

Dept. of Justice: All 4,155 Wisconsin sexual assault kits submitted for testing; testing to be complete by end of year

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MADISON, Wis. – Attorney General Brad Schimel announced today that Wisconsin’s Sexual Assault Kit Initiative (WiSAKI), a statewide effort to address the decades-long accumulation of previously unsubmitted sexual assault kits (SAKs) that were in the possession of local law enforcement agencies and hospitals, has completed inventorying all of these kits, collected those designated for testing, and submitted them to contracted laboratories for testing. Testing will be complete by the end of 2018.

“When I took office in 2015, I inherited more than 6,000 sexual assault evidence kits that had never been submitted for testing, some of them dating back to the 1980s,” said Attorney General Brad Schimel. “Today, I am excited to announce that every last one of the kits that should have originally been tested has now been submitted for testing, and that testing will be complete by the end of the year. In less than three years, DOJ and local law enforcement will have tested the kits that built up over several multiple decades, and justice can be served to sexual assault survivors.”

“We are pleased to hear that testing of the previously unsubmitted SAKs will be complete by the end of the year,” stated Pennie Meyers, Executive Director of the Wisconsin Coalition Against Sexual Assault (WCASA). “As testing results come back, it is imperative that notification of survivors occurs in a trauma-informed and victim-centered manner. We look forward to continuing to partner with DOJ on the WiSAKI project to ensure that survivors have access to information and resources after their

SAK has been tested.”

“The Wausau Police Department values its partnership with DOJ, for the benefit of our criminal investigations and outcomes for victims,” said Wausau Police Chief Ben Bliven. “Holding offenders accountable and earning the trust and confidence of victims is essential to our mission of enhancing the quality of life in our community. The implementation of WiSAKI and its training resources elevates our agency’s effectiveness in carrying out that mission.”

As of Tuesday, May 29, 2018 the last 48 WiSAKI kits were sent to private labs for testing. Testing is complete on 1,884 kits, and 2,271 kits are currently being tested. Aggregate data on kit testing results can be found at <https://wisaki.doj.wi.gov/numbers/data-results>. The testing of all WiSAKI kits that have been designated for testing will be complete by the end of 2018.

In September 2015, the Wisconsin Department of Justice (DOJ) was awarded two, \$2 million grants to implement WiSAKI and test previously unsubmitted SAKs. In order to expedite this testing and ensure current case work at the Wisconsin State Crime Laboratory (WSCL) could continue without interruption, DOJ needed to outsource the testing of previously unsubmitted SAKs to other laboratories. After receiving permission to do so in early 2016, DOJ submitted a request for bid (RFB) for the testing of SAKs. However, due to the volume of untested SAKs across the country being submitted to private labs and the stringent requirements placed on the private labs, DOJ received no bids. DOJ subsequently published a second RFB in July 2016, and Bode Cellmark Forensics, as the sole responder, was awarded the contract to test 3,000 kits.

Simultaneously, the DOJ WiSAKI team completed a detailed inventory of all SAKs in the possession of local law enforcement and hospitals that were never submitted for testing before 2016. In the inventory, DOJ collected case-specific information on 6,833 SAKs from Wisconsin’s 557 law enforcement agencies and every hospital that conducts forensic exams. Collecting this data was no small effort, as detailed information was required from each and every kit, along with an examination of accompanying documentation, such as case files. Local law enforcement agencies and hospitals put in a tremendous amount of time and effort collecting and reporting this information to DOJ, and did so voluntarily.

In November 2016, grantors certified the first phase of Wisconsin’s previously unsubmitted SAKs inventory, which allowed DOJ to initiate testing on the

approximately 4,200 kits that had been designated as eligible for testing.

Once DOJ received authorization to test the SAKs, it then began physically collecting each of the SAKs and, beginning in January 2017, sent 200 kits per month to Bode Cellmark Forensics. This limited testing capacity was caused by the many states and local governments flooding the system with their simultaneous efforts to test kits in their own communities. Nationwide, more than 30 jurisdictions have identical SAKI initiatives under way, totaling nearly 44,000 kits combined. These nearly 44,000 kits have been submitted to the few labs nationwide that are accredited and eligible to test SAKs. DOJ has continually monitored the capacity of private labs to speed up testing of Wisconsin's kits, and in January 2018 DOJ contracted with Sorenson Forensics, in Salt Lake City, Utah and Marshall University Forensics Science Center, in Huntington, West Virginia to test WiSAKI kits.

Out of the 6,833 kits inventoried in Wisconsin, 4,155 kits are currently designated for testing. Kits that are not designated for testing are designated as such for a number of reasons, including whether a victim consented to testing or if a conviction has already occurred. Further details and data on kits not designated for testing can be found on the WiSAKI website.

The WiSAKI project will continue even after testing is complete. In addition to processing all previously unsubmitted SAKs, the WiSAKI team has been preparing criminal justice professionals across the state to review cold case sexual assault investigations after testing is completed. The team has also been conducting case reviews on an ongoing basis as testing results are returned to DOJ, in conjunction with local law enforcement and district attorney's offices. Over the course of many months local and state criminal justice professionals will be working with victims and will determine whether new evidence may result in reopening cases and possible prosecution of sexual predators. Already, DOJ has filed charges against two individuals in Wisconsin as the result of WiSAKI kit testing: Aaron J. Heiden, Winnebago County 2018CF000130; and Leroy R. Whittenberger, Waupaca County 2018CF000129.

The WiSAKI team is also working to expand the sexual assault response training program at DOJ to equip more law enforcement officers, prosecutors, sexual assault nurse examiners, and victim advocates with the specialized knowledge and resources needed to properly respond to sexual assault cases.

The team is also developing the implementation of a sexual assault kit tracking

system that will track a kit from the point of manufacture, to hospitals, to law enforcement, and through submission to the state crime lab. This system is intended to offer an option for survivors to access information about the location of their kit and will provide a mechanism for the ongoing auditing of sexual assault kit submissions.

Any survivor who had a sexual assault kit collected and does not know if their kit was tested for the presence of DNA evidence can call 1-800-446-6564 or go to ByYourSideWI.org for information and assistance. Survivors will also be referred to local advocacy and support services.

For more information about Attorney General Schimel's efforts to address the accumulation of previously unsubmitted sexual assault kits, and to see regular updates on testing results as they come in, go to www.wisaki.wi.doj.gov.