



**Division of Criminal
Justice Services**

Andrew M. Cuomo
Governor

Michael C. Green
Executive Deputy Commissioner

www.criminaljustice.ny.gov

Sexual Offense Evidence Kit
Inventory Report
March 1, 2017

Sexual Offense Evidence Kit Inventory Report

Issued March 1, 2017

This report is published pursuant to state Executive Law §838-a, which requires statistical reporting and testing related to sexual offense evidence kits (kits).

The law designates the state Division of Criminal Justice Services (DCJS) as the agency responsible for educating law enforcement agencies about new reporting requirements and collecting statistical data reported by those agencies and forensic laboratories. It also requires DCJS to submit to the leadership of the New York State Senate and Assembly a statistical report detailing the results of an initial inventory of kits in possession of police and prosecutorial agencies across New York State.

This report meets that statutory requirement and details the following:

- The number of sexual offense evidence kits inventoried by police agencies and prosecutors' offices and subsequently reported to DCJS as of February 27, 2017. Agencies were required to tally the number of kits in their custody and control that had not been sent to a forensic laboratory for testing.
 - A total of 265 of 586 agencies provided data to DCJS by the deadline. Those agencies reported 1,622 untested sexual offense evidence kits in their possession.
 - Attachment A includes an alphabetical list of every police agency and prosecutor's office in New York State.
 - If an agency or office responded, the list notes the number of sexual offense evidence kits in that agency or office's custody and control.
 - DNR (Did Not Report) indicates those agencies or offices that did not provide information to DCJS.
 - DCJS will contact agencies and offices that did not provide information for this report, reiterate the importance of reporting to the state and work with those agencies and officers to facilitate reporting of their data. DCJS will publish an addendum to this report to reflect additional information submitted to the agency by March 31, 2017.
- Actions taken by DCJS to notify police and prosecutors' offices about their obligations under the law and to help those agencies comply with the reporting requirements.
 - Attachment B includes correspondence from DCJS to police agencies and prosecutors' offices in the state to notify them of the new law.

- The first memo, which also went to forensic laboratories, was distributed by email and surface mail on December 5, 2016.
- Four subsequent memos were sent by email to police agencies and prosecutors' offices only, as those agencies were responsible for initial reporting. The electronic memos were distributed on the following dates: January 17, 2017, January 18, 2017, January 27, 2017 and February 13, 2017.
- Also at the request of DCJS, the New York State Association of Chiefs of Police, the New York State Sheriffs' Association, and the District Attorneys' Association of New York State distributed the information to their respective members.
- DCJS also facilitated uniform reporting of data by providing police agencies and prosecutors' offices with a link to a simple, online reporting tool.

Attachment A: Sexual Offense Evidence Kit Initial Inventory Report by Agency

Note: DNR = Did Not Report

Reporting Agency	Kits In Custody
Adams Village Police Department	DNR
Addison Village Police Department	DNR
Afton Village Police Department	DNR
Akron Village Police Department	DNR
Albany City Police Department	6
Albany County District Attorney	DNR
Albany County Sheriff's Office	DNR
Albion Village Police Department	DNR
Alexandria Bay Village Police Department	DNR
Alfred Village Police Department	2
Allegheny County District Attorney	DNR
Allegheny County Sheriff's Office	0
Allegheny Village Police Department	0
Altamont Village Police Department	DNR
Amherst Town Police Department	20
Amityville Village Police Department	0
Amsterdam City Police Department	DNR
Amtrak Police/National Railroad Passenger Corp.	DNR
Andover Village Police Department	DNR
Angelica Village Police Department	DNR
Antwerp Village Police Department	DNR
Arcade Village Police Department	0
Ardasley Village Police Department	0
Asharoken Village Police Department	DNR
Athens Village Police Department	DNR
Attica Village Police Department	2
Auburn City Police Department	0
Avon Village Police Department	0
Bainbridge Village Police Department	DNR
Baldwinsville Village Police Department	0
Ballston Spa Village Police Department	DNR
Barker Village Police Department	DNR

Batavia City Police Department	DNR
Bath Village Police Department	21
Beacon City Police Department	DNR
Bedford Town Police Department	0
Belmont Village Police Department	DNR
Bethlehem Town Police Department	0
Binghamton City Police Department	95
Black River Village Police Department	0
Blasdell Village Police Department	DNR
Blooming Grove Town Police Department	0
Bolivar Village Police Department	DNR
Bolton Town Police Department	0
Boonville Village Police Department	0
Boston & Maine Railroad Police	DNR
Brant Town Police Department	DNR
Brewster Village Police Department	DNR
Briarcliff Manor Village Police Department	0
Brighton Town Police Department	0
Broadalbin Village Police Department	DNR
Brockport Village Police Department	10
Bronx County District Attorney	0
Bronxville Village Police Department	0
Broome County District Attorney	DNR
Broome County Sheriff's Office	3
Brownville Village Police Department	0
Buchanan Village Police Department	DNR
Buffalo City Police Department	DNR
Cairo Town Police Department	DNR
Caledonia Village Police Department	DNR
Cambridge Village Police Department	DNR
Camden Village Police Department	DNR
Camillus Town & Village Police Department	DNR
Canadian Pacific Railway Police Service	DNR
Canajoharie Village Police Department	0
Canandaigua City Police Department	2
Canastota Village Police Department	DNR
Candor Village Police Department	DNR
Canisteo Village Police Department	DNR

Canton Village Police Department	2
Cape Vincent Village Police Department	DNR
Carmel Town Police Department	DNR
Carroll Town Police Department	0
Carthage Village Police Department	DNR
Catskill Village Police Department	0
Cattaraugus County District Attorney	0
Cattaraugus County Sheriff's Office	0
Cattaraugus Village Police Department	0
Cayuga County District Attorney	DNR
Cayuga County Sheriff's Office	0
Cayuga Heights Village Police Department	0
Cazenovia Village Police Department	DNR
Central Square Village Police Department	0
Centre Island Village Police Department	0
Chatham Village Police Department	DNR
Chautauqua County District Attorney	DNR
Chautauqua County Sheriff's Office	9
Cheektowaga Town Police Department	DNR
Chemung County District Attorney	DNR
Chemung County Sheriff's Office	13
Chenango County District Attorney	0
Chenango County Sheriff's Office	10
Chester Town Police Department	0
Chester Village Police Department	DNR
Chittenango Village Police Department	DNR
Cicero Town Police Department	DNR
Clarkstown Town Police Department	0
Clayton Village Police Department	0
Clifton Springs Village Police Department	DNR
Clinton County District Attorney	DNR
Clinton County Sheriff's Office	0
Clyde Village Police Department	DNR
Cobleskill Village Police Department	1
Coeymans Town Police Department	DNR
Cohocton Town Police Department	DNR
Cohoes City Police Department	6
Colchester Town Police Department	DNR

Cold Spring Village Police Department	0
Colonie Town Police Department	7
Columbia County District Attorney	0
Columbia County Sheriff's Office	9
Cooperstown Village Police Department	DNR
Corfu Village Police Department	DNR
Corning City Police Department	0
Cornwall on Hudson Village Police Department	DNR
Cornwall Town Police Department	DNR
Cortland City Police Department	31
Cortland County District Attorney	DNR
Cortland County Sheriff's Office	24
Coxsackie Village Police Department	DNR
Crawford Town Police Department	DNR
Croton on Hudson Village Police Department	0
CSX Transportation	DNR
Cuba Town Police Department	DNR
Dansville Village Police Department	DNR
Deerpark Town Police Department	0
Delaware County District Attorney	DNR
Delaware County Sheriff's Office	6
Delhi Village Police Department	DNR
Depew Village Police Department	1
Deposit Village Police Department	DNR
DeWitt Town Police Department	DNR
Dexter Village Police Department	DNR
Dobbs Ferry Village Police Department	5
Dolgeville Village Police Department	0
Dryden Village Police Department	DNR
Dunkirk City Police Department	8
Durham Town Police Department	0
Dutchess County District Attorney	0
Dutchess County Sheriff's Office	DNR
East Aurora/Aurora Town Police Department	1
East Fishkill Town Police Department	DNR
East Greenbush Town Police Department	0
East Hampton Town Police Department	8
East Hampton Village Police Department	DNR

East Rochester Village Police Department	DNR
Eastchester Town Police Department	0
Eden Town Police Department	DNR
Ellenville Village Police Department	DNR
Ellicott Town Police Department	1
Ellicottville Town Police Department	0
Elmira City Police Department	48
Elmira Heights Village Police Department	DNR
Elmira Town Traffic District #1	DNR
Elmsford Village Police Department	4
Endicott Village Police Department	DNR
Erie County District Attorney	DNR
Erie County Sheriff's Office	DNR
Essex County District Attorney	DNR
Essex County Sheriff's Office	DNR
Evans Town Police Department	0
Fairport Village Police Department	0
Fallsburg Town Police Department	DNR
Fishkill Town Police Department	0
Fishkill Village Police Department	0
Floral Park Village Police Department	DNR
Florida Village Police Department	DNR
Fort Edward Village Police Department	7
Fort Plain Village Police Department	DNR
Frankfort Town Police Department	DNR
Frankfort Village Police Department	0
Franklin County District Attorney	DNR
Franklin County Sheriff's Office	DNR
Franklinville Village Police Department	DNR
Fredonia Village Police Department	20
Freeport Village Police Department	DNR
Friendship Town Police Department	DNR
Fulton City Police Department	DNR
Fulton County District Attorney	0
Fulton County Sheriff's Office	4
Galway Village Police Department	0
Garden City Village Police Department	0
Gates Town Police Department	0

Geddes Town Police Department	DNR
Genesee County District Attorney's Office	DNR
Genesee County Sheriff's Office	DNR
Geneseo Village Police Department	0
Geneva City Police Department	5
Germantown Town Police Department	DNR
Glen Cove City Police Department	0
Glen Park Village Police Department	0
Glens Falls City Police Department	1
Glenville Town Police Department	DNR
Gloversville City Police Department	11
Goshen Town Police Department	DNR
Goshen Village Police Department	0
Gouverneur Village Police Department	6
Gowanda Village Police Department	0
Grand Island Town Police Department	DNR
Granville Village Police Department	0
Great Neck Estates Village Police Department	0
Greece Town Police Department	43
Green Island Village Police Department	0
Greenburgh Town Police Department	DNR
Greene County District Attorney	DNR
Greene County Sheriff's Office	DNR
Greene Village Police Department	DNR
Greenport Town Police Department	0
Greenwich Village Police Department	DNR
Greenwood Lake Village Police Department	0
Groton Village Police Department	5
Guilderland Town Police Department	3
Hamburg Town Police Department	7
Hamburg Village Police Department	1
Hamilton County District Attorney	DNR
Hamilton County Sheriff's Office	DNR
Hamilton Village Police Department	DNR
Hammondsport Village Police Department	0
Hancock Village Police Department	DNR
Harriman Village Police Department	0
Harrison Town Police Department	0

Hastings-on-Hudson Village Police Department	DNR
Haverstraw Town Police Department	13
Head of the Harbor Village Police Department	DNR
Hempstead Village Police Department	DNR
Herkimer County District Attorney	0
Herkimer County Sheriff's Office	0
Herkimer Village Police Department	DNR
Highland Falls Village Police Department	DNR
Highlands Town Police Department	DNR
Holley Village Police Department	DNR
Homer Village Police Department	1
Hoosick Falls Village Police Department	0
Hornell City Police Department	DNR
Horseheads Village Police Department	DNR
Hudson City Police Department	DNR
Hudson Falls Village Police Department	4
Hunter Town Police Department	0
Huntington Bay Village Police Department	DNR
Hyde Park Town Police Department	6
Ilion Village Police Department	5
Independence Town Police Department	DNR
Inlet Town Police Department	DNR
Interlaken Village Police Department	DNR
Irondequoit Town Police Department	DNR
Irvington Village Police Department	0
Ithaca City Police Department	DNR
Jamestown City Police Department	38
Jefferson County District Attorney	DNR
Jefferson County Sheriff's Office	5
Johnson City Village Police Department	15
Johnstown City Police Department	11
Jordan Village Police Department	0
Kenmore Village Police Department	DNR
Kensington Village Police Department	DNR
Kent Town Police Department	DNR
Kings County District Attorney	0
Kings Point Village Police Department	DNR
Kingston City Police Department	DNR

Kirkland Town Police Department	DNR
Lackawanna City Police Department	0
Lake Placid Village Police Department	DNR
Lake Success Village Police Department	0
Lakewood Busti Police Department	DNR
Lancaster Town Police Department	0
Larchmont Village Police Department	DNR
LeRoy Village Police Department	DNR
Lewis County District Attorney's Office	DNR
Lewis County Sheriff's Office	DNR
Lewisboro Town Police Department	DNR
Lewiston Town Police Department	DNR
Liberty Village Police Department	1
Little Falls City Police Department	0
Liverpool Village Police Department	DNR
Livingston County District Attorney	0
Livingston County Sheriff's Office	20
Livonia, Avon and Lakeville Railroad Police Department	DNR
Lloyd Harbor Village Police Department	0
Lloyd Town Police Department	DNR
Lockport City Police Department	0
Long Beach City Police Department	0
Lowville Village Police Department	0
Lynbrook Village Police Department	DNR
Lyndonville Village Police Department	DNR
Lyons Village Police Department	DNR
Macedon Town Police Department	DNR
Madison County District Attorney	0
Madison County Sheriff's Office	0
Malone Village Police Department	DNR
Malverne Village Police Department	DNR
Mamaroneck Town Police Department	DNR
Mamaroneck Village Police Department	0
Manchester Village Police Department	DNR
Manlius Town Police Department	DNR
Marcellus Village Police Department	0
Marlborough Town Police Department	DNR
Massena Village Police Department	1

Maybrook Village Police Department	DNR
Mechanicville City Police Department	DNR
Medina Village Police Department	1
Menands Village Police Department	2
Metropolitan Transportation Authority Police Department	DNR
Middleport Village Police Department	DNR
Middletown City Police Department	0
Millbrook Village Police Department	DNR
Millerton Village Police Department	0
Mohawk Village Police Department	DNR
Monroe County District Attorney	0
Monroe County Sheriff's Office	0
Monroe Village Police Department	DNR
Montgomery County District Attorney	0
Montgomery County Sheriff's Office	2
Montgomery Town Police Department	DNR
Montgomery Village Police Department	DNR
Monticello Village Police Department	DNR
Moravia Village Police Department	DNR
Moriah Town Police Department	DNR
Mount Hope Town Police Department	DNR
Mount Kisco Village Police Department	0
Mount Morris Village Police Department	2
Mount Pleasant Town Police Department	0
Mount Vernon City Police Department	DNR
Muttontown Village Police Department	DNR
Nassau County District Attorney	0
Nassau County Police Department	344
Nassau County Sheriff's Office	DNR
Nassau Village Police Department	0
New Berlin Town Police Department	0
New Castle Town Police Department	1
New Hartford Town Police Department	DNR
New Paltz Town & Village Police Department	8
New Rochelle City Police Department	0
New Windsor Town Police Department	DNR
New York City Police Department	DNR
New York County District Attorney	DNR

New York Mills Village Police Department	DNR
New York State Police	57
New York Susquehanna & Western Railroad	DNR
Newark Village Police Department	0
Newburgh City Police Department	DNR
Newburgh Town Police Department	0
Niagara County District Attorney	0
Niagara County Sheriff's Office	0
Niagara Falls City Police Department	0
Niagara Frontier Transportation Authority	DNR
Niagara Town Police Department	DNR
Niskayuna Town Police Department	1
Nissequogue Village Police Department	0
NJ Transit Rail Operations	DNR
Norfolk Southern Police Department	DNR
Norfolk Town Police Department	DNR
North Castle Town Police Department	DNR
North Collins Village Police Department	DNR
North Greenbush Town Police Department	4
North Hornell Village Police Department	DNR
North Salem Town Police Department	DNR
North Syracuse Village Police Department	DNR
North Tonawanda City Police Department	0
Northport Village Police Department	0
Northville Village Police Department	DNR
Norwich City Police Department	20
Norwood Village Police Department	DNR
Nunda Town & Village Police Department	DNR
NYC Environmental Protection Police	0
NYC Office of Special Narcotics	DNR
NYS Attorney General Office of Medicaid Fraud Control	DNR
NYS Attorney General Organized Crime Task Force	DNR
NYS Bridge Authority	DNR
NYS ENCON- HQ Law Enforcement	DNR
NYS Justice Center - Office of Special Prosecutor and Inspector	DNR
NYS Parks & Recreation Law Enforcement	0
Ocean Beach Village Police Department	DNR
Ogden Town Police Department	0

Ogdensburg City Police Department	15
Old Brookville Village Police Department	0
Old Westbury Village Police Department	0
Olean City Police Department	4
Olive Town Police Department	0
Oneida City Police Department	DNR
Oneida County District Attorney	0
Oneida County Sheriff's Office	14
Oneonta City Police Department	14
Onondaga County District Attorney	DNR
Onondaga County Sheriff's Office	DNR
Ontario County District Attorney	1
Ontario County Sheriff's Office	18
Orange County District Attorney	DNR
Orange County Sheriff's Office	0
Orangetown Town Police Department	0
Orchard Park Town Police Department	0
Oriskany Village Police Department	DNR
Orleans County District Attorney	DNR
Orleans County Sheriff's Office	DNR
Ossining Village Police Department	DNR
Oswego City Police Department	0
Oswego County District Attorney	DNR
Oswego County Sheriff's Office	1
Otsego County District Attorney	DNR
Otsego County Sheriff's Office	6
Owego Village Police Department	3
Oxford Village Police Department	0
Oyster Bay Cove Village Police Department	DNR
Painted Post Village Police Department	DNR
Palmyra Village Police Department	DNR
Peekskill City Police Department	9
Pelham Manor Village Police Department	0
Pelham Village Police Department	DNR
Penn Yan Village Police Department	DNR
Perry Village Police Department	DNR
Phelps Village Police Department	DNR
Philadelphia Village Police Department	DNR

Philmont Village Police Department	DNR
Phoenix Village Police Department	DNR
Piermont Village Police Department	DNR
Pine Plains Town Police Department	DNR
Plattekill Town Police Department	DNR
Plattsburgh City Police Department	2
Pleasantville Village Police Department	DNR
Port Authority of NY & NJ Police	DNR
Port Authority PD/Office of Inspector General	DNR
Port Byron Village Police Department	DNR
Port Chester Village Police Department	DNR
Port Dickinson Village Police Department	DNR
Port Jervis City Police Department	DNR
Port Washington Police District	DNR
Portville Village Police Department	0
Potsdam Village Police Department	18
Poughkeepsie City Police Department	DNR
Poughkeepsie Town Police Department	DNR
Pound Ridge Town Police Department	DNR
Pulaski Village Police Department	DNR
Putnam County District Attorney	DNR
Putnam County Sheriff's Office	DNR
Queens County District Attorney	0
Quogue Village Police Department	0
Ramapo Town Police Department	25
Red Hook Village Police Department	DNR
Rensselaer City Police Department	DNR
Rensselaer County District Attorney	DNR
Rensselaer County Sheriff's Office	0
Rhinebeck Village Police Department	0
Richmond County District Attorney	0
Riverhead Town Police Department	0
Rochester City Police Department	0
Rockland County District Attorney	DNR
Rockland County Sheriff's Office	0
Rockville Centre Police Department	DNR
Rome City Police Department	41
Rosendale Town Police Department	DNR

Rotterdam Town Police Department	6
Rouses Point Village Police Department	DNR
Rye Brook Village Police Department	0
Rye City Police Department	DNR
Sackets Harbor Village Police Department	DNR
Sag Harbor Village Police Department	0
Salamanca City Police Department	DNR
Sands Point Village Police Department	DNR
Saranac Lake Village Police Department	2
Saratoga County District Attorney	0
Saratoga County Sheriff's Office	5
Saratoga Springs City Police Department	23
Saugerties Town Police Department	0
Scarsdale Village Police Department	DNR
Schenectady City Police Department	75
Schenectady County District Attorney	DNR
Schenectady County Sheriff's Office	DNR
Schodack Town Police Department	1
Schoharie County District Attorney	0
Schoharie County Sheriff's Office	DNR
Schoharie Village Police Department	0
Schuyler County District Attorney	0
Schuyler County Sheriff's Office	0
Scotia Village Police Department	0
Seneca County District Attorney	0
Seneca County Sheriff's Office	DNR
Seneca Falls Town Police Department	0
Shandaken Town Police Department	DNR
Shawangunk Town Police Department	0
Shelter Island Town Police Department	2
Sherburne Village Police Department	0
Sherrill City Police Department	0
Shortsville Village Police Department	DNR
Sidney Village Police Department	0
Skaneateles Village Police Department	DNR
Sleepy Hollow Village Police Department	DNR
Sodus Point Village Police Department	DNR
Sodus Village Police Department	DNR

Solvay Village Police Department	DNR
Somers Town Police Department	DNR
Somerset Town Police Department	DNR
South Glens Falls Village Police Department	1
South Nyack-Grand View Village Police Department	0
Southampton Town Police Department	DNR
Southampton Village Police Department	DNR
Southold Town Police Department	DNR
Spencer Village Police Department	DNR
Spring Valley Village Police Department	9
Springville Village Police Department	0
St. Johnsville Village Police Department	0
St. Lawrence County District Attorney	DNR
St. Lawrence County Sheriff's Office	DNR
St. Regis Mohawk Tribal PD	DNR
Steuben County District Attorney	DNR
Steuben County Sheriff's Office	0
Stillwater Town Police Department	DNR
Stockport Town Police Department	DNR
Stony Point Town Police Department	DNR
Suffern Village Police Department	DNR
Suffolk County District Attorney	DNR
Suffolk County Park Police	DNR
Suffolk County Police Department	DNR
Suffolk County Sheriff's Office	DNR
Sullivan County District Attorney	DNR
Sullivan County Sheriff's Office	DNR
SUNY System Administration	183
Syracuse City Police Department	DNR
Tarrytown Village Police Department	1
Theresa Village Police Department	DNR
Ticonderoga Town Police Department	DNR
Tioga County District Attorney	DNR
Tioga County Sheriff's Office	4
Tompkins County District Attorney	DNR
Tompkins County Sheriff's Office	3
Tonawanda City Police Department	DNR
Tonawanda Town Police Department	0

Troy City Police Department	DNR
Trumansburg Village Police Department	0
Tuckahoe Village Police Department	DNR
Tupper Lake Village Police Department	0
Tuxedo Park Village Police Department	DNR
Tuxedo Town Police Department	DNR
Ulster County District Attorney	DNR
Ulster County Sheriff's Office	6
Ulster Town Police Department	DNR
Utica City Police Department	65
Vernon Village Police Department	0
Vestal Town Police Department	5
Walden Village Police Department	DNR
Walkkill Town Police Department	DNR
Walton Village Police Department	DNR
Wappingers Falls Village Police Department	DNR
Warren County District Attorney	0
Warren County Sheriff's Office	DNR
Warrensburg Town Police	DNR
Warsaw Village Police Department	0
Warwick Town Police Department	5
Washington County District Attorney	DNR
Washington County Sheriff's Office	0
Washingtonville Village Police Department	0
Waterford Town & Village Police Department	0
Waterfront Commission of NY Harbor	DNR
Waterloo Village Police Department	0
Watertown City Police Department	DNR
Watervliet City Police Department	0
Watkins Glen Village Police Department	DNR
Waverly Village Police Department	DNR
Wayland Village Police Department	DNR
Wayne County District Attorney	DNR
Wayne County Sheriff's Office	16
Webb Town Police Department	DNR
Webster Town Police Department	0
Weedsport Village Police Department	DNR
Wellsville Village Police Department	DNR

West Carthage Village Police Department	DNR
West Seneca Town Police Department	0
Westchester County Department of Public Safety	0
Westchester County District Attorney	0
Westfield Village Police Department	0
Westhampton Beach Village Police Department	DNR
White Plains Department Public Safety	0
Whitehall Village Police Department	0
Whitesboro Village Police Department	DNR
Whitestown Town Police Department	DNR
Willing Town Police Department	DNR
Windham Town Police Department	DNR
Wolcott Village Police Department	DNR
Woodbury Town Police Department	DNR
Woodridge Village Police Department	DNR
Woodstock Town Police Department	DNR
Wyoming County District Attorney	0
Wyoming County Sheriff's Office	0
Yates County District Attorney	DNR
Yates County Sheriff's Office	9
Yonkers City Police Department	DNR
Yorktown Town Police Department	0
Yorkville Village Police Department	DNR
Youngstown Village Police Department	DNR
Total Sexual Offense Evidence Kits Reported	1,622
Total Reporting Agencies	265 of 586


Attachment B: Correspondence

December 5, 2016:



MEMORANDUM

TO: New York State Law Enforcement Agencies, Prosecuting Agencies and Forensic Laboratories

FROM: Michael C. Green 
Executive Deputy Commissioner

DATE: December 5, 2016

SUBJECT: Chapter 500 of the Laws of 2016 – Sexual Offense Evidence Kits

On November 28, 2016, Governor Cuomo signed into law a new section 838-a to the Executive Law pertaining to the maintenance and testing of sexual offense evidence kits. This new law becomes effective on February 26, 2017. However, upon signing the bill, the Governor indicated in his approval memorandum that he had secured an agreement (chapter amendment) with the Legislature to pass legislation in the upcoming session to correct certain drafting errors and to ensure the proper and immediate auditing of all existing evidence kits. Pursuant to Executive Law §838-a(3), the Division of Criminal Justice Services (DCJS) is obligated to ensure that law enforcement agencies and forensic laboratories are educated on the impact of the new law. This memorandum will explain your obligations for: (i) newly received kits; (ii) kits currently in custody; and (iii) reporting obligations under both the existing law and the law as it would exist should a chapter amendment pass.

Please be aware that this memorandum is not legal advice. Rather it is intended to educate law enforcement, district attorney offices, and laboratories about this legislation. Should you have specific questions regarding the law, you should consult your county attorney or legal counsel. While DCJS can provide general information about the obligations of the bill to law enforcement agencies, district attorney offices, and laboratories, DCJS cannot provide specific legal advice.

I. Newly Received Sexual Offense Evidence Kits

A. Existing Law:

Beginning February 26, 2017, a law enforcement agency must submit any sexual offense evidence kit that it receives or collects to an appropriate forensic laboratory within ten days of receipt.

Forensic laboratories that receive a kit from a law enforcement agency are required, within ninety days of receipt, to: (i) develop a Combined DNA Index System (CODIS) eligible profile from the kit tested; and (ii) report the results to the submitting law enforcement agency and the appropriate prosecuting agency. **B. Chapter Amendment:**

The chapter amendment would require a prosecutorial agency and a law enforcement agency in possession or control of any sexual offense evidence kits to, within ten days of receipt, submit such kits to an appropriate forensic laboratory.

Further, recognizing that it is not always possible to develop a CODIS eligible profile from every kit, forensic laboratories would be directed to assess each kit and analyze and develop a CODIS eligible profile from those kits where possible. The results would be required to be reported to the submitting law enforcement agency and the appropriate prosecuting agency within ninety days of the receipt of a kit.

II. Sexual Offense Evidence Kits Currently in the Custody of an Agency

A. Existing Law:

All untested sexual offense evidence kits in the possession or control of a law enforcement agency on or before November 28, 2016 must be submitted to an appropriate forensic laboratory by May 27, 2017.

These untested kits must be tested by the laboratory to develop a CODIS eligible profile within one hundred twenty days of receipt. Once a CODIS eligible profile is developed, the laboratory is required, within ninety days of developing the profiles, to notify both the submitting law enforcement agency and the prosecuting agency with jurisdiction of the results of the profile. **B. Chapter Amendment:**

The chapter amendment would require law enforcement and prosecutorial agencies to inventory sexual offense evidence kits within their custody and control and report the total number of such kits to DCJS and the appropriate forensic laboratory by February 26, 2017.

Further, the chapter amendment would require that untested sexual offense evidence kits in the possession or control of a law enforcement agency or prosecutorial agency on or before February 26, 2017 must be submitted to the appropriate forensic laboratory by December 28, 2017.

Also, rather than requiring the development of a CODIS eligible profile by a forensic laboratory, the chapter amendment would direct the forensic laboratory to assess each kit and analyze and develop a CODIS eligible profile from those kits where it is possible. This must be done within

one hundred twenty days of receiving such kits. Results would be required to be reported to the submitting law enforcement agency and the appropriate prosecuting agency within ninety days of such assessment.

III. Reporting¹

A. Existing Law:

Forensic laboratories and law enforcement agencies are also required to report certain information to DCJS quarterly, starting on February 26, 2017. A forensic laboratory must report:

- the number of sexual offense evidence kits received;
- the number of kits processed; and
- the number of kits not tested.

A law enforcement agency must report:

- the number of sexual offense evidence kits received;
- the number of kits submitted to a forensic laboratory;
- the number of kits in its custody that have not been processed for testing; and
- the length of time between the receipt of a kit and the submission to a forensic laboratory.

B. Chapter Amendment:

In addition to the reporting obligations of a forensic laboratory contained in the existing law, the chapter amendment would require the laboratory to report the reason why a sexual offense evidence kit was ineligible for testing. The chapter amendment also extended the reporting obligations of law enforcement agencies contained in the existing law to prosecutorial agencies. This obligation to report would begin November 28, 2017.

I hope that this information is of assistance to you. The Division will develop the appropriate forms and method of reporting and will notify of the manner of reporting before the requirement becomes effective. If you require additional information please contact the Division's Office of Legal Services at (518) 457-8413.

¹ DCJS will provide specific instructions and forms, including due dates, for submission.

January 17, 2017 Memorandum:



MEMORANDUM

TO: New York State Law Enforcement Agencies and District Attorneys

FROM: Michael C. Green 
Executive Deputy Commissioner

DATE: January 17, 2017

SUBJECT: Sexual Offense Evidence Kits

Last month you were notified of recently signed legislation pertaining to the maintenance and testing of sexual offense evidence kits (memo enclosed). As referenced in that memo, we are now providing specific instructions, including due dates, regarding the first step in this reporting process (see II.B of that memo).

In the near future we anticipate that the chapter amendment to Executive Law §838-a will be adopted, requiring your agency to inventory all untested sexual offense evidence kits and submit the results to the Division of Criminal Justice Services. To comply with the statute, DCJS has created a simple online reporting mechanism that can be accessed by entering the following address in your web browser:

<http://www.surveygizmo.com/s3/3225911/UntestedSexual-Assault-Kits>. Please complete all portions of the form and click on the submit button to transmit the information to DCJS as required by law. Your response by February 17, 2017 would be greatly appreciated so we can compile this information and transmit it to the legislature, as also required by law. Please be advised that your obligation to report to “the appropriate forensic laboratory” will not be fulfilled by reporting to DCJS and should be handled separately.

Thank you very much for your anticipated cooperation and please contact Michael-Sean Spence at 518-457-7625 or by emailing michael-sean.spence@dcjs.ny.gov if you have any questions or concerns.

January 18, 2017 Memorandum:

From: dcjs.sm.ops.general.policing
Sent: Wednesday, January 18, 2017 3:28 PM
To: dcjs.sm.ops.general.policing
Subject: Sexual Evidence Kit Mandatory Reporting

To all NYS Law Enforcement Agency Executives & District Attorneys sent on behalf of Executive Deputy Commissioner Michael C. Green

Last month you were notified of recently signed legislation pertaining to the maintenance and testing of sexual offense evidence kits (memo attached). As referenced in that memo, we are now providing specific instructions, including due dates, regarding the first step in this reporting process (see II.B of that memo).

In the near future we anticipate that the chapter amendment to Executive Law §838-a will be adopted, requiring your agency to inventory all untested sexual offense evidence kits and submit the results to the Division of Criminal Justice Services. To comply with the statute, DCJS has created a simple online reporting mechanism that can be accessed [HERE](#). If the link does not work, please enter the following address in your web browser:

<http://www.surveygizmo.com/s3/3225911/Untested-Sexual-Assault-Kits>. Please complete all portions of the form and click on the submit button to transmit the information to DCJS as required by law. Your response by February 17, 2017 would be greatly appreciated so we can compile this information and transmit it to the legislature, as also required by law. Please be advised that your obligation to report to “the appropriate forensic laboratory” will not be fulfilled by reporting to DCJS and should be handled separately.

Thank you very much for your anticipated cooperation and please contact Michael-Sean Spence at 518-457-7625 or by emailing michael-sean.spence@dcjs.ny.gov if you have any questions or concerns.

Attachments:

Sexual Evidence Kits reporting memo
500 Chapter amendment memo
SEK Testing resources

January 27, 2017 Memorandum:

From: Spence, Michael-Sean (DCJS)
Sent: Friday, January 27, 2017 2:02 PM
To: Michael-Sean Spence (DCJS)
BCC: All Prior Respondents
Subject: Sexual Evidence Kit Mandatory Reporting UPDATE
Importance: High

To all NYS Law Enforcement Agency Executives & District Attorneys

Last week you received specific instructions, including due dates, regarding the first step of the reporting process required by the new legislation pertaining to the maintenance and testing of sexual offense evidence kits. Your agency already submitted your response to the reporting requirement and it is in light of those responses that we deemed it necessary to clarify the reporting instrument. We ask that you resubmit your agency's survey to ensure we are accurately capturing the status of the untested sexual offense evidence kits in your agency's custody and control.

Agencies are required to report all untested kits that have not been submitted to your laboratory for testing that are within your agency's custody and control. Sexual offense evidence kits that are collected with an accompanying drug facilitated sexual offense evidence kit should only be counted as one kit.

The reporting instrument has been modified to include only one question.

“How many sexual offense evidence kits* does your agency have in its possession that have been collected and not submitted for testing?”

We apologize for the need to resubmit but ask that you please resubmit your agency's survey [HERE](#) to ensure we are accurately reflecting the status of your agency's untested sexual offense evidence kits. If the link does not work, please enter the following address in your web browser: <http://www.surveygizmo.com/s3/3225911/Untested-Sexual-Assault-Kits>. If you are unable to load the reporting tool to your web browser please try another web browser. We will use the most recently dated submission and disregard all prior submissions. Please complete all portions of the form and click on the submit button to transmit the information to DCJS as required by law. Your response by February 17, 2017 would be greatly appreciated so we can compile this information and transmit it to the legislature, as also required by law. Please be advised that your obligation to report to “the appropriate forensic laboratory” will not be fulfilled by reporting to DCJS and should be handled separately.

Thank you very much for your anticipated cooperation and please contact Michael-Sean Spence at 518-457-7625 or by emailing michael-sean.spence@dcjs.ny.gov if you have any questions or concerns.

February 13, 2017 Memorandum:

From: dcjs.sm.ops.general.policing
Sent: Monday, February 13, 2017 1:44 PM
To: dcjs.sm.ops.general.policing
Subject: Reminder - Sexual Offense Evidence Kit Mandatory Reporting

To all NYS Law Enforcement Agency Executives & District Attorneys

Previously, you received specific instructions, including due dates, regarding the first step of the reporting process required by the new legislation pertaining to the maintenance and testing of sexual offense evidence kits. This initial reporting requirement was pending passage of an amendment to Chapter 500 of the New York State Executive Law. Please be informed that this portion of the legislation was signed by the Governor and will go into effect on February 26, 2017. If your agency has not submitted your response to the initial reporting requirement, we ask that you **submit your agency's survey by Friday, February 17, 2017** to ensure that we are accurately capturing the status of the untested sexual offense evidence kits in your agency's custody and control.

Agencies are statutorily required to report all untested kits that have not been submitted to your laboratory for testing that are within your agency's custody and control. Sexual offense evidence kits that are collected with an accompanying drug facilitated sexual offense evidence kit should only be counted as one kit.

If your agency has yet to submit your response to the reporting requirement please complete your agency's report submission [HERE](#) to ensure we are accurately reflecting the status of your agency's untested sexual offense evidence kits. If the link does not work, please enter the following address in your web browser: <http://www.surveygizmo.com/s3/3225911/Untested-Sexual-Assault-Kits>. If you are unable to load the reporting tool to your web browser please try another web browser. We will use the most recently dated submission and disregard all prior submissions in the event there are duplicates. Please complete all portions of the form and click on the submit button to transmit the information to DCJS as required by law. **Your response by February 17, 2017 would be greatly appreciated so we can compile this information and transmit it to the legislature by March 1, 2017, as also required by law. Please be advised that your obligation to report to "the appropriate forensic laboratory" will not be fulfilled by reporting to DCJS and should be handled separately.**

Thank you very much for your anticipated cooperation and please contact Michael-Sean Spence at 518-457-7625 or by emailing michael-sean.spence@dcjs.ny.gov if you have any questions or concerns.