Technical Report

HOW THE FOCAL CONCERN THEORY SHAPES DECISIONS TO REPORT SEXUAL VIOLENCE

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Introduction

Sexual victimization remains a pervasive and underreported issue, with many survivors experiencing repeated violence and declining to formally report due to fears of disbelief, blame, mistreatment by authorities, and internalized self-blame (Ahrens et al., 2007; Fisher et al., 2010; Patterson et al., 2009; Smith et al., 2018). To better understand the mechanisms driving legal outcomes, including making a formal report, some scholars have applied focal concerns (FC) theory, which suggests that legal practitioners—including police, prosecutors, and judges—make decisions under uncertainty by assessing four core concerns: *suspect blameworthiness, community protection, practical constraints, and perceptual shorthand.*

Focal Concerns (FC) Theory: An Overview

Though originally applied to sentencing, focal concerns theory has since been extended to other stages of the criminal-legal system, including police and prosecutorial responses to sexual violence (Campbell et al., 2021; Kelley et al., 2022; Lapsey Jr et al., 2022).

While the theory was originally applied to offender sentencing, recent research has extended it to sexual assault case processing. Overall, it has four key components: (1) culpability/blameworthiness, (2) community protection, (3) practical constraints, and (4) perceptual shorthand.

Culpability (Blameworthiness)

Suspect blameworthiness concerns assessments of a suspect's culpability and the harm caused. In sexual assault cases, this often involves not only decision-makers' assessments of the suspect's behavior but also evaluations of the victim's credibility and moral character—frequently influenced by rape myths. Rape myths refer to widely held, false beliefs about sexual assault that shift blame from the perpetrator onto the victim, thereby minimizing the perpetrator's actions (Lonsway & Fitzgerald, 1994). Factors such as the type of assault, location, presence of witnesses, injuries, and the victim-suspect relationship often determine perceived blameworthiness.

Community Protection

Community protection refers to the perceived threat suspects pose to public safety and the need to prevent future harm. In sexual violence cases, decision-makers are more likely to pursue cases involving dangerous or repeat offenders (e.g., prior criminal history), weapons, or an elevated risk of recidivism, resulting in an increased criminal justice response for survivors of sexual assault (Campbell et al., 2021; Kaiser et al., 2017).

Practical Constraints

Practical constraints involve logistical and evidentiary considerations such as caseload pressure, limited resources, and the perceived likelihood of conviction. Resource scarcity within police departments and prosecutors' offices may lead to the

triaging of cases, prioritizing those considered more likely to be successful or "winnable" (O'Neal & Spohn, 2017; Steffensmeier et al., 1998).

Perceptual Shorthand

Legal actors often rely on perceptual shorthand(s), which are routine or rapid assessments. In doing so, their evaluations of the three focal concerns—blameworthiness, community protection, and practical constraints—are frequently shaped by social stereotypes, institutional norms, and prior experiences (Steffensmeier et al., 1998). Perceptual shorthand often draws on extra-legal factors related to a case. Research has identified race, class, age, mental health, substance use, marital status, employment, education, and "risk-taking" behaviors as being statistically significant factors impacting these decisions. This is further compounded by a downstream orientation, a strategy in which decision-makers anticipate future reactions of others in the legal system. Police may choose not to pursue cases they believe prosecutors will reject; prosecutors may decline to file if they believe a jury will not convict (Frohmann, 1997).

Methods

The purpose of the current study is to explore how female survivors of sexual victimization in the United States understand and interpret focal concerns—suspect blameworthiness, community protection, practical constraints, and perceptual shorthand—and how these perceptions shape their decisions to report to the police. This study builds upon prior work by Kelley et al. (2022), which applied focal concerns theory to examine reporting decisions using quantitative data from the National Crime Victimization Survey (NCVS). Accordingly, the present study explores the following research question (RQ):

RQ: *What are the perceptions of focal concerns discussed by survivors of sexual violence?*

Data

Participants were recruited through convenience and snowball sampling methods between March and September 2021 and again in March 2023, using both virtual and physical flyers. Interviews were conducted virtually via Zoom or phone and followed a semi-structured format. Participants received a $20 virtual gift card upon completing the interview. On average,

interviews lasted 1 h and 15 min., totalling 58 interviews with individuals from all geographic regions across the United States. All study procedures were approved by the authors' Institutional Review Board. Table 1 presents the sample demographic statistics.

Table 1
Sample Demographics

	n	% or Mean
Geographic Region (N = 55)		
South	22	40.00 %
West	12	21.82 %
Midwest	14	25.45 %
Northwest	7	12.73 %
Age (N = 57)		
20–29	36	65.45 %
30–30	15	27.27 %
40+	6	10.91 %
Race/Ethnicity (N = 58)		
White	35	60.34 %
SOC	23	41.82 %
Sexual Orientation (N = 58)		
Heterosexual	33	56.90 %
Bi-sexual	15	25.86 %
Pansexual	5	8.62 %
Queer	3	5.17 %
Lesbian	2	3.45 %
Sexual Victimization	119	2.05

Note. Race reflects participants' self-identified race. SOC, Survivors of Color (including Black, Latina, Indian, Filipino American, Korean American, Salvadorian/Puerto Rican, Sudanese American, and Asian American).

Findings

Overall, participants mentioned four components of focal concerns: (1) perceptions of culpability or blameworthiness (n=188; 44.34%), (2) community protection (n=66; 15.57%), (3) practical constraints (n=100; 22.58%), and (4) perceptual shorthand (n=70; 16.51%). Table 2 presents the main focal concerns themes and subthemes:

Perceptions of Culpability (Blameworthiness)

Participants most frequently discussed the first focal concerns concept centering on their perceptions of blameworthiness (n=188; 44.34%). Specifically, participant responses can be organized into three sub-themes: rape culture, internalized credibility concerns, and internalized [victim] blaming.

- ### Rape culture:

"I thought that rape was how it was portrayed in like, the media, which was like back alley, you know, stranger, kind of thing" - Shay

- ### Internalized credibility concerns:

"...I'd taken drugs, and I didn't feel like I could even prove anything." – Mandy

• *Internalized [victim] blaming:*
"I went over there willingly. That's why I didn't tell anyone for a long time." – Carmen

Focal Concerns Themes[a]

	n	%
Culpability (Blameworthiness; *n* = 188)	–	44.34
Rape Culture	92	48.94
Internalized Credibility Concerns	68	36.17
Internalized [victim] blaming	28	14.89
Protect the Community (*n* = 66)	–	15.57
Prevent Future Harm	60	90.91
Informal Justice	6	9.09
Practical Constraints (*n* = 100)	–	22.58
Delayed/Emotional Suppression	43	43.00
Fear of the Legal System	22	22.00
Secondary Victimization	20	20.00
Financial and Logistical Burdens	15	15.00
Perceptual Shorthand (*n* = 70)	–	16.51
Cultural Barriers	32	82.05
Age	7	17.95

[a] Themes are not mutually exclusive.

Perceptions of Protect the Community

The second focal concern component, community protection (n=66; 15.57%), encompassed two primary themes. Overall, participants described engaging in formal help-seeking to reduce the risk of future victimization by the perpetrator.

• *Prevent future harm:*
"...not just for myself, but I would know that others were safe from him."- Jin

• *Informal justice:*
"I think for me, justice looked like him affected by the issue just as much as I was...He would have trouble dating people; he would have trouble having a social life." – Moria

Perceptions of Practical Constraints

The third focal concern component is practical constraints (n=100; 22.58%). Overall, individuals discussed four overarching themes:

• *Delayed reporting/emotional suppression:*
"I knew it was wrong, but it took me like...many [20-25] years to say, Oh, that was rape" - Jo.

• *Fear of the legal system:*
"My family has a hard time with systems." – Carmen Smith

• *Secondary victimization:*
"They [police] have seen this all the time, and they're not going to help me because they're going to look at me like it's my fault." – Michelle

• *Financial and logistical burdens:*
"I just didn't want to put myself in that sort of financial hole."- Sarah

Perceptual Shorthand

The final focal concern component focused on perceptual shorthand (n=70; 23.53%), and shaped survivors' (non)reporting experiences. In this context, extralegal factors were captured. Specifically, participants discussed cultural heuristics (barriers) and age.

• *Cultural heuristics:*
"It's very hard for me to say, it's a bit easier in English, it's much harder in my native language, somehow it's like, I don't know, dirtier here in my native language." – Alina

• *Age:*
"I didn't even have the words to really understand how to describe this [victimization] to anyone or what to say" - Mulan

Conclusion

From a practical perspective, these findings offer insights into perceived institutional gaps in survivor support, particularly regarding logistical, financial, and cultural barriers. Consistent with prior research on institutional trust and access to care, participants described confusion and hesitation surrounding processes such as insurance billing, confidentiality protections, and statute of limitations.

The data suggest that clearer communication and greater institutional transparency—especially concerning formal reporting pathways—could help address some of these concerns. Moreover, the timing and delivery of prevention education were found to be critical to participants' awareness and preparedness. Integrating culturally responsive and developmentally appropriate content in early prevention efforts may support broader initiatives to equip survivors. In practice, coordinated response models such as Sexual Assault Response Teams (SARTs) offer one example of how institutions can streamline communication, reduce confusion, and provide more consistent support across medical, legal, and advocacy domains.

By centering survivors' voices, we demonstrate that help-seeking decisions are not made in a vacuum; they are shaped by developmental, cultural, economic, and institutional contexts that often reward silence and penalize vulnerability. Importantly, this study extends the FC theory by illustrating how these focal concerns are interwoven with identity-based barriers.

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Author Highlight:

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