

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

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

03hr\_ab0000

## 03hr\_sb0479

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

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,

Michelle Hendrickson  
2302 Pied Piper Lane  
Wausau, WI 54403

715-842-7284



# JULIE LASSA

## STATE SENATOR

Good morning Senator Zien and committee members. I am here to testify in favor of Senate Bill 479, which will improve interactions between victims of sexual assault and law enforcement. The bill will make reporting sexual assault less stressful for victims and it will hopefully encourage more victims to report sexual assault. Finally, it will help police and district attorneys investigate and prosecute sexual assault cases.

Roughly 6,000 sexual assaults are reported annually in Wisconsin. We learned from the National Crime Victimization Survey of 1999 that only about one-third of sexual assaults are ever reported to law enforcement. This means that there may be 18,000 sexual assaults in Wisconsin annually. That number is indeed shocking and shameful.

One of the reasons why more victims do not come forward is because they are fearful of how they will be treated by law enforcement. A prime example of why they may be fearful is a story broadcast on the national news last week.

“February 23, 2004 (CBS) A parking lot surveillance tape at a Minnesota mall captures the final moments of a 13-year-old girl’s kidnapping.

‘He grabbed me around the waist by gun point and brought me into the car,’ the girl says.

She was sexually molested and then dropped off at a mall.

But as CBS News Correspondent Mika Brzezinski reports, the memory that haunts her even more is what happened when she went to the police for help.

A stunning police video shows that White Bear Lake Detective Tim Stevenson, a 12-year veteran, appears to have decided the girl was lying even before he conducted the interview.

'I'm talking to you alright, and you keep lying and lying and lying and lying,' Stevenson says in the tape. 'I'm watching the whole thing. You never showed up there. You were never there. You never got dropped off there.'

'It's time to be a woman and step up and take responsibility of what you have done,' said Stevenson.

Apparently, he didn't watch the whole thing. With some detective work of their own, the girl's parents combed through the entire surveillance tape and discovered her story was true."

The bill will demonstrate to victims that the law enforcement community and prosecutors won't victimize that person for a second time and that we all to provide justice to victims and prevent the perpetrators of these assaults from committing more crimes

As a legislative body, we must figure out how to encourage more victims to report sexual assault so that we can provide justice to the victims and prevent the perpetrators of these assaults from committing more crimes.

SB 479 prohibits law enforcement officers from requiring a person who reports a sexual assault to submit to a lie detector test. SB 479 also prohibits law enforcement from requesting or even suggesting that the victim take a lie detector test or giving the victim information about lie detector tests unless the victim requests the information.

The bill also bans district attorneys from requiring a sexual assault victim to take a lie detector test.

However, a district attorney may still suggest or request that a victim take a lie detector test as long as the DA first informs the victim that he or she has a right not to take the test.

There is a need for this bill because some law enforcement personnel pressure victims into taking lie detector tests or refuse to proceed in investigating a sexual assault case if the victim declines to take a lie

detector test. Lisa Macaulay from the Wisconsin Coalition Against Sexual Assault will provide you some examples of this.

Whether law enforcement actively pursues investigation of a sexual assault case should not be contingent upon whether a victim agrees to take a lie detector test or whether the results of a test affirm a victim's allegation. Lie detector test results are not admissible in Wisconsin court cases for a reason – because they are not scientifically reliable, particularly if the test subject is under emotional stress, as sexual assault victims often are.

As we all realize, a victim's initial interaction with law enforcement is critical. If a police officer or district attorney requires or pressures a victim to submit to a lie detector test, especially when the victim first reports the assault, the victim may lose confidence in the legal system. This makes it difficult for the victim and law enforcement to work together to investigate the assault and prosecute the perpetrator. It also discourages other victims from reporting sexual assaults.

Further, there is no need to require sexual assault victims to take lie detector tests. The U.S. Department of Justice reports that only 2 percent of sexual assault reports turn out to be false – the same rate of false reporting as for other types of violent crime. Therefore, there is no need to target sexual assault victims with lie detector tests.

SB 479 reflects a compromise between sexual assault victim advocates and the Association of State Prosecutors. The version of this bill initially introduced in the Assembly banned both law enforcement officers and district attorneys from even requesting or suggesting that a sexual assault victim submit to a lie detector test. The language was changed in this bill to allow district attorneys to request that a victim submit to a lie detector test as long as the district attorney first informs the victim that he or she has a right not to take a test. Making a distinction between what district attorneys and law enforcement officers may

request makes sense for several reasons. Generally the victim's first interaction is with law enforcement so it is particularly important that law enforcement not alienate a victim by pressuring him or her to take a lie detector test. Second, a district attorney must have absolute confidence in a victim's allegation in order to convict a defendant. However, law enforcement officers can proceed with an investigation without the same degree of certitude. The Association of Prosecutors is comfortable with the language in SB 479.

I encourage you to support Senate Bill 479 and to give it a positive vote out of committee today as it will help sexual assault victims as well as assist law enforcement to do their job by encouraging victims to report sexual assaults.



February 23, 2004 20:54:05    The Early Show    CBS Evening News    48 Hours    60 Minutes    60 Minutes II    All Broadcasts

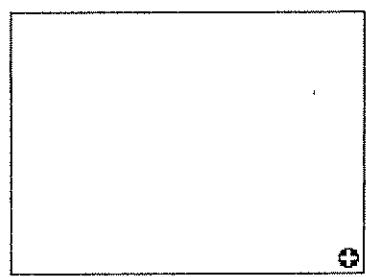
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# On Tape: Cop Berates Victim, 13

NEW YORK, Feb. 23, 2004

**FREE VIDEO**  
 Cop Berates Teen On Tape



Detective Tim Stevenson, of White Bear Lake, Minn., berates the 13-year-old sexual assault victim. (Photo: AP)

**PHOTOS**  
 Behind closed doors, anything goes between police and child victims.

"I'm talking to you alright, and you keep lying and lying and lying and lying," Stevenson says in the tape. "I'm watching the whole thing. You never showed up there. You were never there. You never got dropped off there."

"It's time to be a woman and step up and take responsibility of what you have done," said Stevenson.

Apparently, he didn't watch the whole thing. With some detective work of their own, the girl's parents combed through the entire surveillance tape and discovered her story was true.

But by then - more than a week later - the suspect was long gone and the psychological damage of the interrogation was done.

Behind closed doors, anything goes between police and child victims. There are no national regulations for how these interviews are conducted. Training is often on the job. In many cases, young, vulnerable and often traumatized children are alone with detectives who can use whatever tactics they want.

Victor Veith, is the director of the National Child Protection Training Center. Through role-playing with actors, his agency teaches law enforcement how to gather information from young victims of sexual assault.

Veith says most police are more accustomed to interrogating adult suspects than interviewing juvenile victims.

(CBS) A parking lot surveillance tape at a Minnesota mall captures the final moments of a 13-year-old girl's kidnapping.

"He grabbed me around the waist by gun point and brought me into the car," the girl says.

She was sexually molested and then dropped off at a mall.

But as CBS News Correspondent **Mika Brzezinski** reports, the memory that haunts her even more is what happened when she went to the police for help.

A stunning police video shows that White Bear Lake Detective Tim Stevenson, a 12-year veteran, appears to have decided the girl was lying even before he conducted the interview.

"I'm talking to you alright, and you keep lying and lying and lying and lying," Stevenson says in the tape. "I'm watching the whole thing. You never showed up there. You were never there. You never got dropped off there."

"It's time to be a woman and step up and take responsibility of what you have done," said Stevenson.

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"We need to get to the point in this country where the vast majority of interviews are at least conducted sensitively and competently and when errors are made they don't re-traumatize the child," said Veith.

Yet only three states require videotaping of interviews and even that did nothing to make this young girl's experience any less traumatic.


"It's time to be a woman and step up and take responsibility of what you have done," said Stevenson.

Nobody from the White Bear Lake police department would talk to us citing litigation by the girl's family. Stevenson was removed from the case but two years later, he's still on the job and the attacker remains on the loose.

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# STATE SENATOR DAVE ZIEN

CHAIRPERSON  
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY  
 VICE CHAIRPERSON  
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 SENTENCING COMMISSION  
 COUNCIL ON TOURISM  
 JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER

## MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary,  
 Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections  
 & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

### Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye \_\_\_\_\_ No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye  No \_\_\_\_\_



**Senate Bill 441**

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye       ✓       No                     

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye       ✓       No                     

**Senate Bill 479**

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye       ✓       No                     

Signature           *Tim Carpenter*            
Senator Tim Carpenter



# STATE SENATOR DAVE ZIEN

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON SENATE ORGANIZATION

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**ASSISTANT MAJORITY LEADER**

## MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

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Please consider the following motions:

- Moved by Senator Zien that amendment LRBA2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye   X   No           

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye   X   No           



**Senate Bill 441**

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye   X   No \_\_\_\_\_

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye   X   No \_\_\_\_\_

**Senate Bill 479**

Relating to: lie detector tests of sexual assault victims.


By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye   X   No \_\_\_\_\_

Signature \_\_\_\_\_

  
Senator Scott Fitzgerald



# STATE SENATOR DAVE ZIEN

**CHAIRPERSON**  
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

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**ASSISTANT MAJORITY LEADER**

## MEMORANDUM

**TO:** Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

**FR:** Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

**DT:** March 2, 2004 (hand delivered 10:30am)

**RE:** Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

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Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye   ✓   No           

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye   ✓   No           



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Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye   ✓   No           

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye   ✓   No           

**Senate Bill 479**

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye   ✓   No           

Signature           Cathy Stepp            
Senator Cathy Stepp



# STATE SENATOR DAVE ZIEN

CHAIRPERSON  
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ASSISTANT MAJORITY LEADER

## MEMORANDUM

TO: Senator G. Spencer Coggs, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

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Please consider the following motions:

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Aye   ✓   No           

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye   ✓   No           





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Please consider the following motions:

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Aye ✓ No \_\_\_\_\_

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No \_\_\_\_\_

**Senate Bill 479**

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No \_\_\_\_\_

Signature *G. Spencer Coggs*  
Senator G. Spencer Coggs



**Wisconsin Coalition Against Sexual Assault, Inc.**

600 Williamson Street, Ste. N-2  
Madison, WI 53703

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.