# Beyond Surveys and Scales: How Rape Myths Manifest in Sexual Assault Police Records

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Objective: The majority of sexual assault cases reported to police are never prosecuted. Prior literature has suggested rape myths may explain these trends because police are influenced by and draw upon rape myths in their beliefs, assumptions, and actions. However, prior research has relied on surveys to measure police attitudes; less is known regarding the extent to which these attitudes manifest in official sexual assault case records. The purpose of the current study was to determine the extent to which rape myths manifest in sexual assault investigations and develop a typology of statements that functionally operate as rape myths in official police records. *Method:* The written police records from N = 248 sexual assault cases were examined. Cases were coded via directed and conventional content analysis for rape myths. Results: Statements in police records drew upon rape myths that denied or justified the assault on the basis of specific circumstances of the assault (i.e., circumstantial statements) and specific characteristics of the victim (i.e., characterological statements). Statements in police reports also blamed victims for the way police responded to the assault (i.e., investigatory blame statements). Conclusions: Rape myth endorsement among police is evidenced in official sexual assault case records because they invoke traditional rape myths in documenting their investigations. More frequently, police account for their response by blaming the victim for a poor police investigation postassault. Findings suggest that future research should examine the extent to which such statements predict sexual assault case progression and that training for police should emphasize behavioral change (i.e., report

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Sexual assault is a pervasive crime, because epidemiological data have suggested that one in five women will be raped in her lifetime (Black et al., 2011). This traumatic event can lead to myriad psychological and physical health problems for victims and places a financial burden on society at large (e.g., see DeLisi et al., 2010; S. Martin, Macy, & Young, 2011). Fortunately, there are systems in place to provide resources and services to survivors postassault. The criminal justice system (CJS) offers victims the opportunity to report the crime

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committed against them and can act to hold perpetrators responsible for their actions via criminal prosecution. However, the vast majority of reported sexual assault cases never transition from the initial phase of the police investigation to prosecution (Campbell et al., 2014; Lonsway & Archambault, 2012). High rates of sexual assault case attrition within the CJS have been documented readily, in addition to rape myth endorsement among CJS personnel as a potential cause or influencing factor in the system response. However, prior literature has focused on the documentation of attitudes toward rape via rape myth endorsement questionnaires and has not conducted systematic investigations of the extent to which these attitudes manifest in actual sexual assault investigations. It is important to move beyond surveys and scales to examine rape myth utilization in actual case investigations to ensure that future research and intervention designs are relevant and applicable to practice. Therefore, the current study (a) examined the extent to which rape myths appeared in official police records of sexual assault case investigations and (b) developed a typology, accordingly.

# The Criminal Justice System Response to Sexual Assault

The CJS response to sexual assault is complex (e.g., see Bouffard, 2000; Campbell, 2008; P. Y. Martin, 2005) and can be thought of in two interrelated, yet distinct, stages: the police

investigation and prosecution. In most jurisdictions, police are responsible for bridging these two stages by referring a reported sexual assault case to the prosecutor for the consideration of charges against the identified suspect. However, prior research examining the CJS response to sexual assault has indicated that this bridge is not frequently made: 73%-93% of reported sexual assault cases are never prosecuted (Campbell et al., 2014; Lonsway & Archambault, 2012). This could be the result of a decision made by the prosecutor because the prosecutor may choose not to issue charges following a case referral. Alternatively, and perhaps more frequently (Bouffard, 2000; Crandall & Helitzer, 2003; Frazier & Haney, 1996; Valentine, Shaw, Lark, & Campbell, in press), this could be a decision made by police because they decide not to refer a case in the first place. The decision to not move a case forward from the investigation to prosecution could also be a strategic choice made jointly by police and prosecution (see Cowan & Koppl, 2010). Regardless, the anticipated two-stage CJS response becomes a one-stage police operation in practice.

This phenomenon not only prevents offenders from being held responsible for their actions but it has a negative impact on survivors. Legal personnel frequently respond to victims in a cold or impersonal manner, lack empathy, express disbelief, blame the victim for the assault, and even deny services (Campbell, 2005, 2008; Campbell & Raja, 1999; Logan, Evans, Stevenson, & Jordan, 2005; Madigan & Gamble, 1991; P. Y. Martin, 2005; P. Y. Martin & Powell, 1994). Termed secondary victimization, or the "second rape," prior research has suggested that nearly half of rape victims who report to police are treated in ways they experience as upsetting (see Campbell, 2005; Campbell & Raja, 1999; Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001; Filipas & Ullman, 2001; P. Y. Martin & Powell, 1994; Patterson, 2011). These experiences are not without significant consequence. Negative interactions with system personnel extend and exacerbate the trauma of the assault: Survivors report feeling bad about themselves, violated, depressed, anxious, and that they are to blame for the assault (Campbell, 2005; Campbell & Raja, 1999). Research has found these negative interactions are then associated with more-severe posttraumatic stress symptoms, as well as poorer physical and psychological health overall (Campbell et al., 2001; Filipas & Ullman, 2001, 2010; Ullman, Filipas, Townsend, & Starzynski, 2007). Studies have also found patterns suggesting that cases are less likely to progress through the CJS when police detectives engage in secondary victimization behaviors (Patterson, 2011).

# Rape Myths in the CJS Response to Sexual Assault

Prior research has suggested that rape myths may explain the observed patterns in the CJS response to sexual assault (e.g., see Venema, 2016). The concept of rape myths was originally introduced in the 1970s in order to explain a set of predominately false beliefs about how and why sexual violence is perpetrated against women (for a review, see Edwards, Turchik, Dardis, Reynolds, & Gidycz, 2011). Rape myths frequently define what "real rape" looks like, delimit who rapes and can be raped, and assign blame to the victim for being raped while excusing the rapist of all responsibility. Although serving different and specific purposes, the primary functions of rape myths are to deny and justify rape (Payne, Lonsway, & Fitzgerald, 1999). To date, the literature examining rape myth acceptance has most commonly used the

Rape Myth Acceptance Scale (Burt, 1980) and the Illinois Rape Myth Acceptance Scale (Payne et al., 1999). These scales include items such as "a rape probably didn't happen if the woman has no bruises or marks"; "if the rapist doesn't have a weapon, you really can't call it rape": and "if a woman is raped, often it's because she didn't say 'no' clearly enough" (Burt, 1980; Lonsway & Fitzgerald, 1995; Payne et al., 1999). Though rape myth endorsement is most frequently assessed via surveys and scales, rape myth endorsement is also assessed via open-ended questions (e.g., Page, 2010) and content analysis of existing texts or records (e.g., Kettrey, 2013) on the basis of operationalizations of items from the Rape Myth Scale (Lonsway & Fitzgerald, 1994).

Myths regarding what counts as real rape, who can be raped, and who is to blame are pervasive. Adolescents (Huang, 2016), clergy (e.g., Sheldon & Parent, 2002), college students (e.g., Bannon, Brosi, & Foubert, 2013), criminal justice system personnel (e.g., Smith, Wilkes, & Bouffard, 2016), jurors (e.g., Dinos, Burrowes, Hammond, & Cunliffe, 2015), and military personnel (e.g., Carroll, Rosenstein, Foubert, Clark, & Korenman, 2016) have all been found to endorse rape myths to some extent. In such studies, rape myth endorsement is linked to an individual's tendency to disbelieve rape victims (e.g., see Page, 2008b), blame victims or their actions for their assault (e.g., see McMahon, 2010), and even commit sexual violence (e.g., Loh, Gidycz, Lobo, & Luthra, 2005). Indeed, a limited body of research has found that postassault, perpetrators rely on rape myths to normalize their own behavior while blaming the victim or circumstance for the assault (Beech, Ward, & Fisher, 2006; Scully & Marolla, 1984; Wegner, Abbey, Pierce, Pegram, & Woerner, 2015). This, of course, does not mean that anyone who endorses rape myths is a perpetrator. Rape myths often operate implicitly rather than explicitly (see Edwards et al., 2011), such that even well-intentioned individuals may unintentionally be influenced by and draw upon rape myths to explain their beliefs, assumptions, and actions.

Police officers may comprise one such group of wellintentioned individuals, because a long-standing, extensive body of research has documented rape endorsement among law enforcement personnel (e.g., see Brown & King, 1998; Campbell & Johnson, 1997; Cook & Lane, 2015; Edwards et al., 2011; Field, 1978; Gylys & McNamara, 1996; LaFree, 1989; Maddox, Lee, & Barker, 2012; Page, 2008a, 2008b, 2010; Smith et al., 2016). Recent studies have suggested that there has been a shift in the specific rape myths endorsed by police. Former beliefs that all victims are promiscuous, have bad reputations, and secretly desire to be raped appear to have been replaced by newer beliefs that discount the experiences of specific survivors (Page, 2008a, 2008b, 2010). Page (2010) termed these newer beliefs modern attitudes and was able to document them through the use of additional probes focused on victim credibility, as well as a write-in comment section on her survey. Page found that although 93% of the sample of police officers in the study agreed that "any woman can be raped" on the actual rape myth acceptance scale (p. 325), 19% said they were unlikely to believe a married woman claiming marital rape, and 44% said they were unlikely to believe a sex worker had been assaulted when asked about specific types of victims. And though write-in comments appeared on only 6% of the surveys, statements that "[victims] lie about being assaulted," that "female[s] should be aware of dangerous situations and try to avoid them," and that "prostitutes who do not get paid for their services . . . is not rape" (Page, 2010, p. 327) further demonstrate that traditional methods of assessing rape myths have critical limitations. Specifically, surveys and scales measure only explicit attitudes. Due to the implicit nature of how rape myths operate, such measures may not be sensitive enough to accurately detect, measure, and catalogue their endorsement. This means that it is possible that old attitudes persist while modern attitudes develop. Furthermore, the exclusive use of surveys and scales does not allow for an investigation of how attitudes, explicit or not, play a role in actual sexual assault case investigations. For example, though police officers may not endorse a survey item such as "a woman is responsible for preventing her own rape" (see Page, 2010), they may choose not to conduct a thorough investigation on a case in which they believe the victim "should have known better."

# The Current Study

To improve the CJS response to sexual assault, it is critical to understand what influences police action and inaction in case investigations. Prior literature has suggested that rape myths are used by police, knowingly or not, to explain their investigatory response. However, the exclusive use of surveys and scales to measure police attitudes toward rape present limitations in that they may not detect attitudes that operate implicitly to influence or justify police action. Such surveys and scales also preclude an examination of how such attitudes manifest in actual sexual assault case investigations. If sexual assault case investigations are to be improved, one must test the assumption that rape myths influence the police response to sexual assault by examining the extent to which rape myths are invoked in the course of actual sexual assault investigations. By investigating the role of rape myths in the police response, it is possible to determine which rape myths, if any, have the greatest influence on case progression and then design interventions accordingly. Therefore, the purpose of the current study was to (a) document the extent to which known and emerging rape myths appear in official police records of sexual assault case investigations and (b) develop a typology, accordingly. The documentation and development of a typology of rape myths that appear in actual sexual assault case records will allow for a more-nuanced investigation of their use and influence in case progression, ultimately providing guidance for policy and practice change.

# Method

# Sample

This study examined the case records corresponding to 400 sexual assault forensic exam kits (SAKs) randomly selected from a population of 10,559 SAKs found in a large midwestern urban police evidence storage facility in 2009 (see Pierce & Zhang, 2011, for additional details on identifying the sample). The majority of these SAKs had never been submitted by police to the crime lab for analysis (i.e., "unsubmitted"), meaning their contents could not be used in the course of a police investigation or subsequent prosecution to identify the offender or corroborate the victim's story. This sample was ideal for the current study because it (a) provided a representative sample of cases that had been subjected

to the less-than-thorough police response in one jurisdiction and (b) came from a predominately Black or African American community (82% in the 2000 and 2010 U.S. Census Bureau data), a population frequently underrepresented in social science research (e.g., see Hamby, 2015). The facility housing the largely unsubmitted SAKs was maintained by a municipal police agency in a midwestern city, and the 10,559 SAKs counted as of 2009 dated back nearly 30 years. Four hundred SAKs were randomly sampled from this population. Of the 400 SAKs sampled, police records did not exist or could not be located for 136 SAKs, 14 SAKs were not for a sex crime, and two SAKs corresponded to sexual assaults that occurred outside of the focal police agency's jurisdiction. This yielded a final sample size of N = 248 case files. There were no data to suggest that the 136 cases eliminated from the current study due to missing police records were systematically different from the 248 cases included. The focal police department moved locations at least six times over the 30 years that the cases accumulated and maintained paper records during this time. This likely resulted in the misplacement or loss of police files. Therefore, the cases excluded from the current project were assumed to be missing at random.

The vast majority of the cases in the sample involved a female victim (n = 237, or 95.6%; n = 11, or 4.4% cases involved a male victim), and all cases involved at least one male perpetrator. Nearly one quarter of the cases involved more than one perpetrator (n = 58, or 23.4%; n = 190, or 76.6% involved a single perpetrator). Of the 248 cases included in the sample, 86.3% of the victims were Black (n = 214), 13.3% were White (n = 33), and 0.4% were Latina. In 91.9% of the cases, the primary perpetrator (i.e., the lone perpetrator in an assault or the first perpetrator listed in an assault involving multiple perpetrators) was Black. The primary perpetrator was White in 5.6% of the cases (n = 14) and Latino in .4% of the cases (n = 1), and the race of the primary perpetrator was unknown in 2.0% of the cases (n = 5). Victims ranged in age from 2 to 81 years (M = 23.36, SD = 11.46), and perpetrators were, on average, 5.7 years older than their victims (SD = 11.87). It is important to note that the sex, race, and age of the victims and perpetrators were coded from police records and may not align with how victims and perpetrators self-identify.

## **Procedure**

Police records were coded by four coders for the presence of rape myths via directed content analysis. Directed content analysis relies on existing theory or prior research for the design of an initial coding scheme, which is then used to validate or extend conceptually the preexisting theoretical framework (Hsieh & Shannon, 2005). The current study adapted Kettrey's (2013) operationalizations for identifying rape myths in narrative and archival text and included seven codes (see Table 1). The coding scheme was conservative in that the coder must have been able to identify a discrete line of text in the police record that met the definition of the code. If a specific line of text could not be identified, it could not be coded. As previously discussed, rape myths frequently operate implicitly. If officers observe that a victim does not have bruises, marks, or injuries or appear disheveled, the commonly accepted rape myth that "a rape probably didn't happen if the woman has no bruises or marks" (see Lonsway & Fitzgerald, 1995) may be elicited, leading them to deny the rape happened and close the case. However, this implicit process likely

Table 1
A Priori Coding Scheme Used to Identify Rape Myths in Police Records Via Directed Content Analysis

Code	Definition
Victim didn't fight back <sup>a</sup>	Records noted the victim did not fight back, scream, or try to run away. For example, that the victim had the opportunity to leave the scene of the assault, but chose not to do so.
Victim is lying	Records noted the victim was exaggerating or lying or called into question the victim's story. For example, that the victim's story didn't seem to line up, changed as it was retold, or didn't seem plausible.
Victim consented	Records noted the victim consented to part or all of the sexual activity with the perpetrator(s) on this occasion or on previous occasions. For example, that the victim consented to consensual sex with one perpetrator and then was raped by several other perpetrators.
Victim is not injured	Records noted the victim did not have bruises, marks, or injuries or appear disheveled. This code also included comments about the victim's clothing and outward appearance. For example, commenting that the victim's shoes looked too clean for having been raped.
Victim is not upset	Records noted the victim did not appear upset or distraught, seemed distracted, or exhibited emotions that would not be expected given the situation. For example, that the victim was not crying or did not seem to be at all concerned with having just been raped.
Victim is a sex worker	Records noted the victim was a sex worker, "worked the streets," or that the rape was actually a miscommunication related to the exchange of money for sex. For example, that the rape was a "deal gone bad" or a "trick gone bad."
Victim is a regular drug user	Records noted the victim was drunk or high when interacting with law enforcement or was a regular drug user. For example, that the victim smelled of alcohol while being interviewed, was high upon questioning, or was known to be a regular drug user.

<sup>&</sup>lt;sup>a</sup> This code never presented in the data, so it was excluded from the final coding scheme.

would not be fully recorded in the police records. That is, officers would likely record their observation that the victim had no injuries prior to closing the case without explicitly recording the implicit thought process linking this observation and investigative action (i.e., victim is not injured  $\rightarrow$  real rapes involve injuries  $\rightarrow$  this is not a real rape  $\rightarrow$  case closed). Therefore, to ensure the codes were sensitive enough to capture the implicit operation of rape myths, all statements in the records that met the definitions of the codes were coded. To ensure intercoder reliability, we provided all coders with coding instructions, the codebook, training, and ongoing supervision. All coders used the codebook to code N = 6 randomly selected police reports as a group. Twelve additional police reports were doublecoded during the training phase and achieved a training  $\kappa = .76$ . Thirty percent of the remaining uncoded cases (i.e., 69 of the remaining 230 cases) were double-coded and monitored to maintain reliability of  $\kappa > .75$ , with a final  $\kappa = .81$ .

Overall, the a priori coding scheme used for directed content analysis was successful in identifying rape myth endorsement in the police records. However, all coders also identified cases in which law enforcement personnel made statements that appeared to operate like rape myths but were not represented adequately in the list of preconceived codes; these statements invoked ideas regarding what real rape looks like, who rapes and can be raped, and who is to blame. Therefore, the data underwent a second phase of coding via conventional content analysis. Conventional content analysis is generally used when existing theory or prior research on a phenomenon is somewhat limited (Hsieh & Shannon, 2005). In conventional content analysis, researchers do not rely on an a priori coding scheme but instead allow the categories and codes to emerge from the data. This approach requires that the researchers immerse themselves in the data in order for new insights to emerge and frequently involves reading all data repeatedly (Hsieh & Shannon, 2005; Kondracki, Wellman, & Amundson, 2002). Given the assumption that rape myths are used by and influence police in their response to sexual assault, the second phase of coding focused on providing a direct answer to the question "why did police respond to the case in this way?" as a means to identify all statements functionally operating as rape myths. During this second phase of coding, all police files were read and reread by a single coder (i.e., the project director and first author) to identify statements that provided an answer to the focal question. Like the a priori codes, it was not expected that law enforcement personnel would explicitly record their entire implicit thought process from observation to investigative action. However, only discrete lines in the police files that answered this question directly and appeared to functionally operate as rape myths were highlighted, and initial thoughts and analyses were noted. As this process continued, similarities between highlighted sections (i.e., codes) were noted and labels emerged that were reflective of multiple codes. Many of these labels came directly from the text (e.g., victim is "mental"). After all of the case records were reviewed and coded, identified codes were examined to ensure they were exhaustive and mutually exclusive. As stipulated by conventional content analysis, definitions for each of the nine resulting codes were developed and examples were identified from the data (see Table 2). A second coder was then trained on the new codes (i.e., six cases coded as a group, and 12 cases double-coded as a training exercise). Just as in the first phase of coding via directed content analysis, 30% of the remaining cases were double-coded in the second phase of coding via conventional content analysis to ensure interrater reliability. The second phase of coding yielded a final  $\kappa = .85$ .

## Results

Fifteen codes were delineated during directed and conventional content analysis. Six of the seven codes included in the a priori list of codes for directed content analysis appeared in the case files (see Table 1); "victim didn't fight back" was not endorsed in any of the case files. An additional nine codes were identified via conventional content analysis, yielding a total of 15 different subcategories of statements that functioned as rape myths in police records to explain the police response to sexual assault. The

Table 2
Rape Myth Codes Identified in Police Records Via Conventional Content Analysis

Code	Definition	
Victim didn't act like a victim afterward	Records noted the victim didn't act like a victim afterward or included notes that the victim's behavior immediately following the assault suggested that the assault didn't really happen. For example, that the victim called a cab immediately following the assault instead of the police.	
Victim has "done this before"	Records noted the victim had "done this before." This refers to reporting a rape, being raped, and/or having a rape kit done. For example, that the victim had reported a rape before and then did not participate in the ensuing investigation.	
Victim is "mental"	Records noted the victim was "mental." For example, that the victim had a specific mental illness or was generally described as "mental."	
Victim is promiscuous	Records noted the victim was promiscuous. For example, that the victim was known to sleep with many men, be sexually active, or to have had prior abortions.	
Victim is not credible	Records noted the victim was a characterological liar, was not credible, or had a history of lying. For example, that the victim cannot be trusted or is known to lie.	
Victim is uncooperative	Records noted the victim was uncooperative. For example, that the victim was hostile or intentionally withholding information.	
Victim doesn't have enough information	Records noted the victim didn't have enough information. This did not refer to statements in which the victim wa intentionally withholding information but rather that he/she just didn't know enough about the assault. For example, that the victim didn't know the name of the perpetrator or where the perpetrator could be found.	
Victim has no phone or address for contact	Records noted that the victim was not able to be contacted for follow-up during the investigation because he/she had no phone or address. For example, that law enforcement personnel were unable to contact the victim.	
Victim or case is weak	Records noted that the victim or case was weak. For example, that the victim was incompetent and wouldn't make a good witness.	

identification of these 15 different categories of statements met the first aim of the study, to determine whether attitudes toward rape manifest in police records of sexual assault case investigations. Over half of the cases examined in the current study (56.85%; N = 141 cases) had at least one identified statement.

To satisfy the second aim, we conceptually grouped the 15 different categories of statements into three different general types: circumstantial statements, characterological statements, and investigatory blame statements. To build this typology, we grouped statements on the basis of their alignment with prior literature. Existing research on rape myth endorsement has suggested that rape myths are most frequently used to deny or justify rape (Payne et al., 1999) and that this is done by defining what qualifies as real rape, based on circumstances of the assault, and who can be raped, based on characteristics of the victim (Edwards et al., 2011; Kettrey, 2013). The 15 statements were categorized first as to whether their purpose appeared to be to deny or justify the rape, thus aligning with prior literature, or not. The former was further categorized into one of two groups on the basis of existing research on rape myths: statements that denied or justified rape on the basis circumstances of the assault (termed circumstantial statements) and statements that denied or justified rape on the basis of characteristics of the victim (termed characterological statements). Statements that did not intend to deny or justify the rape were conceptually grouped into a third category, defined by a shared purpose to blame the victim for a less-than-thorough police investigation (termed investigatory blame statements). Table 3 lists which specific codes were grouped into each conceptual category, provides an example from the data for each code, and documents how frequently each was endorsed.

## **Circumstantial Statements**

The first type of statement was the circumstantial statement, which referred to those that suggest the sexual assault did not

occur (i.e., minimized or denied the rape) on the basis of specific circumstances of the sexual assault or ways in which the victim presented to law enforcement (i.e., based on what real rape is supposed to look like). That is, it was not rape because the victim (a) was lying about it, (b) was not injured, (c) consented, (d) was not upset enough, or (e) didn't act like a victim afterward (see Table 3). Of the 248 cases included in the study, 63 (25.4%) included at least one circumstantial statement, with as many as four circumstantial statements provided on a single case.

Case 157 provides an example of how cases were minimized in official police records on the basis of specific circumstances of the assault and how the victim presented to law enforcement following the assault. On the basis of the police files, Case 157 involved a 15-year-old Black female who was raped by a 25- to 30-year-old unknown Black male. The victim was talking on the phone when the perpetrator pulled up in a vehicle next to her. The perpetrator exited the vehicle and stuck what appeared to be a gun into the victim's side, instructing her to hang up the phone. The perpetrator ordered the victim into the vehicle, told her to look at the ground, and drove into an alley. The perpetrator got out of the vehicle and pulled the victim out by her hair, threw her to the ground, and raped her. Following the assault, the victim and perpetrator heard voices. The perpetrator got up, and the victim fled the scene. The victim then ran to a phone and called for a cab. The cab drove the victim home, and the victim's mother took her to the hospital. Figure 1 provides an excerpt from an interoffice memorandum sent from one law enforcement officer to another.

These police records document that law enforcement personnel believed the victim was lying (i.e., "this complt is deep . . . the times are off"), was not injured (i.e., "no trauma"), was not upset enough (i.e., "no tears none"), and didn't act like a victim afterward (i.e., "she did not call home, did not ask for help while waiting for a cab, did not dial 911"). The police file for Case 157 had no record of an arrest or referral to the prosecutor.

Table 3
Examples and Descriptives for Final Typology of Statements That Operated as Rape Myths in Police Records

Statement	Example from data	N (% of total cases)
Circumstantial statement		
Victim is lying	"Lies have already been uncovered and confirmed. Appears to be a false report. Story has not been checking out as complainant states." (Case 313)	30 (12.10)
Victim is not injured	"Victim had no sign of visible injuries. Victim's leopard shirt did not appear to be torn." (Case 212)	22 (8.87)
Victim consented	"Comp [complainant] accepted \$1.00 and cigarettes from perp [perpetrator], went into vacant dwelling, performed fellatio on perp (consentual). Perp then beat compl & forced sodomy and sexual intercourse." (Case 111)	20 (8.06)
Victim is not upset	"Compl [complainant] did not appear scared or distraught & was not crying considering the circumstances." (Case 251)	13 (5.24)
Victim didn't act like a victim afterward	"Complt [complainant] walked home from the venue, passed many businesses and phs [phones], did not ph [phone] PD [police department] or home." (Case 159)	4 (1.61)
Total	(Case 137)	63 (25.40)
Characterological statement		
Victim is a regular drug user	"The comp [complainant] is 4mths [4 months] pregnant, but admitted to being intoxicated. The room reeked of alcohol " (Case 167)	14 (5.65)
Victim is a sex worker	"ComI [complainant] boyfriend stated she was out turning tricks for drugs. She does this a lot." (Case 207)	13 (5.24)
Victim has "done this before"	"Compl [complainant] has made other CSC [criminal sexual conduct] reports and has not followed through with cases." (Case 149)	9 (3.63)
Victim is "mental"	"Comp [complainant] is a mental patient." (Case 120)	8 (3.23)
Victim is promiscuous	"Victim stated that she was not a virgin before this incident. Writers then spoke to victim's mother who stated that the victim has had sex multiple times and has had three abortions." (Case 198)	6 (2.42)
Victim is not credible	"This compl [complainant] cannot be deemed credible and this case is closed unfounded." (Case 202)	6 (2.41)
Total	(6430 252)	42 (16.94)
Investigatory blame statement		
Victim is uncooperative	"Compl [complainant] has not called sex crimes. Compl is not interested in this case." (Case 113)	72 (29.03)
Victim doesn't have enough information	"Until I find the production company [where perpetrator worked], I [responding officer] can't do anything. She [victim] said ok, she will try to find out his [perpetrator's] name and call writer back." (Case 235)	24 (9.68)
Victim has no phone/address for contact	"Compl [complainant] cannot be located and has not attempted to call me." (Case 335)	16 (6.45)
Victim or case is weak	"The compl [complainant] was very weak and all over the place. Not very competent." (Case 106)	5 (2.02)
Total	(0000 100)	102 (41.13)

# **Characterological Statements**

The second type of statement was the characterological statement, which referred to those that suggest the sexual assault did not occur on the basis of specific characteristics of the victim (i.e., based on who can be raped). In other words, it was not really rape because the victim (a) was a regular drug user, (b) was a sex worker, (c) has "done this before," (d) was "mental," (e) was promiscuous, or (f) was not credible (see Table 3). Of the 248 cases included in the study, 42 (16.94%) included at least one characterological statement, with as many as three characterological statements provide on a single case.

Case 139 provides an example of how sexual assaults were denied in official police records on the basis of specific characteristics of the victim. On the basis of the police files, Case 139 involved a 41-year-old Black female who was raped by a 45- to 50-year-old Black male. The victim was walking down the street when the perpetrator, someone she knew from the neighborhood, approached her, produced a knife, and forced her to a vacant dwelling. The perpetrator raped the victim, beat her with a brick, and stabbed her in the shoulder. After the assault, the perpetrator urinated on the victim and then told the victim to wait before leaving the location or he would beat her again. After

the perpetrator left, the victim fled the location carrying her pants and shoes and ran into a police station screaming for help. A medic unit was called, and the victim was conveyed to the hospital. Law enforcement personnel noted in the report that upon entering the police station, the victim was wearing only a shirt covered in blood; had blood on her head, face, and arms; and was bleeding from her head and shoulder. Figure 2 provides an excerpt from the investigator's scene sheet.

The official police records documented that the victim was a regular drug user (i.e., "he has asked to use her crackpipe in the past") and a sex worker (i.e., "she is a prostitute"). Law enforcement personnel noted that they tried to contact the victim by phone once and in person once following their initial contact with the victim; no further action was taken on the case. There was no record of an arrest or a referral to the prosecutor in the case files.

## **Investigatory Blame Statements**

The third type of statement was the investigatory blame statement, which blamed the victim for the police conducting a lessthan-thorough investigation. To be clear, these statements did not blame the victim for the rape or necessarily suggest that the rape

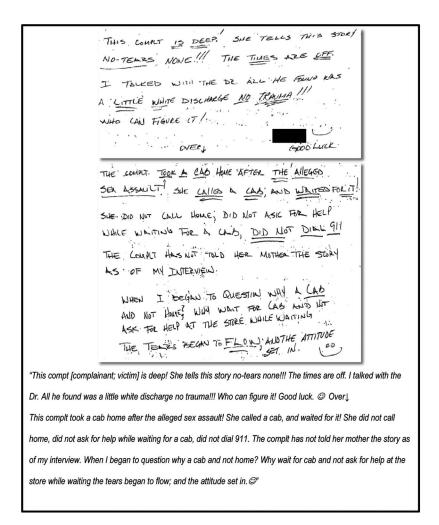


Figure 1. Interoffice memorandum exhibiting circumstantial statements (case 157).

did not happen; they blamed the victim for the investigation not advancing as far as it might have been able to otherwise because the victim was determined to be unwilling or unable to participate in the process. These statements suggested that the case proceeded as it did because the victim (a) was not cooperating, (b) did not provide enough information, (c) was not able to be contacted, or

(d) was a "weak" victim who would not hold up well during trial (see Table 3). Investigatory blame statements were far more common than were circumstantial and characterological statements. Of the 248 cases included in the study, 102 (41.1%) had at least one investigatory blame statement, with as many as three provided in a single case. It is important to note that like all statements coded

COMMENTS/REMARKS I TOOK THIS COMPLEMENT'S STATEMENT SHE IS FAMILIAR WITH DERP HE HAS ASKED TO USE HER CRACK PIPE IN THE PAST. SHE
"I took this complainant's statement. She is familiar with perp. He has asked to use her crackpipe in the past. She is a prostitute."

Figure 2. Investigator's scene sheet exhibiting characterological statements (case 139).

in the study, a discrete line of text that met the definition of the code has to be identified for the statement to be coded. A note that the victim did not answer the phone could not be interpreted as "victim was not able to be contacted." Police personnel had to make a statement in the records that met the definition of the code (e.g., a statement that there was no means to contact the victim).

Case 179 provides an example of how victims were blamed for police conducting a less-than-thorough investigation. On the basis of the police files, Case 179 involved a 16-year-old female who was raped by five Black males ranging in age from 14 to 20 years old. The victim had gone to visit her 15-year-old male friend at home. The victim and her friend then walked over to a second house together. The victim and the 15-year-old male friend went into a room in the basement to have sex. After they finished having sex, the victim heard other voices in the room arguing over whose turn was next; the victim was then raped vaginally, orally, and anally by at least three different perpetrators, though more perpetrators were believed to be in the room. The 15-year-old male friend of the victim who initially had consensual sex with the victim identified the other males in the room to be four males of various ages: one 14-year-old Black male, two 17-year-old Black

males, and a 20-year-old Black male. Near the time of the assault, a witness saw 10 Black males running out of the house. Additionally, police officers at the scene of the crime found freshly opened condoms lying beside the bed, along with a folded, freshly soiled sheet and a freshly soiled mattress pad. Figure 3 provides an excerpt from the case progress notes.

The official police records documented that the victim didn't have enough information (i.e., "she does not know who was in room") and was uncooperative (i.e., "she just wanted to drop case . . . CRTP" [complainant refused to prosecute]). The victim became "uncooperative" after being threatened by law enforcement that charges might be brought against her for having sex with a minor. At the time the victim decided "to just forget it," the case had already been referred to the prosecutor. Several of the perpetrators had also been arrested. The police officer informed the prosecutor that the victim no longer wanted to proceed with the case, and the prosecutor explained that it was best to "wait to see if the compl" [complainant] "would change her mind again and go through with prosecuting the case." The prosecutor went on to say that "the decision to drop the charges was now up to the courts." The police files do not indicate what happened next in the case.

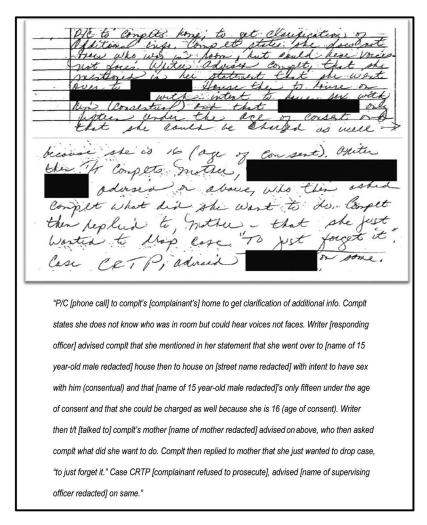


Figure 3. Progress notes exhibiting investigatory blame statements (case 179).

#### Discussion

Prior social science literature has documented the CJS response to sexual assault; it is defined by high rates of case attrition, with the vast majority of sexual assault cases "slipping through the cracks" while under the purview of law enforcement (e.g., see Campbell et al., 2014; Lonsway & Archambault, 2012). Given these trends, as well as suggestions in prior literature that rape myths may explain the observed patterns, the purpose and key contribution of the current study (Aim 1) was to examine the extent to which police endorse rape myths in official police records of actual sexual assault case investigations. Results revealed that police routinely invoke rape myths regarding what real rape looks like, who can be raped, and who is to blame: Over half of the cases in the current study had at least one such statement in official case records, with as many as six statements provided on a single case.

Regarding Aim 2—the development of a typology—three different types of statements emerged from the data: circumstantial, characterological, and investigatory blame statements. Circumstantial and characterological statements aligned closely with prior literature assessing attitudes toward rape via rape myth acceptance scales. Circumstantial statements minimized the rape on the basis of circumstances of the assault (e.g., the victim was not injured or upset enough), whereas characterological statements minimized the rape on the basis of characteristics of the victim (e.g., the victim was a regular drug user or had "done this before"). Table 4 presents the different subcategories of circumstantial and characterological statements provided by police in the current study, alongside statements that are frequently included in rape myth acceptance scales (Lonsway & Fitzgerald, 1995; McMahon & Farmer, 2011; Page, 2010; Payne et al., 1999). As can be seen in Table 4, all but two subcategories of circumstantial statements directly aligned with items on rape myth acceptance scales; "victim is not upset" and "victim didn't act like a victim afterward" did not have exact corresponding items. Table 4 also highlights that characterological statements as documented in the current study were frequently represented by one common item questioning the victim's reputation in rape myth acceptance scales (i.e., "in any rape case one would have to question whether the victim is

promiscuous or has a bad reputation"). Regardless, there is ample overlap between the circumstantial and characterological statements delineated in the current study with the prior literature on rape myth acceptance regarding what qualifies as real rape and who can be raped. There is now evidence that attitudes toward rape and rape victims among police documented via survey research also manifest in their investigational practices. This research also highlights that although modern attitudes toward rape may be developing among police and others within and beyond the CJS (see Page, 2010), old attitudes regarding victims' promiscuity and reputation still endure. Such beliefs now operate at a more-implicit level, undetectable on rape myth surveys yet still influential in decision-making and action.

Investigatory blame statements have not been discussed readily in the empirical literature on rape myth acceptance on rape myth acceptance. These statements blamed the victim for the less-than-thorough investigation carried out by police, because the victim was considered to be unwilling or unable to assist in the process. Such victims were deemed uncooperative, to not have enough information, to not have a phone or address for contact, or to be too weak and not make a good victim at trial. Rape myth acceptance scales include statements that assign blame to the victim, but the statements on these surveys tap beliefs about victims' culpability for the assault itself, not for the subsequent investigation (e.g., see Kettrey, 2013; Lonsway & Fitzgerald, 1995; McMahon & Farmer, 2011; Payne et al., 1999). In other words, prior rape myth acceptance studies that use surveys and scales have found that victims are blamed for the assault, but when victim blaming is observed in police records corresponding to sexual assault case investigations, the victim is instead blamed for the less-than-thorough police response. This blame appears to be allocated without much consideration of what may have led up to a victim's being deemed uncooperative. For example, secondary victimization experiences with the initial police responder may discourage the victim from future interaction. Indeed, prior research has found that nearly half of victims who report to police are treated in ways that they describe as upsetting (see Patterson, 2011), and

Table 4 Alignment Between Circumstantial or Characterological Statements in the Current Study and Those in Prior Literature

Subcategories in current project	Rape Myth Acceptance Scale items <sup>a</sup>
Circumstantial legitimiz	ring myths (suggesting that, based on specific <i>circumstances</i> of the sexual assault, rape didn't happen)
Victim is lying	"Women falsely report rape to call attention to themselves."
Victim is not injured	"A rape probably didn't happen if the woman has no bruises or marks."
Victim consented	"Many so-called rape victims are actually women who had sex and 'changed their mind' afterwards."
Victim is not upset	None
Victim didn't act like a victim	
afterward	None
Characterological legi	itimizing myths (suggesting that, based on specific <i>characteristics</i> of the victim, rape didn't happen)
Victim is a regular drug user	"If a girl is raped while she is drunk, she is at least somewhat responsible for letting things get out of hand."
Victim is a sex worker	"In any rape case one would have to question whether the victim is promiscuous or has a bad reputation."
Victim has "done this before"	"In any rape case one would have to question whether the victim is promiscuous or has a bad reputation."
Victim is "mental"	"A lot of times, girls who claim they were raped have emotional problems."
Victim is promiscuous	"If a girl acts like a slut, eventually she is going to get into trouble."
Victim is not credible	"In any rape case one would have to question whether the victim is promiscuous or has a bad reputation."

<sup>&</sup>lt;sup>a</sup> Lonsway and Fitzgerald (1995); McMahon and Farmer (2011); Page (2010); Payne et al. (1999).

this study found that 40% of included cases had statements in official police records that blamed the victim for the police response. Murphy, Edwards, Bennett, Bibeau, & Sichelstiel (2014), in examining police records of reports made in New Hampshire, found that nearly one third of examined cases included notes that the victim no longer wanted to participate. Though some of these records provided explicit reasoning for or additional narrative to help understand what precipitated the victim's nonparticipation, it is unknown to what extent upsetting interactions with system personnel influenced recorded events.

Taken together, the three types of rape myths documented in this study suggest that victims who choose to report the assault to police are subject to being blamed for (a) allowing the rape to happen in the first place and (b) a stalled investigation by law enforcement personnel. The experiences of sexual assault survivors who choose to report their assault to police are frequently referred to as "secondary victimization" or the "second rape" (Campbell, 2005; Campbell & Raja, 1999; Campbell et al., 2001; P. Y. Martin & Powell, 1994). These interactions are defined by the cold or impersonal reception from legal personnel who lack empathy, express disbelief, blame the victims for the assault, and even deny services (Campbell, 2005, 2008; Campbell & Raja, 1999; Logan et al., 2005; Madigan & Gamble, 1991; P. Y. Martin, 2005; P. Y. Martin & Powell, 1994). If blaming the victim for the assault itself (e.g., her poor decisions led to the rape) is part of what defines secondary victimization, then blaming the victim yet again for the poor investigation carried out by police could be conceptualized as tertiary victimization. The survivor was victimized first during the assault, second by legal personnel because the survivor was blamed for being assaulted, and third by law enforcement personnel because the survivor was blamed for police not conducting a thorough investigation. If conceptualized in this way, over 40% of the victims associated with cases in the current study were subject to tertiary victimization.

#### Limitations

The current study does have several limitations. First, the project relied on paper records corresponding to sexual assault cases that dated back nearly 30 years (i.e., 1980-2009). The focal police department moved six times during this period, and police records were likely lost along the way. This contributed in part to the inclusion of only 248 sexual assault cases out of the 400 cases in the original random sample. Although there is nothing to suggest that the excluded cases are systematically different from the included cases, it is unknown because no police records were available. Second, the current study was conducted using sexual assault case records that represented cases that had been subjected to a less-than-thorough police response in one racially homogenous midwestern urban city. It is unknown whether the resulting typology can be generalized and translated to other jurisdictions with perhaps different (and improved) patterns of CJS action.

## **Research Implications**

The current study determined that police attitudes toward rape manifest in official sexual assault case police records. The

resulting typology included statements used in police records to deny or justify the assault (i.e., rape myths as indicated via circumstantial and characterological statement), as well as the CJS response to the assault (i.e., investigatory blame statements that operate functionally as rape myths). Future research should build upon this study by examining to what extent the different types of statements predict case outcomes and which statements are most damaging to case progression to assist in identifying specific targets for change. This research should also examine the extent to which the different types of statements mediate the influence of victim and suspect characteristics on case progression. Though an existing body of research has identified specific characteristics of the victim and suspect that impact case progression (e.g., Campbell, Greeson, Bybee, & Fehler-Cabral, 2012; Shaw & Campbell, 2013; Spohn & Tellis, 2012), Hamby (2015) argued that variables such as victim or suspect race are not causes in and of themselves on our outcomes of interest (see also Bowman, Stevens, Eagle, & Matzopoulos, 2015). Rather, they are "marker[s] for some unknown set of processes that have the actual causal impact" (Hamby, 2015, p. 3). The statements identified in the current study that invoke common rape myths may be one such "unknown process" that helps to explain why we saw varied responses to sexual assault on the basis of victim and suspect characteristics. These relationships should be examined empirically.

Beyond examining to what extent the different types of statements predict case outcomes in consideration of specific variables of the victim and suspect, future research should also expand the research sample to include multiple jurisdictions, cases that did have their forensic evidence submitted and tested, and records from other individuals within the CJS. These types of investigations would aid in determining the pervasiveness of these beliefs and statements and, if additional beliefs and statements abound (because the current study may have reached saturation in the types of statements but not more-specific categories), assist in developing increasingly targeted interventions.

# **Clinical and Policy Implications**

Despite these limitations, the current findings can be used to inform policy and practice change within, and clinical practice beyond, the CJS. Regarding policy and practice change within the CJS, the current study provides insight into the underlying culture and values that support the CJS response to sexual assault: myths regarding what real rape looks like and who can be raped persist, that it is acceptable to shift the blame for a poor police investigation onto the victim, and that it is not problematic to record these beliefs in official police files. It is interesting that this final norm illuminates an invaluable opportunity for intervention, because a specific behavior to target for change has been identified: police report writing. Prior research and theory have suggested that change efforts are increasingly successful when they target behavioral change as opposed to trying to force value change from an external agent (e.g., Austin, 2009; Kegan, 1982; Lonsway, Welch, & Fitzgerald, 2001). Therefore, sexual assault training for police should include an explicit focus on how to write accurate, appropriate, and thorough police reports and be paired with agency policies that reinforce and reward this behavior. The prohibition of statements in official police records that disparage victims or blame them for resulting police investigations may then catalyze deeper behavior and value change (see Austin, 2009) and ultimately improve the police response to sexual assault. Such training focused on behavioral change should also emphasize traumainformed interviewing techniques that consider how trauma impacts victims' memory, reactions, and behavior postassault (e.g., the International Association of Chiefs of Police Trauma Informed Sexual Assault Investigation Training) and extend beyond law enforcement to other CJS personnel, such as prosecutors, judges, and jurors, who are not immune to the pervasiveness of rape myths (e.g., see (Dinos et al., 2015; Frazier & Haney, 1996; Frohmann, 1991, 1998; Tang, 2000).

In terms of informing clinical practice, the current study revealed that victims' feelings of guilt and self-blame may have an additional source—tertiary victimization. Clinicians may need to help victims accept that they are not to blame for the assault itself (e.g., see Sigurvinsdottir & Ullman, 2015) or for their case not moving forward in the CJS as planned. Community-based advocates may be a particularly valuable ally in this endeavor because they can help connect victims to other important community resources and advocate on victims' behalf in criminal justice proceedings. Clinicians providing medical and mental health care should partner with community-based advocacy organizations in order to provide comprehensive care for their patients or clients (see U.S. Department of Justice, Office on Violence Against Women, 2013, for a discussion of the importance of a coordinated multidisciplinary response to sexual assault).

#### Conclusion

This study developed a typology of statements provided by police in official sexual assault case records that corresponded to or functionally operated as rape myths. This study reiterates that the CJS response to sexual assault needs ongoing attention if it is to be improved, especially in light of the current findings that victims are subjected to tertiary victimization in this system. It is critical to keep in mind that individuals tasked with providing justice to survivors of sexual assault must be held accountable *and* understand that they are products of their environment. True change requires changes both within and beyond the system.

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