

Testimony of Natasha S. Alexenko

Before the US House Judiciary Subcommittee on Crime And Terrorism

“Rapid DNA Technology – HR 320”

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Chairman Sensenbrenner, Ranking Member Jackson Lee, Members of the Committee, thank you for inviting me to speak to you today. My name is Natasha Alexenko, and I am deeply honored to be in front of your Committee today to talk about crucial advances in DNA technology. As both a survivor of violent crime and a proud citizen, I feel it is my duty to share my story so that we can make this country a safer place by utilizing the technology we have at our disposal.

When I was 20 years old, I was kidnapped while walking home to my apartment in New York City. This stranger, a man I had never met before, violently raped, sodomized and robbed me at gunpoint. When I finally escaped and thankfully found myself in my apartment, my roommate insisted that I go to the hospital for a rape kit. The medical team at the hospital was aware of the fact that my body was a crime scene. Great care was taken into collecting the evidence necessary to find my perpetrator. Unbeknownst to me, my rape kit was not immediately tested. My rape kit was sitting on a shelf in a county storage facility collecting dust along with 17,000 other kits for 9 ½ years. This was primarily because forensic DNA and the associated DNA databases were still in their infancy. In 2003, my kit

was finally taken out of storage and tested. In order to stop the clock on the statute of limitations, I testified before a Grand Jury and the DNA in my rape kit was indicted.

Exactly 14 long years to the day I was attacked, the man that threatened to end my life was identified in CODIS. The DNA in my rape kit belonged to a serial offender by the name of Victor Rondon, a man who had made a career out of his criminal activities. Ironically, while being given a citation in Las Vegas for jaywalking, he assaulted the police officer. Rondon was extradited back to New York when it was discovered that he was on parole for a 1993 conviction of the illegal possession of a 9 mm semi automatic weapon. This was the very weapon he used to threaten to kill me with. Although Rondon had committed other crimes including pandering, assault and drug trafficking while on his 14-year nationwide crime spree, this was the first time anyone bothered to upload his DNA into CODIS.

Victor Rondon is currently behind bars thanks to the dedication of law enforcement and prosecutors in Manhattan County, New York. I am humbled to tell you that I testified against him on behalf of the people of New York. As I sat on the witness stand, ready to testify, I was face to face with Victor Rondon for the first time since my attack 15 years earlier. It was as though time stood still and I fainted at the sight of him. I was able to regain my composure because, for the first time, I felt empowered to set things right. My testimony supplemented the DNA evidence, putting this violent criminal behind bars until 2057, where he can no longer be a burden on law enforcement and society. Time MATTERS.

I am not a law enforcement professional, nor a scientist. I do not possess a law degree, and cannot speak to the specific language or provisions in H.R. 320. What I can tell you, as a survivor of sexual assault, is that DNA testing is essential. And time matters. For nearly 15 years I was on a constant state of high alert knowing that this violent criminal was walking the streets. During those years, I felt helpless and guilty for not being able to put this monster behind bars, fully aware that he was likely harming others.

In honor of those who helped bring justice into my life, I decided to dedicate my time to making certain that every assailant is brought to justice. Public safety has become my primary focus, both personally and professionally. For the last four years, I have been directly involved with nationwide efforts to address the thousands of rape kits that are being found in police evidence rooms throughout the country. These kits sit in the quiet darkness, alone and forgotten – gathering dust and marking time, as the statute of limitations slowly tolls for some of the cases. Thanks to the support of Congress, we have new hope of addressing those rape kits. Chairman Sensenbrenner was the original sponsor of the Justice For All Act of 2004 which first authorized the Debbie Smith DNA Backlog Elimination Act (P.L. 108-405). The Debbie Smith Act provides much needed resources to our nation's forensic crime laboratories as they struggle to keep up with the important work of DNA analysis, including rape kits. I thank you for this support. I also thank you for the overwhelming, bipartisan support that Congress has provided to the President's Sexual Assault Kit Initiative. This appropriations program, aimed at assisting jurisdictions with development of community responses to unprecedented backlogs of

untested rape kits, was amended on the House floor to be \$41 million, thanks to an amendment from Judiciary Committee member, Representative Cohen – and another amendment by Rep. Cohen for next year's appropriations has again increased this amount to \$45 million. Words cannot express how important it is to survivors to know that our elected officials in Washington care, and I again want to thank you for your attention to this matter.

But today I am here to talk about the other side of the DNA database system, and crucial new technologies that may reduce the amount of time needed to bring answers to victims of crime. As we make such strong strides to reducing the backlog of untested rape kits, it is important that we not forget that a database full of evidence only has limited value. This evidence must be matched against a perpetrator. To this end, the FBI has established, with congressional authority, the CODIS database, which includes DNA profiles of persons convicted and arrested for crimes, as state laws allow. Delays in analyzing, entering and searching offender profiles against the database of DNA evidence will result in missed opportunities to identify criminals, including rapists. I am living proof of this.

One of a survivor's greatest fears is that the rapist will return or will harm others. Until they are arrested and locked away for their crime, they are free to create additional victims and burden law enforcement and taxpayers. If we have the technology available to identify these perpetrators the FIRST time that they come into law enforcement custody – it is imperative that we do so. It is the responsible thing to do for the safety of the general public. Checking CODIS for possible matches is important if we intend to maximize the value of the DNA evidence that is so painstakingly collected from the bodies of victims.

I am humbled to see this group of criminal justice professionals here today. It gives me hope. I have so much respect for the leadership that the FBI has provided through the operation of CODIS and its development of related quality standards. I owe them my life. I have often heard DNA called the “gold standard” of forensic science, and it is because of their hard work and attention to detail that this is the case. As the process for realizing the potential of RAPID DNA technology moves forward, I know we will be mindful of not rushing a technology ahead of stringent quality standards. Certainly, the FBI is working on this, and I sincerely hope that Congress will ensure that the important work of these groups can continue. I hope that the FBI and its partners in the forensic community will work with all due speed to develop these standards. The important progress being made at jurisdictions throughout the country on rape kit backlogs, through programs such as the Debbie Smith Act and the Sexual Assault Kit Initiative, must not be impeded.

Catching rapists and other repeat violent criminals matters. It matters to victims of crime who still await justice, and it matters to those unsuspecting citizens who may be tomorrow’s victims. Laboratories in this country still define a “backlog” as anything older than 30 days. And as a victim of rape, I can tell you that 30 days is still a long time to wait. We should not be satisfied with a backlog of 30 days, not when this definition has been static for so many years. We should do better. We owe to the people. We CAN do better. And with RAPID, we can.

I am grateful for the opportunity to share my experiences on behalf of survivors of violent crimes.