



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

October 2, 2017

VIA HAND DELIVERY

Sen. Robert Cowles, Co-Chair
Joint Legislative Audit Committee
Room 118 South
State Capitol

Rep. Samantha Kerkman, Co-Chair
Joint Legislative Audit Committee
Room 315 North
State Capitol

RE: Requested Audit of the Department of Justice Sexual Assault Kit Testing

Dear Senator Cowles and Representative Kerkman:

We write today with regard to State Representative Melissa Sargent's February 7, 2017 letter (enclosed) to you formally requesting the Joint Legislative Audit Committee direct the Legislative Audit Bureau (LAB) to conduct an audit of sexual assault kit testing in the Wisconsin Department of Justice (DOJ).

Over the past several months, we have written to the DOJ three times—on May 17, 2017, June 2, 2017, and September 18, 2017—requesting their response to five simple inquiries seeking information that is both tangible and easily attainable if the department is accurately and diligently collecting and tracking sexual assault kit testing information as they have publicly purported on several occasions. Regrettably, the DOJ has yet to respond to any of the inquiries we have included in each of our three previous letters, prompting us to send yet another correspondence to the DOJ again today (enclosed).

After requesting this information from Attorney General Brad Schimel now on four separate occasions, we are admittedly frustrated by the lack of acknowledgement or response from the department. Reports since 2014 have indicated Wisconsin has more than 6,000 untested sexual assault kits, and recent reports have indicated more than 2,000 of the untested rape kits involve child victims. Meanwhile, the DOJ has received more than \$5 million in grant funding to address Wisconsin's backlog, but has failed to make any meaningful progress, consistently demonstrated a lack of urgency and attention to this matter, and has repeatedly offered inconsistent, inaccurate information on the sexual assault kit backlog and the department's progress made over the past two years.

Sexual assault kit testing is a matter of public concern and statewide importance. Given DOJ's unresponsiveness and their unwillingness to take this issue seriously, the Legislature has a duty to conduct further investigation into the status of Wisconsin's sexual assault kit backlog, DOJ's kit testing processes and procedures, and the grant funding the department has received over the past two years. We are therefore again requesting the Committee ask the LAB to conduct a performance audit of the DOJ's sexual assault kit backlog status, and internal kit testing processes and procedures, and a financial audit of the grant funding the DOJ has received to address Wisconsin's backlog. As was outlined in Representative Sargent's February letter, the audit(s) should address the following inquiries:

- ❖ How many kits are currently included in the backlog and how has this number changed over time? At what rate or frequency does the Wisconsin Department of Justice receive new kits and from which jurisdictions? What is the typical length of time for which kits remain in the backlog?

- ❖ Prior to accepting grant funding, what state funding source did the Wisconsin Department of Justice use to pay for sexual assault kit testing? Did the grant funding supplant or augment these state resources?
- ❖ What specific grant requirements govern the processing and testing of kits?
- ❖ What written protocol has the Wisconsin Department of Justice developed for processing kits? What groups outside the agency, if any, were involved in the creation or review of the protocol? How, if at all, has the Wisconsin Department of Justice trained its staff on the application of the protocol?
- ❖ With which specific vendors has the Wisconsin Department of Justice contracted to process kits? How, if at all, has the selection of vendors changed over time? What role, if any, can state diagnostic laboratories play in helping to address the backlog of kits?
- ❖ What limitations currently exist on the maximum number of kits that can be processed each month? Are these limits the result of funding limitations, grant requirements, or capacity at the vendors chosen by the Wisconsin Department of Justice to process the kits?
- ❖ To what extent has the Wisconsin Department of Justice reported the status of its progress in testing kits to grant funders in the time since it accepted grant funding?
- ❖ By assessing grant progress reports submitted by other states concerning their strategies for addressing their backlogs, what best practices could the Legislative Audit Bureau identify?
- ❖ What alternative options would the Legislative Audit Bureau recommend in order to quickly reduce the backlog and improve the quality of the protocol and process used by the Wisconsin Department of Justice?

Thank you for your consideration of this request. Given the seriousness of this issue and the gravity of this situation, we respectfully request your acknowledgement of this correspondence and a response by close of business on Friday, October 13, 2017.

Respectfully,



Representative Melissa Sargent
48th Assembly District



Representative Chris Taylor
76th Assembly District

cc: Members, Joint Legislative Audit Committee
Joe Chrisman, State Auditor

Enclosures