



February 7, 2017

HAND DELIVERED

TO: Senator Robert Cowles and Representative Samantha Kerkman
Co-chairs of the Joint Legislative Audit Committee

FROM: Representative Melissa Sargent

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

I am formally requesting the Joint Legislative Audit Committee direct the Legislative Audit Bureau (LAB) to conduct an audit of sexual assault kit testing by the Wisconsin Department of Justice.

It is not news that our state faces a substantial backlog crisis with more than 6,000 backlogged kits. More than a year ago, the Wisconsin Department of Justice accepted grant funding from several sources in an attempt to reduce our state's sexual assault kit backlog and increase kit testing. Yet mere days after the Wisconsin Department of Justice said "hundreds" of sexual assault kits had been tested, a Milwaukee Journal Sentinel article indicated the Wisconsin Department of Justice has tested nine—*nine*—backlogged sexual assault kits over the past year. That is not even 1% of the number of kits currently backlogged.

The recent article indicates the approach taken by the Wisconsin Department of Justice with respect to sexual assault testing is staggeringly inefficient, possibly wasteful, and demonstrates a lack of urgency that is insensitive at best and absolutely deplorable at worst. It is in light of this that I respectfully request an audit of the matter be conducted by the Legislative Audit Bureau. Specifically, the audit should address the following questions:

- ❖ 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. I look forward to discussing it further with you in the days ahead.

Sincerely,

Melissa Sargent
State Representative
48th Assembly District

Cc: Senator Alberta Darling Representative John Macco
 Senator Cris Kapenga Representative John Nygren
 Senator Kathleen Vinehout Representative Terese Berceau
 Senator Mark Miller