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Sexual Assault and Sentencing: An Examination of Victim and Perpetrator Characteristics

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Abstract

Research on sexual assault perpetrators sentences typically analyzed characteristics of perpetrators or characteristics of victims independently. This study examined whether perpetrator characteristics and victim characteristics, when considered simultaneously, continued to predict perpetrator sentence. The research offered an alternative hypothesis from the Chivalrous/Paternalistic perspective; victim vulnerability increases the length of sentence. The study used data from a sexual assault treatment center to test these hypotheses. The key finding indicated that victim vulnerability interacts with legal factors, as to reduce the influence of legal factors. Legal and extralegal factors of perpetrators influenced length of sentence. Policy implications were discussed.

Introduction

Despite how frequently it occurs, sexual assault is a crime not fully understood. A common opinion is that when a vulnerable person is the target of crime, the criminal justice system responds with a heavy hand. Popular perceptions suggest, for example, that sexual assault cases involving very young victims routinely result in perpetrators receiving lengthy prison sentences. Moreover, people often believe that other related victim characteristics result in long prison terms for offenders. The current study referred to these characteristics as victim vulnerability. This study examined whether or not the criminal justice system provided lengthier sentences to perpetrators who sexually assaulted vulnerable victims. Contrary to the Chivalrous/Paternalistic perspective, this research aligned with the Victim Vulnerability perspective and suggested that the characteristics that make victims vulnerable to crime decrease the likelihood that perpetrators will receive lengthy sentences. As discussed below, prior research examined sentencing of sexual assault perpetrators and the characteristics of these perpetrators, while other research examined characteristics of victims of sexual assault. The current study, however, combined vulnerable characteristics of victims and the characteristics of perpetrators in one model predicting the sentence of perpetrators.

This research project expanded the body of knowledge on sexual assault by providing insight into how victim and perpetrator characteristics relate to sentencing outcomes. The findings provided better understanding of the criminal justice system and sentencing outcomes of sexual assault perpetrators, and challenged common beliefs about the criminal justice system. Understanding the factors associated with sentencing could help determine which criminals receive longer sentences and may be used to better educate laypeople and professionals about sexual assault and thereby reduce its occurrence.

Literature Review

Sexual Assault Victim Characteristics

Victim characteristics have been related to sexual assault (Felson & Burchfield, 2004; Gidycz et al., 2001; Koss, 2005). Prior research did not explain the role sexual assault victims' characteristics play in sentencing outcomes. Such outcomes may be the byproduct of victims' characteristics. The common philosophy among criminologists—that sentencing outcomes must result from legal factors of a crime and the behavior of the criminal rather than from victims' characteristics—could actually obstruct the current study's type of research. However, criminologists have routinely researched extralegal factors. Results indicated that extralegal factors influenced sentencing whether they ought to or not. In fact, Ulmer and Bradley (2006) suggested that extralegal factors might be more influential in sentencing outcomes in severe violent offenses such as sexual assault. Following the recommendations of Hawkins (1987) and Curry, Lee, and Rodriguez (2004), this study explored the relationship between additional victim characteristics sexual assault offenders' sentences. Therefore, this study categorized victim characteristics, such as young child victim, disabilities, and less proficient English speakers, as "victim vulnerability."

Curry, Lee, and Rodriguez (2004) recommended that research on sentencing should include victim characteristics such as gender. However, research found mixed results on the importance of gender vis-à-vis sentencing outcomes. Some prior research established that victims' gender was related to sentencing outcomes (Baumer, Messner, & Felson, 2000; Curry, Lee, & Rodriguez, 2004; Glaeser & Sacerdote, 2000), whereas other research concluded that gender of victims did not affect the decision to incarcerate (Curry, et al., 2004; Myers, 1979; Spohn, 1994) or the length of sentence (Spohn, 1994). At least one theoretical foundation suggests that perpetrators would receive lengthier sentences when their victims are female. Moreover, the Chivalrous/Paternalistic view suggests that the mostly male criminal justice system may assume the role of protector of female victims from male offenders (Curry, Lee, & Rodriguez, 2004). As the protector of female victims, the courts could institute highly punitive sentences—that is, crimes involving female victims would result in lengthier sentences more often than crimes involving male victims (Curry, et al., 2004; Glaeser & Sacerdote, 2000). When prior research found a significant relationship between victim gender and sentencing outcomes, involvement of female victims tended to increase length of sentence for perpetrators, but this connection was not been tested with regard to sexual assault crimes in particular. Thus, this study examined the role of victim gender on length of sentence for sexual assault perpetrators.

Still other victim characteristics may influence sentencing of sexual assault perpetrators. Lauritsen (2001) found that younger people were more likely to become victims of violence. Although it may seem counterintuitive, some research has determined that sentence length did not increase markedly when perpetrators' victims were young. As mentioned previously, many people assume that the criminal justice system reacts very harshly when young people are the victims of crime, a view that probably stems from the notion that chivalry or paternalism in society will transfer to the criminal justice system in the form of highly punitive sentences in cases involving young victims. However, previous research by Myers and LaFree (1982) found that victim age did not affect the length of perpetrator sentence. It seems plausible that younger sexual assault victims have greater difficulty explaining the sexual assault event(s) and may not hold up under cross-examination in a trial. Therefore, this suggests that cases in which the victim is a child will not result in lengthy sentence for perpetrators. This prediction stems from the Victim Vulnerability perspective that suggests that the same characteristics that rendered the victim vulnerable to crime also relate to the perpetrator receiving a shorter sentence.

Other vulnerable characteristics that may affect perpetrator sentence include mental acuity. Sexual assault victims with learning disabilities are more likely to delay reporting the sexual assault than victims without learning disabilities, often not reporting incidents until much later in life, are. Chamberlain et al. (1984) found that 25% of their sample of mentally challenged females had a history of sexual abuse. Victims who are mentally challenged had a higher risk of being a victim of multiple or even chronic abuse (Shapiro, 1996), and in about half of the cases, the sexual assault pattern lasted for more than one year and was not an isolated incident (Beail & Warden, 1995). As a result, the delay in reporting by sexual assault victims with disabilities has a negative effect on the prosecution and sentencing of the perpetrator. Again, from a Victim Vulnerability perspective, this study suggests that individuals who have disabilities may be less able to convince other people that the attack took place. It may be that vulnerable characteristic itself impedes the victim's ability to testify which makes a sexual assault case involving a victim with mental/physical disabilities more difficult to prosecute. Thus, a prosecutor may be more likely to plea bargain and reduce a charge or the number of counts, all conditions associated with reduced sentences. Although the Chivalrous/Paternalistic perspective would predict that the criminal justice system would seek to respond in a protective manner and with a heavy hand when a vulnerable person is the target of crime, Victim Vulnerability perspective suggests a negative relationship between perpetrating victims with disabilities and length of perpetrator sentence.

Individuals who are less proficient English speakers often have been targets of crime (Martinez, 2000). Much of the research on immigrants and persons who use English as a second language focused on nonsexual assault crime victimization. These two victim characteristics are important because they may play a role in the prosecution of cases. Immigrants may be somewhat unfamiliar with the U.S. criminal justice system, and language barriers and a lack of familiarity might lead to a lower level of interaction with the prosecutors and police investigating the criminal case and sentencing outcomes (Davis, Erez & Avitabile, 2001). While most non-proficient speakers are immigrants, that status is not relevant to the current study. Immigration status is not the same as speaking English as a second language. However, the vulnerabilities related to immigration are not comparable to those of speaking English as a second language, yet each group has vulnerabilities. Similarly, individuals for whom English is a second language probably encounter communication deficiencies when using English to explain the assault. These communication deficiencies may result in prosecutors believing that the case is more difficult to prosecute successfully, and therefore, they may be more likely to seek a plea bargain, which often involves a shorter sentence. The Chivalrous/Paternalistic perspective, again, would predict that a longer, more restrictive sentence, whereas the Victim Vulnerability perspective would predict the opposite.

This research project endeavors to explore the degree to which victim gender and victim vulnerability characteristics, such as young child victim, disabilities, and less proficient English speakers, influence length of sentence for sexual assault perpetrators. Because race increased risk of crime victimization and sentencing outcomes (Lauritsen, 2001;

Roundtree et al., 1994; Messner, McHugh & Felson, 2004), it is included as a control variable. The proposed victim vulnerability theory does not clearly specify if the victim is vulnerable to perpetration, is misunderstood, is unreliable in interactions with courts and other legal professionals. The same characteristics that make victims vulnerable to crime relate to vulnerable victims seeing less justice in the criminal justice system.

Sexual Assault Perpetrator Characteristics

Characteristics of sexual assault perpetrators may also influence sentencing outcomes. Offender characteristics were important predictors of sentencing outcomes (Smith & Taylor, 1999). Prior research found that perpetrators who sexually assaulted adults had more victims than perpetrators who sexually assaulted children (Awad & Saunders, 1991). This may indicate that perpetrators who assault children do not have prior records with the court, thereby making their chances of a shorter and less restrictive sentence more likely. Perpetrators with prior records (Roberts, 1997) and repeated episodes of violence (Morris & Tonry, 1990) received longer and more restrictive sentences. Adult sexual assault perpetrators were more likely than juvenile perpetrators to have a greater number of victims and prior records. This may be due to older perpetrators being more likely to commit penetration assault (Ybarra & Mitchell, 2004). In fact, adult perpetrators were more likely to penetrate victims orally, anally, or vaginally (Miranda & Corcoran, 2000), making it more likely that evidence will be stronger for convictions, compared to juvenile perpetrators who were more likely to digitally penetrate their victims. One may expect that adult perpetrators will receive longer sentences than juvenile perpetrators.

Prior research has also demonstrated that, in general, non-white offenders received longer and more restrictive sentences (Chiricos & Bales, 1991; Johnson, 2003; Spohn & Holleran, 2000; Steffensmeier et al., 1998). Similarly, males received longer, more restrictive sentences than females (Spohn & Beichner, 2000; Steffensmeier, et al., 1998). Females were less threatening and less blameworthy than male perpetrators (Koons-Witt, 2002; Steffensmeier, Kramer & Streifel, 1993). A perpetrator's characteristics, such as being a non-white male, will affect the length of sentence.

Legal Factors

Legal factors have routinely predicted sentencing outcomes. The research model incorporated two legal variables available to us in the dataset. This study examined the importance of number of victims in the dataset as a proxy for prior record. The research also incorporated physical injury of victim as physical evidence of sexual assault. Following prior research findings, this study suggests that both the number of prior victims and the physical injury/evidence of sexual assault will affect the length of sentence for sexual assault perpetrators.

Conditioning Effect of Victim Vulnerability

While the hypothesis deals with the main effects of victim vulnerability on sentencing, it might be better to test the Victim Vulnerability and Chivalrous/Paternalistic hypotheses by way of interaction. The study incorporated an interaction term of victim vulnerability with number of prior victims. It is possible that longer sentences only occur in cases in which the court became convinced that a perpetrator had a pattern of targeting vulnerable victims. The interaction between victim vulnerability and number of prior victims may evidence such a pattern in the criminal justice system. Thus, the research proposed that in such cases, one is most likely to see lengthy sentences, and where this is the case, the findings will be interpreted as supporting the Chivalrous/Paternalistic perspective and counter to the Victim Vulnerability perspective. The study also included an interaction of victim vulnerability with physical injury/evidence of sexual assault, basing the approach to this interaction from a theoretical consideration. It is possible that support for the Victim Vulnerability perspective or the Chivalrous/Paternalistic only occurs when certain other legal factors are also present. For example, when the criminal justice system was presented with a vulnerable victim and physical evidence substantiating the sexual assault allegation, the court might have been more likely to take the Chivalrous/Paternalistic instead of the Victim Vulnerability perspective. In other words, when the victim was vulnerable and physical evidence of sexual assault existed, the court may have issued longer sentences. This suggests that there is an interaction between the extralegal variable, victim vulnerability, and the legal variable of physical injury.

Summary of Goals of Study

Although many people believe that the criminal justice system will typically provide more lengthy sentences to perpetrators who sexually offended vulnerable victims, this may not be the general pattern in the system. According to the Victim Vulnerability perspective, perpetrators who targeted vulnerable victims are less likely to receive a lengthy sentence. Conversely, from the Chivalrous/Paternalistic perspective, perpetrators who sexually assault vulnerable victims will face lengthy sentences. This research examined the pattern among sexual assault cases. This research framework suggests the opposite of what many people view as common sense: sexual assault victims'

vulnerability can lead to perpetrators receiving a shorter length of sentence. Thus, it is important to explore the nature of this relationship in detail. It also suggests that a sexual assault perpetrator's characteristics will influence the length of sentence. Based on previous research, the vulnerability argument, and the Chivalrous/Paternalistic perspective, this study tested the following primary hypotheses:

- | | | |
|----------------------------|---|---|
| H ₁ | = | Victim vulnerability reduces length of perpetrator sentence. |
| H ₁ Alternative | = | Victim vulnerability increases length of perpetrator sentence. |
| H ₂ | = | White, female, and juvenile perpetrators receive reduced sentences. |

Methods

Sample

This study used archival data from a sexual assault treatment center in a Midwestern state. The center provided medical assessment and forensic collection for both male and female sexual assault survivors ranging in age from infant to adult. The archival data was collected by the sexual assault treatment center from 1996 through 2005, including 228 cases with sentencing information of one year or more. Other research on sexual assault has used sexual assault data collected by sexual assault nurse examiners (Logan, Cole, & Capillo, 2007.) For the sexual assault treatment center to provide a medical assessment and collect forensic evidence, the survivor had to agree to file a police report. However, not every survivor who agreed to file a report had a forensic evidence collection kit completed. For example, young children (0-13 years old) who did not report within 72 hours for vaginal penetration or within 24 hours for an anal or oral assault did not undergo the forensic evidence collection. Additionally, a sexual forensic evidence kit was not completed when individuals who were 14 years or older did not report within 96 hours for vaginal penetration or within 24 hours of anal or oral assault. Even though these groups of survivors did not have forensic evidence collection results on file, they did make a police report and a forensic nurse completed a medical assessment to look for injury. For this reason, the study retained this group of survivors in the sample.

Dependent Variable

There are two primary sentencing outcomes: the length of sentence and the incarceration decision. This research focused on the length of sentence. Research on length of sentence has generally focused on the length of time the perpetrators were sentenced to jail. Although a handful of research examined the length of probation or other non-incarcerative sentences, this research focused on incarceration length. The length of sentence was a continuous variable ranging from zero to 320 years. Graphical inspection of the length of sentence demonstrated that the shape of the distribution was positively skewed with fewer values at the upper end of the continuum. To correct the skew in the dependent variable, length of sentence was transformed in order to normalize the distribution to meet the assumptions of linear regression. The transformation created a new variable: the logged length of sentence. The averaged logged length of sentence was 2.48 years. The regression models used logged sentence length to test the previously stated hypotheses.

Victim Variables

The victim vulnerability construct was comprised of three indicator variables formed from three characteristics: being of a young age, mentally challenged, and/or less proficient English speaker. The dummy variable for female was coded as male=0 and female=1. Using the victim's date of birth, "young age" was defined as 13 years old and under. The dichotomous variable of young child victim was coded as 1=13 years of age and under and 0=14 years of age and older. The less proficient English speaking status of the sexual assault survivor was based upon information from the police, victim, or caregivers. Less proficient English speaking variable was coded as 1=less proficient English speaker and 0= native English speaker. The mental status of the sexual assault survivor was derived from the caregivers of the mentally challenged. The mentally challenged variable was coded as 1=mentally challenged and 0=not mentally challenged. Each of the dummy variables was used to create one victim vulnerability indicator with a value of "1" indicating yes to young child victim, mentally challenged, or less proficient English speaker. This method of using one indicator variable was selected instead of entering each dummy variable in a step-wise procedure since each dummy variable had few cases with affirmative values. The study controlled for victim's race and gender throughout the analyses.

Perpetrator Variables

Three perpetrator variables were included: adult status, gender, and race. The adult variable was coded as 1 for an adult and 0 for juvenile. The modal value of 1 was imputed for missing data in the adult variable. The gender of the perpetrator was coded as 1 for female perpetrator and 0 for male perpetrator. The researchers imputed the mode for missing data for this variable. The race of the perpetrator was coded as 1 for a Caucasian perpetrator and 0 for all other races.

Legal Factors

Because legal factors were often the best predictor of sentence length, the study incorporated prior victim (0=no prior victim; 1= at least one prior victim) and physical injury (0=no physical injury; 1= prior injury) of victim/physical evidence of sexual assault in the model. While prior research has established that additional legal factors, such as offense type and sentencing guidelines, should be included, the dataset lacked information on these items. Therefore, the study could not include them in analyses.

Interactions

The study incorporated the cross-product terms using victim vulnerability and prior victim, and victim vulnerability and physical injury/evidence. These variables were not centered because they were dichotomous.

Analytical Techniques

Descriptive statistics for all variables in the model are presented in Table 1. The majority of the sexual assault victims were white vulnerable females. On average, perpetrators were Caucasian adult males who were sentenced to 27.69 years of prison, which is very similar to the length of sentence among serious offenders in Pennsylvania (Ulmer & Bradley, 2006). A minority of cases involved physical injury/evidence of sexual assault.

Table 1. Descriptive Statistics: Victim race, gender, vulnerability, perpetrator's gender, race and adult status, and length of sentence among sexual assault perpetrators in a Midwestern City, 1996-2005 (N=228)

| | Mean (%) | SD |
|---------------------------|----------|-------|
| Victim Variables | | |
| Caucasian | (75%) | --- |
| Female | (93%) | --- |
| Vulnerable | (58%) | --- |
| Perpetrator Variables | | |
| Female | (2%) | --- |
| White | (58%) | --- |
| Adult | (82%) | --- |
| Legal Variables | | |
| Number of Victims | 1.25 | .63 |
| Physical Injury/Evidence | (28%) | --- |
| Dependent Variable | | |
| Length of Sentence | 27.69 | 49.76 |
| Logged Length of Sentence | 2.48 | 1.23 |

The hypotheses required us to examine the effects of the victim's race, gender, and vulnerability, and the effects of the perpetrator's adult status, gender, and race on logged length of sentence of sexual assault perpetrators. The analysis relied on multiple linear regression analysis without correction for sample selection bias. The researchers opted out of using Heckman's approach to correct for model bias following the logic asserted by Ulmer and Bradley (2006). Only about 15% of the perpetrators in this dataset did not receive an incarcerative sentence. Thus, the study assumed that the potential selection bias was not severe, and it was uncorrected. Model 1 estimated the main effects. The researchers expected to find support for the Victim Vulnerability perspective: that victim vulnerability reduced the length of sentence for the perpetrator while controlling the effect of other predictors in the model. If victim vulnerability increased length of sentence, then one would have interpreted this as support for the alternative hypothesis from the Chivalrous/Paternalistic perspective. In Model 2, the full model, the study incorporated control variables, victim gender, victim vulnerability and perpetrator characteristics, two legal factors, and two interaction terms to explore further the role of victim vulnerability on sentence length.

Results

Bivariate correlations between the logged length of sentence and the independent variables are reported in Table 2. The strongest correlate of logged length of perpetrator sentence was prior victims the perpetrator has had ($r = .534$),

followed by adult perpetrator ($r = -.265$), and physical injury/evidence of sexual assault ($r = .185$). These results suggested that some perpetrator characteristics and some legal factors played a role in length of sentence of sexual assault perpetrators. The small correlation between logged length of sentence and victim vulnerability lent some support to the Paternalistic/Chivalrous perspective and not to the Victim Vulnerability perspective by highlighting that being a vulnerable victim related positively related to length of sentence.

Table 2. Correlation Matrix of all Variables

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|-----------------------------|--------|--------|---------|---------|---------|---------|--------|--------|------|
| 1. White Victim | 1.00 | | | | | | | | |
| 2. Female Victim | -.108 | 1.00 | | | | | | | |
| 3. Vulnerable Victim | -.026 | -.094 | 1.00 | | | | | | |
| 4. White Perpetrator | .539** | -.125 | .211** | 1.00 | | | | | |
| 5. Female Perpetrator | .084 | -.134* | .089 | .136* | 1.00 | | | | |
| 6. Adult Perpetrator | .029 | .192** | .088 | -.065 | .032 | 1.00 | | | |
| 7. Number of Prior Victims | .057 | -.076 | -.155** | -.079** | -.058** | -.422** | 1.00 | | |
| 8. Physical Injury/Evidence | -.133* | .065 | -.270** | -.277 | .108 | -.011 | .116 | 1.00 | |
| 9. Logged Sentence Length | -.076 | -.065 | .022 | -.088 | -.010 | -.265** | .534** | .185** | 1.00 |

* Correlation is significant at the .05 level

** Correlation is significant at the .01 level

Mean values for the length of sentence and logged sentence length for each category of the independent variables are presented in Table 3. The results of the t-test analysis mirrored the patterns shown by the correlational analysis presented in Table 2. Although the arithmetic means of length of sentence are in Table 3, the discussion focused on the geometric means obtained by using the logged sentence length. Counter to the expectation, the mean logged length of sentence was lower for adult perpetrators than juvenile perpetrators and higher for perpetrators with more than one prior victim and in cases where there was injury/physical evidence of sexual assault. There was no significant difference between logged sentence length among perpetrators against vulnerable victims and perpetrators against non-vulnerable victims, or among white perpetrators compared to perpetrators of other races. There was no difference in logged length of sentence based upon sex or race of victim.

Table 3. Length of Sentence and Logged Length of Sentence of Sexual Assault Perpetrators by Victim Race, Victim Gender, Victim Vulnerability, Adult Perpetrator, Gender of Perpetrator, Race of Perpetrator, Number of Victims, Physical Injury/Evidence of Sexual Assault: Mean Values

| Independent Variables | Categories | Arithmetic Mean of Sentence Length | Geometric Mean of Logged Sentence Length | <i>n</i> |
|--------------------------|----------------------|------------------------------------|--|----------|
| Victim Race | Caucasian | 27.85 | 2.43 | 173 |
| | Other | 27.20 | 2.65 | 55 |
| Victim Gender | Female | 27.06 | 2.47 | 220 |
| | Male | 45.13 | 2.90 | 8 |
| Victim Vulnerability | Vulnerable | 20.78* | 2.51 | 115 |
| | Not Vulnerable | 34.73 | 2.45 | 113 |
| Perpetrator Race | Caucasian | 21.97 | 2.38 | 125 |
| | Other | 34.64 | 2.60 | 103 |
| Perpetrator Gender | Female | 11.60 | 2.40 | 5 |
| | Male | 28.05 | 2.48 | 223 |
| Adult Perpetrator | Adult | 24.83 | 2.41** | 218 |
| | Juvenile | 90.10 | 4.00 | 10 |
| Prior Victim | 1 Victim | 17.22*** | 2.22*** | 192 |
| | 2 or more Victims | 38.29 | 3.32 | 21 |
| Physical Injury/Evidence | Injuries/Evidence | 45.35** | 2.85** | 63 |
| | No Injuries/Evidence | 20.95 | 2.34 | 165 |

*** $p < .001$, ** $p < .01$, * $p < .05$

The regression analysis determined the separate effect of each independent variable (see Table 4). The lack of significant impact of gender was in agreement with prior research by Myers and LaFree (1982) in which they found that victim attributes did not affect the sentencing of the perpetrator. By calculating the antilog of b, the net result was that perpetrators who sexually assaulted vulnerable victims received a 43% longer sentence on average compared to perpetrators who sexually assaulted non-vulnerable victims, lending support to the Chivalrous/Paternalistic perspective and not the Victim Vulnerability perspective. Interestingly, the research found that at the most basic level, the criminal justice system was extremely harsh on sex offenders who abused vulnerable victims. Sexual abuse cases that involved vulnerable victims may be hard to prosecute, but once they were prosecuted (which all offenders in the sample are) judges were not lenient. An elaboration on this finding is in the discussion section. In addition, having at least 1 prior victim increased length of sentence 172% and evidence of physical injury increased sentence length by 52%. Legal factors had the most influence in the main effects model. When the research model considered victim characteristics and perpetrator characteristics simultaneously, the findings indicated that victim vulnerability still had a significant effect on length of perpetrator sentence.

Table 4. Multiple Regression Analysis of Logged Sentence Length on Demographic Control Variables, Victim Vulnerability and Perpetrator Variables, Legal Factors, and Interaction Terms b, (antilog of b).

| Variable | Model 1 | Model 2 |
|-----------------------------------|---------------------|---------------------|
| Caucasian Victim | -.224 (.780) | -.306 (1.358) |
| Female Victim | -.140 (.869) | -.044 (.957) |
| Vulnerable Victim | .360** (1.433) | 1.133*** (3.105) |
| White Perpetrator | -.015 (.985) | .033 (1.034) |
| Female Perpetrator | -.031 (.969) | -.017 (.983) |
| Adult Perpetrator | -.305 (.737) | -.228 (.796) |
| Number of Victims | 1.003*** (2.727) | 1.172*** (3.228) |
| Physical Injury/Evidence | .422* (1.525) | .463* (1.589) |
| Vulnerability X Number of Victims | | -.618** (.539) |
| Vulnerability X Physical Injury | | -.207 (.813) |
| Constant | 1.540 | 1.171 |
| R ² | .331 | .350 |

*** $p < .001$, ** $p < .01$, * $p < .05$

Table 4, Model 2, incorporated the interaction terms to test the opposing theories. In an analysis not shown, the analysis added only the vulnerability X prior victim to the main effects model and noted that the significant F test ($F = 12.968$, $p < .001$) indicated the interaction term significantly improved the fit to the data. The significant negative term for vulnerability X prior victim indicated that victim vulnerability decreased the positive effect of prior victims on length of sentence among perpetrators. The effect of victim vulnerability on length of sentence was different due to prior victims. The effect of victim vulnerability on length of sentence was $1.133 - .618 \times \text{prior victim}$. Among perpetrators with no prior victims, the effect of victim vulnerability added 1.13 to logged length of sentence. Among cases with at least 1 prior victim, the difference in logged length of sentence for vulnerable victims was $1.133 - .618(1)$ or $.515$. The average sentence for perpetrators with vulnerable victims but no prior victims was $\exp(1.133) = 3.10$, controlling for other predictors in the model. The average sentence for perpetrators with vulnerable victims and at least one prior victim was $\exp(.515) = 1.674$, net of other predictors. For perpetrators with no prior victims the impact of victim vulnerability was huge, but it became less important when perpetrators had a prior victim. If due to having a prior victim, the perpetrators received a lengthy sentence, victim vulnerability did not lengthen sentence as much as in cases without prior victims. Thus, the results supported the patriarchal perspective when the perpetrator had no prior victim. Results also supported the vulnerability perspective. The extent to which judges responded in a protective manner among vulnerable sexual assault victim cases was constrained when there was at least one prior victim. The length of sentence of perpetrators of vulnerable victims did not differ based upon the presence or absence of physical

injury/evidence. Regardless of the vulnerability of the victim, physical injury/evidence was an important factor in sentence length.

Discussion

As this research showed, victim vulnerability yielded insight into the length of perpetrator sentence, and victim vulnerability increased the length of sentence for perpetrators. The idea of including victim and perpetrator characteristics in the prediction of sentencing, while perhaps not completely novel in sentencing models, has proven to be very insightful in sentencing sexual assault perpetrators. Thus, future research on sentence length of sexual assault perpetrators and other criminals should consider the characteristics of both the sexual assault victims and perpetrators. It is important to note that, while no perpetrator characteristic played an important role in sentencing, victim vulnerability did. Such findings are important to applied practitioners; including prosecutors, crime victim advocates, and other officials involved in the prosecution of sexual assault cases. Special consideration of cases involving vulnerable victims is becoming more common in metropolitan areas. This research highlights the continued need for such special consideration in cases involving vulnerable victims and additional support needed by vulnerable victims so that justice may be better served.

Overall, the findings underscored the complex nature of sentencing in the criminal justice system. The main effects model supported the Chivalrous/Paternalistic perspective: a vulnerable victim increased sentence length for the perpetrator. This research supported the assumption that victim vulnerability is influential in the criminal legal system in sexual assault cases. However, the interaction model highlighted the complexity of the sentencing decision: victim vulnerability decreased the positive effect of number of prior victims on sentence length. This lent support to the Victim Vulnerability perspective by suggesting that victim characteristics—in this case, Victim Vulnerability—interact with legal factors—in this case, number of prior victims—to reduce sentence length. It is important to note that victim vulnerability may take many forms. Victims could be vulnerable if they are in the same household as the offender, are much younger than the offender is (age of victim in relation to age of offender), are attacked while unconscious, or are taken by surprise as in "real rapes" (Estrich, 1979). The dataset does not permit inclusion of all possible ways a victim may be vulnerable, so the net result may have underestimated the effect of victim vulnerability on sentence length. Prior research has demonstrated that perpetrator characteristics interact with legal factors, but perpetrator characteristics, even when interrelated with legal factors, do not fully explain sentence length. The key finding was that victim characteristics influenced sentencing outcomes and the use of interaction terms was essential in expanding overall understanding of sentencing outcomes.

Although the results showed that victim vulnerability was positively associated with sentence length, this relationship may have been due to limitations of the study. The smaller sample size could have skewed the results. Another limitation to this study was that the dataset was comprised of sexual assault victims who used services from a sexual assault treatment center, which differs from an emergency room. For example, sexual assault treatment centers employ Sexual Assault Nurse Examiners (SANEs) who were highly trained in forensic evidence collection in sexual assault investigations, and generally, the centers work closely with law enforcement and prosecution. Thus, the sentences catalogued in this sample may not be representative of sexual assault cases overall. In addition, in order to receive an exam at the center, the sexual assault victim had to agree to file a police report, which could have resulted in sample selection bias related to sentencing outcomes in that prior research has demonstrated that some victims chose not to cooperate with the prosecution of alleged perpetrators (Davis, 1983). Sexual assault treatment centers are not located in all municipalities, so these results may be limited to the sampled Midwest region or to areas in which sexual assault treatment centers are available. Finally, the dataset did not have information on offense type, and thus, the study was unable to incorporate offense type into the predictive model.

Although the research found support for both the Victim Vulnerability and the Chivalrous/Paternalistic perspectives, future research should include more perpetrator characteristics and additional legal factors related to sentence length, such as offense type. Inclusion of additional legal variables may support the Chivalrous/Paternalistic perspective or it may clarify how victim vulnerability influences sentencing outcomes. Future research should include person-centered analyses of cases in which perpetrators who sexually assaulted vulnerable victims received lengthy sentences. The right combination of legal and extralegal factors such as victim vulnerability, will clarify the significance of the Victim Vulnerability perspective and/or Chivalrous/Paternalistic perspective. For example, it may be that when a victim is vulnerable and additional strong evidence is available for prosecution, the criminal justice system provides very lengthy sentences to sexual assault perpetrators. The combination of these legal and extralegal factors may occur infrequently, resulting in an apparent lack of support for either the Victim Vulnerability or the Chivalrous/Paternalistic perspective. Additionally, testing these hypotheses using a dataset other than one from a sexual assault treatment center or having to do with sexual assault may yield findings that differ from the current study's findings.

Overall, support for both the Victim Vulnerability and Chivalrous/Paternalistic perspectives may cause disagreement among scholars. Because the finding is so contrary to laypeople's and professionals' understanding and impression of the criminal justice system that it may cause some people to reassess the assumption that the criminal justice system responds in a highly protective manner to society's more vulnerable members. In addition, there is some anticipation that this study, while intriguing, will encourage criminologists to incorporate victim characteristics in models predicting sentencing outcomes, opening a new path toward understanding the sentencing process by further exploring the conditioning effect of victim vulnerability and other victim characteristics on legal factors. This study did not examine the incarceration decision, but prior research has established that in the incarceration decision, extralegal variables have the most influence on sentencing outcomes. Future research on the jail/no jail decision should incorporate more victim characteristics such as those used in this research and establish interaction of those characteristics with legal factors, as the role of victim vulnerability may be more apparent in this stage of the sentencing process.

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