

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



Approved

Date: July 25, 2011

Committee: **Task Force on Victims' Rights Enforcement**

Attendees: Brad Berry, Debra Bridges, Seantel Heisel, Christine Herrman, Kim Larson, Janine Robben, Denise Sitler, John Stein, Cynthia Stinson, Rod Underhill

Teleconference Attendees: Kimberly Dailey, Chanpone Sinlapasai-Okamura

Staff Attendees: Shirley Didier, Ronelle Shankle, Kara Bachand (*note taker*)

Introductions and Updates

- Denise Sitler, Community Corrections Coordinator for the Oregon Department of Corrections, Community Corrections Department is here for Mark Cadotte, Community Corrections Chief.

Review minutes from May 10, 2011

- May 10, 2011 minutes were approved with one change.
 - Paragraph 3 on page 3; CVSD staff to change "illegal" to "undocumented person"
- Task Force members were also given the approved minutes from October 18, 2010 and January 31, 2011

Legislation Update – *Cynthia Stinson*

- Funding Updates
 - All state funded victim services were cut this biennium
 - CVSD moved VOCA funds to off-set the shortfall
 - Prosecutor based programs should not see a net loss for the biennium with the backfill from VOCA
 - Growing erosion of state support for victim services
 - 2009-11 = 6% cut
 - 2011-13 = 12% cuts
 - 1/5 total cut to victim service programs over the last two sessions
 - CAMI was cut 11.3%. CAMI related services will be adversely affected; VOCA monies cannot be used to backfill CAMI
 - Biennium began with a net reduction in funds of 22% which was reduced to 12%
- **HB 2942A (Ways & Means)-Christine Herrman**
 - Creates a Sexual Assault Protection Order (SAPO) for persons who have been subjected to non-consensual sexual contact, in cases where the offender and the victim are not family or household members.
- **SB 557 (signed by governor June 23, 2011)-Christine Herrman**
 - Requires DA in each county to organize a Sexual Assault Response Team (SART) and related requirements
- **HB 2925 (signed by governor June 2, 2011)-Christine Herrman**
 - Requires the court to enter an order prohibiting the defendant from contacting the victim while the defendant is in custody when the defendant is arraigned on a sex crime or a crime constituting domestic violence.

- **HB 2940 (Passed)-Christine Herrman**
 - Increases penalty for the crime of strangulation to a maximum of 5 years imprisonment, \$125,000 fine, or both.

- **HB 3021 (signed by governor May 19, 2011)-Cynthia Stinson**
 - With regard to compensation, allows victims 1 year (increased from 6 months) to apply for compensation benefits
 - Also gives more access to benefits for those going through the post-conviction process

- **HB 3066 (Passed)-Cynthia Stinson**
 - Restitution Collection Pilot Program
 - Allows CVSD to award five grants for a minimum of one, .5 FTE restitution clerk in five counties/regions
 - CVSD will also provide collection agents
 - Collections piece is modeled after Colorado's Cynthia will pass on information recently received from Colorado
 - A workgroup including Bob Robison, Brad Berry, Debra Bridges, Kimberly Dailey and David Factor was assembled.
 - Localized and personal collection practices are more effective
 - Within 2-3 years, Colorado's program was able to report 50% of obligations being met
 - Fourteen letters of intent have been received at CVSD
 - Multnomah, Washington, Clackamas, Linn, Benton, Jackson, Lane, Douglas, Marion, Lincoln, Klamath, Clatsop, Union, and Deschutes who is discussing collaboration with Jefferson and Crook.

- **HB 2663 (Passed)-Cynthia Stinson**
 - A victim can allege a violation of a crime victims' right within **30** days (increased from 7)
 - Includes specific language for informing a victim of plea negotiations
 - Brad Berry will provide a narrative on HB 2663 at the upcoming ODAA conference in Sunriver

Recent Oregon Supreme Court Decisions

State v. Barrett – Right to be notified and be heard (*see handout*)

Recent Appellate Court Decisions

State v. McLaughlin – Restitution (*see handout*)

Immigrant Crime Victims' Rights Workgroup

- Teams from the Washington DC and Vermont US Immigration & Customs Enforcement provided training at the end of June, 2011
- Immigration advocates or attorneys are not subject to confidentiality so material is discoverable
- 20-30% cases are denied annually by the Vermont Service Center
- 100 attendees in the morning session (advocates), but only 20-30 in the afternoon (law enforcement)
- Oregon is one of the troubled states with a lack of education and miscommunication with regard to immigration and victims rights
- Will try for another training by year end 2011
- Rod Underhill would've preferred they'd spent more time on the details of u-visa and t-visas
- Shirley Didier said agencies that were previously working smoothly have drawn back on U-visa certifications. The workgroup will try to determine the cause.
- Chanpone Sinlapasai-Okamura and Sherilyn Wexler will be providing some training to the VAP's at ODAA

Crime Victims' Rights in the Juvenile Justice System Workgroup

- 3 monthly meetings since formation
- Good cross-section of representatives, from 8 counties
 - VAP's and victim advocates from the juvenile system
 - Juvenile department directors
 - NCVLI
 - OYA administration and juvenile parole/probation officers
- Developing a Victims' Rights Request Form and Victims' Rights Guide specific to juvenile justice, using originals as templates
- Both publications should be ready for review in August or September of 2011.
- Each month the group returns reporting changes they are discussing in their offices to meet critical stage notification in the juvenile justice system

Training Subcommittee

- After much legal discussion, it was determined the statute is not clear about whether law enforcement is *required* to hand out the Crime Victims' Rights pocket card
- DPSST stated, while they will not train recruits that handing out the pocket card is required, they will teach it as best practice
- Cynthia added that this may be a good candidate for a legislative fix

Task Force Membership – Review current membership and vacancies

- Shirley Didier advised about vacancies and asked the group for recommendations of new members
- Sheriff Rick Eisland from Wasco Co has not made any contact with CVSD staff with regard to his continued participation
- Darcey Baker has stepped down from her board position with the Board of Parole and Post-Prison Supervision, but Aaron Felton has expressed interest in replacing her
- All members would like a representative from Portland Police Bureau
- Debra Bridges suggested someone from the Clackamas County Sheriff because of their active involvement in victims' services including hosting the annual Child Abuse Summit.