



333 N Mark Stall Place
Boise, ID 83704-0644
www.cityofboise.org
www.boisepolice.org

December 23, 2015

[REDACTED]
Joyful Heart Foundation
[REDACTED]

RE: REQUEST FOR PUBLIC RECORD

Dear [REDACTED]:

Your request for public records has been received and researched. Your request contained four items regarding sexual assault kits numbered 1 through 4. (see Exhibit A "your request" attached).

As to your request for Items 1 and 2, your request is hereby denied as no such record or documentation exists. The Boise Police Department does not keep a master record or list from year to year of the total number of kits submitted for processing to the Idaho State Police Lab. The Boise Police Department collects sexual assault kits with individual cases and sends those kits for processing to the Idaho State Lab. I would suggest that a request be directed to the Idaho State Police Forensics Laboratory as it may have the information you seek.

As to Item 3 in your request, while no documentation exists to release to you, the Boise Police Department Records Division has determined from reviewing records of 1996 to date that 173 rape/sexual assault kits were being held by Boise Police for testing, as they did not meet laboratory criteria at the time they were collected. Based on recent changes in criteria in the last year, 109 of those 173 have been or will be submitted for processing.

As to Item 4 in your request regarding policy, section 4.12 of the Boise Police Department Policy regarding sexual assault kits is available online at this address. http://police.cityofboise.org/media/8830/BPD%20Policy%20Manual%20-%20Sept%202015%2020150901_Redacted.pdf

Again, the Boise Police Department sends sexual assault kits to the Idaho State Laboratory who is responsible for the processing the kits. Their policy and procedure, including testing protocols, may be available to you via a request made to that agency. The Boise Police Department does not maintain that record.

Your request for information under the Idaho Public Records Act and this response has been reviewed by legal counsel. Any statutory exemptions regarding denials or redactions which may apply and are provided herein shall not constitute a waiver of any and all other legal bases or privileges which may also be applicable. All record responses may be appealed by filing a petition in conformance with the provisions of the Idaho Code Title 74, Chapter 1. Your petition





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must be filed in the Fourth Judicial District Court of Idaho within one hundred and eighty (180) calendar days of the mailing of this notice. Any release of public records (textual, audio, video, graphical, pictorial, digital or otherwise) in response to this request is not permission from the City as the copyright and/or trademark owner to allow you to republish or otherwise make use of the records in violation of state or federal trademark and/or copyright law.

Sincerely,

Terry R. Derden
Deputy Boise City Attorney





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September 22, 2016



Re: REQUEST FOR PUBLIC RECORD

Dear [REDACTED]:

In response to your questions of September 14, 2016, in follow-up to the Boise Police Department's response to your request regarding public records, we are able to provide the following information:

Regarding the apparent discrepancy between "the 173 sexual assault evidence kits received by BPD ..." and the "183 total," you asked for explanation about the ten count difference. Further research by our staff indicates that the 183 number was in error, with 173 being the actual number of sexual assault kits that had not been sent for processing, as of July 9, 2014.

The inquiry into these cases was the result of a change in the processing criteria set by the Idaho State Police Bureau of Forensic Services. Prior to this date, cases that involved "consent" issues, as opposed to an unknown suspect, were not accepted for processing. We were advised that they would now accept cases involving questions of "consent" cases.

We then conducted a comprehensive audit of all 173 un-tested sexual assault kits in our possession using the new criteria. This resulted in 109 of those cases being submitted to the Idaho State Police and FBI labs for processing. This left 64 sexual assault kits that did not meet the criteria at the time.

On July 1, 2016, the Idaho Legislature amended Idaho Code § 67-2919(1) to provide, "[u]nless an adult victim of a reported sexual assault expressly indicates otherwise and except as provided in subsection (6) of this section, evidence obtained in a sexual assault evidence kit shall be tested by the Idaho state police forensic services laboratory according to sampling protocols and procedures established by the laboratory." Subsection (6) provides:

All sexual assault evidence kits collected in this state shall be processed by the Idaho state police forensic services laboratory except when there is no evidence to support a crime being committed, when it is no longer being investigated as a crime or when an adult victim expressly indicates that no further forensic examination or testing occur pursuant to subsection (1) of this section. Any sexual assault evidence kit that is not examined and tested shall be independently reviewed by the county prosecutor. In the event such review concludes that the kit should have been tested, testing shall occur as provided in subsections (3) and (4) of this section.





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Because of the passage of this new law and subsequent change in processing criteria, we are now in the process of evaluating every un-tested sexual assault kit in our possession, including the 64 untested from the prior audit and any other obtained since that time, using the new criteria. Those meeting the new criteria will be sent for processing. <https://legislature.idaho.gov/idstat/Title67/T67CH29SECT67-2919.htm>. The Idaho State Police's Bureau of Forensic Services, with the cooperation of all law enforcement agencies in Idaho, will provide a one-time report to the legislature of all untested sexual assault evidence kits in Idaho, which should be will be available at the beginning of 2017 and available to the public.

Your request for information under the Idaho Public Records Act and this response has been reviewed by our legal counsel. Any statutory exemptions regarding denials or redactions which may apply and are provided herein shall not constitute a waiver of any and all other legal bases or privileges which may also be applicable. All record responses may be appealed by filing a petition in conformance with the provisions of the Idaho Code Title 74, Chapter 1. Your petition must be filed in the Fourth Judicial District Court of Idaho within one hundred and eighty (180) calendar days of the mailing of this notice. Any release of public records (textual, audio, video, graphical, pictorial, digital or otherwise) in response to this request is not permission from the City as the copyright and/or trademark owner to allow you to republish or otherwise make use of the records in violation of state or federal trademark and/or copyright law.

Sincerely,

Toni Smith
Records Custodian
Administrative Support Division



From: Gamette, Matthew [REDACTED]
Sent: Tuesday, January 26, 2016 3:23 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Idaho State Police Forensic Services Information Request

[REDACTED]

Below are our responses to your request for information from Idaho State Police Forensic Services

(ISPFS).

1. Any documentation regarding the number of sexual assault evidence kits received by ISPFS in at least the last ten (10) years, broken down by year:

The ISPFS laboratory is only aware of how many kits are submitted for processing at the state lab and the LIMS system that allows us to query this data has only been in place for two years. We process all kits that are submitted to the state lab unless the submitting agency makes a specific request for us to return it before we process it.

- 93 SA kits were completed by ISPFS in calendar year 2014.
- 128 SA kits were completed by ISPFS in calendar year 2015.
- 175 is the total number of kits worked by the FBI lab on behalf of Idaho agencies since September 2014.
 - The FBI lab is currently working another 90 kits from Idaho to finish up all the previously unsubmitted sexual assault kits we are aware of from Idaho. We have made extensive requests for these kits to come in and we believe every agency in Idaho has been contacted and asked to provide us with any kits they have that have not been submitted per the Idaho policy.

2. Any documentation regarding the number of sexual assault evidence kits received by ISPFS that have been processed by ISPFS in at least the last ten (10) years, broken down by year:

ISPFS processes all kits that are submitted to the state lab unless the submitting agency makes a specific request for us to return it before we process it. ISPFS is the only criminal forensic DNA laboratory in the state of Idaho.

- 93 SA kits were completed by ISPFS in calendar year 2014.
- 128 SA kits were completed by ISPFS in calendar year 2015.
- 175 is the total number of kits worked by the FBI lab on behalf of Idaho agencies since September 2014.
 - The FBI lab is currently working another 90 kits from Idaho to finish up all the previously unsubmitted sexual assault kits we are aware of from Idaho. We have made extensive requests for these kits to come in and we believe every agency in Idaho has been contacted and asked to provide us with any kits they have that have not been submitted per the Idaho policy.

3. Any documentation regarding the number of sexual assault evidence kits received by ISPFS that are unprocessed and remain in any storage facilities currently under ISPFS jurisdiction and control.

ISP Forensic Services publishes current turnaround times on the ISPFS website. Cases are immediately placed in the queue to be worked when they arrive at the lab. ISPFS is not an oversight agency for law enforcement agencies in the state of Idaho and does not store evidence other than the time it is being processed. Sexual assault kits are evidence in the custody of the law enforcement agency performing the investigation. ISP is not a regulatory agency for all other law enforcement agencies in Idaho and as such does not keep records of how many kits are collected in Idaho or the handling or disposition of those kits. However, ISPFS has requested a number of times in the last few years that law enforcement agencies inventory their kits and send in any kits that had not been processed under the Idaho policy for kit submission. ISPFS and the FBI laboratory have worked to eliminate any unsubmitted kits for the state of Idaho and we are only aware of 90 kits that are being worked from this project in Idaho. We work DNA cases for every law enforcement agency in Idaho and between 87-93% of our total cases come from agencies other than ISP.

The numbers below are the current numbers for the ISPFS DNA laboratory only:

- There are 51 kits currently being screened for biological evidence. After being screened for biological evidence, those with biological evidence proceed to DNA testing.
 - We currently have 25 kit cases being processed for DNA evidence.
4. Any written policies or procedures regarding the ISPFS practices on the handling of sexual assault evidence kits, including testing protocols, and also including any documents defining the meaning of any terms or abbreviations used by ISPFS pertaining to sexual assault evidence kits.

For the ISPFS laboratory these can be found at <https://www.isp.idaho.gov/forensics/index.html>
All laboratory procedures and abbreviations are listed on the ISPFS website.

Matthew Gamette, M.S., C.P.M.

Laboratory System Director

Idaho State Police Forensic Services

[REDACTED]

[REDACTED]