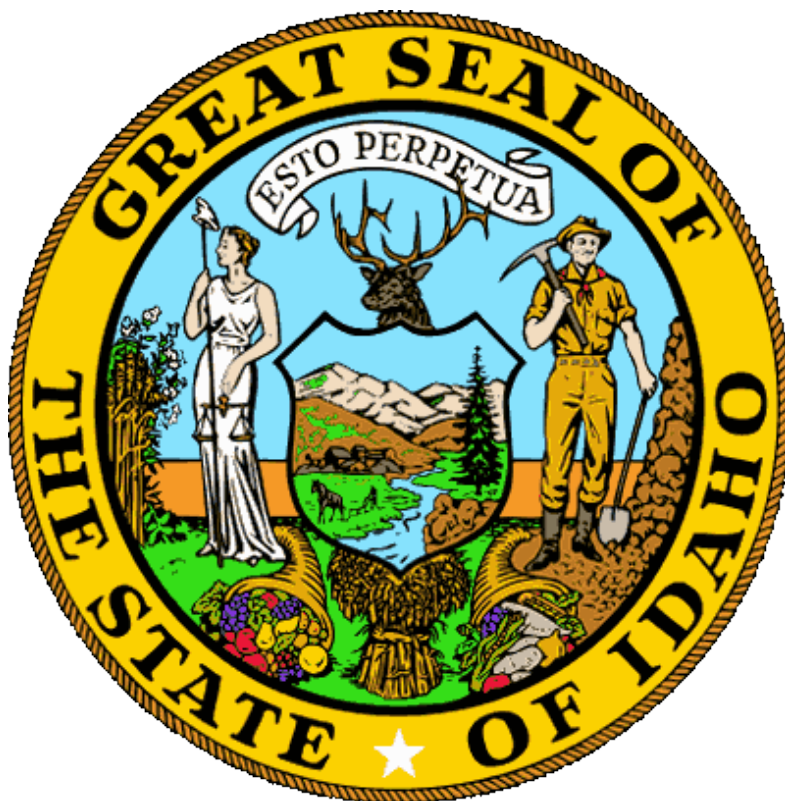


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# 2018 SEXUAL ASSAULT KIT TRACKING REPORT

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# Introduction

Idaho Code 67-2919 requires Idaho State Police Forensic Services (ISPFS) to provide a legislative report regarding sexual assault kits in Idaho on or before January 20<sup>th</sup> of each year. The requirements of this annual report include, but are not limited to, the number of kits purchased and distributed by ISPFS, the number of kits collected by each law enforcement agency, the number of kits tested by ISPFS, the number of kits not submitted to ISPFS when requirements for submission were met, the number of DNA database hits from sexual assault cases, and a list of any law enforcement agencies that did not adhere to the tracking process. This report also contains updates made to the Idaho Sexual Assault Kit Tracking System (IKTS), statistics from the NIJ FBI Sexual Assault Kit Project, and issues related to sexual assault kit tracking and processing during the 2018 calendar year.

## Idaho Sexual Assault Kit Tracking System (IKTS)

In January of 2017 Idaho became the first state to fully implement a state-wide sexual assault kit tracking system. This tracking system **provides greater public accountability and transparency, allows victims to see the state taking this issue seriously, provides better direction and tools to law enforcement, provides more resources to the state forensic laboratory, and ultimately provides a better criminal justice system.** <https://www.isp.idaho.gov/SexualAssaultKitTracking>

In fall of 2016, ISPFS began collaborating with in-house Idaho State Police (ISP) web developers on the IKTS software. Beta products were vetted through the Idaho Sexual Assault Kit Initiative (ISAKI) working group and especially with the victim advocacy groups in Idaho. The IKTS system took four programmers approximately four months to complete all the programming development. IKTS is web-based and can be accessed from anywhere with an internet connection. It is compatible with most mobile devices. Sexual assault survivors can track their kit status without having to remember a login or provide any personal information. Survivors are provided with a tracking number for their kit, allowing them to track it through the evidence examination and storage process. Survivors can see if the evidence resulted in an entry to the national DNA database (commonly known as CODIS), if a hit was obtained, and the forecast retention period for the kit when held by law enforcement. The general public can also see this information by entering a kit number in the search bar. Use of this system has resulted in several survivors asking additional questions of law enforcement, the forensic lab, and even Idaho legislators. On several occasions, problems were identified and roadblocks were overcome by the survivors actively participating in the process. IKTS has a unique secure login for each lab, law enforcement, medical facility, and prosecutor's office user. These medical, laboratory and criminal justice users enter milestones as the kit proceeds through the collection, analysis, investigation, and retention process. While IKTS continues to work efficiently, small changes and updates have been and will continue to be made as we become more familiar with the software and its capabilities to further improve the user experience and to more easily access kit data and statistics.

## Training

In 2018, ISPFS hosted a total of two (2) live interactive internet-based training sessions, two (2) on site trainings and a number of interactive telephone follow-up/refresher sessions with user agencies. On-demand tutorial videos are posted for additional individuals to be able to take or refresh training at their own pace. ISPFS and the IKTS Administrator will continue to individually train new users and contact agencies that did not attend the initial training. The legislature provided one administrative staff person at ISPFS for overseeing kit tracking and they will continue to be responsible for providing training and assistance to all IKTS users.

## Sexual Assault Kit Inventory

The sexual assault collection kits are procured by Idaho State Police Forensic Services with a legislative appropriation and per state purchasing rules and agreements. The new kits are all entered into the IKTS system by ISPFS using a unique serial

number on the box. The kits are then distributed to hospitals, clinics, and other collection entities in Idaho. During the 2018 calendar year, ISPFs purchased six hundred and forty (640) new sexual assault kits. Of the total unused sexual assault kits in inventory, ISPFs distributed a total of four hundred and seventy-nine (479) total kits to collection facilities across the state throughout 2018. ISPFs tracks unused kit inventory at the medical facilities. This tracking helps avoid misuse and waste. For example, if the unused kits are approaching an expiration date, the hospital is notified so the kit can be used or moved to another collection facility for use.

## Sexual Assault Medical Forensic Examinations

Hospitals and clinics performing sexual assault medical forensic examinations resulted in the collection of four hundred and seventy-three (473) kits between January 1<sup>st</sup> and December 31<sup>st</sup> 2018. The average number of days a collected kit was at a medical facility before being transferred to a law enforcement entity in 2018 was four (4). While the majority of these collections happened at Idaho facilities, some Idaho kits are collected at hospitals in adjoining states. Likewise, some kits collected in Idaho medical facilities are sent to law enforcement agencies in other states for investigation. There are some instances where a survivor from a crime that happened in Idaho is medically examined in a surrounding state medical facility. When a kit from another state is provided to law enforcement, it is given an Idaho serial number and tracked from that point on in the IKTS system.

A significant tracking issue was identified by ISPFs related to kits sent from collection facilities before the kit tracking system was active in January 2017, but after the law enforcement kit audit in 2016. Kits sent from collection facilities to law enforcement during this relatively narrow window were difficult to track because most collection facilities were not tracking where they sent these kits prior to the implementation of the state statute, and didn't fully comprehend how to interpret the statute. With no fidelity occurring between the collection facilities and law enforcement agencies, inaccurate tracking of kits was inevitable and to be expected. ISPFs has made an enormous good faith effort this year to locate these kits by contacting collection facilities and law enforcement agencies. In-person site visits were made throughout the state so ISPFs personnel could physically examine kit inventory at hospitals and law enforcement agencies. At the end of 2018, we have identified the physical location of sixty-five (65) of the previous eighty-six (86) unknown location kits. During discussion with hospitals and law enforcement it was determined that the remaining kits were likely repurposed for training purposes or discarded before collection. In one case the hospital emergency room was remodeled and it is likely uncollected kits were discarded. The remaining twenty-one (21) kits will be designated as "repurposed" for tracking purposes. Using this status of "repurposed" will allow ISPFs to update any kit that might happen to be discovered in the future.

## Law Enforcement Decisions

Idaho Code 67-2919 requires law enforcement agencies to obtain the kit from the collection facility and either submit the kit to ISPFs for analysis or document the decision not to test the kit (per subsection 8 of the statute) within 30 days. The average time it took Idaho law enforcement agencies to submit kits to ISPFs in 2018 was seventeen (17) days. A breakdown of the submission time for each law enforcement agency in Idaho is listed in Appendix F.

Idaho Code 67-2919 does not require submission of a kit to the lab for testing when there is no evidence to support a crime being committed, when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur. Law enforcement agencies and prosecutors continue to struggle to understand and implement this legislative wording. ISPFs worked in concert with law enforcement to provide further clarification. ISPFs worked with the Idaho Sexual Assault Kit Initiative (ISAKI) working group to better understand the decision making process used by law enforcement. At the February ISAKI meeting, a change was proposed and accepted to no longer require law enforcement agencies to track or report why kits were not to be tested beyond the aforementioned three circumstances of non-submission required by statute. The overall counts for each non-submission decision in 2018 is listed in Appendix C.

## ISPFS Laboratory Analysis

Six hundred and twenty (620) sexual assault kits were submitted to ISPFS in calendar year 2018. Some of these kits were from new sexual assaults, and some submissions were from previously unsubmitted kits identified in the 2016 law enforcement kit audit. In 2018, ISPFS saw an increase of one hundred and twenty two (122) percent in DNA cases because both new and backlogged SAKs were being sent in. The ISPFS laboratory staff members worked exceptionally hard, completing testing on a total of three hundred and seventy-one (371) sexual assault kits alongside other casework in 2018! The biology/DNA section was able to accomplish that work with the equivalent of only four (4) trained DNA analysts and two (2) biological screening analysts. ISPFS had a total of two hundred and ten (210) DNA database (CODIS) entries from sexual assault kits tested in 2018 and thirty-two (32) DNA database (CODIS) hits from sexual assault cases. As of December 31, 2018, ISPFS had six hundred and eighty-nine (689) sexual assault kits at the Meridian ISPFS and FBI laboratory pending analysis and one hundred and twenty-three (123) kits awaiting submission decision from law enforcement and the prosecutor's office. At the end of 2018, the average turnaround time for sexual assault kits at the ISPFS laboratory was two hundred and eight (208) days. At the end of 2018, a total of three hundred and forty-six (346) kits had been in the laboratory longer than ninety (90) days, and the oldest sexual assault kit had been in the laboratory four hundred and ninety-five (495) days.

In accordance with Idaho Code 67-2919, subsection 11, an initial audit was conducted in 2016 of all untested sexual assault evidence collection kits existing in Idaho. Every law enforcement agency in the state of Idaho participated, as required by statute, in this audit. Throughout 2018, ISPFS staggered the requests for law enforcement to submit these older kits as to not overwhelm the laboratory. Many law enforcement agencies submitted these kits to the laboratory on designated shipping dates, and other agencies struggled to meet the laboratory requests for these kits. ISPFS management made contact with law enforcement agency leadership when kits were not shipped in a timely manner. In the majority of instances, the agencies sent the kits in response to follow-up contact from ISPFS management. In a memo dated November 5<sup>th</sup> 2018, ISPFS notified stakeholders that **"As of November 1st, 2018 all of the existing sexual assault kits that had previously never been submitted by law enforcement to a forensic laboratory for testing, and that meet the current legislative requirements, have now been submitted to either the ISPFS or FBI laboratory for testing."** This was the fulfillment of a promise made by ISPFS leadership to the Idaho legislature that all previously unsubmitted kits would be submitted to the lab by the end of calendar year 2018.

[https://www.isp.idaho.gov/forensics/documents/notices/2018\\_10\\_31\\_Completed\\_SA\\_Kit\\_Submissions.pdf](https://www.isp.idaho.gov/forensics/documents/notices/2018_10_31_Completed_SA_Kit_Submissions.pdf)

Governor Otter expressed support for another DNA working supervisor position in his FY2019 budget recommendation. This position was supported by the Idaho legislature, and the position was filled in October of 2018. ISPFS was awarded federal grant funding for additional DNA positions and a SANE/SART nurse coordinator. ISPFS had hoped to bring the SANE/SART nurse coordinator onboard in late 2018, but significant delays resulted from trying to negotiate contract terms and logistics with a temporary employment agency. ISPFS does not have a state position for the nurse, so a temp agency must be used to facilitate the hire. The nurse had cleared background and polygraph requirements at ISP and was scheduled to start on the day ISPFS was notified of the federal government shutdown. Once federal funding becomes available again, ISPFS will immediately hire these positions.

In addition to staffing increases, ISPFS has also evaluated and implemented process improvement measures. The ISPFS biology unit validated a "Y-screen" method to speed up the kit analysis process. Briefly, this method allows the lab to quickly evaluate the presence or absence of male DNA from a sample. This method is particularly beneficial in cases where the male is vasectomized, in cases of little physical contact, or in digital penetration cases. The Y-screen method was implemented in 2018, and it has significantly sped up the screening process. However, Y-screen has also resulted in more cases going on for DNA testing due to the increased sensitivity of the screening method. ISPFS also initiated a Lean Six Sigma project to evaluate the entire DNA workflow in an effort to find areas for improvement in quality and efficiency. This project will be completed

with new workflows being implemented in 2019. The laboratory also plans to implement “Y-STR” testing. Y-STR testing allows the laboratory to specifically target male DNA in a sample. This is particularly helpful in mixtures with low level male contribution or multiple male contributors. Y-STR validation was completed in 2018 and will be implemented in early 2019. This service has been routinely requested for many years by law enforcement agencies all over Idaho. This service will be very popular with investigators, saving Idaho agencies tens of thousands of dollars each year they do not have to pay private labs.

A combination of new staffing and process improvements will hopefully allow the laboratory to process more cases and decrease turnaround times for sexual assault kits in 2019. However, the validation and addition of this methodology will increase case intake and analysis time. While new processes have a negative impact on turn-around time, customers need this analysis as it provides additional forensic information to sexual assault investigators. The training of several new staff members in 2018 also had a negative impact on the productivity and turnaround times of the unit.

### FBI Laboratory Analysis (NIJ SAK Project)

Idaho received a great deal of assistance from the FBI laboratory in 2018. The FBI laboratory has been testing previously unsubmitted sexual assault kits from Idaho since 2014 through the National Institute of Justice Sexual Assault Kit Project. Idaho has shipped a total of five hundred and ninety (590) kits to the FBI laboratory for testing since 2014. This FBI effort, combined with the ISPFS efforts, has come to completion with all outstanding kits now submitted for testing. The FBI has notified ISPFS that they are no longer accepting kits under this program. ISPFS thanks the FBI laboratory and NIJ officials for making this program available over the last few years. It has been a big part of addressing unsubmitted kits in Idaho.

### Law Enforcement Kit Storage and Retention

With the passage of H 146 in the Idaho legislature (2017), sexual assault kits must be retained for certain intervals by the investigating agency. ISPFS added a kit retention field into IKTS for agencies to document the destruction date of the kit. The IKTS administrator is working with law enforcement agencies to document the destruction dates of every kit in the system and to help them better understand how to apply retention dates to specific cases. The legislative intent of H 146 was for the legislation to apply to any kit currently in existence in Idaho. ISPFS was notified throughout 2018 that law enforcement agencies had located kits that were not accounted for on 2016 audit. These discovered kits have all been entered these kits into the IKTS system. The IKTS Administrator has worked with each individual law enforcement agency and collection site to serialize each kit that exists in Idaho. This has been a monumental undertaking for the IKTS administrator and law enforcement evidence staff. On several occasions, the IKTS administrator visited law enforcement agencies and hospitals to help with this kit labeling and accounting process. Ensuring that all the kits in Idaho have a serial number on the physical box, an entry in the IKTS system, and a destruction date identified in IKTS was a huge initiative for 2018 that has now been reached. The importance of the IKTS administrator in this process cannot be overstated.

IKTS data and anecdotal evidence suggests that the improper sexual assault kit destruction in Idaho has stopped and retention intervals are being implemented according to the 2017 retention state law. Law enforcement agencies initially had many questions about how to implement the new statute, but recent phone calls and email correspondence to the IKTS administrator suggest that agencies are starting to understand the retention windows that are required. In addition, the IKTS software has been programmed to send a reminder to the law enforcement agency when a destruction date has not been applied to the kit. The law enforcement agency is responsible for setting the appropriate date for the kit based on the legislative criteria. ISPFS will continue to provide training to law enforcement and prosecutors on this important retention topic.

### IKTS Software Development and Use Statistics

IKTS is continually enhanced by Idaho State Police web programmers. Having IT programmers at ISP allows the IKTS administrator to make real time changes to the system as the process has been refined. The biggest enhancements have been

in the data driven reports generated by the system. Monthly reports have been developed for ISPFs to provide critical data to stakeholders, including the Idaho legislature. Each month prosecutors get a report of any kit over 90 days old from their jurisdiction in the laboratory. Due to the combined efforts of the ISPFs managers and scientists, ISP IT programming team, and other groups such as Idaho Sexual Assault Kit Initiative (ISAKI), we have deployed several process driven updates to the IKTS system since its initial implementation. A counter tool has been applied to the IKTS public webpage so that the number of visitors to the page can be tracked. The average monthly number of visitors to the public IKTS site in 2018 was thirty-four (34). On average between twenty (20) and twenty-five (25) medical, law enforcement, laboratory, and prosecutor users login each day to document and update kit events in the IKTS system. In October 2018 alone, there were 1,100 searches of the IKTS system. Of those 1,100 searches, 145 were made by anonymous (public) users and the remaining 955 were performed by logged in users. Logged in users are law enforcement, hospitals, lab, and prosecutors that are trying to update something in the system related to that kit.

## Sharing IKTS

ISPFs has been highly involved in the national discussion on sexual assault kit tracking. ISPFs offers the IKTS software program free of charge to any public entity. The vision of ISPFs is to provide a free software tool that will encourage other states and agencies to also implement sexual assault kit tracking. While we cannot offer programming and ongoing software support assistance, we hope that budget strapped agencies will utilize this tool to implement kit tracking more swiftly. ISPFs had several discussions with national organizations including the NIJ Forensic Technology Center of Excellence (FTCoE) to recommend further development of an open source kit tracking software. Inquiries on IKTS were received from twenty-five (25) states, three (3) major cities, and five (5) prominent national organizations. A full list of inquiries can be found in Appendix A. Several of these entities were provided with digital downloads of the program. The state of North Carolina went live in 2018 with our IKTS software. Several organizations are implementing IKTS as it was developed, others are modifying it slightly for their use, and others are using it for ideas to develop their custom kit tracking systems. The ISPFs Laboratory System Director has made national presentations about the IKTS system to the National Governors Association and the FTCoE Sexual Assault Kit Initiative Training and Technical Assistance (SAKI-TTA) initiative. Presentations have also been made at the Midwest Laboratory Directors Meeting, Western Laboratory Directors Meeting, the Association of State Criminal Investigating Agencies Forensic Committee Meeting, and the Houston Forensic Science Center National Forensic Science Week Meeting. The National Institute of Justice, the Forensic Technology Center of Excellence at Research Triangle International, and the national survivor advocacy group Joyful Heart Foundation and Endthebacklog.org have all praised the work of Idaho on this kit tracking system. Idaho was featured in a national blog article regarding the success of the IKTS system and other initiatives related to sexual assault kit accountability. ISPFs is currently working with the government of Puerto Rico to implement the IKTS system in Puerto Rico. <http://www.endthebacklog.org/blog/successful-year-idaho-launching-first-statewide-rape-kit-tracking-system>. Many national and local media outlets published stories or ran news spots on the success of Idaho sexual assault kit initiatives such as IKTS. Local media outlets such as the Chicago Tribune, Daily Tar Heel, Idaho Press Tribune, Idaho Statesman, Idaho State Journal, Spokesman Review, Inlander, MagicValley.com, Meridian Free Press, Idaho Public Radio, Boise State Public Radio, KTVB, KIVI, KMVT, WFAE, WRAC and KBOI all covered aspects of sexual assault kit tracking solutions being implemented in Idaho.

## The Idaho Sexual Assault Kit Initiative

The Idaho Sexual Assault Kit Initiative (ISAKI) working group was founded in 2014. This volunteer policy advisory group consists of state and local law enforcement representing agencies of all types and sizes, the forensic laboratory personnel, a prosecutor, a public defender, a judge, a court representative, several victim advocacy and resource groups, victim compensation fund administrators, sexual assault nurse examiners (SANEs), a physician, hospital administrators, and a state legislator. In 2017, ISAKI added criminal justice researchers, college campus representatives, a representative from the

Department of Health and Welfare, a women's health administrator, several more law enforcement experts, and several sexual assault response team (SART) administrators. This group has initiated policy changes and provided support for state law reforms of the sexual assault kit process. The work of this group has extended beyond Idaho as the policies set in Idaho are being noticed and studied all over the country. This group is remarkably collaborative and productive. The successes of this group include a sexual assault kit tracking statute, a state-wide sexual assault kit audit, state-wide implementation of sexual assault kit tracking software, implementation of a sexual assault kit retention law, and regular collaboration on sexual assault issues in Idaho. This group met several times in 2018 to discuss a multitude of issues. This group addressed issues of payments for medical forensic exams, work on a statewide standard protocol for SAK collection, increase sexual assault training for law enforcement, order of protection for sex assault victims from their attacker, and began working on a test all kits initiative for the 2019 legislative session. In a monumental achievement, the group worked on and published the first "Idaho Sexual Assault Response Guidelines" this year. This publication discusses medical, laboratory, law enforcement, and prosecutorial response to sexual assault in Idaho. The importance of this publication cannot be overstated.

## SANE/SART Coordinator

The ISAKI group has identified a critical need for a nurse administrator to coordinate the state-wide medical response to sexual assault. With the support of ISAKI, ISPFWS wrote and was approved for a federal grant funding such a position. ISPFWS was prepared to hire on for this position at the end of 2018 but has been delayed by a federal government shutdown. Once the government reopens and funds are available the appointed candidate will begin employment. Idaho has a lack of base level training and education for nurses and other medical professionals that collect sexual assault evidence in Idaho. There is a need for a long-term sustainable program to retain more of the SANE trained nurses and ensure that training is available for new nurses when turnover happens. More SART programs are needed in Idaho and more sites (hospitals and clinics) in Idaho need the proper training to perform a suitable sexual assault medical forensic exam to increase fidelity and uniformity of collections statewide. There are urban areas with well-trained nurses and well-coordinated SART programs. These programs are resourced with equipment needed to do the collection and they have sustainable funding for their operations. However, other areas of Idaho have little to no training to collect sexual assault evidence and often send victims from their home to other areas of the state that can perform collection. The result is that victims in some areas have the collection done by untrained medical practitioners, or victims have to endure lengthy travel periods to get to a competent collection facility. Many victims refuse to travel from their area due to the inconvenience. In either case, the best evidence is not being collected from the victim. Delays in evidence collection due to victim transport to a second facility can result in biological evidence or critical toxicology samples (i.e. testing for drugs in blood or urine that may have been used to facilitate the assault) being eliminated from the victim's body. Data from the ISP 2016 Sexual Violence in Idaho Report indicates that many court cases are dismissed due to a lack of forensic evidence. The problem in Idaho is that due to a lack of training and resources in many areas of the state, victims of sexual assault are not treated equally from a healthcare or criminal justice perspective. Part of demonstrating to victims of sexual assault, and Idaho residents in general, that Idaho takes this issue seriously is providing equal quality of services and access to justice in the state. Right now the biggest problem is in underserved and mostly rural regions of Idaho, and includes collection facilities that serve Native American tribes and other ethnic minority populations.

Currently Idaho has only a handful of nurses that have been trained to a base level of competency to perform appropriate and victim centered sexual assault exams (i.e. SANE nurses). The training is time intensive, costly, hard to coordinate, and often is difficult to obtain. Because there are only a few of these trained individuals in Idaho, the stress is great on them and their facilities, and the turnover rate is very high. Hospitals are generally reticent to train SANE nurses because of the initial and ongoing costs and the high turnover rate. In an effort to curb this, ISPFWS applied for and was awarded a federal grant (STOP) to provide SANE training to Idaho nurses and to provide sexual assault examination collection supplies to Idaho medical facilities. ISPFWS is offering three (3) in-person 40-hour didactic training sessions in January/February 2019 in Pocatello,



Meridian, and Lewiston for sixty (60) total nurses. This first round of training was in high demand and interested participants had to be added to a waiting list for future trainings. The SANE/SART Coordinator will continue to train nurses in 2019 both in an introductory and continuing education capacity. ISPFS notified medical facilities throughout the state of sexual assault evidence collection supplies that were available through the STOP grant. ISPFS had twenty (20) facilities request supplies to supplement their own current resources and in some cases complete start-up collection packages were requested from facilities that currently do not offer sexual assault kit collection.

ISPFS has identified an immediate need for a state-wide SANE/SART coordinator position to oversee and administer a training program to increase the number of SANE trained nurses, develop a sustainable training program for entry-level and continuing SANE training, to maintain the statewide sexual assault kit response guidelines, to coordinate the efforts of the ISAKI group ongoing initiatives, to ensure implementation and continual review of state sexual assault evidence collection policy and procedures, and to help coordinate resources and other operational issues in all Idaho sexual assault evidence collection facilities.

## Challenges to Kit Tracking

There were a few challenges related to Idaho sexual assault kit tracking in 2018. These are outlined below:

- The January 20th time restraint on this report does not allow for complete reporting. By state statute, law enforcement has a timeframe of 30 days to make the determination as to whether or not a SAK will be tested. This results in incomplete data for any kit that was collected towards the end of the year. It is recommended the report submission date be moved to March 1<sup>st</sup> to give ample time to law enforcement and the prosecutor's office to make full determinations on SAKs. This change would result in a more precise and complete report to the legislature.
- ISPFS has had difficulty retaining an IKTS Administrator. Since the inception of this position in 2016, ISPFS has had three (3) different administrators. The previous administrators both promoted within the agency to higher paying positions.
- Some law enforcement agencies did not complete their 2016 SA kit audit thoroughly, and as a result, more kits were discovered within the past 2 years. All recently discovered kits have since been submitted to the lab for testing.
- The IKTS Administrator has found it troublesome that oftentimes organizations forget to notify the IKTS Administrator when a staff member leaves, so the Administrator is not aware that a new person may need to be trained on and added to the IKTS system. Similarly, some organizations still seem to be trying to work out who is responsible for IKTS entry internally. There is a bit of a disconnect between the evidence custodians, who typically physically receive/send kits, and the detectives who make decisions if a kit meets the submission requirements for testing. ISPFS will conduct annual check-ins with each IKTS agency to ensure all IKTS users are still active and appropriate.
- The 30 day timeframe required for law enforcement agencies to determine whether a kit needs to be submitted or not for laboratory testing is restrictive. Law enforcement struggles to perform enough of the investigation, make an appropriate decision, and obtain the necessary reference samples within the timeframe allotted. In some cases there might have been enough evidence to believe a crime occurred, but a warrant could not be obtained to collect the reference sample within thirty (30) days (or at all) because prosecution was declined. Since ISPFS needs a suspect reference sample to be submitted with the sexual assault kit, the law enforcement entities recommend a statutory amendment to a timeframe of sixty (60) days. This timeframe does seem reasonable since law enforcement did meet a sixty (60) day average submission timeline in 2018.
- Hindering the expedient processing of kits is that there is no current timeframe requirement for the prosecutor's office to review kits that law enforcement has deemed as not meeting testing submission requirements. At the end of 2018, there were kits that have been waiting for prosecutor review for almost a year. This does a disservice to the

law enforcement agency as the time the prosecutor's office takes to review cases counts against their submission averages. It can also cause a potential delay in justice for the sexual assault survivor. A "test all" initiative would almost eliminate this issue in its entirety, as the requirements for testing submission would be clearly defined. In the meantime, ISPFS will be more active in contacting the prosecutor's office in an effort to cut down on submission times.

- There is no statutory requirement for medical facilities to use IKTS. They generally send the physical kit to the law enforcement agency in a timely manner, but fail to document the action in IKTS. If the medical facility has failed to update the kit with proper collection and tracking information, law enforcement cannot enter in their case details because this function is disabled until the medical information has been entered. Due to the lack of IKTS action by the medical facility, the law enforcement agency asks the IKTS Administrator to document the action so they can accept the kit in their IKTS dashboard and forward the kit to the lab. The IKTS Administrator is receiving numerous emails and calls to document the actions on behalf of the collection sites. This is both a training and logistical issue with the medical facilities. ISPFS will continue to work with medical facilities to help them understand the reasoning and importance of proper documentation in IKTS being completed in a timely manner.
- The IKTS Administrator found communication with law enforcement agencies, medical facilities, and prosecutors exceedingly difficult. These entities are extremely busy and communication by email and phone was troublesome. Getting IKTS training to the right people in the organization has also been a significant challenge. The individuals attending the training are often not the decision makers in their respective agencies. It is often difficult for the individuals tasked with this task at their agency to get the attention of decision makers in order to update needed fields in the IKTS system.
- Law enforcement agencies have expressed frustration in trying to interpret Idaho statute. Law enforcement specifically struggles to interpret the exceptions to required kit testing. This is specifically true with issues related to minors. Many law enforcement agencies and prosecutors have struggled with the interpretation that decision to prosecute is not tied with the decision to submit the kit. ISPFS has struggled to communicate the message that kits should be sent in unless the victim declines kit testing or a crime has not been committed (per statute). ISPFS has visited many agencies in Idaho to conduct in-person training with users to address these concerns and clarify the statute. This issue has also been raised in the ISAKI meetings, leading to work on a "test all" initiative likely to be brought before the 2019 legislative session for consideration.
- The IKTS Administrator expended enormous effort attempting to locate eighty-six (86) kits that the lab started tracking by a serial number prior to the inception and implementation of the IKTS system. Minimal records exist at medical facilities regarding where they sent these eighty-six (86) kits after collection or if collection even occurred. Through great efforts, back-tracking, and some assistance from some of the medical facilities and several law enforcement agencies, ISPFS has been able to locate sixty-five (65) of these kits, 47 of which were located in 2018. In 2018, the IKTS Administrator personally visited each medical facility and the surrounding law enforcement agencies who had kits with unknown locations to offer assistance to trace the records. This ultimately is a testament to the importance of the IKTS system in Idaho. This should not happen again now that kit tracking has been fully implemented.

## Commendations

- Every medical facility, law enforcement agency, and prosecutor's office in Idaho have engaged to solve this issue in Idaho. They have spent countless hours auditing, researching, and documenting actions. They have been trained on the new kit tracking system and have been very responsive to needed actions. A monumental culture change related to sexual assault kit tracking in Idaho is underway.

- The Idaho State Police IT programming team, consisting of Brice Roncace, Loni Townsend, Kurt Hinrichs, and Aaron Ho-Means, deserve sincere praise for their efforts. They have shown skill developing this system, determination during the launch, and great abilities updating the system to meet ongoing customer needs. They have been a tremendous help in keeping the IKTS program running and performing to exceed expectations. They have also continued to offer support to other states to implement the software around the country. Idaho is providing significant help to implement kit tracking throughout the United States. The success of the tracking system could not have been accomplished without this amazing team!
- The Idaho Sexual Assault Kit Initiative (ISAKI) working group is truly remarkable. This volunteer policy advisory group dedicates hundreds of hours to this important cause. The group is healthy and vibrant. The work of each member is vital, and this group is critical to the success of this initiative.
- While all law enforcement agencies and medical facilities are critical to the success of kit accountability in Idaho, special recognition in 2018 goes to the Ada County Sheriff's Office, Boise Police Department, Twin Falls Police Department, St. Luke's, SAFE Ada County, and SAFE Canyon. They have been particularly proactive and extremely helpful this year. They are almost immediately responsive, clarify any questions, fix any issues, and assist with any and all requests. They continue to have an upbeat and positive attitude about this initiative.

## Conclusions

A major cultural and systematic change related to sexual assault kit tracking was realized in Idaho in 2017 and became further rooted in 2018. The state-wide sexual assault kit tracking system continued to be effective and was implemented in many other states throughout the country. This IKTS software has become nationally renowned and acclaimed. Medical facilities, law enforcement, and prosecutors were trained to use the new system and helped in understanding state statutes related to kit testing and retention. In 2018, six hundred and forty (640) kits were purchased, four hundred and seventy-three (473) kits were collected, six hundred and twenty (620) kits were submitted to the lab for testing, and three hundred and seventy-one (371) kits were completed by the lab. It took law enforcement an average of thirty seven (17) days to submit kits to the lab, seventy-eight (78) kits did not meet state requirements for testing, it took the laboratory an average of two hundred and eight (208) days to work a kit, and there are three hundred and forty-eight (348) kits that have been in the lab longer than ninety (90) days. All of the previously unsubmitted kits remaining in Idaho have been sent to the lab to be tested, the FBI will work a total of five hundred and ninety (590) Idaho SA kits. The improper destruction of sexual assault kits in Idaho has stopped and state law is being followed. The Idaho Sexual Assault Kit Initiative working group is a highly effective group that is leading the Idaho approach to solving this issue. More training and resources are needed for law enforcement and nurses, including a state-wide sexual assault response trainer/coordinator. While new analysts and process improvements are helping, more analysts are needed at the state lab to deal with the astronomical increases in biology/DNA case submissions. Overall, Idaho is taking a very proactive and aggressive approach to accounting for and processing sexual assault kits.

# Appendix A

## Inquiries about obtaining information or software download for IKTS

- New York
- Kentucky
- Arizona
- Utah
- Nevada
- Illinois
- Georgia
- Washington State
- Montana
- North Carolina – Went live in 2018 with our software
- Texas
- City of Houston Texas
- Vermont
- New Mexico
- Arkansas
- California
- Wisconsin
- Virginia
- Ohio
- Indiana
- Puerto Rico
- Connecticut
- Maryland
- Iowa
- South Dakota
- Massachusetts
- Arkansas
- City of Cleveland, Ohio
- City of Portland, Oregon
- NIJ/DOJ
- RTI Forensic Technology Center of Excellence
- Association of State Criminal Investigating Agencies (ASCI)
- Joyful Heart Foundation
- National Conference of State Legislatures

## Appendix B

### 2018 Statistics by Idaho Law Enforcement Agency†€

Law Enforcement Agency	# of Kits Tested*	# of In-Process Kits*	# Awaiting LE/Prosecutor Decision
Aberdeen Police Department	0	1	0
Ada County Sheriff's Office	16	30	0
Adams County Sheriff's Office	1	0	0
American Falls Police Department	0	3	0
Ashton Police Department	2	0	0
Bannock County Sheriff's Office	5	1	2
Bear Lake County Sheriff's Office	0	4	0
Benewah County Sheriff's Office	0	0	0
Bingham County Sheriff's Office	4	5	0
Blackfoot Police Department	3	2	0
Blaine County Sheriff's Office	1	1	0
Boise County Sheriff's Office	0	1	1
Boise Police Department	103	108	7
Bonner County Sheriff's Office	1	8	2
Bonnors Ferry Police Department	0	0	0
Bonneville County Sheriff's Office	8	33	7
Boundary County Sheriff's Office	1	10	0
Buhl Police Department	0	0	1
Butte County Sheriff's Office	0	0	0
Caldwell Police Department	22	39	2
Camas County Sheriff's Office	0	0	0
Canyon County Sheriff's Office	6	14	0
Caribou County Sheriff's Office	0	1	0
Cascade Police Department	0	1	1
Cassia County Sheriff's Office	5	13	0
Chubbuck Police Department	4	7	0
Clark County Sheriff's Office	0	0	0
Clearwater County Sheriff's Office	4	0	0
Coeur d'Alene Police Department	15	18	2
Cottonwood Police Department	0	0	0
Custer County Sheriff's Office	0	0	1
Elmore County Sheriff's Office	2	9	0
Emmett Police Department	3	5	0
Filer Police Department	0	1	1
Fort Hall Tribal Police Department	0	0	18
Franklin County Sheriff's Office	0	0	0
Fremont County Sheriff's Office	1	1	0
Fruitland Police Department	0	0	0
Garden City Police Department	5	29	2
Gem County Sheriff's Office	2	7	0

Gooding County Sheriff's Office	2	1	1
Gooding Police Department	1	0	0
Grangeville Police Department	4	2	0
Hailey Police Department	3	1	0
Hayden Lake Police Department	0	0	0
Heyburn Police Department	1	0	0
Homedale Police Department	0	0	0
Idaho City Police Department	0	0	0
Idaho County Sheriff's Office	0	1	0
Idaho Falls Police Department	10	11	2
Iona Police Department	1	0	0
Jefferson County Sheriff's Office	2	10	1
Jerome County Sheriff's Department	4	4	0
Jerome Police Department	3	2	0
Kellogg Police Department	0	0	1
Ketchum Police Department	1	0	0
Kimberly-Hansen Police Department	0	2	0
Kootenai County Sheriff's Office	7	76	12
Kootenai Tribal Police Department	0	0	0
Latah County Sheriff's Office	1	0	0
Lemhi County Sheriff's Office	0	0	1
Lewis County Sheriff's Office	1	0	0
Lewiston Police Department	11	9	1
Lincoln County Sheriff's Office	0	0	0
Madison County Sheriff's Office	0	10	0
McCall Police Department	1	1	1
Meridian Police Department	15	14	1
Middleton Police Department	1	2	1
Minidoka County Sheriff's Office	2	1	1
Montpelier Police Department	0	0	0
Moscow Police Department	3	6	0
Mountain Home Police Department	10	7	1
Nampa Police Department	54	91	4
Nez Perce County Sheriff's Office	3	13	0
Nez Perce Tribal Police Department	1	1	0
Oneida County Sheriff's Office	0	0	0
Orofino Police Department	1	1	1
Osburn Police Department	0	1	0
Owyhee County Sheriff's Office	1	0	0
Parma Police Department	0	0	0
Payette County Sheriff's Office	1	1	0
Payette Police Department	3	1	1
Pinehurst Police Department	0	0	0
Plummer Police Department	0	0	0
Pocatello Police Department	10	41	36
Ponderay Police Department	0	1	0
Post Falls Police Department	8	5	0

Power County Sheriff's Office	2	2	0
Preston Police Department	1	5	4
Priest River Police Department	1	0	0
Rathdrum Police Department	1	0	0
Rexburg Police Department	3	4	2
Rigby Police Department	0	0	0
Rupert Police Department	3	1	0
Salmon Police Department	1	0	4
Sandpoint Police Department	0	9	0
Shelley Police Department	0	2	1
Shoshone County Sheriff's Office	2	10	1
Shoshone Police Department	0	0	0
Soda Springs Police Department	0	0	0
Spirit Lake Police Department	0	1	0
St. Anthony Police Department	1	0	0
Sun Valley Police Department	1	1	0
Teton County Sheriff's Office	6	0	0
Troy Police Department	0	0	0
Twin Falls County Sheriff's Office	3	4	0
Twin Falls Police Department	5	62	7
Ucon Police Department	1	0	0
Valley County Sheriff's Office	5	2	0
Washington County Sheriff's Office	0	0	0
Weiser Police Department	2	2	1
Wilder Police Department	0	1	0
<b>Total</b>	<b>418</b>	<b>689</b>	<b>123</b>

†Data included is a snapshot in time  
as data is fluid and constantly  
updated

\*Includes kits at FBI Lab and  
previously unsubmitted kits

€Only includes kits collected  
that will be processed in Idaho

## Appendix C

### 2018 Unsubmitted Sexual Assault Kits by Agency

Agency	Total	1	2	3	4
Ada County SO	2		1	1	
American Falls PD	1	1			
Bingham County SO	1			1	
Boise PD	27	13	2	7	5
Bonner County SO	1			1	
Bonneville County SO	1			1	
Caldwell PD	7	3	2	2	
Coeur d'Alene PD	4				4
Garden City PD	1		1		
Gooding County SO	2	2			
Idaho Falls PD	11		8	3	
Lewiston PD	1	1			
Meridian PD	3		1	2	
Middleton PD	2		1	1	
Nampa PD	4	2		2	
Nez Perce County SO	1		1		
Pocatello PD	3		2	1	
Post Falls PD	2	1			1
Rexburg PD	2			1	1
Sandpoint PD	1			1	
Twin Falls PD	1		1		
		23	20	24	11

- **(1) An adult victim expressly indicates that no further forensic examination or testing occur**
- **(2) No evidence to support a crime being committed**
- **(3) No longer being investigated as a crime**
- **(4) Anonymous or Jane/John Doe Kit (victim chooses not to report a crime to LE per VAWA)**

\*\*As of this report date, a decision is pending on 53 kits from calendar year 2018.



## Appendix D

### 2018 SA Kits Collected at Medical Facility---Marked as Received in IKTS by LE

<b>Law Enforcement Agency</b>	<b>Collected</b>
Adams County Sheriff's Office	1
Ada County Sheriff's Office	14
Air Force OSI	4
American Falls Police Department	2
Ashton Police Department	1
Bannock County Sheriff's Office	3
Bear Lake County Sheriff's Office	1
Bingham County Sheriff's Office	5
Blackfoot Police Department	2
Blaine County Sheriff's Office	2
Boise County Sheriff's Office	2
Boise Police Department	65
Bonner County Sheriff's Office	4
Bonnets Ferry Police Department	1
Bonneville County Sheriff's Office	14
Buhl Police Department	1
Caldwell Police Department	26
Canyon County Sheriff's Office	6
Caribou County Sheriff's Office	1
Cassia County Sheriff's Office	4
Chubbuck Police Department	1
Clearwater County Sheriff's Office	1
Coeur d'Alene Police Department	24
Custer County Sheriff's Office	1
Elmore County Sheriff's Office	2

Emmett Police Department	4
FBI	3
Fort Hall Tribal Police Department	6
Fremont County Sheriff's Department	2
Garden City Police Department	14
Gem County Sheriff's Office	2
Gooding County Sheriff's Office	4
Gooding Police Department	1
Idaho County Sheriff's Office	1
Idaho Falls Police Department	27
Jefferson County Sheriff's Office	2
Jerome County Sheriff's Department	3
Jerome Police Department	4
Kellogg Police Department	1
Kimberly-Hansen Police Department	2
Kootenai County Sheriff's Office	12
Lemhi County Sheriff's Office	1
Lewiston Police Department	13
Madison County Sheriff's Office	3
McCall Police Department	2
Meridian Police Department	16
Middleton Police Department	4
Minidoka County Sheriff's Office	3
Moscow Police Department	5
Mountain Home Police Department	8
Nampa Police Department	43
Nez Perce County Sheriff's Office	1
Nez Perce Tribal Police Department	2
Osburn Police Department	1

Out of State Agency	5
Payette County Sheriff's Office	1
Payette Police Department	1
Pocatello Police Department	18
Post Falls Police Department	8
Preston Police Department	2
Rathdrum Police Department	2
Rexburg Police Department	15
Salmon Police Department	5
Sandpoint Police Department	2
Shelley Police Department	2
Shoshone County Sheriff's Office	1
Sun Valley Police Department	1
Teton County Sheriff's Office	1
Twin Falls County Sheriff's Office	7
Twin Falls Police Department	15
Ucon Police Department	1
Valley County Sheriff's Office	2
Wilder Police Department	1
<b>Total</b>	<b>448</b>

## Appendix E

### 2018 SA Kits Collected at Medical Facility--Not Marked Received in IKTS by LE

<b>Law Enforcement Agency</b>	<b>Number</b>
Bonnors Ferry Police Department	1
Fort Hall Tribal Police Department	5
Jerome Police Department	3
<b>Total</b>	<b>9</b>

## Appendix F

### 2018 Laboratory Submission Time by Law Enforcement Agency

Law Enforcement Agency	Average Lab Submission Days
Ada County Sheriff's Office	15
Adams County Sheriff's Office	17
American Falls Police Department	11
Ashton Police Department	12
Bannock County Sheriff's Office	37
Bear Lake County Sheriff's Office	111
Bingham County Sheriff's Office	16
Blackfoot Police Department	<1
Blaine County Sheriff's Office	5
Boise County Sheriff's Office	35
Boise Police Department	10
Bonner County Sheriff's Office	10
Bonneville County Sheriff's Office	11
Caldwell Police Department	17
Canyon County Sheriff's Office	38
Caribou County Sheriff's Office	27
Cassia County Sheriff's Office	13
Chubbuck Police Department	9
Coeur d'Alene Police Department	5
Elmore County Sheriff's Office	27
Emmett Police Department	23
Fort Hall Tribal Police Department	12
Fremont County Sheriff's Office	2
Garden City Police Department	8
Gem County Sheriff's Office	69
Gooding County Sheriff's Office	0
Idaho County Sheriff's Office	8
Idaho Falls Police Department	16
Jerome County Sheriff's Office	8
Jerome Police Department	0
Kimberly-Hansen Police Department	70
Kootenai County Sheriff's Office	51
Lewiston Police Department	19
Madison County Sheriff's Office	12
McCall Police Department	5
Meridian Police Department	20
Middleton Police Department	11
Minidoka County Sheriff's Office	24
Moscow Police Department	20
Mountain Home Police Department	20
Nampa Police Department	19
Nez Perce Tribal Police Department	5
Osburn Police Department	1
Payette County Sheriff's Office	4
Payette Police Department	5
Pocatello Police Department	28
Post Falls Police Department	14
Preston Police Department	53

<b>Law Enforcement Agency</b>	<b>Average Lab Submission Days</b>
Rathdrum Police Department	9
Rexburg Police Department	25
Sandpoint Police Department	0
Shelley Police Department	1
Spirit Lake Police Department	0
Sun Valley Police Department	0
Teton County Sheriff's Office	2
Twin Falls County Sheriff's Office	26
Twin Falls Police Department	25
Ucon Police Department	24
Valley County Sheriff's Office	0
Wilder Police Department	3
<b>Average</b>	<b>17</b>

# Appendix G

## ISPFS DNA Laboratory Productivity (total cases-not just SAKs)

Year	Screening			DNA		
	Cases Accepted	Cases Completed	Number of Items	Cases Accepted	Cases Completed	Number of Items
2013*	54	42	276	24	13	22
2014	167	168	1237	127	106	391
2015	215	182	1482	123	86	409
2016	292	289	2155	158	132	602
2017	558	481	3536	267	204	1002
2018	647	481	3545	359	316	1574

