

# Federal Suit Claims Systemic Failures to Pursue Rape Cases by Travis County DA, Austin Police

Three women have filed a federal class action lawsuit claiming that the Travis County District Attorney's office and the Austin Police Department have violated the constitutional rights of women and discriminated based on gender in the manner in which they handle sexual assault cases.

The lawsuit notes that while more than 1,000 women report a sexual assault to Austin police each year, the number of cases actually taken to trial annually are in the single digits, according to a post on the website of **Androvett Legal Media & Marketing**.

The lawsuit alleges that Travis County DA Margaret Moore has ratified the discriminatory policies publicly, making statements that acquaintance rapes are really more "traumatic occurrences" than criminal acts. Moore has also indicated that the testing of the backlog of thousands of rape kits in Austin is for "informational purposes" and not for prosecution, confirming her office's intent not to seek justice for those victims.

The lawsuit also notes that the Austin Police Department's sexual assault unit at one time had a wall with photos of victims whose claims had been "debunked" by officers as "trophy of their investigations which determined allegations by purported victims were unsubstantiated."

Finally, the lawsuit notes that while women make up 91 percent of sexual assault victims, the only case taken to trial in 2017 involved a male victim. In that instance, the Travis

County Sheriff's Office and the DA were aware of allegations by multiple women in previous years against the same perpetrator, but those cases were never prosecuted.

"[The] unconstitutional conduct by Defendants subjects both victims and all the women of Austin to continued risk at the hands of perpetrators who are never held accountable," according to the complaint, filed in the U.S. District Court for the Western District of Texas. The lawsuit, which seeks class-action status, claims that the dominant culture and ongoing and historical failures by local law enforcement to pursue sexual assault cases establishes a conspiracy to violate the civil rights of an estimated 6,000 sexual assault victims, while also violating their constitutional rights for equal protection.

"It is shocking that the vast majority of women who survive sexual assault are provided so little protection or recourse, and are essentially blamed for the refusal of law enforcement to seek justice in their cases," says Jennifer Ecklund of **Thompson & Knight** and lead counsel for the plaintiffs. "Women go to authorities in order to seek justice and to protect other women, but the policies and practices of law enforcement instead re-traumatize survivors while allowing their attackers to walk free."

The case is *Amy Smith, Julie Ann Nitsch and Marina Conner v. City of Austin, Travis County District Attorney Margaret Moore, Rosemary Lehmberg and Travis County, Texas.*