

WiSAKi

WI Sexual Assault Kit Initiative



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CREATION OF THE AG SART

- December of 2012 AG Van Hollen created Attorney General's Sexual Assault Response Team (AG SART)
- Appointed members represent four systems most often responding to victims of sexual assault:
 - medical
 - community-based advocacy
 - law enforcement
 - prosecution systems
- WI State Crime Lab also attends



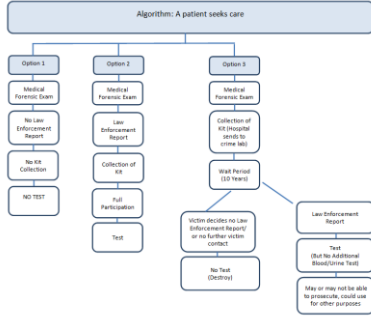
ISSUES TO BE ADDRESSED:

Transmittal, storage and processing of forensic evidence collected during SANE exam, including:

- Composition of medical forensic collection kits
- Billing practices
- Accumulation of unsubmitted kits
- Provision of care process starting when patient presents at health care facility (create option for patient not initially wishing to report to law enforcement)



NEW PROTOCOL WHEN PATIENT PRESENTS FOR A SANE EXAM



MEDICAL FORENSIC EXAM WITH EVIDENCE COLLECTION: INFORMATION AND OPTIONS

A. Medical Forensic Exam with Evidence Collection: Access and Payment

- While you may be billed for some medical treatments as a result of this sexual assault, you will not be billed for the medical forensic exam and evidence collection. The State of Wisconsin will incur the full out-of-pocket costs of the medical forensic exam. If you receive a bill for the forensic exam and evidence collection, you can call the Wisconsin Department of Justice, Office of Crime Victim Services at 1-800-446-6564 for assistance.
- Under federal law you can be provided with a medical forensic exam whether or not you choose to participate in the criminal justice system or cooperate with law enforcement.
- The Crime Victim Compensation program may be able to pay for your out-of-pocket expenses related to this crime. To be eligible for the program, you must make a report to law enforcement within 5 days of the sexual assault and cooperate with the investigation and prosecution of this crime.

B. Advocacy Services

There are many factors to consider when deciding whether to make a report to law enforcement. A sexual assault advocate can help you with your decision by:

- Providing emotional support to help you cope with stress and trauma;
- Talking with you about what may happen after making a report to law enforcement;
- Explaining how the justice system works;
- Helping you fill out paperwork and/or compensation applications;
- Locating service agencies, support groups, counseling and other resources.

Local Sexual Assault Advocacy Agency: _____

Phone Number: _____

I would like an advocate to follow-up with me by: _____

Phone: _____
Is it safe to leave a message and for advocate to identify self? Yes No OK to leave message with phone number only, no name

Mail: _____
 Email: _____

C. Deciding Whether to Report to Law Enforcement

If you report now, law enforcement:

- Will have the opportunity to interview you about the assault.
- Will have the opportunity to interview suspect(s) and collect evidence from them.
- Will transport the evidence collected from your examination to the Wisconsin State Crime Laboratory for analysis.
- Can help you address safety concerns.
- Cannot guarantee that your case will result in a criminal charge and conviction.

If you do not report now:

- Crime scene evidence of the sexual assault will not be collected, photographed, or documented and may be permanently lost.
- Blood and urine specimens will not be collected for forensic analysis to determine whether drugs or alcohol were used to facilitate the sexual assault.
- Witnesses will not be interviewed in a timely manner and they may not be available at a later time.
- It may be more difficult to successfully prosecute your case.

D. Options for Medical Forensic Exam with Evidence Collection

- I want evidence collected and I want to report this incident to law enforcement. LE Case # _____
- I am unsure if I want to report this incident to law enforcement, but I want evidence collected and stored for up to ten years while I make my decision. I understand that if I select this option to store the evidence:
 - My personal identifying information will be sealed and stored with the evidence at the Wisconsin State Crime Laboratory.
 - My personal identifying information will not be released to law enforcement without my consent.
- I understand that if during the next nine and a half years I decide to report this incident to law enforcement, it is my responsibility to contact the agency identified below.
- I understand that after ten years, the Wisconsin State Crime Laboratory will destroy the evidence from my medical forensic exam without any further notification to me.

Nine and a half years from the date of my exam to: _____
Local law enforcement agency and phone: _____

Print Patient Name: _____ Patient Signature & Date: _____

Print Health Care Provider Name: _____ Health Care Provider Signature & Date: _____

What is an accumulation of unsubmitted sexual assault kits?

WHAT IS AN UNSUBMITTED SEXUAL ASSAULT KIT?

A sexual assault kit that has not been submitted to a forensic laboratory for testing and analysis using CODIS-eligible DNA methodologies.





DNA Essentials for Advocates and Survivors

Tue, Aug 29, 2017 2:00 PM - 3:30 PM CDT
[Show in My Time Zone](#)

Presented by Den Campbell, Forensic Scientist Supervisor - DNA, Wisconsin State Crime Laboratory, Madison, WI, and Eva M. L. King, MS, CPA, Forensic Scientist Supervisor - DNA, Wisconsin State Crime Laboratory, Milwaukee, WI

This webinar aims to present forensic DNA crime lab application of the sexual assault kit with the purpose of also educating the advocate and survivor on the scientific basis of forensic DNA. Webinar participants will receive essential information on DNA as follows:

- DNA - an introduction
- DNA - recovery as it relates to sexual assault kits
- DNA - standard crime laboratory testing workflow
- DNA - processing of sexual assault kits in Wisconsin
- DNA - report statements, their meaning, and CODIS [links](#)

REASONS KITS UNSUBMITTED

Held at law enforcement agencies

- Victim reported to LE, decision made by LE or DA not to test.
- Conviction already achieved without DNA.
- Victim did not report to LE, LE took kit to maintain chain of custody but no report of incident.
- Kit held onto while defendant serves sentence.

HOW MANY UNSUBMITTED SEXUAL ASSAULT KITS?

- May 2014 DOJ sent a survey to every law enforcement agency in the state asking each department how many untested kits in their possession at that time.



6,000 kits reported

- AG SART developed protocol.

SAKI GRANTS

- Based on AG SART protocol in September of 2015 DOJ awarded two grants to help test unsubmitted sexual assault kits.

1. **DANY Grant** - \$2 million for kit testing
2. **BJA SAKI Grant** - \$2 million for SART, Victim Outreach Campaign, and some kit testing. Required a certified inventory before kits could be tested.

- DOJ began inventory March 2016, requesting LE agencies provide 12 data elements for every kit in their possession.
- Most kits should be tested.
- Exceptions include:
 - Kits that being held due to state statute 968.205.
 - Kits in case where offender acquitted or found not guilty.
 - Kits where the victim did not report the assault to law enforcement, thus did not consent to have kit tested.

SAKI INVENTORY



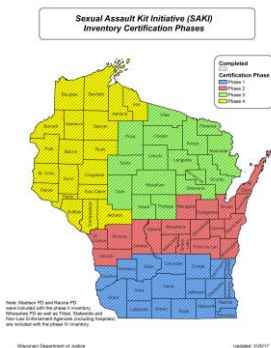
- US Department of Justice – Office on Violence Against Women
- January 2017 – White Paper on Sexual Assault Kit Testing Initiative and Non-Investigative Kits
- “It is OVW’s position that submitting non-investigative sexual assault kits to a forensic lab for testing, absent consent from the victim, should not be standard operating procedure for a law enforcement agency.”

SAKI INVENTORY



SAKI INVENTORY

- To make the inventory process more manageable, the state was certified in phases.
- 557 inventories completed; more than 6,386 kits
- 100% of law enforcement agencies and 100% of hospitals have finalized their SAK inventories
- Over 4,059 SAKs (approximately two-thirds) have been designated for immediate testing

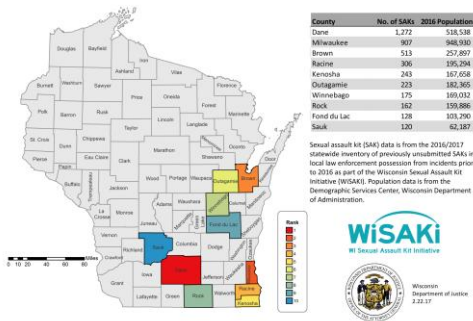


SAKI INVENTORY

- Of LE SAKs not designated for immediate testing:
 - 45% are for cases where the offender already convicted
 - 38% are for cases where victim not consented to testing.
- More than 2,600 SAKs have been received by the WSCL.
- 1,400 SAKs have been sent to Bode Cellmark Forensics for testing; they can receive 200 kits per month given testing demands from multiple states.

SAKI INVENTORY

Top 10 Wisconsin Counties by count of Unsubmitted Sexual Assault Kits (SAKs)



DOJ SAKI SART

- Special Agents with the Division of Criminal Investigation
- Assistant Attorney General with the Division of Legal Services
- Victim Services Specialist with the Office of Crime Victim Services
- Research Analyst with the Bureau of Justice Information and Analysis
- Assistant District Attorney with the Milwaukee County District Attorney's Office

SURVIVOR OUTREACH AND NOTIFICATION WORK GROUP

Rape survivor describes exam trauma



[HTTP://USAT.LY/1J1YU8I](http://usat.ly/1J1YU8I)

SURVIVOR NOTIFICATION WORK GROUP

- Workgroup created via the AG SART
- Comprised of survivors, advocates, SANE nurses, law enforcement, prosecutors, victim/witness, crime lab staff, and WCASA representatives
- Guiding principles:
 - Protect the survivor's confidentiality and privacy
 - Empower the survivor by giving choices
 - Respect the survivor's choice not to engage
 - Emphasis on trauma-informed and victim-centered practices

SURVIVOR NOTIFICATION WORK GROUP

- The work group affirmed a previous decision of the AG SART that survivors would not be notified before their kit was tested.
- Unless otherwise required by statute 175.405, only kits associated with a case that was reported to law enforcement, by the survivor, will be tested. This report to law enforcement is considered the victim's consent to test the kit.
- We don't know what the survivor was told during the SANE exam. If they were told the kit would be tested immediately, it could feel like a betrayal that the kit hadn't been tested until now.

SURVIVOR NOTIFICATION WORK GROUP

- The work group affirmed a previous decision of the AG SART that survivors would not be notified before their kit was tested;
- Depending on when the assault occurred, the statute of limitations may have already run out on the case so charges may never be filed in the case
- There's no guarantee that anything will be found during testing. Potentially re-traumatizing the victim for no new development could be very risky.
- These factors, combined with the likelihood that it's been years since the assault occurred, indicate that notifying survivors before testing could lead to potentially adverse consequences for the survivor.

SURVIVOR NOTIFICATION WORK GROUP

In focus groups with victims, the Joyful Heart Foundation noted that some victims felt survivors should be notified before testing so they could have input on testing decisions; this perspective was not widely endorsed by the majority of survivors or practitioners because of the potential to adversely affect survivors.

SURVIVOR OUTREACH AND NOTIFICATION OPT-IN & ACTIVE OUTREACH



VICTIM OUTREACH

By Your Side  **Support for Sexual Assault Survivors in Wisconsin**

www.byyoursidewi.org

WiSAKI
WI Sexual Assault Kit Initiative





Home About Need Help? Materials Resources



It's not easy, but you're not alone

When we face difficult challenges in our lives, we lean on a family member, a friend, an advocate... someone who is by our side. We are here to help and support sexual assault survivors to find resources and information about their sexual assault kits. We are **By Your Side**.

In 2012, a multidisciplinary group of investigative professionals joined with the Attorney General's Sexual Assault Response Team and SAFTW was created. Since then, Wisconsin and the SAFTW have taken action to further support sexual assault victims and families in WI. Working partners that will ensure all sexual assault kits are processed.

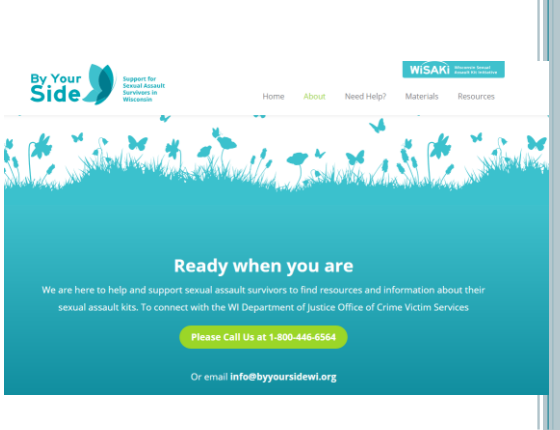
Over the past year, the Wisconsin Department of Justice has implemented the collection of Sexual Assault Kit (SAK) information. This has development agencies across the state. Great care has been taken to ensure that a victim's experience is at the forefront of every decision made throughout this process.

Moving forward, the SAFTW has developed a procedure for testing all sexual assault kits to ensure criminal justice exposure the collection of evidence, and during that process for a period of time, until the victim decides whether to forgive the collection of the information in the investigation of the assault. This allows victims to work through the impact of their assault while ensuring the collection of evidence in a timely manner.

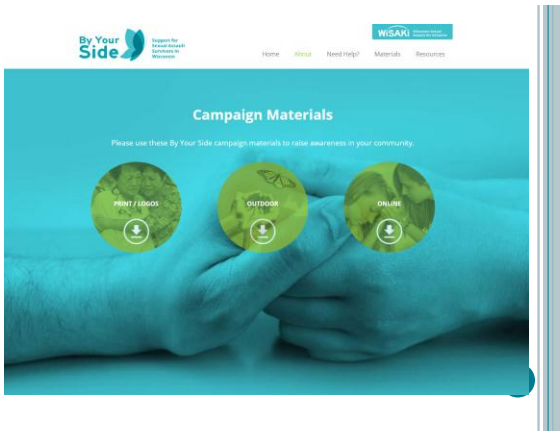
The Wisconsin Sexual Assault Kit Initiative will provide care, including by working partners with the advocates, attorneys, and victims they need, while always respecting the rights of the survivors.

[See How We're By Your Side.](#)











April Newsletter

SAKI SUCCESS STORIES

Who? [Wisconsin Department of Justice](#)

What? "By Your Side" is an initiative that supports sexual assault victims throughout the sexual assault kit (SAK) testing process.

Why? Wisconsin has approximately 6,000 unsubmitted SAKs. The Attorney General's Sexual Assault Response Teams rely on the courage of survivors to help apprehend offenders.

How? Resources and information to help and support sexual assault survivors in Wisconsin can be found at the [By Your Side website](#).

It's not easy, but you're not alone.





In light of these accomplishments, we want to acknowledge the progress made by our incredible grantees! While there are too many successes to list in one email, here's a sample of "5 SAKI Success Stories for the History Books"

5 SAKI Success Stories for the History Books



1. The [Wisconsin Department of Justice](#) launched "By Your Side," an initiative aimed at decreasing the backlog of sexual assault evidence kits in the state by connecting survivors of sexual assault with support services. [Read more](#)



VICTIM OUTREACH – OPT IN

- Information line – DOJ's Office of Crime Victim Services
- Resource for survivors to ask questions about their sexual assault kits or sexual assault reports
- If requested, SAKI SART pursues information about sexual assault kit
- Survivors referred to local programs for advocacy services and support



VICTIM OUTREACH – ACTIVE NOTIFICATION

- Multidisciplinary review team, consisting of representation from local law enforcement, prosecutors, community-based advocates, and SANE nurses.
- Post-testing notification should be conducted in partnership between law enforcement and community-based sexual assault service providers
- Agencies/departments should designate staff members specially trained in the neurobiology of trauma, common trauma reactions among sexual assault survivors, victim notification procedures, etc.

VICTIM OUTREACH – ACTIVE NOTIFICATION

- When will the victim be contacted?
- How will the victim be contacted?
 - Phone
 - In-Person
 - Letter
- Who will contact the victim?
- What will the victim be told?
- Data collection

CONSIDERATIONS FOR CASE DISCUSSION

- Is this case within the statute of limitations?
- How old was the victim at the time of the assault?
- Do results change the outcome of an investigation?
- Do results affect a decision to prosecute?
- What information will be given?
- What if survivor no longer lives in your jurisdiction?
- How will staff be trained to conduct notifications?

CASE SCENARIO:

- Three years ago, a seventeen year old female reported a sexual assault to law enforcement
- A SANE exam was performed and a forensic evidence kit was collected
- The kit was never sent to the crime lab because the victim stopped returning the detective's phone calls after a few days.
- The kit has now been returned with a CODIS hit to an identified perpetrator.

CASE SCENARIO:

- Seventeen years ago, a 50-year old woman reported that she was sexually assaulted by a man she met at a bar the night before
- A SANE exam was performed and a forensic evidence kit was collected
- The kit was never sent to the crime lab because the offender admitted to consensual sexual intercourse
- The kit has now been returned with a foreign DNA profile that matches to a foreign DNA profile from a kit associated with a case in another county.



PRACTITIONER RESOURCES

WWW.SAKITTA.ORG

YOU CAN HELP!

- Share information about SAKI resources
- Discuss victim notification procedures and protocols with your SART teams
- Connect with DOJ's SAKI SART team for assistance and support if needed
- Relay knowledge or expertise from working "cold case" sexual assault cases



Questions or for more information:

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