

Gilbert, Melissa

From: Cheri Dubiel [policy@wcasa.org]
Sent: Friday, October 01, 1999 4:21 PM
To: Gilbert, Melissa
Subject: Re: thanks!

Melissa--

I was just more closely examining the fax you sent over and noticed that you included child sexual assaults in the legislation!! That is wonderful! We are very pleased.

Most of the legal technical assistance calls I answer are from people who are adult survivors of sexual assault and who are frustrated because the statute of limitations prohibits them from prosecuting their perpetrators from their childhoods. Many adult survivors are not able to deal with the trauma of incest and childhood trauma until well into their adulthood. This inclusion of child sexual assault crimes makes your legislation far more inclusive.

Thank you again for working with us!

Cheri Dubiel
Policy Specialist

-----Original Message-----

From: Gilbert, Melissa <Melissa.Gilbert@legis.state.wi.us>
To: 'policy@wcasa.org' <policy@wcasa.org>
Date: Friday, October 01, 1999 3:23 PM
Subject: thanks!

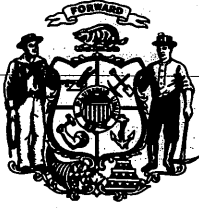
>Cheri,

>
>I was just passing by Scott's desk and happened to see the fax you sent of
>the Wausau paper's editorial advocating our bill. Apparently my boss
>snatched it up before I got a chance to see it!

>
>Thank you for your assistance. Your organization does good work:)

>
>Melissa Gilbert
>Research Assistant
>Office of Rep. Scott Walker

>



Wisconsin State Legislature

April 28, 2000

Senator Chuck Chvala
Senate Majority Leader
State Capitol – 211 South
Madison, WI 53707

Dear Senator Chvala:

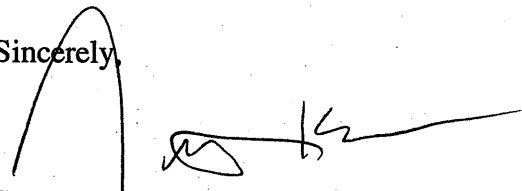
As you know, nine bills remain on the calendar for next week from the action taken before the final day of the session. One of the measures not scheduled for debate on Tuesday, May 2, is Assembly Bill 497. We respectfully ask that you place this important piece of legislation on the calendar for that day.


Assembly Bill 497 lifts the six-year statute of limitations in first- and second-degree sexual assault cases when DNA evidence is found and used within one year of its discovery. The Assembly passed this measure by a vote of 96-0 in November. The Senate subsequently passed a substitute amendment to allow DNA evidence to exonerate the innocent as well. Unfortunately, the substitute amendment also made it more difficult to prosecute offenders.

After working with Milwaukee County Assistant District Attorney Norm Gahn, who belongs to a national commission studying the use of DNA evidence, a bi-partisan amendment was offered to the Senate substitute amendment and approved on a voice vote in the Assembly. At this point, Assembly Bill 497 includes the language passed by the Assembly relating to the prosecution of first- and second-degree sexual assault cases and the language passed by the Senate relating to the exoneration of the innocent.

This is a reasonable compromise that should be embraced by members of both political parties in the Senate as it was in the Assembly. Again, for the sake of rape victims all across the state (as well as for those wrongly convicted), we ask that you schedule Assembly Bill 497 for a vote on May 2, 2000.

Sincerely,


Scott Walker
State Representative
Assembly author of AB 497


Alberta Darling
State Senator
Senate author of AB 497

Gilbert, Melissa

From: Osterberg, Sarah
Sent: Tuesday, October 19, 1999 7:37 PM
To: Gilbert, Melissa
Subject: ab497 info

Hi, Missy:

FYI: See "Prosecutors Charge John Doe" at the NPR website...

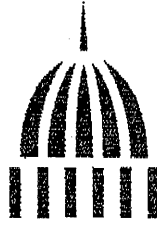
<http://search.npr.org/cf/cmn/cmnpd01fm.cfm?PrgDate=10/19/1999&PrgID=3>

I forgot to mention to you earlier today the name of the woman with whom I spoke at ACOG. Deborah Horan at 202-863-2487 was very eager to discuss the problems associated with rape and the issue of the statute of limitations. She mentioned several good points, some of which I shared with you this afternoon, such as:

- 1.) DNA evidence and limiting the bill: Depending on pre-established procedures, in some cases (as in Washington, D.C., for example) DNA evidence is not collected unless a victim decides to press charges right away. Many women don't decide to do so until months or years later, following counseling, or they may be compelled to come forward if they hear that the same person has done it to others. The initial reaction is often not to report.
- 2.) Many women don't even go to the ER or seek help initially, so again, DNA evidence would not apply.
- 3.) The moment of victimization should not be the mandated time to decide whether or not to press charges.

Hope this is of interest and that the articles I forwarded to you were useful. If you would like to call Deborah, please feel free. Just mention that I suggested you call and that your boss is authoring the bill that she and I discussed. Good luck tomorrow! Please let me know what happens and if Sheldon may be of any further help.

-Sarah



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

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Denver, Colorado 80202
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Fax: (303) 863-8003
www.ncsl.org**

To: Missy

From: Michael Foote
Criminal Justice
michael.foote@ncsl.org

Message: Please call me at extension 103 with questions or for more information.

**FOR NEWS ON CRIMINAL JUSTICE ISSUES, SEE NCSL'S ONLINE NEWSLETTER AT
"<http://www.ncsl.org/programs/cj/law&jus.htm>".**

Number of pages sent
(including this cover sheet): 6

Date: 8/30/1999

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NCMEC
STATUTES OF LIMITATION ON THE PROSECUTION OF SEX
OFFENSES
(through December, 1996)

State	Years	Statute	Provisions
Alabama	NTL	§ 15-3-5(4)	<16
Alaska	NTL	§ 12.10.020(c)	<18
Arizona	7	§ 13-107	Class 2-6 felony
California	2 1	CPC § 802(b) CPC § 803	<14; 2 years after offense (misdemeanor) <18; 1 year after discovery or could have reasonably been discovered, and reported to responsible adult or agency; many other provisions for exceptions and variables
Colorado	10, 5	§ 18-3-411	May be tried for misdemeanor offense beyond time limitation
Connecticut	2-5	§ 54-193a	2 years from age of majority or 5 years from 1st report, whichever is earlier
Delaware	2-5	11 § 205(e)	If <18 at time of offense, may bring within 2 years after initial disclosure to law enforcement
DC	6	§ 23-113	Applies to all felonies
Florida	4	§ 775.15(7)	4 years from age 16 or 1st report
Hawaii	6	§ 701-108	Class A felonies
Idaho	5	§ 19-402	5 years from age 18
Illinois	6	§ 720 5/3-6(d)	1 year from age 18 if initial limit is expired
Indiana	5	§ 35-41-4-2(c)	5 years or age 31
Iowa	5	§ 802.2	May not commence prosecution beyond 5 years after child attains age of 18
Kansas	5	§ 3106(2)	If victim <16, must prosecute within 5 years after child attains age of 18

Key

NTL= No Time Limit

<# = Statute of limitations applies to acts committed on children stated age and younger.

State	Years	Statute	Provisions
Kentucky	NTL	§ 500.050	All felonies
Louisiana	10	§ C.Cr.P. 571.1	10 years from age 17 if victim <17 at time of commission
Maine	NTL	17-A § 8	<16 years NTL
Maryland	NTL	§ CJ 5-106	Misdemeanor punishable by imprisonment, prosecute any time
Massachusetts	10	277 § 63	<16; 10 years or 1st report
Michigan	6	§ 28.964	<18; 6 years after offense or 21 years old, whichever is later
Minnesota	9	§ 628.26c	If victim <18, may prosecute within 9 years of offense if reported; if failed to report, may extend 3 years
Mississippi	Before 21st birthday	§ 99-1-5	Must prosecute before 21st birthday
Missouri	10	§ 516.371	10 years after commission of act
Montana	5	§ 45-1-205(b)	<18; 5 years after victim reaches 18
Nebraska	7	§ 29-110(2)	<16; 7 years post 16 years
Nevada	2	§ 171.095	21 years old, or 28
New Hampshire	6	§ 625:8	<18; 22 years past 18 years old
New Jersey	5	§ 2C:1-6	<18; 5 years from age 18 or 2 years from discovery, whichever is later
New Mexico	2-15	§ 30-1-9.1	Limitation begins tolling upon 18th birthday or when reported to a law enforcement agency; depends on crime charged
New York	NTL	CP: § 30.10	Class A felony NTL; 5 years all other felonies; begins tolling when child turns 18 or files report
North Carolina	NTL	§ 15-1	None for felony; 1 year for misdemeanor, depending on offense

Key

NTL= No Time Limit

<# = Statute of limitations applies to acts committed on children stated age and younger.

State	Years	Statute	Provisions
North Dakota	7	§ 29-04-03.1	<18; 7 years after commission or 3 years after report
Ohio	6	§ 2901.13	Time limit does not run until offense is discovered
Oklahoma	5	22 § 152	
Oregon	6	§ 131.125	Before age 24 or 6 years after report, whichever is earlier
Pennsylvania	NTL	§ 18 Pa.C.S.A. 108	
Rhode Island	NTL	§ 12- 12-17(a)	
South Carolina	NTL	None	
South Dakota	7	§ 22-22-7	By age 25 or 7 years after act, whichever is longer
Tennessee	4	§ 40-2-101	Age of majority or 4 years after act
Texas	10	C.Cr.P. § 12.01(2)(D)	
Utah	4	§ 76-1-303(3)	4 years after report
Vermont	6	T.13 § 4501©	<16; age 24 or 6 years after report
Virginia	NTL	None for felony; 1 yr. For misdemeanor	
Washington	10	§ 9A.04.080(b)(iii)	<14; Reported within 1 year can prosecute for 10 years after the act or until victim reaches age 21; if not reported within 1 year by age 21 or 7 years after the act
West Virginia	NTL	§ 61-11-9	None for felony, 1 year for misdemeanor
Wisconsin	6	§ 939.74(c)	Before age 26
Wyoming	NTL	None	

→ (2) crimes against children - statute commenced up to age of 31

Key

NTL= No Time Limit

<# = Statute of limitations applies to acts committed on children stated age and younger.

Ohio



RESEARCH MEMORANDUM

Margaret Randall

R-121-22-89

February 9, 1996

TIME LIMITS FOR THE PROSECUTION OF SERIOUS OFFENSES IN 16 SELECTED STATES

This memorandum sets forth the time limitations on criminal prosecutions in 16 states with respect to serious and violent offenses. It does not contain an exhaustive listing of all the specific limitation periods in the statutes of the states in the survey.

State	Offenses for which there is no time limit for prosecution	Time limits for prosecution of serious offenses	Time limits for prosecution of certain sex offenses against child victim
California	An offense punishable by death, life imprisonment, or life imprisonment without parole; embezzlement of public money	6 years for an offense punishable by imprisonment for 8 years or more; 3 years for an offense punishable by another term of imprisonment in state prison	If offense involves substantial sexual conduct, within one year after offense is reported to a law enforcement agency and if independent evidence clearly and convincingly corroborates the victim's allegations
Colorado	Murder, kidnapping, treason, and forgery; attempt, conspiracy, or solicitation to commit one of those offenses	3 years for other felonies	10 years when victim is less than 15; 5 years for misdemeanor sex offense when victim is less than 15

-2-

Florida	Capital felony or felony punishable by life imprisonment	4 years for a first degree felony; 3 years for any other felony	If victim is under 16, period of limitation begins to run when victim becomes 16 or when the offense is reported to a law enforcement agency
Illinois	First and second degree murder, reckless homicide, treason, arson, and forgery	3 years for a felony	Offenses involving sexual conduct or penetration when the victim and defendant are family members, within one year of the victim's becoming 18, but no less than 3 years
Indiana	Murder and Class A felonies (includes rape in certain instances and kidnapping)	5 years for a Class B, C, or D felony	Before the date on which the victim becomes 31
Kentucky	No limit for felonies		
Massachusetts	Murder	10 years for armed robbery, assault with intent to rob or murder, robbery, stealing by confining or putting in fear, rape, forcible rape of a child, rape and abuse of a child, assault with intent to commit rape (adult or child victim), incest, or conspiracy to commit one of the listed offenses; 6 years for any other crime	If victim is under 16, period begins to run after victim becomes 16 or when the offense is reported to a law enforcement agency, whichever is earlier
Michigan	Murder	10 years for kidnapping, extortion, assault with intent to commit murder, conspiracy to commit murder	If victim is under 18, within 6 years or by victim's 21st birthday, whichever is later

Minnesota	Murder	9 years for criminal sexual conduct in first degree if victim is 18 or older; 6 years for certain bribery offenses; 6 years for theft and medical assistance fraud; 5 years for first, second, or third degree arson; 3 years for others	If victim of criminal sexual conduct in first degree is under 18, 9 years or 3 years after report to law enforcement agency
Missouri	Murder and Class A felony	3 years for other felonies	10 years if victim is 17 or under
New Jersey	Murder and manslaughter	7 years for bribery and corruption; 5 years for other crimes	If victim under 18, within 5 years of victim's attaining age 18 or within 2 years of discovery of offense by victim, whichever is later
New York	Class A felony	5 years for other felonies	
North Carolina	No limit for felonies		
Pennsylvania	Murder and voluntary manslaughter	5 years for certain offenses including rape, kidnapping, incest, involuntary deviate sexual intercourse, arson, burglary, robbery, forgery, perjury, and terroristic threats; 2 years for other offenses	If victim is under 18, any time up to the period of limitations after the victim reaches 18
West Virginia	No limit for felonies (but 3 years for perjury)		

Wisconsin	First degree homicide or reckless homicide, felony murder	6 years for other felonies	Before the victim becomes 26 (generally); for the offense of repeated sexual acts with the same child, 6 years or by the time the victim becomes 25
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Wisconsin Coalition Against Sexual Assault

MEMO

To: Melissa Gilbert, Office of Rep. Scott Walker
From: Cheri Dubiel, Policy Specialist
Date: August 30, 1999
RE: Elimination of Statute of Limitations for Sexual Assaults

16 pages

Our printer is working again, so I am able to send you all of the information together in a fax.

Traditionally, states seem to focus first on eliminating the statute of limitations for child victims of sexual assault. Since we have two sets of laws in Wisconsin—one set focused on child sexual assault, and the other which can be applied to children and adults—it would seem to be most beneficial to be inclusive of both sets of laws.

The National Center for Victims of Crime web site has a wealth of supporting statistics and information that would help Rep. Walker develop support for this kind of legislation. I have printed off some of the most compelling information and attached it with this fax.

Attached please find the following:

- 1) From the National Center for Victims of Crime, "Extensions of the Criminal and Civil Statutes of Limitations in Child Sex Abuse Cases;" (4 pages)
- 2) Copies of Rhode Island's and Maine's laws regarding statutes of limitations to be used as reference; (2 pages)
- 3) From the National Center for Victims of Crime, "Child Sexual Abuse" with highlighted sections on the issue of repressed memories and access to the legal system; (6 pages)
- 4) From the National Center for Victims of Crime, "Rape Related Posttraumatic Stress Disorder" (3 pages)

Another factor in this issue is the improved science of DNA testing which gives the extension or elimination of the statutes of limitations even more support.

Please feel free to contact me to further discuss this issue or other issues related to sexual assault.

The National Center for Victims of Crime

INFOLINK: Extensions of the Criminal and Civil Statutes of Limitations in Child Sex Abuse Cases

Most states have laws limiting the time during which crimes other than murder may be prosecuted. All states have time limitations for bringing a lawsuit to recover money for damages from the wrongdoing of another -- a civil action. In recent years, many states have adopted extensions to their criminal and civil statutes of limitation for cases of child sexual abuse and in certain other sexual assault cases. The length of the extension varies greatly between the states.

Time Limitation for Prosecution of Offenses

The majority of states that limit the time within which criminal prosecutions must be brought extends the time for cases of sexual offenses against children. Those states have recognized the power imbalance between child victims and the adult perpetrators, who are often family members. Child victims are more easily intimidated by offenders. The position of authority occupied by the perpetrator also enables the offender to confuse the child, by both assuring the child that the sexual conduct is not wrongful, and/or threatening the child with terrible consequences if he or she discloses the activity. This makes reporting of offenses very unlikely. Moreover, child victims may be too young to know how or what to report. States also recognize that child victims may suffer memory repression or severe psychological trauma from the nature of the offense. They may even be unaware of the fact that a crime has been committed against them. For all of these reasons, most legislatures have extended the limitations period for the prosecution of child sexual offenses.

Some states have *no time limitation* for the prosecution of most sexual offenses against children:

- Alabama (violent crimes or sex offenses involving persons under 16);
- Alaska (most sexual offenses against children under 18);
- Kentucky (felonies);
- Maine (incest, rape, or gross sexual assault of victim under 16);
- Maryland;
- North Carolina;
- Rhode Island;
- South Carolina;
- Virginia (felonies);
- West Virginia (felonies); and
- Wyoming.

In addition to the above, several states have no statute of limitations for prosecutions of the most serious forms of sexual assault, regardless of the age of the victim. These include Florida, Indiana, Mississippi, New Jersey, New Mexico and South Dakota.

Most other states have some sort of extension of the limitation period. Generally, these extensions are set out in the statute, but in a few jurisdictions this is simply a matter of law as created by court decisions ("common law").

The extension of time may be based on: a set number of years from the date of the crime; the date the child reaches majority (usually at age 18); the date the crime is first reported to law enforcement or another governmental agency; the date the victim discovers the crime; or some combination of extensions.

Even in states where there is an extended time limitation to prosecute someone for sexual abuse of a child, in some older cases of child molestation there may not have been a criminal law in effect at the time of abuse that prohibited the particular conduct. Check with the prosecutor in the jurisdiction where the abuse took place if you have any questions.

Time Limitation for Civil Actions for Damages from Sexual Abuse

Nearly every state has a basic suspension of the statute of limitation ("tolling") for civil actions while a person is a minor. Many states have also adopted additional extensions specifically for cases involving sexual abuse of children. Extensions for filing civil actions for child sexual abuse are most often based upon the discovery rule -- by the time the victim discovers the sexual abuse or the relationship of the conduct to the injuries, the ordinary time limitation may have expired. This "delayed discovery" may be due to emotional and psychological trauma and is often accompanied by repression of the memory of abuse. Child victims frequently do not discover the relationship of their psychological injuries to the abuse until well into adulthood -- usually during the course of psychological counseling or therapy. They may not even discover the fact of such abuse until they undergo such therapy.

As of 1997, 28 states had adopted an *extension of the time limitation* based on the "discovery" of child sexual abuse or its effects:

- Alaska;
- Arkansas;
- California;
- Florida;
- Illinois;
- Iowa;
- Kansas;
- Maine;
- Massachusetts;
- Minnesota;
- Missouri;
- Montana;
- Nevada;
- New Hampshire;
- New Jersey;
- New Mexico;

- **North Carolina** (time limit begins to run once *bodily harm* becomes apparent or ought reasonably to have become apparent);
- **Oklahoma**;
- **Oregon**;
- **Rhode Island**;
- **South Carolina**;
- **South Dakota**;
- **Utah**;
- **Vermont**;
- **Virginia**;
- **Washington**;
- **Wisconsin** (for incest cases); and
- **Wyoming**.

Those 28 states have passed statutes which *specifically extend the time for filing* such civil lawsuits. A few of these have a maximum number of years that the time to file suit can be extended.

In other states, there may be a "common law" extension of the time limitation based on discovery. ("Common law" refers to law created over time by court decisions, rather than law passed by the legislature.)

Many other states extend the time for filing a civil suit until a certain number of years after the victim reaches adulthood, ranging from 2 to 17 years.

Even in cases where the civil statute of limitation has been extended by the legislature, there may be a question of *retroactivity*; in other words, whether the extension of time to sue would apply to cases of abuse that happened *before* the law extending the time was passed, or only to cases involving abuse that took place *after* the law was passed. Generally, this is a question for a civil attorney familiar with the laws of that jurisdiction.

Many state legislatures are still examining the issue of extending statutes of limitation for crimes against children. Your local state legislator or your state's coalition against sexual assault should have more information about any changes to the law that are being considered.

Visit your local law library to determine the statute of limitations in your state. For questions about the applicability of the criminal statute of limitations in a particular case, check with your local prosecutor's office. If you have questions about the civil statute of limitations that would apply in a case, contact with a local attorney.

(All statutes discussed in this summary are current through 1997 and are tracked through the National Center for Victims of Crime's Legislative Database, which is updated annually.)

Bibliography

Crnich, Joseph and Kimberly Crnich. (1992). *Shifting the Burden of Truth: Suing Child Sexual Abusers C A Legal Guide for Survivors and Their Supporters*. Lake Oswego, OR.

TITLE 12 Criminal Procedure

*Rhode
Island*

CHAPTER 12-12 Indictments, Informations and Complaints

SECTION 12-12-17

§ 12-12-17 Statute of limitations. – (a) There shall be no statute of limitations for the following offenses: treason against the state, any homicide, arson, first degree arson, second degree arson, third degree arson, burglary, counterfeiting, forgery, robbery, rape, first degree sexual assault, first degree child molestation sexual assault, second degree child molestation sexual assault, bigamy, manufacturing, selling, distribution or possession with intent to manufacture, sell or distribute a controlled substance under the Uniform Controlled Substance Act, chapter 28 of title 21, or any other offense for which the maximum penalty provided is life imprisonment.

(b) The statute of limitations for the following offenses shall be ten (10) years: larceny under § 11-41-2 (receiving stolen goods), § 11-41-3 (embezzlement and fraudulent conversion), § 11-41-4 (obtaining property by false pretenses or personation), § 11-41-11 (embezzlement by bank officer or employee), § 11-41-12 (fraudulent conversion by agent or factor), and § 11-41-13 (obtaining signature by false pretenses), or any larceny which is punishable as a felony; any violation of chapter 7 of title 11 (bribery); any violation of § 11-18-1 (giving false document to agent, employee, or public official); perjury; any violation of chapter 42 of title 11 (threats and extortion); any violation of chapter 15 of title 7 (racketeer influenced and corrupt organizations); any violation of chapter 57 of title 11 (racketeer violence); or any violation of chapter 36 of title 6 (antitrust law).

(c) The statute of limitations for any other criminal offense shall be three (3) years unless a longer statute of limitations is otherwise provided for in the general laws.

(d) Any person who participates in any offense, either as a principal accessory, or conspirator shall be subject to the same statute of limitations as if the person had committed the substantive offense.

(e) The statute of limitations for any violation of chapter 18.9 of title 23 (refuse disposal), chapter 19 of title 23 (solid waste management corporation), chapter 19.1 of title 23 (hazardous waste management), chapter 12 of title 46 (water pollution), and chapter 13 of title 46 (public drinking water supply) shall be seven (7) years from the time that the facts constituting the offense or violation shall have become known to law enforcement authorities, unless a longer statute of limitations is otherwise provided for in the general laws.


TITLE 17-A: MAINE CRIMINAL CODE

- PART 1: GENERAL PRINCIPLES
 - CHAPTER 1: PRELIMINARY
 - § 8: Statute of limitations

PAGE

PAGE

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§ 8. Statute of limitations

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section; provided that a prosecution for murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime, a prosecution for incest, rape or gross sexual assault, formerly denominated as gross sexual misconduct, may be commenced at any time.

[1991, c. 585, §1 (amd).]

2. Prosecutions for crimes other than murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime, prosecutions for incest, rape or gross sexual assault, formerly denominated as gross sexual misconduct, are subject to the following periods of limitations:

A. A prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed; and [1981, c. 470, Pt. A, §38 (amd).]

B. A prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed. [1975, c. 499, §1 (new).]

[1991, c. 585, §2 (amd).]

3. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years; [1987, c. 222, §3 (amd).]

B. During any time when a prosecution against the accused for the same crime based on the same conduct is pending in this State; or [1987, c. 222, §3 (amd).]

C. During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court. For purposes of this section, pending includes any appeal period and, if an appeal is taken, any period pending its final disposition. [1987, c. 222, §3 (new).]

[1987, c. 222, §3 (amd).]

NCVC.orgNational Center for
Victims of Crime

Quick Menu

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Sexual Abuse**

- Twenty-nine percent of female rape victims in America were younger than eleven when they were raped (National Center for Victims of Crime & Crime Victims Research and Treatment Center, 1992).
- According to the National Committee to Prevent Child Abuse's annual survey, state child protective agencies received 218,820 reports of child sexual abuse in 1996 (Wang & Daro, 1997). (Calculated by multiplying the estimated number of reported child victims (3,126,000) by the percentage of sexual abuse cases (7%).)
- In the United States, at least 20% of women and 5% to 10% of men were sexually abused as children (Finkelhor, 1994).

Overview

Child sexual abuse has been at the center of unprecedented public attention during the last decade. All fifty states and the District of Columbia have enacted statutes identifying child sexual abuse as criminal behavior (Whitcomb, 1986). This crime encompasses different types of sexual activity, including voyeurism, sexual dialogue, fondling, touching of the genitals, vaginal, anal, or oral rape and forcing children to participate in pornography or prostitution.

Child Sexual Abusers

Perpetrators of child sexual abuse come from different age groups, genders, races and socio-economic backgrounds. Women sexually abuse children, although not as frequently as men, and juvenile perpetrators comprise as many as one-third of the offenders (Finkelhor, 1994). One common denominator is that victims frequently know and trust their abusers.

Child abusers coerce children by offering attention or gifts, manipulating or threatening their victims, using aggression or employing a combination of these tactics. "[D]ata indicate that child molesters are frequently aggressive. Of 250 child victims studied by DeFrancis, 50% experienced physical force, such as being held down, struck, or shaken violently" (Becker, 1994).

Child Sexual Abuse Victims

Studies have not found differences in the prevalence of child sexual abuse among different social classes or races. However, parental inadequacy, unavailability, conflict and a poor parent-child relationship are among the characteristics that distinguish children at risk of being sexually abused (Finkelhor, 1994). According to the *Third National Incidence Study*, girls are sexually abused three times more often than boys, whereas boys are more likely to die or be seriously injured from their abuse (Sedlak & Broadhurst, 1996). Both boys and girls are most vulnerable to abuse between the ages of 7 and 13 (Finkelhor, 1994).

Incest

incest traditionally describes sexual abuse in which the perpetrator and victim are related by blood.

However, incest can also refer to cases where the perpetrator and victim are emotionally connected (Crnich & Crnich, 1992). "[I]ntrafamily perpetrators constitute from one-third to one-half of all perpetrators against girls and only about one-tenth to one-fifth of all perpetrators against boys. There is no question that intrafamily abuse is more likely to go on over a longer period of time and in some of its forms, particularly parent-child abuse, has been shown to have more serious consequences" (Finkelhor, 1994).

Symptoms of Child Sexual Abuse

Many sexually abused children exhibit physical, behavioral and emotional symptoms. Some physical signs are pain or irritation to the genital area, vaginal or penile discharge and difficulty with urination. Victims of known assailants may experience less physical trauma because such injuries might attract suspicion (Hammerschlag, 1996).

Behavioral changes often precede physical symptoms as the first indicators of sexual abuse (American Humane Association Children's Division, 1993). Behavioral signs include nervous or aggressive behavior toward adults, sexual provocativeness before an appropriate age and the use of alcohol and other drugs. Boys "are more likely than girls to act out in aggressive and antisocial ways as a result of abuse" (Finkelhor, 1994). Children may say such things as, "My mother's boyfriend does things to me when she's not there," or "I'm afraid to go home tonight."

Consequences of Child Sexual Abuse

Consequences of child sexual abuse range "from chronic depression to low self-esteem to sexual dysfunction to multiple personalities. A fifth of all victims develop serious long-term psychological problems, according to the American Medical Association. These may include dissociative responses and other signs of post-traumatic-stress syndrome [sic], chronic states of arousal, nightmares, flashbacks, venereal disease and anxiety over sex or exposure of the body during medical exams" ("Child Sexual Abuse . . .," 1993).

Cycle of Violence

Children who are abused or neglected are more likely to become criminal offenders as adults. A National Institute of Justice study found "that childhood abuse increased the odds of future delinquency and adult criminality overall by 40 percent" (Widom, 1992). Child sexual abuse victims are also at risk of becoming ensnared in this cycle of violence. One expert estimates that forty percent of sexual abusers were sexually abused as children (Vanderbilt, 1992). In addition, victims of child sexual abuse are 27.7 times more likely to be arrested for prostitution as adults than non-victims. (Widom, 1995). Some victims become sexual abusers or prostitutes because they have a difficult time relating to others except on sexual terms.

Stopping the Cycle of Violence

With early detection and appropriate treatment, society can prevent some victimized children from becoming adult perpetrators. In order to intervene early in abuse, parents should educate their children about appropriate sexual behavior and how to feel comfortable saying no (American Humane Association Children's Division, 1993).

Although about 40% of untreated nonincest offenders recidivate, studies have found that treatment can

successfully decrease recidivism rates (Becker, 1994). Depo-Provera and other pharmacological treatments can decrease sexual thoughts, urges or drives by lowering male sexual offenders' testosterone levels. This method is sometimes referred to as chemical castration. Offenders' inappropriate attraction to children can be diminished by behavioral modification techniques, such as aversive conditioning, masturbatory satiation, and covert sensitization. Psychological treatment such as psychotherapy and counseling can help offenders understand their behavior and identify its origins (Groth & Oliveri, 1989).

Steps must be taken to ensure that perpetrators do not attack again once the criminal justice system's punitive measures have taken their course. All states and the federal government have enacted versions of Megan's Law that require community notification and sex offender registration. Under these laws, authorities are required to notify communities when sex offenders move in. In some cases, law enforcement agencies make the notification while the offender is responsible in others. Registration laws require offenders to provide information such as name and address to a law enforcement agency. The FBI maintains a nationwide sex offender registry (Walsh, 1997).

Child Sexual Abuse Reporting

Children may resist reporting sexual abuse because they are afraid of angering the offender, blame themselves for the abuse or feel guilty and ashamed. In order to increase reporting, parents and adults who interact with children, such as school personnel, teachers, counselors, child care workers, Boy and Girl Scout troop leaders and coaches, should be educated about the behavioral and physical symptoms of child sexual abuse (American Humane Association Children's Division, 1995). Children are more likely to reveal sexual abuse when talking to someone who appears to 'already know' and is not judgmental, critical or threatening. They also tend to disclose when they believe continuation of the abuse will be unbearable; they are physically injured; or they receive sexual abuse prevention information. Other reasons may be to protect another child or if pregnancy is a threat ("Child Sexual Abuse . . .", 1993).

Recovery from Child Sexual Abuse

Once a child discloses the abuse, an appropriate response is extremely important to the child's healing process. The adult being confided in should encourage the victim to talk freely, reassure the child that he or she is not to blame and seek medical and psychological assistance. Family members may also benefit from mental health services (American Academy of Child and Adolescent Psychiatry, 1992).

Legal Action

Suspicious of child sexual abuse should be reported to a child protective services agency or law enforcement agency. Local child protection agencies investigate intrafamilial abuse and the police investigate extrafamilial abuse. The law requires professionals who work with children to report suspected neglect or abuse.

In addition to reporting child sexual abuse to the authorities, victims can sue their abusers in civil court to recover monetary damages or win other remedies (Crnich & Crnich, 1992). Many states have extended their criminal and civil statutes of limitation for child sexual abuse cases (National Center for Victims of Crime, 1995). In addition, the delayed discovery rule suspends the statutes of limitation if the victim had repressed all memory of the abuse or was unaware that the abuse caused current problems (Crnich & Crnich, 1992).

Adult Survivors of Child Sexual Abuse

Survivors of child sexual abuse use coping mechanisms to deal with the horror of the abuse. One such mechanism, protective denial, entails repressing some or all of the abuse. This may cause significant memory gaps that can last months or even years. Victims also use dissociative coping mechanisms, such as becoming numb, to distance themselves from the psychological and physiological responses to the abuse. They may also turn to substance abuse, self-mutilation and eating disorders. In order to recover, adult survivors must adopt positive coping behaviors, forgive themselves, and relinquish their identities as survivors (Sgroi, 1989). The healing process can begin when the survivor acknowledges the abuse. When working with adult survivors of child sexual abuse, therapists should consider the survivor's feeling of security and the personal and professional ramifications of disclosure.

Societal influences play a big role in the recovery process. Although males are raised to shoulder responsibility for what happens to them, male victims need to understand that the victimization was not their fault. Only then can they begin to accept that they were not responsible for the abuse (Male Survivors of Childhood Sexual Abuse, 1990).

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Big Brothers/Big Sisters of America
230 North 13th Street
Philadelphia, PA 19107
(215) 567-7000

National Clearinghouse on Child Abuse and Neglect Information
P.O. Box 1182
Washington, DC 20013
(800) FYI-3366
(703) 385-7565

Rape, Abuse & Incest National Network
252 10th Street NE

Washington, DC 20002
(800) 656-4673

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INFOLINK: Rape Related Posttraumatic Stress Disorder

- An estimated 683,000 forcible rapes occur each year. (National Center for Victims of Crime and Crime Victims Research and Treatment Center, 1992.)
- Nearly one-third of all rape victims develop Rape-related Posttraumatic Stress Disorder (RR-PTSD) sometime in their lifetimes, and more than eleven percent suffer from RR-PTSD at the present time. (National Center for Victims of Crime and Crime Victims Research and Treatment Center, 1992.)

Overview

The study of traumatic stress has strongly emerged within the last decade. Scholars have traced its roots to the earliest medical writings in 1900 B.C.; there have been many concepts to emerge which describe the same phenomenon. However, beginning in the early 1980s, for the first time, the symptoms which are now called "Posttraumatic Stress Disorders" (PTSD) began to take form. It identified the concept of PTSD to describe a set of symptoms that was known in the past as Railway Spine or Shell Shock, Acute Battle Reaction, Combat Fatigue, Compact Exhaustion, Battered Women's Syndrome, Disaster Victims Disorder or Concentration Camp Syndrome, as well as Rape Trauma Syndrome.

PTSD is defined as an emotional state of discomfort and stress resulting from memories of an extraordinary catastrophic experience which shattered the survivor's sense of invulnerability to harm. Characteristics of PTSD are the helplessness and vulnerability that survivors feel. This bulletin will discuss Rape-related Posttraumatic Stress Disorder (RR-PTSD), a form of PTSD specifically resulting from experiencing a sexual assault or rape.

Four Major Symptoms of Rape-related Posttraumatic Stress Disorder

The first symptom of RR-PTSD is the reliving or re-experiencing of the trauma which is characterized by intrusive thoughts about the rape that the victim cannot control. The victim is essentially unable to stop remembering the incident. This translates for many rape victims into nightmares and dreams which are usually not metaphorical, but closely approximate the rape itself. In addition, victims may relive the event through flashbacks which are similar to remembering scenes in a movie, except that the victim of the rape experiences the flashbacks as if they were happening now. Additionally, victims are distressed by any event that symbolizes the trauma of rape. Victims avoid talking about the event and will avoid any stimuli or situations which reminds them of the rape.

The second major RR-PTSD symptom for rape survivors is social withdrawal. It has been described as psychic numbing, denial, and a feeling of being emotionally dead. They do not experience feelings of any kind. One way it shows up in the lives of survivors is a diminished interest in living. It is not that they are suicidal, but they have no interest in their children, in their jobs, and what feelings they do experience have a very narrow range. Victims experiencing RR-PTSD may not feel joy, pain, or really much of anything; many experience a kind of amnesia. In addition victims with RR-PTSD may not remember the details of what happened to them.

The third set of symptoms of RR-PTSD are avoidance behaviors and actions. Victims may experience a general tendency to avoid any thoughts, feelings, or cues which could bring up the catastrophic and most traumatizing elements of the rape. This may be characterized by refusing to drive near the spot where the

rape occurred.

Increased physiological arousal characterizes the fourth set of symptoms. There may be an exaggerated startle response -- hyper-alertness and hyper-vigilance -- which requires that the victim pay attention to every sound and sight in their environment. Many experience sleep disorders which result in poor sleep patterns for chronic RR-PTSD victims. In addition, memory may be impaired, and many victims have difficulties concentrating, which effects tasks that must be completed in their daily lives. Victims may exhibit a kind of irritability, hostility, rage and anger that produce further isolation.

Some disturbing new research indicates that certain physiological changes in the brain may be permanent conditions. Some survivors with RR-PTSD are unable to accurately gauge the passage of time. Consequently, they are likely to show up for appointments late, early, or not at all. Another possible permanent side effect is a kind of tunnel vision. Victims may be unable to see the "big picture" which results in difficulty distinguishing between a little crisis and a big crisis. Therefore, all events in their lives are viewed as crises.

The U.S. Census Bureau estimates that there are approximately 96.3 million adult women in the United States age 18 or older. In a recent study entitled "*Rape in America: A Report to the Nation*," by the National Center for Victims of Crime and the Medical University of South Carolina Crime Victims Center, 13 percent of American women surveyed had been raped and 31 percent of these rape victims developed RR-PTSD. The study showed that with 683,000 women raped each year in this country, approximately 211,000 will develop RR-PTSD each year. In their attempts to cope with RR-PTSD symptoms, many victims may develop major depression. The above mentioned Report indicates that rape victims are three times more likely than non-victims of crime to have a major depression episode. Rape victims are 4.1 times more likely than non-crime victims to contemplate suicide. In fact, 13 percent of all rape victims actually attempt suicide, which confirms the devastating and potentially life threatening mental health impact of rape.

In attempting to cope with the above symptoms, drug and alcohol consumption are likely to be companions in the victim's attempt to gain relief from these symptoms. Compared to non-victims of crime, rape victims in the Report mention above are:

13.4 times more likely to have two or more major alcohol problems; and

Twenty-six times more likely to have two or more major serious drug abuse problems.

With a growing body of knowledge about RR-PTSD, help is available through most rape crisis and trauma centers. Support groups have been established where survivors can meet regularly to share experiences to help relieve the symptoms of RR-PTSD. For some survivors, medication prescribed along with therapy is the best combination to relieve the pain.

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Wisconsin State Legislature

FOR IMMEDIATE RELEASE – March 30, 2000

Legislature Strips Prosecution Limit for Rape *Bill Also Expands Use of DNA Evidence to Exonerate the Accused*

(Madison) Rapists who avoid detection for six years are no longer safe from prosecution. A vote by the state Assembly today virtually assures that the statute of limitations in serious sexual assault cases will be lifted when DNA evidence is present.

Concurrence with a Senate amendment to the bill was hailed as a victory for victim rights by the measure's main sponsors, Reps. Scott Walker (R-Wauwatosa) and Sheldon Wasserman (D-Milwaukee). The amendment sets procedures by which a person convicted of a crime can use DNA evidence to prove innocence following conviction.

"We now possess the ability to pinpoint guilt or innocence with genetic testing; unfortunately, current law fails to account for this capability," Walker said. "This bill puts justice back on pace with technology."

Wasserman, a gynecologist, also lauded passage of the compromise legislation as a means to better protect the public from acts of sexual assault.

"Rape is a heinous crime often resulting in lifelong harm to victims," he said. "In no case should a perpetrator escape punishment simply because he or she can elude authorities for a certain number of years."

The Assembly originally passed the legislation in early November, but the bill remained stuck in the Senate Committee on Judiciary and Consumer Affairs until recent weeks. In an effort to move the proposal, Walker's office worked with Sen. Gary George (D-Milwaukee) to facilitate a compromise involving the exoneration language.

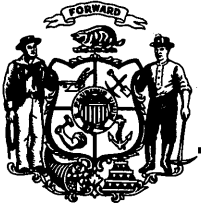
"This bill proves that both parties – and both houses – can work together to pass important public safety initiatives," Walker said. "In essence, we accomplish two legitimate purposes in one piece of legislation."

Passage of the measure makes Wisconsin one of only four states to adopt language addressing the use of DNA evidence following conviction of a crime in qualifying cases. At least eight states already set no time limit for the prosecution of serious sexual assaults against adults, while 11 states maintain no statute of limitations in cases of sexual assault against adults and/or children. Wisconsin allows child victims to commence prosecution at any time before they reach the age of 31.

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For more information, contact:

Rep. Scott Walker – 608-266-9180 *or* **Rep. Sheldon Wasserman – 608-266-7671**



Wisconsin State Legislature

FOR IMMEDIATE RELEASE – April 28, 2000

Lawmakers Request Vote for Rape Victims *Senate Calendar Excludes Prosecution Bill from Consideration*

(Madison) A procedural move by the state Senate may spell a sigh of relief for rapists in this state. That is because a bill extending the statute of limitations for serious sexual assaults has been excluded from consideration when the Senate convenes on Tuesday.

Senate Majority Leader Chuck Chvala's action – or rather inaction – was considered shocking by many lawmakers in both houses. In response, the bill's main author and lead co-sponsor, Rep. Scott Walker (R-Wawuwatosa) and Sen. Alberta Darling (R-River Hills), sent a letter to Chvala (D-Madison) requesting a vote on the measure.

The legislation – AB 497 – lifts the six-year statute of limitations in cases where DNA evidence is available and utilized within a year of pinpointing a suspect. In addition, a substitute amendment passed by the Senate lifts the time limit during which genetic testing can be utilized to prove the innocence of a convicted person.

Walker said he approved of the use of DNA evidence to exonerate people wrongly convicted but that the Senate amendment also made it much more difficult to prosecute the guilty. An amendment removing the extra roadblocks to prosecution was approved last month on a voice vote in the Assembly. That action was met with threats to kill the bill by Sen. Gary George (D-Milwaukee), who chairs the Senate Committee on Judiciary and Consumer Affairs.

"I found that unbelievable enough," said Walker, who chairs the Assembly Committee on Corrections and the Courts. "But the fact that Chvala himself would chuck such a widely bipartisan bill is a hard slap in the face to rape victims."

Darling agreed that the Senate should pass the bill as amended by the Assembly. The substitute language regarding prosecution serves to protect the guilty and not the innocent, she said.

"It is time to stop the my-way or no-way mentality and do something that is so obviously right for the people of Wisconsin," Darling said. "The Assembly has shown a willingness to compromise on this issue, and it is past time for Chvala and George to do the same."

The Republican lawmakers said they want the bill added to Tuesday's calendar because there is no guarantee that the Senate will consider bills after that date.

"This is a reasonable compromise that should be embraced by members of both political parties in the Senate as it was in the Assembly," they wrote. "Again, for the sake of rape victims all across the state (as well as for those wrongly convicted), we ask that you schedule Assembly Bill 497 for a vote on May 2, 2000."

###

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or

Sen. Alberta Darling – 608-266-5830

State of Wisconsin



GARY R. GEORGE
SENATOR

FOR IMMEDIATE RELEASE
MAY 3, 2000

CONTACT: DAN ROSSMILLER
(608) 266-2500

PRESS RELEASE

SENATOR GEORGE BLASTS REP. WALKER'S GRANDSTANDING ON DNA EVIDENCE BILL SENATE HOPES TAKE TO BILL UP IN MAY 23RD VETO SESSION

MADISON - State Senator Gary R. George (D-Milwaukee) today blasted State Representative Scott Walker (R-Wauwatosa) for "political grandstanding and using rape victims for political gain" for his comments to the press on legislation relating to the use of DNA evidence in rape cases.

Among other things, the bill would allow the statute of limitations to be extended if DNA evidence can pinpoint the identity of a suspect in serious sexual assault cases.

Responding to a press release issued by Rep. Walker Tuesday, Senator George rebutted Walker's allegation that Senate Democrats had killed the legislation (AB 497), noting that the State Senate passed the bill on March 28, 2000 with no dissent.

"The Senate passed this bill only to have Rep. Walker amend the bill on the last day of the March legislative session," said Senator George. "To my knowledge, Rep. Walker amended the bill without consulting with any senators. If the Assembly had passed the bill in the form the Senate had presented it, the bill would be law now."

"This type of grandstanding on crime issues is costing the taxpayers millions of dollars and is not protecting the public," said Senator George, who added that the politicizing of crime issues has led to a lack of cooperation that is preventing progress on a number of key issues.

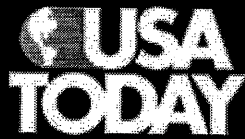
"We are obviously interested in passing a bill to allow prosecution of rapists where the evidence points solidly to a particular suspect," said Senator George. "This issue was discussed with representatives of the State Bar, the sexual assault prevention community and the leading assistant district attorney in Milwaukee County, who is regarded as a national expert in these cases. We worked hard to come up with a compromise that will work and language that affords the proper checks and balances for the public and the criminal justice system. We also wanted to make sure we had a bill that would pass constitutional muster. What we get in return are inflammatory press release attacks that are accusatory in nature."

All of the groups signed off on an amendment on Monday (see attached) why didn't the Senate act?

"If Rep. Walker is interested, as we are, in advancing this legislation, I am hopeful that he will tone down his rhetoric so we can reach a compromise on a number of unresolved issues such as truth-in-sentencing and restorative justice," said Senator George. "If we can develop cooperation, the DNA bill can be taken up during the May veto session scheduled for May 23."

Walker, Scott

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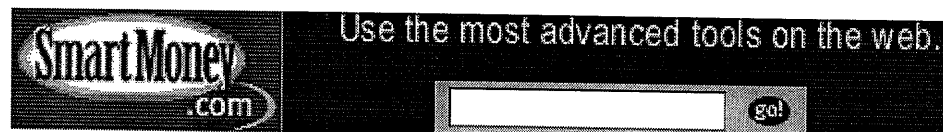
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NEWS

■ Panel wants no limits on DNA appeals

WASHINGTON - A federal commission will propose a dramatic change today in the U.S. criminal appeals process: permitting convicts to use DNA evidence to file appeals at any time even if the deadline for appeals has passed. The proposal by the National Commission on the Future of DNA Evidence could be used as a model for future federal legislation, and already is being hailed by defense lawyers. They say it is likely to free many people who were wrongfully convicted of rape, murder and other crimes before DNA technology became widely used in American courtrooms.



■ Decline in heart deaths levels off

The nation's 30-year decline in death rates from heart disease and stroke has slowed dramatically in the 1990s, experts said Sunday. Flagging progress in the fight against the nation's No. 1 killer has prompted elite heart specialists to gather Monday in Bethesda, Md., to examine what has gone wrong.

COVER STORY:

'Firestorm' tests GOP's mettle.

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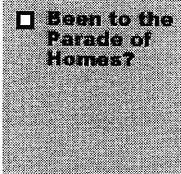
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DNA test result leads to 10 more years for inmate

By David Doege
of the Journal Sentinel staff
May 20, 1999

Matthew T. Schechter was doing all the right things in prison and nearing the point where he'd be duly rewarded.

Eligible for parole, he had worked in prison industry, taken a variety of vocational programs and, most importantly, undergone treatment as a sex offender.

But DNA database technology that suddenly linked him to an unsolved 1993 home invasion rape put his hopes for the future on hold Wednesday when his prison term was stretched by 10 years.

Schechter insisted that his middle-of-the-night rape of a Greenfield woman in her home six years ago next week "haunted me ever since" it happened.

"If it haunted you so much . . . perhaps you should have come forward," Circuit Judge Jeffrey A. Wagner told Schechter before sending him back to prison. "Had you not been found out by DNA, you still wouldn't have taken responsibility for it."

Schechter, 30, was sentenced by Wagner to the maximum possible term after pleading no contest to second-degree sexual assault for the May 28, 1993, attack.

Schechter already was serving a 21-year prison term for a 1994 Racine County second-degree sexual assault conviction and a 1994 Milwaukee County conviction for attempted second-degree sexual assault and false imprisonment.

The Racine County conviction resulted from Schechter having "consensual" sex with two 14-year-old girls in 1989. Schechter picked up the Milwaukee County conviction after he barged into the wrong apartment one night while drunk and attempted to have sex with a woman he mistakenly believed he knew.

It was because of those incidents that a sample of Schechter's DNA profile was included in a State Crime Laboratory index for convicted sex offenders. Earlier this year a virtual match was made between his sample and a sample obtained from the unsolved Greenfield attack.

On May 28, 1993, the woman awoke to a nude man standing over her. The

intruder then climbed into bed with her and raped her.

Schechter was charged with the attack in March based on the strength of the DNA link, one in which there was just a one in 19 million chance of another white male having the same genetic profile.

Schechter admitted responsibility even before he was charged, telling police a bizarre story of having met a man in a bar that night in 1993 and being paid \$200 by him to have sex with the woman.

While Schechter was "haunted" the past six years, his victim was living in fear of contracting a disease from her assailant or being attacked again in the middle of the night, she told Wagner Wednesday.

"The least little noise in the night wakes me up," she told Wagner.

"I think she's received some relief knowing he at last was caught," said Assistant District Attorney Norman Gahn.

"This is a person who but for the development of this technology saw some light at the end of the tunnel," defense attorney Chris Harwich said of Schechter, who became eligible for parole in October. "Now, of course, that is no longer the case."

Schechter turned and apologized to his victim, who sat in the gallery with a counselor from the district attorney's office.

"I have gone through a lot of treatment in the last five years," Schechter told Wagner. "I've seen victims of sexual assaults and talked to them."

After rebuking Schechter for not accepting responsibility before the DNA link was made, Wagner told him that the passage of six years did not diminish what he had done.

"The fact that the case aged because you weren't caught doesn't depreciate the seriousness," Wagner said.

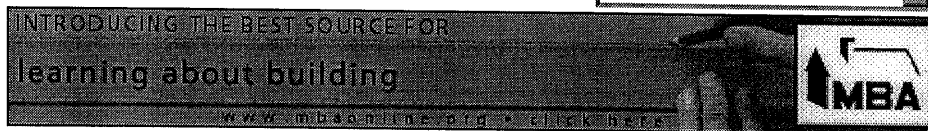
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Caught through DNA data, inmate pleads guilty in rape

Comparison of sex offender index with evidence from '93 crime led to charges

By David Doege
of the Journal Sentinel staff

Last Updated: Aug. 2, 1999



A man already serving a 54-year prison term on 1994 charges including sexual assault pleaded guilty Monday to raping a woman during a middle-of-the-night home invasion in 1993.



Amos N. Branigan pleaded guilty to three counts of first-degree sexual assault in a case based almost exclusively on DNA database technology.



Branigan, 29, faces up to 60 additional years in prison when he is sentenced next month for raping the west side woman while her boyfriend was locked in the trunk of her car.



The woman and her boyfriend were awakened in the early morning hours of July 21, 1993, by an intruder who demanded jewelry and car keys and repeatedly hit the woman on the head with a pistol. The intruder eventually led the two to the woman's car and made her drive the three of them to various locations before forcing the boyfriend into the trunk.

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The intruder then ordered the woman to drive back to her home, where he took her inside and raped her. The woman eventually got the pistol away from the assailant, but he regained control of the weapon and threatened to kill her.

She fled to another room, slammed and locked the door, then crawled outside and screamed for help.

The case against Branigan resulted from what are known as cold hits: the implication of a previously unknown suspect through the comparison of DNA samples in an offender index and a victim index.

Since 1993, Wisconsin authorities have been collecting oral cell swabs from more than 9,000 convicted sex offenders for placement in the State Crime Laboratory's offender index. Body fluid samples from unsolved rapes,

meanwhile, are placed in the victim index.

Branigan is serving the 54-year prison term for a 1994 Milwaukee County conviction on charges of armed robbery, operating an auto without the owner's consent, concealing his identity and second-degree sexual assault of a child.

Appeared in the Milwaukee Journal Sentinel on Aug. 3, 1999.

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Charges Identify Rapist Only by DNA

Associated Press

Last Updated: Oct. 7, 1999 at 8:15:06 a.m.

MILWAUKEE - With time running out to file charges against an unknown rapist, prosecutors have taken the unusual step of using the man's DNA code to identify him in court papers.

One unknown person is blamed for three rapes in 1993 in Milwaukee. The statute of limitations had expired in two cases by the time an arrest warrant for kidnapping and sexual assault was filed in early September.

The warrant identifies the assailant as "John Doe, unknown male," with matching DNA at "genetic locations D1S7, D2S44, D5S110, D10S28 and D17S79."

Prosecutors believe that stops the clock from ticking down on the statute of limitations, which would have expired on the third attack Nov. 8, so the assailant can be prosecuted if he is arrested in the future.

"This will be litigated someday, no doubt," Milwaukee County assistant district attorney Norman Gahn said after filing the warrant. "This way, it's been put into the system so we will preserve jurisdiction."

The step is not unprecedented. Ty Kaufman, the prosecutor in McPherson County, Kan., said he used a DNA profile on a 1991 arrest warrant to identify a suspect in several rapes.

"If you can identify a perpetrator by the use of some device that will give you a positive identity, then why not use that?" he said.

The cases remain open. "We haven't found him yet," Kaufman said.

An individual's DNA - shorthand for the genetic material deoxyribonucleic acid - is similar to a fingerprint in proving one's identity. DNA testing can be done on blood and sperm.

Using it to identify otherwise unknown suspects is an extraordinary maneuver, said Daniel D. Blinka, an associate professor at the Marquette University Law School.

“What it indicates is that DNA evidence has come of age in the courtroom,” Blinka said. “It’s another step toward eventually saying: ‘This is the perpetrator. This is his genetic fingerprint.’”

Fourteen states currently participate in a national DNA indexing system by inputting DNA samples from known criminals and unsolved crimes. Wisconsin is among the states that have a DNA database.

Defense attorney Ray Dall’Osto, chairman of the Wisconsin Bar Association’s criminal law section, called it “an attempt to stretch the envelope but I think there is a question about whether one can extend the statute by filing a legal charge without naming the defendant.”

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Wisconsin leads way in using DNA to help catch criminals

Genetic 'databanking' expected to solve scores of rapes and assaults

By David Doege
of the Journal Sentinel staff

October 18, 1998

When authorities first charged Anthony H. Turner with raping and robbing a woman selling cleaning products door to door, it looked like they may have solved one ugly crime.

Now genetics, a computer and a couple of pairs of underwear are telling them they may have a serial rapist on their hands.

A new twist on DNA database technology still in its infancy in the State Crime Laboratory has allegedly linked Turner to three unsolved rapes in addition to the assault of the saleswoman that originally landed him in jail.

The sudden ability to link Turner to rapes that looked as though they might never be solved occurs through techniques with potential that have authorities extremely excited.

The use of the new technology in Wisconsin's crime laboratories and courtrooms enhances a reputation the state already had as a national leader in the use of DNA genetic fingerprinting.

A national panel on the future of DNA technology, assembled at the urging of Attorney General Janet Reno, includes four Wisconsin residents.

State Supreme Court Chief Justice Shirley S. Abrahamson will chair the 22-member commission, which also has on it University of Wisconsin professor emeritus James Crow, Milwaukee County Assistant District Attorney Norman Gahn and University of Wisconsin Law School professor Michael Smith.

"I think it's a matter of Wisconsin happening to be a place of significant utilization of DNA technology," Christopher H. Asplen, executive director of the national Commission on the Future of DNA Evidence, said of why the panel includes four state residents. "As such, Wisconsin has a number of experts."

Abrahamson chairs the commission because of her legal acumen on the topic, according to Asplen. Smith also has legal expertise in that field.

Crow was named to the commission because of his work on an earlier report on



DNA for the National Research Council, Asplen said. As for Gahn, Asplen said, "From a national perspective he has a deeper understanding of the science of DNA than any other prosecutor I know."

In addition, Gahn, who is prosecuting Turner, is to be recognized next month as one of the nation's "pioneers" in the use of DNA evidence when the FBI marks its 10th anniversary of DNA analysis.

The national recognition comes as the state appears to be on the brink of significantly increasing its rape clearance rate because of DNA technology.

Scores of now unsolved rapes and future assaults that would otherwise be extremely difficult to solve are apt to be solved in the months and years ahead because of the process known as "DNA databanking."

As one official put it, "This will solve cases that would have been solved only if the attacker came in and confessed."

The developments in Turner's case illustrate how DNA databanking can swiftly transform an old, seemingly lifeless rape investigation into a vigorous prosecution.

The case concerning Turner, 32, dates back to June 18, 1997, when he was charged with first-degree sexual assault, theft from a person and criminal trespass to a dwelling.

The charges stem from the assault of the saleswoman from Nebraska, attacked while peddling bottles of cleaning fluid on N. 37th St. four days earlier.

She was dragged into a garage where Turner and another, unidentified man demanded money, according to a criminal complaint. After robbing her, the assailants took turns raping the woman, the complaint says.

Later that day, police canvassing the area for suspects in the rape were summoned to another home in the area where a woman reported an intruder in her house. It turned out to be Turner, the complaint says.

While Turner's case was pending this summer, authorities took a sample of his blood for DNA comparison with semen stains left at the crime scene. When the state crime lab did a work-up on the blood, the results were not only passed on for use in the pending case but added to a database for comparison with other cases.

DNA is the chemical in cells that embodies a person's genetic programming -- everything from eye and hair color to susceptibility to diseases. Each person's DNA is unique.

Since 1993, authorities have been collecting oral cell swabs from more than 9,000 convicted sex offenders for placement in the crime laboratory's database.

Back in June, the crime laboratory's DNA databanking system produced its first suspect when it matched Shawn D. Riley, 17, with an unsolved rape.

Since then, Gahn has charged two more rape suspects -- Oranee D. Metts, 40,

and Gregory Jackson, 29 -- through the same technology.

A few weeks later, with sexual assault cases pending against Riley, Metts and Jackson, the DNA databank computer got a triple hit on Turner, but in a different way than the previous three suspects it identified.

Riley, Metts and Jackson all were linked through the convicted offender DNA databank, according to court records. Turner, who is not a convicted sex offender, was linked because his genetic profile worked up for the pending case was stored in a "case" databank, according to Gahn.

That newer databank has just a few dozen genetic profiles from rape evidence, and in the weeks after Turner's profile was entered, Milwaukee police brought evidence from three unsolved cases to the crime laboratory for comparison with the offender and case databanks.

On Wednesday, Turner was officially charged with committing two of the unsolved rapes -- one from October 1995 and the other from March 1997 -- because the genetic profile of semen stains left on the women's underwear allegedly matched the genetic profile of Turner worked up for the pending case.

As for the third unsolved assault, which occurred in 1993, Gahn said, "It's still under consideration for charges."

Gahn attributed much of the early success of DNA databanking to Milwaukee police.

"The police are doing a terrific job of selecting cases that are viable," Gahn said.

In chipping away at the hundreds of unsolved rape cases, police have prioritized which should go to the laboratory first for databanking.

"We're looking at the more aggravated cases, the serial rapes, the instances where victims were dragged off the street into a garage," Gahn said. "We'll work our way down from those types of cases."

Gahn added, "some cases simply are not viable, like cases where the victim is no longer cooperative or can't be located."

Gretchen DeGroot, DNA unit leader at the state crime lab, said that so far the databanking system is used only as time allows. DeGroot explained that she does not have personnel to devote full time to the system.

David O. Steingraber, administrator of the division of law enforcement services for the state Justice Department, said DNA technology is advancing rapidly and that authorities have to consider not only finding money to fund the technology but which DNA technology to focus on.

Gahn, DeGroot and Steingraber all are greatly enthused by the technology's potential.

DeGroot and Steingraber stressed the potential of linking Wisconsin's system with systems in other states, through the FBI's new national database, which started up last week but to which Wisconsin is not yet linked.

"When we hook up with Illinois, we will be getting a lot of hits," DeGroot said.

Gahn emphasized the eventual benefit from databanking profiles from all assaults.

"To say the potential is enormous would be an understatement," he said.

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Man linked to rape through DNA pleads guilty

By David Doege
of the Journal Sentinel staff
October 28, 1998

An Illinois man pleaded guilty Tuesday to raping a Marquette University student in 1994, becoming the first person convicted in Milwaukee County through DNA database technology.

Oranee D. Metts was imprisoned in Wisconsin for three home invasion rapes in Dane County when the database, which was pioneered in Wisconsin, linked his DNA to the Marquette rape.

Metts, who sports a tattoo on his right arm proclaiming him "Metts the Ladies Man," already was serving a 140-year prison term for the Dane County convictions and was not bound to be a free man for many years to come, if ever.

But his conviction Tuesday is significant because of the peace of mind it affords a victim who at last knows her assailant is locked up, according to the prosecutor.

"It's a case that shows the value of database technology," said Assistant District Attorney Norman Gahn. "Here we're giving closure to the victim, a woman who's been looking over her shoulder the last few years wondering where and who her attacker was."

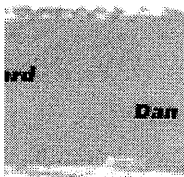
Metts, 40, pleaded guilty to two counts of first-degree sexual assault for the October 1994 attack that occurred the same month he had his parole transferred from Illinois to Wisconsin. In exchange for his guilty plea, Metts had an armed burglary charge dismissed at Gahn's recommendation.

Metts entered the plea after abandoning a potential criminal insanity defense. That defense was aborted after a psychologist who examined him concluded there was no evidence indicating that Metts was suffering from a mental disease at the time of the '94 attack.

The woman was raped after Metts entered her apartment through an unlocked door in the evening and threatened her with a knife.

Metts has been imprisoned since December 1995 for the rapes of three women -- two in Monona and one Madison -- in fall 1994.

While that case was pending, Metts was dubbed the "Monona serial rapist" by the Madison news media. On the eve of his trial for the three rapes, in October 1995, he pleaded guilty.



Like other convicted sex offenders since 1993, Metts' genetic profile was put into a State Crime Laboratory computer after conviction. The genetic profile was among more than 9,000 stored in a computer that compares the DNA characteristics of known sex offenders with genetic profiles of unknown attackers who left body fluids during sex assaults.

Metts was linked this summer to the Milwaukee rape when the lab computer determined his genetic profile matched that of the man who raped the student.

Three other men have been linked to unsolved Milwaukee rapes through DNA database comparison, and the case of a fifth suspect is under review.

Metts, who is to be sentenced by Circuit Judge Elsa C. Lamelas next month, is serving his current term at the Columbia Correctional Institution in Portage.

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DNA match gets rapist 40 more years

By David Doege
of the Journal Sentinel staff
November 17, 1998

When tacked onto the 140-year prison term he already is serving for a series of home invasion rapes, the 40-year sentence Oranee D. Metts received Monday might seem inconsequential.

But to a woman who spent four years wondering if the man who raped her in 1994 would ever be caught, Metts' sentencing Monday was incredibly important.

If not for the advent of DNA database comparisons in Milwaukee County, the woman might never have seen her assailant punished for the attack that occurred while she was attending Marquette University.

"I was afraid to walk the streets," the woman told Circuit Judge Elsa C. Lamelas. "I was afraid to be in crowds."

Moreover, the sentence moved back by at least 10 years the date at which Metts will become eligible to request parole. That date is now 2040, when Metts will be 82 years old.

Metts, said his attorney, came into court Monday hoping for "light at the end of the tunnel." He left court with the light so distant he may never see it.

In addition, with his sentencing on two counts of first-degree sexual assault, Metts left Lamelas' courtroom bearing the dubious distinction of being the first person in the state to be sentenced as a result of a DNA database comparison.

"The technology is such that they can go back and pick out the people who are responsible for these crimes," said Assistant District Attorney Norman Gahn.

Metts, 40, pleaded guilty last month to the attack in October 1994, the same month he had his parole transferred from Illinois to Wisconsin. In exchange for his guilty plea, Metts had an armed burglary charge dismissed at Gahn's recommendation.

The woman was raped after Metts entered her apartment through an unlocked door and threatened her with a knife.

Metts has been imprisoned since December 1995 for the rapes of three women -- two in Monona and one Madison -- in fall 1994. On the eve of his trial for the three rapes, in October 1995, he pleaded guilty.

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entered into a State Crime Laboratory computer after conviction. The genetic profile was among more than 9,000 stored in a computer that compares the DNA characteristics of known sex offenders with genetic profiles of unknown attackers who left body fluids during sex assaults.

Metts was linked this summer to the Milwaukee rape. Three other men have been linked to unsolved Milwaukee rapes through DNA database comparison, and the case of a fifth suspect is under review.

The former Marquette student came to court Monday with Gahn and a counselor from the sensitive crimes unit of the district attorney's office.

"He violated my privacy, my body, my mind," the woman told Lamelas.

The woman told Lamelas that she felt a 20-year sentence Gahn recommended was fair. However, Lamelas said she felt it imperative to ensure that Metts remain in prison longer than he would under a 20-year sentence because "he cannot be trusted in our community again."

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