



MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City Manager 

DATE: August 9, 2022

SUBJECT: **Preliminary Recommendations – Police Executive Research Forum (PERF) Report
Related to APD Sexual Assault Investigation Evaluation**

My [memorandum of June 24, 2022](#) informed of the need to extend the anticipated release of the subject Report to no later than August 30, 2022. As this is after Council's anticipated deliberation to adopt the FY 2023 Budget on or about August 17, 2022, PERF has provided the attached "Financial Considerations from PERF's Review of the Austin Police Department's Handling of Sexual Assault Cases" in advance of the final report at staff's request.

Should you have questions or need more information, please contact Elise Renshaw at elise.renshaw@austintexas.gov.

cc: Spencer Cronk, City Manger
Anne Morgan, Acting City Manger
Chief Joseph Chacon, Austin Police Chief
Ed Van Eenoo, Chief Financial Officer
Kerri Lang, Assistant Director & Budget Officer, Financial Services Department



Financial Considerations from PERF's Review of the Austin Police Department's Handling of Sexual Assault Cases

Overview

In response to the City of Austin's solicitation for a comprehensive evaluation of the Austin Police Department's (APD) response to reported sexual assaults, the Police Executive Research Forum (PERF), in collaboration with Women's Law Project and the Wellesley Centers for Women, conducted a comprehensive assessment of how the APD approaches, processes, and closes sexual assault cases, with a special focus on how victims are treated throughout this process. The team utilized a three-pronged approach for this review, conducting a quantitative analysis of a nine-year sample of sexual assault cases (1,430 total cases), an expert assessment of APD written policies, procedures, and training regarding sexual assault cases, and a qualitative analysis of interviews with key stakeholders both within and outside of APD. **PERF is producing a comprehensive report with extensive findings and recommendations.**

This financial briefing provides the City of Austin and APD with the project team recommendations that are likely to impact the APD and city budget. The findings and financial impacts below are only those that are relevant to the City of Austin's finances. The forthcoming report will have many additional findings and recommendations. The recommendations in the final report focus heavily on the processes of the APD Sex Crimes Unit (SCU).

Findings and Financial Impacts

The project team identified the following findings and financial impacts as potentially relevant as the City of Austin and APD prepare its FY2023 budget.

Yearly Case Review

APD should ask advocacy groups to conduct an annual review of sexual assault cases, similar to the in-depth review of sexual assault case investigations conducted for this study. A similar model has been effectively implemented in Philadelphia for over twenty years. Philadelphia's annual advocate case review serves to assess and improve the police response to sex crimes. Community advocacy groups identify perceived case deficiencies or other errors in investigatory procedures. **The review should focus**

on the thoroughness of investigations, the proper coding of crimes, whether the investigations reached appropriate outcomes, and the elimination of bias.

Following the review of APD cases, the review team should meet with the SCU leadership and supervisors to raise questions, provide feedback, and share their perspective. APD should be prepared to address any data quality issues found in the review, such as fields left blank, improper coding, etc. Particular attention should be paid to unfounded and exceptionally cleared case, and pseudonym cases. In the interest of transparency and building trust with the community, the results of the audit should be shared publicly, without violating victims' privacy or rights.

This yearly review should include the results of the victim surveys described below.

Financial Impact: APD leaders should contract community advocates to conduct an annual case review. APD should contract community advocacy organizations to conduct an annual confidential case review of several hundred randomly selected sexual assault files. The model used in Philadelphia should serve as an example as the City of Austin develops and implements this annual process.

The City of Austin should plan for an annual cost of \$75,000 to \$100,000 for this review.

Dedicated Crime Analyst

The project team discovered a lack of crime analysis capacity in the Sex Crimes Unit (SCU), and the SCU largely did not recognize how crime analysis may be used to improve the unit's work. APD previously had a dedicated crime analyst for the SCU. **SCU does not have the necessary resources to understand the nature of cases, identify problem places or people, link cases, identify trends, prevent future cases of sexual assault, or improve its work through review and accountability.**

Without sufficient crime analysis capacity, each investigator or team works in a silo, and detectives could be working a case related to one being handled by another SCU investigator.

A crime analyst may also be able to identify locations, such as a bars or night clubs, that appear in many reports. This information is valuable to the case detectives and to APD leaders, who may implement other crime reduction and prevention tactics in the identified areas or locations. A crime analyst can also work with SCU on strategic performance measures and monitor the success of the unit.

Financial Impact: SCU needs a dedicated crime analyst to identify patterns and trends, link cases (identify repeat victims, high-rate offenders, repeat locations), identify potential suspects, encourage data-driven practices, and assist with monitoring the implementation of the recommendations in the final report.

APD should budget an annual salary of \$62,400 plus benefits for a full-time senior-level crime analyst with geo-location and telecommunication analytical skills.

Training

Every cadet has traditionally received three hours of sexual assault response training in the academy. This training was not victim-centered or trauma-informed. In late 2019, new cadets and all field training officers began receiving training on victim-centered, trauma-informed responses to sexual assault. All sworn APD personnel should be trained in victim-centered, trauma-informed interviewing and other related techniques, with refresher training given every one to two years.

In June 2021, the project team recommended that APD begin to develop a formalized training program to fully prepare new detectives to investigate felony sexual assault cases. The recommendation specified that the training topics should include victim-centered, trauma-informed interviewing practices, search warrant applications, forensic medical exams, and commonly encountered legal issues. These topics should be taught by subject matter experts. APD has embraced this recommendation and taken steps to develop and implement a comprehensive training program that will better prepare its detectives and supervisors to conduct victim-centered, trauma-informed investigations. APD plans to offer this training beginning in 2023.

APD currently uses online training modules from End Violence Against Women International (EVAWI), a recognized leader in gender-based violence training. But APD should not rely on the EVAWI modules alone to train detectives. Detectives should also attend in-person training, which should be taught by experienced investigators, prosecutors, forensic nurse examiners, crime scene technicians, victim advocates, and other subject matter experts.

APD has in-house experts on sexual assault investigations who have conducted trainings for nationally recognized organizations, including EVAWI, the International Association of Chiefs of Police (IACP), and the U.S. Department of Justice. These experts and the Victim Services Division counselor assigned to the training academy are currently creating a training curriculum for APD staff.

New SCU personnel should be required to complete module 1-4 of EVAWI training, at a minimum, as part of their onboarding process. Detectives should be required to complete these modules before being assigned to investigate a felony case. SCU leaders should then schedule a time to meet with new detectives to discuss the concepts and ensure they are well understood. Supervisors should work with new detectives to establish a plan to successfully complete the law enforcement-related EVAWI modules within 6-9 months of assignment to the unit.

SCU detectives must be permitted to attend in-person training taught by experts on sexual assault investigations and related fields. External training, taught by subject matter experts on a variety of topics related to victim-centered, trauma-informed sexual assault investigations, is essential to staying abreast of national best practices. Local victim advocacy groups are often excellent sources of information on training opportunities that include the perspectives of victims.

All APD members should be trained on the department's policy on responding to sexual assault in a trauma-informed manner. Training on victim-centered, trauma-informed interview techniques should be taught by experts in the field and should include role playing scenarios where recruits and officers are assessed in their application of the techniques learned. The APD academy staff should continue developing training on victim-centered interviewing and investigation techniques, unconscious biases,

and neuro-biological trauma for in-service training that will be taught to all sworn personnel in 2023-2024.

The Training Academy staff should finalize in-service training and training for new detectives and new sergeants on victim-centered, trauma-informed interview and investigation techniques. This victim-centered training will help APD deliver the best police services possible to victims of sexual assault.

APD should make completion of the detective training course a prerequisite to apply for a position in the SCU. Once the Training Academy develops the curriculum for this course and all personnel currently serving in investigative positions have taken it, those potential investigators should be required to take the course before they can apply for a detective position.

New detectives need to attend sexual assault investigation training as soon as possible, as do any other detectives currently in SCU who have not attended the training. APD should utilize their in-house expert to provide this instruction.

The APD has the in-house expertise to develop and train all sworn staff and those professional staff involved in the response to sexual assault in victim-centered and trauma-informed interview and investigation practices.

The training academy should work with the Travis County District Attorney's Office (TCDAO) to train SCU detectives on writing arrest and search warrants, preparing cases for court, the Texas Penal Code, and issues associated with elements of sexual assault crimes, particularly consent and force. This training would be best taught by an ADA who prosecutes sexual assault cases.

Financial Impact: New training will require APD to utilize overtime funds to support the development and roll-out of the curriculum.

The APD should provide funding to support instruction by a TCDAO prosecutor for all detectives and supervisors assigned to SCU. This would require support from the TCDAO and cost approximately \$15,000 annually, assuming roughly ¼ of the prosecutor's time is dedicated to designing and implementing the sexual assault investigation training.

Evidence (Other than Sexual Assault Kits)

Forensic evidence other than sexual assault kits, such as a condoms, underwear, bedsheets, etc., was often collected by APD but not tested. A case should not be declined for prosecution based on a "lack of evidence" when there is evidence available that has not been tested or analyzed and could prove the identity of the suspect or corroborate the allegation.

The project team learned through interviews that some forensic examinations were not conducted due to cost. Although the project team recognizes that the cost of some forensic analysis can be significant, detectives should discuss any concerns with SCU supervisors and the TCDAO to determine how best to proceed. Those discussions and any decisions should be documented.

Financial Impact: SCU detectives should consult with SCU supervisors and the TCDAO to determine how to best proceed in analyzing evidence that may be important to the case. The

project team's review found that only sexual assault kit (SAK) evidence was typically submitted for analysis. If evidentiary items are located that may help to identify (or exonerate) a suspect or corroborate the victim's story, detectives should ensure that the evidence is properly collected, documented, preserved, analyzed, and/or tested before suspending a case based on prosecutorial declination due to "lack of evidence." Any concerns with regards to submitting additional evidence for analysis should be discussed with the SCU supervisor or TCDAO prosecutor.

APD should identify the total amount of untested evidence, determine if forensic analysis of the evidence might help to prove the case, identify a suspect, or corroborate statements, and estimate the cost of having that evidence forensically analyzed.

SCU and VSD Vehicle Needs

The project team identified several resource concerns through interviews with SCU and VSD staff, on-site observations, and review of the investigative case files. Items requiring immediate attention are identified below.

In March 2022, the project team confirmed that there are two SCU detectives assigned to each vehicle. Detectives said that at times they were unable to carry out fundamental duties (e.g., obtain video footage evidence) for lack of an available vehicle. Vehicle availability impacted APD's ability to ensure victims have rides to and from interviews. The lack of an available vehicle should never be a reason for the loss of evidence or the cancellation of an interview.

A Victim Services Division (VSD) Investigative Services Counselor (ISC) team member will often offer to transport the victim to and from SCU for interviews or meetings with detectives. Currently, there is only one vehicle assigned to VSD ISC, and it is shared by 25 counselors.

The lack of vehicle availability for ISC impacts the team's ability to conduct victim home visits and to transport victims to and from interviews. The ISC does not need a vehicle for every counselor, but more than one vehicle is necessary to meet the needs of this important team.

Financial Impact: Each SCU member should have an assigned vehicle. Detectives must be able to quickly respond to crime scenes and interviews with victims or witnesses while working and while on call. This requires each SCU detective to have access to a vehicle. SCU leaders should review current fleet availability, adjust vehicle resources throughout all investigative functions to address immediate needs, and request funding to purchase any additional vehicles needed through the APD budget process.

Additional vehicles should be provided to the VSD ISC. ISC counselors play a crucial role in keeping victims involved in the investigative process. The ISC counselors need vehicles that are readily available to transport victims to interviews and meet with victims at times that are convenient for them. SCU and VSD leaders should first meet and discuss options for storing currently available vehicles in a location readily available for the entire VSD group, including the ISC and Crisis Response Counselor (CRC) members. If this review finds that there are not enough vehicles to meet VSD's needs, APD should provide a minimum of five additional vehicles for ISC use.

The SCU would need nine additional unmarked police vehicles to provide each detective with his or her own police vehicle. In addition, APD may need to purchase a minimum of five additional vehicles for the VSD ISC counselors.

In all, the budget should allow for \$225,000 for the nine police vehicles for SCU and \$100,000 for the five compact sedans for VSD ISC, as well as yearly maintenance allowance for each vehicle.

Body-Worn Camera Tripods

The SCU office is the preferred location to conduct formal victim interviews and witness interviews. This is not always feasible, and detectives may have to conduct the interview at a location more convenient to the victim or witness.

Each detective is assigned a body-worn camera (BWC) that assists them in recording the victim and witness interviews.

The project team observed several of these recorded interviews and identified challenges with audio performance. The BWC should be placed equidistant between the interviewer(s) and the interviewee, on a stationary tripod, and facing the victim for better audio and visual recording. This placement will help to ensure the recording provides the best possible evidence for court.

Financial Impact: The SCU should purchase 20 BWC tripod stands. SCU leaders should ensure these BWC tripod stands are available for immediate use. In addition, detectives must be shown how to use the tripod stand to improve the audio and visual quality of their interviews. SCU detectives need 20 (one per detective assigned to the SCU) BWC tripod stands. Each stand is approximately \$100.

APD will need approximately \$2,000 in funds to purchase 20 stands - one for each detective.

Developing Victim Surveys

The project team believes ongoing victim/survivor feedback will assist the SCU in continuously assessing and improving their victim-centered processes and practices. Continued oversight should include the tracking of process and outcome measures, such as victim satisfaction with the investigative process and case outcomes.

APD can utilize victim surveys to understand how victims felt about their interactions with patrol officers and detectives working their case (e.g., the interview process), as well as their experience with the VSD and services received.

The results will provide APD with real-time feedback, so they can learn from any negative victim experiences and rectify any problems.

Victims can be surveyed using a direct mailing, by distributing business cards with a URL code, by hand-delivering surveys, and by posting the survey on the city website.

The victim should be given the option to remain anonymous, and each response should be reviewed and carefully evaluated by APD management, noting areas for improvement, systemic issues, suggestions, and staff work that may warrant recognition.

Financial Impact: APD should survey sexual assault victims at the conclusion of the investigation. The survey can be distributed to the victims by a number of means, including email, hand delivery, mail, URL code, and more. The victims should be able to remain anonymous if they so choose. Survey results should be reviewed regularly with APD command staff and necessary changes should be made. APD could use its website to publicize survey results and any actions taken in response to those results.

APD should utilize an outside vendor to create and implement a voluntary survey for victims to take when a case is closed or suspended. The company should work with the APD to develop the questions.

The APD should budget \$40,000 - \$50,000 for the design and implementation of this survey.

Victim Transportation Voucher System

APD must serve the needs of the victim by prioritizing the victim's safety, well-being, and wishes. This includes offering flexibility when scheduling meetings with victims, honoring the time of these appointments, and providing any needed transportation assistance.

Financial Impact: APD should evaluate the effectiveness of the City's current transportation voucher system, ensure it is being properly utilized, and that SCU and VSD have adequate funding to provide victims with travel assistance to and from interviews with detectives, counselors, and the TCDAO.

APD should review the City's voucher system to determine the current utilization of this City resource and whether additional funding is required.

Committee to Understand the Feasibility of an Austin Sexual Assault Response Center

The City of Austin should establish a committee to research the feasibility of creating a center similar to the *Philadelphia Sexual Assault Response Center (PSARC)*¹, a private, victim-centered care facility, established to meet the medical and forensic needs of victims of sexual assault. The PSARC is staffed 24/7 by Sexual Assault Nurse Examiners (SANE) and provides examinations for men and women, regardless of whether they report the assault to the police.

The PSARC works with Philadelphia Police Department's (PPD) Special Victim's Unit (SVU), the Philadelphia District Attorney's Office, Women Organized Against Rape (WOAR) and the Philadelphia Sexual Assault Advisory Committee to provide a victim-centered approach to sexual assault.

The facility is located next door to PPD SVU. In addition to SANE exams, the facility provides follow-up care, forensic medical evaluations, and links victims to other support services.

Financial Impact: APD, TCDAO, SARRT, and other advocacy groups should consider the feasibility of establishing a similar facility in Austin. The creation of a sexual assault response center would demonstrate the City of Austin's emphasis on victim services to victims and the community.

¹ <https://sexualmisconduct.temple.edu/resources/community-resources/philadelphia-sexual-assault-response-center>

There will be no financial impact at this time, but this is a consideration for the future.

SCU and VSD Staffing

The project team reviewed current and past SCU case assignments and interviewed staff of both the SCU and VSD regarding workload. The project team is recommending no changes to SCU and VSD staffing until after the implementation of the recommendations in the final report are underway or completed, when there will be a better understanding of staffing needs. Recommended changes include, but are not limited to, eliminating misdemeanors from SCU's workload, responding to the scene or hospital for all sexual assaults when feasible, utilizing VSD to assist in transportation of victims when needed, and conducting interviews at locations more convenient to the victim when requested. After implementing these changes, APD should conduct a workload analysis of both SCU and VSD.

Financial Impact: APD should first implement the recommendations in the final report, then study SCU and VSD staffing needs. Once the recommendations are implemented, a staffing study should be conducted to determine appropriate staffing needs for these units.

Considering the time needed to make the recommended changes, APD may not be prepared to examine staffing needs until the end of calendar year 2023 or into 2024.

There will be no financial impact at this time, but this is a consideration for the future. If a staffing study is needed, the expected cost would be \$75,000.

Implementation

Implementing change will take careful planning and monitoring. Some process and policy changes will require longer-term planning to be successful. APD should form a small working group, comprised of agency leaders and SCU supervisors, to examine and prioritize the recommendations in the final report and the financial considerations discussed in this memo. To implement these recommendations, APD will need a timeline and an action plan for each change.

Financial Impact: APD should form a working group to oversee the implementation of the final recommendations. This working group should include APD subject matter experts, as well as department members who are considered respected "change agents." To be successful, the working group will need significant department support and direct communication with APD leaders.

APD will use in-house resources to form and support the working group as they implement the recommendations. ***Austin should also consider a budget of \$75,000 - \$100,000 for consultants to provide expertise to the working group over the first year of implementation.***