



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
CRIMINAL JUSTICE COUNCIL

STATE OFFICE BUILDING – 10th FLOOR
820 FRENCH STREET
WILMINGTON, DELAWARE 19801

Telephone: (302) 577-5030
Fax: (302) 577-3440

REPORT

TO: HON. JACK A. MARKELL, GOVERNOR
HON. MATTHEW P. DENN, ATTORNEY GENERAL
MEMBERS OF THE 148TH GENERAL ASSEMBLY

FROM: CHRISTIAN L. KERVICK, EXECUTIVE DIRECTOR *CK*

SUBJECT: REPORT OF SEXUAL ASSAULT KITS PURSUANT TO SJR 1

DATE: FRIDAY, JANUARY 08, 2016

On June 25, 2015, Senate Joint Resolution 1 (SJR1) was passed by the Delaware General Assembly and signed by Governor Markell on June 30, 2015. This Joint Resolution requires every law enforcement agency, law department, hospital, testing facility, and prosecutorial agency to report to the Attorney General's Office the number of unexamined sexual assault kits and their date of collection. SJR1 requires the Criminal Justice Council to prepare and submit an aggregate report to the Governor, Attorney General, and the General Assembly by January 11, 2016. The information contained in this report is aggregate data.

In accordance with Senate Joint Resolution 1, the Criminal Justice Council collaborated with the Attorney General's Office in the development of a checklist for the information required in this report. Through consultation with the Department of Justice, it was determined to prioritize the information by five categories:

1. Unsolved rapes/Sexual Assaults
2. Suspect DNA/Not Prosecuted
3. No Suspect DNA/Not Prosecuted
4. Suspect DNA/Case Resolved
5. No Suspect DNA/Case Resolved

With assistance from the Delaware Police Chiefs Council, the CJC released the checklist to all law enforcement agencies under this report within the timeframe outlined by the Joint Resolution. All agencies were required to respond with written reports within a certain time frame.

According to the information collected by law enforcement, there are a total of **1,018** sexual assault kits in law enforcement's custody, that have never been submitted for testing. The breakdown is as follows:

- 1. Unsolved rapes/Sexual Assaults: 333**
- 2. Suspect DNA/Not Prosecuted: 81**
- 3. No Suspect DNA/Not Prosecuted: 385**
- 4. Suspect DNA/Case Resolved: 109**
- 5. No Suspect DNA/Case Resolved: 110**

The numbers reported above represent the total kits in twenty two (22) police departments across the state. Seventeen local police departments do not have any SAKs in storage.

In Delaware, hospitals do not store SAKs that are reported to law enforcement. In accordance with the Violence Against Women Act (VAWA), victims of sexual assault are not required to report crimes of sexual assault to law enforcement in order to receive a forensic exam.

Delaware hospitals have provided the numbers of Sexual Assault Nurse Examiner (SANE) / Forensic Nurse Examiner (FNE) exams performed. If a victim chooses to report the crime, custody of the SAK will then be turned over to the police agency where the criminal offense occurred; and that department shall maintain custody of the SAK. If a victim decides to not report the crime to law enforcement, the kit may be destroyed by the hospital (all hospitals have agreed to guarantee the kit will be held for 30 days; after 30 days, due to storage, the kit may be destroyed).

In the next several months the Criminal Justice Council will be working with the medical and law enforcement community as well as the Department of Justice and the Division of Forensic Science to develop strategies and identify a comprehensive program to improve the criminal justice response to sexual assaults in Delaware.

Pursuant to Senate Joint Resolution 1, the next report is due June 1, 2016.