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Eliminating the statute of limitations in Ohio:
Survivors deserve justice, no matter how long it takes

About a dozen states have eliminated the statute of limitations for rape, and so should Ohio. Here’s 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. It is well-documented that survivors of sexual violence are vulnerable to higher rates of long-term, chronic physical and psychological ailments. Additionally, the financial cost and economic impact of sexual violence is staggering, both for individual survivors and for our society as a whole. What this means is that the impact of sexual violence is enormous and extends far beyond a clock that ticks for twenty years at a time. We must all be willing to face this reality and choose to believe that rape is serious enough to take seriously. Survivors deserve justice and healing, no matter how long it takes.

2) Most survivors don’t report, and there’s a reason for that.
Less than half of all rapes are reported to law enforcement, and of those that are, very few are prosecuted. How would eliminating the statute of limitations help? For starters, it would give survivors 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 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, a reality that many in the criminal justice system are just beginning to learn about. Additionally, some witnesses may not be able or willing to come forward until many years after the fact. In short, until our society in general, and individuals in positions of authority in particular, are able and willing to embrace an understanding of the trauma of rape and what survivors endure in coming forward, eliminating the statute of limitations will help to alleviate at least one barrier: time.

3) Most rapists are serial offenders.
Research conducted on incarcerated sex offenders has revealed that the majority of rapists are serial offenders. In Cleveland, Elias Acevedo, Sr. was recently sentenced to life in prison for sexually assaulting multiple family members and murdering two women. Offenders like Acevedo are not the exception. They are the rule. The same 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 eliminating the statute of limitations for rape and sexual battery, 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) Speaking of the rape kit backlog...
It’s one thing if a survivor of rape is unable or unwilling to report the crime, or if there is insufficient evidence to prosecute. It’s quite another if evidence that could convict that rapist is sitting on a shelf collecting dust. Efforts to address the rape kit backlog in Ohio have revealed eye-opening examples of justice and the tremendous relief and healing for survivors that can come from finally analyzing and linking evidence from years-old cases. Unfortunately, these efforts have also revealed devastating examples of injustice when cases were not taken seriously and that evidence has been analyzed too late. Survivors of past rapes should not have to hear that the clock has run out on prosecuting their rapists. By eliminating the statute of limitations, we can ensure that future survivors won’t face this same outcome.

5) It’s a matter of doing what’s right.
Common arguments against eliminating 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 judicious 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. But just because it’s difficult doesn’t 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 not be a conviction. Just as in murder cases, evidence in rape cases can be discovered or become available over time. Survivors of rape also deserve justice, no matter how long it takes.

Eliminating the statute of limitations for rape and sexual battery is not a cure-all for what ails the injustice of sexual violence in our state. On the contrary, it’s but one of many steps that can be taken. Before anything else, we must first accept the fact that rape is serious enough to take seriously. Only then can we do what’s right for survivors in Ohio.

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