



6 pages

of Lehigh Valley, Inc.

Good afternoon. My name is Freda Rafes. I am representing Crime Victims Council of Lehigh Valley. I am the Outreach Coordinator and have been involved with Crime Victims Council for seven years.

I wish to thank the members of the PA House Judiciary Committee for inviting Crime Victims Council to be represented and to provide the committee with testimony regarding H.B. 2513. We at CVC commend your efforts in considering amending the current Basic Bill of Rights for Victims.

Crime Victims Council is a private, nonprofit organization which is dedicated to providing support and assistance to victims of all violent and personal crime, as well as to their significant others. We serve clients in Lehigh and Northampton counties by providing two 24-hour hotlines, crisis intervention, accompaniment services, individual and group counseling, information and referrals, and assistance in filing for PA victims compensation.

I am an advocate for victims rights legislation to improve fair treatment for victims for two reasons: 1) In 7 years experience in victim assistance, I have witnessed the frustration and anxiety victims suffer as a result of the emotional aftermath of crime victimization which is compounded by the limits, restrictions, and oversights inherent in our criminal justice system and current laws; 2) As a survivor of rape I have experienced both the societal stigma placed on victims and criminal justice system insensitivity. Therefore, I wish to do whatever I can to improve the plight of crime victims-- whether providing direct services, community education, or advocating for legislative reforms.

Before I can specifically address areas of concern CVC has regarding H.B. 2513, I must clarify the extent of crime victimization, particularly in the Lehigh Valley. (To save time, national statistics are enclosed in the information packet)

During the one-year period between July 1, 1989 through June 30, 1990, Crime Victims Council assisted 1,363 clients-- individuals directly or indirectly victimized by violent crime, i.e. family, friends or other significant others of a victim. Almost 82% (1,117) of these clients were victimized by some form of sexual assault or abuse. In fact, 37% of those clients were children under 18 years old who had either been sexually assaulted or abused.

The next largest client group we served in that same one year period included: 77 survivors of homicide victims, i.e. family and/or friends of murder victims. In addition, we assisted 65 victims of aggravated or simple assault, 43 victims of attempted homicide and 32 individuals victimized by someone driving under the influence of alcohol or drugs.

The scope of crime victimization in Lehigh Valley, however, is not necessarily represented by CVC's client population. First of all, our clients do not include victims of spousal abuse, with the exception of a very small number of cases involving marital rape, i.e. spousal sexual assault. In addition, not all violent crime victims are seeking help from CVC or are being referred to us for assistance. Furthermore, it should be taken into account that national findings show that approximately 50% of all violent crime victimizations are reported to the police.¹ We are looking at a victim population that is at least twice as large as it appears. But what is more significant is that it will be growing. In 1987, it was estimated that about 80% of people who were 12 years old in the U.S. would become victims of completed or attempted violent crimes during their lifetime, if current crime rates continued unchanged. It was also estimated that at current homicide rates, 1 out of every 133 Americans would be a murder victim.² The implications of these statistics are not only startling, but frightening! In terms of victims rights legislation, it is evident that in view of victimization trends, as well as projections for the future, this is a population that can no longer be ignored nor patronized.

Also, at first glance, local statistics may indicate that the area of most importance or presenting the most serious need would be sexual assault. Although we certainly don't dismiss the obvious preponderance of sexual assault victims, we

also cannot diminish the needs of victims of other violent crime... because behind every statistic -- every number -- there is a person -- a human being -- who has suffered physical, emotional and financial hardship as a result of the criminal acts perpetrated upon her or him or a loved one. And because they have ALL suffered from the physical, emotional and financial hardship, they must ALL be extended the same rights and privileges.

We at Crime Victims Council are pleased to see an effort on the part of the legislature to expand victims rights. After reviewing the current draft of H.B. 2513, we have identified certain areas of weakness and wish to make the following recommendations:

1. EQUAL ACCESS

Although we support the recognition and inclusion of individuals previously not represented as victims, we feel that either those considered "personal risk victims" be added whenever a provision is made for the "victim" only, or, more preferably, to expand the definition of "victim" to include those listed in the draft under "personal risk victims". ALL individuals victimized by crime, whether directly or indirectly, suffer physical, emotional and financial injury. Therefore, equal access to services is needed. Crime does not discriminate, everyone suffers!

2. VICTIM NOTIFICATION OF CHARGES, BAIL, & BAIL CONDITIONS

The provision of information concerning charges filed, bail and bail conditions appears in this draft of H.B. 2513 to be a privilege set aside only for victims of rape, sexual assault and domestic violence. We applaud the special concern for these victims. However, if the intent of this clause was to make it possible for a victim who felt imminent threat of possible harm to have ample time to prepare for their own protection and safety, then others not represented need to be included.

Although retaliation is not a common occurrence, it does happen. What needs to be recognized is that it does not occur exclusively in cases of rape, sexual assault and domestic violence. Furthermore, equal treatment of victims must be ensured.

Therefore, any victim who feels an imminent threat of harm must be extended the privilege of notification of charges filed, bail and bail conditions within one hour as well.

3. ENFORCEMENT

Victim assistance legislation has made many strides over the last 15 years. Each new act has expanded benefits to crime victims, as well as increased efforts to provide fair and just treatment of victims, without depriving the defendant of his or her rights. However, in every piece of legislation enacted there is a glaring omission. There is no provision for enforcement. There are no mechanisms to ensure that these stipulations are in fact carried out. Furthermore, if the victim is intentionally or inadvertently denied any of these rights or if there is any kind of violation of a victim's rights, the victim has no recourse.

For instance, when a victim files a claim to be compensated for medical expenses incurred as a result of a crime, he or she is expected to be responsible for being honest and follow the letter of the law. Any infraction, for example, filing a false claim, will result in that victim being charged with a criminal offense. That is clearly a mechanism for enforcement of filing honest claims. No such mechanism exists for victims rights.

Victims must have legal recourse to ensure that the criminal justice system and law enforcement be responsible in providing victims the rights they are entitled to. If any of these rights are ignored, forgotten, infringed upon, denied or violated, a victim must be given the right to either seek civil reparations through fines or preferably, have the right to file a cause of action suit.

Quite frankly, if mechanisms for enforcement are not included, every provision in this piece of legislation, just as those that have been enacted in the past, will be just lip service and not worth the paper on which it is printed.

We would hope that you, as legislators, would want your constituents, as well as citizens outside of your districts, to be aware and knowledgeable about proposed and/or pending legislation which may impact directly on their lives or on the lives

of their family members. Some may even be interested in a bill's benefit to the community as a whole. We also hope that as legislators, you would want to invite the general public to such a hearing as this, since there may be individuals who are particularly interested in this issue, but who are not involved with those of us who are testifying. It is also an opportunity for the public to witness part of the legislative process without having to travel to Harrisburg.

It seems, unfortunately, as though publicity informing the general public in advance about this hearing was greatly lacking. We at CVC were told there would be news releases distributed and we respected requests that we not contact the media on our own. As a result, the public will know about this hearing after the fact, not having the opportunity of voicing their concerns or hearing others.

We hope that if there are future hearings regarding H.B.2513 planned, that ample advance publicity be distributed. Victims need to be heard, otherwise, this issue will be continually ignored. After all, as I have learned in my seven years in victim assistance, most people ignore or don't even care about victims issues and victims rights until it happens to them or a loved one.

Thank you again for this opportunity to testify. We at Crime Victims Council support the intent of H.B. 2513. We hope you will consider the areas of weakness we have identified because we see a strong need for a fully comprehensive victims rights bill. Please contact us if we may be of any assistance.

Good afternoon.

Footnotes:

1. Crime and Prevention statistics, Revised; National Crime Prevention Council and Bureau of Justice Assistance
2. Lifetime Likelihood of Victimization, Bureau of Justice Statistics, U.S. Department of Justice, 1987.



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OVERVIEW OF CRIME & VICTIMIZATION IN AMERICA

- * THE U.S. DEP'T. OF JUSTICE ESTIMATES THAT ONE OUT OF FOUR FAMILIES WILL LEARN THE PAIN AND SUFFERING OF A VICIOUS CRIME THIS YEAR ALONE.
- * IN 1987 THERE WERE 34.7 MILLION CRIMES COMMITTED IN THE UNITED STATES.
- * ALMOST 7 MILLION WERE CRIMES OF VIOLENCE.
- * EVERY 20 SECONDS, ONE AMERICAN IS VICTIMIZED BY VIOLENT CRIME.
- * EVERY 25 MINUTES, AN AMERICAN IS MURDERED.
- * EVERY 6 MINUTES, A WOMAN IS RAPED.
- * EVERY MINUTE, SOMEONE IS ROBBED.
- * EVERY 20 MINUTES OF EACH DAY, SOMEONE IS KILLED BY A DRUNK DRIVER.
- * EVERY 18 SECONDS, A WOMAN IS BATTERED.
- * TWENTY TO FIFTY PERCENT OF AMERICAN COUPLES HAVE SUFFERED VIOLENCE IN THEIR MARRIAGE.
- * OVER 1.5 MILLION CHILDREN ARE ABUSED OR NEGLECTED EACH YEAR.
- * WELL OVER 155,000 CHILDREN NATIONWIDE EXPERIENCED SEXUAL ABUSE THIS YEAR.
- * THE REPORTED INCIDENCE OF CHILD SEXUAL ABUSE HAS MORE THAN TRIPLED SINCE 1980.
- * AT CURRENT RATES, 1 OUT OF 133 AMERICANS WILL BE A MURDER VICTIM.
- * HOMICIDE IS ONE OF THE TEN LEADING CAUSES OF DEATH FOR AMERICAN MEN.
- * 85% OF ALL ASSAILANTS OF RAPE VICTIMS ARE EITHER FRIENDS OR FAMILY OF THE VICTIM.
- * ONE OUT OF 3 GIRLS AND ONE OUT OF 6 BOYS WILL BE SEXUALLY ABUSED BEFORE THE AGE OF 18.
- * IN 1988, THE COST OF CRIME TO AMERICAN SOCIETY WAS OVER \$13 BILLION.
- * ONLY FIVE STATES HAVE A CONSTITUTIONAL AMENDMENT GUARANTEEING THE RIGHTS OF VICTIMS.
- * FORTY-SIX STATES HAVE VICTIM COMPENSATION PROGRAMS.

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HOTLINES:

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