



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the State Assembly Committee on Criminal Justice and Public Safety
From: Wisconsin Coalition Against Sexual Assault (WCASA)
Date: November 5, 2015
Re: Assembly Bill 430: Sexual Assault Victim Accompaniment Bill
Position: Support

Good morning, my name is Dominic Holt, public policy and communications coordinator with the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a statewide membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 51 sexual assault service provider agencies throughout the state that offer support, advocacy and information to survivors of sexual assault and their families.

WCASA thanks Chairman Kleefisch and Vice Chairman Kremer for bringing this important legislation forward for a hearing today. We also thank Senator Cowles, Representative Murtha, and their staff for spearheading this legislation. Additionally, WCASA thanks the 36 cosponsors of Assembly Bill 430 and Attorney General Brad Schimel for their support of this bill and continued commitment to issues related to sexual assault and human trafficking. We feel this bill is a vital step the Legislature can take to help reduce the trauma survivors often experience after these crimes, and to help ensure that these crimes are reported and prosecuted.

This bill allows, with some exceptions, survivors of sexual assault and human trafficking to be accompanied, if they so choose, by a victim advocate during critical medical and criminal justice proceedings. These include the medical forensic exam, law enforcement interviews, and court proceedings. Eleven (11) other states and the District of Columbia currently have victim accompaniment laws of some kind. The laws vary widely, but generally allow for an advocate to be present at some or all of the proceedings contained in AB 430.

Victim accompaniment is widely supported as a best practice. The International Association of Forensic Nurses' National Protocol for Sexual Assault Medical Forensic Examinations states that upon initial contact with a survivor, medical personnel should immediately request a victim advocate to assist the survivor.ⁱ The Wisconsin Sexual Assault Response Team Protocol states that it is best practice to allow a survivor to have an advocate present during law enforcement interviews, medical forensic exams, and meetings with prosecutors.ⁱⁱ

Additionally, the International Association of Chiefs of Police recommends providing sexual assault survivors with the option of having an advocate present during law enforcement interviews.ⁱⁱⁱ This bill provides the Legislature with the opportunity to codify this best practice.

The rest of our testimony answers two very important questions about this issue: what is the purpose of victim accompaniment, and how do advocates support survivors.

What Is the Purpose of Victim Accompaniment?

The initial response sexual assault survivors receive when reporting the crime or seeking services can have a profound impact on their ability to recover from the assault. This proposal would give survivors a sense of security during a very vulnerable time and can help prevent additional psychological trauma as they navigate complex medical and legal systems. Furthermore, survivors who are supported by a victim advocate are more effective participants in the criminal justice system, which leads to increased reporting of crimes and increased convictions of offenders.

A 2006 study found that sexual assault survivors who had an advocate present during the criminal justice process had better outcomes – they were more likely to have a law enforcement report taken and the case was more likely to be investigated further when an advocate accompanied a survivor.^{iv} Sexual assault survivors interviewed for this study also reported less distress after their contacts with the legal and medical systems.

Additionally, guaranteeing the presence of a victim advocate ensures that survivors will be treated with fairness, dignity, and respect for their privacy. This is very important because treating survivors in such a manner not only is required under Wisconsin’s Crime Victim Rights laws, but also helps other survivors feel safer to report these drastically underreported crimes. In fact, approximately 65% of sexual assaults go unreported annually.^v

Finally, this bill extends these rights to human trafficking survivors, who are often extremely isolated and vulnerable. As a result, WCASA believes AB 430 is an important component in enhancing Wisconsin’s response to human trafficking, something which is obviously of concern to this Legislature.

How Do Advocates Support Sexual Assault Survivors?

While the word “advocate” is used in many ways in public policy discussions, in this case “victim advocate” has a very specific meaning as defined in AB 430. Victim advocates work or volunteer at local organizations that provide counseling, assistance, or support services free of charge to sexual assault survivors and their families. Advocates provide critical services to survivors, like explaining various procedures, providing basic information about the medical and legal systems, and offering emotional support.

Survivors report that the presence of an advocate is critical to navigate the complex legal and medical systems. With respect to these systems, there is no other discipline whose primary function is to advocate for the interests and wants of the survivor. As stated by the International Association of Forensic Nurses’ National Protocol, “Community-based advocates ... have the sole purpose of supporting victims’ needs and wishes.”^{vi} Additionally, advocates are trained to develop relationships with key personnel in the medical and criminal justice systems, whether it be Sexual Assault Nurse Examiners, law enforcement officers, or prosecutors. These relationships are instrumental in assisting survivors engaging with these systems.

Advocates also play an integral role in multi-disciplinary teams responding to sexual assault across the state. They are a key discipline in local Sexual Assault Response Teams that exist in many communities in Wisconsin.

Victim advocates are highly trained before they ever assist survivors. It is best practice for community-based sexual assault victim advocates to obtain 40 hours of crisis intervention training from their sexual assault service provider agency. In addition, it is best practice for advocates to obtain another 40 hours

of training through WCASA's Sexual Assault Victim Advocacy School. As part of our membership organization, advocates also receive a variety of ongoing trainings and other resources that enable them to remain up-to-date on changes in the field.

Conclusion

WCASA believes AB 430 provides a measure of security and assistance for survivors of these crimes. This will help survivors personally as they recover, as well as our society in general as we work to ensure that offenders are brought to justice and that future assaults are prevented.

We thank you for your attention to this matter and for your continued efforts to reduce the prevalence of sexual assault and human trafficking in Wisconsin. If you have any questions, you can reach me at dominich@wcasa.org or at the phone number above.

ⁱ International Association of Forensic Nurses. A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents, Second Edition. April 2013.

ⁱⁱ Wisconsin Department of Justice. Wisconsin SART Protocol. 2011.

ⁱⁱⁱ International Association of Chiefs of Police. National Law Enforcement Policy Center. Investigating Sexual Assaults. Revised 2005.

^{iv} Rebecca Campbell. Rape Survivors Experiences with the Legal and Medical Systems. Do Rape Victim Advocates Make a Difference? Violence Against Women. 2006.

^v U.S. Bureau of Justice. National Crime Victimization Survey. Victimization Not Reported to the Police (2006-2010). August 2012.

^{vi} International Association of Forensic Nurses. Page 39.