues (Police Executive Research Forum, 2012), estimates reveal that while attrition rates vary across jurisdictions, they persist at each stage of criminal justice system processing and are difficult to measure (Lonsway & Archambault, 2012). Many victims of sexual assault keep their victimization private and, even when they do disclose to others, the majority do not report the crime to police. Research from community samples indicates that 15-20% of rapes are reported to police (Kilpatrick et al., 1992; Tjaden & Thoennes, 2006). While researchers have noted an increase in reporting to the police based on national self-report studies, with particular increases in reporting of rape by a non-stranger, this pattern is thought to reflect a more general phenomenon of an increase in reporting violent crime, rather than as a consequence of rape reform laws (Felson & Parè, 2005; Wolitzky-Taylor, Resnick, McCauley et al., 2011).

Victims' concerns with law enforcement biases and ineffectiveness of the criminal justice response contribute to the decision not to report a sexual assault. Given the evidence to date that the overwhelming majority of cases reported to the police do not end in an arrest or conviction (Pattavina, Morabito & Williams, 2016; Spohn & Tellis, 2012a, 2012b), these fears appear to be supported. While it has been very clear that case attrition occurs, it has been less certain at exactly what point in the process sexual assault cases fall out of the CJS and the extent to which such attrition is comparable across jurisdictions.

Police Decision-Making in Cases of Sexual Assault

Current estimates show that rates of attrition persist and vary across jurisdictions. Recent research of (Spohn & Tellis 2010, 2012a, 2012b) supports a decades-old conclusion (McCahill, Meyer, & Fischman, 1979; LaFree, 1981) that most sexual assault complaints reported to the police do not end in an arrest, a trial or a conviction.

When a crime is reported the police have considerable discretion in how they respond. They decide whether to officially record the incident, how much investigative effort they will put into solving or "clearing" the offense, and whether to make an arrest. Research on the initial stages of a police investigation into a sexual assault allegation has examined factors leading to the police founding decisions (reflecting that the police believe a crime has been committed and intend to proceed with an investigation) and studies show that both legal and extra-legal factors are associated with police decision making. Legal factors are those that indicate evidence of a crime as defined by statute. Extra-legal factors are legally irrelevant victim, suspect or other characteristics associated with an incident. Kerstetter (1990) found that legal factors, such as use of a weapon, injury, and suspect custody status predicted the founding of a crime. Extra-legal factors also played a role in the founding decision. In incidents involving acquaintances the founding decision was predicated on if there was discrediting information about the victim and evidence of victim resistance.

The influence of extra-legal factors such as characteristics of victim and the incident suggest that female victims who do not meet behavioral expectations and challenge notions of victim

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consent and culpability may be unlikely to be supported by the criminal justice system (Spears and Spohn, 1997). For example, women who were drinking or using drugs, spent time at a bar with their assailants, or engaged in other behavior that may be considered “unfeminine” or “risk taking” may not be considered to be genuine victims (Morabito, Pattavina, & Williams, 2016). Police are more likely to unfound cases where there were questions regarding the victim’s moral character or credibility and when victims were found to be unwilling to cooperate with the investigation (LaFree, 1989). Alderden and Ullman (2012a) reported that cases where there were discrepancies noted in victim’s statements were more likely to be unfounded.

In addition to the research demonstrating how legal and extra-legal factors predict the police decision to found, legal factors have been found to affect arrest decisions. Offense seriousness measures including crime co-occurrence (Bouffard, 2000), use of a weapon (Bouffard, 2000; Spohn & Tellis, 2012a), and victim injury (Spohn & Tellis, 2012a) increase the likelihood of arrest. A lapse of time in reporting may impact evidence collection and explain how a delay in reporting reduces the likelihood of arrest (LaFree, 1989; Spohn & Tellis, 2012a).

Regardless of case strength, extra-legal factors are found to be salient in empirical studies investigating the arrest decision. Similar to Spohn and Tellis (2012a), Alderden and Ullman (2012a) found that victim resistance to an assault increased the likelihood that an arrest would be made as did victim willingness to cooperate with the investigation. In addition, the nature of the relationship between victim and offender has been found to condition the effects of case characteristics on the likelihood of arrest. Case factors indicating the strength of the evidence such as prompt reporting, the number of witnesses and the collection of physical evidence were significant predictors of arrest in non-stranger cases, but not for cases involving intimate partners (Spohn & Tellis, 2012a).

Similar findings have been documented in qualitative research. Rose and Randall (1982), relying on interviews and observations, examined how police use resources to build sexual assault cases to forward to prosecutors. They found legal factors to be important predictors of police decisions but found the importance of victim credibility to be uncorrelated (impacted by speed in reporting the assault, victim behavior at the time of the assault and the victim’s attitude in dealing with the police).

It is important to note that there are a variety of official explanations for why cases reported to the police can end in something other than arrest. First, police may elect to unfound a case if there is not sufficient evidence that any crime occurred. This “no crime” decision is the only appropriate usage of “unfounding” as a clearance category and while there has been a reported decline in use by police of the “unfounding” classification in reports of alleged sexual assault, misuse of the power to unfound remains a serious issue in disposing of these cases (Police Executive Research Forum PERF, 2012). In the past, officers have unfounded complaints erroneously when they cannot substantiate evidence of physical trauma or because they believe that prosecutors would decline to pursue the case (PERF, 2012). Neither of these is a legitimate reason for unfounding a sexual assault claim.

Once a case is founded, police are expected to document the conclusion or status of the police investigation for official recording. The case may maintain an open status if the investigation continues or may be cleared by arrest or exceptional means. Recent research conducted with police agencies across the U.S. documents that between 12% and 45% of cases reported to the police will result in an arrest (Spohn & Tellis, 2012a, Alderden & Ullman, 2012a&b, Bouffard, 2000). In addition, once cases with probable cause to arrest reach the

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prosecutor, rates of attrition continue and these also vary by jurisdiction with 39% (Alderden & Ullman, 2012 a&b) to 82 % (Spohn & Tellis, 2012a) resulting in charges being lodged.

Prosecutorial Decision Making in Cases of Sexual Assault

In the literature on attrition in sexual assault cases some studies have focused mainly on police decision making (Kerstetter, 1990, LaFree, 1989, Frazier & Haney, 1996) while others have examined the prosecutor decision to file charges (Spohn & Holleran, 2001, Spohn & Spears, 1997; Beichner & Spohn, 2012; LaFree, 1989) and case adjudication (Spohn, Beichner & Davis-Frenzel, 2001). A few recent studies in one or two jurisdictions have sought to understand the flow of cases as they move from police through prosecution and to tease out how decisions about which cases move forward are made (Holleran et al. 2010; Spohn & Tellis, 2011, 2012a&b, Alderden & Ullman, 2012a&b). While some conceptualizations of case attrition imply that case processing proceeds in a one directional path from reporting through adjudication, recent work by Spohn and Tellis (2012a) and our work on police and prosecutor connections in exceptional clearance (Pattavina, Morabito, & Williams, 2016) reminds us that case attrition is much more complex.

The literature on prosecutorial decision making in sexual assault cases has also taken into account legal and extra-legal factors in charging decisions and shows patterns similar to those found in the police research. According to a review of prosecutorial decision making research by Holleran, Beichner and Spohn (2010), legal factors such as the strength of the evidence available to a prosecutor emerge as primary motivators in the decision to file charges. Other important factors include injury and victim resistance (Spohn & Spears, 1996; Alderden & Ullman, 2012a&b; Myers & LaFree, 1982), the presence of a weapon (Beichner & Spohn, 2005; Kerstetter, 1990, Spohn & Holleran, 2001; Holleran et al., 2010; Alderden & Ullman, 2012a), the availability of witnesses (Beichner & Spohn, 2005; Myers & Lafree, 1982) and timing of the report (Beichner & Spohn 2005; LaFree, 1981; Spears & Spohn 1996; Alderden & Ullman, 2012b).

There is also evidence in the literature that the decision to charge is based on a combination of legal factors indicating the strength of physical evidence as well as extra- legal victim and suspect characteristics including race, victim risk taking behavior and the relationship between victim and suspect (Spohn & Holleran, 2001; Beichner & Spohn, 2012). Alderden and Ullman (2012a) found that prosecutors were less likely to approve felony charges when the sexual assault cases involved intimate partners compared to strangers. Other studies have found the opposite (Spohn et al. 2001) or no relationship between victim offender relationship and the decision to prosecute (Spohn & Tellis, 2012a). Still other studies have found that effects of the relationship between victim and suspect on charging decisions extend beyond relationship to also include the racial makeup of the victim-offender dyad (Spohn & Spears, 1996). Prosecutors tend to rely more heavily on physical evidence when there is a pre-existing relationship between the offender and the victim (Spohn & Holleran, 2001). While there is variability across studies about which legal and extralegal characteristics are likely to affect case outcomes and how they are measured, collectively they demonstrate that legal and extra-legal victim, suspect, and case characteristics should be considered in research on police and prosecutorial decision making in sexual assault cases.

When a case is forwarded for prosecution, the assigned prosecutor (or in some jurisdictions a team of prosecutors) must decide whether or not the case merits prosecution and whether to

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proceed with the case. The prosecutor generally does not have to explain why he or she elects not to prosecute a case. This has led some to conclude that the prosecutor is the most powerful person in the criminal justice system (Davis, 1969). While research on prosecutorial discretion has found that a variety of contextual constraints influence prosecutors' decisions about whether a case can and should be prosecuted (VERA, 2012) research focused on sexual assault cases has found that prosecutors' charging decisions are largely based on the 'winability' of cases as operationalized by factors such as the perceived seriousness of the crime, the offender's prior criminal record, and the strength of the evidence in the case (Spohn & Holleran, 2001).

Even after the decision to charge has been made, some cases still drop out of the system and do not proceed to adjudication. Prosecutors may *nolle prosequi* some charges and continue with others. At the disposition stage, a judge may dismiss a case, a defendant can plead guilty and if the plea is accepted by the court can forego a trial. A guilty plea may be entered at any point up until the completion of a trial. Lastly, there is the possibility of a trial by a judge or with a jury.

Literature on Clearance of Cases

While there is a growing body of research on the legal and extra-legal factors that predict the police and prosecutor decision making there are a significant number of cases in which a suspect is identified and probable cause exists for an arrest that still do not go forward. The observation that many cases do not progress through the system even after an alleged offender is identified and probable cause for arrest is present, combined with the wide variability in attrition of these cases seen across jurisdictions suggests the need for a better understanding of the mechanisms by which sexual violence cases fall out of the criminal justice system at this stage.

Addington and Rennison (2008) used the National Incident Based Records System (NIBRS) to examine factors that predict clearance in sexual assault cases, but their measure combined both cleared by arrest and exceptional means. They found that factors that facilitated the "solvability" of the case, such as crime co-occurrence, use of certain weapons, home location and intimate partner relationship between victim and offender predicted case clearance. The analysis in their study was focused on predicting cases that are cleared or solved from those that go unsolved or remain open. This approach differs from an analysis that would seek to identify those factors that predict arrest versus exceptional clearance. In the latter type of analysis, the case is already considered "solved" by UCR standards, and thus factors of interest in predicting exceptional clearance versus arrest focus on a different dimension of police decision making that comes after the case is ostensibly solved (a suspect is identified) and police are at the juncture of determining whether to make an arrest versus an exceptional clearance.

Police use of clearance by exceptional means classification to officially close a case has been an option for UCR reporting since its inception in 1929 (Feeney, 2000). When crimes are reported to the police, the law enforcement agencies participating in the UCR program provide information on the status of a case and keep track of the incidents that are cleared. The two clearance categories used are *cleared by arrest* and *cleared by exceptional means*. According to the *Uniform Crime Reporting Handbook* (2004, pg.80), a case may be exceptionally cleared if the following criteria are met: (a) the police have definitely established the identity of the offender; (b) there is enough information to support an arrest, charge, and turning over to the court for prosecution; (c) the exact location of the offender is known so that the subject can be taken into custody; and (d) *there is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender* (emphasis added).

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The use of the exceptional clearance category to “clear” a case was originally intended for those rare cases where an offender is known and probable cause exists for arrest, but due to circumstances beyond the control of law enforcement, no arrest is made (Feeney, 2000). For purposes of official statistical reporting, jurisdictions may combine all cases that are classified as cleared (both by arrest and by exceptional means) which may give the public the impression that cases are “solved” and, most importantly, that more arrests are made (Jarvis & Regoeczi, 2009). The overestimation would be small if the exceptional clearance category was seldom used, but as Spohn and Tellis (2012a) report, in the jurisdictions they studied, significant numbers of sexual assault cases were classified as exceptionally cleared.

The FBI UCR guidelines emphasize that in order for a case to be considered for exceptional clearance, all four criteria listed above must be met. Some circumstances that qualify for exceptional clearance include the death of an offender, the denial of extradition, the handling of juveniles for petty offenses, and victim refuses to cooperate in the prosecution. The guidelines indicate that the list is not all inclusive and that there may be other circumstances in which a law enforcement agency “is entitled to an exceptional clearance” (p.81). Included as official exceptional clearance reasons in the FBI’s more recent crime reporting program, the National Incident Based Reporting Program (NIBRS) are two exceptional clearance codes of particular interest in the study of sexual violence case attrition: First is “*prosecutorial decline (for other than lack of probable cause)*” meaning that the prosecutor does not accept the case for charging and, second, a code for “*victim refused to cooperate*” (Federal Bureau of Investigation, 2008a). The mere existence of these categories as official reporting options has opened the potential for common use of this clearance code in closing challenging sexual assault cases.

Research by Bouffard (2000) suggests that different processes may distinguish exceptional clearance outcomes from others. He compared four types of sexual assault case outcomes: arrest, open, unfounded, exceptional clearance by victim refuses to cooperate and prosecution declined. The results indicated that different factors predicted each type of case status. For example, he found that a prior relationship between the victim and suspect increased the probability that a case would be exceptionally cleared. The rationale that ‘victim refuses to cooperate’ was more likely when there is a prior relationship. In contrast, a prior relationship with the suspect, in the context of victim agreement to undergo a sexual assault exam, predicted closure by ‘prosecutorial decline’. While the Bouffard study illustrates the value of studying case status outcomes separately, his inclusion of cases with open and unfounded status as comparison groups in the sample along with cases cleared by arrest and exceptional means does not allow for the separate distinction in outcome comparisons between those cases cleared by arrest and each exceptional means category. Comparing both of the cleared by exceptional means categories with arrest would provide a more concise comparison of factors that predict outcomes because probable cause for an arrest has ostensibly been established for each case as required by UCR guidelines.

The recent work by Spohn and Tellis (2012a) conducted in Los Angeles, took up this more concise comparison. Central to their study was consideration of how official reporting standards for classifying the way cases are cleared or solved by police were applied to incidents of sexual assault. According to their report, 46% of sexual assault incidents reported to the Los Angeles Police Department (LAPD) were officially classified as cleared or solved by the police. Though “solved” many of these incidents (33.5% of all cases or 73% of the cleared cases) did not

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actually result in an arrest, but instead were cleared “by exceptional means” (using the UCR classification).

The work of Spohn and Tellis (2012a) highlighted the importance of the police-prosecutor relationship in the arrest and clearance decisions, although even before sexual assault cases move to the prosecutor for consultation, the police customarily assess the victim’s willingness to cooperate with the prosecution. In some cases, where probable cause for an arrest exists, the police assess reluctance of the victim to move forward with the prosecution, or perhaps may have heard a victim state that she did not want the case to go forward. Under these circumstances, the police may make the decision to arrest and send the case for prosecution regardless of their assessment of victim willingness to proceed, or they may clear the case by exceptional means and record victim unwillingness as the reason for clearance. Such assessment of victim willingness to cooperate with police during the course of an investigation has been identified as a significant predictor of arrest in sexual assault incidents.

Literature on Victim Cooperation

There is an extensive literature that addresses factors that (post-report to the authorities) contribute to victim reluctance to follow through with the prosecution of an identified suspect. Personal circumstance such as extreme poverty or geographic isolation may prevent victims from gaining assistance from advocates or criminal justice authorities (DeKeseredy & Joseph, 2006, Lewis, 2003). Victims may also decline to cooperate because of shame, fear of retaliation, or experiences of secondary victimization by criminal justice or victim service agents (Herman, 2003). Victims may be judged to be uncooperative if they are difficult to locate. Such difficulties may occur for a number of reasons including some related directly to the victimization experience (such as a change of residence due to fears of further contact with the alleged perpetrator or reminders of the assault) or due to life circumstances that contribute to housing instability (McCahill, Meyer & Fischman, 1979). During the course of a sexual assault investigation, the police may communicate to victims that the complaint may not result in prosecution (Campbell, 2005). Police interactions with victims may be influenced by their own perceptions about what types of cases and which complainants will appear sympathetic to the court, or police may be reacting to their assessment and knowledge of the types of cases the prosecutors are likely to accept for prosecution.

The Relationship Between Police and Prosecutor

As cases move from the police to the prosecutorial charging stage, it is reasonable to expect that in the normal course of business the police and prosecutors will work together in building cases for the prosecution (Jacoby, 1980; American Bar Foundation, 2013). While it may appear typical that prosecutors would generally be presented with cases for charging decisions after an arrest has been made by police, discussions and interviews with key actors reflect awareness that decision making is in reality more fluid across the system and agency boundaries. Roles and responsibilities for decision making in sexual assault cases can be blurred.

Evidence illustrating the blurring of boundaries is reported in Spohn and Tellis (2010). Through interviews and case reviews, they found regular consultation between the District Attorney and police *prior to* the arrest decision. Their findings demonstrate the importance of considering expanded prosecutorial discretion that extends to early stages in the criminal justice process and overlaps with police discretion. Their work elucidates the connection between police

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and prosecutors suggested by those who have sought to explain the role of prosecutors in a larger systemic context. Jacoby (1980) describes a continuum of increasing discretionary power available to a prosecutor in relation to police.

On the left are those prosecutors who interpret their role as an arm of the law enforcement agency and who unquestionably prosecute all arrests. As the prosecutor begins to use his discretionary power, the decisions by the police are more apt to be overturned or modified. At the far right on the continuum are the prosecutors who have assumed a policy making role in the community. Not only are police arrests subject to change under these circumstances, but more directly the arrest policies and procedures in the community may be affected by the prosecutorial policies and standards (p.113).

Spohn and Tellis (2011) show evidence in Los Angeles of prosecutors operating more toward the right side of the continuum by exerting influence at the pre-arrest stage. If this practice is likely to influence arrest policies and procedures as suggested by Jacoby (1980) then it becomes necessary to contemplate the ways in which prosecutorial concerns about case processing may get reflected back to decision making at the arrest stage and what this means for victims. There is research to suggest that if elected prosecutors are concerned about maintaining high conviction rates, then they may be more likely to avoid risk and reject cases that they believe they cannot win in court. For politically motivated prosecutors who adhere to this standard, convictability becomes the most important criterion for selecting cases that will go to trial (Frohmann, 1991; Albonetti, 1986). This is a sustainable practice since according to Misner (1996) prosecutors have the opportunity to evaluate all cases presented by the police and have broad discretion to determine which cases should be tried.

The thought process by which prosecutors consider possible case outcomes in their decision making has been presented in the literature as a “downstream orientation” (Frohmann, 1997, Holleran et. al, 2010). Proponents of this perspective argue that decisions made by prosecutors are influenced by what may happen as cases move further along in the process. This same process may also apply to how the police may deal with sexual assault. For example, police do not want to spend resources on cases that they know will not result in prosecution and prosecutors will not pursue cases that might negatively affect their conviction rate. This means, however, that the quality of the investigation and general processing of sexual assault cases might be affected by the consideration by criminal justice actors of how the rest of the system might react to the crime.

In situations where a pre-arrest consultation takes place between police and prosecutors, if the prosecutors do not want to pursue the case because they are not confident in securing a successful prosecution, the police must decide whether to go ahead with the arrest or make use of ‘prosecution declined’ exceptional clearance as the official resolution of an incident. Even in cases where there is an identified suspect, a cooperative victim and enough evidence for arrest, the police may elect to exceptionally clear the case if prosecutors are not likely to file charges. Some research describes how prosecutorial charging practices influence how police handle cases. According to Lord and Rassel (2000), police are reluctant to pursue cases where the victim was intoxicated because prosecutors were unlikely to bring charges. While Spohn and Tellis (2012a) did note that some police officers indicated they were willing to move forward with arrests that

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may not be accepted for prosecution, the sizeable number of cases cleared exceptionally suggests that other relational dynamics between the police and prosecutor are at play.

A downstream orientation may have consequences for how police adapt their approach to sexual assault investigations in ways that have negative outcomes for victims, even for those cases where probable cause for an arrest exists. As the police come to understand the types of cases most likely to be accepted for prosecution, they may convey that information to victims during an investigation. Spohn and Tellis (2012a) reported that victims are vulnerable to how their case will be received by police and are hesitant about reporting crimes that may seem unbelievable to police and prosecutors. How the police approach the investigation and the cues they send about likelihood of conviction can amplify those sensitivities in a way that may lead victims to not want to pursue prosecution. The result will be that the case will be cleared exceptionally by victim refuses to cooperate with the prosecution.

The downstream orientation is facilitated by what has been described in the literature as a focal concerns approach to the handling of cases (Holleran et al.2010; Steffensmeier, Ulmer & Kramer, 1998). The focal concerns perspective has been used to explain how judges make sentencing decisions. Steffensmeier et al. (1998) identify offender blameworthiness, community safety, and practical constraints and consequences as key concerns. Since complete information about cases and defendants is often lacking, judges adopt a perceptual shorthand that looks beyond the legally relevant variables to make decisions based on stereotypes related to victim or suspect characteristics. Holleran et al. (2010) extended the focal concerns application to prosecutors and argue that practical constraints and consequences at this stage include consideration of how incidents will be viewed downstream by judges and jurors. They found some support for the focal concerns perspective in their research on decision making in sexual assault cases in Kansas City where case screening is based on maximizing trial success. Specifically, they found that police and prosecutors are more likely to be in agreement about charging when evidence is strong: the assault was perpetrated by a stranger, there was a weapon used and the victim sustained injuries—in short when the case met the clear definition of a “legitimate rape”.

Case Flow and Management—Size of Jurisdiction and Other Organizational Features

Lacking in the literature are investigations into how practical constraints regarding organizational operations such as case flow management (Steffensmeier et al. 1998) or workload demands may translate into case screening of sexual assaults. Decision making in this context is driven by agency policies that maximize system efficiency. According to Jacoby (1980) “the existence of the system efficiency policy usually indicates a backlogged court and overworked prosecutors with limited resources. Of necessity, system efficiency means that prosecutors must place emphasis on pretrial screening” (p.202). Under these circumstances, the weak cases are removed from the system at the earliest opportunity. These limitations may force actors in some agencies, including police agencies, to make greater use of perceptual shorthand to handle weak or difficult cases as suggested by the focal concerns perspective (Pattavina et al. 2016).

National Incident Based Reporting System (NIBRS) and Clearance by Exceptional Means

Data from the National Incident Based Reporting System (NIBRS) reveal that clearance by exceptional means is indeed a fairly common practice that occurs across a multitude of police jurisdictions. Forty-five percent of incidents of sexual assault for female victims age 13 and older

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reported to NIBRS from 2008 to 2010 were cleared by exceptional means (Pattavina, Morabito, & Williams, 2016).⁴ If the factors predicting which cases are cleared as ‘victim refused to cooperate’ are the same as those predicting which cases are cleared as ‘prosecution declined’, then there is support for the argument that there exists a close relationship connecting police and prosecutorial decision-making that warrants further investigation regarding the processing of sexual assault cases. One possible dynamic is that the police make decisions based on past experiences with cases most likely to be accepted for charging by prosecutors and thus discourage victim commitment to move forward in cases with similar characteristics to those likely to be rejected by the prosecution. The implications of this approach are that reported incidents may not be fully investigated, offenders will not be arrested, and ultimately victims may be denied the opportunity to bring their case before the court.

In their research, Spohn & Tellis (2012a) made a significant contribution to our understanding of attrition points in cases of sexual assault and the factors related to case attrition at the policing and prosecutorial stages. Their review of the existing studies on the subject revealed inconsistent methodologies and findings that left many questions unanswered. Their general assessment of available literature suggested that, while legal factors such as the seriousness of the crime and the strength of the evidence influence case processing decisions, other case factors, such as victim characteristics, also have an important role in case processing decisions. In our research we test whether their findings can be replicated in different agencies across the country in an attempt to better understand the attrition of sexual assault cases from the criminal justice system.

Methods

The current report presents findings from this replication of the research using data collected in multiple sites across the U.S. Given the importance of this topic—it was viewed as crucial to understand better the generalizability of the Spohn and Tellis (Spohn & Tellis, 2012a; Spohn & Tellis, 2012b) findings on case attrition.

Our data on sexual assault reports made to the police were collected at six departments in four states and also from their corresponding public prosecutor’s office. The data covered the years 2008-2010.⁵ Our approach was designed to enhance our understanding of sexual assault case attrition, and to give context to the findings of Spohn and Tellis —namely to test the reproducibility of a map of sexual violence case attrition across multiple sites and to investigate if the findings in Los Angeles are typical of other police departments or are an anomaly. Spohn and Tellis obtained data on sexual assaults (rape and attempted rape) against female⁶ victims over the age of 12 that were reported from January of 2005 through December of 2009 to LAPD and LASD. They reviewed the records of these cases through the CJS. For complaints to LAPD or LASD that resulted in the arrest of an adult suspect, they obtained data on the outcome of the

⁴ Estimate based on agencies reporting 4 or more incidents for the time period.

⁵ In the small jurisdictions we extended the data collection to include 2006-2012 cases to permit collection of sufficient data. Spohn and Tellis cases are from the years 2005-2009.

⁶ Spohn and Tellis cases included only reports by female victims. For purposes of comparability our replication therefore includes only reports of forcible rape, sodomy, and sexual assault with an object made by female victims.

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case from the Los Angeles County District Attorney's Office.⁷ For purposes of the replication, we used Spohn and Tellis's data collection strategies.

Study Approach

Site selection. The design of our research called for the methods of Spohn and Tellis to be applied to the data collected on sexual violence case attrition in our six new sites. This replication study relied on a carefully developed purposive site sampling strategy constructed to assure selection of sites that were most likely to contribute to an understanding of the diversity in jurisdictional response. These sites needed to be different enough from Los Angeles but have a sufficient number of reports of sexual assault for analysis to be meaningful. While a random sample of sites stratified by size might be ideal, the funding dictated selection of a relatively small number of study sites (6) from thousands of possible jurisdictions in the United States (U.S.) and, thus, did not lend itself to random sampling or even to stratified random sampling. We purposively selected study sites from different regions of the U.S. (Northeast, South, and West) and from within those, we selected urban, suburban, and rural jurisdictions and those that represented diverse police organizational factors (Morabito, Pattavina, & Williams, 2017) and populations served.

A high standard for, and the availability of, prosecution and police records management systems and cooperation from the police departments and prosecutors' offices was also necessary. To accomplish this design goal, and because we were aware that most cases would not even reach the prosecutor stage, we began with the police department selection. We considered only those departments that submitted crime data to the Federal Bureau of Investigation's (FBI) National Incident Based Reporting System (NIBRS) program.

NIBRS compliance helped to assure us that police records would be available in the same or a similar format and with the level of detail that we needed. Most importantly, NIBRS definitions were also used to establish which sexual offense reports would be used in the replication study. It is important to note that there is not a comparable reporting system for prosecution data—a serious challenge for any who conduct research on prosecutorial decision-making and case attrition and posing even more difficulty for anyone interested in replication research.

Beyond NIBRS participation, sites were grouped for selection based on the following criteria: (1) geographic proximity of urban, suburban and rural departments to maximize site diversity but keep within the financial constraints of the research funding; (2) demographics of diversity including sites with substantial minority populations; (3) diverse organizational features; and (4) Records Management Systems that collect incident based crime reports. While most jurisdictions relied on an electronic records system, some had retained, or during the time period for which records were needed, only used a paper record-keeping system.

As is mentioned above, we selected study sites from urban, suburban, and rural jurisdictions and those that represented diverse police organizational factors and populations served. Quality

⁷ Spohn and Tellis also obtained the complete police case files which they used for more detailed analyses for sexual assaults that were reported in 2008. They obtained case files for all reports that met selection criteria (N = 543) and due to the large number of cases reported to the LAPD in 2008, selected a stratified random sample of cases (N = 401). For the purposes of comparison in this report we rely on the population of cases they reviewed from 2005-2009.

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of prosecution and police records management systems and cooperation from the police and prosecution were also necessary.

Level I: Geographic proximity of urban, suburban, and rural departments. There were several reasons why selecting geographic areas that are in proximity to each other, whether it be in the same county, Metropolitan Statistical Area (MSAs) or state, made sense for this study. First, there were practical concerns from a resource perspective (e.g., staffing, travel costs, etc.) Second, several areas may be served by the same judicial district making comparisons within a site-cluster likely to provide meaningful insight about differences in small, medium, and large-sized districts. Our first step in developing a sampling frame for site selection involved a very preliminary examination of MSAs in the Continental U.S. that met the following criteria: (1) are not located in California, and (2) include a large city and a suburban town or towns, and a rural town (or preferably county) within driving distance manageable for a site coordinator located within the MSA.

Level II: Demographics of diversity. Next, we selected clusters of sites that presented opportunities to consider case demographics and retained in the sampling frame the clusters of sites with minority populations.

Level III: Organizational features. Site selection included key organizational characteristics judged to be important to understanding how factors such as presence or absence of a special victims unit or other organization factors influence case attrition. Specifically, we included agencies that employ a variety of innovations in sexual assault investigation and reporting as well as relationships with prosecutor's office and that were welcoming outside review of cases.

Level IV: Records Management Systems. We considered in the site selection process the quality of incident based reporting by police. We prioritized inclusion of agencies that use a records management system that collects incident based crime reports. In particular, we included agencies that participate in the NIBRS reporting program. The NIBRS system was designed to address many of the limitations of the older summary-based UCR system. When the FBI introduced the NIBRS to law enforcement, the new reporting system dramatically altered crime reporting in the U.S. Although the stated intent of the NIBRS is to serve as a national crime report, its design and structure provided the basic foundation for a local law enforcement records management system. The system provides incident level details on 46 different offenses that are reported to police (Faggiani and Hirschel, 2005). We included the forcible sex offenses of rape, sodomy, and sexual assault with an object. Use of these classifications helped us to exclude cases that were not in the Spohn and Tellis study (those with "only" reports of fondling and non-forcible sex offenses including incest and statutory rape for males and females). The standardization of collection methods permitted our comparisons across multiple sites.

NIBRS data were also seen as instrumental to this study because, given that NIBRS is standardized reporting system across all agencies, many agencies that would meet selection criteria based on basic organizational features and populations served could be further examined via NIBRS data. For example, NIBRS helped us to locate information on rates of all sexually based offenses reported to the police and once selected we knew we would be able to obtain detailed information on victim characteristics, offender characteristics, arrestee characteristics, and the relationship between victim and offender (e.g. stranger, intimate partner, etc.).

Examination of sexual assault incidents reported to the police and submitted to the NIBRS reveals that clearance by exceptional means is indeed a fairly common practice that occurs across a multitude of police jurisdictions. Forty-five percent of incidents of sexual assault for female

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victims age 13 and older reported to NIBRS from 2008 to 2010 were cleared by exceptional means.⁸

The NIBRS data capture both ‘*victim refused to cooperate*’ and ‘*prosecution declined*’ exceptional clearance categories presenting a unique opportunity to not only explore the characteristics associated with the decision to exceptionally clear a case across a multitude of jurisdictions, but also to compare the influence of case characteristics on each of the exceptional clearance categories relative to arrest. NIBRS does not include cases that have been unfounded, so additional criteria for site selection included availability of local agency incident data on unfounded cases and access to these records for case review.

Finally, we negotiated a Memorandum of Understanding (MOU) with six sites that met these criteria. All jurisdictions remain confidential by agreement and are known only to research staff and the Department of Justice and the principal investigators. For purposes of analyses, we have grouped the sites by size and based on population of the jurisdiction in 2010. We report key site demographics in Section II Table 4. These demographics are presented to assist in understanding the diversity of the sites as we map the case attrition outcomes.

Throughout this report, we use the terms site, jurisdiction, and agency interchangeably. The reader should note that these refer to our six participating sites which include police and prosecuting agencies.

Data Collection Methods

Our research also used a mixed-method approach, including the collection of quantitative data from the police and prosecutor cases files and qualitative data in the form of interviews and focus groups with police, prosecutors, and victims service providers. While site selection, Memorandum of Understanding (MOU) negotiation, and briefing of key personnel on-site, was ongoing, a data collection protocol and instrument was developed as a guide using the Spohn and Tellis codebook, dataset, and final report, which were downloaded from the National Archive of Criminal Justice Data (NACJD). All indicators included in these documents became part of the data collection form. We relied on the same parameters as Spohn and Tellis for case inclusion—cases involving female victims 12 years of age and older, cases of reported sexual assault also including sodomy and statutory rape but excluding forcible fondling. Once the data collection form was developed, it was approved by the Institutional Review Board (and, if required, by local governmental authorities). Forms were pre-tested and refined and re-reviewed and then research assistants who were hired at each site (a total of 10 on-site research assistants were employed and trained by us during the data collection period) were trained in its use. Their training consisted of review of issues of confidentiality and organizational arrangements at each site, training on the data collection protocol and coding of responses, tests of reliability and at least bi-weekly call and communication for troubleshooting and re-training.

Spreadsheets of relevant reported cases were consulted at each site to help us to identify the population of sexual assault cases reported to the police from 2008-2010 (2006-2012 in 3 smaller jurisdictions). These cases were then assigned to the study research assistants, who located the complete police record either in paper form or in an electronic record keeping file, reviewed the complete record, and then coded the record following our extensive data collection protocol. Reliability tests of the coding (see Appendix C) were conducted on a regular basis and problems

⁸ Estimate based on agencies reporting 4 or more incidents for the time period.

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which arose in the data collection (e.g., missing files, illegible files, decision making about proper coding when contradictory information was found in a case record, and confirmation of case report information accuracy by consultation with the local command) were reviewed in weekly calls with the research assistants at the study sites. The data collected was securely transmitted to the study site, reviewed by research assistants, cleaned, coded, and entered into SPSS. Data from all six jurisdictions were merged and prepared for analysis.

In-depth case record review. In each site we obtained the detailed case records on all reported rape and attempted rape cases (with victims over age 12). For half of our sites, we were able to obtain detailed files from the prosecutor's office and in the other sites, we had to rely on publicly available court records. Where we had access to prosecutor files, this review was conducted on premises. The level of access was solely dependent upon the level of cooperation of the prosecutor's office in the research study which also changed over the course of the project due to staffing turnover. Regardless of data collection method, we were able to obtain necessary facts and information about the incidents such as the use of bail, the number of hearings, whether there was a trial, as well as case outcomes. To collect the necessary data, we matched each defendant's name from police files where arrests were made or where cases were passed to prosecutors for direct indictment. Files and records were matched then for the specific complaint that involved sexual assault as reported to the police to ensure that we had identified the correct accused perpetrator for the appropriate crime.

Once identified, these records permitted us to (where available) collect all the case characteristics that would permit a detailed understanding of the dynamics of sexual assault cases reported to each agency including victim, offender, and case characteristics. We reviewed all cases that fit the criteria of report date, victim age at time of report, and report of a felony rape or attempted rape. In addition to all reports of rape and attempted rape we included unfounded reports from each site during the time period studied. This approach ensured an adequate number of cases.

Interviews and focus groups. Interviews and focus groups with key personnel were conducted to examine the organizational and cultural dimensions to handling sexual assault cases in order to understand how these factors influence case outcomes. Specifically, the interviews were designed to yield information about how organizations are structured and how practitioners function in the field from the view of police, detectives and prosecutors. We started with the population of all detectives and prosecutors that dealt primarily with sexual assault. In all of our police departments, there was either a special unit or designated personnel. Our strategy was to interview as many detectives as would speak with us and until we reached saturation. We originally intended to also interview patrol officers but quickly realized that they did not have enough engagement with sexual assault cases to be able to answer the interview questions.

For prosecutors, some of the sites had designated prosecutors but most did not. For agencies with designated personnel, we sought to interview the population. For those without a special unit, we sampled prosecutors who focused on major crimes. Again, we interviewed prosecutors until we reached saturation. This qualitative component of data collection for the study involved a total of 42 interviews: we interviewed 18 sexual assault investigators across the six sites and 24 prosecutors.

Focus groups with victim service providers were conducted to provide critical information on service providers perspectives on the experiences of survivors in each jurisdiction. In the initial months of the project we will also conducted informational interviews and attended sexual

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assault review team and coordinating committee meetings to gain a better understanding of the challenges they face and the experiences of victims.

Data Analysis

Quantitative data analyses. The police and court record review data were coded and entered into an SPSS file for archiving and analysis. These data were used to conduct multivariate logistic regression analysis to determine the relevant predictors of case outcomes in sexual assault cases. The analyses included in this report involve the total population of complaints of sexual assault made by female victims to the police. This includes complaints that were unfounded, ended in arrest, continue to be open/inactive, or investigation continuing. Analyses are conducted by site as well as grouped by jurisdiction size (i.e., small, medium, and large). We did not believe it was appropriate or instructive to measure outcomes of smaller sites against the outcomes of larger sites. Accordingly, there are comparisons within this report both across our own sites as well as to the findings of Spohn and Tellis.

Qualitative analyses. Data from interviews and focus groups were transcribed (when consent is provided per IRB requirements) and the transcripts were analyzed for themes relevant to the replication using NVivo. NVivo is a computer assisted qualitative data analysis software program used for coding and interpreting textual and multimedia data. This software helped us to systematically analyze the complex phenomena on sexual violence case attrition.

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SECTION II

OVERVIEW OF CASE ATTRITION

A key objective of this project was to identify the outcomes of sexual assaults reported to the police in 6 jurisdictions in the U.S. and compare these with the Spohn and Tellis (2012a) outcomes documenting where in the process attrition was likely to occur. As described above, each law enforcement agency provided us access to case records on all sex crimes that met our selection criteria and that were reported from January of 2008 to December of 2010 (except in three small jurisdictions where we were included cases from 2006 – 2012). We also were able to collect data on the court outcomes relying on data either from district attorneys' offices or computerized court records.

For this replication study and comparability we collected data on 2887 reports by female victims of sexual assault in the 6 jurisdictions. In this section we discuss and compare the overall outcomes that resulted from these reports to measure sexual violence case attrition.

Summary of Outcomes

Overall, case outcomes for the 2,887 sexual assaults reported to police in our sample (see Table II.2) were comparable to the results found in Spohn and Tellis' (2012b) study (see Table II.1). A similar proportion of cases were considered cleared by the police (48% vs in Los Angeles cleared was equal to 45.7%) and a similar proportion were considered still continuing (44% vs. in Los Angeles (LA) it was 43.4%). We found 7% of cases were unfounded by the police compared to 10.9% in Los Angeles. We found that of the cases that were cleared, the majority were cleared by exceptional means (29% of all cases compared to 33.5% of all cases for LA.) An arrest in our study occurred in 18.8% of the cases compared to 12.2% of all cases for LA. See Section V for a detailed discussion of clearing cases by exceptional means. Of the 544 (616 in LA) cases that were cleared by arrest, 504 (591 in LA) resulted in the arrest of at least one adult suspect (see Figure II.3, Figure II.5). In our study, the prosecutor filed charges in 363 cases (72% of these cases resulted in an adult arrest; 486 cases had charges filed in LA or in 82.2% of the arrests made) and charges were declined in 115 cases (22.8%) compared to 105 cases (17.8%) in LA (see Figure II.3, Figure II.5). As Spohn and Tellis reported, this higher charging rate is sometimes found in studies of prosecutorial decision making in sexual assault cases. In our study, as in the Spohn and Tellis findings, this high rate of charges being filed by a prosecutor may reflect the fact that in many of our jurisdictions some or all of the cases are presented to the district attorney for a pre-arrest filing decision; if the district attorney's office representative believed that the case did not meet their filing standard of proof beyond a reasonable doubt, the case was rejected before the suspect was arrested and the case was then cleared by exceptional means.

We will see that when the district attorney's office screens out sexual assault cases where the evidence does not meet the standard of proof beyond a reasonable doubt there is a higher rate of conviction. In LA, Spohn and Tellis found a conviction rate of 80.2% and in our overall sample the rate was 54% but jumped to 70% in the jurisdictions where a high rate of clearance by exceptional means occurred. We found that there was a guilty plea or verdict in 189 cases and that of these 25 were convicted at a jury trial, while 11 were acquitted at trial. We found that charges were dismissed in 43 cases (12% of all cases in which charges were filed). Of the 189

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defendants who were convicted, the majority (N = 164); 86.8% served some period of incarceration.

Detailed Comparison of Our Study Results to the Spohn and Tellis Findings

In this section we provide a detailed review of the Spohn and Tellis data for comparison to our study findings. Spohn and Tellis obtained data on sexual assaults (rape and attempted rape) against female victims 12 years of age and older reported to the Los Angeles Police Department (LAPD) and the Los Angeles Sheriff Department (LASD) from January of 2005 to December of 2009. They reviewed the records of these cases as they continued through the CJS. For complaints to LAPD or LASD that resulted in the arrest of an adult suspect, they obtained data on the outcome of the case from the Los Angeles County District Attorney's Office. These data were then used to document patterns of case attrition for sexual assaults reported during the study period.⁹ Spohn and Tellis data on the investigation outcomes for the LAPD are reported in Figure II.1 and the investigation outcomes for the LASD are reported in Figure II.2 and reflect the high proportion of cases that result in "cleared by exceptional means.

These findings are also displayed in several Figures (II.1- II.4) with Spohn and Tellis's findings on the court outcomes for the LA cases (Figure II.3) reveal that, of the 616 cases cleared by arrest by LAPD (12.2% of the 5031 reports), 591 cases resulted in an arrest of at least one adult suspect (11.7% of the 5031 reported assaults). Figure II.3 provides the prosecutorial outcomes for the LA cases. Following the adult arrests, the District Attorney filed charges in 82.2% of the cases, and charges were declined in 17.8% of cases. Of the cases where charges were filed, 9.1% (N=44) were still open at the time of the Spohn and Tellis study. The conviction rate for the 486 suspects against whom charges were filed was 80% (8% of all LAPD reported sexual assaults); charges were dismissed in 10% of the cases (N=47), and only five of the charged defendants (1%) were acquitted at trial. Of the 390 convicted offenders, 349 had pled guilty, 35 were convicted at a jury trial, and five were convicted at a bench trial. Of these convicted adults 59.2% received a prison sentence, 37% received a probation sentence, and 3.8% received a jail sentence. In short, 12% of the 5031 rape and attempted rape cases that were reported to the LAPD were cleared by the arrest of an adult suspect, 10% resulted in the filing of charges, 8% resulted in a conviction, and 5% resulted in a prison sentence.

As displayed in Figure II.4, of the 770 cases that were cleared by arrest by LASD, 614 involved the arrest of at least one adult suspect (that is, 27.1% of all reports). Following these adult arrests, the District Attorney's Office filed charges in 66% of cases. A smaller proportion of cases investigated by the LASD resulted in the filing of criminal charges compared to the cases investigated by the LAPD (66% vs. 88.2%, respectively). If we add together the number of cases that were either exceptionally cleared or where charges were declined by prosecutors after an arrest was made this accounted for 63.6% of the LASD handled cases. A comparable figure for the LAPD handled cases was lower with 35.5% of all reports resulting in either an exceptional clearance or a declination to file charges post-arrest. For the LASD cases in which

⁹ Spohn and Tellis also obtained the complete police case files which they used for more detailed analyses for sexual assaults that were reported only in 2008. They obtained case files for all reports that met selection criteria (N = 543) and, due to the large number of cases reported to the LAPD in 2008, they selected a stratified random sample of cases (N = 401). For the purposes of our replication study, we rely on comparison to the population of cases they reviewed from 2005-2009.

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charges were filed, 34 cases (8.4%) were still open at the time of the Spohn and Tellis study. The conviction rate for the 405 LASD suspects against whom charges were filed was a comparable 78.1%; charges were dismissed in 11.8% of the cases (N=48); and only seven of the charged defendants (1.7%) were acquitted at trial. Cases resulting in the conviction of an adult represented 13.8% of the LASD reported sexual assaults. Of these, 317 convicted adults 57% (N=179) received a prison sentence, over one-third (35.3%) were sentenced to probation, and 24 (7.6%) received a jail sentence. In short, 27.1% of the 2,269 rape and attempted rape cases that were reported to the LASD were cleared by the arrest of an adult suspect, 17.8% resulted in the filing of charges, 13.9% percent resulted in a conviction, and 7.9% resulted in a prison sentence.

Spohn and Tellis utilized administrative data and source data collected from case files to provide the most comprehensive analysis of sexual violence case attrition that had been conducted in 30 years. Consistent with concerns raised about SV case attrition in past studies (e.g., McCahill, Meyer & Fischman, 1979; Kerstetter, 1990) and more recent research (Kelly, 2010; Campbell, 2005) Spohn and Tellis results suggested that there continues to be a pressing problem of high rates of sexual assault case attrition, despite the progress of the past 40 years. The need to explore these methods of case processing in other jurisdictions and learn more about the factors that are predictive of attrition were key goals identified by NIJ that led to the research reported here.

This Project's Overall Case Attrition Finding and Comparison to Spohn and Tellis

Figures II.5 and II.6 provide an overview of the case attrition findings for all cases from our 6 study sites, N=2887 reports of sexual assault of a female. These figures include our findings about cases from initial complaint through to adjudication. For the purposes of this analysis, we relied on categories identical to the Spohn and Tellis study so that results could be compared.

Table II.2 summarizes the 6 jurisdiction (In these tables our study is referred to as "RS" for Replication Study) case attrition through adjudication paired with data from the Spohn and Tellis study for comparative purposes. Table II.3 illustrates that outcomes from our research are quite similar to those of the Los Angeles Police Department (LAPD), but not to those of Los Angeles Sheriff's Department (LASD). There were more cases cleared and specifically, more cases likely to end in arrest in the Sheriff's Department than in LAPD or in our 6 combined study sites.

In Table II.3, we placed our 6 jurisdiction RS study outcomes from arrest through conviction side-by-side with the Spohn and Tellis findings through conviction for comparison. The findings from all six sites have been merged for the Table II.3 comparison. We conducted a comparison of proportions to identify significant differences between our study findings and those of either LAPD or LASD. We found statistically significant differences in almost all outcomes. The magnitude of the differences was larger in general when we compared our findings to the LASD findings. Notably, reports of sexual assault from our 6 sites were less likely to be cleared than were the LASD cases (48% vs 88.4%) but were slightly more likely to be cleared than the LAPD cases (48% vs 45.7%). A similar pattern existed for comparison on cleared by arrest and cleared by exceptional means. LASD had the highest proportion of cases cleared by exceptional means (54%). LAPD took the lead in having more unfounded cases (10.1%). It is notable that LASD had many fewer (only 10.1%) open/active/continuing investigations.

Once cases reached the prosecutor's office we find that LAPD cases were more likely than our study sites or LASD to have had charges filed by the prosecutor. This may be a consequence of the high proportion of cases that were cleared by exceptional means at LAPD and thus

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removed from the “caseload” of prosecutors. It also would have deflected the “burden” of the prosecutor’s office handling many cases that may have had less sufficient evidence. LASD, however, had an even higher proportion of cases that were cleared by exceptional means and still had a low rate of cases in which charges were filed by the prosecutor. Finally, LAPD cases were more likely to result in conviction (often through a guilty plea) when compared to our study (80.2% vs 53.4%, respectively).

Key site demographics are presented in Table II.4. These demographics are presented to assist in understanding the diversity of the sites and the context of the sexual assault case processing. In this table we grouped jurisdictions according to population size and labeled them small (100,000 population size), medium (300,000 population size), and large (600,000 population size). Turning to Table II.5 for further understanding of our study sample case attrition findings we present a comparison of the six sites grouped by population size

It is notable that we found no statistically significant difference in the “clearance by arrest” rate across site groupings. Comparisons of other outcomes, however, revealed meaningful and statistically significant differences. Regarding cleared by exceptional means, we found that the small size jurisdictions were much less likely to employ this approach to case clearance, perhaps because these jurisdictions were less likely to have a close working relationship between the police and prosecutor’s office. This possible disconnect was further evidenced by our finding that for the smaller agencies there was a lower proportion of cases where the prosecutor filed charges when compared to the larger jurisdictions and agencies. Smaller agencies had a larger proportion of cases categorized as still open (inactive or continuing) than the large or medium size jurisdiction agencies. These differences suggest that for smaller jurisdictions there may have been different organizational structures, relationships, and resources that altered the patterns of case handling and hence case attrition. The small jurisdictions also had the lowest rate of convictions. This suggests that perhaps more challenging cases made it to the prosecutor’s offices given that there was less use of clearance by exceptional means. This lower likelihood of clearance by exceptional means may have resulted in more cases that went forward but where the prosecutor did not ever file charges. When compared to large jurisdictions, the medium-sized agencies had higher rates of clearance by exceptional means and unfounding, and lower rates of open/ inactive cases. When charges were filed in these medium-sized jurisdictions, they were more likely to result in a conviction than in larger or smaller jurisdictions. This suggests that while “size” may matter and reduce case attrition in comparison to the small agencies, the medium-sized jurisdiction may have been more adept than the larger agencies at sorting through cases that were more likely to lead to successful prosecution.

Examining the total map of case attrition in our study sample (see Figure II.5, Figure II.6) we find that of cases with charges lodged, the charges were dismissed in 12% of the cases and prosecutors decided not to go forward (*nolle prosequi*) in 5% of the cases. Of these cases the conviction rate, which is 53% (38% of cases where an adult was arrested), breaks down to 153 defendants that plead guilty, 25 defendants that were convicted at a jury trial, and 7 defendants that were convicted at a bench trial. Eleven defendants were acquitted at trial. Of the 189 convicted defendants, the overwhelming majority (N = 164; 87%) were sentenced to incarceration. The remaining 12% of the convicted defendants were sentenced to probation, although many others also were given probationary sentences along with their incarceration.

The prosecutors in our study filed charges in 72% of the 504 cases that had resulted in the arrest of at least one adult suspect. This compares to 82.2% of the 591 cases that resulted in the

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arrest of at least one adult suspect in LAPD according to Spohn and Tellis. We found that the conviction rate for cases in which charges were filed was 53.4 percent. This is an unexpected difference from the Spohn and Tellis study where they found, in the LAPD sample, a conviction rate of 80.2 percent. However, it is important to point out that, in our research, 84 cases that did not move forward were included [as not convicted] in calculating this rate of conviction. Yet, the cases may not have actually been accepted by the DA, thus resulting in a higher conviction rate.

Of the 390 defendants who were convicted from the Spohn and Tellis original study, 88% were incarcerated, and 52% were given probation. Charges were dismissed in only 8% of cases and prosecutors decided not to go forward (*nolle prosequi*) is 3% of cases. The conviction rate, which is 39%, breaks down to 177 defendants that plead guilty, 29 defendants that were convicted at a jury trial, and 7 defendants that were convicted at a bench trial. Twelve defendants were acquitted at trial. Of the 217 convicted defendants, the overwhelming majority (N = 191; 88%) were sentenced to incarceration. Approximately half (52%) of the convicted defendants were sentenced to probation.¹⁰ The differences at key decision points are displayed in Table II.5 and reveal some substantial differences in the findings between the sites and between studies. The Los Angeles District Attorney office was more likely to file charges in cases brought by LAPD than in cases brought by LASD. Our findings fall in the middle, suggesting that the police agency might affect the decision making of prosecutors. The conviction rate was substantially lower in our study findings than in Spohn and Tellis.

Summary and Conclusions

The different outcomes in the attrition of cases of sexual assault at key decision points (displayed in Tables II. 3 & II. 5), reveal some substantial and statistically significant differences in the outcomes between the sites and between studies. Based on this research, we can conclude that while the Los Angeles data are necessarily limited in generalizability they are, overall, indeed, representative of important dimensions of serious and concerning levels of case attrition that have continued for the past 40 years. These continued high rates of attrition should demand our attention. This study demonstrated that these findings can be produced across jurisdictions but also further corroborates the *proviso* that a focus on one or two jurisdictions may miss some of the nuances of processing of sexual assault cases and the differing dynamics of sexual assault case attrition across the U.S.

Most critically we find that regardless of jurisdiction and the nuances of exactly where the case attrition occurs, the vast majority of reports of sexual assault did not end in a prosecution or a conviction. Indeed, a small proportion resulted in arrest thus raising questions about the extent to which justice is served. No matter the jurisdiction these outcomes may mean the same thing to victims, the accused and the community—that sexual violence seldom results in an arrest.

It is clear that sexual assault case attrition continues to be a documentable problem that we must continue to unpack with case processing research. While we focused on the replication aspects of our study in this section of our report, we extend our analysis in later sections to examine in detail the influence of case characteristics and some explanations why cases fall out of the system. Future research needs to explore the underlying causes of both the similarities and differences among the agencies included in this research and LAPD and LASD.

¹⁰ Some of the defendants were sentenced to be incarcerated followed by a period of probation so these numbers will not equal 100 percent.

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As we report in more depth in the sections that follow, our findings overall do little to allay the concerns that arose from the Spohn and Tellis study that cases cleared by exceptional means account for more than half of all case clearances for the LASD and for a third of all case clearances for the LAPD. In each agency that Spohn and Tellis studied and in our medium and large jurisdictions, the high rates of case clearance thus, are weakened by the finding that one-third of cases, arguably with probable cause, do not result in arrest and are, instead, cleared by exceptional means. In addition, even when cases resulted in an arrest of a suspect in many jurisdictions the district attorney declined to file charges. When we merge all six sites, the outcome findings are most similar to those complaints that originated from the LAPD not the LASD.

We did find variation in conviction rates when we compare the Spohn and Tellis findings to our findings. There are several possible explanations as to why we observed such differences in conviction rates. It is likely that there are different policies and practices in place for screening cases after an arrest is made with varying levels of resources devoted to these cases, a troubling prospect which may have greater impact when challenging cases result in an arrest. Such cases are likely to require more investigation and support. In addition, we are aware that there are political factors (unmeasured in this study) that drive prosecutorial decision-making. Prosecutors are elected and often accountable for their conviction rates. In politically tense or charged communities, it may be that prosecutors are pressured to focus only on winnable cases with an eye on re-election. Regardless of the dynamics that are influencing case processing, it is clear that sexual assault case attrition continues to be a documentable problem that we must continue to unpack with empirical research on case processing.

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SECTION III

CASE OUTCOMES AND CASE CHARACTERISTICS

FOR RAPE AND ATTEMPTED RAPE CASES

This section includes a summary of incident characteristics and outcomes for 2887 cases of forcible rape, sodomy, and sexual assault with an object reported in all six of the police jurisdictions. The incidents from the large and medium jurisdictions covering the years 2008-2010 and from the small jurisdiction covering the years 2006-2012. The information comes from incident details collected from police reports by the research team from each jurisdiction. Consistent with Spohn and Tellis, tables in this section will provide descriptive statistics on case outcomes as well as characteristics of victims, suspects, and cases. The replication case descriptive statistics are compared to the estimates from the Spohn and Tellis analysis of samples from LAPD (N=273) and LASD (N=410).

Case Outcomes

Descriptive statistics for case outcomes in the replication study compared to those reported by Spohn and Tellis are presented in Table III.1. The replication results show that 18.9 % of the reported incidents ended in arrest. The Spohn and Tellis sample shows variation with LAPD reporting 11.7% and LASD reporting 31.7% of cases ending in arrest. The replication results fall within this range but closer to LAPD, both overall and by jurisdiction type (small 19.9%, medium 16.3% and large 19.3%).

In the Spohn and Tellis study, 43% of the cases in LAPD and 9% in LASD were classified as investigation continuing. Forty-four percent of the replication cases were classified as open or investigation continuing and it ranged across jurisdictions. Small jurisdictions were more likely to leave cases open (62.4%) than medium (33.6%) or large (41.9%) jurisdictions. The replication results on this measure were consistent with LAPD but not LASD. LASD is using the exceptional means clearance (EM) classification to close cases at much higher levels (57.3 %) than LAPD (33.6%) and both of these are higher than the use of EM in the replication study (29.8%). Across replication sites, large (31.3%) and medium sites (38.4%) used EM to close a case at about twice as often as small sites (15.5%).

A key finding in the Spohn and Tellis study was that a sizeable number of incidents (12.8% in LAPD and 9 % in LASD) were being classified as exceptionally cleared *after* an arrest was made. Based on the guidelines in the UCR handbook, EM should only be used when certain circumstances prevent police from making an arrest. According to these guidelines, the use of EM after and arrest was made is a misuse of the classification in LAPD and LASD as reported in Spohn and Tellis. The implication is that arrests may be underreported. If these “EM after arrest” cases were in fact counted as arrests, the arrest percentages in Spohn and Tellis sample would increase to 24.5% in LAPD and 40.7% in LASD. The replication results show that overall 3.3% of the incidents were cleared by exceptional means after an arrest had been made. This number is smaller than both LAPD (4.5%) and LASD estimates (8.0%). Combining the number arrests after an exceptional clearance with those cleared by arrest increases the percent arrested in the study population to 22.4 %.

Unfounded case outcomes accounted for 7.3% of the cases in the replication study. This measure more closely aligns with the LAPD estimate of 10.9% than with LASD at 1.7%. Small

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jurisdictions were less likely to report an incident as unfounded (2.2%) compared to medium (11.7%) and large (7.5%) jurisdictions. Incidents in LAPD were almost three times as likely to be classified as investigation continuing compared to LASD (63.4 % vs. 21.8%). The replication data fell in between this range with about 44% cases classified as open or investigation continuing. Small sites were more likely to leave cases open (53.4%) compared to medium (33.6%) and large (41.9%) sites.

Spohn and Tellis present descriptive statistics for case outcomes separately for cases involving strangers and non-strangers. For stranger cases, LAPD made arrests in 8% of the cases and LASD in 21.8 % of the cases. The replication results fall in between at 10.8 %. There is little variation across the small, medium, and large replication sites. Stranger cases were considerably more likely to be closed by exceptional means in LASD (55.2%) than LAPD (15.2%). The replication results were more consistent with LAPD where 13.9% of cases were cleared exceptionally. Medium sites in the replication were more than twice as likely (25.9%) to close a stranger case using EM than large sites (10.7%).

LAPD and LASD were using exceptional clearance to close a case after an arrest was made in 4.5% and 8% of stranger cases respectively. The replication results show this outcome to be less frequent at 1.7 % and most of the cases came from the larger sites (2.1%) compared to less than 1% from small and medium sites. Unfounded classification was reported in 11.1% of stranger cases in the replication which is more consistent with LAPD (13.4%) than LASD (1.1%). Small sites in the replication were less likely (2.5%) to unfounded cases than medium (14.7%) or larger sites (12.0%).

Spohn and Tellis reported that the percent of cases that were cleared by exceptional means after an arrest had been made was more common in LA non-stranger cases (18.6 % for LAPD and 12.2% for LASD) than stranger cases (4.5% and 8%, respectively). In the replication study, the percentages were smaller but the pattern was similar, 3.6 % of non-stranger cases (including both intimate partners and other non-strangers) were exceptionally cleared compared to 1.5% of stranger cases.

Spohn and Tellis grouped intimate partners together with non-strangers for this summary. For the replication, intimate partner cases are separated out from other non-stranger cases and those results are presented in Table III.1. The decision to present these groups separately in this report was based on research that suggests that intimate partner sexual assault may have unique characteristics. In the replication study, cases involving intimate partners were close to 10% more likely to end in arrest than non-stranger cases and slightly more to be exceptionally cleared (37.6% vs. 35 %, respectively).

It could be that the use of EM after an arrest reflects practices associated with arrest practices regarding intimate partner violence. At the time of the Spohn and Tellis study, the state of California had a preferred arrest policy. If police are expected to make an arrest at the scene, then it is possible that the use of EM may happen after the arrest in these cases, especially when the victim did not want the arrest made. After arrest, exceptional clearance percentages for the total replication sample were small (3.3%) and when separated by relationship type, 3.3% of non-strangers and 5.8 % of intimate partner cases were exceptionally cleared after an arrest. Large sites used this practice more often (9.2%) than other jurisdictions. One of the sites in the large jurisdiction category had mandatory arrest practices and the other site had a preferred arrest policy. The small sites had discretionary and preferred arrest practices and had less than 1% of the cases cleared exceptionally after making an arrest. While a small difference, it is consistent

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with what one might expect under mandatory/preferred arrest conditions in intimate partner violence.¹¹

The replication data also provided an opportunity to examine the type of exceptional clearance categories used to close cases. The UCR provides several categories for the type of exceptional clearance and for our purposes we are interested in two categories: victim refuses to cooperate as determined by police and prosecutorial decline. For all EM cases, 33% were due to victim refuses to cooperate and 60.2% were rejected by the prosecution.

The use of exceptional clearance categories varied by type of relationship. For stranger cases, the percentages of EM cases due to each category were similar with 45 % categorized as victim refuses to cooperate and 43.1% of cases categorized as prosecutorial decline. Few stranger EM cases were rejected by prosecution in small (0%) and medium sites (10%) compared to large sites (76.7%). In contrast, most of the EM cases in small (62.5%) and medium (81.1%) were categorized as victim refuses to cooperate.

For EM cases involving non-strangers, 27% were categorized as victim refuses to cooperate and 66.2% were categorized as prosecution declined. Again, large jurisdictions were more likely to report prosecutorial decline (83.6%) than medium (35.9%) or small (15.4%) jurisdictions. For intimate partners, the pattern was similar where larger jurisdictions were more likely to use prosecutorial decline as the EM reason (60.4%) than either medium (48.4 %) or small (16.7%) jurisdictions.

In sum, the replication results show that with a few exceptions case outcomes were generally more consistent with LAPD than LASD. The replication results show greater use of arrest than LAPD but less than LASD and somewhat less use of EM to close cases overall. The replication findings showed less use of EM after an arrest was made overall, but it was used somewhat more often in cases involving intimate partners. Similar to Spohn and Tellis, the use of the unfounded classification was not used in a large number of cases. There was some variation across replication jurisdictions. Smaller jurisdictions were more likely to leave cases open. Larger jurisdictions were considerably more likely than small or medium jurisdictions to use prosecutorial decline as the exceptional clearance reason regardless of relationship type.

Victim, Suspect, and Case Characteristics

Table III.2 reports descriptive statistics for victim characteristics. The typical victim in the replication study is a Caucasian female (59.3%) in her mid-twenties. This contrasts with the Spohn and Tellis study where the majority of victims were Latina (46.7% LAPD and 48.2% LASD). About 1 in 5 victims in the replication were African American compared to about 1 in 4 in Spohn and Tellis sites.

Similar to Spohn and Tellis, the replication data include a considerable number of victims that were reported to have been drinking (38%) or drunk (17%) at the time of the incident. Reported drug use was low (8.9%), and comparable to that reported in Spohn and Tellis (7.4%

¹¹ Another explanation may involve cases where an arrest was made, but on a warrant that had been previously issued. While the arrest for the warrant may not be specifically related to this incident, it is possible that the incident may have been cleared by arrest due to the warrant, but the sexual assault incident subsequently exceptionally cleared. While this type of clearance is problematic for the way in which sexual assault clearances may be counted, it represents some of the complexities that may emerge when closing cases. In the replication, there were about 23 cases where there was an arrest based on a pre-existing warrant.

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LAPD and 6.6% LASD). Like Spohn and Tellis, most victims were not engaging in any other type of risky behavior at the time of the incident and the number of victims with mental health issues documented in the file was small. More victims in the replication data were reported to have criminal records (20%) versus 12.4% in LAPD and 3.2% in LASD. Many victims in both studies reported injury (40.1% in the replication, 43.6% in LAPD, and 47.1% in LASD). Forty-six percent of the victims in the replication study reported verbal and physical resistance. That number was more consistent to LAPD (45.3 %) than LASD (53.9%).

Fewer victims in the replication study identified the suspect by full name and address (22.3%) than in the Spohn and Tellis study (39.8% in LAPD and 59.8% in LASD). They were also somewhat less likely to be cooperative during the police investigation (52.4% in replication, 56.3% in LAPD, and 72.5% in LASD). Very few victims in both studies recanted the allegation (5.6% in replication, 9.4% in LAPD, and 5.1% in LASD). Finally, only about 10% of victims in both studies did not want the suspect arrested.

Overall, the characteristics show some similarities and differences across the studies. The largest differences between the two studies were observed for race of the victim, criminal record, and drinking at the time of the incident. Other characteristics showed similarities between the replication and one of the study sites. The replication reported similar numbers between the replication and LAPD on characteristics such as walking alone at night, sex work and verbal and physical resistance, and between the replication and LASD on the factor drunk at the time of the incident.

In the replication study, sites were classified by size into small, medium and large categories. The percentages are also reported in Table III.2. Within site comparisons for the replication show that victims in the small sites were more likely to be Caucasian (73.1%) than victims in the medium or large sites (55.5% and 57.5%, respectively). Medium and large sites reported considerably more African American victims (24.5% and 24.1%, respectively) than small sites (10.2%) as well as more Hispanic victims (18.8% and 16.7% vs. 11.2%). Large sites were considerably more likely to report that victims had a criminal record (26.8%) than medium (14.7%) or small sites (3%). Drinking at the time of the incident was also more likely to be reported in large sites (41.6%) compared to medium and small sites (33.1% and 31.3%, respectively). Victims were more likely to be described as having mental health issues in larger sites (22.2%) compared to medium (16.6%) and small sites (11.4%).

Medium (43.8%) and large (44.2%) sites were much more likely to report victim injury than small (22.3%) sites. Large sites were less likely (47.3%) than small (64.5%) or medium (61.7%) sites to report that the victims were cooperative during the investigation. Victims in medium sites were also more likely to change residence after the assault (20.3%) than victims in large (9.6%) or small (6.6%) sites.

Suspect characteristics are reported in Table III.3. In line with the Spohn and Tellis report, data are not presented on the sociodemographic characteristics of suspect because in a considerable number of cases in both studies no suspect was identified. Few suspects were reported to be gang affiliated in the replication study (5.0%) which is slightly lower than the LA sites (11.6% in LAPD and 9.8% in LASD). Similar to LAPD, few suspects (4.6%) were reported to have drugged the victim. LASD reported a larger percentage of suspects who reportedly drugged the victim (9.5%). More than half of the suspects physically assaulted the victim in the replication (65%) which was more similar to LAPD (60.1%) than LASD (49.8%). A weapon was used in about 9.5% of cases in the replication which is fairly consistent with LASD (11.5%) but

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much lower than what was reported in LAPD (26.6%). Bodily force was much more likely to be reported in both LAPD (70.2%) and LASD (81.2%) than in the replication (59.4%). There was variation across jurisdictions in the replication with small sites reporting bodily force more often (68.4%) than large (60.6%) or medium sites (46.9%). More than half of the interviewed suspects in the replication study claimed the reported incident was consensual (54.3%) which aligned more closely with LAPD (51.9%) than LASD (45.7%). In the replication study, 7.7 % of the suspects confessed to the assault compared to somewhat higher numbers in LAPD (10.7%) and LASD (19%).

Table III.4 presents the characteristics of incidents reported in the replication study compared to those reported in Spohn and Tellis. The most serious charge listed in the replication was rape (96.2%) which is lower than LA sites (85.6% in LAPD and 84.6% in LASD). About three quarters (73.4%) of incidents in the replication occurred during the evening hours from 6pm to 6am compared to LAPD (61.6%) or LASD (50%). Larger jurisdictions in the replication study were somewhat more likely to have incidents reported from midnight to 6 am (44.1%) compared to medium (34.1%) and small sites (37.9%).

In the Spohn and Tellis study, 41% of the suspects in LAPD and 21.4% of those in LASD were reported to be strangers to the victim. The percentage of strangers in the replication fell between this range (27.2%). Nonstrangers accounted for 52.2% of the incidents in the replication which was closer to LASD (51.5%) than LAPD (33.4%). Intimate partners were reported in a smaller number of incidents in the replication (20.6%) compared to 25.6% in LAPD and 27.1% in LASD. There was little noteworthy variation within relationship types across the small, medium, and large replication jurisdictions.

At least one witness was reported in 66.4% of the incidents in the replication study which was considerably higher than in LAPD (40.5%) and LASD (43%). Within the replication sites, a greater percentage of incidents with one witness were reported in medium jurisdictions (86.3%) compared to small (56.6%) and large (63%). The witnesses corroborated the victim's story in 78.5% of the incidents in the replication which was considerably larger than those in LAPD (42.9%) and LASD (24.8%). There was also variation across replication sites with a smaller proportion of witnesses in medium jurisdictions corroborating the victim's story (66.1%) compared to small (85.9%) or large (81.7%) jurisdictions.

More than three quarters of the victims received a forensic medical exam (79.6%) in the replication study compared to about half of the cases in LAPD (53.5%) and LASD (49.8%). Physical evidence was recovered in about half of the incidents in both the Spohn and Tellis and replication studies. The percentage of cases with physical evidence recovered did differ across replication jurisdictions with smaller jurisdictions less likely to report (28.8%) this type of evidence compared to medium (51%) and large (56%) jurisdictions.

The police could identify the suspect in 53.6 % of the incidents in the replication. This percentage was lower than that reported in the LAPD (60.3%) and LASD (84.9%). In the replication study, police got photos of victim injuries in 54.4% of the cases which was lower than LAPD (64.7%) and LASD (82.9%). Small jurisdictions in the replication study were less likely to get photos of victim injuries (18.5%) than medium (52.8%) or large (58.3%) jurisdictions. The police interviewed witnesses in 88% of the incidents in the replication study which was similar to that reported in LAPD (89.8%) and LASD (88.6%). Across replication jurisdictions, interviews of witnesses were conducted in a smaller percentage of cases in the medium (78.8%) compared to small (87.6%) and large (92%) jurisdictions.

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Summary

Noteworthy differences between the replication study and Spohn and Tellis indicate that cases in the replication tended to be more serious with a charge of rape and incidents were more likely to occur during evening hours than Spohn and Tellis incidents. The replication study reported more witnesses but were less likely to have identified suspects than the LA sites. The police were more likely to get photos of injuries in Spohn and Tellis than in the replication. There was also variation across jurisdictions on some characteristics. Medium jurisdictions were more likely to report witnesses but less likely to report victim corroboration. Smaller jurisdictions were less likely to recover physical evidence or get photos of injuries. Victims from large jurisdictions were most likely to receive forensic exams. Larger jurisdictions in the replication study were also more likely to take photos of victim injuries than medium and small jurisdictions suggesting that resources for physical evidence gathering may be more readily available in larger jurisdictions.

Victim characteristics show some similarities and differences across the studies. The largest differences between the two studies were observed for race of the victim, criminal record, and drinking at the time of the incident. Small sites were less likely to report victim injury and to report that victims were cooperative during the investigation.

The replication results show that, with a few exceptions, case outcomes were generally more consistent with LAPD than LASD. The replication results show greater use of arrest than LAPD but not LASD and somewhat less use of EM to close cases overall. The replication findings show less use of EM after an arrest was made overall, but it was used somewhat more often in cases involving intimate partners. Similar to Spohn and Tellis, few cases were classified as unfounded in the replication. There was some variation across replication jurisdictions with respect to case closure and clearance. Smaller jurisdictions were more likely to leave cases open. Larger jurisdictions were considerably more likely than small and medium jurisdictions to use prosecutorial decline as the exceptional clearance reason regardless of relationship type.

There were a few, albeit small differences in suspect characteristics across the two studies. Suspects in LA sites were slightly more likely to be gang affiliates. The use of weapons and bodily force seem to have been somewhat more prevalent in the LA sites. Suspects in LA sites were less likely to claim the incident was fabricated and somewhat more likely to confess. There was some variation within the replication sites where small sites reported more bodily force than medium or large sites.

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SECTION IV

THE DECISION TO UNFOUND THE CHARGES

We rarely unfound them unless there's no crime that's committed. And if we find that there's no crime that's committed, then—um how do I say this? Unfounded means there's no basis for the complaint to begin with, and that's what we try to—and there's a basis in her mind, because maybe she's a blackout drinker or he's a blackout drinker and she doesn't remember or she doesn't remember what happened to them during that time frame. And it doesn't mean that something didn't happen and in their mind, it was a crime, but from the footage that we have, it shows that they were involved and they were happily involved, it was not something that was forced upon them. And so, in that case, it's something where we could probably say that it was unfounded because they were—but we don't do that because they have reported it and in their mind, it's a real thing that happened to them and they believe that it's—that it was a crime against them. And we'll leave it that way. We'll leave it that way, we'll leave it as an exceptionally cleared by the district attorney instead of unfounded. Because we want them to—I think we want the victims to be able to say, *Well, you know, I did present this and I told them what happened and they were able to find some evidence and maybe I have a problem, maybe I have some—and maybe they won't—it won't happen to them again, because they realize, maybe this isn't something I should be doing. It's no good for me.* - Detective

For something to be unfounded, um a recantation, an anger recantation where, you know, *He just walked away with this girl and—you know, and oh by the way, he did this to me last night.* Okay, well wait a minute, now it's—and it's usually a recantation, *well alright, it didn't happen. I lied. I was just pissed at him.* Okay, well what is it? Is it something that legitimately happened or are you angry because he walked off with another girl after he was with you the night previous? That is something that I would really be skeptical on looking into. -Detective

Spohn and Tellis (2012) noted the misuse of unbounding by LAPD and LASD. Our findings suggest that unbounding is not a common disposition across departments. As noted earlier in this report, FBI guidelines on clearing cases for Uniform Crime Reporting purposes state that a case can be unfounded only if it is determined through investigation to be false or baseless (UCR Handbook, 2004:77). Police should not unfound when the complainant refused to prosecute or they are unable to make an arrest. To properly close a case as unfounded, police must conduct an investigation and their investigation must lead them to a conclusion that a crime did not occur. Unbounding usually occurs when complainants recant their statements or police are unable to find any evidence that a crime was committed.

Yet sometimes, a lack of evidence and even a recantation is not enough for unbounding. As the quotations included below express, police rarely use unbounding as a final disposition. The detectives we interviewed noted that unbounding was relatively rare and many spoke about the discomfort they felt in using this disposition because even if evidence suggested that a crime did

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not occur-- the victim believed that he/she was assaulted. The quantitative analyses we conducted support the officer beliefs as discussed in the section that follows.

The Use of Unfounding

The results of our analysis of the decision to unfound the charges are presented in the table attached to this section (section IV). The table is designated as "Table VI.1." to permit comparison to Spohn and Tellis' report. For additional information about the methods and variables used to collect these data and conduct these analyses, please see the Introduction and Chapter 6. This table includes all sites in our sample and a total of 2,720 female victims. Because there were such a small number of unfounded cases in our total sample of female victims (N=212), we could not break these analyses out by sub-categories similar to how we have conducted the other analyses in this report.

The dependent variable is a dichotomous measure of unfounding that is coded 1 if the departments unfounded the charges and 0 if the investigation was continuing, the case was cleared by exceptional means, or the case was cleared by arrest. First, the model has victim characteristics including age (a continuous variable). Next, we measure race/ethnicity with two variables. The first is a measure of whether the victim is identified as Black (a dichotomous variable) and whether the victim is identified as Latina (a dichotomous variable). We include two measures of the relationship between the victim and suspect. Both variables are dichotomous: the first measuring whether the victim and suspect were non-strangers and the second measuring whether they were intimate partners. A measure of engaging in risky behavior is also included in the model as well as whether there was any mention of questions about the victim's character or reputation included in the police report and a measure of identified mental health issues (dichotomous variables). Finally, our model includes measures of whether the police record notes that the victim had a motive to lie or whether the victim recanted her testimony.

The next series of variables are indicative of case seriousness. This includes measures of whether the victim was physically assaulted and whether or not the victim recalls being assaulted (dichotomous variables). We also include indicators of whether the suspect used a weapon and whether the victim suffered a collateral injury in addition to the assault (dichotomous variables). Finally, we included measures of whether the victim actively resisted the assault (according to the police records): physically, verbally and physically and verbally. The final series of variables measures strength of evidence. These include whether the victim reported within one day of the assault, the number of witnesses, victim willingness to cooperate, and the presence of physical evidence.

Case Characteristics

Like Spohn and Tellis, we found that victim recantation was the strongest predictor of the likelihood of unfounding. In the original study, the odds of unfounding were 305 times greater if the victim recanted. We found a strong effect but not nearly as strong Spohn and Tellis. In the replication, the odds of unfounding were approximately 19 times greater if the victim recanted. While still an important predictor, this difference suggests that perhaps police are willing to look past recantation and view it as victim reaction to trauma rather than as evidence of lying. Also, similar to Spohn and Tellis, we found that the report was more likely to be unfounded by police if the victim alleged that she was assaulted by a stranger than by a nonstranger or intimate

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partner. This is not surprising given that victims can name known suspects but may have difficulty identifying strangers.

However, there were also some differences in our findings. Spohn and Tellis found that unbounding was nearly 10 times more likely if the victim had a mental illness or mental health issues that called her credibility into question. We found that this relationship was not significant—meaning that there is no statistically significant relationship between mental health status as noted in the police records and the unbounding decision. Similarly, Spohn and Tellis found that the LAPD was three times more likely to unbound the charges if there was information in the case file that raised questions about victims' character or reputation. We found no statistically significant relationship between questions about victim character or reputation and the decision to unbound.

The only other variables that Spohn and Tellis found to affect the likelihood of unbounding were whether the victim suffered some type of collateral injury and whether there was any physical evidence collected during the investigation. Their data suggest that unbounding was less likely if the victim was injured and if there was physical evidence. In contrast, we find no statistically significant relationship between victim injury or physical evidence with unbounding. We did however, find a relationship between physical assault and the likelihood of unbounding. In cases where the suspect physically assaulted the victim, the police were slightly less likely to make the decision to unbound. This is likely the result of physical evidence that can provide corroboration.

Spohn and Tellis also found that there was no direct relationship between the unbounding decision and whether police believe that victims have a motive to lie. We did find a direct relationship between these factors. Our data indicate that if the police believed that the victim had a motive to lie, the odds of unbounding were approximately four times greater. We also found additional factors that affect the likelihood of unbounding that did not emerge in Spohn and Tellis' data. For example, we found that in cases where the victim was cooperative, cases were more likely to be unbound. This is a finding that needs further investigation. Unsurprisingly, we also found that cases were less likely to be unbound when the victim employed both physical and verbal resistance.

When we looked at the reasons given in police reports for unbounding—police cite that the victim was lying or making a false report as the overwhelming reason. Victims who had been identified as having a history of false reporting were also flagged as part of this sample. A lack of corroboration is the second most common reason cited which is somewhat similar. Police unbound crimes when the victim recants, there is lack of physical corroboration, or the victim does not remember the event. Each of these can call into question the likelihood that a crime occurred. The reasons given in the police records for unbounding overall match those that were significant in our regression results—with the exception of relationship between the victim and the suspect and victim cooperation.

We should note that some of the differences between the original Spohn and Tellis study and the replication are likely the result of our small sample size of unbound cases. In the replication study, we found far fewer instances of unbounding than Spohn and Tellis did. This may be due to the practices of the LAPD and LASD or this could reflect changing police norms over time. Regardless of the reason, the small number of cases that were unbound should be considered as context for these findings and explains why we were unable to conduct further analyses.

SECTION V

THE OVERUSE OF EXCEPTIONAL CLEARANCE

Spohn and Tellis describe the ways in which law enforcement uses exceptional means classification to close sexual assault cases in LAPD and LASD. Recall that cases considered to be closed (and solved) for official FBI statistical reporting purposes are those that are either cleared by arrest or exceptional means (EM). Spohn and Tellis conduct their analyses of Los Angeles (LA) cases within the FBI framework for case classification. This section includes a review of the FBI guidelines for arrest and exceptional clearance and provides an analysis of the replication study consistent with Spohn and Tellis for comparison.

According to the Uniform Crime Reporting Handbook (FBI, 2004), an offense is cleared by an arrest if at least one person has been arrested, is charged with committing the offense, and presented to the court for prosecution. Exceptional means classification is reserved for those cases where law enforcement has conducted an investigation and has identified a suspect, but is unable to clear an offense by arrest. According to the Uniform Crime Reporting Handbook (FBI, 2004, p. 80), a case may be exceptionally cleared if all of the following criteria are met: (1) the police have established the identity of the offender; (2) the exact location of the offender is known so that the subject can be taken into custody; (3) there is enough information to support an arrest, charge, and turning over to the court for prosecution; and (4) there is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender.

The Overestimation of the Clearance Rate

The police option to officially close a case using the exceptional means classification has been part of the Federal Bureau of Investigation's (UCR) program since its inception in 1929 (Feeney, 2000). It was originally intended for those few cases where an offender is known and probable cause for an arrest exists, but due to circumstances beyond the control of law enforcement, no arrest is made (Feeney, 2000). Despite the distinctions between cleared by arrest and cleared by exceptional means, for purposes of official statistical reporting, jurisdictions may combine them in reporting clearance rates which may give the public the impression that more arrests are being made (Jarvis & Regoeczi, 2009).

The overestimation of the clearance rate resulting from combining arrests and exceptional means cases would be small if the exceptional clearance category was seldom used, but as Spohn and Tellis report, significant numbers of sexual assault cases were classified as exceptionally cleared in jurisdictions they studied. Table V.1 reports cases outcomes for all reported sexual assaults in the Spohn and Tellis study and replication study. In the replication study, 48.7% of the cases were cleared by arrest or exceptional means which was closer to that reported in LAPD (45.7%) than LASD (88.9%). Across replication sites, small jurisdictions were less likely to clear cases (35.4%) than medium (54.7%) or large (50.7%) jurisdictions. The arrest rate in the replication study (18.9%) was larger than LAPD (12.2%) but considerably smaller than LASD (34.7%). The percentage of cases ending in arrest was similar across small, medium and large jurisdiction sites.

In the replication study, 29.8% of the cases in the replication study were exceptionally cleared compared to 33.5% in LAPD and 54.2% in LASD. Large (31.3%) and medium (38.4%) replication sites used exceptional clearance about twice as often as smaller sites (15.5%). For

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comparison with other case status categories, unfounded classification accounted for 7.3 % of the cases in the replication, somewhat less than LAPD (10.9%) but more than LASD (1%). The replication and LAPD had similar percentages of open/investigation continuing cases (43.9% and 43.4%, respectively) which are considerably higher than LASD (10.1%). Small sites in the replication were more likely (62.4%) to leave cases open/investigation continuing than medium (33.6%) or larger jurisdictions (41.9%).

Case Characteristics

Table V.2 includes case characteristics of cases cleared by exceptional means reported from the LAPD and LASD samples along with the replication study. We combine the cases from LAPD and LASD in the following comparison with the replication study data. The most common crime in both the replication and LA that resulted in exceptional clearance was rape. Reports in both studies were most likely to involve non-strangers and to indicate that the suspect used only bodily force to subdue the victim. Significant numbers of victims in both studies were likely to report verbal and physical resistance and to be injured. More than half the victims in each study were cooperative during the investigation and police interviewed suspects in close to half of the cases in each study.

There were some differences between the two studies. Victims in the replication were likely to be Caucasian and in LA they were most likely to be Hispanic. In the replication study, victims were more likely to be drinking at the time of the incident, more likely to have been physically assaulted and much more likely to have received a forensic exam. Concerning the investigation, the replication descriptives show that police were more likely to have interviewed witnesses, more victims were more likely to give inconsistent statements to police, and suspects were more likely to state that the victim gave consent or that the incident was fabricated than in the LA study. Suspects in LA were more likely to be identified by full name and address by the victim than the replication.

There were a few differences across the replication sites. Victims in small jurisdictions were more likely to be white than in medium and larger jurisdictions, less likely to report a prior sexual relationship with the suspect and less likely to report both verbal and physical resistance. Victims were less likely to identify the suspect by name and less likely to be cooperative in small jurisdictions than medium or larger jurisdictions. Police in larger jurisdictions were more likely to interview suspects, to report that victims provided inconsistent statements to the police, and to question victim credibility than in small and medium jurisdictions.

In sum, the characteristics of sexual assault reports that were cleared by exceptional means reveal some similarities and differences across the LA and replication studies. The descriptive statistics for each study show that suspects were most likely to be non-strangers, victims reported to have physically and verbally resisted and many reported injuries. Differences across studies include the greater likelihood of victims drinking in the replication, experiencing a physical assault and receiving a medical exam compared to LA. Suspects in the replication were more likely to claim consent or fabrication. Victims in the LA study were more likely to identify the suspect by name and address. Police in larger replication jurisdictions were more likely to interview suspects and to question victim credibility than in small and medium jurisdictions.

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Evaluating Exceptional Clearance

Consistent with the intended use of exceptional means to close cases as described in the UCR handbook and elucidated by (Feeney, 2000), Spohn and Tellis made the reasonable assumption that if the police made an arrest, it would be officially recorded as cleared by arrest, regardless of whether or not the prosecution intended to move forward with the case. Their analyses of cases cleared by exceptional means presented in table V.3 reveal that for some incidents, an arrest had in fact been made. The results show that in 20.8% of the exceptionally cleared cases in LAPD and 22.8% of the exceptionally cleared cases in LASD, an arrest was made. Spohn and Tellis attribute this practice in LAPD as a result of policies where cases would only be cleared by arrest if the suspect was arrested *and* charged by prosecutors. Thus, if the prosecutor rejected the case for prosecution after an arrest, it would be classified as an exceptional means clearance. This practice is inconsistent with the FBI guidelines. The replication data report a substantially smaller percentage of EM cases (11.9%) where an arrest was made suggesting that in at least some cases, FBI guidelines were not followed.

For a case to be exceptionally cleared, the suspect must be identified and located. Table V.3 shows that in LASD, 28.4% of the EM cases the suspect had not been identified and located. The number was smaller in LAPD at 3.2 percent. In the replication study, no suspect was located or identified in 8.1 % of the cases. Additionally, in 4% of the cases, the reason was unclear or not consistent with exceptional means criteria. For example, in six cases no further workable information was listed as the reason. One technical reason for these anomalies may be that detectives did not sufficiently document or update details about suspect identification in the case records. Nonetheless there is reason for concern that EM clearance may be applied in ways that are inconsistent with FBI EM criteria 1 and 2 that are outlined above. In about 1.5% of the cases in the replication, other reasons for exceptional clearance were noted such as the suspect was serving time for another offense or there was a change in jurisdiction.

Criteria 3 necessary to clear a case by exceptional means requires that there be probable cause to make an arrest. Like Spohn and Tellis, establishing whether the investigating officer had probable cause to make an arrest was not possible in the replication study. According to criteria 4, there must be something outside the control of law enforcement that prevents them from making an arrest. The FBI explain this criterion through several possible scenarios including (1) the death of the offender; (2) prosecution declined (for other than lack of probable cause); (3) extradition denied; (4) victim refused to cooperate (in the prosecution); and, (5) juvenile/no custody.

According to table V.3 Spohn and Tellis reported that a significant proportion of cases in both LAPD (44%) and LASD (28.8%) were exceptionally cleared because the prosecutor declined due to insufficient evidence. A large number of cases in the replication study (51.3%) were exceptionally cleared because the prosecutor declined to take the case. It was not always specifically indicated if insufficient evidence was the reason. This pattern of exceptional clearance use in sexual assaults reported to the police has also been observed in a recent study of case attrition in sexual assault cases in US jurisdictions reporting to NIBRS (Pattavina et al, 2015).

Many cases are being exceptionally cleared because the victim refuses to cooperate according to the police. Spohn and Tellis report that 32% of the cases in LAPD and 19.9% of the cases in LASD conclude that victim refusal to cooperate was the reason for exceptional means classification. In the replication study, 31.2 % were exceptionally cleared because the victim

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refused to cooperate in the prosecution of the suspect. Spohn and Tellis describe the use of exceptional means clearance to clear reports of sexual assault as a way to prematurely dispose of cases, especially those that may require investigative resources to overcome the consent defense.

Equally concerning is that prosecutors are weighing in at the arrest stage and applying a more stringent standard of proof (beyond a reasonable doubt) to assess whether to recommend an arrest, rather than the police standard of probable cause. Like LAPD, we found through our interviews with police and prosecutors that the sites in the replication follow a trial sufficiency standard in deciding whether to prosecute a case.

Qualitative Analysis

Our qualitative analysis reveals some of the contours of the relationship between police and prosecutors in the decision to exceptionally clear cases. For example, police interviews suggest that there are a variety of reasons why victims may drop out of the process and stop cooperating. Some victims decline calls from detectives and do not wish to participate in the investigation. Other victims participate during the investigation but change their minds when they get to the prosecution stage. These differences in victim participation may not be clear in official statistics but come across in our interviews. The diversity in victim participation is evident in the detective statements below:

So if you have a named suspect and present it to the DA to say, *Are you going to take charges against this person?* And if the decision is the victim's not cooperating, the victim's not interested in pursuing, then it would be victim refused.

...I mean if—if the victim says, *Nope, I'm not coming in for an interview, I'm not going to disclose anything,* I would present what I have right now to the AG's office and have them make a decision on whether they want to go forward with charges.

It is clear that the prosecutor plays a crucial role in the police decision to use exceptional clearance. It is not uncommon for police to leave the final decision to a prosecutor when they are unclear about what to do and sometimes to protect the dignity of the victim. This can also be because they interpret a lack of cooperation or because they decide evidence in the case is lacking and the prosecutor cannot prove the case beyond a reasonable doubt. For example,

We'll leave it that way, we'll leave it as an exceptionally cleared by the district attorney instead of unfounded. Because we want them to—I think we want the victims to be able to say, *Well, you know, I did present this and I told them what happened and they were able to find some evidence and maybe I have a problem, maybe I have some—* and maybe they won't—it won't happen to them again, because they realize, *Maybe this isn't something I should be doing. It's no good for me.*

The other alternative is that he does agree to talk to me, he says that they had sex, whether consensually or in exchange for drugs, and more likely than not, the district attorney's office will just decline the case at that point for lack of being able to prove it in court. Because they're going to have a difficult time discerning between what she's going to say is consensual and has already said was consensual, and then

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what she's going to say was nonconsensual. And the realities of presenting that to a jury when she's, you know, in the middle of a three-day crack binge ...

This is likely due to the fact that as noted and documented by Spohn and Tellis there exists a trial sufficiency standard utilized by prosecutors. Similar to the original study, the prosecutors at our sites also operated under a trial sufficiency standard-- meaning that they only pursued cases that they believe that they could prove beyond a reasonable doubt. Given that we looked at five prosecutor offices rather than one as Spohn and Tellis did, the findings from this replication were slightly different. We found evidence to suggest that there appears to be a continuum of trial sufficiency use across sites. At their most involved, prosecutors reviewed every case brought by the police prior to arrest and made sufficiency evaluations completely on their own. On the other end of the spectrum, prosecutors did not intervene and physically review the cases but detectives still considered how they *thought* that prosecutors might react to a case believing that without evidence beyond a reasonable doubt, the case would not be pursued in court. The interviews with prosecutors and police showed us that both police and prosecutors approach these cases with a downstream orientation-- considering the likelihood of conviction before moving forward.

A detective from one department where prosecutors were involved in regular decision making around exceptional clearance described the process as this:

We actually had a system set up before, in place, that we actually had a district attorney that was assigned to us, that we would meet every Thursday. And she set aside every Thursday from the time she got there to the time she left, and you could venture into her office all day long. And so you would sit down and—you'd just email her and go, *Hey, I'm going to come by at 11 o'clock. I've got four cases I want to staff with you.* And she would sit down with you that entire time until you went over your case file and you explained it to her, and then she'd even make a decision, *Yeah, leave it with me. Let me read a little bit more on it.* Or, *No, there's some credibility issues. There's some things that are here that we just can't—we can't take this forward.*

It is also important to note that these relationships between police and prosecutors are not static, rather they are fluid and most notably change with personnel turnover. The election of a new prosecutor—which occurred in two of our sites—can come with more or less involvement in police decision making and how exceptional clearance dispositions are decided. Similarly, new police leadership may shift how a department approaches sexual assault cases. Accordingly, it may be difficult to examine changes in these decisions over time without controlling for staffing changes both at the police and prosecutor levels.

In the sites where prosecutors were most involved in the day to day police operations, they were also more invested in the trial sufficiency standard. For example, one prosecutor told us:

... when we're looking at these cases, we're not—from my—from our office's point of view, we are not looking at do we have probable cause for rape? Do we have probable cause for an indecent A & B? Like probable cause is, you know, just an initial standard. I need to be able to prove the case beyond a reasonable doubt and I need to be able to say to this woman or man who's been a victim of a sexual

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assault, I think, *I can do that. I have a good faith basis to go forward.* If I don't, I really have an obligation to tell them that and we do tell them that, *that we don't believe that we have a viable prosecution here and it's not that we don't believe you, it's just that we can't go the distance on this case given the state of the evidence.* And if that changes, you know, we can reassess. But you know, it's—it's entirely the office's decision whether or not the case proceeds, but the victim's level of participation and the strength of the evidence are the two main factors as to how we determine whether or not we're going to go forward.

This statement reinforces the belief that cases of sexual assault only get harder to prove as time goes on. This means that for some prosecutors, the police are expected to be able to make the case for prosecutors or else it will not go forward. For example, another prosecutor told us:

The case is almost as good as it's ever going to get, kind of at the moment that you file it. So when I'm making that filing decision, kind of what's going through my mind is if in a hypothetical world, the case was going to a jury trial next month, right, do I already have all of the proof and all of the evidence that I need already here in my file? You know, I'm not going to bank—because you know, you don't want to file a case and have somebody arrested, and especially on a sex crime, if you don't have all of your ducks in a row to be able to prove it, understanding that especially on these cases witnesses fall off over times, you know, victim's positions about how they feel about prosecution changes. Um, so by the time I'm filing a sex crimes case, I want to feel pretty confident not just that I have probable cause to charge the person, but that my proof is almost at that beyond a reasonable doubt standard by the time I'm signing off on an arrest warrant.

For our sites that fall along the middle of the continuum-- which describe most of the prosecutors' offices we studied, prosecutors are involved but much of the sorting occurs before the presentation of the case. Police already seem to anticipate the response from prosecutors based on prior experience with similar cases. It is unclear how this anticipation, however, affects the resources that they may devote to different cases. One police detective told us:

The way we do it here is we present it and you want to see whether they're going to take it or not. You know, most of the time, I think you probably know. It's not 100%. And I've got some recently that are kind of in flux, because there's different opinions, and so that's a whole process in and of itself. But for the most part, I think you probably know in—go in knowing, probably.

SECTION VI

THE PREDICTORS OF CASE OUTCOMES

In this section, we present a quantitative analysis of case outcomes. In alignment with Spohn and Tellis, we focus on the decision to unfound the crime, the police decision to make an arrest, and the prosecutor's decision to file charges. We provide some additional analyses that examines factors that explain the cleared by arrest decision versus clearance by exceptional means. The section begins with a discussion of the independent variables included in the models predicting case outcomes followed by the presentation of multivariate results from the quantitative analyses.

Modeling Case Outcomes

We collected incident, victim, suspect, and prosecution from 2887 victims involved in 2845 incidents of rape, sodomy, and sexual assault with an object on female victims over the age of 12 reported to the police from 2008-2010 in large and medium jurisdictions and from 2006-2012 in the smaller jurisdiction.¹² We collected descriptive information on more than 160 case features that provide information related to the incident, victim, suspect, and police and prosecutorial case outcomes. From the details gathered on these case features, more than 1000 variables were constructed and included in the database.¹³

For the analysis of case outcomes, we selected independent variables consistent with those used in the Spohn and Tellis analysis. Spohn and Tellis chose for their study independent variables that were similar to those used in previous attrition studies and did not have excessive missingness. A reliability assessment of these key indicators included in Appendix C indicates a moderate to high level of reliability on most measures. Descriptive statistics for the variables are presented in section III. Victim characteristics include the victim's age which ranges from 13-86. The victim's race/ethnicity as identified in the police records includes categories of black, white, and Hispanic or other¹⁴; white is the reference category for analysis purposes. Victim-suspect relationship includes non-strangers, intimate partners and strangers; strangers are the reference category. "Risk-taking" behavior was a composite binary variable, coded as 1 to indicate yes if the victim walked alone at night, took a ride from a stranger, was in a bar alone, was drinking, was drunk, was in an area where illegal drugs were sold, was using drugs, or was passed out.¹⁵ Close to 50% of victims were described in police records as engaging in one or more of these behaviors.

A measure capturing negative descriptions of victim character/reputation was included. It is a composite binary variable (coded 1=yes, 0=no) if the report noted that the victim had a pattern of alcohol or drug abuse, worked at a disreputable job (e.g. stripper), was a prostitute, had a gang affiliations or had a criminal record. Close to one-third of the victims were described as having one or more of these traits. A binary variable to indicate if the victim had history of mental

¹² Due to the small number of cases in the small jurisdictions for 2008-2010, we expanded the time frame.

¹³ Most of these variables intentionally overlap directly with those gathered in the Spohn and Tellis study (2012a).

¹⁴ Due to small numbers in other category, we combined them with Hispanic.

¹⁵ Unlike Spohn and Tellis the measure for this study does not include as risk-taking behavior going to the suspects home or inviting the suspect to her home.

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illness was also included (1=yes, 0=no)¹⁶ with about 20% of victims were described as having mental health issues. Whether the record indicated that the victim had a motive to lie¹⁷ (1=yes, 0=no) was also included. Eight percent of the victims were believed by investigators to have motive to lie.

Also considered in the multivariate analysis are indicators of assault seriousness. Among these are whether the victim was physically assaulted (other than the alleged rape itself) by the suspect. This was a 3 category indicator variable with yes, no, and no recall.¹⁸ Dummy variables were created for “yes” and “no recall” with “no” to serve as the reference category. Reported weapon use by the suspect during the assault (1=yes, 0=no) and if the victim suffered some type of collateral injury (e.g. bruises, strangulation) during the assault (1=yes, 0=no) were also included. The source of the collateral injury variable is based on comments by medical personnel who conducted the medical exam, from the police, or the victim statements. Four types of victim resistance are included to capture both verbal and physical resistance, verbal only, physical only, and no physical or verbal resistance. Dummy variables were created for each type of resistance with no resistance as the reference category.

Measures of evidence strength include whether the report was made within one day of the incident¹⁹ (1=yes, 0=no), the number of witnesses, and whether the victim was considered to be cooperative during the investigation (1=yes, 0=no)²⁰, and a composite measure that is coded as 1 if any of the following types of evidence were collected from the victim or the scene of the incident: fingerprints, blood, hair, skin samples, clothing, bedding or semen. Finally, we include a measure to indicate the jurisdiction size. Sites were grouped into small, medium or large jurisdictions based on population. Dummy variables were created for small and large jurisdictions with medium as the reference category.

The Decision to Arrest the Suspect

Police jurisdictions that participate in the UCR program record the case status of each incident and submit the outcomes to the FBI for statistical reporting purposes. An incident may be left open if the investigation is continuing. Incidents may also be cleared (or solved) by arrest. According to the UCR handbook (2004; 79) “an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution.” Charging in this schema refers to the booking of suspects and reporting the arrest offense by the police after an arrest is made. Incidents may also be cleared by exceptional means under certain circumstances. This clearance classification is reserved for cases that meet all of the following criteria (UCR Handbook 2004,

¹⁶ Mental illness was coded as yes if either the victim, police, suspect, or other witness indicated in the police record that the victim had mental health issues.

¹⁷ Determination if the victim had a motive to lie was based on case notes made by investigators. Some motives included the victim wanting to cover up an affair, to seek revenge on a partner, to manage child custody issues, to avoid being prosecuted for other crimes, to cover up domestic violence, and to cry out for attention.

¹⁸ About 15% of the cases involved a victim who did not recall the details of the assault.

¹⁹ Spohn and Tellis define prompt report within one hour. This study defines promptness as within one day.

²⁰ Whether the victim was cooperative during the investigation was determined from the police report as noted by the investigating officer or detective. A victim may be described as uncooperative for a variety of reasons including not returning phone calls or refusing to meet in person or if she indicated that she did not want the suspect apprehended, arrested, or prosecuted.

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p. 80): (1) the police have established the identity of the offender; (2) the exact location of the offender is known so that the subject can be taken into custody (3) there is enough information to support an arrest, charge, and turning over to the court for prosecution; and (4) There is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender.

Table VI.2 reports the results of a multivariate logistic regression model predicting arrest versus no arrest.²¹ Similar to Spohn and Tellis, our indicator of arrest is coded 1=yes for cases where the incident was cleared by arrest was made and 0=not cleared by arrest. Two models are presented. Model 1 includes victim and case characteristics without the control for jurisdiction size. In Model 2, jurisdiction size is entered as a control into the model to determine if the addition of jurisdictional variation accounts for some of the observed influence of victim characteristics and case factors on arrest. A measure of most serious charge was not included as there was little variation in offense charge in the replication data.²²

The replication analysis reveals some similarities and differences with Spohn and Tellis in factors associated with arrest. Consistent with Spohn and Tellis, significant predictors of arrest according to Model 2 include relationship between the victim and suspect, weapon use and injury, and indicators of evidence strength. Non-stranger cases were more than twice as likely (2.43) and intimate partners more than three times as likely to end in arrest (3.83) than cases involving strangers. Incidents where the suspect used a weapon were about twice as likely to end in arrest and those with injury had significantly higher odds of arrest (1.37). As to be expected, all the indicators of evidence strength predicted arrest outcomes. Incidents where victims reported within one day were 1.72 times more likely to end in arrest and those with a cooperative victim were 7.21 times more likely to end in an arrest. The collection of physical evidence increased the odds of arrest by a factor of 1.9 and every increase in the number of witnesses increased the likelihood of arrest by a factor of 1.17.

There were some noteworthy differences between the two studies. Spohn and Tellis did not find any effect of race on the likelihood of arrest. The replication, however, did reveal that incidents involving by black victims are more likely than those reported by white victims to end in an arrest. One indicator of case seriousness found to be statistically significant in the replication study but not by Spohn and Tellis includes an increase in the likelihood of arrest in cases where the victim used verbal and physical resistance compared to victims who did not use resistance. Other variables significant in the replication but not Spohn and Tellis reveal that cases where victims were noted to have engaged in “risk-taking” behavior, had mental health issues, had a motive to lie, or could not recall the details of the assault were significantly less likely to end in an arrest. This is an important difference between the two studies. The results of the replication are more in line with prior empirical research that reports the significant influence of “extra-legal” factors on sexual assault case attrition.

In the Spohn and Tellis study, the police jurisdiction indicator (LAPD vs. LASD) was not significantly related to the likelihood of arrest. The replication study includes the addition of jurisdiction size indicators in model 2 and the results show that jurisdiction size is related to arrest outcomes. Arrest is more likely in both small and large jurisdictions compared to medium

²¹ Multicollinearity concerns did not present in observed correlations among the independent variables used in the multivariate models.

²² We included NIBRS most serious sexual assault offenses including rape, sodomy, and sexual assault with an object. There were few attempts in the replication data.

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jurisdictions. Interestingly, the inclusion of jurisdiction size did not significantly alter the size or significance of any contribution of the other case factors. In sum, both the replication and Spohn and Tellis multivariate analyses predicting arrest show that legal or evidentiary factors are significant predictors of arrest and that the effects of case characteristics are independent of jurisdiction type. However, the replication study also found that there were extra-legal factors that significantly predicted arrest including victim race and those measures of factors that challenge the character or credibility of the victim. Tables VI.2.1 through VI.2.3 present analyses predicting arrest by size of jurisdiction.

Sites in the replication study were grouped into three jurisdiction size categories: small (3 sites); medium (1 site); and large (2 sites) and regression models were run separately for each size category. According to table VI.2.1, in small jurisdictions, incidents involving black victims are more than three times more likely to end in an arrest than those involving white victims. Incidents involving intimate partners were significantly more likely to end in an arrest than those involving strangers. Reports of both physical and verbal resistance by victims increased the odds of arrest by a factor of 3.30. Strength of evidence indicators reveal that cases where someone reported within one day and where the victim was willing to cooperate had a significant increase in odds of arrest as did the number of witnesses. To further test for the possibility of individual jurisdiction effects after taking into account victim and incident characteristics, dummy site indicator variables for each model were adjusted in model 2 so that each jurisdiction would be the reference category to compare with the other (coded as 1). The models show that there are significant differences in the likelihood of arrest between two of the sites. Incidents occurring in the small site (site V) are significantly less likely to end in an arrest than small site "U". This finding indicates that for small jurisdictions, there are additional site-specific factors unaccounted for in this analysis that are related to arrest.

In the medium jurisdiction, incidents involving non-strangers and intimate partners had odds of arrest that were 2.88 times greater than strangers. Incidents where the victim suffered injury, where the sexual assault was reported within one day and where there were a number of witnesses had significantly greater odds of arrest. A cooperative victim increased the odds of arrest by a factor of 11.7. In contrast, incidents where the victim had engaged in risk-taking behavior had significantly lower odds of arrest.

Similar to the medium jurisdiction, the results for large jurisdictions report that non-stranger and intimate partner involved incidents had significantly higher odds of arrest than stranger cases. Incidents where the suspect used a weapon were 2.04 times more likely to end in an arrest. All of the strength of evidence indicators including reporting within one day, number of witnesses, and the presence of physical evidence significantly increased the odds of arrest. Incidents with a cooperative victim were 8.2 times more likely to end in arrest. Factors that challenge victim credibility included whether the victim had a motive to lie and reportedly had mental health issues significantly reduced the likelihood of arrest. The site indicator is significant which indicates that after controlling for the other factors, there are still site specific factors unaccounted for in this analysis that are related to arrest.

In sum, consistent predictors of arrest across small, medium, and large jurisdictions include measures that indicate strength of evidence, case seriousness and victim cooperation. A cooperative victim was the strongest predictor of arrest across all jurisdictions. Cases involving intimate partners were also significant predictors for all jurisdictions. Non-strangers had higher odds of arrest compared to strangers for medium and large jurisdictions. Medium and large

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jurisdiction results also show that factors related to victim credibility significantly decreased the likelihood of arrest although the type of credibility indicators varied. Race was a significant predictor only for small sites and show higher odds of arrest for incidents involving black victims. Within each jurisdiction size group (with the exception of the medium site) the significance of specific site indicators reveals that differences in the odds of arrest remained after controlling for other factors. This is in contrast to Spohn and Tellis who did not find a significant effect for site (comparing LAPD and LASD) in their multivariate analysis of arrest outcomes.

Analysis of Arrest Outcomes Partitioned by Relationship Type

Table VI.3 reports the logistic regression results predicting arrest by relationship type. Model 1 includes the results for incidents where the victim and suspect were strangers. The odds of arrest for victims who engaged in risk-taking behavior were at significantly lower odds of arrest by a factor of .53. No other victim characteristics were significant for this group. Two indicators of case seriousness were significant predictors of arrest. Incidents where suspect used a weapon more than twice as likely to end in arrest (2.16) as were those where the victim engaged in both verbal and physical resistance (2.33). Evidentiary factors including the number of witnesses and physical evidence significantly increased the odds of arrest. Victim cooperation was the strongest predictor increasing the odds of arrest by a factor of 9.71. Jurisdiction size was not significant. In Spohn and Tellis study, just a few indicators of evidence strength were significant including the number of witnesses and reported within one hour were significant predictors. Victim cooperation was not significant.

Results for incidents involving non-stranger are reported in Model 2. Incidents involving black victims in the replication study were at higher odds of arrest than those involving white victims. Several measures that challenge victim credibility were predictive of arrest. If the victim was engaged in risk-taking behavior at the time of the incident, if the victim had a motive to lie, and if the victim had mental health issues all predict a significant lower odds of arrest. Similarly, if the victim doesn't recall the assault the incident has a significantly lower odds of ending in arrest outcome. Incidents where victims engaged in both verbal and physical resistance had significantly higher odds of arrest. No victim characteristics and only one case seriousness factor (most serious charge) significantly predicted arrest for this group in the Spohn and Tellis study. In comparison, Spohn and Tellis and the replication reported significantly higher odds of arrest for evidentiary strength factors including reported within one hour and number of witnesses. Victim cooperation emerged as the strongest predictor in both studies increasing the odds of arrest by a factor of 20.74 in Spohn and Tellis and 8.74 in the replication. In contrast, Spohn and Tellis but not the replication found that physical evidence also significantly increased the odds of arrest. Non-stranger incidents occurring in large sites were significantly more likely to end in arrest than in medium sites

Model 3 reports the results for intimate partners. No victim characteristics in Spohn and Tellis were significant predictors of arrest. In the replication study incidents involving older victims were significantly more likely to end in arrest. Victims with mental health issues show a significantly lower odds of arrest. Incidents where the suspect used a weapon and victim suffered injury were significantly more likely to end in arrest in both studies. In the replication, victims who were physically assaulted, reported verbal only and verbal and physical resistance were also more likely to end in arrest. All of the evidentiary factors significantly increased the odds of

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arrest in the replication. Victim cooperation was a significant predictor in both studies. Incidents occurring in smaller sites were also more likely to end in arrest than medium sites.

In sum, there were some difference and similarities in arrest predictors between the replication and Spohn and Tellis across relationship types. Where Spohn and Tellis did not find that victim characteristics were predictors of arrest by relationship, the replication did find some victim characteristics to be significant including credibility factors for all relationship types, race for non-strangers and age for intimate partners.²³ Indicators of victim resistance were also predictive of arrest of all relationship types in the replication study, but not Spohn and Tellis. Weapon use and injury predicted arrest for intimate partner victims in both studies. Victim cooperation was found to be significant for all relationship types in both studies. The replication revealed differences by jurisdiction size for non-stranger and intimate partners.

Exceptional Clearance

We included an additional logistic regression analysis not included in the Spohn and Tellis report where we sought to determine if case characteristics predict cases that ended in arrest versus those that were exceptionally cleared. The logistic regression results are reported in V1.3.1 where arrest is coded as 1 and exceptional clearance as 0.

In model 2, victim characteristics, indicators of case seriousness, and strength of evidence are included as predictors of arrest. The only victim characteristics that were significant predictors include “risk-taking” behavior at the time of the incident and whether the victim had mental health issues. Controlling for other factors, the odds of arrest decreased by a factor of .55 for incidents where victims engaged in such behavior. Incidents involving persons with mental health issues also had lower odds of arrest by a factor of .46. Use of a weapon considerably increased the odds of arrest by a factor of 3.24 as did the victim use of verbal and physical resistance (1.70). All of the indicators of evidence strength are significant positive predictors of arrest. If the incident was reported within a day increased the odds of arrest by a factor of 1.83, each increase in the number of witnesses by a factor of 1.11, and the presence of physical evidence by a factor of 1.71. The largest increase in odds of arrest (5.72) is observed in cases where the victim cooperated with the investigation.

Small and large jurisdictions show significant increases in the odds of arrest compared to medium jurisdictions. The effect was stronger for small sites where the odds are increased by a factor of 4.8. The inclusion of site size did not have much impact on the influence of case characteristics suggesting not only that the case characteristics are robust across jurisdiction size, but also that there are factors specific to the size of the jurisdiction that have independent effects on the odds of arrest versus exceptional clearance. These results show that even after controlling for strength of evidence and victim willingness to cooperate, cases reporting a challenge to victim credibility or legitimacy are more likely to be cleared by exceptional means.

²³ Spohn and Tellis argued that their finding that persons arrested are more likely to be known to the victim is a function of the ability of the victim to identify the suspect. They reported that for those incidents where a suspect was identified, the percentage of arrests were similar for strangers and non-strangers and only slightly higher of intimate partners. In the replication study, arrests were similar for non-stranger (23%) and intimate partner (26.8%) but much higher for strangers (42.9%).

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The Decision to Prosecute the Suspect

This section examines case attrition as it relates to charging decisions by the prosecutor. Similar to Spohn and Tellis, the replication study identified a significant number of cases that police presented to the prosecutor for a pre-arrest charge evaluation. For the majority of these cases, the police have probable cause to arrest a suspect, but consult with the prosecutor before making the arrest. After reviewing the case, the prosecuting attorney may determine the evidence does not meet the prosecutorial standard needed to file charges, which is proof beyond a reasonable doubt. If the case is rejected by prosecution for insufficient evidence, the police can either leave the case open for further investigation or clear the case by exceptional means.

Clearing a case by exceptional means based on prosecutorial standards when the police have probable cause and occasion to make an arrest is not an appropriate use of the exceptional means classification to clear or close a case according to the FBI. In both studies, prosecutors were engaging pre-arrest charge evaluations and rejecting cases that would be closed by law enforcement with an exceptional means classification. Also reported were instances where an arrest was made but the prosecutor declined to charge. Some of those cases were cleared exceptionally by law enforcement post arrest. These practices suggest considerable involvement by the prosecutor in determining which cases move forward and it is important to understand their role in case attrition.

The Spohn and Tellis study reported that there were 383 cases in which the district attorney made a charging decision. Charges were filed in 31.6 % of the cases, 38% were rejected by the prosecutor before an arrest was made, and 30% were rejected following a suspect arrest. In the replication study, there were 999 cases in which the prosecutor made a charging decision. In 44.6% of the cases, the prosecutor rejected the case before an arrest was made and in 19% of the cases the prosecutor declined to file charges after an arrest was made. Charges were filed in 36.3% of the cases. To understand case factors that affect a prosecutor's decision to reject cases for charging, Spohn and Tellis conducted a multinomial regression analysis to determine which case factors predicted whether the prosecutor rejected cases before or after an arrest relative to those where charges were filed.

Table VI.4 presents the results of the multinomial logistic regression for the replication study. Model 1 includes the results predicting prosecutorial charge rejection before the suspect was arrested relative to cases where charges were filed. A variety of victim characteristics, case seriousness and strength of evidence were significant predictors of case rejection at the pre-arrest stage. Similar to Spohn and Tellis, cases where the victim was described as engaging in "risk-taking" behavior were more likely to be rejected before an arrest. In addition, prosecutors were more likely to reject charges before the suspect was arrested if the suspect was a non-stranger. Cases where the victim reportedly had mental health issues were more than two and half times more likely to be rejected at the pre-arrest stage and rejection was more than twice as likely to occur if a victim has no recall of assault details. A pre-arrest rejection was less likely to occur if the suspect used a weapon and if there was injury. Like Spohn and Tellis report, all of the evidentiary factors including prompt reporting (in one day), number of witnesses and physical evidence significantly decreased the likelihood of a case rejection. In both studies, cases with cooperative victims were significantly less likely to be rejected. Incidents occurring in small jurisdictions were less likely to be rejected at the pre-arrest stage. Many of the same factors that predict case rejection were similar in both Spohn and Tellis and the replication. Spohn and Tellis

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found effects for age of the victim and verbal and physical resistance where the replication did not.

Turning attention to Model 2, cases where the victims' character was questioned were significantly more likely to be rejected and not move forward to prosecution after the suspect was arrested. Spohn and Tellis found that prosecutors were more likely to reject if the victim was seen as having a motive to lie. Also in contrast to Spohn and Tellis' finding of a negative effect for weapon use (i.e., such use was not associated with rejection), no indicators of case seriousness predicted case rejection in the replication. The number of witnesses decreased the likelihood of a post-arrest rejection in the replication study although it had no such effect in the Spohn and Tellis study. Both studies found that cases with a cooperative victim were significantly less likely to be rejected. Small and large sites were significantly more likely to reject cases post-arrest than medium jurisdictions. In sum, both studies found fewer factors affected the likelihood of rejection post-arrest.

In both studies, fewer factors emerged as significant in post arrest compared to the pre-arrest models. In alignment with Spohn and Tellis, the replication findings support the existence of a screening process of cases that occurs at the pre-arrest stage where cases with factors that may be considered challenging to prosecution are rejected at the pre-arrest stage. Incidents in which the victim engaged in "risk-taking" behavior, had reported mental health issues, did not recall assault details, had delayed reporting, and were uncooperative and cases which lacked witnesses and evidence were screened out at this stage. Significant factors at the post arrest stage included questions about victim character and motive to lie, victim cooperation, weapon use and eyewitnesses. At the post-arrest stage, the key questions that influenced the decision to charge for both studies were: was the victim believable; was there corroboration or other evidence of seriousness; and would the victim cooperate.

Spohn and Tellis examined the suspect response to the sexual assault for cases in which suspects were interviewed. They found that in cases where charges were rejected, suspects were less likely to have confessed (4.5% rejected prior and 10.2% post arrest) compared to cases where charges were filed (33.3%). The replication study observed a similar, but less extreme pattern where 4.5% of the cases in which files were rejected (pre and post combined) had confessions compared to 16.8% in cases where charges were filed. Suspects were more likely to have offered a consent defense in Spohn and Tellis (56.7% said consent in pre-arrest rejection and 53.4% in post-arrest) than in cases where charges were filed (36.8% offered a consent defense). The replication analysis identified a similar pattern. In cases where charges were rejected, 60.6% claimed the victim consented compared to 40% with a consent defense in cases where charges were filed. Thus, the replication data support the claim by Spohn and Tellis that cases rejected by the prosecutor were more likely than those where charges were filed to be so-called "he said/she said" cases where the victim alleged a sexual assault occurred and the suspect claimed that the victim consented.

Case Characteristics and Convictions for Cases with Charges Lodged

Data from court records for each jurisdiction were collected to assess the outcomes in the courts in which cases were brought. In this section we report the case characteristics associated with a conviction or a guilty plea. There were 363 adults charged by prosecutors and of these cases 189 resulted in a guilty verdict or plea. Data for the analysis of case characteristics

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associated with charges lodged by prosecutors was available for 349 cases. This analysis of case characteristics associated with guilty outcomes was not reported by Spohn and Tellis.

Table VI.5 reports the results of a multivariate logistic regression model predicting guilt versus cases in which there was no guilty verdict or guilty plea (this includes cases which were dropped after charges were lodged and also a small number of cases which resulted in a not guilty verdict (See Figure II.6). Our indicator of guilt is coded 1= yes for cases which resulted in a guilty verdict or guilty plea and 0 = no guilty outcome. Two models are presented: Model 1 includes victim and case characteristics without the control for jurisdiction size; in Model 2, jurisdiction size is entered as a control into the model to determine if the addition of jurisdictional variation accounts for some of the observed influence of victim characteristics and case factors on guilty verdict.

Our analysis in Model 1 reveals two predictors of guilt for cases in which charges were lodged. Cases involving non-strangers and those where there was indication of risk-taking behaviors by the victim were less likely to result in a verdict or plea of guilty. Notably the one characteristic that increased the likelihood of “guilt” was having a cooperative victim. Such cases (as assessed by the investigators) were more than twice as likely to result in a guilty verdict or plea (2.69). This is consistent with the findings from our interviews with prosecutors (reported in section VIII) and especially relates to their discussion of decisions to take cases forward or to seek a guilty plea.

In Model 2 we include the addition of jurisdiction size indicators in the analysis of the guilt as a case outcome. Our results show that jurisdiction size is related to this outcome. A guilty verdict or guilty plea was less likely in the small and in the large jurisdictions when compared to the medium sized jurisdiction. When jurisdiction size was included in the model we still found that victim cooperation increased the likelihood of guilt more than two times and also that non strangers were less likely to be convicted. In Model 2 the role of victim risk-taking behaviors was no longer significant.

In sum, victim cooperation is most likely to distinguish cases with charges lodged that resulted in a conviction from those with no conviction (charges dismissed or not guilty verdicts) and we continue to see the importance of the victim-offender relationship in the ultimate criminal justice system outcome-- where those cases involving persons known to the victim were less likely to result in adjudication of guilty.

SECTION VII

MAKING SENSE OF INVESTIGATING SEXUAL ASSAULT:

INTERVIEWS WITH POLICE

The qualitative component of data collection for the present study involved interviews with 18 sexual assault investigators across the six sites. Due to the variation in size of agencies in our sample, the interviews were not evenly distributed across agencies. One of our agencies had only two detectives who investigated sexual assault while others had an entire unit.

In the following section, we present the results of our qualitative analysis of the detective interview data. First, we will include years in service as well as reasons for becoming sexual assault detectives and access to specialized training. Next, it is followed by a discussion of other issues relevant to investigating sexual assaults (e.g., building rapport with victims and evaluating the credibility of victims). The last section includes respondents' perceptions of how to increase sexual assault prosecutions as well as policy implications. It should be noted that, due to confidentiality concerns, sociodemographic information about the interviewees will not be presented.

Profile of Detectives

The length of tenure of detectives interviewed for this project ranged from 5 to 34 years in policing with 4 days to 13 years of experience investigating sexual assault cases. The clear majority (n= 12) of respondents elected to apply for a position in sexual assault investigation but for a varying reasons. Respondents reported:

There were some opportunities with some shifting in the way the department was structured, and so there was some opportunities and there was interview processes and things like that, and this is one of the places I chose and I was selected to come here and it was my top pick, so I came here.

Two years ago a position opened in domestic violence and sex crimes is attached to that, so I did just the, I'd say, hodge-podge of DV for a year-and-a-half as an investigator, investigating everything from harassment to simple assault to homicides. And then a spot opened up for the sexual assault. It's a specialized position, you get more training, so I put in for it and got it.

My interest transitioned the SRO position and being in the juvenile division, just kind of something that I wanted to specialize in [sexual assault] and so I just transitioned and went to training. And I started doing—while I was an SRO and a delinquent investigator, I also—I mean they kind wean you into it, so I get—you get cases here and there. You don't get a full load, you know, and then if you can handle them then, you know, eventually a spot opened up in the unit so I was able to get into the unit and I've been there since.

Four respondents reported that they were looking for promotion and ended up investigating sexual assault and two respondents were ordered to the position. For these respondents, sexual assault investigation was not their first choice. Examples of this include:

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I became pregnant with my first son and of course we can't work the streets, so they stuck me in here and I've always wanted to be a detective.

I was actually picked for domestic violence, and then the sex crimes I was volunteered for this. So from there, because they needed some—they needed people down in sex crimes and nobody was volunteering.

It was a good schedule. It was Monday through Friday, so I couldn't pass it up.

Specialized Training

All the investigators interviewed for this study agreed that specialized training should be required and is necessary for sexual assault investigation. The amount of training varied greatly depending on the department and time in the position. Some investigators received training only when they were first promoted and others receive ongoing in-service training. Investigators at two of the study sites received no follow up training. At another site, the investigators attended an annual statewide conference. At the remaining three sites, investigators could request permission to attend additional trainings and all reported attending at least one more additional training.

The types of training also varied based on department and the configuration of the investigative unit. In some departments domestic violence and sexual assault are investigated together and investigators receive training together. A common theme across all trainings was learning how to collect evidence and conduct an investigation. For example:

We have a domestic violence high risk team. So there were at least over 80 hours of that. We get buccals—we're all certified buccal swabs, taking saliva. I think pretty much the whole department is. We try to get everybody here to go to sexual assault school. That's forty hours. And I've had some advanced training on evidence gathering for sexual assaults.

Each detective is supposed to go to a—they send you to a sexual assault training for a couple of days. I also went to—to come in the unit, you go for a week-long training and sexual assault is part of the course there. So and updates here and there on sexual assault. So everyone that's in the unit has to be trained.

Technology

Three of the respondents specifically mentioned the importance of technology training given the role it plays in the investigation of sexual assault cases. Investigators felt that they should have more access to technology training in addition to what they already receive since it is such an important part of their investigations. Victims and offenders meet and/or communicate on social media so much of the evidence is electronic. For example:

The most useful training I've received recently is based on technology, specifically to using social media tools for investigations and how to access the information and the social media tools to the best of our ability. Because the reality is a huge percentage of our cases now involve social media in one way or another.

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I'm the only one doing it, so maybe if there was two of us, and then maybe train us in how to do forensics on computers. Because that's—I mean it's 2015, so everything is electronic. You know, all this stuff starts on these dating websites, Facebook, text messages, you name it. And you know, if got the training, we'd be able to do it ourselves and know what to look for. Because we have to send it off to a couple of other guys that do it.

Patrol Officers

Respondents felt that patrol officers should also receive training in effectively responding to sexual assault victims. This was a common theme in the interviews. Patrol officers in all of the departments receive little or no sexual assault training. This means as first responders, the initial contact with victims is not guided by sexual assault training. As a result, they may be unfamiliar with the range of victim responses to the assault. Accordingly, patrol officers did not have the training to move a case forward or could harm a case by making the victim feel uncomfortable or even not explaining the evidence collection process well enough. Respondents told us:

Because I think that they're the first person that contacts the victim. I think that they need to be able to talk with them and start by believing, with the whole campaign that they have. And a lot of them don't, especially the older ones that have been on the street. I think the older officers that are getting close to retiring or whatever...

And it definitely matters when you're speaking to someone about it, because they may exhibit odd behavior that you're like, 'What is going on?' But it's just the way their body reacts. I mean even now they use trauma-informed for us if we're involved in a traumatic event or a shooting or something that, you know, they wait a few days before they talk to you, because it takes a few sleep cycles for you to process what happened. So I think it's definitely helpful, and not just for sex crimes. I mean any crime, if you go to a stabbing or something or a shooting and the person's acting all weird, I mean it's because their body is going through trauma.

I've had plenty victims tell me, *That officer was a jerk*. And I've had to apologize, like, *I'm sorry that happened to you. You shouldn't have been treated like that*.

It was one of the patrol officers [who told the victim that she had to get a SANE]. And it was one of those—the patrol officer wasn't really thinking in the way that she presented it, didn't think about, *Hey, maybe we should give her a choice*. And cops do that. We get very goal-oriented. We're thinking about what we're trying to accomplish, and we kind of forget that we need to bring—bring people along with us when we do that. So and it just didn't even dawn on the patrol officer that maybe she should have presented it in a different way. *Are you willing to go do this? It's a good idea. This is why*. And said, *No, you need to go—you need to go do the SANE exam and do that*.

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The Initial Interview

Respondents also felt that there should be more training on the initial interview with victims of sexual assault. Many felt that they could benefit from more in-depth training in this area. For example:

But as far as a—as far as—it [his training] didn't—I don't think it really covered victim—victim interviews, definitely not forensic interviews, definitely not anything evidentiary.

It was. It definitely was helpful, a lot of it was kind of reiterating what I've observed and when I watched these interviews conducted by a forensic interviewer, but it was as far as set ground rules and not lead the victim anywhere, just kind of let them talk.

I am not trained as a sexual assault interviewer. So I knew where my limitations stopped and it was as much as, *was there a crime? Did it occur?* And, *is—do we have a suspect?* And that was really my bottom line.

Working with Sexual Assault Victims

Overwhelmingly, the respondents noted that the investigation of sexual assault cases is different from other types of crimes. Engaging and working with sexual assault victims can be very labor intensive. As a result, the detectives become invested heavily in these cases. One respondent told us:

I think it is to an extent, because a lot of the other crimes that are done, they don't have the contact that we have with victims and they don't have the investigation that we do—say a burglary or a theft or something like that. They don't have as much—the detectives probably have—there's a lot more of those than there are these. And so they're not as invested in the cases, I don't think, and so people understand that. Whereas in something that's more personal, like a sex assault, people would like us to be more invested. And I think that that's—it takes a special person, somebody different, to be able to do that, to be able to talk to a victim.

Establishing Rapport

Investigators told us that establishing rapport is the most crucial step in the investigation of sexual assault cases. The responsibility to do this falls on the detective. Accordingly, detectives rely heavily on training, experience and their own compassion in order to make a connection with the victim. Detectives develop their own individual styles to establish rapport but many told us that they adopt a 'professional response' in order to convey the seriousness of the crime. Examples of this include:

I think everybody has a different style, but I think, again, the approach is, *Tell us what happened.* We're here to hear what happened and not make judgments about what happened.

I think it's just a matter of developing the best rapport you can, and just being upfront about it. Everybody's got different—I know everybody's got their own individual manner of interviewing people and I'm not saying one's better than the

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other. Some people are very kind of super-empathetic. Some people are more facts. You know, I don't treat everybody the same, but I would say honestly most of my interviews, whether it's victim, suspect, witness, I just kind of go with a very what I consider to be professional tone. And from my experience, that works out pretty well, because I think victims sense that—I don't want to say like I'm not coddling them or something like that, but that I take my job very seriously and hopefully they can read that and that provides—conveys some sense of belief in what I can do for them. And so hopefully that works most of the time.

I just lay it out for everybody. I feel that's the best way, is to be truthful and honest. Some people like that, some people don't, but I'm just very matter-of-fact. I'll say, *This is the deal. This is what's going to happen.* And I give them some of the outcomes. I tell them, *There's a million different outcomes, but these are some of the outcomes we've seen in the past based off this.* And I say, *This is what's going on.* And you know, I just lay it out for them and say, *So there's no surprises along the way.* Because it can be a long process through the investigation, through the judicial process, you know, the trials and all that stuff. So I'm not really—I mean you want to build a rapport, but I just try to lay it out for them and let them know what the deal is going to be.

Family

The role of family can be important in working with and gaining the trust of victims of sexual assault. This is particularly true for underage victims whose parents act as gatekeepers. Gaining their support can be crucial for investigation and evidence collection. Family members can also be a barrier to collecting information. Detectives have to make decisions about whether to encourage family members to be in the room during interviews. Respondents gave us the following examples:

We kind of did, because we—we had to go back to the house a couple of times and get a couple of her I-Phones and stuff like that, and then we had to get—what do you call it? Medical release signed. So we go back and talk to her and, you know, you try to build a rapport because she's basically a child. You know, she's a child trapped in an adult body. So you know, you try to talk to her—you're trying to be there for the parents, because the parents are both good parents, they're hard-working, blue collar people. You just felt bad for them, because god forbid that happened to one of your kids, you know what I mean? So that's what you're thinking. You're trying to like help them because, you know, the victim advocates can only do so much, you know what I mean? So you're just trying to have support, say, *Hey, you know, we're here for you. If we're not here, the victim advocate is here for you.*

I actually visited her house in a town close by and met with her family members and sat down and said, *This is what it is. There's not a lot to go on, but I'm here for, you know, (Name) any—whichever way she wants to go, I'll do my best. I'll dig wherever I can dig. And she just needs your support.* Because at one point, her mother was not supporting her. Her mother was not believing her. Her mother was

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in denial. So I think the family did gather and kind of talk about it and they were great. They were awesome.

Usually we have them in the room, but it gets to the point where they're being overbearing or you can tell that the victim doesn't want to give information, you know, we ask them to leave. But usually—uh yeah, she was just—mom was just—I mean I get it, it's her daughter.

Uncooperative Victims

Detectives investigating sexual assaults often deal with uncooperative victims. Victims have a variety of reasons for being uncooperative including fear of stigma and being unsure if they want to pursue their complaint. Respondents noted in their interviews that one of the ways to address this lack of cooperation is letting victims take the lead. By taking this approach, detectives can assure victims that they will not be forced into doing anything more than what they are comfortable pursuing. Respondents specifically told us that:

I just kept reiterating, You don't have to talk to me if you don't want to. If this isn't the right time, that's fine. I'll be happy to come back. If you don't want to do this, you can contact me in five years. You can contact me in ten years. If you never want to see me again, that's perfectly fine too. You can say whatever you want to me.

I always tell the victims, you know, like, You tell me where to go. I'm just driving the boat. That's basically what it is, because it's a victim-driven. So the victim stays on board, you know, basically after—if I get a report, an initial report done by a patrol officer on a sexual assault, I'll wait a couple days and depending on what happened. Or I'll call that day, call him that day, and say, Hey, this is the protocol we follow in this state. These are the steps that we're going to take. The next step is to do a comprehensive interview. We talk about the details. And I go, We only do it once because we don't want to keep traumatizing you. So I go, Is this something you'd want to do? Some say yes, some say no, some say, give me a few days. I called a girl this morning and she said, Give me a few days. I've got to think about it. [And I say] Alright, just let me know.

One of the areas that respondents noted that they experienced different challenges is in working with underage victims. The sexual assault is only one of many problems experienced by these young victims. It can be especially difficult for detectives to establish rapport and connect with these younger victims making it take longer to get the full picture. For example:

It's difficult because you can only/the, the walls are so thick – these kids are so hard and tough. I mean she, she has essentially been raising herself because/before she got into the mix, she's been the adult in the home... So for her it was survival and preservation of her family. So it was very difficult to penetrate that and that barrier and get her to start talking but it's just a long dialogue, kind of like this, casual, it's not like an interrogation.

You don't yell, it's none of that crazy stuff you see on TV. It's just a very long rapport and trust building and conversation and then you have to be confrontational

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because in the way of challenging their denials and that, that never happened. *Well, (Name) I know that happened because [Male] was just up here and told us everything – he told us what he saw you doing. And you have to give examples: I can tell you that, you know, I saw you eat dinner last night – you know you ate dinner. But you know I’m lying – these kids are so smart, they know that too. So you have to give them specific examples of what you know. And then once you/once they start to trust you and understand that you already know what’s going on...*

Patrol and Rapport

One commonality across most interviews was the added responsibility of gaining the trust of victims after the initial contact with first responders. Detectives described this as repairing damage from patrol contact. Patrol officers, not using a victim centered approach, may turn off victims to pursuing their complaint. Respondents told us:

I think once they realize um that with me, I’m like, You know, I’m not going to treat you like that. It’s going to—you can take my word for what it’s worth, but it’s not going to be like that with me. And um and like I said, I have—if they tell me that the officer was a jerk, I always apologize and tell them they shouldn’t have been treated like that. And I think that makes them feel a little bit better, because how they were treated was acknowledged and they got some sort of sympathy or an apology or empathy or something.

I think a lot of times where a male officer shows up, the victim limits her information. I see that all the time. We’ve had victims that come in that haven’t reported to the police yet. They’ll come in to the main desk and say, I want to file a sexual assault report, or, Something happened to me, but I want to speak to a female officer. So that happens quite frequently.

Victim Credibility

All respondents discussed the need to and their methods of ascertaining victim credibility. Investigators noted most commonly that the ability to ascertain credibility is based on experience working sex crimes. Over time, they become “good readers of people” with many stating that they can assess credibility based on the emotions expressed by the victim. For example, one respondent told us:

I don’t think there were tears at that time, but you know, you always—and back to a credibility issue, when I have someone who’s crying in front of me and I don’t see tears—you know, then you—that’s kind of a red flag, a little bit of the time. When I have someone who tears are coming out of the eyes and you can tell—you can tell a real emotion there.

One of the other major themes that came across through the interviews is that respondents make every effort to start by believing the victim. This means that investigators take the stories told by victims at face value. This can be difficult for investigators as they are thinking about the rest of the criminal justice process. For example, respondents told us:

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At the beginning it's really hard because you need to be able to—I mean you want to hold them all as credible victims at that point, and it's hard because after you do them a long time you know that the majority of the stories are going to change. But at the initial response, you really need to take what they're saying as facts.

I think you always believe the story you're hearing, but again, you always think about the credibility of the story, because you need to be taking that into consideration because that's what a defense attorney is going to take into consideration. And the other thing is you want all your facts in line before you begin—if you have—if someone's telling you a story that doesn't make sense at all, credibility starts to show through in the beginning.

Part of the challenge of starting by believing is recognizing that victims lead complicated lives. Detectives noted that they might expect some inconsistency in statements because they have repressed some of their memory of the incidents or they are ashamed to discuss other behaviors with police. Detectives described victims lives as 'messy' often involving mental illness as well as drug and alcohol usage. These complications are just obstacles and respondents noted that it is their job to *'overcome those obstacles where we can'*. For example:

Well I think there's a number of factors. I mean you always hear about inconsistent statements, but I think, you know, the more training you have, you recognize inconsistent statements for what they are, whether it's fractured memory or, you know, we were just—I was just having this discussion with (Name). You know, a lot of times victims will leave out pieces of the—of what happened, because it's either embarrassing to them or they—you know, maybe an encounter started consensually with, you know, some sort of risky behavior. Maybe they were involved in, you know, smoking crack with the suspect before it led to a sexual assault, and they don't want to talk about that aspect of it. Our guys recognize that that's not uncommon, to see that kind of lie-by-omission, and to accept it for what it is. They certainly have to evaluate that from a fact-based, *Okay, you know, we're faced with this. Where is it coming from? How do—you know, how is it explained?* And you know, we certainly—when you look at vulnerable populations, you know, the more you work in this field, you recognize that, you know, prostitutes, drug-users, you know, are risky lifestyles, so they're targeted by—you know, by offenders because of that. Because they're viewed with less credibility, so.

And our previous sergeant, used to like to say, *Our victims have messy lives*. And we just have to accept that. And you can't sit back and judge and say, *Well, I would never do that*, you know, because it's not about what—how your life, you know, operates, how you run your life. And you know, just recognize that.

This 'messiness' takes on an additional layer of complication when it involves a victim engaged in criminal activity. First, it can be difficult to engage a victim with a criminal record. It can also be difficult for a detective to prevent this knowledge from affecting his/her perception of the victim. In particular, this can be difficult when victims are presently involved in criminal activity and have outstanding warrants. One respondent told us:

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Her credibility, yes. She actually had two active felony warrants yesterday and I had to arrest her, which was very—I guess uncomfortable would be the best way to describe it, because you don't want to do that. I mean you try to accommodate and stuff, but our hands were tied. And one of those warrants involves a parole violation, and then the other one was for a case where she stole some property and pawned it and then lied about who stole the property.

It can be difficult for investigators to not allow prior contact to affect current investigations or their perceptions of the victim. One investigator relayed how his extensive patrol experience affected his perceptions of a victim who had a lot of previous contact with the criminal justice system. While his intention is to not prejudge a complaint, this previous experience can make it challenging. He noted:

I had had prior contacts with her, so I was familiar with her and her lifestyle of being a very heavy drug addict, between heroin and alcohol. So I had a prior experience with her. I'd been a patrolman for, you know, 16 years, so I kind of—I'm able to disassociate my heart and my feelings where I have to go to a call and you handle it as best you can. And I like to handle things as if everyone's got a shot, as far as I'm concerned. I don't prejudge before I get there.

Exaggeration by victims is another threat to credibility. Investigators noted that victims might also exaggerate the details of their assault because they think that it will push police to act more aggressively or make themselves seem more sympathetic. The respondents perceive the exaggeration as a method victims used to engage the police. This exaggeration can also come in the form of incomplete disclosures or minimal disclosures where victims choose not to share all of the details of their assault. Victims may omit details that they believe will lessen their credibility with the police. Despite the good intentions of victims, it can be problematic for detectives when trying to investigate the facts of a complaint. The exaggeration is best illustrated by a respondent who told us:

She initially made some pretty egregious statements as to the firearm. She said to a couple of officers that he fired the gun off, all of these things. You know, *He had the gun with him during the sex assault, it was on the bed.* And we have never been able to establish that he has ever possessed a firearm or that he possessed one at the time. In any of the other cases, there's never been a firearm involved. And it's just—it's pretty—pretty atypical for his behavior. And so it's things like that. I—I have a feeling that she felt she wouldn't be believed, and so she—she enhanced things to—in an attempt to seem more credible.

Victims Behaving 'Appropriately'

Much has been discussed both in the literature (c.f. Frohman 1991; Morabito et al. 2015) and in our interviews about 'good' victims and 'bad' victims. For the investigators we interviewed, much of the focus was on whether victims responded "appropriately". Some respondents felt that a 'good' victim would be one who behaved 'appropriately' meaning like a victim might be expected to respond. For example, one investigator described a victim who had reported the crime nearly a decade after she was assaulted. Despite the lapse in reporting time,

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she was still described as a ‘good’ victim because she behaved in a manner consistent with the victimization. The respondent said:

The—the huge part—the helpful thing for this case was after the wedding she was a totally different person. Totally different person, in terms of being promiscuous after that, had never had sex before that, had lots of boyfriends, started having sex with boyfriends, different boyfriends. Very religious family.

More frequently, respondents described a ‘good’ victim as one who had the inner-strength to survive the criminal justice process. It appears that investigators need reassurance that a victim is worthy of the limited resources. At some level, detectives must choose to invest their time in one case or another—there are just not enough resources to treat all cases the same. This means that detectives develop a perceptual shorthand to determine which cases are worthy of their time and energy. Based on these interviews, it is apparent that the strength of the victim and the detective’s belief that the victim will perform well in front of the jury is one of the factors that is used to determine this. Some examples of this include:

You know, there’s a lot of times the term is used in sexual assault where you have like a *good victim* or a *bad victim*. Unfortunately, it’s a term that’s used a lot, but she was a very strong-willed/minded victim and she was a ‘good victim’ to have. And she—everything that she explained made sense of why and—what and why she did. So it was—so in terms of victims, you know, she was a good victim.

A good victim is one that is—you have confidence that when they’re going to go up on a stand, they’re not going to be, you know, basically—obviously the defense attorney is going to attack them unfortunately, and they’re not going to go up there and-- there’s going to stay strong to the defense attorney. They’re going to hold, you know, to the statements that they made. They’re going to be true and accurate. You know, they’re going to be strong-willed/minded, they’re going to have composure, and they’re going to be very convincing to a jury

When They Don’t Act Like Victims

Conversely, respondents discussed how difficult it is to work with victims who do not act like they are expected to. This issue came up around victims of statutory rape who did not view themselves as victims. Similarly, victims of human trafficking who were also offending when they were assaulted may not behave as traditional victims. They may lack interest in pursuing the criminal justice process. One respondent gave a good example of a victim who was thirteen but the detective believed that it was consensual. This is counter to criminal law—but the detective made his judgment based on her reaction to his questioning during her interview. He related to us:

She has the smirk and it was more of I tried to say, *Look, the big elephant in the room is you’re a juvenile and you had sex*. Okay. That’s the big elephant in the room. Let’s put that right on the table saying, *Okay, we know it happened. So let’s stop with the, Oh, I don’t know what happened. Or, I don’t know how it happened*. It was she invited him over and there was no—there was no qualms about it, because that’s what mom had said. She was going over to babysit where—in an area where he lived, so he could get access to her. She invited him over and, you

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know, they were kissing and then it just happened. And so I kind of—for me I put the elephant out. I said, *Look, we already know what happened.* You know, and I wanted her reactions more than anything when I asked, *How old did you say that you were?* And she was like, *I was thirteen.* And that reaction alone told me it was consensual, it was not only consensual but I think she may have instigated it by some of the text messages that mom said that, you know, *You can come over,* or, *I can't come over there because of your mom,* or, *I need to go over here. I'm babysitting. How about you come over then?* And with still looking to see him, that led me to believe that this was something that was a mutual.

In another case, the victim was a teenaged boy—atypical for sexual assaults reported to the police. The detective noted that the victim in this case was unlikely to go forward. Based on the interview, it appears that police do not have the resources to support non-traditional victims given the limited assistance that police have. He told us:

This kid, he's a teenage boy and it's just, I think you know, there's a lot of shame involved. You don't wanna talk about it and, you know, I think sometimes especially you don't want to talk about it with you know, a young woman in a room being recorded with people watching, so um, so yeah, that's just kind of you know, I... don't know how cooperative the victims willing to be. Without a cooperative victim there's no place to go with it.

Downstream Orientation

Something that came up repeatedly is that detectives hold a downstream orientation. As they investigate assaults and assess victim credibility, they are thinking about how these cases will play out in front of a jury. Investigators noted that there are multiple levels of credibility—even if they believe a victim, it was unclear that they would be believable to a jury. They told us that there are a lot of cases where they believe the victim and can convince the prosecutor of the victim's credibility but they still think the jury will not believe the victim. Another issue is that police are concerned about the defense attorney. This includes new information that the defense attorney may have that could affect victim credibility. Detectives are also concerned, however, about how they will be treated by the defense attorney on the stand. This concern for trial came up in almost every interview conducted with police. For example:

The defense had done a very thorough investigation of their own, and they had some concerns that they came—were very forward with coming to the DA's office about. And they said, *We'd really actually like to sit down with this victim and ask her some questions about these particular things.* And when they showed us what the things were, we kind of went, *Yeah, I kind of want to hear the answer to those questions too, because when you look at it like that, it really doesn't add up and it could really impact moving forward in the case.* So we set up a meeting—the defense attorney and his investigator and his co-counsel, myself, one of the DA's on the case, and our—their victim advocate and the victim, who agreed. I mean it was presented to her as, you know, *This is what they want. You don't have to agree. If you do, this is how we'll structure it. You know, it will be done in a respectful way. You can stop participating.* You know, and she did agree to participate. And we had—we met for about two hours. And it kind of—the outcome was that it left

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myself and the DA on the case with some—with some pretty big question marks about the way things had initially been charged and information that the defense had brought up and kind of things we weren't probably going to be able to corroborate. And so we sat down and had a—had a talk about what—based on all of that now, what did we actually feel like we could ethically move forward with, as far as charges? What can we—what do we feel like we can prove and what do we now, almost two years later, feel like, *Well, I don't know that we can really prove that.* So um still being—I think we took all of the sex assault completely off. We've got burglary and kidnapping and intimidation of a witness, violation of bond conditions, violation of rest—several violations of restraining order, and there's some other bits and pieces thrown in there. And I think there's about thirteen.

The Role of Drugs and Alcohol

Our findings indicate that the use of drugs or alcohol by either the victim, offender or both was involved in many of the cases. Investigators had a lot to say about the use of drugs and alcohol and how it impacts the investigation of sexual assault cases. Detectives also noted that it was unusual to see cases where the victim was drugged. Rather, it was more common to see victims who were too inebriated to consent. Multiple detectives noted that alcohol was a common element among sexual assault cases—more common than illegal drugs. For example, respondents reported that:

In terms of general cases, the vast majority is alcohol-related. I mean that doesn't mean that you're eliminating any other, you know, illicit drugs being used in conjunction, but the vast majority—almost all of them are alcohol-related.

It's very typical for people to become very intoxicated and not remember what happened...

They were drinking booze, they met up with a fourth associate—friend, but not—just happenstance. He had recently been shot. They asked him about his injuries. He decided to tell them about his injuries, he wanted to know if they wanted any Percocet. They handed the girl Percocet. So the girl had booze, Percocet—they took her to a building...

Next, the use of drugs and alcohol can affect the ability of the investigator to adequately investigate. Victims under the influence may wait longer to report their victimization to the police which can limit the amount and type of physical evidence that can be obtained and otherwise hamper the investigation. Respondents told us that this is a pretty typical response and did not express judgment about the victim's behavior but rather lamented how it made the investigation more difficult. For example:

I don't think it will in this case. I think that happens typical—that's typical, because they get very intoxicated and they don't feel like—you know, they want to go home. They feel like they've been violated, they feel like they have some issues, and they really want to be home in a safe place first off. So I think that's typical. A lot of our cases are reported within the first 24 hours, or maybe even the first 12, but a lot of them are not reported right away.

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Chronic drug and alcohol use can also affect the ongoing investigation. It can be difficult for police to maintain regular contact with a victim who is a chronic user of drugs or alcohol. It is not uncommon for victims who are drug abusers to miss appointments or forget to return phone calls. These behaviors may also affect the way that the investigator views the victim—and the subsequent effort put into the investigation. It can also influence the investigators perception of the victim’s credibility/ While, respondents told us that they did not judge the lifestyle, their frustration with trying to work with these victims sometimes came across in interviews. For example, respondents told us:

I could tell that she was on drugs. People that are in homeless shelters and so forth—some people, they’re in their own timeframe. Like you tell them to call, ‘You call me tomorrow.’ And they’re not going to call you. Sometimes they’re not going to call you tomorrow. They’re on their—they’re in their own world. You have to keep pressing just to—for appointments.

I think now at this point, having so many incidents where people are untruthful, you always have the question in that kind of situation where they’re all partying in the house and drinking. And you always wonder what actually was going on.

Another difficulty is that the victim also may not remember crucial details because she was under the influence of drugs or alcohol during the assault. If a victim is passed out or on a drug binge, she may not remember the assault enough to give pertinent information to the police that can help them find and arrest the perpetrator. This can affect the ability of the police to properly investigate the complaint and the subsequent prosecution. One example of this is:

So I had a woman contacted the police, filed a report indicating that over the course of the last several days, she’d been repeatedly sexually assaulted by multiple people at different times and locations, the specifics of which she wasn’t completely clear on, due to the fact that she’s been essentially on an alcohol and crack binge during the course of that time.

Drug and alcohol use was often co-morbid with mental illness in the cases that respondents discussed with us. Mental illness also affects all aspects of the police interaction with victims of sexual assault. Victims who have a mental illness may have difficulty separating the assault from previous trauma. Another issue experienced by this population is the possibility for over-medication. This can make it hard for detectives to communicate and influence memory. Finally, psychotropic drugs are not meant to be mixed with alcohol and illegal narcotics. The combination of psychotropic drugs and alcohol can have a negative impact on memory and affect. Respondents had quite a bit to say about how mental health affects their investigations. They told us:

She was difficult to talk to. I had to go back several times. It’s not that she didn’t want to talk to me. She hated the way she was. She was angry. She has so many mental health issues, you know, she was on all different medications. So during the trial process, it was really, really hard. Sometimes we’d meet with her and she’d be over-medicated. Sometimes we’d meet with her and she’d be fine. So that was a huge challenge for us.

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Some other life issues having to do with her mental health care. And she's also on probation for some crimes and she's supposed to be checking in with case managers and probation officers and essentially two months ago she went off the radar and stopped making those appointments and meeting her responsibilities in regards to that. Which probably is mostly related to her mental health and her drug addiction. But I don't know—there's probably some portion of her reporting that plays into she needs to get back on track with some of that stuff.”

She was very mentally unstable unfortunately, and um had a hard time engaging in the prosecution of some of those cases. A lot of them got dropped. And the current victim also had some kind of issues and the suspect was very charismatic and incredibly psychopathic.

False Reports

The final issue that affects victim credibility is false reporting. Unlike, Spohn and Tellis (2010), this was not a large part of our interview. Most of our respondents indicated that they approached every complaint with a ‘start by believing’ attitude—meaning that they waited for the evidence to show that a complaint had not occurred. The respondents had quite a bit to say about assessing credibility and how it is unrelated to the challenges that victims face in their lives including engaging in ‘risky behaviors’. As long as victims are truthful, police are unlikely to treat any complaint as a false report. We were told:

My mindset is just because a victim has been drinking, possibly doing drugs, participating in what we call ‘risky behavior,’ it doesn't mean that they can't be sexually assaulted. Again, we just have to overcome those issues. And as long as we know about them ahead of time and we can address it

I mean in all my time investigating sexual assaults I told every victim, *If you had 27 beers or two beers, I don't care. Just tell me how much you had. It doesn't matter one way or another to me.*

You know, because like I said, anyone on the outside looking in, any normal person being like, *Oh prostitute, junkie, you know, heroin addict? You know, who cares? Or, you know, She has—that's the life she's living. That's going to happen.* You know what I mean? But you know, at the end of the day no one deserves that, so we just did our job.

Police are unlikely to unfound complaints unless they are completely sure of a false report. Since it is nearly impossible to ascertain this—even if a victim recants, police are hesitant to unfound cases. It is more common for detectives to suspend an investigation—rather than unfound it. The respondents noted that they like to leave open the opportunity for new evidence or information to come to light. They also consider the possibility that victims with complicated lives may really believe that they were assaulted even if the evidence shows something different. One detective told us:

Unfounded means there's no basis for the complaint to begin with, and that's what we try to—and there's a basis in her mind, because maybe she's a blackout drinker

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or he's a blackout drinker and he doesn't remember or she doesn't remember what happened to them during that time frame. And it doesn't mean that something didn't happen and in their mind it was a crime, but from the footage that we have, it shows that they were involved and they were happily involved, it was not something that was forced upon them. And so in that case, it's something where we could probably say that it was unfounded because they were—but we don't do that because they have reported it and in their mind it's a real thing that happened to them and they believe that it's—that it was a crime against them. And we'll leave it that way. We'll leave it that way, we'll leave it as an exceptionally cleared by the district attorney instead of unfounded. Because we want them to—I think we want the victims to be able to say, *Well, you know, I did present this and I told them what happened and they were able to find some evidence and maybe I have a problem, maybe I have some—* and maybe they won't—it won't happen to them again, because they realize, *Maybe this isn't something I should be doing. It's no good for me.*

Yet, there are still times when a victim does report falsely. Detectives told us that this is not very common but most respondents were able to tell us about one case in their career that they unfounded. For example:

I know things like there's a case open where she's scratched up his car and beat up his girlfriend and made a statement to someone, *I'm going to mess up his life and say he raped me.*

It is worth noting that even when police are certain that a victim has made a false report, they are loathe to press charges. While our respondents agreed that there should be some repercussions for accusing someone falsely of rape, the also told us that they do not go after the false report.

Our conversations with investigators suggest that police have sympathy for the victim even when it seems like they may not be reporting a crime. For example:

Some of it's time, some of it—I mean I'm sure—I'm sure no victim in the world wants to get on the stand and get grilled by a defense attorney. You know, and cops, we don't like sitting on the stand and getting grilled by defense attorneys, because all they're trying to do is basically—basically convince the jury that you're a liar. And that's basically—a victim is going to get up there and listen to a defense attorney. Who wants to sit there for hours and have an attorney call you a liar in front of a jury and convince a jury that you're a liar?

In summary, respondents seem to start by believing the victims complaints of sexual assault. Credibility, however, is determined by evidence but also the truthfulness of the victim. Interviews suggest that drug use and mental illness can be mitigated by full disclosure by a victim. Perceptions of credibility are also affected by downstream orientation. Detectives imagine how a victim will present to a prosecutor and eventually a jury. This perception can affect victim credibility and ultimately an investigation.

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Perceptions of Challenges Faced by Victims When Reporting

We also asked respondents to tell us what they perceived to be challenges faced by victims of sexual assault throughout the criminal justice process. Respondents overwhelmingly stated that the length of the process was the most challenging and daunting aspect for victims. They talked about how they believed it was frustrating for victims to call in for the detective or DA for a case update and being told that there is nothing new. Interestingly, they noted that while this frustration was understandable, it did not change the reality of their high caseloads and the need to focus on the biggest threat to public safety at any point in time. Yet, as one detective noted, victims seem to be looking for confirmation that they “matter” and that their sexual assault is an important priority. The major issue that they noted was how the length of process negatively affects victims of sexual assault. For example, they told us:

It’s an incredibly long process, and I can’t imagine how incredibly frustrating it must be to have your detective talk to you the day after or two days after, and then you don’t hear from them for a month or two months or six months, you know? That would be really difficult. And when you go through something like that, I think—I think people—they want to feel important. They want to feel like they matter.

...the DA’s are on trials and they’re prepping and they’re indicting and they’re—but you know, if somebody calls and you say, *I have no update*, which happens a lot, they’re like, *You know what? Screw this. I call you every other week and you still say the same thing.*

That’s a long time to take out of your life to rehash something that, you know, in their minds is a very terrible thing, regardless if they think they were raped or they weren’t. You know, and like I said, the girl that in her mind she was raped but because she didn’t say no, um—you know, two years, that’s a long time to be going through it with her and she has to keep rehashing it. And there’s a lot of, you know, court dates and there’s, you know, motions and stuff like that to deal with.

The length of the process can be daunting because victims want to get on with their lives and put the assault behind them. Meeting with detectives, prosecutors and frequent court dates cause them to live in the moment of their victimization. Respondents felt that victims just wanted to be finished with the assault. They told us: “They want to move on with their life. I mean they just—they don’t want to deal with the criminal justice system, going to court.”

And a lot of people are like, *Two years from now?* Like a lot of people just want to get on with their lives, especially when there’s no guarantee. And two years down the road, we go to trial and all that time was wasted because he got found not guilty and it’s just another blow to you. You know, so a lot of people are like they just want to move on, which I get. You know, I mean I get that with them, you know?

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Addressing the Trauma of Assault

Respondents also noticed that another challenge is addressing the trauma that is experienced because of the assault. Victims have different levels of coping and need services and support to deal with the assault. Cooperating with the police and prosecutors can be an enormous burden for victims—particularly those who are young or have behavioral health challenges. Respondents told us:

I mean everybody's coping levels are different and, you know, so from the outside a lot of people look at that and say, *Well, it's a pretty minor trauma for—you know, seeing an exposed penis for two seconds and never, you know, as opposed to being brutally raped.* So I think there's a lot of—for the investigator in sex crimes specifically, just having that understanding of um where those trauma triggers are for people, where the levels are. In my experience, unfortunately a lot of our victims are probably repeat victims of sexual trauma in one way or another. So there's a lot of kind of having to understand that background.”

That's a huge burden especially when you're dealing with younger, the younger population. Just everything that, everything that goes on that, *Hey, why aren't you in school? Well, I had to go to court.* Or, you know, there's, there's a huge burden on these, on these you know, young adults.

One of the other reasons that victims may have difficulty in addressing their own trauma is a lack of support from friends and family. For victims that do have that support, they seem more willing to engage in the criminal justice system and follow through on their complaints. For those that do not have that support, it can be challenging to move forward with the complaint. One detective noted that:

A lot of these victims come from families that are in some kind of turmoil in some way? And it's like they can't get out of that so if you truly are a victim of these crimes, they don't have the support.

Public Perceptions

Similarly, public perceptions can also represent a challenge to a victim pursuing a sexual assault complaint. Respondents talked about interactions with victims who felt as though they were being judged by friends, family and acquaintances as well as criminal justice actors. As a result, victims may worry about how they will be perceived once people know that they have been sexually assaulted. Detectives noted that this is a well-reasoned reaction because there is a lot of judgment for victims of sexual assault. Specifically, respondents told us:

I think a lot of them are embarrassed, a lot of them maybe say, *Maybe it wasn't rape. Maybe it was my fault because I drank too much. You know, or maybe I gave him the wrong impression.* You know, a lot of times they blame themselves.

So everybody—no matter what, everybody second-guesses the victim. No matter what.

Stigma

Stigma and shame can also present a challenge to victims of sexual assault. They may feel

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embarrassed that they allowed the assault to occur or conversely that they do not remember details of the assault. One respondent told us about a victim who prided herself on her self-reliance and her ability to avoid dangerous situations. She was particularly ashamed that her assailant was able to get the best of her—a stranger attacked her on the way home from a bar when she was walking home. In general, respondents told us:

They're afraid that we won't believe them.

You know, setback for somebody reporting these types of things are, you know, just embarrassment, I think, of, they don't want all these people knowing what happened or, you know, it's personal, it's intimate, it's—you know, I think it's just difficult for any age, from—that we deal with, from six year olds to, you know, an eighteen-year-old.

Treatment by Patrol Officers

Another area that respondents noted was a crucial challenge faced by victims is the treatment by patrol officers when they first report. Patrol officers are not always receptive to hearing victim stories. Patrol officers might not understand how victims respond to trauma. Even basic communication can be a challenge when a victim speaks a language other than English. Respondents reported that for victims who speak other languages—even as common as Spanish—it can be difficult to find a patrol officer who they can communicate the details of the crime to. Respondents had a lot to say about the general attitude of patrol officers and how that affects victims. For example:

I don't think patrol officers take into consideration or realize or maybe even know that when a sex assault victim goes through that kind of trauma, their reaction is not going to be what they think it should be. And I think there's still those common misconceptions amongst patrol officers.

Not all policemen are receptive. I know that. I've been doing this job a long time and not all of them are receptive. I think that whether they're male or they're female—I've known some females who are not receptive at all, and I know some males who are equally not receptive. I think finding the right person to tell their story to, whether it's a doctor or whether it's a nurse or whether it's a practitioner or whoever is that first contact, they need to be receptive to the whole thing to be able just to support them to tell their story. I think that is an important thing. So being the first point of contact, I think, is very important.

This section examined the interactions between victims of sexual assault and detectives. In particular, we included the difficulty of establishing rapport with and perceived challenges experienced by victims. Overwhelmingly, victims seem to respond to a lack of social support, stigma and negative treatment by patrol officers.

The Investigation

Investigation-related questions focused on the types of sexual assaults that detectives perceived to be the least and most prosecuted as well as how they go about solving a case. Several factors came out in interviews that influence cases most likely to be prosecuted. First the

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presence of evidence is crucial to the investigation and moving forward. After evidence, a strong victim is also important as well as the support received by victims by family and friends. The relationship between the victim and the offender may be important—with non-stranger assaults more difficult to investigate and then prosecute. Immediate outcry is a crucial component to the investigation as well as the personnel working on the case (including detectives, advocates, and DAs).

Some detectives described successful cases as those where “everything just falls into place”. ‘Everything’ often refers to physical evidence, an eyewitness, and disclosure by the suspect. Based on interviews with detectives, it seems rare that all of these would ever be present in a sexual assault investigation. For example, one detective noted about a particular case where all of the pieces came together:

I mean this was a case that everything fell into place. Not all of them are like that. I mean there could have very well—we couldn’t have found video. I think—I don’t know if that would have made a huge change in the court outcome, in the verdict. I don’t know. It probably would have, I think.

Evidence

The most important element to cases that are successfully prosecuted is evidence. Preferable evidence can come in the form of texts, emails, videos or photographs. Respondents noted that videotaping of assaults has become fairly common and while difficult for detectives to watch, could be invaluable to investigation. Similarly, a collateral injury (for example, a physical assault in addition to the sexual assault) and accompanying evidence can also be beneficial to investigation and prosecution of a case. Another helpful element is finding that a suspect is lying about the sequence of events—as related to the evidence. For example, one detective told us:

Evidence surrounding it, like things that happened before, things that happened after. Say a victim says that he threw—he smashed her phone with a hammer, and he says, *No, I threw it across the room and I was just angry with the phone*. But if you show that there was a weapon used to smash something rather than just throwing it with your hand, sometimes that shows that there was more violence there than was originally stated by the suspect in the case and that the victim’s case is bolstered by that. And you can tell the difference between a phone that’s thrown across the room and one that’s hit with a hammer. There’s a definite difference between them.

Strong Victim

A strong victim can also be the tipping point in a case for a variety of reasons. First, if the detective believes the victim, he/she may be more willing to invest resources in the investigation. For example, one respondent told us about a case where the victim waited years to report the assault. The victim was so believable to the detective that despite the other deficiencies in the case, she was still willing to fully investigate the complaint. She told us:

Oh my god, she’s just—if you met her, you would say, *There’s no way she would make that—why—you know, why would you make that up?* And why would you tear your whole family apart for this? What are you going to get out of it?

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More practically, a strong victim can ease the investigation—perhaps even lessening the resources necessary. A strong victim may have a memory of the assault and can provide essential details to the detective. A strong cooperative victim might also be more likely to get a medical exam and provide crucial evidence to the detective. Without this cooperation, it can make the case much more difficult to investigate. One detective told us:

These are victim-driven cases. If we don't have a victim then we don't have anything. And then, you know, having physical evidence helps, medical records help. Just—I don't know, like yeah, just—it's important that the victim stays on board and is cooperative.

Immediate Outcry

Another element of a strong victim as perceived by detectives is whether he or she made an immediate outcry. Immediate reporting of an assault to a friend or emergency worker is key evidentiary element. One respondent told us:

We also had text from—she was texting her friend who had been sexually assaulted. And they were talking in code and she said to her, *Oh my god, I've just been [xxxx]>-ed*. So we had to figure out what that meant. We figured out her friend was raped by somebody named [xxxx]. She says in her text, *I'm with three black dudes, smoking [weed]*, and it says something in the text in kind of code, but we figured it out and pretty much her friend said, *Oh my god, they raped you. You need to tell somebody*.

Personnel

Respondents reported that there are some elements to investigation and prosecution that are unrelated to the victim or available evidence. Most notably, the composition of the team investigating and prosecuting the case can affect the investigation and the success of prosecution. This can be explained by providing support to the victim or even as simply as attending to tasks in a timely manner. For example, a team that provides support to the victim or simply attend to tasks in a timely manner can have a positive impact on the trajectory of the case. Respondents noted that the actions and attitudes of criminal justice actors affect both the outcome of a case and the victim. One respondent told us about a case that he felt ended in a mistrial because of the behavior of the prosecutor. He told us:

I mean ... I'm not the greatest detective in the universe either and we all mess up. But some—some of us just um really hit it off and if somebody's not on board or can't be available for the victim... And some people (referring to a prosecutor) they're like, *<Eh, no, I haven't read the report yet.>* I'm like (sighs), *Well can you read it so I can give somebody an answer as to what's going on? <Swamped> I know*. And they are swamped.

Cases Least Likely to Be Prosecuted

Respondents felt it was difficult to predict which cases would be successfully prosecuted. Many noted that some cases that they believed were 'slam dunks' came back with a not guilty verdict and other cases that they thought were unlikely to end in conviction, were successfully prosecuted. Respondents noted that certain characteristics are predictive of cases that prosecutors do not accept. In particular, they told us that victim's personal characteristics (i.e., income and

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homelessness) were especially important. It is difficult to determine, however, if these characteristics made it more difficult for victims to participate in their investigation or if they make victims more unattractive to prosecutors. For example, a homeless victim may be difficult for the police to locate because they do not have a fixed address. A low-income victim may have to work rather than attend meetings or hearings. Conversely, a prosecutor might think that a low-income or homeless victim would appear unsympathetic to a jury and decide not to proceed.

There is one case characteristic, however, that trumps all individual victim characteristics. Cases that involve non-stranger assaults are much less likely to end in prosecution than those that involve strangers. These cases are more difficult to both investigate and prosecute. One detective told us:

Non-stranger sex assaults are just more difficult because of the nature of them. Not only just from an investigative standpoint, but from—from like—really from a detective standpoint, like really committing to that case, do you know what I mean? You get a stranger sex assault and it may be a burglary sex assault and you're like, *Okay, I can sink my teeth into this.* Whereas the stranger sex assault, you know it's going to be obstacles, obstacles, obstacles that you have to overcome.

It should be noted that detectives expect that these cases will be more difficult and begin their investigations accordingly. They believe that they will encounter obstacles and that victims will drop out of the process during the investigation.

Finally, respondents told us that the other big reason for not going forward with cases is incomplete disclosures. Victims—for a variety of reasons—do not always tell the police the whole truth. Victims may feel shame about their assault or more practically speaking may have been involved in illegal activity when they were assaulted. As a result, they may feel that police will not want to help them if they shared the entirety of the circumstances surrounding their victimization. These incomplete admissions can stymie an investigation and/or give a defense attorney enough information to create reasonable doubt. As a result, detectives are loathe to continue with a victim who does not tell the entire truth surrounding their assault. One detective told us:

Yeah, so many different reasons I would think. I would think, um, incomplete disclosures or minimal disclosures, meaning we don't have enough facts or circumstances just to substantiate when or where to meet the burden that we have to meet um, or exactly what happened – that would be a huge piece. I think unable to substantiate or give any/find any evidence that would help bolster the minimal disclosure.

It should be noted that incomplete disclosures are not enough to stop an investigation every time. There are cases where detectives have enough corroborating evidence to continue with an investigation even when victims don't initially tell the truth.

I've had a ton of cases—I mean, you know, I—I've had prostitutes and things go bad and it is what it is. When they're upfront—when they're right up front with you and they go, *I was prostituting myself, but this guy came in with a gun and sexually assaulted me,* we're good. Let's go. I'm not telling you that we're going to be able to prove it and take it to court, but you've put us on a good track, because you're not holding anything back. Like I try to explain to victims repeatedly, *I understand,*

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you know, certain things are embarrassing or certain things are shameful or certain things, you think, put you in a bad light' I try to explain to victims when I'm interviewing them, If you give me the information up front so that I have it and the district attorney's office has it, we can explain that stuff. Because people have a million reasons they do things. And that doesn't—and is it always great? No. But at least we know about it and we can work with it. Because everyone's got motivations for everything, and I can—as long as I have the information, I can explain the motivation. Most of the time juries are smart enough to go, Okay.

Solving Cases: Discretion to Arrest or "Clear Other"

According to the Uniform Crime Reporting Handbook (Federal Bureau of Investigation, 2004), offenses are cleared either by arrest or by exceptional means. Specifically, an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice) (p. 79). Regarding exceptional clearances, the handbook notes that there may be occasions where law enforcement has investigated, exhausted all leads, and identified a suspect but is nonetheless unable to clear an offense by arrest. In this situation, the agency can clear the offense by exceptional means, if each of the following questions can be answered in the affirmative (pp. 80-81): Has the investigation definitely established the identity of the offender?; Is the exact location of the offender known so that the subject could be taken into custody now?; Is there enough information to support an arrest, charge, and turning over to the court for prosecution?; and, Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender?

The Arrest Decision

Our analyses reveal that police do not always make arrests—even when they have all the information and evidence to do so. In some cases, the police and prosecutor make the decision to hold off on an arrest until they can collect enough information. An immediate arrest means that the clock begins ticking for arraignment and indictment. One respondent told us:

The reasoning behind it, if you make the immediate arrest, the county attorney's office only has 90 days to indict. So if you don't make an arrest, they can indict when they want to indict. It lets them have more time with the case. They can actually speak to the victim too. They can let the victim know the pros and cons of the case and, you know, gauge the victim too unfortunately, you know, as far as 'good victim/bad victim' type stuff. And then they can decide if they want to prosecute the case or not. And that's when they would decide they're going to do an indictment.

One of the departments in our study, had a work around for this type of situation called an 'investigative hold'. One respondent related:

We had this investigative hold processed just for those situations where we need a guy in custody but we need a little time to really pull everything together and something very solid for the district attorney to ultimately make a decision. And that investigative hold is something that's in place for any felony across the board. It's not just for sex assaults. It's for aggravated assault, for robbery, for domestic

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violence, for child abuse, for burglary. Any time somebody gets quote unquote arrested for a felony, it's actually not an arrest. It's an investigative hold. So that's—that's a procedure that has—that is in place for every type of felony, where they're placed into custody kind of temporarily until we can bring everything to the DA's office for them to make an ultimate filing and official charging decision. So and that's even also for some serious misdemeanors—some of the sex crimes, domestic, some of that, where essentially in those cases the DA's are the only ones who can make the decision on whether somebody's officially criminally-charged.

Another reason to delay the arrest decision is out of concern for the defendant. Numerous respondents told us that they were loath to arrest a suspect for sexual assault and potentially harm his reputation 'needlessly'. For example:

I shouldn't—we feel a duty to safeguard people from that needlessly. If we have the evidence to show, there's absolutely no hesitation. But if it's not going to be prosecuted ultimately, we're somewhat hesitant about arresting somebody just to arrest someone, because there is—there is a burden that goes with that. And we feel ethically if it's not going to be ultimately proven, we're very careful about arresting somebody unless there is, you know, obviously some of these safety concerns or whatever.

When an arrest is made, first probable cause must be met but that is not the only condition we found in cases where an arrest was made. In fact, an arrest is not made in every case where there is probable cause. It is also because the police believe that there is an immediate public safety need—meaning that there is a great risk that the perpetrator will reoffend. This can be because of many factors including the assault was especially violent (e.g., the assailant used a weapon), there is a lack of permanent address of the accused assailant (thus there is an associated flight risk), a history of offending, or in the case of a stranger assault. For example:

—if the person is a danger—if you believe the victim is in imminent danger, that's where—and you have probable cause, that's where you—do what you need to do.

Generally, if we have a serious event like this—this is a very serious case—and we've been able to—I establish the identity of the suspect right away—when it's a generally—and this generally happens when it's somebody who's known to our victim, we try very hard to get them in custody as soon as possible. Because there's a huge safety risk, regard—you know, this case, yes, he broke in, he had a gun, you know, he did some kind of violent behaviors. That's a huge safety risk. And we have a duty to the public. We can't—if we know this guy is engaging in this egregious behavior, it's important for us to get them at least in custody as soon as we legally can do so. And we have to have probable cause.

Well I would say that due to the threat of public safety, specific to the nature of his crimes and the location—college campus, young women, all of these women are like five feet or under and under 100 pounds. I mean they're tiny. His history—I think everybody felt it was a—an actual large, ongoing public safety issue. And so it was necessary to get him off the street right away. I'm not going to tell you that

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anything super special was done. Every—we did everything the way we normally do everything.

Sometimes in our cases if it's a case that—you know, an example, you know, a woman walking down the street, you know, and then she gets attacked and raped right there on the side of the road and the suspect runs away and he gets caught by a patrol officer, we make the arrest. But if it's one of the ones where they say, *I was assaulted*, and we don't find a suspect until three days later, we usually don't make the arrest then and we'll send over to the county attorney's office and they end up doing the indictment.

Building on the determination of the threat to public safety, respondents noted that they are also unlikely to immediately make an arrest in cases where there is a delayed report. The delayed report negates the public safety risk. For example:

It's not fresh, so we wouldn't go out unless something had taken place like, you know, found a body or something. It just wouldn't make sense to go out and say, *We're arresting you for a rape you committed so-and-so years ago.*

In addition, police may make an arrest if there is an additional offense (beyond the sexual assault). For example, if an accused assailant is in violation of parole, he can be put into custody while police and prosecutors make decisions about whether or not to proceed on the sexual assault charge. An arrest can also result from a weapons charge or a drug-related crime. Similarly, officers may make an arrest for domestic violence or kidnapping—a crime that is related to the assault but does not include it. When cases are not cleared by arrest, they are most likely to be cleared by exceptional means. This is the most common clearance type for cases of sexual assault reported to the police. Our analyses indicate that the major reason why police clear cases by exceptional means is because they note that the victim refuses to cooperate.

Exceptional Clearance

More commonly, we found that cases were closed by exceptional means. A clearance by exceptional means implies that the offender is known to the police but criminal justice practitioners do not make an arrest. While the official reasons are discussed earlier in the chapter, there are informal processes as well. Respondents told us that the decision to close a case with an exceptional clearance is often decided by prosecutors who determine that there is not enough evidence to go forward and win a case. Quantitative analysis suggests that the most common reason given for clearance by exceptional means is 'victim refuses to cooperate'. The interviews suggest that there is a spectrum of when victims drop out of the process. Some victims decline calls from detectives and do not wish to participate in the investigation. Other victims assist in and are even active throughout the investigation but change their minds when they get to the prosecution stage. These differences in victim participation may not be clear in official statistics but come across in our interviews. The diversity in victim participation is evident in the statements below:

So if you have a named suspect and present it to the DA to say, *Are you going to take charges against this person?* And if the decision is the victim's not cooperating, the victim's not interested in pursuing, then it would be victim refused.

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I mean if—if the victim says, *Nope, I'm not coming in for an interview, I'm not going to disclose anything*, I would present what I have right now to the AG's office and have them make a decision on whether they want to go forward with charges.

It is clear that the District Attorney plays a crucial role in the decision making around exceptional clearance. It is not uncommon for police to leave the final decision to a prosecutor when they are unclear about what to do. This can be because of lack of cooperation or because the evidence in the case is lacking. For example:

We'll leave it that way, we'll leave it as an exceptionally cleared by the district attorney instead of unfounded. Because we want them to—I think we want the victims to be able to say, *Well, you know, I did present this and I told them what happened and they were able to find some evidence and maybe I have a problem, maybe I have some—* and maybe they won't—it won't happen to them again, because they realize, *Maybe this isn't something I should be doing. It's no good for me.*

Unfounding of Cases

Both in our quantitative and qualitative analyses, we found little evidence of unfounding. Police departments might suspend a case or leave it as open but inactive. They are, however, unlikely to unfound it—unless there is overwhelming evidence that the complaint was fabricated. This could involve a recantation or evidence that the complainant was trying to exact revenge. These are extreme cases where there is no evidence that any type of crime occurred. For example:

I just unfounded a case because it was a girl who reported that her ex-boyfriend was dating a 13-year-old and he was twenty. And I called and talked to her and she said, *I was just jealous. He was cheating on her with me and I thought she was younger, but she's actually 20 years old too.*

Even in those cases where police believe that the complaint was made up, unfounded is not a guaranteed clearance status. Police prefer to exceptionally clear the complaint instead. For example, in a case where there was video footage of the alleged victim and the accused engaged in consensual act, the respondent preferred to use the footage to show the victim that the case would be difficult to pursue. He told us:

Not unfound it. It would be exceptionally cleared by the district attorney probably, and we would show them that video footage just to—you know, to try to show them that there really is a problem with this case.

The reason for this is that respondents told us that they recognized the complexity of sexual assault cases and how it could be difficult for victims to remember details of their assaults and then report them to the police. This means that for a victim to report to the police, it is likely that some type of crime occurred at some point—even if there is not enough evidence to support the current complaint. The complainant may believe that they were victimized even if the evidence does not support this belief. For example, one respondent told us:

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We rarely unfound them unless there's no crime that's committed. And if we find that there's no crime that's committed, then—um how do I say this? Unfounded means there's no basis for the complaint to begin with, and that's what we try to—and there's a basis in her mind, because maybe she's a blackout drinker or he's a blackout drinker and he doesn't remember or she doesn't remember what happened to them during that time frame. And it doesn't mean that something didn't happen and in their mind it was a crime, but from the footage that we have, it shows that they were involved and they were happily involved, it was not something that was forced upon them. And so in that case, it's something where we could probably say that it was unfounded because they were—but we don't do that because they have reported it and in their mind it's a real thing that happened to them and they believe that it's—that it was a crime against them. And we'll leave it that way.

Or there may be evidence of victimization but not by the suspect identified by the victim. One respondent explained:

I don't typically close my cases with um, with a tag of unfounded? Which you can, so if I was to, without, without sending this over to the county attorney, I would probably close that with 'leads exhausted'. That maybe something did happen to this girl to, to make these things up obviously something is going on but, it wasn't the suspect. I have no place else to go but it may have actually happened at some point.

Cleared by Other

While Spohn and Tellis (2012) found evidence of cleared by other, like exceptional means, these cases were few and far between in our sample. Many respondents could not readily tell us about times they unfounded a case let alone cleared by other. When they did, these cases were usually involving geographical disputes about where it was unclear in which jurisdiction the event actually occurred. This seems like a common problem in major metropolitan areas where there are fluid boundaries between jurisdictions. For example:

And it's kind of [jurisdictions]'s policy and all the other jurisdictions know that, that we'll fight about it, but if it ultimately can't be determined and it's pretty close, like we'll just take it, rather than have—run the risk of losing the—you know, losing a victim, losing a case, you know, this guy getting out because we're going to have this pissing contest essentially over whose it is.

Consultation with Prosecutors

Prosecutors continue to play a large role in many of the investigation decisions made by police. This input occurs in small and large ways and is certainly in need of additional study. In some cases, police contact prosecutors about search warrants which is standard. In some states, prosecutors must approve warrants for suspects who have left the state. This means that even if the police have probable cause that a suspect has committed a sexual assault, they cannot make an arrest if the victim has left the state, unless he returns. Respondents told us:

Yeah, there's different ways we can do a search warrant—I mean sorry, we can do an arrest warrant for the person. We may arrest him right on scene, or you do an investigation and you do a search warrant (?)—you do it in a couple days if you

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feel there's a threat to the public safety. Sometimes if you feel there's no threat and the investigation needs more work, you'll do it and then send it over to the county attorney. Or sometimes you would just close the case because the victim doesn't want to cooperate and doesn't want to go forward with the investigation. So those are the outcomes of the case.

I actually stamped that with the District Attorney's office. And they agreed with me that, you know, if for some reason she could remember—because it actually kind of ticked them off when they looked at, reviewed the case file, about all the grooming that took place. And they said if there was any way at all I could ever find anything to show that there was any kind of penetration, they were going to prosecute it. They didn't care if he was on a world-wide tour or not. Fine, we'll get a warrant and if he ever comes back to (State), we'll just arrest him. But I never could get her to ever tell me that there was. And the only thing she could tell me is, *I'm not sure. I don't know.* And with it being that long, there was no way to test for any kind of, you know, DNA.

In some instances, it seems like police were relieved to have prosecutors to make the final decision. It removes some of the pressure from police to make a difficult decision about a case. To illustrate this point, one respondent told us:

Fortunately or unfortunately, once the case gets accepted by the DA's office, it's kind of their problem.

How to Decrease Difficulties for Victims when Reporting

Finally, we asked detectives how to improve the quality of sexual assault investigations and prosecutions. Detectives had a lot to tell us but overwhelmingly expressed that there are just not enough resources for victims or detectives who are investigating sexual assaults. The most common response was to hire more detectives so that they can have smaller caseloads. This way every victim can get the attention that they deserve. The case processing time is just too long. They also told us that they wanted more prosecutors and judges so that the prosecution of cases did not have to take so long. Respondents told us that they believed this was the biggest barrier faced by victims. For example:

That's a long time to take out of your life to rehash something that, you know, in their minds is a very terrible thing, regardless if they think they were raped or they weren't. You know, and like I said, the girl that in her mind she was raped but because she didn't say no, um—you know, two years, that's a long time to be going through it with her and she has to keep rehashing it. And there's a lot of, you know, court dates and there's, you know, motions and stuff like that to deal with.

Reducing Language Barriers

Another way that they felt we could reduce difficulties for victims include reducing language barriers. For example, respondents told us:

She didn't report right away and there were some inconsistencies during the meeting, but like I said, you know what, she—to me, she clarified things up. You know, there was a language barrier. I mean she spoke English, but it was very

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difficult to understand at some points. And we did bring in—we actually brought in an officer who spoke [language 1] and he was male, and you could tell—I could tell at some points that he was having difficulty asking her certain, you know, very personal questions. You know what I mean? I mean we do have [language 1]-speaking officers, but not that many. You know, and there's times—even like with [language 2], there's times that we don't have a lot of [language 2] officers on the street. Like we were out the other day, me and a detective, and he speaks [language 2], and they had to call him in to assist somebody at the main desk to speak [language 2].

I've had more cases postponed because interpreters never showed or miscommunication in when the date was. That happens all the time.

By increasing the interpretation services, victims might be more willing to disclose to police. Available interpreters can also make the court process move more smoothly and quickly therefore improving the process for sexual assault victims.

Prevention of Sexual Assaults in the Future

Detectives also discussed how the best way to improve the process for victims of sexual assault was to have them not be victimized in the first place. They mentioned prevention of sexual assaults as a way to improve the outcomes. For example, one respondent told us:

I mean honestly, if we wanted to actually prevent a lot of sex assaults—and I know the reason that this isn't done is because people say it's victim-blaming and things like that, and I understand that perspective. I don't necessarily agree with it. But I would, you know, urge educating young people on a couple of areas, which is don't drink so much. I mean unfortunately we've kind of taught people it's okay—well, if you go out with a bunch of your friends and drink a whole bunch, as long as you're with your friends you're good, right? Because nobody's going to get you while you're with your friends. Well, anecdotally I'll tell you that's not true, because what happens is the friends stick that friend in a cab to go home, because she can't walk. And the cab driver sexually assaults her. You know, and the friends are thinking, *We did the right thing. We all went out together and we put her in the cab so she'd get home okay.* Well that's not taking care of your friend. And again, I'm not—that's not victim-blaming, it's not—you shouldn't—you know, nobody should be able to violate you, regardless of the circumstances. But honestly, I mean if you're like looking to overall reduce things, you've got a huge problem with social media with kids—huge. It's beyond the scope of what I think the general public has any concept of, in terms of sex-related stuff having to do with social media. Like it's insane. Um and drinking. And I mean that's—it's America and drinking's okay and people like to go out and drink a lot more than they should. And I mean honestly, if you wanted to start reducing this stuff, I think the public education campaign would have to be, *Don't drink so much that you don't know where you are, even if you're with friends.*

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Finally, respondents expressed frustration with societal perceptions of sexual assault. The final thoughts of many respondents centered around how pervasive misconceptions are about victims of sexual assault. One respondent told us:

You know what I mean? And you're wearing some sexy little outfit, it doesn't mean you deserve to get raped, you know? But they definitely need to be, you know, more aware. Like I would never blame a victim at all. I've never blamed a victim. But I think some victims need to be more aware of what's going on. But again, you know, if you're raped, you're raped. There's no blame. So I definitely think that—you know, especially starting—kids are having sex younger and younger these days, maybe even like middle school, you know, having programs like, *No is no, and this is unacceptable*. All the way through high school, through college, I think that would be outstanding. Because these girls need to know, you know, it's not your fault because you got drunk and you're wearing something sexy. That does not give the right to a guy to touch you, you know? So I think that would be—if I had the money or if the [jurisdiction] had the money, I'd definitely put it in to something like that.

Summary

We interviewed 18 sexual assault investigators across six sites. Our interviews made it clear that these are challenging cases to investigate and clear by arrest. The investigators offered their perspective of the challenges faced both by police and by victims. From their responses, it is clear that they believed that with increased resources, victims could have more support throughout the process and detectives would be able to better investigate the complaint. The complicated relationship with prosecutors also emerged throughout the interviews as well as the clear presence of a downstream orientation.

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MAKING SENSE OF PROSECUTION OF SEXUAL ASSAULT: INTERVIEWS WITH ASSISTANT DISTRICT ATTORNEYS

In this section, we present the results of our prosecutor interviews and the qualitative analysis of the transcripts. This qualitative component of data collection comes from 24 interviews we conducted with prosecutors in six jurisdictions. We interviewed 15 females and 9 males. Due to confidentiality concerns, detailed socio-demographic information is not presented.

Profile of Prosecutors

The participants were recruited to be interviewed because they handled felony sexual assault cases in their offices. We predominantly sought prosecutors who handled cases in the jurisdiction during the study period, however experience in the jurisdiction under study was the key factors that contributed to their participation. Based on their self-reports, the women and men interviewed had an average of 10 years of experience prosecuting felony sexual assault cases, although the range in number of years serving as a prosecutor of these cases was large – from 6 months to 20 years. The women reported an average of 10 years of experience (ranging from 3 years to 18 years) and the men had about 8 years of experience on average (6 months to 20 years). While some of the interviewees handled many or almost exclusively sexual assault cases, others had only one or two cases under their purview.

The prosecutors reported that they worked in sex crimes units, as well as, more general felony case units and in some jurisdictions the type of unit changed over the course of their careers in sex crimes. In some instances, the change occurred because they had moved to a new position and in other instances, the change happened because the approach to handling sex crimes in the office in which they worked had changed. There was no trend in direction of the change (from specialized unit to more general felony unit or the reverse) and it appeared that a change in who held the office of the District Attorney (DA) instigated such reorganization rather than any research-based analysis of best practices conducted by the office. While we did not ask systematically about the number of DAs under which the interviewee worked, it was clear that the DA turnover was great. One individual reported that s/he worked for four different DAs. Indeed, even during the course of the study there was turnover in the elected DA in the jurisdictions. In two jurisdictions, a new DA was elected during the interview period (2015-16) and in all the jurisdictions there had been a change of DA or in the unit head during or since 2007, which was the year in which the first sexual assault cases in the study were reported.

Focus of the Interview

A copy of the interview protocol is attached in Appendix B. All interviews were audio recorded with the informed consent of the participant. Most interviews were conducted in person and some were conducted telephonically. Our interview approach involved taking time to develop rapport and explaining to the participant our study focus on learning about sexual violence case attrition and decision-making. We asked them about their career and training history as well as how their performance was assessed in their current position. We engaged them in a discussion of the cases of felony sexual assault that they handled in general but then, to focus their responses and get more specifics rather than generalizations about cases, we directed

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questions to them about three types of cases and we asked them to discuss 1) their most recent case; 2) the most difficult case they handled and 3) the most successful case they handled.

Specialized Training

While the prosecutors interviewed mentioned some specialized trainings that they had received on sex crimes, the most common response was that they attended an annual District Attorney's Office-style training in which issues of domestic violence and sexual assault were covered. This response represents a common reply, "We're always having trainings and we're always sort of developing the best way to approach these cases."

Notably, however, many mentioned on the job training and learning from great mentors as important to success. Some went so far as to suggest that classroom training offered little and pressed the point that mentoring was key:

I had these great mentors. I mean I have very mixed feelings about trainings, because you can't train until you're in it. You know, I'll never forget when I first started in the DA's office as a brand new DA handling all these cases. They sat me in a room for two days, they said, *When you do an arraignment, you do this. When you go to bail, you go this.* I took notes and I'm a good student, you know? And I took notes and I wrote things down and I went over it at night. And then they put me in the courtroom and it was like— (A WHOLE DIFFERENT WORLD.) So when I train new people who come... I don't need to talk to them... the first few weeks I would have a new person, I'd say, *You're just going to sit here in my office and watch me and sit with me for three weeks.* And while people would come into my office and talk about cases and ask how to handle it, it's that osmosis. That's the way to do it.

Some reported having attended a "Career Prosecutor School" with very victim-intensive trainings and commented:

I feel like a lot of the trainings that we get or maybe that I've experienced as a DA have a lot to do with working with victims. Maybe not so much as the actual law enforcement investigative piece, but how to make sure that the victim's interaction and experience with you, the DA, is the least traumatic part of the entire experience.

But even those who had attended such trainings would return to the "learning from watching it done" approach,

A lot of the ways that I learned about best practices... and how to communicate with victims and explain the process and prepare them has been from shadowing and watching the way more senior people in this unit (work)... that was definitely part of and continues to be part of my training. When I came here, ... sitting in with (names) and just being a fly on the wall and watching how they interact with victims. Because for me... what's most helpful is seeing it in real time, in real life, done by somebody who's a true pro. And that's where I've gotten most of my experience for how to deal with most of the situations that we come across.

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Another ADA asserted:

... there is not a formal program that you go through. I think the office position on training is the best way to learn is to just go do it, is to get in there. Deputies rely heavily on their chiefs. Those are all experienced prosecutors who have decades of experience ... But as far as, you know, weeklong course on sex assaults? That doesn't exist.

Those prosecutors who commented on the need for training, at times, were referring to the need for more training for the police. For example, when asked about how to make things better in handling these cases one seasoned prosecutor said:

...if I had unlimited resources, it would be better training for the police, better resources in terms of getting stuff done like getting records, getting DNA, getting—I mean there's just such limited resources that we have to work with to be able to get certain things or to have certain things investigated the way that we would. And so you can't—you can't expect a prosecutor to spend 60 hours on one of 60 cases that they have. I mean it just can't happen.

In addition to training and mentoring of prosecutors, those interviewed mentioned the need for more work to be done in the following areas: 1) victim awareness (i.e., awareness of the criminal justice system process); 2) connecting with rape crisis centers; 3) engaging in collaborative outreach campaigns to reach “different demographics and different age groups” and “tailored to the particular cultural communities”; and 4) conducting outreach specifically to overcome cultural barriers to reporting.

However, even given the widespread recognition of the role of on-the-job training and of evolving best practices, one prosecutor recommended that prosecutors receive advanced training on how to handle these cases. This prosecutor made the point that even when the office does a good job on mentoring, “more training for prosecutors in terms of handling these cases, particularly in the area of victim interviews [is needed]”.

In addition, prosecutors spoke about how the training customarily started with handling of misdemeanor charges and then progressed to felonies (where there was much agreement that specialized training is appropriate).

In conclusion, one prosecutor offered, “I think to a certain extent it is things that only become easier with time and with practice.”

Prosecuting Cases and Working with Victims

It is important at this juncture in discussing the prosecutor interviews, to note that our research found that most of the adjudications of cases in the 6 jurisdictions studied came through a guilty plea (see section II) and not through an adjudication by a judge or jury trial. The predominance of adjudication via a guilty plea was also found by Spohn and Tellis (2012b) in their LA study. Prosecutors take cases forward that present a very high likelihood of a guilty disposition. Many of the interviewee comments focused on prosecutors' handling of trials (especially of handling jury trials). Indeed, there is much attention in the field on the difficulties of preparing victims for going to court and the potential trauma that testifying can entail. It is

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important to note that only 10-15%²⁴ of cases brought to prosecution result in a trial whether before a jury or a judge. In light of these numbers, it is useful to discuss prosecutors' decision-making and negotiations about offering and accepting a guilty plea. In the text below, following our discussion of the challenges prosecutors reported are faced by victims in these cases, we discuss prosecutors' feedback on the plea negotiations and strategies.

Challenges for and about the Victim

The interviews confirmed that prosecutors see these cases as beginning and ending with the victims. These insights came primarily as they discussed case outcomes and both their most difficult and most successful cases. We also asked them directly, "In your opinion, what are the biggest challenges faced by victims when reporting a sexual assault?" The prosecutors provided insights related to the challenges faced by victims and many stated that reporting the sexual assault represented a major and difficult initial step for the victim. "I think it's just the fact that reporting it... is a difficult thing to do. It's not a nice thing to talk about," said one prosecutor. Moreover, this difficulty for the victims presents complications for the prosecutor. As one said about reporting,

... I would say that's the biggest challenge in like my mind for the victim. But I think as a victim, it's the embarrassment, it's the guilt, it's the anger. That's the biggest thing facing them, I think.

Some suggested that the issues once raised by reporting have improved:

Well, I think that the whole approach from law enforcement has developed to the point where it used to be problems for victims, that is, you know, getting the police to believe them and then having to endure multiple interviews and just really being, you know, dragged through the mud—that that's changed quite a bit...

Though this prosecutor went on to state that:

The system, however, is still not victim-friendly. And it's not because of the efforts of the players, it's just because of the way that the system is set up, you know, constitutional rights trump victim rights every time. And the process goes on—it gets dragged out far too long and it's very difficult for victims to make—you know, to stay the course. It's hard on them. And—and there are times where the final result is not to their liking. Sometimes they really feel like, you know, the defendants don't get what they deserve.

In addition to the problems of the justice system not being focused on justice for victims prosecutors identified many day-to-day struggles for victims even when they want to participate. As one ADA stated:

Oh yeah. Some of them have—I mean if they don't have a car, it can be two hours and six bus transfers to get here. We regularly cab victims in, so we'll pay for the cab for them to get here to meet with us. But it is a problem, you know, when I ask my coordinator to set up a meeting with the victim. Some of them are driving 30/45

²⁴ In reality, some of the cases that are dismissed or that result in a guilty plea may have begun as trials, thus requiring full preparation for a trial, and if one would argue that more cases should be taken forward to trial then this focus on trials and the trial experience is warranted.

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minutes to get here because we have such a big metropolitan area for our courthouse.

Finally, prosecutors spoke about efforts they have made to try to address or mitigate the challenges faced by victims. For example, the length of time it takes for a case to move forward was seen as problematic for the victims.

I think for victims it is difficult that it is not a process where you report and then there's a trial the next day and it's over. I think that that is very hard for victims, is the length of time. But I think that that can be managed and explained, that—you know.

Although one might argue that there may be a better way to explain the length of time it takes for a case to go forward than, as one prosecutor suggested, to say:

It's like a really gourmet meal. I mean this might be condescending: it takes a long time to plan. And you can't just—not everything is microwave. And I think that that is a way to explain—

Trauma Related to Multiple Interviews:

One prosecutor explained the problem faced by the victims:

Embarrassment and you know, just they're absolutely embarrassed. They are mortified. They cannot bring themselves to even talk about it. And you know it's—like I said, you've got to meet them where they're at and you've got to get them to be able to tell you this and know that, *Trust me, I've heard worse*. You know? And it's not your fault and you know... that's the biggest challenge.

However, one interesting observation was:

...so we ask the police.... just to take a general report so we can schedule up a more thorough statement from them. Because if they report it to the police and they give their whole statement and then sometimes they go get a rape kit and they give their statement again, basically to the SANE nurse, and then to come back and do it to us again and then grand jury, it's just too painful for them to have to keep reliving it over and over and over. So we try to get it so they don't have to say it—you know, tell their story as many times. So at least in my cases, you know, I would say do very little statement. Get as much as you need, but don't go into extreme detail because we're going to do that.

However, this suggestion runs counter to the notion that prosecutors (particularly those in larger jurisdictions with many reports of sexual assault) depend on police to do a very thorough investigation. Indeed, police are likely to interview a victim many times to get sufficient information for a thorough investigation that would find all possible witnesses or explore the details of the time, place and nature of the assault. In general, it seems apparent that this holds for many of the prosecutors, “We try not to interview them too many times”.

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Raising the Problem of Victim Cooperation and “Uncooperative” Victims

We note in our findings that in many cases that do not move forward to prosecution and this happens because of issues of victim cooperation. Such “non-cooperation” may involve an “active” refusal to cooperate (e.g., a situation in which the victim states that she does not want to go forward) or a “passive” non-cooperation situation that was labeled as “victim refuses to cooperate.” Such “passive” non-cooperation may result from a victim not responding to letters and phone calls, not showing up for interviews with prosecutors or other court personnel, or dropping out at various stages of case processing.

Victim “non-cooperation” may reflect the burden on the victim of the time and distance required of the victim for travel to meet with the prosecutor or can be related to other factors. As one prosecutor stated when asked about uncooperative witnesses:

...If you're looking at only domestic violence cases and sex assaults, I would say that it is probably about 50/50 that you would get a victim that—I don't like to call them “uncooperative,” but a victim that doesn't wish to see her loved one be convicted criminally, and so she may not want to speak to me or participate in the process. So I would say that's about 50% of sex assaults—domestic violence sex assaults. I think that's very different than stranger or acquaintance sex assaults.

Another prosecutor agreed that cooperation issues are related to the victim and offender relationship:

Most of the uncooperative victims are domestic victims, so it's a domestic relationship, somebody that they care a lot about, maybe somebody that provides financial support or their baby's daddy and there is a lot of motivation for them to protect that person. And a lot of/a big dynamic that's been going on for a long time between them and ...a power...struggle. I would say most of the time with acquaintance or stranger sex assaults victims are cooperative.

This prosecutor also mentioned the important issue of how life circumstances influence the type and level of victim cooperation:

I have a case right now where my victim/and I think this happens often where/when you/people are preyed upon, they are often preyed upon because they are vulnerable in some way and so often times that means they overuse substances, overuse alcohol, underage maybe using of alcohol, maybe they are prostitutes or have been prostitutes, maybe they're homeless/transient, mental health issues, clear mental health issues and so those people, since those are the people that are preyed upon often are also nervous about the idea of the criminal system. Often times they also have warrants or they have other issues that they need to deal with and their sex assault is the least of their worries and so, those are victims that often times are uncooperative or maybe less truthful or forthcoming about the context of which everything occurred because they don't want you to find out that they were prostitutes, so they don't want you to know that they were using drugs, they don't want their probation revoked or lose their children or you know, I would say that maybe would be a dynamic that plays into their cooperation.

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Prosecutors are aware of the challenges that may increase the likelihood that victims do not cooperate. One prosecutor offered insight into mitigating some of the difficulties posed by the challenges of engaging victims from different cultures:

.. you know, again, we have really complex environments. We have people who don't like us or trust us or are recent immigrants and their environment in their home country was never to trust that kind of law enforcement environment. And so it's a complex set of circumstances. But if we bring to bear resources early and often, then we—as best we can tell now, we mitigate that the best we can. If we do institute an honest belief in the (victim) then we mitigate that the best we can. Do we mitigate it 100%? Not even close.

Decision Making-Processes and Strategies

There is concern in the field about the extent to which prosecutors base their case decisions on a calculation of what will get them ahead in their careers. To examine this issue we asked prosecutors how they were evaluated by their offices. In general, they asserted that what counted in their performance evaluations was the effort they put into cases and the relationships that they have with others on the team, in the criminal justice system and with the victims and witnesses. As one prosecutor stated:

Willingness to try a case that needed to be tried, that was important. The relationship with the victim was really important—how they interacted with the victims. So it was a combination of those.

Indeed, the prosecutors asserted that winning was not the measure of performance. However, some of the interviews revealed that somehow case “outcome” figured in to their performance evaluation. This prosecutor’s response to how s/he was assessed revealed a middle ground with recognition that the case outcome is “somewhat” figured into these evaluations:

It should not be based strictly or largely on whether you won a case or not, because offices that do that tend to have DA's who are afraid to try cases. Because if it's not a really, really, really strong case and you risk getting a not-guilty and that's going to reflect on your pay or your evaluation, then you're not going to take those cases. And a lot of cases, I think particularly in this area, need to be tried. And you have to realize that some juries are going to have problems convicting in certain circumstances, but it still needs to be tried because it really did happen and you need to do it. So I think generally people came to <a decision> based **somewhat** on outcome but with the knowledge of what kind of a case it was to begin with. (emphasis added).

Even though the interviews led to our conclusion that outcomes are seen to in some ways impact performance assessment, prosecutors revealed pride in being willing to accept the challenges of difficult cases:

I would say it would be easier to prosecute a stranger rape than it would be to prosecute an intimate partner rape. And that's—yeah, I think it's a lot more difficult. I don't shy away from it. It's challenging. (Laughs) I like challenges

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Moreover, in discussion with prosecutors about difficult cases some attempted to make it clear to the interviewer that they do not apply the label “difficult case” due to their own fear of these cases. As one prosecutor noted:

I don't want it to be a he said/she said (case), **not because I'm scared to prosecute a he said/she said**, but because I don't think it's fair to the victim to go forward on a he said/she said, because I do not think a jury would convict on a he said/she said.

The statement suggests that prosecutors made a calculation of difficulty, otherwise what would drive such fear? Why would this prosecutor be “scared to prosecute” such a difficult case? Do they balance the decision and consider whether they will be viewed as less competent, less successful and be given a lower evaluation if they move forward with such a case?

Finally, when asked directly if conviction rates were a consideration in performance evaluations, one prosecutor made it clear that there is a scorecard:

Oh no, not at all. I mean I think that they're based on the quality of my work overall. There are very specific categories that range from professionalism, ethics, trial abilities, case preparation—anything and everything and it's very much based on the substance and quality of my work. And we're actually not—we do keep track of our convictions-- but we're not focused on them.

In addition, another prosecutor made a statement that provided insight into some of the tentativeness of his/her understanding of how the performance score is calculated:

I don't think anybody is penalized for going to trial and losing, you know, as long as, you know, you were prepared and, you know, you never know what a jury's going to do, so I don't think that's really held against you. But you don't want people who are afraid to go to trial either, and when it comes to doing plea negotiations or plea-bargaining, you know, you don't want to, I guess, you know, give away the farm so to speak. You know, you want to make sure that you're making reasonable well-informed decisions that are consistent with what other prosecutors in the office are doing. But given that we are a very busy office, I think efficiency is also important.

This led us to the question: **If winning does not count what does?** Below, we discuss how do prosecutors weigh the evidence? Prosecutors are often focused on the issue of proof. A demand of the judicial process is to prove the case in court beyond a reasonable doubt. This demand factors into the decision of whether to move a case forward. Cases that they see as difficult to bring forward are those in which a question may arise about the victim credibility. This question may also have troubled the individual prosecutor. Such a concern was reflected in a prosecutor's statement about victim memory issues.

I mean if the victim says, *I was drinking and I can't remember what happened next, but I remember this or that and the next thing*, it's like how am I supposed to prove—first of all, why can you remember some things and not the other? I mean proof is of course the world we live in.

Prosecutors also asserted that they may have needed to decide not to file charges even when they believed that a rape had occurred:

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And, and so, most of the time when you refuse to file charges you feel like something bad happened? And that person was violated ... and you believe that? And you know that? But being able to prove it with evidence beyond a reasonable doubt to a jury is a different standard, (than) just believing that something happened.

Prosecutors reiterated their need to apply a reasonable doubt standard but in this usage of the term, the “reasonable doubt” applies to asking themselves if there is a reasonable doubt that a conviction can be achieved.

The standard we use is, you know, generally, is there a reasonable likelihood that I can secure a conviction? Um, and you know, that’s a standard we have for every case. ... You know, I’m, I’m bringing a prosecution in bad faith if I have that but if I look at somebody and say, *Look, there’s a reasonable likelihood that 12 people can believe you and if 12 people believe you then, then it’s guilty.* That’s, that’s fine. Um, you know, we have not filed cases where I, you know, I or other members of the team said, *Look, this kid’s believable but there’s something about the case that, that is fatal to it.* You know, there’s some family dynamic, like there’s some motive that, you know, we as prosecutors can explain away the past, but, you know, maybe it’s a financial incentive, maybe it’s you know, some inconsistency in statements that is meaningless to us as prosecutors but would be too big of a hurdle for a jury, you know, yeah, there’s some flaw that we can get passed but perhaps a jury couldn’t.

In the decision-making process, some responses suggest that it is on some levels driven by considerations of how easy it will be to win. One prosecutor told us he says to himself, “Well, it’s not gonna be easy to get this.” They also mention consideration of the use of the resources of the prosecutor’s office. The prosecutors discussed how difficult this decision is. One prosecutor told us:

The hard thing is you have an ethical line that you have to take very serious and if you’re going to charge somebody with something like a sex assault you have to have the evidence to support the elements of the law and if you don’t have the evidence to support the elements of the law, even if you think, *wow, this is a really bad guy, he’s a really dangerous person, I know he did this,* but we don’t have the evidence to support it, even if the evidence is testimonial evidence, whatever it is, we have an ethical obligation to not file it.

As a result, the types of cases that meet the prosecutorial standard of evidence are more likely to fit the following:

... situations where the victim from the very beginning says, you know, that they were assaulted and is consistent with their story and doesn’t change anything... (have) significant corroborating evidence like DNA or, you know, other witnesses who, you know, saw what happened or saw them together or came across the victim immediately after, if there were any injuries or anything like that. If there is a SANE nurse examination and, you know, the particular statements that the victim made are written down and evidence is collected, that’s all very helpful.

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Problems arise, even in cases with all of the above listed corroborating evidence:

.... if there's anything sort of that makes the victim I guess less sympathetic in front of the jury. You know, if it's a situation where the person said from the outset what happened, but let's say, you know, it's—you know, the victim is, you know, involved with drug activity or something like that, if the defense can harp on that, sometimes that will play a role. If there's sort of character, you know, witnesses that the defense tries to bring in to disparage the victim's character or to bolster the defendant's character. You know, if those witnesses are allowed to testify, that can sort of be a challenge. And I think, again, just sort of being able to explain to a jury the victim's behavior after the assault—that, I think, can sometimes be difficult for juries to understand that the person didn't immediately, you know, run to the police or run to the hospital or do, you know, something like that.

This explains some of our findings on how victim characteristics impact decision-making (see section IV). Here the prosecutor described how s/he would be more likely to push forward a case involving a stranger, especially if the stranger was implicated in more than one rape:

So if there was a stranger case, I would probably make the victim—I mean certainly would try to do everything I could to talk the victim into (going forward)

.... back in (another jurisdiction) it wasn't my case, but I remember there was a serial stranger sexual assaulter, and they forced a victim to go forward because they had to. It was a guy who was literally sexually assaulting a number of different people. But on a domestic or on a—something where the victim's credibility would really be an issue or the victim's testimony would be affected by the desire not to go forward, I'm not sure I would force the victim, because I would never know what's going to come out of their mouth at trial. Meaning like if consent is an issue and the victim doesn't want to testify, the victim just has to say that it was consensual and then there's nothing I can do.

We know that by law corroboration is not required in cases of rape. Yet, in the cases discussed by the prosecutors we interviewed it becomes clear that a lack of corroborative evidence is a challenge that may lead a prosecutor to decide a case cannot go forward. The prosecutor attributed that decision to ethical obligations. As one prosecutor reported:

And then there's other circumstances where multiple times I can think of where I filed cases, kind of on that edge, *ahhhh, I think I can prove this but it's gonna be really hard case.*"....I get on the case, work it up and then our DNA doesn't help us and the witness statement doesn't help us and the case starts to go south, further south, and we have to dismiss the case before we go to trial. That's a hard situation to be in. And that happens too. Where you just have to look at the victim and say, *you know what? We can't support you; we can't support what you have to say, with evidence.*

Yet it is not always that such cases do not go forward. As one prosecutor explained, while some of these issues make cases difficult to take forward and even with the *proviso* that cases

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that would be unlikely to result in conviction should not be taken forward, they may attempt to overcome the odds against conviction. This prosecutor suggested doing this only after a discussion with the victim and preparation so that she understands about the likely outcome:

...But there are lots and lots of times—more times, I think, than not—when you believe the victim and you—you know, you believe it really happened and it's worth—those are the kinds of cases that need to be taken to trial. If—I think it's important for the victim to understand that it's going to be difficult. The jury might not find this person guilty and that's not a reflection on her. But if you have a victim who wants that to happen, wants it to take to trial, it needs to be taken to trial.

On the other hand, if the odds against conviction are high even when the prosecutor believes the victim s/he will decline to take the case forward.

But again, you wouldn't want to say, *Oh well, you know, you only have an 80% conviction rate*, because if that's the case you're going to err on not taking any of those kinds of cases to the jury

Credibility Identified as an Issue in Prosecutorial Decision-Making

The prosecutor interviews suggested that when the victim was seen as highly credible because of the detail in her account and the timeliness of the report then it was more likely that a case would go forward.

The information she gave me about his description was so particular, right down to like a juice stain on the shirt. So I felt she was credibly given the fact that everything she—the description of where it happened, the description of him was all corroborated by police—by the police in their observations. She made an identification on scene. My other feeling was that, again she is a prostitute but she did report it, so I'm sure a lot of them go unreported and she didn't let this one go unreported, so I think that went to her credibility in my opinion as well.

Well I guess in—like in any case, you would assess the credibility based on the facts, whether—and the circumstances—whether they make sense, whether there's corroborating evidence. You would also make observations of the demeanor of the victim and their account of the facts as they occurred, and I guess in a general conversation as well.

Nevertheless, prosecutors also pointed out that they were aware that some perpetrators selected victims to target or may have engaged in specific behaviors designed to challenge directly the victim's credibility.

He was accused of multiple rapes by multiple people. They all had credibility issues, because the people that he would pick would be people that—girls that were significantly younger than him, usually underage, that he would provide alcohol and/or drugs to, bring them over to his apartment, ...force and sexually assault them. And so there was always the issue of their credibility in terms of he would buy them gifts, he would get them pizza, he would get them beer, and then all the sudden they would accuse him of a sexual assault. So their credibility—I think he did that on purpose. I mean he did it to set up their credibility having issues.

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Issues raised about credibility and evidence can be overcome, suggesting that it may be worth taking more of these cases forward, as was revealed in this example:

.... I had a recent ...case, the victim had a heroin problem, she walked the streets, she exchanged sex for drugs a couple times. The defendant happened to be someone that had picked her up one time, took her to a hotel room, sexually assaulted her. I knew he was a Level Three sex offender. We had no visible injuries, no immediate complaint, no—pretty much nothing. I knew a jury would have some issues with her credibility. She then went—you know, she'd been in recovery at the time of this. She then went and used that night and used before she reported it. We ended up not having any DNA ... So it was going to be a really, really tough case, and I sat down with her and had a very frank conversation and she had been at his arraignment, so she knew that he had previously sexually assaulted someone before. And she was pretty adamant that she wanted to do it and I said okay, so we did, and amazingly enough it was a guilty and we can't—we still can't figure out why, but he was (found guilty).

Then there are some cases where all the elements line up—victim and offender relationship, evidence, and credibility:

Well this case... it was somewhat, you know, not typical... it was a stranger. It was such a serious history that had occurred previously. The victim called the police right away. She had called, you know a AAA tow truck to pick her up on the side of the road, and then this had happened. ... received all the records from AAA showing that he had been the driver. You know, there was—there wasn't a lot of reason ...to show why she would even make up a story like this. I think that there was also bruising on her which corroborated it. I recall also the police reports and the accounts and the testimony of the police officers that spoke with her at her home. They—her parents called 911. She was able to get out of the car and ran all the way to her house and her parents called the police right away. And I just remember how—the account of how scared and terrified she was as a result of the incident. You can imagine how she was just shaking uncontrollably...

Juxtapose these cases with the following cases in which the prosecutor was reluctant to bring the case forward:

I think that I can prove up certain things, but then I have a sense, well, the jury is not going to like that. The jury is going to like this. The jury is not going to be happy because we don't have DNA evidence. The jury is not going to be happy because there's no physical injury to the genitals... They're not going to like that. Credibility comes in. So there's a—there's a spectrum of things to consider...

Either they have mental health issues, they have substance abuse issues, they have something that causes it to be bad to have to go through this process.

It is generally a question of evidence, and there needs to be something that tips it in the favor so that I think it's in the victim's best interest to go forward. And generally

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if it's a complete he said/she said, I don't think it's in the victim's best interest to go forward because it's a year to two to three year process for ultimately—for me to go—for the case to go in front of a jury and ultimately I don't think it would be successful because juries want—they don't want to find beyond—one person's word beyond a reasonable doubt. They just don't. So that's usually—it's not that I need evidence to believe the victim. It's that I just don't think it's in the victim's best interest to go forward without some other type of corroboration, however little it is that we could—and then if it's depending—you know, depending on the victim and how strong the victim is, then—then—the I'll make the decision that it's okay for them to go—you know, that it's okay for us to go forward and the victim's strong enough to go through a not guilty. There's some victims that would not be able to do that, like that I just—I've made decisions where I'm not going forward on a strong case because it's not in the victim's best interest to go forward.

And given the lack of corroboration evidence (something that is common in most cases of sexual assault), the bottom line concern of prosecutors was also about how to use the, in some cases, limited resources of the prosecutors' offices.

I mean there's just such limited resources that we have to work with to be able to get certain things or to have certain things investigated ... you can't expect a prosecutor to spend 60 hours on one of 60 cases that they have. I mean it just can't happen.

Negotiating and Getting a Guilty Plea

With all the evidentiary issues the prosecutors cite as having an impact on their ability to take a case forward and that account for the decision to drop charges it is clear why they find an alternative approach is to adjudicate cases through a guilty plea.

Some prosecutors told us that they viewed a guilty plea as a “success” and as perhaps even a bigger success than a guilty verdict at trial.

I think a guilty plea is a huge success. I mean for some reason—I think a guilty plea in many ways is bigger success than a trial, because the defendant owns responsibility. He walks into court and says, ‘Yes, I did this.’ ...the victim doesn't have to testify about how much she was drinking, drugging, her vagina, it feeling good, her lying to her parents about jumping out of the house, skipping school, whatever it is. I mean to me, a guilty plea is a real win-win, but it has to have teeth. It has to be meaningful.

Thus, a guilty plea was seen as a success conditionally if the sentence had been appropriately bargained.

I like to see jail or prison. I believe in that. I don't—I think treatment is a nice idea, but I don't really think it works, to be honest with you.

One prosecutor stated that the bargaining is as much about negotiating the charge as the plea:

We do not just plea-bargain but charge bargain as well. So if a case has problems that are sufficient to cause us to, you know, be concerned that... we may not get a conviction, we

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generally take the attitude that... a bird in the hand is worth two in the bush, so if we can get some sort of a conviction with some sanctions, you know, punishment and treatment even if it's not what we initially set out for, sometimes it's—.. the compromise is worth it to get a case resolved and get a defendant into the criminal justice system, you know, with some punishment or at least some supervision and treatment. So taking that approach, I think that increases the percentage of cases that result in an outcome that is, you know, not just the case dropped or nol-prossed or just goes away or never indicted. You know, we generally do indict almost all cases that come our way, because by the time they do get here ... we can be confident that we should proceed with an indictment. And what happens from that point on, it depends somewhat obviously on each individual case. But cases that do get indicted, the majority do result in a conviction of one sort or another.

In this way, guilty pleas were seen as a success.

There are certainly times when a plea agreement felt very successful even though it was less time than I might have wanted. I mean I can think of several occasions when I agreed to plea something for less than I thought it would get at trial, but I still felt that it was successful because we got the guilty verdict and in that particular situation with that particular victim, it would have been more difficult on the victim than—you know, the trial would have been really, really difficult and the victim was happy with the outcome. So—but for me, if you don't get a guilty verdict it's not successful

When one prosecutor was asked, "Is, is a guilty plea a success?" he replied, *You know, two shots of happy, one shot of sad.* (Laughter)

Indeed, the prosecutors supported the notion that a guilty plea is a success especially if it spared trauma to the victim and got a "bad guy" at least some time off the streets.

...If I have somebody who's going to be damaged by a trial and no sexual based trial that I've ever done has not damaged the victim in some way um, it/trials suck for victims. Like there's/we can make it suck less, we can make it less bad but it is never, is never a good experience. If I can get close to the scenario that I want to have and that scenario doesn't have to be, you know, bad guy goes to prison for the rest of his life, but if I can get close to a situation that is safe, I'm going to do that every day of the week and twice on Sunday. I have pled perfectly winnable cases, you know, cases that with minimal effort I should win 99 times out of 100. Um, you know, does that go into how my bosses evaluate me? A little bit um, you know, not/why/in the same way, why are you going to trial, why are you pleading your cases? Are you pleading your cases because you want to avoid trial? Are you pleading your cases because there's some purpose that it serves? Um, so, I'd like to think every plea that I put my name to serve a purpose. ... You know, if, if there's a child who's going to be damaged, if there's a young woman or a young man who's going to be traumatized by it, then that's a reason for me to at least, look at pleading a case.

The interviewer asked, "Is this a win-win situation?"

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That's—that's a fairly typical plea bargain from us, because we get a significant chunk of time, he gets the assurance of being able to get out at some point, and then we also have the supervision on the backend. For a closer case that we have less—we're less certain is going to resolve favorably at trial, it's going to—that sentence is going to mitigate down significantly to where, you know, on the low end it might be a probation sentence or a probation term of jail. So that's—that's kind of a fairly typical low end for us, where we're trying to get some measure of either sex offense treatment, straight-up keeping a person from going back on the street right away, or trying to get—make sure that they're a registered sex offender, although that's more window-dressing than anything, because I don't know anyone who actually thinks that the registration does any good.

In addition, another prosecutor reported:

...my philosophy is, the best thing we can do for victims of these kind of personal crimes is resolve with a really good resolution and not make them go through it and relive and let them appear at sentencing and have their day in court that way versus going through the trial although the trial is the fun part for me when I get there. It's just...I feel like if I can resolve it and it's a good resolution it's a sure conviction and it's not something they're going to appeal and they don't have to sit in front of that person who did that to them and tell random strangers/ jury, what happened.

In short, prosecutors argued that a defendant may take a plea if he fears a conviction and a long period of incarceration being imposed by a judge.

Um, I think the judge gave him—I think seven years? And I think that after trial he would have probably faced more and I think that we probably would have won a trial. He could have said that, you know, she consented, but I think if you look at the injuries, there's no way you could say that she consented after that beating that she had taken. Because he admitted to hitting her but he did not admit at first to raping her. But his attorney, I think, explained to him that seven years is pretty good right now if you take that. If you don't take it, you go to trial and you're looking at significant more time and—

So technically, I could have charged him with some enhancements and if he went to trial would have been subject to higher penalties as a potential. But for purposes of the plea, we went with the straight rape and he got the max on that. So yes, we were all very happy. The victim was happy she did not have to come in and testify. The victim's mother obviously was very pleased with the result as well.

One prosecutor also described how investigators participated in assuring that a plea bargain is possible.

So in this case, the investigator was a very experienced investigator, been on the force well over twenty years, was very passionate about the case, you know, recognized the victim had issues—was aware of that and knew that the interview with the defendant was going to be key, and hit a home run. You know, had a great interview with him. It was at least, I think, over an hour and a half, if not two hours.

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It was audio recorded. It was locked solid. And that was a huge, huge factor. If I did not have that confession, that defendant would not be in state prison for time he was in, and it would have been a trial and it would have been a messy trial for the victim. I can never guarantee success of a trial. You know, as some of us like say, we've won cases we should have lost and we've lost cases we should have won. So to have that certainty of the plea, to have accountability—I mean that all fell on that investigator's interview.

Prosecutors made it clear that accepting a plea was about negotiating but not about bargaining down. For example,

But that ability (to bargain sex offense charges away) is there...t—and other offices do do that, but my feeling is you don't charge someone with rape to let them plea to assault and battery. They're either a rapist or they're not, and I feel like they're either not guilty or they're guilty. And what happened to that woman was not assault and battery.

... if a case goes to trial and the defendant is found guilty then, you know, so the sentencing is potentially wide open. The judge will do whatever the judge is going to do. So a lot of times the victims don't feel that the judge understood the seriousness of what happened. That's not—I don't want to put too much of an emphasis on that-- I think it does happen, but it's not a prevailing issue. But I think that, you know, there are things that probably could be done to make the experience for victims a little easier to endure and to a great extent it's really just a matter of how long the whole process takes and the victims inevitably feel that, you know, their rights or their concerns aren't being given the same weight as, you know, the defendant's rights.

However, prosecutors also made it clear to the interviewers that in some cases the prosecutor did not believe the victim's story:

.... I think some of them fall out for a lot of reasons. **They fall out because it didn't happen** and they fall out because the victim was not willing to meet or testify. They fall out because it's not a viable prosecution and it's not in the best interest of the victim to go forward.

Hostile victims I mean don't—don't get to go to a trial. I mean they just don't.

In addition, in another example, a prosecutor asserted:

Where they cry rape to get him in trouble. I think that happens. You know, I couldn't give you numbers, but there are some I'm like, *I don't—I just don't—something.* It's not the strength of the case that tells me whether it happened or not. It's just in my gut. It's—you know, we had this woman not too long ago. It wasn't my case, but this woman was pleading guilty for basically screaming rape. And it was proven. Like he was—he was in custody or in another state or, you know, something.

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Complicating Factors but NOT Exonerating Factors

Other complicating factors were important considerations according to the interviewed prosecutors. For example, use of drugs or alcohol by the victim was a common factor that complicated a case.

..... It is almost rare that we see a case where you just have an overcoming will or they say, *We were together and maybe we were kissing and this part was consensual but then here's what happened to me, and I said no and he didn't listen...* That's a lot more rare now, it happens but usually there's alcohol, at some level at least. And most of the time you're dealing with high levels of intoxication. A lot of the acquaintance and or stranger sex assault involve blackouts, periods of just lack of memory completely -- after high levels of intoxication.

One prosecutor described what was seen as a complicated case that involved a prostitute.

They're in his car, drives a little bit, there's a negotiation for oral sex... And then she becomes unhappy with him, because he wants more than oral sex and she is unhappy with the amount of money he's offered. He offers \$7 and that is not acceptable to her. So she gets out of the car, says something insulting to him, *'F*** you,* something insulting, slams the door, kicks the car, and then he drives.... drives his car at her, at least one of the tires pass over her body—she's knocked to the ground, tire runs her over, and he then scoops her up, puts her in....and rapes her.

In addition, another prosecutor made it clear that cases involving someone trading sex for money were difficult to prosecute. The prosecutor told the interviewer:

But a jury, with very few exceptions—well, without exception—judge prostitutes extremely harshly, and are disinclined, as a group, to believe what a prostitute has to say.

In short, prosecutors reported that many of the circumstances complicate these cases:

...if there's anything sort of that makes the victim I guess less sympathetic in front of the jury. You know, if it's a situation where the person said from the outset what happened, but let's say, you know, it's—you know, the victim is, you know, involved with drug activity or something like that, if the defense can harp on that, sometimes that will play a role.

And then he illustrated additional complications:

If there's sort of character, you know, witnesses that the defense tries to bring in to disparage the victim's character or to bolster the defendant's character. You know, if those witnesses are allowed to testify, that can sort of be a challenge. And I think, again, just sort of being able to explain to a jury the victim's behavior after the assault—that I think can sometimes be difficult for juries to understand that the person didn't immediately, you know, run to the police or run to the hospital or do, you know, something like that.

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Reducing the Number of Cases Taken Forward

Considering the myriad of complications in these cases, the prosecutor interviews revealed a very interesting strategy which some used to reduce the number of cases taken forward. This was, at times, a strategy designed to reduce the caseload in the unit, or to help reduce the likelihood of burnout of prosecutors, or to boost the success of the unit in achieving convictions. One prosecutor told the interviewer:

I believe in not filing cases and I believe... taking the better cases or the decent cases, and then you don't have that much attrition. It is rare ... there's resolution, there's a trial. Not everyone obviously is found guilty. There's a lot of acquittals and there's a lot of plea bargains, but I actually don't see attrition as a huge problem, because we're killing it at the upfront. And I think that that's important for so—it's important for victims, it's important for the prosecutors, it's important for the process not to clog, not to drag, not to confuse cases. I just think all those things are really important.

We found that there was, in some units, a set strategy to weed out the losing cases.

If I see a case that I'm like, *It's not going to work*. It's just not going to work. The girl brought condoms to the party. She brought the Fireball drink to the party. She had a crush on this guy, and she told her friend that. And maybe they went farther than she wanted, or maybe they didn't, or maybe the next day he was with another girl. I mean where are we going? Let's say I were to charge that case. I come into court, I go, *We're charging this as a rape case*. Get a bail, get a this, the judge says this, and then later on I'm dismissing it or the judge is listening to the evidence and is like, *That's the case that you're charging?* So then when I come to court with (another case with more evidence, a coach, a parent) the judge is like, *Well, who knows? I'm not going to set bond. Let him out in the community. Your cases suck?* And I think jurors also will go home and they'll say, *Well, this girl claims she was raped at a party, but then look what happened. There was this, there was that, and there was a text afterwards, and the DA didn't think we should pay attention to it, but how could I not?* And nah nah nah nah.

Prosecutors reported confronting a victim with the case weaknesses in a manner to discourage her from wanting to see the case go forward, for example one prosecutor stated:

And I explain, *This is what's about to happen.... Do you realize that you (are going to) have to testify about (your) vagina? And ... testify ... flirting with this guy ... drinking these many drinks?* And that she doesn't remember but then she does and she threw up and she thought it was funny and that she brought condoms to the party? *Do you realize all those things, you know?*

The prosecutor may see this as the prerogative of the office.

I'm very upfront with (victims)... I'm very honest... *It's my case, not yours. I don't represent you. We're going to do it my way ..., 'I've been doing this for twenty years... I'm going to make the decisions.*

But I can look at cases and say - *This is a loser.*

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Nevertheless, of course, this did not happen with all cases and the prosecutor went on to state:

And I want to make sure you understand I'm not saying that all the cases have to be won in order for us to—for me to feel good about it. **But they have to be winnable**, and I have to believe that it happened. If I can't believe that someone was sexually assaulted beyond a reasonable doubt, I can't charge the case! It's ridiculous! You know?

In some cases, the prosecutor justified the approach to weeding out cases by arguing that excluding these cases means that,

.... then you're not... saddling ...staff with cases that are going to burn them out either, that are going to create emotional challenges.

In addition, went on to explain the need for corroborating evidence:

I mean, you just can't/you're charging somebody with such a serious crime, you, you have to be able to support what your victim says happened with something. It doesn't mean you have to have an eyewitness, of course. But something has to be able to corroborate that's not fair... to her but it's also not fair to the, you know, the ... the justice system.

According to some prosecutors, there was a need to weed out difficult cases and that this was to the victim's advantage:

So a lot of times I'll meet with (victims...) and (my colleagues)—they call it break-up meetings. ... I'll say, *I know your daughter feels that she was sexually assaulted at this party. ... I'm telling you as (a person with experience)...we are not taking this case to court...* I really believe this, doing a service to them.

Juries and Convictions

Prosecutors also told the interviewers about the difficulties of obtaining convictions via a jury trial and emphasized the reticence of jurors to convict. Prosecutors told us that this jury reluctance can happen even in a jurisdiction where the public takes a “law and order” view and normally has a jury poll that is tough on defendants. One prosecutor explained:

You know, even, even in a ...very, very conservative county where jurors would give me basically anything I asked for, you know, there is a stigma associated to somebody being a sexual offender that is a super, super, super bad thing. Worse than being a murderer, worse than being anything else. And you need more (evidence) than you would need to convict somebody of breaking somebody's nose in a bar fight. ... (in the case of a charge of a sex offense) it's like, *Oh, you're going to ruin the poor man's life forever. He's a sex offender, that's super bad.* And you know, (t)here's somebody who very is likely sitting at the defendant's table, you know, probably dressed nicer than I am in court, you know, looking like... the coach of their baseball team... And, and, you know, here I have somebody who...if, if my victim's had a rough life, maybe she's not coming to court dressed...as one would come to, to Sunday school.

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Moreover, jury members are challenged by rape cases:

...it is super easy for even somebody who is ardently...pro-law enforcement and ardently pro-prosecution to say, *I will accept this person's word and call this person a sexual offender and, and visit all of these things that I think will happen to a sexual offender upon them? ...that's a hell of a thing.* And you know ... it makes it easier for defense lawyers to victim blame and you know, and say she asked for it ...

So prosecutors suggested that the victims are the ones on trial:

Their credibility becomes the biggest—it becomes a trial about them and their credibility

Yet some prosecutors reported that they would take these cases to trial as long as the victim understands what may happen. As one prosecutor stated:

I think it's important for the victim to understand that it's going to be difficult. The jury might not find this person guilty and that's not a reflection on her. But if you have a victim who wants that to happen, wants ...to take to trial, it needs to be taken to trial.

This was described to us as occurring in the so-called, he said/ she said cases but that prosecutors, after weeding out the cases that they believed could not go forward, did decide to take such challenging cases forward to a jury trial:

So for example, there are a lot of cases where it really ends up being primarily a he said/she said. And some of those cases, when a prosecutor looks at them and has talked with the victim and has listened to what the victim has to say, you know you can't take it to a jury for whatever reason. It's just—it's not going to hold up...

Ahh, you know, it's/there's a tipping point where you know, if, if the facts are aggravated enough, then the juries saying, "what, what can we do to this person"? Right? Um, you know, I, I've had, you know, one of the aggravated sexual assaults in (County 2) was a gang rape situation and you know, the, the victim was just, was just beat and the jury was out like 25 minutes, right? They're like, *is there anything else* (in addition) *we can convict this guy of?*

However, the prosecutor contrasted this to cases that bring out jury reluctance to convict and evidenced their own ambivalence about the equivalence of different types of cases involving different levels of physical force, which the prosecutor calls the "non-violent" rape:

Um, but on the other side of that point is the non-violent rape, you know, the molestation of a 17 year old, the consensual alcohol assisted... where it's like, *oh god, are we going to say this guy is the same as that guy? You know, that, that guy, you know, he can go to hell. Um, ah, god, this guy?* So with people knowing, you know, life is not exactly great for sex offenders and, and in this state is actually quite awful, it's fine. Um, you know, that, that makes it difficult for juries to glom on to the, the less aggravated sexual assaults.

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The Need for a Special Unit

We asked prosecutors their opinions on how cases should be handled and if there was a need for a special unit. Accordant with their reported preference for intensive on-the-job training, prosecutors were quick to endorse the notion of special units to handle felony sexual assault cases.

Yes. I just think that it's—it's—having someone who has these special like knowledge—basis of knowledge about how to deal with victims, how to assess their credibility, how to prosecute these types of cases—they're going to be so much better and so much faster at these types of prosecutions. And that's a key because the more—the easy—the earlier you can assess a case and do what needs to be done on it, like I said, nothing ever gets better. It only gets worse. And there might be surveillance video at an ATM that's going to be gone in 30 days, and if you don't think of it for six months, or you don't ask the right question, it's going to be gone. So having someone, specialized people, assigned, that—when all they do—I mean when I was in our sexual assault unit, I literally had over 100 sexual assaults at one time. But that's all I was doing. I didn't have to focus on all this other stuff that I have to focus on and I was—I knew how to do them. So I, you know, was able—I mean I definitely shouldn't have ever had 100 of them, but having 50 sexual assaults in that type of unit is different than having 20 sexual assaults here and 20 other cases that take up an extensive amount of my time.

Another prosecutor endorsed specialized units in the following statement:

... it's very hard to—to learn how to develop these rapports and evaluate the credibility of a victim, unless you do a billion of these meetings. And if you only get one sexual assault every three weeks or every month or every two months, and you've only been in the office for two years, you're just really not going to have that skill set to be able to evaluate your victim's credibility, and you're either going to be indicting cases that you shouldn't be or you're not going to be indicting cases that you should be.

Finally, there was an advantage to collaboration in a unit to make prosecutorial decisions

.... sometimes it's such a challenge that you feel like, *I don't know if we can prove it because of these 3 things?* That's when you go to another lawyer, another 2 lawyers and bring a group of 4 lawyers in a room and say, *let's talk about this – what do you guys think? Can we overcome this or is there other things we can do, should we file this, should we not?*

Understanding Attrition

In conclusion, the prosecutors offered to the interviewers their understanding of the problem of case attrition and justified the process they employ in their decision-making. On one side, a prosecutor pointed out that they are criticized for taking too many cases forward and charging cases that are challenging. On the other side, the prosecutor points out that the public has no idea how many do not move forward (presumably, because these are even weaker cases) and how many false reports are challenged and not brought forward:

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...prosecutors are often criticized for, you know, charging these sex assault cases that are hard to prove or that may have credibility issues. And I'm not asking for credit for it, but that—those people have no idea the sheer number of sex assault reports that we do get that we don't go forward on. You know, this isn't just a rubber stamp and whatever she says, you know? There really is a thoughtful, thorough—and there should be—investigation into whether or not someone has committed this offense. And we don't just go forward with everything and that's never seen, you know? And I would never say that because of course I'm supposed to do that, it's my job. But sometimes it's kind of frustrating because, you know, they have no clue that we do challenge false reports all the time and we do shake things down and we do have a fair process.

Summary

We interviewed 24 prosecutors from the 6 jurisdictions, 15 females and 9 males. These prosecutors had handled felony sexual assault cases in their offices with most having handled cases during the study period. The prosecutors reported an average of 10 years of experience prosecuting felony sexual assault cases, although the range in number of years serving as a prosecutor of these cases was large – from 6 months to 20 years of such experience.

Our interviewees made it clear that the DA turnover was great. One individual reported having worked for four different DAs. Indeed, even during the course of the study, there was turnover in the elected DA in the jurisdictions. In two jurisdictions, a new DA was elected during the interview period (2015-16) and in all the jurisdictions there had been a change of DA or in the unit head during or since 2007 which was the year in which the first sexual assault cases in the study were reported.

The prosecutors offered to the interviewers their understanding of the problem of case attrition and provided justifications for the process they employ in their decision-making. They emphasized the importance of the victim in all cases, stating the cases begin and end with the victim. They indicated the critical importance of plea-bargaining in adjudication of these cases, an observation born out in the quantitative data analysis we conducted. Although prosecutors stated that they were not assessed based on their conviction rates, they did emphasize the need to determine and take forward those cases that will be most likely to reach a guilty verdict. The prosecutors were clear that many cases could not be taken forward for a variety of reasons which are reflected in our quantitative data analysis (e.g., issues that speak to victim credibility) but also stressed the need they felt to reduce the number of cases that a unit takes forward to a manageable level given the resources they had available, problems of prosecutor burnout, and the likelihood of conviction.

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SECTION IX

FINDINGS ON VICTIM SERVICES

In this study, we conducted focus groups with victim service providers about their involvement in victim services, improvements needed in those services, and the challenges victims still face when dealing with the criminal justice system. We sought their feedback on how to reduce sexual violence, how to improve services for victims, the barriers to arrest and prosecution and collaboration strategies. (See Appendix B for the focus group protocol).

In this section, we provide the results of analysis of the transcripts of two focus groups with 16 victim services providers in two jurisdictions. The focus group sessions were transcribed verbatim and analyzed by the research team, following principles of a grounded theory approach. This approach provided information on victim needs, barriers to prosecution, and service providers' suggestions on how to improve support for victims. For the analysis, we used NVivo, a qualitative data analysis software package designed to assist in reviewing data and identifying themes. We reviewed the transcripts and identified common themes that emerged from the focus groups.

The focus group participants were all women, ranging in age from their 20's to 50's with an average age of forty-six. These individuals played different roles in responding to reports of sexual assault within their jurisdictions. These roles included victim-witness court advocates, police department based advocates, sexual assault center counselors and advocates, and sexual assault nurse examiners.

Over the years, communities have developed Sexual Assault Response Teams (SARTs) to assist victims and to find justice for survivors. These multidisciplinary teams are usually comprised of police officers, detectives, prosecutors, victim advocates, and forensic medical examiners, such as sexual assault nurse examiners and laboratory personnel. SARTs sometimes include victims' rights attorneys, religious groups, mental health service providers, correctional staff, and policymakers. Research has shown that when these SARTs are coordinated, they have a significant favorable impact in the recovery of the victims and the prosecution process compared to systems that work independently (Campbell, Patterson & Bybee, 2012; Greeson & Campbell, 2013; Nugent-Borakove et al. 2006). SARTs can impact the likelihood of victims' participation in the prosecution process, can make improvements on the quality of evidence collection, and can shorten the delays in reporting to law enforcement by helping the victim feel more prepared. Moreover, SARTs members report that with their intervention, victims have reported to experience a less traumatic prosecution process, and in many SANE/SART cases, both the quantity and quality of the evidence collected has increased, which may lead to better criminal justice outcomes. While SARTs are increasing in number and scope in the United States, studies have found that most sexual assault cases are still underreported and under-prosecuted and that in most communities there is no review of sexual assault cases by such teams. A sexual assault response team was active in one of the jurisdictions covered and was in the initial stages of re-development in another.

Themes Identified

Our analysis of the materials from these focus groups revealed several important themes. The first theme emerged in part from a word search, which found that the most commonly used

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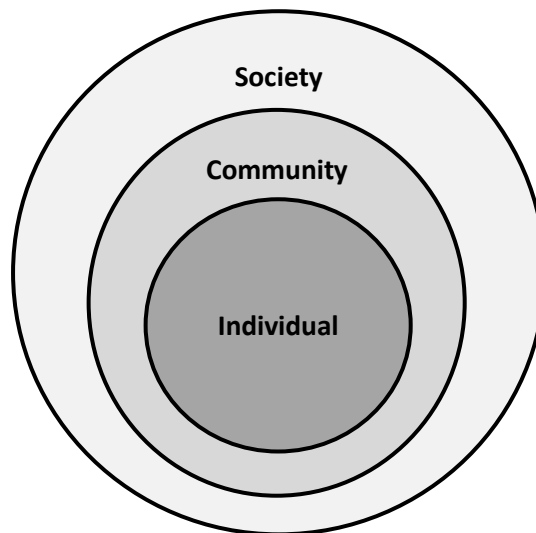
word was “education.” This theme emerged most strongly in one focus group, which we have labeled as “Education Centered.” While both groups mentioned needs that we categorized under the theme of “education,” this group stressed the need to educate members of society and the broader community while the second focus group, when discussing education, stressed the importance of training and education for the criminal justice system (CJS) actors. Through further analysis of the transcripts, several subthemes emerged, including content and timing of needed education and training and identifying CJS actors who most needed education.

As we began to organize the themes that emerged, we identified an over-arching ecological framework that provided an important context for understanding the findings from the victim services focus groups. A social-ecological framework offered an understanding of the dynamic interrelations among individual, community and societal environments and the need for education in each domain. The victim formed the center of this framework (the individual) and the community and society comprise the larger environment in which the actions occurred.

Individual Focus

Fear as a theme:

One important theme we identified regarding the individual victim, revolved around the issue of “fear.” The focus group participants suggested that fear is a primary barrier to involvement with the CJS for individuals who have been sexually assaulted. This fear persists



from the time of first report of the sexual assault through the later prosecution stages. Focus group participants discussed the reluctance of victims to prosecute due to fears that they would not be believed by family members, by members of the criminal justice system, and by society in general. As one focus group participant stated: *It was a snowball effect (of fear) once she reported*

Indeed, fear may be viewed as a snowball. While we can understand a level of fear during victimization via sexual assault, the focus group members stressed the fears that arose for the victim during the post-report stages. Some victims feared the police because of past experiences or because they were, themselves, afraid of being arrested or prosecuted for past violations – such as unpaid parking tickets or other minor infractions.

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This fear is enhanced because victims' needs were great. At first, our participants reported that victims encountered immediate barriers (to cooperating with prosecution) that sometimes were small, such as not being able to pay for parking or not having enough gas to drive to appointments with CJS personnel. Focus group members pointed out that when these difficulties were not addressed, victim needs then would increase in size and scope. If a victim received a parking ticket while appearing for appointments with CJS personnel and she could not afford to pay, she would be hesitant to participate further in prosecution due to fear of being arrested herself or fear that such violations would come up in court. As one victim advocate put it:

(Victims have) fear with the criminal justice system.... I mean a lot of times things are turned away once they report it to the detectives. So the fear of not being believed, the fear of (then) being accused basically on stand...when it goes to trial...

Financial stressors as a theme:

A second theme related to the individual needs of the victim was financial stressors. Focus group members emphasized the financial needs of the victims and discussed how such needs have an extremely serious impact on the prosecution process. For example, for victims to appear in court, they might have to ask for the day off from work and/or find a babysitter for their children. If the victim was living a life that was only one pay check away from homelessness or even losing their children, such financial burdens would be ones they could not overcome. When victims have already lost time from work due to the sexual assault, making further demands on their resources was beyond what they could reasonably do. The focus group members stressed that to avoid further financial strain and the dire consequences of job or housing loss, some victims dropped out of the system, did not cooperate, or directly opted for non-prosecution. As one victim services provider stated:

... and resources too, to help survivors through that long process if it does go to trial. We've had survivors contact us who are like, *I can't take off five days of work. I don't have enough money. ...or, I can't—I'm driving, you know, an hour to court. I don't have enough gas. Or, I don't have a babysitter.* So things (are needed) that are not ... advocates and therapy and counseling (but) ...those real, you know, basic needs that survivors have.

Indeed, there are plenty of people who do not get paid when they do not go to work because of the court process:

... Like there's a big difference with somebody who has all their needs very comfortably met and has some flexibility in their world, and then there's the rest of the population, which tends to be our population.

And I've had patients who **can't** report—they'll come in and do an evidence collection, but they can't report because it was their boss and they can't lose their job. So think about that whole situation there. Like what do you (do)? (The victim thinks) *I'm going to collect this evidence, which is fabulous, in case I'm put in a position to change my mind. I can't change my mind though, you know, because I need my job. So I'm also now in a position to be re-victimized because of all that also.* So... it's those basic little ... barriers.

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Then there is the victim's responsibilities such as to her children:

(The victim says) *Who's going to take care of my kids? I've had patients also leave before their exam got started because, I've got to go get my kids. I don't have anybody.*

A related theme on such financial stressors related to the lengthy time that cases of sexual assault customarily take to reach prosecution. During this time victims not only encounter financial costs but also emotional damages as they find it difficult to move on psychologically as they had to continue to be physically and emotionally available for court hearings and while awaiting the next step in the process. Thus, the time involved and the need to be available for court places an added strain on the individual victim.

It would be very difficult as a victim to move on with your life when you have a court date that is six months away that gets continued to another six months that gets—you know? And I've had victims where it's been three years of continuances. And so, it's like, *Well okay, how was I supposed to move on with my life at any point? Because I have to remember everything, you know, to be able to recount it and all that stuff.*

Lack of knowledge about the CJS as a stressor:

In addition, the focus group members made it clear that there is much that the individual victim needs to know about the system. They stressed that the victims are in for a rude awakening when they see how the balance of rights is weighted to the defendant. One focus group participant, for example, said:

In a perfect world, it would be laws that protect the victim more than what they do the defendant...

Group members also stressed the impact this imbalance has on victims.

And it's the lack of knowledge of what we as the prosecutor's office have to prove and what we have to make them go through over and over. I mean the—the delays in court, the having to be confronted, what we have to prove versus what they're able to give us. ...it just adds ... to what they're dealing with. And they don't understand that. They don't understand why we have to continue the case or why it could take up to a year or longer for it to be prosecuted, just based on the fact that it's the defendant's rights that we have to always keep in mind above anything else.

Community and CJS Focus

Regarding the second ecological level identified, in which assistance and education is needed, focus group participants emphasized a need for a more understanding CJS and community response to victims. One of the focus groups emphasized that the delays in evidence collection and in court schedules presented a huge barrier in these cases. In both focus groups, the need for CJS personnel education was an identified theme. Education was needed to address the barriers to successful prosecution that were erected by the ways in which the CJS actors questioned victim credibility. In addition, the need for education about and increased sensitivity toward victim needs was emphasized along with a call for improved understanding of victim

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responses to the sexual assault. Gaps in these areas, according to the focus group participants, increase the barriers to prosecution.

Focus group participants also mentioned the need for education on the impact of trauma on victims and the victims' accounts of the sexual assault:

...trauma affects the brain and not all victims are able to articulate themselves or express their situation in a way that a detective is receptive to. And it might lead to... a detective not believing or not wanting to move forward or thinking the victim is uncooperative.

And they stressed that education would increase investigators' understanding of the impact of their responses on victim cooperation:

(It) will stall an investigation, if the victim doesn't follow up right away. There's sometimes difficulty communicating with the victim and a detective getting in touch with each other, just with the shifts detectives keep and the work schedules of victims. And that can kind of slow the process down and lead to frustration on both sides.

One of the key elements in the focus group discussions of the need for education of CJS personnel was the need for some focus on training of patrol officers. For example:

...maybe we could do some way to educate your patrol officers about going, 'I totally believe you.' And ... *I've got to ask you some questions that sound really crappy and it doesn't mean I don't believe you, but they want me to ask this stuff. It does not mean that I'm blaming you or anything else.* Maybe we could just do a little bit of education for them to help them rephrase those questions. Because (the victim) when she came in, the whole story was horrible but you know, (the problem is) ... she did not like that officer.

And we need to consider "educating patrol (officers), who are the ones who see patients—victims, whatever—initially. If they're educated with some sensitivity training.... (victim cooperation may improve).

In addition, another participant stated:

So just as an example, a girl was gang-raped by seven people. And the patrol officer went there and he goes, *Why didn't you scream? I mean why didn't you scream? You know, why didn't you fight them off a little bit more?* And so as I was talking to that sergeant, I was like—he goes, *Well, we have to ask those hard questions.*

Burn out of police and detectives:

And I think that there's a lot of burnout when they start to get those attitudes of like, 'Whatever.' You know, and so I wonder if... from the police standpoint, if people need to be doing more things to help them not get burnt out ... because they have vicarious trauma, you know? They see it all day long every day. You know, a lot of times they end up joking around, which offends victims more, but that's why they're joking around. It's because they're burnt out and they're experiencing trauma, you know? And so I wonder if more education about how to handle those things (would help).

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Theme emphasizing a need for TEAM work:

The system needs, people that care. ... (where) everyone works as a team, supports each other. Help—they help debrief us or, you know, we help them. Um they move us out of the unit every three years so that we—even when we don't want to leave, to avoid the burnout.

I've been doing it—this (work) for about 15 years, all in the gang unit. That's all I ever knew, and I was terrified to come to family violence. I find that this is where I do the most, and that I really enjoy it. Am I overly traumatized? Yes.

Theme emphasizing a need for specialized training:

There's turnover and things change and people coming through the system. And we're working... to do training for all the (city) employees on domestic and sexual violence responses all the way to security clerks, everybody. Because everybody needs to understand this as an issue... “

System problems:

Somebody who is very powerful with lots of money is less likely to get arrested. And it doesn't need to be a celebrity. I mean you look at somebody who's well connected in a place like (names city) there's a very good chance that they may not be arrested.

Improved Community efforts:

We have a really good relationship with the district attorney's office, where they refer that population to us to get them housing and to make sure that they're able to get to court and to go sit in meetings whenever the DA is pretty much pretending to be the defense lawyers to prepare them for—for the trial. I think that ... we're doing really good work, you know, as a community, in the partnerships that we have in our community to try to... serve the survivor to the best of our ability.

... it takes a community anyway so—you know, it's—in any kind of process, it's not just one entity that solves the problem... there's a lot of pieces in the puzzle, you know what I mean? And so it's going to take the community to... heal.

Societal Education

Finally, the third major theme identified focused on Society and Societal education:

Talking about sexual assault in our community is still often taboo outside of our circle. Most people in the general public don't want to hear about sexual assault. They tend to run and hide. So encouraging and empowering and equipping people to have those conversations and to even be able to say ... when they encounter somebody who might have experienced sexual assault to ask that question... that is a challenge. ... (Yes) it's responding to victims but being able to... feel comfortable having those conversations too.

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... I think that education on the very, very front end, before they become a victim, would make a difference.

This knowledge (about victimization and the system) would help society in general but also the potential victim. ... and (if) they could get that way before even an assault occurred or before they reported.

But I think if as a society ... and there is an education that's out there so people sort of know the reality of things ... more believability in the whole general society—you know, if we really do start by believing...

I think education (of all in society) ... is really important for (victims). Because you know, it can't just be us being their only support system ... (What is needed is) a family support system or a friend support system that can be with them in the everyday when they (start to think) ... *I can't believe this is still happening to me.* You know?

... You have juries who believe that the only people who get raped are cute blonde co-eds who are walking down the street and somebody hops out of the bushes, because you can't be raped by somebody you know, and that everybody screams and fights, "give the community a sense of what would happen...."

(There are) ... a lot of conversations around bystander intervention. How do you—how do you teach that? How do you encourage people to be active bystanders? What is consent? What does that look like? What does that mean? How do we equip young people before they get to college with these messages and these tools ... that's empowering to me, personally, in this field, to start hearing people outside of the field want to have that conversation that's focused more around prevention.

In addition, focus group participants mentioned the need to train youth about the realities of the system:

Train them about what we do... maybe (then) when they do become professionals and decide to take on something, then maybe they've already—you know, it's already been kind of put in their mind that you need to be a little sensitive (to victims). *Here's the team in (City 2), and here's how we support you if something happens.*

... if there is a little more believability in the whole general society—you know, if we really do start by believing and things along those lines, where everybody around them doesn't automatically assume, *What dress were you wearing? You did have a couple of drinks.* Do you know what I'm saying?

(There is a big problem of) lack of believability in the victim. So if they're drug-addicted, they have mental health issues, prostitutes, things like that. That can be a huge barrier.

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And I think those—if we could start off on that foot—because when I walk in there and they're upset with the police officers or, you know, *They don't believe me. They're jerks*, they've already decided. They're fairly done. And I'm surprised that they'll show up the next day to talk to anybody. That in itself would go I think miles to getting people at least engaged up into a certain point, until they don't want to be. But if that one person—the person who you think is going to probably believe you least—appears to believe you?

In our qualitative analysis, we found two categories of barriers were discussed: 1) The barriers to victims that came from the members of the criminal justice system (the CJ actors) and 2) The barriers that the system itself created for the victims. Regarding the barriers that arise from the CJ actors and their questioning of victim credibility, service providers mentioned three subthemes: Questions about victims' behaviors; the relationship to the perpetrator; and the circumstances around sexual assault. The victim services focus group participants argued that in order to minimize these issues, sensitivity training and also attention to the CJ actors' compassion fatigue were needed. It was argued that attention to both of these was crucial because sensitivity was not instinctive or innate for all members of the criminal justice system, and even when officers were caring and sensitive to victims' experiences, because they have been in the same job for a long time, many experienced secondary trauma. Some said they tried to cope with such stress by using humor even, at times, in front of the victim. Such attempts to diffuse the stress could obviously upset victims.

The second focus group also emphasized the delays in court and the processing of the sexual assault or rape kits as a big barrier to prosecution especially on the cooperation of the victims. Participants said that, instead of having a focus on the accused, the system needs a victim-centered approach. Participants pointed to a need to understand that for victims it is difficult to relive this trauma after several years have passed. Victims adapt and learn to live with their "new normal." Participants indicated that the fact that "*some cases even take eight years to get to a trial*" means that by this time most victims have moved on, moved to a new state, graduated from college, or simply wanted to leave what had happened in the past.

Finally, as part of the theme of needed "education", we found that the focus groups stressed the need to consider the role of the broader society and to implement broad societal education. On a societal level, the focus groups suggested educating people before they are victimized, improving responses to victims as well as implementing prevention focused education and changing of societal norms. Service providers argued that the timing of the education is crucial and immediately after experiencing a sexual assault, some victims felt overwhelmed with all the information they received. Some suggested that If people were familiar with how to respond to sexual assault, it would be less difficult for them to remember everything, and that they could also rely on educated family members, friends or others who supported them and who would know what to do and where to go.

Service providers also argued more generally that the media influences the way people think about sexual assault and therefore being educated about this issue would help people understand the myths around rape and provide victims with more support.

Finally, educating members of society before rape happens would also serve to educate those who are members of the criminal justice system, advocates, bystanders, family members,

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friends, or even potential perpetrators. They would know the meaning of consent, how to be an active bystander, the services available to victims, and how to support someone who has been sexually assaulted. Service providers stressed the need to engage the community in conversations about sexual assault. While it is difficult to accept that sexual assault happens, it needs to be acknowledged. In order to assist survivors, the victim services providers stressed the need to start by believing and giving support to those who have been victims of sexual assault.

The victim services provider focus groups provided insight of the challenges victims and advocates continue to face when dealing with the criminal justice system. Moving forward, as the participants argued, there is a need for increased education about sexual assault through conversations, workshops, and making web resources available in the community.

SECTION X

CONCLUSIONS AND POLICY RECOMMENDATIONS

In this section, we summarize the most salient findings and conclusions from the research and discuss the implications for policy and practice.

Placing our results in context

The problem of sexual assault case attrition has persisted over many decades (McCahill et al. 1979; Spohn & Tellis, 2012b) and although there have been many reforms and advances (Campbell, et al., 2009) is seemingly somewhat resistant to reform efforts. While the National Crime Victimization Survey (NCVS) has shown a decrease in the number of rapes in the past decades, current findings from population surveys of women across the U.S. (Basile et al. 2007; Black et al. 2011) suggest that there has not been a significant decline in rape in the past 20 years. Rape is unlikely, however, to be reported to the police. Based on NCVS data, in 2011, only 27% of victims reported rape to the authorities (Truman & Planty, 2012). Data from community samples indicate that 15-20% of rapes are reported to law enforcement (Kilpatrick et al., 1992; Tjaden & Thoennes, 2006). Estimates for women in college are even lower. According to recent findings (Fisher et al., 2003) less than 5% of college victims of forcible rape reported their rape to law enforcement. Alcohol/drug facilitated rape has been on the rise with Kilpatrick and colleagues (2007) estimating that nearly 3 million women have experienced drug-facilitated rape and 3 million women have experienced incapacitated rape. Rape perpetrated by romantic partners and acquaintances is more common than stranger rape.

While the majority of sexual assaults are never even reported to the police, even those complaints that are brought to police attention are unlikely to end in arrest and few of the reported rapes result in a conviction. Spohn and Tellis's (2012a) research on sexual violence case attrition for cases of sexual assault reported to the Los Angeles Police and Sheriff's departments supported earlier research that had been critical of the high rates of case attrition. The need for further investigation into case attrition across multiple jurisdictions was deemed warranted. We were funded to replicate the Spohn and Tellis study in a sample of six jurisdictions across the country. Our team of researchers at the University of Massachusetts Lowell and Wellesley College provided this replication and extension of the Spohn and Tellis findings and the results suggest that after 40 years of efforts to improve the criminal justice system response to sexual assault there is still a need for new efforts to bring justice to the victims.

Our research has identified considerable attrition in the early stages of case processing. Although our cross-site comparisons reveal some interesting differences in attrition, a consistent finding for all is that, only a minority of reports of sexual assault are cleared by arrest. Further, in many cases the lack of an arrest is not due to absence of probable cause. As was found by Spohn and Tellis in the Los Angeles agencies, our replication study found that nearly one-third of cases presumed to have probable cause for arrest, in fact, do not result in an arrest but are "cleared by exceptional means." Our smallest replication sites (population of about 100,000) had lower rates of clearance by exceptional means than did the sites in larger jurisdictions. The smallest sites, however, had more attrition at later stages in the process (i.e., post arrest) and in these jurisdictions with lower proportions of cases resulting in exceptional clearance, the district attorney declined to file charges in 50% of the cases. While our research has identified some key

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differences in attrition timing across sites, our findings generally demonstrate significant levels of sexual assault case attrition.

Our multivariate analyses designed to examine the case and victim characteristics that predict arrest in the six jurisdictions revealed that legal or evidentiary factors are significant predictors of arrest and that the effects of these case characteristics are independent of jurisdiction type. Thus, we found that presence of a weapon, physical force and injury to the victim and indicators of victim resistance were predictive of arrest. However, factors related to victim credibility significantly decreased the likelihood of arrest. Such extra-legal factors significantly predicted whether a suspect was arrested especially those factors that reflected a potential challenge to the credibility of the victim. In alignment with Spohn and Tellis, our research supports the existence of a screening process of cases that occurs at the pre-arrest stage where cases with factors that may be considered as challenging to prosecution are rejected and no arrest is made. For example, incidents involving victims who had engaged in so-called “risk-taking” behavior (drinking, walking alone, accepting a ride from a stranger), who had mental health issues, who could not recall assault details, or who were either actively uncooperative or were deemed to be uncooperative due to a lack of response to criminal justice system personnel requests, or who had delayed reporting or had no witnesses or physical evidence, were screened out. Of these, victim cooperation was the strongest predictor of arrest across all jurisdictions.

Factors associated with attrition post-arrest include questions about victim character and motive to lie, victim cooperation, weapon use and eyewitnesses. At the post-arrest stage, the key questions were: Is the victim believable?; Is there corroboration or other evidence of seriousness?; and Will the victim cooperate?

Beyond the quantitative analysis, lessons were learned from interview with prosecutors, police, and focus groups with victim services personnel. A major theme of the interviews and focus groups was that turnover of key personnel presented problems for responders. One assistant district attorney reported having worked for four different district attorneys. Even during the course of the study, there was turnover in the elected district attorneys in two of the jurisdictions. In all of the jurisdictions, there had been a change of district attorneys or in the unit head during or since 2007, which was the year in which the first sexual assault cases in the study were reported. This turnover was also great in police departments and units handling sex crimes or major crimes.

We also recorded observations in each jurisdiction about the involvement of prosecutors in the arrest decision. While this varied somewhat by site-- in some sites prosecutors reviewed every case file and in others only the most difficult cases-- across all sites police and detectives reported a downstream orientation. Such an orientation impacts decision-making at the arrest stage. Even if the prosecutor does not physically review the case, the detective had a good idea of whether the case would be pursued and commonly made decisions accordingly.

Prosecutors, in turn, report that they made decisions about declining cases or not moving forward with formal charges in anticipation of how they believed a jury would respond to the evidence in a case. This means that cases that involved a consent defense were not often taken to trial.

Finally, within policing, sexual assault investigation remains low prestige and in both law enforcement and prosecutor offices is often under-resourced which is problematic and likely drives some of the attrition (see Pattavina, Morabito, & Williams, 2016) because sexual assault cases are resource intensive. The transition of cases from police to prosecutor is not always

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seamless and some practitioners revealed that this was a point where some victims ceased cooperation with the criminal justice system and hence this contributed to the large proportion of cases in which it was deemed that the victim was not cooperative.

Summary of Results

In summary, concerning sexual assault case attrition, we find that:

- Substantial attrition is pervasive in the criminal justice system. Similar to other studies, we find that most victims never receive closure.
- The vast majority of cases do not end in arrest and even fewer go to trial. 1.6% of all complaints ended in a trial making it truly difficult to anticipate a jury's response to evidence.
- Both legal and extralegal factors impact the decision making process. While these factors show some variation across sites, both evidentiary and extra-legal factors impact the case outcomes.
- Unfounding is not a common disposition across the six sites in the study. In interviews, most detectives could not recall using this case disposition in the last year. Recantation was important predictor of unfounding in both studies but had a much smaller effect in the replication.
- Police and prosecutors struggled with the investigation and prosecution of consent defense cases.

Broader implications of this research:

Keeping in mind that victims' decisions about reporting may be influenced by the characteristics and context of the rape as well as by the victim's possible difficulty identifying what occurred as a crime (e.g., Cohn, Zinzow, Resnick, & Kilpatrick, 2013; Patterson, Greeson, & Campbell, 2009), research has shown that victims are more likely to report to law enforcement if the characteristics of the rape make it likely to seem more believable to others (Fisher, 2003). Indeed, rape which includes extrinsic violence, a lone offender, and/or multiple non-sexual concurrent offenses are more likely to be reported by the victim to law enforcement. More typical rapes committed by known offenders who used coercive techniques that result in less evidence of extrinsic violence and were committed against those who have been drinking or have engaged in so-called "risky" behaviors—are less likely to be reported. This dramatically skews the types of cases that end up in studies of cases reported to police. When victims were under the influence of drugs or alcohol at the time of the assault and violated traditional gender norms, the crime is less likely to be reported to police.

When we consider the results of the research on sexual violence case attrition reported here in the context of what we know about which assaults are reported to the police, the implications and complications involved in changing the response to sexual assault are even more striking. Police receive a dramatically skewed sample of rape cases. Thus, while the crimes reported to the police also reflect the predominance of assaults by a person known to the victim where evidence of extrinsic violence is often not present, any broad-scale efforts to encourage more

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reporting likely floods the system with even more cases of sexual assault by known offenders in situations that do not involve extrinsic violence. These are exactly the cases that result in very high rates of case attrition and thus efforts to increase reporting will result in ongoing challenges in case investigation and prosecutorial decision-making. Sexual assault does not fit the stereotype and we have known this for 40 years or more. Still, the system expects to attend to and pays attention to cases that fit the stereotype of “real rape.” Beyond considerations of improving police and prosecutor responses to rape cases and any quick fixes, it is important to recognize that the problem of sexual violence case attrition goes well beyond remedies that simply promote better evidence collection. Our research supports what victims and victim advocates have been saying for years, that justice requires the system professionals to start by believing and be ready to respond to these cases.

Of course, this translates to addressing the issue of “victim cooperation.” A study by Kelley and Campbell (2013) found that victims who reported loss of consciousness during the rape due to drug or alcohol use were significantly more likely to drop out at the case investigation stage. Based on research by Alderden and Long (2016), victims were more likely to continue participating after initial reports to police if their assaults reflected stereotypical sexual assault scenarios. However, since these are not the majority of the cases and because our replication research makes it clear that victim cooperation or criminal justice system assessment of the level of victim cooperation is critical to sexual violence case attrition. Thus, we need to understand more about victim cooperation and determine if we can ultimately reduce the rate of case attrition by engaging victims in the criminal justice system and encouraging them to be receptive to following through with prosecution of their assailants.

Victim cooperation, however, is complex. Our findings suggest that reducing the amount of sexual violence case attrition likely involves much more than individual training and application of performance measures for law enforcement and prosecutors. Change to this metric requires attention to a complex web of interactions and contingencies and understanding of the law; the roles of criminal justice actors, including police, prosecutors, and judges in handling sexual these cases; the ways in which “victim cooperation” is impacted by criminal justice system response; and the use of forensic evidence including not only testing sexual assault kits but, perhaps even more importantly, how evidence of consent or lack thereof and of the role of alcohol and drug use and how evidence of such use is collected, handled and interpreted by criminal justice system actors.

Thus, we conclude by calling for more research into the role of victim cooperation in case attrition. It is not clear if passive or active non-cooperation is most critical, in part because we have not measured the type of cooperation or lack thereof in studies of attrition. In addition, we should understand more about 1.) the relationship between level of victim cooperation and the response the victim receives from the system, 2.) how cooperation is impacted by the victim’s experiences with the police and courts, the victim’s resources and ability to afford the cost of being a witness, the level of resources devoted by the criminal justice system to assisting victims to cooperate with the investigation and prosecution. Based on the responses of victims we read in the case files, it will be important to look at how sentencing severity and the requirement for sex offenders to register impact the level of victim cooperation as well as the enthusiasm of the criminal justice actors to pursue the prosecution of some classes of perpetrators.

This research also points to the need to take a broader societal focus in ultimately reducing the case attrition. An important theme identified by victim services providers and emerging from

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interviews with prosecutors and detectives is the need to educate the community about sexual assault so that there will be more support for victims, more understanding of what “real rape” is, and ultimately in order to impact citizens who comprise the jury pools. This is needed before the downstream orientation of the criminal justice system actors and the calculation of what a jury will do can be turned on its head.

Interviews suggest that while there are those who champion the needs of victims of sexual assault in police agencies and prosecutor’s offices due to high turnover, comprehensive training and development of models of on the job training for patrol officers, detectives and prosecutors is critical. In addition to training on response to sexual violence, we know little about the relative usefulness and success of specialized units, specialized services, centralized justice center approaches and integration of community supports on successful response and prosecution. The success of these approaches requires careful evaluation and documentation.

Conclusions regarding replication research

Concerning the conduct of replication research, our research demonstrates several important aspects of conducting such research. Replication of field research requires considerable time and much attention to the careful measurement of outcomes. The replication research conducted here required sampling skills, data collection and data management and analysis expertise, and also an interpersonally skilled team and a management strategy designed to promote high levels of collaboration with a variety of agencies and stakeholders, complex and strategic decision-making capabilities, and the capacity to arrive at new solutions to methodological challenges that confronted the project at every turn. Replication research needed to attend to the parameters of the original work and obtain a clear description of the methods and measures. This replication research can be used as starting point for future research including providing a baseline for future studies of changes in the administration of justice and the impact of innovations and changes in sexual violence case attrition.

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Table II.1

Spohn & Tellis Findings: Sexual Assault Case Outcomes for Reports to the Los Angeles Police Department (LAPD) and the Los Angeles Sheriff's Department (LASD), 2005–2009

Case Outcome	LAPD N=5031		LASD N=2269		TOTAL N=7300	
	N	%	N	%	N	%
Case Cleared	2300	45.7	2005	88.3	4305	59.0
Cleared by Arrest	--616	--12.2	--770	33.9	--1386	33.9
Cleared by Exceptional Means	--1684	--33.5	--1235	61.6	--2919	67.8
Unfounded	546	10.9	24	1.1	570	7.8
Investigation Continuing	2185	43.4	240	10.6	2425	31.2

Table II.2

Sexual Assault Case Outcomes for Female reports to Police in Six Sites 2008-2010 (2007-2011 in the smallest jurisdictions)

Case Outcome	N=2887	
	N	%
Case Cleared	1404	48.6
--Cleared by Arrest	544	18.8
--Cleared by Exceptional Means	860	29.8
Unfounded	212	7.3
Open/Inactive	1215	42.1
Investigation Continuing	56	1.9

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**Table II.3
Case Attrition Comparison of Proportions Across Studies**

	Replication Full Sample		LAPD		LASD		Difference of Proportions Test [^]	
	N=2887		N=5031		N=2269		RS% minus LAPD%	RS% minus LASD%
	N	%	N	%	N	%		
Case Cleared	1404	48.6	2300	45.7	2005	88.4	2.9*	-39.7**
Cleared by Arrest	544	18.8	616	12.2	770	33.9	6.6**	-15.1**
Cleared by Exceptional Means	860	29.8	1684	33.5	1235	54.4	-3.7**	-24.6**
Unfounded	212	7.3	546	10.9	24	1.1	-3.5**	6.3**
Open/Inactive/ Investigation Cont.	1271	44.0	2185	43.4	240	10.6	0.6	33.4**
Charges filed by prosecutor (adults post arrest)	363	72.0	486	82.2	405	66.0	-10.2**	6.1*
Conviction rates (of charges filed)	189	53.4	390	80.2	317	78.3	-26.9**	-24.9**
Overall conviction rate	189	6.5	390	7.8	317	14.0	-1.2*	-7.4**

[^]Statistical analysis of difference in proportions between replication sample and original study sample. Statistical test p-values=*p<.05, **p< .01.

**Table II.4
Grouped Site Characteristics –Key Demographics**

Jurisdiction Size	Size of Population Served	Full Time Sworn Officers	Ethnically or racially diverse population	Within 100 mi. of other location	Rural/Urban/Suburban	Available unfounded case records
Small	100,000	< 300	Varies 10% to 35%	yes	Mixed	Yes
Medium	300,000	< 1000	Yes > 30%	yes	Urban/Suburban	Yes
Large	600,000	> 1000	Yes > 30%	yes	Mixed	Yes

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Table II.5
Case Attrition Comparisons Across Six Sites: Grouped by Population Size

	Full Sample Female Victims		Small Size Jurisdictions		Medium Size Jurisdictions		Large Size Jurisdictions		Differences in Proportions		
	N=2887		N=534		N=565		N=1788				
	N	%	N	%	N	%	N	%	Medium minus Large Sites	Medium minus small Sites	Large Sites minus Small sites
Case Cleared	1404	48.6	189	35.4	309	54.7	906	50.7	4.0	19.3**	15.3**
Cleared by Arrest	544	18.8	106	19.9	92	16.3	346	19.4	-3.1	-3.6	-0.5
Cleared by Exceptional Means	860	29.8	83	15.5	217	38.4	560	31.3	7.1**	22.9**	15.8**
Unfounded	212	7.3	12	2.2	66	11.7	134	7.5	4.2**	9.4**	5.2**
Open/Inactive/ Investigation Cont.	1271	44.0	333	62.4	190	33.6	748	41.8	-8.2**	-28.7**	-20.5**
Charges filed by prosecutor (adults post arrest)	363	72.0	48	49.5	74	89.2	241	74.4	14.8**	39.7**	24.9**
Conviction rates (of charges filed)	189	53.4	19	39.6	52	70.3	118	50.9	19.4**	30.7**	11.3
Overall conviction rate	189	6.5	19	3.6	52	9.2	118	6.6	2.6*	5.6**	3.0**

^Statistical analysis of difference in proportions between replication sample and original study sample. Statistical test p-values=*p<.05, **p<.01.

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Figure II.1

Spohn & Tellis Findings on Case outcomes for Rapes and attempted rapes reported to the LAPD, 2005–2009

(Spohn & Tellis, 2012, page 19)

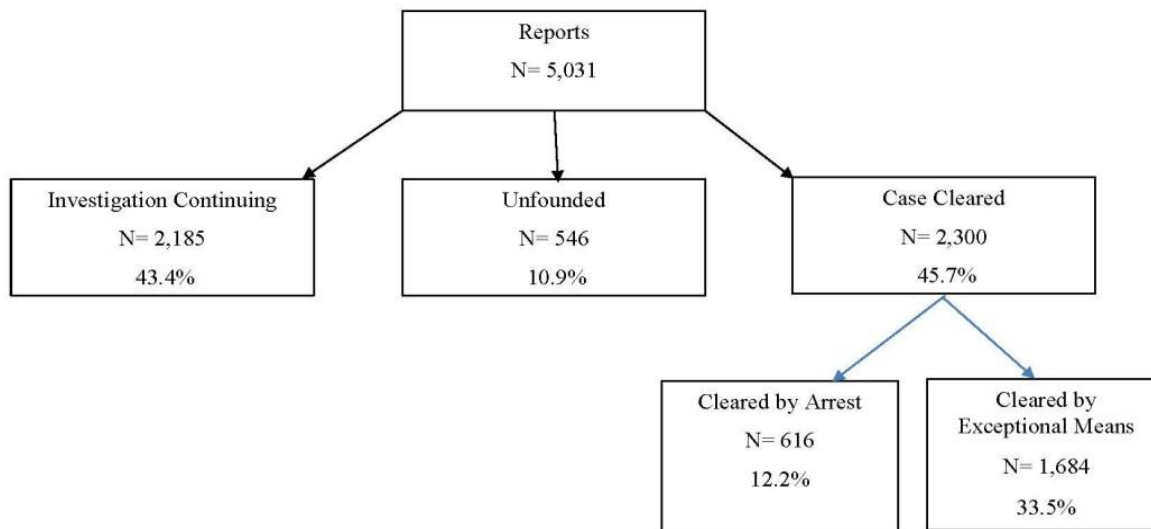
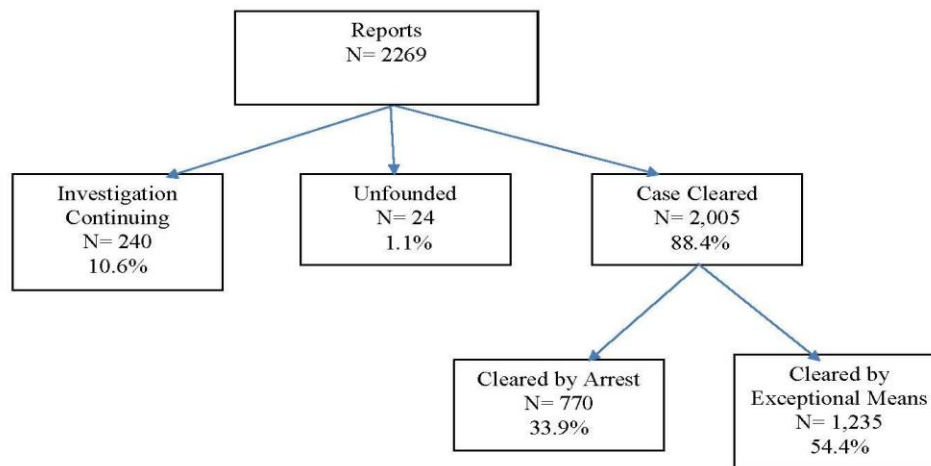


Figure II.2

Spohn & Tellis Findings on Case outcomes for Rapes and attempted rapes reported to the LASD, 2005–2009

(Spohn & Tellis, 2012, page 21)

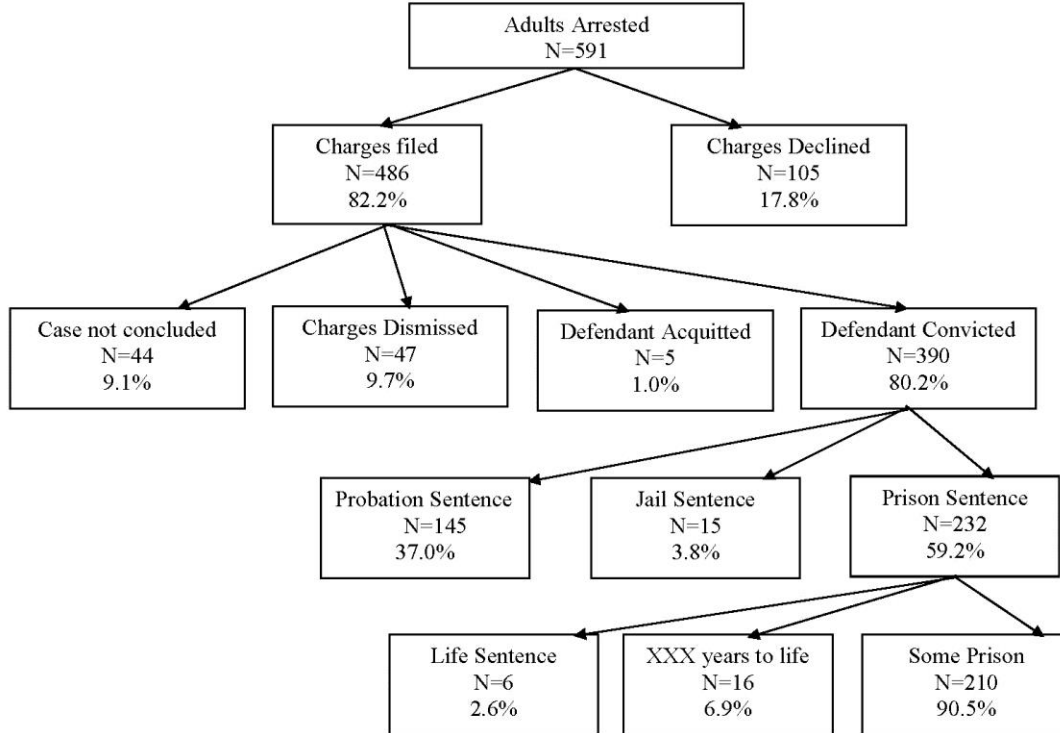


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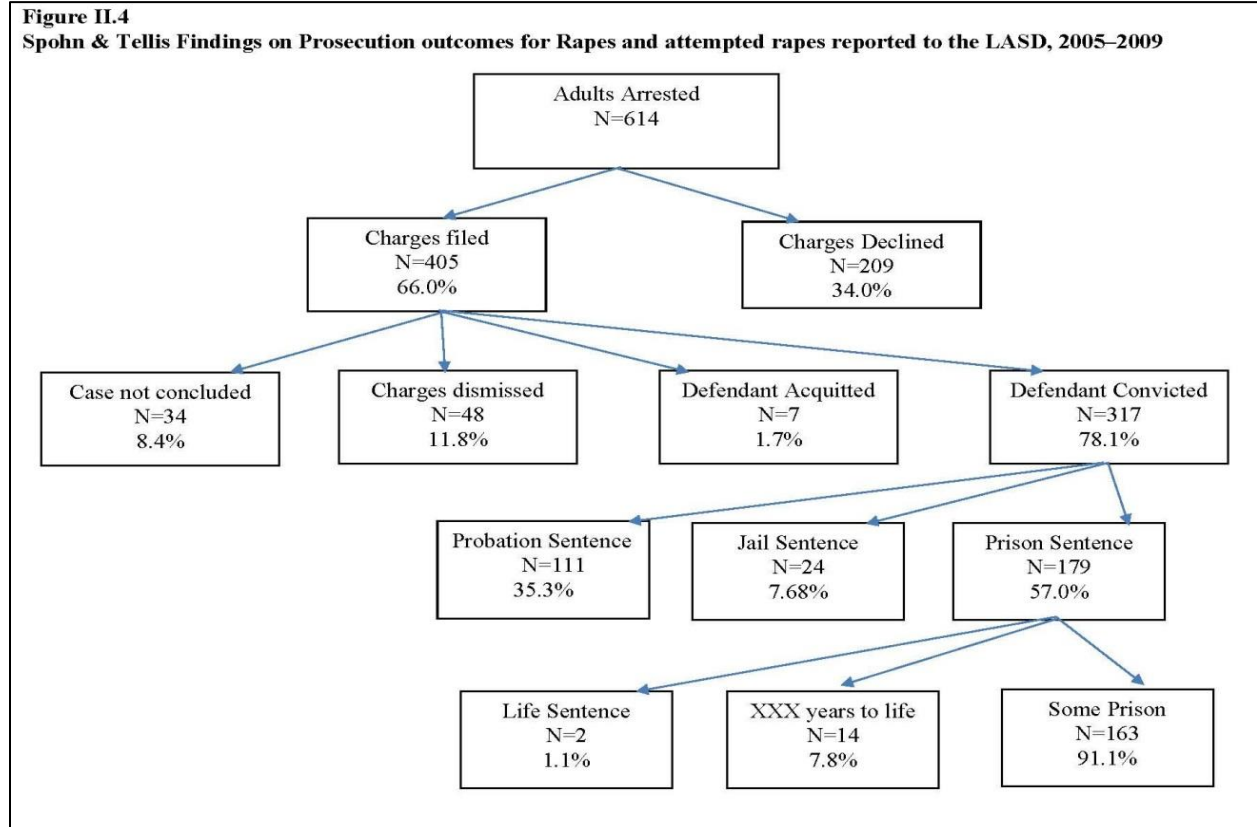
Figure II.3
Spohn & Tellis Findings on Prosecution Outcomes for Rapes and Attempted Rapes reported to the LAPD, 2005–2009



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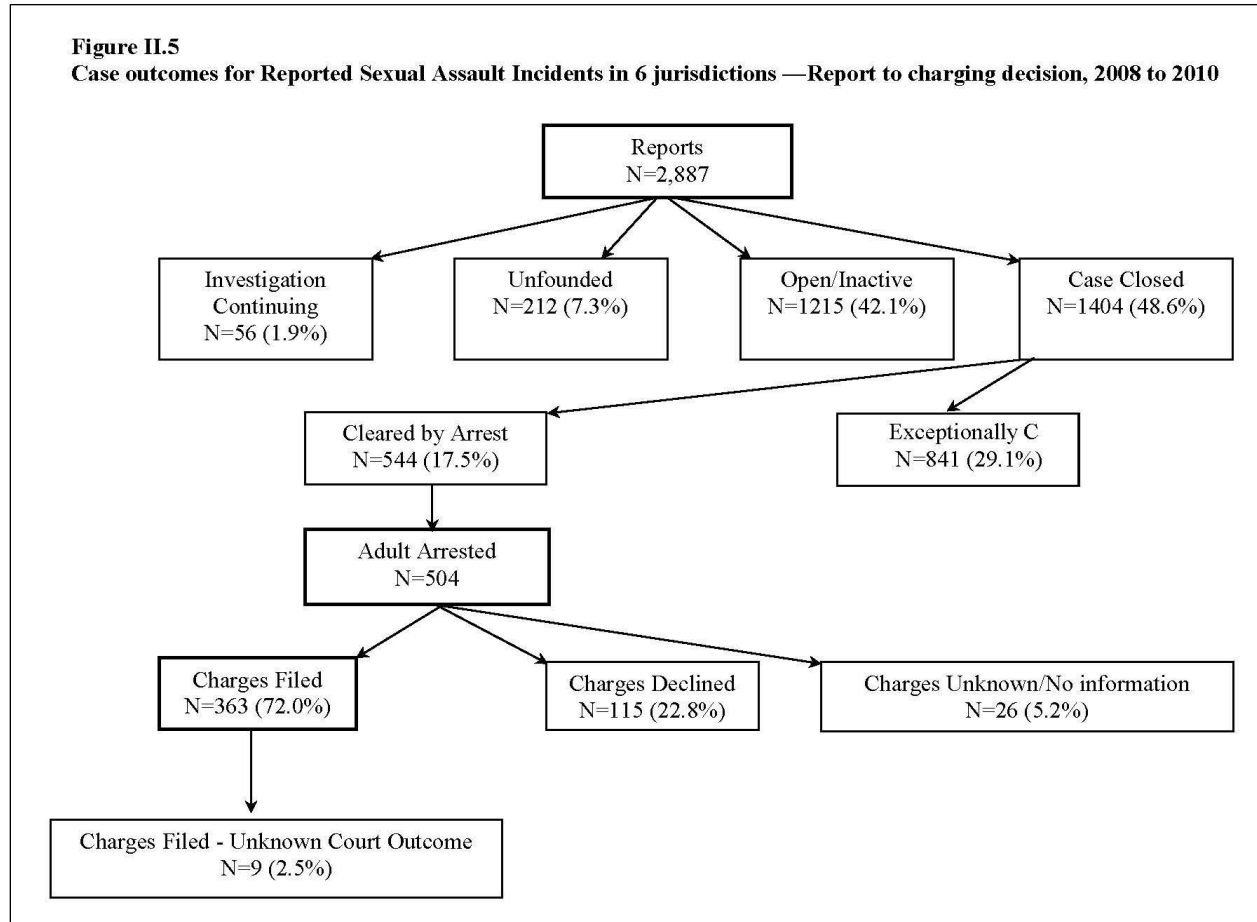


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Figure II.5
Case outcomes for Reported Sexual Assault Incidents in 6 jurisdictions — Report to charging decision, 2008 to 2010

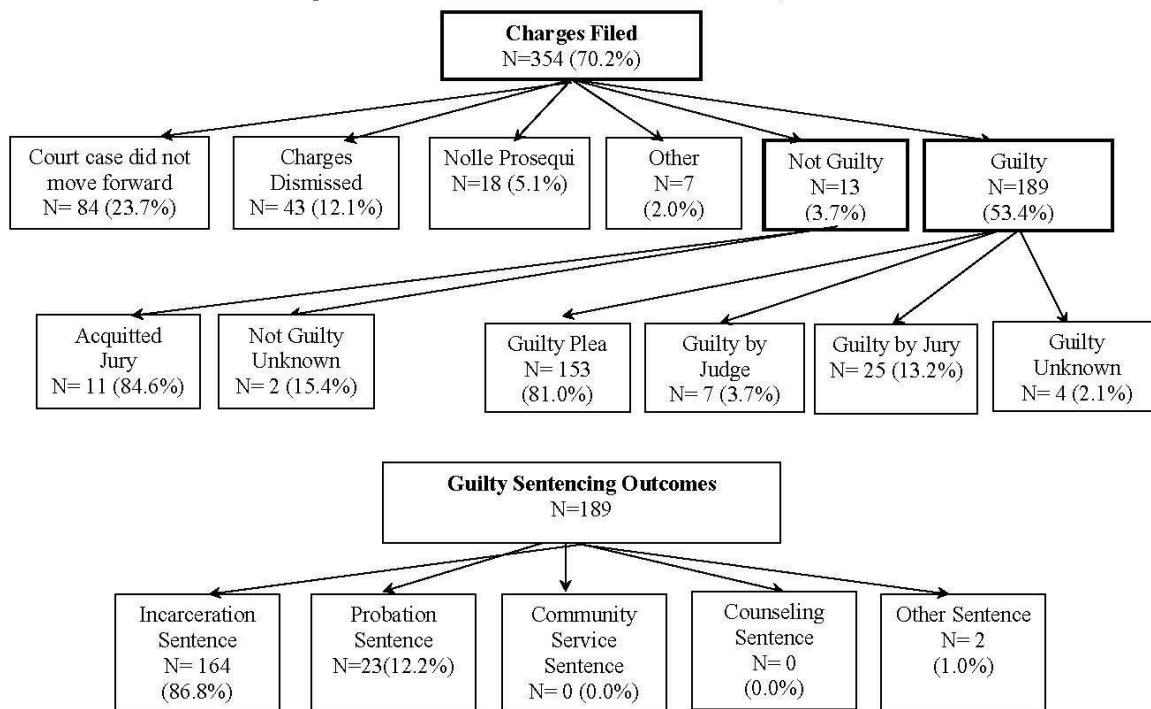


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Figure II.6
Prosecutorial Case outcomes for Reported Sexual Assault Incidents in 6 Jurisdictions, 2008 to 2010



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Table III.1 Case Status, 2008-2010 by Relationship between Victim and Suspect

	ALL REPORTS				LAPD		LASD		Small Sites		Medium Sites		Large Sites	
	Out of N	Missing	N	%	N	%	N	%	N	%	N	%	N	%
All Cases (N=2,887)	2887	0			273		410		534		565		1788	
Cleared by Arrest (Adult)			504	17.5	32	11.7	130	31.7	97	18.2	83	14.7	324	18.1
Cleared by Arrest (Juvenile)			40	1.4					9	1.7	9	1.6	22	1.2
Cleared Exceptionally			860	29.8	92	33.6	235	57.3	83	15.5	217	38.4	560	31.3
<i>V refuses to cooperate</i>	860	5	282	33.0					44	55.0	117	54.2	121	21.6
<i>DA reject or declined</i>	860	5	515	60.2					10	12.5	76	35.2	429	76.7
<i>Other reason</i>	860	5	58	6.8					26	32.5	23	10.6	9	1.6
<i>After making an arrest</i>	860	8	96	3.3	35	12.8	37	9.0	5	0.9	6	1.1	85	4.8
Investigation Continuing			56	1.9	119	43.4	38	9.3	51	9.6	0	0.0	5	0.3
Open/Inactive			1215	42.1					282	52.8	190	33.6	743	41.6
Report Unfounded			212	7.3	30	10.9	7	1.7	12	2.2	66	11.7	134	7.5
Suspect Arrest (Cleared by arrest + exceptionally cleared after making an arrest)	2887	26	640	22.4	67	24.5	176	40.7	111	20.8	98	17.3	431	24.1
Cases Involving Strangers (N=784)	784	0			112		87		118		143		523	
Cleared by Arrest (Adult)			82	10.5	9	8.0	19	21.8	13	11.0	10	7.0	59	11.3
Cleared by Arrest (Juvenile)			2	0.3					1	0.0	0	0.0	1	0.2
Cleared Exceptionally			109	13.9	17	15.2	48	55.2	16	13.6	37	25.9	56	10.7
<i>V refuses to cooperate</i>	109	0	49	45.0					10	62.5	30	81.1	9	16.1
<i>DA reject or declined</i>	109	0	47	43.1					0	0.0	4	10.8	43	76.8
<i>Other reason</i>	109	0	13	11.9					6	37.5	3	8.1	4	7.1
<i>After making an arrest</i>	109	0	12	1.5	5	4.5	7	8.0	0	0.0	1	0.7	11	2.1
Investigation Continuing			5	0.6	71	63.4	19	21.8	4	3.4	0	0.0	1	0.2
Open/Inactive			499	63.6					81	68.6	75	52.4	343	65.6
Report Unfounded			87	11.1	15	13.4	1	1.1	3	2.5	21	14.7	63	12.0
Suspect Arrest (Cleared by arrest + exceptionally cleared after making an arrest)	784	5	96	12.3	14	12.5	26	29.9	14	11.9	11	7.7	71	13.6

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	ALL REPORTS				LAPD		LASD		Small Sites		Medium Sites		Large Sites	
	Out of N	Missing	N	%	N	%	N	%	N	%	N	%	N	%
Cases Involving Nonstrangers (N=1,507)	1507	0			161		318		292		279		936	
Cleared by Arrest (Adult)			265	17.6	23	14.3	110	34.5	49	16.8	43	15.4	173	18.5
Cleared by Arrest (Juvenile)			32	2.1					4	1.4	8	2.9	20	2.1
Cleared Exceptionally			527	35.0	75	46.6	184	57.7	54	18.5	118	42.3	355	37.9
<i>V refuses to cooperate</i>	527	4	141	27.0					26	50.0	60	51.3	55	15.5
<i>DA reject or declined</i>	527	4	346	66.2					8	15.4	42	35.9	296	83.6
<i>Other reason</i>	527	4	36	6.9					18	34.6	15	12.8	3	0.8
<i>After making an arrest</i>	527	3	50	3.3	30	18.6	39	12.2	4	1.4	2	0.7	44	4.7
Investigation Continuing			37	2.5	48	29.8	18	5.6	34	11.6	0	0.0	3	0.3
Open/Inactive			558	37.0					143	49.0	84	30.1	331	35.4
Report Unfounded			88	5.8	15	9.3	6	1.9	8	2.7	26	9.3	54	5.8
Suspect Arrest (Cleared by arrest + exceptionally cleared after making an arrest)	1507	12	347	23.3	53	32.9	149	46.7	57	19.5	53	19.0	237	25.3
Cases Involving Intimate Partners (N=596)	596	0			NOT INCLUDED IN S&T REPORT				124		143		329	
Cleared by Arrest (Adult)			157	26.3					35	28.2	30	21.0	92	28.0
Cleared by Arrest (Juvenile)			6	1.0					4	3.2	1	0.7	1	0.3
Cleared Exceptionally			224	37.6					13	10.5	62	43.4	149	45.3
<i>V refuses to cooperate</i>	224	1	92	41.3					8	66.7	27	43.5	57	38.3
<i>DA reject or declined</i>	224	1	122	54.7					2	16.7	30	48.4	90	60.4
<i>Other reason</i>	224	1	9	4.0					2	16.7	5	8.1	2	1.3
<i>After making an arrest</i>	224	5	34	5.8					1	0.8	3	2.1	30	9.2
Investigation Continuing			14	2.3					13	10.5	0	0.0	1	0.3
Open/Inactive			158	26.5					58	46.8	31	21.7	69	21.0
Report Unfounded			37	6.2					1	0.8	19	13.3	17	5.2
Suspect Arrest (Cleared by arrest + exceptionally cleared after making an arrest)	596	9	197	33.6					40	32.3	34	23.8	123	37.4

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Table III.2 Victim Characteristics, 2008-2010 Sexual Assault Cases

Victim Characteristics	FULL SAMPLE (N=2887)				Spohn & Tellis LAPD N=273 LASD N=410				Small Sites (N=534)		Medium Sites (N=565)		Large Sites (N=1788)	
	Missing				N	%	N	%	N	%	N	%	N	%
	Out of	N	/NA	N										
Background Characteristics														
Age (mean)	2887	6	2871	27.32	273	27.4	410	25.60	528	27.02	564	24.60	1779	28.27
Race/ Ethnicity														
Caucasian	2887	31	1713	60.0	65	23.9	87	22.0	380	73.1	311	55.5	1022	57.5
African American	2887	31	618	21.6	74	27.1	97	24.5	53	10.2	137	24.5	428	24.1
Hispanic/Latina	2887	31	459	16.1	127	46.7	191	48.2	58	11.2	105	18.8	296	16.7
Asian American	2887	31	49	1.7	6	2.1	21	5.3	29	5.6	1	0.2	19	1.1
Native American	2887	31	13	0.5	NA	NA	NA	NA	0	0.0	3	0.5	10	0.6
Biracial	2887	31	4	0.1					0	0.0	3	0.5	1	0.1
Credibility Factors														
Criminal record	2887	0	578	20.0	34	12.4	13	3.2	16	3.0	83	14.7	479	26.8
Gang affiliation mentioned in report	2887	0	22	0.8	11	3.9	3	0.7	0	0.0	11	1.9	11	0.6
Drinking at time of incident	2887	0	1098	38.0	80	29.3	97	23.8	167	31.3	187	33.1	744	41.6
Drunk at time of incident	2887	0	501	17.4	66	24.1	67	16.3	55	10.3	91	16.1	355	19.9
Using illegal drugs at time of incident	2887	0	258	8.9	20	7.4	27	6.6	28	5.2	57	10.1	173	9.7
Passed out (not drugged)	2887	0	33	1.1	41	15.0	43	10.5	13	2.4	10	1.8	10	0.6
Walking alone late at night	2887	0	360	12.5	30	10.9	8	3.4	57	10.7	85	15.0	218	12.2
Accepted a ride from a stranger	2887	0	188	6.5	24	8.9	8	3.4	21	3.9	46	8.1	121	6.8
Mental health issues	2887	0	552	19.1	34	12.6	33	8.1	61	11.4	94	16.6	397	22.2
Sex worker	2887	0	183	6.3	21	7.8	4	1.7	9	1.7	25	4.4	149	8.3
Either Victim or Police report injured during assault	2887	19	1149	40.1	119	43.6	193	47.1	118	22.3	245	43.8	786	44.2
Inconsistent statements to police	2887	106	824	29.6	54	20.0	48	11.8	68	14.7	97	17.8	659	37.1
No physical or verbal resistance	2887	389	555	22.2	74	27.3	81	19.8	116	26.6	104	21.1	335	21.4
Verbal resistance only	2887	433	541	22.0	47	17.1	76	18.5	99	22.8	108	22.0	334	21.8
Physical resistance only	2887	412	245	9.9	28	10.3	32	7.8	27	6.2	26	5.3	192	12.4
Verbal and physical resistance	2887	389	1156	46.3	124	45.3	221	53.9	194	44.5	255	51.7	707	45.1
Reported within one hour	2887	1079	343	19.0	71	25.8	84	20.5	33	17.6	82	23.0	228	18.0
Cooperation With Law Enforcement														
Identified suspect by full name and address	2887	37	635	22.3	109	39.8	245	59.8	119	23.4	151	27.0	365	20.5
Cooperative during police investigation	2887	286	1363	52.4	154	56.3	296	72.5	202	64.5	337	61.7	824	47.3
Recanted her allegation	2887	103	156	5.6	26	9.4	21	5.1	8	1.7	36	6.6	112	6.3
Moved residence after the assault	2887	153	306	11.2	43	15.8	25	6.1	30	6.6	109	20.3	167	9.6
Did not want suspect arrested	2887	261	290	11.0	29	10.6	37	9.1	17	4.0	84	16.3	189	11.8

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Table III.3 Suspect characteristics, 2008-2010 Sexual Assault Cases

Suspect Characteristics	Full Sample (N=2887)				LAPD N=273		LASD N=410		Small Sites (N=534)		Medium Sites (N=565)		Large Sites (N=1788)	
	Out of N	Missing	N	%	N	%	N	%	N	%	N	%	N	%
Gang affiliation mentioned in report	2887	540	119	5.0	32	11.6	40	9.8	4	0.9	28	5.9	87	6.0
Drugged victim	2887	553	107	4.6	10	3.7	38	9.5	11	2.7	30	6.1	66	4.6
Physically assaulted victim, this incident	2887	525	1536	65.0	164	60.1	204	49.8	300	71.8	276	56.7	960	65.9
Weapon used	2887	0	273	9.5	73	26.6	47	11.5	28	5.2	42	7.4	203	11.4
Bodily force only to subdue victim	2887	0	1714	59.4	192	70.2	333	81.2	365	68.4	265	46.9	1084	60.6
Defense in statement to police ^a									N=132		N=184		N=635	
Consent	951	1	516	54.3	48	51.9	96	45.7	72	54.5	102	55.7	342	53.9
Incident fabricated	951	1	386	40.6	32	34.7	71	33.8	50	37.9	54	29.5	282	44.4
Incorrect identification	951	1	11	1.2	3	2.8	3	1.4	0	0.0	4	2.2	7	1.1
Admitted/confessed	951	14	72	7.7	10	10.7	40	19.0	7	5.4	18	9.9	47	7.5

^a Of the identified suspects who gave a statement to law enforcement.

Decision Making in Sexual Assault Cases

Tables and Figures: Section III.

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Table III.4 Case Characteristics, 2008-2010 Sexual Assault Cases

Case Characteristics	Full Sample (N=2887)				LAPD N=273		LASD N=410		Small Sites (N=534)		Medium Sites (N=565)		Large Sites (N=1788)	
	Out of N	/ NA	N	%	N	%	N	%	N	%	N	%	N	%
Rape or attempted rape charge														
Rape	2887	0	2776	96.2	234	85.6	347	84.6	526	98.5	534	94.5	1716	96.0
Attempted rape	2887	0	108	3.7	39	14.4	63	15.4	8	1.5	31	5.5	69	3.9
Sexual contact without penetration	2887	0	3	0.1	NA	NA	NA	NA	0	0.0	0	0.0	3	0.2
Time of day when crime began	2887	531							534		565		1788	
Midnight to 6 a.m.			975	41.4	82	30.2	57	15	119	37.9	150	34.1	706	44.1
6 a.m. to noon			268	11.4	44	16.1	77	20.3	39	12.4	61	13.9	168	10.5
Noon to 6 p.m.			359	15.2	61	22.4	113	29.7	54	17.2	84	19.1	221	13.8
6 p.m. to midnight			754	32.0	85	31.4	133	35	102	32.5	145	33.0	507	31.6
Relationship between victim and suspect														
Strangers	2887	0	784	27.2	112	41	87	21.4	118	22.1	143	25.3	523	29.3
Nonstrangers	2887	0	1507	52.2	91	33.4	209	51.5	292	54.7	279	49.4	936	52.3
Intimate partners	2887	0	596	20.6	70	25.6	110	27.1	124	23.2	143	25.3	329	18.4
Length of relationship in days (mean)	596	271	325	1216.24	--	6.2yrs	--	4.4yrs	73	1245.74	84	1355.73	168	1133.68
Victim and suspect have a child	596	51	147	27.0	19	20.9	--	27.5	28	23.7	47	34.8	72	24.7
Evidence														
At least one witness	2887	22	1902	66.4	108	40.5	176	43.0	300	56.6	484	86.3	1118	63.0
Witness corroborates victim's story	1902	221	1319	78.5	41	42.9	40	24.8	201	85.9	273	66.1	845	81.7
Witness corroborates suspect's story	1902	1121	465	59.5	9	16.1	13	12.5	63	63.0	73	39.7	329	66.2
Forensic medial exam conducted	2887	1143	1389	79.6	146	53.5	203	49.8	199	79.0	237	76.2	953	80.7
Any type of physical evidence recovered	2887	0	1443	50.0	132	48.3	197	48.0	154	28.8	288	51.0	1001	56.0
Characteristics of Police Investigation														
Police can identify suspect	2887	93	1497	53.6	165	60.3	348	84.9	304	60.8	297	53.5	896	51.5
Police interviewed suspect ^b	951	8	892	94.6	93	56.4	212	60.9	129	99.2	174	95.1	589	93.5
Police interviewed witnesses ^c	1902	24	1652	88.0	7	89.8	156	88.6	261	87.6	376	78.8	1015	92.0
Police conducted pretext phone call ^b	951	5	46	4.9	12	7.2	22	6.3	0	0.0	4	2.2	42	6.7
Police got photos of victim's injuries ^d	1149	340	440	54.4	77	64.7	160	82.9	12	18.5	57	52.8	371	58.3

^bOf the identified suspects who gave a statement to law enforcement.

^cOf cases in which there was at least one witness.

^dOf cases in which the victim suffered collateral injuries.

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Decision Making in Sexual Assault Cases

Tables and Figures: Section IV.

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Tables and Figures: Section IV

Decision Making in Sexual Assault Cases

Tables and Figures: Section IV.

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Table IV.1 Results of Logistic Regression: Decision to Unfound

<u>S&T: Table VI.1 Results of Logistic Regression: Decision to Unfound</u>			
FULL SAMPLE=2,887			
MISSING DATA=167			
ANALYSIS SAMPLE=2,720			
	ALL JURISDICTIONS FEMALE VICTIMS (N=2720)		
	B	SE	Exp(B)
Victim Characteristics			
Age	0.02	0.01	1.02 *
Race/Ethnicity			
Black	0.22	0.21	1.25
Hispanic/Other	0.18	0.25	1.20
Relationship to Suspect			
Nonstranger	-0.59	0.20	0.55 **
Intimate Partner	-0.82	0.27	0.44 **
Risk-Taking Behavior at Time of Incident	-0.16	0.19	0.86
Questions about Character/Reputation	0.16	0.20	1.17
Mental Illness or Mental Health Issues	0.11	0.21	1.11
Motive to Lie	1.37	0.23	3.93 ***
Victim Recanted	2.96	0.23	19.33 ***
Indicators of Case Seriousness			
Suspect Physically Assaulted Victim			
Suspect Did Physically Assaulted Victim	-0.77	0.20	0.46 ***
Victim Doesn't Recall Being Assaulted	0.30	0.28	1.35
Suspect Used a Weapon	-0.05	0.30	0.96
Victim Suffered Collateral Injury	-0.30	0.21	0.74
Type of Resistance			
Verbal only	-0.05	0.23	0.95
Physical only	-0.12	0.32	0.88
Verbal and Physical	-0.74	0.25	0.48 **
Strength of Evidence			
Anyone Reported within One Day	0.04	0.20	1.05
Number of Witnesses	-0.04	0.04	0.96
Victim Willing to Cooperate in Investigation	0.60	0.19	1.82 **
Physical Evidence	-0.20	0.20	0.82
Constant	-2.77	0.37	
Nagelkerke R²		0.31	
* <i>p</i> <.05, ** <i>p</i> <.01, *** <i>p</i> <.001			

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Decision Making in Sexual Assault Cases

Tables and Figures: Section V.

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Tables and Figures: Section V

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Table V.1 Case Outcomes, Sexual Assault Cases from 2008-2010

Case Outcomes	Full Sample (N=2887)		LAPD (N=5031)		LASD (N=2891)		Small Sites (N=534)		Medium Sites (N=565)		Large Sites (N=1788)	
	N	%	N	%	N	%	N	%	N	%	N	%
Case Cleared	1404	48.7	2300	45.7	2569	88.9	189	35.4	309	54.7	906	50.7
<i>Cleared by Arrest-Adult</i>	504	17.5	615	12.2	1002	34.7	97	18.2	83	14.7	324	18.1
<i>Cleared by Exceptional Means</i>	860	29.8	1684	33.5	1567	54.2	83	15.5	217	38.4	560	31.3
<i>Cleared by Arrest-Juvenile</i>	40	1.4	--	--	--	--	9	1.7	9	1.6	22	1.2
Unfounded	212	7.3	546	10.9	30	1.0	12	2.2	66	11.7	134	7.5
Open/Inactive	1215	42.1	--	--	--	--	282	52.8	190	33.6	743	41.6
Investigation Continuing	56	1.9	2185	43.4	292	10.1	51	9.6	0	0.0	5	0.3

Table V.2 Sexual Assault Cases from 2008-2010: Cleared by Exceptional Means

	Full Sample=2887, Exceptional Means (EM) sample=860				LA (N=402)		Small Sites N=534, EM sample=83		Medium Sites N=565, EM sample=217		Large Sites N=1788, EM sample=560	
	Out of N	Missing / NA	N	%	N	%	N	%	N	%	N	%
Case/Crime Characteristics												
Type of crime												
Rape	860	0	840	97.7	285	70.9	83	100.0	209	96.3	548	97.9
Attempted rape	860	0	20	2.3	34	8.5	0	0.0	8	3.7	12	2.1
Sexual battery	860	0	0	0.0	46	11.4	0	0.0	0	0.0	0	0.0
Suspect used bodily force only to subdue victim	860	0	550	64.0	330	82.1	60	72.3	111	51.2	379	67.7
Suspect used a weapon	860	0	41	4.8	36	9.0	2	2.4	15	6.9	24	4.3
Suspect drugged victim	860	124	38	5.2	29	7.2	3	4.5	7	3.6	28	5.9
Relationship between victim and suspect												
Strangers	860	0	109	12.7	83	20.6	16	19.3	37	17.1	56	10.0
Nonstrangers	860	0	527	61.3	208	51.7	54	65.1	118	54.4	355	63.4
Intimate partners	860	0	224	26.0	108	26.9	13	15.7	62	28.6	149	26.6
Victim injured-victim or police report	860	3	350	40.8	180	44.8	20	24.1	90	41.7	240	43.0
Victim also physically assaulted	860	131	426	58.4	159	39.6	42	60.9	96	50.5	288	61.3
Rape + stranger or weapon or injury to victim	860	0	411	47.8	162	40.3	33	39.8	109	50.2	269	48.0
Rape + stranger or weapon	860	0	131	15.2	75	18.7	18	21.7	43	19.8	70	12.5
Victim Characteristics												
Background Characteristics												
Age (mean)	860	6	854	26.9		27.2	81	26.2	216	24.3	557	28.0
Race/Ethnicity												
Caucasian	860	7	519	60.8	107	26.6	66	80.5	120	55.8	333	59.9
Hispanic/Latina	860	7	139	16.3	176	43.8	4	4.9	40	18.6	95	17.1
African American	860	7	179	21.0	82	20.4	8	9.8	53	24.7	118	21.2
Asian American/Other	860	7	14	1.6	22	5.5	4	4.9	1	0.5	9	1.6
Native American	860	7	1	0.1	--	--	0	0.0	1	0.5	0	0.0
Biracial	860	7	1	0.1	--	--	0	0.0	0	0.0	1	0.2

Decision Making in Sexual Assault Cases

Tables and Figures: Section V.

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	Full Sample=2887, Exceptional Means (EM) sample=860				LA (N=402)		Small Sites N=534, EM sample=83		Medium Sites N=565, EM sample=217		Large Sites N=1788, EM sample=560	
	Out of N	Missing / NA	N	%	N	%	N	%	N	%	N	%
Victim Characteristics												
Credibility Factors												
Criminal record	860	0	183	21.3	29	7.2	1	1.2	25	11.5	157	28.0
Gang affiliation mentioned in report	860	0	7	0.8	4	1.0	0	0.0	3	1.4	4	0.7
Drinking at time of incident	860	0	359	41.7	115	28.6	30	36.1	79	36.4	250	44.6
Drunk at time of incident	860	0	181	21.0	85	21.1	12	14.5	37	17.1	132	23.6
Using illegal drugs at time of incident	860	0	65	7.6	30	7.5	4	4.8	24	11.1	37	6.6
Passed out (not drugged)	860	0	4	0.5	46	11.4	1	1.2	1	0.5	2	0.4
Prior sexual relationship with suspect ^a	751	14	230	31.2	100	24.9	10	15.2	51	30.0	169	33.7
Walking alone late at night	860	0	69	8.0	16	4.0	8	9.6	31	14.3	30	5.4
Accepted a ride from a stranger	860	0	43	5.0	12	3.0	6	7.2	19	8.8	18	3.2
Mental health issues	860	0	189	22.0	41	10.2	11	13.3	34	15.7	144	25.7
Sex worker	860	0	44	5.1	14	3.5	1	1.2	6	2.8	37	6.6
Inconsistent statements to police	860	17	292	34.6	54	13.4	12	16.0	42	19.9	238	42.7
No physical or verbal resistance	860	88	160	20.7	105	26.1	24	34.8	39	20.2	97	19.0
Verbal resistance only	860	100	188	24.7	75	18.7	25	36.2	49	25.7	114	22.8
Physical resistance only	860	94	54	7.0	36	9.0	1	1.4	8	4.2	45	8.9
Verbal and physical resistance	860	88	369	47.8	186	46.3	19	27.5	97	50.3	253	49.6
Investigating officer questions credibility	860	31	258	31.1	32	8.0	13	16.5	46	23.2	199	36.1
Cooperation With Law Enforcement												
Reported within one hour	860	286	79	13.8	62	15.4	6	22.2	24	16.9	49	12.1
Had forensic medical exam	860	360	400	80.0	162	40.3	26	74.3	90	75.0	284	82.3
Declined forensic medical exam	860	360	31	6.2	19	4.7	4	10.8	13	10.9	14	4.1
Identified suspect by full name and address	860	8	261	30.6	245	60.9	15	19.2	60	27.9	186	33.3
Cooperative during police investigation	860	43	447	54.7	232	57.7	25	43.1	117	55.7	305	55.6
Recanted her allegation	860	18	40	4.8	15	3.7	3	4.0	7	3.3	30	5.4
Could not be located	860	11	135	15.9	58	14.4	10	13.2	39	18.1	86	15.4
Had motive to lie	860	65	64	8.1	55	13.7	1	1.3	12	6.5	51	9.6

Decision Making in Sexual Assault Cases

Tables and Figures: Section V.

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	Full Sample=2887, Exceptional Means (EM) sample=860				LA (N=402)		Small Sites N=534, EM sample=83		Medium Sites N=565, EM sample=217		Large Sites N=1788, EM sample=560	
	Out of N	Missing / NA	N	%	N	%	N	%	N	%	N	%
Suspect Characteristics												
Affiliated with a gang	860	82	46	5.9	40	10.0	0	0.0	17	8.9	29	5.6
Police interviewed suspect	860	14	390	46.1	193	48.0	19	23.8	70	33.0	301	54.3
Defense in statement to police ^b												
Consent	405	0	260	64.2	87	21.6	10	52.6	45	68.2	205	64.1
Incident fabricated	405	0	169	41.7	82	20.4	10	52.6	17	25.8	142	44.4
Incorrect ID	405	0	1	0.2	1	1.4	0	0.0	1	1.5	0	0.0
Admitted/Confessed	405	4	8	2.0	21	5.2	0	0.0	2	3.1	6	1.9
Police Investigation/Evidence												
Some type of physical evidence	860	0	434	50.5	156	38.8	27	32.5	108	49.8	299	53.4
Mean number of police interviews with victim	860	4	856	2.22		1.87	81	1.44	216	1.92	559	2.45
Mean number of witnesses	860	6	854	2.20		0.69	82	1.09	215	2.50	557	2.24
Police interviewed witnesses ^c	320	0	299	93.4	135	33.6	13	100.0	48	81.4	238	96.0
Police conducted pretext phone call	860	11	38	4.5	25	6.2	0	0.0	4	1.9	34	6.2

^aOf cases involving nonstrangers and intimate partners.

^bOf the identified suspects who spoke with the police.

^cOf the cases with witnesses where the suspect spoke to the police.

Table V.3 Sexual Offenses Cleared by Exceptional Means Sexual Assault Cases 2008-2010

Criteria for Exceptional Means Clearance	Full Sample=2887; Exceptional Means Sample=860				LAPD=125		LASD=267	
	Out of N	Missing	N	%	N	%	N	%
Suspect identified	860	7	784	91.9	121	96.8	191	71.5
DA rejects	784	5	400	51.3	55	44.0	77	28.8
DA rejects after an arrest	784	5	93	11.9	26	20.8	61	22.8
Victim Refuses to cooperate (no DA consult)	784	5	243	31.2	40	32.0	53	19.9
Other EM	784	5	12	1.5	--	--	--	--
Other/Unknown	784	5	31	4.0	--	--	--	--
Suspect not identified or cannot be located	860	7	69	8.1	4	3.2	76	28.4

Tables and Figures: Section VI

Table VI.2 Results of Logistic Regression: Cleared by Arrest

FULL SAMPLE=2,887

MISSING DATA=155

ANALYSIS SAMPLE=2,732

	Model 1. ALL JURISDICTIONS FEMALE VICTIMS (N=2732)			Model 2. ALL JURISDICTIONS FEMALE VICTIMS (N=2732)			Spohn and Tellis Exp(B)
	B	SE	Exp(B)	B	SE	Exp(B)	
Victim Characteristics							
Age	0.01	0.01	1.01	0.01	0.01	1.01	1.00
Race/Ethnicity							
Black	0.31	0.15	1.37 *	0.36	0.15	1.44 *	1.00
Hispanic/Other	0.08	0.15	1.08	0.08	0.15	1.08	0.97
Relationship to Suspect							
Nonstranger	0.89	0.16	2.44 ***	0.89	0.16	2.43 ***	3.14*
Intimate Partner	1.30	0.19	3.67 ***	1.34	0.19	3.83 ***	4.89*
Risk-Taking Behavior at Time of Incident	-0.46	0.13	0.63 ***	-0.46	0.13	0.63 ***	0.82
Questions about Character/Reputation	-0.02	0.14	0.99	-0.04	0.14	0.97	0.98
Mental Illness or Mental Health Issues	-0.65	0.17	0.52 ***	-0.66	0.17	0.52 ***	0.71
Motive to Lie	-0.77	0.30	0.46 *	-0.69	0.31	0.50 *	1.36
Indicators of Case Seriousness							
Most serious charge is Rape	--	--	--	--	--	--	.36**
Suspect Physically Assaulted Victim							
Suspect Did Physically Assaulted Victim	-0.01	0.14	0.99	-0.08	0.14	0.93	1.43
Victim Doesn't Recall Being Assaulted	-0.73	0.34	0.48 *	-0.71	0.34	0.49 *	--
Suspect Used a Weapon	0.74	0.19	2.09 ***	0.72	0.20	2.05 ***	2.60*
Victim Suffered Collateral Injury	0.28	0.13	1.33 *	0.32	0.13	1.37 *	1.54*
Type of Resistance							
Verbal only	0.27	0.19	1.31	0.28	0.19	1.32	0.7
Physical only	0.25	0.26	1.29	0.24	0.26	1.27	1.14
Verbal and Physical	0.69	0.16	2.00 ***	0.72	0.16	2.06 ***	1.52
Strength of Evidence							
Anyone Reported within One Day	0.57	0.14	1.77 ***	0.54	0.14	1.72 ***	3.31*
Number of Witnesses	0.15	0.02	1.16 ***	0.16	0.02	1.17 ***	1.42*
Victim Willing to Cooperate in Investigation	1.93	0.15	6.92 ***	1.98	0.16	7.21 ***	5.61*
Physical Evidence	0.63	0.14	1.87 ***	0.65	0.14	1.92 ***	1.79*
Site							1.12
Small Sites	--	--	--	0.61	0.19	1.84 **	
Large Sites	--	--	--	0.57	0.15	1.76 ***	
Constant	-5.24	0.32		-5.72	0.35		
Nagelkerke R²		0.34			0.35		

*p<.05, **p<.01, ***p<.001

Table VI.2.1 Results of Logistic Regression: Cleared by Arrest- Small Jurisdictions

FULL SAMPLE=534

MISSING DATA=54

	Model 1. ALL JURISDICTIONS SMALL SITE FEMALE VICTIMS (N=480)			Model 2. ALL JURISDICTIONS SMALL SITE FEMALE VICTIMS (N=480)		
	B	SE	Exp(B)	B	SE	Exp(B)
Victim Characteristics						
Age	0.01	0.01	1.01	0.01	0.01	1.01
Race/Ethnicity						
Black	1.24	0.42	3.44 **	1.24	0.42	3.44 **
Hispanic/Other	0.71	0.37	2.03	0.71	0.37	2.03
Relationship to Suspect						
Nonstranger	0.73	0.41	2.08	0.73	0.41	2.08
Intimate Partner	1.56	0.46	4.74 **	1.56	0.46	4.74 **
Risk-Taking Behavior at Time of Incident	-0.20	0.30	0.82	-0.20	0.30	0.82
Questions about Character/Reputation	0.70	0.40	2.00	0.70	0.40	2.00
Mental Illness or Mental Health Issues	-0.86	0.51	0.42	-0.86	0.51	0.42
Motive to Lie	-0.23	1.33	0.74	-0.23	1.33	0.74
Indicators of Case Seriousness						
Suspect Physically Assaulted Victim						
Suspect Did Physically Assaulted Victim	-0.30	0.35	0.74	-0.30	0.35	0.74
Victim Doesn't Recall Being Assaulted	-0.20	0.57	0.82	-0.20	0.57	0.82
Suspect Used a Weapon	0.28	0.56	1.32	0.28	0.56	1.32
Victim Suffered Collateral Injury	0.44	0.32	1.55	0.44	0.32	1.55
Type of Resistance						
Verbal only	0.51	0.43	1.66	0.51	0.43	1.66
Physical only	0.93	0.65	2.54	0.93	0.65	2.54
Verbal and Physical	1.19	0.39	3.30 **	1.19	0.39	3.30 **
Strength of Evidence						
Anyone Reported within One Day	0.68	0.31	1.98 *	0.68	0.31	1.98 *
Number of Witnesses	0.23	0.08	1.26 **	0.23	0.08	1.26 **
Victim Willing to Cooperate in Investigation	1.78	0.44	5.91 ***	1.78	0.44	5.91 ***
Physical Evidence	0.41	0.33	1.50	0.41	0.33	1.50
Site W as reference						
Site U	-0.50	0.37	0.60	--	--	--
Site V	0.59	0.37	1.80	--	--	--
Site U as reference						
Site W	--	--	--	0.50	0.37	1.65
Site V	--	--	--	1.09	0.36	2.97 **
Constant	-6.13	2.76		-6.63	2.76	
Nagelkerke R²		0.32			0.32	

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

Table VI.2.2 Results of Logistic Regression: Cleared by Arrest- Medium Jurisdictions

FULL SAMPLE=565

MISSING DATA=29

	Model 1. ALL JURISDICTIONS MEDIUM SITE FEMALE VICTIMS (N=536)		
	B	SE	Exp(B)
Victim Characteristics			
Age	0.01	0.01	1.01
Race/Ethnicity			
Black	-0.21	0.35	0.81
Hispanic/Other	-0.04	0.38	0.96
Relationship to Suspect			
Nonstranger	1.05	0.44	2.86 *
Intimate Partner	1.06	0.48	2.88 *
Risk-Taking Behavior at Time of Incident	-0.85	0.32	0.43 **
Questions about Character/Reputation	-0.59	0.39	0.55
Mental Illness or Mental Health Issues	-0.85	0.47	0.43
Motive to Lie	-0.45	0.61	0.64
Indicators of Case Seriousness			
Suspect Physically Assaulted Victim			
Suspect Did Physically Assaulted Victim	0.05	0.35	1.05
Victim Doesn't Recall Being Assaulted	-0.93	0.70	0.39
Suspect Used a Weapon	0.37	0.54	1.45
Victim Suffered Collateral Injury	0.80	0.30	2.22 **
Type of Resistance			
Verbal only	-0.28	0.49	0.76
Physical only	0.33	0.73	1.39
Verbal and Physical	0.37	0.42	1.44
Strength of Evidence			
Anyone Reported within One Day	0.69	0.33	1.99 *
Number of Witnesses	0.16	0.05	1.17 **
Victim Willing to Cooperate in			
Investigation	2.46	0.54	11.69 ***
Physical Evidence	0.52	0.34	1.68
Constant	-6.67	1.38	
Nagelkerke R²		0.38	

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

Table VI.2.3 Results of Logistic Regression: Cleared by Arrest- Large Jurisdictions

FULL SAMPLE=1788

MISSING DATA=72

	Model 1. ALL JURISDICTIONS LARGE SITE FEMALE VICTIMS (N=1716)		
	B	SE	Exp(B)
Victim Characteristics			
Age	0.00	0.01	1.00
Race/Ethnicity			
Black	0.25	0.19	1.28
Hispanic/Other	0.13	0.19	1.13
Relationship to Suspect			
Nonstranger	0.94	0.20	2.57 **
Intimate Partner	1.35	0.24	3.87 **
Risk-Taking Behavior at Time of Incident	-0.38	0.17	0.68 *
Questions about Character/Reputation	-0.08	0.16	0.92
Mental Illness or Mental Health Issues	-0.65	0.20	0.52 **
Motive to Lie	-1.00	0.39	0.37 *
Indicators of Case Seriousness			
Suspect Physically Assaulted Victim			
Suspect Did Physically Assaulted Victim	0.25	0.19	1.28
Victim Doesn't Recall Being Assaulted	-0.64	0.30	0.53 *
Suspect Used a Weapon	0.72	0.24	2.05 **
Victim Suffered Collateral Injury	0.17	0.16	1.18
Type of Resistance			
Verbal only	0.14	0.25	1.14
Physical only	-0.10	0.33	0.90
Verbal and Physical	0.41	0.23	1.51
Strength of Evidence			
Anyone Reported within One Day	0.44	0.19	1.56 *
Number of Witnesses	0.17	0.03	1.18 **
Victim Willing to Cooperate in Investigation	2.10	0.18	8.20 ***
Physical Evidence	0.75	0.19	2.11 ***
Site (Y=comparison)			
Site Z	0.43	0.19	1.54 *
Constant	-7.27	0.88	
Nagelkerke R²		0.39	

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

Table VI.3 Results of Logistic Regression: Cleared by Arrest by Relationship Type

FULL SAMPLE=2,887

MISSING DATA=155

ANALYSIS SAMPLE=2,732

	MODEL 1. ALL JURISDICTIONS FEMALE VICTIMS STRANGERS (N=738)			Spohn and Tellis Exp (B)	MODEL 2. ALL JURISDICTIONS FEMALE VICTIMS NONSTRANGERS (N=1435)			Spohn and Tellis Exp (B)	MODEL 3. ALL JURISDICTIONS FEMALE VICTIMS INTIMATE PARTNERS (N=559)			Spohn and Tellis Exp (B)
	B	SE	Exp(B)		B	SE	Exp(B)		B	SE	Exp(B)	
Victim Characteristics												
Age	0.01	0.01	1.01	1.04	0.00	0.01	1.00	0.98	0.03	0.01	1.03 *	0.99
Race/Ethnicity												
Black	0.40	0.37	1.49	1.09	0.52	0.20	1.69 **	1.74	-0.22	0.33	0.80	0.43
Hispanic/Other	0.17	0.38	1.19	1.47	0.00	0.20	1.00	1.01	-0.05	0.31	0.95	0.76
Risk-Taking Behavior at Time of Incident	-0.63	0.30	0.53 *	1.75	-0.38	0.17	0.68 *	0.80	-0.36	0.32	0.70	0.35
Questions about Character/Reputation	0.32	0.31	1.38	0.96	-0.11	0.19	0.90	1.14	0.12	0.33	1.13	0.87
Mental Illness or Mental Health Issues	-0.66	0.41	0.52	0.23	-0.60	0.23	0.55 **	0.49	-1.03	0.41	0.36 *	0.67
Motive to Lie	0.10	0.55	1.10	1.40	-1.60	0.62	0.20 **	1.22	-0.47	0.59	0.62	2.27
Indicators of Case Seriousness												
Most serious charge is Rape	--	--	--	0.65	--	--	--	.21*	--	--	--	0.41
Suspect Physically Assaulted Victim												
Suspect Did Physically Assaulted Victim	-0.13	0.35	0.88	1.00	-0.27	0.18	0.76	1.88	1.13	0.39	3.09 **	0.19
Victim Doesn't Recall Being Assaulted	-0.92	0.83	0.40	--	-0.88	0.40	0.42 *	--	-0.04	1.20	0.96	--
Suspect Used a Weapon	0.77	0.34	2.16 *	2.65	0.19	0.36	1.21	2.36	0.98	0.39	2.66 *	9.07*
Victim Suffered Collateral Injury	-0.04	0.31	0.97	2.49	0.25	0.17	1.28	0.98	0.68	0.27	1.98 *	2.61*
Type of Resistance												
Verbal only	0.79	0.49	2.20	0.34	0.04	0.24	1.05	0.52	1.19	0.53	3.28 *	1.62
Physical only	-0.41	0.57	0.66	2.16	0.55	0.36	1.73	0.91	1.09	0.68	2.96	2.29
Verbal and Physical	0.85	0.37	2.33 *	1.83	0.43	0.21	1.54 *	1.46	1.64	0.48	5.18 **	2.20
Strength of Evidence												
Anyone Reported within One Day	0.31	0.45	1.36	3.60*	0.54	0.19	1.72 **	5.70*	0.90	0.30	2.45 **	2.74
Number of Witnesses	0.13	0.03	1.14 ***	1.66*	0.18	0.03	1.19 ***	1.56*	0.14	0.06	1.15 *	1.16
Victim Willing to Cooperate in Investigation	2.27	0.41	9.71 ***	3.20	2.17	0.22	8.74 ***	20.74*	1.53	0.31	4.61 ***	2.36*
Physical Evidence	1.22	0.40	3.40 **	0.79	0.26	0.19	1.30	2.38*	1.30	0.30	3.65 ***	1.95
Site				0.86				1.32				0.98
Small Sites	0.94	0.54	2.57		0.36	0.26	1.43		0.96	0.40	2.61 *	
Large Sites	0.62	0.42	1.86		0.56	0.20	1.75 **		0.44	0.34	1.56	
Constant	-6.22	0.87			-4.18	0.40			-7.11	0.82		
Nagelkerke R²		0.36				0.31				0.51		

*p<.05, **p<.01, ***p<.001

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Table VI.3.1 Results of Logistic Regression: Cleared by Exceptional Means VS Cleared by Arrest Adult

FULL SAMPLE=2,887

MISSING DATA=1544

ANALYSIS SAMPLE=1,343

	Model 1. ALL JURISDICTIONS FEMALE VICTIMS (N=1343)			Model 2. ALL JURISDICTIONS FEMALE VICTIMS (N=1343)		
	B	SE	Exp(B)	B	SE	Exp(B)
Victim Characteristics						
Age	0.01	0.01	1.01	0.01	0.01	1.01
Race/Ethnicity						
Black	0.15	0.17	1.16	0.31	0.17	1.36
Hispanic/Other	0.10	0.17	1.10	0.17	0.17	1.19
Relationship to Suspect						
Nonstranger	-0.02	0.20	0.99	-0.04	0.21	0.97
Intimate Partner	0.14	0.23	1.15	0.19	0.24	1.21
Risk-Taking Behavior at Time of Incident	-0.57	0.15	0.57 ***	-0.59	0.15	0.55 ***
Questions about Character/Reputation	-0.22	0.15	0.81	-0.17	0.16	0.85
Mental Illness or Mental Health Issues	-0.76	0.19	0.47 ***	-0.77	0.19	0.46 ***
Motive to Lie	-0.53	0.34	0.59	-0.37	0.34	0.69
Indicators of Case Seriousness						
Suspect Physically Assaulted Victim						
Suspect Did Physically Assaulted Victim	0.18	0.16	1.20	0.03	0.16	1.03
Victim Doesn't Recall Being Assaulted	-0.45	0.37	0.64	-0.38	0.38	0.69
Suspect Used a Weapon	1.17	0.26	3.24 ***	1.21	0.27	3.34 ***
Victim Suffered Collateral Injury	0.14	0.14	1.15	0.27	0.15	1.31
Type of Resistance						
Verbal only	0.03	0.21	1.03	0.06	0.22	1.06
Physical only	0.37	0.30	1.44	0.49	0.31	1.63
Verbal and Physical	0.42	0.19	1.52 *	0.53	0.19	1.70 **
Strength of Evidence						
Anyone Reported within One Day	0.69	0.16	1.99 ***	0.60	0.17	1.83 ***
Number of Witnesses	0.10	0.02	1.11 ***	0.12	0.02	1.13 ***
Victim Willing to Cooperate in Investigation	1.76	0.17	5.82 ***	1.74	0.17	5.72 ***
Physical Evidence	0.38	0.17	1.46 *	0.54	0.17	1.71 **
Site						
Small Sites	--	--	--	1.57	0.24	4.80 ***
Large Sites	--	--	--	0.49	0.17	1.64 **
Constant	-3.04	0.36		-3.74	0.40	
Nagelkerke R²		0.31			0.35	

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

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Table VI.4 Charging Decisions in Rape Cases: Results of the Multinomial Logistic Regression Analysis of Three-Category Charging Variable

FULL SAMPLE=2,887

MISSING DATA=1888

ANALYSIS SAMPLE=999

	Model 1. Charges Rejected Before Suspect Arrested				Model 2. Charges Rejected After Suspect Arrested			
	B	SE	Exp(B)	S&T Exp(B)	B	SE	Exp(B)	S&T Exp(B)
Victim characteristics								
Age	-0.01	0.01	0.99	1.04*	0.01	0.01	1.01	1.03
Black	-0.28	0.23	0.76	0.55	0.40	0.25	1.49	0.50
Hispanic/Other	-0.31	0.21	0.74	0.57	0.19	0.24	1.21	0.51
Nonstranger	0.55	0.28	1.72 *	1.80	0.23	0.29	1.26	1.19
Intimate Partner	0.24	0.32	1.27	1.49	0.02	0.32	1.03	1.48
Risk-Taking Behavior at Time of Incident	0.59	0.20	1.81 **	2.78*	0.28	0.22	1.33	1.55
Questions about Character/Reputation	0.13	0.20	1.14	2.35	0.54	0.22	1.72 *	2.38
Mental Illness or Mental Health Issues	0.99	0.24	2.70 ***	2.92	-0.06	0.29	0.94	2.73
Motive to Lie	0.89	0.48	0.41	2.43	0.84	0.54	2.31	4.97*
Case Seriousness								
Most serious charge	--	--	--	2.78*	--	--	--	1.55
Suspect Did Physically Assaulted Victim	0.10	0.22	1.11	1.13	0.49	0.27	1.64	1.76
Victim Doesn't Recall Assault	0.73	0.33	2.07 *	--	0.11	0.44	1.12	--
Suspect Used a Weapon	-1.96	0.45	0.14 ***	0.17*	-0.35	0.31	0.70	0.38*
Victim Suffered Collateral Injury	-0.56	0.19	0.57 **	0.65	-0.07	0.22	0.94	0.86
Verbal only	0.26	0.29	1.29	1.07	0.16	0.37	1.17	0.80
Physical only	-0.13	0.40	0.88	0.49	0.05	0.48	1.05	0.61
Verbal and Physical	-0.27	0.26	0.76	0.41*	-0.01	0.33	0.99	0.54
Strength of evidence								
Reported within one day	-0.64	0.21	0.53 *	0.19*	0.43	0.27	1.53	0.98
Number of Witnesses	-0.10	0.03	0.91 **	0.76*	-0.07	0.03	0.93 *	1.01
Victim Willing to Cooperate in Investigation	-1.09	0.23	0.34 ***	0.04*	-0.83	0.26	0.44 **	0.10*
Physical Evidence	-0.51	0.22	0.60 *	0.42*	-0.16	0.25	0.85	1.32
Site								
LAPD site	-	-	-	1.03	-	-	-	0.68
Small	-2.24	0.44	0.11 ***		1.34	0.40	3.83 ***	
Large	0.11	0.22	1.12		0.98	0.33	2.66 **	
Nagelkerke R²	0.35							

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

Table VI.5 Results of Logistic Regression: Cleared by Arrest Adult- Charges Filed- Guilty Conviction

FULL SAMPLE=2,887

MISSING DATA=2538

ANALYSIS SAMPLE=349

	Model 1. ALL JURISDICTIONS FEMALE VICTIMS (N=349)			Model 2. ALL JURISDICTIONS FEMALE VICTIMS (N=349)		
	B	SE	Exp(B)	B	SE	Exp(B)
Victim Characteristics						
Age	-0.01	0.01	0.99	-0.01	0.01	0.99
Race/Ethnicity						
Black	-0.01	0.31	0.99	-0.10	0.33	0.90
Hispanic/Other	0.03	0.28	1.03	-0.03	0.29	0.97
Relationship to Suspect						
Nonstranger	-0.84	0.36	0.43 *	-0.88	0.37	0.41 *
Intimate Partner	-0.41	0.40	0.66	-0.46	0.40	0.63
Risk-Taking Behavior at Time of Incident	-0.52	0.26	0.59 *	-0.46	0.27	0.63
Questions about Character/Reputation	0.14	0.29	1.15	0.25	0.30	1.28
Mental Illness or Mental Health Issues	-0.07	0.37	0.94	-0.07	0.38	0.94
Motive to Lie	0.39	0.87	1.47	0.29	0.92	1.34
Indicators of Case Seriousness						
Suspect Physically Assaulted Victim						
Suspect Did Physically Assaulted Victim	0.24	0.29	1.28	0.36	0.30	1.43
Victim Doesn't Recall Being Assaulted	-0.54	0.74	0.58	-0.58	0.75	0.56
Suspect Used a Weapon	0.00	0.36	1.00	0.02	0.37	1.02
Victim Suffered Collateral Injury	0.35	0.27	1.42	0.20	0.28	1.22
Type of Resistance						
Verbal only	-0.02	0.44	0.98	0.08	0.45	1.08
Physical only	-0.36	0.60	0.70	-0.38	0.61	0.69
Verbal and Physical	-0.35	0.37	0.71	-0.36	0.38	0.70
Strength of Evidence						
Anyone Reported within One Day	0.56	0.32	1.75	0.63	0.33	1.87
Number of Witnesses	0.04	0.03	1.04	0.03	0.03	1.04
Victim Willing to Cooperate in Investigation	0.99	0.41	2.69 *	0.88	0.41	2.40 *
Physical Evidence	0.12	0.31	1.12	0.07	0.33	1.07
Site						
Small Sites	--	--	--	-1.29	0.44	0.28 **
Large Sites	--	--	--	-0.96	0.31	0.38 **
Constant	-0.50	0.73		0.45	0.78	
Nagelkerke R²		0.11			0.16	

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

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Appendices

Decision-Making in Sexual Assault Cases: Multi-site Replication Research on Sexual Violence Case Attrition in the U.S
(funded under an Office of Justice Programs Grant #2012-IJ-CX-0052)

Project Principal Investigators:
University of Massachusetts Lowell
Linda Williams
April Pattavina
Melissa Morabito

POLICE INCIDENT REVIEW CODING FORM

Number of Victims _____ Number of Suspects* _____

*COMPLETE MULTIPLE SUSPECT (green) FORM

PART 1

ABOUT THE CASE

Today/Completion Date: _____

1) Current Status of Case: (CASESTATNUM)

a. <input type="checkbox"/> Cleared by arrest (adult)	d. <input type="checkbox"/> Cleared by arrest (juvenile)	g. <input type="checkbox"/> Open/Inactive
b. <input type="checkbox"/> Cleared by other (adult)	e. <input type="checkbox"/> Cleared by other, (juvenile)	h. <input type="checkbox"/> Cleared by exceptional means
c. <input type="checkbox"/> Investigation continuing	f. <input type="checkbox"/> Report unfounded	

2) If not cleared by arrest, what is the agency Clearance Code or Status? (Check One) (AOWHY)

a. <input type="checkbox"/> No further workable information	l. <input type="checkbox"/> Misdemeanor filed, warrant obtained,
b. <input type="checkbox"/> Insufficient evidence (not referred to DA)	m. <input type="checkbox"/> Extradition denied
c. <input type="checkbox"/> V refuses to cooperate (not referred to DA)	n. <input type="checkbox"/> Application approved
d. <input type="checkbox"/> Victim unavailable (not referred to the DA)	o. <input type="checkbox"/> Application denied or withdrawn
e. <input type="checkbox"/> Exceptional	p. <input type="checkbox"/> Juvenile diverted
f. <input type="checkbox"/> DA Reject/Declined	q. <input type="checkbox"/> Juvenile released to parent, no prosecution
g. <input type="checkbox"/> DA Reject, S returned to Dept. of Corrections	r. <input type="checkbox"/> Case reassigned
h. <input type="checkbox"/> S serving time for another offense	s. <input type="checkbox"/> Pending forensic testing
i. <input type="checkbox"/> Suspect not available by another city or state	t. <input type="checkbox"/> Unknown
j. <input type="checkbox"/> Felony filed, warrant obtained, adult S,	u. <input type="checkbox"/> Not Applicable/Not Cleared Other (AO)
k. <input type="checkbox"/> Missing Person	v. <input type="checkbox"/> Blank

If Exceptional Means or Unfounded reason:

3) If case was closed, what date was it closed? Month ____ Day ____ Year ____ Not Applicable

4) If unfounded, what reason was given? (UNFOUNDRASON) or Not Applicable

5) If investigation is open/continuing, what is the reason? (ICREASON) or Not Applicable

6) Evidence collected (Check if yes)

SOURCE

VICTIM ALL SUSPECTS SCENE OTHER

	<u>VICTIM</u>	<u>ALL SUSPECTS</u>	<u>SCENE</u>	<u>OTHER</u>
a. Blood/Bloodstains (EVDBLOOD)				
b. Saliva				
c. Skin (EVDSKIN)				
d. Semen (EVDSEMEN)				
e. Hair (EVDHAIR)				
f. Clothing (EVD CLOTHESBEDDING)				
g. Sexual paraphernalia/condoms				
h. Bedding (EVD CLOTHESBEDDING)				
i. Other household items				
j. Receipts				
k. Phone calls/info				
l. Text message/chats/social media				
m. Computers				
n. GPS tracking				
o. Other electronic (specify)				
p. Photos from cell phones				
q. Photos of scene				
r. Photos of assault				
s. Photos of injury				
t. Written or verbal statement				
u. Video statement				
v. Video surveillance				
w. Video of scene (post)				
x. Video of assault				
y. Video of other (specify)				
z. Polygraph				
aa. Business records				
ab. Other (specify)				

7) Was DNA Evidence:

a. Submitted for testing? (DNASUBMIT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown) <input type="checkbox"/> NA
b. Match suspect(s) in the database? (DNAHIT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown) <input type="checkbox"/> NA

PART 2

ABOUT THE INCIDENT REPORT

P=Police/Law Enforcement

8) Who made first report to police? _____

9) Date of first report to P: __/__/____ Time: __:__ (Use military time)

10) Who reported the incident to P (not only first report)? (WHOREPORTEDLE) (Check All That Apply)

a. <input type="checkbox"/> Victim	h. <input type="checkbox"/> Friend — Adult Juvenile (circle one)
b. <input type="checkbox"/> Parent	i. <input type="checkbox"/> Hospital or medical personnel
c. <input type="checkbox"/> Other family	j. <input type="checkbox"/> Stranger
d. <input type="checkbox"/> Neighbor	k. <input type="checkbox"/> Therapist/counselor/teacher
e. <input type="checkbox"/> Police (Other jurisdiction)	l. <input type="checkbox"/> Other victim
f. <input type="checkbox"/> Other public safety officer	m. <input type="checkbox"/> Other _____
g. <input type="checkbox"/> Spouse/boyfriend/partner	n. <input type="checkbox"/> Unknown others

11) If this victim was not the first reporter, what was the date and time of victim report to P? (DATEREPORT)
 __/__/____ Time: __:__

12) Date and time incident began (BEGDATEY,BEGDATEM): Date: __/__/____ Unknown
 Time: __:__ Unknown

13) Date incident ended (ENDDATEY, ENDDATEM,): Date: __/__/____ Unknown
 Time: __:__ Unknown

14) To whom did this victim first disclose the incident? (WHOVREVORTED) (Check Only One)

a. <input type="checkbox"/> Parent	g. <input type="checkbox"/> Friend — Adult <input type="checkbox"/> Juvenile (circle one)
b. <input type="checkbox"/> Other family	h. <input type="checkbox"/> Hospital or medical personnel
c. <input type="checkbox"/> Neighbor	i. <input type="checkbox"/> Stranger
d. <input type="checkbox"/> Police	j. <input type="checkbox"/> Therapist/counselor/teacher
e. <input type="checkbox"/> Other public safety officer	k. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Spouse/boyfriend/partner	l. <input type="checkbox"/> Unknown

15) Was any suspect(s) arrested at anytime? 1. Yes 2. No

16) Dates arrest was made (S1ARREST, DATES1ARRESTM, DATES1ARRESTY): ___/___/___ Time: ___:___:___
**(If multiple perpetrator (s), fill out green Multiple Offender Form) Not Applicable

17) Was any S (S=Suspect) taken into custody due to warrant unrelated to present case?
1. Yes 2. No

18a) First P responder gender (IOGENDER): M F Unknown
18b) Gender of any other law enforcement personnel: Any male: 1. Yes 2. No
Any female: 1. Yes 2. No

19) Did this victim request a female police officer? (FEMALEPO) 1. Yes 2. No

20) What are the total number of charges listed on the report? (REORTCRIMETOT) _____ OR Unknown

21) Crimes reported (recorded by P): (Any Suspect)

a. Against alleged sex assault victim

- 1. _____
 - 2. _____
 - 3. _____
 - 4. _____
- Other (list) _____

b. Against any other victim (non-sex assault victim)

- 1. _____
 - 2. _____
 - 3. _____
- Other (list) _____

22) Did this victim remember location of first sex act?

1. Yes 2. No Unknown

23) Where did the location of the crime (sex act) begin?

(Star * primary and check all others that apply) (PREMISE)

a. <input type="checkbox"/> Air/bus/train terminal	n. <input type="checkbox"/> Hotel/Motel
b. <input type="checkbox"/> Bank/Savings and Loan	o. <input type="checkbox"/> Jail/Prison
c. <input type="checkbox"/> Bar/Nightclub	p. <input type="checkbox"/> Lake/Waterway
d. <input type="checkbox"/> Church/Synagogue/Temple	q. <input type="checkbox"/> Liquor Store
e. <input type="checkbox"/> Commercial/Office Building	r. <input type="checkbox"/> Parking Lot/Garage
f. <input type="checkbox"/> Construction Site	s. <input type="checkbox"/> Rental Storage/Facility
g. <input type="checkbox"/> Convenience Store	t. <input type="checkbox"/> Residence/Home (specify V; S or O)
h. <input type="checkbox"/> Department/discount Store	u. <input type="checkbox"/> Restaurant
i. <input type="checkbox"/> Drug Store/Doctors Office/ Hospital	v. <input type="checkbox"/> School/College <input type="checkbox"/> Dorm <input type="checkbox"/> Fraternity House
j. <input type="checkbox"/> Field/Woods	w. <input type="checkbox"/> Service/Gas Station
k. <input type="checkbox"/> Government/Public Building	x. <input type="checkbox"/> Specialty Store (TV, Fur, Etc.)
l. <input type="checkbox"/> Grocery/Supermarket	y. <input type="checkbox"/> Automobile
m. <input type="checkbox"/> Highway/Road/Alley	z. <input type="checkbox"/> Other
	zz. <input type="checkbox"/> Unknown other locations

24) Did the crime end at the same location?

1. Yes 2. No (99=unknown)

25) If No, where did the crime end? _____

Not Applicable

26) Check all weapons (if any) reported to have been used in the crime.

(Include brandishing or actual use) (WEAPON, WEAP, SUBVERBAL)

a. <input type="checkbox"/> Firearm (type not stated)	l. <input type="checkbox"/> Personal Weapons (bodily force, e.g. hands, feet, teeth, etc.)
b. <input type="checkbox"/> Firearm (type not stated) automatic	m. <input type="checkbox"/> Poison (include gas as in code 85 asphyxiation)
c. <input type="checkbox"/> Handgun	n. <input type="checkbox"/> Explosives
d. <input type="checkbox"/> Handgun, automatic	o. <input type="checkbox"/> Fire/Incendiary Device
e. <input type="checkbox"/> Rifle	p. <input type="checkbox"/> Drugs/Narcotics/Sleeping Pills
g. <input type="checkbox"/> Rifle, automatic	q. <input type="checkbox"/> Asphyxiation (by drowning, strangulation, suffocation, gas, etc.)
h. <input type="checkbox"/> Shotgun	r. <input type="checkbox"/> Verbal threats
i. <input type="checkbox"/> Blunt object	s. <input type="checkbox"/> S tampered with alcoholic drink
j. <input type="checkbox"/> Knife/Cutting Instrument (ice pick, screwdriver, ax, etc.)	t. <input type="checkbox"/> Other _____
k. <input type="checkbox"/> Motor Vehicle	u. <input type="checkbox"/> Unknown (no to all others)
	v. <input type="checkbox"/> None—no weapon/coercion

27) (V,S, P) In this incident, what was the initial contact with this victim? (Write in 1st event and check all that apply)

(APPROACH) First event (Specify) : _____

a. <input type="checkbox"/> Immediate Attack	l. <input type="checkbox"/> Stranger posed as service person or solicitor
b. <input type="checkbox"/> Attack while victim asleep/passed out	m. <input type="checkbox"/> Offered Drugs
c. <input type="checkbox"/> Began as another crime	n. <input type="checkbox"/> Suspect asked for ride
d. <input type="checkbox"/> Met in bar or other social situation	o. <input type="checkbox"/> Suspect offered ride
e. <input type="checkbox"/> Offered Money or Something Else	p. <input type="checkbox"/> Suspect forced victim into car
f. <input type="checkbox"/> Suspect offered or asked for assistance	q. <input type="checkbox"/> Electronic contact
g. <input type="checkbox"/> Consensual sexual contact	r. <input type="checkbox"/> Domestic Violence physical abuse
h. <input type="checkbox"/> Acquaintance	s. <input type="checkbox"/> Deceit
i. <input type="checkbox"/> On a date	t. <input type="checkbox"/> Agreed to meet for other purpose Specify _____
j. <input type="checkbox"/> Propositions victim for sex	u. <input type="checkbox"/> Other
k. <input type="checkbox"/> Suspect caring or/guardian of victim	v. <input type="checkbox"/> Unknown

28) Per account of this victim or any suspect/other immediately prior to the incident, did the victim:

CHECK IF YES: V S Other

	V	S	Other
a. Walk alone late at night? (R1WALKALONE)			
b. Accept a ride from a stranger? (R2RIDE)			
c. Go willingly to the suspect's residence? (R3SRESIDENCE)			
d. Go willingly to meet suspect			
e. Go to a bar alone? (R5BARALONE)			
f. Go to a place where drugs are sold? (R6DRUGAREA)			
g. Go to a place where alcohol was served?			
h. Drink alcohol? (R7ALCOHOL)			
i. Appear drunk? (R8DRUNK)			
j. Use illegal drugs? (R9DRUGS)			
k. Pass out on drugs used?			
l. Pass out but not on drugs? (R10VPASSEDOUT)			
m. Pass out on alcohol?			
n. Invite the suspect to residence?			
o. Other _____			

29) (V, S, P) Immediately prior to the incident, did any suspect:

CHECK IF YES: V S Other

	V	S	Other
a. Go to a bar alone? (R5BARALONE)			
b. Drink alcohol? (R7ALCOHOL; S1ALCOHOL)			
c. Go to a place where alcohol was served?			
d. Appear drunk? (R8DRUNK; S1DRUNK)			
e. Use illegal drugs? (R9DRUGS; S1DRUGS)			
f. Engage in a fight or disorderly conduct?			
g. Other _____			

30) (V, S, P) Did any suspect use misogynistic language during the incident? (MISOGYNISTLANG, PHYSVIOLRAPE)

1. Yes 2. No (99=unknown) Specify _____

**31) (V) According to this victim did the assault involve:
(Check all that apply)**

a. Vaginal penetration by penis? (VAGINA1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
b. Vaginal penetration by finger? (VAGINA2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
c. Vaginal penetration by object ? (VAGINA3)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
d. Anal penetration by penis? (ANUS1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
e. Anal penetration by finger? (ANUS2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
f. Anal penetration by object? (ANUS3)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
g. Oral copulation of victim's genitals by suspect? (ORAL1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
h. Oral copulation of suspect's genitals by victim? (ORAL2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
i. Oral copulation of victim's anus by suspect? (ORAL3)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
j. Oral copulation of suspect's anus by victim? (ORAL4)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
k. Licking by S? (OTHERACT1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
l. Kissing by S? (OTHERACT2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
n. Biting by S? (OTHERACT4)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
o. Fondling of victim's breast, buttocks or genitals by suspect? (OTHERACT5)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
p. Ejaculation by suspect? (S1EJACULATE)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
q. Masturbation by S?	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
r. S demanding V perform sex acts on self r other person?	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No 3. <input type="checkbox"/> Attempted <input type="checkbox"/> V no recall
s. Other—Specify	

32) (V) Total number of separate sexual assault episodes reported in this case: _____ Unknown

34) (V, S, P) Did any suspect use a condom? (S1CONDOM)

1. Yes 2. No 3. Victim Unsure 4. No males involved Not applicable (99=unknown)

35) What were the victim’s injuries reported during the assault? (Check all that apply)
**INJURY, INJBUISES, INJCUTS, INJSTAB, INJGUNSHOT, INJINTERNAL, INJBURN, INJGENITALS, INJBITES, IN-
 JCHOKE MARKS, INJNONE, INJUNK**

A) VICTIM REPORTS INJURY

B) POLICE OR HOSPITAL NOTE INJURY

a. <input type="checkbox"/> Black eye	q. <input type="checkbox"/> Black eye
b. <input type="checkbox"/> Twisted or sprained joint	r. <input type="checkbox"/> Twisted or sprained joint
c. <input type="checkbox"/> Broken arm, leg, rib or other broken bone	s. <input type="checkbox"/> Broken arm, leg, rib or other broken bone
d. <input type="checkbox"/> Broken finger or toe	t. <input type="checkbox"/> Broken finger or toe
e. <input type="checkbox"/> Internal bleeding	u. <input type="checkbox"/> Internal bleeding
f. <input type="checkbox"/> Cuts	v. <input type="checkbox"/> Cuts/minor
g. <input type="checkbox"/> Gunshot wounds	w. <input type="checkbox"/> Cuts/needling stiches
h. <input type="checkbox"/> Bite marks	x. <input type="checkbox"/> Gunshot wounds
i. <input type="checkbox"/> Bruises	y. <input type="checkbox"/> Bite marks
j. <input type="checkbox"/> Fat lip or chip or loss of tooth	z. <input type="checkbox"/> Bruises
k. <input type="checkbox"/> Injury to genital area	aa. <input type="checkbox"/> Fat lip or chip or loss of tooth
l. <input type="checkbox"/> Stab wounds	ab. <input type="checkbox"/> Injury to genitals/anogenital
m. <input type="checkbox"/> Burn injuries	ac. <input type="checkbox"/> Stab wounds
n. <input type="checkbox"/> Strangulation/choking injury	ad. <input type="checkbox"/> Burn injuries
o. <input type="checkbox"/> Other (specify) _____	ae. <input type="checkbox"/> Strangulation marks or injury
p. <input type="checkbox"/> No known injuries	af. <input type="checkbox"/> Unknown
	ag. <input type="checkbox"/> Other (specify) _____
	ah. <input type="checkbox"/> No known visible injuries

36) Was this victim seen at a hospital? 1. Yes 2. No—(if No/Never), skip to Question 42)

37) How did this victim arrive at the 1st hospital?
 1. On own or with friend/relative 2. Transported by police/ambulance (99=unknown)

38) Was a Rape Kit/MLE collected? 1. Yes 2. No

39) After the assault, was there a Sexual Assault Nurse Examiner (SANE) exam? (SARTEXAM)
 1. Yes 2. No 3. (Refused)

40) Did the victim decline medical treatment? (VDECLINEDMEDTX)
 1. Yes 2. No

41) Did the hospital collect photos of any victim injuries? (PHOTOS)
 1. Yes 2. No (99=unknown)

42) Did P get photos of victim’s injuries from hospital or on own?

1. Yes 2. No Not Applicable

43) Did this victim make a P initiated pretextual phone call to suspect? (PRETEXTUAL)

1. Yes 2. No

44) If yes, what was the outcome? (Check all that apply) (PRETEXTRESULTS)

a. <input type="checkbox"/> S did not incriminate himself/ feared being recorded/refused to speak with victim
b. <input type="checkbox"/> S apologized but did not admit to his role in the crime
c. <input type="checkbox"/> S apologized and admitted to his role in the crime
d. <input type="checkbox"/> S admitted his role in the crime
e. <input type="checkbox"/> S admitted to having sexual relations but denied rape
f. <input type="checkbox"/> Unknown

45) Did P interview suspect1 (S1)? (S1TALK)

1. Yes 2. No Not Applicable

46) Did the police: (Any suspect)

a. Conduct a photo lineup? (PHOTOID)

1. Yes 2. No (99=unknown)

—If yes, did the victim identify a photo of the suspect? (SPHOTOID)

1. Yes 2. No (99=unknown) Not Applicable

b. Conduct an in-person lineup? (LINEUP)

1. Yes 2. No (99=unknown)

c. Conduct a field show up?

1. Yes 2. No (99=unknown)

—If yes to either b. or c., did the victim identify the suspect? (SLINEUP)

1. Yes 2. No (99=unknown) Not Applicable

d. Get a search warrant for any evidence? (SWARRANT)

1. Yes 2. No (99=unknown)

e. Conduct a search of other locations involved in the incident? (i.e., neighborhood, car, etc.)

1. Yes Specify: _____
 2. No

PART 3

VICTIM, WITNESSES AND SUSPECT

Vic. m

○ 47) What are the total number of victims? (NUMVICTIMS)

_____ (99=unknown)

○ 48) Sex of Victim 1. Female 2. Male

○ 49) What was the age of this victim (at the time of the incident? (V1AGE) _____
(Calculate age at time of incident in years)

○ 50) Weight of V _____ lbs.

○ 51) (P) Was the victim disabled?

Yes No (99=unknown)

List or describe the disability: _____

○ 52) What is the victim's race? (Check all that apply) (VRACE)

a. <input type="checkbox"/> White	d. <input type="checkbox"/> Asian/Pacific Islander: Specify _____
b. <input type="checkbox"/> Black	e. <input type="checkbox"/> Other: Specify _____
c. <input type="checkbox"/> Native American/Alaskan Native	f. <input type="checkbox"/> Unknown

○ 53) What is the ethnicity of the victim? (Check all that apply)

a. <input type="checkbox"/> European American/White	h. <input type="checkbox"/> Other Asian/American: specify _____
b. <input type="checkbox"/> African American	i. <input type="checkbox"/> Haitian
c. <input type="checkbox"/> Hispanic Origin	j. <input type="checkbox"/> Cape Verdean
d. <input type="checkbox"/> Not Hispanic	k. <input type="checkbox"/> Dominican
e. <input type="checkbox"/> Native American/Alaskan Native	l. <input type="checkbox"/> Brazilian
f. <input type="checkbox"/> Eastern Indian	m. <input type="checkbox"/> Other _____
g. <input type="checkbox"/> Pacific Islander: Specify _____	n. <input type="checkbox"/> Unknown/none specified

○ 54) Does the victim speak English? Yes No

ESL Yes No

ASL Yes No

55) Does the victim reside in the city/jurisdiction in which the crime was reported? (VRES)

1. Yes 2. No (99=unknown)

56) Victim residence status at time of incident (check all that apply):

a. <input type="checkbox"/> alone	e. <input type="checkbox"/> on college campus/in dormitory
b. <input type="checkbox"/> with one or more suspect	f. <input type="checkbox"/> with roommates in apt/house/condo/mobile home
c. <input type="checkbox"/> with spouse or partner	g. <input type="checkbox"/> other (specify) _____
d. <input type="checkbox"/> with family	h. <input type="checkbox"/> unknown

57) (P) Is there any notation that this victim is not a U.S. citizen? 1. Yes 2. No

58) (P) Immigration status of the victim noted:

a. <input type="checkbox"/> Temporary stay—VISA	e. <input type="checkbox"/> Refugee
b. <input type="checkbox"/> Immigrant VISA	f. <input type="checkbox"/> Asylee
c. <input type="checkbox"/> Permanent Resident Alien	g. <input type="checkbox"/> Other, please specify _____
d. <input type="checkbox"/> Temporary Protected Status	h. <input type="checkbox"/> Not Applicable

59) What is the marital status of this victim? (VMarital)

a. <input type="checkbox"/> Single	d. <input type="checkbox"/> Divorced
b. <input type="checkbox"/> Married	e. <input type="checkbox"/> Unknown
c. <input type="checkbox"/> Separated	

60) (P) Did police do a criminal record check of this victim? 1. Yes 2. No

61) Did the police, victim, suspect or other indicate that this victim:

Check each column if yes:	P	V	S	O
a. Had a pattern of alcohol use? (C2PATERALCOHOL)				
b. Had a pattern of drug use? (C3PATTERNDRUGS)				
c. Worked as a stripper or masseuse? (C4DISREPJOB)				
d. Worked as a prostitute? (CSPROSTITUTE)				
e. Had a criminal record? (C6CRIMEREC)				
f. Appeared to have mental health issues? (C7MENTAL)				
g. Had a gang affiliation? (C8VGANG)				
h. Had previous sexual victimization history				

Witnesses

62) (P) As identified by police, how many people (not including this victim and suspect(s))witnessed the incident (initial contact to immediate outcry)? (WITNUM)

_____ known witness(es) OR (99=unknown)

_____ How many witness(es) were victims?

63) Witness 1 (record eyewitness first): (if applicable)

a. Was witness 1 an eyewitness? (EYEWIT1)

1. Yes 2. No (99=unknown) Not applicable

b. Did the police interview witness 1? (INTERVIEWWITS1)

1. Yes 2. No (99=unknown) Not applicable

64) What is the relationship between witness 1 and this victim? (TYPEWI1)

Witness is:

a. <input type="checkbox"/> Parent	h. <input type="checkbox"/> Hospital or medical personnel
b. <input type="checkbox"/> Other family	i. <input type="checkbox"/> Stranger
c. <input type="checkbox"/> Neighbor	j. <input type="checkbox"/> Therapist/counselor/teacher
d. <input type="checkbox"/> Police	k. <input type="checkbox"/> Friend or relative of S
e. <input type="checkbox"/> Other public safety officer	l. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Spouse/boyfriend/partner	m. <input type="checkbox"/> Unknown relationship
g. <input type="checkbox"/> Friend	n. <input type="checkbox"/> Not applicable

65) Witness 2: (if applicable)

a. Was witness 2 an eyewitness? (EYEWIT2)

1. Yes 2. No (99=unknown) Not applicable

b. Did the police interview witness 2? (INTERVIEWWITS2)

1. Yes 2. No (99=unknown) Not applicable

66) What is the relationship between Witness 2 and this victim? (TYPEW12)

Witness is:

a. <input type="checkbox"/> Parent	h. <input type="checkbox"/> Hospital or medical personnel
b. <input type="checkbox"/> Other family	i. <input type="checkbox"/> Stranger
c. <input type="checkbox"/> Neighbor	j. <input type="checkbox"/> Therapist/counselor/teacher
d. <input type="checkbox"/> Police	k. <input type="checkbox"/> Friend or relative of S
e. <input type="checkbox"/> Other public safety officer	l. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Spouse/boyfriend/partner	m. <input type="checkbox"/> Unknown relationship
g. <input type="checkbox"/> Friend	n. <input type="checkbox"/> Not applicable

67) Witness 3: (if applicable)

a. Was witness 3 an eyewitness? (EYEWIT3)

1. Yes 2. No (99=unknown) Not applicable

b. Did the police interview witness 3? (INTERVIEWWITS3)

1. Yes 2. No (99=unknown) Not applicable

68) What is the relationship between Witness 3 and this victim? (TYPEW13)

Witness is:

a. <input type="checkbox"/> Parent	h. <input type="checkbox"/> Hospital or medical personnel
b. <input type="checkbox"/> Other family	i. <input type="checkbox"/> Stranger
c. <input type="checkbox"/> Neighbor	j. <input type="checkbox"/> Therapist/counselor/teacher
d. <input type="checkbox"/> Police	k. <input type="checkbox"/> Friend or relative of S
e. <input type="checkbox"/> Other public safety officer	l. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Spouse/boyfriend/partner	m. <input type="checkbox"/> Unknown relationship
g. <input type="checkbox"/> Friend	n. <input type="checkbox"/> Not applicable

69) Does any witness:

a. Corroborate this victims story? (CORROBORATEV)

1. Yes
 2. In part ———▶ Specify Circumstances In regard to sex acts
 3. No (99=unknown) (no witnesses)

b. Corroborate the suspect's story? (CORROBORATES)

1. Yes
 2. In part In regard to consent
 3. No (99=unknown) (no witnesses) (no suspect identified)

Suspect

70) Did suspect1 reside in the city/jurisdiction? 1. Yes 2. No (99=unknown)

71) What are the total number of suspects? (NUMSUSPECTS)
 _____ (If more than one suspect, use green form) OR (99=unknown)

72) What is the sex of suspect 1: 1. Female 2. Male

73) What is the age of suspect1? (S1AGE): _____ OR (99=unknown)

74) What is the weight in pounds of the suspect1? (S1WEIGHT) _____ OR (99=unknown)

75) What is height of the suspect? (Convert to inches) _____ OR (99=unknown)

76) What is the suspect's race? (Check all that apply) (S1RACE)

a. <input type="checkbox"/> White	d. <input type="checkbox"/> Asian/Pacific Islander: Specify _____
b. <input type="checkbox"/> Black	e. <input type="checkbox"/> Other: Specify _____
c. <input type="checkbox"/> Native American/Alaskan Native	f. <input type="checkbox"/> Unknown

77) What is the ethnicity of the suspect?

a. <input type="checkbox"/> European American/White	h. <input type="checkbox"/> Other Asian: specify _____
b. <input type="checkbox"/> African American	i. <input type="checkbox"/> Haitian
c. <input type="checkbox"/> Hispanic Origin	j. <input type="checkbox"/> Cape Verdean
d. <input type="checkbox"/> Not Hispanic	k. <input type="checkbox"/> Dominican
e. <input type="checkbox"/> Native American/Alaskan Native	l. <input type="checkbox"/> Brazilian
f. <input type="checkbox"/> Eastern Indian	m. <input type="checkbox"/> Other _____
g. <input type="checkbox"/> Pacific Islander: Specify _____	n. <input type="checkbox"/> Unknown/none specified

78) Does the suspect speak English? Yes No
 ESL Yes No
 ASL Yes No

79) Suspect residence status at time of incident (check all that apply) (S1RES)

a. <input type="checkbox"/> alone	e. <input type="checkbox"/> on college campus/in dormitory
b. <input type="checkbox"/> with one or more suspect	f. <input type="checkbox"/> with roommates in apt/house/condo/mobile home
c. <input type="checkbox"/> with spouse or partner	g. <input type="checkbox"/> other (specify) _____
d. <input type="checkbox"/> with family	g. <input type="checkbox"/> unknown

80) (P) Is there any notation that the suspect is not a U.S. citizen? 1. Yes 2. No

81) (P) Immigration status of the suspect noted:

a. <input type="checkbox"/> Temporary stay—VISA	e. <input type="checkbox"/> Refugee
b. <input type="checkbox"/> Immigrant VISA	f. <input type="checkbox"/> Asylee
c. <input type="checkbox"/> Permanent Resident Alien	g. <input type="checkbox"/> Other, please specify _____
d. <input type="checkbox"/> Temporary Protected Status	h. <input type="checkbox"/> Not Applicable

82) What is the marital status of the suspect at time of incident? (S1Marital)

a. <input type="checkbox"/> Single	d. <input type="checkbox"/> Divorced
b. <input type="checkbox"/> Married	e. <input type="checkbox"/> Unknown
c. <input type="checkbox"/> Separated	

83) Does the suspect have a disability?

1. Yes 2. No (99=unknown)

If yes, specify: _____

84) (P, S, V) Is the suspect in a gang? (S1GANG)

1. Yes 2. No (99=unknown)

85) (P, S, V) Were there gang-related dimensions to the assault? 1. Yes 2. No (99=unknown)

If yes, specify: _____

86) Did the victim have recall of who committed the sexual assault?

1. Yes memory 2. No memory

87) Was the suspect identified by the victim in any way? (S1ID)

1. Yes 2. No (99=unknown)

Specify below (check all that apply)

a. <input type="checkbox"/> No physical description	e. <input type="checkbox"/> Address of suspect
b. <input type="checkbox"/> Physical description	f. <input type="checkbox"/> Line up
c. <input type="checkbox"/> Partial name/nickname	g. <input type="checkbox"/> Field show
d. <input type="checkbox"/> Full name	h. <input type="checkbox"/> Other (specify) _____

88) Was there a statement made by the alleged suspect?

1. Yes 2. No

89) Was there a confession by the alleged suspect?

1. Yes 2. No (99=unknown)

90) What was the suspect's defense/explanation for allegations? (Check all that apply) (S1DEFENSE)

a. <input type="checkbox"/> Incorrect ID	e. <input type="checkbox"/> Other _____
b. <input type="checkbox"/> Incident fabricated	f. <input type="checkbox"/> No explanation
c. <input type="checkbox"/> Victim consented	g. <input type="checkbox"/> Unknown
d. <input type="checkbox"/> Consent of prostitute	<input type="checkbox"/> NA (suspect not interviewed/no statement)

91) Did the suspect's story to the police change over time? (S1INCONSISTENT)

1. Yes 2. No (99=unknown) Not applicable (no story given)

If Yes, add detail: _____

92) Was the suspect's story inconsistent with the victim's report?

1. Yes 2. No (99=unknown) Not applicable (no story given) Victim did not remember assault

If Yes, add detail: _____

93) Was the suspect's account inconsistent with that of other suspect(s)?

- 1. Yes
- 2. No (99=unknown) NA (no story given)
- 3. No other suspects

If yes, add detail: _____

94) Did the police do a criminal record check of suspect? 1. Yes 2. No Not applicable

95) What was the number of suspect's prior warrants or arrests? (S1ARRESTS)

- 1. 0 2. 1 3. More than 1 (99=unknown) Not Applicable

96) What was the number of suspect's prior convictions? (S1CONVCTNS)

- 1. 0 2. 1 3. More than 1 (99=unknown) Not Applicable

97) Was the suspect:

a. Ever incarcerated (for a previous offense? (S1INCAR)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Under the control of the CJ system? (S1CONTROL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

98) Per police file information, does the suspect have a prior record of sex offenses/arrests? (S1PRIORSEXOFF)

- 1. Yes 2. No (99=unknown)

99) If yes, Check all that apply - re: sex offense:

a. <input type="checkbox"/> Prior arrest(s)
b. <input type="checkbox"/> Prior conviction(s)
c. <input type="checkbox"/> Prior incarceration

100) What was the relationship between victim and suspect? (Check all that apply) (S1RELATIONSHIP)

a. <input type="checkbox"/> Victim was current spouse	k. <input type="checkbox"/> Victim was stranger/did not know suspect
b. <input type="checkbox"/> Victim was common law spouse	l. <input type="checkbox"/> Victim was acquaintance (more than 1 day)
c. <input type="checkbox"/> Victim was ex-spouse	m. <input type="checkbox"/> Victim was acquaintance/casual encounter (same day)
d. <input type="checkbox"/> Victim was parent	n. <input type="checkbox"/> Victim was friend
e. <input type="checkbox"/> Victim was sibling	o. <input type="checkbox"/> Victim was neighbor
f. <input type="checkbox"/> Victim was other family member	p. <input type="checkbox"/> Victim was boyfriend/girlfriend
g. <input type="checkbox"/> Victim was roommate	q. <input type="checkbox"/> Victim was employer
h. <input type="checkbox"/> Victim was ex-boyfriend/girlfriend	r. <input type="checkbox"/> Victim was employee
i. <input type="checkbox"/> Victim was student/patient/client	s. <input type="checkbox"/> Victim was co-worker
j. <input type="checkbox"/> Victim was domestic partner	t. <input type="checkbox"/> Relationship unknown/ no suspect

101) What was the length of the relationship between victim and suspect? (S1RELENGTH)

_____ number of days (calculated est.) (9999=unknown) (9666=no relationship)

102) (P) Does the file indicate that any suspect and victim:

a. Have children together? (S1KIDS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Have a prior sexual relationship? (SPRIORSEX)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

103) Did the suspect:

a. Previously sexually assault the victim? (S1PRIORSAV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Previously physically assault the victim? (S1PRIORDDV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. Previously stalk the victim? (S1PRIORSTAKV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

104) Did the police interview this victim?

1. Yes 2. No (99=unknown)

105) Number of P interviews with victim (VICINTERVIEWS) # _____

106) After the incident, note if at any time the victim:

a. Could not be located by the police (VICLOCATE)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Moved to another residence (VREOCATE)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. Recanted testimony (VICRECANT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
d. Gave inconsistent testimony/account in part or whole (VICINCONSISTENT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
e. Did not want the suspect arrested (VICNOARREST)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
f. Did not want to pursue case/follow through	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
g. Did not want to follow through due to embarrassment (VICEMBARASS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
h. Did not want to follow through due to fear (VICFEAR)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
i. Did not want to follow through due to privacy (VICPRIVACY)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
j. Provided incomplete information and then added more detail	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
k. Said her memory had changed	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
l. Say she lied and incident did not occur	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

107) According to the police, did the victim cooperate with authorities

a. At the time of report? (COOPERATE1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. At the time of investigation? (COOPERATE2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. After the arrest? (COOPERATE3)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown) <input type="checkbox"/> Not Applicable

108) If no to any part of Question 107, please describe (VRTPREASON2)

109) Did the investigating officer indicate or specify any issues with this victims credibility? (VCREDIBILITY)

1. Yes 2. No (99=unknown)

Please describe quote or note key words:

110) Did the investigating officer believe/suggest that the victim had a reason/motive to lie? (VMOTIVE)

1. Yes 2. No (99=unknown) If yes, please describe:

111) Was suspect1 injured during the assault? (Check all that apply) (S1INJURY)

1. Yes 2. No (99=unknown)

If yes, specify:

a. <input type="checkbox"/> Black eye	f. <input type="checkbox"/> Broken finger or toe
b. <input type="checkbox"/> Twisted or sprained joint	g. <input type="checkbox"/> Fat lip or chip or loss of tooth
c. <input type="checkbox"/> Broken arm, leg, rib or other broken bone	h. <input type="checkbox"/> Injury to genital area
d. <input type="checkbox"/> Internal bleeding	i. <input type="checkbox"/> Bite mark
e. <input type="checkbox"/> Bruise	j. <input type="checkbox"/> Other (Specify) _____

112) Was victim taken to a safe place by authorities post report?

1. Yes 2. No Refused (99=unknown)

113) Were children present at the time of the incident(s)?

1. Yes 2. No (99=unknown)

114) (V) Did suspect1 use any of the tactics listed below? (SUBUNK)

a. Use verbal coercion? (SUBVEBAL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
b. Supply drugs to the victim (SUBSUPPLY)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
c. Drug the victim? (SUBDRUGGED)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
d. Threaten the victim with a weapon? (SUBTHREATWEAP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
e. Threaten to harm the victim or someone else? (SUBTHREATHARM)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
f. Display or use a weapon? (SUBDISPWEAP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
g. Use roughness (kick, slap, physically restrain victim)? (SUBROUGH)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
h. Beat the victim with hands? (SUBBEATHANDS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
i. Beat the victim with an object? (SUBBEATOBJECT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
j. Tie up the victim? (SUBTIEUP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
k. Hold down the victim? (SUBHELDSUSP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
l. Allowed others to hold down the victim? (SUBHELDOTHERS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
m. Choke the victim? (SUBCHOKES)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
n. Fondled the victim without subduing? (SUBNONE)?	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
o. Other _____	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall

115) Were there reports of threats made at the time of the incident against this victim by suspect(s)? (THREATSCOERCION)

1. Yes 2. No (99=unknown) Not applicable, victim passed out

If yes, what types of threats were made?

a. <input type="checkbox"/> Suspect threatens to kill victim or victim's family	e. <input type="checkbox"/> Threatens to harm victim's family
b. <input type="checkbox"/> Suspect uses authority (teacher, employer) non- physically injurious consequence deportation, take children to threaten victim)	f. <input type="checkbox"/> Misogynist (says victim deserves and/or wants the assault/tells victim to relax, let it happen/calls victim slut, whore, etc.)
c. <input type="checkbox"/> Suspect implies future harm	g. <input type="checkbox"/> Victim was not threatened/coerced
d. <input type="checkbox"/> Suspect threatens to harm victim	

116) Did the victim use any of the tactics below with any suspect? (Check all that apply)

a. Not respond because gagged, drugged or asleep (VERBIMPOSS, PHYIMPOSS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Cry? (VERBCRY)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. Scream? (VERBSCREAM)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
d. Refuse, protest or say stop? (VERBSTOP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
e. Attempt to fool or dissuade the suspect? (VERBFOOL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
f. Say nothing? (VERBPASSIVE)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
g. Attempt to flee or fled? (PHYFLED)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
h. Resist or struggle? (PHYRESIST)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
i. Physically fight (e.g., hit, punch)? (PHYFIGHT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
j. Not physically respond? (Other than when (a.) is yes	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
k. Use a weapon in self-defense? (PHYWEAPON)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

117) (V) After the assault, the suspect1: (Check all that apply) (SPOSTASSAULT)

a. <input type="checkbox"/> Apologizes/begs forgiveness	h. <input type="checkbox"/> Apprehended by police
b. <input type="checkbox"/> Passes out from inebriation	i. <input type="checkbox"/> Leaves per victims demand
c. <input type="checkbox"/> Threatens victim with retaliation	j. <input type="checkbox"/> Acts normal
d. <input type="checkbox"/> Apprehended by citizen	k. <input type="checkbox"/> Invites or permits others to assault victim
e. <input type="checkbox"/> Holds victim hostage	l. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Goes to sleep	m. <input type="checkbox"/> Unknown—victim flees
g. <input type="checkbox"/> Flees the scene	n. <input type="checkbox"/> Unknown—Other _____

118) At any time post report is there a record that suspect1 threatened this victim?

1. Yes 2. No N/A (No suspect)

PART 4

DOMESTIC VIOLENCE

119) Was this incident in the context of domestic violence? (DV)

1. Yes 2. No—skip to Question 123 (99=unknown)

120) Was there a domestic violence supplement? (DVSUPPLEMENT)

1. Yes 2. No

121) Was there a restraining order in place at the time of the incident? (RO)

1. Yes 2. No (99=unknown)

122) If this was in context of domestic violence, how did suspect approach victim? (DVAPPROACH)

a. <input type="checkbox"/> Suspect stalks victim	e. <input type="checkbox"/> Suspect demands sex
b. <input type="checkbox"/> Suspect shows up unannounced	f. <input type="checkbox"/> Other (Specify) _____
c. <input type="checkbox"/> Victim asleep	g. <input type="checkbox"/> Not Applicable
d. <input type="checkbox"/> Suspect attempts reconciliation	

123) Prior to the incident (even if not an "official" DV case):

a. Did the victim break up with the suspect? (DVMOTIVE1)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Did the suspect break up with victim? (DVMOTIVE2)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. Did the suspect accuse the victim of infidelity (DVMOTIVE3)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
d. Did the victim accuse the suspect of infidelity? (DVMOTIVE4)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
e. Was there a conflict over children? (DVMOTIVE5)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
f. Was there a conflict over money? (DVMOTIVE6)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
g. Was there a conflict over sex? (DVMOTIVE7)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

124) Was an order of protection issued at/after report to authorities?

1. Yes 2. No

PART 5 **ARREST**

125) Was the case for this victim against any suspect referred to DA for consultation?

1. Yes 2. No (99=unknown) Not Applicable

126) Was this before or after an arrest was made?

1. Before 2. After Not Applicable

127) What was the outcome of the DA consultation?

Please add additional details and specific statements below:

a. <input type="checkbox"/> Declined	e. <input type="checkbox"/> Victim refuses to prosecute
b. <input type="checkbox"/> Asked police to gather additional information/ evidence	f. <input type="checkbox"/> Unfounded
c. <input type="checkbox"/> Advised police proceed with case/ charges/ arrest.	g. <input type="checkbox"/> NA (no consultation)
d. <input type="checkbox"/> Juvenile suspect, case consultation planned	h. <input type="checkbox"/> Other

Details: _____

128) Has an arrest of at least one suspect been made?

1. Yes 2. No (99=unknown)

129) Suspect arrest charges - or Not applicable

a. Most serious charge for crime against victim (S1ACRIME1): _____

b. Second Charge (S1ACRIME2): _____

c. Third Charge (S1ACRIME3): _____

d. Fourth Charge (S1ACRIME4): _____

e. Other Charges related to other non-sex victims: _____

130) Was bail initially granted? Check one (S1BAILTYPE)

1. Yes 2. No (Denied) (99=unknown) Not Applicable

Specify: a. ROR b. Cash bail d. Unknown

If cash bail, what was the amount? (S1BAILAMOUNT) \$_____ Unknown

131) Was the suspect's case referred to the DA for charging? (S1REFERDA)

1. Yes 2. No (99=unknown) Not Applicable (no suspect)

132) Did the DA file charges? (S1CHARGED)

1. Yes 2. No (99=unknown) Not Applicable

a. If yes, what date was the suspect charged? (DATES1CHARGEDM, DATES1CHAREDY)

___/___/___

b. If no, please describe the reasons why: (S1DAREASON1; REASON1TEXTA; REASON1TEXTB)

○ 133) Suspect1 Charges, e.g. (In court/DA/Indictment): Not Applicable

a. Most serious charge (S1CCRIME1): _____

b. Second Charge (S1CCRIME2): _____

c. Third Charge (S1CCRIME3): _____

d. Fourth Charge (S1CCRIME4): _____

NOTES

- ⇒ Do not include any unique identifying information in these notes.
 - ⇒ Write questions here and refer to the question number.
 - ⇒ Include general questions here as well as decision making particulars that are not captured by the form or need further attention.
-

NOTES

MULTIPLE SUSPECT CODING FORM

*SUPPLEMENTAL FORM TO POLICE INCIDENT REVIEW CODING FORM

FILL OUT SEPARATE FORM FOR EACH SUSPECT

Today/Completion Date: _____

Suspect # _____

71) What is the total number of suspects? (NUMSUSPECTS) _____

16) Date arrest was made (SARREST , DATESARRESTM, DATESARRESTY): __/__/____ Time: __:__:__

70) Did suspect reside in the city/jurisdiction? 1. Yes 2. No (99=unknown)

72) What is the sex of suspect: 1. Female 2. Male

73) What is the age of suspect? (SAGE): _____ OR (99=unknown)

74) What is the weight in pounds of the suspect? (SWEIGHT) _____ OR (99=unknown)

75) What is height of the suspect? (Convert to inches) _____ OR (99=unknown)

76) What is the suspect's race? (Check all that apply) (SRACE)

a. <input type="checkbox"/> White	d. <input type="checkbox"/> Asian/Pacific Islander: Specify _____
b. <input type="checkbox"/> Black	e. <input type="checkbox"/> Other: Specify _____
c. <input type="checkbox"/> Native American/Alaskan Native	f. <input type="checkbox"/> Unknown

77) What is the ethnicity of the suspect?

a. <input type="checkbox"/> European American/White	h. <input type="checkbox"/> Other Asian: specify _____
b. <input type="checkbox"/> African American	i. <input type="checkbox"/> Haitian
c. <input type="checkbox"/> Hispanic Origin	j. <input type="checkbox"/> Cape Verdean
d. <input type="checkbox"/> Not Hispanic	k. <input type="checkbox"/> Dominican
e. <input type="checkbox"/> Native American/Alaskan Native	l. <input type="checkbox"/> Brazilian
f. <input type="checkbox"/> Eastern Indian	m. <input type="checkbox"/> Other _____
g. <input type="checkbox"/> Pacific Islander: Specify _____	n. <input type="checkbox"/> Unknown/none specified

78) Does the suspect speak English?

Yes No
 ESL Yes No
 ASL Yes No

80) (P) Is there any notation that the suspect is not a U.S. citizen? 1. Yes 2. No

81) (P) Immigration status of the suspect noted:

a. <input type="checkbox"/> Temporary stay—VISA	e. <input type="checkbox"/> Refugee
b. <input type="checkbox"/> Immigrant VISA	f. <input type="checkbox"/> Asylee
c. <input type="checkbox"/> Permanent Resident Alien	g. <input type="checkbox"/> Other, please specify _____
d. <input type="checkbox"/> Temporary Protected Status	h. <input type="checkbox"/> Not Applicable

82) What is the marital status of the suspect at time of incident? (SMARITAL)

a. <input type="checkbox"/> Single	c. <input type="checkbox"/> Separated
b. <input type="checkbox"/> Married	d. <input type="checkbox"/> Divorced

84) (P, S, V) Is the suspect in a gang? (SGANG)

1. Yes 2. No (99=unknown)

87) Was the suspect identified by the victim in any way? (SID)

1. Yes 2. No (99=unknown)

Specify below (check all that apply)

a. <input type="checkbox"/> No physical description	e. <input type="checkbox"/> Address of suspect
b. <input type="checkbox"/> Physical description	f. <input type="checkbox"/> Line up
c. <input type="checkbox"/> Partial name/nickname	g. <input type="checkbox"/> Field show
d. <input type="checkbox"/> Full name	h. <input type="checkbox"/> Other (specify) _____

45) Did P interview this suspect? (STALK)

1. Yes 2. No Not Applicable

88) Was there a statement made by the alleged suspect?

1. Yes 2. No

89) Was there a confession by the alleged suspect?

1. Yes 2. No (99=unknown)

90) What was the suspect's defense/explanation for allegations? (Check all that apply) (SDEFENSE)

a. <input type="checkbox"/> Incorrect ID	e. <input type="checkbox"/> Other _____
b. <input type="checkbox"/> Incident fabricated	f. <input type="checkbox"/> No explanation
c. <input type="checkbox"/> Victim consented	g. <input type="checkbox"/> Unknown
d. <input type="checkbox"/> Consent of prostitute	<input type="checkbox"/> NA (suspect not interviewed/no statement)

91) Did the suspect's story to the police change over time? (SINCONSISTENT)

1. Yes 2. No (99=unknown) Not applicable (no story given)

If Yes, add detail: _____

92) Was the suspect's story inconsistent with the victim's report?

1. Yes 2. No (99=unknown) Not applicable (no story given) Victim did not remember assault

If Yes, add detail: _____

93) Was the suspect's account inconsistent with that of other suspect(s)?

- 1. Yes
- 2. No (99=unknown) NA (no story given)
- 3. No other suspects

If yes, add detail: _____

94) Did the police do a criminal record check of suspect? 1. Yes 2. No Not applicable

95) What was the number of suspect's prior warrants or arrests? (SARRESTS)

1. 0 2. 1 3. More than 1 (99=unknown) Not Applicable

96) What was the number of suspect's prior convictions?

1. 0 2. 1 3. More than 1 (99=unknown) Not Applicable

97) Was the suspect:

a. <input type="checkbox"/> Ever incarcerated (for a previous offense? (S1INCAR)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. <input type="checkbox"/> Under the control of the CJ system? (S1CONTROL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

98) Per police file information, does the suspect have a prior record of sex offenses/arrests? (S1PRIORSEXOFF)

1. Yes 2. No (99=unknown)

99) If yes, Check all that apply - re: sex offense:

a. <input type="checkbox"/> Prior arrest(s)
b. <input type="checkbox"/> Prior conviction(s)
c. <input type="checkbox"/> Prior incarceration

100) What was the relationship between victim and suspect? (Check all that apply) (SRELATIONSHIP)

a. <input type="checkbox"/> Victim was current spouse	k. <input type="checkbox"/> Victim was stranger/did not know suspect
b. <input type="checkbox"/> Victim was common law spouse	l. <input type="checkbox"/> Victim was acquaintance (more than 1 day)
c. <input type="checkbox"/> Victim was ex-spouse	m. <input type="checkbox"/> Victim was acquaintance (same day)
d. <input type="checkbox"/> Victim was parent	n. <input type="checkbox"/> Victim was friend
e. <input type="checkbox"/> Victim was sibling	o. <input type="checkbox"/> Victim was neighbor
f. <input type="checkbox"/> Victim was other family member	p. <input type="checkbox"/> Victim was boyfriend/girlfriend
g. <input type="checkbox"/> Victim was roommate	q. <input type="checkbox"/> Victim was employer
h. <input type="checkbox"/> Victim was ex-boyfriend/girlfriend	r. <input type="checkbox"/> Victim was employee
i. <input type="checkbox"/> Victim was student/patient/client	s. <input type="checkbox"/> Victim was co-worker
j. <input type="checkbox"/> Victim was domestic partner	t. <input type="checkbox"/> Relationship unknown/ no suspect

101) What was the length of the relationship between victim and suspect? (SRELENGTH)

_____ number of days (calculated est.) (9999=unknown) (9666=no relationship)

102) (P) Does the file indicate that the suspect and victim:

a. Have children together? (SKIDS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Have a prior sexual relationship? (SPRIORSEX)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

103) Did the suspect:

a. Previously sexually assault the victim? (SPRIORSAV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
b. Previously physically assault the victim? (SPRIORDDV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)
c. Previously stalk the victim? (SPRIORSTAKV)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=unknown)

111) Was the suspect injured during the assault? (Check all that apply) (SINJURY)

1. Yes 2. No (99=unknown)

If yes, specify:

a. <input type="checkbox"/> Black eye	f. <input type="checkbox"/> Broken finger or toe
b. <input type="checkbox"/> Twisted or sprained joint	g. <input type="checkbox"/> Fat lip or chip or loss of tooth
c. <input type="checkbox"/> Broken arm, leg, rib or other broken bone	h. <input type="checkbox"/> Injury to genital area
d. <input type="checkbox"/> Internal bleeding	i. <input type="checkbox"/> Bite mark
e. <input type="checkbox"/> Bruise	j. <input type="checkbox"/> Other (Specify) _____

114) (V) Did the suspect use any of the tactics listed below? (SUBUNK)

a. Use verbal coercion? (SUBVEBAL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
b. Supply drugs to the victim (SUBSUPPLY)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
c. Drug the victim? (SUBDRUGGED)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
d. Threaten the victim with a weapon? (SUBTHREATWEAP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
e. Threaten to harm the victim or someone else? (SUBTHREATHARM)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
f. Display or use a weapon? (SUBDISPWEAP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
g. Use roughness (kick, slap, physically restrain victim)? (SUBROUGH)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
h. Beat the victim with hands? (SUBBEATHANDS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
i. Beat the victim with an object? (SUBBEATOBJECT)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
j. Tie up the victim? (SUBTIEUP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
k. Hold down the victim? (SUBHELDSUSP)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
l. Allowed others to hold down the victim? (SUBHELDOTHERS)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
m. Choke the victim? (SUBCHOKER)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
n. Fondled the victim without subduing? (SUBNONE)?	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall
o. Other _____	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> victim no recall

**115) Were there reports of threats made at the time of the incident against this victim by suspect?
(Check all that apply) (THREATSCOERCION)**

1. Yes 2. No (99=unknown) Not applicable, victim passed out

If yes, what types of threats were made?

a. <input type="checkbox"/> Suspect threatens to kill victim or victim's family	e. <input type="checkbox"/> Threatens to harm victim's family
b. <input type="checkbox"/> Suspect uses authority (teacher, employer) non- physically injurious consequence deportation, take children to threaten victim)	f. <input type="checkbox"/> Misogynist (says victim deserves and/or wants the assault/tells victim to relax, let it happen/calls victim slut, whore, etc.)
c. <input type="checkbox"/> Suspect implies future harm	g. <input type="checkbox"/> Victim was not threatened/coerced
d. <input type="checkbox"/> Suspect threatens to harm victim	

117) (V) After the assault, the suspect: (Check all that apply) (SPOSTASSAULT)

a. <input type="checkbox"/> Apologizes/begs forgiveness	h. <input type="checkbox"/> Apprehended by police
b. <input type="checkbox"/> Passes out from inebriation	i. <input type="checkbox"/> Leaves per victims demand
c. <input type="checkbox"/> Threatens victim with retaliation	j. <input type="checkbox"/> Acts normal
d. <input type="checkbox"/> Apprehended by citizen	k. <input type="checkbox"/> Invites or permits others to assault victim
e. <input type="checkbox"/> Holds victim hostage	l. <input type="checkbox"/> Other _____
f. <input type="checkbox"/> Goes to sleep	m. <input type="checkbox"/> Unknown—victim flees
g. <input type="checkbox"/> Flees the scene	n. <input type="checkbox"/> Unknown—Other _____

118) At any time post report is there a record that this suspect threatened the victim?

1. Yes 2. No N/A (No suspect)

128) Has an arrest of this suspect been made?

1. Yes 2. No (99=unknown)

129) Suspect arrest charges - or Not applicable

a. Most serious charge for crime against victim (SACRIME1): _____

b. Second Charge (SACRIME2): _____

c. Third Charge (SACRIME3): _____

d. Fourth Charge (SACRIME4): _____

e. Other Charges related to other non-sex victims: _____

131) Was the suspect's case referred to the DA for charging? (SREFERDA)

1. Yes 2. No (99=unknown)

132) Did the DA file charges? (S1CHARGED)

1. Yes 2. No (99=unknown) Not applicable

a. If yes, what date was the suspect charged? (DATES1CHARGEDM, DATES1CHAREDY)

___/___/___

b. If no, please describe the reasons why: (S1DAREASON1; REASON1TEXTA; REASON1TEXTB)

133) Suspect Charges, e.g. (In court/DA/Indictment): Not applicable

a. Most serious charge (SCCRIME1): _____

b. Second Charge (SCCRIME2): _____

c. Third Charge (SCCRIME3): _____

d. Fourth Charge (SCCRIME4): _____

NOTES

- ⇒ Do not include any unique identifying information in these notes.
 - ⇒ Write questions here and refer to the question number.
 - ⇒ Include general questions here as well as decision making particulars that are not captured by the form or need further attention.
-

NOTES

SUSPECT ID	_____
Case ID #	_____

For office use only

UML STUDY ID # _____

Decision-Making in Sexual Assault Cases: Multi-site Replication
 Research on Sexual Violence Case Attrition in the U.S
 (funded under an Office of Justice Programs Grant #2012-IJ-CX-0052)

Project Principal Investigators:
 University of Massachusetts Lowell
Linda Williams
April Pattavina
Melissa Morabito

CRIMINAL COURT DATA COLLECTION FORM

PART 1

ABOUT THE CASE

Today's Date: _____

1) What is the date of the incident (offense date)? _____

2) What was the date of arrest: _____ Not in file

3) Was the Defendant arraigned/indicted? 1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

4) Total # of different offenses at arraignment: _____ (99=not in file)

5) List all offense codes (see below) and number of counts:

(circle one)

Offense Code 1:	Offense 1 # of counts: _____	Felony Misdemeanor UNK
Offense Code 2:	Offense 2 # of counts: _____	Felony Misdemeanor UNK
Offense Code 3:	Offense 3 # of counts: _____	Felony Misdemeanor UNK
Offense Code 4:	Offense 4 # of counts: _____	Felony Misdemeanor UNK

- *Offense Codes:**
- | | | | |
|----------------------------|------------------|----------------------|------------------------|
| 1. Murder | 6. Burglary | 11. Other Property | 16. Other Public Order |
| 2. Rape | 7. Larceny Theft | 12. Drug Trafficking | 17. Other |
| 3. Robbery | 8. MV Theft | 13. Other Drug | 99. Don't Know |
| 4. Assault | 9. Forgery | 14. Weapons | |
| 5. Other Violent (specify) | 10. Fraud | 15. Driving Related | |

6) Other Charges: Specify _____

PART 2

OFFENDER HISTORY

7) What was the number of suspect's prior arrests? (S1ARRESTS)

1. 0 2. 1 3. More than 1 (99=not in file)

8) What was the number of suspect's prior convictions? (S1CONVCTNS)

1. 0 2. 1 3. More than 1 (99= not in file) Not Applicable (Q7=no)

Source: _____

Reviewer initials: _____

CRIMINAL COURT DATA COLLECTION FORM, cont.**9) Was the suspect:**

a. <input type="checkbox"/> Previously incarcerated? (S1INCAR)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=not in file)
b. <input type="checkbox"/> Under the control of the CJ system? (S1CONTROL)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=not in file)

10) Does the suspect have a prior record of sex offenses? (Check all that apply) (S1PRIORSEXOFF)1. Yes 2. No (99=not in file)**11) Check all that apply:**

a. <input type="checkbox"/> Prior arrest(s)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=not in file)	<input type="checkbox"/> (NA, 10=no)
b. <input type="checkbox"/> Prior conviction(s)	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=not in file)	<input type="checkbox"/> (NA, 10=no)
c. <input type="checkbox"/> Prior incarceration	1. <input type="checkbox"/> Yes 2. <input type="checkbox"/> No <input type="checkbox"/> (99=not in file)	<input type="checkbox"/> (NA, 10=no)

PART 3 **COURT DETAILS****12) Type of attorney at initial appearance:**

a. <input type="checkbox"/> Public Defender	d. <input type="checkbox"/> Not in file
b. <input type="checkbox"/> Court Appointed	e. <input type="checkbox"/> Other (write in)
c. <input type="checkbox"/> Privately Retained	f. <input type="checkbox"/> None

13) Was the Defendant on probation or parole at the time of incident?1. Yes 2. No (99=not in file)**14) Was Defendant ever released before adjudication?**1. Yes 2. No (99=not in file)If yes, Date: _____ Not in file

15) Type of Release (check all that apply)

a. <input type="checkbox"/> ROR	d. <input type="checkbox"/> Property Bail	g. <input type="checkbox"/> Not Applicable
b. <input type="checkbox"/> Conditional Release	e. <input type="checkbox"/> Other Financial	h. <input type="checkbox"/> Other
c. <input type="checkbox"/> Cash Bail	f. <input type="checkbox"/> Unknown Financial	i. <input type="checkbox"/> Unknown

16) Identify Release conditions and violations (if any) while awaiting trial:

Condition of Release	Condition Violations	Outcome
		1. Warrant 96. Not Applicable 2. Apprehended 99. Not in file 3. Incarcerated
a.		
b.		
c.		
d.		
e.		
f.		

17) Were conditions of bail reduced?

1. Yes 2. No (99=not in file)

PART 4

ADJUDICATION DETAILS

18a) Was a grand jury held for any charges?

1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

18b) Was a grand jury held for any *sexual assault* charges?

1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

19a) Were there any pretrial hearings held for any charges?

1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

19b) Were there any pretrial hearings held for any *sexual assault* charges?

1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

If yes, what is the reason(s) and decision(s)

Reason	Decision
a.	
b.	
c.	
d.	

20) Did the defendant fail to make any court appearances?

1. Yes 2. No (99=not in file)

21a) Was there evidence from a MLE/rape kit entered as evidence?

1. Yes 2. No (99=not in file)

21b) Was there DNA evidence from the MLE/rape kit?

1. Yes 2. No (99=not in file)

22a) Was DNA collected from the suspect?

1. Yes 2. No (99=not in file)

22b) If yes, was the DNA tested?

1. Yes 2. No (99=not in file) NA

23a) Did the DNA evidence identify the suspect?

1. Yes 2. No (99=not in file) NA

23b) Did the DNA evidence identify any other person?

1. Yes 2. No (99=not in file) NA

24) Did the case go trial?

1. Yes 2. No (99=not in file)

If yes, Date: _____ Not in file

25) If Q24 = Yes, What type of trial?

1. Bench Trial (99=not in file)

2. Jury Trial NA

No question 26
Rest of page intentionally left blank

27) Adjudication date: _____ Not in file

28) Adjudication charge(s):

Offense	F= Felony M= Misdemeanor U=UNK	Attempt?	Outcome Code*	For charges that were dismissed or Nolle Pros ONLY:	
				By whom? J=Judge P=Prosecution U=Unknown	FINAL Reason (use code or write in response) 1=Lack of evidence deported 2=Lack of prosecution 3=Defendant died 4=Defendant 5=Other (write in) 99=Unknown
1st:	F M U	Yes No U		J P U	
2nd:	F M U	Yes No U		J P U	
3rd:	F M U	Yes No U		J P U	
4th:	F M U	Yes No U		J P U	

Explain all sexual assault charge dismissal / nolle pros:

***Outcome codes:**

- | | | |
|------------------------------|---------------------------|-----------------------------|
| 1. Nolle prosequi | 6. Guilty plea | 11. Domestic Violence Court |
| 2. Dismissal | 7. No Contest | 12. Deferred Adjudication |
| 3. Acquittal-Judge | 8. Guilty Verdict – Judge | 13. Other |
| 4. Acquittal-Jury | 9. Guilty Verdict – Jury | 99. Unknown/Not in file |
| 5. Not guilty – type unknown | 10. Not guilty – Jury | |

No question 29)

30) Type of Attorney at Adjudication:

a. <input type="checkbox"/> Public Defender	d. <input type="checkbox"/> Not in file
b. <input type="checkbox"/> Court Appointed	e. <input type="checkbox"/> Other
c. <input type="checkbox"/> Privately Retained	f. <input type="checkbox"/> None

31) Was there a Victim Impact Statement?

1. Yes 2. No (99=not in file)

PART 5 **SENTENCE DETAILS**

32) Date of Conviction _____ UNK **32) Date of Sentence:** _____ UNK

33) Sentence on any and all charges (check all that apply):

a. <input type="checkbox"/> Prison Sentence: Imposed	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
b. <input type="checkbox"/> Prison Sentence: Suspended	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
c. <input type="checkbox"/> Sentence Only to Time Served	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
d. <input type="checkbox"/> Jail Sentence: Imposed	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
e. <input type="checkbox"/> Jail Sentence: Suspended	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
f. <input type="checkbox"/> Probation: Imposed	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
g. <input type="checkbox"/> Community Service	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
e. <input type="checkbox"/> Treatment Counseling	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
f. <input type="checkbox"/> Don't know sentence	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK
g. <input type="checkbox"/> Other sentence type	_____ years _____ months <input type="checkbox"/> UNK	<input type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent <input type="checkbox"/> UNK

34) Fines or Restitution:

1. <input type="checkbox"/> Fine (Do not include court costs)	\$ _____	or	<input type="checkbox"/> not in file	<input type="checkbox"/> NA
2. <input type="checkbox"/> State Restitution	\$ _____	or	<input type="checkbox"/> not in file	<input type="checkbox"/> NA
3. <input type="checkbox"/> Did the victim apply for restitution?	1. <input type="checkbox"/> Yes	2. <input type="checkbox"/> No	<input type="checkbox"/> not in file	<input type="checkbox"/> NA
4. <input type="checkbox"/> If yes, what was the victim restitution amount?	\$ _____	or	<input type="checkbox"/> not in file	<input type="checkbox"/> NA

35) Is there a stipulation regarding sex offender registration?

1. Yes 2. No not in file Specify: _____

Law Enforcement Interview Form

Today's Date: _____

The consent form has been forwarded to the participant or provided in person and is read and reviewed by the participant. Any questions are answered and the form is signed by the interviewer and dated. After obtaining consent and permission to audio record an alias will be agreed upon and the recorder will be turned on. The approach of the interviewer is in a manner acknowledging the participant's expertise and seeking their valuable input designed to help to reduce sexual violence case attrition.

QUESTION	PROBES AND INSTRUCTIONS
INTRODUCTION	
<p>We are talking to law enforcement/ detectives about sexual violence case decision-making and case attrition. How long have you been a _____ and approximately how many SV cases have you handled?</p>	<p>Probe: how got into this area and training received</p>
Part I Training and Investigation of Sex Crimes	
<p>1. How long have you been employed by current agency?</p>	
<p>2. How long have you been (handling/ investigating) sex crimes (at this agency)?</p>	
<p>3. How did you come to (be assigned to) investigate sex crimes?</p>	<p>a. Did you request this assignment? (If so, why?) b. What was your previous assignment?</p>
<p>4. In your experience, what skills are needed to investigate sex crimes?</p>	<p>a. What are the characteristics of a good sex crimes detective? b. Why are these skills/characteristics important?</p>
<p>Part II Sexual Assault Case Processing Case Overview and Victim Contacts</p>	
<p>Use fictitious names for 2 cases: Most recent; Most difficult</p>	
<p>5. Please briefly describe the last case you dealt with involving a sexual assault.</p>	<p>a. When was that? How long ago ? b. How did you learn about the alleged offense c. What happened? (Also probe for: timing of the report; prompt outcry; etc)</p>

<p>6. How did you establish rapport with victim(s)?</p>	<p>a. What was the victim's demeanor? Was the victim reluctant, hostile and/or uncooperative? If yes, how did you overcome this?</p>
<p>7. What factors did you consider in evaluating the victim's credibility?</p> <p>Did you believe that the victim in this case was credible?</p>	<p>a. Was this victim credible? b. In general, how do you evaluate victim credibility?</p>
<p>8. What were the questions, if any, that you had about whether the victim was telling the truth?</p>	<p>a. What led you to have these questions/ not have questions? b. Did the use of drugs or alcohol by the victim or suspect including date rape drugs play any role in this case? (follow-up: -- In general what role does use of drugs or alcohol by the victim and/or the suspect play in the way you handle these cases? case outcomes?)</p>
<p>Part III Sexual Assault Case Processing Case Outcomes</p>	
<p>9. What was the outcome of the case/ incident?</p>	<p>a. Was there an official report? Was the suspect interviewed? b. Was an arrest made? c. Was it considered to be a false report?</p>
<p>10. What was the level of cooperation by the victim at each stage of the case?</p>	<p>a. Did the victim decline to cooperate?</p>
<p>11. In this case, what role did a victim injury or lack thereof) have on decision making?</p>	<p>Probe decision making (not only eventual outcome)</p>
<p>12. In the current case, what role, if any, did the relationship between the victim and the offender play in the decision making?</p>	
<p>13. Did you consult with the prosecutor?</p>	<p>a. What was the nature of the consult? b. What evidence was there? c. What was the decision making process? d. What was the outcome?</p>

<p>14. How typical or atypical was this case of sexual assault cases that you come across?</p>	<p><i>PROMPT:</i> Summarize the factors that make this case typical or customary?</p>
<p>15. What were the most important factors that impacted the case outcome and the decision points along the way? What, if anything, would you have done differently knowing what you know now?</p>	<p><i>PROMPT:</i> What are some important factors that contributed to case outcome that might be useful to other law enforcement personnel?</p>
<p>16. Please describe the most DIFFICULT case you handled involving a (felony sexual assault and a victim over the age of 12 in the past two years?</p>	<p><i>PROMPTS:</i></p> <ul style="list-style-type: none"> a. How did you learn about the alleged offense? b. What and when was your first contact with the victim like? c. How did you approach the victim? d. To what extent was it difficult to get her to tell her story? e. Did the victim cooperate? f. How did you establish rapport with the victim(s)? g. Did you believe the victim was reluctant, hostile and/or uncooperative? h. If yes, how did you overcome this? i. Did you believe that the victim was not credible? j. Did you consult with the prosecutor? k. What was the nature of the consult? l. What evidence was there? m. What was the decision making process? n. What was the outcome?
<p>17. What were the most important factors that impacted the case outcome and the decision points along the way? What, if anything, would you have done differently knowing what you know now?</p>	<p><i>PROMPT:</i> What are some important factors that contributed to case outcome that might be useful to other law enforcement personnel?</p>

Part IV Case Attrition	
<p>18. One of the outcomes of the LA study that led to this research was a high rate of cases not going forward to arrest and prosecution. Please tell me about case attrition in your city.</p>	<p><i>PROMPTS:</i></p> <ul style="list-style-type: none"> a. What is your best estimate of the rate of SV case attrition (percentages) here? b. In your experience, what are the characteristics of the sexual assault cases that are least likely to result in clearance by arrest? c. What are the obstacles that you encounter in these types of cases? d. Which types are most likely to result in arrest and eventual successful prosecution? e. What are the obstacles that you encounter in these types of cases?
<p>19. Are there any “decision rules” that you follow in deciding whether to move forward with a case?</p>	<p><i>PROMPTS:</i></p> <ul style="list-style-type: none"> a. How do you weigh issues of probable cause? b. What other issues are important to the case moving forward?
<p>20. A review of case files in Los Angeles revealed that many sexual assault cases are presented to prosecutors for pre-filing consideration—that is, the police know with some degree of certainty who the suspect is but they will not make an arrest unless the DDA reviewing the case indicates that there is sufficient evidence to move forward.</p> <p>To what extent is this standard operating procedure in sexual assault cases in this jurisdiction?</p>	<p><i>PROMPTS:</i></p> <p>Please tell me more about the process here.</p> <ul style="list-style-type: none"> a. Does this occur in other types of cases? If so, what types of cases? b. Is there some a formal policy guiding this? c. What is the history of this approach?
<p>21. What factors would lead you to make an arrest without consultation with the DDA?</p>	
<p>22. What factors would lead you to unfound a case?</p>	
<p>23. In a “she said/he said” case, what type of corroboration do you look for?</p>	<p><i>PROMPT:</i></p> <p>What would you need in a “she said/he said” case to make an arrest?</p>

<i>Part V Resources</i>	
24. How would you describe your department's relationship with the Prosecutor's office with respect to sex crimes?	<i>PROMPT:</i> What are official and unofficial arrangements especially surrounding case review?
25. If there were unlimited resources, what would be the best way to increase the number of sexual assault reports in which a suspect is arrested and successfully prosecuted?	<i>PROMPT:</i> What could be done at any stage to increase successful prosecution?
26. In your opinion, what are the biggest challenges faced by victims when reporting a sexual assault? What role should the police and DA's Office play in decreasing the difficulties associated with sexual assaults for victims?	<i>PROMPT:</i> What are the roadblocks for victims? What could be done at any stage to ameliorate the difficulties?
27. Have you received any specialized training in the investigation and prosecution of sex crimes?	<i>PROMPT:</i> What type of training? Who delivered it? Number of specialized trainings, dates?
28. Do you think there should be some type of specialized unit for handling sex crimes? Why?	<i>PROMPT:</i> Why or why not? How organized?
<i>Part VI Closing</i>	
29. How is the performance of police/ detectives evaluated in your office? Are performance evaluations the same for sexual assault cases as they are for other cases?	
30. Is there anything else you feel it is important for us to know about handling these cases?	

Thank you for your time and for your willingness to participate

DEBRIEFING HAPPENS AFTER END OF INTERVIEW AND WHEN RECORDING HAS CEASED

Today's Date: _____

Investigation of Sex Crimes, cont.

11. In your office, what is the basis for prosecutor evaluation and assessment of performance?

Specify:

Would you say it is based mostly on

Efficiency **➔** Meaning— How many cases you can close?

Success/ convictions

Plea negotiation? **➔** Meaning— How many cases you can plead out?

Or something else?

Legal sufficiency ?

12. In the past month, how many cases involving sexual assault have you responded to?

_____ # of cases (If 0 move to next part of interview)


Detail response type made: _____

12 a.

What is your caseload right now? _____

Is this typical? _____

What proportion of these cases involved:

13. victim injuries?	%
14. uncooperative/hostile victim?	%
15. use of a weapon by a suspect?	%
16. you questioned victim credibility?	%
17. use or suspected use of drugs and/or alcohol by the victim at the time of the incident?	%
18. use or suspected use of drugs and/or alcohol by the suspect at the time of the incident?	%
19. suspicion that the victim was drugged or otherwise rendered unconscious by the suspect?	%
20. a victim who knew the offender?	%
21. DNA evidence playing a role? <div style="text-align: center;">  <i>Are jurors looking for DNA evidence in sexual assault cases?</i> <input type="checkbox"/> yes <input type="checkbox"/> no </div>	% 1111
22. successful prosecution?	%
23. a false report?	%
24. police consultation with you/ your office before making an arrest or before charging?	%

Go to next page

Prosecutor Interview Form

Sexual Assault Case Processing Case Outcomes



Note fictitious names to be used for each case (three) indicate:

- most recent; _____
- most difficult; _____
- most successful _____

MOST RECENT CASE

PROMPTS:

25. Please describe the most RECENT case you handled involving a (felony sexual assault and a victim 13 years of age or older where the suspect was NOT a family member.

- a. Please share a brief overview of the case.
- b. How did it come to your attention/ how did you become involved?
- c. How did you learn about the alleged offense?
- d. What steps had been taken by the CJ system prior to your involvement? By whom?
- e. What were your first steps in working on this case?
- f. How did you work with attorneys on this case?
- g. What happened next?

26. Please describe any consultation with the police at any point during or before the investigation.

PROMPTS:

- a. Why did the police consult you?
- b. Is this standard operating procedure for all felonies or only for sex crimes?
- c. Did you send the case back to police for further investigation?

27. What was your first contact with the victim like?

What happened next?

What was the role of the victim advocate (if any?)

PROMPTS:

- a. Was the victim advocate helpful?*
- b. How did you approach the victim?*
- c. To what extent was it difficult to get him/ her to tell her story?*
- d. Did the victim cooperate?*
- e. How did you establish rapport with the victim(s)?*
- f. Did you believe the victim was reluctant, hostile and/or uncooperative?*
- g. If yes, why, and how did you overcome this?*
- h. Did you discuss this case with a SART team?*

28a. How did you assess the victim's credibility?

Did you believe that the victim in this case was credible?

PROMPTS:

- a. What led you to have these questions/ not have questions?*
- b. Did the use of drugs or alcohol by the victim or suspect play any role in this case? (follow-up: --In general what role does use of drugs or alcohol by the victim and/or the suspect play in the way you handle these cases? case outcomes?)*
- c. Did the SANE or SART team help with this interpretation?*

28b. In this case, what were the questions, if any, that you had about whether the victim was telling the truth?

- a. What factors did you consider in evaluating this victim's credibility?*
- b. Is this how you generally assess credibility or was there something unique about this case?*

Prosecutor Interview Form

29. In this case, what role did a victim injury (or lack thereof) have on case preparation/decision making?

PROMPTS:

Probe prosecutorial decision making (not only eventual outcome)

30. In the current case, what role, if any, did the relationship between the victim and the offender play in the case preparation/decision making?

PROMPTS:

Probe prosecutorial decision making (not only eventual outcome)

31. How did DNA evidence (or the lack thereof) influence your decision making?

PROMPTS:

Probe prosecutorial decision making (not only eventual outcome)

- a. Were there any issues with collecting or accessing DNA evidence?*
- b. Would you have made a different decision with more DNA evidence?*
- c. With less?*

32. What was the outcome of the case report/ incident? Please briefly review each of these stages: Arraignment, arrest, probable case hearings or grand jury? Plea negotiations, trial proceedings, disposition.

PROMPTS:

- a. Arraignment...etc --What was the charge (if any) and how was that arrived at?*
- b. Were all the legal elements of the crime present (penetration, lack of consent, force)?*
- c. Was this classified as a false report?*
- d. Probable case hearings/ grand jury?*
- e. Plea negotiations/ motions and rulings (rape shield decisions?)*
- f. Trial proceedings, key testimony and evidence presented*
- g. Disposition*

Prosecutor Interview Form

<p>33. How typical or atypical was this case of sexual assault cases that you come across?</p>	<p>PROMPTS:</p> <p><i>Summarize the factors that make this case typical or customary?</i></p> <p><i>What was the victim advocate role?</i></p> <p><i>Were there multiple prosecutors involved?</i></p>
<p>34. What were the most important factors that impacted the case outcome and the decision points along the way? What, if anything, would you have done differently knowing what you know now?</p>	<p>PROMPTS:</p> <p><i>What are some important factors that contributed to case outcome that might be useful to other prosecutors?</i></p> <p><i>The SANE exam?</i></p> <p><i>The SART involvement?</i></p>
<p>35. How did other criminal justice actors affect the outcome of the case (police, judge, jury, victim advocate)?</p> <p>How did each of these groups positively or negatively affect the outcome?</p>	<p>PROMPTS:</p> <p><i>a. Police collection of evidence or testimony</i></p> <p><i>b. Judge's rulings, selection of jury</i></p> <p><i>c. Jury feedback?</i></p> <p><i>d. Victim Advocate role?</i></p>

Go to next page for
MOST DIFFICULT CASE

Sexual Assault Case Processing Case Outcomes

MOST DIFFICULT CASE

36. Please describe the most DIFFICULT case you handled involving a (felony) sexual assault and a victim 13 years of age or older where the suspect was NOT a family member.

PROMPTS:

- a. *How did you learn about the alleged offense?*
- b. *What and when was your first contact with the victim like?*
- c. *How did you approach the victim?*
- d. *To what extent was it difficult to get her to tell her story?*
- e. *Did the victim cooperate?*
- f. *How did you establish rapport with the victim(s)?*
- g. *Did you believe the victim was reluctant, hostile and/or uncooperative?*
- h. *If yes, how did you overcome this?*
- i. *Did you believe that the victim was not credible?*
- j. *Did the police consult with you?*
- k. *What was the nature of the consult?*
- l. *What evidence was there?*
- m. *What was the decision making process?*
- n. *What was the role of the victim advocate?*
- o. *Was there SART involvement?*

37. What were the most important factors that impacted the case outcome and the decision points along the way?

What, if anything, would you have done differently knowing what you know now?

PROMPTS:

What are some important factors that contributed to case outcome that might be useful to other prosecutors?

PROMPTS:

38a. How did you assess the victim’s credibility?

Did you believe that the victim in this case was credible?

a. What led you to have these questions/ not have questions?

b. Did the use of drugs or alcohol by the victim or suspect play any role in this case? (follow-up: --In general what role does use of drugs or alcohol by the victim and/or the suspect play in the way you handle these cases? case outcomes?)

c. Did the SANE or victim advocate affect this interpretation?

38b. In this case, what were the questions, if any, that you had about whether the victim was telling the truth?

a. What factors did you consider in evaluating this victim’s credibility?

b. Is this how you generally assess credibility or was there something unique about this case?

39. How typical or atypical was this case of sexual assault cases that you come across?

PROMPTS:

Summarize the factors that make this case typical or customary?

40. How did other criminal justice actors affect the outcome of the case (police, judge, jury, victim advocate)?

How did each of these groups positively or negatively affect the outcome?

PROMPTS:

a. Police collection of evidence or testimony

b. Judge’s rulings, selection of jury

c. Jury feedback?

d. Victim advocate role?

Go to next page for

MOST SUCCESSFUL CASE

Sexual Assault Case Processing Case Outcomes

MOST SUCCESSFUL CASE

PROMPTS:

41. Please describe the most SUCCESSFUL case you handled involving a (felony) sexual assault and a victim 13 years of age or older where the suspect was NOT a family member.

- a. *How did you learn about the alleged offense?*
- b. *What and when was your first contact with the victim like?*
- c. *How did you approach the victim?*
- d. *To what extent was it difficult to get her to tell her story?*
- e. *Did the victim cooperate?*
- f. *How did you establish rapport with the victim(s)?*
- g. *Did you believe the victim was reluctant, hostile and/or uncooperative?*
- h. *If yes, how did you overcome this?*
- i. *Did you believe that the victim was not credible?*
- j. *Did the police consult with you?*
- k. *What was the nature of the consult?*
- l. *What evidence was there?*
- m. *What was the decision making process?*
- n. *What was the role of the victim advocate?*
- o. *Was there SART involvement?*

42. What were the most important factors that impacted the case outcome and the decision points along the way?

What, if anything, would you have done differently knowing what you know now?

PROMPTS:

What are some important factors that contributed to case outcome that might be useful to other prosecutors?

<p>43a. -- How did you assess the victim’s credibility? -- Did you believe that the victim in this case was credible?</p> <p>43b. In this case, what were the questions, if any, that you had about whether the victim was telling the truth?</p>	<p>PROMPTS:</p> <p><i>a. What led you to have these questions/ not have questions?</i></p> <p><i>b. Did the use of drugs or alcohol by the victim or suspect play any role in this case? (follow-up: --In general what role does use of drugs or alcohol by the victim and/or the suspect play in the way you handle these cases? case outcomes?)</i></p> <p><i>c. Did the SANE exam or SART influence this opinion?</i></p> <p><i>a. What factors did you consider in evaluating this victim’s credibility?</i></p> <p><i>b. Is this how you generally assess credibility or was there something unique about this case?</i></p>
<p>44. How typical or atypical was this case of sexual assault cases that you come across?</p>	<p>PROMPTS:</p> <p><i>Summarize the factors that make this case typical or customary?</i></p>
<p>45. What were the most important factors that impacted the case outcome and the decision points along the way?</p> <p>What, if anything, would you have done differently knowing what you know now?</p>	<p>PROMPTS:</p> <p><i>What are some important factors that contributed to case outcome that might be useful to other prosecutors?</i></p>
<p>46. How did other criminal justice actors affect the outcome of the case (police, judge, jury, victim advocate)?</p> <p>How did each of these groups positively or negatively affect the outcome?</p>	<p>PROMPTS:</p> <p><i>a. Police collection of evidence or testimony</i></p> <p><i>b. Judge’s rulings, selection of jury</i></p> <p><i>c. Jury feedback?</i></p> <p><i>d. Victim advocate?</i></p>

CASE ATTRITION

47. One of the outcomes of the LA study that led to this research was a high rate of case attrition in sexual assault cases. Please tell me about case attrition in your city.

PROMPTS:

- a. *What is your best estimate of the rate of SV case attrition (percentages) here?*
- b. *In your experience, what are the characteristics of the sexual assault cases that are least likely to result in successful prosecution?*
- c. *What are the obstacles that you encounter in these types of cases?*
- d. *Which types are most likely to result in successful prosecution?*
- e. *What are the obstacles that you encounter in these types of cases?*

48. What are the “decision rules” that you follow in deciding whether to move forward with a case?

PROMPTS:

- a. *How do you weigh issues of proof?*
- b. *What other issues are important to the prosecution?*
- c. *Do you make this decision on your own or with input from other attorneys or SART?*
- d. *Who makes the decision to file charges?*

49.

A review of case files in Los Angeles revealed that many sexual assault cases are presented to prosecutors for pre-filing consideration—that is, the police know with some degree of certainty who the suspect is but they will not make an arrest unless the DDA reviewing the case indicates that there is sufficient evidence to move forward.

To what extent is this standard operating procedure in sexual assault cases in this jurisdiction?

PROMPTS:

- Please tell me more about the process here.*
- a. *Does this occur in other types of cases? If so, what types of cases?*
 - b. *Is there some a formal policy guiding this?*
 - c. *What is the history of this approach?*

<p>50. What factors would lead you to reject a case?</p>	<p>PROMPTS:</p>
<p>51. In a “she said/he said” case, what type of corroboration do you look for?</p>	<p>PROMPTS:</p> <p><i>What would you need in a “she said/he said” case to file charges without any evidence that corroborates the victim’s testimony?</i></p>
<p>52. Once sexual assault or sexual battery charges have been filed and the defendant has been bound over for trial, what would typically lead to dismissal of the charges?</p>	<p>PROMPTS:</p> <p><i>Think about last dismissal? Was this a typical case?</i></p>
<p>53. What are the most common types of plea agreements in sexual assault cases in this jurisdiction? Why or when do these occur most often?</p>	<p>PROMPTS:</p> <p><i>Do prosecutors reduce the seriousness of the primary charge, reduce the number of charges, suggest a particular sentence, agree to stand mute at sentencing?</i></p> <p><i>Do you consider a plea bargain to be a win?</i></p>

RESOURCES	
<p>54. How would you describe your office’s relationship with the Police with respect to sex crimes?</p> <p>54a. How would you describe your office relationship with the victim advocate?</p>	<p>PROMPTS:</p> <p><i>What are official and unofficial arrangements especially surrounding case review?</i></p>
<p>55. If there were unlimited resources, what would be the best way to increase the number of sexual assault reports in which a suspect is arrested and successfully prosecuted?</p>	<p>PROMPTS:</p> <p><i>What could be done at any stage to increase successful prosecution?</i></p> <p><i>Would more investigation or assistance be helpful?</i></p>
<p>56. In your opinion, what are the biggest challenges faced by victims when reporting a sexual assault?</p> <p>What role should the police and DA’s Office play in decreasing the difficulties associated with sexual assaults for victims?</p>	<p>PROMPTS:</p> <p><i>What are the roadblocks for victims?</i></p> <p><i>What could be done at any stage to ameliorate the difficulties?</i></p>
<p>57. Have you received any specialized training in the investigation and prosecution of sex crimes?</p>	<p>PROMPTS:</p> <p><i>What type of training?</i></p> <p><i>Who delivered it?</i></p> <p><i>Number of specialized trainings, dates?</i></p>
<p>58. Do you think there should be some type of specialized training for a prosecutor handling sex crimes?</p>	<p>PROMPTS:</p> <p><i>Why or why not?</i></p> <p><i>What type?</i></p>

<u>CLOSING</u>	
<p>59. How is the performance of prosecutors evaluated in your office?</p> <p>Are performance evaluations the same for sexual assault cases as they are for other cases?</p>	<p>PROMPTS:</p> <p><i>What are official and unofficial arrangements especially surrounding case review?</i></p>
<p>60. What is the process for deciding whether a case will be tried?</p>	<p>PROMPTS:</p> <p><i>a. Does a supervisor make that decision?</i></p> <p><i>b. What kind of input do you as the attorney have?</i></p> <p><i>c. How important is it to have a 'winnable case'?</i></p>
<p>61. Is there anything else you feel it is important for us to know about handling these cases?</p>	<p>PROMPTS:</p>

Thank you for your time and for your willingness to participate

**DEBRIEFING HAPPENS AFTER END OF INTERVIEW AND
 WHEN RECORDING HAS CEASED**

Sexual Violence Case Attrition

VICTIM SERVICES FOCUS GROUP SET-UP

A. DOCUMENTS

There are six documents developed for the focus group:

1. *Project Overview*: Should be placed at each participant's seat prior to the beginning of the focus group. (Yellow). (svca flyer.pdf)
2. *Demographics Sheet* (see below).
3. *Focus Group Discussion Guide*: For use by the facilitator only.
4. *Focus Group Goals*: Should be placed at each participant's seat prior to the beginning of the focus group, under "Project Overview." (Purple)
5. *Focus Groups Questions*: (for use by facilitator only)
6. *Focus Group Worksheet A*: Corresponds with focus group Question #1. (Pink)
7. *Focus Group Worksheet B*: Corresponds with focus group Question #5. (Green)

B. PREPARATION

The focus group will take roughly 90 minutes. Each facilitator should have:

- A round table with enough seats for participants, facilitators, and observers.
- A note taker.
- Audio recorder and batteries.
- Flip chart and markers.
- At each participant's place (in advance):
 - *Project Overview*
 - *Focus Group Goals*
 - Pad of paper and pen.
- Privacy separate by sight and sound from outside distractions.
- Water and glasses (and/or sodas).

C. POTENTIAL PARTICIPANTS

Each group should consist of eight to ten service providers who volunteer to participate.

Decision-Making in Sexual Assault Cases: Multi-site Replication Research on Sexual Violence Case Attrition in the U.S.

THE PROJECT

How we hope the study will benefit police and prosecutors —

Document new or persistent challenges the police face in handling sexual assault cases.

Understand how relationships between the police, prosecutor and victim advocacy are evolving over time with respect to responding to reports of sexual assault violence.

Identify best practices that are emerging in the handling of sexual violence cases use by faculty, university departments and programs to incorporate multidisciplinary educational victim-focused approach into their curricula.

Decision-Making in Sexual Assault Cases: Multi-site Replication Research on Sexual Violence Case Attrition in the U.S. is designed to provide useful information to law enforcement, prosecutors, victim service providers in the field on factors that influence sexual violence (SV) case attrition.

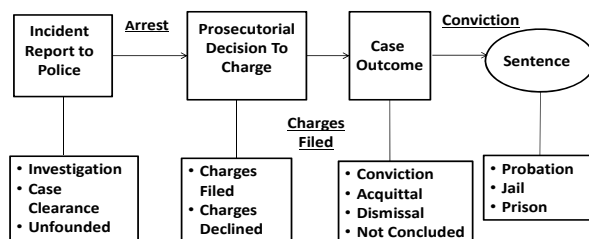
We will follow cases from first report to the police through prosecution to better understand where attrition is likely to occur. To accomplish this, we must better understand the work of police, prosecutor and advocates in the process.

THE STUDY

We will be studying sexual assault case attrition in 6-8 police departments of varying size and population served in urban, suburban and rural jurisdictions. This will allow us to:

- Learn more about the relationship between prosecutors and police across departments
- Consider different departmental structures
- Examine the role of community Characteristics

Sexual Assault Case Flow Key Decision Points and Outcomes



What We Are Asking From Police Departments

- To review sexual assault case records
- To gain access to detective files for sexual assault cases
- To interview detectives that work on sexual assault cases
- To interview patrol officers about responding to calls for service involving sexual assault information

What We Are Asking From the District Attorney's Office

- To collect information from sexual assault case court records originating from incidents reported to the Police Department
- To interview prosecutors who work on sexual assault cases

For further information contact the Research Administrator at 978-934-4117

DEMOGRAPHICS SHEET

Please take a moment to provide us with the following information which will be used only in general reports and summary documents.

Date: _____

Site: _____

What is your age? _____

What is your sex ? Female Male

Please classify yourself according to the following federal categories: You may choose more than one:

- Asian/ Pacific Islander
- Black
- Native American
- White
- Other, specify _____
- Choose not to identify

Are you Hispanic or Latino? (of any race) No Yes

Your job title/ position : _____

(indicate if volunteer No Yes)

Which of the following roles best applies to you: (check only ONE answer)

- practitioner
- advocate
- policy maker
- researcher

In your position, how many hours do you spend doing the following each week:
(answer each item below)

- hours direct service related to domestic violence
- hours direct service related to rape
- training/community education
- hours supervision of other staff
- administrative tasks
- policy
- research
- other _____

Please indicate populations you serve (check all that apply)

- batterers
- sex offenders
- victims/ survivor of physical violence
- victims/ survivors of sexual assault
- children
- Rural populations
- Urban populations
- Asian men, women or children
- Black men women or children
- Native American men women or children
- White men women or children
- Hispanic men women or children
- Disabled men women or children
- Other populations, specify:

FOCUS GROUP DISCUSSION GUIDE

Introduction/Overview (2 MINUTES)

Facilitator: Welcome participants and thank them for coming. Emphasize the:

- Importance of obtain victim service input and ideas in criminal justice and victim services response to reports of sexual assault.
- Value we place on THEIR PARTICIPATION

Participant Introductions/Expectations (10 MINUTES)

Facilitator: Let's take a minute and briefly introduce ourselves:

- Who you are.
- The agency and jurisdiction you are from.
- Any expectations you might have from this focus group (record "participant expectations" on a flip chart).

(Facilitator begins by introducing himself/herself).

Overview of OUR PROJECT (2 MINUTES)

(One page overview should be provided to participants upon their arrival).

Facilitator: The (color of) paper in front of you describes the key participants and goals for this Project. Take a moment to review this overview, and let me know if you have any questions.

- Any questions?

Focus Group Goals (3 MINUTES)

Facilitator: This focus group is one in a series that have been conducted of victim services and advocates around the nation.

Ask participants to refer to "goals" handout and briefly review:

- Are there any questions about these goals?
- Are there any goals you would like to add?

Ground Rules (3 MINUTES)

Facilitator: We have a lot of ground to cover in two hours, so let's review some basic ground rules that will help us accomplish our goals:

- Our focus group will entail a series of questions for group discussion, as well as individual worksheets to write down your thoughts and prompt discussion.
- The focus group will be audio taped to maintain a record of your responses.
- All participant communications are confidential.
- In any focus group discussion, *there are no wrong answers*. Each of your ideas is important and valued.
- Each participant is encouraged to participate.
- No participant is encouraged to *participate too much*, to the point of negating opportunities for us to hear from everyone. It's important that we hear ideas from each of you.
- In order to stay within our time frame, I may have to move the group discussion forward at times.
- If any of our conversations cause personal distress for any of you, please let me know, or feel free to leave the discussion, as needed.
- Are there any questions, or any "ground rules" you'd like to add? (*Record any additional ground rules on a flip chart*)

Focus Group Discussion Questions

1. What are the key issues faced by victims when reporting (or thinking about reporting) a sexual assault they have experienced to the authorities (police/ prosecutors).

2. What supports are needed by victims? and what is available for victims.

Facilitator: Hand out Worksheet A (the --- colored sheet) and allow the participants 3 minutes to record their thoughts prior to the group discussion. Collect worksheets upon completion of the focus group.

3. What are the main barriers/ difficulties that keep these cases from resulting in arrest? from being prosecuted?

4. How should law enforcement and advocates collaborate in reducing SVCA?

Facilitator Probe:

- What are the core elements for successful collaboration?
- Describe some successful steps that have been taken to bolster SV case success

6. What are some of the barriers to such collaboration?

7. How should prosecutors and advocates collaborate in reducing SVCA?

Facilitator: Hand out Worksheet B (the --- colored sheet) and allow the participants 3 minutes to record their thoughts prior to the group discussion. Collect worksheets upon completion of the focus group.

- * What are the core elements for successful collaboration?
- * Describe some successful steps that have been taken to bolster SV case success

8. What are some of the barriers to such collaboration?

9. Is there anything important you would like to add about improving the CJS response to SV cases

FOCUS GROUP DISCUSSION GOALS

There are four goals of this focus group, which are to:

1. Solicit input from victim services about their current involvement in -- and opinions about how to reduce sexual violence case attrition.
2. Obtain focus group participants' input regarding how services for victims can be improved – especially with the goal of achieving successful criminal justice outcomes.
3. Determine barriers you have identified to arrest and prosecution of those who perpetrate sexual violence and suggestions for overcoming such barriers or challenges.
4. Solicit focus group participants' ideas on how victim services and criminal justice personnel can collaborate to promote their common interests and goals, and to better assist victims of sexual assault.

FOCUS GROUP PARTICIPANT WORKSHEET A

1. What are the 3 biggest barriers that result in NO ARREST?

a. _____

b. _____

c. _____

2. What are the 3 biggest barriers that result in NO PROSECUTION?

a. _____

b. _____

c. _____

SVCA

FOCUS GROUP PARTICIPANT WORKSHEET B

How should ADVOCATES AND CJS collaborate in reducing SVCA?

- * *What are the core elements for successful collaboration?*
- * *Please briefly summary any ideas you have below:*