



# TRAVIS COUNTY DISTRICT ATTORNEY



**2017 Annual Report**

**Margaret Moore,  
District Attorney**

## A message from District Attorney

### Margaret Moore:

On January 1, 2017, I took office as your District Attorney. But, even before I was sworn in, work was started to ensure a smooth transition to a new administration. A thorough review of the office was completed and leadership positions filled. I can tell you that, as a result, the DA's Office is staffed with hard-working folks who are dedicated to serving the residents of Travis County. We know we have a duty to see that justice is done. I'm proud to lead this outstanding group of public servants.



Two major innovations were the creation of a Civil Rights Unit and a Family Violence Unit. The Civil Rights Unit comprises the Civil Rights Unit (CRU), which handles all law enforcement use-of-force cases, and our Conviction Integrity Unit. The establishment of the CRU was part of an overhaul of our policies regarding the review and potential prosecution of officer-involved cases. The Family, or Domestic Partner, Violence Unit was formed to address the high volume and seriousness of these cases. There are descriptions of these units in this report.

Numerous other matters demanded my attention in 2017—for instance: problems that had surfaced in the Austin Police Department's DNA Laboratory; the impact of immigration law enforcement decisions on our felony cases; the efficacy of diversion and other specialty dockets; the complexities of addressing criminal behavior that is accompanied by, and sometimes caused by, drug abuse, homelessness, and/or mental health problems; and the disparate impact of criminal justice proceedings on our minority community, to name a few. In each of these areas work was begun that will bear fruit in the coming years.

The Austin/Travis County community expects excellence from its criminal justice system. There are strong advocacy groups here that demand much, even though resources to address these issues are scarce. It has been a challenge and a privilege to work towards solutions with our community partners while keeping a careful eye on how wisely we are using taxpayer dollars. I am happy to report that we here in the DA's Office are working closely with other agencies, participating in interagency and intergovernmental endeavors to enhance the safety of our residents and their confidence in our criminal justice systems.

I hope this Annual Report provides you with a useful and educational glimpse into the wide range of matters handled by this Office.

A handwritten signature in black ink that reads "Margaret Moore". The signature is written in a cursive, flowing style.



## 2017: A NEW ADMINISTRATION

After Margaret Moore was elected Travis County District Attorney and assumed office in January of 2017, she reorganized the District Attorney's Office and made other changes to streamline processes and improve efficiencies. This included reducing the total number of divisions, shifting staff and responsibilities between the remaining divisions, and reducing the number of division directors from nine to only five along with a Chief of Investigations. Additionally, the Civil Rights Unit was created, consisting of a Chief and one attorney. During the year, Conviction Integrity responsibilities were added to the Civil Rights Unit.

## EXECUTIVE TEAM

After these changes were put into place, the executive team consists of:

First Assistant Mindy Montford

Intake and Diversion Division: Director, Dayna Blazey

Trial Division:

Director, Guillermo Gonzales

Assistant Director, Rickey Jones

Chief of the Appellate Section, Scott Taliaferro

Special Victims Unit: Director, Beverly Mathews

Special Prosecutions Division: Director, Don Clemmer

Operations Division: Director, Gregg Cox

Civil Rights Unit: Director, Dexter Gilford

Investigation Division: Chief, Mike Lummus

This team comprises dedicated public servants who bring a broad range of experience to the Office.



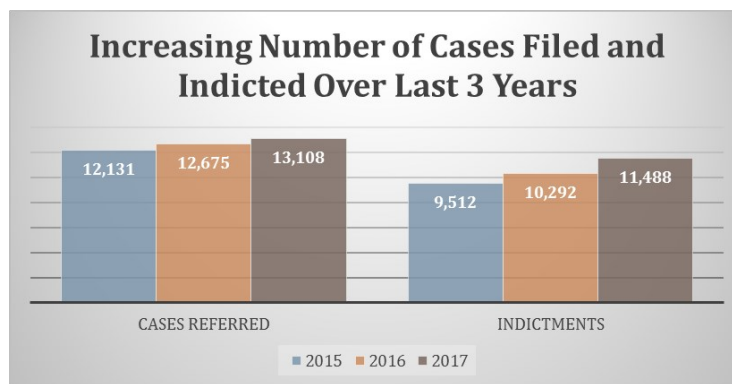
From left to right: Gregg Cox, Dexter Gilford, Dayna Blazey, Rickey Jones, Margaret Moore, Nancy Williams (Margaret and Mindy's executive assistant), Mindy Montford, Don Clemmer, Beverly Mathews, Mike Lummus, Scott Taliaferro, Guillermo Gonzalez

## CASE DATA

The office has experienced an increase in the number of cases referred for prosecution each year, and 2017 filings continued that trend.

During 2017, 13,108 cases were referred to the District Attorney's Office for possible prosecution. This represents a 3.4% increase compared to 2016 when 12,675 cases were referred, and an 8% increase compared to 2015 when 12,131 cases were referred.

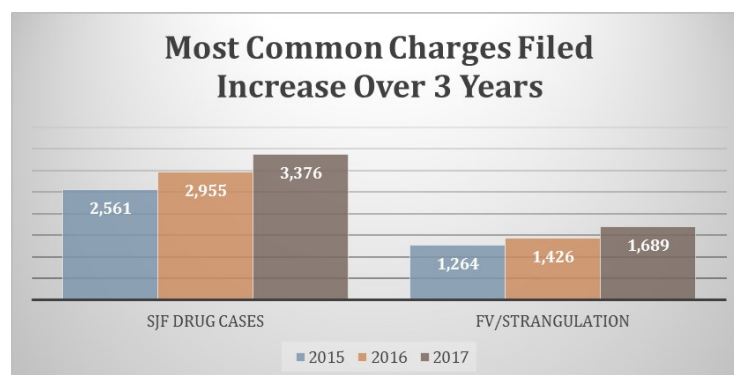
Additionally, there was a significant increase in the number of cases charged by indictment or information. There were 10,579 indictments returned in 2017, excluding re-indictments, and another 909 cases charged by information for a total of 11,488 cases. This was an increase of 11.6% over 2016 when 10,292 cases were charged by indictment or information, and an increase of 20.8% over 2015 when a total of 9,512 cases were charged by indictment or information.



Two of the most common types of cases referred for prosecution are state jail felony drug possession cases and cases involving family violence and/or strangulation. During 2017, both categories of cases continued to increase.

In 2017, the District Attorney's Office received 3,376 case referrals for state jail felony (SJF) drug possession. Those cases made up over a quarter, 25.8%, of all cases filed with the office during the year. The number of these drug cases continues to climb and the 3,376 filed in 2017 was an increase of 14.3% over 2016 when 2,955 SJF drug cases were filed, and an increase of 31.8% over 2015 when 2,561 SJF drug cases were filed.

In 2017, 1,689 family violence and strangulation cases were filed with the office. These represented 12.89% of all cases filed with the office during the year. Similar to the trend seen with low level drug charges, the 1,689 family violence and strangulation cases filed in 2017 represented an 18.4% increase over 2016 when 1,426 cases were filed, and a 33.6% increase over 2015 when 1,264 cases were filed.

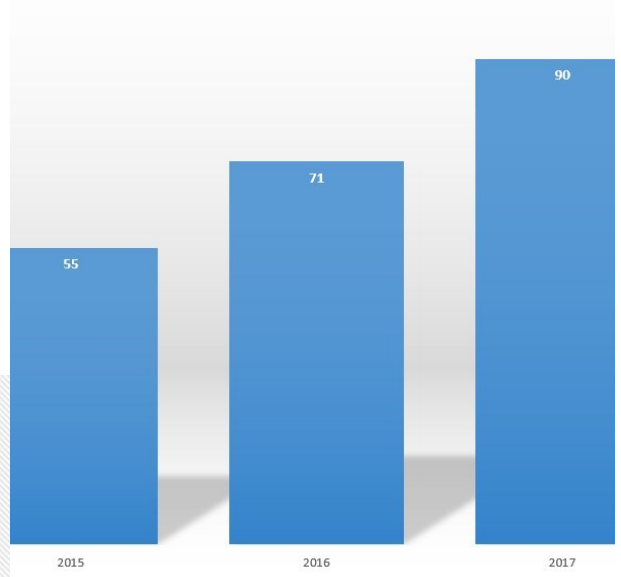


Criminal cases can be resolved in a variety of ways, but most end with either a final conviction where the defendant serves time in prison or jail, or on a term of community supervision resulting from a probated conviction or the defendant being placed on deferred adjudication. During 2017, a total of 9,279 cases resulted in either a conviction or a deferred adjudication. This breaks down as 7,676 cases where someone was finally convicted or placed on community supervision as a probated sentence, and another 1,603 cases where the defendant was placed on deferred adjudication and was required to serve a term of community supervision.

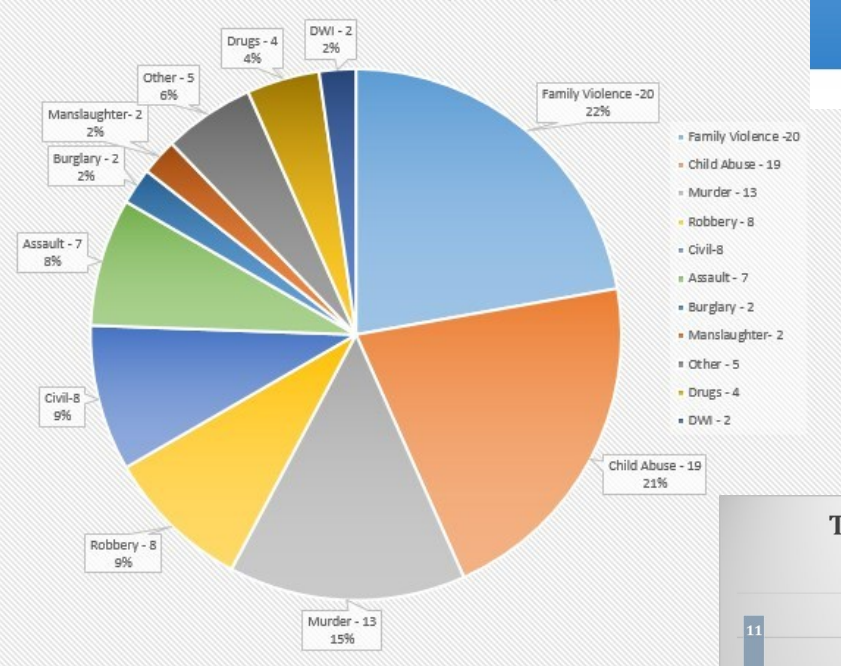
Again, these results represented an increase of 12% over the 8,280 cases convicted or placed on deferred adjudication in 2016, and an increase of 14.3% over the 8,116 cases from 2015.

The Office also had more jury trials during 2017, with a total of 90 jury trials compared to 71 in 2016 and 55 in 2015. Another 39 bench trials occurred with six of those being handled by the trial division, four by the family violence section, two in child abuse and 27 by the civil section.

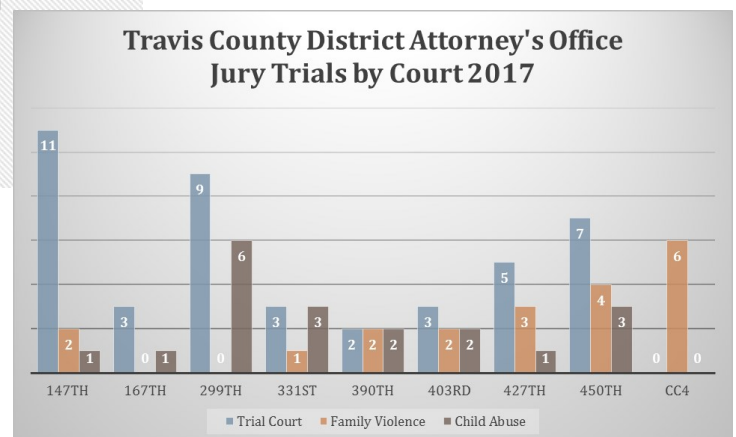
Travis County District Attorney's Office  
Total Jury Trials by Year



Travis County District Attorney's Office  
2017 Jury Trials by Offense



Travis County District Attorney's Office  
Jury Trials by Court 2017



## FINANCIAL REPORT

### FY 2017 General Fund Adopted Budget

**\$ 23,071,001**

<i>Personnel</i>	\$ 22,286,797	96.6%
<i>Court &amp; Law Enforcement Related Services</i>	\$ 289,525	1.3%
<i>Travel &amp; Professional Development</i>	\$ 209,903	0.9%
<i>Supplies &amp; Equipment</i>	\$ 191,760	0.8%
	\$ 93,016	0.4%

### FY 2017 General Fund Revised Budget

**\$ 23,309,970**

### FY 2017 Expenditures

**\$ 22,808,020**

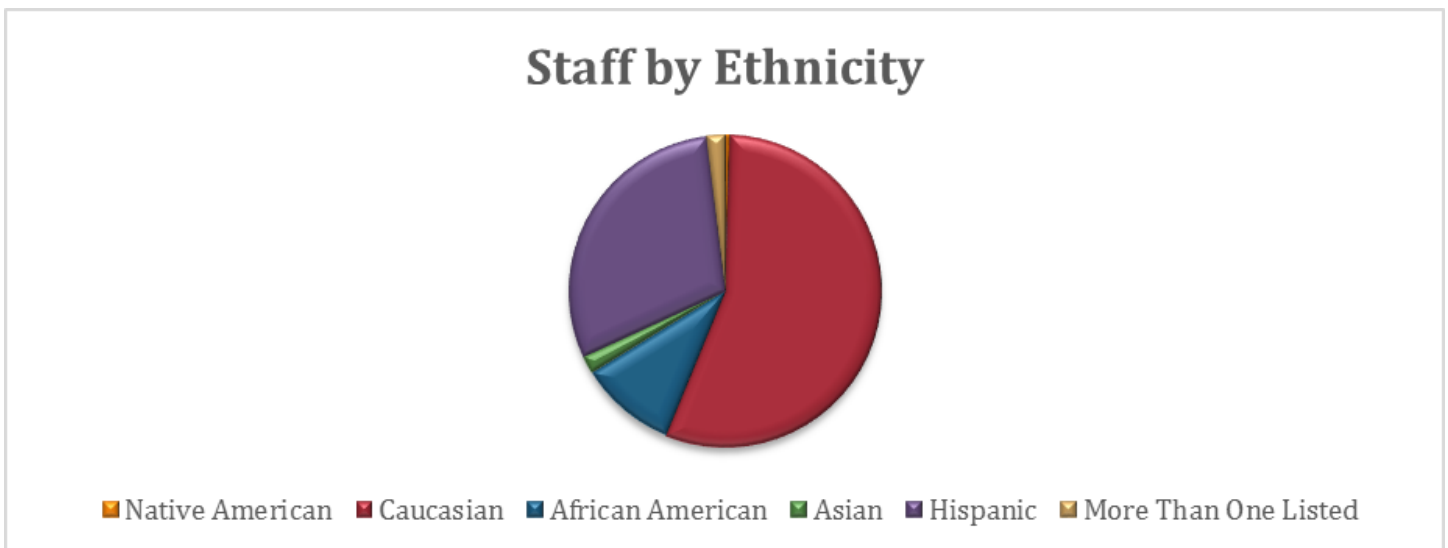
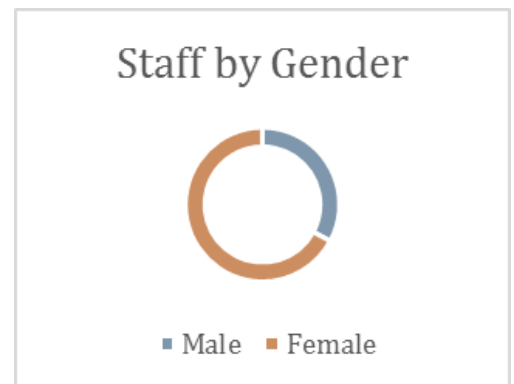
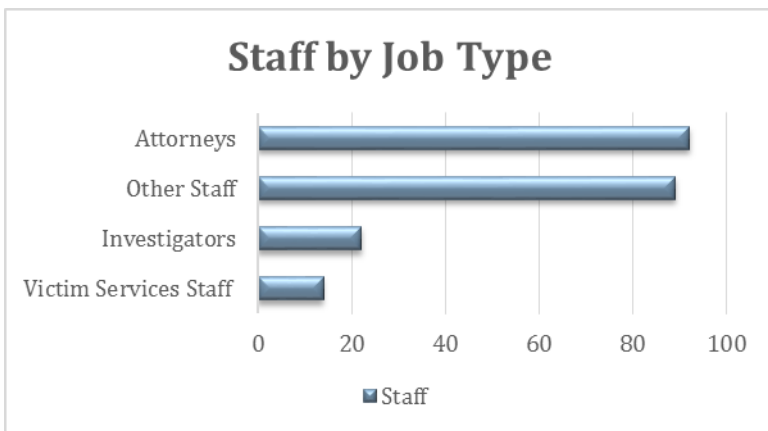
### FY 2017 Budget Savings

**\$ 501,950**

Some of the structural and personnel changes made during the transition to the new administration resulting in increased efficiencies and cost savings, with over \$500,000 trimmed from the budget during FY 2017.

## DISTRICT ATTORNEY EMPLOYEES

As of December 31, 2017, the Travis County District Attorney's Office had 217 employees.







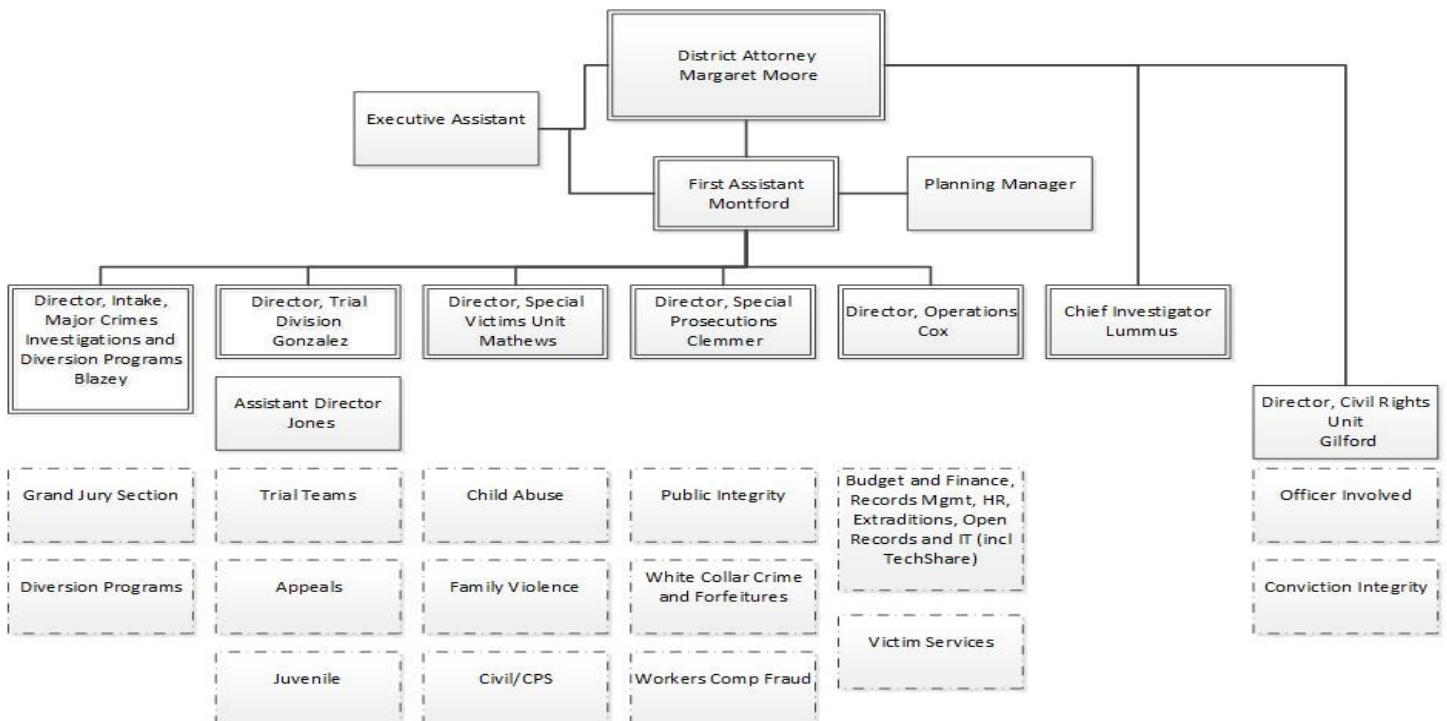
Swearing in of ADAs in January 2017

## DIVISIONS OF THE OFFICE

The DA's Office has five divisions that report to the District Attorney through the First Assistant, and an Investigative Division and an independent Civil Rights Unit that report directly to the District Attorney.

Those divisions are:

- Intake Division
- Trial Division
- Special Victims Unit
- Special Prosecutions
- Operations
- Investigations
- Civil Rights Unit



## INTAKE DIVISION (Grand Jury/Intake, Major Crimes Investigations, Diversion Programs and Specialty Dockets)

The Intake Division performs functions related to the investigation, filing, and presenting for indictment of felony offenses; support to law enforcement agencies; and diversion of individuals who qualify for specialized programs.

The **Grand Jury Section** of the Travis County District Attorney's Office consists of eight attorneys, each assigned to one of the eight district courts hearing criminal cases. The attorneys are supported by a court reporter, GJ bailiff, four legal secretaries, and a sr. legal secretary and an investigator.

This section handles the intake, screening and grand jury presentation of general felony cases and usually handles more than 80% of cases referred to the District Attorney's Office.

During 2017:

- 13,108 cases were referred for possible prosecution;
- 10,621 of those (81%) were assigned to the grand jury section;
- 10,579 indictments were returned (this includes cases referred prior to 2017);
- 8,549 of those (80.8%) were handled by the attorneys of the grand jury section.; and
- 1,306 cases were dismissed, due to factual or legal sufficiency concerns.

When Margaret Moore took office at the beginning of 2017, the Grand Jury Section had only seven attorneys covering the cases assigned to the eight criminal district courts. As part of a much larger reorganization, an eighth attorney and an additional legal secretary were added to the section so that each court had a dedicated attorney. This reduced the number of cases per attorney to slightly more than 200.

The performance of the section improved dramatically during 2017— for example:

- At the end of 2016, the Section had almost 400 unindicted cases that had been pending for a year. At the end of 2017, the Section had only 15 cases that had been pending for over a year.
- The Section presented 7,571 cases to the grand jury in 2016, while 8,549 were presented in 2017. This is an increase of almost 1,000 cases.
- The average number of days it took to prepare a filed case for presentation to the grand jury also dropped by 6 days, from an average of 91 days in 2016 to 85 days in 2017.
- The total number of unindicted cases pending at the end of 2017 was approximately 700 cases fewer than those pending at the end of 2016.

A grand jury is an independent body of twelve qualified citizens who are residents of Travis County. At any given time, Travis County has three grand juries who have been selected, empaneled and sworn in by one of our eight criminal district court judges. Each grand jury typically sits for a term of three months, meeting at least twice a week. Citizens are randomly summoned as potential grand jurors, just as they are for criminal cases, and they are selected by the district judge calling the grand jury after the court determines they meet the statutory qualifications.

A grand jury is tasked with determining whether there is sufficient probable cause to return an indictment, which is the formal written statement of a grand jury accusing a person of a criminal offense. Texas Code of Criminal Procedure, Art. 21.01.



## Law Enforcement Assistance

The DA's Office provides the following resources to local law enforcement agencies:

- Business hours on-call line staffed by Grand Jury attorneys
- After hours on-call staffed by experienced attorneys
- Major Crimes on-call 24/7 staffed by attorneys at Chief level or higher; this program was instituted by Moore to provide high level assistance on crimes involving serious bodily injury or death

From the time the Major Crimes program began on March 6<sup>th</sup> until December 31<sup>st</sup> there were 883 calls from law enforcement to a duty ADA.

## DIVERSION PROGRAMS AND SPECIALTY DOCKETS

The DA's Office works with an array of **Diversion Programs and Specialty Dockets** to divert appropriate defendants from a traditional prosecution track in hopes of reducing recidivism by addressing issues that may be driving their criminal conduct. Three ADAs handle these dockets along with two Sr. Paralegals and a Legal Secretary. These programs and dockets include the DA Pretrial Diversion Program, Drug Court, Felony Mental Health Docket, and the Veterans' Treatment Court.

The new administration sought to expand the various pre-trial diversion programs in 2017 by accepting and reviewing more applicants and by collaborating with other agencies to enhance existing resources. The Pre-Trial Diversion program reviewed 502 applications in 2017 and a total of 203 defendants were accepted into the program. This 12-month program is designed for individuals facing their first felony charge with little or no criminal history. Participants are screened for drug and alcohol abuse and are required to complete counseling sessions, community service hours, pay restitution, if applicable, and any other relevant conditions the program administrator deems appropriate. Once the requirements are successfully completed, the case is dismissed and the individual may apply for the charged offense to be expunged from his or her record.

One of the most rewarding diversion programs is the Travis County Veterans' Court which allows men and women who have served in the U.S. military and have been deployed to active combat zones an opportunity to receive a dismissal of criminal charges following the completion of a rigorous treatment program. In 2017, eleven veterans charged with felony offenses participated in the program and nine, who had been active in the program for at least 12-24 months, were successfully discharged from the program. Only one person was unsuccessfully discharged in 2017.

Other diversion programs offered by the District Attorney's Office include the Travis County Drug Court and the Mental Health Docket. An ADA screens every felony drug offense filed by law enforcement for participation in the Drug Court program. This program is designed for individuals who are chronic drug users with signs of addiction. A comprehensive evaluation is given to the applicant by licensed counselors and a four-phase treatment program with an after-care component is developed for the individual. If the defendant successfully completes the program, the criminal charge is dismissed. From January through November 2017, 33 individuals successfully completed the Drug Court program.

The Travis County Felony Mental Health Docket is designed to divert individuals from incarceration for felony offenses who have been diagnosed with a qualifying mental health disorder. These individuals receive a specialized treatment plan after a thorough case review conducted by mental health professionals, prosecutors, and law enforcement personnel. The defendants participating in this diversion program often have

## **DIVERSION PROGRAMS AND SPECIALTY DOCKETS CONT.**

criminal history stemming from their mental health diagnosis and, at times, have received prior treatment. Cases set on this docket undergo a frequent review by a roundtable of mental health professionals who exchange information about the defendant's progression in the required treatment plan and provide services to assist the defendant with independent and stable living. If the individual shows improvement, stays on his or her medications, and complies with all other requirements, the criminal case is either dismissed or reduced to a lesser charge. At the end of 2017, 138 cases were pending on the Mental Health docket, and a total of 316 cases had been disposed by dismissal or a lesser charge.

## **TRIAL DIVISION**

The Trial Division is the office's largest division comprising three separate sections: Trial Court, Juvenile Court, and Appeals.

### **TRIAL COURT SECTION**

The Trial Court Section is responsible for prosecuting all felony matters in Travis County that are not assigned to one of the office's special divisions. Twenty-four lawyers and 18 support staff handle cases in all eight criminal district courts and one criminal magistrate court.

Trial Court lawyers handle matters that range from simple possession of controlled substance cases to capital murder cases, and as such are among the most experienced and versatile lawyers in the office. In 2017, this section:

- Took in almost 7,000 new cases;
- Disposed of almost 9,000 cases;
- Conducted 43 jury trials, including 15 homicide trials;
- Ended the year with a trial conviction rate of over 90%; and
- Referred over 300 cases to the office's diversion programs.

### **JUVENILE COURT SECTION**

The Juvenile Court section consists of six prosecutors and a support staff of four persons who handle all charges, both misdemeanors and felonies, committed by persons who are under the age of 17 years old. These cases include everything from simple possession of marijuana and other drug offenses to murder.

For calendar year 2017, the Juvenile prosecutors filed approximately 1,700 petitions and appeared in approximately 10,135 hearings.

### **APPELLATE SECTION**

The Trial Division's appellate section represents the State in post-conviction litigation, such as appeals from criminal cases and juvenile-court adjudications. The appellate section consists of five attorneys, two law clerks, and one senior legal secretary. With a broad knowledge of criminal law and skill in legal research and analysis, the appellate attorneys are frequently asked to assist prosecutors throughout the office with challenging legal issues. These consultations provide the prosecutors with supplemental legal research, as well as practical guidance. In 2017, these attorneys:

- Filed 76 briefs in both state and federal appellate courts;
- Handled 122 cases in which defendants sought habeas-corpus relief;
- Responded in writing to ten motions filed by defendants seeking post-conviction DNA testing;
- Received 328 requests for trial assistance; and
- Responded to trial requests with 914 substantive replies.

## SPECIAL VICTIMS UNIT

This division includes four units:

### **CIVIL UNIT/Child Protective Services**

The **Civil Unit** has eight prosecutors, one investigator, three paralegals, and three legal secretaries. One prosecutor is assigned to and housed at the Austin/Travis County Center for Child Protection staffing Texas Department of Child and Family Services (CPS) cases. The other seven prosecutors litigate cases filed to intervene in parent/child relationships for reasons of abuse or neglect. This Unit handled over 5,000 hearings and filed 592 petitions on behalf of CPS and conducted 300 mediations, 27 bench trials, and 8 jury trials. One of the district judges who hears these cases has described this Unit as “warriors” in the vigorous pursuit of justice for these children.

### **CHILD ABUSE UNIT**

The **Child Abuse Unit** has nine prosecutors, one assigned to each of the eight Criminal District Courts and one assigned as an intake lawyer with the Child Protection Team and is also housed at the Center for Child Protection. The unit has two investigators and shares three paralegals and four legal secretaries with the Family Violence Unit. In 2017, the Child Abuse Unit tried 19 jury trials and disposed of more than 400 cases.

The Child Abuse Unit works in conjunction with the Child Protection Team, which comprises representatives of local law enforcement, CPS, and the Center for Child Protection. This team operates in a collaborative manner to help ensure justice for child victims of physical and sexual abuse. By embedding a prosecutor at the Center for Child Protection, cases involving child abuse and neglect can be staffed with law enforcement and CPS within hours of receiving the report.



*Mickler, CPS therapy dog.*

Children are brought to the Center to be interviewed about abuse allegations by a trained forensic interviewer in a kid-friendly environment without having to be taken to a police department. The prosecutor confers with the CPS caseworker, the detective, the interviewer, and an on-site counselor prior to the interview so that all parties involved are aware of the allegations and work together to determine what information is needed and what services should be offered to the child. Family advocates work with the child and the child’s family from the day of the interview through the day the case is ultimately disposed of in court. The most popular employee at the Center, however, is “Mickler,” the therapy dog who meets and greets the children as they come to the Center and even sits with them during stressful and emotional testimony at trial.



## FAMILY VIOLENCE UNIT

This unit was formed by the new administration in response to the high volume of domestic violence cases filed per year. Prior to 2017, only three prosecutors handled the majority of the family violence caseload, with the rest being handled by the child abuse prosecutors. By forming a unit devoted exclusively to the prosecution of family violence offenses, prosecutors are able to devote more time and resources to these cases, which almost always involve complex issues and circumstances. The Family Violence Unit is composed of ten prosecutors, one assigned to each of the eight criminal district courts and two assigned as intake lawyers embedded with local law enforcement. The unit has two investigators and shares three paralegals and four legal secretaries with the Child Abuse Unit.

A major initiative of the Family Violence Unit is to provide better collaboration with our partner agencies, including law enforcement, non-profit community agencies, and the Travis County Attorney's Office. In September of 2017, the unit began holding regular weekly meetings with law enforcement, victim services, and family violence prosecutors who handle misdemeanor cases from the Travis County Attorney's Office. During these meetings, prosecutors and police supervisors from the Austin Police Department and the Travis County Sheriff's Office are able to share information about family violence offenses that occurred within the previous week. This collaboration allows prosecutors to make informed charging decisions at the beginning of the case and assist law enforcement in gathering additional evidence that may be helpful to the case. In addition, crisis counselors are able to make victim outreach within the first few days, sometimes even within hours, of the incident to provide crime victims with helpful services and information about the criminal justice system. This information is also shared with the prosecutors at the weekly meetings to help them better prepare the cases for prosecution.

**In 2017, the Family Violence Unit tried twenty jury trials and disposed of more than 2,000 cases.**



*Family Violence meeting to jointly staff new cases*

## INTIMATE PARTNER SEXUAL ASSAULT UNIT

In 2017, the Travis County District Attorney's Office received a three-year grant from the Department of Justice and the Office on Violence Against Women that led to the creation of the Intimate Partner Sexual Assault Unit. The unit consists of a prosecutor, victim counselor and office specialist who focus exclusively on sexual assault and companion family violence offenses perpetrated against intimate partners.

**In 2017, the Special Victims Unit had a total of 47 jury trials. The Special Victims Criminal Unit had 39 jury trials and six bench trials. The Special Victims Civil Unit had eight jury trials and 27 bench trials.**

## SPECIAL PROSECUTIONS DIVISION

The mission of the Special Prosecutions Division is to investigate public corruption, white collar fraud, environmental crimes, insurance fraud, and other non-violent criminal offenses. Assistant District Attorneys and investigators assigned to this division pursue cases generally involving violations of specialized criminal and civil statutes targeting profit-motivated, organized crime. The division focuses on optimizing the recovery of misappropriated private and public funds and the prosecution of public corruption cases.

The Special Prosecutions Division is also tasked with *ad hoc* assignments of particular importance to the District Attorney. One example was the recovery of \$900,045 in county funds that had been stolen as part of a foreign-based phishing scheme. Another example was the prosecution of a contempt proceeding against a local criminal defense attorney. Because of the contentious nature of the proceeding, hundreds of hours of work went into obtaining the conviction and successfully defending it on appeal.

Additionally, the division files and prosecutes civil asset forfeiture cases, which in 2017 included \$541,843 petitioned to be forfeited and \$416,351.93 final judgments of forfeiture. In 2017, the Division consisted of 27 individuals, led by a Division Director, who is supported by senior legal secretary and a Lieutenant investigator. The division is divided into three units: White Collar Crime Unit, Public Integrity Unit, and Workers' Compensation Fraud Unit.

### WHITE COLLAR CRIME UNIT

This Unit is staffed by three ADAs, one DA investigator, one Texas Department of Insurance Special Prosecutor who is cross-designated as an ADA, one Department of Insurance Investigator, three APD detectives, one Travis County Sheriff's Office detective, two Forensic Accountants, and one legal secretary. In 2017 the unit:

- Received 69 complaints;
- Obtained 25 felony indictments, including 3 cases of insurance fraud; and
- Obtained ten convictions, with orders totaling \$3,156,838 in restitution and \$3,500.00 in fines.

**One case tried in 2017: James Warr conned investors out of \$1.2 million via securities fraud, was found guilty by a jury of First Degree Felony Theft, Misapplication of Fiduciary Property, Securities Fraud, and Money Laundering, and was sentenced to 15 years in prison.**

### PUBLIC INTEGRITY UNIT

The Public Integrity Unit consists of three ADAs, one investigator, two Forensic Accountants, one legal secretary, and one paralegal. In 2017 the unit:

- Received 140 complaints;
- Obtained 53 indictments; and
- Obtained 33 convictions, with \$802,228 in restitution and \$92,700 in fines ordered.

### WORKERS' COMPENSATION FRAUD UNIT

The Workers' Comp Fraud Unit is made up of one Workers' Comp Commission Special Prosecutor, cross-designated as an ADA, one paralegal and one office specialist, all three of whom are funded by the Texas Department of Insurance. In 2017, the unit received ten complaints, obtained 17 indictments, and secured five convictions with restitution of \$55,830 ordered.

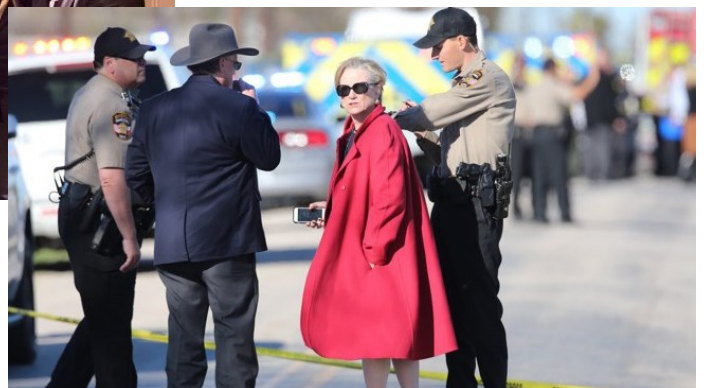
## CIVIL RIGHTS UNIT

The Civil Rights Unit (CRU) was created from the previous Critical Incident Unit in January 2017. DA Moore implemented several key changes to the unit in order to ensure that it operated independently, effectively, and fairly. Some of these changes are:

- The CRU is an independent unit in the office's organizational structure and chain-of-command to ensure that cases are reviewed without any conflicts of interest associated with working with law enforcement officers day-in and day-out in the traditional court setting.
- The CRU no longer presents every officer-involved shooting to a grand jury. Instead cases are reviewed to determine whether the facts present a legally sufficient case. If the CRU and the District Attorney determine that a case is not legally sufficient, the case is declined. If a case needs further investigation or the facts warrant, the CRU presents the case to a Special Grand Jury.
- CRU cases are presented to a Special Grand Jury called by a criminal district court judge specifically to hear officer-involved cases. These grand juries are empaneled after a voir dire examination designed to address bias issues. Because these grand juries hear only CRU cases, they are able to devote the time and attention that official misconduct cases require.
- The CRU operates according to standard operating procedures, policies, and guidelines, available online for public inspection.
- When a case is declined, the CRU issues a Declination Letter, detailing the facts of the case and the legal analysis that resulted in the declination. These letters are available online, which ensures community access to both the facts and the legal conclusion.
- The CRU has implemented a policy of providing victim services counseling to all surviving family members and/or their representatives in all cases in which a person is killed in an officer involved shooting. In addition, the unit shares its entire investigative file with surviving family members and/or their representatives.
- The CRU meets regularly with an advisory council of community partners and stakeholders interested in the unit's scope of work and matters related to building stronger, safer, and healthier bonds between the community and law enforcement.



*District Attorney Moore at press conference announcing key features of the Civil Right Unit with community partners on April 12, 2017.*

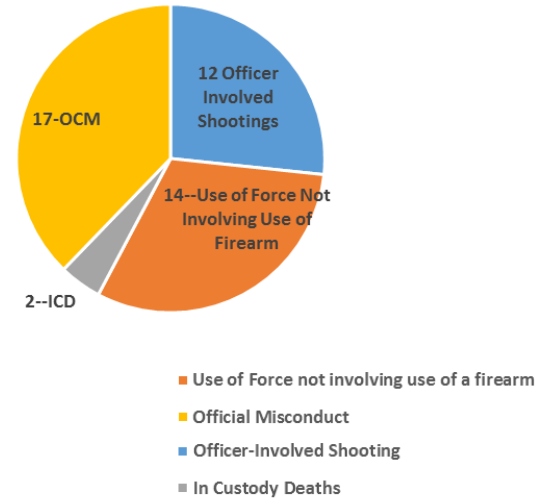


*D A Moore at the scene of an officer-involved shooting .*

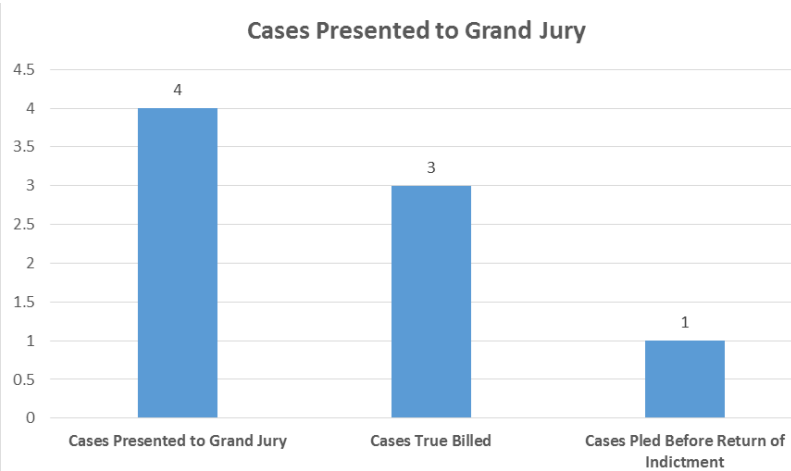


# SUMMARY OF THE CIVIL RIGHTS UNIT'S FIRST YEAR

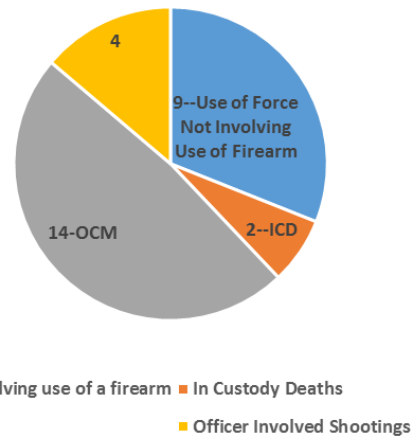
Total Number of Cases Reviewed (45) - 2017



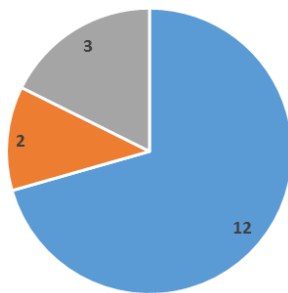
Cases Presented to Grand Jury



Total Number of Cases Declined - 2017



Total Number of Family-Subject/Victim Meetings (17) - 2017



■ Officer Involved Shootings ■ Use of Force Not involving use of Firearm 2 ■ Official Misconduct

## CONVICTION INTEGRITY UNIT

A prosecutor's duty is not to convict, but to see that justice is done. This obligation does not end with a conviction. Our office is committed to working diligently to ensure that in each case the correct person was convicted. No justice system is perfect. We serve our community by acknowledging that the system can make mistakes and by taking appropriate measures to identify and correct any mistakes.

In 2017, the unit focused primarily on cases potentially affected by issues with the APD Crime Lab DNA Section. In 2016, an audit of the APD Crime Lab DNA Section found several issues with lab procedures and training. As a result, the DNA section closed. Beginning in 2016 and continuing into 2017, the CIU staff identified 1,813 cases involving 1,617 defendants that had been tested by the APD lab and resulted in a conviction. The office located 1,117 defendants and sent them a Brady notice about the potential issues so that they could request a re-evaluation of their case if they chose.

In collaboration with various stakeholders, a process was developed whereby attorneys with the CIU and the Capital Area Private Defender Service (CAPDS) – Forensic Project would conduct materiality reviews of cases to determine whether a re-analysis of the DNA testing was needed. Dr. Bruce Budowle, one of the nation's leading experts in forensic DNA testing, of the University of North Texas (UNT), agreed to conduct reviews of the DNA evidence. In 2017, the first 11 cases were sent to UNT for review.

In 2017, the CIU conducted materiality reviews of 219 cases and identified 59 where the DNA evidence was potentially material. These cases will be sent to UNT as part of the continuing review project.

In addition to the DNA cases, the CIU received 11 requests for actual innocence review of cases from defendants. Of these, five were referred to other counties. The remaining cases were either resolved without further action or are still pending further investigation.

### *Austin Police Department DNA Lab Crisis*

*Summer 2016—Texas Forensic Science Commission (TCFS) conducts an audit of the APD DNA lab and finds numerous concerns. APD voluntarily discontinues DNA testing.*

*December 2016—APD ceases efforts to reopen the DNA lab under APD's control.*

*January 2017—DA Moore forms Civil Rights Unit that contains Conviction Integrity staff.*

*March 2017—Travis County approves a contract with CAPDS to provide county funding for defense involvement in the materiality review process.*

*April 2017—City of Austin enters into a five year agreement with DPS for DPS to reopen and manage the DNA lab inside APD's facility. Lab is referred to as the Capital Area Regional Lab.*

*September 2017—University of North Texas Health Science Center agrees to conduct scientific reviews of cases identified by materiality review process.*

*October 2017—Quattrone Center agrees to conduct a sentinel event review/root cause analysis of circumstances connected to the problems with the DNA lab*

## OPERATIONS DIVISION

The Operations Division's areas of responsibility include:

**Victim Services**—The office has a victim counselor assigned to each trial court to support the efforts of the prosecutors working in those courts, and a team of counselors supporting the prosecutors in the family violence and intimate partners sections. Counselors provide safety planning and are able to refer victims to outside services or assist with crime victims compensation applications. Counselors also inform victims of important case events or court settings.

**Records Management**

**Information Technology**

**Administration of the TechShare Prosecutor computer system**—several Operations Division team members have worked to train users, make changes to streamline the efficiency of the system, expand the number of law enforcement portal users and to assist users with the defense attorney portal.

**Budget and Finance**

**Hot Checks**

**Human Resources**

**Open Records Responses**

**Extraditions**

**Special Projects** and other assignments as needed—during 2017 this included the gathering of data to support studies of various program efficiencies, preparation for the move to a new building, and having the director participate in the office's response to the closure of the APD DNA lab, the outsourcing of DNA testing to private labs, and the materiality review process for post-conviction review of cases tested by the APD DNA lab.

## TECHSHARE PROSECUTOR

Over the course of several years, the DA's Office worked with the Travis County Attorney, the Conference of Urban Counties, and the DAs of Tarrant and Dallas counties to design and build a comprehensive computer system to serve the needs of Texas prosecutors. In November of 2016, Travis County launched the TechShare computer system that resulted from that effort. This system has allowed the office to go "paperless." During 2017, a defense attorney portal was added that allows defense attorneys to access the DA's case files through an internet-based portal and obtain discovery. The system also includes a law enforcement (LEA) portal that allows law enforcement to access the DA's system and provide digital evidence and documents directly to the DA's office.



## INVESTIGATIONS DIVISION

The office has a Chief Investigator, two Lieutenants, and 15 Sergeant Investigators who are assigned throughout the office.

In the Trial Division, an investigator is assigned to each court team. Investigators are also assigned to the Grand Jury section, the Child Abuse section, the Family Violence section, the SVU Civil section, the Juvenile section, and the Civil Rights Unit. These investigators work to support the ADAs as they handle cases.

The Special Prosecutions Division has investigators who, in addition to supporting the work of the division's prosecutors, actively participate in the investigation of criminal cases that have been referred to the Public Integrity Unit or the White Collar Crime Unit. The Special Prosecutions Division also has investigators from the Austin Police Department, the Travis County Sheriff's Office, and the Texas Department of Insurance embedded into the division that investigate criminal cases.

The DA's Office has an investigator specializing in cell phone and computer data extraction who is assigned to work on major cases and is widely recognized across the state for his knowledge of digital forensics. In 2017, Sgt. Manny Fuentes received 109 digital devices for forensic extraction.



*Investigations Division adopted new badges and presented them to District Attorney Moore and First Assistant Montford.*



## INTERAGENCY COLLABORATION

### INTERAGENCY SEXUAL ASSAULT TEAM

In September 2017, the District Attorney initiated the formation of an Interagency Sexual Assault Team (ISAT). ISAT is headed by an Executive Committee that includes the District Attorney's Office, the Travis County Sheriff's Office, the Austin Police Department, the Pflugerville Police Department, the University of Texas Police Department, the Lakeway Police Department, the Capital Area Law Enforcement Association, and Safe Alliance. The Team comprises entities/agencies that are responsible for responding to, investigating, and prosecuting adult sexual assaults reported to law enforcement in Travis County.

This group is unified in its mission to identify ways that sexual assault cases can best be investigated and prosecuted, while maintaining community safety and victim satisfaction with the criminal justice process. To that end, the Team meets on a monthly basis and has formed subcommittees to focus on such areas as data capture and reporting and case file review. The Executive Committee meets quarterly.

### CRIMINAL JUSTICE COORDINATING COMMITTEE

Recognizing a need for better collaboration within the criminal justice community, DA Moore worked with other criminal justice leaders in Austin and Travis County to form a new group that includes the District Attorney, the County Attorney, the Chief of Police for Austin, the Travis County Sheriff, the presiding administrative judges of the Travis County criminal courts at the county and district court level, the Assistant City Manager for Public Safety, Chief Probation Officers for adults and juveniles and a Juvenile District Judge.

*The office has assigned prosecutors to serve as liaisons with different law enforcement agencies to provide assistance with the investigation of felony offenses in the areas of sex crimes, animal cruelty, organized crime, vehicular crimes, arson, and assault family violence. In addition, prosecutors are assigned to each patrol region within the jurisdiction of the Austin Police Department allowing for greater communication between street patrol officers and prosecutors. The office dedicates prosecutors to work with various boards and community groups including: **CENTER FOR CHILD PROTECTION, CHILD FATALITY REVIEW TEAM, CENTRAL TEXAS COALITION AGAINST HUMAN TRAFFICKING and HUMAN TRAFFICKING TASK FORCE, HATE CRIMES TASK FORCE, TRAVIS COUNTY REENTRY ROUNDTABLE, BEHAVIORAL HEALTH ADVISORY COMMITTEE (BHAC), TRAVIS COUNTY INTEGRATED JUSTICE SYSTEM STAKEHOLDERS COMMITTEE, TRAVIS COUNTY JAIL POPULATION MONITORING GROUP, AUSTIN/TRAVIS COUNTY DNA WORKGROUP, TEXAS FORENSIC SCIENCE COMMISSION NOTIFICATION SUBCOMMITTEE, CENTRAL TEXAS CRISIS MANAGEMENT INVESTIGATIONS TEAM, CENTRAL TEXAS COUNTER-TERRORISM WORK GROUP, and the UNIVERSITY OF TEXAS PROSECUTION CLINIC.***



Tour of Community First Village



**TRAINING HIGHLIGHTS:**

New Trainings Provided: A cutting-edge 20-hour Management Training with TDCAA for the Executive Committee/Chiefs; newly developed orientation class for new hires; an ethics training on Procedural Fairness and Justice

These were only a part of the 14 separate trainings provided during the year (ranging from one-hour in length to multi-day intensive courses) by the TCDA Training Committee. This total includes three separate hours of ethics so ADA's could complete their entire State Bar mandated training requirements in-house, if they so chose.

But our office did more than just internal training, as other organizations recognized the staff's knowledge and abilities. Over a dozen of our attorneys were featured presenters for other organizations, including TDCAA, TMCEC, Central Texas Fraud Investigators, APD Hostage Team Training, the Color of Justice Program, the University of Texas School of Law, the State Bar of Texas, and others.



Office Orientation, January 2017



DA Moore welcoming staff to orientation



Jaime Esparza, District Attorney, El Paso County, addressing Travis County ADAs



Fundamentals of Management Training, TCDA Directors and Chiefs, October 2017



## SECURING THE SURRENDER OF AN FBI TEN MOST WANTED SUSPECT

Early in 2017, DA Moore was asked to assist agents from the FBI, the U.S. Marshal's Office, and detectives assigned to the Cold Case Unit with the Austin Police Department in bringing Robert Van Wisse to justice. In September 1983, Van Wisse was an 18 year-old UT student at the time of the murder of Laurie Stout, who was just 12 days shy of her 23<sup>rd</sup> birthday and was a wife and mother to an 18 month-old baby girl. Laurie Stout was cleaning an office building the night Van Wisse approached her from behind, drug her into a bathroom, raped and strangled her with a wire ligature, leaving behind his fingerprints on the exterior of the 2<sup>nd</sup> floor fire exit door and the interior wall of the bathroom stall where her naked body was found. An early error in blood type analysis originally excluded him as a suspect, but when that error was rectified in 1994, he fled to Mexico and had been on the run ever since. The FBI named him one of their Ten Most Wanted in December, 2016, and determined his location in Mexico soon thereafter. The DA was asked to negotiate with Van Wisse's attorneys to facilitate his surrender at the Texas/Mexico border, and that was successfully accomplished. ADAs Amy Casner and Katie Sweeten secured a plea in March, 2017, for 30 years in prison.



*Robert Van Wisse being escorted by law enforcement officers across the Texas/Mexico border into U.S. custody. The picture was shown to Laurie Stout's daughter as the surrender was taking place and she was overtaken by emotion stating, "today is my birthday."*



*District Attorney Margaret Moore joined local and federal law enforcement officials to announce the arrest of one of the FBI's Ten Most Wanted Fugitives, Robert Francis Van Wisse, related to the 1983 strangling death of 22-year-old Laurie Stout. This was a coordinated effort between the Travis County District Attorney's Office and the FBI's Central Texas Violent Crimes Task Force, which includes the U.S. Marshals Service, Austin Police Department, Department of Public Safety and the Texas Rangers, which culminated in the apprehension of Van Wisse in Laredo, Texas.*



## DA TEAM BUILDING

First Spring Picnic in years -- over 300 attendees !



Holiday Party and Office-wide Awards Ceremony



Staff volunteering at the Animal Shelter and bake sale for hurricane relief



# MISSION STATEMENT

*The Travis County District Attorney's Office mission is to see that justice is done, by protecting the constitutional and statutory rights afforded to every person in our county without respect to race, gender, religion, sexual orientation, or socioeconomic status.*

*We will support our community's values by re-imagining the traditional role a prosecutor should play. We will vigorously prosecute violent and habitual offenders and protect the innocent, but we are also committed to crime prevention by implementing innovative programs to break the cycle of crime for youthful, first-time, mentally ill, and drug-addicted offenders.*

*Our office will maintain the highest level of honesty, integrity, and transparency. We will be models of ethical and professional conduct.*

*As public servants, we are committed to diversity, hard work, and accountability. We will be careful stewards of our taxpayers' resources.*



## LOOKING AHEAD

The office is currently housed in multiple buildings but a new building that will serve as the District Attorney's Office and be named the Ronald Earle Building (REB) is being built across the street from the courthouse. Construction is expected to be complete in late spring of 2018. The entire District Attorney's Office will move in and be housed in a single building upon completion.

**Current Location for the  
Office of the Travis County  
District Attorney**

**509 W. 11th, Austin, TX  
78701**

**or**

**PO Box 1748,  
Austin, TX 78767**

**(512) 854-9400**

**[www.traviscountytexas.gov/  
district-attorney](http://www.traviscountytexas.gov/district-attorney)**



**New Location for the  
Office of the Travis County  
District Attorney**

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**or**

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