



Senate Judiciary Hearing on Mandatory Minimum Sentences

Testimony from the Victim Advocate of the
Commonwealth, Jennifer Storm

Monday, May 22 2017

Good morning Chairman Greenleaf, Chairman Leach and other distinguished members of the Judiciary Committee. Thank you for giving me the opportunity to be a voice for victims and their families on the issue of mandatory minimum sentences.

The mission of our Office is dedicated to representing, protecting and advancing the individual and collective rights and interests of crime victims. We are fortunate in Pennsylvania to be one of two states that had the vision to legislate a state created Victim Advocate, to provide a continuum of care for the lives of our citizenry, throughout the arduous journey of the criminal and juvenile justice systems.

As the Commonwealth's Victim Advocate, I am here to express our Office's particular interest in mandatory minimums for offenses against our most vulnerable populations, the elderly and infants.

We have all heard about the outrageously minimal sentences given to sex offenders of late. In a digital world, this kind of news spreads like wildfire, negatively impacting the already low reporting rates of crimes committed against the vulnerable and voiceless. Just a few weeks ago we had a judge ask a young victim how many times she was touched during her sexual assault and then assigned restitution in the amount of \$1 per criminal touch sending a chilling and utterly disrespectful message to this victim. And what is the message to future offenders when that is what we see and hear from a judge. Unfortunately, we cannot leave our public's safety in the hands of our judiciary when we still hear about the utter disregard of the severity and impact sexual offenses have on our citizens. We as a Commonwealth must set the standards of what is acceptable conduct and surely preying and offending upon our most vulnerable shall be met with at the least- a minimum sentence. We owe not only the victims of these horrific acts that certainty in justice but we owe our community that level of public safety as well.

The purpose of mandatory sentencing is two-fold; to ensure a uniformity of sentencing in the most heinous crimes and to protect the citizens of the Commonwealth.

Victim advocates can rarely promise a victim or their loved ones that an offender will receive a particular sentence, unless that sentence is life, and quite frankly our truth in sentencing as a state is slowly being eroded by various court opinions as of late. One of the first primary directives as an advocate is to never promise a conviction or a lengthy sentence. The General Assembly, however, in its wisdom does have the wherewithal to decide that interpersonal crimes for the most helpless, hopeless and treasured, our children and our elders will be exacted with certitude upon conviction.

According to the Pennsylvania Commission on Sentencing, when the judiciary has discretion, sentences for sex offenses against minors are less than the standard guidelines 9% of the time. This is less than acceptable. When speaking about our youngest, most innocent victims, this deviance necessitates our wholehearted support for mandatory minimum sentences. While

victims are afforded the right to provide victim impact statements at the time of sentencing to impress upon the judge the impact of the crime before determining a just sentence, all too often our youngest and our oldest victims, do not have the voice to fully express the impact the crime has had upon them. We need as a Commonwealth to send a clear message to these victims that the crimes committed against them are too heinous to not have a mandatory minimum sentence. We need to also impress upon the offenders and would-be offenders that there is a steep price to pay for preying upon our most vulnerable citizens. We cannot allow the voice taken from the victims by the offenders to be mirrored by silence in our laws.

The cost of incarceration has become the dominate criminal justice narrative. While I appreciate and understand the need to make sure our taxpayer dollars are being spent wisely, I can speak on behalf of thousands of tax payers in the Commonwealth who are also victims, that removing the rapist from their communities so that they cannot prey upon another person is a solid investment. Sexual assault takes away a child's spirit, it violates the very soul of a human in a way that very few other crimes can, taking years of one's life to put the pieces back together, and therefore we must look at all the tenets of justice when we determine appropriate sentencing for offenders who knowingly and actively commit these crimes.

Far too often the pendulum of justice tends to swing from one extreme to the other. Today we have an opportunity to ensure that history does not repeat itself. 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.

On behalf of the over 42,000 victims and their families registered with our Office, we appreciate the time to be a resilient voice for change. We respectfully ask for the positive consideration and vote of this committee and its members for one of the very few things that we can offer these brave men, women and children, a belief that certain crimes committed by dangerous and heartless offenders will have an exactitude in sentencing.

I appreciate your time and consideration and would be happy to answer any questions on this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer R. Storm". The signature is fluid and cursive, with a long horizontal line extending to the right.

Jennifer R. Storm

Victim Advocate