

University of Montana Police Department (UMPD)

# **Final Report**

## **of Sustained Compliance**

regarding the Agreement between  
the **United States Department of Justice**  
and the **University of Montana** in relation to  
**UMPD's Response to Sexual Assault**



UM Police Department  
June 30, 2015  
[umt.edu/police](http://umt.edu/police)

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Supporting documents include:

[UMPD Police Department Matrix](#): Addendum to University of Montana Police Department (UMPD) Final Report of Sustained Compliance regarding the Agreement between the United States Department of Justice and the University of Montana in relation to UMPD’s Response to Sexual Assault (Addendum)

[UMPD Sexual Assault Investigation Policy and Procedure](#)

[Annual Title IX Report for 2014-2015](#)

[University of Montana Annual Security and Fire Safety Report \(Clery\)](#)

[UM Title IX Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy](#)

# List of Acronyms

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ARMS - Automated Records Management System  
CAD – Computer Automated Dispatch  
CVA – Crime Victim Advocates  
DNA – Deoxyribonucleic acid  
ERP – External Review Panel  
EVAWI – Ending Violence Against Women International  
IACP – International Association of Chiefs of Police  
IR – Independent Reviewer  
MCAO – Missoula County Attorney’s Office  
MCSO – Missoula County Sheriff’s Office  
MDT – Multi-disciplinary Team  
MOU – Memorandum of Understanding  
MPD – Missoula Police Department  
MSU – Montana State University  
OVC – Office of Victims of Crime  
SANE – Sexual Assault Nurse Examiner  
SARC – Student Advocacy Resource Center  
SATF – Sexual Assault Task Force  
SIWOC – Sexual Intercourse Without Consent  
SOP - Standard Operating Procedure  
SVU – Special Victims Unit  
UCSA – University Council on Student Assault  
UM – University of Montana  
UMPD – University of Montana Police Department  
USDOE – United States Department of Education  
USDOJ – United States Department of Justice

# Introduction

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Immediately after signing the Memorandum of Agreement between the United States Department of Justice (USDOJ) and the University of Montana (the “Agreement”), the University of Montana Police Department (UMPD formerly OPS) began working toward sustained compliance.

This sustained compliance report will illustrate UMPD’s long term conformance with the terms in the Agreement. This report is organized into four parts:

## 1) Introduction and Compliance Overview

The introduction describes the layout of this report and the purpose of each section. The Compliance Overview provides a snapshot of all of the Independent Reviewer (IR) Update Reports to demonstrate the consistent progression toward sustained compliance.

## 2) Narrative

The narrative describes each section within the Agreement, and explains the UMPD’s compliance efforts for each section. This section portrays general information regarding the actions taken by the UMPD, but it does not contain all the specific details, nor does it contain dates or timelines. For example, III.B (Training) the Narrative describes the completion of the two-year training plan.

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

At the end of the Narrative is the “Sustainment Plan” which explains the UMPD’s intentions after DOJ oversight as it relates to sustaining and continuing to build upon the progress we have made under the Agreement.

- 3) **Compliance Matrix.** The Narrative is followed by a matrix which supports the Narrative with more specific details about the actions taken, dates, and timeframes. For example, in III.B (Training), the matrix will outline the classes taken and the dates of the training.
- 4) **Measurements and Outcomes.** The Measurements and Outcomes section uses data analysis and case exemplars to illustrate the UMPD’s compliance and how intended outcomes of the Agreement are being realized in the UMPD’s work. This captures case examples, survey outcomes and the perspectives of UMPD officers.

# Compliance Overview

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

## Compliance Progress from Independent Reviewer's Quarterly Reports

Section Number	Section Title	1 <sup>st</sup> IR Report November 6, 2013	2 <sup>nd</sup> IR Report June 10, 2014	3 <sup>rd</sup> IR Report December 3, 2014
<b>III.A</b>	Improving UMPD's Response to Sexual Assault	Pending Compliance	Partial Compliance	Compliance
<b>III.B</b>	Sexual Assault Response Training	Partial Compliance	Compliance	Compliance
<b>III.C</b>	Review of Policies & Training	Pending Compliance	Compliance	Compliance
<b>III.D</b>	Investigating Alcohol- or Drug-Facilitated & Non-Stranger Sexual Assault	Partial Compliance	Compliance	Compliance
<b>III.E</b>	Victim-Centered Response to Sexual Assault	Pending Compliance	Partial Compliance	Compliance
<b>III.F</b>	Close Supervision and Oversight	Pending Compliance	Partial Compliance	Partial Compliance
<b>III.G</b>	Coordination with Law Enforcement & Community Partners	Partial Compliance	Partial Compliance	Partial Compliance
<b>III.H</b>	Data Collection & Reporting	Pending Compliance	Pending Compliance	Pending Compliance
<b>IV.</b>	External Review of Sexual Assault Cases	Partial Compliance	Compliance	Compliance
<b>V.</b>	Community-Conducted Sexual Assault Response Safety & Accountability Audit	Pending Compliance	Pending Compliance	Partial Compliance

# Narrative

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## III. Improving UMPD Response to Sexual Assault

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### A. Sexual Assault Policies and Protocols

#### *Policy and Procedures:*

Prior to entering into the Agreement, the UMPD did not have a specific policy or Standard Operating Procedure (SOP) guiding the reporting or investigations of Sexual Assault related crimes. Upon entering the Agreement the policy was drafted by Detective Christopher Croft utilizing community partner feedback from multiple organizations involved in victim safety and sexual assault investigations as well as with IR/USDOJ. The [Sexual Assault Investigation Policy](#) was modeled after the IACP sexual assault policy utilizing this feedback.

Starting in February 2015, UMPD initiated a yearly review of the policy. The yearly review consisted of community partner input, knowledge gained by the UMPD during the last year, information gathered from the supervisory case review, and External Review Panel (ERP) feedback. In addition, the DOJ Civil Rights Division's Educational Opportunities Section and the U.S. Department of Education Office of Civil Rights, parties to a parallel Agreement with UM regarding UM's obligations to handle student reports of sexual assault and harassment, provided input as to the provisions of the revised policy dealing with communication and collaboration between UMPD and the Title IX Coordinator. The revised policy was submitted to the IR / USDOJ for feedback and approval. A copy of the policy was posted on the University of Montana (UM) website for the public at ([www.umt.edu/policies/public-safety/Police Sexual Assault Investigation.php](http://www.umt.edu/policies/public-safety/Police%20Sexual%20Assault%20Investigation.php))<sup>1</sup>.

On May 27, 2015, the yearly revisions made to the policy were approved by the IR/USDOJ.

#### *Protocol:*

Before UMPD's Agreement with the USDOJ, UMPD turned over felony sexual assault cases to the Missoula Police Department (MPD). The arrangement has been policy by a Memorandum of Understanding (MOU) with the Missoula Police Department for over 25 years. The latest MOU revision was signed in October 2013. During the yearly evaluation of the UMPD Sexual Assault Investigation Policy, UMPD will examine how changes could impact the MOU. Potential impacts will be discussed with the involved parties to determine if revisions to the MOU are necessary.

Upon entering the Agreement, the UMPD established a more defined protocol for initial officer response to a reported sexual assault. Officers have been trained on this protocol and on investigations of sexual assaults if MPD or Missoula County Sheriff's Office (MCSO) are not available to respond. The MOU is still in place and utilized between UMPD, MPD and MCSO with regard to felony sexual assault investigations.

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<sup>1</sup> This Agreement addresses UM's obligations pursuant to Title IX of the Education Amendments of 1972 and Title IX of the Civil Rights Act of 1964.

Protocols were also designed and implemented for UMPD Dispatchers regarding the receiving of reported assaults. All UMPD Dispatchers have been trained on the new protocols and Sexual Assault Investigation Policy.

## **B. Sexual Assault Response Training**

Since entering the Agreement, the UMPD has completed over 1,000 hours of training on sexual assault response, investigation, supervision and documentation. UMPD officers have each completed an average of 79 hours of training related to this Agreement.

**The UMPD went beyond the agreed upon two year training plan by attending several additional trainings.** The UMPD sent officers to as many training opportunities as possible that became available after the plan was established. These were recognized by the UMPD as valuable through their relevance to sexual assault response and investigation.

UMPD looked beyond sworn personnel and used these training opportunities related to the Agreement for its non-sworn personnel, who are often the first contact for victims, for the best response to sexual assault calls. Non-sworn personnel have completed over 100 hours of training alongside sworn personnel.

Additional details on the specific training can be found in the corresponding Compliance Matrix. ([Addendum III.B](#))

The initial training, A Trauma-Informed and Victim-Centered Approach to Sexual Assault Response and Investigations, was provided by Anne Munch and Tom Tremblay in the summer and fall of 2013. Two different classes were taught at the University of Montana. One class was specifically dedicated to the initial response to sexual assault and one class was specifically dedicated to the follow-up investigation of sexual assault.

The “on-going annual training” as required in the Agreement, was developed and outlined in the UMPD two-year training plan. This training plan was approved by the IR and USDOJ. The UMPD has completed all of the topics on that training plan, except for the opportunity to engage in a victim panel<sup>2</sup>. However, the UMPD has had significant exposure to the victims’ perspectives through training provided by Advocates and First Step Nurses who work directly with victims.

As new UMPD officers are hired, they receive training on UMPD’s Sexual Assault Investigation Policy and SOP as well as Title IX training from the University Title IX Coordinator. The 2015 -2017 training plan requires new officers to take the SATF Oregon Non-Stranger Sexual Assault Response and Investigation training from MPD Detectives and to complete the EVAWI modules. New officers will also meet and tour facilities with First Step, Student Advocacy Resource Center (SARC), Crime Victim Advocates (CVA), the YWCA, and the Title IX Coordinator.

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<sup>2</sup> See III.B.4 reference the training to include the perspective of victims and victim advocates.



3. *a – h. “[UMPD] shall provide initial and ongoing annual in-service training to all [UMPD] officers and detectives, and recruits about law enforcement response to sexual assault.”*

All requirements specified in subsections were met in the initial and ongoing training. **In addition to these requirements, the UMPD actively pursued additional trainings.**

[\(Addendum III.B.3\)](#)

4. *“This training shall include presentations by victims of sexual assault, if available, or presentations which adequately convey victims’ experiences and shall include victim’s 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.”*

This requirement to include perspectives of victims and victims’ advocates was captured in the formal training from the trauma-informed and victim-centered approach by Anne Munch and Tom Tremblay as well as from Russell Strand of the U.S. Army Military Police School. To cover this requirement more thoroughly, the UMPD asked for assistance from community partners who work directly with sexual assault survivors. Victim advocates and First Step nurses shared their experience and knowledge with us. This was invaluable for our understanding of sexual assault. The UMPD also heard victim and advocate perspectives through the Safety and Accountability Audit Report and Victim and Advocate Surveys. The Advocate Surveys have been released to the UMPD employees during briefing training. The Safety and Accountability Audit Report has been released to the UMPD.

[\(Addendum III.B.4\)](#)

5. *a – d. “[UMPD] shall provide additional in-depth training in sexual assault investigations to all [UMPD] detectives who conduct such investigations.”*

The in-depth sexual assault investigations training required in these sections was provided by the trauma-informed and victim-centered approach by Tom Tremblay and Anne Munch with assistance from Ole Olson from the Montana Attorney General’s Office, specifically on subsection III.B.5.a, referencing the elements of sexual assault offenses under Montana law. Additional in-depth training in the forensic and investigative steps when responding to a sexual assault was provided by several of our community partners as well as outside agencies.

[\(Addendum III.B.5\)](#)

6. *“[UMPD] personnel who provide direct supervision of officers who respond to reports of sexual assault and 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 the Agreement.”*

The requirement for supervisors and detectives to receive training specifically on how to review sexual assault response and investigations for comprehensiveness and to detect indications of bias was provided by MPD and UMPD.

**The UMPD went beyond this requirement for supervisors and detectives by training all officers on the broader theme of recognizing bias.**

[\(Addendum III.B.6\)](#)

7. ***“Training pursuant to this Agreement shall be provided in accordance with best practices and include adult-learning methods that incorporate role-playing scenarios and interactive exercises, as well as traditional lecture formats. Training shall also include testing and/or writings that indicate that [UMPD] personnel taking the training comprehend the material taught.”***

The training related to this section included a variety of adult learning methods that incorporated role-playing scenarios, interactive exercises and lecture format. Test results for instructors who provided such tests have been accumulated.

[\(Addendum III.B.7\)](#)

## **C. Review of Policies and Training**

8. ***“Each of the requirements of this Agreement shall be incorporated into [UMPD] policy, and all applicable [UMPD] officers and employees shall be trained on how to meet the requirements of this Agreement.”***

After the initial policy was developed and approved, UMPD officers and employees were trained on how to meet the requirements of the Agreement.

One year increments were selected as a timeframe within which law enforcement could reasonably review and revise policy and procedure. The UMPD Captain assembled a multi-disciplinary working group to review and provide input on potential revisions to the UMPD Policy and UMPD SOP. This group included SARC, MPD, YWCA, UM Sexual Assault Prevention Coordinator, UM Title IX Coordinator, UMPD Detective, MPD Captain, and UM Legal Counsel.

Input from the working group was considered in revisions of both documents. Those revisions were approved by the IR and USDOJ on May 27, 2015.

Employees were subsequently trained on the policy and SOP updates.

[\(Addendum III.C.8\)](#)

9. ***“[UMPD’s] sexual assault related policies shall be publicly available.”***

Like the originally approved policy, the approved revised policy was posted on the University of Montana Police Department’s website with the rest of the UMPD policies and procedures.

During the course of this Agreement UMPD has received requests from law enforcement organizations across the country for our Sexual Assault Investigation Policy, training materials, and forms. The Montana Law Enforcement Academy (MLEA) requested a copy of our policy in 2014 for training purposes. UMPD’s Sexual Assault Investigation Policy has been referred to as a model policy and is available for reference online.

[\(Addendum III.C.9\)](#)

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

### 10. “[UMPD] shall enhance and improve policy, training, and oversight...”

UMPD’s [Sexual Assault Investigation Policy](#) and SOP follows the IACP model which directs officers in thorough investigations of non-stranger and alcohol or drug-facilitated sexual assault. Trainings by leaders in the field and trainings with victim advocates in our community have given UMPD officers the tools for recognizing the prevalence of non-stranger sexual assault, the high occurrence of alcohol or drug-facilitated sexual assault, and the relative infrequency of false reporting. In every sexual assault report, UMPD supervisors are immediately notified to ensure consistent oversight, direction, and assistance throughout the investigation.

Supervisors received additional training in the collection and preservation of evidence related to drug or alcohol-facilitated sexual assaults. UMPD’s policy specifies that UMPD supervisors assist officers on scene in locating resources to effectively investigate these crimes. As noted in section F additional training is provided to supervisors in this area. Supervisors have been trained to assist in locating resources. This is especially important in investigations that involve alcohol- or drug- facilitated sexual assault.

UMPD uses analysis of data collected from the climate survey, victim surveys, the University Council on Student Assault (UCSA), and weekly meetings between UMPD and MPD Chiefs and Captains along with other formal and informal community partner interactions to identify trends in the community concerning the prevalence of alcohol- or drug- facilitated assaults and the infrequency of false reports. Supervisors are trained on the analysis of this data collection to assist them in recognizing the prevalence of alcohol- or drug- facilitated and non-stranger sexual assault and infrequency of false reports during the course of their case work and case reviews.

UCSA is a long-standing University committee which monitors progress and makes recommendations to the President on how to reduce instances of sexual assault. Membership includes Equal Opportunity/Affirmative Action/ Title IX Coordinator; Director of Student Advocacy Resource Center; Director of Residence Life; Dean of Students; Vice President for Student Affairs; University Police Chief; Sexual Assault Prevention Coordinator; ROTC representative, as well as faculty, staff, students, and key community partners. The UCSA meets monthly as an umbrella group that serves as the coordinated campus response to keep students, staff, faculty, the Missoula community, and State of Montana community groups apprised of efforts related to policies, programs, prevention efforts, trainings, and other issues relevant to relationship violence, sexual violence, and Title IX. A subgroup of UCSA comprises a confidential case review working group and meets monthly. Another subgroup meets weekly for case review. The UMPD Chief or Captain attends each of these groups.

[\(Addendum III.D.10\)](#)

## **E. Victim-Centered Response to Sexual Assault**

### ***11. a – g. “[UMPD] shall enhance and improve policy, training, and oversight to ensure victim-centered practices...”***

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

The UMPD has encouraged the use of medical services. In every case since the beginning of the Agreement, UMPD has stressed the importance of seeking medical attention and a forensic exam.

The UMPD has taken further steps to improve the experience of the victim and strengthen sexual assault investigations. These further steps help clarify the roles of the different groups involved and bolster their collaborative interactions.

As part of UMPD’s policy, communications personnel will contact a victim advocate upon the receipt of a call advising them of a sexual assault or sexual intercourse without consent. While officers are dispatched and en route to the scene, communications personnel will arrange the response of the victim advocate. Due to the small size of the University of Montana’s jurisdiction officers are routinely on scene with the victim or reporting party prior to the victim advocate being able to respond. The officers are able to advise the victim that an advocate has been notified and is responding. The intention of this practice is that the victim will not factor in the possibility of inconveniencing someone in their decision to request an advocate. This process allows the UMPD to have a Default Advocacy Response.

Also per UMPD’s policy, if the victim has an affiliation with the University, UMPD officers will provide the victim with the University of Montana Sexual Harassment and Sexual Assault Resource Guide as well as the Title IX cover letter. The officer will explain Title IX resources and University grievance procedure. The responding officer will ask the victim if they would like their contact information shared with the Title IX Coordinator. The intention of this practice is that victims will have an easier connection to resources by Title IX reaching out to them.

Title IX information will be sent to the victim by the Compliance Specialist, a representative of UMPD.

Even if a victim does not elect a referral, UMPD will provide a packet of information containing a letter from the Title IX Coordinator and additional information about resources. The UMPD/Title IX Compliance Specialist will also work with the Title IX Coordinator and UMPD to share legally allowable information to ensure an informed campus and coordinated response. Improved communication with MPD has helped identify student victims and enabled the University to offer additional resources.

SARC has offered UMPD the use of their soft interview room if needed for a victim interview. This will allow UMPD to conduct an interview in a comfortable setting at a location on campus.

The MPD and the CVA have also offered UMPD the use of their soft interview rooms for video and audio recorded interviews. These options are especially valuable for in-depth victim interviews and suspect interviews/interrogations. The availability of these options

above allow UMPD officers to conduct interviews with victims in a comfortable place at a time of the victims' choosing.

[\(Addendum III.E.11\)](#)

## **F. Close Supervision and Internal Oversight**

**12. "[UMPD] shall establish and implement measures to ensure close supervision and internal oversight of all sexual assault investigations. These measures shall include:"**

**a. "Developing and implementing measures, including a survey designed and administered consistent with best practices, to obtain feedback on the treatment of victims from victims and advocates;"**

The UMPD has worked with the UM Department of Sociology to implement two surveys, one for advocates and one for victims. The surveys ask identical questions, but are completed from different perspectives:

- One survey from the perspective of victims about how they were treated by responding officers
- One survey from the perspective of advocates about how the victim was treated by investigating detectives

The questions were developed by a multi-disciplinary team including researchers, law enforcement, advocates and a medical forensic examiner. UM professors constructed the surveys consistent with their data collection practices. The surveys have met UM Institutional Review Board (IRB) standards. These surveys provide critical feedback to ensure that officers respond to these events appropriately and they provide a mechanism for future refinement.

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

- Complete the survey online
- Complete the survey during an in-person interview with an advocate
- Complete the survey during a phone interview with an advocate
- Complete the survey on a hardcopy format
  - In the advocate office
  - Mailed in with a self-addressed/stamped envelope provided

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

An informal survey was developed and implemented by MPD in October 2014 while waiting for the formal survey to be approved. Feedback from victim and advocate surveys was compiled from October 2014 to May 2015.

Although UMPD participated in the victim and advocate surveys during this time period, survey feedback did not include those cases. Roll call training was developed by MPD

on the victim and advocate feedback they received from cases. MPD's training was presented to UMPD officers by UMPD Captain Gladwin during shift changes.

(Addendum III.F.12.a)

- b. "The treatment of sexual assault victims, especially the treatment of victims of non-stranger sexual assaults, shall be included as a factor in evaluating [UMPD] officers;"***

UMPD developed a new annual evaluation that included the treatment of sexual assault victims and has expanded to include all felony crimes against persons. UMPD gained approval from Human Resources to use the evaluation in place of the standard form used by all campus departments. UMPD evaluated officers who responded to sexual assault cases during the 2014-15 fiscal years.

UMPD Sexual Assault Investigation Policy also indicates that officers will be recognized and rewarded for rendering effective victim services.

(Addendum III.F.12.b)

- c. "Non-stranger and alcohol or drug-facilitated sexual assault investigations shall be assigned only to those officers with the demonstrated skills, interest, and training to conduct those investigations effectively and without bias."***

Pursuant to the MOU, UMPD felony sexual assault (SIWOC) cases are referred to MPD SVU detectives, UMPD misdemeanor cases are currently assigned to a qualified UMPD detective. UMPD plans to have detectives work closely with MPD SVU detectives to gain experience in investigating sexual assaults.

UMPD and MPD are exploring options to place a UMPD detective in the SVU.

(Addendum III.F.12.c)

- d. "Supervisors shall approve in writing the decision not to refer for prosecution any sexual assault investigation conducted by [UMPD];"***

All UMPD cases of sexual assault upon entering the Agreement have been referred to MCAO (Missoula County Attorney's Office) for prosecution. All SIWOC (sexual intercourse without consent) cases have been turned over to MPD per the MOU. In the event a misdemeanor sexual assault is not referred for prosecution, the UMPD supervisor will enter a supplemental report into ARMS (Automated Record Management System) explaining the reason there was no referral for prosecution. This supervisor report will be reviewed by the Captain and/or Chief.

MPD has a similar protocol for cases that are not referred for prosecution. All SIWOC cases are referred to MPD per the MOU. UMPD will obtain and keep a copy of the MPD supervisor's report for those SIWOC cases that are not submitted for prosecution. UMPD will obtain documentation on case closures on all cases referred to MPD by UMPD whether prosecution was declined or not. That information is forwarded by the Captain to the Compliance Specialist to record for future data analysis.

(Addendum III.F.12.d)

- e. ***“A supervisor shall review all sexual assault reports within 24 hours of the report being taken to ensure consistency with [UMPD] policy for initial officer response and documentation;”***

**UMPD has exceeded the terms of the Agreement by requiring that supervisors review all cases by the end of their shift.** This is consistent with UMPD policy. In the event no supervisor is on duty, the UMPD Chief or Captain will be notified and they will review the case within 24 hours.

In all felony cases of crimes against persons, the UMPD Chief and/or Captain are notified and will decide if an administrative call out is necessary. This call out includes UM Administration and the Title IX Coordinator and aids in decision making regarding campus safety and timely warnings.

(Addendum III.F.12.e)

- f. ***“A supervisor shall review all sexual assault investigations undertaken by [UMPD] to ensure that a comprehensive investigation has been conducted and all indicated follow up has been completed or the case has been referred to MPD, as appropriate, before they are closed or referred to the prosecutor; and”***

As outlined in UMPD policy, all cases are reviewed by the shift supervisor. If a shift supervisor is not available the UMPD Captain or Chief will be contacted and assist the responding officer as needed to ensure that a comprehensive investigation has been conducted.

The UMPD Captain or Chief reviews all cases prior to turning them over to MPD for investigator follow up. When cases are referred to MPD, this is tracked in ARMS, UMPD’s computer record management system.

Part of this supervision also includes maintaining a log of cases that are kicked back to officers for changes. This tool is used for case review.

(Addendum III.F.12.f)

- g. ***“[UMPD] supervisors shall conduct a periodic review of closed cases and cases where victims declined to participate in the investigation to identify any systemic problems.”***

UMPD conducted a supervisor case review in January 2015 which included the Chief, Captain, two Detectives, and a Sergeant.

In this case review, UMPD supervisors discussed feedback from First Step nurses which resulted in a change in policy. In this case, the UMPD officer responded to First Step to interview a sexual assault victim. After the UMPD officer determined that the crime met the elements of sexual intercourse without consent, an MPD officer responded to First Step and conducted another victim interview. The First Step nurse expressed concern about the victim having to be interviewed by UMPD and then again by MPD. The First Step nurse also expressed concern about the UMPD officer standing instead of sitting while speaking with the victim. Discussion about this case and the intent to have a victim-centered approach brought about concerns with the UMPD and MPD both conducting an initial victim interview. This led UMPD and MPD to revise their policy and procedures in this area. The practice was changed so that the victim has only one initial interview with the responding agency before the case is turned over to MPD SVU detectives. The responding officer was also counseled about standing instead of sitting

when speaking with the victim. The officer was receptive to the feedback and the opportunity to better his response to a victim in the future.

This case feedback did not go through a formal process such as the ERP. This important feedback was a result of our relationship with First Step which led to an immediate change in practice and policy.

[\(Addendum III.F.12.g\)](#)

## **G. Coordination with Law Enforcement and Community Partners**

**13. *“To improve the reporting and participation experience for victims of sexual assault, [UMPD] shall increase and improve its communication, coordination, and collaboration with the community and law enforcement partners, including the University, MPD, prosecutors, and University, community, and systems advocates. [UMPD] shall:”***

**a. *“Take affirmative steps to clarify, through policies, procedures, and/or training, the respective roles and responsibilities of MPD and [UMPD] pursuant to the MOU between those two agencies.”***

Through the creation of the Sexual Assault Investigation Policy and the MOU, the UMPD and MPD have developed, outlined and clarified officers’ responsibilities when taking reports of sexual assaults. All UMPD employees have received training on the current Sexual Assault Investigation Policy and MOU. UMPD officers will respond to take an initial sexual assault report if the crime occurred in their jurisdiction or the victim personally reports to a UMPD officer. Once the initial report is taken, victims will be informed that follow up contact and interviews will be conducted by MPD detectives. The case will be reviewed by a supervisor within 24 hours of the initial intake. A UMPD Captain or Chief will review the completed report prior to contacting and turning over any felony reports to MPD administration. MPD administration will be briefed on the facts of the case as they are known by the UMPD administration prior to the case being turned over. The case will be noted as turned over to Missoula police in UMPD’s ARMS program.

[\(Addendum III.G.13.a\)](#)

**b. *“Take affirmatives steps to ensure effective communication and coordination between [UMPD] and UM and MPD.”***

The UMPD takes affirmative steps to ensure effective communication and coordination with the MPD.

- Prior to the Agreement, the UMPD Chief of Police and the MPD Chief of Police periodically met as needed to discuss specific topics. Upon entering both UMPD and MPD Agreements, the Chiefs began meeting weekly to discuss relevant topics related to agency coordination. These meetings have continued and expanded. Every Wednesday (with the rare exception) the UMPD and the MPD Chiefs of Police, MPD Assistant Chief, and MPD and UMPD Captains meet. The additional attendees were included to facilitate broad collaboration and to allow the meetings to be meaningful even if one person cannot attend. These meetings have been formally established and will continue as part of the sustainment plan.
- The UMPD shares their media log (daily briefings) with the MPD supervisors through the email system.



- The MPD shares their media log (daily briefings) with the UMPD supervisors through the email system.
- The MPD and UMPD discuss cases relevant to the other organization in real time through phone calls or meetings as cases dictate.
- Upon entering the Agreement, the UMPD and MPD share more frequent formal and informal training opportunities.
- The UMPD and MPD collaborate on work groups for each department's policy development and revision.
- Upon entering the Agreement, the UMPD and MPD share officers more frequently for special events on campus and in the community.

UMPD takes affirmative steps to ensure effective communication and coordination with UM.

- Upon entering the Agreement, the UMPD has been an active member of the University Council on Student Assault. The UCSA includes representatives from UM departments, student groups, and community partners.
- Upon entering the Agreement, the UMPD has been meeting on a weekly basis for a confidential case review with the Title IX Coordinator, Dean of Students, Director of Residence Life, SARC Director, and the Campus Assault Prevention Coordinator. The group discusses current cases and identifies any new action taken or follow-up needed. The SARC Director does not identify any confidential information but is present to assist in making decisions that reflect a trauma-informed focus.
- Upon entering the Agreement, the UMPD has been meeting on a monthly basis with the UCSA subcommittee case review team.
- In January 2015, the Office of Equal Opportunity and UMPD hired a "Compliance Specialist/Data Manager" to review UMPD cases to ensure they are being appropriately referred to the Title IX Coordinator. The individual in this position is responsible for monitoring follow up and ensuring that Title IX resources are offered to survivors. This position is necessary because student information is protected by FERPA and criminal justice information is protected by state law. This means that protected information cannot be shared between law enforcement and the University. The individual in this position has clearance to view information from both sources. Although this does not change the laws that govern information sharing, it does allow recognition of patterns that might not otherwise be noticed. This is accomplished by compiling data from both sources into a single database accessed only by the Compliance Specialist.
- The Title IX Coordinator conducted [training](#) for UMPD. Also, the UMPD Chief and Captain have participated in Title IX trainings for Title IX Coordinators, investigators and other Title IX personnel.
- UM's Office of Equal Opportunity and Affirmative Action has simultaneously increased outreach and Title IX information has been included in community resources. This has not only improved awareness of Title IX resources, but has also brought awareness of the role UMPD plays in victim safety.

- The UMPD Chief, along with other campus representatives, participates in UM’s orientation panels for incoming students and their parents. The UMPD Chief is able to answer questions about UMPD’s role at the University, including response to sexual assault.

(Addendum III.G.13.b)

- c. “Increase coordination and communication with medical staff and forensic examiners interacting with individuals reporting sexual assault to improve sexual assault investigations and reduce unnecessary burdens on individuals reporting sexual assault.”***

Increased coordination began with training about the role of First Step by First Step Supervisor Mary Pat Hansen, APRN, MSN. This training familiarized UMPD officers with the First Step facility and staff and provided an understanding of the forensic exam.

UMPD officers taking the initial report of a sexual assault will brief the First Step Nurse about the reported assault prior to a victim’s exam. Where UMPD remains the investigating agency, a UMPD officer will contact First Step to receive a briefing of the forensic exam. Those findings and results will be included in the case report. Where cases are turned over to MPD, UMPD has requested that findings by First Step Nurses be sent to MPD.

UMPD officers encourage victim participation with First Step. UMPD officers convey the importance of receiving medical attention and the advantage of a forensic exam. UMPD Officers will also transport the victim to First Step. Per UMPD’s Sexual Assault Investigation Policy, appendix section B.1.i. *Officers will transport the victim to the First Step Center if a forensic examination is warranted and the victim consents.*

(Addendum III.G.13.c)

- d. “Further strengthen the partnership and improve the cooperation between [UMPD] and agencies involved in the First Step Resource Center Multidisciplinary Team and other community and systems advocates by facilitating opportunities for officers to meet with and learn about these agencies and advocates; and soliciting feedback from the agencies and advocates, identifying barriers, and implementing remedies...”***

Upon entering the Agreement, UMPD has shown dedication in building relationships with its community partners. This is demonstrated by the following actions:

- The UMPD Chief is on the Board of Directors of the First Step Resource Center Multidisciplinary Team and attends quarterly Multi-Disciplinary Team (MDT) Advisory Board meetings and will continue to serve in that capacity.
- Upon entering the Agreement, the UMPD Chief and Captain participate in monthly MDT meetings. The MDT works to provide a coordinated response to community violence. The team includes members from the University and the Missoula community.
- The UMPD Chief and Captain are members of the University Council on Student Assault (UCSA) and participate in regular monthly meetings. The UCSA works on overall University strategies on sexual assault. The UCSA includes members from all areas of the campus community, including the Title IX Office and SARC, as well as the Crime Victim Advocate Program, and Missoula Office of Planning and Grants.

- The UMPD Chief participates in weekly case review meetings, coordinated by the Title IX office and the University case review team including the Compliance Specialist. The purpose of the case review is to ensure appropriate follow up and to identify patterns or trends that need particular attention as well as to make recommendations for possible improvements to process, procedure, outreach and education.
- Upon entering the Agreement, UMPD officers have increased collaboration with our community partners. UMPD officers participate in safety planning with students, Title IX, and SARC to ensure that every possible measure is taken in regard to personal safety. This combination of resources aims to give the students the strongest tools possible for their personal safety on and off campus.
- UMPD solicited input from community partners and the University when drafting UM's Sexual Assault Investigation Policy. Feedback from these partners was also solicited when UMPD made revisions and updates to its policy. These partners are listed in the acknowledgement portion of the Sexual Assault Investigation Policy.
- Upon entering the Agreement, all new UMPD officers will, as part of their Field Training Program, visit facilities and offices of our community partners to meet staff and advocates at First Step, SARC, the YWCA, Title IX, and the CVA.
- Detective Croft participated as the UMPD's representative for Missoula's Safety and Accountability Audit. During this audit he worked closely with representatives from multiple community partner organizations. The audit required approximately 200-300 hours over the course of 10 months. During this audit Detective Croft was able to develop and strengthen relationships with community partners through interviews, ride-alongs and collaboration on the audit process.
- Feedback from First Step about both UMPD and MPD conducting an initial victim interview led UMPD and MPD to revise their policy and procedures in this area. The practice was changed so that the victim has only one initial interview with the responding agency before the case is turned over to MPD SVU Detectives.
- UMPD has invited advocates and representatives of First Step, SARC, the YWCA, and the Missoula Crime Victim Advocates to be involved in formal and informal trainings and workshops.
- UMPD officers have attended trainings by First Step Clinical Supervisor Mary Pat Hansen and by First Step Forensic Nurse Cat Otway. This has allowed officers to learn more about the facility and meet First Step Nurses and staff.
- UMPD has been fortunate to have training provided by our community partners who work directly with victims. This has led to increased communication, coordination, and collaboration between UMPD and these partners. These partners include: First Step Nurses, Crime Victim Advocates, SARC Advocates, YWCA Advocates, and Title IX Staff.

[\(Addendum III.G.13.d\)](#)

One of the greatest benefits of the Agreement has been the further development of relationships and understanding with our community partners. Having UMPD officers train with community partners has led to better communication between agencies. UMPD officers have mentioned that

they have a better sense of working together with campus and community partners. One officer stated, “It feels like we’re all on the same team.”

**Community Partners who have provided training for UMPD Officers and staff include:**

- Student Advocacy Resource Center (SARC) Director Drew Colling, MS, LCPC
- Student Advocacy Resource Center Program Coordinator Leah Fitch
- Missoula YWCA Clinical Interns
- Missoula YWCA Program Director Katharina Werner, MSW
- First Step Supervisor Mary Pat Hansen, APRN, MSN
- First Step Nurse Cat Otway, RN-SANE
- Missoula City/County Crime Victim Advocate Program, Senior Advocate Tanya Campbell
- Missoula Police Department Detective Guy Baker
- Missoula Police Department Captain Mike Colyer
- University of Montana Title IX Coordinator Jessica Weltman, J.D.
- Campus Assault Prevention Coordinator Kim Brown Campbell, Ed.D.

Improved coordination with community partners and public confidence can be shown by awards received by UMPD officers. In October 2014, the Missoula Family Violence Council named Captain Ben Gladwin Public Servant of the Year for his work on improving UMPD’s response to sexual assault. At this same ceremony, the Council named UMPD Officer Shannon Parsons Volunteer of the Year for her work as a YWCA response advocate and for her efforts in building the relationship between the UMPD and the YWCA.

UMPD has continued its commitment to community outreach. One of these efforts is with “Armed Intruder” training. The UMPD Captain and several UMPD officers are part of a combined effort with MPD, MCSO, and UM that teaches educators and staff in the public schools about tactics they can use in case of an active shooter. This program serves to empower individuals providing for the safety of children and to work as a team with law enforcement response. In June 2015, UMPD Captain Gladwin and UMPD Officer Brad Giffin were among several law enforcement officers recognized for their dedication to this program. These officers were named Officer of the Year by the Montana Association of Chiefs of Police. Captain Gladwin’s efforts in the community have been recognized by others as well. In May 2015, the UMPD Chief was asked by a member of the selection board of the FBI National Academy to nominate Captain Gladwin for placement in the Academy.

As a community partner in a victim-centered approach, UMPD provides services and resources to victims outside of its jurisdiction. In some cases, community members who have been victims of crimes outside of UM have approached UMPD for assistance on campus. In other cases, UMPD has been contacted by MPD when the victim is discovered to be a student. UMPD also connects campus members to resources in cases that do not meet the level of criminal activity. In all instances, UMPD has provided the victim with any services needed and a connection to UM resources.

## H. Data Collection and Reporting

### 14. *“To identify shortcomings, assess improvement, and increase community confidence in the University’s response to sexual assault, [UMPD] shall enhance its data collection, analysis, and reporting.”*

As a result of the Agreement, UMPD has created sustainable processes for collecting, recording, and analyzing data in order to identify shortcomings, assess improvement, and increase community confidence in the University’s response to sexual assault. The benefit of being part of a relatively small community, with relatively small numbers of reports of sexual assaults, is that informal mechanisms for sharing information and monitoring trends to inform police practices can be effective. Under the Agreement, UMPD has institutionalized sustainable, formal processes for analyzing data. The benefit of formal processes is that they do not need to rely on institutional memory which can disappear with the occurrence of personnel changes. Formal processes for collecting and maintaining data allow for more sophisticated analyses of trends; ensure that data is collected in a consistent manner so it can be useful when analyzed in the aggregate; ensure that UMPD is responding to current information and informed best practices; and ensure that analysis occurs on a regular basis.

[\(Addendum III.H.14\)](#)

## A. UMPD | Title IX Compliance Specialist

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UMPD and the UM Title IX Office worked together to create a new position: UMPD/Title IX Compliance Specialist. The Compliance Specialist maintains a comprehensive database to collect crime-specific information to identify similarities between reported sexual assaults and previous unresolved cases. The Compliance Specialist collects and records information about reports of sexual assault involving students that are reported to the UMPD and/or to the Title IX Office. This position is uniquely positioned to collect and report information both internally and also as appropriate to the public and key stakeholders who can use the information to increase public safety and respond to the needs of sexual assault survivors. The Compliance Specialist also tracks the reported cases through their outcomes in court, where applicable. This new position allows UMPD in consultation with community partners who have relevant areas of expertise to identify shortcomings, assess improvements and increase community confidence in the University’s response to reports of sexual assault. Examples of information collected by the Compliance Specialist include, but are not limited to the following information:

- Number of cases reported to UMPD
- Number of cases referred to MPD by UMPD
- Number of cases in which UMPD assists in transporting or obtaining transport for a victim to a medical facility equipped to perform a medical forensic exam
- Number of reported sexual assault cases on campus
- Number of cases referred to UMPD by Missoula 911 or the YWCA Rape Crisis Hotline

The Compliance Specialist collects data that is used to analyze trends such as case locations, use of drugs or alcohol, use of weapons, particular group affiliations of victims or suspects,

increases or decreases in reporting of particular crimes during particular time periods. UMPD can draw from the body of information collected and maintained by the Compliance Specialist to increase offender accountability with regard to particular investigations and also to take measures to increase overall campus safety.

## **B. Data Analysis**

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UMPD collects and analyzes data to identify shortcomings, assess improvement and increase community confidence in the University's response to sexual assault. UMPD has two primary processes for analyzing data. First, the UMPD Captain and other members of UMPD review the campus crime log every day. This regular analysis of information about sexual violence from the crime log allows UMPD to identify areas for immediate action. For example, an increase in reports of domestic violence in an area of campus apartments might trigger an immediate increase in patrol staff to more closely monitor the area.

The second primary way that UMPD conducts its data analysis has been formalized since the Agreement. The UMPD uses the UCSA to obtain analysis of data which it can use to inform its police work. UCSA is the campus committee which is charged by the President of the University to examine issues regarding campus policies and procedures addressing sexual assault.

A key benefit of using UCSA for analysis of data is that this committee has the expertise to know what data to request; how to understand and explain what it means; and to make meaningful recommendations to UMPD. UMPD contributes the law enforcement expertise to UCSA. In return, UMPD gains the necessary expertise from campus and community partners. The UCSA representatives who make up the cumulative expert body include individuals with particular expertise in sexual violence and intimate partner violence.

The UCSA draws on the expertise and experience of its members to conduct a comprehensive analysis of not only the UMPD data, but also additional data from other agencies, climate survey information, and comparisons with national data to assess areas for improvement, what is working well, and ways to increase community confidence. [Annual reports](#) posted on the University's Title IX website provide formal recommendations from the UCSA for improving the University's response to reports of sexual violence.

Following are some examples of how UMPD has used the analyses and recommendations from the UCSA to make specific positive changes in its work.

- UCSA identified that victims may fear reporting an assault because of media attention. Local newspaper and television stories have included details that have at times identified victims. A community media review group was formed and the Chief of UMPD sits on that committee. Its purpose is to monitor cases, make recommendations and analyze trends as they pertain to sexual assault victim participation and media reporting.
- UCSA recommendations proposed that the Title IX coordinator have weekly reviews of cases with the Dean of Students, Director of Residence Life, SARC and UMPD. This group has been formed and meets weekly for case review.
- UCSA identified a possible disconnect with Fraternities and Sororities. In response the UMPD Chief has coordinated with the Dean of Students to reach out to the recently hired Greek Life Coordinator to build stronger relationships, communications and accountability for these student groups.

- UCSA identified that a barrier to victims reporting sexual violence was a fear of getting in trouble for alcohol use violations. UMPD responded by highlighting this portion of its policy in trainings and outreach efforts to students:

*Explain to victim that UMPD is focusing on sexual assault not drug use or other minor student conduct violations. Inform the victim of the need and importance of full disclosure throughout the reporting process.*

Specifically, UMPD used this feedback to include information about “amnesty” as part of talks given to all new students living in residence halls during mandatory floor meetings at the beginning of fall semester. This UMPD action would help deliver the message that officers are there to take a report of an assault, not to charge a victim with underage alcohol consumption or drug use. Another improvement in response to this information is that the UMPD Chief talks about amnesty during the new student orientation. UMPD also has begun to deliver the information during the student and parent panels. The UMPD Captain now provides this overview training to all new Resident Assistants prior to the beginning of fall semester. This includes information about response to sexual assault and amnesty for drinking or drug use.

- UCSA identified the need for safety planning for victims. As noted below, UMPD has begun to maintain data on safety planning meetings in which it participates. In addition, UMPD has used this information to enhance policy. In 2015, UMPD included safety planning in its Sexual Assault Investigation Policy.

*Assist the victim in developing a safety plan, in the event safety concerns exist. Provide victim with information about obtaining an Order of Protection and offer assistance as appropriate. Provide victim with information about campus Title IX resources and explain that the Title IX Office can assist with campus no contact orders. Encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.*

In addition to these primary sources of data, UMPD keeps informed of sexual assault reports and the status of cases referred to MPD by weekly meetings with MPD. UMPD supervisors convey that information to the Compliance Specialist who enters it into a case status database. Another way UMPD collects data is through Clery data. UMPD, along with campus community partners, coordinate an annual review of [Clery data](#) which includes incidents of sexual assault, corresponding case numbers, and whether or not an arrest was made. This data assists the Compliance Specialist to obtain information on the case regarding victim participation, prosecution and trial results.

MPD has weekly updates with the County Attorney and SVU Detectives to review case status and final outcomes. UMPD will participate in these status and outcome updates for cases originating from their department. This information will be passed on to the Compliance Specialist for data collection and analysis.

## IV. External Review of Sexual Assault Cases

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**15. “The Parties shall jointly select and establish a group of qualified representatives, including experienced sexual assault prosecutors, legal providers, experienced sexual assault investigators, and/or advocates, to serve as an external review group for sexual assault cases.”**

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

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

[\(Addendum IV.15\)](#)

**16. “The external review group shall, in conjunction with [UMPD], develop a protocol to guide their review and ensure consistency.”**

The UMPD, MPD, Anne Munch, and ERP developed a protocol to guide review of these cases to ensure consistency. That protocol was incorporated into a form outlining specific points for consideration when evaluating for comprehensiveness and bias.

The panel was initially trained by Munch prior to the first session of case reviews. The panel was instructed to evaluate cases for comprehensiveness and possible indicators of bias. Munch assisted in the first session of case reviews. Munch and Tom Tremblay assisted in another session of case reviews during the summer 2014.

For each case the ERP is given a complete case folder. The case folder contains

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

One ERP member reviews each case, although they often work together with questions or concerns on cases. One ERP member completes a written evaluation of each case as follows:

- Using green (best), yellow (questionable), and orange (unacceptable) color-coded markers and sticky notes, the ERP member makes notes on the hardcopy report and/or the guidelines/note taking sheet about specifics within the investigation
- Using the same color coding system, the panelist gives the case an overall evaluation

The panelist brings all the material to a UMPD/MPD detective supervisor. The panelist provides the feedback to the supervisor. The supervisor may answer questions or provide additional information.

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



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

(Addendum IV.16)

- 17. “[UMPD] shall develop a protocol to ensure that feedback and recommendations from this external review group are shared with [UMPD] supervisors and command staff and incorporated into policies, general training, and targeted training for specific officers or detectives;”***

The UMPD has developed a protocol to ensure that feedback and recommendations from the ERP panel are shared with the UMPD supervisors and command staff. Feedback is distributed to specific UMPD employees individually and also at regular departmental briefings.

The UMPD Officers and Detectives found that feedback from the ERP was valuable in professional development. Officers and Detectives look forward to receiving feedback from cases for validation that they are using best practices and for opportunities to improve in any area of concern.

(Addendum IV.17)

## V. Community-Conducted Sexual Assault Response Safety and Accountability Audit

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18. *“The University shall participate in and cooperate with any effort by the City of Missoula to organize and lead a sexual assault safety and accountability audit (“Audit”) designed to assess how Missoula City, Missoula County, and the University of Montana respond to and collaborate to address sexual assault, with a focus on enhancing victim safety, support, and participation in the law enforcement process.”*

UMPD worked with MPD who had identified Praxis International as a source for instruction in conducting a Community-Conducted Safety and Accountability Audit (Audit). The IR approved Praxis International as the provider of the initial training for the Audit Coordinators. The City asked Janet Stevens Donahue to be a co-coordinator with the MPD Detective Captain. The co-coordinators selected an inter-agency, multi-disciplinary Audit Team which fit into the scope of the audit. The team included the University of Montana Police Department and the University of Montana Student Advocacy Resource Center (SARC). UMPD Detective Chris Croft and SARC Director Drew Colling participated as part of the Audit Team. The final Report from the Missoula County Sexual Assault Safety and Accountability Audit was released in May 2015.

The Audit Team created the audit question, “How does our community’s response to sexual assault engage and support victims and enhance victim safety and offender accountability?” This question served to focus the team’s efforts on victim safety, engagement, and support. During the audit of UMPD, audit members interviewed the Chief, Captain, Patrol officers and a Sergeant.

As an overview, the audit found general “strengths” and “gaps.” The strengths of our community highlighted by the audit are: “the depth and breadth of advocacy services available for survivors, the strong collaboration and communication within criminal justice agencies, and the commitment and cooperation to improve response.” Of the gaps found, the one specific to UMPD was a lack of funding to respond to and investigate all crimes reported in their jurisdiction. Prior to the public release of the audit, members of UMPD were provided the outcomes and given an opportunity to ask questions. This was done to keep the UMPD members informed and to provide them with information that affects the department prior to seeing it in the media

The results of the audit as well as the audit report were made public May 1, 2015. A copy of the audit report was posted on UMPD’s website [http://www.umt.edu/police/docs/Final Safety and Accountability Audit Report.pdf](http://www.umt.edu/police/docs/Final_Safety_and_Accountability_Audit_Report.pdf).

(Addendum IV.18)

# Sustainment Plan

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As a result of the changes in policy, training, and oversight, the method by which the UMPD responds to sexual assault has transformed. Those hired at the UMPD from this point forward will know only one way to respond to and document reports of sexual assault, which is the new standard we have now.

The UMPD will maintain the changes in its approach to sexual assault after the end of the Agreement, including all of the operational changes. The UMPD's intentions are listed below.

Outside of the requirements of the USDOJ Agreement, the UMPD will continue to lead on issues surrounding sexual assault response, and also on violence against women in general, through strengthening our response, continuing our combined efforts with partners, and training on emergent issues.

## III. Improving UMPD's Response to Sexual Assault

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### A. Sexual Assault Policies and Protocols

The [UMPD Sexual Assault Investigation Policy](#) and SOP will remain in practice. Both will continue to go through the normal annual review. Every year, changes in the policy or procedure may result from that review. The UMPD will use a similar multidisciplinary working group to review the policy and procedure as was used in 2014 and 2015.

The steps UMPD has taken to change its response to reports of sexual assault will serve as a model for implementing changes in other areas. The UMPD intends to draw upon the experience of this Agreement to create new policy and procedures for responding to domestic violence. The UMPD plans to correlate these changes with new training on using the Lethality Assessment protocol developed by the Maryland Network Against Domestic Violence.

### B. Sexual Assault Response Training

The UMPD will continue in-service training on sexual assault. As was completed in 2013, the UMPD has completed another [two-year training plan on sexual assault response](#), found in the UM Police Department Matrix. Much of this plan consists of roll call training. In addition we have scheduled trainings with our community partners. The UMPD will also arrange for advanced courses for relevant officers.

The UMPD recognizes that human trafficking is an important and emerging issue in Montana. The UMPD will seek training for all UMPD patrol officers to enhance their awareness of human trafficking, applicable laws, and services for victims.

The UMPD has committed to being part of a Lethality Assessment Program/protocol for victims of intimate partner violence who are at risk of being killed. The MPD and the YWCA recently completed a three month pilot program and determined it is a valuable tool in risk assessment for victims in violent relationships. Just Response and MPD are working on bringing a trainer to Missoula as a joint training initiative for MPD and UMPD as well as other law enforcement and community partners, in conjunction with community crisis advocates on using this assessment.

The link between intimate partner violence and sexual assault is strong. The lethality assessment requires first responders to specifically inquire from the victim if the suspect has sexually assaulted or has engaged in sexual misconduct with the victim in the past. Knowing the co-occurring nature of intimate partner violence and sexual violence, the intention and expectation is that this inquiry will increase reporting of sexual assaults.

### **C. Review of Policies and Training**

The UMPD will continue annual review of the UMPD policies and procedures on sexual assault response. As those are revised, on-going training will continue with relevant personnel. All of UMPD's policies will continue to be publicly available on the UMPD website.

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

This section and section III.E. provide key information regarding victim treatment and offender accountability.

The UMPD's established policy, SOP, training and supervision will ensure that appropriate investigative steps continue to be taken 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. The UMPD will continue to maintain this high standard.

### **E. Victim-Centered Response to Sexual Assault**

Conducting victim-centered investigations while focusing on the suspect will remain a cornerstone of our philosophy on sexual assault investigations. UMPD will continue to use victim-centered practices in response to sexual assault: calling an advocate, being available for medical transportation, safety planning, conducting interviews in consideration of the victim, keeping the victim informed about what will happen next, active listening, reassuring the victim and acknowledging the courage it took the victim to report an assault, providing resources, and respecting the victim's choices. UMPD will continue to meet the standards of this section.

UMPD's implemented policy and training will improve the victim's experience in reporting a sexual assault. UMPD has expanded our options for reporting and prioritized the role of advocacy. The UMPD is committed to these improved practices.

### **F. Close Supervision and Internal Oversight**

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

#### ***12. a***

The UM Department of Sociology and the UMPD and MPD have agreed to continue the victim surveys in consultation with Dr. Dusten Hollist, UM Professor of Sociology whose field of study is Crime and Delinquency and Community Sociology. The Department of Sociology is re-applying for a grant to collaborate with a much more in-depth sexual assault victim survey. If the grant is successful, the UMPD will participate in the three year project on treatment of victims of sexual assault.

**12. b**

UMPD will maintain a specific section on officer evaluations for officers/detectives and first line supervisors evaluating their interactions with victims of sexual assaults.

**12. c**

UMPD will continue to assign non-stranger and alcohol or drug-facilitated sexual assault investigations only to those detectives with the demonstrated skills, interest, and training to conduct those investigations effectively and without bias.

**12. d**

UMPD will continue to have a supervisor approve in writing a decision to not refer for prosecution any sexual assault investigation conducted by UMPD. For cases turned over to MPD, UMPD will continue to obtain and keep on record the written decision from MPD.

**12. e - f**

UMPD will continue the practice of reviewing all new sexual assault cases and the UMPD will continue the practice of having a first line supervisor as well as the Captain and/or Chief review all sexual assault investigations before they are referred or placed inactive. This practice is now well established.

**12. g**

UMPD supervisors will continue to conduct periodic reviews of closed cases, and participate in the community ERP and in the University case review process. UMPD supervisors will continue to log and review cases to check for adherence to policy and indications of bias during their review.

## **G. Coordination with Law Enforcement and Community Partners**

UMPD has developed strong relationships with its community partners. These relationships have arisen from training with these partners, attending regular meetings, and time spent reviewing cases, policy, and coordinating services. Along with maintaining the high level of training it has attained, the UMPD will continue to strengthen the relationships and coordination it has established with community partners to ensure the best response possible to sexual assault crimes and violence against women in general.

UMPD will continue to maintain and further develop its relationship with MPD, reviewing shared cases and improving communication. The UMPD will continue to train UMPD employees to understand their roles related to any new or amended MOUs or practices. UMPD and MPD are continuing discussions surrounding the placement of a UMPD detective in the SVU unit.

The UMPD Chief of Police will continue serving on the MDT Advisory Board. UMPD will continue to participate in meetings with community partners to maintain the coordination and communication between UMPD and those agencies.

UMPD will continue to review cases with Title IX and UCSA on a regular basis. UMPD will continue to participate in meetings and training to maintain the coordination and communication with UM.

All new UMPD officers will, as part of their Field Training Program, visit facilities and offices to meet staff and advocates at First Step, SARC, the YWCA, and the CVA.

UMPD officers will continue briefing with First Step nurses before arriving with a victim for a forensic exam and, if UMPD is the investigating agency, UMPD will contact First Step nurses for a follow up briefing.

## H. Data Collection and Reporting

UMPD will continue to enhance its data collection, analysis and reporting as the Agreement has proceeded. The newly created position of UMPD/Title IX Compliance Specialist and Case Manager will facilitate tracking of reports to both UMPD and to the University Title IX office. This will ensure more comprehensive and thorough analysis and reporting of campus sexual assaults.

- a. The UMPD Compliance Specialist will continue to collect and record information about rates of reports of sexual assault on campus, and track reports of sexual assault received by UMPD and/or Title IX, through their outcomes in court, and if applicable, outcomes in a campus adjudication process.

Information will continue to be collected regarding the number of sexual assault cases reported to UMPD and the number of those cases referred to MPD or Title IX. UMPD will continue to be available to assist in the transportation of a victim to a medical facility equipped to perform a medical forensic exam and record the number of cases where UMPD assisted. In accordance with this Agreement and Clery compliance, UMPD will continue to record the number of reported sexual assaults on UM grounds, regardless of the entity to whom the sexual assault was reported, to the extent that UMPD can reasonably obtain this information. UMPD will continue to record the numbers of cases referred by Missoula 911, the YWCA Rape Crisis Hotline, Title IX, and SARC.

The UMPD/Title IX Compliance Specialist will continue to use a database to monitor cases and update the information regularly to ensure that status for each case is current. The Compliance Specialist will continue to enhance tools to compile data for analysis and increase the number of data points as suggested by other community partners that may benefit from the data. UMPD will also obtain information from other agencies about rates of sexual assault and use this and other data points to identify trends that may be used in law enforcement and campus safety. UMPD will continue to consistently participate in UCSA, utilize the data they compile in the Climate Survey as well as by other community partners to identify areas of improvement, as well as shortcomings and inform UMPD officers of trends that may become apparent through this collaboration. UMPD will continue to summarize data collected regarding sexual assault crimes.

- b. UMPD's summary and statistical analysis of the data collected for the period April 1, 2014, through August 8, 2014, is included in the December 3, 2014, IR report which is posted on the UMPD website. This information is also shared with the University Council on Student Assault (UCSA), which includes the Title IX Coordinator, SARC director, Residence Life Director, Dean of Students, Campus Assault Prevention Coordinator, community advocates, and others who use this information to make recommendations for enhanced prevention, outreach and response efforts.

By creating the position of Compliance Specialist, UMPD and Title IX have developed a working solution to share information while maintaining compliance with state laws. The ability for this position to monitor and track both criminal justice information as well as FERPA protected student information increases the ability for both to extend resources and identify trends, while remaining within the restrictions of state law.

- c. In addition to the ARMS database that is already being used to track data, the UMPD/Title IX Compliance Specialist has developed and will continue to use a database to collect crime-specific information. This information will continue to be used to identify similarities between reported crimes against persons including sexual assaults, and previous, unresolved cases and even incidents that were not reported to UMPD. The outcomes of these cases, through criminal justice system and/or campus adjudication, will continue to be recorded as they apply. In addition to offender accountability, the University also prioritizes student success. In time, the University will be able to identify any measurable differences through graduation rates. This information may be valuable in measuring the collaborative and victim-centered efforts applied by Title IX and UMPD when investigating sexual assault.

## IV. External Review of Sexual Assault Cases

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ERP feedback was found to be valuable by UMPD officers. Feedback from ERP provided validation that officers are using best practices and opportunities to improve in any area of concern.

The UMPD will continue to submit both felony and misdemeanor cases to the ERP. The UMPD plans to coordinate with community partners to support the sustainment of the ERP process. The ERP board will continue to meet on a quarterly basis.

## V. Community-Conducted Sexual Assault Response Safety and Accountability Audit

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The UMPD believes a consistent system response to sexual assault is critical and will continue to work with other agencies in this effort.

Since the conclusion of the audit, the UMPD continues to cooperate with and support other agencies to address the recommendations and implementation plan. The audit revealed information that is critical to understanding capabilities and limitations of UMPD with regard to sexual assault response. Montana State University (MSU) handles felony crimes against persons while UMPD does not. Both agencies serve a similar population size. Unlike MSU, which has 21 full time officers, UMPD has 14 full time officers. The audit concluded that UMPD does not have the resources to investigate felony crimes against persons. UMPD is exploring funding options, including options to hire more officers to address this issue. Currently, UMPD is exploring options to place a UMPD officer with MPD SVU detectives for professional development. This placement would allow a UMPD officer the ability to investigate UM cases, leading to greater involvement in complete case investigations. This also would allow the UMPD officer to be present in the case review process conducted with the County Attorney's Office consistently. Another critical finding of the audit is that UMPD lacks an adequate location to conduct victim interviews. SARC, MPD, and CVA all offered UMPD the opportunity to use their interview rooms until UMPD is able to obtain private facilities.



# Measurements and Outcomes

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UMPD’s Sexual Assault Investigation Policy and training have resulted in a culture change within the department to that of a victim-centered response to not only sexual assault, but also to all crimes against persons. The following measurements and outcomes are evidence of how UMPD has improved response to sexual assault and increased public confidence. UMPD considers the following measurements and outcomes as evidence of its achievements in accomplishing the goals of the Agreement and demonstrating their strong commitment to building upon these efforts.

## Data Analysis

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The following areas are identified as essential in evaluation of sexual assault within the jurisdiction of UMPD:

- Reporting
- Resource for Victims
- Offender Accountability

Specific data which also informs UMPD work is discussed in the following.

### 1. Reports to UMPD

UMPD collects and analyzes the reports of sexual assault that it receives. The numbers referenced in this report include all forms of sexual assault, including unwanted touching and rape (SIWOC).

Reporting of sexual assault to UMPD comes in two forms. First, reports come directly from victims who chose to identify themselves. The second type of reports is known as “Blind/Third Party Reports.” Beginning in 2012, the UMPD implemented “Blind/Third Party Reports” which is a mechanism for victims to notify law enforcement of a sexual assault without initiating a criminal investigation. This empowers victims to obtain information about resources and about the criminal justice process, and then decide whether and when they would like to make a formal police report.

	2012	2013	2014	2015 to May 31 <sup>st</sup>
Reports of all sexual assaults to UMPD	2	5	8	1
Blind/3 <sup>rd</sup> Party Reports (also included in the above numbers)	0	2	3	1

UMPD views the increases in reporting as an increase in public trust in law enforcement rather than as an increase in criminal activity. The UMPD bases that theory on the well-established fact that sexual assault is likely the most underreported crime in our society,

and the fact that other agencies are seeing similar increases in reports, as shown below. UMPD is encouraged by this initial data which suggests that it is making progress towards its goal of encouraging reporting.

## 2. Clery

In addition to collecting and recording data of reports that come directly to UMPD, UMPD also collects and records data from other agencies. The Reports to UMPD and Blind/3<sup>rd</sup> Party Reports described above are reports that came to UMPD regardless of the location where the incident occurred. UMPD also collects and records reports of forcible sex offenses and non-forcible sex offenses as defined in the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These Clery reports include reports not only to UMPD, but also to UM staff members who are designated as “campus security authorities,” and to MPD which collects these statistics in cooperation with Missoula City and County law enforcement. These statistics show sex offenses which occur on the UM campuses in Missoula and in Hamilton as well as those that occur immediately adjacent to campus and in non-campus buildings. Examples of non-campus buildings include recognized UM fraternity and sorority houses west of campus. This information is published annually and posted on the UMPD website in the Annual Security Fire and Safety Report. In accordance with the federal requirements, Clery statistics are published in October for the previous year. Therefore, statistics are available for 2011, 2012 and 2013. They are helpful for UMPD to assess trends of sexual violence occurring on or near campus. UMPD’s collection and publication of this data also increases community confidence that UMPD is tracking sexual violence that occurs on or near campus.

More specifically, Clery data is provided in a written report or referral report submitted to the UMPD Clery Records and Review Clerk. Clery data is compiled from many different offices and agencies: Missoula City Police, Missoula County Sheriff, Ravalli County Sheriff, Polson City Police. University contributors are Bitterroot College in Hamilton, Missoula College East and West Campuses, Flathead Lake Research Center, Lubrecht Forest Research area, Residence Life, Dean of Students, the Title IX Coordinator, the Greek Life Advisor, Athletics and UMPD.

The referrals from University contributors are done face to face with the UMPD. Each office will bring its documentation and have it verified for accuracy and reviewed to make sure double reporting does not occur. Data captured includes outcomes such as arrest or referral for disciplinary action under the Student Code of Conduct. Clery data does not reflect final outcome regarding prosecution status. The UMPD/Title IX Compliance Specialist tracks this information through other means.

The data that is collected for the Clery report complements the UMPD data collected internally in various forms. UMPD uses Clery data to look for trends such as where on University property crimes occur. It is also used to identify outcomes of cases that are initially reported to various entities.

## Clery Reportable crimes:

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Homicide	Robbery
Negligent Homicide	Aggravated Assault
Sex Offenses:	Burglary
Rape (SIWOC)	Theft of Motor Vehicle
Fondling <i>(includes misdemeanor sexual assault)</i>	Arson
Incest	Weapon law violations
Statutory Rape	Drug abuse violation
Dating Violence	Liquor Law violations
Domestic Violence	If committed as a hate crime:
Stalking	Simple assault
	Intimidation
	Destruction of Property

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The following data points reflect information reported through Clery:

Offense	Year	On-Campus	Residential Facilities	Non-Campus	Public Areas
Forcible Sex Offenses	2011	9	5	2	0
	2012	7	5	1	0
	2013	9	5	0	1
Non-Forcible Sex Offenses	2011	0	0	0	0
	2012	0	0	0	0
	2013	0	0	0	0

### **3. Reports to Title IX**

UMPD is unique as a law enforcement agency whose primary focus is the safety of the University campus community. The University also has other processes, separate from law enforcement for addressing sexual violence. Another way the University views sexual violence is as a form of sex-based discrimination. It has separate processes and procedures for addressing sexual violence as a form of discrimination. Reports of sexual violence may also be made to the University's Office of Equal Opportunity & Affirmative Action/Title IX Coordinator. Criminal processes and Title IX processes are governed by different laws and different rules. They may proceed at the same time or separately. Sometimes victims choose to report to UMPD and not to Title IX and vice versa.

However, both UMPD, Title IX, and other agencies have the goals of helping victims obtain resources. If a student reports a sexual assault to UMPD, UMPD provides information about options for reporting to Title IX. Title IX can provide interim measures on campus to help the student continue in school. Interim measures can be changes in housing, additional academic support, and protections against on-going harassment. In this regard it is helpful for UMPD to collect and record the number of reports that Title IX receives.

The Title IX data and UMPD data are analyzed in monthly confidential case review meetings with a subgroup from the UCSA, which includes the UMPD Chief, Title IX Coordinator, Dean of Students, Director of Residence Life, SARC Director, the Campus Assault Prevention Coordinator, a faculty member with expertise in interpersonal violence, and the Compliance Specialist. The SARC Director does not identify any confidential information, but is present to assist in making decisions that reflect a trauma-informed victim-centered focus. These confidential case review meetings allow UMPD to obtain current and historical information and analysis from experts about information that can inform UMPD's police work. For example, data can be analyzed about the number and types of reports coming to Title IX, how victims are being connected with campus resources, what particular student dynamics are playing out in cases, increases in drug facilitated sexual assaults, or repeated domestic violence reports from a specific campus location. UMPD can then use this information, for example, to increase patrols in a particular area, inform officers to look for certain evidence that can lead to offender accountability, or incorporate into training victim-centered approaches to responding to reports of sexual assault.

### **4. Rates of Access to Community Resources**

UMPD recognizes that sexual assault is an underreported crime. There are many reasons why victims choose to not report to law enforcement. Nevertheless, it is important for UMPD to collect and analyze data which provides some measure of the rates at which community resources are accessed by victims. UMPD uses this data to inform it if there are increased rates of sexual violence. If there is a large increase in access to community resources, but not a commensurate increase in reporting to UMPD, that could indicate there might be a barrier to reporting to UMPD which requires deeper analysis and

actions. The following table shows numbers of access to community resources in comparison to the number of reports received by UMPD in the same years.

	2012	2013	2014
<i>First STEP</i>	75	71	80
<i>SARC</i> <sup>3</sup>	213	320	544
<i>YWCA</i> <sup>4</sup>	130	102	126
<i>Reports of all sexual assaults to UMPD</i>	2	5	8

UMPD views these increased rates of access to community resources as an encouraging sign. It also is encouraged by the commensurate rates of increased reporting to UMPD. UMPD is optimistic that the increase in reporting to UMPD is also due at least in part to the strengthening of its relationships with these community partners.

## 5. Coordinated Responses

A primary objective for UMPD and the University is to ensure that student victims are protected from retaliation for reporting and are able to continue their education. When victims choose to report both to the Title IX Office and UMPD, those offices are better able to collaborate to achieve these objectives. Reporting to both Title IX and UMPD indicates an understanding of both processes and confidence in each process.

	2012	2013	2014	2015 <i>to May 31<sup>st</sup></i>
<b>All sexual assaults reported to both UMPD &amp; Title IX</b>	0	4	5	1
<b>Participation in Safety Planning</b> <sup>5</sup>	0	0	1	2
<b>UMPD Providing victim transport to medical services</b>	0	0	0	0

These safety planning numbers are from a coordinated effort between UMPD, Title IX, and SARC to provide resources and anticipate safety concerns for students in potentially

<sup>3</sup> SARC tracks and reports service units, which reflects contacts from students and other community members. The reason SARC reports service units, rather than individuals is because SARC offers services anonymously, therefore SARC has no way to track contacts by the individual. SARC believes the sharp increase in service units is a reflection of increased public awareness, more on-call service and more interns who are able to handle higher caseloads.

<sup>4</sup> The YWCA reports unduplicated individual clients, rather than "service units" as SARC reports.

<sup>5</sup> Safety planning was requested for non-sexual assault cases. The resources and process are in place for future requests.

dangerous situations. The safety plans have not been related to sexual assaults but demonstrate how UMPD would be involved with a sexual assault case. Safety planning in itself is an important way for a campus community member to connect with an advocate and any campus resources that can serve to keep students in school and provide a safe learning environment. Another benefit is that victims who feel safe are believed to be more likely to make a formal report to UMPD which will lead to increased offender accountability.

During the period of this Agreement, UMPD has been available for transporting victims to medical facilities, regardless of whether or not the victim decides to make a police report. UMPD states in their policy in appendix section B.i. *Officers will transport the victim to the First Step Center if a forensic examination is warranted and the victim consents.* UM SARC advocates, Residence Life staff, and Curry Health Center staff are aware of the availability of UMPD officers for transporting victims to medical facilities. Although SARC Advocates are aware of UMPD’s availability, they have not needed UMPD transport. The Compliance Specialist reviews CAD entries and media logs related to medical transport to capture information related to transporting victims of sexual assault.

**6. Facilitating Provision of Resources to Victims**

Over the course of the Agreement, UMPD, through trainings and increased communications and collaborations with community partners, has greatly enhanced its understanding of trauma-informed and victim-centered responses to sexual assault. This has led to an effort to ensure that victims are empowered to make informed decisions about proceeding through the criminal process and/or proceeding with the campus investigative and administrative process. A data point that UMPD uses to assess possible shortcomings or improvement in connecting victims with other agencies is the number of referrals UMPD makes to MPD and Title IX.

	2012	2013	2014	2015 to May 31 <sup>st</sup>
<b>Referrals to MPD</b>	1	3	6	0
<b>Referrals to Title IX<sup>6</sup></b>	0	4	6	1

**7. Climate Survey<sup>7</sup>**

The Agreement emphasizes the importance of assessing the population that the UMPD is seeking to serve. An important way in which UMPD has been able to assess familiarity with its services as well as community confidence is through the information provided by the annual campus climate surveys. Campus climate surveys were completed by approximately 2,000 students, age 18-25, in each of the years 2013 and 2014, from October through December. In the volunteer surveys, the students reported on their knowledge of sexual assault risks and behaviors, understanding of and access to resources, and beliefs and attitudes about reporting and rape myths, as well as experiences with sexual assault, sexual harassment, stalking, and physical violence.

<sup>6</sup> Title IX numbers pertain to cases where persons involved were affiliated with the University.

<sup>7</sup> The survey contains Mary Koss’s Sexual Experiences Survey (1987) and McMahan and Farmer (2011) Rape Attitudes Scale a modified version of the Illinois Rape Myth Scale (1992).

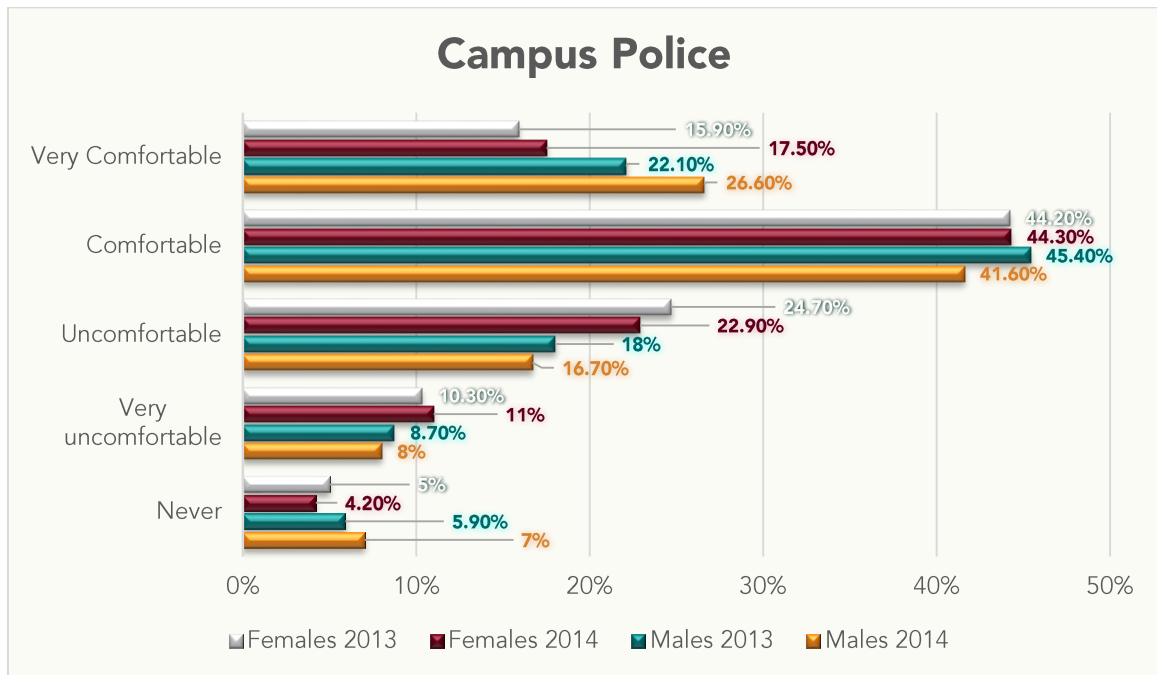
The intent of gathering this information is to inform campus administration, staff, faculty, and students of the current campus climate in order to understand the possible extent of the problems, concerns, and needs with regard to campus relationship and sexual violence. In both years, when the data was compiled and analyzed, pertinent results were shared with the UCSA. Overall, the comparison of 2013-2014 information revealed positive trends in increased knowledge and increased comfort level with reporting with no negative backsliding; however, overall changes were very minimal, which would be expected in just one year.

Summaries of the climate surveys as well as UCSA analyses and recommendations are located on the University's Title IX website.

Some data from the 2014 survey which is particularly useful for UMPD follows. UMPD uses such information to inform content for roll call training. UMPD also believes that the publication of this information informs students, employees and members of the public about the realities of sexual assaults and helps dispel myths that can dissuade victims from reporting and can have other negative consequences in the community.

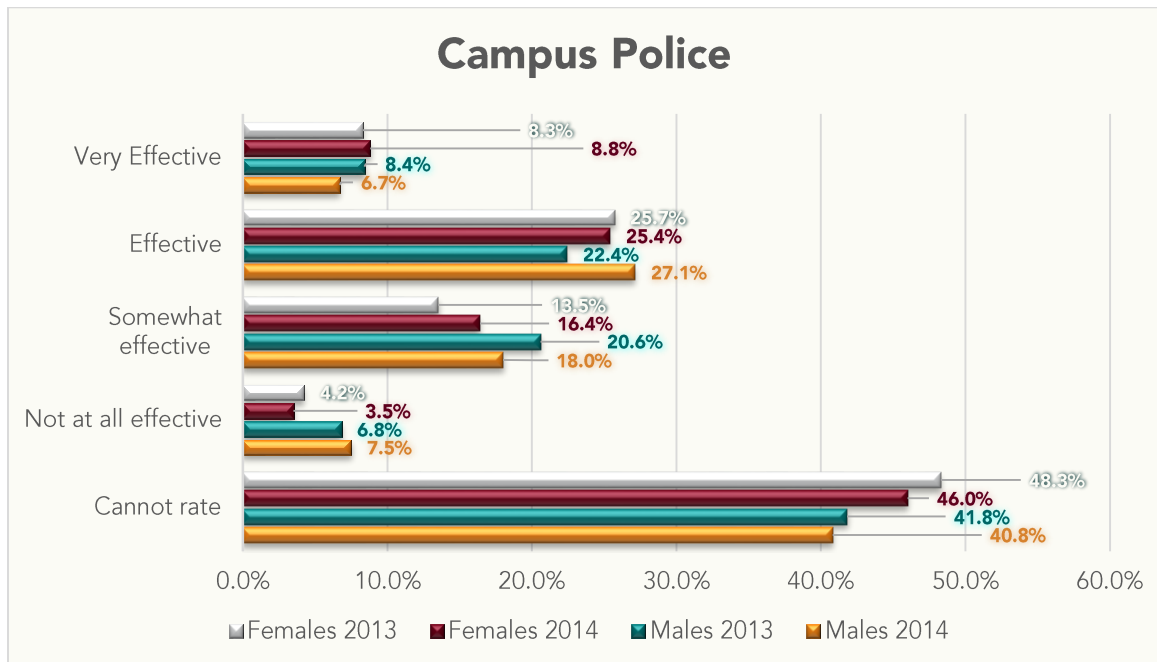
- The percentages of students who experienced sexual violence was either consistent with national norms (sexual assault) or was less than national norms (all other areas).
- In 2014, regarding the use of alcohol, women reported that the perpetrator was somewhat to very drunk 87.6 percent of the time and the victim was somewhat to very drunk 75 percent of the time.
- The most common reasons women reported not telling anyone (n=8) was shame or embarrassment, feeling partially responsible, feeling the matter was private, and wanting to forget it happened. Media coverage was also mentioned.
- Men and women both reported being acquainted-to-very-acquainted with their partners a majority of the time (90 percent). However, women (60 percent) were by far more afraid of the actions taken by their partner than men were (20 percent). Women reported physical force more frequently being used. Both men and women reported alcohol was involved approximately one-third of the time. Finally, the majority of men and women felt certain that the physical violence that occurred was not a crime. The percentage of individuals in the 2014 survey who said they felt frozen during the incident of physical violence was lower when compared to those who reported feeling frozen during an incident of sexual violence.
- The majority (60 to 70 percent) of men and women knew how to access policies on sexual discrimination at the University. It showed that Curry Health Center counseling services, SARC and UMPD are perceived quite well and doing well in all domains of comfort and likely access.
- Women were 10 times more likely to not see an incident as a crime if they reported they also were drinking during the incident. Thus, drinking by the victim may create an environment in which reporting is less likely. Concerns were raised with being blamed, feeling forced to make a formal report, feeling shame or embarrassment, feeling partially responsible, feeling the matter was private, and wanting to forget it happened. Additional perspectives include: not wanting media attention, and not wanting others to know (family, peers, or community) as well as not trusting the legal system to respond and deliver consequences.

IN THE EVENT THAT A SITUATION WERE TO OCCUR WHERE YOU FELT YOU NEEDED TO REPORT SEXUAL VIOLENCE, STALKING, DISCRIMINATION, AND/OR INTIMATE PARTNER VIOLENCE, HOW COMFORTABLE WOULD YOU BE REPORTING TO THE FOLLOWING?



Comparative data in both 2013 and 2014 also indicates that students believe the services provided by UMPD are effective.

HOW EFFECTIVE ARE THE SERVICES THEY PROVIDE?





## **C. Sharing Information with the Public**

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The Agreement requires UMPD, to the extent permitted by law, to share information about its data with the public, and with its University, community and law enforcement partners. UMPD continues to report Clery statistics on its website and to provide them to all students in the Annual Security Fire and Safety Reports.

A particularly useful way that UMPD has enhanced its efforts to share information with the public and its University and community partners is through the UCSA. UCSA is the campus committee which is charged by the President of the University to examine issues regarding campus policies and procedures addressing sexual assault. Membership includes Equal Opportunity/Affirmative Action/ Title IX Coordinator, Director of Student Advocacy Resource Center, Director of Residence Life, Dean of Students, Vice President for Student Affairs, University Police Chief, Sexual Assault Prevention Coordinator, ROTC representative, as well as faculty, staff, students, and key community partners.

The UCSA draws on the expertise and experiences of its members to conduct a comprehensive analysis of not only the UMPD data referenced above, but also additional data from other agencies, climate survey information and comparisons with national data to assess areas for improvement, what is working well, and ways to increase community confidence. The comprehensive analyses, which include recommendations and assessment of prior actions taken, are made public in annual reports located on the Title IX website.

In addition, the UMPD Chief meets on a weekly basis for a confidential case review with the Title IX Coordinator, Dean of Students, Director of Residence Life, SARC Director, and the Campus Assault Prevention Coordinator, and the Compliance Specialist. The SARC Director does not identify any confidential information but is present to assist in making decisions that reflect a trauma-informed focus. These meetings allow the campus professionals to receive particular data, as permitted by law, for the purpose of improving campus safety.

The UMPD Chief and Title IX Coordinator participate in orientation panels for new students and their families. Panel discussions follow skits, performed by students, which include skits surrounding the issue of sexual assault and making smart, safe choices. This has led to discussions about sexual assault between families and the UMPD Chief. Recently, at the first orientation in summer 2015, a parent spoke from within the audience saying, “I applaud the administration of this University for taking this issue very seriously and being up front in its communication and actions. I feel this is one of safest campuses in the country.”

## **D. Offender Accountability**

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The Agreement requires UMPD to use a database to collect crime-specific information in order to identify similarities between reported sexual assaults and previous, unsolved cases. UMPD has made significant strides in this area. It now has a comprehensive database for collecting such information. In addition, it has a sophisticated system in place for analyzing and sharing data which can lead directly to apprehension of offenders.

Increasing community confidence in UMPD is also an important aspect of increasing offender accountability. UMPD’s efforts of collecting and sharing data, increasing awareness about safety planning, and successfully connecting victims with resources, along with the climate survey information suggest that UMPD is succeeding in increasing positive experiences and public confidence. UMPD believes this indicates it is moving forward towards the goal of increased reporting. Increased reporting is the best way that UMPD can further its goal of increased offender accountability.

Since the Agreement, UMPD has formalized a process for tracking cases through the court system, where such information relates to its work. During weekly meetings with the Missoula Police Department, the MPD Detective Captain provides updates on those cases referred to MPD. Any updates on these cases are entered into the case status information database by the Compliance Specialist. This also helps UMPD achieve its goal of increased offender accountability. Such tracking and analysis of a case from a first response through an entire adjudication process allows UMPD to engage in comprehensive case studies which are one of the best ways to improve practices that will lead to increased offender accountability.

Clery data is used to track UMPD arrests of sexual assault offenses. The Compliance Specialist follows these cases referred for prosecution and records the final outcome. Clery data is confirmed through annual communication between UMPD’s Clery Records and Review Clerk and Missoula Police Department’s Administrative Services Manager.

	2012	2013	2014	2015 to May 31 <sup>st</sup>
<b>Reports of all sexual assaults to UMPD</b>	2	5	8	1
<b>Referrals to MPD</b>	1	3	6	0
<b>Cases referred for prosecution</b>	0	1	3	0
<b>Charges and Outcomes</b>	0	See below	See below	0
<b>Cases declined for prosecution</b>	0	0	1	0

Some cases included multiple charges.

Referrals to MPD include out of jurisdiction reports presented to UMPD, third party and blind reports.

**2013** – The suspect was charged with misdemeanor sexual assault, numerous counts of disorderly conduct, and indecent exposure. The suspect plea bargained for guilty charges to misdemeanor sexual assault, disorderly conduct, and indecent exposure.

**2014** – The suspect was charged with felony sexual intercourse without consent. This case went to trial three times. The first trial resulted in a hung jury. The second trial resulted a mistrial. The third trial resulted in a not guilty verdict.

**2014** – One case is currently under review by the Missoula County Attorney’s Office.

**2014** – One case was declined for prosecution by the County Attorney due to lack of evidence.

Data and feedback in this section demonstrate the effectiveness of UMPD’s policy and training as well as an increase in public trust resulting from efforts in improving response to sexual assault. UMPD believes that increased community confidence leads to increased reporting and ultimately to increased offender accountability.

UMPD uses the analysis of that data and feedback to continually identify areas for potential improvement.

The level of increased public confidence in UMPD's response to sexual assault is illustrated by the fact that the Missoula Family Violence Council's Public Servant of the Year and Volunteer of the Year awards in October 2014 both went to UMPD officers.

UMPD will continue to strive to maintain and build upon that level of community confidence and public trust.

UMPD recognizes that crimes of sexual assault and domestic violence are often co-occurring. UMPD intends to draw upon the experience of this Agreement in improving our response to domestic violence. UMPD plans to increase public confidence in response to domestic violence by implementing a new victim-centered domestic violence policy to train officers in the use of the lethality assessment protocol.

## Case Reviews

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During the compliance phase of this Agreement, the UMPD, the IR and the USDOJ reviewed five cases to evaluate if the intended outcomes of the Agreement are being seen in UMPD case work. Through that case review, a consistent theme emerged which demonstrated adherence to policy, application of training, and improved coordination with community partners. More specifically the UMPD demonstrated consistent implementation of the Sexual Assault Investigation Policy and SOP through:

- Proper review of policy and training
- Investigation of alcohol- or drug- facilitated and non-stranger sexual assault
- Trauma-informed and victim-centered response to sexual assault
- Coordination with law enforcement and community partners

## IV. External Review Panel – ERP Analysis

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The ERP has completed seven sessions of case review. In those sessions, the ERP has reviewed two misdemeanor sexual assault cases and two felony sexual assault cases involving UMPD. Because of UMPD's low volume of cases, it was helpful to receive feedback on handling misdemeanor cases as well. Coding options to evaluate officer response are "green" (best), "yellow" (questionable), and "orange" (unacceptable). All of UMPD's cases have received an overall "green" rating, showing UMPD officers have a working knowledge of policy and best practices.

## Officers' perspectives of their work

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Officers who responded to sexual assault reports were asked for their feedback on cases from 2013 to the present. Evaluations by officers on their sexual assault cases show that although there are inherent challenges in every case, there are no consistent gaps in training. Officers also stated that they felt prepared in using our policy and response. They indicated they felt prepared for the victim interview, a drug or alcohol-facilitated sexual assault, and crime scene preservation. Based on feedback, officers feel they have training for these cases and that has influenced their response. Referencing a case in 2013, one officer answered the question of "What could be improved on?" with the answer, "At the time, better training and availability of a quick reference sheet. These items have been addressed since then and I feel more prepared for a similar call."

Officer feedback gave positive accounts of the victim interviews. In all cases, consideration was given to locations of the interviews and who the victim wanted present for the interviews. Officers felt comfortable with explaining the benefits of a First Step exam and offering to transport the victim to First Step. Training appears to play a part in officers' perceptions of an advocate's role. In a misdemeanor case from 2013 where an advocate was not offered, an officer stated, "Having the knowledge I have now, an advocate would have been contacted." Officers seemed to feel confident in their interviews with victims. After responding to a sexual assault, one officer stated, "I directly applied my training to this case." Another officer said, "One of the greatest benefits has been the relationships in this community that we have formed and strengthened around this issue, and our coordinated efforts."

# Conclusion

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Our community, campus culture, and collective consciousness have improved substantially with the national, state, and local spotlight and dialog on sexual assault. The spotlight and dialog have helped hone and improve UMPD's policies and practices. There are now improved lines of communication with community partners and students in the areas of awareness, training, policies, victim and advocate services and data collection. The UMPD has formalized and institutionalized policy, protocols, and processes to improve the response to sexual assault now and in the future. The feedback from the ERP has been invaluable. Campus safety, education about prevention of sexual assault, and improving response to sexual assault will continue to be a top priority at the University of Montana.

Before and throughout the agreement UMPD has been collecting and analyzing data from multiple sources. Our system of collecting data for the last two years is greatly enhanced by the creation of the Compliance Specialist position. This position has centralized the data collection so that it is more efficiently stored and more effectively analyzed.

UMPD, working closely with other University and community services, has fulfilled the goals of the Agreement. We have developed a victim-centered, coordinated community response intended to increase public confidence and awareness. We look forward to continuing our efforts, continuing to work with community partners, and to showing sustained progress in future years.

# Acknowledgements

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UMPD would like to thank the following individuals for their help in preparing this report:

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UMPD/Title IX Compliance Specialist Rozlyn Haley

Chief Legal Counsel for MUS Viv Hammill

UM Vice President for Integrated Communications Peggy Kuhr

UMPD Director/Chief Marty Ludemann

Attorney Jennifer Mondino, USDOJ, Civil Rights Division, Special Litigation Section

UMPD Officer Shannon Parsons

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UM Title IX Coordinator Jessica Weltman