

“REAL RAPE” AND “REAL VICTIMS:” REVISITING POLICE DECISION-
MAKING IN SEXUAL ASSAULT CASE PROCESSING

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Alondra Denise Garza

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by

Alondra Denise Garza

APPROVED:

Cortney A. Franklin, PhD
Committee Director

Jason Ingram, PhD
Committee Co-Director

Yan Zhang, PhD
Committee Member

Leana A. Bouffard, PhD
Committee Member

Phillip Lyons, PhD
Dean, College of Criminal Justice

DEDICATION

For my grandparents, Jorge Garza Lopez and Oralia Salinas Gonzalez who were with me at the start of this journey. While you are no longer here to see me reach this milestone, I know that you are proud. This dissertation is also dedicated to the many individuals in these data who are not just ‘0s and ‘1s’, but whose lives have been deeply changed by sexual assault victimization.

ABSTRACT

Garza, Alondra Denise, *“Real rape” and “real victims:” Revisiting police decision-making in sexual assault case processing*. Doctor of Philosophy (Criminal Justice), May, 2022, Sam Houston State University, Huntsville, Texas.

Police discretionary decision-making in sexual assault case processing has received considerable empirical attention for several decades. This has been, in part, the result of substantial case attrition, where many sexual assault cases will not proceed through the criminal legal system after a victim reports. Limited studies have focused on earlier police decisions that precede arrest as a potential pathway for case attrition. The current study used 465 sexual assault cases reported to a large, urban police department, located in one of the fifth largest and most diverse U.S. cities to examine the role of victim race and ethnicity, along with victim, suspect, and case factors that represent the “real rape” stereotype on police officers’ decision to: 1) assign a sexual assault case to an investigator and 2) the time to investigator assignment. Theoretical and research considerations, policy implications, and directions for future research are discussed.

KEY WORDS: Sexual assault, Police decisions, Case processing, Investigative decisions

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CHAPTER I

Introduction

The function of police in contemporary society has generally been defined by their unfettered discretion to administer non-negotiable, coercive force (Bittner, 1970). Indeed, scholars, police leadership, public officials, policymakers, and stakeholders have long been concerned with the study of police behaviors and how police exercise discretionary practices, specifically, formal decisions surrounding arrest and use of force (Bayley, 1994; Garza et al., 2020; Mastrofski, 2004; National Research Council, 2004a, 2004b; Riksheim & Chermak, 1993; Schulenberg, 2015; Sherman, 1980; Terrill & Mastrofski, 2002; Walker, 1993; Wilson, 1968; Worden, 1989). In other words, decades of research have focused on questions such as, “what do we want police to do, and what accounts for variation in how well they do it?” (Mastrofski, 2004, p. 109). The nature of discretionary police behaviors, however, is quite expansive and has encompassed a wide range of responsibilities outside of arrest and use of force. These have included general assistance to citizens, social service referrals, community engagement, mediation, problem-solving, and gathering and disseminating information (Bayley, 1994; Greene, 2014; Goodson et al., 2020, 2021; Mastrofski, 2004; Schulenberg, 2015).

Police Behaviors in Sexual Assault Case Processing

An area of police discretionary behaviors that has received considerable attention over the last several decades has involved decision-making in sexual assault case processing (Addington & Rennison, 2008; Alderden & Ullman, 2012a, 2012b; Bouffard, 2000; Campbell & Fehler-Cabral, 2018; Campbell et al., 2009; Cross et al., 2020; Dhimi et al., 2020; Daly & Bouhours, 2010; Frazier & Haney, 1996; Horney & Spohn, 1996;

Johnson et al., 2012; Kelley & Campbell, 2013; Kerstetter, 1990; LaFree, 1980, 1981; Lapsey et al., 2021; Meeker et al., 2021; Morabito et al., 2017; 2019a, 2019b; O’Neal, 2019; O’Neal et al., 2016; O’Neal & Spohn, 2017; Pattavina et al., 2016; Roberts, 2008; Schuller & Stewart, 2000; Scott & Beaman, 2004; Shaw et al., 2016; Sleath & Bull, 2017; Snodgrass et al., 2014; Spohn, 2020; Spohn & Spears, 1996; Spohn & Tellis, 2012, 2014, 2019; Spohn et al., 2014; Stacey et al., 2017; Tasca et al., 2013; Tellis & Spohn, 2008; Valentine et al., 2019; Venema et al., 2021; Walfield, 2016; Walsh, 1987; Wentz, 2020; Wentz & Keimig, 2019; Ylang & Holtfreter, 2020). The extensive consideration of discretionary police behaviors in sexual assault case processing is unsurprising given that police officers have been termed, “the most important processing agents in sexual assault cases” (LaFree, 1981 p. 582). Use of this term has been the result of the police gatekeeper role as decision makers and the wide range of judgements that officers make during a sexual assault investigation (Kerstetter, 1990).

Broadly, as the first point of contact for sexual assault victims, police have engaged in a series of decisions that move the sexual assault case through a formal process involving multiple criminal legal actors. When a victim formally reports their victimization to law enforcement, a responding officer determines whether a sexual assault has occurred based on the available information they are provided with. From here, they decide whether or not to write an initial report and they determine what information should be included in the report. Police are then responsible for determining whether the case gets assigned to further investigation by a specialized investigator or detective and the investigative effort allotted for each case. They are also responsible for referring a victim to a specialized medical professional for a forensic medical exam or

sexual assault kit (SAK) to be captured and tagged as medical evidence, and then the investigator decides whether to submit the SAK for deoxyribonucleic acid (DNA) testing to a forensic crime lab. Police can also decide to refer victims to advocacy and social services, whether and when to make an arrest, and if the case should be referred to the district or county attorney for prosecution (Campbell & Fehler-Cabral, 2018; LaFree, 1981; Spohn & Tellis, 2019; Tasca et al., 2013). Put differently, discretionary police behaviors in sexual assault case processing have comprised much more than formal arrest decisions.

The expansive body of scholarship on discretionary police behaviors in sexual assault case processing has established two general and broad conclusions. First, sexual assault case processing has been plagued by case attrition at nearly every stage (Frazier & Haney, 1996; LaFree, 1981; Morabito et al., 2019b; Pattavina et al., 2021; Sleath & Bull, 2017; Spohn & Tellis, 2012; 2014; Wentz, 2020). *Case attrition* has referred to “when, how, and why...they [cases] fail[ed] to proceed in the criminal justice system” (Lovell et al., 2021 p. 2). In terms of the initial report, the victim activates the criminal legal system as the first stage of case processing.¹ To that end, very few sexual assault incidents come to the attention of police (Lonsway & Archambault, 2012). Findings from national data have consistently demonstrated low reporting of sexual assault—estimates have indicated that less than 30% of victims will formally report their victimization to police (Kilpatrick et al., 1992, 2007; Lonsway & Archambault, 2012; Morgan & Kena, 2017; Morgan &

¹As a scholar, I have chosen to intentionally use the term “criminal legal system” (see Belknap & Grant, 2018) as opposed to “criminal justice system” in my writing given that questions remain regarding the actual deliverance of justice to victims—particularly as it relates to the status of sexual assault case processing (see Spohn, 2020 for a recent review).

Truman, 2020; Rennison, 2002; Tjaden & Thoennes, 2000, 2006).² Taken a step further, among those sexual assault cases reported to police, the vast majority will *not* result in arrest (Daly & Bouhours, 2010; Sleath & Bull, 2017). Morabito and colleagues (2019b), conducted a multisite examination of six police departments and found that, among nearly 2,900 adult sexual assault cases, only 18% of incidents resulted in arrest.³ Morabito et al.'s (2019b) findings reiterated estimates from earlier studies and across various police departments, emphasizing high attrition at the police processing stage (Alderden & Ullman, 2012a; Bouffard, 2000; Frazier & Haney, 1996; Horney & Spohn, 1996; LaFree, 1981; Pattavina et al., 2016; Spohn & Tellis, 2012, 2014; Tasca et al., 2013; Wentz, 2020). Accordingly, extensive research has identified a host of factors that contribute to case attrition at the police stage. These have included victim-blaming attitudes that have inhibited victim cooperation, police concerns surrounding victim credibility, lack of corroborating evidence, and other evidentiary factors that have influenced an officer's or investigator's perceptions of the case (Bostaph et al., 2021; Campbell et al., 2015; Garza & Franklin, 2021; Maddox et al., 2011; O'Neal, 2019; Parrat & Pina, 2017; Schuller & Stewart, 2000; Sleath & Bull, 2017; Shaw et al., 2016; Spohn, 2020; Venema, 2019). Police officers have interpreted these factors through a lens or schema surrounding sexual assault cases. In other words, officers have adhered to stereotypical ideas as to what constitutes a "real rape," who is a "worthy" and/or credible victim, and what is a "convictable" case or a case that would be met with a guilty verdict

²Inconsistencies across jurisdictional definitions of sexual assault have accounted for discrepancies in estimates (e.g., the use of forcible rape as compared to behaviorally specific descriptions of forced intercourse) (Koss, 1996).

³The six sites represented police agencies across the Northeast, South, and West regions of the U.S. and differed across urban, rural, and suburban jurisdictions.

by a jury (Brownmiller, 1975; Burt, 1980; Estrich, 1987; Frohmann, 1991; Parrat & Pina, 2017; Schwendinger & Schwendinger, 1974; Weis & Borges, 1973; L. Williams, 1984). These schemata have been largely informed by police officers' occupational experiences and the broader socialization discourse surrounding appropriate gendered expectations and racialized perceptions of sexual assault victims (Brownmiller, 1975; Collins, 2000; Crenshaw, 1990; Davis, 1981; Estrich, 1987; Freedman, 2013; Johnson, 1997; Koss et al., 1994; LaFree, 1980; Walsh, 1987; Weis & Borges, 1973; West, 1995). Similarly, the prosecution phase has also been characterized by significant case attrition (Alderden & Ullman, 2012a; Frazier & Haney, 1996; Morabito et al., 2019b; Spohn & Tellis, 2012; 2014; Wentz, 2020). Alderden and Ullman (2012a), for instance, found that just over 9% of nearly 500 sexual assault cases from a Midwestern state resulted in felony charges by the prosecutor. Taken together, research on sexual assault case attrition from initial reporting through prosecution has underscored shortcomings in successful sexual assault case processing.

The second broad and general conclusion from existing research on discretionary police behaviors in sexual assault case processing has established that decisions are guided by a series of factors that include situational (Addington & Rennison, 2008; Alderden & Long, 2016; Alderden & Ullman, 2012a; Bouffard, 2000; Brooks, 2004; Cross et al., 2020; Frazier & Haney, 1996; Horney & Spohn, 1996; Kelley & Campbell, 2013; Kerstetter, 1990; LaFree, 1980, 1981; National Research Council, 2004a, 2004b; Meeker et al., 2021; Morabito et al. 2017, 2019a; O'Neal, 2019; O'Neal et al., 2016; O'Neal & Spohn, 2017; Pattavina et al., 2016; Roberts, 2008; Scott & Beaman, 2004; Spohn & Spears, 1996; Spohn & Tellis, 2012, 2014, 2019; Spohn et al., 2014; Stacey et

al., 2017; Tasca et al., 2013; Tellis & Spohn, 2008; Walfield, 2016), organizational (Brooks, 2004; Meier & Nicholson-Crotty, 2006; Morabito et al. 2017; National Research Council, 2004a, 2004b; Pattavina et al., 2016; Schuck, 2018; Venema, 2019; Venema et al., 2021; Walfield, 2016; Wentz, 2020; Wentz & Keimig, 2019; Ylang & Holtfreter, 2020), and officer characteristics (Alderden & Ullman, 2012b; Brooks, 2004; National Research Council, 2004a, 2004b; Roberts, 2008; Schuller & Stewart, 2000; Sleath & Bull, 2017; Venema, 2019; Venema et al., 2021; Walfield, 2016). In its present form, this literature on police decision-making in sexual assault case processing has focused predominantly on the role of situational factors, to include legal and extra-legal factors related to the victim, the suspect, and the incident. To reiterate, the range of situational factors that have been considered important by police officers for decision-making have been guided by cultural schemata surrounding what characteristics constitute “real” or “genuine” sexual assault victims (Brownmiller, 1975; Burt, 1980; Estrich, 1987; Frohmann, 1991; O’Neal, 2019; Parrat & Pina, 2017; Sleath & Bull, 2017; L. Williams, 1984).

Despite this focus, findings regarding the salience of situational factors on sexual assault case outcomes have not been consistent across the scientific research. Variation among situational variables that have predicted police behaviors in sexual assault case processing may be attributed to differences in the nature of the data that have been used in these analyses. A myriad of sources have been employed to explore case processing, including police case files, experimental vignette designs administered in survey format, and official data from the National Incident Based Reporting System (NIBRS). A range of study samples, diversity in the operationalization of situational variables, jurisdictional

distinctions, and various methodological designs have left questions unaddressed with regard to clarifying the factors that have guided police behaviors in sexual assault case processing. This is to say that much remains unanswered regarding the knowledge surrounding the strength and magnitude of situational factors as predictors of police behaviors in sexual assault case processing.

Shortcomings of Existing Literature

The substantial literature on police and sexual assault case processing has established important conclusions. While efforts to understand police behaviors in sexual assault case processing have provided an instructional starting point, a few limitations within this program of research are worthy of discussion. First, current research has not reflected the broad spectrum of discretionary police behaviors in the processing of sexual assault cases. Empirical studies have focused largely on predictors of formal arrest in sexual assault case processing (Alderden & Ullman, 2012a, 2012b; Bouffard, 2000; LaFree, 1980, 1981; Morabito et al., 2019a; O'Neal et al., 2016; O'Neal & Spohn, 2017; Richards et al., 2019; Shaw et al., 2016; Stacey et al., 2017; Tasca et al., 2013; Venema et al., 2021; Walfield, 2016; Wentz, 2020; Wentz & Keimig, 2019; Ylang & Holtfreter, 2020). Less attention has been devoted to assessing predictors of the decision to refer a case to prosecution (Alderden & Ullman, 2012a; Campbell et al., 2009; Kelley & Campbell, 2013; Shaw et al., 2016; Snodgrass et al., 2014; Spohn & Tellis, 2014; Wentz & Keimig, 2019). Even fewer studies have considered predictors of the decision to dispose of a case by exceptional clearance (but see Bouffard, 2000; Pattavina et al., 2016; Richards et al., 2019; Stacey et al., 2017; Venema et al., 2021; Walfield, 2016) or the

decision by police to unfound a case (Alderden & Ullman, 2012a; Kerstetter, 1990; Spohn et al., 2014; Tellis & Spohn, 2008; Venema et al., 2021).

These shortcomings are not unique to the research on sexual assault case processing. Policing research, more generally, has similarly echoed this limitation—where conceptualizations of discretionary police behaviors have focused on narrow outcomes, primarily the arrest decision (Mastrofski, 2004; National Research Council, 2004a). This has precluded the relevance of other understudied outcomes that precede more formal processing decisions, such as investigative decisions. Further, the majority of studies on police behavior have been conducted with patrol officers (National Research Council, 2004a) to the exclusion of other police personnel such as specialized investigators/detectives, police leadership, chiefs, and, in some jurisdictions, 911 dispatch. Additionally, this research has often suffered from weaknesses in methodological designs that have limited the confidence that can be placed in study conclusions (Mastrofski, 2004). The program of research on sexual assault case processing, more specifically, has also been inundated with these limitations. Stated differently, further empirical focus is warranted on antecedent police behaviors in sexual assault case processing among the decisions that precede arrest.

Second, the empirical consideration of the role of race and ethnicity, as both a situational and an extra-legal factor on police sexual assault decision-making, is worthy of further discussion. Decades of scholarship has theorized that sexual access to victims and the subsequent criminal legal response to sexual assault incidents have been racialized through a lens that situates certain crimes as more serious and worthy of formal intervention—particularly those perpetrated against White women victims (Brownmiller,

1975; Collins, 2000; Crenshaw, 1989, 1990; Freedman, 2013; Kelley et al., 2021; LaFree, 1980; McGuire, 2010; O’Neal et al., 2016; Shaw & Lee, 2019; Spohn & Spears, 1996; Tellis & Spohn, 2008; Stacey et al., 2017; Walsh, 1987). Entrenched racialized schemata have historically influenced perceptions of sexual assault cases, such that racial and ethnic stereotypes have discredited a victim’s credibility, heightened “contributory behaviors,” and influenced determinations of the seriousness and severity of the sexual assault (Amir, 1967; Brownmiller, 1975; Collins, 2000; Davis, 1981; Donovan & Williams, 2002; Estrich, 1987; Freedman, 2013; LaFree, 1980; McGuire, 2010; Walsh, 1987; West, 1995). Ensuing attention to the function of race and ethnicity in sexual assault case processing has noted that, “the racial composition of the victim-offender dyad—and not the individual race of either offender or victim” (LaFree, 1980 p. 852) has been the mechanism driving criminal legal decision-making (Spohn & Spears, 1996; Tellis & Spohn, 2008; Walsh, 1987). In other words, the formal response to sexual assault has been shaped by racialized schemata—where the sexual assault of a White woman by a Black man has produced the harshest sanctions due to schemata surrounding “worthy” victims and “dangerous” suspects. These schemata have woven race and ethnicity with sex, chastity, and violence, and specifically, historical myths from hypersexualized images of Black men who would use force against a “chaste,” White woman (Brownmiller, 1975; Davis, 1981; Estrich, 1987; Freedman, 2013; LaFree, 1980; McGuire, 2010; Spohn & Spears, 1996; Tellis & Spohn, 2008; Walsh, 1987). The durability of these stereotypes is evident in that racialized schemata have continued to influence formal decisions at various stages of the criminal legal process. Empirical

assessments that have tested hypotheses surrounding the effects of race and ethnicity on criminal legal outcomes have been inconsistent at best.

Some studies, for instance, are limited in scope where they have relegated race and ethnicity as control variables or as peripheral to decision-making in sexual assault cases (see e.g., Addington & Rennison, 2008; Shaw & Lee, 2019). Early research reported no significant direct effect of victim and/or suspect race on sexual assault case decisions made by police officers (Bouffard, 2000; Frazier & Haney, 1996; Kerstetter, 1990), while findings on the effect of victim-suspect racial dyads have produced limited evidence of a race or ethnicity effect (Spohn & Spears, 1996; Stacey et al., 2017; Tellis & Spohn, 2008). In some instances, research has failed to demonstrate support of harsher sanctions by either direct effects of victim and suspect race or interaction effects (Bouffard, 2000). Still, additional research has reported that the criminal legal system's response to sexual assault cases involving White victims and Black suspects has produced more punitive outcomes, drawing from historical Jim Crow era myths, where cases involving the sexual assault of Black victims by Black suspects have been processed as less deserving of criminal legal sanctions because of the limited value that has been placed on the sexual safety of Black women (LaFree, 1980; Lorde, 1984a; Walsh, 1987; Walker et al., 2007). These findings have illustrated the embeddedness of racial schemata that have influenced perceptions of seriousness and subsequent interventions afforded to sexual assault victims when stratified by race and ethnicity. Finally, more recent examinations of decision-making in sexual assault case processing have reported variation in the handling of sexual assault victims, particularly victims of Color, where these cases have not been disposed by arrest or prosecution when compared

to cases involving White victims (Kelley et al., 2021; O’Neal et al., 2016), again reiterating these entrenched racialized schemata. Despite inconsistent findings in the sexual assault case processing literature, it is also important to highlight that this body of research has been overcome by the White/Black racial dichotomy (Bouffard, 2000; Horney & Spohn, 1996; Kerstetter, 1990; LaFree, 1980; 1981; Shaw & Lee, 2019; Spohn & Spears, 1996; Stacey et al., 2017; Walfield, 2016) or White/Nonwhite dichotomy (Addington & Rennison, 2008; Kelley & Campbell, 2013; Morabito et al., 2019a; O’Neal & Spohn, 2017; Pattavina et al., 2016; Scott & Beaman, 2004; Shaw & Lee, 2019, Wentz, 2020; Ylang & Holtfreter, 2020; but see, Alderden & Ullman, 2012a; O’Neal et al., 2016; Tellis & Spohn, 2008; Venema et al., 2021 for exceptions). These conceptual dichotomies are problematic because they exclude other racial and ethnic groups from empirical consideration in terms of the lived experiences of these victims. These dichotomies have also defined race as the *absence* of “Whiteness.”⁴ This means that existing scientific knowledge pertaining to the empirical influence of race and ethnicity on sexual assault decision-making is partial, at best. As a result, this research deserves additional consideration and, in particular, a more inclusive investigation of other racial and ethnic groups of victims. Last, studies considering the role of race and ethnicity on sexual assault decision-making have largely centered on prosecutorial decisions related to case processing. This has included decisions regarding whether to file formal charges, the number and severity of each charge, charge dismissals, and sanction-related decisions including the in/out and sentence length decisions (Horney & Spohn, 1996; Kelley et al.,

⁴The use of language in relation to race and ethnicity in sexual assault case processing has also reflected inherent power differential in terms of group position (Blumer, 1958), where People of Color have been classified as “Nonwhite”—the absence of Whiteness.

2021; LaFree, 1980; Spohn & Spears, 1996; Tellis & Spohn, 2008, Walsh, 1987).

Comparatively fewer studies have assessed broader race and ethnicity effects on earlier criminal legal system decisions, such as arrest (see e.g., Bouffard, 2000; LaFree, 1980; O’Neal et al., 2016). Further attention focused on race and ethnicity as they influence earlier sexual assault case processing decisions related to police decisions is necessary due to: 1) limitations in the existing scientific research, and 2) sexual assault case attrition, in practice (Morabito et al., 2019b; Pattavina et al., 2021; Sleath & Bull, 2017; Spohn & Tellis, 2012)—especially because case attrition during the police stage has limited the number and type of sexual assault cases that are forwarded to prosecution (Alderden & Ullman, 2012a; Frazier & Haney, 1996; Morabito et al., 2019b; Wentz, 2020). In other words, because so few sexual assault cases are referred to prosecution, additional empirical consideration directed toward the effect of race and ethnicity on criminal legal outcomes is necessary and should focus on earlier decision-making points, particularly those decisions made by police.

The Current Study

To address these shortcomings, the present study extends the program of research on police decision-making in the processing of sexual assault cases with attention to the contextual influence of race, ethnicity, and factors that represent the stereotypes surrounding “real rape” (Estrich, 1987). Drawing from schema theory, feminist theory, the “real rape” framework, Critical Race Theory and offshoots like Black feminist thought, intersectionality, and LatCrit, this study contextualizes the role of race and ethnicity on understudied police behaviors in sexual assault case processing. Specifically, this study uses a sample of 465 redacted, official case files from a sizeable, urban police

department located in one of the fifth largest and most diverse U.S. cities.⁵ This data is used to examine the effect of victim race and ethnicity on sexual assault case progression and case investigation assignment. Put differently, this study examines the factors that account for why some formally reported sexual assault cases are assigned to a specialized investigator as a point of decision-making, while others are not. This study also examines the factors that may account for why sexual assault cases that do result in investigator assignment in this agency are prioritized faster than other cases. It may be that studying antecedent processes that precede arrest decisions will shed light on police discretionary decision-making in sexual assault case processing. In other words, differences in arrest and attrition across sexual assault cases may be driven by earlier, understudied mechanisms, including the investigative priority given to sexual assault cases. The current study considers the influence of victim race and ethnicity on these decisions in sexual assault case processing by estimating the direct effects of victim race and ethnicity. It is possible that the victim's race and ethnicity, as well as "real rape" factors, may influence this early decision point due to officers' broader discretion in how they prioritize investigator assignment. Finally, this research answers existing calls to re-examine police discretionary behavior through the re-imagination of measures that capture decisions by police (Mastrofski, 2004; National Research Council, 2004a; Schulenberg, 2015).

⁵ The MOU between the police department's legal counsel and the researchers precludes the specific naming of this agency.

The Plan of the Dissertation

This dissertation proceeds as follows. Chapter 2 presents a systematic review of the current literature regarding police decision-making in sexual assault case processing. The literature review begins with a discussion of theoretical backgrounds relevant to the study of police decisions and how they are connected to the overarching purpose of this dissertation. This includes schema theory, feminist theory, the “real rape” framework, and Critical Race Theory with a focus on Black feminist thought, intersectionality, and LatCrit, to situate why and in what circumstances police have engaged in decisions that are influenced by and related to race and ethnicity. This is followed by a discussion of the depth and breadth of existing studies that have assessed predictors of discretionary police behaviors in sexual assault case processing. Chapter 2 concludes by outlining the research questions that will be addressed in this dissertation.

Chapter 3 details the methodology used to conduct the study. This includes a description of the data, the police agency study site, and how the sample of sexual assault case files were generated, collected, and coded. Further, chapter 3 outlines the conceptualization and measurement of all variables used in the multivariate models. This chapter ends with a discussion of the analytic strategy and specifically, the use of multivariate binary logistic regression models and survival analysis as the appropriate tools to analyze the data, given the nature and characteristics of the sample and the research questions. Chapter 4 presents the results of these analyses. This chapter begins with the reporting of univariate statistics and bivariate analyses and is followed by a presentation of findings from the multivariate binary logistic regression models and survival analyses. Last, Chapter 5 discusses the results presented in Chapter 4 by

contextualizing them within the existing research on sexual assault case processing, noting study limitations and directions for future research. Chapter 5 concludes with theoretical, policy, and practical implications related to this study's results for the benefit of both police agencies and the victims of sexual assault whom they serve in addressing these investigative processes.

CHAPTER II

Review of the Literature

Theoretical Frameworks for Explaining Police Decision-Making in Sexual Assault Cases

Understanding how and why criminal legal actors make decisions remains a complex, contemporary issue. Scholars have applied schema theory as a conceptual framework to disentangle perceptions of crime and subsequent decision-making among criminal legal actors, such as probation officers, judges, members of parole boards (Carroll et al., 1982; Lurigio & Carroll, 1985; Lurigio & Stalans, 1990; Ruby & Brigham, 1996; Stalans & Lurigio, 1990), and more recently, police officers (Farrell et al., 2015; Finn & Stalans, 2002; Goodson et al., 2020; Goodson et al., 2021; Robinson, 2000; Stalans & Finn, 1995; Venema, 2016; Watson et al., 2014). In this regard, schema theory has provided a useful theoretical foundation for the current study examining police decision-making in sexual assault cases processing because it offers a framework to situate police perceptions of sexual assault victims and to understand how these perceptions inform their respective case processing decisions. This section discusses the origins of schema theory, its components, and its utility for understanding how police make decisions. In doing so, this section establishes theoretical links between police and decisions that highlight how the characteristics of sexual assault victims, including gender, race, and ethnicity, have informed schemata that have guided police officer decision-making in sexual assault cases.

Schema Theory

Schema theory emerged from early work in cognitive psychology that focused on human memory and knowledge creation (Bartlett, 1932; Rumelhart, 1984; Rumelhart & Ortony, 1977; Taylor & Crocker, 1981). The term “schema,” originally proposed by and credited to Bartlett (1932), has referred to a knowledge structure that is responsible for how individuals organize, summarize, process, and recall information about situations, events, and objects (Rumelhart, 1984). In other words, schemata (e.g., plural for schema) has served as a broad framework from which individuals retrieve information that will dictate how they interpret events. Rumelhart and Ortony (1977, p. 101) specified four components of schemata: “1) schemata have variables, 2) schemata can embed within another, 3) schemata represent generic concepts which, vary in their levels of abstraction, and 4) schemata represent knowledge rather than definitions.” As applied to the present study, for instance, a sexual assault incident has been characterized by variables that have historical meaning and normative associations with abstract concepts that are related to women, sex, intimacy, and power (Johnson, 1997; Koss et al., 1994). Each of these variables, interpreted individually, would be abstract, but taken together in the context of sexual assault, these characteristics provide meaning to a sexual assault event (Rumelhart & Ortony, 1977). More specifically, a sexual assault has involved factors with entrenched associations, to include a specific victim and their individual characteristics, likely one or multiple suspects, a private or isolated location, the presence or absence of a weapon, demonstrable/gratuitous injury,⁶ and unwanted, non-consensual sexual intercourse or

⁶ The term “gratuitous” refers to any form of physical injury (e.g., bruises, broken bones, scratches, etc.) sustained during a sexual assault beyond that of the violence of unwanted penetration/touch to orifices (see, Lisak & Miller, 2002).

forced sexual contact. As noted by Rumelhart & Ortony (1977), schemata can embed within one another; this means that knowledge structures can be grouped together. Schemata surrounding sexual assault may embed, for example, with racial schemata. In an oversimplified metaphor, Rumelhart and Ortony (1977) suggested that schemata serve as the script that guides a theatrical play, where schemata provide a knowledge basis for navigating expectations, behaviors, and making decisions in social contexts (Rumelhart, 1984). Schema theory has further specified that an individual's schemata is informed and shaped by an interplay of previous experiences and broader socialization processes, including factors like childhood and family-of-origin experiences, anecdotal knowledge, and occupational characteristics (Fiske & Linville, 1980; Taylor & Crocker, 1981).

Indeed, schema theory has proposed that these schemata operate as knowledge frameworks that inform broader perceptions about an event and can be translated to specific behaviors (Rumelhart, 1984; Rumelhart & Ortony, 1977; Taylor & Crocker, 1981). To that end, schema theory's applicability to understanding a criminal legal actor's perceptions and decision-making has important implications. Broadly, this body of research has demonstrated that criminal legal actors develop and rely upon their schemata about cases, offenders, and victims, to guide decisions (Carroll et al., 1982; Farrell et al., 2015; Finn & Stalans, 2002; Goodson et al., 2020; Goodson et al., 2021; Lurigio & Carroll, 1985; Lurigio & Stalans, 1990; Robinson, 2000; Ruby & Brigham, 1996; Stalans & Finn, 1995; Stalans & Lurigio, 1990; Venema, 2016; Watson et al., 2014). In one of the earliest applications of schema theory to decision-making, Lurigio and Carroll (1985) examined existing schemata about probationers among experienced probation officers as compared to novice probation officers in a Chicago Adult Probation

Department. Findings revealed differences in respective schemata, such that increasingly experienced probation officers reported richer, more complex schemata that categorized common types of probationers (e.g., gang members, career criminals, violent criminals, etc.) when compared to less experienced probation officers—suggesting that schemata about offender categories were refined with job tenure. Further, results from probation officer responses to hypothetical experimental vignette scenarios demonstrated that probation officers relied on schemata to make efficient case decisions regarding treatment recommendations—suggesting the substantial potential influence that schemata have on a host of criminal legal decisions and the long-lasting consequences that are attached to these decisions (Lurigio & Carroll, 1985).

Schema theory has also been applied to understand police perceptions and decision-making among a variety of policing contexts, such as responding to calls for service (CFS) characterized by mental illness, human trafficking, and domestic violence (Farrell et al., 2015; Finn & Stalans, 2002; Goodson et al., 2020, 2021; Robinson, 2000; Stalans & Finn, 1995; Venema, 2016; Watson et al., 2014). Generally, findings have demonstrated that police have developed schemata for different crime types based on their prior experiences in responding to CFS for those particular incidents, their academy socialization, and their exposure to specialized training. To that end, schemata have guided these officers' formal and informal decisions involving victims and suspects (Farrell et al., 2015; Finn & Stalans, 2002; Goodson et al., 2020; Goodson et al., 2021; Robinson, 2000; Stalans & Finn, 1995; Watson et al., 2014). Stalans and Finn (1995), for example, examined police officer schemata surrounding mental illness among a sample of police participants in Georgia to determine credibility and culpability attributions, in

addition to service referral decisions for victims in a hypothetical, experimental vignette scenario that described a domestic violence CFS. Results demonstrated that schemata surrounding mental illness guided officer perceptions and decisions, where participants attributed culpability toward the victim in the scenario who was described as mentally ill (e.g., experiencing hallucinations). Participants attributed decreased dangerousness toward the suspect in this scenario. Officer participants were also less likely to recommend a shelter referral to these victims compared to victims who were depicted without mental illness (Stalans & Finn, 1995). More recently, Goodson et al., (2021) examined victim, suspect, and case factors that influenced police officer decisions to involve a victim advocate in a domestic violence investigation using a sample of 368 domestic violence incidents reported to a large, urban police department. Victim and suspect relationship emerged as significant for police decision-making, such that cases involving married couples faced a decreased odds of advocate involvement when compared to cases involving intimate partners who were not married. Goodson and colleagues (2021) attributed this finding to existing schemata about the dynamics of domestic violence (e.g., Fleming & Franklin, 2020), where officers may have believed that married women would be unwilling to cooperate with police efforts due to stereotypes that have positioned all abused women as emotionally and financially dependent on their spouses and fearful of retaliation in the form of child custody, withholding alimony, and other forms of coercive control. Existing research has reiterated the significance of entrenched schemata surrounding gendered offenses among officers; studies have found it difficult to modify officer schemata surrounding victims,

offenders, and cases, despite changes in training, agency policies, and legislation (Farrell et al., 2015; Robinson, 2000; Stalans & Finn, 1995).

Schema theory has significant application for understanding police behaviors in sexual assault case processing. Extensive research has described how officers interpret sexual assault cases through a framework or embedded schemata that has been informed by broader social messages stemming from patriarchal gender socialization (Brownmiller, 1975; Burt, 1980; Koss et al., 1994; O'Neal, 2019; Schwendinger & Schwendinger, 1974; Sleath & Bull, 2017; Venema, 2016). In other words, gender socialization, from which police officers are not immune, has translated to somewhat rigid ideas surrounding what constitutes a “real rape” (Brownmiller, 1975; Burt, 1980; Estrich, 1987; Kahn et al., 2003; Frohmann, 1991; Johnson, 1997; O'Neal, 2019; Parrat & Pina, 2017; Schwendinger & Schwendinger, 1974; Stewart et al., 1996; Weis & Borges, 1973; L. Williams, 1984). These “real rape” schemata have often been intertwined with racialized schemata (Brownmiller, 1975, Collins, 2000; Crenshaw, 1989, 1990; Davis, 1981; Donovan & Williams, 2002; LaFree, 1980; Mendible, 2010; Spohn & Spears, 1996; Tellis & Spohn, 2008; Walsh, 1987, West, 1995). This has further complicated police response to sexual assault victims due to intersections of gender, race, and ethnicity. Accordingly, the following sections provide a nuanced theoretical discussion on how gender and racial schemata have been socially constructed, endorsed by police officers, and applied to police officer decision-making in sexual assault cases.

The Role of Gender and “Real Rape” Schemata

Cultural schemata surrounding the creation of the “real rape” framework provided the foundation for Estrich (1987, p. 29) to declare, “all women and all rapes are not

treated equally” by police officers and the criminal legal system. A discussion on the manifestation and pervasive nature of the “real rape” schemata and how this informs police decision-making, however, would be incomplete without first understanding and discussing the role of gender. Patriarchal societies have socially-constructed gender and have stratified individuals into a gendered hierarchy that has consequences for dictating how individuals navigate social norms.

Patriarchal Societies

Broadly, critical feminist theorists have proposed that Western patriarchal societies have been responsible for the social construction of gender and for ordering the manner in which males and females should behave (Barker & Scheele, 2016; Butler, 1989; Johnson, 1997; Lerner, 1986; Lorber, 1994, Tarvis, 1992). Johnson (1997, p. 15) defined patriarchal societies as complex, structural systems that are concerned with maintaining privilege by “being male-dominated, male-identified, and male-centered.” In patriarchal societies, for example, males have monopolized or significantly dominated positions of authority as evidenced through the considerable underrepresentation of women in governmental leadership, institutions of higher education, religious organizations, and other positions that command respect, authority, and prestige (Johnson, 1997)—including the criminal legal system (Belknap, 2001; Martin, 1982; Miller, 1999; Franklin, 2005; Lutze & Symons, 2003; Rafter, 1990). Patriarchal societies are characterized as male-identified when behaviors, ideas, and norms have been classified as desirable by the male standard (Johnson, 1997; Tarvis, 1992). In other words, qualities such as strength, leadership, decisiveness, rationality, assertiveness, independence, and courage have been traditionally associated with men and masculinity

(Johnson, 1997; Tarvis, 1992). In contrast, characteristics such as empathy, cooperation, mutuality, interdependence, emotionality (but not anger), and vulnerability have been relegated as subordinate and have been traditionally associated with the female identity, where these qualities have been devalued or perceived as less desirable when compared to male-identified attributes (Johnson, 1997; Tarvis, 1992). Additionally, a patriarchal society is male-centered in that it has focused attention on the human experience through a male lens (Johnson, 1997). Put differently, the experiences of males are portrayed and celebrated in news media, scientific research, among laws, and in medicine as the baseline by which all comparisons are made (Tarvis, 1992), while largely ignoring the female experience as unique, different, and “other” (Johnson, 1997). Taken together, the characteristics of a patriarchal society have created inherent hierarchal power differentials among males and females in terms of privilege, status, and worth (Johnson, 1997; Lerner, 1986; Lorber, 1994, Tarvis, 1992).

Gendered Norms

Critical feminist theorists not only argued that patriarchal societies were responsible for creating and maintaining gendered inequalities—indeed, because of the structure of patriarchal societies, they have also produced a binary system where sex has been conflated with gender (Barker & Scheele, 2016; Butler, 1989; Johnson, 1997; Lerner, 1986; Lorber, 1994). The term “sex” has traditionally referred to the identification of males and females based on biologically-determined criteria such as genitalia, chromosomes, and other genetic information (Barker & Scheele, 2016; Walsh, 2011; West & Zimmerman, 1987). In contrast, the term “gender” has historically referred to the actions, activities, demeanor, and behaviors interpreted as socially appropriate for

one's assigned sex at birth (West & Zimmerman, 1987). This is to say that patriarchal societies have imposed institutionalized norms, customs, and schemata dictating gendered behaviors for both males and females (Barker & Scheele, 2016; Johnson, 1997; Kilmartin, 2000; Lorber, 1994). West and Zimmerman (1987) termed this "doing gender," as "both an outcome of and a rationale for various social arrangements and as a means of legitimating one of the most fundamental divisions in our society" (p. 126). Simply put, doing gender is a requirement and a byproduct of patriarchal societies (West & Zimmerman, 1987).

Within patriarchal societies, accepted cultural schemata about a binary gender system has constructed gender role socialization where male and females "do gender" or perform those behaviors appropriate for male and female identities (Johnson, 1997; Kilmartin, 2000; Schilt & Westbrook, 2009; West & Zimmerman, 1987). In this regard, males are expected to engage in masculine behaviors. Kilmartin (2000) identified key notions of masculinity as centered around themes of status, achievement, power, dominance, aggressiveness, independence, risk-taking, a lack of emotion (with the exception of anger), and anti-femininity. The ideal man endorses these qualities as their gender role identity and in turn, these gendered schemata have been rendered normal, reinforced, and rewarded (Kilmartin, 2000; Tarvis, 1992). Women, in contrast, are expected to behave and act in ways that have been deemed appropriate for femininity (Johnson, 1997; Lorber, 1994, Tarvis, 1992). Characteristics have included passivity, nurturance, submissiveness, empathy, attachment to family, dependency, modesty, chastity, and timidity (Johnson, 1997; Lorber, 1994, Tarvis, 1992). Indeed, the performance of gender schemata is widespread in every realm, including individual

adherence, family structures, social customs, and institutional behavior (Johnson, 1997; Kilmartin, 2000; Lorber, 1994, Tarvis, 1992; West & Zimmerman, 1987). As a result, pervasive gendered schemata have created and maintained inflexible expectations surrounding the manner in which males and females navigate the public and private spheres (Barker & Scheele, 2016; Butler, 1989; Johnson, 1997; Kilmartin, 2000; Lorber, 1994, Tarvis, 1992; West & Zimmerman, 1987).

Consequences of Gendered Norms

Adherence to “appropriate” gender norms as required by patriarchal societies has been so extensive and inescapable that when an individual behaves “unconventionally” or in ways deemed inappropriate for their female or male identity, significant social consequences ensue in the form of informal and formal sanctions (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000; Tarvis, 1992). This gender norm deviation has been associated with threatening the broader power structure that must be maintained in patriarchal societies (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000). For this reason, engaging in non-conforming gendered behaviors has produced the chastising of individuals to regulate and preserve patriarchal gendered norms and schemata (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000; West & Zimmerman, 1987).

Traditionally, the subject of violence against women, including sexual assault, has been portrayed as a “women’s issue” with historical roots in the second wave of the feminist movement (Boston Women’s Health Book Collective, 1984; Dicker, 2008; Freedman, 2003; Katz, 2006). Given the association of violence against women with femininity, most men have refrained from a general interest in the prevention and

education of gender violence—simply because they are male (Freedman, 2003; but see Katz, 2006). When men deviate from gender schemata and speak out against this “woman’s issue,” they have been informally sanctioned (Katz, 2006; Kilmartin, 2000). For instance, men have reported experiencing challenges to their masculinity by other males; they have been called, “pussy,” “soft,” and “pussy-whipped” (Katz, 2006, p. 125). To use female genitalia and characteristics traditionally associated with femininity as derogatory has suggested that women, their behavior, and their bodies are less valued than men. These insults have implied that men who take an interest in violence against women are acting outside their gender role and are subordinate to men who maintain “appropriate” masculinity. Additionally, men have had their sexuality questioned and have been the recipients of sexualized slurs, including being called “gay” or “fag” by other males (Katz, 2006; Kilmartin, 2000). These slurs have positioned sexual minority men lower on the gender hierarchy because they are acting more like women than men. Informal sanctions are a repercussion of entrenched gendered schemata, where individuals have used a variety of tactics to regulate and punish gender non-compliant behaviors to uphold patriarchal values and the male/female value dichotomy (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000; West & Zimmerman, 1987).

While societies have been responsible for monitoring and preserving inappropriate gendered behavior, institutions have similarly sanctioned the deviation of gender for workers, offenders, and victims in the criminal legal system. This has maintained patriarchal values—through formalized repercussions. The profession of policing, for example, has been described as male-dominated (Martin, 1982; Franklin, 2005), with limited female representation as workers (Cordner & Cordner, 2011; Federal

Bureau of Investigation, 2013; Prenzler & Sinclair, 2013) and as police leaders (Schulz, 2003). To be sure, the institution of policing and the act of doing police work has been associated with masculinity and has embraced masculine ideals, like dangerousness, strength, courage, and crime fighting (Bayley, 1994) rather than conflict resolution, mediation, and community interaction (Miller, 1999). In other words, policing has historically been viewed as inappropriate for women as dictated by gender schemata. When women have sought employment as police officers, they have experienced discriminatory assignments (Miller, 1999), social exclusion from the organizational culture (Prokos & Padavic, 2002), the denigration of their abilities (Rabe-Hemp, 2008), and sexual harassment perpetrated by male colleagues (Shelley et al., 2011). This punishment and opposition of women officers (Franklin, 2005) has been understood as sanctions, in response to the infiltration of a gender non-conforming job where the presence of women has threatened the established gender hierarchy (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000; West & Zimmerman, 1987).

In a similar way, the criminal legal system has relied upon gendered schemata when punishing offenders who have engaged in crimes that do not align with their gender identity. Scientific evidence has illustrated the increased punitiveness afforded to girl offenders by the juvenile system when compared to similarly-situated boys. Put differently, sanctions have increased when girls depart from gender role expectations surrounding femininity (Belknap, 2001; Chesney-Lind, 2001; Chesney-Lind & Pasko, 2003; Chesney-Lind & Shelden, 2013; Kruttschnitt, 1982; Visher, 1983). Girl offenders are significantly more likely to be arrested or detained by police for status or minor property offenses, when compared to boys (Chesney-Lind & Shelden, 2013; Krohn et al.,

1983; McDonald & Chesney-Lind, 2001; Sealock & Simpson, 1998; Shelden, 2001; Tracy et al., 2009; Visher, 1983). This is to say that the juvenile system has sanctioned girls for violating traditional gender roles associated with femininity (e.g., “good girls stay at home; do not runaway; do not break curfew”). Likewise, adult female offenders have been punished harshly by the criminal legal system, particularly in terms of sentencing women who have engaged in masculine crimes or offenses that violate traditional gender norms (e.g., child abuse, filicide, homicide), or who have diverged from traditional femininity (e.g., do not have children or dependents, have engaged in drug use) (Ball & Bostaph, 2009; Belknap, 2001; Crew, 1991; Daly, 1987, 1989; Koon-Witts, 2002; Steffensmeier et al., 1993). Taken together, formal sanctions by the criminal legal system for workers and offenders who have failed to adhere to conventional gendered schemata have reiterated patriarchal values dictating the manner in which males and females should behave (Connell & Messerschmidt, 2005; Johnson, 1997; Kilmartin, 2000; West & Zimmerman, 1987).

The criminal legal system has also extended enforcement of gender schemata to crime victims (Brownmiller, 1975; Estrich, 1985; Johnson, 1997; O’Neal, 2019; Parrat & Pina, 2017; Schwendinger & Schwendinger, 1974; Sleath & Bull, 2017; Stewart et al., 1996; Venema, 2016). An understanding of gender schemata and behavioral expectations is particularly necessary to discern the treatment of sexual assault victims by police and other system actors. Critical feminist theorists have long contended that when female sexual assault victims engage in behaviors that are risky or “uncharacteristic” of heterosexual “womanhood” (Johnson, 1997), to include alcohol consumption, sexual expression or intimacy with multiple sex partners, frequenting bars alone, hitchhiking,

dressing provocatively, and staying out late—sexual assault victims have been chastised for violating “traditional” femininity (Brownmiller, 1975; Burt, 1980; Estrich, 1987; Schwendinger & Schwendinger, 1974; L. Williams, 1984). Police have treated these sexual assault victims with an implied distrust (Campbell et al., 2015; Morabito et al., 2019a; O’Neal, 2019), suggesting they are not “real victims” and these are not “real rapes” (Estrich, 1987).

Construction of The Real Rape Schemata

A developed program of research has described the creation of cultural schemata related to how a sexual assault “should” transpire (see Franklin, 2013 for a review). This has been defined by gendered societal expectations of men and women (Amir, 1967; Brownmiller, 1975; Burt, 1980; Du Mont et al., 2003; Estrich, 1987; Schwendinger & Schwendinger, 1974; Stewart et al., 1996; Weis & Borges, 1973; L. Williams, 1984). Put differently, certain victim characteristics and specific circumstances surrounding a sexual assault incident have been widely accepted as the “typical” features of a “normal” rape (Sudnow, 1965). Early work by Amir (1967, p. 493), for instance, assessed “victim-precipitated” forcible rapes reported to the Philadelphia police department. Amir (1967) suggested that victim-precipitated rapes were characteristically different from a “real” rape. Specifically, Amir (1967) noted that victim-precipitated rapes included what he described as “inappropriate” behaviors for women, to include victims who placed themselves in vulnerable situations (e.g., by drinking at a bar or party, accepting a ride from a stranger) or victims who had a reputation of engaging in prior consensual sex. He argued that these inappropriate behaviors, informed by stringent gender expectations, translated to sexual assault culpability—or as he described (1967, p. 502), “...leads us to

consider that the victim is perhaps also responsible for what happened to her.” Later scholars further delineated the widely accepted schemata surrounding the circumstances of how a rape should transpire and termed this, “the classic rape” situation (Weis & Borges, 1973; L. Williams, 1984). Williams (1984, p. 460) explicitly defined the features of a “classic rape” as involving, “a sudden violent attack by a stranger in a deserted, public place, after which the victim is expected to provide evidence of the attack and of her active resistance.” Only when rapes complied with these stereotypes and did not violate gendered expectations, would women be considered legitimate victims (Weis & Borges, 1973; L. Williams, 1984).

In a later influential study, Estrich (1987) explained the distrust of victims by the criminal legal system when women failed to meet gendered expectations surrounding, what she coined, a “real rape.” Estrich’s (1987) review of legal cases demonstrated two distinct definitions of rape: *aggravated* and *simple* rape. Aggravated rape cases encompassed specific characteristics, such as a stranger and/or multiple assailants, extrinsic violence resulting from force or the threat of a weapon, and victim resistance. Simple rape, she argued, has not included these aggravating factors. Instead, simple rape cases have involved a single suspect whom the victim knows (e.g., friend, acquaintance, date, intimate partner) that forces sexual intercourse without her consent but does so without the threat of violence or the use of weapons.

Estrich (1987) noted that the criminal legal system has largely accepted incidents of aggravated rape cases as “real rape,” while treating simple rape incidents with distrust, scrutiny, and seriousness. She theorized that this disparity could be explained by inherent gendered expectations of women victims. For example, “real rapes” have required victim

resistance. This means women must overtly and vigorously fight off sexual advances from men, reiterating social expectations of female chastity (Estrich, 1987; Johnson, 1997; Tarvis, 1992). It is not enough for a victim to say “no” verbally—she must *also* engage in active, physical resistance. This is coupled with legal expectations created by a male standard and applied to the experiences of women, such that a, “reasonable man” (Estrich, 1987, p. 65) was physically expected to confront an assault from a perpetrator, in line with anticipated masculinity. Similarly, instances of simple rape, where the victim and suspect have a prior relationship, have also been overcome with residue from gendered expectations. In cases where the victim and suspect are acquainted, for example, contributory behaviors or behaviors deemed unacceptable for women, like asking a male friend for a ride home or accepting a drink, have been interpreted as invitations for sexual access (Estrich, 1987). Taken together, these gendered schemata of how a “real rape” *should* occur have been the genesis for deciding who is deemed a “legitimate” and “real” victim by the criminal legal system (Amir, 1967; Brownmiller, 1975; Burt, 1980; Du Mont et al., 2003; Estrich, 1987; Frohmann, 1991; Grubb & Turner, 2012; O’Neal, 2019; Parrat & Pina, 2017; Schwendinger & Schwendinger, 1974; Sleath & Bull, 2017; Stewart et al., 1997; Weis & Borges, 1973; L. Williams, 1983).

Despite adherence to the “real rape” schemata and ideas surrounding “genuine” victimhood, there is a paradox. The vast majority of sexual assault incidents do not reflect this narrative. Multiple iterations of The National Intimate Partner and Sexual Violence Survey (NISVS, Black et al., 2011; Smith et al., 2017; Smith et al., 2018) have noted that most rape victims know their perpetrators. Recent data from the NISVS has demonstrated that 12% of rapes reported by female victims involved a stranger-perpetrator (Smith et

al., 2017; Smith et al., 2018). Intimate partners, acquaintances, and family members accounted for the bulk of rape assailants, contrary to schemata that most rapes are perpetrated by strangers (Brownmiller, 1975; Du Mont et al., 2003; Estrich, 1987; Weis & Borges, 1973; L. Williams, 1984). Moreover, nearly twenty years of data reported by the National Crime Victimization Survey (NCVS) revealed that more than 90% of sexual assaults involved a single perpetrator (Planty et al., 2013), diverging from schema that “real rape” involves multiple assailants (Brownmiller, 1975; Du Mont et al., 2003; Estrich, 1987). Related, NCVS data has also indicated that about 10% of rape and sexual assault incidents involved the use of a weapon, such as a firearm or knife (Planty et al., 2013; Sinozich & Langton, 2014). National data have clarified that most sexual assault and rape incidents do not occur with the threat of violence stemming from the perpetrator’s use of a weapon—again, a departure from “real rape” schemata (Brownmiller, 1975; Du Mont et al., 2003; Estrich, 1987; Weis & Borges, 1973; L. Williams, 1983). Even with considerable evidence that remarkably few sexual assault incidents meet “real rape” criteria (Black et al., 2011; Planty et al., 2013; Sinozich & Langton, 2014; Smith et al., 2017; Smith et al., 2018), the narrative of a “real” or “classic rape” has maintained its stronghold as a lens for how society interprets sexual assault victimization (Brownmiller, 1975; Burt, 1980; Du Mont et al., 2003; Estrich, 1987; Frohmann, 1991; Grubb & Turner, 2012; O’Neal, 2019; Schwendinger & Schwendinger, 1974; Stewart et al., 1997; Weis & Borges, 1973; L. Williams, 1984).

Rape Culture and Rape Myths

The etiology of how the criminal legal system generally, and police specifically, respond to sexual assault has been guided by schemata encompassing the characteristics

of a “real rape” that are embedded within gendered expectations surrounding how women should behave to be labeled a “genuine” victim (Amir, 1967; Brownmiller, 1975; Burt, 1980; Du Mont et al., 2003; Estrich, 1987; Frohmann, 1991; O’Neal, 2019; Schwendinger & Schwendinger, 1974; Stewart et al., 1997; Weis & Borges, 1973; L. Williams, 1984). Equally important to the discussion of the “real rape” schema is a societal ideology that cultivates other misguided and harmful beliefs about sexual assault—a “rape culture” (Herman, 1984 p. 45). Critical feminist scholars have argued the United States has fostered a hostile environment for sexual assault victims through the endorsement of problematic schemata and attitudes surrounding rape victimization—in other words, the U.S. is rape supportive (Buchwald et al., 1993; Brownmiller, 1975; Burt, 1980; Edwards et al., 2011; Gay, 2018; Griffin, 1971; Harding, 2015; Herman, 1984; Johnson & Johnson, 2021; Katz, 2006; Koss et al., 1994; Lonsway & Fitzgerald, 1994, 1995; Schwendinger & Schwendinger, 1974).

Burt (1980, p. 218) was the first to empirically define rape culture as a “pervasive ideology that effectively supports or excuses sexual assault.” Burt (1980) theorized a model of rape culture that proposed certain belief systems, such as sex role stereotyping, adversarial sexual beliefs, and acceptance of interpersonal violence, were conducive to endorsement of negative attitudes. Burt (1980, p. 217) was the first to term these negative “misguided beliefs about rape, rape victims, and rapists”—“rape myths.” Rape myths, she argued, included, “women who get raped while hitchhiking, get what they deserve,” and “when women go around braless or wearing short skirts and tight tops, they are just asking for trouble” (Burt, 1980, p. 223). Her test of this proposed model with a sample of nearly 600 Minnesota adult participants found that increased acceptance of traditional sex

roles, antagonistic sexual beliefs, and acceptance of interpersonal violence increased rape myth acceptance. Results from her groundbreaking study provided early evidence for a rape supportive culture in the U.S., where holding negative beliefs about rape victims was not the exception, but instead, widely accepted.

Since Burt's (1980) pioneering analysis on the endorsement of rape myths, a significant body of research has amassed and further refined the theoretical model of rape culture, categorized the common types of myths, and advanced psychometrically-valid measures for capturing rape myth acceptance (e.g., see Edwards et al., 2011; Johnson & Johnson, 2021; Koss et al., 1994; Lonsway & Fitzgerald, 1994, 1995; McMahon & Farmer, 2011; Payne et al., 1999; Ryan, 2011; Suarez & Gadalla, 2010; Turchik & Edwards, 2012). Lonsway and Fitzgerald (1994, p. 133), for instance, defined rape myths as, "attitudes and generally false beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women." In a later study, Lonsway and Fitzgerald (1995) revisited Burt's (1980) model and made two important theoretical developments. Specifically, findings from Lonsway and Fitzgerald's (1995) examination of rape culture among a sample of college students demonstrated that other cultural characteristics, including endorsement of hostile attitudes towards women and acceptance of misogyny, were important attitudinal components that predicted rape supportive beliefs (Lonsway & Fitzgerald, 1995). Since then, theoretical components that perpetuate and maintain rape culture have been validated in subsequent empirical studies and have included: 1) traditional gender roles, 2) sexism/misogyny, 3) adversarial sexual beliefs, 4) hostility towards women, and 5) acceptance of violence (Buchwald et al., 1993; Johnson & Johnson, 2021).

Research has also identified and categorized common rape myths that are the byproduct of a rape-supportive culture. Koss and colleagues (1994) classified these rape myths into three broad subtypes: 1) victim masochism, 2) victim precipitation, and 3) victim fabrication (Koss et al., 1994). Victim masochism has comprised myths that center on the misguided belief that victims derive pleasure and gratification from sexual violence. Examples of these myths have included the false ideas that, “women enjoy rape” and “women secretly desire or fantasize about rough sex” (Burt, 1980; Brownmiller, 1975; Edwards et al., 2011; Johnson et al., 1997; Koss et al., 1994; Lonsway & Fitzgerald, 1994, 1995; McMahon & Farmer, 2011; Payne et al., 1999; Schwendinger & Schwendinger, 1974). Victim precipitation myths have focused on the misbelief that victims are responsible for initiating and/or provoking their own victimization. These myths have included, “women ask for it,” “women deserve to be raped,” and “only certain types of women/in certain kinds of families are raped” (Burt, 1980; Brownmiller, 1975; Edwards et al., 2011; Johnson et al., 1997; Koss et al., 1994; Lonsway & Fitzgerald, 1994, 1995; McMahon & Farmer, 2011; Payne et al., 1999; Schwendinger & Schwendinger, 1974). Finally, victim fabrication has comprised myths related to the falsification or exaggeration of rape victimization. Examples of these myths include, “women frequently lie about being raped,” “false rape reports are common,” “rape is not really harmful if there were no bruises or she wasn’t a virgin,” and “rapists are very unusual or deviant” (Burt, 1980; Brownmiller, 1975; Edwards et al., 2011; Johnson et al., 1997; Koss et al., 1994; Lonsway & Fitzgerald, 1994, 1995; McMahon & Farmer, 2011; Payne et al., 1999; Schwendinger & Schwendinger, 1974). Collectively, rape mythology has functioned as interrelated schemata, like the construction of “real

rape,” where rape myth acceptance creates a climate that tolerates rape, absolves perpetrators of culpability, and legitimizes the victimization experiences of only *certain* victims.

Existing evidence on rape myth acceptance has demonstrated that adherence to misinformation surrounding rape occurs across a range of population samples. Results from studies with varying participants, including community samples, international populations, university students, military personnel, and justice-involved individuals have documented problematic attitudes concerning rape (Anderson et al., 1997; Barn & Powers, 2021; Burt, 1980; Carroll et al., 2016; Edwards et al., 2011; Grubb & Turner, 2012; Heath et al., 2013; Kim & Santiago, 2020; McMahon, 2010; Navarro & Tewksbury, 2017; Struckman-Johnson & Struckman-Johnson, 1992; Suarez & Gadalla, 2010). This research has also identified individual factors that account for variation in rape myth acceptance with generally consistent findings across empirical studies. An individual’s sex, for example, has frequently been cited as an important demographic correlate of rape myth acceptance—where men have endorsed higher levels of rape myths compared to women (Anderson et al., 1997; Barn & Powers, 2021; Burt, 1980; Carroll et al., 2016; Edwards et al., 2011; Grubb & Turner, 2012; Johnson et al., 1997; Lonsway & Fitzgerald, 1995; McMahon, 2010; Suarez & Gadalla, 2010). A meta-analysis of 37 studies representing more than 11,000 individuals, for instance, identified sex as having the strongest effect size in relation to rape myth acceptance, with males endorsing increased levels of rape mythology compared to female counterparts (Suarez & Gadalla, 2010). Suarez and Gadalla’s (2010) meta-analysis also confirmed previous rape culture models, such that large overall effect sizes and a positive relation were reported

between individual attitudes related to gender and sexuality, and increased rape myth acceptance. Attitude constructs such as hostility toward women, sexism, and acceptance of violence, were among those with the strongest effect sizes related to increased rape myth endorsement. Research has also demonstrated that increased levels of education (Burt, 1980; Lonsway & Fitzgerald, 1994; McMahon, 2010; Suarez & Gadalla, 2010; Vonderhaar & Carmody, 2015) and personally knowing a rape victim (Anderson et al., 1997; McMahon, 2010; Navarro & Tewksbury, 2017; Suarez & Gadalla, 2010; Talbot et al., 2010) have decreased rape myth endorsement. Undoubtedly, widespread acceptance of rape myths, as a type of cognitive schema (Grubb & Turner, 2012), have worked in conjunction with the “real rape” narrative to inform broader perceptions of sexual assault victims.

Police Officers and Rape Myths

U.S. culture has been identified as “rape supportive” due to the collective acceptance of the “real rape” and rape mythology schemata (Buchwald et al., 1993; Brownmiller, 1975; Burt, 1980; Gay, 2018; Griffin, 1971; Harding, 2015; Herman, 1984; Johnson & Johnson, 2021). Conceivably, these schemata have also permeated the criminal legal system—specifically, they have served as knowledge frameworks from which police draw upon to inform their perceptions of victims and the subsequent decisions they make regarding sexual assault cases (O’Neal, 2019; Parrat & Pina, 2017; Sleath & Bull, 2017). A large body of criminological and victimological research has been concerned with the assessment of these rape-related attitudes as endorsed by police officers. This research has provided evidence of police adherence to “real rape” and rape myth schemata (Barrett & Hamilton-Giachritsis, 2013; Brown & King, 1998; Campbell

& Johnson, 1997; Feild, 1978; Feldman-Summers & Palmer, 1980; Garza & Franklin, 2021; Goodman-Delahunty & Graham, 2011; Gottesman, 1977; LeDoux & Hazelwood, 1985; Lee et al., 2012; Mennicke et al., 2014; Murphy & Hine, 2019; O’Neal, 2019; Page, 2007, 2010; Parrat & Pina, 2017; Rich & Seffrin, 2012; Shaw et al., 2017; Sleath & Bull, 2012, 2015, 2017; Venema, 2019; Wentz & Archbold, 2012).

Broadly, studies that have employed quantitative surveys to examine police endorsement of rape myths across various jurisdictions have noted low-to-medium levels of myth adherence (Garza & Franklin, 2021; Mennicke et al., 2014; Murphy & Hine, 2019; Page, 2007, 2010; Sleath & Bull, 2012, 2017; Venema, 2019). Most recently, Garza and Franklin (2021) assessed rape myth acceptance among more than 500 police officers at a sizeable, urban police department in one of the fifth largest U.S. cities. Their findings reiterated existing research, such that officer rape myth endorsement levels fell below the scale midpoint (Garza & Franklin, 2021). Scholars have cautioned that studies measuring rape myth endorsement among police using surveys may be capturing social desirability bias, therefore low levels of myth endorsement are a conservative estimate (Garza & Franklin, 2021; Mennicke et al., 2014; Singleton & Straits, 2010; Sleath & Bull, 2017; Venema, 2019). Importantly, this research has also noted that rape myth adherence among officers is conditioned by a host of individual and occupational factors—in other words, officers’ misconceptions surrounding rape are not a monolithic phenomenon. Male officers, for example, have endorsed higher levels of rape myths as compared to female officers, reflecting broader patterns in the social acceptance of rape myths (Garza & Franklin, 2021; Murphy & Hine, 2019; Page, 2007, 2010; Rich & Seffrin, 2012, 2013; Sleath & Bull, 2012, 2015). In terms of attitudes, officers who

believed in traditional sex roles, held hostile feelings towards women, and had higher levels of impulsivity reported increased rape myth acceptance, compared to counterparts (Garza & Franklin, 2021; Lee et al., 2012; Murphy & Hine, 2019; Page, 2007). Officers with higher educational attainment, more years of job experience, and increased exposure to specialized training reported decreased levels of rape myth acceptance compared to counterparts (Campbell et al., 2020; Garza & Franklin, 2021; Murphy & Hine, 2019; Page, 2007; Rich & Seffrin, 2012, 2013; Sleath & Bull, 2012, 2017; Smith et al., 2016).

Capturing rape myth acceptance by police in quantitative surveys has been valuable for contextualizing the range of these beliefs, however officer endorsement of rape culture and rape myth schemata has also manifested in more covert behaviors. Interviews with police and qualitative survey responses have revealed that officers agree with myths, specifically those associated with subtype, “victim fabrication” (Barrett & Hamilton-Giachritsis, 2013; Mennicke et al., 2014; Wentz & Archbold, 2012). Wentz and Archbold (2012, p. 35), for example, noted over one-third of a sample of 100 officers from a Midwestern police department described problematic views about rape victims such as questioning if all sexual assault reports were credible and being, “surprised at how many people cry wolf to save face.” Related, Shaw and colleagues (2017) qualitatively examined 248 police case files from a large, Midwestern police department and found evidence of rape mythology in report writing. Findings revealed three types of codes that captured police statements reflecting rape myths, including circumstantial statements, characterological statements, and investigatory blame statements. The subcode “victim is lying,” was grouped under characterological statements and reflected police myths surrounding victim fabrication and false reports. Overall, Shaw et al.’s

(2017) results demonstrated that the rape myths documented in the sample of case files were used as justification for case attrition in police investigations.

Taken together, existing research has revealed the police officers are influenced by social schemata surrounding “real rape” and rape mythology. Within the broader context of police behaviors in sexual assault case processing, however, adherence to these schemata is concerning and the reasons are twofold. First, police misconceptions have had direct implications on sexual assault victims and their subsequent engagement with investigative efforts, given that police are typically the first form of contact a victim has with the criminal legal system when they activate the system by formal disclosure (Kerstetter, 1990; LaFree, 1981). Second, police are in a unique position to influence sexual assault case outcomes by determining which victims are labeled “credible” (Morabito et al., 2019b; O’Neal, 2019; Spohn & Tellis, 2012, 2014). In other words, police endorsement of “real rape” and rape myths have increased case attrition in these two capacities by either compelling victims to discontinue participation and/or by deciding that only particular cases with certain victims are worthy of intervention. Regardless, both avenues have produced sexual assault case attrition at the police stage (Alderden & Ullman, 2012a; Frazier & Haney, 1996; Horney & Spohn, 1996; LaFree, 1981; Pattavina et al., 2016, 2021; Spohn & Tellis, 2012, 2014; Wentz, 2020).

First, police who have relied on these misguided beliefs have distrusted, shamed, and blamed victims when their victimization has not met ideal “real rape” and rape myth standards (Campbell, 2008; Campbell et al., 2001; Lorenz et al., 2019; Martin, 2005; Martin & Powell, 1994; Monroe et al., 2005; Ullman, 2010; Wolitzky-Taylor et al., 2011a). More than half of sexual assault victims have described their experiences with

police as negative and have interpreted these interactions as insensitive (Campbell et al., 2001; Filipas & Ullman, 2001; Lorenz et al., 2019; Monroe et al., 2001; Patterson, 2011). Officers have questioned victim dress and behavior during the attack (Campbell & Raja, 2005; Logan et al., 2005; Sleath & Bull, 2012), probed about prior sexual histories (Campbell, 2005; Campbell & Raja, 2005), and have had expectations that “real” victims demonstrate emotional distress and a linear recollection of events (Campbell, 2005; Franklin et al., 2020; Maddox et al., 2012). Collectively, these expectations have reflected rape-related schemata where “genuine” victims should: 1) dress and act conservatively (e.g., not drinking prior to the assault), 2) exhibit chaste and virtuous behavior, and 3) cry and present with behavioral displays of emotion and hysteria—all of which are related to gendered expectations of femininity (Franklin, 2013; Johnson, 1997). Taken a step further, the negative response by police specifically, and the criminal legal system more generally, has translated to “the second assault” (Martin & Powell, 1994; Williams & Holmes, 1981), the “second rape” (Madigan & Gamble, 1991), and/or “secondary victimization” (Campbell & Raja, 1999; J. Williams, 1984). When victims are met with negative response by police, they often discontinue participation in the investigative process (Kaiser et al., 2017; Logan et al., 2005; O’Neal, 2017; Patterson, 2011; Patterson & Campbell, 2010). Stated differently, secondary victimization, stemming from police adherence to “real rape” and rape mythology schemata, has diminished victim cooperation with the criminal legal system, and exacerbated case attrition (Maddox et al., 2011, 2012; Patterson, 2011).

Second, police endorsement of “real rape” and rape mythology schemata have informed determinations of victim credibility (Bostaph et al., 2021; Campbell et al.,

2015; Goodman-Delahunty & Graham, 2011; O’Neal, 2019; Spohn & Tellis, 2014; Venema, 2019). Officers have scrutinized the legitimacy of sexual assault when victims have “questionable” moral character, including criminal history, mental health/substance abuse issues, and disclosure of prostitution involvement (Beichner & Spohn, 2012; Jordan, 2004; Tasca et al., 2013). Attributions of victim credibility are compounded by certain victim behaviors interpreted by police as “risky” and uncharacteristic of women, such as hitchhiking, intoxication, and being out alone (Beichner & Spohn, 2012; Morabito et al., 2019a; Schuller & Stewart, 2000; Spears & Spohn, 1997). O’Neal (2019), for example, assessed 400 case files from the Los Angeles police department and found evidence of “real rape” characteristics that influenced credibility determinations, where officers questioned a victim’s credibility when the incident did not involve a physical assault and a traditional weapon, like a gun or knife (O’Neal, 2019). “Real rape” and rape mythology schemata have had a significant influence in decisions made by police officers in terms of which victims are credible. Adherence to these schemata as a guidance for credibility determinations have significant consequences for case progression that cannot be understated. Morabito and colleagues (2019a) underscored these credibility challenges and reiterated “real rape” and rape mythology schemata as producing a “piling up effect,” where officers have been less likely to dispose of these cases through arrest (Campbell et al., 2015; O’Neal, 2019; Tasca et al., 2013). Collectively, when police rely on misguided schemata, like the “real rape” and rape mythology frameworks to inform their perceptions of sexual assault victims, they have fulfilled Estrich’s (1987, p. 29) earlier declaration that, “all women and all rapes are not

treated equally,” because victims who fail to meet inflexible expectations of these schemata are denied justice and full protection by the criminal legal system.

The Politics of Rape, Race, and Ethnicity

The “real rape” and rape mythology schemata have provided a valuable lens for understanding police behaviors and decisions in sexual assault case processing. A discussion about sexual assault victims and the criminal legal system, however, would be incomplete without critical dialogue surrounding race and ethnicity and how these factors have been deeply intertwined with notions of “real rape” and rape myth schemata to further determine who is labeled a legitimate victim by the criminal legal system (Brownmiller, 1975, Crenshaw, 1989, 1990; Freedman, 2013; LaFree, 1980; McGuire, 2010; Spohn & Spears, 1996; Tellis & Spohn, 2008; Walsh, 1987). Indeed, “real rape” and rape myth schemata have often been entangled with racialized schemata to complicate police response to sexual assault. This has been the result of intersections of gender, race, and ethnicity (Collins, 2000; Crenshaw, 1989; 1990; Davis, 1981; Freedman, 2013; Mendible, 2010; West, 1995). As noted by Schwendinger and Schwendinger (1974, p. 23), “it’s important to view rape and rape justice in a[n] historical context,” with attention to the politics of rape, race, and ethnicity. Accordingly, the following sections present the historical context of rape and how intersections of race and ethnicity have been traditionally sidelined from progress, theorizing, and a general understanding of how these identities have influenced the criminal legal response to sexual assault victims. This section also provides evidence of how larger social contexts, like slavery, racism, and colonialism, have been responsible for shaping socially-constructed schemata or tropes for Black and Latina victims, specifically. Accordingly,

this section establishes theoretical linkages between how these gendered and racialized schemata have been produced, endorsed by the criminal legal system, and have informed perceptions and decisions relevant for sexual assault case processing.

Situating Rape from a Critical Race Theory Lens

Historically, the civil rights movement and the second wave of the feminist movement, as organized forms of consciousness-raising, were political antecedents that set the backdrop for increased attention to rape victimization (Dicker, 2008; Freedman, 2003, 2013; Hudson, 1983; McGuire, 2010; Viano, 1987). The genesis of the civil rights movement was concerned with ending discrimination and the segregation of Black Americans in terms of educational opportunities, housing rights, employment opportunities, and other overt forms of discrimination (Leigh, 1991; Massey & Denton, 1993; McGuire, 2010; Ortiz, 2018)—including mistreatment toward Black victims of crime and disparate treatment of Black offenders in the criminal legal system (Alexander, 2010; Hinton & Cook, 2020; McGuire, 2010). At the same time, the second wave of the feminist movement advanced a host of issues related to gender equity, such as unequal wages, employment opportunities, abortion rights, and the issue of violence against women (Dicker, 2008, Freedman, 2008). Indeed, the co-occurrence of movements enabled orthodox, White feminists to draw from and learn strategies for organizing that had been developed by critical Black feminists and leaders of the civil rights movement (Lorde, 1984b; Moraga & Anzaldúa, 1984; Taylor, 1998; Truth, 1851). Taken a step further, second wave, White feminists intentionally co-opted these strategies and positioned gender as the greatest form of oppression (Freedman, 2003; Kendall, 2020; Lorde, 1984b; Moraga & Anzaldúa, 1984; Taylor, 1998; Truth, 1851). Lorde (1984b, p.

116), for example, described how the second wave of the feminist movement ignored other substantive differences, such as race, ethnicity, class, sexuality, and age and stated, “[t]here is a pretense to a homogeneity of experience...that does not in fact exist.” Put differently, the women’s movement was characterized by conflict and tension between Women of Color and White women due to White women’s deliberate exclusion of other identities and the frustration experienced by Women of Color in being forced to align with either their gender or their race and ethnicity (Freedman, 2003; Moraga & Anzaldúa, 1984).

Undoubtedly, the second wave of the feminist movement is credited for progress surrounding rape victimization. This included, for example, the acknowledgment of rape as an endemic issue across the country, recognition that the definition of rape included assaults perpetrated by acquaintances and husbands, the creation of the first rape crisis centers, enactment of federal and state legislation, and the passing of rape law reform (Dicker, 2008; Freedman, 2003; Maier, 2008a). It is important to note, however, that because efforts to advance progress, theorize, and improve institutional responses to rape stemmed from the second wave of the feminist movement, this narrative reflected the rape victimization experiences of predominantly White, upper-to-middle class, heterosexual women (Crenshaw, 1989, 1990; Freedman, 2003, 2013). As a result, the victimization experiences of rape victims with multiple intersecting identities, such as gender, race, ethnicity, class, sexuality, and nationality (to name a few), were overlooked and disregarded, despite the assumption of generalizability to *all* rape victims. Susan Brownmiller (1975), a revered radical feminist theorist whose groundbreaking book, “*Against Our Will*” changed dialogue about rape, was also responsible for perpetuating

stereotypical myths that villainized Black rapists and upheld notions of female chastity as exclusive to White women. Brownmiller (1975, p. 210) noted, “[n]o single event ticks off America’s political schizophrenia with greater certainty than the case of a black man accused of raping a white woman.” Brownmiller (1975) likened the rape of women to the lynching and murder of Black men—demonstrating superficial dialogue on issues of rape, race, and ethnicity and again, positioning sex above other forms of structural oppression. Other respected feminist theorists, like Estrich (1987), simply ignored issues of race and ethnicity in conversation with the “real rape” theoretical framework. Echoing mainstream, White feminism, Estrich (1987, p. 6) noted, “it is impossible to write about rape without addressing racism, and I do...my primary focus is how the law has understood and punished women as women.” Undoubtedly, it is fundamentally important to acknowledge that theorizing, progress, and research on the legal response to sexual assault victims from an orthodox, second wave, White feminist perspective fails to account for the social realities of *all* rape victims. As a response, critical race theorists and like-minded scholars have rejected these traditional feminist standpoints and called for critical frameworks that place discussion of race, racism, and power at the forefront of social issues (Collins, 1990; Crenshaw, 1989, 1990; Crenshaw et al., 1995; Garza, 2021; Moraga & Anzaldúa, 1984; Potter, 2006, 2015), including sexual assault.⁷

⁷ In this context, the term “power” refers to broader arrangement of “structural privilege and structural oppression—in which some groups experience unearned advantages—because various systems have been designed by people like them and work for people like them.” (see D’Ignazio & Klein, 2020, p. 24).

Critical Race Theory

A critical race theory (CRT) framework has been employed to situate the ways race, ethnicity, racism, and racist myths or schemata about the sexuality of Women of Color have influenced and undermined the experiences of Black and Latina sexual assault victims within the criminal legal system. CRT is as a critical epistemology, standpoint, and a philosophy that has provided a lens from which to question, criticize, and challenge racial hierarchies. Specifically, CRT interrogates how racial hierarchies have been created, maintained, and formalized in laws, institutions (like the criminal legal system), and U.S. society, more generally (Bell, 1995; Delgado & Stefanic, 1993; Crenshaw et al., 1995; Matsuda, 1991). To be sure, CRT is larger body of legal scholarship that developed as a political and academic movement in the 1970s. This movement was the result of willful exclusion and oppression by the broader, mainstream legal academy of scholars who were fundamentally concerned with the role of race and the law, and who also expressed dissatisfaction surrounding the role of race in legal discourse (Bell, 1995; Crenshaw et al., 1995; Delgado & Stefanic, 1993; Matsuda, 1991).⁸ Not only has the CRT perspective been grounded in deconstructing the role of racial ideologies in U.S. jurisprudence and society, but CRT has also been committed to resistance, liberation, and social justice as a means of change (Crenshaw et al., 1995; Matsuda, 1991; Yosso, 2002). Of note, there has been no single CRT method. CRT founders have distinguished that while “there is no canonical set of doctrines or methodologies to which we all subscribe” (Crenshaw et al., 1995, p. xiii; see also Bell, 1995), the CRT framework can best be

⁸ Most CRT theorists/legal scholars at the time of the development of the movement identified as People of Color. Derrick Bell, Richard Delgado, Charles Lawrence, Mari Matsuda, Patricia Williams, and Kimberlé Crenshaw have been recognized as CRT founders (see Bell, 1995).

distinguished by some foundational tenets that are fluid, yet articulate common elements (Crenshaw et al., 1995; Delgado & Stefanic, 2001; Solórzano & Yosso, 2001):

1. Race is a socially-constructed concept that stratifies and subordinates some groups to the benefit of other groups (Bell, 1995; Blumer, 1958; Crenshaw et al., 1995; Delgado & Stefanic, 1993, 2001).

2. The experience of racism has been an endemic and ordinary feature of U.S. culture for People of Color (Bell, 1995; Crenshaw et al., 1995; Delgado & Stefanic, 1993, 2001; Ladson-Billings, 2013; Solorzano et al., 2000).

3. CRT has recognized interest convergence theory—the idea that White people will tolerate racial progress to the extent that they also benefit (Bell, 1980, 1995; Crenshaw et al., 1995; Delgado & Stefanic, 1993, 2001). Bell (1980, p. 523) described this phenomenon as the way “the interests of [B]lacks in achieving racial equality will be accommodated only when it converges with the interests of [W]hites.” This belief that White people have been the actual beneficiaries of civil rights legislation and progress has been demonstrated through policies like affirmative action and *Brown v. Board of Education*. For example, national and state labor data have indicated that, while increased job advances have been noted for People of Color, White women have disproportionately been the primary beneficiaries of affirmative action policies (Crenshaw, 2006; Wise, 1998). Likewise, the *Brown* decision gained support among rural, White southerners after the realization that desegregation would prove profitable to further industrialize the south. (Bell, 1980).

4. CRT has been rooted in experiential knowledge, counter-narratives, storytelling, anecdotes, and familial histories as important means to access stored group

knowledge (Bernal, 2002; Delgado & Stefanic, 1993, 2001; Solorzano & Yosso, 2001). The value placed on lived experiences as forms of legitimate knowledge has challenged orthodox ideas of the scientific enterprise because knowledge production is inherently political. Further, lived experiences have historically been excluded due to a lack “objectivity.” CRT founders (Crenshaw et al., 1995, p. xiii) pronounced, “scholarship about race in America can never be written from a distance of detachment or with an attitude of objectivity.”

5. CRT has explicitly rejected colorblindness or race-neutral jurisprudence and institutional policies (Crenshaw et al., 1995). CRT founders argued that colorblind policies and laws are disguised as tactical strategies to disenfranchise minoritized groups⁹ and maintain racial hierarchies (Crenshaw et al., 1995; Delgado & Stefanic, 1993, 2001; Matsuda, 1991).

CRT has provided a foundational theoretical framework to situate social issues, with a focus on race, racism, and power. Another important feature of CRT is its fluidity, reflexivity, and open positioning for theoretical expansion and growth (Solorzano & Yosso, 2001). In this regard, CRT has welcomed criticism in the form of recognized and unrecognized familial branches or offshoots. This has included, for example, critical offshoots like Black feminist thought, LatCrit (e.g., a combination of the words “Latinas/os” and “critical”), AsianCrit, TribalCrit, and QueerCrit, just to name a few. These theoretical expansions are rooted in CRT origins and tenets but move toward the

⁹ The term “minoritized” has been used to refer to “groups of people who are positioned in opposition to a more powerful social group” (see, D’Ignazio & Klein, 2020, p. 26). The term minoritized more actively conveys that a social group is devalued by the dominant group in terms of power, status, and worth as compared to the term “minority” that indicates a smaller quantity of people.

improved inclusion of discourse related to the intersection of race and other social structures, such as gender, ethnicity, sexuality, and class (Solorzano & Yosso, 2001).

Black Feminist Thought

Black feminist thought (BFT), as an extension of CRT, has been useful for contextualizing the rape victimization of Black victims and the legal response (Crenshaw, 1989, 1990). BFT has been critical of CRT perspectives that have centered solely on race as the single axis of oppression (Crenshaw et al., 1995). Patricia Hill Collins (1989) first articulated the construction of Black feminist thought and contended that Black women hold a unique standpoint, given that they experience a convergence of both racialized *and* gendered oppression. The reality of Black rape victims is shaped by both their femaleness and their Blackness because they exist under multiple systems of oppression, such as colonialism, slavery, racism, and patriarchy (Crenshaw, 1989, 1990; Collins, 1989). Collins (1990, p. 555) later delineated that those multiple systems of oppression have been organized under what she termed, the “matrix of domination,” where four domains have dictated power relations in society. The four domains have included the interpersonal, the hegemonic, the structural, and the disciplinary (Collins, 1990). The interpersonal domain is the experience of oppression at the individual level and has been perpetuated by others, like instances of rape or domestic violence against Black women. The hegemonic domain has emphasized the creation of oppression through cultural ideologies, beliefs (e.g., schemata), and manipulated imagery perpetuated through media about Black women, such as the Jezebel or welfare queen tropes (Collins, 1990). The structural domain has referred to oppression that is maintained by larger social institutions, like governmental agencies, schools, churches, and other organizations that

further subordinate Black women (e.g., redlining) (Collins, 1990). Lastly, the disciplinary domain has been described as the domain that implements oppression through institutionalized social policies and rules (Collins, 1990). The continuance of voting laws that required literacy tests and residency requirements even after passage of the Nineteenth Amendment—restrictions that predominantly affected groups like Black women, are an example of the disciplinary domain (D’Ignazio & Klein, 2020). Perhaps most important, Collins (1990) rejected the idea that oppression is *additive*; rather she argued that oppression experienced by Black women from these different matrices is *intertwined*.

From the same origins of BFT, Crenshaw (1989, 1990) offered parallel sentiments in her development of “intersectionality.” Historically, she argued, the law contributed to the erasure of Black women by dichotomizing the experiences of race and gender as mutually exclusive (Crenshaw, 1989). In response to this single-axis perspective, Crenshaw (1989, p. 140) illustrated how Black women were excluded from legal remedies to address race and sex discrimination because they were “multiply-burdened” by both identities. She called for a multi-dimensional or intersectional approach that considered how various identities, such as sex, race, ethnicity, and class, converged to shape inequality. Crenshaw (1990) later argued that a lack of intersectionality in anti-rape policies translated to inadequate institutional responses for Black victims and other victims of Color. Crenshaw (1990) noted that rape reform law was narrowly shaped by gender oppression. This produced legal reform that failed to address barriers unique for Black victims in anti-rape legislation, such as internalized and cultural ideas about Black women’s sexuality related to Jezebel tropes. Crenshaw (1990) concluded that an

intersectional framework was necessary to appropriately address legal responses to rape victims who have existed under multiple, intertwining axes of oppression.

Contextualizing the Rape Victimization of Black Women: History and Racial Schemata

The legal response to Black sexual assault victims has been intrinsically linked to the historical politics of rape that have shaped institutional perceptions and treatment of Black victims. For much of American history, Black women were considered “un-rapeable,” meaning that it was not a crime to rape a Black woman (Davis, 1981; Freedman, 2013; McGuire, 2010; Pokorak, 2006). The sexual exploitation of Black women, for instance, began in early colonial America with the enslavement of Africans and the Atlantic slave trade that transformed Black women to chattel property and made them vulnerable to rape during transportation (Broussard, 2013; Davis, 1981; Freedman, 2013). Once enslaved in colonial America, Black women continued to be raped with impunity by White slaver owners who held property rights and bodily agency over them, exempting their rape as a crime because enslaved Black women were legally viewed as the property of White slave owners (Broussard, 2013; Davis, 1981; Freedman, 2013). The rape of enslaved Black women was also economically incentivized for slave owners as a mechanism of forcibly breeding enslaved children following impregnation (Donovan & Williams, 2002; Freedman, 2013; Pokorak, 2006).

The denigration of Black women as rape victims permeated through Emancipation and the Reconstruction era (Broussard, 2013; Freedman, 2013). Rape was transformed as an instrument of social control during Emancipation to enact fear and limit social and educational mobility among newly-freed Black men and women

(Freedman, 2013; McGuire, 2010). For instance, freed Black women were frequently targeted and gang raped by the Ku Klux Klan—which first came into existence following Emancipation as a way to re-exert the status quo because White men’s status and power were threatened. Freed Black women also remained vulnerable to rape in the work sphere across occupations like domestic workers or servants in White households (Broussard, 2013; Davis, 1981; Freedman, 2013). Rape as social control was coupled with the enactment of Jim Crow era legislation or “Black codes” that presented obstacles for Black victims seeking legal redress against the prosecution of White rapists (Broussard, 2013; Freedman, 2013). Stated differently, Black women who were victimized were denied full protection under the law because of Jim Crow-era legislation (Broussard, 2013; Freedman, 2013). Black women also endured intra-racial rape perpetrated by Black men, and often remained silent to preserve the safety of already-targeted, freed Black men in the name of racial solidarity (Broussard, 2013; Davis, 1981; Freedman, 2013; Wyatt, 1992). In this way, Black women victims actively sacrificed their bodily autonomy and sexual safety to protect the well-being of Black rapists. At the same time, racial threat perceived by White men also led to the use of lynching as a political tool to target Black men accused of raping White women (Davis, 1981; Freedman, 2013).

The historical context surrounding the rape of Black women has contributed to the creation and durability of long-held, cultural schemata or, as Donovan and Williams (2002, p. 97) described, “the belief that Black women remain un-rape-able.” This racialized rape myth or schema has been identified as the “Jezebel” stereotype and has portrayed Black women as inherently promiscuous, sexually available and enticing, continuously consenting, and immoral (Collins, 2000; Davis, 1981; Donovan &

Williams, 2002; Freedman, 2013; West, 1995; 2004). Undoubtedly, this racialized trope is residue from the historical mistreatment and sexual exploitation of Black women—beginning with enslaved Black women’s inability to resist rape from White slave owners to Ku Klux Klan-perpetrated assaults targeting Black women as “disreputable prostitutes” (Freedman, 2013, p. 76). Freedman (2013, p. 19) noted that this Jezebel myth was so deeply entrenched in U.S. culture that, “all women of their race had been marked by the sexual availability of slaves.” The Jezebel rape stereotype was strengthened because it was coupled with the fictionalized Black male rapist imagery that developed following Emancipation (Davis, 1981; Freedman, 2013). Indeed, Black men were portrayed as having “animal-like sexual urges” (Davis, 1981, p. 42) and were positioned as a threat to the chastity of all White women (Freedman, 2013; McGuire, 2010). Collectively, the racialized schemata of Black men and women depicted an entire race as sexual beasts and negated the possibility that freed Black men and women could exercise citizenship rights (Davis, 1981; Freedman, 2013).

The consequences of the Jezebel schema for Black sexual assault victims cannot be understated. Donovan and Williams (2002, p. 98) noted that, “Black women get a double dose of rape myths” because the Jezebel myth has exacerbated rape victimization by adversely influencing public perceptions of and responses to Black victims (Donovan, 2007, 2011; Donovan & Williams, 2002; Foley et al., 1995; Franklin & Garza, 2021; Katz et al., 2017; Lewis et al., 2019; Varelas & Foley, 1998; Willis, 1992; Wyatt, 1992). Studies relying on experimental vignette research have demonstrated increased culpability and decreased empathy attributions toward Black sexual assault victims when compared to White victims (Foley et al., 1995; Lewis et al., 2019; Varelas & Foley,

1998). This blameworthiness has intensified when Black women have been described as victimized by an acquaintance (Willis, 1992). Black victims have also experienced increased disbelief (Donovan & Williams, 2002; Wyatt, 1992) and have been associated with increased promiscuity and as deriving pleasure from sexual assault when compared to White counterparts (Donovan, 2007; Katz et al., 2017). Research has also revealed that individual bystander responses to sexual assault have been conditioned by the residue of harmful racialized schemata; onlookers have been less likely to intervene in sexual assault incidents involving Black victims (Katz, 2017; Franklin & Garza, 2021). Recently, Katz and colleagues (2017) examined bystander responses to an experimental vignette that manipulated the sexual assault victim's race. Participants reported decreased intervention likelihood when the victim was Black as compared to vignettes involving White victims (Katz et al., 2017). Franklin and Garza's (2021) experimental vignette study also manipulated the sexual assault victim's race. Their findings reiterated negative bystander responses, such that culpability attributions decreased the likelihood that bystanders would recommend resources for Black victims of sexual assault compared to White victims. These findings have demonstrated the resilience of the Jezebel rape schemata as sexual assaults involving Black women continue to be perceived as less serious, lacking legitimacy, provoked by victims, and undeserving of formal and informal intervention (Donovan, 2007; Donovan & Williams, 2002; Foley et al., 1995; Katz et al., 2017; Lewis et al., 2019; Varelas & Foley, 1998; Wyatt, 1992). Stated differently, Black women have been marginalized as sexual assault victims where they have been multiply burdened by gendered schemata like rape myths *and* lasting racist stereotypes—

cumulatively, disadvantaging Black victims and providing a significantly flawed knowledge basis for informing perceptions and responses to these victims.

LatCrit Theory

Certainly CRT, along with offshoots like Black feminist thought and intersectionality, have been necessary to understand how schemata surrounding the sexuality of Black victims have influenced criminal legal perceptions and treatment. As noted, CRT has welcomed criticism and expansion in the form of branches in theory development (Solorzano & Yosso, 2001). This is due, in part, to CRT's historical transdisciplinary roots and continuous recommitment to social justice in eradicating all forms of racism and intersecting systems of oppression (Crenshaw et al., 1995; Matsuda, 1991; Solorzano & Yosso, 2001). Critical legal scholars have challenged the shortcomings of early CRT work, in that it generally focused on race as the primary axis of oppression (see Collins, 1989; Crenshaw, 1989, 1990; Crenshaw et al., 1995; Harris, 1994). Similarly, CRT has also been scrutinized for largely centering the Black/White racial paradigm at the front of racial discourse and legal scholarship (LatCrit, n.d.; Valdes, 1996, 2005). Valdes (1996, p. 4) underscored this shortsightedness and noted, "[c]ritical race theory perhaps has been insensitive to the limitations in scope and depth of the "Black/White paradigm as an exclusive lens for the deconstruction of race." Put simply, defaulting to the Black/White dichotomy as the primary focus of racial politics has erased the experiences of other communities who are also subjected to racialized subordination, including Asian, Latinx, and Indigenous populations (Brayboy, 2005; Espinoza & Harris, 1998; Harris, 1994; Hernandez-Truyol, 1998; Museus & Iftikar, 2014; Tuck & Yang, 2012; Valdes, 1996; Yosso, 2002).

As a rejection of this Black/White binary, LatCrit theory and praxis emerged from CRT in 1995 at a colloquium in Puerto Rico, where scholars questioned the invisibility of the Latinx¹⁰ community in theory, law, and U.S. society (LatCrit, n.d.; Valdes, 2005). The LatCrit perspective has recognized the necessity of focusing on the multidimensionality of the Latinx identity by considering how the socio-construction of race intersects with other unique Latinx identity dimensions, such as ethnicity, nationality, language, migration, acculturation, culture, phenotype, and sexuality (Bernal, 2002; Hernandez-Truyol, 1998; Johnson, 1998; Solórzano & Bernal, 2001; Valdes, 1996, 2005). LatCrit is concerned with understanding the racial oppression experiences of Latinx communities in relation to laws and legal institutions (Johnson & Martinez, 1998; LatCrit, n.d., Lopez, 1997; Valdes, 1996, 2005). Historically, for example, Mexican Americans in Texas were systematically excluded from serving on juries as state discrimination legislation only recognized two races: White and Black (Lopez, 1997). In other words, Mexican Americans were not represented in juror selection pools until this was overturned in *Hernandez v. Texas* (1954) and discrimination protections were extended (Lopez, 1997). It is important to note that CRT's offshoots or branches, like LatCrit, are not in competition or tension with other branches or with their CRT lineage (Valdes, 1996; Yosso, 2002). Conversely, LatCrit and other offshoots compliment CRT approaches by incorporating an inclusion of the deep intersections of racism across marginalized identities (Valdes, 1996).

¹⁰ While it continues to be up for debate as to whether the term "Latinx" originated in activist or academic spaces, the inclusion of the "x" as opposed to o/a is meant to challenge the gendered nature of the Spanish language (Salinas, 2020).

LatCrit theory has yet to be widely applied to the field of criminology and criminal justice, though scholars have called attention to a dearth of criminological research focused on Latinx populations (as both offenders and victims) from an anti-essentialist and critical lens (see Garza, 2021; Ishom et al., 2020; Ishom Scott, 2020; Ishom Scott et al., 2021; Leon, 2021; López & Pasko, 2017). Criminological research has similarly been inundated by the Black/White racial binary (for reviews, see Martinez, 2007; Zatz & Rodriguez, 2006). This oversight has also overcome the empirical research on police decision-making in sexual assault case processing, where race has largely been operationalized in terms of a Black/White dichotomy (Bouffard, 2000; Horney & Spohn, 1996; Kerstetter, 1990; LaFree, 1980; 1981; Shaw & Lee, 2019; Spohn & Spears, 1996; Stacey et al., 2017; Walfield, 2016), conceptualized as “White/Nonwhite,” or has employed an “Other” paradigm (Addington & Rennison, 2008; Kelley & Campbell, 2013; Morabito et al., 2019a; O’Neal & Spohn, 2017; Pattavina et al., 2016; Scott & Beaman, 2004; Shaw et al., 2016; Wentz, 2020; Ylang & Holtfreter, 2020).¹¹ A focus on police decision-making with attention to Latina¹² sexual assault victims, in addition to Black and White victims, is one of the significant contributions provided by this dissertation.

¹¹ As previously mentioned in Chapter I, see Alderden & Ullman, 2012a; O’Neal et al., 2016; Tellis & Spohn, 2008; and Venema et al., 2021 for exceptions.

¹² While the use of “Latinx” is appropriate when referring to Latinxs as a whole, this dissertation will rely on the use of “Latinas” when referring to sexual assault victims given the gendered nature of sexual victimization and the focus of female victims in this dissertation.

Contextualizing the Rape Victimization of Latina Women: History and Racial Schemata

Similar to but distinct from Black victims, the perceptions and treatment of Latina sexual assault victims have been influenced by historical U.S. politics and racialized schemata surrounding the sexuality of Latinas (Arrizón, 2008; Beltran, 2002; Guzmán & Valdivia, 2004; Mendible, 2010; Rivera, 1994; Roman, 2000). As a preface to this discussion, a few points are worthy of mention. First, there is a considerable paucity of research on Latina sexual assault victims and how their racial and ethnic identity has influenced the way they have been perceived and treated by the criminal legal system when compared to other racial and ethnic groups (e.g., see Lira et al., 1999; Maier, 2008c; Olive, 2012). Conceivably, this scarcity is, in part, facilitated by the overwhelming focus on a Black/White binary in sexual assault research that has contributed to the erasure of Latinas (Arrizón, 2008; Martinez, 2007; Valdes, 2005; Zatz & Rodriguez, 2006), particularly as applied to the research on sexual assault within criminology (Bouffard, 2000; Horney & Spohn, 1996; Kelley & Campbell, 2013; Kerstetter, 1990; LaFree, 1980; 1981; Morabito et al., 2019a; O'Neal & Spohn, 2017; Pattavina et al., 2016; Scott & Beaman, 2004; Shaw & Lee, 2019; Shaw et al., 2016; Spohn & Spears, 1996; Stacey et al., 2017; Walfield, 2016; Wentz, 2020; Ylang & Holtfreter, 2020). The limited literature on Latina sexual assault victims has demonstrated inconsistent prevalence rates, varying racial and ethnic identity conceptualizations (e.g., Hispanic, Latina, Chicanas), and a general homogenization of Latinas (e.g., lack of nuances and distinction among Colombians, Mexicans, Dominicans, etc., or even the inclusion of Afro-Latinas, or consideration of immigration status) with

few exceptions (Cuevas & Sabina, 2010; Gonzalez et al., 2020; Lira et al., 1999; Sabina et al., 2014; Tjaden & Thoennes, 2000)].¹³ These limitations have rendered Latina sexual assault victims invisible and have expressed what LatCrit scholars have emphasized for decades: the Latinx community has been forced to accept an “indeterminate racial group” identity—with obvious implications for populations like Latina sexual assault victims (Trucios-Haynes, 2000, p. 3; Valdes, 1996, 2005).

In light of these considerations, existing knowledge of the historical rape and racialized schemata about the sexuality of Latinas has been applied widely to Latina sexual assault victims as a monolith. Arrizón (2008, p. 190) referred to these racialized schemata as the “colonized history of Latina sexuality,” where Latina sexual exploitation has been characterized by origins of colonialism, imperialism, and transnational migration (Arrizón, 2008; Freedman, 2013; Guzmán & Valdivia, 2004; Mendible, 2010). For instance, during colonialism and the European conquest of Latin American countries, including U.S. territory that was previously Mexico, Latinas were raped and sexually exploited as “spoils” of conquest (Beltran, 2002; Freedman, 2013; Roman, 2000). Remnants of colonialism produced a narrative that has eroticized the Latina body as a “foreign” or “other” sexual object that has remained open for conquest (Arrizón, 2008; Beltran, 2002; Guzmán & Valdivia, 2004; Mendible, 2010; Roman, 2000). Latina women have also been subjected to wartime, state-sanctioned rape during civil wars across Latin American countries (Leiby, 2009). This has produced forced migration and displacement to the U.S. (Arrizón, 2008), only further entrenching myths about Latina’s foreignness

¹³ Of note, research that has begun to disentangle the multidimensionality of Latina sexual assault victims (by dimensions like ethnicity, nationality, migration, and acculturation) has centered on rates of victimization and correlates of formal and informal-help seeking and not yet extended to the criminal legal response to Latina sexual assault victims.

and sexual availability (Arrizón, 2008; Beltran, 2002; Guzmán & Valdivia, 2004; Rivera, 1994; Roman, 2000). These racialized schemata have been coupled with other analogous schemata where media has frequently portrayed Latinas as “docile and domestic” (Rivera, 1994, p. 241) maids or domestic workers with poor language skills who have been subservient to men (Mendible, 2010). Collectively, historical context that surrounds the rape of Latina women has contributed to harmful schemata that *all* Latinas are hypersexual or overtly promiscuous (Arrizón, 2008; López & Chesney-Lind, 2014), are “hot-blooded” (Rivera, 1994 p. 240), and are sexual “spitfires,” who acquiesce and are compliant to men’s sexual desires (Guzmán & Valdivia, 2004, p. 211).

These racialized tropes or schemata have been far-reaching in their influence on the way the criminal legal system has perceived and treated Latinas (Gaarder et al., 2004; Knudson, 2015; Maier, 2008c; Pasko, 2017; Pasko & López, 2018). While research has not examined the influence of racialized schemata on police response to Latina sexual assault victims in particular, police perceptions of Latina intimate partner violence victims have included views that Latinas are submissive and tolerant of violence (Knudson, 2015), reiterating myths surrounding sexual compliance (Guzmán & Valdivia, 2004). Similarly, juvenile probation officers, correctional personnel, and clinicians have stereotyped Latinas as problematic and sexually promiscuous (Gaarder et al., 2004; López & Chesney-Lind, 2014; Pasko, 2017; Pasko & López, 2018). These racialized and gendered schemata have negatively influenced treatment options and programing decisions for Latina victims and offenders (Gaarder et al., 2004; López & Chesney-Lind, 2014; Pasko, 2017; Pasko & López, 2018). Related, victim advocates have asserted that rape victims of Color, like Latinas, have been treated differently by the criminal legal

system because of their race and ethnicity (Maier, 2008c). Advocates, for instance, have emphasized that Latina victims have increased internalized shame related to rape due to Latinx culture and the value placed on virginity. Latinas may also be reluctant to formally disclose to, and engage with, the criminal legal system to prevent dishonoring the family (Maier, 2008c). Together, these findings have reiterated the resilience of racialized tropes surrounding the sexuality of Latinas. Within this context, it is conceivable that schemata would likewise double burden Latina sexual assault victims due to both gendered schemata, like rape myths, and entrenched racialized stereotypes that inform harmful views toward Latinas by police and other criminal legal actors.

Empirical Studies on Police Decision-Making in Sexual Assault Cases

As noted above, police officers are often the first point of contact for sexual assault victims, they hold unrestricted discretion, and undertake several formal decisions that are consequential for sexual assault case progression (Kerstetter, 1990; LaFree, 1980, 1981; Tasca et al., 2013; Spohn & Tellis, 2012, 2014). Consequently, more than five decades of empirical research has attempted to understand factors guiding police behavior in sexual assault cases (Addington & Rennison, 2008; Alderden & Ullman, 2012a, 2012b, Bouffard, 2000; Frazer & Haney, 1996; Horney & Spohn, 1996; Johnson et al., 2012; Kerstetter, 1990; Kelley & Campbell, 2013; LaFree, 1980, 1981; O'Neal et al., 2016; O'Neal & Spohn, 2017; Pattavina et al., 2016; Richards et al., 2019; Roberts, 2008; Scott & Beaman, 2004; Spohn & Tellis, 2012; Stacey et al., 2017; Tasca et al., 2013; Tellis & Spohn, 2008; Tiry et al., 2020; Venema et al., 2021; Walfield, 2016; Wentz, 2020; Wentz & Keimig, 2019; Ylang & Holtfreter, 2020). Overall, findings have demonstrated that a combination of situational factors related to the victim, suspect, and

case are responsible for influencing police decision-making and that officers have often relied on a lens or schemata that incorporates stereotypical ideas of sexual assault cases to interpret these factors (Estrich, 1987; Frohmann, 1991; Morabito et al., 2019a; O’Neal, 2019; Parrat & Pina, 2017; Sleath & Bull, 2017). What’s more, these victim, suspect, and case variables have traditionally been classified into one of two mutually-exclusive categories: “legal” or “extra-legal” (Campbell et al., 2014; Lovell et al., 2021; Yu et al., 2022). Legal factors have been defined as “factors that indicate evidence of a crime as defined by a statute” (Morabito et al., 2019b p. 2). In other words, these are evidentiary elements or facts that *should* be taken into consideration when making decisions about a criminal offense (Campbell et al., 2015). Examples of legal factors have included the number of criminal offenses in one particular incident (Addington & Rennison, 2008; Roberts, 2008); offense type and severity (e.g., penetrative/non-penetrative or completed/attempted) (Kerstetter, 1990; Spohn & Spears, 1996); evidentiary strength (Horney & Spohn, 1996; O’Neal et al., 2016; Spohn & Spears, 1996), such as the completion of a SAK (Alderden & Ullman, 2012a; Johnson et al., 2012; Kelley & Campbell, 2013; Tasca et al., 2013), physical evidence (O’Neal et al., 2016; Spohn & Spears, 1996) or the presence of witnesses (Frazier & Haney, 1996; O’Neal et al., 2016; Spohn & Spears, 1996); weapon use (Bouffard, 2000; Frazier & Haney, 1996; LaFree, 1981), and demonstrable victim injury (Kerstetter, 1990; Morabito et al., 2019a). In contrast, “extra-legal” factors have referred to characteristics of a case that have been deemed legally irrelevant (Morabito et al., 2019a). This means that these factors should *not* play a role in legal decision-making. Extra-legal factors have included victim and

suspect demographics, such as age (LaFree, 1981)¹⁴ and race/ethnicity (Kerstetter, 1990; O’Neal et al., 2016; Tellis & Spohn, 2008); the nature of the victim-suspect relationship (Alderden & Ullman, 2012a); the location of the assault (Addington & Rennison, 2008; Bouffard, 2000); victim cooperation (Alderden & Ullman, 2012a; Kaiser et al., 2017); victim resistance (Alderden & Ullman, 2012a); and victim credibility (Campbell et al., 2015; Frohmann, 1991; O’Neal, 2019; Spohn & Spears, 1996) as determined by both risk-taking behaviors (Horney & Spohn, 1996; LaFree, 1981) and/or the victim’s moral character (Horney & Spohn, 1996). Of note, this dissertation will refer to *situational factors* as victim, suspect, and case characteristics and the reasons are twofold. First, scholars have tried to conceptually distinguish legal and extra-legal factors, however, these characteristics are often fluid and, in practice, may overlap (Lovell et al., 2021). For example, both police and prosecutors have noted the importance of SAKs as a legal factor in terms of gathering corroborating evidence, but have also described how SAKs function as a proxy for victim credibility because only “real” victims would willingly subject themselves to an intrusive exam (Alderden & Ullman, 2012a; Yu et al., 2022). Second, the same factors deemed legally-relevant are those that largely reflect the characteristics of a “real rape” scenario (Brownmiller, 1975; Estrich, 1987; Frohmann, 1991)—where incidents involving the threat or use of a weapon, gratuitous injury, and a stranger suspect further perpetuate misconceptions that features of a “real rape” establish the only legitimate and genuine victims in the eyes of the criminal legal system (Campbell et al., 2015; O’Neal, 2019).

¹⁴ As an important exception, age can be legally relevant when the criminal offense is defined a crime based on an individual’s age, like status offenses.

Nonetheless, existing literature has demonstrated considerable disagreement and inconsistencies in terms of the victim, suspect, and case factors that have predicted officer decisions across studies and jurisdictions. Accordingly, then, the following sections provide a comprehensive synthesis on the patterns of significant predictors for police officer decision-making points that have been examined among sexual assault cases. This section concludes with a discussion that contextualizes how factors that have influenced decision-making in prior literature may or may not operate similarly for other understudied police behaviors—specifically, the outcomes studied in this dissertation: the likelihood of a formally reported sexual assault case being transferred to a specialized investigator, and the time variation of this decision point.

Police Decisions of Case Clearance by Arrest

Largely, the research examining police decision-making in sexual assault cases has focused on decisions surrounding case clearance, particularly through arrest (Addington & Rennison, 2008; Bouffard, 2000; Johnson et al., 2012; Kerstetter, 1990; LaFree, 1980, 1981; O’Neal et al., 2016; O’Neal & Spohn, 2017; Roberts, 2008; Scott & Beaman, 2004; Stacey et al., 2017; Tasca et al., 2013; Venema et al., 2021; Walfield, 2016). More than 20 studies have considered the effect of victim, suspect, and case factors on the arrest decision. There is a paradox, however, in that the majority of empirical research on police decision-making has centered on a decision point that accounts for a very small portion of police clearance rates (Bouffard, 2000; Pattavina et al., 2016; Richards et al., 2019; Spohn & Tellis, 2012; Walfield, 2016; Wentz & Keimig, 2019). Venema et al. (2021), for instance, reported an arrest clearance rate of only 12.9% among more than 23,000 sexual assault cases reported to a large, Midwestern agency

across a 15-year time span. Similarly, Richards and colleagues (2019) found among all sexual assault cases reported through NIBRS in 2011, just over 23% were cleared by police through arrest.

Victim Factors. A variety of victim-related factors have been assessed to clarify their contribution to police decisions in clearing a sexual assault through arrest. Most studies that have relied on official case file data from various jurisdictions have reported that victim age has no significant effect on police arrest decisions (Alderden & Ullman, 2012a; Bouffard, 2000; Johnson et al., 2012; LaFree, 1981; O’Neal et al., 2016; Scott & Beaman, 2004; Spohn & Tellis, 2012; Tasca et al., 2013; Tiry et al., 2020; Venema et al., 2021; Walfield, 2016; Wentz, 2020; Ylang & Holtfreter, 2020). Roberts (2008), however, noted that victim age was influential for arrest decisions among more than 11,000 sexual assault cases reported to NIBRS in 2000, such that sexual assault cases with older victims had a decreased likelihood of arrest as compared to younger victims, though the magnitude of this relationship was small. Similarly, Richards and colleagues (2019) used 2011 NIBRS data to disentangle predictors of sexual assault case clearance, with attention to whether cases were cleared by arrest or by exceptional means. Their findings likewise suggested that sexual assault cases with older sexual assault victims were associated with increased likelihood of clearance through exceptional means (either by “victim refusal to cooperate” or “prosecution declined”) as compared to arrest (Richards et al., 2019). Put differently, sexual assault cases involving younger victims were more likely to be disposed by arrest. Although inconsistent, studies have also illustrated that a victim’s race and ethnicity may have direct effects for arrest decisions. Venema et al. (2019) revealed that sexual assault cases involving Hispanic victims were more likely to

end in arrest as compared to cases involving White victims, whereas Tiry and colleagues (2020) found that sexual assault cases involving Hispanic victims were significantly less likely to result in arrest as compared to cases involving non-Hispanic victims. While mixed, these findings demonstrate the influence of a victim's racial and ethnic identity on determinations of case processing outcomes by police decision-makers.

Though victim demographics may play a role on arrest decisions, research has noted that perhaps a victim's actions—that is before, during, and after the sexual assault, are far more important for predicting arrest. For example, a victim's credibility is particularly salient in terms of whether an officer has decided that a victim fits their perceptions of “genuine” victimhood (Jordan, 2004; Morabito et al., 2019a; O'Neal, 2019). This has ultimately improved the chances that a given case will be taken more seriously and will end in arrest (Campbell et al., 2015; Morabito et al., 2019a; O'Neal, 2019). A victim's credibility has comprised of two factors: risk-taking behaviors and moral character (Beichner & Spohn, 2012; Jordan, 2004; Spohn & Tellis, 2012). Risk-taking behaviors have referred to the victims' actions *prior to* the assault and have informed police perceptions of a victim's credibility (Jordan, 2004; LaFree, 1981). These “risky” behaviors have included hitchhiking (Beichner & Spohn, 2005; LaFree, 1981), frequenting bars alone (Alderden & Ullman, 2012a; LaFree, 1981), proximity to where drugs are sold (Beichner & Spohn, 2005), consuming alcohol (Jordan, 2004; Schuller & Stewart, 2000; Wentz & Keimig, 2019), walking alone late at night (Beichner & Spohn, 2005), willingly entering a suspect's residence or vehicle (Alderden & Ullman, 2012a; LaFree, 1981) and inviting a suspect to their residence (Spohn & Spears, 1996). Similarly, moral character issues have included whether a victim has a disreputable job

(e.g., topless dancer, stripper; Beichner & Spohn, 2005; Spohn & Tellis, 2012), a history of mental health issues (Jordan, 2004), a history of substance and/or drug abuse (Tasca et al., 2013), a history of prior casual sex (e.g., promiscuity; Beichner & Spohn, 2005; Tasca et al., 2013), disclosing solicitation/prostitution (Alderden, & Ullman, 2012a), and a criminal history (Beichner & Spohn, 2005; Spohn & Tellis, 2012). Both risk-taking behaviors and moral character issues have reflected stereotyped ideas that guide how “legitimate” and “real rape” victims should behave prior to an assault (Amir, 1967; Brownmiller, 1975; Du Mont et al., 2003; Estrich, 1987; Frohmann, 1991; LaFree, 1981). Ultimately, if a victim violates these norms, attributions of credibility have deteriorated (Campbell et al., 2015; Morabito et al., 2019a; O’Neal, 2019) and this has significantly decreased arrest likelihood (LaFree, 1981; Morabito et al., 2019a; O’Neal, 2019; O’Neal et al., 2016; Stacey et al., 2017; Tasca et al., 2013; Ylang & Holtfreter, 2020). Tasca and colleagues (2013), for instance, analyzed more than 200 sexual assault cases reported to an Arizona police agency and found that police attributions of “un-credible” victims (e.g., drug addiction/chemical dependency) decreased the likelihood of arrest by more than 2 times. Morabito et al. (2019a) reported similar findings among 650 sexual assault cases from Los Angeles—cases that involved victims with mental health issues and cases where victims reported using drugs and alcohol prior to the assault were significantly less likely to end in arrest.

Historically, a victim’s verbal or physical resistance (or lack thereof) *during* the sexual assault have also been consequential for criminal legal system decision-making. It was necessary for victims to overtly resist a sexual assault to prove non-consent and establish case seriousness (Estrich, 1987; Spohn & Horney, 1992). Victim resistance has

been an important historical factor, particularly for the formal progression of a case to prosecution (Spohn & Horney, 1993; Spohn & Spears, 1996; Wentz, 2020). When victim resistance has been considered in a police arrest decision-making context, however, the majority of studies demonstrated no significant effect on arrest (Horney & Spohn, 1996; O'Neal et al., 2016; O'Neal & Spohn, 2017; Spohn & Tellis, 2012; Wentz, 2020).

Alderden and Ullman's (2012a) study that examined decision-making among 465 sexual assault cases reported to a large Midwestern police department is the one exception in this literature. Their findings revealed that victim resistance increased the probability of arrest by more than 2 times (Alderden & Ullman, 2012a). This pattern of a null effect of victim resistance on arrest decisions could reflect the effectiveness of rape law reform in fulfilling their intended promises, at least through the formal police decision-making stages of case processing (Spohn & Horney, 1992). In other words, most research suggests that police in some jurisdictions do not need evidence of victim resistance to demonstrate that a sexual assault was non-consensual (Campbell & Johnson, 1997).

Perhaps most pertinent to police arrest decisions has been the way a victim behaves *after* a sexual assault. Attention has focused specifically on victim cooperation with the police (O'Neal, 2017). Victim cooperation in sexual assault case processing can materialize in many ways, such as having an affirmative preference for the case to proceed, maintaining reciprocal communication with investigators, attending interviews, and facilitating the collection of evidence (Alderden & Long, 2016; Kerstetter & Van Winkle, 1990; LaFree, 1981; Murphy et al., 2014; Spohn et al., 2001). The research on police decision-making has consistently demonstrated a strong case for the way victim cooperation has increased the likelihood of arrest (Kerstetter, 1990; LaFree, 1981;

Meeker et al., 2021; O'Neal et al., 2016; O'Neal & Spohn, 2017; Spohn & Tellis, 2012; Tiry et al., 2020; Wentz & Keimig, 2019). In fact, some studies have revealed that various operationalizations of victim cooperation have emerged as the strongest predictor of arrest among all victim, suspect, and case factors (Johnson et al., 2012; Meeker et al., 2021; Tiry et al., 2020; Wentz & Keimig, 2019). Wentz and Keimig (2019) examined predictors of arrest decision-making among 537 sexual assault cases reported across an 11-year period to a medium-sized police department in the Midwest. Results illustrated that victim cooperation was the strongest predictor, where victim cooperation increased arrest by nearly 12 times. Related, Johnson and colleagues (2012) examined more than 600 sexual assault case files from five jurisdictions and similarly reported that victim cooperation emerged as the strongest predictor of arrest, such that victim cooperation increased arrest by 14 times.¹⁵

¹⁵ The jurisdictions included Los Angeles county, Indianapolis, Indiana, Evansville, Indiana, Fort Wayne, Indiana, and South Bend, Indiana.

Suspect Factors. Suspect-related factors have also been examined in terms of predicting the police decision to clear a sexual assault case through arrest. There is disagreement across studies, for instance, related to the effect of suspect age on suspect arrest in cases involving a sexual assault. Several studies that have revealed that the age of suspects have produced no significant findings in terms of predicting arrest (Alderden & Ullman, 2012a; Bouffard, 2000; Horney & Spohn, 1996; LaFree, 1980, 1981; O’Neal et al., 2016; Scott & Beaman, 2004; Tiry et al., 2020; Ylang & Holtfreter, 2020). Other studies have reported that arrest is more likely as suspect age increases (Wentz, 2020). This has been the case for incidents involving older suspects and adolescent victims, where the probability of arrest has increased when a victim is significantly younger than the suspect (Meeker et al., 2021). This pattern has been echoed by research that has examined predictors of arrest clearance with a focus on disentangling arrest disposition from exceptional clearance using NIBRS data. Indeed, when a sexual assault incident involves a younger victim and older suspect, the case is less likely to be cleared by exceptional means (Pattavina et al., 2016; Richards et al., 2019; Stacey et al., 2017; Walfield, 2016). In other words, it is more likely that these sexual assault cases will result in arrest as compared to being cleared citing “victim refused to cooperate” or “prosecution declined” (Pattavina et al., 2016; Richards et al., 2019; Stacey et al., 2017; Walfield, 2016). Contradictory findings have also been reported in terms of the influence of a suspect’s race and ethnicity on arrest decision-making. For instance, studies that have examined direct individual effects of suspect race and ethnicity on arrest have reported null results (Alderden & Ullman, 2012a; Bouffard, 2000; O’Neal & Spohn, 2017; Pattavina et al., 2016; Richards et al., 2019; Scott & Beaman, 2004; Tiry et al.,

2020; Ylang & Holtfreter, 2020). Other studies have noted, however, that the race and ethnicity of the suspect has interacted with that of the victims to produce differences in arrest likelihood (O'Neal et al., 2016; Stacey et al., 2017). O'Neal and colleagues (2016) examined the role of victim-suspect racial and ethnic dyads on arrest decision-making among 655 sexual assault complaints reported in Los Angeles and found that sexual assault cases involving Black suspects and Black victims were significantly less likely to end in arrest as compared to sexual assault cases involving White suspects and White victims. This was also the case for sexual assault incidents involving Black suspects and Hispanic victims (O'Neal et al., 2016). Put differently, victim-suspect racial and ethnic dyads interacted to the detriment of sexual assault cases involving women of Color, such that arrest probability decreased as compared to White counterparts. Related, Stacey et al. (2017) assessed the effect of victim-suspect racial dyads on arrest decision-making using more than 200,000 sexual assault cases reported through NIBRS. Findings demonstrated that sexual assaults perpetrated by White stranger suspects on Black victims were less likely to end in arrest versus exceptional means as compared to sexual assaults perpetrated by Black stranger suspects on White victims. Still, other research has revealed no significant effect of victim-suspect racial and ethnic dyads on arrest decision-making (Bouffard, 2000; LaFree, 1980; Ylang & Holtfreter, 2020). Together, some evidence suggests that the effect of suspect race and ethnicity, along with victim race and ethnicity, reiterate historical racialized schemata dictating the criminal legal response to these assaults. Importantly, these studies extend beyond research that has traditionally relied on official court and sentencing data to test the interactive effects of victim and suspect race/ethnicity or the victim/suspect racial and ethnic dyad on sexual assault

outcomes (e.g., Horney & Spohn, 1996; LaFree, 1980; Spohn & Spears, 1996; Tellis & Spohn, 2008; Walsh, 1987). That said, it is important to note that research examining the interaction of victim and suspect race/ethnicity within a policing context has relied on samples restricted to identified suspects only (O’Neal et al., 2016; Ylang & Holtfreter, 2020) or has not controlled for suspect identification (Bouffard, 2000; Stacey et al., 2017). This means that because study samples were restricted to known suspects from official data (e.g., arrest and sentencing), it was possible to derive suspect racial and ethnic information for inclusion in statistical models.

Outside of suspect demographics like age and race and ethnicity, most studies have neglected to consider the effect of other suspect factors that could influence arrest decision-making, with few exceptions. Results from one study conducted by Scott and Beaman (2004) that assessed predictors of decision-making among 108 sexual assault cases reported to a Canadian police department indicated that suspect drug and alcohol consumption was the strongest predictor of arrest; arrest increased by nearly 7 times among cases with suspect alcohol/drug use compared to counterparts. Two studies examining police decision-making among sexual assaults in Los Angeles underscored the importance of interviewing suspects; those who provided interviews faced an increased likelihood of arrest by four times (O’Neal & Spohn, 2017) and five times (O’Neal et al., 2016), respectively.¹⁶ Additionally, a suspect’s history of prior arrests and prior felonies have also increased arrest case clearance (Horney & Spohn, 1996; Stolzenberg et al., 2021).

¹⁶ In both of these studies, samples relied on identified suspects only—which could explain why arrest was more likely when suspects provided interviews.

Case Factors. Along with victim- and suspect-related factors, existing research has revealed that case or incident characteristics have influenced police arrest decision-making in sexual assault cases. For example, sexual assault co-occurrence (e.g., the presence of other criminal offenses committed during a sexual assault) has increased the likelihood of arrest, net of other victim, suspect, and case factors (Addington & Roberts, 2008; Bouffard, 2000; Roberts, 2008; Stacey et al., 2017; Walfield, 2016). These findings hold across studies that have separated arrest case clearance from exceptional clearance (Pattavina et al., 2016; Richards et al., Walfield, 2016). Pattavina and colleagues (2016), for instance, examined factors that influenced arrest clearance versus exceptional clearance among more than 15,000 sexual assault cases reported through NIBRS from 2008 to 2010. Findings revealed that sexual assault cases involving multiple criminal offenses were significantly less likely to be exceptionally cleared—meaning, it was more likely for these cases to end in an arrest, compared to cases with a single sexual assault offense (Pattavina et al., 2016). Sexual assault co-occurrence is interpreted as an aggravating factor by police that has increased offense seriousness, thereby facilitating arrest (Addington & Roberts, 2008; Bouffard, 2000; Roberts, 2008; Stacey et al., 2017; Walfield, 2016). Sexual assault co-occurrence underscores a non-consensual encounter and provides other opportunities to make an arrest, alongside the sexual assault (Addington & Rennison, 2008; Roberts, 2008). Yet, it has been well established that most sexual assaults do not co-occur with other criminal offenses. Addington and Rennison (2008) were the first to examine the role of sexual assault co-occurrence on reporting and case clearance rates examine using NCVS and NIBRS data. While findings demonstrated the importance of sexual assault co-occurrence for increasing reporting and case

clearance, results revealed that among NCVS sexual assault data from 1993 to 2004, approximately 17% or less than one in five sexual assault, occurred with at least one other offense (Addington & Rennison, 2008). Results from 2002 NIBRS sexual assault data indicated that only six percent of sexual assaults occurred with at least one other crime (Addington & Rennison, 2008).¹⁷

In addition, the presence of witnesses (O’Neal et al., 2016; Spohn & Tellis, 2012; Venema et al., 2021), gratuitous injury (Roberts, 2008; Spohn & Tellis, 2012; Stacey et al., 2017; Venema et al., 2021; Walfield, 2016), and the use of a weapon in the commission of the sexual assault (Addington & Rennison, 2008; Bouffard, 2000; LaFree, 1981; O’Neal & Spohn, 2017; Spohn & Tellis, 2012; Venema et al., 2021; Walfield, 2016; Wentz & Keimig, 2019) have increased the likelihood of arrest across numerous jurisdictions and police agencies. For example, Venema and colleagues (2021) investigated predictors of case outcomes among more than 23,000 sexual assault cases reported to a large Midwestern police agency across 15 years. Results indicated that sexual assault incidents involving a witness were more than two times more likely to end in arrest as compared to incidents without a witness. O’Neal and Spohn (2017) reported that, when a suspect used a weapon (outside bodily force), arrest likelihood increased by more than 14 times for intimate partner sexual assault (IPSA). Like sexual assault co-occurrence, it has been widely documented that corroborating witnesses (beyond the victim) are uncommon in most sexual assaults, similar to weapon use and the presence of gratuitous injury (Black et al., 2011; Planty et al., 2013; Sinozich & Langton, 2014; Smith et al., 2017; Smith et al., 2018). Still, the stereotypical schemata of a “real” or

¹⁷ The most common co-occurring offenses included, rape with burglary, rape with robbery, followed by rape with theft (see, Addington & Rennison, 2008).

“classic rape” has continued to provide the lens through which cases are determined worthy of arrest (Brownmiller, 1975; Burt, 1980; Du Mont et al., 2003; Estrich, 1987; Weis & Borges, 1973; L. Williams, 1984).

Other frequently-studied case factors have included the evidentiary strength of a sexual assault incident as characterized by the timeliness of the sexual assault report, the presence of a SAK, and other forms of physical evidence. The timing of a sexual assault report has been operationalized in the sexual assault case processing literature as the lag time between when the sexual assault incident occurred and when the formal report was made by the victim to police. Prompt reporting has largely been associated with an increased likelihood of arrest, regardless of how “prompt” has been defined (LaFree, 1981; O’Neal et al., 2016; Spohn & Tellis, 2012; Venema et al., 2021; Wentz, 2020; Wentz & Keimig, 2019). Spohn and Tellis (2012) demonstrated that prompt reporting, defined by a formal report that occurred within one hour of the assault, increased arrest likelihood by over three times compared to cases that were not reported within an hour. Wentz (2020) examined more than 200 sexual assault cases reported to a mid-sized, Midwest police agency and operationalized “prompt” as reporting the incident within 24 hours. Prompt reporting increased arrest by nearly three times when compared to cases that were reported after the 24-hour window (Wentz, 2020). Venema and colleagues (2021) defined “prompt” as reporting within 72 hours; results still supported increased likelihood of arrest among cases that were coded as “prompt” compared cases reported after 72 hours from when the incident took place. To that end, officers have been suspicious of delayed reporting due to misguided beliefs that delayed reports are more likely to be false because victims have needed time to fabricate a story (Jordan, 2004).

The notion of fabrication in delayed reports has been coupled with possibility that physical and forensic evidence may be compromised during the time delay because this provides opportunity for the victim to shower and biological evidence to be washed from fabric including sheets, blankets, clothing, and upholstery—further undermining the credibility that police may attribute to sexual assault cases characterized by “delayed” reporting (Johnson et al., 2012; Jordan, 2004).

Evidentiary strength, as captured through forensic evidence, has also commonly been examined as a case factor influencing arrest decisions. Broadly, forensic evidence as related to sexual assault has included various types, such as biological evidence (e.g., blood, saliva, condoms, semen), latent fingerprints, trace evidence (e.g., hairs, cigarettes,) and synthetic materials (e.g., victim clothing, bedsheets, carpet), among others (Johnson et al., 2012). Most studies have found forensic evidence to consistently increased the likelihood of arrest, because this has provided police with additional proof to corroborate the victim’s allegations of sexual assault and enhanced the convictability of the case (Johnson et al., 2012; Kerstetter, 1990; Horney & Spohn, 1996; O’Neal et al., 2016; O’Neal & Spohn, 2017; Spohn & Tellis, 2012; Tasca et al., 2013; Wentz, 2020; Wentz & Keimig, 2019). Tasca et al. (2013), for instance, assessed predictors of police decision-making among 220 sexual assaults reported to a large police agency in Arizona. The presence of forensic evidence increased arrest likelihood by 27 times when compared to cases that did not have forensic evidence. Other research has operationalized evidentiary strength as the victim’s voluntary completion of a SAK—given that a specialized medical exam is the most reliable and among the most common way of capturing forensic evidence in sexual assault cases (Johnson et al., 2012). This research has also reported

that the presence of a SAK increased arrest likelihood as compared to sexual assault cases without SAK evidence (Bouffard, 2000; Wentz, 2020). A study by Tiry and colleagues (2020) departed from these results when they reported that SAKs had no effect on arrest outcomes among sexual assault cases reported in two northeast jurisdictions.

Nonetheless, it has been speculated that mere *existence* of forensic evidence through a SAK, regardless of whether or not it has been tested by the crime lab, is an encouraging indicator for police. There are several explanations for this: first, a victim who has been willing to undertake an invasive SAK exam for gathering forensic evidence demonstrates to police that the victim is cooperating with the investigation (Bouffard, 2000; Johnson et al., 2012). Second, SAKs also improve police perceptions of victim credibility (Johnson et al., 2012). Officers have been distrustful and suspicious of victims who refuse to undergo a SAK exam and have perceived these cases as false allegations (Yu et al., 2022).

Finally, the relationship between the victim and the suspect is perhaps the factor that is most consistently included in and examined across every study assessing correlates of decision-making in sexual assault cases. Relationship type is frequently categorized as an “extra-legal” factor that should *not* matter in terms of police arrest decision-making. Collectively, findings regarding the effect of relationship type on arrest decisions are unsettled at best and inconsistent across studies and jurisdictions. Some research has demonstrated that arrest is more likely when the victim and suspect are not strangers (Bouffard, 2000; Johnson et al., 2012; LaFree, 1981; Roberts, 2008; Stacey et al., 2017; Spohn & Tellis, 2012; Ylang & Holtfreter, 2020). In one of the earliest studies conducted on police arrest decision-making, LaFree (1981) investigated predictors of arrest among

905 sexual assault cases reported to a large, Midwestern city. LaFree (1981) found that arrest was more likely in cases where the victim and suspect were previously acquainted as compared to stranger cases—even while controlling for the victim’s ability to identify the suspect. He attributed this to the fact that, “a prior relationship makes arrest easier by reducing the difficulty of locating and identifying a suspect” (LaFree, 1981, p. 589). More recent work by Ylang and Holtfreter (2020) assessed 330 sexual assault cases reported in Los Angeles from 1982 to 2010. Results likewise demonstrated that stranger suspects decreased arrest likelihood by 77% as compared to non-strangers, though the statistical models did not control for suspect identification. Still, research that has also supported these findings and has attributed this pattern to the ability of police to more easily and quickly identify, locate, and investigate known suspects relative to strangers (Bouffard, 2000; LaFree, 1981; Spohn & Tellis, 2012). In other words, when the suspect is a stranger, the victim may not be able to provide identifying information to police to facilitate timely identification and arrest. Instead, it may be that cases involving a stranger perpetrator may be reported to police, with little additional information about the suspect. Conversely, when the suspect is known, the victim may be able to provide identifying information including a name, physical description, premise address, etc. which would limit resource expenditure on locating a suspect at-large and thus, would increase arrest.

Still, other research has further disentangled that, while assaults between victims and suspects who have some sort of previous relationship are more likely to end in arrest as compared to stranger suspects, there is nuance across these known relationship types (Johnson et al., 2012; Roberts, 2008; Walfield, 2016). For example, Johnson and

colleagues (2012) examined predictors of various criminal legal outcomes among 602 randomly-selected sexual assault cases from five jurisdictions. Results indicated that sexual assault cases involving intimate partner/family member perpetrators were six times more likely to end in arrest as compared to stranger-perpetrated cases, while cases involving friend/acquaintance perpetrators were approximately three times more likely to end in arrest as compared to stranger perpetrated cases (Johnson et al., 2012). These findings suggest that it may be important to distinguish among known-suspect types and go beyond stranger/non-stranger relationship dichotomies. Related, Roberts (2008) assessed NIBRS data from 2000 and found that in terms of victim-suspect relationship, cases with family member perpetrators were more likely to result in arrest as compared to stranger cases. Although cases with friend/acquaintance perpetrators were also more likely to result in arrest as compared to stranger cases, the magnitude of the coefficient for family member perpetrated cases was stronger than that of cases with friend/acquaintance suspects, though Roberts (2008) did not account for intimate relationship types. Somewhat similar findings were echoed by Walfield (2016). Using more than 16,000 sexual assault incidents reported to NIBRS from 2006 to 2011, Walfield (2016) also found that cases involving family member suspects were nearly two times more likely to end in arrest compared to stranger cases. Sexual assaults perpetrated by an acquaintance, however had a decreased likelihood of arrest compared to stranger suspects (Walfield, 2016). Interestingly, assaults perpetrated by an intimate partner were no more likely to end in arrest as compared to stranger perpetrators (Walfield, 2016).

More recent research relying on official case file and NIBRS data has echoed that “real rape” schemata has continued to shape arrest decision-making, where stranger

perpetrator cases have been treated as the most serious and have increased the likelihood of arrest as compared to known-suspect perpetrators, like acquaintances or intimate partners (Pattavina et al., 2016; Richards et al., 2019; Tasca et al., 2013; Venema et al., 2021). Using NIBRS data from 2008 to 2010, Pattavina and colleagues (2016) found that cases involving a victim and suspect who were acquainted were more likely to be exceptionally cleared, either by “victim refuses to cooperate” or “prosecution declined,” as compared to cases involving stranger suspects. In other words, stranger-perpetrated assaults were more likely to end in arrest (Pattavina et al., 2019). Similarly, Tasca and colleagues (2013) found that among 220 sexual assault cases reported to a large, Arizona police department, incidents involving stranger suspects were more than 9 times more likely to end in arrest as compared to cases involving non-stranger relationship types, while controlling for suspect identification.

Taken together, findings on the effect of victim-suspect relationship on arrest decision-making illustrate contradictory results and this is due to a few reasons. First, while several studies have examined relationship type as a dichotomous measure capturing stranger versus non-stranger perpetrators (Bouffard, 2000; LaFree, 1981; Tasca et al., 2013; Wentz, 2020; Ylang & Holtfreter, 2020), only two studies have controlled for whether a victim can identify stranger suspects, and findings from these studies have contradicted one another (LaFree, 1981; Tasca et al., 2013). This may demonstrate the importance of including this as a control variable in future research because it could more carefully disentangle the effect of stranger-perpetrated cases on decision-making. Taken a step further, the literature on relationship type and arrest is complicated in that there is no consistency across studies as how to best operationalize other known relationship types.

Some scholars have combined family member and intimate suspects, likely due to cell size issues (Roberts, 2008), while other research has failed to include intimate partner suspects in models (Wentz & Keimig, 2019) or parse out family member suspects from broad non-stranger categories (Spohn & Tellis, 2012). In addition, when studies examining arrest decision-making have relied on NIBRS data, as compared to police case files (Pattavina et al., 2016; Richards et al., 2019; Roberts, 2008; Stacey et al., 2017; Walfield, 2016), these studies have excluded important factors in their statistical models due to the nature of data collection, such as victim risk-taking behaviors/moral character issues, victim cooperation, and evidence—which could lead to model misspecification.

Despite the wide range of decisions that officers make during the course of a sexual assault investigation, existing research has largely centered on arrest case clearance outcomes to the detriment of other low-level decisions such as the decision to found a case, assign a specialized investigator, refer a case to prosecution, encourage victims to undergo a SAK, or refer a victim to services (Addington & Rennison, 2008; Bouffard, 2000; Johnson et al., 2012; Kerstetter, 1990; LaFree, 1980, 1981; O’Neal et al., 2016; O’Neal & Spohn, 2017; Roberts, 2008; Scott & Beaman, 2004; Stacey et al., 2017; Tasca et al., 2013; Venema et al., 2021; Walfield, 2016). To that end, empirical studies that have examined the role of victim, suspect, and case factors on other police discretionary behaviors have demonstrated some similar findings as the arrest literature (Kerstetter, 1990; Spohn et al., 2014; Tellis & Spohn, 2008; Venema et al., 2021). Broadly, results have demonstrated the importance of *certain* victim, suspect, and case factors—especially those that represent a “real rape” on other discretionary police decisions. Findings regarding this body of research are reviewed, in brief, to present a

broad picture of predictors of police decision-making in sexual assault and to further contextualize the role of “real rape” schemata.

Police Decisions of Case Clearance by Unfounding

Before even determining whether an arrest will be made, police officers have to first decide that the sexual assault allegation constitutes a criminal offense based on jurisdictional statutes (Kerstetter, 1990). If it does not, officers will clear the case as a baseless allegation that has been “unfounded” (Spohn et al., 2014; Venema et al., 2021). This does not necessarily mean that the sexual assault report was false, but that no evidence existed to *prove* that a crime was committed (Venema et al., 2021). Spohn et al. (2014), for example, conducted a mixed-methods examination of unfounded cases using sexual assault incidents reported to the Los Angeles Police Department. Findings suggested that most cases were appropriately unfounded, meaning that cases were unfounded when there was no evidence to support allegations (e.g., baseless), when cases were clearly false, or when victims recanted allegations. To be sure, when a victim recanted the assault allegations, unfounding increased by over 300 times (Spohn et al., 2014). Other victim-related factors also increased unfounding by police. Police were three times more likely to unfound the case if a victim had questionable moral character issues (defined as a history of alcohol/drug abuse, disreputable job, or prior criminal history) and nearly ten times more likely to unfound if the victim had mental health issues (defined as whether the victim was currently or had previously been a patient at a mental health facility, was taking medication for mental health issues, or if a witness (family/friend) told police that the victim had health issues)—both factors diminished victim credibility (Spohn et al., 2014). Sexual assault cases involving physical evidence

and evidence of victim injury have been less likely to be unfounded (Kerstetter, 1990; Spohn et al., 2014). Venema et al. (2021) echoed similar results where characteristics of a “real rape” scenario decreased unfounding among more than 20,000 sexual assault cases reported to a Midwest police department compared to sexual assault incidents that did not present with the characteristics of a “real rape.” Incidents where the victim was not injured, where there was no weapon, and without corroborating witnesses were more likely to be unfounded by police when compared to incidents that occurred with evidence of victim injury, a weapon, and corroborating witnesses (Venema et al., 2021). Studies have also demonstrated that the victim-suspect relationship has been important in determining unfounding decisions, but not in accordance with “real rape” schemata. Instead, sexual assault cases where the suspect is a stranger are more likely to be unfounded as compared to cases involving acquaintances (Spohn et al., 2014; Tellis & Spohn, 2008; Venema et al., 2021). In their study, Spohn and colleagues (2014) explained this finding using supplementary qualitative interview data with detectives where officers noted that most false reports in this jurisdiction included stranger suspects.

Police Decisions to Refer to Prosecution

Later in the formal process, there is limited research that has considered the victim, suspect, and case factors that predict the police decision to refer or present a case to the district attorney (DA) (Alderden & Ullman, 2012a; Campbell et al., 2021; Kelley & Campbell, 2013; Wentz & Keimig, 2019). Many of the same factors that predicted arrest, particularly those related to the victim and case, have been influential in police referral decisions. Alderden and Ullman (2012a), for instance, investigated the police decision to refer a case to prosecution using 465 sexual assault cases reported to a large,

Midwestern police department. Results revealed that only victim cooperation increased the likelihood of case presentation to the DA. Similarly, Campbell and colleagues' (2021) examined correlates of the police decision to present a case to the DA using data from untested sexual assault kits. Victim cooperation was the most salient factor, such that if officer perceived the victim as cooperative, they were nearly 12 times more likely to present the case to the DA (Campbell et al., 2021). Wentz and Keimig (2019) reiterated this finding in a sample of sexual assault cases reported to a medium-sized police department in the Midwest, where victim cooperation increased police case referrals to the DA by more than six times compared to cases in which the victim was perceived as unwilling to cooperate with the investigation. Other factors that have increased police case presentation to the DA have included the presence of physical evidence and visible injury. In contrast, victim alcohol consumption has decreased the likelihood of police referral to the DA (Wentz & Keimig, 2019). Kelley and Campbell's (2013) analysis of sexual assault cases in three police agencies located in the Midwest found that when more than one suspect was interviewed, this increased the likelihood of case presentation to the DA by nearly four times compared to cases in which no suspects were interviewed. Collectively, these findings support the "real rape" schemata, where victims who present with visible injuries, physical evidence, and behave according to gender stereotypes prior to and after the assault, have been more likely to have their cases referred to prosecution than counterparts because these cases are more believable.

Investigator Assignment Decisions

Existing research on police decision-making in sexual assault case processing has largely examined formal arrest decisions, with fewer studies considering other low-level discretionary decisions, such as the police decision to found or unfound a case and the police decision to present a case to the DA. To be sure, scholars have recently called for empirical studies to draw increased attention to earlier investigative decisions in sexual assault cases, given that these decisions may be impactful for later processing outcomes, like arrest and charging (Bostaph et al., 2021; Campbell et al., 2021; Kelley & Campbell et al., 2013; Lovell et al., 2021). Kelley and Campbell (2013, p. 15) noted, “an important area for future research is regarding *how* police prioritize and appropriate investigational effort.” In this regard, the present dissertation advances this area of research, both theoretically and methodologically, by considering the role of victim, suspect, and case factors on the decision to assign a specialized investigator to a reported sexual assault case, along with the time variation of this decision point (if this event occurs). Certainly, it is important to extend gaps in research, however, assessing these investigational outcomes also matters from a more practical perspective for victims and the investigation in which they may be involved.

For instance, victim cooperation in sexual assault cases has been critical for successful processing in terms of arrest and charging decisions (Alderden & Long, 2016; Kingsnorth et al., 1999; Kaiser et al., 2017; Meeker et al., 2021; Spohn et al., 2001). Within the context of policing, officers and investigators play an important role in either facilitating or discouraging victim cooperation (Kerstetter & Van Winkle, 1990). Extensive research, for example, has noted that it is not uncommon for officers to

disbelieve and blame victims due to an overreliance on misguided “real rape” schemata, such that victims perceive their encounter negatively, experience re-traumatization, and discontinue participation (Lorenz et al., 2019; Patterson, 2011; Ullman, 2010; Wolitzky-Taylor et al., 2011a). Victims, however, may also be reluctant to continue cooperation if they perceive police as having delayed an official response following an initial report (Alderden & Long, 2016; Maier, 2008b; Murphy-Oikonene et al., 2021). In a recent study, Murphy-Oikonene et al. (2021) interviewed sexual assault victims who had reported victimization to police. Findings demonstrated that victims became frustrated and felt dismissed when officers did not follow-up after a report, postponed calls, and delayed subsequent formal response. In other words, victims became discouraged with the formal process and disinclined to participate because they interpreted investigation delays as normative judgements by police officers that their cases were not being taken seriously (Murphy-Oikonene et al., 2021). In this regard, assessing the factors related to the police decision to assign an investigator to a case is consequential for sexual assault victims. It may be detrimental for future victim cooperation and case processing decisions if police do not initially assign an investigator or delay this case processing phase. Furthermore, it has taken tremendous courage for a victim to formally disclose the sexual assault to police and in doing so, victims have reported the emotionally and physically taxing nature of re-living the experience (e.g., the second rape/re-victimization). When police investigative responses are delayed or postponed, particularly for lengthy time periods without communication or contact, victims may exercise personal agency in deciding to forgo engagement with the criminal legal system and instead, focus on moving past the traumatic event.

At the same time, the likelihood of investigator assignment and time to investigator assignment are important decisions from a broader, investigation and logistical standpoint. Indeed, investigative decisions and activities have received little empirical attention across the existing policing research, despite the consequences of these practices on case clearance rates (but see, Braga et al., 2011; Prince et al., 2021; Worrall, 2019). For sexual assault cases, important case development activities are undertaken by specialized investigators after an initial report. This can include the process of identifying suspects, conducting photo-lineups, collecting physical evidence (e.g., forensic/biological), submitting evidence and SAKs for forensics testing, following up with the victim, and locating and interviewing witnesses and potential suspects (Campbell & Fehler-Cabral, 2018; Lovell et al., 2021). It follows, then, that promptly assigning an investigator to a sexual assault case would allow for timely and thorough investigative processes. It could be disadvantageous to delay or decide not to assign an investigator to a case because of timeliness difficulties that could negatively affect the case, like the ability to gather testable evidence (e.g., a victim showered or disposed of clothing before it was collected), delayed forensic testing, increased difficulties in getting in contact with witnesses, and locating/interviewing suspects. This is to say that factors related to how police prioritize sexual assault cases, as captured by the investigator assignment decision and the time variance of this event, warrant further consideration.

Presently, one study has analyzed correlates related to the transfer of a reported sexual assault case to an investigator. Lovell and colleagues (2021) explored predictors of case attrition using data from a sample of 717 previously untested SAKs from Cuyahoga County, Ohio. Results demonstrated that approximately 90% ($n = 630$) of reported sexual

assault cases moved to the investigation phase and that the median time from report to investigation was 13.77 days. Findings from a multivariate, logistic regression model indicated that only two factors predicted whether a case would be forwarded to investigation: if a suspect was identified and if the victim maintained cooperation (Lovell et al., 2021). These findings are instructive and provide important insight into the early police decision-making practices that have influenced case attrition, however, it would have been insightful to examine correlates of the time to investigation (and predictors of time variation among other case attrition decision points). Taken together, more research is warranted to understand what victim, suspect, and case factors are related to the investigator assignment decision and the time variation of this decision point across other jurisdictions.

Purpose of the Current Study

Existing research on police discretionary behaviors in sexual assault case processing in its present form has not reflected the broad range of decisions that officers undertake when a sexual assault is formally disclosed to police and the criminal legal system is activated. Most of this research has focused on arrest as the crucial police decision point in the formal process, while less attention has examined the predictors of the police decisions to unfound a sexual assault case or refer a case to prosecution. Taken together, this literature has focused police discretionary behaviors on narrow outcomes, precluding the relevance of investigating other important police decisions in sexual assault case processing. Accordingly, the present dissertation extends previous research by first examining what victim, suspect, and case factors predict the likelihood of the police decision to assign a specialized investigator to a reported case. Next, this

dissertation examines the victim, suspect, and case factors that may account for the time variance across sexual assault cases that do produce investigator assignment in this police agency—an otherwise previously unexplored low-level decision. Studying antecedent police processes through the re-imagination of measures that capture early decisions by police may clarify what type of sexual assault cases receive investigative priority from the start.

Additionally, to date, the large body of police decision-making research focused on sexual assault case processing has suggested that victim, suspect, and case factors are influential in guiding various decisions, however, findings have exhibited considerable disagreement on the role of these factors. Specifically, these inconsistencies have extended to the effect of victim race and ethnicity on sexual assault case processing outcomes. Moreover, existing conceptualizations have excluded other racial and ethnic groups from empirical consideration. As such, attention to police decision-making with consideration of Latina sexual assault victims is another substantively important contribution provided by this dissertation. Accordingly, this study estimates the direct effect of victim race and ethnicity on these low-level investigative decisions. It may be that the victim's race and ethnicity, and how this interacts with “real rape” factors, may affect investigative decision points because officers have extensive discretion in how they prioritize investigator assignment, such that the possibility of a “double dose” of rape myths for Black and Latina victims may occur.

Given these gaps in existing research, the present study used a sample of 465 sexual assault case files from a sizeable, urban police department, located in one of the fifth largest and most diverse U.S. cities to examine the contextual role of victim race and

ethnicity, along with relevant victim, suspect, and case factors that represent the stereotypes surrounding “real rape,” on sexual assault case processing decisions. The following research questions are addressed.

Research Questions

RQ1: To what extent are reported sexual assault cases assigned to an investigator?

RQ2: To what extent do reported sexual assault cases reflect the “real rape” schemata?

RQ3: Does investigator assignment for sexual assault cases differ by victim race and ethnicity?

RQ4: Does victim race and ethnicity have an effect on the likelihood of investigator assignment for sexual assault cases, net of victim, suspect, and case characteristics?

RQ5: What is the median time it takes to assign an investigator to a reported sexual assault case?

RQ6: Does the time to investigator assignment for sexual assault cases differ by victim race and ethnicity?

RQ7: Does victim race and ethnicity have an effect on the time it takes to assign an investigator to a sexual assault case, net of victim, suspect, and case characteristics

CHAPTER III

Methodology

Data

Data used for this dissertation were part of a larger federally-funded grant, awarded by the Office on Violence Against (OWV), to conduct an outcome evaluation of a mandatory, trauma-informed training for the police agency's commissioned personnel. The training was designed to improve police response to gender violence offenses with attention to the neurobiology of trauma.¹⁸ Part of this larger grant-funded project involved the collection of a stratified random sample of sexual assault incidents that were reported to this sizeable, municipal police agency, that is located in one of the five most populous and diverse U.S. cities.¹⁹ At the time of data collection, the municipal police partner employed approximately 5,300 commissioned police officers, approximately 1,200 civilian employees, and was operating one central command station and 14 substations. Additionally, the partner agency processed all sexual assaults through a centralized Special Victims' division. In this police agency, the process by which police respond to sexual assaults is broadly guided by two general orders: General Order #600-14 regarding sexual assaults and General Order #600-27 regarding preliminary and follow-up investigations. Accordingly, it follows that it is the responsibility of a responding officer (e.g., patrol or desk) to conduct a preliminary investigation and produce an incident report. Next, the responding officer making the incident report

¹⁸ During the training, instructors addressed gender bias, the neurobiology of trauma (e.g., survivors' trauma response), best practices, and available resources for victims. Victim race and ethnicity stereotypes and real rape schemata were not a part of the training curriculum.

¹⁹ As previously noted, the MOU between the policy agency legal counsel and the researchers precludes the naming of this police agency.

should provide the sexual assault victim with the incident number and the name/telephone of the unit that will be conducting a follow-up investigation (General Order #600-14). Additionally, the responding officer shall then contact the Special Victims' division for assistance from a Special Victims' supervisor. Then, a supervisor from the concerned division, that is, Special Victims', "shall determine whether an extensive or time-consuming follow-up investigation is required. The investigative division shall assume responsibility for all additional follow-up investigations on the case." (General Order #600-27). However, in preliminary investigations where there is a high probability that an arrest could occur, the investigation may be continued by the responding officer (General Order #600-27).

The sample of sexual assault case files collected for the grant-funded evaluation was derived in a multi-stage process. First, the population of 4,779 sexual assault incident numbers were generated from January 1, 2014 through February 28, 2018 by the police agency and given to the Principal Investigator (PI). From the population of sexual assault incident numbers, the PI created a stratified random sample, with equal numbers to represent each of five case disposition categories: cleared—arrest, cleared—other, open, inactive, and unfounded. The selection of case dispositions as the mechanism for the strata was in line with prior research on sexual assault case processing (Spohn & Tellis, 2012; Morabito et al., 2019b). Indeed, sexual assault case processing research has stratified by case disposition so that the many different categories of case clearance would be represented equally in the sample, regardless of their representation in the total population, to increase generalizability. This strategy is appropriate given the well-established patterns of case attrition in sexual assault incidents (Pattavina et al., 2021).

Stratification by case disposition, for example, enabled capturing victim, suspect, and case characteristics of inactive and unfounded sexual assault incidents to identify and to ensure representation among sexual assault cases that may not have been formally processed by police through to arrest after having been formally reported. The sampling strategy outlined in the research design initially involved collecting 250 cases for each of the five dispositions, to include 125 pre-training and 125 post-training cases. This decision was made based by the PI based on federal funding and resource allocation constraints for time, money, and research personnel. Review of the sexual assault population data by case disposition, however, demonstrated that the post-training population of unfounded cases (one of the five dispositions) did not allow for the selection of a random sample totaling 125 cases, because there were not enough cases. Instead, the *population* of post-training unfounded cases were included in the sample. In total, the sample included 1,165 sexual assault incident numbers across five disposition categories that were formally reported to the police partner between January 1, 2014 and February 28, 2018. After creating the sample, the PI provided these 1,165 incident numbers to the police agency so that their staff could collect, print, and redact each case file linked to each incident number. To protect sensitive information, case file redaction was completed by a retired police officer on site at the partner agency who was compensated by federal grant funds for their time. Once the sample files were redacted (identifiers were removed to include victim/suspect name and addresses, officer name and badge number) the blinded case files were provided to the PI for coding data entry and analysis. Each case file was coded by members of the research team and quantifiable data was extracted from each case. Quantifiable data from the case files were entered

directly into an SPSS 25.0 data spreadsheet. Case file coding involved extensive training with the PI and five graduate research assistants, a detailed codebook, and regular contact with the Special Victims' Division leadership personnel to navigate the case file format and discuss issues that arose. The PI trained the graduate research assistants, and then two senior research assistants were lead on the project and were responsible for directing data entry, under the direction of the PI. The PI supervised and checked coding to ensure inter-coder reliability.

The case files were coded in an iterative process; six members of the research team first coded together for 80 hours and then met routinely to discuss discrepancies and reach consensus throughout the coding process. Each case file allowed for the extraction of detailed, quantifiable information that included the responding officers' initial incident report, victim, suspect, and witness information, accounts of the incident, whether or not the case was assigned to an investigator and subsequent supplemental reports, description of evidence, injury, victim cooperation, criminal history, and case disposition. Coding time for each case file ranged anywhere from 35 to 120 minutes, depending on the complexity of the incident, the number of supplementary reports, and the length and progression of the case.

Dissertation Subsample

As previously stated, the initial sample consisted of 1,165 sexual assaults reported to the police agency for which an incident number was generated between January 1, 2014 through February 28, 2018. To answer the research questions outlined for this dissertation, the analytic sample was further refined based on selection criteria informed by prior research on police decision-making in sexual assault cases. Studies in this

literature have focused on sexual assault incidents that have involved a single (as opposed to multiple), adult female victim (e.g., often 18 years of age or older) and a male suspect(s) (Wentz, 2020; Wentz & Keimig, 2019). The reasons for this rationale are threefold. First, most reported sexual assault incidents typically involve an individual victim (Planty et al., 2013). Among the 1,165 sexual assault cases contained in the original sample, approximately 96% ($n = 1,124$) involved a single victim. Second, sexual assault is a highly gendered offense. Existing work has dedicated the bulk of empirical efforts toward those incidents involving female victims and male suspects (e.g., Morabito et al., 2019a; Spohn & Tellis, 2012). In the sample of 1,124 single-victim sexual assault incidents, women victims accounted for 89.5% ($n = 1,006$) of cases. Among the 1,006 cases with a single, woman victim, 96% ($n = 969$) were perpetrated by one or more male suspects. Finally, in this jurisdiction like most others, sexual assault incidents that have involved minors (victims aged 16 and under as defined by the state statute) are treated differently when compared to those cases that have involved adults. Formally reported sexual assault incidents in this jurisdiction involving minors are forwarded to a specialized children's advocacy center to assist police throughout the investigative process. This police agency also names the parent(s) and/or guardian(s) of any minor victim as a "complainant" in these incidents. Confounding the partner/guardian as the complainant for a minor victim adds complication to the exact measurement of variables of interest, such as victim cooperation (see Meeker et al., 2021 for a related discussion on distinguishing case processing by victim age). To remedy this, only sexual assault incidents involving adults at the time of the report, victims 17 years of age or older, were

retained.²⁰ Among the 969 sexual assault cases involving a single, female victim, approximately 54% ($n = 526$) of cases involved a victim who was 17 years of age or older at the time the report was made. Finally, given the goal of examining the effect of victim race and ethnicity, those sexual assault cases that involved either a White, Black, or Latina sexual assault victim were retained. It is important to note that the racial and ethnic identities recorded in the case file for each victim have been captured based on the individual responding officer's perceptions of that victim and were not recorded based on individual self-identification (see O'Neal et al., 2016).²¹ In detail, in terms of report writing in this jurisdiction, a responding officer would first complete an administrative page that documents relevant information at the time of the report. On the administrative page, the responding officer would identify the racial/ethnic identities of the victim(s) and suspect(s). This page becomes the first page of any given sexual assault case file with a single incident number generated by the police agency; victim, suspect, and witness narratives, interviews, evidence, and any follow up is added to the case file as supplemental documents. In other words, there is no possibility that multiple officers would make distinct racial characterizations of a single victim or suspect. Additionally, because the focus of the study was to examine early investigative decisions, the subsample for this analysis included both known and unknown suspects. Doing so retains important information for multivariate analysis but eliminates the possibility of capturing suspect race/ethnicity information across all cases. This means that the victim/suspect

²⁰ In this jurisdiction, the age of sexual consent is 17 years of age, therefore officers would treat victims 17 years or older as adults.

²¹ This means that a total of 40 sexual assault cases were excluded due to a small cell size and included other police-identified racial and ethnic identities for victims, including 23 Pacific Islander victims, 14 Asian victims, 2 Afro-Latina victims (e.g., captured as both Black and Latina), and 1 American Indian victim.

racial dyad information was not available for every case in the subsample. As a result, a victim/suspect racial/ethnic dyad variable was not included in present analysis. Further, cases involving multiple suspects were retained in the subsample to capture an important component of the “real rape” paradigm (see Estrich, 1987). Together, these parameters prohibited testing the joint interactive effect of victim and suspect race/ethnicity on investigative outcomes in this dissertation. The theoretical constraints described above yielded a convenience subsample of 486 sexual assault cases drawn from the originally collected stratified random sample data. Prior to examining missing any data, each sexual assault case selected for inclusion in the subsample in this dissertation involved one White, Black, or Latina woman victim who was 17 years of age or older at the time of filing a police report for a sexual assault incident that involved one or more male suspects.

Missing Data

Data were screened for missing cases. In total, 21 cases from the dissertation sample of 486 sexual assault incidents had missing data either on one of the two dependent variables of interest or on key variables required for the creation of the dissertation sample.²² The total number of missing cases comprised approximately 4% ($n = 21$) of the sample; list-wise deletion was employed. Generally, list-wise deletion is appropriate when missing data comprise less than 10% of the sample, therefore the 4% missing was well within the acceptable range (Chen & Astebro, 2003).²³ The final

²² In more detail, two cases were assigned to an investigator, but one case file was missing the investigation assignment date information, while the other case had a date in the case file that was mathematically impossible. Five cases were missing data for victim race, five cases were missing victim-suspect relationship, four cases were missing data for suspect one gender, two cases were missing victim age, two cases were missing case disposition, and one case had zero suspects listed as involved.

²³ Related, given that missing data are less than 10% missing, this would also mean that the type of missingness is not an issue (e.g., missing at random, missing completely at random, etc.).

sample for this dissertation, referred to as the “sample” from this point forward, included 465 sexual assault cases formally reported to this police agency.

Case Dispositions in Sample

Table 1 presents the unweighted and weighted sexual assault case dispositions as represented in the dissertation sample and compared to the grant-funded data collection sample. The unweighted sample case dispositions were more moderately reflective of the original stratified random sample case dispositions as compared to a weighted sample. Nearly one-third of unweighted cases (28.4%; $n = 132$) were “cleared—other,” while just over one-quarter of unweighted cases were disposed as “inactive” (25.6%; $n = 119$). Approximately 22% of unweighted cases ($n = 103$) were “cleared—arrest,” 18.7% of unweighted cases ($n = 87$) were disposed as “open,” and 5.2% of unweighted cases ($n = 24$) in this sample were “unfounded.”

Table 1

Comparison of Case Dispositions in Sample and Original Data Collection

Dispositions	Unweighted Sample	Weighted Sample	Original Data Collection Sample
Cleared—Arrest	22.2%	24.6%	21.1%
Cleared—Other	28.4%	21%	21.4%
Open	18.7%	6.9%	21.1%
Inactive	25.6%	37.9%	21.7%
Unfounded	5.2%	9.6%	14.7%

Measures

Dependent Variables

This dissertation has two dependent variables. First, *investigator assignment* was captured as a dichotomous variable (No = 0 [$n = 76$, 16.3%]; Yes = 1 [$n = 389$, 83.7%]).

This measure identified whether a sexual case was transferred from the initial responding officer to a specialized investigator for further, follow-up investigation, after an incident report had been taken. The second dependent variable, *time to investigator assignment*, was captured by calculating the temporal distance, or the time lag between the date when the initial report was taken by the responding officer and the date when the specialized investigator was assigned to each case (if this investigator assignment event occurred). Survival time was captured by calculating the number of days that elapsed between the initial report and the investigator assignment. Cases that were formally reported but not transferred to a specialized investigator were right-censored. *Time to investigator assignment* was a continuous variable measured in days and ranged anywhere from 0 to 989 days. The median survival time was 4.00 days ($M = 44.13$, $SD = 7.57$).

Independent Variables

Victim Factors. Five variables were operationalized to represent factors related to the victim in each sexual assault case.

Victim Race/Ethnicity was captured using three dummy variables: “White” (No = 0 [$n = 265$, 57%]; Yes = 1 [$n = 200$, 43%]), “Black” (No = 0 [$n = 275$, 59.1%]; Yes = 1 [$n = 190$, 40.9%]), and “Latina” (No = 0 [$n = 390$, 83.9%]; Yes = 1 [$n = 75$, 16.1%]).

Victim Age was a continuous variable that captured the age of the victim in years at the time of the report and ranged anywhere from 17 to 94 years ($M = 29.30$, $SD = 12.12$).

Risky Behavior has been included in existing research on sexual assault case processing because when a victim engages in behaviors that have been labeled “risky,” police have reported diminished perceptions of victim credibility (Alderden & Ullman,

2012a; Jordan, 2004). In the current study, risky behavior was captured as a dichotomous item that was coded affirmatively (Yes = 1, [$n = 293$, 63%]) if there was explicit mention in the case file, based on information from victim statements and those interviews and/or questions that officers recorded in the case file that alluded to *any* form of risky behavior as drawn from previous research (Alderden & Ullman, 2012a; St. George & Spohn, 2018). Specifically, risky behaviors captured from the case file data in this study included if the victim: 1) was walking alone late at night, 2) was alone at a bar, 3) accepted a ride from a stranger, 4) went to the suspect's residence, 5) invited the suspect to her own residence, 6) accompanied the suspect to a private location (e.g., car, secluded street), 7) was drinking alcohol, 8) was using illegal drugs voluntarily, and 9) whether the victim was unconscious.²⁴ If the victim did not mention or disclose behavior that could be interpreted as risky or if the case file did not mention risky behavior (e.g., based off her statement/officer questioning), this item was coded negatively (No = 0 [$n = 172$, 37%]). Appendix A presents the frequency distribution for each individual behavioral item operationalized as risky.

Moral Character was captured as a dichotomous item that was coded affirmatively (Yes = 1 [$n = 297$, 63.9%]) if there was explicit mention in the case file, based on information from victim statements and officer interviews/questioning, of the victim having *any* form of, what prior research has identified as, character flaws (Beichner & Spohn, 2005; Spohn & Tellis, 2012; Tasca et al., 2013). Moral character included if the victim: 1) had a disreputable job (e.g., stripper/masseuse), 2) had a history

²⁴ The items, "went to suspect's residence," "invited suspect to her own residence," and "accompanied suspect to a private location" were originally captured categorically and included, "same residence" as an option. These cases were recoded into the "no" response once dummied because living with a suspect who is an intimate partner or perhaps roommate is not inherently risky behavior.

of prostitution, 3) had a history of mental illness,²⁵ 4) had a physical/cognitive disability,²⁶ 5) was homeless, 6) was a previous runaway, 7) had prior criminal history,²⁷ 8) had prior consensual sex experiences explicitly mentioned and recorded in the substance of the case file (e.g., sex with multiple partners, promiscuous), 9) had made multiple prior sexual assault reports that produced a police incident report, 10) had a prior consensual sexual relationship with any suspect,²⁸ and 11) had motive to lie.²⁹ If the victim did not have moral character issues that would harm her credibility or they were not mentioned/recorded in the case file (e.g., based off her statement and/or officer questioning), this was coded negatively (No = 0 [$n = 168, 36.1\%$]). Appendix B presents the frequency distribution for each individual item operationalized as moral character flaws and examples of items.

Victim Positive Preference for Formal Intervention captured elements of victim cooperation and was measured with a single variable that represented whether or not the victim verbally expressed a positive preference for criminal legal intervention in the form of “arresting the suspect,” “charging the suspect,” or “prosecuting the suspect.” Explicit mention in the case file of a victim’s positive preference for any type of formal

²⁵ The types of statements coded as affirmative for “history of mental illness” were based on information obtained by officers from the victim or witness statements and included mention of self or witness disclosure of mental illness, mention of a history of being a patient at a mental treatment facility, and mention of previous and/or current mental health medications.

²⁶ The types of statements coded as affirmative for “physical/cognitive disability” were based on information obtained by officers from the victim or witness statements.

²⁷ Criminal history was conceptualized as any history of being previously detained, previously arrested, previously convicted, previously incarcerated, and currently under criminal justice community supervision.

²⁸ The item “victim had a prior consensual sexual relationship with any suspect” was originally captured categorically and included “statutory rape” as an option for instances where the victim and suspect had a prior consensual sexual relationship, but was technically criminalized due to age of consent in this jurisdiction. These cases were recoded into “yes” upon creating the dichotomous measure since this is still an affirmative prior sexual history with the suspect.

²⁹ The types of statements in the case file coded as affirmative for “victim had motive to lie” were based on the researcher’s determination of the case file with *a priori* criteria informed from existing research (Spohn & Tellis, 2012). This included information obtained by officers from the victim or witness statements.

intervention was captured as affirmative (Yes = 1 [$n = 223$, 48%]). If the victim did not report a positive formal preference to the responding officer or the officer noted that the victim was not wanting the suspect(s) arrested, charged, or prosecuted, this was coded negatively (No = 0 [$n = 242$, 52%]); (see Garza et al., 2020).

Suspect Factors. One variable was included as a suspect-related factor.

Suspect Identification captured if the victim in the sexual assault case reported any identifying information related to any suspect to police. This included reports of a name, partial name, nick name, or first and last name that was recorded in the case file. This variable was captured as a dichotomous measure (No = 0 [$n = 120$, 25.8%]; Yes = 1 [$n = 345$, 74.2%]).³⁰

Case Factors. Three variables were included as case-related factors.

Real Rape was included in the present study to capture the “real rape” schemata discussed at length above and in prior research (Estrich, 1987; St. George & Spohn, 2018; Weis & Borges, 1973; L. Williams, 1984). This measure was operationalized to include the host of characteristics that have traditionally shaped police decision-making and police perceptions surrounding what constitutes a credible or “real” rape (Estrich, 1987; Weis & Borges, 1973; Williams, 1983). Real rape items were conceptualized based on explicit and affirmative mention in the case file based on information from victim statements and information recorded in the case file from officer interviews/questioning. Real rape was captured using a multi-item, variety index drawn from prior research (St. George & Spohn, 2018) comprised of seven dichotomous items. Items included if the

³⁰ This variable was originally captured categorically and included a response option of “suspect on scene.” This was recoded into the response “yes” given that police would have been able to identify an on-scene suspect.

case involved: 1) a stranger suspect,³¹ 2) multiple suspects, 3) weapon use,³² 4) victim verbal resistance,³³ 5) victim physical resistance,³⁴ 6) victim injury,³⁵ and 7) an outdoor location.³⁶ The seven items were summed to create a variety index that ranged from 0 to 7 where higher scores on the real rape index represented the increased presence of “real rape” characteristics for a given case ($M = 1.85$, $SD = 1.33$) (see St. George & Spohn, 2018). Internal consistency reliability, measured by Cronbach’s alpha, was .356. The Cronbach’s alpha reported here is low for the real rape index, however, similar values have been reported in the recent research that developed this index for decision-making and sexual assault cases (see St. George & Spohn, 2018). Scholars have also argued that the Cronbach alpha is not necessarily appropriate for measures like this index that do not reflect a single underlying latent construct, but instead are attempting to measure events that belong in the same theoretical conceptual category (see Finkelhor et al., 2005). Table 2 presents the list of items for the index and their frequency in the sample.

³¹ All other relationship types aside from stranger were recoded into “no” and included, casual acquaintance, recent acquaintance, married, common law, legally separated, divorced, intimate partner, intimate partner cohabitating, former intimate partner, former intimate partner cohabitating, domestic partner, roommate, friend, planned first meeting/date, internet relationship, coworker, authority figure (e.g., doctor, clergy), parent of victim, relative (other than parent) of victim, guardian of victim, neighbor, and other.

³² Weapon use captures whether *any* suspect used a weapon (outside of bodily force using hands, fists, feet) on the victim or to threaten the victim during the sexual assault. Examples of weapons include: knife to threaten, knife used on victim, club/blunt object to threaten, club/blunt object used on victim, firearm to threaten, firearm to hit victim, etc.

³³ Victim verbal resistance captured if the victim engaged in *any* of following verbal resistance strategies: saying no, crying, screaming, and verbal demands to stop.

³⁴ Victim physical resistance captured if the victim engaged in *any* of following physical resistance strategies: fleeing, physically fighting back, and weapon use.

³⁵ Victim injury was coded affirmatively if the victim presented with *any* gratuitous injury, such as bruises, cuts, scratches, redness, swelling, broken bones, bleeding, head trauma/concussions, burns, strangulation, and bite marks. The codebook originally also coded for stabbing and shooting related injury, but no victim in this sample presented with those injury categories.

³⁶ Premise type was originally captured as a categorical variable and included other responses like, victim home, suspect home, joint home, third party residence, hotel/motel, indoor commercial, vehicle, and other, that were recoded into the “no” response.

Table 2*Real Rape Index Items and Sample Frequency*

Index	Items used	<i>n</i>	%
Real rape	Stranger suspect	117	25.2%
	Multiple suspects	44	9.5%
	Weapon use	82	17.6%
	Victim verbal resistance	228	49.0%
	Victim physical resistance	197	42.4%
	Victim injury	148	31.8%
	Outdoor location	45	9.7%

Sexual Assault Co-Occurrence was operationalized as the presence of additional unrelated criminal offenses that occurred simultaneously and were reported under the same incident number. This might mean that a single incident (or case file) could comprise multiple charges. Sexual assault co-occurrence was captured as a dichotomous measure (No = 0 [*n* = 402, 86.5%]; Yes = 1 [*n* = 63, 13.5%]) and was coded affirmatively if the case file narrative listed criminal offenses in addition to the sexual assault offense.³⁷

Evidentiary Strength was conceptualized based on prior research (O’Neal et al., 2016; St. George & Spohn, 2018) and captured using a multi-item, variety index of seven dichotomous items that reflected various forms of physical evidence that have been important in the sexual assault case processing literature. These seven items included: 1) an eyewitness to the sexual assault, 2) whether a SAK was performed, 3) the presence of any biological evidence,³⁸ 4) the presence of clothing/bedding,³⁹ 5) a lab report from the

³⁷ Co-occurring offenses, for instance, included aggravated assault, aggravated robbery, assault bodily force, family violence assault, robbery, and theft, among others.

³⁸ Biological evidence was conceptualized as including the presence of semen, saliva, or buccal swab evidence.

³⁹ Presence of clothing/bedding was coded affirmatively if there was *any* of the following items: bedsheets, underwear, bra, socks, leggings, shorts, pants, skirt, dress, shirt, sweatshirt, or other clothing.

forensic lab, 6) photographs taken on-scene by police, and 7) if a photo lineup was conducted. The seven items were summed to create a variety index that ranged from 0 to 7 where higher scores represented increased evidentiary strength ($M = 1.61$, $SD = 1.62$). Internal consistency reliability, measured by Cronbach's alpha, was acceptable ($\alpha = .670$). Table 3 presents the list of items for each index and their frequency distribution in the sample.

Table 3

Evidentiary Strength Index Items and Sample Frequency

Index	Items used	<i>n</i>	%
Evidentiary strength	Eyewitness	26	5.6%
	SAK was performed	230	49.5%
	Biological evidence	100	21.5%
	Clothing/bedding	63	13.5%
	Lab report	157	33.8%
	Photographs	104	22.4%
	Photo lineup	68	14.6%

Control Variable. One variable was included as in the study as a control.

Appendix C presents other control variables considered, but not included in the analysis.

Training was captured as a dichotomous measure (Pre-training = 0 [$n = 237$, 51%]; Post-training = 1 [$n = 228$, 49%]) and identified whether the sexual assault case file was from the pre-or-post mandatory agency training period.

Analytic Strategy

To answer the research questions outlined in chapter two of this dissertation, analyses proceeded in several stages. First, data were screened for multicollinearity, skewness, and kurtosis. Second, univariate statistics were calculated in the form of mean and standard deviation values for each of the study variables. These initial steps addressed research questions 1 and 2. Third, a bivariate correlation matrix and chi-square

tests were estimated to identify any statistically significant, bivariate relations between the independent and dependent study variables and to identify any statistically significant differences between investigator assignment across victim race and ethnicity categories—this addressed research question 3. Next, research question 4 was assessed using multivariate binary logistic regression models. Given the dichotomous nature of the dependent variable, *investigator assignment*, the use of logistic regression modeling is appropriate for estimating the likelihood of investigator assignment as well as the covariates that may predict this likelihood (Long, 1997; Long & Freese, 2006). Importantly, victim race and ethnicity reference categories were rotated in multivariate models to catalog all possible comparisons across victim race and ethnicity groups as opposed to their inclusion only as independent variables referenced to White counterparts (see Kelley et al., 2021). This rotation strategy allows for a critical analysis that further contextualizes the role of race and ethnicity and moves beyond existing research that has defaulted to naming White as the sole race reference group. Finally, research questions 5, 6, and 7 were addressed using survival analysis.⁴⁰ Survival analysis is a statistical method for examining the time to the occurrence of an event; for the purposes of this dissertation, that is the time from the initial sexual assault report date (i.e., the beginning point of survival time) to the date of investigator assignment (i.e., the end point of when that event is reached; *time to investigator assignment*), while considering covariates that predict the occurrence of this event (Allison, 2004). Moreover, survival analysis can include cases that do not experience the event of interest (as opposed to excluding them from the analysis, that is) during the period of observation—this is termed “censoring.” In survival

⁴⁰ Various names can be interchangeably used for survival analysis, such as event history analysis, failure-time analysis, and hazard analysis (Allison, 2004).

data generally, and this dissertation specifically, the event of interest does not occur across all cases during the follow-up period, therefore, the time at which the event occurred cannot be observed. In these cases, the “true” time to the event remains unknown (Clark et al., 2003). The use of censoring data in survival analysis allows for inclusion of these non-event cases in the analyses by assuming the event *could* occur, but its occurrence would take place after the end of the observation period (Allison, 2004). In this dissertation, sexual assault cases that were not assigned to an investigator were right-censored.⁴¹ This means the survival time for these cases has not occurred at the end of the study period (e.g., February 28, 2018) for factors that are random for each case, so their survival time is greater than (or on the right tail of a time axis) the follow-up period (Hosmer et al., 2008). The *time to investigator assignment* variable was right censored; a value of “1” indicates the event has occurred and a value of “0” indicates the event did not occur during the follow-up period.

The first stage of survival analysis involved using methods that provide descriptive and univariate statistics of the data, including a life table and the Kaplan-Meier estimator. The life table produces information about the distribution of the survival data and estimates the survivor function, $S(t)$. The survivor function is the probability that an event has not yet occurred by a particular time interval (Allison, 2004). In other words, the probability that a sexual assault case has not yet been assigned to investigation within a one-day time interval, two days, and so on, etc. Related, the Kaplan-Meier estimator is

⁴¹ Other forms of censoring that are not applicable to the nature of this dissertation data include left and interval censoring. Left censoring occurs if the event of interest is observed before the observation begins, but you do not know where it began (Allison, 2004; Clark et al., 2003). Interval censoring occurs when cases have the event of interest happen multiple times in the observation period and cannot treat time as continuous (Allison, 2004; Clark et al., 2003).

a method that visually estimates the survival functions and graphs these probabilities as a function of time (Allison, 2004). These graphed probabilities in the Kaplan-Meier method are referred to as survival curves (Allison, 2004). Survival curves graphed using the Kaplan-Meier method allow for the examination of significant differences in survival time across curves or groups (e.g., by victim race and ethnicity) by performing a log rank test (Allison, 2004; Hosmer et al., 2008).

The second stage of the survival analysis moved beyond univariate statistics and comparison of survival curves that test for significant group differences. To assess the simultaneous effect of multiple covariates on survival time, a Cox regression model or the Cox proportional hazards model was employed. Cox regression is also referred to as the proportional hazards model because, for any two individuals or sexual assault cases at any given time, the ratio of their hazard (e.g., the probability that an event will occur) is a constant, prior to introducing covariates (Allison, 2014). This is the proportional hazards assumption. In these models, the dependent variable is $h(t)$ or the hazard of an event at time t . Broadly, $h(t)$ can be interpreted as the probability that an event will occur at time t (Allison, 2004).

CHAPTER IV

Results

Data Screening

Prior to estimating the statistical models, SPSS, version 27.0 was used to screen the data for skewness and kurtosis. Estimates fell within the acceptable range and did not exceed the recommended cutoff values of 3.0 and 8.0, respectively (Kline, 2005). Next, multicollinearity diagnostics were evaluated and are presented in Table 5. Tolerances ranged from .825 to .985. Generally, acceptable tolerance values are greater than 0.2, but less than 4.0 (Belsey et al., 1980). Table 4 demonstrates that variation inflation factors (VIF) ranged from 1.015 to 1.228 demonstrating that multicollinearity was not a problem. Acceptable VIF values fall below 2.5, respectfully (Tabachnick & Fidell, 2007).

Table 4

Multicollinearity Diagnostics

Variable	VIF	Tolerance
White	1.197	.835
Black	1.180	.847
Latina	1.184	.844
Victim age	1.042	.960
Risky behavior	1.064	.940
Moral character	1.078	.928
Victim positive preference for formal intervention	1.024	.976
Suspect identification	1.155	.866
Real rape	1.228	.814
Sexual assault co-occurrence	1.075	.930
Evidentiary strength	1.105	.905
Training	1.015	.985

Univariate Statistics

Table 5 presents the descriptive statistics for the study variables. Approximately 83.7% ($n = 389$) of reported sexual assault cases were assigned to an investigator,

addressing Research Question 1. In the current sample, most sexual assault victims were identified by police as White ($n = 200$; 43%), followed by Black ($n = 190$; 40.9%), and Latina ($n = 75$; 16.1%). On average, the sexual assault victim was approximately 29.30 years old ($SD = 12.12$). Most victims reported engaging in risky behaviors (No = 0, Yes = 1; $n = 293$; 63%) and a majority were characterized by what has been defined as moral character issues (No = 0, Yes = 1; $n = 297$; 63.9%). Less than half ($n = 223$; 48%) of victims had a positive preference for formal criminal legal intervention. In terms of suspect identification, nearly three-fourths of victims ($n = 345$; 74.2%) could identify the suspect to police. Cases had low scores on the real rape ($M = 1.85$, $SD = 1.33$, $Range = 0-7$) and evidentiary strength ($M = 1.61$, $SD = 1.62$, $Range = 0-7$) indices. Most sexual assaults ($n = 402$; 86.5%) did not co-occur with other criminal offenses. Just over half of sexual assault cases ($n = 237$; 51%) were reported pre-training as compared to post-training ($n = 228$; 49%).

Table 5

Descriptive Statistics for Study Variables

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Dependent variables</i>					
Investigator assignment					
No	76	16.3%			
Yes	389	83.7%			
Time to investigator assignment			44.13	7.57	0-989
<i>Victim factors</i>					
White	200	43%			
Black	190	40.9%			
Latina	75	16.1%			
Age			29.30	12.12	17-94
Risky behavior					
No	172	37%			
Yes	293	63%			

(continued)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
Moral character					
No	168	36.1%			
Yes	297	63.9%			
Victim positive preference					
No	242	52%			
Yes	223	48%			
<i>Suspect factors</i>					
Suspect identification					
No	120	25.8%			
Yes	345	74.2%			
<i>Case factors</i>					
Real rape			1.85	1.33	0-7
Sexual assault co-occurrence					
No	402	86.5%			
Yes	63	13.5%			
Evidentiary strength			1.61	1.62	0-7
<i>Control</i>					
Training					
Pre-training	237	51%			
Post-training	228	49%			

Descriptive statistics demonstrated that 83.7% ($n = 389$) of reported sexual assault cases were assigned to an investigator following a formal report. Table 6 presents descriptive information for sexual assault cases that were assigned to an investigator and demonstrates the majority of these sexual assault victims were identified by police as White ($n = 171$; 44%), followed by Black ($n = 151$; 38.8%), and Latina ($n = 67$; 17.2%). The victim's average age was 28.62 years old ($SD = 11.59$). More than half of these victims engaged in risky behaviors ($n = 249$; 64%) and more than half of these victims had moral character issues ($n = 246$; 63.2%). Among cases assigned to an investigator, just over half of victims reported a positive preference for formal criminal legal intervention ($n = 196$; 50.4%) and just over three-fourths of victims identified the suspect to police ($n = 295$; 75.8%). The cases assigned to an investigator had low mean scores on the real rape index ($M = 1.90$, $SD = 1.31$, $Range = 0-7$) and low mean scores on the

evidentiary strength index ($M = 1.87$, $SD = 1.62$, $Range = 0-7$). Among the cases assigned to an investigator, the majority did not co-occur with other criminal offenses ($n = 338$; 86.9%). Finally, more than half of cases assigned to an investigator were reported during the post-training period ($n = 203$; 52.2%).

Conversely, 16.3% ($n = 76$) of reported sexual assault cases did *not* move to investigator assignment. Table 6 presents descriptive information for sexual assault cases not assigned to an investigator. Among these cases, more than half of sexual assault victims were identified by police as Black ($n = 39$; 51.3%), followed by White ($n = 29$; 38.2%), and Latina ($n = 8$; 10.5%). Among the cases not assigned to an investigator, the victim's average age was 32.78 years old ($SD = 14.10$); more than half of victims engaged in risky behaviors ($n = 44$; 57.9%), and more than two-thirds had moral character issues ($n = 51$; 67.1%). Further, just over a third of victims in cases not assigned to an investigator had a positive preference for formal criminal legal intervention ($n = 27$; 35.5%) and more than half of victims identified the suspect to police ($n = 50$; 65.8%). The cases not assigned to an investigator had on average a low score on the real rape index ($M = 1.62$, $SD = 1.39$, $Range = 0-7$) and a considerably low score on the evidentiary strength index ($M = .28$, $SD = .67$, $Range = 0-7$). Among the cases not assigned to an investigator, the majority did not co-occur with other criminal offenses ($n = 64$; 84.2%). Finally, more than half of cases not assigned to an investigator were reported during the pre-training period ($n = 51$; 67.1%).

Table 6*Descriptive Statistics by Investigator Case Assignment*

Variables	Not Assigned (<i>n</i> = 76)		<i>M</i> (<i>SD</i>)	Assigned (<i>n</i> = 389)		<i>M</i> (<i>SD</i>)
	<i>n</i>	%		<i>n</i>	%	
White	29	38.2%		171	44%	
Black	39	51.3%		151	38.8%	
Latina	8	10.5%		67	17.2%	
Age			32.78 (14.10)			28.62 (11.59)
Risky behavior						
No	32	42.1%		140	36%	
Yes	44	57.9%		249	64%	
Moral character						
No	25	32.9%		143	36.8%	
Yes	51	67.1%		246	63.2%	
Victim positive preference						
No	49	64.5%		193	49.6%	
Yes	27	35.5%		196	50.4%	
Suspect identification						
No	26	34.2%		94	24.2%	
Yes	50	65.8%		295	75.8%	
Real rape			1.62 (1.39)			1.90 (1.31)
Sexual assault co-occurrence						
No	64	84.2%		338	86.9%	
Yes	12	15.8%		51	13.1%	
Evidentiary strength			.28 (.67)			1.87 (1.62)
Training						
Pre-training	51	67.1%		186	47.8%	
Post-training	25	32.9%		203	52.2%	

Figure 1 presents the supplemental descriptive analyses that were conducted among the 76 unassigned (16.3%) sexual assault cases. This was done to consider the possibility that these cases produced other discretionary decisions. Among the unassigned cases, seven did not proceed because they were pre-screened by the responding officer. In other words, for each of these seven unassigned cases, when the victim activated the criminal legal system, the responding officer contacted the DA to inquire if there should be an arrest without the need for further investigation. Among these seven pre-screened

sexual assault cases, six were accepted by the DA. Among these six cases, the suspect was arrested on the date of the initial report in four instances, while two of these cases involved the suspect's arrest days after the report was filed. These cursory descriptive results demonstrate approximately 15% ($n = 69$) of sexual assault cases from the sample were reported by a victim and were not pre-screened by a responding officer *nor* assigned to an investigator for further follow-up.

Figure 1

Unassigned Cases

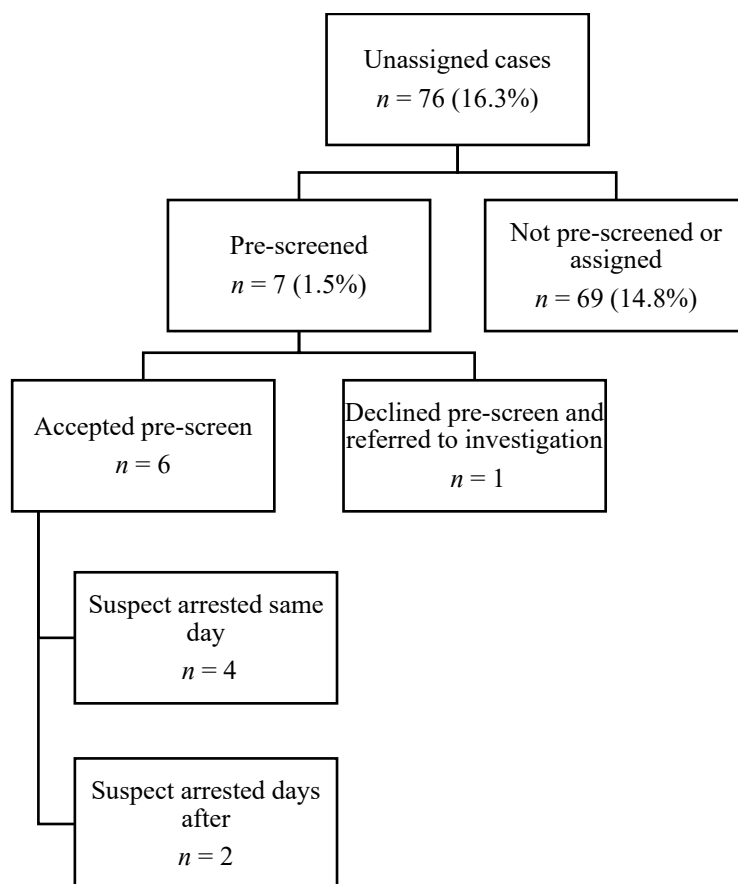
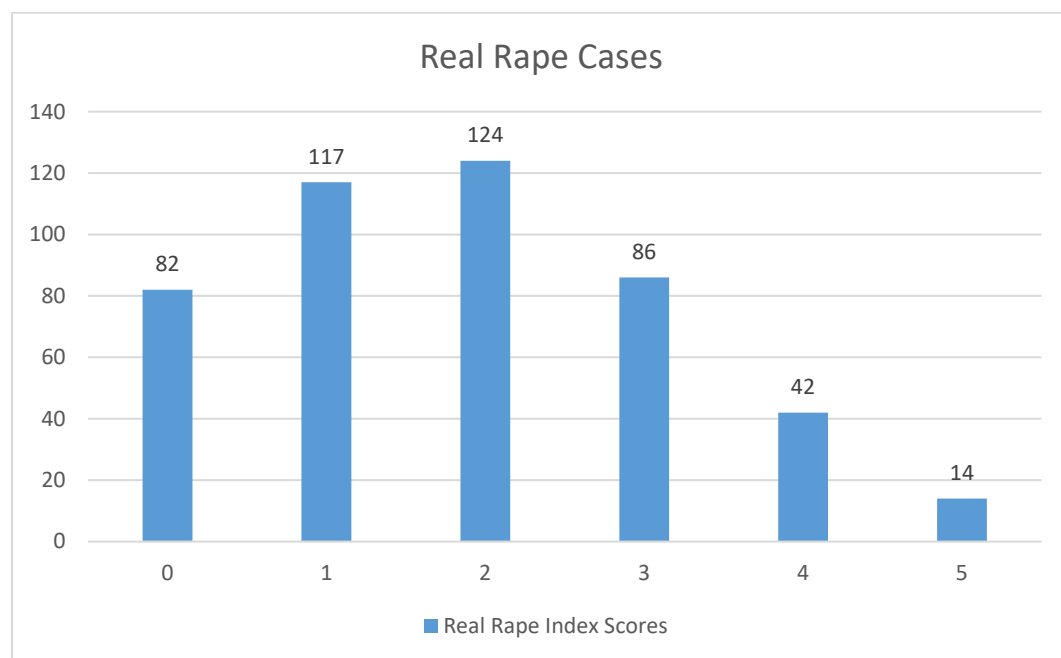


Figure 2 presents a frequency distribution for the “real rape” cases, addressing Research Question 2. As can be seen in Table 5, the index ranged from 0 to 7 ($M = 1.85$, $SD = 1.33$), where higher scores represented the increased presence of “real rape”

characteristics for a given case. Frequencies have demonstrated that a minority of cases meet the “real rape” characteristics as represented by the index used in this dissertation. Among the full sample ($N = 465$), 17.6% ($n = 82$) of sexual assault cases had a score of zero on the real rape index or no “real rape” characteristics. To further break this down, 25.2% ($n = 117$) of cases had a single real rape characteristic; 26.7% ($n = 124$) of cases had two real rape characteristics; 18.5% ($n = 86$) of cases had three real rape characteristics; 9% ($n = 42$) of cases had four real rape characteristics and 3% ($n = 14$) of cases had five real rape characteristics. In the full sample, none of the reported sexual assault cases had more than five factors identified as indicators of “real rape.”

Figure 2

Real Rape Index Frequencies



Bivariate Analyses

Bivariate Correlation Matrix

Table 7 presents the results of the Pearson bivariate correlation matrix and demonstrates several significant and substantively important relations between the dependent and independent variables. First, there was a statistically significant, positive relation between the two dependent variables: *investigator assignment* and *days to assignment*, $r_s(463) = 0.12, p = .010$. There was a statistically significant, negative relation between investigator assignment and Black victims, $r_s(463) = -0.09, p = .043$ and between investigator assignment and victim age, $r_s(463) = -0.13, p = .006$. Investigator assignment was statistically significant and positively related to victim positive preference for formal intervention, $r_s(463) = 0.11, p = .018$ and to evidentiary strength, $r_s(463) = 0.37, p = .000$. Additionally, there was a statistically significant, positive relation between investigator assignment and training (0 = pre-training, 1 = post-training), $r_s(463) = 0.14, p = .002$.

In terms of the second dependent variable of interest, several significant and substantive findings emerged. First, there was a statistically significant, positive relation between days to assignment and Latina victims, $r_s(463) = 0.09, p = .046$. There was a statistically significant, negative relation between days to assignment and victim age, $r_s(463) = -0.10, p = .030$. In addition, days to investigation was significantly and negatively related to risky behavior, $r_s(463) = -0.14, p = .002$ and moral character, $r_s(463) = -0.10, p = .030$. Days to investigation was significantly and negatively related to real rape, $r_s(463) = -0.21, p = .000$ and sexual assault co-occurrence, $r_s(463) = -0.09, p = .044$. There was a statistically significant, negative relation between days to assignment and evidentiary

strength, $r_s(463) = -0.10, p = .037$. Finally, there was a statistically significant, negative relation between days to assignment and training (0 = pre-training, 1 = post-training), $r_s(463) = -0.13, p = .004$.

In examining relations between independent variables, several significant findings emerged. There was a statistically significant, negative relation between White victims and Black victims, $r_s(463) = -0.72, p = .000$ and between White victims and Latina victims, $r_s(463) = -0.38, p = .000$.⁴² There was also a statistically significant, negative relation between Black victims and Latina victims, $r_s(463) = -0.37, p = .000$. Risky behavior was statistically significant and positively related to Black victims, $r_s(463) = 0.10, p = .028$, although risky behavior was statistically significant and negatively related to Latina victims, $r_s(463) = -0.12, p = .007$. Risky behavior was statistically significant and positively related to evidentiary strength, $r_s(463) = 0.20, p = .000$. Moral character was statistically significant and positively related to victim age, $r_s(463) = 0.13, p = .007$, suspect identification, $r_s(463) = 0.11, p = .019$, and to sexual assault co-occurrence, $r_s(463) = 0.18, p = .000$. Additionally, there was a statistically significant, negative relation between suspect identification and real rape, $r_s(463) = -0.33, p = .000$. Finally, real rape was statistically significant and positively related to sexual assault co-occurrence, real rape, $r_s(463) = 0.17, p = .000$ and to evidentiary strength, $r_s(463) = 0.22, p = .000$.

⁴² Though the independent variables for victim race/ethnicity White and Black have a significantly strong relation that could cause issues of collinearity, these variables are not included in models simultaneously.

Table 7*Bivariate Correlation Matrix for Study Variables*

Measures	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Investigator assignment	---													
2. Time to assignment	.12*	---												
3. White	.04	-.00	---											
4. Black	-.09*	-.07	-.72**	---										
5. Latina	.07	.09*	-.38**	-.37**	---									
6. Victim age	-.13**	-.10*	.06	.00	-.08	---								
7. Risky behavior	.05	-.14**	-.01	.10*	-.12**	.02	---							
8. Moral character	-.03	-.10*	-.01	.03	-.04	.13**	-.02	---						
9. Victim preference	.11*	.02	.02	.01	-.04	.09	.07	.04	---					
10. Suspect identification	.09	.08	.08	-.07	-.01	-.03	.01	.11*	-.01	---				
11. Real rape	.08	-.21**	-.08	.03	.07	-.05	.04	.03	.08	-.33**	---			
12. Sexual assault co-occurrence	-.03	-.09*	.04	-.06	.03	.07	-.01	.18**	+.+	-.05	.17**	---		
13. Evidentiary strength	.37**	-.10*	-.04	.05	-.02	-.03	.20**	.06	.09	-.02	.22**	.06	---	
14. Training	.14**	-.13**	.07	-.05	-.02	.01	-.02	-.06	.01	.05	.01	-.05	.02	---

Note. * $p < .05$ ** $p < .01$

Testing for Significant Differences

Table 8 presents the results of the chi-square analyses and independent samples *t*-tests to assess significant differences across investigator assignment, addressing Research Question 3. In terms of victim factors, results from a chi-square test demonstrated that the percentage of cases with Black victims significantly differed between not assigned- and assigned sexual assault cases, $X^2(1, 465) = 4.11, p = .043$. Results from an independent samples *t*-test demonstrated there was a significant difference in the mean age of victims with cases assigned to an investigator ($M = 28.62, SD = 11.59$) and the mean age of victims with cases that were not assigned to an investigator ($M = 32.78, SD = 14.10$), $t(95) = 2.42, p = .018$. Additionally, results from a chi-square test demonstrated that the percentage of cases with victim positive preference for formal criminal legal intervention significantly differed between not assigned- and assigned sexual assault cases, $X^2(1, 465) = 5.63, p = .018$. In terms of suspect factors, results from a chi-square test demonstrated that the percentage of cases with suspect identification approached statistical significance between not assigned- and assigned sexual assault cases, $X^2(1, 465) = 3.35, p = .067$. In terms of case factors, results from an independent samples *t*-test approached significance for the mean real rape index level for cases assigned to an investigator ($M = 1.90, SD = 1.30$) and the mean real rape index level for cases not assigned to an investigator ($M = 1.62, SD = 1.39$), $t(463) = -1.68, p = .094$. Additionally, an independent samples *t*-test demonstrated a significant difference in the mean evidentiary strength level for cases assigned to an investigator ($M = 1.87, SD = 1.62$) and the mean evidentiary strength level for cases that were not assigned to an investigator ($M = .27, SD = .67$), $t(277) = -14.20, p$

= .000. Finally, results from a chi-square test revealed that the percentage of cases assigned to an investigator significantly differed by training, $X^2(1, 465) = 9.47, p = .002$.

Table 8*Significant Differences by Investigator Case Assignment*

Variables	Not Assigned (n = 76)		M (SD)	Assigned (n = 389)		M (SD)
	n	%		n	%	
White	29	38.2%		171	44%	
Black*	39	51.3%		151	38.8%	
Latina	8	10.5%		67	17.2%	
Age†			32.78 (14.10)			28.62 (11.59)
Risky behavior						
No	32	42.1%		140	36%	
Yes	44	57.9%		249	64%	
Moral character						
No	25	32.9%		143	36.8%	
Yes	51	67.1%		246	63.2%	
Victim positive preference*						
No	49	64.5%		193	49.6%	
Yes	27	35.5%		196	50.4%	
Suspect identification†						
No	26	34.2%		94	24.2%	
Yes	50	65.8%		295	75.8%	
Real rape†			1.62 (1.39)			1.90 (1.31)
Sexual assault co-occurrence						
No	64	84.2%		338	86.9%	
Yes	12	15.8%		51	13.1%	
Evidentiary strength**			.28 (.67)			1.87 (1.62)
Training**						
Pre-training	51	67.1%		186	47.8%	
Post-training	25	32.9%		203	52.2%	

Note: † chi-square/t-test $p < .10$, *chi-square/t-test $p < .05$, ** chi-square/t-test $p < .01$

Multivariate Analyses*Binary Logistic Regression Models*

Table 9 presents the results of two binary logistic regression models, Model 1 (White victim as reference group) and Model 2 (Black victim as reference group), estimating the effect of victim race and ethnicity on investigator assignment, while

holding constant relevant victim, suspect, and case factors, addressing Research Question 4.⁴³ The regression equation was statistically significant and the same for Model 1 and Model 2, $X^2(11) = 121.73, p = .000$. In terms of victim factors, in Model 1, Black victim was a statistically significant, negative predictor of investigator assignment ($b = -0.64$, $OR = 0.53, p = .049$), where sexual assault cases involving Black victims were associated with a 47% decrease in the odds of investigator assignment as compared to White victims. Model 2 rotates Black victims as the reference group to catalog all possible comparisons. Results in Model 2 demonstrated that White victim was a statistically significant, positive predictor of investigator assignment ($b = 0.64, OR = 1.89, p = .049$), where sexual assault cases involving White victims were associated with an 89% increase in the odds of investigator assignment as compared to sexual assault cases involving Black victims. Latina victim also emerged as a statistically significant, positive predictor of investigator assignment in Model 2 ($b = 1.01, OR = 2.76, p = .030$), where sexual assault cases involving Latina victims were associated with a 176% increase in the odds of investigator assignment as compared to Black victims. Victim age was a statistically significant, negative predictor of investigator assignment ($b = -0.03, OR = 0.97, p = .016$), where a one-unit increase in victim age produced a 3% decrease in the odds of investigator assignment. In terms of suspect factors, suspect identification approached statistical significance as a predictor of investigator assignment ($b = 0.68, OR = 1.98, p = .058$), such that sexual assault cases where the suspect had been identified were

⁴³ Because of the low frequency count in the dichotomous dependent variable, models were also estimated using the firth procedure or penalized maximum likelihood estimation (see Firth, 1993). This is a correction for rare event studies that adjusts maximum likelihood estimates decrease bias in regression parameters for low count data. Corrected models demonstrated the same significant and substantive findings. Uncorrected logistic regression models are presented for parsimony.

associated with a 98% increase in the odds of investigator assignment as compared to sexual assault cases without suspect identification. In terms of case factors, evidentiary strength was a statistically significant, positive predictor, ($b = 1.37$, $OR = 3.93$, $p = .000$), where a one-unit increase in evidentiary strength was associated with a 293% increase in the odds of investigator assignment. Training (0 = pre-training, 1 = post-training) was a statistically significant, positive predictor of investigator assignment ($b = 0.84$, $OR = 2.31$, $p = .006$), where post-training sexual assault cases were associated with a 131% increase in the odds of investigator assignment as compared to pre-training sexual assault cases.

Table 9

Multivariate Binary Logistic Regressions Predicting Investigator Assignment

Variables	Model 1			Model 2		
	<i>b</i>	S.E.	OR	<i>b</i>	S.E.	OR
White victim ^o	—	—	—	0.64*	0.32	1.89
Latina victim ^o	—	—	—	1.01*	0.47	2.76
Black victim ^α	-0.64*	0.32	0.53	—	—	—
Latina victim ^α	0.38	0.47	1.46	—	—	—
Victim age	-0.03*	0.01	0.97	-0.03*	0.01	0.97
Risky behavior	0.09	0.30	1.10	0.09	0.30	1.10
Moral character	-0.34	0.32	0.71	-0.34	0.32	0.71
Victim positive preference	0.47	0.30	1.59	0.47	0.30	1.59
Suspect identification	0.68†	0.36	1.98	0.68†	0.36	1.98
Real rape	-0.00	0.13	1.00	-0.00	0.13	1.00
Sexual assault co-occurrence	-0.18	0.45	0.84	-0.18	0.45	0.84
Evidentiary strength	1.37**	0.22	3.93	1.37**	0.22	3.93
Training	0.84**	0.31	2.31	0.84**	0.31	2.31
Constant	0.74	0.59	2.09	0.10	0.60	1.11
Nagelkerke R ²		.391			.391	

Note: † $p < .10$, * $p < .05$, ** $p < .01$, α = White victim is reference group, o = Black victim is reference group, OR = odds ratio

Survival Analysis

After estimating univariate statistics, bivariate relations, and logistic regression models to address Research Questions 1- 4, survival analysis was employed to examine

the time to investigator assignment (if at all), while considering relevant victim, suspect, and case factors. Table 10 presents the descriptive statistics for the survival time to investigator assignment, addressing Research Question 5. The average number of days to investigator assignment from the date of initial report was 44.13 days ($SD = 7.57$). Across the sample, days to investigator assignment ranged from 0 to 989 days, with a median of 4.00 days.

Table 10

Descriptive Statistics for Survival Time

Variable	<i>M</i>	<i>SD</i>	25% Quartile	50% Quartile	75% Quartile	Range
Time to investigator assignment (days)	44.13	7.57	2	4	10	0-989

Life Table of Investigator Assignment

Table 11 presents the results of the life table analysis that summarizes what happens at each time interval in the data. The life table demonstrates the time to investigator assignment grouped by 1 day intervals, 30 day intervals, and 90 day intervals, up to 989 days (column 1); the total number of sexual assault cases still at risk during the beginning of each time interval (column 2); the number of cases assigned to an investigator within each time interval (column 3), the number of cases censored (e.g., cases that did not get assigned to an investigator during the time interval; column 4); the proportion of cases assigned to an investigator at each interval (column 5); standard errors (column 6); and confidence intervals (column 7).

Among the 465 sexual assault cases in this sample, approximately 83.7% or 389 sexual assault cases were assigned to an investigator for follow up within the total observation period. Among the 389 sexual assault cases assigned to an investigator, 36

cases or just over 9% were assigned to an investigator within the time span of a single day (or a 24-hour period). Furthermore, 195 of the 389 investigator-assigned sexual assault cases, or approximately 50%, were assigned to an investigator within 4 days of the initial report date. Finally, out of the 389 investigator-assigned sexual assault cases, more than 90% were assigned to an investigator within 60 days of being formally reported.

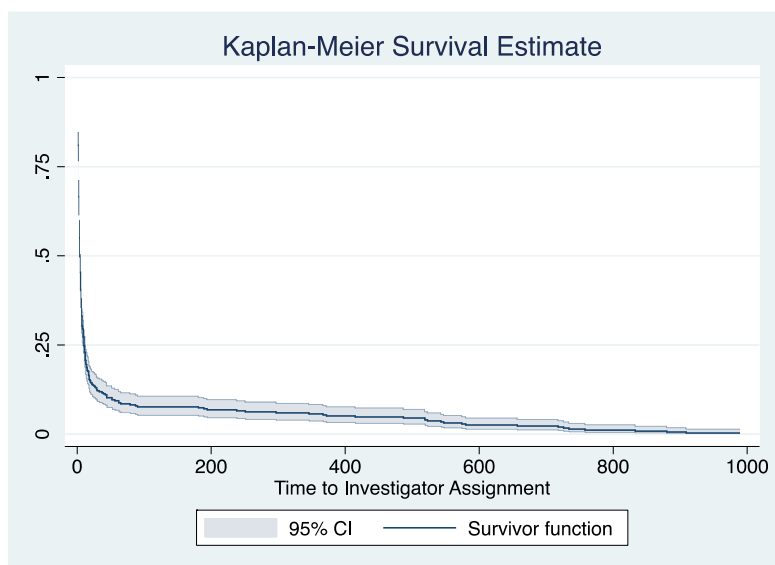
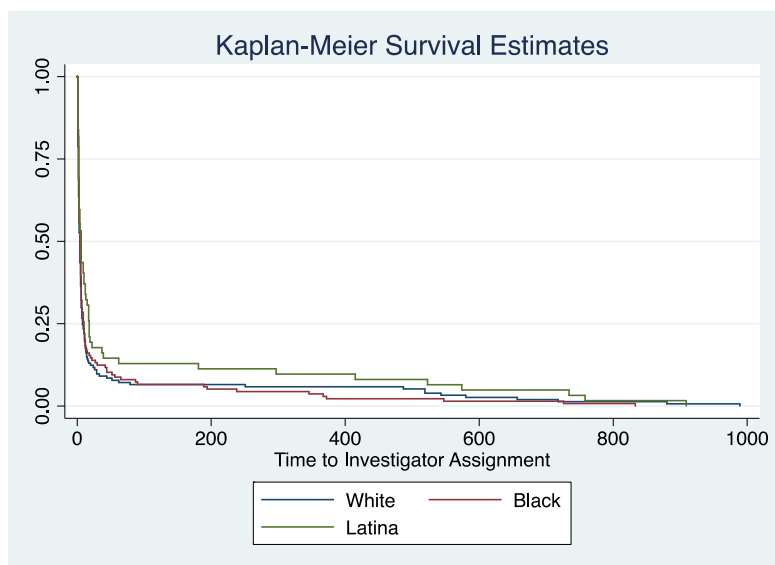
Table 11

Life Table for Time to Investigator Assignment

Intervals (days)		Total	Investigator Assignment	Censored	Survival	S.E.	95% CI	
0	1	465	36	76	0.92	0.01	0.89	0.94
1	2	353	67	0	0.75	0.02	0.70	0.79
2	3	286	51	0	0.61	0.02	0.56	0.66
3	4	235	41	0	0.50	0.03	0.46	0.55
4	5	194	34	0	0.42	0.03	0.34	0.47
5	6	160	17	0	0.37	0.02	0.33	0.42
6	7	143	26	0	0.30	0.02	0.26	0.35
7	8	117	10	0	0.28	0.02	0.24	0.33
8	9	107	3	0	0.27	0.02	0.23	0.32
9	10	104	8	0	0.25	0.02	0.21	0.30
10	11	96	9	0	0.23	0.02	0.19	0.27
11	12	87	6	0	0.21	0.02	0.17	0.25
12	13	81	8	0	0.19	0.02	0.15	0.23
13	14	73	4	0	0.18	0.02	0.14	0.22
14	30	69	25	0	0.20	0.02	0.16	0.25
30	60	44	11	0	0.15	0.02	0.11	0.19
60	90	33	5	0	0.13	0.02	0.09	0.17
90	180	28	1	0	0.12	0.02	0.09	0.16
180	270	27	5	0	0.10	0.02	0.07	0.14
270	360	22	2	0	0.09	0.02	0.06	0.13
360	450	20	3	0	0.08	0.02	0.05	0.11
450	540	17	4	0	0.06	0.02	0.03	0.09
540	630	13	4	0	0.04	0.02	0.02	0.07
630	720	9	2	0	0.03	0.01	0.01	0.06
720	810	7	3	0	0.02	0.01	0.01	0.04
810	900	4	2	0	0.01	0.01	0.00	0.03
900	989	2	1	0	0.00	0.00	0.00	0.02

Kaplan-Meier Survival Curves

To visualize the data, Figure 3 presents the Kaplan-Meier survival curve for the full sample. Figure 3 demonstrates a shape where the probability of investigator assignment increases sharply at the beginning of time, suggesting that the risk of investigator assignment is highest in the days immediately after a sexual assault case is reported. Figure 4 presents the Kaplan-Meier survival curves split by victim race and ethnicity categories with survival curves for White victims (blue line), Black victims (red line), and Latina victims (green line). A visual inspection of Figure 4 reveals that the survival curves differ by victim race and ethnicity. To determine whether there is a significant difference in survival times by victim race and ethnicity, a log rank test was performed, addressing Research Question 6. The log rank test tests the null hypothesis that there is no significant difference in survival times across victim race/ethnicity groups. Results from the log rank test demonstrated no significant differences across the survivor functions for victim race and ethnicity given that the log rank test was not significant, $\chi^2(2, 353) = 4.20, p = .122$.

Figure 3*Kaplan-Meier Survival Estimate Full Sample***Figure 4***Kaplan-Meier Survival Estimate by Victim Race/Ethnicity****Cox Proportional Hazards Models***

Next, Cox proportional hazards models were employed, estimating the effect of victim race and ethnicity on survival time to investigator assignment, while holding constant relevant victim, suspect, and case factors, addressing Research Question 7. In

Cox regression models, hazard ratios are similar to odds ratios; hazard ratios greater than 1 represent an increase in the hazard or risk of failure, meaning a shorter survival time until investigator assignment (Allison, 2014). Conversely, a hazard ratio less than 1 represents a decrease in the hazard or risk of failure, meaning a longer survival time until investigator assignment. Cox regressions were also conducted with a follow-up time of 30 days to control for observation time in the data. While this police agency does not have a specific policy in their general order regarding the time to investigator assignment in sexual assault cases, this follow-up time was selected based on the distribution of the survival data presented above in Table 11. In addition, within the context of the national backlog of SAKs, a widely-used definition of “backlogged” refers to whether or not a SAK has been tested within 30 days (Durose, 2008; Nelson, 2010; Strom et al., 2009). Similarly, a sexual assault case could be considered theoretically delayed within this time frame.

Table 12 presents the results of two Cox regression models, Model 3 (White victim as reference group) and Model 4 (Black victim as reference group), estimating the effect of victim race and ethnicity on survival time to investigator assignment with a 30-day follow-up, while holding constant relevant victim, suspect, and case factors. The test of model fitness (chi-square test) was statistically significant, $\chi^2(11) = 25.14, p = .008$ and the same for Model 3 and Model 4. One victim factor was statistically significant in Model 3. Results demonstrated that Latina victim was a statistically significant, negative predictor of time to investigator assignment (HR = 0.72, $p = .047$), where the hazard rate decreased by 28% for sexual assault cases involving Latina victims as compared to White victims. Put differently, cases involving Latina victims were characterized by

significantly longer survival time to investigator assignment as compared to cases involving White victims, all else constant. Model 4 presents the results with Black victims as the reference group to catalog all comparisons. Results demonstrated there were no significant victim race and ethnicity effects with Black victims as the reference category. In terms of case factors, real rape was a statistically significant, positive predictor (HR = 1.12, $p = .015$) of time to investigator assignment. Here, a one-unit increase in the real rape index was associated with a 12% increase in the hazard rate for investigator assignment. This means that an increase in the real rape index was associated with significantly shorter survival time to investigator assignment, when all else was held constant.

Table 12

Cox Regressions of Survival Time to Investigator Assignment (30-day follow up)

Variables	Model 3			Model 4		
	<i>b</i>	S.E.	HR	<i>b</i>	S.E.	HR
White victim ^o	—	—	—	0.10	0.13	1.10
Latina victim ^o	—	—	—	-0.24	0.17	0.79
Black victim ^a	-0.10	0.13	0.91	—	—	—
Latina victim ^a	-0.33*	0.17	0.72	—	—	—
Victim age	0.01	0.01	1.01	0.01	0.01	1.01
Risky behavior	0.12	0.13	1.13	0.12	0.13	1.13
Moral character	0.01	0.13	1.01	0.01	0.13	1.01
Victim positive preference	0.13	0.12	1.14	0.13	0.12	1.14
Suspect identification	0.06	0.14	1.06	0.06	0.14	1.06
Real rape	0.12*	0.05	1.12	0.12*	0.05	1.12
Sexual assault co-occurrence	0.27	0.17	1.31	0.27	0.17	1.31
Evidentiary strength	0.03	0.04	1.04	0.03	0.04	1.04
Training	0.04	0.12	1.04	0.04	0.12	1.04
Log likelihood		-1611.20			-1611.20	

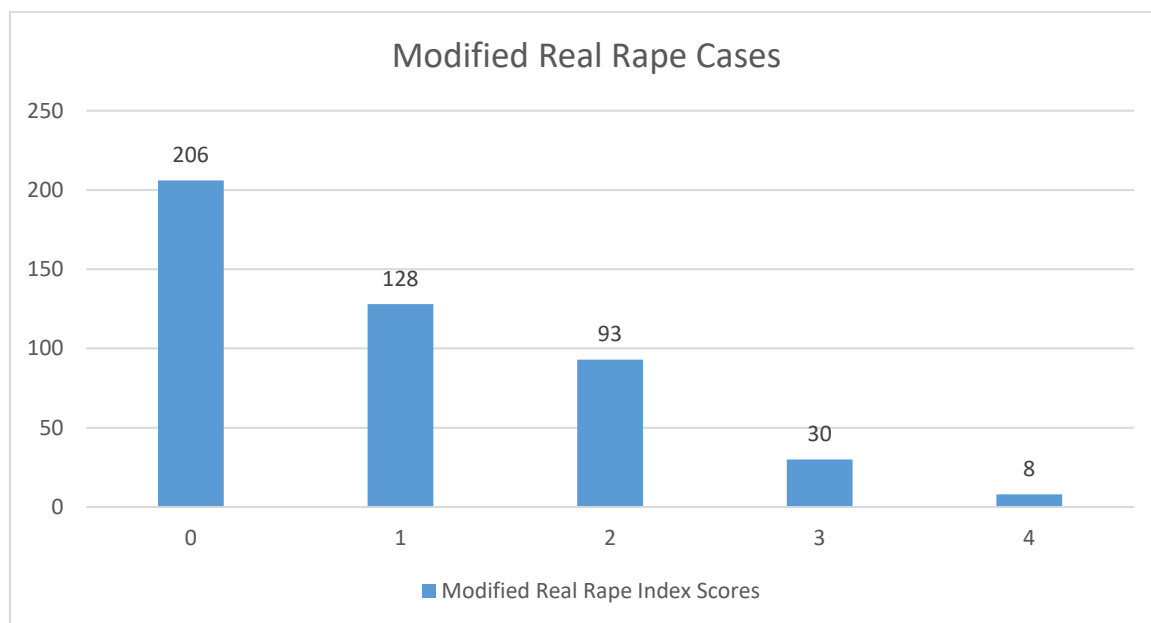
Note: † $p < .10$, * $p < .05$, ** $p < .01$, ^a = White victim is reference group, ^o = Black victim is reference group, HR = Hazard ratio

Supplemental Analyses

Supplemental analyses were conducted among the full sample ($N = 465$) to account for potential social desirability surrounding victim reports to police including verbal and physical resistance during the sexual assault. These two items were removed from the real rape index for additional analyses.

Modified Real Rape Index Frequencies

Figure 5 presents a frequency distribution for the modified “real rape” cases. Overall, the modified real rape index frequencies demonstrate that even fewer incidents reflect “real rape” criteria, as compared to the original real rape index frequencies as previously seen in Figure 2. Univariate statistics demonstrated the modified real rape index ranged from 0 to 5 ($M = .94$, $SD = 1.03$), where higher scores on the modified real rape index represented the increased presence of “real rape” characteristics in a single case. Frequencies demonstrated that few cases reflected “real rape” characteristics as represented by the modified real rape index that excluded the verbal and physical resistance items. Among the full sample ($N = 465$), 44.3% ($n = 206$) of sexual assault cases had a score of zero on the modified real rape index (these cases had no real rape characteristics). Further, 27.5% ($n = 128$) of sexual assault cases had a single “real rape” characteristic; 20% ($n = 93$) of sexual assault cases had two real rape characteristics; 6.5% ($n = 30$) of cases had three real rape characteristics; and 1.7% ($n = 8$) of cases had four real rape characteristics. Across the full sample, not a single sexual assault case had a value of five. In other words, there was not a sexual assault case with all five factors indicators of “real rape” (e.g., stranger suspect, multiple suspects, weapon use, victim injury, and an outdoor incident location).

Figure 5*Modified Real Rape Index Frequencies****Multivariate Binary Logistic Regression Models with Modified Real Rape Index***

Next, to account for potential victim social desirability in the real rape index and how this may influence investigator assignment, supplemental analyses were conducted using the modified real rape index. Table 13 presents the results of two supplemental, binary logistic regression models, Model 5 (White victim as reference group) and Model 6 (Black victim as reference group), estimating the effect of victim race and ethnicity on investigator assignment, with the modified real rape index. The regression equation was statistically significant and the same for Model 5 and Model 6, $\chi^2(11) = 121.74, p = .000$. Overall, the inclusion of the modified real rape index in the supplemental models demonstrated no significant or substantive differences in the significant findings as previously presented in Table 9 with the original real rape index.

Table 13*Multivariate Binary Logistic Regressions Predicting Investigator Assignment*

Variables	Model 5			Model 6		
	<i>b</i>	S.E.	OR	<i>b</i>	S.E.	OR
White victim ^o	—	—	—	0.64*	0.32	1.90
Latina victim ^o	—	—	—	1.01*	0.47	2.76
Black victim ^a	-0.64*	0.32	0.53	—	—	—
Latina victim ^a	0.37	0.47	1.45	—	—	—
Victim age	-0.03*	0.01	0.97	-0.03*	0.01	0.97
Risky behavior	0.09	0.30	1.09	0.09	0.30	1.09
Moral character	-0.34	0.32	0.71	-0.34	0.32	0.71
Victim positive preference	0.46	0.30	1.59	0.46	0.30	1.59
Suspect identification	0.71†	0.39	2.03	0.71†	0.39	2.03
Modified real rape	0.02	0.18	1.02	0.02	0.18	1.02
Sexual assault co-occurrence	-0.19	0.45	0.83	-0.19	0.45	0.83
Evidentiary strength	1.36**	0.22	3.91	1.36**	0.22	3.91
Training	0.83**	0.31	2.30	0.83**	0.31	2.30
Constant	0.70	0.59	2.02	0.06	0.60	1.07
Nagelkerke R ²		.391			.391	

Note: † $p < .10$, * $p < .05$, ** $p < .01$, α = White victim is reference group, o = Black victim is reference group, OR = odds ratio

Survival Analysis with Modified Real Rape Index

Additionally, to account for potential victim social desirability in the real rape index and how this may influence time to investigator assignment, supplemental analyses were conducted using the modified real rape index. Table 14 presents the results of two supplemental, Cox regression models, Model 7 (White victim as reference group) and Model 8 (Black victim as reference group), estimating the effect of victim race and ethnicity on survival time to investigator assignment with a 30-day follow-up, with the modified real rape index. The test of model fitness (chi-square test) was statistically significant, $\chi^2(11) = 21.47, p = .028$ and the same for Model 7 and Model 8. Departing from findings previously presented in Table 12, results demonstrated that Latina victim only approached statistical significance and was a negative predictor (HR = 0.75, $p =$

.089) of time to investigator assignment in Model 7, where the hazard rate decreased by 25% for sexual assault cases involving Latina victims as compared to White victims. Thus, Latina victims were associated with a longer survival time to investigator assignment as compared to White victims, all else constant. Additionally, departing from findings previously presented in Table 12, results demonstrated that the modified real rape index was no longer a significant finding nor were there other significant findings related to victim, suspect, or case factors.

Table 14

Cox Regressions of Survival Time to Investigator Assignment (30-day follow up)

Variables	Model 7			Model 8		
	<i>b</i>	S.E.	HR	<i>b</i>	S.E.	HR
White victim ^o	—	—	—	0.08	0.13	1.08
Latina victim ^o	—	—	—	-0.21	0.17	0.81
Black victim ^α	-0.08	0.13	0.92	—	—	—
Latina victim ^α	-0.28†	0.17	0.75	—	—	—
Victim age	0.01	0.01	1.01	0.01	0.01	1.01
Risky behavior	0.13	0.13	1.14	0.13	0.13	1.14
Moral character	0.00	0.13	1.00	0.00	0.13	1.00
Victim positive preference	0.14	0.12	1.15	0.14	0.12	1.15
Suspect identification	0.07	0.16	1.07	0.07	0.16	1.07
Modified real rape	0.10	0.07	1.10	0.10	0.07	1.10
Sexual assault co-occurrence	0.27	0.17	1.32	0.27	0.17	1.32
Evidentiary strength	0.04	0.04	1.04	0.04	0.04	1.04
Training	0.06	0.12	1.06	0.06	0.12	1.06
Log likelihood		-1613.03			-1613.03	

Note: † $p < .10$, * $p < .05$, ** $p < .01$, α = White victim is reference group, o = Black victim is reference group, HR = Hazard ratio

Split-Samples Descriptives and Multivariate Binary Logistic Regression Models

Supplemental analyses were conducted to present intra-race descriptive statistics for victim, suspect, and case factors across White, Black, and Latina sexual assault victims, respectively. Table 15 presents the descriptive statistics for White victims ($n = 200$). Approximately 85.5% ($n = 171$) of sexual assaults reported by White victims were

assigned to an investigator and this occurred within 35.63 days, on average ($SD = 140.70$, $Median = 2$). White sexual assault victims had a mean age of 30.11 years old ($SD = 12.34$). Most White victims reported engaging in risky behaviors ($n = 125$; 62.5%) and a majority were characterized by what has been defined as moral character issues ($n = 127$; 63.5%). Less than half ($n = 98$; 49%) of White victims had a positive preference for formal criminal legal intervention. In terms of suspect identification, over three-fourths of White victims ($n = 156$; 78%) identified the suspect to police. Sexual assault cases involving White victims were characterized by low scores on the real rape ($M = 1.73$, $SD = 1.33$, $Range = 0-7$) and evidentiary strength ($M = 1.54$, $SD = 1.59$, $Range = 0-7$) indices. The majority of sexual assaults involving White victims did not also include additional criminal offenses ($n = 170$; 85%). Just under half of sexual assault cases involving White victims were reported pre-training ($n = 94$; 47%) as compared to post-training ($n = 106$; 53%).

Table 15

Descriptive Statistics for White Victims (n = 200)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Dependent variables</i>					
Investigator assignment					
No	29	14.5%			
Yes	171	85.5%			
Time to investigator assignment			35.63	140.70	0-989
<i>Victim factors</i>					
Age			30.11	12.34	17-74
Risky behavior					
No	75	37.5%			
Yes	125	62.5%			
Moral character					
No	73	36.5%			
Yes	127	63.5%			

(continued)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
Victim positive preference					
No	102	51%			
Yes	98	49%			
<i>Suspect factors</i>					
Suspect identification					
No	44	22%			
Yes	156	78%			
<i>Case factors</i>					
Real rape			1.73	1.33	0-7
Sexual assault co-occurrence					
No	170	85%			
Yes	30	15%			
Evidentiary strength			1.54	1.59	0-7
<i>Controls</i>					
Training					
Pre-training	94	47%			
Post-training	106	53%			

Table 16 presents the descriptive statistics for Black victims ($n = 190$).

Approximately 79.5% ($n = 151$) of sexual assaults reported by Black victims were assigned to an investigator and this occurred within 24.76 days, on average ($SD = 101.69$, $Median = 2$). Black sexual assault victims had a mean age of 24.76 years old ($SD = 12.58$). Most Black victims reported engaging in risky behaviors ($n = 131$; 68.9%) and a majority were characterized by what has been defined as moral character issues ($n = 125$; 65.8%). Less than half of Black victims had a positive preference for formal criminal legal intervention ($n = 92$; 48.4%). In terms of suspect identification, nearly three-quarters of Black victims identified the suspect to police ($n = 134$; 70.5%). Sexual assault incidents reported by Black victims had low scores on the real rape ($M = 1.90$, $SD = 1.31$, $Range = 0-7$) and evidentiary strength ($M = 1.71$, $SD = 1.64$, $Range = 0-7$) indices. Most sexual assault incidents involving Black victims did not also involve other criminal

offenses ($n = 169$; 89%). Over half of sexual assault cases involving Black victims were reported pre-training (54.2%; $n = 103$) as compared to post-training (45.8%; $n = 87$).

Table 16

Descriptive Statistics for Black Victims ($n = 190$)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Dependent variables</i>					
Investigator assignment					
No	39	20.5%			
Yes	151	79.5%			
Time to investigator assignment			24.76	101.69	0-833
<i>Victim factors</i>					
Age			29.29	12.58	17-74
Risky behavior					
No	59	31.1%			
Yes	131	68.9%			
Moral character					
No	65	34.2%			
Yes	125	65.8%			
Victim positive preference					
No	98	51.6%			
Yes	92	48.4%			
<i>Suspect factors</i>					
Suspect identification					
No	56	29.5%			
Yes	134	70.5%			
<i>Case factors</i>					
Real rape			1.90	1.31	0-7
Sexual assault co-occurrence					
No	169	89%			
Yes	21	11%			
Evidentiary strength			1.71	1.64	0-7
<i>Controls</i>					
Training					
Pre-training	103	54.2%			
Post-training	87	45.8%			

Table 17 presents the descriptive statistics for Latina victims ($n = 75$).

Approximately 89.3% ($n = 67$) of reported sexual assaults by Latina victims were assigned to an investigator and this occurred within 64.84 days, on average ($SD = 184.95$, *Median* = 3). Latina sexual assault victims had a mean age of 27.16 years old ($SD = 10.02$). Just under half of Latina victims reported engaging in risky behaviors ($n = 37$; 49.3%) and 60% ($n = 45$) were characterized by what has been defined as moral character

issues. Less than half ($n = 33$; 44%) of Latina victims had a positive preference for formal criminal legal intervention. In terms of suspect identification, most Latina victims ($n = 55$; 73.3%) identified the suspect to police. Sexual assault case incidents involving Latina victims had low scores on the real rape ($M = 2.07$, $SD = 1.32$, $Range = 0-7$) and evidentiary strength ($M = 1.55$, $SD = 1.65$, $Range = 0-7$) indices. Most sexual assaults of Latina victims did not co-occur with other criminal offenses ($n = 63$; 84%). Over half of sexual assault cases involving Latina victims were reported pre-training (53.3%; $n = 40$) as compared to post-training (46.7%; $n = 35$).

Table 17

Descriptive Statistics for Latina Victims (n = 75)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Dependent variables</i>					
Investigator assignment					
No	8	10.7%			
Yes	67	89.3%			
Time to investigator assignment			64.84	184.95	0-909
<i>Victim factors</i>					
Age			27.16	10.02	17-56
Risky behavior					
No	38	50.7%			
Yes	37	49.3%			
Moral character					
No	30	40%			
Yes	45	60%			
Victim positive preference					
No	42	56%			
Yes	33	44%			
<i>Suspect factors</i>					
Suspect identification					
No	20	26.7%			
Yes	55	73.3%			

(continued)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Case factors</i>					
Real rape			2.07	1.32	0-7
Sexual assault co-occurrence					
No	63	84%			
Yes	12	16%			
Evidentiary strength			1.55	1.65	0-7
<i>Controls</i>					
Training					
Pre-training	40	53.3%			
Post-training	35	46.7%			

Additionally, supplemental analyses were conducted to examine intra-race differences in the effect of victim, suspect, and case factors on investigator assignment using split sample models for White ($n = 200$) and Black ($n = 190$) sexual assault victims.⁴⁴ Table 18 presents the results of the supplemental split-sample multivariate binary logistic regression model estimating the effect of victim, suspect, and case factors on investigator assignment, for White victims. The regression equation was statistically significant, $\chi^2(9) = 40.75, p = .000$. In terms of victim factors, victim age was a statistically significant, negative predictor of investigator assignment ($b = -0.04, OR = 0.96, p = .034$), where a one-unit increase in victim age was associated with a 4% decrease in the odds of investigator assignment for White victims. In terms of case factors, evidentiary strength was a statistically significant, positive predictor of investigator assignment ($b = 1.04, OR = 2.82, p = .001$), where a one-unit increase in evidentiary strength was associated with a 182% increase in the odds of investigator assignment for White victims. Training approached statistical significance and was a

⁴⁴ Due to the small sample size of Latina victims ($n = 75$), multivariate analyses were not conducted for this victim racial/ethnic group.

positive predictor of investigator assignment ($b = 0.90$, $OR = 2.45$, $p = .071$), where post-training sexual assault cases were associated with a 145% increase in the odds of investigator assignment as compared to pre-training sexual assault cases for White victims.

Table 18

Multivariate Binary Logistic Regression Predicting Investigator Assignment, White

Victims (n = 200)

Variables	<i>b</i>	S.E.	OR
Victim age	-0.04*	0.02	0.96
Risky behavior	0.27	0.47	1.31
Moral character	-0.66	0.50	0.52
Victim positive preference	0.71	0.49	2.04
Suspect identification	0.35	0.59	1.42
Real rape	0.00	0.20	1.00
Sexual assault co-occurrence	0.60	0.78	1.83
Evidentiary strength	1.04**	0.31	2.82
Training	0.90†	0.50	2.45
Constant	1.29	0.91	3.63
Nagelkerke R ²		.327	

Note: † $p < .10$, * $p < .05$, ** $p < .01$, OR = odds ratio

Table 19 presents the results of the supplemental split-sample multivariate binary logistic regression model estimating the effect of victim, suspect, and case factors on investigator assignment, for Black victims. The regression equation was statistically significant, $X^2(9) = 69.60$, $p = .000$. In terms of victim factors, victim age approached statistical significance and was a negative predictor of investigator assignment ($b = -0.03$, $OR = 0.97$, $p = .075$), where a one-unit increase in victim age was associated with a 3% decrease in the odds of investigator assignment for Black victims. In terms of case factors, sexual assault co-occurrence approached statistical significance and was a negative predictor of investigator assignment ($b = -1.23$, $OR = 0.29$, $p = .067$), where

cases involving a co-occurring offense were associated with a 71% decrease in the odds of investigator assignment for Black victims. Evidentiary strength was a statistically significant, positive predictor of investigator assignment ($b = 1.51$, $OR = 4.55$, $p = .000$), where a one-unit increase in evidentiary strength was associated with a 355% increase in the odds of investigator assignment for Black victims. Training approached statistical significance and was a positive predictor of investigator assignment ($b = 0.89$, $OR = 2.44$, $p = .053$), where post-training sexual assault cases were associated with a 144% increase in the odds of investigator assignment as compared to pre-training sexual assault cases for Black victims.

Table 19

Multivariate Binary Logistic Regression Predicting Investigator Assignment, Black

Victims (n = 190)

Variables	<i>b</i>	S.E.	OR
Victim age	-0.03†	0.02	0.97
Risky behavior	-0.27	0.47	0.76
Moral character	-0.14	0.51	0.87
Victim positive preference	0.19	0.47	1.21
Suspect identification	0.25	0.53	1.28
Real rape	0.06	0.19	1.07
Sexual assault co-occurrence	-1.23†	0.67	0.29
Evidentiary strength	1.51**	0.32	4.55
Training	0.89†	0.46	2.44
Constant	0.66	0.89	1.93
Nagelkerke R ²		.481	

Note: † $p < .10$, * $p < .05$, ** $p < .01$, OR = odds ratio

Sexual Assault Cases Reported and Assigned the Same Day

Additional supplemental analyses were conducted among the sample ($n = 36$) of sexual assault cases that were formally reported to police and then assigned to an investigator on the same day to describe the victim, suspect, and case characteristics of

these cases. Approximately, 47.2% ($n = 17$) of these sexual assault cases involved a White victim, 38.9% ($n = 14$) involved a Black victim, and 13.9% ($n = 5$) involved a Latina victim. The victim, on average, was 27.86 years old ($SD = 9.84$). Most of these victims had engaged in risky behaviors 69.4% ($n = 25$) and most had moral character issues 69.4% ($n = 25$). Just over a third of victims 36.1% ($n = 13$) expressed a positive preference for formal criminal legal intervention. Two-thirds of victims in these cases identified the suspect to police ($n = 24$; 66.7%). Among these cases, on average, there was nearly two real rape factors ($M = 1.92$, $SD = 1.54$) as captured by the real rape index. Additionally, the majority of these cases 88.9% ($n = 32$) did not co-occur with other criminal offenses. Among these cases, on average, there was two forms of evidence ($M = 2.00$, $SD = 1.91$) as captured by the evidentiary strength index. Finally, more than half of these cases 61.1% ($n = 22$) were reported during the post-training period.

Table 20

Descriptive Statistics for Sexual Assault Cases Reported and Assigned Same Day

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
<i>Victim factors</i>					
White	17	47.2%			
Black	14	38.9%			
Latina	5	13.9%			
Age			27.86	9.84	17-56
<i>Risky behavior</i>					
No	11	30.6%			
Yes	25	69.4%			
<i>Moral character</i>					
No	11	30.6%			
Yes	25	69.4%			
<i>Victim positive preference</i>					
No	23	63.9%			
Yes	13	36.1%			
<i>Suspect factors</i>					
<i>Suspect identification</i>					
No	12	33.3%			
Yes	24	66.7%			
<i>Case factors</i>					

(continued)

Variables	<i>n</i>	%	<i>M</i>	<i>SD</i>	Range
Real rape			1.92	1.54	0-7
Sexual assault co-occurrence					
No	32	88.9%			
Yes	4	11.1%			
Evidentiary strength			2.00	1.91	0-7
<i>Controls</i>					
Training					
Pre-training	14	38.9%			
Post-training	22	61.1%			

CHAPTER V

Discussion

Summary of the Research

Sexual assault has remained a serious social and public health concern. The most recent data from the Centers for Disease Control and Prevention has demonstrated that an estimated 25.5 million women across the United States will experience an attempted or completed sexual assault during their lifetime (Smith et al., 2018). Perhaps even more concerning is that, despite the pervasiveness of sexual assault victimization, an extensive body of compelling research that has spanned several decades has demonstrated that victims have often been denied justice due to the criminal legal system's inadequate response to sexual assault victims (for a recent review, see Spohn, 2020). Shortcomings in the criminal legal system's response to sexual assault have been underscored primarily through alarmingly high rates of case attrition (Lovell et al., 2021; Morabito et al., 2019b; Pattavina et al., 2021; Spohn, 2020; Wentz, 2020)—where case attrition has referred to the steps where sexual assault cases will fail to proceed or will “fall out of the system” (Pattavina et al., 2021, p. 1).

First, the majority of sexual assault victims will not report their experiences to police due to internalized blame, anticipated feelings of disbelief, or doubt that reporting could even be helpful (Lonsway & Archambault, 2012; Lorenz et al., 2021; Morgan & Kena, 2017; Morgan & Oudekerk, 2019; Rennison, 2002; Spohn, 2020). What is more, when victims do report to police, it is not uncommon for them to experience negative police treatment, skepticism surrounding the assault, and victim-blaming responses from officers (Lorenz et al., 2019; Lorenz et al., 2021; Ullman, 2010). These insensitive

experiences from police have translated to what, has been termed “secondary victimization,” and sexual assault victims have instead, intentionally chosen to discontinue cooperation after reporting (Campbell & Raja, 1999; Kaiser et al., 2017; O’Neal, 2017; Patterson & Campbell, 2010). Taken a step further, among the sexual assault cases that have been reported to police, recent estimates from police departments across jurisdictions have revealed that *only* approximately 12% to 23% of sexual assault cases end in an arrest (Morabito et al., 2019b; Richards et al., 2019; Spohn & Tellis, 2012; Venema et al., 2021; Wentz & Keimig, 2019). Similarly, it is not surprising that an even smaller percentage of cases have resulted in prosecutorial charging and conviction (Alderden & Ullman, 2012a; Morabito et al., 2019b; Spohn & Tellis, 2012; 2014; Wentz, 2020). To that end, research has consistently demonstrated that these high case attrition rates have been largely the byproduct of discretionary decision-making by legal actors, like police officers.

Arguably, police officers play the most important role in deciding sexual assault case outcomes due to the multiple decisions they undertake (LaFree, 1981). As gatekeepers, officers have made decisions that directly impact sexual assault victims and case attrition. This decision-making process has begun with decisions about whether a sexual assault occurred and was credible, and has entailed decisions regarding what to include in the report and investigative effort allotted, and making determinations about whether and when to make an arrest (Kerstetter, 1990; Spohn, 2020; Spohn & Tellis, 2019; Tasca et al., 2013). Indeed, the sexual assault case processing research has established that these police decisions have been largely guided by a series of situational factors related to the victim, suspect, and case (Lovell et al., 2021). Importantly, this area

of research has identified that officers will consistently rely upon the “real rape” schema as a frame of reference to inform their interpretation of these factors and shape decision-making (O’Neal, 2019; Parrat & Pina, 2017; Sleath & Bull, 2017). In other words, officers have had expectations that a “real rape” involves a stranger suspect who violently attacks an unsuspecting, White woman with the threat of a weapon and that “real victims” would actively resist and obtain gratuitous injuries (Estrich, 1987; Du Mont et al., 2003). Taken together, when sexual assault incidents do not meet this “real rape” paradigm, officers have been less likely to process these cases through the system, thereby producing significant case attrition at various stages (Campbell et al., 2015; O’Neal, 2019; Parrat & Pina, 2017; Tasca et al., 2013).

A significant program of research on police decision-making in sexual assault case processing has since amassed (and was reviewed in Chapter 2), however, limitations remain. First, the literature on police behaviors and sexual assault cases has not reflected the wide range of decisions that officers make during sexual assault investigations. Particularly, studies have focused on formal decisions, like unfounding, arrest, and police referrals to prosecutors, as pathways for case attrition. While this research has been instructive, scholars have, more recently, highlighted the importance of other earlier, discretionary police decisions that could have a cumulative impact on subsequent formalized case outcomes (Bostaph et al., 2021; Campbell et al., 2021; Kelley & Campbell et al., 2013; Lovell et al., 2021). Additionally, the “real rape” schema has provided a necessary framework for understanding police determinations of who is considered a “genuine” victim; notions of “real victims” have also been further stratified by race and ethnicity due to schema surrounding the sexuality of victims of Color, like

Black and Latina victims (Donovan & Williams, 2002; Freedman, 2013; Mendible, 2010). Despite this, sexual assault case processing research has been inundated by the White/Black or White/Nonwhite victim racial dichotomy (Pattavina et al., 2016; Stacey et al., 2017; Shaw & Lee, 2019; Wentz, 2020; Ylang & Holtfreter, 2020), discounting the experiences of other victims of Color, like Latinas.

This dissertation contributed to filling gaps in the broader knowledge of police decision-making in sexual assault case processing to benefit police investigations as well as victims of sexual assault. The current study used 465 sexual assault case files from a large, urban police department, located in one of the fifth largest and most diverse U.S. cities to examine the role of victim race and ethnicity, along with victim, suspect, and case factors that represent the “real rape” schema on police decisions to assign a sexual assault case to an investigator and the time to investigator assignment. Several findings are worthy of additional discussion. The theoretical and policy implications of these findings, along with directions for future research, are discussed below.

Summary and Discussion of Results

In terms of Research Question 1, results from this study indicated that an overwhelming proportion of cases in this sample were assigned to an investigator—meaning that only a small percentage of cases did not get forwarded investigation (16.3% ($n = 76$)). This is coupled with additional findings that further demonstrated that about 15% of these non-assigned cases did not involve an arrest pre-screen or investigator assignment. Put simply, 15% of sexual assault cases in this study experienced attrition at the investigation stage, though this finding is rather unsurprising. A large body of sexual assault case processing research has established that case attrition occurs at multiple

discretionary stages, including police decisions (Frazier & Haney, 1996; LaFree, 1981; Morabito et al., 2019b; Pattavina et al., 2021; Spohn & Tellis, 2012; 2014; Wentz, 2020), though only one other existing study has considered the decision to assign a case to an investigator as a pathway for case attrition. To be sure, Lovell and colleagues (2021) found that 90.3% ($n = 630$) of cases from a sample of 717 previously untested SAKs from Cuyahoga County, Ohio were assigned to an investigator. While these findings do contextualize the results from the current study, Lovell et al. (2021) used a sample of sexual assault cases where *all* victims had undergone SAKs. This methodological difference does not allow for direct comparisons of the case attrition found at the investigation stage in this dissertation because of inherent differences between victims who choose to undergo SAKs and those who do not seek an exam. Indeed, most sexual assault victims will not undergo a SAK. Research has documented that the percentage of victims that will pursue medical care after an assault has ranged anywhere from 21% to 43% (Amstadter et al., 2008; Campbell et al., 2001; Resnick et al., 2000; Ullman & Lorenz, 2020). Moreover, studies have noted that victims are more likely to undergo a SAK when their assault resembles the real rape schemata—particularly when victims are assaulted by strangers and present with gratuitous injuries (Martin, 2005; Ullman & Lorenz, 2020; Zinzow et al., 2012). Cursory analyses from this dissertation data not presented in tabular form demonstrated that while there were no significant differences in victims undergoing a SAK by race and ethnicity, significant differences emerged related to the real rape index. Results from an independent samples *t*-test indicated significant differences in mean levels of the real rape index between victims who underwent a SAK ($M = 2.12, SD = 1.32$) and victims who did not undergo a SAK in this data ($M = 1.59, SD$

= 1.28), $t(463) = -4.44, p < .001$. While it is beyond the scope of this study to examine victim, suspect, and case predictors of victim decision-making, this has further underscored the inability to directly situate the case attrition findings from this study to that of Lovell and colleagues (2021). Lastly, because Lovell et al. (2021) relied on a sample of SAKS, it is reasonable to expect that victims in their sample would be largely perceived as cooperative and wanting criminal legal intervention; results should be interpreted accordingly. Taken together, the sexual assault case attrition documented at the investigation stage is an important and unique contribution made by this dissertation.

In the same vein, from a broader, criminal justice system framework, the system operates as nothing more than a series of discretionary decisions (Gottfredson & Gottfredson, 1988; Walker, 1993) that are often guided by larger organizational goals, such as efficiency, rules, and agency performance outcomes (Eisenstein & Jacob, 1977; Packer, 1964, Wilson, 1968). In other words, sexual assault cases removed early in the process before investigator assignment has reflected a processing model that values outcomes like case convictability (Frohmann, 1991; 1997; Spohn & Tellis, 2019). Moreover, scholars have noted that the discretion that produces attrition is not necessarily a measure of failure (Walker, 1993). Instead, the concern would be if officers systematically removed these cases guided by the reliance on real rape and racialized schemata to justify their decision-making (Pattavina et al., 2021). Certainly, the proportion of cases not assigned to investigation in this police agency was not large, and this is commendable. These results, however, demonstrated that investigator assignment is an important, understudied discretionary process at which some cases are experiencing attrition that warrants additional empirical attention with data from other jurisdictions

because it is such a low visibility decision. In addition, further consideration of the police decision to assign a case to an investigator is needed from a victim perspective. The experience of dealing with a postponed police investigation or having a case that never proceeds to the investigation stage may have significant consequences for sexual assault victims. Victims may negatively internalize this decision and be disincentivized to report future victimization to police (Alderden & Long, 2016; Lorenz, & Jacobsen, 2021; Maier, 2008c; Murphy-Oikonene et al., 2021).

This dissertation also examined the extent to which reported sexual assault cases reflected the real rape schemata (Research Question 2). Results demonstrated that sexual assault cases had low mean scores on the real rape index and univariate statistics similarly indicated that very few cases reflected the “real rape” schemata as captured in this study. These findings do not come as a surprise given national estimates that have consistently revealed most sexual assault cases depart from entrenched cultural ideas of how a “real rape” occurs (Basile & Smith, 2011; Black et al., 2011; Planty et al., 2013; Sinozich & Langton, 2014; Smith et al., 2017; Smith et al., 2018). Data has noted, for instance, that well over 80% of victims know the suspect—a departure from schema that has suggested stranger perpetrators account for the majority of assailants (Basile & Smith, 2011; Sinozich & Langton, 2014; Smith et al., 2017). Similarly, only approximately 1 in 10 sexual assaults have involved multiple perpetrators (Planty et al., 2013). Related, research has also illustrated that it is uncommon for victims to be assaulted in a deserted outdoor location and with the use of a weapon (Sinozich & Langton, 2014). And gratuitous victim injuries (beyond that of genital injuries) have been documented infrequently (Linden, 2011; McLean et al., 2011). Despite results from the

current study and substantial evidence from existing data, the durability of the “real rape” schema has remained among officers. Substantial evidence has accumulated to suggest that police officers are not immune from adhering to the “real rape” schema and rape myths (Garza & Franklin, 2021; Mennicke et al., 2014; Murphy & Hine, 2019; Page, 2007; Sleath & Bull, 2017; Shaw et al., 2017). But beyond just believing these misconceptions, officer endorsement of these beliefs has manifested into their decision-making, where sexual assault cases involving strangers (Pattavina et al., 2016; Richards et al., 2019; Tasca et al., 2013; Venema et al., 2021), injuries (O’Neal, 2019; Stacey et al., 2017; Walfield, 2016; Venema et al., 2021), weapon use (O’Neal, 2019; O’Neal & Spohn, 2017), and victim resistance (Alderden & Ullman, 2012a) have been treated with increased seriousness; officers have attributed increased victim credibility and have been more likely to arrest as compared to cases without “real rape” characteristics. Nonetheless, findings presented here have suggested a strong disconnect between police expectations of a “real rape” scenario and the nature of the incidents that, in practice, have resembled a “real rape.”

Next, this study was concerned with whether investigator assignment for sexual assault cases significantly differed by victim race and ethnicity (Research Question 3). Results revealed that investigator assignment differed for Black sexual assault victims, such that they had a larger portion of cases not assigned to a detective. While these bivariate findings are among the first to demonstrate a relation between a victim’s race and ethnicity to differences in investigation outcomes, these results can be situated within the broader treatment of Black sexual assault victims and accompanying racialized schemata that has informed decision-making. Historically, Black sexual assault victims

were denied the status of victimhood and criminal legal protections due to their marginalized identity as Black women (Davis, 1981; Freedman, 2013; McGuire, 2010). This mistreatment facilitated the development of the Jezebel schemata applied to Black sexual assault victims that has implied Black victims have provoked assaults, engaged in promiscuity, and have been less deserving of criminal legal intervention (Donovan, 2007, 2011; Donovan & Williams, 2002; West, 2004). These same schemata, derived from the intersections of gender, race, and ethnicity, have continued to inform normative judgements about Black sexual assault victims made by police and prosecutors that inform legal decisions (Campbell & Fehler-Cabral, 2018; Frohmann, 1997; Shaw et al., 2017; Venema, 2016). Frohmann's (1997) ethnographic research in a sexual assault unit, for instance, revealed that criminal legal actors have created classifications of victims as credible or immoral that have been informed by the victim's race and background. Findings highlighted how victims of Color, like Black women, have been stereotyped as "ghetto" and uncredible by prosecutors—resulting in the use of these classifications as a justification for rejecting sexual assault cases (Frohman, 1997). Similarly, Campbell and Fehler-Cabral (2018) found that many untested SAKs in their study of *why* police failed to submit evidence for DNA testing involved Black victims who were often discredited and stereotyped by police as unworthy victims. Within this context, findings from the study that revealed differential treatment for Black sexual assault victims in terms of investigator assignment have echoed the consequences of racialized schemata on sexual assault case processing outcomes for Black victims.

Research Question 4 was concerned with determining whether victim race and ethnicity had an effect on the likelihood of investigator assignment for sexual assault

cases, while considering victim, suspect, and case factors in a multivariate context. Findings indicated victim race and ethnicity, victim age, evidentiary strength, and training significantly predicted investigator assignment decisions. In terms of victim race and ethnicity, results demonstrated Black sexual assault victims had lower odds of having their cases assigned to an investigator relative to White victims. Though not directly comparable (for reasons discussed at large above on Research Question 1), results from this study can be contextualized alongside that of Lovell and colleagues' (2021) study that reported no effect of victim of race/ethnicity on investigator assignment decisions. The differences in findings from previous research could be explained by a few reasons. First, Lovell and colleagues (2021) conceptualized victim race and ethnicity as a single dichotomous measure, coded as African-American compared to all other victim racial and ethnic groups. These differences in how and whose race/ethnicity is captured in the larger sexual assault case processing body of research have contributed to victim race and ethnicity effects on outcomes as "inconsistent" at best (Shaw & Lee, 2019). Additionally, the diversity of study contexts may be a potential factor in terms of varying findings. While community level factors were not included in the present study (discussed in further detail below limitations) or in Lovell et al.'s (2021) study, their site of analysis (Cuyahoga County, Ohio) is a jurisdiction with a majority White population (over 63%) and 30% of the community has identified as Black residents (U.S. Census Bureau, 2021). Conversely, this police agency is located in one of the fifth *most* diverse U.S. cities.⁴⁵ From a macro level perspective, it may be that differences in race and ethnicity outcomes for sexual assault case processing can be elucidated further through the integration of

⁴⁵ Recall that the study context from this dissertation cannot be discussed in further detail due to the MOU agreement.

community level measures in line with conflict theories (Maxwell et al., 2003; Quinney, 1970) and/or the racial threat hypothesis (Blalock, 1967).

Nonetheless, these results have reiterated some broader, victim race and ethnicity patterns from existing sexual assault case processing research. Multivariate studies have demonstrated, for instance, that sexual assault cases involving Black victims have been less likely to result in arrest when compared to similarly-situated White victim counterparts (see O'Neal et al., 2016; Stacey et al., 2017). These victim race and ethnicity patterns have materialized among other police decisions outside of investigator assignment, but together, lend evidence that sexual assault cases involving Black victims have experienced difficulty in processing through the criminal legal system. Moreover, that differential treatment of Black sexual assault victims occurred at the investigation stage is meaningful because the decision to assign a sexual assault case to an investigator is such a low-visibility discretionary outcome. Criminal justice system theorists have noted that, under those circumstances, the misuse of discretion by officers can occur (Walker, 1993; Wilson, 1968). All things considered, results indicated that sexual assault cases involving Black victims experienced decreased investigations—this may be residue of the racialized Jezebel schemata applied to Black sexual assault victims, such that incidents are seen as less serious and undeserving of formal criminal legal intervention (Donovan, 2007; Donovan & Williams, 2002; Foley et al., 1995; Katz et al., 2017; Lewis et al., 2019; Varelas & Foley, 1998; Wyatt, 1992).

In addition, results from the reference group rotation revealed that Black victims were at a disadvantage for investigator assignment when compared to Latina victim counterparts. Generally, the limited sexual assault case processing research that has

included Latina victims in samples has made comparisons solely in relation to White victim counterparts and not Black victims (Alderden & Ullman, 2012a; O'Neal et al., 2016; Tellis & Spohn, 2008; Venema et al., 2021). Collectively, findings from these studies have revealed that sexual assault victims of Color have been less likely to have their cases result in arrest or accepted charges when compared to cases with White victims (Kelley et al., 2021; O'Neal et al., 2016). Similarly, attribution research has described Black and Latina sexual assault victims as perceived to be more culpable and responsible for their victimization relative to White victims (Lewis et al., 2019). Put differently, the experiences of sexual assault victims of Color have been aggregated into an equivalent group and investigated against only White victims. Departing from this, findings from the current study have concluded that victims of Color, including Black and Latinas, are not a homogenous population in terms of their respective experiences with police decisions in case processing. These results can be situated within broader critical race theory and intersectionality frameworks that have explicitly rejected the idea of an analogous experience for *all* People of Color (Bell, 1995; Crenshaw, 1989; 1990; Crenshaw et al., 1995; Valdes, 1996). From this framing, Black and Latina sexual assault victims each hold a unique standpoint due to differences in identity. These differences converged to shape police decision-making that resulted in differential investigator assignment for Black victims compared to Latinas. Additionally, these findings have underscored the importance of more robust comparisons beyond White victims to further understand police decision-making with attention to victim race and ethnicity. Only then can nuances among victims of Color be disentangled to further advance insight in their experiences within the research on sexual assault case processing and decision-making.

Results also indicated that, as the age of the sexual assault victim increased, the likelihood of investigator assignment decreased, though the effect size was small (OR =.97). This finding has countered results from studies that have similarly used case file data involving adult victims and have reported null findings related to victim age on arrest decisions (e.g., Alderden & Ullman, 2012a; Tasca et al., 2013; Wentz, 2020). It is noteworthy to mention that results, however, have echoed victim age patterns from studies that have relied on NIBRS data, where sexual assault cases involving older victims have been less likely to be cleared by arrest (Richards et al., 2019; Roberts, 2008). To be sure, these studies have situated results from the current study, though it should be acknowledged that existing patterns may be due to the inclusion of juveniles in NIBRS data and possible model misspecification given that NIBRS is unable to include evidentiary measures (e.g., SAK, witnesses) and victim behavioral measures, like cooperation or risky behavior. Nevertheless, it could also be that police perceptions of the credibility and responsibility of adult sexual assault victims have been influenced by age differences and that this emerged to a small extent on an early, low-visibility decision, like investigator assignment. Prior research has noted that victim age is particularly important for police perceptions of victim credibility among child and juvenile sexual assault victims, where younger victims are typically seen as more truthful by police with skepticism attributed towards adolescent victims (Campbell et al., 2015; Meeker et al. 2021). Perhaps similarly, culpability attributions have differed for older, middle-aged sexual assault victims that could be perceived as more blameworthy when compared to younger or emerging adults. Older adults may be perceived as more responsible and disinclined to engage in situations that enhance their sexual vulnerability (Franklin, 2010)

relative to a young adult (Strömwall et al., 2013). It would be important for future research to continue to examine victim age effects on police decisions in sexual assault cases outside of arrest to gain a deeper understanding of these relations.

Consistent with prior research examining police decision-making in sexual assault case processing, findings from this study demonstrated that evidentiary strength increased the likelihood of investigator assignment and this was the strongest predictor in the multivariate regression model in terms of magnitude. Empirical studies have indicated that evidentiary strength, often captured through the presence of forensic evidence, witnesses, and the presence of a SAK (i.e., like in the current index), has consistently decreased the likelihood of unfounding (Kerstetter, 1990; Spohn et al., 2014; Venema et al., 2021) and increased arrest dispositions in sexual assault cases (Bouffard, 2000; Morabito et al., 2019b; O’Neal et al., 2016; O’Neal & Spohn, 2017; Spohn & Tellis, 2012; Tasca et al., 2013; Wentz, 2020; Wentz & Keimig, 2019). In other words, evidence has been paramount to facilitating successful case processing because it has served as tangible proof that has corroborated victim allegations. To be sure, Lapsey and colleagues’ (2021) recent meta-analysis on focal concerns and police decision-making in sexual assault cases revealed that evidence was one of the most robust predictors of police arrest decisions across 14 unique empirical studies. In this sense, it is unsurprising that evidentiary strength accelerated the movement of a case from the responding officer to an investigator in the present study. What’s more, this finding can also be situated within a downstream orientation theoretical framework. Indeed, Frohmann (1997) explained that prosecutors have operated a “downstream orientation” regarding decision-making in sexual assault cases, where prosecutors have anticipated perceptions of a case

by a jury and/or judge and potential case outcomes in terms of a convictability standard (see also, Albonetti, 1987). In other words, criminal legal actors have been concerned with case processing outcomes later or “down” the process. Similarly, studies have documented that police officers have relied on this same downstream framework by pre-screening cases prior to arrest that they believe will result in accepted charges by a prosecutor (Pattavina et al., 2016; Spohn & Tellis, 2019). Within this framework, sexual assault cases with substantial evidence could be readily assigned to an investigator without hesitation due to the upstream convictability standard.

Additionally, results presented here demonstrated that sexual assault cases reported during the post-training period for this police agency were associated with an increased likelihood of investigator assignment. The trauma-informed training mandated and completed by all personnel at this agency addressed the neurobiology of trauma, gender bias, and the importance of community resources in for victims of gender based violence—not necessarily police investigation practices. This finding is directly in line with the small, developing body of research that has begun to illustrate and evaluate the promising effects of trauma-informed training on police response to sexual assault victims, more generally. This literature, for example, has demonstrated that trauma-informed sexual assault training has improved police knowledge of trauma and trauma-informed practices (Campbell et al., 2020; Franklin et al., 2020) and decreased rape myth acceptance (Campbell et al., 2020). Additionally, trauma-informed training has been correlated with enhanced interviewing techniques (Tidmarsh et al., 2021) and improved police-victim interactions (Mourtgos et al., 2021). It follows that trauma-training

produced positive effects on police decision-making including increased investigator assignment decisions.

Next, this dissertation examined the survival time to investigator assignment (Research Question 5). Results presented in the previous chapter indicated that the median time was four days. In other words, nearly half of the sexual assault cases in this study were assigned to an investigator within a timespan of four days. In contrast, Lovell and colleagues (2021) reported a 14-day median time for how long it took a sexual assault report to be transferred to an investigator. As discussed above, the methodological differences between the current study and Lovell et al.'s (2021) research has not allowed for direct comparisons of findings, but has provided an important perspective from which to situate investigator assignment decisions. In conversation with results from Lovell et al. (2021), sexual assault cases in this study were forwarded to investigation relatively promptly—without victims necessarily having had a SAK completed. These findings are encouraging because expedited investigations suggest that officers in this agency are treating sexual assault incidents with seriousness and importance. Research has found that prompt police follow-up is essential for positive victim-police interactions. Sexual assault victims have felt dismissed, disbelieved, and re-traumatized when officers have delayed investigations or failed to follow-up (Alderden & Long, 2016; Maier, 2008c; Murphy-Oikonen et al., 2021). By the same token, prompt investigator assignment is also significant from a police perspective. Prompt investigator assignment may facilitate the next stages of case processing, like submitting evidence for testing, contacting witnesses for formal statements, and beginning to locate suspects—all of which could augment successful case outcomes (Campbell & Fehler-Cabral, 2018; Lovell et al., 2021).

This study also assessed whether the overall survival time to investigator assignment for sexual assault cases differed by victim race and ethnicity (Research Question 6). Results from the log rank test revealed that survival time to investigator assignment did not significantly differ across victim race and ethnicity groups at the bivariate level. Subsequent survival analyses in a multivariate context, while considering relevant victim, suspect, and case factors (Research Question 7), however revealed that sexual assault cases with Latina victims had a significantly longer time to investigator assignment when compared to White victim counterparts. The change between these bivariate and multivariate victim race and ethnicity findings could be explained by a few reasons. First, it is important to note that the bivariate assessment was conducted on the full survival data, that is, the entire observation period of time to investigator assignment that spanned from zero to 989 days. In the multivariate survival analysis, Cox regressions were conducted within a theoretically-informed follow-up time of only the first 30 days to control for the observation time. Moreover, that significant findings emerged in a multivariate context, but not among bivariate analyses, could be attributed to unbalanced sample sizes (this is discussed further in the limitations below) or suppressed effects (Lo et al., 1995).

Nonetheless, these results reiterate the broader, victim race and ethnicity patterns found in existing sexual assault case processing research. Most studies have noted a lacking police response to Latina sexual assault victims. Sexual assault cases involving Latina victims have been less likely to result in arrest as compared to White victims (O'Neal et al., 2016) and non-Latinas (Tiry et al., 2020), though Venema and colleagues (2021) reported an exception to this. In this regard, that Latina sexual assault victims

experienced a time delay in investigator assignment as compared to White victims could suggest that perhaps these cases do not deserve a swift follow-up from a specialized detective and this finding can be interpreted in a few ways. First, this result can be understood within a broader schema theory framework. Indeed, historical sexual exploitation and treatment of Latinas has translated to racialized schemata surrounding Latina sexuality. Misconceptions have included that all Latinas are sexually promiscuous, exotic, and available for sexual conquest (Arrizón, 2008; Beltran, 2002; Guzmán & Mendible, 2010; Valdivia, 2004; Rivera, 1994; Roman, 2000). What is more, these harmful schemata have permeated the criminal legal system, such that legal actors have stereotyped Latina victims and offenders as difficult and sexually promiscuous and this has negatively influenced decisions involving Latinas (Gaarder et al., 2004; López & Chesney-Lind, 2014; Pasko, 2017; Pasko & López, 2018). In light of this existing research, Latinas may not have not been perceived as “ideal” sexual assault victims in the eyes of police officers and this has determined the timing of investigator assignment (see López & Pasko, 2021 for a recent discussion).

Alternatively, the time delay for investigator assignment experienced by Latina sexual assault victims as compared to White victims can also be understood from an intersectional feminist and LatCrit theoretical framework. The Latina identity has been defined by a unique standpoint due to several converging identity dimensions, like ethnicity, nationality, language, legal status, and acculturation, etc. (Garza, 2021; Hernandez-Truyol, 1998; López & Chesney-Lind, 2014; López & Pasko, 2021; Solórzano & Bernal, 2001; Valdes, 1996, 2005). These contextual factors have often complicated criminal legal system responses to Latina victims of gender violence

(Crenshaw, 1989; Díaz-Cotto, 2000; Garza, 2021; Garza et al., 2021; López & Pasko, 2021; Messing et al., 2015; Vidales, 2010). Garza and colleagues (2021), for example, qualitatively examined 36 police case files involving intimate partner violence incidents reported by Latina immigrants to a police department in a large and diverse metropolitan U.C. city. The authors reported it was common for Latina victims to encounter language barriers as an obstacle in police investigations (Garza et al., 2021). Moreover, victims faced delayed communication and interactions with officers due to a lack in availability of Spanish speaking personnel. Similarly, it could be speculated that, perhaps Latina sexual assault victims in this study experienced delayed time to an investigator due to organizational shortcomings in terms of available Spanish speaking detectives needed to serve Latina victims.

Findings from the survival analysis also demonstrated that sexual assault cases increasingly characterized by the “real rape” schemata had a significantly shorter time to investigator assignment. Stated differently, the more that a sexual assault case mirrored a “real rape,” and included a stranger suspect (Pattavina et al., 2016; Richards et al., 2019; Tasca et al., 2013; Venema et al., 2021), demonstrable victim injury (Roberts, 2008; Spohn & Tellis, 2012; Stacey et al., 2017; Venema et al., 2021; Walfield, 2016), victim resistance (Alderden & Ullman, 2012a; Estrich, 1987), and/or a weapon in the commission of an offense (Addington & Rennison, 2008; Bouffard, 2000; LaFree, 1981; O’Neal & Spohn, 2017; Spohn & Tellis 2012, Wentz & Keimig, 2019)—all components of the real rape index, the faster this case was assigned to an investigator for follow-up. This finding is worthy of further discussion for various reasons. First, it is particularly interesting that the real rape index was important for prioritizing the time to investigator

assignment because so very few cases in this sample reflected the characteristics represented by the “real rape” scenario (see Research Question 2). Recall that the average sexual assault case had less than two “real rape” characteristics and, in the full sample, none of the sexual assault cases had more than five factors identified as indicators of “real rape.” Results from this study revealed a juxtaposition between the real rape schemata and the nature of sexual assault incidents that officers have investigated, in practice. Despite this disconnect, findings underscored the saliency of the real rape schemata in guiding police decision-making with regard to the timing of investigator assignment. This is unsurprising given existing research indicating that police officers have perceived sexual assault cases mirroring the “real rape” schemata as the most genuine and legitimate incidents (Campbell et al., 2015; O’Neal, 2019; Parrat & Pina, 2017). Officers have treated these sexual assaults with increased seriousness, such that these “real rape” characteristics have increased the likelihood of arrest and referral to prosecutors (Pattavina et al., 2016; Richards et al., 2019; O’Neal, 2019; O’Neal & Spohn, 2017; Tasca et al., 2013; Wentz & Keimig, 2019; Venema et al., 2021). Additionally, findings presented here highlight studies that have suggested police adherence to rape myths and “real rape” schemata has often manifested in covert ways beyond self-reported surveys (Mennicke et al., 2014; Shaw et al., 2017; Sleath & Bull, 2017). Endorsement of these misconceptions, for instance, has been exposed through report writing (Campbell & Fehler-Cabral, 2018; Shaw et al., 2017), descriptions of victims (Campbell et al., 2015; Frohmann, 1991), and qualitative interviews (Barrett & Hamilton-Giachritsis, 2013; Mennicke et al., 2014; Wentz & Archbold, 2012). It is easy to understand how the “real rape” schemata then, influenced the timing of investigator assignment. Criminal justice

discretionary decision-making research more broadly has indicated that the misuse of discretion has occurred particularly among decisions that are unseen and outside the purview of accountability (Gottfredson & Gottfredson, 1988; Walker, 1993; Wilson, 1968). It could be that investigator assignment is a somewhat more visible decision when compared to the timing of investigator assignment. This is related to the final reason why this finding was especially noteworthy.

Perhaps most important, is that the real rape index was not a significant predictor for the *likelihood* of investigator assignment—and only for predicting the *time* to investigator assignment. These results can best be appreciated alongside the broader, case processing decision-making literature related to sentencing outcomes. Traditionally, sentencing research relied upon a singular, global measure of punishment that combined whether offenders were incarcerated and the length of their respective confinement (Baumer, 2013; Wheeler et al., 1982). In a significant theoretical and methodological advancement, Wheeler and colleagues (1982) were the first to examine sentencing as a two-stage decision-making process: 1) the in/out decision that assessed the decision to incarcerate and 2) the sentence length decision that considered the total time of incarceration separately for white collar offenders in their study. The rationale for disentangling these decisions was rooted in interviews with judges that revealed qualitative differences in the decision to incarcerate an individual, and then the subsequent decision for what length of time—where judges suggested that the former was a much more difficult decision (Wheeler et al., 1982). Following this advancement, existing sentencing research, across various contexts, has demonstrated that situational factors indeed differentially predict the in/out and sentence length decisions (Baumer,

2013; Ulmer & Johnson, 2004; Ulmer et al., 2011). Moreover, the examination of sentencing as a two-stage process has remained the standard precedent for subsequent sentencing decision-making research (Baumer, 2013; Franklin & Henry, 2020; Johnson, 2014; Ulmer & Johnson, 2004; Ulmer et al., 2011). Much like the sentencing scholarship, it is conceivable that police investigative decisions are similarly a two-stage process. Officers must first decide whether or not a sexual assault case is worthy of additional investigative effort and then decide how promptly cases get assigned to an investigator. Related, it follows that victim, suspect, and case factors may likewise differentially predict the decision to assign a case to an investigator and the timing of this decision, perhaps because they are qualitatively different. Taken together, results from this study make an important and unique contribution; findings underscored that officers have continued to rely upon the “real rape” paradigm as a shorthand to inform their decisions in sexual assault cases, however decision-making is clarified when discretionary processes are disentangled to understand where the reliance on “real rape” schemata is most pronounced.

Summary and Discussion of Supplemental Analyses

Next, supplemental models were estimated with a modified version of the real rape index (excluding verbal and physical resistance) to account for the potential social desirability surrounding victim reporting of resistance to police. In terms of investigator assignment, findings were substantively similar to the main logistic regression results. Put simply, regardless of manner in which analyses were estimated, the “real rape” schemata did not matter for investigator assignment decisions in this study. These findings have departed from existing research that has noted sexual assault cases

characterized as a “real rape,” have been successfully processed through the criminal legal system largely due to perceptions of legitimacy and increased seriousness (O’Neal, 2019; Parrat & Pina, 2017; Spohn et al., 2014; Tasca et al., 2013; Venema et al., 2021). Instead, findings presented here have indicated that the police decision to assign a case to an investigator has relied more on other factors, like the evidentiary strength of a case, victim characteristics, and specialized trauma-training. These variables, rather than the “real rape” schemata, were the driving factors in moving a sexual assault case from the responding officer to an investigator. In the same fashion, supplemental Cox regression models were estimated with the modified real rape index. Results revealed that “real rape” (excluding verbal and physical resistance) did not significantly predict the time to investigator assignment. This finding is important for a few reasons. First, historically and prior to rape reform legislation, a sexual assault victim’s verbal and physical resistance was *required* in order to corroborate allegations and pursue criminal legal intervention (Estrich, 1987; Spohn & Horney, 1992). Estrich (1987) theorized that the necessity for victims to overtly resist during a sexual assault was rooted in gendered expectations for women and a male-identified legal system, where a “reasonable” man would be expected to physically fight off an assault. From a feminist theoretical framework, the criminal legal system punished female sexual assault victims who did not resist an attack for failing to appropriately protect their chastity—reiterating gendered expectations of women and their sexual value (Estrich, 1987; Johnson, 1997; Tarvis, 1992). That the exclusion of victim physical and verbal resistance from the real rape index resulted in a diminished effect on prioritizing the time to investigator assignment can be understood alongside the historical importance placed on resistance. Perhaps

victim resistance has remained particularly important for the way police interpret and judge a sexual assault case—attributions that have remained outside the control of rape law reform. In other words, results demonstrated that for sexual assault cases to be prioritized in terms of time to investigator assignment, victim resistance still matters—echoing the unfulfilled promises of rape law reform (see, Spohn & Horney, 1992).

Perhaps most important to note, that the inclusion of victim physical and verbal resistance were important components for the predictive power of the real rape index is especially concerning given the amassing research on the neurobiology of trauma. Existing research has demonstrated the frequency with which sexual assault victims have experienced tonic immobility—a biological “freeze” response to a traumatic event that shuts down the brain and body to protect itself from imminent harm (Campbell, 2012; Marx et al., 2008). Estimates have suggested that nearly 7 in 10 sexual assault victims have experienced tonic immobility, precluding any victim resistance, as compared to a biological “fight” response (Moller et al., 2017). Despite this, findings from the current analysis illustrated the continued importance placed on victim resistance by officers as an indicator of “real rape” and case seriousness (Alderden & Ullman, 2012a). Taken a step further, these results speak to a misunderstanding of victim resistance in sexual assault and the neurobiology of trauma, more broadly, among officers (Ask, 2010; Campbell, 2012; Franklin et al., 2020). Undoubtedly, these findings have underscored the continued need for specialized trauma-informed training improving police response to sexual assault victims (discussed at large under implications). Finally, that the modified real rape index resulted in meaningful differences for the time to investigator assignment, but not the decision to assign a case to an investigator has reiterated prior speculation about how

police investigative decisions may be a two-stage process. To elaborate, supplemental results have reinforced that differential predictors matter for the decision to assign a case to a detective and the timing of this decision because these discretionary decisions may be inherently different for police officers.

Additionally, supplemental split-sample logistic regression models were estimated to identify within group predictors of investigator assignment for White and Black sexual assault victims. The rationale for these supplemental analyses was two-fold. First, in the spirit of critical race theory, Black feminist thought, and intersectionality theoretical perspectives, the criminal legal experiences of White and Black sexual assault victims as a group are not homogenous and there could be intra-group (or within group) variation in terms of investigator assignment. Indeed, Crenshaw (1990) has noted that intra-group variation is largely sidelined within the context of theorizing and understanding violence against women. Moreover, while low sample size for Latina victims precluded testing interactive effects with victim race and ethnicity, findings from intra-group analyses could be appreciated alongside victim race and ethnicity results that previously demonstrated Black sexual assault victims have encountered a decreased likelihood of investigator assignment relative to White and Latina counterparts (Research Question 4). Overall, results from the within-group models revealed that evidentiary strength was the most robust predictor of investigator assignment for both White and Black sexual assault victims. This finding reiterated the importance of evidentiary strength as previously presented in the full model emphasizing how consequential evidence has been in facilitating successful sexual assault case processing (Lapsey et al., 2021; Morabito et al., 2019b; O'Neal et al., 2016; O'Neal & Spohn, 2017; Spohn & Tellis, 2012; Wentz, 2020;

Wentz & Keimig, 2019). Further, it is noteworthy to mention the non-significance of other victim, suspect, and case factors in predicting investigator assignment within White and Black victim groups, respectively. Though coefficient comparisons cannot be made across logistic regression models (e.g., like OLS), at face value these results have suggested there is nothing inherently unique in predicting investigator assignment across White and Black victim groups. Considered alongside the full model victim race and ethnicity patterns (Research Question 4), these findings may suggest that diminished investigator assignment for Black victims is due to racialized schemata that has rendered their cases as less serious and less deserving of investigative intervention (Donovan, 2007; Donovan & Williams, 2002; Foley et al., 1995; Katz et al., 2017; Lewis et al., 2019; Varelas & Foley, 1998).

Lastly, supplemental descriptive statistics were examined for the 36 sexual assault cases in the sample that were assigned an investigator on the same date or within less than 24 hours of the date they were reported to the police agency. Collectively, these 36 cases were relatively similar to the full sample descriptive statistics, with a few important differences. A visual review of the subsample of 36 cases revealed substantively higher scores on the evidentiary strength and real rape indices when compared to the full sample. It may be that perhaps because these cases more closely resembled a “real rape” scenario, these incidents were assigned to an investigator promptly the same day. This finding would be in line with existing research that has documented the increased legitimacy and seriousness afforded to sexual assault cases when they have mirrored a “real rape” (Pattavina et al., 2016; Richards et al., 2019; O’Neal, 2019; O’Neal & Spohn, 2017; Tasca et al., 2013; Wentz & Keimig, 2019; Venema et al., 2021). By the same

token, that cases in this subsample had, on average, two forms of evidence could have similarly expedited the time to investigator. Within a downstream orientation theoretical framework, this evidence could have been sufficient to meet a convictability standard as perceived by criminal legal actors down the line (Albonetti, 1987; Frohmann, 1997; Pattavina et al., 2016) and as a result was transferred to an investigator without hesitancy.

Limitations and Directions for Future Research

Findings from the present study are meaningful and have significant implications; though they are not without limitations. First, the data sample used for this study reflected sample characteristics used in the broader sexual assault case processing literature (Morabito et al., 2019a; Tasca et al., 2013; Wentz, 2020; Wentz & Keimig, 2019). This study included sexual assault cases with a single, adult female sexual assault victim who was sexually assaulted by male suspect(s); the application of these theoretical constraints, however, produced a convenience sample for analysis and results may not be generalizable to the larger population of sexual assault incidents at this agency. Specifically, these findings may also not be generalizable to investigative decisions in sexual assault cases involving male victims or juvenile victims (e.g., children and adolescents). This sample also included only female victims and male suspects. The results presented here should be applied cautiously to case processing decisions involving sexual assaults of LGBTQ+ victims. It would be important for future studies to expand upon the characteristics of victim samples used in sexual assault case processing research by purposefully oversampling underrepresented victim populations, like male and LGBTQ+ victims to understand investigative decisions across these incidents.

Additionally, the sexual assault cases included in the present study were reported to a large, urban police agency located in one of the fifth most populous and diverse U.S. cities. The police partner also employed designated personnel to operate a Special Victims' Unit focused on sexual assaults incidents at the time of data collection—a proactive approach to policing sexual assault. This study expanded the diversity of municipal jurisdictions that have been presently represented in the sexual assault case processing research. To date, analyses have largely relied on data from police agencies located in the Midwest (Alderden & Ullman, 2012a; Alderden & Ullman, 2012b; Venema et al., 2021; Wentz & Keimig, 2019; Wentz, 2020) and in Los Angeles (O'Neal, 2019; O'Neal et al., 2016; O'Neal & Spohn, 2017; Spohn & Tellis, 2012; Ylang & Holtfreter, 2020). Results from this study should be interpreted cautiously when considering police departments in rural or suburban jurisdictions, with smaller to mid-size, and agencies that serve less than 100,000 residents, or agencies without a specialized unit dedicated to sex crimes (see Hyland & Davis, 2019). Future research is needed to assess police decision-making, like investigator assignment and the time to investigation, across smaller to mid-size agencies in more homogenous populations, and in sheriff's departments. Moreover, future sexual assault case processing studies could replicate Morabito and colleagues (2019a)'s approach in collecting sexual assault data from multiple police departments that varied in jurisdictional size (e.g., urban, rural, and suburban) and the geographic location in the U.S. (e.g., Northeast, South, and West).

The use of official, redacted sexual assault case files has been beneficial for gathering rich data to understand police decision-making in sexual assault incidents. The information in these case files also represents an officer's decision in terms of how they

interpreted the victim and case, as well as what they deemed important enough to record (Charmaz, 2006; Tellis, 2010). In the present study, the victim's race and ethnicity reflected the responding officer's perception of that victim and not the victim's self-identification of their race/ethnicity. This should also be considered when interpreting study findings (see O'Neal et al., 2016). Additionally, while this study contributed to the limited sexual assault case processing research that has included Latina victims (see, Alderden & Ullman, 2012a; O'Neal et al., 2016; Tellis & Spohn, 2008; Venema et al., 2021), the sample of victims identified as Latinas was considerably smaller compared to the absolute number of White and Black victims in this sample. This has been the direct results of limitations surrounding the nature of report writing and the absence of systematically capturing ethnicity. This unbalanced Latina victim sample size could account for differences between the survival analysis findings related to victim race and ethnicity in the Kaplan-Meier log rank test and Cox regression results and results should be interpreted with caution. The current study was unable to analyze the effect of other victim racial and ethnic identities due to limits in the cell size for these measures. It would be important to examine police decision-making in sexual assault cases involving other racial and ethnic identities, like Asian and American Indian sexual assault victims, whose experiences remain understudied and who have been largely excluded from empirical research (Hamby, 2008; Lee & Law, 2001). Additionally, some scholars have proposed that criminal legal responses to sexual assault are shaped by the combination of the racial and ethnic composition of victim-suspect dyads due to a stratification system that has determined what groups have sexual access to whom, also known as the sexual stratification hypothesis (SSH) (Collins, 1971, 1975; LaFree, 1980; Walsh, 1987). The

current study, however, was unable to test victim-suspect race and ethnicity dyads on police investigative decisions due to the inclusion of unidentified suspects given the very early stages of case processing examined and retaining cases with multiple suspects—a component of the “real rape” schemata. Future research should consider testing the SSH on investigative decisions among a sample of cases involving a single and identified suspects.

Moreover, this study was unable to control for prompt reporting. Prompt reporting has been a salient predictor of police decision-making in sexual assault case processing, so this could result in omitted variable bias. Due to the nature of police report writing, there was not a reliable and systematic report time measure that was coded during the data collection process. Although Lovell and colleagues (2021) did not find that the victim reporting within 72 hours of the assault was a significant predictor for whether sexual assault cases were forwarded to an investigator, other research has suggested that prompt victim reporting has increased the likelihood of police arrest decisions (LaFree, 1981; O’Neal et al., 2016; Spohn & Tellis, 2012; Venema et al., 2021; Wentz, 2020; Wentz & Keimig, 2019). It could be that the decision to assign a case to an investigator and the timing of this decision is influenced by prompt victim reporting due to practical reasons like the ability for a victim to undergo a SAK, but also because prompt reporting would counteract police perceptions that delayed reports are “fabricated” (Jordan, 2004; Venema, 2016). Future studies examining police investigative decisions should endeavor to control for prompt reporting.

Finally, like most sexual assault case processing research (with few exceptions) and policing scholarship, more broadly, this study only included situational or incident

level predictors of investigative decisions. In other words, only victim, suspect, and case factors were considered as correlates of the decision to assign a case to an investigator and the timing of this outcome. While these efforts have been instructive, it would be fruitful for future studies to consider examining other predictors of police discretionary behaviors in sexual assault cases in a multilevel framework by including officer, organizational, and community and/or neighborhood level characteristics (Brooks, 2004; National Research Council, 2004a; National Research Council, 2004b). In terms of officer characteristics, for instance, limited sexual assault case processing research has considered the effect of officer sex. These studies have demonstrated that female detectives are less likely to make an arrest compared to male detectives, while controlling for situational case factors (Alderden & Ullman, 2012b; Venema et al., 2021). These findings are coupled with mixed literature suggesting that some female officers perform better than male officers in sexual assault investigations, including interviewing victims and working with advocates (Rich & Seffrin, 2012; 2013). Other studies have documented increased victim-blaming attitudes among female officers relative to male counterparts (Wentz & Archbold, 2012). Unfortunately, officer level data, like sex, was redacted in the sexual assault case files used in the current study. Given inconsistent findings in the broader, future research should continue to disentangle the role of officer level characteristics, like sex, on sexual assault case processing outcomes.

At the organizational level, a majority of studies have found that an increase in the percentage of female officers has been associated with positive sexual assault case outcomes like reporting and clearance rates (Meir & Nicholson-Crotty, 2006; Schuck, 2018; Walfied, 2016; for an exception, see Morabito et al., 2017). Walfied (2016), for

example, used LEMAS and NIBRS data and found that increased female officer representation was associated with increased arrest rates, while considering situational level victim, suspect, and case factors. In this regard, it would be interesting to assess organizational level factors effect on investigator assignment and the time to investigation. Future studies should consider factors like the percentage of female officers, the percentage of Special Victims' detectives, the presence of in-unit victim advocates, and unit caseload. Again, the nature of the data did not permit for the consideration of organizational level factors. Moreover, policing research has suggested that discretionary police behaviors are conditional upon community or neighborhood level factors (National Research Council, 2004a; Weitzer & Brunson, 2015). Studies have noted that officers have stereotyped residents from lower income, disadvantaged neighborhoods and aggressively over-policed minority, People of Color communities (e.g., increased unjustified "stop and frisks" and incidents of officer misconduct) (Fagan et al., 2010; Terill & Reisig, 2003; Weitzer & Brunson, 2015). To date, sexual assault case processing research has not yet considered the influence of community level factors on police decision-making and the data used for this study did not collect neighborhood level information regarding the police substations that sexual assault victims reported to. Given this limitation, future research should examine if community level factors, such as the neighborhood racial and ethnic composition and median household income, influences police decision-making in sexual assault cases. It may be that perhaps these community level factors contribute to schemata surrounding "real victims," such that sexual assault cases with victims from certain backgrounds and neighborhoods are treated differently and are more likely to be assigned to an investigator and have this occur

promptly. This would also be a fruitful avenue to test if conflict theories or the racial threat hypothesis could further explain victim race and ethnicity patterns in sexual assault case processing (Blalock, 1967; Maxwell et al., 2003; Quinney, 1970).

Theoretical, Research, and Policy Implications

Theoretical Implications

Despite these limitations, results from the current study have important theoretical, research, and policy implications for future studies on police decision-making in sexual assault case processing. First, this study offers support for the use of schema theory, particularly in understanding police decision-making in sexual assault cases. Schema theory has suggested that when officers are assigned to a sexual assault case, they will draw upon prior experiences and knowledge about sexual assault to guide their perceptions surrounding the case and subsequent decisions (Venema, 2016). Findings examining the influence of victim, suspect, and case factors on investigator assignment and time to investigation offered support for the assertion that officers relied on schemata: both gendered and racialized. First, findings revealed that Black victims were less likely to be assigned to an investigator, relative to White and Latina victims; and that Latina victims had a longer time to investigator assignment as compared to White victims. These results emerged while controlling for relevant victim, suspect, and case factors that have been important for decision-making in sexual assaults—affirming that racialized schemata surrounding victims of Color has influenced police decision-making to some extent, though victim race and ethnicity are not necessarily the most robust predictor of outcomes. Together, results contributed to the mixed evidence on the influence of victim race and ethnicity on police decision-making in sexual assault cases.

Moreover, results suggested that while limited sexual assault cases met the “real rape” criteria, the real rape index increased the risk for investigator assignment or resulted in significantly shorter time to assignment. These findings reiterated police reliance on the “real rape” schemata as a framework for making determinations about investigative priority. This is consistent with studies that have explored police schemata about sexual assaults, where cases involving real rape characteristics, like stranger suspects and injury, are cognitively classified and categorized as legitimate and serious (Venema, 2016). Indeed, schema theory remains a useful theoretical framework in which to situate police decisions in sexual assault case processing (Grubb & Turner, 2012; Parrat & Pina, 2017; Venema, 2016). One avenue to advance schema theory and police decision-making would be to employ methodological designs, like qualitative and mixed methods studies, that allow for the identification of police cognitive schemata within the context of sexual assault cases. Future endeavors, for example, could examine through interviews with officers what their “typical” victim and sexual assault case looks like or to describe a “convictable” case (see Venema, 2016). These methodologies, along with quantitative findings from case processing outcomes, may illustrate how police form cognitive perceptions about victims and make decisions in cases.

Research Implications

The findings presented in this study also offer important implications in terms of advancing research on police decision-making in sexual assault cases. First, prior case processing studies have focused on a narrow spectrum of police decisions in sexual assault cases, particularly arrest decisions (Alderden & Ullman, 2012a, 2012b; Bouffard, 2000; LaFree, 1980, 1981; Morabito et al., 2019a; O’Neal et al., 2016; O’Neal & Spohn,

2017; Richards et al., 2019; Shaw et al., 2016; Stacey et al., 2017; Tasca et al., 2013; Venema et al., 2021; Walfield, 2016; Wentz, 2020; Wentz & Keimig, 2019; Ylang & Holtfreter, 2020). To a lesser extent, research has also considered other police case processing decisions, like the decision to unfound a case (Alderden & Ullman, 2012a; Kerstetter, 1990; Spohn et al., 2014; Tellis & Spohn, 2008; Venema et al., 2021) or refer a case to prosecution (Alderden & Ullman, 2012a; Campbell et al., 2009; Kelley & Campbell, 2013; Shaw et al., 2016; Snodgrass et al., 2014; Spohn & Tellis, 2014; Wentz & Keimig, 2019). This existing work has clarified the role of victim, suspect, and case factors that predict successful case outcomes, as well as those characteristics that are related to attrition at these stages. Even so, this literature only speaks to a portion of the discretionary police behaviors in sexual assault investigations. To be sure, scholars have called for empirical attention to other police decisions in sexual assault cases that shed light on earlier decisions and how police prioritize cases (Bostaph et al., 2021; Campbell et al., 2021; Kelley & Campbell et al., 2013; Lovell et al., 2021). Similarly, policing research has also encouraged the need to reimagine discretionary police behaviors beyond arrest (Mastrofski, 2004; National Research Council, 2004a).

The current study answered these calls for research by focusing on investigator assignment and the timing of this decision, as focal outcomes. Collectively, the results from this study made an important theoretical and methodological contribution through the consideration of police investigative decisions as a two-stage process that is differentially predicted by varying factors. Future research endeavors should continue to assess these investigative decisions in a similar capacity. It would also be insightful to qualitatively interview officers to assess if investigator assignment is a much, more

difficult decision to make relative to the timing of this decision. Doing so would provide a deeper understanding of police decision-making and pathways to sexual assault case attrition, highlighting how cases are prioritized in terms of investigator assignment and the timing of this. Similarly, it would be beneficial for future research to examine the subsequent discretionary police decision: investigative effort. Recently, Jurek and colleagues (2021) noted how investigative effort in sexual assault cases has been tangential to the larger conversation on police decision-making. Using a sample of 477 sexual assault cases in which SAKs were collected but not submitted for testing, Jurek et al., (2021) offered two useful categorizations of investigative effort: Information gathering from people and information gathering from evidence. Findings described and classified investigator actions into these categories. For instance, information gathering from people included calling victims, making site visits to victim's homes, and interrogating suspects. Information gathering from evidence comprised the investigator requesting the testing of the SAK and other additional tests from the crime lab. While their classification of investigative effort through univariate and bivariate results is a valuable starting point, future studies should consider if certain victim, suspect, and case characteristics are influential for determining the amount of investigative effort exerted in cases. Similar to how the current study found differences in investigator assignment and the time to investigator assignment, it is possible that not all sexual assault cases receive the same investigative effort from detectives. Furthermore, police officers are also in a unique position to affect other decisions outside of case processing that directly impact sexual assault victims. Police have the ability to refer sexual assault victims to victim services, including local advocacy centers, shelters, and victim compensation (Davis et

al., 2021; Goodson et al., 2021). It would be important to assess if these police decisions are influenced by victim, suspect, and case characteristics deeming certain victims as more “deserving” of police officer service referral.

In addition, the current study drew upon feminist theory, Critical Race Theory and offshoots like Black feminist thought, intersectionality, and LatCrit, to theoretically highlight how characteristics of sexual assault victims, like race and ethnicity, have informed schemata and influenced police decision-making. In the spirit of these frameworks, the present study was deliberate about building upon the sexual assault case processing research that has examined race and ethnicity as a White/Black and White/Other paradigm (Bouffard, 2000; Horney & Spohn, 1996; Kelley & Campbell, 2013; Kerstetter, 1990; LaFree, 1980; 1981; O’Neal & Spohn, 2017; Scott & Beaman, 2004; Shaw & Lee, 2019; Spohn & Spears, 1996; Stacey et al., 2017; Walfield, 2016; Wentz, 2020; Ylang & Holtfreter, 2020). It is likely that this may be the result of inherent data limitations and researcher decision-making (Shaw & Lee, 2019), however when possible, scholars should be intentional and thoughtful about their treatment of race and ethnicity. The present study followed existing work that included Latina victims, alongside Black and White victims to be able to draw meaningful comparisons (Alderden & Ullman, 2012a; O’Neal et al., 2016; Tellis & Spohn, 2008; Venema et al., 2021). What’s more, this study employed reference group rotations to further critically contextualize the role of victim race and ethnicity on police decisions (see Kelley et al., 2021). As such, results illustrated important nuances between Black and Latina victims that may have been obscured with always defaulting to using White as the reference group. Future studies should use this strategy to assess if findings replicate and continue

to be critical with our treatment of victim race and ethnicity in sexual assault case processing.

Policy Implications

In addition to these theoretical and research considerations, the findings from the current study do have several important practical implications for police agencies, particularly related to improving sexual assault investigations and policies. As a matter of fact, scholars, governmental officials, policymakers, and stakeholders have long been aware of the significant shortcomings in police response to sexual assault investigations. In 2013, multiple agencies in the Department of Justice (DOJ), including the Office of Community Oriented Policing Services (COPS), the Office for Victims of Crime (OVC), and the Office on Violence Against Women (OVW), issued a joint statement declaring that gender bias in policing was the primary cause of failing to adequately investigate sexual assault and domestic violence incidents (COPS et al., 2013). In response to this declaration, a national roundtable discussion with COPS, OVW, and the Police Executive Research Forum (PERF) culminated in the creation of a new DOJ guidance for police agencies: *Identifying and Preventing Gender Bias in Law Enforcement's Response to Sexual and Domestic Violence* (PERF, 2016). The eight guidance principles underscored the importance of identifying and addressing gender bias in policing investigations to instead promote victim-centered and trauma-informed approaches that hold perpetrators accountable (DOJ, 2015). Indeed, recognizing gender bias—both explicit and implicit, includes dismantling culturally embedded stereotypes about sexual assault victims that undermine police perceptions of cases and prevent effective investigations. Findings presented here from the current study highlight that despite these efforts, many of these

concerns remain important areas of intervention for improving sexual assault investigations.

First, results demonstrated the role of victim race and ethnicity on predicting the likelihood of investigator assignment and time to investigator assignment to the detriment of victims of Color. These findings may be the result of officer schemata or stereotypes about women of Color that dictate what a “typical” sexual assault victim should look like. Police sexual assault training would benefit from including a focus on addressing cultural awareness and diversity about the backgrounds of sexual assault victims and dismantling narratives of “true” victimhood. While there has yet to be an empirical evaluation on police and racial and ethnic bias surrounding sexual assault victims, the DOJ guidance has emphasized that training should include curriculum that addresses the many ways bias can occur (e.g., gender, race and ethnicity, sexual orientation) and “counters any pre-existing notions officers may have about what victims and perpetrators look like” (PERF, 2016 p. 21). To that end, policing research has noted some potential promise from implicit bias training for officers (Worden et al., 2019). Findings from the first randomized experiment to evaluate the effectiveness of an implicit bias training in the New York City police department found immediate effects on officers’ attitudes and knowledge about implicit biases post-training (Worden et al., 2019). While evidence has yet to suggest that implicit bias training has influenced police decision-making, within the context of sexual assault training specifically, officers may be able to gain knowledge and understanding of historical trauma for sexual assault victims of Color and how this may manifest into schemata.

Related, results from the study demonstrated that educational programming for police agencies should continue to target police biases related to the adherence of the “real rape” schemata and myths. Broadly, the literature on the effectiveness of sexual assault training at reducing rape myths has demonstrated mixed evidence. Some studies, for instance, have reported no effect on rape myth reduction following training using pre/posttest experimental designs (Lonsway et al., 2001) and research has revealed no differences in victim blaming between trained and non-trained officers (Sleath & Bull, 2012). More recent examinations on the effect of specialized training have reported improved attitudes among officers (Darwinkel et al., 2013; Tidmarsh et al., 2020), particularly findings from randomized, experimental evaluations (Campbell et al., 2020; Campbell & Lapsey, 2021). For instance, Campbell and colleagues (2020) used a randomized, three-group experimental design to evaluate the effect of a 40-hour sexual assault training on officers’ levels rape myth acceptance, knowledge of state laws, and trauma-informed practices. Results indicated that training reduced levels of rape myth acceptance at both the short-term assessment and long-term follow-up. Overall, participation in educational programming that focuses on undoing assumptions about sexual assault and “real rape” may improve police attitudes and perceptions about cases. Additionally, it may be useful to dismantle these misconceptions of a “real rape” by using agency data to demonstrate to officers the juxtaposition between ideas surrounding a “real rape” and the actual incidents they have encountered. Results from Research Question 2 have the ability to directly inform specialized training in this capacity for this police department.

Moreover, it is significant that the trauma-informed training increased the likelihood of investigator assignment—contributing to the developing research illustrating the efficacy of trauma-informed training on police behaviors and decision-making, like improved interactions and interviews with victims (Mourtgos et al., 2021; Tidmarsh et al., 2021). From a policy standpoint, this affirms the continued calls for specialized sexual assault training, however goes beyond just saying that training matters (Sloan & Paoline, 2021). It signifies the *type* of curricula and content affecting behavioral changes in officers and thus improving sexual assault investigations. To be sure, trauma-informed approaches incorporate the DOJ guidance principle #2: “Treat all victims with respect and employ tactics that encourage a victim to participate and provide facts about the incident” (DOJ, 2015, p. 12). In other words, police agencies should continue to adopt trauma-informed and victim-centered practices including treating victims with respect and dignity, ensuring the use of trauma-informed skills to build rapport and communicate with victims, and empowering victims with control and a voice during the process (DOJ, 2015; PERF, 2016). It is also no coincidence that trauma-informed approaches parallel procedurally just policing (Lorenz & Jacobsen, 2021). Trauma-informed practices such as treating the victim with respect, and empathy, and allowing them autonomy in the criminal process mirror elements from the procedural justice perspective like voice, respect and dignity, neutrality, and trustworthiness (Tyler, 1990; Tyler, 2004). As it pertains to the findings from this study, it would be important to establish agency policies that require officers to clearly communicate and explain to sexual assault victims the process for cases to be assigned to an investigator so that victims know what to expect. Moreover, officers should provide reasons to victims as to why their case may not have

been assigned to an investigator or why there may be a delay in this case processing step. These practical implications would serve both sexual assault victims and officers alike. Officers would be perceived positively by sexual assault victims, which in turn could encourage continued cooperation and overall satisfaction with police interactions—regardless of the outcome (Henniger et al., 2020; Koster et al., 2020). What’s more, this would prevent secondary victimization and encourage sexual assault victims to report future victimization experiences to police (Lorenz et al., 2021; Lorenz & Jacobsen, 2021).

Finally, police leadership, including that of the Special Victims’ Division, can ensure officer accountability in sexual assault investigations. In line with the DOJ guidance principle #8, “Maintain, review, and act upon data regarding sexual assault and domestic violence,” accountability begins with police leadership (DOJ, 2015, p. 22). First, it would be practical for sexual assault case audits to be conducted. Audits could include case attrition information and data on the number of cases assigned to an investigator and the time this is taking. These audits should also be made visible to the general public, enhancing transparency and increasing legitimacy. Indeed, criminal justice system theorists have offered that reviewing discretionary decisions in a public capacity is an effective control for the misuse of discretion (Gottfredson & Gottfredson, 1998; Walker, 1993). It would also be important for leadership to regularly evaluate report writing among the responding officers as the information documented could influence investigative decision-making. To be sure, the International Association of Chiefs of Police (IACP) has encouraged action reviews by supervising officers to ensure that responding officers and investigators are conducting effective, trauma-informed and

victim-centered investigations (IACP, 2015). Related, research has found that officers with high levels of burnout and exhaustion endorse higher levels of rape myths (Lathan et al., 2021). In an agency culture of accountability for victims, it would also be important to implement wellness checks for responding officers that first interact with sexual assault victims to ensure that exhaustion and burnout do not translate to poor reporting writing and diminished initial perceptions of victims that get documented as this could have an influence on subsequent decisions, like having cases assigned to an investigator.

Conclusion

Several decades have passed since the implementation of rape law reform and historical advocacy efforts that raised concerns about the criminal legal system response to sexual assault victims. Despite these efforts, shortcomings in police response to sexual assault cases have remained. An inadequate law enforcement response has been primarily characterized by the re-victimization of sexual assault victims who report to officers and by the subsequent alarming rates of sexual assault case attrition due to police decision-making. Respected scholar Cassia Spohn (2020, p. 90) recently commented on the state of sexual assault case processing in practice and noted, “it thus appears that the more things change, the more they stay the same.” That said, the purpose of the current study was to examine an understudied case processing step in which sexual assault attrition may be occurring. Using 465 sexual assault case files collected from a large, urban police department, the present study assessed the effect of victim, suspect, and case factors on the police decision to assign a reported case to an investigator and the timing of this decision. Limited empirical research has considered investigative decisions as a case processing step and pathway for potential attrition.

Overall, results from this study revealed that most reported sexual assault cases will be assigned to an investigator and that oftentimes, this will occur promptly within a matter of a few days. Still, findings demonstrated that some sexual assault cases will experience attrition at this stage and differences in investigation prioritization. Specifically, analyses indicated victim race and ethnicity, victim age, evidentiary strength, and training significantly predicted investigator assignment decisions, while victim race and ethnicity and real rape significantly predicted survival time to investigator assignment. Taken together, results illustrated a continued need to examine predictors of police decision-making in sexual assault cases, particularly investigative outcomes. Findings highlighted that police misconceptions surrounding who is considered a “real” victim and what incidents constitute a “real rape” warrant continued attention. It would be important to direct educational programming and training toward dismantling these sexual assault schemata among officers, while promoting trauma-informed and victim-centered investigations. Only then, will police respond appropriately to sexual assault victims, regardless of their backgrounds and the nature of their assaults. Anything less than impartial decision-making would be a denial of justice.

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APPENDIX A

Risky Behavior Items and Sample Frequency

Items	<i>n</i>	% of <i>N</i> = 465
Walking alone late at night	33	7.1%
Alone at a bar	14	3.0%
Accepted a ride from stranger	35	7.5%
Went to the suspect's residence	82	17.6%
Invited the suspect to her own residence	40	8.6%
Accompanied the suspect to a private location	50	10.8%
Drinking alcohol	107	23.0%
Using illegal drugs voluntarily	39	8.4%
Unconscious	53	11.4%

APPENDIX B

Moral Character Items and Sample Frequency

Items	<i>n</i>	% of <i>N</i> = 465
Disreputable job	5	1.1%
History of prostitution	28	6.0%
History of mental illness	64	13.8%
Physical/cognitive disability	17	3.7%
Homeless	28	6.0%
Previous runaway	5	1.1%
Prior criminal history	125	26.9%
Prior consensual sex experiences	66	14.2%
Multiple prior sexual assault reports	15	3.2%
Prior consensual sexual relationship with any suspect	105	22.6%
Motive to lie	38	8.2%

Examples of the statements coded affirmatively for history of mental illness included, for instance, “complainant is also on antidepressants,” “after the assault, complainant tried to commit suicide by taking over 100 nighttime aspirin and was admitted to the hospital,” “complainant is a consumer and has been in and out of psychiatric facilities,” and “complainant has a grandmother who states the complainant has mental health issues.”

Examples of the statements coded affirmatively for physical/cognitive disability included, “complainant has the mental capacity of an 8-year-old,” “complainant has a non-verbal learning disorder, autism, social pragmatic development disorder, inability to understand social cues, and inferences,” and “complainant has slight mental retardation and cerebral palsy.”

Examples of statements coded affirmatively for motive to lie included, “complainant stated she wanted a divorce and wanted him [the suspect] out of the house,” the witnesses both said that they heard the complainant tell the suspect that if he called police then she would tell them he sexually assaulted her,” “the investigating officer

talked to the complainant's cousin who stated that she thought her cousin was lying about being assaulted," "complainant had a boyfriend but was talking to the suspect on the side," "victim and suspect have child custody issues," and "complainant is not a U.S. citizen."

APPENDIX C

During the data collection time frame, the police agency underwent changes in police chief leadership. To account and control for these changes, a categorical measure was created to identify under what police chief leadership the sexual assault cases were reported (Police Chief 1 = 0 [$n = 160$, 34.4%]; Interim Chief = 1 [$n = 114$, 24.5%]; Police Chief 2 = 2 [$n = 191$, 41.1%]). For further context, police chief 1 was a male, Black chief who served from the beginning of the sexual assault case file population date and retired February 26, 2016. The interim chief was a Hispanic, female who served from February 27, 2016 to November 29, 2016. Police chief 2 was a Hispanic, male who served from November 30, 2016 to the end of the sexual assault case file population date. Diagnostics demonstrated that the dichotomous variable *police chief 2* (No = 0, Yes = 1) and the *training* control variable were highly correlated ($r_s = .842$), $p < .000$ and that the dichotomous variable *police chief 1* (No = 0, Yes = 1) were highly correlated ($r_s = .710$), $p < .000$. The dichotomous variable interim chief was correlated at ($r_s = .179$), $p < .000$. The *training* control variable was retained.

During the data collection time frame, an unprecedented hurricane took place that halted police investigations in this agency. To account and control for this in the data, a dichotomous measure was created to account for whether the sexual assault case was reported during this event. The dates used to define the hurricane storm period are in accordance with the incident period as defined by the Federal Emergency Management Agency (FEMA, 2017) and included cases reported between August 23, 2017 to September 15, 2017. Results demonstrated that among the sample ($N = 465$), only 8 cases or 1.7% were reported during this time. In other words, 98.3% of the cases were not

reported during this hurricane. Due to the lack of variation, this measure was not included in the methodology and analysis.

A potential control measure titled, *observation time*, was created by calculating a difference score in days between the last date in the data collection time frame (February 28, 2018) and the initial reported date of each sexual assault case. This measure controlled for the length of observation time in each case where those cases that occurred early in the larger grant-funded study period would have more time to proceed to investigative stages. This measure ranged anywhere from 13 to 1,399 days ($M = 607.30$, $SD = 354.49$). Diagnostics and collinearity results, however, demonstrated that *observation time* and *training* were highly correlated ($r_s = -.843$), $p < .001$ and had variance inflation factors above 3.5. In addition, *observation time* and the dependent variable *investigator assignment* did not have a strong nor statistically significant relation, $r_s(463) = -0.04$, $p = .358$. Cursory analyses not presented in tabular form also demonstrated that *observation time* was not a statistically significant predictor of *investigator assignment* in a multivariate context. Due to these reasons, this measure was not included in the methodology and analysis.

VITA

Alondra D. Garza

Google Scholar: <https://scholar.google.com/citations>

EDUCATION

- 2022 (expected) Doctor of Philosophy, *Criminal Justice*, Sam Houston State University
Dissertation Title: “*Real Rape*” and “*Real Victims:*” *Revisiting Police Decision-Making in Sexual Assault Case Processing*
 Co-Chairs: Dr. Cortney Franklin & Dr. Jason Ingram, Committee Member: Dr. Yan Zhang, Outside Reader: Dr. Leana Bouffard
- 2018 Master of Arts, *Criminal Justice and Criminology*, Sam Houston State University
- 2016 Bachelor of Science, *Criminal Justice*, Sam Houston State University
 with *Highest Honors, Cum Laude*

ACADEMIC EMPLOYMENT

- Fall 2022 - present Assistant Professor (tenure track)
 Department of Criminal Justice, College of Community Innovation and Education, University of Central Florida
- Fall 2022 - present Affiliate Member, Violence Against Women Faculty Cluster
 University of Central Florida
- 2021 – 2022 Doctoral Teaching Fellow, Sam Houston State University
- 2018 – 2021 Research Associate, Crime Victims’ Institute
- 2016 – 2018 Research/Teaching Assistant, Sam Houston State University

RESEARCH INTERESTS

Victimology; Violence against women; Institutional responses to victimization; Discretionary decision-making; Intersectional feminist criminology; Latina crime victims; Gender & crime; Mixed-methods

HIGHLIGHTED NATIONAL AWARDS

- Ruth D. Peterson Fellow, American Society of Criminology, 2021
- American Society of Criminology Division on Women and Crime Graduate Scholar Award, 2020
- Academy of Criminal Justice Sciences Victimology Section Outstanding Graduate Student Award, 2020
- Ronald E. McNair Fellow, 2016

PUBLICATIONS

Refereed Publications

- Online First **Garza, A. D.**, Franklin, C. A., & Goodson, A. Police response to Latina immigrant intimate partner violence victims: A qualitative analysis. *Journal of Interpersonal Violence*. DOI: 10.1177/08862605211037980.
- 2022 Goodson, A., **Garza, A. D.**, & Franklin, C. A. Providing support to victims: Police officer service referral provision and advocate involvement in intimate partner violence incidents. *Crime & Delinquency*, 68, 80-104.
- 2021 **Garza, A. D.** Situating institutional responses to Latina intimate partner violence victims – An argument for a LatCrit lens. *Crime & Delinquency*, 67, 1221-1240.
- Garza, A. D.**, Goodson, A., & Franklin, C. A. Policing nonfatal strangulation within the context of intimate partner violence. *Policing: An International Journal*, 44, 838-852.
- Franklin, C. A., Bouffard, L. A., **Garza, A. D.**, & Goodson, A. Focal concerns and intimate partner violence case processing: Predicting arrest using a stratified random sample of police case file data. *Crime & Delinquency*. DOI10.1177/00111287211010493.
- Garza, A. D.** & Franklin, C. A. The effect of rape myth endorsement on police response to sexual assault survivors. *Violence Against Women*, 27, 552-573.
- * Recipient of the 2018-2019 Outstanding Thesis Project Award, Office of Graduate Studies, Sam Houston State University
- Franklin, C. A., & **Garza, A. D.** Sexual assault disclosure: The effect of victim race and perpetrator type on empathy, culpability, and service referral for survivors in a hypothetical scenario. *Journal of Interpersonal Violence*, 36, 2327-2352.
- 2020 Goodson, A., **Garza, A. D.**, Franklin, C. A., Updegrove, A., & Bouffard, L. A. Perceptions of victim advocates and predictors of service referral among law enforcement. *Feminist Criminology*, 15, 611-633.
- Garza, A. D.**, Franklin, C. A., & Goodson, A. The nexus between intimate partner violence and stalking: Examining the police arrest decision. *Criminal Justice and Behavior*, 47, 1014-1031.
- Franklin, C. A., **Garza, A. D.**, Goodson, A. & Bouffard, L. A. Police perceptions of crime victim behaviors: A trend analysis on mandatory training and knowledge of sexual and domestic violence survivors' trauma responses. *Crime & Delinquency*, 66, 1055–1086.
- 2019 Franklin, C. A., Goodson, A., & **Garza, A. D.** Intimate partner violence among sexual minorities: Predicting police officer arrest decisions. *Criminal Justice and Behavior*, 46, 1181-1199.

Invited Book Reviews

- 2022 **Garza, A. D.** Latinas in the criminal justice system: Victims, targets, and offenders. *Journal of Criminal Justice Education*, accepted and forthcoming.

Non-Refereed Publications

- 2020 Henry, T. K. S. & **Garza, A. D.** Navigating the ivory-white tower: Experiences as a POC in academia. *ACJS Today*, 46, 25-29.

Manuscripts Under Review

Franklin, C. A., Bouffard, L. A., Goodson, A., & **Garza, A. D.** "Police case processing decisions in a rape scenario: The effect of rape mythology, trauma presentation, forensic medical evidence, and stranger perpetrators."

Manuscripts in Progress

Garza, A. D. "Revisiting police decision-making in sexual assault case processing: Examining investigative decisions."

Garza, A. D. & Bouffard, L. A. "Real rape" and "real victims:" Clarifying the (dis)congruence of the real rape scenario among reported sexual assaults."

Campbell, B. A., Lapsey, D. S., Franklin, C. A., **Garza, A. D.**, & Goodson, A. "Police sexual assault investigations training, impulsivity, and officer perceptions about arrest and procedural justice: A randomized experiment."

Goodson, A., **Garza, A. D.**, Bouffard, L. A., & Franklin, C. A. "All about the kids: An analysis of arrest decisions in sexual assault cases of children and adolescents."

Franklin, C. A., Goodson, A., **Garza, A. D.**, & Bouffard, L. A. "Understanding the utility of trauma-informed police training: Results from sexual assault investigation outcomes."

EXTERNAL/GRANT FUNDING EXPERIENCE***Awarded***

2021 **Principal Investigator**, Ruth D. Peterson Dissertation Fellowship for Racial and Ethnic Diversity, American Society of Criminology, Award: \$6,000

2017-2021 **Lead Research Assistant**, *Research and Evaluation of Houston Police Department's Response to Sexual Assault and Domestic Violence Survivors*. Office on Violence Against Women, U.S. Department of Justice. P.I.: Cortney A. Franklin, Award: \$393,049

Unfunded

2021 **Principal Investigator**, Larry J. Siegel Graduate Fellowship for Victimological Studies, Division of Victimology, American Society of Criminology, Award: \$5,000

AGENCY REPORTS & TRANSLATIONAL RESEARCH

- 2020 **Garza, A. D.**, Franklin, C. A., & Goodson, A. Police arrest decisions in IPV cases with previous stalking. Prepared for the Crime Victims' Institute.
- 2019 **Garza, A. D.** & Franklin, C. A. The effect of rape myth endorsement on police response to sexual assault survivors. Prepared for the Crime Victims' Institute.
- Franklin, C. A., **Garza, A. D.**, Goodson, A., & Bouffard, L. A. *Trauma-informed training & police perceptions of victim behaviors*. Results from Research and Evaluation of Houston Police Department's Response to Sexual Assault and Domestic Violence Survivors. Report submitted to Houston Police Department, Special Victims Division.
- Franklin, C. A., Goodson, A., & **Garza, A. D.** *Police arrest decisions in heterosexual and same-sex intimate partner violence scenarios*. Results from Research and Evaluation of Houston Police Department's Response to Sexual Assault and Domestic Violence Survivors. Report submitted to Houston Police Department, Special Victims Division.
- Garza, A. D.** & Franklin, C. A. College student responses to a hypothetical sexual assault disclosure. *The Sexual Assault Report*, 22, p.33-48. Civic Research Institute, Kingston, NJ.
- 2018 Franklin, C. A., Goodson, A., **Garza, A. D.**, & Bouffard, L. A. *Preliminary analysis of post-training data*. Results from Research and Evaluation of Houston Police Department's Response to Sexual Assault and Domestic Violence Survivors. Report submitted to Houston Police Department, Special Victims Division.
- 2017 Franklin, C. A., Goodson, A., **Garza, A. D.** & Bills, M. *Texas victimization dashboard*. Prepared for the Crime Victims' Institute.
- Franklin, C. A., & **Garza, A. D.** *Federal efforts to combat campus sexual violence*. Prepared for the Crime Victims' Institute. Campus Sexual Assault Series, Vol. 1, Iss. 2.
- Franklin, C. A., & **Garza, A. D.** *Sexual assault: An overview*. Prepared for the Crime Victims' Institute. Campus Sexual Assault Series, Vol. 1, Iss. 1.

NATIONAL CONFERENCE PRESENTATIONS

Paper Presentations

- 2022 Goodson, A., **Garza, A.D.**, Bouffard, L. A., & Franklin, C. A. All about the kids: An analysis of arrest decisions in sexual assault cases of children and adolescents. Paper to be presented at the annual meeting of the Academy of Criminal Justice Sciences, Las Vegas.
- 2021 **Garza, A. D.** Police decision-making in sexual assault cases: The role of race and ethnicity on investigator case assignment. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.

- Garza, A. D.**, Franklin, C. A., & Goodson, A. Policing nonfatal strangulation within the context of intimate partner violence. Paper to be presented at the annual meeting of the Academy of Criminal Justice Sciences, Orlando, FL. ⁴⁶
- 2020 **Garza, A. D.**, Franklin, C. A., & Goodson, A. Police response to intimate partner violence: The role of immigration status. Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, San Antonio, TX.¹
- 2019 **Garza, A. D.**, Franklin, C.A., Goodson, A., & Bouffard, L.A. Does training matter?: A trend analysis on rape and domestic myth endorsement among officers. Paper presented at the annual meeting of the American Society of Criminology, San Francisco, CA.
- Franklin, C.A., Goodson, A., **Garza, A. D.**, & Bouffard, L.A. Police response to family violence: The effect of mandatory training on arrest, service referral, and victim cooperation using redacted case notes. Paper presented at the annual meeting of the American Society of Criminology, San Francisco, CA.
- Garza, A. D.**, Goodson, A. & Franklin, C.A. The nexus between intimate partner violence and stalking: Exploring police responses. Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, MD.
- Goodson, A., **Garza, A. D.**, Acquaviva, B., & Franklin, C.A. The downstream orientation of justice in domestic violence arrest decisions. Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, MD.
- Fleming, J., Goodson, A., **Garza, A. D.**, & Franklin, C.A. Police predictors of myths surrounding domestic violence survivors. Poster presented at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, MD.
- 2018 Goodson, A., Franklin, C.A., & **Garza, A. D.** Sexual assault and police case processing: The effect of stereotypical trauma, physical evidence, and victim offender relationship on decisions to arrest. Paper presented at the annual meeting of the American Society of Criminology, Atlanta, GA.
- Garza, A. D.** & Franklin, C.A. Blue lines: An examination of police officer attitudes and preparedness in responding to calls for service. Poster presented at the annual meeting of the Academy of Criminal Justice Sciences, New Orleans, LA.
- 2017 **Garza, A. D.**, Franklin, C.A., Goodson, & A., Bouffard, L.A. Police officer perceptions of crime victims: Deception, hysteria, or trauma responses? Paper presented at the annual meeting of the American Society of Criminology, Philadelphia, PA.
- 2016 **Garza, A. D.** & Franklin, C.A. Sexual assault disclosure and help-seeking advice: A

⁴⁶ Canceled due to COVID-19

path model. Paper presented at the annual meeting of the American Society of Criminology, New Orleans, LA.

Roundtable Presentations

- 2021 Boyle, K., Gonzalez, C., Gilliam, M., Hoffman, C., **Garza, A. D.**, & O'Neal, E. Shining a light on hidden victims (Part 2): Discussing structural inequities conducive to victimization. Roundtable to be presented at the annual meeting of the American Society of Criminology.
- Garza, A. D.**, Antunes, M. J., & O'Neal, E. Institutionalizing diversity, equity, and inclusion: Discussing the establishment of the division of victimology DEI committee, its (short) history, and future directions. Roundtable to be presented at the annual meeting of the American Society of Criminology.
- 2020 Wilson, S. K., Valli, R., Bohmert, M. N., Garcia-Hallet, J., **Garza, A. D.**, Kaur, Kinney, E., Kunkle, S., Panfil, V., Maroun, R. Bringing the margins center: Creating safe spaces for BIPOC inside the classroom and out. Roundtable presented at the annual meeting of the Criminology Consortium.

REGIONAL CONFERENCE PRESENTATIONS

- 2018 **Garza, A. D.** & Franklin, C.A. The effect of rape myth acceptance and specialized training on preparedness in responding to calls for service among officers: A path model. Poster presented at the Texas Victim Services Association Research Symposium, San Marcos, TX.

INVITED PRESENTATIONS & TALKS

National

- 2022 "Current state of knowledge about stalking and gender based violence: The known, unknown, and yet to be known." Webinar presented for the University of Maryland, School of Social Work and sponsored by the National Institute of Justice and the Violence Against Women Research Consortium, with Lisa Fedina, TK Logan, and moderated by Judy L. Postmus.
- 2021 "Theorizing and research on Latina victims." Scholar spotlight panel presented for Forum on Anti-Racism and Intersectionality in Feminist Criminology. Co-sponsored by the American University Anti-Racism Research and Policy Center & ASC Division on Women & Crime.
- "Anti-racist praxis in the academy: A conversation." Panel moderated by Sean Wilson, with Amy Martinez, Eryn O'Neal, Ma'Risa Salinas, and Jane Palmer.
- 2020 "A conversation about work/life balance in academia." Panel presented for the Division of Victimology, American Society of Criminology, with Brittany Hayes and Ieke de Vries.

University

- 2020 “Crim women at work: Five female criminologists share their research, field experience, and perspectives.” Panel presented for the Sam Houston State University History Department in honor of Women’s History Month.⁴⁷
- 2019 “Navigating and thriving in graduate school as a POC.” Panel presented for the Office of Graduate Studies, Sam Houston State University.

Community

- 2018 “The collaborative role of victim service providers in partnering with academicians to create evidence-based research.” Plenary presented at the annual meeting of the Texas Victim Services Association, San Marcos, Texas, with Cortney Franklin.

PROFESSIONAL DEVELOPMENT

Conferences

- 2019 Conference on Crimes against Children, Dallas, TX.
- 2018 Texas Victim Services Association, San Marcos, TX.
- 2017 - 2019 Conference on Crimes against Women, Dallas, TX.
- 2017 Office on Violence Against Women - Battered Women’s Justice Project Conference: *Identifying and Preventing Gender Bias in the Criminal Justice System’s Response to Domestic Violence and Sexual Assault*, Jacksonville, FL.

Workshops

- 2021 Survival Analysis Seminar, hosted by Statistical Horizons LLC, Instructor: Dr. Paul Allison
- Survival Analysis using Stata, Hosted by StataCorp
- 2020 Teach In: Inspiration for Meaningful Online Teaching on Issues of Race and Gender during a global pandemic, hosted by the Division of Women & Crime, American Society of Criminology
- Title IX, MeToo, & Administrative Law: Responding to Backlash & Looking to the Future, hosted by California Western School of Law
- 2019 Practical Qualitative Analysis in ATLAS.ti – Center for Ethnographic Research, University of California, Berkeley, Instructor: Dr. Corey Ambramson
- The Impact of a Trauma Informed Court. Training presented by CASA Child Advocates of Montgomery County
- Structural Equation Modeling on R – ICPSR Summer Program, Instructor: Dr. Jennifer Clark
- 2018 Teaching with Technology – Teaching Certification Series

⁴⁷ Cancelled due to COVID-19.

Title IX/FERPA Training

TEACHING INTERESTS

Victimology; Gender & crime; Research methods; Criminology; Introduction to the criminal justice system; Race & crime; Violence against women and children

TEACHING EXPERIENCE***Instructor of Record***

University of Central Florida

Research Methods in Criminal Justice (online)

Sam Houston State University

Introduction to Methods of Research

Introduction to Methods of Research (online)

Teaching Assistant

Introduction to the Criminal Justice System

Criminology

Criminology (online)

Gender and Crime (online)

Victimology

Victimology (online)

Invited Guest Lectures

Introduction to Methods of Research

AWARDS, HONORS, & SCHOLARSHIPS

- | | |
|------|--|
| 2021 | Recipient of the Graduate School General Scholarship, \$1,000
Recipient of R. W. Gordy Memorial Scholarship, \$2,500 |
| 2020 | Recipient of the Graduate Scholar Award, American Society of Criminology,
Division on Women and Crime

Recipient of the Outstanding Graduate Student Award, Academy of Criminal
Justice Sciences, Victimology Section, \$100 |
| 2019 | Recipient of the Outstanding Thesis Project Award, Office of Graduate Studies,
SHSU
Margaret A. Farnworth Graduate Scholarship, SHSU, \$2,000
General Scholarship, Office of Graduate Studies, SHSU \$1,000 |
| 2018 | R.O.A.D. to Ph.D. Scholar, Office of Graduate Studies, SHSU \$3,600
Rolando V. del Carmen Student Endowed Scholarship, SHSU \$1,000
ASC Travel Scholarship, Graduate Criminal Justice Organization, SHSU \$100 |
| 2017 | Graduate Student Organization Leadership Initiative Scholarship, SHSU, \$1,000
Rolando V. del Carmen Student Endowed Scholarship, SHSU \$1,000 |

ACJS Travel Scholarship, Graduate Criminal Justice Organization, SHSU \$100

2016 Ronald E. McNair Fellow
 Excellence in Writing, Sam Houston State University
 Alpha Phi Sigma, National Criminal Justice Honor Society
 Who's Who Among American Colleges and Universities

SERVICE ACTIVITIES

Discipline Service

2021 - 2022 Co-Chair, Diversity & Inclusion Committee Member, Division of Women & Crime, American Society of Criminology

2020 - 2021 Member, Diversity & Inclusion Committee, Division of Victimology, American Society of Criminology

2019 - 2021 Member, Diversity & Inclusion Committee, Division of Women & Crime, American Society of Criminology

2021 Outreach Table Volunteer, Division of Victimology, American Society of Criminology

2019 Outreach Table Volunteer, Division of Women and Crime, American Society of Criminology

Manuscript Reviewer

- *Crime & Delinquency*
- *Journal of Crime and Justice*
- *Journal of School Violence*
- *Journal of Research in Crime and Delinquency*
- *Policing: A Journal of Policy and Practice*
- *Violence Against Women*
- *Victims & Offender*

University Service – Sam Houston State University

2020 – 2021 Treasurer, Latinx Graduate Student Organization

2019 Walk a Mile in Her Shoes Committee, Sexual Assault Awareness Month

2018 – 2020 Academic Peer Mentor, Office of Graduate Studies

Department Service – Sam Houston State University

2017 – 2021 Job Search Committee Graduate Student Representative

2017 – 2018 Secretary, Criminal Justice Graduate Student Organization

PROFESSIONAL AFFILIATIONS

Academy of Criminal Justice Sciences
Victimology Section
Minorities and Women Section

American Society of Criminology
Division of Victimology
Division on Women and Crime
Division on People of Color & Crime

Latina/o/x Criminology

Latina Researchers Network

Texas Victim Services Association

CERTIFICATIONS

- 2018 Journal Reviewer Training – Hosted by the American Society of Criminology, Division of Women and Crime, Instructors: Drs. Rosemary Barbaret & Kristy Holtfreter
- 2017 Texas Victim Assistance Training (TVAT) – Texas Department of Criminal Justice

MEDIA COVERAGE

- 2017 The Huntsville Item. “Crime Victims' Institute at SHSU begins series on sexual assault on campus”. Retrieved from https://www.itemonline.com/news/crime-victims-institute-at-shsu-begins-series-on-sexual-assault/article_881a740d-af70-53de-a8c8-86789a0831af.html.

SOFTWARE PROFICIENCY

SPSS, Stata, AMOS, ATLAS.ti