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### Results from a Danish police district

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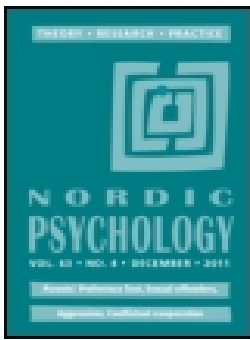
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# Are rape cases closed because of rape stereotypes? Results from a Danish police district

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## Abstract

Research shows that the majority of reported rapes is never continued for prosecution but is closed during the police investigation. Studies suggest that rape assaults corresponding to stereotypes about “the real rape” and “the good victim” have a higher likelihood of continuing for prosecution. The aim of the present study was to investigate, if selected characteristics of rape stereotypes influenced investigational outcomes within a Danish police district participating in a multidisciplinary rape response team. The study was based on all reported rapes or rape attempts within a Danish police district over a three-year period ( $n = 248$ ). Logistic regression analysis was used to investigate, if selected assault and victim characteristics influenced the likelihood of case continuing for prosecution. The following four prominent characteristics of rape stereotypes were selected for investigation: stranger perpetrator, no victim intoxication during the assault, presence of victim resistance and victim physical injuries, respectively. Results indicated that prominent characteristics of rape stereotypes significantly influenced whether the case was continued for prosecution. However, the independent effects of the investigated characteristics were not distinctively supportive of an investigative bias toward rape stereotypes. Even so, no victim intoxication during the assault and more physical injuries were found to increase the likelihood of case continuing for prosecution in this sample of reported rapes. Results are discussed in relation to the possible influence of a coordinated multidisciplinary rape response approach that characterized this sample.

Keywords: Rape, sexual assault, attrition, police, rape stereotypes

## Introduction

Research shows that most reported rape cases are closed without a legal trial (Campbell et al., 2014; Hansen, Nielsen, Bramsen, Ingemann-Hansen, & Elklit, 2015a; Hohl & Stanko, 2015; Kelley & Campbell, 2013; Lonsway & Archambault, 2012). Furthermore, studies indicate that more than half of all reported rapes are never continued for prosecution but are closed during the police investigation (Hansen et al., 2015a; Hohl & Stanko, 2015). Some argue with the voice of feminist theory that a major predictor of the ongoing problem with attrition of rapes in the criminal justice system is the reality that police officers continue to be wedded to stereotypes about “real

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rapes" and "real victims" (Edwards, Turchik, Dardis, Reynolds, & Gidycz, 2011; Temkin & Krahé, 2008). Accordingly, Lonsway and Archambault (2012) suggested that cases confirming prominent characteristics of rape stereotypes were more likely to continue for prosecution (Lonsway & Archambault, 2012), causing an investigative bias among reported rapes.

However, in recent years, the problem of rape stereotypes has received increased public awareness (Bendixen, Henriksen, & Nøstdahl, 2014; Suarez & Gadalla, 2010), and multidisciplinary rape response teams have been implemented throughout the US and in many European countries with the aim of improving the legal processing of rapes (Bramsen, Elklit, & Nielsen, 2009; Greeson & Campbell, 2015). Thus, the influence of rape stereotypes on rape investigations may not be as pronounced as previously assumed (Spohn & Tellis, 2012). The present study investigated the influence of selected characteristics of rape stereotypes on the likelihood of rape cases continuing for prosecution within a Danish police district participating in a multidisciplinary rape response team. To the best of our knowledge, the present study is the first study investigating rape attrition in the early stages of the legal process reported in a Nordic country. Results of the present study may provide insight in to contemporary reasons for case attrition during rape investigations and may be used in cross-country comparisons. In addition, results may be used in discussions of the possible legal effects of multidisciplinary rape response team to victims of rape.

### The police investigation and rape stereotypes

One important outcome of the police investigation is whether the case is continued for prosecution, and the gatekeeping role of police officers have been underlined in several studies (Kelley & Campbell, 2013; Patterson, 2011a, 2011b; Tasca, Rodriguez, Spohn, & Koss, 2012). Police officers may have important power over investigational outcomes, when they make decisions over investigational efforts and in their behavior towards the victim (Page, 2008). In Denmark, police investigators also have the authority to decide if the offender should be preliminary charged of the assault, and thereby if the case continue for prosecution (Hansen et al., 2015a).

As the legal system operates within the society, decision-making of police officers in rape cases may be affected by extra-legal information and personal feelings (Temkin & Krahé, 2008). Temkin and Krahé (2008) highlighted that despite professional training and legal regulations to avoid bias, decisions of police officers were unavoidable and perhaps also unconsciously affected by general attitudes toward rapes. Research has shown the persistent cultural beliefs that a "real rape" involves a stranger attack resulting in physical harm to the victim (Estrich, 1987; Lonsway & Fitzgerald, 1994). Furthermore, "the good victim", who is not to blame for the assault, is a victim who did not engage in excessive drinking or promiscuous behavior, and who actively resisted the attacker (Suarez & Gadalla, 2010). However, these understandings of "the real rape" and "the good victim" are considered to be rape stereotypes or rape myths (Lonsway & Fitzgerald, 1994; Suarez & Gadalla, 2010), because these features are not in agreement with existing evidence on rape characteristics (Waterhouse, Reynolds, & Egan, 2016). If police officers are influenced by stereotypical understandings of rapes, they may pay particular attention to special case features (e.g. victim drinking, lack of resistance or victim-offender relationship) and infer information that may not be present (e.g. the victim is to blame for the assault because she was drinking) (Bohner, Eyssel, Pina, Siebler, & Viki, 2009). Therefore, cases confirming characteristics of the "real rape" and "the good victim" would imply no reason to distrust the victim by police officers and hence

have a greater likelihood of being continued for prosecution (Bohner et al., 2009; Estrich, 1987; Lonsway & Archambault, 2012).

### Investigational outcomes and associations to characteristics of rape stereotypes

Characteristics of rape stereotypes may be defined and measured differently across studies. However, rape assaults committed by a stranger, victim resistance during the assault, physical injuries to the victim, and no victim intoxication are considered important characteristics of a stereotypical rape frame (Lonsway & Archambault, 2012; Munro & Kelly, 2009). Conversely, recent studies were not all supportive of an investigational bias in favor of cases meeting prominent characteristics of rape stereotypes (e.g. stranger assaults, victim resistance and injuries, and victim not influenced by alcohol). For example, some findings have failed to demonstrate a significant association between victim–perpetrator relationship and investigational attrition (Alderden & Ullman, 2012; Hohl & Stanko, 2015; Kelley & Campbell, 2013; Sommers & Baskin, 2011). Some studies even suggested that acquaintance and particularly intimate partner rapes were more likely to be investigated and prosecuted than stranger assaults, possibly due to easier identification of the perpetrator (Alderden & Ullman, 2012; Hohl & Stanko, 2015; Munro & Kelly, 2009; Sommers & Baskin, 2011).

Findings from studies based on other characteristics of rape stereotypes (e.g. intoxication, resistance and injuries) are also inconsistent. Goodman-Delahunty and Graham (2011) reported no influence of victim intoxication on case referral by the police. In contrast, Hohl and Stanko (2015) and Kelley and Campbell (2013) found that alcohol consumption prior to the assault decreased the likelihood of case continuing for prosecution. Results have also been mixed in terms of the influence of victim resistance and physical injuries. Kelley and Campbell (2013) reported that physical resistance and physical injuries did not influence whether the case was referred for prosecution by the police. Similarly, Hohl and Stanko (2015) documented that cases involving physical injuries to the victim had no higher likelihood of continuing for prosecution. Instead, Alderden and Ullmann (2012) and Hohl and Stanko (2015) found that cases involving victim resistance during the assault were more likely to continue for prosecution.

In consideration of the importance given to stereotypical rape beliefs in terms of explaining attrition of rapes in the criminal justice system, additional studies seem needed to determine if rape assaults confirming characteristics of “the real rape” and “the good victim” are more likely to continue for prosecution.

### The present study

The present study aimed to provide new information on the possible influence of rape stereotypes on investigational outcomes based on a sample of reported rapes within a Danish police district participating in a multidisciplinary rape response team. Specifically, the present study aimed to investigate if four prominent characteristics of rape stereotypes increased the likelihood of case continuing for prosecution, while controlling for the effects of several assault and victim variables. The four selected characteristics of rape stereotypes involved stranger perpetrator, presence of victim intoxication during the assault, no victim resistance during the assault, and severity of physical injuries to the victim following the assault. The four variables were selected as they represent significant characteristics related to the understanding of “the real rape” and “the good victim” (e.g. stranger assaults including resistance and injuries, and the victim’s sobriety). We hypothesized that cases confirming the stereotypical characteristics of rapes (i.e. stranger

assault, victim resisted the assault and received physical injuries, and the victim was not intoxicated, respectively) would be more likely to continue for prosecution.

## Method

### Sample

Data for the present study were collected as a case file-study of all cases reported as rape or attempted rape to a regional police district in Denmark from January 2008 to December 2010. The police district covers a region with approximately 540,000 citizens and includes Aarhus, which is the second largest city in Denmark. Danish police officers have the authority to decide which rape cases are continued for prosecution by making the decision to file preliminary charges against the alleged offender. Cases may also be closed without preliminary charges of the alleged offender, but the prosecuting authority of the regional police district decides to close the case (Hansen et al., 2015a).

Denmark has nine public and multidisciplinary rape crisis centers that cover the different regional parts of Denmark. The present study was conducted in one of these centers and the police district under investigation has been a dedicated member of a multidisciplinary rape response team in line with the Sexual Assaults Response Team (SART) since 1999 (Bramsen et al., 2009; Ingemann-Hansen, 2006). Furthermore, the police investigators receive specialized training in interviewing victims of sexual violence by a regional police expert in the field and they participate in interagency training (for more details see Bramsen et al., 2009).

The total sample of reported rapes or rape attempts comprised 296 cases. The sample was limited to victims aged 12 years and above. Victims and offenders of both sexes were included as were intra-familial rape cases. Cases of false rape allegations were excluded ( $n = 14$ ). In addition, cases involving multiple offenders were excluded, because these cases may be handled differently in the legal process ( $n = 25$ ) (Spohn & Tellis, 1996). Finally, cases were excluded if victims were unable to recall the numbers of offenders ( $n = 9$ ), leaving an effective sample size of 248 cases.

### Procedure

Using the electronic Danish police data system (POL-SAS), all cases reported as a sexual assault in the period between 1 January 2008 and 31 December 2010 were reviewed. Cases reported as rape were identified. Included cases were first and foremost cases registered under the penal code of rape in the Danish Penal Law,<sup>1</sup> including rape with aggravating circumstances and attempted rape. However, in the Danish penal code system there exist several penal codes that characterize a general understanding of rape but are not termed rape in the legal system (e.g. rape between persons with same genders). Thus, data were not limited to the penal code of rape in Denmark, because we wanted a representative investigation of all reported rape assaults, despite their specific legal category.

Every identified case was reviewed file by file using the paper based achieves of the police department, which included: reports containing information on victim, witness, and perpetrator statements, crime scene investigation reports, forensic medical examiner reports, prosecutor reports, and court papers. A general data collection form was developed in order to collect the same information from all cases in terms of legal case outcomes and information on assault and victim characteristics. This form was developed in close collaboration between the researchers

involved in this project. All identified cases were registered on this form by a research assistant. The study was approved by the Danish Data Protection Agency.

### Measures

Independent variables included four prominent characteristics of rape stereotypes and selected control variables. The four prominent characteristics of rape stereotypes were assessed in the following way. Victim-offender relationship was measured on a three-point scale ranging from 1 = stranger, 2 = acquaintance, 3 = partner/ex-partner. The graduation of victim-perpetrator contact was based on the typically used definition within the area, also specified in Laudrup et al. (2011) and Hansen, Nielsen, Bramsen, Ingemann-Hansen, and Elklit (2015b). Victim intoxication included both alcohol and/or drug influence at the time of the assault and was measured dichotomously (yes = 1/no = 0). Victim resistance was measured by the presence of either physical and/or verbal strategies of resistance during the assault and was measured dichotomously (yes = 1/no = 0). Amount of physical injuries following the assault was the summated scores of the number of injuries reported in the case file (e.g. bruises, genitals injuries, bleeding, broken bones, bite marks, and weapon marks). We also set out to explore the impact of weapon use during the assault, but only 12 cases (4.7%) included weapon use, and therefore the variable was not possible to include in the analysis.

Control variables included victims' age, victims' national origin (Danish = 1/foreigner = 0), whether the assault resulted in penetration (yes = 1/no = 0), whether the assault was reported within 72 h (yes = 1/no = 0), whether a forensic examination was conducted (yes = 1/no = 0), and whether the assault involved eyewitnesses (yes = 1/no = 0). Time from assault to police report was measured in terms of whether the case was reported within 72 h, because this was the time limit set for conducting a forensic examination in the police district at that time period.

The dependent variable was whether the case was continued for prosecution by the police (yes = 1/no = 0).

### Statistical analyses

Hierarchical binary logistic regressions analysis was conducted to identify assault and victim variables influencing the likelihood of case continuing for prosecution. Due to the specific focus on characteristics of rape stereotypes, the selected control variables were entered at step one, and the four prominent characteristics of rape stereotypes at step two. There were no problems with multicollinearity (all tolerance values > .10; all VIF values < 10). All statistical analyses were conducted using SPSS version 23.

## Results

Table 1 shows the characteristics of the total sample and the two groups (cases continued for prosecution yes/no).

Results of the hierarchical binary logistic regression indicated that the model was able to distinguish between whether the case continued for prosecution or not. Step one including the set of control variables was not statistically significant,  $\chi^2(6, 242) = 7.58, p = .270$ . When entering the four characteristics of rape stereotypes in step two, the model became statistically significant,  $\chi^2(4, 242) = 28.63, p = .001$ . The model as a whole explained between 13.9% (Cox and Shell  $R^2$ ) and 18.7% (Nagel  $R^2$ ) of the variance in case continuation. As shown in Table 2, three of the

Table 1. Characteristics of the study sample.

	Total sample	Continued for prosecution	
	N = 248	No = 144	Yes = 104
Age (mean/SD)	23.20/10.20	23.17/8.78	23.02/11.79
National origin Danish (n/%)	192/79%	113/79%	79/77%
Assault resulted in penetration (n/%)	128/52%	73/51%	55/53%
Reported within 72 <sup>h</sup>	158/64%	97/67%	61/58%
Forensic examination conducted (n/%)	112/45%	62/43%	50/48%
Eyewitnesses (n/%)	22/9%	11/8%	11/11%
Victim-offender relationship (mean/SD)	1.71/0.74	1.54/0.71**	1.94/0.71**
Victim intoxication (n/%)	111/45%	73/51%*	38/37%*
Victim resistance (n/%)	58/56%	80/56%	58/56%
Physical injuries (mean/SD)	0.64/0.90	0.53/0.78*	0.79/1.09*

\*Statistical significant ( $p < .05$ ) using chi-square tests of independence or independent sample t-tests.

\*\*Statistical significant ( $p < .01$ ) using chi-square tests of independence or independent sample t-tests.

Table 2. Logistic regression with case continued for prosecution.

	B	S.E.	Wald	df	$p$	Odds ratio	95% C.I. for odds ratio	
							Lower	Upper
Step 1								
Victim age	.01	.01	.21	1	.648	1.00	.98	1.03
Victim national origin	.31	.33	.89	1	.346	1.36	.72	2.58
Assault resulted in penetration	-.01	.27	.00	1	.972	.99	.58	1.69
Reported within 72 <sup>h</sup>	-.77	.33	5.29	1	.021	.46	.24	.89
Forensic examination	.52	.32	2.67	1	.10	1.68	.90	3.11
Eyewitnesses	.59	.47	1.57	1	.21	1.81	.72	4.57
Step 2				1				
Victim age	.00	.01	.00	1	.949	1.00	.97	1.03
Victim national origin	.47	.36	1.71	1	.190	1.59	.79	3.22
Assault resulted in penetration	-.04	.29	.03	1	.874	.96	.54	1.69
Reported within 72 <sup>h</sup>	.01	.39	.00	1	.979	1.01	.46	2.20
Forensic examination	-.12	.41	.08	1	.77	.89	.39	1.98
Eyewitnesses	.99	.52	3.64	1	.056	2.71	.97	7.55
Victim-offender relationship	.78	.19	17.45	1	.000	2.17	1.51	3.14
Victim intoxication	-.67	.31	4.69	1	.030	.51	.27	.94
Victim resistance	-.27	.31	.74	1	.389	.77	.42	1.40
Physical injuries	.52	.21	6.29	1	.012	1.68	1.12	2.53



stereotypical case characteristics made a unique, statistically significant contribution to the model. The strongest predictor was victim–offender relationship, recording an odds ratio of 2.17. This indicated that when victim–offender relationship increased with 1, the case was 2.17 times more likely to be continued for prosecution. Victim intoxication during the assault recorded an odds ratio below 1, indicating that when victims were intoxicated during the assault, cases were 1.96 times less likely to be referred for prosecution. Victims' amount of physical injuries recorded an odds ratio of 1.68, indicating that when the amount of physical injuries increased with 1, the case was 1.68 times more likely to be recommended for prosecution by the police.

## Discussion

The aim of the present study was to investigate if stereotypical characteristics of “the real rape” and “the good victim” influenced the likelihood of cases continuing for prosecution in a sample of reported rapes within a Danish police district. Results indicated that prominent characteristics of rape stereotypes influenced the likelihood of case continuing for prosecution. Our first model including selected assault and victim characteristics (e.g. victim age, ethnicity, type of assault, reporting time, forensic evidence collection, and the presence of eyewitnesses) was not significant. When entering the four characteristics of rape stereotypes, the model became statistical significant in terms of predicting the likelihood of case continuing for prosecution.

However, the independent effects of the investigated characteristic were not as expected. Unexpected, prior contact between victim and offender increased the likelihood of case continuing prosecution. To explore this finding further, we conducted the same logistic regression analysis but only with cases with identified offender ( $n = 169$ ). These results documented no significant influence of victim–offender relationship on the likelihood of case continuing for prosecution, when the sample only included cases with identified perpetrator. Thus, this finding supported previous results, indicating that prior contact between victim and offender increased the odds of positive identification of the offender and hence the likelihood of case continuing for prosecution (Hohl & Stanko, 2015; Munro & Kelly, 2009). Also, we did not find that victim resistance during the assault increased the likelihood of case continuing for prosecution. These results may be uplifting as they could indicate a reduced reliance on rape stereotypes among police officers when investigating rapes; at least in some police districts. The present study was conducted in a police district participating in a multidisciplinary rape response team (Bramsen et al., 2009). Research has shown how the implementation of multidisciplinary rape response teams improved prosecution rates and increased investigational efforts by enhancing evidence collection and collegial sharing of information and expertise in the crime of rape (Campbell, Patterson, & Bybee, 2012; Campbell, Patterson, & Fehler-Cabral, 2010; Campbell et al., 2014). Hence, the findings of the present study may reflect the influence of police officer training and multidisciplinary rape response teams that characterized this sample. Further, the present study was conducted in a Danish police district. Denmark and other Nordic countries are considered to have higher norms of gender equality compared to other countries such as the US (Bendixen et al., 2014). Thus, cultural differences may also affect the results of this study.

As hypothesized, though, no victim intoxication during the assault significantly increased the likelihood of case continuing for prosecution in this study. Likewise, Hohl and Stanko (2015) also reported in a sample of 587 rape complaints in the UK that no alcohol consumption prior to the assault increased the likelihood of case continuing for prosecution. Victim intoxication during

the assault may influence the police evaluation of the credibility of the case. However, victim intoxication during the assault may also disturb victims' recollection of information from the assault and hence influence the likelihood of identifying the offender. When we conducted the same logistic regression analysis only with cases with identified offenders, results revealed no significant influence of victim intoxication on the likelihood of case continuing for prosecution. Yet, we were unable to determine if this finding was caused by reduced investigational efforts, or by a lack of significant details about the offender when victims were intoxicated during the assault. In general, though, results indicated that victim intoxication still influenced investigational outcomes in rape cases and need consideration in future research.

Finally, as expected more victim injuries increased the likelihood of case continuing for prosecution in the present study. This finding may reflect that an injured victim was seen as more reliable among police officers. Research has shown that victim injuries enhanced the confidence in the trustfulness of the assault among law enforcement (Ellison & Munro, 2010). Yet again, it has to be considered that victims' amount of physical injuries following the rape may also be an important evidentiary factor (Brown, Hamilton, & O'Neill, 2007). Many reported rapes do not revolve around whether the defendant was the perpetrator, but whether or not the complainant actually consented (Brown et al., 2007; Hansen et al., 2015a). In this context, physical injuries may also contribute to the proving of lack of consent during the police investigation (Brown et al., 2007).

#### Limitations and implications

The results of the present study are subjected to several limitations. First, this study applied a quantitative method with the use of archival police data. The archival data limited materials to documented information, and research has shown great variations in the documentation practices among police officers (Murphy et al., 2013). Furthermore, during the initial data collection, only one researcher extracted information from the case files and in to the general coding forms. The development of a standard coding form supported that attention was given to the same categories of information in all cases, but there may have been mistakes during this process of data extraction. The sample also included cases reported to the police over seven years ago, to get a comprehensive sample of closed cases. However, the police district under investigation may have undergone legal changes since this time period, which may have affected the results. For instance, the legal processing of rape in Denmark has received increased policy attention in recent years with new national guidelines for the police response to victims of rape.

Additionally, this study had a specific focus on prominent characteristics of rape stereotypes, because of the importance given to stereotypical rape definitions in terms of explaining attribution of rapes during the investigation. However, the possible influence of rape stereotypes on rape investigations is difficult to assess. Using a quantitative approach to explore associations between investigative outcomes and categories of case characteristics brings the limitation that the interpretation of findings may reflect both legal and extra-legal variables. Furthermore, the use of categorical divided case material limited our ability to detect fine distinctions of case characteristics, for instance the degree of intoxication. In addition, it would have been valuable to compare findings between police investigators participating in multidisciplinary teams versus those who did not, as well as the genders of investigators. Unfortunately, these data were not available for the present study, and the investigation of the reported assault often involved more than one police investigator, complicating the possibility to assess individual factors.

However, the use of survey or interview methods to assess acceptance of rape stereotypes among police officers may not provide insight in to actual case decisions made during the investigation (O’Keeffe, Brown, & Lyons, 2009; Sherley, 2005). Thus, in the context of these limitations, our results may be considered as tentative indicators of an investigative bias in reported rapes within this police district.

## Conclusions

We found no evident indicators of an investigative bias in favor of cases meeting characteristics of rape stereotypes in this sample of reported rapes within a Danish police district. Results may reflect the influence of police officer training and multidisciplinary rape response teams that characterized this study sample. Even so, no victim intoxication and more physical injuries to the victim were found to increase the likelihood of case continuing for prosecution. However, new studies need to untangle if these characteristics reflect the presence of stereotypical rape beliefs among police officers, or if they have important evidentiary consequences. This information appears to be important to guide our understanding of reasons for investigational attrition in reported rapes. The hurdle of attrition in rape crimes is still present, and we need continued focus on the unique investigational challenges of rapes.

## Disclosure statement

No potential conflict of interest was reported by the authors.

## Note

1. The Danish Penal Code Law was revised in 2013, but this study refers to existing penal code law in 2008–2010.

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