

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



Approved via email (2 approvals, no other objections/responses)

Date: October 24, 2011

Committee: *Task Force on Victims' Rights Enforcement*

Attendees: Debra Bridges, Chief Dan Brown, Mark Cadotte, Karen Cellarius, Cristina Damiani, Debi Elliott, Aaron Felton, Meg Garvin, Holly Hein, Seantel Heisel, Heidi Herinckx, Kim Larson, Tim Loewen, Truls Neal, Janine Robben, John Stein, Cynthia Stinson

Teleconference Attendees: Kimberly Dailey, Shawn Wiley

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

INTRODUCTIONS & MEETING MINUTES

- The group welcomed Truls Neal from Multnomah County Community Justice representing Scott Taylor and Debi Elliott, Karen Cellarius, Heidi Heinrickx, and Holly Hein from the PSU Regional Research Institute
- The July 25, 2011 minutes were approved with no changes.

2012 NEEDS ASSESSMENT (PSU/REGIONAL RESEARCH INSTITUTE) – *Debi Elliot*

- The original 2002 Needs Assessment, also conducted by PSU RRI was spearheaded by Connie Gallagher
- Cynthia Stinson wants to replicate the 2002 Needs Assessment considering legislative changes and information gathered over past 10 yrs
 - CVSD found 2002 assessment information invaluable over last decade; much of the crime victims' rights initiative came from information from the 2002 assessment
 - Both Karen Cellarius and Debi Elliott worked on the 2002 Needs Assessment which will add additional value to the 2012 assessment.
- Summary of 2012 Needs Assessment
 - Methodology: What has changed for crime victims' services?
 - PSU Team is meeting with CVSD Advisory Committees and Task Force; in 2001, no committees existed for crime victims' rights or CVSD
 - Wants feedback from Task Force about current climate for victims' rights and victims in Oregon
 - Wants to contact each Task Force member to obtain specific information about their areas
 - Will interview partners throughout Oregon:
 - CVSD Grantees
 - Key Informants (advisory committee members; those working on statewide system or policy level in crime victims' rights)
 - Affiliated services providers
 - Victims through web and paper surveys
 - Focus groups of under-served victim populations (people with disabilities, LGBTQ, Native Americans, elders, immigrants)
 - Will forgo:
 - crime mapping as the data was not readily available, and time consuming for minimal information
 - public meetings across Oregon; not so much crime victims specifically attend as folks that always come to public meetings will be heard from
- The PSU team is still developing a list of questions and who to send them to;

- Debi asked the Task Force to offer names of key people, not currently serving on committees or other official capacity, but who could be beneficial to the assessment:
 - Those involved with CAMI
 - Mary Elledge
 - Sexual Assault Task Force members
 - Jan Friedman
 - Allison Cleveland
 - Rural Organizing Project
 - Tribal Governments
 - Bob Robison
 - Mavel Morales
 - focus groups for juvenile offenders
 - victims of juvenile offenders
 - juvenile victims
- She also asked if they could identify what the top issues are currently. The group responded with:
 - collecting restitution
 - defense discovery, privacy of victims, response to violations;
 - other discovery and privacy issues
 - speedy trial
 - Information shared with victims about PSRB and/or BPPPS that is incomplete or inaccurate
 - Inconsistent notice of hearings
- Other issues that need attention are:
 - Lack of follow-up for those that never filed a claim like additional family members.
 - Immediate advocacy and services, but no focus on the lifetime impact from trauma
 - Increased utilization of technology to reach victims
 - Janine Robben - Unpaid restitution; who could be asked about stats for this group.
- Meg Garvin asked if they would be making note of the date the information is obtained against the date of the crime?
 - Karen Cellarius said questions from the Crime Victims' Rights Survey would likely be included in the Needs Assessment.

OCVLC – Janine Robben

- Janine formally introduced Cristina Damiani, Administrative Director for OCVLC
- Janine will retire effective December 31, 2012, a new Legal Director will be sought once funding is secured.

RECENT CASES HANDLED BY OCVLC

- Stalking case in an Oregon County; offender is incarcerated
 - From prison, offender has hired people to stalk and harass the victim.
 - The district attorney in the county where the wife resides waited 2 years to proceed on the stalking violation charges
 - Victim asserts she was never advised of her rights and the district attorney continued to leave her in the dark with regard to her victimization.
 - Janine requested copies from the case file; searched for OJIN reference; found no evidence of the DA certification.
 - Janine first asked the district attorney about the victim certification form which he said he was unfamiliar with.
 - DA later stated they don't use those forms.
 - Victim had a civil attorney (for other matters) who found out from a Multnomah County clerk the case had been dismissed.
 - Janine was unable to resurrect the criminal case, crime victims' rights violation was conceded by the DA – failure to notify the victim of the criminal proceeding.
 - A Multnomah County judge stated the prosecutor showed gross negligence.
- Restitution
 - First case: Recently had a client who passed away before the case was settled.

- A legislative fix of statute language is needed to change the current inability to order restitution to an estate
- Second case: When a case is on appeal with restitution ordered, restitution is held up during the appeal process
- A County was holding the restitution until the appeals were exhausted, OCVLC called the county and they changed their policy within 2 days.
- Right to be notified
 - Patient from the Oregon State Hospital (OSH) escaped, victim not notified of escape or when patient was apprehended
 - OCVLC filed CVR violation claims in Clackamas, Marion and Multnomah counties (escape was in Marion, original case from Clackamas County, PSRB in Multnomah county).
 - Marion County rejected the filing because they concluded OCVLC was attempting to file a civil suit against OSH and the filing fee had not been paid.
 - In Multnomah County, a clerk forwarded the CVR claim to the district attorney believing all violations must go through the DA.
 - An attorney from OSH met with the victim, Janine Robben, Ronelle Shankle (DOJ post-conviction advocate) to apologize and offer an alternative remedy.
 - Meg Garvin added that court clerks are unfamiliar with and uneducated about statute language in filing a crime victims' right violation claim, it is a problem across the country.
 - To ensure consistency, Kimberly Daily said she would have the language about the filing fee, or no filing fee, on the fee schedule.

OCVLC NEWSLETTER

- Cristina showed the task force the new OCVLC newsletter, a subscription to the newsletter can be set-up by going to the OCVLC website.
- The brochure and website were also updated.
- The newsletter and website will highlight cases currently being handled by OCVLC, where things are in the process, what they're finding, and the resolution.
- Cristina is bi-lingual (Spanish) making the response to Hispanic clients easier. This caseload has increased exponentially.
- John Stein revisited the concept of a "user's guide" for victims' of crime, a more user-friendly publication, with "lay person" language.

IMMIGRANT CRIME VICTIMS' RIGHTS WORKGROUP – Shirley Didier (for Chanpone Sinlapasai)

- Trainings (conducted by Chanpone Sinlapasai-Okamura and Sherilyn Waxler)
 - UVisa, TVisa, VAWA Visa – DA/VAP track of the ODAA summer conference.
 - UVisa, TVisa, and Special Juvenile Status Visas – for the CVR Juvenile Justice Workgroup
- Looking into the issues of
 - Restitution - is not always being ordered in cases where the offender will be deported – need to educate prosecutors/courts to order restitution regardless. Also need to consider ordering restitution for attorney fees for the victim.
 - Brady Law (Attorney work product and confidentiality). What is the scope of Brady obligations – many immigration attorneys are being subpoenaed to testify.
- The workgroup continue to identify new issues to be addressed, they see the work of the group as being on-going and not time limited. The workgroup is interested in being designated a permanent subcommittee of the Task Force.
 - The Task Force approved the workgroup becoming a permanent sub-committee.

- Continue to explore a top down approach training model for our state but need to find a grant for funding.

NCVLI AND OTHER FUNDING UPDATES

- There are no federal funds for victims' rights enforcement this year
 - cut deep into NCVLI's funding
 - NCVLI clinics across the country are closing along with other federally backed legal services.
- Catholic Charities were not awarded the OSSIP federal grant they'd previously used for legal and social services specifically related to trafficking.
 - The cuts to this program are significant. In fact, across Oregon, many who'd previously received (federal) grant monies, some for consecutive years, were not awarded this year. The shortfall is particularly noticeable in rural Oregon.

It was noted that federal VOCA reserves are more than 6 billion dollars but the cap has not been lifted for funding. By keeping this money in reserves, the federal government can count it as a "savings" against the deficit.

JUVENILE JUSTICE WORKGROUP

- Primary focus is to identify the rights of victims in the juvenile justice system and how the group can make recommendations for a unified, cohesive approach for victims' rights throughout the 36 counties and OYA
- Juvenile specific Victims' Rights Request Form (VRRF) is nearly complete
 - General rights will be part of the original template
 - A space was added for counties to add county specific services, or other customization
- Juvenile Specific Victims' Rights Guide (brochure) is nearly complete

Current Discussions

- Dispositions and Confidentiality
 - A disposition is not a confidential document. If it is said in open court and recorded, it is a part of the official transcript – to which the victim has a right.
 - Some courts read everything on a disposition aloud during proceedings, while others do not. Often, there is personal victim information on the disposition.
 - Can dispositional information be released to a victim, or should the information be redacted and moved to another document?
 - Yamhill County sends a letter with dispositional elements, but they do not include the actual order.
- Responsibility for victim notification in juvenile cases falls on either the juvenile department or district attorney's office per statute – each county determines how victim notification takes place.
 - In adult cases, it's up to the district attorney to notify.
- Is an administrative hearing in a juvenile case considered a critical stage hearing?
 - Meg Garvin thought it would be covered under statute because there could still be a disposition.
- Transfers between Department of Corrections OYA youth and Community Corrections
 - It's unclear how notification to victims is handled between the two when youth are transferred from OYA to DOC physical custody
 - Are the victims' rights following the youth offender through the system?
 - VINE does not meet any statutory notification, so it should be a companion resource only
 - Mark Cadotte from DOC/Community Corrections was unsure how notification is made to victims when youth are released from OYA directly to the community under adult supervision.
 - Board of Parole notifies most offenders
 - Offenders with a second look have a release counselor that handles notification.

- Aaron Felton from the Board of Parole indicated he would need to look into notifications on his end to ensure they're happening regularly.
- Tim Loewen was asked if juvenile directors would be open to completing a short survey to find out what each county is doing with victim notification when youth are committed to OYA and/or when they return to county supervision.
 - Tim thought it best to approach the OJDDA executive board with the new VRRF, Victims' Rights Guide, and best practices recommendations before proceeding with the counties. The best way to catch all the directors is at the annual conference in the fall.
- No consistent procedure among the counties in notifying a victim or providing victim information when a youth transitions from a county juvenile department to OYA.
- Are victims' rights tracked from agency to agency and are the (requested) rights honored throughout the process?

TRAINING SUBCOMMITTEE

- The Portland Police Bureau (PPB) roll call DVD is ready to film
- An introduction script was written for the Attorney General
 - With John Kroger not seeking a second term, what does the Task Force recommend
 - Produce the DVD as planned with the introduction from John Kroger, or
 - Do a voice over version which might be easier to update
 - Task Force recommends that the AG complete the filming as planned
 - Cynthia Stinson will pose the question to AG Kroger to see if he has a preference
 - The video will be made available to law enforcement agencies including municipal Police Departments, Oregon Sheriff's Offices and the Oregon State Police. The DA based victim assistance programs have asked to distribute the DVD to law enforcement in their counties – so they can make personal contact and provide the pocket cards at the same time.

2012 NATIONAL CRIME VICTIMS' RIGHTS WEEK

- April 22 – 28, 2012
- NCVLI applied for the 2012 OVC grant
 - Working with CVSD and Victim Awareness Sub-Committee on ideas
 - One idea is to develop posters with information on how to file a victims' rights complaint for distribution statewide among our partner agencies. Could include a web address where more information can be obtained
- The annual commemoration ceremony hosted by the Crime Victims' Services Division will be held Wednesday, April 25th at Willamette University
- The Friday before, on Friday, April 20th, NCVLI will have a day of training available for attorneys with guest speaker Yvette Rodier.
 - Morning session: Pro Bono attorneys
 - Afternoon session: Pro Se attorneys

2012 MEETING CALENDAR

The Task Force members agreed to pre-select dates through 2012. All meetings will be held at the CVSD offices in Salem from 1:30 pm – 4:30 pm on the following dates:

- Monday, January 23, 2012
- Monday, April 30, 2012
- Monday, July 23, 2012
- Monday, October 22, 2012

