

CRIME VICTIMS' SERVICES DIVISION * CRIME VICTIMS' RIGHTS SECTION
TASK FORCE ON VICTIMS' RIGHTS ENFORCEMENT
MEETING MINUTES



Date: July 28, 2014

Committee: *Task Force on Victims' Rights Enforcement*

Attendees: Shannon Sivell - chair, Brad Berry, Johanna Costa, Debra Bridges
Doug Hanson, Seantel Heisel, Terry Thompson, John Stein,
Rosemary Brewer, Meg Garvin, Kimberly Dailey, Kim Larson,
Juliet Follansbee, Kristin Wings-Yanez, Michele Roland-Schwartz

Teleconference Attendees: Sheriff Matt English, Chanpone Sinlapasai-Okamura, Shawn Wiley

Guests: Greg Rios, AAG Department of Justice

Staff Attendees: Helen O'Brien, Ronelle Shankle, Krista Anderson

Introductions

Helen started off the meeting by welcoming and thanking everyone for attending today's meeting.

Review of minutes

April 28, 2014 meeting minutes were reviewed. John Stein moved to approve the minutes. Rosemary Brewer seconded the motion. Minutes were approved with no changes.

Role of a Courthouse Dog- Brad Berry

Brad introduced us to Yamhill County District Attorney's Office canine Mary Beth, who is the only courthouse dog in the state of Oregon. Yamhill County acquired her on February 2, 2014. Courthouse dogs start out in training to be assistance dogs for persons with disabilities. When they identify dogs with the appropriate calm demeanor, they are moved into the courthouse dog training. This training focuses on providing comfort and calming to victims, witnesses and others while not being seen or heard. Her first week on the job she was present at a murder trial as well as paired up with an eight year old girl that was sexually assaulted and had to attend Grand Jury.

Brad explained the application process which started in February of 2013 and was finally approved in December of 2013. They acquired her on February 2, 2014 after he and one of his Victim Advocates completed and passed their own training to be handlers. After paying for travel and training of handlers, there is no cost to bring the dog home other than the ongoing cost of care for a pet. The value of the dog is about \$50,000, which was privately fundraised. Yamhill County does not own her. A local veterinary office has donated their services to care for her. Mary Beth has a primary caregiver which is Sarah, and Brad is the secondary handler. She goes to work each day. She knows when the uniform is on she is working and when the

uniform is off she is very much a dog. She is just like any employee, she must be provided with daily breaks and must be given a certain amount of vacation days per year.

Mary Beth was able to demonstrate the skills she has. She will put her head in your lap, or put her head at your feet. She is trained to help persons with disabilities such as opening doors and turning lights on and off. When doing public outreach Mary Beth can pass out her cards, pick up items and turn the pages of the books for children. For the most part she is very submissive, she should not react to other animals and she doesn't growl. She is tremendously gentle.

When Mary Beth isn't working you can find her on Facebook or Twitter, check her out.

Sex Offender Tier System Update - Kristin Winges-Yanez

The Department of Corrections (DOC), Board of Parole, and PSRB are working on legislative clean-up for this recent legislation. DOC and the Board are currently working on rule making. BOPPPS will do workgroup in 2015.

Kristen clarified there will be no processes for reclassification down or relief from registration until 2017. The only thing that started in 2014 is that offenders leaving prison and new to registration will be assigned a notification level. There are no more "predatory" offenders; it is now Level 3 - high risk. In 2017 sex offenders will have a process to petition to get reclassified to Level 2. Level 3 can never go to 1 and Level 3 can never get full relief. The approved statewide assessment tool will be the STATIC 99R tool to determine high, medium, low.

Question asked: Will victims be notified if the offender is re-classed? Kristen said yes, they will be notified. How will the notices go out? BOPPPS won't know this process until 2017, but we assume the process will be similar as the process is now and fully expect to provide notice to victims for both relief and reclassification. The plan is to keep victims in the loop. The implementation group is working with victims who want to give input in the process. The next important step will be informing DDA's and training on possibly getting the necessary language for this in plea deals, as well as advocate in helping victims understand the new process. It will also be important to have the DDA's understand the new registration process as well.

BOPPPS currently has 3 board members and is looking to add 2 more due to this additional workload. Since the 1990's they have been operating with only 3, but the statute allows for 5. This will possibly be done in 2015, but for sure by 2017. They hope to have some job duty crossover in order to hire another victim's services specialist. Forming a workgroup to further work through other implementation issues is a possibility.

Non-Compliance Subcommittee Report – Doug Hanson

This is a topic from this Task Force that is being revived. Current sub-committee members consist of Doug Hanson, Kim Larson, Debra Bridges.

In determining where we go from here, Doug gave an example of first Crime Victims Right complaint in Marion County and provided the process that the former sub-committee came up with:

1. Person makes contact with a "complaint"

2. Person with complaint is asked to talk to the person or agency who the issue is with
3. If that isn't resolved – then the person files a grievance form
4. Agency responds to grievance either stating
 - a. Not a CVR violation or
 - b. If CVR violation possible resolution for Victim

Pending for further discussion and DECISION

5. If still no resolution – Non-Compliance Review Committee (NRC)
 - a. Never resolved who and how this is formed as a group.
 - b. Should it be this full task force?
 - c. Do we hold a hearing? Is it public?

Some difficulties that the sub-committee faced were:

- Deciding on the number of reviewers. The sub-committee left off with the thought of having 13 potential people on a formal Non-Compliance Review Committee (NRC) but this committee seemed a bit extensive.
- Is this an open committee?
- Training Judges, best way to approach this.
- ?

What are the options for victims that have rights that have been violated today? Currently there is nothing in place for victims that hit road blocks and need a remedy. Both NCVLI and OCVLC are seeing these complaints and have nowhere to refer these victims or no process to assist them if there is no pending legal action for legal remedy.

Meg explained that the committee did research prior to coming up with this proposed process. They researched other states and one state that stuck out to them was Colorado which has had a plan in place for 15 years. The concept has been around for years, Oregon has not had it in place as of yet. Bottom line – this was never a process intended to punish or be punitive but to bring all players into compliance with CVR – law enforcement, VAP, DA/DDA, Attorneys, DOJ, Judges, etc.

ACTION: items to be done prior to next quarterly meeting:

1. Helen will find old roster of subcommittee and review meeting minutes to provide further background.
2. Doug to edit final recommendations and flow chart to have it distributed to entire TF.
3. Helen will work on getting DOJ to answer legal questions posed by subcommittee.
4. Once all of this information is acquired, Helen and Doug will forward information to the entire Task Force for input and volunteers to reform a subcommittee because many members have changed. We also have a new Attorney General and the direction we may want to take it may have changed. At the next TF meeting we should decide if the proposal needs more work or if it is ready to implement as process.

New Legislative Proposal – Shannon

A copy of the draft on “revenge porn” was available to review. The draft went out from DOJ to several people about a month ago, but DOJ has not gotten any feedback. The proposal would cover photos, video and audio of nudity or sexual acts which are shared without consent. What

hasn't been discussed yet is the level of crime and penalties. It sounds like it may be more like a harassment level, but this has not been formally discussed. Will need further analysis to see if youth will be treated the same as adults as it brings up the maturity level. Victim blaming was also discussed as youth are often pressured to send pictures out even when they don't want to. This committee feels the level of crime and penalty will be very important. There may be a difference between juveniles and adults but the crime should apply to them all. Shannon says these are all things the sub-committee can work on which DOJ's Legislative Liaison Aaron Knott plans to form later this summer.

SATF LPP, Offender Management and Campus sub committees are looking at the draft as well. They gave the information to Aaron Knott. At this point college students can currently find remedy due to the rules of colleges even while the general public cannot.

It looks as though Representative (running for Senate) Gelsner may be interested in co-sponsoring this legislation with DOJ.

SATF is checking and tracking other states legislation on this for best practices and lessons learned. This is a fairly new crime nationwide. For more information on other states and studies, contact Michelle.

Michelle said that the SATF has learned of a new issue and a new way to violate others – a person takes a victim's photo (from a yearbook for example), attaches it to a nude photo from the internet and posts it with victim name and contact information. Not sure how we can add this to the draft or how we would address it. Doug gave an example using the identify theft laws for this type of violation. Shannon will mention this to Aaron.

The committee feels public outreach and training especially to youth will be very important.

*Brad Berry & Debra Bridges left the meeting to attend to other business

Juvenile Justice – Seantel & Meg

Seantel shared what the issue is; how to deal with victims when petitions are dismissed or plead down in juvenile cases. How do you deal with those victims? What are their rights? This is a broad global issue and this has been on the table for some time.

We need to determine how to deal with victims when petitions are plead down or when there is a decision to not move forward with adjudication. How do you handle the victims, when one victim is not included in an order and others are?

Discussion of possible best practice is to put in the plea agreements to continue victims' rights and specify those rights. Other possible solution is to include language in certification of Victims' Rights invoked forms filed with court to continue all rights invoked and to continue to carry all victims' names forward.

Dismissed victims still need no contact orders. They may also want restitution and it should be possible to have the juvenile offender stipulate to restitution.

You have 36 different ways of doing it as every county has a different way of handling it. Meg noted that NCVLI will be issuing a position paper on this matter, which will be issued before the October Task Force meeting.

Meg pointed out that this is an important topic needing further attention.

Johanna asked - Do we issue recommendations on what DA's office should be doing? Helen is working on "best practices/hot topics" to share with District Attorney's offices, law enforcement, etc. We hope to have it on our DOJ website and available statewide in the future. Helen will bring to this committee for feedback/input on these topics to share.

The question was asked by a newer member whether or not this Task Force issues best practices or position papers. Helen is working on a sample first position paper on HIV testing. It is being drafted now for distribution and discussion at our October Task Force meeting.

ACTION: Shannon volunteered to set a meeting between Meg (NCVLI) and Attorney General Rosenblum on perceived need for an AG opinion on this topic. (who is a victim)

Updates and Goals: Task Force and Subcommittees

Immigrant Crime Victims' Rights – Chanpone

Enforcement and Removal Operations (ERO) is working on removal of foreign born offenders. It has been determined that it is unlawful to continue to detain someone without legal counsel, which has caused a lot of problems. The state has started releasing them. That is something that is going on throughout our state.

Working on revamping the work group on Immigrant Foreign Born Issues – sex labors, human trafficking. Portland Police has designated a full time officer as well as a 24hour hotline to report any suspected human trafficking. Chapone will send out the officers' contact information.

The Department of Justice is working on getting their website updated to include UVISA information for District Attorney's, Victim Assistance Programs and public. This should help with answering questions on what UVISA's are and how to apply for one.

National news is covering the flux of children as illegal immigrants currently coming into America on their own. We have a large number of unaccompanied minors that will be coming to the State of Oregon. Some of these kids are being sent to family members others are going into foster families. Some of these kids are coming into the US due to being trafficking victims or being abused/abandoned by family.

American Immigrant Lawyers Association (AILA) has asked DOJ and the Task Force to help work on the resource issues.

*See the subcommittee minutes for more information.

Juvenile Justice – Terry Thompson

This committee has not met yet. They are going to convene the fourth Monday of next month. They are looking for agenda items, as well as rolling over items from previous meetings.

Other Business – Announcements

At the next Task Force meeting we will be scheduling 2015 meeting dates, so please come prepared with any special date requests and/or day of the week preferences or time changes.

Meeting adjourned at 3:55.