

Wisconsin Department of Justice: AG Kaul announces new data from the Wisconsin Sexual Assault Kit Initiative

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MADISON, Wis. – Attorney General Josh Kaul announced today new data detailing Wisconsin’s progress in ending the backlog of sexual assault kits, including information on survivor notification.

“No survivor should be denied justice because a sexual assault kit wasn’t tested or because of a failure to follow up on testing results,” said Attorney General Kaul. “The Department of Justice is continuing to review cases to identify those in which further investigation or prosecution may be appropriate.”

“We also must continue working to increase the number of jurisdictions that have a sexual assault response team. Multi-disciplinary teams of law enforcement, prosecutors, and advocates for survivors can help ensure that a victim-centric approach is being taken when a decision is made.”

As of July 31, 2019, 1,016 kits with foreign DNA identified have been added to a national database of DNA profiles, out of 4,471 tested sexual assault kits. The latest data can be found at wisaki.doj.wi.gov/numbers/data-results.

In tandem with local jurisdictions, the Wisconsin Department of Justice (DOJ) has reviewed 1,323 cases and continues to review cases. These case reviews include examining police reports, identifying potential safety risks to the public and the survivor(s), identifying legal impediments to a renewed investigation or prosecution such as statute of limitations concerns or plea agreements, assessment of whether

survivor notification is appropriate, and whether additional samples are needed from a suspect(s).

At this time, 35 cases have been referred for a charging decision. Some of these cases are referred back to DOJ for possible prosecution, and some have not resulted in criminal charges. So far, charges have been issued in nine cases.

There are nine current criminal cases resulting from the sexual assault kit initiative: Dane Co. Case No. 19 CF 948; Portage Co. Case No. 19 CF 259; Oneida Co. Case No. 18 CF 350; Rock Co. Case No. 18 CF 519; Waupaca Co. Case No. 18 CF 129; Winnebago Co. Case No. 18 CF 130; Milwaukee Co. Case No. 19 CF 1719; Milwaukee Co. Case No. 19 CF 649; and Milwaukee Co. Case No. 19 1584.

New Data on Survivor Notification

As of July 31, 2019, a decision has been made to notify survivors about the results of 103 sexual assault kits; notification was not able to be made in connection with 21 of those kits. At this time, notification is not being made about the results of the testing of 881 sexual assault kits. Cases associated with 638 sexual assault kits remain in the review process for possible survivor notification about kit results. The decision whether to notify a survivor can change over time.

Reasons provided by a multi-disciplinary team or local law enforcement for not notifying survivors include:

Sexual assault kit testing was inconclusive, not identifying a suspect;
The case related to the sexual assault kit was already prosecuted or there is already a warrant issued but the suspect has not been located;
Case currently not proceeding to prosecution because the DNA testing provided no new information or investigative leads;
The survivor connected with the sexual assault kit chose not to report to law enforcement; and,
Notification might not be safe or appropriate at this time depending on survivor or dynamics of the case.

For survivors looking for information about their kit, contact the law enforcement agency where the assault was reported, a local sexual assault service provider, or the DOJ Office of Crime Victim Services at 1-800-446-6564.

A sexual assault can be one of the most traumatic experiences in a survivor's life, often having a long-term impact. Any attempt to notify a survivor of testing results or to offer them the opportunity to re-engage with the criminal justice system must be victim-centered, trauma-informed, and protective of their confidentiality and privacy. This includes:

- Respecting the survivor's choice not to engage;
- Attending to the survivor's emotional safety, as well as their physical safety;
- Empowering the survivor by offering options and providing ongoing information, resources, services, and support; and,
- Educating responding professionals and the general community about the impact of trauma on survivors' health and well-being.

For more information and data about the Wisconsin's effort to end the backlog of sexual assault kits, go to wisaki.wi.doj.gov.

Testing results by county: <https://wisaki.doj.wi.gov/numbers/testing-results>

DNA matches by county, and matches to other states:

<https://wisaki.doj.wi.gov/numbers/codis-hits>

Survivor Notification: <https://wisaki.doj.wi.gov/numbers/survivor-notifications>

<https://www.doj.state.wi.us/news-releases/ag-kaul-announces-new-data-wisconsin-sexual-assault-kit-initiative>