

CHARACTERISTICS OF POLICE DEPARTMENTS IN THE STATE OF NORTH CAROLINA WHICH PREDICT THE ATTRITION OF SEXUAL ASSAULT CASES

by

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The high rate of attrition in sexual assault cases may be a result of members of the criminal justice systems preconceived notions about the crime of rape and rape victims, a phenomenon known as rape myth acceptance (RMA). Because one of the largest rates of attrition for sex crimes occurs in the police investigative stage, researchers have suggested that police officers in general have extremely high levels of RMA. Nevertheless, studies have shown that a college education is an important moderator of RMA. I propose that across police departments, those with a higher percentage of officers with at least a four year degree will have a smaller justice gap for sex crimes. Using Sutherland's theory of differential association, I hypothesize that when the characteristics of officers in a department which are unfavorable to RMA increase, that the social learning process amongst the officers can diffuse anti-RMA attitudes throughout the department and increase the likelihood of case clearance department wide. Using pre-existing data and a survey instrument sent to a purposive sample of 258 law enforcement agencies in North Carolina which reported to the UCR in both 2009 and 2010, I perform quantitative analyses to determine which aggregate characteristics of officers predict a smaller justice gap. The results of my analyses support my hypothesis that across police agencies, the increased percentages of four year degrees is one of the most important predictors of a smaller justice gap for reported sex crimes.

CHARACTERISTICS OF POLICE DEPARTMENTS IN THE STATE OF NORTH
CAROLINA WHICH PREDICT THE ATTRITION OF SEXUAL ASSAULT CASES

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DEDICATION

To all of the extraordinary women in my life: past, present, and future.

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LIST OF ABBREVIATIONS

RMA	Rape Myth Acceptance
UCR	Uniform Crime Report
NCFR	North Carolina Forcible Rape
NCFSO	North Carolina Forcible Sex Offense

CHAPTER I: AN INTRODUCTION TO THE PROBLEM

According to a report by The World Health Organization (2011), between 15% and 71% of women internationally have experienced sexual and/or physical violence by an intimate partner in their lifetime, and between .3% and 11.5% of women have been victims of sexual violence by a non-partner in their lifetime. What's more, the United Nations concluded in 2008 that as many as 1 in 5 women will experience an attempted or completed rape (UN 2008). In the United States alone, a rape occurs every six minutes (FBI 2010) and an estimated 15% of women will experience a completed rape during their lifetime (Cohn, Dupuis, and Brown 2009; Koss 2000).

However, it is estimated that upwards of 94% of sexual assaults are never reported to law enforcement (McGregor, Wiebe, Marion, and Livingstone 2000). Other studies have found that rape is the most underreported index offense¹ with a reporting rate of only 38% (Catalano 2006). The reporting rate has been shown to be even lower among women assaulted while attending a college or university, with a rate of only 5% (Fisher, Daigle, Cullen, and Turner 2003). It has also been found that a high proportion of rapes which are reported are subsequently dismissed by law enforcement early on and, therefore, are not included in official statistics (Brown, Hamilton and O'Neill 2007; Temkin and Krahe 2008). An examination of the National Crime Victimization Survey from 2009 and 2010 reveals that for those years an average of 64.3% of rapes and sexual assaults were not reported to the police, or in other words approximately 35.7% of rapes and sexual assaults were reported to the police in 2009 and 2010 (BJS 2012). Issues such as these contribute to the phenomenon often referred to as attrition (e.g., Patterson 2008), or in lay terms – the justice gap (Temkin and Krahe 2008).

¹ Part I Index Offenses are murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, arson, larceny, and motor vehicle theft (FBI 2010).

There are a number of reasons rape may be underreported. Research has shown that an acquaintance of the victim is most likely to be the rape offender (Kelly, Lovett and Regan 2005; White and Sorenson 1992). It has also been purported that about 50% of cases of sexual assault involved the use of alcohol either by the perpetrator, victim or both (Ullman and Najdowski 2010). Some of the reasons that victims of rape do not report to law enforcement include "...self blame, guilt, embarrassment...humiliation, fear and helplessness and denial" (Du Mont, Miller and Myhr 2003:468). Moreover, fear of being accused of fabricating the rape or of being blamed for their victimization are also important factors that contribute to the high number of rapes that go unreported.

Another important barrier to reporting sexual assaults is the lack of a cohesive definition of the crime across jurisdictions. The legal definition of rape varies from state to state, and there is no set federal criterion. What's more, the FBI's Uniform Crime Report only collects data on "forcible rape," which it defines as "the carnal knowledge of a female forcibly and against her will" (FBI 2010), and is not specific about the sex of the perpetrator or the nature of the act itself.² For example, some jurisdictions require that vaginal penetration by a penis occur and would not include anal or oral penetration. This discrepancy leaves male victims as well as female perpetrators unaccounted for, and leads to the undercounting of rapes committed with inanimate objects. While I recognize that men can be victims of rape, due to the North Carolina General Assembly definition of forcible rape requiring the act of vaginal intercourse to occur (see Appendix G), the language and focus of the study will be on sexual crimes committed against women.

² In 2012, the Attorney General announced that the FBI's Uniform Crime Report definition for forcible rape has been changed to "the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" (FBI 2012).

Underreporting of rape is likely to be, in part, a function of rape myths. The concept of the rape myth was first introduced in 1980 by Martha Burt, which she defined as being “prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists” (Burt 1980:217). When these beliefs become internalized by an individual or group, they can have a devastating impact on the willingness of a victim to report a rape and on how that victim is treated by the criminal justice system and society as a whole, as well as in a police officer’s decision to dismiss a reported assault. Rape myths and rape myth acceptance will be discussed in more detail in the subsequent sections.

In addition to the problems of underreporting and vague legal definitions, there is also a problem with low clearance rates for sex crimes which are reported. A clearance rate is the number of reported cases which are cleared by law enforcement (LaGrange 1998) A case which has been reported to law enforcement may be cleared either by arrest or by exceptional means. The Federal Bureau of Investigation (2010) defines a clearance by arrest as meeting three conditions. The three conditions have been met when at least one person has been arrested for the offense, charged with the commission of the offense, and turned over to the district attorney for prosecution. Conversely, a clearance by exceptional means can occur when one of the following conditions have been met: (1) the offender has been identified, (2) enough evidence has been gathered to support an arrest, (3) the offender has been located so that an arrest can be made, or (4) a situation outside of the control of law enforcement has occurred which prevents the arrest or charging of the offender (for example, the death of the suspect) (FBI 2010). It is important to note that a clearance by exceptional means does not guarantee that an arrest or the charging of a suspect will follow, even though the case is classified as cleared.

There is little doubt that rape myths contribute to underreporting and low clearance rates in sex crime cases. Police officers may have different levels of embracing rape myths, and the education of the officer is likely to be an important determinant of the extent to which rape myths are internalized by a specific officer or not (Burt 1980; Page 2008b). The present research thus examines the characteristics of different law enforcement agencies in the State of North Carolina, with the main variable of interest being the percentage of sworn police officers who have completed a four year college degree or higher (Burt 1980; Page 2008b), as predictors of the clearance of reported sex crimes. Sutherland's theory of differential association is used to explain how the aggregate attitudes and beliefs of the officers in the departments – estimated using the averaged characteristics of the police officers which are predictive of RMA – are transmitted to other officers in the department. Therefore, the unit of analysis in this study is the law enforcement agency.

In Chapter II, I present a thorough review of the literature and the theoretical framework to build my argument for an explanation of the variation of the percentage of sex crime clearances across different police departments in North Carolina. In the chapters that follow, I present the research design, analytical strategy, hypotheses, and results of my study. I complete the thesis with a thorough discussion of the interpretation of the results, limitations of the study, suggestions for future research, and overall conclusions.

CHAPTER II: LITERATURE REVIEW AND THEORETICAL FOUNDATION

There is a great deal of literature regarding characteristics of individuals which predict levels of rape myth acceptance. Among the predictive variables in these studies are characteristics such as age, race, gender, nationality, education and occupation, including law enforcement. There is also a sizeable amount of literature which suggests that more educated police officers tend to be more effective at their jobs. However, there is noticeably less literature addressing how characteristics such as age, race, gender, and education of police officers impact their treatment of victims of rape. Furthermore, I was unable to locate any studies which used the law enforcement *agency* as the unit of analysis instead of the individual. Therefore, the following literature review seeks to examine where rape myths come from, what purposes they serve within our society, and how Sutherland's theory of differential association can be used to explain how the average education of officers in a department may function to mediate these myths as measured by arrests for rape and sexual assault cases.

2.1 Rape Myths and Rape Myth Acceptance (RMA)

Myths in general contain three basic elements: they are used to justify existing cultural arrangements, they are false beliefs that are widely held, and they are used to elucidate crucial cultural phenomena (Lonsway and Fitzgerald 1994:134). Since first being defined by Burt in 1980, rape myths have further been discussed as being "attitudes and beliefs that are generally false but are widely and persistently held, and serve to deny and justify male sexual aggression against women" (p. 134). Further, they exist in order to place blame for the act on the victim and thusly to remove culpability from the perpetrator (Lonsway and Fitzgerald 1994:133).

Examples of commonly accepted rape myths and stereotypes include the belief that women who consume alcohol or dress provocatively invite sexual advances, including rape

(Cohn et al. 2009). Other examples include: (1) women who allow a man to pay for a date, initiate a date, or willingly enter the domicile of a dating partner are responsible for being sexually assaulted (Cohn et al. 2009; Muehlenhard, Friedman, and Thomas 1985), (2) most complaints of rape are fabricated by the woman (Cuklanz 1999; Kahlor and Morrison 2007; Lonsway and Fitzgerald 1994), (3) rape only happens to other women (King and Roberts 2011; Kahlor and Morrison 2007), and (4) women want to be raped (Brownmiller 1975; Newcombe, Eynde, Hafner and Jolly 2008).

But where do myths about rape and rape victims come from, and what purpose do they serve? It is important to understand both the origins and functions of rape myths, as well as characteristics of individuals and groups which are predictive of rape myth acceptance in order to examine how these myths effect the treatment of or the response to rape victims who chose to report to the police.

2.1.2 Origins of Rape Myths

To fully understand the complexity of how rape myths and rape myth acceptance are shaped and integrated into our society, a multifaceted approach must be taken (Asoved and Long 2006). In order to truly comprehend an individual's behaviors and beliefs, the context in which they occur must be examined. Asoved and Long (2006) have purported that one must study the family, community and society as a whole to begin to understand how rape myths are born and how they spread and become accepted. Furthermore, an understanding of the legal history of rape helps us to recognize the origins of many prominent rape myths.

While rape has been classified as a crime from as early as the year 800, English legal scholars first defined common-law rape in 1769 as the "carnal knowledge of a women, forcibly and against her will" (Blackstone 1769:210). This definition was used to define forcible rape by

the FBI until 2012. Common-law rape consisted of four elements: (1) sexual intercourse by force or threat, (2) intentional vaginal penetration, (3) intercourse between a male and female who are not married, and (4) without the consent of the woman (Samaha 2008).

However, trials for rape under common-law were based largely on the credibility of the victim. This credibility was determined by whether or not the victim was “chaste,” how quickly the rape was reported, and whether or not there were witnesses to the assault (Blackstone 1769; Samaha 2008). These determinants of credibility have since been referred to as the chastity requirement, the prompt-reporting rule, and the corroboration rule in modern legal codes (Samaha 2008). However, while many states have since abolished these requirements in the official capacity, these standards continue to be placed on rape victims by the legal system (Bell, Kuriloff, and Lottes 1994; Clay-Warner and McMahon-Howard 2009; Ong and Ward 1999). Furthermore, the standard of utmost resistance held that in order for a woman to prove her non-consent, she must resist the attack with all of her physical power (Samaha 2008). It was not until the 1950s that the utmost resistance standard for rape cases was struck down and replaced with the reasonable resistance rule, which is still used in many states today. The new reasonable resistance rule holds that the amount of resistance *required* on the part of the victim is reliant on the assault’s individual circumstances (Samaha 2008). The implication of this continued placement of responsibility on the victim to avoid being victimized is evidence of the extent of the systemic nature of rape myths in the modern legal system.

Negative attitudes toward rape victims from the beginning of common-law are strongly evidenced by statements such as those made by Lord Hale, a prominent legal scholar and lawyer in the 17th century. He contested that rape “...is an accusation easy to be made, hard to be proved, and harder to be defended by the party accused, though innocent...” (quoted in

Blackstone 1769:215). Moreover, Lord Hale insisted that the four requirements for common-law rape must be met beyond a reasonable doubt in order to protect men from false and malicious accusations from women. Blackstone (1769:213-214), a leading 18th century authority on common-law, further corroborated Lord Hale's assertions regarding the belief that rapes are largely fabricated by women when he concluded that victims who do not meet the three standards for credibility leave a "...presumption that her testimony is false or feigned." Unfortunately, despite some changes to modern legal codes from the common-law definitions of rape, prejudices such as these continue to persist.

While the history of common-law gives us a good idea of how wide spread and persistent rape myths have been and continue to be, where does this distrust of women come from? For example, a commonly held rape myth is the belief that most women maliciously fabricate rape complaints against men (e.g. Kelly et al. 2005). In American society, men are socialized to be masculine in both behavior and attitude (Page 2008b; Zurbriggen 2010). The foundation of masculinity is the fear, degradation, and aggressiveness toward anything perceived to be feminine, i.e., anti-femininity (Brannon 1985), and these elements are the most commonly cited precursors for sexual violence against women (Zurbriggen 2010). Furthermore, masculine attitudes have been found to correlate positively with homophobia, as the root of all homophobia is anti-feminine attitudes (Aosved and Long 2006).

Building on this concept, it is not difficult to imagine that a patriarchal society such as the United States (e.g. Brannon 1985) as well as our history based on common-law doctrines may breed an increased likelihood of sexual violence against women. As Zurbriggen (2010:540) notes, "...man can prove his masculinity by engaging in aggressive or violent acts against others, especially against those regarded as feminine." Furthermore, research by Brannon (1985)

suggests that this masculine socialization of anti-femininity (i.e., the devaluation of women), coincides with the belief that women are both inferior to and different from men. Additionally, more recent research claims that masculinity promotes behavior that reinforces traditional gender roles (Connell 2002). Next we turn to what purposes these beliefs serve within any given society.

2.1.3 Functions of Rape Myths

Rape myths serve to distort society's perceptions about rape, rape victims, and rapists. They function to "obscure and deny the personal vulnerability of *all* women by suggesting that only *other* women are raped" (Lonsway and Fitzgerald 1994:136). The influence of rape myth acceptance on people's perceptions can have a serious impact on how the public perceives the extent of the problem of rape in our society. Further, rape myths function to influence how legislative bodies make policy decisions regarding the treatment of the crime, victims, and perpetrators of rape. As Burt (1980) contends, rape myths have a history of being institutionalized into law (e.g. the chastity requirement).

Furthermore, rape myths may become internalized, which could lead to people exposing themselves to dangerous situations. When rape myths become internalized, women (as well as men) may be less likely to heed advice on how to keep themselves safe if they do not believe that they personally are in any danger of becoming a victim of rape (Gray, Palileo, and Johnson 1993). According to Kahlor and Morrison (2004), this is a direct consequence of the erroneous belief that rape only happens to *other* women.

The ultimate result of such beliefs is the construction of what is known as the 'real victim' and the 'real rape' (Clay-Warner and McMahon-Howard 2009; Du Mont et al. 2003; LaFree 1989; LeGrand 1973; Page 2008a; Williams 1984). The 'real victim' is a "morally upstanding white woman who is physically injured while resisting" (Du Mont et al. 2003:469),

and the ‘real rape’ scenario is a rape “as an act of violent, forceful penetration committed by a stranger during a blitz attack in a public, deserted place” (Du Mont et al. 2003:469). As a result of these myths, rapes which are most commonly reported are those where the assailant is a stranger, the act of penetration is forced, and physical force or the use of a weapon is used to control the victim. Other studies have claimed that the type of victim who is the most likely to report is a sexually inexperienced, young, single female, whose emotional affect is visibly distraught and who was physically injured during the assault (Clay-Warner and McMahon-Howard 2009; Du Mont et al. 2003:470; Williams 1984). These vestiges from common-law requirements may leave victims who do not fit into these categories feeling as if they cannot report to law enforcement.

Rape myths also function as stereotypes (Du Mont et al. 2003; King and Roberts 2011; Lonsway and Fitzgerald 1994). For example, an incidence of rape which falls within the ‘real rape’ scenario tends to find its way into the media and become highly publicized (Franiuk, Seefeldt, and Vandello 2008). However, the majority of sexual assaults does not conform to the ‘real rape’ scenario and thus are disregarded by the public and media (White and Sorenson 1992). Rape myths also function as a mechanism to shift the blame from the perpetrator to the victim, which serves to shield society from the reality of this violent crime. This conceptualization of the ‘other woman’ attitude, as discussed previously, segues into a theoretical viewpoint known as the ‘just world’ phenomenon.

The ‘just world’ phenomenon is the “predisposition to believe that the world is a just place where good things happen to good people and bad things happen only to those who deserve them” (Lonsway and Fitzgerald 1994:136). In short, this “just world” predisposition suggests that only “bad girls get raped” (Burt 1980:217). People who subscribe to this way of thinking,

therefore, tend to adjust their views of the world in order to safeguard this belief. Thus, rape myths function as a tool for members of society to shield themselves from the reality that the world is not in fact 'just' (Burt 1980; Lonsway and Fitzgerald 1994). Rape myths allow society to point a finger at a victim of rape and contend that she must have "done something" in order to deserve it, and thus "reaffirm[s] an individual's false sense of security that they are somehow immune to rape" (Costin and Schwarz 1987; Lonsway and Fitzgerald 1994:137).

The ultimate impact of the rape myth is to decrease society's perception of both the severity and frequency of the crime of rape (Burt 1980; Kahlor and Morrison 2007). The FBI's Uniform Crime Report found that in 2009 there were approximately 88,000 reports of forcible rape reported in the United States (FBI 2009). In 2006, the UCR determined that around 5% of rape reports were considered to be unfounded or false (FBI 2006). Findings by the FBI are corroborated by research by Lonsway, Archambault, and Lisak (2009) who found that the average rate of unfounded or false rape reports consistently fall between 2% and 8%. In contrast to findings of both the FBI and these independent researchers, law enforcement agencies in Baltimore reported that the number of unfounded rape complaints were 32% in 2009, and in 2008 the New Orleans Police Department classified a staggering 60% of rape reports as "non criminal complaints" (Maggi 2009). Here an even more troubling issue is revealed; that a rape report can be labeled as unfounded (in other words, that no crime was committed) for reasons such as a lack of forensic evidence or the investigating officer not believing the victim's account of events (Gross 2009).

Lonsway and Fitzgerald (2004) conducted research in which they presented examples which met the legal criteria of rape to a sample of individuals. Their results indicate that between 25% and 35% of those surveyed interpreted the majority of the rape scenarios they were shown

as not being rape. With levels of rape myth acceptance in our society such as these, it is clear why victims of rape do not feel comfortable turning to the authorities for help, or even to their friends and family. Even more unfortunate is evidence that the increase in law enforcement labeling these cases as false, unfounded, or as not sex crimes, results in an apparent decrease in the occurrence of rapes and sexual assaults in local and national statistics (Lonsway et al. 2009). This can lead to a false impression of how widespread sexual assaults really are in our society.

2.2 Variables Predictive of RMA

A review of the literature identifies several important variables as predictive of the level at which an individual accepts rape myths. Certain demographic variables such as race, gender, age, education, and occupation as a law enforcement officer have also been described as antecedents to rape myth acceptance (Burt 1980). Occupation in law enforcement may be one of the most essential predictors of RMA when the theory of police culture and the police personality is examined more closely. Fielding (1994) described the police culture and police personality as having high levels of “hegemonic masculinity” (p. 47), a rigid in group/out group ideal, aggressive behavior, and heterosexist attitudes. These caveats of the police culture/personality common amongst law enforcement officers parallel many attitudinal predictors of RMA. According to Burt (1980), sexism, sex role stereotypes, adversarial sex beliefs, and the acceptance of interpersonal violence are all considered to be strong predictors of rape myth acceptance, and contribute to an understanding of why law enforcement as an occupation has been considered to be a predictor of high levels of RMA (Burt 1980).

2.2.1 Sexism and Sex Role Stereotypes

Feminist theory contends that the construction of sex role stereotypes is a consequence of gender inequality, and that traditional sex roles reinforce masculine hegemony (Costin and

Schwarz 1987; Johnson, Kuck, and Schander 1997; King and Roberts 2011). Sex role stereotypes in a patriarchal culture such as the United States (Page 2008b) legitimize males as the dominant sex—the sex who is responsible for ‘protecting’ the female and, conversely, holding men responsible for punishing women who violate their traditional gender roles (King and Roberts 2011:2). Thus, people who adhere to traditional gender roles and sex role stereotypes have higher levels of rape myth acceptance, as violations of these cultural codes of conduct by women leave them in a state of suddenly becoming “unworthy” of male protection (Page 2008b).

A study by Aosved and Long (2006) examined the relationship between rape myth acceptance and other oppressive belief systems. They examined the correlations of rape myth acceptance with levels of racism, sexism, homophobia, classism, ageism and religious intolerance. Their results indicate that these oppressive belief systems are interrelated with rape myth acceptance, and that increased levels of each of these belief systems predict higher levels of rape myth acceptance. Not surprisingly, they found that a high level of sexism was the strongest predictor of high levels of rape myth acceptance.

Sexism is defined as “negative attitudes towards women, their social roles, and their traditional gender roles” (Aosved and Long 2006:482). Research by Chapleau, Oswald and Russell (2007:132) addresses what is termed “ambivalent sexism” and “hostile sexism,” which they assert are tools used within a patriarchal society to keep women under control. Hostile sexism is defined as the use of physical, emotional, or social punishments against women who resist traditional gender roles, whereas ambivalent sexism is described as rewards women receive for not challenging male hegemony and for “know[ing] their place” (Chapleau et al. 2007:132).

It has been found that in the United States men tend to have higher levels of ambivalent and hostile sexism toward women, although women do transmit both forms of sexism to other women (Chapleau et al. 2007; Glick and Fiske 1996; Glick, Fiske, Eckers, Masser and Volpato et al. 2000). However, countries which typically have more traditional gender role norms (for example, Japan and India) tend to see women's levels of ambivalent sexism towards other women equal to or higher than that of men's ambivalent sexism towards women (Chapleau et al. 2007).

A positive correlation has been found between hostile and ambivalent sexism in individuals and the justification for male hegemonic power within society (Glick and Fiske 1996). Moreover, increases in both hostile and ambivalent sexism increase the likelihood of sexual assault perpetrated by men against women (Chapleau et al. 2007). Other research has found that increases in ambivalent sexism alone can result in harsher victim blaming and less blaming of a perpetrator of rape (Abrams, Viki, Messer and Bohner 2003; Viki and Abrams 2002; Viki, Abrams and Masser 2004). These findings suggest that people who believe that women should act 'gender appropriately' (i.e., modest, feminine, subservient) are harsher on rape victims whom they perceive to have been defying those norms and, therefore, invited or deserved to be victimized.

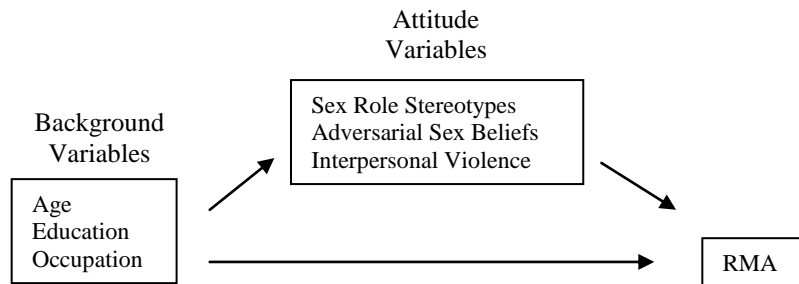
2.2.2 Adversarial Sex Beliefs and Interpersonal Violence

In addition to sex role stereotyping, there are two other attitudinal correlates which correspond to levels of rape myth acceptance: adversarial sexual beliefs and acceptance of interpersonal violence (Burt 1980). Adversarial sex beliefs are described as being a belief system in which one perceives sexual relationships as naturally adversarial, and perceive male and

female sexuality as innately hostile (Burt 1980). Therefore, one who holds such beliefs would be more likely to accept an act of rape as a normal part of the sexual experience.

Burt (1980:229) defines acceptance of interpersonal violence as an individual’s belief that force, violence, and coercion are acceptable ways to obtain what one wants, and otherwise refers to this attitudinal correlate as a “distrust of the opposite sex.” Thus, someone who accepts interpersonal violence would be more likely to legitimize an act of rape as an acceptable means to an end – sex (Burt 1980; Newcombe et al. 2008). Burt’s (1980) study found that acceptance of interpersonal violence is the strongest predictor of rape myth acceptance, followed by sex role stereotyping and adversarial sex beliefs.

Figure 1. Partial theoretical model of antecedents to rape myth acceptance (RMA).



Source: Burt (1980).

2.2.3 Race and Gender

A person’s race and gender may influence the level at which they accept rape myths (Kahlor and Morrison 2007). Multiple studies which examined how these two variables predict rape myth acceptance in the United States have found that levels of rape myth acceptance are variable across different racial categories and by gender. Of these studies, it was found that non-Hispanic white Americans had the lowest levels of rape myth acceptance (Cahoon, Edmonds, Spaulding, and Dickens 1995), followed by African-Americans (Sapp, Farrell, Johnson, and

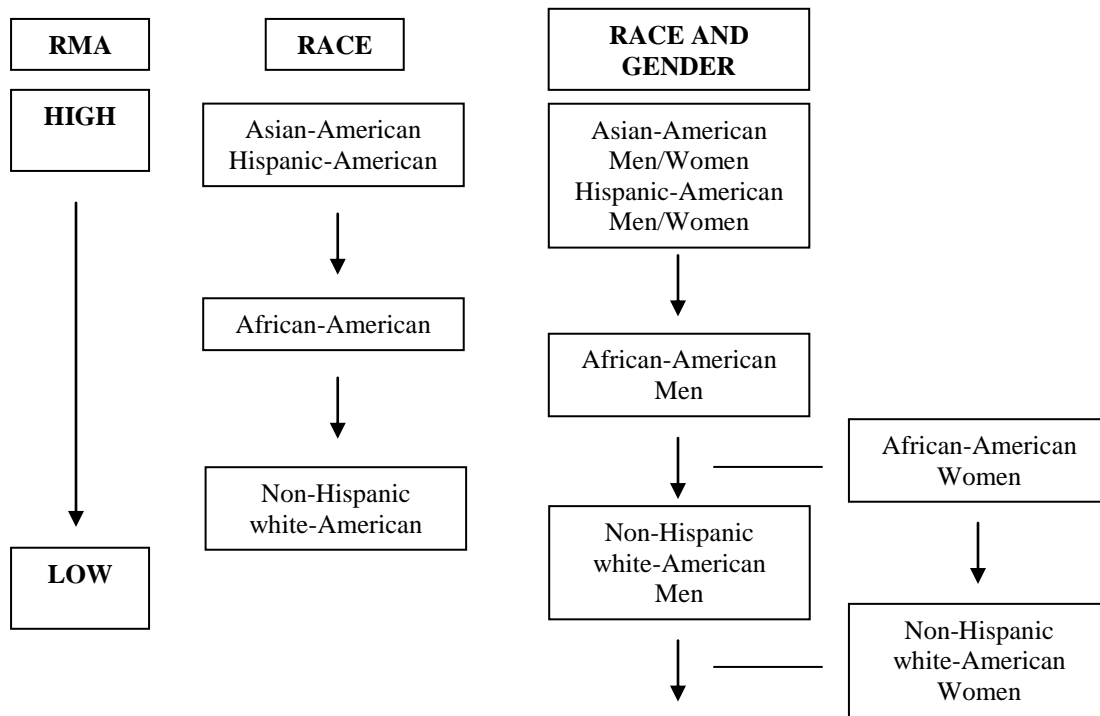
Hitchcock 1999), and Mexican-Americans and Asian-Americans were found to have similar levels of rape myth acceptance which were higher than that of non-Hispanic whites and African-Americans (Lefley, Scott, Llabre, and Hicks 1993). According to Devdas and Rubin (2007), this could be a result of more rigid sex role expectations within Asian-American and Hispanic-American cultures. Furthermore, Lee, Pomeroy, Yoo, and Rheinboldt (2005) found that Asian-Americans were more likely to dismiss the violent aspect of the crime of rape and focus more on the actual sexual act as something the victim has done to bring shame upon her family.

When looking at the effects of gender on rape myth acceptance within racial groups, it was found that non-Hispanic white and African-American women exhibited less rape myth acceptance than the men in their racial categories, but that Mexican-American and Asian-American women held levels of rape myth acceptance similar to Mexican and Asian-American men (Cahoon et al. 1995; Devdas and Rubin 2007; Jimenez and Abreu 2003; Lee et al. 2005; Lefley et al. 1993; Sapp et al. 1999). Thus, while race and gender alone are important predictors of RMA, the combined effect of race and gender yields subtle – yet important – differences which should be noted (see *Figure 2*).

Research on the effect of race and gender on first and second immigrant generations yielded interesting results. First-generation South Asian-American women (e.g., women from Pakistan, Nepal, and India) have been found to exhibit higher levels of rape myth acceptance than second-generation South Asian-American women. Interestingly, this second generation's rape myth acceptance was more similar to non-Hispanic white American women than with women of other races (Devdas and Rubin 2007:701). Research on Mexican-American and Asian-Canadian immigrants led to comparable results (Kennedy and Gorzalka 2002; Lira et al. 1999). The decrease in rape myth acceptance in subsequent immigrant generations may infer that

the “great acculturation” has a noteworthy impact on rape myth acceptance and may be a mitigating factor of sub-culture and socialization within racial and ethnic groups (Kennedy and Gorzalka 2002).

Figure 2. Hierarchy of levels of RMA in the U.S. by race and gender.



Source: Cahoon et al. 1995; Devdas and Rubin 2007; Jimenez and Abreu 2003; Lee et al. 2005; Lefley et al. 1993; Sapp et al. 1999.

Additionally, in a study by Holmes (1981) which showed several vignettes that presented cases of rape which met the legal definition of rape to university students, it was found that, in general, African-American students were more likely than non-Hispanic white American students to place the blame on the victim and were less likely to define the situation as rape or to prosecute the perpetrator. Moreover, it has been claimed that race is one of the few predictors that is significant when evaluating rape myth acceptance in our society, and that it is a significant predictor of rape myth acceptance amongst rapists, law enforcement, and the general public

(Field 1978; Lonsway et al. 2009). It has been suggested that the variance of rape myth acceptance by race and ethnicity may be a result of “cultural history, religious tradition, sex role expectations, and sexual mores for different groups” (Lonsway and Fitzgerald 1994:143), although exposure to wider societal norms may function to mitigate this effect.

2.2.4 Age

Research identifying age as a predictor of rape myth acceptance has yielded contradictory results in the past. For example, it has been found that an increase in age has a positive relationship with rape myth acceptance (Nagel, Matsuo, McIntyre, and Morrison 2005) and also that older persons tend to be less accepting of rape myths and more sympathetic to victims of sexual assaults (Johnson et al. 1997; Komorosky 2003). These inconsistent results have been found in studies of both student populations (Hamilton and Yee 1990; Mynatt and Allgeier 1990) and non-student populations (Burt 1980; Field 1978).

When reviewing the literature regarding age as a predictor of rape myth acceptance, it becomes clear that age alone is a poor predictive variable for such a construct. Any study which finds a significant relationship between the two would need to carefully investigate the possibility of a third factor that would generally change with age, such as education, occupation, political leanings, and religiosity (Lonsway and Fitzgerald 1994). Therefore, as the literature suggests that older law enforcement officers are less likely to have a college degree (the importance of the effect of education on RMA will be discussed in later sections) (Paoline and Terrill 2007); age will be examined in this study as a possible predictor of arrest for reported sex crime cases.

2.3 Law Enforcement

When examining reasons why victims of rape feel that they cannot disclose or report to authorities, it is important to discuss the foundations for rape myth acceptance in the society as a whole but it is of the utmost importance to investigate how rape myths impact law enforcement officers. As previously discussed, research has shown that the vast majority of rapes are never reported (Kinney, Bruns, Bradley, Dantzler and Weist 2007; McGregor et al. 2000; Temkin and Krahe 2008). The following sections will examine the ways rape myth acceptance effects law enforcement officers and victims as well as how education, experience, training, or a combination of the three can be used to mitigate these beliefs.

2.3.1 Law Enforcement and RMA

Past research has suggested that rape myth acceptance is common among professionals and nonprofessionals who associate with both perpetrators and victims of rape and sexual assault (Barber 1974; Burt 1978; Burt 1980; Field 1978; Kalven and Zeisel 1966; Lonsway et al. 2009; Patterson 2008; Patterson 2012). Law enforcement officers are most likely the first member of the criminal justice system to interact with a victim of sexual violence (Hazelwood and Burgess 1995; Kelly et al. 2005; Kinney et al. 2007; Temkin and Krahe 2008) and, therefore, it would be reasonable to assume that this interaction may be responsible for the high rate of attrition at the investigative stage (i.e., after the crime has been reported to law enforcement) (Burgess and Hazelwood 1987; Kelly et al. 2005; Kinney et al. 2007; Krahe 1991; LaFree 1981; Patterson 2008; Patterson 2012). This conclusion is supported by Kinney et al.'s (2007:82-83) contention that "negative initial contacts with police may influence the victim's decision to pursue criminal prosecution," and further that these experience can leave victims of sexual assault feeling "blamed, doubted, and re-victimized." In a study of mental health professionals who counsel

survivors of sexual violence, Campbell and Raja (1999) found that 81% of these counselors considered involvement with the legal system to be psychologically devastating for survivors. This negative interaction with the criminal justice system by victims of rape and sexual assault has been described as a “second victimization” (Kinney et al. 2007; Konradi 2001; Krahe 1991; Martin and Powell 1995), meaning that the few who do report their assaults to the police are often treated as though they themselves have done something wrong.

Law enforcement officers who have higher levels of rape myth acceptance are less likely to accept as true a complaint of rape from someone who did not fit the ‘real victim’ or a situation which does not fit the ‘real rape’ stereotype (Page 2008b), despite the fact that the overwhelming majority of sexual assaults do not fit into these rigid categories (e.g. Kelly et al. 2005).

Furthermore, law enforcement officers have a significant amount of discretionary power in deciding “which cases deserve investigation and sometimes the charges that result from the investigation” and, therefore, it is logical to assume that the “personal beliefs, along with organizational ideologies, may affect the investigation [and] charging...of sexual assault offenders” (Page 2008b:44). The officer responding to a sexual assault complaint has the discretionary power to decide whether the reported crime will actually be considered a sexual assault, the severity of the charge to be filed, and subsequently whether an arrest will be made (Lord and Rassel 2000).

A common rape myth amongst law enforcement appears to be that most complaints of sexual assault are fabricated (e.g. Kelly et al. 2005). For example, a well known study by Kanin (1994) found that over a nine year period a mid-western police department classified 41% of rape claims as false. However, these conclusions were based solely on the opinions of the detectives which investigated the reports. As previously discussed, a recently and

methodologically sound study by Lonsway et al. (2009) found that only 2% to 8% of reports were actually unfounded or false.³ It has been suggested that when victims are met with skepticism from the police they are likely to decline further pursuance of their complaint, and in these situations the investigating officers may erroneously equate a victim's non-compliance with proof that the claim was false from the start (Kinney et al. 2007; Lisak 2007). According to Kinney et al. (2007:83), "lack of victim cooperation has been considered sufficient grounds for marking a case unfounded or dismissed." Furthermore, a study by Galton (1975) found that female police officers tend to be more suspicious of the veracity of rape complaints when compared to male officers, with female officers estimating the average false rape reports around 28% higher. This finding directly contradicts other literature which found that women in general are less accepting of rape myths, but supports the idea that female officers may experience the phenomenon of tokenism⁴ within the highly sexist police culture (Field 1994).

A damaging inquiry into the state of the Philadelphia Police Department's treatment of rape cases is illustrative. A former detective of their sex crime unit was quoted as referring to his squad as "The Lying Bitches Unit" (McCoy 2003). Furthermore, in recent years it was found that a rape victim which this detective dismissed identified a perpetrator who went on to commit four more rapes, which were only linked and prosecuted after new detectives re-opened the cases. These new detectives and prosecutions were the result of Philadelphia being forced to address its negligent history with rape cases and a subsequent reorganization of its Special Victims Unit (McCoy 2003).

³ After the surveys for this study were distributed, I received a phone call from a crime analyst in one of the sample departments asking whether or not to include reported cases which were deemed "unfounded," proving that the problem of unbounding as discussed in the literature was also present in my cases.

⁴ See Kanter, Rosabeth. 1977. "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women." *The American Journal of Sociology* 82(5):965-990.

The move towards a more professional police force, such as in Philadelphia's, is a growing trend in the United States. One of the main facets of this movement is a preference or requirement for police officers who have received college degrees (Wilson 1968). Research has shown that education is a strong predictor of levels of rape myth acceptance (Burt 1980), and that police officers with more education tend to be less accepting of rape myths and other sexist attitudes (Page 2008b). Therefore, this movement advocating an increase in police officers who are highly educated may have many benefits for victims of rape and sexual assault.

2.3.2 Law Enforcement: Education versus Training

Education and training impact behavior, attitudes and the decision making process (Clements 2006; Lyman 1999; Palmiotto 2005; Shernock 1997). Almost all law enforcement officers are required to complete a training course at a police academy (Clements 2006; Shernock 1997); however, they are not usually required to hold a college degree in addition to this training. According to Clements (2006), there is a distinction between education and training. Education, compared to training, promotes an overall understanding rather than a mastery of certain techniques and skills and it is alleged that an individual with more education (for example, a four year degree) will be more adept at problem solving (Pamiotto 2005). Conversely, training is defined as being "narrow, specific and one-best-way information that can be used on the job" (Shernock 1997:76). Therefore, someone who has only received training may not know how to handle a situation for which they have not been trained. On the other hand, someone who is more educated will be better able to constructively assess the situation and respond to it appropriately. People who have completed higher education are more adept at interpreting and analyzing as well as making judgments about a certain situation, and are more capable of justifying their actions through the application of reason. Furthermore, those who are

more educated are less likely to allow personal prejudices and biases to influence their decisions and actions (Shernock 1997). Law enforcement officers who have received a college education are better able to relate the criminal justice system to society as a whole and the democratic process in which they participate daily instead of viewing it as an esoteric system which they are required to enforce but have little understanding of (Palmiotto 2005). The inherent problem with police officers who have been highly trained but not educated is that they are more at risk for internalizing negative ideologies incorporated into their training from those who train them, and may be less able to make informed judgments regarding the quality of their training.

Certain occupations require either extensive training, completion of higher education, or a combination of both. This combination of education and training is supported by Caldwell and Nardini (1977:89), when they assert that “if a police force is to become professional, it must require higher educational degrees. That this is essential is evidenced by the development of other professions such as teaching, social work, chemistry, medicine, law, psychology, and many others.” However, some occupations are in transition—where once training alone was sufficient, education is increasingly required. A classic study by James Q. Wilson (1968) on different styles of police departments, for example, found that police officers with only high school diplomas behaved very differently than police officers with a college education. In his research, Wilson identified two general kinds of police departments: the professional and the non-professional.

According to Wilson (1968), the professional police department is characterized by higher educational standards in both their recruitment and training. Police officers in professional departments tend to enforce the law regardless of who the individuals involved may be, or in other words they tend to be more egalitarian. These departments tend to employ and produce officers who carry “generalized, professional norms” (Garabedian, Gibbons, and Matza

2005:108). Furthermore, authority within the professional department is associated with a title as opposed to with an individual, as quick promotions of qualified yet novice officers is common.

In contrast, the non-professional or fraternal police department tends to have lower educational standards and prefers applicants from the local community as opposed to more qualified applicants from outside the local community (Wilson 1968). The fraternal department is inclined to have more informal ideas of justice and may even encourage favoritism or consider personal circumstances to be important factors in the decision making process and, therefore, have higher rates of discretion. Additionally, the fraternal police department requires less formal training, and when training is used it is usually carried out by other officers whose own beliefs and values are integrated into the curricula. Wilson (1968:158) goes so far as to say that the consequences of the standards of the fraternal department could be detrimental for certain groups, including women.

In recent years there has been a movement towards creating a more professionalized police force through the application of higher educational requirements (Shernock 1997). As Mecum (1985:316) notes, “education is an integral part of gaining the status of ‘professionalism’ and if the police are to become professional, they must accept the requirements of some formal, higher education as a minimum standard for their occupation.” However, there has been opposition against the implementation of mandatory college education for law enforcement applicants from police unions and others, who claim that such mandatory qualifications will heavily discriminate against minorities and will drastically reduce the applicant pool (Carter, Sapp, and Stephens 1989; Lyman 1999). Furthermore, Lyman (1999) claims that higher education for officers is unnecessary in small or rural departments where they would mostly be

performing menial and repetitive tasks, and claims that these educated officers may be more prone to experience tedium or to become discontented with their job.

There is some indication of behavioral and attitudinal differences between police officers with a college degree and police officers without a college degree. Clements (2006) asserts that higher education improves a police officer's performance as well as the criminal justice process, and the academic study of policing works to improve problem solving skills. Additionally, Palmiotto (2005) contends that college educated officers are less rigid in decision making (in other words, discretion) and in fulfilling the role of the police while balancing that role with the spirit of the democratic process. The concept of discretion, when applied to law enforcement, has been defined as "the power conferred on criminal justice professionals to use their judgment to decide what action to take in a given situation...[which] includes the decision to take no action" (McLaughlin and Muncie 2001:95-96). College educated officers are would be more likely to use discretion wisely when confronted with a unique situation, as well as to have a more professional demeanor and appearance when compared to non-college education officers (Palmiotto 2005:261-262). Thus, research suggests a more educated officer is more likely to approach a complaint of rape without preconceived notions about the victim and sexual assault in general, and is more likely to conduct his or herself in a professional manner. It can then be implied that a victim would feel more comfortable pursuing a complaint with these officers, and that their case would be more likely to be investigated rather than dismissed.

The benefits to victims of sexual assault of having a more educated police force are clear. Police officers are usually the first member of the criminal justice system with whom the victim has contact, and the literature indicates that these officers have the discretionary authority to choose whether or not to pursue a complaint or to dismiss it entirely (Kelly et al. 2005; Lord and

Rassel 2000; Page 2008b). Therefore, it is expected that an officer who is more highly educated will be more likely to make informed decisions which are not tainted by RMA, and accept and investigate sexual assault cases without prejudice.

2.3.2.1 Sexual assault training. Although education is an important predictor of rape myth acceptance (Burt 1980), when training is combined with education it can produce far a more positive outcome for sex crime cases in the criminal justice system (Page 2008b; Smith and Aamodt 1997). The importance of specialized training for dealing with victims of sexual assault has been consistently supported by the literature (Kinney et al. 2007; Latts and Geiselman 1991; Lessel and Kapila 2001; Lonsway 1997; Lonsway, Welch, and Fitzgerald 2001; Lord and Rassel 2000). Findings conclude that as little as one specialized training module for police recruits showed an improvement in interviewing skills with sexual assault victims (Lonsway 1997; Lonsway et al. 2001), and that victims of sexual assaults typically reported a more positive experience when interviewed by law enforcement officers who had completed such training (Lessel and Kapila 2001).

Many police officers who had received additional sexual assault training reported a dramatic shift in their opinions of acquaintance and date rape and held more positive attitudes towards women (Campbell 1995). The most striking examination of the impact of sexual assault training for law enforcement officers was found in a study by Vito, Longmire, and Kenney (1983), in which police participated in a rape prevention training program. Their findings indicated that in the first 12 months of the study, the clearance rate for rape cases was only 28%, but in the subsequent 6 months after the study it jumped to approximately 80%. A more recent study by Kinney et al. (2007) found that when police officers had received additional sexual

assault training that an average of 51.2% of rape cases investigated were brought to trial, as compared to only 40.4% when the investigating officer had received no additional training.

Unfortunately, this kind of additional training for police officers is rare.⁵ For instance, in a study of 9 counties in the State of North Carolina, only 32.4% of police agencies provided training to their patrol officers⁶ (Lord and Russell 2000) (despite the fact that they are most likely to be the first responder in a sexual assault case (e.g. Page 2008b)), and sexual assault training has been found to be especially rare in smaller departments (Latts and Geiselman 1991; Lord and Russell 2000). However, there is evidence that this kind of training tends to be mandatory for detectives who work in sex crimes units (Latts and Geiselman 1991), but most small police agencies would not have any such unit or training due to budget constraints (Lord and Russell 2000). The implication of these findings for victims of sexual assault in small towns and rural areas is troubling, as a later discussion will examine the typical size of law enforcement agencies in the United States.

2.3.3 Law Enforcement: Education versus Experience

Since the beginning of the movement towards the professionalization of the police force in the United States, there has been a strong counterargument which contends that it is experience, not education, which makes a better police officer (Bayley and Bittner 1997; Paoline and Terrill 2007). As stated by such opponents, “policing is more like a craft than a science, in that officers believe that they have important lessons to learn that are not reducible to principle and are not being taught through formal education” (Bayley and Bittner 1997:128-129).

⁵ The North Carolina Justice Academy lists only one course offering for investigating sex crimes committed against an adult, “Criminal Sexuality.” It should be noted courses offered here are not required but are optional continuing education courses for current LEO’s and other criminal justice personnel. The listing does not describe any course objectives in relation to training on how to effectively and sensitively interview *victims* of sexual assault or to address rape myths and is only one day in duration (NCJA 2012).

⁶ In a conversation with a recent graduate from a local Basic Law Enforcement Training course in North Carolina, it was revealed that the handling of sexual assault cases was only addressed once in an approximately thirty minute lecture over the four month duration of the course.

However, it has been suggested that attitudes such as these tend to be most heavily supported by older law enforcement officers, who generally have many years of experience but less formal education than their younger counterparts (Paoline and Terrill 2007). Furthermore, an examination of the literature regarding the impact of police education versus police experience has yielded contradictory findings.

In support of education as the most important predictor of positive performance as a police officer, Kakar (1998) asserts that police officers who held a college degree consistently reported higher levels of job performance than their less educated counterparts even when controlling for years of experience. In contrast, Bayley and Bittner (1997) contend that there is no substitute for on the job learning when it comes to effective policing. Despite these opposing viewpoints, there are many who take a third stance – the best option is the combination of a college degree and experience as a police officer. In their analysis, Smith and Aamodt (1997) found that there is a significant association between overall job performance in policing and higher education, but most importantly that the benefit of a college degree only becomes apparent when coupled with experience. Interestingly, they further found that police officers with only a high school diploma actually decreased in overall job performance after only five years of working in law enforcement.

While the benefits of higher education are apparent, those benefits appear to be maximized when combined with both effective training and on the job experience. As previously discussed, holding a college degree has been shown to increase the value placed on ethical performance and professional behavior (Shernock 1992; Truxillo, Bennett, and Collins 1998), decrease prejudice against minority groups – including women (Weiner 1976), and decrease levels of rape myth acceptance (Burt 1980; Page 2008b). When adding job experience and

specialized training for sexual assault cases to a college education, the best possible paradigm of a professionalized police force is born.

2.4 Sutherland's Theory of Differential Association

Edwin Sutherland's theory of differential association is a theoretical framework in criminology which asserts that a person learns the values, techniques, attitudes and motives for criminal behavior through interaction with others. According to Sutherland; "the process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning" (Sutherland 1947:6-7). In other words, attitudes and behaviors are a result of social learning within intimate groups.

Law enforcement is characterized by its own set of occupational beliefs and values and these beliefs and values are generally shared by other police officers (Herbert 1997). According to Sutherland's theory, a police officer will learn the motives, attitudes, techniques and rationalizations regarding how to handle a complaint of sexual assault in a process of cultural construction and transmission with other police officers. When a police officer goes to work in a department where officers tend to be more accepting of rape myths and, therefore, less likely to make arrests in cases of sexual assaults, that officer will likely come to absorb these beliefs through interaction with his co-workers and also be less likely to make an arrest. This may especially be true as police departments will often pair rookies with older officers, a process which begins during basic law enforcement training.

People tend to see the world based on their self identity and base their actions on that identity. For example, a police officer, due to their socialization with other police officers, may define a situation differently than would a civilian and, therefore, react differently. Research on police subcultures have described them as being a structure of informal norms and values

(Holdaway 1983), and holds that police recruits learn the cultural norms of the police culture in addition to the practical skills and knowledge required to carry out their job duties (Page 2008b).

Socialization into law enforcement, when combined with the social isolation from non-police officers, results in the formation of the police culture and the development of a police personality (i.e., a way of thinking and behaving that is particular to police officers).

Additionally, the attitudes, norms, and beliefs within the police subculture are reinforced through association and communication with more experienced officers (McNamara 1999). Police culture has been described as encompassing high levels of “hegemonic masculinity” (Fielding 1994:47), and is characterized by a rigid in-group/out-group distinction, aggression, and heterosexism. Furthermore, these heterosexist attitudes often translate into misogynistic attitudes against women and the maintenance of these attitudes are tied to the occupational identities of police officers (Fielding 1994; Martin 1989).

Differential association holds that an individual will choose to behave a certain way when the balance of definitions for a certain behavior outweighs those against the behavior. This propensity is reinforced if active social involvement with others supports their motives and actions, as within the policing culture. Sutherland’s theory uses the ‘self’ as a social construct, which means the way in which a person identifies themselves is constantly changing based on their interactions with other people. This experience with others not only shapes an individual’s concept of the self, but also defines their life as a whole as these definitions of life and the self become generalized and are constructed into a frame of reference for decision making in future actions (Sutherland and Cressey 1955). As previously discussed, the socialization into the police culture promotes the formation of a police personality, which would not only affect an individual

police officer's job performance but their attitudes and behaviors while not on the job as well (McNamara 1999).

Thus, differential association seeks to examine the social influence of others on an individual and how those social interactions encourage certain attitudes and behaviors (Sutherland 1947). Although it has been asserted that police work is carried out by the individual (Black 1973), one cannot discount the overarching influence of the police occupational culture on the individual officer's actions and discretionary decision making (Corsianos 2001). Therefore, Sutherland's theory may explain how police officers in a particular department may come to internalize the attitudes of their co-workers and how these attitudes translate into learned behaviors through the process of social learning.

2.5 Police Agencies and Police Employees in the United States

According to the U.S. Department of Justice's Bureau of Justice Statistics (2008), there are approximately 17,985 publically funded state and local law enforcement agencies in the United States which employ over 1.1 million individuals. Furthermore, the majority (around 84%) of these employees work at the local level of law enforcement – either municipal or county police agencies (BJS 2008). In 2007, there were approximately 12,501 municipal agencies and approximately 3,063 county agencies (BJS 2008).

2.5.1 Agency Types

Within the United States, there are three different levels of law enforcement agencies: local, state, and federal. Furthermore, there are many distinctions between the laws which are enforced, the jurisdictions covered, the intensity of interaction with the public, and types of services provided to the public (LaGrange 1998:65). For the purpose of this study, the review of the literature will focus only on the local level of law enforcement.

Local police agencies are considered to be the proverbial “workhorses” of law enforcement, as the responsibility for policing in America primarily falls on these agencies (LaGrange 1998:66). Local agencies are responsible for a wide variety of duties, including maintaining domestic order, enforcing the law, and rendering social services. There are two types of local police agencies with which this study is concerned – municipal or city departments and county or sheriff’s departments. Local law enforcement officers only have the authority to enforce the law inside their respective geographical jurisdictions, which will be discussed more in depth in the following sections. As previously discussed, Wilson (1968) defines the professional department as one which has more educated officers and further claims that municipal agencies tend to have higher educational standards than county agencies.

2.5.1.1 Municipal departments. Municipal police departments make up the largest proportion of law enforcement agencies in the United States at around 75% of all police departments in either the local, state, or federal level (LaGrange 1998:66). What’s more, the vast majority of all law enforcement officers are employed by a municipal agency, and most people in the United States receive their primary police services from this type of department. The size of the municipal department is the most varied of any other type of agency, with the one of the nation’s largest city department – New York City – employing over 50,068 full time sworn police officers (FBI 2010, Table 78). However, a staggering 1,529 municipal agencies employ between 0 to 1 full time sworn police officers (BJS 2008).

The contrast between the largest and average municipal departments in the United States is quite striking. According to the Bureau of Justice Statistics (2008), of the 12,501 city agencies only 49 departments (.4% of all municipal agencies) employ more than 1,000 full time officers which comprise 32.9% of all full time sworn police officers in the United States. However, there

are 2,846 agencies which employ between 10 and 24 full time officers (the largest category at 22.8% of all municipal agencies) which account for only 9.4% of all full time law enforcement officers in the United States. LaGrange (1998) asserts that the largest 200 municipal departments in the United States employ over 50% of all law enforcement officers; which is ostensibly a product of the sizes of the populations they serve. Thus, while the typical municipal police department in the United States is a small town police department, the typical law enforcement officer is employed by a department in a large city.

2.5.1.2 County agencies. The second type of local law enforcement agency – the county agency, or sheriff’s department – provides the full spectrum of law enforcement services to residents outside of a city limit, or those in rural and unincorporated areas of a county (LaGrange 1998). Known as deputies, sworn officers in a county agency are responsible not only for enforcing the law in their county, but also for providing a variety of social services and for maintaining the peace. In the United States, the vast majority of rural residents rely on the sheriff’s office as their primary provider for police protection.

The 3,063 county agencies in the United States employ a total of 182,979 full time sworn officers, and make up approximately 20% of all law enforcement agencies nationwide and account for approximately 24% of all full time sworn officers at the state and local level (BJS 2008). The typical county agency is small, but tends to be larger than the typical municipal agency (LaGrange 1998). However, this difference lies not in the number of full time sworn officers employed (like the municipal agency, the largest percentage of county agencies employ between 10-24 full time officers at 29.9%) but in the large number of non-sworn or civilian employees typically seen at the county level (BJS 2008). The distinction between and the

importance of non-sworn police employees in the municipal and county agency will be discussed in a subsequent section.

Much like the municipal department, the difference in size of the sheriff's departments in the United States is striking. According to the Bureau of Justice Statistics (2008), there are 13 county agencies (.4% of the total 3,063) which employ over 1,000 full time sworn officers, which account for 17% of all full time officers. As seen previously, the typical county agency employs between 10 and 24 full time sworn officers, which are 8.3% of total full time sworn officers. The most notable difference is in department's which employ 0 to 1 full time officers, with only 45 county agencies (1.5%) doing so as compared to 1,529 municipal agencies (12.2%). Furthermore, the smallest county agencies employ only .1% of all full time sworn officers as compared to .2% accounted for by the smallest municipal departments.

The most notable difference between the municipal agency and the county agency are the additional roles the office of the sheriff typically fulfills. In addition to the law enforcement responsibilities which are also performed by city departments, the county agency is typically accountable for operating both the courts and corrections capacities of the criminal justice system (LaGrange 1998). County agencies which perform all three capacities of the criminal justice system (law enforcement, judicial, and corrections) have come to be known as providing what is called a full service model (Brown 1978). While three alternative models exist throughout the United States, the full service model is the standard for county agencies in the State of North Carolina.

There has been much criticism regarding the office of the sheriff over the years. Many have described it as being American law enforcements weakest link in addition to being outdated (LaGrange 1998). Selected criticisms include county agencies having a tendency to employ

poorly educated and inadequately trained officers, and having a relative lack of professional standards when compared to other agency types (LaGrange 1998). Furthermore, the sheriff is almost always elected by voters within the county, while the chief of police in a municipal agency is appointed by members of the local government (Brown 1978). Being an elected official, there are many concerns over the potential for corruption, nepotism in hiring and promotional practices within the department, and the role that partisan politics may play in these elections. Furthermore, because the sheriff is elected rather than hired, there is no assurance that the person elected is good at or even qualified to do police work.

Given these concerns, there have been many suggestions made for the improvement in the level of competency, accountability, and professionalism of the county agency. These suggestions include: (1) mandating minimal eligibility standards for elected sheriffs, (2) increasing the educational and training requirements for deputy officers, (3) the phasing out of partisan politics in favor of the appointed sheriff system, and (4) ensuring that there are appropriate standards for hiring, promoting, and the firing of officers in these agencies (LaGrange 1998:72). Furthermore, in 1940 the National Sheriff's Association (the NSA) was founded with the initial goal of protecting the legal authority of sheriff's in the United States, however, in recent years they have moved towards advocating the growth of accountability and professionalism in all county agencies (NSA 2012).

2.5.2 Types of Police Employees

In the United States, there are three main categories of employees in police departments, but not all employees are officers with the power to arrest. There are full time sworn police officers, part time sworn police officers, and non-sworn employees – commonly referred to as civilians (BJS 2008; FBI 2012). In 2007, according to the Bureau of Justice Statistics (2008),

while there were 1.1 million full time sworn and non-sworn police employees in all state and local agencies, only 100,340 of those were part-time sworn and non-sworn employees. Of this total, 57% were employed by municipal agencies and 25% worked at the county level (these percentages do not include state agencies or other types of local agencies, such as university or tribal police departments). These numbers may suggest that many law enforcement agencies are forced to rely on their full time sworn officers to perform routine clerical and other tedious duties within the department, which could compromise the time these officer's have to spend on active police work and have a negative impact on the outcome of the cases to which they are assigned. To remedy this problem many police agencies employ sworn officers whose primary job is to investigate crimes, which allows sworn patrol officers to devote their time to other areas of police work such as patrolling the community.

2.5.2.1 Detectives. There is a distinction between sworn law enforcement officers who perform routine patrol duties in the community (i.e., patrol officers) and those known as criminal investigators (i.e., detectives). The position of detective in law enforcement is a relatively new phenomenon, first appearing in London in 1842. These detectives were tasked with investigating only the most serious crimes such as murder, rape, and robbery (Kuykendall 1986:176) and later moved toward a tradition of being assigned cases which were not only seen as more serious but also highly complex and time consuming (Klockars 1985). However, smaller departments may not have the resources or even the need to create a separate investigations unit and will typically assign patrol officers to investigate crimes and in some small town departments the chief of police will often be in control of investigating serious cases (LaGrange 1998). While small agencies such as these may not have a demonstrated need for detectives – for example, due to

much smaller crime rates – there could be negative consequences of stretching the time and expertise of most patrol officers too thin.

Police detectives typically operate within separate divisions from patrol officers. Furthermore, most are not required to wear a uniform, they generally have a higher salary, and the roles which they perform are much more highly specialized and well-defined than those of non-detectives. In addition to investigating crimes, detectives perform a wide variety of tasks, such as: witness questioning, following up on leads in criminal cases, and offender identification and apprehension (LaGrange 1998:340). Therefore, it stands to reason that the presence of detectives within a police agency would mean that more crimes are cleared and more offenders arrested. However, research conducted over the years on the effectiveness of detectives suggests quite the opposite.

A study by the Rand Corporation in 1975 (Greenwood et al. 1975) examined the overall contribution of detectives to police work and concluded that detectives were mostly nonproductive and superfluous. Furthermore, it was suggested that it was the initial investigation of the responding patrol officers which was largely responsible for solving cases – even when detectives later became involved (Greenwood et al. 1975). Klockars (1985:86) found similar results, in that approximately 95% of serious crimes solved by detectives were solved as a result of police work done by the responding patrol officer. In other words, the detective's involvement only made a significant difference in the case outcome in about 5% of cases. Additionally, Pepinsky (1975:27) referred to detectives as being little more than “desk jockeys” and “paper pushers.” Overall, these findings posit that detectives are largely useless, and that without the initial work of the patrol officers detectives would accomplish very little.

The U.S. Department of Justice (1984:6) found that the initial screening of crimes results in the rapid attrition of the most difficult cases, i.e., serious cases or those with sufficient evidence to support an arrest are selected for further investigation by detectives, while less serious cases or those with weak evidentiary support are put on hold or dropped entirely. When looking at burglaries, this same report concluded that approximately 50% of the cases were not assigned to detectives due to insufficient evidence and 75% of both burglary and robbery cases which were assigned were dropped after one day. Furthermore, it was found that the majority of those cases assigned to detectives were only investigated for a maximum of four hours.

According to more recent studies, it has been suggested that detectives are less likely to dismiss and more likely to investigate and refer rape cases to the prosecutor which require little effort (Patterson 2008; Patterson 2012). For example, prior literature has found that detectives are more likely to encourage a rape victim to seek prosecution if the suspect is already in custody, and conversely are more likely to discourage a victim to seek prosecution if a suspect is not yet in custody (Kerstetter and Van Winkle 1990). When looking at cases that are referred to detectives by patrol officers, and which cases have a higher likelihood of moving forward in the criminal justice system, often the ‘real rape’ and ‘real victim’ stereotypes come into play (Clay-Warner and McMahon-Howard 2009; Patterson 2008; Patterson 2012). A review of the literature suggests that victims and cases which fit into these paradigms are often perceived to be more “credible” and “winnable” by both detectives and prosecutors alike (Patterson 2008:14), and are more likely to proceed through the criminal justice system.

Knowing the impact that a college degree has been found to have on a police officer’s level of rape myth acceptance, it is startling to find that detectives have been revealed to be the least likely to hold a four year college degree when compared to the ranks of commander,

supervisor, and patrol officer, with an average of 9.9% of detectives revealed to have completed a four year degree compared to 23.4% of patrol officers (Polk and Armstrong 2001:88). This leads to reason that although detectives may have more experience in policing, they are much less likely to have completed a college education. Polk and Armstrong (2001) have suggested that this anomaly (lower educational levels found at the rank of detective) could be the result of these officers having achieved this high status position and having no desire to pursue further career advancement which would require additional educational attainment.

2.6 Clearance Rates

One of the most established and best summary measures used to evaluate the overall performance of a particular police department is the clearance rate. A case clearance can refer to the suspect being arrested (i.e., a clearance by arrest), but a case also can be cleared without any arrests taking place (i.e., a clearance by exceptional means). In the United States in 2010, law enforcement agencies cleared approximately 47% of the violent crimes reported to the Uniform Crime Reports (FBI 2010, Table 25). Conversely, this means that the police were unable to clear around 53% of the violent crimes reported to their agencies. When looking at national data for clearances of forcible rape, approximately 40% of all forcible rapes which are known to law enforcement are cleared by arrest or exceptional means.

Unfortunately, these high numbers of crimes which are not cleared are actually more drastic than they first appear. The clearance rate itself is calculated by using the number of crimes known to police, which do not account for the large proportion of crimes which never come to the attention of law enforcement, a phenomenon known as the “dark figure of crime” (MacDonald 2001). It has been estimated that only one-fourth to one-third of all Part I Index offenses come to the attention of the police, and when adjusted for this the clearance rate drops

to less than 10% (LaGrange 1998:367). Further, this major statistical issue is rarely addressed when clearance rates are reported to the public, giving a false impression of the severity of crime and arrest rates at both the local and national levels. Another serious problem which is rarely discussed is that even though a crime may have been cleared (a low percentage in and of itself) the percentage of clearances which result in a conviction of the suspect is even smaller (Temkin and Krahe 2008). As previously addressed in the introduction, this serious issue is what is known as case attrition, and the literature suggests that it may be especially prevalent in cases of rape.

2.6.1 Case Attrition

Case attrition refers to the process of cases dropping out of the criminal justice system at one stage or another (Brown et al. 2007; Lea et al. 2003). Attrition rates for sexual assault cases are high, especially when compared to other violent crimes (Galvin and Polk 1983; Myers and LaFree 1983). Furthermore, there are many different levels at which a case of sexual assault can drop out of the criminal justice system (Kelly et al. 2005; Temkin and Krahe 2008). As discussed in earlier sections, the largest point of attrition for sex crimes is actually being reported to the police, with studies claiming that anywhere between and 62% (Catalano 2006) and 94% (McGregor et al. 2000) of such crimes are never made known to law enforcement. The next stage of attrition occurs during the police investigative stage – which is the stage at which this study is concerned – followed by the court and trial stage (Kelly et al. 2005). Thus, once a case is reported to law enforcement, police decision making is arguably the most important factor in the outcome of the case (see, Frazier and Haney 1996).

2.6.1.1 Attrition from reporting to arrest. According to literature regarding the attrition of sex crime cases in the United States, it was found that between 50% and 86% eventually drop out of the criminal justice system after being reported, and that the majority of these cases are

dropped during the police investigative stage (Crandall and Helitzer 2003; Du Mont 2000; Frazier and Hanley 1996; Martin and Powell 1994; Spohn, Beichner, and Davis-Frenzel 2001; Temkin and Krahe 2008).

While there are many different points of attrition *within* the police investigative stage (e.g., Kelly et al. 2005), this study will focus primarily on the simplified concept of the justice gap – the difference between the number of reported sexual assaults and the number of arrests for sexual assaults (Temkin and Krahe 2008). In the 1980s, it was found that approximately only 40% of reported rape cases resulted in arrest (Chandler and Torney 1981; Galvin and Polk 1983; LaFree 1980), and later research by Frazier and Hanley (1996:622) found that law enforcement identified suspects in only 48% of all reported rape cases. Ostensibly, an arrest cannot be made without a suspect first being identified. However, as Frazier and Hanley (1996) point out, it is important to note that the identification of a suspect does not guarantee that an arrest will be made. More recently, a study in the United Kingdom found that around 61% of attempted and completed rapes which are reported to the police do not proceed past the police investigative stage and, therefore, do not result in arrest (Lea et al. 2003). Findings such as these reveal that the issue of attrition for sex crimes is as much of a serious problem today as it was thirty years ago.

A review of the literature finds multiple studies which seek to determine why case attrition is so high at the investigative stage. In congruence with the previous sections' review of rape myth acceptance within the law enforcement community, Kelly et al. (2005) cites the investigating police officer's personal beliefs regarding rape and rape victims as a factor in their decision to pursue a case, and assert that this pattern is also evident with detectives who specialize in sex crimes. Also as previously discussed, often detectives will decline to investigate

or to refer a case to the prosecuting attorney when more than minimal effort is required on their part (Patterson 2008; Patterson 2012). It could be assumed that if these detectives or patrol officers who take the reports had higher levels of RMA that they would be more prone to drop these investigations.

2.7 Conclusion

Rape and sexual assault is an epidemic which disproportionately affects women and girls world-wide. Even more disturbing is the persistence of rape myths in society, which are widely held and false beliefs regarding the victims and perpetrators of rape and the crime itself. There is extensive literature which describes many attributes which are predictive of RMA, including race, sex, age, working in law enforcement, and education. Education has been described in many studies as being one of the most important predictors of RMA. Furthermore, law enforcement agencies which have more highly educated officers have been described as being more professional and egalitarian, as well as being more effective at police work in general.

Although society as a whole perpetuates these harmful stereotypes, there are many individual characteristics which are purported to either increase or decrease levels of RMA. Rape myths can be internalized at the individual or group level, and they can have a tremendously detrimental effect on a victim's decision to report their victimization to law enforcement as they may not consider what happened to them to be a legitimate crime or themselves to be a true victim when their individual circumstances do not conform to these myths. Furthermore, when these crimes are made known to law enforcement, the officers may not pursue the case for the same reasons – resulting in what is called attrition, i.e., the dropping out of the case from the criminal justice system. This attrition has been described as a justice gap, which can occur at many different levels in the criminal justice system, but the justice gap with which this study is

concerned is the percentage of cases which drop out of the system between reporting and clearance by arrest or exceptional means.

Sutherland's theory of differential association holds that the attitudes and behaviors of the individual are the product of social learning through long term contact with intimate groups. The police subculture is a phenomenon which has been described as a set of occupational beliefs and values distinct to law enforcement, and it has been suggested that these beliefs and values are reinforced through close association with other police officers. Thus, police departments in which the majority of the police officers are less likely to have high levels of RMA would be more likely to transmit those positive beliefs to other officers in the department, and more likely to clear more sex crimes.

In sum, this study seeks to test whether or not the predictors of RMA described in the literature (collected as an aggregate of the characteristics of police officers within an agency) do in fact predict clearances for sex crimes reported to that department, i.e., a smaller justice gap. Because education has been described as one of the most important indicators of RMA, I focus on the impact of education while controlling for other explanatory variables, and use a quantitative approach with secondary data collected from the UCR and primary data collected through a survey instrument sent to a sample of law enforcement agencies in the State of North Carolina. In the next chapter, I describe the methodology, analytic strategy, data collection and operationalization of my variables, followed by my research hypotheses.

CHAPTER III: RESEARCH DESIGN

3.1 Methodology

This study will examine whether or not there is a relationship between the demographic makeup of police departments in the State of North Carolina, with an emphasis on the average education level of the officers, and the percentage of rape cases and sexual assaults reported to those departments that do not result in an arrest i.e., the justice gap. The unit of analysis in this study is the law enforcement agency.

3.1.1 Sample and Sampling Methods

Prior to any data collection or analyses, I received approval for my study from the University and Medical Center Institutional Review Board (see Appendix A). I chose to use a purposive sample, defined by Babbie (2001:179) as a sample selected “on the basis of knowledge of a population and the purpose of the study,” which consisted of municipal and county law enforcement agencies in the State of North Carolina which reported to the FBI’s Uniform Crime Reports in both 2009 and 2010. The resulting sample consisted of 258 agencies in total, including 67 county agencies and 191 municipal police departments.

According to the Bureau of Justice Statistics (2008, Appendix Table 7), there are approximately 350 local law enforcement agencies (250 municipal and 100 county) in the State of North Carolina, leaving 92 total departments out of my sample – 43 county agencies and 49 municipal agencies. Agencies which reported to the UCR for both years were used to address the concern that some departments might not have had any reported sexual assaults for one year but may have had reported sexual assaults in the other, thus giving me more analyzable cases. Furthermore, secondary data from the UCR were used when available in an effort to shorten the

questionnaire – in other words, if information were already available on the UCR, I was able to omit a question that would have been needed to obtain that information from the survey.

Through the use of an internet search engine, I compiled the phone number and mailing address of each agency in the sample into an Excel document. I used the Community Research Lab call center, located in the Department of Sociology at East Carolina University, to call each agency to request the name of the appropriate person to attention the mail survey and to verify the mailing addresses on file in order to increase the response rate. Finally, the survey was mailed to each department in the sample. The survey asked 14 questions regarding reports and clearances of the four violent index crimes as defined by the UCR⁷, which will be used solely for comparative purposes and not for any analysis. Questions included on the survey also requested information regarding the reporting and clearances of sex crimes as defined by the North Carolina General Assembly, as well as questions about the aggregate demographic makeup of the department (see Appendix D). In addition to the questionnaire, a separate letter was enclosed explaining the purpose of the research and Institutional Review Board information (see Appendix E).

After a reasonable amount of time had passed after mailing the surveys, the response rate was only 20%. Therefore, I received approval from the IRB to send out a follow up e-mail to the individuals in the sample departments to whom the original mailing was addressed that had not yet returned the survey. This e-mail included a letter explaining the purpose of the contact (see Appendix F) in addition to a hyperlink to an online version of the original survey created through Qualtrics survey system. E-mail addresses for these respondents were gathered from those departments who had active web sites which listed their employee e-mail addresses, and email

⁷ The UCR Master Arrest Files can be obtained by special request to: Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, Multimedia Productions Group, 1000 Custer Hollow Road, Module D3, Clarksburg, West Virginia 26306-0157 or by e-mail: cjis_comm@leo.gov

addresses which could not be found in this way were requested over the telephone. While none of the departments in the sample completed the online survey, this follow up e-mail did result in several more print surveys being received, for a final response rate of 22%.⁸

Eight variables were created as independent and control variables and were analyzed to determine their relationship between each of the two justice gap variables, operationalized as the percentage of offenses not cleared by arrest or by exceptional means, and the primary predictor variable, percentage of officers who have at least a four year college degree. The justice gaps for the North Carolina sex crimes forcible rape and forcible sexual offense are the two dependent variables in this study. In the following section, I discuss how I chose to operationalize each variable and how the data for each variable were collected and computed.

3.2 Data Collection and Operationalization

3.2.1 Dependent Variables

Under Chapter 14, Article 7A – Rape and Other Sexual Offenses – of The North Carolina General Assembly’s (2011) General Statutes, there are nine offenses listed (see Appendix G for full definitions of each offense). Several of these were excluded from this research, including those such as ‘Rape of a Child; Adult Offender’ and ‘Sexual Offense with a Child; Adult Offender,’ as crimes of a sexual nature against children are likely to be treated differently than crimes against adult victims and the literature on rape myths does not address crimes against children. Although sexual battery is a crime involving adults, it does not include completion of either *vaginal intercourse or a sexual act* without the victim’s consent. Thus, it too was

⁸ The 22% response rate falls well below Maxfield and Babbie’s (2008:258) suggested “adequate” response rate of 50%. Given the low response rate and the fact that the sample was not random, the results cannot be generalized to other law enforcement agencies in North Carolina, or to police departments in other states. Further, the low response rate resulted in a small number of analyzable cases which exasperated the problem with missing data. Therefore, I had to use pairwise deletion (see Footnote 12) for the multivariate analysis and the limitations of this method must be taken into consideration when interpreting any results. In particular, Allison (1999:57) asserts that very small sample sizes tend to yield unreliable estimates for raw correlations and coefficients. Therefore, I chose to not heavily interpret the raw coefficients in the paragraph summaries for each table.

eliminated from the analysis. The offenses that were examined include 1st and 2nd Degree Rape (referred to in this study as “forcible rape”) and 1st and 2nd Degree Forcible Sexual Offense. A reported forcible rape or forcible sexual offense will be considered to be a sex crime when it becomes known to a law enforcement agency and an official report has been filed. There is no way to measure how many reported forcible rapes, forcible sexual offenses, and other sexual assaults are disregarded by the responding officer and a report is never filed.

The North Carolina General Statutes categorize forcible rape and forcible sexual offense by first and second-degree. However, given inconsistencies in the way law enforcement agencies record these offenses, I combined the first and second-degree classifications into one offense.⁹ Data for the North Carolina sex offense variables were obtained solely through the use of a survey instrument given to the agencies in the sample, which requested the total number of these offenses which were reported, cleared by arrest, and cleared by exceptional means for the years 2009 and 2010.

The variable FORCIBLE RAPE JUSTICE GAP was calculated by subtracting the number of clearances for this offense (combining both 2009 and 2010 data and first and second-degree classifications) from the number of reports (combining data from both 2009 and 2010, and first and second-degree classifications), then dividing this result by the number of reports and multiplying the outcome (offenses not cleared) by 100 to make the percentage of forcible rapes which were not cleared (i.e., the North Carolina forcible rape justice gap).¹⁰ Similarly, the

⁹ Two of the returned surveys had written notes enclosed which stated that forcible rape and forcible sex offenses were only classified by degree if an arrest were made. Because there is no way to know whether other departments also operate this way, I tried to control for this by collapsing all reported, cleared by arrest, and cleared by exceptional means first and second-degree forcible rapes and forcible sex offenses into one category instead of differentiating by degrees.

¹⁰ While cleaning my data, it came to my attention that there were two instances where the justice gap was a negative number, one for North Carolina forcible rape and one for North Carolina forcible sex offense. After double checking the surveys for data entry errors – this was found to be correct. This issue was also discovered for several of the UCR offense justice gaps, a result of more clearances than reports in a given year. In keeping with my

variable FORCIBLE SEX OFFENSE JUSTICE GAP was calculated by subtracting the number of clearances for this offense (combining both 2009 and 2010 data and first and second-degree classifications) from the number of reports (combining both 2009 and 2010 and first and second-degree classifications), then dividing by the number of reports and finally multiplying the result (offenses not cleared) by 100 to make the percentage of forcible sex offenses which were not cleared (i.e., the North Carolina forcible sex offense justice gap).

3.2.2 Primary Independent Variable and Police Officer Demographic Controls

All of the police officer demographic control variables and my independent variable of interest were data collected from the survey instrument administered to the departments in the sample. I recognize the short comings of this method, given that the department information reported on the survey reflects current employees while the offense data in this study is from previous years. However, it did not seem appropriate to ask the sample to recall specific employment histories from previous years and doing so may have impacted response rates by making the survey too difficult. Additionally, based on an examination of the number of full time sworn police officers listed in the UCR across several years, there is no reason to believe that the demographics of the agencies changed dramatically over the two time periods.

The independent variable of interest in this study, PERCENT 4 YEAR was created by asking the departments to indicate the percentage of full time sworn officers who have completed at least a four year college degree *or more*. This operationalization was chosen based on literature by Wilson (1968), who refers to the “professional” police officer as having at least a four year degree and the “professional” department as having more officers with a four year degree.

operationalization of the justice gap as the percentage of reports *not* cleared, I remedied this by changing all negative justice gaps to “0.” A more detailed discussion of this issue will be addressed in Chapter V.

Because sex (Chapleau et al. 2007; Devdas and Rubin 2007) and race (Cahoon et al. 1995; Lefley et al. 1993; Sapp et al. 1999) are often associated with RMA, they were included as control variables in the analysis. The variable for sex, PERCENT FEMALE, was created through the use of the survey instrument by asking the department to indicate the percentage of the full time sworn police officers employed by their department which were female. I chose to analyze PERCENT FEMALE as the literature suggests that while females tend to be less accepting for rape myths than males (Chapleau et al. 2007; Devdas and Rubin 2007), that female police officers may exhibit higher levels of RMA than male police officers (Galton 1975). Likewise, the variable PERCENT WHITE was created by asking the department to indicate the percentage of full time sworn officers who were non-Hispanic white. I chose to use PERCENT WHITE in my analyses because the literature indicates that white non-Hispanics (both male and female) tend to be the least accepting of rape myths when compared to other races (Cahoon et al. 2005).

As age has been described as an important predictor of RMA (Burt 1980; Komorosky 2003; Nagel et al. 2005), and given that older law enforcement officers are less likely to have a formal education (Paoline and Terrill 2008), I also chose to include age as a control variable. The variable for AVERAGE AGE was created by asking the department to indicate the average age, in years, of the full time sworn police officers employed by their department. The final police officer demographic variable, YEARS EXPERIENCE, was calculated by asking the department to indicate the average number of years of experience as a police officer of all the full time sworn officers in their department. A study by Smith and Ammodt (1997) indicated that the positive effect of a college education on a police officer's job performance may not be present until combined with experience in police; therefore, experience will be examined for a possible conditional relationship with PERCENT 4 YEAR. Further, Kakar (1998) found that police

officers who held a college degree consistently reported higher levels of job performance than their less educated counterparts even when controlling for years of experience, therefore, experience will also be used as a control variable in the analysis.

3.2.3 Department Demographic Controls

Because detectives are less likely to have a college education (Polk and Armstrong 2001), the department demographic variable PERCENT DETECTIVE was used as a control variable. This variable was calculated through the use of the survey instrument by asking the department to indicate the number of full time sworn police officers who were classified as detective, and dividing this number by the total number of full time sworn police officers listed on the UCR for that agency in 2010.¹¹

Because the effect of RMA may be a factor in a police officer's decision to pursue a case, a pattern also evident with detectives who specialize in sex crimes (Kelly et al. 2005; Kinney et al. 2007), and municipal police departments have been purported to have better qualified and educated officers when compared to county agencies (LaGrange 1998); the presence of a sex crime unit and agency type was also included as control variables in the analysis. The variable for SVU was created through the survey instrument by asking the department to indicate "Yes" or "No" to the question of whether or not their agency had a specific unit for investigating sex crimes, resulting in a dichotomous variable (1= yes, 0= no). Lastly, I created the dichotomous variable MUNICIPAL (1=municipal, 0=county) by looking at the department names in the original sample list and indicating either "1" or "0" for agency type.

¹¹ I recognize the error of asking for the *number* of detectives as opposed to the current *percentage* as was done for all other demographic variables on the survey, and remedied this error the best way possible by calculating the percentage by using data from the UCR.

3.3 Data Analysis

Because the dependent variables in this study are a percentage, linear (OLS) multiple regression was used to examine the effects of the independent variables. Due to the fact that my sample size was relatively small, and the response rate was low (in which there were a sizable amount of missing data due to the sample agencies leaving some response fields blank), I used the pairwise deletion method in my analyses instead of the commonly preferred listwise option. Pairwise deletion is suggested for use when you have a large number of cases with missing values, which listwise deletion would automatically exclude.¹² Although I recognize the limitations of using this method, the small response rate and large number of missing values requires it.

In order to investigate my hypotheses, I analyzed data using SPSS 19 statistical software. First, I ran descriptive statistics and t-tests for the sample. Second, I conducted a bivariate analysis using Pearson's correlations to examine the associations between each independent variable and the dependent variables. Lastly, I ran multiple regression analyses to test for the relationships between my primary variable of interest and the justice gaps.

3.4 Research Hypotheses

Once more, the primary objective of this study is to investigate the impact of the average percentage of sworn law enforcement officers who have a four year college degree or more in police departments in the State of North Carolina on the attrition of rape and sexual assault cases in the police investigative stage, i.e., the justice gap. The justice gap is the percentage of reported rape and sexual assault cases which are not cleared, either by arrest or by exceptional means.

Given that the legal definition of forcible rape in North Carolina (see Appendix G) most closely

¹² With the pairwise option, each "coefficient between two variables is calculated using all cases which have values for the two variables" (Norusis 2008:528).

adheres to the ‘real rape’ ideal (Clay-Warner and McMahon-Howard 2009), the two justice gap dependent variables, forcible rape and forcible sexual offense, will be examined separately in the analyses and hypotheses.

Research has shown that individuals who have more formal higher education are less accepting of rape myths (Burt 1980), a relationship that has also been found amongst law enforcement officers in particular (Page 2008b). Further, educated police officers tend to be more effective at police work (Clements 2006) and have more favorable job performance ratings (Smith and Ammodt 1997). Additionally, departments which are considered to be more “professional” (i.e., have more educated officers) tend to employ and produce officers who are more egalitarian and less discriminatory against minorities, including women (Wilson 1968). Therefore, it is hypothesized that:

HYP I: All else constant, the higher the percentage of officers in a department with at least four year college degree, the lower the justice gap for North Carolina forcible rape.

HYP Ia: All else constant, the higher the percentage of officers in a department with at least a four year college degree, the lower the justice gap for North Carolina forcible sex offense.

Because demographic variables such as sex (Chapleau et al. 2007; Devdas and Rubin 2007), race (Cahoon et al. 1995; Lefley et al. 1993; Sapp et al. 1999), and age (Komorosky 2003; Nagel et al. 2005) are predictors of RMA, all were included as control variables. Research has suggested that overall; females tend to be less accepting of rape myths than males (Chapleau et al. 2007, Devdas and Rubin 2007), however, a study by Galton (1975) found that female police officers tended to be more critical of rape reports than their male counterparts. Given this

contradiction in the literature, I cannot confidently predict an expected relationship between the average percentage of female officers and the justice gap. The literature regarding the relationship between age and RMA has yielded similarly contradictory findings. Nagal et al. (2005) found that older persons tend to have higher levels of RMA, while a study by Komorosky (2003) purports older persons tend to be less accepting of rape myths. However, more recent research by Paoline and Terrill (2007) suggests that older police officers are less likely to have a college degree. Therefore, I expect that an increase in the average age of officers in a department will be associated with larger justice gaps. Because researchers have consistently found that non-Hispanic white individuals have the lowest levels of RMA when compared to other races (Cahoon et al. 1995; Lefley et al. 1993; Sapp et al. 1999), I expect that departments with a higher average percentage of white officers will have smaller justice gaps.

Research suggests that in general, police detectives contribute little to the clearance of cases (e.g. U.S. Department of Justice 1985), and Patterson (2012) found that detectives tend to only actively pursue rape cases which conform to the ‘real rape’ standard (Clay-Warner and McMahan-Howard 2009). Furthermore, Polk and Armstrong (2001) found that the rank of detective across the departments in their study held the lowest average levels of education, even when compared to patrol officers. Therefore, I expect that a higher percentage of detectives in a department will be associated with a larger justice gap. The completion of sexual assault training for law enforcement officers has been found to greatly reduce an officer’s level of RMA as well as improve their clearance rates for sex crimes (Campbell 1995; Kinney et al. 2007; Vito et al. 1983). Despite the rarity of this useful training (Lord and Russell 2000), Latts and Geiselman (1991) have purported that it tends to be mandatory for detectives who work in sex crime units. Given these findings, it is expected that departments with a sex crime unit will have smaller

justice gaps. Wilson (1968) defined the professional police department as one which had higher educational standards, and thus more police officers with college degrees. Furthermore, LaGrange (1998) suggests that municipal departments tend to have higher educational and training standards when compared to county agencies. Therefore, I expect that municipal police agencies will be associated with a smaller justice gap. Because the department demographic variables percentage of detectives (Patterson 2008; Patterson 2012; Polk and Armstrong 2001), sex crimes units (Kelly et al. 2005; Kinney et al. 2007), and agency type (Wilson 1968; LaGrange 1998) may have possible mediating or moderating effects on the relationship between average officer education and the justice gap, all were used as control variables in this study.

A study by Smith and Ammodt (1997) revealed a considerable association between a police officer's level of education and their overall job performance ratings. While they found that officers with a college degree tend to have more positive ratings, they assert that it is only when education is combined with several years of experience in law enforcement that the effect is truly significant. For this reason, the effect of experience (Smith and Ammodt 1997) may suppress the effect of education on the justice gap. Furthermore, the positive relationship between higher average education levels and the justice gap may only hold when combined with higher average years of experience. Therefore, it is hypothesized that:

HYP 2: All else constant, the relationship between the average education of officers in a department and the forcible rape justice gap is suppressed by average years of experience.

HYP 2a: All else constant, the relationship between the average education of officers in a department and the forcible sexual offense justice gap is suppressed by average years of experience.

HYP 3: The joint effect of average education and average experience on the forcible rape justice gap is higher than the sum of the effects of average education and average experience.

HYP 3a: The joint effect of average education and average experience on the forcible sexual offense justice gap is higher than the sum of the effects of average education and average experience.

The severity of the offenses used in this study were ranked as they are by the State of North Carolina, with the most severe crime being forcible rape (first and second-degree combined) followed by forcible sexual offense (first and second-degree combined). According to Corsianos (2003), police officers are less likely to use discretion when investigating crimes which are considered to be more severe or serious in nature. Furthermore, once a case is reported to law enforcement, police decision making is arguably the most important factor in the outcomes of the cases (Frazier and Haney 1996), and Kelly et al. (2005) cites the investigating police officer's personal beliefs regarding rape and rape victims (RMA) as a factor in their decision to pursue a case. Therefore, the more severe sex crime forcible rape – which most closely adheres to the classic rape paradigm (Clay-Warner and McMahon-Howard 2009) – is expected to have a smaller justice gap than the less severe crime of forcible sexual offense, as increased offense severity would decrease the impact of education. Thus, it is hypothesized that:

HYP 4: All else constant, the relationship between the average education of police officers in a department and the justice gap will be more important as offense severity decreases.

Although not addressed as a specific hypothesis, I used secondary UCR data on the number of reported and cleared violent index crimes for the departments in my sample to calculate the justice gap for each of the four offenses: murder/non-negligent homicide, forcible

rape, robbery, and aggravated assault. These justice gaps were calculated using the same formula as the North Carolina justice gap dependent variables; by subtracting the number of clearances from the number of reports, divided by the number of reports, and multiplying by 100 to get the percentage of offenses which were not cleared. While the justice gaps for the UCR violent crimes were not used in a multivariate analysis, they were used to compare the size of the justice gaps for the four violent index crimes.¹³

¹³ UCR data on forcible rape was not used to compare UCR forcible rape data from the survey, as the UCR “computes estimates [of offenses] for participating agencies not providing 12 months of complete data” (FBI 2012), so attempting to judge the veracity of either data source by comparison is moot.

CHAPTER IV: RESULTS

4.1 Descriptive Results for the Sample

Out of the total 258 law enforcement agencies contacted, only 57 responded for a final response rate of 22.1%. In total, there were 350 law enforcement agencies in the State of North Carolina – 100 county and 250 municipal – leaving 92 which were not sampled for this study because they did not report to the UCR for both 2009 and 2010 (BJS 2008) (Appendix Table 7). Therefore, the original sample comprised 73.7% of the total population of police agencies in North Carolina. Further, 26.3% of police agencies in North Carolina did not report to the UCR for both years, of which 33% were county agencies and 23.6% were municipal. Of the 57 surveys which were returned, 17.5% were county agencies and 82.5% were municipal agencies.¹⁴

TABLE 4.1: DESCRIPTIVE STATISTICS FOR SAMPLE

Agency Type	Returned Survey	Total UCR Sample	Percent Returned Survey of Total UCR Sample	NC Total Agencies	Percent UCR Sample of NC Total
County	10	67	14.93%	100	67.00%
Municipal	47	191	24.60%	250	76.40%
Total	57	258	22.09%	350	73.71%

The mean population size served for the 57 agencies analyzed was 28,564 residents. When compared to an average of 45,751 residents per jurisdiction for the 201 non-responding departments in the sample, there is a difference in average jurisdiction size of 17,187 residents. Furthermore, departments which responded to the survey were found to have, on the average, fewer full time sworn police officers and fewer full time civilian employees than non-participating police agencies. The size of the UCR forcible rape justice gap for participating and non-participating departments reveals that, on the average, the 57 responding departments had a

¹⁴ One returned survey had the coded identifier removed by the respondent and included no responses on the questionnaire. Therefore, while 58 surveys were actually returned, it was not included in any analysis.

slightly larger percentage of UCR forcible rapes that were not cleared (70% versus 65.2%). Interestingly, an examination of the average justice gaps for each of the four violent index crimes obtained from the UCR indicates that across police agencies, forcible rape had a larger justice gap than the three other violent crimes. However, the departments which responded to the survey were found to have slightly larger justice gaps for all of the UCR violent offenses indicating that these departments have lower clearances rates for forcible rape as well as murder, robbery, and aggravated assault.

TABLE 4.2: COMPARISON OF MEANS T-TEST FOR RESPONDING AND NON-RESPONDING DEPARTMENTS

Variable	Responded	Mean	S.D.	t-statistic	sig. (2-tailed)
UCR Forcible Rape Justice Gap	Yes	69.99%	31.79	.851	.396
	No	65.24%	35.59		
UCR Homicide Justice Gap	Yes	32.97%	41.16	1.467	.149
	No	21.11%	34.16		
UCR Robbery Justice Gap	Yes	48.10%	35.29	.010	.992
	No	48.04%	34.49		
UCR Aggravated Assault Justice Gap	Yes	33.14%	25.97	.937	.350
	No	29.37%	25.90		
Average Population Served	Yes	28563.65	49204.47	-1.175	.241
	No	45750.54	107095.70		
Average Police Employees	Yes	56.52	106.18	-.165	.869
	No	59.85	141.05		
Average Civilian Employees	Yes	16.13	28.27	-1.152	.250
	No	25.94	62.42		

While there were descriptive differences between the responding and non-responding departments in the sample, none of the means were found to be significantly different when examined using an independent samples t-test¹⁵ (see Table 4.2). Therefore, the exclusion of the non-responding departments does not appear to significantly affect the study. However, the small n size may disguise a possible significant relationship. For example, the large descriptive

¹⁵ T-tests used with non-random sample and drastically different n sizes.

difference in the average population size served (45,740.5 versus 28,563.7) may in fact be statistically significant (see Table 4.2).

On the average, the percentage of police officers with a four year college degree or more in departments which participated in the study was 22.8%. Further, only 2 out of the 57 departments indicated that more than 50% of their officers held at least a four year degree. According to the Bureau of Justice Statistics (2007, Table 5), of all local law enforcement agencies in the United States approximately 1% of them specified that a four year degree was required for employment as a police officer. An examination of gender and race indicate that the percentage of female officers across the departments that responded to the survey was 9.0%, lower than the national average of 11.9% in 2007 (BJS 2007, Table 10). Additionally, the average percentage of white officers in the departments analyzed was 88.5%, just above the 2007 national average of 88.1% (BJS 2007, Table 10).

TABLE 4.3: DESCRIPTIVE STATISTICS FOR RESPONDING DEPARTMENTS, N=57

Variable	Mean	S.D.	S.E.
% 4 Year	22.88%	18.61	2.61
Sex		7.17	.97
% Female	9.03%		
% Male	90.97%		
Race			
% White	88.49%	12.71	1.73
% Black	9.56%	12.39	1.69
% Hispanic	1.12%	2.14	.29
% Asian	.29%	.74	.10
% Other	.65%	2.46	.34
Average Age	34.45	4.71	.67
Average Years	9.25	2.50	.35
Experience			
% Detective	14.97%	8.08	1.09
Agency Type		.38	.05
Municipal	82.54%		
County	17.46%		
SVU		.41	.06
Yes	19.30%		
No	75.44%		

Across the responding departments, the average age of police officers was 34.5 years, and the average years of experience for full time officers were 9.3. This suggests that the typical police officer in these agencies began working in law enforcement around age 25. The total participating departmental average for percent of full time sworn officers who are classified as detectives was 14.97%, with county agencies in the sample having an average of 5.1% more detectives than municipal agencies, with an average of 19.3% detectives. Furthermore, 43 of the 57 departments indicated that they did not have a sex crime unit (75.4%) while 11 indicated that they did (19.3%), and three agencies did not respond to this question (5.3%). Thus, while county agencies had more detectives, they were on average less likely to work in specialized sex crime units than were detectives in municipal departments.

When looking at the dependent variables for the North Carolina sex offenses, the average justice gap for forcible rape was 26.9% compared to an average justice gap for forcible sexual offense of 27.6%. However, a paired sample t-test revealed that the justice gaps for these offenses were not significantly different from one another across responding departments.

TABLE 4.4: DESCRIPTIVE STATISTICS FOR NC JUSTICE GAPS

Justice Gap	Mean	S.D.	t-statistic	sig. (2-tailed)
Forcible Rape	26.92%	33.87		
Forcible Sex Offense	27.55%	37.12		
			-.431	.671

Table 4.5 presents the bivariate correlations for variables included in this study for both dependent variables. The correlations indicate that the average education of police officers, the average percentage of female officers, the average percentage of white officers, and agency type were not significantly associated with the justice gap for forcible rape. The dichotomous SVU variable has the largest bivariate correlation ($r = .436$) and is significant ($p < .01$) although in the opposite direction predicted (i.e., departments with a sex crime unit had fewer clearances for

forcible rape i.e., a larger justice gap). Contrary to predictions, the association between average age and the forcible rape justice gap was negative ($r = -.207, p < .05$), indicating that departments with, on the average older officers had smaller justice gaps. Interestingly, police officers' average experience was revealed to be positively associated ($r = .309, p < .05$) with the forcible rape justice gap. Finally, as expected, the bivariate analysis indicated that departments with a smaller percentage of detectives were associated with a smaller justice gap for forcible rape ($r = .315, p < .05$).

TABLE 4.5: CORRELATION MATRIX WITH NORTH CAROLINA FORCIBLE RAPE AND FORCIBLE SEX OFFENSE JUSTICE GAPS

n		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
33	(1) NCFR Gap	1	-								
26	(2) NCFSO Gap	-	1								
51	(3) % 4 Year +	-.203	-.432*	1							
55	(4) Female	.165	.223	.049	1						
54	(5) White	-.266	.308	-.065	.017	1					
49	(6) Age	-.207*	-.288	-.039	.014	-.263*	1				
50	(7) Experience	.309*	.181	.157	-.172	-.151	.379**	1			
55	(8) % Detective	.315*	.408*	-.203	-.094	.235*	-.321*	.099	1		
54	(9) SVU	.436**	-.038	.154	.090	-.019	-.159	.226*	.090	1	
258	(10) Municipal	-.200	-.013	.162	.062	-.060	.330*	.009	-.248*	-.345**	1

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

Education was the independent variable most highly associated with the second dependent variable, the forcible sexual offense justice gap. The higher the average percent of officers in a department with at least a four year degree, the smaller the justice gap ($r = -.432, p < .05$). Consistent with the bivariate correlations for forcible rape, departments with fewer detectives are also associated with a smaller forcible sexual offense justice gap ($r = .408, p < .05$). Only these two variables were found to be significantly correlated with this dependent variable.

4.2 Multivariate Results

Multiple regression analyses were conducted to examine the relationship between the independent variables and North Carolina forcible rape and forcible sexual offense justice gaps i.e., the percentage of reported offenses which were *not cleared* by arrest or by exceptional means.

Table 4.6 presents the ordinary least squares (OLS) regression equations which consider the effect of aggregate police officer and department demographic variables on the forcible rape justice gap across police departments in North Carolina while controlling for each additional block of variables. Model 2 contains all of the independent variables, while Models 3 and 4 controls for each set of variables separately. To investigate a possible suppressor effect, average experience is not included with the full model in Model 1.

Model 2 confirms **HYP 1**, indicating that the higher the percentages of police officers with a four year degree or more in a department, the smaller the justice gap for forcible rape, net of police officer demographics and department characteristics. Therefore, while considering the effect of all of the independent variables on the forcible rape justice gap, an increase in the average education of the police officers is associated with more clearances for forcible rape. Models 1 and 2 provide support for **HYP 2** which predicts, all else constant, the relationship between average officer education and the forcible rape justice gap is suppressed by average years of experience. In Model 1, education is not significant. However, in Model 2, in the presence of experience, education is significant and in the predicted direction. Thus, it appears that the relationship between education and the forcible rape justice gap is driven by experience. This relationship is explored further through an examination of the interaction effects in Table 4.7. Interestingly, while SVU is not significant in Model 2, it is significant in Models 1 and 4.

After removing experience from Model 1, it is shown that the effect of SVU returns which suggests that experience also suppresses the effect of SVU on the justice gap.

TABLE 4.6: MULTIVARIATE REGRESSION ON NC FORCIBLE RAPE JUSTICE GAP

Variable	(1)	(2)	(3)	(4)
Police Officer Demographics				
% 4 Year Degree	-.512/.295 (-.281)	-.627*/.276 (-.344)	-.619*/.272 (-.340)	
% Female	.726/.729 (.154)	.996/.701 (.211)	1.231/.701 (.260)	
% White	-1.064*/.432 (-.399)	-.904*/.415 (-.339)	-.829*/.415 (-.311)	
Average Age	-1.750*/1.287 (-.243)	-3.233*/1.359 (-.450)	-4.144**/.1220 (-.577)	
Average Experience		5.364*/2.410 (.394)	7.492**/2.292 (.554)	
Department Demographics				
% Detective	1.085/.694 (.259)	.666/.666 (.159)		1.122/.698 (.268)
SVU [^]	35.078*/13.813 (.421)	26.751/13.256 (.321)		33.488*/14.215 (.402)
Municipal ^{^^}	5.624/13.783 (.073)	5.351/12.690 (.069)		-1.238/13.420 (-.016)
Constant	158.973*	154.666*	176.762**	4.218
Adjusted R²	.328	.430	.379	.184

*<.05 **<.01 ***<.001, Note: b/SE, standardized coefficients in parentheses

[^] Coded 1=Yes, 0=No ^{^^} Coded 1=Municipal, 0=County

In Table 4.7, multiplicative interaction terms were incorporated with variables education and experience to see if the impact of percent of officers with a four year degree interacts with years of experience. In support of *HYP 3*, it was revealed that there is an interaction effect between average education and average experience on the forcible rape justice gap. Therefore, the effect of education on the justice gap differs across varying years of experience in police departments. Table 4.8 depicts the estimated effects of percent of officers with a four year degree or more across different conditions of years of experience which reveals that the effect of education does decrease the size of the justice gap as years of experience increases, and that the effect of average experience does decrease the size of the justice gap as average education

increases. It is important to note that for the effect of education under the condition of zero average years of experience would cause an increase in the justice gap, and that the same is true for the effect of experience with the condition of zero percent of officers with a four year degree. However, an increase of 5 or more for either conditional model predicts a *decrease* in the justice gap for forcible rape.

TABLE 4.7: MULTIPLICATIVE INTERACTION EFFECT OF EXPERIENCE AND EDUCATION ON NORTH CAROLINA FORCIBLE RAPE JUSTICE GAP

Variable	(1)	(2)
% 4 Year Degree	-.452 (-.248)	4.619 (2.538)
Average Experience	4.630* (.342)	14.160** (1.047)
% 4 Year Degree X Average Experience		-.480* (-2.988)
Constant	-5.591	-102.176*
Adjusted R ²	.094	.216

*p<.05 **p<.01 Note: Standardized coefficients in parenthesis

TABLE 4.8: JUSTICE GAP FOR FORCIBLE RAPE UNDER SELECTED CONDITIONS OF PERCENT FOUR YEAR EDUCATION AND AVERAGE YEARS EXPERIENCE

Percent 4 Year Education at		Average Years Experience at	
Average Experience	Beta	Percent 4 Year	Beta
0	2.538	0	1.047
5	-12.352	5	-13.893
10	-27.342	10	-28.833
15	-42.282	15	-43.773
20	-57.222	20	-58.713

The OLS regression results in Table 4.9 consider the relationships of the police officer characteristic and department demographic variables within police departments on the forcible sexual offense justice gap. Model 2 contains all of the independent variables, while Models 3 and 4 controls for each set of variables separately. Average experience is removed from the full model in Model 1 to investigate a possible suppressor effect.

HYP 1a is supported by Model 2, which reveals that a higher average percentage of police officers with at least a four year college degree predict a smaller justice gap for forcible sexual offense. Thus, while holding the effect of all of the police officer demographic and department demographic variables constant, average education is an important predictor of the forcible sexual offense justice gap. Model 1 and Model 2 fail to support **HYP 2a**, as the relationship between average officer education and the forcible sexual offense justice is not shown to be completely suppressed by average years of experience. However, the size and strength of the relationship is reduced considerably, as the unstandardized coefficient for percent four year degree or more in Model 1 is decreased from $-.875$ ($p < .05$) to -1.072 ($p < .01$) in Model 2, which indicates that a partial suppressor relationship may be present. Therefore, while the effect of education is stronger in the presence of experience, education is still an important predictor of forcible sexual offense clearances even when not controlling for experience. Multiplicative interaction terms were used to examine whether the impact of average education on the forcible sexual offense justice gap varied across years of experience (model not shown), but the results failed to support this prediction (**HYP 3a**).

Finally, **HYP 4** was not supported by Models 2 in Table 4.6 and 4.9. It is shown that while holding the effects of all police officer and department demographic variables constant for both the forcible rape and forcible sexual offense justice gaps, the relationship between the average education of police officers and the justice gap appears to be stronger for the less severe crime forcible sexual offense ($b = -1.072$, $p < .01$) as compared to forcible rape ($b = -.627$, $p < .05$). However, a t-test examining the differences between these unstandardized coefficients revealed that they are not statistically different ($t = -1.122$). Therefore, while education is an important predictor of the size of the justice gap for both offense categories while controlling for

the effect of all of the independent variables, it is not more important for the less severe crime forcible sexual offense.

TABLE 4.9: MULTIVARIATE REGRESSION ON NC FORCIBLE SEXUAL OFFENSE JUSTICE GAP

Variable	(1)	(2)	(3)	(4)
Police Officer Demographics				
% 4 Year Degree	-0.875*/.364 (-.439)	-1.072**/.285 (-.538)	-1.068**/.286 (-.535)	
% Female	1.373/.901 (.265)	1.837*/.704 (.355)	1.781*/.736 (.344)	
% White	.472/.534 (.162)	.747/.417 (.256)	.823/.436 (.282)	
Average Age	-2.273/1.590 (-.289)	-4.824**/1.403 (-.613)	-3.976**/1.288 (-.505)	
Average Experience		9.223**/2.488 (.622)	8.669**/2.406 (.585)	
Department Demographics				
% Detective	1.287/.857 (.280)	.566/.687 (.123)		2.000*/.910 (.436)
SVU [^]	1.362/17.071 (.015)	-12.956/13.685 (-.142)		-5.177/17.071 (-.057)
Municipal ^{^^}	21.437/17.034 (.225)	20.968/13.101 (.248)		7.902/17.034 (.094)
Constant	36.291	28.886	19.794	-7.183
Adjusted R²	.292	.599	.548	.070

*<.05 **<.01 ***<.001, Note: b/SE, standardized coefficients in parentheses

[^] Coded 1=Yes, 0=No ^{^^} Coded 1=Municipal, 0=County

CHAPTER V: DISCUSSION

The primary purpose of this study was to investigate whether or not police departments in the State of North Carolina who, on the average, had a higher percentage of officers with four year college degrees would clear more cases of forcible rape and forcible sexual offense than their counterparts. I also sought to determine what other characteristics of law enforcement agencies predict a smaller justice gap for the two reported sex crimes. Before I can begin to address whether or not my research questions were supported, I must discuss the nature of the study itself. In my extensive review of the literature regarding law enforcement, rape myth acceptance (RMA), case attrition, and so forth, I could find no previous study which used the law enforcement agency as the unit of analysis and the aggregate characteristics of the police officers as predictors of clearance rates. Furthermore, inquiries made to faculty at several different universities regarding the existence of such a study were fruitless. While there may have been similar research carried out in the past, I was unable to find it to use as a template for my research methodology. Thus, while the intended scope of this study was explanatory, as it sought to explain why some departments clear more sex crime cases than others it was, in fact, exploratory. I developed the theoretical basis for the hypotheses, designed the research study, and operationalized the variables based on my understanding of the literature.

The literature which I reviewed for this thesis discusses the individual and how characteristics of an individual predict the levels at which they would accept rape myths. Further, the literature addresses how the characteristics of an individual law enforcement officer may predict the ways in which a victim or case of sexual assault would be treated. Thus, I was able to make predictions based on this previous research by using the aggregate characteristics of the *individual* officers within a department. In other words, if an individual characteristic – say, for

example, having a bachelor's degree – predicts lower levels of RMA, I used the *average* percentage of officers in a department who have at least a bachelor's degree as the predictor i.e., I converted the individual level variables to aggregate level variables. However, this created the problem of explaining how or why higher proportions of characteristics favorable or unfavorable to higher levels of RMA could be used to generalize the attitudes or behaviors of an entire organization.

So, why do some departments make more arrests than others? What is it about the individuals in those departments which increase or decrease the likelihood of a rape case resulting in arrest or being dismissed entirely? Asking these types of questions left me at serious risk of making an ecological fallacy – “the danger of making assertions about individuals as the unit of analysis based on the examination of groups or other aggregations” (Maxfield and Babbie 2008:94). Therefore, I had to be very careful in how I operationalized and interpreted the variables in this study for the unit of analysis – the police department – as the aggregate characteristics of the officers employed there. In order to address this complicated issue, I turned to Sutherland's theory of differential association.

With this theory, I can use the individuals within an organization to explain how the organization, as a *whole*, can be expected to behave in certain ways as a product of the transmission of attitudes and beliefs, from individual to individual, through the social learning process. Furthermore, I felt that differential association's particular caveats of the principles of social learning closely aligned with the concept of a police culture – a law enforcement community that is oft-described as insular and intimate (Page 2008b). In particular, Sutherland's assertions that: (1) behavior is learned in a process of communication with other people, (2) behavior is mostly learned within intimate personal groups, and (3) the rationalizations, drives,

motives, and attitudes behind behaviors are also learned in this way (Sutherland 1947:6-7) lend support to my assertion that when there are more police officers in a department who – as individuals – are *less likely* to have high levels of RMA, that those attitudes will be transmitted to other officers through the social learning process. Conversely, the same transmissions would occur when the aggregate characteristics of the police agency suggest an on average higher likelihood of RMA.

5.1 Study Findings

Overall, the findings from the data analysis appear to support my main research question; that, all else constant, a higher percentage of officers with at least a four year degree in a police department are associated with a smaller justice gap for both forcible rape and forcible sexual offense in the State of North Carolina. Interestingly, the officer demographic control variable average years experience was also revealed to be strongly associated with the justice gap for both offenses. Further, the bivariate correlation matrices computed for this study indicate that percent four year degree was not associated with any other variables which were examined. This is particularly important in that the effect of education remained significant in almost every multiple regression model – again suggesting that it was consistently one of the most important predictors of case attrition across police agencies, even while controlling for the covariates. These results become even more telling when it is taken into consideration that only 2 of the 57 cases analyzed reported *more* than 50% of their officers holding at least a bachelor’s degree, and that the average for this variable was only around 23%. Thus, while higher percentages of four year degrees were relatively low across departments in the sample, the effects of higher levels of education were considerable.

Although age is positively associated with experience, and across departments a higher average age of police officers is associated with a smaller justice gap, it is interesting that *less* experience predicts a smaller justice gap while holding all else constant. This seemingly counterintuitive finding leaves many unanswered questions. At the individual level, it's possible that less experienced police officers, straight out of the academy, are more likely to rigidly adhere to their training and, therefore, are less likely to use discretion in their work than older and more experienced officers. Thus, older and more experienced officers are more likely to use discretion, a conclusion which is also supported by Wilson (1968). However, the positive effect of years of experience (and, therefore, increased age) as a police officer on the justice gap may only be present when combined with higher average education levels, as the discretion that these officers would use would less likely be tainted by RMA.

One of the most disappointing findings revealed in the analysis was that the effect of education was not found to be significantly different in explaining case clearance for the crime of forcible sexual offense and forcible rape – the most severe sex crime under North Carolina law. This finding does not support the expectations of the real rape paradigm. The definition of forcible rape in the State of North Carolina most closely adheres to what is known as the “real rape” scenario (Clay-Warner and McMahon-Howard 2009); with a first-degree offense requiring that forceful and unwanted vaginal intercourse take place in concurrence with either the use of a weapon or the infliction of serious injury. In contrast, forcible sexual offense is defined as the commission of a forceful and unwanted “sexual act,” namely anything other than vaginal intercourse including oral rape, anal rape, and/or rape with an inanimate object. Further, male victims with either male or female perpetrators, or female perpetrators with female victims would fall into this offense category – scenarios which would typically be dismissed by the rape

myth, which is shaped entirely around the female victim/male perpetrator dichotomy. However, the results from this t-test could have been influenced by the small sample sizes and could potentially be found to be significantly different in a much larger sample.

When these findings are taken into consideration, it lends support to my contention that departments with more educated police officers will have less RMA among all of their officers as a result of differential association, and consequently will have higher sex crime clearances. The effect of education on forcible sexual offense is important to examine closely in the future because this crime does *not* conform to the classic rape. For example, if a rapist commits oral rape on a victim, regardless of whether or not she was otherwise physically injured or he brandished a weapon to subdue her, higher levels of RMA in a department would increase the likelihood of such an offense being outright dismissed. In contrast, forensic evidence from the trauma of a penile-vaginal rape would not allow for this type of discretion to be used by the investigating officer. This contention is somewhat supported as the multivariate models for forcible sexual offense consistently yielded the highest adjusted R-squared when controlling for all police officer's demographic variables, suggesting that the RMA predictor variables explain more of the variation in the justice gap for this crime. In addition, the bivariate analyses revealed that education was directly associated with the forcible sexual offense justice gap, which further supports this interpretation. However, while the effect of education was not found to be statistically different from one another for each offense, there is reason to believe that they could in fact be different in a large sample – an issue which could be remedied in future research.

Even though I did not make any specific hypotheses regarding the UCR violent index offense justice gaps, the descriptive UCR justice gap model did yield one interesting descriptive finding which was relevant to my research. The justice gap for UCR forcible rape was larger

when compared to other violent crime UCR justice gaps, none of which are sex crimes. This finding is supported by the literature which has contended that clearance rates for non sex crimes are typically higher than when compared to sex crimes (Galvin and Polk 1983; Myers and LaFree 1983).

Given that the unit of analysis in this study is the department and not the individual, the relationships observed for each of these aggregate variables must be carefully interpreted. As previously discussed, nothing can be inferred about the age, experience, race, gender, or education levels of any individual detective or officers within departments, as these interpretations would come dangerously close to the ecological fallacy. Despite this, I am confident in my finding that departments whose officers are less likely to have high levels of RMA are associated with smaller justice gaps for both forcible rape and forcible sexual offense.

5.2 Suggestions for Future Research

Having garnered general support for the research questions for this study, I feel that further research is required in order to effectively argue for policy changes regarding the educational requirements for law enforcement officers. In particular, I would like to conduct similar research across several police agencies which examine the characteristics of police officers as used in this study, but for *each* individual officer, as well as investigating each officer's level of RMA through the use of previously tested attitudinal scales. In this way, I would be able to more thoroughly assess how accurately these characteristics not only predict RMA for the individual, but how they interact and function in the aggregate as predictors of the justice gap.

A previous study conducted by Page (2008b) sought to examine the attitudes of police officers toward women and the crime of rape. In her study, she distributed a questionnaire to a

large sample of law enforcement officers across several agencies in the southeastern United States which asked demographic questions such as age, race, sex, and educational attainment. In addition to this, she used several attitudinal scales to assess each officer's level of RMA. The results of her study found that there was a significant difference between educational attainment levels and RMA scores among police officers. This study in particular was largely the inspiration for the formulation of my research question based on her (and others, see Burt 1980) findings that more educated police officers are less accepting of rape myths.

My current study sought to take Page's research one step further and investigate the *consequences* of the higher levels of RMA as dictated by educational attainment and other demographic characteristics. Thus, my suggestion for future research would be to do this much more literally. I would like to re-create Page's study, but to examine the aggregate officer characteristics and attitudes of each department and their impact on the number of sex crime cases which are cleared. This more in depth approach would also allow me to examine each case so that the issue of the number of clearances versus reports from year to year, as seen in this study, would be resolved. Furthermore, I would also like to more closely examine the interaction between education and experience, as Page's study did not address the officer's years of experience in policing, as well as closely examine the organizational level predictors of differential case outcomes for sex crimes of differing severity.

What's more, by investigating the effect of organizational characteristics on sex crime clearances, it could also shed light on the serious problem of the underreporting of rape and sexual assault. More specifically, a possible link between a police department's poor case clearance and that department's reputation of its treatment of sex crime victims could be found to discourage women in the community from reporting. The dearth in previous studies focusing on

the police department at the organization level could contribute new and important knowledge to these issues which past individual only analyses may have missed.

5.3 Limitations

An important limitation which must be addressed is the low response rate. Following recommendations from various research methods textbooks (e.g. Babbie 2001), I spent a great deal of time designing the survey to make it appear official and aesthetically pleasing, as well as constructing a cover letter using official East Carolina University letterhead which was also included on the envelope. The cover letter also followed many recommendations for increasing response rates including explaining: (1) why the research is being done, (2) how and why the police departments were selected, (3) why participation is important, and (4) issues of confidentiality (Maxfield and Babbie 2008:259). Furthermore, the initial phone calls to each sample department to ascertain a specific individual to whom to address the survey were intended to increase response rates, as well as the self-addressed pre-paid return envelope included in the mailing. Despite my efforts, the initial mailing yielded only a 20% response rate, and a follow up call and e-mail with an additional online version of the survey only increased the response rate to 22%. What's more, the literature indicates that the "police culture" is dictated by a rigid in-group/out-group mentality (Page 2008b), and as such some departments may have viewed my requests for information, as an *academic*, with suspicion and chose not to respond.

To the degree that I could, I constructed the survey in a "police friendly" way, including a law enforcement seal on the cover page and carefully wording questions to avoid any implication of a critical tone of law enforcement in general. Interestingly, I received several phone calls, e-mails, and written notes on the surveys themselves from several officers who either had or planned to pursue a master's degree. They offered support and interest in my research. This may

suggest that education can also mitigate the “culture of suspicion” often used to describe the occupation, and that research such as mine can be viewed as a way to *improve* a departments performance rather than an “outsiders” attempt to criticize it.

After my surveys were returned, I realized that reliability was also an issue in my study. As mentioned in footnote 7 in Chapter III, two of the returned surveys included written comments which asserted that the crimes of forcible rape and forcible sex offense were *only* classified into first or second-degree offenses *if* an arrest was made. Given that this was only mentioned by 2 of the 57 departments which responded, there is no way of knowing whether or not this was a practice particular to only those departments or if it was an issue for all participating departments. Therefore, I chose to collapse the first and second-degree categories into one category for each offense.

I must also address an issue mentioned in Chapter III – the exclusion of certain North Carolina sex crimes in my analysis. I chose to exclude the crimes against children offenses because rape myths, in general, would not apply to the rape or sexual assault of a child but only an adult victim. However, while both first-degree forcible rape and forcible sex offense allow for the rape of a child under the age of 13, the contingency is that the defendant is under the age of 18 – otherwise, the offense would be classified as the rape/sexual offense of/against a child; adult offender (see Appendix G). Therefore, while there is no way to control for the *possibility* of a child victim in my data measurements, I would conclude that cases such as these would be rare.

One of the greatest limitations found in the course of my research was the validity issue with the operationalization of my dependent variable measurement – the justice gap. The justice gap is a theoretical construct which I adopted from the writings of Temkin and Krahe (2008), who refer to it as being the number of sexual assault cases which drop out of the criminal justice

system (see also, Kelly et al. 2005). I chose to define the justice gap as the percentage of reported forcible rapes and forcible sexual offenses across police departments which were not cleared in a given year. However, it was not until I began to “clean” my data that I realized that there were two cases in the North Carolina data which had *negative* justice gaps, and that many of the UCR justice gaps also had the same issue. I had not considered the possibility that a department could have more clearances for an offense in a year than reports, as a crime reported for one year may not be cleared until another year. Therefore, I corrected for this by changing all negative proportions to “0,” as would be allowed for by my theoretical construct of the justice gap. Theoretically, if a department is clearing more cases than are being reported in a given year they are performing just as well as a department which cleared all the cases reported only for that year.

Finally, I must address the problem of including a large number of independent variables in each of the multivariate regression models. A review of the literature suggested that each of the independent variables I sought to control for might be important in predicting the justice gap, but, the literature also suggested that each of the independent variables might mediate or moderate (or both) the relationship between education and justice gap. Therefore, while I recognize the limitation of including eight independent variables with a small sample size, I wanted to look at all of these variables and their role, if any, in the relationship between education and justice gap. Thus, the regression models that I chose were based on a theoretical decision as opposed to a statistical one.

In sum, the exploratory nature of my study uncovered many potentially serious flaws in my research design. However, I feel that I was able to appropriately correct for all of the issues which were encountered, and that the overall quality of the study did not suffer.

CHAPTER VI: CONCLUSION

In conclusion, the results of my study – while limited in scope – are exciting in their implications. The most important finding was that across police departments, the aggregate characteristics of the *individual police officers* are most important for predicting clearances in reported sexual assault cases. This is true even when the effects of other department demographic variables (SVU, percent detective, and agency type) are controlled for. Further, the finding that a higher average education level of a department's officers consistently predicts a smaller justice gap supports my main hypothesis.

Overall, my assumption that through the process of social learning, departments with more highly educated police officers (and, therefore, lower levels of RMA) will transmit their attitudes and ultimately their behaviors regarding rape and sexual assault to their less educated coworkers has been supported. Furthermore, the associations between other officer demographic variables and the justice gap can be understood within the context of the RMA literature and differential association. For example, in the present study, increased percentages of white officers in a department were associated with a smaller justice gap just as the literature suggests – non-Hispanic whites are the least accepting of rape myths (Cahoon et al. 2005). Thus, departments with a higher average percentage of white officers would have more clearances in rape and sexual assault cases as the overall culture of that department would be less tolerant of rape myths amongst its law enforcement officers.

Further investigation into the relationship between police officer's education levels and RMA is not only warranted, but necessary. If the findings of this project are accurate the implications for victims of sex crimes are grim. James Q. Wilson first emphasized the importance of higher education for police officers in the 1960s and yet, as of 2007, only 1% of

all local law enforcement agencies in the United States required a bachelor's degree for their officers (BJS 2007, Table 5). Furthermore, previous studies have found that of the small percentage of rapes and sexual assaults which are actually reported to and recorded by the police, only approximately 40% result in an arrest (Lea et al. 2003). In a country where a rape occurs every six minutes (FBI 2011), these numbers are unacceptable – especially given that rape has the lowest clearance rate of any other violent crime. If RMA is the unseen force behind these low clearance numbers, and it can be shown that a more educated police force can mitigate the effects of RMA, then it is imperative that the law enforcement community take a more proactive approach in requiring that their officers obtain at least a four year college degree.

While there have been many arguments against this proposed requirement since it was first put forth by Wilson almost 40 years ago, those arguments are based on the assumed *unfair* burden it would place on police officers and policing in general. Yet little notice seems to be paid to how *unfair* it is to the victims of rape and sexual assault that are ultimately re-victimized by a system whose purpose it is to serve and protect – even those who do not fit the stereotype of what constitutes a “real” victim.

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APPENDICES

APPENDIX A: IRB APPROVAL LETTER



EAST CAROLINA UNIVERSITY
University & Medical Center Institutional Review Board Office
1L-09 Brody Medical Sciences Building · Mail Stop 682
600 Moye Boulevard · Greenville, NC 27834
Office **252-744-2914** · Fax **252-744-2284** · www.ecu.edu/irb

Notification of Exempt Certification

From: Social/Behavioral IRB
To: [Lenna Jones](#)
CC: [Linda Mooney](#)
Date: 10/26/2011
Re: [UMCIRB 11-000996](#)
Characteristics of Police Departments Which Predict Arrests in Sexual Assault Cases

I am pleased to inform you that your research submission has been certified as exempt on 10/25/2011. This study is eligible for Exempt Certification under category #2.

It is your responsibility to ensure that this research is conducted in the manner reported in your application and/or protocol, as well as being consistent with the ethical principles of the Belmont Report and your profession.

This research study does not require any additional interaction with the UMCIRB unless there are proposed changes to this study. Any change, prior to implementing that change, must be submitted to the UMCIRB for review and approval. The UMCIRB will determine if the change impacts the eligibility of the research for exempt status. If more substantive review is required, you will be notified within five business days.

The UMCIRB office will hold your exemption application for a period of five years from the date of this letter. If you wish to continue this protocol beyond this period, you will need to submit an Exemption Certification request at least 30 days before the end of the five year period.

The Chairperson (or designee) does not have a potential for conflict of interest on this study.

IRB00000705 East Carolina U IRB #1 (Biomedical) IORG0000418
IRB00003781 East Carolina U IRB #2 (Behavioral/SS) IORG0000418 IRB00004973
East Carolina U IRB #4 (Behavioral/SS Summer) IORG0000418

APPENDIX B: IRB AMENDMENT 1 APPROVAL



EAST CAROLINA UNIVERSITY
University & Medical Center Institutional Review Board Office
1L-09 Brody Medical Sciences Building · Mail Stop 682
600 Moye Boulevard · Greenville, NC 27834
Office **252-744-2914** · Fax **252-744-2284** · www.ecu.edu/irb

Notification of Amendment Approval

From: Social/Behavioral IRB
To: [Lenna Jones](#)
CC: [Linda Mooney](#)
Date: 3/2/2012
Re: [Ame1 UMCIRB 11-000996](#)
[UMCIRB 11-000996](#)
Characteristics of Police Departments Which Predict Arrests in Sexual Assault Cases

Your Amendment has been reviewed and approved using expedited review for the period of 3/1/2012 to . It was the determination of the UMCIRB Chairperson (or designee) that this revision does not impact the overall risk/benefit ratio of the study and is appropriate for the population and procedures proposed.

Please note that any further changes to this approved research may not be initiated without UMCIRB review except when necessary to eliminate an apparent immediate hazard to the participant. All unanticipated problems involving risks to participants and others must be promptly reported to the UMCIRB. A continuing or final review must be submitted to the UMCIRB prior to the date of study expiration. The investigator must adhere to all reporting requirements for this study.

The approval includes the following items:

Name	Description	Modified	Version
There are no items to display			

The Chairperson (or designee) does not have a potential for conflict of interest on this study.

IRB00000705 East Carolina U IRB #1 (Biomedical) IORG0000418
IRB00003781 East Carolina U IRB #2 (Behavioral/SS) IORG0000418 IRB00004973
East Carolina U IRB #4 (Behavioral/SS Summer) IORG0000418

APPENDIX C: IRB AMENDMENT 2 APPROVAL



EAST CAROLINA UNIVERSITY
University & Medical Center Institutional Review Board Office
1L-09 Brody Medical Sciences Building · Mail Stop 682
600 Moye Boulevard · Greenville, NC 27834
Office 252-744-2914 · Fax 252-744-2284 · www.ecu.edu/irb

Notification of Amendment Approval

From: Social/Behavioral IRB
To: Lenna Jones
CC: Linda Mooney
Date: 3/14/2012
Re: Ame2 UMCIRB 11-000996
UMCIRB 11-000996
Characteristics of Police Departments Which Predict Arrests in Sexual Assault Cases

Your Amendment has been reviewed and approved using expedited review for the period of 3/13/2012 to . It was the determination of the UMCIRB Chairperson (or designee) that this revision does not impact the overall risk/benefit ratio of the study and is appropriate for the population and procedures proposed.

Please note that any further changes to this approved research may not be initiated without UMCIRB review except when necessary to eliminate an apparent immediate hazard to the participant. All unanticipated problems involving risks to participants and others must be promptly reported to the UMCIRB. A continuing or final review must be submitted to the UMCIRB prior to the date of study expiration. The investigator must adhere to all reporting requirements for this study.

The approval includes the following items:

Table with 4 columns: Name, Description, Modified, Version. Content: There are no items to display

The Chairperson (or designee) does not have a potential for conflict of interest on this study.

IRB00000705 East Carolina U IRB #1 (Biomedical) IORG0000418
IRB00003781 East Carolina U IRB #2 (Behavioral/SS) IORG0000418 IRB00004973
East Carolina U IRB #4 (Behavioral/SS Summer) IORG0000418

Violent Crime in the State of North Carolina



East Carolina University

Department of Sociology

Directions

Questions 1 through 4 ask for the number of clearances by arrest and by exceptional means for the four violent index crimes, as defined by the Federal Bureau of Investigations Uniform Crime Reports for years 2009 and 2010.

Questions 5 through 7 ask for the number of reported and number of clearances by arrest and by exceptional means regarding selected sex crimes, as defined by the North Carolina General Assembly General Statutes under Chapter 14, Article 7A for years 2009 and 2010.

Questions 8 through 13 ask for information about your department and for information about the full time, sworn police officers employed by your department.

If some information is not available to you, please answer to the best of your ability.

Please complete this survey at your earliest convenience and return it as soon as possible in the pre-addressed, pre-paid envelope provided for you.

1. Please indicate the number of murders which were:

Cleared by arrest:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

Cleared by exceptional means:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

2. Please indicate the number of forcible rapes which were:

Cleared by arrest:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

Cleared by exceptional means:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

3. Please indicate the number of robberies which were:

Cleared by arrest:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

Cleared by exceptional means:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

4. Please indicate the number of aggravated assaults which were:

Cleared by arrest:

			2009
--	--	--	-------------

			2010
--	--	--	-------------

Cleared by exceptional means:

			2009
--	--	--	-------------

			2010
--	--	--	-------------

5. Please indicate the number of first and second degree forcible rapes which were:

Reported:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

Cleared by arrest:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

Cleared by exceptional means:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

6. Please indicate the number of first and second degree forcible sexual offenses which were:

Reported:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

Cleared by arrest:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

Cleared by exceptional means:

			First Degree, 2009
--	--	--	---------------------------

			Second Degree, 2009
--	--	--	----------------------------

			First Degree, 2010
--	--	--	---------------------------

			Second Degree, 2010
--	--	--	----------------------------

7. Please indicate the number of sexual batteries which were:

Reported:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

Cleared by arrest:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

Cleared by exceptional means:

<input type="text"/>	<input type="text"/>	<input type="text"/>	2009
----------------------	----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	<input type="text"/>	2010
----------------------	----------------------	----------------------	-------------

8. Of the total number of full time, sworn police officers in your department, how many are classified as detectives?

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------

9. Does your department have a specialized unit for investigating sex crimes, i.e., a "special victims unit?"

<input type="checkbox"/>	Yes
--------------------------	------------

<input type="checkbox"/>	No
--------------------------	-----------

10. What is the average age of the full time, sworn police officers in your department?

<input type="text"/>	<input type="text"/>
----------------------	----------------------

11. On the average, how many years of experience do the full time, sworn police officers in your department have?

<input type="text"/>	<input type="text"/>
----------------------	----------------------

12. What percentage of your departments full time, sworn police officers are:

<input type="text"/>	<input type="text"/>	Male
----------------------	----------------------	-------------

<input type="text"/>	<input type="text"/>	Female
----------------------	----------------------	---------------

13. Please indicate the percentage of full time, sworn police officers in your department who are:

<input type="text"/>	<input type="text"/>	White (non-Hispanic)
----------------------	----------------------	-----------------------------

<input type="text"/>	<input type="text"/>	Black (non-Hispanic)
----------------------	----------------------	-----------------------------

<input type="text"/>	<input type="text"/>	Hispanic (any race)
----------------------	----------------------	----------------------------

<input type="text"/>	<input type="text"/>	Asian/Pacific Islander
----------------------	----------------------	-------------------------------

<input type="text"/>	<input type="text"/>	Other
----------------------	----------------------	--------------

14. What percentage of full time, sworn police officers in your department have completed a **four year college degree or more**:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Thank you for taking the time to complete and return this survey. Your participation is very valuable and will hopefully be used to increase the understanding of violent crime patterns in the State of North Carolina.

The information gathered in the study is anonymous and will not be linked to any participating agency or person in any way.

If you should have any further questions or concerns about this survey or any of its questions, please contact Lenna Jones at (252) 481-4495 or by e-mail at jonesL06@students.ecu.edu.

Please return your completed survey in the provided envelope to:

**Lenna Jones
East Carolina University
Department of Sociology
A-416 Brewster Building
East Tenth Street
Greenville, NC 27858**

APPENDIX E: SURVEY COVER LETTER



Department of Sociology
Thomas Harriot College of Arts and Sciences
East Carolina University
A-416 Brewster Greenville, NC 27858-4353
252-328-6883 office 252-328-4837 fax

DEPARTMENT NAME
ATTN: NAME
STREET ADDRESS
CITY, STATE ZIPCODE

You are being invited to participate in a study for a thesis research project being conducted by Lenna Jones, a graduate student at East Carolina University working with faculty in the Departments of Sociology and Criminal Justice. The goal is to survey law enforcement agencies in the State of North Carolina. Agencies selected for this survey were those which reported to the Uniform Crime Report (UCR) for the years 2009 and 2010. This survey is intended to supplement the existing data collected by the UCR.

The survey will take anywhere from 10 to 20 minutes to complete depending on how readily available the requested information is to you. It is hoped that this information will assist us to better understand patterns of violent crime across different jurisdictions in the State of North Carolina. The survey is anonymous, so please do not write your name on this survey. Your participation in the research is voluntary. You may choose not to answer any or all questions, and you may stop at any time. There is no penalty for not taking part in this research study.

Please call Lenna Jones at 252-481-4495 for any research related questions or the Office for Human Research Integrity (OHRI) at 252-744-2914 for questions about your rights as a research participant.

Sincerely,

Lenna Jones
Graduate Student
Department of Sociology
East Carolina University

APPENDIX F: FOLLOW UP COVER LETTER



Department of Sociology
Thomas Harriot College of Arts and Sciences
East Carolina University
A-416 Brewster Greenville, NC 27858-4353
252-328-6883 office 252-328-4837 fax

You are receiving this e-mail as a follow up to a survey which was previously mailed to you. If you did not receive this survey or have misplaced it, I would like to offer you the opportunity to complete an online version at your convenience. It will be available online from March 14th until March 23rd at 5 P.M. If you have already completed and returned the survey, thank you and please disregard this e-mail.

This study is for a thesis research project being conducted by Lenna Jones, a graduate student at East Carolina University working under the direction of Dr. Linda Mooney in the Department of Sociology. The goal is to survey law enforcement agencies in the State of North Carolina. Agencies selected for this survey were those which reported to the Uniform Crime Report (UCR) for the years 2009 and 2010. This survey is intended to supplement the existing data collected by the UCR. For this reason, your returned survey will contain a coded identifier which will only be used to attach the survey data to the existing UCR data without compromising anonymity. Your identity is not requested on the survey. If any presentations or publications are developed from this study, your agency will not be identified.

The survey will take anywhere from 10 to 20 minutes to complete depending on how readily available the requested information is to you. It is hoped that this information will assist us to better understand patterns of violent crime across different jurisdictions in the State of North Carolina. Your participation in the research is voluntary. You may choose not to answer any or all questions, and you may stop at any time. There is no penalty for not taking part in this research study.

Please contact Lenna Jones at 252-481-4495 or at jonesl06@students.ecu.edu for any research related questions or the Office for Human Research Integrity (OHRI) at 252-744-2914 for questions about your rights as a research participant. You may also e-mail Dr. Linda Mooney at mooneyL@ecu.edu with any questions or concerns regarding this project. If you would prefer to have another paper copy sent to you, contact Lenna Jones at jonesl06@students.ecu.edu.

Please follow the link in this e-mail to beginning taking this survey.

Respectfully,

Lenna Jones
Graduate Student
Department of Sociology
East Carolina University

APPENDIX G: NORTH CAROLINA GENERAL STATUTES, CHAPTER 14, ARTICLE 7A

Rape and Other Sex Offenses.

§ 14-27.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Mentally disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (2) "Mentally incapacitated" means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.
- (3) "Physically helpless" means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) "Sexual act" means cunnilingus, fellatio, analingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.
- (5) "Sexual contact" means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
- (6) "Touching" as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a).)

§ 14-27.2. First-degree rape.

- (a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse:
 - (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
 - (2) With another person by force and against the will of the other person, and:
 - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 - b. Inflicts serious personal injury upon the victim or another person; or
 - c. The person commits the offense aided and abetted by one or more other persons.
- (b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7.)

§ 14-27.2A. Rape of a child; adult offender.

(a) A person is guilty of rape of a child if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

(b) A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.

(c) Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the deprived torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

(d) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

(e) The offense under G.S. 14-27.2(a)(1) is a lesser included offense of the offense in this section. (2008-117, s. 1.)

§ 14-27.3. Second-degree rape.

(a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c.

1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8.)

§ 14-27.4. First-degree sexual offense.

(a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

(1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or

(2) With another person by force and against the will of the other person, and:

a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or

b. Inflicts serious personal injury upon the victim or another person; or

c. The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 6; 1981, c. 106, ss. 3, 4; 1983, c. 175, ss. 5, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 3.)

§ 14-27.4A. Sexual offense with a child; adult offender.

(a) A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

(b) A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.

(c) Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

(d) The offense under G.S. 14-27.4(a)(1) is a lesser included offense of the offense in this section. (2008-117, s. 2.)

§ 14-27.5. Second-degree sexual offense.

(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 7; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1131; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(c).)

§ 14-27.5A. Sexual battery.

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor. (2003-252, s. 2.)

§ 14-27.6: Repealed by Session Laws 1994, Ex. Sess., c. 14, s. 71(3).

§ 14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.

(a) If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony. Consent is not a defense to a charge under this section.

(b) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers. A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class A1 misdemeanor. This subsection shall apply unless the conduct is covered under some other provision of law providing for greater punishment. Consent is not a defense to a charge under this section. For purposes of this subsection, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this subsection, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 9; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1132; 1994, Ex. Sess., c. 24, s. 14(c); 1999-300, s. 2; 2003-98, s. 1.)

§ 14-27.7A. Statutory rape or sexual offense of person who is 13, 14, or 15 years old.

(a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is at least six years older than the person, except when the defendant is lawfully married to the person.

(b) A defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is more than four but less than six years older than the person, except when the defendant is lawfully married to the person. (1995, c. 281, s. 1.)

§ 14-27.8. No defense that victim is spouse of person committing act.

A person may be prosecuted under this Article whether or not the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense. (1979, c. 682, s. 1; 1987, c. 742; 1993, c. 274.)

§ 14-27.9. No presumption as to incapacity.

In prosecutions under this Article, there shall be no presumption that any person under the age of 14 years is physically incapable of committing a sex offense of any degree or physically incapable of committing rape, or that a male child under the age of 14 years is incapable of engaging in sexual intercourse. (1979, c. 682, s. 1.)

§ 14-27.10. Evidence required in prosecutions under this Article.

It shall not be necessary upon the trial of any indictment for an offense under this Article where the sex act alleged is vaginal intercourse or anal intercourse to prove the actual emission of semen in order to constitute the offense; but the offense shall be completed upon proof of penetration only. Penetration, however slight, is vaginal intercourse or anal intercourse. (1979, c. 682, s. 1.)

