

ATTORNEY GENERAL
STATE OF MONTANA



Tim Fox
Attorney General

Jon Bennion
Chief Deputy Attorney General

Department of Justice
Joseph P. Mazurek Building
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

August 27, 2019

To: Montana Sex Assault Nurse Examiners (SANEs), Law Enforcement Agencies, DOJ Forensic Science Division, and Montana Advocates

Re: Montana Sexual Assault Kit Tracking System

In 2016, The Montana Department of Justice received a National Sexual Assault Kit Initiative (SAKI) Grant award from the federal Bureau of Justice Assistance. Attorney General Tim Fox designated a SAKI Task Force to lead this endeavor. This grant has been used to test previously unsubmitted sexual assault kits, strengthen victim services, prevent revictimization, develop new training materials, create best practices and standards for sexual assault cases, and implement new policies to eradicate the build up of untested sexual assault kits. In addition, it provided resources and a partnership to develop Montana's Sexual Assault Kit Tracking System. **We are proud to launch the SAK Tracking System effective September 1, 2019.**

The new system will serve as a hub for confidential information while enabling survivors to remain updated in real-time on the status of their kit by tracing its cycle through the criminal justice system, including distribution, inventory, collection at a health care facility, storage by law enforcement agencies, analysis at a crime lab, and storage. When their kit's status changes, survivors can opt-in to be notified of that change.

This is a significant statewide change in the law, procedures, and practice. Our agency has developed three webinars, which are available on our SAKI website, to assist professionals in using the system. These videos will help users create an *ePASS Montana* account, register their account name, assist medical personnel with tracking, and help law enforcement agencies navigate the system. In addition, support materials can be found on the same website (*see link below*). The materials include medical facility instructions, law enforcement agency information, and technical support's contact number.

To view webinars and educational material, visit <https://dojmt.gov/enforcement/childrensjustice/saki/>. If you have questions about the SAK Tracking System, contact SAKI Site Coordinator Kayla Bragg at Kayla.Bragg@mt.gov or (406) 444-5896. You may also call Tech Support at (406) 444-3993 should any issues arise with the system.

Thank you for your assistance in helping Montana's sexual assault survivors find justice.

TELEPHONE: (406) 444-2026

FAX: (406)444-3549

E-MAIL: contactdoj@mt.gov

WEB: mtdoj.gov

MONTANA DEPARTMENT OF JUSTICE

Legal Services Division * Division of Criminal Investigation* Highway Patrol Division * Forensic Science Division
Gambling Control Division * Motor Vehicle Division * Information Technology Services Division * Central Services Division

BACKGROUND:

The 2019 Montana Legislature enacted Senate Bill No. 52, which goes into effect October 1, 2019. It revised how sexual assault kits are to be collected, stored, delivered, and tracked. Section 2 of the bill specifically set out policy for the statewide sexual assault evidence kit tracking system.

“(1) The department of justice shall create, operate, and maintain a statewide sexual assault evidence kit tracking system. The tracking system must:

(a) track the status of a sexual assault evidence kit from the collection site through the criminal justice process, including the initial collection at a health care facility, inventory and storage by law enforcement agencies, analysis at a crime laboratory, and storage or destruction after completion of analysis;

(b) allow law enforcement agencies, health care facilities, a crime laboratory, and other entities that receive, maintain, store, or preserve sexual assault evidence kits to update the status and location of the kits; and

(c) allow an individual to anonymously access the tracking system to track the location and status of the individual's sexual assault evidence kit.

*(2) The department of justice shall adopt rules for developing and using the sexual assault evidence kit tracking system. **Law enforcement agencies, health care facilities, and crime laboratories shall use the tracking system as provided in the rules.***

(3) Information contained in the sexual assault evidence kit tracking system is confidential and not subject to public disclosure.”

Sincerely,

A handwritten signature in blue ink that reads "Jon Bennion". The signature is fluid and cursive, with a long horizontal stroke at the end.

JON BENNION
Chief Deputy Attorney General