



2023 ADULT SEXUAL ASSAULT DATA REPORT¹

Introduction

In December 2023, The Austin/Travis County Sexual Assault Response & Resource Team (A/TC SARRT) published its inaugural Biennial Report on its collaborative efforts to address sexual violence in Austin and Travis County. This report noted that “sexual assault data tracking in the A/TC SARRT is in its infancy stage” and “often incomplete”, making it “difficult to understand the scope of the problem, identify trends, and develop effective prevention and response strategies.”² The report attributes this challenge to many factors, including the lack of a standardized system for tracking data and the difficulties associated with tracking data across various reporting systems.³ While there remains much work to do to improve sexual assault data tracking within the Travis County District Attorney’s Office (TCDA) and across the other agencies and organizations that participate A/TC SARRT, it is our hope that information contained in this report provides an helpful – albeit incomplete – window into the state of sexual assault prevention and response in our community.

Case Staffing

Local law enforcement agencies can “staff” adult sexual assault cases with TCDA. This means that case detectives can choose to consult with an Assistant District Attorney (ADA) from TCDA’s Sexual Assault Unit to seek their advice about a case under investigation. Staffing cases with law enforcement early in the investigation process improves TCDA’s ability to prosecute these cases and improves outcomes for survivors.

When staffing a case, TCDA and the case detective may discuss whether the evidence in a case meets the probable cause standard, whether additional investigative steps may help strengthen a case, or whether the case should be referred to TCDA or the County Attorney’s Office for prosecution. The same case may be staffed multiple times before it is accepted for prosecution by TCDA. Conversely, law

¹ For the purposes of this report, an adult sexual assault case can be any sexual assault case that is either staffed by TCDA’s Sexual Assault Unit before it is accepted for prosecution, or that is assigned to TCDA’s Sexual Assault Unit and is submitted, accepted, indicted, or otherwise prosecuted as one of the following offenses: Aggravated Kidnapping with Intent to Inflict Bodily Injury/Sexual Abuse; Aggravated Sexual Assault; Burglary of a Habitation with the Intent to Commit a Sexual Offense; Improper Sexual Activity with a Person in Custody or Under Supervision; Improper Sexual Activity with a Committed Person; Failure to Comply/Duty to Register as a Sex Offender; Hindering the Apprehension/Prosecution of a Known Felon/Sex Offender; Prohibited Sexual Conduct; Sexual Assault; Sexual Exploitation by a Mental Health Services Provider; and Sexual Coercion.

² Austin/Travis County Sexual Assault Response and Resource Team, *Biennial Report 22* (Dec. 2023), <https://traviscotx.portal.civicclerk.com/event/3099/files/attachment/31808>.

³ *Id.*

enforcement may not choose to staff a case with TCDA before arresting a suspect and filing a case for prosecution.

In 2023, TCDA conducted 158 adult sexual assault case staffings related to 142 cases. Thirty-two cases were accepted for prosecution through the staffing process.

Adult Sexual Assault Case Staffings by Agency in 2023*

	# Staffings	# Cases Accepted
Austin Police Department	123	23
Travis County Sheriff's Office	20	4
Lakeway Police Department	4	3
Lago Vista Police Department	2	0
University of Texas Police Department	2	1
Other/Agency Not Listed	7	1
Total	158	32

**Data pulled on April 11, 2024.*

There are three ways that an adult sexual assault case may be referred to the Travis County District Attorney's Office. When a case is staffed with TCDA, law enforcement and TCDA may both agree that prosecution is appropriate. Alternatively, law enforcement may not believe that a case should move forward but TCDA believes it should. In such instances, the case is accepted directly by TCDA through what is referred to as a "no complaint". The table above represents cases where both TCDA and law enforcement agree that prosecution is appropriate as well as cases that TCDA has accepted directly through the "no complaint" process. The third way a case may be accepted occurs when law enforcement directly files a case with a judge without staffing that case with TCDA. Once an arrest is made, these cases are also referred to TCDA for prosecution. Cases that are directly filed by law enforcement and referred to TCDA post-arrest are not represented in the above table.

Case Development and Review

Once a case is accepted for prosecution, TCDA continues to receive and review evidence. For example, TCDA may conduct additional victim and witness interviews, subpoena additional evidence, and request additional forensic testing. At the conclusion of this phase, TCDA will present the case to a grand jury for indictment.

Occasionally, TCDA may determine that prosecution of a case cannot move forward. In such circumstances, TCDA will "reject" a case if it has not yet been presented to a grand jury or "dismiss" a case if the case has already been indicted by a grand jury. TCDA may reject or dismiss a case because there is not sufficient evidence to proceed with prosecution, a necessary victim or witness decides that they no longer wish to participate in the case or recants their original testimony, new evidence comes to light that disputes the findings of the initial investigation, or new evidence suggests that additional investigation by the referring law enforcement agency is required. Additionally, a case may be

dismissed or rejected because prosecutors have decided to proceed on other charges or because a defendant has been convicted on other charges. In certain instances, a judge may dismiss a case following a motion filed by the defendant.

The table below represents cases that were presented to grand jury, rejected, or dismissed between January 1 and December 31, 2023. Please note that TCDA’s case data is not longitudinal. For example, some cases presented to grand jury in 2023 may have been received by TCDA during a previous calendar year.

Adult Sexual Assault Cases Received, Indicted, Rejected, and Dismissed in 2023*

# Cases Received		153
# Cases Presented to Grand Jury		134
	<i>Indicted</i>	126
# Cases Rejected		60
	<i>Rejected on request of complaining witness</i>	4
# Cases Dismissed		75

*Case totals represent a sum of unique cause numbers. TechShare data represented above was pulled on February 7, 2024, Odyssey data was pulled on April 12, 2024.

Case Prosecuted

Most prosecuted cases are resolved through a plea agreement. Occasionally, adult sexual assault cases are set for trial and resolved by a judge’s or jury’s verdict. In 2023, TCDA negotiated 75 guilty pleas in 68 adult sexual assault cases. Additionally, TCDA tried two adult sexual assault cases that year, resulting in one acquittal and one guilty verdict on all five counts presented.

2023 Adult Sexual Assault Convictions by Charge*

Convicted Offense	# of Charges Convicted	% of Total Convicted Charges
Sexual Assault	21	26%
Indecent Assault	20	24%
Sexual Coercion	10	12%
Aggravated Sexual Assault	6	7%
Assault Causing Bodily Injury – Family Violence	4	5%
Other	21	26%
Total	82	

* A single defendant may be convicted on multiple charges under the same cause number. Convicted charges represent convictions secured by negotiated plea of guilty, unnegotiated plea of guilty (open plea), and by trial. Convicted charges include preparatory offenses (e.g. Attempt to Commit Sexual Assault). Data represented in the above chart was pulled on February 15, 2024.

Appendix A: Charges Convicted by Year: 2017-2023

	2023	2022	2021	2020	2019	2018	2017
AGG ASSAULT CAUSES SERIOUS BODILY INJ	2	2	2	0	2	2	5
AGG ASSAULT W/DEADLY WEAPON	2	0	0	0	0	2	1
AGG KIDNAPPING BI/SEXUAL ABUSE	1	1	0	0	1	0	0
AGG ROBBERY	0	0	0	1	0	0	0
AGG SEXUAL ASSAULT	6	5	2	2	2	5	4
ASSAULT CAUSES BODILY INJ	2	0	1	3	6	3	4
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE	4	0	0	0	1	7	0
ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT	1	0	0	0	0	1	1
ASSAULT FAMILY/HOUSEHOLD MEMBER PREV CONV IAT	1	0	0	0	0	0	0
BURGLARY HABITATION INTEND SEX OFFENSE	2	3	1	0	0	0	0
BURGLARY OF HABITATION	1	1	1	0	1	0	0
CRIMINAL TRESPASS INST HIGH EDU PREV CONV IAT	1	0	0	0	0	0	0
FAIL TO COMPLY SEX OFF DUTY TO REG LIFE/ANNUAL	1	0	0	0	0	0	0
INDECENT ASSAULT	20	2	2	1	0	0	0
INDECENT EXPOSURE	1	0	0	0	0	0	2
INJURY CHILD/ELDERLY/DISABLE RECKLESS SBI/MENTAL	0	0	0	0	0	1	0
INJURY CHILD/ELDERLY/DISABLE W/INT BODILY INJ	0	0	0	1	0	1	0
INJURY CHILD/ELDERLY/DISABLED RECKLESS BODILY INJ	0	1	0	0	0	0	0
PROH SEXUAL CONDUCT	1	0	0	0	0	0	0
ROBBERY	0	1	1	0	0	0	0
SEXUAL ASSAULT	21	11	9	5	14	12	10
SEXUAL ASSAULT PROH/PURPORT SPOUSE	1	0	0	0	0	0	0
SEXUAL COERCION	10	4	0	0	0	0	0
UNLAWFUL RESTRAINT EXPOSE TO SBI	1	2	1	1	3	7	4
UNLAWFUL RESTRAINT	3	0	1	1	0	1	3
UNLAWFUL RESTRAINT LESS THAN 17 YRS OF AGE	0	0	0	1	0	0	0
TOTAL:	82	33	21	16	30	42	34

***A single defendant may be convicted on multiple charges under the same cause number. Convicted charges represent convictions secured by negotiated plea of guilty, unnegotiated plea of guilty (open plea), and by trial. Convicted charges include preparatory offenses (e.g. Attempt to Commit Sexual Assault). Conviction data represented in the above chart was pulled on February 15, 2024.*

Cases Convicted by Year: 2017-2023

	2023	2022	2021	2020	2019	2018	2017
JURY TRIAL	1	1	0	2	5	7	1
NEGOTIATED PLEA OF GUILTY	68	29	19	12	23	33	29
UNNEGOTIATED PLEA OF GUILTY TO JUDGE (OPEN PLEA)	0	0	0	0	0	0	1
TOTAL:	69	30	19	14	28	40	31

***Case totals represent the sum of unique cause numbers resulting in a conviction each year. A single defendant may be convicted on multiple charges under one cause number. A conviction includes cases resolved by a negotiated plea of guilty, unnegotiated plea of guilty (open plea), and by a guilty trial verdict. Conviction data represented in the above chart was pulled on February 15, 2023.*