

**From:** Sara Guerra Winn >

**Date:** Friday, July 19, 2019 at 3:54 PM **To:** MacBook Air Sdavis

**Cc:** Gregg Cox

Ashley Zamarron

Sara Guerra Winn

**Subject:** RE: [CAUTION EXTERNAL] Re: Open Records Request: Cases Not Pursued by Travis County District Attorney's Office - Sean Davis [IWOV-CivilDB.FID467331]

Mr. Davis,

Please see the attached document in response to your request.

Thank you,

***Sara Guerra Winn***

Senior Paralegal | Operations Division

Travis County District Attorney's Office

**From:** [sdavis](#)

**Sent:** Tuesday, July 23, 2019 2:40 PM

**To:** Sara Guerra Winn Gregg Cox Ashley Zamarron Matthew Entsminger Asst

**Subject:** Re: [CAUTION EXTERNAL] Re: Open Records Request: Cases Not Pursued by Travis County District Attorney's Office - Sean Davis [IWOV-CivilDB.FID467331]

Hi Sara,

Seem we have a little problem with the data.

According to what you sent me, the Travis County District Attorney's office is going on record as stating that during 2016 it rejected only 18 cases of sexual assault, 20 for 2017 and 8 for 2018. Unfortunately, the data you sent me **doesn't reflect the actual cases the Travis County District Attorney's office actually**

**didn't pursue.**

**In 2016 alone the TCDA didn't pursue 147 not the 18 cases in the document you sent me.** This isn't just me stating this, but based on the information uncovered in the class action lawsuit Margaret Moore is currently facing:

<https://www.statesman.com/news/20190722/new-state-laws-could-guide-judges-ruling-in-local-suit-over-sex-assault-investigations>

In the above Ryan details the facts:

From July 2016 to June 2017, Austin police investigated 1,161 sexual assaults but made just 96 arrests, according to the lawsuit. During the same period, the DA's office received 224 sexual assault case referrals for prosecution and proceeded with only 77.

After repeated attempts at trying to get the DA's office to properly comply with this request, only to have them come up with another way to ignore the Attorney General's ruling on this matter, I find myself with no other option but to report this matter to the Attorney General in the hopes they will be able to get the **ACCURATE DATA** that was requested.

If I am missing something here, please let me know by the end of the day today.

I have tried to be as patient as possible but getting **false data from the Travis County District Attorney's office on a public information request** is a **HUGE red flag** and **makes me wondering what else is being concealed from the public.**

Sara, I know you are just doing your job and I appreciate your help, my issue is with the public servants that are giving you your instructions as they seem to think they are above public scrutiny based on their actions.

Have a great week.

All the best

S

(Ilse file for film transfer in correspondence)

**From:** Gregg Cox

**Date:** Tuesday, July 23, 2019 at 1:21 PM

**To:** MacBook Air <Sdavis Sara Guerra Winn

**Cc:** Ashley Zamarron Matthew Entsminger Asst

**Subject:** RE: [CAUTION EXTERNAL] Re: Open Records Request: Cases Not Pursued by Travis County District Attorney's Office - Sean Davis [IWOV-CivilDB.FID467331]

Mr. Davis,

We believe that the data provided to you accurately reflects the cases filed by law enforcement (“cases and or complaints”) that were then rejected or dismissed by this office (“not pursued”), with the disclaimer that there are some cases that no longer exist in our system due to the lawful expunction of records (under Chapter 55 of the Texas Code of Criminal Procedure) upon petition by defendants that received an acquittal or a dismissal after successful completion of a pre-trial diversion program. Once an expunction is obtained, we are ordered by the court to remove all references to the arrest or charge from our records. This office, in an effort to combat the problems of mass incarceration, particularly in minority communities, has developed robust diversion programs that are designed to allow certain low-level offenders to complete a pre-trial diversion program and have their record wiped clean upon successful completion of that program. Please see this portion of our website for a more detailed explanation of those diversion programs -

<https://www.traviscountytexas.gov/district-attorney/office-divisions/grand-jury>

With respect to your concern about the differences between the data you have and the information in the news article you have cited, please note that the reporter specifically said that he pulled that information from the original complaint filed in the civil lawsuit. That complaint/petition contained numerous factual errors, particularly with respect to the numbers of complaints and prosecutions. Much of that data came from a SARRT community needs assessment that was prepared and submitted without our input, and we have demonstrated that the underlying data was wrong. Despite our repeatedly pointing out that the data is incorrect, the press has continued to use those numbers.

I hope this answers your questions or concerns.

Sincerely,

**Gregg Cox**

Director of Operations/Assistant District Attorney  
Travis County District Attorney's Office

**From:** MacBook Air Sdavis

**Date:** Tuesday, July 23, 2019 at 3:47 PM

**To:** Gregg Cox Sara Guerra Winn

**Cc:** Ashley Zamarron Matthew Entsminger Asst

**Subject:** Re: [CAUTION EXTERNAL] Re: Open Records Request: Cases Not Pursued by Travis County District Attorney's Office - Sean Davis [IWOV-CivilDB.FID467331]

Dear Gregg,

Thanks for getting back to me.

While I think I understand the expunction procedure, I just wanted to

clarify it isn't used in the cases of Sexual Assault (please correct me if I am wrong here) and is only used for lesser offense like the ones listed on the website (Drugs, DWI, Mental Health, etc.)?

Also, in terms of the Class Action being factually inaccurate and the press continuing to report those numbers. It might have to do with the fact a lot of the numbers are being taken from publicly reported data and your office hasn't given reporters and documentary film makers like myself any evidence to refute their data. I know you will tell me because the case is pending, so lets put 2016 aside for now.

ISAT – The organization that DA Moore created and heads up – reported that 110 cases were declined for prosecution by your offices in 2017.

Further, ISAT distributed that information in the below handout at the Travis County Public Safety Commission on Moore's behalf and she referenced numerous pieces of information from this document when she spoke on February 4 2019 on behalf of ISAT:

<http://www.austintexas.gov/edims/document.cfm?id=314422>

<http://austintx.swagit.com/play/02042019-882>

While I know you are not a fan of SAART and the data they have distributed, are you saying that ISAT, which is to say DA Moore's organization got the numbers wrong too?

**I ask because the document you sent me indicates only 20 cases were "rejected" by the Travis County District Attorney's office, while ISAT has stated 114. That's 94 separate cases missing from my public information request.**

I also believe this number, 94 is low because the ISAT data seems to be only capturing Austin and not the surrounding areas that are part of Travis County and would make this number substantially higher.

Again, I am happy to hear the DA side of the numbers SAART has put out

but even using your organization, which is to say ISAT's numbers, **there are 94 cases missing from the list you sent me** and I think it is fair to say that data set will be higher since I asked for ALL of Travis County.

I look forward to hearing from you.

All the best,

S

(Ilse file in numbers hustle)