



## MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City Manager

DATE: July 31, 2020

SUBJECT: Update on Evaluation of Sexual Assault Investigations (Resolution No. 20190131-077)

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The purpose of this memo is to provide an update on Resolution No. [20190131-077](#), which directed the City Manager to undertake a comprehensive evaluation of how reported sexual assaults are investigated and processed, including why a number of reported cases do not proceed to prosecution within the criminal justice system.

### Background

After City Council approved Resolution No. 20190131-077 in January 2019, the City Manager's Office (CMO) worked with the Purchasing Office to develop a draft scope of work, which reflected requirements outlined in the resolution. The contractor will identify necessary improvements and reforms to improve system response for survivors of sexual assaults; review Austin Police Department's (APD) policies, procedures, Unit Standard Operating Procedures, training, staffing and other resources; and conduct interviews of key constituencies, including interviews with personnel in APD's Sex Crimes Unit (SCU).

The contractor will also identify best practices for the SCU regarding the best resourcing, training and support practices, survivor healing, and survivor-centered approaches. In addition, the contractor shall identify any barriers that might exist to implementing these best practices. The overall project will result in presentations to key constituencies and a final report that provides recommendations relevant to the entire life cycle of a sexual assault case reported to the APD and that proposes actions for the implementation of the recommendations.

Through the Request for Information (RFI) process, the scope of work was shared publicly with the community, February 20 through February 27, 2019. Staff engaged the Public Safety Commission and Commission for Women to gain their input on the draft scope of work. Because the focus for this project is highly specialized, the solicitation was launched as a Request for Qualifications (RFQS), April 22, 2019 through May 14, 2019.

In July 2019, an evaluation panel comprised of members from the City Manager’s Office, Equity Office, Office of Police Oversight, Austin Public Health, and Austin-Travis County Emergency Medical Services Department (ATCEMS) identified the team of Police Executive Research Forum (PERF)(prime contractor), the Woman’s Law Project and the Wellesley Center for Women as subcontractors. On September 19, 2019, Council approved the execution of a contract with PERF.

## Progress

### Policy reviews

Since execution of the contract, staff created a timeline for the project spanning over two (2) years, concluding in February 2022. PERF participated in meetings with Council Member Alison Alter, CMO, APD leadership, APD Victim Services Unit, APD Sex Crimes Unit (SCU), Public Safety Commission, Commission for Women and the SAFE Alliance of Austin, November 6 – 8, 2019.

In November 2019, PERF began their extensive review of relevant policies and procedures, both agency-wide and specific to the SCU, and related to the department’s current response to, and investigation of, adult sex crimes. This review includes:

- **Current written policies, protocols, or procedures related to:**
  - Sexual assault investigations
  - Evidence collection, storage, processing, lab policies, and alcohol and drug testing
  - Victim services
  - Report writing and recordkeeping
  - Officer-involved sexual assault
  - Patrol and investigator responsibilities
  - Victim notification
  - Victim confidentiality/privacy
  - Victim interviewing
  - Victim follow-up
  - Any other topics related to the investigation of adult sexual assault including guidance for first responders, investigators, and telecommunications personnel
  - Multi-agency Memorandums of Understanding (MOUs) related to the investigation of sexual assault
  - Selection process and qualifications for those assigned to SCU
  - Procedures for unfounding, exceptionally clearing, and referring sexual assault cases for prosecution

- Overtime use for investigators
  - SCU internal procedures (including, assignment of cases, on-call schedules, recordkeeping, communications with District Attorney, investigation of cases, clearing of cases)
  - Cold cases, or new Combined DNA Index System (CODIS) hits on sexual assault cases that have been closed or open-inactive for many years
  - Digital evidence safeguarding, processing and recovery
- **Training – any internal/external curricula, outlines, instructor manuals, PowerPoint presentations related to:**
    - Academy sexual assault training
    - Patrol in-service sexual assault training
    - Patrol supervisor in-service sexual assault training
    - Detective sexual assault training upon entry to the SCU
    - Re-occurring and roll-call sexual assault training for detectives, including frequency
    - Any specialized sexual assault training received by detectives
    - Any training related to evidence collection
    - Any department-wide sexual assault training
    - Any other relevant training and programming
- **Other relevant documents that currently impact sex crimes investigations:**
    - Organizational charts, specifically of the division including the SCU with a breakdown of the number of investigators, supervisors, leadership, and civilian staff assigned to the unit
    - General staffing information including APD’s shift schedule, the number of patrol bureaus, districts, and the number of patrol officers and investigators/detectives on duty for each shift
    - Any budgets specific to the SCU
    - MOUs (current or from the past 7 years) with the Sexual Assault Response and Resource Team (SARRT) and any other multi-disciplinary teams
    - MOUs with universities and colleges
    - Any written guidance on the coding/classification of cases
    - Any report templates
    - Any documents or other information related to the SCU’s communication with the public (including, community alerts, awareness campaigns)
    - Description of system and community partners

Information gathered during this review will help to inform the case review and future interviews by providing context to the actions taken by APD. For example, the Sex Crimes Operations Manual states that victims are to be contacted within two (2) workdays of the assignment by the lead investigator. During the case review, the PERF team will determine if this requirement, along with other guidelines are being followed by APD personnel.

### Case file reviews

The Resolution directed that the contractor will examine at a minimum either 200 sexual assault cases or fifty percent of sexual assault cases from each year, whichever number is greater, for 2012 through 2018 of sexual assault case reports from adult victims who reported to the Austin Police Department (APD), excluding cases that are being actively investigated or pending in court. Note that a survivor’s choice not to speak to the Contractor, will not preclude that case’s inclusion as part of the review.

In February 2020, PERF randomly selected the case files that would be reviewed per year:

Calendar Year	Cases
2012	240
2013	206
2014	305
2015	260
2016	294
2017	303
2018	321
<b>Total Sample</b>	<b>1,929</b>

Prior to receiving case files from the City, PERF and their case reviewers were required to undergo the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Services (CJIS) clearance. The CJIS clearance process included participating in online training, a fingerprinting process and a criminal background check. Due to the COVID-19 pandemic, CJIS locations throughout the U.S. were temporarily closed this spring, which resulted in a delay receiving clearance. PERF and case reviewers received full CJIS clearance status on May 15, 2020.

APD’s Sex Crimes Unit (SCU) began pulling the 1,929 case files in March; however, due to social distancing and staggered work hours, the process for pulling case files was finished in early June. After consultation with the Law Department, the implementation of a thorough review of each case file was and is currently being performed by Law. Prior to CMO transferring the case files through a CJIS secured method to PERF, Law ensured the case files met specific criteria (e.g., adult victims only; any identified case files with juvenile victims are confidential in its

entirety by State statute) to proceed in the Contractor's review process. PERF randomly selected replacement files for the case files that did not meet the criteria and were excluded from the review. The COVID-19 pandemic affecting onsite operations and the legal review process added additional time to this phase of the project by approximately four (4) months.

## Next Steps

Currently, the Contractor has received case files for 2014 through 2018, and case reviewers have begun their extensive review. The 2012 and 2013 cases are under review by the Law Department, which is anticipated to be complete in August. Though there were circumstances that extended phases of this project, PERF has indicated that the case review process is on schedule and anticipates that work to be completed by May 2021. Upon completion of a portion of the case review, the project team will begin conducting interviews with survivors of sexual assaults, and current and former sworn and civilian staff involved with sexual assault cases. There will also be interviews with local subject matter experts, entities that work directly with sexual assault survivors, the District Attorney's Office, and other materially relevant stakeholders. Staff is scheduling briefings for the Public Safety Commission and the Commission for Women.

Please do not hesitate to contact me or Patricia Bourenane ([Patricia.Bourenane@austintexas.gov](mailto:Patricia.Bourenane@austintexas.gov)) should you have questions or require additional information.

cc: Spencer Cronk, City Manager  
CMO Executive Team  
Chief Brian Manley, Austin Police Chief  
Brion Oaks, Chief Equity Officer  
Farah Muscadin, Police Oversight Director