

**Testimony of Ken Garrett - May 27<sup>th</sup> 2015**

**Bill #HB2317**

**Senate Judiciary Committee**

**Chair (Senator) Prozanski**

**Vice-Chair (Senator) Kruse**

Chair Prozanski, Vice Chair Kruse, Members of the Senate Judiciary Committee:

Good morning.

My name is Ken Garrett. I was born and raised in Portland, where I live today. I am pastor of Grace Bible Church in downtown Portland. Before I went into the ministry, I was a paramedic for 23 years, working most of that time in downtown Portland.

In the precious minutes that I have to speak with you, I hope to present to you a strong, compelling reason to extend the Statute of Limitations for four first-degree sex crimes to 20 years, and not to the mere 12 years that has been suggested.

More than 30 years ago my wife, Sharon, and I joined a small church in South East Portland. We sought training for Christian ministry and longed for solid, close relationships with other like-minded young people, and we believed we would receive those benefits there.

After 12 years, it became very apparent to us that the church had deteriorated into an abusive, cult-like group, and we decided to leave it. By that time we'd had three daughters, ages 12, 10, and 22 months.

A few months after our family had left the church, our two older daughters told us that they had been sexually abused repeatedly, over years, by the Senior Pastor of the church, Pastor Mike Sperou. We immediately took them to the police station and reported their abuse.

At that time, two more girls, then young teenagers, also came forward and reported the same nature of sexual abuse. We expected that Pastor Sperou would be arrested immediately. Instead, we were told by the county prosecutor that he had

elected NOT to arrest and prosecute Sperou, because, he said, the case would be “too hard to prove,” and “not certain of winning.” Understandably, we were crushed.

Within two years, three more girls reported the same sexual abuse—and there was no prosecution. It seemed unreal to us, and it certainly undermined all the times we had told our daughters that should anything bad ever happen to them, they must “go to the police” for assistance.

But the terrible failure of one prosecutor in 1997 was addressed in 2013 when another prosecutor, Portland Deputy District Attorney Chris Mascal, believed the girls, reopened the investigation, arrested and prosecuted Sperou—not because the case was “winnable,” but because prosecution was simply the right thing to do.

However, because of the archaic criminal Statute of Limitations in Oregon, DA Mascal could prosecute Sperou only for three crimes he’d committed against the one remaining victim, Ms. Shannon Clark, whose abuse, because of her age, still fell within the current Statute of Limitations.

Just last month, a jury found Pastor Mike Sperou guilty of three counts of Unlawful Sexual Penetration in the First Degree. But because my daughters reported the crimes against them more than 12 years before the case was reopened in 2013, Pastor Mike could not be prosecuted for what he did to them. He got away with what he did to at least four of the other girls, too.

I am here today as a citizen, a pastor, a husband, and most importantly, a father, to join the many other voices who are saying that our state’s ability to hold accountable a violent sex offender, or one who abuses young children should NOT depend on whether the initial report is handled properly, or even WHEN that report is made.

My young daughters were able to tell me and their mother that they’d been molested. But so many children are simply unable to talk about their abuse for years, even decades -- just as so many survivors of rape are simply unable to address what happened to them for years and decades. This is the fault of their assailant and abuser, and NOT themselves.

To deny justice to a victim of sexual crime on the basis of our state’s short Statute of Limitations serves to re-victimize, re-shame, and re-enforce a sick notion in the mind of an abuser that his/her crimes are really not so bad after all, that they should be forgotten, forgiven -- and that there is something inherently wrong about a victim who can’t simply “move on with life.”

I'm sure you've heard the same sad statistics that I have—that at present, there is only one state in our country with a higher incidence of rape than ours (Alaska), and it is even more chilling to note that the vast majority of sexual crimes do not get reported. And if they do, it is often only after years and years of turmoil, stress, anxiety, unaddressed traumas and fears --all the result of having carried the soul-crushing weight of being the victim of sexual crime.

It has been argued that a shorter Statue of Limitations will encourage more victims to report the crime, that it will compel more victims to come forward while they have the chance. This is a cruel, laughable myth in the face of the many years it often takes for a victim to come forward. Our daughters came forward—they did the right thing, and they were failed once by prosecutor who did not do his job, and a second time by a cruel brick wall called the Statute of Limitations.

If the Statue of Limitations that we hope for today existed today, the molester of my daughters and their five girlhood friends would have been prosecuted and found guilty for ALL his crimes against ALL seven of them, and they ALL would have experienced justice, personally, instead of just the youngest of them. A type of justice *was* served, but not the *better* justice that would have cared for ALL the victims of the man who now sits in prison.

But today, you have before you the priceless opportunity of insuring that from now on, in the great State of Oregon, when victims of sexual crime finally are able to lift their heads out of the years of gloom following sexual victimization, come forward, and report what happened, we will have a just system of law that will give us the ability to say so much more to victims than simply, "We're sorry...it's too late."

I thank you for your time, for this opportunity, and I respectfully urge you to amend House Bill 2317 to extend the criminal statute of limitations for four first-degree sex offenses to 20 years, and NOT 12, short years.

Sincerely,

Kenneth J. Garrett