




MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City 

DATE: Manager November 14, 2022

SUBJECT: **Reported Sexual Assault Comprehensive Evaluation - Final Report by Police Executive Research Forum**

This memorandum provides the final report from the Police Executive Research Forum (PERF), *Austin Police Department (APD) Review, Reported Sexual Assault Comprehensive Evaluation*.

In September 2019 the City Manager's Office (CMO) contracted PERF, in conjunction with the Women's Law Project (WLP) and the Wellesley Centers for Women (WCW), to undertake a comprehensive assessment of the way sexual assaults reported to APD are investigated and processed.

PERF sought to understand how APD approaches, processes, and closes sexual assault cases focusing on the victim experience. PERF performed a quantitative analysis of a nine-year sample of sexual assault cases, made an expert assessment of APD written policies, procedures, and training regarding sexual assault cases, and performed a qualitative analysis of interviews with key stakeholders.

The Austin Police Department (APD) Sex Crimes Unit (SCU) has been working closely with PERF since the beginning of the review to ensure a good working relationship and quick exchange of information. APD also renewed its cooperative working agreements with the Austin/Travis County Sexual Assault Response and Resource Team (SARRT), and, under new leadership, is attending the SARRT meetings, bringing new ideas, sharing information, and receiving suggestions in a positive way. This relationship is important to the community and to survivors. Also of note is progress around incorrect clearances discovered from 2012-2018. A review in 2019 discovered one case incorrectly classified as unfounded and in 2020 no cases were found to be incorrectly cleared by exception or incorrectly determined to be unfounded.

As other areas for improvement were identified by PERF, APD immediately made several positive revisions to their policy and procedures to improve outcomes for sexual assault survivors. These changes include an update to policy, more training, new technology and equipment, quicker outreach to survivors for scheduling interviews, and more frequent on scene responses by detectives. APD will carefully review these recommendations in the coming months in an effort to continue making progress in these areas.

For more information or questions, please contact Commander Chris Vallejo at chris.vallejo@austintexas.gov.

cc: Spencer Cronk, City Manager
Chief Joseph Chacon, Austin Police Chief
Anne Morgan, City Attorney

Attachment



Austin Police Department Review Reported Sexual Assault Comprehensive Evaluation

Final Report

November 7, 2022



Executive Summary.....	7
Summary of Findings and Recommendations	7
Section I: Introduction	8
Section II: Project Scope and Methods	8
Section III: An Overview of APD’s Sexual Assault Response	8
Section IV: Detailed Findings on APD’s Sexual Assault Response.....	8
Section V: Investigation Timeline and Case Outcomes.....	12
Section VI: Partnership with the Travis County District Attorney’s Office	14
Section VII: Victim Characteristics	15
Section VIII: Survivor Interviews	17
Section IX: SARRT and SAFE Alliance.....	17
Section X: Training	18
Section XI: APD Resource Needs.....	20
Section XII: Restoring Community Trust	22
Section XIII: General Order and SCU Policy Additions	23
Section XIV: Moving Forward.....	24
Section I: Introduction	26
History: Sexual Assault Response in the City of Austin.....	26
Setting the Stage: Sexual Assault Response Across the Country.....	28
The Project Team	31
Police Executive Research Forum	31
Women’s Law Project	32
Wellesley Centers for Women at Wellesley College.....	32
Section II: Project Scope and Methods	33
Analysis of Sexual Assault Cases Assigned to the Sex Crimes Unit.....	33
Assuring Data Security and Confidentiality.....	34
Project Team, Team Training, Data Coding, and Analysis.....	34
Policy and Procedure Review.....	36
Interviews.....	37
Review of APD Crime, Call for Service, and Arrest Data	38
A Note on Terminology	38
Section III: An Overview of APD’s Sexual Assault Response	40
The City of Austin	40

The Austin Police Department and Crime	40
An Overview of the Response to and Investigation of Sexual Assault	41
Patrol.....	41
Support from the Victim Services Division.....	42
Evidence Collection	42
Investigative Support Counselors	42
The Sex Crimes Unit	42
Working with the District Attorney’s Office	43
Section IV: Detailed Findings on APD’s Sexual Assault Response.....	44
Sex Crimes Reports	44
Response Time	47
Response Time by Priority Level	49
Patrol Response	51
Victim Services Division (VSD).....	51
Victim Services Division Teams	52
Sex Crimes Unit (SCU)	53
SCU Staffing and Work Schedule	53
In-Person Response.....	56
Time from Case Report to Case Assignment to First Contact with the Victim	57
Formal Victim Interviews	58
Attempts to Contact the Victim	60
Victim Services Division’s Contact with the Victim for the Interview.....	61
Delays in Formal Victim Interviews.....	61
Time from Case Report to Formal Victim Interview	62
APD’s Victim-Centered Approach	65
Ensuring a Victim is Comfortable in the Formal Interview	65
Tailoring APD’s Approach to the Victim.....	66
Ensuring the Victim Is Aware of the Available Support Services and Counselors	68
Reinforcing APD’s Victim-Centered Approach.....	68
Suspect Interviews	69
Computerized Criminal History Check	72
Sexual Assault Kits.....	72
Recorded Evidence.....	76

Witness Evidence	77
Other Evidence Collected.....	79
Section V: Investigation Timeline and Case Outcomes.....	81
Investigation Timeline.....	81
Documentation of Investigation by SCU Supervisors	81
Case Closures	82
Cleared by Exceptional Means.....	83
Unfounded Cases	85
Suspended.....	86
Arrests.....	88
Clearing Cases by Arrest.....	89
Pseudonym Misuse	89
Section VI: Partnership with the Travis County District Attorney’s Office	92
Staffing Cases	92
Documenting Prosecutorial Declinations	93
Downstream Orientation – “Weeding Out Cases”	94
Examples of a Downstream Orientation.....	95
Section VII: Victim Characteristics	97
Sex/Race.....	97
Special Populations	99
Case Details.....	100
Case Outcomes	102
Involvement of Intoxicating Substances (Alcohol and/or Drugs) in the Incident.....	105
Victim Relationship to Suspect	107
Section VIII: Survivor Interviews	109
Seeking Volunteer Survivor Participants	109
Victim-Detective Interaction	110
Reassigning Cases.....	110
Evidence	111
Predisposition.....	112
General Comments	112
Section IX: SARRT and SAFE Alliance.....	114
Austin/Travis County Sexual Assault Response and Resource Team	114

Monthly Meetings.....	114
SAFE Alliance	115
Section X: Training	116
Cadet Training	116
Curriculum Review Committee	116
In-Service Training	117
Detective Training.....	117
SCU Detective Training Prior to 2021	118
Recent Training Improvements.....	118
Training Guide	118
EVAWI Training Modules	119
Additional Training.....	119
Detective Training.....	119
Field Training Detectives.....	120
Training Video Library	121
VSD Counselor at the Academy	121
Sergeant Training	121
Cold Case Training.....	122
Coding and Crime Classification Training.....	122
Legal Training	124
Gender and Implicit Bias Training.....	124
Implicit Bias	125
Section XI: APD Resource Needs.....	127
SCU's Assigned Cases and Workload	127
Detective Career Path and Selection	130
SCU Sergeant Selection	131
VSD Staffing.....	132
Dedicated Crime Analyst.....	133
Detective Wellness.....	134
Resources	136
Police Vehicles.....	136
Investigative Support Counselor Vehicles.....	136
Laptops.....	136

Body-Worn Camera Tripods.....	136
Section XII: Restoring Community Trust	138
Implementing Recommendations and Continued Monitoring.....	138
Community Outreach	139
Transparency through Regular Reports.....	139
Victim Survey.....	140
Yearly Advocate Case Review	140
Section XIII: General Order and SCU Policy Additions	142
APD General Orders, Section 420: Sexual Assault	142
Sex Crimes Unit Standard Operating Procedures and Operational Manual.....	142
Other Policy Considerations.....	145
Section XIV: Implementation Considerations	146
Working Group.....	146
Committee to Understand the Feasibility of an Austin Sexual Assault Response Center	146
Conclusion.....	148
Appendix A: Data Captured from Investigative Files	151
Appendix B: Survivor Interview Protocol	161
Appendix C: Survivor Interview Flyer (English)	172
Appendix D: Survivor Interview Flyer (Spanish).....	173
Appendix E: Sexual Assault Report Review Checklist	174
Appendix F: Financial Considerations from PERF’s Review of the Austin Police Department’s Handling of Sexual Assault Cases	175
Overview	175
Findings and Financial Impacts	175
Yearly Case Review	175
Dedicated Crime Analyst.....	176
Training	177
Evidence (Other than Sexual Assault Kits)	178
SCU and VSD Vehicle Needs.....	179
Body-Worn Camera Tripods.....	180
Developing Victim Surveys.....	180
Victim Transportation Voucher System	181
Committee to Understand the Feasibility of an Austin Sexual Assault Response Center	181

SCU and VSD Staffing 182

Implementation 182

Executive Summary

Executive Summary

The Austin Police Department's (APD) Sex Crimes Unit (SCU) has experienced numerous challenges in the last decade, including systemic issues in its laboratory practices that became public in 2016 and the improper closure of cases that did not result in arrests.^{1, 2} The withdrawal of APD and the Travis County District Attorney's Office (TCDAO) from the Austin/Travis County Sexual Assault Response and Resource Team (SARRT) led to a breakdown of "collaboration between survivors, advocates, and law enforcement."³

In response, in September 2019 the City of Austin's City Manager's Office (CMO) commissioned the Police Executive Research Forum (PERF), in conjunction with the Women's Law Project (WLP) and the Wellesley Centers for Women (WCW), to undertake a comprehensive assessment of the way sexual assaults reported to APD are investigated and processed.⁴

The project team sought to fully understand how APD approaches, processes, and closes sexual assault cases, with a special focus on how a victim is treated within this process. The team utilized a three-pronged approach to conduct this review, including:

- a quantitative analysis of a nine-year sample of sexual assault 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.

Summary of Findings and Recommendations

This publication reflects the findings of the project team's comprehensive evaluation of sexual assaults reported to APD from 2012 to 2020. Overall, the project team found that APD made substantial progress in several areas during the review period, including a clear shift toward the prompt testing of sexual assault kits and the proper use of unfounded and exceptional clearance designations.⁵ However, as of the end of the review period in 2020, APD still needed to improve several key aspects of its response to sexual assault reports. As detailed below, for example, SCU policy does not require detectives to respond to the scene of the incident or hospital in most cases, and detectives do so infrequently. And detectives' interviews with victims, suspects, and witnesses are often delayed or fail to occur. In

¹ Bernice Yeung, "Rape suspects walk free. Victims don't get justice. And police get to count it as a success", *Reveal News*, November 15, 2018, <https://revealnews.org/article/rape-suspects-walk-free-victims-dont-get-justice-and-police-get-to-count-it-as-a-success/>.

² "The implosion of Austin's crime lab: A timeline", *Austin Monitor*, September 18, 2017, <https://www.austinmonitor.com/stories/2017/09/the-implosion-of-austins-crime-lab-a-timeline/>.

³ Sarah Marloff, Austin's Sexual Assault Controversies Roil the District Attorney's Race: Margaret Moore's controversial handling of rape cases brings opponents to the race", *The Austin Chronicle*, February 7, 2020, <https://www.austinchronicle.com/news/2020-02-07/austins-sexual-assault-controversies-roil-the-district-attorneys-race/>.

⁴ Mark Wilson, "Austin council OKs outside review of sex assault cases", *Austin American-Statesman*, January 31, 2019, <https://www.statesman.com/story/news/local/flash-briefing/2019/01/31/austin-city-council-oks-outside-review-of-police-work-in-sex-assault-cases/6136220007/>.

⁵ See Section V: *Investigation Timeline and Case Outcomes* for more information about unfounded and exceptional clearance designations.

Executive Summary

addition to the need to update antiquated sexual assault policies, APD officers, detectives, and supervisors tasked with responding to sexual assaults are insufficiently trained to do so.

The report begins by detailing APD's process for handling sexual assault cases, from the initial call up to the point when the Travis County District Attorney's Office's (TCDAO) decides whether the case will be prosecuted. The report also delves into APD's approach to sex crimes, victim characteristics, policies, training, resources, efforts to restore community trust, and other topics. Each section provides details on findings from the project team's analyses, discusses best practices, and offers recommendations for addressing identified issues. This executive summary is a brief overview of the substantive findings and recommendations within each topic area.

Section I: Introduction

Section I provides a broad overview of the recent issues with APD's response to sexual assault, as well as an overview of issues with the police response to sexual assault nationwide, and introduces the project team.

Section II: Project Scope and Methods

Section II outlines the scope of this review and the methods the project team used to conduct its assessment.

Section III: An Overview of APD's Sexual Assault Response

Section III provides a general overview of the city of Austin, the Austin Police Department, and APD's response to sexual assault.

Section IV: Detailed Findings on APD's Sexual Assault Response

Section IV discusses the prevalence and frequency of sex crimes reported to APD, trends in call priority and response time, the quality of the initial patrol response, and the roles of the Sex Crimes Unit (SCU) and the Victim Services Division (VSD) in the response and investigation of these cases. Importantly, this section describes the process of obtaining formal interviews from victims and, when they do occur, their quality. The process of collecting additional evidence — including suspect interviews, computerized criminal history checks, sexual assault kits, video evidence, witness interviews, and other forensic evidence — is also detailed.

Key Findings

- There were 12,235 reported sex crimes from 2012 to 2020. **There was a sharp decline in reported sex crimes from 2017 to 2018, with 1,774 reports in 2017 and 901 reports in 2018.** There was a more gradual decline from 2018 to 2020.
- The project team found that **a majority of time patrol officers' reports of sexual assault complaints provided accurate and essential information to begin the investigation.**
- **Compared to other large police agencies across the country, APD Victim Services Division, comprised of non-sworn counselors, sets the standard as a best practice in responding to and supporting victims and survivors of sexual assault.**

Executive Summary

- **Detectives arrived at the scene or hospital in only 17% of the sexual assault cases reviewed.** The proportion of cases receiving an on-scene detective response decreased from a high of 27.4% of cases in 2013 to a low of 12.4% of cases in 2020.
- **More than three-fifths (63.5%) of sex crime felony reports from 2012–2020 were made *outside* the standard Sex Crimes Unit working hours of Monday through Friday, 6:00 a.m. to 6:00 p.m.** Outside those hours, only two detectives are on call.
- **It took an average of 2.3 days for a report to be assigned to a detective from 2012–2020.** The detective assignment time has varied over the years, from an average low of under two days from 2012–2014 to an average high of 3.9 days in 2015, followed by an average of 2.3 days from 2016–2019, to an increase to an average of 3.2 days in 2020.
- **Generally, sergeants only assign cases during detectives' core hours of 6 a.m. to 6 p.m., Monday through Friday, though reports of sexual assault deemed to be more serious may be assigned immediately on weekends.** A sex crime that occurs on a Friday night may not be assigned until Monday, and, under current policy, the detective assigned still has two working days to attempt contact. In this example, **the victim is likely to wait up to four days or longer to hear from a detective.**
- **In 49% (700) of the 1,430 cases reviewed by the project team, the victim was never formally interviewed by the detective.** Initial interviews were conducted by patrol officers in all cases reviewed. In response to this and other findings in this section, APD stated that victim consent was needed to take the next investigative steps, including formal victim interviews, witness interviews, suspect interviews, and collection of time-sensitive evidence.
- **In the 51% (730) of cases where formal interviews did occur, it took an average of 17 days from the time of the report until the detective met with the victim.**
- **Detectives' first attempt to contact the victim often occurred days after the incident was reported.** If the first call to the victim was not successful, detectives often waited days before making another attempt.
- **In many cases, detectives did not interview witnesses or collect time-sensitive evidence between case assignment and the formal interview.**
- **When a detective responded to the scene or hospital, an average of 8.2 days passed between the victim's incident report and the formal victim interview. When a detective did not respond to the scene or hospital, 19.3 days passed, on average, from the victim's report to the formal victim interview.**
- **APD identified suspects in 72% of cases reviewed. In cases where a suspect was identified, the suspect was interviewed only 31% of the time.**

Executive Summary

- **Detectives rarely attempted to interview a suspect before the formal victim interview was conducted.** It took an average of 17 days for detectives to interview victims, and even more time passed before suspects were interviewed. Suspect interviews were also unlikely if there was little or no evidence other than the victim's allegation to use when interviewing the suspect.
- In 2017, it took APD an average of 108 days to submit a sexual assault kit (SAK) to the lab and 245 days before the lab returned the analysis. In 2018, it took 27 days for SAKs to be submitted and 243 days for the lab to return results. **In 2019 and 2020, both APD and the lab were able to comply with state law — SAKs were sent out within 30 days of receipt and lab results were back within 90 days.**
- **There were many cases reviewed that did not result in the collection of SAK evidence, including cases that were promptly reported by victims who were willing to undergo an examination.**
- **Witnesses were identified in 57% of reviewed cases. In cases in which witnesses were identified, interviews occurred in just over half (53%) the time.**

Recommendations

- IV.1. **APD should ensure all sex crime-related calls for service are designated high priority (priority level 0 or 1, meaning officers are expected to respond quickly), regardless of when the incident occurred.** This will prioritize the needs of victims due to the sensitive nature of the crime.
- IV.2. **If APD is unable to treat all sex crime-related calls as high priority, supervisors should limit the number of sexual assault calls for service they are downgrading in priority level.** In the event a dispatcher cannot promptly assign a sex crime call to a patrol officer, the dispatcher or supervisor should immediately contact the 911 caller to inform them of the delay and the anticipated response time. APD should consider setting a time limit, perhaps 15 minutes, at which point the dispatcher will contact the 911 caller about the delayed police response.
- IV.3. **SCU detectives should be assigned to work day and evening shifts seven days a week, at a minimum.** Data indicates that most sex crimes are reported in the evening and on weekends. In addition to daytime coverage Monday through Friday, SCU should assign sufficient detectives during evening and weekend hours to manage the workload.
- IV.4. **Detectives should respond to the scene, the hospital, and/or the victim's location for felony sexual assaults.**
- IV.5. **Sergeants should assign cases to the detective who responded to the crime scene, the hospital, or the victim's location when feasible.**

Executive Summary

- IV.6. **Detectives should evaluate the victim for impairment, including impairment from drugs or alcohol, when determining the timeframe for a formal interview.** Detectives should ensure that victims who are not ready to talk — due to impairment, fatigue, or state of mind — are allowed to rest. In these circumstances, detectives should inform victims that they will soon be contacted to schedule a formal interview, which should occur within two to three days.
- IV.7. **Detectives must make and document at least three attempts to contact the victim.** Detectives should make at least three attempts to contact the victim within seven days of case assignment, documenting all attempts in the case file, including date, time, method used (call, email, in-person), and results. If the attempts to contact the victim in the first week are unsuccessful, the detective should make two more attempts the following week, using a variety of contact methods. If still unsuccessful, the detective should discuss the next steps with the supervisor.
- IV.8. **APD should evaluate the effectiveness of the city's current transportation voucher system, as well as 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.**
- IV.9. **Detectives should be flexible about where they interview victims.** Although it may be ideal for detectives to conduct interviews in the soft interview rooms at SCU, a victim-centered approach requires detectives to be flexible and allow victims to be interviewed where they feel most comfortable.
- IV.10. **Detectives and VSD counselors must try to identify the reasons for a victim being reluctant to proceed,** such as feeling unsafe or pressure from family or friends. The detective should work with the victim to address the impediments and keep the victim involved with the investigation. If the victim has a concern for safety, the detective and VSD counselor should create a safety plan that will help the victim to participate throughout the investigative and criminal justice processes. If that is not possible, the detective should suspend the case, pending victim readiness, and let the victim know that, as long as the case is not beyond the statute of limitations, they can reactivate the case when ready.
- IV.11. **VSD should work with advocacy groups to create a one-page handout about available services.**
- IV.12. **APD should reward patrol officers, detectives, and counselors who demonstrate an exceptional victim-centered approach to sexual assault victims.**
- IV.13. **Detectives should make every effort to interview suspects before suspending or closing a case** except in cases where a suspect interview might jeopardize the safety of the victim.
- IV.14. **Detectives should document all computer checks in the case file.**
- IV.15. **SCU supervisors must ensure computer checks of suspects, witnesses, and the victim are documented correctly.**

Executive Summary

- IV.16. **APD officers and detectives must ensure victims are aware they are entitled to a forensic exam if the sexual assault is reported within 120 hours of the assault.** The VSD counselor will advise the victim of their right to a sexual assault forensic exam (SAFE) and explain the process. If the victim consents to the SAFE, then the patrol officer, the VSD counselor, and the detective should coordinate the victim's transportation to the hospital.
- IV.17. **Time-sensitive information that could be a valuable source of evidence should be collected and preserved immediately.**
- IV.18. **Patrol must document the full contact information of any witnesses found at the scene or identified by the victims.**
- IV.19. **Detectives should begin interviewing witnesses as soon as practicable after being assigned the case.**
- IV.20. **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 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 report, 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."

Section V: Investigation Timeline and Case Outcomes

Section V describes the investigation timeline and supervisory case review, which is required once a detective closes/suspends a case, as well as case outcomes observed in the reviewed data. Case outcomes detailed include National Incident-Based Reporting System (NIBRS) closures by arrest or exceptional means and APD internal administrative closures, unfounded cases, and suspended cases. This section concludes by detailing findings related to misuse of pseudonyms discovered in the data.

Key Findings

- Once a detective closes or suspends a case, APD's records management system routes the report back to the sergeant's queue for review and approval. The system does not require the sergeant to approve the report or return it to the detective for additional work before the sergeant can remove it from their queue. **The project team found that 513 of the 1,430 cases reviewed lacked supervisory approval.**
- In the cases reviewed, APD often used the Uniform Crime Report (UCR) clearance codes improperly when clearing sexual assault cases. **Of the 1,430 cases reviewed, 365 were cleared by exceptional means, and only 132 of those were cleared appropriately. After an audit and training regarding the proper use of exceptional clearance, the use of exceptional clearance immediately began trending downward.** There was a simultaneous increase in the suspension of cases. This trend began in 2017 and continued through 2020.

Executive Summary

- **Case reviewers identified 80 cases from 2012–2020 that APD deemed unfounded, and case reviewers determined that 21 of those should not have been unfounded.** In some cases, witnesses and suspects had not been interviewed, meaning the detective had not conducted a thorough investigation and therefore could not confirm that the complaint was false or baseless.
- Almost all the cases incorrectly classified as unfounded or cleared by exception occurred from 2012–2018. **In 2019, there was only one case reviewed that was incorrectly classified as unfounded, and no cases reviewed were incorrectly cleared by exception. The project team did not find any 2020 cases incorrectly cleared by exception or incorrectly determined to be unfounded.**
- Of the 171 cases in which the internal case disposition was “cleared by arrest,” 102 included a charge for a sexual offense (i.e., they were properly cleared by arrest). **Forty-one cases did not include a charge for a sexual offense.** In those cases, the charges varied but often related to family/dating violence. **The remaining 28 cases did not include any charges in the data provided by APD.**
- Under Texas law, a sexual assault victim can use a pseudonym in place of their real name in “all public files and records concerning the offense,” and APD policy includes a similar requirement. **In reviewing the case files, the project team found that these pseudonym policies were not always followed. Multiple cases included names of victims in the detective notes, as well as the Sexual Assault Nurse Examiner (SANE) reports and the lab analysis, even when the case file noted that the victim requested a pseudonym.**

Recommendations

- V.1. **SCU supervisors should meet with detectives within 24 hours of case assignment and then meet weekly to discuss case progress and needs.**
- V.2. **APD sergeants must check the “APPROVED” box in the Versadex system after reviewing and approving the outcome of the case.** The project team found this was not done consistently and sent back over 500 cases for supervisory review and approval.
- V.3. **APD should ensure that cases cleared by exception have met the required UCR criteria.** Any cases cleared exceptionally should be approved by a supervisor and documented in the report.
- V.4. **APD should ensure that a case is unfounded only after a thorough investigation finds that the allegation was baseless or false as required by the UCR.** Any case that is unfounded must be approved by a supervisor and documented in the report.
- V.5. **SCU detectives should take the time to inform victims when and why their case has been suspended.**

Executive Summary

- V.6. **When a victim does not want to continue the investigation, VSD Investigative Support Counselors should contact the victim 30 days after a case is suspended to determine if the victim is comfortable with their decision and answer any questions the victim may have.**
- V.7. **APD should rename the “Suspended — Closed” category “Suspended — All Investigative Efforts Exhausted.”**
- V.8. **APD should share all case outcome data, including the total number of felony sexual assaults that are suspended, with the public and advocacy groups.** This should include a breakdown of all APD internal disposition codes, including the subcategories of suspended cases.
- V.9. **SCU should ensure that sexual assault cases are classified as “closed by arrest” in accordance with the UCR Program’s definition.** For example, SCU should not close a sexual assault case by arrest if the suspect was arrested on an unrelated outstanding warrant or for a crime other than the sexual assault. Supervisors should review cases thoroughly to ensure that sexual assault cases are only closed by arrest when the suspect is arrested for the sexual assault.
- V.10. **When a victim requests to use a pseudonym, SCU detectives must ensure the victim’s actual name is removed from all files.**
- V.11. **SCU leaders should maintain a log of cases in which the victim requests a pseudonym and check case files quarterly to ensure the victims’ names are redacted.**

Section VI: Partnership with the Travis County District Attorney’s Office

Section VI addresses the collaboration between APD and the Travis County District Attorney’s Office (TCDAO). APD detectives “staff” cases for prosecution with an assistant district attorney (ADA) after exhausting all investigative leads — including interviewing the victim, witnesses, and the suspect (when possible) — and ensuring all evidence has been collected and submitted for analysis, so that the ADA can make an informed decision about how to proceed. This section details cases “staffed” with the ADA, whether cases were accepted or declined for prosecution, and how these charging decisions were documented.

Key Findings

- **Of the 1,430 cases reviewed by the project team, 931 cases (65%) were not discussed with a prosecutor.** In many of the cases reviewed by the project team there was no indication in the file of whether the prosecutor declined or agreed to file charges.
- **Of the 499 cases that were discussed with a prosecutor, the prosecutor declined to move forward with 279 cases, and the reason for declination was included in the case file. In the remaining 220 cases, the project team was unclear about what happened;** there was no indication of whether prosecution had been declined, or that the case proceeded to charges.

Executive Summary

Recommendations

- VI.1. **SCU should initiate conversations with the TCDAO to implement vertical prosecution of felony sexual assault crimes.**
- VI.2. **APD should re-establish in-person meetings with TCDAO ADAs when possible.**
- VI.3. **SCU detectives and supervisors should exhaust all investigative efforts and obtain supervisory approval before staffing cases for prosecution with TCDAO.**
- VI.4. **If the ADA declines to prosecute a case but the detective believes the case has merit, the case should not be suspended until all reasonable avenues of investigation have been exhausted.**
- VI.5. **SCU detectives must document the reason cases are declined for prosecution.**
- VI.6. **SCU leaders should monitor both the culture of the unit and SCU's cases for signs of a "downstream orientation," meaning detectives believe a case will not meet the legal standard of proof beyond a reasonable doubt.**

Section VII: Victim Characteristics

Section VII details similarities and differences observed in case progression (i.e., whether a detective responded to the scene, whether the victim was interviewed, whether a suspect was identified, whether a case was discussed with a prosecutor, and whether the prosecutor declined to prosecute) and case outcomes (i.e., whether a case was closed by arrest, whether a case was classified as unfounded, or whether a case was cleared exceptionally, and, if so, whether those designations were used appropriately) between different demographic groups. This includes the experiences of populations known to be more likely to be victimized, such as members of the LGBTQ+ community and individuals with physical or mental disabilities. Differences in cases by the involvement of substance use and the relationship between the victim and suspect are also described.

Key Findings

- **Compared to female victims, male victims were less likely to have their cases advance through each stage of the investigation, from detectives responding to the scene through case clearance with an arrest.**
- **There were no notable differences in case progression between cases involving victims whose race was designated as "White" and ethnicity was designated as "Not Hispanic or Latino(a)" and those involving victims of other races and/or ethnicities. However, in looking at case outcomes, cases with victims from other racial groups were more often cleared by exception and less often closed by arrest.**

Executive Summary

- Based on the project team's analysis, **sexual assault cases with victims experiencing homelessness stand out as having worse overall case progressions and case outcomes.** In cases with victims experiencing homelessness, victims were less likely to be interviewed, suspects were less likely to be identified, and cases were less likely to be discussed with a prosecutor. These cases were also less likely to be closed by arrest.
- **Victims with limited English proficiency experienced better-than-average progression through key case elements** (as described above), with the exception of a slightly lower rate of detectives responding to the scene.
- **When a victim was under the influence of a substance (alcohol and/or drugs) — either voluntarily or involuntarily — at the time of the incident, a detective was more likely to respond to the scene, the victim was more likely to be interviewed, and the case was more likely to be discussed with a prosecutor.** However, suspects were identified less frequently in these cases, and prosecutors more often declined to prosecute these cases.
- In cases involving sex crimes committed by a stranger, detectives were more likely to respond to the scene, victims were less likely to be interviewed, and suspects were less likely to be identified. When a suspect was identified and the case was discussed with a prosecutor, the prosecutor was more likely to prosecute cases involving victimization by a stranger than those with known assailants.
- Cases involving sex crimes committed by a non-stranger were more likely to be cleared by exception than cases involving sex crimes committed by an identified stranger or after a brief encounter.

Recommendations

- VII.1. **SCU needs to review its investigative practices in cases with victims experiencing homelessness to improve the initial response to the victim and victim outreach.**
- VII.2. **APD should place additional focus on partnerships with local social service groups, including community-based victim services organizations, to assist in its response to sexual assault cases that involve victims from vulnerable populations.**
- VII.3. **APD needs to continue to monitor any differential treatment of vulnerable victim populations and address issues as they arise.**
- VII.4. **APD must ensure all officers and detectives handling sexual assault investigations are familiar with the impact of drugs and alcohol on victims' experiences and behaviors.**

Executive Summary

Section VIII: Survivor Interviews

Section VIII discusses results from interviews with five survivors whose crimes APD SCU investigated between 2012 and 2020. Themes include victim-detective interactions, case reassignment, and evidence collection and analysis.

Key Findings

- The five survivors had some positive interactions with APD, **but they reported a lack of communication with the detectives, including detectives newly assigned to their cases.**
- Survivors interviewed all voiced **concerns and some frustration regarding detectives' failure to collect and process evidence.**
- One survivor **felt disbelieved** by the detective.

Recommendations

- VIII.1. **Detectives should contact victims with updates on a regular basis and must return calls to victims in a timely manner.**
- VIII.2. **SCU should establish a detailed protocol for maintaining communication with victims.**
- VIII.3. **Detectives transferring out of the unit should brief the detectives who are assuming investigative responsibility for their cases.**
- VIII.4. **Detectives who are leaving SCU should introduce victims to the detectives who are taking over their cases.**
- VIII.5. **Detectives should approach each sexual assault case with an open mind.** Detectives must be trained and held accountable for investigating sexual assault cases without predisposition as to the credibility of the victim or the outcome of the case.

Section IX: SARRT and SAFE Alliance

Section IX describes the newly revived relationship between APD and the Austin/Travis County Sexual Assault Response and Resource Team (SARRT) and suggestions for maintaining and enhancing their relationship. APD's partnership with SAFE Alliance, a merger of Austin Children's Shelter and SafePlace, is also described.

Key Finding

- Historically, APD and SARRT have occasionally struggled to make their relationship work; this has recently changed. According to **the project team's interviews with SARRT members, APD has renewed its cooperative working agreements with SARRT, and, under new leadership, is attending the SARRT meetings, bringing new ideas, sharing information, and receiving suggestions in a positive way.**

Executive Summary

Recommendation

IX.1. **Detectives should regularly attend the monthly SARRT meetings alongside APD leaders.**

Section X: Training

Section X describes APD's current training curriculum related to sexual assault investigations at the cadet, sergeant, and detective levels. Training resources for cold cases, coding, crime classification, legal (e.g., writing warrants), and sex, gender, and other biases, including implicit bias, are also described. This section also details the role of the newly formed Curriculum Review Committee in developing a core curriculum that will be used to customize victim-centered, trauma-informed training for cadets, patrol officers, detectives, and supervisors.

Key Findings

- **Aside from field training officers, APD officers have not received any additional sexual assault or trauma-informed training beyond the three hours of training they received during the academy.**
- **Because of the COVID-19 pandemic, APD has not scheduled any detective or supervisor training classes for over a year-and-a-half.**
- **The project team was concerned by the number of detectives who expressed a lack of preparedness to properly investigate felony sexual assaults.** Most detectives felt they should have received more training before they were assigned to investigate felony sexual assaults.
- **APD has 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.
- **The project team found evidence of bias in several cases involving victims with mental health issues.** In those cases, there was generally little investigative effort, and detectives quickly closed the cases without adequate documentation.

Recommendations

- X.1. **All APD members should be trained on the department's policy on responding to sexual assault cases in a trauma-informed manner.**
- X.2. **APD Training Academy staff should finalize in-service training for all officers and training for new detectives and new sergeants on victim-centered, trauma-informed interview and investigation techniques.**

Executive Summary

- X.3. **The SCU Guide for new detectives should be updated.** The SCU Guide should open with a mission statement and a recitation of APD's expectations of its detectives. The SCU Guide should indicate which task items must be completed and which ones are for reference only.
- X.4. **New SCU personnel should be required to complete modules 1–4 of End Violence Against Women International (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.
- X.5. **SCU detectives must attend in-person training taught by experts on sexual assault investigations.** External training, taught by subject matter experts on a variety of topics related to conducting victim-centered, trauma-informed sexual assault investigations, is essential to staying abreast of national best practices in the field.
- X.6. **General training for new detectives should be offered at least four times a year.**
- X.7. **APD should make completion of the detective training course a prerequisite to apply for a position in SCU.**
- X.8. **New detectives need to attend sexual assault investigation training as soon as possible, as do any detectives currently in SCU who have not already been trained.**
- X.9. **A senior detective with field training responsibilities should be required to certify that a new detective has satisfactorily completed the SCU Guide.**
- X.10. **The VSD counselor assigned to the APD Training Academy should be included in onboarding any new detectives assigned to SCU.**
- X.11. **New SCU sergeants should be required to attend supervisor school and/or detective training as soon as possible after they are selected, if they have not already done so.**
- X.12. **The VSD counselor assigned to the APD Training Academy should be included in onboarding a new sergeant assigned to SCU.**
- X.13. **APD leaders should use the SCU Guide for new SCU sergeants.** New sergeants must be familiar with the same training and skills as SCU detectives.
- X.14. **Cold case detectives should attend specialized training on investigating cold case sexual assaults.**
- X.15. **APD should create a coding manual that includes all 25 sex crime codes used by SCU, along with the penal code crimes that fit under the APD codes and the elements of each crime.** Once completed, the coding manual should be used as a tool for all personnel to properly classify incidents for the purposes of crime reporting and data analysis.

Executive Summary

- X.16. **New detectives and supervisors should be trained in NIBRS case clearance reporting and APD supplemental suspension codes.** All new detectives and supervisors should be trained in the NIBRS clearance codes, as well as APD's internal case suspension designations, to ensure cases are properly cleared/classified before entry into APD's records management system.
- X.17. **The Inspections/Safety Unit of the Investigations Bureau — Professional Standards Division should conduct annual inspections of SCU.** This unit should audit the SCU cases for crime coding accuracy.
- X.18. **APD should partner with the TCDAO to provide detective training.** APD's Training Academy should work with the TCDAO to create a lesson plan to train SCU detectives on writing arrest warrants and search warrants, preparing cases for court, the Texas Penal Code, and issues associated with elements of the crimes, including consent, force, and the impact of intoxication. This training should be taught by an ADA who prosecutes sexual assault cases.
- X.19. **APD should develop training for the entire department on identifying and preventing bias.**

Section XI: APD Resource Needs

Section XI assesses how APD can increase its efficiency in investigating sexual assaults by integrating key evidence-based practices, data-driven processes, and specific resources. Resource needs include a dedicated crime analyst, programs to ensure detective wellness, additional vehicles, and body-worn camera tripod stands.

Key Findings

- **In interviews, SCU staff said they face an overwhelming workload.**
- SCU is responsible for investigating reported misdemeanors, felonies, and sexual assault-related reports that need further investigation (known as "information reports"). **The project team was surprised to learn that SCU investigators handle misdemeanor cases.** This is common among agencies in Texas, but it is not common at the national level, where misdemeanor cases are normally handled by patrol or detectives who are generalists.
- **The project team discovered a lack of crime analysis capacity in SCU,** and SCU largely did not recognize how crime analysis may be used to improve the unit's work. 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.
- **Case reviews and interviews revealed that the high caseloads, detective turnover, and reassignment of cases between detectives often results in an untimely and uneven approach to victims and the investigation of sexual assault cases.**

Executive Summary

Recommendations

- XI.1. **APD should reduce the workload on SCU detectives by reassigning the investigation of misdemeanor sexual assaults using one of the two options identified in Section XI of this report.** After APD implements the recommendations in this report and reevaluates the process for investigating sexual assault misdemeanors, the department will need to reassess the number of SCU detectives needed to successfully respond to and investigate felony sexual assaults.
- XI.2. **After the academy designs the new curriculum for detective training and begins offering the new training, every SCU detective must attend.**
- XI.3. **SCU sergeant applicants should be required to have completed EVAWI modules 1–4 and be able to discuss victim-centered concepts. Applicants with prior investigative experience should be strongly preferred.**
- XI.4. **New SCU sergeants without investigative experience should be required to attend sexual assault investigation training as soon as possible.**
- XI.5. **New sergeants must attend supervisor training as soon as it is made available.**
- XI.6. **APD management should reevaluate the number of VSD counselors needed as the recommendations from this report are implemented.** SCU will go through significant culture and process changes as they implement the recommendations in this report and begin to adopt better victim-centered practices, which will likely impact VSD and the need for additional VSD Crisis Response Counselors (CRCs) and Investigative Support Counselors (ISCs).
- XI.7. **APD should increase crime analysis capacity and consider implementing a Stratified Policing approach.**
- XI.8. **SCU needs a dedicated crime analyst to identify patterns and trends, link cases (identify repeat victims, offenders, and locations), identify potential suspects, encourage data-driven practices, and assist with monitoring the implementation of the recommendations in this report.**
- XI.9. **APD leadership should designate the two APD on-staff psychologists and the new employee wellness coordinator to determine the structural support SCU detectives and VSD counselors need to address vicarious trauma, employee burnout, and employee wellness, and then develop an action plan to implement the necessary support.**
- XI.10. **Each SCU detective should have an assigned vehicle.**
- XI.11. **Additional vehicles should be provided to the VSD ISC team.**

Executive Summary

- XI.12. **SCU should purchase 20 body-worn camera (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 stands to improve the audio and visual quality of their interviews.

Section XII: Restoring Community Trust

The events preceding this comprehensive assessment of APD's SCU fractured the agency's relationship with the community. Community trust is critical to effective policing. **Section XII** provides suggestions for how APD can restore and sustain trust through thoughtful implementation and monitoring of the recommendations provided. Improved outreach to vulnerable populations and transparency through annual reports, including data analysis on victim feedback and sex crimes case data, can provide added accountability.

Key Finding

- From the mistakes that occurred in the crime lab in 2016 to the improper clearance of cases, **APD generated a sense of mistrust within the Austin community.**

Recommendations

- XII.1. **APD should assign a team to review every recommendation in this report and determine how each can be achieved.** The group should be led by an assistant chief-level officer and include SCU and VSD leaders and staff. The group should prioritize the recommendations and design a reporting plan that is available on the APD website.
- XII.2. **APD should review current outreach programming for marginalized/vulnerable populations to ensure efforts to build trust in these communities continue.**
- XII.3. **APD should publicly report data on case clearances, closures, and suspensions for reported sexual assaults every six months. This report should be published on APD's website.**
- XII.4. **APD should survey sexual assault victims at the conclusion of every investigation, regardless of the outcome.** The victim 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.
- XII.5. **APD leaders should contract community advocates to conduct a confidential annual advocate 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 process.

Executive Summary

Section XIII: General Order and SCU Policy Additions

Section XIII describes results from the review of APD's General Orders, which contain agency-wide policies affecting all APD employees, the SCU's Standard Operating Procedures (SOP), and SCU's Operational Manual (Ops Manual). Suggested changes to these materials, many of which were addressed earlier in the report, are discussed.

Recommendations

- XIII.1. **Define the role of patrol officers.** APD should add policy language defining the role of patrol officers during the initial contact with the victim. During the initial interview, officers should only ask about the basic information needed to understand the elements of the crime, the time and location of the alleged assault, and the identities of suspect(s) and witnesses. Unless an immediate arrest can be made, patrol officers should focus their attention on the needs of the victim, ensuring the victim is treated with respect and knows their case is important. The details of the offense will be promptly obtained by assigned detectives when it is appropriate to do so.
- XIII.2. **Obtain witness contact information.** APD should add policy language to the General Orders ensuring officers identify any potential witnesses and document their contact information in the report.
- XIII.3. **Add SAFE Alliance and Brave Alliance as sexual assault forensic examination options.**
- XIII.4. **SCU should merge the SOP and Ops Manual into one SOP document.**
- XIII.5. **Add a mission statement to the new document.**
- XIII.6. **Provide a copy of the updated SOP to all SCU detectives.**
- XIII.7. **Respond to all adult sexual assault felonies.** SCU SOP should require detectives to respond to the scene or hospital for all adult sexual assault felonies whenever possible.
- XIII.8. **Properly identify and obtain contact information for victims, witnesses, and suspects.** The SOP for SCU detectives should ensure that witnesses are properly identified and their contact information is documented in the report.
- XIII.9. **Collect time-sensitive evidence immediately.** The SCU SOP should direct detectives to secure any evidence that is time-sensitive or that may expire, such as surveillance footage from local businesses, and either secure the evidence immediately or ensure that it be retained/saved by the owner until collection is possible.
- XIII.10. **Eliminate the two-month detective/supervisor review.** The SCU SOP should eliminate the two-month time limit for clearing cases and replace it with weekly detective/supervisor meetings.

Executive Summary

- XIII.11. **Provide victims with transportation to and from the interview location.** The SCU SOP should direct detectives to ask if the victim needs transportation to the interview and provide this assistance if requested.
- XIII.12. **Ensure that criminal history checks of suspects are completed.** The SCU SOP requires detectives to conduct a criminal history check of the suspect, but the project team found several cases that did not document a criminal history check. SCU supervisors must ensure that criminal history checks are conducted, and findings documented.
- XIII.13. **Create policy requirements for when to review cases with the TCDAO.**
- XIII.14. **When a victim does not want to continue the investigations, VSD ISC should re-connect with the victim 30 days after the case is suspended to determine if the victim is still comfortable with the suspension and answer any questions they may have.**
- XIII.15. **The VSD counselor assigned to the APD Training Academy should be included in onboarding any new detectives assigned to SCU.**
- XIII.16. **The VSD counselor assigned to the APD Training Academy should be included in onboarding new sergeants assigned to SCU.**
- XIII.17. **Update title codes for sex crimes.** APD, including Central Records staff, should update the title codes for sex crimes in the SCU SOP. Current codes are not consistent with the Texas Penal Code. These title codes should be defined with an explanation of the Texas statutes applicable under each title code.
- XIII.18. **Train detectives on new title codes.** Once the codes are updated, APD should ensure SCU detectives and patrol officers receive training on the new title codes and when to apply them. APD should consider creating a “cheat sheet” that includes all elements of the crimes to assist personnel.

Section XIV: Moving Forward

As APD develops a plan to address the findings and recommendations in this report, the department should consider developing two committees: an implementation working group and a committee to assess the feasibility of an Austin Sexual Assault Response Center.

Recommendations

- XIV.1. **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.

Executive Summary

- XIV.2. **APD, TCDAO, SARRT, and other advocacy groups should consider the feasibility of establishing a facility similar to the *Philadelphia Sexual Assault Response Center* 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.

By implementing the recommendations in this report, APD can improve its response to sexual assaults. Throughout this project, APD has demonstrated transparency and a willingness to get to the heart of the issues at hand and has already taken meaningful steps toward improvement. This report concludes with suggestions for advancing these efforts by first forming a small working group with APD leadership and SCU supervisors to examine recommendations and determine an action plan, including who will assume responsibility for each element and the timeline for important milestones. Broadly implementing victim-centered and trauma-informed practices throughout the whole department will enhance APD's response. Continued implementation of these recommendations and systematic monitoring of progress is imperative for improving outcomes in sexual assault cases and restoring the Austin community's trust.

Section I: Introduction

Section I: Introduction

In September 2019, the City of Austin's City Manager's Office (CMO) commissioned the Police Executive Research Forum (PERF), in conjunction with the Women's Law Project (WLP) and the Wellesley Centers for Women at Wellesley College (WCW), to undertake a comprehensive assessment of the way sexual assaults reported to the Austin Police Department (APD) are investigated and processed. Jointly, PERF, WLP, and WCW (hereinafter referred to as the project team) are experts in the evaluation of police processes for handling sexual assault cases, victim services, and survivor-centered approaches. The project team has a long history of collaboration on issues of intimate partner violence, with specific expertise in evaluating sexual assault case files and conducting interviews with stakeholders about sexual assault and domestic violence investigations. In this study report, the project team identifies and discusses APD's sexual assault response and investigation practices using a mixed-methods data collection and review approach. The report also provides recommendations for improving APD's services to victims of sexual assault and enhancing the department's response and investigation practices. Implementing these recommendations will ensure improved treatment of victims, better case outcomes, that more offenders are held accountable, and increased community trust. The project team submits this report to the City of Austin pursuant to contract MA 4400PA 190000063.

History: Sexual Assault Response in the City of Austin

In 2016, a supervisor at APD's crime lab gave testimony during a sexual assault trial that appeared to indicate the calculations she used during her analyses lacked scientific validity, a concern also raised and confirmed by the Texas Forensic Science Commission.⁶ This led to a series of lab reviews that uncovered other questionable practices, including the failure to adopt nationally recognized testing standards to ensure the accuracy of DNA results.⁷ APD hired a new lab director, but later released him due to insufficient qualifications.⁸ APD then shut down the lab, but further investigations and audits continued to highlight issues related to the preservation and testing of evidence, and called into question evidence from more than 1,800 convictions.⁹ One particularly egregious example of the systemic lab-related issues occurred in March 2016, when a storage freezer failed for several days without lab personnel noticing, placing hundreds of DNA samples in jeopardy.¹⁰

In early 2017, APD reported a backlog of over 4,000 DNA kits from sexual assault cases dating as far back as the 1990s.¹¹ After the closure of the crime lab, APD outsourced the testing of DNA kits to contracted labs to reduce the backlog.¹² In April of 2017, one of those labs alerted APD that mold was found

⁶ Andrea Ball and Tony Plohetski, "Austin DNA lab leader's work triggered alarm in sex assault case", *Austin American-Statesman*, January 9, 2017, <https://www.statesman.com/story/news/2017/01/10/austin-dna-lab-leaders-work-triggered-alarm-in-sex-assault-case/10123558007/>.

⁷ "The implosion of Austin's crime lab: A timeline", *Austin Monitor*, September 18, 2017, <https://www.austinmonitor.com/stories/2017/09/the-implosion-of-austins-crime-lab-a-timeline/>.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Sarah Marloff, "Rape Kit Backlog Reaches Zero: Kits have been sent out for testing, but the wait continues", *The Austin Chronicle*, April 9, 2018, <https://www.austinchronicle.com/daily/news/2018-04-09/rape-kit-backlog-reaches-zero/>.

Section I: Introduction

growing on the outside of 849 of the 1,629 DNA kits stored in APD's evidence warehouse.¹³ Although none of the affected kits had been damaged internally, advocates and community members were alarmed that APD did not disclose the mold issue to them until June 2017.^{14, 15}

These problems led the co-chairs of the Austin/Travis County Sexual Assault Response and Resource Team (SARRT) to condemn the rape kit backlog as a symptom of a "diseased system that condones rape and does not hold perpetrators, or itself, accountable."¹⁶ In response to the co-chairs' letter, APD and the Travis County District Attorney's Office (TCDAO) withdrew from SARRT and declined later invitations to rejoin.¹⁷ The withdrawal of APD and the TCDAO from SARRT led to a breakdown of "collaboration between survivors, advocates, and law enforcement."¹⁸ In addition to these issues, three rape survivors brought a class-action lawsuit in 2018, other survivors spoke out about their unsatisfactory treatment by the TCDAO, and further investigations showed problems with the handling of sexual assault cases by APD and the TCDAO that went well beyond the rape kit backlog.

One contributing issue has been the use of the "exceptional means" clearance designation to resolve many cases. A November 2018 joint investigation by journalists from Newsy, Reveal, and ProPublica found that APD was clearing more sexual assault cases by exceptional means than by arrest — an indicator that the agency may have been misapplying the "exceptional means" clearance category.¹⁹ According to the report, APD cleared 51% of all rape cases, with 17% of all cases closed by arrest and the remaining cleared by exception — a ratio of about two cases exceptionally cleared to each case closed by arrest. The report also found that the use of this category sharply increased beginning in 2012.^{20, 21} One reason cited for the high rates of exceptional clearance was pressure from APD leadership to change the dispositions of cases from suspended (inactive) to cleared exceptionally.²² In response to the joint

¹³ Sarah Marloff, "APD Knew About Moldy Rape Kits Back in April", *The Austin Chronicle*, July 7, 2017, <https://www.austinchronicle.com/news/2017-07-07/apd-knew-about-moldy-rape-kits-back-in-april/>.

¹⁴ [Ibid.](#)

¹⁵ "The implosion of Austin's crime lab: A timeline", *Austin Monitor*, September 18, 2017, <https://www.austinmonitor.com/stories/2017/09/the-implosion-of-austins-crime-lab-a-timeline/>.

¹⁶ Sarah Marloff, Austin's Sexual Assault Controversies Roil the District Attorney's Race: Margaret Moore's controversial handling of rape cases brings opponents to the race", *The Austin Chronicle*, February 7, 2020, <https://www.austinchronicle.com/news/2020-02-07/austins-sexual-assault-controversies-roil-the-district-attorneys-race/>.

¹⁷ [Ibid.](#)

¹⁸ [Ibid.](#)

¹⁹ Bernice Yeung, "Rape suspects walk free. Victims don't get justice. And police get to count it as a success", *Reveal News*, November 15, 2018, <https://revealnews.org/article/rape-suspects-walk-free-victims-dont-get-justice-and-police-get-to-count-it-as-a-success/>.

²⁰ [Ibid.](#)

²¹ Under Uniform Crime Report guidelines, to clear a case exceptionally the agency must have identified the offender; gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution; identified the offender's exact location so that the suspect could be taken into custody immediately; and/or encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender. See "FBI: UCR", Official website, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/clearances/clearancetopic_final.

²² Bernice Yeung, "Rape suspects walk free. Victims don't get justice. And police get to count it as a success", *Reveal News*, November 15, 2018, <https://revealnews.org/article/rape-suspects-walk-free-victims-dont-get-justice-and-police-get-to-count-it-as-a-success/>.

Section I: Introduction

investigation, APD asked the Texas Department of Public Safety (DPS) to conduct an audit of how Austin cleared its sexual assault cases.²³ ²⁴ Of the 95 exceptionally cleared cases from 2017 reviewed by DPS, nearly one-third were found to have been cleared improperly, meaning that they did not meet the Uniform Crime Report (UCR) requirements for exceptional clearance.²⁵

The findings of the DPS audit prompted the Austin City Council to seek this independent comprehensive review of how APD has investigated and processed reported sexual assaults.²⁶

Setting the Stage: Sexual Assault Response Across the Country

For decades, studies have reported that the majority of sexual assaults are not reported to the police;²⁷ in the ten years from 2011–2020, about 70% of sexual assaults nationwide went unreported to police.²⁸ The cases that are reported to law enforcement are unlikely to end in arrest or conviction. Based on an analysis of data from the National Crime Victimization Survey, the National Incident-Based Reporting System, and the State Court Processing System, the Rape, Abuse, and Incest National Network (RAINN) estimates that out of those sexual assaults reported to police, about 16% lead to an arrest and about 9% end in a felony conviction.²⁹

²³ Texas Department of Public Safety, letter to APD, dated December 3, 2018

²⁴ Mark Greenblatt, Mark Fahey, Bernice Yeung, and Emily Harris, “Austin Closes a High Number of Its Rape Cases Without Arrests. The State’s Investigating Why”, *ProPublica*, December 18, 2018, <https://www.propublica.org/article/austin-closes-a-high-number-of-its-rape-cases-without-arrests-the-states-investigating-why>.

²⁵ Ibid.

²⁶ Mark Wilson, “Austin council OKs outside review of sex assault cases”, *Austin American Statesman*, January 31, 2019, <https://www.statesman.com/story/news/local/flash-briefing/2019/01/31/austin-city-council-oks-outside-review-of-police-work-in-sex-assault-cases/6136220007/>.

²⁷ Rachel E. Morgan and Alexandra Thompson, *Criminal Victimization, 2020* (Washington, DC: Bureau of Justice Statistics, 2021). <https://bjs.ojp.gov/library/publications/criminal-victimization-2020>.

²⁸ Rachel E. Morgan and Alexandra Thompson, *Criminal Victimization, 2020* (Washington, DC: Bureau of Justice Statistics, 2021). <https://bjs.ojp.gov/library/publications/criminal-victimization-2020>; Jennifer Truman, Lynn Langton, and Michael Planty, *Criminal Victimization, 2012* (Washington, DC: Bureau of Justice Statistics, 2013). <https://bjs.ojp.gov/content/pub/pdf/cv12.pdf>; Rachel E. Morgan and Jennifer L. Truman, *Criminal Victimization, 2019* (Washington, DC: Bureau of Justice Statistics, 2020). <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>; Jennifer L. Truman and Rachel E. Morgan, *Criminal Victimization, 2015* (Washington, DC: Bureau of Justice Statistics, 2016). <https://bjs.ojp.gov/content/pub/pdf/cv15.pdf>; Jennifer L. Truman and Lynn Langton, *Criminal Victimization, 2014* (Washington, DC: Bureau of Justice Statistics, 2015). <https://bjs.ojp.gov/content/pub/pdf/cv14.pdf>.

²⁹ “The Criminal Justice System: Statistics,” RAINN, accessed July 15, 2022, <https://www.rainn.org/statistics/criminal-justice-system>.

Section I: Introduction

There are many reasons for this high rate of sexual assault case attrition.³⁰

Police may be hesitant to initiate or continue an investigation if they hold beliefs about an individual's lack of credibility due to historical bias against rape victims, an existing relationship with an offender, and other vulnerabilities, such as mental health issues, substance use disorders, or housing insecurity.³¹ These characteristics do not and should not be used to discredit the validity of a victim's report. Investigators, like many members of the public, may also have preconceived ideas about what a "real" rape looks like, assuming that it generally involves a stranger, a weapon, or a victim who presents with injuries.³² But the majority of rapes do not involve complete strangers, visible weapons, or visible injuries. And finally, police, like so many others, tend to have pre-set ideas about how victims should act after a sexual assault; but in reality, many victims display counter-intuitive responses to these traumatic events that run counter to what people tend to expect. While science is revealing that counter-intuitive responses to sexual assault are normal and biologically adaptive,³³ victims who do not act as people believe they should, face yet another hurdle seeking justice.

Police agencies across the country have been criticized for not attending to the needs of and not closing cases for particularly vulnerable populations, such as sex workers, individuals with substance use

Evolution of Rape Law and Sex Bias:

As a report from the Women's Law Project* explains, under English common law – from which American laws developed – rape was a crime against property, not person. The property was the chastity of an unmarried daughter and was essential to the perpetuation of patriarchal inheritance rights through her marriage. As the law evolved and rape became recognized as an assault, lawmakers continued to protect male interests by imposing numerous requirements unique to rape, which exonerated perpetrators by casting rape victims as liars. Unlike other assault crimes, the focus was on the victim's character rather than the accused's behavior. In the 1970's rape crisis centers were created by grassroots activists to provide support for rape victims and to advance reform of sex crime laws in the United States. In spite of the success of these efforts, the legacies of sex bias are still present in society at large and in law enforcement.

* Carol E. Tracy, Terry L. Fromson, Annual Advocate Sex Crime Case Review Guidebook: The Philadelphia Model (Women's Law Project 2022)
<https://www.womenslawproject.org/wp-content/uploads/2022/08/WLP-Sex-Crime-Case-Review-Guide-2022.pdf>

³⁰ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019).
<https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

³¹ Ibid.

³² Jerald Monahan and Sheila Polk. "The Effect of Cultural Bias on the Investigation and Prosecution of Sexual Assault." *Police Chief* (n.d.) <https://www.policechiefmagazine.org/the-effect-of-cultural-bias-on-the-investigation/?ref=2b0c8e11fa9b1f2db265fa2e4f71658c>.

³³ See e.g., Christopher Wilson et. al., *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*, EVAWI (Nov. 2016), <https://www.cccd.edu/employees/hr/equity/Documents/Inclusion/EVAWI.pdf>.

Section I: Introduction

disorders, and those with existing criminal histories.^{34,35,36} It is also challenging and frustrating for some officers when working with victims who, for a variety of reasons often related to trauma and fear, are unable to participate in the reporting, investigation, and/or prosecution processes. Officers may be reluctant to take a victim's report, be unaware of how their questions may further traumatize a victim, or unintentionally ask questions that a victim perceives as suggesting they are to blame for their own assault. Police and victims' experts agree that there is still much that needs to be done to ensure that reports get the attention they deserve, while also centering on a victim's needs regarding physical and psychological safety, healing, and justice.³⁷

In addition to the attitudes of individual police officers and detectives, organizational, cultural, and administrative factors may play a role in sexual assault case attrition and the way in which victims are treated. Structural characteristics such as agency size, case load (and overload), personnel turnover, and an agency's demographic characteristics can impact its capacity to conduct thorough, victim-centered, trauma-informed investigations. Organizational commitment — including resources devoted (e.g., detectives, analysts, laptops), training on best practices, quality partnerships with victim and medical services, and evidence-based policies and procedures — strongly impact case outcomes.^{38, 39} Training, policies, interdisciplinary partnerships, and procedures that prioritize victims' needs, treat them with respect and dignity, allow them to be heard, and include them in decisions and processes that affect them will not only enhance sexual assault investigations, but will enable victims to see that they, and their cases, were taken seriously. Regardless of the outcome, when cases are handled properly, victims can obtain a measure of closure and validation.

Police agencies across the country are struggling with these issues, and some have taken key steps to improve their practices and better serve the needs of victims, ensure thorough and fair investigations, and increase offender accountability. For instance, the Fayetteville, North Carolina, Police Department revised its written operating procedures on responding to sexual assault cases to include a section,

³⁴ Brandon Stahl, Jennifer Bjorhus, MaryJo Webster, and Hannah Covington. "When rape is reported and nothing happens: How Minnesota's criminal justice system has failed victims of sexual assault", *Minneapolis Star Tribune*, January 25, 2018, <https://www.startribune.com/denied-justice-series-when-rape-is-reported-andnothing-happens-minnesota-police-sexual-assault-investigations/487400761/#credits>.

³⁵ Liza Zvi. "Police perceptions of sex-worker rape victims and their offenders: a vignette study," *Journal of Interpersonal Violence* online-only (April 18, 2021). <https://journals.sagepub.com/doi/abs/10.1177/08862605211005140>.

³⁶ Heidi Brandes. "Ex-Oklahoma policeman preyed on women 'no one cared about': prosecutors." Reuters, December 7, 2015. <https://www.reuters.com/article/us-oklahoma-police/ex-oklahoma-policeman-preyed-on-women-no-one-cared-about-prosecutors-idUSKBN0TQ2D820151208>.

³⁷ Office on Violence Against Women, *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias* (Washington, DC: US Department of Justice, 2022). <https://www.justice.gov/ovw/page/file/1509451/download>.

³⁸ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

³⁹ Police Executive Research Forum. *Executive Guidebook: Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault*. May 2018. <https://www.policeforum.org/assets/SexualAssaultResponseExecutiveGuidebook.pdf>.

Section I: Introduction

prominently located at the beginning, that identifies and defines key concepts, including the victim-centered approach and trauma-informed methods.⁴⁰

A victim-centered approach will be taken when interacting with victims of sexual violence. The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system. The needs of the victim are everyone's concern and a collective effort (not just victim advocacy). Victim's choice, safety, and well-being is the focus.

– Fayetteville Police Department (NC)

APD and the CMO seek to use nationally recognized best practices and related research from across the country to improve Austin's response to sexual assault cases and its treatment of victims. The remainder of this report examines APD's current practices, training, policies, culture, partnerships, and procedures, and makes specific recommendations to improve these processes. These recommendations are based on the methodology detailed in Section II, and the project team's substantial knowledge of and experience with this topic, along with logical deductions from the project team and consulted subject matter experts, linked with substantive knowledge of evidence-based and best practices in each subject area.

The Project Team

The Police Executive Research Forum (PERF), the Women's Law Project (WLP), and the Wellesley Centers for Women at Wellesley College (WCW), are uniquely qualified to conduct this review of APD's response to sexual assault cases. WLP and WCW have a nationally recognized expertise in the law enforcement response to sexual assault. PERF is a leader in establishing and testing best practices in policing. The three organizations have a well-established partnership, and they bring a unique perspective from practitioners and researchers to this evaluation. Each project team organization is described below.

Police Executive Research Forum

The Police Executive Research Forum (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1974, PERF has been dedicated to advancing the profession by developing model policies, researching police practices, and fostering public debate about critical issues in policing. PERF is also a membership organization whose members include police officials; law enforcement officers; academics; local, state, and federal government officials; and others with an interest in policing and criminal justice.

In addition to research, PERF aids police agencies through education, management, and consulting services. These services include comprehensive management surveys, performance audits, and organizational studies; development of best practices in use-of-force policy and training; on-site assistance in implementing recommendations; police officer education and training development,

⁴⁰ Fayetteville Police Department. *Fayetteville Police Department Written Directives and Operating Procedures*, 2020. 305-309. <https://www.fayettevillenc.gov/Home/ShowDocument?id=16009>.

Section I: Introduction

delivery, and review; officer wellness; and organizational studies. PERF has conducted more than 250 management service projects for agencies nationwide.

PERF develops evidence-based practices and training, such as the Integrating Communications, Assessment, and Tactics (ICAT) de-escalation training program. PERF's executive development program, the Senior Management Institute for Police (SMIP), provides management education to hundreds of senior police executives every summer. PERF also has provided extensive guidance to police leaders on the response to sexual assault through national meetings, publications, policy development, and direct technical assistance.

Women's Law Project

Founded in 1974, the Women's Law Project (WLP) is a nonprofit public interest organization that defends and advocates for the rights of women, girls, people of color, and LGBTQ+ persons across Pennsylvania and beyond. With offices in Philadelphia and Pittsburgh, WLP leverages impact litigation, policy advocacy, public education, and direct assistance and representation to dismantle discriminatory laws, policies, and practices and eradicate institutional biases and unfair treatment based on sex or gender.

WLP is nationally recognized for its work to improve the police response to sex crimes in Philadelphia. That work began in 1999 after news reports revealed that the Philadelphia Police Department (PPD) had failed to properly classify and investigate thousands of sex crimes. WLP advocated for closer oversight by the Philadelphia City Council, an audit of PPD's practices, and new PPD policies on the handling of sexual assault cases. The audit found that PPD had mislabeled and failed to investigate rapes, and in response the police commissioner invited WLP to convene a group to review case files. This case review has evolved into an unprecedented annual advocate case review. It has been continued and supported by five police commissioners and four Special Victims Unit captains and has become known nationally as the "Philadelphia Model."

Wellesley Centers for Women at Wellesley College

The Wellesley Centers for Women (WCW) is an established woman- and gender- focused research and action institute at Wellesley College. The mission of WCW is to advance gender equality, social justice, and human wellbeing through high-quality research, theory, and action, and WCW has decades of experience shaping social change through social science. WCW's approach to women's issues is intersectional and culturally informed and features work with community organizations, nonprofits, policymakers and government agencies, and a variety of international partners. At WCW, The Justice and Gender Based Violence Research (JGBVR) Initiative conducts and disseminates research designed to examine the causes and consequences of gender-based violence and the social, health, and justice system responses to violent crime and victimization. The research team places a premium on learning from the voices of victims and has in the past several decades received multiple federal grants and awards to study commercial sexual exploitation, child sexual abuse, and sexual assault case attrition in jurisdictions across the U.S.

Section II: Project Scope and Methods

Section II: Project Scope and Methods

In response to the City of Austin's solicitation for a comprehensive evaluation of APD's response to reported sexual assaults, the project team submitted a detailed work plan and approach to meet the solicitation's requirements. The section below presents the data collection, analysis, and review process conducted to complete this work.

The project team sought to fully understand how APD approaches, processes, and clears or closes a sexual assault case, with special focus on how victims are treated within this process. The team conducted a three-pronged approach for this review, utilizing:

- a quantitative analysis of a nine-year sample of sexual assault 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 APD.

The interviews allowed the team to learn detailed information and explore the reasons for specific processes and outcomes. This led the project team to review project-related crime incident data, which included related calls for service information, as well as arrest data. These data reviews are not a large focus of the overall examination but do provide additional understanding of the SCU process and how it may be improved within specific topic areas. The project team's work plan is described in greater detail below.

Analysis of Sexual Assault Cases Assigned to the Sex Crimes Unit

The project team was originally contracted to review 50% of the felony sex crimes investigated by the APD Sex Crimes Unit (SCU) from 2012 to 2018. The years 2019 and 2020 were subsequently added to the review to assure a more current understanding of SCU's work since only a small number of detectives or supervisors in the current SCU were in the unit prior to 2019. Adding two additional years to the scope of the study increased the number of cases to review, and there had already been project delays due to the COVID-19 pandemic. As such, the project team and Austin officials agreed to refine the scope of the review to 30% of cases for each year from 2012 to 2020, rather than 50% of cases from 2012 to 2018. A review of 30% of the cases was a manageable workload for the project team and provided the information necessary to evaluate APD's processes.

Out of 4,700 total reported sexual assault cases over the nine-year period, a sample of 1,430 cases was chosen for potential review. The project team arrived at that number by drawing a random sample of 30% of cases from each of the nine years (2012 to 2020) to ensure that each year would be equally represented in the sample and review. Once the sample was finalized, APD provided information on type of offense, clearance category, and case disposition, which it obtained from its record management system (Versadex⁴¹). Before releasing the selected cases to the project team, city attorneys reviewed them, removing any cases found to be outside the selected scope of review, as well as those that involved juvenile victims or juvenile offenders.⁴²

⁴¹ Versadex is the record management system used by the Austin Police Department. Additional information can be found at <https://www.versaterm.com/>.

⁴² Adult victims for these cases included victims 17 and older.

Section II: Project Scope and Methods

To ensure that only cases assigned to and investigated by SCU were reviewed, the project team requested an electronic data file on all adult felony sex crimes cases (perpetrated against adult victims⁴³) investigated from 2012 to 2020 where the highest classified offense was one of the following:

- 0200 Rape
- 0202 Aggravated Rape
- 0500 Burglary of Residence with the Intent to Commit Sexual Assault
- 1700 Sexual Assault with an Object
- 1701 Aggravated Sexual Assault with an Object
- 1716 Forced Sodomy
- 1718 Aggravated Forced Sodomy
- 1797 Sexual Assault (Serial)
- 2609 Invasive Visual Recording
- 2610 Disclosure/Promotion of Intimate Visual Material
- 2800 Kidnapping
- 4207 Serial Rape

This excluded from our analysis misdemeanor sexual assaults, suspected sexual assault reports, and most sexual assault reports investigated by SCU that were not considered felony crimes and needed additional review or investigation. Open cases being actively investigated were also excluded.

Assuring Data Security and Confidentiality

The project team handled the investigative case files with security and confidentiality due to the sensitive criminal justice information and personal data. APD transferred the case files to the project team via encrypted portable hard drives, and the information was subsequently transferred from those hard drives onto encrypted USB drives and distributed to reviewers to conduct their case analyses. The case files were never transferred again from these devices. All the portable and USB drives' contents are destroyed after a certain number of consecutive incorrect password attempts. Upon submission of the final version of this report, the cases from all USB drives, as well as the drives themselves, will be returned to APD, where the files will be handled in accordance with their established procedures.

All case file reviewers underwent Criminal Justice Information Services (CJIS) certification. This process involved fingerprinting, a background check, and an online course in cyber/information security. Additionally, all reviewers had prior experience working with confidential criminal justice information.

Project Team, Team Training, Data Coding, and Analysis

Fifteen trained team members reviewed and coded the 1,430 sexual assault case files from September 2020 until March 2022. To ensure accurate and consistent review of cases by each rater (also referred to as inter-rater reliability), all reviewers took part in a comprehensive coding development workshop. The workshop included a discussion of the project's goals, how the sample was assembled, how the coding work would be used as part of the project, how coding should be conducted (including the constructs being measured), and a group discussion on the importance of and methods to assure inter-rater reliability. As part of the workshop, all reviewers coded items for the same 10 cases, compared their responses to the baseline established by the group, and discussed how their responses compared to the

⁴³<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.22.htm>.

Section II: Project Scope and Methods

baseline. This allowed each reviewer to understand the reasoning for specific coding decisions and ensured they would interpret each metric consistently. This collaborative discussion assured the coding was consistent across and within reviewers.

The project team used the Voxco survey system to assist in the uniformity of coding the information pulled from the 1,430 cases. The Voxco survey instrument contained a series of questions based on the metrics required and each reviewer filled out the same survey for every case (See Appendix A for survey). To enter the data, reviewers read the original case alongside the survey and answered each question with information from the case file.

See the survey in Appendix A for the complete list of questions included in the data collection tool. The key metrics collected and coded from the sexual assault case review include:

- Victim and suspect demographics, including:
 - Race and ethnicity
 - Sex
 - Victim's English proficiency
 - Victim's history of mental illness or disability
 - Whether the victim was LGBTQ+
 - Whether the victim was experiencing homelessness
- Key case dates, including when the:
 - Offense occurred
 - Report was taken
 - Case was assigned to an investigator
 - Victim was interviewed
 - Suspect was interviewed
 - Sexual assault kit (SAK) was tested
 - Case outcome was determined
- Quality of the patrol response
- Whether the victim was connected to victim services (e.g., advocate groups, counselors)
- Quality of the investigation
- Occurrence and quality of the detective interviews of victims, suspects, and witnesses
- Evidence collection and testing
- Outcomes

When all 1,430 cases were coded into the Voxco survey tool, the compiled data was exported to an Excel file for cleaning,⁴⁴ quality control, and final analysis. This final data file was used to provide the summary statistics (e.g., frequency, mean) in this report.

⁴⁴ Data cleaning involved fixing and/or removing incorrect data values and duplicate data, removing irrelevant data and variables, removing outliers that skew the results, formatting data properly based on their data type, and structuring data in a way that allows for proper analysis.

Section II: Project Scope and Methods

Policy and Procedure Review

APD provided the project team with written copies of all relevant general orders, policies, procedures, and current training materials regarding the response to adult felony sex crimes. The project team reviewed general orders, policies, and procedures covering:

- Sexual assault response and investigations
- Evidence collection, storage, and processing
- Victim services
- Report writing and recordkeeping
- Officer-involved sexual assault
- Patrol and investigator responsibilities
- Victim notification
- Victim confidentiality/privacy
- Victim interviewing
- Selection process for those assigned to SCU (all ranks)
- Procedures for unfounding, exceptionally clearing, and referring cases for prosecution
- APD's external and internal codes for clearing and closing cases
- Any other topics related to the investigation of adult sexual assault, including guidance for first responders, investigators, telecommunications personnel, etc.

In addition, the project team reviewed training that is currently in effect, including curricula, outlines, instructor manuals, and PowerPoint presentations for the following:

- Academy sexual assault response training
- Patrol in-service sexual assault response training
- Patrol supervisor in-service sexual assault response training
- Detective sexual assault response training upon entry to SCU
- Recurring and roll-call sexual assault response training for detectives
- Any specialized sexual assault response training received by detectives
- Any departmentwide sexual assault response training
- Any other relevant training and programming

Other reviewed documents related to sex crimes investigations include:

- Organizational charts — specifically of the division including 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, etc.
- Any budgets pertaining to SCU
- Memoranda of understanding (MOUs) (current or from the past seven years) with the Sexual Assault Response and Resource Team (SARRT) and any other multidisciplinary teams
- MOUs with universities and colleges

Section II: Project Scope and Methods

- Any written guidance on the coding/classification of cases
- Any report templates
- Any documents or other information related to SCU's communication with the public (community alerts, awareness campaigns, etc.)

The project team conducted its review of these materials to assess if they incorporate best and evidence-based practices. The policies, procedures, and training were also discussed with interviewees, as well as with APD leadership. The project team identified areas for improvement and has included recommendations throughout this report.

Interviews

The project team interviewed key APD staff, victims, and other stakeholders to assess and obtain additional insights into APD's practices. The project team conducted semi-structured interviews with more than 50 key stakeholders, including five interviews with victims (see Section VIII for additional details). To provide additional understanding of the process and techniques APD uses to formally interview victims,⁴⁵ project members also viewed a small sample of recordings of formal victim and suspect interviews.⁴⁶ Key stakeholders were identified with the help of city leaders, SCU staff, advocates, and victim services providers. Interviews were conducted with individuals from the following groups:

- APD SCU (current and former detectives and sergeants)
- APD Victim Services Division (VSD)
- APD administrative personnel
- SARRT
- Court Appointed Special Advocates for Children (CASA) of Travis County
- Texas Legal Services Center (TLSC)
- Texas Association Against Sexual Assault (TAASA)
- SAFE Alliance
- APD patrol officers
- Grant coordinators
- Crime analysts
- Travis County District Attorney's Office (TCDAO)
 - Past and current assistant district attorneys
 - Victim/witness coordinators/counselors
- Victims of sexual assaults who reported the crime to APD
 - Wellesley Centers for Women conducted the survivor interviews

The interviews covered key processes related to APD's handling of sexual assault cases, including general practices, policies, and training. These topics included the initial response to calls involving sexual assault, when and how SCU is assigned, when and how victims are interviewed, how cases move to prosecution, and how cases are coded for clearance and closing. A small number of victims were

⁴⁵ "Formal interviews" refer to detectives' full, recorded interviews with victims, suspects, and witnesses. These do not include patrol officers' initial interviews or any brief initial interviews conducted by detectives.

⁴⁶ APD provided the project team a list of sexual assault cases from 2021 that were not being actively investigated. The team chose three cases from this list and subsequently reviewed the recorded interviews.

Section II: Project Scope and Methods

interviewed to understand their view of this process and how they felt about how they were treated and the outcome of their case. The interviews provided the project team with qualitative information on APD practices, which was compared to APD written policies and training to identify any gaps. The interviews also provided leads on topics to review through additional analysis of the sexual assault case review data, so process gaps may be more fully understood. These gaps are identified, along with recommendations for improvement, throughout the report.

Review of APD Crime, Call for Service, and Arrest Data

Information gleaned from the interviews, as well as the review of the 1,430 sexual assault cases, led the project team to request additional data on specific topic areas:

- The project team conducted specific analysis to understand the cadence of sex crimes in Austin (e.g., time between call dispatch and initial officer arrival, frequency of calls by month, year, time) and how APD prioritizes sexual assault-related calls. This analysis was conducted using crime incident data from nine years (2012-2020), including sexual assault case data from the APD records management system (RMS) and related call for service information from the computer-aided dispatch system (CAD). The data consisted of crime incidents that spanned 10 different offense codes.⁴⁷ (See Section IV for more information.)
- The project team sought to better understand arrest practices and the way cases are coded depending on the type of closure. The project team was provided information about arrest, exceptional clearance, and internal closure coding for the 1,430 cases included in the case review. (See Section V for more information.)
- The project team was also interested in understanding the prevalence of different types of crime reports assigned to SCU to investigate — specifically misdemeanors, felonies, and those in need of further investigation to move forward. This analysis was conducted using crime report data for reports assigned to SCU during the nine years included in this review (2012-2020), which were provided by APD from the RMS. (See Section IV for more information.)

Additional information about each of these unique topics, how the related data were analyzed, and findings are located in each associated section.

A Note on Terminology

The term *victim* often refers to someone who has recently experienced a sexual assault and is used in the context of the crime itself, focusing on the specific violent act perpetrated against an individual, or in the context of this individual's role and rights within the criminal justice system. In contrast, the term *survivor* may refer "to an individual who is going or has gone through the recovery process; additionally, this word is used when discussing the short- and long-term effects of sexual violence."⁴⁸ Those who have been sexually assaulted may choose either term to describe themselves.

Because our task was to conduct a comprehensive review of how APD SCU has handled sexual assault cases, with a goal of improving services for individuals, we typically use the term *victim* in this report to

⁴⁷ The 10 offense codes were: Aggravated Forced Sodomy, Aggravated Rape, Assault by Contact, Burglary of Residence — Sexual Nature, Disclose/Promote Intimate Visual, Forced Sodomy, Invasive Visual Recording, Rape, Serial Rape, and Sexual Assault with Object.

⁴⁸ See Sexual Assault Kit Initiative and RTI International (no date), "Victim or Survivor: Terminology from Investigation through Prosecution", available at <https://sakitta.org/toolkit/docs/Victim-or-Survivor-Terminology-from-Investigation-Through-Prosecution.pdf> (as of June 21, 2022).

Section II: Project Scope and Methods

describe those who have been sexually assaulted — not as a label, but as the term is used in the criminal justice system.

The project team’s findings and recommendations in this report are based on information from APD, so they reflect officers’ reporting of individuals’ sex. The reports APD provided to the project team included individuals’ sex (i.e., “male” or “female”), not their gender.

This report largely uses “sergeant” and “supervisor” interchangeably, though “supervisor” could also refer to lieutenants in some contexts. “APD leaders” refers to members of the department’s command staff.

Section III: An Overview of APD's Sexual Assault Response

Section III: An Overview of APD's Sexual Assault Response

The following section describes the city of Austin, the Austin Police Department (APD), and APD's response to sexual assault.

The City of Austin

As the capital of Texas, Austin has experienced profound growth and increased diversification in recent years. Known for its eclectic music scene and thriving nightlife, the population reached 961,855 in 2020 — a 21% increase over the previous decade.⁴⁹

Home to the University of Texas' main campus and located less than 300 miles from the U.S.-Mexico border, Austin is home to a young and increasingly diverse population. Residents of the region have a median age of 34.9 — more than three years below the national average.⁵⁰ The racial breakdown of Austin is 48% white non-Hispanic/Latino, 33% Hispanic/Latino, 8% Black, and 8% Asian.⁵¹ Approximately 49% of the population is female.⁵² More than 30% of Austin's population speaks a language other than English in their homes.⁵³

Spanning 320 square miles across central Texas, the area boasts a thriving technology and research hub that develops and manufactures a variety of computers, semiconductors, software, and biotechnology equipment. Nearly 17% of workers in the region are employed in Austin's technology industry.⁵⁴

Each year, Austin plays host to thousands of visitors attending South by Southwest, a conference dedicated to music, film, and interactive media. In 2019, the festival drew more than 417,000 visitors from 106 countries.⁵⁵

The Austin Police Department and Crime

APD is the primary law enforcement agency serving the city and, as of 2020, is made up of approximately 2,500 personnel, including 675 civilians. The agency is authorized to employ around 1,800 sworn officers, but as of this writing has more than 200 vacancies.

⁴⁹ U.S. Census Bureau. "QuickFacts: Austin city, Texas." Retrieved February 21, 2022, <https://www.census.gov/quickfacts/fact/table/austincitytexas/LND110210>.

⁵⁰ Austin Chamber of Commerce. "Population by Age and Sex." Retrieved July 18, 2022, <https://www.austinchamber.com/economic-development/austin-profile/population/population-by-age-sex>.

⁵¹ U.S. Census Bureau. "QuickFacts: Austin city, Texas." Retrieved February 21, 2022, <https://www.census.gov/quickfacts/fact/table/austincitytexas/LND110210>.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Austin Chamber of Commerce. "High Tech Industry." Retrieved July 18, 2022, <https://www.austinchamber.com/blog/07-13-2022-high-tech-industry>.

⁵⁵ Wilson Wong. "SXSW is in person for the first time in three years. Businesses are ready to welcome attendees back to Austin", NBC News, March 11, 2022, <https://www.nbcnews.com/pop-culture/pop-culture-news/sxsw-person-first-time-three-years-businesses-are-ready-welcome-attend-rcna18312>.

Section III: An Overview of APD's Sexual Assault Response

In 2020, the city reported 43 murders, 480 rapes, 1,102 robberies, and 3,045 assaults.⁵⁶ That year, according to crime statistics received from APD, the Sex Crimes Unit (SCU) handled 448 felony sexual crimes, 554 misdemeanors, and 455 information cases.

Reports of sex crimes in Austin peaked in 2017 with 1,783 reported incidents. This included 834 reported rapes — a 12% increase over the previous year. Also in 2017, Austin reported the highest rate of rapes among all large cities in Texas. This rate was nearly 40% percent higher than similar sized U.S. cities.⁵⁷ Since peaking in 2017, Austin has experienced a significant decrease in the total number of reported sex crimes, dropping by 60% between 2017–2020.

Following the 2018 revelation that APD was clearing more sexual assault cases by exception rather than by arrest, the Austin City Council approved Resolution No. 20190131-077 directing the city manager to “undertake a comprehensive evaluation of how reported sexual assaults are investigated and processed.”⁵⁸

Austin Mayor Steve Adler commended the council’s actions during a January 31, 2019 City Council meeting, saying, “. . . I really think we have reached a moment where there’s a real opportunity for us to move forward in a way that will really bring this issue to bear and improve where we are and find the greatest measure of justice.”⁵⁹

An Overview of the Response to and Investigation of Sexual Assault

APD’s sexual assault response is broken down into six roles.

Patrol

Starting on the street level, there is the traditional patrol response in which any uniformed patrol officer may be assigned and dispatched to an incident. The responding patrol officer plays a key role in establishing trust, as they are the victim’s first contact with law enforcement regarding the specific incident. As one analysis of police response to sexual assault notes, “The attitude conveyed by law enforcement is ‘the single most important factor in determining the success of the victim interview, and the entire investigation.’”⁶⁰ For many victims, this is their first interaction with law enforcement, and the encounter may significantly influence the victim’s ability to stay involved in the process and trust the criminal justice system.

⁵⁶ Texas Department of Public Safety. “Crime in Texas.” Retrieved July 17, 2022, <https://www.dps.texas.gov/sites/default/files/documents/crimereports/20/2020cit.pdf>.

⁵⁷ Nadia Hamdan. “The Provability Gap: Why Sexual Assault Cases are so Hard to Prosecute in Austin”, KUT 90.5: Austin’s NPR Station, August 20, 2019, <https://www.kut.org/crime-justice/2019-08-20/the-provability-gap-why-sexual-assault-cases-are-so-hard-to-prosecute-in-austin>.

⁵⁸ Austin City Council. “Resolution No. 20190131-077.” Retrieved July 16, 2022, <https://www.austintexas.gov/edims/document.cfm?id=314392>.

⁵⁹ Austin City Council. “Austin City Council Regular Meeting Session Transcript — 01/31/2019.” Retrieved July 17, 2022, <https://www.austintexas.gov/edims/document.cfm?id=314224>.

⁶⁰ *Improving Police Response to Sexual Assault*, Human Rights Watch, January 2013, p. 4, hrw.org/reports/improving_sa_investigations.pdf, quoting: Sergeant Joanne Archambault, Dr. Kimberly Lonsway, and End Violence Against Women International (EVAWI), “Interviewing the Victim,” OnLine Training Institute, May 2007, p. 6.

Section III: An Overview of APD's Sexual Assault Response

Support from the Victim Services Division

Victim services counselors respond to scenes of sexual assault cases alongside patrol. The Victim Services Division (VSD) is divided into two separate teams: the Crisis Response Counselor (CRC) team and Investigative Support Counselor (ISC) team. CRCs are dispatched with the patrol unit, whereas ISCs work alongside investigators.

The CRC team is made up of 18 counselors who are available to respond across the jurisdiction 24 hours a day, seven days a week, to provide support and counseling to victims. This can include explaining the forensic examination process and offering transportation.

Utilizing a co-responder model, APD patrol officers interview victims in tandem with CRCs. Officers complete a standard police incident report and notify APD SCU of the incident, while CRCs complete a separate report and provide support to the victim. All reports are captured in APD's records management system, Versadex, which electronically maintains all sexual assault case files.

In addition to supporting victims on scene, CRCs connect victims with a SAFE Alliance representative. Working in conjunction with the CRCs, SAFE Alliance provides the victim with a large array of services. They are confidential community advocates who can support the victim through the sexual assault forensic exam (SAFE), the formal interview, and the criminal justice process, depending on the victim's wishes.

Evidence Collection

CRCs make sure the victim understands that they are entitled to a SAFE if the sexual assault was within the last 120 hours and facilitate transportation to the exam. The SAFE is conducted by a sexual assault nurse examiner (SANE), who provides medical assistance and explains the evidence collection process, which results in the sexual assault kit (SAK). APD collects the SAKs from the medical facility within seven days. Within 30 days, the kits are sent to an external laboratory operated by the city for testing. In most cases, once a SAFE is completed, the victim is provided transportation home or to a different location at the victim's request to await contact from a detective.

Additional evidence is collected at the scene by the Evidence Unit. Off-scene evidence is usually collected by the detective (i.e., commercial video or surveillance footage).

Investigative Support Counselors

Also providing victim support services is the ISC team, which consists of six counselors, assigned to SCU, who work with SCU investigators and victims after the CRCs have completed their duties. ISCs assist victims — walking them through the investigative process and providing transportation to meetings and court proceedings — and serve as the communication link between victims and detectives.

The Sex Crimes Unit

Sexual assault investigations are conducted by 20 SCU detectives, four of whom focus entirely on cold case investigations. SCU previously employed a crime analyst and, as of this writing, is in the process of filling this position. The SCU office is staffed with detectives Monday through Friday, between 6 a.m. and 6 p.m. There are two on-call detectives assigned to answer calls regarding sexual assault Monday through Friday between 6 p.m. and 6 a.m., and 24 hours a day on Saturday and Sunday. **The SCU Standard Operating Procedures (SOP) do not require detectives to respond to the scene for most sexual assault calls.**

Section III: An Overview of APD's Sexual Assault Response

Most new detectives enter the unit with only patrol-level knowledge of sex crimes and are mentored by a senior detective. Usually, inexperienced detectives are only assigned misdemeanor crimes, but felony assault cases may be assigned if the unit is experiencing a heavy caseload. Current and former SCU detectives told the project team that they did not feel adequately trained to investigate felony sexual assaults.

Sergeants assign cases to detectives through Versadex. The average time between incident report to assignment is 2.5 days. APD policy requires that detectives make first contact with victims within 48 hours of their first workday after learning of a case assignment. APD has no written policies detailing how many times detectives must attempt to contact victims. According to APD management, the detectives were told in early 2022 to make at least three attempts to contact a victim. The SCU SOP needs to be updated to reflect the requirement.

The average length of time between case assignment and a formal interview with a victim was 17 days. Although all victims were initially interviewed by patrol officers to collect basic facts, detectives completed detailed formal interviews in only 51% of cases.

Two months after a case is assigned to a detective, an APD sergeant and the detective will conduct a sit-down meeting to review the status of the investigation. The purpose of this meeting is to determine if the investigation is complete and ready to be referred to the Travis County District Attorney's Office (TCDAO) or if the investigation should continue. If the sergeant and detective decide the investigation should continue, they schedule a new status review date.

[Working with the District Attorney's Office](#)

The final component of APD's sexual assault response is the TCDAO. Assistant district attorneys (ADAs) are assigned to sexual assault cases if a suspect is arrested or if SCU presents a case directly to TCDAO for a charging determination. SCU detectives meet with an ADA to discuss cases and determine next steps. Of the 1,430 cases reviewed by the project team, only 35% were discussed with an ADA, and prosecution was declined in 56% of those.

Section IV: Detailed Findings on APD's Sexual Assault Response

Section IV: Detailed Findings on APD's Sexual Assault Response

This section identifies the various components of the Austin Police Department's (APD) response to sexual assault complaints. The components are presented in the order a case proceeds, from the crime report and initial response, to the investigation.

Sex Crimes Reports

Figure 1 illustrates the frequency of reported sex crimes by year from 2012 to 2020. In total there were 12,235 reported sex crimes over the nine-year period, with a sharp decline from 2017 to 2018, and a more gradual decline from 2018 to 2020.⁶¹

Figure 1: Reported Sex Crimes, 2012–2020 by Year (N = 12,235)



Reported sex crimes reached their peak in 2017 with 1,774 incidents. From 2017 to 2018, the number of reported sex crimes decreased by 873 incidents. This sharp decrease in sex crimes coincides with the two lawsuits filed against APD and the Travis County District Attorney's Office (TCDAO) in June 2018 claiming that APD failed to properly investigate sexual assault cases, the TCDAO failed to prosecute sexual assault cases,

The number of reported sex crimes received via 911 decreased 60% from 2017 to 2020.

⁶¹ The reported sex crimes provided by APD and their associated call-for-service information (including call time and priority) were used for the analysis. The following types of reported sexual assaults were chosen and included to parallel the types of crimes patrol would be assigned to respond: Aggravated Forced Sodomy, Aggravated Rape, Assault by Contact, Burglary of Residence – Sexual Nature, Disclose/Promo Intimate Visual, Forced Sodomy, Invasive Visual Recording, Rape, Serial Rape, and Sexual Assault with Object.

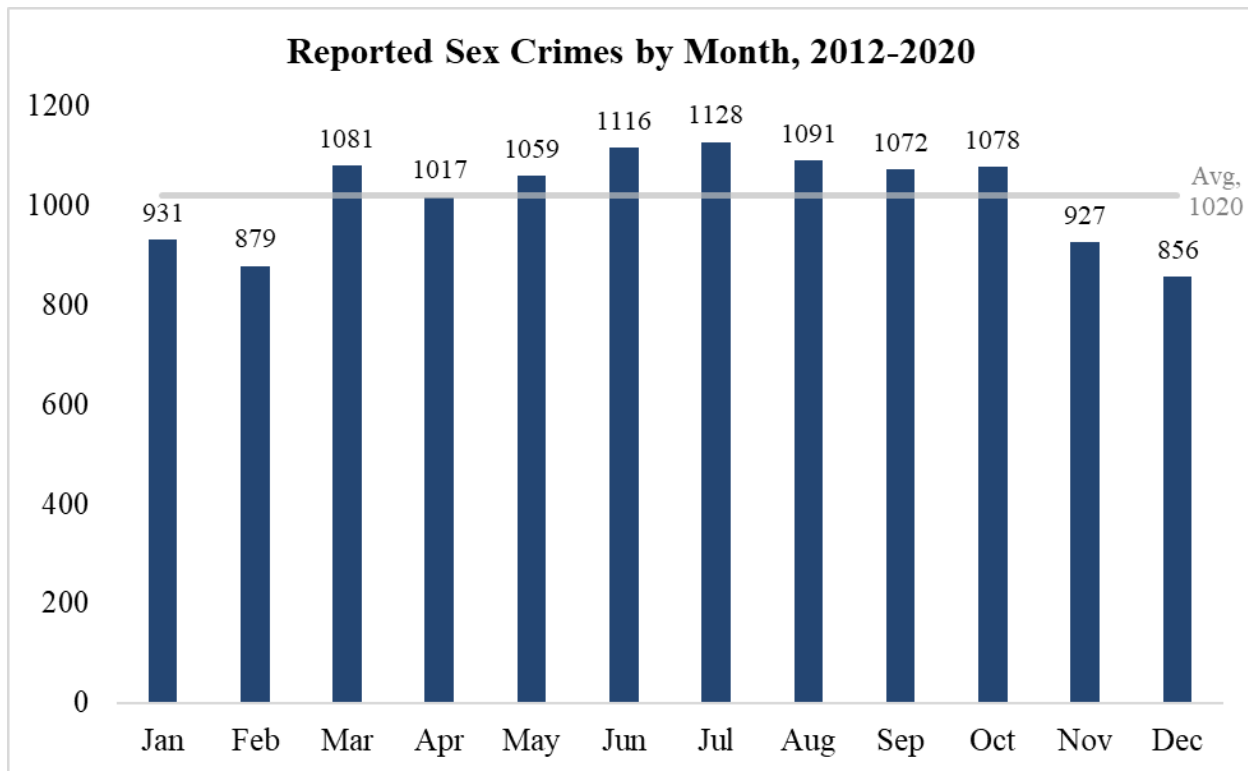
Section IV: Detailed Findings on APD’s Sexual Assault Response

and victims were mistreated during the process.⁶² The project team was unable to determine the reason for the sharp decline in reported sex crimes. APD officials posited that this decrease may be explained by the negative press surrounding APD’s handling of sex crimes. The factors that may have contributed to this decline deserve further research. If the decrease in calls to 911 is due to decreased public trust, restoring community confidence in APD’s sex crimes investigations should lead to increased reporting.

As illustrated in Figures 2–4, during the nine years under review:

- the months with the most reported sex crimes were July (1,128 incidents), June (1,116 incidents), and August (1,091 incidents);
- the days with the most reported sex crimes were Saturday (1,965 incidents), Sunday (1,898 incidents), and Friday (1,803 incidents); and
- the late afternoon and evening hours between 3 p.m. and 11 p.m. (5,932 incidents) had the most reported sex crimes.

Figure 2: Reported Sex Crimes by Month, 2012–2020 (N = 12,235)



⁶² Sarah Marloff, “Class Action Lawsuit Seeks Justice for Sexual Assault Survivors”, *The Austin Chronicle*, June 19, 2018. <https://www.austinchronicle.com/daily/news/2018-06-19/class-action-lawsuit-seeks-justice-for-sexual-assault-survivors/>.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 3: Reported Sex Crimes by Day of Week, 2012–2020 (N = 12,235)

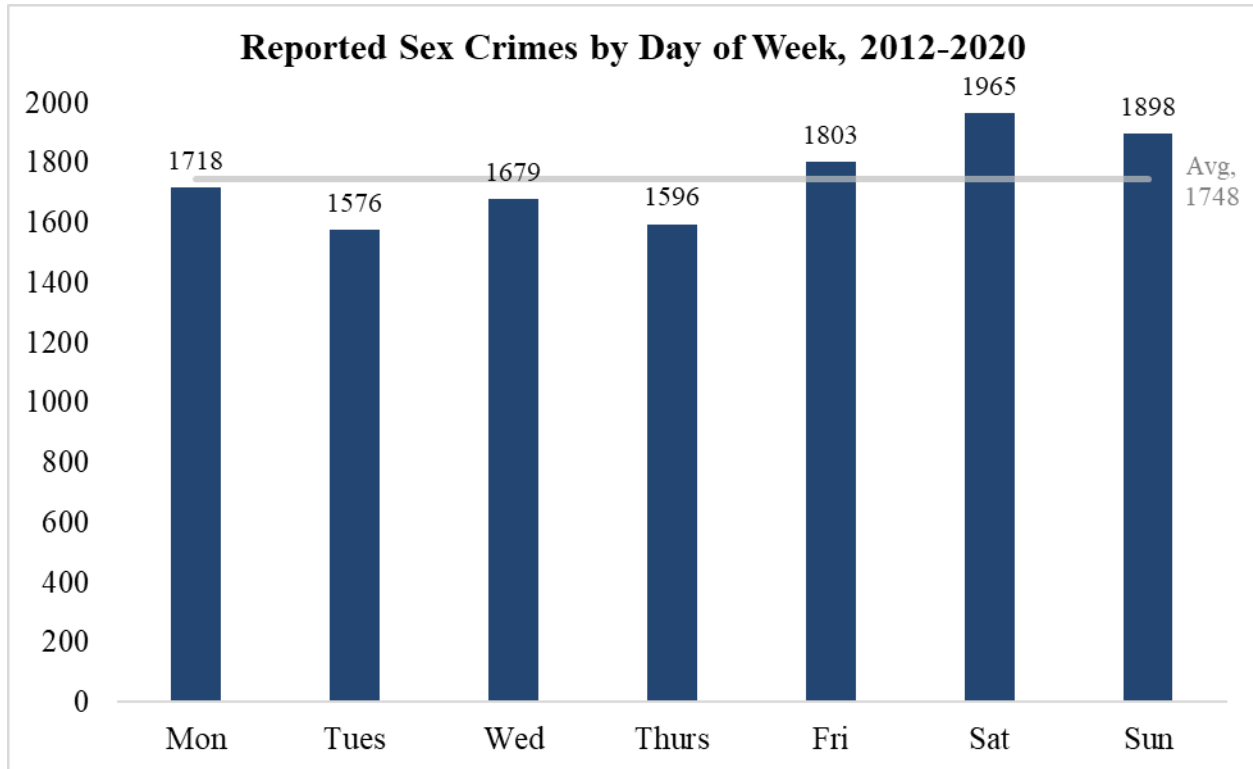
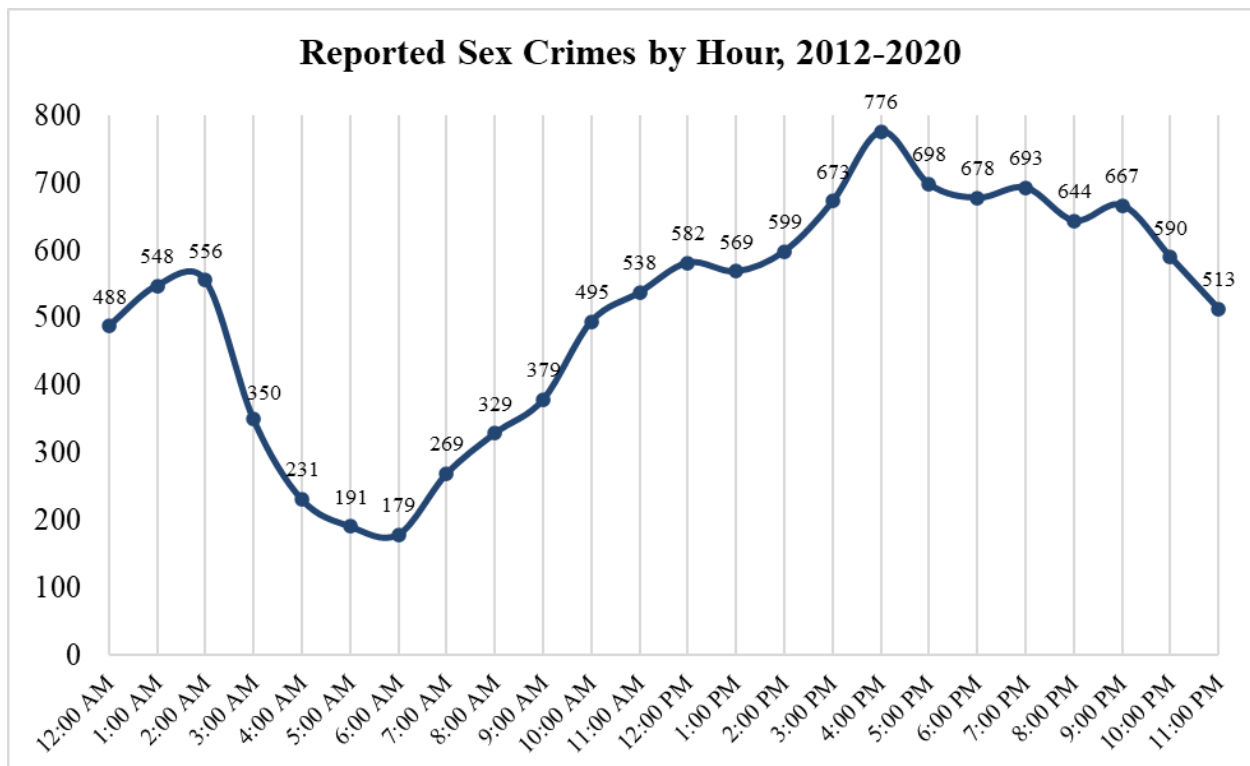


Figure 4: Reported Sex Crimes by Hour, 2012–2020 (N = 12,235)



Section IV: Detailed Findings on APD's Sexual Assault Response

These findings are consistent with the findings in prior PERF studies of law enforcement agencies' yearly, weekly, and daily sex crime reporting patterns. **They also suggest that sex crimes detectives should be working during the weekend and nighttime hours to assure a consistent and coordinated response to the high volume of calls received during those times.** The current SCU work schedule is described later in the report with a recommendation that detectives work nights and weekends.

Response Time⁶³

When a caller reports a sex crime via the 911 system, APD assigns the call a priority level from 0 to 3, with 0 being the highest priority and 3 being the lowest. The priority given to a call represents the haste with which an officer is expected to respond. The priority conveys whether the crime may be in progress, any potential physical injury to those on the scene, and other important considerations that inform the officer of their level of risk and needed readiness. Figure 5 indicates that for the sex crimes included in the analysis for the years of 2012 to 2020, 43% were considered a high priority of 0 or 1, while 54% were prioritized as a non-urgent call of 2 or 3.

⁶³ This analysis was conducted using the reported sex crime incident data described in the methods section. It is important to note the response time and call priority were limited to only those calls that were defined as having a disposition of a sex crime. It was outside of the scope of this work to analyze all calls for service data, so the analysis does not include calls for service that did not receive any disposition or were confirmed as a different type of crime.

Section IV: Detailed Findings on APD’s Sexual Assault Response

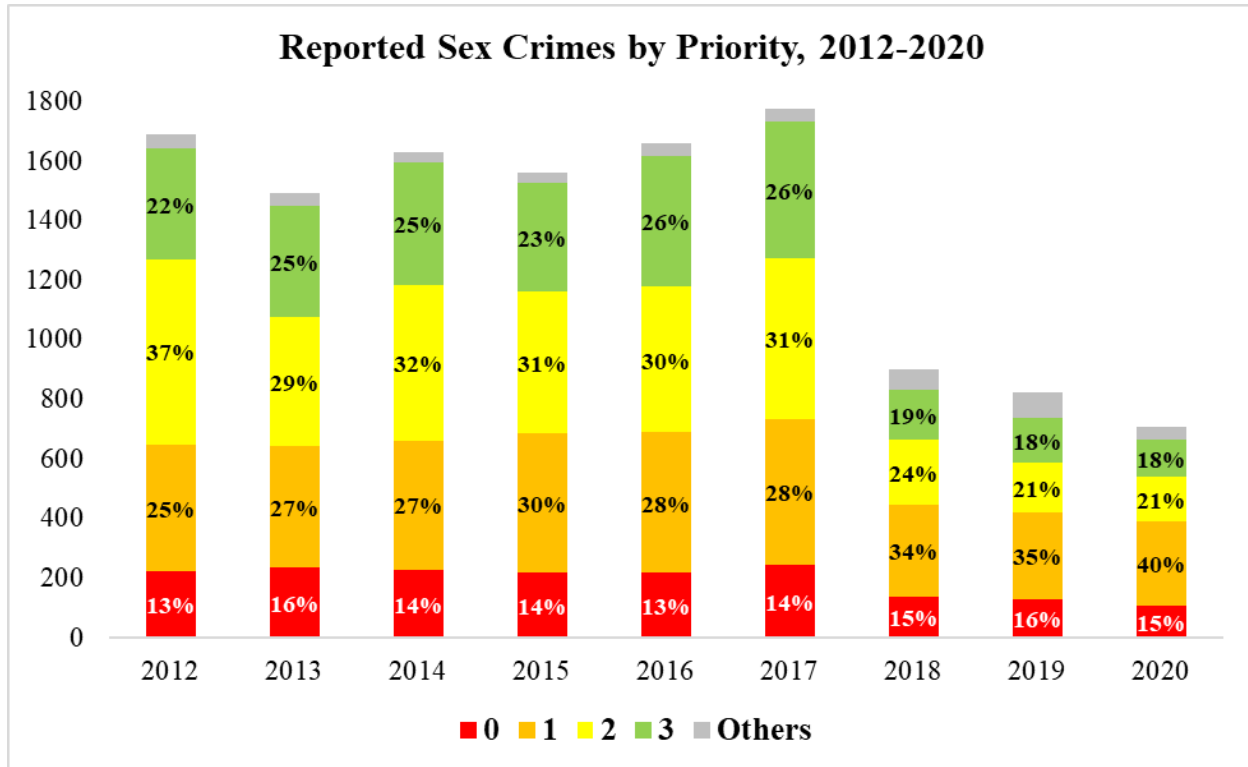
Figure 5: Number and Percentage of Sex Crimes by Call Priority, 2012–2020

Priority	Description	Number	Percentage
0 ("Hot shot")	Involves physical harm or injury to a person or property; <i>and</i> Is in progress and/or all involved parties are still on scene.	1,733	14%
1 ("Urgent")	Involves physical harm or a perceived threat to any person or property; <i>and</i> Just occurred and/or suspects may still be in the area; <i>and</i> A quick response might aid in apprehension.	3,582	29%
2	Poses either a minimal or no immediate threat; <i>and</i> Is in progress or just occurred; <i>and</i> Warrants a rapid police response.	3,624	30%
3	Protection of life or property is not at risk; <i>and</i> An immediate police response will not likely prevent further injury, loss of property, or adversely impact an investigation.	2,885	24%
Other	Crimes not assigned a priority by call-taker/dispatch, usually because the reporting party flagged down an officer instead of calling 911.	437	4%

Although there is some subjectivity to coding the priority of a call, policies and procedures should provide a road map to assuring calls are coded consistently and enable a timely response to sex crime calls. Examining Figure 6, it is evident that the way in which sex crime calls were coded varied during the study period. From 2012 to 2017, an average of 28% of sex crimes examined received a priority of 1, and 56% received a priority of 2 or 3. In contrast, from 2018 to 2020, an average of 36% of sex crimes examined received a priority of 1, and 40% received a priority of 2 or 3. In contrast, priority 0 calls remained relatively stable from 2012 to 2020, with a small variation from 13% to 16%. Quite simply, although there were fewer sex crimes reported in 2018 through 2020, the sex crimes examined in this review were assigned a higher priority than in previous years.

Section IV: Detailed Findings on APD’s Sexual Assault Response

Figure 6: Reported Sex Crimes by Priority, 2012–2020 (N = 12,235)



Across the full nine years of data, 54% of calls were coded as a priority of 2 or 3. The increased proportion of sex crimes cases coded as priority 1 from 2018 to 2020 is encouraging, but it occurred when the total number of crimes reported was much lower.

Response Time by Priority Level

Across all priority levels, it takes 911 call-takers an average of one minute and two seconds to transfer the call to police dispatchers. **While the time it takes to transfer calls from call-takers to dispatchers is consistent across all priority levels, the time it takes a call to go from dispatchers to assignment to a patrol officer, and from assignment to a patrol officer reaching the scene, is highly variable across the priority levels.** As illustrated in Figure 7, on average priority 0 and priority 1 calls are received at 911, transferred to dispatch, assigned to an officer, and the officer arrived on scene all within 10 minutes. This quick response time is consistent with the national average for these high-priority calls.⁶⁴ However, the response time is significantly lower for priority 2 and 3 calls. Priority 0 and 1 calls were assigned to patrol officers within two minutes, but priority 2 and 3 calls took an average of more than 12 minutes to be assigned to patrol officers.

⁶⁴ <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cv08107.pdf>, Criminal Victimization in the United States, 2008 – Table 107, U.S. Bureau of Justice Statistics, May 2011.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 7: By Priority Level, the Average Time from Dispatcher to Patrol Officer Assignment and Patrol Officer Assignment to Scene, 2012–2020⁶⁵

Priority Level	Dispatcher to Assignment of Patrol Officer	Assignment of Patrol Officer to Arrival at the Scene
0	1 min, 16 sec	4 min, 57 sec
1	1 min, 52 sec	6 min, 54 sec
2	12 min, 38 sec	9 min, 18 sec
3	12 min, 42 sec	7 min, 13 sec
Average	11 min, 25 sec	7 min, 31 sec

According to department officials familiar with the 911 call center, there are several reasons supervisors allow dispatchers to lower the priority of sexual assault calls or hold lower-level priority calls before assigning them to patrol officers. For example, there may be more calls for service than there are officers available to respond, in which case the dispatcher holds the call until an officer is available, or if a call for a crime in progress comes in, it will be dispatched before a crime that occurred earlier even though it may have been in the queue first.

Once officers are assigned to priority 2 and 3 calls, they respond to the scene in under 10 minutes on average. But the total time from the 911 call to an officer's arrival on scene averages 28 minutes for priority 2 calls and 56 minutes for priority 3 calls. This lengthy wait time may agitate callers (who are often victims). As previously noted, in recent years, APD has increased the percentage of sex crimes prioritized as 0 or 1 upon report, but approximately 40% of these crimes remained at priority 2 or 3 from 2018 to 2020. This low priority results in a delayed response to the victim. Given the sensitive nature of the crime being reported, a timely response is necessary for all incidents.

APD should consider adopting a model similar to the state of Michigan's Model Policy, which touches on the importance of treating all reported sex crimes as high-priority calls regardless of the length of time between the incident and the call to 911:

"Treat sexual assault calls as high-priority calls regardless of the length of time between the call to 911/dispatch and the incident of sexual assault. It is not uncommon for victims of sexual assault to report the assault days, weeks, months, or even years after the assault. It is important that these calls are still prioritized and responded to immediately to affirm to the victim that their call is important and will be taken seriously."⁶⁶

With lengthy response times to certain sex crime calls, APD could be unintentionally sending the message that they do not care about or prioritize victims of sexual assault. Adopting the dispatch protocol in the Michigan Model Policy would go a long way toward establishing trust and confidence in APD's response to victims of sexual assault.

Recommendation IV.1: APD should ensure all sex crime-related calls for service are designated high priority (priority level 0 or 1), regardless of when the incident occurred. This will prioritize

⁶⁵ Response times by year were relatively similar across the years of 2012 to 2020, so the analysis was conducted collapsing all years of data to provide the response times across all of the years.

⁶⁶ "Michigan Model Policy: The Law Enforcement Response to Sexual Assault Adults and Young Adults", Retrieved July 21, 2022, <https://www.bwjp.org/assets/documents/pdfs/2015-michigan-model-policy-the-law-enforcement-respo.pdf>.

Section IV: Detailed Findings on APD's Sexual Assault Response

the needs of victims due to the sensitive nature of the crime. APD should have a public campaign including the media and victims' advocates to acknowledge that APD is improving the response to sexual assaults. This campaign should focus on ensuring that the public is aware of how to report a crime of sexual assault (both through 911 and alternative means) and that APD is specially trained, includes victim experts in its response, and has improved its work to help victims of sexual assault.

Recommendation IV.2: If APD is unable to treat all sex crime-related calls as high priority, supervisors should limit the number of sexual assault calls for service they are downgrading in priority level. In the event a dispatcher cannot promptly assign a sex crime call to a patrol officer, the dispatcher or supervisor should immediately contact the 911 caller to inform them of the delay and the anticipated response time. This will assure the caller that their incident is being taken seriously and reduce concerns about the response time. APD should consider setting a time limit, perhaps 15 minutes, at which point the dispatcher will contact the 911 caller about the delayed police response.

Patrol Response

Patrol is deployed to every felony sex crime reported, and since June 2019, APD policy has been to dispatch Victim Services Division (VSD) counselors simultaneously with patrol officers on sexual assault calls. Patrol officers who were interviewed for this project all appreciated having the VSD counselor on scene.

Review of patrol reporting in the 1,430 case files provided a glimpse of the patrol response. The project team found that a majority of time patrol officers' reports of sexual assault complaints provided accurate and essential information to begin the investigation.

"The police (patrol) are supposed to believe, help, and protect you but they didn't do anything." —
Victim Interview

Over the course of one interaction, patrol officers can respond in neutral, positive, and negative ways. For example, there were times when an officer's response was initially positive and supportive, but the officer then asked a victim-blaming question or inquired if the victim was prepared to take the case to trial. These questions are inappropriate, as they may convey skepticism or a lack of interest in the victim's case. The five survivors interviewed (see victim/survivor interviews, Section VIII) reported both positive and negative interactions with patrol officers and the criminal justice system in general. Interviews indicated that officers often express empathy and other positive responses. But in some instances, patrol officers do not know the best way to approach and interact with a victim.

Section X of the report includes several recommendations for better training on victim-centered and trauma-informed practices and techniques.

Victim Services Division (VSD)

Standard Operating Procedures of APD's Victim Services Division:

VSD's SOP opens with a strong message regarding its history and dedication to victims of sexual assault.

Section IV: Detailed Findings on APD's Sexual Assault Response

"The Victim Services Division of the Austin Police Department was created in 1981 to support victims and survivors of crime and traumatic events through a streamlined system of trauma-informed, culturally relevant, and unbiased care and advocacy.

Victim Services achieves this mission using a multitude of on-scene and longer-term support services including counseling, crisis intervention, advocacy, trauma education, safety planning, information [and] referrals, and criminal justice system training."⁶⁷

APD was ahead of other departments when it created its VSD more than four decades ago. At the time, there was limited knowledge about victimology and post-traumatic stress disorder (PTSD) was only recognized as a mental health disorder in the context of war veterans. VSD has evolved over time, and its practices now incorporate the expanded knowledge of trauma and its impact on crime victims. **APD VSD sets the standard as a best practice in responding to and supporting victims and survivors of sexual assault.**

Victim Services Division Teams

VSD responds to a host of violent crimes (homicides, sexual assaults, domestic violence, robbery, etc.) to support victims. Almost every VSD staff member has a master's degree, and each member undergoes 40 hours of training upon hire. The manager of VSD has a direct line to the chief of police, attends executive staff meetings, and is given the opportunity to review new policies and procedures and comment on how they might impact victims of crime.

Currently, VSD has a staff of 49, divided into two teams:

- **Crisis Response Counselor (CRC) Team:** The CRC team provides immediate, short-term victim assistance. This team works hand in glove with patrol, assuring the department's initial response is trauma-informed and victim-centered. The CRC team members explain the sexual assault forensic exam (SAFE), assist with transportation, accompany the victim to the hospital, and support the victim. The team has 17 counselors and two supervisors, who are available 24/7. Since June 2019, a CRC team member, if available, is automatically dispatched to sex crimes calls with patrol.
- **Investigative Support Counselor (ISC) Team:** The ISC team provides longer term support for victims. After the initial response, the ISC team takes over from the CRC team. The ISC team works with detectives to walk victims through the investigative process, facilitate communication between the detectives and victims, meet and transport victims as needed, and use a trauma-informed approach to provide victim support. The team is comprised of three groups, each of which has a supervisor and several counselors assigned to one or more investigative units. The ISC teams are co-located with the investigative units.
 - **Group 1** — a supervisor and nine counselors: five counselors for Sex Crimes, three counselors for Child Abuse, and one counselor for Human Trafficking.
 - **Group 2** — a supervisor and 10 counselors: nine counselors for Domestic Violence and one counselor for Vehicular Homicide, who is cross-trained to assist with Hate Crimes.

⁶⁷ APD Victim Services, Standard Operating Procedures, p. 2, revised November 30, 2021.

Section IV: Detailed Findings on APD's Sexual Assault Response

- **Group 3** — a supervisor and six counselors: five counselors for Robbery and Nonfamily Violence, Aggravated Assault, and Homicide; and one counselor for the Training Academy.

Based on interviews with patrol officers and VSD staff, this team approach works well for provision of victim support while enabling patrol officers to perform their duties. This approach allows the patrol officer to focus on the report, the scene, and the witnesses, while the CRC offers support to the victim, explains the investigative and sexual assault forensic exam processes, and is available to assist the victim with transportation to the hospital if the victim consents to be seen by a Sexual Assault Nurse Examiner (SANE). Ideally, at the hospital the CRC introduces the victim to a community advocate from the SAFE Alliance, a nongovernmental agency, for further services.

Current and former SCU detectives had only positive things to say about VSD. One stated that they are a “key part of our unit and our investigations.” Another told the project team that they are “awesome” and “provide the victim a wealth of information.”

Sex Crimes Unit (SCU)

SCU is responsible for investigating both misdemeanor and felony sex crimes. Approximately one-third of the cases assigned to SCU are misdemeanor crimes, such as indecent exposure, window peeping, and assault by contact of a sexual nature (i.e., “groping”). Felony crimes include sexual assault, invasive visual recording, and residential burglary (with intent to commit sexual assault).

APD's current process of assigning misdemeanor crimes to SCU is uncommon among large police agencies nationwide, where misdemeanor cases are normally addressed by district- or precinct-level detectives or patrol. In APD, this means that detectives must focus on both less violent crimes and more serious violent sexual assaults. This likely diverts investigative resources from the crimes and victims that require greater attention.

Felony sexual assault cases are intensive and time-consuming. In most cases, there are no witnesses to the actual assault, and the intimate nature of the assault is physically, psychologically, and emotionally traumatizing for the victim. Officers and detectives must understand that many victims find the investigative process difficult to navigate, and, at times, it can feel re-traumatizing, humiliating, and demanding. Hence, **it's extremely important for police officers who respond to the scene and detectives who investigate these crimes to make every effort to be nonjudgmental, compassionate, empathetic, and patient with victims.** This approach can pose special challenges compared to other types of crime investigations. Many agencies struggle with establishing this culture and practice.

SCU Staffing and Work Schedule

SCU has the following complement of sworn personnel: one lieutenant, three sergeants, four cold case detectives, and 16 sex crimes detectives. The unit is staffed between 6:00 a.m. and 6:00 p.m., Monday through Friday. Outside of these core hours, two detectives are on call. The 16 sex crimes detectives work on current sexual assault cases. The four cold case detectives investigate delayed reports of sexual assault, as well as suspended or closed cases that are reactivated due to new information. SCU's staffing is discussed at greater length in Section XI of the report.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 8 shows the number of reported sex crime felonies⁶⁸ from 2012–2020, grouped by the time of day and day of the week the calls were received (N = 3,981).⁶⁹ **The table is color-coded, so the times when the fewest calls were received are green, the times with moderate call volume are yellow, and the times with the most reports are red.** The bolded black box outlines the core working hours and days currently covered by SCU. More than three-fifths (63.6%) of sex crime felony reports were made *outside* the standard SCU working hours of Monday through Friday, 6:00 a.m. to 6:00 p.m. Outside those hours, two detectives are on call.

Figure 8: Felony Sex Crimes by Day of Week and Time of Report, 2012-2020

	12:00- 2:59 AM	3:00- 5:59 AM	6:00- 8:59 AM	9:00- 11:59 AM	12:00- 2:59 PM	3:00- 5:59 PM	6:00- 8:59 PM	9:00- 11:59 PM
Mon	79	37	37	65	94	110	73	74
Tues	48	36	30	70	80	102	77	58
Wed	65	33	34	66	108	86	68	93
Thurs	64	38	57	63	83	83	67	65
Fri	63	69	41	87	71	84	71	63
Sat	102	97	39	81	82	82	82	73
Sun	89	109	48	65	90	102	75	73

Recommendation IV.3: SCU detectives should be assigned to work day and evening shifts seven days a week, at a minimum. Data indicates that most sex crimes are reported in the evening and on weekends. In addition to daytime coverage Monday through Friday, SCU should assign sufficient detectives during evening and weekend hours to manage the workload. For example, detectives could work each of these shifts: weekday evenings from 3:00 p.m. – 11:00 p.m., weekend mornings from 8:00 a.m. – 4:00 p.m., and weekend evenings from 4:00 p.m. – midnight. All remaining overnight hours would be covered by keeping the detectives who finish their evening shifts on call until the morning shift begins. Another example is the schedule used by the Baltimore Police Department's Sex Offense Unit, which has 14 detectives who provide 24/7 coverage, with two shifts of detectives that alternate working days and evenings and one shift that works permanent midnights.

⁶⁸ The sex crimes incident data provided by APD were used for this analysis. Using these data, the crimes were narrowed to those considered felonies, as well as in which the crime would likely be referred to SCU. This included the following types of reported crimes: Aggravated Forced Sodomy, Aggravated Rape, Burglary of Residence – Sexual Nature, Disclose/Promo Intimate Visual, Forced Sodomy, Invasive Visual Recording, Rape, Serial Rape, and Sexual Assault with Object.

⁶⁹ Call-for-service data from the Computer Aided Dispatch System (CAD), by its nature, do not contain all reported sex crimes. For instance, crimes not reported via 911 are not included.

Section IV: Detailed Findings on APD's Sexual Assault Response

Calls That Receive an In-Person Response from Detectives

There are specific sex crimes for which APD policy requires a detective to respond to the scene or the hospital. A detective is expected to respond when requested by the unit sergeant or a patrol supervisor, or when the offense involves:

- a home invasion,
- serious injury to the victim or suspect,
- a possible serial rapist,
- the arrest of the suspect for a felony charge investigated by the unit, or
- an attempted sexual assault or rape that includes any of the above.⁷⁰

Written policy dictates the “detective may respond to the crime scene when the offense involves:

- a complicated crime scene;
- a victim who has walked into a hospital for a sexual assault exam;
- a victim who would not be available for an interview due to leaving town, not having contact information, or other reason;
- the incident involved an unknown offender;
- the incident involves abduction;
- eyewitnesses who need to be interviewed;
- the incident involved the suspected use of a date rape drug, depending on the circumstances and the length of time since the crime occurred;
- evidence that may be destroyed or lost due to item sensitivity; or
- offenses that just occurred and video and neighborhood canvassing is needed.”⁷¹

In these cases, detectives decide whether or not to respond to the scene or hospital, and in the cases reviewed, usually they chose not to respond. **APD would markedly improve its sexual assault case response, processing, and outcomes — including its victim-centered approach — by requiring detectives to respond to all felony sex crime scenes.** Under this policy, detectives, along with patrol and the Victims Service Division, would respond to each call for a reported sexual assault, whether there is a crime scene or not. An in-person response would not be required for cyber/digital felonies.

“The assigned Investigator will immediately respond to the scene and either direct Crime Scene Personnel or process the scene.”
— Philadelphia Police Department, Special Victims Unit, Standard Operating Procedure

By responding to the scene, the detective will:

- Develop a “feel” for the crime scene, as homicide and robbery detectives already do.
- Ensure time-sensitive evidence at the scene and other locations is immediately secured.
- Supervise evidence collection by the crime scene personnel or collect evidence, if needed.
- Supervise neighborhood canvassing.
- Interview witnesses at the scene, especially those who may not be easily accessible in the future.

⁷⁰ APD Sex Crimes SOP, 2022, p.3.

⁷¹ Ibid.

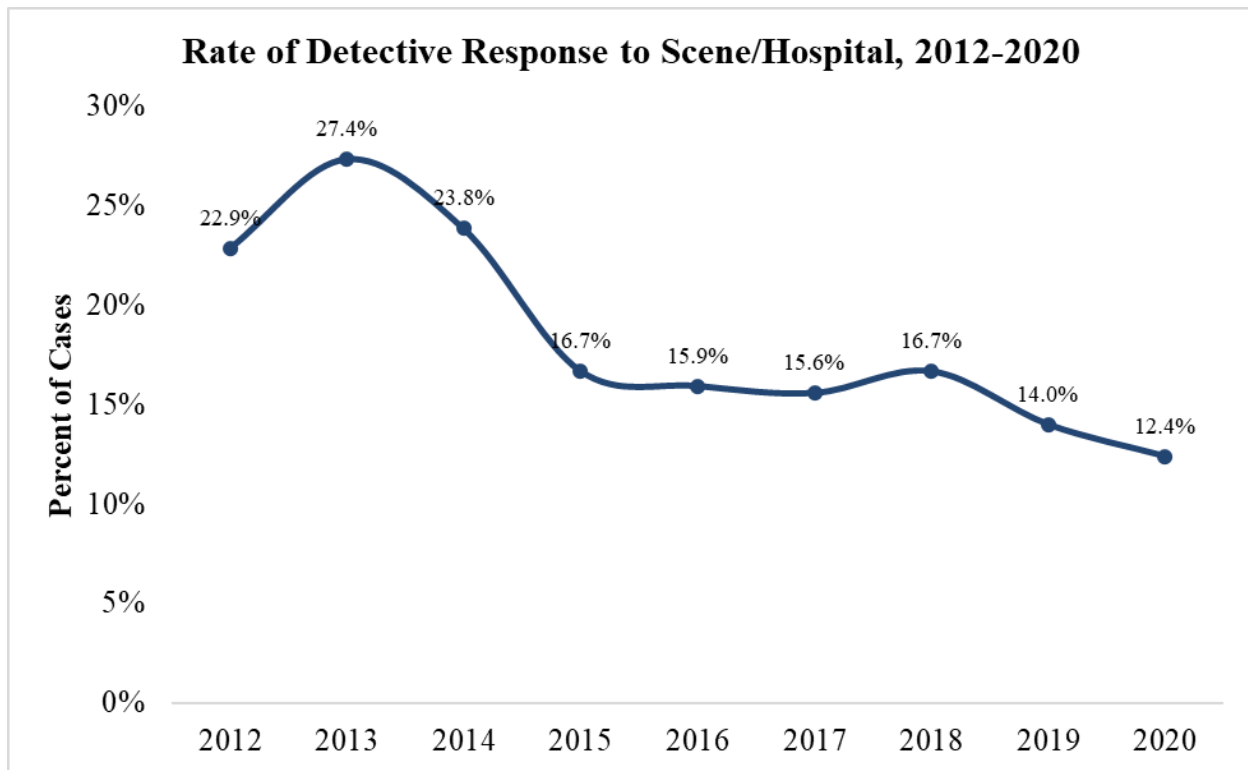
Section IV: Detailed Findings on APD's Sexual Assault Response

- Check that the patrol officers have all necessary information for their report, including witness and victim contact information, so the investigation can move forward promptly.

In-Person Response

As previously described, SCU policy only mandates that a detective respond to the scene for certain serious felony sex crimes or when requested by the unit sergeant or the patrol supervisor. These types of cases are a minority of those handled by SCU (e.g., home invasions, possible serial rapists). For other cases, detective response is discretionary.⁷² **Without a policy requiring detectives to respond to the scene or the hospital in the majority of sex crimes cases, the project team found that detectives went to the scene or hospital in only 17% of the sexual assault cases reviewed.** As Figure 9 below shows, the proportion of cases receiving an on-scene detective response decreased from a high of 27.4% of cases in 2013 to a low of 12.4% of cases in 2020. The majority of victims (83% across the nine-year period) did not meet a detective on scene or at the hospital and were instead asked to wait for a detective to contact them to schedule a formal interview about their experience.

Figure 9: Rate of Detective Response to Scene/Hospital, 2012–2020 (N = 1,319)⁷³



⁷² Ibid., p.4.

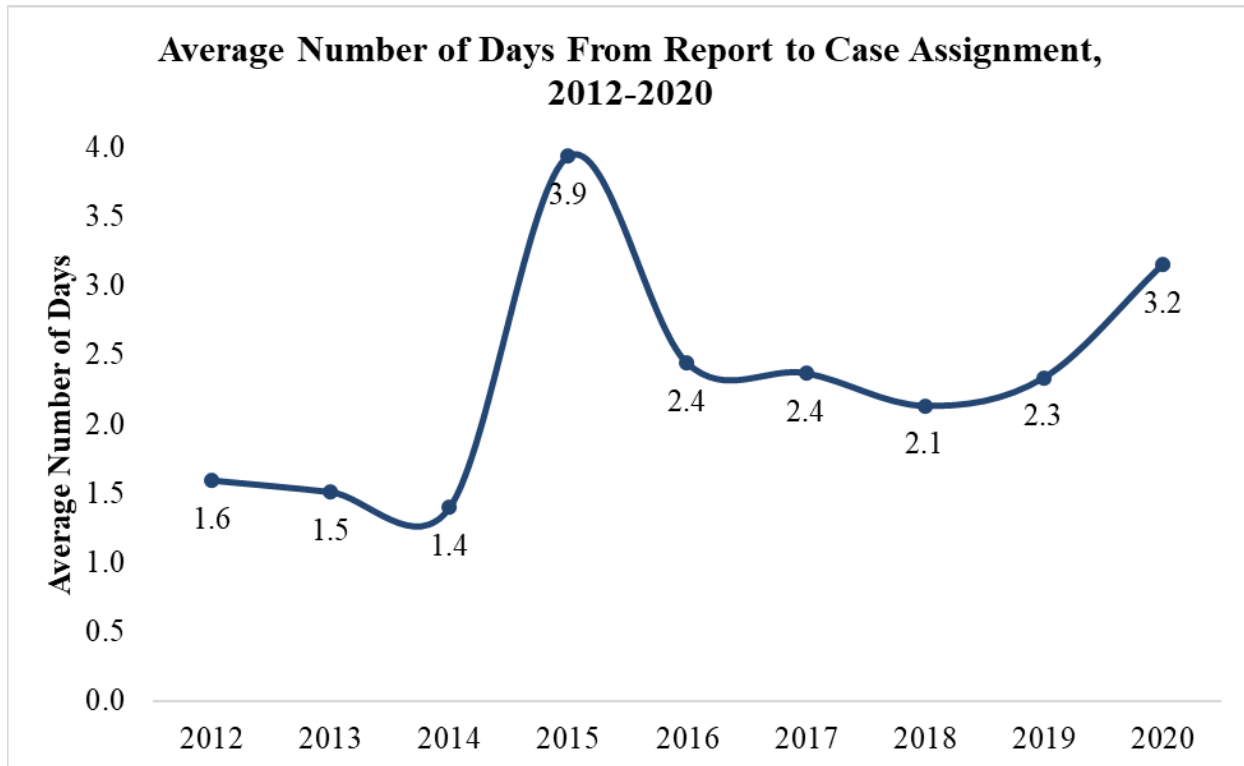
⁷³ Detective response to the scene is only counted when an APD patrol officer is the first responder, which was the case for 111 of the 1,430 cases.

Section IV: Detailed Findings on APD’s Sexual Assault Response

Time from Case Report to Case Assignment to First Contact with the Victim

As illustrated in Figure 10, the project team found that it took an average of 2.3 days for a report to be assigned to a detective from 2012–2020. This time to assignment has varied over the years, with a relatively low average of under two days from 2012–2014 and a high average of 3.9 days in 2015, followed by an average of 2.3 days from 2016–2019, and an increase to an average of 3.2 days in 2020.

Figure 10: Average Number of Days from Report to Case Assignment, 2012–2020 (N = 1,421)⁷⁴



According to APD command staff, patrol officers enter event reports into Versadex the same day an assault is reported, and, when on duty, SCU sergeants generally assign cases to detectives within 24 hours. According to the SCU SOP, reports are reviewed and assigned by the sergeants every Monday through Friday.⁷⁵ Reports on weekends and holidays may not be assigned until sergeants are back on duty, which may explain why more than two days have passed, on average, between report and assignment every year since 2015. Once assigned a case, the detective is required to attempt contact with the victim within two working days.⁷⁶

⁷⁴ Of the 1,430 cases reviewed, seven were not assigned to a detective for investigation and two cases did not provide information to indicate whether a detective was assigned to the case.

⁷⁵ Sex Crimes SOP, Section H, p. 14.

⁷⁶ Sex Crimes Detective Operational Manual, 2020–2021, Section 18, p.26.

Section IV: Detailed Findings on APD's Sexual Assault Response

As previously described, detectives' core hours are 6 a.m. to 6 p.m., Monday through Friday, and two detectives work on call outside of those core hours. Generally, sergeants only assign cases during these core hours, though serious cases of sexual assault may be assigned to the on-call detectives immediately on weekends. A sex crime that occurs on a Friday night may not be assigned until Monday, and the detective assigned still has two working days to attempt contact. In this example, the victim may wait up to four days to hear from a detective. Furthermore, detectives are not required to reattempt to contact the victim if the first attempt is unsuccessful.

Victims who wait an average of 3.2 days for first contact by a detective may think their report is not being taken seriously and important leads and evidence may be lost to delay.

As previously described, detectives only responded to the scene or the hospital in 17% of cases reviewed. SCU detectives should respond to each scene, as any other detective investigating a violent crime would do. Responding to the scene allows sex crimes detectives to get a sense of the area where the crime took place, coordinate evidence collection with the crime scene specialist, interview witnesses, and perform associated investigative work. Furthermore, detectives in sexual assault cases need to, when possible, interact with the victim and let them know a detective is involved and engaged. Even if a victim is not ready to be interviewed, the detective can meet the victim, establish rapport, and provide reassurance about next steps. The detective response can assure the victim that the complaint is being taken seriously. This, in turn, can help reduce case attrition related to victim cooperation and readiness, result in more complete investigations, and may ultimately lead to more cases being accepted for prosecution and improved community safety.

If responses at the hospital, scene, or victim's location are mandatory, APD should also make every effort to assign the case to the responding detective to provide victims with as much consistency as possible.

Recommendation IV.4: Detectives should respond to the scene, the hospital, and/or the victim's location for felony sexual assaults. Detectives should be required to respond to reports of felony sexual assault, including delayed reports. Once on scene, the detective should consult with the VSD counselor and the patrol officer to ensure evidence collection, witness interviews, and neighborhood canvassing occurs.

Recommendation IV.5: Sergeants should assign cases to the detective who responded to the crime scene, the hospital, or the victim's location when feasible. If this is not feasible due to workload or planned leave, the case should be reassigned to another available detective within 24 hours. The new detective should immediately notify the victim of the change and arrange for the next steps in the investigation.

Formal Victim Interviews

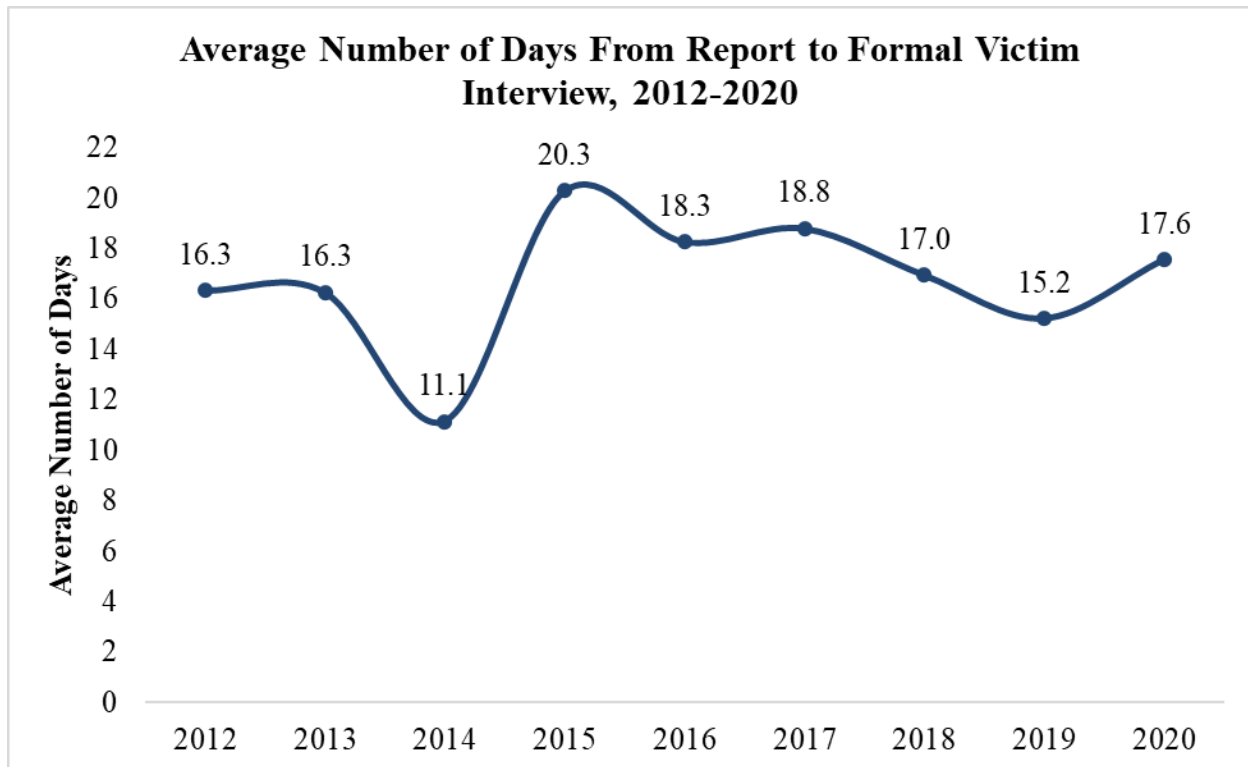
The project team found that in 49% (700) of the 1,430 cases reviewed the victim was never formally interviewed by the detective. In project team interviews with APD, detectives offered several reasons

Section IV: Detailed Findings on APD's Sexual Assault Response

why formal interviews may not have occurred. It appears that in many cases detectives never made contact with the victim. There were also times when the victim was contacted, but contact was not maintained throughout the investigation. Formal interviews also may not have occurred in part because of delays in case assignment, case overload, and detective turnover. Detectives' first attempt to contact the victim often occurred days after the incident was reported. If the first call to the victim was not successful, detectives often waited days before making another attempt. It appears that APD never established or failed to maintain contact with many victims during this process and, as a result, almost half the victims were never interviewed by a detective.

In the 51% (730) of cases where formal interviews did occur, it took an average of 17 days from the time of the report until the detective met with the victim. The average number of days between initial report and the formal interview varied from 2012 to 2020, as shown in Figure 11. The fastest average time to formal interview was 11.1 days in 2014, and the slowest was 20.3 days in 2015. In 2020, the average was 17.6 days.

Figure 11: Average Number of Days from Report to Formal Victim Interview, 2012–2020, (N = 710)



In many cases, detectives did not interview witnesses or collect evidence between case assignment and the formal interview. **Several detectives interviewed were under the impression that they needed to wait for a formal victim interview before beginning an investigation. One detective said that it was “standard practice” to delay the investigation until after the formal interview. These detectives felt that by sitting for the formal interview, the victim demonstrates their willingness to proceed with the investigation.** In these cases, by the time the investigation commenced, leads may have been lost, video footage may no longer have been available, witnesses may not have been interviewed, and the suspect

Section IV: Detailed Findings on APD's Sexual Assault Response

may not have been interviewed for weeks, if at all. This reactive approach is not based on written policies or general orders. Instead, it appears to be a somewhat common practice within the unit, rooted in a desire to assure and document the victim's cooperation.

Some detectives began gathering evidence and talking to witnesses before the formal victim interview, which demonstrates the variation in practice and reinforces the need for formal written policies and training to assure a uniform approach that begins the investigation prior to the formal victim interview (See *Section X: Training* and *Section XIII: General Order and SCU Policy Additions* for more information).

Case Example:

Despite the victim giving a detailed statement to patrol officers *and* another detailed statement to a detective at her residence within a seven-day period, the detective left a message for her, saying that she needed to provide a "formal statement" at the SCU office. The detective told the victim he would be suspending the investigation of her case until she recontacted him. Meanwhile, the detective did not interview witnesses identified by the victim. The detective did not hear back from the victim and suspended the case.

Attempts to Contact the Victim

In the review of the case files, it was unclear how many times a detective attempted to contact a victim or what methods were used to make contact because precise documentation of these efforts was not required. In some cases, the detective documented only one attempt to contact the victim. In other cases, detectives expressed frustration at the need to keep track of changing residences, obtain new cell phone numbers, seek assistance from shelters and safe places where victims may be difficult to locate, and navigate other normal victim responses to a traumatic event. In these cases, detectives noted "victim not cooperative" or "victim unwilling to go forward." One note in the case files stated that a voicemail was left, and the "victim knows they can contact me if they wish to go forward."

The SCU SOP and operational manual do not indicate how many times a detective must attempt to contact the victim before suspending or closing a case. They only require that the detective attempt to contact the victim within two days of case assignment.⁷⁷ The only other written material the project team located was the 2020 APD *Survivor Notification Protocol* (SNP), used by the Cold Case Unit, which was created for SCU investigators and VSD counselors.⁷⁸ This document has more stringent requirements, but only pertains to cases when APD identifies a DNA match. In these cases, detectives must make at least three attempts to contact a survivor by phone or mailed letter, and detectives are required to document all contact attempts in Versadex. **According to SCU supervisors, detectives have been verbally told to make at least three attempts by different means (email, phone, etc.) to contact victims, and to document those attempts in the case file. These notification requirements are not written into the SCU SOP.** The lack of consistency found during the project team's case review reinforces the need to formalize in policy and training the number and types of contact attempts detectives must make.

⁷⁷ Sex Crimes Detective Operational Manual (2020–2021), Case Management, A. 1., p. 26.

⁷⁸ Survivor Notification Protocol (2020), p. 15.

Section IV: Detailed Findings on APD's Sexual Assault Response

Victim Services Division's Contact with the Victim for the Interview

Based on interviews with victims and advocacy groups, the VSD counselors are sometimes victims' only link with APD between the incident and the formal interview. Often the VSD counselors were able to locate and/or contact a victim when the detective could not. VSD plays a vital role in maintaining contact with sexual assault victims during the investigative process.

Delays in Formal Victim Interviews

In interviews with the project team, detectives emphasized the importance of waiting at least two sleep cycles before interviewing a victim of sexual assault. This is touted as a best practice nationally, but it is often misunderstood and inaccurately applied in the field. The "delay two sleep cycle practice" or "48-hour delay policy" noted by many APD detectives is based on research findings "that the retention or storage of *emotionally significant central details* in memory is promoted neurobiologically during sleep."⁷⁹ Right after an event, biochemical responses may impair a victim's ability to accurately describe the event, and a detailed interview at this point may increase trauma for the victim. In contrast, waiting for a victim to sleep can reduce stress and assist in improving memory retrieval of *some* of these incredibly traumatic memories. However, waiting two sleep cycles means that some memories may be lost, since "peripheral details are lost just as rapidly during sleep as they are when people are awake."⁸⁰ So, while sleep can decrease stress and promote the imprinting and understanding of some memories (often central details), it may result in the loss of other memories (often peripheral details). This means there is a challenging balance to be achieved when applying the "delay two sleep cycle practice."

As such, experts suggest at least two interviews. The immediate first interview, typically handled by patrol officers, should ensure the victim's emergency needs are met and preliminary investigative information is retrieved. The second and more formal interview is used to collect the more central details and should be conducted approximately two to three days after the initial response. However, this recommendation should be considered in context, since not every victim will need to wait two to three days. The online training provided by End Violence Against Women International (EVAWI) explains the importance of considering the victim's needs and state of mind when making the decision to delay the formal detailed interview:

In general, EVAWI recommends that the detailed interview with a sexual assault victim be scheduled to take place 2-3 days after the *initial response*, especially in an acute reporting scenario . . . But there is no universal timeframe for achieving these goals; each victim should be approached as a unique person, with individual needs . . . [I]nvestigators should work with victims to select a time for the detailed interview that best meets their needs and convenience.

⁷⁹ <https://evawintl.org/wp-content/uploads/TB-Trauma-Informed-Combined-1-3-1.pdf> , *Important Things to Get Right About the "Neurobiology of Trauma"*, Part 3: Memory Process, p. 8.

⁸⁰ https://evawintl.org/wp-content/uploads/TB-03_Memory-Processes.pdf , *Important Things to Get Right About the "Neurobiology of Trauma"*, Part 3: Memory Processes, Hopper, PhD, Jim, Lonsway, PhD, Kimberly A., Archambault, Joanne (Retired Sgt.), September 2020, p.8. Footnoted from below:
Payne, J.D., Chambers, A.M. & Kensinger, E.A. (2012), Sleep promotes lasting changes in selective memory for emotional scenes. *Frontiers in Integrative Neuroscience*, 6, 1-11; Bennion, K.A. et al. (2015). Sleep and cortisol interact to support memory consolidation. *Cerebral Cortex*, 25 (3), 646-657; Cunningham, T.J. et al. (2014). Psychophysiological arousal at encoding leads to reduced reactivity but enhanced emotional memory following sleep. *Neurobiology of Learning and Memory*, 114, 155-164.
14 Gagnon, S.A. & Wagner, A.D. (2016). Acute stress and episodic memory retrieval: neurobiological mechanisms and behavioral consequences. *Annals of the New York Academy of Sciences*, 1369, 55-75.

Section IV: Detailed Findings on APD's Sexual Assault Response

For example, some victims in a non-acute response may not want or need to wait for the detailed interview. If they have finally worked up the courage to contact law enforcement after some period of time, they may be ready and able to share a lot more detailed information than basic facts.⁸¹

When considering whether it is appropriate to apply the two- to three-day waiting period for the formal interview, detectives should consider the sleep, stress, and memory process of the victim, as well as the investigative process, allowing time for the detective to pull other important investigative materials together (e.g., crime scene information, criminal history of the suspect) prior to the interview. The second/formal interview should use a trauma-informed approach to avoid increasing the victim's stress or additionally traumatizing the victim. The focus is not on the sleep process but on allowing the stress to subside. Keeping the victim's stress as low as possible, even during the formal interview, may enable the victim to recall the central details of the event.⁸²

While sleep helps victims lower stress and retain significant central details, it can also cause peripheral details, which are often valuable to an investigation, to fade immediately.⁸³ Once the victim has had a chance to rest, the formal interview should be conducted as soon as the victim is able because even central details will begin to fade with time.

Time from Case Report to Formal Victim Interview

In the cases reviewed, when a detective responded to the crime scene or the hospital, fewer days passed, on average, before detectives conducted a formal interview. When a detective responded to the scene or hospital, an average of 8.2 days passed between the victim's incident report and the formal victim interview. When a detective did not respond to the scene or hospital, 19.3 days passed, on average, from the victim's report to the formal victim interview. As illustrated in Figure 12, the average number of days between the report and the formal victim interview varied from 2012 to 2020. In 2020, an average of 4.4 days passed between the report and the formal interview when a detective responded to the crime scene or hospital, while an average of 21.8 days passed when detectives did not respond. In 2020, which may have been impacted by the COVID-19 pandemic, there was a greater difference than in any other years examined between those cases in which a detective responded and those in which there was no in-person response by a detective. A mandatory in-person detective response to more calls should lead to detectives conducting formal interviews more promptly. These interviews are crucial, and delays may undermine the victim's confidence in the criminal justice system, the detective's empathy for their traumatic event, and provision of assistance if the victim or a family member are subject to future victimization.

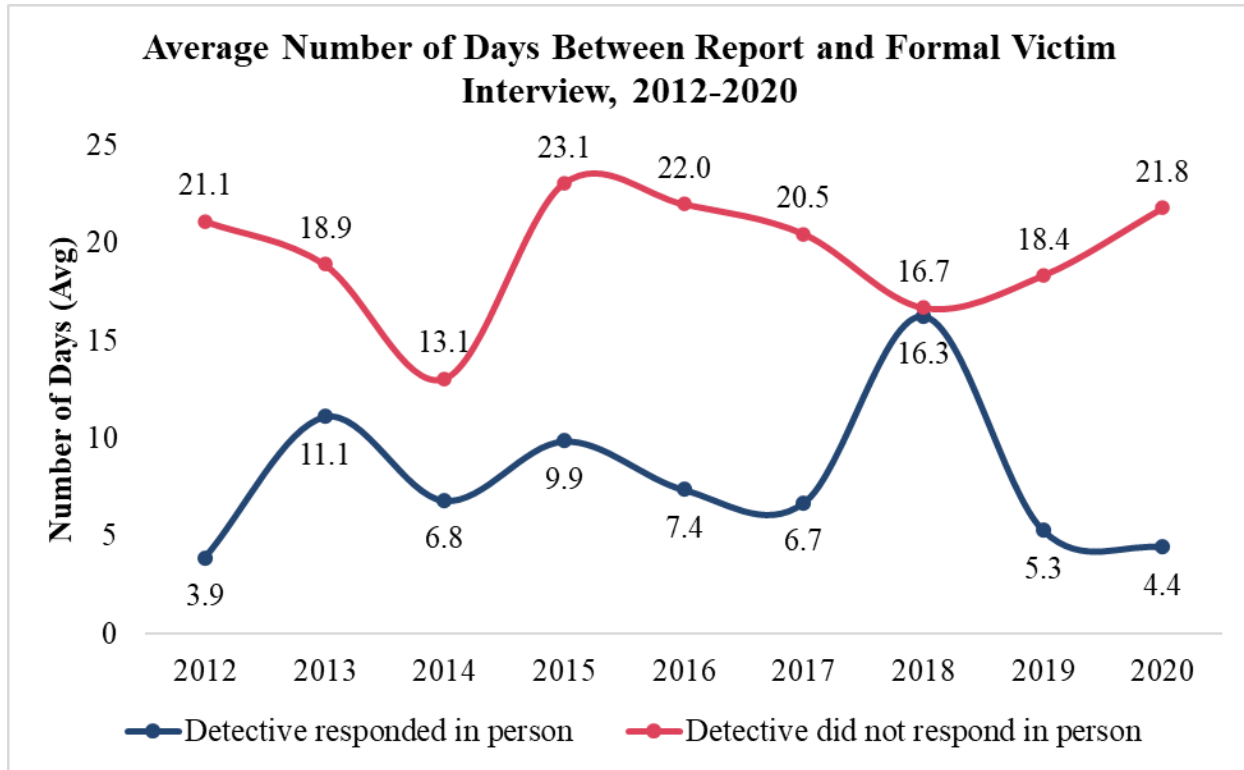
⁸¹ https://evawintl.org/wp-content/uploads/Module-5_Victim-Interview.pdf, EVAWI, Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault, August 2021, p. 64.

⁸² Ibid p.10.

⁸³ <https://evawintl.org/wp-content/uploads/TB-Trauma-Informed-Combined-1-3-1.pdf>, *Important Things to Get Right About the "Neurobiology of Trauma"*, Part 3: Memory Process, p. 9

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 12: Average Number of Days Between Report and Formal Victim Interview, 2012–2020 (N = 649)⁸⁴



Based on the findings above and best practices nationwide, APD should institute the following procedure for detectives after a sexual assault is reported:

- **Report to the scene and meet with patrol, VSD, and the victim.**
- **Exchange contact information** with the victim (phone number, email) and confirm the basic details of the case. If the victim has already been transported to the hospital, respond to the hospital to meet the victim once the scene is under control.
- At the time of the report, work with the VSD counselor to **assess if the victim is impaired** (e.g., under the influence of alcohol or drugs), stressed, fatigued, or unable to participate in a formal interview.
 - **If the victim is impaired, delay the formal interview for two to three days.**
 - **If the victim does not appear to be impaired, ask if the victim would prefer to interview right away or if they would prefer to rest before being interviewed.**
 - A victim-centered approach dictates that **if the victim feels able and prefers the formal interview at the time of the initial report, one may be conducted at that time.**

⁸⁴ In a total of 730 cases, a victim was interviewed. Of those 730, 20 cases were removed due to being large outliers. Of the remaining 710 cases with a victim interview, there were a total of 61 cases where an APD patrol officer was not the first responder. As a result, those 61 cases were not part of this analysis. The final number of cases included in the analysis is 649.

Section IV: Detailed Findings on APD's Sexual Assault Response

- *If the victim is unable or prefers to wait to be interviewed, inform the victim that they will receive a call the next day to set up a date and time for a formal interview, which should occur within two to three days of the report. Confirm that the victim understands this information.*
- In addition to meeting with the victim, *detectives should ensure evidence collection, witness interviews, and neighborhood canvassing occurs, to ensure an in-depth and thoughtful investigation begins.*

The victim deserves an opportunity to speak with a detective as soon as possible, even if they are reporting an incident that occurred days, months, or years in the past. In these cases, the detective, patrol, and VSD should respond immediately, following the same protocol outlined above. The detective should obtain basic facts from the victim, collect other evidence from the scene, if there is one, and work with the VSD to assess the victim's stress level and determine how quickly the formal interview should occur. Again, the formal interview may be conducted immediately if the victim appears fit and prefers to be interviewed, but the victim should also be informed that the interview may instead be conducted in two to three days, if they would prefer. While the incident may have occurred months or even years ago, the victim has taken a significant step by reporting to the police and may still need time to begin the formal interview process.

Formal interviews should be scheduled at a time that best meets the victim's needs and in consideration of any constraints regarding childcare, family responsibilities, work obligations, transportation, privacy, and safety. It is important to avoid creating any additional and unnecessary stress or expense for victims, or putting the victim at risk of losing a job, child care, or other critical arrangements. A victim-centered approach is paramount and allows the victim to be in control when possible.

With limited resources, patrol, VSD, and detectives may not be available to provide a coordinated response to every scene. In these cases, APD should develop alternative protocols to ensure the victim's needs are met and a formal victim interview is scheduled. In all protocols developed, APD and its partners should limit the number of times victims are asked to retell their experience, since retelling the experience can cause the victim increased stress and repeated trauma. All partners within the system (e.g., patrol, detectives, VSD) should be cross-trained on each other's role in the response, ensuring the response is seamless and considerate of the victim's needs.

Some victims still may not be able to continue with the investigation, but this should never occur due to a perceived lack of effort on the part of law enforcement.

Recommendation IV.6: Detectives should evaluate the victim for impairment, including impairment from drugs or alcohol, when determining the timeframe for a formal interview.

Detectives should ensure that victims who are not ready to talk — due to impairment, fatigue, or state of mind — are allowed to rest. In these circumstances, detectives should inform victims that they will soon be contacted to schedule a formal interview, which should occur within two to three days. Detectives should also inform victims that, in the meantime, the detective will begin investigating by collecting evidence and interviewing witnesses. If the victim does not appear impaired, the detective may ask if the victim would prefer that the formal interview to occur right away, or if they would prefer to rest first. A victim-centered approach dictates that if

Section IV: Detailed Findings on APD's Sexual Assault Response

the victim is fit and prefers to be interviewed at the time of the initial report, the interview should take place at that time.

Recommendation IV.7: Detectives must make and document at least three attempts to contact the victim. Detectives should make at least three attempts to contact the victim within seven days of case assignment, documenting all attempts in the case file, including date, time, method used (call, email, in-person), and results. If the attempts to contact the victim in the first week are unsuccessful, the detective should make two more attempts the following week, using a variety of contact methods. If still unsuccessful, the detective should discuss the next steps with the supervisor. In the meantime, unless the victim clearly states that they do not wish for the investigation to move forward, the detective should continue to collect time-sensitive evidence, conduct witness interviews, and follow leads.

APD's Victim-Centered Approach

Police departments respond to a high number of crimes and are under pressure to process and close these cases. At times, this can lead departments to prioritize processing and closing a case in a timely manner over meeting the needs of the victim.

To provide the best response to a sexual assault case, the priority should be to serve the needs of the victim by prioritizing the victim's safety, well-being, and wishes.

To successfully integrate victims into the criminal justice process, detectives must understand the trauma of sexual assault, provide victims with accurate information, and offer victims appropriate supportive services from the CRC team and other available counselors. The victim needs an opportunity to make informed decisions about their participation in a criminal case. To make that informed decision, APD must communicate that the crime report is being taken seriously, explain the next steps in the investigation, and provide the anticipated timeline. Victims must receive regular case updates.

APD must provide flexibility in arranging the time and location of meetings with victims. Once scheduled, APD must honor the time of these appointments and assist victims with transportation as needed.

Recommendation IV.8: APD should evaluate the effectiveness of the city's current transportation voucher system, as well as 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. This will help keep victims involved in the investigation and prosecution of the case.

Ensuring a Victim is Comfortable in the Formal Interview

Prior to 2019, no one was permitted to sit with the victim during the formal interview. In 2019, APD changed its policy to allow victims of sex crimes and domestic violence the option to have a counselor or advocate present during interviews with detectives.⁸⁵ This policy allows victims some control over the interview process and ensures that victims have access to the support they may need as they retell the traumatic events that led to these interviews. During a site visit to Austin in March 2022, the project team observed a few recorded detective interviews with victims that occurred after the 2019 policy

⁸⁵ APD Victim Services, Standard Operating Procedures, p.5, revised November 30, 2021.

Section IV: Detailed Findings on APD's Sexual Assault Response

change. With counselors present, the interviewers and the victims seemed as comfortable as one could hope for given the difficult nature of the conversation. APD should be commended for implementing this practice.

APD has considered how the interview environment may impact victims' emotions. In October 2019, APD created several soft interview rooms in SCU's building. The rooms were designed to be comfortable and create a calming and nonthreatening atmosphere. The team observed three recorded interviews that took place in these victim interview rooms, and the victims appeared to be at ease. VSD staff spoke highly of the soft interview rooms and acknowledged that they are ideal for interviewing victims who travel to SCU.

VSD staff pointed out that the SCU location, the Motorola Building, is not easy for victims to find; they often get lost and frustrated trying to find the building, which is off an interstate and away from public transportation. In one case, when a detective followed up with a victim who had not arrived for an interview, the victim said she could not find the building, so she decided to return home. Another detective told the project team that he had to go outside and flag down victims to direct them to the building.

Although the building's soft interview rooms provide an ideal interview environment, the ultimate goal is to conduct an interview, and traveling off-site to do so is preferable to potentially losing contact with the victim. APD should provide SCU with vehicles for travel to off-site interviews, as well as the necessary technology and equipment for recording these interviews (see Section XI for additional discussion). Current SCU detectives reported that they are trying to be more flexible about conducting off-site interviews at a location chosen by the victim.

Recommendation IV.9: Detectives should be flexible about where they interview victims.

Although it may be ideal for detectives to conduct interviews in the soft interview rooms at SCU, a victim-centered approach requires detectives to be flexible and allow victims to be interviewed where they feel most comfortable. That location should be private and undisturbed by children, animals, and other distractions.

Tailoring APD's Approach to the Victim

The case reviewers found examples of investigations that were thorough and well documented; detectives were respectful and empathetic toward the victim; investigators followed up with witnesses; and detectives were persistent in identifying, contacting, and interviewing the suspect. There were instances of detectives going out of their way to provide the victim with additional support. In a few cases when the victim did not have transportation to their formal interview, the detective met the victim and drove them back to the station for the interview. In another case, the detective took the time to explain why the victim's case did not meet the statutory requirements for the crime, while validating the victim's feelings of being exploited. Unfortunately, in the 1,430 cases reviewed and the interviews with survivors, these investigations were the exceptions rather than the rule.

Section IV: Detailed Findings on APD's Sexual Assault Response

Many cases did not move forward through the criminal justice system, and most never made it to the prosecutorial stage. There were a variety of reasons for this, many involving detectives not understanding victims' perspectives. In some of the cases reviewed, the victim did not want to proceed or was reluctant to continue, and it was clear that the detective did not fully understand why the victim was unable to proceed with the case.

"[They were not] going to believe or listen to me."
— Victim Interview

Reasons detectives may not understand victims' perspectives include, but are not limited to:

A victim may assume they are cooperating with the detective, while the detective may have a different perception. For example, there were a few domestic and gang-related sexual assault cases cleared exceptionally due to "non-cooperation by the victim." Yet, in the case files, there were indications that the victim felt unsafe at the time and wanted to cooperate when they felt safe.

A victim may not feel emotionally ready for a formal interview, which the detective may interpret as the victim being unwilling to cooperate. For instance, two weeks after a report of a sexual assault, a detective exceptionally cleared the case, stating that the victim refused to cooperate with the investigation after discussing the case with the VSD counselor. The detective spoke only with the VSD counselor, not directly with the victim, and did not attempt to contact the victim to confirm the VSD counselor's account.

A victim may need an interpreter to describe their experience and help with safety concerns. In one case report, a Spanish-speaking victim was afraid to move forward but was not provided a Spanish interpreter. If an interpreter was provided, APD might have better understood her fear and been able to develop a safety plan to quell that fear. Instead, the case was suspended, pending victim readiness.

A victim-centered approach places a higher emphasis on the victim's needs than on closing cases. Each victim and case may require a unique and thoughtful approach. Detectives need to take the time to understand if the victim can proceed with the investigation, and if not, try to assist the victim with their other needs. Situations vary. Some victims live and work in a safe environment, and others do not. Some are mentally and physically capable and prepared to engage in the lengthy, protracted investigation and prosecutorial process, and others are not. Some have a secure, stable support structure in place to assist them through the process (family, friends, counselors, etc.), while others do not.

The detective, with the assistance of the VSD counselor, might be able to help remove or resolve impediments preventing a victim from moving forward. If not, the detective can discuss "what if" scenarios that may permit the victim to proceed in the future. It is the victim's decision whether or not to proceed, so unless the victim unequivocally says that they do not want to proceed with the investigation now or in the future, the case should be suspended pending victim readiness, not for lack of victim cooperation.

Section IV: Detailed Findings on APD's Sexual Assault Response

Recommendation IV.10: Detectives and VSD counselors must try to identify the reasons for a victim being reluctant to proceed, such as feeling unsafe or pressure from family or friends. The detective should work with the victim to address impediments and keep the victim involved with the investigation. Detectives and VSD counselors need to work together to understand why a victim may be reluctant to proceed with an investigation. If the victim has a concern for safety, the detective and VSD counselor should create a safety plan that will help the victim participate throughout the investigative and criminal justice processes. If that is not possible, the detective should suspend the case, pending victim readiness, and let the victim know that, as long as the case is not beyond the statute of limitations, they can reactivate the case when ready.

Ensuring the Victim Is Aware of the Available Support Services and Counselors

One issue raised repeatedly in interviews with victims, and noticed in the case review, was that victims had difficulty determining the difference between all the support counselors. When CRC team counselors arrive on the scene, they inform victims who they are and what assistance the CRC may offer. The CRC also informs the victim about confidentiality limitations due to the counselor's position in APD. Finally, the CRC introduces the victim to a SAFE Alliance counselor at the hospital and later introduces the victim to the ISC, who helps the victim through the investigation. Victims were often unsure of each counselor's affiliation and what services they could provide, as well as any limitations on confidentiality.

Counselors first introduce themselves and share information about services on the heels of a traumatic event, when biochemical responses may impact a victim's memory. Victims can be confused about the differences between the counselors, including their capabilities and limitations. **It is not realistic to expect a victim to remember or even understand the range of services available to them, and which counselors and organizations can provide these services, the first time they hear this information.** VSD should work with advocacy groups to develop a small handout, briefly describing what counselors from different organizations can offer, their confidentiality limitations, and related information. VSD should suggest that the victim take a picture of the handout on their phone so they can find the information easily at any time. This handout should also be available on a website.

Recommendation IV.11: VSD should work with advocacy groups to create a one-page handout about available services. VSD, in conjunction with its advocacy partners, should create a one-page handout that includes the mission of each group, the services they can provide to assist victims, confidentiality limitations, and contact information. Victims appreciate the support offered by VSD counselors and victim advocacy groups, but they need clarification about who the counselors are affiliated with and the kinds of support they offer. This handout can be provided to victims at the scene or at the hospital by the CRC .

Reinforcing APD's Victim-Centered Approach

Victims want to be taken seriously, know that their case is important to APD, and be treated with respect and dignity. This happens when patrol, counselors, and detectives work together to do their jobs in a victim-centered, trauma-informed way: responding to the scene in a coordinated and thoughtful manner, conducting a formal interview based on the victim's needs, overseeing an evidence-based investigation, maintaining contact with the victim, keeping the victim updated on the status of the case and the results of evidence analysis, and informing the victim of pending steps.

Section IV: Detailed Findings on APD's Sexual Assault Response

The success of a sexual assault investigation should not be measured only by whether the case results in an arrest or a successful prosecution, since it is especially difficult to achieve those results in sexual assault cases. Success should also be measured by the exhaustive efforts and ingenuity that went into trying to investigate the case and the level of service afforded the victim. For example, one of the victims interviewed felt the police response was great, as was the effort and time put in by the detective to follow up even though the prosecutor declined to prosecute. The victim said that at least she felt that the police took her seriously. APD staff should be acknowledged and rewarded for efforts above and beyond, even if the result is not an arrest or successful prosecution.

APD management should identify and recognize patrol officers, detectives, and counselors who are exceptional at integrating victim-centered approaches into their work. To reinforce policy and practice and promote cultural change within APD, supervisors should closely monitor staff actions and, when deserving, nominate staff (patrol, detectives, counselors) for special recognition when they model the victim-centered practices previously described.

Recommendations IV.12: APD should reward patrol officers, detectives, and counselors who demonstrate an exceptional victim-centered approach to sexual assault victims. Effective police work does not always end in an arrest. Recognizing and rewarding officers, detectives, and counselors who are exceptional at providing quality service to victims will demonstrate APD's emphasis on providing victim-centered service. Many agencies, including the Los Angeles Police Department, recognize officers for de-escalating critical incidents and saving lives without force. By implementing a similar reward structure for superior performance in victim support and victim-centered approaches, APD will be a law enforcement leader.

Suspect Interviews

During the case review, the project team found APD identified suspects in 72% of cases. When a suspect was identified, that suspect was interviewed in only 31% of cases (see Figure 13). According to case reviews, these interviews usually occurred due to an immediate move on the part of the patrol officer or the detective to interview the suspect. In these cases, the suspect was often a roommate, neighbor, or co-worker who was readily available.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 13: Identified Suspects Interviewed, 2012–2020 (N = 1,027)⁸⁶

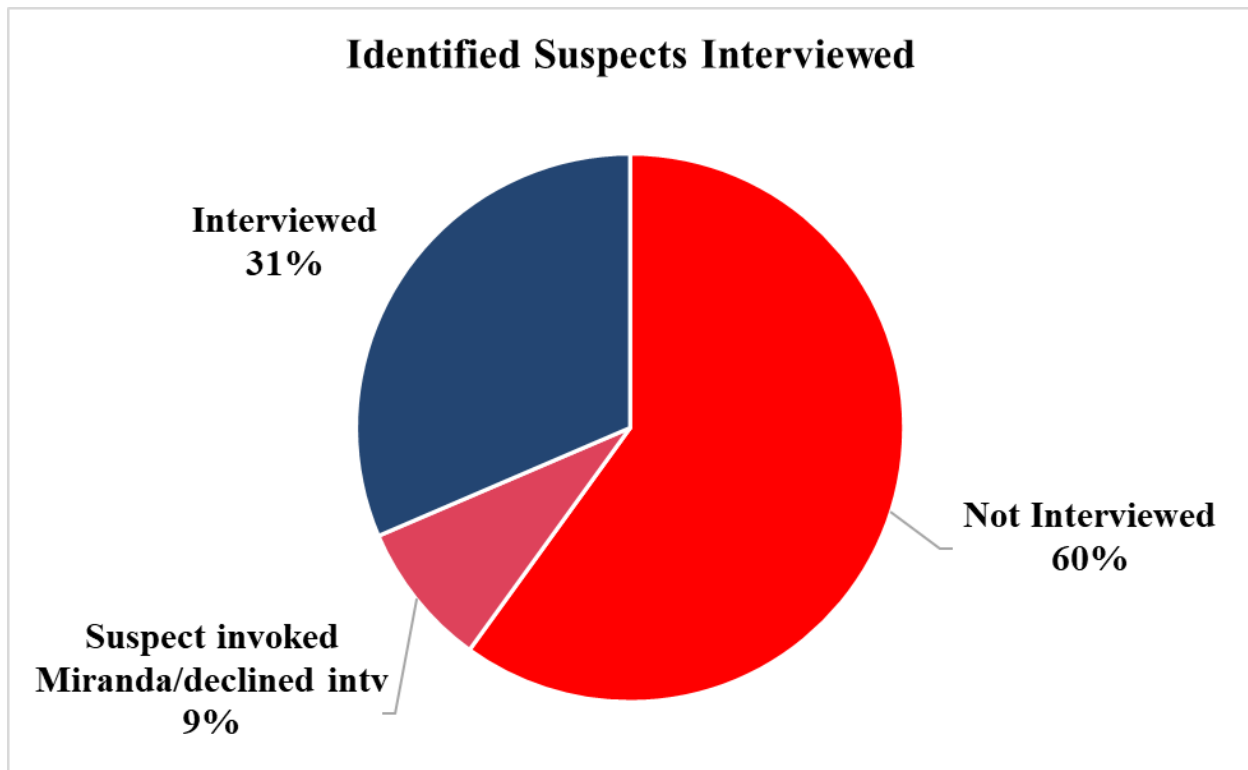
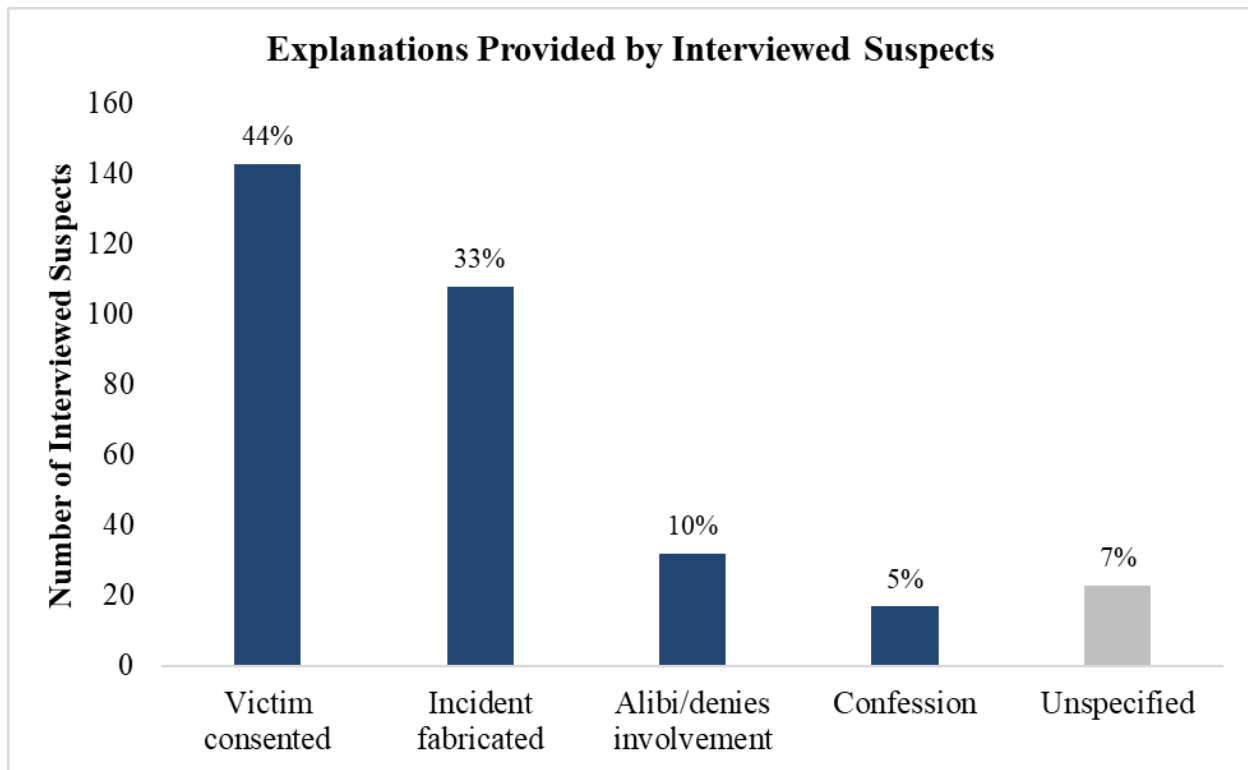


Figure 14 illustrates that, of the 323 suspects who were interviewed, 44% stated the victim consented, and 33% said the victim fabricated the incident. There were confessions in only 5% of those cases.

⁸⁶ The total of 1,027 accounts for the cases where a suspect was identified by APD. There were 403 cases where a suspect was not identified.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 14: Explanations Provided by Interviewed Suspects, 2012–2020 (N = 323)⁸⁷



Case reviews found detectives rarely attempted to interview a suspect before the formal victim interview. Suspect interviews were also unlikely if there was little or no evidence to use when confronting the suspect. In 9% of cases (see Figure 13), the suspect declined an interview, invoking their Miranda rights.

Even if there is no evidence with which to confront the suspect, the detective should consider a pretext call and/or a suspect interview. Of course, the detective should consider the victim's safety when approaching and conducting a suspect interview. An interview is important to establish information for a case, and there is the chance the suspect will make some admissions or statements that can later be proven false. The suspect is tied to the statements made during the first interview, and it may be the detective's only chance to gather important information. The more time that passes before the suspect interview, the more difficult it will be to investigate statements made in the interview. The first interview is also important so that a suspect can be confronted with any contradictory information in a second interview, using information or evidence collected and processed between the two interviews.

The detective must be mindful that once a suspect is interviewed and knows a sexual assault has been reported - assuming the suspect did not already know - pressure may immediately be applied on the victim not to proceed, by the suspect, family members, mutual friends, and others. Even if the victim has already indicated an unwillingness to move forward, pressure will likely be applied to make sure that position does not change. The suspect or others might also begin trying to influence witnesses.

⁸⁷ The total of 323 accounts for the total number of suspects interviewed by APD. Suspects were not interviewed or declined to be interviewed in 704 cases. In 403 cases, a suspect was not identified.

Section IV: Detailed Findings on APD's Sexual Assault Response

Acknowledging these realities does not mean the interview should not take place, but these considerations should be thoughtfully processed in a victim-centered way.

Recommendation IV.13: Detectives should make every effort to interview suspects before suspending or closing a case except in cases where a suspect interview might jeopardize the safety of the victim. The project team found that suspects are not interviewed in 60% of cases. Detectives should make every effort to interview the suspect before suspending or closing an investigation, first taking into consideration if the interview will jeopardize the safety of the victim and the victim's readiness to proceed.

Computerized Criminal History Check

The Sex Crimes Detective Operational Manual requires that detectives to "check available computer systems and other law enforcement agencies for the criminal history, including a Computerized Criminal History (CCH) of all persons involved in the investigation."⁸⁸ The operational manual requires detectives to run CCH checks on "all persons involved in an investigation," so the detective can learn as much as they can about the people involved in an investigation. In the cases reviewed, there was normally no mention of a CCH check, or any other computer check, of victims, witnesses, or even the suspect. This does not mean the CCH check was not performed, but that it was not documented in the case file. If the detectives are running CCH checks, they need to document them in the case file, whether the results are positive or negative.

The information found in the CCH check is important for the prosecutor to know, especially if a case is going to proceed to trial. If a case is transferred from one detective to another, the newly assigned detective will need this information. Also, if the case is suspended and later reopened, the Cold Case Unit will need to know the results of the CCH check, as a snapshot in time.

Recommendation IV.14: Detectives should document all computer checks in the case file. Detectives should check all available computer systems (including CCH) for information on all persons involved in an investigation, and the results should be documented in the case file, even if a person has no criminal record. Detectives should also check department of motor vehicle records, in-house computer aided dispatch systems, broader internet name and social media searches, and college or university records, if applicable and available by subpoena or other means.

Recommendation IV.15: SCU supervisors must ensure computer checks of suspects, witnesses, and the victim are documented correctly. Supervisors should ensure record checks are conducted on all persons involved in an investigation, and that the results are clearly documented in the case file.

Sexual Assault Kits

DNA evidence alone is not enough to clear cases or prosecute offenders. However, DNA evidence, including sexual assault kit (SAK) evidence, can be a valuable piece of building a sexual assault case. SAK evidence can help expedite cases and "is most useful in combination with multiple factors, including

⁸⁸ Sex Crimes Detective Operations Manual, 2020–2021, p.4.

Section IV: Detailed Findings on APD's Sexual Assault Response

timely reporting of the assault, credible victim statements, presence of injury, and victim cooperation. Forensic evidence is used to corroborate victim statements, identify or eliminate suspects, and establish contact between victim and suspect.”⁸⁹

As described in Section I, in December 2016, the APD Crime Lab was shut down, and shortly thereafter SAKs were outsourced to private labs for analysis.⁹⁰ Data showed that in 2017 it took APD an average of 108 days to submit a SAK to the lab and 245 days before the lab returned the analysis. In 2018, it took 27 days for SAKs to be submitted and 243 days for the lab to return results.

On June 6, 2019, Texas passed HB8, the Sexual Assault Prevention and Crisis Services Act. Section 420.042 of the act requires that law enforcement submit a SAK to the lab within 30 days of receiving it, and the lab then has 90 days from receipt to complete its analysis of the evidence.⁹¹ In 2019 and 2020, both APD and the lab were able to comply with state law; SAKs were sent out within 30 days of receipt, and lab results were back within 90 days. The backlog of untested SAKs has also since been resolved.^{92, 93} Continued timely testing of SAKs is imperative to solving these crimes and preventing future ones.⁹⁴

⁸⁹ Tasha A Menaker, et al., "The use of forensic evidence in sexual assault investigations: Perceptions of sex crimes investigators." *Violence against women* 23, no. 4 (2017): p. 17.

⁹⁰ Khorri Atkinson, "Austin Scrambles with Fallout of Closed DNA Lab," *The Texas Tribune*, July 30, 2016, <https://www.texastribune.org/2016/07/30/more-questions-austin-police-department-lab/>.

⁹¹ <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.420.htm>.

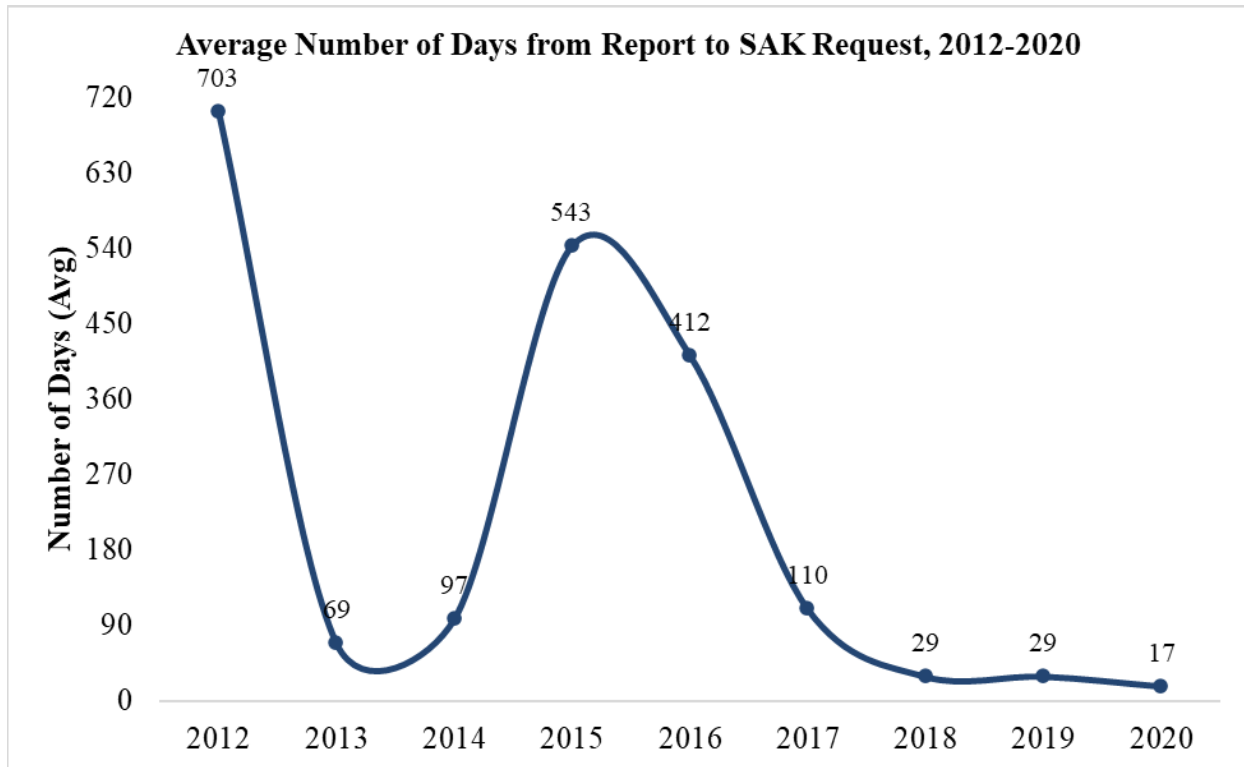
⁹² Brianna Hollis, "Chief: Austin Police Caught up on Rape-kit Backlog," *KXAN*, December 8, 2021, <https://www.kxan.com/news/crime/chief-austin-police-caught-up-on-rape-kit-backlog/>.

⁹³ Wes Wilson, "DNA Results Found in 900+ Untested Rape Kits in Austin Police Backlog," *KXAN*, February 23, 2019, <https://www.kxan.com/news/local/austin/dna-results-found-in-900-untested-rape-kits-in-austin-police-backlog/>.

⁹⁴ One study conducted in Detroit, Michigan, estimated that timely SAK testing could have prevented up to 320 additional sexual assaults, plus over a thousand other violent crimes. Rebecca Campbell, et al. (2022). A window of opportunity: Examining the potential impact of mandatory sexual assault kit (SAK) testing legislation on crime prevention. *Psychology, Public Policy, and Law*.

Section IV: Detailed Findings on APD's Sexual Assault Response

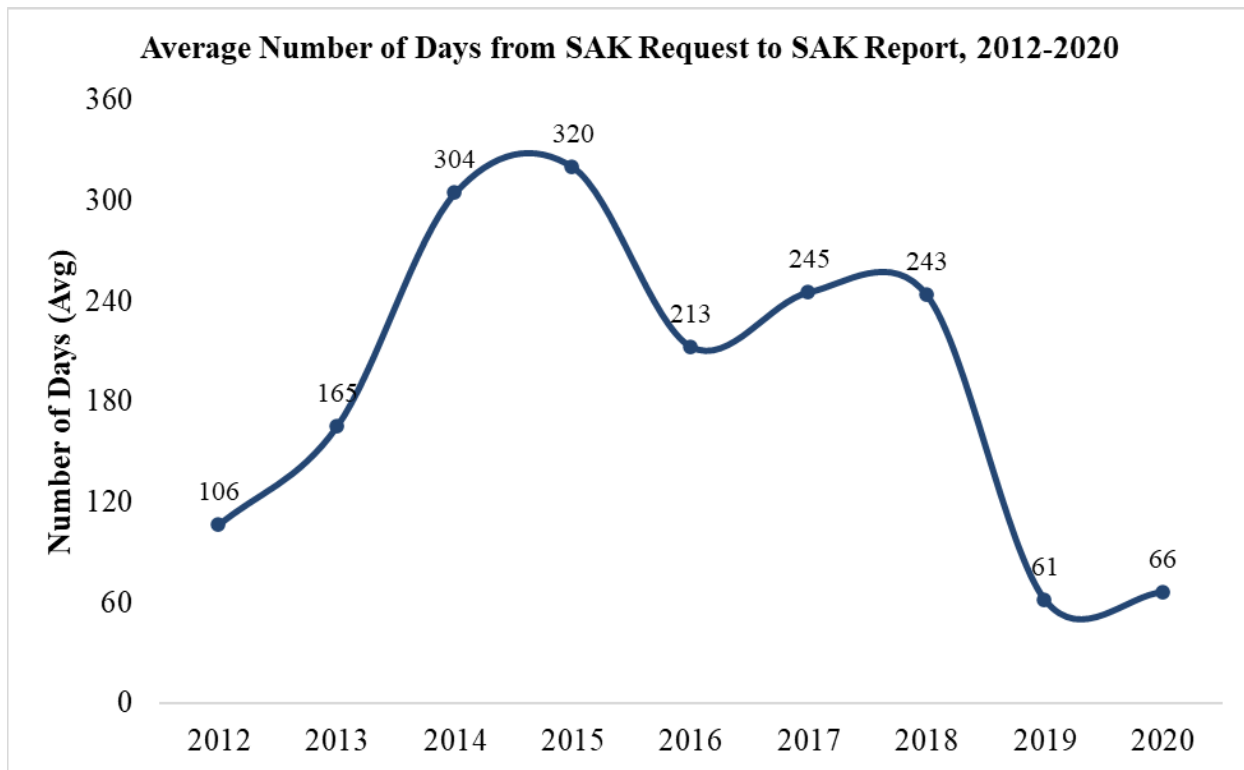
Figure 15: Average Number of Days from Report to SAK Request, 2012–2020, (N = 588)⁹⁵



⁹⁵ The total of 588 accounts for cases where a victim was interviewed by a lead investigator and the request for SAK testing and the report of the findings from analysis were documented and dated in the casefile. Outliers were also removed from the analysis after a review of the data. Among these outliers, 43.7% of cases were corrected due to data entry errors. The remaining 56.2% of outliers had significantly longer ranges of days that skewed the results.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 16: Average Number of Days from SAK Request to SAK Report, 2012–2020 (N = 560)⁹⁶



While there were improvements in the timeliness of evidence testing, the project team found concerning patterns in the collection of evidence. **According to case reviews, there were many cases that did not result in the collection of SAK evidence, including cases that were promptly reported by victims who were willing to undergo an examination.** Prior to 2021, Texas law enabled a victim to undergo a sexual assault forensic exam (SAFE) within 96 hours of the assault, provided they had the approval of the law enforcement officer. As of 2021, if a sexual assault is reported in Texas, within 120 hours of the assault the victim is *entitled* to the SAFE, and it does not need to be approved by a law enforcement officer. Prior to 2021, police often did not facilitate victims' transportation to the hospital for a SAFE, and patrol had to locate a detective to authorize the exam. This caused delays and may have deterred victims from arriving for a SAFE and continuing with the complaint. After informing the victim what the SAFE entails, it is appropriate to let the victim decide whether to complete it. If the victim does wish to have the exam, it is important to facilitate prompt medical attention, with as little time elapsing as possible before evidence is collected.

Recommendation IV.16: APD officers and detectives must ensure victims are aware they are entitled to a SAFE if the sexual assault is reported within 120 hours of the assault. The VSD counselor will advise the victim of their right to a SAFE and explain the process. If the victim

⁹⁶ The total of 560 accounts for cases where a SAK was completed by the victim and the request for testing and the report of the findings from analysis were documented and dated in the casefile. Outliers were also removed from the analysis after a review of the data. Of these outliers, 43.7% of cases were corrected due to data entry errors. The remaining 56.2% of outliers had significantly longer ranges of days that skewed the results.

Section IV: Detailed Findings on APD’s Sexual Assault Response

consents to the SAFE, then the patrol officer, the VSD counselor, and the detective should coordinate the victim’s transportation to the hospital.

Recorded Evidence

Closed-circuit television (CCTV) or video recordings provide police with invaluable evidence in the investigation of sexual assault, typically from locations such as hotels, restaurants/bars, stores, houses, and apartment complexes. This evidence must be collected in a timely fashion because many CCTV cameras are set to automatically overwrite recordings after a set time period. **The project team found many cases in which an inquiry to a business to obtain recordings from the time of the reported rape could not be fulfilled because the 48- to 72-hour retention period had expired, and the evidence had been destroyed by recording new data over it.**

Many businesses and homes have some type of CCTV or video security system. After a sexual assault is reported, APD should canvas area homes and businesses to determine if there is evidence of the crime, and if so, it should be collected or preserved immediately to avoid it being lost, overwritten, or destroyed. The type of evidence that may be captured on video goes well beyond potentially capturing all or part of the crime itself or identifying a suspect: video may reveal other witnesses in the area; it may establish a victim’s condition, which might be relevant to consent; there may be evidence consistent with a subject’s planning and knowledge of a victim’s condition, such as encouraging excessive drinking or purchasing an inordinate amount of alcohol for the victim; video can show the difference in condition and stature between a suspect and a victim; in drug facilitated sexual assault cases there may be evidence that the suspect had access to or control over a victim’s drink. Video can be a rich source of evidence, but it must be identified and quickly preserved.

As part of APD’s regular community policing efforts, APD should remind business owners and homeowners that their security systems not only help to keep them safe but may capture images that could be linked to criminal activity. APD should remind these business owners and homeowners to service their security equipment and contact the police if they find they have recorded any suspicious or criminal activity.

Case Example:

Video surveillance was available but not collected because the detective waited two months after the incident to inquire about it, and the recordings were only retained for 72 hours.

“Being victim centered, we will adjust [and accommodate] our victim but will make every attempt to secure/obtain any evidence that will assist our investigation/prosecution within a 72-hour period.”

— Capt. James Kearney, Commanding Officer, Special Victims Unit, Philadelphia Police Department

Recommendation IV.17: Time-sensitive information that could be a valuable source of evidence should be collected and preserved immediately. The responding SCU detective must ensure that any information that could help identify the suspect or might otherwise contain evidence that could strengthen the investigation is quickly collected and preserved. This may include seizing video surveillance that could be deleted, obtaining a statement from a witness who is leaving town, or serving a search warrant on the crime scene.

Section IV: Detailed Findings on APD’s Sexual Assault Response

When police were able to obtain footage of the assault or events surrounding it, detectives often reviewed it with an eye toward how it may be assessed by a jury, rather than as one piece of evidence that, for instance, put the complainant and the accused together at a particular point in time. Additional evidence from the victim, the suspect, and all potential witnesses (e.g., friends and acquaintances, bartenders, hotel staff, etc.) may have led investigators to view that footage differently, and perhaps it could have supported the arrest of alleged perpetrators. This is known as a “downstream orientation,” meaning detectives, victim support personnel, prosecutors, or other members of the criminal justice system focus on outcomes that might come later in an investigation. For example, a detective who learns or believes a victim routinely engages in sex work may look downstream at concerns about whether the victim would have credibility at a trial instead of investigating the reported crime. This can impact the detective’s investigative efforts and, ultimately, their decision about whether to arrest.⁹⁷ The concept is discussed at greater length in Section VI of the report.

Witness Evidence

Witnesses were identified in 57% of reviewed cases (see Figure 17). When witnesses were identified, they were only interviewed in 53% of cases (see Figure 18). When Wellesley Centers for Women (WCW) consultants reviewed cases in other jurisdictions, they found that in many reports of sexual assault there were several relevant witnesses. These included outcry witnesses (people the victim told about the incident in its aftermath), friends and/or acquaintances who were at the same party, bar, or social event, bartenders or taxi/Uber drivers, and roommates or neighbors. They also found that most cases, even those that did not result in an arrest, included detective interviews with several potential witnesses.⁹⁸ It is unclear if APD detectives delayed interviewing witnesses because the formal interview with the victim had not been conducted.

In interviews with survivors (see Section VIII), survivors were often disappointed to learn that the witnesses to the event had not been interviewed and in many cases were never interviewed.

Survivor Interviews:

“The detective made no effort to contact witnesses.”

The detective did not interview all the witnesses or seek evidence; it was as if “[they had] basically written off the case.”

Another victim stated that she provided contact information for many witnesses, but they were never interviewed.

⁹⁷ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

⁹⁸ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

Section IV: Detailed Findings on APD's Sexual Assault Response

Figure 17: Was a Witness Identified?, 2012–2020 (N = 1,424)⁹⁹

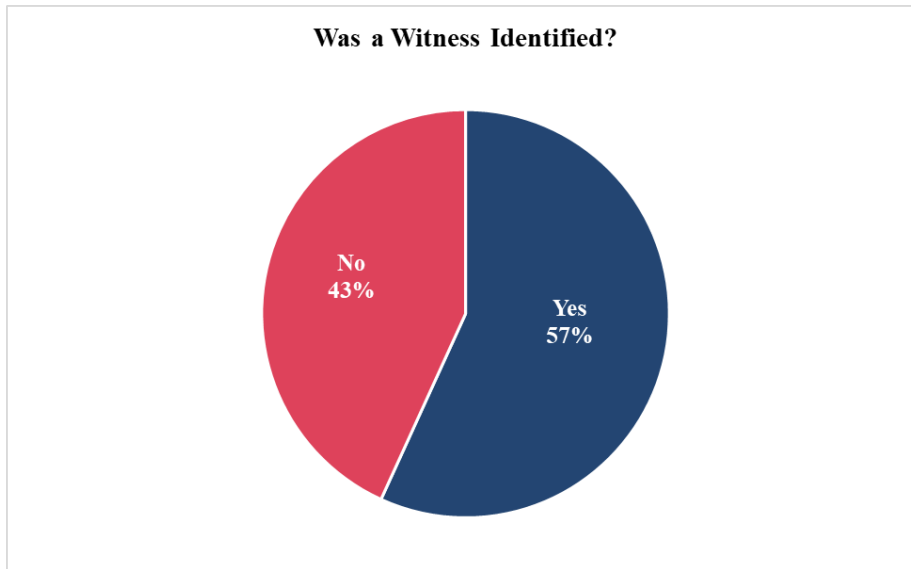
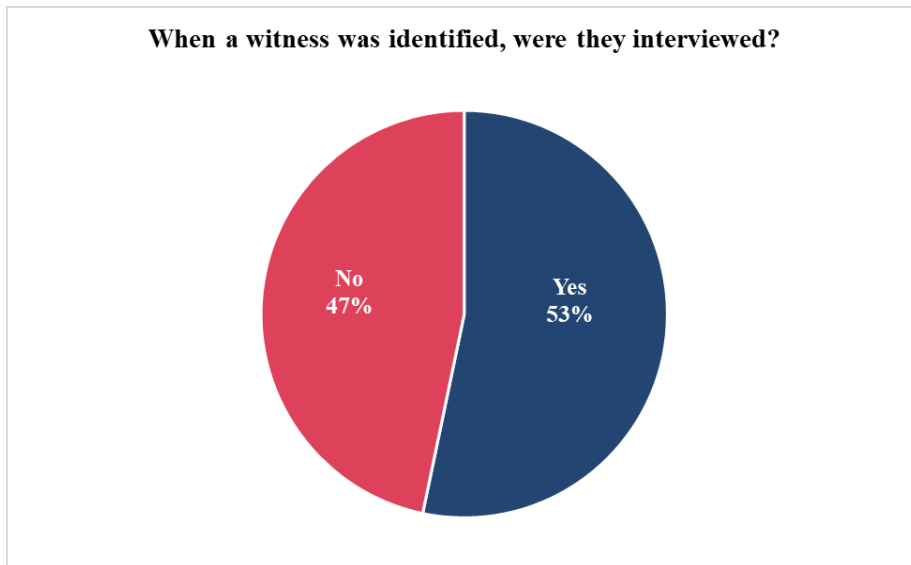


Figure 18: When a Witness Was Identified, Were They Interviewed?, 2012–2020 (N = 807)¹⁰⁰



The project team was unable to determine why witnesses were not interviewed in so many cases, and whether that was due to the detective waiting until after the “formal interview” had taken place.

⁹⁹ The total of 1,424 accounts for cases where it was indicated whether there was a witness identified by APD. Witnesses were interviewed in a total of 809 cases (57%), while witnesses were not interviewed in 615 cases (43%). A total of six cases do not have indication of whether a witness or other relevant person was identified due to data entry errors.

¹⁰⁰ The total of 807 accounts for the number of cases where identified witnesses were interviewed by APD. Witnesses were identified in a total of 809 cases. Two of the 809 cases did not have information indicating if witnesses were interviewed due to data entry error.

Section IV: Detailed Findings on APD's Sexual Assault Response

Regardless, witnesses should be interviewed as soon as possible while their recollection is fresh. Like any other evidence, witness recollections can be lost or tainted if not promptly collected. Also, if for no other reason, these interviews should take place to ensure the victim knows that their case is being handled professionally and that they are being taken seriously.

Recommendation IV.18: Patrol must document the full contact information of any witnesses found at the scene or identified by the victims. The project team found numerous examples in the case review that did not contain adequate information to follow up with witnesses. Patrol officers must ensure that the information provided in the report allows detectives to locate and contact witnesses.

Recommendation IV.19: Detectives should begin interviewing witnesses as soon as practicable after being assigned the case. Detectives should document interviews in writing or by video, log them as evidence, and include them in the case file.

Other Evidence Collected

Other forensic evidence, such as condoms, underwear, bedsheets, etc., was often collected but not tested; only the SAKs underwent testing. Forensic evidence has been shown to be available in only small portions of investigations, and studies show its presence alone is unlikely to influence the progression of a case.^{101, 102, 103} However, we owe it to victims to locate, secure, and test any evidence that might help bring their case to trial or identify their assailant. As mentioned above, "forensic evidence is used to corroborate victim statements, identify or eliminate suspects, and establish contact between victim and suspect."¹⁰⁴

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 that might 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.

Recommendation IV.20: 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 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 report, detectives should ensure that the evidence is properly collected, documented, preserved, analyzed, and/or tested before suspending a case based on

¹⁰¹ Tom McEwen, "The role and impact of forensic evidence in the criminal justice system." *National Institute of Justice* (2010) <https://www.ojp.gov/pdffiles1/nij/grants/236474.pdf>.

¹⁰² Joseph L. Peterson, et al., "Effect of forensic evidence on criminal justice case processing." *Journal of forensic sciences* 58 (2013): S78-S90.

¹⁰³ Tasha A. Menakeret et al., "The use of forensic evidence in sexual assault investigations: Perceptions of sex crimes investigators." *Violence Against Women* 23, no. 4 (2017): 399-425.

¹⁰⁴ Ibid p. 17.

Section IV: Detailed Findings on APD's Sexual Assault Response

prosecutorial declination due to "lack of evidence." Any concerns about submitting additional evidence for analysis should be discussed with the SCU supervisor or TCDAO prosecutor. This consultation should be guided by the case checklist described in Section V.

Section V: Investigation Timeline and Case Outcomes

Section V: Investigation Timeline and Case Outcomes

This section describes the Austin Police Department's (APD) Sex Crimes Unit (SCU) investigation timeline, supervisory case review process, and case outcomes.

Investigation Timeline

Interviews with SCU investigators reported that two months after a case is assigned, it is expected to either be completed or discussed with a supervisor to determine next steps. The SCU Operational Manual (SOP) refers to this two-month timespan, stating that if the investigation is still ongoing, the supervisor and detective will determine a plan of action and set a new deadline for completion of the investigation.¹⁰⁵ SCU's SOP directs supervisors to meet monthly with their detectives as part of the employee performance review process. The SOP dictates that this meeting should include a review of each work product (investigation) assigned to the detective. In addition, the SOP states supervisors will review a sample of open investigations each month.

SCU policy should require detectives and supervisors to formally meet on a periodic basis to discuss case progress, identify gaps or challenges, and address any investigative needs that arise. This should be done within 24 hours of receiving the case, and then weekly thereafter. Supervisors should create a checklist to assist detectives in ensuring all aspects of the case are completed. The checklist should be used to guide meetings between detectives and supervisors and plan next steps.

Recommendation V.1: SCU supervisors should meet with detectives within 24 hours of case assignment and then meet weekly to discuss case progress and needs. Through interviews, the project team learned that meetings with supervisors to discuss case progress happen irregularly. SCU would benefit from lessons learned about investigations into other violent crimes,¹⁰⁶ such as homicide and aggravated assault, where detectives meet regularly with supervisors to discuss case progress. These meetings should be guided by an investigative checklist to ensure detectives and supervisors discuss any gaps or needs in the investigative process.

Documentation of Investigation by SCU Supervisors

Versadex, APD's records management system (RMS) software, is used by APD SCU detectives to maintain and manage their cases. Once a detective closes or suspends a case, Versadex routes the report back to the sergeant's queue for review and approval. The system does not require the sergeant to approve the report or return it to the detective for additional work before the sergeant can remove it from their queue. **The project team found that 513 of the 1,430 cases reviewed lacked supervisory approval.**

The project team returned the unapproved cases to APD for supervisory review to determine if the case should have been approved before being cleared or if there was more work to be completed. SCU assigned a sergeant to review the cases, and he was instructed to determine if the case was complete and should be marked as approved. If not, the sergeant was to update the status of the case. Of the 513

¹⁰⁵ APD Sex Crimes Detective Operational Manual, 23, 2020-2021

¹⁰⁶ Police Executive Research Forum, *Promising Strategies for Strengthening Homicide Investigations*, (Washington, DC: Police Executive Research Forum, 2018) <https://www.policeforum.org/assets/homicideinvestigations.pdf>, p.

Section V: Investigation Timeline and Case Outcomes

cases returned to APD, 488 of the cases should have been approved previously. The remaining 25 were reclassified as follows:

- 19 were Reassigned
 - 16 were Reassigned to Detective
 - 1 was Suspended/Reassigned to Detective
 - 2 were Reassigned for Follow-up
- 1 was Suspended (victim deceased)
- 1 was Death of Offender
- 2 were Child Abuse
- 2 were Human Trafficking

APD management has since reminded all sergeants of the need to check the “APPROVED” box if/when the case is reviewed and approved. APD management also indicated that, going forward, the SCU lieutenant will check each case that is suspended, closed, cleared or determined to be unfounded during the monthly audit to ensure that the approval box is checked. This responsibility should be added to the updated SCU SOP (see Section XIII).

Recommendation V.2: APD sergeants must check the “APPROVED” box in the Versadex system after reviewing and approving the outcome of the case. The project team found this was not done consistently and sent back over 500 cases for supervisory review and approval. In addition, the SCU lieutenant should check to ensure the closed/suspended cases selected for audit have been approved by a sergeant during the lieutenant’s monthly case audit.

Case Closures

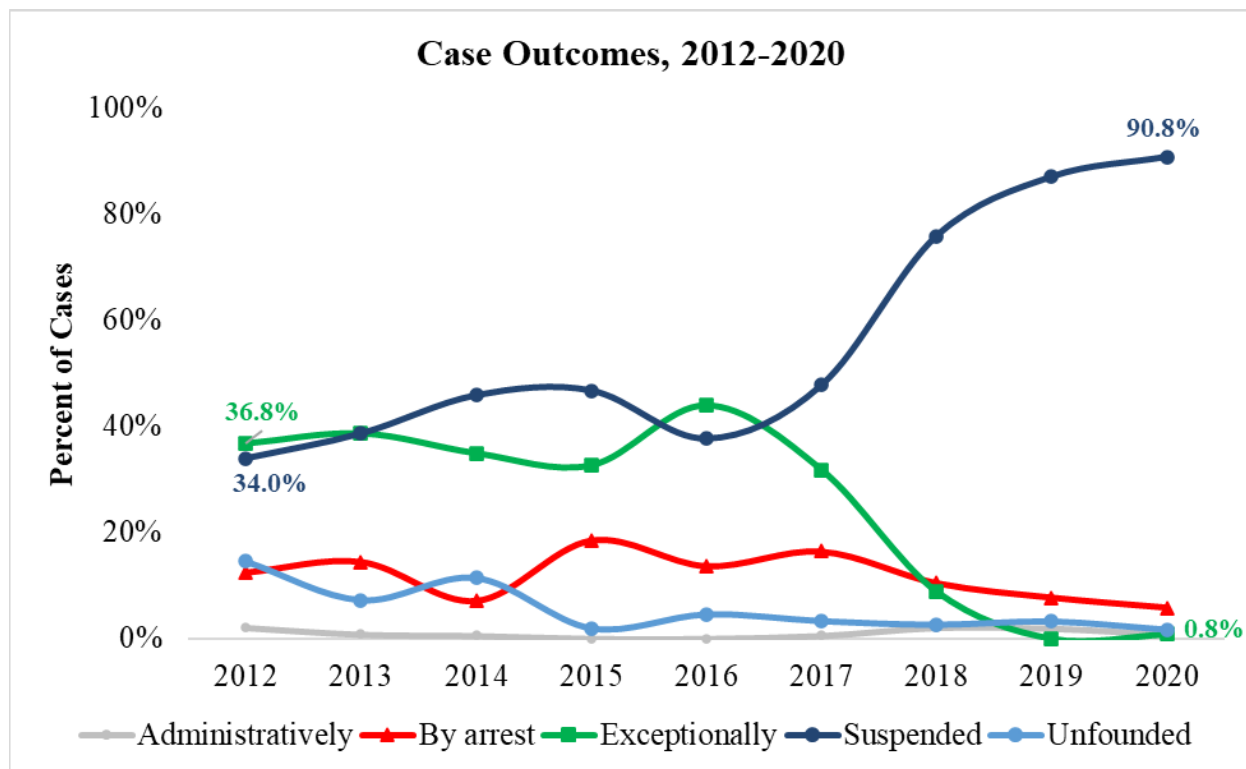
As ProPublica reported in 2019, “An independent audit by Texas officials found Austin’s Police Department improperly cleared nearly a third of sexual assault cases from 2017 that auditors recently examined.”¹⁰⁷ Through case review, the project team confirmed that the Uniform Crime Reporting (UCR) clearance codes were often used improperly when clearing sexual assault cases.

Figure 19 shows how case closures have changed during the review period of 2012-2020. The following sections will provide further detail about closures for each specific type of case.

¹⁰⁷ Mark Greenblatt, Mark Fahey, Bernice Yeung, and Emily Harris, “Audit Finds Austin, Texas, Improperly Cleared Rapes”, *ProPublica*, January 3, 2019, <https://www.propublica.org/article/audit-finds-austin-texas-improperly-cleared-rapes>.

Section V: Investigation Timeline and Case Outcomes

Figure 19: Case Outcomes, 2012–2020, (N = 1,430)



APD uses “Cleared Administratively” to clear non-criminal cases. During the review period, 13 cases were cleared administratively, but the designation was appropriately used in only three of those cases.

Cleared by Exceptional Means

There are strict criteria that must be met to exceptionally clear a case. A case can be exceptionally cleared only if the investigator has identified the suspect; knows the suspect’s location; has sufficient information to support an arrest, charge, and prosecution; and some circumstance outside of law enforcement’s control prohibits the agency from arresting and prosecuting the offender. Examples of circumstances outside of law enforcement’s control include: Death of Offender, Prosecution Declined (by the prosecutor for other than lack of probable cause), In Custody of Other Jurisdiction (includes cases where extradition is denied), Victim Refused to Cooperate (in the prosecution), or Juvenile/No Custody (giving the juvenile’s parents or legal guardians an oral or written notice regarding a minor offense, rather than taking the juvenile into custody).¹⁰⁸

Of the 1,430 cases reviewed, 365 were cleared by exceptional means, and only 132 of those were cleared appropriately. Suspects in some cases were never identified. In other cases, suspects were identified but not sought out and located. Some cases were closed exceptionally without interviewing the victim or the suspect. These were inappropriate uses of the UCR clearance, which only allows cases to be cleared by arrest or exceptional means.¹⁰⁹

¹⁰⁸ FBI: Uniform Crime Report, “Offenses Cleared”, <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/clearances>.

¹⁰⁹ Ibid.

Section V: Investigation Timeline and Case Outcomes

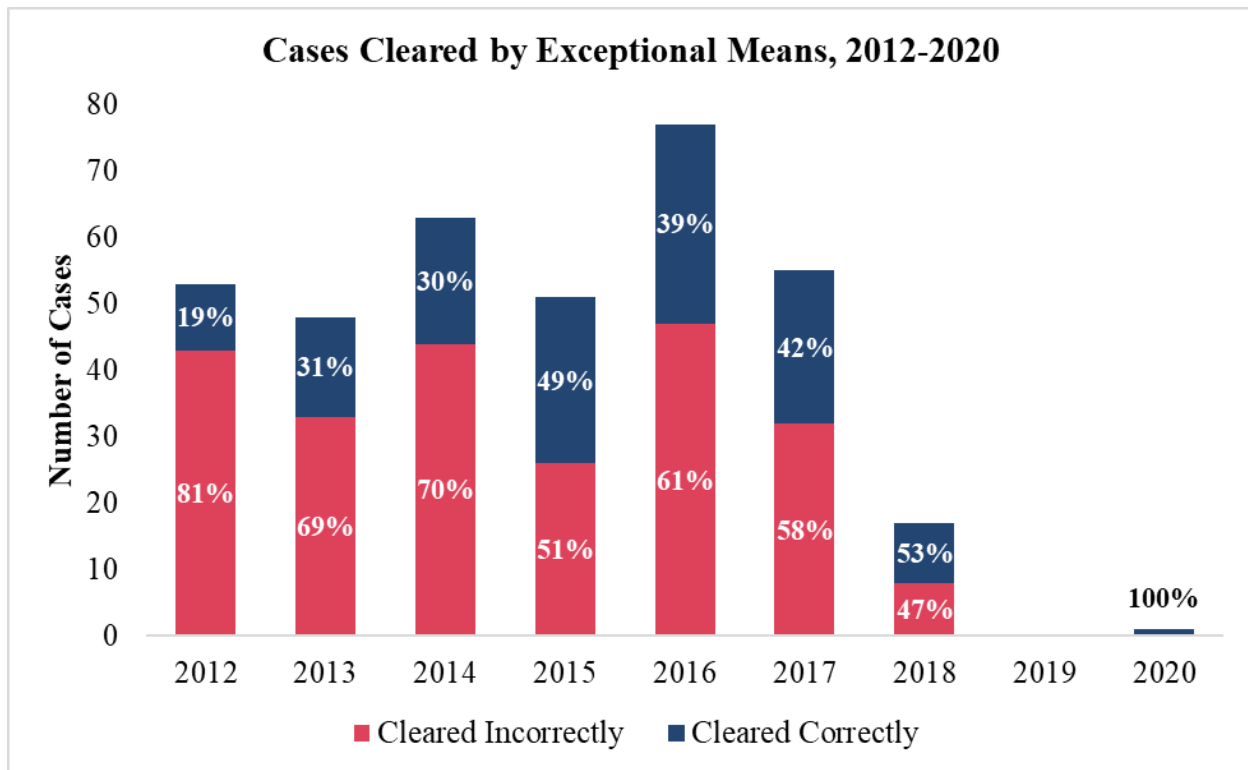
In earlier cases where the victim was reluctant to move forward with the investigation, cases were often cleared by exception based on the victim's lack of cooperation. This exceptional clearance was often used when the victim was not ready to pursue the case or when the victim did not feel they were safe enough to continue with the investigation. Exceptional clearance was often used when victims were unready to move forward immediately but were not refusing to cooperate.

After the audit and training regarding the proper use of exceptional clearance, the use of exceptional clearance immediately began trending downward. In 2019, there were no cases cleared by exceptional means. One case was cleared by exceptional means in 2020, and it was a proper use of exceptional clearance. There was a simultaneous increase in the suspension of cases, and these trends continued through 2020. A suspended case is still considered open, but is inactive pending additional information, test results, victim readiness, etc. However, the project team rarely saw any further investigation into cases after they were suspended. Typically, the only additional activity was documenting the receipt of a test result.

Over time, through victim-centered training, detectives came to understand that it was not that victims did not want to cooperate. Rather, victims were not ready or unable to move forward given the current circumstances, but might be able to proceed in the future. These cases are now classified as "Suspended pending victim readiness."

Section V: Investigation Timeline and Case Outcomes

Figure 20: Cases Cleared by Exceptional Means, 2012–2020, (N = 365)



Recommendation V.3: APD should ensure that cases cleared by exception have met the required UCR criteria. Any cases cleared exceptionally should be approved by a supervisor and documented in the report.

Unfounded Cases

Under UCR guidelines, a case can only be unfounded “if the investigation shows that no offense occurred nor was attempted.” In other words, unfounded cases are those in which the complaint is found to be false or baseless.¹¹⁰ A case can only be unfounded after the completion of a thorough investigation.

Case reviewers found 80 cases that APD classified as unfounded from 2012–2020, and case reviewers determined that 21 of those should not have been unfounded. In some cases, witnesses and the suspects had not been interviewed, meaning the detective had not confirmed that the complaint was false or baseless.

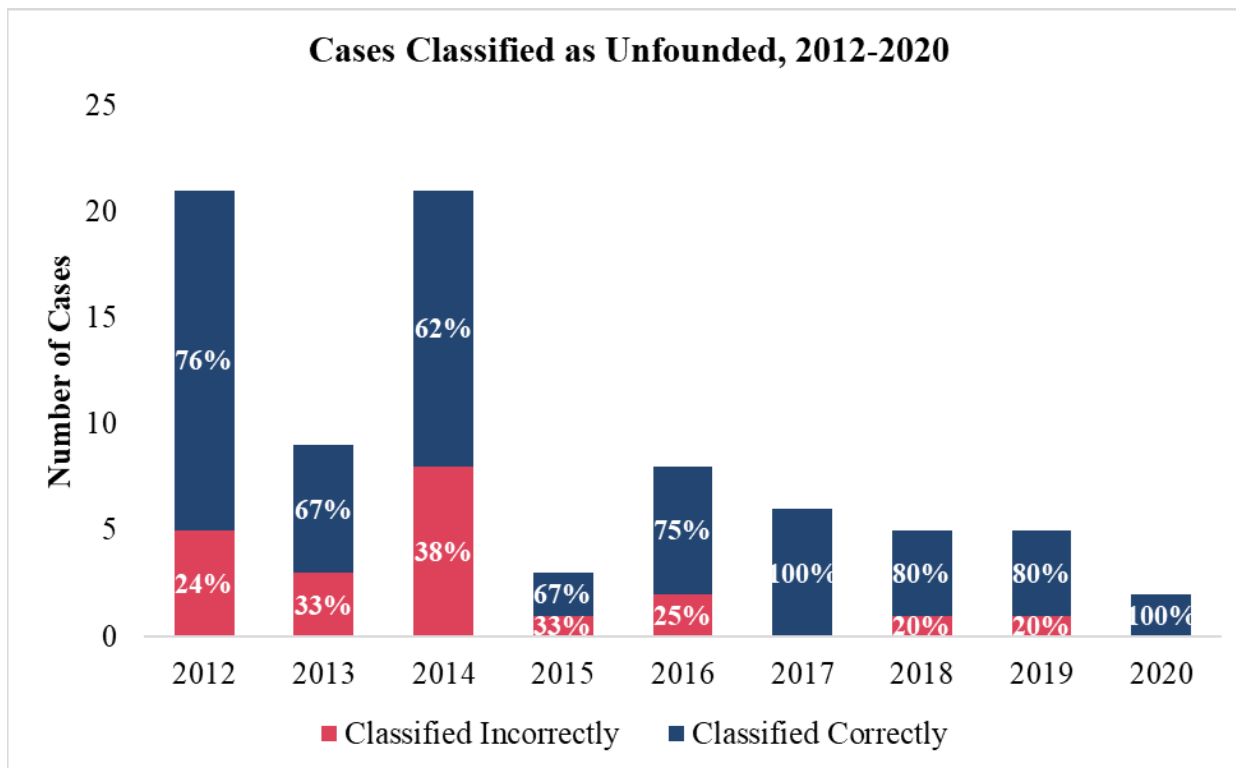
The number of cases reviewed that were incorrectly cleared by exceptional means or unfounded from 2018–2020 is far lower than the number of cases reviewed that were incorrectly classified in earlier years. In 2018, there was only one case reviewed that was incorrectly determined to be unfounded,

¹¹⁰ FBI, Summary Reporting System User Manual, 2003, p. 111. <https://www.fbi.gov/file-repository/ucr/ucr-srs-user-manual-v1.pdf/view>.

Section V: Investigation Timeline and Case Outcomes

while eight cases reviewed were incorrectly cleared exceptionally. In 2019, there was only one case reviewed that was incorrectly classified as unfounded, and no cases reviewed were incorrectly cleared by exceptional means. The project team did not find any 2020 cases incorrectly cleared by exceptional means or incorrectly determined to be unfounded.

Figure 21: Cases Classified as Unfounded, 2012–2020, (N = 80)



Recommendation V.4: APD should ensure that a case is unfounded only after a thorough investigation finds that the allegation was baseless or false as required by the UCR. Any case that is unfounded must be approved by a supervisor and documented in the report.

Suspended

A total of 797 cases were “suspended” from 2012 to 2020. Internally, APD has several subcategories of suspended cases to track why a case is no longer being actively investigated. A suspended case is not closed. Although APD’s suspension categories include a “Suspended – Closed” category, it should be eliminated and replaced with a code that is consistent with having all suspended cases inactive and easily reactivated should new leads come in, additional evidence be collected, or new information come to light.¹¹¹ Supplemental reports can be added to the case file, although, except for test results, they seldom are.

¹¹¹ Note, it is appropriate to suspend or inactivate cases without clearing or unfounding them. Doing so, however, may represent a culture shift in law enforcement where emphasis is often placed on high clearance rates. At the same time, a case should only “be suspended or inactivated after a thorough investigation has been conducted or when the victim is unable or unwilling to participate in the investigation.” https://evawintl.org/wp-content/uploads/Module-13_Clearance-Methods-Module.pdf.

Section V: Investigation Timeline and Case Outcomes

The suspended case subcategories are:

- Suspended — Pending Prosecutorial Review
- Suspended — Warrant Issued
- Suspended — Referred to Municipal Court
- Suspended — Pending DNA
- Suspended — Pending Follow-up (anticipating additional information or leads)
- Suspended — Victim Readiness
- Suspended — Prosecution Declined
- Suspended — No Leads/Evidence
- Suspended — Closed (when further investigation would be unproductive or inefficient, or when after 30 days the case cannot be cleared by any other means)

When a case is suspended, the victim should be informed that it is suspended and the reason for the suspension. The detective should take the time to explain to the victim what “suspended” means; why the case is being suspended; and when, how, or why it could be reactivated. Most victims want to know the status of their case and will be able to understand that it is temporarily suspended pending new information or leads, DNA analysis, or their readiness to proceed. Whatever the reason for the suspension, the victim deserves to be informed and not left thinking an investigation is underway when it is not.

Some cases are suspended at the request of the victim for a variety of personal reasons. When a case is suspended pending victim readiness, it is important to let the victim know that the case can be reactivated when they feel ready to proceed. The victim needs to know how their case can be reactivated, whether there is a time limit (statute of limitations), and who to contact to take that step.

Victims often decide they do not wish to proceed with an investigation while under stress and weighing a variety of concerns. With additional time, the victim may feel differently, yet be reluctant to contact the detective. For this reason, the project team recommends that APD’s Victim Services Division (VSD) Investigative Support Counselors (ISCs), who are trained in victim-centered communication, contact the victim a final time. Thirty days after the case is suspended, ISCs should attempt to contact the victim, assure them that APD is ready to reactivate the case at any time, and explain the process should the victim wish to have the case reactivated the case in the future. The date and time of the call and a summary of the discussion should be recorded in the case file. APD should share the total number of felony sexual assault cases and a breakdown of the UCR and internal dispositions of the cases with the public and victim advocacy groups to provide a clearer picture of the “prevalence and characteristics of sexual assaults.”¹¹² This will demonstrate the department’s willingness to be more transparent and aid in mending community relations.

Recommendation V.5: SCU detectives should take the time to inform victims when and why their case has been suspended. It is important for the victim to understand why a case is suspended and how it can be reactivated. APD should encourage the victim to recontact the detective with any follow-up questions or concerns.

¹¹² End Violence Against Women International, *Clearance Methods for Sexual Assault Cases*, November 2016, p.61. https://evawintl.org/wp-content/uploads/Module-13_Clearance-Methods-Module.pdf.

Section V: Investigation Timeline and Case Outcomes

Recommendation V.6: When a victim does not want to continue the investigation, VSD ISCs should contact the victim 30 days after a case is suspended to determine if the victim is comfortable with their decision and answer any questions the victim may have. If the victim is comfortable with their decision, ISCs should reassure the victim that APD is ready to hear from them at a later date to reactivate the case, and explain the process for doing so. The date, time, and a summary of the call should be recorded in the case file. If the victim has changed their mind, ISCs should notify the detective that the victim has requested the case be reactivated.

Recommendation V.7: APD should rename the “Suspended — Closed” category “Suspended — All Investigative Efforts Exhausted.” This current category name is confusing because it includes both “suspended” and “closed.” The cases in this group are suspended, but they are not cleared, or “closed,” under the UCR definition for case clearance. The annual advocate case review (see *Section XII: Restoring Community Trust*) should verify that cases in this category are classified appropriately.

Recommendation V.8: APD should share all case outcome data, including the total number of felony sexual assaults that are suspended, with the public and advocacy groups. This should include a breakdown of all APD internal disposition codes, including the subcategories of suspended cases. Sharing case outcomes will demonstrate transparency and can help mend community relations. For more, see *Section XII: Restoring Community Trust*.

Arrests

Austin, like many other jurisdictions,^{113,114} is struggling with significant sexual assault case attrition, which is defined as when cases fall out of the criminal justice system.¹¹⁵

A recent Wellesley Centers for Women (WCW) study of sexual assault cases in six jurisdictions across the U.S. found those agencies cleared 17.5% of cases with female victims and adult suspects by arrest.¹¹⁶ In the random sample of Austin sexual assault cases reviewed, 1,320 cases involved female victims. Those cases led to 167 arrests — 12.7% of the cases. For the 103 cases with male victims, only four arrests were made — 3.9% of cases. The overall arrest rate for felony sexual assault in the case review sample was 12.0%.

As we compare jurisdictions, a variety of factors unrelated to police response can influence the arrest rate, such as the characteristics of cases reported to the police, administrative factors that may count cases in one jurisdiction that are excluded from another, and differences in state laws. The overall APD

¹¹³ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

¹¹⁴ Spohn, C., Tellis, K. (2012) “Policing and Prosecuting Sexual Assault in Los Angeles City and County: A Collaborative Study in Partnership with the Los Angeles Police Department, the Los Angeles County Sheriff’s Department, and the Los Angeles County District Attorney’s Office”, U.S. Department of Justice: Office of Justice Programs, Washington, DC.

¹¹⁵ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Sexual Violence Case Attrition*, <https://www.wcwonline.org/Justice-and-Gender-based-Violence-Research-Site/sexual-assault-case-attrition-svca>

¹¹⁶ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

Section V: Investigation Timeline and Case Outcomes

arrest rate of 12% requires closer examination to verify that the arrests made accurately clear the reported crime of sexual assault. In some cases, the suspect was placed under arrest at the scene for a charge other than sexual assault, such as an outstanding warrant or a charge related to domestic violence, and later the sexual assault case was counted as “cleared by arrest.”

By implementing the recommendations in this report, SCU will strengthen investigative processes and establish better connections with victims. With these improvements, APD should expect to see the percentage of cases closed by arrest increase.

Clearing Cases by Arrest

The project team found that some reviewed cases were classified as “cleared by arrest” when none of the charges filed were for sexual assault. According to the FBI:

In the UCR Program, a law enforcement agency reports that an offense is cleared by arrest, or solved for crime reporting purposes, when three specific conditions have been met. The three conditions are that at least one person has been:

- *Arrested,*
- *Charged with the commission of the offense, or*
- *Turned over to the court for prosecution (whether following arrest, court summons, or police notice).¹¹⁷*

For example, if a suspect commits both a sexual assault and a theft against a victim and that suspect is arrested solely for the theft, the sexual assault shall *not* be closed by arrest.

To further examine this, the project team requested APD arrest and charging data for cases we reviewed in which a suspect was arrested and/or the case was *cleared* by arrest.

Of the 171 cases in which the internal case disposition was “closed by arrest,” 102 included a charge for a sexual offense (i.e., they were properly cleared by arrest). Forty-one cases did not include a charge for a sexual offense. In those cases, the charges varied but often related to family/dating violence. The remaining 28 cases did not include any charges in the data provided by APD. The project team could not determine why these cases were classified as “closed by arrest” when they did not result in any charges.

Recommendation V.9: SCU should ensure that sexual assault cases are classified as “closed by arrest” in accordance with the UCR Program’s definition. For example, SCU should not close a sexual assault case by arrest if the suspect was arrested on an unrelated outstanding warrant, or for a crime other than the sexual assault. Supervisors should review cases thoroughly to ensure that sexual assault cases are only closed by arrest when the suspect is arrested for the sexual assault.

Pseudonym Misuse

Under Texas Law, a victim of a sexual assault can choose to use a pseudonym – either initials or a fictitious name – in place of their name on “all public files and records concerning the offense, including

¹¹⁷ FBI: UCR, Official website, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/clearances/clearancetopic_final.

Section V: Investigation Timeline and Case Outcomes

police summary reports, press releases, and records of judicial proceedings.”¹¹⁸ The state requires that the victim complete a pseudonym form and return it to the law enforcement agency investigating the offense.¹¹⁹

In Austin, VSD counselors are responsible for discussing the use of a pseudonym with the victim and completing the required form.

According to the APD SCU SOP:

*All references to the actual name of the victim in the report shall be replaced with the Pseudonym name chosen by the victim with "(Pseudonym)" included afterward, as per policy. All copies of medical records, SAFE exams, or copies of other material documents shall have the actual name of the victim blocked out prior to scanning into the report. Before scanning original documents into the report, the detective shall make a copy of that original and block out all references to the actual name of the victim. The original document shall have a coversheet affixed to it that reads "Pseudonym" case prior to being submitted into evidence.*¹²⁰

Once the case is ready to be cleared, the SCU SOP requires that a detective review documents and supplements in the case file to verify that all comply with the pseudonym request. Once final redaction is complete, the detective is also required to record that final redaction in the case file.

In reviewing the case files, the project team found that these pseudonym policies were not always followed. Multiple files included names of victims in the detective notes, SANE reports, and lab analysis documents, even when the case file noted that the victim requested a pseudonym.

There are many important and personal reasons victims may request a pseudonym. They have every reason to expect that their request to remain anonymous will be honored and taken seriously by the detective investigating their sexual assault.

When the detective fails to follow the SCU SOP regarding victims’ pseudonyms, it is the supervisor’s responsibility to notice the mistake and ensure it is corrected by the detective. Instead, these case files reviewed by the project team were approved by a supervisor with the victim’s real name in the file. Additional steps are needed to prevent this from occurring in the future.

The project team brought this issue to the attention of SCU leaders, who acknowledged the importance of the issue and agreed to address it.

Recommendation V.10: When a victim requests to use a pseudonym, SCU detectives must ensure the victim’s actual name is removed from all files. Detectives must honor the victim’s request to use a pseudonym and take every step to protect the victim’s identity by following the law and the SOP. Supervisors must ensure that pseudonym cases are documented appropriately and the victim’s identity is protected.

¹¹⁸ <https://law.justia.com/codes/texas/2017/code-of-criminal-procedure/title-1/chapter-57/#:~:text=57.02.,and%20pseudonym%20of%20a%20victim>. Code of Criminal Procedure, Title 1 – Code of Criminal Procedure, Chapter 57 – Confidentiality of Identifying Information of Sex Offense Victims.

¹¹⁹ Ibid

¹²⁰ Sex Crimes Detective Operational Manual, 2020-2021, N. 3. d, p. 6, and T. p. 8

Section V: Investigation Timeline and Case Outcomes

Recommendation V.11: SCU leaders should maintain a log of cases in which the victim requests a pseudonym and check case files quarterly to ensure the victims' names are redacted. Victims' names should not be kept in the log. Any unredacted names should be brought to the attention of the investigating detective and the supervisor who approved the case to correct the mistake immediately.

Section VI: Partnership with the Travis County District Attorney's Office

Section VI: Partnership with the Travis County District Attorney's Office

It is important that Sex Crimes Unit (SCU) detectives and assistant district attorneys (ADAs) in the Travis County District Attorney's Office (TCDAO) assigned to sex crime cases have a good working relationship and a clear understanding of the role each plays in preparing a case for trial. The National Sexual Violence Resource Center (NSVRC) recommends vertical prosecution — that is, having the same prosecutor work the case from beginning to end — be used for all sexual assault cases.¹²¹

The SCU does not have a written policy regarding staffing cases with an ADA. However, before the COVID-19 pandemic caused the TCDAO and the Austin Police Department (APD) to change many of their meeting practices, the TCDAO sent two ADAs to the SCU office one to two days each week to review cases with investigators. Detectives found it very helpful to meet directly with ADAs to discuss cases. Since the onset of the pandemic, case meetings have occurred virtually, though APD anticipates in-person meetings will resume soon. SCU staff preferred in-person meetings because they occurred in an empty office space, allowing privacy away from office phones and interruptions.

Recommendation VI.1: SCU should initiate conversations with the TCDAO to implement vertical prosecution of felony sexual assault crimes. Vertical prosecution improves conviction rates, reduces victim trauma, and provides more consistency in case management.¹²²

Recommendation VI.2: APD should re-establish in-person meetings with TCDAO ADAs when possible. SCU should reserve private office space for meetings between detectives and TCDAO ADAs.

Staffing Cases

APD SCU detectives meet with the ADA to discuss a case or cases, which they refer to as “staffing a case with the ADA.” When staffing cases, detectives and ADAs may discuss the best way to seize evidence, strategize regarding a suspect's interrogation, or consider how the law applies in a particular situation. ADAs are the legal experts and have the final say as to whether to move forward with a case, present it to the grand jury, take it to trial, or decline to prosecute. While detectives and ADAs discuss cases throughout the investigative process, detectives should exhaust all investigative efforts — including interviewing the victim, witnesses, and the suspect (when possible) — and ensure all evidence collected has been submitted for analysis and test results have been received before presenting a case to the ADA for prosecution. This will enable the prosecutor to make an informed decision about how to proceed. Detectives who are unsure if all efforts have been exhausted should first consult with their sergeant or lieutenant before staffing the case with ADAs.

Interviews with current and former detectives and ADAs revealed a good working relationship between the two units, though some ADAs stated that detectives, on occasion, staffed cases with ADAs before all investigative steps had been exhausted and then based their decision to clear or suspend a case on the prosecutor's declination to file charges.

¹²¹ National Sexual Violence Resource Center, “Best Practices for Prosecution”, p. 1, <https://www.nsvrc.org/sites/default/files/publications/2018-09/Best%20Practices%20for%20Prosecution.pdf>

¹²² Ibid.

Section VI: Partnership with the Travis County District Attorney's Office

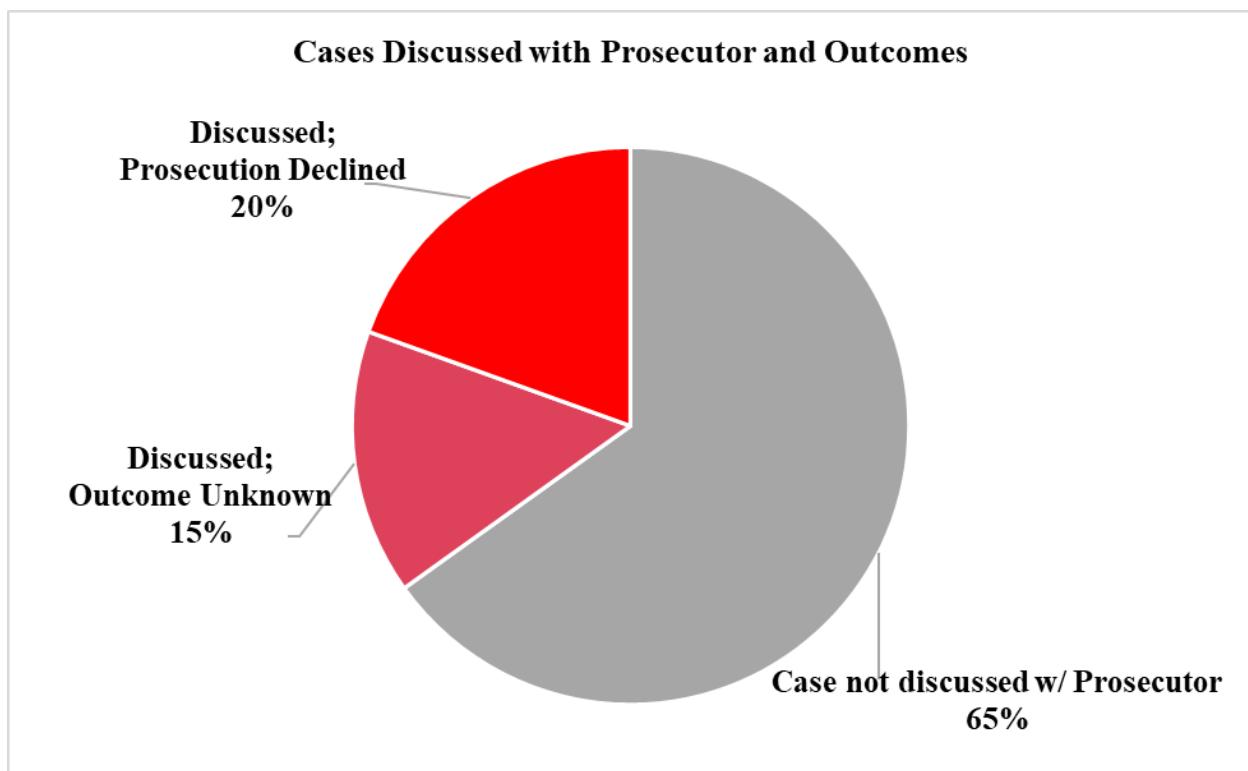
Documenting Prosecutorial Declinations

The Sex Crimes Detective Operating Procedures (SOP) state: "When a prosecutor advises against prosecution, document the name of the attorney [ADA] in a supplement to the report using the DA or CA staffing code and specify the reason."¹²³ In many cases reviewed by the project team, this supplement and the reason why the prosecutor declined to prosecute were not included in the case review information.

As illustrated in Figure 22, of the 1,430 cases reviewed, 931 cases (65%) were not discussed with a prosecutor and only 499 (35%) cases were staffed with an ADA. In 279 cases (20%), the reason for declination was included in the case file. In the remaining 220 cases (15%), the project team was unclear about what happened; there was no indication that prosecution was declined or that the case was moving forward. It is important for detectives to record the reasons for a declination in the case file. When an ADA declined to prosecute and a reason was given, it was often one of the following:

- Insufficient or lack of probable cause
- Insufficient or lack of corroborative evidence
- Failure to meet the definition of lack of consent under Texas law
- Lacked the elements of a crime
- Force was not established

Figure 22: Cases Discussed with Prosecutor and Outcomes, 2012–2020 (N = 1,430)



¹²³ Sex Crimes Detectives, Operational Manual 2020–2021, Section .02, F, p. 4

Section VI: Partnership with the Travis County District Attorney's Office

When interviewed, ADAs said they understood that the case file would contain their decision whether or not to prosecute, but they did not want their reasoning in the case file because the case file is subject to discovery by defense attorneys.

A record of case staffing and any charging decisions is necessary, but ADAs' personal opinions, such as characterizations about a witness or evidence, should not be in the case file. If the ADA tells a detective more investigation needs to be done or explains why the case cannot legally proceed to grand jury and trial, that information should be documented in the case file.

ADAs also noted there were cases for which there were no witness statements or basic evidence collection. Even though probable cause had not been established in these cases, detectives reported the ADAs' findings of a lack of probable cause as "prosecutorial declination" and suspended or closed the case. This is contrary to the ADAs' recommendations, which were for detectives to conduct further investigation to establish probable cause before requesting a prosecutorial decision.

Recommendation VI.3: SCU detectives and supervisors should exhaust all investigative efforts and obtain supervisory approval before staffing cases for prosecution with the TCDAO.

Detectives should ensure that all investigative efforts have been exhausted before asking ADAs to determine if the case can proceed to prosecution. To ensure investigative efforts are exhausted, SCU SOP should require detectives to obtain supervisory authorization before staffing a case for prosecution with the TCDAO. ADAs should not review a case if it does not include supervisory authorization.

Recommendation VI.4: If the ADA declines to prosecute a case but the detective believes the case has merit, the case should not be suspended or cleared until all reasonable avenues of investigation have been exhausted. If the ADA declines to prosecute a case, the detective should discuss the case with the ADA and an SCU supervisor to determine if additional investigatory steps could strengthen the case. If additional evidence cannot be gathered to strengthen the case, it can be cleared or suspended due to prosecutorial declination only if it meets the required criteria. This clearance or suspension should be noted in the case file.

Recommendation VI.5: SCU detectives must document the reason cases are declined for prosecution. In all cases where an ADA declines to prosecute, supervisors should ensure the reason for the declination is fully documented in the case file. "Prosecution declined" is too broad and should be eliminated as an option. Specificity is important for tracking case outcomes; identifying persistent investigative and prosecutorial challenges; and informing policy, practice, and training.

Downstream Orientation – "Weeding Out Cases"

As detectives begin their investigation into a sexual assault case, they may prematurely determine the case cannot be proved beyond a reasonable doubt in court, even if there is probable cause for an arrest.

Section VI: Partnership with the Travis County District Attorney's Office

This is known as a “downstream orientation” and can interfere with the process of an investigation and decisions about whether to make an arrest.¹²⁴

Detectives’ pre-disposition consultations with ADAs can lead to a downstream orientation to case processing — that is, decisions are made at or before an arrest or other disposition based on detectives’ and prosecutors’ beliefs about what might happen at trial. This generally occurs because police and prosecutors want to conserve resources for cases that they believe will have the best chance of conviction. Fiscal constraints and managerial dictates can make these decisions more likely.¹²⁵

Without necessarily realizing it, police and prosecutors may adopt a downstream orientation to remove the weakest cases at the earliest stage. The more pre-arrest consultations between detectives and prosecutors, the greater the likelihood the two agencies will develop a downstream orientation to processing sexual assault cases. When this orientation becomes a part of the decision-making process, prosecutors tell investigators the case factors they consider essential to securing criminal convictions, and investigators respond to this information by changing their perspectives on cases. Even if the ADA does not formally review every case, detectives learn whether cases are likely to be prosecuted through informal interactions with prosecutors and their fellow detectives and begin making decisions accordingly.

After a sexual assault is reported, case screening may occur when police put more resources and investigative efforts into securing and maintaining victim cooperation for those cases most likely to end in prosecution. When this happens, the boundaries between the police and the prosecutor are blurred and consequently many victims may be denied the opportunity to seek justice in court.¹²⁶

Examples of a Downstream Orientation

The project team’s review of case files suggests that some investigation and clearance decisions in sexual assault cases are influenced by a downstream orientation. Some specific examples include:

- One detective’s case file stated, “I presented the case to ADA very early in the investigation. He came to the same conclusion that I had come to. He declined prosecution.”
- Another detective suggested he was mainly interested in learning from prosecutors what they need to go forward, as this would make everything much simpler.
- In another case, the detective told a victim that “in order to have the criminal offense of sexual assault, the suspect must have compelled her to submit or participate by the use of physical force or violence, or by threatening to use physical force or violence. I told the victim without the criminal elements for sexual assault, I would have to conclude the investigation.”

¹²⁴ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>

¹²⁵ Pattavina, A., Morabito, M.S., and Williams, L.M. (2021). Pathways to Sexual Assault Case Attrition: Culture, Context, and Case Clearance, *Victims & Offenders*, DOI: 10.1080/15564886.2021.1970661

¹²⁶ Pattavina, A., Morabito, M.S., and Williams, L.M. (2021). Pathways to Sexual Assault Case Attrition: Culture, Context, and Case Clearance, *Victims & Offenders*, DOI: 10.1080/15564886.2021.1970661

Section VI: Partnership with the Travis County District Attorney's Office

A downstream mentality is potentially unfair to the victim and compromises the integrity of an investigation. Detectives should not mentally or strategically close or clear a case before all the facts are known, nor should they look for early justification to do so from the ADA.

This is not a universal problem within APD or the TCDAO. The project team learned that many detectives argued on behalf of arrest and tried to persuade prosecutors to accept their case, which was documented in several case files. Similarly, prosecutors provided many examples of times they had challenged detectives to complete additional investigative tasks before suspending a case or seeking a prosecutorial declination.

Recommendation VI.6: SCU leaders should monitor both the culture of the unit and SCU's cases for signs of a downstream orientation. APD leaders should routinely discuss this issue with detectives, and detectives should remain open-minded and investigate each case without predisposition. The TCDAO should be included in this discussion. Additionally, case auditors should look for evidence of this practice and document any potential issues of concern.

Section VII: Victim Characteristics

Section VII: Victim Characteristics

This section discusses victim characteristics observed in the case review data and any differences in case progression related to sex, gender, race, special population group, presence of victim substance use, or victim-suspect relationship. This analysis examines any differences in the ways cases were handled for specific victim groups (e.g., how did cases with female victims progress through the investigative process compared to cases with male victims). Tables in this section display the proportion of cases for each victim group that went through each step in the investigative process (e.g., the proportion of cases with male victims where a victim interview was completed vs. the proportion of cases with female victims where a victim interview was completed). To add context, the tables indicate if these proportions differ from the overall averages observed for all cases (denoted with asterisks and a blue cell).

Sex/Race

The substantial majority of victims in the case review data were female (1,320 or 92%).¹²⁷ There were 103 male victims (7%). Remaining victims were transgender (3) or did not have a sex specified in the data (4). Figure 23 shows the case details by sex. Due to the low number of cases involving transgender victims and cases where the victim's sex wasn't specified, this analysis focused only on female and male victims. This analysis reveals that in cases involving male victims, detectives were less likely to respond to the scene (10% of cases compared to 19% of cases for female victims); the victim was less likely to be interviewed (40% of cases compared to 52% of cases for female victims); a suspect was less likely to be identified (62% of cases compared to 73% of cases for female victims); and the case was less likely to be discussed with a prosecutor (27% of cases compared to 36% of cases for female victims). Male victims were *more* likely than female victims to have their case declined for prosecution (64% of cases compared to 55% of cases for female victims). These are notable differences in case handling by sex.

Figure 23: Victim Sex in Sexual Assault Cases 2012–2020: Case Details, (All Cases N = 1,430)

Sex ¹²⁸	Number of Cases	Proportion of Cases where Detective Responded to Scene	Proportion of Cases where Victim Interview Completed	Proportion of Cases where Suspect was Identified	Proportion of Cases where Case Discussed with Prosecutor	Proportion of Cases where Prosecutor Declined to Prosecute
Female	1,320	233 (19%)	684 (52%)	956 (73%)	470 (36%)	260 (55%)
Male	103	8 (10%)*	41 (40%)*	64 (62%)*	28 (27%)*	18 (64%)**
All Cases	1,430	242 (18%)	729 (51%)	1,027 (72%)	500 (35%)	279 (56%)

*Below average compared to all cases.

**Above average compared to all cases (only noted for decline to prosecute).

Figure 24 looks further into case progression by sex. Cases with male victims often failed to be cleared by arrest. Specifically, cases with male victims were more likely to be exceptionally cleared or unfounded (6% and 7% *more* likely than cases with female victims, respectively) and less likely to be

¹²⁷ The data discussed in this section does not highlight sex bias as most victims are female. However, as explained in *Section I: Introduction*, there is historical bias against women who are victimized by sexual and domestic violence.

¹²⁸ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

Section VII: Victim Characteristics

cleared by arrest than cases with female victims (only 4% of cases with male victims were cleared by arrest compared to 13% of cases with female victims). Of note, while all unfounded cases with male victims were found to be appropriately designated unfounded based on the project team's case review, only 48% of exceptionally cleared cases with male victims met the criteria for exceptional clearance. In comparison, only 35% of exceptionally cleared cases with female victims were appropriately cleared.

Figure 24: Victim Sex in Sexual Assault Cases 2012-2020: Case Outcomes, (All Cases N = 1,430)

Sex ¹²⁹	Number of Cases	Proportion of Cases Exceptionally Cleared	Proportion Appropriately Exceptionally Cleared	Proportion of Cases Unfounded	Proportion Appropriately Unfounded	Proportion of Cases Cleared by Arrest
Female	1,320	336 (26%)	116 (35%)	65 (5%)	44 (68%)	167 (13%)
Male	103	33 (32%)**	16 (48%)	12 (12%)**	12 (100%)	4 (4%)*
All Cases	1,430	369 (26%)	132 (36%)	80 (6%)	59 (74%)	171 (12%)

*Below average compared to all cases (only noted for clearance by arrest).

**Above average compared to all cases.

Compared to female victims, male victims were less likely to have their cases advance through each stage of the investigation, from a detective responding to the scene to case clearance by arrest (see Figures 23 and 24). Disparate treatment of male victims of sexual assault is not a problem unique to the Austin Police Department (APD); research has demonstrated that male victims experience more blame for their victimization due to societal stereotypes.¹³⁰

The vast majority of victims were white (83%), and 34% of those white victims were Hispanic or Latino (see **Figure 25**). Black victims comprised 13% of the sample with the remaining victims being Asian (2%), Middle Eastern (<1%), Hawaiian/Pacific Islander (<1%), or American Indian/Alaska Native (<1%).¹³¹

Figure 25: Victim Demographics 2012-2020, (N = 1,430)

	Not Hispanic or Latino	Hispanic or Latino	Unspecified/Unknown	Total
White	780 (66%)	403 (34%)	0 (0%)	1,183 (100%)
Other Racial Groups	218 (98%)	4 (2%)	0 (0%)	222 (100%)
Unspecified/Unknown	0 (0%)	0 (0%)	25 (100%)	25 (100%)
Total	998 (70%)	407 (29%)	25 (2%)	1,430 (100%)

Note: Row totals are shown in this table. Percentages will not add up vertically.

There were no notable differences in case progression between cases involving white victims and those involving victims from other racial groups (see Figure 26).

¹²⁹ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

¹³⁰ Davies, Michelle, and Paul Rogers. "Perceptions of male victims in depicted sexual assaults: A review of the literature." *Aggression and violent behavior* 11, no. 4 (2006): 367-377.

¹³¹ White victims made up the largest racial group (83%). The remainder of the racial groups were made up of relatively small numbers across many groups, so these groups were combined into one category called "other racial groups."

Section VII: Victim Characteristics

Figure 26: Victim Race in Sexual Assault Cases 2012–2020: Case Details, (All Cases N = 1,430)

Race ¹³²	Number of Cases	Proportion of Cases where Detective Responded to Scene	Proportion of Cases where Victim Interview Completed	Proportion of Cases where Suspect was Identified	Proportion of Cases where Case Discussed with Prosecutor	Proportion of Cases where Prosecutor Declined to Prosecute
White	1,183	197 (18%)	604 (51%)	853 (72%)	416 (35%)	233 (56%)
Other Racial Groups	222	43 (22%)	114 (51%)	162 (73%)	78 (35%)	45 (58%)**
All Cases	1,430	242 (18%)	729 (51%)	1,027 (72%)	500 (35%)	279 (56%)

*Below average compared to all cases.

**Above average compared to all cases (only noted for decline to prosecute).

In looking at case outcomes (see Figure 27), however, cases with victims from other racial groups were more often cleared by exception (33%) compared to white victims (25%) and less often cleared by arrest (9% for victims from other racial groups and 13% for white victims). Cases with white victims were slightly more likely to be unfounded (6% compared to 5% for victims from other racial groups). Of note, while the proportion of cases *appropriately* exceptionally cleared matched what was observed for all victims, only 36% of these cases were cleared correctly regardless of victim race.

Figure 27: Victim Race in Sexual Assault Cases 2012–2020: Case Outcomes (All Cases N = 1,430)

Race ¹³³	Number of Cases	Proportion of Cases Exceptionally Cleared	Proportion Appropriately Exceptionally Cleared	Proportion of Cases Unfounded	Proportion Appropriately Unfounded	Proportion of Cases Cleared by Arrest
White	1,183	294 (25%)	105 (36%)	66 (6%)	47 (71%)	151 (13%)
Not White or Hispanic	222	74 (33%)**	27 (36%)	11 (5%)	9 (82%)	19 (9%)*
All Cases	1,430	369 (26%)	132 (36%)	80 (6%)	59 (74%)	171 (12%)

*Below average compared to all cases (only noted for clearance by arrest).

**Above average compared to all cases.

See Section X: Training for recommendations regarding mitigating bias in the treatment of cases.

Special Populations

Analysis examined various victim populations in more detail. Victim characteristics captured in the data include members of the LGBTQ+ community, those with limited English proficiency, those with a mental illness, those with a mental disability (denoted as incapable of providing consent), those experiencing homelessness¹³⁴, and those with a physical disability. The project team was able to capture these characteristics using available information in case narratives (e.g., “gay” or “does not speak English”).¹³⁵

¹³² Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

¹³³ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

¹³⁴ Analysis combined individuals identified as experiencing homelessness or having a transient living situation into one category called “experiencing homelessness.”

¹³⁵ If a group had under 30 cases represented, they were not included in the analysis since there would be too few cases to detect meaningful patterns compared to the other groups with larger samples.

Section VII: Victim Characteristics

Data were also coded to indicate if the victim was engaged in commercial sexual activity at the time of victimization. Only 23 victims over the nine years fell into this group — too small a sample to draw any conclusions about APD treatment of these victims.

Some subsets of the population are more at risk of being sexually assaulted and are often targeted because sexual predators consider them weak, less likely to report the crime, marginalized by society, and less likely to be believed. For example, individuals with disabilities are at “significantly higher risk of sexual victimization than persons without disabilities.”¹³⁶ People with severe mental illness have been found to experience sexual violence at a rate six times higher than the general population.¹³⁷ These individuals are often targeted because they are less likely or unable to speak out, considered less credible when they do, or in a situation where their attacker is also their caretaker.

These populations are at risk of differential treatment if law enforcement holds assumptions or stereotypes; a misjudgment of a victim’s credibility can undermine an effective investigation and discourage the victim from reporting and participating in the investigation. Furthermore, complaints should not be evaluated based on whether a victim conforms with stereotypes about victim behavior.¹³⁸

Case Details

Figure 28 displays details of how cases involving special populations progressed. Detectives responded to the scene at a higher rate in cases involving special populations (22% compared to 18% for all cases). Detectives responded to the scene at a higher rate than average in cases with victims experiencing mental illness or homelessness, and at a slightly lower rate than average in cases with victims who were LGBTQ+, had limited English proficiency, and were mentally disabled.

A victim interview was completed in half (50%) of cases with special populations — similar to the rate for all cases, where just over half (51%) had a victim interview conducted. However, **victim interviews were especially uncommon with victims experiencing homelessness (35%).**

Suspect identification was less common when reports were made by victims in special populations, with a suspect identified in only 66% of cases, compared to 72% of all reviewed cases. Suspect identification was particularly infrequent in cases in which the victims were identified as LGBTQ+ (34%). Suspect identification occurred at a higher rate than average in cases with victims who had limited English proficiency (84%).

Figure 28 illustrates that most special population groups had their cases discussed with a prosecutor at a higher rate than average (35%), but **only one out of every five cases with a victim experiencing homelessness was discussed with a prosecutor.** When cases were discussed with a prosecutor, the case was declined in 59% of the cases with special populations, while the overall figure was 56% declined. But

¹³⁶ Mailhot Amborski, Amylee, Eve-Line Bussieres, Marie-Pier Vaillancourt-Morel, and Christian C. Joyal. "Sexual violence against persons with disabilities: A meta-analysis." *Trauma, Violence, & Abuse* (2021): 1524838021995975.

¹³⁷ Khalifeh, Hind, Siân Oram, David Osborn, Louise M. Howard, and Sonia Johnson. "Recent physical and sexual violence against adults with severe mental illness: a systematic review and meta-analysis." *International Review of Psychiatry* 28, no. 5 (2016): 433-451.

¹³⁸ Office on Violence Against Women, *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias* (Washington, DC: US Department of Justice, 2022).

Section VII: Victim Characteristics

in cases involving victims with limited English proficiency, only 47% of cases were declined. Prosecutors declined to prosecute at a particularly high rate for cases with LGBTQ+ victims (76%).

Based on the project team’s analysis, sexual assault cases with victims experiencing homelessness stand out as having worse overall outcomes. Victims experiencing homelessness were less likely than other victims to have their cases advance through key steps in the process. While detectives

Case Example:

A mentally handicapped victim had difficulty articulating to law enforcement what happened during the sexual assault incident. A detective determined that there was not enough information to establish that a felony sexual assault occurred. A lesser charge of attempted sexual assault with an object was *not discussed* with the prosecutor. The detective made no effort to contact the suspect, who had committed previous sexual offenses.

responded to the scene at a higher rate than average for victims experiencing homelessness (32%), those cases did not reach key case milestones — including formal interviews, suspect identification, discussion with a prosecutor, and a prosecutor’s decision — as often as cases with other victim populations (see Figure 28). **Victims with limited English proficiency experienced better-than-average progression** through these key case elements, except for a slightly lower rate of detectives responding to the scene (16%) (see Figure 28).

Case Example:

The victim was an individual experiencing homelessness who was living on the streets and in various shelters during the COVID-19 pandemic. The victim called and left messages for the detective; however, the calls were made on the weekend and the victim was unable to reach the detective. The victim emailed the detective, and the detective replied requesting a phone number at which he could reach her. He also suggested that she come to the office during working hours to speak with him, and that the case would be suspended if he did not hear back from her. The case was suspended pending victim readiness.

Section VII: Victim Characteristics

Figure 28: Victim Characteristics in Sexual Assault Cases 2012–2020: Case Details, (All Cases N = 1,430)

Special Population ¹³⁹	Number of Cases	Proportion of Cases where Detective Responded to Scene	Proportion of Cases where Victim Interview Completed	Proportion of Cases where Suspect was Identified	Proportion of Cases where Case Discussed with Prosecutor	Proportion of Cases where Prosecutor Declined to Prosecute
LGBTQ+	50	7 (16%)*	28 (56%)	17 (34%)*	21 (42%)	16 (76%)**
Limited English Proficiency	109	17 (16%)*	71 (65%)	92 (84%)	51 (47%)	24 (47%)
Mental Illness	204	42 (23%)	104 (51%)	134 (66%)*	78 (38%)	51 (65%)**
Experiencing Homelessness	211	65 (32%)	74 (35%)*	119 (56%)*	42 (20%)*	24 (57%)**
Mentally Disabled	31	4 (16%)*	15 (48%)*	20 (65%)*	16 (52%)	8 (50%)
Physically Disabled	34	5 (18%)	20 (59%)	25 (74%)	16 (47%)	11 (69%)**
All Special Populations	528	108 (22%)	264 (50%)*	351 (66%)*	188 (36%)	110 (59%)**
All Cases	1,430	242 (18%)	729 (51%)	1,027 (72%)	500 (35%)	279 (56%)

*Below average compared to all cases.

**Above average compared to all cases (only noted for decline to prosecute).

Recommendation VII.1: The APD Sex Crimes Unit (SCU) needs to review its investigative practices in cases with victims experiencing homelessness to improve victim outreach. The Victim Services Division (VSD) should attempt to connect the victim with resources (e.g., mental health services, shelters, medical clinics, food), which may help the victim stay connected to the system. VSD should also identify locations the victim frequents (e.g., where they pick up their state assistance funds), which may help to locate them in the future.

Case Outcomes

Figure 29 displays case outcome information for cases involving special populations. Overall, these cases were about as likely as the entire sample to be cleared by exception (25% of cases involving special populations, compared to 26% for all cases). **Of those cases with victims from special populations that were cleared by exception, only 32% were appropriately exceptionally cleared** (36% of all cases cleared by exception were done so properly).

The percentage of cases involving special populations that were deemed unfounded (7%) was comparable to the percentage of overall cases deemed unfounded (6%), but cases were deemed unfounded at a higher rate for specific special populations, including mentally ill (11%), mentally disabled (16%), and LGBTQ+ (10%) victims. The project team determined whether a case was properly deemed unfounded based on UCR requirements (see Section V for more information). **None of the five LGBTQ+ cases deemed unfounded were properly cleared.**

¹³⁹ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

Section VII: Victim Characteristics

Only 9% of cases with special populations were cleared by an arrest, compared to 12% of cases overall. Among special populations, clearance by arrest was less common for victims who were LGBTQ+ (4%), mentally ill (7%), experiencing homelessness (9%), mentally disabled (10%), and physically disabled (9%), and quite a bit higher for cases with victims with limited English proficiency (19%).

The case outcome analysis shows **particular challenges for LGBTQ+ victims**.

Figure 29: Victim Characteristics in Sexual Assault Cases 2012–2020: Case Outcomes (All Cases N = 1,430)

Special Population ¹⁴⁰	Number of Cases	Proportion of Cases Exceptionally Cleared	Proportion <u>Appropriately</u> Exceptionally Cleared	Proportion of Cases Unfounded	Proportion <u>Appropriately</u> Unfounded	Proportion of Cases Cleared by Arrest
LGBTQ+	50	15 (30%)**	6 (40%)	5 (10%)**	0 (0%)	2 (4%)*
Limited English Proficiency	109	34 (31%)**	11 (32%)	2 (2%)	2 (100%)	21 (19%)
Mental Illness	204	52 (25%)	15 (29%)	22 (11%)**	8 (36%)	14 (7%)*
Experiencing Homelessness	211	41 (19%)	12 (29%)	12 (6%)	6 (50%)	19 (9%)*
Mentally Disabled	31	8 (26%)	1 (13%)	5 (16%)**	3 (60%)	3 (10%)*
Physically Disabled	34	10 (29%)**	3 (30%)	1 (3%)	1 (100%)	3 (9%)*
All Special Populations	528	133 (25%)	41 (32%)	37 (7%)**	26 (70%)	50 (9%)*
All Cases	1,430	369 (26%)	132 (36%)	80 (6%)	59 (74%)	171 (12%)

*Below average compared to all cases (only noted for clearance by arrest).

**Above average compared to all cases.

Insights from Community Advocates on Strengthening Relationships with APD:

“[Law enforcement and advocates can best collaborate by] build[ing] relationships to best support survivors. On advocacy side, that looks like accompanying victims to their initial report and to the interview with the investigating detective. We could offer more services if the relationships were better with SCU.”

“We need to do case reviews ... same people should attend meetings. This is how you build relationships and problem solve.”

APD’s reengagement with the Austin/Travis County Sexual Assault Response and Resource Team (SARRT), discussed further in Section IX, will enhance APD’s partnerships with community organizations. Through collaborative training and jointly working with victims, these partnerships can support efforts to improve case outcomes.

¹⁴⁰ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

Section VII: Victim Characteristics

To mitigate any bias that may have contributed to differential treatment of victims in special populations, APD should review and revise policies and procedures and provide training to ensure that responding officers and detectives gather all pertinent evidence in an unbiased manner.¹⁴¹ As the U.S. Department of Justice stated in its guidance on identifying and preventing gender bias in sexual assault and domestic violence cases, officers need to be trained on “how to account for the emotional impact that victims may endure when assisting in an investigation after having suffered something traumatic, like sexual assault or domestic violence” and utilize a trauma-informed approach in practice.^{142, 143}

Recommendation VII.2: APD should place additional focus on partnerships with local social service groups, including community-based victim services organizations, to assist in APD’s response to sexual assault cases that involve victims from vulnerable populations.¹⁴⁴ APD needs to put particular emphasis on partnerships with groups serving the LGBTQ+ population and those experiencing homelessness. These partnerships can train and assist APD personnel in interacting with these populations and maintaining contact with these victims throughout case investigations.

Recommendation VII.3: APD needs to continue to monitor any differential treatment of vulnerable victim populations and address issues as they arise. Training should highlight effective investigative techniques for these populations. See Section X for additional recommendations pertaining to training and vulnerable populations.

¹⁴¹ Office on Violence Against Women, *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias* (Washington, DC: US Department of Justice, 2022).

¹⁴² Ibid p. 12.

¹⁴³ See also: Police Executive Research Forum, *Executive Guidebook: Practical Approaches for Strengthening Law Enforcement’s Response to Sexual Assault* (Washington, DC: Police Executive Research Forum, 2018), p. 22.

¹⁴⁴ Ibid p. 59.

Section VII: Victim Characteristics

Involvement of Intoxicating Substances (Alcohol and/or Drugs) in the Incident

Reviewing the case reports and narratives, the project team found that 46% of victims were under the influence of a substance, either voluntarily or involuntarily, at the time of the incident. Note: “No” and “unknown” are combined in these data, therefore it is unknown how many cases involved victims who were definitively not under the influence of a substance versus cases where it is unknown if the victim was under the influence.

Case Example:

Officers responded to a call reporting an intoxicated young woman (the victim) with her pants around her ankles. Preliminary investigation revealed that at least one male (suspect) had engaged in sexual activity with the victim. Despite the victim’s obvious high level of intoxication, the responding patrol officer repeatedly questioned her about whether the possible assault had been consensual. The victim (while intoxicated) repeatedly answered that it was consensual. The victim was then transported to the hospital. Staff at the hospital were therefore not informed about the potential sex crime and did not collect any evidence nor offer the victim the standard battery of physical and psychological help that they would a victim of sexual assault.

Figure 30 displays details of how reviewed cases were handled by APD. Detective response to the scene, completion of a victim interview, and discussion with a prosecutor were *more* likely to occur in cases involving victims under the influence of drugs and/or alcohol (22%, 56%, and 39% respectively) compared to cases where the victim was not under the influence of drugs and/or alcohol (15%, 47%, and 31% respectively). This unexpected finding deserves further research. However, suspects were identified less frequently in cases involving victims under the influence of drugs and/or alcohol (70% compared to 74% for cases *without* victim substance use), and prosecutors more often declined to prosecute these cases (39% compared to 31% for cases where victims were not under the influence of drugs and/or alcohol).

Figure 30: Victim Substance Use 2012–2020: Case Details, (All Cases N = 1,430)

Victim Substance Use ¹⁴⁵	Number of Cases	Proportion of Cases where Detective Responded to Scene	Proportion of Cases where Victim Interview Completed	Proportion of Cases where Suspect was Identified	Proportion of Cases where Case Discussed with Prosecutor	Proportion of Cases where Prosecutor Declined to Prosecute
Yes	654	133 (22%)	369 (56%)	455 (70%)*	255 (39%)	150 (59%)**
No	776	109 (15%)*	361 (47%)*	572 (74%)	244 (31%)	129 (53%)
All Cases	1,430	242 (18%)	729 (51%)	1,027 (72%)	500 (35%)	279 (56%)

*Below average compared to all cases.

**Above average compared to all cases (only noted for decline to prosecute).

¹⁴⁵ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

Section VII: Victim Characteristics

Case outcomes did not vary largely between cases where the victim was under the influence of a substance versus cases where the victim was not under the influence (see **Figure 31**). Four percent of cases in which the victim was under the influence of a substance were unfounded, compared to 7% of cases in which the victim was not under the influence of a substance. Cases for both groups were cleared by arrest at the same rate. Overall, the project team’s analysis of cases where the victim was under the influence of a substance did not reveal differences in outcomes.

Case Example:

A victim said her boyfriend (suspect) caused her addiction to drugs. A detective inferred that the victim had sexual relations with the suspect to further “feed her addiction.” It was determined that, because it was a delayed report, nothing more could be done. However, detectives and a prosecutor did not even attempt to contact the suspect or witnesses.

Figure 31: Victim Substance Use 2012–2020: Case Outcomes, (All Cases N = 1,430)

Victim Substance Use ¹⁴⁶	Number of Cases	Proportion of Cases Exceptionally Cleared	Proportion Appropriately Exceptionally Cleared	Proportion of Cases Unfounded	Proportion Appropriately Unfounded	Proportion of Cases Cleared by Arrest
Yes	654	176 (27%)**	62 (35%)	27 (4%)	21 (78%)	77 (12%)
No	776	193 (25%)	70 (37%)	53 (7%)**	38 (72%)	94 (12%)
All Cases	1,430	369 (26%)	132 (36%)	80 (6%)	59 (74%)	171 (12%)

**Above average compared to all cases.

While the project team did not find patterns of differential treatment, some individual cases showed APD officers and detectives need to better understand the impact of substance use on sexual assault victims and investigations. Because intoxication may impair the ability to consent and may be tested, detectives must ask about the circumstances of the incident during interviews, including questions about substance use, while being careful to not present as if they are blaming victims for the assault because they had been drinking or using drugs.¹⁴⁷

Trauma-informed interviewing practices include explanations for difficult questions, such as questions about a victim’s use of alcohol or drugs at the time of the incident, and suggest rephrasing “questions in a way that avoids victim-blaming language and adversarial tone,” as the U.S. Department of Justice stated in its guidance on preventing gender bias in these types of investigations.¹⁴⁸ Interviewers should avoid an accusatory tone to earn victims’ trust. Such methods can garner more information to assist in the investigation.¹⁴⁹

Recommendation VII.4: APD must ensure all officers and detectives are familiar with the impact of drugs and alcohol in sexual assault investigations. Alcohol and/or drug use is a

¹⁴⁶ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

¹⁴⁷ Police Executive Research Forum, *Executive Guidebook: Practical Approaches for Strengthening Law Enforcement’s Response to Sexual Assault* (Washington, DC: Police Executive Research Forum, 2018), p. 57.

¹⁴⁸ Office on Violence Against Women, *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias* (Washington, DC: US Department of Justice, 2022), p. 13.

¹⁴⁹ Ibid.

Section VII: Victim Characteristics

common occurrence in sexual assault cases. Officers and detectives should be trained on drug and alcohol facilitated sexual assault, including how it may impact a victim and their capacity to consent, as well as how it may affect the investigation. Anyone conducting victim interviews should be trained in trauma-informed interviewing practices to avoid victim blaming. While there was no differential treatment in the aggregate, there were concerning aspects of some individual cases. The quality of APD's response to reports of sexual assault should not vary based on the presence of alcohol and/or drug use.

Victim Relationship to Suspect

A quarter (25%) of reviewed cases involved victimization by a stranger. Analysis reveals that while detectives were more likely to respond to the scene in these cases, the victim was interviewed in less than half of cases and suspects were rarely identified (see **Figure 32**). These cases involving victimization by a stranger were less likely to be discussed with a prosecutor (19% compared to 35% for all cases).

When a suspect was identified and a case was discussed with a prosecutor, the prosecutor more often declined to prosecute non-stranger (59%) and brief encounter (61%) cases than cases involving a stranger (35%, meaning the prosecutor accepted 65% of cases involving a stranger).

Figure 32: Victim-Offender Relationship 2012–2020: Case Details (All Cases N = 1,430)

Relationship ¹⁵⁰	Number of Cases	Proportion of Cases where Detective Responded to Scene	Proportion of Cases where Victim Interview Completed	Proportion of Cases where Suspect was Identified	Proportion of Cases where Case Discussed with Prosecutor	Proportion of Cases where Prosecutor Declined to Prosecute
Stranger	340	91 (28%)	161 (47%)*	119 (35%)*	66 (19%)*	23 (35%)
Non-Stranger	846	99 (13%)*	449 (53%)	767 (91%)	346 (41%)	203 (59%)**
Brief Encounter	189	44 (26%)	105 (56%)	121 (64%)*	80 (42%)	49 (61%)**
All Cases	1,430	242 (18%)	729 (51%)	1,027 (72%)	500 (35%)	279 (56%)

*Below average compared to all cases.

**Above average compared to all cases (only noted for decline to prosecute).

Figure 33 details case outcome data by victim-suspect relationship. Arrest rates for stranger and brief encounter incidents were slightly lower than for non-stranger incidents, though this is not a surprising finding. **Cases involving victimization by a non-stranger were more likely to be cleared by exception than cases involving victimization by an identified stranger or after a brief encounter** (34% of non-stranger cases compared to 10% of stranger cases and 24% of brief encounter cases). Upon review, exceptional clearance was used appropriately in only 37% of cases involving victimization by a non-stranger. The differences between how stranger versus non-stranger cases progress through the investigative process are noticeable. Cases where the victim and the suspect are strangers appear to receive more extensive investigation, despite their inherent difficulties such as suspect identification.¹⁵¹

¹⁵⁰ Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

¹⁵¹ For resources on increasing or improving victim engagement in non-stranger sexual assault cases, see: *Engaging Adult Victims of Non-Stranger Sexual Assault: A Law Enforcement Toolkit* (Austin, TX: Institute on Domestic

Section VII: Victim Characteristics

Figure 33: Victim-Offender Relationship 2012–2020: Case Outcomes (All Cases N = 1,430)

Relationship¹⁵²	Number of Cases	Proportion of Cases Exceptionally Cleared	Proportion Appropriately Exceptionally Cleared	Proportion of Cases Unfounded	Proportion Appropriately Unfounded	Proportion of Cases Cleared by Arrest
Stranger	340	33 (10%)	12 (36%)	21 (6%)	15 (71%)	36 (11%)*
Non-Stranger	846	285 (34%)**	104 (37%)	35 (4%)	24 (69%)	113 (13%)
Brief Encounter	189	45 (24%)	13 (30%)	8 (4%)	5 (63%)	21 (11%)*
All Cases	1,430	369 (26%)	132 (36%)	80 (6%)	59 (74%)	171 (12%)

*Below average compared to all cases (only noted for clearance by arrest).

**Above average compared to all cases.

See recommendations in Section IV for methods to improve case outcomes for cases in which the victim and offender have a prior or ongoing relationship.

Violence & Sexual Assault, 2013), <https://repositories.lib.utexas.edu/bitstream/handle/2152/77863/IDVSA-Toolkit-FINAL.pdf?sequence=2>.

¹⁵² Columns in this table should be read independently. Percentages will not add up horizontally or vertically.

Section VIII: Survivor Interviews

Section VIII: Survivor Interviews

This project planned to interview 50 survivors who had reported sexual assault to the Austin Police Department's (APD) Sex Crimes Unit (SCU) between the years of 2012 and 2020. The project team and advocates developed a survivor recruitment and interview protocol and implementation of steps to ensure privacy and anonymity for survivors. The project team recruited Spanish-language interviewers, had materials translated, and trained interviewers. The interview protocol and questions posed to the survivors are included in Appendix B.

Seeking Volunteer Survivor Participants

To recruit survivors, the project team received assistance from the APD Victim Services Division (VSD) and representatives from local advocacy groups, including SAFE Alliance, CASA of Travis County, Austin/Travis County Sexual Assault Response and Resource Team (SARRT), Texas Association Against Sexual Assault (TAASA), and others. The project team presented details of the project and answered questions at SARRT meetings. All were provided with emailed copies of informational flyers in Spanish and English (included in Appendix C and D), which described the need for volunteer interviewees and the project focus and goals. These materials stressed the opportunity for survivors to improve the police response to sexual assault. It was made clear that participation was voluntary and anonymous and that they could stop the interview at any time. Potential participants were informed that they would receive a \$50 gift card from Amazon or Target for participating. The flyers included contact information with a phone number and an e-mail address secured specifically for the project. The project team staffed the phone number and email account.

Once the protocol was in place the project team began recruitment in January 2022, while COVID-19 was still a national health concern. The survivor advocates cautioned that while survivors would normally see flyers posted on the facilities' bulletin boards, most groups were meeting virtually. Advocates did contact some survivors by phone and sent email announcements. They also requested and received electronic links to flyers to post on their websites. The Wellesley Centers for Women (WCW) received a number of calls from survivors who did not meet the parameters of those needed for the project; for example, their case was not reported to APD between 2012 and 2020. The efforts of the advocacy groups to help to disseminate the information to survivors continued for several months and **ultimately five survivors were interviewed.**

The survivors interviewed were all women (no male victims volunteered). They were a diverse group, including white, biracial, Latina and Native American women who reported a sexual assault to APD between 2012 and 2020. Although the project team was disappointed to interview only five survivors, these five women selflessly shared details of their interactions with APD and, through their accounts, demonstrated their desire to help improve APD's response to sexual assault. Their experiences support the information gathered through the project team's case review and data analysis.

Section VIII: Survivor Interviews

Victim-Detective Interaction

The interviews provided a valuable opportunity for the project team to hear the voices of survivors. The survivors were clear about the need to improve detective-victim interaction. Even when victims had some positive interactions with APD, **they reported a lack of communication and contact with the detectives assigned to their cases, including one victim who said she felt as if “they were tired of hearing from me.”** One survivor felt disbelieved by the detective.

The survivor interviews corroborated what the project team learned from the case review data about the pressing need to improve detective-victim interactions to make case attrition less likely.

Consistent, trauma-informed contact with victims is essential to the investigation of sexual assault cases. Victims need control over what is happening to them. When, for example, victims do not receive a return call from the detective who is handling their case, even to say, “There are no updates to report but I am still investigating,” this is upsetting, frustrating, and may ultimately lead to victims no longer being willing to participate in the case.

Recommendation VIII.1: Detectives should contact victims with updates on a regular basis and must return calls to victims in a timely manner. Detectives should return all calls, texts, and emails from victims within 24 hours of receiving them, even if it is only to inform victims that the case is actively being investigated and they will be regularly notified of any updates (e.g., change in case status or the results of forensic testing).

Recommendation VIII.2: SCU should establish a detailed protocol for maintaining communication with victims. In partnership with VSD, SCU should develop a protocol to routinely communicate with all victims whose cases are actively being investigated, considered for prosecution, or prosecuted. This practice supports a victim-centered approach to sexual assault investigations and helps to allay victim uncertainty and anxiety, and ultimately reduce case attrition.

Reassigning Cases

There are times when supervisors must transfer a case from one detective to another because of promotion, transfer, retirement, or caseload distribution. Supervisors and detectives should endeavor to make the transfer of cases from one detective to another as seamless as possible. The departing detective, who has developed a relationship with the victim, should attempt to introduce the victim to the new detective. During this introductory meeting — also attended by a VSD counselor, if possible — the departing detective should explain how the new detective will follow the practices to which the victim has become accustomed. The departing detective should thoroughly review the investigation

Survivors Told Us:

“The detective took over a week to contact me.”

“The detective made no effort to contact witnesses.”

One survivor said the detective called to tell her the case was closed. The victim felt “that police looked at me as a junkie or prostitute and not a victim...” she said. She also “felt that the detective did not believe me... [and] that the detective blamed me” [for the assault].”

An assistant district attorney (ADA) told a survivor that the case “was not winnable.” The survivor reported feeling “dismissed and discouraged” by all interactions with the police and prosecutors.

Section VIII: Survivor Interviews

with the oncoming detective to discuss the facts of the case, answer any questions, and review any pending test results and uncompleted tasks. This case review should include watching the victim's formal interview together.

Recommendation VIII.3: Detectives transferring out of the unit should brief the detectives who are assuming investigative responsibility for their cases. When possible, the detective who is transferring out of the unit should brief the detective who will be assigned the case. Ideally, this briefing would include both the incoming and outgoing detective reviewing the victim interview together to answer any questions or clarify any ambiguities. Such actions are designed to both increase the likelihood of a successful investigation and make the victim more comfortable with the transition to a new detective; this would free the victim from the trauma and inconvenience of undergoing another formal interview.

Recommendation VIII.4: Detectives who are leaving SCU should introduce victims to the detectives who are taking over their cases. Before leaving the unit, the departing detective should contact the victims in all active cases to inform them of the upcoming transfer. The departing detective should attempt to introduce the victims to the newly assigned detectives, preferably in the company of a VSD counselor.

Evidence

The survivors interviewed all voiced concerns and some frustration regarding detectives' failure to collect and process evidence. One victim described how the detective failed to show any urgency in seizing and viewing surveillance video, which she was confident would provide evidence of the assault. By the time the detective attempted to retrieve the video evidence, it had been erased. This comported with many cases reviewed by the project team. Other victims complained of the way evidence was handled and tests that were or were not conducted. For example, before a case was closed, one victim wanted to know the results of any blood or toxicology tests that may have shown she was drugged. Two victims complained that articles of clothing or other materials that could perhaps (and in one case did) link a suspect to the crime were not taken seriously by the detectives.

Timely seizure of evidence is often the difference between a successful and unsuccessful criminal investigation and prosecution. For example, seizing video surveillance may lead to a clear picture of the suspect's face or the identification of a companion; it may capture the suspect entering their car and an image of the car's license plate; it may record the suspect at a hotel registration desk, which could lead to a subpoena, identification of the suspect, and a search warrant of the suspect's room to seize clothing and bedding for DNA testing. Evidence collection should not only be performed to identify a suspect. Even when the suspect is known, evidence collected can corroborate the victim's account. For example, a suspect may deny sexual contact, but evidence can corroborate the victim's account of such contact (e.g., semen identified in bedding or from the SAK). Failure to obtain investigative evidence also compromises APD's trust and legitimacy. Ultimately, it may deprive victims of the opportunity to seek resolution through the criminal justice process and leave an offender on the street to commit additional assaults.

The project team provided recommendations earlier in the report regarding the collection of perishable or time-sensitive evidence.

Section VIII: Survivor Interviews

Predisposition

Another conclusion the project team drew from both the victim interviews and case review is that APD needs to improve its response to individuals involved with adult protective services, who are hospitalized, or who are experiencing mental health issues. This includes responding to and investigating the reported incident in a trauma-informed manner. To investigate in a trauma-informed manner, detectives must approach each sexual assault with an open mind and without predisposition as to the credibility of the victim or the outcome of the case regardless of the victim's or suspect's age, mental status, occupation, race, sexual orientation, or ethnicity.

A detective's goal should be to determine what happened by following the evidence to its logical conclusion. Detectives should not make the mistake of questioning the credibility of a victim before knowing the facts of the case and reviewing all the evidence. These practices are harmful to the victim, and the mistakes made are often impossible to undo.

Recommendation VIII.5: Detectives should approach each sexual assault case with an open mind. Detectives must be trained and held accountable for investigating sexual assault cases without predisposition as to the credibility of the victim or the outcome of the case. The investigative goal should be to determine what occurred by collecting and analyzing evidence and interviewing witnesses.

General Comments

Some survivors noted there were parts of their experience that were handled well, while some parts had room for improvement. For example, although one survivor reported an unpleasant experience with the SCU detective, she praised the initial response of patrol officers, complimented hospital personnel as compassionate, and was grateful that an advocate from SAFE Alliance was present to provide her available resources.

Survivors consistently expressed frustration with detectives for not interviewing suspects nor providing any explanation for their failure to do so. The concern about lack of suspect interviews was also documented in the project team's case reviews. (For more on suspect interviews, see Section IV.) Nevertheless, one survivor reported an exemplary effort to identify a stranger suspect who broke into her home. As a result of the detective's efforts, a suspect was identified and interviewed on two or three occasions, denying the sexual assault each time. Despite the suspect's repeated denials, the victim continued to believe detectives had identified the right person. Through some thorough investigative work, a detective located DNA evidence linking the suspect to the case, but the prosecutor felt there was not enough evidence to proceed to trial. The victim was disappointed by the prosecutor's decision, but grateful that the detective did not give up. This example illustrates that **even when a suspect is not held accountable for their actions, a detective's thorough investigation may serve to affirm a victim's experience and, perhaps, provide some closure.**

While the project team would have preferred to learn from more survivors, the team greatly appreciates those who willingly and courageously shared their experiences. The information shared by survivors dovetailed with case reviews and other interviews to provide a more holistic understanding of the process APD used to address sexual assault cases. Indeed, the survivors' experiences were consistent with many of the teams' observations, and confirmed many of the observations made in this report. The

Section VIII: Survivor Interviews

survivors' participation will help to improve the future response of APD to victims of sexual assault. **To honor their time and the value of their contributions, every issue the survivors raised with the project team has been discussed in this report.**

Section IX: SARRT and SAFE Alliance

Section IX: SARRT and SAFE Alliance

On September 1, 2021, Texas Senate Bill 476 (87R) was enacted and required “all Texas counties to form an adult Sexual Assault Response Team (SART) in an effort to create a statewide infrastructure of resources, awareness, connection, and coordination to address sex crimes locally. A SART is a formalized coordinated response to a sexual assault that allows multi-disciplinary professionals to coordinate and develop interagency responses to work together to address sexual assault by providing wrap-around support and communication.”¹⁵³

Austin/Travis County Sexual Assault Response and Resource Team

The Austin/Travis County Sexual Assault Response and Resource Team (SARRT) was founded in 1992, long before the Texas state legislature mandated a SART be formed in each county.¹⁵⁴ The mission of SARRT is to enhance the local response to post-pubescent adolescent and adult sexual abuse and assault through ongoing collaboration, training, and coordination among the agencies charged with responding to these crimes.¹⁵⁵

Monthly Meetings

SARRT meets monthly for an hour and a half with representatives from 28 partner organizations. According to SARRT’s cooperative working agreement, its members must be “active and engaged”¹⁵⁶ and fully committed to competent, victim-centered, and culturally responsive service for victims of sexual assault.¹⁵⁷

Historically, the Austin Police Department (APD) and SARRT have occasionally struggled to make their relationship work; this has recently changed. According to **the project team’s interviews with SARRT members, APD has renewed its cooperative working agreements with SARRT, and, under new leadership, is attending the SARRT meetings, bringing new ideas, sharing information, and receiving suggestions in a positive way.**

This relationship is important to the community and to survivors. APD needs to remain actively engaged in SARRT, to help identify trends and gaps in services, to share and explain data, and to constructively problem-solve to reduce sexual assault. For this relationship to work effectively, there must be transparency and information sharing.

There are opportunities to further improve the partnership between APD and SARRT. Currently, APD leaders attend SARRT meetings. Detectives should attend these meetings as well. Detectives need to hear from the advocates who support victims, and the advocates want to hear from the detectives who investigate sexual assaults. The exchange of information should not compromise victim confidentiality or any ongoing investigations.

¹⁵⁴ <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00476F.pdf#navpanes=0>, 87(R) SB 476, reviewed July 18, 2022.

¹⁵⁵ Austin/Travis County SARRT, Cooperative Working Agreement

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

Recommendation IX.1: Detectives should regularly attend the monthly SARRT meetings alongside APD leaders. At least one detective should attend each SARRT meeting and be prepared to discuss any issues and trends that may have arisen since the last meeting. APD leaders should continue to send a representative at the rank of lieutenant or above, keeping in mind that for consistency and continuity, those who attend should be limited to a small number of leaders who have direct knowledge of the policies and procedures of APD's Sex Crimes Unit (SCU).

SAFE Alliance

The SAFE Alliance describes itself as “a merger of Austin Children’s Shelter and SafePlace, both long-standing and respected human service agencies in Austin serving the survivors of child abuse, sexual assault and exploitation, and domestic violence.”¹⁵⁸

SAFE Alliance advocates respond to the hospital to support the victim when the victim has consented to a forensic exam. At the hospital, **the Crisis Response Counselor (CRC) introduces the victim to the SAFE Alliance advocate, who accompanies and supports the victim during the forensic exam and the police interview, with the victim’s consent.**

Victim advocates, such as those with the SAFE Alliance, serve an essential role in providing a victim-centered and trauma-informed response. Victim advocates are either system-based, meaning they are employed by law enforcement agencies or prosecutors’ offices, or community-based, meaning they work or volunteer with a nongovernmental community organization that provides services to victims.¹⁵⁹

SAFE Alliance is community-based and is an essential partner of APD. Their response to the hospital helps the CRC transfer support and care for the victim to a non-law enforcement advocate in a compassionate way, and frees the CRC to assist the next victim of violent crime.

¹⁵⁸ SAFE Alliance, official webpage, <https://www.safeaustin.org/about-us/>, reviewed July 18, 2022.

¹⁵⁹ National Institute of Justice, *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, <https://www.ojp.gov/pdffiles1/nij/250384.pdf>.

Section X: Training

Section X: Training

The Texas Commission on Law Enforcement (TCOLE) is the regulatory agency that sets standards to ensure police officers in Texas are highly trained and ethical.¹⁶⁰ TCOLE approves Basic Peace Officer Course (BPOC) lesson plans used at the Austin Police Department (APD) Training Academy. APD leaders shared training documents and PowerPoint presentations used in training with the project team. Because some of the training documents were not dated, it was unclear when they were last used or updated. Nevertheless, the project team reviewed all the training documents provided.

Included in the cache of training documents were lesson plans used by instructors to train new officers (cadets), veteran officers (in-service), detectives, and supervisors. Several lesson plans included information about sexual assault investigations, but most were procedure-based and focused on explanations of Texas laws.

Cadet Training

The APD Training Academy course for cadets is eight months long. **During their 1,280 hours of entry-level training, recruits only receive a three-hour block of training on sex crimes.** Taught by Sex Crimes Unit (SCU) detectives, the training includes discussion of victims of domestic violence, child abuse, and sexual assault. One of the lessons, entitled *Sexual Assault Investigations*, cautions officers not to ask victim-blaming questions and provides examples of implicit bias. Other than this PPT presentation, however, APD did not provide any other training documents that addressed victim-centered interviewing and investigation techniques, unconscious biases, and neuro-biological trauma.

The director of the academy later updated the project team on changes to training since 2019. The academy first began teaching the concept of the neurobiology of trauma to the last cadet class in 2019 (140th). Every cadet class since then has received some training in the neurobiology of trauma and trauma-informed interviewing. Additionally, field training officers were provided the same training as the cadets. According to the Victim Services Division (VSD) counselor assigned to the academy, APD is working to include trauma-informed care in their training curriculums, including the curriculums for in-service training, detective school, and supervisor school.

Curriculum Review Committee

In 2020, Austin City Council passed a resolution that includes a “Blueprint for a Reimagined Police Cadet Training Academy.” One step of the blueprint is to utilize the academy’s *Curriculum Review Committee*, which includes members of the public and academics, as well as the Office of Police Oversight and/or Equity Office. The committee was tasked with incorporating community input into the curriculum.¹⁶¹ They were directed to focus on “shifting from a ‘warrior’ to a ‘guardian’ orientation through curriculum...”¹⁶²

According to APD Training Academy staff, APD and the committee are working together to develop a curriculum that supports Austin City Council’s goal of “reimagining public safety” by focusing on APD’s interpersonal interactions, treating people with dignity and respect, and addressing implicit bias.

¹⁶⁰ <https://www.tcole.texas.gov/content/tcole-mission> , Texas Commission on Law Enforcement, accessed July 14, 2022.

¹⁶¹ Austin City Council Resolution No. 20210325-037, p. 4.

¹⁶² Ibid. p. 5.

Section X: Training

Of particular importance to the project team was the focus on developing a core curriculum that will be used to deliver victim-centered, trauma-informed training to cadets, patrol officers, detectives, and supervisors. The academy staff is working diligently to develop new training for the cadet class, detective school, in-service school, and supervisor training and they anticipate submitting first drafts for approval between fall 2022 and winter 2024, with the only limitations being time and resources.

In-Service Training

Sworn officers generally attend annual in-service training, which can include both refresher training and new training. Aside from field training officers, APD officers have not received any additional sexual assault or trauma-informed training beyond the three hours of training they received during their time at the academy. Officers attend annual in-service training approved by the TCOLE, but to date, that training has not included an update on best practices for responding to victims of sexual assault. Sworn APD personnel should all be trained in victim-centered, trauma-informed interviewing and other related techniques, with refresher training given every one to two years.

Because of the COVID-19 pandemic, APD has not scheduled any detective or supervisor training classes for over a year and a half. APD Training Academy staff said their goal is to develop new training for supervisors and detectives based on APD's core curriculum and they expect to be able to schedule classes sometime in 2023.

Recommendation X.1: All APD members should be trained on the department's policy on responding to sexual assault cases in a trauma-informed manner. Training in victim-centered, trauma-informed interview techniques should be taught by experts in the field and include role-playing scenarios that assess recruits and officers on their ability to apply the techniques learned. According to PERF's 2018 guidebook on improving the police response to sexual assault, "...all members of [the] department who may be involved in sexual assault response and investigations, including dispatch and first responders, should be trained on the department's sexual assault policy and the specific needs and considerations for working with sexual assault victims."¹⁶³ APD Training Academy staff should continue developing in-service training on victim-centered interview and investigation techniques, unconscious biases, and neuro-biological trauma that will be taught to all sworn personnel in 2023–2024.

Recommendation X.2: APD Training Academy staff should finalize in-service training for all officers 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.

Detective Training

Without the right training, detectives are set up to fail — especially when they are assigned to units that investigate complex, emotionally charged crimes. **The project team was concerned by the number of detectives who expressed a lack of preparedness to properly investigate felony sexual assaults.**

In interviews, current and former SCU detectives expressed their genuine care for their work and the victims they serve. However, **most detectives felt they should have received more training before they**

¹⁶³ Police Executive Research Forum, "Executive Guidebook: *Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault*," May 2018, p. 55.

Section X: Training

were assigned to investigate felony sexual assaults. Many of the detectives interviewed were aware of the concepts and meaning of victim-centered, trauma-informed training from working through early End Violence Against Women International (EVAWI) modules, which they found to be informative and helpful. Some said they would have liked to complete more of the training modules but could not find the time to do so.

Detectives also recommended the training be formalized and completed before a detective is assigned to SCU. According to one detective, **personnel who are new to SCU rely on the basic training they received as a cadet and any informal on-the-job training they can get from fellow detectives and supervisors.**

SCU Detective Training Prior to 2021

Because training was informal and occurred on the job, its quality largely depended on the commitment and skill of the “senior detective” (who often had less than three years in the unit) providing this informal training. Ideally, senior detectives reviewed a checklist with new detectives over a seven-week period, slowly introducing the unit’s standard operating procedures as they taught the basics of investigating misdemeanor sexual assaults. But detectives stated they often quickly transitioned to investigating felony cases because of the unit’s large caseload.

Recent Training Improvements

In June 2021, the project team recommended that APD 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, preferably all 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.

Training Guide

As part of SCU’s new formal detective training, SCU created an on-the-job training guide (SCU Guide), which all new detectives are now required to complete. It closely resembles a 19-page checklist with spaces next to each topic for the detective, trainer, and supervisor to initial. The training topics include orientation to the unit, the role of VSD, appropriate crime scene responses, an overview of the building, use of the equipment, how to search databases, evidence collection (e.g., Sexual Assault Nurse Examiner (SANE) examinations) and testing (e.g., sexual assault kit (SAK) testing) procedures, on-call responsibilities, procedures for obtaining subpoenas and warrants, and case staffing with the Travis County District Attorney’s Office (TCDAO). Some topics include a hyperlink the detective can use to find more information.

While the SCU Guide is a step in the right direction, it would benefit from several additions. Most critical is the need to include assessment tools to measure and document new detectives’ understanding of the information and skills contained in the SCU Guide.

The SCU Guide should also include the unit’s mission statement, the expectations of the detectives, as well as an indication of which task items must be completed and which items are for reference only.

Section X: Training

Additionally, all new detectives should be given a copy of the SCU Standard Operating Procedures (SOP) with directions to review and sign, and return the signature page to a supervisor for record keeping.

Recommendation X.3: The SCU Guide for new detectives should be updated. The SCU Guide should open with a mission statement and a recitation of APD's expectations of its detectives. The SCU Guide should indicate which task items must be completed and which ones are for reference only.

EVAWI Training Modules

The SCU Guide includes a section of EVAWI modules: (1) Interviewing the Victim, (2) Effective Report Writing, (3) Victim Impact, and (4) Dynamics. Regardless, there is no indication if these modules are mandatory or listed only as additional reference material. They should be mandatory, completed, and discussed with supervisors and VSD members before a detective is assigned any cases.

During interviews, detectives indicated the EVAWI modules were very good, and they wished they had time to read through more of them. New detectives should be required to complete the remaining EVAWI modules. Once finished, there should be an opportunity to discuss and ask questions with supervisors and VSD staff to ensure the concepts and terminology are fully understood.

Recommendation X.4: New SCU personnel should be required to complete modules 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 six to nine months of assignment to the unit.

Additional Training

EVAWI is the recognized leader in this field, and their modules are excellent, 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 seasoned investigators, prosecutors, forensic nurse examiners, crime scene technicians, victim advocates, and other subject matter experts. Training topics should include investigative techniques, drug- and alcohol-facilitated sexual assault, suspect interrogations, victim interviews, case documentation, evidence collection, search warrant applications, subpoenas for cell-phone records, DNA analysis, applicable state and federal laws, working as a member of a multidisciplinary team, and communicating with victims.

Recommendation X.5: SCU detectives must attend in-person training taught by experts on sexual assault investigations. External training, taught by subject matter experts on a variety of topics related to conducting victim-centered, trauma-informed sexual assault investigations, is essential to staying abreast of national best practices in the field. Local victim advocacy groups are often excellent sources of information on available training opportunities that include the perspectives of victims.

Detective Training

The academy staff is developing new detective training, which will include training on investigating sexual assaults. Once the detective training course is developed, it should be offered to APD personnel

Section X: Training

four times a year to ensure new detectives are properly trained within at least three months of assignment to an investigative unit. Minimally, new detectives should attend the first detective training class scheduled after their appointment to SCU. Ideally, APD will develop career paths that enable personnel to take specialized training courses before applying for desired positions. By offering the basic detective training course four times each year, APD will soon be able to require applicants to complete this basic course before they can interview for a position in SCU. Completing this basic course before transferring to SCU will also give new detectives more time to learn the unique practices of a victim-centered, trauma-informed response to sexual assault. This training must include information about VSD and the services each unit provides. The project team recently learned that APD has an in-house expert on sexual assault investigations who has conducted training on behalf of nationally recognized organizations, including EVAWI, the International Association of Chiefs of Police, and the U.S. Department of Justice. Sergeant Michael Crumrine was assigned to SCU as a detective from 2009–2013, to the Sex Offender and Apprehension Unit from 2013–2015, to the Homicide Unit from 2015–2017, and is currently a sergeant in the Child Abuse Unit. He and the VSD counselor assigned to the academy are working together to create the new detective course, which will have a sexual assault investigation component and is expected to be finalized in 2023.

In the meantime, APD may want to have their in-house expert instruct a three-day sexual assault investigation school for all new detectives and any current detectives who have not received sexual assault training. Depending on the number of detectives who need the training, the class may need to be held more than once.

Recommendation X.6: General training for new detectives should be offered at least four times a year. This training should be offered quarterly, even if a class is not full, to ensure all new detectives are properly trained within three months of selection and to promote equal opportunities for professional growth and advancement. This training should include training on sexual assault investigations.

Recommendation X.7: APD should make completion of the detective training course a prerequisite to apply for a position in SCU. Once the APD Training Academy develops the curriculum for this course and all personnel currently serving in investigative positions have taken it, those who may want to become investigators should be required to take the course before they can apply for a detective position.

Recommendation X.8: New detectives need to attend sexual assault investigation training as soon as possible, as do any detectives currently in SCU who have not already been trained. APD should assign their in-house expert to instruct a three-day sexual assault investigation school for all new detectives and any current detectives who have not received sexual assault training. Depending on the number of detectives who need the training, the class may need to be held more than once.

Field Training Detectives

SCU has designated three senior detectives with training experience as the unit's field training detectives. They work closely with new detectives for two weeks to ensure they complete the tasks in the SCU Guide. During the two-week training period, new detectives observe the senior detectives as they interview victims and interrogate suspects. The new detectives obtain practical experience in

Section X: Training

collecting and submitting evidence, writing search and arrest warrants, and other key investigative steps.

After two weeks of shadowing senior detectives, new detectives begin investigating misdemeanor sexual assaults. The total time a new detective spends in the training program depends on how quickly they complete the SCU Guide and demonstrate proficiency investigating cases.

Recommendation X.9: A senior detective with field training responsibilities should be required to certify that a new detective has satisfactorily completed the SCU Guide. This certification should be required before a new detective is permitted to investigate felony sexual assaults.

Training Video Library

APD is developing a library of training videos that will be available to officers, detectives, and supervisors. Created by subject matter experts, these brief videos will review legal updates, best practices, policies, and procedures. These videos should include topics such as trauma-informed care, suspect-focused investigations, and initial interviews by patrol.

VSD Counselor at the Academy

APD has assigned a VSD counselor to the APD Training Academy to assist with cadet and in-service training. The project team recommends the counselor assist in developing the new “Detective Training” course, to ensure training is victim-centered and trauma-informed, and that the class includes the role of VSD counselors in investigations. The VSD counselor assigned to the APD Training Academy should also assist in onboarding new SCU detectives. This should occur as soon as new detectives are assigned to the unit.

Recommendation X.10: The VSD counselor assigned to the APD Training Academy should be included in onboarding any new detectives assigned to SCU. This will ensure the new detectives understand how VSD supports the victim, patrol officers, and detectives. The counselor can also ensure the new detectives understand victim-centered, trauma-informed interview techniques.

Sergeant Training

Any sergeant assigned to SCU who has not completed supervisor training or detective training should be scheduled to do so immediately.

Once selected for SCU, a new sergeant should complete the sexual assault training expected of detectives, then work side by side with the current sergeant to review assigned cases. As part of the onboarding process, the SCU lieutenant oversees a new sergeant’s review of affidavits and probable cause warrants. When the lieutenant is confident the new sergeant can approve these documents without oversight, the lieutenant authorizes the sergeant to do so.

The VSD counselor assigned to the APD Training Academy should be included in onboarding any new sergeants assigned to SCU. This will ensure the sergeants understand how VSD supports the victim, patrol officers, and detectives. The VSD counselor can also ensure the new sergeants understand victim-centered, trauma-informed interviewing techniques.

Section X: Training

Recommendation X.11: New SCU sergeants should be required to attend supervisor school and/or detective training as soon as possible after they are selected, if they have not already done so.

Recommendation X.12: The VSD counselor assigned to the APD Training Academy should be included in onboarding a new sergeant assigned to SCU. This will ensure sergeants understand how VSD supports the victim, patrol officers, and detectives. The counselor can also ensure the new sergeant understands victim-centered, trauma-informed interviewing techniques.

Recommendation X.13: APD leaders should use the SCU Guide for new SCU sergeants. New sergeants must be familiar with the same training and skills as SCU detectives.

Cold Case Training

Although cold case detectives are seasoned SCU investigators, they need additional training in techniques unique to investigating cold cases, such as genetic genealogy. Furthermore, because revisiting past acts of sexual assault can open fresh wounds and re-traumatize the victim, it is also recommended that cold case detectives receive victim-centered, trauma-informed training involving victims whose sexual assault happened many years ago. An excellent resource is APD's *Survivor Notification Protocol* (SNP), which includes steps to guide cold case investigators and VSD counselors in notifying victims of CODIS (Combined DNA Index System) hits and other developments related to their case.¹⁶⁴

Recommendation X.14: Cold case detectives should attend specialized training on investigating cold case sexual assaults. Whether local or out-of-state, cold case detectives need to regularly attend training taught by experts in subjects unique to cold case investigations. These trainings should include forensic science, investigation skills, and victim care.

Coding and Crime Classification Training

Crime coding problems are not fully understood or addressed if there is not an accurate way to know the extent of the problem. The project team identified several incident reports in which patrol officers incorrectly coded the crime that occurred and patrol supervisors, SCU detectives, and SCU supervisors neglected to correct the reports. This miscoding means that there is not an accurate understanding of the sexual assaults occurring in Austin or the outcomes of these cases. Crime reports need to be coded as to the crime that occurred and detectives need to understand the elements of sex crimes as set forth in the Texas Penal Code.

SCU is responsible for investigating 25 offenses, listed below by Uniform Crime Reporting (UCR) code:

- 0200 Rape
- 0202 Aggravated Rape
- 1700 Sexual Assault
- 1701 Aggravated Sexual Assault
- 1705 Public Lewdness
- 1706 Indecent Exposure

¹⁶⁴ APD Survivor Notification Protocol (2020).

Section X: Training

- 1716 Forced Sodomy
- 1718 Aggravated Forced Sodomy
- 1797 Sexual Assault (Serial)
- 2407 DOC Window Peeping/Residence
- 2407 DOC Window Peeping/Public Area
- 2411 DOC Exposure
- 2417 DOC Window Peeping/Hotel
- 2609 Invasive Visual Recording
- 2610 Unlawful Disclosure or Promotion of Intimate Visual Material
- 3901 Out of City Sexual Assault
- 4207 Serial Rape
- 8200 Sexual Assault Information
- 8199 Suspected Sexual Assault
- 0500 Burglary of a Residence (123with Intent to Commit Sexual Assault)
- 2800 Kidnapping (when a Sexual Crime is Attempted or Committed in Conjunction with Kidnapping or an Attempted Kidnapping)
- 0902-9 Assault by Contact of a Sexual Nature
- 1724 Indecent Assault
- 2613 Sexting/Transmitting Sexual Photos
- 2614 Sexual Coercion

APD should create a crime code matrix for patrol and SCU personnel. This matrix should help patrol personnel and detectives properly code cases to assure APD accurately reports and analyzes crime data. Additionally, the SCU SOP indicates that the Inspections/Safety Unit of the Investigations Bureau of the Professional Standards Division conducts inspections of SCU¹⁶⁵; this unit should audit SCU cases annually for crime coding accuracy.

The matrix should include:

- Title and section of the Texas Penal Code
- Elements of the crime for each title and section

Recommendation X.15: APD should create a coding manual that includes all 25 sex crime codes used by SCU, along with the Texas Penal Code crimes that fit under the APD codes and the elements of each crime. Once completed, the coding manual should be used as a tool for all personnel to properly classify incidents for the purposes of crime reporting and data analysis.

Recommendation X.16: New detectives and supervisors should be trained in National Incident-Based Reporting System (NIBRS) case clearance reporting and APD supplemental suspension codes. All new detectives and supervisors should be trained in the NIBRS clearance

¹⁶⁵ Sex Crimes SOP, *Annual Inspection*, 2022, p.14.

Section X: Training

codes, as well as APD's internal case suspension designations, to ensure cases are properly cleared/classified before entry into APD's records management system.

Recommendation X.17: The Inspections/Safety Unit of the Investigations Bureau of the Professional Standards Division should conduct annual inspections of SCU. This unit should audit SCU cases for crime coding accuracy.

Legal Training

In interviews, assistant district attorneys (ADAs) expressed concern that some detectives needed training on writing arrest (probable cause) warrants and search warrants and articulating the elements of the crime, such as consent and force, according to the Texas Penal Code. ADAs also stated that some detectives lacked sufficient knowledge of how to prepare a case for court, the evidence needed to prove a case beyond reasonable doubt, how to testify in court, and the expectations of a jury.

The prosecutors who must approve warrants and try cases are the best people to train detectives on these topics. Accordingly, the project team recommends APD work with the TCDAO to create and deliver a course on court preparation and testimony. These training topics are important to the quality and integrity of investigations and the cases presented for prosecution. Assuming the TCDAO is willing to assist, this training should take place as soon as practicable.

Recommendation X.18: APD should partner with the TCDAO to provide detective training. The APD Training Academy should work with the TCDAO to create a lesson plan to train SCU detectives on writing arrest warrants and search warrants, preparing cases for court, the Texas Penal Code, and issues associated with elements of the crimes, including consent, force, and the impact of intoxication. This training should be taught by an ADA who prosecutes sexual assault cases.

Best Practice: Police and Prosecutors Sharing Costs in Montgomery County, Maryland

In Montgomery County, Maryland, the office of the state's attorney and the police department share the salary cost of a single **prosecutor**, who in turn spends half their time **teaching in the police department's training academy**. For cadet classes, the prosecutor teaches constitutional law, search and seizure law, court procedures, and other related topics. For detectives, the prosecutor teaches how to draft search warrants and arrest warrants, testify in court, and other related topics. For veteran officers during in-service training, the prosecutor provides legislative updates and changes in criminal law. The other half of the prosecutor's time is spent at the courthouse preparing and trying cases.

Gender and Implicit Bias Training

According to the U.S. Department of Justice Office on Violence Against Women, "Gender-based violence is violence and other harmful acts directed at an individual because of gender, which includes biological

Section X: Training

or perceived gender, sexual orientation, gender identity, and intersex traits.”¹⁶⁶ Bias can cause a detective to make poor decisions, such as failing to take a victim seriously, disbelieving a victim, failing to complete a thorough investigation, interrogating rather than interviewing a victim, or failing to submit a SAK or other evidence to the lab for analysis. According to the Office on Violence Against Women, too often gender bias has helped perpetrators evade accountability.¹⁶⁷ The project team’s review of APD cases noted several instances of gender bias, especially in cases involving alcohol and drug use by the victim. For example, the project team noted one case when a patrol officer asked a sexual assault victim why she was wearing a skirt up to her thighs.

Implicit Bias

According to the National Initiative for Building Community Trust and Justice, “Implicit bias describes the automatic association people make between groups of people and stereotypes about those groups,” which can in turn influence behavior — “making people respond in biased ways even when they are not explicitly prejudiced.”¹⁶⁸

The project team found evidence of bias in several cases involving victims with mental health issues. In those cases, there was generally little investigative effort put forth and detectives quickly closed these cases without adequate documentation. Although the project team’s case review did not find differential treatment in cases involving subjects under the influence of drugs or alcohol (see *Section VII: Victim Characteristics*), the project team did find individual cases in which a sexual assault victim had been drinking heavily and detectives neglected to collect video footage, interview witnesses, interrogate suspects, or search for additional evidence. These cases were also closed quickly. Similar biases were evident in cases where the victims were LGBTQ+, sex workers, experiencing homelessness, or did not speak English.

“To help law enforcement recognize, mitigate, and prevent gender bias and other bias from compromising the response to, and investigation of, sexual assault and domestic violence”¹⁶⁹ the project team recommends APD Training Academy staff review the U.S. Department of Justice (DOJ) publication, [*Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias*](#). The project team also recommends the APD Training Academy staff draw heavily from this publication as they develop training for the entire department on identifying and preventing bias in response to incidents of sexual assault and domestic violence.

Recommendation X.19: APD should develop training for the entire department on identifying and preventing bias. This subject matter should be included in the department-wide training on sexual assault policy and trauma-informed response to victims of sexual assault. The APD

¹⁶⁶ <https://www.justice.gov/ovw/page/file/1509451/download> *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias*, p. 1, updated May 31, 2022.

¹⁶⁷ Ibid.

¹⁶⁸ <https://trustandjustice.org/resources/intervention/implicit-bias>, *Implicit Bias*, last reviewed July 20, 2022.

¹⁶⁹ <https://www.justice.gov/opa/pr/justice-department-announces-updated-guidance-improving-law-enforcement-response-sexual#:~:text=The%20Justice%20Department%20today%20announced,forms%20of> Justice News, “Justice Department Announces Updated Guidance on Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias”, May 23, 2022, last reviewed July 20, 2022.

Section X: Training

Training Academy should also include it in the core curriculum currently being developed for the cadet class starting in fall 2022.

Section XI: APD Resource Needs

Section XI: APD Resource Needs

Almost all police agencies say they need more resources, but resources are not an endless commodity. To make the most of available resources, agencies must look for ways to be more efficient and work smarter. The Austin Police Department (APD) can improve its efficiency by integrating key evidence-based practices, using data-driven processes, and adding specific resources.

SCU's Assigned Cases and Workload

This report makes a number of recommendations to change and improve APD's approach to processing and investigating sexual assaults. This will change the APD Sex Crimes Unit's (SCU) operations, including their workload. APD will need to reevaluate SCU's resource needs after implementing the recommendations in this report.

In interviews, SCU staff said they face an overwhelming workload. SCU is responsible for investigating reported misdemeanors, felonies, and sexual assault-related reports that need further investigation (known as "information reports"). Figure 34 lists the offenses and information reports assigned to SCU for investigation. **From 2012–2020, 36% of reports were felonies, 35% were misdemeanors, and 28% were information reports.**

The project team was surprised to learn that SCU investigators handle misdemeanor cases. This is common among agencies in Texas, but it is not common at the national level, where misdemeanor cases are normally handled by patrol or detectives who are generalists. **APD's practice of assigning misdemeanor cases to SCU means that some detective resources are focused on lower-level cases, diverting needed attention from the felony cases.**

Figure 34: Felony, Misdemeanor, and Information Reports Assigned to Detectives¹⁷⁰

Felony Offenses	<ul style="list-style-type: none">• Rape• Aggravated Rape• Sexual Assault• Aggravated Sexual Assault• Forced Sodomy• Aggravated Forced Sodomy• Sexual Assault (Serial)• Invasive Visual Recording• Unlawful Disclosure or Promotion of Intimate Visual Material• Serial Rape• Burglary of a Residence (With intent to commit sexual assault)• Kidnapping (When a sexual crime is attempted or committed in conjunction with kidnapping or an attempt kidnapping)• Sexual Coercion
------------------------	---

¹⁷⁰ The offenses listed and categorized for this analysis (listed below) are current as of this report's writing.

Section XI: APD Resource Needs

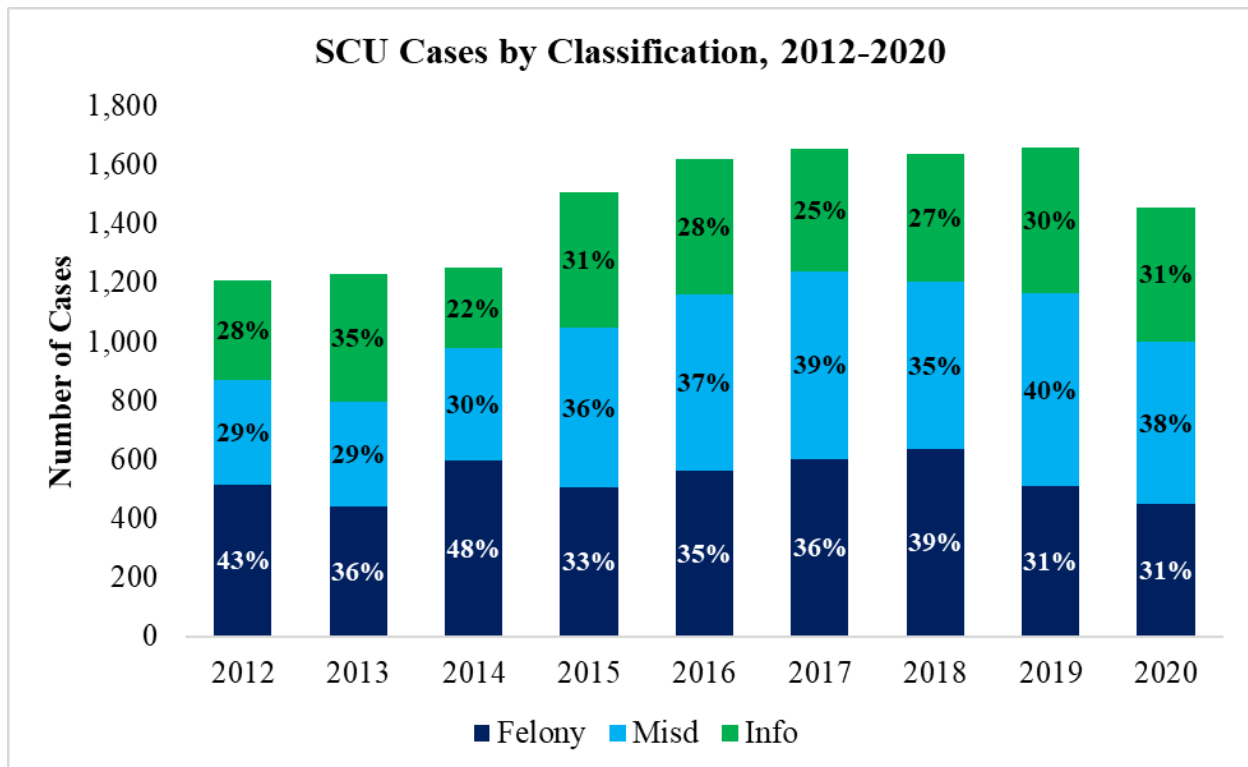
Misdemeanor Offenses	<ul style="list-style-type: none">• Public Lewdness• Indecent Exposure• Window Peeping (Residence)• Window Peeping (Public Area)• Window Peeping (Hotel)• Exposure• Assault by Contact of a Sexual Nature• Indecent Assault• Sexting/Transmitting Sexual Photos
Information (not criminal offense)	<ul style="list-style-type: none">• Out of City Sexual Assault• Sexual Assault Information• Suspected Sexual Assault

Figure 35 provides the misdemeanor, felony, and information reports assigned to SCU for further investigation from 2012–2020.¹⁷¹ The overall volume of reports assigned steadily increased, though this was largely driven by an increase in misdemeanor reports, which accounted for 29% to 30% of the cases between 2012 and 2014 and then ranged from 35% to 40% of the cases between 2015 and 2020.

¹⁷¹ It is important to note that Figure 35 depicts the overall number of reports *assigned* each year and not the number of cases or reports which were *open*.

Section XI: APD Resource Needs

Figure 35: SCU Cases by Classification, 2012–2020, (N = 13,229)¹⁷²



Considering the time and attention needed to appropriately respond to and investigate felony reports of sexual assault, the large proportion of misdemeanor cases assigned to SCU is a misuse of these finite resources. As APD integrates the project team’s recommendation that detectives respond in person to all felony sexual assault calls, detectives will have less time to spend on misdemeanor offenses. They will also need to do additional follow-up with victims and suspects, take time to tailor the approach to victims’ needs, and spend more time on integrating other recommendations. SCU workload needs to be reevaluated after APD implements the recommendations in this report.

The project team recommends APD reconsider its process for handling misdemeanor sexual assault cases as it implements the other recommendations in this report. The project team has identified two possible approaches to handling misdemeanor cases:

1. Detectives who are promoted to corporal are eligible to apply for vacancies in SCU, and often they arrive in SCU with little to no investigative experience. There are officers who are promoted to corporal who remain in patrol, pending position vacancies. APD should consider using the corporals in patrol to investigate misdemeanor sexual assault reports. This would free up SCU detectives to investigate felonies and information reports, improve patrol’s response to sexual assault cases, and provide corporals with investigative experience. If this change is made, the

¹⁷² Reports without a lead detective assigned (n = 2,205) and reports with a lead detective that were not tagged as a sexual offense (n = 751) were removed from the analysis. A few reports were removed for the analysis because of data coding mistakes or a non-criminal offense likely being mistakenly assigned to SCU. Each report was assigned to the highest level. For example, if a report involved a felony and misdemeanor offense, it is categorized as a felony.

Section XI: APD Resource Needs

project team suggests additional specialized policies and training for corporals. The corporals should coordinate with the district Victim Services Division (VSD) counselors and work with SCU detectives on more complicated cases.

2. APD has sector detectives who handle all cases that are not assigned to a specialized unit. Sector detectives investigate criminal trespassing, graffiti, harassment, reckless conduct, and many other crimes. APD should consider assigning sector detectives to investigate sexual assault misdemeanors. Sector detectives are already trained investigators, which will reduce their learning curve. The sector detectives should coordinate with the VSD counselors, as well as patrol and SCU. The sector detectives' sergeant would meet regularly with SCU sergeants to assure any cases that are complex or appear to be felonies are shifted to SCU, when appropriate.

Whichever approach APD chooses, the new unit or rank responsible should coordinate with SCU, patrol, and VSD to ensure APD takes a victim-centered approach to investigating these misdemeanor reports.

Recommendation XI.1: APD should reduce the workload on SCU detectives by reassigning the investigation of misdemeanor sexual assaults using one of the two options identified above.

After APD implements the recommendations in this report and reevaluates the process for investigating sexual assault misdemeanors, the department will need to reassess the number of SCU detectives needed to successfully respond to and investigate felony sexual assaults.

Detective Career Path and Selection

APD leaders said that APD has experienced an alarming number of officer retirements and resignations in the past few years and is also facing the same recruitment and retention challenges that are plaguing law enforcement agencies throughout the United States. APD leaders expressed concern that if SCU applicants are required to have prior investigative experience, they may have few or no applicants to the unit. Given these concerns, APD should create a more structured career path, including formal training, for those who desire to become detectives.

Employees want to know how they can grow in their careers and what they need to do to advance. Posting job descriptions and selection criteria for all specialized units on the department intranet is one way for employees to stay informed of career opportunities and the qualifications needed for specialized assignments. For example, a position posting for SCU detectives should inform potential applicants that publicly accessible End Violence Against Women International (EVAWI) training modules will be discussed during the oral review board. Doing so would create a more transparent advancement process that is open to all, provide anyone who wants to be an SCU detective the opportunity to properly prepare, and perhaps dissuade potential applicants who discover they aren't interested in the work from applying.

In the case of SCU, when seeking new detectives, unit leaders should look for personnel who have patience, compassion, tenacity, communication skills, and investigative skills, among other essential qualities. Despite APD's comprehensive selection process for identifying high-performing detectives, SCU has an unusually high turnover rate. Detectives cited burnout, promotion and reassignment, and a desire to transfer to other investigative units as reasons for the high turnover.

Section XI: APD Resource Needs

The selection process for SCU detectives involves an oral review board made up of a diverse group of evaluators, not all of whom are law enforcement. The composition of the board depends upon personnel availability, and it often includes one or two SCU sergeants and a staff member from outside the unit, such as a VSD counselor. SCU leaders said they are careful to not select applicants who are unprepared to do the job. The board looks for the skills and personal characteristics needed to investigate sexual assault cases, as well as an understanding of a victim-centered approach to investigations. They also evaluate applicants' work histories, encourage those interested to shadow an SCU detective to better understand the role, and inquire about any self-initiated review of EVAWI training modules.

APD Training Academy staff members are currently working to redesign detective training and expect to schedule detective training four times a year. Initially, it will be only for detectives already in investigative units who have not attended detective training. Once that group is trained, the class will be open to patrol officers who are interested in becoming detectives. At that point, SCU should require all applicants for SCU detective vacancies to have completed detective training before applying.

Recommendation XI.2: After the APD Training Academy designs the new curriculum for detective training and begins offering the new training, every SCU detective must attend.

Once all the detectives are trained, the academy intends to make detective classes available to patrol officers. When that happens, SCU should require all applicants for SCU vacancies to complete detective training in advance.

SCU Sergeant Selection

Two of the three teams of detectives in SCU investigate sex crimes, and the third team investigates cold cases. Each team has a sergeant.

The selection process for SCU sergeants is similar to that of a detective. It involves an oral review board made up of a diverse group of evaluators, not all of whom are law enforcement, including the SCU lieutenant, the SCU commander, and a member of the investigations division from outside the unit, such as a VSD counselor.

Prior detective experience is not necessary for sergeant applicants, but it is strongly preferred. If a sergeant is newly promoted, they may not have attended supervisor or detective training. The learning curve is steep for a new sergeant with no investigative experience who is assigned to supervise detectives investigating a subject matter as complex and sensitive as sex crimes.

SCU sergeants are relied on to review cases to ensure all investigative efforts have been exhausted and approve arrest and search warrants before submission to the Travis County District Attorney's Office (TCDAO). In this position, any mistakes could have serious consequences. SCU would be better served if the applicants for the position of SCU sergeant had some basic investigatory experience before assignment.

However, considering staffing shortages and attrition rates, it may be difficult for APD to require sergeants to have previous experience in an investigative unit. Therefore, an applicant for sergeant of SCU should complete all the requirements expected of an applicant for detective in SCU. Before applying, the sergeant should have completed EVAWI modules 1–4 and be able to discuss their contents with the interview board. If a sergeant without investigative training is selected, they should be

Section XI: APD Resource Needs

permitted to attend sexual assault investigation training as soon as possible. This should be training hosted by an outside agency until the academy can begin scheduling new detective and supervisor training.

Recommendation XI.3: SCU sergeant applicants should be required to have completed EVAWI modules 1–4 and be able to discuss victim-centered concepts. Applicants with prior investigative experience should be strongly preferred.

Recommendation XI.4: New SCU sergeants without investigative experience should be required to attend sexual assault investigation training as soon as possible. Due to the complex and sensitive nature of SCU investigations, the project team does not recommend placing a supervisor without any investigative experience in charge of sexual assault investigations. If a supervisor without investigative experience is selected due to staffing shortages, APD should provide them with sexual assault investigation training as soon as possible. This training should be hosted by an outside agency until the academy can begin scheduling new detective and supervisor training.

Recommendation XI.5: New sergeants must attend supervisor training as soon as it is made available. Once the academy staff has updated the curriculum for new sergeant training and begins scheduling classes, new sergeants should be required to take the training. It should also then be a pre-requisite for applicants for SCU sergeant positions.

VSD Staffing

There are not enough VSD staff to respond to every sexual assault or domestic violence call, nor is there enough staff to ensure that counselors can maintain continuity of involvement for all cases. VSD counselors are an important line to the victim, so when there are not enough counselors to assist victims, it can be challenging to keep victims connected to APD. Several victims interviewed said their phone calls were not returned when they attempted to contact VSD staff. Case reviews indicated that, at times, contacting and locating victims was made more difficult by VSD staffing shortages and turnover. Interviews and case reviews indicate that VSD counselors provide continuity throughout a case in ways that other APD staff, including detectives, cannot.

The Crisis Response Counselor (CRC) co-response model is exemplary. CRCs respond to a host of violent crimes (homicides, sexual assaults, domestic violence, robbery, etc.) to support victims, and there are not enough counselors to respond to every call. According to the Victim Services Manager, the CRC team would need additional counselors to be able to respond to every violent crime, including all sexual assaults.

The Investigative Support Counselor (ISC) ensures that the victim has access to available services, walks them through the investigative process, and is a key communication link between detectives and victims. ISCs provide counseling services, including sitting in on formal interviews with the victims, and case reviewers found that ISCs often could locate and/or contact the victim when the detective could not. The ISC is vital in keeping sexual assault victims involved in the investigative process, but there are not enough counselors. The Victim Services Manager suggested additional counselors would allow ISCs to follow up with victims of all homicides, suicides, robberies, aggravated assault, sexual assaults, and domestic violence incidents (not including misdemeanors).

Section XI: APD Resource Needs

Similar to SCU, VSD will go through significant changes as the recommendations in this report are placed into standard operating procedure, trained, and adopted into practice. As the recommendations from this report are implemented, APD should reevaluate the number of VSD counselors needed.

Recommendation XI.6: APD management should reevaluate the number of VSD counselors needed as the recommendations from this report are implemented. SCU will go through significant culture and process changes as they implement the recommendations in this report and begin to adopt better victim-centered practices, which will likely impact VSD and the need for additional VSD CRCs and ISCs.

Dedicated Crime Analyst

The project team discovered a lack of crime analysis capacity in SCU, and 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 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 bars or night clubs, that appear in many reports. This information is valuable to the case detectives and 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.

APD should increase crime analysis capacity and adopt "Stratified Policing." According to Roberto Santos and Rachel Santos in their book *Stratified Policing: An Organizational Model for Proactive Crime Reduction and Accountability*, "Ultimately, by implementing Stratified Policing, an agency can reduce crime by improving communication up, down, and across the organization, enhancing transparency, and establishing clear accountability for carrying out effective, proactive crime reduction activities."¹⁷³ Stratified Policing is an organizational model that is tailored to any agency size and structure. The model is built around systematic meetings, organization-wide processes, and shared response strategies to support the problem-solving approach. Stratified Policing demands a strong crime analysis capacity that is used to identify the nature of problems to plan responses (problem-solving), track the response to these problems to assist with accountability, and assess the success of these responses. As Santos and Santos write, "Once implemented and sustained, the model changes the organizational culture and incorporates proactive crime reduction into everyday operations that are organized, systematic, and fair in the distribution of work and responsibility."¹⁷⁴ If adopted organization-wide, this model would have a significant impact on APD's crime-reduction work as a whole.

Alternatively, APD could adopt pieces of the model to improve its processing and coordination around crimes of sexual assault. Stratified Policing provides a tested framework for integrating data-driven practices — incorporating systematic accountability practices, identifying short- and long-term problems

¹⁷³ Robert Santos and Rachel Santos, *Stratified Policing: An Organizational Model for Proactive Crime Reduction and Accountability*, 2020, p. 41.

¹⁷⁴ Ibid

Section XI: APD Resource Needs

through crime analysis, and assuring a coordinated and proactive response — which would be optimal for improving the work and outcomes on crimes of sexual assault.

Recommendation XI.7: APD should increase crime analysis capacity and consider implementing a Stratified Policing approach. APD should improve their proactive approach to crime reduction by increasing SCU's crime analysis capacity. This could be done by adopting Stratified Policing as an accountability and crime-fighting strategy. At a minimum, APD should adopt portions of Stratified Policing to improve the approach to addressing crimes of sexual assault.

Recommendation XI.8: SCU needs a dedicated crime analyst to identify patterns and trends, link cases (identify repeat victims, offenders, and locations), identify potential suspects, encourage data-driven practices, and assist with monitoring the implementation of the recommendations in this report.

Detective Wellness

The detectives in SCU are burdened with a heavy caseload, many of which are violent and extremely upsetting crimes. When detectives are overworked, they experience burnout. SCU detectives said that they are overworked and their high caseloads impact their ability to effectively investigate sexual assault cases.

Case reviews and interviews revealed that the high caseloads, detective turnover, and reassignment of cases between detectives often results in an untimely and uneven approach to victims and the investigation of sexual assault cases. One detective said, “(One problem) is that it’s not a fun unit to be in. It takes a toll.” The emotional toll of this work can lead to burnout and impact responses to reports of sexual assault.

Exposure to victims who have suffered the trauma of sexual assault can have an effect on the job performance and personal lives of the responding officers, detectives, and counselors.¹⁷⁵ Detectives are required to manage their emotions while responding to reports of sexual assault in these cases. The investigation involves a multitude of responsibilities — including collecting evidence; interviewing victims, suspects, and witnesses; and assisting victims after the sexual assault. The stress associated with engaging in these activities can negatively impact detectives' health and performance in a variety of ways, including sleep difficulties and emotional responses at work.

An overwhelming caseload and a large number of victim complaints to address can compound these issues. This is another reason detectives should be assigned fewer cases and should, as much as possible, work each case to completion. While working each case to completion is ideal, it is important to recognize breaks and vacations are needed.

Detectives also experience frustration related to the competing demands of closing cases, being responsive to victims' needs, and working with prosecutors. This frustration is compounded by the fact

¹⁷⁵ Melissa S. Morabito, April Pattavina, and Linda M. Williams. "Vicarious trauma, secondary traumatic stress or burnout?: An exploratory study of the effects of investigating sexual assault cases on detectives." *Policing: An International Journal* (2020).

Section XI: APD Resource Needs

that most sexual assault cases reported to the police do not result in a successful prosecution.¹⁷⁶ Detectives are aware that many of the cases they investigate are unlikely to end in a manner that is satisfying to the victim or to themselves.

The project team's case review and victim interviews confirm that many **victims want more and improved interaction with detectives**. Additional interaction is likely to be seen as burdensome to detectives when they carry a large active caseload that requires them to frequently switch from one case to another, each with a victim who is likely experiencing significant trauma. Burnout is a process, rather than an event, and constantly carrying high sexual assault caseloads can contribute to this process.

Burnout is more likely to occur in a job that involves interactions with traumatized individuals, as well as when employees receive inadequate institutional support. Burnout can contribute to cases being mishandled and can increase personnel turnover, exacerbating case overload.

At APD, VSD is a key element of the structural support for detectives, provided VSD also receives sufficient support. Other forms of structural support are also needed. This structural support may include **reducing caseloads (possibly by no longer assigning misdemeanor cases to SCU), enabling detectives to see assigned cases through to completion, and increasing the availability of transportation. APD should provide all staff (counselors, patrol, and detectives) with the necessary time and support to openly discuss and manage the vicarious trauma and burnout that occurs when they are exposed to these cases.**

Adequate structural support requires commitment and the support of APD leadership to embark upon a process that will involve designating an individual or team to coordinate and guide the effort; assessing current organizational capacity for addressing vicarious trauma; and creating a realistic action plan that identifies specific tasks, persons responsible for those tasks, timeframes for completion, and a process for monitoring progress.¹⁷⁷

APD has two psychologists on staff and has just hired an Employee Wellness Coordinator. APD leaders should designate these experts to lead the effort to create an action plan to address vicarious trauma, employee burnout, and employee wellness.

Recommendation XI.9: APD leadership should designate the two APD on-staff psychologists and the new Employee Wellness Coordinator to determine the structural support SCU detectives and VSD counselors need to address vicarious trauma, employee burnout, and employee wellness, then develop an action plan to implement the necessary support.

¹⁷⁶ Melissa S. Morabito, Linda M. Williams, and April Pattavina, *Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S.* (Wellesley, MA: Wellesley Centers for Women, 2019). <https://www.ojp.gov/pdffiles1/nij/grants/252689.pdf>.

¹⁷⁷ The U.S. Department of Justice's Office for Victims of Crime has a toolkit for managing vicarious trauma in law enforcement at <https://ovc.ojp.gov/program/vtt/tools-law-enforcement>.

Section XI: APD Resource Needs

Resources

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.

Police Vehicles

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.

Recommendation XI.10: Each SCU detective 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.

Investigative Support Counselor Vehicles

When transportation is an issue for a victim, a VSD 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 the VSD ISC team, and it is shared by 25 counselors.

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

Recommendation XI.11: Additional vehicles should be provided to the VSD ISC team. ISCs play a crucial role in keeping victims involved in the investigative process. The ISC team needs 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 ISCs and CRCs. 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.

Laptops

In June 2021, the project team learned that SCU detectives were using their personal laptops to work from home during the COVID-19 pandemic. The project team recommended APD provide laptops to the detectives so they could access the APD network and work-related databases when not in the office. **All detectives were provided laptops with all necessary access, and therefore this issue is now resolved.**

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 interviews at a location more convenient to the victim or witness.

Section XI: APD Resource Needs

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 facing the victim for better audio and visual recording. This placement will help to ensure the recording provides the best possible evidence for court.

Recommendation XI.12: 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 stands to improve the audio and visual quality of their interviews. SCU detectives need 20 BWC tripod stands (one per detective assigned to SCU).

Section XII: Restoring Community Trust

Section XII: Restoring Community Trust

From the mistakes in the crime lab that became public in 2016 to the improper clearance of cases, the Austin community developed a sense of mistrust toward the APD SCU. A class-action lawsuit was filed against the city for the improper handling of sexual assault investigations. Relationships soured between sexual assault response partners in Austin, including victim advocate groups, APD, and the Travis County District Attorney's Office (TCDAO). Against that backdrop, the death of George Floyd in May 2020 brought civil unrest and a movement to defund and re-examine policing in the city. Over the last two years, APD has faced a surge in retirements and resignations at a time when fewer people are applying to fill those officer vacancies.

The city of Austin, its elected and appointed officials, and APD leaders have taken action to correct some issues. By contracting this comprehensive evaluation, the city demonstrated its willingness to better understand the issues and identify avenues for improvement going forward.

The city and APD must continue these efforts by providing APD with the resources necessary to address the recommendations in this report.

APD should establish a team to review and assign accountability for these necessary changes to processes and practices. The team should **publicize the changes that are occurring and the accomplishments that have already been made**. Furthermore, APD should work to **strengthen connections with the community**, particularly for more vulnerable populations. In addition, APD can incorporate two new processes to monitor and report on outcomes. First, **APD should incorporate a victim survey upon the completion of a sexual assault investigation**. Next, **APD should collaborate with community advocates to conduct a confidential annual advocate case review**. Both processes are further described below.

Implementing Recommendations and Continued Monitoring

This comprehensive evaluation is an important step towards improving the APD Sex Crimes Unit (SCU), but the recommendations must be implemented with continued monitoring. **APD must assign a group of agency leaders to review every recommendation in this report and determine how it can be achieved.**¹⁷⁸ This group should establish a timeline for implementing each recommendation, assign individuals responsibility for execution, and establish performance metrics for measuring progress and outcomes (for an example of how to measure outcomes, see victim survey section below). APD may want to create a **dashboard displaying progress toward implementing recommendations** on their website.¹⁷⁹ This would hold APD accountable to the community and encourage continued progress. When appropriate, APD should ensure that improvements to SCU are highlighted in community meetings and other public events.

¹⁷⁸ For an example of how to develop an action planning guide, see:

<https://www.theiacp.org/sites/default/files/2020-11/7585/Assessment%20Tools%20%26%20Resources.pdf>.

¹⁷⁹ For example, see the Louisville Metro Police Department HH Dashboard at <https://louisville-police.org/803/HH-Dashboard> and the City of Bayview Police Department Public Dashboard at <https://performance.envisio.com/dashboard/bayview1200/Goal-7680>.

Section XII: Restoring Community Trust

Recommendation XII.1: APD should assign a team to review every recommendation in this report and determine how each can be achieved. The group should be led by an assistant chief-level officer and include SCU and Victim Services Division (VSD) leaders and staff. The group should prioritize the recommendations and design a reporting plan that is available on the APD website.

Community Outreach

APD should strive to strengthen relationships with the community to build trust. **Community members, particularly those in more vulnerable populations such as the LGBTQ+ community, need to feel seen, believed, and understood in order to trust law enforcement.** A lack of trust can lead to underreporting of crimes or lack of assistance with investigations.¹⁸⁰ APD should work to strengthen trust in all marginalized/vulnerable communities through, for example, partnerships with community programs by and for vulnerable populations, cultural awareness and inclusivity trainings, and participation in and visible support for community events and celebrations.¹⁸¹

Outreach to those experiencing homelessness should be a particular focus. There were over 200 victims in the nine years of APD cases reviewed who were experiencing homelessness at the time of victimization. APD should leverage its existing Homeless Outreach Street Team to work with this vulnerable population and solve these crimes. Importantly, as PERF stated in its 2018 report on the police response to homelessness, "... all patrol officers need basic instruction on how to safely and humanely interact with homeless persons."¹⁸²

Recommendation XII.2: APD should review current outreach programming for marginalized/vulnerable populations to ensure efforts to build trust in these communities continue. APD should particularly focus on the LGBTQ+ community and those experiencing homelessness in the city, given the poorer outcomes observed for these victim groups in the case review conducted for this report. In addition to outreach programming, APD should train all patrol officers on how to interact with these populations.

Transparency through Regular Reports

Police departments are expected to be transparent to the communities that they serve. **APD can improve transparency by publishing annual data reports on both victim experiences with SCU and broader outcomes related to case investigations, including all categories of case clearances, closures, and suspensions.** End Violence Against Women International (EVAWI) suggests law enforcement agencies provide public reports on how sexual assault cases are cleared, closed, and suspended every six months.

Recommendation XII.3: APD should publicly report data on case clearances, closures, and suspensions for reported sexual assaults every six months. This report should be published on

¹⁸⁰ The National Resource Center for Reaching Victims and FORGE, *Improving Relations with LGBTQ+ Communities: A Guide for Law Enforcement* (2020).

¹⁸¹ Ibid.

¹⁸² Police Executive Research Forum, *The Police Response to Homelessness* (Washington, DC: 2018), p. 73.

Section XII: Restoring Community Trust

APD's website. Sharing this information with the public, including advocacy groups and other stakeholders, will serve as an external system of checks and balances.¹⁸³

Victim Survey

The recommendations outlined in this report focus on process and policy, but ultimately strive to impact outcomes. **Continued monitoring by APD should include quality and outcome measurements, such as victim satisfaction with the investigative process and outcomes from services received (e.g., increased knowledge of the criminal justice process).** This survey should cover both the victims' feelings about their interaction with patrol officers and detectives and their experience with the VSD and the services they received.¹⁸⁴ Continued monitoring will demonstrate accountability to the Austin community. Internally, survey results will provide APD with real-time feedback, so they can learn from any negative victim experiences and rectify problems. Externally, APD should craft a yearly report of what was learned from survey feedback and any changes made as a result.

There are several ways to survey victims — direct mailing, issuance of business cards to victims with a URL code, hand delivery, and posts 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 suggestions for improvement, systemic issues, and where recognition for outstanding work may be warranted. The dedicated SCU analyst should be involved in this process.

Recommendation XII.4: APD should survey sexual assault victims at the conclusion of every investigation, regardless of the outcome. The survey can be provided to the victim through a number of means, including email, hand delivery, mail, URL code, and more. The victim 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.

Yearly Advocate Case Review

APD should ask advocacy groups to conduct an annual confidential review of sexual assault cases, similar to the in-depth review of sexual assault 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. The review should be conducted in compliance with Texas law relating to access to law enforcement files and any FBI procedures that reviewers must follow.

¹⁸³ End Violence Against Women International, *Clearance Methods for Sexual Assault Cases*, November 2016, p.61.

¹⁸⁴ For an example, see: *Form for Evaluating Police Response to Sexual Assault* (Women's Justice Center) <http://www.markwynn.com/sex-assault/form-for-evaluating-police-response-to-sexual-assault.pdf>. See also *Victim Follow-up Survey* (International Association of Chiefs of Police, 2020), <https://www.theiacp.org/sites/default/files/2022-05/Victim%20Follow-Up%20Survey.docx> and Outcome Performance Measurement Guide for Georgia's Crime Victim Assistance Programs, *Law Enforcement Victim Witness Assistance Program Survey* (Georgia Criminal Justice Coordinating Council, 2016), <https://cjcc.georgia.gov/document/outcome-performance-measure-guide/download>, p. 23.

Section XII: Restoring Community Trust

Following the review of APD cases, the review team should meet with SCU supervisors to confidentially raise questions, provide feedback, and share their perspectives. 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 cases, as well as 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.

The Women's Law Project (WLP) recently published a guide to conducting the case review.¹⁸⁵ This guide describes everything the WLP has learned about police response to sex crimes since 1999, when it was disclosed that the Philadelphia Police Department Special Victim's Unit had failed to adequately investigate sex crimes by miscoding sexual assault reports as non-crimes and the WLP advocated for improvements. It discusses the origins of the Philadelphia annual case review, a unique collaboration with the Philadelphia Police Department to help improve police response to sex crimes which was commenced at the request of then-Philadelphia Police Commissioner John Timoney and provides detailed description of how an effective case review can be conducted. The guide also discusses the evolution of rape law and bias, and provides an overview of the national landscape on the law enforcement response to sex crimes and actions taken at the national level to improve police response.

Recommendation XII.5: APD leaders should contract community advocates to conduct a confidential annual advocate 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 process.

¹⁸⁵ Carol E. Tracy, Terry L. Fromson, Annual Advocate Sex Crime Case Review Guidebook: The Philadelphia Model (Women's Law Project 2022) <https://www.womenslawproject.org/wp-content/uploads/2022/08/WLP-Sex-Crime-Case-Review-Guide-2022.pdf>.

Section XIII: General Order and SCU Policy Additions

Section XIII: General Order and SCU Policy Additions

The project team conducted a review of the various policies and procedures impacting the Austin Police Department's (APD) response to sexual assault. This includes APD's General Orders, which contains agency-wide policies affecting all APD employees, the Sex Crimes Unit's (SCU) Standard Operating Procedures (SOP), and SCU's Standard Operational Manual (Ops Manual).

Although many of the recommendations below were discussed earlier in the report, they are being reiterated here because they are specific changes to APD's General Orders or SCU's specific policy.

APD General Orders, Section 420: Sexual Assault

General Order Section 420.2.1 Initial Interview with the Victim establishes guidelines when conducting an initial interview of a victim involved in a sexual assault. The following recommendations will provide additional clarity, ensuring a victim-centered response.

Recommendation XIII.1: Define the role of patrol officers. APD should add policy language defining the role of patrol officers during the initial contact with the victim. During the initial interview, officers should only ask about the basic information needed to understand the elements of the crime, the time and location of the alleged assault, and the identities of suspect(s) and witnesses. Unless an immediate arrest can be made, patrol officers should focus their attention on the needs of the victim, ensuring the victim is treated with respect and knows the case is important. The details of the offense will be promptly obtained by assigned detectives when it is appropriate to do so.

Recommendation XIII.2: Obtain witness contact information. APD should add policy language to the General Orders ensuring officers identify any potential witnesses (including outcry witnesses)¹⁸⁶ and document their contact information in the report. Officers should conduct initial interviews with on-scene witnesses who cannot remain on-scene until a detective arrives.

Section 420.3.1 Preferred Hospital for Forensic Exam lists the preferred hospitals for victims to be transported to for an examination, though the victim may choose any hospital within the city limits of Austin. There are two other organizations used by APD for forensic examinations that should be described in policy: SAFE Alliance and Brave Alliance. Both organizations provide sexual assault forensic exams.

Recommendation XIII.3: Add SAFE Alliance and Brave Alliance as sexual assault forensic examination options. APD should add both SAFE Alliance and Brave Alliance as options referenced in the list of locations for sexual assault forensic examinations in Section 420.3.1.

Sex Crimes Unit Standard Operating Procedures and Operational Manual

SCU currently utilizes two unit-level operational documents, the SOP and Ops Manual. SCU should merge those documents into one manual, thereby reducing redundancy and eliminating the potential for confusion.

¹⁸⁶ An outcry witness is the person who first hears of an allegation of a crime, for example a sexual assault, from the victim.

Section XIII: General Order and SCU Policy Additions

Recommendation XIII.4: SCU should merge the SOP and Ops Manual into one SOP document.

Interviews indicated SCU maintains one manual that is available to the public and one that is “operational” and not provided to the public. SCU should maintain one document to eliminate redundancy and limit confusion for detectives. SCU leaders can redact “operational” concerns from a copy of the SOP and make the redacted version available as to the public as requested.

Recommendation XIII.5: Add a mission statement to the new document. The SCU SOP should include a mission statement that highlights the importance of investigating sex crimes in a victim-centered and trauma-informed manner.

Recommendation XIII.6: Provide a copy of the updated SOP to all SCU detectives. Each detective should be given a copy of the new document to read and sign upon assignment to the unit. By doing so, detectives will confirm they understand what will be expected of them as a SCU detective. Throughout on-the-job training, relevant parts of the document should be discussed with the new detective in conjunction with related training.

The following information should be incorporated into the new SOP. Each of these recommendations was discussed and explained in earlier sections of the report.

Recommendation XIII.7: Respond to all adult sexual assault felonies. The SCU SOP should require detectives to respond to the scene, hospital, and/or the victim’s location for all adult sexual assault felonies when applicable. Meeting the victim and establishing rapport early will help keep the victim connected throughout the investigatory and prosecutorial phases.

Recommendation XIII.8: Properly identify and obtain contact information for victims, witnesses, and suspects. The SCU SOP should require detectives to ensure that witnesses are properly identified and their contact information is documented in the report. If the victim is from outside the area or may not be easily located in the future, detectives should consider interviewing them on-scene.

Recommendation XIII.9: Collect time-sensitive evidence immediately. The SCU SOP should direct detectives to secure any evidence that is time-sensitive or that may expire, such as surveillance footage from local businesses, and either secure the evidence immediately or ensure that it be retained/saved by the owner until collection is possible.

Recommendation XIII.10: Eliminate the two-month detective/supervisor review. The SCU SOP should eliminate the two-month time limit for clearing cases and replace it with weekly detective/supervisor meetings. Detectives should discuss open cases with the sergeant weekly to review their progress and identify any investigative challenges or needs. Some cases are more complex than others and may take longer to investigate (e.g., suspects who are strangers, digital forensic analysis, and DNA testing). As such, detectives should not be pressured to close or suspend a case within a specified time. Rather, detectives should be authorized to continue their investigations under close supervision, including work plans with clear objectives, tasks, and timelines.

Recommendation XIII.11: Provide victims with transportation to and from the interview location. The SCU SOP should direct detectives to ask if the victim needs transportation to the

Section XIII: General Order and SCU Policy Additions

interview and provide this assistance if requested. SCU is located off an interstate with tolls, away from mass transit or a public bus stop, and the address is difficult to find even using a GPS.

Recommendation XIII.12: **Ensure that criminal history checks of suspects are completed.** The SCU SOP requires detectives to conduct a criminal history check of the suspect, but the project team found several cases that did not document a criminal history check. SCU supervisors must ensure that criminal history checks are conducted, and findings documented.

Recommendation XIII.13: **Create policy requirements for when to review cases with the Travis County District Attorney's Office (TCDAO).** The SCU SOP should include a policy on when to discuss cases with the assistant district attorneys (ADA) and how to document those outcomes. APD should confer with the TCDAO when developing this policy. The policy should direct detectives to consult with an ADA if they have a legal question about a case, a question about how the law applies in a particular situation, or a question about how to proceed regarding evidence for prosecution. Cases should not be presented to the ADA for potential prosecution until all investigative efforts have been exhausted and the sergeant has been briefed. The sergeant and/or lieutenant should oversee investigatory steps, ensure that all investigative efforts have been exhausted before a case is staffed for prosecution, and provide authorization for the detective to consult with the ADA.

The following information should be incorporated into the Victim Services Division (VSD) SOP. Each of these recommendations was discussed and explained in earlier sections of the report.

Recommendation XIII.14: **When a victim does not want to continue the investigations, VSD Investigative Services Counselors (ISCs) should re-connect with the victim 30 days after the case is suspended to determine if the victim is still comfortable with the suspension and answer any questions they may have.** If the victim is comfortable with the suspension, reassure the victim that APD is ready to proceed when they are, and ensure the victim understands how to go about reactivating their case. The name of the caller, date, time, and results of the call should be recorded in the case file. If the victim has changed their mind, notify the detective that the victim has requested the case be re-activated.

Recommendation XIII.15: **The VSD counselor assigned to the APD Training Academy should be included in onboarding any new detectives assigned to SCU.** This will ensure new detectives understand how VSD supports the victim, patrol officers, and detectives. The counselor can also ensure that new detectives understand victim-centered, trauma-informed interviewing techniques.

Recommendation XIII.16: **The VSD counselor assigned to the APD Training Academy should be included in onboarding new sergeants assigned to SCU.** This will ensure new sergeants understand how VSD supports the victim, patrol officers, and detectives. The counselor can also ensure the new sergeants understand victim-centered, trauma-informed interviewing techniques.

Section XIII: General Order and SCU Policy Additions

Other Policy Considerations

The following are additional recommended policy changes.

Recommendation XIII.17: Update title codes for sex crimes. APD, including Central Records staff, should update the title codes for sex crimes in the SCU SOP. Current codes are not consistent with the Texas Penal Code. These title codes should be defined with an explanation of the Texas statutes applicable under each title code.

Recommendation XIII.18: Train detectives on new title codes. Once the codes are updated, APD should ensure SCU detectives and patrol officers receive training on the new title codes and when to apply them. APD should consider creating a “cheat sheet” that includes all elements of the crimes to assist personnel.

Section XIV: Implementation Considerations

Section XIV: Implementation Considerations

As the Austin Police Department (APD) develops a plan to address the findings and recommendations in this report, the department should consider developing two committees: an implementation working group and a committee to understand the feasibility of an Austin Sexual Assault Response Center.

Working Group

This report contains many substantial recommendations, and 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 Sex Crimes Unit (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.

Recommendation XIV.1: 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. The Travis County District Attorney’s Office (TCDAO) should be part of this working group to strengthen the investigation and prosecution of these cases.

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),¹⁸⁷ 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 people, regardless of whether they report the assault to the police.

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

The facility is located in the same building as PPD SVU, each with a separate entrance. Services provided by PSARC include forensic exams performed by sexual assault nurse practitioners, follow-up care, pregnancy prevention, and connections to other support services.

Recommendation XIV.2: APD, the TCDAO, Austin/Travis County Sexual Assault Response and Resource Team (SARRT), and other advocacy groups should consider the feasibility of establishing a facility similar to the *Philadelphia Sexual Assault Response Center* 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.

¹⁸⁷ <https://drexel.edu/cnhp/practices/Philadelphia%20Sexual%20Assault%20Response%20Center/>

Section XIV: Implementation Considerations

APD's engagement with PERF on this comprehensive review of their response to sexual assaults is an excellent step; however, it only represents the beginning. APD must make concerted efforts to systematically improve and continue the close monitoring of the processing and handling of sexual assault crimes and the treatment of victims of these crimes.

Conclusion

Conclusion

Sexual assault can cause devastating harm, both physically and emotionally; if the police response to sexual assault victims who summon the courage to report the crime is slow, incomplete, or insensitive, it can add significantly to their trauma. The decision by Austin leaders to contract this comprehensive evaluation demonstrates their willingness to better understand issues raised about how APD has investigated and processed reported sexual assaults and identify avenues for improvement. Throughout this project, APD has demonstrated transparency and a willingness to get to the heart of the issues at hand. While this evaluation identified a few areas where APD's performance is strong or improving, the findings overall support the legitimate concerns that advocates and community members have raised about the department.

Several of the findings stand out. During the 2012-2020 period examined, for example, APD designated a majority (54%) of calls reporting a sexual assault as non-urgent, which slowed patrol officers' response. The department has no detectives assigned to work evenings or weekends, when more than three-fifths of sex crime felony reports are made; instead, two detectives are on call. Also, while patrol officers respond to sexual assault reports and obtain valuable basic information, APD does not require detectives to respond to the scene of every felony sexual assault (or the hospital or other location of the victim), and detectives responded to the scene in only 17% of cases. Moreover, this figure *declined* over the 2012-2020 period even as the number of reported sex crimes fell by nearly half, which suggests that the low response rate was not primarily due to resource constraints. (The sharp drop in reported sex crimes raises questions deserving further study. While it may partly reflect a loss of public confidence in APD's handling of sexual assault cases, which could have discouraged many victims from reporting an assault, its size and suddenness suggest that other factors may also be at work.) Finally, a detective formally interviewed a sexual assault victim in just half (51%) of cases, and when witnesses were identified, they were only interviewed in 53% of cases.

Thus, there are numerous opportunities for improvement in APD policies and procedures. To become more responsive to reports of sexual assault, the department should designate all calls reporting a sexual assault as a high priority, assign sufficient detectives during evening and weekend hours to manage the workload, reduce the workload on detectives by reassigning the investigation of misdemeanor sexual assaults, require detectives to respond to the scene of every felony sexual assault, and work to increase the share of cases in which the victim is formally interviewed by the detective, among other steps.

Responding more quickly to sexual assault reports and improving communication with victims can not only increase the chances of an arrest and successful prosecution but also convey to victims that their case is being handled professionally and that they are being taken seriously.

Some of the findings of this evaluation were encouraging. In the past few years, for example, APD has made important progress in two areas where earlier investigations had brought public attention to significant problems: delays in sending out and processing sexual assault kits and the misuse of the exceptional means designation to close cases. More recently, the department has committed to strengthening detective training. A number of detectives interviewed for this project stated that they had not been adequately prepared to properly investigate felony sexual assaults, and in June 2021 the project team recommended that APD develop a formalized training program to fully prepare new detectives to investigate such cases. APD has embraced this recommendation and taken steps to

Conclusion

develop and implement a comprehensive training program that will better prepare its detectives and supervisors to conduct victim-centered, trauma-informed investigations.

A particular strength of the APD is its Victim Services Division (VSD), which works hand in glove with patrol to assure that the department's initial response to sexual assault reports is trauma-informed and victim-centered. APD was ahead of other departments when it created its VSD more than four decades ago. At the time, there was limited knowledge about victimology and post-traumatic stress disorder (PTSD) was only recognized as a mental health disorder in the context of war veterans. VSD has evolved over time, and its practices now incorporate the expanded knowledge of trauma and its impact on crime victims.

Based on interviews with patrol officers and VSD staff, APD's co-responder model — in which VSD counselors respond to scenes of a sexual assault alongside patrol — works well for provision of victim support and the patrol officer responsibilities. This approach allows the patrol officer to focus on the report, the scene, and the witnesses, while the counselor offers support to the victim, explains the investigative and sexual assault forensic exam processes, and is available to assist the victim with transportation to the hospital.

The responding patrol officer plays a key role in establishing a sexual assault victim's trust in the criminal justice system, as they are the victim's first contact with law enforcement regarding the specific incident and possibly their first interaction of any kind with law enforcement. The project team found that a majority of time patrol officers' reports of sexual assault complaints provided accurate and essential information to begin the investigation.

The case reviewers also found examples of sexual assault investigations that were thorough and well documented; detectives were respectful and empathetic toward the victim; investigators followed up with witnesses; and detectives were persistent in identifying, contacting, and interviewing the suspect. There were instances of detectives going out of their way to provide the victim with additional support. In a few cases when the victim did not have transportation to their formal interview, the detective met the victim and drove them back to the station for the interview. In another case, the detective took the time to explain why the victim's case did not meet the statutory requirements for the crime, while validating the victim's feelings of being exploited.

While the case reviewers cited the lack of suspect interviews as one of the areas needing improvement, one survivor reported an exemplary effort to identify a stranger suspect who broke into her home. As a result of the detective's efforts, a suspect was identified and interviewed on two or three occasions, denying the sexual assault each time. Despite the suspect's repeated denials, the victim continued to believe detectives had identified the right person. Through some thorough investigative work, a detective located DNA evidence linking the suspect to the case, but the prosecutor felt there was not enough evidence to proceed to trial. The victim was disappointed by the prosecutor's decision, but grateful that the detective did not give up. This example illustrates that even when a suspect is not held accountable for their actions, a detective's thorough investigation may serve to affirm a victim's experience and, perhaps, provide some closure.

Exposure to victims who have suffered the trauma of sexual assault can have a significant emotional impact on the responding officers, detectives, and counselors. So can fulfilling the many responsibilities involved in conducting an investigation of sexual assault. Given the heavy toll that these cases can take

Conclusion

on APD employees, this report's recommendations include strengthening department programs that promote employee wellness.

This comprehensive evaluation is an important step towards improving the APD Sex Crimes Unit, but the recommendations must be implemented with continued monitoring. APD must assign a group of agency leaders to review every recommendation in this report and determine how it can be achieved. This group should establish a timeline for implementing each recommendation, assign individuals responsibility for execution, and establish performance metrics for measuring progress and outcomes; community advocates should be part of this process. APD may want to create a dashboard displaying progress toward implementing recommendations on their website. This would hold APD accountable to the community and encourage continued progress.

Appendix A: Data Captured from Investigative Files

Appendix A: Data Captured from Investigative Files

The project team, based on prior experience reviewing police response to sexual assaults, identified numerous datapoints to be extracted, if available in the investigative file, for each of the 1,430 cases reviewed. The datapoints that were extracted are listed below.

Case Characteristics

1. Case number

2. Offense code and description (for highest offense associated with case)

- 0200 rape
- 0202 aggravated rape
- 0500 burglary of a residence (with intent to commit sexual assault)
- 1700 sexual assault w/ object
- 1701 aggravated sexual assault w/ object
- 1716 forced sodomy
- 1718 aggravated forced sodomy
- 1797 sexual assault (serial)
- 2609 invasive visual recording
- 2610 unlawful disclosure or promotion of intimate visual material
- 2800 kidnapping (when a sexual crime is attempted or committed in conjunction with a kidnapping or an attempted kidnapping)
- 4207 serial rape

2a. The offense (above) was:

- Attempted
- Completed

3. Location of Incident (e.g., Residence/Home)

4. Additional offenses?

- Yes
- No

4a. Additional offenses

- ☐ Offense #2
- ☐ Offense #3
- ☐ Offense #4
- ☐ Offense #5
- ☐ Offense #6

5. Date of report

6. Date of offense

- Occurred on:
- Occurred between:

7. Are there related events (e.g. additional case numbers) associated with this case?

- Yes
- No

8. Are there any question(s) in this section you'd like to flag?

- Yes (Explain:)
- No

Appendix A: Data Captured from Investigative Files

Victim Information

9. How many victims were there?

10-V1. Victim Gender

- ☐ Female
- ☐ Male
- ☐ Other (Specify):
- ☐ Unspecified

11-V1. Victim race/ethnicity

- ☐ White
- ☐ Hispanic or Latino
- ☐ Black
- ☐ Asian
- ☐ American Indian/Alaskan Native
- ☐ Hawaiian/Pacific Islander
- ☐ Middle Eastern
- ☐ Unspecified/Unknown

12-V1. Victim characteristics (At the time of assault – based on information in narratives)

- ☐ Limited English proficiency (second language spoken)
- ☐ Not a U.S. citizen
- ☐ Incarcerated (jail, prison at time of incident)
- ☐ LGBTQ (Specify)
- ☐ Homeless
- ☐ Nonresident of Austin
- ☐ Incident occurred at a facility where victim was receiving services (e.g. for mental health, substance abuse, or other issues)
- ☐ Mental disability (victim incapable of providing consent) - Explain:*
- ☐ Mental illness (Specify):
- ☐ Physical disability
- ☐ Involved in commercial sexual activity at time of incident
- ☐ College/university student
- ☐ Transient
- ☐ Other (specify):
- ☐ Unspecified

* Per TX penal code: “as a result of mental disease or defect the person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it”. (Only select this option if it is evident from the information in the case file that the victim meets this criteria)

13-V1. Sexual acts involved

- ☐ Sexual act attempted but not completed
- ☐ Vaginal penetration by penis
- ☐ Anal penetration by penis
- ☐ Vaginal or anal penetration by anything other than a penis (e.g., finger, foreign object)
- ☐ Oral copulation (to include any type of oral contact, including penetration by a tongue)

Appendix A: Data Captured from Investigative Files

- ☐ Invasive visual recording
- ☐ Sexual act not specified
- ☐ Other (specify):

14-V1. Did victim have a medical forensic exam?

- ☐ Yes
- ☐ No, victim refused exam
- ☐ No exam conducted because of timelines (e.g., too many hours elapsed since time of assault)*
- ☐ No exam conducted because of nature of assault (e.g., offense does not indicate need for exam)
- ☐ No exam for other reasons (specify):
- ☐ No exam conducted - reason unspecified

*Typically 120 hours or 5 days

15-V1. Consensual sexual activity with suspect

- ☐ Prior to assault
- ☐ After assault
- ☐ Neither
- ☐ Unspecified

16-V1. Victim drug/alcohol use at time of assault Use information provided under "Linkage Factors". If information in narrative conflicts with that under linkage factors, use information provided in narrative.

- ☐ None
- ☐ Alcohol – voluntary ingestion
- ☐ Drugs – voluntary ingestion
- ☐ Alcohol – suspected involuntary ingestion (administered covertly without knowledge/consent of victim)
- ☐ Drugs – suspected involuntary ingestion (administered covertly without knowledge/consent of victim)
- ☐ Other (specify):
- ☐ Unspecified

16a-V1. Select "yes" and explain if you think drug/alcohol use was *not* relevant to assault.

- ☐ Yes (Explain):

17-V1. Victim physical injury

- ☐ Yes
- ☐ No
- ☐ Unspecified

18. Are there any question(s) in this section you'd like to flag?

- ☐ Yes (Explain:)
- ☐ No

Suspect Information

19. How many suspects were there?

20-S1. Was suspect identified by law enforcement?

- ☐ Yes
- ☐ No

Appendix A: Data Captured from Investigative Files

21-S1. Suspect gender

- ☐ Female
- ☐ Male
- ☐ Other (Specify):
- ☐ Unspecified

22-S1. Suspect race/ethnicity

- ☐ White
- ☐ Hispanic or Latino
- ☐ Black
- ☐ Asian
- ☐ American Indian/Alaskan Native
- ☐ Hawaiian/Pacific Islander
- ☐ Middle Eastern
- ☐ Unspecified/Unknown

23-S1. Suspect relationship with victim

- ☐ Stranger
- ☐ Brief encounter (met and assaulted within 24 hours)
- ☐ Non-stranger (specify - e.g. partner, friend, work colleague, etc.)
- ☐ Unspecified

24-S1. Suspect characteristics

- ☐ Limited English proficiency (second language spoken)
- ☐ Not a U.S. citizen
- ☐ LGBTQ (Specify)
- ☐ Homeless
- ☐ Known gang member
- ☐ Mental illness (Specify):
- ☐ Physical disability
- ☐ In the military
- ☐ College/university student
- ☐ Nonresident of Austin
- ☐ Transient
- ☐ Other (Specify):
- ☐ Unspecified

25-S1. Suspect criminal record

- ☐ Ran record check, but no criminal record found
- ☐ Previous sex offense
 - ☐ Suspect
 - ☐ Arrest
 - ☐ Conviction
- ☐ Previous other offense*
 - ☐ Suspect
 - ☐ Arrest
 - ☐ Conviction
- ☐ Active warrant found
- ☐ Unspecified (no documentation of record check) by APD

Appendix A: Data Captured from Investigative Files

*Includes currently in jail/incarcerated

26. Are there any question(s) in this section you'd like to flag?

- ☐ Yes (Explain:)
- ☐ No

Initial Police Response

27. First law enforcement responder was: Note: Do not include victim services as a first responder.

- ☐ APD patrol officer
- ☐ APD detective
- ☐ Other (e.g. other LE agency) - Specify:
- ☐ Non-law enforcement agency (e.g. APS referral) - Specify:
- ☐ Unspecified/unclear

28. Preliminary interview (i.e. victim statement) completed:

- ☐ Yes (Enter date):
- ☐ No*

*Select "no" if no preliminary interview was conducted by law enforcement

28a. Did detective respond to scene and/or hospital?

- ☐ Yes
- ☐ No

29. Was the victim connected with a counselor from the Victim Services Unit? Victim Services info can be found in follow up report(s)

- ☐ Yes
- ☐ No/Unspecified

29a. Was there a reasonable explanation why the victim was not connected with a counselor from the Victim Services Unit? E.g. nature of incident didn't warrant follow-up by victim services, victim services could not get in contact with victim, etc.

- ☐ Yes (Explain):
- ☐ No

30. Rate overall quality of patrol response

- ☐ Good
- ☐ Moderate
- ☐ Poor

30a. Explain the reason(s) for your rating

Considerations for this rating include, but are not limited to:

- Did the responding officer treat the victim with respect?
- Only ask the victim basic information to establish a crime occurred?
- Was evidence collected from the crime scene, photos taken, etc.?
- Did they call an EMS if needed?
- Was the victim asked about their willingness to prosecute?

31. Are there any question(s) in this section you'd like to flag?

- ☐ Yes (Explain:)
- ☐ No

Investigation

Appendix A: Data Captured from Investigative Files

32. Case assigned to detective for investigation?

- ☐ Yes (Enter date assigned)*:
- ☐ No
- ☐ Unspecified

*Date that initial sex crimes detective was assigned to the case.

Victim Interview

33-V1. In-depth interview completed by sex crimes detective

- ☐ Yes (Enter date):
- ☐ No (Explain, if applicable):

33a-V1. Were reasonable attempts made to follow up with the victim? (e.g., if the victim did not respond initially, were multiple attempts made to contact the victim?)

- ☐ Yes (Explain):
- ☐ No (Explain):

33b-V1. Was there a reasonable explanation as to why the victim was not interviewed (e.g., victim died, crime is such that victim did not need to be interviewed again)?

- ☐ Yes (Explain):
- ☐ No (Explain):

33c-V1. Rate overall quality of victim interview

- ☐ Good
- ☐ Moderate
- ☐ Poor

33d-V1. Explain the reason(s) for your rating

Considerations for this rating include, but are not limited to:

- Do the notes reflect a well-developed narrative of the victim's experience?
- Do they note whether there is video or audio of the interview?
- Does the interview indicate the victim was treated with respect?

Suspect Interview

34-S1. Suspect interview completed

- ☐ Yes
- ☐ No
- ☐ Suspect invoked Miranda rights/declined interview

34a-S1. Were reasonable attempts made to follow up with the suspect?

- ☐ Yes (Explain):
- ☐ No (Explain):

34b-S1. Was there a reasonable explanation as to why the suspect was not interviewed?

- ☐ Yes (Explain):
- ☐ No (Explain):

34c-S1. What was the suspect's defense/explanation for the allegations?

- ☐ Alibi/denies involvement
- ☐ Incident fabricated
- ☐ Victim consented
- ☐ Confession
- ☐ Unspecified

Appendix A: Data Captured from Investigative Files

Witnesses

35. Were there witnesses or other relevant individuals that were identified?

- ☐ Yes
- ☐ No

35a. Were all of these individuals interviewed?

- ☐ Yes
- ☐ No (Explain):

35Ai. Was there a reasonable explanation for why witnesses were not interviewed?

- ☐ Yes (Explain):
- ☐ No

Evidence

36. Pretext phone call?

- ☐ Yes
- ☐ No

36a. Was the pretext call conducted in accordance with policy?

- ☐ Yes
- ☐ No (Explain):

Considerations for this determination include:

- Was victim thoroughly briefed prior to the call?
- Was the conversation scripted?
- Were the assigned detective and victim services counselor both present for the conversation?
- Was the conversation videotaped?
- Was the victim's well-being taken into consideration throughout the process?

37. What evidence was collected?

- ☐ SAK
- ☐ Other physical evidence (Specify):
- ☐ Digital evidence (any evidence stored or transmitted in digital form, including emails, social media postings, cell phone data, etc.)*
- ☐ Video or camera footage (e.g., from security cameras, CCTV, etc.):**
- ☐ No evidence available/unspecified
- ☐ Evidence available but not collected (Explain):

*If a cellphone is collected for purposes of analyzing its contents, list this as "digital evidence"

**Videos or pictures from suspect/victim cell phones, computers, etc. should be listed as "digital evidence"

38. Crime lab analyses

- ☐ SAK
- ☐ Other analyses requested? (Specify)*:
- ☐ Unspecified/no results documented

*Includes toxicology and other forensic analysis

38a. Date SAK analysis requested on:

38b. Date SAK analysis received on:

Appendix A: Data Captured from Investigative Files

39. Is complete SANE report of physical exam in file?

- ☐ Yes
- ☐ No

40. Are there any question(s) in this section you'd like to flag?

- ☐ Yes (Explain:)
- ☐ No

Case Closure

41. Did investigator discuss case progress/outcome with a prosecutor?

- ☐ Yes (Briefly discuss conclusion):
- ☐ No/Unspecified

42. Arrest made?

- ☐ Yes
- ☐ No

42a. Arrest type:

- ☐ On-View
- ☐ Warrant
- ☐ Grand jury indictment

43. Case disposition/status (based on internal APD clearance)

- ☐ Cleared by arrest
- ☐ Unfounded
- ☐ Exceptionally cleared
- ☐ Cleared administratively
- ☐ Suspended

43a-U. Does case meet UCR criteria for unfounding (i.e., the allegation is false [based on investigative findings that the crime did not occur], or baseless [elements of the crime were not met, but not false])?

- ☐ Yes
- ☐ No (Explain):

43b-U. Is there clear explanation of why the case was unfounded?

- ☐ Yes
- ☐ No

43a-EC. Reason for exceptional clearance

- ☐ Victim noncooperation
- ☐ Prosecutor declined prosecution
- ☐ Other (Specify):

43a-ECi. Is explanation for prosecutor declination noted in file?

- ☐ Yes
- ☐ No/Unclear (Explain):

43b-EC. Does case meet UCR criteria for exceptional clearance?

- ☐ Yes
- ☐ No (Explain):

43a-CA. Is the basis for clearing the case administratively as specified in the general orders met?

- ☐ Yes
- ☐ No (Explain)

Appendix A: Data Captured from Investigative Files

43a-S. Suspended:

- ☐ Suspended (closed)
- ☐ Suspended (pending prosecutorial review)
- ☐ Warrant issued (suspended)
- ☐ Referred to municipal court (suspended)
- ☐ Suspended pending DNA
- ☐ Suspended pending follow-up
- ☐ Suspended pending victim readiness
- ☐ Suspended prosecutor declined
- ☐ Suspended no leads/evidence

43a-Si. Is basis for terminating/suspending the investigation or inactivating the case in accordance with policy?

- ☐ Yes
- ☐ No (Explain):

44. Date of disposition/status (Date that internal "operational" status was assigned)

44a. Is operational status under "general offense information" different from status listed in narrative?

- ☐ Yes (Explain):
- ☐ No

44b. External clearance (reported to UCR/NIBRS) External clearance categories include: cleared by arrest, cleared by exception, and not applicable ("not applicable" encompasses all categories other than cleared by arrest and cleared by exception)

- ☐ Cleared by arrest
- ☐ Cleared by exception
- ☐ Not applicable

44c. External clearance conflicts with internal ("operational") status. Explain:

45. Was case status communicated to victim?

- ☐ Yes
- ☐ No
- ☐ Unclear (Explain):

If no, was reason given?

- ☐ Yes (Explain):
- ☐ No

46. Based on your reading of the case file, is the crime correctly categorized?

- ☐ Yes
- ☐ No (Explain):

47. Was clearance reviewed by supervisor? Can be found under "Clearance Information"

- ☐ Yes
- ☐ No
- ☐ Unclear (Explain):

Appendix A: Data Captured from Investigative Files

48. Rate overall thoroughness of investigation (by sex crimes investigator)

- ☐ Good
- ☐ Moderate
- ☐ Poor

48a. Briefly explain your reason for the rating given

Considerations for this rating include, but are not limited to:

- Was the investigation well documented?
- Was all available evidence collected?
- Was relevant evidence submitted to crime lab?
- Were lab results and interview transcripts and photos included in the case file?
- Was effort made to identify suspects/witnesses?
- Was effort made to follow up with victims/suspects/witnesses for interviews?
- Was justification for case disposition clearly documented?

49. If there is evidence of bias or other problems, describe:

50. Are there any question(s) in this section you'd like to flag?

- ☐ Yes (Explain:)
- ☐ No

51. Other notes/observations:

Appendix B: Survivor Interview Protocol

Appendix B: Survivor Interview Protocol

The project team created a survivor interview protocol to be used on all survivor interviews. Those protocols are identified below.

Victim APD Involvement Interview Protocol

*(Portions in italics are interview instructions and not meant to be read aloud. Questions in **BOLD** are the core question or what should (almost always) be said. Probes are in regular font)*

REVIEW INFORMATION SHEET AND CHECKLIST

The interviewee will be approached in a manner acknowledging they are the most knowledgeable person regarding her or his own experiences.

REMINDER—ASK WHEN? HOW? WHAT? QUESTIONS. NOT THOSE THAT GET ANSWERED BY “YES” OR “NO.” SAY: TELL ME MORE?

*The most important questions are in the left column and probes in the right, although sometimes questions in the right column will be **BOLDED** that we need to have answered.*

Appendix B: Survivor Interview Protocol

Question	Probes and Instructions
INTRODUCTION	
<p>We are talking with people to learn about their experiences in their own words. This is a time when you can talk about your own experiences with the police after a report of sexual assault --- the good and bad and what you recommend to help others. Your name will not be included in any of our notes, but your experiences and suggestions will help inform recommendations to improve the Austin Police Department's response to sexual assault victims.</p> <p>I have some questions I plan to ask but mostly want to hear your experiences and suggestions the way you want to share it.</p>	<p><i>This is the point at which the interviewer makes it clear that we want to hear what the individual has to say and also the interviewer should feel free to go off the interview guide to get to the most important points.</i></p> <p><i>On the other hand gently changing the subject may be needed if the interviewee goes off course—might say “these are important observations. Let’s get back to this at the end of the interview” or some other diversionary tactics.</i></p>
<p>Before we start, tell me again, how old were you at your most recent birthday? (how old are you?)</p>	<p><i>(sometimes people give the age they are going to be soon—so that is the reason for the phrasing of this Q)</i></p> <p>___ AGE</p>
A. Interactions with the system	

Appendix B: Survivor Interview Protocol

Question	Probes and Instructions
<p>1. Please tell me what year the report or contact with the police occurred?</p> <p>Please describe this first contact with Austin Police about this assault.</p>	<p>___ Year of report to APD</p> <p><i>So this is an OVERVIEW question in a way... encouraging the interviewee to describe the initial responses in a way that is most important to them in telling the story of the first contacts.</i></p> <p><i>Try to get all the details here but make sure below we find out about these different aspects instead of pursuing what we want most and ignoring what was most important to them.</i></p> <p>What happened? Get details about dispatch (Offer clear explanation about patrol vs detectives, mention uniformed officers vs this means how the plain clothes.)</p> <p>___ how police were notified</p> <p>___ how long it took for a response) and patrol response details,</p> <p>___ did detectives (plain clothed) come to the scene,</p> <p>___ did victim services come to the scene?</p>

Appendix B: Survivor Interview Protocol

Question	Probes and Instructions
2. For you, what were the <u>most important parts of what happened—when this was first reported?</u>	<i>Get details on these things.</i> (When you say this) what do you mean? WHY is it important to you?
3. What did you want to see happen as a result of the reporting? What would justice look like for you?	

Appendix B: Survivor Interview Protocol

<i>B. Specific system entities—follow up questions</i>	
<p>Thanks for telling us about the first response by APD.</p> <p>Now we want to follow-up on some specifics... talking about how things went with the police (<i>other than what has already been discussed</i>)</p> <p>4. What happened with the patrol officers when you first met with them?</p>	<p><i>Offer clear explanation about patrol vs detectives, mention uniformed officers vs plain clothes.</i></p> <p><i>First get additional information from left column questions. Then ask for recommendations and probe:</i></p> <p>Tell me about any of the following during your interactions with patrol:</p> <ul style="list-style-type: none"> • If you called 911, how long was it until you were contacted by a police officer? • What did the officers say about filing a police report? • What did patrol officers say about how easy or difficult it might be to prosecute the case, or anything else about a case going forward? • How did patrol officers treat you? In what ways did they make you feel comfortable or uncomfortable? What were their questions? • Did the patrol officer refer you to any victim services?
<p>5. Did you go to the hospital/SAFE Place? If so, did anyone from Austin Police meet with you there? If</p>	

Appendix B: Survivor Interview Protocol

yes, clarify whether it was an officer, detective, and/or a victim services counselor.	
<p>6. What contact did you have with detectives? Tell me about any meetings or interviews by a detective.</p> <p>How did that interview go? What were the good things if any and what were the problems with the interview (s)?</p> <p>Where were you interviewed? How did you get to the interview?</p> <p>What contact did you have with APD victim services following your interview?</p> <p>7. Tell me about how things went with Austin Police victim service counselors, those that were with you at the initial scene and those who were in contact with you during the investigation (other than what has already been discussed—be sure to distinguish them from other counselors).</p>	<p>Did you meet with a detective after you made the first report? Or did a detective contact you a few days later to schedule an interview?</p>
<p>8. Tell me about any good parts of what happened with your contact with Austin Police Department</p>	<p><u>What was it about it that was good?</u></p> <p>Why was it good?</p> <p>Who was involved? (<i>no names</i>) When? How long ago?</p>
<p>9. Tell me about any bad or negative parts of what happened with your contact with the Austin Police Department</p>	<p>What happened? What was bad about it?</p> <p>Why was it bad?</p> <p>Who was involved? (<i>no names</i>)</p>

Appendix B: Survivor Interview Protocol

<p>10. In your opinion, what are the two or three most important things you want people to know about the way Austin Police should respond to victims of sexual assault.</p>	<p><i>(probes can be about things mentioned that answer other questions.)</i></p> <p><i>Always start by asking about the FIRST one they mention.</i></p> <p><u><i>Come back to this question if minimal response.</i></u></p>
---	---

Appendix B: Survivor Interview Protocol

C. Summary and Conclusion	
<p>11. What contact or interaction did you have with prosecutor's/DA's office?</p>	<p><i>Probe for whether case was dropped, the victim did not want to go forward, arrest(s) made, went to court and what was outcome.</i></p>
<p>12. What happened with the report/the case/<u>what was the outcome?</u></p>	
<p>Thinking about it now, what do you think of the outcome? What would you like to have seen happen as a result of the report?</p>	
<p>What do you think needs to be improved?</p>	

Appendix B: Survivor Interview Protocol

<p>What advice would you give someone if they found themselves in the same situation as you were?</p>	
<p>13. Please tell me about anything else you feel it is important for us to know about that we did not talk about that will help inform recommendations to improve the Austin Police Department's response to sexual assault victims?</p>	

Appendix B: Survivor Interview Protocol

<p>14. Today people are more sensitive about making assumptions about gender or race so, if you are comfortable with this we would like to ask for some demographic information.</p> <p>What is your gender identity?</p> <p>What is your race and your ethnic identity?</p> <p>Are you Hispanic or Latino? (of any race)</p>	<p><i>Potential options for gender identity include:</i></p> <ul style="list-style-type: none">• <i>Man</i>• <i>Woman</i>• <i>Non-binary, non-conforming, or gender-queer</i> <p><i>Potential options for race/ethnic identify include:</i></p> <ul style="list-style-type: none">• <i>American Indian or Alaska Native</i>• <i>Asian</i>• <i>Black or African American</i>• <i>Hispanic/Latino/Latina</i>• <i>Native Hawaiian or Other Pacific Islander</i>• <i>White</i>
<p>I want to thank you for your time and for your willingness to talk with us and share about your experiences and recommendations</p>	<p><i>Debriefing happens after end of interview and when recoding has ceased</i></p>

(Go on to debriefing—next page)

Appendix B: Survivor Interview Protocol

General Debriefing (all participants):

- 1. Ask if they have any questions or concerns.*
- 2. Provide number and email where we can be reached and mention that sometimes concerns arise later.*
- 3. Discuss and provide resource list for services (centers, victim services, etc.)
<https://wcwonline.org/pdf/jgbvraustin/AustinResources.pdf>*
- 4. Confirm the type of gift card they would like and how it can best be delivered.*
- 5. Thank them for their participation in a project that will help others who report a (sexual assault/ this crime) to the police.*

Query (snowball sample): As you know, we are doing these anonymous interviews with individuals who have reported sexual assault to the Austin police (between the years of 2013 and 2020). If you know someone who has had this experience who would like to talk to us, please give them our contact information: phone [redacted] or [(email address) redacted]

Thank you

Appendix C: Survivor Interview Flyer (English)

Appendix C: Survivor Interview Flyer (English)

HELP IMPROVE POLICE RESPONSE TO SEXUAL ASSAULT SURVIVORS IN THE CITY OF AUSTIN: SIGN UP TO BE INTERVIEWED

We want to better understand the **experiences of people who reported a sexual assault to the police in Austin**. The [Wellesley Centers for Women](#) (WCW), the [Women's Law Project](#) (WLP), and the [Police Executive Research Forum](#) (PERF) are looking for people to participate in interviews to help inform our project. The goal of the project is to make recommendations to help the Austin Police Department (APD) improve its response to victims of sex crimes.

We are interviewing in English and Spanish, either by phone or via Zoom. You will choose which method you prefer. If a language, other than English or Spanish is required, please contact us using the contact information listed below.

WHAT DOES THE PROJECT INVOLVE?

- An interview that will take about **1 hour**.
- The interview is **voluntary**. We want to hear from you about your experiences on how victims of sexual assault are treated by police. **You do not have to answer any questions you do not want to answer and you may stop at any time.**
- We will take notes, however, your identity will be kept confidential. We will use a pseudo name during the interview and in any of our notes.
- Your input will help us better understand:
 - How victims of sexual assault have been treated by the police, and
 - How the police response to sex crimes in Austin can be improved.

WILL YOU BE PAID FOR YOUR TIME?

You will receive a \$50 e-gift card of your choice from Amazon or Target for participating in the interview.

WHO CAN BE INTERVIEWED?

You are invited to participate if:

- ✓ You reported a sex crime to the Austin Police Department (APD),
- ✓ You were 18 years old or older at the time of the report to APD,
- ✓ The Austin Police are no longer investigating your report and you do not have an ongoing case with APD,
- ✓ You want to help improve the way the system responds to survivors of sexual assault.

CONTACT US NOW TO SET UP AN INTERVIEW TIME!

Please contact us for more information or to tell us you are interested in being interviewed:

Private email: [Redacted]

or call [Redacted]*

*Communications sent via email and call/text will be received and viewed ONLY by the WCW, WLP, and PERF.

Appendix D: Survivor Interview Flyer (Spanish)

Appendix D: Survivor Interview Flyer (Spanish)

AYUDANOS A MEJORAR LA RESPUESTA DE LA POLICIA A SOBREVIVIENTES DE AGRESION SEXUAL EN LA CIUDAD DE AUSTIN: INSCRIBASE PARA SER PARTE DE UNA ENTREVISTA

Queremos comprender mejor las **experiencias de las personas que denunciaron una agresión sexual a la policía de Austin**. El Centro de Investigaciones para la Mujer ([Wellesley Centers for Women](#) “WCW”), El Proyecto de Derecho de la Mujer ([Women’s Law Project](#) “WLP”), y El Foro Ejecutivo de Investigaciones de la Policía ([Police Executive Research Forum](#) “PERF”) están buscando personas para participar en entrevistas que ayuden a informar nuestro proyecto. El objetivo del proyecto es hacer recomendaciones para ayudar al Departamento de Policía de Austin (APD) a mejorar su respuesta a las víctimas de delitos sexuales.

Estamos entrevistando en inglés y español, ya sea por teléfono o por videoconferencia de Zoom. Usted elegirá el método que prefiera. Si un lenguaje, que no sea Inglés o español se requiere, comuníquese con nosotros utilizando la información de contacto que se indica a continuación.

¿QUE IMPLICA EL PROYECTO?

- Una entrevista que durará aproximadamente **1 hora**.
- La entrevista es **voluntaria**. Queremos escuchar acerca de sus experiencias sobre cómo las víctimas de agresión sexual son tratadas por la policía. **Usted no tiene que responder a ninguna pregunta que no desee responder y usted puede parar la entrevista en cualquier momento.**
- Tomaremos notas, sin embargo, su identidad se mantendrá confidencial. Usaremos un pseudónimo durante la entrevista y en todas y en cualquiera de nuestras notas.
- Su aporte nos ayudará a comprender mejor:
 - Cómo las víctimas de agresión sexual han sido tratadas por la policía, y
 - Cómo se podría mejorar la respuesta de la policía a los delitos sexuales en Austin.

¿RECIBIRA PAGO POR SU TIEMPO?

Usted recibirá una tarjeta de regalo electrónica de \$50 de su elección de Amazon o Target por participar en la entrevista.

¿QUIEN PUEDE SER PARTE DE LA ENTREVISTA?

Usted puede participar si:

- ✓ Usted reportó un delito sexual al Departamento Policial de Austin (APD),
- ✓ Usted tenía 18 años o más cuando hizo el reporte a APD,
- ✓ La Policía de Austin ya no está investigando su reporte y su caso con APD ya no está en marcha,
- ✓ Usted desea ayudar a mejorar la manera en que el Sistema responde a sobrevivientes de agresión sexual.

► ¡CONTACTENOS AHORA PARA PROGRAMAR LA ENTREVISTA!

Por favor contáctese con nosotros para más información o para dejarnos saber de su interés en la entrevista:

**Correo electrónico privado: [Redacted]
o llame a [Redacted]***

Appendix E: Sexual Assault Report Review Checklist

Appendix E: Sexual Assault Report Review Checklist

<p>IACP NATIONAL LAW ENFORCEMENT LEADERSHIP INITIATIVE ON VIOLENCE AGAINST WOMEN</p> <p>Sexual Assault Report Review Checklist</p> <p>Does the report include all needed information?</p> <ul style="list-style-type: none"> <input type="checkbox"/> How was the case received? <input type="checkbox"/> Is the time of the call recorded (including time of incident, time of dispatch, time of arrival)? <input type="checkbox"/> Are the elements of the crime(s) articulated to meet state and/or federal laws? <input type="checkbox"/> What were the observations upon approach? <input type="checkbox"/> Is the scene(s) concisely described/diagrammed? <input type="checkbox"/> Were photos taken and details recorded? <input type="checkbox"/> Is the relationship of the parties identified? <input type="checkbox"/> What is the history of the relationship? (include frequency of any violence, intimidation, and threats) <input type="checkbox"/> Were all witnesses interviewed and documented? <input type="checkbox"/> Were "outcry witness" interviewed? <input type="checkbox"/> Were weapons/objects used? <input type="checkbox"/> What was the emotional state of the victim (what did they report they were thinking and feeling)? <input type="checkbox"/> What evidence was collected? <input type="checkbox"/> Have all injuries (visible and non-visible) been documented? Were injuries existing or new? <input type="checkbox"/> Is trauma documented in the report? <input type="checkbox"/> Have all threats been clearly documented? <input type="checkbox"/> Is the victim's fear effectively documented? <input type="checkbox"/> Is the use of coercion and/or force articulated? <input type="checkbox"/> Was there any property damage? Theft? Burglary? <input type="checkbox"/> Are stalking behaviors identified in the report? <input type="checkbox"/> Did the victim report being strangled ("choked")? If so, was it described in detail? <input type="checkbox"/> Was the victim asked about possible strangulation (hands, ligature, etc.)? <input type="checkbox"/> Did the victim request/need medical attention? <input type="checkbox"/> Were advocates called to the scene? <input type="checkbox"/> Is there a valid protection order in place? Was it verified? <input type="checkbox"/> Was the case coded properly? <input type="checkbox"/> Has sexual abuse by the suspect been ongoing? <input type="checkbox"/> Were all spontaneous statements captured? <p>Was the victim incapacitated or incapable of giving consent?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Were drugs or alcohol used by victim? Are amounts and timespan articulated? <input type="checkbox"/> Does the victim believe he/she was drugged? <input type="checkbox"/> If drug facilitated sex assault is suspected, were blood and urine collected? <input type="checkbox"/> Have mental and/or physical incapacities been documented? <p>Did the officers assist the victim with safety planning?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Was the victim provided with information about local service providers? <input type="checkbox"/> Was a forensic examination of the victim conducted? <input type="checkbox"/> Was a threat/risk assessment tool used with the victim? 	<p>Did the officer ask about firearms?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Did the suspect use firearms during the incident that occurred? In previous incidents? <input type="checkbox"/> Did the suspect make threats— real or implied— to use firearms during the incident that occurred? In previous incidents? <input type="checkbox"/> Does the suspect have access to firearms? If so, what are the details of the firearms? Where are they located? <input type="checkbox"/> Did the victim express fear about the suspect's access to firearms? If so, how was this captured in the report? <input type="checkbox"/> Is this individual prohibited from possessing firearms due to: <ul style="list-style-type: none"> • a conviction for a misdemeanor crime of domestic violence • a qualifying order of protection • dishonorable discharge from the military <p>Did your officer gather comprehensive information about the suspect?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Was an arrest made? <input type="checkbox"/> What was the emotional state of the suspect (what did they report they were thinking and feeling)? <input type="checkbox"/> Were drugs or alcohol used by the suspect? Are amounts and time span articulated? <input type="checkbox"/> Was a threat/risk assessment tool used with the suspect? <input type="checkbox"/> Were firearms/weapons confiscated? If so, on what grounds? <input type="checkbox"/> Was a suspect exam conducted? <input type="checkbox"/> Were the suspects pre-incident behaviors documented? <input type="checkbox"/> Was the proper protocol followed if the suspect was not on the scene? <input type="checkbox"/> Are there any active warrants out for the suspect? <input type="checkbox"/> Has the suspect been the respondent to a protection order in the past? Past arrests? <input type="checkbox"/> Are there any other identified victims?
--	---

Additional Notes

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

POLICE

SINCE 1893

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

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



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

August 5, 2022

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

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

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 cases, 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.

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

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

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

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.

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

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

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

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 their 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.

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

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)*¹⁸⁸, 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 sexual assault forensic exams (SAFEs), the facility provides follow-up care, forensic medical evaluations, and links victims to other support services.

¹⁸⁸ <https://drexel.edu/cnhp/practices/Philadelphia%20Sexual%20Assault%20Response%20Center/>

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

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.

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.***