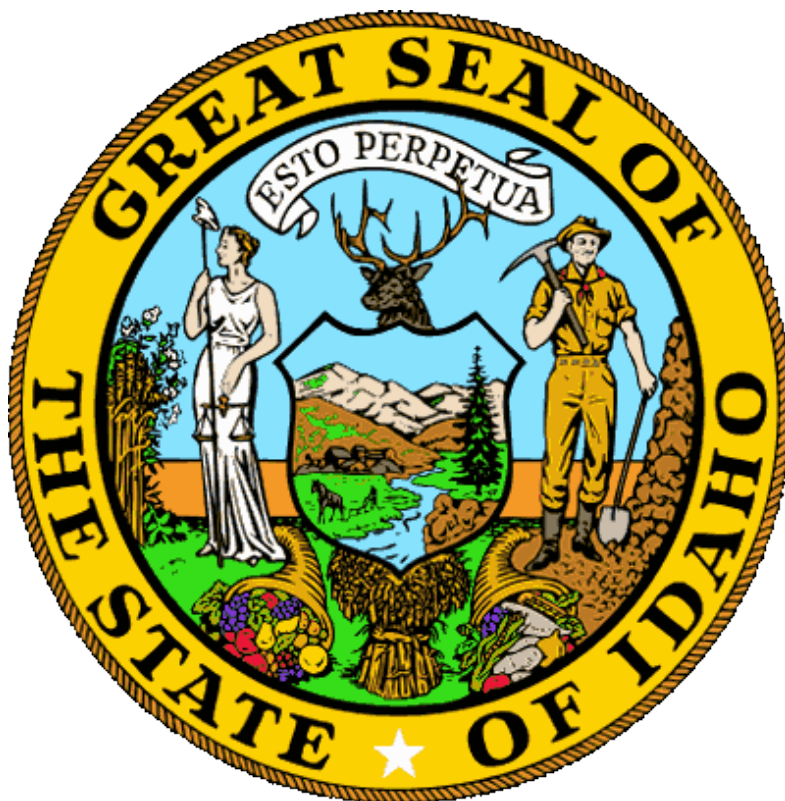


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# 2020 SEXUAL ASSAULT KIT TRACKING REPORT

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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 ISPFS crime lab, and issues related to sexual assault kit tracking and processing during the 2020 calendar year.

## Idaho Sexual Assault Kit Tracking System (IKTS)

In January of 2017 Idaho became the first state to fully implement a statewide 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 2020, ISPFS hosted a total of forty-nine (49) 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. 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

Idaho State Police Forensic Services procure the sexual assault collection kits 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 2020 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 five hundred and thirteen (513) total kits to collection facilities across the state throughout 2020. 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

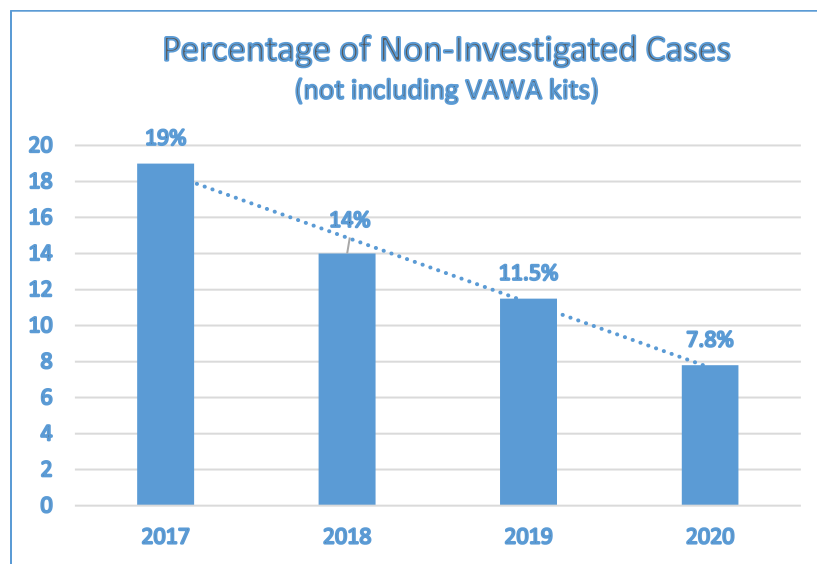
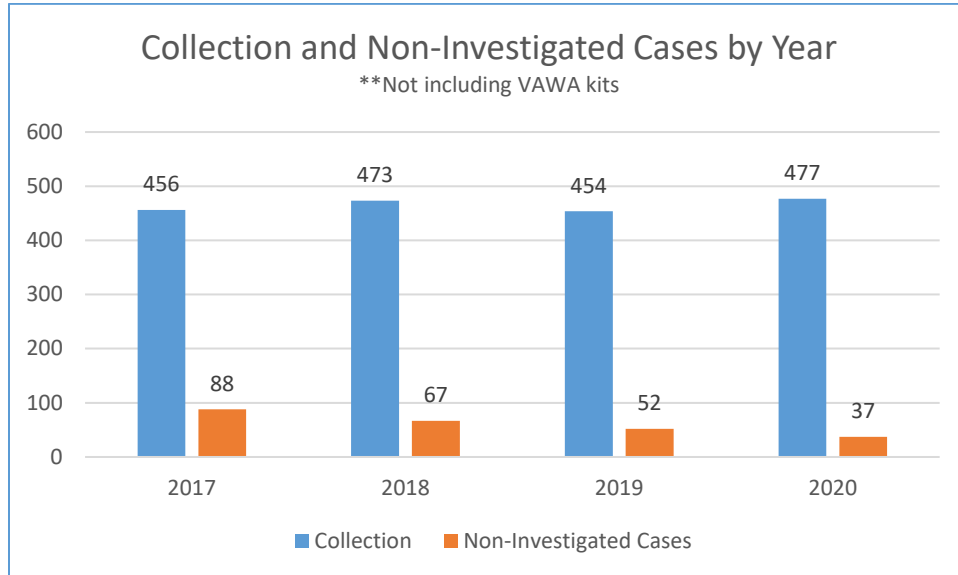
Hospitals and clinics performing sexual assault medical forensic examinations resulted in the collection of four hundred and seventy-seven (477) kits between January 1<sup>st</sup> and December 31<sup>st</sup> 2020. By comparison, there were four hundred and fifty-four (454) kits between January 1<sup>st</sup> and December 31<sup>st</sup> 2019. The average number of days a collected kit was at a medical facility before being transferred to a law enforcement entity in 2020 was seven (7). 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.

## 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 2020 was thirty-nine (39) days. A breakdown of the submission time for each law enforcement agency in Idaho is listed in Appendix F.

The original version of Idaho Code 67-2919 did not require submission of a kit to the lab for testing when there was no evidence to support a crime being committed, a case was no longer being investigated as a crime or when an adult victim expressly indicated that no further forensic examination or testing occur. Anonymously collected kits are not to be tested under the federal Violence Against Women Act (VAWA). Law enforcement agencies and prosecutors had concerns with the possible interpretations of this legislative wording. ISPFS worked in concert with law enforcement to provide further clarification. ISPFS continued to work with the Idaho Sexual Assault Kit Initiative (ISAKI) working group to better understand the decision making process used by law enforcement and to help clarify state statute. During the ISAKI meetings, a change was proposed and accepted to move towards a “test all” kits legislation. The 2019 proposed legislation condensed the two options of “no evidence to support a crime being committed” and “no longer being investigated as a crime” into one option. It also removed the option of a testing waiver for adult victims. While victims can still choose not to move forward with prosecution, the sexual assault kit will be tested by ISPFS, with the exception of anonymously collected kits per VAWA. House Bill 116, Testing and Retention of Sexual Assault Evidence Kits was approved by the legislature and went into effect July 1<sup>st</sup>, 2019. Law Enforcement throughout Idaho still struggles with when kits should and should not be tested, so the IKTS Administrator will continue to provide ongoing training and answer questions on a case by case basis. The overall counts for each non-submission decision in 2020 is listed in Appendix C. Four hundred and seventy-seven (477) sexual assault kits were collected in calendar year 2020. While some decisions are still being made on those kits, thirty-seven (37) kits (or 7.8%) were ruled by law enforcement as “no evidence to support a crime being committed” (not including VAWA kits). While this number is still high as compared to national averages, Idaho is making significant progress in this area. Excluding kits where the victim declines to proceed with testing, cases where law enforcement makes this determination not to test a kit have steadily declined since 2017 when this data started being tracked. The percentage not tested due to a law enforcement decision was 19% in 2017 and was 7.8% in 2020. ISPFS will continue to address this issue with law enforcement

officers and other stakeholders in 2021 with many already planned law enforcement courses on “the neurobiology of trauma” and “survivor interviewing.”



## ISPFS Laboratory Analysis

Four hundred and seventy-seven (477) sexual assault kits were collected at a medical facility in the calendar year 2020 and three hundred and thirty-four (334) of those kits were submitted to the ISPFS lab. In 2020, ISPFS saw a decrease in DNA cases sent to the lab from 2019. ISPFS received three hundred and ninety-one (391) DNA cases in 2020 as opposed to six hundred and twelve (612) in 2019. This was due in large part to previously unsubmitted sexual assault kits being submitted to the lab in 2019. The ISPFS laboratory staff members worked exceptionally hard, completing testing on a total of three hundred and twenty-nine (329) sexual assault kits alongside other casework in 2020! ISPFS had a total of one hundred and fourteen (114) DNA database (CODIS) entries from sexual assault kits tested in 2020 and six (6) DNA database (CODIS) hits from sexual assault cases that likely provided additional investigative information. There were twenty-three (23) total CODIS hits related to cases involving sexual assault kits, but seventeen (17) of those hits were to the named suspect on the case. In these cases, the lab did not receive a reference for the suspect initially, and the hit was to their conviction on another case or to their conviction on the case of the CODIS query (i.e. many of the previously unsubmitted kits are from already adjudicated cases where the

suspect provided a DNA sample upon conviction). Two (2) of the CODIS hits were in cases where no suspect name had been provided by investigators (i.e. either investigators did not have a suspect or did not identify that individual to the lab). Four (4) of the hits were to offenders in the database that were not the named suspect on the case (i.e. the hit is to a true alternate suspect or potentially a consensual partner where a reference sample was not provided for elimination purposes).

As of December 31, 2020, ISPFS had five hundred and forty-one (541) sexual assault kits at the Meridian ISPFS laboratory pending analysis and one hundred and fourteen (114) kits awaiting a submission decision from law enforcement and the prosecutor's office. At the end of 2020, the average turnaround time for sexual assault kits at the ISPFS laboratory was one hundred and seventy-eight (178) days. At the end of 2020, a total of three hundred and sixty-three (363) kits had been in the laboratory longer than ninety (90) days, and the oldest sexual assault kit had been in the laboratory one thousand and fifty-one (1051) days.

Idaho's first Forensic Genetic Genealogy (FGG) cases were solved in 2019. Forensic genetic genealogy is the use of a specific type of DNA testing to try to establish familial relationships between a crime scene sample and an individual(s) in a genealogy database to develop investigative leads. ISPFS performed the initial evidence analysis and CODIS entry, was involved in the advisement process to run the FGG, and provided the expedited processing of any reference DNA samples collected as part of the genealogy investigation. ISPFS has written for and was approved for a grant to create a specialized process that will use genetic genealogy to solve some of Idaho's cold cases. ISPFS has begun to identify which cases would meet the required criteria for testing and work will begin early in 2021.

ISPFS struggled to fill open DNA positions in 2020 due to the COVID-19 pandemic. Completing interviews and background investigations was complicated with COVID travel and other restrictions. Full-time staff were frustrated by COVID protocols forcing remote work. Training programs were delayed as analysts could not interact as closely and directly as they were able to before the pandemic. A new DNA Technical Leader was hired and trained. With staff resignations, staffing shortages and training new staff, ISPFS was not able to make significant progress on the previously unsubmitted sexual assault kit backlog during 2020. ISPFS will hire at least one more experienced DNA scientist on a federal grant to help with the previously unsubmitted sexual assault kit project in 2021. ISPFS has extended offers for all open DNA positions and is in the process of training all but one new hire that is still in the background process. In addition, ISPFS has signed an MOU agreement with Ada County to host an additional part-time DNA analyst at ISPFS that will be funded by Ada County to help with turnaround times and case backlog. ISPFS already has one grant funded DNA analyst and one grant funded DNA technician to help with quality control tasks.

## 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. 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. The importance of the IKTS administrator in this process cannot be overstated.

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.

There are several university research entities inside and outside Idaho currently looking at the previously unsubmitted kit project in Idaho. One Boise State University Criminal Justice Department research study was published in January 2021 and more research studies will be available later this year.

## [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 creating data driven reports to track trends in sexual assault and adding additional fields for reference sample submission. Many kits arrive to the ISPFs lab without the required reference samples. Adding the additional fields allows for automatic email reminders to be sent to agencies that have submitted kits without the required reference samples.

ISPFs applied a website visit “counter” tool to the IKTS public webpage so that the number of visitors to the page can be tracked. The average monthly number of unique IP visitors to the public IKTS site in 2020 was fifty-seven (57). The average number of public searches is one hundred seventy (170). On average, thirty-two (32) medical, law enforcement, laboratory, and prosecutor users login each day to document and update kit events in the IKTS system. In August 2020 alone, there were 1,226 searches of the IKTS system. Of those 1,226 searches, 200 were made by anonymous (public) users and the remaining 1,026 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. 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 New Mexico went live in 2020 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. Ohio’s Department of Health reached out about converting the IKTS systems into a system that would be able to track COVID-19 testing. ISPFs hosted many informational seminars for various states throughout the year. The ISPFs Laboratory System Director has made many national presentations about the IKTS system. Idaho has been featured in national blog articles 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 where the Idaho IKTS system was recently donated and implemented. Many national and local media outlets published stories or ran news spots on the success of Idaho sexual assault kit initiatives such as IKTS. In 2019, Sinclair media highlighted IKTS and ISPFs in over 75 major media outlets across the country. Media outlets such as NBC Universal, the Atlantic, Chicago Tribune, 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 have covered aspects of sexual assault kit tracking solutions being implemented in Idaho. ISPFs is currently in discussion with the US Department of Justice to produce a national webinar in 2021 about sexual assault kit tracking.

## The Idaho Sexual Assault Kit Initiative

The Idaho Sexual Assault Kit Initiative (ISAKI) working group was founded by ISPFs in 2014. This volunteer multidisciplinary policy advisory group consists of state and local law enforcement representing agencies of all types and sizes, the forensic laboratory personnel, prosecutors, 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, grant experts, and a state Senator. 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. In 2019, ISAKI added an advocate for victims with developmental disabilities and a tribal representative. 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, a new "test all" legislation, patient option form for victims of sexual assault explaining their rights to medical care and law enforcement involvement, and regular collaboration on sexual assault issues in Idaho. This group met several times in 2020 to discuss a multitude of issues. This group addressed issues of assessing the level of service and care to victims, increase sexual assault training for law enforcement, order of protection for sex assault victims from their attacker, mandatory reporting guidelines, and how to properly deal with anonymous sexual assault kits. In a monumental achievement, the group worked on and published the first "Idaho Sexual Assault Response Guidelines" in 2019 and have since completed two revisions to better serve the community of Idaho. This publication discusses issues related to sexual assault in Idaho such as medical response, laboratory testing, law enforcement duties, prosecutorial response, confinement settings, victim needs & rights and resources. The importance of this publication cannot be overstated.

## SANE/SART Coordinator and SANE Training

The ISAKI group identified a critical need for a nurse administrator 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. With the support of ISAKI, ISPFs wrote and received approval for a federal grant funding such a position. ISPFs hired for this position in January 2019. In November 2019 the SANE/SART Coordinator left ISPFs to take a similar position with a local SART. ISPFs had a hard time finding qualified candidates, due to SANE certification requirements and salary restrictions. After six months of recruitment ISPFs filled the position with a candidate who has 42 years of nursing experience, but none in the realm of sexual assault, therefore they will need to become SANE certified before they are able to SANE train nurses throughout Idaho.

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 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 non-SANE medical practitioners, or victims have to endure lengthy travel periods to get to collection facility with a SANE. Many victims refuse to travel from their area due to the inconvenience. In either case, the best evidence may not be 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, ISPFs 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.

The Idaho SANE/SART Coordinator developed a 40-hour didactic and 2-day practical course for Idaho and got it certified by the Montana Nursing Association and International Association of Forensic Nurses (IAFN). The SANE/SART Coordinator is not SANE certified so ISPFs had to contract with nurses who are SANE certified to provide the 40-hour didactic SANE course and the 2-day practical course. In 2020, the SANE/SART Coordinator and our contracted nurses trained 31 nurses in the 40-hour didactic course and 7 nurses in a 4-hour evidence collection only training. The SANE/SART Coordinator hoped to hold more trainings throughout the year, but the COVID-19 pandemic required the cancellation of the planned Spring 2020 SANE trainings. The SANE/SART Coordinator position was converted to a full-time state position funded through the federal government grant. This allows ISP to offer full state benefits to the position. The SANE/SART Coordinator will continue to train nurses in 2021, both in an introductory and continuing education capacity. At least six (6) full SANE courses are planned in Idaho for 2021. It is ISPFs' intention to continue training nurses throughout the state so that every hospital and collection site has an adequate number of SANE trained nurses. Our goal is for uniform evidence collection and patient care regardless of where a kit was collected.

## SANE Supplies and Resources

ISPFs notified medical facilities throughout the state of sexual assault evidence collection supplies that were available through the federal STOP grant. ISPFs had twenty-one (21) facilities request supplies to supplement their own current resources. In some cases, complete "start-up" collection packages were requested from facilities that did not offer sexual assault kit collection. Over \$77,000 of SANE supplies were provided to Idaho sexual assault kit collection sites through the STOP grant. Items purchased for collection sites include: evidence swab dryers, locking medical carts, evidence rulers, digital cameras, alternate light sources, colposcopes, toluidine blue swabs, otoscopes, and a Cortex Flo imaging system. These supplies will have a major and continued impact on the ability of hospital to provide time sensitive care and evidence collection to victims of sexual assault throughout the state. ISPFs continues to monitor any needs of collection sites throughout Idaho with regular visits from the ISPFs SANE/SART Coordinator.

## COVID-19

COVID-19 had a monumental impact on Idaho's Sexual Assault response in terms of being able to hold in-person trainings and conferences for law enforcement and medical staff. ISPFs and the SANE/SART Coordinator had planned to hold four (4) 40-

hour SANE courses in the spring of 2020, but were canceled in the hopes of helping to stop the spread of the virus. ISPFS does not have data to determine if sexual assault survivors were afraid to go to the hospital/clinic in the midst of a pandemic or if having bars/restaurants/large gatherings (parties, sports events, etc) closed played a role in the sexual assaults reported or kits collected in 2020. National studies showed an increase of domestic violence due to families quarantining together in 2020, and further research is necessary to determine the impact of quarantining on sexual assault and sexual assault reporting in Idaho.

## Challenges to Kit Tracking

There were a few challenges related to Idaho sexual assault kit tracking in 2020. 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 struggled to retain a SANE/SART Coordinator. The first Coordinator held the position for 10 months before resigning to take a similar position at the county level. Job qualifications, SANE experience, salary, and the ISP background check has made it difficult to find a qualified candidate. Nurses with SANE experience have been interested in the position, but most candidates withdraw after learning the salary compensation as they can take other nursing jobs at a much higher rate of pay. Candidates without SANE experience have had difficulty passing the background check for various reasons.
- 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 disconnect between the evidence custodians, who typically physically receive/send kits, and the detectives who decide 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 thirty (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. 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 2020.
- 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 2020, there were forty-three (43) total kits that need to be reviewed by a prosecutor, six (6) of those kits that have been waiting for prosecutor review for over a year and twenty-five (25) of those kits that have been waiting for prosecutor review for over two (2) years. 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.
- 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 received 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 time consuming and inefficient. 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 responsibility at their agency to get the attention of decision makers in order to update needed fields in the IKTS system.
- The IKTS Administrator has found training of law enforcement and medical staff challenging. These two entities are extremely busy and often short staffed. Hospitals and law enforcement agencies report that they cannot allow their staff to be absent to attend trainings, even those that are 1-2 hours in length. Law enforcement receives minimal training on sexual assault during POST, so the IKTS administrator is responsible for training all of law enforcement throughout the state. The IKTS administrator has worked hard to bring the training to law enforcement in-person to cut down on time out of the office for law enforcement officers. The ITKS administrator has also developed training materials that can be sent electronically to those who are unable to attend training in person.
- Law enforcement agencies have expressed frustration in trying to interpret Idaho statute. Law enforcement has specifically cited the interpretation of the exceptions to required kit testing. This is specifically true with kits related to minor survivors. Many law enforcement agencies and prosecutors have struggled with the interpretation that the decision to prosecute is not tied with the decision to submit the sexual assault kit for forensic testing. ISPFS has strived to communicate the message that kits should be sent for forensic testing unless the survivor reports as anonymous or a crime has not been committed (per statute definition). ISPFS has visited many law enforcement agencies in Idaho to conduct in-person training with users to address these concerns and clarify the new “test all” kits state statute.
- Medical staff have struggled to interpret Idaho statute, especially in regards to minor victims/survivors and anonymous victims/survivors. In 2020, some hospitals attempted to allow minors to have a kit collected anonymously, which goes against state law and mandatory reporting requirements. ISPFS detected the error, made the necessary correction, and provided education to hospital staff. There were also issues with medical staff contacting law enforcement before confirming with the victim that they wanted law enforcement involvement, a violation of the Violence Against Women Act that allows the victim to remain anonymous. The IKTS administrator visited several hospital throughout the state to provide training and clarification on collection and reporting requirements. The IKTS administrator and the SANE/SART Coordinator worked to develop a patient option form to be given to patients at the start of every exam so they were informed of all medical exam and evidence collection options available to them.

## Commendations

- The ISPFS biology/DNA team should be applauded for all of their hard work screening and processing sexual assault kits.
- 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 kit tracking system and have been very responsive to needed actions. A monumental culture change related to sexual assault kit tracking has taken hold and all involved parties are committed to providing the best service and care to victims of sexual assault in Idaho.

- The Idaho State Police IT programming team, consisting of Brice Roncace, Loni Townsend, Kurt Hinrichs, and Aaron Ho-Means, deserve sincere continuing praise for their efforts. 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, vibrant, and committed. The work of each member is vital, and this group is critical to the success of this initiative. The work of this group in researching current problems and recommending solutions is essential to address this issue in Idaho.
- While all law enforcement agencies and medical facilities are critical to the success of kit accountability in Idaho, special recognition in 2020 goes to the Nampa Police Department, Kootenai County Sheriff's Office, Salmon Police Department, Kootenai Health, St. Joseph's Regional Hospital, and the Domestic Violence and Sexual Assault Center (DVSAC). They have been particularly proactive and extremely helpful this year. They are 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 continued to progress in 2020. The statewide 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 IKTS and ISPFs helped provide training to these entities in understanding state statutes related to kit testing and retention. In 2020, six hundred and forty (640) kits were purchased, four hundred and seventy-seven (477) kits were collected, three hundred and thirty-four (334) kits were submitted to the lab for testing, and three hundred and twenty-nine (329) kits were completed by the lab. It took law enforcement an average of thirty-nine (39) days to submit kits to the lab, fifty-seven (57) kits (including VAWA kits) did not meet state requirements for testing, it took the laboratory an average of one hundred and seventy-eight (178) days to test a kit, and there are three hundred and sixty-three (363) kits that have been in the lab longer than ninety (90) days. All of the known previously unsubmitted kits remaining in Idaho have been sent to the lab to be tested and initial screening has been completed on all known previously unsubmitted Idaho kits. The Idaho Sexual Assault Kit Initiative working group is a highly effective multidisciplinary team that is leading Idaho and the nation to solving this issue. Idaho now has published sexual assault response guidelines and revised and improved them several times. More training and resources are needed for law enforcement and medical staff. The SANE/SART Coordinator position became a full-time state position using federal funding. Training DNA analysts at ISPFs is the highest priority for ISPFs in 2021. While new analysts and process improvements are helping, more analysts are needed at the state lab to deal with the ever-increasing number of biology/DNA case submissions. Overall, Idaho is taking a very proactive and aggressive approach to accounting for and processing of 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
- Oklahoma
- City of Minneapolis, Minnesota
- Vermont
- New Mexico – Went live in 2020 with our software
- Arkansas
- California
- Wisconsin
- Virginia
- Ohio – Went live in 2019 with our software
- Indiana
- Puerto Rico – Went live in 2019 with our software
- Connecticut
- Maryland – Will go live in 2021
- Iowa
- South Dakota
- Missouri
- Massachusetts
- Arkansas
- City of Cleveland, Ohio
- City of Portland, Oregon
- City of Baltimore, Maryland
- City of Chattanooga, Tennessee
- NIJ/DOJ
- RTI Forensic Technology Center of Excellence
- Association of State Criminal Investigating Agencies (ASCA)
- Joyful Heart Foundation
- National Conference of State Legislatures

## Appendix B

### 2020 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	11	17	3
Adams County Sheriff's Office	0	1	0
American Falls Police Department	1	2	0
Ashton Police Department	0	0	0
Bannock County Sheriff's Office	2	4	1
Bear Lake County Sheriff's Office	0	3	0
Benewah County Sheriff's Office	0	0	0
Bingham County Sheriff's Office	4	4	0
Blackfoot Police Department	4	4	2
Blaine County Sheriff's Office	0	0	0
Boise County Sheriff's Office	0	3	0
Boise Police Department	52	55	0
Bonner County Sheriff's Office	4	6	3
Bonnars Ferry Police Department	1	0	0
Bonneville County Sheriff's Office	9	7	22
Boundary County Sheriff's Office	1	10	2
Buhl Police Department	0	0	1
Butte County Sheriff's Office	0	0	0
Caldwell Police Department	15	20	0
Camas County Sheriff's Office	0	0	0
Canyon County Sheriff's Office	4	21	1
Caribou County Sheriff's Office	0	0	1
Cascade Police Department	0	0	1
Cassia County Sheriff's Office	2	2	0
Chubbuck Police Department	3	3	0
Clark County Sheriff's Office	0	0	0
Clearwater County Sheriff's Office	0	0	0
Coeur d'Alene Police Department	18	10	1
Cottonwood Police Department	0	0	0
Custer County Sheriff's Office	0	0	0
Elmore County Sheriff's Office	2	7	1
Emmett Police Department	3	0	2
Filer Police Department	0	1	1
Fort Hall Tribal Police Department	1	0	17
Franklin County Sheriff's Office	0	0	0
Fremont County Sheriff's Office	0	0	0
Fruitland Police Department	0	1	0
Garden City Police Department	10	19	1
Gem County Sheriff's Office	3	8	0

Gooding County Sheriff's Office	1	0	0
Gooding Police Department	0	0	0
Grangeville Police Department	1	0	0
Hailey Police Department	1	0	0
Hayden Lake Police Department	0	0	0
Heyburn Police Department	1	1	0
Homedale Police Department	1	0	0
Idaho City Police Department	0	0	0
Idaho County Sheriff's Office	2	0	0
Idaho Falls Police Department	2	13	3
Iona Police Department	0	0	0
Jefferson County Sheriff's Office	3	11	0
Jerome County Sheriff's Department	2	1	0
Jerome Police Department	2	3	0
Kellogg Police Department	0	0	0
Ketchum Police Department	0	0	0
Kimberly-Hansen Police Department	1	0	1
Kootenai County Sheriff's Office	16	69	5
Kootenai Tribal Police Department	0	0	0
Latah County Sheriff's Office	1	0	0
Lemhi County Sheriff's Office	1	0	0
Lewis County Sheriff's Office	0	0	0
Lewiston Police Department	5	8	0
Lincoln County Sheriff's Office	0	0	1
Madison County Sheriff's Office	4	9	1
McCall Police Department	0	1	0
Meridian Police Department	17	20	1
Middleton Police Department	0	1	1
Minidoka County Sheriff's Office	2	0	0
Montpelier Police Department	1	0	0
Moscow Police Department	5	6	0
Mountain Home Police Department	3	0	3
Nampa Police Department	42	49	5
Nez Perce County Sheriff's Office	1	12	1
Nez Perce Tribal Police Department	1	0	0
Oneida County Sheriff's Office	0	0	0
Orofino Police Department	0	0	0
Osburn Police Department	1	0	0
Owyhee County Sheriff's Office	0	1	2
Parma Police Department	0	0	0
Payette County Sheriff's Office	2	1	0
Payette Police Department	2	1	0
Pinehurst Police Department	0	0	0
Plummer Police Department	0	0	0
Pocatello Police Department	17	48	27
Ponderay Police Department	1	0	0
Post Falls Police Department	5	7	0

Power County Sheriff's Office	1	3	0
Preston Police Department	2	4	0
Priest River Police Department	1	0	0
Rathdrum Police Department	0	0	0
Rexburg Police Department	1	3	0
Rigby Police Department	0	0	0
Rupert Police Department	0	0	0
Salmon Police Department	2	0	1
Sandpoint Police Department	2	11	0
Shelley Police Department	2	1	2
Shoshone County Sheriff's Office	1	9	1
Shoshone Police Department	0	0	0
Soda Springs Police Department	0	0	0
Spirit Lake Police Department	1	0	0
St. Anthony Police Department	0	0	0
Sun Valley Police Department	0	0	0
Teton County Sheriff's Office	4	2	0
Troy Police Department	0	0	0
Twin Falls County Sheriff's Office	2	1	0
Twin Falls Police Department	10	30	0
Ucon Police Department	0	0	0
Valley County Sheriff's Office	4	1	0
Washington County Sheriff's Office	0	0	0
Weiser Police Department	0	4	1
Wilder Police Department	0	0	0
Idaho State Police (statewide)	2	1	0
<b>Total</b>	<b>329</b>	<b>541</b>	<b>116</b>

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

\*Includes previously unsubmitted  
kits

€Only includes kits collected  
that will be processed in Idaho



## Appendix C

### 2020 Unsubmitted Sexual Assault Kits by Agency

Agency	Total	1	2
Ada County SO	5	4	1
Blackfoot PD	1	1	0
Boise PD	12	5	7
Bonner CSO	2	1	1
Bonneville CSO	2	0	2
Boundary CSO	1	1	0
Canyon CSO	3	3	0
Coeur d'Alene PD	2	0	2
Idaho Falls PD	9	8	1
Jefferson CSO	1	0	1
Kootenai CSO	3	0	3
Meridian PD	3	3	0
Moscow PD	1	0	1
Priest River PD	1	1	0
Rexburg PD	1	0	1
Salmon PD	1	1	0
Shoshone CSO	2	2	0
Twin Falls PD	7	7	0
<b>TOTAL</b>	<b>57</b>	<b>37</b>	<b>20</b>

- **(1) No evidence to support a crime being committed**
- **(2) 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 43 kits from calendar year 2020.

## Appendix D

### 2020 SA Kits Collected at Medical Facility--Not Marked Received in IKTS by LE

Law Enforcement Agency	Collected
Ada County Sheriff's Office	3
Benewah County Sheriff's Office	1
Boise Police Department	2
Bonners Ferry Police Department	1
Butte County Sheriff's Office	1
Coeur d'Alene Police Department	2
Fort Hall Tribal Police Department	4
Gooding County Sheriff's Office	3
Gooding Police Department	3
Idaho City Police Department	1
Kellogg Police Department	1
Montpelier Police Department	1
Nampa Police Department	2
Payette County Sheriff's Office	1
Plummer Police Department	1
Pocatello Police Department	1
Rigby Police Department	3
Sandpoint Police Department	2
Shelley Police Department	1
Shoshone Police Department	1
Soda Springs Police Department	1
Teton County Sheriff's Office	4
Twin Falls County Sheriff's Office	1
<b>Total</b>	<b>41</b>

## Appendix E

### 2020 Laboratory Submission Time by Law Enforcement Agency

Law Enforcement Agency	Average Lab Submission Days
Ada County Sheriff's Office	27
Adams County Sheriff's Office	0
American Falls Police Department*	-
Ashton Police Department*	-
Bannock County Sheriff's Office	3
Bear Lake County Sheriff's Office*	-
Bellevue Marshal's Office*	-
Benewah County Sheriff's Office†	-
Bingham County Sheriff's Office†	-
Blackfoot Police Department	28
Blaine County Sheriff's Office†	-
Boise County Sheriff's Office	16
Boise Police Department	12
Bonner County Sheriff's Office	69
Bonniers Ferry Police Department*	0
Bonneville County Sheriff's Office	36
Boundary County Sheriff's Office	57
Buhl Police Department*	-
Butte County Sheriff's Office†	-
Caldwell Police Department	27
Camas County Sheriff's Office*	-
Canyon County Sheriff's Office	32
Caribou County Sheriff's Office*	-
Cascade Police Department*	-
Cassia County Sheriff's Office*	-
Chubbuck Police Department	8
Clark County Sheriff's Office*	-
Clearwater County Sheriff's Office*	-
Coeur d'Alene Police Department	28
Cottonwood Police Department*	-
Custer County Sheriff's Office*	-
Elmore County Sheriff's Office	10
Emmett Police Department	260
Flier Police Department*	-
Fort Hall Tribal Police Department†	-
Franklin County Sheriff's Office*	-
Fremont County Sheriff's Office	3
Fruitland Police Department	2
Garden City Police Department	5
Gem County Sheriff's Office	85
Gooding County Sheriff's Office†	-
Gooding Police Department†	-
Grangeville Police Department*	-
Hailey Police Department	1
Hayden Lake Police Department*	-
Heyburn Police Department	49
Homedale Police Department*	-
Idaho City Police Department†	-

Idaho County Sheriff's Office*	-
Idaho Falls Police Department	70
Iona Police Department*	-
Jefferson County Sheriff's Office	56
Jerome County Sheriff's Office	24
Jerome Police Department	1
Kamiah Marshal's Office*	-
Kellogg Police Department†	-
Ketchum Police Department*	-
Kimberly-Hansen Police Department	49
Kootenai County Sheriff's Office	106
Kootenai Tribal Police Department*	-
Latah County Sheriff's Office*	-
Lemhi County Sheriff's Office*	-
Lewis County Sheriff's Office*	-
Lewiston Police Department	18
Lincoln County Sheriff's Office*	-
Madison County Sheriff's Office	23
McCall Police Department*	-
Meridian Police Department	24
Middleton Police Department	57
Minidoka County Sheriff's Office*	-
Montpelier Police Department	12
Moscow Police Department	32
Mountain Home Police Department	54
Nampa Police Department	23
Nez Perce County Sheriff's Office	63
Nez Perce Tribal Police Department	0
Oneida County Sheriff's Office*	-
Orofino Police Department*	-
Osburn Police Department*	-
Owyhee County Sheriff's Office	21
Parma Police Department*	-
Payette County Sheriff's Office	27
Payette Police Department	0
Pinehurst Police Department*	-
Plummer Police Department†	-
Pocatello Police Department	20
Ponderay Police Department	0
Post Falls Police Department	28
Power County Sheriff's Office*	-
Preston Police Department*	-
Priest River Police Department	48
Rathdrum Police Department*	-
Rexburg Police Department	51
Rigby Police Department†	-
Rupert Police Department*	-
Salmon Police Department	216
Sandpoint Police Department	9
Shelley Police Department	92
Shoshone County Sheriff's Office	35
Shoshone Police Department†	-
Soda Springs Police Department	119

Spirit Lake Police Department*	-
St. Anthony Police Department*	-
Sun Valley Police Department*	-
Teton County Sheriff's Office	7
Troy Police Department*	-
Twin Falls County Sheriff's Office	48
Twin Falls Police Department	40
Ucon Police Department*	-
Valley County Sheriff's Office	4
Washington County Sheriff's Office*	-
Weiser Police Department*	-
Wilder Police Department*	-
<b>Average</b>	<b>39</b>

\*Agency had no sexual assault kits collected in 2020

† Agency had sexual assault kits collected in 2020 but has not yet submitted kits to the lab

# Appendix F

## 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
2019	689	876	5207	612	414	2001
2020	698	529	2933	391	400	1727

