



HHS Public Access

Author manuscript

J Trauma Dissociation. Author manuscript; available in PMC 2020 May 01.

Published in final edited form as:

J Trauma Dissociation. 2019 ; 20(3): 263–287. doi:10.1080/15299732.2019.1592643.

Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences

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Abstract

Following sexual assault, survivors may turn to the civil or criminal justice systems in pursuit of some form of legal justice. Informal support providers (SPs) often play a large role in survivor's post-assault experiences and recovery, including providing support during survivors' decision to pursue legal justice and in navigating the system. Yet, this has not been thoroughly examined in research, particularly through a dyadic lens. Using qualitative dyadic results from 45 survivor-SP matched pairs (i.e., friend, family, or significant other), the current study addresses this gap by looking broadly at survivors' post-assault experiences with the criminal and civil legal systems. Of the 45 pairs in the sample, the current study presents findings from a subsample of 28 survivors and 13 SPs regarding post-assault legal system experiences. Our findings suggest that survivors and SPs consider the perceived strength of their case, perceptions of police, and the possibility of institutional bias when deciding to report the assault to the police. Interviews revealed that reasons for legal system involvement extend beyond pursuance of perpetrator prosecution, such as filing for custody of their children after leaving a domestic violence situation or seeking financial compensation. Many survivors who had interactions with the police and legal system experienced secondary victimization, while a few survivors had positive experiences, despite their expectations. We recommend improved access to survivor advocates and suggest directions for future research stemming from findings.

Keywords

sexual assault; reporting; dyads; interviews; support provider

Sexual assault survivors may turn to the criminal justice system, the civil justice system, or both following assault. Where the criminal justice system would typically involve reporting the assault to the police and participating in the justice process if charges are pursued, survivors may also pursue remedies within the civil legal system such as civil orders of protection, financial assistance, and child custody in events like spousal rape. Survivors rely heavily on informal SP's post-assault, in navigating civil and criminal justice systems, and in interpreting these experiences. However, this has yet to be studied, particularly using a

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qualitative dyadic approach. Following a brief review of relevant literature, the current study presents findings from a survivor-support provider dyadic interview study regarding survivors' post-assault legal experiences (i.e., civil and criminal).

While the criminal justice system can provide an array of services to sexual assault survivors, only 5-20% of survivors report assault to police (Lonsway & Archambault, 2012). Several factors make survivors more likely to report to police: older age, and African American race, and White survivors are more likely to report immediately following an assault (Chen & Ullman, 2014; Fisher et al., 2003). In addition to demographic differences in reporting, stereotypical assaults are more likely to be reported (i.e., stranger perpetrated, violent, non-alcohol related; Heath et al., 2013), as survivors may believe they are unworthy of formal services if their assault does not match rape stereotypes (Patterson, Greeson, & Campbell, 2009). Stereotypes related to rape and rape survivors, such as the belief that women who walk alone at night are 'asking to be raped', are called rape myths (Brownmiller, 1976).

Involvement with the Criminal Legal System

Survivors who pursue a police report and legal involvement may receive legal justice and tangible aid (Ullman & Filipas, 2001). Reporting to police may also concerns survivors may have about their immediate safety, inform them of their rights, and provide service referrals (Campbell, Wasco, Ahrens, Sefl, & Barnes, 2001). Survivors involved in the criminal justice system tend to perceive their experiences differently than victims of other violent crimes and property crimes (Laxminarayan, 2012). Survivors who report to police and involve themselves in the criminal justice system are often met with negative social reactions such as blame, disbelief, or feeling stigmatized (Ullman, 2010) and regard this experience as negative or unhelpful, which is termed "secondary victimization" (Ahrens, Campbell, Ternier-Thames, Wasco, & Self, 2007; Campbell, 1998; Filipas & Ullman, 2001). Secondary victimization refers to insensitive, victim-blaming treatment, and negative victim experiences at various stages of the legal process that often result in greater feelings of trauma (Campbell, 2006). Campbell (2006) reports that community-residing survivors often experience feelings of secondary victimization following interactions with police officers. In addition to potential secondary victimization by legal personnel, survivors who report to the police often fear of reprisal from the perpetrator (Wolitzky-Taylor et al., 2011; Logan, Evans, Stevenson, & Jordan, 2015). Over half of survivors rate their experience with the system as harmful, unsatisfactory, unfair, and in some cases, more harmful than the assault itself (Campbell et al., 2001; Frazier & Haney, 1996; Orth, 2002). Approximately one-third of survivors regard their criminal justice system experience as healing (Campbell, et al., 2001), suggesting that not all survivors have revictimizing experiences (Frazier & Haney, 1996).

Reasons for not seeking legal services post-assault may be justified given many survivors' negative experiences with agents of the system. Qualitative research by Patterson, Greeson, and Campbell (2009) found that survivors are reluctant to seek help from formal systems (such as police) because they believe they would be unable or unwilling to help, contribute to further psychological harm, and fail to protect them from perpetrators. Research has

found police officers interpret victim statements and victim behavior as ‘real’ or ‘false’ and tend to disbelieve survivors who are inconsistent in recounting details or who express feelings of shame or self-blame about some aspects of their behavior (Page, 2008; Venema, 2014). Some survivors state that police discouraged them from reporting (Campbell & Raja, 2005) or were told their case was not serious enough to file a report (Campbell, 2006), perhaps based on officer’s interpretation of the behavior as ‘real’ or ‘false’. Other research suggests the justifications provided by police for not continuing an investigation fall into three categories which stand-in for racial and social hierarchies: circumstantial (related to victim’s demeanor during the report), characterological (related to victim characteristics), and investigatory (related to the level of perceived cooperation of victims) (Shaw, Campbell, & Cain, 2016; Shaw, Campbell, Cain, & Feeney, 2017). The more circumstantial justifications provided by police are, the more characterological and investigatory justifications increase and investigatory actions decrease (Shaw et al., 2016). Many survivors say if they had known what the reporting experience would be like, they would not have pursued police involvement (Logan et al., 2005), illustrating the toll that legal system involvement takes on survivors.

Survivor Interactions with Other Legal System Personnel

Survivors of sexual and interpersonal violence often interact with multiple types of personnel in the criminal and civil justice systems, including prosecutors, judges, and defense attorneys. Survivors might need orders of protection, immigration assistance, child custody decisions, and forms of federally available financial support to recoup medical losses or lost income due to taking time off (Seidman & Vickers, 2004). Personnel have a strong impact on how survivors feel during the process (Campbell, 2006) and the types of help they receive (Price, 2012). One study of civil litigants in Canada found survivors engaged the civil process to feel heard/affirmed and to receive reparations (though most emphasized they were more interested in what the money symbolized rather than fixated on a specific dollar amount) (Des Rosiers, Feldthusen, & Hankivsky, 1998). The same study found that survivors were attuned to social reactions of judges and, similar to research on police and detective responses, found that receiving supportive responses positively impacted their overall experience of the civil legal system. Koss (2006) advocates for more research and policy to focus on civil and/or community-based restorative approaches to sexual assault.

Some feminist scholars suggest the nexus of police officers, prosecutors, attorneys, and judges who serve in the criminal and civil legal systems not only fail to help survivors, but actively cause harm by ignoring abuse and failing to act in serious situations, such as denying orders of protection or enacting mandatory arrest policies (Bumiller, 2008). There is a dearth of research on survivors’ interactions with personnel in the civil legal system with the majority of scholarship focusing on police officers, detectives, and prosecutors. The scope of the legal system is broad and should be widely assessed for its treatment of survivors.

Informal support

Survivors often turn to informal SP's following sexual assault victimization. While many survivors may not disclose immediately, approximately two-thirds eventually disclose to someone (Orchowski, 2010; Ullman & Filipas, 2001). Informal SP's (friends, family, significant others) can play a role in providing support to survivors and facilitating their contact with the legal system, most often through encouragement to report. Survivors who are encouraged by informal SPs to report to police are more likely to do so (Paul, Zinzow, McCauley, Kilpatrick, & Resnick, 2013), highlighting the important influence of informal SPs. SPs can also mitigate some of the negative interactions survivors may have when they participate in the legal process. As such, SPs can play a significant role in survivors' post-assault legal involvement, and subsequent post-assault adjustment. Thus, it is important to examine survivor and SP perspectives, as the latter may have a more complete picture of the survivor's legal experience from being indirectly involved. Survivors and SPs may also have conflicting accounts of the survivor's legal involvement, including the decision to report or pursue civil action, and experiences with personnel. Previous dyadic research on sexual assault survivors and SP's found disagreement between survivors and SP's in their perceptions of the survivor's recovery and the impact of recovery on relationships (e.g., Davis & Brickman, 1996; Lorenz et al., 2017). Thus, a dyadic approach to studying survivors' post-assault legal involvement may provide a more complete picture of these experiences.

Current Study

Past research has examined sexual assault survivors' experiences within the legal system, including the decision to report, interactions with police, prosecutors, and (less frequently) the court. However, these studies focused on survivors' criminal justice involvement aimed at perpetrator prosecution. Given that informal SP's may play a role in survivors' legal system interactions and have their own valuable insights about how survivors are treated within these systems, research is needed incorporating their missing perspectives. Survivors may have matters beyond criminal prosecution that require involvement with either the criminal justice system, the civil justice system, or both, like filing for child custody or pursuing orders of protection after leaving a domestic violence situation. Yet, this also has not been examined, and such decisions may also be influenced by informal SP's and contribute to survivors' overall post-assault adjustment. This qualitative interview study of survivors and their primary informal SP's sought to take a broad look at survivors' post-assault legal system experiences and the role of informal SP's regarding survivors' legal involvement. This is the first study of its kind to interview both survivors and their informal SP's members about their unprompted experiences post-assault with police and legal system personnel and may provide unique insights into what needs to be changed to improve their experiences in the future.

Method

Participants

The sample included adult female sexual assault survivors who disclosed their assault to an informal SP. Survivors had previously participated in an annual 3-year longitudinal survey starting in 2010 (N=1,863) regarding sexual assaults and social reactions they received when disclosing these experiences (for demographic information for the full sample, see Lorenz & Ullman, 2016). Recruitment included weekly advertisements in local newspapers, on Craigslist, and through university mass email. The research team also posted fliers in the community, at Chicago colleges and universities, and at agencies that provide services to the community and/or victims of gender-based violence (e.g., community centers, cultural centers, substance abuse clinics, and domestic violence and rape crisis centers). Women interested in participation called the research office and were screened for eligibility using the following criteria: (a) had an unwanted sexual experience at age of 14 or older, (b) were 18 or older at the time of participation, and (c) had previously told someone about their unwanted sexual experience. Eligible participants were sent the following materials: the survey, an informed consent form, a list of community resources for dealing with victimization, and a stamped return envelope for the completed survey. The final question on the survey gave women the opportunity to participate again. Women who indicated interest in further surveys were contacted via phone and email and sent the Wave 2 survey one year later. The same procedure was repeated for Wave 3. Participants were paid US \$25 at each wave (response rates were 85% Wave 1, 76% from Wave 1 to Wave 2, 56% from Wave 1 to Wave 3). Survivors who completed all three survey waves were invited to participate in an interview regarding disclosure and social support received following the assault. Women were asked to provide the contact information for an informal SP who would also be willing to participate in an interview. Separate interviews with survivors and SPs (N=90) took place over two years, resulting in a sample of N=45 matched pairs of survivor and SP interviews. The present study focuses on the qualitative results from the matched-pair interview sample.

Interview participants were a subset of 45 survivors who had previously participated in the surveys and one SP selected by each interviewed survivor. Interviews were conducted between 2013 and 2015. The average age of survivors participating in interviews was 43. The racial/ethnic composition of the interview sample was diverse: 75% non-White (27% African American, 24% Hispanic, 20% Other Race or Multi-racial), 18% were White, non-Hispanic, and 7% did not report their race/ethnicity. Approximately 60% of survivors had children. About 76% of survivors had attended or graduated from college; 24% were enrolled in school, and 38% were currently employed. Most assaults were perpetrated by a stranger (n=18; 40%) followed by an acquaintance (n=13; 29%), a date or romantic acquaintance (n=10; 23%), husband (n=2; 4%), and relative (n=2; 4%). Fifty-three percent of survivors reported being revictimized at some point between the surveys (n=24) (for more on revictimization in this sample, see Littleton & Ullman, 2013; Relyea & Ullman, 2016; Ullman, Peter-Hagene, & Relyea, 2014).

Forty-five SPs participated in interviews. The average age of SPs was the same as survivors, 43 years old. Two-thirds (64%) of SPs were female, and 64% had children. Approximately

47% of SPs were African American, 24% White, and 26% of SPs were of “other” race (including: Native American, Asian, Pacific Islander, “other”) or Multi-racial. Three SPs did not report their racial identity. Approximately 16% of SPs indicated that they were of Hispanic or Latina/o origin. Most SPs had attended or graduated from college (66%). 60% were currently employed. Half of SPs were friends (n= 23; 51%), 33% (n=15) were family and 16% (n=15) were significant others.

Procedures

Interview participants included adult women from the Chicago metropolitan area who participated in all three waves of a survey regarding experiences of completed or attempted rape, and one of their SPs. Written informed consent was obtained from all research participants after the study procedures were adequately explained to them, in compliance with the university’s Institutional Review Board. We asked survivors interested in interview participation to provide the contact information for a member of the informal support network—a friend, family member, or significant other—that the survivor disclosed to. One of three trained interviewers from the research team conducted semi-structured, in-person interviews. Interviewers provided all participants with a list of referral sources for mental health, advocacy, and substance abuse services, should they need formal support. Survivors and SPs were interviewed separately. Interviews ranged from 30 minutes to 3 hours (average 1 hour). Participants were paid US\$30 for the interview portion of the study. Interviews were audio-recorded, transcribed, and checked by other members of the research team.

Measures

Interviews with survivors and SPs focused on disclosure of the sexual assault, social support provided/received, and appraisals of the relationship. Survivors were asked to tell the story of their assault and post-assault experience, including any disclosures and support received post-assault. Similarly, SPs were asked to tell their story of receiving the survivor’s disclosure, including their reactions and ongoing social support provided to the survivor. The present study focused on survivor’s post-assault experiences with the criminal and civil legal systems. This code fell under the larger code family (i.e. heading) of formal support received by the survivor. The legal code was intended to incorporate the survivor’s interactions with the legal system as a result of the sexual assault. This was not limited to interactions with particular legal players (e.g., police) in seeking legal retribution from the perpetrator, but also included experiences such as fighting for custody of children or filing for divorce. We did not specifically ask about legal system experiences during the interviews but coded for interactions with different aspects of the legal system as they naturally came up in survivors’ stories. Though less frequent, we also coded for legal system experiences as they came up during the SP’s interview (i.e., mention of the survivor’s involvement in the legal system). Thus, data for the present study were derived from unprompted discussion of survivors’ legal system experiences in any capacity related to the sexual assault.

Data Analysis

During transcription, brief summaries and potential patterns were added. Following transcription, the interviewers conducted a final review of their transcripts then interviewers and other team members met to discuss emerging themes and patterns, which were then

summarized to identify specific patterns and themes. This process was later used to develop a coding scheme, similar to that of thematic analysis (Braun & Clarke, 2006). The process to develop a codebook covering individual interviews and themes reflected in the match pair relationships involved multiple trials of coding and refinement in consultation with the interview guide and quantitative survey. Coding trials resulted in several revisions of the codebook whereby codes were added, renamed, redefined, and/or combined. The result was a codebook that included over 100 descriptive codes that were used to summarize the primary topic of excerpts within each interview. (Saldana, 2012).

Coding and analysis took place in Atlas.ti Version 7 qualitative analysis software. We identified and assigned codes to excerpts of interview text (termed “focused” coding; Charmaz, 2006) that best represented what was happening in the lines of text. We coded the data separately and compared our interpretations on an ongoing basis to achieve consensus (Eisikovits & Koren, 2010). This process took place in several stages. First, pairs of coders separately coded each interview matched pair using the codebook. Second, one coder in the pair then reviewed both coded transcripts to identify any inconsistencies in assigned codes. Third, disagreements were discussed by coders until reaching a joint consensed version by both parties (i.e., both parties are in agreement in the application of codes to sections of interview text; Patton, 2002). In cases where agreement was not obtained, double coding (i.e., simultaneous coding where two codes are applied to the same section of text; Saldana, 2012) was used as a compromise between the two codes. Fourth, the coded transcript was reviewed by the original interviewer for agreement with assigned codes. The coders discussed any disagreements and corrected coded transcripts, until reaching consensus. We created memos within the transcripts during the coding process to highlight relationships or inconsistencies within and between the survivor and SP interviews, or to capture unanticipated themes in the data (Charmaz, 2006).

Analysis involved an iterative process that took place in several stages after coding was completed. Interviews were analyzed at both the individual level and at the level of matched pairs (i.e., dyadic). First, we ran queries in Atlas.ti software to identify the number of times each interviewee endorsed a specific code related to any contact with the legal system. Second, we individually reviewed the interview excerpts within the code output related to legal system experiences in search of patterns and noteworthy findings, a process similar to thematic analysis (Braun & Clarke, 2006). Third, the full research team reviewed the identified themes and patterns. We identified patterns within the legal experiences code, which are presented below.

Results

Of the 45 matched pairs in the sample, 28 survivors (62%) and 13 (28%) SPs mentioned post-assault experiences with at least one aspect of the criminal or civil systems. In 12 matched pairs, both the survivor and SP mention these systems. Twenty-eight (62%) survivors discussed interactions with the police following the sexual assault, including their decision to report, reluctance to report and (dis)encouragement from SPs. This section presents survivors’ experiences in the criminal and civil systems, from both survivor and SP

interviews. We use the following abbreviations for clarity referring to relationship type: SO = Significant Other, F = Family, FR = Friend.

Reluctance to Report to the Police

Five survivors spoke about their decision *not* to report to police. One survivor and SP discussed how the survivor wanted to report, but—like many survivors—was afraid of reprisal from the perpetrator:

“She was scared to go to the police.” –SP (SO, M, 49, AA)¹

“I got a description of the car and that’s when he said if you tell anybody or anything I’m gonna kill you. I didn’t report it to the police. Again, told my mom and I got very careful about being out late at night.” –S (SO, F, 54, AA)

Rather than reporting to police, the survivor in the above quote decided to change her own behaviors to avoid assault in the future due to her fear of the perpetrator causing her further harm. Four survivors discussed not reporting to the police because they felt they were to blame for the assault, exemplified by two quotes from two different survivors:

“If I’d felt like I wasn’t to blame then I probably would’ve turned these guys in, but somehow in some way even logically I can say it’s not my fault inside and I always felt like somehow it was my fault.” –S (F, F, 38, AA)

“So that was just one of the experiences. I had ended up in the hospital and the police were involved. But in the other ones [sexual assaults], I never really reported them. You feel, especially if you were on drugs it was your fault. You don’t have any business out there anyway so just deal with it.” –S (F, F, 50, AA)

These survivors did not report to police because of internalized blame about their actions before the incident due to the internalized rape myth that women who engage in risky behavior such as drug use or who go with someone who later assaults them are to blame for their assault. Survivors also know many police officers share this belief, and do not report to avoid being further blamed for their assault.

Another survivor did not entertain the idea of reporting to the police due to her negative attitudes toward police:

“These people are some animals out here. The police are no better. They’re some fucking rapists too. Police are no better. I don’t trust them either. I really don’t trust them.” –S (F, F, 49, AA)

The opinion of this survivor was, in part, shaped by an experience she had several years prior to the interview where she tried to report a different sexual assault (than the most recent experience that was the focus of the interview). As she explained, the police were unwilling to help, and the negative response she was met with was revictimizing and led her to ultimately attempt suicide. From her original negative police interaction, she was

¹Refers to demographic characteristics (S/SP Relationship, Gender, Age, Race/Ethnicity). SO = Significant Other, F = Family, FR = Friend; M = Male, F = Female; AA = African American, WH = White, N = Native American, H = Hispanic, Multi = Multi-Race, U = Unknown.

unwilling to report to police in the future and had an overall lack of trust. Just as many survivors know police have beliefs and attitudes grounded in rape myths, they also know many police engage in violence. This lack of trust erodes the likelihood that people in a community will report crime.

One survivor explained in her interview that she did not report because she felt that the police would be unable to do anything due to lack of evidence. The survivor discussed knowing that she needed physical evidence to go to the police because she tried to file a report for previous unwanted sexual experiences and was told by the responding officer that nothing would be done without evidence. This shows that survivors do consider the possible strength of their case when deciding to report, and also that survivors consider previous reporting experiences in deciding to report. As the SP explained, the survivor grappled with wanting to report for altruistic reasons, but ultimately decided against it:

“Sometimes if you go to the police, even if it doesn’t end up with a conviction, you know, in your mind that might be ok, I did something on my own behalf and for other people. I know it might be my word against their word so not going to bother to go to the police” –SP (F, F, 62, AA)

The Role of Informal Support in Reporting

Seven survivors received encouragement from informal SPs to report to police, which was described in both survivor and SP interviews. Three quotes below, from participants from three different matched pairs, exemplify dialogue between survivors and SPs that led to their reporting:

“My husband said, ‘you have to go report it [the assault].’” –S (SO, F, 54, WH)

“I mean, I asked questions like ‘well why didn’t you just call the police?’” –SP (FR, M, 26, Multi)

“Do you mind me calling the police? Cause right now this needs to be taken care of because that’s not right what he did. Do you mind me calling the police? We need to call the police right now.’ So, I feel comfortable [calling the police] and she said yeah. I explained to her, you know, it’s going to be hard but it needs to be reported.” –SP (FR, F, U, U)

This demonstrates the link between informal SPs, where disclosing to close friends, family, and partners can have a large impact on future disclosure to formal support sources like police.

One survivor discussed her reluctance to report because of her history as a sex worker. She felt that police would be unwilling to help her because of her history and the identity of the perpetrator. This is an example of how survivors may face multiple barriers to reporting—stigmatized identity and rape myths about what is considered ‘real’ rape based on the relationship to the perpetrator. However, her informal SP’s convinced her to report:

“So they finally convinced me to go to the police station and the reason I did not want to go is because I’m going in there and I’m an ex-hooker and I’m talking

about the father of my child, so I didn't want to be judged you know." –S (FR, F, 51, AA)

Whereas survivors who were encouraged by informal SP's tended to ultimately report, one SP discussed the survivor's decision to not report, despite his willingness to support her during the reporting process:

"I remember at the time, asking her if you want to go to the police, because you can. And she didn't want to. She didn't initially, and she didn't change her mind. She felt that it was over, and she didn't expect a reoccurrence of that. [...] I tried to tell her 'will you think about it?' and 'if you need to, I'll take you when you go?' but she decided it was not worth it. And I can't say she was wrong because who can? We can give all the advice we want, but what about the person who has to go through it?" –SP (SO, M, 55, WH)

Three survivors were encouraged *not* to report by informal SP's.

"I told someone about it because I was gonna call the police, but then they was like no, don't call the police." –S (F, F, 44, AA)

"I had to get up and go in the bathroom to talk to her and calm her down. 'you should call the police', 'well I don't know his name' I don't know this, I don't know that, and I said 'you don't even know his name?' [...] do you feel like you want to go to the police station? Do you have any proof? If you don't then maybe you ought to leave it alone. If you can't prove it then what's the point because I know the police, I know how they are, I know how they react. What they gonna do in (survivor)'s case? You brought this guy home, you don't even know his name. Why would you do that? Police are gonna say are you trying to turn a trick or something? Police are really gonna get down to the nitty gritty, so why put yourself through that?" –SP (FR, F, 66, Multi)

After speaking with the survivor, the SP in the above quote encouraged the survivor not to report to the police. As she explained in her interview, she originally wanted the survivor to report but then she realized the survivor did not have any evidence. The supporter also felt the survivor did not have a compelling story because she brought the perpetrator home to her apartment where she was then assaulted. Whereas this would typically be interpreted as victim-blaming in the literature, the SP framed this more as wanting to protect the survivor from the skepticism she would face by the police. This shows that SPs use their knowledge about reporting to police when advising survivors. One supporter talked about specifically not encouraging the survivor to report because of the emotional risk involved in reporting:

"And that's especially I think important, like not to try and pressure someone to go to the police, cause that takes a lot of emotional fortitude to deal with." –SP (FR, F, 26, WH)

Other survivors had less flexibility in their decision to report. In some cases, informal sources forced the survivor's hand in contacting the police. One survivor was ultimately glad she was pushed to contact the police because it resulted in the perpetrator's conviction, and legal justice for the survivor:

“The only reason I ended up getting away from him is because I finally told somebody about it. I told a friend and he forced me to call the police, he said if I didn’t he was going to and he [the offender] eventually got arrested and was charged with attempted first-degree murder, 12 counts of different sexual abuse. The friend I initially told about it who got me to call the police because obviously I was too stupid to have done it already.” –S (FR, F, 26, Multi)

The survivor in the above quote spoke about how it did not occur to her to contact the police at the time her ongoing domestic abuse was occurring. However, another survivor was upset by the SP’s decision to contact the police without the survivor’s consent. The SP explained:

“I called the police, and my cousin [the survivor] said I was wrong for callin’ the police.” – SP (F, F, U, U)

The survivor in this situation ended up having an unhelpful interaction with the police. However, the SP was there to defend her against the harmful statements made by the police.

Feeling Regret for Not Reporting to the Police

Two survivors in this sample reflected on the support they received, and discussed wishing someone had pushed them to contact the police, as exemplified in the following quote:

“Looking back on this, I really wish (SP) would have encouraged me to reach out to the police. If it were my experience again, I would have tried to convict B (perpetrator) because I think that people need to be convicted for this. [...] so if I could talk to the old me, I would have encouraged (SP) to try to get me to convict him, like get a rape kit done and the whole thing.” –S (FR, F, 25, WH)

It is somewhat surprising that these two survivors wanted someone to push them to report, as this is traditionally regarded as negative in the social support literature, as it takes away from survivors’ control in the aftermath of assault.

One survivor reflected on her story and regretted her decision not to report:

“I should have called the police.” –S (FR, F, 56, AA)

There is wide variation among survivors regarding the decision to report to police or not. This is influenced by their own perceptions of the assault (their own actions and perpetrator’s identity), their views on the police (locally and generally) and the support they received from informal SPs.

Experiences with Reporting to the Police

Several survivors reported to police and discussed their experiences doing so. For the most part, survivors discussed negative experiences during the reporting process. One matched pair discussed the survivor’s interactions with police:

“When I tried to press charges against the boys [perpetrators], they [the police] were like, ‘well, there’s no evidence, so there’s nothing you can do about it.’ So that’s when I eventually tried to kill myself and ended up in the hospital. I went to therapy. I felt like it didn’t help because I felt like I was the only person that was in there that had been through this.” –S (F, F, 22, AA)

“There wasn’t too much that I could do other than trying to get the police to do something about it. They claimed that they talked to the people, that they investigated, but like I said, they couldn’t do anything about it. She [survivor] was very angry...on two levels, the fact that it happened and the fact that they aren’t going to get any type of punishment.” – SP (F, F, 62, AA)

In this situation, the survivor tried to report two different assaults to the police and did not have a positive outcome in either case. The survivor and SP viewed the survivor’s interactions with law enforcement similarly. While the SP did not explicitly mention the survivor’s suicide attempt, the SP seemed to understand the institutional betrayal felt by the survivor. Institutional betrayal refers to the psychological and sometimes physical harm that comes to survivors when institutions such as the criminal justice system do not adequately address their safety and justice concerns (Smith & Freyd, 2014). Interestingly, the survivor later discussed how she would advise another survivor to report to the police despite her two unhelpful experiences.

One survivor discussed a negative experience she had when speaking with an officer about the assault. The reaction she received from the officer made her not want to file a report, but she expressed regret for not pursuing the report:

“Well I did go to one police officer on campus who was the only female police officer, and it was like, I wasn’t reporting to the college. I was just having a conversation with her. She was like ‘oh well, why would you let him make you drink?’ ‘Okay, I’m going to leave now, I don’t want to talk to you’. So, it was already based so much on blaming the survivor and all that when there’s not any alcohol involved and it’s an easy way to take away that, but it’s hard enough to tell the story.”–S (SO, M, 26, WH)

The above quote exemplifies the impact of police behavior on survivor cooperation. In this case, the survivor wanted to report and pursue legal justice, but this was not met with a supportive response from police. Two SPs discussed the negative experiences survivors had when reporting, and their reactions to this treatment:

“The police came, and their response was kind of like ‘we can either take you to the hospital or we can arrest him but we can’t do both.’ And there were other times when they were dismissive and certainly not assisting her. Which I can only describe as what they assess is the people in the building and that they felt these people deserved less police attention than other people do, which irks me. But I guess (survivor) probably learned through the course of that and other interactions with the police that she could not expect them to do much and protect her interests.” –SP (SO, M, 55, WH)

“The policemen told her that because it happened a week ago, it wasn’t enough evidence. I told them ‘well how do these white girls come on TV and say that when they was five years old and here they are fifty-four now and their father raped them, y’all sendin’ their father to jail?’ Well she said the policeman’s told her that’s cause it was consensual. And I told them ‘how could a thirteen-year-old give consent to have sex with a thirty-eight-year-old? It’s just the justice system.’” –SP (F, F, U, U)

In the above two quotes, the SPs discussed their reactions to the poor treatment survivors received when reporting to the police. In the former, the survivor reported an ongoing domestic violence issue. In the latter, the survivor reported a child sexual assault incident. Both SPs commented on the lack of response survivors received due to racist and classist biases of police officers. The SP in the first quote discussed how the survivor learned from this experience that police will not serve or protect her, and thus needs to take matters into her own hands moving forward. In the second, the SP accounted for the lack of response as a feature of a racially biased legal system. Together, both quotes illustrate the discriminatory responses police can provide and how SP's can show empathy and support by sharing the survivor's frustrations with the system. Conversely, one survivor—a former sex worker—was reluctant to report because she felt she would be mistreated due to her stigmatized social status, so was surprised by the supportive response she received when reporting:

“This police station...the lady was so nice that took down what happened to me. The officer. [...] she said, ‘I don’t care what you did, I don’t care if you did it yesterday’ she said ‘that still don’t mean that should happen to you’ [...] They ended up finding him and brought him to court.” –S (FR, F, 51, AA)

Survivors in our study mostly had negative experiences with police. As our results demonstrate in this section, survivors are often accurate in their assumptions about police response being biased and unhelpful. However, there are instances where police defy expectations. Survivors cannot count on a consistent response from police, so they err on the side of caution. This creates a large disincentive to report sexual assault.

Experiences with Prosecutors and Judges

Survivors interacted with multiple players in the justice system in addition to police. At every stage in the process, reactions from personnel colored the survivor's experiences. Survivors may also be court-involved for other reasons that intersect with the sexual assault. Seven survivors discussed interactions within the criminal and/or civil court systems because of the sexual assault. One survivor spoke about positive interaction she had with the prosecutor when pursuing criminal charges against the perpetrator:

“They brought him into court. I didn’t have to see him because I was sitting in the back room. But I did have to come to court to sign off on the papers and that prosecutor lady was so nice. She was so pissed that he did that to me.” –S (FR, F, 51, AA)

Another survivor talked about her interactions with a judge when she was pursuing an order of protection against the perpetrator. As shown in the quote below, the survivor expressed her safety concerns to the judge, which he did not deem credible.

“Then, after everything was said and done, the last time I went to court back in April, the judge did not give me an order of protection. He wouldn’t give me an order of protection, cuz he felt like I wasn’t in any harm. But I told the judge that I don’t trust him. [...] so that bothers me...my attorney is still trying to get that turned over.” –S (FR, F, 56, AA)

Because the judge was unwilling to grant the order of protection, the survivor continued to put time and resources into pursuing it. This illustrates the ongoing costs of victimization when trying to secure legal system protection. Another survivor discussed the lack of protections she felt by the system. In this situation, the survivor discussed revictimizing behaviors by the judge presiding over her criminal case, including both victim-blaming treatment she received, and the light sentence given to the perpetrator. The lack of action by the judge and victim-blaming statements resulted in the survivor's anger toward the judge:

“Another problem was the fact that they was men and a lot of times men are like you musta deserved it, you musta did somethin’ because that’s pretty much what the judge told me. [...] I was a virgin and he’s pretty much gonna say ‘oh I’m quite sure you weren’t a virgin at 15.’ So, they like...and besides he was your cousin. They just gave him probation; they didn’t do nothing to him. That left me pretty upset. I was really mad at the judge and system, more than I was at my cousin. I was mad at him, don’t get me wrong, but I was like really mad with this judge.” –S (FR, F, 51, AA)

Where this survivor noted the male gender of the individuals she felt blamed her, another survivor spoke about the intimidation she felt by White males (presumably police and prosecutors) during the criminal legal process. This example highlights the disparate composition of the criminal justice system and the people who are served in a community. Representation matters to survivors and affects people's experiences and outcomes.

“We had to go to court one day and when we went, they told her [SP] she had to leave me in a room with these five old white men. And they were asking me questions but I was terrified, so I ran out.” –S (F, F, 46, AA)

One survivor discussed going through the criminal legal process, which did not result in prosecution of the perpetrator. However, the perpetrator was later convicted of another crime. The survivor explained still feeling that she received justice because he was convicted on something, even though it was not the crime he committed against her.

“We didn’t get any convictions unfortunately. He was never prosecuted, but he did go to jail for armed robbery, so I felt like justice was served for me personally.” –S (F, F, 46, H)

This suggests that justice does not look the same for all survivors. Where one survivor was satisfied with any conviction, other survivors wanted financial aid or legal protections from their perpetrators.

Another survivor involved herself in the civil system after her sexual assault to apply for social security benefits. This survivor feared retribution from the perpetrator and wanted financial assistance to help her move forward. In this case, the judge decided her claim was legitimate enough to receive a settlement following the assault.

“I kept on working but applied for social security disability because of my fears. I did receive a one-time settlement from the social security judge. He said ‘I believe you can overcome this situation’ because I had explained all my feelings to him and what I was afraid of, and then he said, ‘I’m pretty sure you can get over this

situation in a period of time.’ So they offered me a one-time settlement. I think it helped me because I had the money then to make changes I wanted to make in my life.” –S (F, F, 54, H)

For the survivor in the above quote, the assistance provided by the civil system appeared to help her move forward after the assault. Similarly, two survivors had ongoing interactions with the civil system to resolve child custody issues. These survivors struggled with substance use and mental health issues post-assault, which led them to engage in behavior that risked losing custody of their children. Both women made ongoing court appearances to win custody of their children. Although they represent a small group in our sample, these survivors exemplify that civil system involvement in the aftermath of sexual assault can occur for reasons indirectly related to the assault.

Together, the legal system experiences of the women in this section in the aftermath of assault suggest that survivors are looking for different outcomes when they get involved in the legal system and may seek legal resolution for a multitude of reasons. The legal process can be both helpful and hurtful, as illustrated in the quotes and stories from these interviews.

Discussion

Prior research has focused almost exclusively on survivors’ interactions with personnel in the criminal justice system and their stereotypical beliefs about sexual assault (Campbell, 2006; Logan, Evans, Stevenson, & Jordan, 2005; Shaw et al., 2016). Less research has examined survivors’ experiences with the civil legal system, though scholars advocate using more civil remedies for survivors (Des Rosiers et al., 1998; Seidman & Vickers, 2004). This study aimed to fill the gap in the literature with qualitative interview data from survivors and their informal supporters following sexual assault. We also wanted to understand how informal SP’s understood, assisted, or blocked survivors’ experiences with the civil and legal justice systems. Several themes emerged from qualitative analysis.

A handful of survivors were reluctant to report because they felt they were responsible for the assault, consistent with other research showing that self-blame is a common reason for not reporting sexual assault (Orchowski, Untied, & Gidycz, 2013). Police are also prone to express blaming attitudes toward sexual assault survivors (Campbell & Raja, 2005). Access to survivor advocates who can counter blaming messages with affirming ones may help mitigate the extent to which survivors blame themselves and help counter any victim-blaming from police (Campbell, 2006). Although we do not know yet if this would mitigate these effects, research on social reactions to sexual assault in general shows negative reactions predict worse symptoms, regardless of whether positive reactions are received as well (Ullman, 2010).

Several survivors and supporters talked about advising the survivor to report. Some SPs encouraged the survivor to report, whereas others discouraged the decision to report. All survivors who discussed this—except for one—followed the SP’s advice, consistent with past research finding that survivors do consider reporting advice from SPs (Paul, Zinzow, McCauley, Kilpatrick, & Resnick, 2013). Our findings show that survivors consider the recommendations made by SPs in the decision to report, as well as participating in the

subsequent stages of the criminal or civil processes. Encouragement to report without consideration of the survivor's emotional fortitude can be emotionally hazardous, as many survivors have revictimizing experiences when reporting to police (Campbell, 2006). This underscores the importance of educating SPs so they can help foster survivors' agency in making informed decisions in the aftermath of assault, which is something that informal supports say they want and need, yet is currently lacking (Kirkner, Lorenz, & Ullman, in press). In addition, to improve outcomes, alternative options for some survivors may need to be developed where possible such as restorative justice approaches that do not take the retributive approach of the American criminal justice system (Koss, 2014). While there is no standard format for a restorative justice approach, these programs typically focus on perpetrators taking responsibility for their actions while community members support the survivor and work to make them whole again, through whatever form of restitution is appropriate to the situation (Koss, 2014). Similarly, a procedural justice approach may also be a viable option to improve the police and legal response to survivors who report, as procedural justice emphasizes the quality and fairness of treatment for those involved in the legal system. Our results suggest that survivors perceive the legal system and those within it to be biased and often ineffective. Therefore, approaching survivors from a procedural justice framework may be an effective tool for altering perceptions and experiences with the legal system, as recent work has revealed associations between procedural justice in sexual assault investigations and positive outcomes for both the survivor and the strength of the investigation (Lorenz, 2017).

Two survivors discussed regretting not reporting to police. One survivor wanted to report for altruistic reasons, but was met with an unsupportive officer, so ultimately did not report. She discussed the regret she felt for not aiding in the prevention of future assaults. Another survivor did not report her assault to the police but stated she regretted it. Because this study did not focus on reporting and legal experiences primarily, we were unable to probe to find why this survivor regretted not reporting. This survivor may have decided later that she wanted to pursue legal justice or perhaps she later wanted to report to aid in possible prevention of future assaults on other women, as has been found in other research (Kilpatrick et al., 2007). However, it is an interesting statement, as many survivors who do report later regret this choice because they are met with revictimizing responses from the legal system, and few are found to regret *not* reporting. Regret may occur regardless of survivors' reporting choices, as both options carry the possibility of negative consequences. This can be particularly detrimental to recovery if survivors are experiencing regret or guilt regarding legal system involvement in addition to the self-blame and post-traumatic stress. Future research should explore whether other survivors also regret their decision to not contact the police following assault, including the potential reasons for this regret (e.g., justice, protection of self and others, to appease other people's wishes, etc.), and if this relates to post-assault mental health

Our data clearly show that both survivors and SPs are aware of how they might be treated by the police, and that these perceptions inform whether they report and/or encourage survivors to do so. In several cases, interviews revealed the racism, classism, and sexism that survivors were experiencing that made them more at risk for sexual assault and less likely to be taken seriously when talking with police (Bryant-Davis, Ullman, Tsong, Tillman & Smith, 2010;

Irving, 2008). This led survivors to feel like the system was not meant to protect them yet recognize that the system *should* be protecting them. Survivors in our sample weighed the perceived costs and benefits of reporting, as prior research has shown (Wolitzky-Taylor et al., 2011). Our findings revealed that SPs also consider the costs and benefits of reporting in advising the survivor. Past research documents the discrimination poor women and/or women of color face when reporting sexual assault and how their cases often fail to progress due to police acting on rape-related stereotypes linked to bias (Campbell, Shaw, & Fehler-Cabral, 2015). Survivors and SPs in our sample were aware of these biases in their interactions with the police, as well as the outcomes of their legal system involvement. This supports earlier research that racial/ethnic minority victims receive harsher treatment by police and their cases are less often prosecuted (Patterson, 2011). SPs often supported survivors throughout their involvement in the criminal or civil processes, including assisting in interpreting their experiences (e.g., recognizing biases or mistreatment) and encouraging (or discouraging) the survivor's continued involvement in the system. As such, it is clear from our results that SPs play a considerable role in survivor's post-assault legal system involvement.

Findings show that survivors and SPs also consider the evidence they think they can provide, which relates to the potential strength of their case. Cases perceived to be strong often reinforce stereotypes about 'real rape' (Estrich, 1987). For example, cases with clear evidence of violence tend to progress further than cases without physical injuries present, suggesting police view factors like evidence of force as a requirement of proof that a survivor is being truthful about the assault (Spohn, White, & Tellis, 2014). Survivors are more likely to report to police if they sustain physical injuries and a weapon is used (Bachman, 1998), suggesting survivors and SPs also internalize stereotypes about what constitutes serious or 'real' sexual assault and how likely survivors are to be believed by police. Again, survivors make the decision to involve police based on perceptions that are often borne out in the research. Further, SPs tend to consider these perceptions in the advice they give to survivors on reporting to the police and engaging in the legal system. These findings suggest that survivors engage in informed reporting practices, meaning they anticipate what might happen if they report based on several factors.

Several survivors indicated they were experiencing sexual violence in the context of a violent relationship. One survivor did not contact police about their sexual assault partly because she was also experiencing relationship violence and did not consider getting help for it until a friend suggested it. Another survivor did report the violence to police but found their response unhelpful. Another was denied an order of protection from a judge. These findings suggest the need for more education (of legal system officials) around the interconnectedness of interpersonal and sexual violence. Providing survivors with safety from relationship violence can also protect them from sexual violence. Future research should assess specific barriers to reporting for survivors of other interpersonal violence (e.g., domestic violence, child abuse) who also experience sexual violence.

Recommendations

This study contributes to our understanding of survivors' post-assault legal system experiences, including the decision to report, encouragement from informal sources to report (or not), and civil and criminal system experiences. This study includes an additional value of a matched pair approach, allowing for an examination of these experiences from the survivor perspective, as well as someone close to them in their social network who has witnessed their experience beginning with learning about the assault and seeing the survivor's experience with the police, criminal, or civil systems, which no other study has done. While it may seem subtle, there is an added insight into survivors' experiences by hearing from those around them who are also responding to the assault and trying to navigate its effects (i.e., the ripple effect of trauma). Listening to support providers helps researchers and practitioners better understand what survivors need and what SP's need to provide the best possible support for their loved ones. Thus, we recommend that researchers employ a dyadic approach in future studies, where possible, as our study supports the contention that sexual assault is a crisis that is shared among survivors and those close to them (see Emm & McKenry, 1988; Kirkner, Lorenz, Mandala, & Ullman, accepted for publication). Furthermore, interventions whether they be legal or in other areas can benefit from incorporating the perspectives of supporters and trying to support those closest to survivors to improve their recovery as well as their cooperation with the criminal justice process. This is illuminated by the results of this study, which provides data to support legal interventions and advocacy that formally addresses informal SPs, who may also aid in interfacing with agents of the criminal justice system. As such, we recommend that informal SPs are engaged as soon as possible after assaults, and to enhance support provided to SPs in order to improve interactions survivors have with the system.

In some instances, police were dismissive and gave incorrect information to survivors that was also revictimizing, showing that survivors and their supporters need education about what their rights are in reporting sexual assault and access to legal advocates, who can help mitigate secondary victimization (Campbell, 2006). In addition to negative treatment in some cases by police, courts handed down light sentences for women whose cases did go into the legal system, again invalidating the crime's seriousness. Considering the negative impact of mistreatment by police and unsatisfactory case outcomes on survivor mental health (Patterson, 2011), this should be an area of concern for researchers, policymakers, and mental health professionals. Research by Campbell (2005) showed that police may not realize that their interactions with survivors can be retraumatizing to survivors. Police require training to understand the impact of sexual assault and negative reactions in the aftermath of assault. Police and other actors within the legal system need more training on how to provide trauma-informed responses to survivors. However, training and education within the legal system must also address individual and systemic biases rooted in racism, classism, and sexism to truly be effective.

This study focused on survivors' decisions to report to police and then court involvement. Results show that women have a myriad of experiences when involved in the legal system post-assault and are involved with multiple aspects of the system (i.e., police, prosecutors, advocates, judges). Future research should explore how survivors' experiences concur or

differ depending on the “legal system” agencies with whom they have contact. Research on larger samples is needed to examine systematically how legal experiences vary based on race, class, sexuality and other differences among survivors, such as context of their assaults (e.g., alcohol, sex work, neighborhood, criminal history) that anecdotal evidence suggests affects perceptions and treatment of women as “legitimate” victims (McMahon, 2011).

Limitations

There are several limitations to this study that should be noted. First, this study was a volunteer, convenience sample of survivors and their primary SPs. Interviews were geared toward informal SP's, so did not explicitly inquire about experiences with formal support sources, particularly within the legal system. Data obtained regarding survivors' experiences with the legal system related to their sexual assault experiences were unprompted and obtained only when survivors or SPs volunteered this information when discussing social support and responses in general. Thus, there may be survivors who had interactions with the legal system because of experiencing a completed or attempted rape but did not divulge this information during the interview. Thus, survivors may have only spoken about the most extreme responses, biasing the results and limiting generalizability. Future studies that solicit information regarding legal system experiences should obtain a broader range of information with greater depth.

Second, this study is limited by the retrospective design. The information provided by survivors and SPs may have been influenced by the time elapsed since the assault and/or legal system involvement. On average, the survivors in the larger sample had experienced sexual assault 14 years prior to being involved in the study ($SD= 12.22$; *Median*= 11). Some survivors may have been involved in the legal system in the aftermath of the assault but did not remember or choose to discuss it as a part of their story during interviews. However, the retrospective study design may have also allowed participants to gain perspective on their post-assault experiences, including interactions with various aspects of the legal system.

Finally, survivors in contact with the legal system may also have contact with other service systems (i.e., medical, mental health, rape crisis), so research is needed to look at how contact with various combinations of systems relate to survivor's outcomes and whether positive experiences in one or more other systems may counteract and/or improve those with the legal system (Campbell, 1998). Future research needs to examine how aspects of the assault and added effects of institutional betrayal by various service systems influence survivors' recovery (Smith & Freyd, 2013) and those around them to improve informal supporters' ability to help survivors navigate their recovery as well as their own well-being.

This study provides valuable data on survivors' post-assault experiences with the legal system from survivor and SP perspectives despite the limitations. This study provides candid insight into the variety of legal interactions survivors have in the aftermath of sexual assault as well as the role of SP's in supporting survivors to take different courses of action (report or not report) and their observations of survivor's interactions with the criminal and civil legal systems.

Acknowledgments

This study was supported by a grant from the National Institute on Alcohol Abuse and Alcoholism (AA #17429) to Sarah Ullman, Principal Investigator. We thank Mark Relyea, Rannveig Sigurvinsdottir, Amanda Vasquez, Liana Peter-Hagene, Meghna Bhat, Cynthia Najdowski, Saloni Shah, Susan Zimmerman, Rene Bayley, Farnaz Mohammad-Ali, Shana Dubinsky, Diana Acosta, Brittany Tolar, and Gabriela Lopez for assistance with data collection.

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