

Second Report of the Independent Reviewer

Covering October 1, 2013 – April 1, 2014

**The Agreement between the United States Department of
Justice and the University of Montana Regarding the
University of Montana Office Of Public Safety's Response to
Sexual Assault**

Respectfully Submitted By:

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INTRODUCTION

On May 9, 2013, the University of Montana and the United States Department of Justice (“DOJ”) (collectively, “the Parties”) entered into an Agreement regarding the University of Montana (the “University”) Office of Public Safety’s (OPS) response to sexual assault. (See full Agreement) <http://www.justice.gov/iso/opa/resources/249201359163319932992.pdf>

The Parties entered into the Agreement and the University agreed to undertake the following measures for improvement that are generally listed below to fulfill the terms of the Agreement:

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

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

The Agreement stipulates that the Reviewer shall continue in the role as described in the Agreement until the University / OPS demonstrate compliance with the entire Agreement. The Parties anticipate that compliance with the Agreement can be demonstrated no later than June 30, 2015.

Compliance as defined in the Agreement requires both sustained compliance with all material requirements of the Agreement, sustained and continuing improvement in the response to and investigation of reports of sexual assault, as demonstrated pursuant to the outcome measures determined by the Independent Reviewer.

The Reviewer and the University signed a contract for service on May 29, 2013 to begin the independent review process.

The first report of the Reviewer was released November 6, 2013 and can be found on the OPS website at the following link: <http://www.umt.edu/publicsafety/docs/1st%20Rpt%20DOJ.pdf>

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

Work Conducted / Observed by the Independent Reviewer:

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

The remote reviewing services and consultation were specific to the terms of the Agreement and have included: sexual assault case reviews reported to OPS, policy development and review, sexual assault response and investigations training consultation and review, and review of work performed by the Missoula Sexual Assault External Review Panel for felony sexual assault cases in Missoula, including cases reported to OPS. A budget for fiscal year 2015 was completed and submitted to the University.

The on-site review activity included interviews and meetings with the new Interim Chief Marty Ludemann, who replaced retired Chief Gary Taylor. Chief Ludemann has since been named permanent Chief and he has assured his commitment to fulfill the terms of the Agreement. The on-site review was led by Captain Ben Gladwin.

The on-site review also included interviews and meetings with community members, community service organizations including the University Student Advocacy Resource Center (SARC), External Review Panel members, the Missoula Mayor, and the Missoula County Attorney.

The on-site review activity also included a complete review of documentation regarding the progress to date on the terms of the Agreement. The progress to date is listed in the compliance graph on pages 11 – 21 of this report.

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

The training plan as outlined includes a blended delivery of training including roll call briefing training, online training modules from Ending Violence Against Women International (EVAWI)¹, training with advocates to understand victims' experiences, in-house classroom training, and outside expert classroom instruction. OPS will partner with Missoula Police Department (MPD) for joint training initiatives.

The OPS Sexual Assault Policy was completed and fully implemented during this review period. OPS have conducted in-house training on the policy in accordance with the agreement. The OPS Sexual Assault Response policy is posted on the OPS website. See link: <http://www.umt.edu/policies/documents/Sexual%20AssaultPolicyProcedure.pdf>

OPS was involved in the development of an External Review Panel (ERP) which consists of Sexual Assault Victim and Survivor Advocates that will be reviewing future OPS investigations to ensure comprehensive and bias-free responses and investigations.

External Review Panel (ERP):

OPS has worked with MPD and community partners to help develop the External Review Panel (ERP).

In accordance with the DOJ Agreement, section IV 15 – 17, OPS is required to create an External Review Panel (ERP) to review cases of sexual assault that occur on campus and are reported to OPS as criminal investigations. During the planning process of the ERP, MPD, OPS, the Reviewer, and DOJ agreed to specifically review only felony cases. However, misdemeanor sexual assault cases can still be reviewed if OPS, the ERP, or the Reviewer determines the need to review misdemeanor cases.

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

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

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

The ERP provides feedback to OPS command staff in accordance with the ERP Protocol. The ERP members make color coded comments to identify specific comments while reviewing each case.

For each category of "Comprehensiveness" and "Possible Indicator of Bias", ERP members provided color coded feedback as follows:

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

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

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

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

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

To date there have been three ERP case review sessions, but there have been a limited number of sexual assaults reported to OPS since the independent review began in May of 2013. As a result, there has been limited review and observation by the ERP, and the Reviewer, of OPS response to reports of sexual assault. The cases that have been review are discussed below.

It should be noted that OPS and MPD have a Memorandum of Understanding (MOU) regarding response and investigation of sexual assault cases on campus that are reported to law enforcement. The MOU stipulates that OPS will initially respond to all sexual assault reports on campus, but that MPD will investigate all felony sexual assault cases, and OPS will investigate all misdemeanor sexual assault cases.

The March 2014 ERP session involved the review of two OPS responses to reports of sexual assault cases. The ERP coded both cases as “green” cases, meaning the ERP saw “little to no concern with the OPS response.”

OPS has developed an internal protocol to ensure the ERP feedback and recommendations are shared with supervisors and individual officers. The feedback and recommendations will be considered for future policy updates, training, and employee development. If necessary cases can be reexamined or reopened. OPS will also monitor the ERP feedback and case coding data to help measure the effectiveness of the training and the OPS policy.

For the duration of the Agreement the ERP will continue to conduct case reviews of sexual assault cases reported to OPS.

Case Reviews by the Independent Reviewer:

The Reviewer is also conducting case reviews independent of the ERP. In the limited number of OPS cases that have been reviewed by the Reviewer, the Reviewer has noted responses consistent with the OPS policy and the training that OPS personnel received.

The Reviewer also noted that OPS investigations could be further assisted by the installation of additional video surveillance capabilities in public areas on campus and / or greater reliability of existing video surveillance systems.

The Reviewer also noted in one case a supervisor contacted a victim to conduct a legitimate follow-up inquiry, but the victim was caught off guard and offended because the victim had never been introduced to the supervisor or told that other officers may be conducting follow-up inquiries. OPS acknowledged the need for greater communication and understanding between OPS personnel and what victims can expect following a report.

It is important to note that the Reviewer is only reviewing campus sexual assault cases that are reported to OPS, and not campus sexual assault cases that are investigated by the University as administrative investigations in accordance with Title IX.

While the OPS sexual assault policy directs coordinated communication between criminal cases investigated by OPS / MPD and administrative investigations conducted by the University, the Reviewer has recommended that the University and OPS explore the need for creating an MOU with MPD specific to eliminating the potential conflicts between criminal and administrative investigations.

The Reviewer will continue to conduct case reviews of sexual assault cases reported to OPS for the duration of the Agreement.

Community Collaboration and Coordination:

During on-site interviews with community partners, it was generally agreed that since the effective date of the DOJ Agreement, in May 2013, there is increased attention and commitment by MPD and OPS to addressing sexual assault cases. Community partners indicated that because there have been limited reports to OPS during the reporting period, they have not had as much communication with OPS as they have with MPD so there is not as much understanding of the efforts and progress that OPS is making.

OPS is working closely with advocacy and prevention resources on the University of Montana campus. The new Campus Assault Prevention Office in Residence Life began work in December 2013 and reported that they are working closely with OPS.

The Student Advocacy Resource Center (SARC) reported that coordination and communication with OPS has increased substantially during the review period. SARC has worked with OPS in review of the OPS sexual assault policy, provided training to OPS personnel, and has agreed to provide additional training in accordance with the OPS two year training plan for 2014 - 2015. The Director of SARC reported that the relationship between SARC and OPS is perhaps the strongest it has ever been.

SARC remains a confidential resource for students seeking support following a sexual assault. SARC works to support and empower students to make their own decisions regarding reporting options for sexual assault.

Clients who seek confidential support from SARC are not required to report sexual assaults to law enforcement or the University. Clients can choose to report the incident to law enforcement, report the incident to the University for an Administrative Investigation, or report the incident to both law enforcement and the University.

SARC reports that student clients seeking support for sexual assault related services have expressed concern and reluctance to report to law enforcement fearing the way the local media covers sexual assault cases. Some clients reported to SARC that they did not want to have the excessive media coverage that previous student victims have experienced when the case goes through the criminal justice system. SARC believes this is a significant cause for a lack of reporting to OPS for on campus sexual assaults.

While both OPS and MPD are working to ensure transparency with progress on their respective agreements, the reported concern regarding excessive media coverage impacting reporting rates on campus is clearly an unintended impact that should be addressed.

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

OPS is working in coordination with other University efforts to increase awareness and prevention of sexual assault. OPS is involved with the Personal Empowerment Through Self Awareness (PETSA) program. This student sexual assault prevention program promotes bystander intervention specific to sexual assault prevention.

Other OPS efforts during the reporting period include attendance by OPS staff at the Campus Technical Assistant Resource Project – Coordinated Community Response and Technical Assistance Institute. The Institute was conducted on February 18 – 20, 2014. This U.S. Department of Justice Office on Violence Against Women grant funded training program is directed at reducing sexual assault, domestic violence, dating violence, and stalking on college campuses.

OPS staff also attended the “ARMS” Information Management System conference March 19 – 21, 2014 to assist in the development of enhanced records management for sexual assault related information management and data retrieval.

The Reviewer is pleased to report throughout this reporting period that substantial progress on the terms of the Agreement continues. More importantly these efforts are beginning to show the intent of the Agreement which is to ensure the success of OPS efforts to improve its response to sexual assault.

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

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

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

The compliance definitions are as follows:

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

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

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

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

University of Montana OPS – DOJ Agreement Action Items – Deadlines – Compliance

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

DOJ ACTION ITEM	PROPOSED ACTION	DEADLINE	COMPLIANCE
I.	Recitals	N/A	N/A
II	Definitions and Abbreviations	N/A	N/A
III.A.	Improving OPS’ Response to Sexual Assault	Jun 15, 2015	Partial Compliance; ongoing effort as detailed throughout Section III of this compliance graph. Sustained Compliance may be achieved following sustained compliance for all Section III requirements.
III.A.2. III. A.2. a - i	Develop detailed victim-centered sexual assault response policy that incorporates the requirements of the agreement and comports with best practices and current professional standards. OPS’ sexual assault policy should include guidance on responding to sexual assault and incorporate the requirements of the International Association of Chiefs of Police Model Policy on Investigating Sexual Assault and include the details of III.A.2. a. – i.	Jan 1, 2014	Compliance; OPS has included substantial assessment and policy modification. OPS Assessment included review of the IACP Model policy, IACP Sexual Assault Guidelines and Supplemental Report Form, and EVAWI resources. Draft policy included review and input from community advocacy partners, Reviewer, and DOJ. OPS policy has been approved and implemented through training, demonstrating an understanding of the new policy, including terms of the Agreement. 2-25-14 Policy approved by Reviewer and DOJ Sustained compliance may occur following analysis and review of policy outcomes.

<p>III.B.</p>	<p>Sexual Assault Response Training</p>	<p>Nov 1, 2013</p>	<p>Compliance; initial training of all OPS officers, detectives, and recruits designed and completed by Anne Munch Consulting Inc., including evaluation and pre and post testing. On-going effort to develop annual in service training program and supervisor review training. Created two year training plan. Sustained compliance will be achieved following analysis and measurement of outcomes for two year training plan.</p>
<p>III.B.3.</p>	<p>OPS shall provide initial and ongoing annual in-service training to all OPS officers, detectives, and recruits about law enforcement response to sexual assault. This initial and annual in-service training shall ensure that all OPS officers and detectives understand and can perform their duties pursuant to the Agreement, and shall reflect and incorporate any developments in applicable law, best practices, and professional standards. Annual in service training shall address any training need identified throughout the previous year. The initial and in-service training shall be of sufficient length and scope to include details of III.B.4-7.</p>	<p>Sep 30, 2013</p>	<p>Compliance; initial training completed by all OPS officers, detectives, and recruits conducted by Anne Munch Consulting Inc., including daily evaluations, pre and post testing. Training dates; Aug 6 – 7, 2013, Sep 17 & 19, 2013 A two year training plan has been developed to comply with annual in-service training requirements and supervisor review training.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan, as well as addressing training needs identified throughout the previous year.</p>
<p>III.B.4.</p>	<p>This training shall include presentations by victims of sexual assault, if available, or presentations which adequately convey victims’ experiences and shall include victims’ advocates in order to provide officers with the unique perspectives of those who have been victimized by sexual assault and/or those who work with sexual assault survivors.</p>	<p>Sep 30, 2013</p>	<p>Compliance; initial training conducted by Anne Munch Consulting Inc., included perspectives of those victimized by sexual assault and/or those who work with sexual assault survivors. On-going effort to ensure this perspective is included in annual in-service training in accordance with the two year training plan.</p>

			<p>Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan, as well as addressing training needs identified throughout the previous year.</p>
III.B.5.a.– d.	<p>OPS shall provide additional in-depth training in sexual assault investigations to all OPS detectives who conduct such investigations. The training shall include the details of III.5. a. – d.</p>	Aug 9, 2013	<p>Compliance; Training designed and conducted by Anne Munch Consulting Inc., on Aug 8-9, 2013 in accordance with this section of the Agreement. Pre and Post Test with daily evaluation that show improved level of knowledge.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes for two year training plan.</p>
III.B.6.	<p>OPS 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 this agreement.</p>	Nov 1, 2013	<p>Compliance; supervisory training completed and included joint training with MPD.</p> <p>Sustained Compliance may be achieved following analysis and measurement of outcomes from the two year training plan.</p>
III.B.7.	<p>Training pursuant to the Agreement shall be provided in accordance with best practices and include adult-learning methods that incorporate role-playing scenarios and interactive exercises, as well as traditional lecture formats. Training shall also include testing and/or writings that indicate that OPS personnel taking the training comprehend the material taught.</p>	Nov 1, 2013	<p>Compliance; Initial training was designed and conducted by Anne Munch Consulting Inc., and was delivered in live presentations and included best practices, adult-learning methods, lecture format, pre and post testing, and daily evaluations.</p> <p>Ongoing effort to ensure that these requirements are included in annual training. Two year training plan includes these requirements.</p>

			Sustained Compliance may be achieved following analysis and measurement of outcomes for the two year training plan.
III.C.	Review of Policies and Training	Jun 15, 2015	Compliance; ongoing effort. Sustained Compliance may be achieved following sustained compliance of all Section III. C. requirements.
III.C.8.	Each of the requirements of this agreement shall be incorporated into OPS policy, and all applicable OPS officers and employees shall be trained on how to meet the requirements of this agreement. OPS shall submit new and revised policies and protocols related to sexual assault and/or the terms of the Agreement, and all curricula for trainings developed pursuant to this agreement, to the Independent Reviewer and DOJ for review and comment prior to implementation and/or training delivery.	Jun 15, 2015	Compliance; OPS policy approved by Reviewer and DOJ. Training Consultant, Anne Munch Consulting Inc., was retained by MPD / OPS to design and conduct the initial training in agreement approved by DOJ. All OPS officers and supervisors have been trained on policy in accordance with the Agreement, including training on terms of the agreement. Sustained Compliance may be achieved following analysis and measurement of outcomes.
III.C.9.	OPS sexual assault related policies shall be publicly available.	Jan 1, 2014	Compliance; Policy posted on website and publicly available on 2/25/14
III.D.	Investigating Alcohol or Drug Facilitated and Non-Stranger Sexual Assault	Jun 15, 2015	Compliance; initial training designed and conducted by Anne Munch Consulting Inc., included all requirements of Agreement. Incorporated in policy and ongoing efforts to ensure that these requirements are included in annual training. Sustained Compliance may be achieved following analysis and measurement of outcomes for two year training plan.

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

<p>III.F.</p>	<p>Close Supervision and Internal Oversight</p>	<p>Jun 15, 2015</p>	<p>Partial Compliance; ongoing effort. Sustained Compliance may be achieved following sustained compliance of all Section III, F. requirements.</p>
<p>III.F.12. a-g</p>	<p>OPS shall establish and implement measures to ensure close supervision and internal oversight of all sexual assault cases investigations including details of III.F.12 a-g</p>	<p>Jun 15, 2015</p>	<p>Partial Compliance; ongoing effort. a. Victim survey in development. b. Evaluating detectives & patrol officers was part of supervisor training and evaluations will be reviewed in upcoming compliance check. c. ERP feedback to continue for OPS cases. d. CPT Gladwin reviewing all sexual assault cases. e. Policy and SOP. f. Supervisor review for comprehensiveness and bias supported by ERP review. g. MOU with County Attorney since 12/16/2013. h. OPS periodic reviews to be evaluated next compliance check. Compliance / Sustained Compliance to be determined by Reviewer following analysis and measurement of outcomes.</p>
<p>III.G.</p>	<p>Coordination with Law Enforcement and Community Partners</p>	<p>Jun 15, 2015</p>	<p>Partial compliance; ongoing effort. Prior to independent review, MPD/OPS coordinated with community partners in the development of community resource booklet for sexual assault victims / survivors titled: "It's Your Call." Ongoing effort has included community partners' review of OPS draft Sexual Assault policy, community partner involvement in initial training and two year training plan, and the collaboration and creation of the External Review Panel.</p>

			<p>Efforts include weekly meetings with MPD, working with MPD to develop victim survey instrument, and community safety and accountability audit. ERP and community partners report coordination and collaboration is good. SARC reporting strong relationship with OPS.</p> <p>Compliance / Sustained Compliance to be determined by Reviewer based on completion of Section III. G. requirements and further analysis and measurement of outcomes.</p>
<p>III.G.13. a-d</p>	<p>To improve the reporting and participation experience for victims of sexual assault, OPS shall increase and improve its communication, coordination, and collaboration with community and law enforcement partners, including the University, MPD, prosecutors, and University, community, and system advocates. OPS shall include details of III.G.a-d.</p>	<p>Jun 15, 2015</p>	<p>Partial compliance; OPS coordinated and collaborated with the University, MPD, Missoula County Attorney’s Office (MCAO), and community advocates as indicated above. Initial training and the OPS policy supports this continued effort.</p> <p>Ongoing efforts include working with the University Administration and Student Assault Resource Center (SARC) to ensure that administrative responsibilities in accordance with Title IX and victim centered services are in line with the OPS policy. OPS is also working to include SARC and other community partners in the delivery of annual training plan.</p> <p>OPS and MPD weekly meetings and MOU for felony crimes against persons investigation on campus assigned to MPD – MPD has agreement with MCAO for case closure.</p> <p>Compliance / Sustained Compliance may be achieved following analysis and measurement of outcomes.</p>

<p>III.H.14.</p>	<p>Data Collection and Reporting</p>	<p>Jun 15, 2015.</p>	<p>Pending Compliance; ongoing effort. To be evaluated during next compliance visit. Compliance / Sustained Compliance will be based on further analysis and measurement of outcomes.</p>
<p>III.H.14. a-c</p>	<p>To identify shortcoming, assess improvement, and increase community confidence in the University’s response to sexual assault, OPS shall enhance its data collection, analysis, and reporting and shall include details of III.H.14. a-c.</p>	<p>Jun 15, 2015</p>	<p>Pending compliance; ongoing effort. Attendance at Automated Report Management Systems (ARMS) Record Management 2014 conference March 19-21 to help create data collection specific to agreement. Evaluation of Maxient system software for student conduct and comparison with ARMS to determine best system for data collection for Title IX investigations and criminal reports. Compliance / Sustained Compliance to be determined by Reviewer based on further analysis and measurement of outcomes.</p>
<p>IV.</p>	<p>External Review of Sexual Assault Cases (In conjunction with MPD)</p>	<p>Jun 15, 2015</p>	<p>Compliance; External Review Panel (ERP) was selected with oversight of the independent reviewer and DOJ. The ERP protocol was designed and implemented by Anne Munch Consulting Inc., modeled after and in consultation with the Women’s Law Project and their efforts in Philadelphia. The ERP began operation Sep 18, 2013 with protocol training and review of ongoing felony sexual assault cases submitted by MPD and OPS. Two OPS cases were reviewed and evaluated by ERP.</p>

			Ongoing effort to continue consistent reviews at least semi-annually, or as case load requires. Sustained Compliance may be achieved following analysis and measurement of outcomes and feedback from ERP.
IV.15-17	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. Beginning, August 9, 2013 (three months after effective date of agreement) the external review group shall review, on a semi-annual basis, all reports of sexual assault received by OPS, and all investigations of those reports opened by OPS since the Effective Date. Thereafter, this external review group shall review all reports of sexual assault received by OPS and investigations of those reports opened by OPS, since the external review group's last such review including details of IV.15-17	Aug 9, 2013 Sep 18, 2013	Compliance; The ERP was selected with approval of the independent reviewer and DOJ in Sep 2013. On Sep 18, 2013, the ERP was trained on the review protocol and began reviewing felony sexual assault cases submitted by MPD and OPS. Ongoing effort to ensure that ERP feedback and recommendations are shared with supervisors and incorporated into policy updates, training, and employee development, and to re-open or reexamine cases where warranted. To be evaluated during next compliance check: coordinate reviews with MPD and track cases that have been reviewed, create internal systems for employee feedback, training, and policy assessment based on ERP feedback. Compliance / Sustained Compliance may be achieved following analysis and measurement of outcomes and feedback from ERP.
V. V.18.	Community-Conducted Sexual Assault Response Safety and Accountability Audit (In conjunction with MPD) 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 designed to assess how Missoula City, Missoula County, and the	Jun 15, 2015	Pending compliance: ongoing efforts. CPT Gladwin to act as liaison for University OPS. OPS to discuss with VP Mike Reid to determine other University involvement.

	University of Montana respond to and collaborate to address sexual assault, with focus on enhancing victim safety, support, and participation in the law enforcement process.		
VI.	Independent Oversight	Current / ongoing	
VII.	Agreement Implementation and Enforcement	Current / ongoing	
VIII.	Termination of the Agreement	Jun 15, 2015	Pending “Full and Sustained Compliance”

Conclusion:

As observed by DOJ throughout their investigation, findings, and settlement Agreement, the University and OPS continued to cooperate fully and professionally with the Reviewer in their initial efforts to fulfill the terms of the Agreement.

OPS is making progress as the compliance graph indicates. Chief Gary Taylor retired in December 2013, Chief Marty Ludemann was appointed as the successor. Chief Ludemann has demonstrated strong leadership and a clear commitment to fulfilling the terms of the Agreement. Chief Ludemann recognizes the need for OPS to continue to take managerial and operational responsibility for the implementation of the remaining terms, reforms, and requirements of the agreement.

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

OPS has additional responsibilities to ensure they are coordinating response to sexual assault on campus with the University Administration in accordance with Title IX obligations. As noted in the first Reviewer report, the Reviewer identified a lapse of coordinated communication between the University Administration and OPS on some of these issues and this was brought to the attention of the University and OPS.

While the new OPS policy directs improved communication with the University Administration regarding Title IX responsibilities, further evaluation of this will be an objective during future compliance checks. The University in its entirety remains ultimately responsible for the appropriate, effective, and lawful response to reports of sexual assault, regardless if the matter is reported to OPS as a criminal case, or to the University as an administrative investigation in accordance with Title IX, or both.

The Reviewer remains impressed with the quality and service offered by community resources in Missoula for victims and survivors of sexual assault. Recent efforts to enhance communication and coordination between OPS and SARC are promising signs for a more community coordinated response to sexual assault.

Sexual assault case reviews by the Reviewer and the ERP have been limited for cases reported to OPS, but the reviews will continue. The OPS Sexual Assault Policy has been fully implemented. A two year training plan has been developed. OPS is working with MPD to create a victim survey and OPS will be involved in the community safety and accountability audit. Continued progress on the remaining requirements of the Agreement is expected.

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