



— Alberta Darling —
Wisconsin State Senator · District 8

Testimony before the Assembly Committee on Criminal Justice and Public Safety
Assembly Bill 87
Tuesday, October 5, 2021

Thank you Chair Spiros and committee members for holding a public hearing on Assembly Bill 87. This important piece of legislation will create the Wisconsin Sexual Assault Kit Tracking System.

It's imperative for victims of a crime to have access to their information as it moves through the criminal justice system. Under the bill, the Wisconsin Sexual Assault Kit Tracking System will be a database for health care professionals, law enforcement, state crime laboratory personnel, and prosecutors to update information on the location and status of a sexual assault kit. The bill also enables victims to track the location and status of their kit. The Department of Justice was able to obtain federal grants to cover the start-up cost of the infrastructure for the database. Accordingly, Assembly Amendment 1 removes the appropriation from Assembly Bill 87.

Assembly Bill 87 enables survivors of assault to confidentially follow their sexual assault kit from collection through the justice process. In doing so, the Wisconsin Sexual Assault Kit Tracking System will bring accountability into the processing of sexual assault kits. It will also facilitate victims' ability to easily interact with the justice system as they seek results for their case. It's my hope that this accountability and transparency for victims will help to ensure another backlog does not rise in Wisconsin.

In passing Assembly Bill 87, Wisconsin will be able to join the nationwide movement to ensure that victims of sexual assault have the right to obtain vital information about both the location of their kit and the status of their case. This is truly a bi-partisan issue that will ensure Wisconsin statute protects and empowers victims as well as prevents another backlog of cases.

This legislation passed the State Senate on a 32-0 vote earlier this session. I hope to count on your support for Assembly Bill 87.



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 87, Sexual Assault Kit Tracking System
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.

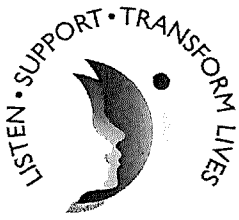
WCASA thanks Committee Chair Spiros for bringing this important piece of legislation forward for a hearing today. We also thank the leading sponsors of the bill, Representatives Thiesfeldt and Billings and Senators Darling and Agard for their leadership on this legislation in both houses.

AB 87 is a key component to reforming system responses to for sexual assault survivors to prevent a future backlog of unsubmitted Sexual Assault Kits (SAKs). This legislation allows a survivor to anonymously access information regarding the location and status of their SAK throughout the criminal justice process. Along with AB 67, which provides clear timeframes in which SAKs must be collected by law enforcement and sent to the crime lab for processing, these bills represent a trauma-informed response for sexual assault survivors by providing them both concrete expectations about what will happen to their SAK as well as the ability to access information at a time and place of their choosing.

Creating a sexual assault kit tracking system is also one of the Joyful Heart Foundation's six pillars of legislative rape kit reform.¹ Enacting this legislation, along with AB 67, ensures Wisconsin remains in-line with national best-practice standards regarding SAKs. These best-practices standards reflect the input of a multitude of experts, including criminal justice personnel, health care professionals, victim advocates, and perhaps most importantly, survivors.

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.

¹ Campaign to End the Backlog. Available at: <http://www.endthebacklog.org/ending-backlog-our-approach/campaign-end-backlog>



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, Sexual Assault Victim Services Program Coordinator

The Women's Community

Date: October 5, 2021

Re: Assembly Bill 87, Sexual Assault Kit Tracking System

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 written 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, Representatives Thiesfeldt and Billings and Senators Darling and Agard for their leadership on this legislation in both houses.

AB 87 is a key component to reforming system responses to for sexual assault survivors to prevent a future backlog of unsubmitted Sexual Assault Kits (SAKs). This legislation allows a survivor to anonymously access information regarding the location and status of their SAK throughout the criminal justice process. Along with AB 67, which provides clear timeframes in which SAKs must be collected by law enforcement and sent to the crime lab for processing, these bills represent a trauma-informed response for sexual assault survivors by providing them both concrete expectations about what will happen to their SAK as well as the ability to access information at a time and place of their choosing.

Creating a sexual assault kit tracking system is also one of the Joyful Heart Foundation's six pillars of legislative rape kit reform.¹ Enacting this legislation, along with AB 67, ensures Wisconsin remains in-line with national best-practice standards regarding SAKs. These best-practices standards reflect the input of a multitude of experts, including: criminal justice personnel, health care professionals, victim advocates, and perhaps most importantly, survivors.

This legislation is so important because it will allow sexual assault survivors to track the progress of their kit through the collection and analysis process and provide some

¹ Campaign to End the Backlog. Available at: <http://www.endthebacklog.org/ending-backlog-our-approach/campaign-end-backlog>

reassurance. More importantly it offers timely access to meaningful, reliable and helpful information after survivors have faced a traumatic experience. In my role as a Victim Advocate for the past 25 years, many survivors share their frustration waiting to find out if their kit has been sent to the crime lab for testing. Often survivors feel overwhelmed and feel a loss of control over what will happen next after their evidence has been collected. The process is lengthy and difficult waiting to hear back on the results of the SAK. This allows them to have a bit of control and an understanding of where their SAK is in the process. Although the vast majority of sexual assaults are committed by someone known to the victim, last year a person in our community was robbed, physically and sexually assaulted by a stranger on her walk home. She called us frequently waiting to hear if the crime lab had tested her kit to help reveal who the assailant was based on the DNA evidence collected by the forensic nurse. A tracking system would've allowed her to check the system as often as she needed for reassurance and give her a little piece of control over what was the worst time in her life. In addition, many sexual assault survivors feel isolated in the aftermath of the assault and are less likely to ask for help. Having a tracking system that will connect survivors with contact information to support services such as advocacy will be beneficial to survivors not feeling so isolated throughout the process.

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



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



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Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on Assembly Bill 87 **The Sexual Assault Kit Tracking System Bill** *Assembly Committee on Criminal Justice and Public Safety*

Hello, Chairman Spiros and Honored Members of the Committee. Thank you for holding a hearing today on Assembly Bill 87, a bill which will create a Sexual Assault Kit Tracking System in Wisconsin.

Assembly Bill 87 creates an online tracking system for sexual assault survivors. The system will be survivor-centric, meaning that survivors will be able to have access to real-time data with their sexual assault kits. This will be hugely important as sexual assault cases move through the criminal justice system, and it is just as important as survivors seek to heal from such traumatizing events. Sexual assault and rape are horrific crimes, and these crimes can leave survivors with life-long trauma which can negatively impact their lives and that of their loved ones in many ways.

A real-time tracking system will also help prosecutors, nurses, the criminal justice lab, and the police, as everyone will be on the same page as to a survivor's kit. Hospitals and law enforcement will receive alerts and reminders as to when the kit needs to move through the process. A statewide sexual assault kit tracking system will also help law enforcement enact justice and catch repeat offenders.

This is a bill that Senator Darling and I introduced last session. Two sessions in a row, the Senate has passed this bill unanimously, and we are hoping that the Assembly will pass the bill unanimously this session as well. Since we first introduced the bill over two years ago, DOJ has taken this idea and started implementing a tracking system, which makes this bill more important than ever. In passing AB 87 and having it signed into law, the Legislature will be ensuring that the tracking system is mandatory and uniform across the state.

Organizations in support of this bill include: Children's Hospital of Wisconsin, the Wisconsin Chiefs of Police, the Wisconsin Professional Police Association, the Wisconsin Nurses Association, End Domestic Abuse, the Wisconsin Alliance for Women's Health, and the Wisconsin Coalition Against Sexual Assault.

We would love your support on this important bill. Thank you.

Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township