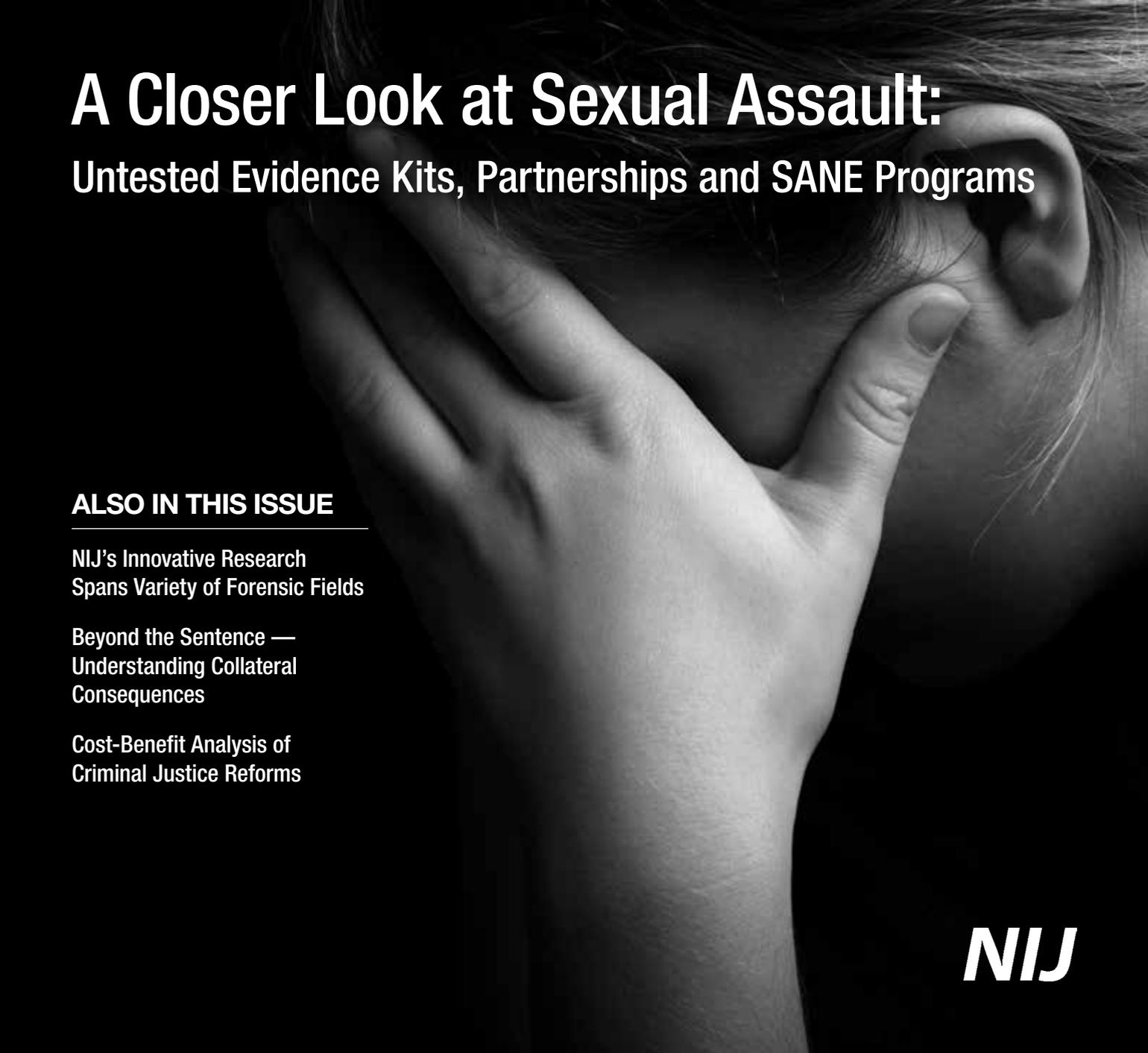




ISSUE NO. 272

NATIONAL INSTITUTE OF JUSTICE JOURNAL



A Closer Look at Sexual Assault: Untested Evidence Kits, Partnerships and SANE Programs

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Building Knowledge to Meet the Challenge of Crime and Justice

National Institute of Justice

Greg Ridgeway

Acting Director, National Institute of Justice

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DIRECTOR'S MESSAGE



As I was reviewing the stories in this issue of the *NIJ Journal*, I was struck by the innovative ways NIJ grantees are using data, scientific methods and collaboration to solve problems. The article about the fruits of forensics research and development, for example, is just the tip of the iceberg in the forensics realm. Over the coming months, you will be seeing a great deal more about how forensic science research is helping detectives, medical examiners, crime lab directors and other criminal justice professionals solve crimes faster, improve processes and reduce costs.

The stories about the partnerships in New Orleans and Los Angeles are peeks into some of our creative collaborative activities. NIJ works hard to bring together the expertise of researchers and practitioners to help reduce or solve public sector problems. I saw this firsthand at the American Academy of Forensic Sciences meeting in February. I was amazed at and excited by the remarkable advances our forensic grantees are making and how their work has multiple applications to the day-to-day operations of the criminal justice system.

These face-to-face gatherings with people from the field are one of the things I most enjoy as the acting director. As many readers know, NIJ currently has no plans to reinstitute our annual summer conference, which for many years brought together researchers and practitioners. Instead, we are finding more cost-effective ways to bring the benefits of our work to the field. We are finding that partnering with professional associations and presenting our research at their meetings can be an effective way to show how scientific inquiry can advance the field.

This month, two meetings featured the work of NIJ grantees:

- **International Association of Crime Analysts**, September 9-13. NIJ sessions focused on practical applications of geospatial techniques, the impact of place and problem-solving techniques that crime analysts could take home and use immediately.
- **National Association of Pretrial Services Agencies**, September 15-18. NIJ sponsored several sessions about proven practices to reduce probation violations and save staff time and money — how GPS in California reduced sex offender recidivism, a risk assessment tool that was developed in Philadelphia, and a discussion of “video visits” for inmates and their families.

I hope you can attend the meetings still to come this fall:

- **International Association of Chiefs of Police**, October 19-23. NIJ has created a special all-day Saturday event at which experts will explain what works and what matters in firearms safety, officer deaths from traffic-related accidents, wrongful convictions and several other hot topics. Attendees will have plenty of time to ask questions specific to their jurisdiction. In addition, NIJ panels and poster sessions will be sprinkled throughout the conference.
- **American Society of Criminology**, November 20-23. NIJ research will be featured in numerous panels and cover an array of topics. Plus, NIJ will have a special session devoted to showcasing our priorities and funding opportunities.

Like almost everything NIJ does, these events will foster innovation and benefit both researchers and practitioners. But the ultimate benefactors of R&D partnerships are the victims whose cases are solved more quickly, the taxpayers whose money goes farther, and the citizenry who benefit from improved administration of justice.

A handwritten signature in black ink that reads "Greg Ridgeway".

Greg Ridgeway
Acting Director, National Institute of Justice

The National Institute of Justice is the research, development and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development and evaluation to enhance the administration of justice and public safety.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Office for Victims of Crime; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Photo Sources: Palladian Partners, Inc., Getty Images, and ThinkStock.

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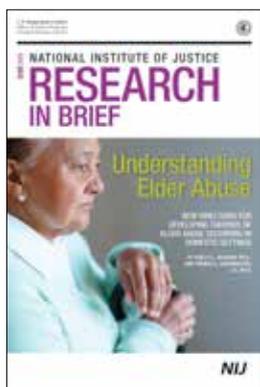
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by Bethany Backes and Melissa Rorie

NIJ BULLETIN



Publications in Brief



Understanding Elder Abuse: New Directions for Developing Theories of Elder Abuse Occurring in Domestic Settings

Although awareness of elder abuse is increasing, there are few theory-based explanations about the causes of this type of victimization and how best to respond to it.

In a new *Research in Brief*, Shelly Jackson and Thomas Hafemeister discuss two NIJ studies on elder abuse in domestic settings. Compared with other types of family violence, research on elder abuse has lagged behind in theory development and instead has adapted theories from other fields. Jackson and Hafemeister describe the findings from the two studies in this context, emphasizing the importance of developing new theories of elder abuse and looking critically at current theories to increase our understanding and guide future research.

Read the report at NCJRS.gov, keyword: 241731.



The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers

Properly handling and accounting for evidence — from collection through final disposition — are key components of the criminal justice system. The new *Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers* offers guidance for individuals involved in collecting, examining, tracking, packaging, storing and managing the disposition of biological evidence.

The report covers:

- Retaining biological evidence
- Biological evidence hazards and handling
- Packing and storing biological evidence
- Chain of custody and evidence tracking
- Evidence disposition

The report, published by the National Institute of Standards and Technology with support from NIJ, was produced by the Technical Working Group on Biological Evidence Preservation, a group of experts in biological evidence preservation who research and document the best advice that current technology allows.

Read the handbook at NCJRS.gov, keyword: 241951.



Forensic Science Resources on Your eReader

Some of NIJ's most popular forensic science guides and resources are now available for your iPad, Kindle or other eReader:

- *Death Investigation: A Guide for the Scene Investigator (Technical Update)*, available at NIJ.gov, keywords: death investigation update
- *Electronic Crime Scene Investigation: An On-the-Scene Reference for First Responders*, available at NIJ.gov, keywords: electronic on-the-scene guide
- *The Fingerprint Sourcebook*, available at NIJ.gov, keywords: fingerprint sourcebook



News & Events



American Statistical Association Elects Ridgeway a Fellow

NIJ Acting Director Greg Ridgeway has been elected a 2013 American Statistical Association (ASA) Fellow. Ridgeway is being recognized for his outstanding contributions in the deployment of empirical analysis in criminal justice and policing research, his scientific leadership in government, and his service to the profession.

The designation of ASA Fellow has been a significant honor for nearly 100 years. ASA members nominate their peers within the association, and then ASA's Committee on Fellows evaluates the nominees based on their contributions to the advancement of statistical science, their published works and their professional position, among other factors.

Ridgeway and the other 58 ASA Fellows were honored during a ceremony at the annual Joint Statistical Meetings on Aug. 6, 2013.

Read the press release at amstat.org, keywords: 2013 fellows.



Article Follow-up: Collecting DNA From Arrestees — What Are the Practical Implications of *Maryland v. King*?

On June 3, 2013, the U.S. Supreme Court upheld Maryland's law allowing DNA to be collected from people who have been arrested for a serious crime. At the time this issue of the *NIJ Journal* goes to press, 28 states and the federal government have laws authorizing the collection of DNA samples from individuals arrested or charged with certain qualifying offenses.

What ramifications do states face when implementing arrestee DNA collection laws? How do these laws affect the collecting agencies and the state crime laboratories that are responsible for implementing these laws? In Issue 270 of the *NIJ Journal*, Julie Samuels and her colleagues describe their NIJ-funded study that examined arrestee DNA collection laws around the nation, including lessons learned to date about implementation challenges.

Read the article “Collecting DNA From Arrestees: Implementation Lessons” at NIJ.gov, keywords: collecting arrestee DNA.

This article was based on the interim report. Read the final report at NCJRS.gov, keyword: 242812.



Multimedia



Interviews With the Researchers: Domestic Radicalization

NIJ is funding a series of studies into the causes, effects and prevalence of domestic radicalization. During a recent roundtable with grantees, NIJ had the chance to sit down with the lead researchers for three of the studies. They discuss how their work might affect policy and law enforcement practice in the future.

- **Lone Wolf Terrorism in America:** Mark Hamm defines “lone wolf” and discusses the prevalence of this type of terrorism in the U.S. and some of the ways that such terrorists become radicalized. Hamm makes distinctions between mass violence and terrorism and points out that many lone wolf terrorists broadcast their intent to commit terrorist acts through very public forums. Watch Mark Hamm’s interview at NIJ.gov, keywords: Hamm interview.
- **Empirical Assessment of Domestic Radicalization:** Through large-scale empirical analysis and small-scale life study analysis, Gary Ackerman is looking to determine what factors may cause an individual to make the leap from illegal terrorist behavior to violent terrorist behavior. Watch Gary Ackerman’s interview at NIJ.gov, keywords: Ackerman interview.
- **Community Policing Strategies for Countering Violent Extremism:** David Schanzer notes that although Islamic terrorism gets the majority of media attention, a wide variety of terrorist ideologies actually exist — from religious to environmental to economic. Schanzer hopes to discover whether certain community policing strategies are more effective in countering certain types of terrorism. Watch David Schanzer’s interview at NIJ.gov, keywords: Schanzer interview.



Research for the Real World: The Neurobiology of Sexual Assault: Implications for First Responders in Law Enforcement, Prosecution and Victim Advocacy

What happens to the brain during a sexual assault? How does trauma affect victim behavior during and after an assault?

Rebecca Campbell discusses the neurobiology of trauma and the criminal justice response to sexual assault. She explains how the emotional and physical manifestation of trauma can impact the investigation process and the prosecution of sexual assaults. Campbell outlines best practices for first responders, law enforcement, nurses and prosecutors on how to question and care for victims to minimize “secondary victimization” and victim blaming behaviors. She also discusses how research on the neurobiology of trauma can inform a long-standing problem in the criminal justice system — sexual assault case attrition.

Watch and listen to Campbell's *Research for the Real World* seminar at NIJ.gov, keywords: Campbell presentation.

Interview With the Researcher

How law enforcement officers question victims of sexual assault can affect the quality of victim statements. In an interview, Campbell explains why law enforcement can get better evidence when they allow victims to tell their stories at their own pace instead of forcing victims to try to nail down all the details immediately in precise order.

Watch Campbell's interview at NIJ.gov, keywords: Campbell interview.



Research for the Real World: Wrongful Convictions: The Latest Scientific Research and Implications for Law Enforcement

What does science tell us about case factors that can lead to a wrongful conviction? In this *Research for the Real World* seminar, Jon Gould discusses the findings of the first large-scale empirical study that has identified 10 statistically significant factors that distinguish a wrongful conviction from a “near miss.” (A “near miss” is a case in which an innocent defendant was acquitted or had charges dismissed before trial.) Gould is joined by John R. Firman of the International Association of Chiefs of Police (IACP), who talks about implications for law enforcement, including recommendations based on IACP's 2012 summit on wrongful convictions.

Watch and listen to the seminar at NIJ.gov, keywords: Gould presentation.

Interview With the Researcher

Gould discusses the variables uncovered in his research that work in concert to create systemic error in erroneous convictions: the strength of the prosecution's evidence, the quality of the defense, and whether the prosecution turned over exculpatory evidence.

Watch Gould's interview at NIJ.gov, keywords: Gould interview.



Recent Research Findings



An Exploratory Study of Juvenile Orders of Protection as a Remedy for Dating Violence

Some states are expanding order of protection (OP) laws to allow teens to secure orders for dating violence without parental involvement. New York State expanded its OP laws in July 2008, and NIJ funded the first study to examine systematically the implications of this change.

A key finding was that limited knowledge and understanding of OPs by teen dating violence victims were barriers to their use. Another barrier was a lack of police assistance in learning about or being encouraged to seek OPs, as compared with adult victims of intimate partner violence. Teens also reported concerns about being labeled a “snitch” by their peers, fears that OPs would not work, and ambivalence about giving up on the abusive relationship.

Researchers analyzed all petitions filed by teen dating violence victims (18 and younger) obtained from New York Family Courts, as well as criminal histories and police domestic violence incident files from the state's Division of Criminal Justice Services for all alleged offenders. They also conducted focus groups and individual interviews with youth who may have been at risk for experiencing dating violence as well as with those who had attempted the process of trying to secure an OP.

Read the final report at NCJRS.gov, keyword: 242131.



Second Chance Act: Evaluation of Second Chance Act Adult Reentry Courts: Program Characteristics and Preliminary Themes From Year 1

The Second Chance Act (SCA) authorizes federal funding for services to former offenders who are returning to the community after being in prison or jail. The first report from an evaluation of SCA adult re-entry courts is now available.

The report examines eight re-entry courts funded by the Bureau of Justice Assistance under SCA and describes the target populations, enrollment (e.g., risk levels) and services offered. The researchers are developing a program logic model for re-entry courts. A final report for the evaluation is expected by fall 2015 and will include findings based on impact and cost analyses.

Read the report at NCJRS.gov, keyword: 241400.



Measuring the Effect of Defense Counsel on Homicide Case Outcomes

This year marked the 50th anniversary of *Gideon v. Wainwright*, a landmark Supreme Court decision that determined the right to counsel to be a fundamental right, essential to a fair trial. *Gideon* guaranteed representation in the court of law, but research funded by NIJ and conducted by James M. Anderson and Paul Heaton of RAND shows that not all representation is created equal.

Researchers used natural randomization of attorney assignment for indigent murder defendants in Philadelphia to examine how defense lawyers affect murder case outcomes. In a sample of 3,412 defendants charged with murder between 1994 and 2005 in Philadelphia, the data showed striking differences in case outcome depending on the type of defense counsel involved. Compared to private appointed counsel, public defenders reduced the murder conviction rate by 19 percent. They reduced the probability that their clients would receive a life sentence by 62 percent and the overall expected time served in prison by 24 percent.

Read the final report at NCJRS.gov, keyword: 241158.

NEW ON NIJ.GOV



NIJ's Indigent Defense Portfolio

In the U.S., an indigent person accused of a serious crime is entitled to the appointment of defense counsel at the state's expense. Providing indigent criminal defendants with access to effective legal counsel is critical to ensuring due process. Research will help the field understand barriers to obtaining legal representation, identify and assess how to address these barriers, and develop recommendations.

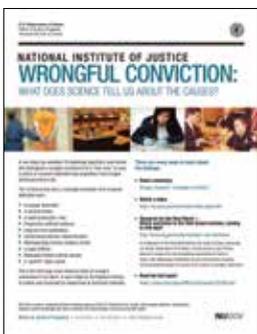
NIJ's indigent defense research portfolio focuses on:

- Increasing the amount of rigorous research on indigent defense.
- Developing tools to improve the quality of indigent defense.
- Enhancing understanding of the issues surrounding the availability of indigent defense services.

And NIJ's research portfolio continues to grow. In 2012, NIJ awarded more than \$1.6 million to three organizations to evaluate efforts to improve indigent defense in the U.S. The research includes:

- An empirical evaluation of the holistic approach to indigent defense.
- An examination of factors that influence juveniles to waive their right to counsel.
- An examination of the resource constraints and the practical and ethical challenges of representing indigent defendants who have mental health disorders.

Learn more about current and past indigent defense research at NIJ.gov, keywords: indigent defense.



Predicting and Preventing Erroneous Convictions

Why are innocent people wrongfully convicted in certain cases, yet acquitted in others? Research is starting to uncover what happens.

NIJ-funded researchers at American University compared cases in which innocent defendants were wrongfully convicted to “near misses” — cases in which an innocent defendant was acquitted or had charges dismissed before trial. The researchers identified 10 statistically significant factors that could lead to a wrongful conviction. For example, young defendants with previous criminal histories were more likely to be wrongfully convicted. An honest, inadvertent misidentification also increased the likelihood of erroneous conviction. The researchers developed a model that could be used to help prevent wrongful convictions in the future.

Learn more about wrongful convictions at NIJ.gov, keywords: erroneous convictions.



Race, Trust and Police Legitimacy

Personal interactions have the strongest impact on perceptions. People form opinions of law enforcement, for example, based on their own interactions with officers or the experiences of trusted friends and family. Research shows that an officer's demeanor and actions are crucial to perceptions of police legitimacy. Citizens are more likely to take a positive view of law enforcement if officers communicate well, listen and treat citizens with respect.

Read more about law enforcement and legitimacy at [NIJ.gov](#), keywords: law enforcement trust.

Watch and listen to New York University's Tom Tyler describe legitimacy as it pertains to profiling and community policing at [NIJ.gov](#), keywords: Tyler presentation.

Watch an interview with Yale Law School's Tracey Meares about deterrence and legitimacy at [NIJ.gov](#), keywords: Meares interview.



Fingerprint Database Interoperability

Fingerprint databases sometimes do not "talk" to each other because of differences in technology or decisions related to policy and practice. As part of NIJ's priority to strengthen the forensic sciences, it is funding the Latent Fingerprint Interoperability Survey. The survey will help NIJ understand the barriers to fully automated, cross-jurisdictional interoperability. It will collect information about:

- The types and functions of fielded automated fingerprint identification systems in state and local agencies.
- The current policy agreements among jurisdictions that permit sharing, exchanging and searching latent fingerprints electronically.
- The technological and regulatory factors that affect electronic sharing, exchanging and searching latent fingerprints across various jurisdictions.

Learn more about latent fingerprints and the database interoperability survey at [NIJ.gov](#), keywords: fingerprint database.



Sharing Data to Improve Science

Secondary data analysis allows researchers to build on existing findings, replicate results and conduct new analyses. Through NIJ's Data Resources Program, data collected as a part of NIJ research are archived and made available to support new research aimed at reproducing original findings, replicating results and testing new hypotheses.

- Learn about NIJ's Data Resources Program at [NIJ.gov](#), keywords: data resources program.

When an NIJ-funded study ends, researchers submit their data to the National Archive of Criminal Justice Data, which has been collecting data since 1978. The National Archive was

created as part of the Inter-university Consortium for Political and Social Research at the University of Michigan.

Recent data sets added to the National Archive include:

- Developing Uniform Performance Measures for Policing in the United States: A Pilot Project in Four Agencies, 2008-2009
- Course of Domestic Abuse Among Chicago's Elderly: Risk Factors, Protective Behaviors, and Police Intervention, 2006-2009
- Assessing the Practical and Monetary Efficacy of New Jersey's Megan's Law, 1972-2007
- National Survey of Juvenile Justice Professionals, 2005-2007
- Determinants of Chicago Neighborhood Homicide Trends, 1980-2000
- Law Enforcement and Criminal Justice Under Public Law 280, 2003-2005
- Defining Law Enforcement's Role in Protecting American Agriculture From Agroterrorism in Kansas, Oklahoma, and Texas, 2003-2004

Learn about accessing and using research data from NIJ studies at NIJ.gov, keywords: accessing data resources.



Research Updates

The following NIJ Web pages have been updated with additional research findings:

- **Elder abuse:** NIJ's research on identifying elder abuse includes projects that look at bruising in elders, cause-of-death determinations, potential markers for elder abuse, and better tools to assess psychological and financial abuse. Read more at NIJ.gov, keywords: identifying elder abuse.
- **Offender re-entry:** Offender re-entry — the transition from life in jail or prison to life in the community — can have profound implications for public safety. Learn more about NIJ's most recent research on re-entry and employment at NIJ.gov, keywords: re-entry employment.
- **Tribal crime and justice:** NIJ's tribal crime and justice portfolio aims to (1) provide an accurate report of crime and violence; (2) provide reliable, valid estimates of the scope of the problem; and (3) identify barriers to and possible solutions for dealing with these significant public safety issues. Visit the updated pages at NIJ.gov, keywords: tribal justice.

NEW ORLEANS SEXUAL ASSAULT EVIDENCE PROJECT: RESULTS AND RECOMMENDATIONS

BY **NANCY RITTER**

NIJ-sponsored project contributes to the growing body of evidence on how to handle untested sexual assault kits.

In a one-year project that tested 1,000 sexual assault kits (SAKs) in New Orleans, there were hits against the FBI's Combined DNA Index System (CODIS) that aided police investigations in 13 percent of the cases. The NIJ-sponsored project grew out of a request from the U.S. Department of Justice to provide assistance to the city after it initiated an investigation of the New Orleans Police Department (NOPD) in 2010.

Mark Nelson, a physical scientist who managed the project at NIJ, said that the results offer one more piece in the growing body of evidence regarding the controversial issue of how to handle untested SAKs.

"Of the 1,008 SAKs tested, 256 male DNA profiles were uploaded to CODIS — and this resulted in 139 CODIS hits," said Nelson, who wrote the final report on the project, *Analysis of Untested Sexual Assault Kits in New Orleans*, available at NCJRS.gov, keyword: 242312.

In response to the Department of Justice's call for assistance, NIJ leveraged existing partnerships, cooperative agreements and congressionally designated funding to assist NOPD in performing DNA testing on 830 SAKs that were in NOPD custody when the project began and 178 SAKs that were collected during the project's duration (January 1, 2011, to January 1, 2012).

"It's important to note that problems with the untested kits — and with police follow-up on CODIS hits for kits that had already been tested — were exacerbated by the loss of the NOPD Crime Laboratory and its DNA functionality as a result of Hurricane Katrina," Nelson said.

NIJ's SAK project in New Orleans took place over a short (one-year) period and required a quick and clear delineation of the participating partners' responsibilities (see sidebar, "The Partners in the Sexual Assault Kit Project"). Within two months of the first planning meeting, the partners signed a memorandum of understanding, and DNA analysis of SAKs began.

Results of DNA Testing

There are two types of CODIS matches (referred to as “hits”): offender hits and forensic hits. An offender hit occurs when a DNA profile developed from evidence in an alleged crime matches an offender whose DNA profile is already in CODIS. A forensic hit (sometimes called a case-to-case hit) occurs when a DNA profile developed from evidence in an alleged crime matches a DNA profile from another crime. Both types of hits can offer police a new lead or, in cases in which a particular individual is not identified through a DNA profile, at least *link* cases in which the suspect’s identity is unknown.¹

What Do the CODIS Hit Results Mean?

There were essentially two groups of untested SAKs in the project: 830 kits that were already in NOPD custody when the project began and 178 kits that were collected in sexual assaults that occurred during the project (“current cases”). Among the cases that existed before the project began, 10 percent yielded a CODIS hit: 9 percent were hits to an individual who

had not previously been identified as a suspect in the case, 0.5 percent were forensic hits in which the offender was unknown, and 0.5 percent were offender hits between an offender (either known or named by the victim) and the evidence.

Among the current cases, 31.5 percent yielded a CODIS hit: 21.4 percent were hits to an offender who had not previously been identified as a suspect, 1.7 percent were forensic hits in which the offender was unknown, and 8.4 percent were offender hits between an offender (either known or named by the victim) and the evidence.

“I was not surprised that there was a much higher percentage of hits from the current cases, because after Katrina and before the NIJ project began, they already had tested some of the potentially most probative kits,” Nelson said.

It is important to keep in mind that there are extremely limited published data to inform our understanding of the effectiveness of testing every SAK in law

Table 1 summarizes CODIS hits in the New Orleans project as of September 1, 2012 (when data were last reported to NIJ).

Table 1. CODIS Hits		
Type of Hit	Cases in Custody pre-1/1/11 N = 830	Current Cases (1/1/11-1/1/12) N = 178
Forensic hit to another case in which the identity of the male donor was known	0	0
Forensic hit to another case in which the identity of the male donor was unknown	4	3
Offender hit to an individual who was not previously a suspect	75	38
Offender hit to a known or named suspect	4	15
Total Hits	83	56

enforcement custody. NIJ continues to support research on testing priorities and strategies that can improve judicial outcomes in cases of sexual assault; results are expected in 2014 from an ongoing action-research project in Houston, Texas, and Wayne County (Detroit), Mich.^{2,3}

When jurisdictions use very different criteria for testing large numbers of previously untested SAKs, outcomes — including CODIS hit rates — are simply not going to be comparable. In his full report on the New Orleans project, for example, Nelson discusses CODIS hit rates in an NIJ-supported project in Los Angeles a few years ago; in that sample of just under 2,000 SAKs, the percentage of CODIS hits that provided new investigative leads was significantly smaller than that in the New Orleans project.^{4,5} However, the New Orleans project did *not* include DNA testing of kits in cases that had already been adjudicated or in which the statute of limitations had run; in the Los Angeles project, those kits were included.

Judicial and Other Outcomes

During the New Orleans project, 40 sex crime cases were closed after investigation by NOPD's Cold Case Sex Crimes unit: 16 by warrant and 24 by arrest. As of September 1, 2012, six cases had been adjudicated. In two, the suspects were convicted and sentenced to life imprisonment. In another, the suspect was convicted and sentenced to 40 years. In the remaining three, the suspects pled guilty and were sentenced to 20 to 22 years.

"The success of this project, however, went beyond these impressive judicial outcomes," said Nelson. One such success is the CODIS Hit Outcome Project (CHOP), software that tracks CODIS hits, helping identify bottlenecks in evidence submission, processing and results reporting. Using an existing cooperative agreement to install and test CHOP in several jurisdictions, NIJ arranged for CHOP to be installed on Louisiana State Police Crime Laboratory servers with connections to both NOPD and the New Orleans District Attorney's Office.

"Our partners in New Orleans reported that having instant access to CODIS hits was very beneficial, allowing them to deal with hits in real time," said Nelson.

Two versions of CHOP software are currently available. A stand-alone version (such as the one used in the New Orleans project) can be purchased from a software vendor. Another version — upgraded from the California Department of Justice, which developed the original software — is available to state DNA database laboratories at no charge.

As a result of the New Orleans partners' success with CHOP, the Louisiana State Police Crime Laboratory was planning to upgrade its CHOP network by establishing links with the Baton Rouge Police Department, the East Baton Rouge Sheriff's Office, the Ascension Parish Sheriff's Office and other organizations throughout the state.

In another initiative that stemmed from the SAK project — particularly the successful follow-up of CODIS hits — the Louisiana State Police launched a pilot project in which detectives were paid \$5,000 in overtime to follow up on CODIS hits, including collecting reference samples from suspects who had been identified through CODIS. During that pilot project, 90 CODIS hits were resolved — and since then, the Louisiana State Police applied for and was awarded a Justice Assistance Grant from the Bureau of Justice Assistance⁶; the grant provides overtime for detectives, CODIS analysts and other law enforcement professionals who follow up on CODIS hits.

Recommendations Going Forward

In his final report on the SAK project in New Orleans, Nelson states that justice is not served — including the possibility of more sexual assaults by the same perpetrator — unless scientific results from DNA testing and CODIS hits are investigated promptly and thoroughly by law enforcement agencies.

“Deployment of CHOP nationwide would benefit the criminal justice system and decrease victimization.”

“In that regard,” he said, “I believe that our New Orleans project was unprecedented in its scope and that it should inspire other states to make similar efforts.”

Nelson makes two specific recommendations:

(1) Expand a software system like CHOP to more jurisdictions nationwide.

The NOPD project demonstrated the success of CHOP software in managing and providing accountability for following up on CODIS hits.

“I would like to see this expanded to more jurisdictions nationwide,” Nelson said, noting that a state laboratory database seems to be the logical place to put CHOP software, because CODIS hits can then be disseminated to client government crime labs and police departments throughout a state.

“Deployment of CHOP nationwide — in concert with efforts similar to those undertaken by the NOPD and Louisiana State Police to conduct timely and complete investigations of all CODIS hits — would benefit the criminal justice system and decrease victimization through faster identification and apprehension of repeat offenders,” he added.

(2) Install evidence-tracking systems.

As Nelson notes in the final report, electronic evidence-tracking systems that allow police agencies to communicate directly with their crime laboratory’s Laboratory Information Management System would

help eliminate the situation faced by New Orleans and other jurisdictions around the country with large numbers of untested SAKs.

“Computerized evidence-tracking systems create a permanent record of decisions by investigators about whether to submit an SAK to a crime laboratory for analysis,” Nelson said. “This, in turn, would allow subsequent review by management and oversight boards and increase transparency and accountability to the public.”

For more information regarding the need to develop and install computerized evidence-tracking systems, see recommendations in the NIJ-funded evaluation of testing SAKs in the Los Angeles Police Department and the Los Angeles Sheriff’s Department.^{7,8}

Finally, Nelson said, the success of the SAK project in New Orleans was achieved through a shared commitment by stakeholders from the federal, state, city and university arenas. He also noted that the Louisiana State Police Crime Laboratory was able to provide significant assistance to NOPD because the lab had recently implemented new processes and procedures to increase its DNA unit efficiency.⁹

“Although we will continue to learn from different approaches employed in other jurisdictions,” Nelson said, “the success in the NOPD project offers invaluable knowledge that adds to the growing body of research on how to deal with the issue of large numbers of untested SAKs.”

About the Author

Nancy Ritter is a writer and editor at NIJ.

For More Information

- Learn more about the issue of untested evidence in sexual assault cases in *The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases*, an NIJ special report, at NIJ.gov, keywords: road ahead.

The Partners in the Sexual Assault Kit Project

Several partners worked together on the New Orleans sexual assault kit (SAK) project:

- The Marshall University Forensic Science Center (MUFSC) agreed to:
 - Test 720 SAKs that had been collected prior to January 1, 2011.
 - Assist the Louisiana State Police Crime Laboratory in validating a new DNA testing procedure.
 - Provide specialized DNA training to New Orleans Police Department (NOPD) and Louisiana State Police Crime Laboratory personnel.
- The Louisiana State Police Crime Laboratory served as the conduit for transferring SAKs between NOPD and MUFSC, and the lab:
 - Analyzed (either in-house or through a contract vendor lab) all SAKs from New Orleans that were collected after January 1, 2011.
 - Reviewed DNA profiles generated by MUFSC and uploaded eligible DNA profiles to CODIS.
 - Searched CODIS for hits and provided investigative leads to the police department's Sex Crimes Unit.
 - Trained two DNA analysts.
- NOPD established a system to ensure that all evidence from each case was present at the time of submission, that the case had not been previously adjudicated, that the statute of limitations had not expired, and that the evidence was not from a case that the victim did not want law enforcement to pursue. NOPD also performed follow-up police investigations after CODIS hits.
- NIJ provided:
 - Overall project management.
 - Additional assistance through its own technical expertise or through existing partnerships and cooperative agreements, including training NOPD and Louisiana State Police Crime Laboratory staff and assisting in managing the CODIS hits with a software application called CHOP (CODIS Hit Outcome Project).

- Learn more about why backlogs of DNA evidence awaiting testing persist, despite federal funding dedicated to testing SAKs, in *Making Sense of DNA Backlogs, 2010 — Myths vs. Reality*, an NIJ special report, at NIJ.gov, keywords: myths and realities 2010.

2. To learn more, visit NIJ's page on untested evidence in sexual assault cases at <http://www.nij.gov/nij/topics/law-enforcement/investigations/handling-evidence/untested-sexual-assault.htm>.
3. Ritter, Nancy, *The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases*, Special Report, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2011, NCJ 233279, available at <https://www.ncjrs.gov/pdffiles1/nij/233279.pdf>.
4. Peterson, Joseph, Donald Johnson, Denise Herz, Lisa Graziano, and Taly Oehler, "Sexual Assault Kit Backlog Study," Final report to the National Institute of Justice, grant number 2006-DN-BX-0094, June 2012, NCJ 238500, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/238500.pdf>.

Notes

1. Learn more about CODIS at the FBI's website at <http://www.fbi.gov/about-us/lab/codis>.

5. Ritter, Nancy, "Solving Sexual Assaults: Finding Answers Through Research," *NIJ Journal* 270 (2012): 4-17, available at <http://www.nij.gov/journals/270/answers-through-research.htm>.
 6. For more information on the Justice Assistance Grant program, visit https://www.bja.gov/ProgramDetails.aspx?Program_ID=59.
 7. Peterson, "Sexual Assault Kit Backlog Study," 105-106.
 8. Ritter, "Solving Sexual Assaults: Finding Answers Through Research," 14-16.
 9. See the final report of the Louisiana State Police's Forensic DNA Unit Efficiency Improvement project at <http://www.ncjrs.gov/pdffiles1/nij/grants/235190.pdf>.
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NCJ 241926

SEXUAL ASSAULT KIT BACKLOGS

What Exactly Are the Issues?

SEXUAL ASSAULT REPORT
LAW | PREVENTION | PROTECTION | ENFORCEMENT | TREATMENT | HEALTH
Volume 16 Number 3 ISSN 1096-0155 January/February 2013 Pages 33-48

View From the Field
The Five Trademarks of Sex Offenders
by Don Howell, B.S.

After almost 40 years in law enforcement, with almost 30 of those years spent investigating sexually motivated crimes, I am becoming alarmed by the perception, which seems to be shared by members of the media and the public as well as sexual assault survivors and responding professionals, that sex offenders will be arrested and convicted if, and only if, a forensic evidence kit is submitted to the crime laboratory and a DNA profile is obtained. I am also concerned about the over-reliance of law enforcement on DNA evidence. Don't misunderstand me: I think DNA evidence is a great tool and I wish it had been available much earlier in my career. Still, I am *old school* and a firm believer in the importance of a comprehensive victim interview, followed by a thorough suspect interview.

I have attended close to 100 lectures, seminars, and specialized trainings hosted by the FBI, psychologists, victims of sex crimes, and just about every other type of expert you can think of. I have read many of the books and articles dealing with sex crimes, interviewing techniques (for both victims and suspects), and a variety of other subjects relating to sexually motivated behavior. I have testified as an expert witness in court and have qualified as an expert for

See **THE FIVE TRADEMARKS**, page 44

Untested Evidence in Sexual Assault Cases: Using Research to Guide Policy and Practice
by Nancy Ritter

Readers of *Sexual Assault Report* are no doubt aware of the existence of thousands of untested sexual assault kits that are stored in police evidence rooms around the country. Making decisions about how best to handle all of this older, unanalyzed evidence is anything but straightforward—and those decisions are affecting every stakeholder in the nation's criminal justice system: law enforcement and crime laboratories, courts, victim service agencies, policymakers at the federal, state and local levels, and, most significantly, victims.

Untested sexual assault kits (SAKs) can be stored in a number of places: police department evidence rooms, crime labs, hospitals, clinics, rape crisis centers. We do not know how many unanalyzed SAKs there are, nationwide. There are many reasons for this, but one of the primary ones is that tracking and counting SAKs is an antiquated process in many U.S. jurisdictions. A survey sponsored by the National Institute of Justice (NIJ) found that, as of 2007, 43% of the nation's law enforcement agencies did not have a computerized system for tracking forensic evidence, either in their property rooms or after it was sent to the crime lab (Stovos et al., 2007).

Survey of Forensic Evidence Practices

This survey, to which more than 2,000 state and local law enforcement agencies responded, also revealed that 18% of unsolved sexual assault cases that were reported from 2002-2007 contained forensic evidence that was still in police custody; that is, evidence that had not been submitted to a crime lab for analysis. The survey also found that police had not submitted forensic evidence (including DNA, fingerprints, firearms and tool marks) to a crime lab in 14% of unsolved homicides and 23% of unsolved property crimes.

There are many reasons why police may not send forensic evidence to a lab; it may not be considered probative, the charges may have been dropped, or a guilty plea already may have been entered. However, the researchers at RTI International who conducted the NIJ-funded survey concluded that some police officers may not fully understand the value of evidence in developing new investigative leads. For example, 44% of the responding departments said one of the reasons they did

See **UNTESTED EVIDENCE**, next page

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Find out some of the real, underlying issues behind why so many sexual assault kits go untested in "Untested Evidence in Sexual Assault Cases" by NIJ's Nancy Ritter.

Should we test every kit, even ones that are 25 years old? Or should we prioritize them? How do we decide? What about cases in which the alleged perpetrator is already known? Is there value in testing those?

In this highly readable article, Ritter explores some of the consequences of how we answer these questions. She explains where the weak spots are in collecting, storing and testing kits; why law enforcement might not send sexual assault kits to be tested; and what early evidence is showing about complex issues such as victim notification.

The article was published in *Sexual Assault Report*, a publication of the Civic Research Institute, which has recently made it available to the public.

To read the article, go to NCJRS.gov, keyword: 241356.



NIJ'S INNOVATIVE RESEARCH SPANS VARIETY OF FORENSIC FIELDS

BY PHILIP BULMAN

NIJ-funded research is helping to strengthen the foundations of forensic science.

Carpets and their microscopic fibers may soon yield more clues that could make an important difference in criminal cases. NIJ sponsors research and development efforts that are strengthening the scientific foundations of various forensic disciplines. The projects range from laboratory automation efforts to research on precise measurements of the human body that can help identify people. These efforts spur breakthrough technologies, increase efficiency, improve reliability and determine which existing forensic techniques work well — and which do not work. The carpet fiber research is just one of many undertakings that are bearing fruit.

A New Look at Carpet Fibers

Carpet fibers are often transferred during criminal acts. They may cling to a criminal's shoes during a burglary or a home invasion. They can move from a criminal's home to the clothing of an abducted child or to a victim's body when it is transported in the trunk of a vehicle. By comparing the shape, color and composition of fibers, researchers can see if they came from the same manufacturer.

But prior to NIJ-sponsored research by Stoney Forensic, Inc., there was no widely accepted method to determine whether two fibers came from a specific carpet or location. Manufacturers make and sell large numbers of carpets. Previously, not much could be deduced from the presence of carpet fibers.

The research tested a new idea, taking advantage of the fact that thousands of tiny particles (such as dusts, soils and pollen) collect on virtually every object, including carpet fibers. These very small particles (VSPs) vary greatly, and the potential combinations of such particles are in the billions. This effort tested whether the combinations of VSPs on carpet fibers can be used to enhance their forensic value. Researchers set out to test the notion that VSP analysis could help investigators learn whether fibers found in two different places came from the same carpet, not just the same carpet manufacturer.

The results showed that:

- There is large variation among VSP combinations on carpet fibers.
- These particles can be removed and analyzed.

Forensic Science Research and Development — More Than DNA

Between 2010 and 2013, NIJ closed more than 100 forensic science projects by submitting final technical reports for posting on NCJRS.gov. DNA research and development plays a major role in NIJ's forensic science portfolio, but much of the research in the portfolio covers other forensic disciplines: impression evidence, controlled substances, fire and arson investigation, and forensic anthropology, to name a few.

Some of the most recent reports are:

- Independent Validation Test of Microscopic Saw Mark Analysis (NCJRS.gov, keyword: 241745)
- Quantitative Analysis of High Velocity Bloodstain Patterns (NCJRS.gov, keyword: 241744)
- Statistical Examination of Handwriting Characteristics Using Automated Tools (NCJRS.gov, keyword: 241743)
- Developing an Empirically Based Ranking Order for Bone Sampling (NCJRS.gov, keyword: 241868)
- Biomarkers of Human Decomposition Ecology and the Relationship to Postmortem Interval (NCJRS.gov, keyword: 241440)
- Determination of Unique Fracture Patterns in Glass and Glassy Polymers (NCJRS.gov, keyword: 241445)
- Manipulative Virtual Tools for Tool Mark Characterization (NCJRS.gov, keyword: 241443)
- Expansion of a Cheminformatic Database of Spectral Data for Forensic Chemists and Toxicologists (NCJRS.gov, keyword: 241444)
- Designer Amphetamines in Forensic Toxicology Casework (NCJRS.gov, keyword: 241439)
- Ignitable Liquid Fuel Fires in Buildings — A Study of Fire Dynamics (NCJRS.gov, keyword: 241442)
- Forensic Analysis of Ignitable Liquid Fuel Fires in Buildings (NCJRS.gov, keyword: 241441)

To read these reports, search by keyword at NCJRS.gov.

To find more research, select "Forensic Sciences" at <http://www.nij.gov/publications/collections.htm>.

To learn more about NIJ's forensic science research and development grants, visit NIJ.gov, keywords: forensic awards.

- There are common combinations for fibers from a given carpet, and they are distinct from the combinations found on other carpets.
- Forensic laboratories can do this analysis using instruments commonly found in crime laboratories and without interfering with other investigative efforts.

For the first time, investigators have a scientifically verifiable method to determine whether a fiber came from a specific carpet. The same approach can apply to fibers from other sources, such as clothing and linens. Further, because particles are found on virtually every object — including vehicles, weapons and other types of evidence — the door has been opened

to determine whether particle combinations on any number of things match. More NIJ-funded research — some of which is already under way — will expand how VSPs can be used as evidence.

Improving How Laboratories Help Solve Cases

NIJ research has helped fill an important information gap in estimating children's age at death. Many of the measurements that forensic anthropologists use today to make such estimates were collected in the early 20th century from a narrow sample of ancestral groups. In addition, people are bigger now than they were then. Also, modern X-ray technology yields more accurate measurements of the human body than the handheld measurement tools of the past. NIJ-funded researchers at Mercyhurst University in Erie, Pa., created a database with measurements based on more than 44,000 radiograph images from almost 10,000 children. Medical examiners and coroners contributed to the effort, and all major ethnic groups and ancestries in the United States are well represented. The new database will help forensic anthropologists because it is more representative of America's increasingly diverse population.

In similar efforts, NIJ research is improving forensic identification by using 3-D imaging of human skulls. For example, in some cases, investigators must determine if a person is male or female based on the skull alone. Researchers at the University of Tennessee constructed 3-D skull models from computed tomography scans of more than 200 people. They identified critical bone measurements that relate to the size and the shape of a skull to help determine a person's sex. This led to the creation of a statistical bone atlas that will help forensic anthropologists determine a person's sex.

Although many of NIJ's forensic research and development efforts aim to develop new or improved technologies and methods, some efforts re-evaluate existing procedures using newer scientific techniques. In one recent case, NIJ sponsored research to evaluate the accuracy of tests that analyze the presence of cocaine analytes in human hair. Some laboratories had been analyzing hair to see if a person

had ingested cocaine. However, anecdotal evidence suggested that simply being in an environment where cocaine was present would yield positive results in such tests. This is important for law enforcement agencies that may have officers exposed to cocaine during drug investigations. In the study, researchers at RTI International applied cocaine directly to human hair and then washed the hair multiple times. They then used standard tests and discovered that the hair tested positive for the presence of cocaine, just as it would if someone had ingested cocaine. The researchers also discovered that the cocaine was more persistent in dark-colored hair than in light-colored hair. Because of these findings and related NIJ research, many law enforcement laboratories have stopped using these tests in cases involving adults.

Continued Research

Although improvements in forensic science can be slow and incremental, their effects over time contribute to a better criminal justice system.

NIJ continues to invest in both basic and applied research in forensic science with the goal of strengthening the science by developing highly discriminating, accurate, reliable, cost-effective and rapid methods for identifying, analyzing and interpreting physical evidence.

Read more about NIJ's latest awards at NIJ.gov, keywords: forensic awards.

About the Author

Philip Bulman is a writer and editor at NIJ.

NCJ 241928



BEYOND THE SENTENCE — UNDERSTANDING COLLATERAL CONSEQUENCES

BY SARAH B. BERSON

NIJ-funded database provides interactive resource on federal and state collateral consequences.

Criminal conviction brings with it a host of sanctions and disqualifications that can place an unanticipated burden on individuals trying to re-enter society and lead lives as productive citizens. The impact of these “collateral consequences” is often discussed in the context of offender re-entry, but they attach not only to felonies and incarcerated individuals but also to misdemeanors and individuals who have never been incarcerated. Collateral consequences tend to last indefinitely, long after an individual is fully rehabilitated.

Many collateral consequences affect a convicted person’s employment and business opportunities; others deny access to government benefits and program participation, including student loans, housing, contracting and other forms of participation in civic life.

The Court Security Improvement Act of 2007 directed NIJ to carry out a national survey of collateral consequences. Through a competitive process, NIJ awarded a grant to the American Bar Association (ABA) to

undertake the comprehensive, systematic collection of the collateral consequences of conviction for both state and federal offenses in each of the 50 states, the U.S. territories and the District of Columbia.

In 2012, the ABA launched the National Inventory of the Collateral Consequences of Conviction, an interactive database of sanctions and restrictions across the nation. Users can search by keyword, triggering offense or type of consequence at <http://www.abacollateralconsequences.org>.

Bringing Hidden Penalties to Light

“Collateral consequences are often spoken of as if they’re an absolute mystery,” said Margaret Love, the former director of the Inventory project. (Love directed the project from January 2012 to May 2013.) “People know about losing the right to vote for some period of time after being convicted of a felony, but once you get past that, there are a surprising number of laws and rules that restrict opportunities based on a criminal history.”

What Collateral Consequences Are in the Database?

Among the more common collateral consequences in the National Inventory of the Collateral Consequences of Conviction are those that involve denial of employment or occupational licensing and those that affect tangible benefits, such as education, housing, public benefits and property rights. Other consequences in the database include:

- Ineligibility for government contracts and debarment from program participation
- Exclusion from management and operation of regulated businesses
- Restrictions on family relationships and living arrangements, such as child custody, fostering and adoption
- Bond requirements and other heightened standards for licensure
- Registration, lifetime supervision and residency requirements
- Publication of an individual's criminal record or mandated notification to the general public or to particular private individuals
- Collateral consequences arising from juvenile adjudications
- Collateral consequences that derive from obligations of others (e.g., laws making a business license or government contract depend upon not employing anyone with a conviction)

The database also includes relief provisions by which collateral consequences may be avoided or mitigated.

To learn more about the database, including how criminal background checks, self-reporting disclosures and good moral character requirements were handled, see the User Guide at NIJ.gov, keywords: ABA user guide.

Although these consequences can have a profound impact on the lives of those convicted, until recently, judges, prosecutors or defense counsel seldom discussed or considered collateral consequences.¹ Relevant laws and regulations in the U.S. are notoriously difficult to track down and understand. As a result, attorneys and judges are not familiar with all of the collateral consequences triggered by certain crimes. They may not have the time or ability to find them and then determine whether they are applicable to a defendant.

Consequently, the people involved in criminal proceedings may not realize the full ramifications of being found guilty or pleading guilty to particular charges.

Civil lawyers have similar difficulty in counseling clients who were convicted years in the past.

A Tool for Practice, a Resource for Research and Policy

The Inventory can serve as a first-stop resource for judges, defense counsel and prosecutors, allowing them to quickly locate the significant details of relevant collateral consequences. This, in turn, will allow lawyers and their clients to consider these consequences as part of criminal proceedings. It will also allow lawyers to help clients living with the adverse effects of a criminal record long after the case is over.

Legislators, policymakers and researchers also can use the database to:

- Study trends and patterns in the collateral consequences of conviction.
- Examine restrictions and compare them across states to decide whether a proposed new law is necessary and whether it deviates significantly from similar restrictions imposed in other jurisdictions.
- Determine changes that can improve a convicted offender's chance of rebuilding his or her life and desisting from crime.

The Inventory's search interface allows users to select one or more jurisdictions and then search by keyword, consequence category (e.g., employment, licensure, property rights, education), triggering offense category or some combination. Search results link to summaries of relevant state or federal code sections. Each summary includes a detailed description of the consequence, whether it is discretionary or mandatory, how long it lasts and whether any relief is available, and what offenses trigger it.

As of May 2013, the database includes information for the federal government and 17 states. As Love explained, the project team thought it was important to bring the Inventory online before it was completed: "We wanted the public to see what we were doing, and we wanted to get feedback to know what needs improving."

To create the Inventory, the team had to locate, code and catalogue the laws and regulations that cover collateral consequences. Most states have close to 1,000, and many have more.^{2,3} (See sidebar, "What Collateral Consequences Are in the Database?")

"The only prior effort to systematically collect laws across all 50 states that affected a particular set of people was in the 1950s," Love said, referring to Anna Pauline (Pauli) Murray's 1951 survey and analysis of U.S. segregation and civil rights laws, *States' Laws on Race and Color*. "Studies of collateral consequences have been done on a state-to-state basis, but they're largely narrative, and while complete for what they

Collateral consequences attach not only to felonies and incarcerated individuals but also to misdemeanors and people who have never been incarcerated.

are, they don't have the same thoroughness as the computerized database."

Love adds that the database will remain relevant only as long as it is kept up-to-date. She acknowledges that maintaining the database will be a challenge — it is, in fact, already a challenge for the states that have been entered — but not an insurmountable one. Early in the project, the team laid the groundwork for quality control in the initial survey, creating coding protocols and interpretation rules to ensure consistency among team members. This work will make it easier to keep the database current than it was to build it from the ground up.

Looking Toward the Future

At the launch of the database in 2012, Senator Patrick Leahy (D-VT), who spearheaded the effort to include the collateral consequences survey in the Court Security Improvement Act of 2007, said, "As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer."⁴

The Inventory has the potential to help stakeholders across the criminal justice system better understand the complexity and reach of collateral consequences

and make more informed decisions to enhance public safety and help offenders successfully return to society. It also will greatly improve the delivery of civil legal services to those who have had a past adverse encounter with the justice system.

Visit <http://www.abacollateralconsequences.org> to use the tool and learn more about the project.

About the Author

Sarah B. Berson is a project director at Palladian Partners, Inc.

For More Information

- Learn about re-entry research on NIJ's Web topic page, [NIJ.gov](http://www.nij.gov), keyword: re-entry.
- Read more about background checks and employment:
 - "‘Redemption’ in an Era of Widespread Criminal Background Checks," by Alfred Blumstein and Kiminori Nakamura, at [NIJ.gov](http://www.nij.gov), keyword: redemption.
 - "In Search of a Job: Criminal Records as Barriers to Employment," by Amy Solomon, at [NIJ.gov](http://www.nij.gov), keywords: criminal records.
- Visit the Federal Interagency Reentry Council website, <http://www.nationalreentryresourcecenter.org/reentry-council>.

Notes

1. This situation has begun to change since the Supreme Court required notice of deportation consequences in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010).
2. Colgate Love, Margaret, Jenny Roberts, and Cecelia Klingele, *Collateral Consequences of Criminal Convictions: Law, Policy and Practice*. Eagan, Minn.: NACDL Press and Thomson Reuters Westlaw, 2013, 521 (section 9:10).
3. For purposes of deciding what laws and rules should be included in the database, the project team used the definition of collateral consequences in Section 510 of the Court Security Improvement Act of 2007: "a collateral sanction or a disqualification." For more information, see <http://www.gpo.gov/fdsys/pkg/PLAW-110publ177/pdf/PLAW-110publ177.pdf>.
4. Remarks by Senator Patrick Leahy on the Launch of the "National Inventory of the Collateral Consequences of Conviction," Sept. 19, 2012, <http://www.leahy.senate.gov/press/remarks-of-senator-patrick-leahy-on-the-launch-of-the-national-inventory-of-the-collateral-consequences-of-conviction>.

NCJ 241927

RESEARCH HITS THE ROAD

Cost-Saving Alternatives to the NIJ Conference

NIJ has no plans to schedule the next NIJ Conference, which in the past was held every summer in Washington, D.C. We remain committed to the spirit of the Conference: to bring researchers and practitioners together for face-to-face conversations, problem solving, collaborating and relationship building.

We have been working with several professional associations and are pleased to announce that as we go to press, three associations will feature NIJ research at their conferences:

- International Association of Crime Analysts, September 9-13.
- National Association of Pretrial Services Agencies, September 15-18.
- International Association of Chiefs of Police, October 19-23.

Register to attend and discuss the newest findings with researchers who work in these fields.

Want to partner with NIJ to get more research into your professional association? Contact NIJ's Maureen McGough at 202-305-4539.





COST-BENEFIT ANALYSIS OF CRIMINAL JUSTICE REFORMS

BY JOHN ROMAN

NIJ's Multisite Adult Drug Court Evaluation highlights important considerations when analyzing the costs and benefits of crime interventions.

Policymakers, philanthropists and others interested in what works in reforming criminal justice policy and practice are concerned traditionally with whether new approaches have better outcomes than business as usual. But funders at all levels increasingly see themselves as investors and are concerned not only with outcomes but also with costs and benefits. They ask whether the investment of additional resources is worth the added costs — and whether they will see those benefits down the road in their budgets. A cost-benefit analysis (CBA) can help answer these questions, but its application to criminology can be tricky.

Consider this example: A court sentences a drug-involved offender to community-based substance abuse treatment instead of incarcerating him. After several months of fits and starts, he is clean and in recovery. One evening, he is standing outside a subway exit as you leave the platform. Before going into recovery, he may have walked up to you, punched you in the face, and grabbed your phone and purse to support his drug habit. Now, however, he simply goes about his business.

We know how much the treatment program that he went through cost. We can ask him about his work, income and family life and solidly estimate how they have benefited since he went to treatment and not prison. And although we do not know exactly what sentence he might have received, we can use sentencing grids and past court behavior to estimate whether he would have been locked up that evening and what those costs would have been.

Yet we are far less certain of what harm you would have experienced had you been beaten and robbed by the offender outside the subway: Would you have gone to the hospital? Missed work? Suffered from post-traumatic stress disorder? What about the harm your family and neighbors may have experienced because of your victimization?

Criminal justice cost-benefit researchers could argue about which of these costs and benefits even “matter.” Should the criminal justice system be concerned about improving wages and income? Should it count the benefits you experienced because you were not

victimized, even though they do not show up in a budget? How can a CBA even generate estimates about hypothetical events?

This article explores these and other important considerations when analyzing the costs and benefits of crime interventions. It also examines NIJ's recent Multisite Adult Drug Court Evaluation to demonstrate how CBAs can:

- Include a wide range of potential costs and benefits, including those related to crime, drug use, education, employment, family functioning and mental health.
- Calculate — in dollar amounts — the difference or “net benefit” between drug court participants and a comparison group of probationers across a variety of outcomes.
- Improve the accuracy of cost and benefit estimates while showing how variable those estimates really are.

The article closes with some general recommendations for improving CBAs of criminal justice reforms.

The Market for Crime

Basic economic theory says that the price of a product or service will be determined by how much demand there is for that product or service and how much manufacturers are willing to supply. The higher the price, the less consumers will demand, but the more manufacturers will be willing to supply.

Although this basic idea works in theory, the market often behaves inefficiently in practice, for a variety of reasons. For example, a monopoly might cause a price to be artificially higher than it would be in a competitive market. CBA was traditionally used to determine whether the benefits of correcting these inefficiencies were worth the cost.

Many government activities exist within a clearly observable market. Public health researchers can study the direct costs and benefits of health care reforms. Transportation planners can predict accurately the effect new tolls have on driver behavior and thus can reliably total the costs and benefits.

There is, however, no market for crime.¹ No one chooses to be victimized. And although people can alter their chances of being victimized by changing routine activities, all victims are unwilling participants in the exchange of the crime “good.” Not surprisingly, most cost-benefit work in law and economics focuses on the few areas in which there is something of a more defined “marketplace” — for example, when examining whether changes in sentencing practices and the costs of more imprisonment are offset by crime reduction due to incapacitation and deterrence.

CBAs in Criminology

CBAs in criminology are usually part of an impact evaluation, which looks at how a new program affects outcomes for participants. Most applied criminology CBAs count the costs of new interventions, translate participant outcomes into dollars, and compare those costs and benefits to business as usual.

When performing CBAs in criminology, there are three important issues to consider:

Alternative Explanations, or Counterfactuals

Early CBAs in criminology simply counted costs and benefits and compared them to each other, without considering whether there were alternative explanations for the results. Consider our successful treatment client. To put a value on his recovery, we need to know whether he would have been in prison or on the street without treatment. We also need to know how much of his recovery was due to the treatment. What else happened in his life between sentencing and the evening at the subway that might have affected his behavior? This process of developing an appropriate “counterfactual” is critical to generating rigorous CBA results.

Whose Benefits Count?

For most consumers, return on investment is the most critical bottom line. But earlier CBAs of criminal justice reforms make clear one inconvenient truth — most of the benefits of reform will fall to individuals outside of the criminal justice system.

Consider our offender in treatment. In that example, his recovery prevented a criminal victimization. Had he committed the act, he may have been arrested, gone to court and been sentenced to prison. Avoiding those specific events, however, did not yield direct benefits to the criminal justice system. For costs to be recoverable, enough offenders must succeed in treatment to drive crime rates down so low that we need fewer police and corrections workers. In practice, reforms are rarely of this scale.

The question then is whether to include nonrecoverable benefits — such as avoided harm to victims — as benefits. There is a strong scientific basis to do so²; however, researchers and advocates should be judicious when discussing nonrecoverable benefits because policymakers and those in charge of budgets tend to be skeptical of so-called “soft” numbers. Nevertheless, including such benefits reflects a more honest account of a reform’s effect.

Variable Estimates

Researchers commonly report CBA results as a cost-benefit ratio, which compares average costs to average benefits. However, using a cost-benefit ratio can hide how variable an outcome really is. People often misunderstand ratios to be facts, but they are actually estimates of the average outcome within a broader range of plausible outcomes.

There is also “uncertainty” to consider; this includes those important factors — such as the recovering offender’s intrinsic motivation to change — that cannot be included in a statistical analysis. To indicate the uncertainty of an estimate, researchers use confidence limits to reflect measurement error and variance or they provide a range in estimates. For example, the results of a telephone survey may be reported as 60 percent in favor of a ballot item with a 3 percent margin of error or as an estimate between 57 percent and 63 percent.

The typical criminological study evaluates enormously complex human behavior. Efforts to quantify an

A cost-benefit analysis can help answer important questions about the potential costs and benefits of crime interventions. But its application can be tricky.

intervention’s effect never will yield exact results, and studies that use seemingly precise cost-benefit ratios can be misleading.

NIJ’s Multisite Adult Drug Court Evaluation

To examine these issues more closely in an applied CBA, we turn to NIJ’s Multisite Adult Drug Court Evaluation (MADCE), an unprecedented study examining the effects of adult treatment drug court programs.

MADCE involved process and impact evaluations as well as a CBA. To date, most drug court evaluations have relied on recidivism as the sole measure of impact. MADCE, however, measured both short- and long-term outcomes — for example, crime, drug use, education, employment, family functioning and mental health — and captured the role of court policies and practices, offender perceptions, and interim compliance with program requirements.

Researchers at the Urban Institute, the Center for Court Innovation and RTI conducted three waves of interviews with nearly 1,800 drug court participants and comparison probationers from 29 U.S. jurisdictions. Additional data included drug tests, administrative records on treatment and recidivism, court observation, interviews with staff and other stakeholders, and budget and other cost information.

Researchers collected comparable information from program participants and the group of comparison probationers. This allowed them to control for characteristics that might offer competing explanations — or counterfactuals — for why the behavior of the drug court participants changed relative to that of the comparison probationers.

What the MADCE Impact Evaluation Found

The impact evaluation found that adult drug courts significantly reduce participants' drug use and criminal offending during and after program participation. Drug court participants reported less drug use (56 percent versus 76 percent) and were less likely to test positive for drug use (29 percent versus 46 percent) than the comparison probationers. Participants also reported less criminal activity (40 percent versus 53 percent) and had fewer rearrests (52 percent versus 62 percent, but not statistically significant difference)

Drug court participants did better than other probationers:
<p>Less self-reported drug use</p> <p>Participants: 56% Nonparticipants: 76%</p>
<p>Less likely to test positive for drug use</p> <p>Participants: 29% Nonparticipants: 46%</p>
<p>Less self-reported criminal activity</p> <p>Participants: 40% Nonparticipants: 53%</p>
<p>Fewer rearrests</p> <p>Participants: 52% Nonparticipants: 62%</p>

than the comparison probationers. Differences in employment, schooling, community service and other outcomes were not statistically significant.

A full description of the MADCE design and results can be found at NIJ.gov, keyword: MADCE.

Measuring the Costs and Benefits of Drug Courts

When performing a CBA, researchers can take a top-down or a bottom-up approach to estimating costs. The top-down approach divides the total budget for the service by the number of people served and assigns the same value to each person.³ In the bottom-up approach, researchers first identify the unit cost for the service (e.g., the cost of a counseling session) and then multiply it by the number of units an individual receives; the result is a person's individual cost. All individual costs are summed to arrive at the total cost. MADCE's CBA used a bottom-up approach, drawing from individual interviews and administrative data.

As for benefits, criminal justice reforms can lead to reductions in criminal offending and improvements in other outcomes. This results in:

- Cost reductions associated with investigating, arresting and supervising offenders (sometimes recoverable)
- Reductions in harm to victims (rarely recoverable)

Table 1 shows the outcomes that MADCE measured. In addition to offending, the evaluation examined social productivity outcomes, which include wages, educational attainment and payment of legal obligations such as child support — all positive outcomes for society.

The last two categories in the table — service use and financial support use — are more ambiguous in that they may lead to greater cost or greater benefits. For example, an effective drug court should lead to less acute care for participants, such as detox. However, an effective court also could mean more use of relapse prevention treatment services, although hopefully at a declining rate over time. Receipt of

welfare funds would decline if a program met its goals, but the potential impact of changes in the receipt of disability payments is unclear. Nevertheless, these outcomes represent a real use of resources resulting from a drug court program and thus were included in the CBA.

Adding Up the Costs and Benefits

The MADCE researchers identified all services provided and all outcomes experienced by each person and then converted relevant benefits into dollars. They weighted a recidivism event by the price of crime to victims plus the price of processing the case. Researchers repeated the same process for other outcomes, if data were available.

Rather than directly comparing costs and benefits, the researchers instead summed the costs and benefits for each participant. This included positive outcomes (such as wage increases), negative outcomes (such as lost wages), and all costs associated with treatment and criminal case processing. The resulting measure could have a positive or negative value, depending on the participant’s own experience.

This approach has several important advantages. First, because new costs and benefits are hard to predict, this approach allowed researchers to easily calculate the variance for an estimate and show how certain or uncertain that estimate is.⁴

Table 1. Outcomes Measured by MADCE

Category	Sub-Category	Impacts
Social productivity	Employment Education Services and support provided	Earnings Schooling Child support payments, community service
Criminal justice system	Monitoring Police Courts Corrections Drug court	Probation officer meetings, drug tests, electronic monitoring Arrests Hearings Jail and prison (sanctions or otherwise) Case management, administrative costs
Crime and victimization		Crimes committed
Service use	Drug treatment Medical treatment Mental health treatment Other	Emergency room, detoxification, residential care, outpatient, methadone Hospital stays unrelated to drugs Stays in mental health facilities unrelated to drugs Halfway houses, public housing, homeless shelters
Financial support use	Government Other	Welfare, disability, other entitlements Money from family and friends

Second, the researchers did not have to determine subjectively what constitutes a cost and a benefit. In traditional studies, events that require new spending are considered costs, and activities that reduce spending are benefits. These designations are arbitrary and often lead to controversy. For example, should prison or jail time for drug court participants be counted as a cost or a benefit? What about post-disposition jail or prison time for comparison probationers? By summing the costs and benefits together, the MADCE researchers were able to combine all drug court outcomes without subjectively defining them as costs or benefits.

Finally, as mentioned, the researchers opted for a bottom-up approach, using individual rather than aggregated data. Aggregated data — dividing total costs by the number of participants — yield only an average, which is then assumed to be the same for all participants. Individual data, on the other hand, allow researchers to estimate a range of plausible values and describe variations in costs, benefits and outcomes among drug court participants and the comparison probationers.

What the MADCE CBA Found

The MADCE CBA used these calculations to estimate the individual costs and benefits for both the drug court participants and the comparison probationers for each of the outcomes listed in Table 1.

Table 2 shows the net benefits for each outcome category. Although cost-benefit analysts use the term frequently, “net benefit” can be slightly misleading — it is the difference between total costs and total benefits. Thus, net benefits can be positive (i.e., drug court participants used fewer resources overall than the comparison probationers) or negative (where the total end result is negative).

The total net benefit (\$5,680) is in the positive direction and is substantial,⁵ but there are not savings in every category, and the overall difference is not statistically significant. Looking at specific outcome categories, there are substantial and statistically significant savings in crime and victimization (\$11,566).

However, these savings are offset by significantly higher service use costs (–\$8,135) because drug court participants accessed more drug and alcohol treatment.

The MADCE researchers recognized uncertainty throughout their analysis to help highlight important conclusions that might otherwise be obscure. For example, if they had conducted a top-down analysis of the data, they would have arrived at a statistically significant cost-benefit ratio similar to what has been found in previous research. However, by including uncertainty throughout their bottom-up analysis, the researchers found that the results are not statistically significant.

This latter point is critical. The MADCE researchers estimate that drug courts produce about \$1.50 in benefits for every dollar in costs — this is similar with much of the current research literature. However, the researchers do *not* find that difference to be statistically significant once they account for additional factors, such as the range of victimization costs. The severity of crimes avoided ranges from low-level misdemeanors to violent felonies, and the associated victim costs range from very low to very high. Therefore, the confidence limits surrounding average cost estimates are wide, making it difficult to confirm whether the range for drug court participants differs from the range for comparison probationers, especially for violent felonies, which are relatively rare. Thus, prior studies that produced only a single cost-benefit estimate may overestimate the effects of drug courts.

A careful examination of MADCE’s impact evaluation and CBA, however, paints a clear story: Drug courts prevent many petty crimes and a few serious crimes. In fact, the CBA results showed that those few serious crimes drive much of the drug court effect; if we remove those outliers, the benefits of drug courts barely exceed the cost. This finding suggests that although drug courts may reduce recidivism among many types of offenders, drug courts that target serious criminal offenders with a high need for substance abuse treatment will produce the most effective interventions and a maximum return on investment.

Table 2. Net Benefits by Category for Drug Court Participants and Comparison Probationers

Category	Drug Court Participants	Comparison Probationers	Net Benefit
Social productivity	\$20,355	\$18,361	\$1,994
Criminal justice system	-\$4,869	-\$5,863	\$994
Crime and victimization*	-\$6,665	-\$18,231	\$11,566
Service use*	-\$15,326	-\$7,191	-\$8,135
Financial support use	-\$4,579	-\$3,744	-\$835
Total	-\$11,206	-\$16,886	\$5,680

*Difference is statistically significant ($p < 0.01$).

Improving CBAs in Criminology

The CBA performed in the MADCE study demonstrates that criminal justice reforms can have tangible, positive benefits, including fewer crimes and more savings in victimization costs. It also shows that some reforms can lead to additional costs, such as increased drug and alcohol treatment services. However, increased costs that achieve important objectives — such as keeping drug addicts in treatment — should not be used to argue against reform. No one would argue that we should not reduce school truancy because more kids would go to school and require more resources. And some of the positive outcomes shown in the MADCE study — such as improved family life — simply cannot be measured.

Over the last decade, the criminology field has seen a rapid increase in the use of more sophisticated statistical analyses. But when it comes to CBAs, much work remains to be done.

More sophisticated CBAs that examine each category of spending and savings could yield important information about a program’s success or failure. For instance, significant savings in public safety costs may require significant investment in treatment costs, but potential benefits may be missed if you look only at overall estimates.

An intervention can directly benefit offenders in dramatic ways. It might prevent or ameliorate health problems, save lives by preventing overdoses, or reduce criminal behavior and community supervision violations that affect income and families. To really use CBA to improve public policy, stakeholders should consider expanding the range of included benefits. Broad measures of a program’s impact — including on victims and clients — provide much more useful information than studies focused solely on returns on investment.

About the Author

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For More Information

- To read more about the MADCE study, visit [NIJ.gov](http://www.nij.gov), keyword: MADCE.
 - For details about how data from national surveys on wages, incarceration and other costs were combined with information collected through NIJ's MADCE to develop price estimates, see a presentation on the net benefits of drug courts at <http://www.urban.org/UploadedPDF/500193-Net-Benefit-of-Drug-Court.pdf>.
 - To learn about the basics of performance measures and program evaluation, visit [NIJ.gov](http://www.nij.gov), keywords: measures and evaluation.
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Notes

1. There is no market for the exchange of the crime "good" that includes voluntary participation from both a victim and an offender. When a criminal incident occurs, the offender supplies crime, but the victim cannot be said to demand to be victimized, so no market-based transaction occurs. There is a market for the exchange of crime prevention, but the offender is not part of that transaction. This is different from a health care transaction, in which the illness is not an actor — transactions occur between consenting patients and health care providers.
2. Consider the long tradition in economics of opportunity costs, which describe the next best use of a resource. Simply put, if a dollar is used for one purpose, it cannot be used for another. A clear example of the import of opportunity costs can be found in the death penalty literature (Roman, John K., Aaron J. Chalfin and Carly R. Knight, "Reassessing the Cost of the Death Penalty Using Quasi-Experimental Methods: Evidence From Maryland," *American Law and Economics Review* 11 (Fall 2009): 530-574). In states with the death penalty, there is often "super due process," where a state's attorneys devote substantially more time to those cases. Prosecutors have argued that there would be no actual savings if the death penalty were

abolished because it would not change the number of prosecutors. However, there is clearly an opportunity cost of attorneys working on death penalty cases and not working on other cases — cases that would receive more attention in the absence of the death penalty.

3. Some studies calculate an average cost for a specific period — for example, the average cost of treatment per month. Researchers then assign the cost for each month a client was in the program. As a result, total costs may vary across individuals.
 4. For example, if a newly committed crime results in a new prison term, researchers cannot know in advance the type of facility that will house the offender. Costs vary considerably across facilities, depending on whether the offender is in a boot camp or in a minimum- or maximum-security prison. Consequently, describing the new costs as a range of costs rather than a precise estimate is more appropriate. Such uncertainty exists for all costs and benefits.
 5. Overall, the net benefit of drug courts is an average of \$5,680 to \$6,208 per participant. The researchers calculated net benefits in two ways, based on two different assumptions about individual earnings. The more conservative approach relied on minimum wage, probably an underestimate, while the alternative relied on the average wage reported in the U.S. Census, likely an overestimate. Readers are encouraged to rely on the range of net benefits (\$5,680 to \$6,208) and not a single estimate.
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NCJ 241929

INCREASING VEHICLE VISIBILITY

New Tool Now Available

More law enforcement officers die each year in traffic incidents than from any other cause, including shootings. Many of these deaths occur on the roadside as officers perform their duties. Keeping officers and their vehicles visible when stopped on the side of the road is critical.

The Cumberland Valley Volunteer Firemen's Association Emergency Responder Safety Institute — with support of the U.S. Fire Administration and NIJ — created a resource guide to help increase vehicle visibility. The guide provides pictures of high-visibility markings on the rear and sides of cars, pickup trucks, utility truck vehicles, SUVs, vans, box-type trucks and large service vehicles.

The goal is to make law enforcement vehicles more visible and identifiable to approaching motorists sooner and reduce the likelihood of collisions.

To view the resource guide “Vehicle Marking and Technology for Increased Highway Visibility: A Reference Guide for Decision-Makers,” go to http://www.respondersafety.com/DownloadCategories/High_Visibility_Vehicle_Markings.aspx.





EVALUATING SEXUAL ASSAULT NURSE EXAMINER PROGRAMS

BY **BETH PEARSALL**

New tool helps programs understand how they affect the prosecution of sexual assault cases in their communities.

Victims of sexual assault may suffer physical, emotional and psychological trauma as a result of their victimization. Providing them with sensitive health care in the aftermath of their assault is paramount.

Unfortunately, all too often, victims must wait long hours in busy emergency departments. They are not allowed to eat, drink or even go to the bathroom while they wait for a medical exam. And frequently, the physicians or nurses who perform the exams lack training and proficiency in medical evidence collection procedures.

To help improve post-assault care for victims, communities around the country have implemented Sexual Assault Nurse Examiner (SANE) programs, which offer a multidisciplinary, victim-centered response. Through these programs, specially trained nurses provide crisis intervention and emotional support, health care, injury detection and treatment, and forensic medical evidence collection in hospital emergency departments or community-based clinics. More than 600 SANE programs now exist throughout the United States and Canada.

SANE programs not only provide sensitive care and support to victims — research suggests that these programs also may have a positive impact on prosecution rates in their communities. For example, two NIJ-funded studies found that communities' prosecution rates increased significantly after the communities implemented SANE programs.¹

As promising as these findings may be, they should be interpreted with caution, because only a handful of the 600 SANE programs have been rigorously evaluated. We know little about the majority of SANE programs and their impact on local criminal justice systems. There is a pressing need for ongoing evaluation to determine if and under what circumstances SANE programs can positively affect criminal justice case outcomes.

To fill this need, Rebecca Campbell and her colleagues at Michigan State University received a competitive grant from NIJ to develop a toolkit that SANE program staff can use to evaluate how their program affects the prosecution of sexual assault cases in their community. The user-friendly toolkit walks practitioners

“The toolkit streamlines the steps of evaluation into an easy-to-follow process. We designed it specifically for busy practitioners.”

through a six-step evaluative process. It also offers ideas for using the findings to improve practice and enhance a program’s positive impact on the reporting, investigation and prosecution of sexual assault cases.

“Programs might be hesitant to take on an evaluation because they’re worried it will be too hard, too complicated, too much time away from patients,” Campbell said. “The toolkit streamlines the steps of evaluation into an easy-to-follow process. We designed it specifically for busy practitioners.”

She added, “Evaluating the work of SANE programs — or any innovative program for victims of crime — is so important because it helps front-line practitioners know what’s really happening in their communities. What’s going well? What are our areas for improvement? What resources do we need to be successful? Evaluation is critical for funders and policymakers, too, as it identifies promising new programs and practices that merit further study and investment.”

Inside the Toolkit: Choosing an Evaluation Design

When planning an evaluation, a SANE program must make several important decisions, including what information to collect and from whom, how many times, and when and how to collect it.

The program also must decide what its overall evaluation will look like. The toolkit presents three evaluation designs:

- *Pre-SANE/post-SANE evaluation:* In this design, a program compares how far cases progress in the criminal justice system before and after the implementation of the SANE program.
- *Post-SANE-only evaluation:* The program compares how far cases progress in the criminal justice system in the community after it started the SANE program with data from other communities.
- *Ongoing evaluation:* The program begins charting prosecution outcomes from this point forward. Programs choosing this design will not be able to make comparisons yet, but they will be preparing to compare their findings with data from other communities.

“It’s important that practitioners choose the right design for their program,” Campbell explained. “The toolkit walks you through the pros and cons of each design. For some programs, a pre-post design just isn’t feasible — maybe it’s more useful to find out what’s happening right now. The toolkit offers a variety of design options so programs can select the best design for their needs.”

Six-Step Evaluation Roadmap

Once a program chooses a design, it is ready to get started. The toolkit provides a detailed how-to for the six basic steps of evaluating criminal justice outcomes for each of the three designs (see Figure 1, “The Six Basic Steps of Evaluation”).

- *Step 1: Understand the evaluation design*
The first step is to make sure the program fully understands the evaluation design it has chosen. The toolkit provides an in-depth description of each design.
- *Step 2: Identify the evaluation questions*
Sexual assault cases go through multiple stages in the criminal justice system. The toolkit provides a summary of each stage of the process — referral and charging, dismissal, plea bargaining, and trial — and lists relevant evaluation questions.

Figure 1. The Six Basic Steps of Evaluation



Campbell, Rebecca, Megan Greeson, Nidal Karim, Jessica Shaw, and Stephanie Townsend, "Evaluating the Work of Sexual Assault Nurse Examiner (SANE) Programs in the Criminal Justice System: A Toolkit for Practitioners," Final report to the National Institute of Justice, grant number 2009-MU-MU-0002, January 2013, NCJ 240917, p. 2, available at NCJRS.gov, keyword: 240917.

- *Step 3: Establish cooperative agreements*
The next step is to work with the hospital, if necessary, and the prosecutor’s office to reach a mutually agreeable approach for accessing case records. The toolkit offers tips and guidelines for how to approach hospital personnel and prosecutors.
- *Step 4: Sample cases and collect data*
The toolkit walks programs through four data collection tasks: determining which types of cases will be included in the evaluation, identifying cases that meet the requirements, drawing a sample of these cases, and collecting prosecution outcomes for the sampled cases.²
- *Step 5: Analyze the data*
Analyzing a large amount of data can be intimidating. To make this step less daunting, the toolkit provides a pre-programmed Microsoft Excel file that performs all of the analysis. Program staff simply enter the collected information and click a

button. The computer will then automatically run the calculations and create graphs to illustrate the results.

- *Step 6: Interpret the results*
The program is now ready to interpret the evaluation results. The toolkit offers guidance on how to look at the percentages for each outcome category and compare them to published rates.

Now What?

Getting to the results is not the final goal of an evaluation — it is the first step in better understanding a program and its relation to prosecutor outcomes. Programs will need to think about how to use these results.

The toolkit helps programs frame their thinking with three questions:

- *What?* What are the evaluation findings? Describe the findings.

Toolkit Successfully Implemented in Six Sites

Rebecca Campbell and her colleagues piloted the SANE program evaluation toolkit at six sites across the United States. The sites included community-based and hospital-based SANE programs in both urban and rural areas. The researchers found that as an intervention model, SANE programs are effective in increasing prosecution rates. However, the researchers note, work remains to be done, because the vast majority of reported sexual assaults are not prosecuted. Read more about the pilot project at NCJRS.gov, keyword: 240916.

- *So what?* What do these results mean? Interpret the findings. This should involve collaborating internally with program staff and externally with community partners.
- *Now what?* An evaluation is valuable only if a program uses the findings to make changes. A program should use its findings as a foundation to take action and improve its community's response to sexual assault.

The toolkit offers some strategies for doing so. For example, it outlines a process that programs can use to develop a plan for change if they discover they are not having a positive impact on legal case outcomes. And for communities that do find evidence of a positive impact, the toolkit recommends strategies for strengthening and institutionalizing core practices.

"The whole point of evaluation is utilization — using the findings to create change, improve the program and help plan new initiatives," Campbell noted.

She added, "Six SANE programs worked with us in the toolkit project, and they all used their findings to create positive changes in their communities. Some were able to leverage new funding; some established a new sexual assault response team. The evaluation helped

them set goals and create concrete action plans for improvement" (see sidebar, "Toolkit Successfully Implemented in Six Sites").

To access the toolkit, go to NCJRS.gov, keyword: 240917.

About the Author

Beth Pearsall is managing editor of the *NIJ Journal*.

For More Information

- Read more about SANE programs and how they increased prosecution rates in Michigan at NIJ.gov, keywords: SANE prosecution.
 - Watch Rebecca Campbell's presentation on the impact of SANE programs on adult sexual assault investigation and prosecution at NIJ.gov, keywords: SANE presentation.
 - Learn about SANE programs from the International Association of Forensic Nurses at <http://www.iafn.org/displaycommon.cfm?an=1&subarticlenbr=546>.
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Notes

1. Campbell, Rebecca, Deborah Bybee, J. Kevin Ford, Debra Patterson, and Jamie Ferrell, "Systems Change Analysis of SANE Programs: Identifying the Mediating Mechanisms of Criminal Justice System Impact," Final report to the National Institute of Justice, grant number 2005-WG-BX-0003, April 2008, NCJ 226497, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/226497.pdf>.
 2. Crandall, Cameron S., and Deborah Helitzer, "Impact Evaluation of a Sexual Assault Nurse Examiner (SANE) Program," Final Report to the National Institute of Justice, grant number 98-WT-VX-0027, December 2003, NCJ 203276, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/203276.pdf>.
 3. The evaluation process is designed to respect patient privacy. The toolkit offers specific recommendations for what programs can do to maintain confidentiality and privacy when collecting data.
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NCJ 241930

UPDATED SAFE PROTOCOL

New Medical Exam Guidelines Now Available

The Office on Violence Against Women has revised the National Protocol for Sexual Assault Medical Forensic Examinations (commonly known as the SAFE Protocol). The revisions come nearly a decade after the last guidelines were issued and reflect a new emphasis on victim-centered care.

The updated protocol has new information on populations with special needs, such as victims with limited English proficiency; victims with disabilities; American Indian and Alaska Native victims; victims in the military; and lesbian, gay, bisexual or transgender victims. It also has expanded information on drug- and alcohol-facilitated sexual assault, pregnancy, confidentiality, and alternative reporting procedures.

The SAFE Protocol is not a requirement for any federal grant funding. Adherence to the protocol is not mandatory, with the exception of the recently released Department of Defense Instruction on Sexual Assault Prevention and Response Program Procedures. To comply with the Department of Justice's National Standards to Prevent, Detect, and Respond to Prison Rape, correctional facilities that are responsible for investigating allegations of sexual abuse in their facilities must use a protocol that is based on the SAFE Protocol or similarly comprehensive and authoritative protocols developed after 2011. The SAFE Protocol is available at NCJRS.gov, keyword: 241903.

To read more about the release of the revised protocol, visit <http://www.justice.gov/opa/pr/2013/April/13-ag-466.html>.





PARTNERS IN RESEARCH: LESSONS LEARNED IN LOS ANGELES

BY **BETHANY BACKES AND MELISSA RORIE**

Practitioners and researchers discuss the benefits and challenges of working together.

Editor's note: NIJ would like to thank Assistant Chief Michel Moore of the Los Angeles Police Department, Captain Tom Zuniga (Ret.) of the Los Angeles County Sheriff's Department, Cassia Spohn of Arizona State University, and Katharine Tellis of California State University, Los Angeles, for their contributions to this article.

In 2009, NIJ funded a study examining the processing and prosecutorial outcomes of sexual assault cases. A team of researchers and practitioners focused specifically on case attrition, unfounded cases (those determined through investigation to be false or baseless) and cases cleared by exceptional means. Researchers were from Arizona State University and California State University, Los Angeles. Practitioners were from Los Angeles city and county law enforcement agencies. Together, they collected and analyzed data on male-female rapes from 2005 to 2009. The researchers also conducted in-depth interviews with law enforcement officers involved in responding to and investigating sexual assaults.

The researchers and practitioners involved in the study agreed that working together — though not always easy — was incredibly helpful in obtaining

information to advance our understanding of sexual assault reporting, investigation and processing and to improve agency practices. Presented here are their insights¹ about the benefits and difficulties of the collaboration. They also offer some advice for those seeking to do similar work.

NIJ: How did this research idea come about, and how did you engage the police department? How did the department receive the idea, and what things happened to set the partnership in motion?

Cassia Spohn (CS)/Katharine Tellis (KT): When the [NIJ funding] solicitation came out (see sidebar, "Researcher-Practitioner Partnerships"), we felt that Los Angeles would be an ideal jurisdiction in which to conduct this study. We approached Deputy Chief Charlie Beck (currently Chief of the Los Angeles Police

Department), and he was immediately receptive to the idea of an open and transparent analysis of sexual assault investigations in service of his department's commitment to quality through continuous improvement. Sheriff Lee Baca was equally supportive from the moment we reached out because sexual assault

was the focus of his dissertation. Deputy Chief Beck and Sheriff Baca's support was critical in fostering relationships throughout their respective agencies and set the stage for expanding the partnership to include the Los Angeles County District Attorney's Office and victim advocacy agencies.

Researcher-Practitioner Partnerships

NIJ is committed to helping researchers and practitioners collaborate to inform criminal justice research efforts. Since 2009, NIJ has provided funding for researcher-practitioner partnerships under an annual solicitation. To date, NIJ has funded 17 projects covering a range of criminal justice topics and involving parole and probation departments, victim advocacy agencies, police departments, specialized courts, and other practitioners.

Researchers and practitioners have unique skills and perspectives that can inform each other and make for a more informed research initiative. However, unique perspectives and pressures can make partnerships difficult. Previous studies have noted differences in how the partners view evaluation components, such as program implementation and assignment to groups, data collection efforts, outcome measurement issues, and how and to whom findings are communicated.¹ It is not generally a matter of being "right" — researchers and practitioners have different needs and, therefore, different practices. Although researchers may want to administer a standardized treatment protocol without exception, practitioners are often more focused on helping clients with individually tailored service plans. Researchers often focus on summary statistics and what the quantitative data tell them about differences between treatment and control groups, whereas practitioners often point to anecdotal evidence and success stories that support their efforts.²

Despite differing paradigms, bringing these two worlds together has many benefits. Researchers often give practitioners a broader view of procedures, point out patterns that may warrant improvement, and use data to develop solutions to common problems faced in practice. At the same time, researchers experience a "real world" view of the issues faced by their practitioner counterparts. Partnerships can show practitioners how systematic evaluation can lead to better practices and services. Overall, work completed through a researcher-practitioner partnership can make criminal justice and academic efforts more relevant and efficient.³

Notes

1. Lane, Jodi, Susan Turner, and Carmen Flores, "Researcher-practitioner collaboration in community corrections: Overcoming hurdles for successful partnerships," *Criminal Justice Review* 29 (1) (2004): 97-114.
2. Block, Carolyn R., Barbara Engel, Sara M. Naureckas, and Kim A. Riordan, "The Chicago Women's Health Risk Study: Lessons in collaboration," *Violence Against Women* 5 (10) (1999): 1158-1177.
3. Backes, Bethany, "NIJ seeks to strengthen the practitioner-researcher bond," *Corrections Today* 71 (4) (2009): 78-80.

NIJ: When you look back at the first six months of the partnership, what were the toughest hurdles you had to overcome?

Assistant Chief Michel Moore (MM): The study began in January 2010, which was a time of significant change in the department's leadership. Charlie Beck, who was the department's Chief of Detectives when the study was first initiated, was appointed as the Chief of Police. Consequently, I was appointed as Assistant Chief, and the duties of the Chief of Detectives were brought within my sphere of responsibilities. The study was one of many initiatives that I was now responsible for moving forward, and admittedly in those initial days there was a pretty steep learning curve as to the work that needed to be accomplished. Ultimately, I believe we did a good job of meeting deadlines and being responsive to issues and questions from the researchers as they came up.

CS/KT: Researchers and practitioners come from distinct backgrounds with respect to training, vernacular, perceptions about desired outcomes and how they are measured, and concerns specific to their role within their agency. One thing that we have a renewed appreciation for at the end of this process is the salience of language and understanding the culture of the agency with which you are working.

NIJ: In hindsight, what would you do differently?

Captain Tom Zuniga (Ret.) (TZ): A meeting should have been held immediately with the researchers and department personnel who would play an integral role in gathering all requested reports, data and interviewees for the study. This would have allowed the researchers and department personnel to exchange information and address the needs of all concerned.

MM: I wish we had established dedicated workspace for the researchers at our facility. This would have promoted more effective communication and understanding of their needs.

NIJ: Can you talk about communication throughout the project?

CS/KT: Communication was one of the most critical factors in sustaining the project. We held ongoing

meetings to provide status updates and address concerns of both the agencies and the researchers. It is important to note that the onus is on the researchers to (1) reach out to the agencies; (2) be as receptive to agency feedback as we hope agencies will be to our findings; (3) be transparent in methodologies and research questions; and (4) communicate in a way that is relevant to the agency and does not come off as "ivory towered" and out of touch with the "real" world of criminal justice.

TZ: The researchers communicated regularly via email and phone and in person, and they were always cordial with department personnel throughout the entire project. We communicated mostly with Katharine Tellis, who always seemed to be appreciative of our commitment to the project. She often commended our personnel for their hard work in supplying her and her colleagues with all requested material. The researchers were also timely in responding back to us when we called with questions.

MM: The researchers made a point of regularly touching base with us, letting us know of pending action items, providing drafts of papers and presentations for our review and feedback. This provided the opportunity to get a sense of the researchers' perspective as well as where the findings were leading.

NIJ: How did you address any communication issues?

MM: There were a number of discussions about word choice or descriptions that we felt didn't match our perspective on the ground. These discussions were ongoing and helpful. At times the discussions became fairly intense; some of the staff took issue with the conclusions being considered. However, everyone remained professional, and although we recognized that we would not necessarily agree with some of the researchers' findings or recommendations, it was important to stay focused on valuing the research for what could be identified as areas for improvement and strategies to accomplish.

TZ: The study revealed that some of our investigative practices had to be re-evaluated and corrected, but we were not in agreement with all of their findings,

Collaborations are learning experiences for both sides. The end result can provide valuable knowledge to the field and improve policy and practice.

conclusions and recommendations. However, we value the study in that it provided us with a look at some of our investigative practices that required immediate attention. During these discussions, not everyone was in agreement with each other's perspectives. At times it was intense, but in the end, the meetings were beneficial.

CS/KT: We reached out to facilitate discussion and were open and willing to compromise while still retaining methodological integrity. For example, some law enforcement personnel were reluctant to speak, and understandably so, despite the support of their agency's leaders. We responded by addressing any concerns as best as possible and ultimately deferred to their personal preferences and comfort zones.

NIJ: How did the partners receive the research results?

CS/KT: The research yielded many discussions about the salience of arrest in sexual assault cases, law enforcement's use of the exceptional clearance, and what exactly the FBI's Uniform Crime Report Handbook means with respect to the word "charged" in the criteria required to clear cases by arrest and exceptional means. The Los Angeles Police Department and the Los Angeles County Sheriff's Department were quick to identify a need for refined training protocols for their sex crimes detectives and implemented changes before the study was completed.

TZ: This study brought to light myriad concerns and issues regarding the sexual assault investigative practices of both law enforcement agencies. Both agencies expressed concern and questioned the study's results. The findings, conclusions and recommendations were not well received by either agency for different reasons. Once the project was completed, all parties attached to this study understood each other's frustration as it related to their individual concerns. In some cases, the researchers met individually with agencies to address their frustration, and on other occasions we met as a group for open discussion. Some modifications were made, while other results remained unchanged. I believe that all agencies ultimately benefited from this study. It identified problematic areas of the investigative practices of some investigators that needed improvement. This study should be used as a resource and serve as a reminder to be open-minded to any change that will improve overall performance.

MM: Prior to our presentation at the International Association of Chiefs of Police conference in 2010, the researchers provided us with some summary statistics from our data about case characteristics and outcomes. We ran the numbers in-house for comparison and got different outcomes. After talking with the researchers, we realized they were using a more expansive definition of sexual assault than the FBI's Uniform Crime Report Part I definition. That's one example of how clarification and an open line of communication are needed. Ultimately, there were findings and recommendations that we did not agree with; however, the department found other areas of the study very helpful in identifying needed improvements.

NIJ: How have you incorporated the research results into practice?

MM: Our work is still in progress on this aspect of the project. The department has already implemented additional training for our sexual assault investigators; however, recommended changes to our case clearance standards remain a topic of debate. The department is reaching out to the FBI to discuss case clearance standards in light of the recommendations.

TZ: This department took immediate steps toward correcting identified deficiencies in our investigative practices and recommended changes to our case clearance standards. The department has already written a policy on standardized procedures for detective unit operations and a newsletter on detective bureau case and suspect closure codes, and we have revised the case closure reference guide. We recently created a “Cleared by Arrest/Cleared by Exception” index card that will be distributed to all investigators to ensure continued compliance with the FBI’s Uniform Crime Report program when a case is cleared. The training component of this corrective action plan is still in progress.

NIJ: What is the most important thing you learned from the process?

MM: The study has reinforced the value of independent research and critical reviews of our department’s practices.

TZ: The person who is tasked with oversight of a large and lengthy project like this study requires subject knowledge and background to effectively deal with issues or concerns during the process. This is important because the process has many components that must be properly understood to avoid premature or faulty conclusions. A study must be evaluated objectively to recognize its strengths and weaknesses and determine if the study measures up to established scientific standards of excellence. We recognize and acknowledge the value of this study, its critical review of our investigative practices and how to make full use of the findings.

NIJ: What advice do you have for researchers looking to partner with law enforcement? For law enforcement looking to partner with researchers?

TZ: It is vitally important for agencies to know as much as they can about the study — including associated costs — before committing to it. Researchers should have complete knowledge of the law enforcement organization that will be involved. I recommend that the researchers meet all people involved in the

project at the completion of the study to personally express their appreciation for their participation and hard work in meeting all requested deadlines.

MM: For law enforcement, I recommend that senior executives fully understand the project being considered to ensure sufficient resources are committed. Additionally, law enforcement executives need to invest in the project themselves to some extent to ensure more junior members of the organization are open to the research and debate.

CS/KT: Building relationships early on is critical. There needs to be a level of trust and openness between the researchers and the agency and some degree of mutual investment in the process. Otherwise what may be a mere bump in the road (for example, staff turnover, a computer programming shortfall, agency personnel who are skeptical of researchers) can turn into a barrier that undermines the ability of a study to move forward.

We can learn valuable lessons by documenting the experiences within researcher-practitioner partnerships. The project highlighted here demonstrates the need for clear communication, honesty and compromise throughout a research study. Such collaborations are learning experiences for both sides, and the end result can provide valuable knowledge to the field and improve organizational policy and practice.

About the Authors

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For More Information

- To learn more about the study discussed in this article, see Spohn, Cassia, and 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,” Final report to the National Institute of Justice, award number 2009-WG-BX-0009, February 2012, NCJ 237582, available at NCJRS.gov, keyword: 237582.

Notes

1. Each participant provided written responses to a set of uniform interview questions. Information in this article is taken directly from participants’ written responses and edited only for grammatical purposes or to provide further clarification to the reader.

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FIVE THINGS LAW ENFORCEMENT EXECUTIVES CAN DO TO MAKE A DIFFERENCE

U.S. Department of Justice
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NATIONAL INSTITUTE OF JUSTICE FIVE THINGS

LAW ENFORCEMENT EXECUTIVES CAN DO TO MAKE A DIFFERENCE



- 1. Crime is rarely random; patrols shouldn't be either.**
Focusing on small geographic locations and times when crimes occur and targeting specific, high impact repeat offenders can decrease crime.
- 2. Quality is more important than speed.**
In most cases, thorough investigations, problem solving and careful forensic evidence collection contribute more to arresting suspects than shaving a few seconds off of initial response times.
- 3. DNA works for property crimes, too.**
Collecting and using DNA evidence substantially increases the likelihood of solving property crimes — leading to twice as many arrests and twice as many cases being accepted for prosecution than in non-DNA “traditional” investigations.
- 4. In police work, perceptions matter.**
When people see the police as fair, lawful and respectful, officers are safer and citizens are more likely to obey the law and comply with police orders. For example, the way an officer treats a stopped motorist influences the motorist's opinion about law enforcement more than whether the officer issues a citation.
- 5. Make officer safety and wellness a priority.**
Safety training, certain shift lengths and using body armor can prevent injuries and save lives. For example, the “Shift Length Experiment” study showed that officers who worked 50-hour shifts (compared to 8- and 12-hour shifts) made fewer errors and worked less overtime, saving money for the jurisdiction.

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The Five Things in this flyer come from years of research, analysis, testing and evaluation.
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The Five Things are easy to remember and implement and can make a big difference in law enforcement agencies nationwide:

1. Crime is rarely random, so patrols shouldn't be either.
2. Quality is more important than speed.
3. DNA works for property crimes, too.
4. In police work, perceptions matter.
5. Make officer safety and wellness a priority.

The more we know about what works, the better we are at making a difference. Learn more, find links to additional resources and download the publication at NIJ.gov/five-things.

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