



MEMORANDUM

TO: Mayor and Council Members

FROM: Rey Arellano, Assistant City Manager

DATE: June 17, 2021

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

The purpose of this memo is to provide an update on Resolution No. [20190131-077](#), which directed the City Manager to undertake a comprehensive evaluation of how reported sexual assaults are investigated and processed by the Austin Police Department. This memo also provides information on adjustments to the scope for this project, including an increase in the cost of the contract cost from \$762,051 to \$950,000. Contingency funding exists to cover this amount.

My previous update to Council was provided on [July 31, 2020](#). Since summer 2020, staff has worked closely with the contractor, Police Executive Research Forum (PERF) along with the Women's Law Project and the Wellesley Centers for Women on key elements of the project. The consulting team continues to perform their review of pertinent documents, such as policies, protocols and procedures, training materials, and other relevant documents that currently impact sex crimes investigations. They began their review of case files in fall 2020 and began interviews with APD staff and stakeholders earlier this calendar year.

Progress

Challenges

PERF began their review of the sexual assault cases in fall 2020. In March 2021, the contractor proposed changes to the scope of work due to the following challenges that are impacting the overall timeline for the project:

- **COVID-19 and Criminal Justice Information Services (CJIS) Clearance**

Prior to receiving case files from the City, PERF and their case reviewers were required to undergo the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) clearance. The CJIS clearance process included participating in online

training, a fingerprinting process and a criminal background check. Due to the COVID-19 pandemic, CJIS locations throughout the U.S. were temporarily closed spring of 2020, which resulted in a delay receiving clearance. PERF and case reviewers received full CJIS clearance status on May 5, 2020.

- **Legal Review**

The scope of work for this project requires the contractor to examine sexual assault cases involving adult victims. The City implemented a review of the case files prior to their release to the contractor. The purpose of this review is to ensure the reports did not involve a juvenile victim, and screen out those cases as they do not fall within the scope of this project. In addition, the Law Department flagged the case files that involved juvenile suspects, because those cases are confidential in their entirety and none of those can be discussed or identified individually in presentations or findings that will be released to the public. This review was not anticipated in the original project timeline and took several months to complete.

- **Complex Case Review**

APD's Sex Crimes Unit (SCU) utilizes the Versadex system to electronically maintain sexual assault case files. The system organizes the case files in such a way that it is user-friendly for all APD investigators to use, including for SCU detectives. However, when the sexual assault cases were exported from the Versadex system as PDF documents, the documents are not assembled in such way that is chronological and is easily understandable for the case reviewer. Unfortunately, there were no other methods of exporting these case files. Because the case files appear unorganized to the case reviewers, it has been challenging for the review process and has taken additional time to perform a thorough case review. PERF originally estimated it would take approximately 45 minutes to review each case, however, in practice it is taking closer 90 minutes per case. It is important to note that some of the case reports include several hundred pages, and are comprehensive and complex in nature. Due to CJIS requirements, the City could not provide remote access into the Versadex system for the contractor.

In addition, during interviews with SCU Detectives, PERF discovered that most of the current staff had been with the unit for fewer than 3 years. As a result, many of them were not in the unit during the period of the original case file review, 2012-2018. To ensure any recommendations made would be relevant to the SCU as it currently operates, PERF indicated it would be more valuable to review recent cases that detectives currently in the unit investigated.

Due to these significant challenges, PERF recommended the following two potential project modifications that would help maintain a reasonable timeline and ensure the findings and recommendations were timely and actionable for the current SCU:

- Removing years 2012 and 2013 from the case review, and instead, review cases files for 2019 and 2020. This would ensure more recent cases are included in the case review, which would provide an accurate picture of the unit's current operations.
- PERF suggested a reduced percentage (e.g. 30%) would still provide a large enough sample of cases for a thorough review. From the cases reviewed so far (approximately 500 SCU cases between the years 2014 – 2018), PERF has already identified several recurring themes within the case investigations and does not expect that reviewing fifty percent of the cases would significantly alter these findings.

The Resolution directed the City Manager to examine at minimum either 200 sexual assault cases or fifty percent of sexual assault cases from each year, whichever number is greater, for each of the prior seven years of sexual assault case reports from adult victims who reported to the APD (excluding cases that are being actively investigated or pending in court). At any point, the contractor could use their discretion to examine cases beyond this minimum threshold. The sexual assault cases reviewed by the contractor would span between 2012 through 2018.

Adjusted Scope of Work and Timeline

This spring, PERF and staff met with the sponsors of the Resolution, Council Member Alter, Council Member Casar, and Council Member Kitchen to provide an update of the challenges encountered by the contractor and outline proposed project scope modifications. Staff also provided updates to Mayor Adler's office about the proposed adjustments. On April 15, 2021, stakeholders, including representatives from the Survivor Justice Project, SAFE Alliance of Austin, the Austin/Travis County Sexual Assault Response and Resource Team (SARRT), and CM Alter's office met with the City and contractor, PERF, to discuss elements of the scope of work and potential scope modifications for their review and feedback.

Based on input received during the meetings with Council Members, PERF presented four proposed options during the April 15th stakeholder meeting, which are outlined in the table below. During the meeting, stakeholders inquired about various topics including, training provided to the SCU, and limitations to PERF's review of case files.

Options	Option 1 Original Scope	Option 2	Option 3	Option 4
	Years: 2012-2018 Percentage per year: 50%	Years: 2014-2020 Percentage per year: 30%	Years: 2015-2020 Percentage per year: 50%	Years: 2014-2020 Percentage per year: 30% (2014-2018) & 50% (2019-2020)
Number of Cases Per Year Per Option	1,929	1,162	1,633	1,344

The preference of the stakeholders was to modify the project scope to include review of 2019 and 2020 case files and review 30 percent of case files per each year, but to also keep the 2012 and 2013 cases in the review. The original proposed budget from PERF was \$762,051. This amount was based in part on the assumption that the PERF team would receive full virtual access to the cases and that each case would take about 45 minutes to an hour to review. However, due to the challenges described earlier, the case review process has taken longer than anticipated.

In addition to the cases outlined in the original scope, PERF also plans to review a sample of sexual assault information and suspected sexual assault cases. Sexual assault information is a type of report that’s not classified as a crime. For example, if APD received information about an incident that didn’t meet the elements of a crime as reported, the SCU may enter it as a sexual assault information report. This process also applies to suspected sexual assault cases. The team also plans to review audio/video from APD victim interviews, which will take additional time to distribute to the team and review. PERF has also dedicated considerable time to providing updates to various stakeholders, which was not originally requested in the scope of work, including meeting with the Commission for Women, Public Safety Commission, and the SARRT.

The team anticipates being able to complete the case review in November 2021 (instead of May 2021 as originally proposed). After completing the case review, the team will need sufficient time to develop the final report and gather additional information as necessary. Therefore, the anticipated completion of the final report is May 2022 (instead of February 2022).

Below are the original project scope case numbers and the new project scope case numbers. Although the proposed scope change will result in a smaller number of cases overall, adding additional years to the case review will also require further legal review and time to distribute the cases to the project team in a manner that is CJS-compliant.

Original Project Scope		New Project Scope	
Calendar Year	Cases	Calendar Year	Cases
2012	240	2012	144
2013	206	2013	124
2014	305	2014	183
2015	260	2015	156
2016	294	2016	176
2017	303	2017	182
2018	321	2018	192
Total Sample	1,929	2019	153
		2020	120
		Total Sample	1,430

The original proposed budget from PERF was \$762,051. The anticipated updated budget with these changes is \$950,000. The revised budget will account for the increased amount of staff time required to complete the case review, as well as the additional work to review sexual assault information and suspected sexual assault cases.

Preliminary Observations

The following are preliminary observations that PERF has determined. These observations have been shared verbally by PERF with APD SCU leadership for their review. CMO provided these observations to APD Executive leadership for their review and follow-up action/response.

- Training that SCU detectives receive upon joining the unit should be formalized. New detectives should be required to complete training before being assigned cases.
- Training should include a thorough explanation of how to properly clear and classify cases, including an explanation of when to suspend vs. exceptionally clear a case.
- Detectives should be required to respond to all scenes where a sexual assault recently occurred.
- Detectives should allow victims flexibility in the time and location for interviews.

- Detectives should be required to make multiple attempts to contact a victim before suspending a case due to victim noncooperation or “pending victim readiness”.
- APD should ensure that Victim Services personnel are involved in training and policy discussions for the SCU.
- SCU detectives and patrol officers should receive training on proper report writing and documentation.
- SCU supervisors should be responsible for reviewing the content of each case file and following up with detectives on any additional investigative steps that need to be taken.
- Lieutenants should be reviewing a sample of cases on a quarterly basis for quality assurance to ensure cases are being properly investigated, documented, and cleared.
- Detectives should ensure they have completed all possible investigative steps before presenting a case to the DA to ensure they are supplying the DA with all available investigative information.
- When cases are presented to the District Attorney’s (DA) office, the ADA’s questions, recommendations, and decision regarding the case should be documented in writing and included in the case file.
- SCU detectives should be provided with laptops so they can have access to computers while not in the office.

Next Steps

Staff is scheduling briefings before the Commission for Women, Public Safety Commission and the SARRT to occur over the next few months. Please do not hesitate to contact me or Patricia Bourenane (Patricia.Bourenane@austintexas.gov) should you have questions or require additional information.

cc: Spencer Cronk, City Manager
CMO Executive Team
Chief Joseph Chacon, Interim Austin Police Chief