



September 1, 2021

From: Attorney General Austin Knudsen
To: Montana Healthcare Facilities, Law Enforcement Agencies, and DOJ Forensic Science Division
Re: Montana Sexual Assault Kit Tracking System

The Montana Department of Justice (DOJ) adopted new administrative rules for developing and using the Montana Sexual Assault Kit Track System or DOJ Kit Track System, in accordance with the Montana Administrative Procedures Act (MAPA). The new rules are integral to tracking kits more effectively and efficiently to better serve survivors of sexual assault and bring offenders to justice.

The administrative rules went into effect on August 28, 2021.

Pursuant to 46-15-405(2), MCA, Statewide Sexual Assault Evidence Kit Tracking, the DOJ was required to adopt rules for developing and using the kit track system. It states that,

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

Montana law enforcement agencies, healthcare facilities, and crime laboratories are required by law to use the DOJ Kit Track System as provided in the administrative rules, which are posted on the DOJ SAKI website: <https://dojmt.gov/enforcement/specialservices/saki/public-policy/>.

Rules I - VI pertain to tracking sexual assault evidence kits through a Sexual Assault Kit Tracking System. The rules include the following:

- 1) Rule I, Definitions
- 2) Rule II, Requirement to Designate Authorized Users
- 3) Rule III, Procedure for Healthcare facilities to use the Sexual Assault Kit Tracking System
- 4) Rule IV, Procedure for Law Enforcement Agencies to use the Sexual Assault Kit Tracking System
- 5) Rule V, Procedure for Crime Laboratories to use the Sexual Assault Kit Tracking System
- 6) Rule VI, Notice of Violation

This is a significant change in statewide procedure. To ensure your organization and its professionals understand what the law requires and how to comply with those requirements, we highly encourage anyone that handles sexual assault evidence kits and responds to the crime of sexual assault review the following:

- 1) Montana Administrative Rules I - VI pertain to tracking sexual assault evidence kits using the Sexual Assault Kit Tracking System. (ARM Chap. 23, Justice)
- 2) 46-15-404, MCA, Sexual assault evidence kit collection and storage
 - a. The law went into effect October 2019. It establishes a uniform procedure for collecting and submitting sexual assault evidence kits to the Montana State Crime Lab for testing.

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- 3) 46-15-405, MCA, Statewide sexual assault evidence kit tracking system
 - a. The law went into effect October 2019. It established the first sexual assault kit tracking system in Montana and set requirements for the Montana Department of Justice. In addition, this law requires that **law enforcement agencies, health care facilities, and crime laboratories shall use the tracking system as provided in the rules.**
- 4) 46-15-406, MCA, Notice of rights for victims of sexual assault
 - a. The law went into effect October 2019. It established statutory rights of victims of sexual assault. This law was revised during the Montana 2021 legislative sessions to include “current status of the sexual assault kit”.

To assist professionals and organizations in understanding procedures and how to use the Montana Sexual Assault Kit Tracking System, DOJ offers a virtual 90-minute training twice a month. During the training, attendees learn about sexual assault legislation, sexual assault evidence kit updates, newly adopted DOJ Kit Track System administrative rules, and how to use the kit track system.

To learn more about DOJ Kit Track System training, please visit:

<https://dojmt.gov/enforcement/specialservices/saki/responders/>.

For upcoming DOJ Kit Track System training dates and times, please visit:

<https://montana-department-of-justice.coursestorm.com/>.

For DOJ Kit Track System technical assistance or to learn more about the DOJ Kit Track System administrative rules, you may contact Kayla Bragg, SAKI Site Coordinator, at 406-444-5896 or kayla.bragg@mt.gov.

Thank you for your dedication to improving our collective response to the crime of sexual assault, helping survivors find justice, and holding offenders accountable.

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