




MEMORANDUM

TO: Mayor and Council Members

FROM: Joseph Chacon, Chief of Police 

DATE: March 23, 2022

SUBJECT: Update on APD's Implementation of PERF Recommendations and Council Action Items

In June of 2021, Police Executive Research Forum (PERF) issued their preliminary recommendations to APD. Below is a line-by-line account of their recommendations and our progress to each:

1. The training each Sex Crimes Detective receives upon joining the unit should be formalized. New detectives should be required to complete training before being assigned cases.

The APD Sex Crimes Unit currently uses a formal training program for new detectives. This program was recently formalized and utilizes a training guide that is standard for all new detectives coming into the unit. Three senior detectives have been identified as the designated trainers for the unit, which is similar to a Field Training Officers on patrol. The training guide is utilized to log skills and training that each detective receives. On-the-job training is a critical component for new detectives and is documented in detail during this process. The Sex Crime Unit actively meets with Victim Services leadership and other stakeholders to identify critical training opportunities for new detectives in Sex Crimes. Most of this training occurs before they are assigned cases but some training requires a case to be assigned for the trainer to work with the detective in on-the-job training.

2. 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.

Training on the proper way to clear cases is included and covered in the unit's Standard Operating Procedures (SOP) and the new hire training guide. Training detectives go over and explain the history, purpose, and importance of proper case clearing with new detectives before they start investigating cases. In addition, supervisors review each case ensuring proper classification and clearance was made. This information is also covered by APD policy to which all employees are accountable.

3. Detectives should be required to respond to all scenes where a sexual assault recently occurred.

Detectives are required to respond to scenes where a sexual assault recently occurred when their response will yield additional investigative information from witnesses, canvassing, or crime scene processing above and beyond what Patrol Officers and Crimes Scene Units would provide. This results in a mandatory response for most investigations; however, there are examples of scenes with either straightforward or limited processing opportunities that can be handled by our Crime Scene Units without added benefit for a detective to respond to the scene. Further, any Patrol Supervisor can request a detective to the scene for any reason and they will respond. If there are any additional needs for the detective to respond, e.g., interviewing witnesses who may not be available in the future, interviewing suspects, or other circumstances requiring response, then detectives will respond.

4. Detectives should allow victims flexibility in the time and location for interviews.

Detectives are flexible in scheduling the time of interviews. This includes modifying schedules to come in on weekends and days off when necessary. The location of the interview usually takes place in the controlled environment of our campus. We have medical personnel on site, Victim Services, and resources necessary to help and keep the victim safe. However, in certain circumstances (mobility impaired, incarcerated, otherwise receiving treatment in another facility), detectives and Victim Services may go to the victim. When transportation to our campus is an obstacle, detectives are available to pick the victim up and take them back home. Our interview rooms were designed by survivors and those impacted by sex crimes with the comfort and safety of our victims in mind.

5. Detectives should be required to make multiple attempts to contact a victim before suspending a case due to victim noncooperation or “pending victim readiness”.

Detectives are required to make at least three good attempts to contact the victim with a verified method of valid communication. In addition, Victim Services makes several attempts to contact the victim. Multiple avenues of communication are utilized in making attempts to reach a victim – phone, email, and/or in person.

6. APD should ensure that Victim Services personnel are involved in training and policy discussions for the Sex Crimes Unit.

Victim Services is involved in Cadet Training for Sex Crimes Investigations and is tightly integrated with investigators and cases in the Sex Crimes Unit. During training, new detectives meet with a Victim Services counselor and cover case review and initial contact, safety planning, Safe Alliance (Safe Place), Victim Compensation, U-Visa, Pseudonym, Pre-Interview orientation, and Victim Services role as an impartial advocate. Victim Services has direct access and collaborative ability to interact at all levels from investigator, supervisors, and management within the Sex Crimes Unit. In addition, Sex

Crimes leadership is working with Victim Services leadership to identify critical training for detectives.

7. Sex Crimes Detectives and Patrol Officers should receive training on proper report writing and documentation.

The APD Academy teaches cadets proper report writing as it relates to responding to and documenting Sex Crimes. In addition, new Sex Crimes Detectives receive on-the-job training and supervision to sharpen their skills. There is a current effort underway to have more frequent and formal training as it relates to the language of non-consensual sex in report writing. Supervisors review and approve all reports, warrants, and probable cause affidavits.

8. Sex Crimes Unit 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.

Supervisors review each case prior to assignment to an investigator and at submission of final disposition of the case. Supervisors also review aspects of the case with the investigator throughout multiple stages of the investigation as needed or requested. Supervisors review all search and arrest affidavits to include review of any case details needed during this stage. All cases that have exceeded the initial sixty days for investigation, prior to disposition, are further reviewed by a supervisor. In addition, there is an effort underway to formalize a training specific to supervisors to provide them the tools and resources to make sure the detectives are completing detailed and thorough investigations, mentoring, and coaching their detectives throughout the investigation. The training should be completed and implemented within 90 days.

9. The Sex Crimes Lieutenant should be reviewing a sample of cases on a quarterly basis for quality assurance to ensure cases are being properly investigated, documented, and cleared.

The Lieutenant in Sex Crimes performs monthly audits on the detectives' queues and reports. This responsibility is documented in the Sex Crimes Operation Manual.

10. Sex Crimes 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.

Sex Crimes Detectives staff cases with a designated sex crime Assistant District Attorney (ADA) weekly as the investigation develops. If new or significant information or evidence becomes available, detectives will bring this information back to the prosecutor for consideration. At the final case staffing with the ADA, all available investigative information is supplied.

11. When cases are presented to the DA's office, the ADA's questions, recommendations, and decision regarding the case should be documented in writing and included in the case file.

APD discussed this recommendation with the DA's Office and came to the joint decision that best practices will be to summarize the conversation about the case staffing, but not provide exact details of questions, discussions, or strategies. These summaries, however, will include the recommendations and decision from the DA's Office and will be documented in the report.

12. Sex Crimes Detectives should be provided with laptops so they can have access to computers while not in the office.

Laptops have been issued to each of our detectives to use so that they have full access to the APD Network and investigative resources when not in the office.

In February of 2022, Mayor Pro Tem Alter issued a memo with direction for item #44 related to the lawsuit settlement. Below is a summary of APD's progress to that directive:

There has always been informal, on-the-job training available from various detectives around the Department who are subject matter experts on various topics related to law enforcement operations. Examples include *Suspect Interview and Interrogation*, *Writing and Executing Search Warrants*, and *Crime Scene Processing*. Since December of 2021, there has been an effort underway to make these in-house subject matter experts available for more frequent, flexible and formal training. The Austin Police Department is working to formalize the training through consultation with Dr. Anne Kringen to develop a Texas Commission on Law Enforcement (TCOLE) approved lesson plan, which documents and certifies each detective trained. This will result in quicker and more efficient training to new detectives when they arrive to in the Sex Crimes Unit.

For training topics that require more extensive training and knowledge to teach, APD employs a "train the trainer" method. APD's goal is to have in house experts who can teach cadets, patrol officers, and detectives more complex topics. Examples of these types of trainings are *Victim Centered/Trauma Informed Interviewing and Investigations*, *Neurobiology of Trauma on the Brain*, *Gender Bias*, and *The Language of Non-Consensual Sex in Report Writing*. The Victim Services Counselor assigned to the Training Academy and a tenured APD Sergeant are the primary instructors for these trainings. Implementation will lead to a more efficient, flexible, and robust delivery system to new detectives as they promote and move around the Department. In addition, they will be able to teach new cadet classes, sharpen the skills for Patrol Officers on an "as needed" basis, and be available for last minute and ad-hoc requests for anyone in the Department. As the program develops, these two trainers will identify additional sworn and civilian personnel who can be trained to supplement the program, and become successors for the program as instructors retire or leave APD.

Some training topics identified for Sex Crimes and all of APD are straightforward and do not change frequently. These topics need to be available to detectives upon promotion or when requested as a refresher. For these topics, APD engaged the training specialists in the Continuing Education Unit (CEU) that focus on training videos delivered through the online training

platform, Informa. Topics such as *Interpreting DNA Results*, and *Forensic Computer and Phone Analysis* can be delivered through this method, allowing for detectives to learn at their own pace. These videos will be created by the detectives or specialists in those units, and then housed on Informa for a permanent catalogue.

It is APD's goal to develop and implement a locally hosted Sex Crimes Conference, which would be free-of-charge to any Law Enforcement or Victim Services personnel from anywhere in the nation. While APD recognizes that End Violence Against Women International (EVAWI) is a top tier resource in the field of sexual assault investigations, the locations for their conferences are already set for the next several years. The conference APD develops will draw upon the expertise of various subject matter experts from around the nation, some of which may be from the EVAWI Training Cadre, as well as other sources. The conference will focus on best practices in sexual assault investigations and highlight the work done at APD to increase the effectiveness of APD investigations. In preparing for this conference, Commander Jeff Greenwalt met with the Travis County Sexual Assault Response and Resources Team (SARRT) Training Liaison. The mutually agreed on focus is in-house training enhancements. The conference will enhance, expand upon, and highlight APD's in-house training program. The likely timeline for the conference will be Fall 2022 or Spring 2023.

Please contact me should you have any questions.

cc: Spencer Cronk, City Manager
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CMO Executive Team