



In 2002, Safe Harbor of Dane County, Inc., Dane County's Child Advocacy Center, interviewed 176 children about allegations of child abuse or neglect. The children ranged in age from 2 years to 16 years, and represent one of our state's most vulnerable victim populations.

Safe Harbor's multidisciplinary approach to child abuse investigation, which brings together a team comprised of representatives from the district attorney's office, law enforcement, human services and the victim/witness unit, has been successful in reducing both the number of times a child must be interviewed as well as the likelihood that a child will have to testify in court. Currently, videotaped statements are sometimes used instead of live testimony at preliminary hearings. They have also been used at trial to augment a child's testimony. The goal of obtaining a high level of accuracy in the information from the child with the least amount of trauma to the child has been achieved by providing intensive training in child interviewing techniques to the law enforcement officers and social workers who conduct Safe Harbor interviews.

Last year the District Attorney's Office initiated prosecution of 101 cases involving children whose testimony had been video recorded at Safe Harbor. As of this date, 73% of those defendants have entered pleas, or agreed to participate in deferred prosecution programs, 14% of these cases were either dismissed or the defendant died during the pendency of the proceedings, 4% of the cases went to trial with 3 guilty verdicts and 10 cases are still pending.

Current protocols at Safe Harbor outline the required handling of videotaped statements. To protect the integrity of the tapes, a law enforcement officer opens the sealed blank tapes at the time of the interview. At the end of the interview, the officer punches out the tab on the tape to help ensure that the tape will not be recorded over. More importantly, upon being opened, the videotape becomes police evidence, subject to the same "chain of custody" requirements as any other evidence. Because the official copy is secured as evidence, the opportunity for the videotape to be compromised in any way is significantly reduced. This same protocol can be readily adapted to include digital technology.

Safe Harbor is aware that technological changes are happening at a rapid pace through out our state, country and world. In Dane County, the building of a new county courthouse makes it likely that digital technology will be a part of that project, and will impact directly on the technology we will need to provide for use of children's statements in court. For law enforcement agencies as well, the storage of DVDs as opposed to videotapes will certainly require less space in their already taxed evidence storage areas.

An on going program evaluation at Safe Harbor demonstrates the tangible benefits of a multidisciplinary approach to child abuse investigation and videotaping of children's testimony: reducing the number of times a very vulnerable victim must be interviewed, controlling the quality and integrity of the interview process with young victims, producing compelling evidence that encourages the guilty to plead to the charges, and reducing the likelihood that a young victim will need to appear in court. The non-tangible result of this process- the reduction of trauma to young victims- is equally compelling.

Revising Wisconsin State Statutes to include digital technology as a recording medium will allow these benefits to continue.

# **Assembly Republican Majority Bill Summary**

## **AB 294: Digital Recording of Testimony**

Relating to: Using digital recording of a child's testimony.

Introduced by Representatives Boyle, Bies, Musser, Turner, Berceau, Lassa and Albers, cosponsored by Senator Jauch.

**Date:** February 5, 2004

### **BACKGROUND**

Current law permits a videotape of a child's testimony to be used under certain circumstances in criminal proceedings, proceedings to revoke a person's probation, parole, or extended supervision, or juvenile fact-finding hearings.

### **SUMMARY OF AB 294**

Assembly Bill 294 permits a digital recording of a child's testimony to be used under the same circumstances.

### **FISCAL EFFECT**

No Fiscal Estimate was prepared for Assembly Bill 294.

### **PROS**

1. Incorporates digital recording into current recording laws.

### **CONS**

1. None apparent.

### **SUPPORTERS**

Rep. Frank Boyle, author; Safe Harbor of Dane County.

### **OPPOSITION**

No one appeared or registered in opposition to Assembly Bill 294.

### **HISTORY**

Assembly Bill 294 was introduced on April 23, 2003, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on August 13, 2003. On September 10, 2003, the Committee voted 11-0 to recommend passage of Assembly Bill 294.

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ATB 299

incorporates digital recordings  
into current recording laws.

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Digital recordings applying to  
current law as it applies  
to current recordings