

## House Judiciary Subcommittee

June 28, 2018

**It is an absolute privilege to be here and I would like to thank Chairman Grassley and this committee for giving me this opportunity. Your commitment to the issues before us today speaks of your devotion to crime victims and their families. I would also like to publicly thank the members of this Judiciary committee who have sponsored the reauthorization of The Debbie Smith Act, Senate Bill 2577. Senators Cornyn, Feistein, Leahy, and Klobuchar, it is with humble sincerity that I say, "Thank you!"**

**I truly believed that March 3, 1989 would be the last day I would feel the loving touch of my husband's embrace or hear the precious voices of my children say, " Love you, Mom." It was on that Friday afternoon that a stranger entered my home threatening to kill me if I screamed. He then abducted, blindfolded and led me to the woods behind my home where he robbed and repeatedly raped me.**

**The day I was raped was also the day that Basket #6 came into my life. Basket #6 has never held anything of monetary value. It used to hold a pair of Rebok tennis shoes ... no big deal ... except it my very first pair of brand name tennis shoes. There just never seemed to be enough money after buying the children's shoes. There was an Aigner purse and matching wallet emptied of its cash ... the purse and wallet**

combined were worth more than the shoes, but they still didn't carry an enormous price tag ... except they were a Christmas gift from my husband. He worked overtime so he could surprise me with the matching set. Basket #6 also held a pair of no name jeans ... no great expense there except ... they were my favorite. There was also a sealed envelope containing public hairs, cotton swabs enclosed in vials, and a pair of semen stained underwear ... definitely nothing of value. Stored in this ordinary wire basket, none of these ordinary items were of any real value ... unless, of course, they belong to you. But now they were evidence, taken from me by a kind doctor but confessing that he was uncomfortable and unfamiliar with the evidence collection procedure. I prayed he was doing it correctly. About six hours later I was sent home to wait.

After being raped I struggled with trying to live with the memories of that day. The smell of his breath, the touch of his cool, damp coat sleeve around my neck, the sight of his black rubber boots and the sound of his voice in my ears reminding me, "Remember I know where you live and I will come back to kill you if you tell anyone" were all stored in my mind unwilling to be discarded. I needed peace, security and to feel normal again. I had no hope that I would ever attain this vital relief. I had found the fate worse than death and it was living with the painful memory, living with the fear that he would fulfill his promise to return to kill me or even worse that he would he take out his revenge on my children or my husband. I merely existed for 6½ years as fear held my heart and soul within its grip, choking out any joy of life. I

**became suicidal, seeking peace and rest from the pictures that played without warning in my mind.**

**It was this very Basket #6 that stored the rape evidence kit that would deliver peace to my heart and allow me to truly live again. It held fragments of a life lived ... answers to my questions, solutions to my fears and peace for my soul. All of these resolutions were confined to an 11" x 12" ordinary wire basket sealed with red evidence tape. It was a vital piece to the criminal justice puzzle but alone it could not reveal the mystery. My picture of justice was unfinished and unrecognizable.**

**On July 24, 1995, Dr. George Li sat at his computer entering prisoners' DNA samples into the offender database. Two days later we received the news that a DNA cold hit, the fourth in our country, had revealed the name of my rapist. He was already in prison for another crime. The torment was finally over ... I knew where he was! Basket #6 was finally allowed to speak! I took a deliberate breath for I had hope of real life. It took the testing of my kit and the testing of offender samples to solve the mystery of the identification of the man who raped me. The offender database gave a voice to the evidence revealed from my rape kit. With that evidence my rapist was incarnated for life making our streets safer.**

**My experience is why I am here today. I have spent the last eighteen years doing whatever I could to make a difference for victims of sexual**

**assault. I am very proud of the legislation that bears my name because it does make a difference. The original intent for this money was to eliminate the rape kit backlog because we wanted to attain justice for victims, but it wasn't long before we learned that this was a multi-faceted issue. As these facets have unfolded our view of the issue broadened. Each time we returned to Congress asking to amend the use of the federal dollars, we were heard. Testing the rape kits is only one facet of this multi-faceted problem. Without entering DNA offender samples into the database there is nothing to check the rape kit results against. Without making sure we have trained sexual assault nurse examiners to collect the evidence properly future rape kit evidence could be deemed invalid. Without tracking these kits, victims will remain in the dark about what is going on with their kit and we may never know just how many kits there are waiting to be tested. Without making sure that our labs are equipped with a sterile environment, proper equipment and trained scientists the process will take longer and the problem will continue to exist. Rapists will remain on the street claiming more victims, the wrongly accused will remain in prison, sexual assault victims will have untrained professionals collecting evidence and our scientists will continue to fight a backlog that will continue to grow. Victims will once again be victimized! If we just want to check something off our "to do" list then just test the rape kits and be done, but if our ultimate goal is truly justice for victims, then we must continue to broaden our scope.**

**I do want to take this opportunity to clear up some misunderstandings as I have found that some of my words are being misinterpreted, I am sure none of you have had that to happen! I have visited with various members of Congress, some of whom are in this room, to explain that the DNA money was not being used for the purpose it was intended. Please understand, as those in the room did, that this statement was not made because I thought the crime labs were misusing the funds. That could not be farther from the truth! In fact, part of the reason I come to DC is that I believe the crime labs need more money! I have visited DNA crime labs all across our country and they have made incredible progress in tackling the ongoing demand for more DNA testing as it has become an indispensable tool for law enforcement. My complaint was with the amount of grant funding that NIJ allots to the DNA backlog program. In the first years of this program less than 50% of the \$151 million appropriated by Congress actually went to crime labs. This is an issue that NIJ and I have never agreed on, but progress is being made. For the past several years they have been kind enough to meet with me annually concerning this issue. I always leave feeling that my thoughts have been heard and I usually walk away with a plan for action ... either on their part or my part. My action plan is usually to come back to Congress because I know that is where change can happen. I have been told that NIJ has increased the allocation of funds to the DNA grants this year and feel confident they will be within reach of the 80% mark. While I am thankful for that news, my heart still aches for those who await justice. I cringe thinking about the criminals who are still on our streets and I grieve for the innocent suspects who wait for exoneration.**

**I also want to make sure that everyone understands that I am always about transparency. I am in no way opposed to common sense oversight and reporting requirements to make sure we can account for the money collected from hard working Americans. But we need to remember that every minute scientists are in an office filling out forms, they are away from the labs and the backlog continues to grow.**

**This hearing has been entitled “Promoting Justice for Victims of Crime: Examining the Federal Investment in DNA Analysis.” A good investment of money is one that corrects what is wrong but a great investment corrects the wrong of the past and works in the present for a better future. For this reason I am proud of the Debbie Smith DNA grant program. This federal investment in DNA analysis offers justice to the victim, punishes the guilty releasing the innocent of being wrongly accused, trains specialists to handle sensitive evidence, provides funds to help track the rape kits, works to help find missing persons, assists in staffing the labs to work the growing caseloads, and helps to build capacity to ensure the problem does not repeat. The Debbie Smith grant program money is working on the past, taking care of the present and preparing for the future. Now that is a great investment! In fact, this federal funding is responsible for 45.4 of all hits made on CODIS! That is our justice system at its very best!**

**Basket #6 has long been emptied of its original contents and now sits on my office shelf as a permanent reminder of those who have suffer**

**from this trauma. It is for them that I speak today and it is for them that I will continue to do all I can to make sure justice finds its place.**