

Second Report of the Independent Reviewer

Covering October 1, 2013 – April 1, 2014

**The Agreement between the City of Missoula Police
Department and the United States Department of Justice
Regarding Response to Sexual Assault**

Respectfully Submitted By:

Thomas R. Tremblay

Thomas R. Tremblay, Independent Reviewer
Tom Tremblay Law Enforcement Consulting & Training
June 10, 2014

TABLE OF CONTENTS

Introduction	Page 3 – 4
Work Conducted / Observed by the Independent Reviewer	Page 5 – 12
• External Review Panel / Case Reviews	Page 6 – 10
• Community Collaboration and Coordination	Page 10 – 12
Assessment of Progress to Date / Compliance Graph	Page 12 – 24
Conclusion	Page 25

INTRODUCTION

On May 15, 2013 the City of Missoula (the “City”) acting through the Missoula Police Department (“MPD”), and the United States Department of Justice (“DOJ”) (collectively, “the Parties”) entered into an Agreement. See full Agreement for details: http://www.justice.gov/crt/about/spl/documents/missoulapdsettle_5-15-13.pdf

The Agreement focuses on the improvement of MPD policies, practices, supervision, and training. The following general categories are listed in the Agreement that MPD must implement to improve MPD’s response to adult sexual assault and to fulfill the terms of the Agreement:

- Assess and Modify Sexual Assault Policies and Protocols
- Provide Initial and On-going Sexual Assault Response and Investigations Training
- Review of Policies and Training to Ensure that Terms of the Agreement are included in MPD Policies and Training
- Enhance Investigation of Non-Stranger and Alcohol-or-Drug Facilitated Sexual Assault
- Enhance Victim-Centered Response to Sexual Assault
- Ensure Close Supervision and Internal Oversight of All Sexual Assaults
- Enhance Coordination with Law Enforcement and Community Partners to Improve the Reporting and Participation Experience for Victims of Sexual Assault
- Assess and Enhance Data Collection and Reporting for Improved Analysis of Sexual Assault Cases
- Establish External Review of (Felony) Sexual Assault Cases to be Conducted by a Panel of Qualified Representatives
- Community-Conducted Sexual Assault Response Safety and Accountability Audit
- Independent Oversight by Selected Independent Reviewer (the “Reviewer”) to Assess and Report Whether the Requirements of the Agreement Have Been Implemented.

Thomas R. Tremblay was jointly selected by the Parties as the Independent Reviewer (the “Reviewer”) to oversee the terms of this Agreement with the understanding that the City / MPD bear the burden of demonstrating compliance with the Agreement.

The Parties also jointly selected Anne Munch, Esq. to assist the City, MPD, the External Review Panel, and the Reviewer with respect to training.

The Agreement stipulates that the City / MPD anticipate compliance with the Agreement within two years of the Effective Date of the Agreement; meaning May 15, 2015. In accordance with the Agreement, “Compliance” shall be defined to require both sustained compliance with all material requirements of the Agreement, and sustained and continuing improvement in the response to, and investigation of, reports of sexual assault, as demonstrated pursuant to the outcome measures determined by the Independent Reviewer.

The Reviewer and the City signed a contract for service on June 19, 2013 to begin the independent review process.

The first report of the Reviewer was released November 6, 2013 and can be found on the MPD website at the following link: <http://www.ci.missoula.mt.us/ArchiveCenter/ViewFile/Item/7343>

This report is the second report from the Reviewer covering the period between October 1, 2013 and April 1, 2014. The next report will be a comprehensive assessment of the first year of compliance with the Agreement with anticipated release date of September 2014.

Work Conducted / Observed by the Independent Reviewer:

During this twenty-five week time period the Reviewer has conducted over one-hundred and ninety hours of remote reviewing activity and consultation; and forty additional hours of on-site review activity and consultation during a site visit February 3 – 7, 2014.

The remote reviewing services and consultation were specific to the terms of the Agreement and have included; sexual assault case reviews, Standard Operational Procedures (SOP) development and review, sexual assault response and investigations training review, and review of work performed by the Missoula Sexual Assault External Review Panel for felony sexual assault cases in Missoula. A budget for fiscal year 2015 was completed and submitted to MPD.

The on-site review activity included interviews and meetings with the newly appointed MPD Police Chief, Michael Brady. Chief Brady assured his commitment to fulfill the terms of the Agreement as previously demonstrated by former MPD Chief Mark Muir. The on-site review was led by MPD Captain Mike Colyer.

The on-site review also included interviews and meetings with community members, community service organizations, External Review Panel members, the Missoula Mayor, and the Missoula County Attorney.

The on-site review activity also included a complete review of documentation regarding the progress to date on the terms of the Agreement. The progress to date is listed in the compliance graph on pages 12 - 25 of this report.

All MPD personnel continue to receive training on sexual assault response and investigations in accordance with the agreement. MPD has also produced a two year training plan (2014 – 2015) to assist in fulfilling the terms of the Agreement as it relates to training.

The training plan as outlined includes a blended delivery of training including roll call briefing training, online training modules from Ending Violence Against Women International (EVAWI)¹, in-house classroom training, victim and advocate panels, and outside expert classroom instruction.

The MPD Sexual Assault Policy and SOP were completed during this review period. MPD has conducted in-house training on the policy and SOP in accordance with the agreement. The MPD Sexual Assault Response policy is posted on the MPD website. See link: <http://www.ci.missoula.mt.us/DocumentCenter/View/23707>

External Review Panel (ERP):

The MPD continues to work closely with community partners and the best example of community partnership continues to be their work with the External Review Panel (ERP).

In accordance with the DOJ Agreement, section IV 15 – 17, MPD is required to create an External Review Panel (ERP) to review cases of sexual assault that are reported to, or investigated by MPD. During the planning process of the ERP, MPD, the Reviewer and DOJ agreed to specifically review felony cases only. Misdemeanor sexual assault cases can still be reviewed if MPD, the ERP, or the Reviewer determines the need to review a misdemeanor case.

The ERP is made up of community partners with experience in Sexual Assault Victim and Survivor Advocacy. The ERP protocol is overseen by Attorney Anne Munch (Anne Munch Consulting Inc.). The ERP is providing MPD feedback on their review of all closed felony sexual assault cases in an effort to improve MPD's response, investigations, and services to sexual assault victims.

¹ Ending Violence Against Women International (EVAWI), OnLine Training Institute: EVAWI has developed an **OnLine Training Institute** to bring state-of-the art training to anyone who is interested, on the topic of criminal justice response to sexual assault. <https://www.evawintl.org/onlinetraining.aspx>

ERP members meet with MPD to review all closed MPD felony sexual assault cases and provide feedback on investigations to ensure comprehensive and bias-free responses and investigations to promote a victim centered service approach.

To date the ERP members report that the case reviews have shown improvement in MPD response, investigations, and victim services, including more advocacy involvement. The most recent ERP case reviews resulted in identifying more positive examples of work performed with some minor examples identified for continued improvement regarding effective and consistent communication by all officers when communicating with victims.

The ERP members report they have observed continued improvements to include conducting more comprehensive investigations, seeking possible interconnected and co-occurring crimes, and providing more victim centered services in accordance with the MPD policy. These improved services include examples of enhanced victim interviewing and better communication and coordination with community sexual assault resources.

The ERP began operation September 18, 2013 with initial protocol training conducted by Anne Munch Consulting. The training and implementation of the review protocol were observed by the Reviewer and DOJ.

The ERP provides feedback to MPD command staff in accordance with the ERP Protocol. The ERP members make color coded comments to identify specific comments while reviewing each case. For each category of “Comprehensiveness” and “Possible Indicator of Bias”, ERP members provided color coded feedback:

Green: Well received by ERP member. No indication of problems, a good case example.

Yellow: Concerning to the ERP member. Some problems identified that need attention by way of future training or individual work with the detective or officer, but do not require the case to be reopened.

Orange: Unacceptable to the ERP member. Identified problem(s) that require immediate attention and follow up work including reopening the case if necessary.

At the conclusion of the case review, the ERP member considers all the color coded feedback for that particular case and then gives each case an overall color coding:

- “Green”: Excellent case, little to no concern.
- “Yellow”: Good case, room for improvement.
- “Orange”: Significant concern about the case.

To date there have been three ERP sessions and a total of 41 felony sexual assault cases have been reviewed. The first session reviewed eighteen cases and was conducted on September 18 – 20, 2013.

September 2013 ERP Session (18 cases)

- 12 “Green” cases.
- 6 “Yellow” cases.
- 0 “Orange” cases.

December 2013 ERP Session (9 cases)

- 5 “Green” cases.
- 3 “Yellow” cases.
- 1 “Orange” cases.

March 2014 ERP Session (14 cases)

- 13 “Green” cases.
- 1 “Yellow” cases.
- 0 “Orange” cases.

Because there are multiple categories for review in each case ERP members provide numerous comments on each case. In reviewing all of the comments made throughout all of the cases for all three ERP session, the March 2014 ERP review resulted in far more positive observations and a reduction in unacceptable observations. This is consistent with ERP member reports that there is a noticeable improvement in MPD response, investigations, and victim services.

- Sep Session: 126 green, 63 yellow, 7 orange
- Dec Session: 99 green, 23 yellow, 14 orange
- Mar Session: 203 green, 24 yellow, 2 orange

MPD has developed an internal protocol to ensure the ERP feedback and recommendations are shared with supervisors and individual officers and incorporated into policy updates, training, and employee development; or to reopen, or reexamine cases where warranted. MPD will also monitor the ERP feedback and case coding data to help measure the effectiveness of the training, policy / SOP, and ERP feedback.

For the duration of the Agreement MPD and the ERP will continue case reviews as the case load requires.

Case Review by the Independent Reviewer:

The Reviewer is also conducting case reviews independent of the ERP. While the Reviewer generally agrees with the ERP assessment of the enhanced investigative work, the Reviewer has noted some inconsistency regarding MPD sexual assault policy compliance by first responding officers during the initial response to some sexual assault cases. MPD has acknowledged this and continues to work on ensuring policy compliance.

The Reviewer has noted examples of comprehensive investigations and enhanced skills that were introduced in training and through improved policy and SOP direction. The Reviewer specifically observed improved documentation, case coding and tracking, more detailed reports

of the facts and potential evidence, and advocacy involvement throughout the reporting process and investigation.

Also of note is that MPD continues to report increased reporting rates for sexual assault cases compared to previous years. Research and experience clearly indicates that sexual assault remains one of the most underreported violent crimes in the criminal justice system. Increased rates for sexual assault reporting are influenced by a number of factors and are not always indicative of an increase in sexual assaults in the community.

Factors influencing reporting rates can also be connected to increased community awareness and dialogue regarding sexual violence, increased collaboration and community coordinated response, and public confidence in the reporting process.

The increased reporting rates reported by MPD will require further examination, but it is clear following DOJ's investigation in Missoula that there has been increased community awareness and dialogue about sexual violence in Missoula, as well as an effort to enhance community collaboration and trust. Increased reporting rates of sexual assault in Missoula are being monitored by MPD and will be analyzed by MPD and the Reviewer following the end of the first year of the Agreement (June 2014).

Community Collaboration and Coordination:

Of special note for this report, as a result of increased attention and analysis of sexual assault by MPD, MPD has initiated a new special victim unit to investigate sexual assault cases. This is not a requirement of the DOJ Agreement, but rather MPD's vision to enhance investigations. Investigators have been specifically selected for the unit and they will investigate all felony sexual assault cases. MPD has contributed significant resources and finances for the development of the unit, including securing additional office space and the creation of interview rooms specific for victims of sexual assault.

During on-site interviews with community partners, they generally agreed that MPD has demonstrated a strong commitment to fulfilling the DOJ Agreement and to improving their response and investigations.

Community partners agreed that the DOJ agreement is having its intended effect, but feel that the real measurement will be what happens after the DOJ agreement ends. Community partners also generally agreed that the communication, coordination, and relationship among the community partners were enhanced as a result of the process.

One example of improved communication and coordination is MPD's Memorandum of Understanding (MOU) with the Missoula County Attorney's Office (MCAO). The MOU went into effect on December 13, 2013 and its stated purpose is as follows:

"The purpose of this Agreement is to enhance the Parties collaboration and communication in the investigation and prosecution of reported criminal sex offenses, seeking to attain positive outcomes in keeping with the best interest of justice. The parties are committed to working together with community partners to provide victims with timely investigations and prosecution decisions and to improve the experience of victims in the criminal justice system to whatever degree possible."

The ERP and the Reviewer have made some initial observations suggesting that the MOU is enhancing collaboration and communication between MPD and MCAO, and providing more timely charging decisions for felony sexual assault cases. MPD reports that the MOU has been helpful as MPD and the MCAO continue to work for greater accountability with case reviews and charging decisions.

MPD is working with the University of Montana Department of Sociology and community partners to develop a survey for victims / survivors of sexual assault. The survey tool is being developed and will be provided to victims / survivors after completion to assist MPD in assessing direct victim centered services.

The Reviewer is pleased to report throughout this reporting period that substantial progress on the terms of the Agreement continues, and more importantly, these efforts are beginning to show the intent of the Agreement which is to ensure the success of MPD's effort to improve its response to adult sexual assault.

Assessment of Progress to Date on the Requirements of the Agreement:

The following compliance graph shows all the requirements of the Agreement and the work that MPD has accomplished to date (April 1, 2014)

The compliance graph uses compliance definitions to categorize the status of each requirement of the Agreement.

The compliance definitions are as follows:

Pending compliance: Current plans for implementation but not yet implemented in approved policy/SOP, training, or actual practice

Partial Compliance: Plans for compliance have been implemented, reflected in approved policy/SOP and, training, but not yet observed in actual practice

Compliance: Plans for compliance have been implemented in approved policy/SOP and training, and evidence of actual practice

Sustained Compliance: Found by the Reviewer to have been fully implemented in practice based on a qualitative assessment showing MPD achieved the desired outcomes for the area covered by the Agreement

Missoula Police Department – DOJ Agreement Action Items – Deadlines – Compliance

Pending compliance, **Partial compliance**, **Compliance**, **Sustained compliance**

DOJ ACTION ITEM	PROPOSED ACTION	DEADLINE	COMPLIANCE STATUS
I.	Recitals	N/A	N/A
II.	Definitions and Abbreviations	N/A	N/A
III.A.	Improving MPD’s Response to Sexual Assault	Jun 15, 2015	Partial compliance ; ongoing effort as detailed throughout Section III of this compliance graph. Sustained Compliance may be achieved following sustained compliance of all Section III requirements.
III.A.2. III. A.2. a - i	MPD shall assess and modify as necessary its policies and protocols to strengthen its response to sexual assault, and ensure that the policy incorporates the requirements of this agreement and comports with best practices and current professional standards. These policy modifications shall include but not limited to revising MPD’s existing policy, entitled “Response to Rape and Sexual Assaults.” MPD’s revised sexual assault policy should incorporate the requirements of the International Association of Chiefs of Police Model Policy on Investigating Sexual Assaults on at least the topics defined in III.A.2. a – i.	Jan 1, 2014	Compliance ; MPD has included substantial assessment and policy modifications. MPD has also sought input and review of draft policy from community partners including advocacy partners. Effort included review of IACP Model policy, IACP Sexual Assault Guidelines and Supplemental Report Form and EVAWI resources. Policy modifications have included review by independent reviewer and DOJ. MPD Policy / S.O.P. has been approved and implemented through department training demonstrating an understanding of the new policy / SOP, including terms of the Agreement. 2-6-14 Policy approved by Reviewer and DOJ. 3-3-14 SOP approved by Reviewer and DOJ. Sustained compliance may occur following analysis and review of policy / SOP.

<p>III.B.</p>	<p>Sexual Assault Response Training</p>	<p>Nov 1, 2013</p>	<p>Compliance; initial training of all MPD officers, detectives and recruits designed and completed by Anne Munch Consulting Inc., including evaluation and pre and post testing. On-going effort to develop annual in service training program and supervisor review training. 2-6-13 Recruit training is based on the Oregon AG Sexual Assault Task Force Training; 3 officers completed a train the trainer course and now provide training to new recruits. Supervisor Review training; 11/11/2013 / make-up Jan 10 rank of CPL – Chief (31 total), Conducted by Chief Muir and CPT Colyer including post-test. 3 hour training on agreement, case coding including EVAWI model components, ERP overview and Exercises including report review. Created two year training plan Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.</p>
<p>III.B.3.</p>	<p>MPD shall provide initial and on-going annual in-service training to all MPD officers, detectives, and recruits about law enforcement response to sexual assault. This initial and annual in-service training shall ensure that all MPD officers and detectives understand and can perform their duties pursuant to the Agreement, and shall reflect and incorporate any developments in applicable law, best practices, and professional standards. Annual in-service training also shall address any training needs identified throughout the previous year. This initial and in-</p>	<p>Sep 30, 2013</p>	<p>Compliance; initial training completed of all MPD officers, detectives and recruits conducted by Anne Munch Consulting Inc., including evaluation and pre and post testing. Training dates; Aug 6 – 7, 2013, Sep 17 & 19, 2013 A two year training plan has been developed to comply with annual in-service training requirements and supervisor review training.</p>

	service training shall be of sufficient length and scope to include the topics as detailed in section III.B.3. a – h.		Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan, as well as addressing training needs identified throughout the previous year.
III.B.4.	This training shall include presentations by victims of sexual assault and victims’ advocates in order to provide officers with the unique perspectives of those who have been victimized by sexual assault and/or those who work with sexual assault survivors.	Sep 30, 2013	Compliance ; initial training conducted by Anne Munch Consulting Inc., included perspectives of those victimized by sexual assault and/or those who work with sexual assault survivors. On-going effort to ensure this perspective is included in annual in-service training in accordance with the two year training plan. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.
III.B.5. a. – d.	MPD shall provide additional in-depth training in sexual assault investigations to all MPD detectives who conduct such investigations. The training shall include topics detailed in section III.B.5. a. – d.	Aug 9, 2013	Compliance ; Training designed and conducted by Anne Munch Consulting Inc., on Aug 8-9, 2013 in accordance with the Agreement. Pre and Post Test with daily evaluation show improved level of knowledge that will be helpful in investigations. Training plan to include some type of advanced interviewing for detectives. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.

<p>III.B.6.</p>	<p>MPD personnel who provide direct supervision of officers who respond to reports of sexual assault and of detectives who investigate sexual assault allegations shall receive training on how to review sexual assault response and investigations for comprehensiveness and to detect indications of bias, including how to implement the supervisory reviews and responsibilities contained in this Agreement.</p>	<p>Nov 1, 2013</p>	<p>Compliance; Supervisory training completed 2-6-14. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.</p>
<p>III.B.7.</p>	<p>Training pursuant to the Agreement shall be provided in accordance with best practices and include adult-learning methods that incorporate role-playing scenarios and interactive exercises, as well as traditional lecture formats. Training also shall include testing and/or writings that indicate that MPD personnel taking the training comprehend the material taught.</p>	<p>Nov 1, 2013</p>	<p>Compliance; Initial training was designed and conducted by Anne Munch Consulting Inc., and was delivered in live presentations and included best practices, adult-learning methods, lecture format, pre and post testing and daily evaluations. Ongoing effort to ensure that these requirements are included in annual training. Two year training plan includes this requirement.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.</p>
<p>III.C.</p>	<p>Review of Policies and Training</p>	<p>Jun 15, 2015</p>	<p>Compliance, ongoing effort. Sustained compliance may be achieved following sustained compliance of all of Section III.C. requirements</p>
<p>III.C.8.</p>	<p>Each of the requirements of the Agreement shall be incorporated into MPD policy, and all relevant MPD officers and employees shall be trained on how to meet the requirements of this agreement. MPD shall submit new and revised policies and protocols related to</p>	<p>Ongoing review by Independent Reviewer / DOJ as required throughout</p>	<p>Compliance; MPD policy / SOP have been approved by Reviewer and DOJ. Training Consultant, Anne Munch Consulting Inc., was retained by MPD / OPS to design and conduct the initial</p>

	sexual assault and/or the terms of the Agreement, and all curricula for trainings developed pursuant to this agreement, to the Independent Reviewer and DOJ for review and comment prior to implementation and/or training delivery.	the Agreement	<p>training in agreement approved by DOJ. All MPD Officers and Supervisors have been trained in policy / SOP in accordance with the Agreement, including training on the terms of the agreement. All officers received Policy training fall of 2013. Three hour training block with posttest. Adult learning concepts including scenario based training and actual case reviews. Chief Muir and CPT Colyer conducted the training. CPT Colyer to consider roll call briefing updates on progress of agreement.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes.</p>
III.C.9.	MPD sexual assault related policies shall be publicly available.	Jan 1, 2014	<p>Compliance; Policy posted on website 12/9/2013. Specific page titled “Improving our Response to Sexual Assault” includes DOJ Agreement, Reviewer Reports and Department policies including Sexual Assault Policy Sustained Compliance may be achieved following posting of updated policies throughout the agreement.</p>
III.D.	Investigating Non-Stranger and Alcohol or Drug Facilitated Sexual Assault	Jun 15, 2015	<p>Compliance; initial training designed and conducted by Anne Munch Consulting Inc., included all requirements of agreement. Incorporated in Policy / SOP and ongoing effort to ensure that these requirements are included in annual training.</p>

			Sustained Compliance may be achieved following analysis and measurement of outcomes for two year training plan.
III.D.10.	MPD shall enhance and improve policy, training, and oversight to ensure that officers: 1) recognize the prevalence of non-stranger and alcohol or drug facilitated sexual assault, and relative infrequency of false reporting of such assault, and 2) accordingly take all appropriate investigative steps when investigating non-stranger sexual assault, alcohol or drug facilitated sexual assault, and sexual assault involving victims who were incapacitated at the time of the assault or otherwise unable or unwilling to clearly describe the assault.	Jun 15, 2015	<p>Compliance: initial training designed and conducted by Anne Munch Consulting Inc., included these requirements. Ongoing efforts to ensure these requirements are included in annual training. Requirements included in MPD Policy / SOP, including adoption of a modified version of the IACP Sexual Assault Supplemental Report Form. Policy/SOP addresses oversight including review by Sergeants. CPT Colyer is also reviewing all adult sexual assault cases.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes for two year training plan.</p>
III.E.	Victim-Centered Response to Sexual Assault	Jun 15, 2015	<p>Partial Compliance; ongoing effort Sustained Compliance may be achieved following sustained compliance of all Section III, E. requirements.</p>
III.E. 11 a.- h.	MPD shall enhance and improve policy, training, and oversight to ensure victim-centered practices in the areas of sexual assault response, interviews, and investigations in order to increase the likelihood of victims' continued participation with law enforcement; improve the experience for victims; and strengthen sexual assault investigations. These practices include the details of III.E.11. a-g	Jun 15, 2015	<p>Compliance; initial training designed and conducted by Anne Munch Consulting Inc., was complete with victim centered practices. Ongoing efforts to ensure that victim centered practices are included in annual training. ERP provided information about improved victim centered practices. Reviewer noted case example involving one victim</p>

			<p>that was empowered/encouraged to follow through in the process. MPD received funding to refit interview rooms including a soft interview room. CVA grant application for advocate specific for MPD and the creation of a second soft interview room at the CVA office that MPD could use.</p> <p>MPD created new Special Victims Unit to investigate sexual assault cases.</p> <p>Sustained compliance may be achieved following analysis and measurement of impacts</p>
III.F.	Close Supervision and Internal Oversight	Jun 15, 2015	<p>Partial Compliance; ongoing effort.</p> <p>Sustained Compliance may be achieved following sustained compliance of all Section III, F. requirements.</p>
III.F.12. a-g	MPD shall establish and implement measures to ensure close supervision and internal oversight of all sexual assault investigations including details of III.F.12 a-g	Jun 15, 2015	<p>Partial Compliance; ongoing effort</p> <p>a. Victim survey in development.</p> <p>b. Evaluating detectives & patrol officers was part of supervisor training and evaluation began on shift change Feb 2, 2014.</p> <p>c. ERP feedback has identified strong investigative efforts. Specific detectives are now assigned to SVU to conduct investigations of sexual assault.</p> <p>d. CPT Colyer reviewing all sexual assault cases.</p> <p>e. Policy and SOP.</p> <p>f. Supervisor review for comprehensiveness and bias supported by ERP review.</p> <p>g. MOU with County Attorney since 12/16/2013.</p> <p>h. MPD periodic reviews effective June 13, 2013.</p>

			<p>Required 1 case per quarter, per supervisor (4 supervisors) based on directive by CPT Colyer. Data and analysis of this to follow.</p> <p>Compliance / Sustained Compliance to be determined by Reviewer following analysis and measurement of outcomes.</p>
<p>III.G.</p>	<p>Coordination with Law Enforcement and Community Partners</p>	<p>Jun 15, 2015</p>	<p>Partial Compliance; Prior to independent review, MPD coordinated with law enforcement and community partners in the development of a community resource booklet for sexual assault victims / survivors titled; “It’s Your Call.” Ongoing effort has included community partners’ review of MPD Sexual Assault policy draft, involvement in initial training, and the collaboration and creation of the External Review Panel.</p> <p>Efforts include MOU with MCAO, weekly meetings with University OPS, development of victim survey instrument, development of community safety and accountability audit. ERP and community partners report coordination and collaboration is good.</p> <p>Compliance / Sustained Compliance to be determined by Reviewer based on completion of Section III. G requirements and further analysis and measurement of outcomes.</p>

<p>III.G.13. a - f.</p>	<p>To improve the reporting and participation experience for victims of sexual assault, MPD shall increase and improve its communication, coordination, and collaboration with community and law enforcement partners, including the University, University's OPS, Missoula County Attorney's Office and community advocates. MPD shall include details of III.G.a - f.</p>	<p>Sep 1, 2014</p>	<p>Compliance; MPD coordinated and collaborated with University of Montana OPS, Missoula County Attorney's Office (MCAO) and community advocates as indicated above. Initial training and the policy / SOP supports this continued effort. Ongoing efforts include securing a Memorandum of Understanding for case referral with the MCAO, inclusion of community partners in the delivery of annual training.</p> <ul style="list-style-type: none"> a. MCAO case referral MOU completed 12/13/13. b. Mechanism to document case closing decision by MCAO is covered by new Case Referral for Prosecution Cover sheet. Potentially quarterly analysis of case referrals. c. Updated Mutual Aid Agreement between MPD, OPS, and MCSO including sexual assault investigations effective date 11/4/13. d. Effective communication with OPS: MOU, weekly meeting between MPD and OPS on the agreement and coordinating efforts. Daily briefings shared between MPD and OPS. CPT Colyer on search committee for new OPS Chief. e. Coordination with medical staff is outlined in policy and SOP and included in Supplemental Report form f. Strengthen partnership and cooperation with agencies: Advocacy involvement in Policy and SOP development, First Step conducted training July 8, 2013 for supervisors on Forensic Exam and encouraging forensic exam. Partners were consulted on SVU framework,
-------------------------	---	--------------------	---

			development of victim survey, and ongoing conversations with partners on community safety audit including ERP feedback. Sustained Compliance may be achieved following analysis and measurement of outcomes.
III.H.14.	Data Collection and Reporting	Jun 15, 2015	Pending compliance; ongoing effort. 3/31/14 new records management system (RMS) that will include designs to ensure improved sexual assault response, investigations, and case closure data collection in accordance with the Agreement. 2-6-14, CPT Colyer shared a sexual assault case tracking sheet with Reviewer for all sexual assault cases reported during the Agreement. The tracking sheet is updated regularly and analyzed by the Reviewer. New database built for ERP that documents cases, feedback to department member, and grading of cases by color code, and notes on comprehension and bias and final disposition. To be evaluated during next compliance visit. Compliance / Sustained Compliance will be determined by Reviewer based on further analysis and measurement of outcomes.
III.H.14. a-c	To identify shortcomings, assess improvement, and increase community confidence in Missoula law enforcement's response to sexual assault, MPD shall enhance its data collection, analysis, and reporting and shall include details of III.H.14. a-c.	Jun 15, 2015	Pending compliance; ongoing effort, new RMS system. Development of victim survey and possibility of crime analysis specialist in SVU.

			Compliance / Sustained Compliance will be determined by Reviewer based on further analysis and measurement of outcomes.
IV.	External Review of Sexual Assault Cases (In conjunction with OPS)	Jun 15, 2015	Compliance; External Review Panel (ERP) was selected with oversight of the independent reviewer and DOJ. The ERP protocol was designed and implemented by Anne Munch Consulting Inc., modeled after and in consultation with the Women’s Law Project and their efforts in Philadelphia. The ERP began operation Sep 18, 2013 with protocol training and review of ongoing felony sexual assault cases submitted by MPD. Ongoing effort to continue consistent reviews at least semi-annually, or as case load requires. To date ERP has reviewed 41 felony sexual assault cases conducted by ERP. As of 2-6-14 ERP database being utilized by MPD to help measure outcomes ERP to continue to develop to ensure feedback is consistent and valued. Sustained Compliance may be achieved following analysis and measurement of outcomes and feedback from ERP.
IV.15-17	(ERP) The parties shall jointly select and establish a group of qualified representatives, including experienced sexual assault prosecutors, public defenders, and/or other legal service providers, experienced sexual assault investigators, and/or advocates, to serve as an external review group for sexual assault cases. Beginning August 9,	Aug 9, 2013 Sep 18, 2013	Compliance; The ERP was selected with approval of the Reviewer and DOJ in Sep 2013. On Sep 18, 2013, the ERP was trained on the review protocol and began reviewing felony sexual assault cases submitted by MPD and OPS. Ongoing effort to ensure that ERP feedback and

	2013 (three months after effective date of agreement) the external review group shall review, on a semi-annual basis, all reports of sexual assault received by MPD, and all investigations of those reports opened by MPD since the Effective Date. Thereafter, this external review group shall review all reports of sexual assault received by MPD and investigations of those reports opened by MPD, since the external review group's last such review including details of IV.15-17		recommendations are shared with supervisors and incorporated into policy updates, training, and employee development. ERP Feedback also used to re-open, or reexamine, cases where warranted. Sustained Compliance may be achieved following analysis and measurement of outcomes and feedback from ERP.
V. 18. – 26.	Community - Conducted Sexual Assault Response Safety and Accountability Audit (In conjunction with OPS)	Jun 15, 2015	Pending compliance; ongoing efforts. This initiative will require substantial community collaboration and planning in 2014. CPT Colyer and Janet Donahue selected to attend PRAXIS International Training April 28 – MAY 2, 2014 in ST Paul MN. Janet Donahue selected as Chair of the committee to help lead the audit. MCAO to participate in Audit.
VI.	Independent Oversight	Current / ongoing	
VII.	Agreement Implementation and Enforcement	Current / ongoing	
VIII.	Termination of the Agreement	Jun 15, 2015	Pending “Full and Sustained Compliance”

Conclusion:

As observed by DOJ throughout their investigation, findings, and settlement Agreement, MPD has continued to cooperate fully and professionally with the Reviewer in MPD's efforts to fulfill the terms of the Agreement.

MPD is making steady progress as the compliance graph indicates. Chief Mark Muir retired in December 2013, and Chief Mike Brady was appointed as the successor. Like Chief Muir, Chief Brady has demonstrated strong leadership and a clear commitment to fulfilling the terms of the Agreement. Chief Brady recognizes the need for MPD to continue to take managerial and operational responsibility for the implementation of the remaining terms, reforms, and requirements of the Agreement.

Captain Mike Colyer remains assigned as liaison to the Reviewer and he is extremely responsive to requests. Chief Brady and Captain Colyer recognize the significant responsibility for documenting and measuring their efforts toward full compliance with the Agreement.

The Reviewer remains impressed with the quality and service offered by community resources in Missoula for victims and survivors of sexual assault. Recent efforts to enhance communication and coordination between MPD, the County Attorney's Office, and the community resources to achieve a true community coordinated response to sexual assault are reported to be improving by all community partners that the Reviewer spoke with during the review period.

Continued sexual assault case reviews by the Reviewer and the ERP will continue. The MPD Sexual Assault Policy and SOP have been fully implemented. A two year training plan has been developed, a victim survey is being developed, and a community safety and accountability audit is in the planning stages. Continued progress on the remaining requirements of the Agreement is expected.

The Reviewer looks forward to the work ahead and the continued commitment of the City, MPD and the community of Missoula.