

**PREPARED STATEMENT OF
JAYANN SEPICH**

before the
**COMMITTEE ON JUDICIARY
UNITED STATES SENATE**

**CONFIRMATION HEARING ON THE NOMINATION
OF SENATOR JEFF SESSIONS
AS ATTORNEY GENERAL OF THE UNITED STATES
January 11, 2016**

Good Morning Chairman Grassley and Members of the Committee. My name is Jayann Sepich. Thank you for the opportunity to testify today in support of the nomination of Senator Sessions as Attorney General of the United States.

In August 2003, my oldest daughter Katie, a vivacious 22 year old graduate student, was brutally raped, strangled to death, and her body set on fire. It is never easy to lose a child for any reason, but the pain and horror at losing our daughter in this violent manner is beyond description.

No strong suspects emerged in Katie's case, but Katie had fought for her life. The skin and blood of her attacker were found under her fingernails, and a DNA profile identifying her killer was extracted and uploaded into the national forensic DNA database called CODIS.

I made the comment to investigators that the man who had killed Katie was such a monster that he would surely be arrested for another crime, his cheek would be swabbed, and we would soon have his identity. He wouldn't be able to harm another young woman. That is when I learned that, at the time, it was not legal in New Mexico, or in most States, to take DNA at the time of a felony arrest. It could only be taken after conviction.

I was stunned. We do not use DNA to accurately identify persons arrested for serious crimes? We release them from law enforcement custody without a check of the DNA database for a possible match to other unsolved crimes? We collect fingerprints, mug shots, Social Security numbers, and run multiple criminal system checks to establish identity – including information as to what other crimes the person may have been involved in -- but we do not collect DNA?

After considerable research, I became a national advocate for the collection of DNA upon arrest. My husband and I started the non-profit association DNA Saves. We know we cannot ever bring Katie back. But we absolutely believe that we may be able to prevent new crimes – prevent this horrible pain from being visited upon other parents – by advocating for stronger DNA database laws that allow for the collection of DNA from persons arrested for serious crimes.

To date, thirty State Legislatures and the US Congress have enacted laws requiring that a DNA sample be taken for qualifying felony arrests. In June 2012, the United States Supreme Court upheld these laws, ruling that taking

DNA at the time of booking for a felony arrest is “a legitimate police booking procedure that is reasonable under the Fourth Amendment.” (*Maryland v. King*, 569 U.S. ___ (2013)).

Senator Sessions helped craft the legislative language that became the *DNA Fingerprint Act* to provide federal authorities with the authorization to collect DNA from arrestees. (P.L. 109-162; 42 USC 14135a) In 2008, Senator Bingaman, along with Senator Schumer as an original cosponsor, introduced the *Katie Sepich Enhanced DNA Collection Act*, which was passed in 2012. (P.L. 112-253, 42 USC 14137a) This federal law provides additional funding, through the *Debbie Smith DNA Backlog Elimination Act* (42 USC 14135), to those states that have enacted laws to expand their databases. Once again, as the Judiciary Committee’s Ranking Member during the time in which this legislation was pending, Senator Sessions played a significant role in helping us to craft a bill that would gain bipartisan support, and eventually passed Congress unanimously.

As a result of stronger state and federal DNA database laws, and the corresponding funding for implementation, we have seen many heinous criminals identified through arrestee DNA testing. New Mexico has seen over 1200 cases matched. California is seeing ten matches every day on their DNA database. To date, the Alabama Department of Forensic Sciences remains one of the most successful Forensic DNA programs in this country, and one that many other States look to for guidance as DNA technology continues to improve. The Alabama Department of Forensic Sciences credits Senator Sessions for much of this success, largely due to the support Senator Sessions

provided from the outset to the state's forensic DNA program during his term as the Alabama Attorney General. Since its inception, Alabama has utilized the DNA Database to solve over 6,500 previously unsolved cases through CODIS. Alabama now averages almost two new 'hits' each and every day with their impact felt across this country – helping to solve cases ranging from simple burglary to murder in 43 states.

In Katie's case, after three long years, DNA finally identified Gabriel Avila, an illegal Mexican national, as Katie's killer. But he would have been identified in under three months if law enforcement had been permitted to collect DNA at his arrest.

Over the past eleven years, our family has worked to change DNA laws across the country. We have been supported by lawmakers of both parties. We have also seen opposition from both Republicans and Democrats. Forensic DNA is a very complex issue and it is vitally important that policymakers take the time to fully understand these complexities in a truly non-partisan manner. Senator Sessions has done that. And with that understanding, he has stood in strong support of the use of forensic DNA to both identify the guilty and exonerate the innocent.

I believe that Senator Sessions is committed to the philosophy that one of the core responsibilities of our government is public safety. He cares about victims. He has been a leader on forensics policy for years. He has consistently supported vital funding for DNA programs, including the *Debbie Smith DNA Backlog Elimination Act* and the *Katie Sepich Enhanced DNA*

Collection Act. Moreover, Senator Sessions was the author of the *Paul Coverdell National Forensic Science Improvement Act* which provides further funding to crime laboratories for work in other important forensic disciplines. (42 USC 3797m) This federal funding support for publicly funded crime laboratories has had an enormous impact on public safety. According to the National Institute of Justice¹, since 2005, the funding provided to local and state crime laboratories through the *Debbie Smith Act* (called the DNA Backlog and Capacity Enhancement grants) has resulted in²:

More than 641,000 DNA cases processed

Over 290,000 DNA profiles uploaded to CODIS

This accounts for 39% of all forensic profiles in CODIS

2.79 million database offender samples uploaded to CODIS

This accounts for 22% of all offender samples in CODIS

In total, the federal Debbie Smith DNA grants have been responsible for 149,000 CODIS hits, 42% of all matches made in CODIS.

Our lives were shattered when our daughter was brutally murdered. We know intimately the pain that violent crime brings to families. We also have reasonable access to the best identification technologies available. Senator Sessions has shown he understands the pain of victims and has put that

¹ *Fiscal Year Funding for DNA Analysis, Capacity Enhancement and other Forensic Activities* (NCJ 249146, December 2015)

² Percentages are based on grant figures from July 2015 as a percentage of samples CODIS as of November 2016, per the FBI statistics at <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/ndis-statistics>

understanding into action to help make changes that will make a difference.
Senator Sessions will provide strong leadership to the United States
Department of Justice, and I hope you will support his nomination as Attorney
General.

Thank you.