

AG Brad Schimel's DOJ Has Tested Only 9 Backlogged Rape Kits

Written by Democratic Party of Wisconsin, Brandon Weathersby
Friday, 03 February 2017 11:12 -



Schimel said "a few hundred" of the 6,000 backlogged rape kits had been tested. AG had received \$4 million in grants from the federal government and New York prosecutors to address the issue 16 months ago.

MADISON - The disturbing misplaced priorities and reckless spending of Attorney General Brad Schimel continue to come to light. Last month, [news reports revealed Schimel's office recklessly spent \\$10,000 solely on commemorative coins.](#)



Now, Schimel's office is trying to walk back the Attorney General's claim that "a few hundred" of the state's 6,000 backlogged rape kits had been tested.

The real number of tested kits? Nine.

[State has tested only 9 backlogged rape kits](#)

Doug Schneider, USA Today Network-Wisconsin

Two days after the state's top prosecutor said "a few hundred" of Wisconsin's 6,000 backlogged rape kits had been tested, his office acknowledged that the number is a fraction of that.

The state has completed testing of nine kits, said Rebecca Ballweg, a spokeswoman in the office of Attorney General Brad Schimel. Another 200 are being tested.

The news angered leaders who have been pressing the state to move faster with testing. Schimel's office received \$4 million in grants from the federal government and New York prosecutors to address the issue 16 months ago, and is seeking additional grant money.

U.S. Sen. Tammy Baldwin's office noted Wednesday that the senator had written to Schimel last fall, terming the state's progress "unacceptable" and calling on the attorney general to increase the speed with which he had kits tested.

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The Department of Justice now is sending as many kits for testing as it is allowed, and will continue to do so, the DOJ spokeswoman said via email this week. The kits — forensic evidence collected from a victim at a hospital — are being tested by private laboratories and paid for with grant money.

"The private lab allows 200 kits to be sent to the lab per month," Ballweg wrote. "Wisconsin DOJ will be sending 200 kits to the lab per month until all kits are tested."

Kits contain forensic evidence from suspected sexual assaults, such as DNA that could identify a rapist or bolster a victim's claims. Each test costs about \$1,000.

Ballweg said in a subsequent email that DOJ has moved as fast as it can while meeting the grant requirements and respecting the survivors of rape and sexual assault.

"Any insinuation that Wisconsin DOJ has been sitting on the grant funding and not taken action to test untested kits is a disservice to survivors and recklessly ignores what was intended when the grant funds were made available," she said. "It is highly irresponsible for anyone to suggest that the Wisconsin DOJ ... the AG's Sexual Assault Response Team and the Wisconsin Coalition Against Sexual Assault failed to act in a responsible and prompt manner to work with victims and to solve this problem."

"Acting hastily and recklessly with this sensitive evidence," she added, "would have been the worst way for Wisconsin DOJ to serve survivors."

Schimel in early October had vowed that his office would produce its first DNA results "in the next few weeks." That followed a USA TODAY NETWORK-Wisconsin report that of more than 6,000 backlogged kits in Wisconsin, including 1,600 in Milwaukee, none had been tested.

On Dec. 21, DOJ Communications Director Johnny Koremenos told USA TODAY NETWORK-Wisconsin that "more than 250 kits have now been submitted to the Madison and Milwaukee labs since the start of the inventory process."

A Wisconsin Coalition Against Sexual Assault spokesman refused comment Wednesday on the number of completed tests. An official of a Madison-based liberal advocacy organization, though, criticized the figure as "minuscule."

"It's an outrage that the misplaced priorities and reckless spending by Brad Schimel have left thousands of rape kits untested," said Analiese Eicher, program director at One Wisconsin Now. "Victims deserve honest answers from Brad Schimel immediately."

Schimel and other law-enforcement officials on Monday had said not all of the 6,000 kits stored at Wisconsin's hospitals and police departments will need to be tested, though it's likely too early to tell what that number will be. In some cases, the perpetrator is already in prison, or claims that the sexual contact was consensual.

In other cases, the state will not test a specific kit if that's what a survivor requests, or if it

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cannot ascertain the survivor's identity. A recent U.S. Justice Department position paper says testing a kit without the victim's permission could cause further trauma, discourage the person from seeking medical care and make him or her reluctant to cooperate with investigators.

"If there were survivors who ... were not asked and did not specifically give consent, they need to reach out to us," Schimel said. "We will not drive a bulldozer over the rights of survivors."

Victim advocates have pushed state and federal authorities for years to test all sexual assault kits — even when sex is undisputed or a suspect has pleaded guilty. Their thinking is that DNA from one kit might bolster other cases or pinpoint serial rapists.