

Senate Committee on Judiciary and Public Safety Public Hearing
Written Testimony on Senate Bill 199
March 18, 2021

Chairman Wanggaard, Vice-Chair Wimberger and members of the Senate Committee on Judiciary and Public Safety, thank you for the opportunity to have a public hearing on SB 199, relating to sexual contact by a law enforcement officer with a person in detainment or custody and providing a penalty.

The journey to this moment has been nearly 3 years in the making. It all started with a news story that appeared on a morning talk show in 2018. It was over a cup of coffee that I learned the story of and 18-year old young woman named Anna Chambers.

In 2017, Chambers was riding in a car with two male friends in New York. The trio were pulled over by two New York police detectives, detectives Eddie Martins and Richard Hall. After speaking with the passengers in the car, the officers removed Chambers from the vehicle and let the driver and his male rider leave the scene. Chambers was handcuffed and placed in the back of a police van that Martins and Hall were driving.

According to Chambers, the two police detectives took turns sexually assaulting her, while the other drove the van around. Chambers, who had never met these detectives before, pleaded with them to stop. For a little over an hour, they continued to rape her. After they were done, they pulled within one block of a police station and put her out of the police van.

A distraught Chambers called her mother, who picked her up and took her to a nearby hospital. She and her mother then went to the police station to report the assault. Video surveillance retrieved from the police department showed the officers release Chambers from the police van, a mere block from the police station. Later, the hospital rape kit collected the semen of detectives Eddie Martin and Richard Hall. When confronted with the DNA results of the rape kit, the two detectives admitted that they had sex with Chambers.

The officers resigned from the NYPD, and in October 2017, they were charged with 43 crimes, including rape and kidnapping. This was going to be a slam dunk case right? Witnesses saw them take Chambers from her friend's car. The police department's surveillance video captured Chambers exiting the police van, just as she said. The rape kit found the DNA of the two detectives.

However, the prosecutors in the case came up against a defense they weren't expecting. The two detectives claimed that their sex with Chambers had been consensual. At the time of their arrests, it was not illegal for a law enforcement officer to have sex with a person in their custody. Ultimately, the rape charges were dropped, and Martins and Hall received probation for an unrelated case of taking bribes and official misconduct.

After hearing this story, my office immediately contacted our legislative reference bureau. We found that like New York, in Wisconsin it is not illegal for a law enforcement officer to have sex with an individual in their custody. I first introduced this bill in 2018.

Since that time, New York has changed their law. Bottom line, you can not consent to sexual contact with a law enforcement officer, while in their custody. There is an inherent imbalance of power in that situation. Wisconsin law doesn't currently allow correctional officers or parole agents to have sex with detainees or people in their custody. It only makes sense, that all members of law enforcement would be subject to the same laws.

I am thankful for the law enforcement agencies that have agreed with this legislation. I appreciate my colleagues that have helped to champion its merits. The bill will help protect everyone involved, officers and detainees. It should be a no-brainer and quite frankly, I was surprised to learn at the time of Ms. Chambers' assault, this loophole existed in 35 states. It's time to close it in Wisconsin. I ask for your support of SB 199. Thank you.