

# The Green Sheet

Pennsylvania Board of Probation and Parole

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## National Crime Victims' Rights Week ~ "30 Years: Restoring the Balance in Justice"

### A rally cry

Each year states across the nation observe National Crime Victims' Rights Week to acknowledge victims and their supporters who have labored to ensure victims' rights are honored and respected within the justice system. In Pennsylvania, the week of observance was kicked off in Harrisburg with a rally in the state Capitol Rotunda on Monday, April 7. This year's rally was the largest in attendance by victims, their family members and friends and victim advocacy support groups.

In Governor Corbett's address to the crowd he praised the work of victims and victim advocates, stressing the importance of these events to keep people informed of the work accomplished and the work that needs to be done. Earlier in the morning, Gov. Corbett signed into law three additional child protection bills as "another step forward in the fight to end child abuse" and increase justice for

crime victims. The new laws allow for electronic reporting to help facilitate mandatory reporting of child abuse and provide support and funding for Children's Advocacy Centers.

The newly appointed Commonwealth Victim Advocate, Jennifer Storm, spoke of the need to ensure that all victims are aware of their rights and services. "The OVA currently has over 30,000 crime victims registered with our office," Storm stated. "We know there are so many more out there who aren't informed of our services. We need your help to make sure every crime victim understands their post-sentencing rights."

In addition to her message about the services provided by OVA, Storm talked about the week's theme: 30 Years: Restoring the Balance in Justice. She remarked that the words restore and balance "are words we hear so often in victim's services as they are instrumental in the work that we do to help those harmed in our society."

And some things can be restored for victims. "But what about the majority of the things that are taken that cannot always be restored; a stolen childhood, trust, a sense of security, self-esteem, virginity, youth, aspirations, a daughter, a niece, a son, a father, a grandparent, a partner, a best friend. These are things that are not so easily restored if at all. Today we are being challenged to restore the balance in

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Victim Advocate Jennifer Storm (2<sup>nd</sup> from left) poses with Governor Tom Corbett and other rally speakers after the event.

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justice though not necessarily restore the crime victim, Storm said.

“Do we have actual balance within our justice system in Pennsylvania? We have come a long way and the Commonwealth of Pennsylvania has many rights for crime victims and those rights have evolved over the years as we continue to change and shape our justice system.”

But Storm claimed today may not be about restoring the balance as it is still about **achieving** that balance.

Storm cited legislation that has recently been passed, such as, in – person testimony for victims before the Board of Probation and Parole, several bills to protect children from abuse, protection from abuse order for victims of stalking and sexual assault, and dedicated funding for Children’s Advocacy Centers.

However Storm stated not all changes need to come about through the legislative process. “I challenge you today to pick **one** goal to highlight **one** area that you want to see changed in your local environment that can better the lives of crime victims that can restore the balance in your community.

“We cannot do this alone. We need each other. Help us achieve our balancing goal of increasing awareness. It takes all of us to achieve balance and to help restore crime victims to a place that allows them to move forward.”

## Gov. Corbett Signs Child Protection Legislation

Surrounded by state-wide members of the victim advocate community and Commonwealth Victim Advocate Jennifer Storm, Governor Corbett opened the week-long recognition of National Crime Victims’ Rights Week on Monday, April 7, by signing three new pieces of legislation that reform Pennsylvania’s child protection laws.

Prior to adding his signature, Governor Corbett proclaimed, “This is a great day.”

## Act 29 (Senate Bill 24)

Act 29 creates a new, more-inclusive state database on reports of child abuse, and erases existing barriers to quick information sharing between police and child welfare agencies. The new database would give investigators on a new case access to every past

## Office of the Victim Advocate

In 1995, the Crime Victims Act was amended to establish the Office of the Victim Advocate (OVA) to represent the rights and interests of crime victims before the Board of Probation and Parole (PBPP) and the Department of Corrections (DOC). The OVA provides notification to crime victims of the potential for inmate release and opportunity to provide testimony, notification of the inmate’s movement within the correctional system, referrals for crime victims to local programs, basic crisis intervention and support, general information on the status and location of the inmate as allowed by law, and notification of the expiration of an inmate’s maximum sentence or date of execution, if applicable, as well as preparation of a victim who chooses to witness an execution.

report lodged against a past perpetrator, including those like malnutrition or poor living conditions that may have only required counseling services or other civil intervention.

Unlike the state's Megan's Law registry of sex offenders, the child abuse database would not be accessible to the public. The goal is to give investigators important context for their cases that has often been missed in past cases because of confidentiality rules, or lost because families moved into a new county. The new law also updates language to permit new reports and old case files to be



*Governor Tom Corbett signs the new child protection laws surrounded by the various bill sponsors and CAC supporters.*

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transferred electronically, making case investigation much more efficient.

## Act 27 and Act 28 (House Bills 89 and 316)

Both bills start and create new state funding avenues for Children's Advocacy Centers (CAC), which are regional clearinghouses for the investigation of child abuse cases and the provision of treatment for its victims.

House Bill 316 doubles the fee for birth certificates from \$10 to \$20, with most of the new revenue earmarked for an annual amount of nearly \$3 million for grants to new or existing centers.

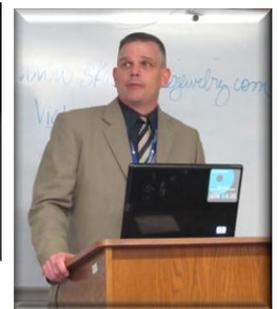
House Bill 89 begins the funding effort with an immediate transfer of \$410,000 in currently unused funds from the now-defunct Drug Abuse Resistance Education program.

Currently, there are 21 regional advocacy centers in operation. A recently-completed planning study is exploring how many additional centers would be needed to place all Pennsylvanians within an hour's drive of a CAC.

## Parole Board Hosts Second Annual Victim Speaker

Not just one week, but every day.

Although a week is dedicated every year as National Crime Victims' Rights Week, the Chairman of the Board of Probation and Parole Michael C. Potteiger asked for all Board employees to be mindful of victims every day.



Clockwise: Kate Rush Cook shares her personal story with Central Office staff. Board Chairman Michael C. Potteiger talks of the importance of victim awareness. Jennifer Storm introduces Ms. Cook and discusses the work of the OVA.

"Victim awareness needs to be a part of each process at the Board every day," Potteiger stated. "From every person who answers the phone to every Board member who listens to a victim during in-person testimony. We cannot do our jobs well without it."

The Chairman's comments were made prior to the presentation by Kate Rush-Cook, a rape survivor who made her presentation before Central Office staff on Friday, April 11. Ms. Rush-Cook currently resides in York County.

### A personal story

Introduced by Victim Advocate Jennifer Storm as a rape survivor, public speaker, victims' rights advocate, an activist and CEO of S & K Awareness Jewelry, Ms. Rush-Cook began her candid presentation to board staff by saying, "I was victimized once by my rapist and then subsequently by the court system."

In her role as a public speaker/victims' rights advocate, Ms. Rush-Cook shares the personal details of that night in 1993 and the events that followed. This is her story.

*"Every two minutes in our country, a woman is being raped."*

*In 1993, at the age of 20, I became a statistic. I was kidnapped, robbed and repeatedly raped by a man I had never seen before.*

*My story actually begins in early 1993. My best friend was killed during a high-speed police chase when the man who was being chased by the police ran a light and ran broadside into her vehicle: she was pronounced brain dead by the doctors that very morning. I felt as if my whole world had collapsed. I was devastated. Months later I was still suffering.*

*Six months later, my friends convinced me that I should go out for the night; I had barely been out of my house since she was killed. I was going out with some friends to an under 21 dance club*

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and then we were planning on having a good old fashioned sleepover. I even went out and bought a new outfit for the occasion; a pair of jeans, a black camisole and a black, long-sleeved lace shirt. The night started off as we had planned and took a turn for the worse after we stopped at a friend's house on the way home.

A friend of mine was going to walk to a bar to buy some beer. I convinced him to let me drive him because it was in a bad area of town. As he entered the bar, I saw some men sitting on a nearby porch. One of the men walked past my car. He then came from behind me and then put his hand on my throat and started to choke me. He told me he had a gun and ordered me to unlock the doors. He entered my car and told me that if I did not do as I was told, my friend would be killed. He had me drive to a non-residential area and turn my car off. This is where my life was forever altered.

There, in my car, I was raped repeatedly. I had no bruises or scratches; I complied with his every demand because he threatened to kill me. I knew where we were and where I could run if I had a chance but I never had that chance.

This ordeal lasted for six hours. Eventually, he allowed me to dress in my jeans and my black lace shirt with no bra and told me to start the car. He told me he was going to take me somewhere [and] he was going to kill me. He even gave me the choice of what method he would use. By the grace of God,

my car did not start. We walked about 3 miles back towards the area where this horrific ordeal began, all the while introducing me as his girlfriend. Before he let me go he said, "If I had paper and a pencil, I would give you my name....Can you remember this?"

He spelled his name out for me. He told me he trusted me and let me go. I believe that he trusted me because I had talked with and reasoned with him; the police told me that I had probably saved my life by acting as I did. I realized where I was when he let me leave him and ran about a mile to my friend's house. While I was running, the reality of what had happened to me set in. All I wanted to do was take a hot shower and scrub my body clean. The whole time he held me captive, he told me that his friends knew where I lived and if I did not do as he told me, my friends would be 'taken care of.' After finding out that all of my friends were safe, they convinced me to let them call the police.

A squad car was sent to my location. The officer that arrived, I later found out, was not experienced in sexual assault cases and dealing with victims. I was taken to the hospital in the back of a police car. While the officer may not have considered it, I felt as though I was the criminal.

When I arrived at the hospital, the nurse told me if I had been home where I belonged; I would have never been raped. My body was a crime scene. It was very clinical and cold.

In January 1994, I went to court. I was a manager in a retail clothing store, so I dressed as I would if I was going

to work; a hounds-tooth plaid suit, black high heels, hair done, nails done. I was told by the DA's office that I needed to be dressed in more 'victim-like clothing' for the jury. I had no idea what victim-like clothing was. I was told to wear clothing that was modest: long sleeves, turtle-necks and long skirts.

When the trial began, I was devastated by the defense's story that they had concocted. His defense was that as a result of the death of my best friend, I had turned to drugs and prostitution to forget about her; I was a prostitute and sold myself to support my drug habit. After court concluded for the day, I went shopping for 'victim-like clothing' to wear for the remainder of the trial.

The trial itself was a blur to me. It was bad enough having to tell the police what happened to me. In court you have to recount the rape in excruciating detail for twelve strangers, your family and many times, the media. I was asked questions like: 'Where did you buy your underwear?' and 'What color were your underwear?'

The last day of the trial had arrived and I dressed in my victim-like clothing for court. After testimony was finished for the day, the judge called a recess for lunch. I went to lunch with my mother, my friend that had been with me the night I was raped and another friend. I remembered that my mother told a dumb joke and I laughed at it.

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*I will NEVER forget that last day. I came to the courthouse dressed in my victim-like clothing, as directed by the District Attorney's office. I was wearing cream and tan pinstriped pants, a cream turtleneck and a cream crocheted sweater with my long hair pulled up on the sides. The joke of the day was that if I had glasses, I would look like a librarian.*

*During the trial, I was using a locked employee's bathroom because I had been attacked by my rapist's family members the first day of the trial. After lunch that last day, I was in the bathroom with my mother. Closing arguments were to start after lunch and I was a bundle of nerves. I was crying and my mother was comforting me. She told me, "After today, you won't have to wear these librarian clothes anymore. You can go back to wearing your funky clothes and being Katie." While we were talking, a woman entered the bathroom. She used the bathroom, washed her hands and left the restroom without giving us a second glance. When we re-entered the courtroom, I saw the woman from the bathroom speaking in hushed tones with the defense attorney.*

*When court reconvened, I was called to the witness stand again. The defense attorney asked me about using the locked bathroom and the conversation that I had with my mother. The conversation was twisted around to give it a different connotation. I was asked if I knew the woman from the bathroom, which I did not. He asked me if she had been in the bathroom when I had been in there, I answered yes. He said, 'so you know her?' I answered just because I saw her in the bathroom does not mean that I know her.*

*I was dismissed from the witness stand without so much as question from the District Attorney or a comment from the judge. The woman from the bathroom was then called to the stand. She recounted her version of the story which was twisted and made it sound as if I was not telling the truth. Closing arguments were given and the jury was charged. Forty five minutes later, the jury acquitted my rapist of all charges. My rapist looked back at me and laughed.*

*It was later that I found out that the bathroom lady's comment called MY credibility into question with the jury. In actuality, that line of questioning was meant to imply that I was not dressing as I normally dressed, which was true. However, the issue of my clothing*

*should not have played a role in determining if I was in fact raped. It is a stereo-type that women who dress provocatively, or slutty, are just asking to be raped. What happened to me during my trial perpetuates this stereo-type. In addition, two of the jurors had seen me laugh at lunch; they felt that if I had truly been victimized, I would not have been laughing.*

*I share this with you so you can understand that even though strides have been made to improve the field of victims' rights, there is still a huge stigma surrounding victims of rape and sexual assault. This is the only crime where the victim feels as if they have to prove their innocence. When I reported my rape, I never believed that I would have to prove that my story was true or that I had to justify my actions. I had to answer questions like, "Did you scream?", "Did you try to get away?", "Did you fight him off?" Robbery victims would never be asked such questions.*

*I believe in order for change to happen, our society needs to view rape as the crime of violence that it is and hold the RAPISTS responsible; not make the victims justify their actions or defend the way they were dressed. As a community, we need to support victims when they report the crime. We need to aid these women in their journey from victim to survivor. Finally I would like to say that, as a society we need to abolish this archaic belief that the way a woman dresses contributes to the violence that is perpetrated against her. **No one** asks to be the victim of sexual violence...**no one**.*

Portions of this text were taken from Rush-Cook speech at SlutWalk Philadelphia August 6, 2011



Kate Rush Cook works with her audience by asking for "characteristics" of a rape victim and a rapist.

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## Epilogue

Ms. Rush-Cook learned that her rapist did rape again; this time a young college student. Despite her desire to reach out to the young woman, she was advised not to do so because her case could not be included with the new rape case. The perpetrator was found guilty and is currently incarcerated in state prison. After the trial, Ms. Rush-Cook and the college student were finally able to talk and comfort one another.

Ms. Rush-Cook suffers from post-traumatic stress disorder. She is the mother of two daughters. She began public speaking to show that she has no shame about what has happened to her and that it is okay to talk about sexual assault.

And she has this advice to offer. "A victim wants to take ownership of what has happened to them. Believe them. Don't ask them questions like 'why didn't you ...' or 'you should have...'. It is not your job to be a therapist or legal authority. Help them get to a trained professional that they need."

## OVA works to heighten awareness and notification

### Getting the message out

On Thursday, April 10, Commonwealth Victim Advocate Jennifer Storm and Jeffrey Blystone, Victim Compensation Assistance Program Manager with the Pennsylvania Commission on Crime and Delinquency were guests on WITFs' Smart Talk Radio in Harrisburg.

Host Scott LaMar noted that the accused have constitutional rights, but victims don't. He asked what do victims want?

"Victims want to be heard. They want to be informed. They want to be treated with dignity and respect," Storm said. "At the time when a crime is committed, the victim first learns about victim advocacy services. Most often, because of the shock and aftermath of the crime, the victim either doesn't remember what information they were given or how and where to proceed.



*Jennifer Storm conducts one of her media interviews during Crime Victims' Awareness Week.*

"It is our job at the Office of the Victim Advocate to improve awareness of the multiple programs we offer. We have developed partnerships with law enforcement officials because that is where the victim advocacy program begins. We are working on developing more of those partnerships across the state."

When asked what areas the public isn't aware of, Storm stated: compensation and notification.

"The Victim Compensation Program is under-utilized by the general public," Storm said. "Victims may receive compensation for a variety of their needs such as medical expenses, funeral expenses, loss of earnings, counseling services and reimbursement for transportation costs."

"The money for the fund comes from fees assessed to the offender/defendant. Right now, most counties assess a fee of \$60; we are hoping to see that changed to \$110. The maximum reimbursement allowed is \$35,000," Blystone explained.

Storm also explained the need for notification. "We can engulf the victim in wrap-around services," Storm said. "We are able to notify the victim about their case status, help explain the stages of the legal process to them, notify them when an inmate changes prisons, when an inmate is eligible for parole, and when and if the inmate is released.

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"It is so important for all victims to have options," Storm added. "It is our job to make every person aware of those options and the services we provide to help them regain control of their life."

## Sponsor of "face to face" law receives award

During the 2014 Matty Muir/Leadership Award and Volunteer Recognition Ceremony, state Representative Mike Vereb was honored on March 23 by the Victim Services Center (VSC) of Montgomery County with the VSC Leadership Award for his "leadership in introducing PA House Bill 492...to ensure that families of victims [and victims] of violent crime are given an opportunity to have their voices heard by the Parole Board." H.B. 492, known as victim face-to-face testimony, was signed into law by Gov. Tom Corbett on June 18, 2013. Chairman Potteiger was invited to attend the ceremony where Rep. Vereb thanked the Board for their support of the legislation and diligence in putting a process into place.

This award was first presented in 2002 to a leader of an organization or institution that has taken the responsibility to influence or create an environment that is sensitive to the needs of victims of crime. Matty Muir was a co-founder of the organization now known as VSC of Montgomery County in 1974.



*State Representative Mike Vereb (center) is joined by Board Chairman Michael C. Potteiger (far right) and members of the Victim Services Center of Montgomery County.*