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Domestic Violence, Sexual Assault, and Elite Athletes: Analyzing Arrest and Conviction Rates

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Domestic Violence, Sexual Assault, and Elite Athletes: Analyzing Arrest and Conviction Rates

Abstract

Professional and college athletes are frequently in the spotlight for their involvement in domestic violence and sexual assault cases. However, while many athletes are in the news regarding these actions and/or arrests, very infrequently are they convicted for their crimes. In contrast, when looking at domestic violence and sexual assault cases involving non-athletes, arrest and conviction rates were found to differ significantly from those arrest and conviction rates found of athletes, both collegiate and professional.

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DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND ELITE ATHLETES:

ANALYZING ARREST AND CONVICTION RATES

By

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Abstract

Professional and college athletes are frequently in the spotlight for their involvement in domestic violence and sexual assault cases. However, while many athletes are in the news regarding these actions and/or arrests, very infrequently are they convicted for their crimes. In contrast, when looking at domestic violence and sexual assault cases involving non-athletes, arrest and conviction rates were found to differ significantly from those arrest and conviction rates found of athletes, both collegiate and professional.

Key Words

Domestic Violence

Sexual Assault

Elite Athlete

Arrest

Conviction

Domestic Violence, Sexual Assault, and Elite Athletes: Analyzing Arrest and Conviction Rates

Throughout America, the evidence of rape culture is omnipresent. From even before birth, boys are expected to be dominant members of society while women are expected to be the submissive gender. Men are raised with this belief that women are supposed to be theirs to control. In a 1978 study done by Jacqueline Goodchilds from the University of California, Los Angeles, Goodchilds surveyed 432 teenagers (ages 14-18). This study focused on “attitudes toward the opposite sex, sexuality, sex roles, rape, power, and violence... along with behavioral expectations, perceptions, norms about dating, and sex differences in the acquisition of attitudes and expectations” (fearus.org). The survey questions were answered on a five-point scale.

When Is Rape Okay?
During a poll of high school students, Jacqueline Goodchilds asked the following question: “Is it all right if a male holds a female down and physically forces her to have sex if . . .”

Conditions	Percentage of “yes” responses	
	Males	Females
He spent a lot of money on her?	39%	12%
He is so turned on he thinks he can't stop?	36%	21%
She has had sexual intercourse with other guys?	39%	18%
She is stoned or drunk?	39%	18%
She lets him touch her above the waist?	39%	28%
She is going to and then changes her mind?	54%	31%
She has led him on?	54%	26%
She gets him excited sexually?	51%	42%
They have dated for a long time?	43%	32%

Jacqueline Goodchilds, www.fearus.org

Figure 1 (Cothran p. 68)

One of the questions asked in the study was “Is it alright if a male holds a female down and physically forces her to have sex if...” and the amount of “yes” responses from both males and females is completely alarming and shows the faults in today’s society teaching men that they deserve a woman’s sexual attention (Figure 1). Three basketball players from the University of Oregon were accused of sexually assaulting a woman multiple times on March 9, 2014. These allegations were not brought to the public’s attention until May 9,

2014; soon after the NCAA basketball tournament had concluded. While these three men were dropped from the basketball team, they were not arrested or convicted. The woman who accused these three basketball players of sexual assault was shunned and verbally attacked because she was “ruining those athletes’ lives” and attempting to hurt their chances of winning the national title in the NCAA basketball tournament (Prince, oregonlive.com).

These types of cases involving elite athletes have been prevalent in our society and while many of the elite athletes accused of domestic violence, or sexual assault or rape do eventually get arrested, not many of these athletes go on to be convicted for their crimes. The average person accused of rape has an 53 percent chance of conviction while and elite athlete has a, significantly lower, 29 percent chance of conviction (Bureau of Justice Statistics). Holding elite athletes above the law due to their talent and social stature is causing these domestic violence and sexual assault cases to be skewed and unfair.

“In the years from 1991-2003, there were 168 sexual assault allegations involving 164 elite athletes. Of these 168 allegations, only six cases resulted in convictions” (Weir & Brady, 2003). These elite athletes are not getting convicted because of their status as an elite athlete. Nobody wants to see his or her hero getting convicted of domestic violence or sexual assault. Therefore, elite athletes are seemingly either not punished at all or they are given the minimum amount of punishment for their crimes. In January 2014, University of Michigan football player Brendan Gibbons was expelled on the grounds of sexual misconduct.

However, Gibbons' punishment came four years after the allegations were originally made (Grose, slate.com). For the University of Michigan, it seemed to be more important for Gibbons to be on the field winning football games than getting the punishment he deserved for sexually assaulting a young woman. In 1992, twenty members of the Cincinnati Bengals football team were accused of gang raping a woman by the name of Victoria Crytzer. To protect the members of the team involved in the gang rape from going to prison and paying the punishment for their crimes, the Bengals administration paid Crytzer \$30,000 to not press charges (Trebon, 2008).

Of the elite athletes aforementioned, the basketball players from the University of Oregon, Brendan Gibbons from the University of Michigan, or the twenty football players from the Cincinnati Bengals, none of them were convicted of their crimes. When elite athletes are involved in these domestic violence and sexual assault cases they seem to be protected at all costs and are favored over their victims in the legal system.

Rationale for Study

My research on this topic began as a result of a personal connection. I have a younger sister attending a Division 1 university and in her first year away at university she was sexually assaulted by one of her peers. The man that sexually assaulted her was not arrested or even punished at all. After this incident I wanted to pursue further research on the topic to determine if other universities across the country were having the same types of issues and, if these issues were

occurring elsewhere, how were these other universities handling them and keeping their students safe.

As my research on the topic continued, my research has only snowballed to include not only collegiate athletes but professional and Olympic athletes as well. It seems to be almost every day a new news article is published catching an elite athlete battering his wife or girlfriend or an elite athlete sexually assaulting another student on a college campus. While not all media sources are accurate, the increasing prevalence of media coverage on domestic violence and sexual assault crimes among elite athletes is alarming. Seeing as domestic violence and sexual assault crimes are on the rise, in both elite athletes and non-athletes, this research seeks to determine whether elite athletes are getting preferential treatment over non-athletes (Bureau of Justice Statistics).

In a 1997 study completed by Jeffrey Benedict and Alan Klein of Northeastern University, Benedict and Klein compared and contrasted arrest and conviction rates for athletes accused of sexual assault. In their study, Benedict and Klein found that elite athletes were more likely to get arrested than non-athletes but non-athletes were more likely to go on and get convicted. These results were surprising and they left behind questions. Therefore, Benedict and Klein's study concluded in 1997 and I wanted to pick up from where they left off in 1997 to see if the trends they found in arrest and conviction rates between elite athletes and non-athletes still held true today.

Terminology

Domestic violence and sexual assaults are often thrown into the same category of crime. While domestic violence and sexual assault do not fall under the same definition, many domestic violence and sexual assault cases tend to overlap; for example, some sexual assault cases can also be considered domestic violence and vice versa. The prevalence of domestic violence and sexual assault cases in today's society has been on the rise. For the purposes of this study, I have focused on males as the aggressors and females as the victims.

Domestic Violence

Throughout the world, the definition of domestic violence can differ. Even within the United States and throughout the individual states the definition of domestic violence can differ slightly. The United States Department of Justice categorizes domestic violence as behavior that involves violence or abuse (can be economic, emotional, physical, sexual, or verbal) by one person to another in a domestic context (family, friend, significant other, cohabitation, etc.)

Five Types of Domestic Violence

According to the United States Department of Justice, there are five main types of domestic violence, economic, emotional, physical, sexual, and verbal. While all five of these types are considered to be serious issues in today's society, the focus of this

research is on the types of emotional violence, physical violence, and sexual violence.

Economic

Economic abuse is any form of abuse where the abuser strips the victim of their ability to support themselves economically. For example, an abuser could deprive the victim of access to their bank account or financial assets.

Emotional

Emotional abuse is any type of abuse that attacks the victim's self esteem or self worth. The victim may be made to feel as though they are isolated or worthless by his or her abuser.

Physical

Physical abuse is any type of abuse that is performed with the intent to inflict physical harm, suffering, pain, or injury upon the victim. Physical abuse is one of the more commonly seen and talked about types of domestic violence because the wounds are physical and are often noticed by others.

Sexual

Sexual abuse or violence is considered to be any type of non-consensual sexual act committed towards another

person. The sexual act can be physical or verbal. Even an attempt to perform a non-consensual sexual act upon someone can be considered sexual abuse or violence.

Verbal

Verbal abuse can include all threats, disrespect, ridicule, or any other verbal messages used to harm another person. Verbal abuse is one of the more common types of domestic violence but verbal abuse is also one of the most overlooked types of domestic violence. This is due to the verbal rather than physical nature of the abuse.

Sexual Assault

Much like the definition of domestic violence, the definition of sexual assault can vary from source to source. Each country and jurisdiction around the world has their own definition of sexual assault. Even within the United States, the definition can vary between the individual states. For the purpose of this research, however, the definition provided by the United States Office on Women's Health will be used. The United States Office on Women's Health defines sexual assault as any involuntary sexual act that is physically forced onto someone to engage in against their will, or any other non-consensual sexual touching of another person. Sexual assault can be recognized in many different forms, penetration (vaginal, anal, oral, etc.), touching or groping, non-consensual

kissing, or torture of a person in a sexual manner. Both men and women can be assaulted sexually but for this research, the sexual assaults of women by men will be the focus.

Elite Athlete

For the purposes of this research, I have defined an elite athlete as an athlete who is currently competing on or has competed on a varsity team at the collegiate level, is a professional athlete in any recognized sport worldwide, and/or is an Olympic athlete. Even though Olympic athletes are considered to be “amateurs”, these athletes compete at an extremely high level and, similar to many collegiate and professional athletes, they are quite frequently found in the media’s spotlight. The majority of elite athletes studied in recent literature are male collegiate athletes and professional athletes.

Non-Athlete

For the purposes of this research, a non-athlete is defined as any person in society who does not currently or has not in the past participated in varsity athletics at the collegiate level, is not a professional athlete, and/or who is not an Olympic athlete. Even if a person is currently participating in or has previously participated in athletics at the youth level, high school level, amateur level, et cetera, they are not considered an elite athlete for the purposes of this study.

Research Objectives

The objectives of this research study were:

1. to identify the arrest and conviction rates of both elite athletes and non-athletes involved in domestic violence and sexual assault cases,
2. to compare and contrast the arrest and conviction rates of elite athletes and non-athletes, and
3. to analyze the relationship between the arrest and conviction rates of elite athletes and of non-athletes.

Research Questions

I began this study with one question: are elite athletes convicted less frequently than non-athletes? However, throughout the duration of this research study, a number of other questions arose.

1. Are elite athletes given special treatment in the justice system?
2. Does the media have any effect on the treatment of elite athletes involved in domestic violence and sexual assault cases?
3. Do the arrest and conviction rates of elite athletes and non-athletes involved in domestic violence and sexual assault cases differ? If so, how do the rates differ?

4. How often do elite athletes get arrested for their domestic violence and sexual assault crimes? How often do these athletes go on to get convicted?
5. How often do false accusations of both elite athletes and non-athletes occur? Do false accusations affect the arrest and conviction rates?
6. How often do plea bargains come into play for both elite athletes and non-athletes?

Hypothesis

Elite athletes are typically the “money makers” for their respective organizations, whether that organization is a college or university (public or private), a professional sports franchise, or even a commercial entity (through endorsements and sponsorship deals). These organizations do not want their profits or their reputations to suffer due to the actions of one or more of the elite athletes involved within their respective organizations. Therefore, these organizations will attempt to “save” or cover for their athletes, their employees, from being arrested and/or convicted for their involvement in domestic violence and sexual assault cases. Due to their prestige and status as an elite athletes, elite athletes are seemingly given preferential treatment. Athletes are convicted less frequently than non-athletes because of their status and prestige as an athlete.

Methodology

To complete this research study, I examined scholarly journals, print books, masters and doctoral theses, legal cases, law reviews, and current event articles. The vast majority of my research was done online using databases (ProQuest, PsycInfo, SagePub, LexisNexis, etc.) but some additional literature was found through library book searches. Each of the scholarly journals used in my research had been peer reviewed and each of the books were written by scholars.

While there was a considerable amount of literature about athletes and their involvement in domestic violence and sexual assault cases, it was often difficult to find quality studies. Crosset explains that this difficulty can be attributed to domestic violence and sexual assault cases being rather personal. Many victims do not want to speak out about the crimes in which they were victimized while many abusers do not want to admit their actions (1996). Victims and survivors of domestic violence and sexual assault often have trouble telling their stories and often do not want to want to have their stories become public knowledge (Ullman 2010). While some difficulties arose throughout my research, the data and results are still considered to be reliable and valid.

While many online news sources can be considered “unreliable” or “invalid”, online news sources and current events were critical to the research. On many occasions the scholarly journals, legal cases, theses, et cetera were unclear and/or did not go far enough in-depth about the elite athletes or non-athletes

involved in the domestic violence and sexual assault case(s). Therefore, additional research using current events, newspaper articles, magazine articles, news shows, et cetera was needed to dig deeper to determine all of the details regarding the parties involved in each of the domestic violence and sexual assault cases analyzed.

Results

The Bureau of Justice Statistics provided data regarding arrests and convictions of non-athletes. However, finding arrest and conviction data regarding elite athletes proved to be much more difficult. Being an elite athlete is not a characteristic or category that the Bureau of Justice Statistics collects data on. Therefore, to acquire data regarding elite athletes, I had to analyze the legal cases and current events to collect the data and then compile the results.

After the thorough examination of the Bureau of Justice Statistics, scholarly journals, print books, masters and doctoral theses, legal cases, law reviews, and current event articles, elite athletes were found to get arrested far more frequently than non-athletes, however, elite athletes were found to go on to be convicted less frequently than non-athletes. Of those elite athletes and non-athletes accused of domestic violence and/or sexual assault, 81% of elite athletes were arrested for their crimes while only 26% of non-athletes were arrested. Of these elite athletes and non-athletes that were actually arrested for their involvement in domestic violence and/or sexual assault crimes, 53% of non-athletes went on to be convicted while only 29% of elite athletes arrested for

their crimes were convicted. Elite athletes are arrested much more often than non-athletes for their involvement in domestic violence and sexual assault crimes, however, the conviction rates of elite athletes are significantly lower than those conviction rates of non-athletes involved in domestic violence and sexual assault crimes.

Discussion

Correlation

While elite athletes are found to be convicted at a significantly lower rate than non-athletes, there is no direct causal relationship between preferential treatment of elite athletes and the conviction rates of elite athletes. While there is certainly preferential treatment of elite athletes in play, elite athletes do not avoid conviction solely on the basis of their status as an elite athlete; there are other factors involved as well (Chancer 2005).

Plea bargains, false accusations, and dropped charges are other factors that can affect the conviction rates of elite athletes involved in domestic violence and sexual assault cases. Elite athletes have the funds and ability to hire top-notch lawyers and these lawyers will often craft a plea bargain for their elite athlete client to get them the least amount of punishment possible. Additionally, arrest and conviction rates can be skewed from false accusations of elite athletes and dropped charges. Occassionally, an elite athlete will be falsely accused for domestic violence

or sexual assault. When this happens, an elite athlete may be falsely arrested (2014). Furthermore, when a woman accuses an elite athlete of domestic violence or sexual assault, often the media outlets and the public will attack her accusation. When this happens, the woman may come forward with a false accusation and drop the charges or sometimes actual victims of domestic violence and sexual assault will drop the charges to avoid more attention and public ridicule.

Media Spotlight

Throughout the past couple decades, the media's coverage of athletics and elite athletes has grown and developed tremendously. There are whole television stations, magazines, newspapers, websites, radio shows, et cetera, devoted solely to athletics and elite athletes. With all of this 24/7 media coverage, elite athletes are in the news for their involvement in domestic violence and sexual assault cases more than ever.

Almost every single day a new article is published regarding an elite athlete's domestic violence or sexual assault crimes. With media sources and paparazzi everywhere, elite athletes' lives are constantly on display. It becomes difficult for an elite athlete to escape the spotlight and keep their life private. Elite athletes' lives are splashed across the television and the pages of magazines for everyone to see. With this constant attention and spotlight, even the domestic violence and sexual assault crimes committed by an elite athlete can be caught first-hand by the media. A non-athlete

does not have this issue of constant attention and spotlight that an elite athlete has and, therefore, can have an easier time covering up a potential domestic violence or sexual assault crime. This non-stop attention can attribute to the incredibly high arrest rates for elite athletes. When an elite athlete is in the spotlight more often than a non-athlete, they are much more likely to get noticed and then go on to get arrested for their domestic violence and sexual assault crimes.

Aggression

In a 2002 journal publication by Brown, Nocera, and Sumner, they analyzed levels of aggression in male athletes and how those levels of aggression related to the athletes' views on women and their levels of sexual aggression towards women. Brown, Nocera, and Sumner found that athletes with higher levels of aggression on the playing field, combined with more conservative attitudes toward women, resulted in higher levels of sexual aggression towards women. With these higher levels of aggression and views towards women, elite athletes are more likely to view women as objects and, therefore, feel entitled to them as sexual objects (Welch 1997). The high levels of aggressions found in elite athletes can lead to higher rates of domestic violence and sexual assaults.

Fixing the Issue(s)

To remedy this ongoing disparity in the arrest and conviction rates between elite athletes and non-athletes, a factor of anonymity could be

added to all domestic violence and sexual assault cases. By adding anonymity to these cases, any accusations of favoritism of elite athletes would be removed and the domestic violence and sexual assault cases, overall, would be more fair. Should the factor of anonymity be added to domestic violence and sexual assault cases, more athletes would be rightfully convicted for the crimes they commit.

However, this does not mean the arrest and conviction rates of elite athletes and non-athletes would necessarily become equal. While the preferential treatment of elite athletes due to their status and prestige as an elite athlete would be removed, elite athletes still have more money and, in result, better access to higher quality lawyers than a non-athlete would have.

Future Research

Considering the vast number of questions that I started with prior to my research and even more questions that came up during my research, I plan on continuing this research more in-depth in the future. I want to continue analyzing the current events and current trends regarding domestic violence and sexual assault cases involving elite athletes and non-athletes to continue to build off of this research and analyze any changes that may occur.

Summary and Conclusions

Research regarding elite athletes and non-athletes and their involvement in various crimes has been collected for many years, dating back to the 1950's.

However, much current, more up-to-date research began in the mid-1990's and is still continuing today. Moynihan has found that in today's society, there is a trend in elite athletes in that these athletes do not view domestic violence and sexual assault as serious issues and do not carefully consider their actions. Many elite athletes are thrown into a culture that objectifies women and considers women to be "lesser beings" than men. These beliefs are causing a rise in elite athlete involvement in domestic violence and sexual assault cases (2010). With this rise in domestic violence and sexual assault cases comes favoritism of elite athletes, preferential treatment of elite athletes, and unethical behavior when dealing with these cases involving elite athletes.

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