



## Increasing Sexual Assault Prosecution Rates

by Philip Bulman

**Humane treatment shapes both the victims' recovery and the success of investigations.**

Sexual assault victims often praise the compassionate services of Sexual Assault Nurse Examiners, and a new study of two SANE programs confirmed that they contribute to higher prosecution and conviction rates.

The study focused on SANE programs in a large Midwestern county, carefully measuring how far sexual assault cases progressed through the criminal justice system during the years before and after the programs started. Researchers found statistically significant increases in various case progression measures, including the percentage of cases that eventually resulted in guilty pleas or convictions.

Led by Rebecca Campbell, professor of psychology at Michigan State University,

the research team looked at adult sexual assault cases treated in county hospitals and processed by the county's five largest law enforcement agencies for the five years before the launch of the SANE programs. The researchers also looked at cases treated by SANE teams during their first seven years of operation.

Campbell and her colleagues excluded cases that were not processed by the criminal justice system. These included stranger rape cases in which no perpetrator was ever identified as well as cases in which law enforcement officials concluded that the assault allegations were unfounded. This resulted in a sample of 156 pre-SANE cases and 141 post-SANE cases. All victims received complete medical forensic exams, and the exam results

were analyzed by the state crime laboratory for DNA evidence.

SANE nurses receive a minimum of 40 hours of classroom training and 40 hours of clinical training. The training covers evidence collection, injury detection methods, chain-of-evidence requirements, ways to avoid re-traumatizing a victim during an examination and other topics. Most SANE teams use specialized equipment such as a colposcope, a lighted magnifying tool that can detect small cuts, bruises and other injuries. The colposcope is also equipped with a camera to document any injuries.

Historically, sexual assault cases have been underreported and had low prosecution rates. These particular SANE programs — and perhaps many others — are contributing to higher prosecution and conviction rates. To discover how the programs led to increased prosecution, the researchers looked at the details of cases and interviewed law enforcement officers, prosecutors and assault victims.

SANE programs provide forensic evidence that is critical for successful investigations. One supervising detective noted that the quality of the evidence produced by medical forensic exams is higher with the SANE program. “I know the quality of documentation has improved from what we’ve seen in the past. Particularly with the addition of ... photographs of injuries; we never had that from an ER.”

Participants in the study were granted anonymity and will not be identified by name or agency.

Another detective noted that the SANE program produced evidence quickly and made it available to law enforcement. “SANE information is received rather quickly, if not the same day, the following day ... With the hospital it took time to go through their records to obtain any additional reports, which made it difficult for us to proceed with our investigation.”

In addition, once a law enforcement agency knew that evidence would be forthcoming,

## SANE FACTS

- ▶ SANE programs now exist in every state of the union, with about 500 programs in all. The programs treat adults and adolescents, and about half treat children as well. SANE programs typically handle sexual assault victims of both sexes.
- ▶ Most SANE programs are based in hospitals, although a few are based in rape crisis centers. In some places, mobile SANE teams are set up to go to various hospitals or other locations as needed.
- ▶ Although some SANE programs have relied on grant funding to get started, they often become self-sustaining because they provide reimbursable medical services.
- ▶ SANE programs have grown partly because the need is great. A 1998 report by the National Institute of Justice and the Centers for Disease Control and Prevention included results of a survey of 16,000 adults of both sexes. Some 17.7 percent of women and 3 percent of men reported being the victim of a completed or attempted rape at some point in their lifetimes.

it became more confident about building a case. The researchers found that in cases where the victim had a medical forensic exam, police collected more kinds of other evidence from the crime scene and from interviews with the suspect and possible witnesses. “Evidence begets more evidence,” the researchers report. The cumulative effect was that more cases progressed further through the criminal justice system.

A prosecutor noted that the evidence collected helped to elicit guilty pleas in some cases and trial convictions in others. “I’m sitting here thinking to myself, I’ve got a good case.



*Rebecca Campbell discussed the findings of her study in more detail at an NIJ seminar. Go to <http://www.ojp.usdoj.gov/nij/pubs-sum/video-sane.htm> to view her presentation.*

*Even after accounting for other influences, the effects of the SANE program were still statistically significant.*

"I've got corroboration, I've got medical, I've got a good case, and I'll use that with talking to the defense attorney."

Besides providing forensic evidence, SANE teams are also available to testify in court as expert witnesses. SANE programs in this county do not pressure their patients to contact law enforcement and pursue prosecution. Nurses and advocates strive to minimize victim trauma, and they focus on providing high-quality patient care and attending to the emotional needs of the victim. The nurses and advocates take the time to answer all the victim's questions about evidence and

the legal system. One victim told researchers that the SANE program's involvement played an important role in her decision to file criminal charges. "That's part of the reason [that I continued] ... Because that will just show that he did things to me, and I have proof." By not focusing on legal concerns right away, victims were more willing and able to continue with a criminal case.

Some assault victims said the SANE experience was a turning point. "It was the first time where I felt ... human, after going through such a horrendous experience and made to feel I was just a bitch in heat ... or a pig being led to the slaughter ... and people like the advocates and the nurse examiner, they ... make you feel like they're more interested in you, in helping you cope with what happened, and that makes it easier, too, because they're looking at you like a person ... I didn't feel like another body on a slab."

### HOW SEXUAL ASSAULT CASES PROGRESS FURTHER WITH SANE: EXAMINING THE FACTORS

Many investigations of suspected crimes do not result in convictions because law enforcement agencies do not refer every case to prosecutors and prosecutors do not pursue every case, often due to inadequate evidence. Of those cases that are prosecuted, many fail to reach a finding of guilt.

This research shows that SANE programs resulted in more cases progressing further:

- The number of cases referred to prosecutors but not warranted for prosecution declined from 17 percent to 15 percent.
- Cases resulting in guilty pleas or trial convictions rose from 24 percent to 29 percent.

Advances in DNA testing technology mean that much smaller samples can yield results. This may have increased the rates of conclusive DNA evidence obtained by SANE programs. When the research team examined this possibility, it found that while DNA was a significant predictor of case progression through the criminal justice system, SANE programs still provided uniquely positive contributions to the outcomes of cases.

Other factors also influenced case progression:

- Cases involving penetration were more likely to progress than those involving fondling.
- Cases where the victim reported being under the influence of alcohol or drugs were less likely to progress.
- Some seasonal variations arose from the analysis. Cases processed in December were less likely to progress as far through the criminal justice system as those cases processed in other months.



SANE programs may help solve long-standing problems associated with sexual assault cases. The programs provide quality evidence in a timely way that can help shape the course of an investigation, the researchers concluded. "With the medical forensic evidence safely in the hand of SANEs, law enforcement put more investigational efforts into other aspects of the case. The training and ongoing consultation provided by SANEs often suggested investigational leads that law enforcement could pursue to further develop a case. As a result, the cases that are put forward to prosecutors reflect the collective efforts and expertise of law enforcement and SANEs, and

not surprisingly, the cases are stronger. Consequently, prosecutors are more inclined to move forward with charging cases, and over time, the prosecution rates did increase," the researchers report.

The National Institute of Justice funded the study. The complete study is available at <http://www.ncjrs.gov/pdffiles1/nij/grants/226497.pdf>.

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NCJ 228384

## VIRTUAL TRAINING AND OTHER SEXUAL ASSAULT RESOURCES FOR PROFESSIONALS

- ▶ A comprehensive and inexpensive training tool is helping advance skills in collecting sexual assault forensic evidence and preparing it for trial. It was developed by the Office on Violence Against Women in partnership with the National Institute of Justice and Dartmouth Medical School. The **Sexual Assault — Forensic and Clinical Management virtual practicum DVD** takes viewers through an interactive virtual forensic facility where distinguished faculty, practitioners and legal experts explain the process from first meeting through pretrial to courtroom.
  - More information is available at <http://www.safeta.org>.
  - Read an *NIJ Journal* article on the virtual practicum: <http://www.ojp.usdoj.gov/nij/journals/258/sexual-assault.html>.
- ▶ The Department of Justice's **National Protocol for Sexual Assault Medical Forensic Examinations** provides details on the roles of responders to sexual assault as part of a coordinated community response. The protocol was developed with help from relevant disciplines, such as medical providers, law enforcement, prosecutors, advocates and crime lab personnel.
  - It is available at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>.
- ▶ The **National Training Standards for Sexual Assault Medical Forensic Examiners** is a companion to the national protocol. It offers specialized education for health care providers who wish to practice as sexual assault forensic examiners. The training standards include recommendations for training objectives and topics that will enable a sexual assault forensic examiner to carry out the guidelines outlined by the protocol.
  - The standards are available at <http://www.ncjrs.gov/pdffiles1/ovw/213827.pdf>.
- ▶ The International Association of Forensic Nurses provides technical help on carrying out the protocol. Please see <http://www.safeta.org> or call 877-819-SART.
- ▶ A toolkit for evaluating the effectiveness of SANE programs is at <http://www.ncjrs.gov/pdffiles1/nij/grants/226499.pdf>.