



Brad D. Schimel
Wisconsin Attorney General

P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

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AG Schimel Improves Community Response to Sexual Assault
DOJ training, legislation, new protocols make outcomes better for survivors

MADISON, Wis. – Attorney General Brad Schimel has made supporting victims of sexual assault one of his top priorities. Under Attorney General Schimel’s administration, DOJ has reformed sexual assault response protocols, advocated for legislation that protects survivors, trained communities to respond to sexual assault with a trauma-informed, victim-centered approach, and championed the testing of previously unsubmitted sexual assault kits in Wisconsin.

“As more and more brave men and women come forward to share their traumatizing experiences of sexual assault, I want survivors to know that health care providers, law enforcement, prosecutors, and victims’ services in Wisconsin are working to provide the best care and support possible to survivors,” said Attorney General Schimel. “As a former sensitive crimes prosecutor, I knew when I was elected attorney general that there was more our state could do to create better outcomes for survivors. In addition to testing previously unsubmitted sexual assault kits by the end of 2018, we at DOJ have taken on a much larger effort to support survivors by improving community response to sexual assault with a trauma-informed, victim-centered approach.”

Attorney General’s Sexual Assault Response Team

Attorney General Schimel chairs the Attorney General’s Sexual Assault Response Team (SART), comprised of a multidisciplinary group of professionals knowledgeable in the complex issues surrounding sexual assault. This team includes law enforcement, victim advocates, sexual assault nurse examiners (SANE), the Wisconsin State Crime Laboratory (WSCL), hospital administrators, policy makers, and prosecutors. Under the attorney general’s direction, the team evaluates the

state's response to sexual assault at the local, county, and state level, and makes recommendations and reforms to improve the system response to sexual assault.

This year, Attorney General Schimel selected five counties - Bayfield, Dane, La Crosse (campus community), Sheboygan, and St. Croix - to serve as pilot sites to strengthen and enhance their own SART teams. These counties will receive extensive cross training for multiple involved disciplines; assistance in developing local policies and protocols for SART teams; and guidance through the creation of a continual sexual assault case review process.

Throughout this process, pilot sites will assist in developing best practice tools and training modules for the rest of the state. This will include updating the statewide Sexual Assault Response Team Protocol as well as the Wisconsin Prosecutor's Sexual Assault Reference Book.

New Protocol for Sexual Assault Forensic Exams

In 2016, under the attorney general's leadership, the SART established a [new protocol](#) for when a survivor presents for a sexual assault exam. The new protocol allows a patient/survivor the option to have a forensic exam conducted, regardless of whether or not they wanted to report the assault to law enforcement.

Under this new protocol, if a patient/survivor has a forensic exam conducted but does not want to report the incident to law enforcement, the collected kit will be sent directly to the WSCL for storage. The WSCL will hold the kit for up to 10 years, which is the current statute of limitations on second and third degree sexual assaults in Wisconsin. The patient/survivor is also provided information about their reporting options, advocacy resources, and contact information should they choose to report to law enforcement at a later date. If at any point in those 10 years the survivor wants to report the assault to law enforcement, the law enforcement agency can request that the kit be tested.

Since this new protocol was established in January 2016, 402 sexual assault kits have been collected from survivors who choose not to report the assault to law enforcement at the time of the forensic exam. In approximately 5% of these cases, survivors reported the alleged assault to law enforcement at a later date and directed that their kit tested.

Sexual Assault Nurse Examiner Training Program

One of Attorney General Schimel's top priorities when he was elected was to make Wisconsin's sexual assault nurse examiner training program more robust. In May 2015, Attorney General Schimel hired a SANE coordinator to strengthen the state's only in-person SANE nurse training program and increased required training hours

from 40 hours to 46 hours, including training in victim responses, crisis intervention, collaboration with community agencies, and medicolegal specimen collection, documentation, and photography. The SANE nurse training program has also been expanded to include modules on human trafficking, adverse childhood experiences, mock trial, and photo case studies. In collaboration with the DOJ Bureau of Training & Standards staff, the DOJ Victim Services Training Officer, the Wisconsin Chapter of the International Association of Forensic Nurses, the Wisconsin Coalition Against Sexual Assault (WCASA), and medical facilities and training faculty, the SANE coordinator works to create SANE programs around the state and provide consistent training standards and information.

Since first implementing a training program for SANE nurses in 2014, DOJ has trained 161 nurses in adult sexual assault exams; 45 nurses in pediatric sexual assault exams; and 88 nurses in both adult and pediatric sexual assault exams. Prior to 2014, the cost to each nurse taking this training was more than \$600. Now, this training is offered by DOJ for only \$100.

DOJ's SANE nurse training program is part of the agency's Office of Crime Victim Services (OCVS), and is funded through the U.S. Department of Justice's STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula grant.

Redesigned Sexual Assault Kits

In 2015, a group of SANE nurses and the WSCL collaborated to re-design a medical-forensic evidence collection process that would be comprehensive and consistent across the state of Wisconsin. This updated sexual assault kit featured a "head to toe" collection sequence that is more compatible with the head to toe physical exam, easing the stress of the exam on the survivor. The new kit also protects a survivor's privacy by identifying the kit by a barcode, instead of by name.

Prior to these reforms made under Attorney General Schimel's leadership, the cost of each kit for a law enforcement agency or a hospital cost nearly \$20 each. DOJ now provides these new kits to hospitals and law enforcement agencies free of charge so the cost of the kit is not incurred by the patient.

Campus Sexual Assault

Due to the increased occurrences of sexual assault occurring on college campuses, Attorney General Schimel has deployed resources specific to campus sexual assault.

On college campuses, alcohol is often present during a sexual assault, and the fear of consequences for drinking should never come in the way of a victim seeking help from law enforcement and/or being treated by medical professionals. In 2016, DOJ

partnered with the state legislature to support the [sexual assault victim amnesty bill](#), which prevents law enforcement from issuing a citation to an underage victim of sexual assault, or anyone who is present with the victim, when he or she seeks the assistance of emergency medical personnel. This law applies statewide, but these circumstances frequently occur on college campuses.

On May 31, 2017, at the University of Wisconsin-Stevens Point (UWSP), DOJ hosted a training about campus sexual assault. Local and campus professionals including city, county, and campus law enforcement, sexual assault nurse examiners, campus officials, victim advocates, and prosecutors gathered for a training about the complexities surrounding the investigation of campus sexual assault and the uniqueness of these types of cases. These experts discussed methods to partner to more effectively address campus sexual assault and protect victims and campus communities.

Training for Law Enforcement

Since at least 1991, the basic officer training academy in Wisconsin included training on the investigation of sexual assault. In 2002, the state mandated the training academy include 12 hours on sexual assault. During the last fiscal year, 442 students successfully completed this basic training and received the 12 hours of training on sexual assault. However, many criminal justice professionals seek additional sexual assault trainings offered by DOJ and other public safety organizations, such as the Wisconsin Coalition of Sexual Assault (WCASA).

Since 2015, DOJ has provided free training on sexual assault throughout the state. These trainings - a two-day training on best practices for initial responders and a three-day training on advanced interviewing - are multidisciplinary, offered to law enforcement, victim advocates, prosecutors, SANE nurses, and other service providers. Attendees are trained on the neurobiology of trauma reactions, offender dynamics, evidence identification and preservation, and techniques for conducting trauma-informed interviews.

In 2017, training was made available to prosecutors in the state on how to present a victim of sexual assault in court, and a curriculum was developed to train instructors on child sex trafficking.

Protection for Survivors

DOJ also works to support survivors as they engage with the criminal justice system. In October, Senator Jerry Petrowski (R-Marathon) and Representative John Spiros (R-Marshfield) introduced Senate Bill [492](#)/Assembly Bill [570](#) with the help and support of Attorney General Schimel. A product of three years of work, this bill will protect the rights of crime victims and provide clear guidance as to when sensitive

records may be accessed in court, while balancing a crime victim's rights with a defendant's.

Under current law, and most often in sexual assault or domestic violence cases, criminal defendants seek access to victims' privileged mental health records. SB 492/AB 570, the product of controlling Wisconsin case law, provides a clear procedure for all parties to follow when seeking access to a crime victim's private mental health care records and clarifies the required burden defendants must meet in order to obtain an in-camera review of those records.

Also this legislative session, Attorney General Schimel advocated for [Marsy's Law](#), which would enshrine permanently in the state constitution that victims' rights are equal those of the accused. The legislation was passed by both houses of the legislature this fall. To become a part of the state's constitution, the legislation must be passed again in the next legislative session, and be put to voters on statewide ballot.

Enacted in 2016, *Safe at Home*, a statewide address confidentiality program developed and run by DOJ began April 1, 2017. *Safe at Home* provides victims of domestic abuse, child abuse, sexual abuse, stalking, and trafficking with a legal substitute address and free mail forwarding service. Enrollment in *Safe at Home* allows those who fear for their physical safety to maintain a confidential home, work, or school address.

Wisconsin's Sexual Assault Kit Initiative

Wisconsin's Sexual Assault Kit Initiative (WiSAKI) is a statewide effort to address the accumulation of previously unsubmitted sexual assault kits in the possession of local law enforcement agencies and hospitals. In September 2015, DOJ was awarded two, \$2 million grants to implement this effort. In order to continue the project, DOJ was awarded supplemental grants from the U.S. Bureau of Justice Assistance (BJA) in 2016 and 2017 that totaled an additional \$3.1 million. To date, DOJ has received [the most grant funding](#) in the nation from BJA for a sexual assault kit initiative.

As part of the statewide effort to address the accumulation of unsubmitted sexual assault kits, DOJ laid out the following plan:

- Create a team dedicated to WiSAKI to assist local jurisdictions with victim notification protocols, as well as with the investigation and prosecution of cases that may arise from the testing of unsubmitted sexual assault kits. The team is made up of one victim services specialist, two special agents, one assistant attorney general, and one research analyst.

- Complete an inventory of all unsubmitted sexual assault kits at the state's 557 law enforcement agencies and all programs conducting sexual assault forensic exams.
- Test unsubmitted sexual assault kits that have been designated for testing.
 - Out of the **6,386** kits inventoried, **4,030** kits are currently designated for testing. Of the kits designated for testing, testing is complete on **594** kits. Another **1,675** kits are currently being tested at the external lab or are waiting to be tested at the external lab.
 - Testing on all sexual assault kits currently designated for testing will be completed by the end of 2018.
- Expand the sexual assault response training program to equip more law enforcement officers, prosecutors, sexual assault nurse examiners, and victim advocates with the specialized knowledge and resources needed to properly respond to sexual assault cases.
- Implement a sexual assault kit tracking system that will track a kit from the point of manufacture, to hospitals, to law enforcement, and through submission to the state crime lab. This system is intended to offer an option for survivors to access information about the location of their kit and will provide a mechanism for the ongoing auditing of sexual assault kit submissions.

For more information about Attorney General Schimel's efforts to address the accumulation of unsubmitted sexual assault kits, go to www.wisaki.wi.doj.gov.

In 2016, BJA also awarded DOJ \$920,000 for the distribution to sexual assault service providers in counties with the highest number of unsubmitted sexual assault kits. Those counties are Brown, Dane, Fond du Lac, Kenosha, Outagamie, Racine, Rock, Sauk, and Winnebago.

By Your Side

In January 2017, Attorney General Schimel partnered with WCASA to launch the *By Your Side* campaign, which provides information and resources to survivors regarding the unsubmitted kits. Any survivor who had a sexual assault kit collected and does not know if their kit was tested for the presence of DNA evidence can call 1-800-446-6564 or go to ByYourSideWI.org for information and assistance. Survivors will also be referred to local advocacy and support services.

Grant Funding

Recently, OCVS announced it is providing \$27.4 million of Victims of Crime Act (VOCA) grant funding to crime victim services in all 72 counties in Wisconsin through September 2018. VOCA funding administered by Wisconsin DOJ supports both large and small programs across the state, including those that serve victims of sexual

violence. In the St. Croix valley, DOJ directed more than \$22,000 to the St. Croix Valley Sexual Assault Response Team for advocacy services by volunteers. These volunteers are critical to a community's response after sexual assault and often are the first support a victim receives at the time of a sexual assault forensic examination. Similar to this program in the St. Croix Valley, DOJ provided more than \$350,000 to ASTOP Sexual Abuse Center, serving Fond du Lac, Green Lake, and Waushara counties. ASTOP provides services to survivors of sexual violence, their family, crisis intervention, case management, individual counseling, and support and therapy groups. This grant funding is made possible by the U.S. DOJ.

DOJ also receives nearly \$2.5 million in grant funding each year through the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Act (VAWA) formula grant program to fund services and projects that address domestic and sexual violence, including the statewide forensic nurse examiner training program, advocates providing direct victim services, and training on sexual assault and domestic violence investigations to law enforcement. This grant funding also supports five regional Violence Against Women resource prosecutors in Brown, Dane, Eau Claire, Milwaukee, and Waukesha counties. These prosecutors provide training and technical assistance to prosecutors around the state who handle domestic violence and sexual assault cases.

U.S. DOJ awarded nearly \$500,000 to the Wisconsin DOJ this year through the Sexual Assault Service Formula Grant Program (SASP). This grant supports rape crisis centers and other nongovernmental organizations that provide culturally and population specific services to survivors for sexual assault throughout the state. Communities served by SASP funding include Hmong, Latina, campus, and sex trafficking survivors.

Each year, through the Sexual Assault Victim Services (SAVS) grant, DOJ provides nearly \$2.1 million to programs throughout the state that provide direct services to sexual assault victims, including support groups, 24-hour crisis lines, and medical and legal advocacy.

The federal government mandates that a victim, or family of a victim, cannot be charged for a medical forensic exam, therefore DOJ maintains the state's sexual assault forensic exam fund, which reimburses health care providers for the cost of a forensic medical exam for victims of sexual assault. This fund guarantees that health care providers are compensated for the exam when a victim does not wish to cooperate with or report the crime to law enforcement, or if a victim does not wish to submit the bill to their health insurance. If a victim receives an exam and reports the crime to law enforcement, and the application is determined to be eligible, the health care

provider is compensated for the cost of a medical forensic exam by the crime victim compensation fund.

Attorney General Schimel's and DOJ's efforts to support survivors of sexual assault would not be possible without resources from the U.S. DOJ Office for Victims of Crime and U.S. DOJ Bureau of Justice Assistance. Also critical is the Wisconsin State Legislature's and Governor Scott Walker's support for legislation that protects victims. Finally, DOJ's partnership with nongovernmental organizations like WCASA and End Domestic Abuse Wisconsin make it possible for DOJ's team to extend support to victims across the state.