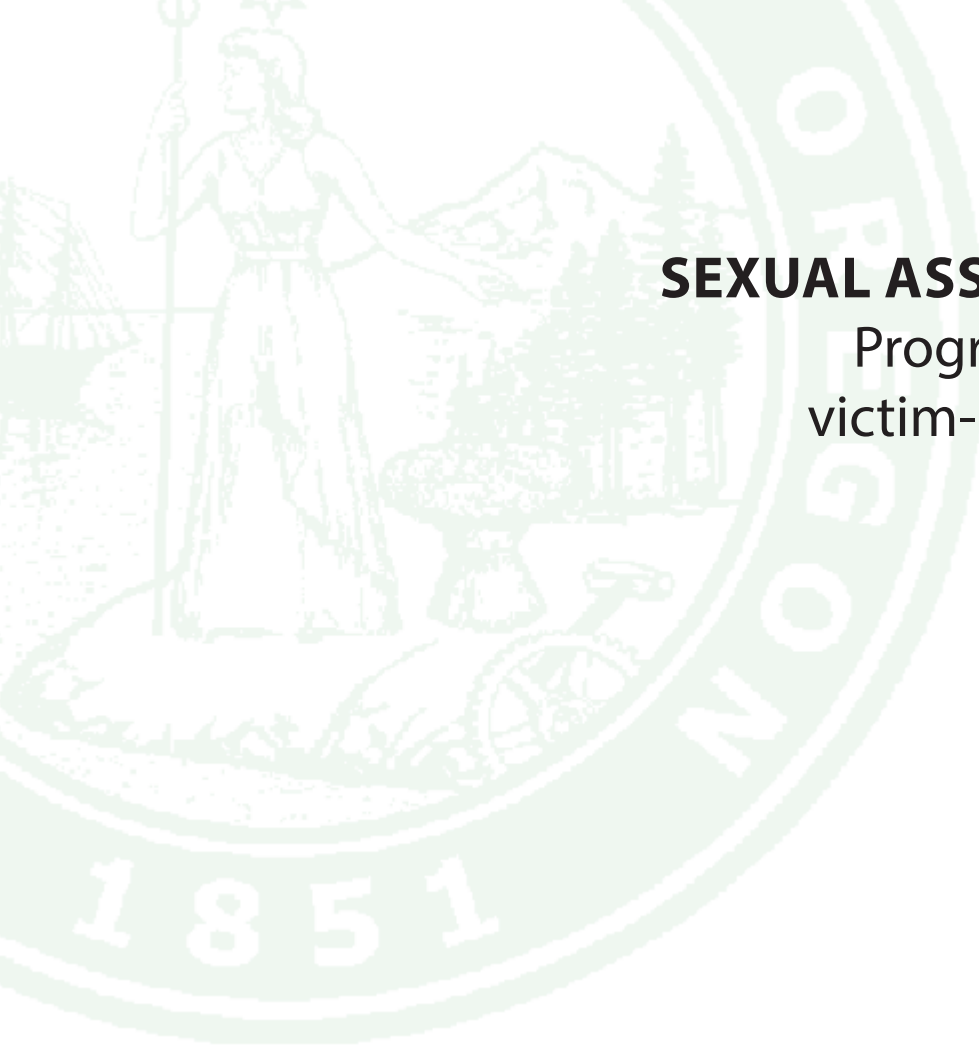




SEXUAL ASSAULT RESPONSE:

Progress made toward a
victim-centered approach

February 2014

LaVonne Griffin-Valade

City Auditor

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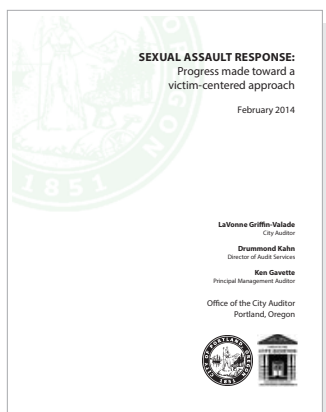
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February 25, 2014

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman
Mike Reese, Chief of Police
Lisa Turley, Director, BOEC

SUBJECT: Audit Report – *Sexual assault response: Progress made toward a victim-centered approach* (Report #445)

The attached report provides the results of our audit of the City's system to respond to victims of sexual assault.

This report is an update to a 2007 audit which described significant weaknesses in how the City of Portland responded to victims of sexual assault. In that report we recommended that more hospitals and trained staff be available for victims, that 9-1-1 call takers be more consistent in giving information to victims about preserving evidence, and that Police Bureau detectives make more concerted efforts to contact victims and provide the support they may need to stay involved in investigations.

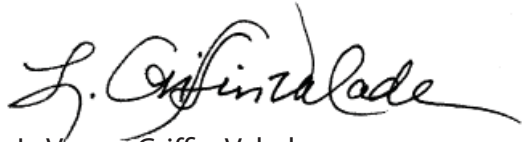
Soon after publication of that report, City Council held a public hearing to get the Police Bureau's response and plans for change. We are pleased to report in this audit that much progress has been made. More hospitals and trained staff are available, reducing long wait times for victims at hospitals. The Police Bureau has hired two Victim Services Specialists to provide the kind of social support to victims not normally associated with investigative work, but that may help victims stay engaged in investigations and improve the chances of taking offenders off the street. While we found that 9-1-1 call-takers were still not consistently giving out appropriate instructions to victims, BOEC management made policy changes during our audit to immediately address these issues and even go beyond our recommendations.

City Council's prompt public response to our 2007 audit, along with a conscientious police administration and community partners, helped bring about these dramatic changes.

Our current recommendations center on revising and strengthening Police Bureau policies to improve communications within the Bureau's Sex Crimes Unit to provide even better service to victims and the community. The Police Bureau has supported each of these recommendations.

We would like to thank members of the Police Bureau, staff from BOEC and from the commissioner's offices for their help in completing this important work.

We ask the Police Bureau and BOEC to provide us with a status report in one year, through the Commissioner-in-Charge, detailing the steps taken to address our recommendations.

A handwritten signature in black ink, reading "L. Griffin-Valade". The signature is fluid and cursive, with the first name "L." and the last name "Griffin-Valade" clearly visible.

LaVonne Griffin-Valade
City Auditor

Audit Team: Drummond Kahn
Ken Gavette

Attachment

SEXUAL ASSAULT RESPONSE:

Progress made toward a
victim-centered approach

Summary

In 2007, we issued an audit report describing ways for Portland to improve its response to sexual assault cases. A relatively low and declining clearance rate for sexual assault cases signaled a need to examine policies and practices on several levels in Portland. We reported weaknesses in several areas including: inconsistent information given by 9-1-1 call takers, few medical resources for victims, and a Portland Police Bureau detective unit with a high turnover rate and whose staff seemed to make inconsistent efforts to contact victims or follow up on leads.

At that time, we made a series of recommendations which have been addressed by City government and various local organizations. This current report assesses progress toward making the response to sexual assault cases more victim-centered. That is, focused on the needs of the victim. The purpose of focusing on victim needs is to help keep them involved in the investigative and prosecutorial process, thus improving the odds a case will be successfully prosecuted and a perpetrator taken off the streets.

For this report, we conducted interviews with Police Bureau managers and staff and representatives from the Multnomah County District Attorney's Office, the Oregon Attorney General's Office, and the local medical community. We examined forty-nine detective case files and listened to fifty-four 9-1-1 calls. We found that significant progress has been made, although more work needs to be done.

In our 2007 audit, we found:

- Only one hospital routinely conducted full victim medical examinations and few specially trained nurses were available citywide, meaning long waits for victims.
- 9-1-1 call-takers did not consistently follow the Bureau of Emergency Communication's own policies for giving information about preserving evidence.
- Turnover was high among sexual assault detectives and morale was low.
- At the Police Bureau, detectives sometimes closed cases without making concerted efforts to contact victims or suspects.
- Detectives did not appear to be focused on the needs of the victims.

Our current audit found improvements overall:

- More medical resources are available to victims: specially trained sexual assault nurses are more available and at least five major hospitals in the area are now ready to process Sexual Assault Forensic Examination (SAFE) kits.
- Although our review of 9-1-1 audio files shows that call-takers are still inconsistent in giving information to victims on how they should preserve evidence, BOEC management took steps during the audit to address these concerns.
- At the Portland Police Bureau's Sex Crimes Unit (SCU), turnover among detectives is still high, but lower than in previous years, and there are a number of detectives who have several years of experience and can help mentor others.
- The Bureau has added two Victim Services Specialists (specialists). These staff members assist in contacting victims and providing social support services, a function not normally associated with traditional detective work.

-
- SCU staff generally meet revised policies requiring them to contact victims within 48 hours of case assignment, to make at least two phone call attempts to reach victims, and to make at least one field visit to a known address to leave a business card and contact information.
 - Detectives and specialists are also expected to conduct interviews in person and at locations convenient to victims. While not a written policy, the SCU supervisor told us he expects that 100% of victims will be contacted by a detective or specialist. However, the current supervisor says this critical performance measure is not tracked.
 - Detectives appear to use the specialists in many cases, even when the specialists are not initially assigned, to help provide for the physical and emotional needs of victims.

Some cases may still have tragic outcomes despite these improvements. For example, the SCU closed a case early in 2013 following the victim's initial declaration of only wishing to file an anonymous report and a subsequent failed effort to contact the victim. The perpetrator went on to attack other victims. The original victim later claimed she had wanted to continue the investigation and was waiting to be contacted by investigators. Our review of documents and interviews show that miscommunication in at least two points may have contributed to the situation. Please see page 13 of this report for more information on this case. SCU staff may need to redouble efforts and supervisors may need to increase oversight to ensure victims are contacted even when victims, as in this case, do not have direct phone numbers.

We make seven recommendations to improve the City's response to sexual assault investigations. While significant progress has been made since our 2007 audit, remaining issues include emphasizing policies and training for 9-1-1 call takers concerning evidence preservation and developing policies that clarify the role of specialists.

Background

Sexual assaults are a significant criminal and public health problem in the United States. A 2010 survey by the U.S. Centers for Disease Control and Prevention found that nearly one in five women and one in 71 men have been raped at some time in their lives. These attacks place a strain on both our physical and mental health systems as survivors experience physical injury and mental health trauma, which could include depression, anxiety, low self esteem, and suicide attempts.

Sexual assaults are also the most under reported of all serious crimes, according to the U.S. Department of Justice. In 2012, only 28 percent of these attacks were reported, compared to 56 percent in 2003. Victims may feel reluctant to disclose the crimes for a variety of reasons including shame, embarrassment, fear of retribution from perpetrators, or a belief they will not be supported by law enforcement officials. In order to better hold perpetrators accountable, according to the CDC, it is necessary to enhance training efforts within the criminal justice system to better engage and support victims.

Why a victim-centered approach

In response to the physical and emotional needs of victims, and in recognition of their important role in the prosecutorial process, the Oregon Attorney General's Office, in 1999, formed the Sexual Assault Task Force (SATF), comprised of concerned citizens and professionals. Their goal was to develop strategies and promote an effective and consistent approach to responding to sexual assaults.

The SATF works to promote a victim-centered response to sexual assault. A victim-centered response recognizes that victims must feel they are believed and trust the system will work for them, or they will not participate in the system. Indeed, victims often choose not to report crimes in the first place because they fear not being believed.

The Sexual Assault Response Team Handbook (a SATF product) states, "It is critical to the success of the response...that victims believe that reporting and participating in the criminal justice system is a safe and viable option. If they do not...they will not willingly participate in the criminal justice response."

The victim-centered approach recognizes the victim is the center of the investigation, as in the majority of sexual assaults, the only witness to the assault is the victim. The investigation starts with the premise that victims are the most important part of the investigation and their cooperation is necessary throughout the process to ensure successful prosecutions.

2007 audit results

In 2007, we conducted an audit of the Sex Crimes Unit (SCU) of the Portland Police Bureau (the Bureau). We undertook that audit because we noted declining clearance rates for sexual assault crimes. In that report, we not only looked at the Portland Police Bureau response to these crimes, but also community factors such as the availability of medical resources and advocates for victims, and the 9-1-1 system.

At the time, we found Portland's system did not meet best practice standards for responding to victims' needs or investigating cases. Despite positive progress and on-going efforts by local professionals, including representatives from the Police Bureau, victim advocate groups, and the Multnomah County District Attorney's Office, the system was not working as well as it should have for victims of sexual assault.

In general, our 2007 audit noted that 9-1-1 call-takers were not giving consistent information to victims concerning evidence preservation, only one hospital was the primary provider of sexual assault exams, Multnomah County as a whole lacked an adequate number of specially trained nurses (called Sexual Assault Nurse Examiners, or SANEs), and police detectives did not appear to make adequate efforts to contact victims and keep them involved in the process.

In addition, we found that Police Bureau staffing issues, such as frequent turnover, an outdated report routing procedure, and detectives' views of the assignment as less than desirable contributed to problems with investigative effectiveness.

For a full listing of findings and recommendations, please see our 2007 audit report, *Sexual Assault Response and Investigation: Portland efforts fall short of a victim-centered approach*.

<http://www.portlandoregon.gov/auditor/index.cfm?c=44209&a=158873>

Audit Results

The primary objective of our current audit was to answer the question: In responding to reports of sexual assaults, is our community more victim-centered than in prior years? We found that the answer is yes.

There are more medical facilities that conduct sexual assault exams, SANE nurses are more available than they were in 2007, the Multnomah County District Attorney's Office is more engaged with the Portland Police Bureau to assist in case development, and the Police Bureau's Sex Crimes Unit (SCU) has made significant strides in adopting the philosophy and practices of a victim-centered approach.

However, despite these gains, we found that in the past four years, the SCU's clearance rate, although higher than in past years, has begun to decline. And although the SCU generally has more staff than in past years, the number of assigned cases has also increased. These trends, in combination with increased efforts to become victim-centered, may partially account for these declining clearance rates.

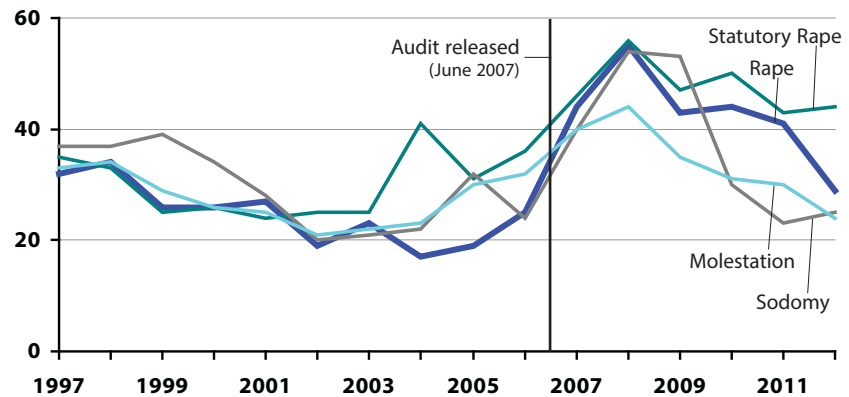
Clearance rates improved since 2007 but are again declining; workload is up

The "crime clearance rate" is the basic means for measuring the effectiveness of an investigative organization. In simple terms it can be thought of as the rate at which cases are solved by detectives. The clearance rate is determined by dividing the number of cases "Cleared" by the total reported offenses. A crime is cleared in one of four ways: 1) arresting someone (Investigative Arrest); 2) determining that the crime didn't occur (Unfounded); 3) referring it to another agency; or 4) what is called "exception." A crime is "exceptionally cleared" by detectives when the perpetrator has been identified but cannot be brought into custody for some reason or when there is sufficient evidence but the victim does not wish to proceed with the investigation.

Data on reported sexual offenses are kept by the Bureau's Records Division in accordance with guidelines developed by the U.S. Department of Justice.

Data prepared by the Bureau for this audit show that although the clearance rate improved following our 2007 report, the rate has declined over the past four years.

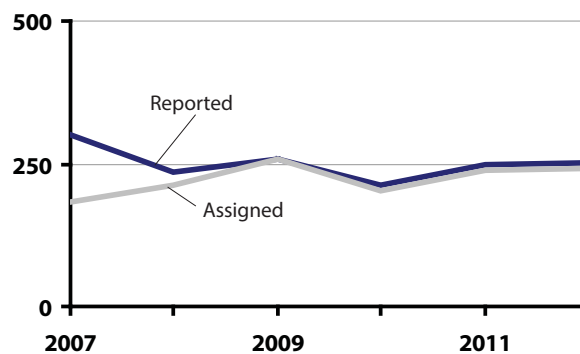
Figure 1 Percent of cases cleared, by type



Source: Audit Services Division analysis of Portland Police Bureau data

Since 2007, the number of reported Measure 11 crimes (the most serious offenses) has declined. However, the SCU is assigning more cases than in 2007 (32 percent more). So despite having slightly more detectives than in prior years, the number of Measure 11 assigned cases per detective has risen 10 percent.

Figure 2 Measure 11 - Sexual Assaults reported and assigned



Source: Audit Services Division analysis of Portland Police Bureau data

Clearance rates are the primary measure of the effectiveness of a detective operation. As in our 2007 audit, these trends are cause for concern and should be addressed by Bureau management.

**Medical resources
more readily available
for victims**

More hospitals provide examinations and collect evidence

A good, victim-centered medical system offers convenience for the victim. It should have convenient locations for processing Sexual Assault Forensic Evidence (SAFE) kits, and enough staff to provide timely service. In 2007, the Oregon Health & Science University (OHSU) was the primary provider of exam services, with the best facilities and the best trained staff. Because of this, victims were referred many times to OHSU and were either transported by the Police or left to their own devices to find transportation. OHSU is not centrally located and has at times been hard to access due to ongoing construction. Police transport also added duties to the routine work of patrol officers, who took time away from patrol duties to transport victims and evidence.

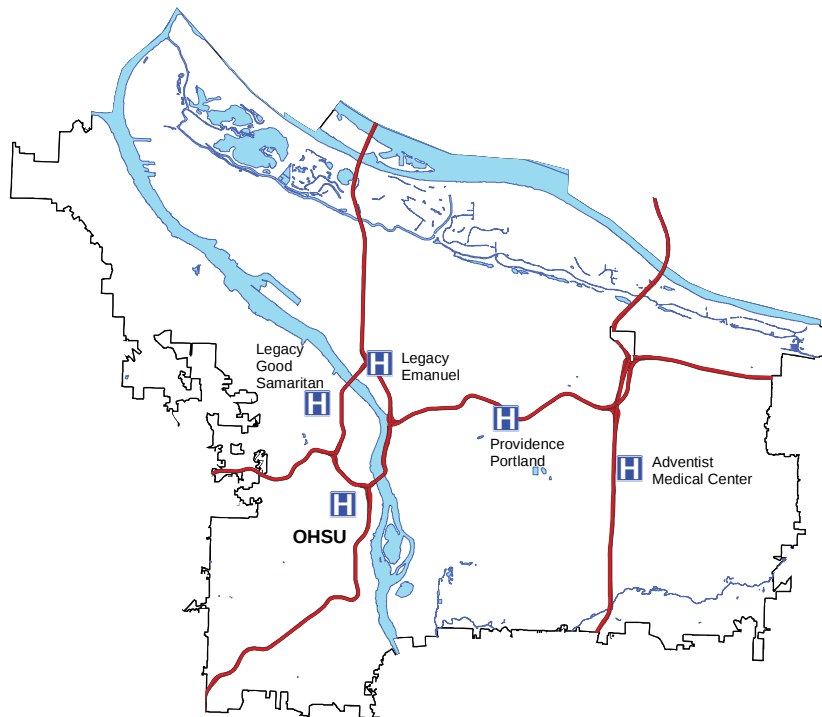
Today, five major hospitals in Portland are in a position to provide full examinations via a contract with a private company (discussed in the next section). Figure 3 shows the location of hospitals currently contracting to provide sexual assault forensic exams conducted by specially trained nurses. This means fewer trips for victims and officers to have exams performed.

**More specially trained nurses available to conduct victim
examinations**

It is best practice for sexual assault examinations to be conducted by certified Sexual Assault Nurse Examiners (SANEs). These specially trained nurses have the skill, knowledge and experience to conduct thorough exams, maintain a victim-centered, compassionate approach, and collect forensic evidence in accordance with well-established protocols. Empirical studies have shown that SANE-collected rape kits are more thorough and have fewer errors than non-SANE-collected kits. In addition, literature suggests that SANE programs increase both reporting and prosecution rates.

In 2007, Multnomah County had the lowest proportion of SANE nurses per capita than any other county in the State. At that time, Multnomah County had 12 SANE trained or certified nurses. This did not compare favorably to much smaller counties, such as Jackson County with 23 SANEs, and Lane County with 18, for example. Although formal statistics were not available, anecdotal evidence

Figure 3 Hospitals currently contracting for on-call Sexual Assault Nurse Examiners



Source: Information provided by private medical contractor

Note: Prior to 2007 only OHSU was a primary services provider

suggested that victims were dropping out of the process before they reported crimes due to lengthy waits for exams at OHSU. In some cases, victims waited hours before a SANE nurse was available to conduct an exam.

The Oregon Attorney General's Office currently reports a total of 27 certified SANE nurses in Multnomah County, the most of any county in the State. In addition, a private company now has contracted with 29 SANEs to provide 24 hour, seven day a week, call-outs to five major hospitals in the area. Victims can be examined by a SANE nurse at any of the five major hospitals and no longer require transport to OHSU. In addition, the private company has contracts to provide exams at the Portland State University Health Center and at the Multnomah County Detention Center.

We noted however, that OHSU is still the only hospital with refrigeration equipment to store evidence. Officers must still transport kits needing refrigeration to a proper facility, which means going directly to the property room in Northwest Portland, or to evidence refrigerators at either the Central or East precincts.

**SCU Improvements
in policies, staffing and
practices**

In our 2007 report, we found that it is critical to do what is necessary to keep victims engaged in the process, continuing on through to prosecution. When victims drop out of the process, the case remains unsolved and may never be cleared. Maintaining such a proactive, victim-centered system requires great energy on the part of detectives and supervisors who manage the process.

In 2007, we found that investigators placed the burden on the victim many times to keep the process going. Indeed, a common ending to the cases we reviewed then was that detectives closed cases when the victim could not be readily reached by telephone, could not provide leads, or decided not to pursue a case after lengthy delays. In addition, we found that cases were not assigned on a timely basis in 2007 and that a high turnover rate among detectives and supervisors likely contributed to a low clearance rate.

Our current work found:

Tone at the top has improved

Improvements began with an immediate recognition following our 2007 audit that significant changes were needed. Our interviews with Bureau supervisors show a dedication to the concept of a victim-centered approach to investigations.

This is demonstrated in revised policies which specifically state, “the Sex Crimes Unit employs a Victim Centered approach when investigating sexual assaults. The mental and physical well being of the victim should be the priority...”

Detectives are now expected to initiate victim contact within 48 hours of case assignment. In cases where the victim refuses to cooperate, the detective must have made at least two phone calls and

have gone to the last known address to leave a business card with contact information. Detectives are also expected to conduct interviews in person and at a location convenient to the victim.

In addition, more consistent leadership in the unit has likely allowed the policies to be consistently communicated and stressed to new detectives. In a change from prior years, the unit kept a single supervisor for four of the six years since 2007.

Victim Services Specialists created

Perhaps the most significant change within the SCU has been the creation of two staff positions with the primary responsibility to care for the physical and social needs of victims. In 2008, the Bureau created the position of Sexual Assault Specialist, reporting to the SCU supervising sergeant. Functionally they are known as Victim Services Specialists (specialists). The position description specifies that the primary responsibility is providing support to victims of sexual assault and to the SCU detectives. They are responsible for identifying beneficial resources for victims and making connections with those resources.

Specialists are generally assigned to cases when the victim states they don't want to proceed with an investigation. The current supervising sergeant told us that out of respect for a victim's well-being, SCU staff do not try to persuade a reluctant victim to participate in an investigation.

The specialists make contact with victims and offer resources ranging from housing and food to mental health services. These are areas not normally associated with detective work and where detectives may not have the experience to offer effective assistance. In addition to assigned cases, the specialists are often called upon by detectives to assist in ongoing investigations where victims are actively engaged in the investigation, but may also need social services.

From January through October 2013, specialists were assigned to, or provided assistance to detectives on, 318 cases. Virtually all of the closed cases in 2013 indicated multiple contacts with victims, including some with as many as ten contacts – including phone calls and attempts, mail and emails, and personal interviews.

We randomly selected and reviewed 18 case files to determine the degree to which the specialists were making contact and distributing resource materials. In every case we reviewed, the specialists documented multiple efforts to contact victims by phone, mail, or email. Six of the 18 attempts resulted in personal meetings. In almost every case, at a minimum, resource material was mailed to victims listing community resources for counseling and general services for victims of sexual assault.

Staff provided us with many examples of personal letters of appreciation from victims who had received services.

However, this substantially improved system of victim support does not prevent some cases from having tragic consequences. For example, one case which gained media attention involved a victim who claimed she waited months for the police to contact her about her case. Meanwhile, the perpetrator went on to assault other victims. Our review of this case showed that Bureau procedures could be improved in at least two critical junctures as described below: first, when the original report was written by the officer; and second, when the District Attorney's Office subsequently called the SCU.

The original case was assigned to a specialist (not a detective) because the police report showed the victim was unsure about proceeding with the case. Our review of the original report showed the victim reluctant to continue with an investigation, but not outright declining to participate. The specialist followed the unit's typical practice of attempting to contact the victim and then sending out a list of victim resources by mail. When the initial phone contact attempt failed (no message was left by the specialist as the number was for a pager), the specialist closed the case.

About a month later, the specialist received a call from the District Attorney's office saying the victim had called them and should be contacted. Neither the specialist nor the representative of the District Attorney's Office we spoke with remembered the exact conversation. After another phone call to the pager number went without reply, the specialist again closed the case. When a detective began working other similar investigations two months later, the specialist made a connection to the case and a detective made physical contact with the victim from the original case.

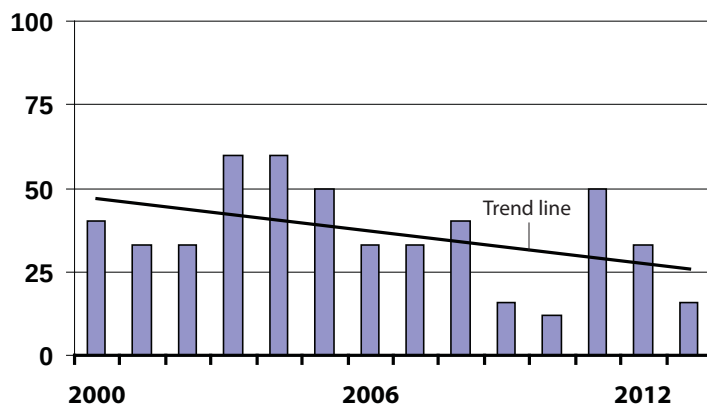
In our view, the call from the District Attorney's Office advising the victim be contacted should have raised a red flag for the SCU staff. When a victim contacts the District Attorney's Office, that likely means they assume an investigation is being conducted. In this case, had the supervising sergeant been notified, he could have made the decision to assign a detective or perhaps even to follow up on his own using the information already gathered - a call from the victim, a suspect name and place of employment, and a good physical address for the victim. We recommend that when any victim calls for a status report, the sergeant be notified. This is an additional supervisory tool to improve customer service and monitor the performance of both detectives and specialists.

Less turnover in SCU

In 2007, we found that the prior eight years had a detective turnover rate that ranged widely between 33 percent and 60 percent. We noted the cost of that turnover in terms of employee morale, and issues resulting from excessive supervisory turnover, such as not obtaining needed resources and taking valuable time away from regular duties to provide on the job training for new supervisors.

Turnover is down significantly since 2007. From 2008 to 2013, detective turnover within SCU has averaged 28 percent. This compares to 45 percent in the prior six year period (2001-2007). It is possible that lower turnover may indicate improved morale among staff.

Figure 4 Percent turnover - Sexual Crimes Unit (SCU) Detectives



Source: Audit Services Division analysis of Portland Police Bureau data

In addition, the same supervising sergeant was in charge of the unit for four of the past six years. Between 1999 and 2007, the tenure for the unit sergeant was generally two years. The current stability enables detectives to receive consistent training and mentoring, and to concentrate on overall objectives such as becoming more victim-centered.

Case assignment more timely

In our 2007 report, we reported that of the 62 unsolved cases we reviewed, 37 (almost 60 percent) went unassigned for seven days or more. Several cases exceeded more than a month before assignment without good reason. In the sample of 31 cases we reviewed for this report, we found the majority of cases were assigned in seven days or less.

Figure 5 Number of days from incident report to SCU case assignment

Days to assignment	Number in sample
0-7	17
8-14	5
15-30	5
More than 30	4
Total	31

Source: Audit Services Division analysis of Portland Police Bureau data

In our sample, we noted the following:

The current SCU supervisor told us that cases which take 10 to 14 days to assign are usually not faxed immediately to him, but first go through the Police Bureau Records Division to be assigned a case number and classification. The Bureau did not make major changes to the report routing system as we recommended in our 2007 audit. However, adoption of a planned new regional police data system should solve these issues by electronically sending reports simultaneously to appropriate units as they are submitted by officers. The Bureau expects the reporting system to be fully functional by December, 2014. This is expected to speed routine report processing.

Of the four cases that took more than 30 days to assign, one investigation was actually started earlier by a specialist who later turned it over to a detective when assistance was needed, and one investigation was sent in error to the Child Abuse Team for initial investigation because the victim was a minor at the time of the incident. In that case, the victim reported the assault four years after it occurred. As an adult victim, the case should have been handled by the SCU.

Two other cases were assigned years after being reported when DNA matches were made by investigators.

More frequent and better contacts with victims

One of the most critical findings of our prior audit was that detectives did not appear to make concerted efforts to contact victims or to meet victims at locations away from the Police Bureau headquarters downtown. As noted earlier in this report, the SCU now has policies intended to ensure that detectives understand the importance of, and act upon, the need to contact victims consistently and put forth maximum effort. Detectives must make at least two phone call attempts and one visit to a known address where they must leave a business card with their contact information. Detectives are also required to conduct interviews at locations convenient to the victim.

We reviewed 31 case files from five SCU detectives. We randomly selected cases in each of four major case closure categories (Exceptional, Investigative Arrest, Unfounded, and Suspended). According to documents we reviewed in these case files, detectives made multiple efforts to reach victims and suspects, including field trips to physical addresses to make contact and leave business cards as required by policy.

In addition, we noted many instances in which detectives interviewed victims and suspects away from Police Headquarters, as we recommended in 2007. In some cases, there may be sound investigative reasons for meeting a victim at the Bureau. For example, one detective told us that although he agrees in principle with interviewing victims outside police offices, he prefers to meet them at his office so he can record the victim making pretext phone calls to suspects. Since these calls are recorded and require special equipment, he said it is easier to interview victims at his office, and then immediately make the pretext calls.

We also found that in most cases, SCU staff attempted to reach victims within 48 hours of assignment as per policy. In some cases this was done the same day as assignment.

Although we noted many instances of detectives attempting to contact victims, we also noted that several cases were suspended after many months of no activity. When detectives do not hear back from victims, they consider that to be non-cooperation and many times proceed to suspend the case without further attempts to reach the victim. We recommend detectives should normally make one last attempt to reach the victim at this critical juncture before writing off a case.

In addition, we noted several cases from both the detectives and the specialists in which they were not able to contact the victims at all. Even though the goal of reaching 100% of victims was repeated to us by Bureau managers (and contacting victims is at the heart of the victim-centered process), they do not track this statistic. We understand that there are many cases where detectives do not have adequate victim contact information or the victim does not wish to be contacted. This is not the fault of detectives or specialists. However, tracking this measure could lead to improved contact attempt methods over time or to performance information on the efforts of individual staff members. Bureau managers told us they have considered various tracking methods and will continue to work to develop this important measure.

In addition to improving the number of contacts with victims, we were also told of improved quality of contact between victims and detectives as well as patrol officers. Representatives from the District Attorney's Office told us that overall, patrol officers and detectives are doing a good job. Detectives have especially improved and are easier to get in touch with and stay more involved than in prior years. One SANE nurse with extensive experience told us the difference between before 2007 and today is an improvement like "night and day."

**Call-taking information
inconsistent, but
management
has agreed to
improvements**

Call-taking is an important component of the sexual assault investigative and response process. Advising victims on how to preserve evidence is especially important to investigating and prosecuting crimes. Portland Bureau of Emergency Communications (BOEC) procedures direct call-takers to advise victims not to bathe or wash “every time a rape call is received where the victim has access to wash away evidence.”

In our 2007 audit, we found that call-takers at BOEC were not consistently following the policies on instructing victims how to preserve evidence. In 2007, BOEC management agreed with our findings and took steps to improve their processes. However, during our current work in 2013, we found that BOEC call-takers were still not consistently following adopted policy.

We selected two recent months, September 2012 and April 2013, and reviewed all calls classified as rape during those two months. This constituted a total of 57 calls. BOEC provided the audio recordings of these 57 calls for us to review. Three of the calls were later determined to not meet the definition of a rape, leaving 54 call recordings for our review.

We determined that call-takers did not follow the policy in 14 cases. BOEC staff agreed that call-takers should have followed the policy but didn’t in nine of the fourteen calls. In their opinion, the five remaining calls had mitigating factors that may have prompted call-takers to not give the instructions.

We informed BOEC management of our initial findings during the fieldwork phase of this audit so immediate corrective action could be taken. Even though we did not agree on how every call should have been handled, BOEC management agreed to take steps to improve training and policies so that call-takers understand the importance of always giving the correct information. They also suggested they would perform tests to ensure call-takers meet the policy requirements.

Recommendations

The Bureau and community response to our 2007 audit was impressive and immediate. Soon after publication of our audit report, City Council held a public hearing to get the Bureau's response to recommendations and plans for change. Although not directly within the influence of City government, the availability of medical options for victims has greatly improved. The Bureau and SCU have revised policies stating the intention to be victim-centered and, as we discussed in prior sections of this report, has new requirements for detectives and specialists to do just that.

We must note, however, that despite these efforts and improved clearance rates since our 2007 audit, clearance rates are again in a multi-year downturn. This is a concerning trend.

We also found that improvements to some policies, procedures and practices could be revised to provide even better service to victims and the community. We recommend:

1. **The Portland Police Bureau develop up-to-date policies and procedures describing the duties and responsibilities of SCU specialists, as well as their job descriptions.**

This will ensure that future specialist's background, training and performance are consistent despite the historically high turnover of managers in SCU.

2. **The SCU revise policies and require detectives to make one last attempt to contact victims after periods of inactivity, before closing a case.**

3. **The supervisor of the SCU develop and track statistics on progress toward meeting the goal of contacting all victims.**

This is a foundational goal of the victim-centered approach as acknowledged by Police Bureau managers. We understand that not all victims can, or even want to be contacted. However, changes in the rate of contacts over time could signal a need to employ different methods of attempting contact.

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4. **The Police Bureau revise SCU procedures to ensure that all inquiries by victims or by representatives of the District Attorney's Office as to the status of cases be reported to the SCU supervisor.**

The supervisor can use this to improve customer service and as a performance monitor for both detectives and specialists.

5. **The SCU revise procedures to ensure that when interviewing victims, officers and detectives ask directly and report explicitly, if the victim wishes to proceed with an investigation and prosecution.**

This may prevent any misunderstandings over whether a victim wishes to proceed and be contacted. This affects whether the case is assigned to a detective or to a specialist or whether the case is assigned at all. It also affects the degree of effort made in attempting contact with the victim, which is an important component of the victim-centered process.

6. **The Police Bureau undertake a review of case load and performance within the SCU to determine why clearance rates are declining.**

7. **The Bureau of Emergency Communications continue to emphasize the need for 9-1-1 call-takers to consistently follow their procedures for giving information on evidence preservation.**

During the course of the audit, BOEC management agreed to improve procedures, training practices, and monitoring.

**Objective, scope
and methodology**

Our primary objective was to assess the degree to which the City's response to sexual assaults has progressed toward a more victim-centered approach compared to our previous 2007 audit on the same subject. During our review of literature for the 2007 audit we learned that a great deal of criminal justice research has been done on the sexual assault process and methods to keep victims involved in the investigation and prosecutorial process.

We collected and reviewed current literature on sexual assaults and guidelines for a victim-centered process. That included an updated Sexual Assault Resource Team Handbook created by the State of Oregon Attorney General's Office. We also analyzed clearance data from the Portland Police Bureau to update information contained in the 2007 audit.

We conducted interviews with members of the Portland Police Bureau, the Multnomah County District Attorney's Office, the Oregon Sexual Assault Task Force, and medical personnel involved in conducting sexual assault examinations at local hospitals.

In order to determine the extent to which 9-1-1 call-takers are dispensing the correct evidence collection advice to victims, we reviewed and listened to 54 rape calls to the 9-1-1 center representing 100 percent of all such calls during the months of September 2102 and April 2013.

To determine the degree to which Sex Crime Unit staff are making efforts to contact and meet at locations convenient to the victims, we reviewed investigative files for thirty-one cases handled by detectives and eighteen cases handled by sexual assault specialists. We also reviewed these cases to determine if cases are being assigned in a timely manner.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESPONSES TO THE AUDIT



Office of Mayor Charlie Hales
City of Portland

February 18, 2014

LaVonne Griffin-Valade
City Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Dear Auditor Griffin-Valade:

Thank you for your in depth audit of the Portland Police Bureau's Sex Crimes Unit. I am pleased that you found SCU, local medical facilities and the Bureau of Emergency Communications have all made many improvements in the service provided to sexual assault survivors since the 2007 audit.

I concur with your findings and with the Police Bureau's responses.

Your report covers many important areas and I want to highlight one area regarding possible misunderstandings about whether or not a survivor wishes to pursue the case. I agree with the Chief's response that investigators must be respectful of the trauma experienced when ascertaining a victim wishes. The police bureau recently began a new communication skills training program that will assist initial responding officers. In addition, the ongoing equity programs will help all levels of the Bureau to better understand the impact of one's identity on how crime and victimization may be experienced and/or expressed.

I fully support the audit recommendation and am happy that the Police Bureau has already begun enacting some of these recommended changes.

Sincerely,

Mayor Charlie Hales
City of Portland



CITY OF PORTLAND, OREGON



Bureau of Police

Charlie Hales, Mayor

Michael Reese, Chief of Police

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February 14, 2014

LaVonne Griffin-Valade
City Auditor
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Dear Auditor Griffin-Valade:

I appreciate the opportunity to review and respond to the second report and recommendations from the City Auditor's Office regarding Portland Police Bureau's Sex Crimes Unit.

During the past several years, we have made significant changes to our policies, procedures, and training that we provide to our detectives and supervisors. We have also made enhancements in the way we investigate sexual assaults, and continue to work toward improving our investigative processes. The members of the Bureau's Sex Crimes Unit are dedicated and compassionate professionals who care deeply about the victims involved and make every attempt to conduct through investigations.

I would like to thank Ken Gavette for his thorough and professional review of our Sex Crimes Unit. Ken continues to provide PPB with thoughtful and constructive recommendations as well as highlighting the challenges in sexual assault investigations. I appreciate Ken's acknowledgement that PPB has implemented the recommended improvements. We will now move forward and implement the new recommendations identified in the current audit.

We remain committed to transparency and are willing to always pursue enhancements that benefit the Bureau and the community in which we serve. I look forward to working with the Auditor's Office on all future reviews and assessments of the Portland Police Bureau.

Sincerely,

MICHAEL REESE
Chief of Police

MWR/tws



CITY OF PORTLAND, OREGON



Bureau of Police

Charlie Hales, Mayor

Michael Reese, Chief of Police

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The Police Bureau's responses to the City Auditor's recommendations for the Bureau's Sexual Assault Unit

#1 The Portland Police Bureau develop up-to-date policies and procedures describing the duties and responsibilities of SCU specialists, as well as their job descriptions.

These clarifications are currently under review and have been added to the current Sex Crimes Unit (SCU) Standard Operating Procedure (SOP) #60. These changes include:

- Establishing a time period for the Victim Advocate Specialist (VAS) to contact a victim.
- Establishing a mandate that a VAS is consulted in **all** cases.
- Supervision of the VAS has been moved back under the SCU sergeant.
- Establishing a timeline for VAS closing a case after last contact.
- Establishing guidelines for VAS and victim contact after hours.

#2 The SCU revise policies and require detectives to make one last attempt to contact victims after periods of inactivity, before closing a case.

We concur with this recommendation. The recommendation will be memorialized by adding language to the existing SCU SOP which will emphasize a continued effort and documentation of attempts to contact victims. The change will also be made in the expectation memorandum provided to all members of the unit, as well verbally communicated to SCU personnel.

#3 The supervisor of the SCU develop and track statistics on progress toward meeting the goal of contacting all victims.

We concur with this recommendation. We believe it is important to capture and track the efforts made by members of SCU to contact all victims of sexual assault. However, we are currently limited by our Portland Police Data System (PPDS), which is being converted to the new Regional Justice Information Network (RegJIN). In order to capture the data requested, we would need to make a programming change to PPDS. Under the current restrictions with PPDS, we are not able to make the needed programming changes.

The new RegJIN system will be able to capture this information with the addition of a special clearance code for tracking this statistic. RegJIN is currently being configured, but the new system will not be available for bureau-wide use until December 2014. In order to capture this information immediately, the data would have to be tracked manually and we currently do not have the administrative staff to do that. Given the relatively short gap in time, we do not believe it would benefit us to create a short-term manual fix to capture this data, which ultimately could not be converted to the new system.

#4 The Police Bureau revise SCU procedures to ensure that all inquiries by victims or by representatives of the District Attorney's Office as the status of cases be reported to the SCU supervisor.

We concur with this recommendation. This has been implemented by adding language to the SCU SOP #60 under the duties for VAS personnel, which would require notification be made to

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the sergeant. In order to correct the notification issues, supervision of VAS has been moved back to the SCU sergeant rather than to the Administrative Supervisor.

#5 The SCU revise procedures to ensure that when interviewing victims, officers and detectives ask directly and report explicitly, if the victim wishes to proceed with an investigation and prosecution.

We concur with this recommendation. In our experience, during the initial reporting phase of the investigation, victims may be struggling with a wide array of emotions. Requiring officers to get a commitment about prosecution may appear insensitive to the emotional state of the victim. This question needs to be asked at some point, but it may be better served being asked by the investigator. In order to meet this recommendation, the SCU sergeant will assign cases to an investigator based solely on the reported sexual assault allegations regardless of any statements by the victim regarding their willingness to prosecute. In the process of making contact with the victim, the detective will then be able to ascertain the willingness to participate with any potential prosecution. We believe this will stay within best practices for maintaining the victim-centered approach.

#6 The Police Bureau undertake a review of case load and performance within the SCU to determine why clearance rates are declining.

We concur with this recommendation. After extensive review of past clearance reports, we are confident that the different clearance requirements for Uniform Crime Reporting (UCR) and the PPDS Case Management System have created confusion as to when certain clearance requirements have been met. There is evidence to suggest that inaccurate Uniform Crime Reporting has taken place inadvertently, which has skewed the data. When RegJIN goes live in December 2014, we will no longer be using UCR clearance requirements, which will lead to an entirely new national reporting system that will be easier to administer. We will be able to more closely scrutinize our clearance reporting percentages when we begin using the new system.

In keeping with the spirit of the recommendation, we believe it is important to look at how we can continue to improve the clearance rates. Members of SCU will continue to develop new and innovative ways of investigating sexual assaults, while potentially establishing new best practices. In addition, we will continue to reassess resources in the Detective Division to ensure adequate support staff for the members of SCU.

#7 The Bureau of Emergency Communications continue to emphasize the need for 9-1-1 call takers to consistently follow their procedures for giving information on evidence preservation.

Although we concur with this recommendation, we realize our ability to direct another City of Portland Bureau is not within our control. We have discussed this recommendation and would be willing to provide training or continued communication with BOEC to ensure this recommendation has been followed.



CITY OF
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February 14, 2014

Lavonne Griffin-Valade
City Auditor
1221 SW 4th Avenue
Room 140
Portland, Oregon 97204

Dear Auditor Griffin-Valade,

Thank you for completing Audit Report #445, *Sexual Assault Response: Progress made toward a victim-centered approach*. A victim-centered approach to sexual assault is essential for ensuring every victim gets help as quickly as possible and preserves evidence needed to pursue justice. As Commissioner in charge and Director of the Bureau of Emergency Communications (BOEC), we are pleased to address the recommendation included in the report for BOEC.

Your review found that in 14 of 54 calls, BOEC calltakers did not give out correct instructions about preserving evidence to sexual assault victims or others calling to report a sexual assault. The policy that was in place when you studied the calls directed calltakers to give instructions every time BOEC receives a rape call, "where the victim has access to wash away evidence." The Bureau took immediate action after receiving your initial findings to direct calltakers always to give instructions to victims of sexual assault, regardless of who makes the 9-1-1 call or whether the victim appears to have access to washing facilities.

After further review with the Bureau, including consultation with calltakers, we identified further revisions to the protocol. As you pointed out in your initial findings, calltakers should have some latitude to use their professional discretion to give instructions only when it is appropriate to do so. We believe the additional revisions give calltakers clear, appropriate direction about when and to whom they must give instructions in sexual assaults while allowing appropriate latitude.

The new policy includes significant changes from the one that was in place when you reviewed calls for this audit. BOEC consulted with the Multnomah County Sexual Assault Response Team (SART) in developing the new policy, which we believe includes important updates to reflect our current system and practice. Specifically, the new policy:

- Instructs calltakers to give instructions whenever a sexual assault occurred within the past four days. This guidance is based on an accepted standard window within which evidence can be collected after a sexual assault.
- Clarifies that calltakers must give instructions to any person who calls on behalf of a victim with the exception of emergency room staff. All Multnomah County emergency room staff are trained in sexual assault evidence collection.

- Includes two new instruction elements not included in the previous version of the reference guide. These new elements advise victims not to brush their teeth, eat, or drink anything and not to dispose of anything that may contain evidence, including tampons. SART members indicated that these two new sets of instructions are among the most important things to tell victims of sexual assault in order to preserve evidence.
- Indicates that calltakers may use discretion giving arrival instructions when staying on the line with victims until police arrive. Upon arrival, police will assist the victim while preserving evidence and, in most cases, take the person directly to a hospital.

BOEC will monitor calltakers' compliance with the revised protocol and provide training or other follow up if problems are identified.

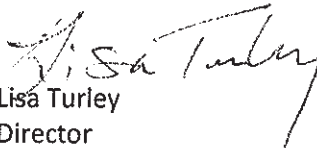
Finally, we wanted to report on another positive outcome of the process of revisiting this policy. BOEC and SART members, including law enforcement personnel from throughout Multnomah County, will collaborate to facilitate a better method for getting evidence preservation instructions to victims who arrive at a police precinct desk. The SART members will develop a handout listing the instructions that police precinct staff will hand to victims who arrive at the precinct office. Since precinct front desk personnel sit behind glass in the front office of the precinct, handing a list of instructions on paper protects the victim's privacy by preventing the front desk personnel from shouting to the victim. In addition, the handouts will be translated into different languages, creating an additional opportunity for victims who do not speak English to read and understand the instructions and thus preserve evidence. The SART endorsed this approach and asked to be involved in developing the handouts to ensure that they reflect best practices.

Thank you again for the opportunity to comment and for your work on this important issue.

Sincerely,



Steve Novick
Commissioner
City of Portland



Lisa Turley
Director
Bureau of Emergency Communications

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Sexual Assault Response: Progress made toward a victim-centered approach

Report #445, February 2014

Audit Team Member: Ken Gavette

LaVonne Griffin-Valade, City Auditor
Drummond Kahn, Director of Audit Services

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