

THE PENNSYLVANIA OVA:

*CRIMINALIZATION, PUNISHMENT, AND
RETRIBUTION UNDER JENNIFER STORM*

A REPORT ON THE PA OFFICE OF THE VICTIM ADVOCATE

ABOLITIONIST LAW CENTER

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OVA OVERVIEW

The Pennsylvania Office of Victim Advocate (OVA) was created in 1995 by Governor Tom Ridge.¹ The OVA is empowered by the Pennsylvania Crime Victims Act to “to represent the interests of crime victims before the [parole] board or [PADOC].”² “This includes victim notification duties, helping to prepare testimonies, and representing victims at hearings. The Crime Victims Act defines a “direct victim” as someone who “as a direct result of the criminal act or attempt suffers physical or mental injury, death or the loss of earnings.” The OVA also represents parents of children who are “direct victims” and the immediate family of homicide victims. However, because the OVA’s duties only relate to the criminal legal system, they are *not* required to support anyone when a harm does not result in an arrest and criminal trial. **This legal definition likely excludes most survivors of violence in Pennsylvania.**³

VICTIM ADVOCATE JENNIFER STORM

The Victim Advocate is nominated by the Governor and confirmed by the Senate, after which the Victim Advocate serves a term of six years. Since 2013, the appointed Victim Advocate has been Jennifer Storm, originally nominated by Republican Governor Tom Corbett. Jennifer Storm was renominated for a second term by Governor Wolf , but the Senate voted against confirming her nomination.⁴ Two months later, in January 2021, Jennifer Storm resigned.⁵ It is unclear when Governor Wolf will nominate a replacement.

Jennifer Storm has been very open about her own history of victimhood and addiction. She has published several books, given numerous presentations across the country, and is currently filming a documentary based on these events.⁶ In 2014, Jennifer Storm gave a TEDx Talk at Muncy State Prison, during which she discussed her history of childhood abuse and addiction.⁷ She described how her abuse led to alcoholism and a crack/cocaine addiction, followed by a suicide attempt which she survived. Storm assured the inmates at Muncy State Prison that “every single one of you has that ability to change” and that they “need not be defined by that which brought you in here.”



IN THE WORDS OF JENNIFER STORM

*“Nothing has to define you —
no experience, no decision, no
mistake, no challenge that you’ve ever
endured has to be who you are.
I’m living proof of that.”⁸*

BUDGET AND PROGRAMMING

The OVA employs around thirty people and had a 2019 general fund budget of \$2,654,975, most of which went to personnel expenses.⁹ In its FY 2018-19 annual report, the OVA lists its activities in the following categories: registrations, intake assessment & referral, notifications, victim/survivor input, trainings, and programs.¹⁰ The OVA's report doesn't include a breakdown of how much of its budget goes towards each activity; however, registrations, notifications, and survivor input in the criminal legal system are the only duties required by law. The one direct service listed under the programs category is an Address Confidentiality Program which provides mail forwarding to 291 registrants. The OVA does not provide any mental health services but will make referrals.

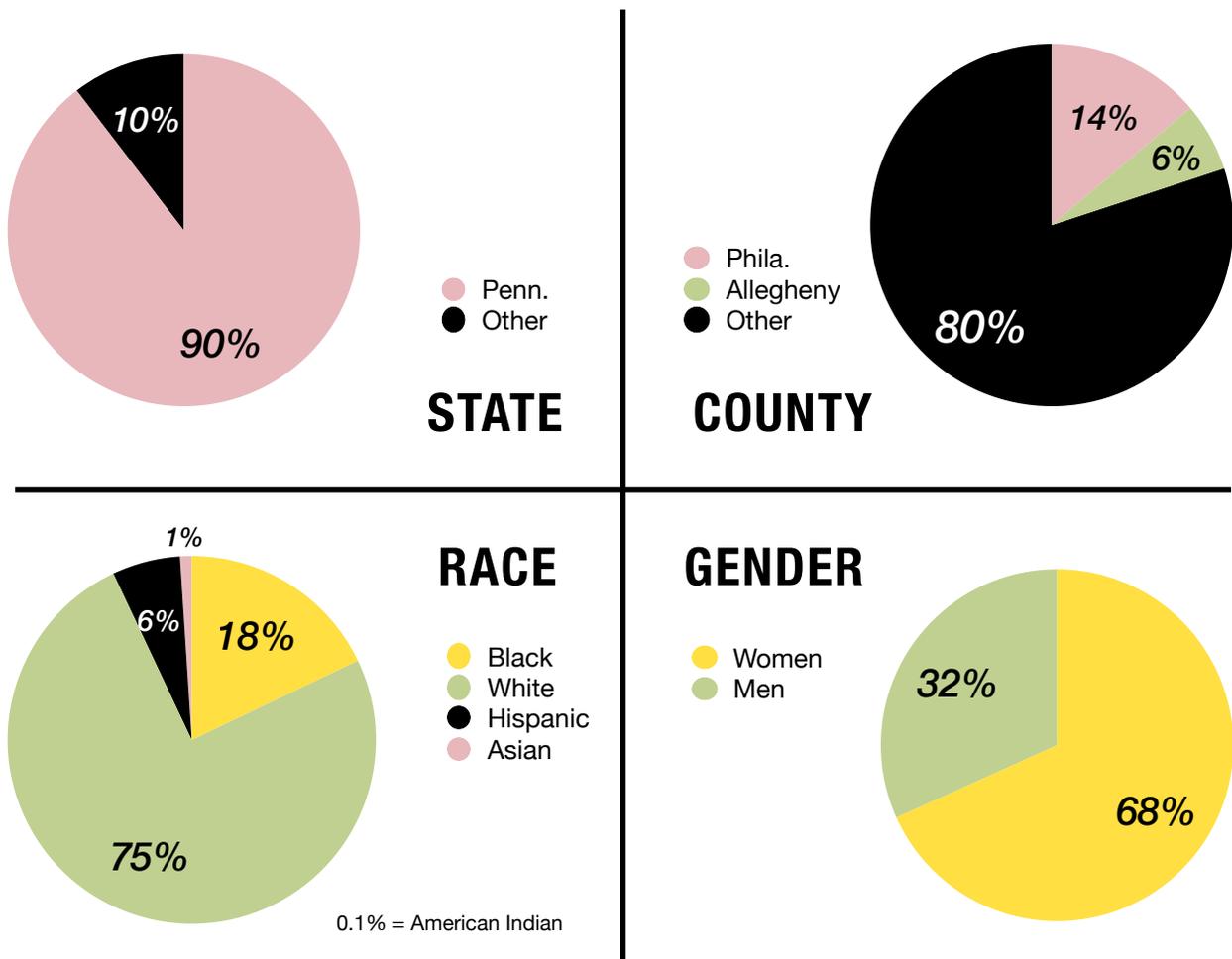
The OVA lists a number of its programs under "Restorative Justice" on its website, including its Inmate Apology Bank and Dialogue Program. **The Apology Bank is a collection of around 6,000 apology letters from incarcerated people; however, only 418 have been delivered.**¹¹ The Dialogue Program claims to be "an opportunity for the victim/survivor to ask questions about the crime [and] express to the inmate how it affected their lives." **In a state that incarcerates around 40,000 people, only twenty dialogues were active in 2018-19.**

Further, most restorative justice practitioners would not recognize these OVA programs as a form of restorative justice. For example, organizations like Common Justice offer restorative justice practices as an alternative to incarceration for people who have been harmed, *not* as programs on top of incarceration.¹² **Others argue that restorative justice cannot take place within the criminal legal system because the threat of incarceration makes it impossible for both parties to join the process without coercion.**¹³

The OVA's programs are ultimately a cooptation of restorative justice that do not offer a pathway to repairing relationships.

REGISTERED VICTIMS¹⁴

The OVA has 103,893 registered victims. Of the 95,730 registered victims who have a known state residence, 90% are from Pennsylvania and 10% are from other states. Of the 72,222 registered victims with a known county residence, 14% are Philadelphia County residents and 6% are Allegheny County residents. Of the 41,816 registered victims with a known gender identity, 68% are women and 32% men. The OVA only has race data for 18,887 of its registered victims, constituting only 18.2% of their total victims. Of these victims with known race information, 75% are White, 17.9% are Black, 6% are Hispanic, 1% are Asian, and 0.1% are American Indian.



NOTE: The categories for "race" and "gender" used throughout these data sets are used by the DOC. We recognize they do not reflect the political or geographic nuances and multiplicities of racial and ethnic identity (i.e. Latinx vs non-white/white Hispanic vs Chicanx, etc) and the differences between "gender identity" vs "biological sex" and expansiveness of trans identities.

STATE	Amount	Percent	Percent Excluding Unknown
Pennsylvania	85765	83%	90%
Other	9965	10%	10%
Unknown	8163	8%	

COUNTY	Amount	Percent	Percent Excluding Unknown
Allegheny	4420	4%	6%
Philadelphia	9976	10%	14%
Other	57826	56%	80%
Unknown	31671	30%	

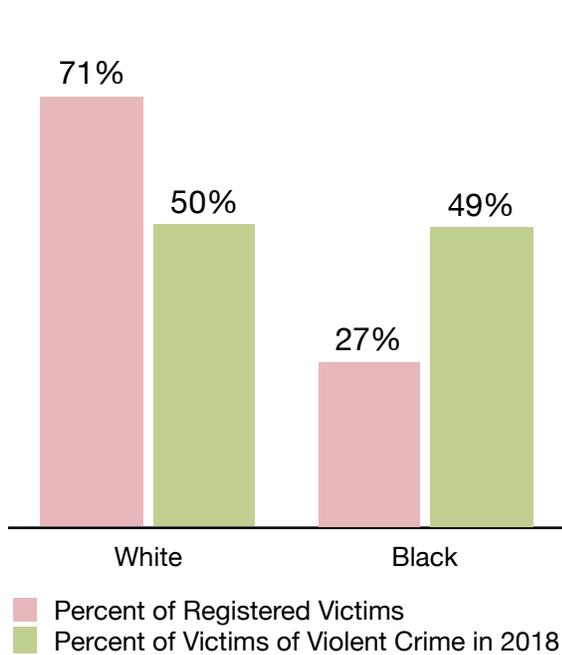
RACE	Amount	Percent	Percent Excluding Unknown
White	14173	14%	75.0%
American Indian	15	0%	0.1%
Asian	193	0%	1.0%
Hispanic	1129	1%	6.0%
Black	3377	3%	17.9%
Unknown	85006	82%	

GENDER	Amount	Percent	Percent Excluding Unknown
Women	28541	27%	68%
Men	13275	13%	32%
Unknown	62077	60%	

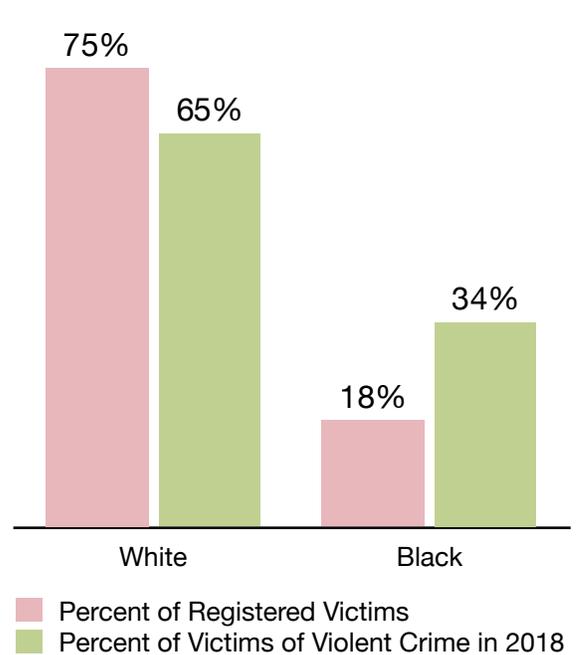
ALLEGHENY COUNTY				
	White	Black	Asian	Native American
Percent of Registered Victims	70.74%	27.31%	0.46%	0.23%
Percent of Victims of Violent Crime in 2018	49.62%	49.26%	1.02%	0.10%

PENNSYLVANIA				
	White	Black	Asian	Native American
Percent of Registered Victims	75.23%	17.81%	0.99%	0.08%
Percent of Victims of Violent Crime in 2018	64.63%	33.92%	1.29%	0.16%

In Pennsylvania specifically, not counting the individuals for whom race data was not provided, 75.23% of registered victims are White, 17.81% are Black, 0.99% are Asian, and 0.08% are Native American. Yet, the demographic breakdown for the victims of violent crime in Pennsylvania in 2018 is as follows: 64.63% White, 33.92% Black, 1.29% Asian, and 0.16% Native American¹⁵. **In other words, the only group of individuals who are overrepresented among registered victims are White residents, while Black residents appear vastly underrepresented.** A particularly horrendous disparity exists in Allegheny County, where the City of Pittsburgh is located, and where 70.74% of registered victims are White, 27.31% are Black, 0.46% are Asian, and 0.23% are Native American. However, the demographics of victims of violent crime are 49.62% White, 49.26% Black, 1.02% Asian, and 0.10% Native American¹⁶.



ALLEGHENY COUNTY



PENNSYLVANIA

This disparity may be far greater than these numbers portray, as the majority of violent crimes are not reported. In her book *Until We Reckon*, Danielle Sered points to the fact that “[e]ven in cases of the most serious violence, reporting rates were strikingly low: a full 56 percent of cases in which victims were injured went unreported, as did 42 percent of cases involving a weapon. [...] More than half of the people who survive serious violence prefer nothing to everything available to them through law enforcement.”¹⁷ Sered’s work with the organization Common Justice in New York has also shown that when presented with an alternative other than incarceration, like restorative justice, a vast majority of survivors prefer the alternative.

Rather than advocate for alternatives to incarceration, the OVA continues to offer punishment as the only available recourse for victims “despite a profound lack of evidence demonstrating incarceration benefits victims’ well-being.”¹⁸

The OVA has often portrayed victims as a monolith when lobbying in their name. In 2019, when Senator Sharif Street reintroduced a bill to expand parole eligibility, Storm advocated against the inclusion of anyone convicted of first-degree murder. The OVA then sent out a survey to 800 registered victims asking if they support parole eligibility for people convicted of second-degree murder. Of the 312 responses they received, 91% (284 people) disagreed with parole eligibility. However, as pointed out by Joshua Vaughn, the survey suffered from major sampling issues because of the OVA’s rules for who counts as a victim.

In the 10 years between 2008 and 2017, more than 2,200 murders in Pennsylvania did not result in an arrest—nearly one-third of murders in the state during that time. Nearly half of the state’s unsolved murders, or more than 1,000 deaths, occurred in Philadelphia. And more than half of all people sentenced to die in prison in the state came from the city. **By definition, these victims’ families are not victims entitled to services through the OVA.**¹⁹

This means that thousands of people directly affected by a murder were *not* surveyed by the OVA—a fact that did not prevent Storm from claiming to speak for all crime victims in lobbying against the bill based on the responses of 284 individuals, many of whom may have come from the same families and shared a victim in common.

The only time Jennifer Storm appeared to acknowledge the overlap of violent crime victims and incarcerated individuals is when she sought to expand eligibility for the First Chance Trust Fund, which would provide scholarships and grants to children whose parents experienced incarceration, to all children impacted by violence and crime.²⁰ **Ironically, she has never employed the same justification to advocate for the expansion of victim's rights to cover individuals impacted by state violence and incarceration.** With similar hypocrisy, she urged that proposed legislation seeking to extend the statute of limitations for sex abuse crimes cover adults too, stating: "Why should a child victim have a different extension of time to deal with the emotional aftermath of sexual violence as opposed to an 18 year old in college? Especially when we know the prevalence of college sexual assault and everything we know about the juvenile brain and coping mechanisms."²¹

This logic about continued brain development in young adults is a large part of the justification for advocates seeking to end mandatory life-without-parole sentences, which are unconstitutional for individuals younger than 18 but permitted for young adults mere weeks older.

LEGISLATIVE RECORD

UNDER JENNIFER STORM²²

In an era where even the most conservative political figures acknowledge the need to scale back mass incarceration, **the OVA has consistently supported legislation that seeks to increase sentencing and punishments while also advocating against measures seeking to reduce the prison and jail populations.** The OVA has expressed support for dozens of bills that increase penalties for crimes, decrease protections for criminal defendants, and create barriers to reform and release. Storm has advocated for limiting the availability of reprieve eligibility for incarcerated individuals particularly vulnerable to COVID-19, for limiting opportunities for parole release, for the use of notoriously racist risk assessments during bail consideration, for increased use of electronic monitoring/GPS devices, and for increased collection of fines and fees from criminal defendants. The OVA-supported bills advancing the latter initiative called for automatic deductions from defendants' bail money, tax returns, and wages; the passage of one such bill cost defendants \$4.4 million after just one year. The OVA has also advocated against medical release for terminally ill incarcerated individuals, reducing probation terms, ending solitary confinement for individuals on death row, and ending death by incarceration.

A look at the legislation supported and opposed by the OVA shows that the OVA is overwhelmingly in favor of pro-criminalization, pro-punitive legislation, and generally is against any legislation proposing rehabilitative reforms or humane treatment of incarcerated individuals. The OVA even opposes the mere use of humanizing language. In emails obtained via a Right to Know request, Jennifer Storm criticized the Pennsylvania Department of Corrections's decision to abandon terms like "offender" and "felon," and has even requested that language in proposed legislation be modified from "parolees" or "persons" to "offenders."

The OVA operates under the assumption that any punitive measure is a service to crime victims, even those lacking any rehabilitative purpose or impact on public safety. During a 2017 Senate Judiciary Hearing regarding mandatory minimum sentences, Storm testified, "We must have the courage to accept that along with rehabilitation, retribution is also a part of the duty of the criminal justice system - we owe the victim and the Commonwealth that. We must balance our moral compass alongside our budgetary needs." Apparently, the only benefit in reducing needlessly lengthy sentences is financial, while the collective moral compass Storm is referring to calls for pointlessly punitive measures, rather than rehabilitation, restorative justice, compassion and healing. **This is despite the fact that Pennsylvania has some of the longest sentences in the country.**²³

In fact, the OVA seems to prioritize retribution over any of its other stated values. Storm often advocates for victims of sexual assault and has testified against the existence of rape culture broadly. Much of the legislation supported by the OVA is allegedly for the benefit and protection of sexual assault victims, especially children. **Noticeably missing from the discussion of rape culture, however, is any mention of the scale of sexual violence in jails and prisons, where the OVA advocates for so many individuals to be sent and to remain.**

From 2011-2012, 4% of individuals incarcerated in prisons reported experiencing some form of sexual assault, half of which involved an incident with staff.²⁴ In 2012, 9.5% of youth in juvenile facilities reported being sexually assaulted, and 7.7% of all youth in these facilities reported specifically that staff committed the assault.²⁵

The OVA's silence on sexual assault in jails and prisons is highly inconsistent with its stated values, and furthers the false narrative that there is no overlap between criminals and victims, and sheds light on what the true aims of the OVA are.

A NEW PATH FORWARD

The data collected in this report demonstrates that the OVA offers next to nothing by way of programming for crime victims, and essentially functions as a taxpayer-funded lobbying arm for punitive legislation. **The OVA only speaks for victims when there is an opportunity for punishment.** It does not speak for victims of state violence, for victims in jails and prisons, for victims of police violence, for victims whose loved ones are incarcerated, for victims in favor of restorative justice, or for victims whose communities have been ravaged for decades by imposed poverty, racist policing and an apartheid criminal justice system. The OVA's myopic definition of crime is crafted to serve a singular purpose: advocate for increased incarceration, supervision, and inhumane treatment; punishment for punishment's sake—not for public safety or for the benefit of “victims.” Jennifer Storm's opposition to almost everything beneficial for incarcerated people flies in the face of her stated belief that one need not be defined by their mistakes, and that everyone has the ability to change. Indeed, her actions sent a different message altogether: that past decisions justify a lifetime of punishment and that some human beings—overwhelmingly Black ones, disproportionately targeted by our criminal justice system—are not redeemable.

The pro-retribution and anti-reform reputation that the OVA has acquired can only begin to be undone when the Commonwealth's Appointed Victim Advocate acknowledges the relationship between criminal justice reform and public safety, and acts as an advocate for all victims.

APPENDIX

The OVA has given the following press statements relating to proposed legislation²⁶:

- Strong support and stated involvement in development of “Revictimization Relief Act,” an act **aimed at silencing political prisoner Mumia Abu-Jamal** and ultimately deemed unconstitutional due to its violation of the First and Fifth Amendments (Oct. 6, 2014)²⁷
- **Opposing parole eligibility for those serving a death by incarceration sentence** (Sep. 17, 2020)²⁸
- Opposing decision to make Philadelphia court proceedings accessible to the public (Sep. 15, 2020)²⁹
- **Opposing measures that would make court proceedings accessible to the public** during the COVID-19 pandemic (Aug. 6, 2020)³⁰
- **In support of the creation of a Philadelphia Office of Victim Services** (Feb. 27, 2020)³¹
- Applauding the legislature for passing HB 1167, **which allowed for the collection of over \$4.4 million in court fees and fines from criminal defendants** to be paid as restitution for crime victims, and calling for the passage of several other bills also providing for restitution via other costs, fees, and fines (May 3, 2018)
- Applauding the filing of criminal charges against Bill Cosby (not dated)
- Expressing support for HB 12, which would double the maximum jail sentence that could be imposed against individuals engaging in human trafficking or patronizing a victim of trafficking (Jan. 9, 2019)
- Announcing support and upcoming rally for SB 261, extending statutes of limitation for child sexual abuse claims (Oct. 22, 2018)
- Announcement for Community Impact Session with Cosby Victims, hosted by State Victim Advocate (Sep. 21, 2018)
- Advisory that State Victim Advocate will be available on Voting Day to speak about Marsy’s Law, a proposed state constitutional amendment giving crime victims the right to appear and be heard at criminal proceedings (Nov. 4, 2019)
- Expressing support for creating of Department of Criminal Justice, while also expressing the importance of maintaining the OVA’s identity and independence (not dated)
- Announcing that State Victim Advocate is to speak at annual Crime Victims Rights Rally (Apr. 8, 2016)
- Announcement that State Victim Advocate, whose office has been vocally opposed to proposed legislation that would end death by incarceration, met with lifers at SCI Phoenix to hear their perspectives and concerns regarding the proposed legislation (Dec. 20, 2018)

- Calling for the removal of all statutes of limitations, particularly those for child sexual abuse: “To reach the pinnacle of reform, we must abolish all time limitations on victims” (Sep 17, 2018)
- A joint response among the OVA, the PA Coalition Against Rape, and the Archdiocese of Philadelphia’s Office for Child and youth Protection, expressing support for sexual assault and rape survivors in response to release of Grand Jury Report (Aug. 14, 2018)
- Invitation for sexual assault survivors to share testimony regarding proposed legislation that would extend or remove the statute of limitations for certain claims (Sep. 16, 2019)
- Celebrating the impact of the state income tax refund program, which collected over \$5.4 million in restitution money from criminal defendants (Sep. 17, 2018)
- Providing information about Marsy’s Law ballot question, allowing crime victims to be present at court proceedings, provide input to the prosecutor prior to the plea agreement, be heard at any criminal or sentencing proceedings, and other changes (Oct. 25, 2019)
- Information about proposed legislation supported by OVA which would extend the statute of limitations for certain child sexual assault claims and abolish it altogether for others: HB 962, HB 963, and SB 540 (Nov. 18, 2019)
- Stating in response to lawsuit seeking to end solitary confinement among individuals on death row: “The Office of Victim Advocate is working closely with the Department of Corrections who will be responding and defending this law suit” (not dated)³²
- More than 2,600 new victims registered due to agreement between OVA and state police, giving OVA access to the PA Sex Offender Registration Tool, allowing the OVA to obtain the identities of these victims (May 23, 2016)

The OVA has testified regarding proposed legislation in the following instances³³:

- Testimony regarding **Eliminating Rape Culture in Pennsylvania** given to Senate Democratic Policy Committee on September 20, 2019
 - Proposed initiatives include:
 - “1. Instituting trauma informed practices across Pennsylvania in our medical facilities, judicial branches and law enforcement entities
 2. Encouraging reporting by establishing clear processes, eliminating time constraints and protecting victims’ rights
 3. Educating our young people on their rights, how and whom to report to, and the benefits of counseling”
- Testimony regarding **Governor Wolf Reprieve in Light of COVID** given to Senate Judiciary Committee on May 15, 2020
 - The OVA requested that every inmate suggested for reprieve by the DOC who was charged with a crime that would have resulted in a crime victim be removed from that list, which the DOC agreed to.
 - Legislative recommendations included requesting that: crimes such as Endangering the Welfare of a Child be considered violent crimes; the OVA is given access to the Child Abuse Database and to Sexual Violence Protective

Orders; the Justice Reinvestment Bill, which provides for additional restitution for victims among other measures, be passed.

- Testimony regarding **Mandatory Minimum Sentences** given to Senate Judiciary Hearing on May 22, 2017
 - In support of lengthy mandatory minimum sentences for offenders: “We must have the courage to accept that along with rehabilitation, retribution is also a part of the duty of the criminal justice system - we owe the victim and the Commonwealth that. We must balance our moral compass alongside our budgetary needs.”
- Testimony regarding **House Bills on Restitution** given to Members of the PA Legislature on Feb. 3, 2017: supporting the implementation of 47 recommendations issued by Restitution in Pennsylvania Task Force Final Report
- Testimony regarding **House Bill 489** given to Representative Marsico, Chairman House Judiciary on Mar. 9, 2017: supporting sentencing enhancements for indecent exposure offenders
- Testimony regarding **House Resolution 735** given to House Judiciary Members on Mar. 30, 2016: supporting the formation of a Joint State Government Commission to conduct a study on Protection from Abuse orders and give policy recommendations
- Testimony regarding **Senate Bills 1070, 1071, 1072** given to Members of the Pennsylvania Senate on Apr. 16, 2018: support for “Justice Reinvestment Bills” and requesting that victims be allowed to provide input before the Pennsylvania Board of Probation and Parole prior to a decision is made to release
- Testimony regarding **Senate Bill 501** given to Members of Senate Judiciary Committee on Mar. 15, 2018: support for bill, which further provides for the relinquishment of firearms by individuals subject to PFA orders
- Testimony regarding **Senate Bill 780** given to Members of Members of the Pennsylvania Legislature on Sep. 12, 2017: support for bill, which would create the First Chance Trust Fund to support children with trauma
- Testimony regarding **Senate Bills 560** given to Members of the Pennsylvania Senate on Apr. 13, 2017: seeking amendments that would allow victims to have greater influence over the use and distribution of police body camera footage
- Testimony regarding **Pennsylvania Death Penalty Moratorium** given to House Judiciary Committee on June 11, 2015: conveying that registered victims are strongly in support of death penalty
- Testimony regarding **SORNA** given to House Judiciary Committee on Sep. 12, 2017; Testimony regarding **SORNA** given to Senate Judiciary Committee on Feb. 5, 2018: requesting that mandatory victim notifications issued by the PA State Police regarding a sexual offender’s change in address, employment, or vehicle continue
- Testimony regarding **OVA Restitution Task Force Package** given to Frank Dermody, Majority Leader, Pennsylvania House of Representation Mar. 30, 2016: supporting the passage of HB 1167 (Barbin), HB 123 (Delozier), HB 758 (Toepel), HB 1070 (D. Costa), and HB 1089 (Stephens)—all of which provide for additional restitution, fines, and fees to be paid by defendants to victims

- Testimony regarding **SB 14** given to Pennsylvania Senate Judiciary Committee in June 2019: testified against the passage of bill, which would cap probation terms at 5 years for felonies and 3 years for misdemeanors, among other reforms that would allow for decreased incarceration for supervision violations
 - Jennifer Storm stated, “For too long in Pennsylvania, these conversations were held ... without the full appreciation, willingness or understanding of the need for inclusion of the crime victim... How do we balance the need for necessary reform with the inherent need for safety, justice and — yes — **retribution?**” She then criticized the release of the release of activist Kempis "Ghani" Songster, who was previously sentenced to life-without-parole and subsequently incarcerated for 30 years for a crime he committed when he was just 15.³⁴

Additionally, the OVA has categorized the following bills on its website as “Legislative Priorities”³⁵:

- SB 149 (2019-2020), HB 276 (2019-2020): “Marsy’s Law”—**crime victims would be entitled to receive notification about significant case development in their cases, to be present at trial, and to submit a victim impact statement prior to sentencing.**
- SB 500 (2019-2020): would establish the County Adult Probation and Parole Advisory Committee within the PA Commission on Crime and Delinquency
- SB 501 (2019-2020): makes numerous changes to how people are sentenced, paroled, and revoked from parole, **including allowing use of risk assessment to determine probation terms and conditions and expanding judges’ power to increase conditions of supervision or impose brief jail stay for violations.**
- SB 502 (2019-2020): Amends the Crime Victim Act to require police officers to provide written notice of victims services information at the scene, **increases crime victim’s ability to receive compensation,** and require prosecutors to notify Victim Advocate in personal crime injury cases so parole notifications can be facilitated, among other changes.
- HB 962 (2019-2020): in cases of sexual abuse against a minor, criminal statute of limitations would be abolished while increasing the civil statute of limitations cap to age 50.
- HB 963 (2019-2020): proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing individuals for whom the statute of limitations period has expired to have an additional two years for claims arising from childhood sexual abuse
- SB 540 (2019-2020): eliminates the criminal and civil statutes of limitations for childhood sexual abuse claims
- SB 123 (2019-2020): “Karen’s Law”—**extends the parole application period** for certain sexual offenders from 1 to 3 years

- SB 715 (2019-2020): Amends the Crime Victims Act to hinder removal of Victim Advocate, shields additional OVA records from Right to Know requests, and **allows for offenders' fees to become a part of supervision conditions** on the day prior to the effective date or while under the supervision of the DOC
- SB 714 (2019-2020): Amends Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) to create the Department of Criminal Justice
- SB 196 (2017-2018): **allows use of an electronic monitoring device** on defendants deemed to be at risk of violating a PFA order
- SB 312 (2017-2018): provides for sentencing for offenses involving violation of protection orders or consent agreements.
- SB 125 (2019-2020): Amends a Title 23, in protection from abuse, to further effectuate transfer of a wireless telephone number from a defendant to a plaintiff in certain cases
- HB 824 (2019-2020) Amends a Title 23, in protection from abuse, naming **additional justifications for requiring a defendant to wear an electronic monitoring device**
- HB 489 (2019-2020): Amends Title 23, in protection from abuse, providing for waiver of fee for corrected or duplicate State documents for victims
- HB 1632 (2017-2018): Amends Title 23, providing cancelations of telephone contracts for domestic violence victims
- SB 511 (2019-2020): requires registration of domestic violence offenders, establishes the Domestic Violence Predator Assessment Board, and requires additional oversight by the State Police and the Board of Probation & Parole.
- HB 661 (2019-2020): **requiring certain offenders to wear global positioning system (GPS) devices and paying the fees associated with those costs as conditions of probation or parole**
- SB 425 (2019-2020); HB 502 (2019-2020): Amends Crime Victims Act to allow inclusion of victim in criminal or juvenile proceedings
- HB 504 (2019-2020): Amends Title 18 (Crimes and Offenses) to exclude certain information about victim's sexual conduct from evidence.
- SB 303 (Ward; 2019-2020): Amends the Crime Victims Act to protect release of identity of victim by police or medical personnel and to provide for compensation for direct relatives of victims for wages lost when attending a criminal proceeding related to the victim
- SB 337 (Schwank; 2019-2020): criminalizing sexual extortion and other sexual offenses
- SB 469 (Laughlin; 2019-2020): provides additional protections for victims with autism or intellectual disabilities testifying in depositions or at trial
- HB 12 (Groves; 2019-2020): Amends Title 18 to protect child sexual victims from being prosecuted for crimes they were forced to commit and imposes additional large fines on persons who patronize victims of human trafficking
- SB 60 (Phillips-Hill; 2019-2020): further criminalizing human trafficking and patronizing victims of human trafficking, including imposing additional fines
- SB 37 (Schwank; 2019-2020): provides protection from discipline for students who report domestic violence or sexual assault

- SB 530 (Martin; 2019-2020): requiring the expulsion, transfer, or segregation of a public school student adjudicated guilty of sexually assaulting another student
- HB 495 (Davis; 2019-2020): requires public schools to implement programs addressing dating violence and sexual harassment
- HB 755 (Toepel; 2019-2020): requires trainings for employees and supervisors to prevent discrimination and harassment for all employees and employers must display discrimination and harassment protection rights in the workplace
- HB 379 (Isaacson; 2019-2020): providing for punitive damages in certain employment discrimination and harassment cases
- HB 1000 (Krueger-Braneky; 2019-2020): prohibiting sexual harassment and retaliation against employees of legislative agencies
- SB 461 (Schwank; 2019-2020); HB 1384 (Burns; 2019-2020); HB 849 (Klunk; 2019-2020): voids provisions of employment contracts and agreements which prevents disclosure of abuse or discrimination .
- HB 379 (Isaacson; 2019-2020): increases statute of limitations for whistleblower complaints from 180 days to two years and provides for punitive damages against defendants engaging in retaliation
- HB 689 (Mullery; 2019-2020): extends protections for whistleblowing employees to judicial branch employees
- SB 638 (Haywood; 2019-2020); HB 1620 (Davidson; 2019-2020): gives whistleblowers a right to trial by jury and gives the right to seek punitive damages for retaliatory or discriminatory practices
- HB 135 (Dawkins; 2019-2020); SB 135 (Street; 2019-2020): aim to abolish death by incarceration for most individuals by creating several categories of parole eligibility, and also seek to start a fund entitled Life with Parole Reinvestment fund for various programs to include victim services³⁶
- HB 642 (Kinsey; 2019-2020): providing for medical parole and early release of elderly inmates
- HB 1051 (Dean; 2015-2016) Amends Landlord and Tenant Act, permitting early release or termination of lease or contract for reasons relating to domestic violence, sexual assault or stalking.
- HB 663 (Murt; 2019-2020): **requiring the collection of saliva or tissue samples to be stored in a DNA data bank exchange** after an arrest for a violent offense
- HB 1051 (Stephens; 2019-2020): providing for additional penalties for failure to report suspected child abuse by mandated reporters.
- HB 660 (Murt; 2019-2020): prohibits disclosure of minor victim's initials to public
- HB 656 (Moul; 2019-2020): **requires restitution payments** for tampering with evidence or public records or information, including forcing defendant to pay for attorney fees, court costs and filing fees

Emails to and from Jennifer Storm also expressed OVA's support for the following pieces of proposed legislation:³⁷

- HB 229 (Marsico; 2015-2016): would make it a punishable offense to use electronic communications to threaten to harm a child
- HB 73 (Farry; 2015-2016): counseling services provider must notify municipality when counseling sexually violent predators
- HB 164 (Stephens; 2015-2016): criminalizing possession of animal fighting paraphernalia
- HB 186 (Hackett; 2015-2016): victims to not be excluded from criminal proceedings and giving testimony unless no other reasonable alternative
- HB 446 (Marsico; 2015-2016): mandatory probation period for certain sexual offenders
- SB 683 (Killion; 2015-2016): **providing for additional DNA collection and expansion of DNA databases**
- HB 1947 (Marsico; 2015-2016): extending that statute of limitations for certain victims of child abuse
- SB 851 (Greenleaf; 2015-2016): expanding safe harbor for certain victims of child abuse and human trafficking
- SB 1062 (Rafferty; 2015-2016): increasing penalties for burglary
- SB 1182 (Vance; 2015-2016): requiring relinquishment of firearms for individuals against certain convicted persons
- SB 790 (Hughes; 2015-2016): establishing a trust fund for children whose parents are incarcerated or who are victims of violence; the OVA specifically lobbied for eligibility for this fund to be expanded to cover children of crime victims
- HB 2321 (Bloom; 2017-2018): expands circumstances in which out of court statements by a child may be admissible
- HB 1929 (Marsico; 2017-2018): proposed amendment to First Chance Fund, which provides funds to children with incarcerated parents, to cover crime victims and their children
- HB 163 (Saccone; 2017-2018): removal of license suspensions for drug convictions
- HR 76 (Miller; 2017-2018): opposition to enactment of mandate that requires driver's license suspension following drug offenses
- HB 2324 (Barbin; 2017-2018): expands the Rape Shield Law to include past history of sexual victimization and broaden its applicability
- HB 2325 (Everett; 2017-2018): expands the admissibility of out of court statements from people with intellectual disabilities or autism
- SB 1253 (Greenleaf; 2017-2018): **provides for medical release of terminally ill inmates, and opposed by the OVA**
- SB 942 (Street; 2019-2020): **provides parole eligibility to lifers and strongly opposed by the OVA³⁸**

ENDNOTES

1. *About OVA*, Pa. Office of Victim Advocate, <https://www.ova.pa.gov/AboutOVA/Pages/default.aspx>.
2. 18 P.S. § 11.301.
3. Alliance for Safety and Justice (2016) *Crime Survivors Speak*.
4. Angela Couloumbis, *Pa. victim advocate claims Senate rejection was 'vindictive,' could remain on the job for weeks or longer*, Spotlight PA (Nov. 18, 2020), <https://www.spotlightpa.org/news/2020/11/jennifer-storm-victim-advocate-senate-rejection-ethics-investigation/>.
5. Elizabeth Hardison, *Pa. Victim Advocate Jennifer Storm announces her resignation*, Pa. Capital-Star (Jan. 22, 2021), <https://www.penncapital-star.com/blog/pa-victim-advocate-jennifer-storm-announces-her-resignation/>.
6. Jennifer Storm, <https://jenniferstorm.com/bio/> (Last accessed Feb. 3, 2021)
7. TEDx Talks, *Resiliency & Recovery*, YouTube (Dec. 17, 2014), https://www.youtube.com/watch?v=lPwLiIBFc&ab_channel=TEDxTalks.
8. *Id.*
9. Jennifer Storm, previously the highest paid OVA employee, received a salary of \$130,543 in 2019.
10. Office of Victim Advocate (2019) Annual Report FY 2018-19. <https://www.ova.pa.gov/AboutOVA/Documents/OVA%20Annual%20Report%20FY%2018-%2019%20FINAL.pdf>
11. *Id.* at 4.
12. Common Justice (2016) *Restorative Justice: Why Do We Need It?* https://www.commonjustice.org/restorative_justice_why_do_we_need_it
13. Broughton, Christopher (2012) *The Institutionalization of Restorative Justice.*; Anihotri, Shailly, Veach, Cassie (2017) *Reclaiming Restorative Justice. CUNY Law Review.*
14. The data in this section pertaining to registered victims was obtained from the Department of Corrections on Aug. 18, 2020 in response to a Right to Know Request seeking “(1) the current total number of registered victims, (2) a breakdown of race and gender demographics among current registered victims, and (3) a list of the counties current registered victims reside in, including the number of victims per county.”
15. These statistics were compiled based on the publicly available data reported by Pennsylvania’s Attorney General Office for 2018, the most recent year available. *Pennsylvania Uniform Crime Reporting System*, Office of Attorney General, <https://www.attorneygeneral.gov/open-data-urc-victims/> (last accessed Feb. 3, 2021).
16. *Id.*
17. Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair* (2019)
18. *Id.*
19. Joshua Vaughn, *Pennsylvania's Crime Victim Advocate Definition Leaves OUT Communities MOst Affected by Crime*, Appeal (Oct. 4, 2019), <https://theappeal.org/pennsylvanias-crime-victim-definition-leaves-out-communities-most-affected-by-crime/>.
20. This information was obtained from records sent by the Department of Corrections on Sep. 28, 2020 in response to a Right to Know Request seeking “all emails to or from Jennifer Storm since her appointment as Victim Advocate which pertain to proposed legislation.”
21. *Id.*
22. Sources elaborated on in Appendix.
23. Pennsylvania has the second longest average time served among prisoners released in 2009. https://www.pewtrusts.org/~/media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing_and_corrections/prisontimeservedpdf.pdf at 13. This does not even include the 5400+ individuals sentenced to death by incarceration in the state. <https://theappeal.org/pennsylvania-commutations/>
24. Allen J. Beck et al., *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, Bureau of Justice Statistics, at 6 (May 2013), <https://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>.

25. Erica L. Smith & Jessica Stroop, *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018*, Bureau of Justice Statistics, at 1 (December 2019), <https://www.bjs.gov/content/pub/pdf/svryjf18.pdf>.
26. Unless stated otherwise, the data in this section pertaining to press releases was obtained from the Department of Corrections on Aug. 19, 2020 in response to a Right to Know Request seeking “all press releases from the Office of the Victim Advocate which pertain to proposed legislation.”
27. Recording of October 6, 2014, Press Conference by Rep. Mike Vereb & Jennifer Storm, <http://media2.pahousegop.com/Generator.asp?videoname=402857958.wmv>; *Jamal v. Kane*, 105 F. Supp. 3d 448 (M.D. Pa. 2015).
28. Jennifer Storm, *Let’s Talk about Compassionate Reform*, Pa. Office of Victim Advocate (Sep. 17, 2020), <https://www.o.va.pa.gov/Key%20Initiatives/OVA%20News/Documents/OpEd%20Compassionate%20Reform%2009-2020.pdf>. This press release was issued after our Right to Know Request Response.
29. Jennifer Storm, *Victim Advocates Request Changes to Procedures in Philadelphia Courts*, Pa. Office of Victim Advocate (Sep. 15, 2020), <https://www.o.va.pa.gov/Key%20Initiatives/OVA%20News/Documents/Joint%20Statement%20Philadelphia%20Courts.pdf>.
30. Jennifer Storm, *Op Ed: Court Opening and Victims’ Rights in the time of COVID*, Pa. Office of Victim Advocate (Aug. 6, 2020), <https://www.o.va.pa.gov/Key%20Initiatives/OVA%20News/Documents/OpEd%20COVID%20and%20Court%20Opening.pdf>.
31. Jennifer Storm, *On City of Philadelphia Victim Services*, Pa. Office of Victim Advocate (Feb. 27, 2020), <https://www.o.va.pa.gov/Resources/Documents/Statements/stm-%20City%20of%20Philadelphia%20Victim%20Services.pdf>.
32. *MOST RECENT NEWS Releases & STATEMENTS*, Pa. Office of Victim Advocate, <https://www.o.va.pa.gov/Pages/LEGISLATION.aspx> (last accessed Nov. 14, 2020). This information was not provided in the OVA’s response to our Right to Know request.
33. Unless stated otherwise, the data in this section pertaining to testimony was obtained from the Department of Corrections on Aug. 19, 2020 in response to a Right to Know Request seeking “all written testimony submitted by Jennifer Storm and/or the Office of the Victim Advocate to legislative committee or public entities/hearings.”
34. Phil Ray, *Probation, parole reforms considered*, Altoona Mirror (Jul. 22, 2019), <https://www.altoonamirror.com/news/local-news/2019/07/probation-parole-reforms-considered/>. Information about this testimony was not provided in the OVA’s response to our Right to Know request.
35. *Legislative Priorities*, Pa. Office of Victim Advocate, <https://www.o.va.pa.gov/Key%20Initiatives/Legislative%20Priorities/Pages/default.aspx> (last access Nov. 14, 2020).
36. Has publicly opposed the passage of this bill. <https://theappeal.org/pennsylvanias-crime-victim-definition-leaves-out-communities-most-affected-by-crime/>
37. The data in this section was obtained from the Department of Corrections on Sep. 28, 2020 in response to a Right to Know Request seeking “all emails to or from Jennifer Storm since her appointment as Victim Advocate which pertain to proposed legislation.”
38. Jennifer Storm and the OVA were criticized for opposing this bill and failing to recognize the existence of “dual victims”—the many people who have lost loved ones to murder and who also have loved ones serving a life-without-parole sentence. For this reason, among others, many dual victims support parole eligibility. Elizabeth Hardison, *These crime victims have lost loved ones to murder — and to prison. That’s why they want to end life without parole in Pennsylvania*, Pa. Capital-Star (Aug. 27, 2019), <https://www.penncapital-star.com/criminal-justice/these-crime-victims-have-lost-loved-ones-to-murder-and-to-prison-thats-why-they-want-to-end-life-without-parole-in-pennsylvania/>.