Police Officer Schema of Sexual Assault Reports: Real Rape, Ambiguous Cases, and False Reports

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Police Officer Schema of Sexual Assault Reports: Real Rape, Ambiguous Cases, and False Reports

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Abstract
While extensive research has studied sexual assault reporting behaviors and described negative experiences with the criminal justice system among victim-survivors, fewer studies have explored police officer attitudes, knowledge, and thought processes that may affect victims' perceptions of negative interactions and unsatisfactory outcomes within reported sexual assault cases. This study explores police officer understanding of the definition of sexual assault and characteristics that influence their perceptions and response. Ten police officers were interviewed within one police department in a midsized city in the Great Lakes region. The study uses a modified grounded theory approach. Findings suggest that officers employ distinct schema of reported sexual assaults. Case characteristics, perceived credibility of the victim, and types of evidence formed categorizations of false reports, ambiguous cases, and legitimate sexual assaults. Police officers describe the ways in which perceptions of the case may or may not influence the response and point to areas for improvement within police procedure. The study findings provide insight into recommendations for improved police interviewing and response to reported sexual assaults.

Keywords
sexual assault, criminal justice, law enforcement, schema

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Introduction

Decades of research continues to demonstrate the pervasiveness of sexual violence and its harmful effects on victim-survivors. Although sexual assault is a crime, most individuals who experience a sexual assault do not report to the police, and of those who do, most do not express satisfaction with treatment by the criminal justice system. Arrest and sentencing of the perpetrator almost never occurs, and victims often describe secondary victimization (Alderden & Ullman, 2012; Campbell, 1998; Campbell & Raja, 1999; Campbell, Sefl, Barnes, Ahrens, Wasco, & Zaragoza-Diesfeld, 1999; Madigan & Gamble, 1991; Martin & Powell, 1994). Secondary victimization includes “victim-blaming attitudes, behavior, and practices engaged in by community service providers, which further the rape event, resulting in additional trauma for rape survivors” (Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001, p. 1240). Some refer to this situation as the justice gap (Temkin & Krahé, 2008); others go further to say the gap is so wide that it is best described as a chasm (Kelly, Lovett, & Regan, 2005).

Low levels of reporting and descriptions of secondary victimization within the criminal justice system warrant more exploration, including the examination of law enforcement perspectives on sexual assault and how those perceptions may influence decision making. Police officers have a unique role in that when someone reports a crime, their job as first responders requires them to interview the victim-survivor, write the report, follow up with investigation, and decide whether or not to present a case to the prosecutor’s office. Police officer perceptions of legitimate crime and credible victims have real consequences on victim-survivor’s experience as well as the justice gap/chasm. Although previous research has explored the perceptions of victim advocates, victim-survivors, and nurse examiners on sexual assault victims’ treatment within the criminal justice system, a smaller body of research directly examines police officer perceptions and decision-making processes in sexual assault cases. Even fewer studies include police officers’ own accounts of the factors that influence their initial perceptions of the case and their subsequent response. This study describes police officers’ initial mental classification of what they consider typical reports, what they consider legitimate, and the factors that influence these mental classifications. This study includes officers’ descriptions of how this initial perception influences their responses and their attitudes toward this response. This study also explores officers’ impressions of the usefulness or challenges of one’s sexual assault-related schema and presents suggestions for improvement from police officers themselves.
Review of Literature

Reporting to the Police

Many victim-survivors do not report to the police because they believe that their sexual assault does not match the defining characteristics of a true sexual assault. These defining characteristics of “real rape” (Estrich, 1987) and “genuine victims” (LaFree, 1989) do not match legal crime definitions and common sexual assault characteristics and are often referred to as rape myths (Brownmiller, 1975). Victims whose assaults contain elements of this real rape myth are more likely to report to the police. These elements include lack of victim-offender relationship, presence of a weapon, presence of injuries, location of victimization, and demographic characteristics of the victim and perpetrator (Bachman, 1998; Chen & Ullman, 2010; Du Mont, Miller, & Myhr, 2003; Edward & Macleod, 1999; McGregor, Wiebe, Marion, & Livingstone, 2000; Starzynski, Ullman, Townsend, Long, & Long, 2007).

The decision to not report a sexual assault may be influenced by one’s lack of labeling the event as a crime, lack of obvious physical injury, self-blame, and acceptance of rape myths or passive denial of rape (Chen & Ullman, 2010; Koss, 1993; Koss, Bachar, Hopkins, & Carlson, 2004). Because of widely accepted rape myths, victims may be reluctant to report to the police due in part to the perception that they may be blamed, treated disrespectfully, stigmatized, not believed, retraumatized, or dismissed (Ahrens, Campbell, Ternice-Thames, Wasco, & Sefl, 2007; Chen & Ullman, 2010; Konradi & Burger, 2000; Patterson, Greeson, & Campbell, 2009; Rennison, 2002).

The experiences of those who do report to the police may legitimize this reluctance to report. Victim-survivors describe negative and traumatizing experiences with the criminal justice and legal systems (Campbell, 2006; Campbell et al., 2001; Chen & Ullman, 2010; Felson & Pare, 2008; Frazier & Haney, 1996; Frohmann, 2002; Kaukinen & DeMaris, 2009; Konradi & Burger, 2000; Larcombe, 2002; Martin & Powell, 1994; Monroe et al., 2005; Patterson, 2011; Ullman & Townsend, 2007). Rape victim advocate centers report that secondary victimization through victim-blaming statements by the police is the most salient direct service barrier to their work (Ullman & Townsend, 2007). Campbell and colleagues (2001) found that more than half of sexual assault victims viewed contact with the legal system as hurtful. Sexual assault victims report that police are reluctant to take their reports, and investigators ask about prior relationships with perpetrators, ask whether the victim responded sexually to the rape, and make statements about the case not being serious enough to pursue (Campbell, 2006). Felson and Pare (2008) found that victims of sexual assault were more likely to complain about police
treatment when the offender was someone they knew, noting that the police showed too much leniency, expressed disbelief or skepticism, or did not take their allegations seriously. For victims of sexual assault who experienced penetration, reporting to the police appears to exacerbate the impact of the sexual assault and increase depression levels (Kaukinen & DeMaris, 2009).

Sexual Assault Case Attrition

Compounding the negative treatment by police officers during the case reporting and interviewing, the vast majority of reported sexual assaults do not progress through the criminal justice and legal systems. This case attrition is linked to both police and prosecutorial decision making (Campbell, 1998; Campbell et al., 2001; Coates, 1996; Du Mont et al., 2003; Frazier & Haney, 1996; Patterson, 2011; R. B. Spohn, Beichner, & Davis-Frenzel, 2001; C. Spohn, White, & Tellis, 2014). For example, Frazier and Haney (1996) explored 569 cases of sexual assault and found substantial attrition, with cases considered more severe (e.g., use of a weapon) prosecuted more vigorously. C. Spohn et al. (2014) addressed the lack of conceptual clarity and understanding around law enforcement unfounding decisions in their mixed methods study with the Los Angeles Police Department (LAPD). They found the rate of false reports at 4.5%; victim recantation was the strongest predictor of the unfounding decision, but other factors indicative of the seriousness of the incident (e.g., stranger assault, victim injury) and victim credibility (e.g., mental health) also played a role. Similarly, Patterson (2011) found that unfounded cases contained elements that have been found to reduce perceptions of victim credibility, such as those involving late reporting and assault by an acquaintance. In interviews with 49 detectives specializing in sexual assault cases, Schwartz (2010) found that while detectives acknowledge rape myths as false, their behaviors in investigations and attitudes toward victims did not reflect this knowledge.

Police Officer Perceptions of Sexual Assault and Victim-Survivors

Studies show that rape myths influence perceptions of sexual assault, including those of law enforcement officials (Campbell & Johnson, 1997; Feldman-Summers & Palmer, 1980; Jordan, 2001; LeDoux & Hazelwood, 1985; Page, 2008; Ullman & Townsend, 2007). In one study, police officers showed stronger endorsement of rape myths than members of other professions and the general public (Lonsway & Fitzgerald, 1994). More recent research shows variability in officer acceptance of rape myths, warranting exploration into why these variations exist and how they may impact interactions with victims (Campbell, 2005).
Factors that influence police officer definitions of sexual assault may affect police perceptions of victim credibility (Frazier & Haney, 1996; Jordan, 2004). Jordan (2004) analyzed sexual assault cases that were closed or withdrawn and found that historically pervasive attitudes of mistrust in women’s testimony continues to be evident in police processing of sexual assault cases. Jordan (2008) demonstrated the difficulty that victims of sexual assault, even those considered “ideal” victims, experience in being believed and seen as victims by the police. A few studies have examined police perceptions of sexual assault and found that police often do not perceive non-stranger assaults as rape (Feldman-Summers & Palmer, 1980; LeDoux & Hazelwood, 1985). Kerstetter and Van Winkle’s (1990) study suggests that officers’ attitudes and beliefs are communicated to the victim and are experienced negatively. In addition, officers tend to overestimate the percentage of false reporting (Ask, 2010; Lonsway, Archambault, & Lisak, 2009; Page, 2008; C. Spohn et al., 2014).

**Police Discretion and Decision Making**

Police officers’ definitions of sexual assault and perceptions of victim credibility may influence behavior, given the discretion police officers employ in their daily work. Research demonstrates that police are often skeptical of sexual assault reports, which sometimes influences decisions such as pursuing the suspect or unfounding the case altogether (Jordan, 2004; Kerstetter, 1990; LaFree, 1989; Schuller & Stewart, 2000). A few studies have analyzed police unfounding decisions and found that cooperation and perceived credibility of the victim, likelihood of investigation and prosecution, as well as presence of a weapon and victim resistance increased the likelihood of the case being founded (Kerstetter, 1990; LaFree, 1989). More recently, C. Spohn et al. (2014) found that the strongest predictor of unfounding was whether the victim recanted the allegations. Cases were more likely to be unfounded in stranger assaults, if the victim had mental health issues, and if there were no injuries (C. Spohn et al., 2014).

Some argue that organizational culture, rather than individual attitudes, influence police officer perceptions and response. Martin (2005) argued that goals, missions, policies, and procedures play an important role in how legal organizations and their employees socially construct sexual assault and sexual assault-related work. Police officers and prosecutors build cases to meet probable cause, but more importantly, reasonable doubt standards (Martin, 2005). Frohmann (1997) described this as the “downstream orientation” (p. 535) of decision makers, arguing that prosecutors consider the judge, jury, and defense attorney reaction to the case. C. Spohn et al. (2014) extended this
downstream orientation to the work of detectives who consider the prosecutor’s response when making decisions.

**Schema Theory**

Schema theory provides a framework to explore and understand police officer perceptions of reported sexual assaults. When police officers initially respond, they use their prior knowledge to interpret the victim’s story and the evidence supporting the alleged assault to make a classification about whether the crime meets the legal definition. A schema is the cognitive framework that helps organize and interpret information (Brewer & Nakamura, 1984). Schemas allow individuals to take shortcuts in interpreting a large amount of information; however, schemas also influence individuals to exclude important information in favor of information that confirms prior knowledge or beliefs. In this study, schema theory is used as a sensitizing framework to consider how police officers think about reported sexual assaults and how these perceptions may or may not influence their response. Frohmann (1991) described this sexual assault-related schema as a “repertoire of knowledge” (p. 217). Developing a better understanding of officer schema, or what constitutes this repertoire of knowledge, is important because it may shape the way in which an officer questions and responds to individuals, which may impact revictimization and progression of the case. In addition, it is important to also explore the ways in which officers describe the influence of this prior knowledge on their response.

**Method**

**Participants**

This study was conducted with one police department in a midsized city in the Great Lakes region of the United States. The study’s sample consists of 10 officers who varied in rank and position, including 5 patrol officers, 3 detectives, and 2 sergeants. Years of experience ranged from 11 to 25 years at the police department with both a mean and median of 19 years. The sample included 1 African American participant, 1 biracial participant, 2 Hispanic participants, and 6 White participants. The sample included 3 females and 7 males.

**Procedures**

All procedures were approved by Institutional Review Board (IRB). Recruitment of participants and selection for the sample occurred at the
police department headquarters. The principal investigator worked in coordination with staff at the police department to develop a list of individuals who fit the sampling criteria. Individuals were excluded from the sampling frame if they had a permanent non-street assignment (e.g., desk) and if they had responded to less than five sexual assault calls. Officers were then selected to ensure sample variation in rank, position, gender, and race or ethnicity. Officers were approached with the screening questions after giving a brief description of the study purpose and procedures. All of the officers who were approached agreed to participate and completed a semi-structured interview that lasted approximately 75 min; interviews were audio-recorded and transcribed verbatim. Interviews continued with new participants until there was saturation and redundancy of themes related to the key factors of reported sexual assaults that influence police officer perceptions and response. Lincoln and Guba (1985) recommend sample selection “to the point of redundancy . . . If the purpose is to maximize information, the sampling is terminated when no new information is forthcoming from new sampled units; thus redundancy is the primary criterion” (p. 202).

**Measures**

The semi-structured interview explored three main areas of questioning. The first section asked broadly about the individual’s perceptions or definitions of sexual assault. The second section asked about typical sexual assaults reported to the police. The interview intentionally explored up to four different typical scenarios of sexual assault reports. After exploring definitions and descriptions of reported sexual assaults, the interview explored factors that influence perceptions, responses, and attitudes towards those responses.

**Data Analysis**

Analysis of the interview data occurred through several stages, moving from raw data to partially processed data, to individual codes and categories, to larger themes (Padgett, 1998). QSR International’s NVivo 10 software (QSR International, 2012) was used to facilitate organization and management of data files as well as to support the representation of coding in a well-ordered manner. Data analysis occurred through the stages as specified by Strauss and Corbin (1990) and utilized an inductive approach geared toward identifying patterns in the data by means of thematic codes. First, each case transcript was analyzed using open coding, in which interview data was broken down into units, such as initial response to thinking about sexual assault, definitions of sexual assault, attitudes toward sexual assault cases, victims, and
perpetrators, classifications of different types of sexual assault calls, factors that affect perceptions and decision making, and descriptions of perceptions of peers and discretion or control in responding to sexual assault. Open coding allowed for the emergence of new codes within each case (Emerson, Fretz, & Shaw, 1995). Once initial codes had emerged, the analysis proceeded to a second level of coding— axial coding, in which themes and patterns between cases were identified (Strauss & Corbin, 1990). This process produced a better understanding of how various factors work together to form schema related to reported sexual assaults.

Results

Patterns indicating distinct schema of different types of cases emerged from officer’s descriptions of sexual assault cases and their initial reactions. Without prompting or asking questions about different categories of cases as “real” or “false,” officers described a continuum of classifications, from those perceived as false reports to those considered ambiguous, to those deemed as legitimate and therefore serious. A variety of case characteristics, specifically the sexual assault scenario, the perceived credibility of the victim, and evidentiary concerns, formed these schema. Regardless of initial perception of the case, officers emphasized a similar and thorough response to all cases, while also noting minor differences in procedure. According to officers, initial perceptions do not influence their procedural response; however, they do influence an officer’s attitude toward the case. Some officers describe the importance of remaining skeptical or questioning one’s initial perception of the case, given the complexity of sexual assault reports, and make specific suggestions for improved practice.

Perceptions of False Reporting

Without prompting, most officers bring up the experience of perceiving or determining a sexual assault report to be false. For example, one officer stated,

And I don’t know what percent it would be, but I would say definitely over a third, probably approaching you know 40 or 45% of the ones that I’ve been on that, um, if not outright recanted by the victim, um, have very serious questions of the veracity. And there’s no other crime that we go on that has those kind of questions.

Officers agree that they tend to remember being lied to, and they recall false reports more easily and frequently than those perceived as legitimate.
**Typical scenarios perceived as false.** The reason most often cited for considering a report to be false focuses on some sort of cover-up for behavior that is either important to keep secret or is regretted, such as cheating on a partner. Most scenarios perceived as false reports involve a victim and suspect with a current or prior relationship. One officer described, “I’ve encountered several with a cheating spouse who’s been out all night, you know, blah blah blah. Oh, I was raped.” In contrast, reports involving unclear or elaborate stories of stranger assault also signal false reporting. One officer described an example:

> And it was a very elaborate story, and our true stranger CSCs [criminal sexual conduct] are very miniscule in town. I mean, I’ve been on a handful in my career, but for the most part, it’s all somebody that knows somebody. So, I know she’s fighting with her girlfriend, I know I’ve got this elaborate story about, you know—in very sketchy details.

Reports of sexual assault by someone involved in prostitution are often perceived as false reports because officers consider the sex to be consensual. As one officer described, “Prostitute is out soliciting for sex and where somebody picks them up and then purposely rapes them *with a weapon* and not paying them, you know, so against the female’s idea of what mood she was expecting.” Officers also describe reports involving juveniles who claim to have been sexually assaulted to cover up for consensual sex that may be regretted or frowned upon by others. One officer described this scenario:

> A lot of times—you know, and I’ve seen this happen, too—where they claim they were raped and it turns out the father or the mother were calling, “Where are you?” “I’m down,” “What are you doing in there?” You know, and they start getting scared and they’ll claim they were raped where in actuality, they just had sex with a young man, you know, trying to cover their bases. “I’m late because I got raped.”

**Perceptions of credibility and false reporting.** Perceived credibility of the victim plays a large role in officers’ perceptions of false reporting. Because reports perceived as false often involve someone who is supposedly covering up for something, or involve someone who demonstrates poor character in the officer’s opinion, credibility is diminished. Victims are perceived as less credible when they admit that they lied about an element of the report or the report includes holes, according to the officer. As one officer explained, “Sometimes, they’ll put their head down and ‘Okay, here’s what really happened. I thought I was pregnant and I was worried. I was scared so I told my mom and dad that I was sexually assaulted.’” Another officer described signs of false reporting:
Lack of ability to point out where it happened or when it happened or what happened . . . you know, they’ve got to have details. You know? If my wife or daughter gets raped, they know that they got raped, they know where it was at, they know when it was—you know what I’m saying: just some of the basics.

Victims are also perceived as less credible when they admit that they regret some behavior connected to the assault, which officers perceive as indication of false reporting. One officer described this situation:

But sometimes, they say, “Well, you know, actually, this is why, you know, I was mad,” or, you know, “We were both drunk,” and you know, “Originally, I said yes, but then I changed my mind,” or you know, something to that effect.

Even when a victim does not admit dishonesty or leaving out details, officers may still perceive a victim to be making a false report because of emotional issues, which might lead them to seek attention or revenge. As one officer stated,

We find that girls utilize the rape card to mess with people . . . because they use it to get back at a boyfriend or they need attention, they’re having a bad week, you know, “If I cry rape my whole family will come to me and I need that.”

Evidence and false reporting. Because officers perceive physical evidence as crucial in determining the legitimacy of a sexual assault, many are suspicious of cases that lack physical evidence. As one officer expressed confidently, “If there is no physical evidence and you said you got raped, did you get raped? . . . No.” Another officer explained that a “lack of physical evidence on juvenile ones or the stranger-stranger ones is a very telltale sign.” Other officers shared this perspective, describing the viewpoint that if there is no physical evidence and no signs of force, then it’s unlikely to be a sexual assault. One officer described how a lack of strong evidence raises questions about the crime: “It has to be force or coercion . . . You’re telling me he forced you, but you don’t have any marks on you whatsoever. I mean, you don’t even have anything, not even red marks, you know, so.” Another officer highlighted victim demeanor that signals false reporting:

Their attitude. Everybody’s gonna be different, but when you get a, a rape victim that comes in and they’re, ah you know it’s like, and I look uncertain, that they don’t seem, not that everybody’s gonna be distraught, but very matter of fact about it.
Initial Response to Reports Perceived as False

During victim questioning, officers sometimes sense that “something is not right,” or the case is lacking an important element that is expected in a sexual assault. Officers consistently state that even when they suspect a false report, they respond no differently than when they perceive the report as legitimate. An officer described this response:

Well you still have to treat it as a CSC because, I mean, there still may have been some force involved. So you know, we have to still treat it as—treat them as a victim and again, obtain as much information as we can and let the detectives make the decision. And usually, they’ll let us know if they’ve got a false report.

Another officer described that even if their gut says it’s not true, they are still going to get the phone records . . . I would love to just be able to can it off my desk today and not waste my time on it, but you can’t. You got to make sure you cover everything.

When describing specifics of the response, however, officers note the importance of using a “light interrogation.” Officers state confidence in finding out the truth by relying on one’s professional knowledge and experience and by using interviewing techniques to identify inconsistencies in what the victim says. An officer described the necessity of a light interrogation when there is suspicion of false reporting:

So we get some false allegations and unfortunately because of that, this is a very unique, a unique unit because for rape victims we should be able to [be] open armed and we try to be, but, if there’s any inclination that there might be another motive we have to—what we call it, it’s kind of a light interrogation . . . You’ve kind of got to ask certain questions. I wouldn’t call it interrogation, that’s not the right word for it, but you have to ask certain questions to make sure that it’s credible and that they’re being honest.

Although officers agree that they respond no differently to reports they suspect to be false, they do express a great deal of frustration. Officers also wonder if their response in these cases is a waste of time and resources. A supervisor explained the dilemma of deciding how much time to put into a case perceived as false:

We knew there was no physical evidence. We knew this other stuff was going on, we knew the story was real fishy to start with, and yeah. And you lay it out.
And then we got to decide, too—I mean, I got to decide as the street supervisor or we got to decide as a department how much resources we want to put into this—how—what’s the chances of this one being true, you know?

**Perceptions of Ambiguous Cases**

Officers agree that the majority of reported sexual assaults are ambiguous, meaning that they lack strong evidence of sexual assault, but are not perceived as clearly false. One officer explained the unique nature of sexual assault compared with other crimes:

The majority, I mean, I always say that homicides are easier to investigate than CSCs because you know somebody’s dead. I mean, you can see it in child abuse. You can see it, you know, that there’s marks. Sexual abuse, you can’t see everything. You know, and so it’s harder because you just never, you never know. I mean, you hope you’re always right.

**Typical scenarios perceived as ambiguous.** Officers provide several reasons why cases may be perceived as ambiguous, as opposed to false or legitimate. Typical sexual assault scenarios considered ambiguous include those involving intoxication, acquaintances, or those with a current or prior intimate relationship.

If it’s a stranger it’s treated differently than if it’s a uh, had a prior relationship with. Not that either one is worse but it puts a different light on it. You know, so now we know we have to kind of weigh out who is telling the truth.

These types of reports are perceived as ambiguous because they revolve around the issue of consent, and whether or not force or coercion was involved. Officers describe a common scenario:

Where I’m saying questionable, um, something happened. The question is what happened, you know? Was it consensual? Was it not? I mean, there’s definitely some questions in that one . . . two people did hook up at a bar, they agree with the whole story until they get to some place, um, at 2 o’clock in the morning, and then the time between 2 o’clock in the morning and when we get the call at 5:30 or 6:00 is very fuzzy.

**Perceptions of credibility and ambiguous cases.** Similar to reports perceived as false, the credibility of the victim may influence an officer’s perception of the report as ambiguous rather than legitimate because of the withholding of
information during the initial interview and subsequent investigation. As one officer described,

Yeah our biggest thing with like ambiguous, once somebody’s credibility, that’s the hard part. I mean they’ll lie about the littlest things because they don’t want—I’m trying to think, not even about the sexual assault—but they’ll just lie about, you know, where they were. You know, find out it happened somewhere else and you’re like, how do I know that you’re not lying about it? I mean, and some of them you’ll know that they’re not, but it’s like, how do I overcome this?

Evidence and ambiguous cases. Physical evidence of sexual contact between the victim and suspect may be present, but this alone does not indicate force or coercion, which officers admit is difficult to verify, especially in cases involving intoxication of either the victim or perpetrator. As one officer states,

Because like I say with the consensual stuff or whether it was consensual, the guy’s not disputing you know the facts of the DNA and the semen and all of that stuff is going to be present. He’s not disputing that, so um, that evidence isn’t really helpful to you.

Officers suggest that evidence of injury may make the case less ambiguous; however, the case is still unlikely to move forward within the criminal justice system. Another officer describes this scenario:

You got two people alone in a room and one says it was consensual and one says it wasn’t. They go have an exam done. There’s indication of penetration, but no nurse examiner can say it was force . . . you gotta think about the burden of proof we have which is beyond a reasonable doubt. It’s not gonna be there.

Initial Response to Reports Perceived as Ambiguous

Officers point out that cases perceived as ambiguous may be legitimate; however, they likely will not move forward within the criminal justice system because of characteristics of the assault scenario, the individuals involved, or the lack of corroborating evidence. When a case is perceived as ambiguous, officers describe their response as determining the truth and assessing the seriousness of the case, which has implications for further investigation. A detective warned against the tendency to assume that an ambiguous case is not legitimate, emphasizing the possibility of malicious intent by the suspect.
This detective said, “You still gotta watch out for signs of guys purposely, you know, because the consent defense is the defense now.”

Officers describe a sense of frustration when responding to cases that are unclear or lack strong evidence, stressing that cases perceived as ambiguous would not move forward within the criminal justice system. One officer described this frustration by stating,

Usually the victims are, is self-medicating—you know, making herself helpless. Yeah, so you can’t even put anything on that the bad guy that’s swooping in at the last second and then he just says “I thought we had a good night.” And um, I mean those are darn near impossible. Yeah, which is, those are frustrating, when you get a lot of those in a row, they get frustrating because then you end up with no answers. And the victims are upset I can’t get charges, and it’s just, those are frustrating. You know the bad guy’s getting away with it.

Officers also acknowledge the frustration that victims must feel when they report a crime, and the case does not move forward. As one officer reflected,

It’s tough . . . [it] would be so aggravating for a victim to know that it really happened and there’s nothing that anyone can do about it. But it’s like, he says it’s consensual. She said it wasn’t.

Officers also highlight the standard of evidence beyond a reasonable doubt and how difficult this is to deliver in sexual assault cases compared with other crimes. One officer explained this:

Where ours would have to be under physically helpless which basically would mean you’d have to show that they were unconscious. I mean you’d basically have to prove that that person was just so out of it and that it was obvious and clear to the suspect.

Perceptions of Legitimate Cases

Officers comment that all reports are potentially serious and legitimate, but certain types are viewed by officers as serious and legitimate from the onset. Officers perceive reports as obviously legitimate when they involve certain individuals or scenarios (e.g., strangers), and when the victim’s credibility is not questioned.

Typical scenarios perceived as legitimate. Officers describe reports of sexual assault as real or serious when the perpetrator is a stranger. As one officer indicated, “If you got a complete stranger that has took advantage of you,
then that’s serious. You know, that’s one of the really, that’s one of the most serious, stranger.” A stranger assault is described as more severe because it can happen when one is least expecting it, and often involves violence and a weapon. This same officer continued, “The serious one is the stranger . . . Okay, with a gun, with a knife, in the bushes. You know, people get raped like that.”

Although reports involving prostitution may readily be perceived as false, some officers argue that it is entirely possible for someone involved in prostitution to experience a sexual assault. Certain factors in the report give indication that a sexual assault occurred, such as injury and demeanor of the victim. When describing factors that increase or decrease one’s perception of legitimacy, officers comment that someone is perceived as a genuine victim when there is obvious injury or fear. One officer described this by saying,

Most—if you talk to most of the hookers on the street, they will tell you that they’ve been raped many times and have not reported it. You know, they just take their losses and leave. But the ones that are usually—that are assaulted in the process or beat up and stuff, those are the ones that usually make the reports.

**Perceptions of credibility and legitimate cases.** The case is considered legitimate because of perceptions of victim credibility, indicated by certain emotional indicators, perceptions of honesty, and perceptions of good character. Officers expect a legitimate victim of sexual assault to be traumatized, indicated by conveying panic, being shaken, expressing fear, and less specific indicators that officers can sense. One officer described this: “And her response, she was more shaken. I mean, it’s like, she wasn’t faking it. Something did happen.” Another officer said, “I don’t want to say you know it when you see it, but a real CSC with a real victim looks different than the other ones. You know, just at first glance.” The timing of the report also influences some officer’s perceptions of the victim’s credibility and legitimacy of the report. One officer stated,

Within 24 hours you get a closer time frame of reporting to the actual event in those, because you have a real victim. You have somebody that’s been truly just innocently walking down, minding their own business when they’re attacked and assaulted.

In cases involving prostitution, victim credibility, determined by honesty and demeanor, can lead officers to perceive the case as legitimate and therefore serious. The legitimacy of these cases is only obvious to officers when there are clear indicators, such as “true fear.” As one officer stated confidently,
“You can tell. When they’re screaming and crying and, you know, and they’re half-dressed and, you know, they’re saying they got raped down here, then you know. Yeah, pretty obvious that they were.”

**Evidence and legitimate cases.** Officers perceive cases as legitimate and serious when the report is supported by strong evidence; strong evidence consists of obvious violence or personal injury, physical evidence such as DNA, and the presence or threat of a weapon during the assault. As one officer indicated, “Yeah, DNA. [laughs] DNA’s always a wonderful thing.” In addition to DNA, evidence of force and presence of injuries also help corroborate a sexual assault. One officer stated succinctly, “It’s violent.” A sign of struggle and physical indicators of injury give evidence that the crime should be considered serious. One officer described,

> We look at their demeanor. We look at what’s going on, you know, how they’re dressed, you know, if their clothing is ripped or bite marks, scratches, anything to indicate that it was forced upon them.

Considering cases involving prostitution specifically, officers describe as believable when extensive injury takes place. As one officer states, “Usually, they get—they get thumped on . . . Usually they get beat up, you know, in the process.”

**Initial Response to Reports Perceived as Legitimate**

When the police department does receive reports of sexual assault by strangers, the cases tend to include distinguishing elements that lead officers to perceive and respond differently. One officer explained,

> The street does a lot of the work and if it’s—if there’s really a serious, serious rape, the detectives who are in charge, like Sergeant [name] will come out with his crew of detectives and they’ll go a little bit deeper.

Officers comment that these cases can be the most serious, “good cases.” One of the detectives describes stranger sexual assaults as more “fun” and easier to work because it involves “finding the bad guy”:

> So I spend my time trying to find the bad guys, stranger ones which is kind of the fun ones you know. You think of composites or if the victim can’t do a composite, if they think they can ID, you know, try to get photos together to show them. You know canvassing. Our officers out there know a lot of people.
They typically know the criminals in the area. You have to decide a lot of times the stranger ones you put out the media, but those are so rare, but they are fun to work.

**Officer Suggestions for Moving Beyond Initial Perceptions of a Case**

Officers argue that they do not have any real discretion or decision-making power; their job is not to determine whether or not a sexual assault really happened, but to collect and present evidence to the detectives and ultimately the prosecutor’s office. Regardless of real decision-making power or not, officers described the effect of their response on processes and outcomes in the case. Perceptions of credibility and legitimacy, as well as characteristics of the case, can influence report writing, which can then influence the detective’s work, and ultimately the decision of the prosecutor to take the case or not. Detectives in particular emphasized the importance of objective and thorough interviewing and report writing by patrol officers, stating its long-term impact on the victim and case progression. Throughout the interviews, officers made suggestions about what could be improved within the procedural response to sexual assaults so that reports are well written, interviews are conducted sensitively, and evidence can be collected to move the case forward.

Officers disagreed about the extent to which they could trust their initial perceptions of the case. Some officers argued the importance of intentionally checking one’s initial judgments, while others expressed confidence in their intuition and experience. Some officers described the response as fairly straightforward and consistent, regardless of the details of the case, and others emphasized complexity. Underscoring consistent responses across different reports, an officer stated,

> Police work’s pretty basic no matter what you’re doing. You could be at a damaged property, a sexual assault, a bank robbery, shooting, stabbing, whatever . . . We’re not mixing fuel for a space shuttle launch. If you can answer the five questions, and write it down, then you’re done. The report writing is always the same. I mean, there might be slight changes in the way you handle it, but everything else hasn’t changed I think, probably since before time.

Consequently, officers expressed different attitudes toward procedure. When asked about thoughts on the current response procedure, half of the officers stated that it was good, some had no opinion, and several suggested
specific improvements. Among the suggestions for improvement, training, improved report writing, and additional communication among different individuals involved in a case were most frequently discussed. Training on sexual assault was described as a need within police departments. Officers indicated the need for training among all patrol officers, while acknowledging limited resources to do so. One officer said,

I really wish our patrol officers could undergo training and education, but I mean, you just almost have to [be] saturated with it and I don’t see how logistically that could happen. It would be great to see a lot more awareness from them of not basing the case on how the victim’s acting, which typically works out everywhere else. But especially a victim that’s just been sexually assaulted, if you try to think about where that case is going based on that um . . . you know it’s inappropriate because you know you’re going to be inaccurate and you’re going to misjudge.

When asked to describe what impact this training might have, this officer stated,

You’d get more reporting. You would get better investigations. So you’d get more evidence. Because I think you would be starting to have an open mind early on and you wouldn’t miss stuff. And then your reports would reflect that openness so you wouldn’t have problems in court. Because I think some court cases are possibly even lost. I mean prosecutors would probably answer that better, but I’ve seen cases jeopardized. I’ve had a few that almost were lost because of the detective or because of a police officer. And so you know their reports are still part of my whole file, and if I had them [patrol] just not make so [many] judgments.

One aspect of training could emphasize the importance of good report writing. In contrast to police officers’ perception of a lack of decision-making power in sexual assault cases, detectives in particular highlighted the important role of the first responding officer and initial report.

The problem with police reports is whatever’s on there ends up in court. You know, so if I write it up, say, “Hey, I got a question,” I know that case is never going anywhere, because that’s going to be the first thing that the defense attorney brings up. So you got to be careful with how you word that.

Another barrier to challenging one’s initial perceptions of the case centers on the lack of feedback within the department. Officers emphasize disconnect between the initial report, the investigation, and case outcome within the legal system. Officers described the need for more communication:
One of the things that could maybe change is just more communication—that when you take a report from a victim, you don’t know what happened—for the detectives maybe to follow-up and say, “Hey that girl you talked to, good report, we could never establish what it was, it was a he-said/she-said. We had no evidence, so we can’t write anything, but thanks for the report.” You know, just probably more communication but that goes for everything, not just sexual assaults.

This lack of feedback leaves officers with no information to either confirm or deny their initial impressions of the case; for example, any perception of a case as false (regardless of what the investigation finds) remains a false report in that officer’s mind. An officer described this scenario:

They [the victim] don’t tell the same story after various questions are asked. I’m not really sure what happened. I order them to the detective unit. They speak to the detective. The detective talks to the victim and let’s say it’s a woman victim and she restates a lot of the quotes that are in my report, talks to the suspect and he says “Yeah I did it.” Okay, a warrant’s sought for him. He goes to jail. The detective never tells me, “Oh hey by the way, the case that you had. We got a warrant for him. He admitted to it and he went to jail.” Oh interesting. Okay, so I’m thinking, yeah I wasn’t too sure about what she was saying to me. He was telling me, “Yeah she was drunk, she’s crazy and it didn’t happen like that.” I don’t hear anything about it so I’m thinking it got shit canned. You know, nothing happened with it . . . He or she’s just the scribe and we don’t get any feedback from the detective as to what happened with the reports.

Discussion

These findings add to the literature by exploring police officers’ own views on how they mentally categorize sexual assault reports, and how they link those perceptions to actual behavior and decision making. The results demonstrate that while officers express some unique viewpoints, there are common patterns in police officer schema related to sexual assault. A classification system emerged, with cases viewed as clearly false, clearly legitimate, or more ambiguous. In addition, when describing these different scenarios and perceptions of the cases, themes emerged related to the factors that correspond with various perceptions, such as credibility of the victim and evidence. This study provides a description of the combination of factors, both evidentiary and discretionary, that influence law enforcement schema on sexual assault cases.

Even though officers insist that reports are written similarly and procedure is followed consistently, they simultaneously describe the implementation of
different responses during interactions with victims. For example, officers may conduct light interrogations when a case is perceived as false, even though the report is written. In this case, organizational constraints (e.g., policy related to case reporting) trump the officer’s inclination to unfound the case based on perceived victim credibility. This study also presents police officers’ assessment of the importance of the initial interaction with victims, and includes suggestions from police officers themselves to challenge schema-driven misattributions or faulty heuristics and instead respond without bias and preconceptions in every case.

While some officers warned against early judgments of legitimacy and victim credibility, and earnestly challenged themselves to respond with full vigor, the topic of false reporting was ever-present, and components of real rape and ideal victim myths permeated interviews. The schema used to categorize sexual assault cases as false or ambiguous (and therefore unlikely to progress within the criminal justice system) is problematic given the reality of sexual assault characteristics. Contrary to widespread belief, the majority of all sexual assaults (estimates ranging from two thirds to 90%), including both male and female victims, is committed by someone known to the victim. From 2005 to 2010, 78% of sexual violence was by an offender who was a family member, intimate partner, friend, or acquaintance (Planty, Langton, Krebs, Berzofsky, & Smiley-McDonald, 2013). Although officers perceive a weapon as legitimizing the crime, only 11% of rape or sexual assault victimizations from 2005 to 2010 included an offender who was armed with a gun, knife, or other weapon (Planty et al., 2013). Similarly, in contrast to police officer categorizations of real sexual assaults, a relatively small percentage of victims are treated for injuries, from 24% in 1994-1998 to 35% in 2005-2010 (Planty et al., 2013). Similarly, victim resistance is a poor indicator of crime legitimacy given recent research describing responses to high stress or trauma situations, whereby someone may freeze rather than react with the commonly described fight or flight response (Bracha, 2004; Campbell, 2012).

Perceptions of large proportions of ambiguous cases point to the uniqueness of sexual assault as a crime, in that it often occurs in private and involves elements of fear, coercion, and the exercise of power. These characteristics inherent to the crime do not lend to the availability of strong evidence often necessary for a satisfactory criminal justice system response. The propensity for jurors, judges, and prosecutors to emphasize DNA and evidence of force in sexual assault cases limits the cases that can move forward within the system. Even when DNA evidence is present, it is not helpful in the many cases that revolve around issues of consent. Some argue that sexual assault is unique in that it is an inherently legal activity made illegal by a lack of consent (Alys, Massey, & Tong, 2013). Victim testimony itself does not lend to
officer perceptions of believability and confidence that a crime occurred, especially when perceived credibility is one of the main factors influencing officers’ perceptions of case legitimacy. This relates to Jordan’s (2004) findings that pervasive attitudes of mistrust in women’s testimony continue to be evident in police processing of sexual assault reports.

Schema of what constitutes false, ambiguous, or legitimate sexual assaults emerged in a small qualitative sample, pointing out the tendency to categorize crimes and crime victims according to scripts from prior knowledge and experience. It is commonly known that people tend to remember events that match their preconceived notions about something (e.g., officers tend to remember being lied to). Although schemas allow for predictability, they also allow for memory errors (Kleider, Pezdek, Goldinger, & Kirk, 2008), which explains why officers seem to focus on particular types of events (e.g., scenarios frequently identified as signs of false reporting), even when research indicates infrequent false reporting (C. Spohn et al., 2014). When victims recant their reports and when others (albeit infrequently) report falsely (C. Spohn et al., 2014), officer schema of false reporting is reinforced, and victim testimony continues to be considered weak evidence.

Despite organizational policies and supervisory oversight, police officers maintain and exercise discretion in their work, which is situated within an organizational culture with its own norms and values (Martin, 2005). Because the daily work of policing is full of danger, unpredictability and organizational constraints, certain coping mechanisms, such as being suspicious, maintaining the edge, laying low, and putting on a crime fighter orientation, help officers to minimize the stress and anxiety created by their work environment (Paoline, 2003). Skolnick (1994) stated that “it is the nature of the policeman’s situation that his conception of order emphasize regularity and predictability. It is, therefore, a conception shaped by persistent suspicion” (p. 46). In this context, it is not surprising that officers categorize victims of sexual assault in certain ways that emphasize similarity and predictability. In addition, taking on a strict crime fighter orientation may lead officers to focus on more “serious, less ambiguous, criminal incidents (i.e., felonies)” rather than more ambiguous sexual assault cases (Paoline, 2003, p. 203). Police and general culture emphasizes serious cases, which may correspond to what officers remember as an important marker (e.g., injury); then they use that marker of what a real sexual assault is without realizing that it is not actually reflective of most sexual assaults.

These findings suggest that first responding police officers are oriented to consider the outcome of the investigation and case progression, which is influenced by cultural acceptance of rape myths (Frohmann, 1997; C. Spohn et al., 2014). Because first responding officers assess the likelihood that the
investigation will collect strong evidence, leading to the arrest and possible conviction of the suspect, officers intensely focus on victim credibility and evidentiary concerns. In the response, individual attitudes and perceptions of victim credibility do play a role in aspects of the procedural response, but decisions (e.g., writing the report as a sexual assault), and associated attitudes toward those decisions (e.g., frustration) are also constrained within organizational demands (Martin, 2005). These results point to a number of factors—schema and memory issues, police culture, and organizational constraints—that work together to influence police officer perceptions and behavior in reported sexual assaults.

Implications

The role of victim credibility and evidentiary concerns in police officer schema provides even more evidence to invest in further research and creative approaches to improve police and victim interactions as well as case outcomes. Because of the propensity to categorize sexual assaults as either false or ambiguous due to legal factors, such as evidentiary concerns, and victim characteristics, such as perceived credibility, further research should explore how officer perceptions influence actual behavior during the initial interview and subsequent investigation. One important area for further research should explore the impact that perceptions have on initial report writing by the first responding officer. When an officer perceives a case to be false, is the report significantly different than a case perceived as legitimate from the onset? Are there differences in report length, amount of detail, or type of content?

This study is consistent with prior research that points to the need to evaluate the role of police officer training and specialized units to respond to reported sexual assaults. C. Spohn and Tellis (2012) acknowledged the need “to untangle the effects of evidence factors and victim characteristics on sexual assault case processing decisions” and stress the need for systemic evaluation of specialized units (p. 186). Some argue that a poor fit exists between police training and what is helpful to victim-survivors of sexual assault. Police officer training emphasizes skills to identify indicators of doubtful credibility when interacting with crime victims (Milne & Bull, 2007; Roberg, Crank, & Kuykendall, 2004). Jordan (2001) argued that police training on identifying dishonesty does not work when interviewing sexual assault victims. Jordan’s (2008) study with “ideal” victims gave evidence that police respond positively and with great support when the victim is believable, based on characteristics of the victim, the perpetrator, and the assault itself. Darwinkel, Powell, and Tidmarsh (2013) demonstrated a change in
victim-blaming attitudes and negative perceptions after a 4-week training with 77 Australian police officers. Sleath and Bull (2012), however, found that among the factors that influenced police officer attributions of victim and perpetrator blame, specialized training did not have an effect. Findings on the effectiveness of training on attitudes are mixed, and little research connects training, attitudes, and, most importantly, actual response and interactions with victims.

While further research needs to test the effectiveness of training, this research highlights police officers’ desire for additional training on sexual assault and points to the need to incorporate a better understanding of trauma to challenge perceptions of victim credibility. Training on trauma may help police officers to understand unexpected victim behavior or demeanor, which sometimes leads officers to perceive the report as false or ambiguous. The study findings and prior research show that police perceive victims as more truthful when they include the emotional victim effect or expressive and self-blaming demeanor (Ask, 2010; Ask & Landstrom, 2010). Campbell (2012) provided a helpful discussion on the underlying neurobiology of traumatic events, its emotional and physical manifestations, and how these processes and the discrepancy with police officer expectations can impact the investigation and prosecution of sexual assault reports. Training of police officers on responses to trauma, memory processes, and tonic immobility would help to explain victim response during and after the assault, as well as victim demeanor and cognitive processing during the interviewing (Alys et al., 2013; Campbell, 2012).

As Alys and colleagues (2013) pointed out, research utilized in police training has significantly improved police understanding of crimes of sexual violence.

Limitations of This Study

A few methodological limitations need to be considered. Although appropriate for an exploratory analysis, the findings stem from a small sample of individuals that may not represent the variation that may exist within the department or among criminal justice personnel in other settings. However, themes emerged early in data collection and continued throughout the interviews. Because this study describes sexual assault-related schema within one moderately sized urban police department, there may be unique characteristics specific to the department that may help to understand and explain this study’s findings, which cannot be applied elsewhere. Cross-sectional design limits the ability to make inferences about changes in police officer’s schema over time. In addition, the results do not provide evidence of how police officer’s schema influences actual behavior, and the extent to which police officer perceptions matter in case processing and case progression.
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References


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