

After 3 years and \$1.5 million devoted to testing rape kits, Alaska made one new arrest

First of two parts: In the state with the highest rate of sexual assault in the nation, testing the backlog of rape kits may not be enough. Many were from cases where the identity of the suspect was already known, or were opened only to find no usable DNA.

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Rape kits stacked in the evidence storage area of the Alaska State Crime Lab in Anchorage in 2019. (Loren Holmes / ADN)

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First of two parts.

In October, Anna Sattler saw the man who raped her for the first time since she [jumped from his van](#) 19 years earlier.

He wore a dark tie and a blue face mask, appearing in one of Alaska's first felony jury trials of the COVID-19 pandemic. Sattler was committed to getting justice for what had been done to her. She had subjected her body to the swabbing and prodding and picture taking of a forensic exam after the 2001 kidnapping, so troopers could collect a sample of the rapist's DNA. In court, where a jury of socially distanced strangers examined images of her genitalia, she answered the defense lawyer's questions about why she was barhopping the night of her rape.

In the end, all the little humiliations built a case. A Kenai jury found Carmen Perzechino, a former sled dog musher who had fled to the Philippines, [guilty of all counts](#). He is awaiting sentencing.

The state public safety commissioner [celebrated the verdict](#) as a win in Alaska's push to test hundreds of old sexual assault kits collected by state troopers, some dating back to the 1980s. The "kits" are textbook-sized boxes or even bags of evidence collected at the beginning of a sex crime investigation. For a variety of reasons, they were never before submitted to a crime lab where the suspect's DNA would have been extracted, possibly identified and entered into a database.

Sattler figured the verdict was just the beginning of a reckoning, brought about by the grant-funded effort, for Alaska men who'd gotten away with rape.

"I expected this to be like the floodgates," she said.



Carmen Perzechino was found guilty on Nov. 4, 2020, of raping and kidnapping Anna Sattler in a cold case from 2001. In the proceeding held via Zoom are, in the upper row from left, Superior Court Judge Jennifer Wells, Perzechino and defense attorney Andy Pevehouse. In the lower row are investigator Mike Burkmire and prosecutor Jenna Gruenstein. (Obtained by Anchorage Daily News and ProPublica)

But what the state's news releases didn't mention is that Perzechino is and will likely remain the only offender arrested as a result of the initial effort to clear the backlog of unsubmitted evidence. After spending three years and \$1.5 million to test 568 kits and review the results, Alaska has filed only this one new criminal charge.

The Sexual Assault Kit Initiative grants paid for a prosecutor, Assistant Attorney General Jenna Gruenstein, and a cold case investigator to review the DNA results from every test, but that money will run out in 2021. Asked if the project will lead to any more charges filed, Gruenstein said the state concluded the majority could not be prosecuted but "a few cases" are still being reviewed.

Now, Alaska is [spending an additional \\$2.75 million](#) from state coffers to test about 2,400 more rape kits from local police departments in hopes of solving other cases.

This story is the first in a two-part examination by the Anchorage Daily News and ProPublica of why Alaska's effort to clear the backlog was not as effective as politicians or the public might have hoped and why it has not identified serial rapists.

In the next story we will examine how Alaska law enforcement may have limited the effectiveness of the rape kits by failing to collect DNA swabs from people arrested or convicted of certain crimes, contrary to state law. Those missing DNA profiles might have matched evidence found in rape kits.

The reasons for the low success rate are complex. Many of the backlogged kits involved cases where DNA evidence did not solve the crime because the identity of the suspect was already known, and the investigation turned on consent rather than who was involved. In even more cases, the sealed rape kits were opened to reveal no usable suspect DNA at all.

Still, some places, such as [Cuyahoga County in Ohio](#), have used DNA to file hundreds of criminal indictments and identified serial rapists like Nathan Ford, whose DNA matched evidence in 19 sexual assault kits. The [city of Fayetteville](#), North Carolina, used \$1.1 million in grants to clear a backlog of 688 kits leading to [59 cases "solved and charged,"](#) including some involving serial rapists, Lt. Michael Petti said.

They are the exception. Most states and local governments are reporting modest results, but few have tested so many kits resulting in so few new charges as Alaska.

In Washington state, federal Sexual Assault Kit Initiative grants paid for the testing of 5,096 backlogged rape kits as of Nov. 30, but the state attorney general's office and a state patrol

spokesman could not say how many charges had been filed as a result. [A December report](#) to the state's Legislature notes two cases that led to convictions and three that are awaiting trial.

Wisconsin [tested 4,472 kits](#), leading to the [convictions of four people](#), and several more are awaiting trial. In Iowa, the state Department of Justice received \$3 million in federal grants resulting in the testing of 1,535 kits and two new criminal cases. In Connecticut, which received \$4.7 million, the Sexual Assault Kit Initiative coordinator provided two examples of arrests made as a result of [genealogy testing](#) funded by the grants. The Hawaii Department of the Attorney General [tested 1,512 kits](#) resulting in one new conviction.

All told, the federal government has spent more than \$223 million on the Sexual Assault Kit Initiative program, known as SAKI, over the past six years. The Sexual Assault Kit National Training and Technical Assistance Program [reports](#) some 71,491 kits were sent for testing from September 2015 to June 2020.

In that period, charges were filed in 1,521 new criminal cases, according to the program.

A senior policy adviser at the Bureau of Justice Assistance, Angela Williamson, who manages the SAKI grant program, said it's unfair to compare the performance of various grantees until the sites have completed their projects.

"We don't know these numbers yet," she said. "But testing is only one part of the solution, which is why SAKI supports so many other critical activities such as crime analysis and investigation."

The delayed testing comes too late for some. In Alaska, some victims contacted long after reporting the attack no longer wanted to disrupt their lives and pursue a criminal trial. In other cases, victims and suspects have died in the years between the report of a sexual assault and the new initiative.

"On a shelf gathering dust"

The federal Bureau of Justice Assistance began the Sexual Assault Kit Initiative in 2015 [under President Barack Obama](#). The money was intended not only to clear existing backlogs but to help state and county leaders come up with ways to avoid future ones.

The issue was gaining nationwide attention as states and cities began to realize that countless sexual assault kits had gone untested over decades. Some had never been submitted by police to crime labs; others were considered a low priority and languished in evidence backlogs.

[That year](#), state Rep. Geran Tarr, an Anchorage Democrat, urged colleagues in the Alaska Legislature to launch a statewide inventory of untested kits. The audit would serve as the first step in identifying the scope of the problem here and would be necessary to obtain grant money for testing.

"There are perhaps violent criminals who are still out on the streets only because these kits haven't been processed," said Tarr, who'd heard about the issue of sexual assault kit backlogs

from a national advocacy group. Sen. Berta Gardner, also an Anchorage Democrat, proposed a companion bill in the state Senate.

“The evidence that could bring the guilty to justice, and prevent the perpetrator from raping, again sits on a shelf gathering dust,” Gardner [wrote in January 2016](#).

The statewide inventory of untested kits included those collected by state troopers, which were directly in the state’s control, and those kept by local police departments, which were one step removed. Then-Gov. Bill Walker said his administration aimed to clear the trooper backlog by 2017. “It is now a top priority,” he said.

Advocacy groups estimate that hundreds of thousands of such kits had been sitting in evidence lockers, some containing the only key that could solve certain cases: a sample of the rapist’s DNA.

Sometimes the evidence was never submitted for testing because police believed it wouldn’t have made a difference in the pending sex crime case. Some suspects had already pleaded guilty. Others admitted to having a sexual encounter with the victim but claimed it was consensual. In those cases, a DNA sample that confirmed the identity of the suspect wouldn’t change the investigation, police believed at the time, because it hinged on a he-said-she-said question of consent rather than identity.

But many sexual assaults reported in Alaska involve a woman who is unconscious and can’t give consent. In past decades, police might not have sent DNA samples in such cases for testing, thinking it wouldn’t solve the case. (Investigators already knew who the suspect was; he had admitted sexual contact but said it was consensual.) However, testing all such kits could reveal patterns such as a string of identical accusations against a single person. With enough evidence, prosecutors might be able to file charges.

At the time of some older cases, such as the 2001 attack by Perzechino, state troopers had a “standard practice” of declining to test a kit unless a suspect had been identified, [according to](#) Department of Public Safety Commissioner Amanda Price. Today, many states, including Alaska, have mandated testing of all kits.

After testing, the state crime lab can add eligible DNA profiles of suspects to a state database where it can be compared to the FBI Combined DNA Index System to see if that person’s DNA was found at another crime scene, in another sexual assault kit or matches a known offender.

Rachel Lovell, a researcher at Case Western Reserve University in Ohio, and colleagues described many reasons for the massive rape kit backlogs in [a recent edition](#) of the FBI’s Law Enforcement Bulletin: “Poor evidence tracking, outdated and ineffective investigation practices, scarce resources and personnel, misunderstanding of crime lab case acceptance policies, and lack of knowledge among law enforcement personnel about the value of testing the kits.”

As the backlogs gained national attention, the issue resonated across the country, Lovell said in an interview. People were enraged to learn that evidence of such serious crimes was often bagged, boxed and forgotten on a shelf.

“I think that’s why people are sort of disgusted or sort of shocked at all these rape kits that haven’t been tested,” she said.

Alaska attempted its first statewide inventory by 2016. The initial count showed some 3,600 untested sexual assault kits. That year, the Department of Public Safety received a \$1.1 million, three-year [SAKI grant](#) to assess the problem.

“We owe it to victims and their families to deliver justice to perpetrators and bring closure to these tragic experiences,” Walker, the governor, said at the time. The next year the state received another grant, for \$450,000, to continue the work.

The program quickly expanded across the country. Two grants in Oklahoma. Three in Montana. Four in Oregon.

Today, more than half of Americans live in one of the 71 jurisdictions that have received the federal grants.

When speaking to other legislators about the motivation to count and test shelved rape kits in 2015, Tarr said she’d come to a realization that violent offenders might be roaming Alaska towns purely because the evidence against them had been forgotten.

“Maybe even just one crime could be solved if we had this information in a more timely fashion,” she said.

Five years later, that’s precisely what happened.

Most kits contained no suspect DNA

In Alaska, the first round of testing focused on about 700 kits collected by state troopers; a fraction of the untested kits identified statewide. That initial number quickly shrank as investigators identified, for example, some that had been previously tested, were too damaged to test or had been mislabeled.

Ultimately, 568 trooper kits were sent to a private lab in Virginia to be unsealed and tested. By spring 2019, the testing was complete.

The lab found that as was the case in other states, nearly two-thirds of the previously unsubmitted rape kits in Alaska contained no DNA samples from anyone other than the victim.

From there, the number of kits that could unlock unsolved cases grew even smaller, as investigators began to pore over the DNA results arriving in monthly batches from the lab. Of the 199 kits that had DNA from someone other than the victim — meaning a potential suspect —

99 were set aside. Either the DNA belonged to someone other than the rape suspect, such as a partner, the DNA sample was of poor quality or degraded and couldn't be matched to a single person, or authorities determined the case didn't meet the statutory definition of sexual assault.

Now the 568 kits were down to about 100 that might be used to solve a cold case. Of those, 59 of the DNA samples matched a known person in law enforcement databases.

The cold case investigator, retired trooper Mike Burkmire, and prosecutor Gruenstein huddled over the 59 cases to determine if they could make new arrests. Most of the DNA "hits" confirmed the identity of a person who was already a named suspect in the case rather than revealing a previously unknown suspect.

Burkmire investigated the cases that remained and forwarded four for prosecution, according to [a Department of Public Safety report](#). The Department of Law declined three of the cases, including one in which the suspect was deceased and two in which the survivors did not want to move forward with a trial.

Gruenstein, the prosecutor, said deference to victims played a role in the low number of charges filed in Alaska and was based on the recommendations of survivor advocates. "While we might not have charged certain cases because of a victim's wishes, it is possible that in other states, those cases would have been charged, resulting in higher numbers of charged cases."

The remaining case resulted in the arrest of Perzechino, whom Sattler said she wouldn't have recognized as her rapist because so many years had passed. Had it not been for the new test of her old kit, the case never would have been solved.

With the testing of trooper kits well underway as a pilot project, the Legislature in 2018 agreed to spend state money to test about 2,400 additional kits held by police departments around Alaska.

It is unclear what will happen if Alaska's expanded testing uncovers new leads. The state funding does not include money for a cold case investigator, meaning any new leads will compete for attention from detectives focused on other duties.

That's what happened in Akron, Ohio, years ago. The DNA results from 1,200 previously untested kits started coming back to the police department in 2015, said Lt. David Whiddon, but the department had a shortage of detectives. There was no one to consistently follow up on the new leads.

Akron obtained two SAKI grants beginning in 2018 to fund police work and prosecutions. As of [this month](#), the department had arrested nine suspects known to have attacked 14 victims, plus it filed "John Doe" warrants against an additional 15 people who could be arrested if the identity of the person matching the DNA pops up in the federal database.

Walker, the former governor who sought the first inventory of untested kits in Alaska, said in a recent phone interview that you can't judge the testing project by the numbers alone.

Alaska has the highest rate of reported sexual assault in the country. As governor, Walker said, he spoke to sexual assault survivors who saw no point in reporting they had been attacked because they didn't think the justice system would take them seriously.

Testing every sexual assault kit sends a message that every report matters, he said, and no evidence will be ignored.

"Anytime there's any conviction of someone who has committed that heinous crime, it's worth it," said Walker, an independent who dropped his reelection bid in 2018.

Anna Sattler isn't so sure. She's grateful for the SAKI program and to the cold case investigator and prosecutor who bulldogged her 2001 case to a conviction. But following the verdict she assumed other trials would soon follow.

"It can't be one out of 568 that went to court and found someone guilty. Those aren't good numbers. That doesn't say anything," she said.

Next: The Missing Evidence

About this author

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