



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

October 5, 2021

Chairman Sporis and Committee Members,

Thank you for holding a Public Hearing on AB 67 relating to storage and processing of sexual assault kits and requiring the exercise of rule-making authority.

One out of every six American women in her lifetime is a victim of attempted or completed rape. The current backlog in rape kits nationwide underscores a devastating gap in the criminal justice system. In the last decade, hundreds of thousands of rape kits — which include physical and DNA evidence gathered from rape victims — have gone untested because law enforcement agencies around the country are not prioritizing their testing or do not have the resources to do so. The testing of these kits are crucial to identifying perpetrators by demonstrating an individual's culpability in sex crimes.

We owe it to sexual assault survivors and their families to ensure that local law enforcement and hospitals submit sexual assault kits to the state crime lab quickly in order to fully integrate them into the Department of Justice's (DOJ) testing process and avoid any unnecessary delays. Every single assault kit that is untested represents a human being who went through an awful trauma, and they deserve to have their case fully investigated.

Under current law, there is no statutory procedure for the collection and processing of sexual assault kits. This lack of a standard process led to a backlog of kits that were not being submitted to the state crime laboratory for testing.

If passed, when a health care professional collects sexual assault evidence, a victim will have the choice to report to law enforcement or not. If a victim does choose to report to law enforcement, under the proposed legislation the health care professional will notify law enforcement within 24 hours after collecting the sexual assault kit. The law enforcement agency then has 72 hours to collect the kit from the health care professional, and then 14 days to send the kit to the state crime laboratories for analysis. After the kit has been processed it will be sent to a law enforcement agency and stored for 50 years.

This bill is the result of thoughtful collaboration from a variety of stakeholders such as DOJ, law enforcement, prosecutors, victim advocates, sexual assault nurse examiners, and the State Crime Laboratory.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair



JOINT COMMITTEES:

Audit Committee, Co-Chair

Testimony on 2021 Assembly Bill 67

Senator Robert Cowles
Assembly Committee on Criminal Justice and Public Safety
October 5th, 2021

Thank you, Chairman Spiros and Committee Members, for the opportunity to testify on 2021 Assembly Bill 67. This bill establishes timelines and protocols for nurses and members of law enforcement that will prevent a future backlog of sexual assault kits, ensure a proper chain of evidence, preserve these kits throughout the statute of limitations, and most importantly, provide certainty to sexual assault survivors seeking justice.

We're all familiar with the events that led to the necessity of this legislation. The inaction to address the sexual assault kit backlog head on, over the course of decades, allowed this problem to grow and become further exacerbated as Attorneys General, prosecutors, and law enforcement failed to address the inventory of sexual assault kit evidence around the state.

Former Attorney General Brad Schimel had taken the first steps to address the sexual assault kit backlog by securing funding and establishing processes to clear the backlog. Those efforts should not be understated. Under Attorney General Josh Kaul and local district attorneys, prosecutions as a result of findings from backlogged evidence are taking place and future prosecutions are still in the works.

While the kit testing delay should not be forgotten, the progress that has been made has been tremendous. The cause of the sexual assault kit backlog is a bipartisan and multi-disciplinary failure, and that's why I'm proud to be here today as part of a team of bipartisan co-authors and supporters presenting a statutory solution that will systematically prevent similar circumstances from happening again.

Under current law, there is no statutory procedure for the collection and processing of sexual assault kits. Assembly Bill 67 statutorily creates needed procedures for the custody, processing, and storage of sexual assault kits. This legislation ensures that health care professionals report sexual assault to law enforcement within 24 hours of collection of a kit, if the survivor intends to report the assault. Once law enforcement is notified by a health care professional, the law enforcement agency must take possession of the collected kit within 72 hours and submit the kit to the State Crime Lab within 14 days for processing. Therefore under Assembly Bill 67, we've gone from having evidence backlogged for decades to kit collection to processing in less than three weeks.

Once the State Crime Lab has taken possession of a sexual assault kit and consent has been given from the survivor, the kit is processed and results are sent to the relevant law enforcement agency. Recommendations to amend this bill to include a statutory timeline for the State Crime Lab to test the kits once they have been received have been made. I would support an amendment like this and look forward to working with stakeholders to add a new appropriate-length timeline to this bill.

Assembly Bill 67 requires that law enforcement must then preserve the evidence either in storage for 50 years, until the expiration of the statute of limitations, or until the term of imprisonment or probation of a person convicted in the sexual assault case ends, whichever is longer. Last legislative session several questions arose regarding this distinction. The reason for this primarily surrounds the crime of First-Degree Sexual Assault, a Class B felony, which does not have a statute of limitations and carries a maximum sentence of 40 years of confinement and 20 years of extended supervision in a bifurcated judgement.

If a survivor chooses not to report the sexual assault at the time a kit is collected, the health care professional must send the kit to a state crime lab within 72 hours for storage. This statutory certainty should help to ensure those who have experienced a sexual assault are comfortable to come forward and volunteer to an examination, even at the time they choose to seek care they are concerned about of pursuing investigation and prosecution. If the survivor changes their mind and chooses to pursue justice, the kit will have been preserved for up to 10 years at the State Crime Lab to allow for processing at a later date.

Finally, Assembly Bill 67 ensures that more data, in addition to the data already reported, will be provided on sexual assault kit collection and processing to the state Department of Justice.

Sexual assault is an issue that impacts all of our districts, and historically has been a notoriously underreported crime. Providing clarity and certainty to survivors with evidence collected from an assault may lead to more survivors seeking justice and more successful investigations and prosecutions.

Assembly Bill 67 does not impact the definition of classifications of any crimes, nor does it interfere with the justice system which ensures a fair prosecution. Instead, this legislation ensures the proper handling of evidence by mirroring legislation already enacted in over twenty other states. This legislation is supported by groups representing law enforcement, health care professionals, and sexual assault survivor advocates. Additionally, this legislation has been unanimously supported on the floor of the Senate both earlier this year and in the 2019-2020 Legislative Session.

I believe this is a common-sense step that we owe to the survivors of sexual assault to ensure that evidence is handled properly so they can have one less thing on their mind as they deal with the trauma they endured.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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PREPARED TESTIMONY OF MICHELLE VISTE

Assembly Committee on Criminal Justice and Public Safety

Tuesday, October 5, 2021

Chairperson Spiros, Vice-Chair Horlacher, and Members of the Committee:

Thank you for holding a hearing today on Assembly Bill 67.

I am Michelle Viste, Executive Director of the Office of Crime Victim Services at the Wisconsin Department of Justice. I have been serving in this position since August 2017. Prior to being appointed to this position, I was a criminal prosecutor for 16 years and prosecuted hundreds of sexual assault cases.

Upon being appointed to my current position, I was also given a leadership role in the Wisconsin Sexual Assault Kit Initiative. In the past four years of working on this project, I have witnessed firsthand the injustices suffered by crime victims when untested sexual assault kits accumulate at law enforcement agencies and hospitals. I have also seen numerous examples of serial sex offenders who could have been identified and held accountable sooner if their victims' sexual assault kits had been tested at the time of the initial investigation. Assembly Bill 67 is an important step in addressing these mistakes of the past and will offer current and future sexual assault survivors the opportunity for justice they deserve.

Assembly Bill 67 gives victims of sexual assault control and choices over what happens with their sexual assault kits. Under the Bill, victims can choose whether they want to report their victimization to law enforcement at the time their kit is collected. If the victim chooses not to report immediately, their kit will be sent to the Wisconsin State Crime Laboratory for storage. Sexual assault kits will then be stored for up to 10 years, allowing a victim ample time to later change their mind and report to law enforcement and still have their kit tested.

Alternatively, if a victim of sexual assault chooses to report to law enforcement immediately, their sexual assault kit will be processed expeditiously. Sexual assault kits will be retrieved from hospitals by law enforcement within 72 hours and sent to the Wisconsin State Crime Laboratory for testing by law enforcement within 14 days. Further, the requirement that data related to the collection and processing of sexual

Prepared Testimony of Michelle Viste
Assembly Committee on Criminal Justice and Public Safety
Tuesday, October 5, 2021
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assault kits be reported and published is a key component in ensuring that these time frames are met and that untested kits never accumulate again at hospitals and law enforcement agencies in Wisconsin.

Under Assembly Bill 67, in cases where a sexual assault is reported to law enforcement, a kit will not be destroyed for at least 50 years. This is critical in our world of ever-changing technology. Although a sexual assault kit collected today may not result in probative evidence, more advanced technology in the future may yield a different result.

Finally, Assembly Bill 67 will provide public protection against repeat and serial sex offenders, as well as other serial criminals. When sexual assault kits are tested, and DNA profiles are entered into national and state DNA databases, unknown perpetrators and serial offenders are identified. By expanding the number of profiles in these databases, we are helping to solve sexual assaults and crimes of every nature, all over the country.

Again, thank you for holding this hearing today. I am hopeful you will recognize the significant and lasting impact of Assembly Bill 67 on sexual assault survivors and support it through passage.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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PREPARED TESTIMONY OF ATTORNEY GENERAL JOSH KAUL

Assembly Committee on Public Safety and Criminal Justice

Tuesday, October 5, 2021

Representative Spiros, Chair, and Representative Horlacher, Vice-Chair:

Thank you for holding a hearing today on Assembly Bill 67. I would also like to thank Representatives Steffen and Macco, Senators Cowles and Agard, and other members of the legislature who have supported this legislation, as well as the Attorney General's Sexual Assault Response Team, a multi-disciplinary group that played a large role in developing this legislation.

Sexual assault is a serious violent crime, and the investigation and prosecution of sexual assault cases should be a priority. In many sexual assault cases, evidence is obtained through a sexual assault forensic examination, an invasive and sometimes painful process used to collect evidence from the body of a victim. In some cases, the testing of that evidence results in the identification of the person who committed the sexual assault. When sexual assault kits are not submitted to the Wisconsin State Crime Laboratories, violent criminals can go unidentified, and justice can be denied to survivors.

If enacted, Assembly Bill 67 will establish a statutory framework for the submission to the state crime labs and retention of sexual assault kits.

Under this proposed legislation, when a health care professional collects a sexual assault kit during a sexual assault forensic examination and the assault is reported to law enforcement, the health care professional must notify law enforcement of the kit within 24 hours. The law enforcement agency would then have 72 hours to obtain the kit from the health care professional and (unless the survivor notifies the agency that he or she does not want the kit to be tested) 14 days after that to send the kit to the state crime labs.

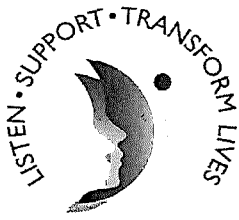
Alternatively, when a health care professional collects a sexual assault kit during a sexual assault forensic examination and the assault is not reported to law enforcement, Assembly Bill 67 requires the health care professional to send the kit to

Prepared Testimony of Attorney General Josh Kaul
Assembly Committee on Public Safety and Criminal Justice
Tuesday, October 5, 2021

the state crime laboratories within 72 hours of collecting the kit. The kit would then be stored at the state crime labs for 10 years or until the survivor decides to report the sexual assault to law enforcement.

Assembly Bill 67 also would require the Wisconsin Department of Justice to collect information regarding sexual assault kits collected in Wisconsin.

Again, thank you for holding a hearing on Assembly Bill 67. Enacting this legislation would help prevent Wisconsin from having another backlog of untested sexual assault kits, and I hope you all support this legislation through passage. If you have any questions or require any additional information, please do not hesitate to contact Chris McKinny, DOJ's Government Affairs Director, at 608-224-9207 or McKinnyCJ@doj.state.wi.us.



Striving To End the Cycle of Domestic Violence, Sexual Assault and Trafficking

Listen. Support. Transform Lives.

THE WOMEN'S COMMUNITY
A SAFE PLACE: SERVICES FOR
VICTIMS OF ALL GENDERS & AGES



Testimony

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To: Members of the Assembly Committee on Criminal Justice and Public Safety

From: Jessica Lind, Program Coordinator

The Women's Community.

Date: October 5, 2021

Re: Assembly Bill 67, Sexual Assault Kit Collection and Processing Legislation

Position: Support

My name is Jessica Lind and I am the Program Coordinator of the Sexual Assault Victim Services at The Women's Community in Marathon County. The Women's Community appreciates the opportunity to offer this testimony for your consideration. The Women's Community is a non-profit organization serving victims of domestic violence, sexual assault, stalking, and human trafficking throughout Marathon County, Wisconsin. We welcome victims of all races, religions, gender identities and sexual orientations. Our goal is to help individuals and families attain greater emotional and economic self-sufficiency.

The Women's Community thanks Committee Chair Spiros for bringing this important piece of legislation forward for a hearing today. We also thank the leading sponsors of the bill, Senators Cowles and Agard and Representatives Steffen and Cabrera for their leadership on this legislation in both houses.

AB 67 is critical to ensure Wisconsin does not experience a backlog of unsubmitted Sexual Assault Kits (SAKs) in the future and represents the culmination of years of work by the Attorney General's Sexual Assault Response Team (AG-SART). This multi-disciplinary group of advocates, law enforcement, prosecutors, and forensic nurses developed protocols to ensure sexual assault survivors receive consistent options regarding the collection of forensic evidence. While these protocols were an important first step, this legislation is vital to prevent a future accumulation of unsubmitted SAKs.

This legislation provides sexual assault survivors with options regarding engaging with the criminal justice system. For survivors who wish to report to law enforcement, this legislation ensures those kits will be collected by law enforcement and sent to the crime lab for testing. It also provides survivors who are uncertain about reporting to law enforcement with the option of having a SAK collected and stored at the crime lab for 10 years. Should the survivor later decide to engage with the criminal justice system, they can report to law enforcement and request their SAK be tested.

There are a variety of reasons why a survivor may not wish to report to law enforcement, including a fear of not being believed and concerns for their privacy. Additionally, Black, Indigenous, and people of color (BIPOC) are disproportionately impacted by sexual

The Women's Community, Inc.

violence, and face additional barriers to reporting their sexual assault, including a mistrust of the criminal justice system. This legislation keeps the decision to report to law enforcement with the survivor.

In my time as a Victim Advocate for the past 25 years, I've responded to the hospital emergency department more times than I can count. My role is to provide emotional support during forensic evidence exams as well as to provide information and resources. Recently, I responded to the hospital and was witness to the excruciating swabs, combing, and probing of her body which is now considered a crime scene. After four hours of evidence being collected, the victim asked me what will happen with the evidence the nurse collected and when she might get her clothing back. I wanted to tell her with 100% certainty the kit would be sent to the state crime lab. Although in Marathon County most law enforcement agencies are following the best practice guidelines around the state suggested for law enforcement, it is not mandated to send the kits in and the time varies as to when they are sent in. I couldn't tell her it would be sent in within a certain timeframe or be tested at all. After what was a difficult decision for this victim to come to the hospital and make a police report that night, testing the SAK sends a strong message to her that she and her case matters. That her decision to come in and go through horrific details, a long and uncomfortable probing would mean something. We owe it to her and all survivors to send in their kits to be tested. Each kit comes from a person who suffered a terrible trauma and then willingly came in and provided evidence. We need to ensure there will not be a backlog ever again, and owe it to victims by passing this legislation.

AB 67 is a critical part of a trauma-informed response to sexual assault. At its root, sexual assault is about offenders who exert power and entitlement over survivors. This legislation restores some power to the survivor by providing them with clear options and expectations regarding their health care, the collection of forensic evidence, and reporting to law enforcement. The medical forensic exam is an intrusive and lengthy process for sexual assault survivors. For those survivors who wish to report to law enforcement, the criminal justice system must do its part by ensuring their SAKs are tested. AB 67 reforms the criminal justice system in a manner that places survivor's interests at the center.

We thank you for your attention to this matter and for your continued efforts to improve system responses for sexual assault survivors.



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the Assembly Committee on Criminal Justice and Public Safety
From: Ian Henderson, Policy and Systems Director (WCASA)
Date: October 5, 2021
Re: Assembly Bill 67, Sexual Assault Kit Collection and Processing Legislation
Position: Support

The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. WCASA is a hybrid organization: functioning both to support member Sexual Assault Service Providers (SASPs), while advancing the anti-sexual assault movement in the state and nationally.

WCASA thanks Committee Chair Spiros for bringing this important piece of legislation forward for a hearing today. We also thank the leading sponsors of the bill, Senators Cowles and Agard and Representatives Steffen and Cabrera for their leadership on this legislation in both houses.

AB 67 is critical to ensure Wisconsin does not experience a backlog of unsubmitted Sexual Assault Kits (SAKs) in the future while also representing the culmination of years of work by the Attorney General's Sexual Assault Response Team (AG-SART). This multi-disciplinary group of advocates, law enforcement, prosecutors, and forensic nurses developed protocols to ensure sexual assault survivors receive consistent options regarding the collection of forensic evidence. While these protocols were an important first step, this legislation is vital to prevent a future accumulation of unsubmitted SAKs.

This legislation provides sexual assault survivors with options regarding engaging with the criminal justice system. For survivors who wish to report to law enforcement, this legislation ensures those kits will be collected by law enforcement and sent to the crime lab for testing. It also provides survivors who are uncertain about reporting to law enforcement with the option of having a SAK collected and stored at the crime lab for 10 years. Should the survivor later decide to engage with the criminal justice system, they can report to law enforcement and request their SAK be tested.

There are a variety of reasons why a survivor may not wish to report to law enforcement, including a fear of not being believed and concerns for their privacy. Additionally, Black, Indigenous, and people of color (BIPOC) are disproportionately impacted by sexual violence, and face additional barriers to reporting their sexual assault, including a mistrust of the criminal justice system. This legislation keeps the decision to report to law enforcement with the survivor.

AB 67 is a critical part of a trauma-informed response to sexual assault. At its root, sexual assault is about offenders who exert power and entitlement over survivors. This legislation restores some power to the survivor by providing them with clear options and expectations regarding their health care, the collection of forensic evidence, and reporting to law enforcement. The medical forensic exam is an intrusive and lengthy process for sexual assault survivors. For those survivors who wish to report to law enforcement, the criminal justice system must do its part by ensuring their SAKs are tested. AB 67 reforms the criminal justice system in a manner that places survivor's interests at the center.

We thank you for your attention to this matter and for your continued efforts to improve system responses for sexual assault survivors. If you have any questions, you can reach me at ianh@wcasa.org.

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MELISSA AGARD
STATE SENATOR

Senator Melissa Agard - Testimony in Support of AB 67 and AB 87
Assembly Committee on Criminal Justice and Public Safety – October 5th, 2021

Chairman Spiros and Committee Members, thank you for holding this public hearing today.

Thank you also to all of the lead authors - Representative Steffen, Representative Thiesfeldt, Senator Cowles, and Senator Darling - for their support of these important pieces of legislation.

I appreciate Senator Wanggaard for getting these bills quickly before his committee, getting them a vote and both in the committee and on the Senate floor. It's exciting to see the Assembly is now taking up AB 67 and AB 87.

I want to start by saying these bills are an example of what is possible in the Legislature. They are bipartisan pieces of legislation. And they are supported by different interest groups who are not always on the same side of every issue.

While it sometimes feels like we are destined to continue operating solely within our own parties - I'm hopeful that what we are taking up today can show all of our colleagues how we can be a better, more deliberative - and cooperative - body.

The bills I am here to testify in support of, AB 67 and AB 87 are primarily aimed at three things:

- First, ensuring that justice is not delayed for survivors of sexual assault.
- Second, making sure that we do not have a backlog of untested sexual assault kits in Wisconsin ever again.
- And finally, creating a tracking system to provide victims of sexual assault access to information about the status of any sexual assault kit they have provided.

I have championed legislation regarding sexual assault kits and our state's backlog for three sessions. I have heard from victims and survivors of sexual assault. I carry their stories with me, and have promised them I will work tirelessly on their behalf to create a better system.

The bills before you today will ensure a procedure is in place that upholds survivors' dignity, choice, and the right to a fair and just process, protecting those who choose not to report at the time of an assault, or who change their minds.

We know that sexual violence can be a hard conversation to have and that reporting can be one of the most challenging steps for a sexual assault survivor to take. Survivors deserve the respect to report when they are ready – storing kits for the time frame specified in this legislation provides this respect by taking the traumatic nature of sexual assault into account.

Due to the hard work of a bipartisan group of legislators and expertise of advocates, law enforcement, DOJ, health care providers, and survivors - I am confident these bills are comprehensive in their approach to solving the issue of sexual assault kit storage, processing, and tracking in Wisconsin.

While no piece of legislation can ever erase the trauma of sexual violence, failures to effectively and efficiently collect, submit, and store kits should never be a barrier to justice. As elected officials, we must do all that we can to support survivors of sexual assault. We have that opportunity today.



October 5, 2021

TO: Wisconsin Assembly Committee on Criminal Justice and Public Safety

FROM: Ilse Knecht
Director of Policy & Advocacy
Joyful Heart Foundation

RE: Testimony in Support of Assembly Bill 67 and Assembly Bill 87

The Joyful Heart Foundation strongly supports Assembly Bill 67 and Assembly Bill 87 which would require sexual assault kit handling timelines and establish a statewide kit tracking system.

- A.B.67 mandates hospitals to notify law enforcement agencies within 24 hours of collecting a sexual assault kit, law enforcement is then required to pick up the kit within 72 hours of being notified and drop the evidence off to the state lab within 14 days for receiving the kit.
- A.B.87 requires the Wisconsin Department of Justice to create a rape kit tracking system following kits through the collection and testing process. The tracking system will allow victims to access the system anonymously. All agencies that handle kits are required to participate in the system. The bill also allocates funds to create the tracking system.

The Joyful Heart Foundation's mission is to transform society's response to sexual assault, domestic violence, and child abuse, support survivors' healing, and end this violence forever. Since 2010, Joyful Heart has made the elimination of the rape kit backlog—hundreds of thousands of untested rape kits across the nation—our top priority. We work directly with survivors, stakeholders, and jurisdictions to achieve this goal. Our staff, consultants, and partners have decades of expertise at the forefront of rape kit reform efforts. We have been instrumental in passing state-level rape kit reform legislation in 43 states including Arizona, California, Florida, Georgia, Hawai'i, Kentucky, Massachusetts, Nevada, New Mexico, New York, Texas, and Utah, and we have collaborated with local and state agencies to provide support during the implementation process. With this expertise and legislative track record, we respectfully submit testimony supporting Assembly Bill 67 and Assembly Bill 87.

The Problem

Every 73 seconds, someone is sexually assaulted in the United States. In the immediate aftermath of a sexual assault, a victim may choose to undergo a medical forensic examination to collect evidence left behind during the assault. A doctor or nurse will conduct the four-to-six hour examination and will preserve this evidence in what is commonly called a “rape kit.” Survivors who take the step of undergoing this exhaustive and invasive forensic exam do so because they have been told this evidence could help law enforcement hold their offender accountable.

When tested, the DNA evidence from rape kits can be a powerful tool to solve and prevent crimes. DNA evidence can identify unknown assailants, link crimes together, and exonerate the wrongfully convicted. Too often, however, these rape kits languish untested for years—even decades—in storage facilities.

There are hundreds of thousands of untested rape kits in storage across the country. Since 2010, over 220,000 untested rape kits are uncovered. However, we don’t know the true extent of the backlog nationwide because many states do not require police departments to count or track the kits in their possession. Most times, the number of untested kits in a particular jurisdiction is unknown until legislators, journalists, survivors, or advocates step in to investigate.

Why Testing Rape Kits Matters

Joyful Heart joins experts in endorsing the federal government’s best practice recommendation to submit every rape kit connected to a reported sexual assault to a crime lab for DNA analysis. In 2017, the U.S. Department of Justice National Institute of Justice released *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, which includes 35 recommendations for victim-centered approaches for responding to sexual assault cases. This approach has been embraced by elected officials, law enforcement leaders, lab professionals, prosecutors, and advocates in jurisdictions across the country.

It’s important to understand that every single rape kit represents a survivor whose body has become a crime scene and has reported the crime to police, everything society asks them to do. Many do this because they want to prevent the perpetrator from hurting anyone else and they want the criminal justice system to hold the offender accountable.

Testing rape kits solves and prevents future crimes, and provides survivors with a path to justice and healing. Rape kits can yield DNA evidence which can be entered into local, state, and national DNA databases containing DNA from offenders. By testing every kit connected to a reported crime, more DNA profiles will be in these databases, potentially linking crimes and revealing serial rapists, who assault both acquaintances and strangers as recent research has shown. Even more, offenders who commit sexual assault often are engaged in other crimes such as burglary and homicide. DNA from rape kits can match DNA from other

crime scenes and provide leads for investigators to follow. As more sexual assault cases are pursued, more offenders are apprehended, and future crimes are averted.

By requiring every sexual assault kit to be swiftly submitted and tested, Wisconsin can send a powerful message to survivors that they—and their cases—matter. It demonstrates a commitment to survivors to bring a path to healing and justice. Testing every kit sends a message to perpetrators that law enforcement will employ every available tool to apprehend and prosecute them. It is also the pathway to a more effective criminal justice system and safer communities across the country.

Testing rape kits also saves communities money. In 2016, the Begun Center for Violence Prevention Research and Education at Case Western Reserve University analyzed the cost of testing backlogged rape kits in Cuyahoga County, Ohio. Factoring in the cost of testing kits and other related expenses, the study calculated the overall cost effectiveness of testing 4,347 unsubmitted kits, engaging survivors, investigating every lead, and prosecuting cases. The study found that Cuyahoga County **saved \$38.7 million** by testing 4,437 backlogged kits, investigating every case, prosecuting offenders, and preventing them from committing future crimes.

Rape Kit Reform in Wisconsin

In 2014, the Attorney General's Office conducted a one-time audit and found 6,006 untested rape kits among the 81% of agencies that responded. In 2017, the AG set up a website to track progress in testing backlogged kits. The state received around \$10 million in grants from the Manhattan District Attorney's Office and the U.S. Department of Justice Bureau of Justice Assistance (BJA) between 2015 and 2019 to test kits, investigate and prosecute cases, and re-engage survivors. Although Wisconsin legislators introduced bills in 2017 and 2019 to require an annual inventory of sexual assault kits, kit handling and testing timelines, and a tracking system, these bills failed to pass.

Currently Wisconsin does not have statute that guarantees that sexual assault kits linked to a crime will be tested. A.B.67 ensures that newly collected rape kits are handled uniformly across the state. The bill will also prevent future backlogs by establishing timeframes for submission and testing rape kits. This process will remove biased individual decision-making on whether or not a kit should be tested. Additionally, this bill would align the state with federal best practices, which unambiguously recommend submitting every rape kit connected to a reported sexual assault to a crime lab for DNA analysis.

The tracking system mandated by A.B.87 is crucial to holding actors such as hospitals, law enforcement, and DNA testing labs accountable. It will provide clarity around if these actors are following the laws that dictate rape kit handling procedures. Additionally, tracking systems provide for a comprehensive analysis of total rape kits in a state, showing how many are in

possession of the hospital, how many law enforcement has, and the amount of rape kits at state labs that are either awaiting testing or have already been tested.

Including a victim portal in the tracking system is crucial to survivors healing and wellbeing t. Our research on victim notification in cold cases found that survivors of sexual assault feel strongly that the information about their kits belongs to them, and they want to determine how and when to receive information about their rape kits. A rape kit tracking system with a secure victim portal allows survivors to control when they obtain critical information about the status and location of their kits. In half of the states, survivors have access to transparent handling of their rape kits. Sexual assault survivors in Wisconsin deserve it too.

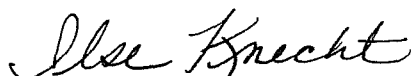
The Road Ahead

To achieve comprehensive rape kit reform and to align with national best practices, Wisconsin should pass laws that mandate an annual inventory of rape kits; the testing of all backlogged and newly collected kits; the development of a statewide tracking system for kits; victims' rights to know the status of their kit and case; and the funding necessary to implement these changes. We encourage the legislature, in consultation with advocates, practitioners, agency leaders, and most importantly, survivors of sexual assault, to push forward with survivor-centered legislative action.

We urge you to enact this important legislation. The Joyful Heart Foundation thanks you for your efforts on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Wisconsin.

With Gratitude,

Ilse Knecht



Director, Policy and Advocacy

Joyful Heart Foundation

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