ABSTRACT

Title of Thesis: THE INVESTIGATION OF RAPE COMPLAINTS:
VARIABLES THAT BEST PREDICT ARREST

Jaclyn D'Anne Smith, Master of Arts, 2005

Thesis directed by: Professor Gary LaFree
Department of Criminology and Criminal Justice

I examine the variables that predict arrest in rape cases based on hypotheses derived from the feminist-conflict theory, the consensus perspective, and the liberation hypothesis. Feminist-conflict theorists argue that extralegal variables influence the decisions of the police, irregardless of legal variables. Conversely, the consensus perspective argues that legally relevant variables will have the greatest impact on police decisions. The liberation hypothesis suggests that the influence of extralegal variables on police decisions depend on the strength of evidence and crime seriousness. The results from a logit regression analysis on arrest using police archival data do not support the liberation hypothesis. The feminist-conflict theory correctly predicts a decrease in the likelihood of an arrest as the intimacy between the suspect and victim increases. However, there is more support for the consensus perspective for predicting arrest as evidentiary strength is the strongest predictor of arrest.

THE INVESTIGATION OF RAPE COMPLAINTS: VARIABLES THAT BEST
PREDICT ARREST

By

Jaclyn D'Anne Smith

Thesis submitted to the Faculty of the Graduate School of the
University of Maryland, College Park in partial fulfillment
of the requirements for the degree of
Master of Arts
2005

Advisory Committee:

Professor Gary LaFree, Chair
Professor Laura Dugan
Professor David Weisburd

Acknowledgements

TABLE OF CONTENTS

List of Tables

List of Figures

Chapter 1: Introduction

The Federal Bureau of Investigation (FBI) estimates that one woman is raped every six minutes and as many as one in four women will be raped in their lifetime (Federal Bureau of Investigation, 2002). In 1989, the Worldwatch Institute reported that the most common violent crime was violence against women (Wolf, 1991). The National Crime Victimization Survey (NCVS) reports that there were a total of 247,990 sex crimes in 2002; of which 157,100 were either completed or attempted rapes (Rennison & Rand, 2003).

Rape has always been problematic in our society but not a topic of mainstream research until the 1970's when the rise of the feminist movement and a heightened sensitivity of inequality between men and women brought rape to the forefront of criminological, sociological, and psychological literature. Feminists were arguably the most responsible for the increase in rape research (Brownmiller, 1975; Largen, 1976; Rose, 1977). Their writings stirred both public and professional debates about rape as a reflection of male power when social groups are stratified by sex (Demming & Eppy, 1981). As the feminist movement grew in popularity, the criminal justice system was increasingly attacked for how rape cases were characteristically handled. Part of the criticism stemmed from the amount of police discretion (Bryden & Lengnick, 1997).

The criminal justice system allows for several exit points throughout the charging and investigative processes (Silverman, 2001). This creates a funnel, so that the number of crimes reported to the police is far greater than the number of suspects arrested; the number arrested is greater than the number convicted, the number in prison, and the number on probation. Police are at the widest part of this funnel structure; without arrest,

no further processing is possible. This gatekeeper function means that police officers determine whether formal actions will be taken against alleged offenders. Therefore, police provide the pool of offenders for the rest of the criminal justice system (LaFree, 1989).

The public expects the police to be impartial and to produce fair outcomes. When victims seek out the police for help, they expect the police to be unbiased in their handling of the complaint. Police officers theoretically base their decisions on legal facts, and not the extralegal characteristics of crimes. But it is logical to presuppose that beliefs about rape victims, suspects, and the nature of the crime enter into the decision whether to arrest and further process the alleged offenders (Deming & Eppy, 1981). Since the criminal justice system acts as a sieve, it affords an opportunity to discriminate via filtering out casesat various stages for extralegal reasons. Rape investigations present a particular challenge to officers since at times there is contradicting stories from the victim and suspect with little evidence to corroborate either side.

Early research findings (e.g., Feldman-Summers & Linder, 1976; Ibau & Thompson, 1970; Miller, 1970) generally report an overwhelming need to redress the public opinion of rape and how the criminal justice system processes rape cases. Much of the early research argues that police departments discriminate against rape victims and engage in biased practices by adhering to rape myths (Brownmiller, 1975; Burt, 1980). Common rape myths include; a woman can resist her attacker if she really does not want to be raped, black males rape more than white males, and most rapists are strangers to their victim (Taslitz, 1999). In addition, several studies find correlations between

attitudes of police officers to rape complaints and victim's age, race, education, and occupation (see Klemmack & Klemmack, 1976; Feild, 1978).

As a result, starting in the early 1980's and throughout the 1990's, a series of rape reform laws were enacted to overcome some of the specific shortcomings highlighted by researchers and social reformers. Some of the advancements within the reform movement include: (1) changes in the definition of rape, (2) elimination of the resistance requirement, (3) elimination of the corroboration requirement, and (4) the creation of rape shield laws (Horney & Spohn, 1991). I briefly describe each of these reforms below.

First, many states replaced the single crime of rape with a series of offenses based on seriousness and corresponding penalties in order to help prosecutors obtain more convictions. Historically, rape was defined as "carnal knowledge of a woman, not one's wife, by force and against her will" (Horney & Spohn, 1991; 118). The traditional law does not include assaults with objects, sexual assault by spouses, or attacks on male victims. The new crimes generated are gender neutral in most jurisdictions, referencing those involved in a rape as actors and victims instead of male and female (Estrich, 1986). The new crimes also include a range of sexual assault charges (most to least serious) based on the presence or absence of aggravating factors (Bourque, 1989). Aggravating factors include the use or display of a weapon by the suspect or the strangulation and disfigurement of the victim.

Second, some states changed the consent standard by eliminating or reducing the requirement that the victim resist the attack. Traditional rape statutes require the victim to resist her attacker but critics (e.g., Brownmiller, 1975; Griffin, 1977; Estrich, 1987) argue that resistance could lead to further injury or death and therefore should not be

required by law. More importantly, mandatory victim resistance displaces the behavior

of the suspect onto the behavior of the victim (Horney & Spohn, 1991). With mandatory

resistance, the behavior of the victim and suspect legally determine whether a rape

occurred instead of just the behavior of the suspect. Advocates expected this change to

improve the treatment of victims, thereby prompting more victims to report their cases.

The third type of statutory reform is the elimination of the corroboration

requirement. Rape is the only crime to have such a requirement and since most rapes

typically occur in private locations without other witnesses, it is often difficult to meet

(Horney & Spohn, 1991). The requirement also epitomized the distrust of rape victims

by the police and courts since a witness had to corroborate her ordeal.

The last type of reform law is the creation of rape shield laws. Rape shield laws

place restrictions on the introduction of the victim's past behavior, such as sexual history.

Before the enactment, most judges allowed defense attorneys to introduce the victim's

past sexual history as evidence of consent to intercourse or to impeach her credibility

(Horney & Spohn, 1991). The rape shield laws range from the less restrictive (allowing

sexual conduct evidence if considered relevant) to the most restrictive (prohibiting such

evidence except in a few narrowly defined situations). Detroit enacted the most extensive

legislation, and is considered the model for jurisdiction for rape statutes(Horney &

Spohn, 1991). In contrast, jurisdictions in Washington, DC and Maryland have not

implemented as many rape reforms and consequently are considered to be weak reform

movement states.

In addition to the reforms describe above, some states' police departments

developed special investigative units that investigated only sexual offenses (LaFree,

1989). Some states, such as Maryland, Michigan, and California also created special prosecutorial teams to prosecute sexual assault cases. The overall purpose of these developments were twofold; to encourage more victims to report rapes and cooperate with criminal justice officials, and to shift the focus away from the behavior of victims to the behavior of suspects (Horney & Spohn, 1991).

The purpose of this research is to offer a contemporary analysis of the police processing of rape cases. I will delineate what characteristics of the situation, victim, and suspects predict arrest. This study has two strengths. First, I control for a great deal of the evidentiary characteristics, including several variables based on information from a Sexual Assault Forensic Examination (SAFE). SAFE is a nationally recognized exam specifically designed for the recovery of biological and physical evidence in sexual assault cases. Second, my sample came directly from archival police records. Some of the research findings suggesting police discrimination are based on hypothetical situations and vignettes. Consequently, it remains uncertain the extent that officers' attitudes will influence their decisions in real cases.

There are few prior studies that directly examine the investigative process of police departments to see if differential processing of rape cases exists. Moreover, given the changes in laws, procedures, and attitudes, it is unclear whether the same characteristics that influenced police decisions thirty years ago still do today. This line of research is important for three reasons. First and most importantly, rape victims' first encounter with official agents after the rape is usually with police officers. Research shows that police behaviors influence victims' reactions and decisions as whether or not to press charges (Kerstetter & Van Winkle, 1990; Allison & Wrightsman, 1993).

Second, officers have discretion over what cases are processed and what cases are filtered out. In addition, the evidence they collect is paramount to the successful conviction of offenders. And finally, police officers are one of the few agents that participate from the initial report to the final disposition (LaFree, 1989). Consequently, the criminal justice system has an enormous impact on the rape victims' experiences.

Chapter 2: Literature Review

Reviewing the rape literature, it quickly becomes apparent that rape is an incredibly complex crime to process. However, to some extent the decision making of the criminal justice system dichotomizes rape: it is either rape or it is not (Bourque, 1989). It is best to view rape as a continuum with narrowly defined behaviors that are judged almost unanimously as rape on one side and behaviors not viewed unanimously as rape on the other (Bourque, 1989). In hypothetical examples, hardly anyone has difficulty recognizing a traditional rape – the stranger with a gun or knife forcing intercourse with an unsuspecting victim (Estrich, 1987). Unfortunately, most rape cases fall somewhere in the middle of the continuum or towards the set of behaviors that are loosely considered to be rape (Bourque, 1989). The behaviors are more ambiguous, such as when a female is raped after a date with the defendant. Consequently,there is less agreement on whether the collective behavior constitutes rape (Estrich, 1987).

Attempts to differentiate rape views bysubgroups of society remain unsuccessful. For example, some studies find that women, whites, younger people, and more highly educated people have a more liberal definition of what behaviors constitute rape (see Klemmack & Klemmack, 1976; Feild, 1978; Williams & Holmes, 1981). Alexander (1980) found that those persons with exposure to rape victims are more likely to hold the victims responsible. Ageton (1983) found that adolescents and college-age males and females differ in their acceptance of violence in relationships.

The same definitional ambiguity of rape displayed by the general public is exemplified in the criminal justice system and amplified in part because of police discretion. Research shows that not all rape cases brought before the court are subject to

the same level of investigation (see Koss et all, 1987; Baron & Straus, 1989; LaFree, 1989; Allison & Wrightsman, 1993). However, the explanations for the inconsistencies are not fully understood.

Police Discretion

Police officers have a tremendous amount of discretionary power. More often than not, they work without a direct supervisor and many times without a partner (Skogan & Frydl, 2004). As a consequence, it is difficult for officers to always maintain the high standard of fairness expected from agents of the law. The circumstances that vary from situation to situation that play a role in the officers' actions have received considerable empirical study. Prior research (e.g., LaFree, 1989; Avakame, Fyfe, & McCoy, 1999; Lundman & Kaufman, 2003) finds that several variables are important predictors of police decisions including: social class, race, gender, demeanor of complainants and their dispositional preferences, the relationship between the suspect and the victim, the visibility of the criminal act, the number of police officers on the scene, and the structure of the neighborhood where the encounter took place (Skogan & Frydll, 2004). One objective in this area of research is to determine how much variance is explained by variables that should, in a legal sense, have no bearing on police dispositions (Skogan & Frydl, 2004). These variables are typically referred to as extralegal variables and their influence on police dispositions are conflicting. There are several theoretical explanations for police activity and decisions; however, this paper focuses on the feminist-conflict theory, the consensus perspective, and a concept known as the liberation hypothesis.

Feminist-Conflict Theory

The central assumption of the conflict theory is that groups with greater societal power create and enforce law to further advance their interests (Quinney, 1974). Because societal resources are unevenly distributed, the self-interests of different groups will compete and consequently be in conflict with each other (LaFree, 1989). Therefore, society is composed of the competing interests of social groups who fight to maintain or attain a social structure that is most beneficial to them (Petrocelli, Piquero, & Smith, 2003).

The dominant social group gains control of lawmakers and law enforcement of the state and consequently dictates social order (Vold, Bernard, Snipes, 2002). Accordingly, laws are created to serve the interests of the privileged and provide a powerful resource for the wealthy, allowing them to keep other groups subordinate (Vold, 1958; Quinney, 1974). One segment of society regarded as a threat to the dominant class is racial and gender minorities (Quinney, 1974). Theorists predict that coercive aspects of police work will be higher in cities or in areas with a high concentration of minorities. Chambliss and Seidman (1971) examined the daily functioning of the criminal justice system to see if it is a value-neutral option for resolving conflict. Among their conclusions are that since agencies depend on other political agencies for their resources, they maximize their rewards (thereby reducing their strain) if they process those who are politically weak. In addition, the law enforcement bureaucracy refrains from processing those who are politically powerful. Other empirical research finds similar results (see Williams & Drake, 1980; Liska & Chamlin, 1984; Liska, Chamlin, & Reed, 1985). However, Wilbanks (1987) argues that an extensive review literature does not suggest

that blacks and defendants from the lower economic status receive harsher sanctions than their white and wealthy counterparts.

Some feminist theorists (e.g., Miller, 1970; Brownmiller, 1975; Robin, 1977; Burt 1980) adopt the conflict theory's assumption that laws keep dominant groups powerful by keeping the subordinate group subjugated and apply it to the role of men (who are dominant) and women (who are subordinate). One violent and effective method to keep women performing traditional roles is rape (Bourque, 1989). Feminists' (e.g., Miller, 1970; Brownmiller, 1975; Robin, 1977; Burt 1980; Estrich, 1987) argue that rapes are about control and dominance and not isolated acts committed by sexually deprived men attempting to achieve sexual gratification. The fear of being raped and the act of rape help men to assert their power and maintain the existing system of gender stratification (Brownmiller, 1975). Females who engage in what is believed to be inappropriate sex role behavior, such as drinking, premarital sex, hitchhiking, frequenting bars, dressing provocatively, and other nontraditional behavior are systematically overlooked by criminal justice officials whereas those women who abide by traditional behavior are taken seriously by the legal system (Brownmiller, 1975). Specifically addressing rape in the criminal justice system, the feminist-conflict theory suggests that the laws will be applied such that those women who threaten the dominant social group (men) are more likely to be blamed for the rape compared with those women who conform to traditional female gender roles (Brownmiller, 1975; Riger and Gordon, 1981; Baron & Straus, 1989). Rape myths provide some support for this claim.

Rape Myths

Lonsway and Fitzgerald define rape myths as "attitudes and beliefs that are generally false but are widely and persistently held" (1994: 134). There are two general purposes of rape myths: (1) to deny or rationalize male sexual aggression against women and (2) to displace blame from the suspect to the victim (Lonsway & Fitzgerald, 1994). Taslitz (1999) argues that there are four rape myth themes prevalent in the criminal justice system. In this paper, I examine two of the four themes: "silenced voices" and "black beasts."

Under the silenced voices theme, women who are outspoken are "bad, annoying, unworthy, and, if they make excuses for their noise, lying" (Taslitz, 1999: 19). Specifically regarding sexual activity, those women who express sexual freedom without intercourse are labeled "teases" because allwome n should know what consequences will follow from sexually permissive behavior. Women who abide by the traditionally defined and appropriate behavior will not put themselves in a situation that would allow for a rape to occur (Taslitz, 1999). The findings from the landmark study by Kalven and Zeisel (1966) on jury behavior provide empirical support for this myth. They find that that juries are especially lenient to the defendant if there is contributory behavior on the part of the victim, such as if she hitchhikes, if she is dating the defendant, or is she meets him at a party.

The second theme, black beast, directs attention to racist beliefs and discriminating practices. In regards to black females, the myth is that they are "oversexed, greedy, and animalistic" (Taslitz, 1999: 31). No white male would have to forcibly rape her because she will always be a willing party. The black male, on the

contrary, is especially dangerous; for their "wild, unrestrained passion, controlling force, and experience are reserved for the white women" (Taslitz, 1999: 31). The most insidious of rape myths stems from this belief; rape is most likely to be committed by a black man.

Feminists had a major effect on bringing rape into mainstream criminological research. Advocates (such as Miller, 1970; Brownmiller, 1975; Griffin, 1977) hoped that with the increase in research and awareness of rape they could demonstrate that rape was far more prevalent than what official statistics revealed. Victim rights advocates also wanted to document the consequences of rape and to demonstrate the extent to which rape myths permeate both communities and institutions (Horney & Spohn, 1996).

In summary, the feminist-conflict theory suggests there is a general lack of apathy for rape victims thatresult s from institutionalized sexism. Consequently, there are several predictions by the feminist-conflict theory regarding the outcome of rape cases. First, if the victim conforms to the traditional sex role stereotype, then the probability of an arrest should be higher than if the victim did not conform to the stereotype. Second, physical evidence will not be as important as the victims' behavior. Finally, racial differences will explain whether formal action is taken by police officers.

The Consensus Perspective

In contrast to the feminist-conflict theory, the consensus perspective posits that legally relevant variables will have the greatest impact of police and court outcomes (Bell, 1994). According to this perspective, the formal system of laws and enforcement will incorporate the norms in society on which there is the greatest normative consensus. Indeed, there is some empirical support in the literature that supports this prediction.

Reiss (1971) studied whether attitudes of police officers impacted their behavior. Although he finds that over 75% of the officers observed made some sort of racially derogatory remark, it did not result in systematic discrimination in arrests. Fyfe, Klinger, & Flavin (1997), in their analysis of the probability of arrest in wife assault cases, find that situational influences such as race, socioeconomic status of offenders and victims, and location do not influence whether the police make an arrest. Similarly, D'Alessio & Stolezenberg (2003) utilized data from the National Incident-Based Reporting System (NIBRS) to examine the effect of suspects' race on the probability of arrest for robbery, aggravated and simple assault, and forcible rape. They find no evident differences between white and black suspects regarding the probability of arrest. Riksheim & Chermak (2003) finds that situational constraints, more than police attitudes and organizational structure, explain variations in police discretion (see also Bittner, 1970).

In summary, the consensus perspective argues that law is a reflection of public opinion (Bell, 1994). Official agents will not be heavily influenced bypersonal or discriminatory beliefs (Bell, 1994). As such, the consensus perspective predicts that extralegal variables will play a minimal role in case outcomes, whereas legal variables should significantly related to the probability of an arrest.

The Liberation Hypothesis

Kalven and Zeisel first developed the liberation hypothesis as a response to their study of jury behavior (1966). Their findings suggest that juries exercise discretion in finding guilt under two circumstances: (1) when the evidence against the defendant is weak and (2) when the crime is considered lessserious. If the crime is of a more serious nature coupled with strong evidence, jurors fel less "liberated" to follow their own

opinions in deciding guilt or innocence (Kalven & Zeisel, 1966). They argue that this hypothesis can also be extended "…for the judge as well as the jury, evidentiary ambiguity legitimates the importation of values, where the importation of values implies freedom to follow sentiment over evidence" (Kalven & Zeisel, 1966: 432-433). Thus, the liberation hypothesis integrates the consensus and the conflict perspective by providing conditions when both legal and extralegal variables will be significant.

There are few empirical studies that test the liberation hypothesis with regard to the processing of rape complaints. Reskin and Visher (1986) find that hard to contest evidence not only decreases the likelihood that jurors' find the defendant guilty but also influences the prosecutor's decision to indict and plea bargain. In support of the liberation hypothesis, they determine the most influential variable in determining guilt is the recovery of a weapon. The recovery of a weapon not only attests to the force (a legal element of rape), but also reinforces the crime seriousness. The influence of extralegal factors is largely restricted to cases where the prosecution presents little physical evidence and therefore the defendant's guilt is ambiguous (Reskin & Visher, 1986).

Spohn and Cederblom (1991) expand the liberation hypothesis to examine both the decision to acquit or convict and the length of sentence. They find that the influence of legal variables increases as the seriousness of the offense increases. However, they also find that the legal variables of a case play less of a role in the decision process as the seriousness of the offense decreases or as the amount of evidence decreases. In addition, they find that black defendants are sentenced more harshly, but only in less serious cases. These findings provide additional support for the liberation hypothesis.

Although there is no empirical research directly testing the liberation hypothesis and police discretion, it is reasonable to suggest it is applicable. The liberation hypothesis predicts physical evidence is important, but in many rape cases there might be little to no evidence. The ambiguity in these cases allows the officer discretion in whether there will be an arrest and what the charge will be. Thus,officer s are "liberated" to incorporate their values in order to understand and justify their decision.

In summary, the liberation hypothesis offers an explanation for the previously discussed contradictory empirical results surrounding the influence of legal and extralegal variables. When the evidence is weak and the crime is considered lessserious, then extralegal variables will be influential in the probability of an arrest. However, when evidence is strong and the crime is serious, then legal variables will be most influential in predicting the probability of an arrest.

Rape in the Criminal Justice System

Rape presents a unique challenge to criminal justice agents. There is not always evidence that a rape occurred as with other crimes. In homicide, there is a body. With robbery, there is missing property. With aggravated assault, there is often noticeable bodily injury (Galvin & Polk, 1985). Intangible evidence coupled with rape myths allows for the argument that a distinct and selective bias operates in the processing of rape cases that does not occur with other crimes (Galvin & Polk, 1985). Women's rights advocates point to this selective bias as the "second victimization," where the victim's past and current behavior is scrutinized in order to discount her experience (see Brownmiller, 1975; Robin, 1977). However, there is some empirical research that does not find selective bias against rape victims.

Myers and LaFree (1982) compared data on forcible sexual offenses to both property offenses and other violent crimes. Their findings demonstrate differences in characteristics of the victims, defendants, and evidence of the various crimes but the differences did not change the way officials reacted to the complaints. Similarly, Galvin and Polk (1985) compared the processing of rape cases to homicide, robbery, burglary, and assault. They conclude that both the police and the prosecution treat rape investigations similarly to other types of violent crime. Steffensmeier (1988) agrees, finding that the processing of rape cases is comparable to other felonies. Steffensmeier argues that prosecutors choose what cases to prosecute based on the probability of winning and not extralegal characteristics.

Krahe (1991), in her analysis of police officers and rape, find that officials are skeptical of rape victims. In support of the feminist-conflict theory, their skepticism is amplified if the crime happens in either the suspects' or victims' home. In addition, the police officers expressed hesitation in formally processing the suspect if the suspect and victim had previous encounters prior to the rape. Yet the reservations did not result in systematic bias and that police officers do take rape seriously and acknowledge the effect rape has on victims.

However, some research suggests that police officers differentially process rape complaints based on extralegal factors. Feldman Summers and Lindner (1976) note in their research that very few of the rape cases reported to the police go to trial and result in a conviction. One of their conclusions is the judgmental policies of the police play a major role in whether cases will go to trial. Extralegal variables that are suggested to be influential include the respectability of the victim or the victim and suspect race (Deming

& Eppy, 1981). Based on both quantitative and qualitative data, Kerstetter and Van Winkle (1990) conclude that police officers discourage women who violated traditional sex norms from pursuing their cases. Although the authors interpret their findings as support for the need to efficiently allocate resources, the findings also support the feminist-conflict theory. Detectives could influence a victim's choice to press charges for personal reasons or beliefs. For example, a detective might graphically portray the personal costs involved in a rape investigation if the detective believes that it is a false claim. Likewise, the detective might also encourage the victim to continue with the case for the prevention of an attack on another woman (Kerstetter & Van Winkle, 1990).

There are countless extralegal variables that could potentially influence police discretion. Several variables that are cited in the literature include; the location of offense, the victim's behavior preceding the rape, whether the victim was intoxicated, the race of both the suspect and victim, the suspect-victim relationship, and whether the victim is respectable (Deming & Eppy, 1981; Kerstetter & Van Winkle, 1990; Skogan & Frydll, 2004). The research findings, however, are not consistent as to the nature and strength of the effects. Below is an in-depth review of the effects of some of the aforementioned variables.

Stranger Rape vs. Acquaintance rape

Although there is no legal distinction between acquaintance and stranger rape, there appears to be differences in the way the cases are processed in the system (LaFree, 1989). If the victim and suspect know each other it is easier to believe the sexual encounter was mutual. Since rape charges and punishments are severe, it may be that criminal justice agents become especially critical in cases where the victim and suspect

have a relationship prior to the rape (Bohmer, 1991). On the other hand, one might presume that an arrest is more likely if the victim knows her assailant because she can easily identify him.

The feminist-conflict research finds that the suspect-victim relationship greatly influences every level of the criminal justice process (see Brownmiller, 1975; Burt, 1980; Lonsway & Fitzgerald, 1994; Taslitz, 1999). L'Armand and Pepitone (1982) find that as intimacy increases (strangers, dating, dating with prior consensual intercourse) between the parties there is a decrease in blame for the suspect but an increase in blame for the victim. Williams (1984) finds that rape victims are more likely to question their role in the attack and less likely to report the rape to officials if they knew their attacker. Consistent with the 'silenced voices' myth, Bouffard (2000) finds that a prior relationship increases the chance that a rape case will be classified as unfounded.

Prior research also shows that the attributions of the responsibility for rape are influenced by the victim and suspect relationship. Tetreault and Barnett (1987) find that women attribute greater responsibility to victims of acquaintance rape, whereas males view the victims of stranger rape as more responsible. Similarly, with a sample of college students, Willis and Wrightsman (1995) report a difference for the degree of intimacy among parties. The defendant is deemed less culpable for the rape if defendant and victim are friends in comparison if they are co-workers or strangers.

However, not all research supports the aforementioned findings. LaFree (1981) finds that a prior relationship between the rape victim and suspect increases the probability of a case resulting in an arrest. Kerstetter and Van Winkle (1990), in their analysis of police files and interviews, find that police officers rarely discourage victims

of acquaintance rape who expressed a desire to press charges. However, in subsequent interviews the researchers found that the officer's motive was that arrest required less work (less time trying to identify and locate suspect) and more favorable official statistics. Bouffard (2000) also finds that a prior relationship increases the probability of an arrest.

Alcohol

It is estimated that alcohol is involved in one-third to three-fourths of all rape attacks (Testa & Parks, 1996). Little research directly addresses this variable on police judgments but similar research suggests that it might be an important characteristic in developing a judgment (Schuller & Stewart, 2000). Richardson and Campbell (1982) find if the suspect is drinking in the vignettes then he is considered less responsible for his actions. Consistent with feminist-conflict predictions, women who are depicted drinking in sexual vignettes are viewed as more sexually responsive, easier to seduce, and more likely to engage in various sexual activities compared with sober counterparts (George, Gournic, & McAfee, 1988). If both the victim and suspect are drinking, the respondents are more likely to question the validity of the rape (Norris & Cubbins, 1992). Hammock & Richardson (1997) presented participants with depictions of rape where a victim was either drinking or not drinking and find that victim intoxication is associated with negative assessment and increased blame of the victim.

Schuller and Wall (1998) tested the effects of defendant and complainant drinking with mock jurors. Their findings, consistent with previous studies, suggest that victims are questioned more critically when they are drinking. It is feasible to think police officers will hold similar attitudes as those held by the general population.

Schuller & Stewart (2000) attempted to directly investigate the role intoxication plays in police perceptions of rape claims. The questionnaire distributed to officers depicted rape vignettes that varied according to the following: (1) only the victim was drinking; (2) only the suspect was drinking; (3) both were drinking or; (4) neither party drank. Overall, Schuller & Stewart find the more intoxicated the complainant appeared to be, the less credible she is viewed bythe mock jurors. One limitation to these studies, however, is that the results are based on short vignettes and the responses and actions of officers might be different when the officer is handling a real complaint.

Race

The feminist-conflict theory suggests that there are disparities in the treatment of white and black victims and suspects. In an analysis of misdemeanor cases,Engel, Sobol, and Worden (2000) find that black suspects are more likely than white suspects to be arrested. Other studies of police work, such as that by Lundman and Kaufman (2003), find that blacks are more likely than whites to be arrested when they are stopped for suspicious behavior.

Some research finds that racial bias is contingent upon other factors. Smith, Visher, and Davidson (1984) find that the race effect is dependent upon other dynamics. For example, arrest is more likely if the victims are black females (compared with white females) or if the victims are white and the crime is a property offense. Officers are also more likely to comply with white victims' preferences for arrest. In an analysis of sexual assault cases in Indianapolis, LaFree (1989) finds that individual race has little effect on outcomes, but the race composition of the suspect and victim dyad matters a great deal. Black suspects charged with raping white victims are consistently treated more harshly

and black suspects who rape black victims are treated less harshly (LaFree, 1989). These

findings are consistent with the black beast rape myth, that black men are feared and

viewed as having an "insatiable and hungry sexual appetite" while the black female

victim is disregarded (Taslitz, 1999). Other research finds no support for racial bias in

the criminal justice system (see Kavanagh, 1994; Garner, Maxwell, Heraux, 2002).

It is readily acknowledged that blacks are arrested at a greater proportion than

their percentage in the population. What is debatable is what that finding suggests. The

consensus perspective posits that the enforcement of laws is unbiased. According to the

normative theory, the racial differences in arrest patterns occur because blacks violate the

law more frequently than whites (Herrnstein & Murry, 1994; Wilson & Petersilia, 2002).

In addition, some empirical research finds that black suspects commit more serious

crimes compared to white suspects (Fischer, Hout, Sanchez-Jankowski, Lucas, Swindler,

& Voss, 1996). However, conflict theorists posit that this is indicative of police

discrimination. Young blacks have a higher probability of arrest because of the biases of

police officers (D'Alessio & Stolzenberg, 2003).

Hindelang (1978) is the first to compare race-specific arrest data from the

Uniform Crime Reports (UCR) with NCVS data. Although he does not find

discrimination for robbery cases, he does find discrimination for the crimes of rape,

aggravated assault and simple assault. Specifically, Hindelang finds thatblacks are

overrepresented by 10% in UCR arrest statistics. In an attempt to replicate Hindelang's

study using NIBRS as the data source, D'Alessio & Stolzenberg (2003) examine the

probability of arrest based on the defendant's race for various types of crime. With

regard to rape, they are unable to replicate the findings. In fact, their results suggest that black suspects are no more likely to be arrested for forcible rape than white suspects.

A review of the literature implies equivocal conclusions of the influence of extralegal variables on police discretion. Specific extralegal variables discussed include suspect-victim race and race dyad, whether the suspect or victim is drinking prior to the rape, and the suspect-victim's prior relationship. What is unequivocal is thatrape is a complex crime and as a result the response to rape will be equally complex. It is difficult to disentangle what legal and extralegal variables influence police discretion. Even more challenging is determining how much each variable influences police discretion. Yet the gravity and aftermath caused by a violent and personal act such as rape warrants continual attention.

The feminist-conflict theory, the consensus perspective, and the liberation hypothesis discussed above are reflected in criminal justice processing decisions. The feminist-conflict theory and the liberation hypothesis suggest police discretion will be explained by the values of officers. The fundamental difference between the two ideologies is that the feminist-conflict theorists suggest that the values of the officer will consistently take precedence over physical evidence. The liberation hypothesis suggests that the values of officers influence their decisions in ambiguous cases with little or no evidence but that legal variables play the dominate role in police decision making. The consensus perspective suggests that legal variables are most influential and extralegal variables will not be related to police outcomes.

Chapter 3: Research Questions and Methodology

Extralegal variables are typically defined as variables that should not, in a legal sense, influence case outcomes. For this research, extralegal variables are those variables not specifically mentioned in the Maryland Code. According to the feminist-conflict theory, extralegal variables play the dominant role in police discretion whereas the consensus theory predicts that legal variables play the dominate role. The liberation hypothesis suggests thatlegal variables will strongly influence police outcomes in certain circumstances; such as when the evidence is strong and the crime is considered to be serious. However, when evidentiary strength is weak, then the liberation hypothesis predicts that the officer will feel liberated to incorporate personal values and beliefs into the decision process. Therefore, I examine the following two questions:

1. Do extralegal variables affect the probability of arrest?

2. Does the interaction of legal and extralegal variables affect the probability of arrest?

Methodology

Sample

Data for this research were gathered from a sexual investigative unit in a large municipal police department in Maryland. This particular sex crime investigative unit is responsible for investigating all first degree rapes and sex offenses. In addition, this unit investigates all second degree rapes and sex offenses as long as the victim is at least thirteen years old and the perpetrator is not in a caregiver position at the time of the crime. Rapes that involve a victim less than thirteen years of age or involve a perpetrator

that acts as a caregiver are investigated by the family crimes unit. During the years for which these cases apply (2002 and 2003), Maryland defined rape as:

1. First degree rape - vaginal intercourse[1] with another person by force (or threat of force) against the will and without the consent of the other person. There must also be one or more of the following aggravating factors: use of a weapon; infliction of suffocation, strangulation, disfigurement, or serious harm; threatens the victim or threatens kidnapping; two or more persons commit the offense; or commits the offense in connection with first, second, or third degree burglary.

2. Second degree rape – vaginal intercourse with another person by force (or threat of force) against the will and without consent of the other person. There are no aggravating factors.   ---OR---

3. Second degree rape – vaginal intercourse with another person who is disabled. The victim can be mentally defective, mental incapacitation (i.e., intoxicated), or physically helpless.

According to the 2000 census, this department serves a county with a population of a little over 754,000 and is approximately 612 square miles. The county has a large white population (74%) and blacks constitute 20% of the county. Asians as well as other races[2] each represent 3% of the demographic makeup. The population is 52% female and 48% male. Most of the housing units are owned (68%). The average annual per capita income is approximately $50,000. The county is primarily urban or suburban.

---

[1] Vaginal intercourse is defined as penile penetration of the female's outer genitalia, however slight.

[2] Includes two or more races, some other race, and Native Hawaiian and other Pacific Islander

Based on annual police statistics for 2003, the police department has 1808 sworn officers, with 2.42 sworn officers per 1,000 population and 2.98 officers per square mile. The approximate demographic breakdown of the sworn officers is as follows; white males constitute 76% of the police force, whereas white females constitute 12%; black males make up 8% of the police force and black females make up 2%; Hispanic males represent 2% of the force and Hispanic females represent less than 1%; other races also represent less than 1%.

The sex crime investigative unit consists of six detectives, one corporal, and a lieutenant that oversees the unit. There are two white female detectives and the rest (including the corporal and lieutenant) are white males. Most detectives have over five years experience in the sex crime unit. One detective has two years experience and one detective has over ten years of experience. The detectives investigate approximately 230 cases each year plus a few suspended cases. The majority of cases are assigned to one detective but at times there might initially be two investigators assigned to a case. Since police departments have different protocols for handling rape cases, a brief description of this department's protocol is described below.

After ensuring the victim's safety, the patrol officer will complete an initial interview to determine if a rape occurred. If the officer determines that a rape or sexual assault occurred, the sex crime unit is paged and the patrol officer can make an immediate arrest if the suspect is present. The officer will also secure the scene and recover any time sensitive evidence. The officer can also take the victim to the hospital for a medical examination.

As a general rule, the detectives of the sex crime unit will not immediately respond to the victim's location if the victim reports the rape or sexual assault 120 hours (five days) after it occurred. After five days, a SAFE can not be performed because any biological evidence will be gone. The case is still investigated but the investigation is initiated when the detectives report back to work for their regular scheduled shift.

The detectives have several options when called. They may initially go to the crime scene (to help secure the scene), to the hospital (if that is where the victim is) or to the station (if suspect is in custody). Usually the detectives will go immediately to the hospital to meet with the victim and conduct a more extensive interview about the events of the crime. Although a rare event, there are times that two detectives respond to an alleged rape. One detective might go to the hospital and the other directly to the scene to help secure it, or to the station to interview suspect. If the suspect is in custody, the detective can not release him without first getting permission from the supervisor. It is worth noting that this sex crime unit has an advantage over many other police departments in that they have their own forensic lab located in their building. Consequently, they do not have to send physical evidence out to be tested elsewhere, and as a result get the results much faster.

Police processing of rape cases can be classified into the following categories: exceptionally cleared, suspended, open, arrested, or unfounded. A case is exceptionally cleared if the police have a suspect, victim cooperation, or physical evidence, but the state attorney's office decided not to prosecute the case. A case that is suspended indicates that the detectives have exhausted all leads. A case that is still open is still under investigation. Most police departments categorize unsubstantiated rape complaints

as unfounded but this investigative unit does not. In this department, if a case is

unwarranted it is classified as a false rape. A case is considered unfounded if the

elements of the crime do not exist. The elements that meet Maryland's requirement for

rape are incapacitation of the victim, physical force or threat of force, and resistance by

the victim.

Research Design

Dependent and Legal Variables

As shown in Table 1, the dependent variable is arrest. The four legal variables

are; evidentiary strength, victim resistance during the offense, the number of suspects,

and suspect force. Below is a more detailed description of each of these variables.

Table 1: Sample Characteristics of Dependant and Legal Variables

VARIABLES	N	PERCENT	MEAN	MIN / MAX
DEPENDENT				
Arrest				
No = 0	111	74		0 / 1
Yes = 1	39	26		
LEGAL				
Evidence	150		3.91	0 / 12
Victim resistance				
Passed out = 0	28	19		
No resistance= 1	62	41		
Verbal = 2	20	13		0 / 5
Physical = 3	23	15		
Verbal/Physical = 4	16	11		
Fled Scene = 5	1	1		
Number of suspects				
1	118	79		
2	26	17		1 / 3
3	6	4		
Suspect force				
No force = 0	85	57		
Verbal = 1	8	5		0 / 3
Physical = 2	30	20		
Verbal and physical = 3	27	18		

<u>Dependent Variable</u>

As illustrated in Table 1, arrest is a dichotomous variable (yes if there was an arrest/no otherwise).

<u>Legal Variables:</u>

As seen in Table 1, there are four legal variables in this study. They are evidence scale, victim resistance during the offense, number of suspects, and suspect force.

Evidence Scale

The evidence scale is a summation of all physical evidence collected in each case. The following types of evidence are included in the total:

- Victim Physical Injury

  To measure the degree of physical injury to the victim, this variable was coded as zero for no victim injury; one for injuries of unknown extent or scratches, bruises, and bites; and two for serious injuries, lacerations, fractures, and hospitalization. If there was more than one type of injury present (i.e., scratches and lacerations), the most severe injury was coded.

- Suspect Physical Injury

  This dichotomous variable represents the presence or absence of physical injury to the suspect. Since none of the suspects in the sample had serious injuries (i.e., lacerations, fractures, or hospitalized), a positive code on this variable indicates the presence of injuries (unknown extent) or minor scratches, bruises or bites.

- Weapon Recovery

  This is a dichotomous variable that codes whether a weapon was recovered.

- Forensic Evidence

  In order to account for forensic evidence, a dichotomous variable that represents either a DNA or fingerprint match was created.

- Physical Evidence

  This dichotomous variable codes for physical evidence, such as photos of the scene, sheets and bedding collected.

- Positive ID

  This dichotomous variable accounts for whether the victim herself could identify the suspect, or if an eyewitness could identify the suspect.

- Circumstantial

  This dichotomous variable codes for the presence of circumstantial evidence. Examples include if witnesses saw the suspect and the victim together around the time of the alleged rape or if there was not any physical evidence but others corroborated the victim's story.

- Other

  This variable codes for the presence of additional pieces of evidence not accounted for by the previous defined variables.

  In addition to the aforementioned evidence, access to victims' SAFE results is available if the victim reported the rape within five days or went directly to the hospital. For these cases, the presence of the following variables is also included in the evidence scale for the various evidentiary findings.

- Sperm / Seminal fluid
- Anal / Rectal Trauma

- Foreign Substance

- Bruising on the Hymen, Vulva, or outside/inside the Vaginal Cavity

- Additional Pieces of Evidence

    This variable codes for additional pieces of evidence from the SAFE not

    previously included above. Examples of evidence incorporated into this variable

    include the victim's clothes, suspect skin or hair recovered from underneath the

    victim's fingernails, saliva swabs, and other miscellaneous pieces of evidence.

Victim Resistance

Maryland law requires that the victim resist during the attack, so a variable was created to code for the resistance by the victim during the attack. As Table 1 illustrates, victim resistance during the offense is rated on a scale ranging from unable to resist to fled or ran for help: (0) passed out/unable to resist (1) screamed/verbal; (2) struggled/physical; (3) verbal and physical; (4) fled/ran for help; (5) stopped suspect.

Number of Suspects

In Maryland, rapes that involve more than one suspect are automatically first degree rapes. Since the number of suspects is directly addressed in the Maryland rape statute, it will be treated as a legal variable.

Suspect Force

For a first degree rape, Maryland law also requires that there must be force, either direct or threatened. The type of force is a scale variable: (0) no force; (1) verbal threats only; (2) physical force only; and (3) physical force and verbal threats.

Extralegal Variables

      As illustrated in Table 2, the extralegal variables in this study are as follows :

suspect-victim race dyad, victim alcohol / drug use, suspect-victim relationship, victim

age, suspect age, suspect alcohol / drug use, and whether the rape occurred in the victim's

residence. Each variable is discussed in detail below.

Table 2: Sample Characteristics of Extralegal Variables

VARIABLE	N	PERCENT	MEDIAN	MIN / MAX
EXTRALEGAL				
Suspect-victim Dyad				0 / 1
White suspect-white victim				
No = 0	100	67		
Yes = 1	50	33		
White suspect-nonwhite victim				
No = 0	139	93		
Yes = 1	11	7		
Nonwhite suspect-white victim				
No = 0	118	79		
Yes = 1	32	21		
Nonwhite suspect-nonwhite victim				
No = 0	105	70		
Yes = 1	45	30		
Victim alcohol / drug				0 / 1
No = 0	61	41		
Yes = 1	89	59		
Suspect-victim relationship				1 / 6
(Ex) Spouse = 1	7	5		
(Prior) Dating = 2	27	18		
Friends = 3	28	19		
Coworkers = 4	6	4		
Acquaintance = 5	34	23		
Stranger = 6	47	32		
Victim Age	150		28	18 / 62
Suspect Age	150		31	18 / 63
Suspect alcohol / drug				0 / 1
No = 0	72	48		
Yes = 1	78	52		
Victim's residence				0 / 1
No = 0	115	77		
Yes = 1	35	23		

Suspect-Victim Race Dyad (Race Dyad)

The suspect-victim race dyad is created by combining the individual race of the victim and the suspect to create the race dyads. As illustrated in Table 2, the following dichotomous dyads are possible: nonwhite suspect-white victim; white suspect-nonwhite victim; white suspect-white victim; and nonwhite suspect-nonwhite victim.

Victim Alcohol / Drug Use

As illustrated in Table 2, alcohol/drug use is a dichotomous variable coded as one if the victim was drinking or under the influence of drugs. This information is generally in two places in the police file; the narrative and in the toxicology findings of the SAFE. The variable is coded as zero if it is clear that the victim was not drinking or using drugs, or if the detective does not mention alcohol or drug use in the narrative.

Suspect-Victim Relationship

Table 2 illustrates the prior relationship; the level of intimacy present between the victim and suspect at any point prior to the rape. It is measured on a continuum from those most likely to have had an intimate relationship to those least likely. The scale ranges from intimates to strangers: (1) spouse or ex-spouse (2) dating or previous dating (3) friends (4) coworker (5) acquaintance (6) stranger.

Victim Age / Suspect Age

Table 2 provides the age of both the victim and the suspect at the time of the offense.

Suspect Alcohol / Drug Use

Previous research has generally found a positive association of suspect drinking and a decrease in the probability of blame (see Richardson & Campbell, 1982; Schuller &

Stewart, 2000). As illustrated in Table 2, a dichotomous variable was coded as one if the

suspect was either drinking or under the influence of drugs. If the suspect was arrested

immediately, then a toxicology report would include this information. However, this was

rare and so I relied on the narrative. The variable is coded as zero if it is explicit in the

narrative that the suspect did not drink or use drugs, or if it was unclear in the narrative.

Victim Residence

Finally, Table 2 lists the dichotomous variable for the location of the rape. It is

coded as one if the rape occurred in the victim's residence and zero if the rape occurred

elsewhere.

Statistical Analysis

The most appropriate analytical technique for a dichotomous dependent variable

is a logistic regression analysis. Therefore, a logistic regression is used to determine the

impact of the independent variables on the probability of an arrest.

Chapter 4: Results

Descriptive Statistics

This sample consists of seventy-two rape cases from the year 2002 and seventy-seven cases from the year 2003. Since there is no significant difference between the samples, I combined them for this analysis. In this section, I will discuss the distribution of the dependent, legal, and extralegal variables.

Dependent Variable

Arrest

Recall from Table 2 that the dependent variable is arrest and itis coded as one if there was an arrest and zero if there was no arrest. There are at total of thirty-nine (26%) arrests in this sample out of 150 possible arrests.

Legal Variables

Evidence Scale

As illustrated by Figure 1, only eight (5.33%) cases have no evidence. Twenty-nine (19.33%) of the cases have one piece of evidence and twenty-three (15.33%) have three pieces of evidence. The average amount of evidence per case is 3.91 pieces. There is one case (.67%) that has twelve pieces of evidence.

Figure 1: Distribution of Evidence

Distribution of Evidence
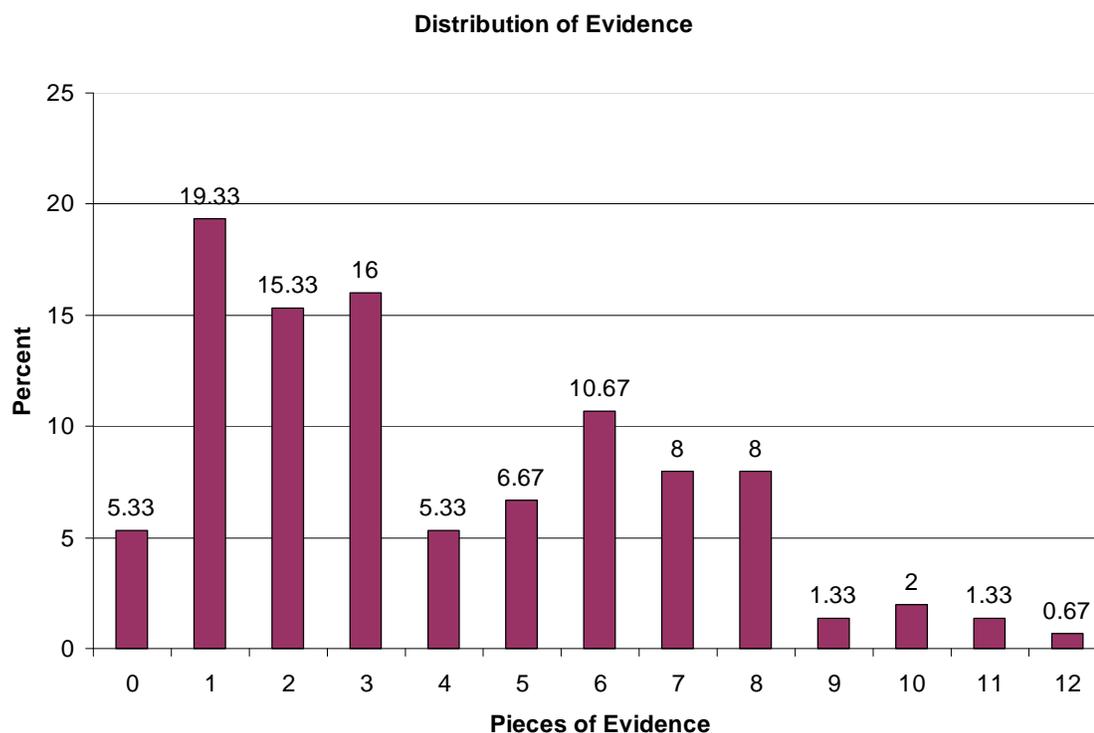
Victim Resistance

According to Figure 2, eighteen victims report that they were unable to resist (18.67%) and sixty-two victims did not resist the attack (41.33%). Twenty victims (13.33%) report that they verbally tried to stop the attack whereas twenty-three (15.33%) reported that they physically fought back. Sixteen victims (10.67%) tried to both verbally and physically stop the attack. Only one victim (.67%) fled the scene.

Figure 2: Victim Resistance during the Rape

Victim Resistance
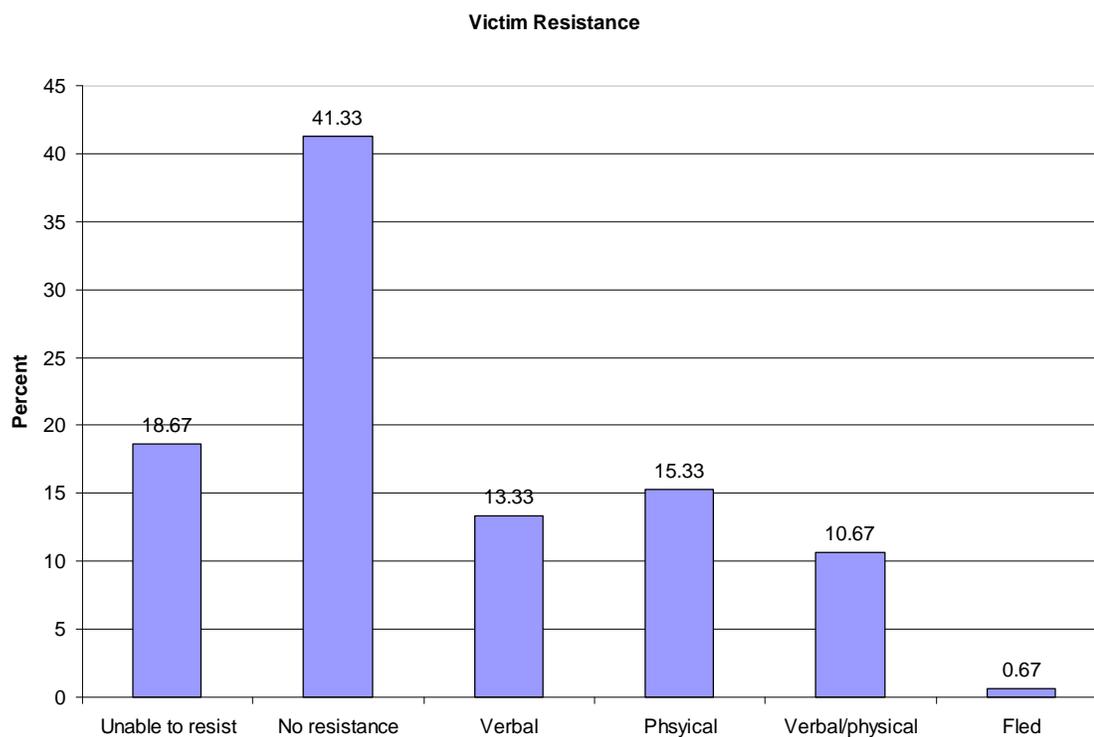
Number of Suspects

As shown in Table 2, there are 118 cases that involved one suspect; thirteen cases that involved two suspects; and two cases that involved three suspects.

Suspect Force

According to Figure 3, over half of the suspects in this sample did not use force during the rape (56.67%). However, when force was used, physical force (20%) is more common than verbal threats (5.33%). Both verbal threats and physical force is used in 18% of the cases.

Figure 3: Suspect Force during Rape

Suspect Force
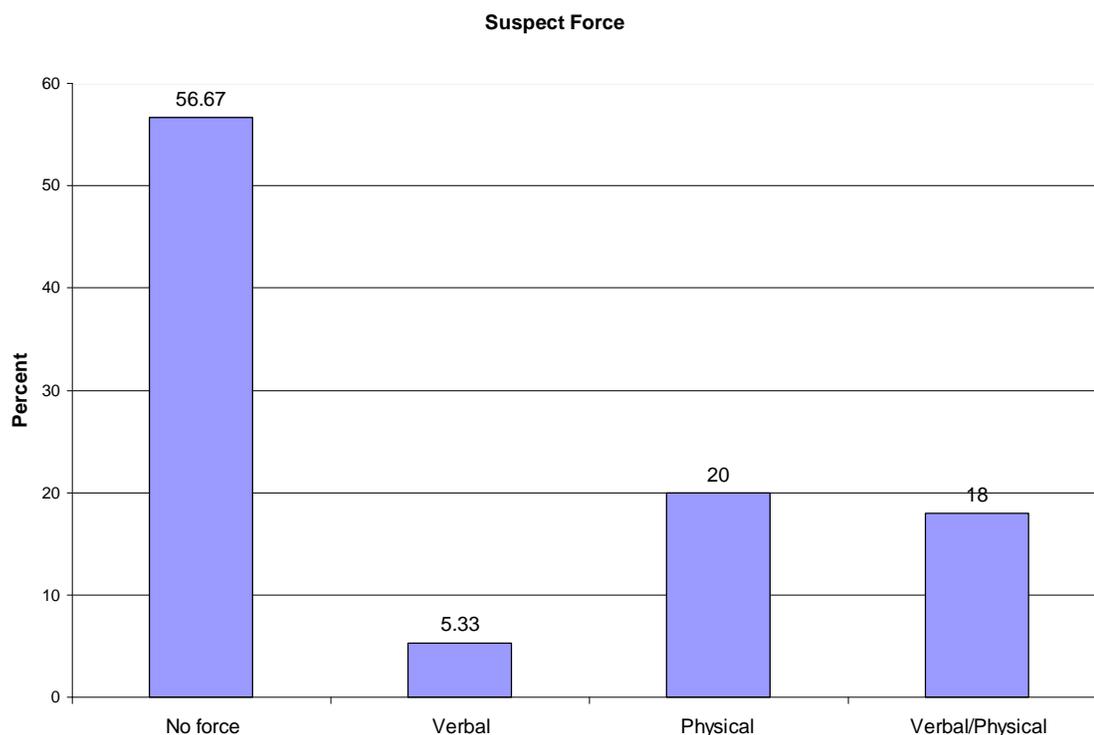
Extralegal Variables

Race Dyads

The two largest dyad categories are white suspect-white victim (33%) followed by nonwhite suspect-nonwhite victim (45%). Since these two categories are the largest, this finding is consistent with other literature that suggests most rapes are intraracial (Taltiz, 1999). The third largest category is nonwhite suspect-white victim (32%). The smallest suspect-victim race dyad is white suspect -nonwhite victim (11%).

Victim Alcohol / Drug Use

Eighty-two (54.67%) victims report consuming alcohol during the time frame of the rape. In addition, forty-four victims (29.33%) either admit to drug use, or their toxicology report is positive for drugs. Similarly, almost thirty-seven (24.67%) victims

admit to using both drugs and alcohol, whereas sixty-on (40.67%) deny any drug or alcohol use prior to the rape. Seven (4.67%) victims admit to drug use but not to alcohol use. Because the two variables are highly correlated, it is not possible to test for a differential effect as originally intended. Therefore, the two variables are collapsed into one; victim alcohol / drugs. As illustrated by Table 2, eighty-nine (59.33%) victims either drank alcohol, used drugs or both.

Suspect-Victim Relationship

As illustrated by Figure 4, the largest single category is stranger rape (31.54%). A little more than 18% of the victims considered the suspect a friend and almost 17% considered the suspect to be an acquaintance. However, almost 70% had some form of relationship with the suspect at or prior to the act of the rape. Below is a bar graph that illustrates the suspect-victim relationships in this sample.

Figure 4: Suspect-Victim relationship

Victim-Suspect Relationship
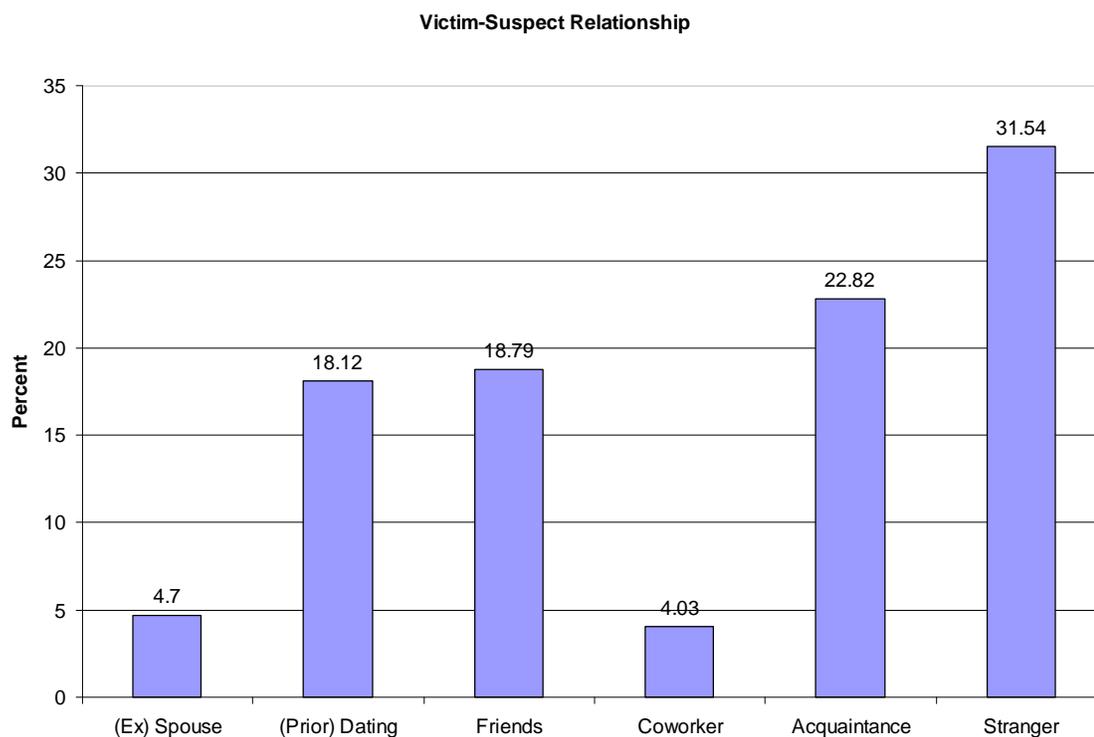
Victim and Suspect Age

The age of the victims in this sample ranged from eighteen to sixty-two years of age, with a median age of 28. The male suspects ranged from eighteen to sixty-three years of age, with the median age of 31.

Suspect's Alcohol or Drug use

Seventy-five suspects (50%) admit to drinking at the time of the rape and seventy-five (50%) suspects either stated that they did not drink or the detective did not mention it narrative. Twenty-seven suspects (18%) admitted to using drugs prior to the alleged rape. A little over seventy-two suspects (48%) did not use drugs or alcohol prior to the rape, whereas sixteen (24%) suspects admitted to using both drugs and alcohol. Fifty-one (34%) drank but did not use drugs prior to the event. Because the two variables are

highly correlated, the two variables are collapsed into one; suspect alcohol / drugs. As illustrated by Table 2, seventy-eight suspects (52%) either admit to drinking alcohol, using drug, or both.

Victim Residence

According to Table 2, thirty-five (23%) victims report that the rape occurred in her residence.

Research Question

In this section, I discuss the results from the logit model[3]. As illustrated in Table 3, two of the four legal variables (evidence strength and number of suspects) are significant. The probability of an arrest increases as evidentiary strength increases. However, the probability of an arrest decreases as the number of suspects increases. The suspect-victim relationship is the only extralegal variable that is significantly related to the probability of an arrest. As the intimacy between the suspect and victim decreases, the probability of an arrest increases. Below I discuss the relationship between each variable and arrest.

Table 3: Logit Model Results: The Relationship between the Variables and Arrest

N = 121

Pseudo R^2 = .3178

	Coefficient (Standard Error)	Odds Ratio (Standard Error)
LEGAL VARIABLES		
Evidence scale	.36 (.11)	1.43*** (.16)
Victim Resistance	.45 (.71)	.26 (.18)

---

[3] The preliminary diagnostics of the final logit model included examining the correlation between the variables to ensure that the variables in the model are not highly correlated. In addition, I verified that the relationships I found in my final model are similar to the relationships found in bivariate analyses of each variable and the dependent variable.

N = 121

Pseudo R^2 = .3178

	Coefficient (Standard Error)	Odds Ratio (Standard Error)
Number of suspects	-1.79	.17*
	(.76)	(.13)
Force	.22	1.26
	(.20)	(.25)
EXTRALEGAL VARIABLES		
Nonwhite suspect - nonwhite victim	.60	1.82
	(.61)	(1.10)
Nonwhite suspect - white victim	.15	1.15
	(.80)	(.88)
White suspect - nonwhite victim	.51	1.66
	(.90)	(1.59)
Victim alcohol/drugs	-.21	.81
	(.14)	(.84)
Suspect-victim relationship	.31	1.36*
	(.18)	(.25)
Victim age	.01	1.00
	(.04)	(.04)
Suspect age	-.02	.98
	(.03)	(.03)
Suspect alcohol/drugs	.22	1.25
	(.71)	(1.28)
Victim residence	-1.35	.26
	(.71)	(.18)
INTERACTION TERMS		
Evidence scale x nonwhite suspect/ nonwhite victim	.07	1.08
	(.08)	(.08)
Evidence scale x nonwhite suspect/ white victim	.01	1.01
	(.11)	(.10)
Evidence scale x white suspect/ nonwhite victim	.08	1.06
	(.11)	(.13)
Evidence scale x victim suspect relationship	.01	1.01
	(.004)	(.004)
Evidence scale x victim alcohol/drugs	-.08	.92
	(.21)	(.20)

*significant < .05; ** significant < .01; ***significant < .001*

Legal Variables

Evidence Scale

According to Table 3, the evidence scale variable is significant (p=.001) and positively related to an arrest. Figure 7 illustrates the relationship between the probability of an arrest and evidentiary strength. The expected probability of an arrest, holding all variables at their respective means, is slightly more than .05 for cases with zero evidence

compared with an expected probability of almost .9 for those cases with twelve pieces of evidence.

Figure 5: Probability of Arrest Based on Strength of Evidence

Probability of Arrest based on Evidentiary Strength
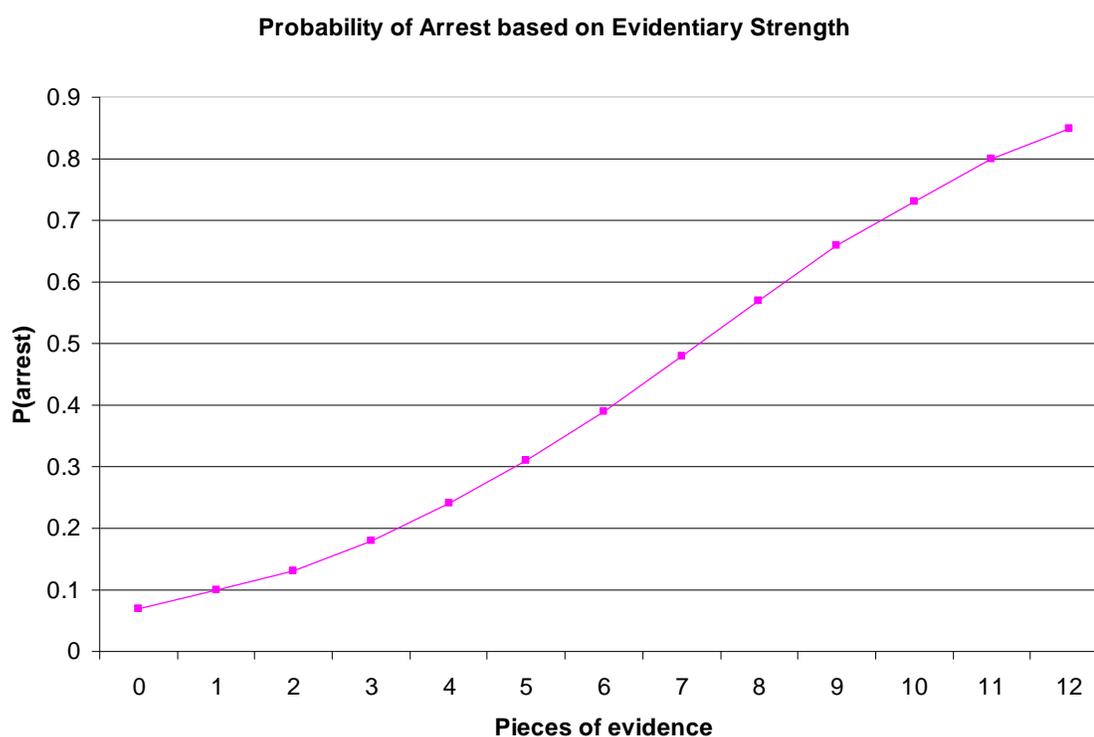
Victim Resistance

As illustrated in Table 3, victim resistance during the offense does not predict whether an arrest will be made.

Number of Suspects

As illustrated in Table 3, the number of suspects' variable is significant. As the number of suspects increase, the probability of an arrest decreases. The expected probability of an arrest, holding all other variables at their respective means, with one

suspect is 26%. The probability decreases to 4% with two suspects, and with three

suspects the probability of an arrest is less than 1%.

Suspect Force

As shown in Table 3, suspect force is not significantly related to the probability of

an arrest.

Extralegal Variables

Suspect-Victim Race Dyad

According to Table 3 none of the suspect-victim race dyads are significantly

related to the odds of an arrest.

Victim Alcohol / Drugs

According to Table 3, whether the victim drank alcohol or used drugs does not

significantly predict the probability of an arrest.

Suspect-Victim Relationship

In Table 3, the suspect-victim relationship is significant. As intimacy between the

victim and suspect increase, the odds of an arrest decrease. Figure 7 illustrates the

relationship between the predicted probabilities of an arrest based on the suspect-victim

relationship, holding all other variables constant. The predicted probability of an arrest

when the suspect is either a spouse or ex-spouse is only .12 compared to .40 if the suspect

is a stranger.

Figure 6: Probability of an Arrest Based on a Prior Relationship

Probability of Arrest Based on Prior Relationship
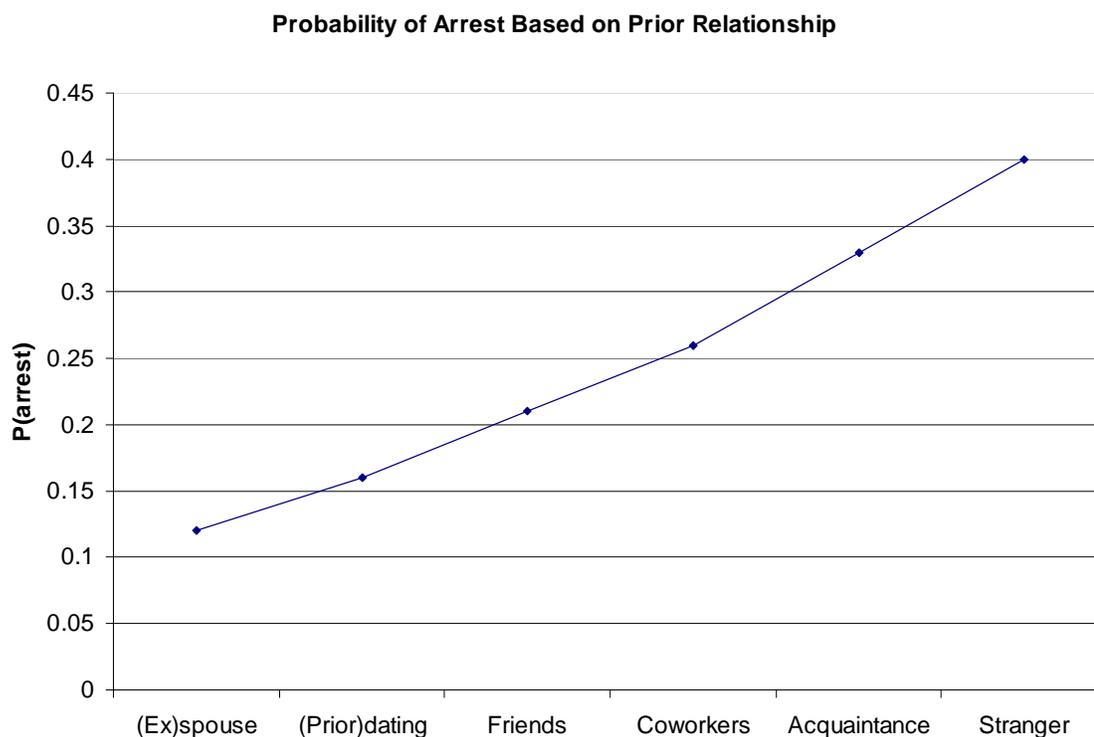
Victim Age

As shown in Table 3, the victim's age is not significantly related to the probability of an arrest.

Suspect Age

As shown in Table 3, the suspect's age is not significantly related to the probability of an arrest.

Suspect Alcohol / Drugs

As shown in Table 3, this variable did not significantly predict the probability of an arrest

Victim Residence

Referring back to Table 3, whether the rape occurred in the victim's residence or elsewhere is not significantly related to the probability of an arrest.

Interaction of Legal and Extralegal Variables

Evidence Scale and Race Dyads

As shown in Table 3, none of the interaction terms of evidentiary strength and race dyads predict the probability of an arrest

Evidence Scale and Victim Alcohol/Drug Use

According to Table 3, the interaction of little or no evidence and victim intoxication does not appear to influence the probability of an arrest.

Evidence Scale and Suspect-Victim Relationship

According to Table 3, the interaction of evidence and suspect-victim relationship did not influence the probability of an arrest.

Chapter 5: Discussion and Conclusion

The feminist-conflict theory posits that extralegal variables are more influential in predicting outcomes of rape investigations. The extralegal variables tested in this analysis include: race dyad, whether the victim was drinking or using drugs prior to the rape, the suspect-victim relationship, the age of the victim, the age of the suspect, whether the suspect was drinking or using drugs prior to the rape, and whether the rape occurred in the victim's residence.

This analysis does not provide strong support for the feminist-conflict theory in predicting arrest. Of the eight categories of extralegal variables, only the suspect-victim relationship is significant. Consistent with previous feminist-conflict research, an arrest is most likely if the suspect is a stranger and least likely if the victim and suspect are either spouses or ex-spouses (see L'Armand & Pepitone, 1982; Tetreault & Barnett, 1987). Feminist-conflict theorists contend that victims are held either completely or partially liable for sexual victimization if the victim had a prior relationship with the suspect (Talstiz, 1999).

Although the relationship between intimacy and arrest supports the feminist-conflict perspective, it is not the only plausible explanation. I could not control for victim cooperation and wishes. It is possible that victims do not want to press charges or continue with the investigation when they have a close relationship with their attacker. To the extent that this is true, the detectives are not acting in a discriminatory way, as feminist-conflict theorists would claim, but simply abiding by the wishes of the victim. Additionally, it is not clear that the effects of the suspect-victim relationship on arrest are unique to rape cases. LaFree (1989) suggests that across most crimes the suspect-victim

relationship is influentialat different stages of the criminal justice system. In sum, the majority of the extralegal variables predicted to influence arrest are not significantly related to the probability of an arrest. In addition, the relationship between the suspect-victim relationship and arrest does not provide exclusive support for the feminist-conflict theory.

The liberation hypothesis suggests that broad discretion in determining guilt is exercised in two conditions: (1) when the evidence is weak and (2) when the crime is of a less serious nature. Although this line of research is not specific to police investigations, it is not unreasonable to think detectives derive conclusions in the same manner as judges or juries (to which the liberation hypothesis has been applied and supported). This hypothesis is unique in that it provides circumstances when both legal and extralegal variables should be more influential in predicting case outcomes. The specific interactions tested in this study are evidentiary strength and: nonwhite suspect-nonwhite victim, nonwhite suspect-white victim, white suspect-nonwhite victim, suspect-victim relationship, and victim alcohol/drug use.

I do not find support for the liberation hypothesis. Although none of the interaction variables predict the probability of an arrest, some interaction variables are in the direction expected. For example, the interaction of evidence and a nonwhite suspect-white victim is positively correlated with arrest. The interaction of evidence and victim alcohol/drug use is negatively correlated to the probability of an arrest. One reason the liberation hypothesis is not supported could be because of my sample size, a limitation discussed in more detail later.

In general, there is stronger support for the consensus perspective, which suggests that legal variables are most influential in predicting arrest and other police outcomes. The legal variables tested in this analysis include the amount of physical evidence, the number of suspects, suspect force, and victim resistance during the attack. For this research victim resistance during the rape is considered to be a legal variable because the Maryland Code specifically requires the victim to resist the attack. However, in most states victim resistance is not a requirement for the crime of rape, and consequently would be considered an extralegal variable (Horney & Spohn, 1996).

There are two legal variables that are significantly related to the probability of an arrest. First, an increase in the amount of evidence significantly increased the probability of an arrest. It is the strongest predictor of an arrest, irregardless of what variables are included in the model. However, the amount of evidence does not completely negate the significance of extralegal variables. The second variable related to the probability of an arrest is the number of suspects. As the number of suspects increases, the probability of an arrest decreases. The increase in number of suspects is considered to be an aggravating factor, and therefore more serious. Although this finding is contradictory to the consensus perspective, it is unclear whether the decrease in the probability of an arrest is a consequence of the increased need in resources and evidence to apprehend more than one suspect.

There are two additional findings worth discussing. First, the victim's resistance to the attack is not significantly related to the probability of an arrest. According to Maryland statute, the victim must either resist her attacker or prove she was unable to resist her attacker in order for the attack to be labeled a rape. Yet this research shows that

whether or not the victim resists does not influence whether an arrest was made. Second, the force used by the suspect during the commission of the rape is not significant. In addition, Maryland statute requires that the suspect use or threaten to use force. Again, this research finds that the force used by the suspect has not significant effect on arrest. These two findings suggest that the elements of force and resistance are not influential at the arrest stage of the criminal justice system. It is possible that these variables will matter at other stages of the process, such as the charging level.

Limitations

Most importantly, the findings for this research are based on a small sample. Consequently, any findings from this study should be interpreted cautiously. I do not find significant relationships between most of the extralegal variables and arrest, but it might be due to a lack of statistical power. It is possible thatthere are meaningful relationships between extralegal variables and arrest thatthe model in this research could not detect. The small sample size is especially limiting in regards to testing the liberation hypothesis. Support for the liberation hypothesis is contingent upon the evidence modifying the relationship between extralegal variables and arrest. However, with my small sample size and low statistical power, it is likely that any effect of my interaction terms were overlooked.

Second, the findings in this study are not generalizable. The detectives in this sample have, on average, over five years experience investigating rapes and sexual assaults. In addition, Maryland rape statutes are different than almost all other states. Maryland is one of the few states that still requires the victim to resist and for the suspect to use force. Prosecutors will likely take these two requirements into account during the

charging process. Other jurisdictions do not have to adhere to this strict and outdated requirement.

Third, the current research only investigates rape case outcomes at one stage in the criminal justice process. LaFree (1989) finds that extralegal variables mattered less for police decisions than any other processing stage in the criminal justice system. In order to fully understand the processing of rape cases, it is imperative to examine extralegal and legal variables at each stage.

Fourth, this sample excludes rapes reported to other officials, such as those reported to rape crisis centers and medical officials. It is questionable how rapes that reported to police officials compare to rapes reported to other officials. Perhaps the more ambiguous rape cases are least likely to be reported to the police. This is somewhat problematic for my analysis since I need to look at cases with little evidence in order to test the liberation hypothesis.

Fifth, this investigative unit defines unfounded cases in a unique way. Whereas other investigative units and police departments define a false rape as unfounded, this police department does not. An unfounded rape cases is a rape claim that might have happened, but did not meet the formal elements of rape as defined in the Maryland Code. A false rape, in this unit, is categorized as a false rape. Consequently, false rapes are not included in my sample. It is unclear how the characteristics of false rapes would influence the probability of an arrest. In addition, this county requires that a uniformed officer respond to a rape call before a detective. I can not control for the differences in rape cases that are transferred to a detective for an investigation and those not transferred, but still reported to an officer. Therefore, although the cases were randomly selected

from investigative files, the cases are not likely to be a true representation of all rape cases.

Finally, with the exception of victim injuries, the evidence scale in this study is a simple summation of all pieces of evidence collected in each case. Therefore, I impose the assumption that all evidence is weighted equally, but evidentiary influence is likely to be much more dynamic. Different types of evidence are likely to be of more value dependent upon other factors in the rape. For example, a DNA match might be of more value in the case of a stranger rape since the explanation for the presence of DNA is less likely to be due to consensual sex. This sample is unable to differentiate between these complexities.

Practical Implications

Notwithstanding the aforementioned limitations, there are practical implications stemming from this research. It is absolutely necessary for detectives investigate rape complaints to receive additional training regarding rape and the problems associated with it. First, attention should specifically be paid to the collection and preservation of evidence, since evidentiary strength is vital to the increased probability of an arrest. In other research, evidentiary strength is also linked to a higher probability of conviction (see Kalven & Zeisel, 196; Reskin & Visher, 1986; Spohn & Cederblom, 1991). Second, additional training would provide increased sensitivity to the rape victim's needs immediately following the rape as well as future needs. Although additional training is provided within this detective unit, detectives that investigate rape cases that are not specially trained in sexual assault crimes might be more heavily influenced by extralegal variables.

Future Research

Future research should further examine the liberation hypothesis as a possibility for understanding the processing of rape cases. However, in order to adequately address the utility of the liberation hypothesis, the sample size must be large and contain as much variance in evidentiary strength possible. Future research should also include an interaction term of crime severity and evidentiary strength. The importance of this interaction is highlighted by a judge' comment in the Kalven and Zeisel (1966) study; "the jury rarely convicts unless the evidence is overwhelmingly beyond reasonable doubt" (pg. 264).

In addition, future research should investigate all stages of the criminal justice process, from initial report to conviction. As LaFree (1989) suggests, different variables are likely to be influential dependant upon what stage the investigation is at in the process. This study only captures the extralegal and legal variables that are important during the early stage of the process.

Since evidence clearly is important predictor of arrest, future research should try to delineate what types of evidence matter more. Finally, qualitative data should be collected in conjunction with quantitative data to get a better understanding of attitudes and rationales behind the decisions of detectives and other official agents.

Conclusion

Relatively little research has examined the impact of victim, suspect, and case characteristics on case outcomes in rape cases. Most of findings from this body of research are questionable due to methodological problems (e.i., vignette designs), lack of control for evidence, and there has been relatively little research since the 1980's. The

purpose of this research is to add contemporary research that addresses those issues and to provide direction for future research.

The feminist-conflict theory had a profound effect on public and criminal justice reactions to rape allegations;from putting rape on the public agenda, to the passage of laws protecting the victim and increasing the likelihood of punishment for the suspect, to exposing the myths surrounding rape crimes, and for the increased resources for rape victims. However, this research does not support the previous empirical findings of a "second victimization" or bias against certain rape victims reported in the feminist-conflict literature. There are many reasons for this. First, there could be biases that my model is unable to capture because of the small sample size. Second, I controlled for more evidentiary strength than previous empirical research. And finally, the attitudes and behaviors of officials may have changed over time. I also do not find support for the liberation hypothesis in predicting arrest. There is most support for the consensus perspective; that legal variables are most influential in predicting police outcomes.

Appendix One - Codebook

A.   ID NUMBER   _____

B.   INVESTIGATING OFFICERS SEX   _____
Male = 1
Female = 0
Unknown = 99

C.   DATE OF OFFENSE   _____
Month-day-year

D.   START TIME OF OFFENSE (nearest 1/2 hour)   _____
0000-2400

E.   END TIME (nearest ½ hour)   _____
0000-2400
Unknown = 99

F.   NUMBER OF LINES IN INCIDENT REPORT   _____

G.   NUMBER OF VICTIMS   _____

H.   NUMBER OF SUSPECTS   _____

I.   SUSPECT DOB   _____
Month-day-year
Unknown = 99

J.   SUSPECT RACE   _____
Caucasian = 1
Black = 2
Hispanic = 3
Asian = 4
Other = 98
Unknown = 99

K.   VICTIM DOB   _____
Month-day-year

L.   VICTIM RACE   _____
Caucasian = 1
Black = 2
Hispanic = 3

Asian = 4
Other = 98
Unknown = 99

M.   VICTIM MARITAL STATUS   _____
Single = 1
Dating / Live in Boyfriend = 2
Married = 3
Separated / Divorced = 4
Widowed = 5
Other = 98
Unknown = 99

N.   SUSPECT MARITAL STATUS   _____
Single = 1
Dating / Live in Girlfriend = 2
Married = 3
Separated / Divorced = 4
Widowed = 5
Other = 98
Unknown = 99

O.   IS THE VICTIM EMPLOYED?   _____
Yes = 1
No = 0
Unknown = 99

P.   IS THE SUSPECT EMPLOYED?   _____
Yes = 1
No = 0
Unknown = 99

Q.   HAS THE VICTIM BEEN DRINKING?   _____
Yes = 1
No = 0
Unknown = 99

R.   HAS THE VICTIM USED DRUGS?   _____
Yes = 1
No = 0
Unknown = 99

S.   HAS SUSPECT BEEN DRINKING?   _____
Yes = 1
No = 0
Unknown = 99

T.   HAS THE SUSPECT USED DRUGS?   _____
Yes = 1
No = 0
Unknown = 99

U.   HAS VICTIM HAD PRIOR POLICE INVOLVMENT   _____
Yes (property) = 1
Yes (personal) = 2
Yes (both) = 3
No = 4
Unknown = 99

V.   HOW MANY VICTIM TIMES?   _____

W.   HAS SUSPECT HAD PRIOR POLICE INVOLVMENT   _____
Yes (property) = 1
Yes (personal) = 2
Yes (both) = 3
No = 4
Unknown = 99

X.   HOW MANY SUSPECT TIMES?   _____

Y.   CHARGE ON INCIDENT REPORT?   _____
1st Degree Rape = 1
2nd Degree Rape (minus aggravating factor) = 2
2nd Degree Rape (victim unable to consent) = 3
Not applicable = 97
Other = 98
Unknown = 99

Z.   DATE OF ARREST   _____
Day-month-year
Not applicable = 97
Unknown = 99

AA.   POLICE CHARGE 1   _____
1st Degree Rape = 1
2nd Degree Rape (minus aggravating factor) = 2
2nd Degree Rape (victim unable to consent) = 3
Property offense = 4
Personal offense = 5
Not applicable = 97
Other = 98
Unknown = 99

AB.   POLICE CHARGE 2   _____

1st Degree Rape = 1
2nd Degree Rape (minus aggravating factor) = 2
2nd Degree Rape (victim unable to consent) = 3
Property offense = 4
Personal offense = 5
Not applicable = 97
Other = 98
Unknown = 99

AC.   POLICE CHARGE 3   _____
1st Degree Rape = 1
2nd Degree Rape (minus aggravating factor) = 2
2nd Degree Rape (victim unable to consent) = 3
Property offense = 4
Personal offense = 5
Not applicable = 97
Other = 98
Unknown = 99

AD.   KNOWLEDGE OF CRIME   _____
Observed by police = 1
Reported by victim = 2
Reported by victim family member = 3
Reported by witness = 4
Reported by victims friend = 5
Reported by other official (doctor, counselor) = 6
Other = 98
Unknown = 99

AE.   SUSPECT-VICTIM RELATIONSHIP   _____
Spouse = 1
Ex-spouse = 2
Dating = 3
Previous dating = 4
Friends = 5
Co-worker = 6
Acquaintance = 7
Stranger = 8
Other = 98
Unknown =99

AF.   LOCATION OF INITIAL CONTACT – PRIOR TO OFFENSE _____
Victim's residence = 1
Suspect's residence = 2
Victim / Suspect's residence = 3
Other residence = 4

Street / lot = 5
Place of work = 6
Restaurant = 7
Bar, lounge, club = 8
School / college = 9
Hotel = 10
No initial contact = 11
Other = 98
Unknown = 99

AG.   SCENE OF OFFENSE   _____
Victim's residence = 1
Suspect's residence = 2
Victim / Suspect's residence = 3
Other residence = 4
Street / lot = 5
Place of work = 6
Restaurant = 7
Bar, lounge, club = 8
School / college = 9
Hotel = 10
Other = 98
Unknown = 99

AH.   VICTIMS ACTIVITY AT TIME OF OFFENSE   _____
Walking, street = 1
Home, sleeping = 2
Home, routine activities = 3
Vehicle, passenger = 4
Vehicle, hitchhiking = 5
Recreation, inside = 6
Recreation, outside = 7
Work related = 8
School related = 9
Other = 98
Unknown = 99

AI.   TYPE OF FORCE USED BY SUSPECT   _____
None = 1
Menacing gestures only = 2
Verbal threats only = 3
Physical force only = 4
Physical force and verbal threats = 5
Other = 98
Unknown = 99

AJ.   TYPE OF WEAPON   _____

          None = 1
          Hands, feet, fists = 2
          Blunt instrument = 3
          Knife, sharp instrument = 4
          Firearm = 5
          Other = 98
          Unknown = 99

AK.   VICTIM RESISTANCE DURING OFFENSE   _____

          No resistance = 1
          Screamed / verbal = 2
          Struggled / physical = 3
          Verbal and physical = 4
          Fled / ran for help = 5
          Stopped suspect = 6
          Other = 98
          Unknown = 99

AL.   PHYSICAL INJURY TO VICTIM   _____

          None = 1
          Some, unknown extent = 2
          Scratches, bruises, bites = 3
          Lacerations, fractures = 4
          Hospitalized = 5
          Unable to resist = 6
          Other = 98
          Unknown =99

AM.   PHYSICAL INJURY TO SUSPECT   _____

          None = 1
          Some, unknown extent = 2
          Scratches, bruises, bites = 3
          Lacerations, fractures = 4
          Hospitalized = 5
          Other = 98
          Unknown =99

AN.   DID THE VICTIM HAVE A RAPE KIT?   _____

          Yes = 1
          No = 0
          Unknown = 99

AO.   WAS THERE SPERM / SEMINAL FLUID PRESENT?   _____

          Yes = 1
          No = 0

Not Applicable = 97
Unknown = 99

AP.   WAS THERE ANAL / RECTUM TRAUMA?   _____
Yes = 1
No = 0
Not applicable = 97
Unknown = 99

AQ.   WAS THERE FOREIGN SUBSTANCE(S) FOUND?   _____
Yes = 1
No = 0
Not applicable = 97
Unknown = 99

AR.   WAS THERE BRUISING ON HYMEN, VULVA, OUTSIDE/INSIDE
VAGINAL CAVITY   _____
Yes = 1
No = 0
Not applicable = 97
Unknown = 99

AS.   DOES SUSPECT USE CONDOM?   _____
Yes = 1
No = 0
Not applicable =97
Unknown = 99

AT.   DOES VICTIM HAVE STD?   _____
Yes = 1
No = 0
Unknown = 99

AU.   ADD. PIECES OF PHYSICAL EVIDENCE FROM RAPE KIT? _____
Not applicable = 97

AV.   EVIDENCE 1   _____
Weapon recovered on / near suspect = 1
Weapon recovered elsewhere = 2
Fingerprint match = 3
DNA match = 4
Photos of scene = 5
Victim medical exam = 6
Other physical evidence = 7
Polygraph of defendant = 8
Polygraph of victim = 9
Eyewitness ID = 10

Victim ID = 11
Circumstantial = 12
Suspect Alibi = 13
Other = 98
Not applicable = 97
Unknown = 99

AW. EVIDENCE 2   _____
Weapon recovered on / near suspect = 1
Weapon recovered elsewhere = 2
Fingerprint match = 3
DNA match = 4
Photos of scene = 5
Victim medical exam = 6
Other physical evidence = 7
Polygraph of defendant = 8
Polygraph of victim = 9
Eyewitness ID = 10
Victim ID = 11
Circumstantial = 12
Suspect Alibi = 13
Other = 98
Not applicable = 97
Unknown = 99

AX. EVIDENCE 3   _____
Weapon recovered on / near suspect = 1
Weapon recovered elsewhere = 2
Fingerprint match = 3
DNA match = 4
Photos of scene = 5
Victim medical exam = 6
Other physical evidence = 7
Polygraph of defendant = 8
Polygraph of victim = 9
Eyewitness ID = 10
Victim ID = 11
Circumstantial = 12
Suspect Alibi = 13
Other = 98
Not applicable = 97
Unknown = 99

AY. EVIDENCE 4   _____
Weapon recovered on / near suspect = 1
Weapon recovered elsewhere = 2

Fingerprint match = 3
DNA match = 4
Photos of scene = 5
Victim medical exam = 6
Other physical evidence = 7
Polygraph of defendant = 8
Polygraph of victim = 9
Eyewitness ID = 10
Victim ID = 11
Circumstantial = 12
Suspect Alibi =13
Other = 98
Not applicable = 97
Unknown = 99

AZ.   EVIDENCE 5   _____
Weapon recovered on / near suspect = 1
Weapon recovered elsewhere = 2
Fingerprint match = 3
DNA match = 4
Photos of scene = 5
Victim medical exam = 6
Other physical evidence = 7
Polygraph of defendant = 8
Polygraph of victim = 9
Eyewitness ID = 10
Victim ID = 11
Circumstantial = 12
Suspect Alibi = 13
Other = 98
Not applicable = 97
Unknown = 99

BA.   NUMBER OF WITNESSES   _____

BB.   TIME LAPSE B/W RAPE AND REPORT   _____
0 = immediately after/during incident
Unknown = 99

BC.   POLICE DISPOSITION   _____
Exceptionally cleared = 1
Cleared by arrest = 2
Unfounded = 3
Inactive / suspended = 4
Other = 98
Unknown = 99

BD.   JUSTIFICATION FOR DISPOSITION 1   _____
        Victim won't prosecute = 1
        SAO won't prosecute = 2
        Victim can't identify suspect = 3
        Suspect can't be located = 4
        No evidence = 5
        Victim recanted = 6
        Other = 98
        Not applicable = 97
        Unknown = 99

BE.   JUSTIFICATION FOR DISPOSITION 2   _____
        Victim won't prosecute = 1
        SAO won't prosecute = 2
        Victim can't identify suspect = 3
        Suspect can't be located = 4
        No evidence = 5
        Victim recanted = 6
        Other = 98
        Not applicable = 97
        Unknown = 99

BF.   JUSTIFICATION FOR DISPOSITION 3   _____
        Victim won't prosecute = 1
        SAO won't prosecute = 2
        Victim can't identify suspect = 3
        Suspect can't be located = 4
        No evidence = 5
        Victim recanted = 6
        Other = 98
        Not applicable = 97
        Unknown = 99

Bibliography

Ageton, S. (1983). Sexual Assault among Adolescents. Lexington, Mass: Lexington Books.

Alexander, C (1980). The Responsible Victim: Nurses' Perceptions of Victims of Rape. *Journal of Health & Social Behavior* 21(1). Pp. 22-34.

Allison, J., & L. Wrightsman (1993). Rape: The Misunderstood Crime. Newbury, CA: SAGE Publications.

Avakame, E., J. Fyfe, & C. McCoy (1999). Did You Call The Police? What Did They Do? An Empirical Assessment of Black's Theory of Mobilization of Law. *Justice Quarterly* 16(4). Pp. 765-792.

Baron, L., & M. Strauss (1989). Four Theories of Rape in American Society: A State-Level Analysis. London: Yale University Press.

Bell, S. (1994). An Empirical Approach to Theoretical Perspectives on Sentencing in a Young Offender Court. *Canadian Review of Sociology & Anthropology* 31(1). Pp 35-65.

Bittner, E (1970). The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models. Bethesda, MD: National Institute of Mental Health.

Brownmiller, S (1975). Against Our Will: Men, Women, and Rape. New York: Simon and Schuster.

Bouffard, J (2000). Predicting Type of Sexual Assault Case Closure from Victim, Suspect, and Case Characteristics. *Journal of Criminal Justice* 28(6). Pp. 527-542.

Bourque, L (1989). Defining Rape. London: Duke University Press.

Bryden, D. & S. Lengnick (1997). Rape in the Criminal Justice System. *Journal of Criminal Law and Criminology* 87(4). Pp. 1385-1429.

Burt, M (1980). Cultural Myths and Supports for Rape. *Journal of Personality and Social Psychology* 38(2). Pp. 217-230.

Chambliss, W. & R. Seidman (1971). Law, Order, and Power. Reading, Mass: Addison-Wesley.

D'Alessio, S. & L. Stolzenberg (2003). Race and the Probability of Arrest. *Social Forces* 81(4). Pp. 1381-1397.

Deming, M. & A. Eppy (1981). The Sociology of Rape. *Sociology and Social Research* 65(4). Pp. 357-380.

Engel, R., J. Sobol & R. Worden (2000). Further Exploration of the Demeanor Hypothesis: The Interaction Effects of Suspects' Characteristics and Demeanor on Police Behavior. *Justice Quarterly* 17(2). Pp. 235-259.

Estrich, S (1987). Real Rape. Cambridge, Mass: Harvard University Press.

Federal Bureau of Investigation (2002). Violent Crime Remains Relatively Unchanged. *FBI Law Enforcement Bulletin* 71(10). Pp. 17-18.

Feild, H (1978). Attitudes toward Rape: A Comparative Analysis of Police, Rapists, Crisis Counselor, and Citizens. *Journal of Personality and Social Psychology* 36(2). Pp. 156-179.

Felman-Summers, S., & K. Lindner (1976). Perceptions of Victims and Defendants in Criminal Assault Cases. *Criminal Justice and Behavior* 3(2). Pp. 135-150.

Fischer, C., M. Hout, M. Shanchez-Jankowski, S. Lucas, A. Swidler, & K. Voss (1996). Inequality by Design. Princeton, NJ: Princeton University Press.

Fyfe, J., D. Klinger, & J. Flavin (1997). Differential Police Treatment of Male on Female Spousal Violence. *Criminology* 35(3). Pp. 455-473.

Galvin, J., & K. Polk (1985). Rape: A Decade of Reform. *Crime and Delinquency* 31(2). Pp. 163-172.

Garner, J., C. Maxwell & C. Herauz (2001). Characteristics Associated with the Prevalence and Force used by Police. *Justice Quarterly* 19(4). Pp. 705-757.

George, W., S. Gournic, & M. McAfee (1988). Perceptions of Post Drinking Female Sexuality: Effects of Gender, Beverage Choice, and Drink Payment. *Journal of Applied Social Psychology* 18(15 Pt. 1). Pp. 1295-1317.

Griffin, S (1977). "Rape: The All-American Crime." In Forcible Rape: The Crime, The Victim, and the Offender, (eds.) D.Chappell, R. Geis, and G. Geis. New York: Columbia University Press.

Hammock, G., & D. Richardson (1997). Perceptions of Rape: The Influence of Closeness of Relationship, Intoxication and Sex of Participant. *Violence and Victims* 12(3). Pp. 237-246.

Herrnstein, R., & C. Murry (1994). The Bell Curve: Intelligence and Class Structure in American Life. New York: Simon & Schuster.

Hindelang, M (1978). Race and Involvement in Common Law Personal Crimes. *American Sociological Review* 43(1). Pp. 93-109.

Horney, J. & C. Spohn (1996). The Influence of Blame and BelievabilityF actors on the Processing of Simple verses Aggravated Rape Cases. *Criminology* 34(2). Pp. 135-162.

Ibau, T. & J. Thompson (1970). Criminal Law and its Administration. New York: Foundation Press.

Kalven, H. & H. Zeisel (1966). The American Jury. Boston, Mass: Little Brown.

Kavanagh, J (1994). The Occurrence of Violence in Police-Citizen Encounters. *Criminal Justice Abstracts* 26(2). Pp. 319-323.

Kerstetter, W., & B. Van Winkle (1990). Who Decides? A Study of the Complaint's Decision to Prosecute in Rape Cases. *Criminal Justice and Behavior* 17(3). Pp. 268-283

Krahe, B (1991). Police Officers' Definitions of Rape: A Prototype Study. *Journal of Community and Applied Social Psychology* 1(3). Pp. 223-244.

Klemmack, S.H. & D.L. Klemmack (1976). The Social Definition of Rape. In M. Walker & S. Brodsky (eds): Sexual Assault: the Victim and the Rapist

L'Armand, K., & A. Pepitone (1982). Judgments of Victim-Rapist Relationship and Victim Sexual History. *Personality and Social Psychology Bulletin* 8(1). Pp. 134-139.

LaFree, G (1981). Official Reactions to Social Problems:P olice Decisions in Sexual Assault Cases. *Social Problems* 28(5). Pp. 582-594.

LaFree, G. (1989). Rape and Criminal Justice: The Social Construction of Sexual Assault. Belmont, CA: Wadsworth.

LaFree, G., B. Reskin, & C. Visher (1985). Jurors' Response to Victims' Behavior and Legal Issues in Sexual Assault Trials. *Social Problems* 32(4). Pp. 389-407.

Largen, M (1976). History of women's movement in changing attitudes, laws, and treatment toward rape victims. In Sexual Assault: The Victim and the Rapist (eds) M. Walker & S. Brodsky. Lexington, Mass: DC Health and Company.

Liska, A. & M. Chamlin (1984). Social Structure and Crime Control among Macro-social Units. *American Journal of Sociology* 90(2). Pp. 383-395.

Liska, A. Chamlin, M., & Reed, M. (1985). Testing the economic production and conflict models of crime control. *Social Forces* 64(1). Pp. 119-138.

Lonsway, K. & L. Fitzgerald (1994). Rape Myths. *Psychology of Women Quarterly* 18(2). Pp. 133-164.

Lundman, R. & R. Kaufman (2003). Driving while Black: Effects of Race, Ethnicity, and Gender on Citizen Self-Reports of Traffic Stops and Police Action. *Criminology* 41(1). Pp. 195-220.

Miller, K (1970). Sexual Politics. New York: Doubleday.

Myers, M., & G. LaFree (1982). Sexual Assault and its Prosecution: A Comparison with other Crimes. *Journal of Criminal Law and Criminology* 73(3). Pp. 1282-1305.

Norris, J., & L. Cubbins (1992). Dating, Drinking and Rape. Effects of Victim's and Assailant's alcohol consumption on judgments of their behavior and traits. *Psychology of Women Quarterly* 16(2). Pp. 179-191.

Petrocelli, M., A. Piquero, & M. Smith (2003). Conflict Theory and Racial Profiling: An Empirical analysis of police traffic stop data. *Journal of Criminal Justice* 31(1). Pp. 1-11.

Quinney, R (1974). The Social Reality of Crime. Boston, Mass: Little Brown and Company.

Reiss, A (1971). The Police and the Public. New Haven, CT: Yale University Press.

Rennison, M., & M. Rand (2003). Criminal Victimization, 2002. *NCJ 199994*

Reskin, B. & C. Visher (1986). The Impact of Evidence and Extralegal Factors in Jurors' Decisions. *Law and Society Review* 20(30). Pp. 423-438.

Richardson, D., & J. Campbell (1982). Alcohol and Rape: The Effect of Alcohol on Attributions of Blame for Rape. *Personality and Social Psychology Bulletin* 8(3). Pp. 468-476.

Riger, S. & M. Gordon (1981). The Fear of Rape: A Study in Social Control. *Journal of Social Issues* 37(4). Pp. 71-92.

Riksheim, E., & S. Chermak (1993). Causes of Police Behavior Revisited. *Journal of Criminal Justice* 21(4). Pp. 353-366.

Robin, G (1977). Forcible Rape: Institutionalized Sexism in the Criminal Justice System. *Crime & Delinquency* 23(2). Pp. 136-153.

Rose, V (1977). Rape as a Social Problem: A By-product of the Feminist Movement. *Social Problems* 25(1). Pp. 75-89.

Schuller, R., & A. Stewart (2000). Police Responses to Sexual Assault Complaints: The Role of Perpetrator/Complainant Intoxication. *Law and Human Behavior* 24(5). Pp. 535-551.

Schuller, R., & A. Wall (1998). The Effects of Defendant and Complainant Intoxication on Mock Jurors' Judgments of Sexual Assault. *Psychology of Women Quarterly* 22(4). Pp. 555-573.

Silverman, Skogan, W. & K. Frydll (2004). Fairness and Effectiveness of Policing: The Evidence. Washington, DC: National Academies Press

Smith, D., C. Visher, & L. Davidson (1984). Equity and Discretionary Justice: The Influence of Race on Police Arrest Decisions. *Journal of Criminal Law and Criminology* 75(1). Pp. 234-249.

Spohn, C & J. Cederblom (1991). Race and Disparities in Sentencing, a Test of the Liberation Hypothesis. *Justice Quarterly* 8(3). Pp. 305

Steffensmeier, D (1988). The Uniqueness of Rape? Disposition and Sentencing Outcomes of Rape in Comparison to other Major Felonies. *Sociology-and-Social-Research* 72(3). Pp. 192-198.

Taslitz, A (1999). Rape and the Culture of the Courtroom. New York: New York University Press.

Testa, M., & K. Parks (1996). The Role of Women's AlcoholC onsumption in Sexual Victimization. *Aggression and Violent Behavior* 1(3). Pp. 217-234.

Tetreault, P., & M. Barnett (1987). Reactions to Stranger and Acquaintance Rape. *Psychology of Women Quarterly* 11(3). 353-358.

Survey. Washingtron, DC: U.S. Department of Health and Human Services, Centers for
     Disease Control and Prevention.

Vold, G (1958). Theoretical Criminology. New York: Oxford University Press.

Wilbanks, W (1987). The Myth of a Racist Criminal Justice System. Monterey, CA:
     Brooks/Cole.

Williams, J. & K. Holmes (1981). The Second Assault: Rape and PublicA ttitudes.
     Westport, CT: Greenwood.

Williams, K. & S. Drake (1980). Social Structure,C rime and Criminalization. An
     Empirical Examination of the Conflict Perspective. *Sociological Quarterly* 21(4).
     Pp. 563-575.

Willis, C. & L. Wrightsman (1995). Effects of Victim Gaze Behavior and Prior
     Relationship on Rape Culpability Attributions. *Journal of Interpersonal Violence*
     10(3). Pp. 367-377.

Wilson, J. & J. Pertersilia (2002). Crime: Public Policies for Crime Control. ICS Press.

Wolf, N (1991). The Beauty Myth. New York: William Morrow.