

# Police Reporting Practices for Sexual Assault Cases in Which “The Victim Does Not Wish to Pursue Charges”

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## Abstract

Prior research examining sexual assault case attrition has focused on the processing of cases across the justice system. Studies have examined arrest decision making and prosecutorial decision making in an attempt to better understand where and when cases drop out of the system. Less explored are police reporting practices during the initial stage of processing for cases in which the officer stated that the victim chose to drop her case. We addressed this gap in the literature by reviewing law enforcement incident reports at their onset, specifically; we examine reports of cases in which the officer reported the victim chose to drop the case. Results indicated that of the 125 cases of sexual assault reported to the police, 41 reports (32.8%) stated that the victim decided to no longer pursue charges. However, few police reports (30.2%) provided a clear rationale for why the victim decided to no longer pursue charges. Results of this study call for more standardized police reporting practices and point to the need for future research into the initial stage of law enforcement involvement in adult sexual assault cases.

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Sexual violence continues to be a widespread community problem, with 17.6% of U.S. women reporting that they have experienced an attempted or completed rape in their lifetime (Tjaden & Thoennes, 2000). Despite the high incidence of sexual violence, data from the National Violence Against Women Survey state that only 19% of sexual assaults are reported to law enforcement (Tjaden & Thoennes, 2006). Of those that are reported, only 12% to 35% of sexual assault cases result in arrest and 9.7% of cases result in felony charges (Alderden & Ullman, 2012; Spohn & Tellis, 2011). Sexual assault case attrition has been found across multiple stages of a complex system of justice (Frazier & Haney, 1996; Spohn & Tellis, 2011). Investigation of this phenomenon is complicated but has proceeded along a number of lines of inquiry with particular emphasis on the criminal justice response to sexual assault (Spohn & Tellis, 2012). Research that has focused on the broad topic of response to sexual assault has examined factors associated with decision making by police (Kerstetter, 1990; Lafree, 1981; Rose & Randall, 1982), factors associated with prosecutorial decision making (Beichner & Spohn, 2005; Frazier & Haney, 1996; Frohmann, 1991), and police perceptions of victim credibility (Maddox, Lee, & Barker, 2012). A second line of inquiry has evolved and has focused on the victims of sexual assault. Research has examined the correlates of victims' decision making regarding reporting the assault to police, victims' experiences with the criminal justice system (Belknap, 2001; Erez & Belknap, 1998; Felson & Pare, 2008; Holmstrom & Burgess, 1978; Koss, 2000), and psychological sequelae of sexual assault and its impact on disclosure to police (Anders & Christopher, 2011; Maddox et al., 2012).

Less explored are police reporting practices during the initial stage of processing for cases in which the officer stated that the victim chose to drop her case. The few studies that have examined this topic found that in approximately 25% to 36% of police reports it is documented that victims wish to drop their cases after making an initial report (Holmstrom & Burgess, 1978; Tellis & Spohn, 2008). Although no studies have specifically explored why this phenomenon occurs, broader research examining victims' experiences with the legal system has found that some victims report negative experiences with legal officials and with the criminal justice process (e.g., Campbell, 2005; Campbell & Raja, 2005; Konradi, 2007; Patterson, 2011a, 2011b), which may provide some explanation for why victims choose to drop their

case. However, the extent to which police document victims' negative experiences with the legal system or the reasons why they choose to drop their case has not been explored. This understudied area is important for several reasons. First, the police report is the first official record of the report of a crime and is often used to determine the strength of a case. Second, police reports often include a statement or phrase indicating the extent of victim cooperation with the criminal justice system. Statements regarding a victims' willingness to cooperate can ultimately lead to the case moving forward to prosecution (Kerstetter, 1990; Rose & Randall, 1982; Spohn & Tellis, 2012) or to its termination. Third, this information could be useful in the development of standards for police reporting practices and for providing a window into police-victim interactions. Moreover, an understanding of how police document victims' decisions could provide critical information for future research.

We sought to fill the gap in knowledge regarding police reporting practices by examining 125 adult female sexual assault incident reports in New Hampshire to determine the frequency in which police record that the victim chose to drop the case and how police document this phenomenon. We examined cases in which police reported that the victim chose to drop her case because of the high drop-out rate at this first crucial, and largely unexplored, entrance into the justice system. The present study focused on the following research questions:

**Research Question 1:** To what extent do police incident reports indicate that victims wish to drop their case?

**Research Question 2:** What are the reasons documented in police incident reports for victims' desire to drop their case?

## **Method**

### *Study Design and Data Sources*

The research is part of a larger study in New Hampshire examining adult female sexual assault case attrition across the criminal justice system (e.g., police, county attorney, and court). In this article, we focus specifically on the first point of victim contact with the criminal justice system—the police—and how victims' decisions to withdraw at this early stage of the process are documented. The research was a collaborative project among university researchers and practitioners from law enforcement, advocacy, coordinators of the state's sexual assault response team (SART) and the sexual assault nurse examiner (SANE) program, and university researchers. Twelve

communities selected by population size and urban/rural mix were chosen for the sample. After receiving approval from the university's Institutional Review Board for the Protection of Human Subjects, letters were sent by the state Attorney General's office to law enforcement departments in each of the sample cities/towns requesting their participation.

Police incident report data were collected from all adult (18 years or older) female sexual assault cases, in the sample communities, which met the criteria of a sexual assault as defined by the state's criminal statutes (New Hampshire Revised Statute Chapter 632-A: 2-4, 1975-2011). A crime of sexual assault is designated as either a misdemeanor, which includes either sexual contact or penetration, or a felony that includes sexual contact or penetration and serious bodily injury. Aggravated felonious sexual assault requires sexual penetration as well as meeting 1 of 14 aggravating circumstances. Data were collected between June 2011 and September 2011 by two of the coauthors and four trained graduate research assistants. Eligibility for cases to be included in the study involved cases that were charged as a misdemeanor, felonious, or aggravated felonious sexual assault; gender (only female cases were selected in which there was a sole male suspect); age (victims and suspects were at least 18 years of age at the time of the assault); cases in which there was one victim and one suspect; and year in which the assault occurred (only cases perpetrated during 2008 were included). This inclusion criterion was utilized to collect the most recent data on adult female sexual assaults for completed/closed cases. Consistent with prior research (Alderden & Ullman, 2012), we excluded cases in which there were multiple and/or female offenders due to the low rate of cases with multiple offenders and the high likelihood that these cases are treated differently than cases with a sole male offender. We also excluded cases determined to be unfounded given that we would not expect these to result in an arrest or otherwise move forward.

Included in the current analyses are 41 cases in which police specifically reported that victims chose to not pursue their case, obtained from a larger sample of 125 adult female sexual assault cases that met the aforementioned criteria. Of the 41 cases meeting our criteria, the mean victim age was 32.37 ( $SD = 11.95$ ), and the mean suspect age was 32.37 ( $SD = 14.21$ ). In addition, 7.5% of victims and 16.7% of suspects were non-White. Moreover, 17.1% of suspects had documented criminal histories. With regard to victim-suspect relationship, 56.1% were acquaintances, 35.0% were intimate partners, 4.9% were strangers, 2.4% were family, and 2.4% were undocumented in the incident report. With regard to assault and case characteristics, 7.5% of the victims sustained physical injuries, 53.7% reported within 24 hours of the assault, and 19.5% of victims had a medical/forensic examination. Furthermore, 56.1% of

the cases were charged as felonies and 43.9% of the cases were charged as misdemeanors. Finally, in 12.2% of the cases, additional charges were noted.

### *Data Analysis*

Police perceptions of victims' decisions to drop their cases were independently content analyzed (Krippendorff, 2005) by two raters, both faculty members. Content analysis is the most common form of analyzing text data that "focuses on the characteristics of language as communication with attention to the content or contextual meaning of the text" (Hsieh & Shannon, 2005, p. 1278). Content analysis can be used quantitatively to code text data into explicit categories and then describe these categories using frequency statistics (Morgan, 1993). Content analysis, however, goes beyond merely counting words to examine text data for the purpose of "classifying large amounts of text into an efficient number of categories that represent similar meanings" (Hsieh & Shannon, 2005, p. 1278). Although there are different types of content analysis, we used conventional content analysis. In this type of analysis, researchers do not use preconceived categories but rather allow the categories to form inductively from the data (Hsieh & Shannon, 2005).

In the first steps of conventional content analysis, coders read case files repeatedly to obtain the gestalt of the data. Second, the words and phrases that addressed the question under study were highlighted in an effort to identify and categorize all aspects of police perceptions of why victims choose to drop their cases of sexual assault. Third, similarities and differences in perceptions were identified, which led to the emergence of categories of participant responses. After initially coding all police perceptions, the coders examined all data within a particular code; some codes were combined, whereas others were divided into subcategories. Handwritten notes from the narrative section of police reports were transcribed verbatim in Microsoft Word documents. As categories and codes were identified, the researchers created tables with these categories to independently code each of the incident reports.

The agreement rate among the coders was high (97.5%). When the coders were in disagreement, the discrepancy was discussed until mutual agreement was reached. Credibility was established through peer debriefing (expert oversight and review of coding process), prolonged engagement (spending sufficient time with each of the incident reports and the broader criminal justice field), and deviant case analysis (examining elements of the data that appear to contradict explanations emerging from the coding categories) (Hsieh & Shannon, 2005; Manning, 1997).

## Results

To what extent do police incident reports indicate victim “chose to drop the case” in cases of sexual assault? What are the reasons documented in police incident reports for victim dropping the case?

Of the 125 cases of sexual assault reported to the police, 41 incident reports (32.8%) stated that the victim chose to drop the case or some variant of that phrase (e.g., “victim did not want to prosecute,” “chose not to go forward,” “victim doesn’t want to pursue charges,” “victim does not wish to press charges,” “requested case be inactivated,” “victim opted to end the investigation,” “victim did not wish to pursue case,” “victim is not interested in pursuing case,” “victim preferred not to deal with the case,” “victim did not want to continue with complaint”).

Of these 41 incident reports, 13 (30.2%) included explicit reasons why the victim chose not to pursue the case; 15 (36.6%) reports did not include an explicit reason, but did include other narrative information that we content coded; and 13 (31.7%) did not include an explicit reason or any additional narrative other than just stating that the victim did not wish to pursue the case/charges.

Of the 13 (30.2%) incident reports that included an explicit rationale, the following reasons were stated: general stress with the process or other life events ( $n = 5$ , 38.5%; including psychological distress associated with the reporting process and/or assault, pregnancy and abortion associated with the sexual assault, hospitalization or other complications due to unrelated medical issues, and divorce process with suspect); the suspect being in jail or on trial for another crime and/or the desire to pursue other charges ( $n = 4$ , 30%); the desire for the police to only warn the suspect or to keep an eye on him ( $n = 3$ , 23.1%); fear of the suspect or his family ( $n = 2$ , 15.4%); the desire for the police to help remove the suspect from the home, in cases related to intimate partner violence ( $n = 2$ , 15.4%); and feelings of self-blame ( $n = 1$ , 7.7%). These percentages exceed 100% given that some incident reports had multiple reasons as to why the victim chose to drop the case. Also in these 13 cases, there were 8 cases (61.5%) in which additional details were provided in the incident report, which may help shed further light on victims’ decision to drop the case (even if not explicitly stated as a reason in the report). Specifically, 2 (15.4%) of these reports included information that the victims had sought other formal help (i.e., mental health providers), 2 reports stated that the victim reported experiencing multiple incidents of sexual assault by the same defendant, 2 reports stated that the victim had credibility issues due to mental and/or physical health problems, and 2 reports stated that witnesses refused to come forward.

Fifteen (36.6%) reports did not include an explicit reason why the victim wanted to drop the charges but did include other narrative information that we content coded in an attempt to shed light on possible reasons for victims' decisions not to pursue. Of these 15 reports, 10 (66.6%) reported that the victim failed to show for a scheduled interview and/or did not return phone calls about the case, which was perceived as an indication of the victims' desire to no longer pursue the case. Moreover, in 3 reports (20.0%), police officers explicitly stated that victims did not cooperate with the investigation, citing the victim refused a medical exam or refused to answer questions about the incident. In addition, 5 (33.3%) reports stated concerns regarding victim credibility and 3 (20.0%) reports stated that there was a lack of evidence. Furthermore, 2 (13.3%) reports stated that the victim sought other formal help for the sexual assault and 2 (13.3%) reports stated that witnesses refused to provide a statement. These percentages exceed 100% given that some incident reports had multiple additional narratives.

## **Discussion**

Previous research found that a minority of cases of reported sexual assault result in an arrest, lending support to the belief that attrition rates are highest at the beginning of the process, and, of the cases that did not result in an arrest, most were cited as "arrest not desired" (Fitzgerald, 2006, p. 4). Greenberg and Ruback (1992) found that 11% of victims who had contact with the criminal justice system after the initial report stated that they were encouraged by the police or prosecutors to drop the charges. In addition, Kerstetter (1990) referred to victims' decision to not pursue as far more complex than simply "victim volition" (p. 307). These studies and others led us to inquire about the earliest stage of case processing to learn more about the reporting of victims' decisions in the official case file. Specifically, given the high drop-out rate of sexual assault cases, we were interested in uncovering reporting practices in these cases.

Thus, we examined the following research questions: (1) To what extent do police incident reports indicate that the victim wishes to drop the case? and (2) What are the reasons documented in police incident reports for victims' desire to drop the case? Our analyses revealed a number of important findings. First, we found that in approximately one third of cases, police reported that victims no longer wished to pursue the case. Prior research, which examined cases at various points in time across the justice process, reported approximately half of all adult female sexual assault cases end with the victims' decision to no longer pursue the case (Anders & Christopher, 2011; Holmstrom & Burgess, 1978; Kelly, Lovett, & Regan, 2005; Kerstetter

& Van Winkle, 1990; Tellis & Spohn, 2008). Unlike these earlier studies, the present study focused on the earliest point in case processing. Our findings are consistent with the few other studies to date that have reported this type of data (Holmstrom & Burgess, 1978; Tellis & Spohn, 2008). It is important to keep in mind, however, that the extent to which victims truly wished to drop the case, felt pressured to do so by police, or were inaccurately perceived by police as wishing to drop their case is unclear from these data and warrant future investigation.

Regarding documentation practices, we found that incident reports contain a variety of terms such as “victim declines to prosecute,” “victim chooses to terminate the case,” “victim does not want to press charges,” “victim does not want to pursue,” “victim does not want to go forward,” and “victim unwilling to cooperate.” These terms were used interchangeably by police officers within the same department as well as in departments across the state. As the first permanent record of an alleged assault, the incident report would benefit from clarity of meaning and definition of terms for several reasons. First, accurate reporting could assist with better understanding how information is communicated between officer and victim, thus clarifying potential areas for intervention with the victim and law enforcement. Second, as the incident report moves from responding officer to detective, decisions are made regarding the potential for further investigatory efforts. Clearly defined terms and documentation of interactions with the victim would be crucial for determining next steps in case processing.

Moreover, results demonstrated that only 30% of the reports contained explicit statements about why the victim chose to not pursue, no reason was stated in 32% of the reports, and implicit reasons appeared in 37% of the cases. The fact that over half of police incident reports lacked explicit documentation or contained only minimal information is alarming given the importance of reporting as a first step in case processing. It is likely, in some cases, the officer had no further contact with the victim due to inability to locate her, which is often referred to in police reports as “victim uncooperative.” However, it is also likely that in a number of cases, the officer may have some knowledge about why a victim dropped the case but did not record a reason.

Implied reasons for dropping the case included victim’s failure to respond to the officers’ attempt to make contact with the victim, so victim refusal to answer questions or have a medical examination, victim credibility issues from the perspective of the officer, lack of evidence, the victim sought other formal help for the sexual assault, and, in two reports, witnesses refused to provide a statement. It was interesting to see that this type of information, largely focused around lack of evidence and victim credibility, was

mentioned in the same narrative section of the incident report that noted the victim did not wish to pursue charges. It is possible that because of lack of evidence and victim credibility issues, police dissuaded victims from continuing with the process, which would be consistent with previous research (Greenberg & Ruback, 1992).

Whereas two thirds of the cases contained no or minimal contextual information regarding police perceptions of the victim wishing to drop the case, one third of cases did include reasons. Police reported that a victim may choose to not pursue a case for a number of seemingly disparate reasons. For example, reports included victims' reasons that were specifically associated with the justice process, physical and psychological reasons associated with the assault, health issues unrelated to the assault, and a number of reasons associated with the suspect such as victims' fear, an ongoing divorce, and wanting to pursue other charges against the suspect. It is clear that this information is important for policy makers to consider in designing a system that is victim-centered.

It is important to note that decision making regarding whether or not to file a report or drop the case does not rest solely with victims even when they intend to move forward through the justice system. Indeed, our data revealed statements made by law enforcement concerning victim credibility, or lack of evidence, either of which conditions if communicated to victims even indirectly could have prompted the victims' desire to drop their case. Our findings also suggest that while some victims may report the assault to police with the intention of moving forward, others may have had alternate reasons for reporting to law enforcement. For example, some victims sought law enforcement's assistance in either warning the suspect or helping to remove him from her home. Some victims chose to pursue other charges against the suspect. Law enforcement noted that some victims chose to seek help from noncriminal justice organizations, such as rape crisis centers, which also supports prior studies that have found that rape crisis centers and supportive advocates can be a beneficial outlet for victims (see Decker & Naugle, 2009, for a review).

### *Limitations and Implications*

We recognize that our study has a number of limitations and that our findings are most important in their suggestions of directions for future research. First, our findings were based on a sample of police departments in 12 communities in one northeastern state that is homogeneous in terms of race/ethnicity. Indeed, prior research has suggested that the race of the victim and the suspect can have an effect on case attrition, often interacting with

other factors, such as the relationship between the victim and the suspect and victim credibility (see Spohn & Tellis, 2012, for a review). Second, the sample was drawn from police incident reports and without interviews of either law enforcement or victims. The addition of interviews would have added rich detail regarding police motives and reasons for their documentation practices as well as victims' perceptions of the process of reporting and the extent to which their reports of the case outcome matches what was documented in the incident report. Third, we examined incident reports which are the documents in which police record information at the earliest stages of the case. It is likely that a number of victims may have decided to drop their case at a later date, which was not captured by the data. Fourth, we did not examine victim, perpetrator, or case characteristics in conjunction with police reporting practices in our study, which is important for future research to consider.

In addition, future research could fill a current gap in the literature by examining police perceptions of victims' decisions to drop the case. Along those same lines, preliminary research has suggested the ways in which law enforcement communicates with victims may have an impact on disclosure (Konradi, 2007; Patterson, 2011a, 2011b), yet no research has specifically explored how covert and overt messages given by police to victims at the early stages of the reporting/investigative process might influence a victim's ultimate decision to drop the case. Thus, another area for future research includes how communication styles between law enforcement and victims may impact case attrition. Moreover, research is needed to determine the extent to which police perceptions and reporting practices are consistent with victims' reports of their experiences and perceptions of case outcomes. In addition, research that focuses on police officers' motives and reasons for different reporting practices would be helpful and could shed light on how to facilitate more effective and detailed reporting practices in incident reports.

Along these lines, this study highlights police reporting practices in a sample of adult female sexual assault cases in which the officer reported that the victim chose to drop the case. We learned that reporting practices are varied within and among departments and this variation includes specific language used in the reports and the degree of detail the officer chooses to include regarding victims' decisions. Variation in documentation leaves many questions regarding reporting practices and leaves communication between officer and victim open to interpretation. Moreover, by having standardized reporting practices in cases of sexual assaults, police would be held accountable for their interactions with victims. Furthermore, as researchers are seeking to understand the factors that promote arrest and successful prosecutorial

outcomes in cases of sexual assault, accurate and detailed documentation at all stages of the process, especially at the initial stage where case attrition is highest, is critical. We hope that this article will stimulate dialogue among multiple stakeholders on the importance of police documentation practices not only for research and tracking purposes but also for the purposes of promoting justice for victims of sexual assault.

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**Sara Jane Bibeau**, MA, completed her graduate work in the Justice Studies program at the University of New Hampshire. Her master's study focused on the factors that contribute to attrition of sexual assault cases in New Hampshire. She works as an advocate for adult sexual assault victims.

**Julie Sichelstiel**, MSW, completed her graduate work in the Social Work Department at the University of New Hampshire. As a member of the research team on a sexual assault case attrition study, she collected law enforcement data on adult female sexual assault cases.