Gender Difference or Indifference? Detective Decision Making in Sexual Assault Cases

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Abstract

Prior research examining sexual assault case decision making has failed to account for the demographic characteristics of the criminal justice practitioners charged with making case decisions. Inclusion of such information is important because it provides researchers with a greater understanding of how criminal justice practitioners’ own gender, race, age, and past experiences affect their judgments. This study seeks to examine whether gender differences exist in detectives’ arrest decisions in sexual assault cases. Victim, suspect, incident, and detective characteristics are collected from police case and investigatory files on 328 criminal sexual assault cases involving adult female victims reported to a large Midwestern police department in 2003. Logistic regression is used to determine whether detective gender predicted the odds of arrest after controlling for incident, victim, and suspect characteristics. It is hypothesized that cases involving female detectives would be more likely to result in arrest after controlling for other incident, victim, and suspect characteristics. However, contrary to expectations, female detectives are significantly less likely than male detectives to arrest suspects in sexual assault cases even after controlling for the influence of other factors shown to predict arrest. The findings support prior research that suggests female practitioners may not necessarily be more sensitive toward female victims.

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despite previous assumptions that this would hold true. The findings suggest that efforts to hire female police officers for the purposes of dealing with female-related victimization may ultimately undermine efforts to improve victim experiences with the criminal justice system. They further suggest that both researchers and police administrators need to rethink the best ways to serve female victims beyond hiring mandates.

**Keywords**
sex offenses, decision making, police, women police officers

Research has consistently shown that police officers and prosecutors scrutinize sexual assault cases despite attempts to improve the processing of sexual assault cases through rape reform policy (Berger, Neuman, & Searles, 1994; Horney & Spohn, 1991). Victim, suspect, and incident characteristics continue to influence criminal justice practitioner decision making even if some of these characteristics are not legally required to prove a sexual assault occurred or meet evidentiary standards (see Beichner & Spohn, 2005; Frazier & Haney, 1996; Kerstetter, 1990; Kingsnorth, MacIntosh, & Wentworth, 1999; LaFree, 1981, 1989; Spears & Spohn, 1996, 1997; Spohn, Beichner, & Davis-Frenzel, 2001; Spohn & Holleran, 2001; Spohn & Horney, 1993; Spohn & Spears, 1996). Criminal justice practitioners use these factors to weed out those cases that they believe are not likely to move forward through the criminal justice system (Frohmann, 1991; Spohn et al., 2001). Those cases that do not meet a perceived set of standards are considered by criminal justice personnel to be a waste of time and resources. Therefore, the progression of such cases through the system is halted.

Past examinations of sexual assault processing decisions have focused only on the influence of victim, suspect, and incident characteristics on case outcomes and have failed to consider the characteristics of criminal justice personnel who are charged with making processing decisions. Criminal justice personnel are not passive participants. A defining aspect of their work is discretion; the high levels of discretion employed by criminal justice practitioners allow these employees some latitude in deciding which activities they are willing to engage in and how they should carry out their jobs (Lipsky, 1980). Because of this, one’s identity, social position, and past experiences may all play significant roles in how individuals perform and value their work. It can also affect the types of choices being made. Therefore, simply examining the results of criminal justice practitioner decisions makes invisible the individuals making those choices and how these practitioners’ own gender, race, age,
and past experiences affect their judgments. This study sought to address this limitation in the sexual assault decision-making literature by exploring the influence of detective gender on decisions to arrest in sexual assault cases.

**Police Officer Decision Making in Sexual Assault Cases**

Police officers play an important role in the processing of sexual assault cases. Officers are charged with investigating and determining the “facts” about sexual assault cases, and they carry out this role with an immense amount of discretion. Officers have the discretion to decide which cases are worth investigating versus others that may be seen as a waste of time due to the circumstances surrounding the incident (i.e., rape involving an uncooperative victim or little evidence) or resources available to successfully investigate, arrest, and charge suspects. Their determination of which sexual assaults are worth investigating may also be influenced by their perceptions of what actually constitutes real rape (i.e., stranger rape) or who are legitimate victims (e.g., victims who were not engaged in morally questionable or risk-taking behavior at the time of the incident).

There are several decision-making points that sexual assault cases will go through that involve police officers. These processing points include the case founding decision, arrest, and presentation to the prosecution. Case founding refers to the initial determination by police officers that the reported incident actually constituted a criminal sexual assault as defined by state statute. This is the first step all cases must pass through once an official police report has been completed. Cases in which officers do not believe a crime occurred are unfounded or reclassified (generally to a lesser offense, such as assault), whereas cases in which officers do think a sexual assault occurred are founded. Officers continue working on those cases that are founded. Arrest occurs when the officer has enough probable cause to arrest and charge a suspect for a criminal sexual assault. In the jurisdiction studied, if the suspect has been identified and arrested, the officer can choose to seek felony charges by presenting the case to the prosecution for felony approval. Each of these decision-making points represent occasions in which incident, victim, and suspect characteristics can influence case outcomes. They also represent instances in which personal biases and attitudes can come into play because of the amount of discretion individual officers have when making decisions at each of these points. The individualistic nature of police decision making renders who is making the assessment just as important as the factors used by those officers.
Factors Known to Influence Officer Decisions

According to Martin (2005), one of the primary activities of police personnel is to “build their case” through documentation of facts. This often includes treating victims like witnesses to their own crimes. Research also indicates that the police officer role, which emphasizes close scrutiny of “facts” and identification of the “truth,” results in officers becoming highly suspicious of sexual assault victims, which may influence how they interpret victim behaviors (Jordan, 2004). It is unknown, however, whether the tendency to be suspicious of sexual assault victims transcends gender or whether gender moderates this relationship. Those studies conducted thus far have either focused on victim, suspect, and case characteristics and case outcomes (see Frazier & Haney, 1996; Kerstetter, 1990; LaFree, 1989) or have focused on officer perceptions of rape scenarios, rape victims, and rape myths (see Brown & King, 1998; Campbell & Johnson, 1997; Feldman-Summers & Palmer, 1980; LeDoux & Hazelwood, 1985; Page, 2007, 2008a, 2008b; Schuller & Stewart, 2000).

Despite limitations, prior studies have been instrumental in helping us understand decision making by officers in sexual assault cases. It is now known, for example, that officers view inconsistencies in victim statements as a “red flag” that the sexual assault claims may be false (Jordan, 2004) and that the victim’s moral character or risk-taking behavior prior to the incident significantly influences police decision making (Kerstetter, 1990; LaFree, 1989). It is also known that certain case characteristics, such as whether the suspect used a weapon (Kerstetter, 1990; LaFree, 1989), the victim reported resisting the attack (Kerstetter, 1990; LaFree, 1989), the victim sustained injuries (Frazier & Haney, 1996; Kerstetter, 1990), witnesses were present (Frazier & Haney, 1996), victim–suspect relationship (Frazier & Haney, 1996; LaFree, 1989), and if the victim reported the incident in a timely manner (Jordan, 2004; LaFree, 1989) influence police officer decisions regarding whether they perceive victim claims to be legitimate and when to question and arrest suspects. Past research also indicates that different incident-based factors are significantly correlated with sexual assault case processing outcomes for stranger cases compared to known suspect cases (see Kerstetter, 1990; Kerstetter & Van Winkle, 1990). For instance, research indicates that evidentiary factors, such as the presence of a weapon, witness availability, and resistance, play a large role in arrest decision making in sexual assaults involving strangers, whereas victim credibility (e.g., the victim was not perceived as sympathetic) plays a large role in arrest decision making in cases involving known suspects (Kerstetter & Van Winkle, 1990).
Gender and Blame Attribution

Some academics have argued that criminal justice agencies are less responsive when handling crimes involving predominately female victims, such as domestic violence and sexual assault, because male personnel dominate most criminal justice agencies or because these organizations have masculine characteristics (Martin, Reynolds, & Keith, 2002). This has led to calls for criminal justice agencies to hire more women; by hiring more female criminal justice practitioners it was believed that criminal justice organizations would be more sensitive to the needs of female crime victims (Caringella-MacDonald, 1988). The result of the “hiring mandate” has been more intentional recruitment of women, and such practices have resulted in a greater number of female police officers. In 1987, only 7.6% of police officers in the United States were female. By 2007, this percentage had increased to almost 12%. Large police departments were particularly successful in recruiting female officers. By 2007, women accounted for between 13% and 27% of sworn personnel in the 10 largest police departments (Langton, 2010).

Yet despite the increasing numbers of female police officers, little is still known about their decision-making practices in sexual assault and domestic violence cases. Most of the research to date has focused on officer perceptions. The idea that female officers may be more sensitive to victims of sexual assault is somewhat supported in the literature examining factors correlated with victim blaming. Attribution theory holds that individuals make blame determinations by examining causality and responsibility of the observed actors (Shaver, 1975). Individuals attribute responsibility by either attributing the behavior to the characteristics of the observed actor, some other external factors (Gray, Palileo, & Johnson, 1993), or both. The social position of the actor (i.e., his or her class, sex, race, or ethnicity), the location of the behavior (i.e., at home vs. in a dark alley), the observer’s past experiences, and psychological benefits associated with the allocation of blame can influence how and under what circumstances individuals will attribute responsibility (Shaver, 1975).

When applying attribution theory to sexual assault cases, researchers have focused on how victim, suspect, and incident characteristics play a role in how individuals attribute blame, in addition to how the characteristics, experiences, and personalities of those attributing blame also influence blame attribution. More important, respondent sex has been one of the most important predictors of blame attribution. In a meta-analysis of 65 reports on attitudes toward rape published between 1973 and 1993, Anderson, Cooper, and Okamura (1997) found that of the demographic factors examined by previous
researchers, sex was the strongest predictor of rape myth acceptance; greater acceptance of rape myths was found in men than in women.

Studies that have examined officer perceptions of rape victims and rape myth acceptance have shown that officers are skeptical of rape victim claims (Jordan, 2004) and believe in some commonly held rape myths (Brown & King, 1998; Campbell & Johnson, 1997; Feldman-Summers & Palmer, 1980; LeDoux & Hazelwood, 1985; Page, 2007, 2008a, 2008b). The relationship between officer gender and officer perceptions is less clear. Some studies have found gender differences (see Brown & King, 1998; Page, 2007; Schuller & Stewart, 2000). For instance, Brown and King (1998) and Page (2007) found that women police officers were less accepting of rape myths than male police officers did, whereas Schuller and Steward found that female officers were more likely than male officers to believe victims, attribute less blame to the victim, and believe that the suspects in hypothetical situations were guilty and should be charged. In contrast, Campbell and Johnson found no gender differences in officer definitions of sexual assaults. Caution, however, is needed when drawing strong conclusions between gender and officer perceptions. Page (2008a) notes that officers participating in research aimed at assessing rape myth acceptance may respond in socially desirable ways. This may result in research findings that underreport officer acceptance of rape myths or officers’ negative perceptions of victims and suspects in certain rape scenarios (see also Lonsway, Welch, & Fitzgerald, 2001). The socially desirable responses may also mask existing gender differences in officer perceptions.

In summary, studies conducted to date have examined the influence of victim, suspect, and case characteristics on decision making (e.g., decision to arrest) or self-reported perceptions of sexual assaults and sexual assault victims, not how police officers actually behaved toward sexual assault victims while carrying out their jobs. No published studies have examined officer gender as a predictor of outcomes in sexual assault cases. Thus, it is unknown whether officer gender plays a role in decisions to arrest. One would expect, however, on the basis of past research on attribution theory and some evidence that female officers are more likely to believe victims and attribute less blame to the victim and that cases handled by female detectives will be more likely than cases investigated by male detectives to result in the arrest of the suspect after controlling for incident, victim, and suspect characteristics.

**Present Study**

This study examined detective arrest decisions for a sample of criminal sexual assault cases reported to a large Midwestern police department in 2003. This
study focused on one main processing decision-making point: arrest. The focus of this study is on the arrest decision because it represents a key decision-making point in the process in which the progress of a large number of cases is halted. For instance, though all of the cases handled by detectives examined for this study were founded, only 26.8% of cases resulted in an arrest.

**Sample**

The final sample for this study consisted of 328 criminal sexual assaults. The final sample was extracted from a database containing detailed information about 630 criminal sexual assault cases that occurred between January and August 2003. In this jurisdiction, individuals can be charged with criminal sexual assault if they sexually penetrate the victim by use of force or threat of force or the victim is unable to consent to penetration. The definition of criminal sexual assault employed by this Midwestern police agency is much broader than that used by the Federal Bureau of Investigation’s Uniform Crime Reporting program in that the definition includes male victims, multiple forms of penetration, and the assaults in which the victim is unable to consent.

The original 630 cases included all sexual assaults in which the victim was female and 18 years or older. Although the original 630 cases included instances in which men or women were the alleged perpetrators, the final sample for this study was limited to instances in which the suspect was a man because there was only one case in which the alleged suspect was a woman. The final sample also excluded cases that were unfounded \((n = 40)\) as these cases would not result in arrest; detectives only continue investigating cases that were originally founded. In addition, the final sample excluded cases in which multiple suspects or victims were present \((n = 132)\) because cases involving multiple victims and/or multiple suspects are likely to be different (e.g., considered more serious) than those involving one suspect and one victim (he said/she said cases). Another 13 cases were excluded because no supplemental documentation could be found (only the original paper case report could be located).

Finally, cases in which multiple detectives were involved were excluded \((n = 109)\) because the ability to accurately identify each individual and link that individual to his or her demographic characteristics and work experiences using the automated personnel database was not always possible. Although the automated personnel database was both accurate and complete, the unique employee identifier used to connect detectives to reports was only available for detectives who write up the supplemental reports in the system. In instances in which multiple detectives were involved in the case, only the
detective who wrote up the reports could be definitively linked to his or her demographic characteristics via their unique employee identifier. Although attempts were made to link the other detectives involved in the case, the ability to do so consistently and with a high degree of accuracy was limited and, therefore, deemed unreliable.

It should be noted that there were some differences noted between those cases involving one detective and those involving multiple detectives. Most notable is that cases involving multiple detectives versus one detective were significantly more likely to involve weapons (34.9% vs. 21.5%, respectively) and victim injury (42.2% vs. 25.6%, respectively). Both of these factors suggest that more serious cases—those involving both weapon use and victim injury—were more likely to result in higher amounts of police resources devoted to the case. It was also found that cases involving multiple detectives were significantly more likely to result in the arrest of the suspects (59.4% vs. 23.8%, respectively), but review of the cases indicated that this higher frequency of suspect arrests was primarily due to the fact that many of the suspects were arrested on scene or quickly after the incident by patrol officers. The higher arrest frequency may also be a byproduct of assigning multiple detectives to more serious cases as noted previously. Although inclusion of cases involving multiple detectives would have been ideal, the reliability of doing so was not possible.

Data Collection

Data were collected from various paper and electronic files including the incident, arrest, and detective supplemental reports and an evidence-tracking database used to document and track all forensic evidence. Consistent with what Martin (2005) identifies as one of the primary activities of police personnel, these sources of data reflect the activities and information that police officers and detectives document as part of their efforts to “build their case.” Although all of the information was documented in a manner that could be used in criminal court, it still was influenced by officer interpretations, attitudes, and beliefs about criminal sexual assaults, victims, and suspects.

Measures

As previously noted, several incident characteristics have been significantly predictive of officer decision making in sexual assault cases. These variables, in addition to detective gender, were examined to account for their relationship to the dependent variable: arrest. These variables included victim credibility,
whether the victim sustained physical injuries, a weapon was used or implied, witnesses to the incident were present, the victim reported actively resisting the assault, the victim refused to submit to a rape kit, the rape was reported more than 6 hours later than the incident, and the incident involved strangers, acquaintances, or relatives or prior or current intimate partners.

For this study, victim credibility was operationalized in two ways: victim character and discrepancies in victim statements. The variable victim character was created to reflect whether the victim had questionable moral character as noted in the police reports reviewed. Questionable moral character was defined as an individual who was identified as a prostitute, drug or alcohol user, or had a prior arrest record. Information about the victim’s moral behavior came from various sources, including officer knowledge of the victim (e.g., known prostitute), victim statements, witness statements, and in some cases, suspect statements. The second way in which victim credibility was measured pertained to the perceived truthfulness of victims when they reported the incident to the police. The variable was coded for whether discrepancy was noted by police officers or detectives. Discrepancy was noted only if the police report indicated that the victim’s story changed after questioning by police officers or detectives.

Analysis

Analyses for this study were conducted in three steps. First, frequencies and percentages were completed to describe the sample characteristics. Second, chi-square analyses were performed to clarify the relationship between the independent and dependent variables. The data were also partitioned by detective gender and additional chi-square analyses were performed to describe the relationship between incident, victim, and suspect characteristics and the dependent variable separately by detective gender. Bivariate correlations were also performed to identify any potential problems with multicollinearity between the independent variables (data not shown, available on request from the first author). Finally, sequential logistic regression analysis was completed in which the control variables were first entered into a logistic regression model followed by detective gender. Sequential ordering of the variables allowed us to test whether detective gender had a statistically significant independent effect controlling for all other factors. The likelihood ratio test was used to test the difference between the model containing only incident, victim, and suspect characteristics and that including detective gender. Cases with missing data were excluded from the final model \((n = 21)\). Logistic regression model diagnostics as well as the Hosmer
Table 1. Descriptive Statistics for the Independent and Dependent Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>Frequency/n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detective—female</td>
<td>121/328</td>
<td>36.9</td>
</tr>
<tr>
<td>Weapon used</td>
<td>67/328</td>
<td>20.4</td>
</tr>
<tr>
<td>Witness present</td>
<td>23/328</td>
<td>7.0</td>
</tr>
<tr>
<td>Resistance noted</td>
<td>92/321</td>
<td>28.7</td>
</tr>
<tr>
<td>Refused rape kit</td>
<td>55/311</td>
<td>17.7</td>
</tr>
<tr>
<td>Victim injured</td>
<td>83/328</td>
<td>25.3</td>
</tr>
<tr>
<td>Time reported—more than 6 hours</td>
<td>116/328</td>
<td>35.4</td>
</tr>
<tr>
<td>Discrepancy in victim statement</td>
<td>36/328</td>
<td>11.0</td>
</tr>
<tr>
<td>Character questioned</td>
<td>124/328</td>
<td>37.8</td>
</tr>
<tr>
<td>Victim/suspect—acquaintance/relative</td>
<td>112/326</td>
<td>34.4</td>
</tr>
<tr>
<td>Victim suspect—intimate partner</td>
<td>75/326</td>
<td>23.0</td>
</tr>
<tr>
<td>Suspect arrested</td>
<td>88/328</td>
<td>26.8</td>
</tr>
</tbody>
</table>

Note: N = 328.

and Lemeshow’s (2000) goodness-of-fit test were performed to ensure the models were appropriate.

Results

Table 1 presents the univariate descriptives for the variables examined. Overall, only 26.8% of the cases examined resulted in arrest. This means that almost 75% of cases that police officers believed met the legal definition of a criminal sexual assault were suspended pending additional evidence or arrest of the alleged suspect. Female detectives were assigned to investigate 36.9% of the cases examined. This percentage was slightly higher than the percentage of women among all sworn personnel in 2003 (36.9% vs. 22.9%, respectively). Although the police department studied does not have an official policy designating that more female officers be assigned to sexual assault cases, it does appear that female detectives from the violent crimes unit may have been assigned at a higher rate than expected given the overall percentage of female officers working for the department. Unfortunately, data on the total number of female detectives in 2003, or more specifically, the number of female detectives assigned to the violent crimes unit, were unavailable. Such data would have provided additional insight regarding whether female detectives were being assigned at a higher rate to sexual assault cases than their male counterparts.
The descriptive statistics also revealed that most cases did not involve a weapon (79.6%), witnesses (93.0%), resistance (71.3%), or victim injury (74.7%). In addition, a majority of cases were reported within 6 hours or less of the incident (64.6%), and in only 17.7% of cases did victims refuse to have a rape kit completed. In terms of victim credibility, in 37.8% of the cases detectives had noted information that questioned the victim’s moral character and in 11.0% of cases the detectives had noted discrepancies in the victim statements. In terms of the victim–suspect relationship, 42.6% of cases allegedly involved strangers.

Five independent and control variables were significantly related to the arrest dependent variable at the bivariate level: detective gender, witness presence, resistance, rape kit refusal, and whether there were questions regarding victim character (Table 2). An additional three variables were significant at a more liberal $p \leq .20$: injury, discrepancy in victim statements, and victim–suspect relationship.

Table 3 shows the results from the final logistic regression model that included the control and independent variables. The model was statistically significant at the $p \leq .05$ level and review of the Hosmer and Lemeshow (2000) goodness-of-fit test indicated that the model was a good fit for the data. Detective gender did independently predict the probability of arrest even after controlling for all other variables, though the direction of the relationship was opposite to that hypothesized. Specifically, the odds that cases resulted in arrest increased 50% when the detective was male.

In addition to detective gender, several other variables were statistically predictive of arrest; that is, the odds that cases would result in arrest increased more than twofold when the victim reported resisting the attack and decreased by 57% when the victim refused to submit to a rape kit examination. Questionable moral character was also significantly predictive of the odds of arrest; the odds of arrest increased twofold in cases in which victims had questionable moral character. Finally, the odds of arrest also increased when the suspect was identified as an acquaintance or relative or if the suspect was an intimate partner. The odds of arrest for cases involving acquaintances or relatives were 3.1 times greater as compared to cases involving strangers and 3.3 times greater for cases involving intimate partners as compared to cases involving strangers.

**Discussion**

It had been hypothesized that cases involving female detectives would be more likely to result in arrest based on the belief that women may be more
Table 2. Bivariate Relationship Between Control, Independent, and Dependent Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>Male (n = 207)</th>
<th>Female (n = 121)</th>
<th>Total (n = 328)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No arrest</td>
<td>Arrest</td>
<td>No arrest</td>
</tr>
<tr>
<td></td>
<td>(n = 142)</td>
<td>(n = 65)</td>
<td>(n = 98)</td>
</tr>
<tr>
<td>Female detective</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Weapon present</td>
<td>32 (22.5)</td>
<td>15 (23.1)</td>
<td>15 (15.3)</td>
</tr>
<tr>
<td>p</td>
<td>.931</td>
<td>.455</td>
<td>.531</td>
</tr>
<tr>
<td>Witness present</td>
<td>7 (4.9)</td>
<td>12 (18.5)</td>
<td>4 (4.1)</td>
</tr>
<tr>
<td>p</td>
<td>.002</td>
<td>.324</td>
<td>.004</td>
</tr>
<tr>
<td>Resistance noted</td>
<td>32 (23.2)</td>
<td>24 (36.9)</td>
<td>24 (25.3)</td>
</tr>
<tr>
<td>p</td>
<td>.041</td>
<td>.012</td>
<td>.003</td>
</tr>
<tr>
<td>Refused rape kit</td>
<td>28 (21.5)</td>
<td>6 (9.5)</td>
<td>18 (18.9)</td>
</tr>
<tr>
<td>p</td>
<td>.040</td>
<td>.507</td>
<td>.039</td>
</tr>
<tr>
<td>Victim injured</td>
<td>27 (19.0)</td>
<td>19 (29.2)</td>
<td>28 (28.6)</td>
</tr>
<tr>
<td>p</td>
<td>.101</td>
<td>.323</td>
<td>.100</td>
</tr>
<tr>
<td>Time reported &gt; 6 hr</td>
<td>56 (39.4)</td>
<td>15 (23.1)</td>
<td>33 (33.7)</td>
</tr>
<tr>
<td>p</td>
<td>.021</td>
<td>.099</td>
<td>.283</td>
</tr>
<tr>
<td>Discrepancy noted</td>
<td>15 (10.6)</td>
<td>11 (16.9)</td>
<td>7 (7.1)</td>
</tr>
<tr>
<td>p</td>
<td>.200</td>
<td>.355</td>
<td>.083</td>
</tr>
<tr>
<td>Character questioned</td>
<td>44 (31.0)</td>
<td>30 (46.2)</td>
<td>38 (38.8)</td>
</tr>
<tr>
<td>p</td>
<td>.035</td>
<td>.240</td>
<td>.253</td>
</tr>
<tr>
<td>Victim–suspect relationship</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stranger</td>
<td>67 (47.9)</td>
<td>20 (30.8)</td>
<td>44 (44.9)</td>
</tr>
<tr>
<td>p</td>
<td>.058</td>
<td>.617</td>
<td>.052</td>
</tr>
<tr>
<td>Acquaintance/relative partner</td>
<td>43 (30.7)</td>
<td>29 (44.6)</td>
<td>32 (32.7)</td>
</tr>
<tr>
<td>Intimate partner</td>
<td>30 (21.4)</td>
<td>16 (24.6)</td>
<td>22 (22.4)</td>
</tr>
</tbody>
</table>

Note: Numbers in parentheses indicate percentage; n/a = not applicable.

sensitive to claims of sexual assault. However, the data examined for this study suggest otherwise. Rather, cases involving male detectives were significantly more likely to result in arrest. This finding was contrary to that expected given past research that indicates women are significantly less likely
Table 3. Logistic Regression Model Showing the Association Between Detective Gender and Suspect Arrest Controlling for Victim, Suspect, and Incident Characteristics

<table>
<thead>
<tr>
<th>Variable</th>
<th>B</th>
<th>SE</th>
<th>P</th>
<th>OR</th>
<th>Lower</th>
<th>Upper</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detective gender</td>
<td>-0.70</td>
<td>0.30</td>
<td>.022</td>
<td>0.50</td>
<td>0.27</td>
<td>0.90</td>
</tr>
<tr>
<td>Resistance</td>
<td>0.82</td>
<td>0.31</td>
<td>.007</td>
<td>2.27</td>
<td>1.25</td>
<td>4.13</td>
</tr>
<tr>
<td>Rape kit completed</td>
<td>-0.84</td>
<td>0.42</td>
<td>.047</td>
<td>0.43</td>
<td>0.19</td>
<td>0.99</td>
</tr>
<tr>
<td>Victim character</td>
<td>0.70</td>
<td>0.30</td>
<td>.020</td>
<td>2.00</td>
<td>1.12</td>
<td>3.60</td>
</tr>
<tr>
<td>Acquaintance/relative</td>
<td>1.13</td>
<td>0.36</td>
<td>.002</td>
<td>3.08</td>
<td>1.52</td>
<td>6.25</td>
</tr>
<tr>
<td>Intimate partner</td>
<td>1.20</td>
<td>0.41</td>
<td>.004</td>
<td>3.29</td>
<td>1.46</td>
<td>7.41</td>
</tr>
</tbody>
</table>

Note: $\chi^2(11, 307) = 45.26, p < .001; \text{Nagelkerke } R^2 = .20.$

than men to attribute blame to sexual assault victims (see Anderson et al., 1997). These findings lead us to question assumptions of some researchers and feminists that hiring more female criminal justice practitioners will result in criminal justice organizations becoming more sensitive to the needs of female crime victims (Caringella-MacDonald, 1988). In fact, these findings support other studies showing that creation of police units investigating sexual assaults comprised of mostly women do not necessarily result in better processing outcomes (LaFree, 1989) and that some women can be more harsh to sexual assault victims than men (Weir & Wrightsman, 1990). Martin (2005) argues that the selection of individuals to work with sexual assault victims solely on the practitioner’s gender is risky because female practitioners are not necessarily more sensitive to sexual assault victims. This study’s finding that female detectives were less likely to arrest suspects in sexual assault cases provides further support for Martin’s warning. The belief that police agencies will be more sensitive to issues particular to women because more women are employed by those agencies assumes that being female has more influence on an individual’s behaviors and attitudes than being a member of a criminal justice organization. It implies that women, as a group, have similar beliefs and perceptions about the world. Radical feminists and feminists of color have openly criticized such assumptions, arguing that women’s experiences and perceptions about the world are conditioned by other factors, such as race, class, ethnicity, and education, not just gender (Crenshaw, 1993; Hurtado, 1996).
Arguments that women should be hired by police agencies based on the premise that women, as a group, will be more sensitive to female crime victims may do more harm than good. First, such arguments imply that there needs to be a valid reason why women should be considered as potential, viable employees. The need for validation has been a historical phenomenon that has plagued the criminal justice system. Scholars have long recognized that women’s entry into criminal justice careers has been plagued with gender stereotyping, often resulting in women’s professional roles being closely associated with traditional female characteristics such as nurturing and caretaking (Belknap, 2007). No such rationale has ever been provided or considered necessary for hiring men. Thus, female officers may be expected to engage in activities for which they have little interest or skills simply because they are female. In terms of sexual assault cases, this may mean that female officers may handle higher volumes of sexual assault cases even if their treatment of such cases or victims is problematic.

Second, implying that female officers will be more able to deal with female crime victims may undermine efforts to improve victim outcomes. For years, victim advocates and feminist scholars have focused on ways to increase victim reporting to police and reduce secondary victimization following disclosure. Police agencies may simply believe that hiring a few female officers will fix the “problem.” Yet the findings from this study and others suggest otherwise.

Other Notable Findings

This study also replicated findings from previous studies. For instance, resistance and willingness to submit to a rape kit were associated with an increased likelihood of arrest. The relationships between these variables and arrest were in the expected directions and are consistent with past research (see LaFree, 1989). Both resistance and rape kit submission are likely viewed by officers as evidence that the assault occurred. And though neither variable is statutorily required for police to prove a sexual assault occurred in this jurisdiction, police officers may still believe victim resistance and rape kit completion are markers of strong cases and use them to meet the probable cause standard required for arrest. Police officers may also feel that real sexual assault victims fight their attackers. Galton’s (1975/1976) analysis of police processing of rape cases in Texas revealed that police investigators believed victims should resist attacks even if the suspect possessed a weapon or threatened the victim. These investigators held these beliefs despite the fact that statutorily resistance was not required to disprove consent in these circumstances. Galton
concluded that these decisions, such as requiring victims to prove lack of consent via resistance despite no statutory requirements, results in police officers acting as rule makers versus rule enforcers. Similarly, detectives may also believe that only women who are real sexual assault victims would willingly submit to the rape kit examination that is both personal and invasive. Thus, though statutorily women do not have to submit to rape kits for their crimes to be real, detectives may use this as way to determine which cases are legitimate and worthy of further investigation.

Finally, cases involving known suspects (i.e., acquaintances, relatives, and intimate partners) were significantly more likely to result in arrest as compared to stranger cases. This finding is consistent with that reported by LaFree (1989). This finding likely reflects the greater ease of identifying known suspects and not necessarily more willingness of detectives to arrest persons known to the victim. For officers to make an arrest, they simply need to know who the suspect is and where that person can be located. Unlike stranger cases, in known suspect cases the identity of the suspect is no mystery. Therefore, officers can more easily clear these cases with arrest. However, this finding has serious limitations for the next steps in the processing continuum—prosecutor decisions to charge suspects and convictions. Past research has found that cases involving strangers are more likely to result in felony charges (Alderden & Ullman, in press; Beichner & Spohn, 2005, but not Spohn et al., 2001) and convictions (Spohn & Spears, 1996; Williams, 1981). Together these findings suggest that though sexual assault cases involving known suspects may have an increased likelihood of arrest than stranger cases, getting the suspect arrested may not necessarily increase the chances that the suspect will be charged and convicted.

In addition to the above variables, it was also found that victim character was also significantly predictive of arrest. This relationship is in the opposite direction than that reported in prior research (see LaFree, 1989). Although the positive relationship between victim character and arrest may seem counterintuitive, this finding may reflect the types of sources detectives used when documenting victim character. Specifically, a qualitative review of the data indicates that suspects were often sources of information that both discredited victim accounts of the incident as well as provided officers with additional details about victims’ characters. The finding may also reflect greater willingness of detectives to make arrests in cases regardless of the victim’s moral character. Such findings would suggest that efforts to reduce the influence of extralegal factors on decision making have been successful. Additional research is needed before strong conclusions can be drawn.
Limitations

This study was not without limitations. First, caution must be taken when generalizing the findings presented here to other jurisdictions because the study sample was limited to cases reported to one Midwestern police department. It is possible that gender differences in detective decision making are influenced by agency-level factors, including whether agencies provide special training to detectives or have specific policies and procedures for how sexual assault cases should be handled (thus, limiting variation in how individual officers investigate sexual assault). Moreover, officers may be influenced by the political and religious environments of the jurisdictions they serve. For instance, greater differences between male and female officer decisions may exist in more conservative regions (i.e., South) versus more liberal regions (i.e., West, Northeast) of the United States. Additional research that examines practitioner decision making by gender across jurisdictions that vary by size, sexual assault rates, region, and sexual assault investigation policies is, therefore, needed to help clarify the findings presented here.

Second, this study’s sample was limited to adult female victims. It is unknown whether the gender difference noted here exists only for cases involving adult females. For instance, it is possible that male and female detectives behave similarly when investigating cases involving young children because children are perceived as undoubtedly innocent, but differently when investigating cases involving adults who may be perceived as being partially culpable in their victimizations. Thus, examination of sexual assault case decision making for cases that involve both men and women as well as individuals of all ages would help refine the relationship between victim demographic characteristics and detective decision making.

Finally, similar to other studies examining predictors of sexual assault case outcomes, this study relied on secondary data sources. Although all of the data examined were collected and documented as part of the case-building process and were documented with the consideration that such information could ultimately be submitted as evidence during court proceedings, the data reflect the documentation of information that was deemed important by the persons working the cases. The information reflects practitioners’ recollections and interpretations of various case-specific elements, including the victim and suspect statements. Access to actual victim and suspect statements may provide a more accurate understanding of what information is documented as part of the case-building process and the implications of selective documentation. Observations of detective interactions with victims as well as documentation of detective perceptions of sexual assault victim and case investigations may
further illuminate differences between male and female detectives. This information combined could provide researchers with a better understanding of how criminal justice practitioners construct sexual assault cases and how practitioner personal backgrounds are related to decision making.

**Conclusion**

The purpose of this study was to expand on past research that has examined factors that are predictive of sexual assault outcomes by examining the influence of detective gender on arrest decision making. It was hypothesized that female detectives would be more likely male detectives to arrest suspects in the sexual assault cases. Contrary to expectations, gender was significant but in the opposite direction. Male detectives were significantly more likely to arrest than female detectives. The findings further support the growing body of research that suggests women criminal justice practitioners may not be more sensitive to female victims (Martin, 2005), and in some cases, may be harsher toward sexual assault victims (Weir & Wrightsman, 1990).

**Declaration of Conflicting Interests**

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

**Funding**

The authors received no financial support for the research, authorship, and/or publication of this article.

**Note**

1. If the prosecuting attorneys refuse to approve felony charges, the charges may be downgraded to a misdemeanor (e.g., simple assault, domestic battery) or the suspect may be released without charging (i.e., the suspect is not formally charged and is free to leave the police station).

**References**


**Bios**

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