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Panel: *New Findings on Sexual Violence Case Attrition: Progress and Recession in Bridging the Justice Gap*

Wed, Nov 15, 9:30 to 10:50am, Marriott, Room 406, 4th Floor

Panel Chair: Linda M. Williams, Wellesley Centers for Women
Discussant: Bethany Backes, USDOJ National Institute of Justice
Abstract

In the past 40 years there has been considerable progress and improvements in the responses of law enforcement personnel and prosecutors to reports of sexual violence. There remain, however, many areas of challenge for the criminal justice system (CJS) and efforts to close the “justice gap” in cases of sexual assault. These challenges may contribute to the reality that most women and men still do not report sexual assault to the police. It is well documented that there is significant attrition in criminal justice processing of reported cases of sexual assault. Most reported sexual assault does not result in arrest or prosecution. Indeed based on current research fewer than one in five reported cases are cleared by arrest and most of these cases never go forward to prosecution. This panel presents findings from a cross-jurisdiction study of case processing of 3478 reports of sexual assault in six police departments located across the United States. We examine disposal of cases through unfounding and use of exceptional clearance, the impact of testing of sexual assault kit forensic evidence on case processing, and the role of victim characteristics on case attrition. The panel concludes with recommendations for improvements in CJS policy and practice.

Victim Characteristics and Case Attrition: How Who Gets Raped Impacts Sexual Assault Case Attrition

Authors:
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April Pattavina, University of Massachusetts Lowell
Melissa Morabito, University of Massachusetts Lowell

Abstract

In our cross-jurisdiction study of case processing of 3478 reports of sexual assault in six police departments located across the United States, we examine case attrition and the factors associated with exceptional clearance, arrest, prosecution, and conviction. We found there is substantial attrition in sexual assault cases with fewer than one in five reported cases being cleared by an arrest and most of these cases never going forward to prosecution. Our research reveals that case attrition is influenced by a variety of legal and extralegal factors. In this paper we present findings on the influence of the characteristics of the victim and her behavior prior to or following the alleged rape on the case outcome. We consider our findings within theoretical contexts related to policing, prosecution, and justice. The paper concludes with recommendations for improvements in justice system practice and policies.

Unfounding or Exceptional Clearance: How Do Police Dispose of Sexual Assault Complaints?

Authors:

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Abstract

With increased attention to the criminal justice response to victims of sexual assault, the police have been the forefront of change. In the past, there was particular concern with the overuse of unfounding—or the determination that complaints are baseless—by the police as a final disposition. Given widespread efforts to reduce this outcome, the proportion of complaints that are designated “unfounded” should be expected to decline over time and alternatively closed by arrest or by exceptional means. Scant research, however, has examined the changes in the types of sexual assault case clearances over time and how these dispositions affect outcomes for victims. Based on record-review data collected from six police departments located across the US as well as case clearance data from the National Incident Based Reporting System (NIBRS), we examine how dispositions for sexual assault cases have changed over time. Specifically, in this paper we describe the associations between the dispositions “unfounded,” “clearance by arrest,” and “clearance by exceptional means” and the implications for victims of sexual assault and future public policy.

A Case Study of Police and Prosecution “Real Time” Adaptation to a Legislative Mandate to Test All Sexual Assault Kits

Authors:

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Abstract

This paper presents results from a study that examines the impact of sexual assault kit (SAK) testing for the presence of DNA on case attrition in one large metropolitan police jurisdiction. In this city, a new state law was implemented to mandate the testing of forensic evidence in all old (previously untested) SAKs and all new sexual assault case kits (“rape kits”) for which the victim consented to testing. This study examines the police department’s real time organizational and procedural adaptation to an unfunded mandate to test all kits. Analyses compare case attrition before mandated testing and after mandated testing was implemented and will determine the extent to which forensic testing pre and post mandate identifies persons with DNA profiles in the FBI’s Combined DNA Index System (CODIS).