

From: Gamette, Matthew
Sent: Thursday, September 10, 2015 2:43 PM
Subject: Idaho Sexual Assault Kit Reminder

As you know, ISPFS has communicated with each law enforcement agency in Idaho many times over the last year regarding unsubmitted sexual assault kit processing. We have requested each Idaho law enforcement agency to inform us of any unprocessed sexual assault kits (meeting the criteria below) you may have sitting on your property room shelves. I believe most of you have responded and we have assisted in getting all those kits (the ones we know about) processed by a forensic lab. Unfortunately, I recently got some feedback that not all agencies are getting the information on this topic, so I am sending this email through the prelog email list because it is a different audience and one that is focused on the evidence at each agency.

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. Again, I believe this is not an issue in Idaho because we have been proactive, but we want to make sure we have completely resolved this issue.

Last year 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.*

Important Information:

- **Please continue to submit all current kits being collected (meeting the Idaho Policy criteria in red text above) to the state lab.** The policy above is the Idaho State Policy on SA kit processing at the state lab.
- ISPFS requests all kits collected since January 2014 (meeting the Idaho Policy criteria in red text above) 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.
- Please notify ISPFS immediately of any kits collected prior to January 2014 (meeting the Idaho Policy criteria in red text above). We will work with each agency individually on submitting any remaining kits in this category. 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.

Please contact me with any questions or concerns you may have on this topic.

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