Senate Bill 162 – Proponent Testimony

Ohio Senate Judiciary Committee   
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Good morning. Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas, and members of the Ohio Senate Judiciary Committee, thank you for having me here today to speak in support of Senate Bill 162, which would eliminate the statute of limitation for rape in Ohio. My name is Dr. Rachel Lovell. I am a Research Assistant Professor at Case Western Reserve University’s Begun Center for Violence Prevention and Education.

For the last five years, with funding provided by a series of grants from the DOJ’s Bureau of Justice Assistance’s Sexual Assault Kit Initiative, and in collaboration with the Cuyahoga County Prosecutor’s Office, I have led the *Cuyahoga County Sexual Assault Kit Research Project*. One of the key products of the research is an extensive database of more than 1,100 sexual assaults over approximately 20 years with previously untested sexual assault kits (also known as rape kits) in Cuyahoga County. In the U.S., this database is unmatched in its size and scope. It has detailed information about victims, suspects, and the sexual assaults themselves, including a large number of sexual assaults that have now been linked through DNA testing. This research is already started changing what we know about rape and the offenders who commit it.

*Today, I am here to highlight* ***three*** *key findings from this research project and lend my expertise as a scholar of gender-based violence in support of Senate Bill 162’s effort to eliminate the statute of limitation for rape.*

*The first key finding:* **serial sexual offending is far more common than previous research suggests and often spans decades**. Rapists like Nathan Ford, a former probation officer, who, to date, has been connected by DNA to 18 rape kits in northeast Ohio, and to several other sexual offenses for which there exists no DNA—rapes that span decades.

How much repeat sexual offending? As cited in our 2018 article in *Criminal Justice and Behavior*, a **quarter** of the kits from the initiative in Cuyahoga County have hit to at least one other kit—in other words, a kit-to-kit match. And this only pertains to the kits in the initiative. The full scope of serial sexual offending is likely much, much higher. Based on this work and others, we now recommend that law enforcement start with the assumption that a sexual perpetrator has sexually offended in the past or will in the future.

What’s more: the sexual suspects identified as part of this Sexual Assault Kit Initiative have been described by some in the law enforcement community as “one-man crime waves.” This description is, in large part, supported by our research. Published last month in the journal *Criminal Justice and Behavior*, our findings illustrate just how criminogenic these sexual suspects are, committing multiple sexual offenders as well as other serious felonies. Offenders like Larry McGowan, who was identified through the DNA testing of thousands of rape kits in Cleveland. He’s been linked to the rapes of six women—killing one of them—during a 15-year span and is now serving a 25-years-to-life sentence. Between rapes, McGowan was in and out of prison for stealing cars, felonious assault, arson, burglary, theft, and robbery. He’s also a suspect in another murder. In fact, had the initiative to test the rape kits started in 2020 instead of 2013, at least two of the six rapes would not be prosecutable.

So how does this research speak in support of Senate Bill 162? By eliminating the statute of limitation for rape, we stand a greater chance of catching and prosecuting to the fullest extent possible criminals like Nathan Ford and Larry McGowan who, over decades, committed many, many rapes and other serious felonies. Thus, Senate Bill 162 provides an opportunity to promote justice for numerous victims and make our communities safer in the process.

*The second key finding:* **the success of the Cuyahoga County Sexual Assault Kit Task Force indicates that especially with the addition of DNA and/or other types of forensic evidence, sufficient investigative resources, and stronger support for victims, convictions for decades-old sexual assaults are not only possible and likely.** At about 90%of the way through investigating almost 7000 kits, Cuyahoga County Sexual Assault Kit Task Force has had more convictions resulting from the untested rape kits than any other jurisdiction in the nation. As of January 2020, they have secured 728 indictments for 769 defendants, have a conviction rate of 93% for all nondismissed, indicted cases and have an average sentence length of 10.5 years.

These astonishing outcomes were made possible because the rape kits were preserved. I strongly support the prevision in Senate Bill 162 that mandates the preservation of biological evidence for unsolved crimes. Think about how many rapists would still be on the streets if these kits had not been preserved.

But what about the kits have been preserved but have yet to be tested in Cleveland – those that pre-1993? For all of those victims, the clock has run out on prosecuting their rapists. By eliminating the statute of limitation and preserving the biological evidence from rapes, Senate Bill 162 can help ensure that future survivors won’t face this same outcome.

*The third and last key finding:* **false reporting is rare.** Opponents of bills that would eliminate the statute of limitation for rape worry that false reporting might increase as a result. However, research has consistently shown that false reporting is rare—between 2 to 10% for rape, which is on par with other types of serious crimes and much lower than crimes such as robbery. We find comparable percentages in our data. Approximately 4% of these cold case investigations by the Cuyahoga County Sexual Assault Kit Task Force for sexual assaults that were not previously adjudicated were closed because the victim recanted. There is, however, decades of research that document how notoriously difficult it is for victims of sexual assault to navigate the criminal justice system. Victims frequently report extremely negative interactions and treatment by the criminal justice system, which can lead to retraumatization and negative health impacts. *Given these two things, there is little reason to support the assumption that eliminating the statute of limitation would increase false reporting rates for rape.*

**The research I presented here, and have published elsewhere, supports eliminating the statute of limitation for rape. Therefore, I urge you to pass Senate Bill 162**. Thank you for your time today. I welcome the opportunity to work with your offices to identify how we might leverage our research and your incredible support to move this work forward.