Increasing Justice for Sexual Offense Crimes

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Abstract

Florida has seen a 45% increase in forced sexual offenses being reported and a 27% decrease in the number of arrests. In many areas, the Sexual Assault Nurse Examiner (SANE) programs have benefited the outcome for sexual assault victims. Based on the low percentage of successful arrests an analysis was initiated to determine the gaps and issues that may be hindering higher rates of arrests. It is important to determine whether the SANE process can be improved to better meet the needs of those victims whose voices are not yet represented based on the reported statistics.

Central Floridas’ SANE and Victim Advocate (VA) roles, responsibilities, and processes were assessed and analyzed to determine whether forensic nurses can fill the need to provide better outcomes for sexual assault victims. At this time SANE’s in Central Florida do not provide any care or services to the victim outside of the forensic exam and testimony. It is within the forensic nurses’ scope of practice to collaborate and work closely with law enforcement and the rest of the criminal justice system, which is not in practice here in Central Florida. Proper documentation is key to leading cases and there was minimal training provided for documentation for this group of SANE’s. A new project is being initiated to review documentation as a group to help educate on proper documentation. Meetings will include a diverse group of law enforcement, public servants, District attorneys, private attorneys, and support agencies. The aim of these meetings is to collaboratively analyze and then develop an improved work process for better victim outcomes.
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Purpose

The purpose of this project is to investigate the processes of sexual assault cases in Central Florida to determine if there is a flaw in the system that is preventing justice for these sensitive cases. Central Florida consists of only 4 of 20 judicial circuits and 13 out of the 67 counties in Florida (Florida Courts, 2020). Central Florida accounts for 23% of Florida’s population (FDLE, 2019). In the past 10 years in Florida and Central Florida, there has been an increase in reports of forced sexual offenses and a decrease in the arrests for forced sexual offense cases. As a SANE of 2 years, performing well over 60 exams, I have yet to have a single case go to court. In this project, I will analyze the process of SANE’s in Florida and determine whether there is a gap that the SANE’s can fill to provide increased justice for these cases or if the issue lies elsewhere.

Problem

In Florida, reports of forced sexual offenses are on the rise while arrest, prosecution, and conviction rates are declining. There are many professions involved in these cases which makes it difficult to determine the cause. The cause of this problem could be the result of a gap in the process of one, multiple, or all of these professions. Forced sexual offenses are violent crimes and those performing these acts should not be left out in the community to possibly harm others.

Background

Victims of forced sexual offenses receive minimal justice across the world (Weldon, 2020; Deshpande, 2012). Florida is no different. In Florida, comparing the years of 2011 and
2020 the number of reports for forced sexual offenses has increased from 5,273 to 7,650 (FDLE, n.d.-b), yet the number of arrests for forced sexual offenses has decreased from 2,517 to 1,817 (FDLE, n.d.-a). That is a 45% increase in the number of reports, and a 27% decrease in the number of arrests. In 2020 Florida had a total of 11,907 reports of forced sexual offenses (FDLE, n.d.-b), with only 1,937 arrests made on those reports (FDLE, n.d.-b), so last year only 16% of reports led to arrests in Florida. Kuadli (2021) used CDC statistics to show that only about 19% of forced sexual offenses are reported. If you recalculated in the non-reported offenses the statistics given previously these statistics would drastically change.

The Office of Economic and Demographic Research (EDR) shows that in 2020, there were only 21 new commitments to the prison system in Central Florida and 416 in Florida and that these statistics were, 47% and 57% lower than the previous year in Central Florida and Florida respectively for forced sexual offense crimes (EDR, 2021). These statistics are not necessarily based on crimes only committed in 2020 though. So, it is not possible to calculate conviction rates based on this information because some cases may not be prosecuted right away. With these low rates of arrests and convictions, there is a great lack of justice for sexually offended individuals, and if these perpetrators are not locked up, they are out in our communities’ putting others at risk too. A study done about sexual assault and prosecution states that there is an overall 14-18% prosecution rate for the United States (Campbell, et.al., 2009). Another study done later does show though that the overall prosecution rate was 10% prior to SANE programs were initiated (Campbell, et.al., 2014). Although it is not as great of an increase as we would like to see, it does show progress in the right direction.
Objectives

The purpose of this paper is to determine if changes can be made to the forensic nurse’s process in Central Florida to increase justice for sexual assault cases. Although there are many reasons for the lack of justice, including age, race, culture, offenders’ relationship to the victim, stigma about sexual crimes, law enforcement, and the rest of the criminal justice system fails (Ylang & Holtfreter, 2019); I will focus on the areas that forensic nurses are responsible for. These areas include the education of the SANE’s and the roles and responsibilities of the SANE’s and VA’s. Education provided to Central Florida SANE’s will be assessed by evaluating the qualifications and training provided by information given by the director of sexual assault in Central Florida and their website. To determine where the gap in the system is, evaluation of the roles and responsibilities of SANE’s and the VA’s will be performed. The evaluation will be done by collaborating with the director of SANE’s in Central Florida to discuss and explore the role and responsibilities of the SANE’s in Central Florida, and an internship with the VA’s to learn about their role with the victims of sexual assault.

Methods

Collaborating with the directors of SANE’s and the VAs in Central Florida to determine if the gap in the system lies within the forensic nurse’s role to help increase justice for sexual assault victims. The general setting for this project is at home and in the offices of the SANE’s and VAs in Central Florida. The population that will benefit from this project outcome, consists of sexual assault victims, perpetrators, the families of both, and the community which consists of people of all ages, genders, races, cultures, religions, ethnic groups amongst many other groups in Central Florida, and then eventually state and nationwide. The inclusion criterion for this
project is only that the person must be affected by sexual offenses in some way. Data will be
collected via websites and during my internship with the VAs. Success will be measured, and the
outcome will be evaluated by whether the gap is identified or not. Institutional Review Board
(IRB) approval was not sought for this project because there was no human subject involvement,
interaction, intervention, or access to identifiable private information. This project is aimed at
exploring and improving a practice issue.

**Theoretical Framework**

The Constructed Theory of Forensic Nursing Care is a middle-range theory that pertains
to this project (Valentine, Sekula, & Lynch, 2020a). This theory is directly related to the roles
and responsibilities of a forensic nurse. One of the main concepts discussed in this theory is a
collaboration with the criminal justice system (Valentine, Sekula, & Lynch, 2020a). As stated
before, in Central Florida, there is minimal collaboration with the criminal justice system, and I
believe this is where the issue may lie. I believe greater collaboration between the forensic nurses
and the criminal justice system throughout the processes of these cases, instead of only handing
off evidence and at the end of a case and testifying during the trial could lead to an increase of
justice for the sexual assault victims and perpetrators.

SANE programs in Philadelphia, Pennsylvania explain this belief. In Philadelphia,
Pennsylvania, the SANE’s work much more closely with the criminal justice system (Drexel
University, n.d.). In 2020, Philadelphia had 821 reported rapes (PPD, 2021) and 230 arrests
(PDAO, 2021) made on those reported. Which is a 28% arrest rate compared to a 16% arrest rate
in Florida. I believe if SANE in Central Florida worked more closely with the criminal justice
system as Philadelphia does, it could be the start of increasing justice in sexual assault cases.
The Constructed Theory of Forensic Nursing Care has two assumptions. The first discusses the diverse population that forensic nurses care for (Valentine, Sekula, & Lynch, 2020a). The second assumption of the Constructed Theory of Forensic Nursing Care states that “Forensic nurses practice as part of interdisciplinary teams including other healthcare professionals, VA’s, forensic scientists, law enforcement officers, criminal justice professionals, researchers, legislators and policymakers, and community members to care for those affected by trauma and violence and prevent violence in societies (Valentine, Sekula, & Lynch, 2020a).” Collaboration is a huge part of the responsibilities of a forensic nurse, and it is our duty to help provide justice in our field. SANE programs are helping, but I believe we can do better. As the forensic nurse and SANE programs evolve and become available and utilized properly in more areas, I believe forensic nurses can help increase the percentage of sexual assault case arrests and convictions.

The Constructed Theory of Forensic Nursing uses the Integrated Practice Model to describe forensic nursing, please see appendix A (Valentine, et.al., 2020a). This integrated practice model describes the roles, areas of expertise necessary, and other professions forensic nurses collaborate with (Valentine, et.al., 2020a). The Integrated Practice Model shows how intertwined and involved the specialized care that forensic nursing is. The model is made up of two circles encompassing a triangle. Within the triangle, there are three groups of three circles describing the education necessary and the roles a forensic nurse is responsible for. Forensic nurses must have a much broader educational base than nursing alone. Forensic nursing uses the philosophies of nursing, criminal, and forensic sciences. This is shown in the top group of three circles within the triangle labeled Fields of Expertise.
Organizational Aims

During this project, the role of SANE’s and VA’s and their processes will be examined by working with the directors of both groups to assess the processes, identify the issue, analyze the findings, and assess the possibility of implementing new processes by collaboration, to assist in increasing justice for our targeted population. The desired outcome would be to improve documentation education and collaboration with the criminal justice system. To achieve this goal, working together with the directors of the SANE’s and VAs to change and improve their processes, roles, and responsibilities will take place. Implementation of this plan would start as soon as possible. If this can be implemented, we would not only be helping the victims but also the perpetrators (if innocent), and the families of both. The criminal justice system and the community will also benefit from this possible change in the process. One year after implementation an evaluation of outcomes would need to be done to determine whether the plan was successful.

The education provided for SANE’s will be assessed to determine if there is an educational need in any area. By https://DOI.orgng this, it will help determine if the outcome shows the issue lies within the forensic nurse’s role. The workplace setting would be in the office of the director of SANE’s in Central Florida. With the same stipulations, I would plan to work with the director to implement a more inclusive educational plan for SANE’s and to create a plan on how to increase collaboration with the patients and the criminal justice system throughout the process to increase justice.
Scope of Practice

The Forensic Nursing scope of practice includes assessment, diagnosis, outcomes, identification, planning, implementation, coordination of care, health teaching, health promotion, and evaluation (ANA & IAFN, 2017). The forensic nurse’s role as a SANE includes providing a forensic exam which includes forensic photography, bite mark interpretation and analysis, psychological abuse, psychopathology, and deviant behavior assessment; interpretation of trauma which includes sexual abuse and rape, elder abuse, psychological abuse, physical abuse, and substance abuse assessments; providing unbiased care, care for victims, perpetrators, and the families of both, collaboration, and testifying in court. The definition of a SANE is “A registered nurse specifically trained to provide comprehensive care in the medicolegal management of forensic patients with demonstrated competency in the performance of the forensic examination and the ability to testify as an expert witness in a court of law (Hammer, et.al., 2011).” Understanding the scope of practice can help determine whether the issue lies within the practice guidelines of forensic nursing to provide the best outcome possible for these types of cases.

The role of SANE’s within the context of clinical practice was to assess the process, identify the issue, analyze the findings, and collaborate with the director of SANE’s and the VAs in Central Florida for research needs and to develop and implement a plan. The role of SANE’s within the context of professional development is managing change and collaboration with multiple other professions with hopes of advancing the SANE specialty. The role of SANE’s within the context of clinical leadership is critical thinking, dedication to providing the best outcome possible, good communication skills, treating others with respect, and displaying professional behavior while collaborating. The SANE’s role within the context of authority and
accountability is to the director of SANE’s in Central Florida. The SANE’s role within the context of ethical/legal considerations was minimal since there was no patient interaction and no personal, medical, or legal documentation was used. The SANE’s role within the context of relationships and partnerships was to communicate professionally to discuss roles, responsibilities, ideas for change, and if necessary, create a plan for changing the processes.

**Outcomes**

The VA program is fully funded by grants, they work on a very limited budget to provide these services. There are only 4 staff members providing services for all of Central Florida. VA’s provide free counseling services for anyone that has ever been sexually assaulted, prevention education, support through the trial process, a 24/7 hotline, and assistance with having a safe place to go along with almost any other need the victim may have. Based on this information and the VA’s scope of practice, the issue being addressed is not their responsibility.

The assessment of the SANE’s education provided showed that there was a 40-hour course by the International Association of Forensic Nurses and training with another SANE during an exam three times. Upon discussing this with the director we have come up with a plan to put out quarterly newsletters with educational updates and opportunities. There is also a plan to perform chart reviews monthly with each other to evaluate and educate on documentation. During the monthly chart reviews questions will be answered and further education on these topics will be some of those provided in the quarterly newsletters.

A plan is in process to work more closely with law enforcement in this area to make our process more comparable to how Philadelphia’s process. We will go out to each jurisdiction and
the district attorney to collaborate with them to assess their ideas about this and develop a plan together to help increase follow-through, arrests, and convictions on these sensitive cases.

Conclusions

The purpose of this project was to assess the SANE and VA’s roles and services provided for sexual assault victims to see if the issue lies within a forensic nurses’ scope of practice. Based on the results of these assessments I believe having SANE’s working more closely with the criminal justice system and the victim throughout the process of the criminal justice system instead of only providing the forensic exam and testimony, we could increase justice for these cases. Currently, in Central Florida, the victim only has the VA to support them through the criminal justice system process. The support provided by the VA’s is very different than the collaboration and assistance a SANE can provide.

Relevance to Forensic Nursing

Forensic Nursing is still a relatively new practice that is not yet utilized everywhere and not all programs are the same. In the year 2020 in the United States there are now 959 SANE programs with only 1,732 SANE-certified nurses (Morgan, et.al., 2020). In the year 2016 there was a total of 298,410 reported rapes, in the United States (N@G, 2020). There is still so much room for growth and improvement in forensic nursing and the SANE programs across the country. The findings of this project improving documentation and collaboration with the victim and the criminal justice system may help lead the way to begin expanding the role of SANE’s in Central Florida and eventually elsewhere. Having a SANE to assist the victim and the criminal justice system through the criminal and legal processes has been proven to be beneficial to both parties, yet is not being utilized everywhere, including here in Central Florida. The SANE can
provide a non-judgmental liaison between the victim and the criminal justice system to increase follow-through and can also provide the criminal justice system with their expertise in proper evidence collection and documentation.
References


https://DOI.org/10.1177/0093854809335054


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Appendices

Appendix A

Integrated Practice Model for Forensic Nursing Science

(Valentine, Sekula & Lynch, 2020b).