

STATE OF DELAWARE SEXUAL ASSAULT KIT INITIATIVE

Policy

June 11, 2018



Criminal Justice Council

Christian Kervick

Executive Director, Criminal Justice Council

Michael Kelly

Sexual Assault Kit Coordinator, Criminal Justice Council

Table of Contents

1. Introduction.....	2
2. Plan for Addressing the Backlog.....	2
3. Sexual Assault Kit Backlog Review Procedure.....	2-4
4. Testing Kits.....	4
5. Prioritizing Kits.....	4
6. Investigative Process and Classification of Returned Kits.....	5-7
Definition of Victim Centered Approach.....	8
7. Victim Notification.....	8-9
a. Notification.....	8
b. Non-Notification and Voluntary Information Requests.....	9
8. SAK Destruction and Retention.....	9
9. SANE.....	9
10. Training.....	10-11
11. Self-Care.....	11
12. Project Strategies.....	12
13. Law Enforcement Protocol.....	13
14. Law Enforcement Scope.....	13
15. Law Enforcement Investigative Action.....	13
16. No DNA Findings.....	14-15
17. DNA Findings.....	15-16
18. The Victim-Centered Approach.....	16
a. Victim Participation.....	16
b. Notification.....	17
c. Non-Notification.....	19
19. Training.....	19
20. SAK Destruction and Retention.....	19
21. Funding.....	20
22. Victim Protocol Purpose and Goals.....	21
23. Victim SOP Scope.....	21-23
24. Victim Procedure.....	24-25
25. Victim Generated Request for Information.....	25
26. Victim Notification Review Team.....	25-26
27. Appendix.....	27-31
a. Sample Victim Notification Letter.....	27
b. Sample Victim Interview Language.....	28
c. State Prosecutor Sean Lugg Letter.....	29
d. Resources for Delaware Crime Victims.....	30
e. Training & Reference Material.....	31
i. Sexual Assault Training (Prosecutors, Law Enforcement, Victim Services and Sexual Assault Nurses)	
ii. International Association of Chiefs of Police Sexual Assault Response Policy and Training Content Guidelines	
f. Documents/Forms.....	31-33

(1) Introduction:

Pursuant to *Senate Joint Resolution 1 (SJR1)*, dated June 25th, 2015, the Criminal Justice Council, with support of the Delaware Police Chiefs Council and the State of Delaware, applied for a Bureau of Justice Assistance (BJA) Grant to address the backlog of Untested Sexual Assault Kits. On October 1st, 2015, the CJC received a three year \$1,168,662.00 SAKI Grant. As a result of (*SJR1*), it was determined that the State of Delaware had 1,033 untested sexual assault kits in evidence/storage throughout various Delaware Police agencies.

(2) Plan for Addressing Backlog:

A SAKI Coordinator was hired in August 2016 by the Criminal Justice Council to oversee the project. The Coordinator formed a Multi-Disciplinary Group, comprised of three sub-committees, Law Enforcement, Victims, and SANE. ***(Each sub-committee has a chair and will formulate a policy to address grant objectives and other concerns.)*** The SAKI Coordinator's duties include addressing the backlog; determining/certifying the actual number of untested kits; helping create policy; addressing training; and if needed, assist with legislation to ensure kits are tested, investigative procedures are established, and that future backlog is prevented.

(3) Sexual Assault Kit Backlog Review Procedure:

In the State of Delaware there are 45 separate law enforcement agencies, the Division of Forensic Science, and 5 hospitals that could potentially collect a Sexual Assault Kit (SAK). Using the number (1,033) from SJR1 as a benchmark, the Site Coordinator visited each Law Enforcement Agency to inventory, label, and confirm a true count of untested kits. This required an actual hands-on count of ***every kit***, additional case research via DELJIS & LEISS, and additional information provided by the various investigating agencies.

Information obtained about each kit was entered into a master Criminal Justice Council SAKI Data Base. The Site Coordinator attached a color coded CJC Grant Sticker to each untested kit as inventories were completed.

Police Agencies and the Number of Untested Kits:

Agency	# kits		Agency	# kits
Clayton PD	8		Bethany Beach PD	0
Dewey Beach PD	3		Blades PD	0
Dover PD	82		Bridgeville PD	0
DSP Kent	32		Camden PD	0
DSP NCC	30		Capital PD	0
DSP Sussex	17		Cheswold PD	0
DSUPD	21		Dagsboro PD	0
Elsmere PD	7		Delaware City PD	1
Felton PD	5		Delmar PD	0
Georgetown PD	4		DENREC (3)	0
Greenwood PD	1		DRB Authority PD	0
Harrington PD	12		Ellendale PD	0
Laurel PD	1			
Lewes PD	10		Fenwick Island PD	0
Middletown PD	20		Fire Marshall	0
Milford PD	37	41	Frankford PD	0
Millsboro PD	4	5	Kenton PD	0
Milton PD	4			
New Castle City	15		Newport PD	0
NCCPD	221		Ocean View PD	0
Newark PD	107		Selbyville PD	0
Rehoboth PD	2		South Bethany PD	0
Seaford PD	33		Wyoming PD	0
Smyrna PD	35			
UDPD	6			
Wilmington PD	182			

The final inventory resulted in a documented 905 untested sexual assault kits from 25 agencies. There were no untested kits at the other 20 agencies, 5 hospitals, or in the Division of Forensic Science. Six cases had multiple kits collected, which increased the total count to 911 untested sexual assault kits.

(4) Testing Kits:

With the assistance of the Delaware State Division of Forensic Science, Bode Cellmark Industries was contracted to test the untested Sexual Assault Kits.

(5) Prioritizing the Kits:

At the direction of the Law Enforcement Sub-Committee and the Multi-Disciplinary Group (MDG), the SAKI Site Coordinator prioritized the untested kits using the following criteria:

- unknown perpetrator
- juvenile/elderly victims
- victim with mental/physical capacity issues
- weapon or extreme violence
- known perpetrator or investigating agency requested priority testing

Once kits were selected for testing, the State of Delaware Criminal Justice Council, through the SAKI Coordinator, on three separate dates, supplied the individual Law Enforcement Agencies with a manifest of kits, proper packaging, and shipping instructions for the agencies to submit their kits to Bode Laboratories via FED Ex.

Once the kits were submitted to Bode and inventoried, the SAKI Site Coordinator acted as the point of contact with Bode for the case status, findings, questions, and/or issues.

(6) Investigative Process and Classification of Returned Kits:

Once the submitted kits are tested, the SAKI Coordinator, the Office of Attorney General, and the Office of Forensic Science are notified of each kit's finding via a secure BODE Laboratory online portal where individual detailed reports of the tested kits are posted. The kits are listed in one of two categories: **DNA Present** or **No DNA Present**. The Department of Justice, SAKI Site Coordinator, and the Office of Forensic Science currently have access to these reports that are uploaded by Bode at the end of each month. The SAKI Site Coordinator forwards a copy of each tested kits findings via email to the appropriate County Deputy Attorney General assigned to the Special Victims Unit, the investigating Law Enforcement Agency and their Victims Services Unit. If the agency doesn't have their own Victim Services Unit their cases will be forwarded to the Delaware Victims Center. The Division of Forensic Science reviews and confirms that protocol was followed and evaluates the findings for CODIS entry. The first shipment of untested kits was sent to BODE in February 2017, and the last in January 2018, thus *meeting our goal of submitting all Untested Sexual Assault Kits for testing that needed to be tested.*

While examining the procedure for CODIS entry, an area of concern was discovered and addressed. There have been instances nationwide where samples are listed as entered into CODIS, but it is later discovered that they are not. There are various reasons, including collection error, and poor or inefficient sample. We corrected this by adding an extra data field ("CODIS") next to the "CODIS Sample" and "Date" fields located in the DELJIS Offender Profile. This field serves as a secondary check to confirm that the CODIS sample was successfully uploaded allowing the CODIS technician to place a "Y" (Yes) confirming entry into CODIS. We will be working with the Division of Forensic Science to confirm that *all* offender profiles have actually been entered into CODIS.

There are cases where additional or advanced testing may be required such as; [Y-STR Testing for Cold Cases/Sexual Assault \(link\)](#). This testing is a newer form of DNA testing that allows biologically male suspects to be identified on the basis of patrilineal DNA. That is, Y-STR testing can identify male suspects on the basis of DNA that has been passed down from father to son (or grandfather to grandson, etc.). Y-STR testing can be helpful in cases where a sample is mostly female DNA, or there are very small amounts of male DNA. Bode is capable of performing this testing, but our current grant has no funding allocated for Y-STR. The SAKI Site Coordinator will evaluate requests or needs for advanced testing on a case by case basis.

Upon completion of all forensic testing, Bode will return the tested Sexual Assault Kits to the investigating agencies via FED Express along with the extract samples that were tested, dried down, placed into the kit and sealed. They will also send the Division of Forensic Science all reagent blank controls from the testing in a sealed bag and/or Cryo Box that will be retained by DFS. All investigating agencies have policies and procedures for the storage and documentation of returned kits. Any storage questions will be addressed by DFS.

All cases, regardless if they have Positive DNA and or Not, will be initially reviewed by the Investigating Law Enforcement Agency. A Detective/Officer and Supervisor, who is specially trained to handle these cases, will determine if the case should be re-opened or closed. This review will include, but is not limited to:

- Review of entire case file, all reports, supplements, and case notes.
- Review of any and all untested physical evidence. The decision to test any evidence must be approved by the Deputy Attorney General at intake.
- Complete individual and incident histories of all parties.

In cases where there is ***no new evidence or justification to re-open***, the investigating agency will document their finding, following their departmental protocol, and will complete a Law Enforcement Post DNA Case Review Form. A copy (reviewed and approved by a supervisor) will be

forwarded electronically to the Deputy Attorney General assigned to the Special Victims Unit and the SAKI Coordinator for review and tracking purposes. ***There may be incidents where cases are returned for clarification and/or scheduling a formal intake.***

If the decision is made to not re-open the investigation, the database will be updated by the SAKI Coordinator, and appropriate reports will be completed by the investigating agency. The investigating agency will retain all kits and other physical evidence in accordance with each agency's Evidence Retention Policies and Procedures. Case facts will also be properly documented in the form of a Supplemental LEISS report by the investigating agency.

The investigating law enforcement agency will schedule an intake with the Delaware Department of Justice, Special Victims Unit to discuss ***ALL*** cases in which DNA is present and/or newly discovered facts or evidence that would justify the re-opening of an investigation.

The intake will consist of a ***Multi-Disciplinary Team Approach*** led by a Deputy Attorney General (DAG) from the Special Victims Unit (SVU), investigating law enforcement representative(s), and representative(s) from Victim Services and/or other supporting agencies to discuss the facts of the case. A DOJ Sexual Assault Kit Initiative (SAKI) Case Intake Form will be used for each intake. If additional physical evidence is discovered, it will be evaluated and may be sent to the State Forensic Laboratory for examination at the direction of the Department of Justice. If a decision is made to re-open an investigation, the parties will discuss victim notification and ensure that all victim interactions utilize a Victim Centered Approach. ***No victim contact will occur unless the Office of the Attorney General decides to re-open the investigation. Additionally, there will be no contact with anyone involved with the case until such determination is made.***

Electronic copies of the DOJ SAKI Intake Form will be retained by the investigating agency and a copy from the DOJ will be forwarded to the SAKI Site Coordinator for case/database updates.

In cases that the DAG does not reopen or prosecute, victims can learn about the status of their kit upon request. This method of notification was chosen by the Multi-Disciplinary Group and the Victims Services Sub-Committee in order to minimize the re-traumatization of victims. Victims will be directed to contact the Delaware Victims Center at 1-800-VICTIM. This direction will also be included in all appropriate press releases, printed literature and will also be referenced on the Delaware Criminal Justice Council SAKI Website.

Definition of the Victim Centered Approach:

Is a method that puts the victim at the center of decision-making regarding recovery and any involvement with the Criminal Justice System. The victim's choice, safety, and well-being are the focus, and the needs of the victim are everyone's concern.

(7) Victim Notification:

Victims Protocol: This statewide protocol outlines when notifications should and should not be made, and how victims should be notified.

Victim notification could potentially engage a victim in the legal process, provide closure, or cause re-traumatization. Therefore, it is important to consider the victim's ultimate desire and circumstances when performing victim notifications.

Notification

In cases where a victim is to be notified, it is important to preserve the victim's privacy by using an appropriate notification medium. This is crucial because there could be many situations in which victims do not want others to know about their assault, including living with an abuser. Therefore, it is important to complete complaint and all histories of anyone associated to the case. Only an Investigator and/or, Victim Assistant/Specialist (Notification Team) who is trained in the Victim-Centered Approach, should conduct victim notifications.

Victims will be notified of their case/kit status only after the intake where the Multi-Disciplinary Team meets to discuss the case, and the Deputy Attorney General (DAG) determines that the case will move forward with potential prosecution.

Non-Notification

Victims will not be notified of their kit's status if the DAG determines that the case will not move forward with potential prosecution.

Victims Request for Information

Victims can obtain information about their kits and case status by contacting the *Delaware Victims Center at 1-800-VICTIM1 or visiting the Delaware Criminal Justice Council SAKI Website. This information will be included in all press releases and related printed material.*

(8) SAK Destruction and Retention:

On March 12, 2015, State Prosecutor, Kathleen Jennings issued an email to all law enforcement agencies instructing them to immediately stop the destruction of untested sexual assault kits.

On June 16th, 2017, State Prosecutor, Sean Lugg issued an email to all law enforcement agencies pertaining to the criteria for the testing of untested sexual assault kits collected after April 30, 2015.

We are working with the Attorney General's Office to create a Sexual Assault Kit Policy to help clarify the retention and testing of Sexual Assault Kits.

(9) Sexual Assault Nurse Examination (SANE):

When a victim of sexual assault, 18 years of age or older, arrives at an Emergency Department in Delaware with a SANE program, he/she is given several options regarding their care. The victims can choose if they want to have evidence collected and whether or not to involve law enforcement. The victim will also receive medical care and counseling referrals regardless of evidence collection or law enforcement involvement. Evidence for victims of sexual assault is collected using the State of Delaware Sexual Assault Evidence Collection Kit. If a victim decides to report to law enforcement,

the sexual assault kit will be released to the investigating law enforcement agency. For those victims who choose to have evidence collected, but initially decline to report to law enforcement, their sexual assault kits will be held for 6 months (180 days) by the Hospital SANE Staff where the exam was performed. If the victim has not contacted law enforcement upon the completion of the 6 month time period, the kit will be destroyed following hospital SANE protocol, per the victims consent at time of evidence collection and discharge paperwork. See Attached Appendix (“What Happens Next”)

Previously, the SANE programs did not receive any organized feedback related to evidence collection results. With the influx of sexual assault kit results provided by Bode, SANE programs now have a unique opportunity. The efficacy of various methods of evidence collection is being shared with the individual SANE programs responsible for collecting the evidence. This information can be used to implement evidence based procedures for the collection of evidence statewide.

(10) Training:

The Multi-Disciplinary Group has worked with Federal SAKI Partners and the Raleigh Triangle Institute (RTI) to establish an overall SAKI Developmental Plan. This plan is a fluid working document designed to assist the SAKI Site with achievable goals and objectives.

The SAKI Multi-Disciplinary Group has suggested the following training requirements for State SAKI Partners, especially those working with victims. The SAKI Multi-Disciplinary Group is working with our Law Enforcement Partners, Delaware Police Chiefs and the Council on Police Training (COPT) to provide training to ***all*** Officers. This will include actual lectures, Webinars and other web-based training. Training will be relevant to the most recent trends, changes in the subject matter, and will be available to all SAKI Partners. See links below.

1. [SAKI Site Webinars](#)
2. [The Neurobiology of Trauma Sexual Assault/Victim Centered Approach \(3 Part Series\)](#)
 - a. [Part 1](#)
 - b. [Part 2](#)

c. [Part 3](#)

3. [Legal Updates for Prosecutors and Law Enforcement](#)
4. [Successful Prosecution of Cold Case Sexual Assault](#)

Delaware Chapter 55 formerly House Bill No. 2 requires the following mandatory training on Sexual Assault.

1. In-Service or continued training of police officers that will include at least 2 hours every 4 years on the detection, prevention and prosecution of sexual assault for all police officers who perform uniformed patrol duties or are assigned to investigative units responsible for sex crimes. The training will be conducted on a staggered basis that half of the eligible members of the organization receive said training in each two year period.
2. A component of training for all persons enrolled in an approved school/Academy shall be a course in the detection, prosecution and prevention of sexual assault. Such evidence-based training shall be victim-centered and trauma informed.
3. The Attorney General shall ensure that any assistant or special assistant regularly assigned to the prosecution of criminal or delinquent cases alleging sexual offenses including all lawyers assigned to the Sex Crimes Unit shall receive at least 4 hours every 3 years of specialized training in the prosecution of sexual assault. Such evidence-based training shall be victim-centered and trauma-informed.

Delaware House Bill No. 457 requires a least 1 hour of training in the detection, prevention and prosecution of Child Sexual and Physical Abuse, Exploitation and Domestic Violence every 3 years.

(11) Self-Care for Notifiers:

It is important to recognize that this work can be challenging and can have various impacts on those who notify and work with Victims. Remember that physical and mental self-care is critical when responding to crisis and stress. Maintaining a regular exercise program and developing systems for emotional support are essential components to self-care. For example, the Critical Incident Stress Management (CISM) can be an effective method to mitigate the

impact of crisis through intervention and stabilization in order to regain control, facilitate understanding of the events and personal response, and encourage self-reliance.

(12) Strategies:

- Issues were discovered while reviewing DELJIS data/Criminal History. The SAKI Coordinator, DELJIS, and other partners agreed to add a field to the offender profile criminal history screen labeled “CODIS” next to existing CODIS fields. This additional field allows the CODIS Technician to enter a “Y” confirming the offenders DNA profile was successfully entered into CODIS.
- The SAKI Coordinator worked with DELJIS to add extra fields to the original LEISS Report and Supplemental Reports for all sexual offenses and cases where a Sexual Assault Kit is collected. These added fields will allow for accountability and better tracking of ***all*** Sexual Assault Kits.
- On June 16, 2017, the Chief Prosecutor, Sean Lugg sent a letter to the Chiefs of Police Council and Police Chiefs to inform ***all*** Law Enforcement Agencies of the procedure for testing Sexual Assault Kits collected after April 30, 2015 to prevent future backlogs. The SAKI Multi-Disciplinary Group is currently working with the Chief Prosecutor for a Statewide Protocol for the testing of Sexual Assault Kits.
- We are working to provide training to all of our SAKI Partners especially those who will be working with Victims. The Law Enforcement Sub-Committee is working to enhance academy and in-service training of this subject matter for all Delaware Law Enforcement Officers and those working with victims.

Law Enforcement Procedure for Sexual Assault Kit Initiative (SAKI)

STANDARD OPERATING PROCEDURES Criminal Investigations Division	S.O.P. NUMBER:
SUBJECT: <i>Sexual Assault Kit /Victim Notification Procedures</i> DISTRIBUTION: FROM:	EFFECTIVE: AMENDED: RESCINDED:

(13) PURPOSE:

This policy establishes responsibilities, duties, and guidelines for law enforcement agencies that are participating in the Sexual Assault Kit Initiative (SAKI), coordinated by the Delaware Criminal Justice Council. This policy is an effort to standardize how sexual assault kits (SAKs) are processed by all law enforcement agencies in Delaware. How results are reviewed, evaluated and decisions are made as to the status of investigations. This policy works in conjunction with the Victims Services/Victim Notification Procedures.

(14) SCOPE:

This policy applies to the investigative process resulting from the Deoxyribonucleic Acid (DNA) testing of sexual assault kits that are submitted to Bode Cellmark Forensics or other approved testing facilities via the Sexual Assault Kit Initiative (SAKI).

(15) INVESTIGATIVE ACTION:

The SAKI Coordinator of the Delaware Criminal Justice Council shall coordinate the submission of untested sexual assault evidence collection kits that were collected prior to April 30, 2015 and are in the possession of law enforcement agencies, the Division of Forensic Science, and hospitals in the state of Delaware for shipment to Bode Cellmark Forensics. These kits will be prioritized for shipment using a criteria established by the Law Enforcement Sub-Committee and Multi -Disciplinary Group. It shall be the responsibility of the law enforcement agency in possession of the sexual assault evidence collection kits to ensure that they are shipped to Bode Cellmark Forensics in Lorton, Virginia as directed by the SAKI Coordinator. The cost of shipping the sexual assault evidence collection kits to and from Bode Cellmark Forensics and testing shall be the responsibility of the Delaware Criminal Justice

Council.

The sexual assault evidence collection kits shall be shipped via Federal Express or any other delivery method deemed appropriate by the Delaware Criminal Justice Council, and acceptable to the law enforcement agencies. Each respective law enforcement agency shall follow their policy regarding chain of custody and documentation for evidence submission.

(16) NO DNA FINDINGS:

Upon receiving the completed report from Bode (via secured portal), the law enforcement agency will conduct a thorough review of each original investigation to determine if any credible investigative leads exist. This will include a comprehensive review of all case files and all physical evidence. There may be cases that can still be prosecuted on the basis of a case review, even if no DNA is indicated.

The case review should be done by another Detective/Officer (i.e. not the original Investigating Officer) whenever possible. This will allow for a fresh perspective from an investigator not familiar with the case. The case review officer will have required Criminal Investigative training that will include the Victim-Centered Approach and Neurobiology of Trauma. All case reviews must be documented, reviewed, and approved by a supervisor. If necessary, another trained departmental supervisor can approve the case review. For each case, the investigating agency will complete a Law Enforcement Post DNA Case Review Form that will be emailed to the Deputy Attorney General (DAG), assigned to the Special Victims Unit and the SAKI Site Coordinator for review and tracking purposes.

If the investigating officer determines there are credible investigative leads, the law enforcement agency will conduct an intake of the investigation with a DAG, designated from the Delaware Department of Justice Special Victims Unit, to determine if the investigation shall be re-opened or remain in its current status. Each law enforcement agency shall follow their respective policy regarding case documentation and evidence retention.

If an investigation, after intake and approval from the DAG, is going to be re-opened, the law enforcement agency shall work with their departmental Victims' Advocates and if the agency doesn't have their own advocate they will use the Delaware Victims Center.

This ***Victim Notification Team*** will use the Victim Centered Approach, for initial contact and follow-up for every victim using ***the attached Victims' Services Policy/Procedure for further guidelines on the Victim-Centered approach and the notification process.***

There is to be no victim, witness, or suspect contact until authorization is received from the Deputy Attorney General. Any notification of the case status to the victim in the absence of a decision to proceed greatly risks re-

traumatization of the victim.

In cases that the DAG determines the case to be non-prosecutable, victims can learn about the status of their kit **upon request**. Victims can contact the investigating agency or the Department of Justice but are encouraged to call 1-800-Victim1. Victims may also access the Delaware Criminal Justice Council SAKI Website for additional information. All victim inquiries need to be reported to the SAKI Coordinator for case tracking purposes.

(17) DNA FINDINGS:

Results of DNA testing conducted by Bode Cellmark Forensics indicating the presence of DNA are accessed by the Division of Forensic Science via a secured portal. The Division of Forensic Science shall review and validate these DNA results.

The results of the DNA testing shall be forwarded by the SAKI Coordinator via email to the law enforcement agency investigating each particular case, their Victim Services Unit, along with the Deputy Attorney General in charge of the Special Victims Unit, and the DAG of the applicable County. If the investigating law enforcement agency does not have a Victim Services Unit, the findings will be sent to the Delaware Victims Center who will work with the applicable agency.

The Division of Forensic Science shall determine if the DNA results meet eligibility requirements for entry into the Combined DNA Index System (CODIS). All DNA results that meet eligibility requirements shall be entered into CODIS. The investigating agency, the Deputy Attorney General in charge of the Special Victims Unit and the DAG of the applicable County will also be notified via email by the SAKI Coordinator of the entry.

All potential Combined DNA Index System matches shall be forwarded to the law enforcement agency investigating that particular incident, the Deputy Attorney General in charge of the Special Victims Unit, and the DAG of the applicable County via email by the SAKI Coordinator.

The SAKI Coordinator shall update the Criminal Justice Council SAKI Database with all DNA results and case updates.

The assigned law enforcement agency will conduct a thorough review of their investigation including all reports, complaint history, any and all additional physical evidence, and present their findings to a Deputy Attorney General of the Special Victims Unit using a Multi-Disciplinary approach. The intake will include representation from the investigating agency, victim services, and other SAKI partners

as needed.

The Deputy Attorney General will have final authorization if the investigation will be re-opened, or additional action will be taken regarding the investigation; including the testing of relevant physical evidence.

If the decision to re-open the case is made, the law enforcement agency shall use the Victim Centered Approach for initial contact and follow-up. ***See the attached Victims' Services Policy/Procedure for further guidelines on the Victim-Centered approach and the notification process.***

If the victim declines to participate in the investigative process, the law enforcement agency shall notify the Delaware Department of Justice and SAKI Coordinator of the victim's decision. The law enforcement agency can seek authorization from the Delaware Department of Justice to close the case. Each case is unique and the DAG along with the Advocate will work with the victim, at the victim's pace throughout the entire process.

The SAKI Coordinator shall be notified regarding the change of status of all investigations via the ***DOJ SAKI Intake Form*** or the ***Law Enforcement Case Review Form*** that will be emailed to the SAKI Coordinator along with the DAG in charge of the Special Victims Unit in order to review and to make the applicable updates to the database.

(18) THE VICTIM-CENTERED APPROACH:

Definition of the Victim-Centered Approach:

Is a method that puts the victim at the center of decision-making regarding recovery and any involvement with the Criminal Justice System. The victim's choice, safety, and well-being are the focus, and the needs of the victim are everyone's concern.

Victim Participation

As previously stated, our process is ***victim driven***, working with the victim at their pace. In the event a victim does not wish to participate in the investigation after the DAG authorizes prosecution, the law enforcement agency when possible should respect the victim's wishes. The agency will request permission from the Delaware Department of Justice to close the case and document accordingly.

In rare occurrences, the Department of Justice may decline to close the case if, a) the

victim was a minor when the offense occurred, or b) the suspect is determined to be a public safety threat/risk (e.g. a serial offender). The DAG and Victim Assistant/Specialist will notify and continue to work with victim throughout the entire process.

Notification

In cases where a victim is to be notified, it is important to preserve the victim's privacy by using an appropriate notification medium. This is crucial because victims could be in many situations in which they do not want others to know about their assault, including living with an abuser. Therefore, it is important to complete complaint and all histories of anyone associated to the case. Only the Investigator and/or Victim Assistant/Specialist, who is trained in the Victim-Centered Approach, should conduct victim notifications.

The following table illustrates the strengths and limitations of various notification methods.

	Phone	In-person	Letter
Strengths	<ul style="list-style-type: none"> ♦ Poses less threat to survivors' safety, privacy, confidentiality ♦ Less resource-intensive ♦ Offers ability to build rapport and answer immediate questions 	<ul style="list-style-type: none"> ♦ Offers personalized approach ♦ Can gauge survivors' emotional reactions, answer questions, and connect the survivors to services immediately 	<ul style="list-style-type: none"> ♦ Least invasive ♦ Allows survivor time to process information
Limitations	<ul style="list-style-type: none"> ♦ Possible difficulty in finding current phone numbers for survivors ♦ Difficult to assess victims' emotional reactions and adjust approach 	<ul style="list-style-type: none"> ♦ Safety risk if survivor is living with assailant ♦ Roommates or partner may be in residence, and may not know about assault ♦ Notification in public poses safety and confidentiality risks ♦ More labor-intensive 	<ul style="list-style-type: none"> ♦ Can be intercepted and read by others (e.g., intimate partner assailant, nonabuse partner/family) ♦ This method should be a last resort

Source: 12 Key Questions to Guide Victim Notification Protocol. <https://sakitta.org/resources/docs/SAKI-Victim-Notification-Guide.pdf>

The Officer and/or Victim Assistant/Specialist should use a notification method that best fits the details of the current case. The primary method will be the In-Person method. The notification itself should be general in nature. For example:

- Refer to the victim as a “victim of crime” rather than a “victim of sexual assault/rape.”
- If an officer is leaving a phone message, he/she should state he/she is “with the City of .../State of Delaware” rather than a police department.
- If over the phone ask, “Do you remember filing a police report to [law enforcement agency] in [month, year]?” rather than mention details of the case.

- If via a letter, refer to “a case you filed to [agency] in [month, year]” rather than to specific details.
- The physical, mental, and emotional safety of the victim is paramount, support and applicable services will be provided.

If during the initial visit the victim is unsure about moving forward, the Investigating Officer and Victim Assistant/Specialist should include a phone number and/or email address. The victim should use these means if she/he would like to arrange an in-person meeting or follow up to discuss the case. If additional time is needed or the victim isn't ready to talk, the meeting should be scheduled in a location most comfortable for the victim. The victim may question why they are being contacted after a substantial amount of time has passed since the incident. At the time of initial contact, an officer should acknowledge these concerns in a concise way and if needed, offer a sincere apology for the delay in the testing of the kit. The victim will have the assistance of a victim advocate in the navigating of their case.

If notifying the victim by telephone, a victim advocate should also be on the call if the victim requests to speak to one. Keeping the notification language general preserves the victim's privacy and also provides law enforcement with an opportunity to verify the victim's identity. Law enforcement should also be mindful of the fact that the victim's contact information may not be current. Law enforcement, when appropriate, should also obtain contact information for someone close to the victim (a relative, a close friend, etc.) who can update law enforcement on the victim's whereabouts if necessary.

Outline of Victim Notification by Phone

1. Ensure that you are speaking to the victim; confirm their identity and that they are safe.
2. Explain the reason for the call in general terms, especially if leaving a message.
 - a. Address “why now?” questions if applicable.
 - b. Offer the support of an advocate and make the initial notification call with an advocate on the line.
3. Provide follow-up contact information.
4. Arrange a meeting at a time and location most comfortable for the victim.
5. Update victim's contact information and get details about a close contact of the victim who can provide information if living arrangements change.
6. If the victim is meeting with an officer, that officer should be trained in the Victim-Centered Approach.

Non-Notification

As previously mentioned, if the DAG decides not to re-open the investigation, victims can obtain information about their cases/kits by contacting the *Delaware Victims Center at 1-800-VICTIM1 or visiting the Criminal Justice Council SAKI Website.*

Victims should not be notified if the DAG does not authorize prosecution.

(19) TRAINING:

The SAKI Multi- Disciplinary Group has suggested the following training requirements for SAKI Partners especially those conducting notifications and working with victims. The SAKI Coordinator is working with Law Enforcement Partners, Police Chiefs Council and the Council on Police Training (COPT) to provide training to ***all*** Officers. This will include in person lectures, Webinars, and other web-based training. Training will be relevant to the most recent trends and changes in subject matter. It will be available to all of our SAKI Partners. See links below for training.

5. [SAKI Site Webinars](#)
6. [The Neurobiology of Trauma Sexual Assault/Victim Centered Approach](#)
 - a. [Part 1](#)
 - b. [Part 2](#)
 - c. [Part 3](#)
7. [Legal Updates for Prosecutors and Law Enforcement](#)
 - a. [Forfeiture by Wrongdoing](#)
8. [Successful Prosecution of Cold Case Sexual Assault](#)
9. [Cold Case CODIS Hit Review and Investigation](#)

(20) SAK DESTRUCTION AND RETENTION:

On March 12, 2015, State Prosecutor, Kathleen Jennings issued an email to all law enforcement agencies instructing them to immediately stop the destruction of untested sexual assault kits.

On July 16, 2017, State's Attorney Sean Lugg issued a letter to all Law Enforcement Agencies pertaining to the testing criteria for Untested Sexual Assault Kits collected after April 30, 2015.

(21) FUNDING:

The Criminal Justice Council SAKI Coordinator has funding available to assist The Division of Forensic Science with CODIS entry and Delaware Police Agencies with investigative overtime as outlined in the National Sexual Assault Initiative (SAKI) Grant, FY 2015 AK-BX-K007

This project was supported by Grant No. FY 2015 AK-BX-K007 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Victim Standard Operating Procedure/Protocol

STANDARD OPERATING PROCEDURES/PROTOCOL Criminal Investigations Division/VICTIM SERVICES	S.O.P. NUMBER:
SUBJECT: <i>Sexual Assault Kit /Victim Notification Procedures</i> DISTRIBUTION: FROM:	EFFECTIVE: AMENDED: RESCINDED:

(22) PURPOSE AND GOALS:

The purpose of this Standard Operating Procedure is to establish guidelines for any Police Based Victim Assistant/Specialist or Officer who may be required to perform a Victim Notification as a result of a CODIS profile hit in the DNA Database for a Cold Case Sexual Assault Investigation where suspect information is available.

Goals of Victim Notification:

- Regain survivor's trust in the criminal justice system. Untested and un-submitted sexual assault kits (SAKs) may signal to survivors their assault wasn't recognized. An explanation and or apology may be appropriate when meeting with a survivor.
- Re-engage survivors into the criminal justice system. Re-engagement of survivors increases the likelihood of successful cases and convicting offenders to help remove criminals off the streets of communities.
- Ensure survivor safety and mitigate emotional distress. Victim notifications will be difficult and there is a risk of re-traumatization. The Victim Notification Team should be prepared to provide necessary support before and after the notification.

(23) SCOPE:

These guidelines apply to any sworn member of the Police Department and the Victim Services Unit (A member of the Delaware Victims Center will assist Departments who do not have a Victim Services Unit) who are tasked with being part of a Notification Team. The steps outlined in this policy ensure that victim notification will be victim-centered and trauma-informed.

Victim Notification Team

For the purpose of this policy, and to ensure that team members and duties are clear, the following titles will be used:

- Investigator: Depending on the structure of the Department conducting the notification, this could be a Sex Crimes Detective or other assigned sworn police personnel.
- Police Based Victim Assistant/Specialist: A governmental employee who works with victims of crime, specifically in a police setting. The Delaware Victims Center serves victims for Police Departments who do not have an in house Victim Services Unit.
- Delaware Department of Justice Victim/Witness Social Worker: An employee of the Delaware Department of Justice who works with victims of crime.
- Victim Advocate: A non-governmental employee who works with victims of crime.

A Victim Notification Team will consist of the Investigator and a Police Based Victim Assistant/Specialist. Additional assistance may include other members such as an assigned Deputy Attorney General, Department of Justice Victim/Witness Social Worker, or Community Based Advocate. The Investigator and Police Based Victim Assistant/Specialist shall document the date, time, person contacted, and the circumstances surrounding the notification.

Preparation:

- All possible members of the Victim Notification Team will receive training in Victim-Centered and Trauma-Informed Notification and Victim Interaction. Police Departments looking for online and appropriate training can contact their Police Based Victim Assistant/Specialist, the Delaware Victim Center, or the Criminal Justice Council for more information (Please see attached training links at the end of this policy).
- All CODIS hit notifications that may result in the reopening of an investigation as authorized by the Deputy Attorney shall when possible be delivered in person.
- The Victim Notification Team shall be prepared, and given the discretion to, spend enough time with the victim to provide the assistance authorized in this policy. Depending on what the victim needs at the time a notification may be a short meeting with follow up or a longer meeting with more detail.
- Before the notification, the Investigator shall research the essential information about all parties: name, age, current address, complete complaint history of all parties and other individuals in the residence, facts of the case, and any pertinent information that may affect notification and ensure safety. This includes, but is not limited to, whether the victim is elderly, disabled, visually or hearing impaired, has medical problems such as heart trouble, or does not speak English.
- The Investigator and a Police Based Victim Assistant/Specialist must obtained authorization from the Deputy Attorney General regarding the case moving forward with prosecution prior to victim notification. Notification risks re-traumatizing the victim. *If the decision is made by the DAG that the case will*

not move forward, notifications will not be made to the victim or any other party connected to the case.

- If the victim is a juvenile, notification should be made to the legal guardian who is properly vetted to ensure the victims safety.
- If the victim requires an interpreter or other communication assistance, appropriate and properly vetted assistance will be secured. Children should never be used to interpret.
- If the victim is no longer living in the area and face to face contact is needed, the Notification Team can utilize a local jurisdiction when travel is not possible. If travel is possible, both the Investigator and Police Based Victim Assistant/Specialist should be part of the notification. If a local jurisdiction is needed, check if the agency has a Victim Services Unit or someone who is known to work well with victims. Similar to contacting a secondary person, the officer from a different jurisdiction should not provide facts, but rather request that the victim contact the primary investigator in the jurisdiction of record using the Victim-Centered and Trauma-Informed Approach. In some cases it may be possible to use video phone, Skype or other advanced technology to better inform the victim of the case with the support of the other agency. Victim safety and wellbeing is paramount.

Providing Assistance

- Hearing this information may trigger a crisis response on the part of the victim. Be prepared to speak slowly and clearly and write down important information such as the complaint number, Investigator/ Police Based Victim Assistant/Specialist name and contact information, and next steps.
- The Police Based Victim Assistant/Specialist shall notify victims of the availability of appropriate services and that referrals can be made for the Victims Compensation Assistance Program, counseling, support groups, and other services.
- The Police Based Victim Assistant/Specialist will prepare and have available referral information for local services specific to that victim.
- Do not leave until reasonably sure that the victim is safe and if needed has family or a close friend available for support. If needed ensure support is provided, victim safety is paramount.
- Note any factors affecting the need for assistance for follow up. This can include: the condition of the victim; availability of other adults in the home; responsibility for children; signs of alcohol or drug use; lack of food or shelter, etc.; availability of a support system through family and friends, close neighbors, clergy; and means of transportation. The Police Based Victim Assistant/Specialist can help assess these factors and should be prepared to make referrals as needed.

(24) PROCEDURE:

Making Notification:

- Upon notification from the Deputy Attorney General that a case will be reopened, the Investigator will work with the Police Based Victim Assistant/Specialist to reach out to the victim and inform them there is a need to meet to discuss their case. Only limited information should be provided while scheduling the notification. Direct contact is the preferred method to schedule and meet.
- Any member of the Notification Team can serve as the contact to schedule a time and date to meet. See attached sample scripts.
- Make every effort to notify in a location where the victim feels the most safe and secure. It could be at the victim's home or elsewhere. Confidentiality is important to maintain, as it may be unclear who in the victims' life knows of the initial report. This is especially critical when significant time has passed, as even a positive support in the victims' life may not know of a past assault.
- Ensuring the victim's safety is a priority of a Victim-Centered and Trauma-Informed Approach. The team should take into account any safety concern notification may bring. This includes, but is not limited to, the relationship of the victim to the suspect, family, and others in their lives where notification may create a safety concern. The Victim Notification Review Team should be aware that *some victims may currently be in an abusive relationship and are at risk for serious, repeated, or lethal assault after notification.*
- Do not give notification in the presence of children.
- The Notification Team shall decide on a case by case basis who will provide the actual notification that a DNA match has been discovered. Some factors to consider are previous interaction with the victim and who has the best rapport at the time of the notification. If there is no history on which to base the decision, the Investigator along with the Police Based Victim Assistant/Specialist will make the actual notification. Follow up questions and information should be provided by either the Investigator or Police Based Victim Assistant/Specialist. The Police Based Victims Assistant/Specialist will work with and provide support to the victim throughout the process assuring the upmost professionalism and confidentiality.
- There may be numerous meetings with the victim who may ultimately decide not to proceed with prosecution. The victim's choice will be relayed to the assigned Deputy Attorney General. This process is Victim Driven.

Police Based Victim Assistant/Specialist Duties

- The Notification Team should ensure the survivor understands the advocate's confidentiality restrictions.
- After the initial notification, the Police Based Victim Assistant/Specialist will conduct follow-up contact with the victim within 24 hours.
- The Police Based Victim Assistant/Specialist will provide information on local Rape Crisis Centers/Hotline support and if the victim is in agreement, provide a warm referral to a designated representative from the local Rape Crisis Center.

- The Police Based Victim Assistant/Specialist will also provide the victim with information on the Delaware Victims' Bill of Rights as it relates to Sexual Assault Investigations.
- The Police Based Victim Assistant/Specialist will make plans to coordinate victim support and referrals to the Department of Justice Victim/Witness Social Worker who will be assigned the case.

(25) VICTIM GENERATED REQUEST FOR INFORMATION:

A victim may find out the status of their kit. The following steps are suggested, should a department or agency receive a call.

- A victim may reach the Police Department through a variety of channels. Calls will be forwarded to the Police Based Victim Assistant/Specialist for that Department. The Police Based Victim Assistant/Specialist will screen the call to ensure validity and if needed follow up with the victim.
- If the investigating Police Department does not have a victim services unit, calls will be forwarded to the Delaware Victims Center at 1-800-VICTIM1.
- The same confirmation procedures should be followed when information is provided to the victim.

(26) Victim Notification Review Team

The Victim Notification Review Team will consist of members present during the Multi-Disciplinary Case Intake. During and or after the formal intake there will be dialogue pertaining to the case status and appropriate victim notification. With the approval of the Deputy Attorney General additional individuals may be invited if/when their input would be beneficial to the intake and or victim notification.

Victims Services and Law Enforcement will establish a plan of action prior to meeting with a Victim. This will include how the notification will occur so that potential re-traumatization or emotional harm to the victim will be reduced to the greatest extent possible. They will also ensure the victim is connected with appropriate advocacy resources, which have been shown to increase the likelihood of victim participation and benefit case outcomes.

Definition of the Victim Centered Approach:

Is a method that puts the victim at the center of decision-making regarding recovery and any involvement with the Criminal Justice System. The victim's choice, safety, and well-being are the focus, and the needs of the victim are everyone's concern.

Self-Care for Notifiers:

It is important to recognize that this work can be challenging and can have various impacts on those who notify and work with victims. Remember that physical and mental self-care is critical when responding to crisis and stress. Maintaining a regular exercise program and developing systems for emotional support are essential components to self-care. For example, the Critical Incident Stress Management (CISM) can be an effective method to mitigate the impact of crisis through intervention and stabilization in order to regain control, facilitate understanding of the events and personal response, and encourage self-reliance.

Required Trainings (click links to access):

10. [SAKI Site Webinars](#)
11. [The Neurobiology of Trauma Sexual Assault/Victim Centered Approach](#)
 - a. [Part 1](#)
 - b. [Part 2](#)
 - c. [Part 3](#)
12. [Legal Updates for Prosecutors and Law Enforcement](#)
 - a. [Forfeiture by Wrongdoing](#)
13. [Successful Prosecution of Cold Case Sexual Assault](#)

APPENDIX:*A) Sample Victim Notification Letter*

The following is only a suggested notification letter written from the perspective of a victim advocate. A modified version of this letter may be appropriate for a phone notification.

Date

Victim's Name

Address

City, State, Zip

RE: Complaint#

Dear Jane/John Doe:

I am writing to you regarding an incident that you reported to [law enforcement agency] in [year]. I know it has been [years/months] since the crime took place and I want to apologize to you for that. Your case is being reviewed and we would like to discuss the next steps we can take in your case with you. I am hoping we could meet at your earliest convenience. [I have tried to call XXX-XXX-XXXX, but have been unsuccessful.] If you could contact me to schedule a time to meet, that would be great. My phone number is XXX-XXX-XXXX.

Contacting me does not mean that your case has to move forward. That decision is up to you and you do not have to make it immediately. If you are not ready to contact me now, feel free to contact me in the future.

In the meantime, there are excellent resources that can provide you with support and counseling. Enclosed is more information about them. Their services are free and confidential.

Thank you very much for your time. I look forward to hearing from you.

Sincerely,

[Victim Advocate or law enforcement officer]

Attached: Resources for Delaware Crime Victims Informational Marker

B) *Sample Victim Interview Language*

The following is only suggested language and interview techniques.

- Ask the victim open-ended questions designed to illicit information about the experience. Begin with an open-ended question and allow a free narrative.
 - **“Help me understand what you are able to remember about your experience.”**
 - **“Tell me what happened; start wherever you think it makes sense to start.”**
- Allow the victim to describe what occurred without interruption.
- Do not suggest feelings or responses, e.g. “I know this is hard”. Instead acknowledge their emotions.
- Allow the victim to review and process old reports, if investigating a cold case. Document any verbal or nonverbal responses of the victim. If the victim displays signs of stress, consider rescheduling the interview.
- Once the victim has completed their free narrative, continue by investigating the incidents.
 - **“You said _____. Tell me more about that.”**
 - Instead of asking questions that involve quantity (how many times something happened or how long something lasted), take an approach that does not focus directly on the quantity. **“You told me _____ [repeat event specified by victim], has that happened one time or more than one time?”**
 - **“What else can you remember/tell me about _____?”**
 - **“Help me understand _____.”**
 - **“What was your thought process while _____ was happening?”**
 - **“What are you able to tell me about _____ [use of 5 senses; what victim smelled, heard, etc.]?”**
 - **“What can’t you forget about your experience?”**
 - **“What was the most difficult part about this experience for you?”**
- Address inconsistencies respectfully. **“I’m sorry but I seem to be confused. You told me _____, and then said _____. Can you help me comprehend?”**
Not all inconsistencies need to be resolved in the victim interview.
- Document changes in victim behavior post-assault, including drastic physical changes and routine changes.
- Ask about additional potential corroborating evidence, including physical or digital evidence, photographs taken before or after the assault, whether anyone witnessed the victim’s behavior pre-assault, and if the victim told anyone about the assault and whom.

C) State Prosecutor Sean Lugg Letter

Delaware Police Chiefs:

Delaware received a Sexual Assault Kit Initiative (“SAKI”) Grant to help eliminate the backlog of untested rape kits that existed as of April 30, 2015. These kits have been located and indexed and the first shipment of 200 untested kits has been sent for analysis. With your help, this backlog will soon be eliminated.

The number of untested kits collected after May 1, 2015 is growing. We must work to prevent another backlog from developing and we must see that collected kits are submitted expeditiously. Therefore, the Department of Justice requests that all collected sexual assault kits be submitted to the Division of Forensic Science unless: 1) it is determined through investigation that no crime occurred; or 2) in the case of a very young juvenile suspect, the Department of Justice has declined prosecution and the case has been exceptionally cleared due to suspect’s age. The DNA Laboratory at the Division of Forensic Science must be contacted prior to submission to discuss cases and submission timelines.

The Division of Forensic Science will test any sexual assault kit associated with criminal conduct, regardless of whether the conduct will be or has been the subject of a criminal prosecution. If a crime has occurred, profiles from the sexual assault kit may be eligible for CODIS upload. The only kits that should not be submitted are: those in which it is determined through investigation that no crime occurred, and those cases exceptionally cleared due to suspect age where the Department of Justice has declined prosecution.

Sean P. Lugg
State Prosecutor
Delaware Department of Justice
820 North French Street, 7th Floor
Wilmington, Delaware 19801
(302) 577-8500

Resources for Delaware Crime Victims



24 HOUR HOTLINES

Delaware Victim Center (24 hrs) 1-800-VICTIM-1

Adult Protective Services (24 hrs).....1-800-223-9074
Child Abuse Reportline (24 hrs).....1-800-292-9582

Crisis Intervention Services (24 hrs)

Northern Delaware1-800-652-2929
Southern Delaware1-800-345-6785
VINE: Victim Notification System.....1-877-338-8463

Sexual Assault Services

New Castle County.....1-800-773-8570
Kent and Sussex County.....1-800-262-9800

Domestic Violence Hotlines

New Castle County1-302-762-6110
Northern Kent County1-302-678-3886
Kent & Sussex Counties1-302-422-8058
Kent & Sussex (Spanish)1-302-745-9874

Statewide Services

DE State Police Victim Services (24 hrs).....1-800-842-8461
Department of Correction.....1-302-857-5440
U.S. Atty. Victim/Witness Program.....1-302-573-6198
Victims' Voices Heard Inc.....1-302-697-7005
Victims' Compensation Assist. Program.....1-302-255-1770

New Castle County

Atty. General's Victim/Witness Program.....1-302-577-8500
Child, Inc. Domestic Violence Program.....1-302-762-6110
DCJ Adult Victim Services Program.....1-302-658-7174 x 12
Domestic Violence Advocacy Program
(for Protection Order Help)1-302-255-0420
Newark PD Victim Services.....1-302-366-7100 x 3137
NCC PD Victim Services.....1-302-395-8135
Ayuda en español1-302-395-8117
1-302-395-8193

Wilmington PD Victim Services

General Victim Services1-302-576-3622
1-302-576-3975
Domestic Violence1-302-576-3648
Youth1-302-576-3652
Ayuda en español1-302-576-3665

Kent County

Atty. General's Victim/Witness Program.....1-302-739-4211
Domestic Violence Advocacy Center
(for Protection Order Help)1-302-672-1075
Dover PD Victim Services1-302-736-7134
SAFE Program at People's Place.....1-302-422-8058

Sussex County

Abriendo Puertas1-302-855-9515
Atty. General's Victim/Witness Program.....1-302-856-5353
Domestic Violence Advocacy Center
(for Protection Order Help)1-302-856-5843
Georgetown PD Victim Services.....1-302-856-6613
SAFE Program at Peoples Place.....1-302-422-8058

Information and Referral

DE Coalition Against Domestic Violence.....1-800-701-0456
Sexual Assault Network of Delaware (SA Coalition)
1-302-761-9800 x 1003
Domestic Violence Coordinating Council.....1-302-255-0405

Training & Reference Material:

1. [SAKI Toolkit for Sexual Assault Investigations](#) (Prosecutors, Law Enforcement, Victim Services and Sexual Assault Nurses)
2. [IACP Sexual Assault Response Policy and Training Content Guidelines](#)

Documents/Forms:

- [SAKI Findings Flow Chart](#)
- SAKI Trifold and SANE One Sheeter
 - [Spanish](#)
 - [English](#)
- What Happens Next
 - [Spanish](#)
 - [English](#)
- [Delaware Victims Bill of Rights](#)

- Law Enforcement Case Review Form



Sexual Assault Kit Initiative

Law Enforcement Post-DNA Case Review

Date:

Agency:

Case Number:

Bode Laboratory Results:

Negative DNA Results:

Positive DNA:

Reports: Original:

Supplements:

Medical Including SANE:

Victim: Location Known:

Deceased:

Unable to Locate:

Suspect: Identified:

Deceased:

Unable to Locate:

Prosecuted:

Guilty:

Not Guilty:

Not Charged:

****No Victim, Witness or Suspect Contact unless authorized by a Deputy AG, Assigned to the Special Victims Unit of the Attorney General's Office.**

Additional Evidence:

Yes:

No:

Tested

Yes:

No

Results:

Original Investigator:

Original Deputy Attorney General:

After Departmental Case Review, Status: Open:

Closed:

- DOJ SAKI Intake Form

SAKI AG Case Closure Review

Case Number:

Agency:

Lead Investigator:

Supervisor:

Deputy AG:

Date of Case Review:

Case Reopened: *If yes, follow up with DAG and SAKI Coordinator

Reason for Closing the Case:

Adjudicated/No Crime

Victim is deceased

Suspect is deceased

No DNA was detected in the Kit/No additional Evidence

Case outside of statute of limitations

AG will not be able to move forward with prosecution (see their summary)

Other:

The following were present at the case review and agree with the above decision:

Police Representative	Title	Date
-----------------------	-------	------

Deputy AG Representative	Title	Date
--------------------------	-------	------

Notes:

Email completed form to SAKI Coordinator. DAG and Police Agency must also retain a copy.

This project was supported by Grant No. FY 2015 AK-BX-K007 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.