

From: Gamette, Matthew [<mailto:matthew.gamette@isp.idaho.gov>]

Sent: Monday, November 10, 2014 8:26 AM

To: Subject: Critical Sexual Assault Kit Information

Importance: High

Dear Chief or Sheriff,

As you know, ISPFS has communicated with you several times regarding sexual assault kit processing. We have requested each Idaho law enforcement agency to provide us the number of any unprocessed sexual assault kits you may have sitting on your property room shelves. We understand the reasons why many of these kits have not been previously processed, but we are taking a look at this issue from a different perspective and have asked that these kits be inventoried. I appreciate the great response that we received so far, but there is still more work to do.

As you may be aware, many jurisdictions in the United States are struggling with what to do with hundreds to thousands of untested sexual assault kits sitting on law enforcement shelves. It is an issue in the national press, being investigated by federal agencies, and under consideration for funding by the U.S. Congress. Our research, based on limited survey returns from your agencies, shows that the problem is very small in Idaho, but we have identified several hundred kits that have never been processed by any laboratory.

Several months ago we organized a distinguished panel to discuss the best policy for processing sexual assault kits in Idaho. The panel had representatives from the Idaho Supreme Court, state and local law enforcement, the state ISPFS forensic lab, victim advocates, prosecutors, a public defense attorney, doctors, nurses, hospitals, clinics, and victim compensation experts. While the root causes of this problem vary across the country, our group was interested in making the best decision for Idaho. We considered victim rights, public safety, court issues, law enforcement challenges, CODIS rules, lab processes, and many other things in our deliberations. The Idaho panel decided the approach/policy that makes the most sense for Idaho (and the one we are implementing) is as follows:

All sexual assault kits collected in Idaho will be processed by the state lab except where:

- There is no evidence to support a crime being committed (or it is no longer being investigated as a crime).*
- The victim asked that no further examination or investigation occur on their case.*

ISPFS began immediately to identify resources to process all the unprocessed/unsubmitted kits we identified in our survey of Idaho law enforcement agencies. ISPFS entered into a partnership with NIJ/DOJ/FBI, and we started to immediately move some of the unsubmitted/unprocessed Idaho kits through this federal program. This federal program requires that each kit is over a year old. I personally contacted any agency with over 20 kits and requested that they submit any kits over a year old to the FBI as quickly as possible. We worked with these agencies on getting the kits submitted in a timely manner. We have also been working to identify other resources to work the remainder of the kits identified in our survey. We are now at a point where we are ready to provide some further direction and clarification:

- The FBI/NIJ project is accepting sexual assault kits in batches of up to 30 for sexual assault kits over a year old. **I can provide you with paperwork for submission if your agency desires to participate in this program.** Agencies can get back in the queue after they submit their first batch.
- ISPFS requests all kits collected since January 2014 (meeting the above Idaho guidelines) be submitted to ISPFS as soon as possible. These kits require reference samples **or advanced approval from the lab** of the extenuating circumstances why reference samples cannot be obtained. Every effort must be made to get reference and elimination samples on these cases.
- ISPFS will be putting any unsubmitted/unprocessed kits collected prior to January 2014 (that the FBI lab will not take) into a queue to be submitted to the ISPFS lab. **The attached paperwork explains how this process will work with ISPFS.** While every effort should be made to submit reference and elimination samples on these cases, we understand that this may not be possible on many of these older cases.

Our goal is to have any previously unsubmitted kits in Idaho (meeting the above policy criteria) processed by July 2015. Please contact me with any questions or concerns you may have on this topic.

Matthew Gamette, M.S., C.P.M.
Laboratory System Director
Idaho State Police Forensic Services