

Quick-Turnaround RFI: Enforcement Effectiveness Studies

DACOWITS asked: *In connection with our consideration of sexual assault/sexual harassment prevention, it would be helpful to know from ICF or DACOWITS staff if there are relevant studies in other areas on whether publicizing actions taken/punishment given helps in preventing violations. For example, recent studies by the Department of Transportation show that high visibility police enforcement is more effective than public education in decreasing distracted driving and drunk driving and increasing seat belt use. Please provide a short analysis of whether any such studies shed light on the possible effectiveness of greater publicity of the results of sexual assault reports/sexual harassment complaints as a prevention tool.*

RESULTS OF THE LITERATURE REVIEW

There are no empirical studies in the literature that directly examine the effect that increasing public awareness of the punishment for sexual assault/sexual harassment (SA/SH) has on the prevalence of SA/SH, or that measure the deterrent effect of publicizing the outcomes of prosecution of SA/SH offenders. There are several possible explanations for the lack of research addressing this issue:

1) Most SA/SH prevention programs do not focus on emphasizing the possible legal ramifications for offenders. The vast majority of studies evaluating the effectiveness of SA/SH prevention programs focus on changing participants' attitudes, such as discrediting rape myths, increasing victim empathy, and changing attitudes toward women.¹

2) There are practical and possible ethical obstacles for effectively measuring sexual assault or sexual harassment in an experimental setting. Consequently, most studies examining the effect of a treatment variable (e.g., an education-based intervention) only measure SA/SH in direct ways such as through participant self-reports, in which participants read a rape scenario and report the *likelihood* that they would act in the same manner as the offender in that scenario (i.e., commit rape). On rarer occasions, researchers measured the effects of the threat of punishment/legal actions using administrative data, (e.g., rates of actual crime), but we found no such studies focusing on sexual assault or harassment;

¹ See, for example:

- Bradley, A.R., Yeater, E.A. & O'Donohue, W. (2009). An evaluation of a mixed-gender sexual assault prevention program. *Journal of Primary Prevention, 30*(6), 697-715.
- Rothman, E. & Silverman, J. (2007). The effect of a college sexual assault prevention program on first-year students' victimization rates. *Journal of American College Health, 55*(5), 283-290.
- Gidycz, C.A., Layman, M.J., Rich, C.L., Crothers, M. Gyls, J., Matorin, A. & Jacobs, C.D. (2001). An evaluation of an acquaintance rape prevention program: impact on attitudes, sexual aggression, and sexual victimization. *Journal of Interpersonal Violence, 16*(11), 1120-1138.

rather, these studies focus on crime in general or petty crime.² Findings of these studies are discussed below.

DOT Study that Found Increased Enforcement Awareness to be an Effective Crime Deterrent:

- Cosgrove, L., Chaudhary, N. & Reagan, I. (2011). Four High-Visibility Demonstration Waves in Connecticut and New York Reduce Hand-Held Phone Use. (Report No. DOT HS 811 845) Washington, DC: National Highway Traffic Safety Administration. Available at <http://www-nrd.nhtsa.dot.gov/Pubs/811845.pdf>

Connections to the Current Line of Research Interest:

This Department of Transportation demonstrated that a high visibility media campaign communicating that driving laws (in this case, cell phone bans while driving) would be enforced, in conjunction with actual increased enforcement of the law, leads to lower incidence of the law-breaking behavior. The media campaign was conducted through TV, radio, and billboards. Law enforcement in these communities simultaneously assigned officers dedicated to enforcing the cell phone driving ban, increasing roving patrols and police spotters. Surveys indicated that *motorists in the communities with the media/law enforcement campaign, compared to motorists in a control group, reported significantly lower rates of cell phone while driving during the campaign.*

While this study does indeed provide promising evidence for the deterrent effect of publicizing the potential consequences of law-breaking, it is not clear that the findings can be generalized beyond the type of crime and the particular settings involved in this DOT program evaluation. Cell phone use while driving is a different category of offense than sexual assault (i.e., except in cases of collision or injury, motorist violations are victimless crimes), and the enforcement setting—i.e., public highways routinely patrolled by police officers—does not immediately lend itself to comparison with the particular environments in which SH/SA often takes place. Most importantly, the main focus of the DOT program was to actually increase the physical law enforcement presence on highways to better demonstrate that police were serious about enforcing these behaviors, while simultaneously conducting a campaign to raise awareness of the increased potential for legal consequences. Actually publicizing the details about offenders and/or the legal punishments successfully levied against them, was not a variable in the evaluation. A primary lesson learned from the DOT study is that a similar effort directed at reducing sexual assault and sexual harassment in the military would need to be carefully designed and tailored to effectively address the specific factors and challenges discussed above.

² See, for example:

- Drago, F., Galbiati, R. & Vertova, P. (2007). The deterrent effects of prison: Evidence from a natural experiment. *CEPR Discussion Paper No. DP6401*.
- Piliavin, I. Gartner, R., Thornton, C. & Matsueda, R.L. (1986). Crime, deterrence, and rational choice. *American Sociological Review*, 51, 101-119.

Additional Studies Measuring Threat of Punishment as a Deterrent

There is some indirect empirical evidence suggesting that increasing awareness of the punishment and/or legal ramifications of SA/SH might be an effective prevention strategy. These studies are summarized below:

- Bachman, R., Paternoster, R. & Ward, S. (1992). The rationality of sexual offending: Testing a deterrence/rational choice conception of sexual assault. *Law and Society Review, 26*(2), 343-372.

Study Summary

This was a lab-based experiment in which participants (college males) read a variety of hypothetical sexual assault scenarios. Researchers then gave subjects survey questions to assess the participants' self-reported likelihood of committing the sexual assault were they to find themselves in the same hypothetical scenario. *Participants reported themselves as less likely to commit assault when they believed formal sanctions (i.e., school expulsion or legal consequences) would likely result from the act.* The researchers also found that participants' moral beliefs had a significant effect in deterring the self-reported hypothetical assault. The threat of formal sanctions was a significant deterrent to this hypothetical behavior apart from participants' perceptions of the moral wrongness of the behavior in question, i.e., when participants did not find the behavior to be morally wrong, participants reported that the threat of formal sanctions would deter them from committing sexual assault.

Study relevance and limitations:

The researchers found that the threat of formal sanctions (i.e., school expulsion and/or legal consequences) deters potential offenders from committing sexual assault. The study had several limitations: 1) the study did not attempt to directly measure the effects produced by increasing awareness of the punishments for sexual assault. Rather, participants were asked to independently assess the threat of legal sanctions inherent in each hypothetical assault scenario; 2) sexual assault was measured by participants' *self-reported likelihood of committing assault*, not assault itself. The obvious need to substitute participant self-reported reactions to hypothetical scenarios as a proxy for actual SA/SH, is a significant limitation in many studies designed to measure the effectiveness of prevention initiatives.

- Withey, C. (2010). Rape and sexual assault education: Where is the law? *New Criminal Law Review: An International and Interdisciplinary Journal, 13*(4), 802-825.

Study Summary:

This is another classroom/lab-based study (due to the lack of a comparison group, it cannot truly be considered an experiment). Researchers examined the effect of a SA intervention program designed to increase participants' legal knowledge about sexual assault on their self-reported likelihood of

committing sexual assault. The intervention program did not educate participants about legal sentencing or other punishments with sexual assault; rather, the program focused on debunking rape myths as they relate to the law, and on educating participants about the circumstances necessary to legally establish an act as rape. After these intervention/education programs, participants demonstrated a better understanding of the legal elements of rape. Also, a majority of participants, through survey results, agreed with a statement indicating that the intervention made an impact on their sexual behavior (i.e., how they evaluate situations, react to others and make choices). There was no control group – such as a pre-intervention group or an alternative intervention group – to compare these survey results against, however, and it is thus difficult to ascertain whether the self-reported positive effects on sexual behavior can be attributed to the legal education intervention.

Study relevance and limitations:

This is the only study we found that examined whether an attempt to increase awareness of legal knowledge of SA/SH (and in this case, only SA) had an effect on SA/SH behavior. Due to methodological limitations in the study – 1) intervention program did not explicitly examine legal consequences of SA; 2) weak and indirect measure of SA-related behavior; 3) lack of proper experimental design – the study offers only weak evidence that increasing awareness of the punishment/legal ramifications for sexual assault decreases the prevalence of sexual assault.

Evidence Concerning the Effects of Deterrence on Crime in General (i.e., not specifically Sexual Assault or Sexual Harassment)

- Pratt, T., Cullen, F., Blevins, K., Daigle, L. & Tamara, M. (2006). The empirical status of deterrence theory: a meta-analysis. pp. 367-395 in Cullen, F., Wright, J. & Blevins, K. (eds.) *Taking Stock: The Status of Criminological Theory – Advances in Criminological Theory*, Volume 15. New Brunswick, NJ: Transactions Publishers.

Study Summary and Implications:

The researchers used a meta-analysis, which is a “study of studies,” to determine the overall magnitude of the relationship between deterrence variables (i.e., laws and penalties designed to deter criminal activity) and crime. Results from 40 studies on deterrence and crime were analyzed to develop an effect size estimate. The authors found a uniformly weak effect for deterrence variables on crime. It’s noteworthy that larger effect sizes have been found in meta-analyses exploring the relationship between criminal behavior and peer effects, for example, suggesting that punishment threats play a relatively small role in the criminal behavior of offenders.³

³ As the results of this meta-analysis suggest, the body of literature in this field offers mixed results on whether legal sanctions serve as an effective deterrent against criminal activity. Salient examples include:

- Bouffard, J., Bry, J., Smith, S. & Bry, R. (2008). Beyond the “science of sophomores”: Does the rational choice explanation of crime generalize from university students to an actual offender sample? *International Journal of Offender Therapy and Comparative Criminology*, 52(6), 698-721.

Study Summary and Implications:

This study attempted to address other researchers’ criticisms that past empirical studies on criminal deterrence did not apply to populations of actual criminal offenders (most studies in this field have used college students as test participants). Results were mixed: the researchers found that, like the university students, offenders weighed the costs and benefits of the crime in deciding on their likelihood of committing a crime. However, the groups differed in several respects. For example, the offender population was less likely to report the potential legal ramifications for their actions in a hypothetical sexual coercion scenario. The implications for the current line of research are difficult to surmise: it is possible that the legal ramifications of criminal sexual coercion are less salient for criminal offenders, suggesting that awareness programs would serve as a more effective deterrent for criminally-prone individuals, or it is possible that the legal ramifications of sexual coercion are not important to offenders, suggesting that awareness programs would have little effect on sexual assault incidence.

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- Wright, B., Caspi, A., Moffitt, T. & Paternoster, R. (2004). Does the perceived risk of punishment deter criminally prone individuals? Rational choice, self-control, and crime. *Journal of Research in Crime and Delinquency*, 41(2), 180-213.
 - Bouffard, J. (2007). Predicting differences in the perceived relevance of crime’s costs and benefits in a test of rational choice theory. *International Journal of Offender Therapy and Comparative Criminology*, 51(4), 461-485.