Editor’s note: This column is provided to Wisconsin Newspaper Association members by WisPolitics.com. Proper attribution to WisPolitics.com is appreciated.

Also, please publish the tagline that is included at the end of the column.

---------------------------------

*The Capitol Report for the Week of Sept. 13, 2018*

**Rape kit testing a big focus of attorney general race**

The race for Wisconsin’s attorney general is just starting to get attention, but the competition for eyeballs is tough. The biggest races are for governor and U.S. Senate, and they are dominating the airwaves.

But the AG race is on the watch list of national operatives, because they know the person who occupies that spot can influence a lot of things and sometimes rise to governor. The most recent example in Wisconsin, is Jim Doyle, a veteran attorney general who became a two-term Democratic governor.

This year the contest pits first-term Republican Attorney General Brad Schimel, the former Waukesha County district attorney, against Josh Kaul, a former federal prosecutor in Baltimore and the son of the late former Democratic attorney general, Peg Lautenschlager.

One of the big issues in the race is the testing of rape kits.

Schimel announced Sept. 10 that tests have been completed on all the rape kits he targeted for analysis more than three months ago.

Still, the figure — which only includes kits that were designated for testing before June 1 — doesn't count an additional five kits that were identified and submitted by agencies for analysis after that date.

Schimel, in stops across the state, said private labs had finished up testing on 4,154 kits by Aug. 31, and the state is now working to launch a rape kit tracking system to allow those who submit a kit to get information about where it's at in the process.

Department of Justice spokesman Alec Hanna said the kits "continue to be a priority and will be tested as soon as practicable."

"Although we could have kept these five kits off of the website because they were not a part of the original inventory, we felt that transparency was more important," Hanna said, adding the agency wanted to ensure law enforcement knew they could continue to send kits for testing even if they hadn't been originally identified.

Meanwhile, the Republican AG highlighted the testing announcement in a release, saying: "In less than three years, we will have tested the kits that built up over several decades, and justice can be served to sexual assault survivors."

But Kaul argued the delay in testing the kits has prevented survivors from receiving justice and allowed "dangerous criminals" to remain on the streets.

"It's been three years since Brad Schimel's DOJ was awarded $4 million in grant funding to eliminate Wisconsin's backlog of untested rape kits," Kaul said in a statement. "It's unacceptable that it's taken this long for testing to be completed on the kits in the backlog — and that there are still over 1,200 kits on which testing results have not been confirmed."

At a WisPolitics.com luncheon earlier in September, Kaul called out the backlog of rape kits under Schimel's watch. He said Schimel should have hired more analysts at the state crime lab to handle untested kits, and believes the crime lab is underfunded. He said that has led to delays in testing other evidence, such as DNA.

But Kaul argued not enough kits were tested during Schimel's tenure and that other states that received funding for rape kits at the same time as Wisconsin, such as Nevada, have outperformed the state in testing the kits.

"That means there was a delay in getting justice for survivors, and it means that people who have committed a serious, violent offense have remained on the streets longer than they should," Kaul said.

As attorney general, Kaul said he would perform a comprehensive audit of the state's crime labs to ensure all evidence is tested, all leads are investigated and the labs received adequate funding from the state.

The Wisconsin Sexual Assault Kit Initiative website shows 1,267 kits are "awaiting confirmed testing results." Hanna said while the kits have been tested, they're still awaiting "technical review," which will be completed in less than 20 days.

DOJ is currently working to notify those who had submitted kits, open cases for investigation and expand the state training program on responding to sexual assault, among other things.

The rape kits had all been submitted to outside labs for testing as of the end of May, Schimel previously announced. At that time, the AG noted 1,884 kits had already been tested while the remainder had been sent to labs to await analysis.

When Schimel first took office in 2015, the backlog initially totaled around 6,800. It was winnowed as the DOJ designated just over 4,000 for testing.

The Capitol Report is written by editorial staff at WisPolitics.com, a nonpartisan, Madison-based news service that specializes in coverage of government and politics, and is distributed for publication by members of the Wisconsin Newspaper Association.

Copyright © WisPolitics.com