

**UNDER-REPORTING OF SEXUAL ASSAULT:
CAUSES AND SUGGESTIONS FOR IMPROVEMENT**

THESIS

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By

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CHAPTER ONE: THE INCIDENCE OF SEXUAL ASSAULT A REVIEW OF THE LITERATURE

Introduction

Underreporting of sexual assault has been a topic of numerous research studies. Although official statistics are available, they often underestimate the true incidence of sexual assault. Therefore, additional focus should be directed at what circumstances cause some sexual assault victims to report their assault while other victims do not.

A variety of variables are considered in order to predict whether or not a sexual assault victim will report to either a social service agency and/or the police. This may include victim-offender relationship, embarrassment, self-blame, fear of interacting with the criminal justice system, fear of publicizing the incident, or an inability to distinguish the incident as a sexual assault. These variables, as well as others, are discussed in further detail throughout the paper. In addition, recommendations are made as to how the community, the criminal justice system, and social service agencies may better serve victims of sexual assault.

A local research study was conducted to test the relationship between a victim's propensity to report her assault to the police and other independent variables related to the assault. The independent variables include the victim-offender relationship, the physical injuries resulting from the sexual assault, and whether or not the victim had a SANE exam ("rape kit") completed.

Definitions

Section 22.001 of the Texas Penal Code defines sexual assault as occurring when the accused:

- (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or female sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

Although definitions of sexual assault vary from state to state, the statutory definition of sexual assault in Texas is very broad, thereby encompassing a variety of acts. The Texas statutory definition of sexual assault is also used to collect and define the sexual assaults studied in the local research project in Chapter Five.

Statistics

In the last three decades, sexual assault has been increasingly regarded as a serious crime in the criminal justice system. Most women report sexual assault because they believe a crime has been committed against them and they wish to apprehend and/or punish the offender. This is not necessarily due to a desire for revenge, but rather a desire for just deserts. Baron & Straus (1989) also found that social characteristics such as sexism, social disorganization, unemployment, economic inequality, and other variables of urban life help to explain differing sexual assault reporting rates in various areas in the United States.

Statistical measures

According to Tjaden, sexual assault “should be classified as a major public health and criminal justice concern in the United States” (2000, p 142). Most assaults are

successful, that is, there are fewer attempted sexual assaults that completed sexual assaults. Sexual assault presents a unique challenge to reporting. In crimes like sexual assault, the victim may be ashamed, may know and care for the offender, or may consider the victimization a private matter. In cases where a certain crime is difficult to prosecute, incidents of that crime are the least reported and most underestimated.

Official statistics are believed to greatly underestimate the true incidence of crime. It can be difficult to estimate the actual incidence of sexual assault for numerous reasons. The National Crime Victimization Survey (NCVS) provides one form of crime estimates. It differs from the FBI's Unified Crime Report (UCR) by using alternate data collection techniques (the UCR reflects only crimes cleared by arrest). The NCVS is a survey administered to citizens to measure victimization rates. The data collected do not necessarily reflect crime reported to the police but more broadly, only the actual occurrence of the crime.

Curtis completed a reserve-records study in San Jose and found that only 54% of known victims (victims who had reported to police) of a sexual assault would admit to an interviewer that they had been sexually assaulted. The possibility must be considered that women who actively identify themselves as sexual assault victims and who seek services have a different experience of sexual assault than unidentified, non-help seeking women in the general population who have been sexual assaulted (1976, p 65).

When analyzing the increase of sexual assault, it is important to consider if that increase is due to a rise in the actual number of sexual assaults or an increase in sexual assault reporting. An increase in the sexual assault rates does not necessarily indicate an increase in sexual assault. Changes in sexual assault rates can be attributed to statutory or

policy changes in a police department or effective programs and community responses to sexual assault (Lonsway, 2002).

Most research focuses on sexual assaults that have occurred within 3-12 months. Many samples do not include the most at-risk groups such as women living in areas with high crime rates. College students are the most likely respondents and some studies focus on those seeking help for their victimization. Ethnic minorities are often underrepresented, even though African-American women have been found to be the most at-risk group (Wyatt & Notgrass, 1990). The consensus of most studies is that about one in five women will be sexually assaulted in her lifetime (Frazier & Burnett, 1994). Sexual assault is believed to be the most underreported crime, with estimates of nonreporting to police ranging as high as 92%. (Sorenson & Siegel, 1992). According to the NCVS, only 23 percent of sexual assaults ever lead to an arrest.

Underreporting is most pronounced for low-value property crime (theft) and for crimes carrying a social stigma to the victim (sexual assault). A reverse record check found that the reports of sexual assault are much lower than estimates of actual incidence, even by victimization surveys (Fajnzyblber & et. al, 2000).

The NCVS used today is a redesigned model, making it difficult to compare sexual assault rates of the original design to those rates after 1972. Since the redesign, reporting for sexual assaults of all characteristics increased, but reports of non-stranger sexual assaults increased at a faster rate (Bachman, 1998). The actual incidence of sexual assault is relatively unknown. Koss (1992) proposes that estimates from the NCVS are inaccurate because the measurement methods underestimate the entire rate of victimization. She further estimates that most federal estimates of sexual assault are

actually higher than reported and that this collection of data is inadequate to determine how sexual assault rates are changing.

The NCVS attempts to discover unreported sexual assaults. Although this method is probably the most reliable method we have to date, it is flawed. The NCVS uses similar methods for interviewing and data collection for all crimes, but sexual assault must be handled differently. The reasons for a sexual assault victim not reporting the assault on her own may be similar to the apprehensions and fear of stigma perceived by reporting the sexual assault to an interviewer collecting data for the NCVS.

Demographics of Victimization

Some of the most common factors that can influence a sexual assault victim to report her assault may include her relationship to the offender, a fear of retaliation from the offender, or fear of re-victimization by the criminal justice system. The propensity of a victim to report her assault is an important consideration when attempting to understand what characteristics lead certain victims to report their assault. When the victim and the offender are acquainted, the victim has been found to be less likely to perceive her assault as a crime, and therefore less likely to report or seek help following the incident. In incidents where the victim and the offender are strangers, the victim was more likely to perceive the assault as a “real” crime and therefore more likely to experience stress thereby propelling her to report the assault and/or seek help (Coller & Resick, 1987).

Sexual assault reports may be met with skepticism if they do not meet society’s standard of a “real sexual assault.” The stereotype of a real sexual assault is an assault committed by a stranger with a weapon and a great deal of force. There is often resistance to investigate when the victim and the perpetrator know each other, especially when they

had a prior sexual relationship. There is also reluctance to investigate sexual assaults that do not involve a great deal of violence or injury, especially those that are committed without a weapon. In reality, these are the most common characteristics of a sexual assault (Lonsway, 2002). Also, as opposed to society's predominate perception of a real sexual assault, a majority of sexual assaults are committed by neighbors or acquaintances and happen in the home (Joiner, 1997). Women are more likely to report a sexual assault if the incident was similar to the "classic sexual assault" situation. It is believed that the classic sexual assault situation not only is more successful at convincing the victim that an assault has actually occurred but also gives the victim more confidence that others will believe her story (Williams, 1984).

The actual outcome of a sexual assault may not be the only factors used by the victim to determine rather she should report. Social stigma surrounding sexual assault may cause many victims to be influenced by perceived social expectations not to report. This often occurs when a victim goes to her family or friends for support and then models her reporting behavior around what she believes those close to her think she should do. Sexual assault victims have historically been reluctant to report due to the traditional social view of sexual assault victims as "damaged goods." (Koss, 1992, p. 61). Because of the unique and negative status sexual assault has in our society, victims may cognitively calculate the potential benefits and losses of reporting (Bachman, 1993, p 2).

Lonsway (2002) believes that one of the most common reasons for a sexual assault victim not to report is the fear of not being taken seriously or not being believed. Problems occur when friends and family try to refrain from helping the victim because they feel it is none of their business or they feel it is the best to let the victim forget by

not talking or thinking about the assault. Bachmam reports that in her study on sexual assault reporting, 81% of reported sexual assaults were disclosed by the victim while 19% were reported by a household member (1993, p 26).

Feldman-Summers & Ashworth (1981) found a correlation between a victim's strong common sense and her propensity to report her attack to her boyfriend, husband, or lover. The common sense aspect is relevant due to the fact that hiding a sexual assault from an intimate partner would be difficult. A male can play a vital role in helping a victim adjust. This disclosure could be problematic if that male subscribes to sexual assault myths, for instance, those that state that good girls do not get sexually assaulted. In such case, the male partner is likely to cause more emotional damage to the victim.

According to Koss (1985), a "hidden sexual assault victim" is one who has never reported her victimization to a social service agency or the police. It has been widely recognized that there are many women who have been sexually assaulted but who fail to conceive of themselves as victims (Koss & et. al., 1988). According to Williams (1984), two considerations must be validated by the victim before she will report her assault. First, the victim must distinguish the sexual assault as a crime. She must also believe that others (parents, friends, and most importantly the police) will agree that she was a victim of sexual assault.

According to Kahn & et. al, "previous research has indicated that nearly half of college-aged women who experience forced, nonconsensual sexual assault, do not label their experience as sexual assault" (1994, p 53). Contrary to the results of a majority of studies on victim acknowledgement, Kahn & et. al. also contend that the unacknowledged victims tend to possess views of sexual assaults as more violent stranger

attacks than the acknowledged sexual assault victim. They found that unacknowledged sexual assault victims were more likely to believe sexual assaults include an actual physical attack and resistance from the victim.

Mary Koss used her Sexual Experience Survey (1982) in attempt to measure the prevalence of unacknowledged sexual assault victims. The Sexual Experience Survey found that 43 percent of test subjects had actually been sexually assaulted although they believed they had not been. In her study, Koss found that there was no significant difference between acknowledged and unacknowledged sexual assault victims including factors such as differences in dating behaviors, victims' reactions to the incident, personality characteristics, situational aspects of the sexual assault, or attitudes about sexual assault. The only significant factor between the two groups was that the unacknowledged sexual assault victims were most likely to have been assaulted by an acquaintance (Koss & Oros, 1980; Koss, 1985).

From these findings, Koss (1985) determined four major factors that contributed to a sexual assault victim being unable to acknowledge her experience as an actual sexual assault. These findings are similar to those reached by many other researchers including self-blame, concern for the rapist, and adherence to the social stereo-type of a "real" sexual assault. The fourth factor, an attempt to repress the memory of the incident, is not commonly found in other research but leads to important questions concerning the psychological state of the victim. Repression of a memory is rarely seen as the best option for coping with trauma. Often, victims are encouraged to confront their memories in an attempt to make sense of their assault and consequently develop healthy methods of healing.

According to reports from the National Crime Victimization Survey, self-blame was one of the most frequently reported reasons for victims not to report an assault. Factors associated with a victim's self-blame included guilt about inviting her attacker to her residence (or willingness to go to the attacker's residence) and the use of alcohol or drugs which thereby impaired the judgment and behavior of both the victim and the offender. Often victims reported that self-blame was reinforced by family and/or friends (National Victim Center, 1992).

According to Williams (1984), victims' age, race, marital status, and relationship to the rapist also strongly influence self-blame and non-reporting. Ellis (1983) found that self-blame was more common in older women (aged 27-36) with a recent sexual assault where the severity of abuse was more severe. These victims tended to engage in the kind of self-blame that encourages nondisclosure, especially if they knew the perpetrator.

It is estimated that recidivism is prevalent for sexual assault offenses, therefore non-reporting puts the public at a high risk of victimization (Bachman, 1993). It is unlikely that sexual assaults are perpetrated by a small percentage of the male population. Sixty percent of undergraduate college men sampled said they would be more inclined to commit sexual assault if they thought no one would know about it or if they believed they would not be punished (Briere & et. al., 1981, p 4). If the assault is not reported, the criminal justice system has very little chance of identifying, investigating, and convicting sexual predators.

Other negative outcomes to not reporting include difficulty in collecting and assessing the incidence of sexual assault as well as difficulty in learning about and preventing sexual assault. Also, a victim cannot receive professional mental and medical

assistance if she does not report her assault to someone. Non-reporting is therefore not in the best interests of the victim or the community. It is important to discover the reasons that victims do not report and then take steps to increase reporting.

Victim-Offender Relationship

When analyzing data concerning sexual assault, one important factor to consider is the victim-offender relationship. The degree to which the victim knows or does not know her offender plays a critical role in numerous factors surrounding her assault including her propensity to report, the likelihood of her pursuing treatment, whom she may seek help from, and how she may alter her behavior as to avoid future victimization. Most notably, the victim-offender relationship will often determine how the victim is viewed, not only by the police and social service personnel, but also her family, friends, and society in general.

The most common relationship between the victim of sexual assault and the offender is that of acquaintance, or when the victim knows the offender as a friend, boyfriend, family member, or husband. Battered women are at a significantly greater risk of acquaintance sexual assault (Bachar & Koss, 2001).

Kerstetter & Van Winkle (1990) report that in cases where a sexual assault was committed by someone unknown to the victim, the most prevalent investigative issue is the identity of the perpetrator. When the identity of the assailant is known, police rarely consider identity to be significant. Acquaintance cases are typically based on consent issues. Therefore, when a woman is assaulted by someone she knows, the police are most concerned with how truthful she is in her claim of nonconsensual sexual contact. In stranger cases, the victim is believed in a majority of cases.

Stranger assaults are generally categorized as incidents where the victim and the offender do not know each other, or have only recently met, but not yet become well-acquainted. Stranger sexual assaults were generally reported as “more violent, of longer duration, and involving more sex acts” (Ellis & et. al., 1981, p 264). The NCVS found a significant relationship between the degree of injury suffered by the victim, the use of weapons in the assault, and increased reporting behavior. Feldman-Summers and Norris (1982) also found that sexual assaults involving a weapon are more likely to be reported. Police arrested more offenders in cases where stranger sexual assaults occurred (National Victim Center, 1992).

Weis & Borges (1973) defined a “classic sexual assault” as a situation that involves a violent attack by a stranger. In such an incident, the victim is most likely to report her sexual assault to the police because she sees herself as a victim of a crime. The relationship between the victim and the attacker is believed to be a major determinate in whether or not the victim will report. Victims who know their attacker may be less likely to report because they often feel they had some role or responsibility in their attack.

Koss, & et. al. also found that the victim-offender relationship affected the propensity of a sexual assault victim to obtain social service assistance as well as her likelihood to report the sexual assault to the police. They contend that “stranger sexual assault victims, compared with acquaintance sexual assault victims, were more likely to tell someone about their experience, to seek crisis services, to report to the police, to believe that they should have sought therapy, and to view their attack as sexual assault” (1988, p 21).

The frequency of sexual assault is as also dependant on victim-offender relationship. According to Koss & et. al., more than “half of the women assaulted by spouses or other family members reported five or more sexual assaults by the same perpetrator” (1988, p 20). As could be expected, when the victim and the offender did not know each other, it was common that a sexual assault would only occur once.

Koss & et al. also found that the likelihood of a woman discussing her experience declined as intimacy with the perpetrator increased. The more acquainted a victim was with her offender, the less likely she was to discuss her sexual assault experience with someone else. Research has demonstrated that “while 73% of women sexual assaulted by strangers told someone, the experience was discussed by just 44% of women who were sexual assaulted by a steady boyfriend or spouse” (1988, p 21).

Bachman & Paternoster (1992) analyzed victim-offender relationships by questioning sexual assault offenders incarcerated in state prisons over ten years. They found that a significantly higher proportion of inmates in 1991 knew their victims compared to those questioned a decade earlier. This is suggestive of an increasing rate of incarceration of rapists who knew their victim. As will be discussed later, this increasing rate of acquaintance assault may be due to numerous factors such as an actual increase of acquaintance assault, an increase of victims reporting the assault, an increase in police/prosecutorial involvement, or an increase in juries’ willingness to convict and sentence acquaintance sexual assault offenders. Women who are assaulted by someone they know are less likely to pursue the case into the prosecution stage. In addition, there is the added element of proving that the sexual conduct was nonconsensual in cases

where the victim and the offender know one another, especially when a prior intimate relationship existed.

One of the most challenging issues with measuring sexual assault is the difficulty involved with reaching those individuals who have been sexually assaulted but do not consider their experience as such. Although the NCVS is used to estimate unreported crime, it is impossible to use the NCVS survey methods to measure the incidence of sexual assault that occurs when the victims do not recognize their victimization. This most often occurs when the victim is in a relationship with her offender. When an intimate relationship between the offender and the victims exists, the male may feel entitled to sexual rights. Unfortunately, this can sometimes be the opinion of the victim as well. When previous consensual sexual activity has occurred, the woman may feel compelled or obligated to adhere to the demands of her partner, no matter how unwanted his advances may be.

Medical personnel, social service agencies, and police officers have been less supportive in their treatment of victims of acquaintance sexual assault than victims of stranger sexual assault. According to Russell (1982), if the NCVS is to become more effective at identifying non-reporting victims, survey questions concerning sexual assault must be altered and the interviewers must be trained to be more sensitive to the issue of sexual assault, particularly sexual assault myths.

Victim-characteristics

In the United States, persons of ethnic minority and persons who live in lower-class neighborhoods (most notably the inner-city) have the highest rates of victimization of violent crime. Asian women present a unique barrier to reporting. Due to their deep

cultural expectations, many Asian women are reluctant to discuss any sexual matters with women outside their cultural background (Chu & Trotter, 1974).

Sexual assault rates of victimization for Hispanics are the lowest of any ethnic group. Explanations for lower rates of sexual assault among Hispanics may be rooted in the role of specific aspects of acculturation, immigration, and the possibility that there is simply less violence in Mexican cultures. Examination of immigration status indicates that, in general, Mexican-Americans born in the United States report higher rates of sexual assault than Mexican-Americans born in Mexico. Assault rates for American-born Hispanics are similar to the rates reported by American-born non-Hispanic whites (Sorenson & Siegel, 1992).

Hispanics and non-Hispanic whites were also equally likely to resist assault (Sorenson & Siegel, 1992). This suggests that a victim's culture background plays some role in the probability of sexual assault. The risk of sexual assault among Hispanics may be reduced due to culture factors.

A sense of community may also greatly influence the risk of sexual assault in Hispanic groups. Catholicism is the primary religion of persons of Mexican heritage. Most of the Mexican-Americans (especially immigrants) in a research study conducted by Sorenson & Siegel identified themselves as being Catholic and attending church services regularly. While aspects of machismo (an assertion of male dominance that includes strong values of nurturance and dedication to the family) and the Catholic church have been well-articulated in past decades, it is possible that each may "help provide a protective environment to reduce the perception of individual isolation and to reinforce feelings of belongingness and sense of community" (1992, p 94).

Feldman-Summers and Ashworth (1981) also found that Hispanic women were most likely to rely on their close family members as their primary source for normative support. It is assumed that in many Hispanic families, close relatives are a source of trusted and highly valued opinion than that of other women outside of the family. In sum, Hispanics are less likely than non-Hispanic whites to be sexually assaulted. When an assault does occur, members of the two ethnic groups are very similar regarding assault circumstances and consequences (Sorenson & Siegel, 1992).

Sociohistorical context of sexual assault is important in understanding African-American women's contemporary post-sexual assault behavior (Neville & Pugh, 1997). Early in America, white women were viewed as chaste and uninterested in sexual activity. African-American women, on the other hand, were seen as sexually uninhibited and therefore legitimate victims for sexual assault. The most prominent reasons for these beliefs were class oppression, slavery, and racism (Higginbotham, 1992).

According to Neville and Pugh (1997), African-American women report sexual assaults less often than whites, most notably because of the distrustful relationship between African-Americans and the police. They contend that many African-Americans have negative perceptions of police and commonly believe they will not be assisted.

Feldman-Summers & Ashworth (1981) found that whites had the greatest tendency to report sexual assault to public agencies. Like the Neville and Pugh research, this study also found that minorities made fewer reports due to their distrust of and alienation from public agencies and the feeling that they would not be believed.

To achieve better reporting of sexual assault to the police by the African-American population, it seems logical that police departments should carefully assess

their relationships with minority communities. Especially in sexual assault cases, police should be more sensitive and effective in their handling of minority sexual assault reports, especially those of African-Americans.

Offender characteristics

In their study on the sexual assault experiences of women, Wyatt and Notgrass found a significant difference between the race and reporting practices in the cases of women who attributed their assault to characteristics of the perpetrator and not themselves. Seventy-six percent of African-American women blamed the behavior of the assailant for the sexual assault versus only 24% of Caucasian women (1990, p 160).

There is a steady trend in the use of drugs and alcohol and the prevalence of sexual assault. Victims of sexual assault frequently report that offenders were using drugs and/or alcohol as a tool to impair their victims' ability to resist the assault. Offenders were also commonly reported to have been drinking or using drugs themselves at the time of the assault. The use of alcohol by either the offender or the victim was overwhelmingly more frequent in assaults where the offender was not an acquaintance of the victim (Koss & et. al., 1988).

Effects of Sexual Assault

Sexual assault is extremely traumatic for victims with symptoms sometimes lasting for several years after the sexual assault. A study Frazier & Burnett revealed that 93% of a sample of therapists had treated at least one victim of sexual assault. Another study found that 22% of the clients at one women's counseling center reported having been sexual assaulted. Therefore, it is important for counselors to be knowledgeable

about sexual assault and about factors that influence post sexual assault recovery (1994, p 635).

If women anticipate that they will be blamed, they may not disclose their abuse at all. This may cause them to experience intimacy, relationship, and sexual problems. Without understanding of how or why these problems occur, victims will be even less likely to heal emotionally (Wyatt & et. al., 1990).

Psychological effects of sexual assault

Katz and Burt (1986) contend that in incidents where sexual assault victims know their offender, it is more likely for the victim to blame themselves for the incident well as have a more difficult time mentally recovering than victims who were sexually assaulted by strangers.

There is some disagreement about how stressful a sexual assault is on a victim. Until recently, sexual assault was not considered a major life event or daily stressor in most psychological studies. A sexual assault victim is likely suffering from psychological trauma when she demonstrates symptoms like depression, anger, resentment toward men, and brief periods of angry promiscuity. A victim may also become very militant, doing things like having a gun at home as a means of making sure she is protected from future assaults. When a victim does not have confidence in a confidant or the police, it is likely that the effects of the assault will have a significant effect on her future psychological and sexual functioning. She may also develop distrust of those who have been supportive in the past (Wyatt & et. al., 1990).

Sorenson & Siegel (1992) found that anger was the most common emotional reaction to a sexual assault. Other victims commonly reported depression, anxiety, fear,

guilt, and the feeling of being “spoiled.” These feelings and self-perceptions are consistent with posttraumatic stress disorder. By seeking support from family and friends, victims may be better able to cope with their assault and therefore decrease harmful effects of sexual assault. The support of families or friends can help the victim understand the sexual assault, thereby helping her heal. If victims do not disclose their assault to anyone, their support systems (friends, family, counselors) are prevented from helping victims deal with the trauma (Wyatt & et. al., 1990).

Koss & Cox (1988) have suggested that talking about a crime experience is the single most effective behavior engaged in by crime victims, especially sexual assault victims. Sorenson & Siegel found that Hispanic and non-Hispanic whites were equally likely to talk with someone about their sexual assault. The two groups were also very similar regarding whom they spoke to about an assault and from whom they sought social support. The only significant ethnic difference was that non-Hispanic whites were more than twice as likely to speak with a psychotherapist about the incident. Hispanics were 2.5 times as likely as non-Hispanic whites to speak with a clergy member about the assault (1992, p 95).

The most common way African-American victims of sexual assault handle their victimization is denial (Scott & Aneshensel, 1997). African-Americans generally place great importance on their family structure and do not wish to bother their family with the assault. As a result of historical oppression, generations of African-American women tend to possess a strong inner strength and resolve to handle their trauma without the assistance of a counselor (Neville & Pugh, 1997).

Coping strategies

According Foa & et. al. (1993), posttraumatic stress disorder can be one of the most debilitating and harmful side-effects of a sexual assault. Staying home and withdrawing from social ties and associations were related to higher levels of symptoms. Coping strategies like keeping busy, thinking positively, and suppressing negative thoughts were associated with lower levels of symptoms (Frazier & Burnett, 1994).

Barnett & et.al. (2001) found that sexual assault victims engage in attribution behavior in an attempt to “make sense of” their victimization. Attributions commonly identified by sexual assault victims include blaming their own behavior, their own character, sex biases and inequities in society, the rapist, and fate or chance.

One factor that may influence recovery is the type of coping strategy used by a victim following a sexual assault. Coping is defined as “constantly changing cognitive and behavioral efforts to manage specific external and/or internal demands that are appraised as taxing or exceeding the resources of the person.” Seeking social support, talking about the sexual assault, getting counseling, and keeping busy are most frequently mentioned as helpful coping strategies by sexual assault victims (Frazier & Burnett, 1994, p 635).

Social support is frequently used as a coping strategy because people are generally quite supportive of victims. It also seems likely however that sexual assault victims tell only those people they believe will be most supportive. Men were rated as slightly less supportive of victims than women. These findings are consistent with data suggesting that men also are more likely to blame victims for an assault (Frazier & Burnett, 1994).

Avoidant strategies may be more effective immediately following a traumatic event because they can reduce stress and anxiety. On the other hand, avoidant strategies also can result in emotional numbness, unwanted thoughts of the stressor, and a lack of awareness of the relation between the trauma and subsequent symptoms (Frazier & Burnett, 1994). When women blame themselves for a sexual assault, they are affected differently than victims of other traumas. Sexual assault victims who quickly gain a sense of control may be able to better offset by the long range consequences of self-blame on self-esteem (Wyatt & et. al., 1990).

Thompson identified five ways that victims can find positive meaning following traumatic life events: “finding side benefits (they now appreciate life more), comparing oneself to others in worse situations, imagining that the situation could have been worse, forgetting the negative aspects of the situation, and redefining one’s goals following a trauma so that important goals are no longer blocked” (1985, p 281).

Traumatic events like sexual assault can prompt some victims to make positive changes in their lives. Veronon and Kilpatric (1983) contend that a sexual assault can lead to positive change by serving as “a conscious-raising experience.” Others have concluded that sexual assault is a highly stressful event from which victims may emerge stronger than they were before (Frazier & Burnett, 1994).

CHAPTER TWO: THEORETICAL PERSPECTIVE

Feminist-Conflict Perspective

In general, conflict perspectives examine the persistence of individuals or groups in power to maintain their power by creating and enforcing laws for their own benefit. Those in power are most often wealthy, non-minority males. The self-interests of the groups in power will often conflict with the interests of those in the minority (lower-class, minority, female, etc.). Law is therefore the mechanism by which groups and individuals in power maintain that power over minority groups.

In the 1960s, feminists focused their application of conflict theory with consideration to sexual assault. This was based on the presumption that laws, written by the male majority, were used to maintain the power of men in dominating the minority group of women. Women as property and a male's property rights were therefore the largest concern for the male majority.

Pressure from feminist-supported advocacy groups has forced change in evidence collection and alterations of legal definitions of sexual assault (Jordan, 2002). Myers & LaFree (1982) suggest that the rationale for sexual assault laws rests in the tenants of feminist theory. Feminist theorists assume that the criminal justice system originally developed laws protecting women from sexual assault, but on the basis of the property interests of males. Husbands have a property interest in the reproductive abilities of their wives. Fathers have an interest in raising daughters who will marry well. This cannot be

accomplished if one's daughter has been damaged with respect to her reproductive abilities as well as the appeal to chastity.

The feminist-conflict view argues that by protecting only certain types of survivors, the criminal justice system (and government in general) is maintaining consideration of women as property of their husbands and fathers. The criminal justice system categorizes women according to their "value" which is determined by examining which stereotypical role the victim best fits. The most valuable women are the young (virgins) or married women. Women who are seen to deviate from these categories are deemed less valuable. In this "virgin and whore" classification, those sexual assault victims labeled as sexual deviants are less likely to receive protection from the criminal justice system (Myers & LaFree, 1982).

Feminist-conflict theorists also find support for these contentions in research that documents a great skepticism on the part of officials toward sexual assault claims. Research shows that officials react less severely to defendants accused of raping women who are African-American and of lower socio-economic status. Officials also tend to react less severely (by dismissing a case, for example) to defendants when the women they are accused of raping have "bad" reputations, live in non-traditional households, were hitchhiking or drinking at the time of the offense, were identified as severe alcohol abusers, or had been sexually intimate with the defendant prior to the crime (Myers & LaFree, 1982).

The chivalry hypothesis uses feminist perspective to analyze the difference in treatment of women by the criminal justice system. Most crime rates of women are lower because the criminal justice system treats women more leniently than men. Myers and

LaFree (1982) contend that a police officer's attempt to influence the decisions of the victim with concern to pursuing a sexual assault case is based on society's belief about the appropriate manner in which a female should act. If a female fails to act within this prescribed manner and she is sexually assaulted, feminist theorist believe the criminal justice system will discriminate against her, thereby failing to afford her the full protection of the law.

Estrich (1987) contends that understanding the distinction between aggravated sexual assault and "simple" sexual assault is important in analyzing how the criminal justice system handles sexual assault cases. Aggravated sexual assault "involves strangers, multiple assailants, or armed force." Simple sexual assault is committed by "an unarmed acquaintance acting alone." Estrich has suggested that all victims of sexual assault are not treated equally. She found that historically, distrust of certain sexual assault victims has been prevalent. She attributes this to discrimination and/or the disbelief of women who are assaulted by acquaintances. In addition, she finds that sexual assault law provisions represented a clear set of presumptions aimed against women who complain of simple sexual assault.

Feminists continue to challenge the relationship of power between men and women. One product of this challenge is the proliferation of laws and statues that mandate changes in the way the criminal justice system handles reported sexual assaults.

Model of Behavioral Intentions

It is also important to examine thereretical explanations for the lack of reporting for sexual assault. Fishbein found that a there are two factors associated with a victim's decision to perform a certain action. The first component consists of "perceived

outcomes.” This is derived from the combination of the “perceived likelihood of various outcomes” and the individual’s “evaluation of each of these outcomes.” The second component is called “normative expectations.” This is “the perceived expectation of various social referents” combined with the “motivation to comply with these referents” (Ajzen & Fishbein, 1973, pp 51-55).

Greenberg & Ruback (1992) continued Fishbein’s theory by suggesting that normative expectations are better predictors of a victim’s intention to report than perceived outcomes. This research shows that victims often feel they will receive little to no social support once a report has been made. These results were duplicated in research of women of all ethnicities. They continued by stating that victims will evaluate the seriousness of their victimization by first determining the amount of harm they experienced. This assessment, combined with the amount of stress the crime caused the victim will determine the amount of motivation the victim has to take “corrective action.” From these findings, it can be suggested that reporting must be made more attractive. It is crucial that the victim’s decision to report is supported by her family, friends, and especially her male partners.

CHAPTER THREE: CRIMINAL JUSTICE RESPONSE

Introduction

Many sexual assault victims do not report their assaults to avoid the notoriety and stigma associated with prosecution. The process of disclosing a sexual assault, the investigation of the allegations, and the prosecutorial process often creates a re-victimization of the victim by the criminal justice system (Burt, 1980). Consequently, a sexual assault victim often attempts to cope with the tragic event without the help of legal, medical, or mental health professionals (Koss & Burkhart, 1989).

When a victim reports a sexual assault to a social service agency, police department, or medical facility the initial reaction of the individual she is reporting to can have an effect on her ability to accurately report, follow-up with prosecution, seek treatment, and her ability to mentally cope with the incident. The recipient of a sexual assault report must be aware of the impression his or her initial reaction may have on a victim. According to Barnett & et.al. (2001), the “quality of support” a sexual assault victim receives from those she chooses to report to will greatly affect her ability to recover from sexual assault trauma.

Police officers, as well as sexual assault counselors, should be aware that the most important part of taking a victim’s statement is that she feels calm and safe. When a victim reports an assault to the police, the officer must be enthusiastic to help and investigate the case. Anything other than willingness to help may cause the victim to develop feelings of self-blame, guilt, or shame. (Jordan, 2002).

Police

The first point of contact in the criminal justice system for most victims is the police. The police have a substantial ability to determine how criminal cases will be handled as well as which cases will be pursued through investigation and passed to the district attorney for prosecution. According to Goodstein and Lutze, “police response to sexual assault may be the most crucial link in the chain to ensure fair treatment” of victims (1992, p169). In a majority of situations, the police create a victim’s first impression of the criminal justice system. How that victim is treated and the seriousness with which the case is regarded will likely influence the police can be in effecting the victim’s impression of the future treatment of her case by the judicial system.

Sexual assault cases are more likely to be investigated and prosecuted if the victim is either very young or old (Madigan & Gamble, 1991), has injuries resulting from the assault (Estrich, 1987), and has no relationship to the offender (Bohmer, 1991). Sexual assaults occur in both public and private places. Barnett & et.al. (2001) contend that the location of the sexual assault influences the reaction of the police as well as most citizens. If the victim was walking alone at night, she is perceived to be engaging in risky behavior. An assault under such circumstances is more likely to be perceived as the victim’s fault.

Such judgmental reactions, if perceived by the victim, could lead the victim to be reluctant to report or pursue charges against the offender as well as enhancing the her feelings of self-blame, guilt, and shame. On the other hand, a victim who is assaulted under circumstances beyond her control, for instance in her home, is given far more sympathy and concern (Barnett, 2001).

According to Black (1976), police decisions to arrest in cases of sexual assault often rest upon the victim's willingness to prosecute. Black considers a police officer to be a servant of the wishes of the victim as opposed to a separate and impartial figure of the law. These findings demonstrate, in part, how influential a victim's decision to pursue a sexual assault case can be.

It is almost impossible for a police officer or detective not to have an influential role in a victim's willingness to file charges, most notably in the few hours after the incident has occurred when she is still highly vulnerable and struggling to make sense of her assault. At this time, she is feeling a sense of numbness to her environment. She will therefore carefully rely on the cues of officers to understand what has just happened to her and what consequent course of action is most appropriate (Bohmer, 1991). This influence will likely carry great weight throughout the progression of the case, from the initial report to prosecution (Kerstetter & Van Winkle, 1990).

It is difficult for sexual assault victims to get the courage to report their assault to the police. According to Feldman-Summers and Palmer, law enforcement officials have "substantial inclinations not to believe" sexual assault victims (1980, p 54). By reporting, she is seeking recovery of her sense of well-being. The police department should have clear procedures for providing the victim with psychiatric help for restoring this lost sense of well-being.

As society's perception of the role of the police continues to change, most police departments are placing less emphasis on using force to combat criminal activity and more focus on service delivery. This desire by communities for police to recognize the importance of the needs and rights of victims of crime (as well as those of potential

victims) continues to be a more significant issue in the changing role of the police department. Research conducted by Lord and Rassel (2000) demonstrates that although there appears to be an increase in the understanding and a betterment of the treatment of victims of sexual assault by police officers, there is still much skepticism concerning whether a police officer will believe a victim's testimony of non-consent in sexual assault cases.

It is rare that a police officer will pursue a suspect if the victim refuses to cooperate in pressing charges. Even if the police are able to convince the victim to cooperate in an investigation, it is all too easy for an unwilling victim to hinder the investigation by intentionally withholding crucial evidence such as situational factors or even the identity of the offender. Investigators and detective often have far more cases than they can thoroughly investigate. If a victim is making it difficult for the detective to investigate the case, he is more likely to give in to the victim's perceived wishes and drop the case from investigation. In some cases, this may be a "face-saving" way for a victim to withdraw an accusation. Unless there is independent evidence of the assault, it is not reasonable to further pursue a sexual assault case without the willingness of the victim to cooperate.

Holstrom & Burgess (1978) found evidence that some law enforcement agencies have definite criteria for distinguishing weak from strong cases. In departments where a detective is measured by the ratio of solved versus unsolved cases, a detective may intentionally attempt to convince a victim to withdraw her complaint in order to avoid a "loss" on his record. The detective may also wish to unfound a sexual assault case by

warning a victim of future inconveniences like intrusive cross-examination at trial, and frequent trips and lengthy waits in the court (Kerstetter & Van Winkle, 1990).

The NCVS revealed that when the accused was already in custody for another criminal charge and could be identified by his accuser, the victim was seldom discouraged to prosecute. Such cases present a virtually effortless investigation and arrest clearance rate (National Victim Center, 1992). On the other hand, detectives may wish to pursue a case but fear the victim will not cooperate to the extent necessary. They may attempt strengthen her willingness to cooperate by emphasizing that the attacker is still on the street, free to assault another woman. The victim may be compelled to cooperate after being convinced she may be another woman's only hope of avoiding a similar traumatic assault (Kerstetter & Van Winkle, 1990).

Numerous studies have found that the gender of the individual a victim chooses to divulge her assault to is a major factor in determining how a sexual assault victim will be reacted to. Generally, research demonstrates that males are more likely than females to "share the rapist's perspective and attribute more responsibility or blame to the victim of sexual assault." Women have been found to "identify more with female sexual assault victims, empathize more with their emotional reactions, and consider the psychological impact on the victim to be greater than do men" (Barnett & et.al., 2001, p 618).

Women have historically been embraced in the criminal justice field as the more qualified gender to handle social-service related crimes such as those involving women and children. The belief supporting this movement was that women were better suited than their male counterparts to handle sensitive issues that required more warmth and sensitivity. Although the common belief is that women are more caring, sympathetic,

and patient, a study by Jordan (2002) found otherwise. Her study demonstrates that gender is not a proper factor in determining the satisfaction of a sexual assault victim who reports her assault. This means that women do not necessarily possess the best personalities for handling sensitive sexual assault cases and that men do not necessarily lack these characteristics.

Jordan (2002) also revealed that some female police officers in her study were more biased than male officers in their treatment of sexual assault cases. Some female officers over-identified with victims demonstrating unresolved personal issues stemming from their own sexual victimization or harassment on the job. Others resented the weak female stereotype of the sexual assault victim because they themselves were constantly fighting the weak female stereotype in their workplace. Jordan suggests that these issues are avoidable through careful police monitoring and strong supervisory practices.

Police officers of all genders should be specially trained in verbal communication skills, the effects of trauma on the victim's behavior and testimony, as well as interviewing techniques. In interviews with LAPD officers of the County Homicide Division, Wyatt and Notgrass learned that in the early 1980s, the department initiated a standard procedure for handling sexual assault cases. The victim was now given the choice to report her victimization to a male or female officer. That officer then assisted the victim to the hospital for evidence collection and medical care (1990, p 170).

According to Lord and Rassel (2000), a police department's possession of aids to sexual assault victims is closely related to the degree with which they communicate with local sexual assault crisis centers. Such aids may include specialized sexual assault units,

written procedures and policy concerning the handling of a sexual assault case, and the use of anonymous reports.

Kerstetter & Van Winkle (1990) contend that the emotional condition of the victim after the assault has a significant impact on a police officer's willingness to pursue a sexual assault case. If the victim shows little emotion, she is treated with less sympathy than a victim who appears devastated by the victimization. Based on this perception of the level of emotion demonstrated by a victim, police will make determinations on the believability of the victim as well as the degree of damage and consequently seriousness of the offense.

District Attorney and Courts

The re-victimization of constantly recalling a harsh memory to strangers and then having that statement questioned on the ground of its reliability is overwhelming for many victims. If the victim's need for feelings of safety and autonomy are not met, the victim may wish to simply drop the case thereby wasting numerous police and court resource already contributed to pursuing the case.

If the victim is not willing to act as a witness to her victimization, a sexual assault case will be difficult for a prosecutor to pursue. Research has shown that a prosecutor's decision to pursue a sexual assault case is based solely on the volition of the victim. Although the victim's cooperation is not legally required to pursue a sexual assault charge against a suspect, it is almost impossible to successfully prosecute a case without her cooperation (LaFree, 1989). Kerstetter & Van Winkle (1990) found that prosecutors strongly agree that what they saw as "the winability" of a case drives their decisions to prosecute, especially in sexual assault cases.

The degree of devastation a sexual assault may have on an individual is difficult for people who have never experienced similar devastations to understand. This is especially true of individuals in law enforcement who have been forced to harden themselves as a causality of their jobs. The argument lies in the fact that a victim's believability should not rest on the depth of her emotional devastation. Unfortunately, this is a common occurrence and can affect the actions of criminal justice personnel in multiple phases of the case from discouraging the victim to pursue the case to the vigor of prosecuting the case.

History of rape statute reformation

Common law is based on early English law and encompasses the basic social expectations of the restrictions and protection of citizens. According to common law, almost any questions could be asked of a sexual assault victim acting as a witness at trial. The result was numerous questions that challenged a victim's chastity or sexual history and such questions and subsequent responses were automatically admissible as evidence. The rationale for this line of questioning was that any woman with a promiscuous sexual history was, in essence, responsible in part for her victimization (Call & et. al., 1991).

Between 1960 and 1975, the United States made major reformations to its laws concerning sexual assault in attempt to improve the treatment of sexual assault victims and enhance reporting (Vivian & Rassel, 2000). In the early 1960s, Canada also reformed its laws regarding sexual assault in an attempt to facilitate greater reporting of sexual assault offenses and a more just approach to prosecution and victim rights (Bernard, 1996). In the late 1970s and early 1980s numerous legal reforms emerged. The women's movement made the public increasingly more aware of the epidemic of

sexual assault, especially “date rape” and acquaintance sexual assault (Bachman, 1993, p 2). As a companion to other sexual assault reforms and increased sexual assault victim protections, rape shield laws were enacted in the late 1970s and early 1980s (Call & et.al., 1991).

Rape shield laws

Simply stated, rape shield laws place limitations on the types of questions the victim can be asked at trial. These provisions were created in attempt to prevent additional victimization of the assault victims by the criminal justice, and more specifically, the court system. The most profound protection of victim rights is the limitations placed on consideration of the victim’s sexual history. Media coverage of the date of the sexual assault as well as the identity of the victim is also limited. This combination of increased protection of sexual assault victims may have helped to weaken the stigma experienced by victims (Bachman, 1998). It is hoped that rape shield laws have increased victims’ willingness to report their assaults.

Reform of sexual assault laws questioned the manner in which the victim was often subjected to the same harsh line of questioning as the defendant. A victim was often put on the stand as a witness, only to have her personal characteristics, most notably her sexual history, put on display and criticized by the criminal justice system and the public. This led reformers to consider why sexual assault victims were given a special status as witnesses who could have their reputations scrutinized. It was this, reformers assumed, that led most sexual assault victims to refrain from reporting their assault. This unwillingness to report (and consequently low arrest, prosecution, and conviction rates

for sexual assault) was a direct result of the victims' fear of courtroom testimony. (Horney & Spohn, 1991).

The overall purpose of reform was "to treat sexual assault like other crimes by focusing not on the behavior or reputation of the victim but on the unlawful acts of the offender" (Horney & Spohn, 1991, p 140). It was anticipated that by improving the treatment of sexual assault victims, those victims would be more likely to not only report their assault, but also to cooperate throughout the entire investigation and prosecution process. It was predicted that by eliminating the use of the victim's sexual history in trials, conviction would be more likely.

Rape shield laws also provided for definitional changes in sexual assault law. This was expected to help prosecutors include more obscure types of sexual assault, thereby reducing jury nullification by having penalties more easily fit the nature of the crime. This was also expected to lead to more convictions through plea bargaining because prosecutors would have more appropriate lesser offenses with which to charge offenders. It was anticipated the rate of conviction would increase by replacing the single crime of sexual assault with a series of gender-neutral graded offenses and having the penalties better fit each category. (Horney & Spohn, 1991).

Before the reformation of laws regarding rape and sexual assault, the prosecutor had a difficult task of proving the victims had resisted, or at least not effectively consented to intercourse. Producing evidence of resistance proved difficult if there was no evidence of physical trauma to the victim or the offender. Proving such claims usually came down to a "he said-she said" battle. Reformers predicted that elimination of the requirements for corroboration and resistance would make it easier to prosecute cases and

therefore more likely that prosecutors would file charges and obtain convictions.

Therefore reformers stressed, to both the general public and police investigators, the need for a prompt report and physical evidence of intercourse and/or injury. Such evidence as a sexual assault exam performed by a licensed sexual assault nurse or physician could corroborate a victim's testimony. Under these circumstances, it would be almost impossible for a defendant to succeed in getting a judgment of acquittal (Horney & Spohn, 1991).

Some reformers worried that by encouraging the victim to produce evidence of resistance of the assault (possibly as evidenced by injury to herself or to her attacker), that victims would be compelled to put their lives in jeopardy by resisting an attack. By the mid-1970s, the corroboration and resistance requirements could be viewed as minor hurdles if prosecutors wanted to proceed with a case. Formal elimination of the statutory requirements was therefore deemed unnecessary. As Nimmer observed, reformers often assume that removing alleged legal obstacles will allow decision makers to behave in the "correct" way, when in fact, "problems are typically not the product of artificial barriers or constraints but of conscious behavioral choices made both individually and as a group by professionals within the system" (1977, p 18).

Nationwide concern over the treatment of sexual assault victims as well as the disparity in sexual assault reporting promoted a movement to reform state sexual assault laws. Reform movements are affected by a variety of political, social, and economic factors. According to Horney & Spohn (1991), research supports a poor connection to the reformation of sexual assault laws to the manner in which a case is handled in the court system.

Texas' sexual assault laws are often cited as an example of the most permissive kind of laws. Texas does not categorically exclude any sexual conduct evidence, and such evidence can be admissible if the judge finds it relevant. With the judge's discretion dictating a large part of the direction of a sexual assault case, the rape shield laws enacted was of little consequence in such jurisdiction. Essentially, in Texas, the rape shield laws had little to no effect on the prosecution of sexual assault cases (Horney & Spohn, 1991).

In the mid-1980s, Houston, Texas reported a decrease in the indictment rates of sexual assault. Horney & Spohn indicated a problem with indictment rates and were skeptical that this decrease was due to an actual reduction of sexual assault in Houston. They claim "it seems very likely that the decrease in Houston represents a failure to keep up with the increase in reported sexual assaults. If prosecutors simply continued to prosecute about the same number of cases, an increase in cases entering the system would result in a decrease in the indictment ratio" (1991, p 137). In Texas, indictment for sexual assault is by grand jury. The additional burden of taking a case to grand jury may have affected prosecutors' judgments about how many cases could be prosecuted considering the often already overloaded caseload of the court (Horney & Spohn, 1991).

Often, reform is predicated around the demands of the public. The public has consistently demanded increasing the length of sentences for offenders convicted of sexual assault. The enactment of sexual assault law reforms was not aimed directly at increasing sentences for sexual assault but it nonetheless accurately reflected public demands that sexual assault be treated as a very serious offense. Judges may have responded by imposing more severe sentences on those convicted for sexual assault. These changes in attitudes toward sexual assault might also have fostered reluctance to

plea bargain and a consequent increase in sentence severity for sexual assault cases (Horney & Spohn, 1991).

Reformers argue that by sending “a strong ambiguous message to decision makers” the resistance to change inherent in the criminal justice system can be overcome (Horney & Spohn, 1991). Research has shown that the ability of sexual assault reform legislation to produce instrumental change is limited. Sexual assault law reforms placed few constraints on the tremendous discretion exercised by decision makers in the criminal justice system (Horney & Spohn, 1991).

According to Estrich (1987), the widespread adoption of rape shield provisions represents the most tangible success of sexual assault law reform (Call & et. al., 1991). This suggestion of the impact is ironic considering findings that, in effect, rape shield laws are essentially weak. Many view these inadequacies as lawmakers’ attempts for change as an effort to uphold the interests of those in power (Horney & Spohn, 1991).

Long-term effects of rape shield laws

In the long run, the concern for victim’s rights by criminal justice personnel may be more important than the change reformers had actually strived for. Before reform, sexual assault laws reflected great consideration toward proof of consent, resistance by the victim, and chastity in order to establish the credibility of the victim. The myth was that many women lie about being sexually assaulted for reasons ranging from revenge to seeking attention. As the role of women changed in society, sexual assault laws did not. Common law perceptions of women as property still remained a prominent basis for sexual assault law. Therefore, the effort of reformers to alter the perceptions of women, and more specifically victims of sexual assault in the eyes of criminal justice actors, was

successful. They were also successful in shifting some of the focus away from the sexual histories of victims and towards the unlawful actions of the offenders (Horney & Spohn, 1991).

There is some debate concerning the disappointment in weak rape shield laws. Strong rape shield provisions help to protect the privacy and dignity of victims thereby encouraging victims to report sexual assaults. Strong rape shield laws may also reduce the ability of offenders to intimidate victims into not testifying against them. Strong rape shield provisions may also assist the accused in escaping conviction by challenging and falsely tarnishing the credibility of the victim. However, strong shield laws may also limit the ability of defendants to mount a complete defense. Limitations on the types of questions that victims may be asked will likely limit a defendant's ability to discredit her. (Call & et. al., 1991).

The debate between the benefits of strong rape shield laws lies between two factors. On one hand, rape shield laws attempt to minimize the victimization of the victim through limited questioning at trial. This may encourage the victim to continue to assist the police and prosecutor in the case as well as encourage other victims to report their assaults (thereby prosecuting more rapists). The opposite side of the argument is concerned with the constitutional rights of the defendant. The question is, should we ever compromise one's Constitutional right to Due Process in hopes of reducing mental trauma of the victim (Call & et. al., 1991).

Even though sexual assault law reforms did not produce the broad effects anticipated by reformers, they did have some positive impact. Some feel reform resulted in more sensitive treatment of sexual assault victims. Many criminal justice actors feel

that reform efforts positively demonstrated that the public is concerned about the treatment of sexual assault cases and sexual assault victims (Lord & Rassel, 2000).

Although reformers have high hopes for the impact of rape shield laws, research has shown that rape shield laws have had little legal impact. Some research demonstrates that the criminal courts have “a remarkable capability to adjust to and effectively thwart reforms.” (Feldman-Summers, 1981, p 56) Undoubtedly, research has shown that rape shield laws have had only a minimal effect on sexual assault reporting and the conviction rates of sexual assault cases (Horney & Spohn, 1991). Although research has shown that sexual assault reformers may have been overly optimistic about the effects of reforms, we should not assume that their efforts were fruitless.

It has been argued that the efforts of reformers may have failed because of assumption that in order to change the way criminal justice actors perform, especially prosecutors, that we must change laws and legal rules. This view fails to take into account the great role discretion plays in criminal justice. Therefore, reform efforts may need to focus on changing the behavior of criminal justice professionals through increased understanding of sexual assault and its effect on victims (Horney & Spohn, 1991).

Constitutional issues associated with victim protection

At the offender’s trial, a victim of sexual assault, acting as a witness, is often harshly questioned by the prosecution as to the validity of her account of the sexual assault. Modern justification for the continuation of this intrusive and accusatory line of victim questioning lies within the protections of the Sixth Amendment. The Sixth Amendment implies that a defendant is entitled to produce most any evidence to justify

his innocence, including his right to confront witnesses against him. This provision of the Sixth Amendment is still used as a challenge to the Constitutionality of rape shield laws which aim to protect a victim acting as a witness at trial (Call & et. al., 1991).

In the criminal justice system, the defendant has considerably more power than the victim. The rights of defendants are constitutionally protected where the rights of victims are not. In defending those rights, the defendant has an advocate for his protection- the defense attorney. The prosecutor does not play the same role for the victim. The prosecutor is an advocate for the state.

Furthermore, the defendant is awarded additional protection by the appeal process. Here, judicial decisions that negatively affect the defendant can be appealed to a higher court. The victim on the other hand has no protection or remedy to judicial decisions that impinge on her privacy. Therefore, the defense attorney rarely fears delving into the private life of the victims regardless of the emotional trauma it may cause.

Based on this difference in the protection of the victim and the offender, reformers have suggested that incentives need to be created by applying public pressure on criminal justice actors who continue to badger witnesses (victims). According to Horney & Spohn (1991), in some jurisdictions, officials said that there was intense monitoring of the treatment of victims by the public and the media at the time of the law reform. These watch groups lost interest shortly thereafter prompting officials to perceive little continued attention in their handling of sexual assault cases. In order to produce and preserve change, attention by citizens and the media must remain constant.

Bachman suggests that legal statutes should protect a sexual assault victims' privacy by forbidding the media from disclosing the names of victims. Problems with such policy recommendations may include the accused's Constitutional right to face his accuser as well as his right to a public trial. An additional fear of reporting is created by the media's wiliness to disclose a sexual assault victim's name and sometimes even more personal information. According to a 1992 report from the National Victim Center, 86% of respondents said they would be less likely to report their assault if they thought their personal information might be disclosed to the public (1998, p 17).

CHAPTER FOUR: VICTIM SERVICES IN TEXAS

TAASA

The Texas Association Against Sexual Assault (TAASA) organizes a statewide network that consists of more than 70 crisis centers serving both rural and urban areas. TAASA was founded in 1982 with the goals of “ending sexual violence in Texas” by promoting awareness in the community concerning sexual assault. This non-profit agency focuses on educational and advocacy by providing training to law enforcement, social service agencies, and rape crisis personnel. TAASA also supports survivors in identifying their victimization and helping them cope.

Shelters

In 1978, there were only six shelters in Texas that focused on the needs of sexual assault victims. That number has increased, but there is still limited access to such shelters in many counties and cities in Texas. Therefore, many shelters, like the Hays-Caldwell Women’s Center, serve victims in multiple counties. Originally, the goal of the Hays-Caldwell Women’s Center was to provide services to victims of sexual assault. This goal has been expanded and clarified to include victims of all ages, gender, and problems. Today, the center’s services encompass “protection, advocacy, and education for men, women, and children” (Hays-Caldwell Women’s Center). In order to meet its mission to eliminate physical, emotion, sexual, and psychological abuse, the Hays-Caldwell Women’s Center offers crisis intervention, abuse services, and education to victims and concerned citizens.

SANEs

When a victim has been sexually assaulted, she may have a sexual assault exam preformed in order to collect physical evidence of the assault. A Sexual Assault Nurse Examiner (SANE) is a “registered nurse who has been specifically trained to provide comprehensive care to sexual assault survivors, who demonstrate(s) competency in conducting a forensic exam for the collection of evidence, and has the ability to testify as an expert witness” (Texas Office of the Attorney General, 1999, 1). Some of the first SANE programs were created in an attempt to address insufficiencies in the care of sexual assault victims (Ahrens, et. al, 2000).

SANEs are typically employed as nurses in hospitals and remain on-call for SANE-related procedures. When a sexual assault victim is taken to an area hospital for an exam, she is first evaluated and treated for any emergency medical issues. A sexual assault exam, upon consent of the victim, will follow and the victim may withdraw her consent at any time during the exam. During a sexual assault exam, a SANE will:

- perform a physical exam
- collect, preserve, and document all evidence
- collect urine and blood samples and send them to designated labs
- obtain victims account of the assault
- provide the victim with prophylactic medications for the prevention of sexually transmitted diseases and other care needed as a result of the crime
- provide the victim with referrals for medical and psychological care and support (Littel, 2001, p 3)

Based on the evidence collected during the exam, SANEs may be required to testify in court as to their observation and the methods of evidence collection. They may also be asked to testify about comments made by the victim during the exam.

SARTs

Sexual Assault Response Teams (SARTs) generally consist of professionals representing the prosecutor's office, law enforcement, rape crisis centers, and SANE programs. This team oversees the training of those individuals who are involved in sexual assault cases. SARTs "oversee coordination and collaboration related to immediate response to sexual assault cases, ensure a victim-centered approach to service delivery, and explore ways to prevent future victimization" (Little, 2001, 6). SARTs are an important part in the improvement and continuation of the SANE program as well as other services for victims of sexual assault.

Psychological Services

A variety of counseling services, both in the private and public sector, are available to victims of sexual assault. Hispanics were not as likely as non-Hispanic whites to use health services following a sexual assault regardless of sexual assault experience, age, need, and insurance status. In addition, Hispanics and non-Hispanic whites were equally likely to report the development of mental disorders subsequent to a sexual. Sexually assaulted women, regardless of ethnicity, were more likely than non-assaulted women to use mental health services six months following the assault (Sorenson & Siegel, 1992, p 102).

Numerous implications based on research exists for counselors who work with sexual assault victims. First, counselors should know what kind of coping strategies are most often used by victims. They should also be aware of strategies victims themselves perceive most helpful. This information could help a counselor assess the manner in which a victim will cope with a sexual assault.

Without making these determinations, a counselor might not be accepting of each individual victim's coping strategies. Some victims of sexual assault may cope by keeping busy. To some counselors, this behavior may seem abnormal or a way of avoiding working through the emotions associated with sexual assault. Counselors should be aware that this coping mechanism can be productive and is actually quite common (Frazier & Burnett, 1994).

It also may be useful for counselors to share this information with clients. A victim may be relieved to know that the strategies she is using to cope with a sexual assault is commonly used by victims in her similar situation. On the other hand, a victim may be using a strategy that does not seem to be working (such as unsuccessfully suppressing thoughts about the sexual assault). In this case, counselors might be able to suggest alternative coping strategies that may better fit the coping style and personality of that individual victim (Frazier & Burnett, 1994).

CHAPTER FIVE: LOCAL STUDY

Introduction

Data concerning reported rapes were collected from the Hays-Caldwell Women's Center in Hays County, Texas. The Hays-Caldwell Women's Center provides crisis response 24 hours a day with a variety of functions. These functions, as related to services for sexual assault victims, include assistance, advocacy, and shelter for victims of family violence; advocacy for victims of sexual abuse; and community education to increase awareness about violence.

Methodology

When a sexual assault victim is referred to or seeks assistance from the Hays-Caldwell Women's Center, data are collected about the victim, the offenders, and various other characteristics surrounding the incident.

Sample

Data used in this study consists of reported sexual assaults from women ages 18 and older. The average age of the victims in this sample was 27, with 18 being the youngest and 56 the oldest. As is customary for most research about sexual assault, child and male victims were excluded from this study. These exclusions were based on the limited representation of males in the study population as well as the unique circumstances that typically surround the assaults of children and males. The sample consists of all completed sexual assaults of adult females that were reported to the Hays-

Caldwell Women's Center during a three year period from August 1998 to September 2001. The total number of reported sexual assaults meeting the above criteria was 375.

Variables

Each incident of sexual assault was evaluated based on the following independent variables: victim-offender relationship, having a sexual assault exam completed by a SANE, and the presence or lack of physical injury suffered as a result of the sexual assault. Data were analyzed to determine if a significant relationship exists between the above independent variables and reporting a rape to the police (the dependent variable).

Test of significance

Chi Square was used as the statistical test to determine if a significant relationship exists between the dependent and independent variables. Chi Square demonstrates the degree of confidence one can have in accepting or rejecting a hypothesis. A hypothesis will explain whether two types of people are different enough in their behaviors that we can generalize that a larger, similar population would act the same.

In this study, the hypothesis is that each of the independent variables (the victim-offender relationship, having a sexual assault exam completed by a SANE, and the presence or lack of physical injury suffered as a result of the sexual assault) will have an effect on the dependent variable (reporting to the police).

There are two types of hypotheses necessary for Chi Square test of significance. A research hypothesis says that the sample differences reflect actual population differences regarding the relative frequency of a given characteristic. The null hypothesis is the opposite of the research hypothesis. It states, "the populations do not differ with

respect to the frequency of occurrence of a given characteristic” (Fox & et.al, 2002, p 269).

- Research Hypothesis 1: The victim-offender relationship will affect a victim’s propensity to report the sexual assault to the police.
- Null Hypothesis 1: The victim-offender relationship will *not* affect a victim’s propensity to report the sexual assault to the police.

- Research Hypothesis 2: The presence of physical injuring resulting from the assault will affect a victim’s propensity to report the sexual assault to the police.
- Null Hypothesis 2: The presence of physical injuring resulting from the assault will *not* affect a victim’s propensity to report the sexual assault to the police.

- Research Hypothesis 3: The completion of a sexual assault exam will affect a victim’s propensity to report the sexual assault to the police.
- Null Hypothesis 3: The completion of a sexual assault exam will *not* affect a victim’s propensity to report the sexual assault to the police.

The two-way cross-tabulation is concerned with the difference between expected frequencies (f_e) and observed frequencies (f_o). The observed frequencies are constructed in terms of the null hypothesis “according to which the relative frequency is expected to be the same from one group to another.” The observed frequencies are the actual raw data obtained from the research. In order to reject the null hypothesis, there must be a significant difference between the observed and expected frequencies. When we reject

the null hypothesis, we are stating that there is a true population difference (Fox & et.al, 2002, p 269).

The strictest level of significance is the charted at the level $p < .01$. If the calculated data yield a Chi Square value larger than the tabled value, we must reject the null hypothesis, thereby accepting the research hypothesis. Therefore, if we reject the null hypothesis based on the .01 level, we are stating that there is less than 1 chance in 100 that the difference obtained between the variable is the result of a sampling error (Fox & et.al, 2002).

Findings and Discussion

Victim-offender relationship

A “known” offender could include a boyfriend, spouse, family member, date, co-worker, friend, or other acquaintance. Data analysis showed a significant relationship between the victim-offender relationship and the likelihood of reporting the rape to the police. The null hypothesis is therefore rejected. The relationship between the offender and the victim did have a significant effect on the reporting practices of the victim.

Figure 5.1: Expected Frequencies (f_e): Victim-Offender Relationship

	Reported to the Police	Did Not Report to the Police	Total
Victim Knew the Offender	137	168	305
Victim Did Not Know the Offender	32	38	70
Total	169	206	375

Figure 5.2: Observed Frequencies (f_o): Victim-Offender Relationship

	Reported to the Police	Did Not Report to the Police	Total
Victim Knew the Offender	126	179	305
Victim Did Not Know the Offender	43	27	70
Total	169	206	375

Physical injury

It is recognized that all sexual assault victims are injured by their assault but in this study, injury is demonstrated by physical injury ranging from bruises, cuts, broken bones, pregnancy, and sexually transmitted diseases. Data analysis also showed that there was a significant relationship between a victim reporting and the presence of physical injury as a result of the sexual assault. The null hypothesis is therefore rejected. The presence or absence of physical injury as a result of an assault does have an effect on the victims' propensity to report the assault to the police.

Figure 5.3: Expected Frequencies (f_e): Physical Injury

	Reported to the Police	Did Not Report to the Police	Total
Victim Suffered Physical Injury	98	120	218
Victim Did Not Suffer Physical Injury	71	86	157
Total	169	206	375

Figure 5.4: Observed Frequencies (f_o): Physical Injury

	Reported to the Police	Did Not Report to the Police	Total
Victim Suffered Physical Injury	88	130	218
Victim Did Not Suffer Physical Injury	81	76	157
Total	169	206	375

Sexual assault exam

In order to preserve useable, physical evidence of sexual assault, a sexual assault exam (a SANE exam or “rape kit”) must be completed within 72 hours of the assault. It is used to collect evidence of a sexual assault to be used in subsequent investigation and prosecution of the offender. Data demonstrates a significant relationship between the completion of a sexual assault examination and the likelihood of reporting the sexual assault to the police. The null hypothesis is rejected.

Although we can conclude that a relationship exists between having a sexual assault exam completed and likelihood of reporting to the police, it is difficult to identify why these variables are related. One explanation may be that victims who report to the police are encouraged to have a sexual assault exam completed. Another explanation for the significant relationship between reporting a sexual assault and the completion of a sexual assault exam is that victims who have a sexual assault exam may feel that their attempts to report and prosecute their offenders will be more successful with the presence of evidence collected by the exam. Sexual assault victims who do not have an exam may feel that they will not be believed or that the police will not be able to pursue an offender without physical evidence of the sexual assault.

Figure 5.5: Expected Frequencies (f_e): Sexual Assault Exam

	Reported to the Police	Did Not Report to the Police	Total
Victim Had a Sexual Assault Exam	63	77	140
Victim Did Not Have a Sexual Assault Exam	106	129	235
Total	169	206	375

Figure 5.6: Observed Frequencies (f_o): Sexual Assault Exam

	Reported to the Police	Did Not Report to the Police	Total
Victim Had a Sexual Assault Exam	129	11	140
Victim Did Not Have a Sexual Assault Exam	40	195	235
Total	169	206	375

The above findings demonstrate a significant relationship between a sexual assault victim's propensity to report and the independent variables of victim-offender relationship, physical injury suffered, and the completion of a sexual assault exam. These findings are supported in the other research concerning the relationship of characteristics of a sexual assault and the victim's likelihood to report (Bachman, 1992; Ellis & et. al, 1981; Estrich, 1997; Joiner, 1997; Kerstetter & Van Winkle, 1990; Koss & et. al., 1988; Lonsway, 2002; National Vicitm Center, 1992; Weis & Borges, 1973; Willaims, 1984).

CHAPTER SIX: FUTURE PROGRAMS AND RESEARCH

Introduction

Future programs should focus on making reporting and the subsequent adjudication process less traumatic for victims. The perception of being a sexual assault victim is not enough to propel a victim to report. Victims must be assured that by disclosing their assault they will not be further victimized by the criminal justice system or the media. More education focused on decreasing the historical stigma and negative public attitudes and myths about sexual assault are also needed. The message for today should be sexual assault victims do deserve to receive better treatment.

Education

Social norms supporting sexual assault reporting must be established and strengthened. Through such outlets as the media and educational institutions, it is vital that both actual and potential victims are shown that society does support reporting. This would best be accomplished through encouraging reporting, demonstrating the individual and social benefits of reporting, as well as making public support networks (psychiatric, medial help) better-known.

Efforts have been made to decrease the emotional impact victims are often confronted with after an assault. Programs that increase citizens' empathy for sexual assault victims (and more importantly the empathy of social service and criminal justice actors) may serve to decrease the conflict victims feel. Citizens who are educated with sexual assault-specific information have been shown to be significantly more empathetic

toward a sexual assault victim than others (Pinzone-Glover, et.al., 1998). These programs should aim to decrease victim blame (both self-blame and stigmatization from others) and increase sexual assault victims' use of counseling services. Both of these solutions seek to help the victim cope with the assault and potentially decrease the victim's risk of repeated assaults.

Other programs and attempts to improve the social service arena may focus on changing the attitudes of would-be offenders. According to Pinzone-Glover, et.al. (1998), men who have increased empathy also have a decreased desire to sexual assault. Research has demonstrated it is possible that by increasing men's empathy for victims may lead to a reduction in sexually aggressive behavior will follow.

Often victims of sexual assault do not know they have been victimized or do not perceive a sexual assault as a serious occurrence. Other potential programs may focus on educating the public on how to better define situations as sexual assault, especially situations involving alcohol use (Pinzone-Glover, et.al., 1998).

Programs for College Campuses

The alarming high incidence of sexual assault on college campuses where the victim and the offender know each other has prompted social service programs to develop several innovative sexual assault education programs. Sexual assault prevention efforts have primarily focused their attention on challenging sexual assault related attitudes. This includes dispelling myths and discouraging sexual expectations based on stereotypes. Lonwsay (2002) reviewed the results of programs aimed at preventing sexual assault thorough education. She concluded that the majority of sexual assault

education programs have been successful in generating positive change in participants' sexual assault-supportive attitudes.

These positive attitude changes occurred in men as well as women. Research showed that men in the sexual assault prevention programs were more accurate in their definition of sexual assault post-intervention. (Pinzone-Glover, et.al., 1998) These men became less traditional in their attitudes compared to the main comparison group. More traditional attitudes have been found to be predictive of "increased acceptance of forcible date sexual assault, an acceptance of violence toward women, victim blaming, a decreased ability to appropriately define a sexual assault situation, and a self-reported sexually aggressive behavior." This change in the men's attitudes is promising (Pinzone-Glover, et.al., 1998, p 617). This research demonstrates that men, when properly educated, can be equally concerned and sensitive to issues of sexual assault. If men are better able to identify a situation that potentially could be considered a sexual assault, they will be better able to make decisions to decrease their risk of either committing an assault or being falsely accused.

According to Pinzone-Glover, et.al. (1998), rates of sexual victimization among college-aged women are approximately three times greater than rates among women in the general population. In addition, the majority of sexual assaults against college women are perpetrated by someone the victim knows. Research also found that between seven and fifteen percent of college men acknowledge committing an act that meets the legal definition of sexual assault. Such statistics underscore the fact that college poses a high-risk period for sexual assault.

Disclosure is often associated with higher levels of education. Scott and Aneshensel (1997) found that education exposes individuals to information about what constitutes a sexual assault. Rates similar to these have led concerned service agencies to increase programs focused on the prevention and intervention of sexual assault on college students. Many of these programs focus primarily on education. College students' attitudes toward women, sexual assault myths, perceptions of sexual assault, and increased sexual assault empathy are targets of such programs (Pinzone-Glover, et.al., 1998).

Decreasing the Risk of Victimization

When the victim precipitation model is applied to sexual assault, it suggests that certain personal characteristics of potential victims can be increased unknowingly by certain behaviors. Such characteristics include passivity, over-submissiveness, or insensitivity to social nuisance may make a person more likely to be assaulted (Koss, 1985). Cultural norms may also serve to reduce or increase a woman's exposure to situations in which acquaintance sexual assault could occur. For example, a female child often is not allowed to date until adolescence. And even then, her dates are often chaperoned by a member of her family (Sorenson & Siegel, 1992).

Victims of attempted sexual assault have typically enrolled in a self-defense course, began therapy, and had extra locks and alarms installed in their homes. Victims of a completed sexual assault however have been less likely to engage in behavior which may provide protection from future assaults. Women who were relatively older (aged 27-36) when their most recent assault occurred and those who did not know their assailants tended to make lifestyle changes to protect themselves from further victimization.

If the abuse was perpetrated by an unknown person, victims attempted more often to regain control over their lives. They most often made changes involving self-protection (buying a gun, installing extra locks on the door, or not being out after dark). Abuse by a boyfriend or husband seemed to create more of a sense of powerlessness and consequently life style changes were not as frequently made (Wyatt & et. al., 1990). According to this research, women who hesitated or were less well-prepared psychologically to use avoidance strategies were assaulted by someone they knew. Women who were assaulted by strangers used more resistance strategies (Koss & et. al., 1988).

There have also been studies on the sexual assault avoidance strategies of victims who were assaulted by acquaintances compared with those assaulted by strangers. These studies have supported the conclusion that victims were more passive, thereby resisting less, if they were acquainted with the offender. The assumption could be made that a victim who is more passive at the time of the commission of the assault would also be a victim who is less likely to report the assault or seek counseling or other forms of assistance. These data indicate that preparation with the use of avoidance and resistance strategies, especially in potential acquaintance sexual assaults, may need greater emphasis than sexual assault prevention programming (Koss & et. al., 1988).

Future Research

Future research should pay close attention to the demographic, social, and environmental factors associated with the variations of sexual assault reporting behavior. More empirical documentation about mediating processes such as the support of family, police, or other agencies and outcomes that follow is needed (Wyatt & et. al., 1990).

Research on programs mandated to prevent sexual assault is still limited. Based on existing research, it appears that an effective sexual assault programs would address both the attitude and the behavior of victims, offenders, and citizens. Although many have argued that the reduction of sexual assault is a virtually unattainable goal, programs that seek to educate the public about what sexual assault is, how to seek help, and how to make the decision to pursue charges or not may be effective (Pinzone-Glover & et.al., 1998).

Sexual assault victims should be advised that the police are not the only outlet for reporting a sexual assault. Beyond the desire to have accurate crime statistics, we must be concerned with sexual assault victims talking to someone about their assault so that they may get counseling and assistance.

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