



Idaho State Police

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To: All Idaho Police Chiefs, Sheriffs, Prosecutors, ISAKI Members, IKTS Users
From: Matthew Gamette, ISP Forensic Services Laboratory System Director
Subject: Notification of IKTS Categories
Date: January 5, 2018

A new pick list has been added to the Idaho Sexual Assault Kit Tracking System (IKTS) for use when the law enforcement agency has determined that a kit will not be sent to the state lab for testing. Agencies will now select the single best fit criteria and sub-criteria based on the agencies decision for not sending the kit for forensic testing. Prosecutors must still determine if they agree with the agency decision not to send the kit for testing. However, the prosecuting attorney section in IKTS is updated. Prosecutors are no longer required to put notes in IKTS for every "non-submission" case. Notes are only required if a prosecutor disagrees with the law enforcement decision.

When the Idaho State Legislature passed H528 in 2016, criteria were established in Idaho statute for testing sexual assault kits. Statements were included in the legislation regarding when sexual assault kits would not be submitted to the state lab for testing. Law enforcement agencies trying to comply with the new legislation expressed some frustration in trying to interpret the intent of those statutory statements. The issue was taken up by the Idaho Sexual Assault Kit Initiative (ISAKI) group. ISAKI is a group of leading Idaho subject matter experts representing the state laboratory, sexual assault nurse examiners, community sexual assault response teams, physicians, law enforcement groups, Idaho courts, prosecutors, defense attorneys, judges, victim advocates, researchers, and an Idaho legislator. The ISAKI group took the Idaho legislative language and studied sexual assault investigation policies from various law enforcement organizations around the country. In an effort to understand the law enforcement decision making process, ISAKI developed a list of reasons why law enforcement may make the decision not to send a kit for forensic testing (based on the Idaho law). This effort is not intended to provide a decision making tree for law enforcement, rather to further understand the decision making process already being used under current Idaho statute. Having these categories in the IKTS system will allow ISAKI, the Idaho Legislature, and the public to evaluate the efficacy of Idaho laws surrounding forensic testing of sexual assault evidence. The data will be used to evaluate current policy/law and to direct training resources to assist law enforcement and prosecutors in the investigation and decision making process.

Effective immediately, when law enforcement determines a kit will not be sent to the state lab for testing, they select a reason from the pick list in IKTS. If "No" is selected under "Meets Submission Requirements," law enforcement is required to select a non-submission reason and a non-submission sub-reason from the list below:

IKTS Non-Submission Pick List

- **Anonymous or Jane/John Doe Kit (victim chooses not to report a crime to LE per VAWA)**
- **An adult victim expressly indicates that no further forensic examination or testing occur**
 - Verbal attestation recorded in LE department notes
 - Written attestation stored in LE department records
- **No evidence to support a crime being committed**
 - Victim admitted filing a false police report
 - Victim disclosure does not meet the elements of a sexual assault
 - Adult victim specifically stated the act was consensual
 - Mental state of the victim and/or suspect does not support a crime being committed
- **No longer being investigated as a crime**
 - The victim states that they are not a victim of crime (documented by the department)
 - Corroborated evidence that the incident did not happen
 - Victim could not be located or was unavailable to investigators (i.e. additional information is needed to determine if a crime occurred)
 - Victim refused to cooperate with LE (i.e. additional information is needed to determine if a crime occurred)
 - Victim provided inconsistent or untrue facts (i.e. additional information is needed to determine if a crime occurred)
 - Witness statements in conflict with victim account (i.e. additional information is needed to determine if a crime occurred)
 - Video, audio, or other electronic evidence provide indisputable evidence that the crime did not occur.
 - Offense was committed in another state and the kit will be forwarded to LE in the appropriate jurisdiction

Technical questions regarding this issue should be addressed to IKTS Administrator Candace Bishop at candace.bishop@isp.idaho.gov or 208-884-7280. Other questions should be addressed to Laboratory System Director Matthew Gamette at matthew.gamette@isp.idaho.gov or 208-884-7217.