

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

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January 12, 2004

To Whom It May Concern:

I am writing this in support of AB652. My name is Michelle Hendrickson and I reside in Wausau. In 1994, I was the victim of a sexual assault. Unlike many victims, I did report this horrific crime and there were many times which I regretted doing so. Shortly after the incident occurred, I was approached by the investigating officer and told that he (perpetrator) was cooperating fully and had 'a lot' to loose (his family) by showing them where this occurred. I was mortified. Did I not have a family, had I not lost 'a lot' already by being assaulted? The investigating officer proceeded to basically threaten me with a polygraph test. He told me that if I was lying there were ways he could find out. Something in me told me that his treatment of me was not okay. I called to report him to his superior, whereas many victims do not. If I had believed the officer and was scared enough by his threats as many victims are, I would not gone through with holding this perpetrator accountable for his crime and justice would not have been served.

Since that time, I have become a victim advocate and been doing this for the past six years with The Women's Community, Inc, which is a domestic abuse and sexual assault crisis center. I thought things would have changed by now and victims would not be subjected to this type of treatment, but here we are ten years later and victims of sexual assault are still not being believed and possibly having to do an honesty test to see if they are telling the truth.

I have worked with several victims of sexual assault who have been given some form of honesty testing. In my experience, this has not been a good thing for them. One person, whom I have been working with for over a year, had an honesty test given to her by a district attorney. She did not "pass" therefore the case was dropped. This has been extremely detrimental to her. She broke down crying about this the other day and the actual incident took place over two years ago. She now regrets having said anything to anyone about what took place. The long-term effects of using any form of honesty testing on victims of sexual assault seem to be great. This form of testing appears to be re-victimizing the victim, in turn slowing down and sometimes halting their healing process, which is lengthy to begin with.

Legislation to prohibit law enforcement officers and district attorneys from requiring, requesting, or suggesting that a person who alleges to be victim of sexual assault submit to a lie detector test is a step in the right direction. This is the most personal crime on the crime index. The things that are taken from a victim cannot be measured, cannot be seen. Victims back self-confidence, and feel shame, fear, and no sense of control after a sexual assault. How does one measure these things? When someone has their wallet or purse stolen from them, it is apparent that something is missing. Why not give these victims polygraph tests? It is obvious that they are not lying because one can see what is missing. However, this is not the case with victims of sexual assault. One cannot always see what this type of victim is missing. Yet how can they not be believed? The statistics are that false reporting of sexual assaults is 2-4%, the same as ANY other crime on the crime

index and yet victims of sexual assault are still being victimized by the system every time an honesty test is being used.

By passing this legislation, victims may feel safer to report knowing that everyone in the system is on their side. Imagine having your wallet or purse stolen and not having someone in a position of authority believe you. Yet you keep trying as hard as you can to get them to see that your wallet or purse is not there and they are still not hearing what you have to say. This is what victims of sexual assault go through every time they report; this is what I went through when I reported. Many people I have worked with over the years chose not to report because they were terrified of not being believed. By supporting legislation prohibiting lie detector tests for victims of sexual assault, many victims may feel safer to report and in turn may start to heal more quickly by having the support of the entire system behind them.

Thank you all for your time today.

Sincerely,

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My name is Lisa Macaulay and I am the Policy Specialist for the Wisconsin Coalition Against Sexual Assault. I am here to speak in favor of Senate Bill 479. This bill would prohibit the use of a lie detector test on a victim of sexual assault unless the victim requests it.

The use of a polygraph or lie detector test on a victim of sexual assault reinforces the belief that victims make false accusations about such an assault. It can also further traumatize the relatively small number of victims who do come forward and report their crimes. WCASA strongly opposes the use of lie detector tests on sexual assault victims as a requirement to determine whether or not to pursue an investigation of the assault.

There is a misperception in the public that sexual assault victims make an inordinately high number of false reports to law enforcement. However, according to the Office for Victims of Crime in the US Department of Justice only 2% of all sexual assaults reported to law enforcement turn out to be false. This is the very same rate as other types of violent crime.

Forcing a victim to undergo a lie detector test undermines his/her trust in the criminal justice system. This loss of trust often results in the victim refusing to cooperate with law enforcement or preventing other victims from coming forward. According to the National Crime Victimization Survey from 1999, only 1/3 of all sexual assaults are ever reported to police. If victims of sexual assault were afforded the same belief, that other crime victims are at the time they report their crime, more victims may come forward and less perpetrators would go free.

Polygraph and lie detector tests are inadmissible in court. Since our judicial system does not have complete confidence in the outcome of

lie detector tests, we should not rely upon them to determine the validity of a victim's claim of sexual assault. The National Center for Women and Policing advice in their training manual that polygraphs are NEVER appropriate to use with sexual assault victims.

Currently, at least 11 other states have legislation in place to prevent the use of lie detector tests on victims of sexual assault. Some of these statues have been in place for almost 10 years. Wisconsin should provide the same level of protection for victims of sexual assault here.

A part-time nurse from an urban area reported to us that in an 8-month period she was made aware of 5 adolescents and one adult who were threatened with their case being dropped if they did not take a lie detector test. This nurse only works two nights a week. This seems to show that lie detector tests are more common then not.

We ask that you support Assembly Bill 652 and thank Representative Suder for his work on this bill and his support of victims of sexual assault.