

# True Colors: Police Officers and Rape Myth Acceptance

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## ABSTRACT

Institutionally, significant advancements in rape law reform have occurred. Culturally, police officers sometimes fail to adopt these changes. A survey designed to assess acceptance of rape myths was administered to 891 police officers in two southeastern states. The study found that the majority of police officers view the overall crime of rape as a serious one, however, approximately 6% provided sexist feedback that supports rape myths. These findings indicate that more work is needed in altering the attitudes of police officers.

This article provides a description of the goals of rape law reforms, reviews research assessing the effectiveness of the reforms, and provides a measure of police officers' attitudes toward the crime of rape and its victims. Several scholars (Spears & Spohn, 1996; Spohn, 1999; Spohn, Beichner, & Davis-Frenzel, 2001; Spohn & Horney, 1993, 1996) have contributed a notable body of research to the evaluation of the reforms by investigating the prosecutorial level of the criminal justice system. This research suggests that police officers may not fully embrace these changes.

## A BRIEF HISTORY OF RAPE LAWS IN THE UNITED STATES

Myths that blame women for sexual victimization, while excusing male behavior, have informed law and social policies regarding sexual violence. Historically, rape laws were enacted to protect the property rights of men (Bergen, 1996; Sheffield, 1998). Women were seen as property, as evidenced by the giving of a dowry at marriage. As such, rape was a crime against the husband or betrothed rather than against the woman. If a rape victim was unmarried, the rapist had to compensate her father for the violation since his daughter was now considered “damaged goods” and no man would want her (Sheffield, 1998). Until 1977, husbands were able to sexually assault their wives with no repercussions.[1] Legally, a wife could not be raped, since she was already willingly engaged in a sexual relationship with her husband. Although laws have changed, this attitude persists (Bergen, 1996).

It is also the case that many still think of sexual violence as exclusively a heterosexual act, involving penile-vaginal intercourse. Violence is either downplayed or ignored altogether (Brownmiller, 1975; Sheffield, 1998). Moreover, the *absence of consent* to sexual activity that defines *all* sexual assaults—not just penile-vaginal intercourse—is ignored (Box, 1984). In addition, some adhere to the concept of “victimprecipitated” rape, where the victim’s behavior, “through acts of commission (e.g., she agreed to drink or ride with a stranger) and omission (e.g., she failed to react strongly enough to sexual suggestions and overtures),” leads to rape (Amir, 1971, p. 261). This belief appears to persist within the criminal justice system as well as the general public. Frazier and Haney (1996) found, for example, that stranger rapists were more likely to receive prison sentences, and longer sentences, than those who committed acquaintance rape. Other researchers have found similar results, indicating that stranger rapes that fit the stereotype of “real” rapes are more likely to be processed through the criminal justice system (Bachman & Paternoster, 1993; Caringella, 2008; Horney & Spohn, 1991; Spohn & Horney, 1992).

Feminists and rape law reform supporters have long sought to require formal training for police officers in how to deal with victims of sexual assault, to ensure they are not revictimized in the process of reporting their rape. Rape crisis workers noted that victims were often traumatized throughout the criminal justice process, and that this likely discouraged some victims from reporting their rape. Reformers believed that training police officers on how to question rape victims in a more sensitive manner would facilitate more victims coming forward (Bachman, 1993; Lonsway, Welch, & Fitzgerald, 2001).

In most states, laws concerning sexual violence have been rewritten in genderneutral language. That is, the law now allows for female perpetrators and male victims. This is important because in a culture that socializes men to be hypersexual, it is often difficult to imagine a man being forced to have sex. After all, it is culturally mandated that men are supposed to be “ready and willing” whenever an opportunity arises (Russell, 1975). Changes in rape law have not resulted in rejection of rape myths. Attitudes must also be targeted for change.

Feminist scholars and activists launched a campaign in the mid-1970s to alter the way society and members of the criminal justice system view and treat the crime of rape and rape victims. These efforts and criticisms of traditional rape laws led to the reform of existing rape laws. Rape

crisis centers also began to appear across the United States during the 1970s. The centers provide support and counseling programs for sexual assault victims and staff sometimes accompany victims throughout the medical and legal processes. Rape crisis staff and volunteers, along with local and national women's organizations also sought to alter the way rape was viewed and treated within the criminal justice system (Caringella, 2008; Schulhofer, 1988).

Griffin (1971) and Brownmiller (1975) were two of the earliest feminist scholars to analyze the treatment of rape by the criminal justice system. They focused attention on stereotyped evaluations of rape victims as "good" or "bad" women made by police and prosecutors. They noted that police and prosecutors often believed a victim was making a false complaint and blamed her for provoking the rape. Furthermore, they found that if a case went to trial, defense attorneys often subjected victims to humiliating testimony regarding their sexual history. Any prior sexual behavior was considered to be untrustworthy. Brownmiller noted,

While a woman's past sexual history may be trotted out for a jury's appraisal, a man's relevant sexual history, including prior charges and convictions for rape, may not be introduced in evidence if he does not take the witness stand. And so, a jury might see before them a sexually active woman and be told that her sexual activity reflects on her character and credibility, but the man may not be similarly examined or judged. (p. 372)

Feminist activists, legal scholars, and social scientists questioned the motives and purpose of traditional rape laws, whose focus was on the victim of the attack rather than on the offender who committed the crime (Brownmiller, 1975; Estrich, 1987; Griffin, 1971; MacKinnon, 1989; Schulhofer, 1988). The criminal justice system was more concerned with the victim's behavior at the time of the attack: for example, how intensely she tried to fight off her attacker, what she was wearing, and whether she had been drinking or using drugs. Critics of traditional rape law believed that this intense focus on the victim was unique to rape and pointed to the rules of evidence (i.e., corroboration, verbally uttering "no," physical injuries) that institutionalized victim blaming. Many were also critical of the definition of rape, which was limited to unmarried women and to the single act of penile-vaginal intercourse. They believed that the limited definitions of rape and the intense focus on the victim dissuaded reporting of rape (Bachman & Paternoster, 1993; Horney & Spohn, 1991; Schulhofer, 1988; Spohn, 1999; Spohn & Horney, 1992).

Brownmiller (1975) and MacKinnon (1989) noted that rape laws actually protected male offenders rather than female victims. Brownmiller called rape "nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear" (p. 15). Rape laws outline expectations for "proper" female behavior and even limited the type of force that could be considered criminal. For example, coercion or threatened physical force (without the presence of a weapon) to secure sex was not considered criminal. Furthermore, these laws increased women's dependence on men as protectors; thereby reinforcing men's social power and domination as a class, that is, women who choose to walk alone at night are blamed for their own victimization. Reformers believed that by altering the legal definition of rape and the subsequent treatment of victims by the criminal justice system, an increase in reporting,

prosecution, and convictions for rape would occur (Bachman & Paternoster, 1993; Spohn, 1999; Spohn & Horney, 1992).

## **RAPE LAW REFORMS**

Reformers sought to accomplish four primary goals: (a) to expand the definition of rape, (b) to alter the standard for proving that the victim did not consent, (c) to eradicate or limit the evidentiary requirement of corroboration of the victim's statement, and (d) to place constraints on or eliminate the admissibility of the victim's sexual history (Cairney, 1995; Horney & Spohn, 1991; Spohn, 1999; Spohn & Horney, 1992). In 1974, Michigan became the first state to reform its rape law. Ultimately, all 50 states enacted some level of rape law reform, although the extent of reform varies (Bachman & Paternoster, 1993).

In general, the definition of rape has been rewritten in gender-neutral language, recognizing the existence of male victims and female perpetrators (Caringella, 2008). The definition of penetration was also expanded to include any intrusion of a person's body with any part of another person's body or object, thereby eliminating the presence of semen as a necessary requirement to consider the sexual act a rape. In addition, many states (e.g., Michigan, California) adapted the laws so as to criminalize some forms of spousal rape. For some states this meant that the definition of spousal rape was altered to exclude spouses who were either living apart or had filed for divorce (Bachman & Paternoster, 1993; Cairney, 1995; Horney & Spohn, 1991; Spohn, 1999; Spohn & Horney, 1992).

Many states (e.g., Michigan, Illinois) eliminated the single offense of rape and developed a series of graded offenses, such as sexual battery and first- and second-degree sexual assault. Gradations of the offense were differentiated by contextual circumstances such as the type of penetration (i.e., intercourse, sodomy, oral sex), the level of coercion (i.e., verbal or physical threats or the presence of a weapon), and the extent of physical injury inflicted on the victim (Caringella, 2008). Also included in the evaluation of the degree of offense was whether the sexual assault occurred during the commission of another crime and whether accomplices were involved. Finally, offenses were differentiated by the victim's ability to grant consent, which may be limited due to age or mental defect. Mental defect includes intoxication due to drugs and/or alcohol or developmental disabilities (Horney & Spohn, 1991; Spohn, 1999; Spohn & Horney, 1992).

Reformers hoped that by expanding the definition of rape to include a wider array of behaviors and victims, police would be able to charge suspects with crimes that were more fitting of the offense and that were less likely to be dismissed by the prosecutors or the courts (Konradi, 2007; Spohn & Horney, 1992). In other words, police could access charges other than rape for cases that appeared ambiguous or did not represent the stereotypical stranger rape. Rather than charging an offender with rape, they could issue a lesser charge, such as second-degree sexual assault. Reformers believed that the use of these supposedly more appropriate charges would also lead to increases in prosecutions and convictions for rape. More options would be

available for prosecutors (for plea bargaining) and juries unwilling to convict a defendant of first-degree rape (Schulhofer, 1988; Spohn, 1999; Spohn & Horney, 1992).

Previously, rape victims were required to “resist to the utmost” to prove lack of consent (Bachman & Paternoster, 1993; Caringella, 2008; Konradi, 2007). Verbal refusal was not sufficient. It was necessary for victims to physically resist their attacker(s), a response that was, in fact, contrary to the advice given by police and rape counselors. Women’s organizations and critics claimed that no other law required such resistance. Critics also claimed that this standard focused attention on the actions of the victim rather than the actions of the assailant. In light of these criticisms, many states either repealed the criterion of victim resistance or expanded the definition of the use of force to include threat of force or the perceived threat of force (Dressler, 1998; Horney & Spohn, 1991; Spohn, 1999). Several states retained the existing consent statute but rephrased it more clearly as the absence of a “freely given agreement” (Spohn, 1999).

Traditionally, a rape case would not be tried on the testimony of the victim alone (e.g., Georgia, California). In these jurisdictions, corroboration of the rape was necessary either in the form of a witness or medical evidence. Legal scholars have attributed the justification for this requirement to the belief that women “lie” to explain premarital or extramarital sex or to retaliate against an ex-lover (Konradi, 2007; Ward, 1995). Rape was commonly believed to be a crime particularly vulnerable to false allegations. However, studies indicate that the percentage of false reports of rape range between 1% and 4%, similar to that for any other crime (Doherty & Anderson, 1998).

Reformers claimed that the corroboration requirement was unnecessary and difficult to meet. After all, rape is a crime that most often occurs in private, involving only the victim and perpetrator, with no one else around (Brownmiller, 1975). Reformers also claimed its only purpose was to protect the male defendant. Furthermore, the corroboration requirement seemed unnecessary since juries and judges were, “if anything, often prejudiced against the complainant in a rape case” (Bessmer, 1984 as cited in Spohn, 1999, p. 125) rather than against a defendant. Most states either eliminated or limited the corroboration requirement. Several states (e.g., Illinois, Texas) maintained the corroboration requirement, though some limited it to statutory rape (i.e., sexual conduct with a minor; Horney & Spohn, 1991). It was hoped that these changes would lead to more prosecutable cases and higher conviction rates (Spohn, 1999).

Finally, traditional rape laws stipulated that the victim’s prior sexual history was admissible in court proceedings. By 1985, the federal government and the majority of states adopted “rape shield laws” designed to limit the admissibility of the victim’s sexual history. Prior sexual history was often used to disparage the credibility of the victim, indicating her apparent willingness to engage in sexual activity (Caringella, 2008). Rape shield laws vary widely, with Texas and Michigan representing the two ends of the continuum. Texas law does not exclude any sexual history of the victim as long as the “prejudicial nature does not outweigh its probative value” (Spohn, 1999, p. 127). Both “prejudicial nature” and “probative value” are at the judge’s discretion to determine. Michigan, on the other hand, categorically excludes evidence regarding the victim’s sexual history unless it directly includes a prior sexual relationship with the

defendant and has a direct bearing on the present case. The majority of state statutes lie somewhere in the middle of this continuum, with few at the extreme ends (Dressler, 1998; Spohn, 1999).

## **PAST ASSESSMENT OF RAPE LAW REFORMS**

Despite the expectations of those involved in reforming rape laws, studies have been inconclusive as to the effectiveness of the reforms of the 1970s and 1980s. The rate of reported rapes increased substantially in the late 1960s and early 1970s. Initially, the reforms appeared to have little impact on the reports of rape to the police. The rape rate began to drop slightly in the 1980s, but few attributed this decrease to reforms. Rather, this trend was seen as following that of other violent crimes for the same period (Galvin, 1985; Polk, 1985). Bachman and Paternoster (1993) cautioned that both the reporting and adjudication rate for rape must increase relative to other violent crimes to attribute the trend to the influence of rape reforms.

Polk (1985) examined trends in criminal justice processing as a result of the rape law reforms. He studied secondary data from the Bureau of Justice Statistics for the state of California for the period 1975 to 1982 and compared the trends in rape rates with rates of other felony crimes, thus controlling for variation that could be accounted for by the overall crime pattern. He found that trends in clearance rates (i.e., where a person is arrested, charged, and turned over to the courts for prosecution) for rape remained stable throughout the study period, with clearance rates slightly higher than those for robbery and burglary, but lower than those for homicide and assault. A stable pattern also held for the percentage of rape arrests that resulted in a felony filing of charges (Polk, 1985). Thus, Polk concluded that clearance rates were not significantly lower than those of other felonies for this time period.

However, Polk (1985) observed a change in sentencing for rape. There was a significantly higher probability for those convicted of rape to be sentenced to a state institution by the end of the study period. In 1975, those convicted of rape had a 58% chance of being sentenced to a state institution, while those in 1982 had an 81% chance. Although all felonies showed an upward trend in sentencing, the trend for rape was slightly stronger, indicating that if a rape case made it through the criminal justice process, it would likely result in an institutional sentence (Polk, 1985).

Several studies have looked specifically at reforms in Michigan law, since it was the first state to enact changes and the enacted changes represent the most extensive reforms in the United States. Caringella-MacDonald (1985) assessed the effect of Michigan's reform law on attrition and conviction rates for rape. She studied the 3-year period following enactment of the reforms (1974) in Kalamazoo, Michigan and compared her findings to jurisdictions with more traditional rape laws: that is, less reform (Washington, DC, Seattle, Washington, and Kansas City, Missouri). Despite the enactment of reforms, Caringella-MacDonald (1985) found that attrition rates for sexual assault cases continued at high levels for Kalamazoo. Approximately half of the cases were rejected at intake and 58% were plea-bargained to lesser charges with lesser sentences than were dictated by the statute. Of the cases that went to trial, approximately 22%

resulted in acquittal or prosecutor nolle.[2] When compared to the other three jurisdictions however, evidence of an effect due to the rape reform laws was found. Kalamazoo had lower attrition rates and higher conviction rates than the other jurisdictions (Caringella-MacDonald, 1985).

Horney and Spohn (1991) assessed the effects of reforms in six jurisdictions: Detroit, Michigan; Chicago, Illinois; Philadelphia, Pennsylvania; Houston, Texas; Atlanta, Georgia; and Washington, DC. These cities vary in terms of the extent of rape reforms adopted, with Atlanta, Houston, and Washington, DC adopting weaker reforms and Detroit, Chicago, and Philadelphia adopting stronger reforms. Horney and Spohn (1991) hypothesized that the cities with stronger reforms would have higher reporting rates, indictment rates, and conviction rates for rape. They used court records and data obtained from the FBI Uniform Crime Reports from 1970 through 1984. Horney and Spohn's (1991) data indicated that reform measures had little impact, especially on the rate of reports and processing of rape cases. Due to the extent of reform, Detroit showed the most impact, but even this impact was limited. There was neither a change in the percentage of convictions, nor did Chicago and Philadelphia experience significant changes in the reporting or processing of rape cases. In Detroit, however, the number of reports of rape increased significantly in the period following implementation of reforms. The maximum sentence imposed on those incarcerated also increased (Horney & Spohn, 1991).

A significant effect was found in Horney and Spohn's (1991) study for Washington, DC, but it was not in the expected direction. Following the elimination of the corroboration requirement, a significant decrease was found there in the number of reported rapes. In Houston, the number of reported rapes and the sentences for those convicted of rape increased, but the indictment ratio—that is, the number of indictments relative to the number of reports—actually decreased. Atlanta showed no signs of change attributable to rape reforms. These data indicate that factors other than the extent of rape reforms likely influence the processing of rape cases (Horney & Spohn, 1991).

Bachman and Paternoster (1993) examined several national data sources from 1973 to 1990 for the crimes of rape, robbery, and assault. They found a slight increase in the number of reported rapes since 1980. Although the increase was small, it was larger than the reporting rates for robbery, which decreased, and for assault, which only slightly increased. The likelihood of going to prison if convicted of rape also increased between 1970 and 1989. The probability of a rapist going to prison increased more than 200% since 1981 (Bachman & Paternoster, 1993). Thus, Bachman and Paternoster found mixed results as to the effectiveness of rape reforms. There was neither a notable increase in the proportion of victims reporting rape to the police, nor a large increase in the likelihood that an offender who raped an acquaintance would go to prison. However, there was a large increase in the probability that a convicted (stranger) rapist would go to prison.

One of the objectives of the reforms was to educate the public about the realities of rape. It was believed that one outcome of this education would be a decrease in the incidence of rape. Berger, Neuman, and Searles (1994) hypothesized that if rape law reforms were effective, there would be a decrease in official reports of rape to police because there would be a decrease in

the incidence of rape. They analyzed data for the 48 continental United States. Results indicated that rape law reforms did not significantly reduce official rape rates. When specific reforms were examined, however, changes in the definition of rape (i.e., redefining the crime on a continuum) and consent had significant effects. Both of these components broaden the range of offenses under the umbrella of sexual assault and increase the behaviors that are considered criminal. The result has been higher reporting and apprehension rates for crimes along the continuum of sexual assault (Berger et al., 1994).

## **THE EFFECTIVENESS OF RAPE LAW REFORMS**

There is no general consensus as to what constitutes success of rape law reforms. It could be argued that a decrease in reported rapes indicates a deterrent effect of the reforms. It could also be argued, however, that an increase in the number of reported rapes would demonstrate the success of the rape law reforms because of an increased willingness to report.

Spohn and Horney (1993, 1996), Spears and Spohn (1996), and Spohn, Beichner, and Davis-Frenzel (2001) have produced a notable body of research assessing the effectiveness of the rape law reforms by evaluating the legal and extralegal factors that affect prosecutors' decision making: that is, the decision to prosecute a case and how to proceed with the case. Neither they nor other scholars have evaluated police officer attitudes as a measure of the effectiveness of the reforms. Police officers, like prosecutors, have a tremendous amount of discretion (Galton, 1975; Hazelwood & Burgess, 1995). Police officers are typically the first point of contact for victims within the criminal justice system. They decide whether a case merits an investigation and how to classify the investigation.

The purpose of this research was to assess police officers' attitudes toward rape. Although we have some knowledge of officers' attitudes (e.g., Feldman-Summers & Palmer, 1980; Field, 1978; Galton, 1975; Hazelwood & Burgess, 1995; LaFree, 1989), it is dated. We have little knowledge of police officers' current attitudes[3] and are therefore unable to make comparisons with earlier research.

## **METHOD**

The current study was designed to assess police officers' attitudes using revised measures of rape myths by means of a closed-ended questionnaire. Demographic information was also collected.

Participating agencies were identified using a snowball sampling method. A colleague who works with a private training academy supplied the names of several Chiefs of Police and Sheriffs in two states in the Southeastern United States who were willing to participate in the study. Those individuals, in turn, supplied additional names of Chiefs of Police and Sheriffs. I contacted all referred Chiefs of Police, Sheriffs, or contact persons and requested assistance. All police departments willing to participate were included in the population. Seven police



departments and four sheriff's departments agreed to participate in the study. Four police and sheriff's departments declined, citing time constraints or the belief that few officers would be willing to participate.[4]

### ***Procedures***

A census of the 11 identified police departments and sheriff's offices was conducted, meaning that every police officer in the department was provided a survey packet. These agencies were located in two states in the Southeast United States. Participants were told that their participation in the study was voluntary and that they could elect not to complete the survey with no career, occupational, or training repercussions since no one would know whether they participated. The participants were advised that all their responses would remain anonymous. The departments were also notified that neither individual nor department names would be referenced in any written report. The officers were informed that neither would the research staff have access to names of individuals nor would any characteristics of the departments be released. Whereas this sample is not necessarily representative of police officers throughout the United States, findings will shed light on the attitudes of sworn police officers in the surveyed areas. This study represents a census in that every member of the identified target sample had the option of completing a survey. Those who responded to the survey represented one third of the population of interest.

Survey packets were mailed to the participating police departments and sheriff's offices for distribution. Each survey packet contained a statement of anonymity, a questionnaire and a blank envelope. The questionnaire stated that consent to participate in the study was given by returning the completed survey. The individual police officers were instructed to complete the survey, place it in a blank envelope and return the sealed envelope to a drop box. Police officers also had the option of placing a blank survey in an envelope and placing it in the drop box. The contact person collected the sealed envelopes from the drop box and mailed them to the researcher. Placement of completed surveys in the sealed envelopes ensured the anonymity of responses, as the researcher did not have access to any names of sworn officers.

### ***Survey Instrument***

The survey instrument was designed to measure police officers' perspectives on sexual assault and included two attitudinal scales: (a) a Rape Myth Acceptance Scale- Revised (RMA-R); and (b) an original Victim Credibility Scale (VCS). The RMA-R was adapted from Burt's (1980) rape myth acceptance scale. Her scale contained 14 items and assessed levels of endorsement of myths about rape, rapists, and victims of rape. A rape myth is a stereotyped belief about rape that places blame for the crime on the victim. Burt's scale was altered by removing items that seemed superfluous or outdated. Several items that were not legally relevant to the study of rape at the time of Burt's study were added to the scale. For instance, the item "Any man can be raped" was included in the revised scale. When Burt created her RMA, rape was defined in

criminal law as a crime against a woman. Rape law reforms led to the adoption of gender-neutral language, making it *legally* possible for a male to be raped. Several original items that were double-barreled were made into separate items or shortened. For example, the item “When women go around braless or wearing short skirts or tight tops, they are just asking for trouble” was shortened to “Women who dress provocatively are inviting sex.”

The RMA-R consisted of 10 items. The response set for the scale varied from “strongly disagree” to “strongly agree” and used a 5-point scale. High scores on the RMA-R indicate endorsement of rape myths. The RMA-R had a Cronbach’s alpha of .75.

The VCS was designed to measure how believable a certain victim would be to individual police officers. For instance, would an alleged victim be more believable if s/he was a teenager or an elderly person? The scale serves as a more specific measure of rape myth acceptance. Whereas the RMA-R asked about general attitudes toward rape, the VCS asked how believable rape victims are who have varying characteristics. The scale used a 5-point scale ranging from “very unlikely” to “very likely.” The VCS had a Cronbach’s alpha of .81.

A comments section was provided at the end of the survey. Salant and Dillman (1994) note that a comments section provides the opportunity for respondents to point out unclear questions or make remarks that offer insight on the topic being studied.

## **RESULTS**

The study had a 30.7% response rate, meaning that data were available for approximately 30% of the identified population. A total of 2,898 survey packets were distributed to the population and 891 completed surveys were returned.

Eighty percent (716) of respondents were male and 17% (150) were female. Three percent (27) of respondents chose not to identify their sex. Sixty-four percent (571) of respondents identified their race as non-Hispanic or White, 24% (213) identified themselves as African American, 1% (10) as Asian American or Pacific Islander, 2% (18) as Native American, and 1% (8) as Latino/a or Hispanic. Three percent (27) classified their race as Other, and 5% (44) chose not to identify their race. Nationally, local law enforcement personnel are composed of 11% female, 12% African American, 9% Hispanic, and 3% who classify their race as other (U.S. Department of Justice, 2006).

The majority of respondents represented local city police departments (80%), whereas 20% were from county sheriff’s departments. Approximately, 25% (224) had less than 5 years of law-enforcement experience and 37% (325) had between 5 and 10 years experience. Fifteen percent (132) of respondents had between 11 and 15 years of law enforcement experience, and 12% (107) had between 16 and 20 years of experience. Approximately, 11% (94) had more than 21 years of law enforcement experience. The respondents ranged in age from 22 to 67 years, with the mean age being 37.

### ***Attitudes Toward Rape***

Findings for specific RMA-R items are noteworthy.[5] As shown in Table 1, the majority of police officers agreed “any woman can be raped” (93%) and “any man can be raped” (66%). The majority of officers also disagreed with statements that would blame the victim, such as “in the majority of rapes, the victim is promiscuous or has a bad reputation” (65%) or “many women secretly wish to be raped” (79%). This item analysis would indicate that police officers might be less accepting of rape myths than was found in earlier studies.

### ***Victim Credibility***

Table 2 shows the item percentages for the VCS (see Note 5). The VCS provided a more specific measure of rape myth acceptance than the RMA-R. While police officers may view the crime of rape as a significant and awful crime, they may still discount the experiences of specific victims.

For instance, the vast majority (93%) of police officers agreed on the RMA-R that any woman can be raped, yet when asked about victim credibility on the VCS, 19% were *unlikely* to believe a married woman who claimed she was raped by her husband and 44% were unlikely to believe a prostitute who claimed s/he was raped. Only 5% of police officers were unlikely to believe a virgin and just 2% were unlikely to believe a professional woman who claimed she was raped. This contrasting information suggests that it still does, in fact, matter what “kind” of woman claims she was raped. Likewise, 67% of respondents agreed that any man could be raped (as indicated on the RMA-R). However, when asked how likely they would be to believe a man who claimed he was raped; 48% of respondents indicated they would believe the person (as indicated on the VCS).

### ***In Their Own Words***

An additional and unanticipated measure of attitudes toward rape was supplied by the police officers themselves. A comment section was provided at the end of the survey for respondents to make general remarks about the survey instrument. Approximately, 6% (51) of the respondents made a negative comment in this section. This subsample of police officers included 47 males and 4 females, ages 23 to 52. More than two thirds (37) of these officers had between 5 and 20 years of law enforcement experience. The majority (43) of the officers completed some college (19), an associate’s degree (8), or a bachelor’s degree (16).

**Table 1.** Item Percentages for the Rape Myth Acceptance Scale–Revised (*N* = 869)

Item	SD	D	NDA	A	SA
Any woman can be raped	2.1	2.4	1.5	30.6	62.6
Any victim can resist a rapist if he or she really wants to	22.3	35.4	18.5	16.6	6.1
Women who dress provocatively are inviting sex	20.3	33.3	25.4	15.6	4.5
Any man can be raped	5.9	13.5	13.4	40.9	25.5
Many women secretly wish to be raped	52.6	26.8	15.6	2.5	1.6
A woman is responsible for preventing her own rape	28.4	35.0	21.5	11.9	2.0
A woman that goes to the home of a man on their first date implies she is willing to have sex	32.7	43.8	16.6	4.4	1.6
Women falsely report rape to call attention to themselves	10.0	30.9	38.4	17.1	2.6
In the majority of rapes, the victim is promiscuous or has a bad reputation	19.3	46.0	27.6	5.9	0.7
It is a woman's fault if she makes out with a guy and lets things get out of hand	20.2	52.7	19.3	6.1	1.0

Note: SD = strongly disagree, D = disagree, NDA = neither disagree or agree, A = agree, SA = strongly agree.

**Table 2.** Item Percentages for the Victim Credibility Scale (*N* = 866)

Item	VU	U	NUL	L	VL
A person comes to you and claims a rape has occurred. How likely would you be to believe the statement if the person was					
Someone you know	1.0	1.2	9.5	42.3	44.7
A virgin	1.3	3.3	19.9	48.0	25.9
A teenager	1.0	3.3	26.2	52.7	15.3
An elderly person	0.9	2.1	12.9	43.5	38.4
A prostitute	14.5	29.6	29.3	19.1	5.8
A man	4.3	16.7	29.7	34.9	12.7
A professional woman	1.0	1.2	20.9	58.1	17.3
A married woman accusing her husband	4.8	14.1	37.0	33.3	9.2

Note: VU = very unlikely, U = unlikely, NUL = neither unlikely nor likely, L = likely, VL = very likely.

The comments provided in this section were largely pejorative and sexist. For example, many of the comments (14) centered on whether I had been raped, if I was gay, and if I hated men. One particular comment was provided in all caps, “Are you gay, you must hate men.” Several also commented on the feminist framework of the research. One noted, “Very liberal, feminist test. Don’t give any more.” Another remarked, “This is a woman lib’s questionnaire and is full of crap.” Another officer stated, “Questions are leading to point you toward a ‘Female Agenda.’ Who made this list. It’s so ‘Vague’ any data collected is worthless—Was the person who made this list—Raped? Makes you think she’s anti-male.” Other police officers (13) made comments regarding allegations of rape. One officer accurately noted, “Sexual assaults must have witnesses, physical evidence to prosecute—hard to prosecute because of the nature of the crime.” Other officers provided opinions, such as the following:

Rape is the most misreported crime. Many victims won’t report it, while others lie about being assaulted. We had a 30%+ increase with reported rapes as more victims found out about the victim assistance money. I went from seeing victims injuries (cuts, bruises, ligature marks) to seeing victims who were concerned about not getting their new hair style messed up. Lots of luck on changing opinions about rape! Instead try changing peoples attitude about not lying for profit.

Another officer wrote, “A female should be aware of dangerous situations and try to avoid them,” reflecting the general cultural tendency to place the onus on women to be responsible for protecting themselves rather than on men to alter their behavior. Another noted, “You covered all the clichés.”

Finally, some officers (5) took issue with categorizing a prostitute as a *legitimate* victim of rape. One noted, “Very interesting! I’ve been involved in several cases where the ‘victim’ was a prostitute. I often wonder to myself, ‘is that really a legit rape?’ Years later, I am still undecided.” Another stated, “A problem with rape investigations are victim/prostitutes who do not get paid for their services. This *is not* rape.”

Given the inflammatory nature of most of the comments, it was important to test whether police officers who made negative comments on the survey differed in their survey responses from those who chose not to write comments. It was hypothesized that officers who made negative comments would differ significantly from officers who did not make negative comments in that those who made comments would score higher on the RMA-R and the VCS.

### ***Analytic Techniques***

Data for the scales were first tested for normality using the Shapiro-Wilk statistic. Results showed that neither of the scales was normally distributed, meaning that parametric statistics could not be used to determine whether the groups differed in their responses. Given the construction of the response scales—ranging from “strongly disagree” to “strongly agree” with “neither disagree or agree” as the midpoint—one would not expect the data to be normally distributed. Measures of attitudes toward rape typically elicit definitive opinions in one direction

or another. They are not neutral in nature. Therefore, one would expect data to be loaded on either end of the response scale. Furthermore, given the large percentage of *neither disagree or agree* and *neither unlikely or likely* responses (see Tables 1 and 2), the variance testing for the equality of means using a *t* test would also be deceptive (i.e., it would appear there is more variance than is actually present). Therefore, crosstabs and chi-square were used.

Responses on the RMA-R were recoded and classified as either High Rape Myth Acceptance or Low to Moderate Rape Myth Acceptance. Responses on the VCS were also recoded and classified as either Victim Moderately to Highly Credible or Victim Not Credible. The results of the crosstabs are provided in Tables 3 and 4.

**Table 3.** Crosstabs for Negative Comment by High RMA-R

		Low to moderate acceptance	High acceptance	Total
Negative comments	No comment	683	138	821
	% within high RMA-R	95.0	92.0	
	Comment	36	12	48
	% within high RMA-R	5.0	8.0	
Total		719	150	869

Note: There was no significant difference between police officers who made negative comments and those who did not make negative comments on their endorsement of rape myths ( $\chi^2 = 2.131, p = .144$ ).

**Table 4.** Crosstabs for Negative Comment by High VCS

		Victim highly to moderately credible	Victim not as credible	Total
Negative comments	No comment	599	217	816
	% within high VCS	95.1	91.9	
	Comment	31	19	50
	% within high VCS	4.9	8.1	
Total		630	236	866

Note: There was no significant difference between police officers who made negative comments and those who did not make negative comments on how credible they perceived the victim ( $\chi^2 = 3.092, p = .079$ ).

## DISCUSSION

The purpose of this study was to assess police officers' attitudes toward rape since rape law reforms were enacted. The findings of this research concur with most prior research on police officers and attitudes toward rape (Brown & King, 1998; Campbell, 1995; Campbell & Johnson, 1997; Feldman-Summers & Palmer, 1980; Galton, 1975; Field, 1978; LaFree, 1989). Police officers generally endorsed some rape myths while discounting others and deemed victims with certain characteristics (e.g., a virgin, a professional woman) more credible than others (e.g., a man, a prostitute).

Social desirability may have played a role in police officers' responses on the quantitative portion of the survey. Participants were aware I am a woman (as my name and contact

information were listed on the survey), and this knowledge may have influenced their responses. Another social desirability element may have persisted given the nature of the topic. Rape is a difficult and sensitive topic to discuss, especially with individuals in the context of their work environment. Police officers operate in a closed environment, as do members of any organization (McNamara, 1999). They may have felt an obligation to portray that organization in a favorable light. This sense of obligation, along with wanting to portray themselves individually in a positive way, may have influenced their responses.

The findings of this study may be limited in terms of generalizability. Snowball sampling is not as beneficial in terms of providing a representative sample as random sampling, nor was this a national sample. However, national demographic data for local police departments indicates that a larger number of women and African Americans comprise the current sample than are represented in the national population of police officers.

Regardless of responses provided on the RMA-R and the VCS, approximately 6% of the respondents wrote sexist and pejorative comments at the end of the survey, which indicates a social desirability effect on survey items. Officers who did not endorse rape-supportive attitudes on the RMA-R subsequently provided written comments and responses that were characteristically rape supportive. Likewise, officers who reported they were likely to believe various victims on the VCS later provided contradictory comments indicating they would not be likely to believe *certain* victims (primarily prostitutes).

Frazier and Haney (1996) and Spohn, Beichner, and Davis-Frenzel (2001) found similar results in their studies of prosecutorial decision making in sexual assault cases. Decisions to prosecute a rape case often rest with the perceived credibility of the victim (not only the prosecution's but also how they believe a jury will perceive this credibility) in addition to the evidence in the case. Their findings echo assertions made by Estrich (1987) and LaFree (1989) that victims deemed more credible are taken more seriously by criminal justice personnel.

The ambiguity of certain responses on the quantitative scales, as well as the pejorative and sexist qualitative comments, indicates a strong need for continued education on the topic of rape, especially for those entering and currently in law enforcement. The form and range of education related to the topic of rape should be well-planned and assessed for its effectiveness (Caringella, 2008; Konradi, 2007). Several studies have shown the current level of training and education related to rape and sexual assault to be ineffective in altering negative attitudes about rape. Muram, Hellman, and Cassinello (1995) conducted pre- and posttest measures of attitudes about rape for an in-service training session on sexual assault at the Memphis Police Academy.

All officers are required to attend in-service sessions once a year. A total of 510 police officers completed a survey, with 482 completing the pretest and 495 completing the posttest. There were no significant differences in the acceptance of rape myths prior to and following the training session. In fact, the training changed preconceived ideas about rape in fewer than 10% of the respondents.

More recently, Lonsway, Welch, and Fitzgerald (2001) studied the effectiveness of an experimental training session on sexual assault investigation in a Midwestern police academy. Recruits (161) were divided into three groups (one control and two experimental) and administered pre- and posttraining surveys. The experimental training sessions included knowledge, attitudinal, and behavioral measures. Interestingly, the researchers found no change in cognitive or attitudinal variables and no difference between the groups. However, the experimental groups retained more of the interview skills learned in the training sessions and thus, outperformed the control group in the sexual assault interview. This finding indicates that behavioral patterns can change with training. In a second study used to confirm the original findings, all new recruits (447) participated in the experimental training and were tested before and after the training occurred. Recruits displayed improved interview and knowledge skills about rape following the training. When tested several weeks later, however, knowledge scores decreased, indicating that the changes may be short lived.

Research has shown that limiting the rape education and training programs of police officers only to the topic of rape is relatively ineffective (Lonsway, Welch, & Fitzgerald, 2001; Muram, Hellman, & Cassinello, 1995). However, these findings do not support the elimination of training and education programs. Rather, new and innovative training methods (such as those featuring hands-on interview techniques) should be devised and evaluated for effectiveness. In fact, a recent study of Maryland police officers found they would welcome quality training on evidence collection as well as interview techniques and referral information. Some officers noted the need for this to occur every year (Kinney, Bruns, Bradley, Dantzler, & Wesit, 2007).

Ideally, one would also seek to advance broad changes in attitudes and beliefs of the public concerning the crime of rape and its victims, which would filter into all social institutions. Konradi (2007) notes that we must continue to educate the general public (which would include future police officers, prosecutors, judges, and jurors) about the realities of rape and its victims. This education would work to dispel many of the myths surrounding the crime of rape and its victims (e.g., that the majority of rapes occur between acquaintances and most do not involve physical signs).

## **CONCLUSION**

Although many scholars believe that rape law reforms have had positive effects (Caringella-MacDonald, 1985; Marsh, Geist, & Caplan, 1982), the results of empirical studies are mixed overall. The adoption and passage of rape reforms has been a symbolic advance even if it has not fully translated into systemic change. Rape is now seen as a more serious offense than it once was and awareness has been raised regarding the treatment of victims by the criminal justice system as well as the public and media (Spohn, 1999).

Many of the aforementioned researchers attribute their lack of significant findings concerning the effects of rape law reforms to attitudinal changes that began before the reforms were instituted (Bachman & Paternoster, 1993; LaFree, 1989; Spohn, 1999; Spohn & Horney, 1993, 1996). In other words, police officers and prosecutors may have been more progressive in their



attitudes toward rape prior to the reforms. Researchers have also noted, however, that the effectiveness of reforms may be limited when the attitudes of reformers and criminal justice officials are at odds. Police, prosecutors, and judges may agree with the reforms in principle but may resist them because of their presumed consequences on the operation and efficiency of the courtroom workgroup (Horney & Spohn, 1991). Adopting and implementing rape law reforms may increase the workload, thereby limiting the efficiency of police, prosecutors, and judges investigating and prosecuting rape cases. They would have less time to spend on individual cases due to an increased workload.

Walker (1998) notes that the criminal justice system is not an impersonal entity. Rather, it represents a series of discretionary decisions. These decisions are influenced by the bureaucratic setting in which they work and the anticipated actions of other members in the criminal justice system. Since rape cases are difficult to investigate and prosecute, they may be given little priority within the criminal justice system.

Whereas it is likely that courtroom dynamics play a role in the adoption of reforms, this article suggests that it is just as likely that there has *not* been a shift in attitudes supportive of rape reform by criminal justice actors, specifically police officers. It is possible that many of the popular rape myths are entrenched in the criminal justice system and that these rigid ideas affect evaluation, investigation, and charging in rape cases.

The comments made by police officers in this study indicate that reforms have not been effective in terms of a “trickle-down” effect, where changes in law enact or lead to changes in attitude. The contradictory nature of the data suggests rather, that police officers are aware of what is socially appropriate to say, especially in certain situations or in certain company (respondents were aware that I am female). What is intriguing is that a certain level of complicity (or arrogance) also existed because 6% of officers felt comfortable enough to be honest on the portion of the survey they perceived to be inconsequential in terms of data collection. They responded in socially desirable ways on the quantitative instrument, but their qualitative comments were in direct opposition to their survey results.

Future research assessing attitudes about perceived divisive and controversial topics (i.e., rape, racism, homophobia, attitudes toward women, etc.) should perhaps use a forced choice format, thereby not allowing an “out” for the participant. It appears that the majority of people hold distinct attitudes and opinions about highly charged topics and therefore rarely need a *neither agree or disagree* option in these circumstances. It would also be useful to employ more qualitative and multimethodological approaches when tackling topics like the way rape cases are processed and moved through the criminal justice system. Assessing attitudes toward rape and the investigation of those cases is often a complicated and layered process that does not easily lend itself to strict quantitative measurement.

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## **NOTES**

1. Oregon was the first state to eliminate the marital exemption (Schulhofer, 1988). It persists in a few states. In the state of Tennessee, for example, a husband may only be charged with rape if armed with a weapon, if he inflicts physical bodily injury, or if the couple are living apart and one spouse has filed separation papers (Tenn. Code Ann. 39-13-507).
2. A *nolle* is a case where a prosecutor decides not to prosecute. The records of the defendant's arrest will be erased 13 months following the date the nolle is filed.
3. Schuller and Stewart (2000) provide a more recent measure of police officers' responses to sexual assault; however the focus of their study was related to varying levels of alcohol consumption on the part of the victim and perpetrator.
4. It was later discovered that at least two of the four police departments that declined participation had launched sexual assault or domestic violence investigations against a police officer within the department.
5. For a more detailed analysis of responses on the RMA-R and VCS, as well as differences in responses between male and female police officers, see (Page, 2007).

## **REFERENCES**

Amir, M. (1971). *Patterns in forcible rape*. Chicago: University of Chicago Press.

Bachman, R. (1993). Predicting the reporting of rape victimizations: Have rape reforms made a difference? *Criminal Justice and Behavior*, 20, 254-270.

- Bachman, R., & Paternoster, R. (1993). A contemporary look at the effects of rape law reform: How far have we really come? *Journal of Criminal Law and Criminology*, 84, 554-574.
- Bergen, R. K. (1996). *Wife rape: Understanding the response of survivors and service providers*. Thousand Oaks, CA: Sage.
- Berger, R. J., Neuman, W. L., & Searles, P. (1994). The impact of rape law reform: An aggregate analysis of police reports and arrests. *Criminal Justice Review*, 19(1), 1-23.
- Box, S. (1984). *Power, crime and mystification*. New York: Tavistock.
- Brown, J., & King, J. (1998). Gender differences in police officers attitudes towards rape: Results of an exploratory study. *Psychology, Crime and Law*, 4, 265-279.
- Brownmiller, S. (1975). *Against our will: men, women, and rape*. New York: Simon and Schuster.
- Burt, M. R. (1980). Cultural myths and support for rape. *Journal of Personality and Social Psychology*, 38, 217-230.
- Cairney, K. F. (1995). Addressing acquaintance rape: The new direction of the rape law reform movement. *St. John's Law Review*, 69, 291-326.
- Campbell, R. (1995). The role of work experience and individual beliefs in police officers' perceptions of date rape: An integration of quantitative and qualitative methods. *American Journal of Community Psychology*, 23, 249-277.
- Campbell, R., & Johnson, C. R. (1997). Police officers' perceptions of rape: Is there consistency between state law and individual beliefs? *Journal of Interpersonal Violence*, 12, 255-274.
- Caringella, S. (2008). *Addressing rape reform in law and practice*. New York: Columbia University Press.
- Caringella-MacDonald, S. (1985). Sexual assault prosecution: An examination of model rape legislation in Michigan. *Criminal Justice Politics and Women*, 4(3), 65-82.
- Doherty, K., & Anderson, I. (1998). Perpetuating rape-supportive culture: Talking about rape. *Psychologist*, 11, 583-587.
- Dressler, J. (1998). Where we have been, and where we might be going: Some cautionary reflections on rape law reform. *Cleveland State Law Review*, 46, 409-442.
- Estrich, S. (1987). *Real rape*. Cambridge, MA and London: Harvard University Press.
- Feldman-Summers, S., & Palmer, G. C. (1980). Rape as viewed by judges, prosecutors, and police officers. *Criminal Justice and Behavior*, 7(1), 19-40.
- Field, H. S. (1978). Attitudes toward rape: A comparative analysis of police, rapists, crisis counselors, and citizens. *Journal of Personality and Social Psychology*, 36, 156-179.

Frazier, P. A., & Haney, B. (1996). *Sexual assault cases in the legal system: Police, prosecutor, and victim perspectives*. *Law and Human Behavior*, 20, 607-628.

Galton, E. R. (1975). *Police processing of rape complaints: A case study*. *American Journal of Criminal Law*, 4(1), 15-30.

Galvin, J. (1985). *Rape: A decade of reform*. *Crime and Delinquency*, 31, 163-168.

Gerring, J. (2001). *Social science methodology: A criterial framework*. Cambridge, UK: Cambridge University Press.

Griffin, S. (1971). *Rape: The all-American crime*. *Ramparts*, 10, 26-35. Hazelwood, R. R., & Burgess, A. W. (Eds.). (1995). *Practical aspects of rape investigation: A multidisciplinary approach* (2nd ed.). New York: CRC Press.

Horney, J., & Spohn, C. (1991). *Rape law reform and instrumental change in six urban jurisdictions*. *Law and Society Review*, 25, 117-153.

Kinney, L. M., Bruns, E. J., Bradley, P., Dantzler, J., & Weist, M. D. (2007). *Sexual assault training of law enforcement officers: Results of a statewide survey*. *Women & Criminal Justice*, 18(3), 81-100.

Konradi, A. (2007). *Taking the stand: Rape survivors and the prosecution of rapists*. Westport, CT: Praeger.

LaFree, G. D. (1989). *Rape and criminal justice: The social construction of sexual assault*. Belmont, CA: Wadsworth.

Lonsway, K. A., Welch, S., & Fitzgerald, L. F. (2001). *Police training in sexual assault response: Process, outcomes, and elements of change*. *Criminal Justice and Behavior*, 28, 695-730.

MacKinnon, C. A. (1989). *Toward a feminist theory of the State*. Cambridge, MA: Harvard University Press.

Marsh, J. C., Geist, A., & Caplan, N. (1982). *Rape and the limits of law reform*. Boston: Auburn House.

McNamara, R. P. (1999). The socialization of the police. In D. J. Kenney & R. P. McNamara (Eds.), *Police and policing: Contemporary issues* (2nd ed., pp. 309-323). Westport, CT: Praeger.

Muram, D., Hellman, R., & Cassinello, B. (1995). Prevalence of negative attitudes among police officers toward rape victims. *Adolescent and Pediatric Gynecology*, 8(2), 89-91.

Page, A. D. (2007). Behind the blue line: Investigating police officers' attitudes toward rape. *Journal of Police and Criminal Psychology*, 22, 22-32.

Polk, K. (1985). Rape reform and criminal justice processing. *Crime and Delinquency*, 31, 191-205.

- Russell, D. E. H. (1975). *The politics of rape: The victim's perspective*. New York: Stein and Day.
- Salant, P., & Dillman, D. A. (1994). *How to conduct your own survey*. New York: John Wiley.
- Schulhofer, S. J. (1988). Criminal justice discretion as a regulatory system. *Journal of Legal Studies*, 17, 43-82.
- Schuller, R. A., & Stewart, A. (2000). Police responses to sexual assault complaints: The role of perpetrator/complainant intoxication. *Law and Human Behavior*, 24, 535-551.
- Sheffield, C. J. (1998). Sexual terrorism: The social control of women. In D. L. Anselmi & A. L. Law (Eds.), *Questions of gender: Perspectives and paradoxes*. (pp. 642-654). Boston: McGraw-Hill.
- Spears, J. W., & Spohn, C. C. (1996). The genuine victim and prosecutors' charging decisions in sexual assault cases. *American Journal of Criminal Justice*, 20, 183-205.
- Spohn, C. C. (1999). The rape reform movement: The traditional common law and rape law reforms. *Jurimetrics*, 39, 119-130.
- Spohn, C., Beichner, D., & Davis-Frenzel, E. (2001). Prosecutorial justifications for sexual assault case rejection: Guarding the "gateway to justice." *Social Problems*, 48, 206-235.
- Spohn, C., & Horney, J. (1992). *Rape law reform: A grassroots revolution and its impact*. New York: Plenum.
- Spohn, C., & Horney, J. (1993). Rape law reform and the effect of victim characteristics on case processing. *Journal of Quantitative Criminology*, 9, 383-409.
- Spohn, C., & Horney, J. (1996). The impact of rape law reform on the processing of simple and aggravated rape cases. *Journal of Criminal Law and Criminology*, 86, 861-872.
- U.S. Department of Justice, Bureau of Justice Statistics. (2006). *Law enforcement management and administrative statistics: Local police departments, 2003*. Washington, DC: Author.
- Walker, S. (1998). *Sense and nonsense about crime and drugs: A police guide* (4th ed.). Belmont, CA: Wadsworth.
- Ward, C. (1995). *Attitudes toward rape: Feminist and social psychological perspectives*. London: SAGE.