

Gamette, Matthew

Subject: FW: IDAHO SEXUAL ASSAULT KIT REQUIRED AUDIT---Your agency response required--VERY IMPORTANT EMAIL--10/31/2016 DEADLINE
Attachments: Idaho Sexual Assault Kit Audit Spreadsheet.xltx; Idaho Sexual Assault Kit Audit Spreadsheet (EXAMPLE).xlsx

From: Gamette, Matthew

Sent: Thursday, June 09, 2016 5:35 PM

Subject: IDAHO SEXUAL ASSAULT KIT REQUIRED AUDIT---Your agency response required--VERY IMPORTANT EMAIL--10/31/2016 DEADLINE

Chiefs, Sheriffs, and Prosecutors,

*****Action Item Required is Highlighted in Yellow Below*****

Several weeks ago the Idaho Sexual Assault Kit Working Group met to discuss a number of issues related to the new sexual assault kit legislation. All of your organizations (Chiefs, Sheriffs, IPAA, Supreme Court) were represented and contributed greatly. It was a great meeting where we worked to add clarity to this new process. We hope that your agency has already transitioned to submitting all current sexual assault kits to the state lab EXCEPT:

- **When there is no evidence to support a crime being committed or when it is no longer being investigated as a crime**
- **When an adult victim expressly indicates that no further forensic examination or testing occur**

In the above listed exceptions, the County Prosecutor must sign off on those not being submitted to the lab. Please keep that documentation for future potential audits of this information.

We ask that you **NOT** send us every Sexual Assault Kit (SAK) you currently have on your agency shelves. The legislation did not mandate this action. In actuality:

- Nothing has changed related to SAK submission to the lab.
- The policy that has been in effect in Idaho for over two years is still in effect (and will be in effect with the legislation).
- Please submit new cases to ISPFS as usual with the required suspect and consensual partner reference samples unless there are extenuating circumstances (then you should call and discuss those with the lab prior to submission).

Law enforcement shared with us concerns over requiring reference samples with only a thirty (30) day window to submit to the state lab. To address this concern:

- We have a group of law enforcement officers developing a form that will help law enforcement communicate the key information with the lab.
- We are requesting that you increase the communication between your agency and the DNA lab when there are situations where reference samples cannot be obtained. You may email or call DNA Supervisor Darren Wright with any questions about submission. His email address is darren.wright@isp.idaho.gov and his direct phone number is 208-884-7173.

We cannot emphasize enough the time and money savings to the lab when the necessary references samples are included with the case submission. We also understand that there are extenuating circumstances. We are going to rely on very good communication channels to ensure that law enforcement and the lab can both meet their obligations under the new law.

We now have some instructions on your agency sexual assault kit audit. We specifically focused on anything we could do to gather all the information we might need the first time. **We need you to perform an audit of ALL sexual assault kits in your custody.** This is a statutory requirement for all of us. We consulted with the experts from all over the country and then we took the list to the people that represent all of you. They helped us shape the final audit spreadsheet. Please fill out the attached spreadsheet...and please, please, please be thorough and fill out all the information on each tab (using the drop-down selections where provided). We only have one person allocated to follow-up on all these surveys statewide and provide a report to the legislature by January. **A complete inventory will be needed, a member of the law enforcement agency command staff will need to certify the data, and a prosecutor will need to review and independently certify the data.** Attached is a blank spreadsheet for you to use and an example spreadsheet for reference. Please call if you have any questions during this process. **The deadline for the completed audit spreadsheet to be returned to me at matthew.gamette@isp.idaho.gov is Monday October 31st 2016.**

***Please do not submit any older previously untested sexual assault kits to the lab at this time. Once your agency audit has been completed, the lab will work with you to determine which kits need to be tested at ISP and which need to be sent to the FBI for testing.*

Per Idaho Code 67-2919

(9) Within one hundred eighty (180) days of the effective date of this act, the Idaho state police forensic services laboratory shall provide a one-time report to the legislature of all untested sexual assault evidence kits in Idaho. To assist with this one-time report, all law enforcement agencies in Idaho shall perform a one-time audit of any untested sexual assault evidence kits in their possession and submit to the Idaho state police forensic services director the following:

- (a) The number of untested kits in the law enforcement agency's possession;***

- (b) The date each kit was collected and the reason it was not submitted to Idaho state police forensic services for testing; and***
(c) The number of any anonymous or unreported kits in the law enforcement agency's possession.

Law enforcement agencies shall follow the same protocol to perform the audit of untested sexual assault evidence kits as they would with any new kit submitted to the agency. The audit performed by a law enforcement agency shall be reviewed by a law enforcement representative and the county prosecutor before the final report is provided to the legislature.

Matthew Gamette, M.S., C.P.M.
Laboratory System Director
Idaho State Police Forensic Services
208-884-7217
matthew.gamette@isp.idaho.gov

CONFIDENTIALITY NOTICE: This e-mail is intended only for the personal and confidential use of the individual(s) named as recipients (or the employee or agent responsible to deliver it to the intended recipient) and is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents or take any action in reliance on the information it contains.