Successfully Investigating Acquaintance Sexual Assault
A National Training Manual for Law Enforcement

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Dynamics of Sexual Assault

Acknowledgments

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Summary

Where a vigorous woman alleges ravishment it is to be expected that signs of violence
such as wounds, bruises and scratches will be present and their absence should induce
a moderate degree of skepticism unless the girl avers that she fainted from fear, be-
came panic stricken or was otherwise rendered incapable of physical resistance. The
acts and demeanor of the female immediately after the alleged commission should
be subjected to very critical investigation in these cases.

If one had to guess when this quote was written, it would probably not be surprising to hear that it
However, one might be surprised to learn that the following excerpt was written as recently as
1995, published by the International Association for Chiefs of Police.1

1International Association of Chiefs of Police (1995, p.6, emphasis added).
Generally, the actions and the appearance of a legitimate rape victim leave little doubt that a crime has been committed. Under such circumstances, the victim is highly agitated, emotionally distraught, often in a state of hysteria and may have sustained injuries, cuts, bruises or wounds. The victim's clothing is often ripped or torn off as evidence that it was forcibly removed and if the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments stained or soiled. Questions may reasonably be raised concerning the validity of rape charges in which none or only a few of the above manifestations exist.

Clearly, "the more things change the more they stay the same." Much of the thinking about sexual assault has not changed in the last 20-30 years, because this thinking continues to reflect a number of myths and misconceptions about rape, rape victims, and rape perpetrators.

**Myths/misconceptions of rape**

Some of the popular myths and misconceptions about sexual assault are reflected in these two excerpts. These assumptions express the characteristics that are commonly thought to differentiate "real rape" from cases that are somehow suspected of being false. In other words, "real rape" is the stereotype that our culture has for what constitutes a legitimate sexual assault. "Real rape," in the minds of many people, is perpetrated by a stranger who jumps from the bushes with a knife in his hand and attacks a woman who is seen by everyone as being completely innocent.

Thus, if we were to complete the following sentence based on the cultural myths and misconceptions, we would report that:

- Real rape "...
  - ...is perpetrated by a stranger
  - ...involves a great deal of physical violence.
  - ...leaves obvious signs of physical injury.
  - ...involves the use of a weapon
  - ...causes the victim to be hysterical.
  - ...is reported immediately to police.
  - ...is committed at night, in a dark alley, etc.
  - ...takes place "on the bad side of town."

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2For purposes of this module, the terms "rape" and "sexual assault" will be used interchangeably, partly because research has typically used the term "rape" whereas law enforcement generally refers to "sexual assault."

3The notion of "real rape" was first introduced by Susan Estrich in her book of the same name (Estrich, 1987).
• ...is more likely to be committed by Black men.

• ...is more likely to involve White victims.

• ...cannot be perpetrated against a prostitute.

• ...involves only penile-vaginal penetration.

Despite the popularity of these beliefs about "real rape," most sexual assault investigators would report that the case they handled most recently did not resemble the stereotype.

**Reasons for the myths/misconceptions**

So if the stereotypic rape isn't what police typically handle, why do police and the rest of society continue to believe the many myths and misconceptions about sexual assault? Why do we tend to think of sexual assault as perpetrated by a stranger, with a great deal of violence, at night, in a dark alley, etc.? There are a number of possible reasons for this, including the following:

• Because the stereotype used to more accurately reflect the characteristics of reported rape.

• Because the media portrays stereotypic cases.

• Because we prefer to keep the issues "black and white."

• Because we want to feel safe from threat of rape.

The stereotype used to more accurately reflect the characteristics of reported rape

Perhaps one reason why law enforcement and others think of rape in stereotypic terms is because the stereotype might have more accurately described the types of sexual assault cases reported to police in the past.

• To illustrate, 70-80% of the sexual assaults reported to the San Diego Police Department between 1972 and 1976 were committed by strangers. In contrast, almost 80% of the sexual assaults reported in 1992 were committed by someone known to the victim.\(^4\)

• Similarly, only 17% of the sexual assaults reported to the Tucson Police Department in 1974 were committed by acquaintances, in comparison with 66% of those reported in 1999.\(^5\)

Because a greater percentage of sexual assaults reported to police in the past were perpetrated by strangers, it is reasonable that investigative techniques would have developed primarily for use with these cases -- in which identification rather than consent is the primary issue. However, now that the majority of reported sexual assaults are perpetrated by someone known to the victim, investigative procedures focused exclusively on identification are outdated and inappropriate. In this

\(^4\) Statistics provided by Sergeant Joanne Archambault, San Diego Police Department.

\(^5\) Statistics provided by Sergeant Elizabeth Whitmore, Tucson Police Department.
modern context, it is necessary to emphasize investigative techniques designed to overcome a consent defense which is likely to be raised in cases where the victim and suspect know each other.

The media portrays stereotypic cases

Another potential reason why police officers and others have a stereotypic vision of "real rape" is because this is the type of assault portrayed in the media. For example, people are fascinated by high profile "blood and guts" cases such as John Wayne Gacy, Ted Bundy, and Jeffrey Dohmer. Even rape crisis centers have often focused on information that is designed to prevent attacks by a stranger, such as self-defense classes, home security, personal alarms, etc.

To illustrate, a female employee at the University of Illinois was raped and murdered by a co-worker several years ago. The primary response of campus and community officials was to install improved lighting and provide traditional safety education (e.g., advice not to walk alone at night). Such a response was completely inappropriate given the close acquaintance of the victim and her assailant, but it is common in communities that fail to address the real threat posed by known and trusted individuals.

We prefer to keep the issues "black and white."

A third reason that we tend to believe in the stereotypic version of "real rape" is because these cases have issues that are "black and white." They relieve us from having to sort through "he said, she said" testimony and avoid difficult decisions about truth, innocence, and guilt. These cases also allow us to think of sexual assault in ways that do not challenge widely accepted notions of men, women, and appropriate sexual behavior.

• For example, the cultural script for sexual behavior dictates that men should be the aggressors and women the gatekeepers.

• Long held notions about appropriate female behavior further suggest that women should not initiate sexual activity, and in fact should not generally participate without some resistance.

• Hence we have the idea that women say "no" when they really mean "yes," out of fear of appearing promiscuous.

Unfortunately, these ideas about appropriate behavior for men and women in sexual situations make sexual assault more likely to occur. They tell us that men will be aggressive sexually and that women will refuse or resist -- but that this is all "part of the game" and should not be taken seriously. By continuing to hold the stereotype of "real rape," we therefore do not have to examine any of these assumptions or their problematic consequences. We can continue to believe that rape is perpetrated by crazed strangers in bushes and not be forced to examine the script for sexual behavior that is accepted by most people in our society.

We want to feel safe from the threat of rape
Finally, a prominent reason why we want to believe in the stereotypic rape is because it allows us to feel safe from the threat of victimization. If we believe that sexual assault only happens in very specific situations (i.e., at night in a dark alley), then we can avoid these situations and feel like "it could never happen to me (or someone I love)." Similarly, if we can convince ourselves that sexual assault only happens among other cultural groups (e.g., racial or ethnic groups), we can reassure ourselves that it cannot happen to us or someone we care about.

• On the other hand, to accept that sexual assault happens in all kinds of situations, to all kinds of people, and is usually perpetrated by someone we know and trust - then it becomes more difficult to feel safe from the threat of rape victimization.

• In fact, some have suggested that the recent public attention to sex offender registration has created a false sense of security in our communities. By focusing on identified sex offenders, we are perhaps tempted to overlook the greater risk posed to ourselves and our families by known and trusted individuals.6

Why do these myths/misconceptions matter?

Having discussed a number of the myths and misconceptions surrounding sexual assault, and the reasons why members of law enforcement and the rest of society tend to accept this stereotypic portrayal, there is a temptation at this point to ask, "so what?" Who cares if people have the wrong idea about sexual assault? Unfortunately, this is not just an issue of people having information that is somehow inaccurate. Rather, the things we believe about sexual assault affect how we as a society respond to it.

Victims are not believed

One unfortunate consequence of the stereotype of "real rape" is that it causes us to question the credibility of victims who describe an assault that does not fit the stereotype. Police officers - like the rest of society - have clear expectations for who rape victims are and how they behave, and it is not uncommon for them to state that they didn't believe a victim because she "just didn't look/act like a rape victim."

• As discussed in reference to the two quotes at the beginning of this module, one of these expectations is that victims will be hysterical - so those victims exhibiting a more controlled style will often be viewed with suspicion.

• Another expectation is that "real rape victims" will report their crime immediately to the police, so those who delay reporting are similarly suspected of fabricating their claims.

• Finally, certain types of victims are often seen as less credible, because they are not seen as fitting the stereotype for who a rape victim should be (e.g., women of color, prostitutes, and women who are homeless or mentally ill).

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6Connecticut Sexual Assault Crisis Center newsletter (1999, January)
Clearly, officers will never open their penal code books if they do not believe a particular account of sexual assault victimization. For this reason, one of the main ways that the myths about rape affect police investigation is by leading officers to doubt the claims of victims. If the officer doubts the victim, the police investigation may never get off the ground - or the investigation may be done poorly, rendering it unlikely to result in successful prosecution.

Cases are not investigated appropriately

If one were to question police officers, prosecutors, and even Sexual Assault Nurse Examiners (SANE's) about the type of evidence they look for in a sexual assault case, they would likely mention fingerprints, trace evidence (hair and fiber), biological evidence (semen and saliva), footprints, tire marks, etc. These are examples of identification evidence, because they are used to identify the suspect and challenge a defense based on identity ("you've got the wrong guy").

Even though these professionals know intellectually that the majority of sexual assault cases involve a known offender, police investigations continue to focus on these kinds of traditional identification evidence. In cases of nonstranger sexual assault, however, the suspect is not likely to deny sexual activity but will probably claim that it was consensual. Therefore, alternative forms of evidence are needed to demonstrate force, including:

- Photographs of genital and non-genital injuries
- Documented complaints of pain
- Interviews with the first person to whom the victim disclosed the assault
- Evidence of prior similar acts to corroborate a subsequent offense
- Suspect statements made in a pretext/monitored phone call with the victim
- Evidence from the scene to support a struggle or disturbance
- Records of communications with dispatch personnel

When evidence such as this is not identified or collected, police investigation is unlikely to result in successful prosecution.

Thus, another primary way in which the myths affect police investigation is that officers approach nonstranger sexual assault cases as if their validity is suspect - or as if they were actually a stranger sexual assault case. In addition, given the critical importance of the victim in a sexual assault investigation, any communication of doubt or blame is likely to have negative consequences -- not only for the victim's well-being but also the quality of the evidence and subsequent strength of the case.

Officers must therefore have an accurate understanding of the dynamics of sexual assault to know how to strategize their investigation in a case involving nonstrangers. When officers understand the dynamics of acquaintance sexual assault, they are able
to identify and collect the kinds of evidence that will successfully support prosecution and overcome a consent defense.

Offenders may repeat their crime

Ultimately, officers must have an accurate understanding of sexual assault dynamics in order to detect offenders and prevent them from repeating their crime. If perpetrators learn that it is easy to get away with rape, their behavior may escalate. For example, in one research study, interviews were conducted with 41 serial rapists. Taken together, the offenders had committed 837 known rapes and 401 attempted rapes. The earliest victims were younger siblings, neighborhood children, girlfriends, acquaintances, and spouses. Most of these assaults were never reported, which gives us a chilling picture of what can happen if offenders are not detected or prosecuted.7

Research on the Prevalence and Characteristics of Sexual Assault

Whereas the stereotypic rape that police officers and others picture is perpetrated by a stranger with a weapon in a dark alley - research indicates that the typical sexual assault is very different. For example, research clearly and consistently demonstrates that most sexual assaults are committed by someone known to the victim, that they do not involve a weapon or significant physical force, and that they do not result in physical injury to the victim. To better understand the dynamics of sexual assault, we therefore need to closely examine recent research that describes the various characteristics and dynamics of actual rape cases.

The National Violence Against Women Study (NVAWS)

Because the research in recent years has converged on very similar conclusions regarding the prevalence and incidence of sexual assault, we will discuss these characteristics using the most up-to-date national study (information from other studies will be provided in the footnotes). This project, referred to as the National Violence Against Women Study, was conducted in 1995-6 and co-sponsored by the National Institute of Justice and the Centers for Disease Control.

- The research was conducted using a telephone survey with random digit dialing of households in all 50 states and the District of Columbia.
- 8,000 women and 8,000 men were over age 18 were surveyed, with behavioral questions used to determine the prevalence and incidence of sexual assault victimization.

Thus, survey respondents were asked a number of behavioral questions such as the following:

Has a man or boy every made you have sex by using force or threatening to harm you or someone close to you? Just so there is no mistake, by sex we mean putting a penis in your vagina. [For female respondents only]8

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7Hazelwood, Rokous, Hartman, & Burgess (1988)
8Other questions asked of survey respondents to assess rape prevalence were: Has anyone, male or female, ever made you have oral sex by using force or threat of force? Just so there is no mistake, by oral sex we mean that a man or boy put his penis in your mouth or someone, male or female, penetrated your vagina or anus with their mouth. Has anyone ever made
As evident in this question, survey respondents were asked only about specific behaviors that they had experienced and were not asked to indicate whether they had ever been "raped" or "sexually assaulted."

How many people are sexually assaulted?

The first and most obvious question that can be answered with this research methodology is how often sexual assault happens. Clearly, the cultural stereotype is that "real rape" is a very rare event. The myths tell us that rape is a deviant event, only committed by a small number of sick individuals. This belief is maintained with the help of other myths which state that women fabricate charges. Thus, the myth states that "real rape" doesn't happen very often because many of the claims are actually made by women who are lying. In contrast, the research indicates that sexual assault is a very common occurrence in our society.

- According to the National Violence Against Women Study, approximately 1 out of 6 women (18%) and 1 of 33 men (3%) in the U.S. experience an attempted or completed rape sometime during their lives.

- Translated to annual estimates, this means that every year, approximately 302,100 women and 92,700 men in the U.S. are the victims of attempted or completed rape.

The primary implication of these statistics is simply to counteract the commonly held belief that rape is a rare event. Officers must understand that sexual assault is a frighteningly frequent occurrence in our society, and that it involves a very wide range of people and circumstances.

Although the Uniform Crime Reports (UCR) and National Crime Victimization Survey (NCVS) are often used to describe the prevalence and characteristics of sexual assault, these data collection efforts have a number of serious limitations as described in the appendix. Not only can the research tell us a great deal about how often rape happens, but it can also help us to understand the characteristics of assaults. For example, when asked about their most recent victimization, the National Violence Against Women Survey reported the following.

9 Although estimates for rape prevalence/incidence are drawn from the National Violence Against Women Survey, they are similar to those reported in other large-scale studies. For example, the National Women's Study was conducted by the National Victim Center (1992) with a sample of approximately 4,000 American women aged 18 or over. This study concluded that 1 out of 7.7 American women had been the victim of at least one completed rape during their lifetime and that .7% been raped during the past 12 months. Similarly, the National Crime Victimization Survey (Bachman & Saltzman, 1995), sponsored by the U.S. Department of Justice, was conducted in 1992-1993 with approximately 100,000 individuals age 12 or older. This study concluded that .5% of U.S. women experienced an attempted or completed rape during the last 12 months. Neither study asked men about their victimization experiences. Finally, the U.S. Naval Recruit Health Study reported that 36% of female recruits had been raped, suggesting that victimization rates are higher among this population (Merrill et al., 1998). Clearly, prevalence estimates have converged in all major studies of sexual assault conducted in recent years, thereby challenging the common public perception that rape statistics are "all over the map."
Most sexual assault victims are female.

Of the individuals reporting rape victimization in the National Violence Against Women Survey (either completed or attempted), 85% were female and 15% were male. Clearly, the majority of people victimized by sexual assault are women.\(^{10}\) This is certainly consistent with the stereotype of rape - suggesting that it involves a female victim -- but officers must always remember that men can be sexually assaulted and that this should never be seen as cause for suspicion.

There is perhaps even greater stigma facing these male victims, and officers must keep this in mind at all times. Among the most prominent concerns among male victims is the idea that sexual assault victimization threatens their masculinity and/or heterosexuality.

Most sexual assault perpetrators are male.

When describing their most recent victimization in the NVAWS, fully 100% of the female victims report that they were raped by men.\(^{11}\) In addition, .3% of the female victims were assaulted by women (these numbers sum to more than 100% because some victims had multiple perpetrators). Thus, although a majority of sexual assault victim are women, an even larger majority of sexual assault perpetrators are men.

Most victims are sexually assaulted by someone they know.

Of the women reporting rape victimization in the NVAWS, only 16.7% were victimized by a stranger. In comparison, 61.9% of the women were assaulted by an intimate partner, 6.5% by a relative, and 21.3% by an acquaintance.\(^{12}\) Contrary to what police and society tend to believe, the research consistently demonstrates that most female victims are sexually assaulted by someone they know.\(^{13}\)

One of the most immediate cues for police suspicion in a sexual assault case has historically been the existence of a relationship between the victim and suspect. However, given that most female sexual assault victims know their perpetrator, this is clearly inappropriate. The existence of a relationship between victim and suspect is the norm, and should never be seen as cause for doubting the validity of a claim.

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\(^{10}\)The 1995 National Crime Victimization Survey similarly concluded that only 9% of the 340,380 victims of rape were men.

\(^{11}\)Because the vast majority of sexual assault victims are female and perpetrators are male, we frequently use the pronoun "she" in this manual to refer to victims and "he" to refer to suspects. However, it is important to note that men can be victims and women can be perpetrators.

\(^{12}\)Percentages sum to more than 100 because some victims had multiple perpetrators. These statistics are comparable with those reported by the National Women's Study and the National Crime Victimization Survey. In the former, 75% of female victims were raped by someone they knew (i.e., an acquaintance or intimate partner). In the latter, that figure was 82%.

\(^{13}\)In the National Women's Study, 22% of the sexual assaults were committed by strangers. The remaining 9% were committed by husbands or ex-husbands, 11% by fathers and stepfathers, 10% by boyfriends or ex-boyfriends, 16% by other relatives, and 29% by other non-relatives such as friends and neighbors. Three percent were not sure of their perpetrator's identity or refused to answer.
Most sexual assaults do not result in visible physical injury

Only about 1 of 3 female rape victims and 1 of 6 male rape victims reported visible physical injuries resulting from attempted or completed sexual assault.\(^\text{14}\) This is clearly contrary to the stereotype that "real rape" involves a great deal of physical violence and visible injury.

Officers must therefore keep in mind that an absence of physical injury should never be seen as cause for suspicion. Most rape victims do not sustain any visible physical injury.

Unfortunately, research also indicates that most rape victims who sustain physical injuries do not receive medical care. Female victims of attempted or completed rape in the NVAWS who were physically injured received any kind of medical care in approximately one-third of the cases.\(^\text{15}\) Officers must therefore make sure to encourage victims to receive medical care regardless of whether any visible physical injury is evident.

**The National Women’s Study (NWS)**

Although the National Violence Against Women Study provides some of the best estimates for rape prevalence/incidence, the National Women's Study (often referred to as the "Rape in America Study") provides more detailed information regarding the victims, perpetrators, and characteristics of the sexual assault crime.\(^\text{16}\) Among the conclusions from this more detailed study are the following:

Many women are repeatedly victimized by rape.

Over one-third of the women in the NWS who were raped had actually been victimized more than once during their lifetime. This is often seen as a controversial issue because it means that some women are repeatedly victimized. However, it makes sense when we understand that perpetrators select a target on the basis of their vulnerability. It is likely that these same vulnerability factors will also be seen by others who are seeking a target to assault. For example, women who are homeless or mentally ill are at increased risk of victimization because of their vulnerable status in society. Moreover, because these women are vulnerable throughout their lives, they are more likely than other women to experience repeated victimization.

The fact that a sexual assault victim reports previous victimization should not be seen as a reason for doubting the validity of her story. In fact, repeated victimization is common. As described in the module on victim interviewing, however, caution

\(^{14}\)For comparison, 70% of victims in the National Women's Study sustained no physical injury as a result of the rape; 24% reported minor physical injuries and only 4% involved serious injuries.

\(^{15}\)In the National Women's Study, only 17% of rape victims received a medical exam (unlike that of the National Violence Against Women Survey, this figure includes all victims regardless of physical injury).

\(^{16}\)As stated in note 6, the National Women's Study was conducted by the National Victim Center (1992) with a sample of approximately 4,000 American women aged 18 or over. Respondents were contacted by telephone and asked about their experiences of rape victimization, PTSD, depression, and substance abuse. The definition of rape used in the study was, "an event that occurred without the woman's consent, involved the use of force or threat of force, and involved sexual penetration of the victim's vagina, mouth, or rectum."
must be taken to ensure that details from the recent assault are not confused with those from the prior victimization.

Most female rape victims are under 24 years old.

At the time of their rape, about one-third of the victims in the NWS were younger than 11, one-third were 11-17, and one-quarter were 18-24. Thus, 84% of the rape victims were under 25 years old and only 13% were 25 years old or above. These statistics led the researchers to conclude that rape is primarily a "tragedy of youth."

To complicate matters, many of these adolescent victims are engaged in high risk life styles. For example, some are runaways, many have emotional problems, and others engage in promiscuous sex or substance abuse. It is not surprising that rapists prey on these vulnerable targets, but these factors nonetheless harm the credibility of the victim.

Most rape victims do not report to police.

For a number of reasons, only 16% of the rape victims in the National Women's Study reported their assault to police. Of these, only one-quarter reported the rape within 24 hours. In other words, most victims do not report their rape to the police and when they do it is usually after some delay. This is clearly in contrast with the stereotype that "real rape" is reported immediately to police, and it directly challenges the idea that nonreporting or delayed reporting suggest that the complaint might not be valid. When asked why they did not report their assault to the police, 43% of the respondents indicated that they thought nothing would be done, 27% felt it was a private matter, 12% were afraid of the police response, and 12% felt it was not important enough to report to police.

Officers must always keep in mind that most rape victims do not report to the police - and that most victims who do report typically do so after some delay. Therefore, these factors should never be used as cause for suspicion regarding the validity of the victim's claim. Rather, nonreporting and delayed reporting are the norm.

Conclusions from Other Research

Most rapes do not involve a weapon.

Other research reveals that -- contrary to the stereotype -- most rapes do not involve a weapon, and this is especially true for rapes committed by nonstrangers. For example, the Bureau of Justice Statistics report that a weapon is used in an estimated 30% of stranger rapes and only 15% of rapes committed by someone known to the victim. 17

17 The Bureau of Justice Statistics relies on information provided in the National Crime Victimization Survey, which has a number of serious methodological flaws. These flaws include the failure to ask about rape specifically, but only about "attacks" more generally. The NCVS methodology was redesigned in 1993 to address many of these concerns.
Again, officers must keep this in mind because the fact that a weapon was not used should never be seen as cause for suspicion. Most rapes do not involve a weapon, and this is especially true for assaults by a known offender.

It is important to note that even though the typical rape does not involve a weapon or physical violence, almost half (49%) of victims in the National Women's Survey stated that they were afraid of serious injury or death. This statistic goes a long way to explain why little force or resistance is typically involved in sexual assault - victims often submit because they are afraid, confused, taken by surprise, etc.

Most rapes involve alcohol and/or drug use.

In one study of college students, 75% of men and 50% of women involved in a sexual assault had been drinking at the time.\(^\text{18}\) In another study, more than half of the male college students who admitted to sexually aggressive behavior (59%) said that they did so by giving drugs or alcohol in order to obtain sex from an unconsenting woman.\(^\text{19}\)

Unfortunately, when it comes to alcohol (and other drugs to a lesser extent) there is a double standard clearly in place for men versus women.

- Research indicates that drinking is often used as an excuse or justification for the perpetrator's behavior, whereas drinking on the victim's part is held against her. Men who drink are expected to lose control.

Women who drink to excess, however, are often held responsible for the man's behavior as well as her own.

Officers must keep this in mind to avoid falling into the same trap.

Alcohol or drug use cannot legally be used by an offender as an excuse for criminal behavior. On the other hand, alcohol or drug use by the victim should never be used as a basis for doubting a report of sexual assault. In fact, it makes sense that a large percentage of victims would describe alcohol or drug use before the assault since this contributes to the vulnerability that offenders see and take advantage of.

**Conclusions**

To summarize, there are a number of myths and misconceptions that are commonly held about sexual assault among both the police and public.

- Cultural myths tell us that "real rape" is perpetrated by a stranger, with a weapon, at night, in a dark alley, etc.

\(^{18}\)For further description of this study, see Warshaw (1994). The survey was conducted in college classrooms with approximately 6,000 female undergraduates using the Sexual Experiences Survey developed by Koss and Oros (1982). The research is reported in Koss, Gidycz, & Wisniewski (1987), as well as Koss (1988).

\(^{19}\)Koss & Cook (1993).
• There are a number of reasons why we want to believe these things about rape, but it is imperative for police officers to have an accurate understanding of the dynamics of sexual assault.

• Law enforcement personnel must understand the dynamics of sexual assault so they can appropriately plan and conduct their investigation.

The tragic irony is that many police officers use the very characteristics that are typical of most rapes as cause for suspicion.

• To illustrate, even though most sexual assaults are committed by acquaintances, officers have historically been more suspicious of these claims than those involving stranger rape.

• Similarly, although most sexual assaults involve very little physical violence and no obvious signs of injury, these are also often seen as cause to doubt the validity of the claim.

Clearly, all sexual assault claims - like those for any other type of crime - should be assumed to be valid and investigated accordingly. Claims should only be considered false when the evidence establishes this fact. (This issue will be discussed in greater detail in the section on unfounded cases and false allegations).

How dynamics influence the investigative strategy

Officers and investigators also need to understand how the dynamics of sexual assault affect their investigative approach. For example, even though the stereotype suggests that "real rape" is perpetrated by a stranger, the research clearly indicates that the majority of sexual assaults are committed by someone known to the victim.

• These known offenders are more likely to raise a consent defense rather than one of identity, so officers must frame their investigation as one designed to address issues of consent.

• Identification evidence should still be identified and collected, of course, but the emphasis in these investigations should be placed on the types of evidence that demonstrate force or lack of valid consent.

• In addition, sexual assaults are typically not reported, and those victims who do report usually do so after some delay. Officers and investigators must realize that these factors are typical of sexual assault and adjust their investigative approach accordingly.

The rest of this curriculum will provide ideas for how to approach these investigations, but they will only be effective if used with a full and accurate understanding of the dynamics of sexual assault.

**Criminal Justice Statistics: The UCR and NCVS**

Now that we’ve carefully discussed rape statistics and how to evaluate the methodology used to produce them, we can briefly examine the two data collection efforts most familiar to criminal justice personnel - the UCR and NCVS.
Uniform Crime Reports

Uniform Crime Reports (UCR) are submitted by law enforcement agencies and compiled by the FBI to document and describe reported instances of "forcible rape." For the purposes of the UCR, forcible rape is defined as "the carnal knowledge of a female forcibly and against her will. Assaults or attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded." The UCR statistics are published annually by the Bureau of Justice Statistics and are available at the FBI website ([http://www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm)) and the NCJRS website ([http://www.ncjrs.org](http://www.ncjrs.org)).

Strengths of the UCR

The primary strength of the UCR is that the FBI is seen as a credible source for information on cases reported to local law enforcement. The UCR thus gives a reasonable estimate of the number of incidents - fitting the rather narrow definition above - that are reported to police.

Limitations of the UCR

The primary limitation of the UCR is that it captures information only on sexual assaults that are reported to law enforcement and then submitted to the FBI. As we know, the majority of sexual assaults are never reported to the police, so the UCR seriously underestimates the actual occurrence of victimization. A second limiting factor is the narrow and confusing definition for sexual assault. The estimates are further restricted by the exclusion of male victims.

There are also a number of departmental factors that limit the quality of information captured in UCR statistics. For example, many departments do not separate the types of sexual assaults (e.g., penile-vaginal intercourse versus other types of penetration) and this further complicates the record keeping process. In addition, participation in the UCR is voluntary for police jurisdictions, and so many fail to submit statistics. This is often due to political reasons and/or limited resources among certain departments.

The National Crime Victimization Survey

The National Crime Victimization Survey (NCVS) is conducted by the U.S. Department of Justice, in order to determine the incidence and prevalence of crime. The NCVS was begun in 1972 and designed to complement the information on reported crimes compiled by the FBI in the Uniform Crime Reports. The NCVS is based on interviews, conducted both on the telephone and in person, with more than 100,000 individuals from a national sample of 50,000 households.

The NCVS asks respondents aged 12 and older about any crimes they may have experienced, and whether or not the crime was reported to a law enforcement agency. Prior to 1993, the NCVS did not specifically address sexual assault, so estimates were based only on those crimes described without any prompting on the part of the interviewer. Since 1993, the NCVS uses revised wording that does specifically address both rape and sexual assault - as defined below -- and the estimates
regarding prevalence are now about four times higher than they were before the redesign. NCVS data is reported in several publications that are available at the NCJRS website: www.ncjrs.org.

Definitions of rape and sexual assault

The definition of rape used by interviewers was: "Forced sexual intercourse and includes both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal or oral penetration by the offender(s). This category includes incidents where penetration is from a foreign object such as a bottle."

The definition of sexual assault used by interviewers was: "a wide range of victimizations, separate from rape or attempted rape. These crimes include attacks or attempted attacks generally involving (unwanted) sexual contact between victim and offender. Sexual assaults may or may not involve force and include things such as grabbing or fondling. Sexual assault also includes verbal threats."

Strengths of the NCVS

The strengths of the NCVS include the extremely large sample, and its representativeness of the national population. The combination of interviews conducted on the telephone and in-person also contributes to the strength of the study because they allow confidence in the quality of information gathered from participants. The fact that prevalence is estimated from victims rather than the criminal justice system is also a strength of the NCVS, because it includes both reported and unreported incidents. Similarly, the inclusion of both attempted and completed assaults means that a broader view of victimization is represented. Finally, the fact that the NCVS is conducted by the federal government lends it credibility and the appearance of objectivity.

Limitations of the NCVS

The primary limitation of the NCVS is the language used to ask about victimization. Because participants are explicitly asked about "rape" and "sexual assault," this might limit the responses of those who do not label their experiences as constituting criminal victimization. The definitions provided above are only read to participants if they ask for clarification of the terms "rape" or "sexual assault." Otherwise, participants are left to define these terms for themselves and determine whether their experiences match with these definitions. Of further concern is the fact that the definitions provided do not correspond with legal definitions of rape used throughout the country.

Note: Critiques of the UCR and NCVS methodology are found in Koss (1992) and Koss (1993).

References

National Violence Against Women Survey

**National Women's Study**


**National Crime Victimization Survey**


**Other References**


