



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
CRIMINAL DIVISION (302) 577-8500
FRAUD DIVISION (302) 577-8600
FAX (302) 577-2610

January 31, 2024

VIA EMAIL

Delaware Association of Chiefs of Police
1783 Friends Way
Camden, DE 19934

Dear Delaware Police Chiefs:

With the end of funding from the Sexual Assault Kit Initiative ("SAKI") Grant of 2015, I write to reinforce the Department of Justice ("DOJ") "Test All" Memorandum dated May 13, 2022, included here again for your convenience.

Following a recent audit by CJC, we have another backlog of untested kits. We are working to correct this issue and have all the SAKI Partners on board with the DOJ Policy to ***Test All Kits***.

This test-all policy should have no exclusions and covers all aspects of the process. Cases where a Sexual Assault Kit ("SAK") is collected should be tested. The SAK and any other related secondary evidence shall be submitted to the Division of Forensic Science for testing. Upon completion of the investigation and testing of all evidence, the assigned Deputy Attorney General will determine viability of prosecution.

Please do not hesitate to reach out to me with any questions.

Respectfully,

A handwritten signature in blue ink, appearing to be "Dan Logan".

Dan Logan
State Prosecutor

cc: Michael Kelly, SAKI Site Coordinator



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
FAX (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX (302) 577-6499

MEMORANDUM

TO: Delaware Police Chiefs

FROM: Albert J. Roop, V, State Prosecutor

DATE: May 13, 2022

RE: Update to SAKI Testing Policy

As you know, Delaware received a Sexual Assault Kit Initiative (“SAKI”) Grant in 2015 to facilitate eliminating a backlog of untested rape kits. With the support of the Criminal Justice Council, dedicated detectives, and deputies and support staff at the Delaware Department of Justice, we have successfully eliminated the backlog. We are now turning our attention to preventing future backlogs by instituting a “test all” policy.

The policy, drafted by the CJC with input from law enforcement, DOJ, and the Division of Forensic Science, is attached to this memo. The policy will accomplish two important goals. First, as I noted above, it will prevent future backlogs. Second, robust sexual assault kit testing has proven effective in apprehending serial rapists. Research on backlogged sexual assault kits has shown that approximately one-third of sex offenders are “crossover” offenders, meaning the offender has been linked to other stranger and non-stranger sexual assaults.

Based on the foregoing, the Delaware Department of Justice requests that all law enforcement in the State of Delaware adopt the attached testing policy. The main takeaways are as follows:

1. Outside of cases where the victim affirms non-participation, a law enforcement agency shall take possession of a sexual assault kit within 5 days of notification by the collecting facility;
2. Contact DFS as soon as possible to schedule a consultation to discuss the evidence collected and what will be tested;
3. Engage the victim and schedule an interview as needed, while law enforcement agency based Victim Services connects the victim with appropriate resources, consistent with the victim-centered approach outlined in the Delaware SAKI Policy Manual;
4. Document sexual assault kit related fields in LEISS;
5. Submit all sexual assault kits collected from the collecting agency to DFS within 30 days; and
6. Preserve sexual assault kits associated with uncharged or unsolved crimes indefinitely.

With the assistance of your officers, I am confident we can successfully prevent backlogs and sexual assaults by quickly and consistently analyzing DNA evidence.

Please do not hesitate to contact me should you have any questions or concerns.

Thank you.