



TO: Senate Judiciary Committee

FROM: Jeffrey R. Dion, Deputy Executive Director
National Center for Victims of Crime

DATE: May 26, 2015

RE: Testimony in Support of Amending Oregon's Criminal Statute of
Limitations for First Degree Sexual Crimes to Twenty Years
(HB 2317A, As Amended)

The National Center for Victims of Crime ("NCVC"), a nonprofit organization based in Washington, DC, is the nation's leading resource and advocacy organization for all victims of crime. The mission of the National Center is to forge a national commitment to help victims of crime rebuild their lives. Dedicated to serving individuals, families, and communities harmed by crime, the National Center, among other efforts, advocates laws and public policies that create resources and secure rights and protections for crime victims.

Oregon has historically been among the leaders in reforming archaic laws that protect sex offenders, but Oregon's criminal statute of limitations for felony sex crimes defies that history. A dozen other states have no criminal statute of limitations for the most serious sex offenses, and most of the other states' are longer than Oregon's.¹

As it stands now, only a fraction of sexual assaults are prosecuted, because only about 35% of rapes that occur in the United States are reported to police,² and arrests occur in less than a third of those cases.³ The percentage of cases reported to police that are

¹ *Statutes of Limitations for Sexual Assault: A State-by-State Comparison*, <http://victimsof-crime.org/docs/DNA%20Resource%20Center/sol-for-sexual-assault-check-chart---final---copy.pdf?sfvrsn=2> (current as-of August 21, 2013).

² Bureau of Justice Statistics, U.S. Dep't. of Justice, *National Crime Victimization Survey: 2013* (September 2014), <http://www.bjs.gov/content/pub/pdf/cv13.pdf>.

³ Bureau of Justice Statistics, U.S. Dep't. of Justice, *Female Victims of Sexual Violence, 1994-2010* (March 2013), <http://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>. This statistic is as to women only, who reported that arrests were made only 31% of the time when they reported rape or sexual assault to police.

actually prosecuted is considerably less.⁴ Those who manage to report should not be told "no" because they waited too long. Here are some of the reasons why:

1) The impact of rape doesn't go away after 20 years.

Rape is a violent, traumatic crime suffered by a significant number of individuals.⁵ It is well-documented⁶ that survivors of sexual violence are vulnerable to higher rates of long-term, chronic physical and psychological ailments. Additionally, the financial cost and economic impact⁷ of sexual violence is staggering, both for individual survivors and for our society as a whole. The impact of sexual violence is enormous, and for survivors, lifelong. Survivors deserve justice and healing, no matter how long it takes.

2) There are reasons most survivors don't report.

Survivors should be given the time they need and deserve to gather the strength, courage, and support needed to report the crime and to participate fully in the criminal justice process. Due to the scrutiny, blame, fear, intimidation, and shaming that survivors of sexual assault rape commonly face, many feel unable or unwilling to come forward until long after the crime occurred. Many survivors cannot fully remember or articulate all the details of the crime for quite some time. This is due to the neurobiological impact of the trauma of rape,⁸ a reality that many in the criminal justice system are just beginning to learn about. Increasing the statute of limitations will help to alleviate at least one barrier to reporting: time.

3) Most violent rapists are serial offenders.

Research conducted on incarcerated sex offenders has revealed that the majority of rapists are serial offenders.⁹ In Oregon, Michael Sperou, the leader of a Happy Valley religious community, was recently sentenced to 20 years in prison for repeatedly sexually assaulting a child in his community over the course of several years. The named victim's testimony was supported by the testimony of six of Sperou's other similarly-abused victims. Offenders like Sperou are not the exception. They are the rule. The same

⁴ The FBI reports 40.1% of forcible rapes cleared by arrest or exceptional means. Those cleared by arrest were "turned over to the court for prosecution," but neither the FBI nor USDOJ actually reports percentages of cases prosecuted. *Crime in the United States 2012*, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/offenses-known-to-law-enforcement/clearances>.

⁵ <http://www.cdc.gov/violenceprevention/pdf/rpe-fact-sheet-a.pdf>.

⁶ <http://www.cdc.gov/violenceprevention/sexualviolence/consequences.html>;
www.acestudy.org

⁷ <http://www.cdc.gov/violenceprevention/sexualviolence/consequences.html>

⁸ <http://nij.gov/multimedia/presenter/presenter-campbell/pages/presenter-campbell-transcript.aspx>

⁹ David Lisak, *Understanding the Predatory Nature of Sexual Violence*, <http://www.middlebury.edu/media/view/240951/original/> (summarizing studies).

research on incarcerated offenders found that not only do most rapists tend to commit more than one rape, but many commit multiple rapes as well as other types of crime – including murder and other acts of interpersonal violence against adults and children. By increasing the time to prosecute perpetrators of violent sexual offenses, we stand a greater chance of catching and prosecuting to the fullest extent possible criminals who have committed multiple crimes, thus promoting justice for numerous victims and making our communities safer in the process.

4) It's the right thing to do.

Common arguments against extending the statute of limitations include that: 1) there are too many logistical and evidentiary challenges in investigating and prosecuting rape so long after the fact; 2) it is not fair for defendants to be subjected to prosecution for rape so long after the fact; and 3) it is unreasonable to equate the statutes of limitation of rape and murder.

It is true that rape can often be difficult to investigate and prove in our judicial system. Any crime becomes more challenging to prosecute over time, but that does not mean we shouldn't try.

No one is suggesting that the standard for conviction should change. If a rape cannot be proven beyond a reasonable doubt – whether it's six months or twenty years after the fact – then there would be no conviction. Just as in murder cases, evidence in rape cases can be discovered or become available over time.

The analogy of murder and rape when discussing statutes of limitation comes from the soul-killing consequences of rape. In Oregon, however, the analogy is somewhat different, because not only is there no statute of limitations for murder, there is none for attempted murder, conspiracy to commit murder, or solicitation of murder, either.¹⁰ There is no certain no less harm to the victim of a violent sex offense than there is to the victim of an agreement that resulted in no physical harm at all.

Increasing the statute of limitations for first degree sexual crimes to 20 years is but one of many steps that can be taken in furtherance of justice for victims of these heinous crimes, but it is a simple step. It is not one that requires a task force or a work group, it only requires a vote.

Rape victims have so many other barriers to prosecution that the passage of time, in and of itself, should not be one of them. NCVC urges the Oregon Legislature to increase the criminal statute of limitations for first degree sexual crimes to 20 years. Prosecuting rapists is critical to a society that takes sexual assault offenses, public safety, and justice for victims seriously.

¹⁰ ORS 131.125(1).