

CLASSIC RAPE AND POLICE REPORTING: HOW MUCH HAS CHANGED SINCE
THE ADVENT OF RAPE REFORM LAWS?

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Introduction

“Rape represents the most serious of all major crimes against the person, short of homicide” (Koss & Harvey, 1992; p. 1). In the United States, the crime of rape is estimated to affect approximately one in five women (Koss, 1993; Russell & Bolen, 2000). Despite the harm caused by rape and its pervasiveness in this culture, rape remains one of the most underreported violent crimes.

National studies suggest under half of all rape victimizations come to the attention of the police. The 2006 National Crime Victimization Survey (NCVS) indicates two-fifths of rape victimizations are reported to the police (Rand & Catalano, 2007). Social science and public health research, on the other hand, indicate a much lower police reporting rate for rape. The National Women’s Study (Kilpatrick, 1992), conducted in the early 1990s, and the National Violence Against Women Survey (Tjaden & Thoennes, 2000), conducted in the mid-1990s, indicate approximately one-fifth of all rape victimizations are reported to the police. Two national studies on college women indicate only one in twenty rapes are reported to the police (Fisher, Daigle, & Turner, 2003; Koss, Gidycz, & Wisniewski, 1987). Although the percentage of rape victimizations reported to the police varies across studies, each suggests a large majority of rapes never come to the attention of the police.

Not reporting rape to the police has several important implications for both the rape victim¹ and society at large. First, not reporting rape to the police may undermine the potential deterrent effect of the criminal justice system (Bachman, 1993). Rapists who are not apprehended for their behavior may reoffend at a later time. Second, by not

reporting rape to the police, victims may be denied access to valuable support and recovery services, such as medical care (Campbell & Martin, 2000). Finally, the underreporting of rape perpetuates the notion that rape is not a serious social problem and is a rare phenomenon.

One of the reasons for this underreporting may be the influence of social stereotypes and definitions of rape. These stereotypes and definitions of rape are dynamic and have been shaped by legal and social forces. The purpose of this study is to analyze the impact of one particular stereotype, classic rape, on a woman's decision to report rape to the police. In addition, the impact of these stereotypes will be analyzed over a series of three time periods, each corresponding with the development and enactment of rape reform statutes. Finally, the influence of classic rape stereotypes will be explored for both victim and third-party reported incidents.

Literature Review

Classic Rape Stereotypes

The stereotypical rape incident is often conceptualized as a violent encounter, committed by a stranger and occurring in a secluded location (Weis & Borges, 1973). This particular conceptualization is labeled as a "classic rape." Williams (1982) compared this notion of classic rape to Sundow's (1965) notion of "normal crimes" or crimes "whose typical features, eg. the ways they usually occur and the characteristics of persons who commit them (as well as the typical victims and typical scenes), are known and attended by the public defender" (p. 206).

Classic rape stereotypes are pervasive in society and shape how rape is socially constructed. Criminal justice processing agents' constructions (or "typifications") of rape influence how they interact with rape cases. The victim's constructions of rape also influence whether she decides to label a forced, nonconsensual sexual experience as rape. Since these classic rape stereotypes are embedded in the common culture, it is logical to assume that women who are raped draw on these taken-for-granted, everyday realities to inform their decision whether or not to report rape to the police (Stewart, Dobbin, & Gatowski, 1996).

Estrich (1987) argues the legal system treats aggravated rapes differently from simple rapes. She uses Kalven and Zeisel's (1966) definition of aggravated rape, which is defined as rapes "with extrinsic violence (guns, knives, or beatings) or multiple assailants or no prior relationship between the victim and the defendant" (p. 252). Simple rapes are those cases which do not involve any of the aforementioned factors. Estrich (1987) argues the legal system regards aggravated rape as "real rape," which is similar to classic rape in that they tap into the same construct about what constitutes rape.

Classic rape stereotypes impact the criminal justice response. Police unfounding rates, or the percentage of cases determined to be false or baseless, are influenced by evidence of a prior sexual relationship and lack of aggravating factors (Kreisel, 2005). Moreover, rape cases which involve injury to the victim's sex organs and/or a weapon are more likely to be forwarded to prosecutors (Kersetter, 1990), who are also influenced by classic rape stereotypes. Frohmann (1991) found that prosecuting attorneys used their own "typifications" (types of rape, post-assault reactions, post-assault interactions in

known offender cases) of rape when deciding whether to move forward with a case. Frazier and Haney (1996) also found that rape suspects were more likely to be charged with a rape when the victim was injured or threatened. Finally, LaFree (1980) found that rape cases where the victim was acquainted with the offender and which involved no injuries were less likely to result in convictions. He notes that “decisions in rape cases are affected by rape typifications held by processing agents” (p. 848). Thus, the literature indicates that classic rape stereotypes (or typifications) influence how criminal justice processing agents, at every stage of the process, deal with rape cases.

Stereotypes of rape are also embedded in the larger culture. Burt (1980) found that many people believe in rape myths, and these myths are connected to other commonly held attitudes such as sex-role stereotyping and acceptance of interpersonal violence. Studies focusing on rape scripts, or descriptions of what constitutes a “typical” rape, indicate many people conceptualize rape in terms of classic rape stereotypes. Ryan (1988) found that many college students conceptualized a typical rape as a classic blitz-rape involving an aggressive stranger in an outside location. A more recent study also found that students were more likely to describe a typical rape as a stranger rape than as an acquaintance rape (Anderson, 2008).

Classic rape stereotypes also influence whether a woman conceptualizes a forced sexual experience as rape. Koss et al. (1987), in a national study of college women, found only about a quarter of women who experience a forced sexual experience, which meets the legal definition of rape, define it as such. A more recent study by Fisher, Daigle, Cullen, and Turner (2003) adds support to this finding. In their research, approximately

half of the women who experienced completed rape defined it as such, and very few women who experienced attempted rape defined it as rape. The term “unacknowledged rape” is generally applied to these incidents where the victim does not label a forced sexual experience as rape, and are more likely to occur when the relationship between the victim and offender is more intimate (Koss, 1985; Koss, Dinero, Seibel, & Cox, 1988). Moreover, unacknowledged rapes tend to be less violent, involve less force (Bondurant, 2001), and involve less injury (Layman, Gidycz, & Lynn, 1996). Thus, women who are raped are less likely to acknowledge a forced, nonconsensual sexual experience as rape when it deviates from the classic rape conception.

Thus, classic rape stereotypes, whether directly or indirectly, influence rape victim’s and society’s conception of rape. It is logical to assume that members of a society draw on these stereotypes to inform their beliefs and attitudes about rape and rape victims. It is also logical to assume that these classic rape stereotypes inform a rape victim’s decision to report to the police.

Classic Rape and Police Reporting

The classic rape model is often used to explain a rape victim’s decision to report to the police. Williams (1984) posits that “a woman is more likely to report her rape if it corresponds to the classic rape situation, and less likely to report if it deviates from the classic rape situation” (p. 461). She hypothesized reporting will be more likely if the victim is assaulted by a stranger, is raped in public or abducted from her own home, if a high level of force is used, and the victim sustains injuries. Her study provides support for all of these hypotheses; she concludes rape incidents which align with the classic rape

stereotype are more likely to be reported to the police. She suggests classic rape provides the evidence needed to convince the victim and others that a rape took place. Without this, she asserts, rape victims are less likely to see themselves as “true victims” and, therefore, less likely to report rape to the police. Besides Williams (1984), only two other studies comprehensively test this model (Clay-Warner & McMahon-Howard, 2009; DuMont, Miller, & Myhr, 2003). Clay-Warner and McMahon-Howard (2009) note that “given scholars’ reliance on the model, more thorough tests are needed” (p. 724).

DuMont et al. (2003) also aimed to answer whether “classic rapes” were more likely to be reported than “simple rapes” (Estrich, 1987), and whether rape incidents where the victim breached “appropriate standards of behavior” (p. 471) were less likely to come to the attention of the police. Compared to Williams’ (1984) study, their results are quite mixed. The only two factors to significantly increase the likelihood of a police report were injury and physical force. The authors concluded that force and injury are two overtly violent acts which allow the victim to identify as a “real rape” victim. The presence of a weapon, victim-offender relationship, and location of the assault did not significantly increase the odds of a police report in which they note, “women may be selectively rejecting major components of rape mythology” (p. 477).

Both the Williams (1984) and DuMont et al. (2003) studies use data from rape crisis centers, which were not generalizable. To account for this limitation in the research, Clay-Warner and McMahon-Howard (2009) used data from the NCVS to test whether classic rape incidents are more likely to come to the attention of the police than simple rapes. Moreover, they also analyzed how police reporting of rape differs between

victim-reported and third-party reported incidents. They note “it is logical that third-parties would also consider such information [classic rape stereotypes] when making reporting decisions, making all forms of police notification subject to stereotypical notions regarding rape” (p. 724). Their results lend support for the classic rape model. Incidents which occurred in public or through the unlawful entry into the victim’s home, involve the use of a weapon, and result in physical injury were more likely to be reported. They also found that rapes committed by strangers were significantly more likely to be reported than rapes committed by intimate partners, but not significantly different for all other known offender types. When differentiated by who reported the rape, public rapes and rapes occurring through the unlawful entry in the victim’s home were significant only for victim-reported incidents. Weapon use and physical injury were significant for both victim and third-party reporting. Finally, rape incidents committed by an intimate partner were significant for third-party reporting, but not victim reporting.

Predictors of Police Reporting

Although several studies use the classic rape model to explain their findings (ie. Fisher et al., 2003), most only analyze select portions of the model. The broader literature on police reporting of rape analyzes various situational/contextual characteristics of rape and generally covers four broad areas: aggravating factors (violent characteristics of the rape), victim-offender relationship, contextual/situational factors, and sociodemographic factors.

Aggravating factors². Violent characteristics of rape, such as victim injury, weapon use, force, and threats have been found to increase the likelihood of a rape

coming to the attention of the police (Clay-Warner & Burt, 2005). Lizotte (1985) notes these violent acts make a strong case for prosecution, and thus are more likely to be taken seriously by the police and others and to be considered a “real rape” (Estrich, 1987).

One of the most consistent predictors of police reporting for rape is whether the victim sustained injuries. Several studies have found that injuries to the victim increase the likelihood of police reporting (Bachman, 1993; Bachman, 1998; Chen & Ullman, 2010; Feldman-Summers & Norris, 1984; Felson & Pare, 2005; Lizotte, 1985; Pino & Meier, 1999). Fisher et al. (2003) further found that injuries were a significant predictor of reporting sexual assault incidents to college campus authorities, but not police. All of the aforementioned studies use a dichotomous measure for injury (injured/not injured) and fail to distinguish between relatively minor injuries and major injuries. To analyze this variation, Gartner and Macmillan (1995) used a six-point injury variable ranging from no injury to serious injuries (ie. miscarriages or internal bleeding). Their results indicate that the more serious the injury, the more likely the incident will be reported to the police.

Another predictor of police reporting of rape is whether physical force was used. Force generally involves physical tactics such as holding the victim down, kicking, slapping, choking, and so forth, and has been found to increase the likelihood of a rape incident being reported to the police (Bachman, 1998; Chen & Ullman, 2010). Golding and colleagues (1989) found physical threats and fighting to be related to police reporting of rape in bivariate analyses; this relationship, controlling for all other factors, disappeared in a multivariate model.

Weapon use has also been found to increase the likelihood of a rape incident being reported to the police (Chen & Ullman, 2010; Felson & Pare, 2005; Fisher et al., 2003, Gartner & Macmillan, 1995; Orcutt & Faison, 1988; Pino & Meier, 1999). However, this finding is not consistent across studies. Lizotte (1985) found, using National Crime Survey (NCS) data, that weapon use predicted reporting for physical assault, but not rape. Using NCVS data, Bachman (1998) found that weapon use was significant in bivariate analyses, but this relationship, controlling for all other variables, disappeared in a multivariate model.

Only one study has analyzed the impact of perceived life threat on the likelihood of reporting rape to the police (Chen & Ullman, 2010). The results of this study indicate that women who perceive life threats to themselves or someone close to them are more likely to report to police than women who do not perceive life threat. They note “this is a new finding and shows that both objective and subjective measures of assault severity predict police reporting” (p. 274).

Victim-offender relationship. In addition to aggravating factors, the victim’s relationship with the offender is often analyzed “because it is used by both the victim and others to help them decide whether a rape has occurred and whether the crime should be reported to the police” (Ruback, 1993; p. 272). The research generally indicates that women who are raped by strangers are more likely to report to the police than women who are raped by a known offender. (Chen & Ullman, 2010; Feldman-Summers & Norris, 1984; Felson & Pare, 2005; Golding, Siegel, Sorenson, Burnam, & Stein, 1989; Lizotte, 1985, Pino & Meier, 1999). However, not all studies have reached this same

conclusion. Bachman (1993), using NCVS data from 1987-1990, found no significant difference in reporting between victims who were raped by strangers and victims who were raped by a known offender. This finding was criticized on statistical grounds and conceptual grounds (Pollard, 1995; Ruback, 1993). A later study by Bachman (1998), using data from the newly redesigned NCVS from the latter half of 1992 to 1994, also found no significant difference in reporting between women who were raped by strangers and women who were raped by a known offender.

Most studies analyzing police reporting patterns for rape use a dichotomous measure for victim-offender relationship (ie. stranger/known offender) which gives little information on the variation of this relationship (Gartner & Macmillan, 1995). Several researchers question this dichotomy and have analyzed the effect of relational distance (Black, 1979), which exists on a continuum ranging from intimate partner to stranger, on the likelihood of reporting rape to the police. Gartner and Macmillan (1995) found the effect of relational distance on police reporting of rape to be linear, indicating that the closer the relationship, the likelihood of reporting rape to the police decreases. Fisher and colleagues (2003) found that rapes committed by strangers and other known offenders were more likely to be reported to campus authorities than friends and classmates. Felson and Pare (2005) found that women were just as likely to report rapes committed by intimate partners as they were rapes committed by family members or other known acquaintances. Clay-Warner and McMahon-Howard (2009) found using a five-point victim-offender measure, ranging from intimate partner to stranger, that the closer the

relationship to the offender the less likely a police report will be made. This relationship, however, was only significant for third-party reporting (as compared to victim-reporting).

Contextual factors. In addition to the victim-offender relationship and aggravating factors, two contextual factors are often analyzed: (1) the location of the rape and (2) whether the victim was drinking and/or using drugs prior to the assault. The victim's alcohol and/or substance use prior to the sexual assault is often analyzed because women who have been using substances prior to being raped are less likely to be believed by the police (Schuller & Stewart, 2000) and may feel they were complicit in their own rape (Schwartz & Leggett, 2001).

The relationship between location of the rape and police reporting is mixed. Lizotte (1985) found, using NCS data from 1972-1975, that sexual assault incidents were less likely to be reported to the police if the offender had a right to be present where the assault occurred. Felson and Pare (2005) found, using National Violence Against Women Survey data on physical and sexual assaults, that incidents which took place in the victim's home were more likely to be reported than other locations. Despite these findings, several studies have found no significant relationship between location of the rape and police reporting (Bachman, 1993; Bachman, 1998; Chen & Ullman, 2010; Clay-Warner & Burt, 2005; DuMont et al., 2003).

The relationship between the victim's alcohol and/or other drug use prior to the assault is also mixed. Fisher et al. (2003) found in their national sample of college women that the victim and offender's alcohol and/or substance use prior to the incident was associated with reporting rape to campus authorities, but not the police. Felson and

Pare (2005) found that victims who were drinking alcohol and/or using substances were significantly less likely to report rape to police than victims who were not using any substances prior to the rape. Three other studies failed to find a significant relationship between the victim's drug/alcohol use prior to the incident and reporting rape to the police (Chen & Ullman, 2010; Clay-Warner & Burt, 2005; DuMont et al., 2003).

Sociodemographic Factors. Several demographic characteristics of the victim have been associated with reporting rape to the police. Lizotte (1985) found that highly educated women were less likely to report rape to the police than women with less education. He concluded that highly educated women may be more knowledgeable of the criminal justice process, and recognize the low probability of a rape conviction and the possibility of being treated insensitively by the criminal justice system. Pino and Meier (1999), using NCS from 1979-1987, found the opposite relationship. Education was positively associated with police reporting, which may reflect a greater confidence in the criminal justice system. Felson and Pare (2005) found that third-parties were more likely to report rape and physical assault incidents if the victim was less educated; this relationship, however, was not significant for victim reporting.

The relationship between police reporting of rape and race is mixed. Feldman-Summers and Ashworth (1981) found that White women indicated a greater intention to report to the police than minority women. Wyatt (1992) also found that White women were more likely to report rape to the police than African American women. These findings may be attributed to culturally-specific barriers including perceived police insensitivity to African Americans and other racial minorities, a distrust of the police

(Feldman-Summers & Ashworth, 1981; Neville & Pugh, 1997), and a perceived lack of community and social support for the victim (Wyatt, 1992). More recent studies have found the opposite relationship between race and police reporting of rape. Bachman (1998) and Fisher et al. (2003) found that African American women were more likely to report rape to the police than all other women.

The findings on the age of the victim and police reporting are also mixed. Most studies fail to find a significant relationship between age of the victim and the likelihood of reporting rape (Bachman, 1993; Bachman, 1998; Clay-Warner & Burt, 2005; Fisher et al., 2003). However, Gartner and Macmillan (1995) found, using data from the Canadian Violence Against Women Survey, that older women were more likely to report physical and sexual assaults than younger women. Chen and Ullman (2010) found that third-parties were more likely to report rapes committed against older women than younger women. This relationship however was not statistically significant in another study (Felson & Pare, 2005).

Rape Reform Laws

Rape reform laws were intended to produce changes within the criminal justice system including increased police reporting. In addition, these laws were supposed to create symbolic change and alter conceptions of rape, both legally and socially. Together, these two factors suggest police reporting rates for non-stereotypical rapes (simple rapes) should have increased since the advent of rape reform laws.

The legal system has historically been suspicious of women who claim they were raped (Estrich, 1987). Rape laws made it difficult for women to seek justice through the

court system by requiring rape victims to actively resist the rape, corroborate their allegations of rape, and risk the possibility of having their previous sexual history discussed in a public forum. These laws were especially stringent for women who were raped by someone they knew or did not involve clear signs of violence (simple rapes).

Beginning in the 1960s, the anti-rape movement started to advocate for changes in attitudes toward rape and rape laws (Rose, 1977). Rape reformers sought to change rape laws imbued with sexist assumptions about women and was considered a means of achieving instrumental goals or “tangible results” (Berger, Searles, & Neuman, 1988, p. 329). These instrumental goals included increasing the reporting of rape to the police, making rape cases more prosecutable, reducing attrition rates in rape cases, and reducing the negative effects of the criminal justice process on the victim. Changing rape laws were also considered a means to achieve symbolic goals, which include changing attitudes about rape and sexist assumptions of women in general.

Spohn and Horney (1992) broadly identified four common rape reform themes: (1) redefining rape and replacing the single crime of rape with a series of graded offenses defined by presence or absence of aggravating conditions; (2) changing the consent standard by eliminating the requirement that the victim physically resist her attacker; (3) eliminating the requirement that the victim’s testimony be corroborated; and (4) placing restrictions on the introduction of evidence of the victim’s prior sexual conduct (p. 21).

In addition to these four common themes, many feminists also fought for the elimination of the spousal exemption (Finkelhor & Yllo, 1985; Russell, 1982).

Before major rape reform legislation, many states held a narrow definition of rape which included the “carnal knowledge of a female forcibly and against her will³” definition (penile-vaginal penetration). This definition of rape excludes male victims of rape, rapes involving anal and/or oral penetration and/or penetration by a foreign object, and rape committed by spouses (Spohn & Horney, 1992). As part of reform, the legal term “rape” was replaced with terms such as “sexual assault” or “criminal sexual conduct” to shift the attention away from the victim’s actions (i.e. didn’t consent to sex, didn’t actively resist the rape) to the offender’s violent actions (Berger et al., 1988). The redefinition of rape also included the creation of a series of graded-offenses commensurate with the seriousness of the rape (i.e. weapon present and age of the victim).

In addition to redefining rape, the consent requirement was altered or eliminated in most states. Prior to major rape reform, many statutes required that a woman actively resist the rape in order to show nonconsent (Estrich, 1987). Social constructions of gender generally view femininity as passive and masculinity as aggressive. The resistance requirement contradicted this social construction by requiring a woman to actively and aggressively resist a rape which may put her at an increased risk of injury and/or death. The resistance requirement was also not a necessary precondition of any other crime, thus it was viewed as inherently unequal and a way to discourage women from using the criminal justice system (Spohn & Horney, 1992).

Prior to changes in rape reform legislation, women were required to corroborate their story of rape. One commonly held rape myth is that many women falsely accuse

men of rape (Estrich, 1987). The corroboration requirement was generally viewed as a way to protect men from false accusations by requiring the prosecution to furnish evidence to support the victim's claim of rape. Corroboration generally requires an eyewitness, medical examination, and/or an immediate police report. Similar to the resistance requirement, no other crime required the prosecution to corroborate the victim's word, thus the corroboration requirement was viewed as discriminatory toward rape victims and women in general (Spohn & Horney, 1992). All states have drastically altered or eliminated the corroboration requirement which was intended to shift the attention away from the victim's actions to the offender's behavior.

Many states also allowed the rape victim's prior sexual history to be brought into court to impugn their credibility. Evidence of a woman's prior sexual history was used to show a pattern of behavior and a "propensity to engage in a particular kind of behavior" (Spohn & Horney, 1992, p. 134). This type of evidence was also brought into trial to demonstrate that unchaste women (women who have sex outside of marriage) are more likely to make false accusations of rape (Estrich, 1987). Many states enacted laws to limit this type of evidence in court, commonly known as rape shield laws. However, some states' rape shield laws are more restrictive than others. Michigan's rape shield law is generally viewed as one of the most restrictive and prohibits evidence of a woman's prior sexual history with several exceptions, including evidence of a prior sexual history with the defendant or to demonstrate that the source of semen, pregnancy, or sexually transmitted infection is from someone other than the defendant. On the other hand, Texas' rape shield law is generally viewed as the most permissive, and allows evidence

of a woman's previous sexual history to be brought into trial if the judge finds that its prejudicial value does not outweigh its probative value (Spohn & Horney, 1992).

In every state, prior to the 1970s, it was also legal for a husband to rape his wife. Wives have historically been excluded from rape statutes because they were assumed to permanently consent to intercourse with their husbands (both consensual and forced) (Finkelhor & Yllo, 1985). Law makers, in most states, feared that if spousal rape were illegal, women would bring rape complaints against their husbands in divorce and child custody cases (Russell, 1982). Rape reform activists sought to make spousal rape illegal and slowly, but surely, succeeded. In 1993, North Carolina became the last state to eliminate the spousal exemption from their rape laws (Laura X, 1999). One note of caution, however, is that states vary considerably in spousal rape laws and 33 states allow for conditional exemptions such as decreased penalties (NCMDR, 2005).

Changes in Police Reporting Over Time

Changes in rape reform legislation were expected to produce both instrumental and symbolic changes. Statutory changes were expected to reduce the burdens of reporting rape to the police and the increased attention to rape was expected to change women's perceptions about what constitutes rape and how the legal system responds to it. In combination, these instrumental and symbolic changes were expected to complement each other and influence not only overall police reporting levels of rape, but also what kinds of rape incidents get reported.

Studies analyzing the impact of rape reform on police reporting rates are mixed. Largen (1988) found in her study of Georgia, Florida, and Michigan that there was a rise

in police reporting following reforms. However, this rise was attributed more to social factors, such as the increased attention toward rape, rather than legal factors. Spohn and Horney (1992) found in their study of five urban jurisdictions that police reporting increased in Detroit, which is in a state with strong rape reform legislation, and in Houston, which is in a state with relatively weak rape reform legislation. They attributed this contradictory finding to the increased publicity surrounding rape rather than success in legal changes. Bachman and Paternoster (1993) also found a small increase in police reporting from the 1970s to 1990. Overall, these studies have concluded changes in rape reform legislation have not produced increased police reporting rates.

In addition to analyzing whether police reporting rates have been influenced by rape reforms, several studies have also analyzed whether certain aspects of rape reporting have changed overtime. The second wave of the women's movement and the rape crisis movement has helped reconceptualize what constitutes rape and advocated that forced, non-consensual sex is rape, regardless of whom the offender is and the circumstances surrounding the assault. The logical deduction is that non-stereotypical rapes (simple rapes), overtime, should be reported at similar rates than stereotypical rapes (classic rapes). However, the findings in this area are mixed.

Rapes committed by strangers are generally more likely to come to the attention of the police than incidents involving a known-offender. Although this finding remains fairly consistent across studies, Bachman (1993, 1998) found in two separate studies that the victim-offender relationship did not significantly influence police reporting for rape. She attributed this finding to rape law reform and media campaigns directed at improving

the treatment of rape victims. This finding was attacked on methodological grounds by Ruback (1993) who argued the best way to arrive at this conclusion would be to conduct a time-series analysis.

Similar findings were also reported by Gartner and Macmillan (1995). Using data from the Canadian Violence Against Women Survey, they found that prior to 1984, stranger rapes were more likely to be reported to the police than rapes committed by known-offenders. Between 1984 and 1988, rapes committed by co-workers and other known-offenders did not differ significantly from rapes committed by strangers. However, rapes committed by a date, boyfriend, or relative were still less likely to be reported than rapes committed by a stranger. After 1988, incidents committed by a boyfriend, date, co-worker, or other known offender were less likely to come to the attention of the police than incidents committed by a stranger. In this period, incidents committed by a relative were no more likely than stranger rapes to be reported.

Baumer, Felson, and Messner (2003), using data from the NCS and the NCVS, analyzed police reporting patterns for rape from the 1970s through 2000. Their results indicate that in the 1970s and 1980s, rapes committed by strangers were more likely to be reported to the police than incidents committed by known-offenders. This pattern, however, diminished in the 1990s where no significant relationship was observed between victim-offender relationship and police reporting of rape.

Finally, Clay-Warner and Burt (2005) analyzed whether the gap in police reporting between simple and aggravated rapes has changed since the advent of rape reform legislation across the country. They created an aggravated rape measure which

included any rape incident involving a stranger perpetrator, multiple assailants, weapon use, and/or injury. Their results indicate aggravated rapes are more likely to be reported to the police than simple rapes regardless of when the rape occurred.

Purpose and Hypotheses

To date, only three studies have explicitly tested the classic rape model in terms of police reporting. Two of the studies (DuMont et al., 2003; Williams, 1984) utilize small samples drawn through rape crisis center records. These findings not only lacked external validity, but also represent an unrepresentative group of rape victims. Golding et al. (1989) found very few women seek help from rape crisis organizations. Moreover, none of the studies on classic rape and police reporting analyze changes over time. The current study, utilizing national data, analyzes the impact of classic rape stereotypes over a series of three time periods, each corresponding with the development and enactment of rape reform legislation. Finally, only one study (Clay-Warner & MacMahon-Howard, 2009) has analyzed the effects of classic rape on victim and third-party reporting. The current study will add to these findings by adding a time dimension to the analysis.

Three main hypotheses can be deduced. First, rape incidents aligning with classic rape stereotypes (victim injury, presence of a weapon, use of physical force, perceived life threat to self or somebody close, stranger offender, occurring in a public or outdoor setting, and the victim was not using alcohol or other substances prior to the assault) are expected to increase the odds of a police report. Second, classic rape stereotypes are expected to be less influential on the odds of a police report overtime. Third, since classic rape stereotypes are expected to influence victims and third-parties, the influence

of these stereotypes are expected to increase the odds of a police report for both groups.

Methods

Methodological Issues

One of the most contentious issues in rape research is how to accurately measure the extent and nature of rape (Fisher & Cullen, 2000). The divergence of findings across police reporting of rape studies may be partially due to methodological influences such as how rape is operationalized (DeKeseredy & Schwartz, 2011) and the context of the questions. These methodological influences have important implications for the study of rape and are important to note.

Most police reporting of rape studies use data from either the NCS (Bachman, 1993; Baumer et al., 2003; Lizotte, 1985; Pino & Meier, 1999) or the NCVS (Bachman, 1998; Baumer et al., 2003; Clay-Warner & MacMahon-Howard, 2009). Both the NCS and the later redesign into the NCVS have been criticized on multiple grounds. Prior to the redesign in the early 1990s, the NCS did not explicitly ask respondents if they were sexually victimized. Rather, respondents were asked whether they have been “attacked or physically threatened.” Only when the respondent answered “yes” to that screening question, and subsequently identified that experience as a rape, was it recorded as such (Bachman & Taylor, 1994). This lack of a direct question was criticized for severely underestimating the prevalence of rape (Eigenberg, 1990; Russell & Bolen, 2000). Moreover, the context of the questions may elicit more stereotypical rape incidents because respondents are asked about violent victimizations they have experienced and are

forced to conceptualize rape as a violent encounter (Koss, 1996).

In the early 1990s, the newly redesigned NCVS was implemented and drastically changed how sexual victimization was measured. Direct screening questions now ask respondents about forced or coerced sexual intercourse including attempts. Additional cues are also provided to promote disclosure (Bachman & Taylor, 1994). Moreover, the redesigned NCVS uses a broader definition of rape which includes forced vaginal, anal, and/or oral penetration including penetration by a foreign object. Despite these enhancements, several scholars have criticized the NCVS for still underestimating the prevalence of rape.

The first major criticism of the NCVS confronts the types of screening questions used. The current questions inquire about forced or coerced sexual intercourse and require that the respondent label the incident as rape. Koss (1992) argues this “rests as twin assumptions that the victims know the definition of rape and use this term to describe their experience” (p. 71). This may be problematic because not all women who experience a forced sexual experience, which in most states meets the legal definition of rape, define it as such (Koss et al., 1988). As a result, the NCVS may severely underestimate the prevalence of rape.

A second criticism of the NCVS is the context in which questions are asked. The goal of the NCVS is to measure crime victimization in the United States. This requires rape victims to not only label their experience as rape, but also requires them to conceptualize it as a crime. Several scholars have pointed out that many women who

experience a forced sexual experience, which in most states meets the legal definition of rape, do not define it as such or identify it as a criminal act (Layman et al., 1995).

A second major source of rape victimization data comes from social science and public health research including examples such as Diana Russell's study of San Francisco women (Russell, 1982), the National Women's Study (Kilpatrick, Edmunds, & Seymour, 1992), and the National Violence Against Women Survey (Tjaden & Thoennes, 1998). One of the distinct differences between these data sources and the NCVS is the screening questions used to measure rape victimization. A major advancement in the measurement of sexual victimization was developed by Mary Koss, who developed the Sexual Experiences Survey (Koss et al., 1987). The Sexual Experiences Survey includes a series of behaviorally-specific questions in which the actual word "rape" is not used in the process. As a result, women are able to identify a forced, non-consensual sexual experience, which meets the legal definition of rape, but not label the incident as such. Subsequent studies (Kilpatrick et al., 1992; Tjaden & Thoennes, 1998) have used similar behaviorally-specific survey questions and indicate higher rates of sexual victimization than the NCVS.

Although behaviorally-specific survey questions elicit higher prevalence rates, they are not without controversy. Several critics (Gilbert, 1994; Roiphe, 1994) have argued it is not rape if a person does not define it as such and argue feminists are promoting a phantom rape epidemic which does not exist. Fisher and Cullen (2000) also point out "using only behaviorally specific questions—assumes both that the respondent understands the experience she is being asked about and that these questions are able to

cue accurate recall by the respondents (i.e., a rape question cues all rape victims to answer yes; an attempted rape question cues all attempted rape victims to answer yes; and so on)” (p. 358). They propose using a two-step design starting with behaviorally-specific questions and using an incident report to verify what happened.

To avoid the limitations of the NCVS, the current study utilizes data from the National Violence Against Women Survey (Tjaden & Thoennes, 1998), which uses a series of behaviorally-specific, graphically-worded survey questions to measure sexual victimization. Although this type of measurement design is not without fault, it is perhaps the most effective method of estimating rape prevalence. Moreover, this survey also includes the necessary measures needed to test the classic rape model of police reporting.

Dataset and Sample

The National Violence Against Women Survey (Tjaden & Thoennes, 1998) is a nationally representative telephone survey, which was conducted in 1995 through 1996, and jointly sponsored by the National Institute of Justice and the Centers for Disease Control and Prevention. A sample of 8,000 women, aged 18 years or older and living in households, was drawn through random-digit dialing stratified by United States Census region. Within each region, a sample of residential phone numbers was drawn. For households with more than one eligible female, the one with the most recent birthday was asked to participate. The response rate for the survey was 72.1%.

One of the goals of the NVAWS was to better understand violence against women in the United States, including rape. The NVAWS defined rape “as an event that

occurred without the victim's consent, that involved the use or threat of force to penetrate the victim's vagina or anus by penis, tongue, fingers, or object, or the victim's mouth by penis" (Tjaden & Thoennes, 2000, p. 4). Five behaviorally-specific screening questions were used to identify rape victimization:

- (1) Has a man or boy ever 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.
- (2) 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.
- (3) Has anyone ever made you have anal sex by using force or threat of force or threat of harm? Just so there is no mistake, by anal sex we mean that a man or boy put his penis in your anus.
- (4) Has anyone, male or female, ever put fingers or objects in your vagina or anus against your will or by using force or threats?
- (5) Has anyone, male or female, ever attempted to make you have vaginal, oral, or anal sex against your will but intercourse or penetration did not occur?

Of the 8,000 women who were surveyed, 1,401 (17.6 %) reported being sexually victimized at some point in their lives. For each reported incident, respondents were asked a series of follow-up questions regarding the relationship

with the offender and other characteristics of the rape. Participants could report multiple incidents by the same offender, however, follow-up questions were only asked of the most recent incident. The women surveyed were also able to disclose sexual assault incidents from more than one offender type (ie. both a family member and a date). Since the inclusion of this data would violate the assumption of independence of errors in most regression models, the 159 cases with more than one offender type were excluded from this analysis.

Moreover, women who were raped before the age of 14 were also excluded from this analysis; which is justified on the grounds that police reporting patterns and laws (ie. mandated reporting) are different for minors. Finally, the current research is interested in male violence against women. Incidents involving a female offender were excluded. After listwise deletion of missing data, the final sample consisted of 840 rape incidents.

Measures

Dependent variables. The dependent variable is police reporting, with classic rape stereotypes and demographic factors comprising the independent variables. Women who disclosed being sexually victimized at some point in their lives were asked whether they reported the incident to the police and, if so, who reported it to the police. Two variables were constructed to measure police reporting. The first variable, *report*, is a dichotomous variable measuring whether the incident was reported to the police (coded 1) or not reported (coded 0). The second variable, *who-reported*, is a polytomous measure which contrasts incidents

not reported to the police (coded 0) with victim reported (coded 1) and third-party reported (coded 2) incidents.

Independent variables. To test whether classic rape stereotypes impact a woman's decision to report rape to the police, three groups of variables were constructed: (1) aggravating factors, (2) victim-offender relationship, and (3) contextual factors.

Aggravating factors. Four aggravating variables were included in the analyses. First, women were asked whether they were physically injured during the incident. A dichotomous variable, *injury*, was created with incidents involving injury coded as 1. Second, respondents were asked whether the offender used a gun, knife, or other weapon during the incident. A dichotomous measure, *weapon*, was created with incidents involving a weapon coded as 1. Third, women were asked whether the incident involved force (slapping, hitting, kicking, biting, choking, attempting to drown, hitting with object, beating). A dichotomous measure, *force*, was created with incidents including force coded as 1. Finally, respondents were asked whether they believed they or someone close to them would be seriously harmed or killed during the incident. A dichotomous variable, *threat*, was created with incidents where the victim perceived life threat coded as 1.

Victim-offender relationship. Three dummy-coded variables were created to assess the variation in victim-offender relationship. The first variable, *intimate*, includes current or former spouses or partners. The second variable,

other-known, includes non-intimate family members (father, stepfather, brother, stepbrother, brother-in-law, uncle, grandfather, step-grandfather, male cousin, son/stepson, son-in-law, nephew, nephew-in-law, and other male relative), boyfriends and male dates, and all other-known offenders who do not fall into the intimate partner category. The third variable, *stranger*, includes any offender whom the victim is not acquainted with.

Contextual variables. Two contextual variables were included in the analyses. First, a dichotomous variable, *location*, was created with incidents occurring outdoors or in other public spaces coded as 1 and incidents occurring in victim or offender's home or yard coded as zero. Second, victims were asked whether they were using alcohol and/or drugs prior to the assault. Incidents where the victim was using alcohol and/or drugs prior to the assault were coded as 1.

Demographic variables. Several sociodemographic variables have been found to influence women's reporting of sexual victimization. To control for these factors, three variables were constructed. First, the variable, *education*, was created to measure the respondent's highest level of education. Women with at least some college education were coded as 1 and women with a high school degree or less were coded as 0. Second, the variable, *race*, was created to measure the victim's racial background. White women were coded as 1 and women of other racial backgrounds were coded as 0. Finally, the victim's *age* at the time of the assault was computed by subtracting the victim's current age from how long ago the incident happened and is treated as a continuous measure.

Time periods. To assess changes over time, the data were broken up into three distinct time periods, each corresponding with the development and enactment of rape reform legislation. To determine the year of the rape, the victim's response to the question, "*When did this incident (the rape) happen?*" was subtracted from the year they took the survey. The first time period, *pre-reform*, includes all cases occurring in 1977 and before. The year 1977 was chosen as a cut-off because most states did not enact major rape reform legislation until the late 1970s and early 1980s. Even in states which passed rape reform legislation during this time period, it is logical to assume the impacts of these laws did not begin immediately. The second time period, *reform*, corresponds with the time period in which most states passed major rape reform legislation. This includes all cases occurring between 1978 and 1988. The final time period, *modern-reform*, includes cases occurring between 1989 and 1996⁴. The term "modern-reform" is used because many states at this time were still in the process of reforming their laws and practices, but represents a distinct time period (Clay-Warner & Burt, 2005 also used this term for a similar time period).

Analytic Strategy

To analyze the impact of classic rape stereotypes on a woman's decision to report rape to the police, binary logistic regression is used, which is most appropriate when the dependent variable is a dichotomous measure. To assess changes over time, the data were broken into the three aforementioned time periods. In addition to running a complete model with all cases across time periods, each of the three time periods was run as its own separate model.

To assess any differences between victim and third-party reported incidents, a multinomial logistic regression model was estimated. This technique is appropriate when the dependent variable is nominal and has more than two categories. When the data were broken up into the aforementioned time periods, cross-tabulations revealed several zero-cell counts and many cells with an expected count of less than five. Running the multinomial logistic regression models may result in inflated parameter estimates (Menard, 2001). Instead, one model was run and each of the three time periods was entered into the model as a dummy variable.

Results

Tables 1 and 2 illustrate that a majority of rape incidents, across all time periods, were not reported to the police (82.5%). When broken up into the pre-reform and modern reform period, about 15% (14.9% and 15%, respectively) of rape incidents were reported to the police. In the modern-reform period, about one-quarter of rape incidents were reported (24.7%). Approximately half of these reported incidents were made by third-parties (6.7%, 5.7%, 6.2%, and 8.7%, respectively).

Distributions for aggravating variables were similar across the four time periods. About 30% of cases involved injury to the victim (27.3%, 22.5%, 27.1%, and 34.2%, respectively). Approximately 10% of rape cases involved the use of a weapon (9.2%, 8.6%, 7.8%, and 11.9%, respectively). About one-third involved force (32.7%, 28.9%, 33.7%, and 37%, respectively). In approximately 40% of all cases, the victim perceived

life threat to either herself or somebody close to her (39.5%, 36.8%, 40.8%, and 41.6%, respectively).

The victim-offender relationship was also similar across time periods. In the full time period, pre-reform, and reform time period, approximately one-quarter of all rape incidents involved an intimate partner (25.7%, 20.3%, and 25.2% respectively). In the modern-reform time period, approximately one-third of rape incidents involved an intimate partner (34.2%). About 60% of all cases across the four time periods involved someone known to the victim, but is not an intimate partner (58.6%, 61.6%, 59.2%, and 53.4% respectively). Moreover, approximately 15% of cases were committed by a stranger (15.7%, 18.1%, 15.7%, and 12.3%, respectively).

Finally, the two contextual variables and three demographic variables were also similar across each of the four time periods. For the location variable, approximately 60% of all cases took place in a public location or outdoors (58%, 63.5%, 60.5%, and 46.6%, respectively). About one-in-five cases involved substance (alcohol and/or other drug) use prior to the assault (19.4%, 17.1%, 22.9%, and 17.8%, respectively). Approximately two-thirds of the women had at least some college education (61.9%, 60%, 68%, and 56.2%, respectively). About 80% of the sample was white (80.1%, 83.2%, 82%, and 73.1%, respectively). Finally, the mean age was around 23 years of age (22.70, 22.8, 21.98, and 25.96, respectively).

Table 1.

Descriptive statistics for variables included in analysis, $N=840$

<u>Dependent Variable</u>	
<i>Report</i>	
Not Reported	693 (82.5%)
Victim-Reported	91 (10.8%)
Third-Party Reported	56 (6.7%)
<u>Aggravating Factors</u>	
<i>Injury</i>	
No	611 (72.7%)
Yes	229 (27.3%)
<i>Weapon</i>	
No	763 (90.8%)
Yes	77 (9.2%)
<i>Force</i>	
No	565 (67.3%)
Yes	275 (32.7%)
<i>Threat</i>	
No	508 (60.5%)
Yes	332 (39.5%)
<u>Victim/Offender Relationship</u>	
<i>Intimate Partner</i>	216 (25.7%)
<i>Other Known</i>	492 (56.2%)
<i>Stranger</i>	132 (18.1%)
<u>Contextual Factors</u>	
<i>Location</i>	
Inside Home	353 (42.0%)
Public/Outdoors	487 (58.0%)
<i>Substances</i>	
Not using substances prior	677 (80.6%)
Using substances prior	163 (19.4%)
<u>Demographic variables</u>	
<i>Education</i>	
High school diploma or less	320 (38.1%)
College educated	520 (61.9%)
<i>Race</i>	
Other	167 (19.9%)
White	673 (80.1%)
Age^a	22.8 (8.54)

^a. Displayed as mean and standard deviation

Table 2.

Descriptive statistics for variables included in the analysis by time period

	Pre-Reform ^a	Reform ^b	Modern-Reform ^c
<u>Dependent Variable</u>			
<i>Report</i>			
Not Reported	268 (85.1%)	260 (85.0%)	165 (75.3%)
Victim-Reported	29 (9.2%)	27 (8.8%)	35 (16.0%)
Third-Party Reported	18 (5.7%)	19 (6.2%)	19 (8.7%)
<u>Aggravating Factors</u>			
<i>Injury</i>			
No	224 (77.5%)	223 (72.9%)	144 (65.8%)
Yes	71 (22.5%)	83 (27.1%)	75 (34.2%)
<i>Weapon</i>			
No	228 (91.4%)	282 (92.2%)	193 (88.1%)
Yes	27 (8.6%)	24 (7.8%)	26 (11.9%)
<i>Force</i>			
No	224 (71.1%)	203 (66.3%)	138 (63.0%)
Yes	91 (28.9%)	103 (33.7%)	81 (37.0%)
<i>Threat</i>			
No	199 (63.2%)	181 (59.2%)	128 (58.4%)
Yes	116 (36.8%)	125 (40.8%)	91 (41.6%)
<u>Victim/Offender Relationship</u>			
<i>Intimate Partner</i>	64 (20.3%)	77 (25.2%)	75 (34.2%)
<i>Other Known</i>	194 (61.6%)	181 (59.2%)	117 (53.4%)
<i>Stranger</i>	57 (18.1%)	48 (15.7%)	27 (12.3%)
<u>Demographic Variables</u>			
<i>Location</i>			
Inside Home	115 (36.5%)	121 (39.5%)	117 (53.4%)
Public/Outdoors	200 (63.5%)	185 (60.5%)	102 (46.6%)
<i>Substances</i>			
Not using substances prior	261 (82.9%)	236 (77.1%)	180 (82.2%)
Using substances prior	54 (17.1%)	70 (22.9%)	39 (17.8%)
<u>Control variables</u>			
<i>Education</i>			
High school or less	126 (40.0%)	98 (32.0%)	96 (43.8%)
College educated	189 (60.0%)	208 (68.0%)	123 (56.2%)
<i>Race</i>			
Other	53 (16.8%)	55 (18.0%)	59 (26.9%)
White	262 (83.2%)	251 (82.0%)	160 (73.1%)
Age^d	22.8 (8.54)	21.98 (6.92)	25.96 (9.86)

^a. N=315, ^b. N=306, ^c. N=219, ^d. Listed as means and standard deviations

Bivariate Analysis

Bivariate results are displayed in table 3. For the categorical variables, chi-square tests were run to determine significance. For the only continuous variable, *age*, a t-test was used to determine significance. Results for each time period are discussed separately.

Full Time Period. All of the aggravating factors are significant ($p < .001$). As hypothesized, rape incidents where the victim was injured were more likely to be reported to the police than incidents not resulting in injury (34.1% and 11.3%, respectively). Cases where a weapon was present were much more likely to be reported to the police than incidents not involving a weapon (53.2% and 13.9%, respectively). Rape incidents involving force were more likely to be reported to the police than incidents not involving force (33.5% and 9.7%, respectively). Finally, rape incidents where the victim perceived life threat to either herself or someone close to her were far more likely to be reported to the police than incidents not involving perceived life threat (33.4% and 7.1%, respectively).

Rape incidents involving a stranger were more likely to be reported than incidents involving an intimate partner or an other-known offender (38.6%, 24.5%, and 8.7%, respectively; $p < .001$). The only contextual variable to reach significance is whether the victim was using alcohol and/or other drugs prior to the assault. Incidents where the victim was using substances prior to the assault were less likely to be reported to the

police than incidents where the victim was not using (8.0% and 19.8%, respectively; $p < .001$). Location of the rape and demographic factors were not significant.

Pre-Reform. Results for the pre-reform time period were similar to the full time-period. All of the aggravating factors were significant ($p < .001$). Incidents involving injury to the victim, the presence of a weapon, force, and perceived life threat were more likely to be reported to the police than incidents not involving aggravating factors. The victim-offender relationship was also significant ($p < .001$). Incidents involving a stranger were far more likely to be reported to the police than incidents involving an intimate partner or other-known offender (33.3%, 26.6%, and 5.7%, respectively). None of the contextual or demographic variables were significant.

Reform. All of the aggravating variable were significant ($p < .001$). Incidents involving injury to the victim, the presence of a weapon, force, and perceived life threat were more likely to be reported to the police than incidents not involving aggravating factors. The victim-offender relationship was also significant ($p < .001$). Stranger rapes are still far more likely to be reported to the police than incidents involving an intimate partner or an other known offender (41.7%, 19.5%, and 6.1%, respectively). The only other variable to achieve significance is whether the victim was using alcohol and/or other drugs prior to the assault ($p < .05$). Incidents involving victim substance use prior to the assault were less likely to be reported to the police than incidents not involving victim substance use prior to the assault (5.7% and 17.8%, respectively).

Modern-Reform. In the modern reform, each of the four aggravating variables were significant ($p < .001$). Incidents involving injury to the victim, the presence of a

weapon, force, and perceived life threat were more likely to be reported to the police than incidents not involving aggravating factors. The victim-offender relationship is also significant ($p < .01$) with stranger rapes more likely to be reported than incidents involving an intimate partner or an other-known offender (44.4%, 28%, and 17.9%, respectively). None of the contextual or demographic variables were significant.

Across each of the time periods, bivariate results indicate that, as hypothesized, rape incidents involving any of the four aggravating variables were more likely to be reported to the police than incidents not involving aggravating factors. Both known victim-offender relationship variables were, as hypothesized, less likely to be reported to the police than stranger rapes. The only contextual variable to achieve significance was the victim's substance use prior to the assault. As hypothesized, victims who were using alcohol and/or other drugs prior to the rape were less likely to report to the police in the full model and the reform time period. Although these initial analyses reveal support for the classic rape hypothesis, the combined effects of these variables may influence police reporting differently. To analyze the combined effects, four separate logistic regression models were estimated.

Table 3.

Percentage of Incidents Reported to the Police

	Percentage Reported to the Police			
	Full	Pre-Reform	Reform	Modern
Aggravating Factors				
<i>Injury</i>				
No	11.3%	10.7%	10.3%	13.9%
Yes	34.1% ^{***}	29.6% ^{***}	27.7% ^{***}	45.3% ^{***}
<i>Weapon</i>				
No	13.9%	10.8%	13.1%	19.7%
Yes	53.2% ^{***}	59.3% ^{***}	37.5% ^{***}	61.5% ^{***}
<i>Force</i>				
No	9.7%	8.5%	7.9%	14.5%
Yes	33.5% ^{***}	30.8% ^{***}	29.1% ^{***}	42.0%
<i>Threat</i>				
No	7.1%	7.0%	5.0%	10.2%
Yes	33.4% ^{***}	28.4% ^{***}	29.6% ^{***}	45.1% ^{***}
Victim-Offender Relationship				
<i>Intimate</i>	24.5%	26.6%	19.5%	28.0%
<i>Other Known</i>	8.7%	5.7%	6.1%	17.9%
<i>Stranger</i>	38.6% ^{***}	33.3% ^{***}	41.7% ^{***}	44.4% ^{***}
Contextual Variables				
<i>Location</i>				
Inside home	22.1%	18.3%	19.0%	29.1%
Outside/Public	14.2%	13.0%	12.4%	19.6%
<i>Substances</i>				
Not using substances	19.8%	16.5%	17.8%	27.2%
Using substances	8.0% ^{***}	7.4%	5.7% [*]	12.8%
Demographic Variables				
<i>Education</i>				
High school or less	18.4%	15.9%	17.3%	22.9%
Some college	16.9%	14.3%	13.9%	26.0%
<i>Race</i>				
Other	22.2%	22.6%	14.5%	28.8%
White	16.3%	13.4%	15.1%	23.1%
<i>Mean Age</i>				
Not reported	22.53	20.83	22.07	26.04
Reported	24.04	21.87	24.28	25.72
N	840	315	306	219

* p<.05, ** p<.01, *** p<.001

Multivariate Analysis

Full Model. Four separate logistic regression models were estimated to predict police reporting. The first model (see table 4), includes all rape cases, across all time periods, and is overall statistically significant ($\chi^2=184.927$; $p<.001$). The first model indicates general support for the classic rape hypothesis. As hypothesized, all four of the aggravating variables significantly increased the odds of a police report. Rape incidents involving injury to the victim ($OR=1.879$; $p<.05$) and weapon use ($OR=2.172$; $p<.05$) increased the odds of a police report by 87.9% and 117.2%, respectively. Incidents involving force ($OR=1.672$; $p<.05$) increased the odds of a police report by 67.2%. Finally, rape incidents where the victim perceived life threat ($OR=3.247$; $p<.001$) to either herself or somebody close to her increased the odds of a police report by 224.7%.

As hypothesized, incidents involving a known offender are less likely to be reported to the police. Rape incidents involving an intimate partner ($OR=0.344$; $p<.01$) decreased the odds of a police report by 65.6% and incidents involving an other-known offender ($OR=0.235$; $p<.001$) decreased the odds of a police report by 76.5%.

Of the two contextual variables, only the victim's substance use prior to the assault significantly predicted police reporting ($OR=0.368$; $p<.01$). As hypothesized, rape incidents involving substance use prior to the assault decreased the odds of a police report by 63.2%. Location of the assault and the demographic variables were not significant.

The full model indicates support for the classic rape hypothesis, in which each of the four aggravating factors increased the likelihood of a police report and the two known

victim-offender relationship variables and the victim's alcohol and/or substance use prior to the assault decreased the likelihood of a police report. This model, however, does not take into account temporal changes. To analyze changes over time, three separate logistic regression models were estimated, each corresponding with the development and enactment of rape reform legislation.

Pre-Reform. Table 5 displays the logistic regression results for each of the three time periods. The model for the pre-reform time period is significant ($\chi^2=69.226$; $p<.001$). Only three variables significantly predict police reporting of rape. As hypothesized, rape incidents where a weapon is present ($OR=4.583$; $p<.01$) and force is used ($OR=2.654$; $p<.05$) increased the odds of a police report by 358.3% and 165.4%, respectively. In addition, rapes committed by an other-known offender ($OR=0.207$; $p<.001$) decreased the odds of a police report by 79.3%.

Reform. For the reform time period, the logistic regression model is significant ($\chi^2=67.340$; $p<.001$). Only three variables were significant. As hypothesized, incidents where the victim perceived life threat to either herself or somebody close to her ($OR=4.493$; $p<.001$) increased the odds of a police report by 394.4%. Moreover, rape incidents involving an intimate partner or an other-known offender were less likely to be reported than stranger rapes ($OR=0.186$; $p<.01$ and $OR=0.128$; $p<.001$, respectively).

Modern-reform. The model for the modern-reform time period is significant ($\chi^2=63.413$; $p<.001$). Only two variables were statistically significant. As hypothesized, incidents where the victim was injured ($OR=3.625$; $p<.01$) and perceived life threat ($OR=5.074$; $p<.001$) increased the odds of a police report by 262.5% and 407.4%,

Table 4.

Logistic Regression Model Predicting Police Reporting (N=840)

	Full Time Period		
	β	S.E.	OR
Injury	0.631 [*]	.254	1.879
Weapon	0.776 [*]	.306	2.172
Force	0.514 [*]	.261	1.672
Threat	1.178 ^{***}	.238	3.247
Intimate	-1.067 ^{**}	.339	0.344
Other Known ^a	-1.450 ^{***}	.295	0.235
Location	-0.399	.252	0.671
Substances	1.000 ^{**}	.342	0.368
Education	0.100	.216	0.905
Race	-0.446	.252	0.640
Age	0.004	.013	1.004
Constant	-1.066 [*]	.522	0.344
-2LL		594.134	
Model χ^2		184.927 ^{***}	
<i>df</i>		11	
Pseudo R^2		.327	

a. Stranger is the reference category

*p<.05, **p<.01, ***p<.001

Table 5.

Logistic Regression Predicting Police Reporting by Time Period

	Pre-Reform			Reform			Modern-Reform		
	β	S.E.	OR	β	S.E.	OR	β	S.E.	OR
Injury	0.346	.464	1.414	0.415	.471	1.514	1.288**	.454	3.625
Weapon	1.522**	.528	4.583	-0.385	.598	0.681	1.109	.575	3.031
Force	0.976*	.466	2.654	0.574	.493	1.775	-0.047	.472	0.954
Threat	0.585	.434	1.796	1.503***	.455	4.493	1.624***	.421	5.074
Intimate	-0.810	.629	0.445	-1.685**	.599	0.186	-0.790	.692	0.454
Other Known ^a	-1.573***	.493	0.207	-2.058***	.518	0.128	-0.844	.641	0.430
Location	0.026	.481	1.027	-0.636	.444	0.529	-0.478	.439	0.620
Substances	-0.946	.626	0.388	-0.982	.602	0.375	-0.999	.622	0.368
Education	0.059	.394	1.061	-0.315	.394	0.729	-0.252	.408	0.777
Race	-0.798	.451	0.450	-0.392	.517	0.676	-0.063	.427	0.939
Age	0.004	.032	1.004	0.010	.022	1.011	-0.017	.021	0.983
Constant	-1.213	1.010	0.297	-0.792	.946	0.453	-1.007	.931	0.365
-2LL		196.172			191.705			181.228	
Model χ^2		69.266***			67.340***			63.413***	
<i>df</i>		11			11			11	
Pseudo R^2		.347			.346			.374	
<i>N</i>		315			306			219	

a. Stranger is the reference category

* $p < .05$, ** $p < .01$, *** $p < .001$

respectively. None of the victim-offender relationship variables, contextual factors, or demographic variables were statistically significant.

Differences between victim and third party reporting

Table 6 displays the results for the multinomial logistic regression model contrasting rape incidents not reported to the police with victim and third-party reported incidents. Rape incidents where the victim perceived life threat to herself or somebody close to her and incidents involving the presence of a weapon were significant for both victim and third-party reporting. Rape incidents involving victim injury were significant for third-party reporting, but not victim reporting. Physical force only predicted police reporting for victim-reporting, but not third-party reporting. Both known offender measures were significantly less likely to be reported to the police for both victim-reporting and third-party reporting. Incidents where the victim was using alcohol and/or other substances prior to the assault were significantly less likely for victim reporting, but not third-party reporting. Location of the rape did not significantly predict police reporting. The only demographic variable to achieve significance is age. For third-party reporting, there is a slight positive relationship with police reporting. Finally, the measures for the reform time period and the modern-reform time period did not achieve significance⁵.

Table 6.

Multinomial Logistic Regression Model Predicting Police Reporting (N=840)

	Victim Reported ^a			Third-Party Reported ^a		
	β	S.E.	OR	β	S.E.	OR
Injury	0.509	.305	1.664	0.760*	.369	2.138
Weapon	0.688*	.352	1.989	0.821*	.415	2.272
Force	0.621*	.317	1.861	0.384	.378	1.469
Threat	1.394***	.304	4.031	0.920**	.342	2.509
Intimate	-0.935*	.395	0.392	-1.361**	.476	0.257
Other Known ^b	-1.588***	.372	0.204	-1.496***	.404	0.224
Location	-0.026	.481	0.748	-0.471	.349	0.624
Substances	-1.140*	.445	0.320	-0.908	.476	0.403
Education	0.036	.263	1.037	-0.243	.306	0.784
Race	-0.534	.302	0.586	-0.048	.372	0.953
Age	-0.016	.015	1.017	-0.046*	.023	0.955
Reform	-0.153	.318	0.858	0.119	.364	1.126
Modern-Reform ^c	0.552	.319	1.736	0.695	.380	2.004
Constant	-2.207***	.643		-1.067	.770	
-2LL		747.868				
Model χ^2		206.920***				
<i>df</i>		26				
McFadden's R^2		.212				

^a. Not reported to police is the reference category

^b. Stranger is the reference category

^c. Pre-reform is the reference category

* p<.05, ** p<.01, *** p<.001

Discussion

The current study extends the previous research on classic rape and police reporting by analyzing changes over time and differences between victim and third-party reporting. The results generally indicate that police reporting is influenced by classic rape stereotypes, especially aggravating factors. Both the bivariate and multivariate analyses find rape incidents are more likely to be reported to the police if the victim is injured, a weapon is present, force is used, and/or the victim perceived life threat to herself or somebody close to her.

The victim-offender relationship also influences police reporting of rape. Across each of the three time periods, bivariate analyses indicated that rapes committed by strangers were more likely to be reported than incidents involving a known offender. The results of the multivariate models revealed a slightly different picture. In the full model, with all cases across time periods, rapes committed by strangers were more likely to be reported than rapes committed by a known offender. In the time period preceding major rape reform legislation, only rapes committed by a known offender other than an intimate partner were significantly less likely to be reported than stranger rapes. In the period corresponding with the enactment of rape reform laws, rapes committed by a known offender were less likely to be reported than rape incidents involving a stranger. In the most recent time period, which corresponds with the period following major rape reform legislation, none of the victim-offender relationship measures were significant.

The only contextual factor to achieve significance in any of the analyses was the victim's alcohol and/or substance use prior to the assault. The bivariate results from the

full dataset and the reform time period, and the multivariate results from the full dataset indicate that women who used substances prior to the assault were less likely to report to the police. The location of the rape and all three demographic measures failed to achieve significance in any of the analyses.

Classic Rape

The findings of this study add to the classic rape and police reporting literature in several ways. First, the results provide general support for the classic rape model and the previous studies utilizing this model (Clay-Warner & McMahon-Howard, 2009; DuMont et al., 2003; Williams, 1984). Second, this is only the second study, after Clay-Warner and McMahon-Howard (2009), to use a nationally representative dataset of women. Finally, this is the first study to explicitly test the classic rape model across time. The results indicate that certain portions of the classic rape model remain significant across all time periods, which suggests the pervasiveness of these stereotypes in a woman's decision to report rape to the police.

Aggravating Factors

In addition to the literature on classic rape and police reporting, the current findings add to the broader literature on police reporting of rape. Rape incidents resulting in injury were more likely to be reported to the police, which is supported by previous research (Bachman, 1993; Bachman, 1998; Chen & Ullman, 2010; Felson & Pare, 2005; Gartner & Macmillan, 1995; Lizotte, 1985; Pino & Meier, 1999). Incidents involving the presence of a weapon were also more likely to be reported to the police, which is supported by previous studies (Chen & Ullman, 2010; Felson & Pare, 2005; Fisher et al.,

2003; Gartner & Macmillan, 1996; Orcutt & Faison, 1998; Pino & Meier, 1999).

Moreover, the use of physical force was found to increase the likelihood of a police report, which is supported by several other studies (Bachman, 1998; Chen & Ullman, 2010). Finally, the findings indicate that women who perceived life threat to themselves or somebody close to them were more likely to report to the police. This finding is supported by Chen & Ullman (2010), who used the same dataset and measure.

In terms of temporal changes in police reporting of rape, at least one aggravating measure achieved statistical significance in each of the multivariate models. This persistence overtime is supported by Clay-Warner and Burt (2005), who found, across time, aggravated rapes were more likely to be reported to the police than simple rapes.

Taken together, the relationship between violent, aggravating factors and police reporting of rape indicate several factors. First, these overtly violent acts may serve as a social cue as to whether a woman labels a forced, nonconsensual sexual experience as rape (Bondurant, 2001). Second, these violent factors may provide the evidence needed to convince others that a rape has occurred (Menard, 2005). In combination, these two components may serve as the necessary preconditions which need to be met in order for a woman to report rape to the police (Williams, 1984). Finally, the stereotype that rape is a violent act, generally involving force and injury (Weis & Borges, 1973), heavily influences whether women report rape to the police. This stereotype is particularly damaging because, as indicated by the descriptive statistics (see tables 1 and 2), most rape incidents do not involve these aggravating factors. Most cases generally fit the

simple rape criteria (Estrich, 1987). Unless beliefs and attitudes toward rape change, simple rapes will continue to be underreported.

Victim-Offender Relationship

The results of this study also generally indicate that stranger rapes are more likely to be reported to the police than incidents involving a known offender, which is supported by a bulk of the previous research (Chen & Ullman, 2010; Felson & Pare, 2005; Golding et al., 1989; Lizotte, 1985; Pino & Meier, 1999). The victim's relationship with the offender may provide a social cue as to whether she labels a forced sexual experience as rape (Koss et al., 1988) and also convincing others that a rape has occurred. According to Williams (1984), without these two factors, rape victims are less likely to see themselves as "true victims," and, therefore, less likely to report rape to the police.

Although the results show general support for the hypothesis that stranger rapes are more likely to come to the attention of the police than rape incidents committed by a known offender, there are several variations across the three time periods. First, rapes committed by an intimate partner were not significant in the time period preceding major rape reform legislation. In the period corresponding with changes in rape reform legislation, both known-offender measures were significantly less likely to be reported to the police than stranger rapes. In the most recent time period following the enactment of major rape reform legislation, none of the victim-offender relationship measures achieved significance, which suggest stranger rapes were not more likely than rapes committed by a known offender to be reported to the police. This finding of no significance lends

support for several studies (Bachman, 1993; Bachman, 1998; Baumer et al., 2003), which may suggest success in changing attitudes and beliefs about rape. However, it would be premature to conclude that the victim's relationship with the offender has no bearing on their decision to report rape to the police. More research is needed in order to determine whether this finding is a function of methodological influences or an actual change in police reporting patterns.

The bivariate and multivariate analyses also indicate some variation in police reporting among the three victim-offender relationship measures. Rapes committed by intimate partners were more likely to be reported than incidents involving some other known offender. Both were less likely to be reported than stranger rapes. This suggests the importance of analyzing the variation in victim-offender relationship, rather than operationalizing it as the stranger/known offender dichotomy.

Contextual and Demographic Characteristics

The only contextual variable to achieve significance in any of the analyses was the victim's alcohol and/or substance use prior to the assault. The bivariate results for the full dataset and the time period corresponding with major changes in rape legislation, along with the multivariate results from the full dataset indicate that women who used substances prior to the assault were less likely to report to the police. These findings may indicate that women who use substances prior to being sexually victimized blame themselves for what happened and somehow feel complicit in their own rape. In addition, it may be more difficult to convince others that a rape has occurred, which in turn, reduces the likelihood of a police report.

The location of the rape, the victim's highest level of education, race, and age at the time of the assault were not significant in any of the bivariate or multivariate models. There may be two explanations for this. First, victim demographics may not have a clear relationship with reporting rape to the police. This argument is partially supported by the bulk of the literature, in which non-significant relationships between victim demographics and police reporting of rape are common. A second explanation may be that the demographic variables were crudely operationalized (ie. high school education or less vs. college educated). The measures used may not be sophisticated enough to capture differences across attributes for each demographic variable.

Differences in Victim and Third-Party Reporting

In regards to differences between victim and third-party reporting of rape, the results are similar to the police reporting patterns in general. Rape incidents involving the presence of a weapon and the victim perceived life threat to herself or somebody close to her were significant for both victim and third-party reporting. Incidents involving force were only significant for victim reporting, while injury to the victim was only significant for third-party reporting. In sum, the results suggest that both victims and third-parties are more likely to report rape incidents involving aggravating factors. Moreover, rape incidents involving a known offender were significantly less likely to be reported for both victim and third-party reporting. Taken together, these results may indicate both victims and third-party support systems draw on the same taken-for-granted realities which are influenced by cultural myths and stereotypes (Stewart et al., 1996).

The results analyzing differences between victim and third-party reporting also reveal differences in two factors. First, incidents where the victim used substances prior to the assault were less likely to be reported, but only for victim reporting. This result may suggest that women who use substances prior to the assault blame themselves for what has happened and will not be believed by others. Second, the age of the victim was positively significant for third-party reporting, but not victim reporting, which suggests the willingness of third-parties to report rapes of older women.

Limitations

There are several limitations to this study. First, the National Violence Against Women Survey uses a lifetime prevalence design to measure sexual victimization. Women were asked to recall events from their pasts, some of which may have happened a long time ago. The main issue with this type of design is memory recall error. Respondents may have difficulty in recalling information and events happening well into the past. This issue may be most salient in less violent (ie. simple rapes) cases, in which details are more likely to be forgotten (Gartner & Macmillan, 1995; Russell & Bolen, 2000).

Second, breaking the dataset up into three separate time periods and the exclusion of several cases may have introduced some statistical power issues. A reduction in sample size may have reduced the ability of the models to detect significant differences across measures. This issue is most salient in the most recently occurring time period, which had approximate one-hundred fewer cases than the earlier two time periods.

Third, the current study utilized secondary data, which might not include all of the theoretically relevant variables. Several measures may have been potentially useful in this study. First, a question asking whether the victim physically resisted the rape may have been useful. Prior to rape reform statutes, rape victims had to demonstrate that they physically resisted the rape in order to move forward in the criminal justice system. This measure is also used in two of the classic rape and police reporting studies (Clay-Warner & McMahon-Howard, 2009; Williams, 1984). However, physical resistance was not significant in the Clay-Warner and McMahon-Howard (2009) study and there was too little variance to analyze the effects of resistance in the Williams (1984) study. In addition, offender characteristic measures, such as race might also be a useful explanatory factor. A pervasive myth with historical roots in racism is that of the black male rapist (Davis, 1981; Messerschmidt, 1997). Carbone-Lopez (2005) found rapes were more likely to be reported to the police if the offender was Black. These two measures may have been useful, relevant factors relating to police reporting.

Directions for Future Research

Most of the literature focuses on situational factors influencing police reporting of rape, but there is a dearth of qualitative studies analyzing the complex reasons why some women report to the police, while many do not. DuMont et al. (2003) note, “(q)ualitative, in-depth interviews with women who have been sexually assaulted hold unique promise for enhancing statistical inferences concerning police reporting and real rape and victim ascriptions” (p. 481). Future research in this area may benefit by incorporating the

victim's live experiences and unique factors influencing their post-assault decision making.

In addition, future research on police reporting of rape may benefit from more methodologically sound data sources. The only continuous study of sexual victimization, conducted year-after-year is the NCVS. As already noted, this source of rape victimization data has several key methodological weaknesses, which may underestimate the prevalence of rape. Moreover, existing datasets are also starting to become quite dated. For example, the National Violence Against Women Survey is already 15 years old. A newer, promising data source, The National Intimate Partner and Sexual Violence Surveillance System, may help address this limitation. However, more research and methodological rigor need to be applied in order to better understand the causes and consequences of rape.

Implications of the Current Research

The current study indicates classic rape stereotypes influence police reporting behavior across time. In order to effectively address this issue, changes in beliefs and attitudes about the nature of rape and rape victims need to change. On a broad, macro-level, systems of inequality need to be eradicated. These systems of inequality provide the basis for rape myths and stereotypes. Patriarchy provides the damaging view of women as sexual objects, which interacts with other forms of inequality to produce a complex system of attitudes and beliefs about women and rape.

On an intermediate level, communities and support systems need to actively resist rape in their communities and the term used by Martin (2005): “own rape.” Feldman-

Summers and Ashworth (1981) note “it seems clear that efforts to increase rape reporting must include steps to strengthen social norms that support intentions to report” (p. 66).

This changing of social norms may come through media campaigns, informational campaigns through schools, and active community involvement.

Finally, on a micro-level, the symbolic meaning of rape needs to be altered. The women’s movement has been partially successful in reconceptualizing forced, non-consensual sex as rape, regardless of the offender or the context surrounding the rape. Moreover, the increased attention toward rape and educational efforts has helped combat the damaging stereotypes surrounding rape. Further changes in symbolic meaning and increased education may allow more women who experience a forced, non-consensual sexual experience to label it as rape and report to the police.

Finally, the results of this study pose several challenges to the “official” crime statistics. The Uniform Crime Reports (UCR) and the newer National Incidence Based Reporting System (NIBRS) both rely on police reporting statistics. If police reporting, as indicated by the results, is more likely for classic rapes or “aggravated rapes,” these two sources of rape data will be biased toward stereotypical rapes and misrepresent the character of rape (Gartner & Macmillan, 1995). In addition, a large percentage of rapes are never reported to the police. The combination of these two factors indicates that official statistics misrepresent the extent and nature of rape victimization in the United States, which has implications for researchers and policy makers utilizing this data.

Conclusion

Despite years of legal reform and educational efforts, stereotypes about rape influence whether a woman reports rape to the police. In particular, the stereotype of rape being a violent encounter appears to influence the decision to report rape to the police the most. Reconceptualizing the meaning of rape and eliminating these stereotypes may allow more women to identify as rape victims and increase police reporting rates. However, the ultimate goal should not be to increase police reporting rates. The ultimate goal should be to eradicate rape in this culture. This study would not be possible or necessary if we did not live in a rape supportive culture. “We will continue to live in a rape culture until our society understands and chooses to eradicate the sources of sexual violence in this culture (Buchwald, Fletcher, & Roth, 1993; p. 9).

Notes

1. The term victim is used over other terms, such as survivor, to be consistent with the language found in previous studies.
2. Although Kalven and Zeisel (1966; see also Estrich, 1987) define aggravated rape as incidents “with extrinsic violence (guns, knives, or beatings) or multiple assailants or no prior relationship between the victim and the defendant” (p. 252), this study uses the term aggravated to indicate violent aspects of rape victimization such as victim injury, the presence of a weapon, physical force, and perceived life threat.
3. This definition is still used in the Uniform Crime Reports.
4. The National Violence Against Women Survey ended in 1996.
5. The pre-reform time period is the reference category.

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