

## Just Multidisciplinary Teams Enhancing Conviction Integrity

**Introduction** [00:00:05] Now this is a recording, RTI International Center for Forensic Science presents Just Science.

**Voiceover** [00:00:18] Welcome to Just Science, a podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research, and actionable strategies to improve the criminal justice system. In episode one of our Enhancing Conviction Integrity through Forensics mini season, Just Science sat down with Patricia Powers, an Attorney Advisor with AEquitas, to discuss the concept of conviction integrity and how practitioners can utilize a multidisciplinary team around them. Attorneys, law enforcement agents, advocates, medical professionals, and crime laboratory staff all play crucial roles as a case navigates from the crime scene to the courtroom. Allied professionals lean on one another to ensure all perspectives are heard and have the best interest of a victim or family in mind. Listen along as Patricia Powers dives deep into the relationships of those allied professionals and how having a formalized case review process can assist in maintaining the integrity of a conviction. This episode is funded by the Bureau of Justice Assistance. Here's your host, Chris Williams.

**Chris Williams** [00:01:17] Hello and welcome to Just Science. I'm your host, Chris Williams. This is the first episode of our four-part series supporting Enhancing Conviction Integrity through Forensics funded by the Bureau of Justice Assistance. Today, our guest is Patricia Powers, an Attorney Advisor with AEquitas. Welcome, Patti. It's great to have you on.

**Patricia Powers** [00:01:34] Thanks so much, Chris. I really look forward to this opportunity to talk with you about some very important aspects of our project.

**Chris Williams** [00:01:42] Can you tell us a little bit about yourself and your career so far as an attorney?

**Patricia Powers** [00:01:46] I was a senior deputy prosecutor in Washington state for 27 years. I specialize primarily in sexual assault, domestic violence, crimes against children and related homicides, and I handle both cold and current cases in those areas. During that period of time that I served as the deputy prosecutor, I was also appointed as an HQE, or highly qualified expert, for the United States Army Investigatory Division. And in that capacity, I worked on an intermittent basis and also had the opportunity to do training for officers and investigators and frequently prosecutors in the areas of sexual assault and domestic violence. While I was still serving as a prosecutor, I also enjoyed the opportunity of providing training on a regional, statewide, and national basis, again in the areas of sexual assault and domestic violence and frequently related homicides. So it's been a very exciting career. Now, I currently serve as an Attorney Advisor for AEquitas, and I've been with our organization for about six years now.

**Chris Williams** [00:02:58] What have you found to be the most rewarding piece of your career, whether it be in the courtroom or in your most recent role with AEquitas?

**Patricia Powers** [00:03:05] You know, Chris, I am really fortunate to be able to say that I think I have enjoyed really the best of both worlds. As a senior deputy prosecutor, I tried a high volume of cases which took me into trial very frequently. And I also wanted to mention that I really enjoyed the opportunity of working with multidisciplinary professionals in advancing these cases to trial to do our best work for victims. So that has been a signal

and very enriching part of my career. I loved it, but I'm also passionate about the opportunities that I enjoy now with AEquitas having an opportunity to provide technical assistance and training to other prosecutors who are working on these cases. So I can honestly say that I have had so many opportunities, all of which have been outstanding experiences in my life.

**Chris Williams** [00:03:58] Yeah, that's great. I know you've had a very rewarding career and continue to do great things with AEquitas. Getting a little bit more into today's topic, can you help listeners understand a little more about what exactly the term conviction integrity means?

**Patricia Powers** [00:04:13] It's a very important concept, and as prosecutors and multidisciplinary professionals, we want to ensure that the verdicts of juries and the judgment of the court is well-founded, that it's based upon evidence, that it is guided in all respects by ethical consideration as well as the rules of evidence. It's such an important concept, Chris, because we want to ensure justice for the person accused of the crime, justice for the victim, and justice for our communities. And so looking very careful at the work that we do, ensuring the quality of evidence, ensuring that it is relevant and material to the elements of the crime and very frequently the context of the crime is very important work that's done by prosecutors in association with other professionals.

**Chris Williams** [00:05:07] For sure, I think the importance is a piece that we wanted to get a little bit deeper into. So can you expand a little bit on that and just what you mean in terms of how important conviction integrity truly is to everyone involved?

**Patricia Powers** [00:05:20] Well, prosecutors have the responsibility of proving the elements of the crime or crimes that are charged beyond a reasonable doubt. Now, in order to do that, and depending upon the particular case, the prosecutor is going to look to perhaps testimonial evidence from witnesses, whether they're direct or secondary witnesses. There may also be the introduction of physical evidence, forensic evidence such as DNA, ballistics, blood pattern evidence, fingerprint evidence, whatever is relevant to helping establish the elements of that crime beyond a reasonable doubt. So it becomes very important to consult with experts in these particular areas to ensure that we really have the insight that's necessary to know the significance of the evidence and to ensure that evidence is protected in its integrity. It's also important to note, I think, that we also establish the chain of custody for the evidence and the care that's been taken of the evidence from the moment that it's recovered from a crime scene, taken into evidence by law enforcement professionals, and ultimately sent to other experts, including crime laboratories, for their review and analysis of the evidence. So that is the infrastructure of the case. And once the case advances to trial, there also are other considerations that are important, and that is ensuring that the rules of evidence are very carefully followed. And that relates to the substance of a witness's testimony or the evidence that's going to be introduced. And the judge will make appropriate rulings if there are objections that are raised at the trial. But this all requires, I think, very solid and strong preparation. And that, again, speaks to the importance of prosecutors working with investigators and consulting with other experts when that becomes necessary for this work.

**Chris Williams** [00:07:23] What do you view as the true impact of the concept of conviction integrity?

**Patricia Powers** [00:07:27] Well, I think it's critical to our system of justice. It's also essential to protect the rights of persons who are accused of crime, to ensure that due

process is met, that their constitutional rights are assured. It's also very important for victims, and victims are persons who are more or less called into the criminal justice system because of the impact of a crime. We ask them for their testimony, and it can be a very difficult and frequently traumatizing experience to testify in a public trial. And so when you look at this, we also owe it to victims to ensure the integrity, the verdict of the judgment. We want to ensure that they will not be called to come back and testify at another trial. We also want to protect our communities actually by addressing serious crimes that are being committed and holding offenders accountable for their conduct and doing it considering the ethics that are involved as well as the rules of evidence and the applicable law. These are all really important components of ensuring conviction integrity.

**Chris Williams** [00:08:41] It's my understanding that some agencies or offices have a formal Conviction Integrity Unit - is that accurate?

**Patricia Powers** [00:08:47] Yes. Many prosecutor's offices have these units. That's correct. And they can be valuable means of addressing issues in cases.

**Chris Williams** [00:08:55] What exactly does a Conviction Integrity Unit do?

**Patricia Powers** [00:08:59] Conviction Integrity Units will essentially review the work that's been done on the particular case, addressing any issues that have been brought to their attention, and looking at the evidence speaking to establishing the elements of the crime beyond reasonable doubt; they'll look at witness testimony and many other aspects of a case. There also is an appellate process, and once there is a conviction, the person who has been convicted of the crime, the defendant, has an opportunity to address any issues that they have in terms of the appellate process. And that basically means that another court, a higher court in the system in any particular jurisdiction, will be called upon to review the record in salient respect to whatever the issues are, and then to reach determinations whether there was any error in that proceeding in the trial court and then determine what the remedy is.

**Chris Williams** [00:09:57] Are you aware of any other ways or can you talk a little bit about other ways that attorneys are implementing conviction integrity practices across the country?

**Patricia Powers** [00:10:07] Yes, and that's a great question, too, because professionals around the country - prosecutors, law enforcement professionals, advocates, medical professionals - they're all looking constantly at ensuring that they're utilizing best practices in their areas of work. Prosecutors are seeking training, are- and are becoming even more experienced in trying cases, working with the experts and all of us together, whether prosecutors, law enforcement professionals, advocates or experts, are constantly looking for ways to advance our experience, our understanding, and really to make sure that we're all utilizing best practices in all of the work that we do.

**Chris Williams** [00:10:53] So you mentioned, Patti, the involvement of law enforcement professionals, other types of practitioners. Can you explain what a multidisciplinary team is?

**Patricia Powers** [00:11:03] A multidisciplinary team is a group of individuals that have certainly a common goal. And that goal is to advance justice for victims and communities and to also ensure that there's justice for the offender as well, that the offender's rights, constitutional rights, are effectively addressed throughout any proceeding. Professionals

may include prosecutors, law enforcement professionals, advocates, whether systems-based advocates or community advocates, medical professionals, very frequently crime laboratory professionals. They may be called upon to review a case that has already been advanced and completed and to look at this case in terms of best practices or perhaps addressing a need for improvement in the future. That's one possibility. Sometimes multidisciplinary teams can be consulted in terms of potentially charging a case, trying to develop insight, for example, into a victim's response to trauma that the advocacy community may certainly be able to assist with. Or coming to understand better the medical evidence that's involved and medical professionals, or in cases of homicides a medical examiner, may be able to provide invaluable insight into these findings. Law enforcement professionals with their wealth of experience in investigations and the intelligence they've developed having to do with offender behavior and offender conduct can also provide this kind of information. And when we look at the elements of a crime and we look at the complexity of all of the crimes, especially crimes of sexual violence and very frequently homicide, it really does take all of these valuable inputs from other experts to do justice to the case and to try to bring justice to the community and certainly to victims.

**Chris Williams** [00:13:07] There's definitely a lot of key players or stakeholders, if you will, at the table here. Would you mind talking a little bit about how a multidisciplinary team plays into the concept of conviction integrity?

**Patricia Powers** [00:13:19] Well, I think it really begins with a prosecutor availing themselves of the insight and the expertise of other individuals who are in a position to help prosecutors understand the significance of the evidence or perhaps even the significance of evidence not being found. And so it's developing expertise and insight into all of the evidence that law enforcement is able to identify and develop. And then speaking with other experts about it, that, first of all, it really does assist a prosecutor in making effective charging decisions. And there may be co-occurring crimes. There may be other crimes beyond a sexual assault. There may be stalking, for example. There could be a home invasion also involved in that. And so really being able to understand the crime, to bring expertise to all aspects of that crime, it's so important for a prosecutor to have. Now, after charging is reached and the case is advanced, the case may go to trial. If it does go to trial, then certainly the testimony of experts is going to be very important so we can now communicate the importance of this evidence and the insight of experts to a jury in a way that they can understand so that they're able to make fair and just decisions for all concerned.

**Chris Williams** [00:14:48] Building a little bit on that multidisciplinary team, multidisciplinary approach conversation, how important do you believe a formal case review process is?

**Patricia Powers** [00:14:57] I think it can be a very important undertaking, and having a formal case review, I think it's an excellent idea because it's something that we want to encourage teams to do with frequency. It's not just a one-time event, but it really should be a building process where professionals get to know each other, where they learn more, not only about the professional expertise of others, but really about their own expertise. And when teams meet with frequency, they're also able to avail themselves of cross training, which can be very important and enriching for all professionals, as well as other regional, state, and national training that's being offered. I think a great example of this is the Conviction Integrity Series, which has taken a look at a number of different areas of forensic expertise in the general context of case review, reaching charging decisions, and advancing cases to verdict and judgment.

**Chris Williams** [00:16:03] So Patti, you're talking about the case review process. Can you elaborate a little bit on what exactly a case review meeting or reoccurring meeting would consist of?

**Patricia Powers** [00:16:13] First of all, it depends upon what the goal of the group is. I know that there are some multi-disciplinary teams that will review cases that have already been closed, and part of the features of their analysis is going to be how things worked, whether the result was a fair and just result, if there were any issues that came up that perhaps could have been met more effectively. Now that's a team that's going to be looking at a case that's already completed, and sometimes they'll look at a number of cases that have already been completed. Some teams may want to be convened to discuss and to provide insight to a prosecutor who is considering charges in a particular area. So really, it depends upon the nature of the group and what their specific goals are in those meetings. But both of those are certainly important, and I really want to emphasize how valuable it is to learn from the expertise of others. And amazingly, you can look at your own area of expertise and learn even more by applying the knowledge that you obtained from other people. So it really is a great process, and very frequently those working relationships on multidisciplinary teams may help prosecutors to identify, with the assistance of the people on the team, some other experts who could potentially review evidence and to testify at trial. So it really is a process that is enriching and also important to the work that prosecutors and investigators are doing.

**Chris Williams** [00:17:55] That makes perfect sense. You referenced earlier the Enhancing Conviction Integrity through Forensics resource series. I've had the pleasure of working with you on the delivery of many of those resources over the last several years. Can you explain how agencies can use these resources?

**Patricia Powers** [00:18:11] I love that question, Chris. It's great because it gives us the opportunity to talk about the work that a number of professionals have done in this area. When we first began, we were talking basically about taking a look at the crime scene and going all the way to the courtroom and how that evidence develops, how experts view it, and how it's presented at trial. We have a number of webinars in that regard. We have several webinars talking about DNA technology and the amazing advancements and how those advancements have allowed investigators and prosecutors to hold offenders accountable when there had not previously been an identification or a known identity for those offenders. We're learning so much more about DNA and really the capacity of labs to do work that they were not able to do many years ago, but now can do and do very effectively. It really has opened up a new horizon for prosecutors and investigators. But with the promise of that new technology also comes the responsibility, and the responsibility is again to learn from experts so that we know what this technology is and we know what it can do. And oftentimes, consulting with experts in an investigation, we'll talk about certain evidence and discuss with the expert whether there's a potential of identifying a DNA profile, for example. And so we can really learn more about the evidence that we have when we consult with experts. There are many outstanding webinars in this series. I've had the privilege of presenting with other persons some of those webinars, and I really want to mention that we've had consistently great participation from prosecutors and law enforcement, advocacy and medical professionals and crime laboratory personnel who have carved time out of their day to be part of these webinars, which we've also very much appreciated.

**Chris Williams** [00:20:14] Thank you, Patti. Yeah, those webinars are definitely impactful and beneficial, but thinking about additional resources, we also conducted two virtual regional trainings through the Enhancing Conviction Integrity through Forensic Series. Can you go a little bit in-depth about those two virtual events and what they talked about and what folks can learn from those events?

**Patricia Powers** [00:20:38] Sure, Chris. And really that's another great resource that we can offer to practitioners. And when I look back at the first regional training that we did, we featured experts presenting in the area of ballistics, fingerprints, blood pattern evidence, and DNA technology. At regional, it was a great opportunity for these experts as well as the colleague and I from AEquitas representing prosecutors to talk about the amazing advances in this technology. And we had great questions from participants as well. They were able to take information that they had gained from the expertise of others to utilize them on cases that they were actively working. So that was a very exciting part of that regional training. At our last regional training last year, we were able to draw from a number of webinars that had already been presented to have a mock case review with representatives from the advocacy community, prosecution, and investigator and really show participants what this looks like, bringing the benefits of expertise to the questions that were asked. So I thought that was another great example of what multidisciplinary teams aspire to. And one of the presentations that we did had to do with prosecutors working with advocates and how important it is to ensure that there is cross training that also involves the ethical responsibilities of a prosecutor. And we spoke at length about Brady disclosures that must be made. For example, a systems-based advocate becomes aware of information, that information is brought to the attention of the prosecutor, who in turn will ensure that that information is provided directly to the defense. And so looking at that second regional, I think we really expanded upon the others and really tried to bring to fruition and show through this interaction how important this conversation is and how much better we can approach our professional work with this kind of communication with other experts.

**Chris Williams** [00:22:50] Very glad you referenced the presentation, talking through the relationship that prosecutors have with advocates because that actually teases the next episode in the podcast series that we'll be hosting with Amy Durall from the International Association of Chiefs of Police, who you worked with on that presentation. That was a very impactful presentation. So it's safe to say that the concept of conviction integrity is very much a thorough process from start to finish throughout the crime occurring and then also potentially a judicial process. There's many practitioners involved throughout that process. Is that accurate?

**Patricia Powers** [00:23:28] It is, and it's primarily the responsibility of the prosecutor. The prosecutor serves the public and has the responsibility, and it's a- it's a very important responsibility, of ensuring a fair trial for the person accused of the crime. There's actually case law that refers to prosecutors as being the quasi-judicial officer of the court. So it is an extremely important responsibility. And prosecutors will work closely with investigators and advocates to ensure that they have an understanding of the ethical considerations that prosecutors adhere to so that they can consider that in their work, too. So prosecution is perhaps one of the highest callings at law, but with it comes a responsibility that I'll tell you, Chris, prosecutors around the country very proudly adhere to this responsibility and take seriously their opportunity to advance justice for the accused, for victims, and for their communities.

**Chris Williams** [00:24:32] Absolutely. I just want to reiterate, all with the goal of making sure that the integrity of the conviction is what's upheld throughout the whole process. What an important topic to discuss today so I appreciate you diving into that for us. We're running near the end of our time together. Are there any final thoughts you'd like to share with our listeners before we wrap up today's episode?

**Patricia Powers** [00:24:53] Well, I just want to thank everyone that may have the opportunity to hear this podcast. For the vitally important work you're doing as multidisciplinary professionals. There is so much work, very great work, that's being done every day. And I just want to assure everyone that those of us who work with this project and other persons around the country very much appreciate the outstanding work. We'd be honored to support your efforts in any way if you could be in contact with us.

**Chris Williams** [00:25:26] Thank you, Patti. I really want to reiterate my appreciation for you sitting down with Just Science to discuss the value and impact of conviction integrity. It's been an absolute pleasure chatting with you today. Thank you.

**Patricia Powers** [00:25:38] Thank you, Chris. It's always great talking with you about these important subjects.

**Chris Williams** [00:25:42] If you enjoyed today's conversation, be sure to like and follow Just Science on your podcast platform of choice. For more information on today's topic and resources in the forensic field, visit [SAKITTA.org](http://SAKITTA.org). I'm Chris Williams, and this has been another episode of Just Science.

**Voiceover** [00:26:01] Next week, Just Science sits down with Amy Durall from the International Association of Chiefs of Police to discuss the critical role that advocacy plays in the justice system. This project was supported by Grant No. 2019-MU-BX-K011 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.