

Social Science Research on Sexual Assault

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Overview

- The Importance of Social Science Research
- Traditional Model of Science
 - The Scientific Method
- Causation versus Correlation
- Researching Sexual Assault Case Processing Decisions
 - Data Limitations
 - Examples of Research
 - Descriptive
 - Bivariate
 - Multivariate

The Importance of Social Science Research

- “We can’t solve our social problems until we understand how they come about and persist. Social science research offers a way of examining and understanding the operation of human social affairs. It provides points of view and technical procedures that uncover things that would otherwise escape our awareness. Often, as the cliché goes, things are not what they seem and social science research can make that clear.”
- -Earl Babbie, *The Practice of Social Research*

Traditional Model of Science (The Scientific Method)

- Attempt to discover patterns of interrelationships among variables
 - Attributes of one variable are expected to *cause*, *predispose*, or *encourage* a particular attribute on another variable
- Expectations regarding these relationships (i.e., hypotheses) are guided by theories

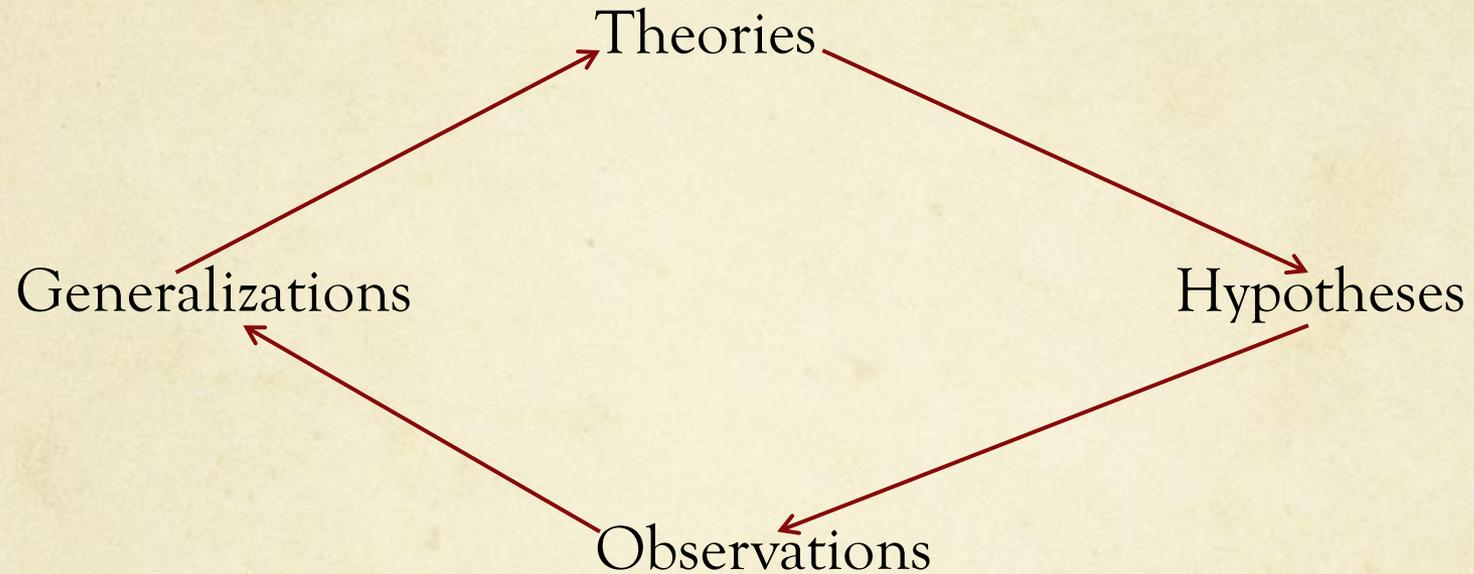
Traditional Model of Science (The Scientific Method)

- Three main elements
 - Theory
 - Leads to a hypothesis
 - Operationalization
 - Defining concepts and measuring variables
 - Leads to formation of a testable hypothesis
 - Observation
 - Collecting data (through experiments, survey research, interviews, and/or observation) to test hypothesis

Example: Prosecutor's Charging Decisions

- Question: Why do prosecutors file charges in some sexual assault cases but reject charges in others?
- Theory: Albonetti's Uncertainty Avoidance Perspective; Black's Sociological Theory of Law
 - Hypothesis: The decision to charge or not will be affected by the relationship between the victim and the suspect.
- Operationalization
 - Charging & Victim-suspect relationship
 - Prosecutors will be more likely to file charges in cases involving strangers than in cases involving non-strangers.
- Observation
 - Collect data on decision to charge and record the nature of the relationship between the victim and suspect

The Scientific Method



Causation

- Notion that some things are caused by other things
 - Involvement in crime is caused by factors other than individual's free choice
- In order to reach conclusions regarding causality, three criteria must be met:
 - Cause must precede the effect in time
 - Two variables must be empirically correlated with one another
 - Observed empirical relationship between two variables cannot be explained away as being due to the influence of a third variable that causes both of them
 - Relationship cannot be spurious

Charging Decisions and Victim/Suspect Relationship: Causation or Correlation?

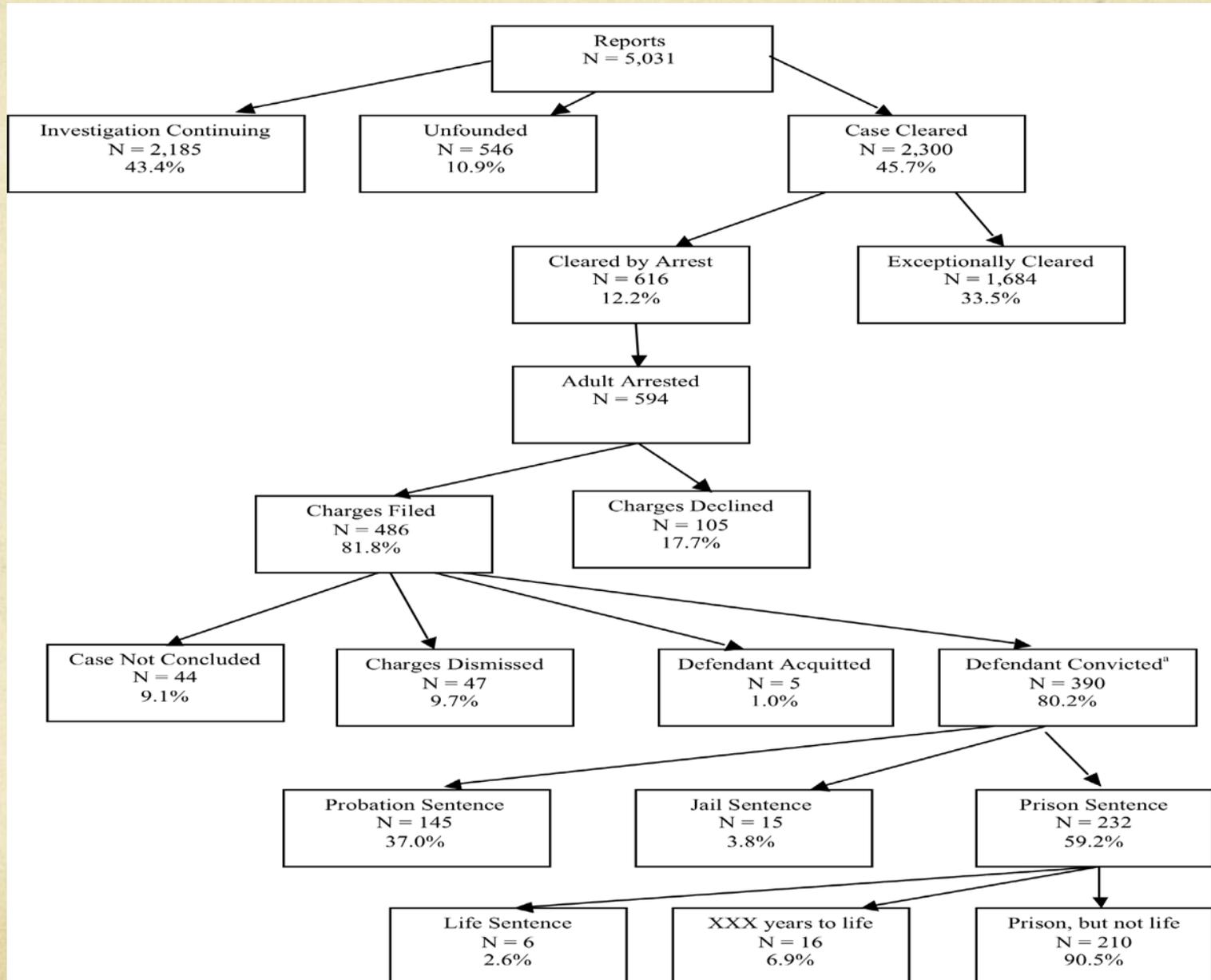
- Finding: Statistically significant correlation between victim/suspect relationship and charging
 - Prosecutors more likely to charge if victim and suspect are strangers
- Introduction of third variable—use of a gun
 - Finding: cases involving strangers much more likely than those involving non-strangers to involve guns and prosecutors more likely to file charges if guns involved
 - Adding third variable causes correlation between victim/suspect relationship and charging to disappear

Researching Sexual Assault Case Processing Decisions

- Serious Data Limitations
 - No national data on case processing outcomes in sexual assault cases (BJS and NJRP data are limited)
 - Researchers must collect data from individual jurisdictions
 - But data systems for case management, not for research
 - May not contain all relevant information about the defendant, victim, and case
 - Results may not be generalizable

Descriptive Research

- Case outcomes/case attrition
 - Vera Institute of Justice. 1981. *Felony Arrests: Their Prosecution and Disposition in New York City's Courts*. New York: Vera Institute of Justice
 - 25% of arrests for rape and other sex offenses (felonies) resulted in a conviction (felony or misdemeanor)
 - Spohn, C. and Tellis, K. 2014. *Policing & Prosecuting Sexual Assault: Inside the Criminal Justice System*. Boulder, CO: Lynne Rienner.



Bivariate Research

- Likelihood of victimization and race/ethnicity
- Reporting and age of victim
- Reporting and victim/suspect relationship
- Rapes known to the police by jurisdiction or over time
- Arrest rates by race/ethnicity, jurisdiction, or over time
- Likelihood of conviction by victim/suspect relationship

Multivariate Research

- Jury Decision Making
 - Reskin, B.F. and Visher, C.A. 1986, The Impacts of Evidence and Extralegal Factors in Jurors' Decisions. Law & Society Review 20: 423-438.
 - The effects of evidence on jurors' judgments of a defendant's guilt
 - Recovered weapon, evidence of victim injury, eyewitness testimony, physical evidence
 - Whether the effects of extralegal factors depend on the strength of evidence
 - Defendant's attractiveness, defendant employed, victim had poor moral character, victim seemed careless

Reskin & Visher: Findings

- All of the measures of evidence influenced jurors' assessments of guilt or innocence in expected way
- Extralegal factors also affected assessments—jurors less likely to believe that defendant was guilty if
 - Defendant seemed attractive or was employed
 - Victim had poor moral character or was careless
- But extralegal factors only had an effect in weak cases (i.e., cases with none of the four types of hard evidence)

Multivariate Research

- Prosecutor's Charging Decisions
 - Spohn, C. and Tellis, K. 2015. Sexual Assault Case Outcomes: Disentangling the Overlapping Decisions of Police and Prosecutors.
- Dependent variable—whether prosecutor filed charges or not
- Independent variables—victim characteristics, case characteristics/indicators of case seriousness, measures of evidentiary strength

Spohn & Tellis: Predictors of Charging

- Victim less than 18 years old (+)
- Victim engaged in risk-taking behavior (-)
- Victim had a motive to lie (-)
- Charge was rape rather than attempted rape (-)
- Suspect used a weapon (+)
- Victim resisted verbally and physically (+)
- Victim reported within one hour (+)
- Victim was willing to cooperate (+)

Conclusions

- Social science research has and will continue to provide important insights regarding case processing outcomes in sexual assault cases
- But, research suffer from data limitations, is costly and time consuming due to need to collect original data, and may not be generalizable
- What is needed?
 - National data that follows cases from inception (reporting) to conclusion