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**SALT LAKE COUNTY DISTRICT ATTORNEY OFFICE RESPONSE  
TO PETITION FOR “SPECIAL PROSECUTOR”**

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Salt Lake City, UT—The Office of the Salt Lake County District Attorney (DA’s Office) only just learned that Professor Cassell filed today with the Utah Supreme Court a request to be appointed “special prosecutor” in four Salt Lake County sexual assault cases.

While the DA’s Office was provided late last week an advance look at portions of Professor Cassell’s argument, roughly one-fourth of the document was withheld. The DA’s Office will need additional time to analyze today’s filing.

“The constitutional question raised is intellectually intriguing and warrants our attention,” said Salt Lake County District Attorney Sim Gill. “But for Professor Cassell to bypass all existing avenues for his clients to be heard and have their cases re-considered—including in a face-to-face conversation with my office or by meeting with the Utah Attorney General’s Office—and for him to advocate instead for a remedy that, even if adopted, would likely be available only to victims of wealth. His tactics are as irresponsible as they are self-serving.”

DA Gill continued, “Equally important, Professor Cassell is focused on only one tiny aspect of the very real and systemic problem of under-reporting, under-investigation, and, yes, in some instances under-prosecution of sexual assaults in this country and in this State. That systemic failure to support victims of sexual assault deserves tough conversations and meaningful solutions, not just within the criminal justice system but throughout society. And it certainly deserves far more care and attention than it will receive under these circumstances.”

According to a 2012 article entitled “The ‘Justice Gap’ for Sexual Assault Cases: Future Directions for Research and Reform,” *available at* <https://www.ncbi.nlm.nih.gov/pubmed/22433226> (last visited Oct. 12, 2018), only 5%-20% of sexual assault victims report the crime to law enforcement (*id.* at 147-148). Of reported cases, only 7%-27% result in arrests by law enforcement (*id.* at 150, 156-157). Compare this to an average 44% arrest rate for other violent crimes reported to law enforcement. (*Id.* at 150.) And those numbers are even lower for cases of sexual assault that do not involve strangers, weapons, or physical injury to the victim—e.g., cases of acquaintance rape or victims who are incapacitated by drugs or alcohol. (*Id.* at 152-153.)

Based on 2007 data, one-third of Utah women reported experiencing some kind of sexual assault in their lifetimes, yet only 11.8% of those incidents were reported to police and only 44.3% of the reported incidents resulted in criminal charges. *See* “Rape in Utah 2007: A Survey of Utah Women,” *available at* <https://justice.utah.gov/Documents/Research/SexOffender/RapeinUtah2007.pdf> (last visited Oct. 12, 2018).

The DA’s Office’s numbers are similar to state and federal averages, with case-filing percentages in 2017 and 2018 ranging from 39.5% to 45.5%.

“Do I want our numbers higher than average? Of course I do,” said DA Gill. “Victims of crime, including victims of sexual violence, should have every opportunity to be heard and supported at every stage in the criminal justice process. The question is the best way get there and whether we will all commit to working together toward that goal.”