# OREGON DEPARTMENT OF JUSTICE CRIME VICTIMS' SERVICES DIVISION CRIME VICTIMS' RESPONSE SECTION



ACTIVITY REPORT ON STATEWIDE DISTRICT/CITY ATTORNEY BASED VICTIM ASSISTANCE PROGRAM (DA/CA VAP) FUNDS TO PROSECUTOR BASED VICTIM ASSISTANCE PROGRAMS

FISCAL YEAR 2010-2011

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#### INTRODUCTION

**PROGRAM BACKGROUND, OBJECTIVES & REQUIREMENTS:** As a result of the 1983 Oregon legislature, (ORS 147.227) the Crime Victims' Services Division (CVSD) was given authority to disburse up to one-half of the unitary assessment monies that the Criminal Injuries Compensation Account receives from the Criminal Fine Account, to counties and cities where prosecuting attorneys maintain comprehensive victims' assistance programs approved by CVSD (see Eligibility to Receive CFA/UA Funds below). The funds are then distributed to counties and cities in which prosecuting attorneys maintain comprehensive victims' assistance programs approved by CVSD. In 2007, CVSD requested and received an increase in the CFA/UA fund of \$2,000,000 for VAP's shared with the Crime Victims' Compensation Program (CVCP). For the purposes of this report, the funds will be referred to as District/City Attorney Based Victim Assistance Program (DA/CA VAP) funds.

The 2007-2009 biennium was the first time in which the equity study<sup>1</sup> formula was applied to CFA/UA funds. This was the application of a single, equitable formula for allocation of funds to the District and City attorney based Victim Assistance Programs (VAPs). The increase in CFA/UA funding for the VAPs in the 2007 Legislative Session provided an opportunity for adapting the CFA/UA fund distribution formula.

In 2009, CFA/UA funds were reduced by a 6% (a partial restoration of the 10% cut proposed by the Governor) budget cut. The Department of Justice (DOJ) elected to hold back an additional 4% of CFA/UA funds (this was done to mitigate potential additional cuts should the economic forecast in the upcoming year require further cuts) resulting in a 10% reduction in funding available for awards. However, in an effort to preserve key values of providing meaningful access to services and stabilized services throughout the state, CVSD met the reduction in CFA/UA funding with VOCA dollars. This funding cut, along with decreases in County level funding, presents service delivery challenges to meet victims' needs, ensure that victims are aware of their rights and actively participate in the criminal justice process.

The 2011-2013 biennium cuts totaled 3.5% with DOJ holding back an additional 2% for the same reason as mentioned in the previous paragraph. The reserved held back in the previous biennium was released and added into the current allocations. The allocations were backfilled with VOCA dollars to hold the VAP's steady.

**ELIGIBLE PROGRAMS:** To qualify for approval by CVSD and be eligible for DA/CA VAP funds, a victims' assistance program must: 1) Be administered by the district attorney of the county or city attorney of the city; 2) Provide services to victims of all crimes; 3) Give service priority to victims of serious crimes against persons; and 4) Collaborate with community-based and government agencies to benefit victims. The program must also, in the determination of CVSD, effectively provide the following core services:

<sup>&</sup>lt;sup>1</sup> The formula uses counties as a unit of allocation, provides a base amount and adds a per capita allocation, based on the county population. The guiding principles include meaningful access to services as well as stability of services: using available funding to maintain all counties at current levels of funding or reducing all levels equitably.

- Inform victims, as soon as practicable, of the rights granted to victims under Oregon law;
- Advocate for victims of serious person crimes as they move through the criminal justice system and advocate, when requested, for all other victims of crime;
- Involve victims, when practicable or legally required, in the decision-making process in the criminal justice system;
- Ensure that victims are informed, upon request, of the status of the criminal case involving the victim;
- Assist victims in preparing and submitting crime victims' compensation program claims to the Department of Justice under ORS 147.005 to 147.367;
- Assist victims in preparing restitution documentation for purposes of obtaining a restitution order;
- Prepare victims for court hearings by informing them of the procedures involved;
- Assist victims with the logistics related to court appearances when practicable and requested;
- Accompany victims to court hearings when practicable and requested;
- Encourage and facilitate victims' testimony; and
- Inform victims of the processes necessary to request the return of property held as evidence.

Through annual reports, programs are required to acknowledge the delivery of the above core services. If a victim assistance program is not able to provide all of the above listed services, the program must provide information about why the services cannot be provided and the program's plan for re-establishing the required services. CVSD will then review and determine whether or not it would be practicable at the current time for the district attorney or city attorney to establish a more complete program, and may make a recommendation to the Attorney General to qualify the program on a temporary basis under certain restrictions or conditions.

**ALLOWABLE EXPENSES:** Fund recipients may use the funds to pay for the costs associated with operating a victim assistance program that provides at the minimum, the above listed services to victims. Allowable costs include but are not limited to: salaries; benefits; operating expenses; such as rent, telephone, supplies, postage, utilities, etc.; equipment acquisitions; and contractual services.

#### REPORTING

**QUARTER REPORTS:** Programs submit quarterly financial reports showing funds expended in the reporting period. Programs also submit a quarterly report describing the distribution of crime victims' rights request forms and of these rights, which rights a victim goes on to request. (As of April 1, 2012 this report is no longer required.)

**ANNUAL REPORT**: Programs receiving funds are required by statute to submit an annual report to CVSD. The District or City Attorney must certify that the program is still providing comprehensive victim services in compliance with ORS 147.227. Forty programs reporting to the Department of Justice, Crime Victims' Services Division are currently in compliance.

The City of The Dalles will no longer receive DA/CA VAP funding as of July 1, 2011, reducing the number of programs receiving these funds to 39.

In addition, the report must include:

- 1. **PROGRAM NARRATIVE** including activities and accomplishments completed during the report period in terms of meeting of objectives set forth in the approved program plan. Copies of any brochures or pamphlets, policies, procedures, guidelines or rules that have been developed for administration of the program, as well as controls for professional services, shall be attached.
- **2. PERSONNEL AND STAFFING** including the number of positions (full-time and part-time) and volunteers.
- **3. CHALLENGES** in operation or implementation of service in the program and critical observations, if any.
- **4. STATISTICAL** information on services provided as specified in the form supplied by the Department of Justice.

**IMPLEMENTATION:** As of January 2001, all 36 County District Attorneys' offices have a certified program, and today there are an additional 4 City Attorney offices receiving DA/CA VAP funds through CVSD. The 2010-2011 distribution of DA/CA VAP funds to Victim Assistance Programs is just over \$3.7 million for the biennium with an average of \$473,051 distributed quarterly.

CVSD supports all programs receiving DA/CA VAP funding through program development, technical assistance and training. Verification of compliance for each program is achieved through site visits and the review of annual reports.

**INCLUDED IN THIS REPORT:** Each program receiving CFA DA/CA VAP funds is required by statute to submit an annual report to the Department of Justice, Crime Victims' Services Division. That information has been compiled for presentation in this report in order to demonstrate the aggregate impact of DA/CA VAP funds to the programs. This report includes:

- A compilation of the statistical reports received from programs for the period July 1, 2010 to June 30, 2011;
- Report on the use of Volunteers and Volunteer hours;
- Summary of Common Outcome Measures;
- Summary of Crime Victims' Right Measures;
- A compilation of the impact of ensuring victims' constitutional rights;
- ODAA DA-VAP track conference report; and
- An appendix listing the programs receiving DA/CA VAP Funds.

## 2010 - 2011 UPDATES

#### STATE FUNDING ISSUES

Oregon continues to face some critical budget issues. The Oregon legislature was faced with filling a \$3.5 billion gap to balance the 2011-13 state budget. The Legislature mandated a reserve fund withholding 3.5% of the state budget and Oregon DOJ set aside an additional 2% reserve to help offset any further cuts in state funding. However, revenue forecasts for the state continue to fall and the reserve set aside by the Legislature is quickly being depleted. Oregon state revenues have dropped by \$306 million since the Legislature approved the 2011-13 budget in June 2011.

One significant impact is the loss and reduction of federal timber funds. Timber harvests on federal forest land makes up 53 percent of the land in Oregon and counties obtain no property tax revenue from federal land. Thirty-three (33) Oregon counties receive some type of federal timber money. As reported in the *Oregonian* on November 17, 2011 if federal timber payments are not renewed, counties will continue to receive proceeds from actual timber sales, but harvest levels are expected to be so low that it will be a 94 percent drop from what counties received in 2008. A study done by Oregon State University states as a result of these losses, counties will lose about 4,000 jobs and \$400 million in business sales. If federal timber money is not preserved, we are likely to see reductions in service hours and staff that provide support from the prosecutor based victim assistance programs as well as difficulty for domestic violence/sexual assault non-profit agencies to fundraise in the hardest hit counties. Unemployment rates for the state have continued around 9.5 percent but are much higher in rural Oregon.

#### CRIMINAL FINES AND ASSESSMENT ACCOUNT - HB 2712

This bill modified the structure and make-up of the current Criminal Fines and Assessment Account (CFAA). A new account called the Criminal Fine Account (CFA) has been established. The CFA will be larger than the CFAA, but will also be responsible for funding many more services. The legislature retained the critical services language of the current statute, and maintained the current prioritization of the use of these funds: allocating crime victim services as the second priority after Dept. of Public Safety Standards and Training (DPSST).

#### NEW CRIME VICTIM RIGHTS - HB 2663

New legislation in 2011 strengthened crime victims' rights by:

- Increasing the length of time a victim has to file a formal judicial claim of violation of victims' rights from seven days to 30 days; and
- Adding language to include a victims' right to consultation with a prosecuting attorney in violent felony cases before making a plea offer and before entering into a final plea agreement.

#### **RESTITUTION PILOT PROJECT – HB 3066**

In 2011 the Oregon Legislature created an innovative pilot program to improve restitution efforts around the state. When implemented in January 2012, the project is expected to yield the following outcomes:

- More crime victims will receive the financial support they are promised and often desperately need;
- More offenders will be held accountable for their actions; and
- More money will be returned to the General Fund.

This legislation establishes a competitive grant program that will make grant awards to five District Attorney's offices or regional collaboration of DA offices throughout the state. The grants must fund at least a .5 FTE restitution clerk in the DA's office to value victim losses and prepare information for the DA to present to the court. It is also expected that grantees will work with their local court and community corrections agencies in order to ensure a coordinated county effort in the ordering and collection of restitution.

### SEXUAL ASSAULT RESPONSE TEAM – SB 557

This new law requires each District Attorney to organize a sexual assault response team consisting of at least a member of the DA's office, representation from the victim assistance program, law enforcement, non-profit receiving DOJ or DHS funding and others in which the DA deems necessary. In addition –

- Each team must meet at least quarterly and independently of the county's multidisciplinary child sexual abuse team;
- Each team must develop protocols addressing the response to adult and adolescent sexual assault victims;
- Hospitals (and the like) must develop policies for the treatment of these victims;
- Medical facilities are required to have at least one SANE; and
- The team and protocols must be in place by December 31, 2012.

### NATIONAL CRIME VICTIMS' RIGHTS WEEK - 2011

The CVSD staff collaborated with National Crime Victims' Law Institution (NCVLI) to honor National Crime Victims' Rights Week 2011. Activities and events included:

- The annual Crime Victims' Rights Commemoration event honored four individuals, nominated by their peers, who exemplified the theme of "Reshaping the Future – Honoring the Past";
- A Continuing Legal Education (CLE) opportunity with the (NCVLI) entitled *"Internet Perils: Cyberstalking, Cyberfraud, and Child Abuse Imagery"; and*
- Materials distributed statewide included 1,000 event/lapel stickers, 500 "green" tote bags with the NCVRW colors and theme, 2,000 post-it notepads containing crime victims' rights resource information, and 500 NCVRW posters in English and Spanish.

# STATEWIDE VICTIM STATISTICS FOR 2010-2011

During the 2010-2011 DA/CA VAP fiscal year the Department of Justice collected the statistics to be reported in two formats: (1) <u>Fund specific</u>: numbers of victims served and services provided to victims with solely DA/CA VAP funds; and (2) <u>Program-wide</u>: numbers of victims served and services provided to victims for the entire Victim Assistance Program.

This section reports the <u>unduplicated number of victims served</u> and the <u>duplicated services</u> <u>provided to victims</u> as reported to CVSD by the 40 programs funded by DA/CA VAP monies during the period July 1, 2010 to June 30, 2011.

The statistics depicted in Table 1 & 2 below illustrates the number of victims served and the average number of services provided by only those activities or staff positions directly funded by the CFA DA/CA VAP funds during this report period and compares the data to the 2009 – 2010 report period.

The data in Table 1 below shows the greatest numbers of victims served statewide were in the property crime category at 5,003, a 10.5% decrease over the previous year's report. Also consistent with previous years, the crime with the least number of victims served statewide is Adult Survivors of Incest or Child Sexual Abuse for a total of 41 victims served, a decrease of 29%. This report period shows a significant decrease (44%) in elder abuse cases from 2009-2010. The number of survivors of adult domestic violence decreased 33% while survivors of sexual assault receiving services from staff funded by DA/CA VAP funds increased by 35% (the only victim category showing an increase during the report period). The overall number of victims served during this report period through the DA/CA VAP funds decreased by 22%.

	2009-2010	2010-2011	%
Type of Victim Served	Total Victims Reported	Total Victims Reported	Change Total Victims Reported
Child Victims of Physical Abuse	484	370	-23.6%
Child Victims of Sexual Abuse	727	547	-24.8%
Victims of DUI/DWI	1,638	1,094	-33.2%
Victims of Domestic Violence	4,371	2,932	-32.9%
Adult Victims of Sexual Assault	464	629	35.6%
Adult Survivors of Incest or Child SA	58	41	-29.3%
Survivors of Homicide Victims	179	159	-11.2%
*Elder Abuse	461	260	-43.6%
**Other: Violent Crime	5,094	4,155	-18.4%
Other: Property Crime	5,593	5,003	-10.5%
Other: Miscellaneous	2,982	1,970	-33.9%
Total:	22,051	17,160	-22.2%
Average number of Victims Served Per Program	551	429	-22.2%

# TABLE 1: NUMBER OF VICTIMS SERVED WITH THE DA/CA VAP FUNDS

\* 2010-2011 data collected on elder abuse includes 81 incidences of domestic violence, 46 incidences of assault, 74 incidences of ID theft and 59 incidences of financial fraud.

\*\*2010-2011 data collected on Violent Crimes includes: Robbery= 371; Assault= 1,624: Stalking, Menacing=477; Burglary, theft, forgery, fraud=515; Other=1,168.

Type of Services Reported	2009-2010 Total Reported Services	2010-2011 Total Reported Services	% Change in Total Reported Services
Crisis Counseling	1,795	1,759	-2.0%
Follow-up Contact	15,893	13,104	-17.5%
Therapy	28	7	-75.0%
Group treatment	11	7	-36.4%
Crisis Hotline	243	111	-54.3%
Shelter / Safe House	142	76	-46.5%
Information and Referral (in-person)	6,769	5,749	-15.1%
Criminal Justice Support / Advocacy	51,663	44,843	-13.2%
Emergency Financial Assistance	868	666	-23.3%
Emergency Legal Advocacy	1,048	777	-25.9%
Assistance in Filing Comp. Claims	3,018	2,352	-22.1%
Personal Advocacy	4,645	4,149	-10.7%
Information and Referral (Email/Telephone)	21,998	17,268	-21.5%
Other: Death Notification	30	6	-80.0%
Other: Respond to Emergency Room	84	40	-52.4%
Other: Restitution	12,891	9,729	-24.5%
*Other: Miscellaneous	8,299	8,144	-1.9%
Total:	129,425	108,787	-15.9%
Average number of Services Provided Per Program	3,236	2,720	-15.9%

# TABLE 2: SERVICES PROVIDED WITH DA/CA VAP FUNDS

\* Miscellaneous data collected includes: Grand Jury=46; RO/Stalking Orders=209; VINE=376; Victim letters/impact statement=94;victim rights=2506; RO Violations=532; other unspecified=4381.

The above set of data in **Table 2** illustrates that the category where most services were reported solely through DA/CA VAP funds was Criminal Justice Support and Advocacy (44,843 services provided). This reflects a decrease of services in this category of 13% from the previous report period. The lowest service referral was Death Notification followed by Therapy and Group Treatment. Victims across the state received and were supported on the average with 6.3 services each by a victim advocate supported by DA/CA VAP funds, a slight increase from 5.8 services per victim in 2009-2010. While the victims served are down by 22%, the services provided declined by 16%.

Tables 3 and 4 (below) show the number of victims served and services provided by the <u>entire</u> <u>District Attorney or City Attorney Victim Assistance Program</u> in each of the 40 sites reporting. For the majority of prosecutor based victim service provider programs this would mean program funding from DA/CA VAP, VOCA and for some programs the county.

Type of Victim Served	2009-2010 Total Victims	2010-2011 Total Victims	% Change in Total Victims
	Reported	Reported	Reported
Child Victims of Physical Abuse	1,720	1,527	-11.2%
Child Victims of Sexual Abuse	2,765	2,411	-12.8%
Victims of DUI/DWI	3,423	2,554	-25.4%
Victims of Domestic Violence	10,478	11,496	9.7%
Adult Victims of Sexual Assault	1,087	1,333	22.6%
Adult Survivors of Incest or Child SA	105	76	-27.6%
Survivors of Homicide Victims	336	367	9.2%
*Elder Abuse	1,052	557	-47.1%
**Other: Violent Crime	12,788	11,289	-11.7%
Other: Property Crime	17,667	12,974	-26.6%
Other: Miscellaneous	4,442	4,442	0.0%
Total:	55,863	49,026	-12.2%
Average number of Victims Served Per Program	1,397	1,226	-12.2%

#### TABLE 3: TOTAL VICTIMS SERVED BY THE ENTIRE DA/CA VAP

\*2010-2011 data collected on elder abuse includes 177 incidences of domestic violence, 108 incidences of assault, 153 incidences of ID theft, and 119 incidences of financial fraud.

\*\*2010-2011 data collected on Violent Crimes includes: Robbery= 1,512; Assault= 4,518: Stalking, Menacing=1,040; burglary, theft, forgery, fraud=1,910; Other=2,309.

The data displayed in **Table 3** above shows the category of crime in which the greatest number of victims were served statewide for the entire District or City Attorney Based Victim Assistance Program was Property Crime (12,974 victims served), a decrease of 27% from the previous report period. The category with the least number of victims served were Adult Survivors of Incest or Child Sexual Abuse (76 victims served), a decrease from the previous report period of 27%. There are three victim types showing an increase during the report period: victims of domestic violence (10%), adult victims of sexual assault (23%) and survivors of homicide victims (9%).

The 40 District or City Attorney Based Victim Assistance Programs served an average of 1,226 victims during this report period. The overall number of victims served during this report period by the entire victim assistance program decreased by 12%.

	2009-2010	2010-2011	% Change
Type of Services Reported	Total	Total	in Total
	Reported	Reported	Reported
	Services	Services	Services
Crisis Counseling	4,902	8,805	79.6%
Follow-up Contact	46,256	48,259	4.3%
Therapy	216	15	-93.1%
Group treatment	21	28	33.3%
Crisis Hotline	2,044	1,645	-19.5%
Shelter / Safe House	272	254	-6.6%
Information and Referral (in-person)	19,631	17,863	-9.0%
Criminal Justice Support / Advocacy	210,394	190,963	-9.2%
Emergency Financial Assistance	1,925	5,576	189.7%
Emergency Legal Advocacy	4,978	3,439	-30.9%
Assistance in Filing Comp. Claims	10,492	8,535	-18.7%
Personal Advocacy	12,127	12,028	-0.8%
Information and Referral (Email/Telephone)	68,549	64,867	-5.4%
Other: Death Notification	53	31	-41.5%
Other: Respond to Emergency Room	818	267	-67.4%
Other: Restitution	20,418	18,458	-9.6%
Other: Miscellaneous	19,194	22,914	19.4%
Total:	422,290	403,947	-4.3%
Average number of Services Provided Per			
Program	10,557	10,099	-4.3%

#### TABLE 4: TOTAL SERVICES PROVIDED BY THE ENTIRE DA/CA VAP

\* Miscellaneous data collected includes: Grand Jury=1,643; RO/Stalking Orders=2,382; VINE=3,607; Victim letters/impact statement=276; victim rights=10,500; other unspecified=4,506.

These numbers do not represent all participating programs as not every program breakout their statistics beyond the requested categories in the same way.

Table 4 above, shows that the category of Criminal Justice support/advocacy was the area in which the greatest number of services were reported statewide for the entire DA/CA VAP's (190,963 services provided). This is a decrease in services of 9% from the previous report period. Victims across the state received and were supported on the average with 8.2 services per victim, an increase from the reported 7.5 services per victim in 2009-2010.

It is interesting to note that the services/referral for emergency financial assistance increased significantly as well as crisis counseling. Both of these seem to reflect the economic slump and the loss of mental health services available to individuals in need throughout the state.

Overall, the data in this report supports the U.S. Census Bureau's decrease in crime rate statistics. Fewer victims were served (12%) and services (4%) provided in total by the victim services provider programs. Although fewer victims were served, the number of services provided to individual victims saw an increase. Narrative and in person reports from programs indicate that ensuring that the constitutional rights of victims are afforded has resulted in an unfunded mandate to do more extensive work with fewer resources.

The funding levels supporting the victim service providers remained the same for the reporting period, however, some agencies may have received a shift of funding due to the cuts to the DA/CA VAP funds and an increase in their allocation of VOCA dollars.

### DA/CA VAP FUNDING SOURCES

The District and City Attorney Based Victim Assistance Programs receive financial support from several funding sources. The core funds supporting the VAP's are: the CFA/UA State funds, County general fund monies and a variety of federal funds which may come directly from the Federal government or through Oregon's Crime Victim Services Division. These federal funds are both competitive and non competitive. As noted in Chart 1 below, during the report period 36% of the funds supporting DA/CA VAP's was from Federal dollars followed by the County level support at 33% and State funding at 26%. This reduction in financial support by the CFA/UA (state) dollars reflects the state budget cuts incurred by this fund during this report period.



# CHART 1: 2010 - 2011 DA/CA VAP FUNDING SOURCES

# STATEWIDE FTE FUNDED BY DA/CA VAP

As reported by programs, the majority of the DA/CA VAP monies fund staff time (FTE) in DA/CA VAP's across the state. In this reporting period, CFA/UA funds fully or partially supported the FTE of 16 Victim Assistance Directors representing 30 positions and 30 programs across the state. CFA/UA funds also support 13.48 FTE Advocate positions. This represents 29 positions in 22 programs. Overall, a .68% upturn in CFA/UA supported FTE than in the previous report period. Two programs reported funding other positions beyond the director and advocates and those positions were a restitution specialist and office assistant. Table 5 below details the FTE funded positions across the State and the percentage of change from the previous report period. Chart 2 provides a visual of the percentage of FTE by position. However, there are currently nine Victim of Crime Act (VOCA) grants that will expire in September 2012 that could result in loss of FTE unless these programs are successful securing additional grant or county funding.

### TABLE 5: FTE FOR EACH POSITION FUNDED BY CFA/UA VAP FUNDS

	TOTAL FTE PAID BY CFA/UA FUNDS			
Position Funded	2009 - 2010	2010-2011	% CHANGE	
Director	15.68	16.051	0.371	
Advocate	13.17	13.48	0.31	
*Other	1.5	1.5	0	
TOTAL FTE PAID BY CFA/UA FUNDS	30.35	31.031	0.681	

\* Other represents FTE dedicated to part-time positions such as restitution specialists.



# CHART 2: UTILIZATION OF DA/CA VAP FUNDS BY FTE 2010-2011

## **REPORT ON THE USE OF VOLUNTEERS/INTERNS**

"Be the change you want to see in the world." ~ Mahatma Gandhi

While volunteer coordinator positions are not being funded by these dollars, volunteers remain a vital component of the success of many of the VAP Programs. A volunteer adds to the overall economic output of a county and reduces the burden on county spending while enhancing the FTE availability to assist with victim services. A volunteer also helps to build on successful efforts towards a more cohesive community and widens the safety net for family and friends who may become victims in their lifetime. Volunteers fulfill a myriad of responsibilities including basic advocacy and, in some instances, are critical in meeting the objectives identified in the grant funding. Volunteers and interns assist with follow-up calls to survey appropriate victims on the effectiveness of the VAP during their case; accompany victims to grand jury, set up data gathering statistical spreadsheets as well as assist in the gathering of statistics and clerical work to support the VAP.

During this report period, 246 individuals volunteered their time for a total of 105,214 volunteer hours across the state, which equates to 50.5 FTE. Volunteers serving in programs across the state differ significantly. Recruiting and retaining volunteers in the rural frontier areas of the state is much more difficult than in the urban centers or areas with university or college campuses. Volunteers in the more rural areas are more willing to accept clerical tasks as opposed to direct service responsibilities in fear of working with a victim they may recognize or know. Several programs have partnered with their local colleges to recruit student interns. The VAP will often work with an advisor so the student earns credit while they assist the victim assistant program staff for a semester or year at a time.

The reports from grantees show that there were 24 (9%) fewer volunteers in 2010-2011 than in the previous year. Volunteer hours also decreased by approximately 2% from the previous report period.

### TABLE 6: VOLUNTEERS & VOLUNTEER HOURS

200	2009-2010		011
# Of Volunteers	# Of Volunteer Hours	# Of Volunteers	# Of Volunteer Hours
270	107,164	246	105,214

# REPORT ON COMMON OUTCOME MEASURES USED BY CVSD GRANTEES TO COLLECT CLIENT FEEDBACK

Information and data in this section reflects the results from the DA/CA VAP common outcome measures and have been summarized from the full report entitled: <u>Report on Common</u> <u>Outcome Measures Used by CVSD Grantees to Collect Client Feedback July 2010-June 2011.</u>

Since January 2006, the Crime Victims' Services Division of the Oregon Department of Justice has required that approximately 120 victim services providers receiving CVSD administered grant funds collect and report quarterly on data with regard to three outcome measures. Of the 120 victim service providers, 40 are DA/CA VAP's. All grantees use a single outcome measure, as well as two additional measures that are specific to the services they provide. CVSD directs that grantees determine which clients are appropriate to be surveyed (i.e. not clients in crisis), and that grantees collect feedback from at least 10% of this group.

Grantees submit the following information to CVSD:

- Number of client surveys distributed;
- Number of client surveys collected;
- Method of distributing surveys;
- Number of responses to each of the required; and
- Any additional information grantees want to report (e.g., open-ended client comments, grantee explanation of success or challenges in process of collecting data).

In each of the four reporting quarters of the reporting year between 11 and 17 of the approximately 120 grantees reporting<sup>2</sup> reported a return rate of less than 10%. In each quarter the majority of these grantees were Victim Assistance Programs (DA/CA VAP). In most cases the low return rate was the result of how the forms were distributed. Programs that send out feedback forms with victim notification packets to all victims may only hear back from the considerably smaller number who have significant interaction with the program. Small counties that send out forms only when cases are closed may send out a very small number of forms. Return of only two forms may result in a 50% return rate. Conversely, if those two forms are not returned, the rate plummets to 0%. A very small number of grantees across all groups failed to meet the 10% return rate in more than 2 quarters. When this occurs, CVSD fund coordinators try to work with grantees to identify and address the challenges they have faced.

Tables 7-10, below, indicate the rate of return for DA/CA VAP's, comparing the current reporting year with the two prior years. Overall, more forms were distributed between July 2010 and June 2011 than had been distributed from July 2009 to June 2010 but less than July 2008 to June 2009. Interesting though that more forms were returned in July 2010 to June 2011 than in either of the previous years. Reading the narratives written by DA/VAPs about their

 $<sup>^2</sup>$  In each quarter a small number of grantees (3-8) are not able to fulfill the reporting requirement. Reasons for this vary but generally focus on a transition in leadership or other staffing that results in survey forms not being distributed and/or collected. In these cases, fund coordinators work with the grantee to address and remedy the failure, which in most cases does not extend over more than one or two reporting periods.

efforts to encourage victims to complete and return surveys, it seems likely that this increased rate is not coincidental, but rather is the result of conscious --and a conscientious -- effort.

# TABLE 7: DISTRIBUTION, COLLECTION & RETURN RATE FOR DA/CA VAPS ONLY

Reporting Period # Forms Distributed		# Forms Returned	Rate of Return
7/08-6/09	23,105	3,598	15.6%
7/09-6/10	09-6/10 20,441 3,269		16.0%
7/10-6/11	22,636	3,743	16.5%

As described above, grantees are allowed latitude in determining which clients to survey and how and when to administer the survey. Grantees are asked to report on their method of distribution and collection and a representative range of responses is included, below.

Client Feedback forms are given to victims at the time of sentencing. If a Victim does not attend sentencing, forms are mailed with the judgment order with a self -addressed envelope included.

Victim Services Evaluation Forms are sent to victims at the time Judgment letters and copies of Sentencing Orders are mailed. The Victim's Department has temporarily discontinued having a volunteer contact victims by phone for completion of Common Outcome Measure Forms, due to a reduction of staff and increased caseload. (Note: in the next quarter, they add, "Our goal is to reinstate this service once we have increased our volunteer numbers".)

We have now put the client survey in our Victims Assistance Brochure, with the three questions below. The back page of the brochure is a tear off so that victims can return to us. We also have brochures in the office and a survey form on the clipboard in the VAP Office on top of the desk with a marked basket for victims to return the surveys.

- When meeting with victim's at grand jury and when reviewing their rights to them we will review the survey with them and ask them to please fill out and return back to our office once the case has concluded.
- In cases where we have not met with the victim we will send out a cover letter with the survey and self addressed, stamped envelope and ask them to return to us.

The three outcome measures collected by the DA/CA VAP's are written below and presented in a box, with the cumulative responses shown in Tables 8 - 10. Again, the current reporting year is compared to the prior year. Feedback is overwhelmingly positive across all quarters and all years.

Victim Assistance Program staff take negative feedback very much to heart. DA/VAPs receive feedback from victims who may focus on their disappointment or frustration with the

disposition of a case and not on the quality of services provided by the victim assistance advocate. One VAP wrote,

We have added a final question to the feedback forms asking: "If you have indicated in your responses that you were not satisfied with our services, can we give you a call to further discuss how we can improve our program?" A victims' advocate attempts to contact those clients ...During this quarterly reporting period, we followed up on one feedback where the victim indicated the receptionist had been rude to her when she called in. The issue was resolved.

Responses to the services-specific measures were also positive.

- Table 8: Ninety-one percent (91%) of DA/VAP clients responding agreed or strongly agreed
- Table 9: Ninety-two percent (92%) of DA/VAP clients responding agreed or strongly agreed
- Table 10: Ninety percent (90%) of DA/VAP clients responding agreed or strongly agreed

"The services provided by this program helped me make informed choices about my situation."

#### TABLE 8: VICTIM RESPONSE REPORTED BY DA/CA VAPS ONLY

Period	Total	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
7/08-6/09	3 <i>,</i> 075	1,632 (53%)	1,079 (35%)	78 (3%)	65 (2%)	221 (7%)
7/09-6/10	3,066	1,648 (53.8%)	1,077 (35.1%)	76 ( 2.5%)	63 (2.1 %)	202 (6.6 %)
7/10-6/11	3,665	2,054 (56.0%)	1,270 (34.8%)	64 (1.7%)	59 (1.6%)	218 (5.9%)

"As a result of the information I received from this agency, I better understand my rights as a victim of crime."

TABLE 9: DA/CA VAP CLIENT RESPONSE ABOUT UNDERSTANDING CRIME VICTIMS' RIGHTS						MS' RIGHTS	
	Strongly Strongly N					No	
Period	Total	Agree	Agree	Disagree	Disagree	Opinion	
7/08-6/09	3,070	1,649 (54%)	1,140 (37%)	57 (2%)	62 (2%)	162 (5%)	
7/09-6/10	2,949	1,635 (55.4%)	1,029 (34.9%)	66 (2.2%)	63 (2.1%)	156 (5.3%)	
7/10-6/11							

"The information given to me by this agency helped me better understand the criminal justice system process as it relates to my case."

# TABLE 10: DA/CA VAP CLIENT RESPONSE ABOUT UNDERSTANDING THE CRIMINAL JUSTICE SYSTEM

Period	Total	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
7/08-6/09	3,068	1,544 (50%)	1,149 (37%)	83 (3%)	74 (2%)	218 (7%)
7/09-6/10	2,873	1,519 (52.9%)	1,013 (35.3%)	91 (3.2%)	65 (2.3%)	185 (6.4%)
7/10-6/11	3,605	1,948 (54%)	1,285 (35.6%)	102 (2.8%)	65 (1.8%)	205 (5.7%)

CVSD collects feedback on the DA/VAPs Common Outcome Measures through a Web-based Crime Victims' Rights survey ("Web Survey") distributed to victims of person crimes who have applied for Crime Victims' Compensation Program benefits administered by CVSD, and have not opted out of research studies. CVSD began collecting this additional data in October 2010 as part of an effort to evaluate whether constitutional and statutory crime victims' rights are being honored, to identify areas of the criminal and juvenile justice systems needing improvement, and to collect information on satisfaction with the services provided by the DA/VAPs. As with the data collected by the DA/VAPs and reported above, the majority of victims responding to the Web Survey "agree" or "strongly agree" that the DA/VAPs helped them 1) make informed choices about their situations, 2) better understand their rights as victims of crime and 3) better understand the criminal justice system process.<sup>3</sup>

Grantees provide other relevant information, and as a rule, they include open-ended responses from clients who complete the survey forms. The overwhelming majority of the responses are positive, however grantees also include <u>critical comments</u> they receive. Some of the <u>negative</u> <u>feedback</u> received by the DA/VAPs reflects victim frustration with their case outcomes, rather than the program services. A DA/VAP noted:

Most of the negative responses received were usually victims who were unhappy with the plea bargains that the DA's offered and the defendants accepted.

A victim wrote:

Time consuming/ineffective disappointing--victims rights are totally disregarded in order to give criminals all the rights victims should get but don't.

A few of the many examples of the <u>positive feedback</u> reported by DA VAP's include:

"I appreciate the efforts by all parties in bringing justice to this case. Thanks to the Sheriff Deputy and the entire DA's staff and the court."

"Thank you for being there and showing the softer side of the justice system. You were really appreciated."

 $<sup>^{3}</sup>$  The aggregate data from this survey is not included in this report, as it is only available for part of this reporting year (10/10-6/11) and because it is likely that many victims participating in the Web Survey also responded to DA/VAPs, thus duplicating the data shown above.

"The services provided by the program really helped when we needed. If we had a question, [an] advocate was there to answer question."

"I really was happy knowing there are people who are there to help. I was very scared and felt violated, but was very thankful for the help I received. They kept me informed very well."

# **REPORT ON CRIME VICTIMS' RIGHTS PERFORMANCE MEASURES**

The DA/CA VAP's provide data on a quarterly basis describing the distribution of crime victims' rights request forms and of these rights, which rights that a victim goes on to request. Due to two legislative changes, including the addition of the Post-Conviction program, the report form went through a couple of changes. This report will only show the data that was provided consistently throughout the report period.

During this reporting period, 42,245 "Victims' Rights Request Forms" were distributed. Of these, 13,472 (32%) were returned with requests for certain rights. The following shows the breakdown of the data by each requested right as reported through the quarterly report forms.

ΤΑΡΙ Ε 11. ΟΡΙΝΑΕ ΜΙΟΤΙΝΑΕ<sup>7</sup> ΡΙΟΙΙΤΟ ΡΕΟΙΙΓΟΤΕ

TABLE 11: CRIME VICTIMS' RIGHTS REQU	ESTED	
Crime Victims' Right	Victims' Requesting this Right	% of Victims' Requesting This Right
To be notified in advance of any critical stage of the case heard in open court.	11,711	86.93
In a violent felony case, to talk with the District Attorney or juvenile department before a plea agreement is made.	4,671	34.67
To be notified in advance about release hearings.	6,791	50.41
To limit the distribution of information about and recordings of sexual conduct.	850	6.31
If the crime involved the transmission of body fluids, to request HIV testing.	607	4.51
In a DUII automobile collision case, to request that information about the case that is given to the defendant is also shared with you.	621	4.61
To be notified in advance about probation revocation hearings.	3,946	29.29
To allow no coverage of sex offense proceedings by media television, photography or recording equipment.	815	6.05
To have as a special condition of post-prison supervision that the person convicted in your case not live within three miles of your home if you were younger than 18 years old when the crime occurred (exceptions may apply).	1,620	12.02

Although the data is informative, there is not a consistent means of determining what type of crimes occurred for which victims requested certain rights. The original purpose of the data collection was to ensure that victims were being notified that certain rights were not automatic and needed to be requested. The Victim Assistance Programs have been conscientious in providing this information through the "Victims' Rights Request Forms" to victims.

CVSD Crime Victims' Rights staff receive complaints from victims who believe their rights have not been honored. For the 22 months in which data has been collected, (January 2010 through October 2011) very few of the over 150 calls received by Crime Victims' Rights Section staff have been actual constitutional or statutory rights violations. Of the calls that constituted violations, only a few were complaints about a DA/VAP office, including violations such as not being notified of critical stage hearings, not being accompanied for a court hearing, restitution not being ordered, and not being provided other resource information. The Crime Victims' Rights staff reports that those complaints were easily remedied through conversations with the DA/VAP staff. The DA/VAPs have been very receptive to questions regarding their practices as related to the complaints, and open to changes in practice where needed. Correspondingly, victims have been satisfied with the responses from those programs.

Since the commencement of the Post-Conviction program in May 2010, this right has been tracked by VAP's as well as victims' submitting this information directly to CVSD. During this report period victims' requesting the post-conviction right whose case resulted in a conviction totaled 1,958.

### IMPACT OF HONORING VICTIMS' RIGHTS

When the victims' rights constitutional amendments passed in 2008 it opened the gates for further legislation around victim rights: The implementation plan for enforcement are found in Senate Bill 233 from 2009 as well as the passage of HB 3634 Post-Conviction victim rights in May of 2010. The additional piece of legislation, HB 3508<sup>4</sup>, brought additional requirements. DA/CA VAP's reported that their program has a consistent history of providing information regarding victims' rights and encouraging victim involvement with the criminal justice system. However, the several new unfunded legislative mandates has charged the VAP's with increased documentation requirements, as well as responsibilities to further support and uphold victim rights. One VAP put it very succinctly:

"The herculean efforts necessary to ensure victims have received and understand their rights, making best efforts to encourage them to return the victims' rights request form and assisting them in completing the form as well as doing the necessary work to document, track and report on that information continue to put a considerable strain on existing resources. We are committed and dedicated to victims' rights and

<sup>&</sup>lt;sup>4</sup> HB 3508 intends to ease costs of Measure 57 implementation. Among other things: "Earned time" (also known as "good time") was increased from 20 percent to 30 percent for a large number of prisoners, which will cut short their sentences. Supervision was cut for prisoners re-entering the community by half, and probation was effectively cut from two years to one. Jail time for probation violators was cut from 180 days to 60 days - a two-thirds reduction. Due to this legislation, VAP's were asked to notify victims whose offenders were in prison but could potentially be released early.

we believe in their importance, so we get it done. However, because there has not been any additional funding to support these responsibilities; we fulfull our victims' rights obligations by sacrificing other services to victims."

The annual report submitted by VAP's asked two questions regarding honoring victims' rights. The following summarizes the responses for each of those questions.

#### 1. How has enforcing victim rights changed the role of the VAP?

- As reported last year the most common response is still the increase in documentation to meet required timeframes which places high demands on the VAP's and their staff. As a result, less time is available for face-to-face victim contact. Along with this, VAP's reported they spend more time with followup contacts to ensure victims understand the criminal justice system process and their role.
- The second most common response this year was that VAP's have an increased responsibility of training community partners such as law enforcement, judges, attorneys as well as other district attorney staff. Along with the training there is an increase in collaboration including community involvement.
- This increased knowledge of victims' rights laws and how they should be implemented along with a strong familiarity with victims' rights enforcement mechanisms provides the VAP with increased recognition and importance in their role with victims. This also includes more court coordination and allows the VAP's a louder voice in the criminal justice process.
- There has been an increased number of restitution hearings as well as other hearings to ensure victims' rights are upheld.

# 2. As you reflect on providing services to victims over the past year, what has been the most difficult in providing victims their rights?

- Locating victims to inform them of their case is once again the overwhelmingly common response to this question. This was a frequent frustration prior to the victim rights changes but the urgency to inform victims to honor their rights in an appropriate timeframe becomes an issue. The victim may change address and phone number without notification to the VAP, they may be transient or the information may have been incorrect on the police report.
- VAPs reported that communication continues to improve between the court staff and the DA's office allowing the VAP more time to contact the victim for hearings. This remains more difficult in larger counties as they must work through multiple systems.
- Funding levels are a challenge. VAP's commented that fulfilling the legislative mandates without additional funding is an issue which amplifies the impact of budget cuts resulting in furloughs or reduced hours with the same or increased workload.
- Retaining volunteers is more crucial than ever. With reduced FTE in the VAP staff, volunteers can provide services that would otherwise not be met.
- Prompt restitution is a victim right. Working on restitution is a time consuming responsibility especially in major assault cases.

Several VAPs consider their biggest challenge is to maintain the advocate staff who
provide victim rights notification and direct services. The increase in victims wanting to
actively participate in their case means advocates are needed in court. It is difficult to
maintain stable staff when there is no guarantee of extended employment beyond each
grant cycle.

### ODAA SUMMER CONFERENCE DA/CA VAP TRACK REPORT

The Department of Justice, Crime Victims' Services Division hosted its sixth Victim Assistance Program (VAP) track in collaboration with the Oregon District Attorney's Association annual conference. Thirty-two of the thirty-six Oregon counties were in attendance. The ODAA-VAP track is an opportunity for District Attorney Victim Assistance Program Directors/Coordinators to network, share ideas with colleagues as well as participate in several presentations/training which included:

- Veterans' Courts and Mental Health Issues
- Post-Conviction Victim Assistance Program Update
- Crime Victim Rights Compliance and Trends
- Victim Assistance Program Round Table
- Immigration Law Panel

### CONCLUSION

Funding cuts continue to plague the victim assistance programs. The expected loss of timber O & C funding is looming over the counties. The cuts are trickling down to a loss of FTE for the VAP programs receiving county dollars. With declining county funding, grant funds are needed even more, and yet the ability to sustain skilled advocate staff is often allusive because employment is only through the life of a grant. Even more striking will be the loss of competitive grant funds which will slash Advocate positions, and for some, will cut the director/coordinator positions sometimes leaving the VAP office without a single full time staff position. The role of the VAP in the majority, if not, all counties is essential to the recovery process of a victim and their family and ensuring that their constitutional rights are honored. The reduction of these services in any county would be a significant loss to victims.

There is an overwhelmingly new sentiment being reported regarding the impact of victim rights. After the initial shock of the added responsibilities to the VAP workload there are some emerging trends. The VAP's report the enforcement of victims' rights has made the existence of stable, effective, competent and dedicated Victim Assistance Programs even more critical. The voice that victim assistance advocates always provided for victims participating in the system now has more volume because victims' rights are enforceable. The work of the VAP is more valued and respected which is a positive change.

CVSD holds the VAP's in high regard for their commitment and passionate efforts to facilitate change in a victims' life. We thank you for the work you do.

#### **ADDITIONAL INFORMATION AND QUESTIONS**

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#### **A**LE**A**LE

# **APPENDIX A**

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