



**Proponent testimony submitted to the
Ohio Senate Judiciary Committee
Senate Bill 162
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Chair Eklund, Vice Chair Manning, Ranking Member Thomas and Members of the Ohio Senate Judiciary Committee, thank you for the opportunity to provide testimony in support of Senate Bill 162. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

OAESV created and maintains Ohio's rape crisis center core operating standards, trains rape crisis center employees, and provides direct advocacy in counties without services. We have worked with hundreds of survivors – many of whom have debated whether to report for decades. There are few things our team knows with more certainty than this – **the statute of limitations for rape is arbitrary and ignores criminal justice data, neuroscience, and the experiences of Ohio survivors.**

Ohio invested significant funding, time, and labor into processing the rape kit backlog. Despite that effort, 61¹ cases that resulted in SAK matches can never be prosecuted because they were already passed the statute of limitations. Thereafter, our legislature created the DNA extension to the statute of limitations and our Governor and Attorney General commenced a task force to create a system wherein survivors can track the progress of their own rape kits. As OAESV sits on this task force, we consistently reflect with other members that the vast majority of survivors already know their offender's identity. For those survivors, the 5-year DNA extension solves nothing.

For survivors who know their rapist, many factors delay or preclude reporting to law enforcement. For every 1,000 rapes, only 230² survivors report. Just nine (9)³ cases are referred to prosecution, and

¹ Sarah Buduson and Mark Ackerman, *Despite DNA Evidence, Statute of Limitations Prevents Prosecution of Ohio Rape Cases*, News 5 Cleveland, <https://www.news5cleveland.com/news/local-news/investigations/despite-dna-evidence-statute-of-limitations-prevents-prosecution-of-ohio-rape-cases>.

² RAINN, *The Criminal Justice System: Statistics* (citing Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2016 (2017)), <https://www.rainn.org/statistics/criminal-justice-system>.

³ *Id.*

only five (5)⁴ lead to conviction. These exceedingly low numbers correlate with the barriers we put in front of survivors. Specifically, survivors need time to gather the strength, courage, and support needed to report and participate fully in the criminal justice process. All too often, we project assumptions onto survivors of violent crime, demanding they process what happened and balance the risks of reporting in hours or days, when the decision more often takes years or decades.

Most survivors who disclose rape receive some measure of victim blaming, scrutiny, or shaming. Just as often, perpetrators use fear and intimidation to prevent reporting. If the victim and perpetrator share family or other social contexts, as is so often the case, their peers may discourage reporting or threaten retaliation. Further, many witnesses are not willing to cooperate until the familial or social risks reduce, for example when a family member that did not want the case to go forward passes or the witness has gained financial or social independence.

Many opponents of this legislation explicitly ask why any survivor would wait longer than two decades to report. Academics started making this inquiry years ago, and well-established science dictates that survivors experience difficulty fully remembering or articulating the details of their crime for a significant period of time, due to the neurobiological⁵ impact of trauma on the brain. This is consistent with our qualitative experiences, as we serve many survivors who only after many years of processing neurological survival mechanisms achieved a full recognition of their victimization.

Beyond that, after an initial rape, survivors are more vulnerable than the general population to long-term physical and psychological⁶ ailments. In the United States, rape is the costliest crime to individual victims⁷ – with each rape resulting in a lifetime cost of over \$151,000.⁸ Due to the severe impact of sexual violence, many survivors are forced to change their job or academic institution, or leave employment or school entirely for a period after their sexual assault.⁹ After a rape, survivors face numerous challenges they could not have prepared for. Rebuilding financial security, stabilizing health and treatment plans, facing mental health issues, managing disruptions to familial and social relationships – such unforeseen circumstances take precedent over deciding whether to report because they are more central to daily survival. It may take 25 years or 75 years to get to a place where a survivor can decide to report, and we owe them the deference to make that decision when it is right for them.

⁴ *Id.*

⁵ National Institute of Justice, *The Neurobiology of Sexual Assault: Implications for Law Enforcement, Prosecution, and Victim Advocacy*, <https://nij.ojp.gov/media/video/24056>.

⁶ Centers for Disease Control and Prevention, *Preventing Sexual Violence*, https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fsexualviolence%2Fconsequences.html.

⁷ National Alliance to End Sexual Violence, *The Costs and Consequences of Sexual Violence and Cost-Effective Solutions*, <https://nsvrc.org/sites/default/files/CostsConsequencesSV.pdf>.

⁸ *Id.*

⁹ *Id.*

There are numerous societal-based reasons to remove the statute of limitations, including that the majority of rapists are serial offenders and our ability to understand complex trauma after rape will increase over time. There are many arguments we could make to address the opposition to this bill, including that we are not seeking to change the evidence rules or the beyond a reasonable doubt standard of proof. And while these reasons and arguments are significant and numerous, we are uniquely here today to focus on doing what is right for survivors. Survivors deserve to be taken seriously. They deserve to have justice and healing, no matter how long it takes. This is the right thing to do. **It is the only thing to do.**

As our state grapples with the aftermath of Dr. Strauss's crimes against Ohio State athletes, we must examine the consequences of our failure to eliminate the criminal and civil statutes of limitations for rape. We will never be able to predict how rapists, institutions, public opinion, or other factors will impact reporting expediency. Thus, we will never be able to legislate enough extensions, caveats, or tolling mechanisms to ensure justice for all survivors. The only answer is to remove the statute of limitations all together.

At the beginning of my testimony, I discussed Ohio's significant investment in eliminating the rape kit backlog and preventing another from ever occurring. We are working to fix the system, but we need laws that will support this investment. Survivor healing and justice do not align with an expiration date. We must stop making this process so cumbersome and complicated for those that need allies, support, advocacy and justice.

Senate Bill 162 is the only solution for Ohio. Thank you for the opportunity to testify in support of this critical legislation. In addition to my testimony today, I am available for any questions from committee members via email or phone at rbeltre@oaesv.org or 216-658-1381.