



The State Auditor's Office's Methodology for Examining the Investigation and Prosecution Processes for Reported Sexual Assaults in Texas

December 16, 2019

Members of the Legislative Audit Committee:

In accordance with House Bill 1¹ (86th Legislature, Regular Session), the State Auditor's Office has developed a methodology for examining the investigation and prosecution processes for reported adult and child sexual assaults in Texas from January 1, 2014, through December 31, 2018 (see the Attachment for more information about House Bill 1). Auditors will perform the following work to address the requirements of House Bill 1:

- **Collect and analyze statewide data on adult and child sexual assaults reported by local law enforcement² and district clerks' offices to the Department of Public Safety and the Office of Court Administration.** Auditors will analyze that data to determine (1) the number of reported adult and child sexual assaults; (2) the rate of arrests, prosecutions, and convictions for reported sexual assaults statewide; and (3) other significant factors that will help us understand the investigation and prosecution processes of reported sexual assaults statewide.
- **Perform on-site visits of select local law enforcement, district attorneys' offices, and district clerks' offices.** Based on the analysis of the statewide data, auditors will perform a risk assessment to select counties for on-site visits. For each county selected, auditors will visit (1) the local law enforcement, (2) the district attorney's office, and (3) the district clerk's office responsible for reporting court data on sexual assaults. Our work during on-site visits will:
 - Identify the significant factors that may influence the outcome of an investigation or prosecution for adult and child sexual assaults.
 - Verify the accuracy, completeness, and timeliness of data on adult and child sexual assaults reported to the Department of Public Safety and the Office of Court Administration.

Background

House Bill 1 (86th Legislature) requires that by December 31, 2019, the State Auditor's Office shall develop a methodology for an audit examining and reporting on the investigation and processing of reported adult and child sexual assaults in Texas.

House Bill 1 also requires the State Auditor's Office to file a report of the audit results on or before November 1, 2020.

¹ The requirements in House Bill 1 were incorporated into the General Appropriations Act (86th Legislature).

² Local law enforcement refers to either a city police department or the county sheriff's office.

- Verify compliance with select requirements such as:
 - Statutory requirements for responding to reported adult and child sexual assaults; reporting those incidents to the Department of Public Safety; and, when applicable, reporting the status of related court cases to the Office of Court Administration.
 - Policies and procedures for investigating, prosecuting, and reporting adult and child sexual assaults.
- Compare existing investigation and prosecution processes for adult and child sexual assaults to nationally recognized best practices.
- Determine the financial and staffing resources available to investigate and prosecute adult and child sexual assaults.

Our work may also include a review of automated systems and processes that support the functions being audited.

➤ **Conduct a statewide survey.** Auditors will distribute a Web-based, statewide survey to all (1) local law enforcement, (2) district attorneys' offices, (3) district clerks' offices, (4) crime laboratories that support local law enforcement, and (5) community-based advocacy groups that support survivors of sexual assaults. The statewide surveys will be designed to collect information and other feedback on the following topics related to the investigation and prosecution of adult and child sexual assaults:

- Information on the investigation, prosecution, and reporting processes followed for adult and child sexual assaults.
- Information on current financial, staffing, and training resources for investigating and prosecuting adult and child sexual assaults.
- Challenges and barriers for effectively investigating, prosecuting, and reporting adult and child sexual assaults.
- Ideas for improving the investigation and prosecution processes for adult and child sexual assaults.

Auditors will compile and summarize the responses received to the statewide survey. The summary analysis will be included in the published audit report.

The methodology described in this report is subject to change, as necessary, to ensure that the State Auditor's Office obtains sufficient, appropriate evidence for providing a reasonable basis for the reported findings and conclusions.

The State Auditor's Office will also ensure that a minimal amount of identifying data is collected during the audit. All information collected during the audit will be working papers of the State Auditor's Office, which are confidential and not subject to disclosure under the Public Information Act.

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Additionally, the State Auditor's Office appreciates the assistance and cooperation provided by governmental, local law enforcement, educational, and community-based entities that were contacted during the development of this methodology.

Sincerely,

Lisa R. Collier, CPA, CFE, CIDA

First Assistant State Auditor

Attachment

cc: The Honorable Greg Abbott, Governor



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Attachment

Excerpt from House Bill 1 (86th Legislature, Regular Session), Related to the State Auditor's Office's Audit of Reported Adult and Child Sexual Assaults in Texas

5. Audit Plan of Disposition of Sexual Assault Investigations.

(a) By December 31, 2019, the [State Auditor's Office] shall develop a methodology for an audit for inclusion in the audit plan subject to approval by the Legislative Audit Committee, examining and reporting on the investigation and processing of reported adult sexual assaults and child sexual assaults in Texas. The audit shall address and examine adult and child sexual assaults independently. The audit shall address and examine the processes from the time of first report through final disposition, including why reported cases do not proceed to prosecution and conviction within the criminal justice system. The audit shall examine a five-year period from calendar years 2014 through 2018 and shall include data from city and county jurisdictions across the state. The audit shall provide a broad, comprehensive review of the policies, practices, and actions of government agencies, including district attorneys' offices, with respect to state and federal law, nationally recognized best practices, and comparative procedures with respect to adult and child sexual assault investigations and prosecutions. The audit shall also include an evaluation of the practices and policies of government agencies, including district attorneys' offices, for making a determination to prosecute, and a comparative analysis of budget and resources available to affected government agencies and departments.

(b) In developing the audit, the [State Auditor's Office] shall compile and analyze information relating to the commission of offenses under Sections 22.011, 22.02, and 22.021, [Texas] Penal Code, including information regarding the number of cases:

(1) in which the law enforcement agency investigating the offense forwarded the case to the appropriate local county or district attorney, including cases that are prosecuted as a different criminal offense;

(2) closed or classified as inactive by the law enforcement agency without forwarding the case to the appropriate local county or district attorney, and the reasons for that closure or classification;

(3) in which the local county or district attorney did not prosecute the offense, and the reasons for not prosecuting the offense, including whether the offense was referred to a grand jury; and

(4) cases that were dismissed after an indictment had been filed.

(c) The [State Auditor's Office] shall ensure that the minimal amount of identifying data is collected during the audit. The audit report may not include any identifying information on specific victims, prosecutors, suspects or defendants, or cases, whether closed or pending.

(d) The [State Auditor's Office] shall conduct the audit and provide and file a report of the audit and results with all members of the legislature who sit on a committee with oversight responsibility for any entity or program that is the subject of any portion of the report. The [State Auditor's Office] shall also file a copy of the report with the Office of the Attorney General, the Senate Finance Committee, the House Appropriations Committee, the Department of Public Safety, and any other agencies, offices, or task forces working on issues related to sexual assault, or that the [State Auditor's Office] considers to be a relevant recipient of the report. The report shall be delivered on or before November 1, 2020.

(e) The [State Auditor's Office] shall coordinate with the Office of Court Administration, governmental agencies municipalities and counties to use information and data those entities may already possess, including from a previously completed or currently contracted comparable audit.

Notwithstanding the foregoing, the [State Auditor's Office] shall not be limited to using existing data or any specific sources for relevant data and the [State Auditor's Office] is directed to use all reasonable efforts to obtain relevant data from any and all sources, including publicly available data and data provided to and/or by educational and non-profit entities.