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Director

# Idaho State Police

Service since 1939



C.L. "Butch" Otter  
Governor

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Idaho Prosecuting Attorney

ICR Rule 16 (Discovery from Expert Witnesses)

The Idaho State Police Forensic Services (ISPFS) labs have diligently worked with prosecutors all over the state of Idaho to comply with the discovery rules related to expert witnesses. ISPFS worked with the Idaho Attorney General's Office and several prosecutors to develop a policy that would allow the laboratories to respond quickly and adequately to these discovery requests while maintaining laboratory casework productivity. The result of these meetings is a new ISPFS policy/procedure. Because we have limited staffing resources, the policy has been written to maximize the time that the analysts have to process cases and testify in court. The new policy/procedure is outlined below:

1. If expert witness discovery is requested by the defense, the prosecutor must provide the laboratory with a copy of the "written request of the defendant" for expert witness discovery.
2. In response to the written request, the laboratory will provide the prosecutor with an electronic copy of the laboratory report, the Curriculum Vitae of the expert witness, and an electronic copy of the case record. These documents will assist the prosecutor in preparing the "written summary or report" required by rule 16(b)(7).
3. ISPFS will continue to make expert witnesses available for conferences, phone conversations, and email communications with any prosecutor. While the expert witness scientists will not prepare any kind of report in response to the discovery request of the defendant, they will be able to answer questions and provide education and training for a prosecutor preparing for trial.

Questions regarding this new policy may be addressed to me directly at 208-884-7207 or [kedrick.wills@isp.idaho.gov](mailto:kedrick.wills@isp.idaho.gov)

Sincerely,

Kedrick R. Wills, Major  
Police Services Commander

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