

Testimony of  
**Debbie Smith**

December 15, 2009

Senate Judiciary Hearing  
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Let me begin by saying how honored I am to have been included in this panel before you today. As a surviving victim of sexual assault I understand the importance of the work that is to be done, though I may look at this discussion from a much different view point from many of you. I bring no professional perspective to this table seated with some the top professionals in their field ... but I can offer you firsthand knowledge of the importance of timely testing of DNA evidence and elimination of the current backlog of both suspect and victim kits. My personal experience attests to how imperative it is that we move quickly.

For the next few minutes, I would like for each of you to remove your political hats and take your place as a husband, father or brother; or as a mother, sister or friend. You have just received the news that your loved one was abducted from her home and taken to the woods, where she was robbed and raped. He entered her home in the middle of the afternoon through a door that was left unlocked for a matter of moments. This masked man repeatedly said that he would return and kill her if she told anyone and she believes him. She cries hysterically, pleading with you not to call the police. But in your heart you know it is the right thing to do. The police are called and your loved one sits in shock as she is asked countless questions. Your heart is breaking as you watch her trying to hold on to her sanity ... but you are void of any way to ease her efforts. Watching her struggle to make sense out of what has just changed her life so completely hurts beyond measure. You feel helpless wanting to take away the pain that is so evident in her eyes. Within your heart and mind a search begins for surely there must be something you can do to make it better or somehow easier ... but the search is in vain for there truly is nothing that you can do.

You convince her to go to the hospital to have the only real physical evidence collected. This person you love is begging you not to make her go, but you know you have to deny these pleas, just as you had to deny her cries not to call the police. Your prayer is that you are helping her to make the right decisions ... ones that she would make herself, if only she could. It is what you've been taught is the next step ... the right thing to do.

As the two of you walk into the hospital you try to make her understand that this is necessary ... the only way to catch this man and prevent him from hurting anyone else. She walks like a frightened child, terrified and confused. She hears you tell the receptionist that she was RAPED! Her mind begins to reel, "NO! It just can't be true! Rape doesn't happen to people like me!" The nurse leads the two of you to a room where the questions begin all over again. Three nurses and a doctor are going in and out ... questions, questions and still more questions. You begin to wonder

if this was the right thing to do after all. The look in her eyes conveys the sheer desperation she is feeling ... needing to know that someone is on her side and that someone believes her.

But her nightmare continues as she is asked to lie down on the table, put her feet in the stirrups and to spread her legs. A male doctor then begins this invasive procedure by plucking, probing, combing and swabbing her just hours after being attacked by another man. Her face reveals her humiliation, she is crushed and feeling even more vulnerable. What was left of her self esteem has now completely vanished from her limp body. Simply put, she feels violated all over again. Your only hope is that one day this very procedure will make bring justice.

As you leave the hospital, you trust things will be better for her now. But it doesn't take long before the vacant stares give away that she has been robbed of any joy in life. She is alive physically, but she has died inside. Her fear is apparent as you watch her struggle to leave the house or allow the children out of her sight, as her rapist's threats will not leave her mind.

"Remember I know where you live and I will come back and kill you if you tell anyone."

Because you know her so very well, you fear that one day you'll find that she has taken her own life. All she wants is her freedom. She craves peace of mind. She wants to feel safe. She wants justice. She waits. My husband and I lived this nightmare and the feelings are as present with us now as they were then.

When a rape victim submits to the very intrusive four hour evidence collection process she at least knows that she has done her part ... she has done all that has been asked of her ... to keep this man from hurting anyone else. Unfortunately, there is a very good chance that this vital evidence will sit on a shelf with thousands of other rape kits. Each box holds within it vital evidence that is crucial to the safety of women everywhere. Each day that passes without the identity of these rapists being known, allows them to continue to claim victims ... and they will. Statistics prove that the average rapist claims eight to twelve victims before he is caught. How many of them could have been prevented? I merely existed for six and 1/2 years waiting for my rapist to be identified, trying my best to deafen the sound of his voice in my ears, "Remember I know where you live and I will come back to kill you if you tell anyone." But fear for my family and myself 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 constantly in my mind. But finally DNA revealed the identity of my rapist, giving me the sweet breath of validation and promised justice. I want every victim of sexual assault to experience this gift of renewed life, and I am here today on behalf of those thousands of victims whose cases continue to sit on the shelves, I am here for those future victims, and for those who sit in a prison cell wrongly accused. I speak today for victims like Amy, attacked in 1996 she had no hope that her rapist would be identified because the rape kit collected yielded very little DNA evidence. Amy tried to find peace from her memories through therapy, anti-depressants and alcohol. By 2004 DNA technology had changed, her evidence was retested and revealed the DNA profile of her attacker and has linked him with at least two other cases. Amy says, "Today I have hope. He still haunts me. I still have fear. But I also have hope and a new purpose in life."

I am also here for those who can no longer speak for themselves. A lab scientist from FL related the story of a rape victim who waited until she could wait no longer. This was evidently a case they had worked on for some time, for the day the DNA match was made the scientist went to

deliver the news in person to the detective working the case. The detective looked at her with a very solemn face and said, "That's great but the victim committed suicide last night." Unfortunately this is not an isolated case.

Finally, I am present today on behalf of those wonderful forensic nurses some who give up their own personal money and time to learn how to best help a victim of sexual assault, and I am here for the scientists who are overworked and under paid, but continue to labor feeling overwhelmed by what seems to be an endless task.

It is now time to put your political hats back on, empowering you with the ability to make a difference. It is within your capacity as a legislator to make sure these kits are taken off the shelf and reviewed to ascertain if there is any viable forensic evidence within. Can you imagine going through this examination only to have the results sit on a shelf?

When someone is robbed, everything possible is done to find this person who has taken what does not belong to him. Prosecution is pursued and the guilty is made to return what was stolen to its rightful owner. You are powerless to return to rape victims what was taken from her. For how can you restore her dignity, innocence, or peace of mind? Can you remove the pictures that play in her mind without warning? **YOU CANNOT!** But you can give her justice by making her rapist pay for his crime. You can **DO** something!

Lady Liberty stands proudly in the New York harbor offering freedom for all within our borders. Equal justice under law is etched in stone across our Supreme Court Building and our flags are raised high symbolic of our pledge of liberty and justice for all. Sexual assault victims across our country wait for that pledged freedom from the chains of fear and guilt her attacker would have constrain her. She anticipates the promised justice to be imparted for the crime committed against her. I ask that you use your power to award her what is promised to all Americans ... liberty and justice for all.