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**NEWS FOR IMMEDIATE RELEASE**

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# DOJ Budget Request Calls for Crime Lab Reforms and System-Wide Investment in Prosecutors, Public Defenders, and the Courts

MADISON, WIS. – Attorney General Brad Schimel's 2019-2021 Biennial Budget Request, submitted yesterday to Governor Walker and his Department of Administration, calls for a package of critical criminal justice reforms and investments. Specifically, the attorney general's request builds upon his reforms at the Wisconsin State Crime Laboratory (WSCL) by seeking additional investments as submissions to the lab have grown significantly over prior years. The attorney general also calls upon the Governor and the Legislature to fund the core elements of the criminal justice system that lie outside of DOJ's budget: prosecutors, public defenders, and the court system.

"Our citizens deserve a robust, efficient, and effective criminal justice system that supports and protects our cities, towns, and neighborhoods," said Attorney General Schimel. "That's why my budget request focuses on investing in the criminal justice across the board – for the crime lab, prosecutors, public defenders, and the court system."

Over the last several years, increasing demand has stretched the budget and resources of the WSCL. Forensic analysis demands from prosecutors and defense attorneys have increased every year from 2012 to 2017, with an increase in assignments by almost 22,000. Between 2015 and 2017, the WSCL saw a 26% increase in case submissions.

In addition, over the last several years, below-market pay has caused significant turn-over and recruiting challenges. This high turnover, in turn, reduces turnaround time since it takes between 12 and 24 months for a new analyst to be fully trained to certification.



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Further, in recent years, WSCL's forensic services have become more complex in nature. As DOJ has trained law enforcement to find and collect ever more precise and intricate evidence from crime scenes, the demand for scientific support and analysis has skyrocketed. For example, because DOJ has dramatically improved the responsiveness and effectiveness of the mobile Crime Scene Response Teams (CSRT), local law enforcement agencies increasingly request assistance from these evidence experts who bring the most advanced evidence collection equipment and experience to crime scenes.

Finally, criminal tactics have advanced dramatically. For example, synthetic drugs and the growth of our opiate and methamphetamine epidemics now require WSCL to analyze bodily fluid samples and controlled substances for the presence of multiple complex chemicals. And analysts are now finding cocaine, methamphetamine, marijuana, and, heroin laced with one of many fentanyl analogs. Further, in the case of toxicology, our chemists can only test for one substance at a time, so analysts have more drug screens to run in each case, requiring more time and scientific resources.
These combined circumstances have resulted in an ever-increasing volume of active cases at the WSCL. In response, the attorney general has taken on many reforms that are within his authority at WSCLB to absorb this volume:

- Hired Limited Term Employee (LTE) scientists to assist with statutorily-required crime scene responses.
- Added LTE forensic biologists to assist with preparing DNA evidence for testing, so analysts can focus on the analysis of evidence.
- Moved two Full Time Employee (FTE) positions from elsewhere in the agency to the crime lab from other divisions.
- Updated WSCL submission guidelines, so that law enforcement is only submitting evidence that is absolutely necessary for a conviction.
- Repurposed a position in order to hire a case manager to assist with determining when testing of submitted evidence is no longer necessary because a case is no longer active
- Added new equipment to increase speed and efficiency, including equipment that decreases testing time and increases automation.
- Added safety equipment that prevents inadvertent exposure to dangerous chemicals
- Implemented automatic monitoring and control systems.
- Updated crime scene response vehicles.
- Implemented pilot programs based on best practices around the country, including a High Throughput Workflow Pilot, which incorporates automation and batching into many of the DNA processing steps, assigning analysts to a specific step of DNA processing for a given period of time and moving cases through the steps in batches rather than having one analysts focus on one case at a time.



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- Shifted funding in shared appropriations to the WSCL when needed, and hired new WSCL management.
- WSCL has re-written internal policies to increase efficiency, and relied on interns and LTEs for special projects whenever possible.

While all of these reforms are in place, an assessment from a third-party laboratory has identified that these reforms need to be expanded, or even larger changes need to be made but DOJ does not have the independent authority to make these changes.

Therefore, based on the independent assessment's finding, DOJ has requested the following for WSCLB in the budget:

- **Creation of the Wisconsin Division of Forensic Sciences.** Currently, the WSCLB is a bureau within the DOJ Division of Law Enforcement Services. This request would place the WSCLB in its own division at DOJ. This restructuring is supported by an independent third-party lab assessment (attached).
- **Crime Lab Analyst Pay Progression.** DOJ requests statutory changes to establish a pay progressive pay structure for crime lab analysts so that the Department can retain experienced and efficient analysts through merit based increases in pay. Wisconsin's current rates of pay for crime analysts, and minimal opportunities for advancement mean a significant turnover rate and retention difficulties. Better pay and opportunity for advancement are supported by the assessment. The department will absorb the costs of the initial pay adjustments.
- **Investment in Crime Lab Staffing.** The DOJ budget requests 14 full time employees, at a cost of $1.6 million over the biennium, to fund forensic specialists, dedicated crime scene response teams, and a digital forensics unit. These positions will allow analysts to spend more time analyzing evidence, and is supported by an independent third-party lab assessment.

In addition to DOJ's own budget request, Attorney General Schimel's budget request letter once again highlights the need for funding support across the criminal justice system, especially for district attorneys, public defenders and the court system:

"Crime has become increasingly more complex over the years," said Attorney General Schimel. "And Wisconsin law has changed as crime has become more complex, but staffing levels are still at levels for the late 1990s or early 2000s. When staffing levels were last significantly adjusted, DNA evidence was only theoretically a tool for crime solving. Now DNA is routinely used to solve crimes that never could have been prosecuted not so many years ago. We now train investigators and prosecutors in Trauma Informed Care. We have expanded the statutes of limitations for sexual assaults, put in place minimum mandatory sentencing for many serious cases, such as possession of child pornography and increased penalties for chronic OWI offenders.



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We have seen accidental drug overdose become the number one cause of accidental death in our state, and we have addressed that sobering reality by creating Treatment, Alternative and Diversion programs that are now functioning in 51 counties and 2 tribal communities in Wisconsin. All of those things are very good for public safety, but they have substantially increased the workload of those on the front lines of the criminal justice system for all involved, from investigators to crime lab analysts to prosecutors, to public defenders and courts."

Read the attorney general's budget request letter to DOA Secretary Ellen Nowak.

Read the DOJ budget request.

Read WSCL's Needs Assessment Report from the National Forensic Technology Center at Florida International University.



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