Fall 1982

Sexual Assault and Its Prosecution: A Comparison with Other Crimes

Martha A. Myers

Gary D. LaFree

SEXUAL ASSAULT AND ITS PROSECUTION: A COMPARISON WITH OTHER CRIMES*

MARTHA A. MYERS**
GARY D. LaFREE***

I. INTRODUCTION

Sociologists have long been concerned with the origin, purpose, and application of the criminal law.[1] Due in part to the feminist movement[2] recent research has focused on the purpose and application of laws prohibiting sexual assault.[3] This research signals an important shift in the focus and assumptions underlying criminological research. Implicitly, traditional research[4] and theory[5] have assumed that criminal events

---

** Assistant Professor, University of Georgia. Ph.D., Indiana University, 1977; M.A., University of Massachusetts, 1973; B.A., University of Michigan, 1970.

*** Assistant Professor, University of New Mexico. Ph.D., Indiana University, 1979; M.A., Indiana University, 1975; B.A., Indiana University, 1973.

[1] *See* W. CHAMBLISS & R. SEIDMAN, LAW, ORDER, AND POWER (1971); R. QUINNEY, CRITIQUE OF LEGAL ORDER (1973); T. SELLIN, CULTURE, CONFLICT, AND CRIME (1938); A. TURK, CRIMINALITY AND LEGAL ORDER (1969).

[2] *See* NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, FORCIBLE RAPE: A NATIONAL SURVEY OF THE RESPONSE BY PROSECUTORS (1977); Largen, *History of Women's Movement in Changing Attitudes, Laws, and Treatment Toward Rape Victims,* in SEXUAL ASSAULT: THE VICTIM & THE RAPIST (M. Walker & S. Brodsky eds. 1976).

[3] *See* L. CLARK & D. LEWIS, RAPE: THE PRICE OF COERCIVE SEXUALITY (1977); L. HOLMSTROM & A. BURGESS, THE VICTIM OF RAPE: INSTITUTIONAL REACTIONS (1978); LaFree, *The Effect of Sexual Stratification by Race on Official Reactions to Rape,* 45 AM. SOC. REV. 842 (1980). In this article, sexual assault is a generic term for forcible sex offenses such as rape, sodomy, and assault and battery with intent to rape or gratify. Although the feminist-conflict perspective focuses most explicitly on forcible rape, the general thrust of their argument and its implicit assumptions apply as well to other felonies involving forcible intercourse.

[4] *See* Bernstein, Kelly & Doyle, *Societal Reaction to Deviants: The Case of Criminal Defendants,* 42 AM. SOC. REV. 743 (1977); Chiricos & Waldo, *Socioeconomic Status and Criminal Sentencing: An Empirical Assessment of a Conflict Proposition,* 40 AM. SOC. REV. 753 (1975); Lizotte, *Extra-legal*

are sufficiently similar to allow us to distinguish among them, and among official reactions to them, solely on the basis of an underlying dimension of seriousness. This assumption has led researchers to draw few *qualitative* comparisons among events or reactions to them.

In contrast, the more recent feminist-conflict research has implicitly assumed that sexual assaults differ qualitatively from other crimes and that official reactions differ accordingly. These assumptions are logical extensions of the feminist-conflict argument that laws against sexual assault developed to protect the property rights of males in the sexual and reproductive functions of women.[6] Proponents of the feminist-conflict view argue that the legal system continues to protect these rights, and the institution of sexual property on which they are based, by protecting only certain types of victims. Protection therefore extends to "valuable" women—women who conform to sex-role stereotypes or who are valuable as sexual property, either potentially (e.g., virgins, the young) or actually (e.g., married women). Less "valuable" women or women who deviate from traditional sex roles are less likely to receive the protection of the criminal law.

Feminist-conflict theorists find support for these contentions in empirical work that documents a pervasive skepticism on the part of officials toward rape claims.[7] Research shows that officials react less severely to defendants accused of raping women who are black[8] and of lower socioeconomic status.[9] Officials also tend to react less severely (e.g., by dismissing cases) to defendants when the women they are accused of raping have "bad" reputations,[10] live in nontraditional ar-

---

Factors in Chicago's Criminal Courts: Testing the Conflict Model of Criminal Justice, 25 SOC. PROBS. 564 (1978). For a review, see Kleck, *Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty*, 46 AM. SOC. REV. 783 (1981).

[5] *See* H. BECKER, OUTSIDERS: STUDIES IN THE SOCIOLOQY OF DEVIANCE (1963); E. SCHUR, LABELING DEVIANT BEHAVIOR: ITS SOCIOLOGICAL IMPLICATIONS (1971).

[6] *See, e.g.*, S. BROWNMILLER, AGAINST OUR WILL: MEN, WOMEN AND RAPE (1975); L. CLARK & D. LEWIS, *supra* note 3; R. COLLINS, CONFLICT SOCIOLOGY (1975); LeGrand, *Rape and Rape Laws: Sexism in Society and Law*, 61 CALIF. L. REV. 919 (1973); Note, *The Victim in a Forcible Rape Case: A Feminist View*, 11 AM. CRIM. L. REV. 335 (1973).

[7] *See, e.g.*, L. CLARK & D. LEWIS, *supra* note 3; N. GAGNER & C. SCHURR, SEXUAL ASSAULT: CONFRONTING RAPE IN AMERICA (1976); L. HOLMSTROM & A. BURGESS, *supra* note 3; Bohmer, *Judicial Attitudes toward Rape Victims*, 57 JUDICATURE 303 (1974); Burt & Albin, *Rape Myths, Rape Definitions, and Probability of Conviction*, 11 J. APP. SOC. PSYCH. 212 (1981); LaFree, *supra* note 3; Landau, *Rape: The Victim as Defendant*, TRIAL, July-Aug. 1974, at 19.

[8] *See, e.g.*, LaFree, *Variables Affecting Guilty Pleas and Convictions in Rape Cases: Toward a Social Theory of Rape Processing*, 58 SOC. FORCES 833 (1980); Comment, *Police Discretion and the Judgement that a Crime Has Been Committed — Rape in Philadelphia*, 117 U. PA. L. REV. 277, 302-07 (1968).

[9] *See* L. CLARK & D. LEWIS, *supra* note 3.

[10] *See, e.g.*, H. KALVEN & H. ZEISEL, THE AMERICAN JURY (1966); authorities cited *supra* note 3.

rangements,[11] were hitchhiking,[12] were drinking at the time of the offense or are identified as chronic alcohol abusers,[13] or had been sexually intimate with the defendant prior to the crime.[14]

Feminist-conflict theory and research argues, then, that official reactions to sexual assault depend on assessments of the victim's sexual property value and conformity to traditional sex-role expectations. By implication, reactions to other crimes do not. depend on such assessments. This is so in part because these considerations are largely irrelevant to the origin and purpose of laws prohibiting other behaviors. This crucial assumption has led most research on sexual assault[15] to focus exclusively on sexual assaults and reactions thereto. Explicit comparisons with other crimes are rare, and are limited by the specific official reactions and variables examined.[16]

In short, traditional criminological research is based on assumptions that conflict with those underlying more recent work on sexual assault. Although these differing assumptions are central to an accurate understanding of the operation of the criminal law, there has been no empirical examination of their validity. We consider such an examination essential because of its implications for both research and theory. If official reactions to crime are essentially *dissimilar*, and therefore do not depend simply on the seriousness of crimes, then the qualitative differences among criminal events deserve empirical study. Essential dissimilarity in official reactions would also identify major inadequacies in existing theories, which remain generally inattentive to the unique features of crimes that may warrant markedly different official responses. Essential dissimilarity would underscore the need for either a more complex general theory in which qualitative aspects of criminal action figure prominently or a set of special theories (e.g., the feminist-conflict theory

---

[11] *See, e.g.*, L. CLARK & D. LEWIS, *supra* note 3; L. HOLMSTROM & A. BURGESS, *supra* note 3.

[12] *See, e.g.*, L. BRODYAGA, M. GATES, S. SINGER, M. TUCKER & R. WHITE, RAPE AND ITS VICTIMS: A REPORT FOR CITIZENS, HEALTH FACILITIES, AND CRIMINAL JUSTICE AGENCIES, (1975); Nelson & Amir, *The Hitchhike Victim of Rape: A Research Report*, in 5 VICTIMOLOGY: A NEW FOCUS (I. Drapkin & E. Viano eds. 1975).

[13] *See, e.g.*, H. KALVEN & H. ZEISEL, *supra* note 11; Williams, *The Effects of Victim Characteristics on the Disposition of Violent Crimes*, in CRIMINAL JUSTICE AND THE VICTIM (W. McDonald ed. 1976).

[14] *See, e.g.*, M. AMIR, PATTERNS IN FORCIBLE RAPE (1971); H. KALVEN & H. ZEISEL, *supra* note 10.

[15] *See, e.g.*, S. KATZ & M. MAZUR, UNDERSTANDING THE RAPE VICTIM: A SYNTHESIS OF RESEARCH FINDINGS (1979).

[16] *See, e.g.*, K. WILLIAMS, THE ROLE OF THE VICTIM IN THE PROSECUTION OF VIOLENT CRIMES (1978), who confines her attention to four offenses (homicide, aggravated assault, robbery, and sexual assault) and to the role that victim (rather than the defendant or offense) characteristics play during prosecution.

of sexual assault) valid for official reactions to some, but not other, crimes.

If, on the other hand, official reactions are essentially *similar*, then whatever the unique origins and purposes of criminal laws, we cannot automatically assume that the application of such laws is correspondingly unique. The relationship between origin, purpose, and actual application of the law then becomes complex rather than straightforward and deserves greater empirical and theoretical attention than it has received.

To examine these possibilities, we obtained data from a sample of defendants charged with felonies in Indiana. We used these data to answer two questions that bear on the conflicting assumptions underlying traditional research and empirical work on sexual assault. First, do outcomes for defendants accused of sexual assault differ from outcomes for defendants accused of other types of offenses? That is, once relevant case differences (e.g., evidentiary strength) are controlled, are defendants accused of sexual assault treated more leniently than defendants accused of other offenses? Second, do the determinants or predictors of sexual assault outcomes differ significantly from the determinants or predictors of outcomes for other types of offenses? Based on prior research and theorizing, we expected that victim attributes and behaviors, particularly those indicative of sexual property value or sex-role conformity, would play a prominent role in affecting the outcomes of sexual assault cases. Conversely, we expected these attributes and behaviors to play a much more limited role in affecting the outcomes of other types of cases.

While our primary interest centered on victim attributes and behaviors, analysis also included defendant attributes and behaviors, measures of evidence, and indicators of the social and physical context within which the crime occurred. We examined the differential role of victim characteristics and these other factors in determining four outcomes: the decision to dismiss rather than fully prosecute, the decision to plead guilty rather than proceed to trial, the verdict or finding at trial, and the type of sentence imposed on the convicted, whether incarceration or a more lenient sanction.

For each of these four outcomes, we compared defendants accused of sexual assault with defendants accused of other violent crimes and defendants accused of property crimes. Three additional, more specific comparisons were drawn between defendants accused of sexual assault and those accused of other assaults, robbery, and burglary.

As the following sections will show, we found no consistent tendency for defendants accused of sexual assault to receive lenient treat-

ment, once factors such as victim characteristics and evidence were controlled. Moreover, most comparisons revealed no significant difference in the role that victim attributes, as well as other characteristics, play in affecting outcomes. Different treatment of defendants accused of sexual assault occurred in three of twenty possible instances. The sentencing of defendants convicted of sexual assault differed from the sentencing of defendants convicted of other violent crimes and of robbery, and the guilty plea decision for defendants accused of sexual assault differed from the guilty plea decision for defendants accused of property crimes. Contrary to expectation, these differences were seldom due to differences in the effect that victim characteristics had on outcomes. Rather, they tended to involve differences in the effect of defendant characteristics, the context of the crime, and evidence.

In short, victim attributes and behavior did *not* play a more prominent role when prosecuting sexual assaults. Nor was their role more limited when prosecuting other types of crimes. Instead, victim characteristics, some of which indicate sexual property value and sex-role conformity, affected outcomes regardless of the offense of which the defendant was accused or convicted.

II. METHODS AND SAMPLE

A. SAMPLE

Our sample consisted of 945 defendants charged with felonies in Marion County (Indianapolis), Indiana from January 1970 through December 1976.[17] We collected data on 176 forcible sex offenses, 373 property offenses, and 396 other violent crimes.[18] The classification of crimes was based on the most serious charge filed by the prosecutor. To avoid confounding effects, analysis excludes sexual assaults that occurred in conjunction with property crimes (e.g., burglary) or other violent offenses (e.g., robbery).

We collected the demographic characteristics of victims and defendants from police, prosecution, and court records; evidence from prosecution files; criminal histories of victims and defendants from police records; and final dispositions from court records. Qualitative data,

---

[17] The data gathered were identical but two sampling frames were used. Sexual assault cases constitute the population of sexual assaults prosecuted between 1970 and 1976. Property and other violent crime cases were part of a larger sample of cases disposed of between January 1974 and June 1976. The sampling percentage for cases disposed of in 1974 was 16.7%; for 1975, 33.3%; and for 1976, 50%.

[18] Sexual assaults include assault and battery with intent to rape or gratify (27.8%), forcible rape (67.6%), and sodomy (4.6%). Other violent crimes include felonious assaults (16.7%), robbery (70.2%), and homicide (13.1%). Property crimes include larceny (15.8%), vehicle theft (11.1%), forgery (13.1%), and burglary (60.1%).

derived from telephone interviews with victims, field observations, and interviews with prosecutor and court personnel, supplemented case-specific data.

B. VARIABLES

Table 1 presents the dependent and independent variables. Analysis focuses on four central decisions about the application of the criminal law. The first two decisions simultaneously determine the treatment the defendant receives and the allocation of scarce court resources.[19] They are Dismissal (the decision to dismiss rather than fully prosecute the case) and Trial (the decision to plead guilty rather than proceed to trial).[20] The third dependent variable is Verdict (not guilty or guilty). For these outcomes, issues of evidentiary strength and victim credibility are important.[21] Thus, differences that are presumed to exist between sexual assault and other crimes should be particularly salient here. The final dependent variable is Sentence. Because most sentences are indeterminate, we examine type of sentence, whether a prison term or less serious sanction such as probation or a fine.

The analysis includes four sets of independent variables identified by prior research as possible determinants of reactions to sexual assault.[22] Coding of these variables conformed as closely as possible to categories used in prior research.

---

[19] *See, e.g.*, Myers & Hagan, *Private and Public Trouble: Prosecutors and the Allocation of Court Resources,* 26 SOC. PROBS. 439 (1979).

[20] The decision to plead guilty differs from other outcomes because it is a jointly negotiated decision reached through the initiative of the prosecutor, defense counsel, and the defendant. Our concern lies with the outcomes of this process which, despite this difference, have been found to depend on many of the same factors as other outcomes analyzed here. *See, e.g.*, J. EISENSTEIN & H. JACOB, FELONY JUSTICE: AN ORGANIZATIONAL ANALYSIS OF CRIMINAL COURTS (1977); L. MATHER, PLEA BARGAINING OR TRIAL? THE PROCESS OF CRIMINAL-CASE DISPOSITION (1979); P. NARDULLI, THE COURTROOM ELITE: AN ORGANIZATIONAL PERSPECTIVE ON CRIMINAL JUSTICE (1978). For this reason and because it has significant implications for both defendants and official agents, the decision to proceed to trial rather than plead guilty is included here.

[21] *See, e.g.*, L. MATHER, *supra* note 20; F. MILLER, PROSECUTION: THE DECISION TO CHARGE A SUSPECT WITH A CRIME (1969); P. NARDULLI, *supra* note 20; D. NEUBAUER, CRIMINAL JUSTICE IN MIDDLE AMERICA (1974); A. ROSETT & D. CRESSEY, JUSTICE BY CONSENT: PLEA BARGAINS IN THE AMERICAN COURTHOUSE (1976).

[22] *See, e.g.*, M. AMIR, *supra* note 14; S. BROWNMILLER, *supra* note 6; L. CLARK & D. LEWIS, *supra* note 3; L. HOLMSTROM & A. BURGESS, *supra* note 3; A. MEDEA & K. THOMPSON, AGAINST RAPE (1974); Amir, *Victim Precipitated Forcible Rape*, 58 J. CRIM. L.C. & P.S. 492 (1967); Burt & Albin, *supra* note 7; Feild, *Juror Background Characteristics and Attitudes toward Rape: Correlates of Jurors' Decisions in Rape Trials*, 2 LAW & HUM. BEHAV. 73 (1978); LaFree, *supra* note 8.

TABLE 1

VARIABLES, CODING, AND VALUES

Variable	Coding	Sexual Assault[a]	Other Violent Crime[a]	Property Crime[a]
Outcome Variables				
Dismissal	0 Dismissal	17.6 (31)	19.4 (77)	19.8 (74)
	1 Full Prosecution	82.4 (145)	80.6 (319)	80.2 (299)
Trial	0 Guilty Plea	53.9 (81)	50.2 (160)	71.2 (2.3)[b]
	1 Proceeded to trial	46.1 (61)	49.8 (159)	28.8 (86)
Verdict	0 Not guilty	45.6 (25)	31.8 (49)[b]	22.1 (17)[b]
	1 Guilty	54.4 (36)	68.2 (105)	77.9 (60)
Sentence	0 Other	59.0 (69)	26.9 (71)[b]	44.3 (121)[b]
	1 Prison	41.0 (48)	73.1 (193)	55.7 (152)
Victim Characteristics				
Sex	0 Female	100.0 (176)	34.3 (136)[b]	24.4 (91)[b]
	1 Male	0 (0)	65.7 (260)	75.6 (282)
Age	Interval	21 (11)	36 (16)[b]	41 (15)[b]
Employment Status	0 Unemployed	55.4 (82)	10.7 (34)[b]	7.9 (25)[b]
	1 Employed	44.6 (66)	89.3 (285)	92.1 (291)
Marital Status	Married or widowed	14.7 (21)	56.1 (151)[b]	81.6 (222)[b]
	Separated, divorced, cohabiting (SDC)	17.5 (25)	14.9 (40)	7.0 (19)
	Single (S)	67.8 (97)	29.0 (78)	11.4 (31)
Resistance	0 None or not present	56.1 (97)	86.6 (322)[b]	95.6 (350)[b]
	1 Resistance	43.9 (76)	17.4 (65)	4.4 (76)
Alleged Misconduct	No alleged misconduct	56.8 (100)	67.4 (267)[b]	84.5 (315)[b]
	Non-sexual misconduct	17.6 (31)	31.8 (126)	15.3 (57)
	Sexual misconduct	25.6 (45)	.8 (3)	.3 (1)
Defendant Characteristics				
Sex	0 Female	0 (0)	3.3 (13)[b]	4.6 (17)[b]
	1 Male	100.0 (176)	96.7 (383)	95.4 (356)
Age	Interval	26 (7)	25 (8)	25 (9)
Employment Status	0 Unemployed	34.3 (47)	51.4 (165)[b]	48.9 (156)[b]
	1 Employed	65.7 (90)	48.6 (156)	51.1 (163)
Prior Record	1 None	20.0 (35)	27.8 (110)[b]	26.3 (98)[b]
	2 Arrests, no convictions	18.9 (33)	12.1 (48)	11.3 (42)
	3 Convictions, no incarceration	16.6 (24)	20.7 (82)	16.6 (62)
	4 Incarceration(s)	44.6 (78)	39.4 (156)	45.8 (171)
Context of Crime				
Victim-defendant Relationship	0 Family	10.8 (19)	5.8 (23)[b]	1.6 (6)[b]
	1 Friend/acquaintance	46.5 (80)	20.5 (81)	17.2 (64)
	2 Stranger	42.4 (73)	73.7 (292)	81.2 (303)
Racial Composition	Black defendants and victims (BB)	35.5 (61)	30.2 (116)[b]	16.3 (58)[b]
	Black defendants - white victims (BW)	23.8 (41)	31.9 (123)	29.2 (104)
	White defendants and victims (WW)	40.7 (70)	37.9 (146)	54.5 (194)
Scene	0 Victim residence	27.9 (48)	15.9 (63)[b]	41.6 (155)[b]
	1 Other	72.1 (124)	84.1 (333)	58.4 (218)
Accomplices	Interval	.39 (1.04)	.89 (1.00)	.91 (1.14)
Victims	Interval	1.06 (.26)	1.65 (.92)[b]	1.26 (.53)[b]
Weapon	None	43.4 (75)	12.1 (48)[b]	98.4 (367)[b]
	Hands, fists, feet (HFF)	31.8 (55)	9.1 (36)	0 (0)
	Gun, instrument (DW)	24.8 (43)	77.8 (312)	1.6 (6)
Injury	1 None	44.6 (78)	61.5 (243)[b]	99.5 (371)[b]
	2 Minor: self-treated	53.1 (93)	14.1 (56)	.3 (1)
	3 Serious or fatal	2.3 (4)	24.5 (97)	.3 (1)
Evidence				
Charges	Interval	1.48 (.80)	1.28 (.84)	1.23 (.49)[b]
Witnesses	Interval	4.14 (1.6)	5.71 (2.3)[b]	5.02 (1.5)
Eyewitness Identification	Interval	1.03 (.55)	1.18 (.67)[b]	.74 (.65)[b]
Expert Testimony	Interval	.80 (.75)	.29 (.56)[b]	.13 (.37)[b]
Witness Statement	Interval	.08 (.29)	.30 (.54)[b]	.32 (.58)
Defendant/Accomplice Statements	Interval	.03 (.18)	.16 (.42)[b]	.21 (.46)[b]
Real Evidence	Interval	.26 (.52)	.70 (.82)[b]	.78 (.58)

[a]Data are reported by percentages (number of cases) for categorical variables and by means (standard deviations) for interval variables.
[b]The Chi square test or, for interval variables, the t-test used to test the null hypothesis that sexual assault cases do not differ significantly from other cases (other violent or property) is significant at p ≤ .05. Where significant, the test provides evidence disconfirming the null hypothesis and suggests that for the variable in question sexual assault cases differ significantly from other violent or property crime cases. Specific results are available on request.

The first set includes social attributes of victim, namely, sex, age, employment status, and marital status.[23] Marital status is a two vector dummy variable that compares married victims with victims who are either single (S) or separated, divorced, or cohabiting (SDC). Because the victim's character and conduct have been central to descriptions of rape prosecution, we also include resistance and alleged misconduct. Alleged misconduct is dummy-coded as two vectors comparing victims with no alleged misconduct and victims with non-sexual (e.g., prior convictions, prior arguments with defendant) and sexual (e.g., illegitimate children, premarital sex) misconduct.[24]

The second set of independent variables consists of defendant attributes, namely, gender, age, employment status,[25] and prior criminal record. The third set of independent variables taps the interpersonal and physical context in which the crime occurred. It includes the prior victim-defendant relationship, racial composition of the victim-defendant dyad, scene of the offense, number of accomplices and victims, use of a weapon, and extent of physical injury. Racial composition is a two-vector dummy variable that compares black intraracial incidents (BB) with both white intraracial (WW) and black defendant-white victim incidents (BW).[26] Weapon is a two-vector dummy variable comparing defendants using no weapons with those using hands, fists, and feet (HFF) and a dangerous weapon (DW) such as a knife, blunt instrument, or firearm.

The final set of variables, evidence, has received little explicit attention in the rape literature. But the context of typical sexual assaults often render determinations of criminality and culpability problematic. All analyses[27] include the following direct or indirect indicators of the evidentiary strength of the prosecution's case: the number of charges and witnesses; eyewitness identifications of the defendant; expert testi-

---

[23] Since extremely young and old witnesses may appear sympathetic and elicit more severe responses, the effects of age could be curvilinear. To examine this possibility, age was dichotomized and dummy coded (under 17 or over 59 = 0; 17 to 59 = 1). To test for curvilinearity, the dummy variable was entered into regression equations that contained the independent variables, including the interval measure of age. No increment in R^2 was significant. We therefore report results from the models excluding the dummy variable.

[24] While it would have been preferable to examine the effect of each type of allegation separately, extremely skewed distributions dictated collapsing information on alleged misconduct into a single measure. An alternative measure, the number of allegations of victim misconduct, produced substantially the same results.

[25] Unlike victim marital status, defendant marital status was not consistently recorded, and could not be included in the analysis.

[26] The few white defendant-black victim incidents (N = 13) could not be successfully included in the analysis and were deleted.

[27] Evidence continues to affect decisions even after conviction. *See, e.g.,* J. EISENSTEIN & H. JACOB, *supra* note 20. All measures included here were available to judges in the presentence investigation report.

mony from physicians, psychiatrists, ballistics experts, and polygraph examiners; defendant/accomplice and witness statements about the crime; and the amount of physical or real evidence such as recovered weapons or stolen property.

C. SUBSAMPLE DIFFERENCES

Recent theorizing assumes that, as a crime, sexual assault differs from other offenses. We examined this assumption by using chi-square and, for interval variables, t-tests to test for the significance of differences between sexual assault and (1) other violent crime and (2) property crime. Table 1 reports the results of these tests, and supports the assumption of differences between sexual assaults and other crimes. While most characteristics differ for sexual assault in comparison with other crime, several of these differences confirm more specific assumptions about sexual assault cases and their victims.

While equally likely to be fully prosecuted, sexual assault is more likely than property crime to proceed to trial. It is less likely than either property or other violent crime to result in a guilty verdict or a prison sentence. Thus, on the surface, there appears to be some leniency toward defendants accused of sexual assault.

The victim's behavior, such as resistance and sexual misconduct, is more commonly noted for sexual assault than for other crime. In comparison with other victims, sexual assault victims are more likely to be younger, unemployed, single, and known to the defendant, as well as more likely to report physical injury. Their cases are more likely to involve eyewitness identifications of the defendant, expert testimony, and additional charges but they are less likely to involve real evidence and statements from witnesses or defendants/accomplices.

In short, the data confirm the assumption that sexual assault differs from other crimes along dimensions relevant to official agents (e.g., victim credibility, evidence). But the feminist-conflict approach assumes not only that these differences exist, but also that they provide grounds for different official reactions. The following analysis indicates that this latter assumption is incorrect.

D. ANALYSIS

The questions we are addressing require an analytic strategy that allows us to determine (1) whether outcomes for sexual assault cases differ significantly from outcomes for other criminal cases; and (2) whether the *determinants* of outcomes for sexual assault cases differ significantly from the determinants of outcomes for other criminal cases—that is, whether there are significant interactions between type of crime and the

independent variables. To answer these questions, we used ordinary least squares multiple regression.[28] This technique permits us to analyze the relationship between a dependent variable (here, outcomes) and a set of independent variables. It provides two important types of estimates. The first type, the regression coefficient (in metric form, b; in standardized form, β), estimates the unique contribution each independent variable makes to predicting the dependent variable. A regression coefficient permits us to infer whether the independent variable *significantly* affects the outcome while also telling us the direction (positive or negative) and magnitude (strong or relatively modest) of the effect. The second type of estimate, the coefficient of determination (R^2), indicates the overall contribution which the independent variables, taken together, make to predicting the dependent variable. It tells us the proportion of the total variation in outcome that is explained by the independent variables.

We used multiple regression procedures to draw five comparisons. The first two were general comparisons between defendants accused of sexual assault and those accused of (1) all other violent crimes and (2) property crimes. The three remaining comparisons were more specific, and were drawn between defendants accused of sexual assault and those accused of (3) other kinds of assaults, (4) robbery, and (5) burglary.[29]

For all five comparisons, the same general procedure was followed. Initially, we inspected correlation matrices for the presence of correlations among the independent variables that exceeded ±.6. Such correlations could generate multicollinearity problems during analysis, and require deletion of redundant variables. We found no problematic correlations.

We then created product terms by multiplying a dummy variable, type of crime (e.g., sexual assault = 1; other violent crime = 0), with each independent variable. These product or interaction terms permit us to explore whether the effect of an independent variable upon an outcome differs by type of crime, either sexual assault or other offense. This exploration required that we estimate and compare two separate regression equations. The first equation included all independent vari-

---

[28] We used the multiple regression program available through Statistical Analysis Systems (SAS). Because dependent variables are binary and violate technical assumptions of heteroskedasticity, ordinary least squares could produce inefficient, though unbiased, parameter estimates. For an extended discussion, see D. COX, ANALYSIS OF BINARY DATA(1970); E. HANUSHEK & J. JACKSON, STATISTICAL METHODS FOR SOCIAL SCIENTISTS (1977). We ran a weighted least squares solution for all analyses but found it unsuitable for the relatively small samples involved because it produced extremely high coefficients of determination and standard errors.

[29] Sample sizes for the remaining crimes were too small to allow meaningful or reliable comparisons.

ables entered together. The second equation included all independent variables and product terms, also entered simultaneously. We then compared the coefficients of determination obtained in the two equations to test the null hypothesis that the addition of product terms produced no significant (p ≤ .05) increase in the proportion of explained variation in outcome.[30]

If the addition of product terms produced *no* significant increase in explained variance, we concluded that there is an essential similarity in the prosecution of sexual assault and the other crime under consideration (e.g., other violent crime, property crime, robbery). Where this occurred, Appendix tables report results of an additive model that includes the independent variables and the dummy variable, type of crime.

If the addition of product terms significantly increased the proportion of variance explained, we concluded that significant differences in prosecution exist. We then attempted to locate the sources of the differences. We did this by locating significant product terms. A significant (p ≤ .10) product term means that the effect the variable has on outcome differs by crime, whether a sexual assault or another offense. Where this is the case, tables include separate regression estimates for sexual assault and for the other crime.[31] In contrast, an insignificant product term means that the regression coefficient for sexual assault does not significantly differ from the regression coefficient for the other crime under consideration. In these cases, we concluded that the variable in question has essentially the same effect on outcome for both groups of defendants, those accused of sexual assault and those accused of the other crime. We then report only the main effect. The statistical

---

30 The test for the significance of the increment in explained variance is

$$F = \frac{(R_i^2 - R_a^2) / (k_i - k_a)}{(1 - R_i^2) / (N - k_i)}$$

where R_i^2 is the coefficient of determination for the interactive model, R_a^2 is the coefficient of determination for the additive model, k_i = number of regressors, interactive model, k_a = number of regressors, additive model, and N is the total number of cases.

31 For an independent variable whose product term was significant, we could not assume (as we did for variables with insignificant product terms) that the regression coefficient obtained for the variable estimates its effect on outcomes for both groups of defendants, that is, for both those accused of sexual assaults and those accused of other crimes. Rather, the coefficient estimates the variable's effect on outcomes only for defendants accused of sexual assault, that is, defendants whose cases were coded 0 in the dummy variable, type of crime. To estimate the variable's effect on outcomes for defendants accused of other crimes, we reversed the dummy variable coding so that the cases of defendants accused of other crimes received a value of zero. We then recalculated the product terms and reran the interactive model. The resulting coefficient for the variable is its estimated effect on outcomes for defendants accused of other crimes, and is reported in the appropriate column of the table.

program also tests the hypothesis that each regression coefficient differs significantly from zero, and all tables report the results of those tests.

We modified the equations slightly in the following instances. First, in comparing sexual assault with property crime, we excluded two independent variables, physical injury and weapon, because extremely skewed distributions prevented construction of meaningful product terms. Second, analyses for Verdict and Sentence included control variables of particular relevance to these outcomes. Equations predicting Verdict included the number of prior convictions, a measure which is more appropriate than that shown in Table 1. Equations for Verdict also included a dummy variable, type of trial (bench = 0; jury = 1). Finally, comparisons for Sentence included type of plea (not guilty = 0; guilty = 1).

III. Results

A. SEXUAL ASSAULT VS. OTHER VIOLENT CRIME

Table 2 summarizes the results for comparisons drawn between defendants accused of sexual assault and those accused of other violent crimes. For three of the four outcomes, Dismissal, Trial, and Verdict, the addition of product terms failed to increase the proportion of explained variance significantly. Thus, there is no evidence that in terms of reaching these decisions sexual assault cases are treated differently from cases involving other violent crimes. The Appendix presents and discusses the results of additive models for these outcomes.

TABLE 2

COEFFICIENTS OF DETERMINATION AND RELATED STATISTICS FOR
SEXUAL ASSAULT VS. OTHER VIOLENT CRIME COMPARISONS

	DISMISSAL		TRIAL		VERDICT		SENTENCE	
	Additive Model	Interactive Model	Additive Model	Interactive Model	Additive Model	Interactive Model	Additive Model	Interactive Model
R^2	.099	.154	.140	.201	.169	.338	.230	.323
F-ratio	2.05	1.70	2.43	1.87	1.35	1.44	3.62	2.71
P	.001	.002	.0001	.0004	.127	.042	.0001	.0001
N	572	572	464	464	215	215	381	381

Note: The F-ratio tests the null hypothesis that the proportion of explained variation in outcome (R^2 or the coefficient of determination) is equal to zero, and that any observed proportion is due to sampling fluctuation or measurement error. Where the F-ratio obtained has a low probability (p) of occurring, it is unlikely that the null hypothesis is true. Concretely, we can conclude that independent variables as a set explain a significant proportion of the variance in outcome.

For the fourth outcome, Sentence, the addition of product terms significantly increased the proportion of explained variance, and provides evidence of different treatment. But as Table 3 shows, different treatment does not occur where we expected it. That is, victim attributes and behavior do not play a more prominent role in the sentencing of offenders convicted of sexual assault. Rather, defendant characteristics (employment status), the context of the offense (use of a weapon), and evidence (witnesses and eyewitness identification) affected sentences differently, depending on whether the offender was convicted of a sexual assault or of another violent crime. Thus, for sexual assault offenders, imprisonment was more likely where the offender was unemployed or where there were numerous witnesses. In contrast, these factors had no effect on the sentencing of other violent offenders. Instead, for offenders convicted of other violent crimes, use of a dangerous weapon increased their risk of imprisonment, while eyewitness identification decreased that risk.

It is important, however, to place the differences noted above in context. The majority of variables had essentially the same effect on the sentences of both groups of offenders. Of the victim attributes and behaviors, only gender and alleged misconduct significantly affected sentencing by rendering imprisonment more likely where the victim was a woman or had allegedly engaged in nonsexual misconduct. Of defendant characteristics, only prior record affected sentences, with a more serious prior record increasing the probability of imprisonment. A single contextual factor, racial composition, had a significant effect. Imprisonment was more likely where the defendant was black and the victim white. Only two evidence measures, defendant or accomplice statements and witness statements, significantly affected sentences. In cases involving statements from the defendant or accomplices, imprisonment was more likely, while in cases involving witness statements, imprisonment was less likely. Finally, imprisonment was more likely for defendants found guilty at trial.

B. SEXUAL ASSAULT VS. PROPERTY CRIME

Table 4 summarizes the results for comparisons drawn between defendants accused of sexual assault and those accused of property crimes. For three of the four outcomes, Dismissal, Verdict, and Sentence, the addition of product terms did not significantly increase the proportion of explained variance. The Appendix presents and discusses the results of additive models for these outcomes.

For one outcome, Trial, the addition of product terms significantly increased the proportion of explained variance, providing evidence of

TABLE 3

REGRESSION COEFFICIENTS AND STANDARD ERRORS OF INTERACTIVE MODEL COMPARING SEXUAL ASSAULT WITH OTHER VIOLENT CRIME: SENTENCE

VARIABLE	MAIN EFFECTS b(SE)	SIGNIFICANTLY DIFFERENT PRODUCT TERMS	
		Sexual Assault b(SE)	Other Violent Crime b(SE)
Victim Characteristics			
Sex	−.155(.065)[b]		
Age		.004(.005)	−.002(.002)
Employment Status	−.080(.110)		
Marital Status			
Other (0) vs. S(1)	−.068(.082)		
Other (0) vs. SDC(1)	−.060(.092)		
Resistance	.026(.080)		
Alleged Misconduct			
Other (0) vs. Non-sexual (1)	.143(.078)[a]		
Other (0) vs. Sexual (1)	−.229(.323)		
Defendant Characteristics			
Sex	.228(.151)		
Age	−.005(.005)		
Employment Status		−.188(.105)[b]	.043(.060)
Prior Record	.043(.025)[a]		
Context			
Victim-defendant Relationship	.008(.068)		
Racial Composition			
Other (0) vs. BW(1)	.141(.079)[a]		
Other (0) vs. WW(1)	.034(.074)		
Scene	−.031(.092)		
Accomplices	.014(.030)		
Victims		−.272(.182)	.064(.058)
Weapons			
Other (0) vs. HFF(1)		−.144(.105)	.129(.129)
Other (0) vs. DW(1)		−.165(.134)	.176(.086)[b]
Injury	−.070(.053)		
Evidence			
Charges	.047(.054)		
Witnesses		.078(.037)[b]	−.055(.016)
Eyewitness Identification		.083(.094)	−.109(.047)[b]
Expert Testimony	.048(.062)		
Witness Statements	−.104(.064)[a]		
Defendant/Accomplice Statement	.199(.078)[b]		
Real Evidence	.036(.038)		
Plea	.102(.061)		
Intercept		−.177(.548)	.744(.361)[b]

Note: b refers to the unstandardized or metric coefficient and SE to its standard error.
[a] .05 < p < .10
[b] p ≤ .05

TABLE 4

COEFFICIENTS OF DETERMINATION AND RELATED STATISTICS FOR
SEXUAL ASSAULT VS. PROPERTY CRIME COMPARISONS

	DISMISSAL		TRIAL		VERDICT		SENTENCE	
	Additive Model	Interactive Model	Additive Model	Interactive Model	Additive Model	Interactive Model	Additive Model	Interactive Model
R²	.099	.136	.142	.223	.298	.447	.213	.262
F-ratio	2.29	1.60	2.77	2.31	1.90	1.41	3.77	2.35
P	.0004	.008	.0001	.0001	.012	.081	.0001	.0001
N	549	549	444	444	138	138	390	390

Note: The F-ratio tests the null hypothesis that the proportion of explained variation in outcome (R^2 or the coefficient of determination) is equal to zero, and that any observed proportion is due to sampling fluctuation or measurement error. Where the F-ratio obtained has a low probability (p) of occurring, it is unlikely that the null hypothesis is true. Concretely, we can conclude that independent variables as a set explain a significant proportion of the variance in outcome.

different treatment. Table 5 presents results of the interactive model for this outcome. Once again, different treatment does not occur where we expected it, namely, in a more pronounced effect for victim attributes and behaviors on the outcomes of sexual assault cases. Rather, the effects of crime context and evidence differed depending on the crime. For defendants accused of sexual assault, trial was less likely for white vs. white crimes, or where there were numerous victims, relatively few witnesses, and real evidence. This was not the case for defendants accused of property crimes, who were more likely to go to trial where the crime was black vs. white, or where there were numerous charges[32] or victims.

Again, several variables had essentially the same effect for both groups of defendants. In general, defendants who were older, employed, had serious prior records, or had used accomplices were more likely to go to trial, as were those whose cases involved expert testimony.

C.   SEXUAL ASSAULT VS. SPECIFIC OFFENSES

To conserve space, we discuss the results of comparisons drawn between sexual assault and other assaults, robbery and burglary, only if

---

[32] Unlike defendants accused of property crimes, those accused of sexual assault had fewer opportunities to plea bargain for sentence considerations because additional charges tended to be equally or only slightly less serious than the first charge. For example, a typical additional charge for rape was sodomy, while a typical additional charge for armed rape was rape.

statistically significant differences are present.[33] This was the case only
for the sentencing of sexual assault and robbery offenders, where the
addition of product terms significantly increased the proportion of ex-
plained variance (from twenty-five percent to thirty-eight percent). Ta-
ble 6 presents these results. It shows no tendency for victim attributes or
behaviors to figure more prominently when sentencing sexual assault
offenders. Rather, for these offenders, imprisonment was more likely if
the defendant was unemployed or if there were numerous charges and
witnesses. For offenders convicted of robbery, these factors were irrele-
vant, and alleged sexual misconduct by the victim reduced the risk of
imprisonment while use of a dangerous weapon increased that risk.

In contrast to the more general comparisons, only two variables
(defendant or accomplice statements and plea) had essentially similar
effects for both groups of offenders. Both the presence of defendant or
accomplice statements and conviction at trial increased the probability
of imprisonment.

IV. DISCUSSION

Recent feminist-conflict research has assumed that sexual assaults
differ qualitatively from other crimes and, thus, that official reactions to
sexual assaults and other crimes differ. Our analysis showed that al-
though there are striking differences between sexual assaults and other
crimes in terms of the characteristics of victims, defendants, and evi-
dence, these differences were *not* consistently translated into different of-
ficial reactions. Nor were they consistently translated into the use of
markedly different criteria to decide outcomes. Victim attributes and
behaviors did affect court outcomes for the various types of crime ex-
amined, but they did not have a different or greater impact on the out-
comes of sexual assault cases. Moreover, indicators of victim sexual-
property value (e.g., marital status, age) and sex-role conformity (e.g.,
alleged sexual misconduct, reported resistance) did not affect reactions
to sexual assaults differently from reactions to other felonies.

Different treatment of sexual assaults did occur. It was limited,
however, to differential sentencing in comparison to violent crime and
robbery, and to the differential decision to proceed to trial in compari-
son to property crime. Primary differences in official reactions centered
not on victim characteristics per se, but rather on evidentiary

---

[33] Interested readers may request the results of comparisons that produced no significant
differences.

TABLE 5

REGRESSION COEFFICIENTS AND STANDARD ERRORS OF INTERACTIVE MODEL COMPARING SEXUAL ASSAULT AND PROPERTY CRIME: TRIAL

VARIABLE	MAIN EFFECTS b(SE)	SIGNIFICANTLY DIFFERENT PRODUCT TERMS	
		Sexual Assault b(SE)	Property Crime b(SE)
Victim Characteristics			
Sex	−.060(.070)		
Age	−.003(.002)		
Employment Status	.094(.111)		
Marital Status			
Other (0) vs. S(1)	−.058(.101)		
Other (0) vs. SDC(1)	.022(.119)		
Resistance	−.001(.131)		
Alleged Misconduct			
Other (0) vs. Non-sexual (1)	−.050(.078)		
Other (0) vs. Sexual (1)	.538(.463)		
Defendant Characteristics			
Sex	.119(.138)		
Age	.007(.004)[a]		
Employment Status	.094(.054)[a]		
Prior Record	.051(.024)[b]		
Context			
Victim-defendant Relationship	.003(.065)		
Racial Composition			
Other (0) vs. BW(1)		−.096(.115)	.166(.097)[a]
Other (0) vs. WW(1)		−.196(.093)[b]	.073(.084)
Scene	−.085(.067)		
Accomplices	.092(.025)[b]		
Victims		−.377(.172)[b]	.206(.076)[b]
Evidence			
Charges		.026(.054)	−.277(.064)[b]
Witnesses		.084(.030)[b]	−.002(.019)
Eyewitness Identification		−.093(.081)	.067(.049)
Expert Testimony	.143(.079)[a]		
Witness Statements	−.040(.051)		
Defendant/Accomplice Statements	.001(.067)		
Real Evidence		−.149(.084)[a]	.073(.048)
Type of Crime	.348(.438)		
Intercept	−1.075(.344)[b]		

Note: b refers to the unstandardized or metric coefficient and SE to its standard error.

[a] .05 < p < .10

[b] p ≤ .05

TABLE 6

REGRESSION COEFFICIENTS AND STANDARD ERRORS OF INTERACTIVE MODEL COMPARING SEXUAL ASSAULT AND ROBBERY: SENTENCE

VARIABLE	MAIN EFFECTS b(SE)	SIGNIFICANTLY DIFFERENT PRODUCT TERMS	
		Sexual Assault b(SE)	Robbery b(SE)
Victim Characteristics			
Sex	.110(.069)		
Age	−.003(.002)		
Employment Status	−.204(.139)		
Marital Status Other (0) vs. S (1)	−.038(.091)		
Other (0) vs. SDC (1)		−.306(.191)	.082(.113)
Resistance	−.036(.106)		
Alleged Misconduct Other (0) vs. Nonsexual (1)	−.044(.093)		
Other (0) vs. Sexual (1)		−.001(.002)	−.445(.243)[a]
Defendant Characteristics			
Age	.003(.008)		
Employment Status		−.187(.101)[a]	.041(.067)
Prior Record	.031(.029)		
Context			
Victim-defendant Relationship		.114(.074)	−.118(.106)
Racial Composition Other (0) vs. BW (1)	.108(.082)		
Other (0) vs. WW (1)	.034(.086)		
Scene	.051(.108)		
Accomplices	.016(.034)		
Victims	.011(.052)		
Weapons Other (0) vs. HFF (1)		−.137(.100)	.176(.162)
Other (0) vs. DW (1)		−.150(.127)	.232(.093)[b]
Injury	−.085(.082)		
Evidence			
Charges		.161(.063)[b]	.033(.045)
Witnesses		.079(.035)[b]	−.015(.017)
Eyewitness Testimony	−.041(.050)		
Expert Testimony	−.047(.086)		
Witness Statements	−.111(.075)		
Defendant/Accomplice Statements	.187(.091)[b]		
Real Evidence	.027(.039)		
Plea			
Intercept		−.232(.416)	.977(.429)[b]

Note: b refers to the unstandardized or metric coefficient and SE to its standard error.
[a] .05 < p < .10
[b] p ≤ .05

considerations. Here, the results suggest that officials face unique evidentiary problems when processing sexual assaults. The differential importance of real evidence, eyewitness identification, and the number of witnesses and victims reflects a concern with consent and identification, two issues that are especially problematic for sexual assaults.[34] Even though corroboration is not formally required in the jurisdiction studied, the findings suggest that such a requirement persists on an informal level. This informal requirement could reflect an underlying official skepticism toward sexual assault complaints. But while such skepticism may exist, officials do not appear to rely on the victim's sexual property value and sex-role conformity when deciding what official action is appropriate. Rather, officials base their decisions on the context within which the crime occurred, and its ability to generate evidence that aids or precludes resolution of consent and identification issues (e.g., eyewitness identification).

Furthermore, even these differences in treatment must be interpreted in the context of substantial cross-crime similarity. To some extent, victim and defendant attributes, the context of the crime, and evidentiary strength affected official reactions, regardless of the crime involved and the specific prosecution problems each type of crime may present.

V. IMPLICATIONS AND CONCLUSIONS

The fact that we found few significant differences in the processing of sexual assaults is noteworthy given previous research.[35] Most of the variables examined here were included in these earlier studies, and we did succeed in coding variables in similar categories. Moreover, most prior research focused on court outcomes, as did we. Thus, we all have had to deal with the issue of prior screening. But unlike prior research, our design explicitly compared sexual assault with other crimes, and did so in a multivariate framework that included measures of evidence. The most plausible explanation for the similarities in prosecution we found, then, is that at least in the jurisdiction studied these crimes are processed

---

[34] *See, e.g.,* NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, *supra* note 2; Hibey, *The Trial of a Rape Case: An Advocate's Analysis of Corroboration, Consent and Character*, 11 AM. CRIM. L. REV. 309 (1973); LeGrand, *supra* 6; Schwendinger & Schwendinger, *Rape Myths: In Legal, Theoretical and Everyday Practice*, CRIME & SOC. JUST. (Spr.-Sum. 1974), at 18; Comment, *Forcible and Statutory Rape, An Exploration of the Operation and Objectives of the Consent Standard*, 62 YALE L.J. 55 (1952).

[35] *See, e.g.,* L. CLARK & D. LEWIS, *supra* note 3; L. HOLMSTROM & A. BURGESS, *supra* note 3; H. KALVEN & H. ZEISEL, *supra* note 11; Berger, *Man's Trial, Woman's Tribulation: Rape Cases in the Courtroom*, 77 COLUM. L. REV. (1977); Bohmer, *supra* note 7; Bohmer & Blumberg, *Twice Traumatized — Rape Victim and the Court*, 58 JUDICATURE 390 (1975); Note, *supra* note 6.

in a more similar manner than prior research has assumed or has been able to determine.

Clearly, it remains the task for future research to determine whether this conclusion holds for earlier (e.g., police) stages of prosecution or for other jurisdictions. Our findings do suggest, however, that it may be simplistic to assume that officials who process sexual assaults are guided by a set of concerns that are unique to sexual assault and invariant across decisionmaking contexts. While our findings do not support a recommendation to abandon the search for differences in official reactions, they do recommend an expansion of the feminist-conflict perspective in three directions. First, theorizing may profit by extending concern beyond the victim and her experiences as a witness to the context within which the sexual assault occurred. The context of the crime and its ability to produce evidence of legal guilt appear to be particularly important during official processing. Second, theorizing should reflect greater attentiveness to the decision making context itself. Since different treatment did not occur at all stages of prosecution, theorists need to identify differences in these stages (e.g., norms, participants, priorities) that may shape and constrain differential responses to sexual assault. Finally, the results underscore the importance of placing sexual assault in a broader comparative framework. The uniqueness of official reactions to sexual assault becomes apparent only after comparison with reactions to other crimes. Only by such explicit comparisons can theorists specify similarities and differences among crimes and among official reactions to them, modifying where necessary their underlying implicit assumptions.

Conversely, the existence of different treatment, while limited, also challenges traditional criminological assumptions. As noted earlier, traditional research has implicitly assumed that the crucial difference among crimes and official reactions to crimes is the quantitative one of seriousness. The results of our study suggest the need to explore differences along the qualitative dimension, particularly those bearing on the nature of evidence needed and used to determine guilt and punishment. This exploration, in turn, implies greater attentiveness to *formal* definitions of crime. These formal definitions specify the unique "elements" of criminal action and, through this specification, shape the role that the characteristics of victims, defendants, and evidence play when the criminal law is actually applied.

APPENDIX

Appendix Table 1 presents the results of additive models for two outcomes, Dismissal and Trial, for which there were no significant differences between sexual assaults and other violent crime. The third outcome, Verdict, will be neither presented nor discussed because its coefficient of determination was statistically insignificant.

Dismissal was affected by three of the six victim attributes: employment status, marital status, and alleged misconduct. Case dismissal was less likely if the victim was unemployed or separated, divorced, or cohabiting, and more likely if the victim had allegedly engaged in nonsexual misconduct. In contrast, defendant characteristics were irrelevant to this decision. Of the context variables, both racial composition and scene of offense had significant effects. Dismissal was more likely in black vs. black crimes or if the crime occurred in the victim's residence. Of the evidence measures, eyewitness identifications, defendant or accomplice statements, and real evidence all decreased the probability a case would be dismissed.

For fully prosecuted cases, the decision to go to trial rather than accept a plea of guilty was unaffected by victim attributes and behavior. Rather, this Trial decision depended on defendant characteristics (age and prior record), the context of the offense (use of accomplices or a weapon), and evidence (expert testimony, witness statements, and real evidence). Defendants who were older, had serious prior records, used accomplices, or used a weapon were more likely to go to trial, as were those whose cases involved expert testimony, witness statements, and little real evidence.

Appendix Table 2 presents the results of additive models for three outcomes (Dismissal, Verdict, and Sentence), for which there were no significant differences between sexual assaults and property crimes. Focusing first on Dismissal, Table 2 shows that this outcome depends on victim characteristics (employment status, resistance), defendant characteristics (employment status), and evidence (charges, witnesses, and real evidence). Dismissal was less likely if the victim was unemployed or reported resisting the defendant; if the defendant was unemployed; or if there were numerous charges, numerous witnesses, and real evidence.

Among cases that went to trial, the Verdict was affected by a single victim attribute (sex), defendant characteristics (employment status, prior convictions), the context of the crime (racial composition), and evidence (defendant or accomplice statements). Defendants were more likely to be found guilty if the victim was a woman; if the defendant

APPENDIX TABLE 1

REGRESSION COEFFICIENTS AND STANDARD ERRORS OF ADDITIVE MODELS FOR SEXUAL ASSAULTS AND OTHER VIOLENT CRIMES: DISMISSAL AND TRIAL

Variable	Y_1: DISMISSAL b(SE)	Y_1: DISMISSAL β	Y_2: TRIAL B(SE)	Y_2: TRIAL β
Victim Characteristics				
Sex	.013(.044)	.017	.082(.062)	.081
Age	−.001(.001)	−.031	−.001(.002)	−.046
Employment Status	−.099(.048)[b]	−.110[b]	.089(.070)	.078
Marital Status				
Other (0) vs. S(1)	.026(.047)	.032	.012(.067)	.011
Other (0) vs. SDC (1)	.101(.056)[a]	.082[a]	.023(.077)	.015
Resistance	.005(.041)	.005	−.008(.058)	−.007
Alleged Misconduct				
Other (0) vs. Non-sexual (1)	−.082(.044)[a]	−.094[a]	.056(.063)	.049
Other (0) vs. Sexual (1)	.019(.065)	.013	.109(.090)	.062
Defendant Characteristics				
Sex	−.159(.112)	−.061	−.120(.148)	−.038
Age	−.003(.002)	−.064	.010(.003)[b]	.162[b]
Employment Status	.042(.036)	.054	.025(.050)	.025
Prior Record	−.014(.015)	−.045	.038(.020)[a]	.093[a]
Context				
Victim-defendant Relationship	−.017(.035)	−.028	.003(.048)	.004
Racial Composition				
Other (0) vs. BW (1)	.100(.044)[b]	.116[b]	.003(.062)	.002
Other (0) vs. WW (1)	.087(.040)[b]	.108[b]	−.071(.057)	−.069
Scene	.079(.046)[a]	.080[a]	−.035(.066)	−.027
Accomplices	.025(.018)	.067	.052(.024)[b]	.111[b]
Victims	−.026(.031)	−.054	.001(.046)	.001
Weapons				
Other (0) vs. HFF (1)	.003(.056)	.003	.173(.079)[b]	.126[b]
Other (0) vs. DW (1)	.054(.048)	.067	.197(.068)[b]	.190[b]
Injury	.021(.030)	.067	.029(.041)	.045
Evidence				
Charges	−.022(.026)	−.047	−.018(.037)	−.026
Witnesses	−.002(.009)	−.012	.007(.014)	.028
Eyewitness Identification	.056(.027)[b]	.092[b]	.055(.039)	.071
Expert Testimony	.019(.028)	.033	.073(.041)[a]	.097[a]
Witness Statements	.036(.041)	.045	.108(.057)[a]	.108[a]
Defendant/Accomplice Statements	.088(.053)[a]	.082[a]	−.082(.071)	−.064
Real Evidence	.069(.024)[b]	.136[b]	−.053(.032)[a]	−.084[a]
Type of Crime	−.008(.068)	−.009	−.042(.098)	−.039
Intercept	−.370(.209)[a]		−1.15(.289)[b]	

Note: b refers to the unstandardized or metric coefficient and SE to its standard error.

β refers to a standardized coefficient, derived by using the following algorithm: $\beta = b \left(\frac{SD_x}{SD_y} \right)$, where b is the metric coefficient, SD_x is the standard deviation of the independent variable, and SD_y is the standard deviation of the dependent variable. Within each equation, standardized coefficients may be compared to obtain a sense of the relative magnitude of the effect each independent variable has on the outcome. Across equations, the unstandardized coefficients for each independent variable may be compared to obtain a sense of the effect the same variable has on different outcomes.

[a] .05 < p < .10
[b] p ≤ .05

APPENDIX TABLE 2

REGRESSION COEFFICIENTS AND STANDARD ERRORS OF ADDITIVE MODELS FOR SEXUAL ASSAULT AND PROPERTY CRIME: DISMISSAL, VERDICT, AND SENTENCE

Variable	DISMISSAL b(SE)	β	VERDICT b(SE)	β	SENTENCE b(SE)	β
Victim Characteristics						
Sex	.054(.050)	.069	−.364(.125)[b]	−.388[b]	−.106(.072)	−.106
Age	.001(.001)	.049	.001(.003)	.044	.000(.002)	.005
Employment Status	−.101(.051)[b]	−.111[b]	.000(.112)	.000	.088(.075)	.078
Marital Status						
Other (0) vs S(1)	.046(.057)	.053	.197(.145)	.206	−.127(.084)	−.116
Other (0) vs. SDC(1)	.051(.069)	.035	−.085(.147)	−.059	−.108(.100)	−.058
Resistance	.085(.052)[a]	.082[a]	−.125(.107)	−.120	−.086(.076)	−.064
Alleged Misconduct						
Other (0) vs. Nonsexual (1)	−.074(.047)	−.069	−.100(.117)	−.079	.013(.071)	.009
Other (0) vs. Sexual (1)	.050(.067)	.035	.137(.136)	.105	−.045(.098)	−.025
Defendant Characteristics						
Sex	−.017(.103)	.008	---[c]	---[c]	.306(.140)[b]	.114[b]
Age	−.001(.002)	−.028	.000(.006)	.005	.000(.003)	.004
Employment Status	−.139(.035)[b]	−.170[b]	−.145(.084)[a]	−.150[a]	−.150(.050)[b]	−.148[b]
Prior Record	.001(.015)	.004	.026(.015)[a]	.189[a]	.094(.022)[b]	.231[b]
Context						
Victim-defendant Relationship	−.041(.035)	−.059	.055(.080)	.075	.092(.051)[a]	.103[a]
Racial Composition						
Other (0) vs. BW (1)	−.057(.051)	−.063	.188(.120)	.183	.146(.077)[a]	.127[a]
Other (0) vs. WW (1)	.003(.045)	.044	.223(.010)[b]	.241[b]	.103(.065)	.013
Scene	−.012(.039)	−.015	−.063(.098)	−.067	−.089(.056)	−.086
Accomplices	.021(.016)	.061	.030(.033)	.092	−.040(.023)[a]	−.093[a]
Victims	−.027(.045)	−.032	.011(.104)	.011	−.030(.068)	−.028
Evidence						
Charges	.066(.030)[b]	.103[b]	−.025(.067)	−.035	.058(.046)	.074
Witnesses	.019(.012)[a]	.077[a]	.036(.028)	.136	.037(.017)[a]	.119[a]
Eyewitness Identification	.028(.030)	.045	.090(.072)	.126	.103(.044)[b]	.130[b]
Expert Testimony	.022(.033)	.036	.008(.070)	.013	.027(.050)	.031
Witness Statements	.035(.038)	.077	−.041(.111)	−.039	−.067(.052)	−.074
Defendant/Accomplice Statements	.050(.050)	.051	.280(.128)[b]	.214[b]	−.015(.067)	−.013
Real Evidence	.062(.032)[b]	.096[b]	.017(.075)	.025	−.086(.044)[a]	−.105[a]
Type of Crime	.015(.083)	.018	.318(.215)	.343	.086(.124)	.079
Plea					.094(.061)	.081
Type of Trial			−.091(.093)	−.096		
Intercept	−.123(.197)		−.643(.448)		−.003(.292)	

Note: b refers to the unstandardized or metric coefficient and SE to its standard error.

β refers to a standardized coefficient, derived by using the following algorithm: $\beta = b \frac{SD_x}{SD_y}$, where b is the metric coefficient, SD_x is the standard deviation of the independent variable, and SD_y is the standard deviation of the dependent variable. Within each equation, standardized coefficients may be compared to obtain a sense of the relative magnitude of the effect each independent variable has on the outcome. Across equations, the unstandardized coefficients for each independent variable may be compared to obtain a sense of the effect the same variable has on different outcomes.

[a] .05 < p < .10
[b] p ≤ .05
[c] Insufficient variation to include.

was unemployed or had prior convictions; if the crime was white vs. white; and if there were defendant or accomplice statements.

Finally, Sentence was unaffected by victim attributes and behavior. Rather, the probability of imprisonment depended on several defendant characteristics (sex, employment status, prior record), the context of the crime (victim-defendant relationship, racial composition, accomplices), and evidence (witnesses, eyewitness identification, and real evidence). Imprisonment was more likely if the defendant was male, unemployed, or had a serious prior record; if the crime involved strangers, blacks vs. whites, and no accomplices; or if there were numerous witnesses, eyewitness identifications of the defendant, and little real evidence.