

**Third Report of the Independent Reviewer
Covering April 1, 2014 – August 8, 2014 and First Year
Compliance Assessment**

**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
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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 related to MPD’s response to reported sexual assaults. 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; the second report of the Reviewer was released June 10, 2014. Both reports can be found on the MPD website at the following link: <http://www.ci.missoula.mt.us/1621/Improving-Our-Response-to-Sexual-Assault>.

This report is the third report from the Reviewer and covers the period between April 1, 2014 and August 1, 2014. This report also includes an assessment of the first year of progress towards compliance with the Agreement.

OVERVIEW OF FIRST YEAR

The Reviewer is pleased to report that at the end of the first year of the Agreement, there is information and evidence that the Agreement is having its intended effect, which is to improve MPD's response to sexual assault.

Throughout the first year of the Agreement, MPD has demonstrated an exceptional effort to comply with all the terms of the Agreement. As of August 8, 2014, MPD is in full compliance with nineteen of the twenty-four requirements of the Agreement, and in partial compliance with the five remaining requirements of the Agreement. (See Compliance Graph on pages 20 – 29.)

For the first year of the Agreement, the Reviewer has conducted well over 400 hours of combined remote review services, consultation, and on site compliance visits in Missoula. The compliance visits included a complete review of documentation regarding the progress to date on the terms of the Agreement.

The review services and consultation were specific to the terms of the Agreement and have included: sexual assault case reviews and analysis, policy / SOP reviews, training, compliance assessments, and interviews with community members, community service organizations, criminal justice partners, and department personnel.

While progress on implementation of the Agreement continues, the MPD must eventually achieve compliance with all terms of the Agreement, with specific focus on the following requirements with which they have not yet achieved full compliance: Close Supervision and Internal Oversight; Coordination with Law Enforcement and Community Partners; Data Collection and Analysis; and the Community Conducted Sexual Assault Response Safety and Accountability Audit, which is in progress. The compliance efforts and status for all terms of the Agreement are detailed in the Compliance Graph on pages 20 – 29.

In addition, in order to achieve full compliance with the Agreement, MPD must demonstrate that the changes it has already made will be sustained and continuing; MPD must demonstrate both sustained compliance with all material requirements of the Agreement, including those with which it has already achieved initial compliance, and sustained and continuing improvement in the overall response to, and investigation of, reports of sexual assault.

Throughout the first year of the Agreement, the reviewer interviewed a number of community members, community service organizations, criminal justice partners, and department personnel. Community partners agreed that the Agreement is having its intended effect, but feel that the real measurement will be what happens after the Agreement ends. Community partners also generally agreed that the communication, coordination, and relationship among the community partners were enhanced as a result of MPD's implementation of the agreement.

All interviewed generally agree that MPD is putting considerable effort into not only fulfilling the terms of the Agreement, they are also going beyond the requirements of the Agreement to further improve their capabilities, response, and investigations in sexual assault cases. Most importantly community partners noted their positive impressions and observations of MPD's improvement in providing victim centered services for victims and survivors of sexual assault.

One such effort in the first year that goes beyond the Agreement is the creation of MPD's new Special Victim's Unit (SVU). As a result of increased attention to and analysis of sexual assault by MPD, MPD initiated the SVU to ensure a comprehensive and consistent investigation of all sexual assault cases. SVU investigators, who were specifically selected for the unit based on their skills, are responsible for the investigation of all felony sexual assault cases. Community partners report high confidence in the professionalism and skills of the investigators that were selected for the SVU.

MPD has contributed significant resources and finances for the development of the SVU. These efforts include securing additional funding for new office space, remodeling MPD headquarters to create new interview rooms, and new technology and recording enhancements for the interview rooms.

While this first year summary indicates that the Agreement is having its intended effect to improve MPD's response to sexual assault, additional challenges were identified during the April – August 2014 reporting period that will require attention during the second year of the Agreement. The challenges facing MPD in the coming year, the details of the work conducted and observed by the Reviewer, and MPD's efforts and compliance progress are documented in the throughout this report.

Work Conducted / Observed by the Independent Reviewer April 1 – August 8, 2014:

During the seventeen week observation period the Reviewer has conducted over one-hundred and thirty hours of remote reviewing activity and consultation, and over sixty-six hours of on-site review activity and consultation during two separate site visits to Missoula, MT.

The first site visit during this reporting period occurred July 9 – 12, 2014 and included MPD case reviews and observation of the External Review Panel (ERP) case reviews. The second site visit occurred August 3 – 8, 2014 and included a compliance assessment of MPD efforts to fulfill the terms of the Agreement. The results of compliance assessment are included in the Compliance Graph on pages 20 – 29.

During the August 3 – 8, 2014 site visit the Reviewer met with numerous community partners to discuss MPD efforts. As during previous compliance visits, all community partners generally agreed that MPD is putting considerable effort into not only fulfilling the terms of the Agreement, they are also going beyond the requirements of the Agreement to further improve their capabilities, response, and investigations of sexual assault cases.

In meetings with the Missoula City/County Crime Victim Advocate Program (CVA) staff, they described their impressions that MPD's implementation of the Agreement has indirectly caused problem for the CVA. The CVA described its understanding that MPD's implementation efforts included the purchase of a new records management system. During the implementation MPD determined that the CVA would not have access to MPD's computer system and case files, as the CVA had in the past, because allowing the CVA such access could violate Montana state law¹.

The CVA had previously accessed MPD's computer system, for example, to obtain contact information for victims of sexual assault and domestic violence, in order to offer victims services and support. Without access to this information CVA fears that victims will not receive timely services and support.

¹ More specifically, MPD determined that the CVA is not a "criminal justice agency," such that it could have immediate access to "confidential criminal justice information" available through the MPD's computer system. See Montana Criminal Justice Information Act of 1979, Title 44, Chapter 5; subsection 44-5-103(3) MCA (definition of confidential criminal justice information); subsection 44-5-103(7) MCA (definition of criminal justice agency).

The Reviewer notes that MPD purchased a new records management system as an upgrade to their computer system in effort to improve data analysis for all crimes, including sexual assault. The Reviewer also notes that neither the Agreement nor DOJ required MPD to change its computer system, to modify its procedures for sharing information with the CVA, or to reconsider the law governing its handling of criminal justice information.

MPD and the CVA are actively working together to find a mutually agreeable means of sharing information, and awaiting a legal opinion from the Montana Attorney General's Office about the impact of Montana law on criminal justice information on their ability to share information. The outcome of this will be documented in the next report of the Reviewer.

The CVA also reported a concern regarding the new settlement Agreement between the DOJ, the Montana Attorney General's Office, Missoula County, and the Missoula County Attorney's Office (MCAO), signed on June 10, 2014. For details see: <https://dojmt.gov/wp-content/uploads/MTAGO-MC-June2014.pdf> (agreement between the Montana Attorney General's Office and the Missoula County Attorney's Office)

The new Agreement requires the MCAO to hire a victim advocate to work directly for the MCAO. The CVA reports concerns that this new position required by the MCAO's Agreement will conflict with the CVA's responsibilities to crime victims.

The CVA reports that they were not adequately consulted with prior to the MCAO's Agreement. Further, the CVA is concerned that they will not be consulted with when the MCAO creates the job description for the new advocate position. The DOJ reports that it discussed the CVA's concerns about this issue during negotiations with MCAO, and that it believes that the CVA does and will continue to serve an essential function that should in no way be diminished by the hiring of a victim advocate by MCAO, which serves a complementary but distinct function.

The Reviewer agrees that collaboration between all the parties will be helpful in establishing effective roles and responsibilities for the new position in the MCAO's office. The Reviewer has encouraged the CVA to address these concerns directly with the MCAO, the Montana Attorney General, and the Technical Advisor to the MCAO Agreement, Attorney Anne Munch.

The Reviewer discussed the two challenges identified by the CVA staff with MPD during an exit briefing on August 7, 2014. The CVA plays a critical role in Missoula to support victims' of crime. MPD acknowledged CVA's important role and discussed plans for working together to resolve these challenges.

Additionally, the following challenges were identified during the August 3 – 8 compliance visit and discussed with MPD during the exit briefing on August 7, 2014.

- Despite a new agreement between MPD and the MCAO to promote timely case reviews and charging decisions, victim advocates reported concerns from some victims that they have not received timely updates and case resolutions in some sexual assault cases. The Reviewer encouraged victim advocates to identify the specific cases with MPD to ensure victims received updates. MPD reports that the Agreement between MPD and the MCAO to ensure timely case reviews by the MCAO's office has improved communication between the MCAO and MPD detectives. This improvement must translate to victims who are waiting for updates and resolution of cases. Continued efforts and improved documentation of timely case reviews and charging decisions will be reviewed during upcoming compliance visits.
- Based on data analysis discussed in this report MPD is seeing a positive impact regarding increased reporting and victim participation in the criminal justice system. However, based on information from victim advocates and MPD, it appears that some victims who report sexual assaults to MPD are reluctant to continue in the criminal justice process following their initial report. While the Reviewer notes this is not uncommon, MPD and some victim advocates report that some of the victims that withdraw from the reporting process do so, in part, following news media coverage of their cases. Victims have also expressed concerns about how the news media reported on previous sexual assault cases in Missoula. These concerns include the way victims perceive the experience of previous victims during court proceedings, and how victims are portrayed by the media during court proceedings / trial. MPD and their community partners are discussing these concerns and are encouraged to initiate a community conversation with local press / media that will include balancing the freedom of the press with community concern.

- Completing a survey instrument to collect data from victims of sexual assault to obtain feedback on the treatment of victims from both victims and advocates. MPD is working with the University of Montana Department of Sociology and community partners to develop the survey instrument. This effort has taken longer than expected and MPD should move forward with an abbreviated survey if necessary so data can be collected as soon as possible.
- The development of the MPD SVU and the selection of personnel to investigate sexual assault cases is seen as a very positive step in enhancing MPD response to sexual assault. However, MPD and community partners raised concern that the high caseload and the scrutiny that investigators are under in the SVU results in a stressful work environment. MPD has indicated that they are committed to providing the necessary resources and support for the success of the SVU. This will require further analysis that will include discussions with MPD SVU detectives.
- Completing the Community – Conducted Sexual Assault Response Safety and Accountability Audit. The Community Safety and Accountability Audit Team has been selected and has begun their work. They have set an aggressive timeline and target date of December 2014 to complete the audit and determine next steps. While initial progress reports are positive, it is understood that the target date can be modified by the Audit Team to ensure a complete and thorough audit.

MPD has demonstrated a commitment to meeting the requirements of the Agreement. MPD will have to address these challenges during the final year of the Agreement.

Work Conducted / Observed by the Independent Reviewer Year 1 of the Agreement:

For the first year of the Agreement, the Reviewer has conducted well over 400 hours of combined remote review services, consultation, and on site compliance visits in Missoula. The compliance visits 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 20 – 29 of this report.

The review services and consultation were specific to the terms of the Agreement and have included; sexual assault case reviews and analysis, policy /SOP reviews, training, compliance assessments, and interviews with community members, community service organizations, criminal justice partners, and department personnel.

During this review period and throughout the first year of the Agreement, MPD has demonstrated an exceptional effort to comply with all the terms of the Agreement. MPD's improved policies, protocols and training are the best examples of this to date. As documented in previous reports these efforts have resulted in a new policy and standard operating procedures (SOP) that are routinely reviewed and evaluated for effectiveness. MPD has documented plans to update the policy and SOP annually to ensure best practices are maintained.

The MPD Policy can be found on the MPD website at the following link:
<http://www.ci.missoula.mt.us/DocumentCenter/View/23707>

A department wide training plan specific to sexual assault was developed and is being followed with continued plans for sexual assault training beyond the anticipated end date of the Agreement. The MPD Sexual Assault Policy, SOP, and Training Plan are excellent examples for other departments to follow.

The Reviewer continues to monitor all reports of sexual assault received by MPD. This monitoring has included case reviews of all sexual assault reports and analysis of the related data collected by MPD.

First Year (2013) Data Collection and Analysis of MPD Sexual Assault Reporting

MPD reports, the Reviewer agrees, that and results of MPD's data analysis reflect some progress in fulfilling the purpose of the Agreement, which is to improve MPD response to and investigations of sexual assault cases. MPD analyzed data from the calendar year (2012) prior to the signing of the DOJ Agreement, with the first calendar year (2013) data since the Agreement went into effect. The analysis and data collection focused on four primary areas:

1. Reporting rates of misdemeanor and felony sexual assaults, including anonymous and 3rd party reporting
2. Victim participation throughout the criminal justice process
3. Offender accountability
4. Access to forensic medical examinations for all victims

Analysis: Reporting Rates: 2012 and 2013 Calendar Year Comparison

MPD and Reviewer first year analysis of felony and misdemeanor cases reported to MPD shows there were 25 more Sexual Intercourse Without Consent² (SIWOC) cases reported to MPD in 2013 than in 2012, and there were 5 fewer misdemeanor sexual assault cases reported to MPD in

2012 SIWOC Reports: 31	2013 SIWOC Reports: 56	Increase: 80%
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2012 Misdemeanor Reports: 28	2013 Misdemeanor Reports: 23	Decrease: 18%
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2013 than in 2012.

² Sexual Intercourse Without Consent is the Montana statutory term for rape.

First year analysis of SIWOC cases reported to MPD anonymously or by 3rd parties shows there were 19 more cases in 2013 than in 2012

2012 Anon / 3 rd Party SIWOC: 6	2013 Anon / 3 rd Party SIWOC: 25	Increase: 316%
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This data shows a substantial increase in anonymous and 3rd Party reporting to MPD. In 2013, MPD initiated new reporting options for victims of sexual assault, which allow victims to report anonymously or through third parties. Victims are then empowered to decide if they want to pursue a criminal investigation at the time of the report, or at a later date. MPD and their community partners advertised these new options through a program titled “It’s Your Call,” in the hopes of increasing reporting and community confidence in the reporting process. The increase of anonymous and 3rd party reports in 2013 suggests that the new reporting options are having their desired effect.

When looking at the reporting numbers for all SIWOC cases, including anonymous and third party reporting, and all misdemeanor cases combined, there was a total of 104 SIWOC cases reported to MPD in 2013, showing 39 more SIWOC cases as compared to the 65 SIWOC cases in 2012. This represents a 60% increase from 2012 to 2013 in the number of SIWOC cases

2012 Combined Reports: 65	2013 Combined Reports: 104	Increase: 60%
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reported to MPD.

This is a substantial increase in the number of combined reports in the first calendar year of the Agreement. It is also a substantial increase in the workload, especially for detectives assigned to the SVU.

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, as well as public confidence in the reporting process.

It is clear that following DOJ's investigation in Missoula there has been increased community awareness and dialogue about sexual violence in Missoula. There has also been an effort to enhance community coordinated response, collaboration, and trust.

Recent guidance on national law enforcement best practices has placed more emphasis on improving reporting options for victims of sexual assault, specifically to increase the number of reports made to law enforcement. Increased anonymous / 3rd party reporting could lead to a more complete analysis of the scope of the problem in the community, potentially identify crime patterns or serial sexual offenders, and also provide opportunity to convert anonymous / 3rd party reports to active cases should the victim decide to reinitiate contact with MPD. These efforts are positive efforts that should encourage increased victim participation rates, greater offender accountability, and enhanced public safety.

Analysis: Offender Accountability

MPD and Reviewer Analysis of 2012 and 2013 rates for suspects charged with SIWOC shows an 11% increase in the percentage of SIWOC cases prosecuted in 2013, the first year of Agreement, as compared to 2012.

2013	
SIWOC reports to MPD	56
MPD SIWOC cases in which suspect charged with SIWOC	15

2012	
SIWOC reports to MPD	31
MPD SIWOC cases in which suspect charged with SIWOC	5
Percentage Charged	16%

Percentage Charged	27%
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This first year analysis shows an increase in the number and proportion of SIWOC cases resulting in prosecution; however, there is currently limited data at this time to show or compare outcomes and conviction rates. Analysis of the 2014 data will occur at the end of calendar year 2014. The 2014 data will be compared to 2012 and 2013 data, and the analysis should expand to include more analysis of how sexual assault cases are referred by MPD to the MCAO and final MCAO case dispositions for all sexual assault cases referred by MPD to the MCAO.

MPD will continue to collect and analyze data throughout the Agreement. The data collected throughout the Agreement will provide a helpful benchmark to continue data collection and analysis beyond the Agreement which will be consistent with best practices.

Analysis: Victim Participation Throughout the MPD Reporting Process

One requirement of the Agreement includes monitoring the rates at which victims discontinue in the reporting process. In accordance with national law enforcement best practices, MPD and its advocacy partners encourage victim reporting, but they also encourage victim empowerment in the decision to discontinue in the reporting process when victims are unable or unwilling to continue.

First year analysis of victim participation rates through the MPD reporting process shows some initial improvement, as reflected in a decrease in the number of cases in which the victim discontinued participation in the MPD investigation.

In 2012, MPD data shows that 48% of victims that reported SIWOC chose to discontinue in the reporting process. In the first calendar year of the Agreement (2013), MPD data shows that 39% of victims that reported SIWOC chose to discontinue in the reporting process; this suggests that more victims are continuing in the MPD reporting process following the Agreement.

2012	
SIWOC reports to MPD	31
Number of SIWOC victims that discontinue	15
Rate of SIWOC victim discontinuation	48%

2013	
SIWOC reports to MPD	56
Number of SIWOC victims that discontinue	22
Rate of SIWOC Victim Discontinuation	39%

Victim Access to Forensic Medical Examination

Another requirement of the Agreement is that MPD must monitor how they assist victims with accessing forensic medical examinations. Analysis of the data for the calendar year 2013 indicates that MPD first response officers transported, or arranged transportation, for all but one victim who agreed to or requested a forensic medical exam. In the one incident where patrol officers did not transport or arrange transportation for the victim, an MPD detective later arranged for the forensic medical examination. MPD was not collecting this data in 2012 so there is no benchmark for comparison of the 2013 data.

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 ERP planning process, MPD, the Reviewer and DOJ agreed to have the ERP specifically review felony cases only. The ERP may still review misdemeanor sexual assault cases if MPD, the ERP, or the Reviewer determines there is a need to review a particular misdemeanor case.

The ERP is made up of community partners with experience in sexual assault victim and survivor advocacy. Thus far, the ERP, and the development of the ERP's protocols, has been 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.

ERP members meet with MPD to review all closed MPD felony sexual assault cases and provide feedback on investigations, with the purpose of promoting comprehensive and bias-free responses and investigations, including the application of a trauma informed and victim centered service approach.

During the first year of the Agreement, the ERP has reviewed sixty-seven referred sexual assault investigations conducted by MPD. ERP members report that the case reviews have shown

improvement in MPD response, investigations, and victim services, including more advocacy involvement. With respect to the ERP's own progress, ERP members report that they are gaining more experience with case reviews and that, as their experience grows, they are able to provide more comprehensive feedback that will continue to benefit MPD.

The ERP first met on September 18, 2013, for initial training about the proposed protocols for the ERP review and guidance about implementation of the review protocols. This initial training was conducted by Anne Munch and observed by the Reviewer, MPD, and DOJ. The ERP's first case reviews took place on September 19 - 20, 2013, with oversight by Anne Munch.

The protocol for the ERP's case reviews (ERP Protocol) was finalized, incorporating input from ERP members, Anne Munch, DOJ, MPD, and the Reviewer, on [DATE]. The ERP provides feedback to MPD command staff in accordance with the ERP Protocol, which includes a list of criteria to assess the investigation's "Comprehensiveness" and "Possible Indicators of Bias." For each of these criteria, ERP members provide color coded feedback using the following categories:

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 four ERP sessions and a total of sixty-seven sexual assault cases have been reviewed by the ERP. The following is a breakdown of the four ERP sessions and how each individual case was coded:

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.

July 2014 ERP Session (24 cases)

- 15 “Green” cases
- 6 “Yellow” cases
- 3 “Orange cases

Because there are multiple categories for review in each case ERP members provide numerous comments on each case. The following data represents the number of color coded comments for cases reviewed to date:

- Sep 2013 Session comments: 126 green, 63 yellow, 7 orange
- Dec 2013 Session comments: 99 green, 23 yellow, 14 orange
- Mar 2014 Session comments: 203 green, 24 yellow, 2 orange
- July 2014 Session comments: 180 green, 30 yellow, 51 orange

Based on a review of the comments made throughout all four ERP sessions, the March 2014 ERP review resulted in far more positive observations about MPD investigations, and fewer identified concerns about MPD investigations, than the previous ERP sessions. This is consistent with ERP member reports that there is a noticeable improvement in MPD response, investigations, and victim services.

The July 2014 ERP session included observations by the Reviewer and the ERP was assisted with case reviews by Anne Munch. The July ERP session resulted in far more identified concerns about MPD investigations than the previous sessions; for example, the ERP sent three cases back to MPD for further investigation.

The Reviewer noted that the involvement of ERP Consultant, Attorney Anne Munch resulted in far more observations of comprehensiveness than previous ERP Sessions. ERP members agreed that Attorney Anne Munch's involvement assisted them in providing more comprehensive feedback compared to previous ERP sessions. ERP members also reported that their experience with previous ERP sessions has helped them improve their case reviews.

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; and to ensure that reviewed cases are reopened or reexamined where warranted. MPD continues to 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. The Reviewer recognizes external case reviews of sexual assault cases as a promising practice for law enforcement and will encourage MPD to continue external review following termination of the Agreement.

Case Reviews 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.

The Reviewer will continue to monitor cases throughout the duration of the Agreement.

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

The Reviewer is pleased to report throughout this reporting period, and the first year of the Agreement, that substantial progress on the terms of the Agreement has been made and continues. 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.

As of August 8, 2014, MPD is in compliance with nineteen of the twenty-four requirements and MPD is in partial compliance with the five remaining requirements. The Reviewer remains impressed with MPD efforts towards compliance and their efforts that go beyond 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 (August 8, 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	Compliance / Date found to be in compliance August 7, 2014; Sustained Compliance may be achieved following sustained compliance of all Section III requirements.
III.A.2.	MPD shall assess and modify as	Jan 1, 2014	Compliance / Date found to be

<p>III. A.2. a – i</p>	<p>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.</p>		<p>in compliance February 16, 2014</p> <p>Policy Review to be completed by November 15, 2014</p> <p>Sustained compliance may occur following analysis and review of policy / SOP.</p>
<p>III.B.</p>	<p>Sexual Assault Response Training</p>	<p>Nov 1, 2013</p>	<p>Compliance / Date found in compliance November 1, 2013</p> <p>March 14, 2014 Developed two year training plan.</p> <p>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-service training shall be of sufficient</p>	<p>Sep 30, 2013</p>	<p>Compliance / Date found in compliance September 30, 2013.</p> <p>March 14, 2014: Developed two year training plan</p> <p>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.</p>

	length and scope to include the topics as detailed in section III.B.3. a – h.		
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 / Date found in compliance September 30, 2013. March 14, 2014: Developed 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 / Date found in compliance August 9, 2013. March 14, 2014: Developed two year training plan. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.
III.B.6.	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.	Nov 1, 2013	Compliance / Date found in compliance February 6, 2014. March 14, 2014: Developed two year training plan. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.
III.B.7.	Training pursuant to the Agreement shall be provided in accordance with best practices and include adult-learning	Nov 1, 2013	Compliance / Date found in compliance November 1, 2013;

	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.		March 14, 2014: Developed two year training plan. Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.
III.C.	Review of Policies and Training	Jun 15, 2015	Compliance / Date found in compliance December 9, 2013. March 14, 2014: Developed two year training plan. Sustained compliance may be achieved following sustained compliance of all of Section III.C. requirements.
III.C.8.	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 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.	Ongoing review by Independent Reviewer / DOJ as required throughout the Agreement	Compliance / Date found in compliance December 9, 2013. March 14, 2014: Developed two year training plan. Sustained Compliance may be achieved following analysis and measurement of outcomes.
III.C.9.	MPD sexual assault related policies shall be publicly available.	Jan 1, 2014	Compliance / Date found in compliance December 9, 2013. Sustained Compliance may be achieved following posting of updated policies throughout the agreement.
III.D.	Investigating Non-Stranger and Alcohol or Drug Facilitated Sexual Assault	Jun 15, 2015	Compliance / Date found in compliance Nov 1, 2013. 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	Compliance / Date found in compliance November 1, 2013 Sustained Compliance may be achieved following analysis and measurement of outcomes for two year training plan.
III.E.	Victim-Centered Response to Sexual Assault	Jun 15, 2015	Compliance / Date found in compliance August 8, 2014. Sustained Compliance may be achieved following sustained compliance of all Section III, E. requirements.
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	Compliance / Date found in compliance June 10, 2014 Sustained compliance may be achieved following analysis and measurement of impacts
III.F.	Close Supervision and Internal	Jun 15, 2015	Partial Compliance; ongoing

	Oversight		<p>effort.</p> <p>Close supervision and internal oversight has been demonstrated and efforts are continuing. This section requires completion of victim survey to achieve compliance.</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>Close supervision and internal oversight has been demonstrated and efforts are continuing. This section requires completion of victim survey to achieve compliance. Victim survey in development.</p> <p>Compliance / Sustained Compliance to be determined by Reviewer following analysis and measurement of outcomes.</p>
III.G.	Coordination with Law Enforcement and Community Partners	Jun 15, 2015	<p>Compliance / Date found in compliance August 8, 2014.</p>
III.G.13. a - f.	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 of Montana (University), the University's	Sep 1, 2014	<p>Compliance / Date found in compliance June 10, 2014.</p> <p>Memorandum of Understanding for case referral with the MCAO is in effect. Continued monitoring of MOU required.</p>

	Office of Public Safety (OPS), the Missoula County Attorney's Office and community advocates. MPD shall include details of III.G.a - f.		Sustained Compliance may be achieved following analysis and measurement of outcomes.
III.H.14.	Data Collection and Reporting	Jun 15, 2015	Partial compliance on August 8, 2014; ongoing effort. New RMS. Also 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. 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	Partial compliance on August 8, 2014, ongoing effort. New RMS. 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 / Date of compliance September 18, 2013. ERP has reviewed 67 felony sexual assault cases 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, 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	Aug 9, 2013 Sep 18, 2013	Compliance / Date of compliance September 18, 2013. 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	Partial compliance on August 8, 2014, ongoing efforts. Janet Donahue selected as Chair of the committee to help lead the audit. CPT Colyer and Janet Donahue selected to attend PRAXIS International Training April 28 – MAY 2, 2014 in St. Paul, MN. MCAO to participate in Audit. Audit now in progress with expected completion date of December 2014.

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:

MPD has continued to cooperate fully and professionally with the Reviewer in MPD’s efforts to fulfill the terms of the Agreement.

As of August 8, 2014, MPD is in compliance with nineteen of the twenty-four requirements and MPD is in partial compliance with the five remaining requirements. The Reviewer remains impressed with MPD efforts towards compliance and their efforts that go beyond the requirements of the Agreement.

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 progressing. Continued efforts are necessary and the community safety and accountability audit recommendations will be helpful to advance those efforts.

Sexual assault case reviews by the Reviewer and the ERP will continue. The two year training plan is being followed, the victim survey is nearing completion, and the community safety and accountability audit is in progress, with an expected completion date of December 2014.

Continued progress towards compliance 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.