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4/20/16

## **Testimony of Jayann Sepich before the Vermont Senate Judiciary Committee – Friday, January 15, 2016**

Mr. Chairman, members of the committee, thank you for allowing my testimony this morning

You have in front of you the photograph of a beautiful young woman. You can see sparkling eyes and a big engaging smile. But what you can't see from that photograph is the joy and vibrancy with which she lived. This was my daughter Katie who always said she woke up every day expecting something wonderful to happen. Katie was intelligent, creative, obstinate and persistent. She drew people to her like a magnet, and her love for her family and friends was fierce and strong. To me that love shines through in the photograph taken of my Katie with me at her Uncle's wedding.

Katie was 22 and a graduate student at a university four hours from our home. It was Labor Day weekend and she had decided not to come home for the holiday. We were getting ready for a backyard cookout with friends and family when the phone rang at 2:15 in the afternoon and our lives were forever shattered with just six words, "Have you talked to Katie today?" Katie's roommate Tracy was on the phone. The night before Katie had stormed out of a friend's house after an argument with her boyfriend to walk a few short blocks home. She was so angry she left without her purse, her keys or her phone. No one had seen her since. Tracy was worried. This just wasn't like Katie. We told Tracy to call the police and Katie's Dad Dave headed out to drive the four hours to look for Katie. When he got to her house he was met by the Sheriff and a chaplain. When Tracy had called the police they immediately knew that the body found in the desert earlier that morning by target shooters was most probably Katie. Katie's Dad had to go to the morgue and identify her body. She had been brutally raped, sodomized, beaten, strangled and set on fire. Dave later told me that when they pulled back the sheet and he had to look at her

face, bruised and contorted in pain, he fell to his knees and begged God to take him too. He didn't think he could take another breath. No father should live that moment---no parent should.

There were almost no clues in Katie's murder. But Katie fought hard for her life and underneath her fingernails was the skin and blood of her killer. A DNA profile was extracted and uploaded into CODIS, the national forensic DNA database. This gave us bright hope, because we knew that this man was such a monster that he would surely be identified from this DNA profile.

That's when we learned that the offender DNA system was very very narrow. DNA swabs were only being taken from people after they were convicted of the most serious of crimes. And while this is a good thing, it allows murderers and rapists to continue to destroy lives when they could be identified much sooner.

After Katie was murdered I started doing in depth research on the CODIS system and I learned how it was very carefully and thoughtfully designed by genetic scientists to guard privacy while still allowing for an accurate system for identity.

While our DNA strand has over 3 billion markers, only 13 of these go into the CODIS database. And these 13 markers were specifically chosen because they are non-coding. They have absolutely no ability to disclose any genetic or medical information about a person.

You see it is NOT our DNA that goes into CODIS. It is a DNA Profile---and that is very different. You have a handout that shows all of the information that goes into the CODIS system. There is a number that identifies which state laboratory analyzed the sample, a specimen ID number that is generated by the system when the profile is uploaded, 26 numbers that identify the 13 markers---each marker is identified by two numbers, and the initials of the scientist that did the analysis. That's it. That's all that goes into CODIS. You'll see that there are no names, no social security

numbers. And although the CODIS system is offline and very secure and even though there has never been a breach of CODIS, if someone were to get into the system, there is no way to even tell whose markers these belong to.

The DNA profile on your handout belongs to me. I am so very certain that there is nothing private or personally descriptive about me that not only am I willing to hand it out to you, it is printed on the back of my business card.

So, if these 26 numbers match to the crime scene evidence, what does that mean and how does it work?

It means that the person identified in the profile IS a person who was present at the crime scene. And it is used merely as an investigative lead.

Once there is a match, the state from which the profile was taken is notified that there is a match between the person and the crime scene. The state crime lab personnel then finds the original swab and retests it to make sure the profile is correct. At that point the crime lab goes into a secure, offline, state crime lab held database that identifies the name of the specimen ID#. That name can only be released to the team of investigators working on the crime to which the profile matched. If there is enough corroborating evidence, the investigators must get a court order to get another DNA sample, which is analyzed again and that is what is used in court.

The CODIS system of matching DNA crime scene evidence to DNA profiles is no more invasive of privacy than using fingerprints. But it is infinitely more accurate. When all 13 markers match there is a virtual statistic certainty that the right person is identified because no two people on earth have the same 13 markers, with the exception of identical twins.

So the question is, why should a DNA sample be collected from those convicted of misdemeanor crimes?

We should collect DNA from those convicted of minor crimes because it will save lives. And lives matter.

Let me give you one chilling example. You probably have heard of the case of Hannah Graham in Virginia. Hannah was the University student who went missing in September of 2014 and her body was found the next month. She had been raped and murdered and DNA evidence on her body was eventually matched to the DNA profile of Jesse Matthew.

Please listen carefully to this timeline. In 2005 there was a sexual assault in which DNA evidence was collected and uploaded to CODIS. There was no match to an offender in CODIS.

In 2010 Jesse Matthew was CONVICTED of a misdemeanor. Had his DNA been collected as a result, it would have immediately matched to the sexual assault committed in 2005 and Matthew would not have been free to murder Hannah Graham---saving her life.

The state of New York now mandates that a DNA profile be collected, analyzed and uploaded into CODIS for those convicted of misdemeanors. New York details nineteen violent rapes and nine murders that would have been prevented by DNA collected at the time of conviction for misdemeanors.

Why should we collect DNA from those convicted of misdemeanor crimes?

Because criminals do not specialize. Today's rapist and murderer has probably been convicted of a much lesser crime.

New York state collects DNA samples from those convicted of minor crimes and as a result have matched 78 homicides, 343 sexual assaults, 235 robberies and 764 burglaries to those convicted of PETTY LARCENY. These heinous criminals would have gone undetected without this law.

Why should DNA be collected from those convicted of misdemeanor crimes.

Because 90% of State prisoners are repeat offenders.

In New York 89% of that state's offenders linked to a sexual assault were in the database for a NON SEX crime, such as petty larceny or trespassing.

And please consider this---in New York, 26% of those convicted for unauthorized use of a vehicle---a misdemeanor--- and 21% of those convicted for theft of services, are arrested for a VIOLENT felony offense within five years of a misdemeanor conviction.

Why should a DNA sample be collected for those convicted of a misdemeanor crime?

Because we can STOP repeat offenses. 70% of America's Crime is committed by 6% of the population. We can identify those committing violent crimes and stop them before they offend again and again.

Why should a DNA sample be collected for those convicted of a misdemeanor crime?

Because the incredible, accurate, non-invasive science of DNA can save taxpayers money. Study after study has documented the cost savings resulting in using DNA.

An independent, academic study released by the University of Virginia found that for every offender profile submitted to CODIS, which carries a nationwide average cost of \$35, SAVES the taxpayer \$27,000.

A three-year program conducted by the City of Denver under the auspices of the United States Department of Justice concluded that every dollar invested in DNA in the criminal justice system results in a savings of \$90.

Why should a DNA sample be collected for those convicted of a misdemeanor?  
Because it is the best and most efficient use of tax dollars to solve cold case crimes that might otherwise go unsolved, to prevent crimes from happening, to exonerate the innocent, many times before they are needlessly put through the shame and humiliation of being wrongfully accused, tried, convicted and incarcerated. When the actual perpetrator is identified through a DNA match on CODIS, the innocent are also identified as being innocent. DNA is Truth!!

The science of DNA is accurate, efficient, cost saving and non-invasive. Using it solves cold case crimes, bringing much needed resolution to victims and their families. It prevents crimes, which saves lives and prevents untold trauma. It exonerates the innocent and saves taxpayer money.

Why should a DNA sample be collected for those convicted of a misdemeanor?  
Because it just makes sense. Because it's the right thing to do.