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Abstract

The present analysis is a reframing of an earlier study conducted by the author to compensate for perceived deficiencies in previous studies on police decisions in sexual assault complaints. Specifically, qualitative comparative analysis was employed at the micro-social level to reveal justification scenarios, employed by investigating officers, which resulted in attrition at the police level. It was found that police employed the legal model in justifying “unfounded” designations while police employed both legal and extralegal models in justifying designations of “departmental discretion.” Further research, expanding the database through interviews and participant observation, is necessary to fully explore justification scenarios for police designations of sexual assault complaints

Keywords

Qualitative Comparative Analysis, QCA, Sexual Assault, and Police Decision-Making

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Pathways to Attrition: A Qualitative Comparative Analysis of Justifications for Police Designations of Sexual Assault Complaints

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The present analysis is a reframing of an earlier study conducted by the author to compensate for perceived deficiencies in previous studies on police decisions in sexual assault complaints. Specifically, qualitative comparative analysis was employed at the micro-social level to reveal justification scenarios, employed by investigating officers, which resulted in attrition at the police level. It was found that police employed the legal model in justifying “unfounded” designations while police employed both legal and extralegal models in justifying designations of “departmental discretion.” Further research, expanding the database through interviews and participant observation, is necessary to fully explore justification scenarios for police designations of sexual assault complaints. Key Words: Qualitative Comparative Analysis, QCA, Sexual Assault, and Police Decision-Making

It is well-established that the progress of any reported case through the criminal justice system reflects a highly selective process of elimination, often referred to as “attrition” (Goff, 1997; Griffiths & Verdun-Jones, 1994) or “filtering” (Clark & Lewis, 1977; Gunn & Minch, 1988; Minch, Linden, & Johnson, 1987). This has been especially well-documented for sexual assault cases reported to North American police (Chandler & Torney, 1981; Clark & Lewis; Gunn & Minch; Minch et al., 1987; Stanley, 1985).

The police play an important role in this filtering process. In Canada, as well as in many states throughout the U.S., once an initial complaint is reported the police become involved in a number of important decisions (Griffiths & Verdun-Jones, 1994) that may affect whether a complaint results in a charge, and hence proceeds to prosecution, or whether a complaint remains at the police level with no further action taken. In this sense, then, the police act as the “gateway” to the criminal justice system (Kerstetter, 1990) and the fate of any reported complaint, in terms of its movement through the criminal justice system, essentially lay in the hands of the police who exercise substantial discretionary power (Cromwell & Dunham, 1997; Goff, 1997; Griffiths & Verdun-Jones; Pepinsky, 1984; Smith, 1987).

While discretion exists at every stage of the criminal justice system (Cromwell & Dunham, 1997; Goff, 1997) it is particularly important at the police level, given that police act as initial gatekeepers. Police use discretion throughout the variety of their day-to-day tasks (Goldstein, 1977; Smith, 1987) and discretion forms the basis of their decisions: decisions about whether to enforce the law (Cromwell & Dunham), whether to arrest a suspect (Goldstein; Roberg & Kuykendall, 1993; Stansfield, 1996), whether to

use force in an encounter (Goldstein; Griffiths & Verdun-Jones, 1994), whether to devote resources to an investigation (Stansfield), and whether to lay a charge in any particular circumstance (Griffiths & Verdun-Jones).

In the policing literature, there is a considerable amount of research on the decision-making of police *patrol officers* (see Bittner, 1970; Ericson, 1982; Fleming, 1981; Manning & Van Maanen, 1978; Roberg & Keykendall, 1993; Smith, 1987; Stalans & Finn, 1995; Stansfield, 1996). Less common, however, are probes into the decision-making of *investigating officers*. While in many jurisdictions, patrol and investigating officers are one in the same (Goff, 1997; Griffiths & Verdun-Jones, 1994), the decisions made at the patrol level and the investigation level may be somewhat different in substance and outcome. Patrol officers make decisions in the initial encounter, many of which do not end up in official police reports. Investigating officers make decisions regarding the investigation of complaints and these decisions inevitably end up, in some form, in official investigation reports. Thus, it would be interesting to probe the decision-making process of investigating officers, in particular, the decisions that do not lead to the prosecution of complaints, but rather to their stagnation at the police level.

It is at the investigation level, where decisions are often “accounted for” in official reports that the present analysis takes its start. According to Drass and Spencer (1987), social control agents, such as police, are required to make decisions that are open to scrutiny from colleagues and supervisors, and therefore must justify their decisions by providing “accounts” which make these decisions rational and reasonable. The current analysis addresses the justifications for decisions made by investigating officers in sexual assault complaints. What kinds of justifications or “accounts” do investigating officers offer for their decisions? More importantly, are there recognizable combinations of justifications which officers use in making different decisions? It is anticipated that an exploration of the justifications for decisions made by investigating officers in sexual assault complaints, with particular attention on combinations of factors, will provide significant insight into the process of police decision-making as well as shed light on the process of attrition in the criminal justice system.

Review of the Literature

The Attrition of Sexual Assault Complaints

Sexual assault, like many other crimes, is subject to a considerable amount of attrition as complaints pass through the criminal justice system (Clark & Lewis, 1977; Goff, 1997). Many sexual assault complaints are “filtered out” at various stages (Clark & Lewis) so that only a small number of complaints make it to the final stage of the criminal justice process.

Investigating police officers play an important role in the attrition of sexual assault complaints. According to Clark and Lewis (1977), one strategy employed by investigating officers to filter out sexual assault complaints is the use of the “unfounded” designation. Officially, a reported sexual assault can be classified as “unfounded” when a law enforcement agency receives a complaint and subsequent investigation discloses that no offence has occurred: Unofficially, however, authorities classify complaints as “unfounded” when they believe the report is false or when they cannot verify the incident

(Lizotte, 1985). Essentially, a sexual assault complaint given an “unfounded” designation will be “filed” and hence remain at the police level rather than move on to prosecution.

The Unfounded Rate for Sexual Assaults

According to the Canadian Advisory Council on the Status of Women (1992) sexual assault is far more likely than other violent crimes to be classified as “unfounded”. Robin (1977) reports that the proportion of index offences (homicide, forcible rape/sexual assault, robbery, aggravated assault, burglary, larceny, motor vehicle theft) considered “unfounded” by police in the United States range from 2% of larcenies to 18% of sexual assaults. Likewise, Roberts (1990) reports that the unfounded rate in Canada is higher for sexual assault than for other crimes against a person such as homicide or assault. In a 1992 Canadian document the Department of Justice reports that “of the 29,111 reports of sexual assault made to the police in 1988, 15% were declared unfounded” (p. 49). This national “unfounded” rate is far more conservative than the figure reported in the Clark and Lewis Toronto data in which a high 63.8% of the sexual assault reports were classified as “unfounded” (Stanley, 1985). A further study conducted by Minch et al. (1987) revealed that 27% of the 211 initial sexual assaults brought to the attention of the Winnipeg Police Department in 1987 were eventually delegated as “unfounded”. In addition, Gunn and Minch (1988), after examining both “founded” and “unfounded” sexual assault cases in Winnipeg, concluded that a significant 53% of the sexual assault reports did not proceed beyond the police level.

Factors Affecting Police Decisions in Sexual Assault Complaints

The rationale behind designating a sexual assault complaint as “unfounded” by police investigators may be either subjective or practical (Gunn & Minch, 1988). In reviewing the literature on police decision-making in sexual assault cases, the reasons for “unfounded” designations can be divided into four main categories: (1) Police do not believe the sexual assault complaint, (2) No formal complaint was made by the victim or victim drops the charges, (3) Victim apprehension about proceeding with prosecution, and (4) Prosecutorial concerns by police.

The first and foremost reason for police to designate a sexual assault complaint as “unfounded” is that they simply do not believe, based on the victim’s account of the incident and available evidence, that a sexual assault has occurred or that evidence has revealed the complaint to be false (Gunn & Minch, 1988; Minch et al., 1987). For example, Gunn and Minch found in their examination of unfounded sexual assault complaints, that 5% of the unfounded reports were labelled as “false complaints.”

In addition to those complaints believed to be false, sexual assault complaints may be designated as “unfounded” when no formal complaint by the victim is made or when the victim decides to drop the original sexual assault charges (Gunn & Minch, 1988; Minch et al., 1987). In both cases, the complaint is stalled at the police level either because the victim does not come forward as the primary witness or because the case cannot proceed to the prosecution level: The police, therefore, choose not to follow through with the investigation of the complaint.

In many cases, the victim's apprehension about proceeding with the charge may lead to a police designation of a sexual assault complaint as "unfounded" (Gunn & Minch, 1988; Kerstetter, 1990; LaFree, 1981; Minch et al., 1987). Gunn and Minch, for example, found that in 10% of the cases examined, a combination of police and victim apprehension in proceeding with a charge led to an "unfounded" designation. Likewise, LaFree (1981) and Kerstetter maintain that a victim's willingness to prosecute is a significant factor in official police decisions to "found" or "unfound" a sexual assault complaint. Kerstetter points out that since detectives have more cases than they can handle, "they have little incentive to pursue a case if the complainant does not want to prosecute because the complainant's cooperation is crucial to a successful investigation" (p. 290).

The majority of the reasons for classifying a sexual assault complaint as "unfounded" can be attributed to prosecutorial concerns by the police. When the police foresee that the prosecutor will have difficulty in proceeding with the charge, this may lead to a decision to stymie the complaint at the police level with an "unfounded" classification. Such concerns regarding prosecution may involve any of the following: (1) *Insufficient evidence*, which may include: lack of physical injury, lack of corroborating medical evidence, suspect not identified, and suspect not apprehended (see Chandler & Torney, 1981; Clark & Lewis, 1977; Gunn & Minch, 1988; Kerstetter, 1990; Kerstetter & Van Winkle, 1990; LaFree, 1981; Minch et al., 1987; Rose & Randall, 1982); (2) *Victim's credibility at question*, which may include: victim's account inconsistent, victim does not initially contact the police, possible ulterior motives, report of sexual assault not prompt, emotional state of victim not "typical," alcohol/drug use by victim, victim has criminal record, and victim has history of mental illness (see Chandler & Torney; Clark & Lewis; Frohmann, 1991; Gunn & Minch; Holmstrom & Burgess, 1978; Kerstetter; LaFree; Minch et al.; Rose & Randall; Stanley, 1985); (3) *Question of consent*, which may include: lack of resistance by victim, victim-offender relationship, degree of violence, victim-offender contact, risk-taking by victim, and victim considered promiscuous (see Chandler & Torney; Clark & Lewis; Holmstrom & Burgess; Kerstetter; LaFree; Minch et al.; Rioux, 1975; Rose & Randall; Wyre & Swift, 1990); and (4) *Additional factors*, which may include: occupational status of victim, marital status of victim, number of offenders, criminal record of offender, multiple sexual acts, other criminal acts committed, and racial composition of victim-suspect dyad (see Clark & Lewis; Holmstrom & Burgess; Kerstetter; LaFree; Rioux; Stanley).

Models of Police Decision-Making: Legal and Extralegal Models

Clearly, the decision to treat any sexual assault complaint as legitimate appears to be influenced by both extralegal and legal factors. After examining official decisions in sexual assault cases, several researchers conclude that such decisions are strongly influenced by *extralegal* considerations, mostly focused on victim characteristics and attributes (Chandler & Torney, 1981; Clark & Lewis, 1977; Hinch, 1988; Myers & LaFree, 1982).

For example, Hinch (1988) calls attention to the variety of extralegal concerns criminal justice decision-makers have about the victim's reputation and credibility. Hinch's findings stress that victim misconduct clearly affects decisions made by police.

The fact that victims' behaviour, such as resistance and sexual misconduct, are more commonly noted for sexual assault than for other offences (Myers & LaFree, 1982) clearly underlines the primary significance that extralegal factors, in the form of victim attributes, have in criminal justice decision-making.

Despite evidence that extralegal factors play an important role in police decision-making in sexual assault complaints, LaFree (1981) contends that "the legal model best describes the official police reaction to sexual assault" (p. 592). Although LaFree highlights the significance of victim attributes in police decision-making, he concludes that the most important determinants of police decisions are based on legal considerations, particularly evidentiary concerns. Likewise, Myers and LaFree (1982) conclude that, "Primary differences in official reactions centered not on victim characteristics per se, but rather on evidentiary concerns...Officials base their decisions on the context within which the crime occurred and its ability to generate evidence" (p. 1300).

Similarly, Kerstetter (1990) and Kerstetter and Van Winkle (1990) stress the importance of evidentiary sufficiency in making decisions concerning sexual assault complaints.

According to these researchers, then, police make decisions about sexual assault complaints not on the basis of victim attributes per se, but on the basis of more pragmatic notions of how the behaviour or characteristics of the victim affects the evidentiary basis of the case. Thus, police are concerned with the victim and the victim's attributes only in so far as it affects the prosecutorial status of the case: whether the victim's characteristics and behaviour help make a strong or weak case.

Typifications

In addition to models of police decision-making based on extralegal and legal factors, a substantial amount of research literature suggests that police also rely on *typifications* in making decisions regarding their day-to-day tasks (Bittner, 1970; Griffiths & Verdun-Jones, 1994; Manning & Van Maanen, 1978; Skolnick & Fyfe, 1993; Stalans & Finn, 1995). According to Griffiths and Verdun-Jones, "typifications are constructs or formulations of events based on experience and involve what is typical or common about routinely encountered events" (p. 169). It is suggested that police officers routinely "typify" offenders and victims as well as offence situations, paying most attention to what they consider deviations from a "typical" offence scenario. It is acknowledged that such typifications may be based on stereotypes and discriminatory views of people and circumstances (Lundman, 1980). Nevertheless, these typifications ultimately influence police decisions and subsequent police actions. Indeed, Bittner contends that the basis of police decision-making rests on police officers' "intuitive grasp of situational exigencies": "Police develop a set of beliefs which guide their actions, in effect, a set of decision-making heuristics which influence their definition of situations and eventual course of action". (p. 46)

The use of typifications by police officers has been well-documented in both wife assault (Stalans & Finn, 1995; Waaland & Keeley, 1985) and sexual assault (Chandler & Torney, 1981; Clark & Lewis, 1977; Frohmann, 1991; Waegel, 1981) cases. Clark and Lewis contend that police frequently draw on typifications of "rape-relevant behaviour"

in deciding whether to maintain an investigation in a sexual assault complaint. This entails comparing reported complaints to a “typical” sexual assault scenario in terms of the usual or typical offender, victim, and circumstances that are involved in a sexual assault. These typifications are frequently based on myths (Canadian Advisory Council on the Status of Women, 1992) and inaccurate information that holds that sexual assault is usually committed by a stranger, out of the blue, which involves considerable physical injury to the victim and that the victim is visibly and hysterically upset. In this way, police efficiently classify each sexual assault brought to their attention as “real rapes” or “deals,” which police believe are contrived false complaints (Kelly & Radford, 1990; Rose & Randall, 1982). Such scenario typifications also include: (1) Typifications of post-incident interaction: That is, the typical interaction pattern between victim and suspect after a sexual assault incident is one of no contact; (2) Typifications of rape reporting: Both police and prosecutors expect sexual assault victims to report the incident promptly, any delay in reporting may lessen the victim’s credibility or may lead officials to question the victim’s motives; (3) Typifications of victim’s demeanour: The typical emotional state of a victim after a sexual assault incident is one of hysterics; and (4) Typifications of offenders: Sexual assault offenders are strangers to the victim, who use violent force, and have a violent criminal history.

Chandler and Torney (1981) also suggest that such typifications extend to sex-role stereotyping, in which implicit or explicit biases toward women are expressed in police decisions; for example, the “unfounding” of a sexual assault charge because the woman is a prostitute or the negation of a promiscuous teenager’s allegation of rape.

In sum, decision-making by police suggests that police are influenced by both legally relevant and irrelevant factors, and that police rely on typifications of sexual assault scenarios to make the decision to proceed or not proceed with sexual assault complaints.

The Problem with Existing Literature

What the literature reveals is a laundry list of factors important to police decision-making that can ultimately be grouped into two abstract categories; legal and extralegal. However, the existing literature relies mainly on a linear analysis, looking at factors individually (such as the effect of victim credibility or victim cooperation on police decisions to “unfound” a complaint), in isolation from one another rather than in combination with one another. While this provides some important information regarding police decision-making in sexual assault complaints, it also assumes that police make decisions in a vacuum and according to single criteria. Such additive, linear analyses do not recognize the “lumpiness” (Britt, 1997) of decision-making. That is, decisions do not always follow a neat and tidy X leads to Y pattern (linear) or several Xs lead to Y pattern (additive). Such analyses fail to take into consideration that a combination of factors may be relevant to police decisions or that several factors may overlap to produce a decision. Although some of the literature suggests such a combinatorial approach (see Rose & Randall, 1982), the bulk of the research focuses on single factors impacting police decision-making. Clearly, what is needed is an approach to account for such “lumpiness” in decision-making, an approach that allows for analyzing police decision-making from a combinatorial standpoint.

Methodology

Data Source

The present analysis looks at 35 sexual assault complaints reported to the Windsor Police Service in 1992 that did not, for one reason or another, proceed to the prosecution stage. The data used here were part of a larger study completed as a master's thesis (Soulliere, 1994), which examined 243 incidents reported to the Windsor Police Service in 1992 that were classified as sexual assault complaints. The aim of this earlier study was to explore the general characteristics of sexual assault as they pertained to the local area and to examine decision-making at the police level, to determine which model of decision-making police were most likely to employ in classifying sexual assault complaints. Given the criticisms often directed at the criminal justice system, in response to sexual assault victimizations, the researcher was highly interested in finding out whether police employed legal or extralegal factors in making decisions concerning sexual assault complaints. Like previous studies of police decision-making, the original analysis conducted for the thesis was additive¹. After completing a graduate-level course which explored qualitative analyses based on combinations of factors, the researcher saw merit in applying this technique to the original data collected for the thesis. Thus, a reframing of the original analysis was done to suit a combinatorial style. Specifically, *qualitative comparative analysis* as developed by Ragin (1987) was employed to facilitate this reframing.

Data consisted mainly of police investigation reports on sexual assault complaints that did not move on to prosecution, but remained at the police level. In particular, the *designation* of the complaint was attended to as well as *notes made by investigating officers*² in hopes to gain insight regarding the justifications for such designations. The focus was on justifications that investigating officers gave for particular designations rather than on the general characteristics of each complaint. It is recognized that this focus may not capture all or most of the relevant reasons for police decisions in sexual assault complaints, but it was necessary to focus on what the data were, in fact, able to reveal. In this context, inferences cannot be made regarding what investigating officers are thinking apart from what they write in incident reports. Drass and Spencer (1987) contend that "accounts" do not provide direct evidence of the determinants of decisions, but they do reveal some indication of the processes involved in making decisions. For this reason, only complaints in which justifications were clearly indicated by investigating officers in the incident reports were included in the analysis. While this

¹ As a master's graduate student, the researcher was exposed mostly to traditional linear, additive analyses and it was these analyses that were recommended and promoted within the programme.

² The main body of an Investigation Report contains victim and offender characteristics, a description of the suspect, an offence synopsis, classification of the report, as well as other details pertaining to the offence. In addition, attached to an Investigation Report may be victim/witness statements, notes by investigating officers (police notations and comments regarding the case), as well as other documents prepared for prosecution such as record cards, interim release forms, arrest reports, pre-sentence reports and reports prepared by Children's Aid Society. It should be noted that Investigation Reports vary in completeness.

greatly reduced the pool of complaints that did not proceed to prosecution³, it was felt that the remaining complaints would nevertheless provide useful data. Therefore, although the data are limited, the value of the current analysis lay in its ability to reveal the combinations of factors involved in decision-making, thus contributing substantively to the existing literature.

Qualitative Comparative Analysis

Qualitative comparative analysis or QCA (Ragin, 1987) is an analytic technique that uses systematic and logical case comparisons based on the rules of Boolean algebra, to identify the combinations of explanatory variables that are unique to an outcome (Musheno, Gregware, & Drass, 1991). QCA has several key features. First, in qualitative comparative analysis, each case is conceived *holistically*, as a configuration of causal conditions not as a collection of scores on variables. QCA does not assume that the effect of an explanatory variable is the same regardless of the values of other variables: Rather, QCA assumes that variables exert their influences in combination with other variables. Indeed, Ragin (1993) asserts that “no value on any variable (categorical or interval) can be understood in isolation, but only in the context of the values of other relevant variables” (p. 306). QCA, then, rests on *combinatorial* rather than additive logic. Whereas additive logic focuses on the contributions of each variable individually, combinatorial logic focuses on the contribution of unique combinations of variables thought of as “causal conjunctures” (Ragin, 1987) or “scenarios” (Britt, 1998). The goal of qualitative comparative analysis, then, is to identify which combinations are crucial for distinguishing one outcome from another (Musheno et al., 1991).

In addition, QCA assumes *causal heterogeneity*, the notion that there are alternative combinations of causal conditions (or alternative scenarios) which may lead to the same outcome (Ragin, 1987, 1989, 1993). Furthermore, the logic of QCA is *deterministic* rather than probabilistic: The explanation of the outcome, in terms of configurations of causal conditions, is invariant rather than more or less probable. Qualitative comparative analysis strives to be *parsimonious* by discovering the smallest number of combinations of conditions that produce the outcome to be explained (Becker, 1998; Ragin, 1987, 1989, 1993). Ragin (1989) informs researchers that qualitative comparative analysis should not result in a “laundry list” of possible relevant causal conditions. Rather, he contends that “the investigator moves back and forth between specification of causal variables ...and examination of cases to build a combinatorial model with a minimum of causal combinations with contradictory outcomes” (p. 379). With such parsimony in mind, it should not be surprising that qualitative comparative analysis employs a discourse of necessary and sufficient conditions (Amenta & Poulsen, 1994). Coverdill and Finlay (1995) assert that the main task of QCA is to determine which aspects of the configurations are logically necessary and/or sufficient. Amenta and Poulsen argue that a discourse of necessary and sufficient conditions is clearly advantageous, “more causally profound than a discourse of explained variance” (p. 23).

³ These criteria, in effect, cut the number of complaints that did not proceed to prosecution by more than one-half.

QCA was essentially developed by Ragin as a synthetic approach to bridge the gap between *case-oriented modes* of research, often described as intensive, qualitative, holistic, idiographic, non-statistical, and particular. *Variable-oriented modes* of investigation are often depicted in the opposite as extensive, quantitative, analytical, nomothetic, statistical, and general (Ragin, 1987, 1989, 1993; Ragin, Shulman, Weinberg, & Gran, 2003). As such, it is thought to hold several advantages over both traditional quantitative and qualitative analyses. First, qualitative comparative analysis has the potential to circumvent some of the problems associated with these traditional strategies. For example, while statistical interaction is similar to causal conjunctures, such interaction effects may suffer from the problem of multicollinearity. Ragin (1993) argues that “if many causal conditions are relevant, statistical interaction creates an indecipherable cacophony of collinearity” (p. 307). QCA, with its Boolean technique, is able to overcome the problem of multicollinearity, being able to focus on multiple combinations of causal conditions. Unlike conventional statistical analysis, qualitative comparative analysis encourages the researcher to consider the context in which specific causal relationships will hold. QCA intuitively recognizes that “life is lumpy” (Britt, 1997) and cannot be explained through traditional additive, linear analyses upon which most quantitative statistical approaches, such as multiple regression and path analysis, are based. To be sure, Ragin (1993) contends that “causes rarely operate in a simple additive fashion; rather, they usually combine and intersect to produce change” (p. 306). As such, the questions these additive analyses answer are often not the ones people want answers to (Becker, 1998), especially if one is looking for combinations of causes rather than their individual contributions.

QCA can also enhance traditional qualitative analysis. For example, qualitative comparative analysis is able to handle a large number of cases, which generally cripples most qualitative research. In addition, QCA offers a more systematic replicable approach to data analysis (Coverdill, Finlay, & Martin, 1994) as well as it compels “a consideration of theoretical stories that may have been overlooked by the shifting-through-the-data approach” (p. 78) common to most qualitative analyses. Thus, QCA brings some of the methodological discipline and rigor of quantitative analysis to qualitative analysis and some of the causal complexity and inductive sensitivity of qualitative analysis to quantitative analysis (Coverdill et al., 1994), essentially being able to travel the middle road between generality and complexity (Ragin & Zaret 1983; Ragin et al., 2003).

Secondly, with its combinatorial logic, qualitative comparative analysis opens the door to new ways of thinking. Coverdill and Finlay (1995) argue that QCA acts as a “catalyst for substantive reflection,” a kind of “analytic and theoretical goading,” forcing researchers “to explore systematically initial hunches, prodding us to go beyond what we originally understood our data to suggest” (p. 21). In essence, qualitative comparative analysis is a “trick” (Becker, 1998) to be used by social scientists to maintain a dialogue between ideas and evidence (Britt, 1998) and between method, evidence, and analyst (Coverdill et al., 1994). Coverdill et al. contend that QCA forces the social scientist to “think very hard about cases, measurement of variables and the meaning of particular case attributes in a way that is not required by either traditional qualitative or quantitative analysis” (p. 78). In this way, QCA offers the prospect of both better data analysis and better theory.

Methods and Results

The Implementation of QCA

Although Ragin (1987) presented QCA as an approach appropriate to the qualitative study of *macro-social* phenomena, such as whole societies and institutions, such comparative analyses are also appropriate and have been applied to *micro-social* phenomena such as small groups and interaction (see Drass & Miethe, 2001; Drass & Spencer, 1987; Musheno et al., 1991; Rantala & Hellstrom, 2001). It is therefore an appropriate technique to be applied to police decision-making within the context of sexual assault complaints.

Selecting Outcome and Conditions

The first step in a qualitative comparative analysis is the selection of outcome(s) and causal conditions (Coverdill & Finlay, 1995).

It was noted that, in designating sexual assault complaints, Windsor Police officers did not adhere to a strict founded-unfounded dichotomy, but rather classified complaints under a variety of “status codes.” Although there are fifteen different status codes listed on the investigation report template, only six codes were relevant to the 1992 sample of complaints: “unfounded,” “by charge,” “not cleared,” “accused less than 12,” “complainant doesn’t proceed,” and “departmental discretion.” Of the six possible designations, five essentially resulted in the complaint being dropped at the police level: “unfounded”, “not cleared”, “accused less than 12”, “complainant doesn’t proceed”, and “departmental discretion”. In fact, the original analysis of the 243 complaints revealed that almost 70% of the incidents of sexual assault reported in 1992 did not proceed beyond the police level.

Three of the designations are relatively clear-cut. For example, police designated those complaints as “not cleared” that did not result in an arrest or charge because identification of the suspect had not been made and/or police had not been able to apprehend the suspect. Nearly 10% of the complaints were designated in this way. As well, police designated those complaints as “accused less than 12” in which the offender(s) were under the age of twelve and therefore legally unable to assume criminal responsibility. Less than 1% of the complaints were designated in this way. Furthermore, police designated those complaints as “complainant doesn’t proceed” in which complainants stated their intention not to proceed⁴. About 1/4 of the complaints were designated in this way. Thus, it may be claimed that it was reasonably clear what lead investigating officers to these three designations.

Less clear-cut, however, were the designations of “unfounded” and “departmental discretion.” What leads police to designate a sexual assault complaint as “unfounded” rather than “departmental discretion?” In particular, it was believed that police employ a combination of factors in justifying such designations. Also, it was felt that a comparison

⁴ Although it would be interesting to explore the various combinations of reasons victims choose not to proceed with their sexual assault complaint, this exploration is somewhat beyond the scope of the current analysis and should be addressed in an additional paper.

of the two outcomes would reveal different combinations of justifications or different “justification scenarios.”

Thus, the outcomes are as follows:

U = Unfounded; represents those complaints that are proved to be false or believed to be false; indicated by status code “unfounded.”

DD = Departmental Discretion; represents those complaints in which police do not proceed with further investigation of the complaint or do not proceed with charges against the suspect: In essence, “departmental discretion” can be inter-changed with “police do not proceed” indicated by status code “departmental discretion.”

In terms of outcome, there were 35 “useable”⁵ complaints for the analysis: 10 “unfounded” complaints and 25 “departmental discretion” complaints.

Although an abundance of research literature points to possible causal conditions related to designations of sexual assault complaints that do not proceed to prosecution it was felt that the best approach to identify relevant causal conditions was to “let the data speak for themselves.” In this way, relevant conditions could be revealed with maximum descriptive validity (Britt, 1997) which could easily be cross-checked against the relevant existing literature.

Coverdill and Finlay (1995) assert that “one cannot use QCA until quite a bit of thought and analysis has been completed” (p. 5). They maintain that QCA requires a pre-QCA stage that “leans heavily on either theoretical deductions or more standard forms of qualitative data analysis” (p. 20). Drawing on this advice, preliminary coding of the justification for designations of investigating officers in each of the 35 sexual assault complaints was accomplished through grounded theory methodology (Glaser & Strauss, 1967), in particular open, axial, and selective coding as outlined by Strauss (1987).

Open coding of the “unfounded” and “departmental discretion” complaints revealed the following justifications: contradictory evidence, insufficient evidence, inconsistencies/ discrepancies in victim’s account, history of false complaints, victim intoxicated, victim undergoing psychiatric care, victim is a prostitute, victim is a runaway, age of victim, victim has mental/physical handicap, interaction between victim and suspect after the assault is not typical, mitigating circumstances regarding the suspect, reporting not prompt, victim is not a competent witness, victim’s emotional reaction is not typical, and victim is uncooperative with police. All of these initial codes are consistent with previous literature in this area.

As can be seen, such open coding produces quite the laundry list of possible conditions. Amenta and Poulsen (1994) caution against pursuing a large number of conditions in qualitative comparative analysis:

Combinations of dichotomous variables grow exponentially from a base of two; and thus a large number of independent conditions make QCA unwieldy and decreases the likelihood that any given combination will

⁵ “useable” pertains to those complaints in which justifications were clearly indicated by investigating officers.

have an empirical referent⁶ or will be theoretically interpretable. Moreover, the larger the number of independent conditions, the more likely that each possible combination with a case in it will have only that one case⁷. (p. 23)

Heeding their advice, more abstract categories were developed through axial and selective coding as well as through concept respecification⁸ (Britt, 1997), so that the following “causal conditions” were identified as relevant: (1) low prosecutability and (2) rape typification.

Low prosecutability (LP)

Low prosecutability (LP) entails perceptions by investigating officers that the complaint has a low possibility of successful prosecution. The following may be considered indicators of low prosecutability: (1) evidentiary concerns such as insufficient evidence or contradictory evidence (E), (2) credibility of complainant at question including possible ulterior motive for complaint (C), and (3) complainant perceived as incompetent witness because of young age, mental or physical disability or inability to articulate testimony (IW). Each of these indicators was treated as “functional equivalents;” the presence of any one indicated the presence of low prosecutability (LP).

Rape typification (RT)

Rape typification (RT) entails any indications that investigating officers are “typifying” sexual assault victims, offenders, or circumstances in assessing the legitimacy of a complaint (see earlier discussion). Specific indicators revealed include typifying: (1) emotional reactions of victims; for example, victims should be visibly upset or emotional and cooperative with police, (2) legitimate victims; victims should not be intoxicated, promiscuous or prostitutes, (3) suspects; for example, suspects should not be too young or too old, have a mental or physical disability, or be victims themselves, (4) reporting behaviour; for example, reports should be prompt, and (5) interaction after the assault; for example, interaction between victim and suspect after the assault should be one of no contact. Any deviation from these “typical” scenarios is thought to raise suspicion in investigating officers and influence their assessment of sexual assault complaints. Again, these indicators were treated as “functional equivalents;” the presence of any one indicated the presence of rape typification (RT).

Both low prosecutability and rape typification are factors found in existing literature which influence police decision-making in sexual assault complaints and respectively correspond (it could be argued) to the legal and extralegal models of decision-making.

⁶ This is what Ragin (1987) refers to as “remainder configurations.”

⁷ This is what Ragin (1987) refers to as “limited diversity.”

⁸ Concept respecification (Britt, 1997) entails a reanalysis of the nature of key concepts which aims to specify what indicators *are* and *are not* important in defining the term.

Dichotomous Coding and Data Matrix

According to Ragin (1987), one of the first tasks in qualitative comparative analysis is the preliminary coding of all variables implicated in the analysis. Since Boolean algebra permits only two values (0 and 1), qualitative comparative analysis requires that all variables (conditions) and all outcomes be dichotomous. This is accomplished by coding the conditions and outcomes according to presence/absence or high/low.

Since a considerable amount of thought had already gone into the preliminary coding of conditions and outcomes, dichotomous coding of complaints was a relatively easy task. For both outcomes, presence of each of the designations is indicated by 1, while absence is indicated by 0. Since complaints are given only one designation (the status codes are mutually exclusive categories), coding for the presence of unfounded (U) and departmental discretion (DD) designations corresponded to the status code checked on the investigation report for each complaint.

The dichotomous coding of the causal conditions was as follows: (1) presence of low prosecutability is indicated by 1, absence by 0 and (2) presence of rape typification is indicated by 1, absence by 0. As mentioned, indicators were treated as functional equivalents so that the presence of any one indicator signified the presence of the condition.

In addition, the indicators of low prosecutability - evidentiary concerns (E), complainant's credibility questioned (C), and complainant perceived as incompetent witness (IW) were dichotomized and analyzed by outcome in order to reveal possible combinations that are relevant to the unfounded (U) and departmental discretion (DD) designations.

A data matrix was used to summarize the dichotomous coding process. For each of the 35 complaints, conditions (low prosecutability, rape typification) were coded as present (1) or absent (0) with corresponding outcome (unfounded, departmental discretion) indicated by 1.

Truth Table Analysis

Ragin (1987) argues that in order to use Boolean algebra as a technique of qualitative comparison, it is necessary to reconstruct a raw data matrix called a "truth table". A truth table summarizes the pattern of outcomes associated with different configurations of causal conditions. Essentially, a truth table lists the different combinations of causal conditions and the value of the outcome variable for the cases conforming to each combination. Table 1 depicts the truth table of the police justifications for the unfounded and departmental discretion designations.

Table 1

Truth Table for Unfounded and Departmental Discretion Designations

| Conditions | | Outcome | |
|--------------------------|------------------------|---------------|------------------------------|
| Low Prosecutability (LP) | Rape Typification (RT) | Unfounded (U) | Departmental Discretion (DD) |
| 0 | 0 | 0 | 0 |
| 1 | 1 | 2 | 2 |
| 1 | 0 | 8 | 12 |
| 0 | 1 | 0 | 11 |
| | | 10 | 25 |

Justification scenarios

In looking at the first truth table (Table 1) a couple of recognizable patterns emerge. First, when neither low prosecutability (LP) nor rape typification (RT) is present, neither an unfounded (U) nor a departmental discretion (DD) designation is made. We can assume then that complaints in which prosecutability is relatively high and in which the complaint scenario “fits” the typical sexual assault scenario will proceed on to prosecution.

There are two justification scenarios relevant to an unfounded (U) designation: (LP)(RT) and (LP)(rt). This means that police justify an unfounded designation by pointing to low prosecutability and relying on rape typification (2 cases fit this scenario) or by pointing to low prosecutability alone (8 cases fit this scenario). However, these are also justification scenarios relevant to a departmental discretion designation. Police also justify a departmental discretion designation by pointing to low prosecutability and relying on rape typification (2 cases fit this scenario) or by pointing to low prosecutability alone (12 cases fit this scenario).

The problem of contradictory outcomes cannot simply be dismissed (Abell, 1989; Coverdill & Finlay, 1995; Ragin, 1987) rather contradictory outcomes must be logically accounted for or rationalized. One approach is to postulate further conditions (Abell) to ferret out additional unique combinations for each outcome. In the context of this analysis a further condition might be the whim of individual investigating officers. Different investigating officers may make use of different designations when faced with the same justification scenario. In other words, investigating officer Bob, when faced with a complaint that has low possibility of prosecution, may check off “unfounded,” while investigating officer Bill, when faced with the same circumstances, may check off “departmental discretion.” Since we do not have reliable data on the investigating officers (and their characteristics) completing each report, this possibility cannot be explored within the scope of the current analysis.

More important is the justification scenario that leads to a departmental discretion (DD) designation but not to an unfounded (U) designation: (lp)(RT). Police justify departmental discretion (DD) designations on the basis of rape typification (RT) alone. However, this is not the case for unfounded (U) designations. Thus, it can be argued that police do not justify an unfounded (U) designation on the basis of rape typification (RT) alone, only in conjunction with low prosecutability (LP) and may also do so on the basis

of low prosecutability (LP) alone. Police justify a departmental discretion (DD) designation on the basis of rape typification (RT) alone, in conjunction with low prosecutability (LP), and on the basis of low prosecutability (LP) alone.

Another approach to solving the problem of contradictory outcomes is to go back to the data and rethink the coding process (Abell, 1989; Coverdill & Finlay, 1995). With this in mind, a second truth table (see Table 2) was developed looking at combinations of indicators for low prosecutability (evidence (E), credibility at question (C), incompetent witness (IW)) to determine if any pattern of configurations emerge.

Table 2

Truth Table for Unfounded and Departmental Discretion Designations for the Indicators of Low Prosecutability (LP)

| CONDITIONS | | | OUTCOME | |
|--------------|-----------------|--------------------------|---------------|------------------------------|
| Evidence (E) | Credibility (C) | Incompetent Witness (IW) | Unfounded (U) | Departmental Discretion (DD) |
| 0 | 0 | 0 | 0 | 0 |
| 1 | 1 | 1 | 0 | 0 |
| 1 | 0 | 0 | 3 | 5 |
| 0 | 1 | 0 | 2 | 2 |
| 0 | 0 | 1 | 0 | 3 |
| 1 | 1 | 0 | 5 | 4 |
| 0 | 1 | 1 | 0 | 0 |
| 1 | 0 | 1 | 0 | 0 |
| | | | 10 | 14 |

Again, the truth table is plagued by contradictory outcomes. However, it is instructive to point out that only the complaints with the incompetent witness (IW) condition lead to a departmental discretion (DD) designation. No unfounded (U) cases were justified on the basis of the complainant being thought of as an incompetent witness. Thus, whatever the status of the evidence and the credibility of the complainant, the presence of an incompetent witness led police to a departmental discretion (DD) designation rather than an unfounded (U) designation.

It may also be argued that since unfounded (U) and departmental discretion (DD) designations ultimately lead to the same final outcome - complaint dropped at police level - it might be useful to think of the justification scenarios posited above as a contrast to the justification scenarios that would lead to complaints moving on to prosecution.

Simplification

Boolean methods of logical comparison represent each case as a combination of causal and outcome conditions. These combinations can be compared with each other and then logically simplified through a bottom-up process of *paired comparison* (Ragin, 1993). Simplification, then, entails a series of paired comparisons between configurations that differ in only one respect with the result that is the causally-irrelevant term is dropped from the pair of configurations. The logic of simplification is described best in

this way: “If two combinations are identical in value for every attribute but one, then the two combinations can be combined into one configuration with that variable deleted” (Drass & Spencer, 1987, p. 287). A summary of this simplification process for the outcomes U and DD can be found below in Table 3.

Table 3

Simplification of Outcomes

| Outcome (Designation) | Combinations of Conditions | Simplified Combinations of Conditions | Logical Equations |
|---|--|--|-----------------------------------|
| Unfounded (U) | (LP) (RT) (LP) (rt) | (LP) | (LP) |
| Unfounded (U) | (E) (C) (iw) (e) (C) (iw) (E) (c) (iw) | (C) (iw) (E) (iw) | (C)(iw) + (E)(iw) |
| Departmental Discretion (DD) | (LP) (RT) (LP) (rt) (lp) (RT) | (LP) (RT) | (LP) + (RT) |
| Departmental Discretion (DD) | (E) (c) (iw) (E) (C) (iw) (e) (c) (iw) (e) (c) (IW) | (E) (iw) (C) (iw) (e) (c) (IW) | (E)(iw) + (C)(iw) + (e)(c)(IW) |

Logical Equations

The end result of this simplification process is a prime-implicant equation (Ragin, 1987, 1993). This equation is a shorthand representation summarizing the data in the truth table using only the logically essential prime implicants (Ragin, 1987), which provides a powerful basis for interfacing with theoretical ideas (Coverdill & Finlay, 1995). The equation describes parsimoniously the different combinations of conditions associated with a certain outcome and allows for logically derived theories about the nature of the phenomenon under investigation.

The logical equations for the outcomes are as follows:

$$\begin{array}{ll}
 U = (LP) & \text{and} & U = (E)(iw) + (C)(iw) \\
 DD = (LP) + (RT) & \text{and} & DD = (E)(iw) + (C)(iw) + (e)(c)(IW)
 \end{array}$$

Where:

LP = Low Prosecutability

U = Unfounded Designation

RT = Rape Typification
 E = Evidentiary Concerns
 C = Credibility at Question
 IW = Incompetent Witness

DD = Departmental Discretion Designation

What these equations essentially mean is that low prosecutability (LP) is a necessary and sufficient condition for police to designate a complaint as unfounded (U). Low prosecutability (LP) must be present for U to occur. In other words, investigating officers will not choose to “unfound” a sexual assault complaint unless they perceive the likelihood of successful prosecution to be low, regardless of any other circumstances. Breaking this down a little further, police perceive low prosecutability (LP) on the basis of either evidentiary concerns (E) or question of complainant’s credibility (C), regardless of whether the complainant is perceived as an incompetent witness (iw). Neither evidentiary concerns (E) nor credibility questioned (C) is necessary to produce an unfounded (U) designation, but either one is sufficient to justify an unfounded (U) designation, so long as the complainant is not perceived as an incompetent witness ((E)(iw) + (C)(iw)). An investigating officer may select the “unfounded” designation because there are perceived problems concerning evidence or because the complainant’s credibility is at question, both of which may render successful prosecution unlikely. It is not likely, however, that a witness perceived as incompetent will lead an investigating officer to “unfound” a complaint, unless either evidentiary concerns or question of victim’s credibility is present. Furthermore, neither low prosecutability (LP) nor rape typification (RT) is necessary to produce a departmental discretion (DD) designation, but either one is sufficient to justify a departmental discretion (DD) designation (LP + RT). An investigating officer may select the “departmental discretion” designation because successful prosecution is perceived as unlikely or because he or she is relying on a rape typification. Again, breaking this down further, regardless of whether the complainant is perceived as an incompetent witness (iw), either evidentiary concerns (E) or credibility questioned (C) is sufficient to justify a departmental discretion (DD) designation ((E)(iw) + (C)(iw)). In addition, when the complainant is perceived as an incompetent witness (IW), regardless of whether there are evidentiary concerns (e) or credibility at question (c), this is enough to justify a departmental discretion (DD) designation. Like the decision to “unfound” a sexual assault complaint, either evidentiary concerns or credibility questioned may lead an investigating officer to select the “departmental discretion” designation. However, unlike the above scenario, if a complainant is perceived to be an incompetent witness this may also lead to a “departmental discretion” designation.

Discussion

On the basis of police justifications, it appears that police are likely to employ the legal model of decision-making when designating complaints as “unfounded”. Police justify “unfounded” designations on the basis of perceptions that a complaint has a relatively low chance of successful prosecution; in particular, when there may be insufficient or contradictory evidence and/or when the complainant’s credibility is at question. For example, in one complaint of sexual assault designated as “unfounded” it was noted by investigating officers that the story of sexual assault had surfaced only after

the complainant had been confronted with her infidelity by her common-law spouse (complainant's credibility at question - ulterior motive suspected) and that there was no evidence to support her allegation (insufficient evidence). Perceptions of low prosecutability may be accompanied by rape typification. For example, in one complaint not only did investigating officers note the lack of evidence and the questionability of the complainant's credibility, but also noted that the victim's reaction was not "typical": "During the interview, the complainant laughed and did not seem the least bit troubled by what should have been a traumatic experience for her." However, rape typification does not seem to be enough to justify an "unfounded" designation. On the other hand, the perception of low prosecutability is both a necessary and a sufficient condition to justify an "unfounded" designation. On the basis of insufficient/contradictory evidence or shaky credibility, complaints are either proved to be or believed to be false and hence warrant an "unfounded" designation.

In addition, it appears that police are also likely to employ the legal model of decision-making when assigning complaints a "departmental discretion" designation. When police perceive a complaint as having a low chance of successful prosecution they may designate that complaint as "unfounded" or they may designate it as "departmental discretion." Which designation they choose may be the result of the idiosyncrasies of individual officers (we might discover, for example, that some officers routinely use "departmental discretion" designations while others routinely use "unfounded" designations, when employing the same justifications). What separates a "departmental discretion" designation from an "unfounded" designation, in terms of legal criteria, may be whether the complainant is perceived as an incompetent witness. For example, the police decided not to proceed by laying charges in one incident involving a young girl with cerebral palsy on the basis that "she would not be able to testify because she doesn't handle crowds well, she becomes easily confused, wouldn't be able to face the suspect and might refuse to talk." Subsequently, the investigating officers felt that the victim would not make a very competent witness. However, the perception that the complainant would be an incompetent witness was not cited as the sole justification in *any* of the "unfounded" complaints.

Police are also likely to employ the extralegal model when designating complaints under "departmental discretion." "Departmental discretion" designations may be justified on the basis of a rape typification alone without perceptions of low prosecutability. For example, after one woman reported that she was sexually assaulted investigating officers commented immediately: "As the complainant is a known prostitute, this allegation is most likely nothing more than a trick going bad." Consequently, they did not pursue the complaint with criminal charges. In another case in which the suspect admitted to the sexual assault allegation the investigating officers justified their designation on the basis that the victim was uncooperative: "It has been decided that because of the victim's defiant attitude that a charge would not be laid in this matter". As a contrast, *none* of the "unfounded" complaints were justified on the basis of rape typification alone.

Thus, it could be argued that police employ both the legal and extralegal models of decision-making in designating sexual assault complaints. The legal model is most apparent in "unfounded" designations while both the legal and extralegal models are apparent in designations falling under "departmental discretion." It may be that "departmental discretion" serves as a catch-all category when an "unfounded"

designation cannot be justified by some investigating officers or when extralegal factors come into play.

It should be noted that the data in this analysis were limited to written justifications contained in police investigation reports. It has already been acknowledged that such indicated justifications may not capture all or even most of the important conditions relevant to police decision-making. Conceivably, police also make or justify decisions on the basis of factors/conditions that are not specifically written in reports. It has been noted, for example, that characteristics of the investigating police officers themselves may be an important factor impacting decision-making. A male officer may be more likely than a female officer to designate a sexual assault complaint as “unfounded” or to decide not to proceed with the complaint after a preliminary investigation.

QCA is, of course, limited by data (Coverdill et al., 1994). It is therefore suggested that further data be collected on police justifications for designations of sexual assault complaints. This can be accomplished through interviews with investigating officers and through participant observation of routine police decisions and actions. QCA can then be applied to expand the analysis and to reveal unique justification scenarios for particular designations.

Conclusion

Decision-making, like many social-psychological processes, is a “lumpy” process. In designating sexual assault complaints, police do not make decisions on the basis of individual factors in isolation from each other, but in combination with one another. Previous studies regarding police decisions in sexual assault complaints have failed to take into account the combinatorial nature of decision-making, relying instead on additive linear analyses.

Qualitative comparative analysis, with its holistic combinatorial logic and emphasis on causal heterogeneity is an approach thought to be advantageous in exploring the complexity of social life and in maintaining a dialogue that promotes new ways of thinking. The application of QCA to data, collected in an earlier study, on police justifications for designations of sexual assault complaints, filtered out at the police level, revealed important scenarios unique to “unfounded” and “departmental discretion” designations. These scenarios lent support to both the legal and extralegal models of decision-making as well as affirmed the importance of looking at decision-making combinatorially.

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