

TESTIMONY OF DANIELLE TUDOR AND CRIME VICTIMS UNITED-APRIL 1ST 2015

HB 2317 (SB 8)

HOUSE JUDICIARY COMMITTEE

CHAIR (Representative) Barker

Vice-Chairs, (Representative) Olson and (Representative) Williamson

Mr. Chairman and members of the committee:

My name is Danielle Tudor and I am here today to represent myself and the interests of Crime Victims United. I want to express my support today for HB 2317 as the original requestor of this bill and thank the committee members for allowing me to speak today on behalf of this legislation.

In 2009 I had the opportunity to be one of the requestors of HB 3263 which eliminated the statute of limitations on first-degree sex crimes in which DNA evidence is available. I had the honor of testifying before this committee on that occasion and today I return to help finish the job on legislation that is long over-due. There are statements I made in 2009 that still ring true to this day: "How is it that a perpetrator is guilty of serial rapes but will never pay for his multiple crimes?" "From nine admitted serial-rapes we were reduced to just one voice, that of a 13 year old girl."

Under Oregon's current law, my rapist, Richard Troy Gillmore, would still not be held accountable for his serial sex-crimes. I think we can all agree that a rapist should always be held accountable. I think we all agree that public safety is and should be of utmost concern here. I will use the Richard Gillmore case, Portland's notorious jogger rapist, as the basis for why we need to extend Oregon's statute of limitations on rape from six years to twenty years or longer.

In 1979, I was the third victim of serial rapist Richard Gillmore. I was the only victim that saw the rapists face before the attack. I was able to provide law enforcement with a composite sketch of my attacker. Despite the best efforts of police, my rapist was not caught, compounding my trauma and filling my nights with fear that he might be waiting for another opportunity.

Seven years later, I received a phone call from the authorities. They had a suspect who had been identified because of the composite sketch from seven years ago. But there was a problem: the statute of limitations had expired in my case, and I would not receive justice. Under today's six-year archaic law, my rapist would still not have been prosecuted. My rapist was clever and intelligent enough to not leave DNA evidence behind on the majority of his victims so under today's current law with DNA evidence, he still would not be charged. If we are truly concerned about public safety then we need to make sure this scenario never happens again.

To me, this is unacceptable. The fact that a similar scenario to mine could happen 35 years later and have the same results should outrage every citizen. We owe the victims of sexual-violence in the state

of Oregon the chance to receive justice for a longer period of time. Under today's archaic law, it is nothing more than a child's game of hide and seek for a rapist; one that my offender was capable of playing quite well. Given that one in four women can expect to be a victim of some type of sexual assault, we need to send a strong message to those who commit such crimes; you will be held accountable!

As a survivor of rape in which I did everything possible to help apprehend my attacker so I could receive justice, I was failed. Law enforcement did not fail me and the DA's office did not fail me. They did their best to apprehend the monster guilty of attacking me and so many others. Rather, I was failed by the statute of limitations. And it still fails me to this day. My reward for having done everything I possibly could as a victim to receive justice is to attend parole hearings every 2 years to keep a serial, pedophile rapist behind bars; something that never would have happened had he been prosecuted for all of his rapes.

To those who would oppose the increase of the statute of limitations on rape: you're telling me and seven other victims of Richard Gillmore that we did not deserve justice then; and we don't deserve justice now.

It is important to remember that this bill will not make convictions automatic. The burden of proof will still rest on prosecutors at the time of trial.

In closing, I would like to thank the committee for discussing this very important piece of legislation today and giving me the opportunity to express my support and hope that we can change the future for survivors like me who deserve justice, no matter how long it takes.

I am attaching a copy of a recent editorial I wrote that will address several other issues regarding this legislation.

Thank you,

Danielle Tudor

My View: Give rape victims more time to fight back

Created on Thursday, 26 February 2015 06:00 | Written by [Danielle Tudor](#) | 

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Right now, Oregon's state Legislature is about to consider bills to change our six-year statute of limitations on prosecution of rape crimes without DNA evidence. (I'm proud to say we have no statute of limitation at all on rape cases with DNA.)

Why does this particular time limit need to change? My answer is simple: If you've been raped, you should have justice — even decades later. I would like to see Oregon stand out by instituting a new limit of 20 years.

After I was raped in my own home in 1979, I reported the crime promptly to the police and underwent a medical exam with a rape kit — and so did eight of this serial rapist's other victims. But once Richard Troy Gillmore was caught in 1986, the statute of limitations meant that he could be prosecuted for only one rape.

Even today, Gillmore still would escape prosecution for most of his crimes. If a rapist is canny enough to evade arrest and to avoid leaving DNA evidence behind, then after six years he's untouchable.

Meanwhile, the number of rape victims in the U.S. is staggering — and it keeps growing. According to the U.S. Department of Justice, every two minutes another woman or girl age 12 or older is raped or assaulted sexually. Bear in mind that those statistics don't include the women who approach me every time I speak publicly and share my story. These women always tell me they were raped, just as I was, but they have never told anyone before.

Then consider this statistic: 98 percent of rapists never spend a day in jail.

I believe we can change those numbers by allowing victims a longer period to move forward with prosecution.

Defense lawyers and others who oppose a longer statute of limitations for rape have told me that the onus is on any victim of sexual assault to report the assault promptly, to go to court and receive justice swiftly, and then to move on with life. This is exactly how rape is regularly portrayed in one-hour episodes of "Law and Order: SVU." But that is simply not real life for victims.

To anyone who feels strongly that every rape victim should follow this protocol, I suggest that you undergo an exam for a rape kit. A friend asked me, "Is a rape kit more invasive than a Pap smear?" Indeed it is — it's one of the most invasive examinations you might ever have to endure. As a victim, you've just experienced a traumatizing, painful and shaming assault, and now you must endure an enormously humiliating medical exam.

Basically, having a rape kit done requires you to undergo a second ordeal. After that, you deserve some breathing space to decide when you want to go to court, which is bound to be a third ordeal.

Some people worry that by extending the statute of limitations for rape cases, innocents will be falsely accused and imprisoned. But according to the National Sexual Violence Resource Center, the incidence of false reporting of sexual violence is low (2-10 percent). What about the many rapists out there who have never been convicted? Are we willing to overlook the huge number of cases that are legitimate but never prosecuted?

Rape is one of the most underreported crimes against women. At the same time, according to the Centers for Disease Control, men are more likely to experience sexual assault than they are to be falsely accused of committing it.

Some lawyers say that fresh cases bring justice best. But demanding that vulnerable, traumatized rape victims forge ahead as quickly as possible with prosecution hardly seems humane. Still, perhaps with more time, they can do that.

Rape is a unique crime. It affects a victim's body, mind and spirit. Rape is not like a broken bone that can be set, or a cut that can be stitched up. Once that bone or cut heals, you no longer feel pain.

By contrast, a sexual assault survivor always carries pain, guilt, shame and fear — feelings with no statute of limitations. Life becomes devoted to managing these emotions. Unwanted memories and flashbacks spring to mind, unbidden. Some days you win out over them; some days you lose, and must remind yourself you can survive to fight another day.

But one day, you could have the strength to move forward, call the district attorney's office, and go to court.

A victim of sexual assault has never asked for the huge responsibility of bringing a rapist to justice as soon as possible. A longer statute of limitations would give victims a chance to fight back when they're ready. And it might make potential rapists think twice if they knew that the threat of prosecution would hang over them for 20 years of their lives.

Danielle Tudor is a Portland rape victim turned activist and advocate. You can follow her on Facebook, Twitter and Tumblr.