

Just the Law Enforcement Perspective on Conviction Integrity

Introduction [00:00:05] Now this is 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 three of our Enhancing Conviction Integrity through Forensics mini season, Just Science sat down with Jim Markey, a Senior Research Public Health Analyst with RTI International, to discuss the critical role of law enforcement in maintaining the integrity of a conviction. Law enforcement officers are oftentimes the gatekeepers of information on any given case, including details about the crime, the status of evidence being tested, and even whereabouts of a suspect or victim. Working alongside their allied professionals, officers certainly bring an important perspective to the process. Listen along as Jim Markey dives deep into the details of a law enforcement officer's relationship with attorneys, clearance rates, and how agencies can enhance their relationship with the community. This episode is funded by the Bureau of Justice Assistance. Here's your host, Chris Williams.

Chris Williams [00:01:15] Hello and welcome to Just Science. I'm your host, Chris Williams. Welcome to everyone listening in. This is the third episode of our four-part series supporting Enhancing Conviction Integrity through Forensics funded by the Bureau of Justice Assistance. Today, our guest is retired Sergeant Jim Markey, a Senior Research Public Health Analyst with RTI International. Welcome, Jim. It's great to have you on.

Jim Markey [00:01:36] Thanks, Chris. Great to be here. Thanks for the invitation.

Chris Williams [00:01:39] Of course. Of course. Excited to talk with you more today. Can you tell me a little bit about your background in law enforcement?

Jim Markey [00:01:45] It's kind of a long and storied career, I guess, Chris. Started back in 1980, joined the Phoenix Police Department, kind of moved through the different details, ranks, did 30 years. Ended up my last half of my career as a supervisor overseeing the sexual assault unit for our department, which was probably the most rewarding and the most challenging job on the department. During that time, we developed a cold case team within Phoenix PD. We developed trainings. I did the math one time and the number of - which is really kind of sad - the number of cases that we, that we oversaw in my 12, 13 years in the unit was about 7,000 rapes, and I still think about that number today that how many assaults occur daily, monthly, yearly, and it's pretty overwhelming. And then, you know, having the resources to try to resolve those cases and make sure that offenders are held accountable and that we're serving our victims the best we can.

Chris Williams [00:02:46] Totally understand. I think that's a fantastic perspective to have, you know, putting the victims first. What prompted you to make this shift to your current role at RTI International?

Jim Markey [00:02:56] I retired and started my own consulting, training, and technical assistance LLC, where I was traveling around the country providing training for sexual assault, violence against women to agencies, rural, urban agencies, working with a lot of the federal Department of Justice, including BJA Bureau of Justice Assistance, NIJ National Institute of Justice, OVC, OVW, working with a lot of those. So really, really enjoying and kind of picking and choosing the work that I did, when I worked because, you

know, considering I was retired. And then SAKI kind of came along. I was involved in some of the early pre-SAKI work that was done in Detroit and Houston, and then in 2015, SAKI came along, RTI was the training and technical assistance provider for that grant. So I worked as a consultant for RTI for about four years and then primary investigators that worked and managed the SAKI-TTA project had asked me if I was interested in working with RTI full-time, not just on SAKI, but now I'm involved in several other really, really cool projects in the area of law enforcement. And then still my wheelhouse is still sexual assault investigations, cold cases, those types of things that I still get, I still enjoy and can still get involved. But it's been a good, it's been a very rewarding and a very good experience.

Chris Williams [00:04:23] I couldn't agree more with you, Jim. You mentioned SAKI, the Sexual Assault Kit Initiative. I know that for me that's been one of the most rewarding projects that I've had the pleasure of working on at RTI. And you mentioned you've- you've found a lot of reward in the work that you're doing, too, but if you could pick one specific thing or one project or one engagement that you're working on at RTI, what would you view as personally the most rewarding part of what you do?

Jim Markey [00:04:47] I would go back to the Sexual Assault Kit Initiative, SAKI, and the support we give to the sites, these grantees. And if you're- you're aware of the SAKI project, it really addresses the untested rape kits and unsubmitted that we've seen across the country with different jurisdictions. And it's more- the approach that we're taking with BJA is more of a holistic sexual assault, really, response reform. So it's not just we're going to test the kits, but we're also going to implement strategies and protocols and practices that are going to improve a community or an agency's response. And we've seen some of these agencies - and I know, Chris, you've been a part of several of them as well - come in and they're struggling. You know, they're struggling with resources, they're struggling with the investigation. They're struggling with community and victim engagement. And then SAKI supports being able to implement changes. I can think of several communities in one particular jurisdiction where when we first visited them or they first came into the project and we did a site visit, they were struggling with how to investigate cases. They were using some of the old, "old school" I call it, practices of investigation, and they were having community engagement issues, victims and survivors that were not being supported. And we watched this jurisdiction embrace the SAKI mission, the SAKI goals, and start to implement things not just in the community but within their own organization, developing practices and protocols that created a foundation for solid investigation, for supporting victims, for identifying offenders and holding them accountable and prosecuting. They developed training. They saw a need within their own agency and surrounding agencies, so they developed, released some great sexual assault training for understanding trauma, being victim-centered, just basics of investigations and how to conduct a solid sexual assault investigation, how to interview people, how to follow up. What is DNA? What does technology do for us, and how that plays a role in the investigation. So seeing these agencies that really struggled with this issue come in to SAKI and really we plant the seed and then they kind of grow and bloom and it's really, really rewarding to see that.

Chris Williams [00:07:06] I personally couldn't agree more. I think one of the key factors in this response reform process, because it's a process, it might be at times a slow-moving process, but thinking about a community response or a practitioner response when you're implementing change like that, it's a team effort, truly. And I wanted to get your thoughts and just generally what your viewpoint is on what does multidisciplinary team mean in the context specifically of sexual assault response reform?

Jim Markey [00:07:36] You hit the nail on the head, Chris. You talked about this really is a team effort. And I was part of law enforcement in particular, you know, we tended to work in silos, right. So we were very protective of information. We were very protective of our protocols and policies and how we operationally work. And we were very uncomfortable with sharing information, talking to our partners, you know, working as a team, even though we were very dependent on prosecution, on our crime lab personnel, and on our advocate, because they play, we now realize what a key role they play. So understanding that, first of all, we don't carry this torch alone or we shouldn't be carrying this torch alone when it comes to addressing sexual assault and sexual violence in our community. We are just a part of the process that I think we have begun to realize over the years that we really rely on ensuring that our survivors and our victims that are able to come forward and report to us, that are provided support, that are- that are given the resources they need because really, law enforcement, you know, we focus on the investigation and sometimes are so driven to "we need to make an arrest, we need to get a conviction" that a lot of the other aspects of an approach to investigating and to responding to sexual assault, we miss or we have missed. And I think we're getting better at bringing our partners in, sharing information when we can, when we could share information, understanding each other's roles on this team, meeting regularly. Communication, I mean, I think that's the big key. I mean, our whole lives are based on being able to communicate, whether it's personal or professional or in our community, and think about your relationship with people that are close to you. It's all about communicating and being effective with that communication. And so I think that's where the strength of these multidisciplinary teams come into play, is the fact that we are now communicating, we understand each other's roles, we can still share information, but we stay in our lanes to some degree and we're able to provide what I like to call like the seamless service for the survivors that come to report. I think there's procedural justice, even though a lot of these cases don't get prosecuted, or arrests don't get made because they're very difficult, I think procedurally, if we as professionals in each one of our disciplines perform to the highest expectation, are trained, knowledgeable, skilled, I think we can bring some sort of closure or satisfaction to the survivors that we're serving, and understanding that we're- we don't have ownership of these cases. We have- we have the stewardship of them. So we really need to ensure that these cases within our abilities investigated the best we can.

Chris Williams [00:10:29] You raise a lot of great points there, Jim, with- with what you're saying. Thinking a little more specifically about the topic for today, the law enforcement role as part of the bigger conviction integrity picture. One of the things that I love that you just mentioned was differentiating between roles but also staying in your lane, also information sharing, and just collaborating in general. So can you talk a little bit more about what specific expectations there are from law enforcement involved in the multidisciplinary team bigger picture?

Jim Markey [00:11:01] Yeah. You know, it's interesting, some of these multidisciplinary teams are, you know, directed by law enforcement. So they actually bring the partners together, right. And when we talk about multidisciplinary team, we talk about meeting regularly, have standards of what you're going to do, agendas for the meetings, things you're going to discuss. Identifying really what are the gaps and what are the challenges in responding to sexual assault cases or sexual violence. And the other thing that I think is really key, and it's been interesting for law enforcement in these discussions with the other team members, is to getting input about how we operate, how we investigate, steps we take in these cases to try to resolve them and maybe there- it hasn't been the best in the past. Maybe we've been making decisions that doesn't align with the best practices or may not be as victim-centered or trauma-informed, but I think we're learning, which is really

exciting to see us in law enforcement progress to where we know more than what we did ten, 15, 20 years ago about sexual assault, about the dynamics of offenders and how they choose victims, about victims and the trauma and the neurobiology of what actually happens to them during these cases. Understanding what that looks like in an investigation, but I also think it's really important that this team provides accountability for each one of these disciplines. Right. And that's sort of a check and balance. So we kind of have this esprit de corps that we're- we're looking at each other, ensuring that each of us on this team where there's prosecution, advocacy, crime lab, investigation are following best practices, promising practices, are employing strategies and approaches that support the victim and provide resources, as well as developing stronger cases that we can see more investigations move through the criminal justice system, through the prosecutor's office. We also learn from each other. And I think it's really important that these teams understand that it's not just about getting together, you know, and maybe doing a case review or talking about things, but really understanding each other's role, supporting each other. There's always strength in numbers, and this is really a sometimes a hot topic in these communities about how we respond to sexual assault and sexual violence. And I think as a team, whether it's a multidisciplinary team, whatever you want to call it, the sexual assault response team, a SART, I really think it's important that these team members are on the same page, right, so we're giving the same message about how we're working together in these cases, in the investigations, using the most recent tools, honestly, trying to prevent sexual assault, trying to use these strategies as crime prevention strategies as well.

Chris Williams [00:13:56] I love the way that you said that, you know, thinking about changing practices and potentially preventing activity in the future. You've painted a great picture so far just about how a multidisciplinary team is structured, what the makeup looks like, and also provided a pretty good segue way for my next question talking about reviewing cases. Do multidisciplinary teams often review individual cases as a group? I mean, we've talked about the team perspective and differing roles and things like that, and with conviction integrity, right, we're talking about making sure things are done the right way the first time, right, and avoiding problems and things like that. So can you just talk about the multidisciplinary team role or the objectives there for reviewing individual cases as a group?

Jim Markey [00:14:42] Chris, you really made a great point about how do we make sure it's done right from the very beginning, you know, the first time. And really for me, for law enforcement involvement in conviction integrity, ensuring that the right individual is being held accountable for actions that they committed. And honestly, law enforcement is part of the prosecutorial team. So they play a key role really in ensuring that the integrity of that investigation holds up in court. And how do they do that? Well, it starts early on. Right, it starts with the initial response to these cases, the decisions we make, the tools, the strategies and approaches that we use, ensuring that those are the best promising practices, that those are fair, that they're ethically correct, that they follow the legal requirements for us in these investigations. So when we bring a case to review, I think that's one of the really key advantages that upstream to the conviction integrity, which I would consider downstream as these cases move through the system, but I think it provides an opportunity upstream for the team to start assessing how these cases were investigated, what gaps or challenges maybe law enforcement faced. I don't like to think of a second guess of decisions that were made, but that's what happens in court. That's what happens downstream with these cases but ensuring that law enforcement is within their legal boundaries, that they're using practices that are ethically and professionally vetted and the right practices. And we don't have all the answers. We don't have all the

information sometimes in these cases. And so we rely on other experts to create a- kind of provide us and give us guidance so the next case that comes in, the next investigation, we can apply some of this knowledge that we gain on these future cases. And, you know, law enforcement, when they bring the case to the team, depending on where that case is, what the purpose of the review is - is it for the prosecution? Is it for determining declination, is it determining if there's additional information that's needed? Law enforcement should have- that investigator should have the master knowledge of everything that's occurred in that case, right - all the activity that has been completed, what methods they've used. We were even asked by defense about crime lab processes, which, you know, we're not experts on, but we need to have a working knowledge of how evidence is processed, how we submit it to the crime lab, why we made those decisions about certain items to be submitted or not submitted. And so prosecutors are looking for that information where they're determining the status of a case and how they can move this forward and how they can ensure that upstream those decisions that were made are not going to be negatively impacting the case as they move it through prosecution and beyond.

Chris Williams [00:17:41] Jim, you mentioned law enforcement bringing the case to the table for the team to discuss, having master knowledge of a case. Are there any other points you wanted to bring up specifically about the law enforcement officer's role during a case review session?

Jim Markey [00:17:55] Well, first of all, there's some really good trainings out there, some really good information about what should an MDT or SART team do when it comes to case review, and there's a lot of different approaches that jurisdictions are using. Law enforcement, you know, we come from a very structured environment, a very structured organization. Right? We've got chain of command, we've got operational guides, we've got the Constitution that we follow with law. So I think we do think in a very organized fashion about our investigation and how we investigate those and organize those cases. So having that detective or whoever the case agent bring that case to the MDT should understand and have every bit of information to that point organized in the case file so that, so the members of the MDT can assess the status of the case, the progress of the case, the future needs of what may be wanted to be completed, and that would include additional testing of evidence from the lab, working with the survivor and the victim on the impact of if this case or when this case goes to prosecution and making sure that they have the support they need if they want to move that case forward. So, you know, a lot of times we don't have all the answers, law enforcement. And so sometimes we bring a case to the MDT and we're looking for additional guidance from the prosecution, additional input from maybe our advocate partners about the survivor and the victim in the case. And then focusing on the offender. We should have master knowledge about this individual, their background, their history, the type of approach or strategy they used in committing this offense because we know how, we're getting smarter and smarter with offenders, how they're involved in many, many more cases than we're usually aware of, the serial nature of how they offend, how they target individuals, and kind of get in the weeds here a little bit with kind of breaking down the investigation and who's involved in the investigation. And one of the things that we've done, you know, the foundation, the core- the core aspects of this investigation, we've laid a good foundation for moving this case forward as well.

Chris Williams [00:20:14] That makes perfect sense to me and it just kind of hits back home to the point of everyone has their own specific role. Everyone has expectations for everyone on the team and truly how to make it all work together for the desired outcome. Everyone's truly on the same page, it sounds like. So I'm going to shift gears a little bit on you. Can you explain what a clearance rate is and why this is an important topic?

Jim Markey [00:20:38] That has come up a lot. There was several news organizations a couple of years back that looked into this in the area of sexual assault and how law enforcement agencies are investigating and then closing cases. So basically, a clearance rate or a clearance is how a law enforcement investigator, agency, or a unit, after they're done with the investigation, how did they resolve that case? How did they come to those conclusions to where they're not going to investigate any further or they're going to move the case to the prosecution for them to review? So the FBI sets the standards for all investigations, not just sexual assault, on how an agency can resolve cases and law enforcement to a greater degree is really assessed on their effectiveness and efficiency sometimes on how they clear their cases, how many arrests did they make in their investigation. When you look at homicides, how many homicides are they investigating? How many are they clearing by arrest? We're judged in law enforcement by that. It's important because for the community, it provides a sense of, is this law enforcement department in my community effective? Are they investigating these cases appropriately? And do they have the resources to do it? It creates confidence in the agency that, hey, look, you know, we had 50 rapes this year and we were able to make arrests in half of those cases. And we're able to clear the other half, half of cases through exceptional means, and that's one - and I kind of throw that term out there - but the FBI has defined a clearance as either by an arrest or by exceptional means, and they have a set of standards and criteria that they use that law enforcement must follow in order for us to credit ourselves, I guess, as that case is resolved. We know there's low clearance rates in sexual assault. I think the national average hovers around the 30 to 40% at best. We know that we are working, striving to have more cases charged and offenders arrested and convicted. So working closely with prosecution in your jurisdiction is really important to try to increase those, I guess, numbers because people look at numbers. I think it also shows the community that we are holding those suspects, those offenders accountable for their actions. And I think that message actually gets into the suspect and offender world and the realization that these agencies view sexual assault response, sexual assault investigation as a priority with their agency resonates with the community. And even though a lot of cases aren't resolved in the manner that we would like to see, that we as an agency, as a department, as part of a multi-agency team, can provide some sort of resolution or justice for the folks that come forward and that we can support them in that manner. So don't judge everything by the clearance rates, I guess, is what I'll say, because there's more than just numbers. There should be for how we, how we respond to sexual assault, what services are we able to provide, what information can we share? What communications are we able to develop? What are some of the other more positive outcomes other than just an arrest and a conviction? And so we're really looking across the country at models to assess how well a law enforcement or a community is investigating these crimes, not just based on their clearance rate, even though it is important, and even though I believe it is part of the accountability that law enforcement is held to when responding to questions about how you're investigating, how you're clearing cases, how you're closing cases.

Chris Williams [00:24:46] I certainly appreciate the deep dive. You touched on this a fair amount, but just wanted to see if you had any extra thoughts on how can agencies or offices truly ensure that the focus is on seeking justice and holding offenders accountable?

Jim Markey [00:25:02] You know, I guess that goes back to what is the culture within your- your agency. And it starts from the police chief or the sheriff. So it starts with leadership on down to, you know, that in- that frontline investigative level or investigative unit level, and how an agency views the investigation of sexual assault - is it a priority? Are they properly resourced and staffed? Are there enough detectives in your unit to manage

the number of cases and the caseloads that are coming in? Are those investigators properly trained? Do they have the information and knowledge and the tools that are needed to investigate these cases because these are complex cases, they're dynamic. In my experience working these cases, there's- there's never two alike. You're dealing with a very personal crime, a very high traumatic or victim's crime, a very planning, opportunistic crime for the suspects. And understanding all those dynamics is really important in order for us to investigate it properly, have the right resources in place to be able to send the message that these suspects are going to be held accountable, that victims are going to be provided some support resolution resources that can provide them, you know, some sort of conclusion maybe for this. And it's very difficult, even for me, you know, to put myself into the shoes or position of the survivor coming forward and the challenges and difficulties involved in just doing that personally, emotionally. It's very difficult, and law enforcement needs to be in a position where they ensure that victims feel not like they're being challenged or questioned, that they're provided a solid, core, victim-centered, and trauma-informed investigation, that these investigators are well-trained and schooled and have the tools they need, and that they have a confidence that these cases are going to be investigated properly and it's not going to be mishandled. We're kind of behind, when it comes with SAKI in the Sexual Assault Kit Initiative, we're kind of behind the eight ball a little bit because that kind of exposed kind of the dark side of law enforcement and how over time, these types of cases have been viewed and investigated and maybe not thoroughly have the resources put towards them to try to resolve them. And so now we're playing catch up, but I think we've learned a lot. And Chris, you've been involved with a lot of the processes, how we're changing the culture, how we're changing these agencies' responses. And I think we're all on the same page that we're trying to seek the best justice we can. And offenders are on notice that in this jurisdiction, this is how we investigate and hold them accountable.

Chris Williams [00:27:54] I'd love to hear some examples from your perspective of how a law enforcement agency can be transparent with their community. You know, you talked through a few points, but can you dive a little bit deeper in that?

Jim Markey [00:28:06] Yeah. And, you know, this is always for law enforcement, this has always been, they've been difficult. I think over the years, part of what we've seen is we need to be better engaged with the community. We wouldn't solve a lot of crimes if it wasn't for community support, community trust in their law enforcement. And how do we develop that trust? How do we ensure that we are communicating clearly with- with our partners, with the community, not just who we work with on a daily basis, but the citizens within our community and the trust that they have that we're, we're doing the right things. We have the resources in place, that we are properly responding to and investigating criminal acts that are reported to us. We're getting better at this. I don't think, first of all, law enforcement doesn't like change and at the same time, law enforcement doesn't like things to stay the same. So we're kind of caught in a catch 22 aspect of how law enforcement is working in the community. I think some of the things that you've already brought up, the multidisciplinary team, having those members that are part of the community, maybe not citizens but advocacy organizations who interact consistently with community members, with citizens, having that team and communicating what the agency can do and is doing, when it comes to law enforcement, I think having certain policies that you can have online that outlines how we respond to crime, how we investigate criminal acts, and in particular, sexual assaults or having, you know, having your sexual assault policy online kind of instills a confidence in the victim, the community, other members that, hey, they're- they're organized. They have this policy and protocol in place that they follow. They're ensuring that cases are being consistently and appropriately investigated, that they're working with

other community members to resolve cases, that when there are high profile incidents or cases that occur, that the members are unified in how they respond and how they communicate with each other. Like I think I mentioned, having the community as an ally helps you solve cases. I mean, there's technology out there. There's forensic technology that we use to identify through video forensics, through social media, through all kinds of other investigative aspects. But honestly, you see some of these high-profile cases, they're resolved by the citizen in the community that supports law enforcement and reports to law enforcement information that is critical in resolving some of these cases.

Chris Williams [00:30:49] Two-part question here: What does the terminology enhancing conviction integrity through forensics mean to you, but also talking a little bit about sustainability and how law enforcement can truly, quote-unquote, "enhance conviction integrity" on a long-term basis?

Jim Markey [00:31:06] First question, enhancing conviction integrity through forensics. I guess when you think of forensics, I think the official definition is evidence or information that can be used in court of law. So it's been through a rigorous review, through the forensic community and through the court process. So I go back to that upstream law enforcement has a role in ensuring that how we're collecting, identifying, obtaining evidence is ethically sound, right? That we've been trained on proper techniques for how we process a crime scene or how we obtain video evidence or how we get information off of, say, cellphones or social media. What sort of legal steps were taken to ensure that we're properly collecting this evidence. When we're at a crime scene in particular, we're not trying to influence which evidence we're going to collect and how we process it, that we're looking at all aspects of the investigation, and that evidence is what evidence is, right? So how we collect it, how we process it to ensure that whatever means we're going to use to try to examine that evidence and potentially use in court is not going to be influenced by "oh, you know, I'm at a scene and I don't think that evidence is important at this point in the investigation, or we believe so-and-so did this and so collecting that evidence isn't really that important." And I think that's a part of maybe investigational failure or influence on our part that really erodes at the integrity of the case as it moves through the process. And so I think upstream really having investigators well-trained and well-versed through our partners, whether it's a crime lab individual providing information to us about how to collect evidence, what evidence they can process in the laboratory, what information they can provide us in the case based on that laboratory examination. And so the term enhancing conviction integrity through forensics for me, for law enforcement really starts at the moment that that crime is reported to police, that a victim is reporting what occurred to them, that crime scene is being located and identified for law enforcement to investigate. So how do we sustain that? How do we ensure that is- I think goes back to training, knowledge, skills, and, you know, we do see a big turnover now in law enforcement and investigations, and it's very difficult. And we build sustainability within our own departments, right, those core foundation operational aspects that we provide for our investigators to ensure that they're completing these investigations in an ethical, professional best practice way. And I think we know it's going to be natural for there's going to be turnover in law enforcement, there's going to be turnover and new investigators coming in so I think it's an ongoing process with law enforcement with their partners to ensure that everybody understands the importance of integrity in convictions and investigations and through the entire justice process.

Chris Williams [00:34:23] Yeah, I totally agree with you, Jim. Some really great points you raised there. Bringing us kind of back full circle, talking about relationships and team

building and that's- that sort of thing, what would you suggest for a district attorney's office that is having challenges or maybe struggles in working with law enforcement agencies?

Jim Markey [00:34:40] Yeah, and that is very common, and we've seen that. Right, we've seen that within the SAKI project. It- sometimes it's, it's the first time that they've got a team together where they've been able to start communicating regularly. I think law enforcement has certain preconceived notions about a district attorney or a prosecutor's office and how they view cases. Prosecutors have sometimes predetermined right or wrong notions about law enforcement and how they investigate and the skills that they may bring to these cases for them to review. But ultimately, part of law enforcement's task is to thoroughly investigate these cases, to identify suspects, and to present or create the case that a prosecutor can charge, can move forward with. Sometimes we don't get to that point, right? Sometimes there's just not enough information, there's just not enough evidence. But it's the effort that we put forth to getting to that point. And I think part of that is the recognizing the roles that the district attorney plays and the role that the investigator plays in these cases, and that is, this is a really important relationship. And it goes back to what we talked about earlier, which is communication. Right. I can remember having phone calls, ad hoc conversations with the prosecutor's office on individual cases and getting frustrated. What I thought was a really good case, they review it and they determine that there's too many gaps, too many questions and not enough information that they can move the case forward. And so a lot of times the investigator is looking at a case and making investigative decisions based on probable cause, which is a lower standard than a district attorney looks at a case. They're going to look at a case through getting conviction beyond a reasonable doubt, which are two different standards. So I think trying to meet those two different investigation and prosecution approaches and strategies is challenging. And so for us in law enforcement, we need to start - I know it's difficult - start thinking like the district attorney, not just are we going to be able to make arrests, but is the case solid? What can we do to make this case more presentable to a district attorney where they can, they can reach their level of beyond a reasonable doubt so they can get a conviction? And that's what they're looking for when they accept cases, plus they have an ethical obligation to not file charges in cases they don't believe they can meet that standard. And there's always going to be doubt. Can we overcome the doubt? What are the challenges in the case? And we have to do this ethically and with integrity, and so communicating on a regular basis, and sometimes it's difficult - new district attorneys come in that might have a different focus for their line prosecutors, new sheriffs or leadership within law enforcement. Police chiefs come in with might have different emphasis on different areas, but how do we work more efficiently with our time? I think setting up regular meetings, ensuring that there's a standard agenda for those meetings, being transparent with how we investigate and prosecute these cases, what the standards are, and I think training each other on a regular basis with some of the mutual topics that we've discussed. So there's a lot of areas that we can share information, we can develop our knowledge based on our information to be able to be more efficient and effective with how we work with each other.

Chris Williams [00:38:17] I really appreciate your insight there, Jim, not only from, you know, what you've seen in your career, but also what you experienced. I mean, I feel like there's no one in my professional experience probably more qualified to talk through it than you, and you've had such a great career in law enforcement and are now seeing it from the other side, perhaps as a technical expert. I really appreciate the conversation today, but we're running near the end of our time together. Do you have any final thoughts you'd like to share before we wrap up the episode?

Jim Markey [00:38:45] Well, first, I just want to thank you for allowing me the opportunity to talk with you, but also putting this information out for others to hopefully gain some information and some knowledge in this area. I would just say those that are involved and have been involved is, is don't give up hope. You're going to be frustrated. You're going to run into black walls, but understand that you're still, you're still a key part of this process, a key part of providing support for the victims, the survivors that come forward and ultimately making our communities safer. You're doing what needs to be done in the area to really ensure that we are providing the best response, the most professional response we can, not only in sexual assault, but other types of crime that we're seeing in our community. So, again, thank you for this opportunity.

Chris Williams [00:39:39] Absolutely, Jim. And thank you for talking with us. You hit the nail on the head - everybody's part of the process and a piece of the bigger puzzle. So I'd like to thank you, Jim, for- for sitting down with Just Science to discuss the law enforcement perspective as part of the larger criminal justice picture. We really appreciate your time today.

Jim Markey [00:39:56] Thanks, Chris.

Chris Williams [00:39:57] 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 on enhancing conviction integrity through forensics, visit SAKITTA.org. That's S-A-K-I-T-T-A dot org. I'm Chris Williams, and this has been another episode of Just Science.

Voiceover [00:40:19] Next week, Just Science sits down with Patti Powers and John Wilkinson, two Attorney Advisors with AEquitas, to discuss the implementation of best practices to establish and maintain the integrity of a case. 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.