



# Idaho State Police

Service Since 1939



Colonel Kedrick R. Wills  
Director

Brad Little  
Governor

**To:** Idaho Chiefs, Sheriffs, and Prosecutors  
**From:** Matthew Gamette, ISP Forensic Services Laboratory System Director  
**Subject:** Sexual Assault Kit Submission Criteria  
**Date:** November 30, 2021

---

The Idaho State Police Forensic Services Laboratory (ISPFS) continues to receive many questions from law enforcement agencies and prosecutor offices regarding submitting sexual assault kits for testing. ISPFS is always willing to discuss specific case situations with individual officers, agencies, or prosecutors. Generally, our advice is to submit the kit for laboratory testing if any question exists about the legal eligibility of the kit for testing.

Per the linked language below in Idaho Code § 67-2919(1) and (8), it is our understanding that all kits must be submitted to the state lab for testing except in two specific circumstances –

1. The law enforcement agency and county prosecutor determine that the alleged crime is “unfounded.” “Unfounded” means that “evidence exists that proves no crime occurred.”

or

2. The adult victim wants the kit to remain anonymous, such as situations under laws like the federal VAWA.

<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH29/SECT67-2919/>

If neither of those two situations apply, the kit must be submitted **regardless of whether an investigation occurs, any charges are filed, or the victim or suspect are living.** We frequently get questions about these three specific circumstances.

While the maximum deadlines for an agency to submit a kit are found in the same linked statute, please submit the kits to us as early as possible. This helps all of our agencies meet the law’s requirements and more quickly solve predatory crimes throughout the state.

Please let me know if you have any questions or concerns. My direct phone number is 208-884-7217 if I can be of any assistance.

---

700 S. Stratford Drive • Meridian, Idaho 83642-6202

EQUAL OPPORTUNITY EMPLOYER