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Introduction

Immediately after signing the Memorandum of Understanding between the United States Department of Justice (USDOJ) and the City of Missoula (the “Agreement”), the Missoula Police Department (MPD) began working toward sustained compliance.

This Sustained Compliance Report will illustrate the MPD’s sustained compliance with the terms in the Agreement. This report is organized into four parts:

1) Introduction and Compliance Overview

Introduction describes the layout of this report and the purpose of each section. The Compliance Overview is a snapshot of all of the IR Update Reports to demonstrate the consistent progression toward sustained compliance.

2) Narrative

The Narrative is a description of each section within the Agreement, and an explanation of the MPD’s compliance efforts for each section. This is laid out with general information of the actions taken by the MPD, but it does not contain all of the specific information, nor does it contain dates or timelines. For example, in III.B (Training) the Narrative describes the completion of two-year training plan.

In addition to the required compliance, the MPD has *exceeded* the requirements of the Agreement in many areas, those areas are in bold print within the Narrative.

At the end of the Narrative is the “Sustainment Plan” which explains the MPD’s intentions after DOJ oversight as it relates to sustaining the progress we’ve made under the Agreement.

3) Compliance Matrix

Following the Narrative is the Matrix which is designed to support the Narrative with specific information about the actions taken, dates, and timeframes. For example, in III.B (Training), the Matrix will outline the classes taken and the dates of the training.

4) Measurements and Outcomes

Measurements and Outcomes uses data analysis and case exemplars to illustrate the MPD’s compliance and to illustrate the intended outcomes of the Agreement are being seen the MPD’s work. This captures case examples¹, ERP results, victim survey outcomes and the perspective of MPD detectives.

Supporting documentation for this report is available upon request.

¹ The cases described in the Measurements and Outcome section are assembled in binders and highlighted for the IR and USDOJ representatives to review during the compliance presentation.

Compliance Overview

The MPD's Consistent progress has been documented by Thomas R. Tremblay, Independent Reviewer (IR), in his update reports. That progress and is highlighted below.

Compliance Progress from Independent Reviewers Quarterly Reports					
Section Number	Section Title	1st IR Report November 6, 2013	2nd IR Report June 10, 2014	3rd IR Report November 6, 2014	4th IR Report March 24, 2015
III.A	Improving MPD's Response to sexual Assault	Pending Compliance	Partial Compliance	Compliance	Sustained Compliance
III.B	Sexual Assault Response Training	Partial Compliance	Compliance	Compliance	Sustained Compliance
III.C	Review of Policies and Training	Pending Compliance	Compliance	Compliance	Sustained Compliance
III.D	Investigating Non-Stranger and Alcohol or Drug Facilitated Sexual Assault	Partial Compliance	Compliance	Compliance	Sustained Compliance
III.E	Victim-Centered Response to Sexual Assault	Pending Compliance	Partial Compliance	Compliance	Sustained Compliance
III.F	Close Supervision and Oversight	Pending Compliance	Partial Compliance	Compliance	Compliance
III.G	Coordination with Law Enforcement and Community Partners	Partial Compliance	Partial Compliance	Compliance	Compliance
III.H	Data Collection and Reporting	Pending Compliance	Pending Compliance	Partial Compliance	Compliance
IV.	External Review of Sexual Assault Cases	Partial Compliance	Compliance	Compliance	Sustained Compliance
V.	Community-Conducted Sexual Assault Response Safety and Accountability Audit	Pending Compliance	Pending Compliance	Partial Compliance	Partial Compliance

Narrative

III.A. Sexual Assault Policies and Protocols

Policy: The MPD implemented Policy #: 10.15 “Response to Sexual Assault” prior to the Agreement. That policy was drafted by the former MPD Chief of Police, modeled after the IACP sexual assault policy.

After entering into the Agreement, the policy was revised by the MPD and IR/USDOJ to specifically guide the initial response to reported sexual assaults.

Protocol: Prior to the USDOJ Agreement, the MPD did not have a specific “protocol” as defined by the Agreement, for follow-up investigation of reported sexual assaults.

After entering into the Agreement, the MPD established a new protocol through our Standard Operating Procedures (SOP). This SOP was developed between the MPD and IR/USDOJ.

The revised MPD policy #:10.15 and new SOP #: S-2.10 contain all topics required in Section III.A.2 of the Agreement. Both have been approved by the MPD, the IR, and the USDOJ.

III.B SEX ASSAULT RESPONSE TRAINING

Since entering into the Agreement, the MPD has completed over 3800 hours of training on sexual assault response, investigation, supervision and documentation.

The initial training was provided by Anne Munch and Tom Tremblay in the summer and fall of 2013. They delivered a one-day First Responder to Sexual Assault class and a two-day Sexual Assault Investigations class.

The two above class as well as two other advanced trainings covered all the requirements of the Agreement. The other two classes were DNA in Sexual Assault Investigations and Forensic Experiential Trauma Interviewing. The three day DNA class was presented by experts recognized by the Office of Victims of Crime (USDOJ). The FETI class was instructed by Russell Strand of the Department of Defense. These two classes were both hosted by the MPD and the MPD invited community partners and out-of-jurisdiction agencies to attend which resulted in multi-disciplinary attendance.

The MPD selected on-line self-administered training offered Ending Violence Against Women (EVAWI) to compliment the advanced training hosted in Missoula. The MPD recognized the following value in the training:

- Relevance. Each of the 14 modules highlight a different topic related to violence against women and they are closely related to the important topics in the Agreement.
- Affordable. There is no cost to using the EVAWI training modules.
- Flexible. The modules can be completed at individual pace, allowing the MPD to schedule the training as it fits best with other operations.
- Measurable. Each module has a test at the end, with printable results, allowing the MPD to measure that MPD employees are completing and understanding the instruction.

The “ongoing annual training” as required by the Agreement, was organized in a two-year training plan, which was approved by the IR/USDOJ. The MPD has completed all of the topics on that training plan, except for the opportunity to engage in a victim panel.²

As new MPD officers are hired they receive specific training in sexual assault response and investigation. The first instruction they receive is from MPD detectives and an advocate on the Oregon Sex Assault Task Force Sex Assault Response class. These detectives completed the “train-the-trainer” course for OR SATF Sex Assault Response class and are qualified to instruct new officers.

In addition to the above class, the new officer also receive face-to-face instruction from the MPD Detective Captain on the MPD policy and SOP for sex assault response. Within the 2015-17 training plan, new officers will also complete previously completed EVAWI modules in addition to the current modules being completed by the rest of the MPD.

The MPD exceeded the requirements of the two year training plan on several occasions. These were training opportunities that presented themselves after the plan was established, but were very relevant to sexual assault response and investigation. Those cases which exceed the expectations of the two-year training plan are indicated in the Matrix.

III.B.3.a.-h. All of the requirements of these subsections were met in the initial and ongoing training.

III.B.4. This requirement to include perspectives of victims and victim advocates was captured in formal training from Russ Strand, Anne Munch, and Tom Tremblay in their respective trainings. The MPD also heard victim and advocate perspectives through the Safety and Accountability Audit Report and Victim and Advocate Surveys. They Advocate Surveys have been released to the MPD employees via in-house briefing training and the Safety and Accountability Audit Report has been released to the MPD.

III.B.5.a.-d. The in-depth sexual assault investigations training required in these sections was provided by Tom Tremblay and Anne Munch. All of the requirement for these subsections were met in the training.

Ole Olson from the MT Attorney General’s Office was invited to assist in the training to specifically train on subsection III.B.5.a., reference to the elements of sexual assault offenses under Montana law.

III.B.6. The MPD Detective Captain presented a class to the MPD supervisors to fulfill the requirements of this subsection. The class was repeated later to instruct supervisors who were promoted after the initial class.

The MPD exceeded the requirements of the Agreement in this section as the Agreement recognizes supervisors as those at or above the rank of Sergeant. However, the MPD included Corporals in this training as well. Corporals, who rank below Sergeants, act as a first line supervisor to officers in the absence of a Sergeant or Lieutenant. The MPD

² See III.B.4 reference the training to include the perspective of victims and victim advocates, the Safety and Accountability Audit Report and the Victim Surveys.

viewed this as a good way to develop future leaders and ensure consistency in direct oversight on the response to sexual assault.

The MPD opened this supervisor's class to UMPD supervisors in effort to establish even more consistency between the departments' response to sexual assault. The UMPD supervisors completed this class and the MPD provided the training outline for UMPD to use in their on-going training.

- III.B.7. The classes pursuant to this section included a variety of adult learning methods that incorporated role-playing scenarios, interactive exercises, and lecture materials. Test results for instructors who provided such test have been accumulated.

III.C REVIEW OF POLICIES AND TRAINING

- III.C.8. After the initial policy was developed and approved, relevant MPD officers and employees were trained on how to meet the requirements of the Agreement.

One year increments is a recognizable timeframe for law enforcement to review and revise policy and procedure. The MPD Detective Captain assembled a multi-disciplinary working group to review and provide input in MPD Policy / MPD SOP revisions.

The MPD SOP was reviewed in advance of the one year increment in order to allow the MPD time to review it *with* the policy and then adjust the subsequent review dates to correspond together.

The MPD Detective Captain considered the working group's input and revised both documents. Those revisions were approved by the IR/USDOJ, and relevant MPD employees were subsequently trained on the revised policy and SOP.

- III.C.9. Like the originally approved policy, the approved revised policy was placed on the City of Missoula's website (MPD page) with the rest of the MPD Policy Manual.

III.D INVESTIGATING NON-STRANGER AND ALCOHOL OR DRUG-FACILITATED SEXUAL ASSAULT

- III.D.10. The MPD obtained a new law enforcement records management system (LERMS) which went live on March 31, 2014. This system increased the MPD's ability to analyze data, such as offender modus operandi (MO). From this data, the MPD has pulled information that indicates the prevalence of non-stranger and alcohol or drug-facilitated sexual assault. The new records management system also identifies case dispositions, including false reports.

The data analysis indicated over 80% of the sexual assault reported to the MPD, the suspect was not a stranger to the victim. The data also indicated that approximately 6% of the cases were false reports³.

This information was assembled after one year of data collection. The MPD developed training to recognize the prevalence of non-stranger and alcohol or drug-facilitated sexual assault and the relative infrequency of false reporting of such assaults. This training was delivered to relevant MPD employees via the briefing training.

III.E VICTIM-CENTERED RESPONSE TO SEXUAL ASSAULT

III.E.11. Through enhanced policy, SOP, training, and oversight, the MPD ensures victim-centered investigations. The Agreement spells out seven points (III.E.11.a-g.) that contribute to a victim-centered investigation. Each one of these seven points is part of the MPD Policy and/or SOP and the MPD has trained to these points.

In addition to the above, the MPD's recent addition of an in-house advocate has proven to be and big part of our enhanced victim-centered response. The advocate allows for seamless access to victim services and a coordinated response between law enforcement, prosecution and advocacy.

And finally, the MPD has stressed the importance of providing access to, and encouraging the use of medical services. Through the life of the agreement, the MPD has performed nearly flawlessly in this arena⁴.

Beyond the requirements of the Agreement, the MPD has taken further steps to improve the experience of the victim and strengthen sexual assault investigations.

For example, the MPD remodeled their previously existing interview rooms to create a "soft interview room." The soft interview room is to be used by victims reporting sexual assault and other traumatic experiences. It is designed with a more comfortable atmosphere than traditional interview rooms. The room includes an extra chair especially for a victim advocate or other support person, tablets and headphones for children (to help facilitate people reporting with children) plants, artwork, tissue and water.

The soft interview room also has a separate door which opens directly to the reception area so a receptionist can escort victims directly into the room. This is more discreet access for victims, rather than having them wait in the public hallway or walk through other operational areas of the MPD. This access limits the number of people who may

³ This false reporting statistic includes three separate reports of sexual assault from the same person. The person has mental illness and was reporting incident that were investigated and deemed to be unfounded.

⁴ The statistical analysis and victim feedback both support better victim centered investigation. Statistics on victim participation in investigations, victim access to medical services and victim survey results are included in the Measurements and Outcomes Section of this report.

interact with the victim, such as other MPD employees, other interviewees, or even the suspect in their crime.

Also, the soft interview room and other interview rooms can now be monitored from a separate room. For sex assault victim interviews, the MPD SOP now mandates one officer/detective conduct the interview. Other people (MPD personnel, prosecutors, etc.) can audibly and visually monitor the interview in real time and provide valuable feedback to the interviewer, without having additional people in the interview room with the victim.

III.E.11.b Not only does SOP mandate interviews be done at a time and location convenient to the victim, the MPD exceeded the requirements of the Agreement again by working with community partners to establish an alternative reporting locations.

The MPD partnered with the Missoula City-County Relationship Violence Services Office on a grant which, among other things, supported the construction of soft interview room at the CVA office. This soft interview room is equipped with the same HD quality video recording system used by the MPD in other operations. This video system is cabled directly to the MPD server, allowing retention of these recorded interviews as if they were conducted in our own interview rooms, MPD body worn camera or MPD patrol car cameras.

This room is available for reporting to encourage reporting to those who may be uncomfortable or unwilling to report inside the MPD.

III.F CLOSE SUPERVISION AND INTERNAL OVERSIGHT

III.F.12.a. The MPD has worked with the UM Department of Sociology to implement two surveys, one to advocates and one to victims. The surveys ask identical questions, but are completed from different perspectives

- One survey from the perspective from *victims* about how s/he was treated by patrol officers;
- One survey from the perspective of the *advocates* about how the victim was treated by detectives.

The questions were developed by a multi-disciplinary team including academic researchers, law enforcement, advocates and a medical forensic examiner. University of Montana (UM) professors constructed the surveys consistent with their research practices. The surveys have met UM Institutional Review Board (IRB) standards.

Advocates always complete the surveys online. However, in order to capture the input from as many victims as possible, victims have the following options to participate.

- Complete the survey online;
- Complete the survey during an in-person interview with an advocate;
- Complete the survey during a phone interview with an advocate;

- Complete the survey on a hardcopy format
 - Complete in the advocate office or mailed in from other location

The MPD recognizes a survey must be carefully administered to victims so as to not interfere with their recovery. The MPD has relied on the advocates who offer the surveys to make this difficult decision. The MPD will continue dialog with the advocates to explore opportunities to solicit more victim participation in surveys.

III.F.12.b. The treatment of sexual assault victims is fully implemented for detectives and patrol officers' Performance Appraisals. To implement this, a new section was added to the Appraisal Standards. These standards are to establish consistency for those completing the Performance Appraisal for their subordinates. Supervisors were trained on how to evaluate officers using the standards.

The MPD exceeded this requirement of the Agreement in two ways:

- 1) **To facilitate supervisors' knowledge of how their subordinate officers are performing, Captain Stepper issued a directive in August 2014 which required a patrol supervisor to review each video recording related to a sexual assault response. This exceeds the requirement of the Agreement and it positions supervisors well to complete accurate officer evaluations.**
- 2) **Upon promotion in December 2013, the new MPD Chief of Police restructured the MPD Performance Appraisals. The original guidelines for detective and patrol officer treatment of sexual assault victims remained the same; however, the MPD added this category to the first line supervisors' evaluations. *The first line supervisors* are now evaluated on how they respond to and treat sexual assault victims and how they *supervise* their subordinate officers' response to sexual assault.**

III.F.12.c. After the Agreement went into effect, MPD supervisors took extra care to assign non-stranger and alcohol or drug-facilitated sexual assault investigations only to detectives with the demonstrated skills, interest, and training to conduct those investigation effectively and without bias.

The MPD later took this a step further and exceeded the expectations of the Agreement by establishing a Special Victims Unit (SVU), supervised by an SVU Sergeant. This formal step made it clear that all child sex offense, adult felony sexual assaults, internet crimes against children and intimate partner violence would be assigned to SVU unless extraordinary circumstances prohibit the assignment.

The MPD Detective Captain selected the detectives and supervisor to start the SVU. The decision was based on ERP feedback, personal interest, training, and past performance.

There has been one position turnover within SVU since its inception in April 2014. Two MPD detectives applied for that position. To help the MPD Detective Captain make an informed decision, the Detective Captain expedited the Supervisor Periodic Review

(See: III.F.12.h.) for that quarter. The Detective Captain assigned one case from each SVU applicant be reviewed as part of this Supervisor Period Review.

The Detective Captain made the selection for the new SVU detective after considering the feedback from the Supervisor Periodic Reviews, ERP feedback, input from current SVU detectives, MCAO input, and experience and training.⁵

III.F.12.d. The MPD SOP indicates that the Detective Captain will review all adult sex assault cases (including misdemeanors) cases upon referral or after being placed inactive. **This exceeds the requirements of the Agreement, which state, “The Captain of Detective shall sign off on any sexual assault investigation that’s not referred for prosecution.”**

III.F.12.e. The MPD Policy #: 10.15 mandates all sex assault reports be reviewed within 48 hours. **In practicality, the MPD exceeds this standard on all cases, not just sexual assaults. The historical expectation within the MPD is that with the rare exception, supervisors must review their officers’ reports by the end of the shift in which the report was taken.**

III.F.12.f. A detective supervisor reviews all felony sexual assault cases upon being placed inactive or referred to the prosecutor. A patrol supervisor reviews all misdemeanor sexual assault cases upon being placed inactive or referred to a prosecutor. These reviews are governed by policy and SOP.

III.F.12.g. For misdemeanor sexual assault cases, prosecuted by the Missoula City Attorney, an electronic system is in place to coordinate review of cases. When the Detective Captain is notified that a misdemeanor sexual assault investigation is being placed inactive, he emails “Grp. Atty Police Assistance” and requests a review of the case.

This email initiates the Missoula City Attorney’s Office review panel, which includes a supervising prosecutor. The panel’s comments are then placed in an Outlook “Notification” which is returned to the Detective Captain and the dayshift Patrol Lieutenant. The Patrol Lieutenant will make the case inactive if the prosecutor review panel decides that no further investigation is warranted. If further investigation is recommended, the Patrol Lieutenant will assign the case for further investigation.

For felony offenses, the SVU Sergeant or, in his absence, the General Investigation Sergeant discusses all adult sex assault cases with the MCAO. This is done during a meeting every Thursday between the SVU units from the MPD and MCAO. The meeting includes the MCAO Chief Deputy Attorney or another supervising attorney. During the meeting, both active cases and those that have been referred to MCAO, are discussed. Cases are formally referred to the MCAO upon completion or being placed inactive and the MCAO provides written feedback on the referral forms. A Detective Supervisor reviews all felony sex assault cases upon being referred or placed inactive.

⁵ All assignments are approved by the MPD Chief of Police, based on recommendations from the respective Division Captain.

III.F.12.h. The MPD conducts periodic reviews of closed cases and cases where victims discontinue the investigation. This is done by the Detective Division Sergeants and Detective Lieutenant. The Detective Captain assigns one case per supervisor, per quarter.

The supervisors are provided with the same guidelines used by the ERP to facilitate like comparisons. The supervisors review the cases to evaluate *comprehensiveness* and to evaluate *possible indications of bias*. The supervisors have everything included in the case file including case reports, recorded interviews, supplemental reports, photographs, attachments, etc.

The supervisors provide the Detective Captain a written review which indicates areas for improvement and corrective action, if needed.

III.G. Coordination with Law Enforcement and Community Partners

III.G.13.a. The MPD has entered into a Memorandum of Understanding (MOU) with the MCAO. The MOU was to enhance collaboration and communications in the investigation and prosecution of reported criminal sex offenses.

Subsequently, three specific changes have been made to ensure effective communication and collaboration between the MPD and MCAO.

- 1) Weekly, MPD SVU detectives and at least one MPD supervisor meet with the MCAO SVU prosecutors, including one MCAO supervising attorney, to specifically discuss sexual assault and intimate partner violence cases.
- 2) Every day at 0845 hrs., the MCAO staff gathers to discuss cases. All MPD detectives and detective supervisors are encouraged to attend. This applies to all new cases, not just sexual assault cases. This is another opportunity for MPD Detectives and Supervisors to collaborate with the MCAO about time sensitive issues that should not wait until the Thursday SVU meetings.
- 3) A new MPD SOP has been established to ensure after-hours notification to the MCAO for a number of incidences, one of which includes a probable cause arrest for felony persons crimes, such as Sexual Intercourse Without Consent.

III.G.13.b. The above mentioned MOU outlines the purpose for the referral, timelines, written explanation of charging decisions, consultations before placing cases inactive, and victim meetings.

This MOU is coupled with a revised referral form providing space for written explanation of the lack of evidence to support a charge and additional avenues of investigation that may exist.

III.G.13.c. The MPD division reviewed the MOU with UMPD at a detective division meeting to ensure the detectives were aware of their responsibilities within the MOU. This MOU was also routinely discussed at supervisor meeting to ensure relevant personnel understand it.

III.G.13.d. The MPD takes affirmative steps to ensure effective communication and coordination with the University and UMPD.

- Predating the USDOJ Agreement, the MPD Chief of Police and the UMPD Chief of Police met every week to discuss relevant topics that required agency coordination. These meetings have not only continued, but expanded. Every Wednesday (with the rare exception) the MPD and UMPD Chiefs of Police, MPD Assistant Chief (if needed), and MPD Detective Captain and the UMPD Captain meet. The additional attendees were included to facilitate broad collaboration and to allow the meetings to be meaningful even if one person cannot attend.
- The UMPD shares their daily briefings with the MPD supervisors through email.
- The MPD shares their daily briefings with the UMPD supervisors through email.
- The MPD and UMPD communicate in real time about cases relevant to the other organization. This is done by phone calls, e-mails or face-to-face meetings, as circumstances dictate.
- The MPD and UMPD share formal training opportunities.
- The MPD and UMPD share informal training information.
- The MPD and UMPD collaborated as members of working groups for each department's policy development and revision.

III.G.13.e. The Agreement requires five points (III.G.13.e.i.-v.) be included in response to and documentation of sexual assault as it relates to coordination and communication with medical staff and forensic examiners. All of these points are included in MPD policy and/or SOP.

As mentioned before, the MPD is excellent in providing access to medical staff and forensic examiners. Report analysis through the compliance phase of this report produced evidence of encouraging the use of medical and forensic examiners, briefing and debriefing with SANE personnel and providing a synopsis of findings from forensic medical examinations.

The First Step Resource Center has revised their protocol to assist in consistently providing debriefs to the MPD. That protocol is to call the dispatch center and request to speak to an MPD shift commander. That shift commander arranges for the responding officer (or next available officer if the original responding officer is not available) to debrief with First Step. The officer documents that debrief in a report narrative.

III.G.13.f. The MPD has scheduled advocates and representatives of First Step to meet with patrol officers and supervisors in briefings and supervisor meetings. The meetings have run several times from July 2013 to date.

Additionally, the advocate working within the MPD Detective Division participates in the Thursday meetings with the MPD / MCAO and is helpful in identifying issues and brainstorming solutions.

The MPD Chief of Police has been the interim Chair of the Multi-disciplinary Team (MDT) Advisory Board for over a year. The MPD Chief and often the MPD Detective Captain, attend quarterly Advisory Board meetings. In the April 2015 MDT Advisory Board meeting,

the MPD Chief of Police agreed to move from the interim Chair, to the full-time Chair of the MDT Advisory Board.

Three MPD SVU detectives participate in the MDT and attend monthly meetings to complete case reviews on adult and child sex offenses and intimate partner violence.

An MPD SVU detective instructs at the Montana Advocate Academy annually.

An MPD SVU detective is participating on the new development of a “Victim Impact Panel.” This panel is designed to be part of sentencing, at the discretion of the sentencing judge. The panel will explain to offenders how intimate partner violence impacts victims and children and it provides guidance about how to change their behavior. Currently, the panel can be used in sentencing for misdemeanor offenses. The project will be evaluated for future expansion to felony offenses.

The MPD’s community partners, through the Missoula Family Violence Council, have expressed their appreciation for the strong relationship with the MPD by awarding the MPD Detective Captain the 2014 Criminal Justice Professional of the Year Award and MPD Officer Crystal Crocker the 2014 Domestic Violence Peace Officer of the Year Award.

III.H. Data Collection and Reporting

III.H.14 The MPD has been evaluating data as the Agreement has proceeded. As part of the evaluation, the Detective Captain has completed two statistical analysis reports which highlight important goals from the Agreement.⁶

The new MPD LERMS has dramatically increased the MPD’s ability to analyze data.

- a. The MPD has collected information about rates of sexual victimization in Missoula and tracked reports of our cases through their outcomes in the court system. The MPD has also tracked the number of cases referred to us from another agencies and the number of times the MPD facilitated transportation for a forensic exam. The Detective Captain has utilized a working spreadsheet to monitor these cases. This spreadsheet is amended nearly daily as the status on these cases changes. The MPD Detective Captain has also obtained information from other agencies about the rates of sexual assault victimization and included this in statistical analysis reports.
- b. Each of these statistical analysis reports were provided to UMPD upon completion. In addition, the MPD made the most current statistical report available to the public, including UM, as part of the Appendices to the Safety and Accountability Audit Report, which was released publically on May 1st, 2015.
- c. As mentioned above, The MPD LERMS can track offender M.O. Every sex assault case is required to have this information included in the case before

⁶ All data and statistical analysis is for cases reported through February 28, 2015.

it is placed inactive or referred to a prosecutor. This information is analyzed for crime specific information to identify similarities between reported sexual assaults and previous, unsolved cases.

IV. External Review of Sexual Assault Cases

IV.15. The MPD and USDOJ agreed to a panel of four professionals to make up the External Review Panel (ERP). Three of the representatives are either current or former advocates and one is a legal services provider. Due to the panel size, it was mutually agreed between the MPD and USDOJ that the ERP would routinely review felony sexual assault cases, but misdemeanor cases would be reviewed upon request by law enforcement or ERP.

After the first session in September 2013, the panel quickly recognized that they would be more effective if they met more frequently and reviewed fewer cases per session than the semi-annual basis required by the Agreement. The IR agreed that this arrangement was acceptable, and the panel then began to meet approximately quarterly, based on case load and scheduling.

IV.16. The MPD, Anne Munch, and ERP developed a protocol to guide review of these cases to ensure consistency. This protocol was incorporated into a screening tool outlining specific points for consideration when evaluating comprehensiveness and bias.

The panel was initially trained by Anne Munch prior to the first session of case reviews. The panel was instructed to evaluate cases for comprehensiveness and possible indicators of bias. Anne Munch assisted in the first session of case reviews (September 2013). Anne Munch and Tom Tremblay assisted in another session of case reviews in July 2014.

The MPD provides the ERP:

- A private room within the MPD.
- Four laptop computers with headphones for viewing/hearing digital evidence.
- Green, yellow, and orange highlighters and sticky notes.

The MPD provides a complete case folder containing:

- A complete case file with all written reports, attachments, and all digital evidence (all audio/video recorded interviews, still photos, and patrol in-car video).
- An ERP Screening Tool/note taking sheet.

One ERP member officially reviews each case, although they often work together when encountering specific questions or concerns. One ERP member completes a written evaluation of each case as follows:

- Using green, yellow and orange color-coded markers and sticky notes, the ERP member makes notes on the hardcopy report and/or the guidelines/note taking sheet about specifics within the investigation and report.

- Using the same color-coding system, the panelist gives the case an overall evaluation.

The panelist brings all the material to the appropriate agency supervisor⁷. The panelist provides verbal and written feedback to the UMPD/MPD supervisor. The supervisor may answer questions or provide additional information before collecting all the materials. The MPD supervisor then enters the information into the MPD ERP database.

Confidentiality is safeguarded by a signed Confidentiality Agreement from each ERP member. Also, to protect confidentiality and prevent secondary dissemination, no files leave the MPD offices.

The protocol was amended with approval from the IR and Anne Munch following the fall 2014 session. The amendment was to allow ERP panelists to communicate with MPD officers and/or supervisors to request additional information or clarification before they “grade” a case. Prior to the spring 2015 ERP session, the MPD Detective Captain explained the change and cautioned the ERP to not allow this dialogue to replace good documentation in the police reports.

IV.17. The MPD developed a protocol to ensure that feedback and recommendations from the panel are shared with the MPD supervisors and command staff.

Feedback is distributed to specific MPD employees in the following manner:

- Positive feedback is sent via email to the patrol officer/detective and that employee’s supervisor⁸.
- Constructive feedback is delivered in person to the patrol officer/detective to provide explanation, a potential solution, and to verify that the patrol officer/detective understands the feedback. The employee’s supervisor is present for that conversation.
- A printed copy of the MPD ERP database form is emailed to the patrol officer/detective and respective supervisor. This is a critical source of information for supervisors to complete accurate officer evaluations relative to the treatment of sexual assault victims.

Relevant feedback is distributed to the whole department via email or through the Briefing Training program.

- E-mail notifications are for information the Detective Captain wants disseminated immediately, rather than being postponed until the next Briefing Training evolution.

⁷ MPD cases are debriefed with MPD Detective Division supervisors. Cases in which UMPD and MPD have worked together, the ERP panelist debriefs with the MPD Detective Supervisor and the UMPD Captain. The MPD and UMPD supervisors share that feedback after the ERP session.

⁸ This practice began after the first session in September 2013. The initial protocol was to have face-to-face meetings with every officer/detective on every case, regardless of the feedback. This immediately proved to be too time consuming and inefficient for the value the officer/detective received from what is sometimes minor compliments. The adjustment in procedure was approved by the IR.

- The Briefing Training presentations are to share ERP outcomes
 - Green/yellow/orange case coding and comment coding.
 - Recognize positive examples from which to model
 - Anonymously identify performance that is not well received by ERP to help avoid such errors or omissions in the future.

V. Community-Conducted Sex Assault Response Safety and Accountability Audit

V.18. The MPD identified Praxis International as a source for instruction in conducting a Community-Conducted Safety and Accountability Audit (Audit). The IR approved Praxis International as the provider of the initial training for the Audit Coordinators. The city asked Janet Stevens Donahue to be a co-coordinator with the MPD Detective Captain. The co-coordinators completed the training in May 2014, which was the first and only opportunity to attend in 2014.

V.19-20. The co-coordinators and the Praxis consultants established an “Audit Question” which states:

“How does our community engage and support victims of sexual assault and enhance offender accountability?”

The scope of the audit was then defined to include the time from which a victim first reports a sexual assault to the criminal justice system, through the charging decision (if applicable). This scope was established in define the team’s work and to identify the organizations that interact with victims.

V.21-22. The co-coordinators selected an inter-agency, multi-disciplinary Audit Team which fit into the scope of the audit. The team represented the Missoula Police Department, University of Montana Police Department, Missoula City Attorney’s Office, Missoula County Sheriff’s Office, Missoula County Attorney’s Office, Student Advocacy Resource Center, Crime Victim Advocate Office, YWCA, First Step, and Missoula 911.

The co-coordinators and the entire team received ongoing technical support from two qualified experts, approved by Praxis International. These experts, John Beyer and Rhonda Martinson, completed the initial team training, returned for a site visit to help establish “gaps,” and assisted with report writing, text analysis, and other nuances as they appeared.

V.23. John Beyer is a retired Deputy Chief from the Duluth (MN) Police Department. Mr. Beyer administered the Duluth Police Department’s audit on sexual assault of Native American women in 2009. He and Ms. Martinson guided us to ensure that our audit and report properly incorporated the following areas:

- a. Appropriately forming the Audit Team

- b. Mapping the response
- c. Observing the response and interviewing participants and victims
- d. Analyzing text and 911 calls
- e. Making recommendations and establishing a plan

The MPD has already begun an implementation plan to make the audit recommendations a reality. During the audit process, the co-coordinators met with the Just Response Advisory Board⁹ to discuss the audit and their potential role in facilitating recommendations from the audit team. The board agreed in principle and after the final report was presented to the board, they officially endorsed the audit report and findings.

The MPD Detective Captain has completed draft action plans relevant to each identified gap and those action plans will be presented to the Just Response Advisory Board at their next meeting on June 3, 2015 as the first steps toward implementation.

- V.24. Prior to beginning the audit, the Missoula Mayor and the co-coordinators held a Community Forum. Two press releases went out in advance of the forum to invite members of the community and the local media.

The Community Forum was conducted in the Missoula City Council Chambers, which provided an opportunity for interested community members and media to learn about the purpose of the audit, how it will be implemented, and to provide input. The Community Forum was also reported on local media outlets.

- V.25. After the audit, the City of Missoula held another Community Forum. The city advertised this public meeting with a Public Service Announcement and an invitation to Missoula area media. The Missoula Mayor, the co-coordinators, and the entire Audit Team presented the final report, findings and recommendations to the community. Local media attended and later reported to the community.

- V.26. The co-coordinators debriefed the IR following the Community Forum. The MPD and IR have not had the opportunity to date to discuss the findings of the audit report and how it may impact the terms of the Agreement.

⁹ Just Response is Missoula's multi-disciplinary team which coordinates the community's response to child and adult sexual assault and intimate partner violence. The Just Response Advisory Board is made of the agency heads and policy makers from Just Response participating agencies.

Sustainment Plan

The changes made to the manner in which the MPD responds to sexual assault have resulted in a significant cultural shift within the MPD. Similar to previous changes in law enforcement, like DUI enforcement and domestic violence investigations, those hired at the MPD from this point forward will know only this current standard as the way to respond to and document reports of sexual assault.

After this Agreement is terminated, the MPD will maintain all investigative practices established through this Agreement. The MPD's intentions in this area are listed below by section.

III.A. Improving MPD's Response to Sexual Assault (Training).

The MPD Policy #:10.15 and SOP #: I-2.10 will remain in practice. However, both will go through the normal annual one year review. Changes in the policy or procedure may result from that review. The MPD intends to use a similar multidisciplinary working group to review the policy and procedure as was used in 2014.

III.B. Sexual Assault Response Training

The MPD will continue in-service training on sexual assault. Similar to the two-year training plan from 2013, the MPD has completed another two-year plan on sexual assault response. Much of the training is in-house, however, advanced courses will be sought after for relevant officers/detectives.

III.C Review of Policies and Training

As addressed in III.A. The MPD will continue annual review of the MPD policies and procedures on sexual assault response. As those are revised, the MPD will provide on-going training with relevant personnel. All of the MPD policy manual has been public on the City of Missoula website since the city had that ability (approximately 2008) and will continue to be publicly available.

III.D Investigating Non-Stranger and Alcohol or Drug Facilitated Sexual Assault

This section and section III.E. are the important sections as they relate to victim treatment and offender accountability.

The MPD has established policy, SOP, training and supervision to maintain appropriate investigative steps will be taken when investigating non-stranger sexual assault, alcohol or drug facilitated sexual assault and sexual assault involving victim who were incapacitated at the time of the assault or otherwise unable or unwilling to clearly describe the assault. The MPD has every intention of maintaining this high standard.

III.E. Victim-Centered Response to Sexual Assault

Working hand-in-hand with the previous section, this very important aspect of conducting victim-centered investigations, while focusing on the suspect, will remain a cornerstone to our philosophy on sexual assault investigations.

The MPD has improved facilities for reporting, secured funding for advocacy for three years, implemented policy and trained to improve the victim's experience in the investigative process. The MPD has recognized the critical component advocacy has played in a victim-centered response to sexual assault. The MPD Chief of Police has committed that advocacy is a priority to his office and he will work to maintain that service with continued support of City of Missoula funding.

III.F Close Supervision and Internal Oversight

The MPD will continue a version of all of these subsections:

III.F.12.a The UM Department of Sociology and the MPD have agreed to continue the victim surveys at least until October 2015. During that time, the UM Department of Sociology is re-applying for a grant to collaborate with a much more in-depth sex assault victim survey. If the grant is successful, the MPD will participate in the three year project on treatment of victims of sexual assault.

III.F.12.b The MPD will maintain a specific section on the evaluation for officers/detectives and first line supervisors.

III.F.12.c The MPD intends to keep SVU as an assignment within the Detective Division. This ensures these cases are only assigned to those investigators with the skill, interest and training to appropriately conduct the investigations.

III.F.12.d. The MPD is committed to continuing the additional review of adult sex assault investigations. This review may be expanded to the Detective Lieutenant to share these duties. This helps develop other supervisors' skills in this type of review process and free up the Detective Captain for other tasks.

III.F.12.e.-f. The MPD will continue the practice of reviewing all new sex assault cases before the end of shift and the MPD will continue the practice of having a first line supervisor review all sex assault investigations before they are referred or placed inactive. This is already a practice for all cases.

III.F.12.g. The MPD and MCAO agree there is value in weekly meetings between MPD and MCAO to discuss and review cases prior to being placed inactive or referred and the MPD intends on keeping these meetings in place.

III.F.12.h. The MPD will maintain periodic supervisor sexual assault case review, in addition to normal supervisor reviews.

Rather than each Detective Sergeant and the Detective Lieutenant reviewing one case per quarter, the MPD will conduct one periodic case review per quarter. Those will be equally divided amongst the division supervisors, effectively having one supervisor conduct a review per year. The guidelines and reporting will remain the same as it currently is designed.

III.G. Coordination with Law Enforcement and Community Partners.

The MPD will maintain and review/revise the current MOU with the MCAO and the current referral process and forms with the MCAO. The MPD will continue the practices that have led to improved communication with the MPD and UMPD and will train MPD personnel to understand their roles related to any new or amended MOUs or practices.

The MPD will maintain the many relationships in place with the MDT. MPD Chief of Police has agreed to stay as the Chair of the Advisory Board indefinitely. At the time a new chair is selected, the MPD Chief of Police will still be a member of the MDT Advisory Board.

Also, the MPD Detectives have a long standing presence on the MDT for case review teams and it is a priority for the MPD to maintain this presence.

Lastly, an MPD Detective participated in the 2014 Advocate Academy and has agreed to again participate in July 2015 and likely beyond.

III.H. Data Collection and Reporting

The MPD will continue to review data to identify reporting of sexual assault, offender accountability and crime specific information that may identify similarities between reported sexual assaults and previous cases.

The MPD will share the data with community partners for their strategic planning or other legitimate purposes. This information could be very helpful in supporting recommendations from the audit report and the MPD is eager to assist with those recommendations.

IV. External Review of Sexual Assault Cases

The MPD will continue ERP and will encourage the UMPD and MCSO to participate in such reviews. However, the current volume of case review will be reduced. Rather than reviewing all cases, the MPD will propose the review of four MPD cases per quarter. This allows the UMPD and MCSO to participate while not increasing the burden on the ERP.

V: Community Conducted Sexual Assault Response Safety and Accountability Audit.

After the audit, the MPD will cooperate with and support any agency in trying to follow through with the recommendations and implementation plan.

The MPD recognizes it cannot force any of the agencies to complete the recommendations. By the same token, but the MPD believes a consistent system

response to sexual assault in critical and our leadership in the community will be influential in implementing those recommendations¹⁰.

Outside of the requirements of the USDOJ Agreement, the MPD is and will continue to lead on issues surrounding not only sexual assault, but violence against women in general.

As it relates to the issue of sexual assault response and investigation, the MPD Detective Captain has accepted an invitation to instruct at the Montana Violent Crimes Investigators Association Annual Conference in October 2015. The MVCIA Executive Board is aware of the MPD's new standard for sex assault investigation and wants the MPDs blueprint to be made available to other Montana jurisdictions.

The MPD also leads area law enforcement in the field of human trafficking. This form of sexual violence (largely against women) is paralleling the other national conversations about sexual assault on college campuses. An MPD detective has successfully prosecuted several cases in both state and federal court and is currently a well-respected state certified instructor on the topic of sex trafficking investigations. He has conducted numerous presentations during the last two years, educating law enforcement and community groups, and has participated in media stories about the trafficking issue.

As referenced earlier in the report, the MPD has exceeded our two year training plan in a number of ways. One of the classes beyond the two-year training plan was the National Law Enforcement First-Line Supervisor Training on Violence Against Women at the IACP Conference.

Two MPD sergeants attended the conference and one returned with a proposal for a lethality assessment during initial response to calls of intimate partner violence. The proposal was coordinated with the YWCA and initially approved as a three month pilot program. The assessment proved to be a valuable tool in risk assessment for victims in violent relationships. The MPD Patrol Captain has approved this to be rolled out to the entire Patrol Division. The MPD is working with Just Response to bring a trainer to Missoula to train the MPD first responders in conjunction with community crisis advocates.

There is often a nexus between intimate partner violence and sexual assault. The lethality assessment requires first responders to specifically inquire from the victim if the suspect has sexually assaulted or has engaged in sexual misconduct with the victim in the past. Knowing the co-occurring nature of intimate partner violence and sexual violence, the intention and expectation is that this inquiry will increase reporting of sexual assaults, which may provide the opportunity for the MPD to investigate those previously unreported offenses.

¹⁰ Refer to the implementation plan introduced in Section V.23.e on page 17.

Measurements and Outcomes

Missoula Police Department Statistical Analysis

The following data points have been identified as areas to evaluate sexual assault in Missoula and the MPDs response to sexual assault:

- Reporting
- Cases referred from an outside law enforcement agency
- Victim participation
- Access to forensic medical examination
- Offender accountability
- Final court dispositions

Also, the Victim and Advocate Surveys, although they began relatively recently on October 23, 2014, now offers us the benefit of hearing the victim and advocate perspectives. Some quotes from those victims are also included in this report as they relate to the above areas.

REPORTING

All reporting of sexual assault¹¹ to the MPD are up over the last three years. Since 2012, sexual assault reports have increased by 54%. Blind/3rd Party Reports are consistent from partial year 2012 to 2014.

	2012	2013	2014
Reports of all Sexual assaults	59	79	91
Blind/3 rd Party ¹² Reports	6	25	25

¹¹ Sexual Assault, as referenced in this report includes offenses as defined by MCA 45-5-502 (Sexual Assault) and 45-5-503 (Sexual Intercourse Without Consent) exclusive of child sexual assault. This is consistent with the definition of "Sexual Assault" in II.1.i of the USDOJ Agreement with the City of Missoula.

¹² Blind/3rd Party reporting began in March 2012 upon the implementation of the MPD Policy #10.15 "Response to Sexual Assault", therefore there an entire calendar year of data for 2012 is not available.

To evaluate if Missoula had an increase in sexual assault, or rather an increase in reporting, the MPD looked to our community partners' data, listed below.

	2012	2013	2014
First STEP	75	71	80
SARC ¹³	213	320	544
YWCA ¹⁴	130	102	126
911	97	98	77

Unlike the increase the MPD experienced from 2012-2014, our community partners are *not* seeing the equivalent increase in reporting. This is consistent with increased reporting due to better public trust, rather than an increase in criminal activity, although it cannot be stated as certainty. An example of this trust can be seen in a victim quote from the survey.

“It’s the right thing to do and they are there to help you.”

- **Anonymous victim, Sexual assault Victim Survey in response to question about reporting¹⁵.**

CASES REFERRED FROM OUTSIDE AGENCY

The MPD has had eight SIWOC investigations referred from the UMPD from 2012-2014. This is a product of the MOU in place between the MPD/MCSO/UMPD and MCAO which guides the investigations of felony persons crimes. During this time the UMPD has not had any reported SIWOCs which they referred to the MCSO.

	2012	2013	2014
UMPD	2	2	4

¹³ SARC tracks and reports service units, which reflects contacts from students and other community members. The reason SARC reports service units, rather than individuals is because SARC offers services anonymously, therefore SARC has no way to track contacts by the individual. SARC believes the sharp increase in service units is a reflection of increased public awareness, more on-call service and more interns who are able to handle higher case load.

¹⁴ The YWCA reports unduplicated individual clients, rather than “service units” as SARC reports.

¹⁵ Sexual assault Victim Survey question #8: “If I knew someone who had been sexually assaulted, I would encourage them to report this to the police.” (yes/no); comment allowed.

VICTIM PARTICIATION

Between 2012-2014, the MPD has experienced an improvement in victim participation. There has been a cumulative reduction of 16% of victim discontinuation in this time frame.

2012	
All Sexual Assaults	59
Victim Discontinue	24
Percentage end with Victim Discontinue	41%
2013	
All Sexual Assaults	79
Victim Discontinue	29
Percentage end with Victim Discontinue	37%
2014	
All Sexual Assaults	91
Victim Discontinue	23
Percentage end with Victim Discontinue	25%

The way law enforcement treats victims of sexual assault has an enormous impact on the victim's willingness and ability to participate in a criminal investigation. Some quotes below from victims highlight how treating victims with respect and showing patience and understanding to victims can have such a positive outcome with victims.

"Treated me with respect. I felt comfortable every step of the way."

- ***Anonymous victim, Sexual assault Victim Survey in response to question about listening without judgment or blame.***

"The detectives... were amazing-explained why there were asking the questions that they were asking, listened, made sure I understood my rights in the interviewing process. Could not have been better experience, despite the circumstances."

- ***Anonymous victim, Sexual assault Victim Survey in response to question about listening without judgment or blame.¹⁶***

¹⁶ Sexual assault Victim Survey question #6: "The responding officer listened and understood my perspective without judgment or blame." (yes/no); comment allowed.

ACCESS TO FORENSIC MEDICAL EXAMINATION

The MPD has performed nearly flawlessly with its responsibility to transport or arrange for transportation for victims to obtain a forensic medical examination.

Since the beginning of the USDOJ Agreement, the MPD has had only a single incident in which the MPD didn't immediately either transport or arrange for transportation for a victim to obtain a forensic medical examination when that exam was warranted and the victim consent to such exam. In that single event, the forensic medical exam was conducted when the follow-up investigation unveiled an exam had not yet been completed.

One victim in the survey was very grateful to law enforcement for encouraging medical attention:

“They even offered to drive me to the hospital...I was going to refuse an ambulance, but the officer said he would drive me to the hospital. Said that I had a lot of adrenaline in system and there would be injuries that I hadn't noticed yet,”

- **Anonymous victim, sexual assault victim survey in response to question about encouraging resources.¹⁷**

OFFENDER ACCOUNTABILITY

Offender accountability for all reported sexual assaults to the MPD has been consistent from 2012-2014. To evaluate these charging rates, the MPD evaluated *completed* investigations which were able to be referred to the relevant prosecuting attorney. In other words, the following cases were removed from the calculation:

- Cases determined to be unfounded
- Case made inactive at the victim's request
- Case pending a charging decision
- Cases that are still active

The following reflects charging rates for both local prosecutors for all sexual assaults reported to the MPD between 2012-2014:

	2012	2013	2014
Percentage Charged with related offense	39%	38%	38%

¹⁷ Sexual assault victim Survey question #9: “The responding officer encouraged me to use additional services such as advocates and/or a medical examiner.”

Below is the breakdown of case dispositions for the above case:

		Adult Arrest	Juvenile Citation	Unfounded Baseless	Unfounded False	Inactive - Exhausted all Leads	Inactive @ Victim Request	Exceptional	Charging Decision Pending	Active	TOTAL
2012											
All Sexual assaults		13	0	2	0	18	24	2	0	0	59
2013											
All Sexual assaults		17	1	1	4	23	29	4	0	0	79
2014											
All Sexual Assault		21	0	2	4	31	23	3	2	5	91
2015 YTD 03/31/15											
All Sexual Assault		0	0	1	0	4	1	0	2	0	8

The MPD evaluated the cases referred for prosecution by soliciting feedback from several disciplines about charging rates from 2012-2014. The one-on-one feedback showed common observations which are categorized below:

	Increase in extraordinarily difficult cases reported that may not have been previously reported	Disclosures made during another incident, now being coded as SIWOC, but victim not engaged in following through with investigation.
SVU Detective #1	x	x
Prosecutor	x	x
First STEP	x	x
Advocate	x	x
SVU Detective #2	x	x

After hearing their initial opinions, the MPD asked a series of direct questions to the prosecutor, First Step representative and advocate about the MPDs performance:

- Are we appropriately interviewing victims?
- Are we appropriately locating and interviewing witnesses?
- Are we appropriately interviewing suspects?
- Are we thoroughly identifying sources of evidence and processing evidence?
- Are we providing adequate referrals for victim services?

Unanimously, the advised they had no problems with the investigations and the MPD handling of the cases and they reiterated the categories above are a significant shift in the cases being reported.

FINAL COURT DISPOSITION

The Missoula City Attorney's Office prosecutes misdemeanor offenses for the MPD and UMPD. The Missoula County Attorney's Office prosecutes all felony offenses within Missoula County. Below are final dispositions for cases referred to the two prosecutors' offices during the USDOJ Agreement:

Missoula City Attorney's Office
23 MPD Misdemeanor Sexual Assault Cases
10 - Plead Guilty to Misdemeanor Sexual Assault
1 - Plead Guilty to Misdemeanor Assault
1 - Warrant issued for offender / not in custody
6 - Case Dismissed ¹⁸
5- Pending

Missoula County Attorney's Office
9 MPD SIWOC cases referred for prosecution
2 - Plead Guilty to SIWOC
1 - Plead Guilty to Felony Criminal Endangerment
1 - Plead Guilty to Misdemeanor Sexual Assault
1 - Case dismissed ¹⁹
1 - Deferred Sentence
1 - Hung jury @ SIWOC trial / pending retrial
2 - Pending trial

¹⁸ One case dismissed when victim could not return to Missoula for trial; Two cases were dismissed when victim declined to participate in prosecution; One case dismissed when victim was unable to participate in trial due to health complication; Two cases were dismissed when victim recanted and video evidence corroborated the recantation.

¹⁹ Case dismissed when the defense witness interviews established the witnesses considered the victim to be intoxicated, not incapacitated.

Missoula County Attorney's Office		
5 UMPD/MPD cases referred for other than SIWOC prosecution		
Disorderly Conduct Misdemeanor Sexual Assault		Plead Guilty: and Misdemeanor Sexual Assault DOC
Aggravated Assault Misdemeanor Sexual Assault		Plead Guilty: Aggravated Assault and Misdemeanor Sexual Assault
Incest		Dismissed ²⁰
Aggravated Assault Attempted SIWOC		Pending
Burglary Misdemeanor Sexual Assault		Pending

VICTIM/ADVOCATE SURVEY DATA

VICTIM SURVEY

So far, five victims have participated in the survey. Of those five, four reported to law enforcement²¹.

Of the four victims, 100% responded in the affirmative to the following questions:

- “The responding officer made me feel safe and comfortable”
- “The officer took time to clearly explain what was happening at each step of his/her response.”
- “The responding officer addressed any question and concerns I had.”
- “The responding officer listened and understood my perspective without judgment or blame.”
- “I felt the responding officer believed me.”

Of the four victims, 75%²² responded in the affirmative to the following questions:

- “If I knew someone who had been sexually assaulted, I would encourage them to report this to the police.”
- “The responding officer encouraged me to use additional services.”

²⁰ Case dismissed when victim declined to participate in the prosecution.

²¹ There is no indication from the victim about why he/she did not report to law enforcement.

²² The response that were not “yes” was “unsure.” There was not a “no” response.

ADVOCATE SURVEY

So far, we have received 17 advocate responses to the survey questions.

The advocates responded with the most positive feedback on the detective performance to the following questions:

- “The detective encouraged the victim to use additional services.” **93% Affirmative**
- “The detective took time to clearly explain what was happening at each step of his/her response.” **87% Affirmative**
- “The detective addressed any questions and concerns the victim had.” **80% Affirmative**

The advocates responded with less certain feedback on the detective performance to the following questions:

- “The detective made the victim feel safe and comfortable.²³” **73% Affirmative**
- “The detective listened and understood the victim’s perspective without judgment or blame.²⁴” **60% Affirmative**

²³ Of the responses that were not “yes”, 3 were “unsure” and none were “no.”

²⁴ Of the responses that were not “yes”, 3 were “unsure” and 2 were “no.”

CASE REVIEWS

During the compliance phase of this Agreement, the MPD, the IR and the USDOJ reviewed ten cases to evaluate if the intended outcomes of the Agreement are being seen in the MPD case work. Through that case review, a consistent theme emerged which demonstrated adherence to policy, application of training and improved coordination with community partners. More specifically the MPD demonstrated improved performance including, but not limited to:

- Improved documentation
 - Better detail, the use of non-consensual language and appropriate quotes
 - Articulating victim emotional state after assault and during interview
 - Articulating on-going evidence of trauma to the victim after the assault
 - Synopsis of forensic medical examinations in police reports
 - Use of trauma-informed interviewing skills and documenting unique sensory detail
 - Accurate case coding and final case dispositions
- Victim centered investigations
 - Default advocacy response to victim follow up interviews
 - Use of advocates (especially in-house advocates) through reporting process
 - Encouraging the use of victim services
 - Reassuring victims about participation and offering advice about media coverage
 - Facilitating interview times and locations convenient to victim
- Close supervision
 - Patrol supervisor response to reports of felony sexual assault
 - Supervisor review of sexual assault reports
- Communication and Coordination with other law enforcement and community partners
 - Real time communication with UMPD about developing cases related to campus
 - Collaborating with UMPD and MCSO during ongoing investigations
 - Partnering with advocates on victim interview issues, safety planning, etc.
 - Communication with MCAO before, upon and after case referral
- Use of forensic medical service
 - Encouraging the use of forensic medical services and explaining the process
 - Briefing with SANE prior to exam and debriefing with SANE after the exam
 - Transporting or arranging transportation to medical facility if needed
- Offender focused investigations
 - Considering criminal history and documenting past patterns of criminal acts
 - Prompt suspect contact and initial interview
 - Challenging suspect's statement during interviews based on other case evidence/information
- Physical evidence
 - Evaluating physical and digital evidence and recognizing perishable evidence
 - Locating and processing crime scenes
 - Victim and suspect exams

Additional Compliance

Outside of the response, investigation and documentation seen in the above case review the MPD has experienced results from the compliance efforts, such as those outlined below.

Supervisor's Role

The MPD supervisors have clearly shown their understanding of the MPD policy on sexual assault response. Outside of case management, the MPD policy requires that supervisors take the opportunity to recognize officers for their good work on sexual assault. The Detective Captain nominated Detective Connie Brueckner for the Meritorious Service Award. In short, Detective Brueckner has been a critical part of the creation of SVU and the Audit Team, as well as many community education and prevention programs for the MPD. The Awards Committee approved the nomination and the MPD Chief of Police confirmed the nomination. Detective Brueckner will be publicly honored during the Law Enforcement Memorial Ceremony on May 13, 2015.

Coordination and Collaboration with Law Enforcement and Community Partners

In addition to the above mentioned observations, the MPD has worked to coordinate CVA to overcome the hurdle of information sharing. When the City of Missoula and Missoula County denied advocates access to CCJI in the new LERMS, the MPD began searching for a solution.

The MPD recognized consent is a legitimate avenue for law enforcement to share victim information with advocates. Therefore the MPD amended their existing Notice to Victims form to include relevant information and document victim consent. That process worked as a stop-gap measure until a long term solution could be identified.

The MPD Chief of Police, and other agency heads communicated with the Montana Governor's staff and Montana Attorney General's Office about the issue. The MPD Chief of Police supported the potential solution of a Governor's proclamation to allow advocates access to information they need to provide advocacy services. On May 6th, 2015 the MPD received confirmation from the Governor's staff that they do intend to move forward with an executive order authorizing law enforcement agencies to share specific information needed for advocacy services.

Revision of policy and training

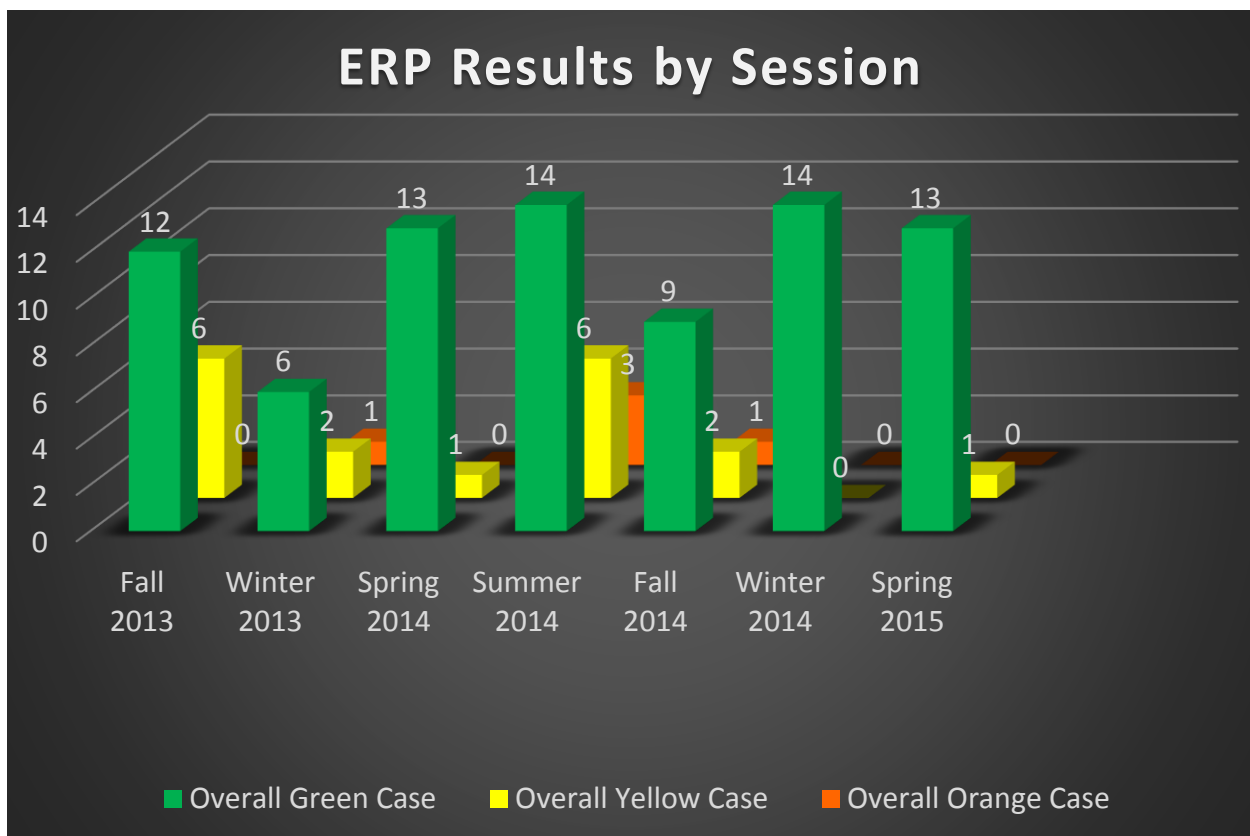
The review and revision of policy and training has resulted in positive change in different areas. One particular example is the patrol supervisor response. Early in the process, an ERP review noted an "audience" of law enforcement responding to SARC for a report of sexual assault. Also, during independent conversations, advocates reported the requirement of law enforcement supervision being involved in these calls has caused an "overwhelming" situation for victims. The MPD trained their supervisors to ensure there is only one officer interacting with the victim. A common analogy used during the training was for the supervisors to think of the response as a "play", in which the victim is only seeing one officer, but there is a coordinated response "behind the scenes" to supervise and work on other areas of the investigation. The MPD made a more formal change during policy and procedure review. The original MPD policy stated the supervisor "*shall respond and assist officers on all felony sex crimes.*" To clarify the guidance to supervisors, the policy revision states supervisors "*shall respond to coordinate with*

officers investigating all felony sex crimes. The coordination should be done discreetly to avoid too many first responder interacting with the victim during initial reporting.”

ERP Analysis

IV. External Review Panel

The ERP has completed seven sessions of case review. The consistent pattern has been that our “green” cases have outpaced the “yellow” and “orange” cases. Following the spring 2014 Session the ERP requested more training on evaluating the comprehensiveness of the cases. Tom Tremblay and Anne Munch returned for the summer 2014 Session to work with the ERP. That session resulted in a spike of “orange” and “yellow” cases. However, even in that session the “green” cases outpaced the “yellow” and “orange” categories by a ratio of over 2:1 and nearly 5:1, respectively.



Successes

Since 2013, when ERP began, the percentage of cases with an overall “Green” rating has consistently improved:

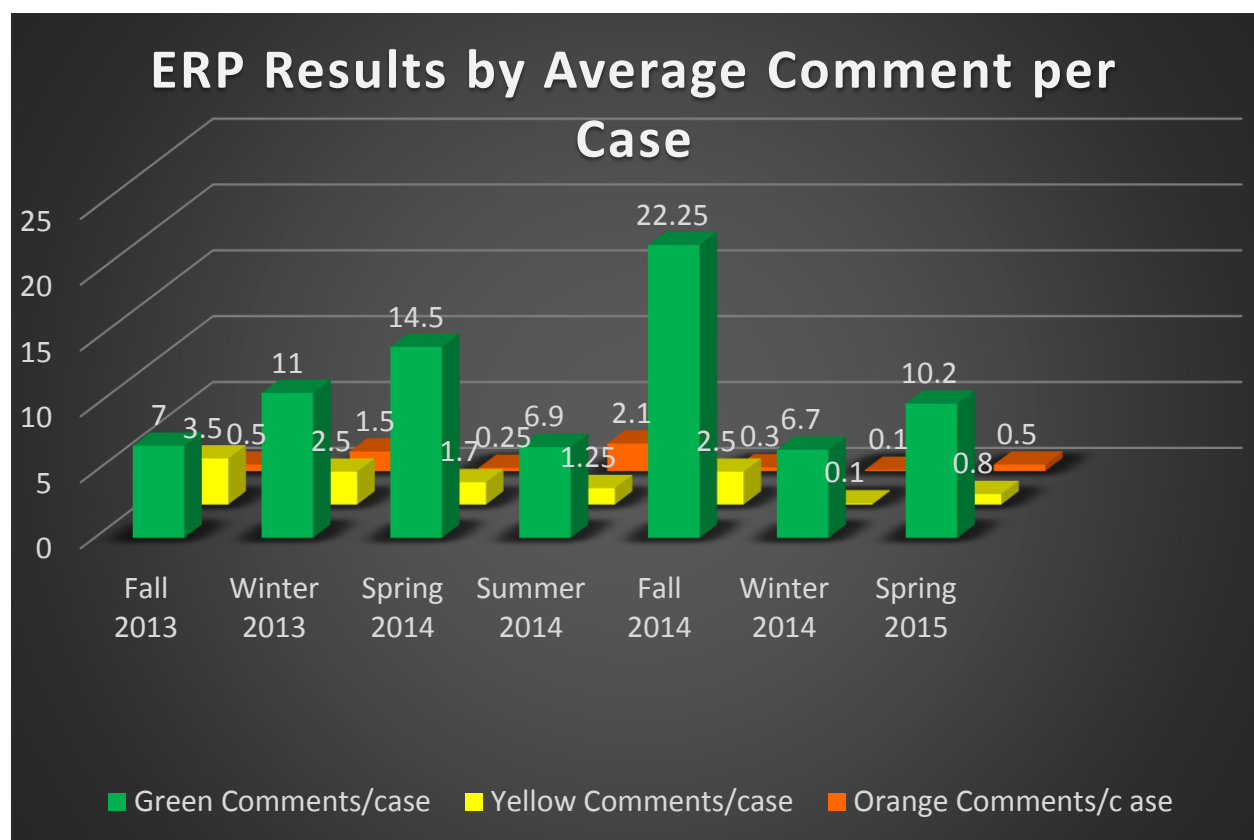
2013: 67% of cases have “Green” rating

2014: 79% of cases have “Green” rating

2015: 93% of cases have “Green” rating

An equally impressive statistic from ERP is the volume of individual comments within the case reviews. As the graph below illustrates, there has been a 200% increase in positive comments on MPD by ERP panelist from the first session to the fifth session. The volume of comments pulled back in the sixth session, which the MPD attributes to many cases which had immediate victim discontinuation, so there was little for ERP to evaluate during that session.

This consistent feedback is indicative, at least in part, of the protocol used for ERP feedback. ERP is using a consistent set of guidelines for comprehensiveness and possible indicators of bias. The MPD is relaying that ERP feedback to employees to encourage good practices and discourage practices that are perceived negatively.



Successes Since 2013, when ERP began, the relative percentages of green comments in each case rating has consistently improved:

- 2013: 69% of the comments/case have “Green” rating
- 2014: 85% of the comments/case have “Green” rating
- 2015: 89% of the comments/case have “Green” rating

INVESTIGATORS' PERSPECTIVE OF THEIR WORK

The MPD Detective Captain interviewed six detectives individually to capture their unique perspective of their own case work.

The detectives heavily represented the current SVU, but also included a representative from General Investigations, Missoula Drug Task Force and the Montana Regional Violent Crimes Task Force³⁰

Consistent Theme:

- Five of the detectives reported better victim interviews. A combination of the Sex Assault Investigations class (September 2013) and the Forensic Experiential Trauma Interviewing class (January 2015) has improved their victim interviewing skills. One detective stated it is her “new standard”, and the FETI style interview was a “breakthrough” in a recent case.
- Three of the detectives noted a better work product coming from the Patrol Division. They attributed it to training (what to document and how to document) and policy (specific guidelines in place to establish expectations). The detectives stated more evidence is secured upon the first response, more witnesses are being identified and/or interviewed and suspects are being identified.
- Two detectives mentioned one of the biggest improvements we’ve made was bringing an advocate into the Detective Division. It is a better service to victims and more time efficient for them because they spend less time doing advocate-type tasks.
- None of the detectives indicated they were experiencing more offender accountability.

³⁰ The only detectives from General Investigations, MDTF and MRVCTF who were interviewed were detectives who have investigated an adult sex offense during the course of the Agreement were interviewed.