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Justice for Children Package Testimony

October 22, 2015

Senator Rob Cowles

Over the past year, the Department of Justice, the Attorney General's office, advocacy groups and I have collaborated to address some major crimes against children and victims of sexual assault and create a collaborative approach to protect children and sexual assault victims and provide them with an opportunity for better outcomes. I am very pleased today to have the "Justice for Children package" heard.

These bills are aimed to reform major crimes against children and victims of sexual assault to ultimately keep kids safe. In researching these crimes and collaborating with the Department of Justice, it was clear that something needed to be done to address cases of abuse, neglect, and sexual assault and again, and most importantly, to keep kids safe.

In this package we have put together four bills to aid in the fight against these crimes.

Senate Bill 323 allows victim advocates to play a larger role in cases of sexual assault and human trafficking, both against adults and children. Through research, we have found that survivors of sexual crimes who have received services from a victim advocate have experienced better outcomes and are in less distress through such a difficult and trying time. National statistics estimate nearly 23million women in the United States have experienced sexual violence, while child sexual assault is a grossly under reported crime. We needed to address the needs of our victims in this state. This bill, specifically, gives victims greater access to victim advocates during examinations and consultations performed at a hospital, as well as, during preliminary law enforcement interviews. This bill gives victims, free of charge to them, someone who is there, solely, for their needs.

Senate Bill 324 reforms the neglect statutes and adds substance and clarity. Under current law, you have to prove intent to neglect, in addition to, a felony schedule that is inflexible and leaves out many instances that certainly constitute neglect that is happening in our communities. This bill redefines neglect as the negligent failure to provide necessary care. The bill further defines necessary care as appropriate food, clothing, medical and dental care, shelter, supervision, the opportunity for education, and protection from the exposure to the distribution, manufacture or use of controlled substances; modeled after the statutes governing jurisdiction over children alleged to be in need of protective services (§48.13(10m)). This bill also creates a new felony schedule, while the ceiling and floor remain that same, we have included instances where children are at unreasonable and substantial risk of harm, great bodily harm, or death are included as well as accounting for emotional harm, and if the child neglected becomes the victim of a child sex offense. The new schedule clearly provides greater detail and flexibility to identify neglect while maintaining the discretion District Attorneys and jurors currently have.

Senate Bill 324 also creates the crime of repeated acts of neglect of the same child. This is modeled after the crime of repeated acts of sexual assault of the same child (§948.025). This gives prosecutors a new tool to identify situations in which a very young or non-verbal child has been neglected. For very young or non-verbal children, dates and specific instances maybe challenging to identify. This new crime does not change any of the elements necessary to convict someone of neglect.

Senate Bill 325 is similar to Senate Bill 324 in that it too creates a new crime. The bill creates repeated acts of physical abuse of the same child. Again, modeled after repeated acts of sexual assault of the same child (§948.025) this crime helps prosecutors convict the more grievous cases of physical abuse against children, many of whom are very young or possibly non-verbal. Through our research, the children who are victims of these crimes are very young. In the State of Wisconsin, from 2008-2012, 61% of physical abuse deaths of children were aged 3 or younger, with 35% of the deaths were children under the age of one. We hope that the two new crimes created in this package will save such young children who are victims to these horrible crimes.

Senate Bill 326 expands referral of all reports of suspected or threatened child abuse or neglect to law enforcement. Under current law, suspected cases of child abuse and neglect are referred by mandated reporters to Child Protective Services and not law enforcement. Child abuse and Neglect are the only two felonies not referred to law enforcement. This bill requires that Child Protective Services refer all suspected or threatened cases to law enforcement and coordinate a response if necessary. This legislation lets law enforcement decide if law enforcement needs to be involved. Unfortunately, we have amassed several examples from all over the state where law enforcement was not involved in an investigation of neglect or abuse and the child/children suffered continued maltreatment and, in the saddest cases, death. Law enforcement has different tools available for investigating, such as the ability to obtain search warrants and subpoenas. We feel that this legislation is going to be a vastly improved approach to identifying cases of abuse and neglect and help to keep kids out of harm's way.

It is so important to ensure that victims of such terrible crimes are protected in Wisconsin and receive justice from those who have wronged them. By aligning our District Attorneys, Law Enforcement, Victim Advocates, Child Protective Services and our communities together we can create a proven environment to protect the victims of these crimes and aim towards achieving greater outcomes for these victims.

I want to thank all those involved with these bills especially Attorney General Schimel, and Representatives Heaton, Macco, Murtha and Tranel for their work on this package of bills.

With these bills, I hope we can strive to give kids a violence-free and safe childhood and deter acts of abuse neglect and sexual assault in our communities. I hope that these bills can bring criminals to justice and of course, keep kids safe.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: October 22, 2015
To: Members of the Senate Committee on Judiciary and Public Safety
From: Sara Buschman, Assistant Deputy Secretary
Re: Information Memo on SB323, SB324, SB325, and SB326

Senator Wanggaard and Senate Committee on Judiciary and Public Safety,

The Department of Children and Families appreciates the opportunity to submit information for your consideration on the following four bills: SB 323, SB 324, SB 325, and SB 326.

The underlying goals of the four proposed bills are to keep children safe from maltreatment and to strengthen the coordination between the child welfare and law enforcement systems in protecting the safety of children. The Department of Children and Families is firmly committed to these goals: protecting the safety of children is a core mission of the Department and effective collaboration with law enforcement is a critical building block in achieving this mission.

A number of the provisions in the bills enhance children's safety and well-being in productive ways. However, a number of the provisions in SB 324 and SB 326 may have unintended negative consequences that will impair the healthy and positive growth and development of children. The Department encourages that further discussion among all stakeholders be pursued to refine SB 324 and SB 326 to avoid unintended negative consequences to the children affected by the bill.

SB 324 changes the standard of neglect for criminal purposes and establishes a criminal penalty for all types of neglect. The proposed changes in the neglect standard of neglect include some criteria that are not well-defined and some criteria that broadens the standard to cover actions that do not necessarily involve safety threats to a child's safety. For example, the criterion "the opportunity for education" as a new category of neglect is not well-defined and does not have a statutory definition and therefore could be interpreted in ways other than which the authors intend. In addition, the proposed new criterion "exposure to the use of controlled substances" could involve a parent using prescription drugs in a responsible manner that does not create a threat to the child.

The Department recognizes that the current criminal neglect statutes may not provide the tools for law enforcement to intervene in circumstances where that is the appropriate intervention. However, SB 324 creates the possibility that a parent may face criminal charges even for low level incidents of neglect. This could have significant negative unintended consequences for children. Many types of neglect that are addressed in the child welfare system and that would be covered by the criminal neglect standard in the proposed bill are situations that involve low to moderate risk to the child that can be ameliorated by providing appropriate supports and services

to the parent, so that the parent is able to provide a safe, stable, and nurturing home. For example, in cases where neglect is occurring due to mental illness, with appropriate intervention and supports and services through the child welfare system, the parent can change their behavior and maintain a safe and loving home for their children without disruption to the children that would be caused due to a parent's incarceration under these provisions.

Furthermore, to the extent that a single parent is incarcerated due to the new criminal penalties in the bill, the child may need to be removed to an out-of-home placement, such as a foster home. In addition to the neglect that the child experienced, separation from a parent and removal from home imposes additional trauma on the child. Scientific research has shown that trauma in childhood impedes the healthy development of the brain, resulting in negative impacts on the child's physical health, cognitive development, behavior, and social and emotional relationships in both the short and long term.

SB 326 also creates the potential for negative unintended consequences for the children impacted by the bill. SB 326 requires child welfare agencies to refer all suspected cases of abuse and neglect to law enforcement within 12 hours and requires that law enforcement coordinate with the child welfare agency on the investigation of all cases. Currently, child welfare agencies refer to law enforcement agencies all sexual abuse cases and other cases as specified in the local Memorandum of Understanding in place between each child welfare agency and local law enforcement agencies. Child welfare agencies already involve law enforcement immediately in high risk cases.

Involvement of law enforcement in all low-moderate risk cases may create negative unintended consequences for the child and family. Many families involved in the child welfare system distrust and/or are intimidated by law enforcement. National research has shown that for low to moderate risk child welfare cases, a non-threatening, supportive approach enhances parental engagement and participation in services, and thereby increases the likelihood that the family can achieve safety and stability. The notification and involvement of law enforcement for all cases of abuse and neglect has the potential to stigmatize the family and hinder the family's future ability to access employment, housing and develop positive social connections. It may also deter non-mandated reporters, such as neighbors and relatives, from reporting concerns about possible abuse and neglect, leaving children at risk.

The requirement in SB 326 that investigations must be coordinated between child welfare agencies and law enforcement may hinder both systems from performing their duties. The child welfare and the criminal justice systems are designed to support different goals that are important to society. The child welfare system is focused on protecting children, preserving family unity and finding permanency for children when the family cannot be preserved. The agency staff, attorneys and court personnel are guided by the best interests of the child. The criminal justice system is focused on investigating and prosecuting crimes on behalf of the state. These two systems overlap in some areas but are governed by completely different statutory provisions and court procedures. The investigatory process used to support each system is necessarily different. Linking the two processes together in all cases may impede the ability of each system to reach the goals that are important to each.

It is important to coordinate in cases where each has a major stake in the outcome and to reduce the burden on those the systems are endeavoring to protect. That coordination exists today in most jurisdictions and could be strengthened. As stated at the outset, the Department supports strong, effective collaboration between the child welfare and law enforcement systems. The

Department would like to work with the authors and stakeholders to discuss how we can strengthen and improve current collaborative mechanisms between the two systems without creating unintended negative consequences such as those described above.

The Department would also like to bring to the attention of the Committee a possible technical revision to SB 323. As currently drafted, SB 323 provides access to a victim advocate for victims of sexual assault, human trafficking, and children who were victims of physical as well as sexual abuse. Given that the bill appears to be focused on victims of a sexually abusive action, it may be appropriate to narrow the scope of child abuse cases covered in the bill to sexual abuse cases.

The Department has no comments on SB 325 which creates stronger criminal penalties for individuals who commit repeated physical abuse to a child. The Department views that the bill provides a useful additional tool to help ensure that children are not subject to egregious abusers.

In summary, the Department appreciates the authors of these bills for opening the conversation on a topic that we all care deeply about: protecting our children and strengthening families. We would like to encourage additional thoughtful discussion among all stakeholders on SB 324 and SB326 to refine the bills so that they achieve their intended goals of protecting the safety of children without creating negative unintended consequences. The Department welcomes participating in any future discussions on these bills.



Tom Barrett
Mayor

Bevan K. Baker, CHE
Commissioner of Health

Health Department

Milwaukee Commission on Domestic Violence and Sexual Assault

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October 22, 2015

Senator Van H. Wanggaard and Members
State Senate Committee on Judiciary and Public Safety
Wisconsin State Senate
State Capitol
2 East Main Street
Madison, Wisconsin 53703

RE: SB 323

Dear Chairman Wanggaard and Committee Members:

The Milwaukee Commission on Domestic Violence and Sexual Assault wishes to express its support for SB 323, a proposal to ensure that survivors across the state of Wisconsin are given the right to a trained advocate throughout all stages of the medical and criminal justice process.

Created by the City of Milwaukee Common Council, the Commission has worked with those affected by domestic violence and sexual assault as well as the agencies that serve them for over thirty years. The Commission's duties include, but are not limited to, monitoring and promoting legislation, increasing community awareness, and designing policies, protocols, and trainings for public and private entities. This multidisciplinary team is charged with the responsibility to increase safety for victims of domestic violence and sexual assault while holding perpetrators accountable.

Too often, we hear victims detail their overwhelming and disorienting experiences in the criminal justice system. Victims are asked to undertake the daunting task of navigating an unfamiliar and complex network of processes, proceedings, agencies, and services, all while coping with the trauma of an assault. Survivors, particularly victims of human trafficking, receive poor treatment from others, including those who are present to respond to them. Indeed, half of all rape victims report secondary victimization due to victim blaming by police. Survivors with these damaging experiences are less likely to be subject to a successful investigation or seek medical and mental health services, thereby resulting in long-term health consequences. This legislation, however, provides an opportunity to confront these issues and reaffirm our commitment to ensuring dignity, fairness, and respect for crime victims.

As a research-based best practice and model policy of the International Association of Chiefs of Police, victim accompaniment is regarded as an important tool in establishing a victim-centered approach to investigation and prosecution. Well-supported victims have better outcomes by improving their participation in the criminal justice system, increasing the amount and quality of information reported,

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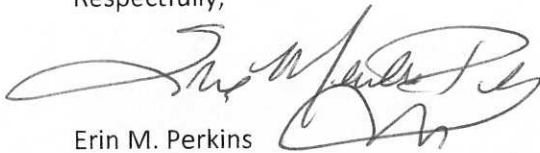
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connecting them with supportive services, and most importantly, facilitating their recovery. These results bolster our chance to hold perpetrators accountable and make our communities safer. Survivors themselves attest to the value of trained advocates as a much-needed source of comfort and security in their time of need, capable of imparting the information and options that victims deserve to make informed decisions along their healing journey. Members of law enforcement have shared that advocates can assume the demands of giving ongoing support to a survivor, which alleviates the pressure on detectives alone to address survivors' numerous needs and allows them to focus on conducting investigations.

The Milwaukee community is currently reaping the benefits of this practice with the introduction of a victim accompaniment protocol, thanks to a partnership between the Milwaukee County District Attorney's Office, Milwaukee Police Department's Sensitive Crimes Unit, and Aurora's Sexual Assault Treatment Center. The Milwaukee Commission on Domestic Violence and Sexual Assault hopes that access to this same level of support will be afforded to all survivors across the state of Wisconsin.

Thank you for your time and consideration. If you would like additional information, please do not hesitate to contact me by email at eperkin@milwaukee.gov or by phone at (414) 286-2997.

Respectfully,



Erin M. Perkins
Coordinator
Milwaukee Commission on Domestic Violence and Sexual Assault

CC: Senator Leah Vukmir
Senator Frank Lasee
Senator Fred Risser
Senator Lena Taylor

TO: Senate Committee on Judiciary and Public Safety
FROM: Michelle Mettner, VP of Government Relations & Advocacy, Children's Hospital of Wisconsin
DATE: 10/22/15
RE: SB 323 – Victim's Advocate

Good afternoon Chairman Wanggaard and members of the committee. Thank you for the opportunity to provide this testimony on SB 323. My name is Michelle Mettner and I am the VP of Government Relations & Advocacy for Children's Hospital of Wisconsin. It is because of our experience with child victims in our emergency room and child advocacy centers as well as our intervention with fragile families through our social services work, we offer the following observations and suggestions on this legislation.

Children's Hospital of Wisconsin serves children and families all across the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals to routine checkups in our primary care clinics. Children's also provides specialty care, urgent care, emergency care, dental care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, child welfare services, family preservation and support, mental health services, pediatric medical research and the statewide poison hotline.

Children's Hospital of Wisconsin is the largest not-for-profit, community-based agency serving children and families in the state, providing family preservation, counseling and advocacy services to more than 15,000 children and families annually. Research has shown that kids who experience adversity are 25 percent more likely to face lifelong physical, emotional, cognitive and behavioral challenges. We are working to break that cycle through our Child Advocacy Centers and our well-being approach, Strong Families, Thriving Children, which is based on physiological and psychological research that is customized to build on each family's unique strengths and address areas of improvement. Children's operates seven of the 14 Child Advocacy Centers (CACs) across the state that bring together professionals from law enforcement, criminal justice, child protective services, victim advocacy agencies and the medical and mental health communities to provide comprehensive services for child victims and their families. The goal of Child Advocacy Centers is to minimize trauma, break the cycle of abuse and, importantly, increased prosecution rates for perpetrators. In 2014, more than 7,000 families and children were served through our child advocacy and child protection centers.

This bill would grant a victim advocate to a victim of a crime of abuse or neglect. Children's supports this legislation and applauds the authors and intent behind this important change. We offer a few concerns and suggestions for consideration. First, we encourage you to consider adding a threshold age of the victim for triggering the legal rights of having an advocate. It is our recommendation that this apply to a child age ten or older. In our experience, determining who is a "victim" can be very challenging in pediatric settings. We have found children under the age of ten cannot effectively leverage the legal right for the advocate.

We suggest that an advocate would not be appropriate in a child advocacy center forensic interview setting. Forensic interviews are critically important in assessing if a child has been sexually abused or assaulted. The forensic interviewer who is responsible for the quality of how the interview is conducted should have the discretion to allow an advocate to be present in pediatric cases, but should not be required to do so as the quality of the interview could be negatively impacted inadvertently through verbal and nonverbal cues from an advocate in the room. We also suggest that an advocate would not be appropriate to have present during sexual abuse exams in the emergency department, due to the sensitive nature of the exam. We do, however, see that a victim advocate would be helpful in navigating a patient to the ED and also supporting them as they wait for their care/exam.

Chairman Wanggaard and committee members, I thank you again for the opportunity to submit testimony. If you have any questions, comments or concerns please feel free to contact me via email at mmettner@chw.org or via phone 414-266-5434.



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To: Members of the State Senate Committee on Judiciary and Public Safety
From: Detective Patti Crump
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

When I began as a Detective in 2003 my very first case was the sexual assault of a 9 year old child who suffered from various disabilities. Green Lake County did not have advocacy at this time, nor did we have a solid sexual assault investigation process. I myself had no specific training on sexual assault. The case did end in a conviction but not without a cost to the family. They moved from the area as the perpetrator was from a prominent family. They had no one to support them. The school and church were of no assistance and both sought forgiveness from the family who had not yet come to terms of what happened to their child. Providing the services of an advocate to see them through the forensic exam, interviews, and court hearings would have been immense. They would not have felt so alone if someone would have been in their corner.

Since that time Green Lake County has developed a Sexual Assault Protocol that is Victim Centered and Offender Focused. We have trained our officers in trauma and how it may present itself during the first contact they have with the victim. Green Lake County also obtained the services of ASTOP, Sexual Assault Advocacy. At first officers were apprehensive that the advocate would intervene in their investigation. So we developed a training where Victims, SANE, Advocates and Officers all worked together and completed a sexual assault investigation together. Upon completion each officer stated that they no longer feared getting the "SEXUAL ASSAULT" call and realized that working together with an advocate allowed them to focus on the information they required, the SANE to collect her forensic evidence and the Advocate could care for the emotion needs of the victim. They realized it simplified their position having an advocate there to support the victim and/or the victim's family.

During SANE evaluations personal information is being presented to total strangers regarding a victim's sexual past, health, and social interactions. The advocate is the face that provides comfort and holds their hand. The advocate wants nothing from the victim; they are there to give the victim the support they need during an invasive process.

I have conducted over 1000 forensic interviews of children. Now with advocacy I can call to have them present with the parent/guardian while I interview the child. This allows the advocate to explain the process and what services they can provide and not take time from law enforcement or social services who are working on the investigation. It is difficult to be that parent waiting to hear if your child is disclosing that they have been sexually assaulted. The advocate keeps the parent from focusing on what they may perceive as bad parenting by engaging, educating and supporting them through the process.

It simply makes sense that advocates follow the victim throughout the process. It is a source of comfort in a time of turmoil. It doesn't matter to that victim if the case is 5 days old or 5 years old. The emotion and trauma are always fresh and they need that point of support. That someone to count on who is familiar with the system, who will recall what is said during court and most of all that person who is not there to pass judgement. Advocacy is a resource that has been under-utilized and misunderstood throughout the criminal justice system.

I ask that you please support the victim accompaniment bill, Senate Bill 323.

Thank you for your time and consideration. If you have any questions, you can contact me at Green Lake County Sheriff's Office, 920-294-4000.

Sheriff Mark A. Podoll

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Nicole Berg
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

I am a Sexual Assault advocate and am in support of the Senate Bill 323 that will allow a victim to choose if they would like to have an advocate with them during interviews with law enforcement, medical exams and all other proceedings involved in the prosecution of sex offenders. I would like to share a story as to why I am in support of this legislation.

I had a victim of sexual assault who reported the assault and had a SANE exam. About a week later the interview was scheduled with law enforcement.

The police department was set up so that there was a waiting area and a separate room with a closed door for the interview. The victim tearfully expressed she wanted me to be present during the interview process and that she was afraid to be left alone in the police station with three male officers. The officer who was doing the interview insisted I could not be present for the victim and asked me to completely leave the police station and wait outside in my car. After my exit, he locked the doors to the police station where the interview was taking place.

The victim was extremely distraught and crying because I had to leave her in a strange environment with three male police officers. Distressed to the extent she somehow grabbed my car keys so that I could not leave the parking lot. This situation not only caused her harm but also broke her trust in law enforcement. When the interview was complete she told me she didn't want to take this any further and wants to just move away and forget about what happened. Thus allowing the perpetrator to not be held accountable for a crime she tried to report and decided not to because of a bad interaction with law enforcement.

This is just one story of a victim who wanted to have an advocate present through the interview and was denied this support. It is an ongoing problem and the only thing that will change it is through the passage of this bill.

Thank you for your consideration. If you have any questions, you can contact me

Respectfully,

Nicole Berg

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Officer Kelly Andrichik
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

I support this bill as a sexual assault investigator and a police officer. I am the primary officer for sexual assaults on the UW Parkside campus in Kenosha, Wisconsin. The victims whom I come in contact with benefit greatly from advocacy that is offered to them. In my 17 years as a police officer, I see a great difference in the process of recovery of a victim who has received advocate involvement since the beginning of the incident. I do not view the presence of an advocate with a victim at the beginning stages or interview of the victim as a detriment to my case. I view them as an asset to both myself and the victim.

Thank you for taking the time to consider my support of Senate Bill 323: Victim Accompaniment Bill. If you have any questions, you can contact me at Kelly.andrichik@uwp.edu.

Most sincerely,
Officer Kelly Andrichik
UW Parkside Police Department
900 Wood Rd.
Kenosha, WI 53141
262-595-2455

To: Members of the State Senate Committee on Judiciary and Public Safety

From: Amanda Ebben

Subject: Senate Bill 323: Victim Accompaniment Bill

Position: Support

Date: October 22, 2015

Victim Accompaniment Bill

Dear State Senate Committee,

My name is Amanda Ebben, and I believe that the Victim Accompaniment Bill would be beneficial to all victims, and this is why.

On October 30th, 2011 I was the victim of a brutal sexual assault and domestic violence. After being beaten for 5 hours, my then boyfriend, decided that to appease me, he would rape me. After being ignored by people who came into contact with me that night, I felt like I would never get away. I felt that I was going to die there. I even went so far as to tell a man I loved, and who I thought loved me to "just end it, just kill me." So many women, myself included at that point, are not aware that even in a relationship, even after being brutally beaten, no doesn't have to be said for sex to be unwarranted. My case, was difficult, because I reside in a completely different community from where my assault took place. After filing a restraining order against my assailant in my county, I was informed that I should see someone about the sexual assault.

That is when my life changed for the better. I met Angel Gilbertson, a client advocate through ASTOP. Being so overwhelmed, she did her best to give me the information and resources I needed that night. She offered the services of ASTOP as well. I don't think I could ever put in words just how much of a blessing her presence was in that room. Just how important it was for me that she was there. She gave me a little care package, that the local church had put together, since many women have nowhere to go. I didn't really require it, as I had everything I needed, but the level of comfort you feel, knowing that your every need can be met. In that package was a small, red, fleece blanket with snowmen on it. Four years later, I still have this blanket. I slept with this blanket for weeks after my attack. Angel gave me this comfort, Angel was my care package. I may not have known it that night, but four years later I do know this.

Angel knew, before I did, all the things I needed to move forward, she was present for every stride forward, for every hearing, and offered any assistance she could. I just figured she was expected to be there at the hospital that night. I would have never have thought to ASK for someone to advocate me through the darkest night of my life. No abused person should ever have to ask for this level of help, no person should ever have to ask for their Angel.

I know that night would have gone very differently had Angel not been there. After being ignored by so many people, I finally had people who were not just listening but understanding, and giving me the compassion I needed.

This Accompaniment NEEDS to be required. Advocates are a pillar of strength, even for the scared women who have everything they need already. Just think of what they mean to the women who truly leave with nothing.

Many Thanks,

Amanda Ebben

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Elizabeth Champion
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

My name is Elizabeth Champion, and I live in Fort Atkinson, Wisconsin. I am the Executive Director for People Against Domestic and Sexual Abuse in Jefferson County. Today I am asking you to give your support to the victim accompaniment bill, Senate Bill 323, legislation strongly supported by the Wisconsin Coalition Against Sexual Abuse (WCASA). The bill will ensure that sexual assault survivors are given the right to a trained victim advocate, who can support the survivor through the medical and criminal justice processes (e.g., sexual assault forensic examination, law enforcement interviews, court proceedings, etc.).

After a sexual assault, survivors may feel lost, confused, scared, and powerless. A trained advocate can provide emotional support that may minimize the trauma that can occur during the medical and criminal justice proceedings. With victim accompaniment, survivors are more likely to feel empowered to continue through the difficult criminal justice process, resulting in more frequent reporting and prosecution. Our communities are safer and better able to hold perpetrators accountable when victims feel supported in reporting sensitive crimes and participating in their prosecution. Similar laws already exist in eleven other states and Washington, DC, and have proven effective.

I am writing to you both as a strong supporter for sexual assault survivors and as a survivor myself. This legislation may mean the difference between a survivor feeling safe and supported after the assault or feeling more lost, victimized, and frightened as they try to navigate a difficult criminal justice system alone.

Thank you for your consideration. If you have any questions, you can contact me at 920.342.9935 or elizabeth@padajc.org.

Respectfully,

Elizabeth Champion, MS
Executive Director | People Against Domestic and Sexual Abuse
PO Box 395 | Jefferson, WI 53549
office: 920.674.6748 | cell: 920.342.9935 | fax: 920.674.9849
elizabeth@padajc.org | www.padajc.org

24-hour crisis hotline: 920.674.6768

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Vicki H. Biehn
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

Hello and thank you for taking the time to read this letter about the Wisconsin Sexual Assault Victim Accompaniment bill, Senate Bill 323. I apologize for not being there in person to submit my testimony but I had a previous commitment that I could not miss. My name is Vicki Biehn and I have worked with sexual assault survivors and their allies as a sexual assault advocate for the last 23 years in the state of WI. It has been a privilege and honor to work with sexual assault survivors and their allies.

As a trained advocate, my sole role or concern is to provide emotional support and information /resources to the victim/survivor as they proceed through the system. This support is vitally important because this support helps to alleviate the trauma, anxiety, fear, confusion, pain, anger, and frustration associated with the sexual assault as well as the medical and legal proceedings. I have seen first-hand how scary, intimidating, painful, and frustrating it is for survivors to proceed through these systems. It takes tremendous amounts of courage to seek out medical care and to report a sexual assault to law enforcement and these survivors deserve the support that advocates provide. When an advocate is able to provide this emotional support and information about how the system works, the survivor is prepared, informed, able to cope, and therefore is more likely to stay involved with the system. This active engagement of survivors in the system is what ultimately holds offenders accountable and creates a safer community for us all!

I want to encourage you to support the Sexual Assault Victim Accompaniment bill because I know that it is extremely beneficial for the survivor and the system to have an advocate with the survivor as they proceed through the system. Not only do I know this but there was a study by Rebecca Campbell in 2006 that showed that rape victim advocates provide numerous benefits for the survivor and the system. For me, the most important reason to support this bill is that it is crucially important for these survivors and their families to have this support so we can hold these offenders accountable. If survivors have this support, they will stay engaged in the system and more survivors will come forward to report these crimes if they are supported. I want to live in a safer world. I want my children, grandchildren, great grandchildren and so on to live in a safer world and I know that this bill would increase the safety of all of our communities because the survivors will be supported and the offenders will be held accountable.

I would like to end my letter with some quotes from sexual assault survivors about how the advocate was helpful to them as they proceeded through the criminal justice and medical systems. These quotes are from survivors who my agency, Sexual Assault Services of LSS, worked with in Racine County over the last couple of years.

She was amazing! I don't know what I would have done without her.

Wonderful care, made me wonder why more people don't report

They provided answers in a time when all I had was questions. They helped slow down my mind and let me know that it was going to get better.

Reminded me that it was about "me" and gave me room to cry and talk

Calming demeanor, supportive, compassionate, wonderful relief

Having someone there with me through the process who tell you they understand was helpful

Good listener, understanding

Information on what to do next, Crime Victim Compensation, distracting in a good way

Shared info about resources, informed about the process

Everything was helpful. Such good advocates for me and felt really taken care of.

Resources were helpful-good to be believed and taken seriously

She made me feel comfortable

Understanding, explained resources, was supportive through exam

Made things more comfortable to have someone there for support and information

The way she took time to explain

Very caring, made me feel comfortable, very patient

Walked me through the process

She was there the whole time

Very professional

Thank you for your time and serious consideration of supporting the Wisconsin Sexual Assault Victim Accompaniment bill, Senate Bill 323! If you have any questions, you can contact me at 262-210-0482.

Sincerely,

Vicki H. Biehn, MA, LPC

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Rev. Alice L. Belcher
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

- Hello. I am a constituent. My name is Alice L. Belcher
- Today I ask **you, Chairman Wanggaard and Members of the Committee** to support Senate Bill 323, the sexual assault victim accompaniment bill.
- This bill will ensure that survivors of sexual assault and human trafficking are given the right to be accompanied by a trained victim advocate during the medical and criminal justice processes, such as during the forensic exam, law enforcement interviews, and court proceedings.
- Legal and medical proceedings can leave survivors feeling lost, confused, overwhelmed, and even powerless.
- But victim advocates help ensure that emotional support and assistance are available to survivors when most needed.
- In addition, more sexual assault cases go forward and more perpetrators are held accountable when an advocate is available to assist the survivor through these often long and difficult processes.
- As I am both, a first and secondary survivor of sexual assault, I can recall how I and my family member, desperately needed the assistance of an advocate from the trauma, discovery, medical and legal processes, but had none to help us or to help navigate us through the systemic processes. We were alone, traumatized, frightened and unsure of what was next and we were in shock. We found it very difficult to understand what had happened and what was going to happen. Our not having an advocate with us all along the way, caused us both to suffer re-victimization through unintended consequences by those systems which were designed to help and protect us. Today, we continue to suffer the long term consequences of this revictimization. Having a trained advocate, knowledgeable to accompany us along this traumatic journey, I know without a doubt, would have given us and our family, a possible better outcome in not being revictimized and retraumatized. Please support this legislation.

Thank you for your consideration. If you have any questions, or wish for me to testify before your committee, you can contact me at

Hello, my name is Dawn Helmrich and I am submitting this written testimony urging the members of the committee to vote for the victim accompaniment bill that the committee is considering today and here is why.

There were so many people in the room, a room I was unfamiliar with because I had crawled to the nearest house available after being raped by three strangers. There were EMTs and police officers and firefighters... Yet I felt completely alone. They were firing questions at me. "What did they look like", "Can you describe how you got to the backyard", "Why did you have a glass of water", "Why are you wearing that robe"? I remember my mind was so chaotic, I couldn't think straight... did anyone in this room realize I had just been raped. All I really wanted to do was go home, take a shower and go to bed.

They wanted me to go to the hospital, I had been hurt and needed medical care. I didn't want to ride in the ambulance, my mom had finally come and I wanted to ride with her. It was protocol they said, no more lost evidence they said (since I had already screwed things up by drinking water and wearing a robe) I didn't want to make matters worse. So I went... in the back of the ambulance... with three men... a driver up front and two men in the back. I had just been raped by three men. I was terrified.

The nurses were nice, they explained what they had to do and why, but they were there to do a job, collect evidence. Standing naked on a cloth sheet being "brushed" off for evidence I felt so alone. 20 days before they caught the men. 20 days without support from someone that knew what a survivor needed. 20 days of feeling lost and alone.

Once they were caught, and because two of them were juveniles I was assigned a victims witness advocate. I remember the phone call, she told me she would walk me through the court process and that I would not be alone. I could call her anytime and she would make sure I had all of the information I needed to make the best decisions for myself. In that moment I felt a sense of empowerment. I would have someone that would help me get through this process. Someone to advocate for me, someone to let me know my rights, someone that would walk with me so that I would not be alone. The only reason I was able to walk into court 3 times and stand up and give testimony was because I had an advocate.

It is 20 years later and I still remember her first and last name, I can still see what she looks like when I close my eyes. I attribute the start of my healing journey to her and her help in guiding me through an impossibly horrible situation.

I beg you to hear my words and listen to my voice. No one should have to feel the kind of aloneness I felt, no one should have to walk this healing journey without a trained individual whose soul concern is the my well-being and who has no other obligation to any other institution or individual accept me in that moment. There are so many of us who face unimaginable trauma, one person from the start could make that healing journey so much more tolerable.

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Heidi Lindsey
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

As a current child victim advocate in a domestic and sexual abuse agency, I am aware of the impact traumatic events have on children. I have volunteered as a Court Appointed Special Advocate for many years in Dane County and have seen first-hand what a trusted and supportive adult can do in the life of a child. Passing this bill is a right all children should have. A definition of support is: to bear all or part of the weight; no child should do this alone.

Thank you for your consideration. If you have any questions, you can contact me at the below contact information.

Sincerely,

Heidi Lindsey
Child Victim Advocate
920-674-6748 xt. 109
heidi@padajc.org

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Sherry Hartog
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

My name is Sherry Hartog and I live in Kenosha County but work at a domestic violence program in Racine County.

I am writing to ask you to support the Wisconsin Sexual Assault Victim Accompaniment bill, Senate Bill 323 that is strongly supported by the Wisconsin Coalition Against Sexual Assault (WCASA).

This bill will ensure that survivors of sexual assault are given the right to a trained victim advocate during the medical and criminal justice processes, such as forensic examinations, law enforcement interviews and court proceedings.

As a domestic violence advocate, I have the privilege of accompanying survivors through many different systems, including court proceedings, revocation hearings and the like. I can attest that because of the complex issues surrounding domestic violence and sexual assault, survivors often times feel more confident when accompanied by an advocate. Advocates ensure survivors have the emotional support they need to minimize anxiety and trauma that often occur during legal and medical proceedings after an assault.

Survivors report that the presence of an advocate is critical to navigate the complex criminal justice system. With victim accompaniment, survivors are more likely to feel empowered to continue through the difficult criminal justice process, resulting in more frequent reporting and prosecution.

Thank you in advance for our consideration of this Victim Accompaniment legislation. If you have any questions you can contact me at 262-763-6226.

Respectfully,

Sherry Hartog

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Roberta Last
Subject: Senate Bill 323: Victim Accompaniment Bill
Position: Support
Date: October 22, 2015

Dear Chairman Wanggaard and Members of the Committee,

My name is Roberta Last and I live in Rosendale, WI. Today I ask you to cosponsor the “victim accompaniment” legislation strongly supported by the Wisconsin Coalition Against Sexual Assault (WCASA). This bill will ensure that survivors of sexual assault are given the right to a trained victim advocate during the medical and criminal justice processes, such as during the forensic exam, law enforcement interviews, and court proceedings. I would like you to consider the following experiences of my daughter and me in looking at the Senate Bill 323: Victim Accompaniment Bill.

On January 2nd, 2014, my daughter woke me up to disclose sexual abuse at the hands of her father. My daughter was 18 at the time of disclosure, but was victimized from the ages of 5-13 years old. I had knowledge of the Sexual Assault Victim Advocates at ASTOP in Fond du Lac and when I accompanied my daughter to the police station to make a report, the advocates were contacted to provide immediate support to my daughter.

Her advocate provided emotional support to each of us throughout the 18 month court process and ongoing as needed. The advocate was with my daughter when I could not be for her initial statement to police and for the subsequent police initiate phone call she made to her father which resulted in his arrest. The advocate accompanied us to nearly every hearing and every meeting with the Prosecutor. She met with my daughter frequently throughout the court proceedings and is continuing to follow up with her as my daughter feels she needs and has greatly assisted the healing process. The advocate also assisted us with information gathering about different steps of the process along the way. The advocate was available for me to vent to, complain to, ask questions, and most importantly focus on my daughter and healing myself. She was able to validate all of our feelings and assist us to continue to move on in our lives as we went down the path of healing. Having the Advocate available from the very beginning started the healing process and provided the support we needed along the way. During hearings, I knew that the advocate’s primary focus was my daughter, the victim, and this allowed me to focus on what was going on during the hearings, knowing that my daughter was well taken care of. My daughter’s offender took a plea deal just shy of a week before the trial was scheduled for. We were already thoroughly prepped for trial. The advocate was with us throughout trial prep. My daughter wanted me to be in the courtroom during her testimony for support, but there was a very real possibility that I would not be allowed in during her testimony. As much as that concerned me, I knew her advocate would be with her every step of the way during her testimony. That was also reassuring to my daughter.

Each hearing was difficult as people who used to love and support my daughter turned against her. Having the advocate present and supportive was huge during this time. Each meeting with the Prosecutor was intimidating and the advocate assisted us to understand and proceed with what we needed to do. The advocate hooked my daughter up with Equine therapy, which was very beneficial to my daughter. The advocate also connected us with WCASA and we have benefitted greatly from their Survivors and Allies Task Force meetings. The advocate further empowered us to stand tall and tell my daughter’s story. To date, I know for sure of one

additional victim who felt able to come forward with her own abuse due to my daughter's story of her abuse.

An advocate is the only person whose sole concern is the victim's well-being and who has no other obligation to any other agency or individual. Not all victims have support in their mother or other family members or friends like my daughter had. Without the assistance of our Advocate, my daughter and I would have been more vulnerable to her offender and the system in general. The Court process is extremely intimidating. After an assault, legal and medical proceedings can leave survivors feeling lost, confused, overwhelmed, and powerless. The more victims that are well supported, the more that will feel comfortable coming forward and possibly less offenses will occur as more victims come forward and offenders are able to be held accountable. Our communities are safer and better able to hold perpetrators accountable when victims feel supported in reporting sensitive crimes and participating in their prosecution.

Similar laws already exist in eleven other states and Washington, DC, and have proven effective. Existing Crime Victim Rights laws ensure that all crime victims are treated with "fairness, dignity and respect for their privacy." The presence of a victim advocate helps make good on that promise. Current law offers victims of certain crimes, including sexual assault and domestic abuse, the right to be accompanied by a victim advocate at a limited number of court proceedings if the alleged crime is a factor in a child custody case or is a factor in the victim's ability to represent him or herself. By contrast, victim accompaniment allows the victim, if they so choose, to be accompanied by a trained advocate at all stages of the criminal justice process. Law enforcement and medical professionals in states with similar laws state that providing assistance to sexual assault victims has a positive impact on those individuals and increases the likelihood that crimes are reported and that offenders are charged.

Victims of sexual assault have been violated in the vilest way possible. Their belief in humanity, justice and good in the world has been corrupted. Their sense of feeling safe is often non-existent. An advocate accompanying them along the way of this difficult process is a necessary step to provide them with the support they so need and deserve. Please consider this example of my daughter's experience with a victim advocate and co-sponsor this Bill.

Thank you for your consideration. If you have any questions, you can contact me

Sincerely,

Roberta Last