

# SEXUAL ASSAULT JUSTICE INITIATIVE

## *Annotated Bibliography* June 2017<sup>1</sup>

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<sup>1</sup> This Annotated Bibliography will continue to be updated as new resources are published and/or determined to be applicable.

## PERFORMANCE MEASURES

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**Elaine Nugent-Borakove, Lisa M. Budzilowicz & Gerard Rainville, *Performance Measures for Prosecutors: Findings from the Application of Performance Measures in Two Prosecutors' Offices*, NAT'L DISTRICT ATTORNEYS ASS'N (Apr. 2007), available at:**

**[http://www.ndaa.org/pdf/performance\\_measures\\_findings\\_07.pdf](http://www.ndaa.org/pdf/performance_measures_findings_07.pdf).**

This resource reviews the goals, objectives, and data measurements established in the 2004 work *Prosecution in the 21<sup>st</sup> Century: Goals, Objectives, and Performance Measures*, as applied in two sites over a six-month period. The study confirms a logical relationship between the stated goals and performance measures and shows support for two of the three stated goals, specifically the promotion of fair, impartial, and expeditious pursuit of justice, and ensuring safer communities. The study also found that prosecutors have limited access to data to make performance measurements.

**Elaine Nugent-Borakove, *Court Martial Performance Measures for the U.S. Department of the Navy Judge Advocate General Corps*, THE JUSTICE MANAGEMENT INSTITUTE (Jan. 2012),**

**[http://www.jmijustice.org/wp-content/uploads/2014/06/JAG-Program-Performance-Measures\\_Final-Narrative-Report\\_JAN-2012.pdf](http://www.jmijustice.org/wp-content/uploads/2014/06/JAG-Program-Performance-Measures_Final-Narrative-Report_JAN-2012.pdf).**

The Justice Management Institute (JMI) was retained by the U.S. Department of the Navy Judge Advocate General Corps to develop performance measures for criminal cases. JMI identified six performance measurement categories: 1) due process, 2) victim's rights and safety, 3) accountability, 4) timeliness, 5) competency, and 6) communication factors. Within each category, two sets of measures were proposed: individual and system measures. These six categories were intended to capture performance and produce standards that promote improvement in the military justice system and are consistent with industry standards for performance measurement in the civilian system. Further, evaluation should be implemented with specific targets or goals, should be mindful of how to collect data, should identify the audience for any report, and should ensure there are follow-up procedures.

**Gerald Hotaling & Eve Buzawa, *Victim Satisfaction with Criminal Justice Case Processing in a Model Court Setting*, UNIVERSITY OF MASSACHUSETTS LOWELL (April 2003),**

**<https://www.ncjrs.gov/pdffiles1/nij/grants/195668.pdf>.**

This study analyzed satisfaction surveys from Quincy Massachusetts completed by domestic violence victims. The study found that a majority (56%) of respondents were "generally satisfied" with the way their case was handled and a minority (17%) were "generally dissatisfied. There was also a third group that was "mixed" and whose responses "reflect[ed] the disparity in the evaluation of components of the criminal justice system." *Id.* at 21. The study further analyzed the outcomes and identified five variables to predict victim satisfaction: 1) demographics of the victim, 2) characteristics of the study incident, 3) history of offending and victimization, 4) effects of criminal justice system contacts, and 5) the gap between victim preferences and criminal justice action. The study concluded, in part, that victims were primarily concerned with being able to control the criminal justice intervention and were dissatisfied most often when they were unable to control the process.

**Harry P. Hatry, *Transforming Performance Measurement for the 21st Century*, URBAN INSTITUTE, (July 2014), available at <http://www.urban.org/research/publication/transforming-performance-measurement-21st-century>.**

This report provides recommendations to government agencies at all levels and nonprofit organizations to improve their performance measurement systems, to strengthen their analytics, and create more effective and efficient services. The report identifies current measurement limitations,

provides recommendations for how to identify important data, and addresses how to utilize software programs to capture and analyze data for better reporting and understanding of outcomes and performances.

**Martin Wood et al., *Victim and Witness Satisfaction Survey*, CROWN PROSECUTION SERVICE (Sept. 11, 2015),**

**[https://www.cps.gov.uk/publications/research/cps\\_victim\\_and\\_witness\\_survey\\_sept\\_2015.pdf](https://www.cps.gov.uk/publications/research/cps_victim_and_witness_survey_sept_2015.pdf).**

In this study, commissioned by the Crown Prosecution Service (CPS), the authors surveyed 7,723 persons who were involved in a criminal case as either a witness or victim between March and August of 2014. The participants were asked a series of questions relating to their treatment and impressions throughout the course of the criminal proceeding. Witnesses reported greater satisfaction with their experiences than did victims. The report identifies areas for improvement recognized the importance of perception of outcomes and fairness to victims rather than the actual outcome. Recommendations focus on generally improving communication between the CPS and the victims or witnesses.

**Sean Macleod, *Maslow's Hierarchy of Needs*, SIMPLY PSYCHOLOGY (2016),**

**<https://www.simplypsychology.org/maslow.html>.**

This article clearly and concisely explains the psychological theory behind Arthur Maslow's 1943 paper "A Theory of Human Motivation," in which human needs are identified as a developing set of building blocks requiring fulfillment of one step before attaining the next. Basic human needs are physiological and safety needs (e.g., shelter, food, security). Once those needs are satisfied, we are motivated to pursue psychological needs, such as belongingness and love and esteem (e.g., relationships, friends, feeling of accomplishment.) Finally, we seek self-fulfillment (e.g., achieving one's full potential). Maslow theorized that every person is capable and has the desire to move up the hierarchy towards self-actualization.

**Simone Zhang & Mary Winkler, *Navigating Performance Management Software Options*, URBAN INSTITUTE, (July 2015), available at <http://www.urban.org/research/publication/navigating-performance-management-software-options>.**

Performance management software can help nonprofits measure their performance and streamline how they house, organize, and analyze program data, but determining which software system best suits an organization's needs can be challenging. This resources guides nonprofits through important questions to help them evaluate their needs for performance management software and suggests key factors to consider. Six software systems are discussed and variations in pricing, functions, capabilities, and technical support are highlighted.

**Steve Dillingham, M. Elaine Nugent & Debra Whitcomb, *Prosecution in the 21<sup>st</sup> Century: Goals, Objectives, and Performance Measures*, NAT'L DISTRICT ATTORNEYS ASS'N (Feb. 2004), available at: [http://www.ndaa.org/pdf/prosecution\\_21st\\_century.pdf](http://www.ndaa.org/pdf/prosecution_21st_century.pdf).**

This resource identifies goals for the prosecution: to promote the fair, impartial, and expeditious pursuit of justice; to ensure safer communities; and to promote integrity in the prosecution profession, and effective coordination in the criminal justice system. Guidelines for identifying performance measures and outlining strategies to achieve them and better understand the workings of the prosecution profession are also set out.

**Teresa Derrick-Mills et al., *Data Use for Continuous Quality Improvement- What the Head Start Field Can Learn from Other Disciplines A Literature Review and Conceptual Framework*, URBAN INSTITUTE (Dec. 2014), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000079-Data-Use-for-Continuous-Quality-Improvement.pdf>.**

This literature review summarizes research on the processes, facilitators, and impediments to data use for continuous quality improvement in the context of community-based Head Start programs. This review develops a conceptual framework representing the eight elements of data use for continuous quality improvement. It provides six key findings and identifies how to create linkages between the disciplines from which the literature was drawn and the Head Start field.

***What do Victims Want? Effective Strategies to Achieve Justice for Victims of Crime*, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (May 2000),**

**<http://www.theiacp.org/portals/0/pdfs/WhatDoVictimsWantSummitReport.pdf>.**

This publication comes out of the 1999 International Association of Chiefs of Police (IACP) Summit for Victims of Crime, which evolved in response to federal initiatives to understand and respond to the needs of victims. The summit identified guiding principles for working with victims, including avoiding re-victimization, empowering victims, informing them of their rights, and providing seamless continuum of services for their needs. It identified promising strategies - including a commitment to collaborate and use community services, and identified methods to measure success including asking for victim feedback throughout the process.

## **CONVICTION RATES**

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**Elaine Nugent-Borakove & Lisa M. Budzilowicz, *Do Lower Conviction Rates Mean Prosecutors Are Performing Poorly?* NAT'L DISTRICT ATTNY'S ASSOC'N (Mar. 2007), available at:**

**[http://www.ndaa.org/pdf/do\\_lower\\_conviction\\_rates\\_07.pdf](http://www.ndaa.org/pdf/do_lower_conviction_rates_07.pdf).**

This publication is intended to help state and local prosecutors understand whether conviction rates are a reliable performance measurement for overall success of a prosecutor's office. This reports utilizes the performance measurement framework establish under the 2006 National District Attorneys Association report to create appropriate performance evaluations to support grant requests, fend off criticism, and support effective office management.

**Eric Ramusen et al., *Convictions Verses Conviction Rates: The Prosecutor's Choice*, 11 AM. L. & ECON. REV. 47, 49 (2009), available at: <https://kelley.iu.edu/riharbau/RePEc/iuk/wpaper/bep2008-16-rasmusen-raghav-ramseyer.pdf>.**

This research emphasizes the importance of individual convictions and the quality of the cases brought to prosecution rather than the statistical conviction rate as a sign that prosecutors are effective. Researchers argue that a system that focuses on conviction rates, as opposed to the number of convictions, is liable to abuse. Reviewing the budgets of that prosecutor offices on county-level crime statistics and a survey of all state prosecutors by district revealed that conviction rates do have a small negative correlation with prosecutorial budgets, but conditioning on other variables, higher budgets are associated with both more prosecutions and higher conviction rates.

**Corey Rayburn Young, *How to Lie with Rape Statistics: America's Hidden Rape Crisis*, 99 IOWA L. REV. 1197-1256 (2014).**

This study addresses how widespread the practice of undercounting rape is in police departments across the country, creating "paper" reductions in crime. This study found that rapes were undercounted in the cities studied, where a complaint was "unfounded" with little or no investigation; classified as a lesser offense; or by failing to create a written report that a victim made a rape complaint. The results indicate that approximately 22% of the 210 studied police departments responsible for populations of at least 100,000 persons have substantial statistical irregularities in

their rape data indicating considerable undercounting from 1995 to 2012. Notably, the number of undercounting jurisdictions has increased by over 61% during the eighteen years studied.

**Jennifer Long & Elaine Nugent-Borakove, *Beyond Conviction Rates: Measuring Success in Sexual Assault Prosecutions*, 12 STRATEGIES (Apr. 2014), available at: [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm).**

The paper examines the prosecutors' utilization of research-informed decision making. The article concludes with ideas for how performance measures can be used to more accurately measure and sustain effective prosecution practices in sexual assault cases.

## **STANDARDS OF PRACTICE**

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**NATIONAL PROSECUTION STANDARDS (NAT'L DISTRICT ATTORNEYS ASS'N, 3d ed. 2009), available at <http://www.ndaa.org/pdf/NDAAS%20NPS%203rd%20Ed.%20w%20Revised%20Commentary.pdf>.**

Establishes the standards for practice of day-to-day performance of the prosecution function of a district attorney including general definition of responsibilities and ethical considerations. These standards are intended to be an aspirational guide to professional conduct in the performance of the prosecutorial function. Unless otherwise indicated, they are intended to apply to the Chief, Deputy and Assistant Prosecutors. These standards are intended to supplement rather than replace the existing rules of ethical conduct that apply in a jurisdiction. Generally, these standards should be construed in such a way that they are consistent with existing law and applicable rules of ethical conduct.

**STANDARDS FOR ACCREDITED MEMBERS, NAT'L CHILD. ALLIANCE (2017) available at: <http://www.nationalchildrensalliance.org/sites/default/files/downloads/NCA-Standards-for-Accredited-Members-2017.pdf>.**

This publication is meant to ensure that all children across the U.S. who are served by the multidisciplinary teams of the Children's Advocacy Centers (CACs) receive consistent, evidence-based interventions that help them heal. In addition to serving as the set of standards by which CACs may be accredited as capable of providing consistent and evidence-based healing interventions, the *Standards for Accredited Members* also: 1) act as a compass for CACs during leadership transition so that multidisciplinary teams (MDTs), boards, and other stakeholders know how to maintain the course; 2) to serve as a valuable roadmap for new CACs as they develop; and 3) to demonstrate the high-quality work of accredited CACs to policymakers, funders, and supporters.

**CRIMINAL JUSTICE STANDARDS FOR THE PROSECUTION FUNCTION (AM. BAR ASS'N, 4th ed.), [http://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition.html](http://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html).**

The Standards created by the ABA's Criminal Justice Standards Committee apply to any attorney investigating or prosecuting criminal cases, or who provides legal advice regarding a criminal matter to government lawyers, agents, or offices participating in the investigation or prosecution of criminal cases. The Standards are intended to provide guidance for the professional conduct and performance of prosecutors. They are written and intended to be entirely consistent with the ABA's Model Rules of Professional Conduct, and are not intended to modify a prosecutor's obligations under applicable rules, statutes, or the constitution. They are aspirational "best practices," and are not intended to serve as the basis for the imposition of professional discipline, to create substantive or procedural rights for accused or convicted persons, to create a standard of care for civil liability, or to serve as a

predicate for a motion to suppress evidence or dismiss a charge. For purposes of consistency, these Standards sometimes include language taken from the Model Rules of Professional Conduct; but the Standards often address conduct or provide details beyond that governed by the Model Rules of Professional Conduct. CRIMINAL JUSTICE STANDARD, PROSECUTION FUNCTION, 3-1.1 (AM. BAR ASS'N, 4th ed.).

**AMERICAN BAR ASSOCIATION, MODEL RULES OF PROFESSIONAL CONDUCT, PREAMBLE, available at: [http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_preamble\\_scope.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope.html).**

These Model Rules were first adopted in 1983 and have served since then as the models for the ethics rules of most states. They provide guidance to all attorneys engaged in the practice of law as to the ethical responsibilities to clients, as counselors, advocates, transactions with persons other than clients, within their own law firms or place of business, their duties to the public, and the duty to maintain the integrity of the profession.

## **CRIMINAL JUSTICE REFORM**

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### **GENERALLY**

**PERSPECTIVES ON MINORITY INFLUENCE (Serge Moscovici, Gabriel Mugny & Eddy Van Avermaet, eds., Eur. Stud. in Soc. Psychol. Ser. No. 9, 1985).**

Traditionally social psychologists have characterized influence as a process leading to conformity - the minority coming to accept the view of the majority. Editors of this work find the opposite is frequently exemplified - a society characterized by change and innovation is made by the minority. The authors believe that only by examining social processes in terms of minority influence can the paradox be resolved. The work is composed of two parts. Part I analyzes the process of influence itself, while Part II sets it within the context of groups. The influence of minorities is analyzed within the cognitive and social field where minorities and majorities interact. The authors review perceptions of influence and classical notions as "the group," "deviance," and "convergence."

**Patricia Tjaden & Nancy Thoennes, *Extent, Nature, and Consequences of Rape Victimization: Findings from the National Violence Against Women Survey*, NAT'L INST. OF JUST. (July 2000), <https://www.ncjrs.gov/pdffiles1/nij/210346.pdf>.**

This report provides analysis of the 2000 National Crime Victims Survey conducted by the National Institutes of Justice and Center for Disease Control in which 8,000 persons – men, women, including persons of specific racial backgrounds and sexual orientations, were surveyed on their experiences with intimate partner violence. The survey identified risk factors associated with intimate partner violence, including the rate of injury among rape and physical assault victims, use of medical services, and involvement in the criminal justice system.

**Rebecca Campbell & Sharon Wasco, *Understanding Rape and Sexual Assault: 20 Years of Progress and Future Directions*, 20(1) J. INTERPERSONAL VIOLENCE 127-31 (2005).**

During the past 20 years, researchers have documented the widespread problem of rape in American society. The authors encourage the use of quantitative analysis and methodological frameworks to develop a deeper understanding of the impact of sexual assault on individual victims and within the criminal justice system. This short article encourages future researchers and advocates to focus on improving the community response to rape including the use of SARTs and SANEs, and analyze prosecutors' choice to prosecute cases, as well as to encourage the prevention of sexual assault within the community.

**Ryken Grattet & Valerie Jenness, *The Law-in-Between: The Effects of Organizational Perviousness on the Policy of Hate Crimes*, 52 (3) SOC. PROBLEMS, 37-59 (2005),**

**<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.472.9618&rep=rep1&type=pdf>.**

This article examines the characteristics of law enforcement agencies and their environments that affect the process by which local organizations create and promote operational understandings of law for the purpose of managing enforcement behavior. Using data on law enforcement agencies in California, logistic and OLS regression models reveal the importance of organizational “perviousness”—that is, susceptibility to environmental influence and organizational alignment with the proposed innovation—in the process of organizational innovation and policy implementation. The authors found that perviousness is the strongest predictor of hate crime policy adoption by police organizations. Perviousness is, in turn, influenced by environmental conditions like violent crime rates and organizational characteristics like resources and size. Given these findings, the authors argue that organizational perviousness serves as a central intermediary mechanism through which abstract law is translated into operational policy at the local level of implementation. Scholars have long recognized the importance of examining the “law-on-the-books” and the “law-in-action.” This article points out the importance of the “law-in-between” as well.

**AUBREY FOX & EMILY GOLD, *DARING TO FAIL: FIRST-PERSON STORIES OF CRIMINAL JUSTICE REFORM* (2010).**

Published by the Center for Court Innovation, this book offers a series of brief chapters from various eminent criminology and criminal justice researchers as well as practitioners in the field, such as police chiefs and lawyers, on their topics of expertise. Each chapter cites instances where changes, and recommendations for change, in the criminal justice system have failed but important lessons were learned.

**SUSAN HERMAN, *PARALLEL JUSTICE FOR VICTIMS OF CRIME*, NATIONAL CENTER FOR VICTIMS OF CRIME (2010).**

Written by the former executive director of the National Center for Victims of Crime, this book provides a pathway to extend the concept of “justice” for victims of crime that goes beyond the criminal justice system’s ability to hold offenders accountable. The author recommends establishing a parallel avenue to address victims’ three basic needs of safety, recovery from trauma, and restore control and incorporating these goals into our current concepts of justice.

**RAPE AND SEXUAL ASSAULT ANALYSES AND LAWS, *AEQUITAS* (2014), available at [www.aequitasresource.org](http://www.aequitasresource.org)**

This is a statutory compilation of all sexual assault offenses in the United States and provides analysis into the nuance of the law and trends observable across states. This compilation includes a comprehensive look at the rape and sexual assault laws in all fifty states, U.S. Territories, U.S. Military, and federal jurisdictions. The coverage ranges from laws against rape and sexual assault, abuse, misconduct, or battery to marital rape and sexual assault related to domestic violence. In addition to the law supplied in the main section of this compilation, the resource also included appendices analyzing issues inherent to rape and sexual assault crimes that may arise throughout the course of a prosecution and are important to consider. These appendices are not meant to create restrictions or limitations but rather to be tools for prosecutors to utilize with their jurisdiction’s applicable law in order to achieve the best possible outcome in a case.

**Anthony V. Salvemini, et al., *Integrating Human Factors Engineering and Information Processing Approaches to Facilitate Evaluations in Criminal Justice Technology Research*, 39(3) EVALUATION REV. 308-38 (2015).**

This research report looks at the ways in which technology is implemented in “evidence-based” best practices research within the criminal justice system. In accumulating knowledge on what works,

evidence-based criminology classifies scientific evidence according to the methodological strength of their research designs, emphasizing the use of randomized controlled experiments and sufficiently rigorous quasi-experiments.

**RACHEL SWANER, ET AL., *Protect, Heal, Thrive: Lessons Learned from the Defending Childhood Demonstration Program*, CENTER FOR COURT INNOVATION (May 2015), <https://www.ncjrs.gov/pdffiles1/nij/grants/248882.pdf>.**

The Department of Justice's Defending Childhood Demonstration Program evaluated research from eight sites across the country. Those sites are: Boston, MA; Chippewa Cree Tribe, Rocky Boy's Reservation, MT; Cuyahoga County, OH; Grand Forks, ND; Rosebud Sioux Tribe, SD; and Shelby County, TN. Each of these sites were given a mandate to develop and implement strategies to evaluate and prevent children's exposure to violence; to mitigate the negative impact of such exposure when it does occur; and to develop knowledge and spread awareness about children's exposure to violence, both within and beyond the chosen pilot sites. This report provides 58 recommendations for other jurisdictions, tribal sites, funders, technical assistance providers and evaluators who are also studying initiatives to address the high prevalence of children's exposure to violence.

***A Prosecutor's Guide for Advancing Racial Equity*, VERA INSTITUTE OF JUSTICE (Mar. 2015), <https://www.vera.org/publications/a-prosecutors-guide-for-advancing-racial-equity>.**

Prosecution and Racial Justice Program (PRJ) researchers partnered with several district attorneys' offices to use statistical methods to study whether, all things being equal (including a defendant's prior record or seriousness of the charged offense), race is affecting case outcomes. Despite efforts to be fair and equitable, prosecutors may unintentionally contribute to the overrepresentation of minorities in the nation's courtrooms, prisons, and jails. This guide helps equip prosecutors with the research tools necessary to launch racial-impact studies similar to those PRJ has overseen, and to find innovative solutions to racial disparity in the criminal justice system.

***Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault*, DEPT. JUST. (Dec. 2015), available at <https://www.justice.gov/opa/file/799366/download>.**

The guidance document serves two key purposes. First, it aims to examine how gender bias can undermine the response of law enforcement agencies (LEAs) to sexual assault and domestic violence. Second, it provides a set of basic principles that – if integrated into LEAs' policies, trainings and practices – will help ensure that gender bias, either intentionally or unintentionally, does not undermine efforts to keep victims safe and hold offenders accountable. The guidance, through a series of detailed case examples, advises law enforcement agencies to incorporate the principles into clear policies, and to provide comprehensive training and effective supervision protocols.

**GREG BERMAN & AUBREY FOX, *TRIAL AND ERROR IN CRIMINAL JUSTICE REFORM: LEARNING FROM FAILURE*, CENTER FOR COURT INNOVATION (Rev. ed. 2016).**

This book offers a hard look at the challenges of reforming our criminal justice system. The reluctance of policymakers to talk openly about failure, the authors argue, has stunted the public conversation about crime in this country and stifled new ideas. Through a telling of anecdotes from stakeholders in the field from judges to police officers, the authors encourage a more forthright dialogue about criminal justice, one that acknowledges that many new initiatives fail and that no one knows for certain how to reduce crime.

## **ATTRITION**

**Bruce K. Mac Murray, *The Nonprosecution of Sexual Abuse and Informal Justice*, 3(2) J. INTERPERSONAL VIOLENCE 197-202 (June 1988).**

This article examines prosecutorial discretion for sexual abuse under the domain of a recent mandatory district attorney reporting law. The study found that 45% of the cases referred to this prosecutor's office resulted in a non-prosecution decision. The primary reasons given were witness noncooperation and evidentiary problems, which were cited in over two-thirds of the cases. For all but two of the nonprosecuted cases, some form of informal disposition took place (e.g., intervention to reduce "at-risk" situations for child victims). The results of the study suggest the importance of considering informal discretionary techniques and dispositions as well as formal actions in evaluating the criminal justice response to child sexual abuse.

**Lisa Frohmann, *Discrediting Victims' Allegations of Sexual Assault: Prosecutorial Accounts of Case Rejections*, 38(2) SOCIAL PROBLEMS 213-26 (May 1991).**

This paper examines prosecutorial accounts of sexual assault case rejection and identifies the resources prosecutors use to make their decisions. The study found that a central feature in a prosecutor's reason to reject a case is the discrediting of the victim's rape allegations with discrepancies in the victim's stories and assuming ulterior motives for reporting the assault. For example, prosecutors were found to rely on assumptions about relationships, gender, and sexuality in complaint filing of sexual assault cases. Additionally, the processes for distinguishing truths from untruths and the practical concerns of trying cases are central to these decisions. The authors conclude by suggesting that each of the issues, in all of their complexity, should be further examined to determine how decisions are made in charging sexual assault cases.

**Patricia A. Frazier & Beth Haney, *Sexual Assault Cases in the Legal System: Police, Prosecutor, and Victim Perspectives*, 20(6) L. & HUMAN BEHAV. 607-28 (1996).**

The study assesses attrition in the processing of sexual assault cases in the legal system, including identifying factors associated with attrition at various stages in the process, and highlights victim's experiences in the legal system and the relationship between the victim's experience and recovery. This study found that substantial attrition continues to occur in the prosecution of rape cases, that more severe assaults are prosecuted more vigorously, and that victims are usually satisfied with the police (but not with the legal system in general). Further, the study found that victims' perception of how they were treated by the system did not appear to be related to their recovery.

**Jeanne Gregory & Sue Lees, *Attrition in Rape and Sexual Assault Cases*, 35(1) BRIT. J. CRIM. (Winter 1996).**

This article presents the key findings of a research project investigating changing police policies and practices at two London police stations in relation to rape and sexual assault cases. Despite a shift to the more sensitive treatment of women reporting sexual attacks, the attrition rate remains high. The police practice of "no-criming" a high proportion of cases is compounded by the negative role of the Crown Prosecution Service and the extreme difficulty of securing a conviction when cases do come to court. The paper concludes by emphasizing the need for a radical overhaul of the judicial process.

**Cassia Spohn & Katharine Tellis, *Policing and Prosecuting Sexual Assault in Los Angeles City and County: A Collaborative Study in Partnership with the Los Angeles Police Department, the Los Angeles County Sheriff's Department, and the Los Angeles County District Attorney's Office*, NAT'L INST. JUST. (Feb. 2012), <https://www.ncjrs.gov/pdffiles1/nij/grants/237582.pdf>.**

This study uses data on outcomes of sexual assaults reported to the Los Angeles Police Department (LAPD) and the Los Angeles County Sheriff's Department (LASD) to identify the extent of attrition, as well as the factors affecting likelihood of attrition and the stages of investigation at which attrition occurs. Additionally, the study investigates factors affecting case outcomes, unfounding of cases, and

clearance by exceptional means. After finding a substantial attrition rate, the study concluded that attrition most commonly occurs when police refuse to make an arrest. Contributing to this attrition is the tendency of police, anticipating that the district attorney would decline to prosecute, to send cases in which probable cause exists to the District Attorney for pre-arrest charge evaluations, which were made on a trial sufficiency standard and therefore prevent arrests. This in turn led to a misuse of exceptional clearance, which compromised the agencies' clearance date. The study found unfounding reports occurs infrequently and reports are most commonly unfounded because they are found to be baseless or false and that despite its relative minority in the number of total reports, investigations, and prosecutions, law enforcement and prosecutors generally spoke of sexual assault by strangers as more serious than other cases.

**Megan A. Alderden & Sarah Ullman, *Creating a More Complete and Current Picture: Examining Police and Prosecutor Decision-Making When Processing Sexual Assault Cases*, 18(5) VIOLENCE AGAINST WOMEN 525-51 (2012).**

This study identifies factors that predicted outcomes for sexual assault cases involving female victims across several decision-making points and compares those findings to prior studies. The results indicate that there continues to be a high attrition rate in the handling of sexual assault cases. Only 9.7% of cases examined resulted in charges. In regards to processing decisions, most of the factors that predicted whether cases were founded, resulted in arrest, presented to the prosecution, or resulted in felony charges were extralegal factors. One factor appeared to influence several decision-making points: whether officers noted discrepancies in victim statements.

**Sharon B. Murphy, et al., *Police Reporting Practices for Sexual Assault Cases in Which "The Victim Does Not Wish to Pursue Charges,"* 29(1) J. INTERPERSONAL VIOLENCE 144-56 (2013), available at [https://www.researchgate.net/publication/257464447\\_Police\\_Reporting\\_Practices\\_for\\_Sexual\\_Assault\\_Cases\\_in\\_Which\\_The\\_Victim\\_Does\\_Not\\_Wish\\_to\\_Pursue\\_Charges](https://www.researchgate.net/publication/257464447_Police_Reporting_Practices_for_Sexual_Assault_Cases_in_Which_The_Victim_Does_Not_Wish_to_Pursue_Charges).**

This study addresses the gap in the literature between arrest decision-making and prosecutorial decision-making time period, and the police reporting practices during the initial stages for cases in which the officer stated that the victim chose to drop her case. Results of this study call for more standardized police reporting practices and point to the need for future research into the initial stage of law enforcement involvement in adult sexual assault cases.

**Sharon Murphy et al., *Exploring Stakeholders' Perceptions of Adult Female Sexual Assault Case Attrition*, 3(2) PSYCHOL. VIOLENCE 172-84 (2013).**

The researchers conducted interviews with 51 professionals including police, prosecutors, victim witness advocates, sexual assault nurse examiners, and crisis center advocates in 1 northeastern U.S. state to identify causes for case attrition and negative experiences by victims in the criminal justice system. Three themes evolved through the course of the research including: the impact of the CSI effect on prosecutorial decisions and their perception of potential jury outcomes; justice and healing as an expectation of the criminal justice process by victim's advocates and SANES; and inconsistent responses due to the lack of consistent training and variability of knowledge/skills among community responders.

**HUMAN RIGHTS WATCH, *CAPITOL OFFENSE POLICE MISHANDLING OF SEXUAL ASSAULT CASES IN THE DISTRICT OF COLUMBIA* (2013), <https://www.hrw.org/report/2013/01/24/capitol-offense/police-mishandling-sexual-assault-cases-district-columbia>.**

This extensive report into the District of Columbia's United States Attorney's Office and Metropolitan Police Department's failure to bring charges or prosecute sexual assault cases finds that most cases were often not properly documented or investigated and victims faced callous, traumatizing treatment, despite official departmental policy to the contrary. It concludes that in many sexual assault

cases, the police did not file incident reports, which are required to proceed with an investigation, or misclassified serious sexual assaults as lesser or other crimes. Human Rights Watch also found that the police presented cases to prosecutors for warrants that were so inadequately investigated that prosecutors had little choice but to refuse them and that procedural formalities were used to close cases with only minimal investigation. The report recommended that the mayor and City Council create an independent mechanism to monitor police department responses to sexual assault complaints.

**Sofia Resnick, *Why Do D.C. Prosecutors Decline Cases Frequently? Rape Survivors Seek Answers*, REWIRE (Mar. 11, 2016), <https://rewire.news/article/2016/03/11/d-c-prosecutors-decline-cases-frequently-rape-survivors-seek-answers/>.**

This news article examines the frustration of victims and their advocates with the lack of transparency in prosecutors' decision-making at the U.S. Attorney's Office in declining to prosecute rape or sexual assault in D.C. It reviews a number of cases where the victim was disappointed by the failure of the AUSA's office to move forward on a case despite physical evidence and a witness willing to testify. The article identifies the difficulties in having a federal agency prosecute the sexual assault cases with no government authority over the office, and the frustration of victim's rights attorneys in the District.

**April Pattavina, et al.; *Examining Connections Between the Police and Prosecution in Sexual Assault Case Processing: Does the Use of Exceptional Clearance Facilitate a Downstream Orientation*, 11(2) VICTIMS & OFFENDERS (2016).**

The attrition of cases at the police and prosecutor stages has implications for thousands of victims and their alleged offenders each year. Current estimates show that significant rates of attrition persist and vary across jurisdictions. This report examines two jurisdictions with a pattern of exceptional clearances used to close sexual assault cases reported to the police, and where prosecutors weighed in at the arrest stage. Authors used incident data from a multitude of jurisdictions that report to the National Incident Based Reporting System (NIBRS) in combination with data from other law enforcement sources to investigate how legal and extra-legal incident factors and agency factors differentiate the decision to clear cases by exceptional means from clearance by arrest. Authors determined that agency, legal, and extra-legal factors predict the use of exceptional clearance relative to arrest and discuss how these findings suggest a downstream orientation in case processing.

**Julie Valentine, et al.; *Executive Summary: Justice Denied: Low Sexual Assault Kit Submission Rates in Utah and Their Predicting Variables*, (Dec. 1, 2016).**

This study examined rates of Sexual Assault Kit (SAK) submissions from 1,874 sexual assault kits from rapes occurring between the years 2010 to 2013 in Utah by sites with established sexual assault nurse examiner (SANE) programs. The study examined legal and extralegal characteristics in sexual assault cases to determine what factors statistically predicted victims would officially report their assault and submit their SAK. The study looked at kits submitted within 1 month, within 1 year, and after 1 year of the assault to see what patterns emerged. Variables that decreased odds of SAK submissions: victim used drugs prior to assault (22% less likely), victim bathed or showered following rape (17% less likely), victim with physical or mental impairment (17% less likely), and victim knew the suspect (16% less likely).

**Melissa Schaefer Morabito, et al., *It All Just Piles Up: Challenges to Victim Credibility Accumulate to Influence Sexual Assault Case Processing*, J. INTERPERSONAL VIOLENCE, 1-20 (2016).**

This study reviews the effects of police reporting of sexual assault and the attrition rate of cases of sexual assault in the Los Angeles Police Department between complaint to arrest. Studies show that sexual assault complaints have high rates of case attrition. This study examined the influence of police discretion in the course of a case, and the factors that "pile up" to influence police decision-making to

pursue complaints of sexual assault, based on the perceived credibility of the victim, which police determined by the victim's characteristics, the victim's behaviors prior to the rape including "risk taking" behaviors of alcohol or drug use, and whether the victim and assailant were strangers or acquaintances. The study determined that the more "challenges" faced by the victim, the less likely the police are to pursue a sexual assault case.

## **RAPE KIT BACKLOG/UNTESTED KITS**

**HUMAN RIGHTS WATCH, TESTING JUSTICE: THE RAPE KIT BACKLOG IN LOS ANGELES CITY AND COUNTY (Mar. 31, 2009), <https://www.hrw.org/report/2009/03/31/testing-justice/rape-kit-backlog-los-angeles-city-and-county>.**

The researchers for this report conducted 130 interviews of stakeholders in Los Angeles county including law enforcement, crime laboratory directors/staff, SANEs, victim advocates and public officials. The report made recommendations to various agencies and stakeholders to eliminate the backlog of untested rape kits in Los Angeles County, including the creation of an oversight board, improvements to the follow up on cold cases, and various policies to ensure victim's rights are protected.

**OFFICE ON VIOLENCE AGAINST WOMEN, ELIMINATING THE RAPE KIT BACKLOG: A ROUNDTABLE TO EXPLORE A VICTIM-CENTERED APPROACH (May 11-12, 2010), [https://www.victimsofcrime.org/docs/dna-resource-center-documents/eliminating-the-rape-kit-backlog---a-roundtable-to-explore-a-victim-centered-approach-\(2010\).pdf?sfvrsn=6](https://www.victimsofcrime.org/docs/dna-resource-center-documents/eliminating-the-rape-kit-backlog---a-roundtable-to-explore-a-victim-centered-approach-(2010).pdf?sfvrsn=6).**

In response to concerns over a nationwide backlog of DNA evidence from sexual assault cases, stakeholders from federal, state, and local levels convened a roundtable discussion from May 11-12, 2010 to explore innovative and victim-centered approaches to eliminating the backlog of rape kits in state and local jurisdictions and crime laboratories. This report highlights the participants' recommendations for eliminating rape kit backlog, which includes clearly understanding the extent of backlog, providing improved training on collection and storage, identifying the need for increased funding, and promoting research on promising practices to reduce the backlog.

**Joseph Peterson, et al., Sexual Assault Kit Backlog Study: Final Report, Nat'l Inst. Just. (Mar. 2012), <https://www.ncjrs.gov/pdffiles1/nij/grants/238500.pdf>.**

This report evaluates The Sexual Assault Kit Backlog Project's mission and accomplishments in rectifying the massive Los Angeles County sexual assault kit backlog. Researchers were interested in both the results of the scientific testing of these backlogged cases, and if the test results had any appreciable effect on the criminal justice outcomes of these or other cases. They compared the disposition of backlogged kits (that came from cases the investigators thought would not benefit from SAK testing), to the current samples (which were collected and submitted to local crime laboratories for testing per the current policy to test all submitted SAKs). This report describes how these subsamples were chosen and tracked over six months, from the receipt of laboratory test results to recording of the criminal justice dispositions. Researchers reviewed 371 backlogged cases and 371 non-backlogged cases from both agencies for a total of 742 outcomes. Various recommendations included: an agency collaboration requirement to establish criteria for future testing; not requiring testing for all backlogged kits; increased access to more information, including police files, for crime laboratories before they process a kit; and improvements to be made to CODIS "hit" identifiers.

**Mark Nelson, *Making Sense of DNA Backlogs—Myth Versus Reality*, 226 NAT'L INST. JUST. J. 20-25 (May 2010), <http://www.nij.gov/journals/266/Pages/backlogs.aspx>.**

This report reviews the reasons why rape kit backlogs exist, persisting even after federal and state initiatives have been implemented to reduce the backlog. The report distinguishes between casework backlog and convicted offender/arrestee backlogs, and identifies a number of different factors, ranging from the increased demand for DNA testing to various law enforcement decision-making that prioritizes certain cases over others, or the determination that certain DNA evidence is not significant as a factor in aspects of the rape kit backlog.

**FORENSIC TECHNOLOGY CENTER OF EXCELLENCE, STRENGTHENING FORENSIC SCIENCE SERVICES THROUGH THE DNA CAPACITY ENHANCEMENT & BACKLOG REDUCTION PROGRAM AND PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS, FINAL REPORT, NATIONAL INSTITUTE OF JUSTICE (Oct. 2014), <https://www.ncjrs.gov/pdffiles1/nij/grants/248540.pdf>.**

Representatives from participating crime laboratories from various regions of the United States met from September 11-12, 2014 to gather information on strengthening the DNA Capacity Enhancement and Backlog Reduction (DNA) and Paul Coverdell Forensic Science Improvement Grants (Coverdell) programs. The main objective of the meeting was to gather information that could be used to develop strategies to strengthen the DNA and Coverdell programs, and to promote the effective use and timely expenditures of grant funds. This report covers the topics discussed to understand the needs and challenges related to the DNA and Coverdell programs, including the identification of the needs of the scientific communities to address the backlog and develop performance measures, as well as the need for training and continuing education.

**Rebecca Campbell, et al., *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP)* (Nov. 9, 2015), <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>.**

Detroit Michigan is one of a growing number of U.S. cities that have large numbers of untested sexual assault kits (SAKs). This report is from the Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), a group of researchers and practitioners from law enforcement, prosecution, forensic sciences, forensic nursing, and victim advocacy who collaborated to assess the scope of the problem by conducting a complete census of all SAKs in Detroit's police property. This report identifies the underlying factors that contributed to why Detroit had so many un-submitted SAKs, it develops a plan for testing SAKs and evaluation, and it recommends the creation of a victim notification protocol and protocol evaluation tool.

**JOYFUL HEART FOUNDATION, END THE BACKLOG, <http://www.endthebacklog.org/homepage> (last visited January 6, 2017).**

This website is hosted by the Joyful Heart Foundation, a non-profit organization that advocates for the reduction of rape kit backlog and the promotion of sexual assault victims' rights. The website provides resources on the causes of the backlog in rape kit testing; information on the importance of testing rape kits; an interactive map of states where rape kit testing backlog exists; and a legislative tracker to identify states that have instituted backlog reform legislation and policies.

**NATIONAL INSTITUTE OF JUSTICE, UNTESTED EVIDENCE IN SEXUAL ASSAULT KITS, <http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/untested-sexual-assault.aspx>, current as of March 18, 2016. (last visited January 6, 2017).**

Funded by the National Institute of Justice, this website provides research resources on the topics of untested sexual assault kits. It links to various federally funded reports on the causes of sexual assault kit backlog, the management of state programs to address their backlog, and recommendations based on the experiences of multidisciplinary action-research teams.

**Alison Knezevich & Catherine Rentz, *Maryland Lawmakers Call for Uniform Police Standards on Rape Kits*, BALTIMORE SUN (Dec. 9, 2016), <http://www.baltimoresun.com/news/maryland/politics/bs-md-rape-kits-reaction-20161209-story.html>.**

This news article provides background on the Maryland General Assembly's recent rape kit retention policy reform efforts. Lawmakers aimed to establish a state law on kit retention, addressing the prevailing disparity of practices and length of retention times that vary by local law enforcement agencies.

**SEXUAL ASSAULT KIT INITIATIVE, <https://sakitta.org>.**

This is the official website for the Sexual Assault Kit Initiative, SAKI. Funded by the Bureau of Justice Assistance, the Sexual Assault Kit Initiative aims to create a coordinated community response that ensures just resolution to sexual assault cases. Through this program, funding is provided to support multidisciplinary community response teams engaged in the comprehensive reform of jurisdictions' approaches to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

## **PROMISING PRACTICES**

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### **SPECIALIZED UNITS**

**Dawn Beichner & Cassia Spohn, *Prosecutorial Charging Decisions in Sexual Assault Cases: Examining the Impact of a Specialized Prosecution Unit*, 16 CRIM. JUST. POL'Y REV. 461 (2005).**

In this study, the authors examine prosecutorial charging decisions across two unique jurisdictions. The findings of the study reveal that, despite differences in departmental policies and rates of plea bargaining and trials, prosecutors' charging decisions and the predictors of charging are similar in the two jurisdictions. The authors conclude that, regardless of whether decisions are made in a specialized unit or not, victim credibility is a real "focal concern" of prosecutors in sexual assault cases.

**Christopher Mallios & Jenifer Markowitz, *Benefits of Coordinated Community Responses in Sexual Assault Cases*, AEQUITAS, 7 STRATEGIES IN BRIEF (Dec. 2011).**

This article identifies the different social systems—medical, law enforcement, prosecution and victim advocacy—that are available to respond to the crimes of sexual violence and should coordinate to support victims. This article references studies that encourage the use of Sexual Assault Response Teams (SARTs) to meet the needs of victims and improve access to the legal system. The authors assert that better provision of services to victims means that communities are better protected.

**COLLEEN OWENS, ET AL., URBAN INSTITUTE, *IDENTIFYING CHALLENGES TO IMPROVE THE INVESTIGATION AND PROSECUTION OF STATE AND LOCAL HUMAN TRAFFICKING CASES 9* (June 2012), *available at* <http://www.urban.org/research/publication/identifying-challenges-improve-investigation-and-prosecution-state-and-local-human-trafficking-cases>.**

This research report provides information useful to improving the identification, investigation, and prosecution of human trafficking cases when prosecutors and law enforcement are working with new legislation for "new crimes." The authors identify the necessity of training for all allied professionals to ensure practitioners understand nuances within new laws, and they promote the creation of specialized units to develop consistent and clear policies and responses. The report identifies operational and institutional issues that may create barriers to the enforcement of trafficking laws, and provides recommendations for how to raise awareness of the issues, use problem-solving

techniques, and improve the victim experience with trauma-informed practices and a recognition of common victim behaviors.

## VICARIOUS TRAUMA

**Peter Jaffe et al., *Vicarious Trauma in Judges: The Personal Challenge of Dispensing Justice*, 54(2) JUV. & FAM. CT. J. (Fall 2003).**

This article was co-authored by researchers and a practicing family court judge for the purpose of examining trauma as it effects the judiciary. The authors define what vicarious trauma is, common symptoms of vicarious trauma, and the rates of vicarious trauma observed in judges. It identifies particular personal traits that may make one more susceptible to vicarious trauma, and offers coping strategies and prevention methods to address “burn out” and “compassion fatigue” in affected members of the judiciary.

**Rachel Sabin-Farrell & Graham Turpin, *Vicarious Traumatization: Implications for the Mental Health of Health Workers?* 23 CLINICAL PSYCH. REV., 449–480 (2003).**

This article reviews the concepts of vicarious trauma, burnout, compassion fatigue, secondary traumatic stress, and work stress, specifically in mental health care workers. The research finds inconsistencies in the evidence supporting vicarious trauma, and the authors identify the need for more research to focus specifically on identifying vicarious trauma and its implications.

**TED BOBER & CHERYL REGHER, STRATEGIES FOR REDUCING SECONDARY OR VICARIOUS TRAUMA: DO THEY WORK? available at: <http://btci.edina.clockss.org/cgi/reprint/6/1/1.pdf>.**

This study reviews a self-administered survey of 257 therapists to determine what self-care practices are most effective. The therapists in this study work with victims of trauma. It was found that although most therapists support the use of self-care to prevent burn out or vicarious trauma, few actually engaged in those practices. There was no evidence from this study that using recommended coping mechanisms was protective against acute stress. Authors recommend strategies that may reduce vulnerability to trauma, which include making changes to the workplace environment and culture to reduce exposure to stress and to allow for individual coping.

**LAURIE ANN PEARLMAN & LISA MCKAY, UNDERSTANDING AND ADDRESSING VICARIOUS TRAUMA, (ONLINE TRAINING MANUAL FOUR), HEADINGTON INSTITUTE (2008).**

This is a resource guide for humanitarian workers and their organizations about how to identify and address issues relating to vicarious trauma. The guide provides analysis on how humanitarian workers at various levels—from direct services to supporting staff—are affected by vicarious trauma. It defines vicarious trauma, the ways in which vicarious trauma affects different people based on the individual’s personal history and susceptibility to trauma, and offers recommendations for recognizing the signs of vicarious trauma and its effects on the individual, their work and family life, as well as coping mechanisms for present trauma and how to avoid it in the future.

**Tina Mattinson, *Vicarious Trauma: The Silent Stressor*, INST. CT. MGMT. (May 2012), available at: <http://www.ncsc.org/~media/files/pdf/education%20and%20careers/cedp%20papers/2012/vicarious%20trauma.ashx>.**

This research report reviews 19 out of 58 county courts in northern California, looking for signs of vicarious trauma in state trial court employees, including judges, attorneys, and court staff, as a result of their proximity to cases of domestic violence, violent felonies, and incidents of violence within the courthouse. The report identifies the various types of trauma from personal, secondary, and vicarious, and recognizes the symptoms of Post-Traumatic Stress Disorder (PTSD), which can include any

combination of tension, hostility, boredom, apathy, compulsiveness, or racing thoughts, and which could affect judgement and decision-making in the courtroom. Participants responded through self-reporting surveys, and the report found that most courts did not provide any resources or support for staff about vicarious trauma. The report offers recommendations to begin changing the protocols for court staff that will raise awareness of vicarious trauma, and promote a more supportive workplace.

**Linda Albert, *Keeping Legal Minds Intact: Mitigating Compassion Fatigue Among Government Attorneys*, A.B.A. 20(1) PASS IT ON (Fall 2012), available at: [http://www.americanbar.org/content/dam/aba/publications/pass\\_it\\_on/PIO\\_F12.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/pass_it_on/PIO_F12.authcheckdam.pdf).**

This article is part of a webinar and training series from the American Bar Association's Lawyer Assistance Program. It includes a course on how to identify the legal professionals who are most at risk of compassion fatigue, outlines the development of compassion fatigue, and its implications, and offers strategies for the individual and organizational measures that can work to prevent and mitigate compassion fatigue.

**Molly Wolf et al., "We're Civil Servants," *The Status of Trauma Informed Care in the Community*, 40 J. SOC. SERV. RES. 111-120 (Dec. 12, 2013).**

Trauma informed care (TIC) in social service organizations means that these organizations operate with the understanding that persons have endured trauma in their lifetimes, and it includes both the clients and the staff. This report reviewed the implementation of the five factors of TIC—safety, trustworthiness, collaboration, empowerment, and choice—as they were used in local social service organizations. These organizations described how the five principles were integrated into their interactions with clients even when they were not described explicitly as trauma-informed. This implementation often lagged, however, in the application to staff and in-house practices, specifically related to choice and empowerment. The study recommended implementing TIC to staff to reduce burnout and high turnover rates.

**William Petty, *Developing Resiliency and Addressing Vicarious Trauma in Your Organization*, OFFICE OF VICTIMS OF CRIME NEWS & PROGRAM UPDATES (April 2014)**

**<https://www.ovcttac.gov/views/TrainingMaterials/dspCompassionFatigueTraining.cfm>.**

This article is a two-part series from the Office of Victims of Crime's newsletter and presents an explanation of work stress associated with working with victims of trauma. The first part emphasizes the importance of victim service organizations identifying vicarious trauma in their staff and in developing resilience training. The second part focuses on effective resources for organizations as they seek to strengthen their support of employee wellness and self-care.

**Bea Hanson, *Director's Message: The Importance of Understanding Trauma-Informed Care and Self-Care for Victim Service Providers*, DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN (July 30, 2014), available at: <https://www.justice.gov/ovw/blog/importance-understanding-trauma-informed-care-and-self-care-victim-service-providers>.**

This department message identifies populations affected by historical trauma and multi-generational trauma, and encourages all service providers and members of law enforcement to deliver their service and support from a trauma-informed perspective. It acknowledges the stress and secondary trauma that working in the field of gender-based violence can create, and the Director encourages self-care to prevent burn out and fatigue. The message provides links to trauma training courses, resources for self-care trainings, and provides context for the significance of such training.

**NORTHEASTERN UNIVERSITY INSTITUTE ON URBAN HEALTH RESEARCH AND PRACTICE, *Vicarious Trauma Toolkit (Spring 2017)*.**

This online platform was created by the Institute on Urban Health Research and Practice at Northeastern University to provide online resources on vicarious trauma to individuals and organizations that work as first responders and victim services. The toolkit contains hundreds of resources that offer sample policies, research, training materials, and links to other websites, podcasts, and videos. The project also developed a tool to help organizations assess their organizational readiness related to trauma-informed practices.

**JOYFUL HEART FOUNDATION, VICARIOUS TRAUMA,  
<http://www.joyfulheartfoundation.org/learn/vicarious-trauma>.**

This website provides a definition of vicarious trauma intended for laypersons to understand the effects of secondary trauma on the practitioners who support victims of sexual assault. It provides recommendations for programs, including Heal the Healers, that address the issue of vicarious trauma on practitioners so they can receive support for the stress and compassion fatigue that can coincide with engaging and supporting survivors of sexual assaults.

***Compassion Fatigue/Vicarious Trauma*, OFFICE FOR VICTIMS OF CRIME TRAINING AND TECH. ASSISTANCE CTR., <https://www.ovcttac.gov/views/TrainingMaterials/dspCompassionFatigueTraining.cfm> (last updated June 6, 2017).**

This site provides an online toolkit for persons providing direct services to victims of crime. The toolkit provides managers a two-day interactive training identifying self-care techniques and strategies for staff management to ensure balance and self-care. The training utilizes case studies, role-playing and interactive exercises to teach the recognizable symptoms of compassion fatigue, vicarious trauma, and to encourage resilience and health coping skills to minimize the effects of workplace trauma.

## **SEXUAL ASSAULT RESPONSE TEAMS (SARTS)**

### ***Effectiveness of SANEs/SARTs Generally***

**M. Elaine Nugent-Borakove, et al., *Testing the Efficacy of SANE/SART Programs: Do They Make a Difference in Sexual Assault Arrest & Prosecution Outcomes?*, NAT'L CRIM. JUST. REFERENCE SERV. (2006). <https://www.ncjrs.gov/pdffiles1/nij/grants/214252.pdf>.**

This study reviewed and compared 262 cases of sexual assault where SANE/SARTs were involved to 268 cases of sexual assault with no SANE/SART to determine if SANE/SART exams increased arrest and prosecution rates. Cases came from one county in of the following states: Kansas, Massachusetts, and New Jersey. One jurisdiction had a SANE only program, one with a SANE-SART program, and one having no SANE or SART at all. The study indicated that compared to non-SANE/SART cases, jurisdictions with both SANE/SART cases are reported more quickly, have more evidence (DNA evidence in particular) available, and have more victim participation, although SANE-only cases had the lowest participation levels. SANE/SART intervention is also a factor in the identification and arrest of a suspect, the strongest predictor that charges will be filed, and helps to increase the likelihood of conviction. However, there was insufficient information to indicate that SANE/SART programs had impact on penalty and length of sentence.

**Rebecca Campbell et al., *Adolescent Sexual Assault Victims and the Legal System: Building Community Relationships to Improve Prosecution Rates*, 50 AM. J. COMMUNITY PSYCHOL. 141 (2012).**

The study focused on two SANE-SART programs from the same state for consistency in relevant laws,

state-level policies, and funding streams, and to determine the impact of SANE/SART programs on the outcomes of adolescent sexual assault cases. Overall, 40% of the adolescent cases from these two SANE–SART programs (over a 10-year period) were successfully prosecuted. Cases were more likely to be prosecuted for younger victims, those with disabilities, those who knew their offenders, and instances in which the rape evidence collection kit was submitted by police for analysis. After accounting for these influences, multi-level modeling results revealed that in one site decreased allocation of community resources to adolescent sexual assault cases had a significant negative effect on prosecution case outcomes.

**Rebecca Campbell et al., *The Impact of Sexual Assault Nurse Examiner (SANE) Program Services On Law Enforcement Investigational Practices: A Mediation Analysis*, 39 CRIM. JUST. & BEHAV. 169 (2012).**

This study reviewed 343 adult sexual assault cases in three mid-western law enforcement agencies where SANEs were involved in the investigation, the specific investigatory steps taken in each case, and the referral outcome. When the victim had a medical forensic exam, police collected more kinds of other evidence to support the case, which was associated with increased likelihood of case referral for prosecution. When SANEs conducted a suspect exam (i.e., a forensic examination of the suspect's body), police were more likely to collect other kinds of evidence and more likely to interview the suspect, both of which were associated with increased likelihood of case referral.

**Rebecca Campbell et al., *Prosecution of Adult Sexual Assault Cases: A Longitudinal Analysis of the Impact of a Sexual Assault Nurse Examiner Program*, 18 VIOLENCE AGAINST WOMEN 223 (2012).**

The study examines whether adult sexual assault cases are more likely to be investigated and prosecuted after the implementation of a SANE program within a large Midwestern county. Researchers compared pre-SANE criminal case progression to post-SANE case progression and determined that there was a significant progression through the criminal justice system: more cases reached the “final” stages of prosecution (i.e., conviction at trial and/or guilty plea bargains) post-SANE.

**Rebecca Campbell, et al., *The Impact of Sexual Assault Nurse Examiner Programs on Criminal Justice Case Outcomes: A Multisite Replication Study*, 20 VIOLENCE AGAINST WOMEN 607 (2014), <https://vaw.msu.edu/wp-content/uploads/2014/06/Violence-Against-Women-2014-Campbell-607-25.pdf>.**

In this study, we conducted a multisite evaluation of six SANE programs (two rural programs, two serving midsized communities, two urban) to assess how implementation of SANE programs affects adult sexual assault prosecution rates. Findings suggest that the SANE intervention model does have a positive impact on sexual assault case progression in the criminal justice system.

**J. L. Valentine et al., *Now We Know: Assessing Sexual Assault Criminal Justice Case Processing In An Urban Community Using The Sexual Assault Nurse Practitioner Evaluation Toolkit*. 12 J. FORENSIC NURSING, 133 (2016).**

This toolkit was developed for use by sexual assault nurse examiners (SANEs) to assess criminal case outcomes in adult sexual assault cases seen by SANE programs. The toolkit provides step-by-step directions and an easy-to-use statistical program.

**Nat'l Dist. Att'ys Assoc., *Confronting Violence Against Women, A Community Action Approach*.**

This manual provides a guide to the creation of a coordinated community council to address issues of violence against women based on best practices and lessons learned from across the country as advocates and agencies have developed their responses to domestic violence, sexual assault and other violence against women. The manual includes a step-by-step guide to council development, priority

setting, implementation, and evaluation. It suggests activities that have been effectively employed by councils across the nation. It provides organizers with contact information about domestic violence coordinating initiatives across the country and an appendix with tools for mapping, assessment, and planning their own goals and performance measure.

**SART TOOLKIT, RESOURCES FOR SEXUAL ASSAULT RESPONSE TEAMS, OFFICE OF JUSTICE PROGRAMS, <https://ovc.ncjrs.gov/sartkit/about/about-sart.html> (last visited June 8, 2017).**

This online resource is meant to assist community based providers in developing an appropriate collective response for victims of sexual violence in their communities. It identifies what a SART is, how it benefits victims, how it benefits providers and encourages service providers to develop a team approach with the goals of justice and trauma-informed victim-centered approach in mind.

**Amanda J. Waters & Lisa Asbill, *Reflections on Cultural Humility*, (Am. Psychol. Ass'n Child, Youth & Family News, Washington, D.C.) Aug. 2013,**

**<http://www.apa.org/pi/families/resources/newsletter/2013/08/cultural-humility.aspx>.**

The authors identify the importance of practicing cultural humility over simple cultural competency. The authors identify three factors that guide a sojourner toward cultural humility. The first aspect is a lifelong commitment to self-evaluation and self-critique – this encourages the practitioner to be humble and open to new experiences. The second feature of cultural humility is a desire to fix power imbalances where none ought to exist – this encourages practitioners to respect clients and understand that each are experts in their respective areas of knowledge. Finally, cultural humility includes aspiring to develop partnerships with people and groups who advocate for others – this opens the opportunity for communities to have impact on systems.

### ***Survivor Support by SANE/SARTs***

**Rebecca Campbell et al., *Preventing the "Second Rape:" Rape Survivors' Experiences with Community Service Providers*, 16 J. INTERPERSONAL VIOLENCE 1223, 1239 (2001),**

**<http://jiv.sagepub.com/content/16/12/1239.short?rss=1&ssource=mfc>.**

This research examined how post-assault contact with community systems exacerbated rape victims' psychological and physical health distress. Findings revealed that the majority of rape survivors who reported their assault to the legal or medical system did not receive needed services. This study suggests that the trauma of rape extends far beyond the assault itself, as negative community responses can significantly elevate distress.

**Anne Wolbert Burgess et al., *SANE/SART Services for Sexual Assault Victims: Policy Implications*, 1 VICTIMS & OFFENDERS 205, 205 (2006).**

A study of 530 sexual assault cases from three jurisdictions tested the efficacy of sexual assault nurse examiner/sexual assault response team (SANE/SART) programs as a tool in the criminal justice system. Policy implications from the findings recommend a SANE training curriculum for the rape examination and biological evidence collection; SANE/SART programs for a multidisciplinary effort in the investigation and prosecution of cases, alternative disposition for cases whereby the victim and offender know each other, and a risk management plan for combating recidivism.

**Rebecca Campbell, *Rape Survivors' Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?*, 12 VIOLENCE AGAINST WOMEN 30 (2006).**

This is a study of 81 rape survivor interviews from two urban hospitals, and compares the experience of survivors who had the assistance of rape victim advocates during both medical procedures and in the legal process versus survivors who did not have a victim's advocate support. Survivors with an advocate reported they were more likely to have police reports taken, and were treated less negatively

by police officers. Those survivors with advocate support reported that they received more medical services, reported significantly fewer negative interpersonal interactions with medical system personnel, and reported less distress in their engagement with the legal system than survivors who did not have an advocate.

**Courtney E. Ahrens, et al., *Deciding Whom to Tell: Expectations and Outcomes of Rape Survivors' First Disclosures*, 31 PSYCHOL. WOMEN 38 (2007).**

In this study, 102 female rape survivors were interviewed regarding their first post-assault disclosure. This analysis identified the type of support provider to whom survivors first disclosed (informal like family or friends, or formal providers like police or medical staff), their reasons for disclosing, how the person reacted to their disclosure, and how this reaction affected them. Qualitative analysis revealed that nearly 75% of first disclosures were to informal support providers (friends and family), and over one third of the disclosures were not initiated by the survivors themselves. Survivors who disclosed to informal support providers had a more positive experience compared to survivors who sought out formal support providers and had more negative experiences. However, when the formal support providers approached the survivor to offer their support, the survivor reports the engagement was largely positive.

**Rebecca Campbell et al., *Using The Ecological Theory to Evaluate the Effectiveness of an Indigenous Community Intervention: A Study of Sexual Assault Nurse Examiner (SANE) Programs*, 46 AM. J. COMMUNITY PSYCHOL. 263 (2010).**

The goal of this project was to use Kelly and Trickett's ecological theory as a conceptual framework for evaluating an indigenous intervention and its mediating mechanisms of effectiveness. The focal intervention was a mid-western Sexual Assault Nurse Examiner (SANE) program, which provides post-assault medical care, crisis intervention, and medical forensic exams for sexual assault survivors. Prior studies of SANE programs have suggested that these interventions may help increase sexual assault prosecution rates.

**Giannina Fehler-Cabral et al., *Adult Sexual Assault Survivors' Experiences with Sexual Assault Nurse Examiners (SANEs)*, 26 J. INTERPERSONAL VIOLENCE 3618 (2011).**

This qualitative study examined twenty rape survivors' experiences with forensic nurse examiners of a Midwestern SANE program. Findings suggest that SANEs provided survivors with care and compassion, clear explanations, and choices. Some survivors perceived forensic nurses as hurtful when they were not provided with choices, explanation, and/or acted cold and distant.

**Webinar Recording by Rebecca Campbell, *The Neurobiology of Sexual Assault: Implications for First Responders in Law Enforcement, Prosecution and Victim Advocacy*, NAT'L INST. JUST., <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/welcome.aspx> (recorded on Dec. 3, 2012).**

This transcript comes from presentation at an NIJ Research for the Real World Seminar. The present identifies the issue of case attrition due to the longstanding response of law enforcement and prosecution to a victim who has been effected by the trauma of sexual assault. Campbell identifies behaviors, such as flat affect or inconsistency in statements, that law enforcement has taken to be symptoms of neurobiological trauma. Recommendations for improvement include training on the neurobiological effects of trauma on memory for law enforcement and reform of interview tactics that cause secondary victimization and discourages victim reporting.

**Rebecca Campbell et al., *Sexual Assault Response Team (SART) Implementation and Collaborative Process: What Works Best For The Criminal Justice System?*, NAT'L INST. JUST. (2013).**

This paper presents a structural analysis of SARTs to examine how differences in a SARTs' structure relate to its effectiveness. This study identified three types of SARTs from a national sampling of 172 SARTS. The study reviewed structure and functioning of local SARTs, the patterns of implementation and how the patterns relate to perceived effectiveness. These findings suggest that formalization, regular collaborative processes, and broad active membership from diverse stakeholder groups are key components of successful SARTs.

**Rebecca Campbell, et al., *With Care and Compassion: Adolescent Sexual Assault Victims' Experiences in Sexual Assault Nurse Examiner Programs*, 9 J. FORENSIC NURSING 68 (2013).**

This study conducted in-depth qualitative interviews with 20 adolescent sexual assault survivors, aged 14-17 years old, who sought post-assault medical forensic examinations at one of two Midwestern Sexual Assault Nurse Examiner programs. These findings suggest that compassionate care must be developmentally informed, such that basic patient-centered practices (e.g., belief and validation) are age sensitive and age appropriate.

**Janine Zweig et al., *Accessing Sexual Assault Medical Forensic Exams: Victims Face Barriers*, URB. INST. (May 13, 2014), <http://www.urban.org/research/publication/accessing-sexual-assault-medical-forensic-exams>.**

This study addresses gaps in information regarding: (1) which entities pay for medical forensic exams (MFEs) and the policies and practices around determining payment; (2) which services are provided in the exam process and how exams are linked to counseling, advocacy, and other services; (3) whether exams are provided to victims regardless of their reporting or intention to report the assault; (4) how MFE kits are being stored for victims who choose not to participate in the criminal justice system process; and (5) whether the VAWA 2005 requirement is generally being met throughout the country.

**Rebecca Campbell et al., *Responding to Sexual Assault Victims' Medical and Emotional Needs: A National Study of the Services Provided by SANE Programs*, 29 RES. IN NURSING & HEALTH 384 (2006).**

This research report measures the consistency with which a national random sample of 110 Sexual Assault Nurse Examiner (SANE) programs provided 17 unique services to sexual assault victims. SANE programs consistently offered forensic evidence collection, sexually transmitted infection (STI) prophylaxis, information on HIV, information on pregnancy risk, and referrals to community resources. The report identifies specific reasons that not all programs routinely offered particular services (e.g., STI cultures, HIV testing/prophylaxis, emergency contraception (EC)) due to financial constraints, difficulties balancing medical care with legal prosecution, and in certain cases the hospital's affiliations with Catholic hospitals.

### ***Implementing a SART***

**Cameron S. Crandall & Deborah Helitzer, *An Impact Evaluation of a Sexual Assault Nurse Examiner (SANE) Program*, ALBUQUERQUE SANE COLLABORATIVE (2003), <https://www.ncjrs.gov/pdffiles1/nij/grants/203276.pdf>.**

This study compared cases of women who sought medical care after sexual assault at the University of New Mexico Health Sciences Center two years prior to the inception of the SANE program to the experiences of women seeking medical care after a sexual assault after the inception of the SANE services program. The study reviews the cases in four areas: 1) Healthcare, 2) Victim services, 3) Law enforcement and 4) Prosecution. The data strongly suggest that a SANE unit greatly enhances the healthcare quality of women who have been sexually assaulted, improves the quality of forensic evidence, improves law enforcement's ability to collect information and to file charges, and increases

the likelihood of successful prosecution. While SANE units significantly impact the collection of forensic data and improve prosecution, additional resources are needed for victim's services (e.g., follow up and counseling), training of law enforcement and improved communication across all service providers.

**Sharon Wasco et al., *A Statewide Evaluation of Services Provided to Rape Survivors*, 19 J. INTERPERSONAL VIOLENCE 252 (2004).**

This article presents the descriptive results of a statewide evaluation of hotline, advocacy, and counseling services provided to sexual assault victims in Illinois. Collaborative efforts of a multidisciplinary research team and sexual assault service providers resulted in victim-sensitive evaluation measures and data that reflect, for the first time, the collective impact of services on rape victims across the state of Illinois.

**WEST VIRGINIA FOUNDATION FOR RAPE INFORMATION & SERVICES, *Mobile SANE Project Final Report*, (2005), <http://www.fris.org/Resources/PDFs/Books/SANEMobile-Final.pdf>.**

Many rural hospitals in West Virginia have few SANE trained nurses, often one or two nurses per facility, on staff causing high numbers of burn out and turn over. Once a SANE nurse left a hospital, administration had little to justify the financial cost of maintaining a 24/7 SANE program. In response, West Virginia considered the development of a mobile SANE project. This report reflects the two components of the study the sustainability of the program, and replicability of such a program. This report provides information on the development, budgeting, recruitment and training of staff to create regional Mobile SANE units to address victims needs in West Virginia.

**Doug Wilson & Andrew Klein, *An Evaluation of the Rhode Island Sexual Assault Response Team (SART)*, NAT'L INST. JUST. (2005), <https://www.ncjrs.gov/pdffiles1/nij/grants/210584.pdf>.**

This report is the first outcome evaluation of a SART program in Rhode Island, highlighting the use and efficacy of the SART program in felony-level cases in Superior Court. The evaluation describes the SART process, which is a coordinated effort between the victim, The Sexual Assault and Trauma Resource Center (SATRC), the police department, the Rhode Island Department of the Attorney General, the prosecuting agency for felony sexual assaults. It also examines the outcome of this process.

**NAT'L SEXUAL VIOLENCE RES. CTR., *Report on the Needs Assessment of Sexual Assault Response Teams*, (2006), [http://www.nsvrc.org/sites/default/files/file/Projects\\_SART\\_Report-on-the-National-Needs-Assessment-of-SART.pdf](http://www.nsvrc.org/sites/default/files/file/Projects_SART_Report-on-the-National-Needs-Assessment-of-SART.pdf).**

This report reflects the findings of a national research study to examine the functioning and effectiveness of SARTs and improve effectiveness. The study identified multidisciplinary teams that engaged in coordinated response to sexual assault, met regularly, and served adult victims. The study was compiled from 172 phone interviews with the SART leaders or long-time members who self-reported on how their SART operates and their perceptions of their SARTs' effectiveness.

**Kristen Little et al., *Sexual Assault Response and Resource Teams (SARRT): A Guide for Rural and Remote Communities*, END VIOLENCE AGAINST WOMEN INT'L (2007), <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=33>.**

This training module should provide a guide to rural and remote communities to improve the coordination of services for victims across professional disciplines and agencies. To effectively coordinate community response for sexual assault survivors, the model highly recommends the creation and implementation of a Sexual Assault Response and Resource Team (SARRT). This guide outlines many issues to implementing a SARRT in a rural or remote community and the general the benefits of SARRTs.

**Jennifer Zajac, *National Sexual Assault Response Team Survey Report*, NAT'L SEXUAL VIOLENCE RES. CTR. (2009), <http://www.ccasa.org/wp-content/uploads/2014/01/NSVRC-Reports-National-SART-Survey-2009.pdf>.**

This report summarizes the information gathered by the National Sexual Violence Resource Center (NSVRC) via a web-based survey regarding how local, state, territory and tribal communities have developed Sexual Assault Response Teams (SARTs). The survey is a follow-up to the national needs assessment conducted in 2005 by NSVRC. The information from the current survey will help NSVRC obtain an updated picture of SARTs nationwide.

**Rikke Holm Bramsen et al., *A Danish Model for Treating Victims of Rape and Sexual Assault: The Multidisciplinary Public Approach*, 18 J. AGGRESSION, MALTREATMENT & TRAUMA 886 (2009).**

This article describes the experiences of the Danish Center for Rape Victims (CRV), a public Danish center for rape and sexual assault victims. The article describes the experiences that contributed to the development of guidelines for other Danish rape trauma centers, created more public awareness about the challenges in the field of rape and sexual assault, improved the treatment and care of victims, educated the public in the field of rape and sexual assault, developed and implemented prevention programs, and increased the overall funding nationally to help victims of rape and sexual assault.

**Marilyn Strachan Peterson et al., *California SART Report: Taking Sexual Assault Response to The Next Level - Research Findings, Promising Practices & Recommendations*, CAL. CLINICAL FORENSIC MED. TRAINING CTR. (2009), [http://www.calcasa.org/wp-content/uploads/2010/01/SART-Report\\_08.pdf](http://www.calcasa.org/wp-content/uploads/2010/01/SART-Report_08.pdf).**

This report is based on two-years of extensive research throughout California on the development of the SART Enhancement Project. Based on CCFMTC's research findings, it is organized into two primary sections — SART partner roles, and SART operational elements. Each section includes an overview of how California's SARTs work, the issues and obstacles they face, and a list of promising practices useful for moving a SART to the next level in a particular category or component of SART work. Each section concludes with examples or "snapshots" from the field illustrating promising practice in action.

**Jennifer Cole, *Victim Confidentiality on Sexual Assault Response Teams (SART)*, 26 J. INTERPERSONAL VIOLENCE 360 (2011).**

The study examines how 78 professionals and paraprofessionals in a Sexual Assault Response Team (SART) understand and navigate different professional statutory requirements for victim confidentiality. Significantly more victim advocates than criminal justice and medical professionals perceive that maintaining victim confidentiality posed a challenge to coordination on a SART. Consensus on how best to conceptualize victim confidentiality within SART has not been attained and there were misconceptions within SART teams of what communications with advocates were statutorily protected.

**Megan R. Greeson & Rebecca Campbell, *Sexual Assault Response Teams (SARTs): An Empirical Review of Their Effectiveness and Challenges to Successful Implementation*, 14 TRAUMA VIOLENCE ABUSE 83 (2012).**

This article summarizes the historical development of SARTs in the United States; reviews the empirical literature on SARTs' effectiveness at improving multidisciplinary relationships, legal outcomes, and victims' help-seeking experiences; and reviews the empirical literature on the challenges SARTs face that can hamper their effectiveness. The findings suggest that SARTs are a promising practice, but face many challenges; further methodologically rigorous research is needed to more fully understand these interventions. Implications for policy, practice, and future research are discussed.

**Viktoria Kristiansson, *Walking A Tightrope: Balancing Victim Privacy and Offender Accountability in Domestic Violence and Sexual Assault Prosecutions, Parts I and II*, 9/10 STRATEGIES (2013), available at <http://www.aequitasresource.org/>.**

These articles provide an examination of privacy laws and ethical requirements to preserve a victim's privacy in domestic violence and sexual assault cases. Part I of this two-part series discusses the distinction between confidentiality and privilege and addresses the importance of confidentiality laws in safeguarding victim privacy, safety, and autonomy. Part II provides prosecutors with a greater understanding of legal privileges that exist in the following relationships: qualified community advocate/client, clergy/penitent, psychiatrist/patient, physician/patient, spousal, and attorney/client privileges.

**Rolf Pendall et al., *Can Federal Efforts Advance Federal and Local De-Siloing? Lessons from HUD-EPA-DOT Partnership for Sustainable Communities*, URBAN INST. (May 17, 2013), available at <http://www.urban.org/sites/default/files/publication/23626/412820-Can-Federal-Efforts-Advance-Federal-and-Local-De-Siloing-Full-Report.PDF>.**

This report discusses the how the HUD-DOT-EPA Partnership for Sustainable Communities successfully broke down barriers to effectively coordinate their activities and efficiently deliver services to in five case sites: Asheville (NC), Denver (CO), Madison (WI), Minneapolis-St. Paul (MN), and Seattle (WA). The initial sections of this memo describe what siloing is and how it occurs, the research questions addressed, and overall research plan. The next major section assesses the Partnership at the federal level based on interviews with high-ranking officials in each of the partner agencies. Researchers determined that success of these programs was due to a shared commitment to important, implementable policy goals, that were supported by leadership, with acceptance of input from stakeholders, and staffed by persons who took goals seriously and who put tremendous thought to developing the goals and methods of execution.

**Sheridan Miyamoto, et al., *Impact of Telemedicine on the Quality of Forensic Sexual Abuse Examinations in Rural Communities*, 38 CHILD ABUSE & NEGLECT 1533-39 (2014).**

This study assesses the quality and diagnostic accuracy of pediatric sexual abuse forensic examinations conducted at rural hospitals with access to telemedicine compared with examinations conducted at similar hospitals without telemedicine support. 183 patients were included in the study, 101 were provided care through telemedicine and 82 provided care at comparison hospitals. Based on evaluation of forms and supporting documentation, hospitals using telemedicine provided higher quality (or more thorough) medical care than non-telemedicine hospitals.

**THE NATIONAL COORDINATION COMMITTEE ON THE AMERICAN INDIAN/ALASKA NATIVE SEXUAL ASSAULT NURSE EXAMINER-SEXUAL ASSAULT RESPONSE TEAM INITIATIVE, REPORT TO THE U.S. ATTORNEY GENERAL ON IMPROVING FEDERAL AGENCY RESPONSE TO SEXUAL VIOLENCE IN TRIBAL NATIONS: ISSUES AND RECOMMENDATIONS (June 2014), [https://ojp.gov/ovc/AIANSane-Sart/pdf/NCC\\_June2014\\_FinalReport\\_508.pdf](https://ojp.gov/ovc/AIANSane-Sart/pdf/NCC_June2014_FinalReport_508.pdf).**

This report emphasizes the importance of the government-to-government relationship between state and federal agencies and federally recognized Indian tribes, referred to in this report as tribal nations to create a coordinated comprehensive, victim-centered, culturally appropriate responses and services for victims of sexual violence. The report identifies challenges to SART coordination between the three entities and makes recommendations to improve these issues which include duplicative forensic interviews, improvements for the coordination of sexual assault evidence kit collection and analysis.

**Megan R. Greeson & Rebecca Campbell, *Coordinated Community Efforts to Respond to Sexual Assault: A National Study of Sexual Assault Response Team Implementation*, 30(14) J. INTERPERSONAL VIOLENCE 1-18 (Oct. 13, 2015).**

This research report is the first national study of the SART implementation process. Researchers used a multistep process to create the first sampling frame of SARTs, and then studied how SARTs are structured and function within a random sample of SARTs. Findings reveal commonalities as well as variations across SARTs. Most SARTs improved legal outcomes, as well as improved victims' help-seeking experiences, and promoted sexual assault prevention/education. Most SARTs prioritized their time and energy toward victims' experiences. SARTs' membership varied, with an average of 12 organizations involved in the SART, and 75% of SARTs having active membership from police, prosecutors, rape victim advocates, and medical/forensic examiners.

**Ashley Juraska et al., *Sexual Assault Services Coverage on Native American Land*, 10(2) J. FORENSIC NURSING 92-97 (April-June 2014).**

This study used geographic information systems technology to map known sexual assault examiner (SAE) and sexual assault response team (SART) programs in the United States proximity to 650 census-designated Native American lands. This research shows gaps in coverage for more than two thirds of Native American lands, including 381 lands with no coverage, highlighting the need for expanded SAE and SART services near or on Native American land.

**MEGAN R. GREESON, *Sexual Assault Response Team (SART) Functioning and Effectiveness: Findings from the National SART Project*, NAT'L INST. JUST. (May 2015),**

**[http://www.nsvrc.org/sites/default/files/publication\\_researchbrief\\_sexual-assault-response-team-functioning-effectiveness.pdf](http://www.nsvrc.org/sites/default/files/publication_researchbrief_sexual-assault-response-team-functioning-effectiveness.pdf).**

This guide is based off of a national research study of 172 multidisciplinary SART teams provides a layperson with information on SARTs' operations and effectiveness in the real world, to support and promote SART effectiveness. This report is designed specifically for non-research audiences and identifies relevant background materials, provides a guide on how SARTs operate, how effective SARTs can be, and offers analysis on the efficacy of engaging with SARTs.

**Elaine Borakove, et al., *From Silo to System: What Make a Criminal Justice System Operate Like a System?* JUST. MGMT. INST. (Apr. 2015), available at [http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/07/From-Silo-to-System-30-APR-2015\\_FINAL.pdf](http://www.safetyandjusticechallenge.org/wp-content/uploads/2015/07/From-Silo-to-System-30-APR-2015_FINAL.pdf)**

This report is the result of an exploratory case study approach that used in-depth interviews, as well as quantitative and qualitative data, from eight county-based criminal justice systems that have been cited over the years as being "highly effective." The goal of this study was to create a framework for change that focuses on improving criminal justice system processes and outcomes by identifying the factors that create local systems that make improving the administration of justice a priority.

**Jennifer Cole, *Structural, Organizational, and Interpersonal Factors Influencing Interprofessional Collaboration on Sexual Assault Response Teams*, XX J. INTERPERSONAL VIOLENCE 1-22 (Feb. 2016).**

Using in-depth surveys with the SART coordinators and telephone surveys, this study examined structural, organizational, and interpersonal factors that influence inter-professional collaboration on SART. Findings suggest that individuals' perceptions of professionalization, and power disparities between professions presented challenges to inter-professional collaboration on SART.

**International Association of Chiefs of Police, *Intelligence-Led Community Policing, Community Prosecution, and Community Partnerships*, COMMUNITY ORIENTED POLICING SERVICES (2016), available at <https://ric-zai-inc.com/Publications/cops-p322-pub.pdf>.**

This study provides support for the theories and policies of community policing. It shows through data collected from participating sites in New York state that community policing was associated with reduced crime levels and improved community partnerships and resulted in more efficient use of criminal justice resources—without additional costs or personnel by local agencies. The first section focuses on the law enforcement capacity within Rockland County, community demographics, crime, and prosecutorial responsibilities of the District Attorney's office, as well as its role in the development of IL3CP. The second section provides a conceptual and operational overview of the IL3CP approach to public safety. The third section provides a description of the pilot cities' implementation projects. The fourth section provides an assessment of IL3CP implementations in Rockland County and the three cities in which the program was piloted. The final section provides suggestions for public safety agencies interested in implementing or adapting the IL3CP approach in their jurisdictions.

**GILLIAN TETT, *THE SILO EFFECT: THE PERIL OF EXPERTISE AND THE PROMISE OF BREAKING DOWN BARRIERS*, xii (Simon and Schuster 2016).**

This book provides a variety of anecdotal samples of how the siloing of information inhibits the cross-germination of ideas and practices that could enhance efficiency and improve outcomes. The author identifies a variety of examples from different fields to show how in each the breaking down of barriers was essential to success.

## INVESTIGATION

### *Generally*

**Regina Schuller & Anna Stewart, *Police Responses to Sexual Assault Complaints: The Role of Perpetrator/Complainant Intoxication*, 24(5) *LAW & HUMAN BEHAVIOR* 535-51 (2000).**

This study explores the impact of victim and perpetrator alcohol consumption on police officers' evaluations of an alleged sexual assault and their reported likelihood of charging the perpetrator. Results indicated that the officers' perceptions of the complainant's intoxication level, as well as the gender of the officer, influenced officers' evaluations of the alleged sexual assault.

**Vivian Lord & Gary Rassel, *Law Enforcement's Response to Sexual Assault: A Comparative Study of Nine Counties in North Carolina*, 11(1) *WOMEN & CRIM. JUST.* 67-88 (2000).**

This study examines the processes used in the investigation of sexual assault cases by police and sheriff departments in nine counties in North Carolina with sexual assault centers, and their practices are compared to the Epstein and Langenbahn recommendations (which include specialized sexual assault investigative teams, victim advocates, accepting reports from persons who do not wish to prosecute, written procedures, and confidentiality for victims from media and increased training for law enforcement). The report identifies which counties use some of the Epstein and Langenbahn recommendations, how the use of the Epstein and Langenbahn recommendations can improve investigations and response to sexual assault.

**Callie Marie Rennison, *Rape and Sexual Assault- Reporting to Police and Medical Attention, 1992-2000*, *BUREAU JUST. STAT.* (Aug. 2002), <http://www.bjs.gov/content/pub/pdf/rsarp00.pdf>.**

This is a report on the statistical underreporting of rapes and sexual assaults from 1992 to the year 2000. Sixty-three percent of completed rapes, 65% of attempted rapes, and 74% of completed and attempted sexual assaults against females were not reported to the police. Among injured female victims of rape and sexual assault, half of those indicated that they reported the crime to the police.

**Jan Jordan, *Beyond Belief? Police, Rape and Women's Credibility*, 4(1) CRIM. JUST. 29-59 (2004).**

This article reviews issues concerning perceptions of women's credibility in the context of police responses to sexual assault complainants. It is based on both quantitative and qualitative data drawn from detailed analysis of police rape and sexual assault files. Particular attention is paid to identification of the principal factors affecting police perceptions of rape complainants, addressing such issues as demeanor, intoxication and concealment.

**WOMEN'S LAW PROJECT, ADVOCACY TO IMPROVE POLICE RESPONSE TO SEX CRIMES, POLICY BRIEF (Feb. 2013), [http://www.womenslawproject.org/resources/Policy\\_Brief\\_Improving\\_Police\\_Response\\_to\\_Sexual\\_Assault\\_Feb2013\\_FINAL.pdf](http://www.womenslawproject.org/resources/Policy_Brief_Improving_Police_Response_to_Sexual_Assault_Feb2013_FINAL.pdf).**

This policy brief is a critical review of the Philadelphia Police Department (PPD) handling of sex crimes based on misconceptions and myths about sex crime victims, and the pressure to improve crime statistics. The Women's Law Project initiated an advocacy effort to achieve justice for the individual victims, prevent serial offenders from re-perpetrating, increase public confidence in the criminal justice system, and improve societal understanding of the prevalence of serious sexual assault in society. The policy brief identifies the positive efforts undertaken by the PPD to improve investigative practices, training and response to sexual assault cases.

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE TREATMENT AND PREVENTION BOARD, MICHIGAN MODEL POLICY: THE LAW ENFORCEMENT RESPONSE TO SEXUAL ASSAULT, ADULTS AND YOUNG ADULTS (April 2015).**

Developed by the Michigan Sexual Assault Policy Working Group, this guide was drafted for Michigan law enforcement state wide to address changes in the law around sexual assault collection kits and victim's access to justice. This guide provides a comprehensive model for law enforcement agencies in how to respond to calls of sexual assault from the first interactions with a possible victim through the dispatcher, to the initial investigations, report writing, all evidence gathered in medical examination and investigation practices. It encourages assisting the victim through community support services and understanding alcohol facilitated sexual assault.

**DEPARTMENT OF JUSTICE, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence* (Dec. 2015), <http://www.justice.gov/opa/file/799476/download>.**

This guide examines how gender bias can undermine a law enforcement agency's response to sexual assault and domestic violence leading to higher attrition rates in those cases. The guide is intended to provide a set of basic principles that, if integrated into law enforcement agency's policies, trainings and practices, will help ensure that agencies' efforts to keep victims safe and hold offenders accountable are not undermined, either intentionally or unintentionally, by gender bias. The guide provides guidance on creating clear procedures for investigation, supervision protocols for department and training guidelines for officers.

**James Nolette, *Using Research to Move Policing Forward*. 276 NAT'L INST. JUST. J. 46-51 (Dec. 2015).**

This is an anecdotal article written by police captain about the use of computerized data, including the software program CompStat, to improve police investigational practices in cases where DNA evidence is gathered.

**T. Christian Miller & Ken Armstrong, *An Unbelievable Story of Rape*, THE MARSHALL PROJECT & PROPUBLICA (Dec. 16, 2015), <https://www.propublica.org/article/false-rape-accusations-an-unbelievable-story>.**

This is a Pulitzer Prize winning investigative research article focusing on the methods of investigation and the barriers within the justice system for victims of a serial rapist, including victim blaming bias,

sexual assault kit backlog and in the investigation of a serial rapes conducted over a number of years. The authors meticulously recount the years of assaults and investigations, and the case of a vulnerable victim who due to victim blaming biases and failure to initially find a match for DNA evidence collected a rape kit lead to the victim's arrest for making a "false report."

### ***Crime Statistics***

**BUREAU OF JUSTICE STATISTICS, NATIONAL CRIME VICTIMIZATION SURVEY, 2010-2014, DEPT. JUST. (2015), available at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>.**

Taken from the interviews of 90,380 households and 158,090 persons in The National Crime Victimization Survey (NCVS) of 2014, this report presents estimates of rates and levels of criminal victimization in the United States. These statistics include: violent victimization (rape or sexual assault, robbery, aggravated assault, and simple assault) and property victimization (burglary, motor vehicle theft, and property theft). It describes the annual change from 2013 and analyzes 10-year trends from 2005 through 2014. The bulletin includes estimates of domestic violence, intimate partner violence, injury, and use of weapons in violent victimization. It also describes the characteristics of victims and the offenders.

### ***Offenders***

#### **Generally**

**Howard Barbaree et al., *Comparisons Between Sexual and Nonsexual Rapist Subtypes*, 21 CRIM. JUST. & BEHAV. 95-114 (1994).**

This report studies sixty incarcerated rapists who were subtyped according to the Massachusetts Treatment Center Rapist Typology as either "nonsexual" (i.e., the opportunistic and vindictive subtypes), or "sexual" (i.e., the non-sadistic and sadistic subtypes). Each study participant's case was indexed by offenses committed and analyzed. The researchers determined that nonsexual subtypes engaged in more violent offenses that resulted in greater victim damage and were more likely to be impulsive. Whereas the men in the sexual subtypes were more socially isolated at the time of their offending. These results are discussed in terms of two separate cognitive-behavioral processes that were determined to lead to rape.

**Leonore Simon, *An Examination of the Assumptions of Specialization, Mental Disorder, and Dangerousness in Sex Offenders*, 18 BEHAV. SCI. & L. 275-308 (2000).**

This article attempts to inform law reform efforts and criminal justice mental health policy by examining the assumptions underlying differential legal and mental health treatment of sex offenders. This article addresses the theory that sex offenders have a mental disorder and are in need of specialized treatment, that they are specialists in sex crimes and more dangerous than other criminal offenders. The author show through empiricle evidence that sex offenders are none of these and then identifies the implications of her research findings for the selective prosecution of sex crime cases, mental health policy, sex offender legislation, and predictions of future dangerousness are discussed.

**James Bickley & Anthony Beech, *Implications for Treatment of Sexual Offenders of The Ward And Hudson Model Of Relapse*, 15 SEXUAL ABUSE: J. RESEARCH & TREATMENT 121-134.**

These researchers evaluate a study of group of 59 convicted child abusers classified as having either an "avoidant" or an "approach" goal regarding deviant sexual activity with children. Researchers

measured the level of distorted beliefs about sexual activity with children (cognitive distortions) and distorted beliefs about their own victims (victim blaming attitudes) of both sets of study participants before and after treatment. Results indicate that there was an overall reduction in the level of these distorted beliefs at the posttreatment stage in the “approach” group. Reductions were not found in the “avoidant” offenders as men in this group did not have distorted beliefs prior to treatment. Results are discussed in terms of appropriate targeting of treatment.

**Kathleen Daly, *Restorative Justice and Sexual Assault: An Archival Study of Court and Conference Cases*. 46(2) BRIT. J. CRIM. 334-356 (2006), available:**

**[https://www.jstor.org/stable/23639380?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/23639380?seq=1#page_scan_tab_contents).**

This paper presents findings from an archival study of nearly 400 cases of youth sexual assault, which were finalized in court and by conference or formal caution over a six-and-a-half-year period in South Australia. Contrary to the concerns raised by critics of conferencing, from a victim's advocacy perspective, the conference process may be less victimizing than the court process and its penalty regime may produce more effective outcomes.

**Leigh Harkins & Anthony Beech, *A Review of the Factors That Can Influence the Effectiveness of Sex Offender Treatment: Risk, Need, Responsivity, and Process Issues*, 12 AGGRESSION & VIOLENT BEHAV. 615-627 (2007).**

The paper reviews various factors that may affect the effectiveness of sex offender treatment. First, attention to risk level is discussed as an important factor in terms of ensuring that treatment is administered according to the level of an offender's problems and that treatment addresses criminogenic needs. Second, a number of responsivity/intra-individual characteristics (e.g., psychopathy, motivation, and locus of control), which may influence treatment outcome, are examined. Third, the importance of considering process issues, such as the therapeutic climate of the group, the composition of the group, and therapist characteristics is discussed. Finally, suggestions for future research and for optimizing the effectiveness of sex offender treatment are provided.

**Kim English, *The Containment Approach to Managing Sex Offenders*, 34 SETON HALL L. REV. 1255-1272 (2004).**

This researcher study evaluates a promising approach from the Colorado Division of Criminal Justice to increase victim protection by making it difficult for sex offenders to reoffend. Labeled the containment approach, this model is being adopted by jurisdictions nationwide. The containment approach operates in the context of multi-agency collaboration, explicit policies, and consistent practices that combine case evaluation and risk assessment, sex offender treatment, and intense community surveillance, all designed specifically to maximize public safety.

**David Delmonico & Elizabeth Griffin, *Online Sex Offending: Assessment and Treatment*, in SEXUAL DEVIANCE: THEORY, ASSESSMENT, AND TREATMENT, 459-485 (D.R. Laws & W. O'Donohue eds., 2008).**

This is a chapter in a larger book on sexual deviance and clinical treatments targeted to an audience of psychologists, psychiatrists and social workers and students in those fields. This chapter outlines the issues relating to online sex offending. The researchers review the clinical assessment tools available, including the Internet Sex Screening Test, that identify the factors that make the Internet an attractive venue for sex offenders, including anonymity, affordability, addictability, and risk taking. The authors analyze the factors that raise the likelihood of a sex offenders likelihood of offending using the Internet and offline. The authors further discuss the role and function of online sexual behavior and how these understanding need to be integrated into a treatment plan for online sex users.

**Naomi Freeman & Jeffrey Sandler, *Female and Male Sex Offenders: A Comparison of Recidivism Patterns and Risk Factors*. 23(10) J. INTERPERSONAL VIOLENCE, 1394-1413 (2008).**

This study compares the differences between male and female sex offenders. Using a matched sample of 780 female and male sex offenders in New York State, researchers explore differences and similarities of recidivism patterns and risk factors for the two offender groups. Results suggest that male sex offenders are significantly more likely than female sex offenders to be rearrested for both sexual and nonsexual offenses. However, limited differences in terms of risk factors between female and male sex offenders were found.

**R. Karl Hanson et al., *A Meta-Analysis of the Effectiveness of Treatment for Sex Offenders: Risk, Need, and Responsivity*, PUBLIC SAFETY CANADA (2009),**

**<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2009-01-trt/2009-01-trt-eng.pdf>.**

This research paper examines whether the principles associated with effective treatments for general offenders, risk-need-responsivity (RNR), can also apply effectively to sexual offender treatment. Programs that adhered to the RNR principles showed the largest reductions in sexual and general recidivism. Given the consistency of the current findings with the general offender rehabilitation literature, the authors believe that the RNR principles should be a major consideration in the design and implementation of treatment programs for sex offenders.

**Sharon Murphy et al., *Pathways to Justice: Movement of Adult Female Sexual Assault Cases Across the New Hampshire Criminal Justice System*, U. New Hampshire (Jan 2012), available at**

**[https://cola.unh.edu/sites/cola.unh.edu/files/departments/Prevention%20Innovations/Pathways\\_to\\_Justice.pdf](https://cola.unh.edu/sites/cola.unh.edu/files/departments/Prevention%20Innovations/Pathways_to_Justice.pdf).**

This report presents the findings from the examination of 125 sexual assault cases reported in 2008 from twelve communities in New Hampshire where 88 were closed without arrest, 37 cases incurred an arrest, and of those 21 were eventually dropped, and 16 lead to a prosecution. This report examines the route of these cases of arrest and prosecution to determine where and why cases drop out of the system, and how to improve attrition rates of sexual assault cases in New Hampshire. The report makes a series of recommendations to create a multidisciplinary, victim-centered response, and improve attrition rates.

**M. Claire Harwell & David Lisak, *Why Rapists Run Free*, 14(2) SEXUAL ASSAULT REP. 17-20 (Nov. - Dec. 2010).**

This article identifies a number of factors that reduce a victim's willingness to report, including the lack of prosecutor's dedication to difficult cases as unwinnable, the persistent juror acceptance of rape myths, all of which lead to dangerous serial rapists continuing to evade prosecution. The authors identify elements necessary for a successful prosecution, including focusing on the offender's behavior, and the necessity of using a trauma-informed approach to working with victims throughout the prosecutorial process.

**Roger Przybylski et al., *Sex Offender Management Research Literature Review*, Office of Justice Programs, <http://www.smart.gov/SOMAPI/intro.html>.**

This site provides a literature review of topics on sex offenders. The first section covers adults who commit sexual offenses, and the second section includes literature regarding juveniles who commit sexual offenses. Each section identifies literature that discusses issues of etiology, recidivism, risk, or intervention effectiveness.

### **Serial Offenders**

**R.Karl Hanson, *Recidivism and Age: Follow-Up Data From 4,673 Sexual Offenders*, 17 J. INTERPERSONAL VIOLENCE 1046-1062 (2002).**

This study examines the relationship of age to sexual recidivism using data from 10 follow-up studies of adult male sexual offenders (combined sample of 4,673). Rapists were younger than child molesters, and the recidivism risk of rapists steadily decreased with age. In contrast, extra familial child molesters showed relatively little reduction in recidivism risk until after the age of 50. The recidivism rate of intra familial child molesters was generally low (less than 10%), except for the intra familial offenders in the 18-to24-year-old age group, whose recidivism risk was comparable to that of rapists and extra familial child molesters. The results are discussed in terms of developmental changes in sexual drive, self-control, and opportunities to offend.

**David Lisak, *Understanding the Predatory Nature of Sexual Violence*, 14(4) SEXUAL ASSAULT REP. 49-64 (Mar./Apr. 2011), available at [www.middlebury.edu/media/view/240951/original/](http://www.middlebury.edu/media/view/240951/original/).**

This article rejects many commonly held rape myths regarding stranger rape and victim blaming. The author cites data that supports the prevalence of acquaintance or date rape, and emphasizes that the harm caused during such assaults is valid and real. The author provides analysis on the predatory nature of sex offenders, and their common characteristics. He discusses recidivism rates of sex offenders in the community, and specifically on college campuses and the implications for universities. The author makes recommendations for improving college campus' response to sex offenders on campus.

**Antonia Abbey, et al., *Review of Survey and Experimental Research that Examine the Relationship Between Alcohol Consumption and Men's Sexual Aggression Perpetration*, 15(4) TRAUMA, VIOLENCE, & ABUSE 265-82 (Oct. 2014).**

This article reviews 25 cross-sectional surveys, 6 prospective studies, and 12 alcohol administration experiments published between 1993 and August 2013 that examine associations between alcohol consumption and men's sexual aggression with the goal of identifying major findings; gaps in current knowledge; and directions for future research, practice, and policy. Many surveys demonstrated that distal and proximal measures of men's alcohol consumption are positively associated with sexual assault perpetration, although very few of these studies evaluated how alcohol interacts with other risk and protective factors to exacerbate or inhibit sexual aggression.

**NATIONAL SEXUAL VIOLENCE RESOURCE CENTER, *Rethinking Serial Perpetration* (Aug. 2015), [http://www.nsvrc.org/sites/default/files/key-findings\\_rethinking-serial-perpetration\\_0.pdf](http://www.nsvrc.org/sites/default/files/key-findings_rethinking-serial-perpetration_0.pdf).**

This research paper refutes two of the three elements of the serial perpetration hypothesis—that only a few men perpetrate rape and that these men offend consistently across time. A latent class growth analysis was used to specifically test the serial perpetration hypothesis using trajectory analyses of data from two large longitudinal studies.

**Kevin Swartout et al., *Trajectories of Male Sexual Aggression from Adolescence Through College: A Latent Class Growth Analysis*, 41 AGGRESSIVE BEHAVIOR 467-77 (2015).**

This study finds that approximately 25% of male college students report engaging in some form of sexual coercion by the end of their fourth year of college. White and Smith found that negative childhood experiences, including childhood sexual abuse, childhood physical abuse, and witnessing domestic violence, predicted sexual aggression perpetrated before college, but not during the subsequent college years. This study takes a person-centered approach to sexual aggression in an attempt to resolve this discrepancy.

**T. Christian Miller, *The FBI Built a Database That Can Catch Serial Rapists – and Almost Nobody Uses It*, PROPUBLICA (Aug. 12, 2015), <http://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it>.**

This article reviews the history of the Violent Criminal Apprehension Program, or ViCAP, an FBI database designed to help catch the nation's most violent offenders by linking together unsolved crimes. The creation of the database system was rooted in the belief that some criminals' methods were unique enough to serve as a kind of behavioral DNA — allowing identification based on how a person acted, rather than their genetic make-up. The author argues that the FBI misrepresents the extent to which the database is actually used, and that it is an underutilized tool that could be especially helpful in rape cases. The author also compares ViCAP to the similar system used in Canada.

## *Evidence*

### **Physical Evidence**

**NANCY RITTER, NAT'L INST. OF JUSTICE, DOWN THE ROAD: TESTING EVIDENCE IN SEXUAL ASSAULT KITS (2016), <https://www.ncjrs.gov/pdffiles1/nij/249805.pdf>.**

This report discusses the results of recent studies supported by NIJ. Through scientific research, we have gained greater understanding that although a sexual assault kit (SAK) may contain biological evidence, there can be other important physical evidence that is not stored with the SAK, such as bedding, toxicology reports, or weapons. The studies also found that while testing sexual assault kits provides important evidence, it is only one step of the total investigative process.

### **Body Worn Cameras**

**AMERICAN CIVIL LIBERTIES UNION, STRENGTHENING CBP WITH THE USE OF BODY-WORN CAMERAS (2014), [https://www.aclu.org/sites/default/files/assets/13\\_10\\_25\\_aclu\\_one\\_pager\\_re\\_body-worn\\_cameras\\_for\\_cbp\\_final.pdf](https://www.aclu.org/sites/default/files/assets/13_10_25_aclu_one_pager_re_body-worn_cameras_for_cbp_final.pdf).**

This article identifies best practices for body-worn camera use by law enforcement and makes recommendations for its implementation by the U.S. Customs and Border Protection (CBP).

**OFFICE OF CMTY. ORIENTED POLICING SERVS., U.S. DEP'T OF JUSTICE, IMPLEMENTING A BODY-WORN CAMERA PROGRAM: RECOMMENDATIONS AND LESSONS LEARNED (2014), <http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>.**

This report reviews the findings of the Police Executive Research Forum (PERF)'s 2013 research on the use of body-worn cameras. This research project consisted of three major components: an informal survey of 500 law enforcement agencies nationwide; interviews with police executives; and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

**MICHAEL D. WHITE, OFFICE OF JUSTICE PROGRAMS, POLICE OFFICER BODY-WORN CAMERAS: ASSESSING THE EVIDENCE (2014), <https://www.ojpdagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf>.**

This report reviews the available evidence on officer body-worn cameras. The goal is to provide a comprehensive resource that will help law enforcement agencies to understand issues that arise in developing body-worn camera policies. This resource also provides an overview of empirical studies to date that have examined the implementation and impact of officer body-worn cameras.

**URBAN INSTITUTE, POLICE BODY-WORN CAMERAS: WHERE YOUR STATE STANDS (2016) <http://apps.urban.org/features/body-camera/>.**

This interactive Internet site is hosted by The Urban Institute and provides a chart of state statutes and pending bills concerning body-worn cameras.

### **Image Exploitation**

**Jane Anderson & Supriya Prasad, *Prosecuting Image Exploitation*, STRATEGIES (AEquitas), Mar. 2015, at 1, available at [www.Aequitasresource.org/library.cfm](http://www.Aequitasresource.org/library.cfm).**

This article defines image exploitation and provides examples, including “sexting,” video voyeurism, recording of sexual assaults and image blackmail. The authors identify existing laws that can be applied in the prosecution of these offenses, including stalking, and harassment, but also hacking and theft by extortion and computer trespass. It also identifies the areas of the law that are developing around the prosecution for revenge porn and sexting of minors. It provides practice points for developing strategies to respond to these cases.

### **Interviewing Victims/ Trauma-Informed Practices**

**Arnold S. Kahn et al., *Calling It Rape: Differences in Experiences of Women Who Do or Do Not Label Their Sexual Assault as Rape*, 27 PSYCHOL. WOMEN Q. 233 (2003).**

Past research had found that one-half or more of all women who have had an experience that might meet the definition of rape do not label themselves rape victims. The present study examined the actual rape experiences of 33 women who labeled their assault experience as rape and 56 women who did not label their assault experience as rape through questionnaires and open-ended descriptions of what happened during their assault.

**Sandra L. Bloom, *Understanding the Impact of Sexual Assault: The Nature of Traumatic Experience*, in *SEXUAL ASSAULT: VICTIMIZATION ACROSS THE LIFESPAN 405-32* (A. Giardino et. al. eds., 2003).**

This is a book chapter that addresses the current understanding of how exposure to stress from a sexual assault alters the psychobiology, personal adjustment, and systems of meaning for the victim. It explores the consequences of these changes on physical health, mental health, social adjustment, revictimization, and ability to parent.

**T.K. Logan et al., *Barriers to Services for Rural and Urban Survivors of Rape*, 20(5) J. INTERPERSONAL VIOLENCE 591 (2005).**

A significant proportion of survivors of rape do not utilize formal services to cope with the aftermath of rape. This study’s results suggest that (a) survivors of rape experience many barriers to service utilization, (b) there were some differences in barriers to service utilization that were mentioned only in rural areas and some that were mentioned only in urban areas that may suggest that community context is important to consider in understanding barriers to service use, and (c) barriers to health and mental health services overlap with barriers to criminal justice system services.

**Theodore P. Cross et al., *Child Forensic Interviewing in Children’s Advocacy Centers: Empirical Data On A Practice Model*, 31 CHILD ABUSE & NEGLECT 1031 (2007),**

**<http://www.unh.edu/ccrc/pdf/cv108.pdf>.**

This report analyzes 1069 forensic interviews conducted of child sexual assault survivors from multiple agencies. The authors evaluated these interviews for the implementation of Children’s Advocacy Centers (CACs) forensic child interview recommendations. The aim of this report is to improve child forensic interviewing following allegations of child abuse by coordinating multiple investigations, providing child-friendly interviewing locations, and limiting redundant interviewing.

The implementation of CAC interviewing seems to have increased coordination in interviewing and forensic investigation.

**Rebecca Campbell et al., *Understanding Rape Survivors' Decisions Not To Seek Help From Formal Social Systems*, 34 HEALTH SOC. WORK 127 (2009).**

Despite the variety of services available, few rape survivors use services from formal social systems. Rates of service utilization vary across studies, but it appears that approximately 14 percent to 43 percent of survivors seek assistance from formal social systems, with most studies finding rates around 31 percent. This study aimed to expand research on this topic by using a qualitative methodological approach to explore the underlying reasons why survivors did not contact any formal social systems for assistance. It concludes that there are multiple reasons survivors decide not to seek help, including anticipating rejection from formal systems for help, beliefs that the systems could not help them, and anticipation that formal systems would be harmful to them.

**Saba Masho & Anika Alvanzo, *Help-Seeking Behaviors of Men Sexual Assault Survivors*, 4 AM. J. MEN'S HEALTH 237 (2010), <http://journals.sagepub.com/doi/pdf/10.1177/1557988309336365>.**

Men sexual assault is a serious public health issue that is mostly underreported and unrecognized. Despite serious deleterious effects of sexual assault, most men victims do not seek professional help. This study was conducted to examine predictors of help-seeking practices among 91 men sexual assault survivors from a population-based survey.

**Amy Cohn et al., *Correlates of Reasons for Not Reporting Rape to Police: Results from a National Telephone Household Probability Sample of Women with Forcible or Drug-or-Alcohol Facilitated/Incapacitated Rape*, 28 J. INTERPERSONAL VIOLENCE 455 (2013).**

Rape tactics, rape incident characteristics, and mental health problems (lifetime depression, PTSD, and substance abuse) were investigated as correlates of eight different reasons for not reporting a rape to police among women who had experienced but did not report a rape to police within a national telephone household probability sample.

**Viktoria Kristiansson & Charlene Whitman-Barr, *Integrating a Trauma-Informed Response in Violence Against Women and Human Trafficking Prosecutions*, 13 STRATEGIES 1 (Feb. 2015), available at [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm).**

This article promotes a multidisciplinary, trauma-informed response to and in support of sexual assault victims, throughout the continuum of the criminal justice response to a complaint.

### **Pretext Phone Calls**

**INTERNATIONAL ASSOCIATIONS OF CHIEFS OF POLICE, TRAINING KEY #574: PRETEXT PHONE CALLS IN SEXUAL ASSAULT INVESTIGATIONS (2004), <http://www.theiacp.org/portals/0/pdfs/574PretextPhoneCalls.pdf>.**

The "pretext" phone call is an investigative tool that can be used in a wide variety of criminal investigations. It can be especially effective in sexual assault investigations, including drug-facilitated rapes.

**MINNESOTA COALITION AGAINST SEXUAL ASSAULT, SEXUAL ASSAULT INVESTIGATION IDEAS: A SERIES OF THE SEXUAL VIOLENCE JUSTICE INSTITUTE, PRETEXT OR COVERT CALL, <http://www.mncasa.org/assets/PDFs/website%20pretext%20call.pdf>.**

One way to tip the scales of evidence to beyond a reasonable doubt is to get admissions from the suspect about the act. Many departments have begun using the pretext or covert call to "interview" the suspect when he doesn't know he's being interviewed. For those investigators who have used these

calls and have become comfortable with them, the pretext call is often the way to save an investigation that may otherwise be difficult to salvage.

## **RESPONDING TO WITNESSES**

**KELLY DEDEL, OFFICE OF CMTY. ORIENTED POLICING SERVS., WITNESS INTIMIDATION (2006),**  
**[http://www.popcenter.org/problems/pdfs/witness\\_intimidation.pdf](http://www.popcenter.org/problems/pdfs/witness_intimidation.pdf)**

This guide begins by describing the problem of witness intimidation and reviewing the factors that increase its risks. It then identifies a series of questions that can help analyze local witness intimidation problems. Finally, it reviews responses to the problem of witness intimidation as identified through research and police practice.

**Amy E. Bonomi et al., “Meet Me at the Hill Where We Used to Park”: Interpersonal Processes Associated with Victim Recantation, 73 SOC. SCI. & MED. 1054 (2011).**

This study used recorded telephone conversations between 25 heterosexual couples where the male partner was incarcerated on felony-level domestic violence charges in the pre-prosecution period. Parts of the recorded conversations were examined for the interpersonal processes associated with the victim's intention to recant and the couple's construction of the recantation plan once the victim intended to recant. The victim's recantation was primarily influenced by the perpetrator's appeals to the victim's sympathy through descriptions of his suffering from mental and physical problems, intolerable jail conditions, and life without her.

**Franklin Cruz & Teresa M. Garvey, *Improving Witness Safety and Preventing Witness Intimidation in the Justice System: Benchmarks for Progress*, AEQUITAS: THE PROSECUTOR'S RESOURCE ON VIOLENCE AGAINST WOMEN & THE JUSTICE MANAGEMENT INSTITUTE (2014), available at:**  
**[www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm)**

The pervasive problem of victim/witness intimidation in criminal justice systems is one that requires a strategy for change and firm commitments from leaders and practitioners alike. This resource includes tools for practitioners to use collaboratively within their communities. These tools are intended to provide criminal justice leaders with concrete guidance to implement best practices in providing for victim and witness safety.

## **PRETRIAL**

### ***Charging/Decision-Making***

**Bruce K. Mac Murray, *Criminal Determination for Child Abuse: Prosecutor Case-Screening Judgments*, 4 J. INTERPERSONAL VIOLENCE 233 (1989).**

Particular concerns regarding possible criminal court action for child sexual abuse include issues dealing with the age of the victim, the intra- or extrafamilial relationship between the victim, and the alleged offender, and the nature and seriousness of the abuse. This article examines initial prosecutorial decision making for child sexual abuse focusing upon the role of these issues in official judgments about case screening, in light of the 1983 Massachusetts District Attorney Reporting Law. The author finds from a random sampling of cases that the prosecutorial screening of cases is the most important point for determining if a case of child sexual assault will advance to the criminal justice system and highlights that perceptions of the accused abuser, the type of duration of abuse, and age of victim are all factors.

**Wayne A. Kerstetter & Barrik Van Winkle, *Who Decides? A Study of the Complainant's Decision to Prosecute in Rape Cases*, 17 CRIM. JUST. & BEHAVIOR 268 (1990).**

This report, based on review of interviews with law enforcement, prosecutors, and victim's advocates concludes that a police officer's response and engagement with the victim has a significant effect on a complainant's decision to go forward with prosecution. The authors make distinctions on acquaintance rape verses stranger rape cases and in cases where the assailant is in custody.

**Wayne A. Kerstetter, *Gateway to Justice: Police and Prosecutorial Response to Sexual Assaults Against Women*, 81 J. CRIM. L. & CRIMINOLOGY 267-313 (1990).**

This article studies the early stages of a sexual assault case, and the response of police accepting a victim's complaint as legitimate and then the prosecutor's decision to accept the police officer's judgment as the gatekeepers to the criminal justice system. The authors review the Chicago jurisdiction's complaint processing system for sexual assault cases and identified that a victim's decision to prosecute their sexual assault is based on a number of factors outside of their volition.

**Lisa Frohmann, *Discrediting Victims' Allegations of Sexual Assault: Prosecutorial Accounts of Case Rejections*, 38 SOC. PROBS. 213 (1991).**

This paper examines prosecutorial accounts for sexual assault case rejection in two prosecutors' offices in California. The author examines the prosecutor's given justifications for case rejection. A central feature of these accounts is discrediting the victim's rape complaint by identifying and relying on discrepancies in the victim's story and assuming ulterior motives for reporting the assault, ultimately looking for holes in a victim's story to reject prosecution.

**Cassia Spohn & Jeffrey Spears, *The Effect of Offender and Victim Characteristics on Sexual Assault Case Processing Decisions*, 13 JUST. Q., 649 (1996).**

Detroit prosecutors found victim characteristics relevant to "convictability" in all types of sexual assault cases. They suggest that prosecutors attempt to avoid uncertainty by screening out sexual assault cases unlikely to result in a conviction because of questions about the victim's character, the victim's behavior at the time of the incident, and the victim's credibility.

**Jeffrey W. Spears & Cassia C. Spohn, *The Genuine Victim and Prosecutors' Charging Decisions in Sexual Assault Cases*, 20 AM. J. CRIM. JUST. 183 (1996).**

The authors of this study reviewed arrest files of sexual assault cases from Detroit Police Department in 1989 to examine the prosecutor's decisions to charge perpetrators. Authors reviewed cases and developed a six characteristic "scale" on which to rate victims as genuine or real victims. This scale was applied to each case, also considering for age of victim, and found that prosecutors' decisions were affected by social stereotypes of good or genuine victims.

**Jeffrey W. Spears & Cassia C. Spohn, *The Effect of Evidence Factors and Victim Characteristics on Prosecutors' Charging Decisions in Sexual Assault Cases*, 14 JUST. Q. 502 (1997).**

An empirical study of Detroit prosecutors' charging decisions in sexual assault cases confirms that the only significant predictors of charging were victim characteristics. Overall, the results of this study suggest that Detroit prosecutors regard victim characteristics as relevant to convictability in all types of sexual assault cases.

**Lisa Frohmann, *Convictability and Discordant Locales: Reproducing Race, Class, and Gender Ideologies in Prosecutorial Decisionmaking*, 31 LAW & SOC'Y REV. 531 (1997).**

Using ethnographic data from district attorney offices in specialized sexual assault units on the West Coast, the author studied the likelihood that a prosecutor would imply a case's convictability (the likelihood of a guilty verdict at trial) based on discordant locales to justify case rejection. By ascribing

stereotypical characteristics of a neighborhood to victims, defendants, and jurors, prosecutors construct distinct groups with different cultures who live in geographically separate spaces and have different schemes through which they interpret the everyday world. To construct discordant locale categorizations, prosecutors employ race, class, and gender imagery.

**Rodney Kingsnorth et al., *Adult Sexual Assault: The Role of Racial/Ethnic Composition in Prosecution and Sentencing*, 26 J. CRIM. JUST. 359 (1998).**

These authors sample 365 cases from Sacramento County, California to analyze the impact of the racial/ethnic composition of the victim/offender dynamic on prosecution and sentencing of adult sexual assault offenders. Major decision points examined include the prosecutors' decision to reject/dismiss or fully prosecute; whether the case went to trial or was resolved by plea negotiation; whether convicted offenders were sentenced to jail or prison; and the length of term imposed. Unlike all other studies that have addressed this issue, no significant effect of racial/ethnic composition was found at any decision point in case processing. Hypotheses to explain this difference in findings are discussed.

**Rodney F. Kingsnorth et. al., *Sexual Assault: The Role of Prior Relationships and Victim Characteristics in Case Processing*, 16 JUST. Q. 275 (1999).**

Using a sample of 467 sexual assault cases, this study analyzes the role of prior relationship and "negative" victim characteristics in accounting for case outcomes from prosecutorial intake to final disposition. Neither of these variables played a role in either the decision to prosecute, the decision to go to trial rather than resolve by guilty plea, trial outcomes, or punishment severity as indicated by a prison (versus nonprison) term. Both variables, however, were significant in determining sentence length. When selection bias and relevant legal factors were controlled, the existence of a prior relationship reduced sentence length by 35 months; each additional negative victim characteristic reduced the period of incarceration by 17 months.

**Cassia Spohn et. al., *Prosecutorial Justifications for Sexual Assault Case Rejection: Guarding the "Gateway to Justice"*, 48 SOC. PROBS. 206 (2001).**

Charging decisions primarily reflect the prosecutor's assessment of the likelihood of conviction and factors other than typifications of rape and rape victims. The decision to reject charges could be traced to the victim's failure to appear, refusal to cooperate, or admission that the charges were fabricated.

**A. Miller & D. Ruben, *The Contribution of Children's Advocacy Centers to Felony Prosecutions of Child Sexual Abuse*, 33 CHILD ABUSE & NEGLECT 12 (2009).**

This report describes trends of felony sexual abuse prosecutions between 1992 and 2002 for two districts of a large urban city that differed primarily in their use of children's advocacy centers (CACs) for sexual abuse evaluations in children. Although rates for reports of abuse declined over the study's timeframe, prosecutions rose. Felony prosecutions of child sexual abuse doubled in a district where the use of CACs nearly tripled, while no increase in felony prosecutions of child sexual abuse was found in a neighboring district, where the use of CACs remained fairly constant over time. Data supported the conclusion that CACs had a positive impact on the prosecution of child sexual abuse.

**Megan A. Alderen & Sarah E. Ullman, *Creating a More Complete and Current Picture: Examining Police and Prosecutor Decision-Making When Processing Sexual Assault Cases*, 18 VIOLENCE AGAINST WOMEN 525 (2012).**

This study identifies factors that predicted outcomes for sexual assault cases involving female victims across several decision-making points and compares these findings to prior studies. The results indicate that there continues to be a high attrition rate in the handling of sexual assault cases. Only 9.7% of cases examined resulted in charges. In regards to processing decisions, most of the factors that

predicted whether cases were founded, resulted in arrest, presented to the prosecution, or resulted in felony charges were extralegal factors. One factor appeared to influence several decision-making points: whether officers noted discrepancies in victim statements.

**Michelle Madden Dempsey, *Prosecuting Rape: Toward a 'Merits-Based' Approach to Evidential Sufficiency* (Villanova L./Pub. Pol'y Research Paper No. 2016-1032)**  
[http://www.academia.edu/29032987/Prosecuting\\_Rape\\_Toward\\_a\\_Normative\\_View\\_of\\_Evidential\\_Sufficiency](http://www.academia.edu/29032987/Prosecuting_Rape_Toward_a_Normative_View_of_Evidential_Sufficiency).

This article argues that criminal prosecutors should rethink what counts as a “win” in rape cases. They should not be reluctant to take such cases to trial simply because a jury is unlikely to convict. Moreover, if they fail to charge, or later dismiss, a case, they should not explain their reasoning in terms of a jury’s likely unwillingness to convict. Instead, prosecutors should take responsibility for exercising their discretion in judging evidential sufficiency, and base their decisions upon whether a jury should convict, given the evidence and the legal definition of the offense. That is, criminal prosecutors should adopt a “merits-based” approach to evaluating evidential sufficiency in such cases. By so doing, prosecutors can realize conviction-independent values that are particularly salient in the context of rape cases: expressive values realized through the denunciation of particular/concrete rapes, as well as consequential values realized through kicking off a moral dialogue regarding the “sticky norms” of rape.

***Pretrial Motions: Rape Shield, Other Crimes, Wrongs, Acts, Forfeiture by Wrongdoing, Statutes of Limitations (Pre-Accusatorial Delay), Multiple Victims and Joinder***

**Michelle Anderson, *From Chastity Requirement to Sexuality License: Sexual Consent and New Rape Shield Law*, 70 GEO. WASH. L. REV. 51 (2002),**  
<http://vawnet.org/sites/default/files/assets/files/2016-09/Chastity.pdf>.

Author reviews the historical development of rape shield laws to protect a victim from revealing her sexual history. Author contends that rape shield is weakened in cases of acquaintance rape when rape shield laws admit sexual history evidence when the complainant has been intimate with the defendant before, when the defendant claims that he held a reasonable but mistaken belief as to her consent, or when the complainant has previously engaged in a pattern of sexual conduct, prostitution, or other promiscuity. Author contends that rape shields have failed to protect these victims because the law has maintained aspects of the chastity requirement.

**Heather D. Flowe et al., *Rape Shield Laws and Sexual Behavior Evidence: Effects of Consent Level and Women's Sexual History on Rape Allegations*, 31 LAW & HUMAN BEHAVIOR 159 (Apr. 2007).**

This study examined the relationship between women's actual sexual history and their reporting rape in hypothetical scenarios. Female participants imagined themselves in dating scenarios that described either a legally definable act of rape or consensual sexual intercourse. Participants were then asked questions within the rape scenarios regarding the level of consensual intimate contact (i.e., foreplay) preceding rape to determine its influence on rape reporting. Women reported they were less inclined to take legal action in rape scenarios if they had extensive sexual histories, or if they had consented to foreplay before the rape. In response to the consensual sexual intercourse scenarios, women with more extensive sexual histories were not more likely to say that they would report rape, even when the scenario provided them with a motive for seeking revenge against their dating partner.

**AEQUITAS: THE PROSECUTORS' RESOURCE ON VIOLENCE AGAINST WOMEN, THE PROSECUTORS' RESOURCE ON CRAWFORD AND ITS PROGENY (Oct. 2012), available at [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm).**

There are many barriers to victims' participation in the prosecution of their abusers. When prosecuting a domestic violence case with a non-participating victim (one who either is not in court, or who is in court but is "unavailable" by reason of refusal to testify, exercise of a privilege, illness, or incompetency) the prosecutor must anticipate a challenge under Crawford v. Washington to the introduction of the victim's out-of-court statements.

**AEQUITAS: THE PROSECUTORS' RESOURCE ON VIOLENCE AGAINST WOMEN, THE PROSECUTORS' RESOURCE ON FORFEITURE BY WRONGDOING (October 2012), available at [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm)**

Forfeiture by wrongdoing is a longstanding exception to a defendant's Sixth Amendment right to confront the witnesses against him. If a defendant causes a witness to be unavailable for trial through his wrongful acts, with the intention of preventing that witness from testifying, then the introduction of the witness's prior "testimonial" statements is not barred by the Confrontation Clause of the Sixth Amendment of the United States Constitution.

**Tamara Rice Lave & Aviva Orenstein, *Empirical Fallacies of Evidence Law: A Critical Look at the Admission of Prior Sex Crimes*, 81 U. CIN. L. REV. 795 (2013).**

In a significant break with traditional evidence rules and policies, Federal Rules of Evidence 413-414 allow jurors to use the accused's prior sexual misconduct as evidence of character and propensity to commit the sex crime charged. This article examines the empirical support for the probative value of such evidence, revealing the current policy rests on bogus psychology and false empirical assertions.

## **TRIAL STRATEGIES**

### ***Voir Dire and the Use of Questionnaires***

**Ashley Wegner & Brian Bornstein, *The Effects of Victim's Substance Use and Relationship Closeness on Mock Jurors' Judgments in an Acquaintance Rape Case*, 54 SEX ROLES 547-55 (2006).**

Previous research has demonstrated that jurors perceive a female victim who is drunk at the time when she is sexually assaulted as less credible and more deserving of such punishment than a sober victim. In this experiment, we investigated the effect of an alleged acquaintance rape victim's type of substance use and closeness of relationship with the defendant on the judgments of 152 student mock jurors.

**Louis Ellison & Vanessa Munro, *Complainant Credibility & General Expert Witness Testimony in Rape Trials: Exploring and Influencing Mock Juror Perceptions*, U. NOTTINGHAM & U. LEEDS (2009).**

Amongst the most commonly cited problems facing prosecutors in rape cases is the tendency of defense lawyers to portray the normal behavior of women as 'unusual' or inconsistent with a genuine complaint. Our findings support concerns regarding the limits of current public understanding as to what constitutes a 'normal' reaction to sexual attack, and its possible implications in terms of juror assessments of complainant credibility.

**Louise Ellison & Vanessa E. Munro, *Reacting to Rape: Exploring Mock Jurors' Assessments of Complainant Credibility*, 49 BRIT. J. CRIM. 202 (2009).**

This article discusses the findings of a study in which volunteers observed one of nine mini rape trial reconstructions, and were asked to deliberate as a group towards a verdict. In a context in which research with 'real' jurors is prohibited, these deliberations were analyzed to better understand what goes on behind the closed doors of the jury room in rape cases. While previous research has established that jurors are often influenced by extra-legal factors relating to the complainant's

behavior before an alleged attack, this study explored the impact of complainant conduct during and post-assault on assessments of her credibility. More specifically, it examined the effects of (1) lack of physical resistance; (2) delayed reporting; and (3) calm emotional demeanor.

**Louise Ellison & Vanessa E. Munro, *Turning Mirrors into Windows?: Assessing the Impact of (Mock) Juror Education in Rape Trials*, 49 BRIT. J. CRIM. 363 (2009).**

In this article, the authors investigate whether educational guidance presented at trial—via expert testimony or an expansive judicial instruction—can have the intended beneficial impact of redressing popular misconceptions, thereby leading to a fairer assessment of complainant credibility in rape cases.

**Christopher Mallios & Toolsi Meisner, *Educating Juries in Sexual Assault Cases Part I: Using Voir Dire to Eliminate Jury Bias*, 2 STRATEGIES (2010), [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm).**

This article is the first in a series that will explain strategies to educate juries about sexual violence facts and overcome common misconceptions. In addition to providing data-driven information about sexual assault based on research, journal articles, and authoritative publications, this article will suggest ideas to improve jury selection techniques.

## *Use of Expert Testimony*

### **Victim Behavior**

**Davis, Robert C. et al., *Expanding The Victim's Role in The Criminal Court Dispositional Process: The Results Of An Experiment*. 75(2) J. CRIM. L. & CRIM. (1984).**

The article focuses on the expansion of the victim's role in the criminal court dispositional process in the U.S. Victims are not normally consulted by officials because they do not understand that the prosecutor is not actually representing them, or necessarily acting only in their interest. If victims can be made to understand and feel a part of the criminal justice system, their participation may not reduce the predictability of outcomes as much as officials fear.

**Kim Lonsway & Lousie Fitzgerald, *Rape Myths in Review*, 18 PSYCHOL. WOMEN Q. 133-64 (1994).**

This article offers a theory-based definition of rape myths, reviews and critiques the literature on rape myth acceptance, and suggests directions for future research. In particular the authors argue that such work must include the development and application of improved measures, with more concern for the theoretical and methodological issues unique to this field.

**Alifair S. Burke, *Rational Actors, Self Defense, and Duress: Making Sense, Not Syndromes, Out of the Battered Woman*, 81 N.C. L. REV. 211 (2002).**

Promotes a change to the objective reasonableness standard to reflect the context of each case and victim of domestic abuse. This author rejects the view that domestic violence victims are suffering from a mental illness or battered women's syndrome and are rational actors who have behaved in ways to protect themselves from the dangers of continuous abuse. The author recommends a change to the doctrinal standards relating to non-immanent threat cases to more accurately justify non-confrontational necessary uses of force.

**Sarah Ben-David & Ofra Schneider, *Rape Perceptions, Gender Role Attitudes, and Victim-Perpetrator Acquaintance*, 53(5/6) SEX ROLES 385 (Sept. 2005).**

The connection between rape perceptions, gender role attitudes, and victim-perpetrator acquaintance was examined. One hundred fifty Israeli students rated their perceptions of the victim, the perpetrator, the situation, and the appropriate punishment, after reading scenarios in which rape was committed by a neighbor, an ex-boyfriend, and a current life partner.

**Judith Herman, *Justice from the Victim's Perspective*, 11(5) VIOLENCE AGAINST WOMEN, 571-602 (May 2005).**

The author considered the meaning of justice for victims of violent crime by drawing on in-depth interview with 22 victims of violent crime. The author argues that survivors' views of justice do not fit into either retributive or restorative models which has implications for current efforts to use restorative models in cases of violence against women.

**Janine Zweig & Martha Burt, *Effects of Interactions Among Community Agencies on Legal System Responses to Domestic Violence and Sexual Assault in STOP-Funded Communities*. 14(2) CRIMINAL JUSTICE POLICY REV. (June 2005).**

This analysis assesses the degree to which receipt of STOP funding for nonprofit victim service programs and state-level STOP program support for collaboration has led to greater community interaction and legal system outcomes. It also examines whether types of interaction among community agencies are related to post-STOP legal system responses to victims. Changed interactions among nonprofit VS program, law enforcement, and prosecution staff members seem to lead to changes in the legal system's approach to handling domestic violence and sexual assault cases. They also assist communities in meeting the needs of victims.

**Janine Zweig & Martha Burt, *Predicting Case Outcomes and Women's Perceptions of the Legal System's Response to Domestic Violence and Sexual Assault: Does Interaction Between Community Agencies Matter?* 17(2) CRIM. JUST. POLICY REV. (June 2006).**

The goals of the current study were to assess if domestic violence and sexual assault case outcomes and women's perceptions of legal system response can be predicted by the level of interaction between community agencies and the level of legal system response after communities receive STOP funding.

**Jennifer Gentile Long, *Introducing Expert Testimony to Explain Victim Behavior in Sexual and Domestic Violence Prosecutions*, NAT'L DIST. ATT'S ASSOC. (2007).**

This prevalence of sexual and domestic violence myths causes the public to search for reasons to doubt rather than believe allegations of a domestic or sexual assault. Experience prosecutors must engage the help of expert witnesses to educate juries on seemingly counterintuitive victim behavior. This article identifies common myths and misperceptions, identifies terms, provides guidance on admissibility of expert witnesses and how to avoid pitfalls of bringing an expert witness.

**Cheryl Regehr et al., *Victims of Sexual Violence in the Canadian Criminal Courts*, 3(1) VICTIMS & OFFENDERS, 99-113 (2008).**

This research project sought to explore various aspects that might contribute to harm by conducting in-depth qualitative interviews and collecting limited quantitative data on 31 victims who had encountered various processes in the justice system.

**Amanda Robinson et al., *Multi-Agency Work on Sexual Violence: Challenges and Prospects Identified from the Implementation of a Sexual Assault Referral Centre (SARC)*. HOWARD J. CRIM. JUST. 411-428 (2008).**

These researchers conducted interviews of professionals working together to develop a Sexual Assault Referral Centre (SARC) to address the gap in services. Positive aspects of multi-agency work identified

by the respondents included: a shared concern over the poor quality of existing arrangements; a shared vision for a better response to victims; sharing a broader view of the victim; and having experience with, and commitment to, multi-agency work. Continuing challenges were noted as: sustained multi-agency participation; diverse agency cultures; competing agendas and priorities across agencies and systems; funding and staffing issues; and future responsibility for, and ownership of, the SARC.

**Meg Garvin & Douglas Beloof, *Crime Victim Agency: Independent Lawyers for Sexual Assault Victims*. 13(1) OHIO ST. J. CRIM. L., 67-88 (2015).**

This article describes the Special Victim Counsel (SVC), which is now integrated into the military justice system and explains how the SVC creates the necessary space and opportunity for authentic victim agency. According to this article, outcomes have been positive from both victim and system perspectives. This article concludes by urging that a cornerstone of criminal justice reforms in the civilian criminal justice systems of this country should be similar arrangements for lawyers for sexual assault victims.

**Megan Alderden & LaDonna Long. *Sexual Assault Victim Participation in Police Investigations and Prosecution*. VIOLENCE & VICTIMS 819-836 (2016).**

This research seeks to examine why victim participation rates in police investigations and prosecution decline following reporting of sexual assault to police. It was hypothesized that several factors would impact victim participation, including whether the incident reflected stereotypical sexual assault scenarios, if the victim used alcohol or illicit drugs prior to the incident, and if the hospital staff initially reported the incident. The study coded victim participation following initial police reporting from police case investigation narratives. Based on the 544 cases of sexual assault reported to a Midwestern police department, it was found that victims were indeed more likely to continue participating after initial reports to police if their assaults reflected stereotypical sexual assault scenarios.

**NATIONAL CENTER FOR VICTIMS OF CRIME, *THE TRAUMA OF VICTIMIZATION* (2012),**

**<https://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/trauma-of-victimization>.**

This website provides background knowledge in terms for a lay person to gain understanding of how trauma is defined, what are the causes of trauma, and describes the various ways that people who have been victimized by a criminal act may respond to their trauma including numbness, shock, denial, disbelief, anger and post-traumatic stress.

**Judith McFarlane & Ann Malecha, *Sexual Assault Among Intimates: Frequency, Consequences, and Treatments*, Nat'l Inst. Just. (Oct. 2005) [www.ncjrs.gov/pdffiles1/nij/grants/211678.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/211678.pdf).**

This report examines the frequency and implications of sexual assault in cases of intimate partner violence. The researchers collected data from 148 women in 2001 who sought assistance from the judicial system after being physically assaulted by an intimate partner and then re-interviewed them two years later. Two-thirds of the women that had been physically assault by an intimate partner also had been sexually assaulted by that partner. Researchers found that sexual assault occurred repeatedly within these intimate relationships—almost 80 percent of sexually assaulted women reported more than one incident of forced sex. Most women did not seek assistance after the first rape – only 6 percent. However, those women were less likely to be victimized by their partner after the first rape (70% less likely). The researchers review the characteristics of victims who waited to report after the first rape, and found these women were at greater risk of PTSD and poor physical health. The authors make suggestions for improvements to reporting and referral services for the women with history of intimate partner sexual assault and their children.

## **Medical: Injury/ Lack of Injury**

**N.F Sugar et al., *Physical Injury After Sexual Assault: Findings of a Large Case Series*, 190 AM. J. OBSTETRICS & GYNECOLOGY 71 (2004).**

This study was undertaken to determine characteristics associated with physical injury in female sexual assault victims. The researchers examined a sample population of 819 females, 15 years or older, presenting after sexual assault to an urban hospital's emergency room department during a 34-month period who underwent standardized evaluation. The majority of victims, 52%, showed general body injury which was primarily associated with situational factors such as hitting or kicking or being strangled, whereas genital-anal injury is less frequent and related to victim age typically under 20 or older than 49, the duration of time between assault and examination, and whether anal assault occurred.

**Catherine Joan Carter-Snell, *Understanding Women's Risk for Injury from Sexual Assault* (unpublished Ph. D. dissertation, University of Alberta, October 2, 2007)(on file with Book and Record Depository, University of Alberta).**

Presence of physical injuries from a sexual assault has been linked to the development of significant long term psychological and physical health consequences in women. Effective prevention of consequences requires an understanding of injuries and risks for injuries yet the literature on risks for injuries is inconsistent. The purpose of this research was to examine the evidence regarding rates and severity of injuries and the influence of various risk factors on injuries.

**Winifred Maguire et al., *Injury in Adult Female Sexual Assault Complainants and Related Factors*, 142 EUR. J. OBSTETRICS & GYNECOLOGY & REPROD. BIO. 149 (2009).**

This study was undertaken to document physical injuries and ascertain associated variables in female complainants of sexual assault. This study reviewed contemporaneous notes taken during the examinations of 164 cases of sexual assault between 2002 and 2006 in Belfast, Ireland. Almost half the victims of sexual assault were less than 20 years old and injury was detected in over 80%. Time to examination and prior sexual experience were related to genital and body injury. Assault occurring outdoors and alcohol intake were associated with body injury. Genital injury was more frequent in acquaintance assault and victims not using hormonal contraception.

**Therese Zink et al., *Comparison of Methods for Identifying Ano-genital Injury After Consensual Intercourse*, 39 J. EMERGENCY MED. 113 (2010).**

This report compared consensual intercourse related ano-genital injury prevalence in 120 female volunteer participants by using three different forensic examination techniques: 1) direct visual inspection, 2) colposcopy and 3) toluidine-blue contrast application. Microtrauma occurs after consensual intercourse. The scientific community needs to continue to build information about ano-genital injury prevalence following consensual sexual intercourse. Understanding the ano-genital injury patterns, including frequency and prevalence, that occur with consensual sexual intercourse will help to identify the difference between injury related to consensual verses non-consensual sexual intercourse.

**Iain McLean et al., *Female Genital Injuries Resulting from Consensual and Non-consensual Vaginal Intercourse*, 204 FORENSIC SCI. INT'L. 27 (2011).**

The purpose of this study was to compare the incidence of genital injury following penile-vaginal penetration with and without consent. Participants were drawn two cohorts over 500 complainants referred to a specialist Sexual Assault Referral Centre (the Cases) and 68 women for the Comparison

group receiving routine medical treatment who recently had sexual intercourse. Most complainants of rape will not sustain any genital injury, although women are three times more likely to sustain a genital injury from an assault than consensual intercourse.

**Jenifer Markowitz, *Absence of Anogenital Injury in the Adolescent/Adult Female Sexual Assault Patient*, 13 STRATEGIES IN BRIEF (Sept. 2012), available at [www.aequitasresource.org/library.cfm](http://www.aequitasresource.org/library.cfm).**

Documentation from sexual assault medical-forensic examinations will often note that no injury was found to the female genitalia or anus. Rates of sexual assault injury vary widely in published reports and may be impacted by a variety of issues, including the types of techniques used to assess the patient and the amount of time between the assault and the exam. The absence of anogenital injury does not mean that a sexual assault didn't occur. Anticipating the circumstances when injury will be identified is a challenge.

### **Criminalistics (Including DNA and Forensics)**

**DNA EVIDENCE, NATIONAL INSTITUTE OF JUSTICE (AUG. 9, 2010), <http://www.nij.gov/topics/forensics/evidence/dna/basics/Pages/welcome.aspx>.**

This website gives an overview of the tools and methods used by law enforcement agencies in the collection and analysis of DNA evidence collection, analysis and use in databases. These pages provide a basic foundation of knowledge for the lay person in the investigative side of DNA evidence analysis.

### **Toxicology**

**Marc. LeBeau & M.A. Montgomery, *Challenges of Drug-Facilitated Sexual Assault*, 22(1) FORENSIC SCI. REV. 1-6 (2010).**

This article provides the reader with an understanding of the numerous challenges of drug-facilitated sexual assaults (DFSA). The challenges are categorized as follows: the drugs, reporting the crime, evidence collection, and laboratory analysis of specimens. For example, while sexual assaults are generally considered to be a significantly underreported crime, the drug effects further complicate victims' reporting to law enforcement. Any delay in reporting decreases the ability of a laboratory to detect the presence of drugs or metabolites in useful evidentiary specimens such as blood and urine. Finally, differences in instrumentation and mission from one laboratory to the next will impact the ability to provide consistent identification of DFSA drugs or metabolites in these cases. Although the true prevalence of DFSAs will never be fully known, the authors stress that acknowledgment of the many challenges that come with these cases provides insight as to how to improve chances of successfully investigating DFSA allegations.

**Sarah Kerrigan, *The Use of Alcohol to Facilitate Sexual Assault*, 22(1) FORENSIC SCI. REV. (Jan. 2010).**

The presence of alcohol (ethanol) is a common toxicological finding in alleged cases of drug facilitated sexual assault (DFSA). Alcohol was identified as the most frequently encountered drug in DFSAs more than a decade ago, and epidemiological studies to date confirm this initial finding. The prevalence of alcohol in DFSAs is reviewed within the context of toxicological findings and blood alcohol concentration (BAC). Pharmacological aspects are briefly presented, including pharmacokinetics and retrograde extrapolation. The effects of alcohol are discussed within the context of the pharmacodynamics of alcohol and the mechanistic issues associated with alcohol's disruption of memory. The amnesic effects of alcohol are reviewed, with particular focus on the two distinct types of alcohol-induced blackout: fragmentary and en bloc. The prevalence of and the BACs associated with this type of alcohol-mediated memory loss are described. Finally, biological specimens (blood, serum,

and urine) are reviewed from a toxicological standpoint, and the associated methodology for quantitative alcohol determination is presented.

### ***Alcohol-Facilitated Sexual Assault***

**Antonia Abbey et al., *Alcohol and Sexual Assault*, 25(1) ALCOHOL RES. & HEALTH 43 (2001).**

Conservative estimates of sexual assault prevalence suggest that 25 percent of American women have experienced sexual assault, including rape. Approximately one-half of those cases involve alcohol consumption by the perpetrator, victim, or both. Alcohol contributes to sexual assault through multiple pathways, often exacerbating existing risk factors.

**Leanne R. Brecklin & Sarah E. Ullman, *The Role of Offender Alcohol Use in Rape Attacks: An Analysis of National Crime Victimization Survey Data*, 16(1) J. INTERPERSONAL VIOLENCE 3-21 (2001).**

The role of offender pre-assault alcohol use (as perceived by victims) in the outcomes of rape incidents (N = 362) was analyzed using data from the 1992-1996 National Crime Victimization Survey. Offender pre-assault alcohol use was hypothesized to be related to more risky assault characteristics (e.g., stranger assaults and weapons) and more severe assault outcomes (e.g., completed rapes and physical injury). As predicted, offender alcohol use was associated with stranger assaults, night assaults, outdoor locations, and greater victim resistance.

**Sarah E. Ullman, *A Critical Review of Field Studies on the Link of Alcohol and Adult Sexual Assault in Women*, 8 AGGRESSION & VIOLENCE BEHAVIOR 471-86 (2003).**

This article reviews field studies examining two central questions regarding the link between alcohol and sexual assault. (1) the global associations of drinking and sexual assault risk across the life span (macrolevel model) and (2) the role of drinking in the outcomes of actual sexual assault incidents (microlevel model).

**AARON M. WHITE, NAT'L INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, WHAT HAPPENED? ALCOHOL, MEMORY BLACKOUTS, AND THE BRAIN (July 2004), <http://pubs.niaaa.nih.gov/publications/arh27-2/186-196.htm>.**

Alcohol primarily interferes with the ability to form new long-term memories, leaving intact previously established long-term memories and the ability to keep new information active in memory for brief periods. As the amount of alcohol consumed increases, so does the magnitude of the memory impairments. Blackouts are much more common among social drinkers—including college drinkers—than was previously assumed.

**TERESA SCALZO, PROSECUTING ALCOHOL-FACILITATED SEXUAL ASSAULT, NAT'L DISTRICT ATTN'Y'S ASSOC., (2007). available at: [http://www.ndaa.org/pdf/pub\\_prosecuting\\_alcohol\\_facilitated\\_sexual\\_assault.pdf](http://www.ndaa.org/pdf/pub_prosecuting_alcohol_facilitated_sexual_assault.pdf).**

This monograph discusses the prosecution of alcohol-facilitated sexual assault (AFSA) with a specific focus on AFSA when the victim is voluntarily intoxicated. It begins with a basic overview of toxicology. Next, it suggests a three-step process for prosecuting AFSA cases: (1) making the charging decision; (2) analyzing credibility and corroboration; and (3) trying the case. Finally, the monograph provides techniques for overcoming common defenses and have been found to encompass events ranging from conversations to intercourse.

**Heather D. Flowe et al., *Alcohol and Remembering A Hypothetical Sexual Assault: Can People Who Were Under The Influence of Alcohol During The Event Provide Accurate Testimony?*, 24(8) MEMORY 1-20 (Sep. 2016).**

We examined the influence of alcohol on remembering an interactive hypothetical sexual assault scenario in the laboratory using a balanced placebo design. The accuracy of the information intoxicated participants reported did not differ compared to sober participants, however, suggesting intoxicated participants were effectively monitoring the accuracy of their memory at test. We discuss theoretical implications for alcohol myopia and memory regulation, together with applied implications for interviewing intoxicated witnesses.

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