

Jennifer Storm, Victim Advocate
The Office of Victim Advocate Testimony
Senate Judiciary Committee
SORNA
Monday February 5th, 2018

I would like to thank Chairman Greenleaf and everyone on the Senate Judiciary Committee for holding this hearing today and inviting me to present testimony. The Office of Victim Advocate represents the interests of all crime victims within the Commonwealth; we support them, inform them of their rights, of significant events that occur within the system that directly impact their cases, and we empower them with information. Most importantly, we make every feasible attempt we can to ensure that no additional harm comes to them through their unintended interactions with the justice system.

In December of 2012, the Pennsylvania legislature sought to come into compliance with the federal Adam Walsh Act, or SORNA (Sexual Offender Registration and Notification Act) which radically altered the way Megan's Law crimes were categorized and the registration requirements associated with those crimes. This impacted certain crime victims in a unique way as the law included for the first time a requirement for victim notification. No prior enactments of Megan's Law addressed the issue of mandatory victim notification.

In cases under Walsh where the court deemed an offender to be a Sexual Violent Predator (SVP), Adam Walsh Law required the Pennsylvania State Police (PSP) to make notifications to crime victims upon an offender's registration as a SVP, any and all subsequent change of residence, employment or vehicle changes and/or if the offender becomes homeless, transient or non-compliant.

In May of 2015, OVA entered into a partnership with the Pennsylvania State Police to facilitate these notifications as they were the only post-conviction crime

victim notification that didn't fall under the purview of the OVA. Together we obtained a federal grant and OVA now has 4,254 crime victims registered for notification of SVP offenders currently on the sex offender registry.

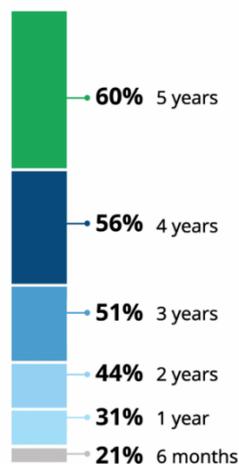
These victims, since the current law was enacted, are now entitled to know the whereabouts of their offender. Any time there is a status update on their offender, our office sends the registered victim a notification. If the offender moves, the victim knows of this change. If the offender obtains employment, the victims knows where that person is now working. If the offender obtains a car or a new vehicle, the victims gets the make, model and license plate number. For some this may sound like a lot of information. For victims who have been brutally raped, stalked and assaulted-it means peace of mind. Knowledge is power and it allows a victim to feel safe in their community again. It empowers the victim with the information they need to make informed safe choices throughout their day. If they know their rapist just moved into a specific area, the victim can avoid that area. If their rapist was recently employed at a store they frequent, the victim can avoid that store. Or if they see a strange vehicle parked outside their home or following them one day, they will know if it's their rapist's vehicle and they can then alert the appropriate authorities

Why does this matter to victims you may ask? Recidivism rates for sexual crimes are low according to many, right? Not really. Sexual violence is notoriously difficult to measure, and there is no single source of data that provides a complete picture of the crime. Sexual violence is still the most underreported crime, only 344 out of every 1,000 sexual assaults are reported to police. That

means about 2 out of 3 go unreported. The National Research Council have found that the majority of victims of sexual assaults—about 80%—do not report their victimization to law enforcement.

According to the Department of Justice Programs Bureau of Justice Statistics, every 98 seconds another American is sexually assaulted. 7 out of 10 rapes are committed by someone known to the victim. The DOJ further found that out of a sample of 1,000 rapists who were reported to law enforcement, more than half of all alleged rapists had at least one prior conviction and that suspects who were released pre-trial often committed a new crime. Of the 1,000 sample, 520 will be released either because they posted bail or for other reasons-while awaiting trial. 70 of the released perpetrators will be arrested for committing another crime before their case is decided (Rape, Incest, National Network, 2017).

A MAJORITY OF RELEASED PRISONERS ARE REARRESTED FOR A NEW CRIME WITHIN 3 YEARS

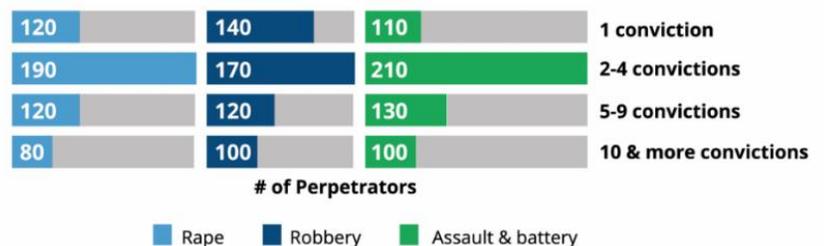


RAINN

National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/perpetrators-sexual-violence for full citation.⁸

MORE THAN HALF OF ALL ALLEGED RAPISTS HAVE AT LEAST ONE PRIOR CONVICTION

Out of every 1000 suspected perpetrators referred to prosecutors for rape, robbery, assault & battery crimes:



RAINN

National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/perpetrators-sexual-violence for full citation.⁶

According to the Center for Sex Offender Management, about 12 to 24% of sex offenders will reoffend in both nonsexual criminal behavior and sexual criminal behavior. This data is hard to interpret due to a litany of factors including crimes that are considered “nonsexual” by conviction, can be the result of a plea negotiation of a “sexual” offense down to a “nonsexual offense”. Moreover, research shows that most crimes committed by sex offenders are motivated by sexual intent regardless of the final charge or conviction.

The lack of a full picture and the understanding of the data we do have, tell us that victims of sexual offenders have reason to be concerned for their safety. Understanding this, our lawmakers have crafted victims’ rights into the fabric of sex offender registries. Knowing the status of an offender is but only one tool in an overall safety planning process that victims of sexual offenders engage; but it’s a pivotal one.

The recent ruling by the Pennsylvania Supreme Court has sent a collective chill through the veins of Pennsylvania’s 4,254 crime victims who are registered with the OVA to receive timely notification of the Sexually Violent Predators in their respective cases. Absent these mandatory notifications victims feel less empowered, less protected and become more vulnerable to unnecessary trauma.

OVA was consulted in the drafting of House Bill 1952 and we felt strongly that reverting back to a prior version of Megan’s Law included the mandatory notification requirement to crime victims of SVP’s. Crime victims have become



accustom to these notifications, they rely upon them for their overall safety planning and any modification or elimination of that requirement would result in a huge step backwards for victims. OVA currently preforms these notifications and wishes to continue to offer this vital safety planning tool for crime victims.

Thank you for helping me elevate the voice of crime victims in the Commonwealth.