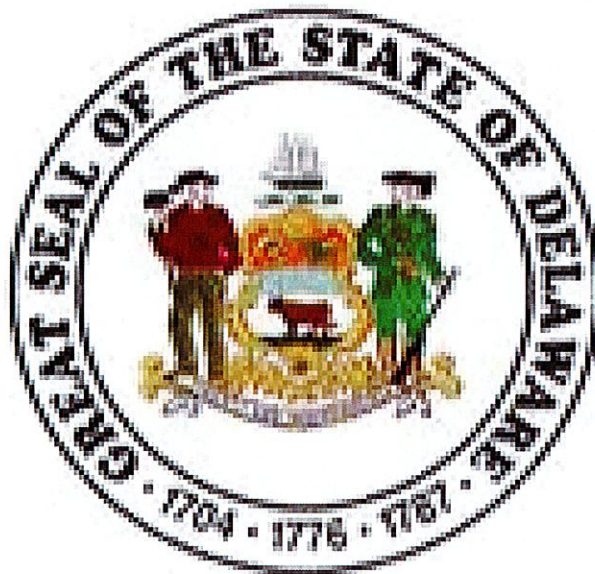


BJA Sexual Assault Kit Initiative
(SAKI) Final Report

State of Delaware

2015 - 2023



Criminal Justice Council

January 28, 2024



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December 2023

Dear Reader:

On June 30, 2015, Governor Jack A. Markell signed into law Senate Joint Resolution #1 pertaining to the inventory and prioritization of untested rape kits in the State of Delaware. The Joint Resolution required the Criminal Justice Council inventory, prioritize, and report the aggregate number of untested rape kits in the state as well as provide recommendations on how to best improve the criminal justice response to sexual assault.

In October 2015, the Criminal Justice Council was awarded \$1,168,662 in competitive federal grant dollars to begin the Delaware Sexual Assault Kit Initiative (SAKI) from the United States Department of Justice, Bureau of Justice Assistance. A subsequent federal SAKI grant was awarded to the CJC in 2018 for an additional \$1,000,000.¹ These federal dollars provided the necessary resources for the CJC to develop and expand the Delaware Sexual Assault Kit Initiative program.

On the pages that follow, please find the final report and recommendations of the Delaware Sexual Assault Kit Initiative. The Criminal Justice Council would like to thank the hundreds of Delawareans who helped with this project by serving on committees, attending trainings, developing programs, and dedicating their expertise to improving Delaware's response to sexual assault over the past eight years.

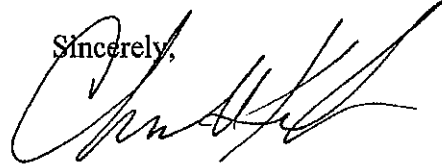
A special thank you from my office to the primary staff of the SAKI project and authors of this report Michael Kelly, SAKI Coordinator, and Samantha Gwinn, DE SAKI Consultant. The Council would also like to thank our long-standing partners in the law enforcement community, the State Department of Justice, the Division of Forensic Science, the victim services community, and the network of Sexual Assault Nurse Examiners for their input and dedicated service to our state.

While this is the final report with recommendations that will be issued for the Delaware SAKI program; the staff of the Criminal Justice Council and our partner agencies believe this report is another step forward in a multi-faceted approach to improving the criminal justice response to sexual assault in our state.

¹ US DOJ, Office of Justice Programs, Bureau of Justice Assistance Award #2018-AK-BX-0018

If you have any questions, comments or require additional information
pertaining to this report, please do not hesitate to contact the Criminal Justice Council
at 302-577- 5030.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christian Kervick', written over the word 'Sincerely,'.

Christian Kervick
Executive Director



Acknowledgements

Delaware Criminal Justice Council

Title 11: Chapter 87 of the DE Code

Mission:

The Delaware Criminal Justice Council is an independent body committed to leading the criminal justice system through a collaborative approach that calls upon the experience and creativity of the Council, all components of the system, and the community. The Council shall continually strive for an effective system that is fair, efficient, and accountable.

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To everyone who has provided positive contributions to the
Delaware SAKI program since 2015, thank you.

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Introduction

Since the 2009 discovery of over 11,000 untested sexual assault evidence kits in Wayne County, MI, millions of dollars in federal funding have been devoted to mitigating this problem nationwide. The Sexual Assault Kit Initiative (SAKI) program was launched by the U.S. DOJ Bureau of Justice Assistance (BJA) in 2015, and there have been 82 grantee sites to date at the municipal, county, and state levels. The most recent nationwide SAKI statistics are as follows, from 2015 to 2023:

- 201,632 kits inventoried
- 93,977 kits sent for testing
- 88,317 kits tested to completion
- 35,516 DNA profiles uploaded to CODIS
- 16,640 CODIS hits (47% of uploaded profiles)
- 2,390 CODIS hits to serial sex offenders (14% of hits)
- 8,894 CODIS hits to serial violent offenders (52% of hits)
- 25,278 investigations
- 2,437 cases charged
- 1,355 convictions

On June 25, 2015, Senate Joint Resolution 1 was passed by the Delaware General Assembly and signed by the Governor Markell on June 30, 2015. This Joint Resolution required 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 (SAKs) and their date of collection. Delaware applied for SAKI funds and received \$1,168,662 from BJA in 2015, and an additional \$1,000,000 in 2018.

In 2016, CJC hired former New Castle County Police Department Sex Crimes Unit Senior Sergeant Michael J. Kelly to manage the SAKI grant. Kelly quickly moved to establish a multi-disciplinary team (MDT) in line with SAKI and NIJ best practices. Three MDT subcommittees were formed: law enforcement, victim advocates, and sexual assault nurse examiners. Among other tasks, the MDTs assisted with evaluating private labs for backlogged kit testing, and Bode Technology was selected as the Delaware SAKI official DNA testing partner. Grant funded overtime was also made available to the Department of Justice, law

enforcement agencies statewide, the Division of Forensic Services, DELJIS, and sexual assault victim advocates, for work associated to SAKI-criteria cases occurring prior to 2016, (original grant) and later cases prior to 2019 with the second grant.

CJC conducted physical inspections of law enforcement agency properties, in an effort to inventory SAKs and determine the actual physical count of those that were untested but potentially viable. In 2016, the CJC reported a total of **1,033 untested** sexual assault kits in custody of 22 law enforcement agencies. CJC was then tasked with determining SAK testing priorities and began submitting kits for testing in three separate shipments. Additional kits were located at various stages of the process and submitted for testing with Bode Technology, the FBI laboratory, or the state Division of Forensic Services (DFS). The final number of kits collected was 1,237, and the combined results are as follows:

- 579 kits were positive for foreign (i.e., male) DNA. All kits that were positive for foreign DNA and produced a full profile were sent to DFS for upload to national CODIS.
 - 358 have been entered into CODIS as of November 2023, leaving 221 that may benefit from YSTR/advanced analysis. *All eligible profiles have been uploaded; consensual partner matches have been removed.
 - 162 (45%) of those profiles identified a suspect; 45 were “cold hits,” meaning the matching profile did not belong to anyone previously named in the case. 117 hits confirmed a known/named suspect.
- 634 evidence kits were negative for foreign DNA.
- 24 kits were not tested due to expungements, mold damage, or the age and/or cognitive limitations of the victim and/or suspect.

To date, state law enforcement agencies have made 11 SAKI-related arrests, 3 of whom were serial offenders, clearing 28 cases and providing some measure of closure to those victims. At the time of this report, there was one case with active warrant on file, and 20 cases in various stages of testing and/or investigation. Our hope is that these 21 cases will result in additional arrests (see Appendix D for a summary). Updates will be made to the CJC SAKI Website.

Delaware Policies

Upon review of the cases for which CODIS hits occurred, the reasons for the evidence not being tested varied. Some were originally disposed as unfounded or cleared by exception, and many were not tested due to a decision during or prior to the intake process that the case would not be prosecutable.

The key lesson learned, in Delaware and at grantee sites nationwide, is that **the best practice is to test all kits**, regardless of whether successful prosecution is possible or probable. As with all other types of criminal incidents, an investigation should not be closed or disposed until all evidence is tested, with the rare exception of when victims explicitly state that they do not want to proceed with testing.

On June 16, 2017, after preliminary findings were available from testing backlogged kits, State Prosecutor Sean Lugg sent a letter to Delaware Police Chiefs outlining the Department of Justice Policy for the testing of SAKs. He later sent a second letter (reproduced below) further clarifying the policy.

On June 16, 2017, I sent an e-mail addressing the topic of untested sexual assault kits collected on or after May 1, 2015. There have been some questions about submitting the kits to [Division of Forensic Services (DFS)] for testing. To address those questions and provide a protocol for collaborative decision making, I offer the following for testing of sexual assault kits collected after May 1, 2015.

Sexual assault kits should be submitted to DFS in a timely manner to minimize future backlog. All kits should be submitted for testing, unless:

1. It is determined through investigation that there is no evidence that a crime occurred. (When there is any evidence of a crime, regardless of the strength of the evidence, the kit should be submitted for testing); or
2. The Department of Justice has declined prosecution and the case has been exceptionally cleared due to the suspect's age; or
3. Law enforcement has conducted an intake with a Department of Justice prosecutor and there is a mutual agreement that it is unnecessary to test the kit in order to achieve a just result in the case.

This shall in no way change how sexual assault kits are submitted if they were collected prior to May 1, 2015, nor does this alter the existing policy that kits not be destroyed.

The spirit of the letter was to ensure that no victim of sexual assault is denied justice based on untested evidence. However, the wording was open to discretion and interpretation, and did not ultimately ensure that all sexual assault kits in Delaware are tested regardless of law enforcement and DAG opinion. To enforce and engrain the "test all kits" mindset, an updated statewide policy was adopted and issued by Attorney General Kathy Jennings in May 2022. Under the new policy (see Appendix A), the kits collected as part of the incidents listed below would have been tested within 90 days of the crime report, and these offenders would have been identified and arrested years earlier. It should be the mission of every law enforcement agency within the state of Delaware to ensure that if a victim endures the

process of having a sexual assault examination conducted, the evidence from that exam will be tested, with no exceptions other than voluntary nonparticipation.

Examples from the Delaware backlog:

1. An individual was accused of sexually assaulting his mother-in-law, a bed-ridden dementia patient, and the sexual assault evidence was never tested. This kit was tested as part of the SAKI project, and the individual was arrested and plead guilty.
2. An individual was arrested in Wilmington for a sexual assault that occurred in 2017, and his DNA profile was uploaded to CODIS. His profile was a hit to two previous untested rape kits from 2010 and 2014, which were tested through SAKI. This offender was linked to a total of nine cases based on DNA, modus operandi, and other factors. The offender was convicted in 2019 and is serving a life sentence plus 127 years.
3. An individual was arrested in 2019 after his DNA profile matched a kit from a 2009 complaint. He had been accused of assaulting his girlfriend's 6-year-old daughter, but the case was classified as Unlawful Sexual Contact and therefore the SAK was never submitted for testing. After SAKI testing DNA confirmed more than a contact occurred, he was charged with rape and plead guilty.
4. A domestic rape was reported in 2014; a kit was collected but never submitted for testing, and the victim later declined prosecution. The kit was tested under the SAKI grant and was found to be linked to a 2006 stranger rape from another agency. This case is currently in pending active status and is also linked to an additional stranger rape based on offender description and other factors.
5. The state had its first case solved using advanced forensic genealogical testing. This Newark PD case was a 1993 stranger rape involving a university student who was assaulted while waking home, but her kit had not been submitted for testing. Great investigative work and a discarded soda can provide the break needed for this case developing a suspect, subsequent arrest, and guilty plea. (See Appendix D).

Test All Kits

Thirty-seven states plus the District of Columbia have passed legislation to ensure the timely submission and testing of all sexual assault kits, based on research regarding the prevalence of serial offenders and the failure to detect and prevent future violence when evidence goes untested. In 2017, the National Institute of Justice issued a [report on best practices](#) that provided the following guidance:

All Reported SAKs Should be Tested

All SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis. The forensic laboratory should not refuse to accept or process the SAK based on time elapsed since the assault. Several jurisdictions already require the testing of all SAKs. Testing all kits can be beneficial for the following reasons:

- ✓ To establish trust between the community and law enforcement;
- ✓ To inspire confidence in the criminal justice system for the victim;
- ✓ To identify or confirm the suspect's identity;
- ✓ To enhance public safety by linking cases within and across jurisdictions (such as identifying serial offenders); and
- ✓ To corroborate or confirm the case-specific information about the crime.

This guidance – as well as model policies from Joyful Heart Foundation, the International Chiefs of Police (IACP), and several states with successful prosecution and conviction rates for sexual assault – stems from ample research on serial offenders, case attrition, DNA loopholes, and victim outcomes, using data from backlogged kits. There are several reasons typically given by agencies with backlogs for not testing sexual assault evidence, such as cost, victim non-cooperation, a guilty plea, and declined prosecution. These reasons should no longer be considered valid, because they (a) rely too heavily on individual judgment, often prior to [evidence-based](#) cultural changes, (b) assume that the suspect/offender has not committed and will not commit [additional crimes](#), and (c) disregard the [return-on-investment](#) for early identification of serial offenders.

Clear, comprehensive policies are necessary to ensure that all Delaware agencies are incorporating the most effective procedures in response to sexual assaults and other sexually motivated crime. Absent a “test all kits” policy, testing decisions would continue to be made on a case-by-case basis; seven years of nationwide backlog testing has proven that this is not efficient – especially given budget issues that lead to staffing shortages – and results in harm to victims and the community. DNA evidence is integral to

a strong investigation; no case determinations should be made prior to submission and testing of SAKs. This approach goes hand-in-hand with the trauma-informed practices and victim-centered mindset taught in our state's four police academies and during mandated in-service training.

Delaware's Sexual Assault Evidence Policies & Procedures

Since the issuance of the clarified guidance from DAG Lugg in 2017, Delaware law enforcement agencies and DOJ should have adjusted their operating procedures to submit SAKs more routinely and quickly, rather than continuing the process of waiting for a decision about testing from the AG's office. While agencies have and should continue to take a multi-disciplinary approach to cases, consistent with the Delaware Victim Bill of Rights and the SAKI protocol, the SAK itself should be tested *as a rule*, regardless of factors such as prosecution options or victim/offender relationship; this was not made clear enough in the 2017 guidance. There is a unique and important multi-disciplinary intake meeting that always occurs whenever a kit is collected, and this practice should continue, but a decision to test should not be reliant on the intake.

In early 2022, Delaware CJC worked with the AG's office to develop more detailed guidance around SAK testing and investigative protocol, and the new policy was adopted and issued by DAG Roop on behalf of Attorney General Jennings in May 2022. The new policy can be found on the Delaware SAKI website and in Appendix A, and the major points are as follows:

- Law enforcement must collect the SAK from the hospital within five days of an examination, unless the victim is an adult and elects not to have their kit tested.
- Officers must contact the state Division of Forensic Science (DFS) as soon as possible to schedule a consultation to discuss the evidence collected and what will be tested.
- All kits must be submitted to DFS within 30 days of the examination. Consistent with VAWA forensic compliance requirements, adult victims not wishing to participate with the criminal justice process may have their kits preserved and may decide later to have the evidence tested.
- The lab should test and analyze the evidence within 30 days of receiving it, and the annual average time to complete testing and analysis shall not exceed 90 days.
- If DNA is obtained, the profile must be entered into the FBI's CODIS database, pursuant to federal guidelines. Offender DNA must also be entered into CODIS, pursuant to state and federal laws regarding qualifying offenses.

- If DFS can't meet the deadlines, untested kits should be sent to a federal or accredited private crime laboratory, at the state's expense.
- DFS personnel must notify the investigating agency within 14 days of learning that evidence from a tested kit matches an offender or another unsolved case in the FBI database.
- Law enforcement agency-based victim advocates must be included in all victim contact and connect victims with appropriate resources regardless of participation in the criminal justice process.
- The state justice information system (DELJIS) must be updated with supplemental reports by the investigating agency upon kit collection and submission, as well as CODIS hit notification.

CJC has also worked with the DELJIS technical team to ensure that new case management fields geared toward tracking the SAK and its progress, as well as the case status, will generate email alerts to investigators, supervisors, and the Department of Justice if the prescribed time limits are not adhered to. Mandatory fields must be completed in LEISS for all cases in which a SAK is collected, regardless of case type (e.g., sexual assault, domestic dispute, miscellaneous incident, injured person). Also, for cases in which a SAK was collected, a case classification or disposition of Unfounded or Closed within the original or supplemental report will generate an email to DOJ (Special Victims Unit supervisor for each county), DFS, and the law enforcement agency supervisor, informing them of this status. This is intended to generate a conversation among the parties who can approve, assess, and/or correct any misclassifications. When used with COGNOS it serves as a tracking system.

Email notifications for time parameters pertaining to SAK tracking are generated to ensure collection from the hospital, submission to DFS, and return from DFS to the law enforcement agency. The agency has 5 days to collect the SAK and or any other evidence from the hospital; after 5 days, the officer and authorizing supervisor receive an email from DELJIS. Law enforcement has 30 days to submit the SAK to DFS or other designated testing facility, and an email notification is sent when the deadline is missed. In turn, DFS has a maximum of 90 days to complete the testing and return the kit to the investigating agency; notifications are delivered if not returned after 90 days, although 30 days is the preferred and recommended turn-around timeframe. Reminder emails will continue to be sent until corrected by a supplemental report.

State Prosecutor Dan Logan will be releasing a mandate from the Department of Justice (DOJ) to all Law Enforcement, DOJ staff and the Department of Forensic Science (DFS) that all untested sexual assault kits (SAKs) will be tested and the outlined policy will be followed with no exception. Law Enforcement

Agencies having untested SAKs will be instructed to immediately begin working with DFS and DOJ to ensure that all untested SAKs are tested. The Deputy Attorney Generals in charge of the three Special Victims Units will receive email notifications via DELJIS/LEISS reporting advising them of SAK testing, missed deadlines and changes to the SAKs status. Once released the mandate will be posted on the CJC SAKI Website.

Training

Within the first three years of the Delaware SAKI program, the following training was provided:

- August 2017, 8 hours: DOJ Prosecutor Training. Deputy attorneys general, paralegals, and social workers were trained on a SAKI overview, SANE procedures, and guidelines, prosecuting alcohol-facilitated cases, psychological impact of sexual assault, and mandatory reporting. Attendance: 35.
- October 2017, 4 hours: SAKI overview, and Dr. Rebecca Campbell provided instruction on the neurobiology of trauma and providing support for victims. Attendance: 69.
- September 2018, 16 hours: SAKI overview, trauma-informed approaches to cold case sexual assaults. Held at the Del Tech Dover Campus. Attendance: 73.

Updated training resources for law enforcement, prosecutors, and victim advocates have been evaluated and compiled into hyperlinked lists – complete with time commitment and cost information – and placed on the Delaware SAKI website. They have also been sent via email to members of the SAKI multi-disciplinary group (MDG) and subcommittee chairs.

These materials are intended to supplement and update the training currently mandated for all Delaware law enforcement, under Administrative Code 801: Regulations of the Delaware Council on Police Training. As part of the basic, mandatory curriculum, all officers should receive four hours of training on the elements, detection, investigative techniques, prevention, and prosecution of sex crimes. All police officers who perform uniformed patrol duties or are assigned to investigative units responsible for sex crimes should also receive at least two hours of training every four years on the detection, prevention, and prosecution of sexual assault. All officers are also mandated to complete one hour of training every three years in the detection, prosecution, and prevention of child sexual and physical abuse, exploitation, and domestic violence.

In mid-2022, CJC began working with all four state police academies to review and enhance this training on trauma-informed sexual assault investigations, incorporating lessons learned from nationwide

backlog testing. While each academy is independent and makes decisions about its own curriculum, the goal is for CJC to provide peer-reviewed content to all four academies, for incorporation into their current lesson plans. Patrol officers need training on interacting with sexual assault victims and handling evidence under the new policy, and investigators need specialized training on interview techniques and prosecution mitigation strategies, especially pertaining to serial offenders. It is recommended that these courses be required for new officers, supervisors, and detectives, and provided annually as virtual or in-person refresher training. Other sworn personnel interested in this topic should also be able to attend, so that proper techniques and tactics become pervasive throughout Delaware law enforcement agencies.

The most efficient way to ensure that all law enforcement agencies in Delaware are properly trained is to obtain support and certification from the newly established Police Officer Standards and Training (POST) Commission, formerly known as COPT. The CJC SAKI coordinator met with the new POST leadership and made recommendations pursuant to SAKI best practices and sustainability. See the New Recommendations section below for more details.

Tracking CODIS Hits

While many SAKI grantees have implemented measures to track sexual assault kits from submission to testing, agencies continue to struggle with tracking CODIS hits, notifications, and follow-up. The common practice of notifying specific investigators when CODIS hits occur can be ineffective, as there is no accountability or back-up system when the detective is unable to contact the victim. Due to our small size, Delaware is fortunate to have a statewide criminal justice information system (DELJIS) that serves as a criminal history and records management repository for all agencies. The Delaware State Police (DSP) also maintains several additional servers that are managed by the Delaware Intelligence and Analysis Center (DIAC); this collection of servers is known as Memex/Patriarch. Most of the servers contain intelligence data related to criminal actors and networks, such as national security threats and motorcycle gangs, but they also maintain a Requests for Service (RFS) that are not considered intelligence and are not subject to Federal Regulation 28 CFR Part 23.

After discussion with DSP and DIAC leadership, as well as the DFS state CODIS administrator, a process was created that includes the steps listed below. This process was built from examples provided by Kansas, Missouri, Utah, and Montana, which were all created as part of their BJA SAKI statewide grant programs.

- When a CODIS hit letter is generated by DFS and sent to the investigating agency, the letter will

now include a note about case assistance being available from DIAC. The note reads: “The details contained in this letter will be added to the state intelligence system by a DIAC analyst. Case/offender workups are also available from DIAC by emailing diac@delaware.gov, now or upon reopening or reassignment. Workups include location and status of offender and victim, offender criminal history, and additional useful information from law enforcement and open-source databases.”

- When letters are sent to investigating agencies via email, a general DIAC email address is also copied.
- DIAC personnel receive the letter and add the CODIS hit details to the aforementioned RFS system, as an informational report. If the hit ties an offender to a case, this information will now be available when anyone with access to Memex/Patriarch runs a search on that offender, regardless of case outcome. The goal is to identify and track repeat offenders of violent crime, who may have previously gone undetected due to the decentralized nature of the CODIS hit notification system.
- All CODIS letters are now uploaded to the state OneDrive, with access limited to the DFS CODIS administrator, the DAG assigned to SAKI cases, the Delaware SAKI grant coordinator(s) at CJC, and designated DIAC personnel.

In order to solidify this process, DFS and DIAC signed an MOU to ensure that case details shared with DIAC on behalf of the investigating agency are kept confidential. This is similar to MOUs that exist for other processes by which DFS and DSP share information. All SAKI hit letters generated prior to this agreement were also uploaded to the state OneDrive, so that they will continue to be accessible by multiple stakeholders.

Overview of Crimes of Sexual Assault in Delaware

Reporting the rates of sexual violence can be difficult, as many victims choose not to report or involve the criminal justice system. There is no uncertainty, according to the national data, that the majority of sexual assaults are never reported to police; research estimates that 75% of sexual assaults are not reported to law enforcement.¹ When presenting and discussing rape statistics and evidence testing policies, the reality of attrition should be kept front-of-mind. Of the relatively small number of

¹ National Sexual Violence Resource Center. (n.d.). Statistics. Media & Press. <https://www.nsvrc.org/statistics>

sexual assaults that are reported to police, only 19% lead to arrest, and 6% result in conviction.

According to National Incident-Based Reporting Statistics (NIBRS) offense-level data for 2021,² Delaware law enforcement agencies recorded 685 forcible sex offenses, a rate of 6.9 per 100,000 residents. Comparison against the national average, or the rates of neighboring states, is difficult due to discrepancies between the numbers presented in the 2021 “Crime in Delaware” publication and the NIBRS Crime Data Explorer [website](#). Further analysis should be done in order to reconcile these numbers and compare them to previous and subsequent years, and neighboring states.

Regardless of counts and rates, attention should be paid to the use of exceptional clearance for sexual assault cases in Delaware. A special NIBRS report released in 2021 highlighted sexual assault data in 2019,³ examining sexual offense data from twenty (20) states. The data included age and race demographics, victim/offender relationship, offense location, and case clearance rates. According to this report, Delaware cleared 37.1% of its reported sexual assault victimizations exceptionally, which is significantly higher than the national average. It should be noted that this NIBRS offense-level sexual assault data includes rape, sodomy, sexual assault with an object, and fondling cases, regardless of whether they are listed as the “top” (i.e., most serious) offense within a single incident, for one or more victims.

Comparing these clearance rates to other states (see chart below), it seems evident that Delaware may be overusing the exceptional clearance category for sexual assault incidents/victims. This needs further research, particularly as it pertains to the sexual assault evidence backlog that has been under the microscope from 2015 to present. Note that a cursory analysis of [clearance data for 2022](#) indicates that this disproportionally high trend has continued, with 32% of rape offenses being cleared by exception, most of which (23%) were due to declined prosecution. Nationwide in 2022, just 7.8% of rape offenses were cleared by exception.

Violent crime incidents, 2019

STATE	CLEARED BY ARREST	CLEARED BY EXCEPTION	NOT CLEARED (OPEN)
DELAWARE	21.1%	37.1%	41.7%
RHODE ISLAND	22.3%	0.3%	77.5%

² Delaware Statistical Analysis Center. (2022, December). Crime in Delaware, 2017-2021. <https://sac.delaware.gov/crime/>

³ Martin, K. (2021, July 30). Sexual assaults recorded by law enforcement, 2019 (NCJ 301236). <https://bjs.ojp.gov>: <https://bjs.ojp.gov/nibrs/reports/sarble/sarble19>

VERMONT	29.7%	7.1%	63.3%
MONTANA	11.4%	2.9%	85.7%
NEW HAMPSHIRE	12.0%	2.5%	85.5%
NORTH DAKOTA	13.3%	9.7%	77.0%
SOUTH DAKOTA	9.3%	7.3%	83.4%

Clarification on the FBI definitions of Cleared by Exception and “Unfounded” were provided in an appendix to the 2022 AG policy clarification. Through case reviews and discussion with the AG’s office and DFS, it was discovered that cases are being disposed as unfounded before evidence has been tested, based on the opinion of the reporting officer and the assigned DAG, during the case intake meeting. This process allows for conscious and unconscious bias and denies due process to victims who have reported an assault to law enforcement and participated in a sexual assault exam at a medical facility. Classifying cases as unfounded due to the believability of the victim or likelihood of prosecutorial success creates backlogs and allows serial offenders to remain undetected. Delaware CJC maintains that cases should not be given a disposition of unfounded **until all evidence has been tested**. At that point, DFS would be notified to remove the profile from CODIS, in accordance with FBI policies and procedures.

Victims’ Rights & Advocate Resources

Delaware met its goal of creating victim-centered reporting options for non-minor victims of sexual assault. The Delaware Victims’ Bill of Rights and overall victim-centered approach currently allow for multiple reporting options. When SANE exams are conducted in Delaware, victims have the right to withhold contact from law enforcement, at which point the kit is designated as non-investigative. With the new state policy issued by the Attorney General in May 2022, evidence kits must be held for at least six months (as agreed upon by all hospitals) and are recommended to be held indefinitely.

We have also developed a victim-centered notification policy through Delaware’s victim-focused, trauma-informed approach, as well as through the new testing policy issued in May 2022. The success of this approach is based on the presumption that statewide law enforcement agencies ensure compliance with these standards. The notification policy includes the stipulation that sexual assault victims can inquire and obtain information about the status of their kit by calling the investigating agency, the Department

of Justice, or the Delaware State Police Victim Services Center hotline at 1-800-VICTIM1 (842-8461). The DSP personnel who staff the hotline are trained on how to proceed when victims reach out, and victims are encouraged to do so by other advocacy organizations throughout the state. Guidance for victims to engage in this process, and to obtain additional resources, is available on the Delaware SAKI [website](#).

The Delaware Alliance Against Sexual Violence (DAASV) was formed in 2020, and they actively work with prevention and awareness programs and advocates statewide. The Delaware SAKI coordinators have maintained communication with the DAASV, providing collateral and support as needed. In 2022, CJC developed a victim-facing brochure called “Understanding Reactions to Traumatic Experiences,” which is intended to dissuade victims from self-blame and overall confusion about their behavior during and after an assault. Electronic and printed copies of this brochure and other SAKI documents (in English and Spanish) were provided to DAASV, the YMCA SARC coordinators, and Survivors in Abuse and Recovery (SOAR). PDF versions, as well as the hotline information above, are available for anyone to view on the Delaware SAKI [website](#).

New Recommendations

Delaware CJC recommends the following, as we move into the post-grant phase of the BJA SAKI program.

1. Use the language from the 2022 AG sexual assault testing policy to create legislation and/or statutory changes that will provide sustainability for the improvements made statewide. This would also serve to provide support and reassurance to victims and survivors of sexual violence in Delaware. Victims who endure the process of having a sexual assault examination in order to submit an evidence kit expect and deserve to have the kit tested, with no exceptions.

Refer to Appendix B for a list of nearby states that have enacted “test all” legislation, excerpted from the Delaware State Auditor’s [special report](#) entitled “Delaware Erases Rape Kit Backlog” (2022).

2. Consult with national experts to conduct sexual assault unit assessments for agencies in Delaware that may need additional resources devoted to these types of investigations. This would promote the adoption of national standards and best practices when it comes to individual investigations and overall agency approach to sexual violence.
3. Improve the pathway for victims of sexual assault who choose not to engage with Law

Enforcement and not initiating a criminal investigation. Victims currently receive a sexual assault examination, treatment and support without contacting law enforcement, at which point the medical facility will store the kit for at least six months. If the victim does not wish to proceed, the result could be that the kit is destroyed, a serial offender continues to operate in our communities, and the victim is never able to psychologically move past the incident. With an alternate path forward, victims would be given an opportunity to discuss their questions with law enforcement, and the kit could be tested even if the victim decides not to engage in prosecution. Many states have implemented variations of “anonymous” and non-investigative reporting, and CJC recommends that individual agencies explore empowering victims through these procedural changes. Options and resources can be found in the EVAWI publication entitled *Opening Doors: Alternative Reporting Options for Sexual Assault Victims*, cited in the Resources section of this document.

4. The new Delaware POST Commission should use the Delaware State Police (DSP) curriculum on sexual assault investigations to standardize and enhance training at all four police training academies, for the basic and recurring courses. Training should be customized for effectiveness, and delivered annually to patrol officers, patrol supervisors, field training officers, detectives who interact in any way with sexual assault victims, and supervisors of sex crimes investigations. Specialized training on the latest trauma-informed practices, appropriate and effective report language, and scientific updates should also be provided annually, to ensure that all Delaware agencies are up to speed on DNA technology, available resources and funding, model policies, and national standards. Training content should incorporate supplemental education materials adapted by CJC from the IACP, SAKI TTA, and EVAWI; these training slides have already been provided to at least two academies and have been provided to POST to ensure uniform compliance. Links to virtual training will continue to be available for our SAKI Partners and the general public via the Delaware SAKI website.
5. Expand Offender DNA laws to include felony arrestees, as opposed to the current law which requires DNA from offenders only upon conviction for specific offenses (29 DE Code § 4713). This law should be retroactive to at least 1993, and efforts should be undertaken to obtain DNA from previously arrested and convicted offenders. In addition to expanding the law to better mirror

best practices from other states⁴, the AG's office or other state office should create clear and concise rules and procedures for obtaining arrestee DNA, and the infrastructure to track and enforce the law. While DFS has worked with CJC and DELJIS to add a DNA flag and date to offender information in LEISS, no government agency is responsible for monitoring DNA submission from qualifying offenders who are not currently incarcerated.

6. Support the use of the state DNA index system (SDIS) for uploading suspect profiles, as obtained from reference samples that are processed as part of normal investigative casework. This is consistent with the process at every other state lab in the country and would allow DNA hits to take place at the state level, for cases that do not meet stringent CODIS standards. A 'suspect' category would allow for more overall flexibility, more efficient compliance with CODIS, and more potential for case matching. Representatives from the Division of Forensic Services (DFS) have proposed this change numerous times to the secretary of the Delaware Department of Safety and Homeland Security (DSHS); CJC wholeheartedly supports their recommendations. As this recommendation is implemented, it should be done so in a way that allows for more effective prioritization of stranger sexual assaults, assaults of vulnerable populations such as children and the elderly, and assaults of extreme violence.
7. Establish a protocol and point of contact for responsibility for an annual audit of sexual assault kits, the result of which will be a public-facing report containing information on the number of kits collected, the number tested, and the status category for each kit (e.g., returned to agency, pending analysis, uploaded to CODIS). This inventory should also provide information on the number of kits destroyed over the past year, and reason categories for kit destruction (e.g., tested to completion, physical space restrictions, victim requested destruction). An annual audit is one of the Joyful Heart Foundation's Six Pillars of SAK backlog elimination.
8. Implement a policy to preserve non-investigative SAKS for at least forty years, pursuant with nationwide SAKI best practices. Storage space issues will need to be addressed at individual medical facilities, and legislation and/or policies should be implemented that explicitly states the conditions under which existing and future kits may be destroyed.
9. Pursuant to BJA requirements, individual agencies and/or DSP should enter ViCAP-criteria cases

⁴ Samuels, J., Davies, E., Pope, D., and Holand, A. (2012, June). Collecting DNA from arrestees: implementation lessons. Office of Justice Programs. NIJ Journal, (270), 18-25. <https://www.ojp.gov/pdffiles1/nij/238484.pdf>

into the FBI ViCAP national database. ViCAP-criteria cases generally consist of serial and/or violent sexual assaults by strangers or non-strangers. CJC was able to identify dozens of cases that should be entered, based on offender and modus operandi information; to date, only nineteen have been entered. This list was sent to DSP (as the state hub for ViCAP) in August 2023 and is available for law enforcement reference by contacting our office.

Conclusion

This report, including the data tables, narrative, and recommendations, are the culmination of many hours of research and discussions with criminal justice practitioners. The Criminal Justice Council submits these findings and recommendations based on consensus of those individuals and agencies that agreed to participate in this process. It should be noted that victims have a choice of whether to participate in the criminal justice process and that right must always be protected. For a variety of reasons, not every victim desires to move forward with a criminal case, participate in an investigation, or cooperate with prosecution. For that reason, the Criminal Justice Council implemented the SAKI program with an understanding and commitment to adhere to victims' rights and to develop victim-centered practices and policies.

Since applying for the original 2015 SAKI grant, CJC has consistently engaged with law enforcement, forensic medical personnel, forensic laboratory personnel, prosecutors, and victim advocates to identify and implement strategies that enact systemic changes intended to eliminate the problem of unsubmitted sexual assault kits. This work was performed in conjunction with the multi-disciplinary team that was identified at the start of the grant for the purpose of implementing the program designed by the U.S. Department of Justice. The Council encourages members of the Delaware General Assembly, experts in the field, or any interested parties who wish to comment on this report, or who wish to have input on the process as we move into our post-grant phase, to contact Michael Kelly in our office.

Resources

Campbell, R., et. al. (2015, November 9). *Detroit sexual assault kit action research project: final report*. National Institute of Justice.

<https://www.nij.ojp.gov/library/publications/detroit-sexual-assault-kit-sak-action-research-project-arp-final-report>

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End Violence Against Women International. (n.d.). *Best practices resources*.

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Lonsway, K., Archambault, J., and Huhtanen, H. (2022, October). *Opening doors: alternative reporting options for sexual assault victims*. End Violence Against Women International.

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McGuinness, K. (2022). *Delaware erases rape kit backlog*. Delaware State Auditor. Retrieved from www.auditor.delaware.gov/reports/archived-audit-reports/fiscal-year-2022/

National Institute of Justice (2017, August 17), *National best practices for sexual assault kits: a multidisciplinary approach: recommendations for a victim-centered approach in responding to sexual assault cases*. Office of Justice Programs.

<https://nij.ojp.gov/topics/articles/national-best-practices-sexual-assault-kits-multidisciplinary-approach>

National Sexual Violence Resource Center. (2018). *Sexual assault response team toolkit*.

<https://www.nsvrc.org/sarts/toolkit>

Houston Sexual Assault Kit Action Research Project (2015). [Reports](#):

- How to Notify Victims about Sexual Assault Kit Evidence: Insight and Recommendations from Victims and Professionals
- Key Components of Building a Successful Victim Notification Protocol
- Does the Justice Advocate Position Enhance Sex Crimes Investigations?

- Sexual Assault Victims' Experiences of Notification after a CODIS Hit

International Association of the Chiefs of Police (IACP), Trauma Informed Sexual Assault Investigations training curriculum, policy guidelines, best practice resources, and investigative strategies: [Link](#)

Joyful Heart Foundation, End the Backlog project.

- Resources for legislators: [Link](#)
- Six essential pillars for states to achieve comprehensive rape kit reform: [Link](#)

Appendix A: Delaware DOJ Testing Policy

Delaware Sexual Assault Evidence Testing Policy

Issued by the office of Attorney General Kathy Jennings on May 13, 2022

1. Prior to examination by a Sexual Assault Nurse Examiner (SANE), victims will be advised verbally and in writing regarding options pertaining to law enforcement participation and reporting. Delaware's victim-centered approach and Victim's Bill of Rights should be followed, and information regarding options and rights should be provided in pre-approved uniform paperwork. Medical providers must adhere to existing Delaware policies regarding mandatory reporting for juvenile, disabled, and/or incapacitated victims; this may supersede the requirements outlined below.
 - a. Victim will discuss exam, testing, and reporting options with the SANE and/or Victim Services provider, and will decide at that time whether to undergo a sexual assault exam.
 - b. If the victim requests non-participation with law enforcement once the exam is complete, the kit will be designated as non-investigative. Victims will be given a time frame during which they can contact law enforcement to convert the SAK from non-investigative to investigative status.
 - i. A non-investigative kit may only be designated as such by a health care provider at the time of collection; otherwise, victims should assume that their kit will be submitted to a crime laboratory for testing.
 - ii. Non-investigative kits should be retained by the collecting facility for at least six (6) months and up to twenty (20) years before destruction can be considered.¹
 - iii. Upon victim notification of the decision to move forward with testing of the SAK and/or other collected evidence, all provisions and prescribed timelines outlined below shall apply.
 - c. Pursuant to VAWA Forensic Compliance requirements, the victim shall be offered voluntary contact with law enforcement agency-based Victim Services and the local rape crisis hotline, and provided with appropriate law enforcement investigations unit contact information. Also pursuant to VAWA, consent to SAK testing does not obligate the victim to participate in the criminal justice process. (See Appendix A for case status guidelines.)
2. Representatives from the appropriate law enforcement agency and from law enforcement agency-based Victim Services shall be notified by the collection facility within twenty-hour (24) hours regarding all evidence and victim information, regardless of initial or future crime classification, other than those for which the victim affirms non-participation as detailed in section 1 above.

3. The notified law enforcement agency shall:

- a. Take possession of the SAK from the collecting facility within five (5) days of notice from the collecting facility.
 - i. Evidence received from a collecting facility that relates to an incident which occurred outside the jurisdiction of the designated police department – to include evidence that falls under agency jurisdiction outside of Delaware – must be turned over to the appropriate jurisdiction within fourteen (14) days of notification from the collecting facility, with assistance from law enforcement if and when necessary.
- b. Contact the Delaware Division of Forensic Science (DFS) as soon as possible to set up an appointment to discuss the evidence collected and what will be submitted for testing.
 - i. Consideration should be given to Delaware statute 10 Del. C. 1002(b)(1) regarding prosecution limitations for juvenile suspects.
- c. Engage with 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.
 - i. Pursuant to VAWA Forensic Compliance requirements, collection, and submission of the SAK shall not be dependent on timing or availability of the victim for initial interviews.
 - ii. Victim engagement attempts should take place as soon as possible, and within seven (7) days, post-collection of the SAK.
- d. All pertinent Sexual Assault Kit related fields must be uploaded/completed within LEISS, including dates of kit collection and submission, and details and documentation of victim engagement.
- e. The investigating law enforcement agency shall provide regular updates to their assigned Victim Services representative(s) regarding kit status and assigned law enforcement personnel.

4. A designated Deputy Attorney General (DAG) from the DOJ Special Victims Unit shall be notified via scheduled intake of the complaint, and review all evidence, including the SAK. All kits will be submitted to DFS for testing per the state's mandatory testing policy. There will be no deviation of testing and/or eligibility for submission to DFS or other determined laboratory facility of the SAK.

- a. All sexual assault cases are assumed to be valid unless the investigative findings establish otherwise. See Appendix A for guidance regarding case status definitions for sexual assault investigations.
- b. DFS should continue to ensure compliance with FBI National DNA Index System (NDIS) policies and procedures.
- c. To enable DFS compliance to NDIS policies and procedures, cases moved to "Unfounded" status in LEISS by the investigating agency or DOJ shall generate an email

notification to DFS and DOJ, similar to the existing notification system for DNA hit confirmations.

5. All SAKs retrieved from a collecting facility by Delaware law enforcement agencies shall be submitted to the DFS laboratory or other approved facility within thirty (30) days of the DFS appointment noted in 3(b).

a. A suspect standard or consensual partner elimination standard, if available, shall also be provided to the Delaware DFS laboratory along with the SAK, or as soon as possible after SAK submission.

b. Additional evidence items associated with the victim, suspect, and/or crime scene shall be submitted to Delaware DFS along with the SAK, or as soon as possible after SAK submission.

c. DFS shall pursue DNA analysis of all SAKs accepted from Delaware law enforcement agencies, to develop a DNA profile(s) eligible for entry into NDIS.

i. Profiles developed that are not eligible for NDIS due to inferior quality, but have enough alleles present for inclusion within the State DNA Index System (SDIS), shall be retained as forensic samples for statewide comparison only.

ii. If DFS is unable to obtain an autosomal NDIS-eligible DNA profile, the laboratory should consult with the investigating agency and DAG to evaluate the case and determine if any other DNA-typing results could be used for investigative purposes.

d. Testing and analysis of the SAK should take place within thirty (30) days of receipt, and the annual average completion rate for the complete analysis and classification required by this section shall not exceed ninety (90) days.

i. Additional evidence items may require additional time for testing; the investigating agency shall update LEISS regarding testing status and results.

e. DFS CODIS Unit personnel shall update appropriate law enforcement personnel on testing dates and outcomes, within fourteen (14) days of analysis and classification.

i. The investigating law enforcement agency shall then update LEISS with evidence testing date(s) and upload status.

f. If DFS is unable to meet the deadlines specified above, untested kits shall be outsourced to an agreed-upon federal and/or accredited private crime laboratory, at the state's expense.²

6. Upon receiving a DNA "hit" from SDIS or NDIS, the investigating law enforcement agency, DOJ, and other appropriate stakeholders shall be notified by DFS within seven (7) days of the completion of existing hit confirmation procedures.

a. An email notification shall be generated by DFS, addressed to parties outlined in this section.

b. DOJ must acknowledge the hit confirmation within fourteen (14) days, and document follow-up in LEISS as a supplement to the appropriate case number.

- c. The investigating agency shall engage with DOJ regarding the hit notification and the need for further investigation, and with the appropriate agency-based Victim Services representative(s) if follow-up with the victim is deemed appropriate.
- 7. Failure to comply with any of the time requirements outlined in this policy shall not:
 - a. Constitute grounds on which to challenge the validity of DNA evidence or lack thereof for any criminal and/or civil proceedings.
 - b. Justify a court to exclude any evidence generated from a sexual assault evidence collection kit; or
 - c. Provide a basis for a person who is accused or convicted of committing a crime against a victim to request that the person's case be dismissed, or conviction be set aside.
- 8. The requirements of this policy concerning notice and transfer of a sexual assault kit to a law enforcement agency, and a law enforcement agency's handling of the kit, shall not apply to:
 - a. Cases that are under the primary jurisdiction of agencies outside of the authority of the State; or
 - b. Cases in which jurisdiction may be asserted by more than one agency; provided that all reasonable efforts shall be made to determine jurisdiction as soon as practicable; provided further that if primary jurisdiction is determined to belong to a law enforcement agency under the authority of the State, then notice and transfer of a sexual assault evidence collection kit to the law enforcement agency, and the law enforcement agency's handling of the kit, shall be in accordance with the requirements of this section as of the date on which jurisdiction was established with respect to the kit's collection.
- 9. Investigative SAKs associated with a reported crime that is uncharged or unsolved should be preserved by law enforcement indefinitely.
 - a. SAKs from cases that have been adjudicated by offender conviction, and which have no remaining evidence contained within, may be destroyed only when offender and crime scene DNA have been uploaded and confirmed to be in the State DNA Index System (SDIS), and uploaded to NDIS if eligibility requirements are met. This must follow Law Enforcement Agency Protocol, approved by DOJ.
 - i. DNA status for crime scene evidence and offender profiles can be found by querying the case number in LEISS.
 - ii. The only exception to the above provision is for deceased offenders, wherein their DNA profile is not available other than through exhumation.

Appendix [to the Policy] – Sexual Assault Case/Crime Status Guidelines

Arrest Adult: An arrest has been made and any of the arrestees are 18 years of age or older. This includes any on-view arrest that occurs absent a warrant or previous incident report, arrests where a suspect is taken into custody based on a warrant or previously submitted incident report, and incidents for which a suspect is issued a summons to appear in court but not taken into police custody.

Arrest Juvenile: Same as Arrest Adult, except that all of the arrestees are younger than 18 years of age.

Exceptional Clearance: A suspect has been identified, but arrest is not possible due to circumstances outside of the control of law enforcement. All of the following four conditions must be met:

- An investigation has clearly established the identity of a least one suspect/offender;
- Sufficient probable cause exists to support the arrest, charging, and prosecution of the suspect/offender;
- Law enforcement knows the exact location of the suspect/offender; and
- There is a reason outside the control of law enforcement that prevents arrest and prosecution, such as death of the offender, the prosecutor declining prosecution for reasons other than lack of probable cause, the victim's inability to cooperate in the prosecution, the offender already being in custody in another jurisdiction (includes extradition denied), or the offender was a juvenile and not taken into police custody.

Pending/Inactive: Investigation reveals that a crime was committed or attempted but a suspect has not been identified, and (a) there are no solvability factors present in the report, or (b) the victim/complainant is unable/unwilling to pursue prosecution. The investigation is suspended, pending additional developments such as victim participation or evidence testing results (e.g., CODIS hit).

Pending/Active: Investigation reveals that a crime was committed or attempted, and the victim/complainant is willing to pursue prosecution of a suspect upon arrest, but an arrest has not been made. The investigation is considered ongoing and part of the detective caseload.

Unfounded: No crime occurred, and the report was found to be either false or baseless. Per FBI definitions and guidance, cases should only be coded as "Unfounded" after a thorough investigation has been completed and the collected evidence or lack thereof demonstrates that no crime occurred. A case should not be considered "Unfounded" based solely on victim non-cooperation, inability to locate victim, claims of consent by the suspect, or declined prosecution.

Service Clear: Incident described is not of a criminal nature, but a report was written and the investigation is completed (e.g., assistance to outside agency).

Appendix B: State Legislation Comparison

Excerpt from the state auditor's special report.

Rape Kit Mandate Legislation Analysis

Analysis of Delaware's surrounding states revealed that six out of seven of those states enacted laws and/or made changes to their policies to mandate timely submission for all rape kits to the crime lab. In contrast, Delaware has yet to address legislation to prevent future backlogs from forming.

State Comparison of Legislation Mandating 100% Testing

States	Mandated Testing	House Bill Number	Date Enacted
DE	NO	SJR1*	06/30/2015
MD	YES	HB1096	04/18/2019
NJ	NO	S1216 *	07/17/2019
NY	YES	S8117	11/28/2016
NC	YES	HB29	09/18/2019
PA	YES	HB 272	07/10/2015
VA	YES	HB808	01/07/2020
WV	YES	HB4476	03/05/2020

*House Bill enacted for the purpose of obtaining an inventory of all untested rape kits in the state.

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Appendix C: Multi-Disciplinary Group Members

SAKI Multi-Disciplinary Group

Committee Chair	DAG Eric Towne	
Committee Members	Jamie Armstrong	Christian Kervick
	Col. Vaughn Bond*	Amrita Lal-Paterson
	Captain Michael Bradshaw	Elizabeth McCourt
	Lt. Todd Case	Scott McLaren
	Jackie Cousins	Col. Nathaniel McQueen*
	Cpt. Patricia Davies	Angela Seguin
	John Evans *	Sgt. Ron Mullin
	Diane Glenn	Chief Pat Ogden*
	Stephanie Hamilton	Debra Reed
	Jeffery Horvath	Cara Sawyer
	Veronica Colombo	Dan Logan
	Hon. Kathy Jennings *	Chief Wilfredo Campos*

*Member of the Criminal Justice Council

SAKI Law Enforcement Subcommittee

Committee Chair	Captain Michael Bradshaw	
Committee Members	DAG Eric Towne	Amrita Lal-Paterson
	Jamie Armstrong	Sgt. Ron Mullin
	Lt. Todd Case	Chief William Texter
	Jeffrey Horvath	Dan Logan
	Major Jason Sapp	Sgt. Robert Roswell

SAKI SANE Subcommittee

Committee Chair	Dawn Culp
Committee Members	Eileen Carlin Nikki Morris Eunice Esposito Amy Stier Jennifer Cooper

SAKI Victim Services Subcommittee

Committee Co-Chair	Stephanie Hamilton (WPD)
Committee Co-Chair	Veronica Colombo
Committee Members	Jackie Cousins (Contact Lifeline) Diane Glenn Angela Seguin Elizabeth McCourt (YWCA SARC) Lawann Moses Melissa Pennachi Lisa Rapko Mayara Reyes Cara Sawyer
CJC Staff Assigned (all subcommittees)	Michael Kelly Michael.Kelly@delaware.gov 577-8717

Appendix D: Outstanding Cases & Arrests

List of outstanding active cases as of report publication date.

Agency	Incident Year	Status
Clayton PD	2011	Suspect known. Pending DOJ follow-up with PD. Juvenile victim.
Dewey Beach PD	2010	Unknown suspect, stranger rape. No DNA. In report mentioned a cigarette butt being recovered. Just discovered on 12/23 (misfiled) sent for testing.
Dover PD	2017	DNA hit confirmed, pending victim interview. Suspect incarcerated for other crimes. Juvenile victim.
Milford PD	2002	CODIS hit to repeat offender; pending victim interview.
DSP Kent	2011	No DNA; suspect incarcerated for other crimes in PA, awaiting indictment in DE.
Newark PD	1991	Unknown suspect. Genealogy* pending.
Newark PD	2009	Suspect known. Pending DNA confirmation.
Smyrna PD	2014	Suspect known. Pending DNA confirmation. Juvenile victim.
Wilmington PD	2006	Unknown suspect, no DNA. Genealogy pending on similar 2006 case, believed to be related.
Wilmington PD	2006	Unknown suspect. Genealogy pending; related to 2006 stranger rape and 2014 non-stranger rape.
Wilmington PD	2006	Unknown suspect. Genealogy pending; linked to 2020 case.
Wilmington PD	2012	Pending DNA comparison to named suspect. Juvenile victim.
Wilmington PD	2012	Pending suspect interview and DNA comparison. Juvenile victim.
Wilmington PD	2013	Suspect known, on probation for unrelated crime. Pending suspect interview and DNA comparison.
Wilmington PD	2013	Suspect known, CODIS hit. Juvenile victim and suspect. Pending DOJ follow-up with PD.
Wilmington PD	2014	No DNA, suspect unknown. Pending DNA confirmation in a 2012 case with the same juvenile victim, potentially linked to same suspect.
Wilmington PD	2015	CODIS hit to repeat offender; pending suspect interview.
Wilmington PD	2018	Suspect incarcerated on unrelated charge. DNA confirmed; pending victim interview.
Wilmington PD	2020	Unknown suspect. Genealogy pending; linked to 2006 case.
New Castle County PD	2010	Unknown suspect; genealogy pending.
New Castle County PD	2014	Unknown suspect. FGG* pending on two related WPD cases from 2006.

* Forensic genetic genealogy. Delaware agencies are currently working with three different companies on multiple cases.

List of the 11 SAKI-related arrests as of report publication date. *In order of arrest*

Agency	Date of Offense(s)	Overview
Wilmington PD	2010-2017	Kali Mayfield, 39, was arrested for rape and strangulation on 3 cases from 2010 to 2017. He was convicted of all 3 cases and sentenced to Life plus 127 years. Mayfield is responsible for assaulting a total of nine known victims.
Wilmington PD	2014-2018	Hayim Raison, 36, was arrested for rape on 2 cases in 2014 and 2018. He was convicted and sentenced to a mandatory 20 years. Raison is responsible for assaulting 8 known victims.
Newark PD	1993	Jeffery King, 54, was arrested for a 1993 stranger rape involving a university student. Genealogical testing from a discarded soda can provided the break that was needed. King pled guilty and was sentenced.
New Castle City PD	2009	Larry King, 34, was arrested for 2 counts of rape involving a 6-year-old female. The complaint was originally classified as an Unlawful Sexual Contact on top of the clothing and the SAK was not tested. After testing, King was arrested for two counts of rape. He pleaded guilty and was sentenced.
Dover PD	2002	Sean Beckham, 35, was arrested for the 2002 stranger rape of a 13-year-old victim. Beckham pleaded guilty and was sentenced.
Wilmington PD New Castle County PD	2014-2019	Joel Juarez, 24, was arrested by WPD and NCCPD for rape involving two separate victims in 2014 and 2019. He pleaded guilty and was sentenced to 4 years.
Seaford PD	2018	Jose Moreno, 43, was arrested for the 2018 rape of a 16-year-old female. He pleaded guilty and was sentenced.
New Castle County PD	2017	Jamie Waltz, 61, was arrested for the 2017 rape of an incapacitated dementia patient with whom he had been acquainted. He pleaded guilty and was sentenced.
Dover PD	2016	Leonard Brown, 27, was arrested for the 2016 rape of a 14-year-old runaway. He pleaded guilty and was sentenced to 15 years at Level 5, suspended after 6 months.
Wilmington PD	2011	Javiel Rivera, 35, was arrested for the 2011 rape of a 14-year-old runaway. His trial is pending.
Dover PD	2010	Rondree Campbell, 30, was arrested for the 2010 home invasion rape of a 15-year-old female. He was sentenced to 25 years, suspended after 4 years.

