



# PATHWAYS TO JUSTICE:

## The Movement of Adult Female Sexual Assault and Burglary Cases in New Hampshire

### Introduction

Sexual violence continues to remain a pervasive problem in United States communities (Tjaden & Thoennes, 2000) with 18.3% of women report being raped, 13.0% report sexual coercion, and 27.2% report unwanted sexual contact during their lifetime (Black, et al., 2011). A recent study found that approximately 58.5% of women report that they have experienced an unwanted sexual experience (rape, sexual coercion, unwanted sexual contact) in their lifetime (Black, et al., 2011; Mattern, Banyard, Bujno, Laflamme, Moynihan, & Potter, 2006). Efforts to eradicate the problem of sexual violence have focused on developing best practices for intervening with victims as well as prevention efforts aimed most frequently at children and youth. One other way to examine the problem of sexual assault includes tracking cases across the criminal justice system to determine where and when cases drop out of the system. In an effort to respond to this problem, a growing body of research has examined the path that adult female sexual assault cases take within the justice system (e.g. Lafree, 1981; Spohn & Tellis, 2011), and documented barriers victims face. Most of these studies just examine sexual assault cases rather than comparing attrition rates to other crimes to examine whether high case attrition rates are unique to cases involving sexual violence.

There are few studies (e.g., Myers & LaFree, 1973; Galvin & Polk, 1983) that have compared sexual

assault case attrition with burglary, but these studies are dated, and do not include New Hampshire (NH) data. We examined adult felonious sexual assault and residential burglary committed in NH during 2008 to determine when and where cases drop out of the system. This report serves as an adjunct to the Research Committee's previous report entitled "Pathways to Justice: The Movement of Adult Female Sexual Assault Cases Across the New Hampshire Criminal Justice System" reported April, 2013.

### Method

#### STUDY DESIGN

The current study was designed by members of the Research Committee, a subcommittee of the Governor's Commission on Domestic and Sexual Violence. The Research Committee is composed of practitioners from law enforcement, advocacy, NH Sexual Assault Resource Team, the NH Sexual Assault Nurse Examiner program, and university researchers. Based on the recommendations of the Research Committee, residential burglary and sexual assault data were collected using a case tracking form which included information from law enforcement incident reports, prosecutor case files, and court records. Twelve communities were selected for the sample according to population size and mix of urban/rural communities. University of New Hampshire (UNH) researchers and graduate research assistants conducted the research. To ensure the protection of human subjects, the researchers

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received approval from the UNH Research Integrity Services for the case tracking form and all aspects of data collection. The Research Committee provided guidance and support throughout the data collection period and the NH Attorney General requested participation of law enforcement departments in each of the sample cities.

#### DATA SOURCE AND MEASURES

In this report we include 80 adult female sexual assault cases and 60 residential burglary cases reported to police in 12 NH communities in 2008. Data was collected between June 2011 and August 2012. All sexual assault cases met the criteria as defined by NH 632:A (<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXII-632-A.htm>) and burglary as defined by NH 635:1 (<http://www.gencourt.state.nh.us/rsa/html/LXII/635/635-1.htm>). Sexual assault and burglary data were collected so that we could examine similar felony crime data to determine whether there were notable differences in case attrition.

The 80 sexual assault and 60 residential burglary cases all met the following selection criteria: charged as a felony; had a female victim and an individual male suspect; victims were at least 18 years of age at the time of the crime; and the crime occurred in 2008. Consistent with prior research (Alderden & Ullman, 2012), we did not include cases for crimes in which there were multiple and/or female offenders due to the low rate of cases with multiple offenders and the high likelihood that these cases are treated differently than cases with an individual male offender. We also did not include cases in which the identity of the offender was unknown because those cases could not be tracked or cases determined to be unfounded given that we would not expect these to result in an arrest or otherwise move forward.

All cases that ended in an arrest were then reviewed at the prosecutorial level for case disposition. Lastly,

#### SEXUAL ASSAULT CASE CHARACTERISTICS

##### 80 sexual assault felony cases collected from law enforcement records in 12 NH communities

Average age of victim: 28.70

Average age of perpetrator: 35.48

86.3% of victims were white

67.5% of perpetrators were white

56.3% of cases victim & perpetrator were acquaintances

31.3% of cases victim & perpetrator were intimate partners

7.5% of cases victim & perpetrator were strangers

80% of victims sustained physical injury

42.5% reported to law enforcement within 24 hours

53.8% had a medical/forensic examination

In 13.8% of the cases, additional charges were noted

#### BURGLARY CASE CHARACTERISTICS

##### 60 residential burglary cases collected from law enforcement records in 12 NH communities

Average age of victim: 39.37%

Average age of perpetrator: 31

91.7% of victims were white

85% of perpetrators were white

17% of cases victim & perpetrator were acquaintances

20% of cases victim & perpetrator were intimate partners

18.3% of cases victim & perpetrator were strangers

10% of victims sustained physical injury

86.7% reported to law enforcement within 24 hours

In 15% of the cases, additional charges were noted

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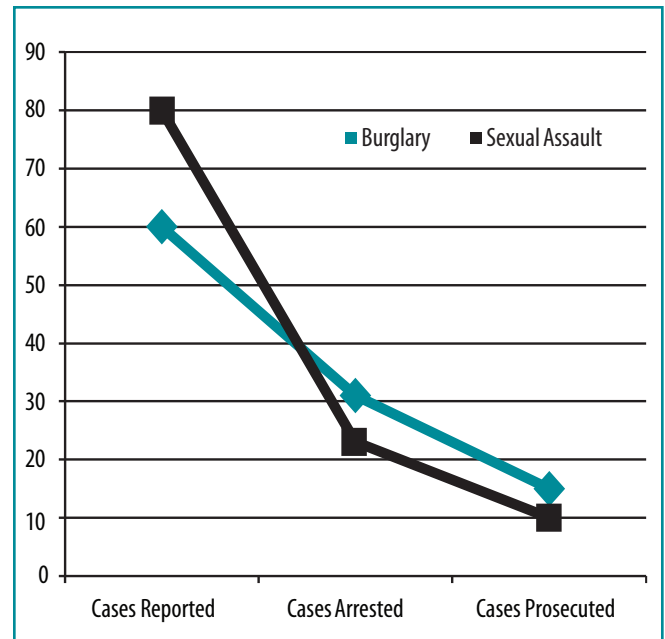
those cases were followed to the court in which the case was heard. At each point of entry a separate case tracking form was used to collect information of interest. The aggregated data are presented below.

## Findings

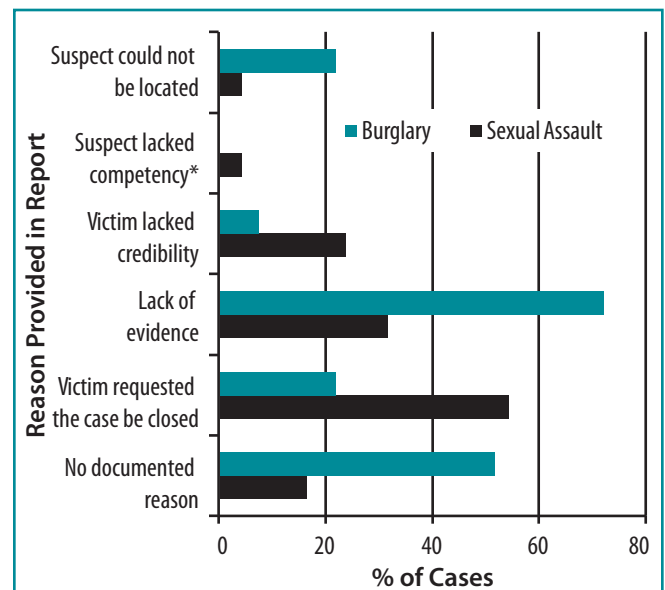
### ARREST DATA

This report includes a descriptive comparison of two felony crimes: burglary (n=60) and adult female sexual assault (n=80). Burglary cases were more likely than sexual assault cases to result in an arrest (see Figure 1). Specifically, of the 80 sexual assault cases, 23 (28.8%) resulted in an arrest and 57 cases (71.3%) were closed without an arrest. Of the 60 burglary cases, 31 (51.7%) resulted in an arrest and 29 cases (48.3%) were closed without an arrest.

In order to better understand why the 57 cases of sexual assault and 29 cases of burglary did not result in an arrest, we read the narrative portion of police incident reports in detail to determine the rationales for non-arrest. With regard to the sexual assault cases, 8 (14%) cases had no documented reason in the police incident report as to why there was no arrest (see Figure 2). The remaining 49 cases included the following reasons for non-arrest: victim requested the case be closed (23 cases; 46.9% of cases), lack of evidence (12 cases; 27.3% of cases), victim lacked credibility (10 cases; 20.4% of cases), the suspect was developmentally delayed and/or mentally ill thus lacking competency (2 cases, 3.5% of cases), and the suspect could not be located (2 cases; 3.5% of cases). The totals exceed 100% because 10 (20.4%) cases included multiple reasons for non-arrest. With regard to the burglary, 13 (44.8%) cases had no documented reason in the police incident report as to why there was no arrest. The remaining 16 cases included the following reasons for non-arrest: victim requested the case be closed (3 cases; 18.8% of cases), lack of evidence (10 cases; 62.5% of cases), victim lacked



**Figure 1. Sexual Assault and Burglary Case Attrition in New Hampshire, 2008**



\* "Suspect lacked competency" was 0% for burglary.

**Note:** Due to the small cell sizes, inferential statistics comparing groups were not used; these are only descriptive comparisons. The totals exceed 100% because some cases included multiple reasons for non-arrest.

**Figure 2. Reasons Provided in Police Records About Why Case Did Not Result in Arrest**

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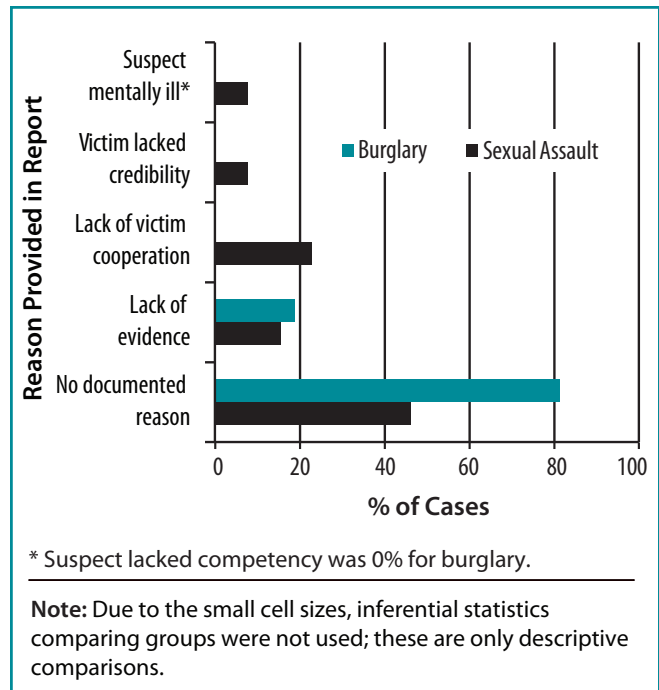
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credibility (1 case; 6.3% of cases), and the suspect could not be located (3 cases; 18.8% of cases). The totals exceed 100% because 1 (6.2%) case included multiple reasons for non-arrest.

#### PROSECUTORIAL AND COURT RECORDS DATA

As noted above, 23 (28.8%) of the 80 sexual assault cases and 31 (51.7%) of the 60 burglary cases that were reported to law enforcement resulted in an arrest. We reviewed prosecutorial and court case records to determine the outcome of these cases. Regarding sexual assault, in 13 (56.5%) of these cases, charges were ultimately dropped. Of the remaining 10 sexual assault cases, 9 (39.1%) resulted in a plea agreement, and one case (4.3%) resulted in a conviction on the initial charge. Regarding burglary, in 16 (51.6%) of these cases, charges were ultimately dropped. Of the remaining 15 burglary cases, 13 (41.9%) resulted in a plea agreement, and two cases (6.5%) resulted in a conviction on the initial charge. Taken together, sexual assault and burglary cases that resulted in an initial arrest had similar successful prosecution rates of a little less than half of cases.

In order to better understand the 13 cases of sexual assault and 16 burglary cases that initially resulted in arrest but were not prosecuted, we reviewed prosecutor case records (see Figure 3). Regarding sexual assault, in six of the 13 cases (46.2%) there were no documented reasons, two cases (15.4%) stated that there was a lack of evidence; three cases (23.0%) reported victim lack of cooperation; one (7.7%) case reported victim credibility issues; and one (7.7%) case stated the defendant was mentally ill. Regarding burglary, in 13 of the 16 cases (81.3%) there was no documented reason and three cases (18.7%) stated that there was a lack of evidence.



**Figure 3. Reasons Provided in Prosecutor Records About Why Case Was Not Prosecuted**

## Conclusion

The initial report, “Pathways to Justice: The Movement of Adult Female Sexual Assault Cases Across the New Hampshire Criminal Justice System” examined all adult female sexual assault cases in 12 communities in NH. The purpose of the study was to determine where in the system cases are dropped. In this report we compared a subset of cases by selecting only felony level adult female sexual assault cases and residential burglary to examine similar felony crime data and determine whether there were notable differences in case attrition. The data obtained from the 12 communities suggest that when comparing another felony (i.e., burglary), adult female sexual assault result in higher rates of case attrition at the arrest level. Additionally, of the 49 sexual assault cases in which there was a documented reason for no arrest, law enforcement reported that the victim asked that the case be closed in 23 cases and the victim lacked credibility in 10 cases.

Consistent with prior research (Anders & Christopher, 2011; Kelly, Lovett, & Regan, 2005; Tellis and Spohn, 2008), our study found that, compared to burglary, a surprisingly high number of victims in sexual assault cases ask that the case be closed. Although it is unclear why many of the victims of sexual assault asked for their case to be closed, prior research points to several explanations, including that many victims report negative experiences with the criminal justice system and that in some cases, victims may be encouraged by the police or prosecution to drop their case, perhaps more so than other crimes like burglary (Campbell, 2005; Greenberg and Ruback, 1992; Patterson, 2011). Moreover, consistent with prior research (Bollingmo, Wessel, Eilertsen, & Magnussen, 2008), our study also found that, compared to burglary, many victims of sexual assault are not perceived as credible. Research on the neurobiology of sexual assault suggests that victims may not be perceived as credible by the police due to the impact that trauma has on the brain, including difficulties recalling fragmented memories (Campbell, 2012). This is noteworthy and warrants closer examination in future studies and an important component of law enforcement training.

## Recommendations

The Research Committee's previous report, "Pathways to Justice: The Movement of Adult Female Sexual Assault Cases Across the New Hampshire Criminal Justice System" included a number of recommendations that we include here as well as our additional recommendations.

### 1. Develop and promote systems/structures to retain sexual assault cases at the arrest level.

Updating interview techniques at the law enforcement level to include state-of-the-art information regarding the impact of trauma on the brain would enhance current level of knowledge and interview techniques at the level of law enforcement.

### 2. Seek ways to better understand why the majority of NH victims of sexual assault drop their case.

We learned from the first "Pathways to Justice" report that in 56% of the cases we tracked, the police officer wrote in the incident report that the victim chose to drop the case. Why this happens with such frequency is most important to clarify in order to create a victim-centered system.

### 3. Promote multi-disciplinary, collaborative, victim-centered responses.

The N H Attorney General's office initiated Sexual Assault Resource Teams (SARTs) with one of the goals a to increase the successful prosecution of cases of adult sexual assault in NH. To date, this initiative has begun in some, but not all, counties across the state. We recommend continuation of these efforts on the part of justice, advocacy, and health care professionals in communities across NH.

We recommend that an advocate be included at the beginning of each case at the law enforcement level.

Advocates are called to hospitals for all sexual assault cases prior to an examination by a SANE. Such practice could be extended to law enforcement agencies with the goal of providing support for the victim from the time of initial contact with the first responder and throughout the process of investigation.

### 4. Initiate a public awareness campaign about the realities of sexual assault.

This recommendation was made in 2010 and has not been initiated. Given information regarding the prevalence of false beliefs about rape and rape victims, and the impact of false beliefs on all community members, we continue to endorse this



recommendation. In addition to a public awareness campaign to eradicate false assumptions, we endorse a public awareness campaign that clarifies the movement of cases across the justice system.

**5. Identify and fund inter-disciplinary training.**

There is new information available through the National Institute of Justice on the impact of trauma on a victim of sexual assault and how trauma manifests during interviews with law enforcement and prosecution. This new information from the field of neurobiology can impact how investigations are conducted and can be used for training with first responders such as law enforcement, nurses, and advocates.

**6. Extend law enforcement officers training in report writing to include documentation of all interactions with victims including resources offered, contacts and communication initiated.**

We learned from the current study that many incident reports do not include documentation regarding interactions with victims nor the reasons why cases were not prosecuted. This is important information for understanding case attrition in NH and ultimately impacting interactions between professionals and victims.

**7. Develop and fund a coordinated computerized system for gathering and tracking criminal justice data on all cases of sexual assault.**

This initiative, entitled Justice One (J-One), has begun since the last report was issued, however, it is not fully implemented. Without a computerized system, collecting data is highly labor intensive and therefore less conducive to consistent tracking.

**Project Collaborators**

The Research Committee of the Governor’s Commission on Domestic and Sexual Violence, university researchers, and the NH Coalition Against Domestic and Sexual Violence.

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