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CONSTRUCTING JUSTICE: HOW THE INTERACTIONS BETWEEN VICTIMS
AND DETECTIVES AFFECT THE QUALITY OF RAPE INVESTIGATIONS

By

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ABSTRACT

CONSTRUCTING JUSTICE: HOW THE INTERACTIONS BETWEEN VICTIMS AND DETECTIVES AFFECT THE QUALITY OF RAPE INVESTIGATIONS

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Prior research has documented that few reported rapes are prosecuted by the legal system. In addition, studies suggest that some victims are treated by law enforcement in ways that they experience as upsetting while others are not. The purpose of this study is to explain how the interactions between victims and detectives can strengthen or weaken the investigation itself. Twenty rape victims were interviewed to examine how law enforcement detectives' treatment of rape victims affects their engagement in the investigational process.

Using grounded theory qualitative methodology, the results show that the negative treatment by law enforcement detectives has a powerful role in determining whether the case is ultimately prosecuted, or not. Detectives supporting the victim can help produce stronger statements, and thus build a stronger case for prosecution and prevent additional psychological distress.

For my parents, Lori Groppi and Richard Patterson for their love and support

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OVERVIEW

Rape is a pervasive but underreported crime in the United States, causing debilitating psychological and physical health consequences for victims/survivors¹ (Koss, Bailey, Yuan, Herrera, & Lichter, 2003). Although these psychological and physical health problems are largely attributable to the rape itself, some of this distress is also due to how the legal system responds to rape victims (Campbell, Sefl, Barnes, Ahrens, Wasco, & Zaragoza-Diesfeld, 1999; Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001). Victims' first contact with the legal system will usually be a responding officer, who takes an initial report and collects crime scene evidence immediately following a rape. Then, the case is passed on to a detective to investigate the crime and interview the victim and suspect. Prior studies have shown that some victims are treated by law enforcement in ways that they experience as upsetting and victim blaming while others are not (Campbell et al., 2001). It is important to understand this differential treatment because negative treatment by law enforcement can have a substantial influence on victims' emotional well-being *as well as the quality of the investigation itself*. Furthermore, the negative treatment that some victims receive could deter other victims from seeking help and pursuing criminal justice prosecution (Patterson, Greeson, & Campbell, 2008).

This research employed grounded theory qualitative methodology to build a theory to explain how the interactions between the victim and detective affect the quality of the investigation itself. The purpose of this study was to provide an in-depth

¹ Throughout this paper, the term "victim" will be used to reflect the violent nature of this crime and the language used by criminal justice system personnel.

examination of victims' perceptions of their interactions with detectives during the investigational interview to understand the differences between the quality of their interactions in cases that were ultimately prosecuted by the criminal justice system compared to those that were not prosecuted. In addition, this study examined how the treatment victims receive from detectives affects victims' engagement in the investigational process.

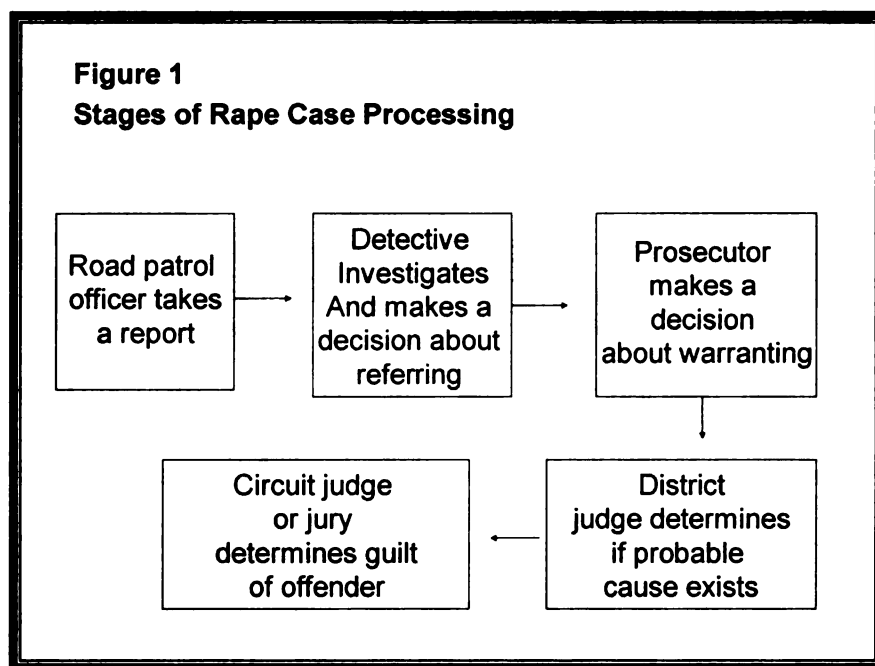
To build this theory, qualitative interviews were conducted with twenty victims who reported their rapes to law enforcement. The first area of exploration focused on contextual background information regarding the victim, the rape, and the efforts of the responding officer prior to the detective's involvement. This contextual background helped identify characteristics of victims and the assaults they experienced that are most likely to be associated with successful prosecution. The second area of inquiry focused on victims' perceptions of how they were questioned by their detectives and how they feel about this manner of questioning. The third area examined how the perceived manner of questioning by detectives and its effect on victims influence the victims' subsequent level of engagement with the investigation. Each of these three areas were examined separately among the cases that were ultimately prosecuted by the criminal justice system and those that were not to understand if these factors explain why some cases are successful, but others are not.

LITERATURE REVIEW

Rape or sexual assault is often legally defined as: “(1) any vaginal, anal, or oral penetration by a penis, object or other body part; (2) lack of consent, communicated with verbal or physical signs of resistance, or if the victim is unable to consent by means of incapacitation because of age, disability, or drug or alcohol intoxication; and (3) threat of or actual use of force” (Giardino, Datner & Asher, 2003, p.211). The process of reporting and prosecuting a rape in the United States criminal justice system is quite complicated and has been the focus of a substantial body of social science research since the 1980s. In this literature, the phrase “rape case processing” will be used to refer to the actions of law enforcement, prosecutors and judicial systems to move rape cases through the multiple steps of the legal system (LaFree, 1980). This literature review will begin with a description of the stages involved in rape case processing. Following this contextual information, the empirical literature on how many cases are prosecuted and the cases typically prosecuted will be examined. Further, the research on how many cases are not prosecuted (termed case attrition) and the cases typically dropped or not prosecuted will be reviewed. Finally, literature on victim experiences with the law enforcement will be reviewed to offer insight into what happens between the time the case is reported and the detective makes a decision about the fate of the rape case. This research consistently indicates that many victims are dissatisfied with their experiences with law enforcement, frequently experience negative reactions by law enforcement, and are encouraged to drop their cases.

Steps of Rape Case Processing

Rape victims come into contact with the legal system through various methods. Some victims call or go directly to the police department and are subsequently referred to a medical facility for medical treatment. Some victims contact a crisis hotline and then are referred to a medical facility or the police. Other victims go directly to a medical facility whereby medical personnel contact the police to make a report. While the first point of contact with these systems varies by jurisdiction and by victim, the following example depicts the typical steps involved in rape case processing (see Figure 1).



The victim's first contact is often with a dispatched road patrol officer who takes an initial report and secures any evidence of the crime. At this point, the victim may be sent to the hospital or a specialized sexual assault medical service program for a medical forensic evidence exam (Martin, 2005). The purpose of this exam is to identify and treat

any injuries that the victim may have sustained in the assault and to collect medical forensic evidence from the victim's body. In the next stage of the process, a law enforcement investigator (also termed detective) is typically assigned to the case and has the responsibility of gathering evidence about the case by interviewing the victim in detail about the rape, as well as the suspect (if known) (Galton, 1975-76). Drawing from the reports by the patrol officer, interviews, and the forensic evidence, the detective assesses the validity of the victim's story (Martin & Powell, 1995) and decides whether to treat the incident as a crime and, if so, how to classify the crime (Kerstetter, 1990). If the detective decides probable cause is not substantiated, the case is dropped or closed and the case ceases to move forward in the system (Bouffard, 2000; Martin & Powell, 1995).

If the detective decides that there is probable cause that a rape occurred, the case is sent to the prosecutor (also termed "referring the case"), who considers the investigator's advice in making a tentative filing decision before interviewing the victim (Frohmann, 1998; Martin & Powell, 1995). The prosecutor can either decide to have a warrant issued for the offender's arrest (termed "warranting the case"), return the case for further investigation, or can drop the case (Martin, 2005). If the prosecutor determines there is sufficient evidence documenting that a crime occurred, the case is warranted, charges are determined, and the offender is arrested and arraigned. Some jurisdictions convene a grand jury to determine if there is sufficient evidence for the case to go to trial. In other jurisdictions, the next court proceeding is the preliminary hearing at which a judge determines if the legal requirements of the crime have been met. The victim may provide a brief to detailed testimony about the rape at the preliminary hearing. Based on

the information presented at the hearing, the judge decides whether to “bound over” the case for trial or dismiss the case entirely. If the case is bound over for trial, the offender can plea-bargain with the prosecutor for lesser charges to avoid a trial. If the case does go to trial, evidence is presented and the offender will be either found guilty or acquitted. Offenders who accept plea-bargains or are found guilty receive a sentence of jail/prison time or other punishment (Giardino, Datner & Asher, 2003).

Rates of Prosecuted Cases

Many states significantly reformed their rape laws in the 1980s with the intent to streamline rape case processing and increase the number of cases prosecuted. These reforms stimulated a sizable body of research on whether rape cases are moved forward throughout the legal system (e.g., referred, warranted). Using secondary data (e.g., police records), prior research has found that 18% to 44% of all reported rape cases are referred by law enforcement to prosecutors, with an average of 33% of rape cases being referred (Bouffard, 2000; Chandler & Torney, 1981; Crandall & Helitzer, 2003; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980). Among cases referred by law enforcement, the rate that prosecutors warrant cases varied between 46% and 72% of the referred cases, with an average of 56% being warranted (Chandler & Torney, 1981; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980; Spears, Beichner, and Davis-Frenzel, 2001). Of the cases prosecuted, the rate at which they end with a guilty verdict or guilty plea bargain varied from 76% to 97%, with an average of 88% of *prosecuted* cases ending successfully (Chandler & Torney, 1981; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980; Spears et al., 2001). Overall, 14% to 18% of all reported rape cases

are prosecuted, with an average of 16% of reported rapes being prosecuted (Chandler & Torney, 1981; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980).

Rates of Dropped Cases

Previous studies suggest that 56% to 82% of all reported rape cases are dropped (i.e., not referred to prosecutors) by law enforcement, with an average of 67% of rape cases being dropped (Bouffard, 2000; Chandler & Torney, 1981; Crandall & Helitzer, 2003; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980). As suggested by this literature, the majority of rape cases do not progress beyond the decisions of law enforcement. When cases are referred by law enforcement, 28% to 54% of the referred cases were dropped (i.e., not warranted) by the prosecutors, with an average of 44% not warranted (Chandler & Torney, 1981; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980; Spears et al., 2001). Overall, 82% to 86% of all reported rape cases were dropped by the system, with an average of 84% of reported rapes never being prosecuted (Chandler & Torney, 1981; Frazier & Haney, 1996; Galvin & Polk, 1982; LaFree, 1980). Overall, the literature suggests that *most* rape cases are dropped by law enforcement, and do not proceed through the criminal justice system. Furthermore, more recent studies are reporting higher numbers of cases not being referred by law enforcement. Studies from the 1980s indicated that 56% to 63% (Chandler & Torney, 1981; Galvin & Polk, 1982; LaFree, 1980) of cases were being dropped by law enforcement compared to 62% to 82% of cases being dropped in more recent studies (Bouffard, 2000; Crandall & Helitzer, 2003; Frazier & Haney, 1996). Given that few reported rape cases move beyond the investigational stage, more research is needed about how the interactions between the victim and detective affect the quality of the investigation itself (Frazier & Haney, 1996).

While the prior literature does not provide an in-depth examination of these interactions, the existing literature on the factors that predict case prosecution may provide insight into which groups of victims have positive or negative interactions with detectives.

Factors that Predict Prosecuted vs. Non-Prosecuted Cases

Prosecuted and non-prosecuted cases tend to have distinctly different profiles regarding the characteristics of the victim (e.g., age), and characteristics of the assault (e.g., the relationship between the victim and offender).

Victim Characteristics. Legal system personnel often prosecute cases in which they believe the victim will make a credible witness. Therefore, a case might not be prosecuted if officials do not think that the victim will make a credible witness even if law enforcement and prosecutors believe that a rape occurred. The perception that a victim will make a credible witness may be influenced by characteristics of the victim such as age, race and social status. For example, previous research suggests that victim age influences case outcomes. In particular, younger victims are more likely to have their cases not prosecuted by legal system personnel (Rose & Randall, 1982; Spear & Spohn, 1996, 1997). Rose and Randall (1982) found that detectives believed that younger women are more likely to fabricate the rape in order to hide consensual sexuality activity from their parents. In addition, the detectives also viewed this age group as having instigated the assault. While younger women' motivations were questioned, the elderly were viewed as legitimate victims, but poor witnesses. Thus, elderly victims' cases were less likely to have their cases prosecuted too. Conversely, prior studies suggest that system personnel were more likely to believe the victim, and subsequently prosecute the case if

the victim was middle-aged (LaFree, 1981; Rose & Randall, 1982; Spear & Spohn, 1996, 1997) (cf. Chandler & Torney, 1981).

Race of the victim is another element that may have an impact on cases progressing. Cases are more likely to be prosecuted if the victim is white and not prosecuted more often when the victim belongs to a racial minority group (Campbell et al., 2001; Chandler & Torney, 1981; Spears et al., 2001). The anecdotal literature suggests that one reason these cases are treated less seriously is due to a lack of confidence by law enforcement in the veracity of African-American victims (Wriggins, 1983). Additionally, many studies suggest that racial composition of both the victim and offender influence case processing (Bradmillar & Walters, 1985; Chandler & Torney, 1981; Frohmann, 1997; LaFree, 1980, 1981; Rose & Randall, 1982; Spears et al, 2001). In particular, these studies found that cases involving African-American offenders assaulting white victims were more likely to be warranted. However, many studies have also found that race does not have a significant effect on whether a case was prosecuted (Frazier & Haney, 1996; Kerstetter, 1990; Spears & Spohn, 1996, 1997).

Another victim characteristic that influences case progression is social class status. Although few researchers have examined this variable, those who have consistently find that victims from lower socio-economic areas are more likely to have their cases not prosecuted by legal system personnel. Rose and Randall's (1982) study revealed that detectives exhibited class prejudice toward victims who hold lower class status and tended to typify them as having low morality. Despite this prejudice, the investigators tended to look for other indices of credibility. Therefore, a victim with lower socio-economic status who appears credible may be treated the same as a victim

with middle class status. However, indices of credibility are heavily class biased. For example, seeking medical attention is used as an indicator of credibility but victims from lower socio-economic status have less access to medical care. In a more recent study, Frohmann (1997) found that prosecutors also hold class prejudices. Prosecutors were less likely to view cases involving victims with lower socio-economic status as prosecutable because they believe jurors would not view these victims as credible.

Prior studies also suggest that lack of victim engagement with the prosecution process significantly influences cases not being prosecuted (Kerstetter & Van Winkle 1990). A delay in reporting by victims is related to cases not being prosecuted (Frohmann, 1997; Kerstetter, 1990). Victims who wait even a day to report their rape may be viewed as less credible or uncertain about prosecuting. The longer the victim waits to report, the greater the doubt about her credibility (Rose & Randall, 1982). Additionally, prosecutors tend to drop cases if anything is inconsistent in the victim's story regarding the key aspects of the rape. The discrepancies in the victims' accounts of the rape were used as indicators that the victims lacked credibility. Furthermore, prosecutors assumed that the victims' inconsistencies could not be attributed to error of law enforcement (Frohmann, 1997).

The most common reason noted in law enforcement records for suspects not being questioned or referred to the prosecuting attorney is victims wishing to withdrawal their participation from prosecution (Frazier & Haney, 1996). There are many reasons why victims choose not to prosecute after initially reporting. Interviews with victims have consistently revealed that reasons for not prosecuting include concern of how they will be treated by legal system personnel, a belief that the rape is a "private" matter and not

wanting it to become “public” (Frazier & Haney, 1996). Detectives report that they do not refer cases if the victim does not want to prosecute because the victim’s cooperation is critical to a successful investigation (Kerstetter, 1990). However, the decision may not be exclusively made by the victim (Frazier & Haney, 1996). Kerstetter (1990) found that law enforcement may misinterpret victim behaviors as lack of cooperation. For example, law enforcement may believe victims are uncooperative if they miss an interview, which subsequently leads to these cases not being prosecuted.

Case characteristics. Previous research has also established that characteristics of the assault and the assault context also influence rape case processing. Studies exploring the role of the victim-offender relationship in rape case processing have shown mixed results. Prior research suggests that rape cases involving acquaintances may be assessed and treated differently than incidents involving strangers. The major investigative concern in stranger rape cases is identifying the offender. The decisions to prosecute stranger rape cases are determined primarily by evidentiary strength of the case. Conversely, decisions to warrant acquaintance rape cases are determined largely by assessing the lack of consent by and the credibility of the victim (Kerstetter & Van Winkle, 1990). The majority of studies and anecdotal literature suggest that if the offender is a stranger to the victim, there is a greater chance that the allegation will be taken seriously and referred than if the offender is an acquaintance (Bradmillar & Walters, 1985; Chandler & Torney, 1981; Chappel et al, 1977; Kerstetter, 1990; LeGrand, 1975; Rose and Randall, 1982). However, more recent studies have shown that the victim-offender relationship had no effect on legal outcomes of rape cases (Bachman, 1998; Spohn & Horney, 1993; Spears & Spohn, 1996, 1997). Further, one study suggests

that acquaintance cases are more likely to move forward in the system. Through interviews and analysis of prosecutor files, Spears and colleagues (2001) found that prosecutors did not prosecute stranger cases more often than acquaintance cases. They noted that most of the victims of stranger rape in this sample engaged in behavior likely to be questioned by the prosecutors (e.g., delayed reporting, engaging in prostitution, walking alone at night). Interestingly, interviews conducted with prosecutors indicated that they would be less inclined to warrant acquaintance cases.

Offender tactics is another important element of rape cases that may influence whether the case is prosecuted. Sex offenders use various types of tactics to control victims such as weapons or use of force (Cleveland, Harrington, Koss, & Lynons, 1999). Several studies have shown that the presence of a weapon or the use of force increased the probability that a case will move forward in the legal system (Bradmilller & Walters, 1985; Campbell et al., 2001; Chandler & Torney, 1981; Kerstetter 1990; LaFree 1981; Martin & Powell, 1995; Rose & Randall, 1982). For example, investigators were more likely to refer cases in which they doubted the victims' credibility if the case involved weapon use (Rose & Randall, 1982). Because victim credibility is often doubted in rape cases involving acquaintances, weapon use may be related to moving acquaintance rape cases through the legal system. In fact, Kerstetter (1990) found that weapon use was the sole significant factor in the prosecutorial decision in warranting acquaintance rape cases. Weapon use was particularly important to cases in which the offender claimed that the victim consented to the sexual activity. However, some studies have suggested that weapon use has no effect on cases being referred by investigators (Frazier & Haney, 1996) or warranted by prosecutors (Spears & Spohn, 1997).

Although the law no longer requires proof of resistance, many judges and jurors still view injury as necessary proof the victim did not consent (Giardino et al., 2003). As such, most studies suggest that cases in which the victim endures injuries are more likely to be moved forward by legal system personnel (Chandler & Torney, 1981; Feldman-Summers & Palmers, 1980; Frazier & Haney, 1996; Galton, 1976; Kerstetter, 1990; Martin & Powell, 1995; Rose & Randall, 1982; Spohn & Spears, 1997; Spohn et al., 2001). For example, detectives noted that they expected to see bruises or lacerations on the victim's body, which indicated to them that she resisted (Galton, 1976). Rose and Randall (1982) also found that detectives perceived legitimate rape cases as having corroborating physical evidence such as injury or torn clothing. Further, if the victim's credibility was questioned, the case had a higher chance of being referred if corroborating physical evidence existed. Evidence of physical force helped to demonstrate non-consent to detectives.

Alcohol and drug use by the victim is another element of rape cases that significantly influenced system personnel dropping cases (Campbell, 1998; Chandler & Torney, 1981; Spears & Spohn, 1996; Frohmann, 1997). For example, Campbell (1998) reported that victims who were drinking at the time of the rape were four times more likely to have their cases dropped early in the stages of the legal system (cf. Frazier & Haney, 1996). Alcohol or drug use diminishes the victim's credibility in the eyes of many legal system personnel (Spears & Spohn, 1996). In fact, Kerstetter (1990) determined that victims who used alcohol or drugs were less likely to have their cases move forward for both stranger and acquaintance cases.

In addition to victim credibility, prior literature suggests that detectives are more likely to forward cases that require less effort. Specifically, prior literature suggests that detectives are more likely to forward cases when the offender is already in custody because it requires less investigational effort. For example, detectives do not need to complete paperwork for an arrest warrant, obtain an arrest warrant from a judge, or search for the offender. Furthermore, detectives routinely encourage victims to prosecute if the offender is in custody because less effort is needed on their part (Kerstetter & Van Winkle 1990).

Overall, this literature suggests that the legal system only forwards those cases that law enforcement and prosecutors perceive as credible or “winnable,” and victim and case characteristics are used as indices of credibility. As such, cases viewed as credible and subsequently prosecuted may be handled differently by law enforcement than cases viewed as lacking credibility and subsequently dropped. Therefore, it is important to compare cases that are ultimately prosecuted with those cases that are dropped when examining the quality of the interactions between victims and detectives. Furthermore, prior research has consistently found most rape cases are dropped by law enforcement, which highlights the importance of more in-depth examinations of law enforcement’s role in case attrition.

Victims’ Experiences with Law Enforcement

Prior studies suggest that victims have concerns about how they will be treated by legal system personnel (Fraser & Haney, 1996). Law enforcement is the first point of contact for victims, which provides victims with an indication of how they may be treated by legal system personnel throughout the prosecutorial process (Martin, 2005). For

example, victims who are blamed by law enforcement may anticipate further blame at later stages of the prosecutorial process. Therefore, these early interactions with law enforcement may affect the victim's level of engagement with the entire prosecutorial process. Furthermore, prosecutors take into account the detective's input when making a decision to warrant the case (Frohmann, 1998; Martin, 2005). Thus, a prosecutor's view of the case may be tainted by the detective's opinion of the case. Taken together, law enforcement has great discretion in deciding what happens to the case and how the victim will experience the legal system. As such, law enforcement plays an important role as they set the stage for how victims will experience the prosecutorial process. However, relatively little is known about the victim's experience with law enforcement between initial reporting and when law enforcement detectives decide to refer or drop the case. The limited research on this topic suggests that victims are dissatisfied with their experiences with law enforcement, frequently experience negative reactions by legal system personnel, and are encouraged to drop their cases by law enforcement.

Some of the studies on this topic have collected data directly from victims regarding how satisfied they were with the treatment they received from law enforcement. For example, Ullman (1996) surveyed 155 sexual assault victims to examine the types of social reactions they experienced from a variety of informal and formal support providers. Many victims reported feeling dissatisfied with law enforcement because they experienced negative responses including being blamed, treated differently, distracted, and discouraged from talking about the assault. Using a larger sample, Filipas and Ullman (2001) surveyed 323 victims who disclosed their victimizations to informal and formal supports. Of the 26% of victims who reported to

police, 43% found the police unhelpful. In particular, dissatisfied victims indicated that the police did not believe them and communicated rape myths to the victims such as “you shouldn’t have been in his apartment if you didn’t want to have sex” (p. 683).

In a more recent study, Monroe, Kinney, Weist, Dafeamekpor, Dantzler, and Reynolds (2005) administered a statewide assessment of victims’ experiences with multiple systems. They conducted telephone interviews with 125 adult victims who received care at 19 rape crisis centers. Of those who made police reports, 46% expressed dissatisfaction with their interactions with the police. Unfortunately, the reasons for their dissatisfaction were not reported in this study. These studies suggest that slightly over half of the victims report satisfaction with law enforcement, which means that rape case processing is not always adversarial or hurtful for victims. However, it remains unknown why some victims have satisfactory experiences with law enforcement while others do not.

Other studies collecting data from victims have provided a more in-depth examination of how victims were treated by system personnel. The majority of these studies suggest that victims often are treated in ways that they experience as upsetting and victim blaming (Campbell et al., 2001). These negative interactions with system personnel have been termed “secondary victimization” because victims often report that the negative experience feels like a “second rape” by system personnel (Campbell, 1998; Campbell & Raja, 1999; Campbell et al., 1999; Campbell et al., 2001; Madigan & Gamble, 1991; Martin & Powell, 1994). Campbell and associates (1999) interviewed a representative sample of 102 rape victims in a major metropolitan area about how experiencing secondary victimization by legal, medical, and mental health system

personnel affects victims' psychological well-being. Most of the women who had contact with the legal and/or medical systems experienced at least two secondary victimization behaviors. For example, victims were told their stories were unbelievable or that their cases were not serious enough to pursue. Experiencing behaviors of doubt and blame by system personnel were associated with increased psychological distress of victims. Further, the more revictimizing behaviors the victims experienced, the higher their post-traumatic stress symptomatology.

In subsequent analyses, Campbell and colleagues (2001) examined how many victims reported having hurtful experiences with law enforcement and its impact on victims. Of the 39% of victims who reported to police, more than half of those who had contact with the legal system described their experience as hurtful. Further, victims were more likely to rate their contact with the legal system as hurtful when their cases were dropped. Victims who rated their contact with the legal system as hurtful exhibited higher psychological and physical health distress.

Campbell and Raja (2005) also examined secondary victimization with a sample of female veteran rape victims and found similar results. One hundred and four female veterans were interviewed about their help-seeking experiences, with 39% of the victims reporting their rape to either civilian or military police. Overall, the study found that victims experienced secondary victimization by both civilian and military police. For example, more than half of the victims were discouraged from making a report and asked if they resisted the offender. Some of the victims were also asked about their sexual history and how they were dressed. The majority of victims blamed themselves after their contact with the legal system, and felt reluctant to seek further help.

Another study conducted focus groups with victims living in rural and urban areas, and found that victims from both geographical areas experienced secondary victimization. In a qualitative study, Logan, Evans, Stevenson, and Jordan (2005) conducted six focus groups with thirty victims who were receiving services at rape crisis centers in rural and urban counties. Many of the victims reported that their experience with the legal system was dehumanizing. Some of the participants felt interrogated, intimidated, and blamed by the police because their tone of questioning was accusatory. Many victims expressed feeling distressed by having to retell the details of the rape, and stated that the police were cold and unsupportive. Participants felt that the offenders had more control than they did. Some participants were threatened by the police that they would be charged with a crime if they did not provide an accurate story. Several women mentioned that they would not have reported if they had known what the experience would be like. In addition, many participants expressed having little faith that justice exists for rape victims. However, some of the victims reported positive experiences with law enforcement and felt they were considerate and helpful.

The perspectives of law enforcement personnel were the focus of some studies to examine the interactions between victims and police. These studies primarily examined how law enforcement may influence victims' participation in the prosecutorial process. Galton (1975-1976) conducted one of the first studies examining law enforcement's role in case attrition. He provided detectives with a questionnaire focusing on six hypothetical rape cases that were based on actual reports. The investigators were asked to suggest a disposition of the cases, indicate the facts most significant to the case, and how they would handle the case. The detectives noted they would try to obtain an affidavit of non-

prosecution from the victim rather than further investigate the case when they did not believe the victim's account of the rape.

A subsequent study conducted in the 1980s post-reform era utilized secondary data to examine attrition rates in rape case processing and found similar results to Galton's analysis. For instance, Greenberg and Ruback (1992) found that 11% of the victims who reported their rape were encouraged by the police or prosecutors to drop the charges. In a more in-depth examination of this topic, Kerstetter and Van Winkle (1990) examined whether victims' decisions to prosecute is subject to police influence. With a random sample of 587 police files of reported rape cases in 1981, they found detectives sometimes influenced the victims' preference for their own purposes. If detectives decided that they would like to drop a case, they attempted to convince the victim that it was in her interest to drop the case. Some detectives even graphically portrayed the personal costs involved (e.g., repeated trips to court, humiliating cross-examination). On the other hand, detectives seldom discouraged a victim from prosecution if the accused was in custody or if the case did not involve additional field work. The authors concluded that the victim's decision must be seen as more complex than a simple statement of personal choice. The victim's decision appears frequently to be subject to law enforcement influence for a variety of purposes.

The perspectives of both law enforcement and victims were incorporated in some studies to explore how law enforcement treats victims. Campbell (2005) interviewed rape victims who sought emergency medical care from hospitals about how they were treated by system personnel. Interviews were also conducted with doctors, nurses, and police officers about how they treated the victims and their beliefs about how this treatment

impacted victims. The study found high interrater reliability between the accounts of victims and law enforcement regarding how victims were treated. For example, 69% of the victims reported that law enforcement discouraged them from filing a report, and 60% of the police reported that they did indeed discourage the victim from filing a report. However, police officers significantly underestimated the impact their response had on victims. For example, 71% of victims reported feeling violated after their interactions with law enforcement but only 44% of officers believed that the victims would feel violated as a result of the interactions. Furthermore, 80% of victims reported being reluctant to seek further help after their interactions but only 22% of the officers estimated that the victim would be reluctant to seek further help as a result of the interaction.

CURRENT STUDY

The primary purpose of this study was to examine victims' perceptions of the investigational process, comparing how these perceptions vary in cases that were ultimately prosecuted by the criminal justice system compared to those that were not prosecuted. Successful prosecution of rape cases depends heavily on the information provided by victims during the law enforcement investigation because this crime typically has no witnesses (Bouffard, 2000; Martin & Powell, 1995). Cases are more likely to move forward through the criminal justice system when a thorough account of the crime has been documented (Martin, 2005). As such, the communication between the victim and detective during the investigational stage is paramount to the development of the case, and perhaps ultimately, its prosecutorial outcome. The detective asks victims questions to gather information about the crime and the victim provides answers. In addition, the detective may provide the victim with information about the case (e.g., suspect's account), which may elicit further communication between the victim and detective. However, the complexity of this flow of communication has not been examined. There may be variability in how detectives ask questions, which may affect victims positively or negatively, and subsequently influence the quality of information given by the victims. It is important to examine this issue from the victims' viewpoint because their perception of the detectives' questioning may affect how they feel about these interactions and their level of engagement in subsequent interactions. By looking back at the victims' perceptions of what happened during the investigational stage, we can begin to understand how the dynamic interplay between victims and detectives may influence the quality of the case put together.

Primary Research Aims

This study built a theory that explains how the interactions between the victim and detective affect the quality of the investigation itself. The current study has three foci to understand how the quality of the interactions between victims and detectives are substantially different in cases that are prosecuted compared to those that are not prosecuted. First, the literature suggests that victim (e.g., age) and case characteristics (e.g., victim/offender relationship), and early arrest affect whether or not detectives will refer rape cases. Drawing upon this literature, the current study examined the case antecedents that differentiate prosecuted and non-prosecuted cases before the detective's involvement in the case. That is, this study identified victim and case characteristics that may affect the detectives' and prosecutors' decisions to prosecute or drop the case, as well as the detectives' manner of questioning during the investigational process. Further, the actions of the responding officer were examined to identify what was happening to the case prior to the detective's involvement. Was the suspect arrested prior to the detective's involvement? Information about the responding officer's actions provides context about the state of the investigation when the detective becomes involved, which may affect the case outcome.

Second, the current study examined if the victims' perceptions of the detectives' manner of questioning is different in cases that were ultimately prosecuted by the criminal justice system compared to those that were not prosecuted. For example, a detective's manner of questioning may include the pacing of questions, building rapport with victims, and exhibiting concern and respect. On the other hand, a detective's manner of questioning may involve blaming her for the rape, and displaying apathy about the

case or victim. How do victims' perceptions of the manner of detectives' questioning compare between cases that were ultimately prosecuted by the criminal justice system and those that were not prosecuted (i.e., dropped)? In addition, this study examined how victims feel about the manner of the detectives' questionings. How did the manner of questioning emotionally affect victims in cases that were ultimately prosecuted by the legal system compared to those that were not prosecuted?

Third, this study explored how the perceived manner of questioning by detectives and its effect on victims influence the victims' subsequent level of engagement with the investigation, and whether that differed among the cases that were ultimately prosecuted by the legal system compared to those that were not prosecuted. What is similar or different about the perceived manner of questioning by detectives and their level of engagement within the cases that were eventually prosecuted? What is similar or different about the perceived manner of questioning by detectives and their level of engagement within the cases that were not prosecuted?

Research Questions

An overarching goal of this research is to build a theory that explains how the interactions between the victim and detective affect the quality of the investigation itself. Three specific research questions guide this study: 1) what are the case antecedents that differentiate prosecuted and non-prosecuted cases before detective involvement in the cases; 2) how do victims perceive *how they were questioned* by their detectives and *feel about the manner* of questioning; and 3) how does the perceived manner of questioning by detectives and its effect on victims *influence the victims' subsequent level of engagement* with the investigation. To answer these research questions, qualitative

interviews with 20 adult rape victims were analyzed to understand their experiences with detectives from police departments within one focal county in the Midwest. These qualitative data were collected within the context of a larger research project (see Appendix A for details). Specifically, these data examined: a) the characteristics of the victim and rape, and efforts of the responding officers prior to detective involvement; b) the victims' perceived manner of questioning by detectives within the context of case outcomes (i.e., prosecuted and non-prosecuted cases); and c) how the perceived manner of questioning by detectives influence the victims' subsequent level of engagement with the investigation.

A qualitative approach was selected as the most appropriate method for obtaining a context-rich description of how the interactions between the victim and detective affect the quality of the investigation. The qualitative data analyses in this study was guided by constructivist grounded theory, which aims to develop a theory that provides understanding of rather than predicting phenomenon (Charmaz, 2006). Specifically, this analytical approach was chosen to build a theory of how the interactions between the victim and detective affect the quality of the investigation. Grounded theory methods provide a conceptual analysis of patterned relationships that emerge from the data. Grounded theory is particularly useful in this study because it can indicate purposeful interactions between victims and detectives that are not necessarily progressive but change in response to conditions (Corbin & Strauss, 1990). This inductive approach also allows victims' descriptions of their experiences with detectives to guide our understanding of the manner of questioning and its impact on victims while retaining the

specific context of the assault, which provides us with an understanding of the case antecedents prior to the detectives' involvement with the cases.

Grounded theory is distinct from other qualitative analyses by its defining components (Creswell, 2007; Glaser & Strauss, 1967). First, there is simultaneous involvement in data collection and analysis. That is, the research begins analyses early in the data collection stage to identify gaps in the data, which are addressed in subsequent interviews. The second feature of grounded theory is constructing analytic codes from the data, not from preconceived logically deduced hypotheses. This helps the researcher remain open to all potential theoretical directions that emerge from the data. Third, grounded theory uses a constant comparative method, which involves comparing one piece of data to another or taking information from recent interviews and comparing it to prior emerging patterns or categories found in prior analyses. Finally, the analyst engages in memo-writing to describe emerging patterns of the participants' experiences including processes (e.g., how did things unfold during the interactions between victims and detectives) and the consequences of those processes (e.g., how did the interactions affect victims). Further, memos document the analyst's thoughts about the comparisons and connections being made, and help the analyst identify questions and directions to pursue with the data (Charmaz, 2006).

METHODS

Sample

Adult rape female victims who reported their assaults to law enforcement and received a medical forensic exam from September 1999 to June 2007 were the target sample for this study. Female rape victims were eligible for the study if they: 1) were age 18 or older at the time of the assault; 2) were victimized in the focal County; 3) reported the rape to law enforcement; and 4) received a medical forensic exam between September 1999 to June 2007. Adult female rape victims who sought medical assistance following the rape were selected for this study because their post-assault actions are relatively similar. That is, victims in this sample were already engaged in the investigational process (i.e., medical forensic exam) prior to the detectives involvement in the case. This provides an opportunity to examine how the interactions between detectives and engaged victims affect victims' subsequent levels of engagement with the investigational process. Two main strategies were used to recruit victims for the study: prospective purposive sampling and community-based retrospective purposive sampling.

Prospective sampling of victims. The focal sexual assault nurse examiner program (who provides all medical forensic exams for rape victims in the focal county) agreed to modify their existing patient paperwork to include a form requesting participation in evaluation research. In this form, we described the study and asked victims if they would be willing to be contacted at a later date by the principal investigator or research assistants to follow-up with them regarding their experiences (positive or negative) with the legal system. Victims who consented to be contacted completed a contact information form including information on how and when they could be safely contacted by the

investigator or research assistants. Victims were contacted approximately ten weeks after completing the contact form, which is typically enough time for them to have experiences with the legal system and a decision made about their case by legal system personnel. If the victims agreed to participate, the principal investigator for the current study (Patterson) assessed the status of their court case. If the case was dropped (by the victim or system personnel), the interview was scheduled. If the case was in progress, the research assistants maintained contact with the victim about the status of the case, and scheduled an interview after the case was either dropped or the prosecutor had officially charged the case.

Community-based retrospective recruitment of victims. It was anticipated that there would not be enough prospective cases to sample because victims may not be ready to talk about their assault until later in their healing process. As such, an additional sampling strategy was needed to identify enough cases for the study. A second approach recruited “older” cases that have gone through the focal sexual assault nurse examiner (SANE) program. Although it may be possible to review the SANE program’s records to find the names and contact information of former patients, contacting these victims “out of the blue” without their knowledge or consent is inadvisable for safety and confidentiality reasons. Therefore, other ways to reach some of the SANE program’s former patients were used. Through a community-based retrospective recruitment, a recruitment flyer advertising the study throughout our focal county was distributed (see Campbell, Sefl, Wasco, & Ahrens, 2004). For this recruitment strategy, the goal was wide-spread dissemination of information about the study throughout the community including posting advertisements at local businesses (e.g., grocery stores, hair salons),

community-wide mailings, and posting in human and health service agencies including the rape crisis center. This strategy allowed victims to decide privately for themselves whether to contact the research team. If victims were eligible to participate and decided to contact the research team, they were screened for eligibility, and then scheduled for an interview. This retrospective design provided access to “older” cases, which was necessary for reaching the desired sample size for this study. Overall, 50% of the victim participants were recruited through prospective purposive sampling methods, and the other 50% from retrospective purposive sampling methods (specifically, 30% from community mailings and 20% from wide-spread dissemination of information about the study throughout the community). There were no substantive differences in the findings of victims recruited prospectively compared to those recruited retrospectively.

The sample includes twenty female victims who reported their rape in the focal county and examined at the focal SANE program. Participant recruitment and interviewing continued until the sample size allowed for saturation, whereby the same themes were repeated, with no new themes emerging among participants (Starks & Trinidad, 2007). This is a reasonable sample size for a qualitative study examining phenomenon in-depth (Creswell, 2007; Sandelowski, 1995). The average age of victim participants was 28 years old, with a range of 18 to 53 years old. Eighty-five percent of the victim participants were white, which is similar to the demographic make-up of the focal county. The highest level of education varied among participants: 20% attended high school but did not graduate, 30% have a high school diploma, 40% attended some college and 10% have a bachelor’s or master’s degree.

The majority of victims were raped by someone they knew, with 40% being raped by their partners (e.g., dating partner, spouse, life-time partner), and 40% being raped by acquaintances (e.g., friends, coworker). Forty percent of the victims had consumed drugs or alcohol before the rape. The majority of victims made a police report on the same day as the rape (75%), and 25% of the victims reported within a few days.

With respect to case outcomes (i.e., was the case prosecuted), nine victims had their cases prosecuted for rape charges with five cases resulting in a guilty verdict or plea bargain, three cases pending trial, and one case acquitted by a jury. Eleven victims' cases were not prosecuted for rape charges. Two cases involving rape by intimate partners resulted in domestic violence misdemeanor charges but not rape felony charges. One victim dropped the case because she did not believe the system could protect her. Two victims were raped by strangers who were not apprehended.

Procedures

Victim interviews were conducted in-person at an administrative office of a rape crisis center by one of three interviewers. The interviewers were trained by Dr. Rebecca Campbell and ongoing weekly meetings were held to review interview transcripts to further develop interviewing skills and discuss emerging themes to address in subsequent interviews. The length of the interviews ranged from 1.5 to 4 hours, with an average of two hours. The interviews were tape recorded with permission, and transcribed. Participants were paid \$30 for their time.

Interviewing is distinct in grounded theory, whereby data collection and analysis occurs simultaneously (Creswell, 2007). In the current study, the interviewers met regularly to review transcripts between interviews to discuss emerging themes. The

interviewers developed a working list of topics that needed more exploration in subsequent interviews. This process continued throughout the data collection process. For example, victims reported the worst part of their experience with the detectives was telling their story repeatedly. The meaning of this “retelling” concept was probed in subsequent interviews (e.g., what did it mean to you when the detective asked you to tell what happened again), which led to the understanding that victims felt their detectives did not believe them when they had to retell their story.

Measures

The semi-structured interview protocol was developed in four stages. First, the interview was adapted in part from a prior study, which was co-developed with advocates, rape victims, and community personnel (Campbell et al., 2001). This formative work helped identify appropriate phrasing of the questions so that they were understandable and supportive to rape victims. Second, the literature on law enforcement interactions with victims was reviewed and informed the protocol of the current study. Third, key legal and medical personnel in the focal county were consulted on the content of the interview protocol and revised accordingly. Fourth, the interview protocol was pilot tested with five rape victims to assess the content and probes, and provide an opportunity for the PI of the current study (Patterson) to receive training on qualitative interviewing with rape victims.

The interview consisted of five main topics: 1) the rape itself and initial disclosures; 2) victims’ experiences with SANE program staff including nurses and victim support advocates; 3) the specific role forensic medical evidence (e.g., injuries, DNA) plays in victims’ decisions to participate in prosecution; 4) victims’ experiences

with law enforcement (initial report through prosecution), and how those interactions affect victims; and 5) victims' experiences with the prosecutor and judicial proceedings (e.g., preliminary hearing, plea-bargain discussions, and trial), and how those interactions influence victims. Appendix B presents the interview protocol in its entirety. Because the primary goal of the current study is to examine the victims' perceptions of the manner of the detectives' questioning and its impact on victims, some of the questions from the entire interview are more relevant than others. The interview protocol guided victim participants through separate topics including a section regarding victims' experiences with law enforcement. It was common for victims to discuss aspects of their experience with law enforcement detectives throughout the interview. For example, victims would compare their experiences with detectives to their experiences with other medical or legal personnel. Therefore, the entire transcript of the twenty victim participants in this study was examined for responses regarding detectives. Regardless, some interview questions relate more directly to the specific research questions posed by this current study. The interview questions that yielded responses from victims about detectives are bolded in Appendix B.

Data Analyses

Data management. The PI (Patterson) used NVivo7 software for data analysis to manage and analyze the data (QSR, 2006). The PI attended a two-day training on beginning and intermediate features of the software. NVivo7 software provides options for coding, linking, creating memos, running queries, and forming visual graphics and tables for theory building. NVivo7 is able to handle rich information for deep levels of analysis. Transcripts from the victim interviews were imported into NVivo 7.

Because the transcripts were part of a larger study, the data were reduced to a manageable form (Miles & Huberman, 1994). Thus, the first step in the data analyses was to identify transcript segments that pertained to: a) case antecedents including victim and case characteristics, and when/if the offender was arrested; and b) the interactions between victims and detectives. Specifically, sections of the transcripts that are related to these two areas were coded or chunked into a separate file. This identification of the pertinent sections was highly inclusive but allowed the PI to focus the analyses on relevant data.

Grounded theory coding. The next step in the analyses involved three phases of coding. Qualitative coding helps categorize segments of data with a succinct name to describe each piece of data. Coding helps the data progress from describing the data to developing an emerging understanding of the data (Charmaz, 2006). The first level of coding is line-by-line coding, which involves using gerunds in each line of the interview. That is, the PI defined an action (implicit or explicit) describing what people were doing or what was happening for every line of the interview. Capturing these actions and processes at a micro level initiates thinking around small and large actions between victims and detectives, and allows the consequences of actions to emerge. This process is illustrated below using data from the victim interviews:

Data from Victim Interview

I don't know the detectives once they found out, once the detectives talked to me, you know, the detectives told me no matter what, you know, that that wasn't right. That they were going to be on my side.

Line-by-Line Coding

Detective not blaming victim

Detective teaming with victim

The detective, saw me where I freaked out so bad when I, first time I seen him (offender) and the detective stood in front of me, just in case while he (offender) was walking by this guy wasn't going to try and hit me or talk to me or do anything, the detective was standing right there and like, you (offender) just keep on walking by.

Detective protecting victim by blocking offender from her

Additionally, coding for *actions* instead of *themes* moves the analyst beyond the descriptive level to detecting processes that may be occurring during the investigational interviews and the consequences of those processes on the interactions between victims and detectives. During this initial coding stage, the codes simply reflect the actions occurring without the analyst interpretations about those actions, which allow themes to emerge from the perspective of participants, providing the analyst more of an insider view while reducing researcher bias (Charmaz, 2006). Throughout this analytical stage, the PI compared and coded data and documented memos that represented thoughts about relationships among the data. The PI wrote memos to capture initial thoughts about: a) what the study is about given the emerging themes; b) what does the data suggest; c) when, why, and how does the process change; and what are the consequences of the process between the victims and detectives? Below is an example of a memo written during the initial coding stage.

Memo: Partnering

Thus far, the story of the data seems to be about the interactions or relationships between victims and detectives. There seems to be a partnering process happening between the victim and detective with prosecuted cases. Detectives ask victims factual questions to help with the case (together they make the case stronger). They appear more united (together we stand against the offender). It appears that victims

contributing to the investigation make them feel like they have more control.

Cases that are not prosecuted seem different. Victims seem put (or feeling put) in a more passive stance of merely responding to detectives or waiting for detectives to do something (e.g., calling them back). In these cases, I picture the detective putting their arm out with their hand on the victims' forehead to keep the victims at bay (cold, standoffish). Sometimes I picture the victims running in this position and getting no where (e.g., victims suggesting leads but detective does not follow or victims trying to contact the detective repeatedly without a return phone call).

In this example memo, the PI began identifying the study is about the relationship between the victim and detective, whereby the detective includes the victim in the investigation (process), which leaves the victim feeling like she and the detective are a team (consequence). This process is termed partnering, which may help victims feel more in control (consequence). This memo led the PI to pay attention to the qualities and characteristics of the relationship between the victim and detective throughout the coding process.

The second level of coding is called "focused" coding, which involves identifying the most significant or frequent codes identified in the line-by-line coding (Charmaz, 2006). During this phase, the analyst identified the most salient initial codes that make the most analytic sense of the data. That is, the analyst selected initial codes that best represent what is happening during the interactions between victims and detectives. Below is an example of how the PI identified the focused codes by reviewing the line-by-line codes.

Data from Victim Interview

Line-by-Line Coding

Focused
Code

I don't know the detectives once they found out, once the detectives talked to me, you know, the detectives told me no matter what, you know, that that wasn't right. That they were going to be on my side.

Detective not blaming victim

Not blaming

Detective teaming with victim

Partnering

The detective, saw me where I freaked out so bad when I, first time I seen him (offender) and the detective stood in front of me, just in case while he (offender) was walking by this guy wasn't going to try and hit me or talk to me or do anything, the detective was standing right there and like, you (offender) just keep on walking by.

Detective protecting victim by blocking offender from her

Protecting

After identifying all of the focused codes, the PI returned to the data and line-by-line codes and coded each piece of data into the focused codes. During the focused coding and all subsequent analytic steps, the PI formulated explanations as to what was happening in the interactions between detectives and victims and why. In the next steps, the PI engaged in more in-depth memo-writing to identify the relationships between focused codes within and across the prosecuted and non-prosecuted groups (Charmaz, 2006). This was an iterative process whereby the PI would examine differences between the focused codes of the prosecuted and non-prosecuted groups, ask key questions about those differences, and then write a memo about the differences found and why they may exist. Some of these questions included: How are individual victims' experiences similar or different from other victims' experiences within the prosecuted group? Do these experiences change at different points in time? How are victims' experiences within the prosecuted group similar or different from victims' experiences in the non-prosecuted group (See Appendix C for sample memos)? In addition to comparing the codes to each

other (how is focused code A different than focused code B?), this allowed the analyst to examine if codes should be combined to create a more parsimonious conceptual model of victim treatment. In addition, memos help focused codes become conceptual ideas by looking for processes in the data, which may include common themes and patterns among several focused codes.

The third level of coding is axial coding, which involves relating categories to subcategories to examine contingencies in the theory (Charmaz, 2006). For example, the preliminary analyses showed that the relationship between the victim and offender may differentially affect how victims are treated within the prosecuted and non-prosecuted groups. Thus, the analyses examined victims' interactions with detectives within and across the prosecuted and non-prosecuted groups among three different types of victim-offender relationships: intimate partners, acquaintances, and strangers. Within case analysis was conducted to provide an in-depth understanding of the victim-offender relationship and victims' experiences with detectives (Strauss & Corbin, 1990). For example, how did the detective treat a victim who was raped by an acquaintance? What is distinct about the interactions with the detective for a victim who was raped by an intimate partner? As the analyst examined each individual case within the context of the victim-offender relationship, patterns emerged about the similarities and differences among victims who raped by strangers, acquaintances, and intimate partners. Across case analyses was performed to examine whether the victims' experiences with detectives is systematically related to victim-offender relationship. Here the analyst examined the emerging patterns obtained from the within case analysis to understand if these patterns were systematically related to victim-offender relationships, case outcomes, or both. For

example, within the prosecuted cases, how did the detectives' treatment of victims raped by intimate partners compare to the treatment of victims raped by strangers and acquaintances? How did the detectives treat victims raped by strangers with prosecuted cases compared to victims raped by strangers with non-prosecuted cases?

Enhancing Analytical Rigor

In qualitative research, rigor is evaluated by whether the investigator has undertaken procedures to check the trustworthiness or believability, and credibility of the conclusions drawn (i.e., that the interpretations do not simply reflect the researcher's own beliefs or perspectives) (Strauss & Corbin, 1990). To assess the trustworthiness of the qualitative data, the transcriptions were checked against the tape recordings of the interviews and corrected as needed. Following each interview, the audiotape was transcribed verbatim by a professional transcriptionist, and then read by the researcher in its entirety to check for accuracy. Another way to enhance trustworthiness is to have two independent analysts coding the data. This strategy is particularly useful for qualitative analyses aimed at testing hypotheses because the data is coded first and then analyzed to test the hypotheses. However, the constant comparative method of grounded theory is not designed to assure that two analysts working independently will attain the same results (Glaser & Strauss, 1967). That is, grounded theory involves an iterative process of coding, writing memos to explain the data or begin formulating the theory, and coding the data again to incorporate the emergence of new codes or theoretical categories identified in the memos. Therefore, the codes are in a continual process of change as the theory begins to develop. Instead, trustworthiness can be enhanced by discussing the theoretical notions with someone familiar with the data and substantive area to identify

missing points, crosscheck points, or add points to the conceptual model. In the current study, Dr. Rebecca Campbell interviewed some of the participants, read all of the transcripts, and met regularly with the PI of the current study (Patterson) to discuss the emerging themes. Therefore, Dr. Campbell provided feedback about the soundness of the theoretical notions and identified gaps in the conceptual model. To further enhance trustworthiness, an audit trail was developed to document procedural steps, decision rules used to manage the data, and analysis operations (Strauss & Corbin, 1990).

To enhance credibility, the principal investigator systematically searched for negative cases, alternative themes, divergent patterns, and rival explanations (Patton, 2002). This process involved looking for patterns that did not fit the preponderance of data. These negative cases or alternative themes provide insight into the instances and cases that do not fit within the overall pattern of the data. These negative cases may be the exception to the theory, or may indicate that the theory needs to be changed. The negative case analyses will be presented in the results section.

To further enhance credibility, member checks were conducted whereby rape victims who had experience with detectives were asked to provide feedback on the study's findings and conclusions. The member check sample included three victims who reported their rape in the focal county. The average age of victim informants was 31 years old, with a range of 18 to 45 years old. Two victim informants were white and one was African-American. The highest level of education varied among informants: one has a high school diploma, one attended some college and one has a bachelor's degree. Member checks were conducted in a two-stage process. First, the victim informants were asked to describe their experiences with the detectives. If the informants did not describe

some of the key themes, then the PI would ask an open-ended question around the theme. For example, one theme was the pace of the questions asked by detectives. If the victim informant did not provide that information during the description of their interactions with the detective, then the PI would ask them to characterize the pace of the questions asked by the detective. Second, the victim informants were told about the theory developed from the study and requested feedback. Does this seem to fit with your experience? What is being overlooked or missing from this theory? Findings from member checks of the victim informants will be included in the results section.

Another way to enhance credibility is to have the intended users of the theory provide feedback (Patton, 2002). In the current study, victim advocates are the likely users of the theory given their role in preventing detectives from engaging in hurtful behavior with victims (i.e., secondary victimization). Additionally, advocates help victims negotiate the process of interacting with the legal system (Martin, 2005). As such, advocates acquire a great deal of information about how the legal system responds to victims making them a suitable group to provide feedback about the theory (Campbell, 1998).

The sample of advocate informants included five advocates who had experience working with rape victims in the context of crisis intervention and advocacy. The average age of advocate informants was 36 years old, with a range of 28 to 51 years old. All of the advocate informants were white. The highest level of education varied among informants: two have attended some college, one has a bachelor's degree, and two have master's degrees. The average years of experience providing advocacy was 7 years, with a range of 3 to 10 years. The advocate member checks were conducted in a two-stage

process similar to that described previously for victims. First, the advocate informant was asked to think about a recent case and describe their client's experiences with the detective. If the advocates did not describe some of the key themes, then the PI would ask an open-ended question to probe for information about the theme. Second, an overview of the theory was shown to the advocate informants and their feedback was requested. Does this seem to fit with the experiences of your clients? Can you think of cases in which this theory does not apply? Do the results connect to how you observe detectives engaging with victims? What is being overlooked or missing from this theory? The results section includes the findings of the member checks from the advocate informants.

RESULTS

This purpose of this study is to build a theory that explains how the interactions between the victim and detective affect the quality of the investigation itself. There were three main research questions guiding the current study: 1) what are the case antecedents (e.g., victim, offender, and case characteristics) that differentiate prosecuted and non-prosecuted cases before detective involvement in case; 2) how do victims perceive how they were questioned by their detectives and feel about the manner of questioning within the context of case outcomes (i.e., prosecuted and non-prosecuted cases); and 3) how does the perceived manner of questioning by detectives and its effect on victims influence the victims' subsequent level of engagement with the investigation. To answer these research questions, qualitative interviews with 20 adult rape victims will be analyzed to understand their experiences with detectives from police departments within one focal county in the Midwest. The results are organized by research question, followed by an analysis of negative cases, and conclude with a summary of the member checks.

Research Question #1: Case Antecedents

The first research question in this study was: what are the case antecedents that differentiate prosecuted and non-prosecuted cases before detective involvement in the cases? Specifically, this study examined contextual information about the victim, offender, the rape itself, and if an arrest of the offender occurred early in the case. Descriptive data were collected to document: 1) case outcome (whether the case was ultimately prosecuted by the criminal justice system); 2) victim characteristics (e.g., age); 3) offender characteristics (e.g., race); and 4) case characteristics (e.g., early arrest).

Descriptive information about the sample is provided in Table 1-3. In each of these tables, descriptive information is presented for: 1) the entire sample (all participants who reported their assaults) (N=20); 2) the subsample of participants with prosecuted cases (N=9); and 3) the subsample of participants with cases that were not prosecuted (N=11). Table 1 summarizes victim demographics. Of all reported cases, the mean age of victim participants was 28 years old (SD = 10.74), with a range of 18 to 53 years old. Eighty-five percent of the participants were white, which is similar to the demographic make-up of the focal county. The highest level of education varied among participants: 20% attended high school but did not graduate, 30% have a high school diploma, 40% attended some college, and 10% have a bachelor's or master's degree.

Table 1

Demographics of Victims (Percentage or Mean)

Demographics of Victims	All Cases (N=20)	Prosecuted Cases (N=9)	Non- Prosecuted Cases (N=11)
Age in years (mean)	28.05 (10.74)	31.78 (12.75)	25.00 (8.16)
Race/Ethnicity			
White	85% (N=17)	100% (N=9)	73% (N=8)
African-American	10% (N=2)	0% (N=0)	18% (N=2)
Albanian	5% (N=1)	0% (N=0)	9% (N=1)
Education			
Some high school	20% (N=4)	22% (N=2)	18% (N=2)
High school diploma	30% (N=6)	33.5% (N=3)	27.5% (N=3)
At least some college	50% (N=10)	44.5% (N=4)	54.5% (N=6)

Note: Standard deviation in parentheses

Table 2 displays offender characteristics for all reported cases, prosecuted cases, and non-prosecuted cases. Sixty percent of the offenders were white. In examining the victim-offender racial composite, 55% of the victims and their offenders were white, 10% of the victims and their offenders were minorities, 30% of the victims were white while their offenders were minorities, and 5% of the victims were minorities while their offenders were white. In addition, most offenders did *not* use a weapon during the assault (90%) but 10% drugged the victims.

Table 2

Demographics of Offender Characteristics (Percentages)

Offender Characteristics	All Cases (N=20)	Prosecuted Cases (N=9)	Non- Prosecuted Cases (N=11)
Race/Ethnicity			
White	60% (N=12)	44.5% (N=4)	73% (N=8)
African-American	30% (N=6)	33.5% (N=3)	27% (N=3)
Latino	5% (N=1)	11% (N=1)	27% (N=0)
Asian	5% (N=1)	11% (N=1)	27% (N=0)
Victim/Offender Racial Dyad			
White victim/offender	55% (N=11)	44.5% (N=4)	64% (N=7)
Minority victim/offender	10% (N=2)	0% (N=0)	18% (N=2)
White victim/minority offender	30% (N=6)	55.5% (N=5)	9% (N=1)
Minority victim/white offender	5% (N=1)	0% (N=0)	9% (N=1)
Used weapon	10% (N=2)	0% (N=0)	18% (N=2)
Drugged victim	10% (N=2)	0% (N=0)	18% (N=2)

Table 3 displays case (i.e., assault) characteristics for all reported cases, prosecuted cases, and non-prosecuted cases. The majority of participants were raped by someone they knew, with 40% being raped by their partners (e.g., dating partner, spouse, life-time partner), and 40% being raped by acquaintances (e.g., friends, coworker). Forty percent of the women had consumed drugs or alcohol before the rape. Forty percent of

the participants reported receiving injuries in their anogenital area, and sixty percent reported being injured on non-anogenital areas of their body (i.e., physical injury). Half of the victims made a police report within a couple hours of the rape. In addition, half of the offenders were arrested the same day as the victims' reports, with the majority (58%) of the arrests carried out by the responding officer.

Table 3

Demographics of Case Characteristics (Percentages)

Demographics of Case Characteristics	All Cases (N=20)	Prosecuted Cases (N=9)	Non- Prosecuted Cases (N=11)
Victim/offender relationship			
Stranger	20% (N=4)	22% (N=2)	18% (N=2)
Intimate/Familial	40% (N=8)	44.5% (N=4)	36.5% (N=4)
Acquaintance	40% (N=8)	33.5% (N=3)	45.5% (N=5)
Victim consumed drugs or alcohol	40% (N=8)	55.5% (N=5)	27.5% (N=3)
Victim endured injuries			
Physical injury	60% (N=12)	67% (N=6)	54.5% (N=6)
Anogenital injury	40% (N=8)	44.5% (N=4)	36.5% (N=4)
Victim reported rape within 2 hours	50% (N=10)	67% (N=6)	36.5% (N=4)
Offender arrested on same day as report	55% (N=11)	89% (N=8)	27% (N=3)

In examining this descriptive data, it appears that there are different profiles regarding the victim (e.g., race) and case characteristics (e.g., arrest) between the prosecuted and non-prosecuted cases. Prior literature suggests that the legal system only prosecutes those cases that law enforcement and prosecutors consider credible, with victim and case characteristics used as indices of credibility. According to the literature, law enforcement deem credible victims as middle-aged white women who were not drinking prior to their assault, reported their rape immediately following the assault, and endured injuries. In addition, cases viewed as credible often involved offenders who belonged to a racial minority group and used a weapon.

In the current study, prosecuted cases had slightly older victims than non-prosecuted cases (average age of 32 years old vs. 25 years old) and all of the women in the prosecuted cases were white. Prosecuted cases had a higher percentage of offenders from racial minority groups than non-prosecuted cases (56% vs. 27%) and a lower percentage of white offenders (45% vs. 73%). In examining the victim/offender racial dyad, prosecuted cases had a much higher percentage of white victims and minority offenders than non-prosecuted cases (56% vs. 9%). Similarly, prosecuted cases had a slightly lower percentage of white victims and white offenders than non-prosecuted cases (45% vs. 64%). However, none of the cases involving minority victims were prosecuted regardless of the offenders' race.

Regarding case characteristics, only two cases involved the offender using weapons, and both cases were not prosecuted because the offenders were strangers who were never caught. Similar to more recent studies, the victim-offender relationship appears to be no different for prosecuted and non-prosecuted cases (Spears & Spohn,

1996, 1997). Prior research also showed that participants with injuries are considered by the legal system as another indicator of credibility. In the current study, prosecuted cases had a slightly higher percentage of women with physical injury (67% vs. 55%) than non-prosecuted cases. Additionally, prosecuted cases had a slightly higher percentage of anogenital injury (45% vs. 37%) compared to non-prosecuted cases. Victims reporting immediately following the rape are another indicator of credibility to legal system personnel. Cases that were prosecuted had a higher percentage of participants who reported within two hours following the assault compared to non-prosecuted cases (67% vs. 36%). The final indicator of credibility is whether or not the victim consumed alcohol or illegal drugs. That is, the legal system personnel regard victims who consume alcohol or drugs prior to their rape as less credible than those who did not. However, prosecuted cases in the current study had a higher percentage of participants who consumed alcohol or drugs than non-prosecuted cases (56% vs. 28%). A closer examination of the prosecuted cases showed that most women consumed alcohol three to seven hours *prior to* their rape. Thus, it may be possible that alcohol use has less weight as an indicator of credibility or other indices held more weight in the decisions of legal system personnel.

In addition to victim credibility, prior literature suggests that detectives are more likely to forward cases that require less effort and have more available evidence. Particularly, prior literature suggests that detectives are more likely to forward cases when the offender is already in custody because it that require less investigational effort. Thus, a low effort case for a detective would include the offender being arrested rather early in the case and often by the responding officer prior to the detective's involvement. Thus, the detective would not have to complete paperwork for an arrest warrant or

formally request the arrest warrant from a judge. Additionally, the detective would not have to search the whereabouts of the offender. On the other hand, a high effort case would require this additional work (e.g., obtaining an arrest warrant) by the detective in order to arrest the offender. In the current study, prosecuted cases had a higher percentage of arrests that occurred on the same day as the victims' initial report compared to non-prosecuted cases (89% vs. 27%).

Similar to prior research, the findings for Research Question #1 suggest that legal system personnel may be basing their decisions in part on credibility of the victim and effort required of the detective. In addition, legal system personnel may be basing their decisions on any available evidence collected in the case. Law enforcement detectives typically receive the responding officers' reports prior to interviewing the victim, which often includes demographic information about the victim and offender, the context of the assault (e.g., drinking), injuries on the victim's body, and the date of the assault and report (i.e., how long it took the victim to report). Thus, detectives may already have preconceived notions of the victims' credibility prior to their interview with the victim. In the current study, it appears that factors of credibility and effort were influential in the nature of the questioning, which will be presented in the subsections throughout the results.

Research Question #2: Victims Perceptions of Questioning

The second research question in this study was: how do victims perceive how they were questioned by their detectives and how do victims feel about this manner of questioning. The participants discussed three overarching themes when describing their interview experiences with the detectives. First, the participants discussed the pacing of

the questions delivered by the detectives. Second, the participants discussed the manner in which the detectives asked the questions such as if the detective was compassionate or cold towards the victims. Finally, the participants discussed the content of the communication with the detectives; specifically whether the detectives communicated that they did or did not believe the victims. In addition, the participants identified how this manner of questioning by the detectives made them feel, which is discussed throughout these three overarching themes. As the following analyses demonstrate, victims who experienced gentle and compassionate questioning had substantially different feelings about their interviews with the detectives than victims who experienced harsh questioning.

Pacing of Questions. The participants with prosecuted cases described the detectives' pacing of questions substantially different than participants with non-prosecuted cases. In prosecuted cases, many women reported that their detectives did not begin the interview by asking questions but instead consoled and built rapport with the women prior to asking any questions about the assault. Rape is an act of unwanted sexual penetration committed by use or threat of force, which leaves victims feeling vulnerable and powerless (Bletzer & Koss, 2006). Therefore, detectives building rapport prior to the interview may help victims feel safe with the detectives, as illustrated in the following example. In this first example, a 23 year old white female had a manicure at a nail salon. The male Vietnamese nail technician offered to provide a free massage and raped her during the massage. The participant called 911 as soon as she left the salon and entered her vehicle. A few officers and two detectives responded immediately and arrested the offender while the victim was still in the parking lot of the salon. The case was charged

and is pending a preliminary hearing. In this exchange, the participant describes how two detectives approached her at the crime scene immediately following the rape and explains the importance of this response.

4129: They were consoling, careful, you know. They didn't bombard me, a man had just assaulted me. I felt calmness right away

Interviewer (I): Would you attribute the calmness to,

4129: I felt safe ...they were, you know they come out and they were consoling. They weren't question, question, question. They made sure that I was OK and safe, felt safe there.

I: So not being bombarded with questions, made you feel more safe with them?

I: Yeah, they just sent me to the car, let me sit down and be away from the building and they didn't come at me right away wanting to know this, this and this. They gave me my time and my space.

I: Why is that important to do?

4129: Because one, you've just been sexually assaulted by a man. The last thing she needs is a man on a power trip. Someone coming at her, demanding things from her when one they didn't even ask, they just took. And you're not in a normal state of mind when you're going through; after something like that happens. You need somebody, you need people to be careful with you and be careful of the way they talk to you and treat you and approach you, because the way I look at it now, I don't know this man. I don't trust anyone.

As illustrated by this participant, it was important for the male detectives, whom she just met and does not know, to help her feel safe because she had just been raped by a man that she just met and did not know. In addition, when the participant describes what she does not need from the detectives, ("someone coming at her, demanding things from her when one they didn't even ask, they just took"), she actually is describing her offender during the rape. The participant needs the detectives to be *different from* the

offender in order to feel safe and comfortable with them. Building rapport with the victims prior to the interview is one mechanism by which the detectives helped these victims feel comfortable.

Women with prosecuted cases also reported that the detectives asked questions during the interview at a pace that felt comfortable to the victims, told them to take their time when recounting the rape, and in some instances paused the questioning when the victims became emotionally distressed. Many participants with prosecuted cases also described their detectives' style of questioning as gentle by encouraging the victim to "tell more" about the rape instead of demanding answers. This next example is a continuation of the interview discussed earlier. In this example, the participant discusses the manner of the detectives questioning during the interview.

I: What is it they did that was consoling?

4129: Just their approach, their demeanors, the way they spoke to you. They weren't forceful, they weren't bossy, they were careful. The way that they approached me, the way they talked to me. They treated me. It wasn't like. Any other case they would have been bam, bam, bam, questions, we just want answers, blah, blah blah. We want this, this and this.

As illustrated by this quote, the detectives had a consoling gentle approach with the participant; they were careful in their questioning and not demanding answers. Similar to this participant, many of the women described their detectives as protective and expressed feeling safe with them.

By contrast, participants with non-prosecuted cases described the detectives pace of questioning as rapid and forceful. Unlike the prosecuted cases, detectives began the

interviews with the questioning instead of building rapport or even inquiring about the victims' well-being. Similar to participants with prosecuted cases, participants with non-prosecuted cases experienced post-assault emotional distress during the interviews but this distress was either not recognized or mentioned by the detectives. Instead, women in non-prosecuted cases often noted that the detectives began the interviews in ways that made them feel unsafe or uncomfortable. In the next example, a 41 year old white female was raped by her estranged white husband. The participant met her husband at a bar to discuss issues of the divorce settlement. She had two drinks and then blacked out. She woke up three hours later in her husband's truck and was naked from the waist down. The participant went home and began vomiting intermittently for several hours. After twelve hours, the woman sought medical care at a hospital because she still felt ill. The hospital contacted law enforcement when the victim requested to be tested for rape-facilitated drugs. The offender stated it was consensual and showed the police pictures of the victim's genitalia. The woman stated that the detective requested that she sign a waiver of prosecution but she refused. That is, the detective wanted the victim to sign a legal form stating that she no longer wished the case to be prosecuted even though the participant had consistently expressed her interest of participating in prosecution. The offender was never arrested or charged for the rape. In this example, the detective asked the participant to come into the department on a Sunday when the building had few occupants in it. The woman felt physically unsafe with the detective who never built rapport with the victim.

4125: When he let me in, we walked straight through the back and I looked around at all these desks and there was no one there. Then we took a right into the detective area and there was no one in there. Then we walked through another section of offices into a closed door room that

was smaller, about half the size of this room. It was like a 6 x 6 foot room. And he was literally that far away from me. I didn't understand why a detective that was a brand new detective would want to speak to a rape victim when there is no one else in the police station. I felt completely on guard. And then I'm gonna sit in a closed door room with this person and explain to him all about my rape after I know damn good and well he has got copies of all the pictures [of her genitalia].

As illustrated in this example, the participant feels physically uncomfortable being in a small room with the detective who may have viewed pictures of her genitalia. Hence, the victim is being interviewed while feeling vulnerable, uncomfortable, and guarded. Building a rapport with the victim may have provided an interview environment that felt safer for this victim. Other participants expressed feeling uncomfortable with the types of questions asked by the detectives from the beginning of the interviews. In the next example, a 35 year old Albanian female who immigrated to the United States ten year ago was raped by her white husband while she was trying to sleep. The woman talked with her parents about the ongoing abuse the next afternoon and then made a police report with the detective. The offender was arrested while the victim was making the report. The perpetrator was charged with a domestic violence misdemeanor charge but not a felony rape charge. The case was resolved through a plea bargain. In this example, the participant discusses the first few minutes of her interview with the detective.

4126: Actually, I'm not happy how he was acting.

I: What was it that didn't make you too happy?

4126: First, when I sit down, first question, I think the first one, it was, he asked me if I'm citizenship in here.

I: How did you feel about that?

4126: I didn't feel good at all.

I: So, the reason he asked you for citizenship, did you understand why he was asking you?

4126: Right, because I wasn't there for that and I thought he don't have any right to ask me that question.

In this situation, the participant's husband often told the victim that it is her duty to have sex with him because she is a "foreigner;" that is "what she is for" (i.e., her purpose is to serve him sexually). In addition, her husband frequently informed her that law enforcement would not help her because she was a "foreigner." Therefore, a question about her citizenship automatically made her feel uncomfortable and guarded with the detective. In addition, the detective never explained why he inquired about her citizenship and did not calm her concerns that her citizenship would not be a barrier to receiving help from the legal system. As a result, this participant expressed feeling anxiety about providing her account of the victimization because she feared the detective would doubt her if her story was reported imperfectly. Similarly, other women reported that the questions in the beginning of their interviews were less focused on the factual information regarding the assault (i.e., what happened, when did it happen, and where did it happen) and more focused on the victim and her reaction to the rape, which made them feel uncomfortable. Therefore, many participants with non-prosecuted cases began the interview process feeling uncomfortable instead of safe with their detectives.

Participants with non-prosecuted cases expressed feeling rushed during the interviews and described the interview experience as being "drilled" with a long

succession of questions. This quick succession of questioning felt forceful to the participants, like the questions were being “pushed” onto the victims. In the next example, a 21 year old white female was raped by her white ex-boyfriend who is also the father of her child. The participant had ended the relationship a few days prior to the rape but they continued to live in the same household. After the rape, the participant locked herself in a room and called the hotline of the local rape crisis center and was encouraged to call the police. The offender was arrested immediately by the responding officers and prior to the arrival of the two detectives assigned to the case. The offender was charged with a domestic violence misdemeanor charges but not a felony rape charge. The case was resolved through a plea bargain. In this illustration, the participant describes the two detectives’ manner of questioning, which took place in her home following the arrest of her ex-boyfriend.

4127: But when the detectives came in they were cold towards me and just started automatically saying why, you know, why didn't you do these things, it made it harder for me to talk about.

I: There were 6 men in your home at this time; 2 detectives, 4 cops. Was there just one asking you questions or were multiple ones asking you questions?

4127: No, it was really one person. They [two detectives] were alternating kind of like, Well why didn't you hit him? Why didn't you yell? You know, why didn't, why didn't you hit him? Why didn't you try to get away from him? I don't know how to get away from him for one. He's a guy; he's bigger than me and he's stronger than me and he's my kid's father.... And they're asking me like why didn't you hit him? Why would I hit him? Why would I yell? Why would I scream? His grandfather's in the other room and he's deaf— he can't hear. My child's in the other room, on the other side of us. Why would I wake her up and have her walk into that? I was uncomfortable with the detectives. I felt like they were kind of grilling me ...like when the detectives were pushing me, they were kind of like shoving the questions on me, one after another

after another.... They weren't giving me, like, the option of slowing it down.

In this situation, the detectives did not build rapport instead the detectives began the interview by questioning her response to the rape, which made her uncomfortable. Additionally, the woman describes the detectives questioning her in a manner that felt rapid and forceful from the very beginning of the interview. As mentioned earlier, detectives who ask question in a forceful manner are likely to bear a resemblance to their very recent victimization. In fact, participants who experienced forceful-like questioning used violent terms to describe their interview experience with detectives such as “pushing me,” “shoving questions,” or “drilling.” As a result of the detectives’ manner of questioning and absence of rapport building, some women expressed feeling distressed, guarded, and uneasy during the interviews with their detectives. Similar to this participant, other women with non-prosecuted cases expressed having difficulty talking about their rape when the detectives were asking questions in a forceful manner.

Compassion. In addition to the pace of questioning, participants whose cases were eventually prosecuted described the detectives’ degree of compassion (e.g., friendliness, empathy) during the interviews considerably different than participants with non-prosecuted cases. In prosecuted cases, the participants reported that their detectives treated them kindly, with respect and sensitivity. This response from the detectives made the victims feel cared about and supported. For instance, a 20 year old white female was raped by a white male that she began dating recently. Similar to past dates, the participant went to the offender’s home for a drink and conversation. On this date, the offender requested oral and anal sexual activity, which made the woman feel uncomfortable.

When the participant declined, the offender became aggressive and raped her. After the victim left the offender's home, she disclosed to her mom and went to the emergency department immediately. The offender was arrested by the responding officers on the same day. The case was charged and is pending a trial. In this example, the participant discusses why she believed her detective cared about her.

4130: I mean, that day when I met with him it seemed like he [detective] genuinely cared. He told me you know, he [offender] lawyered up. You know, he was telling me things that, you know, he didn't have to tell me that (offender) was claiming that sex didn't even happen. He didn't have to tell me that. It's not anywhere written where he has to tell me what is in those records, but he was. So, I mean, it seemed like he cared.

Similarly, many participants believed that their detectives were “on their side” and cared about them when information was shared with them.

In addition, many women noted that the detectives did not blame them for causing their rape even though some participants were engaged in activities that commonly receive victim-blaming responses (e.g., alcohol and drug use) (Filipas & Ullman, 2001). In the next example, a 26 year old white female was watching a baseball game at a bar with her sister. After the bar, they went to an apartment of an acquaintance because her sister was seeking to purchase cocaine. The participant became separated from her sister and an African-American male (stranger) offered her a ride. The woman accepted and was raped by the offender prior to taking her to the sister's home. The woman disclosed to her sister and they drove to the police department within a couple of hours following the rape. The offender was arrested within an hour of her report and prior to the detectives' involvement. The case was charged and resolved through a plea bargain. In

this example, the participant discusses the detectives' reactions when they found out that the victim was associated with buying cocaine.

4121: I don't know the detectives once they found out, once the detectives talked to me, you know, the detectives told me no matter what, you know, that that [the rape] wasn't right. That they were going to be on my side.

While alcohol and drug use is often related to rape cases being dropped, it is important to note that the offender was arrested prior to the detectives' involvement by the responding officers who caught the offender on a bus "trying to leave town." In addition, the offender was an African-American male with a criminal record, which prior research has suggested is a more likely offender to be charged for rape (Frohmann, 1997). Furthermore, the offender confessed to the crime early in the investigation. Thus, the offender characteristics plus an early arrest and confession may have been more influential in the legal system personnel's decision making than the victim's association with drug dealing. In any event, the absence of victim blaming stood out for participants with prosecuted cases suggesting this is a common concern for victims, as found by prior literature (Fraser & Haney, 1996; Patterson, Greeson, & Campbell, 2008). Furthermore, the absence of victim blaming in the detectives' questioning made the participants feel more comfortable with the interviewing process.

Additionally, the participants explained that the detectives displayed concern for their safety and physical and emotional well-being, resulting in victims feeling understood by their detectives; they were affected by a terrifying crime. This display of compassion was evident by the gentle pacing of questioning (as discussed above) but detectives also displayed compassion beyond the questioning by tending to the victims'

well-being. Participants reported that the detectives listened to their stories and concerns intently. Participants with prosecuted cases often mentioned that the detectives offered to help the women in anyway they needed. Detectives also offered or provided assistance to victims that went above and beyond their role as investigators. In the next example, a 32 year old white female was raped by her white long-term partner who is also the father of her two children. The participant had two drinks several hours prior to going to bed. She woke up when her partner began raping and beating her. Afterwards, she escaped into the bathroom and called 911. The offender was arrested by the responding officers immediately upon their arrival and prior to the detective's involvement. The offender was charged with rape and the case was resolved through a plea bargain. In this example, the participant discusses what was helpful about the detective.

4109: He was very down to earth. He's a father. He has daughters and stuff. He's a very down to earth, did whatever he could to, he's still helps us... You know, anytime I call him, he's, he even stopped by the house one day and had coffee for like an hour. He's very good. He's been very helpful, very understanding, you know, he's talked to my kids a few times, just as, you know, buddies...

In this situation, the participant had expressed her concerns to the detective about how the rape, domestic violence, and absence of her husband (offender) would affect her kids. In an attempt to ease the woman's concerns, the detective had informal conversations with her children. As a result of the displayed compassion, many victims with prosecuted cases believed that their detectives understood what they were experiencing as victims of crime. In addition to being helpful, this participant points out the detective is down to earth. Similarly, many participants with prosecuted cases mentioned their detectives

being personable and casual, which made it easier for the victims to relate and talk with the detectives.

By comparison, participants with non-prosecuted cases noted that their detectives exhibited insensitive behavior (e.g., victim blaming) towards them. Participants described their detectives as arrogant, detached or cold, and lacking compassion, and thus believed that their detectives did not care about them or their case. In this next illustration, a 22 year old African American female was raped by her male African American ex-long term partner who is also the father of her children. The offender raped her at her home and took her cell phone before leaving. The woman contacted the police later in the day when she could access a phone. The offender was held in jail for approximately twelve hours but the victim was never notified of the offender's release. The participant has made several attempts to contact the detective to further express her interest in pursuing this case but has not heard from the detective for ten months. In this exchange, the participant explains how she would have preferred the detective to treat her.

I: What would you have liked her [detective] to do?

4124: I would have liked her to do more than what she did. Act like she cared. Act like if she was the female put in my position what would she have done? She acted like she didn't care, like it didn't happen.

Not surprisingly, this participant, as well as other victims with non-prosecuted cases, expressed feeling ignored and unimportant to the detectives. These women wanted their detectives to care about them and consider their feelings. Therefore, victims expressed feeling hurt when they believed that their detectives did not care about them.

Participants with non-prosecuted cases felt their detectives viewed them as a case on their docket rather than a recently victimized human who needs support. While participants in prosecuted cases described their detectives as tending to their well-being and showing concern, participants in non-prosecuted cases reported that their detectives were impersonal and never inquired about how they were doing. Participants expressed needing emotional support during the interviews but felt their detectives were unsupportive. Some of the women indicated that their detectives did not understand that the interview process was humiliating and exhausting. In addition to overlooking the victims' well-being, some victims noted their detectives were particularly mean towards them during the interview. In the next instance, a 19 year old white female was recently discharged from a substance abuse rehabilitation facility. She was raped by a friend (white male) while visiting him. After leaving his home, the participant called her narcotics anonymous sponsor who encouraged her to tell her mother. The woman disclosed to her mother who called the police. The offender was arrested the same night as the report prior to the detective's involvement. The woman felt doubted by the detective from the beginning of the interview with him. The victim's case was referred by the detective but not charged by the prosecutor due to lack of evidence. In this next exchange, the participant describes how she was treated by the detective during the interview.

4107: I had to go to the Police Department and tell them my story, and he [detective] just, I felt like I was wrong and I shouldn't have been there, like I, it was so, he was just so mean to me, kept questioning everything that I said, he made me so uncomfortable...He was just so mean to me. You would think that they would care about people, but they didn't.

I: If you were to give advice to a detective who's about to meet with a rape survivor to report, what advice would you give him or her?

4107: Just to stay on my level. Talk to me like I'm a human being not like I'm a criminal. I just wanted them to be there for me, to help me, to tell me what was going on, to understand, to help me out, rather than push me away... He used this huge word. I can't remember what it was, and I asked him what that meant, and what do you mean by that, and he said, "What, you don't know? Why don't you look it up?" I said, "Okay, thanks," you know. I felt stupid. I don't know, maybe I'm supposed to know everything that they say, but I don't.

This example points out the woman wanting the detective to care and understand.

This participant also wanted the detective to “stay on my level,” which the participant later clarified as being down to earth and communicating in everyday language. As illustrated by this participant, the detectives’ treatment of victims’ can affect their level of comfort during the interview. Additionally, mocking a victim for not understanding a term could affect the flow of communication during the interview. That is, victims may not continue to inquire about the definition of terms used by the detectives when mocked. The legal system is complex and filled with numerous legal terms typically unknown to the general population. Therefore, a victim who does not understand terms used by detectives cannot answer the questions correctly unless they seek clarification of the terms.

Communicating Opinions of Believability. Prior analyses showed that participants’ perceptions of the manner in which detectives *delivered* their questions were substantially different between prosecuted and non-prosecuted cases. Additionally, participants with prosecuted cases described the *content* of the communication with detectives as considerably different than participants with non-prosecuted cases,

specifically around communication of belief or disbelief of victims' stories. In prosecuted cases, the participants expressed feeling believed by their detectives because of statements made by the detectives or by their behavior. For example, many participants reported that their detectives verbalized being on the "victims' side," which indicated being believed to the participants. Some women expressed their detectives believed them because of the information relayed about their offenders. In the next example, the participant's case was prosecuted and the offender was found guilty by trial. The participant was a 53 year old white female raped in her apartment by an African American neighbor after forcing his way into her apartment. The woman did not have a phone and thus, called 911 when her next door neighbor came home (approximately within an hour after the assault). The offender was arrested by the responding officer that evening before the detective's involvement in the case. In the following illustration, the participant describes how the detectives were mocking the offender's story.

4108: From the beginning he [offender] tried to say it was consensual, and if I remember correctly, they [detectives] kind of laughed at that, you know, like, "Oh, you know, I don't have bruises like this from consensual sex, you know,"

As illustrated, the detectives shared the offender's account of the story with the participant, but followed this disclosure by mocking the offender's defense, which made the woman feel believed. Similarly, other participants reported feeling believed by their detectives when information was shared about their offenders including their account of the rape and prior or pending convictions.

Detectives' level of effort in the investigation was another indicator of belief by the participants. Some women noted that the detectives were investing a great amount of effort into their cases, which was an indication that they believed the victims. In the next example, a 45 year old white female visited her female white neighbor and husband who were married recently and moving to another state. The participant had a few drinks during her visit and returned home later in the evening. Her neighbor's husband stopped by her home later that evening under the pretense of dropping off their forwarding address. She let him in her home to obtain the piece of paper, which actually contained a sexually suggestive note written by the offender. He raped her immediately after she read the note. The woman disclosed to her boss the next morning who encouraged her to report the rape to the police. The detectives responded to her home and arrested the offender the same day. He was found guilty by a jury trial. In this exchange, the participant identifies why she thought her detectives believed her even though they never verbally expressed belief.

4111: The detectives they believed me, they never said, I believe you, [survivor name]. But just their work ethic and how they handled themselves and how they talked to me and treated me is you can tell.

I: Say a little bit about that, how did they treat you that told you they believed you? What did they do that told you that?

4111: They just intently listened to me and did what they do, being detectives and trying to find a bad person, you know, the computers and driving here and staking out over here waiting for him. And I mean, they did their job, I mean everybody has a job. And you do it to the best of your ability. Yes we all have bad days, but they just did their job and very professionally and very well and um, like I said, how they treated me, they talked to me, they looked at me, I'm going to say they believed me. I'm just assuming they believed me because they were there helping me and doing their job and trying to catch this guy. But, they just made me feel so

good and that I was doing the right thing and I mean to me there was no doubt that they ever thought for a minute that I was lying, never for a minute. They all believed me, none of them said a bad word like you deserved it or you know, you are bad. You know, nothing, absolutely nothing. I didn't feel that I had to prove it and I think the reason I didn't is because everybody was on my side, everybody was so just wonderful.

Similar to others, this participant reasoned that the detectives would not investigate the case so thoroughly and exhibit so much effort if they did not believe the rape happened. In addition, this participant was treated compassionately by the detectives, which made her feel believed. Taken together, the detectives' effort in her case and compassionate treatment put the woman at ease; she did not have to prove being raped to the detectives.

By contrast, some participants with non-prosecuted cases reported that the detectives verbally communicated their opinions of disbelief. That is, detectives told the participant that they did not believe their account of the rape or that they believed the offender more than the victim. In the next example, an 18 year old white female was in the parking lot of her workplace while on a break talking to an African American male casual friend. Her friend raped her in his car; afterwards she returned to work to finish her shift. She called the hotline of the local rape crisis center who encouraged her to receive a forensic examination. During the exam, the participant declined to speak to the police officer but accepted the phone number of the police department. The woman made the police report two days after the assault. The offender was never arrested and the case was not charged. In this illustration, the participant describes how the detective communicated disbelief of the victim's story.

4114: She [detective] questioned me again about the positioning, and told me like, "What he said makes more sense than what you're saying." She was kind of like, "I don't understand how this could happen. Show it to me." I had to position my chair next to me and show her exactly what happened. She said she was just doing her job, and being thorough. It made me feel hurt because she pretty much saying she believes him and not me" She made comments about, "If you're lying, you can back out now, and we won't press charges," and so it really kind of scared me, like well, what if he somehow passes this test that they wont charge him with rape and that would be awful.

While cases involving African-American offenders are often prosecuted, there are two other factors about this case that may have influenced it being dropped. First, the participant had recently finished a day treatment program for people with mental illnesses. In fact, the participant reported that her mental illness became a focus of the investigation. For example, the detective interviewed her ex-boyfriend and her friends at work to inquire about the woman's prior hospitalization and mental health. Second, the victim did not make a police report until two days after the rape and continued working at her place of employment (also place of the crime scene). While the participant returned to her employment because of financial obligations, it may be possible that the detective viewed this action as lacking credibility. That is, detectives are sometimes suspicious of delayed reporting and may have believed that the impact of the rape should have prevented the victim from returning to work (Kerstetter, 1990). Thus, it is likely that these factors played a role in the case being dropped.

Similar to this participant, other women with non-prosecuted cases were told they could "back out" if they were lying and in some cases participants were warned that they could be charged for lying. In one case, the victim reported that her detective requested

she take a polygraph. Not surprisingly, these participants felt like they were being treated like the criminal in the case instead of the victim and were afraid of being charged with false reporting. Many participants also expressed feeling hurt because the detective did not believe their accounts of the rape.

In addition to these verbalized opinions of disbelief, participant reported other indirect ways that detectives communicated their disbelief. Some women reported that the detectives questioned numerous parts of their story repeatedly, which indicated to the participants that the detectives did not believe them. The participants believed the detectives were “picking their stories apart” to find flaws with their accounts of the rape. As noted in the previous example, a few of the participants had to reenact the positioning of the rape because the victims’ stories “did not make sense” to the detectives. Participants with prosecuted cases did not report this level of scrutiny by the detectives. In addition, participants with non-prosecuted cases often expressed feeling judged by the detectives. In the next example, a 22 year old white female contacted a white male friend to bring her heroin. The woman passed out after using the heroin and was found naked in a vacant home by the owners who contacted 911. The male friend told the police that he had consensual sex with the victim. Additionally, the participant heard rumors in the community that her friend (offender) let two of his acquaintances rape her. None of the offenders were arrested or charged in the case. In this next exchange, the participant discusses feeling judged by the detectives for using heroin.

I: What happened with the cops? Did they contact you again?

4120: They [detectives] said there was nothing they could do because D [offender] said it was consensual. He said that I said that “if you get me

on drugs, I'll make it worth your while" but I just wanted to use. There was no evidence, basically what I figured they [detectives] seen me as an addict, really I slipped up once and there was no evidence.

I: Do you think that your history [of drug use] affected the way they believed you or,

4120: Yeah. Like I said, they probably just see me as a junkie

Many participants with non-prosecuted cases thought their detectives viewed them as a stereotype (e.g., addict, foreigner, mentally ill, scorned woman in the case of intimate partner rape), and thus did not believe them. These participants came to this conclusion because the focus of the questioning was often around these stereotypes. For example, the participant who was raped by her former boyfriend had ended the relationship a few days prior to the rape because of his cheating. The detectives continually questioned if she was making up the rape to seek revenge. This view of her as a scorned woman became the central focus of their questioning. Although this victim reported immediately following the rape and had visible injuries, the detectives told her that they could not prove her case because the rape occurred so soon after the breakup.

As mentioned earlier, many participants reported experiencing negative responses such as victim blaming very early in the interviews with detectives. Therefore, it may be possible that the detectives had constructed images of the women or made decision about the case prior to the interview, which will be highlighted in the subsequent example. In a continuation of the interview discussed earlier (the victim who blacked out, awakening partially naked in her husband's truck and suspected that he drugged and raped her), the participant discusses how the detective made a decision about her case prior to examining

all available evidence. This is the participant's first and only interview with the detective, which took place one day after the initial report and rape.

4125: Yeah, he [detective] said you don't have a case. You never blacked out. I said, excuse me? I said, I told you this, this, this, you know. Well, you don't have a case.... Okay, fine, Detective B., show me the evidence, show me the lab results.

I: So that day, did he have any evidence from the lab?

4125: No. They said because of {a big case in the county} that the lab was a little overbooked. So it was going to take a few weeks.

I: So how was he able to come to that conclusion if he didn't even have results yet?

4125: Because he says that I never blacked out.

I: And didn't you say that you blacked out?

4125: Yes.

I: So, are they still waiting for results to officially drop the case or have they already dropped your case?

4125: They've already dropped my case.

As illustrated in this example, the detective made a decision about the case without all of the available evidence, which would have taken only take a few more weeks to receive. The participant received the detective's decision during the first interview. Thus, it is likely the detective already made a predetermined decision about the case.

Research Question #3: Effect on Victims' Subsequent Level of Engagement with the Investigation

The preceding analyses show that there are substantial differences in the detectives' manner of questioning between prosecuted and non-prosecuted cases. But, how did experiences of gentle questioning and compassionate treatment, and feelings of comfort and being cared about affect the victims' level of engagement with the investigation? Similarly, how did experiences of harsh questioning and cold treatment, and feelings of discomfort and hurt affect the victims' level of engagement with the investigation? As the following analyses demonstrate, participants who had positive experiences with their detectives had markedly different levels of engagement during the interviews than victims who had negative experiences. Participants discussed two overarching themes when describing the effect of the detectives' manner of questioning on victims' subsequent level of engagement with the investigation. First, participants discussed how their experiences with detectives influenced whether they were able to fully disclose the details of their rapes with the detectives. Second, participants discussed whether the manner in which the detectives asked the questions affected their participation in the prosecutorial process.

Disclosure. In prosecuted cases, participants described their detectives as displaying sensitivity and compassion towards them during the interviews, and communicating belief of the victims' stories, which made the women feel at ease with the detectives. Participants with prosecuted cases noted that this manner of questioning made them feel more comfortable sharing their stories with the detective, which subsequently

led to victims disclosing more information. This next example is a continuation of the interview discussed earlier (the participant who was raped by the nail technician during a massage and felt protected by the detectives because they built rapport prior to the interview – see page 50 for details). Earlier in the interview, the participant described that her detectives “gave her space and time” and identified the detectives allowing her to take her time when telling her story as important. In the following exchange, the participant explains why being allowed to go at her own pace was so important.

I: You mentioned taking your timethe detective letting you take your time. Why is it important?

4129: Because it's not about anybody else. It's not about them. It's not about what they want. It's about you. You're the victim. It's your life that's just been demolished. You're the one who's mentally screwed up right now...what she needs, what she wants-she better get it, because that's the only way you're going to honestly, if it had been any other way, I probably wouldn't have remembered a lot of things. I would have been frustrated, flustered, pissed off and then I probably wouldn't have as strong a case as I do.

I: So letting them. Them letting you take your time, you were able to,

4129: Think about it. Remember every detail. Remember every detail. If you're in a rush and they're trying to push you 20 different directions, you're going to forget things; you're going to feel like everybody's pushing you for answers and you can't pull the pictures out of your head. OK, OK, this is what was sitting on the table right here. That was the picture on the wall, you know. You rush somebody, you boggle their brain.

This participant illustrates that tending to the victim's well-being and going at her pace is important in helping her *remember* details. In her case, the detectives tended to her well-being prior to conducting an interview and followed her pace during the questioning. Specifically, the detectives did not question this victim until she felt safe,

which meant being interviewed away from the crime scene and allowing her to receive emotional support from her family. The participant noted that the detectives were gentle when asking her questions, validated the difficulty of being interviewed, and did not rush her when answering the questions. The participant indicated that this gentle manner of questioning helped her feel calm and safe, which helped her mind remain focused enough to recall and disclose details of her rape and the surrounding environment.

Detectives tending to the victims' emotional well-being and allowing victims to take their time during the interview may also have additional advantages, as illustrated in the following example. The next example involves an 18 year old white female who was raped by a Latino co-worker during a midnight shift at a fast food restaurant. The participant disclosed to another co-worker on a shift the following day because the victim was scheduled to work with the offender again. When a police officer entered the drive thru for food, the woman decided to tell the officer about the assault. The officer recognized the offender's name because he was on a tether for prior convictions. The offender was arrested the day following the report and the case ended in a plea bargain. In this next exchange, the participant discusses how the detective's pacing of the interview helped the participant endure the emotionality of talking about her victimization, which helped the participant continue the interview.

I: What was it like having to answer those questions?

4110: It felt like I was there again, and I didn't want to answer the questions. It felt like I was there, and it was happening again.

I: Did the detective do anything to try and help you through that?

4110: Yes, she slowed down. Like, she wasn't going fast, but if she noticed that I was not, like handling it too well, she would slow it down and talk to me, and help me through it and stuff.

As illustrated by the participant, the detective attended to the victim's emotional well-being by slowing the pace of the interview, which helped her through the flashbacks and continue the interview. While many law enforcement officials denounce their role as helping victims cope with the rape (Martin, 2005), responding to victims' emotional distress appears to help victims endure the investigational interview, contribute more information to the investigation, and subsequently build a stronger case for prosecution.

In comparison, participants in non-prosecuted cases noted their detectives asked questions in an insensitive cold manner during the interviews, and communicated disbelief of the victims' stories, which made the participants feel uncomfortable with and hurt by the detectives. Some women indicated that feeling uncomfortable with the detective made it difficult to tell their story and led them to share fewer details about their rape with the detectives. These participants stated that they would have disclosed more information about their rape if they felt comfortable with their detectives. This next example is a continuation of an interview discussed earlier (participant who had ended the relationship a few days prior to the rape but they continued to live in the same household and was "grilled" by two detectives who focused on their relationship – see page 55 for details). In this exchange, the participant explains how the detectives' manner of questioning affected the information that she provided to them.

I: Ideally, what would you have liked the detectives to be like?

4127: I don't know if I necessarily wanna see compassionate or more, more approachable than that. Just not like having the attitude, well, he's saying this, he's saying that. Oh yeah, he's, so why would you mention that to me? Who cares what he says? It's my word against his. Not having that attitude where I can't talk to you, period. I can't really, really tell you what happened because the attitude that you're carrying with me is that you really don't give a fuck is what it comes down to but, that would be it, I'm sorry

I: no that's ok. How would it have helped for them to, well basically to give a fuck, I mean, how would that have helped? I mean, for you, what, how would that have helped you?

4127: I don't know if it necessarily would have helped me, but I think it would have been more, I would have been more able to describe to them what it was if they hadn't been cold or unapproachable, it would have been easier for me to tell them, well, this is what it was; this is what he's done; that's why we broke up. This is why he's still here, you know. They made me feel like a little kid when I was talking to them like, well, kind of almost scolding me for letting him stay there. I have a father for that; I don't need you to tell me what I should and shouldn't do.

I: So you would have been able to give them, if I'm understanding right, you would have been able to give them more information had they approached it differently?

4127: Yes

As illustrated by this participant, the detectives relayed information about the offender in manner that made the victim feel disbelieved. In addition, the participant found the detectives' demeanor to be cold and unapproachable; the participant did not feel they care about her. As a result of this, the participant cannot describe the rape or the relationship. The lack of understanding around why the victim and offender continued to live together and the nature of their breakup ultimately led to the case not being charged for rape. When victims experience or anticipate negative responses by law enforcement, they may engage in self-protective behaviors by withholding details of their rape,

especially if they anticipate the details will elicit judgmental or hurtful responses from law enforcement.

Helping the victim feel comfortable during the interview appears to be important in victims disclosing information about their rapes. This next example is a continuation of the interview discussed earlier (the participant who was raped by her friend and called her narcotics anonymous sponsor afterwards – see page 61). In this example, the participant explains that she had difficulty sharing information about her rape because she did not feel comfortable with the detective.

I: The other thing that you said is that he asked difficult questions. What do you mean by difficult questions?

4107: Questions that I can't answer, that I don't want to answer. You know, like, it was just like the whole night he was ask me questions, and I don't want to answer everything. He just couldn't understand that. I wasn't comfortable. There's things that I just didn't want to talk about and he held that against me.

I: So he didn't understand that it was difficult for you to talk about that?

4107: Right. All his questions that he asked, I answered, and then when he made the scratches in his little notes. When I finally would answer he would be mad because I didn't talk, it's not my fault I'm not comfortable. I can't just come out and tell my story in every little detail, I'm not comfortable with my story. I don't like what happened.

I: And he was mad that you didn't tell him everything? Did he ask, besides being mad that you didn't tell him a part of it, did he act any other way about that?

4107: Well, my whole story was a lie because I didn't tell him everything the first time. There are bits and pieces that I just don't want to share. It may sound stupid, it just makes me feel really gross.

This participant predicted that if the detective had established rapport with her, then she would have been able to trust the detective and subsequently share details of the rape. Again, it appears that victims may withhold information as a form of self-protection if they experience or anticipate being hurt by the detective (e.g., blamed, judged, not believed). In addition, this participant reported that her detective did not believe her account of the rape because she did not share all of the details with him. Thus, detectives may be less inclined to believe victims who withhold information or provide details later in the interview, which ultimately affects the case outcome.

A few participants with non-prosecuted cases expressed feeling hopeless that anything would happen with their case, which influenced telling less about their rape. For example, one woman noted that she exerted less effort into writing her statement because she believed that the detective would not proceed with her case. This participant began experiencing feelings of hopelessness after her detective communicated disbelief of the victim's story. Overall, these participants felt hopeless that the system could or would protect them from additional harm.

Victim Participation/Withdrawal. As previously discussed, participants with prosecuted cases reported that detectives interviewing with sensitivity helped them feel comfortable enough to disclose their entire story. It also appears that this sensitive questioning prevents some victims withdrawing their participation from the prosecutorial process. This next example is a continuation of the interview discussed earlier (the victim who was raped by her neighbor who forced his way into her apartment). In this example, the participant explains what helped her continue participating in the legal process.

4108: It was being treated with respect by the [responding] police officers, and then being treated with respect by the nurse, and being treated with respect by the people at the hospital, and the detective. I mean, being treated with respect made it easier for me to continue with the process.

I: How did that make it easier to continue, being treated with respect by all of those people?

4108: Because, it's like a stepping stone across a big river and the respect is stone, so you're standing on that bit of respect and you can see that, "Okay, they treated me with respect, so the next person will," you know, at first you're doing things because you have to or because you're urged to by someone else but every time you're doing things you don't want to do, there's no part of me that wanted to do any of this, and being treated with respect each time I dealt with anybody from the system made me feel that, "Okay, the next person will be just as respectful," and that, I think, made it, was one of the biggest things to help me through the process, is just being treated with respect and not being treated like I was somehow at fault.

As the participant explains, the detective's respectful treatment towards her, along with other key professionals, helped her continue through each step of the legal process. Each experience of respect built her confidence that she would receive respect by the next professional. If she had experienced disrespect with any one key professional, it may have influenced her to withdraw from participating. In fact, a few other participants predicted that they would have dropped their cases if they were treated disrespectfully by their detectives, as illustrated below by the participant who was raped by the nail technician during a massage.

I: If they didn't care, would you have been more inclined to be like, "I'm done with this case" or would it change that?

4129: I guess if I didn't feel like they had cared. I mean I guess I could've gone down that road, because mentally, you know, as screwy as this whole situation has been for me. If nobody else cares, why should I? Why should I pursue if they don't really give a shit. It's very easy to go down

that road. Suffering from depression and anxiety and can't think for yourself most of the time.

As this participant illustrates, feeling cared about may play an important role in preventing victims from withdrawing participation in the legal process. While the positive treatment was influential in helping some participants continue with the prosecutorial process, there were two other reasons unrelated to their experiences with detectives that influenced participants to continue. First, most participants reported their continued participation with the investigational process was related to their desire to prevent the offenders from raping again. These participants believed that the offenders were capable of raping again and in some instances had heard rumors that their offenders had raped other women. Furthermore, a couple of participants expressed an obligation to stop their offenders from harming other women and children, noting that they would have felt guilty if they did not participate in the prosecutorial process. Similarly, a couple of participants explained that participating in the prosecutorial process meant they were standing up for themselves and wanted to serve as a role model to encourage other victims to stand up for themselves.

Second, some participants with prosecuted cases did not feel like they had a choice about participating in the prosecutorial process. In some cases, participants stated that law enforcement told them that they did not have a choice about continuing with prosecution. That is, once they reported the rape, it was the State's decision to prosecute the case and not the victim's decision. In other cases, the option of continuing with the prosecutorial process was never discussed by the criminal justice personnel. Thus, the participants believed that they had to participate regardless of their own desires to

participate. For example, one woman was unaware that she could request that the case be dropped. Another participant described how the investigational process happened so quickly that she did not have time to consider whether she wanted to participate in the process.

While positive treatment by detectives seems to prevent some participants from withdrawing from the investigational process, negative treatment did not necessarily influence participants to withdraw. Despite the negative treatment, participants advocated for their cases to continue by offering suggestions of potential case leads such as other witnesses to interview, making phone calls to detectives for case updates, and defending their character with the detectives. While the negative treatment made victims question if they should continue, the participants did not withdraw because they feared their offenders would rape them or other women again. In the next example, the participant (raped by her a long-time friend) explains why she wanted to continue with prosecution even though the detective was “mean” and mocked her.

4107: I just don't ever want him [offender] to do it again; that was my biggest thing. I don't want him to get away with it again, and he probably will.

The victims persisted with their cases despite the negative treatment because they wanted to protect other women and themselves from being raped.

While participants in the non-prosecuted cases did not withdraw from the investigational process because of the negative treatment, the cases were still dropped by the legal system. The participants with non-prosecuted cases reported that the detectives

created a contentious atmosphere, which prevented them from sharing some information about their victimizations. Therefore, these cases may have been dropped by the legal system because they lacked strong statements. Prosecutors make charging decisions based on whether a judge or jury will find the victim and her account of the rape as credible. A key indicator used by prosecutors in determining credibility is the absence of gaps or inconsistencies in the victim's statement. Therefore, prosecutors reject cases when the victim's statement contains inconsistencies or gaps (Frohmann, 1997). Many participants with non-prosecuted cases reported not sharing their entire accounts of the rape because they felt uncomfortable with the detectives. In addition, the participants reported their detectives repeatedly requesting them to retell their stories because they did not have a "clear picture." Thus, it is likely that their statements contained gaps, which may have led to the cases being dropped.

Negative Case Analysis

While this theory applied to most of the rape victims interviewed in this study, it did not completely fit the experience of all participants (see Figure 2). In particular, this theory did not completely fit the experience of participants with prosecuted cases who were raped by intimate partners and participants with non-prosecuted cases who were raped by strangers. Participants with prosecuted cases who were raped by intimate partners described their detectives as less attentive to their well-being, as illustrated in this next example. In this example, a 45 year old white female was raped by her African American husband after he broke her nose. The participant called the police after the offender went to sleep. The woman drank alcohol approximately seven hours prior to the rape. The offender was arrested when the responding officers arrived on the scene but

prior to the detective's involvement. The case was charged by the prosecutor and handled by a jury trial. The jury found the offender guilty of aggravated assault but acquitted him of the rape charge. In this example, the participant discusses how the detective wanted her to make a statement and receive a forensic exam before receiving medical care for her broken nose.

4128: And they did mention you need to go to the hospital and all this, but the Detectives were just so, about, we need to go get this done, so you know what I'm sayin' ...it was just like he really wanted to just nail him [offender] on this CSC [criminal sexual conduct] charge. That was his [detective] main focus, his main concern. I don't see why my nose couldn't have been attended to first and then have this done.

As illustrated in this example, the detective was not attentive to the victim's physical well-being; the detective's main priority was investigating the case to secure a conviction. Despite this lack of attentiveness to the victim's well-being, the participant found the detective to be compassionate, protective, and on her side because of the effort exerted by the detective. A second participant reported that the detectives on her case were more distant or businesslike compared to other professionals encountered during the early stages of the legal process. However, these participants did not report their detectives asking questions in a forceful or rushing manner. Therefore, these participants expressed feeling comfortable with their detectives but also felt like they cared more about obtaining a conviction than about the victims' well-being. Thus, the participants did not experience a level of discomfort with the detectives that prevented them from fully sharing their stories.

Figure 2
Comparison of Detectives' Manner of Questioning by Case Outcome and Victim-Offender Relationship

	Intimate Partner Offenders	Acquaintance Offenders	Stranger Offenders
Prosecuted Cases	Gentle & compassionate but more focused on securing a conviction than on the victims' well-being	Gentle & compassionate	Gentle & compassionate
Non-Prosecuted Cases	Rushing & harsh	Rushing & harsh	Gentle & compassionate initially but becomes colder as the case becomes cold

Overall, participants with prosecuted cases who were raped by intimate partners reported interactions with their detectives that were somewhat different than victims with prosecuted cases who were raped by strangers or acquaintances. That is, participants raped by intimate partners reported their detectives' as less attentive to their well-being or more distant. However, participants with non-prosecuted cases who were raped by intimate partners did not report their interactions with detectives to be any different than victims with non-prosecuted cases who were raped by strangers or acquaintances. In addition, victims of intimate partner rape with non-prosecuted cases reported their detectives' manner of questioning to be much harsher than victims of intimate partner rape with prosecuted cases. This raises the question of why the detectives were less attentive to victims of intimate partner rape whose cases were prosecuted. These

participants believed that the detectives were so strongly focused on “nailing” the offender that they neglected the victims’ well-being or concerns. The popularity of mandatory arrest and no-drop policies have placed more pressure on law enforcement to arrest and obtain convictions on domestic violence cases (Mignon & Holmes, 1995). As such, it is possible that the detectives handling the intimate partner rapes felt pressure to obtain convictions, which may have led to focusing all of their attention on building the case and overlooking the victims’ well-being. In addition, this pressure may have been especially present in the prosecuted cases because the participants were still in relationships with the offenders when they were raped, while most of the participants in the non-prosecuted cases were not. Thus, the detectives may have believed that the women who were still in violent relationships were more at risk of danger.

This theory also did not completely fit the experience of participants with non-prosecuted cases who were raped by strangers who were *never apprehended*. While most participants in the non-prosecuted cases experienced a lack of compassion and harsher style of questioning by the detectives, participants who were raped by strangers who were never apprehended had a different experience. These participants describe their detectives’ manner of questioning as gentle and compassionate, which was a similar response to the participants with prosecuted cases who were raped by *apprehended* strangers. However, as time passed and the offenders were not apprehended, the detectives either ceased contact with or became less compassionate towards the victims. That is, as the case became cold (i.e., no leads), the detectives appeared to become cold or distant as well.

Member Check Results: Victims

The victim informants were asked to describe their experiences with the detectives. Of the three women who provided member checks, two victims' cases were ultimately prosecuted and one was not. Similar to participants in the current study, the victim informants' experiences with the detectives were substantially different for cases that were ultimately prosecuted compared to those that were not. For example, the informants with prosecuted cases reported that the detectives began the interviews by encouraging the victims to tell their stories. One of the women stated that the detective told her to take her time and offered her a break when she started to emotionally "shut down" during the interview. These women described the detectives as compassionate and sympathetic throughout the whole interview, which created feelings of comfort and a sense of safety. The victims stated that the detectives never doubted or blamed them, which made them more comfortable telling their accounts of the rape. As a result of this treatment, one woman expressed feeling like she could trust the detective and thus, was able to describe her rape in detail. The other victim predicted that if the detective had rushed her or was insensitive that she would have continued to "shut down" and be unable to share her account of the rape. In both of those cases, there were factors about the rape or case that prior research has shown to be associated with cases being prosecuted including weapon use, immediately reporting the rape, and early arrest.

By comparison, the third informant was raped by an acquaintance at a party and the case was not prosecuted because the prosecutor could not "prove" that the rape was forced. This woman reported that the interview began with the detective asking a long series of questions but felt like she was not given the opportunity to tell her complete

story. That is, the detective frequently interrupted her when she was answering the questions. The detective questioned why she did not scream when there were other people in the home. In addition, the woman was on anti-depressants and her depression became part of the questioning. The woman felt like the detective was trying to paint her as a “troubled woman who wants attention.” The woman felt judged by the detective and decided not to share information about a prior incident that involved consensual kissing with the offender. However, the offender mentioned this during his interview, which may have led the prosecutor to dropping the case. That is, the prosecutor may have viewed the victim as lacking credibility because of this omission. In this case, there were factors about the rape or case that prior research has shown to be associated with cases being dropped including drinking, delayed reporting (three days), and absence of an early arrest.

After these open, unstructured discussions about their experiences with their detectives, the victim informants were told about the theory developed from the study and requested feedback. The informants felt like their stories paralleled the theory and believed that the theory made sense. Furthermore, the woman whose case was not prosecuted had later joined a support group for rape victims. After hearing other victims’ experiences, she wondered if she would have been treated better if she had an advocate present during the interview. However, she had little hope that the ultimate outcome of her case would have changed even with an advocate.

Member Check Results: Advocates

The advocate informants were asked to think about a recent case and describe their client’s experiences with the detective. Similar to participants in the current study,

the advocate informants reported victims experiences with the detectives as primarily different for cases that were ultimately prosecuted compared to those that were not with one exception that will be discussed later. Only one advocate discussed a case that was prosecuted. Similar to the findings of the study, the advocate described the detective beginning the interview by saying “I know this is hard for you but could you tell me what happened.” The advocate described the detective’s manner of questioning as gentle and not “pushy or forceful.” She described the detective as compassionate, listening attentively, and not demeaning. She also said that the detective was sitting and leaning towards the victim, which led the advocate to believing the detective was engaged during the interview. Finally, the advocate described the content of the detective’s questions as factual and not blaming. The victim had later told the advocate that she felt comfortable with the detective.

On the other hand, the other advocates described non-prosecuted cases that were primarily similar to the findings of this study. The advocates described the detectives rushing the victims by asking questions in quick succession. In addition, one advocate reported that the detective interrupted the victim every time she answered a question to express his doubt of her answer. For example, the victim began to explain how she was raped and the detective interjected by asking “why didn’t you leave?” The advocates also described the detectives’ manner of questioning as harsh and abusive. They reported that the detectives were accusatory, shaming, and blaming from the very beginning of the interviews. Further, one advocate noted that the victim became visibly upset during the interview and the detective responded by demanding that she calm down and questioned why she was so upset. The advocates described the detectives as intimidating and one

victim told the advocate that she was afraid of the detective and did not want to be alone with him. The advocates further noted that the detectives communicated disbelief of the victims' stories and in one case accused the victim of lying and threatened to charge her with false reporting. A couple of the advocates noted that as a result of the detectives' manner of questioning, the victims did not tell parts of their story that embarrassed them. For example, one victim was embarrassed to tell the detective that she had engaged in some consensual sexual activity with the offender prior to the rape. In addition, another advocate noted that the victim had attempted to disclose her full story but the detective interrupted her frequently, which led the advocate to believe that the detective lacked a clear understanding of what occurred before, during, and after the rape.

While most of the advocates reported their clients' stories as similar to the major findings of this study, one advocate described a victim's story that did not completely parallel the findings. The advocate described a case that was not prosecuted but the detective was compassionate and never showed disbelief of the victim during the interview. Subsequently, the detective called the advocate to inform her that the prosecutor was dropping the case due to lack of evidence. The detective stated that he believed the victim and wanted the case to be prosecuted but could not convince the prosecutor to do so. The detective was worried that the news of the case being dropped would "crush" the victim and consulted with the advocate on the best plan to inform her. This case is different from the major findings of this study in that a victim whose case was *not* prosecuted was treated with compassion by a detective who wanted the case to be prosecuted. Therefore, one condition that this study did not capture was detectives who want the cases to be prosecuted but for a variety of reasons the prosecutor does not

warrant the case. Based on this case, it would be important for future research to examine how victims are treated in the context of what detectives and prosecutors want to happen to the cases.

The second component of the member check was providing an overview of the theory to the advocate informants to obtain their feedback. The advocates noted that the theory was understandable and reflected most of the experiences of their clientele. They could not recall any cases that resulted in prosecution when the detectives questioned the victims in a harsh manner. However, the advocates were present for some interviews in which the victims were questioned in a compassionate manner but the cases were not prosecuted. One advocate further elaborated that while the interviews in these cases went well, she had a “gut feeling” that the cases would be dropped because the detectives seemed neutral. When probed further, the advocate described the neutrality as a subtle apathy in their body language (e.g., minimal eye contact, no handshaking) and that there was an absence of compassion by the detective. While the detective did not question these victims in a harsh manner, they also were not displaying compassion either and in the advocate’s experience these cases were not ultimately prosecuted.

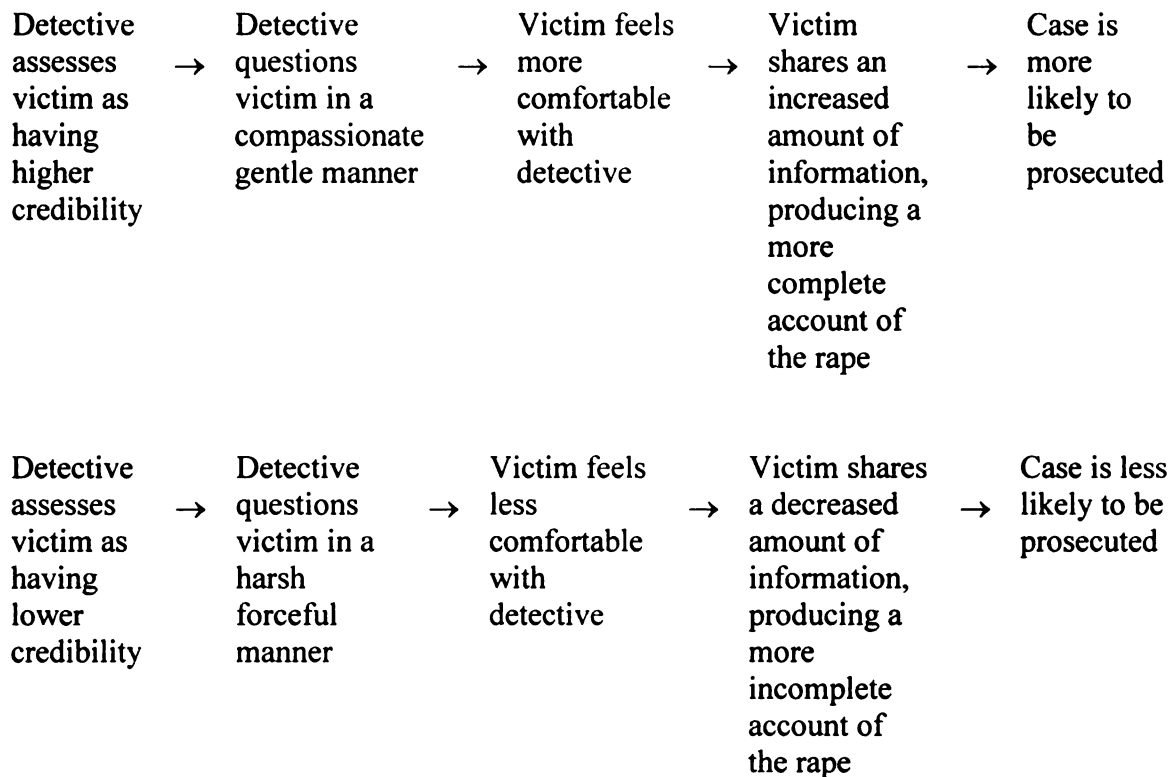
On the other hand, the advocates reported that there have been times when the detectives refused to allow the advocates to be present during the interviews, which the victims later described their detectives as harsh or cold. Therefore, the advocates predicted that their presence during the interviews may have influenced the detectives’ interview style because they primarily have witnessed detectives using a compassionate or neutral manner of questioning. Yet, many of their clientele have reported harsh questioning by detectives in the absence of the advocates. It is important to note that none

of the victims in the current study had advocates present during their interviews with the detectives to make comparisons. However, based on the advocates' feedback, it seems important for future research to explore the role that advocacy plays in how detectives question rape victims and the subsequent case outcome.

DISCUSSION

Successful prosecution of rape cases rests strongly on the information provided by victims during the law enforcement investigation because this crime typically has no witnesses (Bouffard, 2000; Konradi, 2008; Martin, 2005). Cases are more likely to move forward through the legal system when a complete account of the crime has been documented (Martin, 2005). As such, the communication between the victim and detective during the investigational stage is vital to building a strong case, and perhaps ultimately, its prosecutorial outcome. However, the complexity of these interactions has not been examined. There may be variability in how detectives ask questions, which may affect victims positively or negatively, and subsequently influence the quality of information given by the victims. The overarching goal of the current study was to build a theory that explains how the interactions between the victim and detective affect the quality of the investigation itself. Overall, the theory found that detectives determine if the victim is credible prior to interviewing the victim, which influences whether they question the victim in a compassionate gentle manner or a harsh forceful manner and subsequently leads to the victim providing an increased or decreased amount of information about her victimization (see figure 3).

Figure 3
An Emerging Theory of Detectives' Influence on Victim Engagement



Summary of Major Findings

Case antecedents. The first goal of this study was to identify victim and case characteristics that may affect the investigation process and ultimately the case outcomes. Prior literature suggests that the legal system only prosecutes those cases that law enforcement and prosecutors consider credible, which is often determined by the victim and case characteristics. With respect to victim characteristics, younger victims were somewhat less likely to have their cases eventually prosecuted. Previous research has found that younger victims are less likely to have their cases prosecuted by legal system personnel because criminal justice system personnel often believe that younger victims

are likely to fabricate or instigate the rape (Rose & Randall, 1982; Spear & Spohn, 1996, 1997).

Race of the victim is another factor that affects whether a case may be prosecuted. In the current study, none of the victims whose cases were ultimately prosecuted were racial/ethnic minorities. Previous research has documented that rape cases are more likely to be prosecuted if the victim is white and prosecuted less often when the victim belongs to a racial minority group (Campbell et al., 2001; Spears et al., 2001). Additionally, many studies suggest that racial composition of both the victim and offender influence case processing (Frohmann, 1997; Spears et al, 2001). In examining the victim/offender racial dyad in the current study, prosecuted cases had a much higher percentage of white victims raped by minority offenders than non-prosecuted cases. Similarly, prosecuted cases had a slightly lower percentage of white victims raped by white offenders than non-prosecuted cases. However, none of the cases involving minority victims were prosecuted regardless of the offenders' race. Likewise, prior studies also show that cases involving African-American offenders assaulting white victims were more likely to be prosecuted (Frohmann, 1997; Spears et al, 2001).

Prior studies examining the role of the victim-offender relationship in rape case processing have shown mixed results, with more recent studies showing that the victim-offender relationship had no effect on legal outcomes of rape cases (Bachman, 1998; Spohn & Horney, 1993; Spears & Spohn, 1996, 1997). This study also did not find an association between victim-offender relationship and case outcome. Although victims raped by intimate partners may be processed somewhat differently than victims raped by

strangers or acquaintances, there was no difference in ultimate case outcomes for intimate partner sexual assaults.

Another important element that influences whether rape cases are prosecuted is presence or absence of injuries on the victims' bodies. Prior research suggests that cases are more likely to be prosecuted if the victim endures injuries from the assault (Frazier & Haney, 1996; Martin & Powell, 1995; Spohn & Spears, 1997; Spohn, Beichner, & Davis-Frenzal, 2001). Similar to the extant literature, the current study found that a slightly higher percentage of prosecuted cases involved victims with physical and anogenital injuries than non-prosecuted cases.

Victims who report immediately following the rape are often viewed as credible by legal system personnel, and thus are more likely to have their cases prosecuted. Cases that were prosecuted had a substantially higher percentage of victims who reported within two hours following the assault compared to non-prosecuted cases. This finding coincides with previous research that suggests a delay in reporting may be viewed as less credible, and thus less likely to be prosecuted (Frohmann, 1997; Kerstetter, 1990).

Alcohol and drug use by the victim has been shown to be an important factor that influences system personnel dropping rape cases (Campbell, 1998; Spears & Spohn, 1996; Frohmann, 1997). That is, legal system personnel view victims who consume alcohol or drugs prior to their rape as less credible than those who did not. However, in the current study, prosecuted cases had a higher percentage of victims who consumed alcohol or drugs than non-prosecuted cases, which seems incongruent with the prior research. Yet, a more in-depth examination of the prosecuted cases showed that most victims consumed alcohol three to seven hours *prior to* their rape. Thus, it may be

possible that alcohol consumption had less weight as an indicator of credibility or other indices held more weight in the decisions of legal system personnel. For example, one case was prosecuted that involved a victim who was drinking at a bar prior to her rape. However, the offender was an African-American male with a criminal record and was arrested prior to the detective's involvement in the case. In addition, the offender confessed to the crime. All of these factors (race of offender, criminal record, early arrest, and confession) most likely influenced the case to be prosecuted.

In addition to victim credibility, prior research suggests that detectives are more likely to forward cases when the offender is already in custody because it requires less investigational effort (e.g., paperwork to obtain arrest warrant, search for the offender) (Kerstetter & Van Winkle 1990). This study replicated that finding as the prosecuted cases in the current study had a substantially higher percentage of offenders arrested on the same day as the report compared to non-prosecuted cases. Overall, the findings of the current study parallel prior studies that suggest that the legal system makes rape case processing decisions based on victim credibility and degree of investigational effort required.

An Emerging Theory of Detectives' Influence on Victim Engagement

An overarching goal of this research is to build a theory that explains how the interactions between the victim and detective affect the quality of the investigation itself. Detectives often review the responding officers' reports prior to interviewing the victim, perhaps to assess the credibility of the victim and the case. This assessment may influence the interview style utilized by detectives for individual cases. That is, if a detective deems a victim or case as having high credibility and/or the case requiring less

investigational effort, then the detective approaches the interview differently because the aim becomes building the case further. In order to build a strong case, detailed information is needed from the victim, which requires the detective to create an environment that is safe and comfortable to maximize the level of detail needed from the victim. A safe interview environment is created through a combination of several different mechanisms.

First, the detective builds rapport with the victim prior to conducting the interview, which increases the victim's feelings of comfort prior to providing an account of the rape. Second, the detective begins the interview by having the victim provide a full account of the rape with the detective encouraging the victim to disclose. After the victim describes the entire rape, the detective asks follow-up questions in a gentle manner at a conversational pace. Third, the detective displays compassion towards the victim by being friendly, supportive, respectful, and sensitive throughout this process. In addition, the detective listens to the victim's story and concerns intently. Finally, the detective does not express doubt of the victim's account or blame the victim for causing the rape. Instead, the detective verbalizes being on the "victim's side," and may mock the suspect or share information about the suspect (e.g., criminal history). Through this manner of questioning, the detective creates a calm and less formidable interview environment, which helps the victim feel comfortable with the detective and interview process, and regards the detective as trustworthy and safe. The detective becomes viewed as an ally because the victim feels understood, cared about, and believed by the detective. Consequently, the detective is able to elicit more information from the victim, producing a more complete account of the rape, and subsequently a stronger case for prosecution.

Therefore, the case has a better chance of being prosecuted. While this theory fit the majority of rape victims with prosecuted cases, it did not apply to victims of intimate partner rape who were not treated with less compassion by their detectives.

While the effect of investigational interviews on the quality of rape victim statements is an understudied area, prior studies may offer some insight into why this comfortable interview environment will yield a stronger statement. The literature suggests that the majority of information elicited from an interview occurs in the opening narration if the victim remains uninterrupted (Fisher, 1995). Thus, the detectives most likely obtained more information by allowing victims to tell the *entire* account of the rape at their own pace in the beginning of the interview. Previous research has also found that victims experience many overwhelming feelings following a rape including fear, shame, humiliation, and powerlessness (Bletzer & Koss, 2006; Herman, 1992). As such, the detective attending to victim's emotional well-being (e.g., slowing pace, offering breaks) may help her endure the intense emotionality experienced during the interview so she can continue providing information about the rape.

Prior studies have also found that many victims feel unsafe and vulnerable after rape and anticipate further harm by law enforcement such as being blamed or not believed (Herman, 1992; Patterson, Greeson, & Campbell, 2008). Therefore, a detective displaying compassion and expressing belief in the victim's story could put her at ease and help her feel comfortable enough to disclose sensitive details about the rape. As such, the detective has constructed an interview environment conducive to the rape victim disclosing. Furthermore, building rapport during interviews has been shown to increase the amount of information elicited by interviewees. Collins, Lincoln, and Frank (2002)

examined the effect of rapport on eyewitnesses who observed and then recalled a videotaped simulated crime. Collins and colleagues randomly assigned participants into three interviewer-attitude groups: a) the rapport group where the trained interviewer spoke with a gentler tone, referred to the participant by name, had a relaxed body posture, and was friendly; b) the abrupt group which consisted of a trained interviewer who used a harsher tone, did not refer to the participant by name, had a stiff body posture, and remained uninterested in anything but conducting the interview; and c) the neutral group whereby the interviewer used a neutral tone and body posture. The study found that participants in the rapport group provided more correct information without a corresponding increase in incorrect information. The authors further noted that the participants in the rapport group stayed with the interviewer longer, and more thoroughly searched their memories for correct information. These participants stated that the interviewers' friendly and supportive attitude made them try harder in the interview and in recalling additional details.

Conversely, if the detective regards the victim as having low credibility and/or the case requiring more investigational effort, then the detective creates an interview environment that feels uncomfortable for the victim. An uncomfortable interview environment is developed through a variety of different methods. First, the detective does not begin the interview by building rapport but instead asks a long succession of questions in a forceful and "drilling" manner at a rapid pace. Second, the detective engages in secondary victimization behaviors such as blaming the victim for causing the rape or asking how she responded to the rape or offender. In addition, the detective may have a detached demeanor or lack compassion (e.g., never inquire about how the victim

is coping). Third, the detective verbalizes doubt of the victim's account, suggests the victim "back out" if lying, or threatens her with criminal charges. The detective may also express belief in the offender's story and request the victim to recount the rape repeatedly. As a result of this questioning style, the detective has created an intimidating interview environment, which leads to the victim feeling uncomfortable with the detective and interview process. The victim may feel victimized and treated as a criminal, leading her to feel afraid of being charged with false reporting. Accordingly, the detective is unable to elicit as much information from the victim, producing an incomplete account of the rape, and subsequently a weaker case for prosecution. Therefore, the case has a lower chance of being prosecuted. This theory fit most victims with non-prosecuted cases except victims raped by strangers, who were treated primarily with compassion by their detectives.

Prior research on the legal system's response to rape may also shed some light on why this harsh type of interview style may prevent the victim from sharing information. Rape often involves the offender using threat of or actual use of force to commit penetration (Giardino, Datner & Asher, 2003). Additionally, rape profoundly disrupts the victim's sense of trust and safety, which leaves the victim on high alert of potential threats to her physical or psychological well-being (Herman, 1992). Furthermore, a victim will attempt to avoid reminders of the rape or the offender for a long period of time following the rape (Herman, 1992). Therefore, a detective who questions a victim in a forceful blaming manner is likely to resemble the offender, creating an uncomfortable and intimidating interview environment. When a victim experiences or anticipates negative responses by law enforcement, the victim may engage in self-protective

behavior by withholding details of her rape, especially if she anticipates the details will elicit judgmental or hurtful responses from law enforcement.

Prior research has also found that using a harsh or neutral tone decreases the amount of information elicited during an investigational interview. As described earlier, Collins, Lincoln, and Frank (2002) examined the effect of rapport (or lack of) on eyewitness who observed and then recalled a videotaped simulated crime. The participants in the abrupt (i.e., harsh) and neutral groups were reluctant to provide information because of the interviewers' attitudes. This study suggested that an overly aggressive, controlling interviewer could decrease the amount of information shared by a cooperative witness. Furthermore, an interviewer who exhibits disinterest during the interview could be viewed as having a negative attitude, which subsequently affects information shared by the participant. This suggests that the interviewer's attitude plays an important role in the quality and quantity of information provided by a victim of a crime. Similarly, the current study found that some detectives created an intimidating and adversarial interview setting, which impeded the victims from sharing information about the rape and thus created gaps in the victim statements.

While the current study focuses on the interactions between victims and detectives during the law enforcement investigation, a prior study showed similar results when examining the later stages of the criminal justice system. In fact, the findings regarding victim-prosecutor interactions were so similar to the victim-detective interactions of the current study that it merits a more in-depth discussion. In an ethnographic field study of seven prosecutors handling 71 cases, Frohmann (1998) found that if prosecutors are going to reject a case, they produce uncertainty in victims about

going forward with prosecution by showing how potentially difficult and humiliating a trial can be. In addition, the prosecutors' express concern about the victims' safety from the offenders' friends or family but do not offer legal remedy to increase their safety. On the other hand, prosecutors create relationships of trust when they are going to charge cases. Additionally, prosecutors offer either legal remedies to increase victim safety or do not verbalize their concerns about the victims' psychological well-being or physical safety when encouraging prosecution.

Similar to the current study, Frohmann found that prosecutors approached the cases that were ultimately prosecuted differently than the cases that were not prosecuted. Through interviews and field observations, Frohmann was also able to determine that the charging decisions were based on factors of credibility, which then influenced their approach with victims. That is, the prosecutors would charge cases when they believed the victims or cases were credible. Further, the decision to charge the cases then led the prosecutors to building relationships of trust with the victims, which helped the cases continue (i.e., victims remained engaged in the prosecutorial process). On the other hand, prosecutors would drop cases when they believed the victims or cases lacked credibility, which influenced their approach with these victims. Instead of using a harsh approach like the detectives did in the current study, the prosecutors expressed concern for the victims' safety (e.g., friends of the offender seeking revenge) but never offered legal protection to keep the victims safe. Further, they warned the victims that a trial could be potentially difficult and humiliating. For example, the prosecutors would suggest that the jurors may not believe the victim or that the defense attorney will ask humiliating questions during the trial. The prosecutors' goal of expressing these concerns was to

convince the victims to withdraw their participation, which would prevent the prosecutors from having to tell the victims about their decisions to drop the cases. It is possible that prosecutors approach victims with “concern” rather than harshness because the chief prosecuting attorney (also referred to as the district attorney in some jurisdictions) is an elected position. Therefore, prosecutors placing the blame on defense attorneys (e.g., being cross examined is humiliating) or jurors (e.g., they probably will not convict the offender because you were drinking) allows the victim to view the prosecutors in a positive light because they were showing their “concern”. Overall, the Frohmann and current study suggest that law enforcement and prosecutors formulate their decisions very early in the process, which dictates how they interact with victims and subsequently creates stronger or weaker cases.

Implication of Findings: Practice

The results from this study indicate that the detectives’ manner of questioning can lead to decreased opportunities of justice for some victims, and there are other potential implications for harsh questioning. Prior research has shown that victims who receive negative reactions from legal system personnel are reluctant to seek further help for medical and mental health services, which could have long-term negative effects on victims’ psychological and physical health well-being. (Campbell, 2005; Logan et al., 2005). In addition, it is probable that the harsh treatment some victims endure prevents other women from reporting to the legal system. For example, Patterson, Greeson, and Campbell (2008) found that one primary reason that victims do *not* report to the police is because they were worried that law enforcement would cause further harm (e.g., victim blaming) and emotional distress. This suggests that law enforcement have gained a

reputation as being harmful to rape victims, which could deter victims from reporting the crime.

Based on the findings, three intervention/prevention approaches are recommended: victim advocacy, law enforcement training, and a community coordinated response. First, the advocate informants suggested that victims were treated better when they were present during the interviews. Even when the cases were not prosecuted, the detectives at least had a neutral interview style when the advocates were present, which may be less hurtful than a harsh interviewing style. Similarly, prior research has found that advocacy decreases negative law enforcement's treatment towards rape victims. In a naturalistic, quasi-experimental design, Campbell (2006) found that the majority of victims felt violated and disappointed after their contact with law enforcement regardless of having an advocate present, but those victims with an advocate were less likely to be asked by law enforcement about their prior sexual history or if they responded sexually to the assault. The current study also shows that advocacy may be particularly important for victims of intimate partner rape, as none of these victims had a completely positive experience with detectives. This is particularly disconcerting because offenders of intimate partner violence are likely to revictimize their partners in the future but these victims are less likely to seek help again if they had a negative experience with law enforcement (Kingsnorth, 2006; Stephens & Sinden, 2000). Given the pressure that law enforcement may experience as a result of state policies (e.g., mandatory arrest, no-drop policies), it may be helpful for the victim to have a victim advocate to ensure that the victims' voices are heard and receive a humane response.

In addition, none of the cases involving racial/ethnic minority victims were prosecuted, and detectives used a harsh manner of questioning with most of them. This finding is similar to prior research that showed racial/ethnic minority were less likely to have their cases prosecuted (Campbell et al., 2001; Spears et al., 2001). Rape crisis center advocacy services may buffer such treatment, but many victims, particularly racial/ethnic minority women, may not know about rape crisis centers and how they can be of help immediately post-assault (Campbell et al., 2001). Rape crisis centers should consider focusing more of their organizational attention toward increasing public awareness of their advocacy services, particularly in communities of color. In addition to increasing public awareness, rape crisis centers need to collaborate with law enforcement agencies to offer legal advocacy in a more systematic way. Some law enforcement departments or individual officers may refuse to have advocates present during the interview. All states have laws on rights and protections of crime victims but do not always include the right to have victim advocates present during all stages of the prosecutorial process (National Center for Victims of Crime, 2008). Because the findings of the current show that advocacy presence increases humane treatment of victims, state policies should consider adopting the right to victim advocacy during all stages of the investigational and prosecutorial process.

Second, law enforcement officers receive minimal training on investigating rape or how to respond to rape victims (Lonsway, 2001). Given the complex and sensitive nature of the crime and the unique needs of rape victims, improving training for law enforcement is a priority. Lonsway (2001) examined the effectiveness of a specialized four-hour training program designed to improve the behavioral response of police

academy recruits with rape victims through multiple teaching modalities (e.g. case studies, role playing). Two classes of recruits were randomly assigned to receive the experimental training and another class was assigned the typical training protocol (baseline curriculum), which focused on general dynamics of sexual assault crimes within a thirty minute lecture. The recruits in the experimental training condition were more likely to use a number of specific techniques recommended in the training for a sensitive response. Specifically, the study found that the recruits who received the specialized training were more likely to allow the victim significant control over the pace and tone of the interview. In addition, the recruits with specialized training were more likely to address a range of needs and concerns of the victim as well as provide empathy and reassurance to the victim. In a follow-up study, Lonsway (2001) assessed outcomes of the training over different points in time with 450 recruits including: a) before the experimental program; b) after classroom instruction but before a simulated interview, c) after class instruction and a simulated interview; and d) after completion of a second simulated interview. The results indicated that the interview performance was superior among those recruits who participated in two simulated interviews, rather than only one.

Building upon Lonsway's research, the current findings suggest that the training should specifically include instructing law enforcement about the compassionate and harsh interview styles and its impact on victims. This is especially true because prior research has shown that law enforcement significantly underestimates the impact their behavior has on victims (Campbell, 2005). In addition, law enforcement typically has high case loads with fewer resources. Thus, they may be reluctant to adopt the compassionate interview style if they believe that this approach will exhaust more

resources. Prior research has shown that treating victims harshly waste less time and energy on a case (Martin, 2005). Therefore, it is important to address this concern during the training intervention. Furthermore, Lonsway (2001) posits that the use of behavioral simulations during police trainings can significantly improve law enforcement's response to rape victims. Practicing new skills is particularly important because prior research has indicated that less than 30% of what people learn in training actually gets used on the job (Robinson & Robinson, 1995). Behavioral simulation is one way to ensure that new knowledge and skills transfer to the job. In the current study, detectives were more likely to utilize a harsh interview style with cases that are typically viewed as having low credibility. To increase the chances that *all* victims receive a compassionate style of questioning, it is important that detective supervisors endorse this interview style (Goldstein & Ford, 2002).

Third, studies have found that systemically-focused initiatives help improve law enforcement's treatment towards rape victims. These initiatives often involve multidisciplinary bodies (e.g., advocates, health care providers) that collaborate with one another to meet the needs of victims and hold offenders accountable (Littel, 2001). Campbell (1998) interviewed victim advocates to inquire about the benefits of community coordinated services among rape case processing agencies (e.g., law enforcement, rape crisis centers). The study found that victims who lived in communities with more coordinated services among agencies had more positive experiences with the legal system than victims in low coordination communities. In a qualitative follow-up study, Campbell and Ahrens (1998) compared 22 high coordinated communities with 12 low coordination communities to examine how coordinated agencies are helpful to rape

victims. Results indicated that communities with higher coordination were more successful in providing higher quality care consistent with victims' needs. In a more recent study, Zweig and Burt (2006) conducted telephone interviews with 1,509 victims from 26 communities with different levels of collaborative engagement among agencies. This study suggests rape cases from high coordinated communities were more likely to result in an arrest of the offender and victims were more likely to report the response of law enforcement to be effective. These studies suggest that community coordination among rape case processing agencies improve law enforcement's treatment of rape victims.

Drawing upon this literature, the findings of the current study would suggest that the success of detectives adopting a compassionate interview style with all victims needs to be a systemically-focused initiative. That is, all rape case processing agencies would need to receive informational training on understanding how law enforcement's interview style affects victims and the quality of their statements. For example, prosecutors typically believe that victims' statements with gaps are due to the lack of credibility of victims and not related to the detectives' interview skills or style (Martin, 2005). Therefore, making prosecutor aware of the linkage between detective interview styles and the quality of the victim statements could have several advantages. For example, prosecutors often make charging decisions based on the victims' statements obtained through the investigational interviews (Martin, 2005). If prosecutors understand the impact detectives have on victim statements, they may be more willing to meet with victims prior to making their decisions rather than automatically dropping the cases. In addition, the elected prosecutor often sets county-level policies and protocols for rape

case processing and as such, could set expectations for how detectives interview victims. Setting expectations has been shown to help people apply new knowledge and skills into their job setting (Goldstein & Ford, 2002). Furthermore, prosecutors review many detectives' investigational reports including the victim statement, which provides a natural monitoring system of detectives and law enforcement agencies. Thus, prosecutors can identify patterns of frequently weak statements by individual detectives or law enforcement agencies and recommend further training or address barriers to systematically utilizing the compassionate interview style.

Victim advocates and medical personnel such as sexual assault nurse examiners (SANEs) are also key stakeholders involved in the systemically-focused post-assault response to victims. Victim advocates and SANEs may be present during the investigational interview or may provide consultation to the detectives. Therefore, it is also important that they have knowledge of the association between detective interview styles and the quality of the victim statements. Prior studies show that a relapse of using new knowledge and skills is less likely if other colleagues and professionals expect and support the trainees to adopt them in their work (Goldstein & Ford, 2002). Therefore, victim advocates and SANEs may offer encouragement in the use of the compassionate interview style, especially with cases that are typically viewed as having low credibility.

Implication of Findings: Future Research

This study can serve as a catalyst for several research projects. First, it appears that detectives may have predetermined notions about rape cases prior to interviewing victims, and therefore, further research is needed to examine *when* detectives form their beliefs about the cases. For example, do detectives determine victim believability and

credibility prior to conducting an interview with the victim? How do detectives determine the victims' believability or credibility prior to the interview? An ethnographic field study would be beneficial to address these questions because it could capture *when* detectives form their initial beliefs about the case, and if and how those perceptions *change* as the case progresses. As discussed earlier, a similar ethnographic study was conducted by Frohmann (1998) regarding prosecutors' decision making and approach with rape victims. The current study highlights the need for a similar study focusing on the stage of law enforcement investigation.

Second, the current study suggests that preconceived beliefs may affect the detective's manner of questioning, which may subsequently influence the quality of the victim statement. A larger quantitative observational study is needed to examine a) more in-depth interactions that occur between victims and detectives and b) how the victim and detectives' pre-interview notions may affect these interactions. Video-taped interactions of detectives and victims would allow for a thorough examination of the investigational interview process. What do detectives ask during the interviews (content) and how do they ask it (delivery)? Moreover, how do victims respond during the interviews? Observational research would be beneficial to answer these questions because it measures behavior without relying on participants' memory or self awareness of their behavior. However, observational research does not help understand what is happening within a person (e.g., emotions or beliefs). Therefore, interviews with detectives, victims, and prosecutors could supplement the observational data by providing insight into their perceptions. Interviewing detectives would help determine if they had any pre-determined notions about the victim or case prior to their interviews with the victims.

Including interviews with victims in this study could determine if the victims provided a complete statement of their rape during the interview with their detectives. In addition, interviews with prosecutors could examine whether the victims' statements affected their decisions to prosecute or drop the cases.

This study also has an implication for future research examining victims' experiences with law enforcement. Many prior studies have examined rape victims' experiences with the legal system by comparing those raped by strangers to those raped by non-strangers, which combined the experiences of victims raped by intimate partners with those raped by acquaintances. However, this study found that women who are raped by their intimate partners have primarily negative experiences with law enforcement regardless of whether their cases are prosecuted or not. Therefore, it is important that future research compares the experiences of women who are raped by their intimate partners to women raped by acquaintances and strangers to further understand the unique experiences of victims of intimate partner rape.

Limitations of this Study

Several methodological limitations of this study may mitigate the strength of the conclusions that can be drawn from this work. The data that informed the development of the theory were from the victims' perspective, which is appropriate given the intent of the theory, but does not include data from other stakeholders. Therefore, it may not provide a complete picture of what happened during the interactions with the detectives. It is possible that detectives would have a different description of the interview. However, Campbell (2005) found high interrater reliability between the accounts of victims and law enforcement regarding how victims were treated. That is, if a victim stated that a law

enforcement officer had exhibited a particular behavior, most likely that law enforcement officer also reported that they engaged in that behavior. Nonetheless, without the perspective of both the victim and the detective, the exact nature of the interaction cannot be determined.

The data also did not include demographical information (e.g. age, race) of the detectives handling the participants' cases. Therefore, this study cannot examine if the detectives' characteristics influenced the interactions between the victims and detectives. For example, it may be possible that victims felt more comfortable with younger detectives. In addition, this study did not follow a particular set of detectives to determine if detectives approach all victims consistently (e.g., a detective always questioning victims in a compassionate manner) or if their manner of questioning was always influenced by the victims' credibility. However, Frohmann (1998) followed a set of prosecutors to examine their interactions with victims and found that prosecutors did not treat victims consistently but instead approached victims according to their decisions of whether to prosecute the cases. Furthermore, it is likely that detectives are randomly assigned to cases. Therefore, if detectives questioned victims in a consistent manner, it would be likely that at least some victims with prosecuted cases would experience a harsh forceful manner of questioning while some victims with non-prosecuted cases would experience a compassionate gentle manner of questioning.

Individual differences in self-disclosure of participants may have also affected the quality of the descriptions that were obtained, as victims ranged in the amount of detail provided during the interviews. Thus, important information may have been omitted. Therefore, the experiences of more articulate victims may have disproportionately

influenced the conclusions about the effect of the detectives' manner of questioning on victim engagement. However, this limitation was mitigated by the findings of the victim and advocate member checks, which paralleled the conclusions. In addition, the interviewers were trained on strategies for building rapport and increasing the victims' comfort during the interviews, as well as probing to elicit more information. These strategies were implemented during the interviews and discussed regularly as interview transcripts were reviewed by the research team. Further, the victims in the current study reported feeling comfortable during the qualitative interviews, which may have helped victims provide more information about their interactions with detectives.

The rape survivors who were included in this study are a select group—those who were willing to participate in research—and may not be representative of all victims who report to the criminal justice system. Although this study actively recruited a diverse sample of rape victims who were representative of the focal county, the choice to participate in this study was ultimately the victims. Those individuals who agree to participate in research may be different from the general population of rape victims. That is, the interactions with detectives and its influence on victims who participated may be different from those who did not. It may be possible that victims who self-selected into this study were extremely satisfied or dissatisfied with their experiences with the detectives. However, the advocate informants relayed that the detectives often treat victims in these extremes (e.g., very compassionate or very harsh) with the exception of some cases. In those cases, the detectives appear neutral towards the victims when advocates are present. Therefore, the interactions with detectives who have a neutral

manner of questioning and its influence on victims may be different from the victims who participated in this study.

Furthermore, the findings of this study can only be generalized to rape cases that involve victims who received a forensic exam and reported within a few days of the rape. The interactions between detectives and victims and its subsequent influence on victim engagement may be different for those cases in which a victim did not seek medical assistance, or cases in which the victim reported much later. Prior research suggests that law enforcement views victims as lacking credibility if they who do not seek medical and legal assistance immediately following a rape (Frohmann, 1997; Kerstetter, 1990). Thus, it is probable that these victims would experience harsh treatment similar to or worse than the victims with non-prosecuted cases in this study, and thus would negatively affect their engagement with the investigation.

Finally, the qualitative nature of this project limits the conclusions that can be drawn about causality and the extent to which these findings can be generalized to the larger population of rape victims. As an exploratory study in an understudied area, the overarching goal of this project was to build a theory to explain how the interactions between the victim and detective affect the quality of the investigation itself. While the rape victims in the current sample described the detectives' manner of questioning influencing the information shared, we cannot definitively conclude that the interview style strengthened or weakened the victim statements. It is entirely possible that other factors (e.g., post-rape distress) interacted with the detectives' manner of questioning to influence their level of disclosures with the detectives. In addition, it may be possible that victims with non-prosecuted cases would have opted to stop sharing information even if

they didn't experience a harsh manner of questioning. Conversely, it is possible that victims with prosecuted cases would have shared information with the detectives even if they did not receive a gentle manner of questioning.

However, it may be difficult to design an "ideal" study that can adequately address these limitations. For example, randomly assigning detectives' interviewing styles (e.g., compassionate, harsh) to recently victimized rape victims has ethical implications. Thus, one way to further examine detective interview styles is through an experimental evaluation of a training program designed to improve detectives' interview styles. Detectives could be randomly assigned to intervention (e.g., training on compassionate interviewing styles) and control (e.g., no training) groups. The study could examine the detectives' performance in a simulated victim interview by measuring adherence to the compassionate interviewing style and the information elicited by the "victims" during the interview. While this study would not use actual victims due to ethical reasons, one possibility is to have those who role-play the "victim" to use a real story that is personal in nature. This could be an incident of being a victim of a misdemeanor crime or something that is moderately embarrassing. Prior to the study being conducted, the "victim" would write out a complete story of the incident, which would allow the observers to measure if the detectives were able to elicit the complete account of the incident. In spite of these limitations, the findings of this study offer new insights on the legal system's response to rape victims.

Conclusion

Rape is a horrific crime that causes debilitating psychological and physical health consequences (Koss et al., 2003). Yet, few reported rapes are ever prosecuted. Many

studies have documented the secondary victimization that victims experience by the legal system and its negative consequences on victims' well-being. The current study demonstrated that the negative treatment by law enforcement detectives has a powerful role in determining whether the case is ultimately prosecuted or not. The current study used grounded theory methodology to explain how the interactions between victims and detectives can strengthen or weaken the investigation itself. Detectives supporting the victim can help produce stronger statements, and thus build a stronger case for prosecution and prevent additional psychological distress. As such, training detectives on interviewing style and its impact on victims and the investigation is important for improving the criminal justice system's response to rape victims. Furthermore, changing the criminal justice system's response to victims would require coordinated, systemic efforts involving law enforcement, prosecutors, advocates, health care providers, and victims.

APPENDIX A

Background of Larger Research Project

The current study was conducted within the context of larger a research project examining the impact of Sexual Assault Nurse Examiner (SANE) programs on the criminal justice system (see Campbell, Bybee, & Ford, 2006). SANE programs provide supportive care to victims and quality medical forensic evidence collection to improve prosecution of perpetrators, and have been implemented in many communities throughout the United States (Arndt 1988). The larger study was designed to determine the circumstances and contexts under which SANE programs increase prosecution rates, and by identifying the mediating mechanisms that explain how and why SANE programs affect case outcomes. The *larger* study has four objectives: 1) to compare prosecution charging rates for cases examined in a SANE program to a sample of adult rape cases examined using standard hospital protocols in the same community prior to the implementation of the SANE program; 2) to identify victim, case, and forensic medical evidence (e.g., injury) characteristics that predict prosecutors' charging decisions; 3) the investigational practices for police officers who have completed a SANE criminal justice training program will be compared to those who have not gone through training to determine if there have been substantive changes in police reports since the emergence of the SANE program; and 4) explore how the emotional support provided to victims/survivors by the SANE program and victim advocates increased their participation during the investigation and prosecution.

To achieve these aims, quantitative data were collected from police and prosecutor records, and qualitative data were collected through interviews with victims, law enforcement, and prosecutors. The *current* study draws on the qualitative data; specifically sections of victim interviews focusing on their experiences with responding

officers (e.g., road patrol) to determine if the offender was arrested early in the legal process and prior to the detectives involvement. In addition, the current study utilizes the segments of the interviews regarding the victims' experiences with detectives to understand how victims perceive and are affected by the detectives' manner of questioning.

APPENDIX B

Qualitative Survivor/Victim Interview Protocol

Participant ID Number _____ Interviewer ID Number _____

Date Interview Conducted _____ Length of Interview _____

INTRODUCTION AND OVERVIEW

As we talked about before, this interview will take approximately 2 hours to complete. Is there somewhere you have to be after the interview, or is it ok if we run a little bit over?

I am doing these interviews to gain a better understanding of what it was like for you to have a medical/forensic sexual assault exam and what your experiences were like with police and prosecutors.

I really appreciate your willingness to talk with me today and share your experiences. The information you provide will be extremely helpful.

If it's ok with you, I would like to tape record this interview. It's going to be hard for me to get everything down on paper, so the tape can help me later on filling in anything I might have missed. The only other people who might listen to this tape will be the project supervisors. When the project is done, the tape will be destroyed. May I tape record our discussion?

Everything we discuss today is private and confidential—your name will not be connected to anything you say. Your name is not on this interview or the tape.

As we're going through the interview, if you need to take a break or stop, just let me know. If there are any questions that you don't want to answer, just say so, and I will move on to the next section. You do not have to answer all of the questions in this interview.

Before we get started I need to get your consent to be interviewed (go through procedures to obtain informed consent).

Do you have any questions before we start?

SECTION ONE

INVOLVEMENT IN THE PROJECT

I'd like to start off by talking a little about how you heard about this study and how you decided to participate in the interview.

Q1. How did you hear about this study?

Q2. Why did you decide to participate?

What made you decide to contact us for an interview?

Q3. Were there specific things that made you reluctant to contact us for an interview?

a. If so, what were those concerns?

b. How can we address those concerns as we go through the interview?

SECTION TWO

BACKGROUND ON THE ASSAULT

As you know, I'm here today to talk with you about the assault and your experiences afterward with the sexual assault exam and the criminal justice system. So if it's ok with you I would like to go ahead and begin by asking you about the assault itself.

Q4. Could you tell me about the assault? What happened?
Could you tell me your story?

Thank you for sharing your experience with me. I'd like to ask you a few specific questions about the assault so that I can understand more fully.

PROBES:

a. How long ago did the assault happen?

b. How old were you at the time of the assault?

c. Type of assault

1 = STRANGER RAPE

2 = ACQUAINTANCE RAPE

3 = DATE RAPE

4 = LONG-TERM DATING PARTNER

5 = MARITAL RAPE

6 = GANG RAPE/ STRANGER

7 = GANG RAPE/ ACQUAINTANCE

8 = OTHER (Specify _____)

d. Relationship with assailant(s) before the assault

1 = NONE, WERE STRANGERS

2 = KNEW EACH OTHER BY SIGHT

3 = FRIENDS, CASUAL

4 = FRIENDS, CLOSE

5 = DATING

6 = MARRIED/LIFE COMMITMENT

7 = SEPARATED

8 = DIVORCED

9 = OTHER (_____)

10 = DON'T REMEMBER

e. Living together

1 = YES

2 = NO

Ask only if she was the victim of non-stranger rape

ee. Was this assault part of an isolated incident or was it part of an ongoing abusive relationship?

1 = SINGLE SEXUAL ASSAULT

PROBE: so, just to clarify, was he emotionally, physically, or sexually abusive outside of the incident you described?

(CIRCLE ALL THAT APPLY)

2 = MULTIPLE SEXUAL ASSAULTS

3 = EMOTIONALLY ABUSIVE

4 = NON-SEXUAL PHYSICAL VIOLENCE

f. Race/ethnicity of the assailant

1 = WHITE

2 = AFRICAN-AMERICAN/BLACK

3 = LATINO/HISPANIC

4 = NATIVE AMERICAN INDIAN

5 = ASIAN AMERICAN

6 = ARABIC-AMERICAN

7 = OTHER (Specify _____)

8 = DON'T KNOW

g. In addition to the injury of rape itself, were there any other physical injuries you sustained from the assault?

1 = YES (Specify _____)

0 = NO

2 = DON'T KNOW

h. Was a weapon used in the assault?

1 = YES (Specify _____)

0 = NO

2 = DON'T KNOW

i. Was the assailant using alcohol at the time of the assault?

1 = YES

0 = NO

2 = DON'T KNOW

j. Was the assailant using drugs at the time of the assault?

1 = YES (GO TO QUESTION jj)

0 = NO (GO TO QUESTION k)

2 = DON'T KNOW

jj. Assailant was using

MARIJUANA	1 = YES	2 = NO
TRANQUILIZERS	1 = YES	2 = NO
AMPHETAMINES	1 = YES	2 = NO
COCAINE/CRACK	1 = YES	2 = NO
HEROIN	1 = YES	2 = NO
HALLUCINOGENIC	1 = YES	2 = NO
OTHER (SPECIFY _____)		
8 = DON'T REMEMBER		

Next I would like to ask you about whether you were using alcohol or drugs at the time of the assault. Before you answer, please let me explain why I'm asking this question. What happened to you was in no way your fault. Regardless of your answer, you are in no way to blame for what you experienced.

We only ask this question because sometimes people who were using alcohol or drugs when they were assaulted may be treated differently by police, medical staff, or others. Remember that you do not want to answer any of the questions in the interview, we can just move on.

k. Were you using alcohol at the time of the assault?

1 = YES

0 = NO

2 = DON'T KNOW

l. Were you using drugs at the time of the assault?

1 = YES (GO TO QUESTION ll)

0 = NO (GO TO QUESTION 5)

2 = DON'T KNOW

ll. You were using

MARIJUANA	1 = YES	2 = NO
TRANQUILIZERS	1 = YES	2 = NO
AMPHETAMINES	1 = YES	2 = NO
COCAINE/CRACK	1 = YES	2 = NO
HEROIN	1 = YES	2 = NO
HALLUCINOGENIC	1 = YES	2 = NO
OTHER (SPECIFY _____)		
8 = DON'T REMEMBER		

SECTION THREE

EXPERIENCE AFTER THE ASSAULT

Now I would like to discuss with you your experiences after the assault.

Q5. What happened right after the assault?
What did you do immediately afterwards?

If she discusses exam/FNEP first/foremost, start with questions on the sexual assault exam (PAGE 7)

*If she discusses **police** first/foremost, start with questions on the police/CJ (PAGE 9)*

REMEMBER—IF START WITH POLICE QUESTIONS, CYCLE BACK TO EXAM QUESTIONS

SECTION FOUR

EXPERIENCE WITH THE SEXUAL ASSAULT EXAM

Now I would like to talk to you about the sexual assault medical exam that you received

Q6. How did you come to have an exam?

What happened that led you to having a sexual assault medical exam?

DISCUSSION PROBES:

a. Referral? How did hear about medical sexual assault exam?

b. What made you decide to have an exam (was it a choice)?

c. Where did you have the exam? FNEP, hospital, or private doctor?

Q7. What concerns did you have about the sexual assault exam?

Q8. Could you tell me about your experience with the medical professional(s) that examined you?

NURSE/ DOCTOR DISCUSSION PROBES:

a. Who did the exam

b. What did the nurse/doctor do? (actions & services)

c. How did the nurse/doctor treat you?

d. How did she/he make you feel?

e. Overall, supportive? helpful? healing?

f. Overall, not so good? wish didn't happen? wish didn't say?

g. What did you need that you didn't get?

Q9. Was there an advocate there with you?

(An advocate would have been a female volunteer, not a nurse or doctor, who explained things, answered questions, gave you information)

ADVOCATE DISCUSSION PROBES:

- a. What did the advocate do? (actions & services)
- b. How did the advocate treat you?
- c. How did she make you feel?
- d. Overall, supportive? helpful? healing?
- e. Overall, not so good? wish didn't happen? wish didn't say?
- f. What did you need that you didn't get?

- g. What was it like having both the nurse/doctor and the advocate there with you?

SECTION FIVE

EXPERIENCES WITH POLICE

In this next section of the interview, I would like to talk about your experiences with the first police officers and detective(s) who handled your case, if you met with them.

Q10. Did you report the assault to the police?

[Ask only if relevant; if she reported the assault]

Q11. How did you come into contact with the police?
How did you decide to contact the police about the assault?

Q12. What concerns did you have about contacting the police?

Q13. What was your experience with the police like?

POLICE EXPERIENCE DISCUSSION PROBES:

- a. Sequence of events**
- b. What did the police do? (actions & services)**
- c. How did the police treat you?**
- d. How did the police make you feel?**
- e. Overall, supportive? helpful? healing?**
- f. Overall, not so good? wish didn't happen? wish didn't say?**
- g. What did you need that you didn't get?**

- h. Role of hospital, doctor, or FNEP**

SECTION SIX EXPERIENCES WITH PROSECUTORS/PROSECUTION

[Ask this section only if relevant]

In this next section of the interview, I would like to talk about your experiences with the prosecutor and prosecution of the case.

Q14. Did you participate in prosecution?

Q15. What influenced your decision to prosecute or not to prosecute?

Q16. What were your concerns about continuing with prosecution?

Q17. What was your experience with prosecution like?

PROSECUTOR EXPERIENCE DISCUSSION PROBES:

- a. Sequence of events
- b. What did the prosecutor do? (actions & services)
- c. How did the prosecutor treat you?
- d. How did the prosecutor make you feel?
- e. Overall, supportive? helpful? healing?
- f. Overall, not so good? wish didn't happen? wish didn't say?
- g. What did you need that you didn't get?

- h. Role of hospital, doctor, or FNEP

**SECTION SEVEN
OUTCOME OF THE CASE**

[Ask this section only if relevant]

Q18. What was the outcome of your case?

Q19. How did you feel about _____ (the outcome)?

COURT HEARINGS DISCUSSION PROBES:

- a. Did you testify/experience with court hearings
- b. Nurse/doctor testifying
- c. Pictures of injuries shown
- d. Was a RCC staff person or court advocate there to support you?
 - i. Helpful? Supportive? Healing
 - ii. Not so good? Wish didn't say? Wish had been different?
 - iii. Needed that you didn't get?

SECTION EIGHT

ROLE OF MEDICAL/FORENSIC EVIDENCE

[Ask section only if relevant]

Now I would like to ask you about the evidence collected from you during your medical sexual assault exam and the influence it had on your experience with prosecution.

Q20. Did you find out the evidence and findings from your exam?
Did you know what the findings were from your exam?

EVIDENCE/DNA DISCUSSION PROBES:

- a. When found out?
- b. How? Who told you?
- c. Findings?
- d. Influence on prosecution?
- e. Influence on your participation, engagement in prosecution process

DNA

- 0 = Negative
- 1 = Positive
- 2 = Inconclusive
- 8 = Don't Know

INJURIES

- 0 = Negative
- 1 = Positive
- 2 = Inconclusive
- 8 = Don't know

BEFORE MOVE ON TO FINAL SECTIONS OF INTERVIEW, ASSESS WHETHER THE INTERVIEW DISCUSSIONS HAVE CAPTURED THESE ISSUES—IF NOT, PROBE MORE:

FACTORS THAT INFLUENCED VICTIM PARTICIPATION IN LEGAL PROCESS

WHY DID PARTICIPATE (IF DID)

WHY DIDN'T PARTICIPATE (IF DIDN'T)

BARRIERS TO PARTICIPATION

SUPPORTS NEEDED FOR PARTICIPATION

SECTION NINE
DEMOGRAPHIC INFORMATION

Finally, I would like to ask you a few questions about yourself so we can have some background information about the women we interview.

Q21. What is your ethnicity?

Q22. How old are you?

Q23. What is the highest level of education you have completed?

Q24. Are you currently employed outside the home (kind of work do)?

SECTION TEN CLOSING

We are nearly finished. We've talked for a long time and about many different issues related to the assault, and now I would just like to ask some final questions about your overall experience of the assault and about your experience in this interview.

**Q25. What has helped you heal?
What has been the most healing to you?**

Q26. Based on your experiences, what would you say or do for another woman who has just been assaulted?

We're always in the process of revising this interview, so I'd also like to get your feedback on the interview. It would be really helpful for me if you'd be honest about what this was like for you. Don't worry—you won't hurt my feelings.

Q27. What has it been like for you to talk about the assault with me?

Q28. How can we improve the interview?

Thank you very much for your time. I appreciate you sharing your experience. Do you have any questions for me?

APPENDIX C

Sample Memos

Memo: Why differential treatment by detectives?

It appears that some victims have positive experiences with the detectives. The victims are reporting their detectives as exhibiting empathy, saying it is not the victims' fault, expressing belief of the victim, non-blaming, and putting effort into the case. Other victims had negative experiences with the detectives including a cold response, communicating disbelief in the victims' stories, and not informing them about the steps and stages of prosecution. It appears that the positive responses by the detectives are being experienced by victims whose cases were eventually prosecuted. Victims who had negative experiences seem to have non-prosecuted cases. If detectives want victims to remain cooperative, it seems important that they treat victims well. In addition, I have heard prosecutors say that it is important for the victim to be cooperative when testifying during a hearing or trial. Victims who are angry appear less credible to judges and jurors.

These positive and negative experiences are beginning to emerge but it's still unknown what the victims think or feel about them. In future interviews, probe more about a) how these experiences affected the victims; b) what did it mean to the victims to receive this type of treatment; and c) how did this treatment influence their experience with the investigation or their participation in the prosecutorial process.

Memo: Partnering

Thus far, the story of the data seems to be about the interactions or relationships between victims and detectives. There seems to be a partnering process happening between the victim and detective with prosecuted cases. Detectives ask victims factual questions to help with the case (together they make the case stronger). They appear more united (together we stand against the offender). It appears that victims contributing to the investigation make them feel like they have more control.

Cases that are not prosecuted seem different. Victims seem put (or feeling put) in a more passive stance of merely responding to detectives or waiting for detectives to do something (e.g., calling them back). In these cases, I picture the detective putting their arm out with their hand on the victims' forehead to keep the victims at bay (cold, standoffish). Sometimes I picture the victims running in this position and getting nowhere (e.g., victims suggesting leads but detective does not follow or victims trying to contact the detective repeatedly without a return phone call).

Memo: Humanizing

A few survivors have mentioned that detectives were either 1) just acting as information gatherers (formal or businesslike) or 2) talking and looking at them (this was described as helpful or supportive, which may be an indicator of the detective being engaged). It seems like these acts of talking, providing referrals, engaging victims in conversation is a sign of caring to victims. But I also think it has a humanizing element – these behaviors make victims feel like they are more than evidence – they are humans who experienced a crime and deserve compassion. I think that this humanizing element is connected to partnering. When detectives partner with victims, it makes them less than evidence; they have a role – an important role – in the investigational process beyond being a container of evidence.

Memo: Strong relationships with detectives

4122 felt a connection with her detective. She felt safe, comfortable, and protected (heard this from others). She felt a great loss when the detective left the unit. It seems like being able to relate to and trust the detective is important to victims and to their ability to fully disclose their story. Many victims with prosecuted cases seem to have this type of intense relationship with their detectives – even refer to them by their first name like a friend (victims with non-prosecuted cases seem to refer to detectives by their last names – not sure how much this applies to all cases). Is feeling like the detective is a friend a byproduct of being treated like an equal or partner in the case? Again, having a strong relationship with a detective moves the victim away from being just a container of evidence – relationships are humanizing.

Memo: Belief and Comforting

Detectives communicating (verbally or non-verbally) that they believe or do not believe the victims seems different for cases that were prosecuted and not prosecuted. Victims with prosecuted cases report that the detectives express that they believe them or are “on their side.” Communicating belief seems to bring relief to victims and increase their comfort while communicating disbelief seems to contribute to victims giving up in disclosing their stories. Detectives comforting victims also seems to appear to be different for prosecuted and non-prosecuted cases. It appears that some detectives focus on making the victims comfortable before asking questions while other detectives dive into the questioning process. Diving into the questions leaves the victim feeling uncared about and does not leave them the opportunity to tell their complete story.

Memo: Why Does Good Treatment by Detectives Matter?

Sometimes the victim's story appears to be disrupted by the detective's manner of questioning (e.g. harsh or lack of compassion). The victim statement is critical to the case being prosecuted; cases with weak or inconsistent stories are not going forward unless there is strong solidifying/corroborating evidence that can stand on its own. Even with evidence, there needs to be something else to connect the case for it to go forward. Everything hinges on the victim's story because ultimately it's the victim who has to testify at the preliminary hearing and if the case goes to trial.

The role of law enforcement does not include making victims feel cared about but their role includes gathering information about the case including the victims' statements. Victims will give information if they feel comfortable with detectives. The flow of communication is disrupted when there is an adversarial relationship; people do not share if they do not feel comfortable (even heard this from a Lieutenant supervisor). If the victim feels comfortable and not judged, she can let her guard down and share critical pieces of her story or tell embarrassing details. If the victim does not feel comfortable or feels judged, then the flow of information is cut short. Good communication leads to a clearer picture, which means less going back and forth on getting information; there is less retelling.

Memo: Constructing Justice

My overall argument is that justice for rape victims is partially constructed by detectives, who serve as the gatekeeper for moving the rape case forward into the system. My reasoning is that the quality of the interactions between victims and detectives are substantially different in cases that are prosecuted compared to those that are not prosecuted from the very beginning of the interview. In prosecuted cases, detectives gently ask questions at the victims' pace and exhibit caring and protective behavior, which subsequently increases the victims' feelings of comfort, and elicits more information from victims. In non-prosecuted cases, detectives drill victims with questions at a rapid pace, approach victims in a cold manner, and treat victims like suspects, which subsequently lead to victims feeling uncomfortable and thus, limit the information shared by the victims. Because the detectives' approaches with victims happens so early in the interview process, it may be likely that the detectives already have thoughts about the victim (believes her or not) and what should happen to the case. In essence, this may be like a case-fulfilling prophecy: the detective does not believe the victim when he receives the responding officer's report, then questions her in a harsh manner that produces a weaker or inconsistent statement, which then confirms the detective's opinion that the victim is not believable and thus, the case does not go forward (either by the detective who does not believe the victim or the prosecutor who often bases decisions off the strength of the victim's statement or the detective's opinion).

Memo: Victim-Offender Relationship

The manner of questioning appears to be different for some victims in the prosecuted group. It appears that victims of intimate partner rape are not treated as well as other victims with prosecuted cases. However, victims of partner rape with prosecuted cases appear to be treated better than victims of partner rape with non-prosecuted cases.

Victims who were raped by strangers were treated compassionately regardless of case outcome – at least in the initial response. Two cases with victims raped by strangers were not prosecuted because the offenders were never caught. These victims were treated with compassion and thus, it is possible that the detectives had intentions to move the cases forward if the offenders were caught. When comparing the prosecuted and non-prosecuted cases of victims who were raped by strangers, the detectives' manner of questioning seems very similar – both compassionate and gentle. However, one victim experienced a cold response by a detective after six months had past since making the initial police report. Do detectives in stranger cases become distant and detached when the probability of capturing the offender diminishes?

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