**IlseKnechtInterview.mp3**

[00:00:00] **Speaker 1** I just. Oh. What?

[00:00:02] **Speaker 2** So there's a couple other boxes down here that you'll see. John is one of our engineers that will help make sure we have quality. So I'm going to step up because they may start talking to you and give you some directions, and then they'll let me know when we can start. Okay. Can you hear? Are you good to help?

[00:00:18] **Speaker 1** I just realized I wanted to move a different to a different place. Can get light. Maybe a little bit of light. Make maybe better. I'm not on audio. This is a dumb question, but is there. Is it just audio we're doing?

[00:00:50] **Speaker 2** No, we'll be recording video. Okay. Oh, yeah. John just chimed into the chat. We used to do all of our interviews this way during Covid, the early days. Yeah. So we we developed these techniques. And then obviously as we came out of them, some of them were like, well, let's do it the way we did. And I was like, that was two years ago. How do we do that?

[00:01:18] **Speaker 1** So yeah. Yeah.

[00:01:20] **Speaker 2** I, I like to bring in our engineers because I am terrible at like recording and doing high quality things and that's their specialty.

[00:01:28] **Speaker 1** That makes sense to me.

[00:01:31] **Speaker 2** So how do I pronounce. Is it Eli?

[00:01:33] **Speaker 1** It's Ilsa.

[00:01:34] **Speaker 2** Ilsa. Okay.

[00:01:36] **Speaker 1** Yeah.

[00:01:36] **Speaker 2** All right. That's why we.

[00:01:37] **Speaker 1** Oh, yeah, I know.

[00:01:40] **Speaker 2** And is it net.

[00:01:41] **Speaker 1** Connect like connects. Yeah.

[00:01:43] **Speaker 2** Okay, I suppose.

[00:01:44] **Speaker 1** I get every I get every version of that, you know, so.

[00:01:47] **Speaker 2** I'm sure. I'm on audio now. I'm not a video engineer. I just sort of was asked to do this recording, but, I mean, the picture looks good to me. I'm. I've already started recording, so I think you can start whenever you like. Okay. Do you want me to turn off my video or are we okay? Just recording. Elsa, I have her pin, so we're just recording our video again. Okay. Wonderful. All right, well, we'll get started.

[00:02:17] **Speaker 1** Okay. Sorry. Some videos just started playing on my laptop, and we fix this.

[00:02:20] **Speaker 2** Okay.

[00:02:20] **Speaker 1** Okay. That was weird.

[00:02:22] **Speaker 2** Yeah, and we'll edit will be added. So if something pops up or the phone rings, make sure my phone's actually on.

[00:02:28] **Speaker 1** Yeah. Me too.

[00:02:29] **Speaker 2** Mention that.

[00:02:30] **Speaker 1** Okay. Yeah. Okay. We're good.

[00:02:36] **Speaker 2** All right. Well. Thank you. Thank you again for for making time. I'm glad we could, you know, juggle the schedules.

[00:02:42] **Speaker 1** Yeah. Sorry about that.

[00:02:43] **Speaker 2** Oh, no, I understand. But give me a let's start with what is it that you do in your organization? Give us that background of what your mission is.

[00:02:53] **Speaker 1** Sure. So the Joyful Heart Foundation was founded in 2004 by Law and Order Special Victims Unit actress and advocate Mariska Hargitay to help survivors heal and reclaim joy in their lives, to help survivors get rights and and resources so that they can pursue justice, you know, and find a path to healing. And in 2010, we decided that ending the rape kit backlog would be our top advocacy priority. So ever since then, which now is 15 years, we've been doing that. We launched a nationwide campaign in 2016 to make sure that every state across the country adopts our six pillars of rape kit reform, and those are generally legislative, but not always. And those pillars are designed to end the backlog and also make sure it never happens again.

[00:03:54] **Speaker 2** So was your group instrument that was around the same window of time when Wisconsin was became aware of like, oh my gosh, we have a huge backlog sitting in hospitals and police stations. Was your group largely the one that was making us aware or was that coincidental? How did that timing work out there?

[00:04:11] **Speaker 1** We were involved, definitely. In 2014, we issued a Freedom of Information Act request to the Milwaukee Police Department to find out what the number of their on testing kits were at that time. And that request, you know, uncovered about 2600 untested rape kits there. There was around the time across the country that a lot of jurisdictions were just determining what they had on the shelves. And we issued a series of 25 boyos across the country. And that's when we started really raising the issue and kind of shining a light on what was going on. So I think we had something to do with it. And, you know, kind of we've been very instrumental in sounding the alarm on this issue.

[00:04:58] **Speaker 2** So what was it like trying to get states to take action? Because in that time span, you I'm sure the states realized this was a thing. We've heard we've had the debate here in Wisconsin about what happened, and we're kind of revisiting it now again. But there was a lot of concern about, okay, what is the official process and who pays for this? How fast do we have an obligation to take care of that? So what were the how would you prioritize? How would you approach prioritized. And then as to how this should be handled?

[00:05:27] **Speaker 1** This is a very complex issue. It is also sort of complex to to determine how it happened. But I will say the overarching theme of why the backlog happens in the first place is because sexual assault is just not taken seriously as a violent crime that it is. And so that factors in at many, many levels of government, including crime labs and down to law enforcement, where for a long time decisions about, excuse me, long time decisions were made about when to test a rape kit were made by one person, and that was whatever detective was on the case. And, you know, there are a lot of things I can tell you about that, but that's not a good way to make this really important decision. And it turned out to be very clear that that did not work in every state in the country. So, you know, the issue is, once you determine that you have 6000 plus untested rape kits, what do you do about it? And that is definitely very complex. I will say, you know, the first thing to do is to have an inventory done and to make sure that every, every kit in every corner of the state is counted. And there are many states that have done that and really uncovered from corner to corner, top to bottom of the state. The kits that are sitting on shelves. It took Wisconsin a long time to do that. And at that point, at that point in time, we were very concerned about why I was taking so long. And, you know, it kind of from there. The next steps sort of flow from that. And so that delay initially in the inventory was sort of a harbinger of things to come. I don't know if I.

[00:07:09] **Speaker 2** Know that that was good. And I would encourage you to keep going in the timeline there, because obviously we're we looking at this because Brad Schimmel was the attorney general in that time frame from 2016 or 2014 election through 2018 election, and he's now running for Supreme Court again. It's becoming an issue politically and through ads, and I don't want you to get Wade into territory that you're comfortable speaking. But just in terms of from your group's point of view, he was the attorney general at that time. It was a political issue at that time. And it sounds like inherently this was a political issue in terms of how important is this? Where do we spend money? What is the process of how this happens? So could you weigh in on and how Wisconsin did maybe in their own status, and then maybe compared to other states that maybe took it more seriously or had more urgency.

[00:08:01] **Speaker 1** Sure. You know, we actually were very concerned at the time about the timeline. I was just starting at Joyful Heart Foundation ten years ago when a lot of this was starting to happen. And, you know, we we kept sort of asking, what is going on? Why is it taking so long? There were, you know, years when very, very few, I think it was even less than ten kids were tested. And so we were engaging with folks in the state trying to find out, you know, exactly what was happening. But it was a big concern in our office. What is going on in Wisconsin? And so, you know, from there, I think the federal grant really sort of injected a little bit of energy into the into the process, which it takes money to test rape kits. Let's be clear, you know, but we have seen other states across the country find the money. You know, even if it's not in their budget for that year to find some money to start this process, because it is so critical to get these tests done quickly. And so there was that kind of delay was very concerning to us. The other issue that we we talked a lot about was the decision of which kits to test out of the 6000 kits, I think there were, you know, gosh, what was it, 3000 something. In the end, that were tested. And I shouldn't be saying that number unless I know. But I can look at it real quick if you give me a second. Do I have that number right here? Yeah. So basically, out of the 6841 kits that were determined to be previously on submitted to the crime lab for testing, there were about 4004 hundred that were determined to be sent forward for testing. That's a concerning number to us. That's a lot that results in a lot of kids still sitting on the shelf. And we have heard every excuse in the book why not to test these kids? And Wisconsin came up with the top two. And one is that the cases were unfounded, which, you know, through a lot of of research and kind of picking apart these old cases that were deemed unfounded in many other states across the country. That was often a label that was put on investigations that the detectives didn't want to deal with. Right. They there's at the victim was not credible. They just didn't believe the victim. You know, it was it was too difficult of a case. You know, there were so many reasons why these kids were or the cases were deemed unfounded. And going into other communities where they have taken these old kits off the shelves, tested them and the ones that were unfounded, you know, in many cases were the ones where they did find it was a serial rapist. And I I'll say that one of the things that's really important to understand is that many rapists are serial rapists, and it's more common than we thought. And we know that by testing all of these kids across the country, because all these cases are matching from decades and decades. And, you know, it's. Often sort of the most vulnerable people in our society that these, these offenders target because they do know they can get away with it because these people in the eyes of society and sometimes, you know, truly too unfortunately, too high, too much of a time is the kind of person that law enforcement isn't going to care about. So, you know, they target people that are very vulnerable and that society won't believe. So the unfounded category is a very big concern for us. And when we heard that, you know, just really it made us very worried about what the process was going was going to be like. Another category was that the case had already been charged or, you know, the person had already been adjudicated, but they but again, importantly, you still need that DNA into the DNA database so that cases can match together. And so there were a lot of very it seemed to us very uninformed decisions going on that, you know, that we were very uncomfortable with. And there were a lot of people inside of Wisconsin who were also uncomfortable with it, too.

[00:12:26] **Speaker 2** So I think you've explained something that's kind of quick. I have a question, but I want you to clarify again, is we've heard two different numbers. We've heard about more than 6000 kids in a backlog, but we've heard 4000 kids, you know, in the backlog cleared. So it sounds like that almost moving. The numbers are shifting the numbers to get us to make sure that the backlog is clear. But that doesn't mean every kid was tested in that process. Some of some of them were cleared without being tested.

[00:12:55] **Speaker 1** Right? They really. Picked. And how do I put this? The decision making. Let me think about this for a second. It's like. At the time, I felt like we just don't have the energy and the resources to test all of these kids. And let's figure out what we can put aside for now. And, you know, we had a lot of information about what could be done with all these various cases. Like we couldn't find the survivor or we couldn't tell the survivor had consented to testing kits. And, you know, we understand sometimes you have to triage and say, well, these these kids will go first, but maybe we'll put these on the backburner and do a little bit more work on them. But they never came back to those kids, the older kids that maybe had some more difficulties attached to them. But there are communities across the country who did a forklift approach and just tested them all. And that was really what the federal government was saying was the most promising practice at that time. And Wisconsin did not do it.

[00:14:06] **Speaker 2** So is it fair to say that our backlog was cleared?

[00:14:11] **Speaker 1** But, you know, that's a difficult question. It is a difficult question. You know, there's only so far we can push and. To get, you know, to get buy in on testing. Every single kid is what we wanted to do. You know, so while we might say on our website that Wisconsin tested their backlog, you know, it was because what was approved and accepted by that state was tested. But I think, you know, we'll always wonder what would have happened if those other kits were tested. And hey, you know, maybe a an a new administration or somebody will come along and say, let's pull a sample of these, let's test them and see what we find. But you know it. I can just reiterate that we were very uncomfortable with that carve out of saying, these kids don't matter. And, you know, these kids do. And the number was so big of the kids that it didn't matter that it was it was very uncomfortable.

[00:15:23] **Speaker 2** So one of the arguments that Brad Schimmel has made was that his priority as attorney general was he didn't think it would be fast enough to ask the state for more money, to hire more analysts at the state crime lab to test the kids, and that would be more efficient to find a grant, federal money or some other nonprofit to send the kids to private lab that's out of state. He claimed that that actually worked in that by the time he did leave office, the backlog was cleared. Whether, you know, including the process we were just describing. Is that a fair way of describing it? I mean, is he justified in that point of view because the liberal point of view is. Well, at the same time he did go to the state, he asked them for new positions to like fund a, an office to go after, like the ACA lawsuits and joint big, you know, conservative lawsuits around the country and that they're saying that his priorities were we're screwed up and that he really only cared about the backlog when it came time for it was causing him election problems. So I don't and yes, please feel free to weigh in or comment on when what on that part of the argument is as best you can.

[00:16:30] **Speaker 1** Right, so so when a community or when a state prioritizes this issue, I've seen it again and again. It it gets done. Sometimes it does take time, but I have seen state after state find the money. And I've seen cities find the money when they didn't plan on it. And at least, you know, start this process. So it really does come down to where your priorities are. If this is a priority for a governor and attorney general. I have seen them move mountains to get this done and to get it done, you know, relatively quickly. You know, making sure that the kits are being outsourced, potentially to a private lab to get it done. It is just it really does often come down to I've found one person in a position of power who takes this on and has, you know, kind of the lights and sirens approach to it. And in that situation, I've seen it move very quickly. So it's really, you know, does come down to priorities and where you are putting your focus.

[00:17:45] **Speaker 2** So when you look at the timeline for Wisconsin, considering when the backlog was identified, when your group started really raising the alarm bells on this. And the backlog being cleared, quote unquote, by the end of 2018. Would you consider that an efficient process?

[00:18:05] **Speaker 1** Was it 2018?

[00:18:07] **Speaker 2** Well, that was that's what the he's calling. He's claiming that the backlog was done by 2018. I want to say that the numbers on your website reflect that.

[00:18:15] **Speaker 1** The what we found, I'm looking at now, according to a report by Wisconsin Department of Justice, there was zero untested kits in 2021. Let me say something to to to its concern. And they kept getting they got some more money in 2022 to investigate the cases. This tracking system came into place.

[00:18:45] **Speaker 2** I so the according to so there's a from whiskey said as a kite a.org/wisconsin. There was a link from your website. One of the press releases here is that the Attorney General Schimmel announces testing completed and all sexual assault kits. September 10th, 2018. And that was a headline leading into the right before the 2018, his reelection in that time that they had completed testing on all sexual assault kits, initially inventoried and designated for testing as part of the Wisconsin's Sexual Assault Kit initiative. So that was the claim at the time. And really, I haven't seen too much pushback from from liberals, even at the time that his Democratic opponent for attorney general wasn't saying no, they're not all tested. The argument was they weren't done fast enough and efficiently enough, and they were prioritized in the proper way. But I guess, you know, I, I love to hear your response to that.

[00:19:47] **Speaker 1** I well, I, I think I'd like to look into that because I, I'm just saying my memory was that it took longer than that. And I and I feel like there was a point when they somebody that he said it was done, but it actually wasn't really done. And then they came back later and said, now it's really done. And I could be just totally misremembering. But I remembered, I feel like I remember that happening. And it was. Sometimes what will happen is, you know, we've seen this other other states to say, like our backlog is at zero. Well, it means they've shifted it to the private lab, you know, and so I don't know, but I'd have to look a little bit more into that before.

[00:20:26] **Speaker 2** Okay. Yeah. And feel free to follow up with an email or. Yeah, information on that. I will say that I do know that. So he lost his election. Josh Kaul became the Democratic attorney general of Wisconsin. He was fighting with the Republican legislature over funds to increase staffing at the crime lab. And so there was another backlog that was created in that time as that became a campaign issue. Eventually that was resolved as well. And more funding came in. I think Wisconsin is still at a standard of keeping up. There isn't a a backlog at this time. From what I understand. So that that could be part of it. But yeah. So please feel free to follow up with that if there's a different I guess I'm going off of what happened at the time in the press releases that are still linked to the websites, and certainly what he was announcing.

[00:21:16] **Speaker 1** Oh, sorry. Go ahead.

[00:21:17] **Speaker 2** And certainly what, you know, the attorney general was announcing at the time, which is that the backlog had been cleared.

[00:21:24] **Speaker 1** Okay. You're reading I don't know why that says as of four, seven 2021, testing complete on 4472 three. We're still in the process of being tested. And then, you know, they were saying they were breaking it down after that. But yeah, I'd like to I'd like to look more into that.

[00:21:47] **Speaker 2** Okay. So I guess and and this is once again, whatever you're comfortable and able to say to talk about the Supreme Court briefs that we're having here, which is what this story is focused on, is how appropriate is it for this issue to be part of a conversation about whether the person who was the attorney general at that time did a good enough job, or had enough urgency and deserves a spot on the Supreme Court because he's saying this isn't relevant. This isn't an issue that matters. I did this well. It's just a campaign. It's a Partizan attack. And the you know, the Liberal candidate in this case is saying this needs to be part of the conversation. Again, this is part of, you know, his history and his record in public service and is warranted for us to be bringing it up again.

[00:22:33] **Speaker 1** This is a justice issue. I mean, I will just say overall, the rape kit backlog exists because of a failure of the criminal justice system as a whole to take sexual assault seriously and to prioritize the testing of rape kits. So any conversation about justice in a state that has had a backlog, I think it makes total sense to talk about this issue. You know, I, I can't speak to all the history that happened there, but I can say once again that, yeah, I mean, I think I think what's most important to understand is bringing it back to individuals and thinking about that. Each one of these kids represents a survivor who went through so much to have this evidence collected. Their body became a crime scene. They did everything that the criminal justice system and society asked them to do, which is to report the crime to police and have the evidence collected. And they do that with the expectation will be tested. So there was a breakdown, you know, in Wisconsin, as there were in many state, most states of the the system keeping their promise to survivors. And I think in any conversation about justice and who will lead justice in a state. This is certainly an issue that that could be rationally factored in.

[00:23:58] **Speaker 2** Okay. And then finally I was looking through your pillars on your website in Wisconsin beats five of the six criteria. Believe the one is a victim notification or right to know. So I guess if you would just kind of sum this up, give us where where does Wisconsin stand today in terms of your assessment of how we handle this process?

[00:24:19] **Speaker 1** We have given Wisconsin five pillars. We were always a little bit concerned or cautious about the, you know, having ended the backlog pillar because of those kids that didn't get tested. But, you know, there is a report tracking system in the state, which is really wonderful. That's one of the key elements of moving forward and making sure our backlog doesn't happen again. It also allows survivors to check the status of their online, which is very central to their healing and their well-being, as you know, to know where that information, where that kid is, they really feel like the kit belongs to them, and that part of them is in that kit. So it's a great way for survivors to find out where their kit is. Before that, many left the hospital and never heard again. And it's you know, I always say, can you imagine if you went in for some kind of cancer screening and nobody ever called you back and told you what the result was, and you couldn't get anybody on the phone, and every time you called, you had to say the same story. And it was just delay, delay. And, you know, it's it's very disheartening. And it does negatively impact survivors well-being. You know, there's been the mandate to test newly collected kits, which is great. And that makes sure also backlog doesn't happen again. The one pillar that we have been trying to pass for many years in Wisconsin is the victims right to know the status of their kid. This is a victims, right? We like to see it in law because not every survivor feels comfortable using the tracking system. They're logging online. You know, people have different feelings about that. Somebody might want to call or walk into their local precinct and ask, I want to know where my rape kit is and have that right in law. So they can't be ignored. You know, it's it's it's it's actually the easiest pillar. And it's just been a while trying to get that done. You know, frankly we haven't tried that hard in the last couple of years. But it is actually the last pillar that we'd like to see. Wisconsin passed. So.

[00:26:30] **Speaker 2** Yeah. All right. Anything else that you'd like to add?

[00:26:37] **Speaker 1** Yeah. I'll say there are some really wonderful people in Wisconsin who have worked on the backlog and did take it seriously and did prioritize it, you know, from victim service agencies to people at the crime lab, you know, across the board. So, you know, the the delay in testing was concerning to us. But there are very, very hard working folks in the system in Wisconsin who wanted to do the right thing.

[00:27:05] **Speaker 2** Can I get you to say and spell your name and give your title to say that correct on this recording?

[00:27:09] **Speaker 1** Sure. It's Elisa Connect and it's Elisa, e k and e c t. I'm the policy and advocacy director for the Joyful Heart Foundation, and I direct are in the backlog initiative.

[00:27:24] **Speaker 2** All right. Thank you so much for your time. I really appreciate you.

[00:27:27] **Speaker 1** I appreciate it. Let me know if there's anything comes up and, you know, if you need a thing filled in.

[00:27:31] **Speaker 2** Yeah. And if you have any more clarification on on Wisconsin and win it officially, I would love to hear that.

[00:27:37] **Speaker 1** I'll look back at some notes that I have from before. Yeah.

[00:27:40] **Speaker 2** Okay.

[00:27:41] **Speaker 1** Thank you. Thanks. Bye.

[00:27:46] **Speaker 2** All right. Thank you. John. No problem. Thank you.