

# BEYOND CONVICTION RATES

## Measuring Success in Sexual Assault Prosecutions

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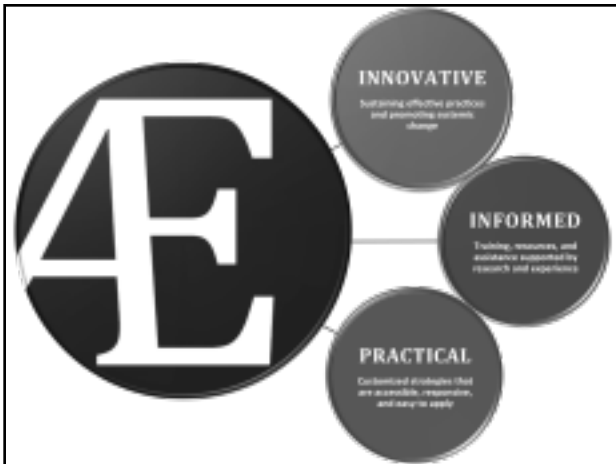
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## AEQUITAS

AVAILABLE 24/7 VIA TELEPHONE AND/OR EMAIL

### TECHNICAL ASSISTANCE

- Case Consultations
- Research

### TRAININGS

- Live
- Online

### RESOURCES

- Recorded Webinars
- Model Briefs, Motions, Expert Reports, etc...
- Sample Voir Dire Questions, Expert Examinations, etc...

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## SUPPORT

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## "WHAT'S YOUR CONVICTION RATE?"

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**“One of the most enduring realities of sexual assault is that very few cases result in arrest, prosecution, and conviction of [perpetrators]”**

CASSIA SPOHN & KATHARINE TELLIS, POLICING AND PROSECUTING SEXUAL ASSAULT: INSIDE THE CRIMINAL JUSTICE SYSTEM 101 (Lynne Rienner 2014)

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### **IF NOT CONVICTIONS, THEN WHAT?**

What other ways can you measure success when you work on sexual assault cases?

- Prosecutors?
- Law Enforcement?
- Service Providers?
- Advocates?
- Others?

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### **HOW IS YOUR SUCCESS MEASURED?**

- ◉ Data collection
  - What type?
- ◉ Performance reviews
- ◉ Victim input
- ◉ Not at all

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**Are sexual assault cases a priority?**

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**How do you define success in sexual assault cases?**

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**What is the desired outcome?**

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## DESIRED OUTCOME

- Conviction on the lead charge or other charges ?
- Victim safety?
- Victim's voice being heard?
- Punishing the offender?
- Community awareness?

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## DESIRED OUTCOME

CONT'D

- Creating a record?
- Reducing the likelihood for re-offense?
- Some combination of all of these, or something else entirely?

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**What are some practices that may increase success in sexual assault prosecutions?**

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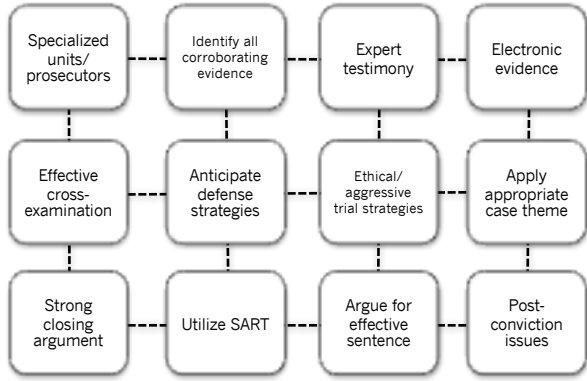
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## PROMISING PRACTICES




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## COMPONENTS OF A SUCCESSFUL PROSECUTOR



Adapted with permission from Teresa Scalzo, former Director of the National Center for the Prosecution of Violence Against Women and former sexual assault prosecutor.  
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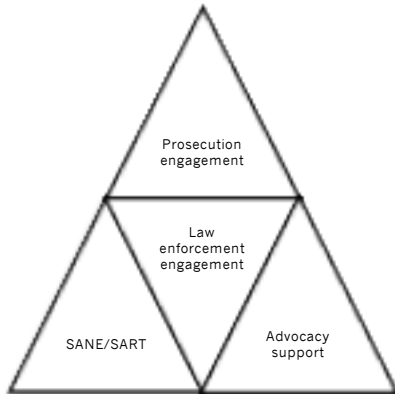
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## VICTIM PARTICIPATION




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## What about conviction rates?

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## CONVICTION RATES

### TELL US...

Jury determined prosecution proved the charge beyond a reasonable doubt

### DON'T TELL US

- Number of cases investigated v. charged
- Number of cases pled
- Charges pled to
- Dispositions of closed cases prior to trial
- Number of cases dropped
- Victim "satisfaction"
- Victim safety

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## OTHER ISSUES WITH CONVICTION RATES

1. Differentiate between a conviction after a jury trial, a conviction after a bench trial, and a guilty plea?
2. Guilty as charged or lesser?
3. How is data collected?
4. Affect on institutional morale?

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## DO CONVICTION RATES...

- Accurately measure outcomes?
- Tell us about the complexity of the cases?
- Help us assess whether we are being responsive to victims' needs?
- Reveal anything about whether prosecutors are aggressively pursuing all sexual assault cases?

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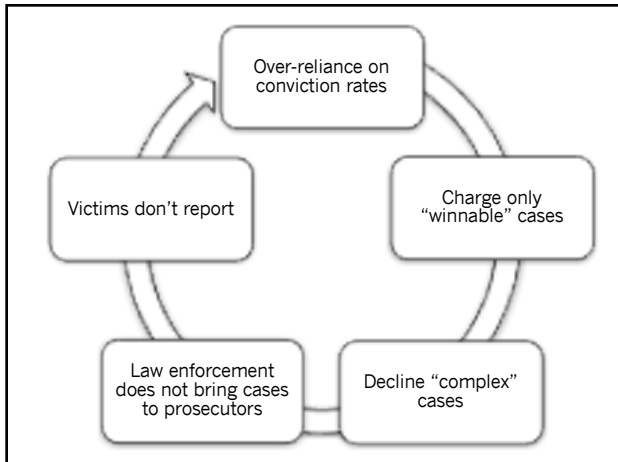
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## If not conviction rates, what?

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## How Can We Measure Prosecutor Performance?

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## WHAT ARE PERFORMANCE MEASURES?

- Define what is expected of an organization or an individual
- Way to understand quantitatively business processes, products, and services
- A target that you strive for

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## WHAT AREN'T THEY?

- One-time snapshots of effectiveness
- Outcome evaluations: guilty verdicts
- Cause-and-effect determinants

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## CATEGORIES OF PERFORMANCE MEASURES

- Outcomes/output measures
- Satisfaction and quality measures
- Efficiency and timeliness measures



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## MEASURES FOR PROSECUTORS

OFFICE-LEVEL	INDIVIDUAL-LEVEL
<ul style="list-style-type: none"> <li>• How well the office performs overall relative to the intended outcomes</li> <li>• Processes in the aggregate</li> </ul>	<ul style="list-style-type: none"> <li>• Individual contribution to overall outcomes</li> <li>• Adherence to processes</li> <li>• Skills, capacity, and capabilities</li> </ul>

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## PROSECUTION PERFORMANCE MEASUREMENT PROJECT

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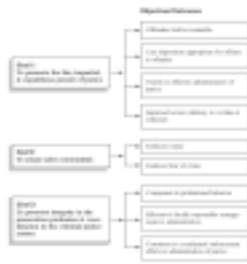
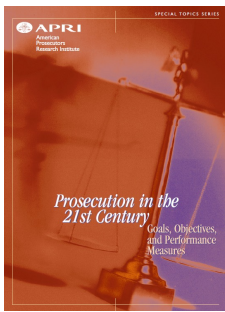
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## MEASUREMENT FRAMEWORK



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## What is the right outcome in prosecution?

Accountability

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## ACCOUNTABILITY MEASURES

What is the goal in sexual violence cases?

- Punishment / retribution
- Deterrence
- Rehabilitation
- Restoration

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## POSSIBLE MEASURES

### PUNISHMENT / RETRIBUTION

- Incarceration
- Cases receiving maximum penalty
- Convictions

### DETERRENCE

- Timeliness of adjudication
- Certainty of consequences
- Length/severity of sentence
- Incarceration

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## POSSIBLE MEASURES

CONT'D

### REHABILITATION

- Offenders placed in treatment
- Assessment of treatment needs and consideration of victim and community safety
- Recidivism

### RESTORATION

- Victim satisfaction
- Victim safety
- Restitution

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## STRATEGY

Prevention

Intervention

Suppression

Reentry

Evaluation

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## PREVENTION

- Outreach to the community
- Education
- Myth-busting
- Safety
- Consent

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## INTERVENTION

- Outreach to victims
- Confidential advocacy
- Increased reporting
- Access to counseling

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## SUPPRESSION

- Collaboration with allied professionals
- Thorough investigations
- Aggressive prosecution

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## REENTRY

- Meaningful sentencing
- Intensive probation/parole
- Monitoring

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## EVALUATION

- Audit practices
- Interview allied professionals
- Canvas victim experiences
- Gather statistics

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## GOING FORWARD

- Institute prosecution practices that apply to individuals and can be adopted office-wide
- Integrate existing data into performance measures and partner with researchers
- Develop transparent policies that support victims and are aimed at holding offenders accountable

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