



Idaho's Sexual Assault Kit Initiative: The Effects of Legislation on Sexual Assault Case Processing

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The Biennial Report on Victimization & Victim Services is a series of papers on the state of victimization, response to victimization, impacts of crime on victims, and victim services in Idaho. The project is funded by the Idaho Council on DV & Victim Assistance. For more information on the project, access to past reports and infographics, or for detailed data on victimization in Idaho, visit <http://www.idvch.com> or contact Dr. Lisa Growette Bostaph at lisabostaph@boisestate.edu.

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Overview

Prevalence

In 2021, an estimated 203,590 people 12 years of age or older experienced more than 324,500 acts of sexual violence¹ in the U.S. (Thompson & Tapp, 2022). The Centers for Disease Control and Prevention (2016-2017) estimated that, nationally, in their lifetime 26.8% of women and 3.8% of men reported experiencing sexual violence. Within the past year, 2.3% of women and .3% of men were victims of a rape (Basile et al., 2022). The most recent (2012) state estimates by the CDC show that the prevalence among Idaho women and men is higher than these national estimates: 41% and 19%, respectively, will experience an act of sexual violence in their lifetime (232,000 women and 107,000 men)². Similarly, the estimated percent of Idaho women and men who had been victimized in the past year was almost 7 times higher than national estimates (18% of women and 6% of men) (Smith et al., 2017). According to Idaho's Youth Risk Behavior Survey (2022), during the 2021-2022 school year, 12.2% of the state's high school students reported being forced into sexual intercourse during their lifetime. Higher proportions of female than male students reported experiencing forced sex (18% v. 5%) or experiencing sexual violence within a dating relationship in the past year (25% v. 6%). Over the past 10 years, the average percent of Idaho high school students experiencing forced sexual intercourse was 8% (Idaho Department of Education, 2022).

Reported Sexual Violence

According to the 2021 National Crime Victimization Survey (NCVS), only 21.5% of rape or sexual assault victims reported their victimization to policing agencies, down from 34% in 2019 (Thompson & Tapp, 2022; Morgan & Truman, 2020). There is no existing research establishing a reporting rate among sexual violence survivors in Idaho. Research has identified numerous reasons why victims of sexual violence do not report to local authorities: fear of blame, reprisal, publicity, or the criminal justice experience; embarrassment; belief that it is a personal matter; or that policing professionals would not believe and/or help them (Kilpatrick et al., 2007; Wolitzky-Taylor et al., 2010). Sexual violence is a serious crime with potentially devastating short- and long-term effects on victims. Close to one-third of women rape victims report symptoms of Post-Traumatic Stress Disorder (PTSD) after the assault and, compared to women who have never been a crime victim, are three times more likely to consider, and 16 times more likely to attempt, suicide (Kilpatrick, n.d.).

Over 2,000 non-consensual sex offenses were reported to Idaho policing agencies in 2021, including 728 rapes, 151 sodomies, 187 sexual assaults with an object, 1,167 fondling, 28 incest, and 48 statutory rape cases involving a total of 2,309 victims (Idaho State Police [ISP], 2022)³. Across all reported sexual violence crimes in Idaho in 2021, almost three-fourths occurred inside a residence (74.61%), and they spanned the entire spectrum of victim-offender relationships (e.g., family member, intimate partner, friend, acquaintance) (ISP, 2022). Strangers committed a relatively small proportion of reported sexual violence (5.2%) in 2021 (ISP, 2022). Beyond the sexual assault itself, victims in Idaho suffered a wide range of physical injuries from minor (e.g., bruising) to internal or other major injuries, broken bones, and unconsciousness. In 2021, physical injuries appeared in rape (22.9%), sodomy (25%), sexual assault with a foreign object (18.7%), and fondling (9.2%) cases (ISP, 2022).

¹ In this report, the term 'sexual violence' is used to encompass a broad base of sex crimes codified in Idaho (e.g., non-consensual sex offenses, rape, sodomy, sexual assault with a foreign object, fondling, lewd & lascivious conduct with a minor).

² The 2016-2017 state estimates by the CDC were not available at the time of this report, leaving only the 2012 data for Idaho.

³ Our 2020 report inadvertently included non-consensual categories as a separate offense category rather than a summative category of all sex offenses.

Sexual Assault Kits (SAKs)

Given the serious nature of sexual violence crimes, specific strategies have been developed to enhance the criminal justice system's response. Much of this response has focused on increasing evidence collection and, with the development of DNA testing, specific attention has gone towards the collection of forensic evidence. The primary method of collecting forensic evidence in sexual violence cases is the sexual assault kit (SAK). SAK evidence can include victim clothing, hair samples, fingernail scrapings, and bodily fluid samples (e.g., semen, blood, or saliva). Specially trained nurses, called Sexual Assault Nurse Examiners (SANE), or other qualified medical staff gather the available evidence for the SAK, an invasive and frequently lengthy procedure (Campbell et al., 2017; King, 2019). The completed SAK is then turned over to policing authorities who submit the SAK to a crime lab for processing. SAK evidence can assist investigators by confirming a suspect's identity, documenting external and internal injuries, and corroborating a victim's statement. Additionally, any DNA is stored in the national database (CODIS) and can be compared to samples from other cases, potentially clearing unsolved crimes and identifying serial offenders (King, 2019; Strom & Hickman, 2016).

In the late 1990s, national attention turned to the discovery of hundreds of thousands of untested SAKs across the country that were sitting in policing agencies' evidence lockers or at crime labs still awaiting processing (King, 2019). Multiple explanations have been offered for this lack of SAK testing: victims' requests to not test the kit; investigators' perceptions that SAK results would not further the case due to the timeliness of the potential analysis or because only the consensual nature of the sexual contact was contested; the influence of biases about victims or sex crimes; and concerns about crime lab testing capacity, possibly resulting in policing agencies prioritizing kits for testing (Campbell et al., 2017; King, 2019; Strom & Hickman, 2016).

The federal Sexual Assault Forensic Evidence Reporting Act (SAFER) was passed in 2013 to address the backlog of SAKs. The Idaho State Police Forensic Services (ISPFS) was one of the first entities in the state to bring attention to the issue of untested SAKs. Beginning in 2016, Idaho signed into law a series of bills regarding SAK testing and retention (heretofore referred to as ISAKI).

- 2016: House Bill No. 528 ('HB528') required the testing of most SAKs, except in circumstances where the victim requests the kit not be tested, the case is not being actively investigated as a crime, or it has been deemed unfounded, as well as new auditing and reporting metrics for any SAK not sent for testing (Idaho State Legislature, 2016).
- 2017: House Bill No. 146 ('HB146') addressed concerns regarding a victim's ability to pay for a SAK examination, victim notification rights, and the amount of time policing agencies are required to retain SAKs (Idaho State Legislature, 2017).
- 2018: House Bill No. 429 ('HB429') amended crime victim compensation rules to include the full payment of sexual assault medical examinations under specific guidelines (Idaho State Legislature, 2018).
- 2019: House Bill 116 ('HB116') restricted exceptions to mandatory SAK testing to only instances where a victim submits an anonymous kit or where the crime is unfounded, thus finally achieving a "Test-All" status (Idaho State Legislature, 2019).

The ISPFS is required to provide a legislative report regarding the collection and testing of SAKs. From 2019 to 2022, an average of 486 SAKs were collected by policing agencies, 32 were anonymous and thus not submitted, 435 were received by ISPFS, and 473 tested (ISPFS, 2022). No data on average transfer, submission, or processing time is available in the ISPFS 2022 legislative report. However, since our initial report (Growette Bostaph et al., 2021), hospitals

averaged seven days to transfer kits to policing agencies who, in turn, averaged 31.5 days to submit a SAK, with ISPFS' analysis completed within 302.5 days⁴ (ISPFS, 2020, 2021).

Numerous studies have found positive effects on arrest outcomes related to the testing of backlogged SAKs and “test all” initiatives (Campbell et al., 2020; Davis & Wells, 2019; Lovell et al., 2018; Wells et al., 2019). However, these studies have focused primarily on follow-up from CODIS hits (matches in the state and federal databases) as opposed to test-all legislation's effects on standard sexual assault case processing. Campbell and Wells (2014), in their study of four jurisdictions, reported that the New York Police Department's arrest rate increased from 40% to 70% after mandatory SAK testing was implemented. Menaker et al. (2017) conducted a study of adult sexual assault investigators' perceptions of factors influencing case outcomes. The investigators agreed that SAK evidence was more essential than other physical evidence, but that neither form of evidence outweighs victim credibility. Overall, the researchers concluded that SAKs have limited utility during sexual assault investigations, but do offer a way to confirm suspects, corroborate victim statements, and prove sexual contact did occur.

Our first report examined possible effects of the initial statute (HB528) in the ISAKI legislative reforms on sexual assault case processing (Growette Bostaph et al., 2021). In those analyses, sexual assault cases occurring pre-HB528 took longer to clear than cases occurring post-HB528, even though the existence of a SAK had no effect on case clearance before or after HB528. In addition, results indicated that the sole predictor of arrest or an inactive case was officer perception of the victim's credibility.

The purpose

The current report investigates the possible effects of all statutes in the ISAKI legislative reforms (HB528, HB146, HB429, and HB116, 2016-2019), as well as pre-ISAKI (pre-HB528)/post-ISAKI (post-HB116) effects, on case clearance and time to clearance in policing investigations. Additionally, we look at the effects of SAKs on case processing. As with the 2021 study, we surveyed policing professionals regarding their perspectives on the “Test-All” statute and the role of SAKs in sexual assault investigations.

⁴ ISPFS (2021) notes longer delays in processing due to the submission of previously untested kits and long-term vacancies in relevant lab positions.

The Study

Definitions

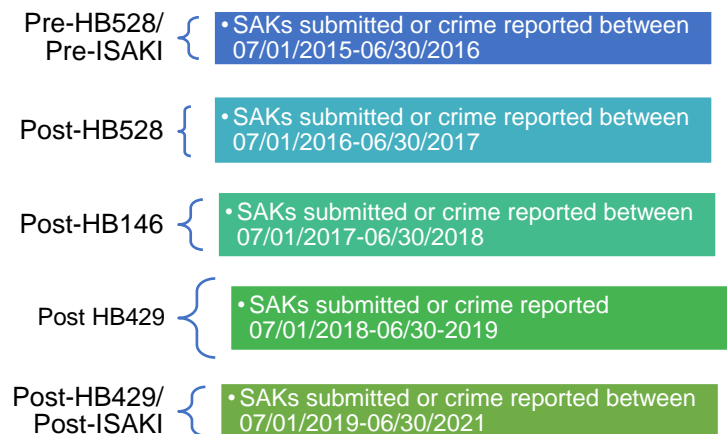
As previously mentioned, in this document, 'SAK' stands for a sexual assault kit, containing physical and biological evidence that may be collected by medical personnel following a sexual assault. 'ISAKI' refers to the series of SAK statutes passed by the Idaho State Legislature over four years (2016-2019). 'ISPFS' is the Idaho State Police Forensic Services, the primary SAK testing facility in the state; 'policing agency' refers to the police departments and sheriffs' offices from which we requested incident reports and investigative material; 'policing professionals' include any sworn officer, deputy, or investigator. Figure 1 lists the time periods used in our study for each ISAKI statute. Each time period comprises 12 months either before (Pre-ISAKI) or after (Post) an ISAKI statute went into effect. All statutory time periods reference the date the SAK was submitted to ISPFS or the crime reporting date. 'Experimental group' refers to the randomly selected cases with SAKs, while the 'control group' encompasses cases that do *not* have a SAK and were provided to us by policing agencies.

Study Procedures

We received original approval for this study from the Institutional Review Board at Boise State University (BSU) in November 2019 and were granted renewal approvals for the subsequent three years. In September 2021, ISPFS provided us with a spreadsheet of all SAKs received by the lab between 11/01/2019 and 9/30/2021, which allowed us to update the original database provided by them in 2019. ISPFS then sent us updated completion dates for kit analyses in February 2022. As with the original dataset, the spreadsheet included the reported crime date, the crime type, dates the lab received the kit and completed analysis, serial kit numbers for the FBI analyses, and the name of the policing agency associated with the crime. The SAK data were divided into multiple sampling frames representing one-year periods following HB146 and HB429 statutes' in-effect date. Due to the possibility of cases still being active in the criminal justice system after HB116 went into effect (2019, Post-ISAKI), and thus unable to be released by policing agencies, we extended the time by an additional year. We used systematic random sampling to select 60 SAK cases for each of the three one-year periods. As with the first study, each policing agency was limited to a maximum of six cases in the first round of sampling.⁵

Chiefs and sheriffs were contacted via email regarding the selected cases (experimental) and our request for the associated police reports as well as a similar case (in terms of crime type and reporting date) that did not have a SAK for comparison (control group)⁶. All participating agencies were given confidentiality for their participation. As such, only

FIGURE 1. STATUTE STUDY TIME PERIODS



⁵ Systematic sampling is a form of random sampling in which the first case in a group is randomly selected and subsequent cases are selected according to a predetermined interval (e.g., every 12th case).

⁶ We asked agencies to provide control cases at a ratio of one control per every three requested SAK reports.

aggregate-level data will be used in this report as our focus was not on the specific agencies that agreed to provide reports, but rather what, if any, effect the ISAKI legislation had on sexual violence crime investigations across the state. Not all policing agencies were willing to participate and, when that occurred, we conducted additional random sampling to replace those that declined.⁷ After the first two rounds of sampling, we increased the maximum number of cases per agency by two additional SAK reports (from 6 to 8). Thirty-three policing agencies from around the state provided us with requested reports (compared to 23 in the 2021 report). Upon receiving the case(s), up to 115 pieces of information per report were coded, totaling over 24,000 data points. These cases were then combined with the original dataset (pre-ISAKI and Post-HB528) to create the current data used for this study.

Once this phase was complete, we again contacted the participating policing leaders asking for the email addresses of primary responding officers/deputies and investigators from our sample of reports. Twenty-two of the 33 participating policing agencies provided us with the requested email addresses.⁸ Invitation emails were sent to 189 policing professionals requesting that they complete a survey regarding their perspectives on sexual assault investigations.⁹ The portion of the survey results discussed in this report were derived from survey instruments developed by Menaker et al. (2017) and Campbell et al. (2014).

The findings presented here are not representative of all sexual violence crimes, policing agencies, or policing professionals in the state, however they do represent a wide range of sexual violence reporting and policing agencies in Idaho. Also, it is important to bear in mind that these reports span 20 years in some analyses and, during that time, new knowledge and training became available to decrease the negative effects of reporting on victims of sexual assault, potentially increase victim cooperation, and improve clearance rates. This is why we included comparisons of the pre-ISAKI and post-ISAKI cases in our analyses. Finally, victims of sexual violence are often subjected to victim blaming by others and in ways not experienced by victims of other crime types. Common methods of victim blaming are to hold the victim responsible for being raped because of their actions prior to sexual violence (e.g., ‘you put yourself in that situation, so what did you expect?’) or for a perceived failure to prevent the assault (e.g., ‘why didn’t you fight back? I would have fought to the death.’). Yet, this same blame is rarely affixed to other violent crime victims, such as robbery victims (e.g., ‘you were at a bar drinking, you should have known you would be robbed.’; ‘why didn’t you tackle him? I wouldn’t let anyone take my wallet.’). While there has been an increase in criminal justice system knowledge about trauma effects on victims and improved practices in response, these do little to reduce the stigma and victim blaming by society that are still widely experienced by survivors of sexual violence. That societal response is likely just as, if not more, influential to a victim’s decision to report and proceed through the criminal justice process. We cannot account for those effects in this report. However, knowing victims’ pre-violence activities can be important to investigations and understanding victims’ responses during violent acts may provide relevant information about evidence collection and identifying suspects. Given that, we discuss pre-victimization activities and victims’ responses during the crimes with the important caveat that *the only person responsible for a violent act is the one who commits it and certainly not the victim who suffers it.*

⁷ Forty-seven policing agencies chose not to participate.

⁸ Eight agencies did not respond to requests for officer email addresses, while for two agencies, none of the officers were still employed by the agency.

⁹ We also asked a series of questions about officer wellness. This block was a compilation of questions from an instrument developed by King & Patterson (2020) and is not included in this report.

The reports

This study combined the sample from our first report (SAKs submitted between 07/01/2015-06/30/2017) and our new sample of cases drawn from the population of SAKs (n=535) submitted to ISPFS between 07/01/2017 and 09/30/2021 (Figure 2)¹⁰. Seventy-three agencies are represented across the updated ISPFS SAK population. On average, agencies in the updated population submitted seven SAKs during this time period. This represents a lower

FIGURE 2. STUDY GROUPS

Original SAK Population: 01/03/2014-11/25/2019

- 2,450 cases (all SAKs)
- Total=100 agencies
- SAKs=1-457 per agency; Avg=24 SAKs per agency
- 10 or fewer SAKs=70%

Updated SAK Population (07/01/2017-09/30/2021)

- 535 cases (all SAKs)
- Total=73 agencies
- SAKs=1-94 per agency; Avg=7 SAKs per agency
- 10 or fewer SAKs=84%

All cases in study: SAK Dates 07/01/15-01/11/2021

- 274 cases: 198 SAKs & 76 non-SAKs
- Total=33 agencies
- Cases=1-21 per agency; Avg=8 per agency
- SAKs=1-17 per agency; Avg=6 per agency

Pre-ISAKI cases: SAK Dates 07/01/15-06/30/16

- 38 cases (27 SAKs & 11 non-SAKs)

Post-ISAKI (HB528) cases: SAK Dates 07/01/16-06/30/17

- 31 cases (22 SAKs & 9 non-SAKs)

Post-HB146 SAK Dates (07/01/2017-06/30/2018)

- 61 cases (44 SAKs & 17 non-SAKs)

Post-HB429 SAK Dates (07/01/2018-06/30/2019)

- 82 cases (62 SAKs & 20 non-SAKs)

Post-ISAKI (HB116) SAK Dates (07/01/2019-06/30/2021)

- 62 cases (43 SAKs & 19 non-SAKs)

average number of SAKs per agency than what was found in the 2021 report (2021 average=24), but the 2021 average was likely inflated by the backlog of SAKs submitted due to HB528. In the updated population from ISPFS, 84% of all agencies submitted 10 or fewer SAKs (Figure 2).

Figure 2 also provides a breakdown of our sample of sexual assault cases across the related ISAKI statutes. We have 274 sexual assault cases in the 2023 sample, which includes the original 2021 report cases (38 Pre-HB528/Pre-ISAKI and 31 Post-HB528). For the new sub-samples, case counts range from 61 (Post-HB146) to 82 (Post HB429), and a majority of cases in each sub-sample are SAK cases. Although we increased sub-sample sizes in the new data, within each statute, they are still small enough to limit the statistical analyses we could conduct.

As seen in Table 1, the full sample of SAKs for the 2023 study represents seven percent of the total SAK population as of 09/30/2021. The proportion of SAKs from the original 2021 sample is comparable to the three new sub-samples (22%-31%). As expected, the SAK population has a broader range of reported crime dates (>39 years) than the 2023 study sample (>19 years) with decreasing ranges for the sub-samples, given the

¹⁰ Comparisons to our 2021 survey are reported when the differences are statistically significant, according to the difference of proportions test

TABLE 1. GROUPS BY SAK CASE CHARACTERISTIC

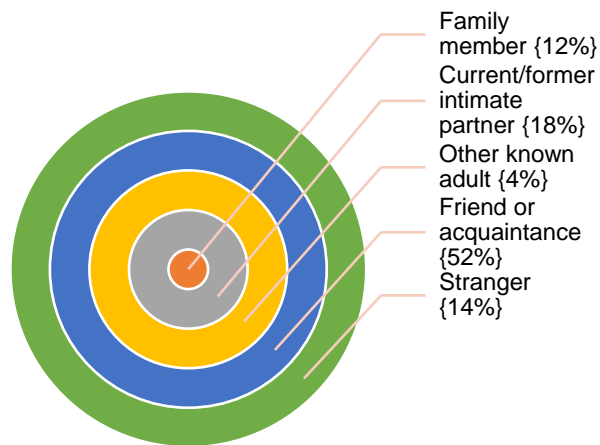
| Group | SAK Cases | Reported Crime Date | Crime at Submission ¹¹ |
|---------------------|--------------|-----------------------|-----------------------------------|
| SAK Population | 2,778 [100%] | 02/23/1982-09/11/2021 | Rape [71%] |
| All cases in sample | 198 [72%] | 09/14/2001-12/09/2020 | Rape [76%] |
| Pre-ISAKI statutes | 27 [14%] | 09/01/2004-05/29/2016 | Rape [74%] |
| Post-HB528 | 22 [11%] | 08/15/2007-06/05/2017 | Rape [59%] |
| Post-HB146 | 44 [22%] | 12/19/2003-06/07/2018 | Rape [77%] |
| Post-HB429 | 62 [31%] | 09/14/2001-05/10/2019 | Rape [84%] |
| Post-ISAKI (HB116) | 43 [22%] | 10/31/2015-12/09/2020 | Rape [74%] |

The victims and suspects

Due to privacy constraints on the release of some personal information in police reports, what we know about the victims, and at times suspects, in our sample of sexual violence crimes is limited. Victim and suspect race, ethnicity, and exact age were redacted in 53%-87% of reports and prevented us from conducting additional analyses. However, we can provide further information on victim and suspect sex, victim-suspect relationship, and the use of alcohol or drugs by victims and suspects. Almost all victims were female (91%), 99% of suspects were male, 10% of cases involved victims and suspects who were of the same sex, two cases involved a victim who reported as transgender, and one case had a suspect reported as transgender.

There was a wide range of victim-suspect relationships in the sample. Figure 3 displays the closeness of suspects to victims as well as their proportion in the data. Friend or acquaintance comprised the largest group (54%=34% acquaintance, 18% friend or coworker) followed by current or former intimate partner (18%). The stranger category (14%) is a significant increase from the 2021 report.¹² The trend over time shows an increase in stranger assaults among our sample of cases (Chart 1). We examined the victim-suspect relationship (known vs. unknown) across the ISAKI statutes and **significantly more stranger incidents appear in the post-ISAKI (HB116)**

FIGURE 3. SPHERE OF VICTIM CONTACT: VICTIM-SUSPECT RELATIONSHIP

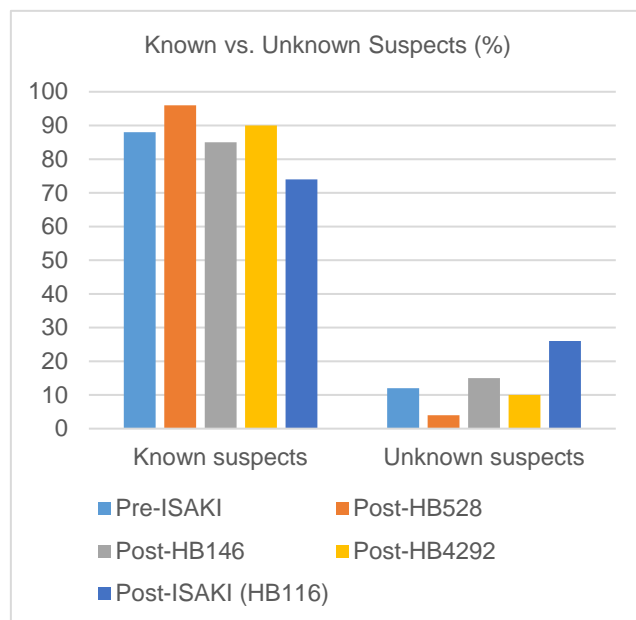


¹¹ Rape generally refers to a sexual offense involving oral, vaginal, or anal penetration. Idaho statutes include multiple offenses covering actions that constitute rape. In this report, we combined all sexual crimes involving penetration under the term *rape*.

¹² Difference of proportions=21%, $X^2=14.588$, $df=1$, $p=.000$

group compared to all other years.¹³ We have to consider that the time following the last ISAKI statute (HB116) may be an outlier and that it includes the pandemic which may have had some yet-unknown effect on the incidents reported to policing agencies. Still, the vast majority of sex crimes in the study occurred between people known to each other.

CHART 1. VICTIM-SUSPECT RELATIONSHIP-TRENDS



Most victims and suspects (84%) were not cohabitating at the time of the incident. As in our 2021 report, a large proportion of suspects and victims had no reported alcohol (66%, 71%) or drug use (88%, 87%) at the time of the crime.

Research has established that some people are at greater risk for violence than others (Hughes et al., 2011 [disabilities]; Grant et al., 2011 [transgender]; Ahusen et al., 2015 [pregnancy]). The proportion of victims who were transgender (1%), pregnant at the time of the assault (2%), or had a disability (4%) were low in our sample.

However, a number of factors must be taken into account in interpreting them. First, none of these categories is specifically identified by officers in their reports as they do for sex, race/ethnicity, and age. We were only able to gather these data if officers noted them in the report narratives and officers may have chosen not to include them. In addition, many of these variables require officers to intentionally ask about them as they may not be visually evident. If officers do not notice them, inquire about them, or do not believe they are relevant to the case, this information would not be captured in our review of the data. Finally, the underreporting of sexual assault cases is exacerbated among people who are transgender or have a disability, meaning they are less likely to appear in our data to begin with (Hughes et al., 2011; Grant et al., 2011). Therefore, we must assume that they are underrepresented in our sample.

There were no significant relationships between any other demographic variables and the four ISAKI statute periods, between cases Pre-ISAKI and Post-ISAKI legislation, or between SAK and non-SAK cases.

The crimes

We were able to gather multiple crime characteristics from our sample. As we would expect, sexual violence crimes appeared across all years, months, days, and times. Similar to our 2021 report, crimes were reported to the police primarily via 9-1-1 or a non-emergency phone line (73%), with 17% in person at the policing agency. Victims (44%), family members (22%), and agencies (hospitals, child protection, correction facility, policing professionals, 15%) comprised the majority of reporting for sexual violence crimes. The other sexual crimes include child-based

¹³ $\chi^2=8.706$, $df=1$, $p=.003$

sex offenses of which parent/guardians were often the reporting party. Across all cases, victims were significantly more likely to be the reporting party if the initial report was for a rape¹⁴.

There are pre-post ISAKI legislation effects with the reporting party. **Significantly more victims were the reporting party to policing agencies post-ISAKI legislation¹⁵** and the percent of victims as the reporting party increased by 67% between pre-ISAKI and post-ISAKI, a significant difference (31% vs. 52%)¹⁶ (Figure 4).

As displayed in Figure 5, at the time of reporting, 55% of the incidents were classified as rape, which included all crimes involving penetration; 21% were classified as sexual assault

(which may or may not include penetration). The remaining cases were initially classified as a variety of non-sexually based offenses (e.g., assault/battery, 7%), child-based sex crimes (e.g., various forms of lewd and lascivious conduct with children, 8%), or were non-crime/not classified (9%, not pictured). At the point of clearing the case, 97% of cases were classified as some form of sexually-based offense, most frequently rape (63%) or a child-based sex crime (15%), and 83% of cases listed only one offense (range=1-12 offenses).

FIGURE 5. INITIAL & FINAL CRIMES

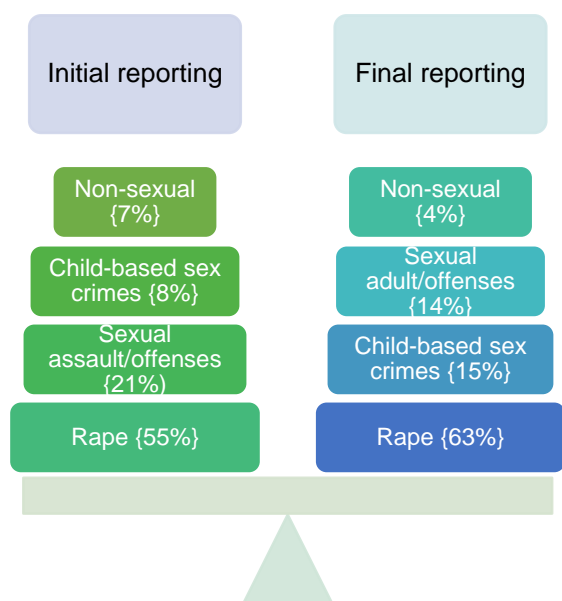
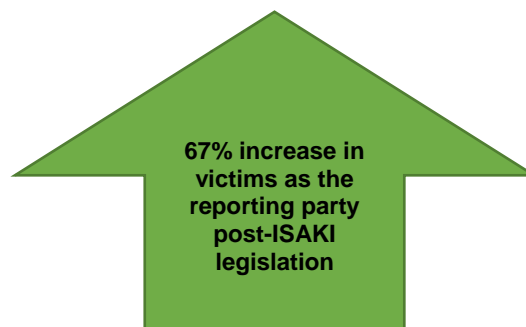


FIGURE 4. VICTIMS AS REPORTING PARTY



engaged in higher risk behaviors than those who knew their perpetrator, the opposite finding from our 2021 report.¹⁷

Victims verbally resisted the assault (e.g., screaming) in 47% and physically resisted (e.g., hitting) in 30% of cases. Physical resistance was overrepresented among rape crimes compared to all other crimes.¹⁸ Chart 2 displays physical resistance among cases in our sample over the statute years. **A significantly larger proportion of cases post-HB429 involved victim physical resistance compared to other statute periods¹⁹.** More than a quarter of

We defined 'higher risk behaviors' as actions which reduce the opportunities for, or likelihood of, others being present and able to intervene to prevent the crime from occurring. Examples would be being out alone at night or with unknown individuals. We use the term *higher risk* as there is always some measure of risk for sexual victimization. Across the entire sample, just over a quarter (28%) of victims were engaged in higher risk behaviors prior to the assault. A significantly greater proportion of victims of stranger-based sex crimes were

¹⁴ $\chi^2=5.323$, $df=1$, $p=.021$

¹⁵ $\chi^2=4.101$, $df=1$, $p=.043$

¹⁶ Difference of proportions=21%, $\chi^2=8.855$, $df=1$, $p=.002$

¹⁷ $\chi^2=12.317$, $df=1$, $p=.000$. This is likely due to the differences in variables. The 2021 report compared acquaintance or friend to all others, while the current analysis compared all known suspects to unknown suspects.

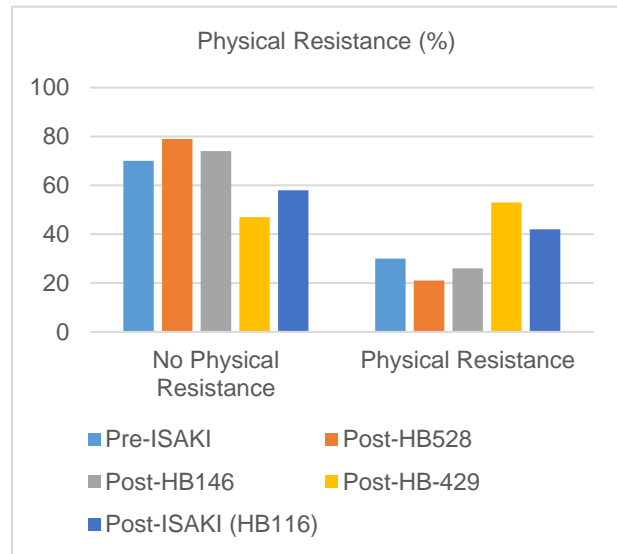
¹⁸ $\chi^2=4.579$, $df=1$, $p=.032$

¹⁹ $\chi^2=10.227$, $df=1$, $p=.001$

sexual violence victims experienced physical injuries (27%) and, of those, 50% had multiple physical injuries. This is aligned with most sexual assault research (Rennison, 2002). Multiple injuries were more frequently involved in incidents determined to be something other than rape (sexual assault/offenses, child-based offenses, non-sexual crimes).²⁰

Among all cases in the study, 71% had witnesses who could possibly provide information about the crime with an average of two witnesses per case. In 64% of cases, people could corroborate aspects of the victim's statement with only 9% having direct witnesses to the actual assault. Rape cases had a significantly smaller proportion of direct witnesses compared to all other crimes²¹. **The presence of corroborating witnesses differed across statute years with a significantly greater proportion appearing in pre-ISAKI cases and those in the year after**

CHART 2. PHYSICAL RESISTANCE - TRENDS



Crime characteristics summary

- Victims were more often the reporting party if the initial report was for a rape.
- Victims engaged in "higher risk" behaviors in cases where the suspects were strangers.
- Victims were more often the reporting party post-ISAKI legislation than prior to the statutes.
- Physical resistance was present more often in rape crimes and more often documented in cases following HB429.
- Documentation of corroborating witnesses occurred more often in pre-ISAKI and post-HB528 cases.

pre-ISAKI cases and those in the year after the first ISAKI statute (HB528).²² This result was consistent with the comparison of cases pre-and post ISAKI legislation; **significantly more cases pre-ISAKI noted corroborating witnesses**²³.

Drug facilitated crimes were scarce (12%) among all cases and a weapon was used in 2% of cases. Further analysis identified that these weapons were knives and guns (2 cases per weapon).

There were no other significant differences among crime characteristics across statute years or between SAK and non-SAK cases.

The factors that affect investigations

As with any crime, there are multiple factors that can affect investigations of sexual violence cases (Alderden & Ullman, 2012; Growette Bostaph et al, 2021; Lapsey et al, 2022; Lapsey et al, 2023). These elements can involve aspects of the victim, suspect, officer, and the commission of the crime. One of these factors is delayed reporting of the incident.

²⁰ $\chi^2=6.926$, $df=1$, $p=.008$

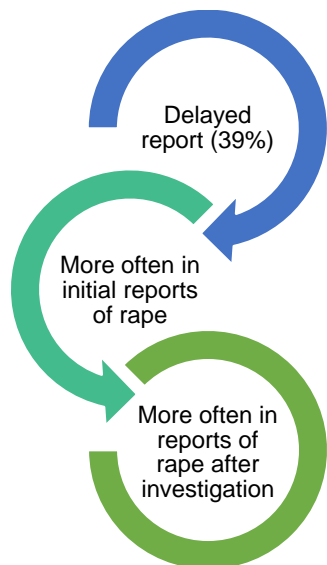
²¹ $\chi^2=4.703$, $df=1$, $p=.030$

²² $\chi^2=6.666$, $df=1$, $p=.010$ (pre-ISAKI); $\chi^2=4.903$, $df=1$, $p=.027$

²³ $\chi^2=6.432$, $df=1$, $p=.011$

There are a variety of reasons why victims of sexual violence may delay reporting, particularly trauma reactions, fear of social stigma, or fear of the suspect (Lapsey et al., 2022; Morabito et al., 2019). However, delayed reporting may impact the ability to recover usable physical evidence of the crime. Victims delayed reporting by 24 hours or more in 39% of all

FIGURE 6. DELAYED REPORTING & RAPE



cases in our study and delayed reporting is overrepresented among cases classified as rape at the time of reporting and at the conclusion of the investigation (Figure 6).²⁴ At the time of reporting, 31% of victims still expressed fear of the suspect and victims' fear did not differ by reporting delay, their relationship to the suspect (e.g., known vs. unknown), or crime classification.

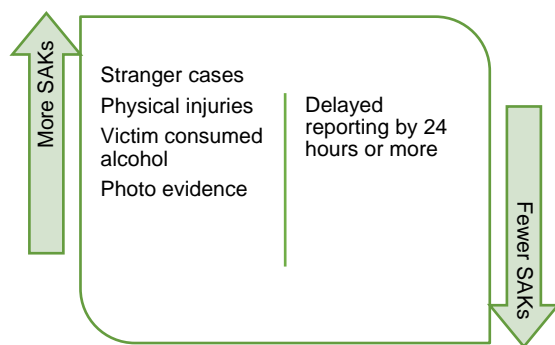
Across all cases in our study, only 7% indicated that suspects had a prior arrest for a violent crime. Six cases (2%) involved suspects who had contact with the police concerning a prior incident with the same victim and in only one of these cases had the suspect been arrested. Investigations are obviously hampered when officers are unable to locate the suspect. This occurred in 16% of cases in the sample.

More SAKs were collected in stranger cases than when the suspect was known to the victim²⁵, the

victim had physical injuries²⁶, or when the victim had consumed alcohol at the time of the incident.²⁷ *Significantly fewer SAKs were completed when the victim delayed reporting by 24 hours or longer, although SAKs can be done up to 72 (children) to 120 hours (adolescents and adults) after the incident²⁸ (Figure 7) (Idaho Sexual Assault Working Group, 2021).*

Beyond SAKs, there are other types of evidence that may be collected during sexual violence investigations. Photographic evidence can capture victim injuries on the outer body, clothing, crime scene, or other physical evidence. Injury photographs may be taken by SANEs during the SAK examination or by policing professionals (particularly in non-SAK cases). The use of body-worn cameras by responding policing professionals may also document physical evidence as well as capture initial interviews with victims, suspects, or witnesses at the scene, providing video and audio evidence of the investigation. Follow-up interviews with all involved parties may result in other video or audio recordings (via interview room cameras or voice recorders). Over half (55%) of all cases included photographic evidence. *Significantly more SAK cases had photographic evidence than Non-SAK cases (Figure 7).*²⁹ As would be expected, significantly more cases where victims were physically injured had

FIGURE 7. CASE CHARACTERISTICS & SAKS



²⁴ $\chi^2=6.427$, $df=1$, $p=.011$ (reported as rape) and $\chi^2=4.613$, $df=1$, $p=.032$ (final classification of rape)

²⁵ $\chi^2=6.042$, $df=1$, $p=.014$

²⁶ $\chi^2=14.974$, $df=1$, $p=.000$

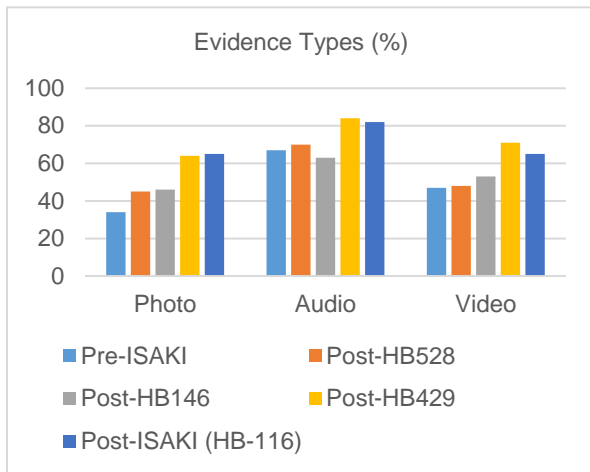
²⁷ $\chi^2=6.925$, $df=1$, $p=.008$

²⁸ $\chi^2=32.683$, $df=1$, $p=.000$

²⁹ $\chi^2=15.625$, $df=1$, $p=.000$

photographic evidence.³⁰ Three-fourths (75%) of cases in the sample included audio evidence and it was overrepresented among SAK cases and those with a final crime classification of rape.³¹ Video evidence was identified less often than photo or audio but still in a majority of cases (60%). Evidence collection in sexual violence cases differed across the statute years with **more photo³², audio³³, and video³⁴ evidence documented in reports following HB429 (07/01/2018) than in prior years (Chart 3).** However, only photographic evidence remained significant in the pre-post ISAKI legislation analysis; **photo evidence was more often present in cases post-ISAKI legislation³⁵.**

CHART 3. TYPES OF EVIDENCE – TRENDS

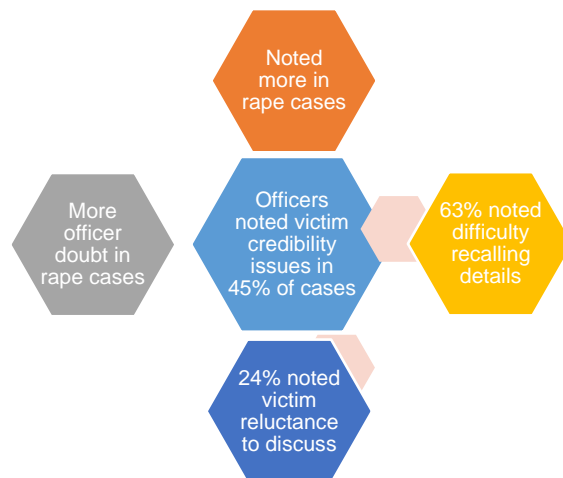


Research has demonstrated that victim credibility may be an influential factor in the criminal justice system’s response to sexual violence (Acquaviva et al., 2022; Morabito et al., 2019), and yet it can be a subjective determination. Some of the commonly

mentioned victim credibility issues are a reluctance to cooperate, past sexual history, memory problems, prior criminal or delinquency record, failure to disclose information, prior sexual

victimization, and a belief that the victim lied during the current investigation or in a prior report. Many of these are grounded in societal myths about sexual violence and its victims (e.g., only “good” women are “really” raped; women frequently falsely report; reluctance to talk or inability to recall details are signs of lying; if you consent to sexual contact once, you will always consent) (Burt, 1980). In the past decade, neurobiological research has demonstrated that trauma can affect cognitive processing, highlighting that reluctance to share or difficulty in recalling details is likely a sign of trauma as opposed to deceit (Campbell, 2012). Given the societal myths and stigma surrounding crimes of sexual violence, a criminal justice professional’s perception of victim credibility may be different than it is for other crime types.

FIGURE 8. OFFICERS & VICTIM CREDIBILITY



Similar to our 2021 report, no credibility issues were noted in over half (55%) of the reports. Yet, in the 45% where it was (Figure 8), officers more frequently noted credibility issues in cases initially reported and finally classified as rape compared to all other sexual violence cases³⁶. Policing professionals expressed doubt about victims’ credibility (13% of cases) in

³⁰ $\chi^2=12.341$, $df=1$, $p=.000$

³¹ $\chi^2=3.836$, $df=1$, $p=.05$ (SAK cases); $\chi^2=8.691$, $df=1$, $p=.003$ (rape cases)

³² $\chi^2=11.878$, $df=4$, $p=.018$

³³ $\chi^2=11.204$, $df=4$, $p=.024$

³⁴ $\chi^2=10.306$, $df=4$, $p=.036$

³⁵ $\chi^2=6.203$, $df=1$, $p=.013$ (photo)

³⁶ $\chi^2=9.308$, $df=1$, $p=.002$ (reported); $\chi^2=8.074$; $df=1$, $p=.004$ (final)

cases initially reported as rapes³⁷, yet no such relationship existed with officers indicating discrepancies in victims' statements (14%). In those cases where officers noted potential credibility problems (45%), the most frequent problem was a victim's difficulty recalling details (63%) followed by a victim's reluctance to discuss the incident (24%) (Figure 8).

A very small proportion (3%) of cases involved victims initially consenting to sexual contact, then withdrawing it. In addition, only 22% had a previous history of consenting to sexual acts with the suspect. Expectedly, these cases more often involved suspects known to the victim³⁸, were initially classified as a rape³⁹, and a greater proportion of these cases were in the control (non-SAK) group⁴⁰.

Factor characteristics summary

- More non-SAK cases and rape cases involved delayed reporting of 24 hours or longer.
- Photographic and audio evidence were more prevalent in SAK cases.
- Audio evidence was more prevalent in rape cases compared to other sex crimes.
- Photo, audio, and video evidence were more prevalent post-HB429.
- Photo evidence was more prevalent post-ISAKI legislation.

There were no significant differences between statute years or pre-post ISAKI-legislation and any other crime characteristics.

The initial response

There are different aspects to policing agencies' responses to crimes, including sexual violence, such as the officers who respond and connecting victims to services. We identified 171 unique policing

professionals who were responders to cases in our sample with a range of 1-4 cases each. While the majority of first responders had only one case in the sample, two had four cases each, both of whom were investigators. The majority of first responders were working in a patrol or supervisory capacity (74%) as opposed to investigative. Overall, 78% of cases involved detectives at some point in the investigation. Investigators were more often the first responders when the initial report was classified as a rape⁴¹ and more often assigned for follow-up to cases that were initially reported as, and later classified as, a rape⁴². The presence of an investigator in a case resulted in significant differences in evidence collection: more photographic and audio evidence was collected compared to cases without investigators⁴³.

Policing professionals responding to reported sexual violence can connect victims to victim service providers (VSPs) which are either a community-based advocate (associated with a non-profit agency) or victim-witness coordinator (VWC) (employed by policing or prosecutorial agencies)⁴⁴. VSPs were present at the initial response in 25% of cases. VSPs were more often present at the scene when the victim was injured, had consumed drugs, or a SAK was completed.⁴⁵ In fact, after controlling for statute year, victim injury, investigator as responding officer, victim was using drugs, delayed reporting, and officer noted credibility problems, *only the presence of a SAK was a significant predictor of a VSP at the scene. Cases with a SAK were 180% more likely to have a VSP present at the scene than those without a SAK*⁴⁶.

³⁷ $X^2=4.266$, $df=1$, $p=.039$

³⁸ $X^2=11.750$, $df=1$, $p=.001$

³⁹ $X^2=5.721$, $df=1$, $p=.017$

⁴⁰ $X^2=12.380$, $df=1$, $p=.000$

⁴¹ $X^2=4.221$, $df=1$, $p=.040$

⁴² $X^2=9.138$, $df=1$, $p=.003$ (reported); $X^2=6.634$, $df=1$, $p=.010$ (final)

⁴³ $X^2=4.362$, $df=1$, $p=.037$ (photographic); $X^2=8.131$, $df=1$, $p=.004$ (audio)

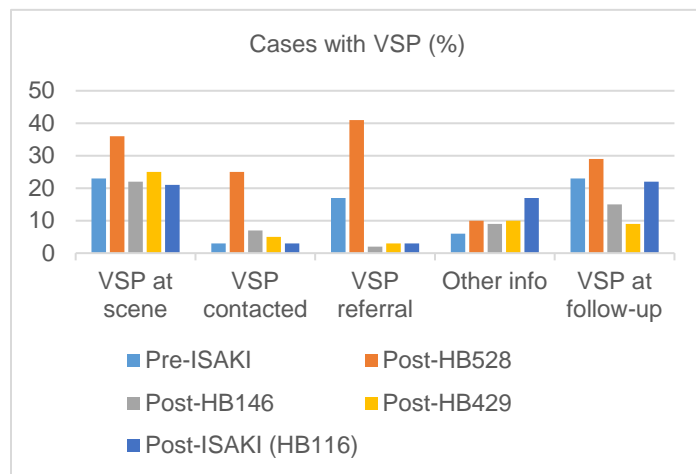
⁴⁴ Referred to collectively as victim service providers (VSPs).

⁴⁵ $X^2=9.613$, $df=1$, $p=.002$ (injury); $X^2=6.756$, $df=1$, $p=.009$ (drugs); $X^2=10.072$; $df=1$, $p=.002$ (SAK)

⁴⁶ Model $X^2=19.700$ ($p=.006$), Nagelkerke/Pseudo- $R^2=.138$, $b=1.033$, $p=.031$, $Exp(B)=2.808$

If not already at the scene, policing professionals can offer to contact a VSP on behalf of the victim. This occurred in only 7% of cases, a significant decrease from our previous report

CHART 4. VICTIM SERVICES & SEXUAL VIOLENCE CRIMES - TRENDS

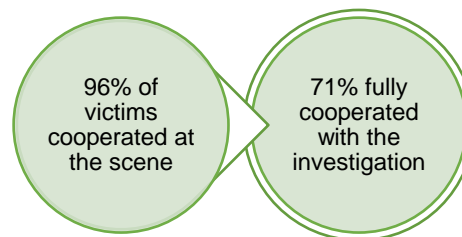


(23% to 7%)⁴⁷. Officers and investigators also can ask victims if they need a safe place to stay (3%) or offer other information regarding available services or upcoming processes (11%). In cases where officers provided information, developing safety plans and providing contact information for victim services accounted for half of the cases (25% each). Other types of information included the civil protection or no contact order procedure (18%), the interview and criminal justice process (14%), and general resources that were available (11%). Victims were more frequently offered other information when the initial or final classification of the incident was a rape or when an

investigator was assigned to the case⁴⁸.

Policing professionals can also notify VSPs about the incident after clearing the scene; officers noted this in 9% of cases. However, the actual number of cases where this occurred (n=8) was too low for further analysis. We had information on follow-up interviews for 82% of cases. Among those cases, a VSP was present in 16% and this was more prevalent in incidents initially reported as a rape.⁴⁹ Chart 4 presents VSP contacts across the statute periods. **The year following HB528 saw a significant increase in an officer offering to contact a VSP or referring a victim to a VSP**⁵⁰. But, these returned to pre-ISAKI levels in following years with an 18% decrease in contacting VSPs and 39% decrease in VSP referrals⁵¹

FIGURE 9. VICTIM COOPERATION



Victims cooperated with officers at the scene (or time of reporting) in almost all cases (96%) and 71% fully cooperated with the entire investigation (Figure 9); these results mirror those reported in our 2021 report. In the 29% of cases where victims either never cooperated or only partially cooperated with the investigation, 58% did not answer requests for follow-up and 57% verbally refused to go forward with the case. Four percent of victims, across all reports, recanted the incident in follow-up reports.

Most incidents were initially sent for further investigation (89%), a significant increase from the 2021 study (71%).⁵² More cases in need of further investigation involved victims who

⁴⁷ Difference of proportions=16%, $X^2=13.219$, $df=1$, $p=.000$

⁴⁸ $X^2=4.296$, $df=1$, $p=.038$ (initial), $X^2=7.718$, $df=0$, $p=.005$ (final), $X^2=5.121$, $df=1$, $p=.024$ (investigator)

⁴⁹ $X^2=4.400$, $df=1$, $p=.036$

⁵⁰ $X^2=15.721$, $df=1$, $p<.001$ (VSP offer to contact); $X^2=43.061$, $df=1$, $p<.001$ (VSP referral) from Post-HB528 to Post-HB146.

⁵¹ Difference of proportions=18%, $X^2=5.396$, $df=1$, $p=.020$ (contacted); Difference of proportions=39%, $X^2=22.798$, $df=1$, $p<.0001$ (referrals)

⁵² Difference of proportions=18%, $X^2=14.057$, $df=1$, $p=.000$

Response characteristics summary

- First responders to sexual violence cases are most often working patrol.
- Investigators are involved in 78% of cases.
- Investigators are more often involved in cases reported as a rape and their presence increases the collection of photo and video evidence.
- Offering to contact and referring victims to VSPs significantly increased in the year Post-HB528 but returned to earlier levels in following years.
- The presence of a SAK increased the likelihood of an advocate being at the scene by 180% and a case going for further investigation by 200%.
- A SAK was the *only* significant predictor of an advocate on scene and further investigation.

had consumed alcohol or *cases with a SAK*.⁵³ After controlling for statute year, investigator as responding officer, and victim using alcohol, *the presence of a SAK remained the sole predictor of a case moving forward with further investigation, increasing the likelihood by over 200%*.⁵⁴ The remaining 11% of incidents initially resulted in an arrest or arrest warrant (5%), prosecutor review (for a warrant or charges, 3%), or were declared as information only, inactive, or a referral (3%). These low proportions prevented us from conducting further analyses regarding initial responses other than further investigation.

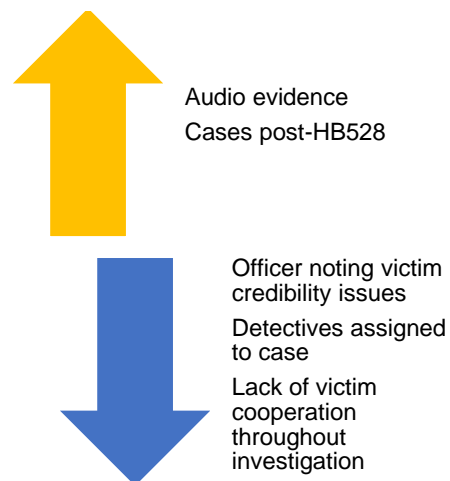
No other significant differences were detected across statute years or pre- or post-ISAKI legislation and the response characteristics.

The outcomes

As in the 2021 study, we focused on two primary outcomes: length of time from crime reporting to case clearance and type of case outcome. Policing agencies have many different case disposition codes, including multiple codes even for arrest, due to their federal reporting requirements. We identified 24 different police disposition codes in our sample and grouped them as follows: arrest (26%), prosecutor review (29%), inactive (15%), no action (closed without an arrest, 25%), and active (5%).

In our study, cases ending in arrest appear to be very different from cases resolved in other ways (Figure 10). They had a significantly higher average number of witnesses compared to all other outcomes.⁵⁵ Fewer arrest cases involved officers noting victim credibility issues, victims consuming alcohol, and officers expressing doubts about the victim's credibility.⁵⁶ Yet other frequently noted credibility issues, like having previously consented to sex with the suspect at another time, appeared more often in arrests⁵⁷. Prior research demonstrates that the strength of case evidence and victim cooperation are the strongest predictors of arrest (Lapsey et al., 2022). Here, fewer cases had arrests when a detective was assigned, even though the presence of photo, audio, and video evidence (previously noted as more frequently collected when detectives were involved) resulted in more arrests than

FIGURE 10. FACTORS AFFECTING ARREST



⁵³ $\chi^2=4.503$, $df=1$, $p=.034$ (alcohol); $\chi^2=7.415$, $df=1$, $p=.006$ (SAK)

⁵⁴ Model $\chi^2=16.760$ ($p=.002$), Pseudo- $R^2=.165$, $b=1.171$, $p=.017$, $Exp(B)=3.224$

⁵⁵ $t=2.282$, $df=82$, $p=.025$

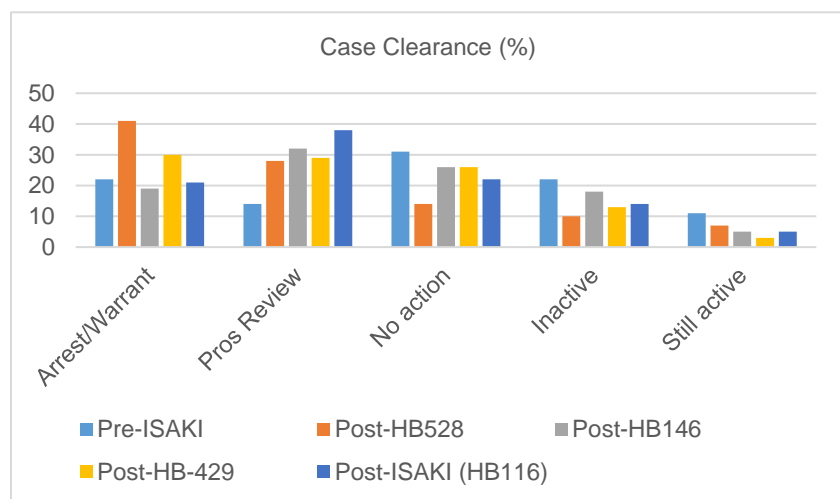
⁵⁶ $\chi^2=16.131$, $df=1$, $p=.000$ (credibility); $\chi^2=4.002$, $df=1$, $p=.045$ (alcohol); $\chi^2=7.818$, $df=1$, $p=.005$ (doubt)

⁵⁷ $\chi^2=4.325$, $df=1$, $p=.038$

expected⁵⁸. And, when victims did not cooperate throughout the entire investigation, either by actively refusing to go forward or by not responding to requests for follow-up, fewer arrests occurred.⁵⁹ **In the year after HB528, the first statute to mandate the submission and testing of most SAKs (including those never submitted), there was a significantly higher proportion of arrests compared to any other statute period** (Chart 5), followed by a 22% decrease in the following year.⁶⁰ However, *the presence of a SAK had no effect on arrest* and there was no significant difference in arrests between pre/post-ISAKI periods. In a multivariate analysis, after controlling for all relevant variables, the presence of audio evidence (+488%) and **cases that occurred in the year following HB528 (+650%) were significantly more likely to result in an arrest**, while having a detective assigned to the case (-71%) and the officer noting credibility issues (-71%) significantly decreased those odds.⁶¹

Cases cleared by sending them to the prosecutors' office also differ from all other police outcomes. More cases reported as a rape go to the prosecutor than expected as do those assigned to a detective.⁶² As with arrest, fewer cases are sent for review if the victim does not cooperate throughout the investigation, actively refuses, or does not respond to follow-up

CHART 5. CASE CLEARANCE - TRENDS



requests.⁶³ Interestingly, while SAKs did not affect the arrest decision, they do affect the decision to send the case for review. *More cases than expected without a SAK were reviewed by prosecutors compared to those with a SAK.*⁶⁴ Again, we see a statute effect with **fewer cases reviewed by a prosecutor before the ISAKI legislation began compared to other periods and this effect remained when comparing pre-ISAKI and post-ISAKI cases (a 24% increase).**⁶⁵ However, in

multivariate analyses, after controlling for all of these relevant variables, the only significant predictors were incident reported as a rape (increases prosecutor review by 96%) and *whether or not the case had a SAK (no SAK increases prosecutor review by 125%).*⁶⁶

It is just as important to examine cases that are closed without an official action, particularly in sexual offenses which have historically been under-addressed by the criminal justice system. Like arrests, significantly more cases than expected were closed without official action when officers noted victim credibility issues or when officers expressed doubt about a

⁵⁸ $\chi^2=4.107$, $df=1$, $p=.043$ (detective); $\chi^2=4.738$, $df=1$, $p=.029$ (photo); $\chi^2=10.383$, $df=1$, $p=.001$ (audio); $\chi^2=12.756$, $df=1$, $p=.000$ (video)

⁵⁹ $\chi^2=11.559$, $df=1$, $p=.001$ (cooperation); $\chi^2=18.056$, $df=1$, $p=.000$ (refusal); $\chi^2=15.898$, $df=1$, $p=.000$ (no contact)

⁶⁰ $\chi^2=4.221$, $df=1$, $p=.040$; Difference of proportions=22%, $\chi^2=4.730$, $df=1$, $p=.0296$ (Post-HB528 to Post-HB146)

⁶¹ Model $\chi^2=80.534$, $df=13$, $p=.000$, Pseudo- $R^2=.497$; $b=-1.221$, $p=.030$, $Exp(B)=.295$ (detective); $b=-1.224$, $p=.014$, $Exp(B)=.294$ (credibility); $b=1.772$, $p=.010$, $Exp(B)=5.883$ (audio); $b=2.015$, $p=.017$, $Exp(B)=7.500$ (post-HB528)

⁶² $\chi^2=4.382$, $df=1$, $p=.036$ (reported rape); $\chi^2=3.978$, $df=1$, $p=.046$ (detective)

⁶³ $\chi^2=5.273$, $df=1$, $p=.022$ (cooperation); $\chi^2=8.962$, $df=1$, $p=.003$ (refusal); $\chi^2=4.898$, $df=1$, $p=.027$ (no contact)

⁶⁴ $\chi^2=5.958$, $df=1$, $p=.015$

⁶⁵ $\chi^2=4.738$, $df=1$, $p=.029$ (pre-ISAKI vs. others); $\chi^2=6.271$, $df=1$, $p=.012$, Difference of proportions=24% (pre-post ISAKI)

⁶⁶ Model $\chi^2=22.338$, $df=6$, $p=.001$, Pseudo $R^2=.148$; $b=.674$, $p=.05$, $Exp(B)=1.963$ (reported rape); $b=.813$, $p=.023$, $Exp(B)=2.255$ (no SAK)

victim's credibility.⁶⁷ The effects of victim non-cooperation continue with partial cooperation, refusal to go forward, and inability to contact for follow-up all more often resulting in closing a case without official action.⁶⁸ The presence of a SAK and ISAKI legislation had no effect on cases closed with no action. In a multivariate analysis, after controlling for all relevant variables, the sole significant predictor of a case being resolved with no official action was victim cooperation throughout the investigation. A victim who does not cooperate throughout the investigation significantly increased (+238%) the likelihood of the case being closed without an official action.⁶⁹

Finally, some cases are not cleared and stay inactive unless there is a development in the case, for example identifying a previously unknown suspect. Several factors are associated with inactive cases. Stranger cases were more often labeled as inactive as were cases with a final classification of rape.⁷⁰ When officers noted credibility issues, cases were more frequently declared inactive with similar results when victims had used drugs.⁷¹ As with every clearance decision discussed here, significantly more cases are deemed inactive when the victim does not cooperate through the entire investigation or refuses to go forward.⁷² Neither the presence of a SAK or ISAKI legislation had a significant effect on cases cleared as inactive. Due to the smaller sample size of inactive cases, we did not conduct further analyses.

No pre/post-ISAKI predictive effects were found across any of the case outcomes.

Fifteen percent of cases in our updated sample were cleared the same day they were reported, with another 10% resolved within one week of reporting. In our 2021 report, 66% of cases had clearance dates one month from the reporting date and the average time to case clearance was 44 days. Now, 51% were cleared within one month with an average time to clearance of 232 days. This apparent dramatic shift in the average time to clearance is likely due to 24 cases in the sample that were not cleared until more than one year after reporting.⁷³ Upon removing these cases, 58% cleared within one month and the average time to clearance was 65 days. Cases with a VSP at follow-up interviews or a SAK had a significantly lower average time to police disposition, while cases in the year following HB528 had a higher average time to police disposition.⁷⁴ However, in a multivariate analysis, controlling for these factors, there were no significant predictors of time to disposition.

There were no significant pre/post-ISAKI effects on time to disposition.

Outcome characteristics summary

- Cases with audio evidence and those occurring in the year following HB528 (the first mandated testing statute) increased the likelihood of arrest.
- Officers who noted credibility issues and cases assigned to detectives decreased the likelihood of arrests.
- Cases initially reported as rapes increased the odds of prosecutor review, while cases with a SAK decreased the odds.
- Cases with victims who cooperated through the entire investigation were less likely to be cleared with no official action.
- 58% of cases were cleared within one month of reporting and the average time to clearance was 65 days.

⁶⁷ $\chi^2=6.427$, $df=1$, $p=.011$ (credibility); $\chi^2=5.038$, $df=1$, $p=.025$ (officer doubt)

⁶⁸ $\chi^2=19.274$, $df=1$, $p=.000$ (cooperation); $\chi^2=19.057$, $df=1$, $p=.000$ (refusal); $\chi^2=31.752$, $df=1$, $p=.000$ (contact)

⁶⁹ Model $\chi^2=18.529$, $df=2$, $p=.000$, Pseudo- $R^2=.118$; $b=1.220$, $p=.001$, $Exp(B)=3.387$ (total cooperation).

⁷⁰ $\chi^2=4.076$, $df=1$, $p=.044$ (stranger); $\chi^2=4.413$, $df=1$, $p=.036$ (rape)

⁷¹ $\chi^2=10.788$, $df=1$, $p=.001$ (credibility); $\chi^2=4.406$, $df=1$, $p=.036$ (drugs)

⁷² $\chi^2=11.280$, $df=1$, $p=.001$ (cooperation); $\chi^2=17.949$, $df=1$, $p=.000$ (refusal)

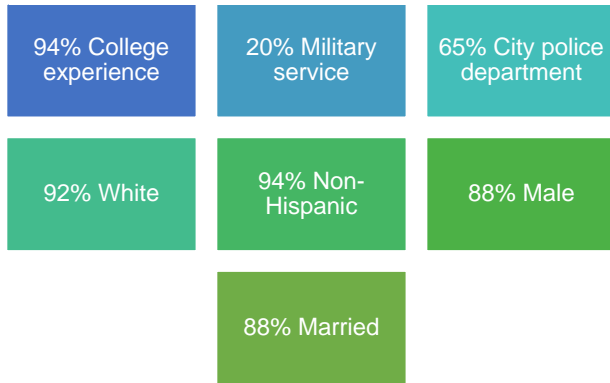
⁷³ These cases were removed from all further analyses involving time to disposition.

⁷⁴ $t = -1.976$, $df=161$, $p=.05$ (advocate); $t=-2.102$, $df=219$, $p=.037$ (SAK); $t=4.322$, $df=222$, $p=.000$ (post-HB528)

The survey

A total of 114 policing professionals completed the survey (60% completion rate)⁷⁵. Those

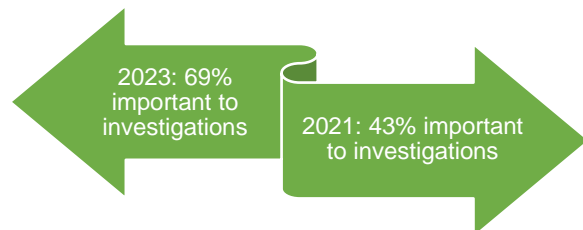
FIGURE 11. POLICING PROFESSIONALS - SURVEY



professionals had between 3 and 33 years of experience with an average of 16 years on the job. Ninety-four percent had some college experience: college courses (36%), associate’s degree (17%), bachelor’s degree (29%), or graduate/law degree (12%). Well over half (65%) worked for a municipal police department, while 33% worked for a county sheriff’s office (up from 11% in 2021⁷⁶). Most policing professionals reported as White (92%), non-Hispanic (94%), male (88%), and married (88%). Twenty percent were military veterans and all were U.S. citizens (Figure 11).

Supporting some of our earlier findings regarding the effect of physical evidence on response and outcomes, 69% of policing professionals stated that any physical evidence is “a key piece of information” in sexual violence investigations, a significant difference compared to the 43% in 2021.⁷⁷ The most frequent types of evidence respondents mentioned were: SAKs (53%), clothing (48%), DNA (46%), linens (21%), digital (19%), and crime scene photos/videos (17%).⁷⁸ *Over half (52%) of respondents stated that SAKs play ‘quite a bit’ or ‘a key’ role in sexual violence investigations, while 42% said its importance depended on the characteristics of the individual case, supporting our case analysis results of a more nuanced effect of SAKs (Figure 12). However, 77% estimated that less than half of their cases in the past year involved a SAK and 56% of those respondents estimated SAKs were present in less than 10% of their cases.*⁷⁹

FIGURE 12. PHYSICAL EVIDENCE AND INVESTIGATIONS - TRENDS



Given the significance of victim credibility in some of the case analyses, we asked policing professionals how they evaluated victim credibility.⁸⁰ Sixteen percent of officers indicated that they do not evaluate a victim’s credibility as it is not part of their job but rather that of an investigator, prosecutor, or jury. One third of respondents included trauma informed perspectives: start by believing (17% all respondents, 54% trauma informed) and neurobiological effects of trauma (14% of all respondents, 46% trauma informed). Most responses could be grouped as victim-focused and evidentiary. Victim-

⁷⁵ 22-25% of policing professionals who completed the survey did not answer the demographic questions.

⁷⁶ Difference of proportions=22%, $X^2=4.935$, $df=1$, $p=.0263$

⁷⁷ Difference of proportions=29%, $X^2=8.270$, $df=1$, $p=.004$

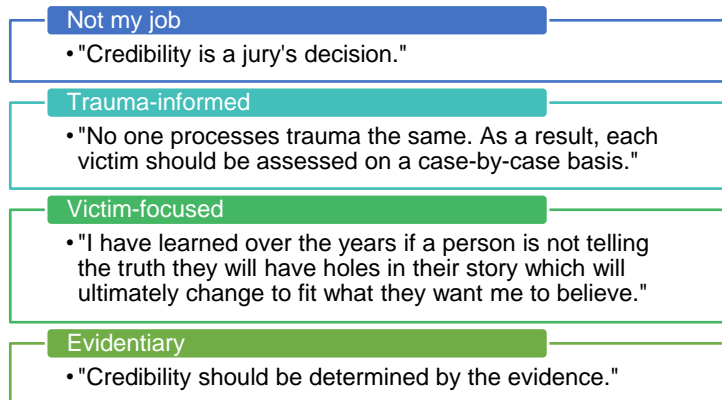
⁷⁸ 29% of respondents did not answer the question.

⁷⁹ 29% did not answer or indicated they had not investigated or responded to a sexual assault case in the past year.

⁸⁰ 26% did not respond to this question.

focused factors appeared in 48% of responses and included statements, interviews, pre/post-assault behaviors/demeanor, and cooperation. Evidentiary factors were identified in 38% of responses and included physical, digital, and forensic evidence, witness interviews, and confrontation calls (Figure 13). The remaining factors occurred in less than 10% of responses: suspect factors (suspect interviews, willingness to provide DNA sample), the totality of the investigation, and circumstance-dependent.

FIGURE 13. OFFICER PERSPECTIVES ON VICTIM CREDIBILITY



We also posed specific questions involving victim credibility and investigative outcomes, and officers continued to display a variety of perspectives (Figure 14). Victim alcohol or drug use demonstrated some significant effects on investigations in our case analysis. When directly asked about the role of victim alcohol or drug use in investigations and case outcomes, 61% indicated 'it depends' on other case characteristics, with 24% selecting 'none' or 'very little'. Regarding the need for corroborating evidence, more than a third (38%) stated that, without such evidence, the case would go inactive until other evidence emerged, while 23% indicated it

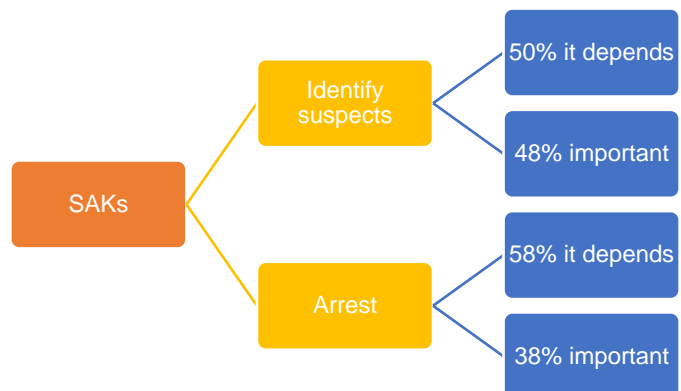
FIGURE 14. VICTIM CREDIBILITY AND CASE PROGRESSION



would move forward regardless of corroboration and 32% selected some 'other' resolution. Similarly, when asked about victim cooperation, 41% believed if a victim did not want to cooperate, but there was strong evidence in the case, it should go inactive until the victim wished to cooperate. A third of respondents felt it should go forward, while 26% thought it should be handled in some other way. Finally, 57% said that, if a victim recanted their statement, the decision to continue with the investigation would depend on other evidence (Figure 14).

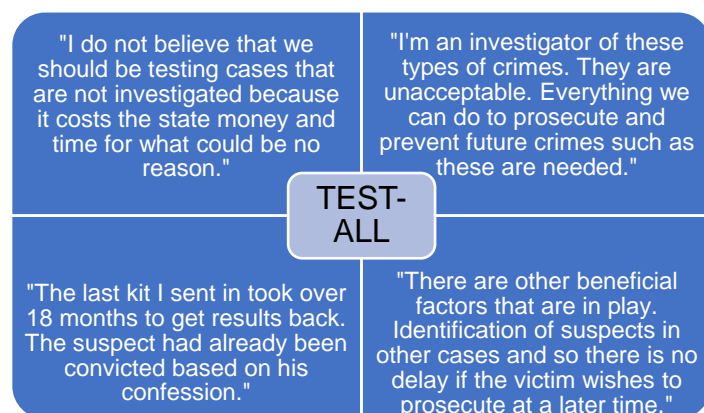
In terms of making arrests, one of the hallmarks of SAKs is their potential for identifying suspects. Officers were evenly split in assessing the importance of SAKs for suspect identification (50%, it depends; 48%, important) (Figure 15). Similarly, the importance of SAKs in the decision to arrest varied by case characteristics for 58% of policing professionals, with 38% indicating it was

FIGURE 15. IMPORTANCE OF SAKS



'very important' or 'the most important' piece of physical evidence. However, when we asked respondents to list the characteristics of a case that is most often cleared by an arrest, *only 7% included a SAK*. A little over half (51%) of policing professionals listed suspect factors (e.g., confession/admission, relationship to victim), while 48% listed evidentiary factors (e.g., witnesses, DNA, digital evidence) and 33% included victim factors (e.g., cooperation, immediate reporting).

FIGURE 16. PERSPECTIVES ON TEST-ALL



As in our 2021 survey, most officers were unaware if the ISAKI statutes' testing requirements had an effect on any inactive cases in their agency (63%), with 16% reporting that it assisted in moving inactive cases forward. **Sixty-one percent of officers**

were 'very supportive' (30%) or 'supportive' (31%) of the ISAKI statutes ('Test-All').

Respondents supportive of "Test-All" mentioned its value in identifying serial offenders or unknown suspects, preservation of evidence for later prosecution, and justice for victims. More than a quarter (26%) were neutral in terms of support and 13% were either 'unsupportive' or 'very unsupportive'. For both groups, policing professionals cited concerns about increasing backlogs and resource allocation (Figure 16).

Sexual violence investigation perspectives

- Compared to the 2021 report, a significantly higher proportion of officers believe any physical evidence is important in sexual violence cases.
- Policing professionals have varied opinions on the importance of SAKs in investigations, identifying suspects, and the decision to arrest.
- A majority of officers believe that victim credibility is important in sexual violence investigations.
- Testing all SAKs was supported by a majority of policing professionals.

Study Recommendations

This analysis has offered a more extensive view of sexual violence cases before, during, and after the ISAKI legislation. Given these results, the implementation of some recommendations from our original report, and work by other victim services and criminal justice agencies in the past two years, we can offer some revised and new recommendations.

Recommendation #1: Change Idaho Statute 39-6316 to require connecting victims to services at the time of reporting. In 2022, the Council on Domestic Violence & Victim Assistance was successful in its efforts to change Idaho Statute 39-6316 to include victims of sexual violence among those to whom policing professionals are required to provide information on supportive services (a recommendation from our 2021 report). Yet, this may not be enough. Across the entire timeframe of this current report, officers connecting victims to VSPs was *an infrequent occurrence* (less than one-third). We continue to recommend modification of 39-6316 to require policing agencies to engage in one form of connecting victims to service providers at the time of reporting.

Recommendation #2: Encourage the creation and continuation of coordinated community response to sexual violence. An additional avenue for increasing the connection of sexual assault survivors to supportive services is through coordinated community response (CCRs) or sexual assault response teams (SARTs). Community coordination teams involve

multiple agencies that respond or provide services to sexual assault survivors. These multi-disciplinary teams have been a best practice in response to domestic violence since the 1990s and a toolkit adapting them to sexual violence was released in 2011 (National Sexual Violence Resource Center, 2018). SARTs establish inter-agency relationships, engage in collaborative problem solving, and work to improve response to, and services for, sexual assault survivors. Establishing collaborative relationships among policing agencies and professionals, victim witness coordinators, community-based advocates, counselors, prosecutors, and other relevant community agencies may reduce existing barriers to connecting victims with the supportive services they deserve.

Recommendation #3: Continue to prioritize the testing of sexual assault kits. In our survey, policing professionals were clear in their belief in the importance of all physical evidence in sexual violence investigations, much of which requires lab analysis. A majority of officers also expressed support for the required testing of all SAKs, but many also indicated that ISPFS experiences large numbers of SAKs for analysis, it may affect police agencies' ability to clear sexual violence cases in a timely manner, as seen in the year following HB528. ISPFS Director Matthew Gamette indicated in his most recent legislative report that, due to staffing levels, they are beginning to experience processing delays again (ISPFS, 2022). Therefore, we recommend the continued prioritization of SAK testing here in Idaho, which likely involves ensuring appropriate funding and staffing at ISPFS.

Recommendation #4: Fund training for all policing professionals on the effects of trauma on victims and evidence-based practices in responding to sexual violence victims. In 2022, the Idaho Council on Domestic Violence & Victim Assistance (ICDVVA) provided funding to ISPFS and their Sexual Assault Working Group to spearhead basic trainings in select regions across the state on the neurobiological effects of trauma on victims (a recommendation from our 2021 report).⁸¹ This is a great beginning, but it is not enough. In this current ISAKI study examining cases as recently as 2021, our results (and numerous other research studies) demonstrate that negative perceptions of victim credibility may affect case clearance. As we recommended in 2021, all officers, beginning with POST certification, should receive the type of training ICDVVA & ISPFS offered in the past year. Training may reduce the negative impact on survivors and increase arrest and prosecutorial review if it includes the neurobiological effects of trauma; rape myths; the societal stigma faced by victims of sexual violence; how these may manifest in the initial reporting of these crimes; and, most importantly, active strategies officers can use in their response (Campbell et al., 2020; Franklin et al., 2020). Also, recent research indicates that officers, in noting victim credibility issues in their reports, may be reflecting prosecutors' concerns or interests (downstream orientation) (Frohmann, 1997; St. George et al., 2022). Towards that point, similar trainings should be adapted for prosecutors around the state. As smaller and rural public agencies have less capacity to send officers or prosecutors to out-of-town trainings, a variety of training modalities and delivery formats should be used to make this training accessible regardless of agency geographic location or size.

Recommendation #5: Provide additional or prioritized funding for victim service agencies with articulated outreach plans, and the requisite knowledge base, to serve vulnerable populations who are at higher risk for sexual violence. As mentioned earlier, research demonstrates that some populations are at higher risk for sexual violence due to their increased vulnerability, including people with physical and intellectual/cognitive disabilities, people who are Deaf, people from Indigenous populations, adolescents, people who are

⁸¹ These trainings are recorded and posted on the ICDVVA website. However, given both the wide-varying circumstances of sexual violence cases and the importance of actively engaging with this training material (see Campbell et al, 2020), we are not recommending that policing professionals or prosecutors be trained from a recording.

transgender, and people who are homeless.⁸² These populations also face additional barriers to accessing or receiving appropriate services, as do those whose primary language is not English.⁸³ Under-reporting is exacerbated among these high-risk groups, making clear, targeted outreach plans crucial to connecting with them, as demonstrated by the low proportion of victims from some of these populations among our reported cases. However, conducting outreach alone is not enough. Without services that are accessible and evidence-based in serving each of these populations, the best outreach plan will not translate into successful assistance. However, Idaho's vast size, with pockets of population density among a majority of rural/remote locations, does not lend itself to numerous individual agencies across the state who solely serve one or more of these high-risk groups. Yet, if enough agencies across the state committed to doing so, it would be more likely that, within any region, there would be at least one agency capable of successfully reaching out to, taking referrals for, and serving survivors from high-risk groups in appropriate and accessible ways. Given the decreasing federal allocation of victim services funding, we recommend that additional victim services funding (likely state funding) be made available to ensure equal access for all victims' to services and their state constitutional rights.

Recommendation #6: Include information on high-risk characteristics in police reporting. Policing professionals are in a prime position to connect victims to appropriate services. This is particularly important for people who are at higher risk due to their increased vulnerability (see Recommendation #5). Yet, the discovery that certain groups of individuals are both at high-risk of and under-reporting sexual victimization did not come from official police reports (e.g., NIBRS data) but rather from the NCVS which surveys people across the country. However, NCVS data for Idaho is unavailable and thus we know very little about the frequency of such victimization in Idaho (see Recommendation #8). This leaves police data as one of the few available sources of data about the victimization of a community's most vulnerable citizens. Understanding how the criminal justice system responds to sexual violence cases involving vulnerable citizens requires including this information in police reports and internal databases in a readily accessible format for information sharing. We recommend adding data fields for the collection of high-risk characteristics and the reporting out of these data points, along with NIBRS data, to the Idaho State Police.

Recommendation #7: Continue to cover the funding gap between VOCA allocation and current victim services funding needs through state resources. Given that most victims in our study were not connected to victim services at the time of reporting, there is much work to be done in getting victims access to supportive services. Our 2021 report recommended an expansion of victim services funding through the state budgeting process. Subsequent to that report, the federal government, responsible for almost all victim services funding in Idaho, announced significant reductions in state allocations from the Crime Victims' Fund. This resulting gap, between the funding needed to provide basic services across our state and federal allocations, must be closed in order for Idaho citizens to have full access to services and their constitutional rights in the criminal justice system. In 2022 and 2023, the Idaho State Legislature authorized one time funding from the state's record-breaking surplus to cover the gap ("Bridge Funds"). We strongly recommend that the State Legislature continue to prioritize the recovery of crime victims and cover the funding gap to avoid reductions in services and/or service coverage, particularly in rural/remote locations and smaller communities. We note that

⁸² People with physical and intellectual/cognitive disabilities (Harrell, 2021), people who are Deaf (Child et al, 2011), people from Indigenous populations (Fillmore et al, 2021), adolescents (Finkelhor et al, 2014), people who are transgender (Grant et al, 2011), and people who are homeless (Kushel et al, 2003).

⁸³ Gordon, 2013 [people with disabilities]; Grant et al, 2011 [people who are transgender]; Whitaker et al, 2007 [non-English speaking population]; Smith & Hope, 2015 [people who are Deaf]

many of our prior and current recommendations are heavily dependent on the maintenance and expansion of services to victims.

Recommendation #8: Fund a statewide victimization survey modeled on the National Crime Victimization Survey (NCVS). In both of our ISAKI studies, we reported on many victim, suspect, and crime characteristics among the cases in our samples. However, it bears repeating that these cases only represent those sexual violence crimes that were reported to policing agencies. Our sample is a small slice of the sexual violence crimes that occur here in Idaho and an even smaller slice of those crimes involving vulnerable/marginalized populations, as according to the NCVS, in the U.S., only 21.5% of sexual violence crimes are reported to policing agencies (Thompson & Tapp, 2022). Because of small sample sizes in locations like Idaho, the NCVS cannot provide local data. This means we have limited scientific knowledge about sexual violence victims' experiences, their reasons for reporting or not, or even how much sexual violence is occurring in Idaho. Our only avenue to better understand sexual violence in Idaho, regardless of reporting, is to conduct a statewide victimization study, a recommendation we have made across numerous reports *over the past decade* (see Growette Bostaph et al., 2015; Growette Bostaph et al., 2020; King et al., 2020). This entails surveying a random sample of households in Idaho about their victimization experiences across all crime types in the past six months. The NCVS methodology provides a roadmap for such a survey to be done here in Idaho (see King et al., 2020 for a more in-depth discussion). The State of Idaho should invest in a scientifically rigorous, statewide victimization study following the major tenets of the NCVS.

Study Conclusions

For the past seven years, Idaho has worked to address the issue of untested SAKs across the state, including the passage of the ISAKI statutes. The current study examined the various characteristics of reported sexual violence crimes in Idaho and the possible effects of the various ISAKI statutes on the response to and clearance of sexual assault cases across the state. **Our results do not indicate a massive shift in police response or case clearance following the ISAKI legislation.** Only HB528, the first statute mandating some SAK testing, demonstrated a predictive effect on case clearance by increasing the likelihood of arrest. However, **we did find more nuanced effects of this legislative effort:** greater attention to (or at least documentation of) a victim's physical resistance (post-HB429 & post-ISAKI), corroborating witnesses (post-HB528), and the collection of photo/audio/video evidence (post-HB429 & post-ISAKI [photo only]). As indicated by our sample of policing professionals, all of these pieces of evidence play a role in clearing sexual violence cases.

Our results do not indicate that SAKs are an overwhelming factor in police response or case clearance in sexual violence cases. However, a more nuanced effect of SAKs was identified. SAK cases had more photographic and audio evidence in general, and the presence of a SAK not only increased the likelihood of a VSP being at the scene and a case being further investigated, the SAK was the sole predictor of these two outcomes. Also, policing professionals reported that SAKs were an important aspect of cases and, in many instances, appeared to function as much needed corroboration of victims' statements rather than as a single determiner of case clearance. These results align with other research on police decision-making in sexual assault cases (e.g., Campbell et al., 2014). The majority of policing professionals remain supportive of the mandated testing of SAKs

We want to thank the ICDVVA for funding this project. In addition, we want to thank all of the policing agencies and policing professionals who participated in this study as well as ISPFS for continuing to provide the initial SAK data for our sampling purposes. We look forward to our

continuing partnership with criminal justice and victim services agencies around the state to increase our understanding of sexual violence in Idaho and community and criminal justice responses to these crimes, with a similar goal of improving survivors' recovery.

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