

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



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Date: October 27, 2014

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

Attendees: Shannon Sivell - chair, Sheriff Matt English, Terry Thompson, Seantel Heisel, Brad Berry, Jeff Howes, Kristin Wings-Yanez, Nancy Howton, Doug Hanson, David Delsman, Denise Pena, Chanpone Sinlapasai-Okamura

Teleconference Attendees: Rosemary Brewer, Juliet Britton, Johanna Costa, Meg Garvin, and Mike Schmidt

Staff Attendees: Helen O'Brien, Ronelle Shankle, and Caitlin Brown

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### **Introductions**

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

### **Review of minutes**

July 28, 2014 meeting minutes were reviewed. Matt English moved to approve the minutes. Doug Hanson seconded the motion. Minutes were approved with one change that Kristin Wings-Yanez submitted.

### **Legislative Updates (track and report) – Juliet Britton**

Juliet indicates that her agency is starting to ramp up for the next session and expressed an interest in serving on any legislative sub-committee the task force may have.

Shannon reminded the group that we have previously provided updates as relevant issues arise at legislative session. Shannon welcomed Juliet to update the group and if needed we might pull together additional folks to assist.

Juliet will look for relevant issues and provide feedback to the group; she also welcomes assistance from any other group members. Kristin indicates she will also keep track and communicate with Juliette.

### **Justice Reinvestment Update - Mike Schmidt**

Two updates: One is on the rules and where we are on the process. Second are the 3194 impacts now that we have a year of data and what is the cost savings on that.

Rules: CJC has conducted meetings around the state and has been listening to public comments on the grant rules. The deadline for public comment is 5:00 p.m. Monday November 14<sup>th</sup>. Afterward the work to finalize the rules will begin. The tentative date for the finished product is after the first of the year. There are two major areas that members of the public have been commenting on so far. The randomized control trial that requires any grant app from the county be accompanied by a randomized trial, so far the feedback has been that this will be a burden to the smaller counties. The other is surrounding the nonprofit community based victim service providers and the 10% designated to them. Lots of discussion on the definition of victim. For example, members of a victim's family would want to know if they would be in the definition of victim. Discussion also focused on whether the 10% should be administered by the state or to the counties and then they make the local decisions.

3194 Impacts: We have charted a middle course between the forecast and what the estimated savings would be. With the changes we have seen and the work being done in the communities it appears that we will not need to build a new prison in the near future. We didn't see all of the impacts that we anticipated we would see, some of the sentencing reforms had more impact than others. We went down in total inmates for the year and have been holding steady around the 14,600 mark, which should result in cost avoidance by the State. CJC is working with DOC to figure out exactly what this cost avoidance means. The estimate of cost avoidance should come out after the governor releases his budget.

## **Follow up / Action Items from last meeting**

### ***Juvenile Justice***

Victim Rights when charges are dismissed - Jennifer Busey will be contacting Meg by January to follow up for scheduling a discussion with the AG.

### ***Other Business***

New dates for the CVR Task Force Meetings:

2015 Task Force Meeting Schedule

Monday, January 26, 2015

Monday, April 27, 2015

Monday, July 27, 2015

Monday, October 26, 2015

### ***Non-Compliance – Doug Hanson***

Everyone was given the Wisconsin model to review, which was put forward as a model we can adapt to fit Oregon. This model will provide additional structure to the work that was previously done in a sub-committee of this task force and to items that have been under discussion in the group for some time. Previously, we discussed who would make up the non-compliance board. We have pared the list to 5-6 members, which we would like to, take from this group. Not every agency can be represented but we hope to get volunteers from this group that would include representation from DA, police agency, victim assistance, non-profit and a victim rights lawyer.

Meetings would be quarterly. Helen would be the coordinator for these complaints so she would not be on the board. We are hopeful we will never get to the non-compliance committee because we hope to be able to remedy complaints before they reach that level. The Wisconsin model goes more into sanctions, however at this time we do not recommend sanctions. We discussed written findings and who would have access to them. We feel written findings shouldn't be against an individual person but will go to the agency.

Further discussion from the group included:

Helen: there are some examples on the link that I sent to the group. They are not too lengthy but are worth looking at for guidance. These are online and available for public review but we can talk about if we would want to do anything like that.

Doug: There are some statistics in the Wisconsin model so we can see how many complaints were taken to the committee and the types of agency that was then contacted to follow up. I think most of the cases we would see would be victims not being notified of court dates and victim rights to be in attendance and heard if they desire to. Most of these would hopefully never go to the board, really at the actual board we would see that offices are not complying and then not trying to remedy the problem prior to the board coming in.

Seantel: I think it is important to have some findings out there so that others can then question their own organizations and determine what resolutions could prevent the issues.

Doug: This process is designed to help people get into compliance. This has been in the works for years and I think that Helen and I are ready to get a pilot going with 5-6 people. We may not have any formal complaints but having it set up and possibly doing test compliance issues.

Helen: We were thinking of doing a pilot for say a year to see how it goes, we would like to have backups as well that we would pull from the Task Force when necessary.

Johanna: will there be an announcement so that we all know how the word will go out and everyone will know that this committee will exist

Shannon: we can say that as of the first of the year the committee will exist and we can have a flow chart and tools available to share with everyone.

The following have volunteered to be on the non-compliance board:

Jeff Howes - DA Office	Multnomah County
Matt English - Law Enforcement	Hood River County
Terry Thompson – Juvenile	Benton County
Rosemary Brewer – Victim Rights	Statewide
Denise Pena – Probation	Multnomah County
Debra Bridges – Victim Advocate - <i>nominated by Brad</i>	Yamhill County

A meeting with this group will be convened before the next AG task force meeting to solidify the process the board will follow.

## **Action -**

### **Updates and Goals: Task Force and Subcommittees**

**Immigrant Victims Rights** - Chanpone: noted that the DOJ website had been updated and thanked Helen for her help. The sub-committee has developed protocols for requesting U-Visas, forms and FAQ's for the U-Visa. They are still working on T-Visa and information on VAWA. Additional discussion included updates on the following:

For some cases there are differing opinions on who has authority and who is willing to sign T Visa's. Chanpone will forward the End Slavery email. Regarding U and T Visa's the Vermont service center is still retraining its entire staff so you may be getting requests for re-certifications. There is a pro bono AILA program. If you discover a victim that needs a pro bono lawyers focused on immigration please contact Chanpone. We also try to find a lawyer that speaks the native language of the victim.

**Juvenile Justice** - Terry reports that the sub-committee met last week, 6 were available to meet. Early discussion raised several issues including:

Structured sanctions and victims' rights during that process and victims receiving notice of outcomes. Meg was part of the meeting and has volunteered to research the law and come back with the some best practices based on those laws.

Also discussed: Restitution in juvenile cases and cases being closed with restitution still outstanding and without a formal hearing. Should the victims be present?

This group will meet again January 21st at 1:30 at CVSD. The goal going forward would be to put together a list of best practices in all areas for the juvenile aspects.

Brad indicates that his office has a restitution project that pulls cases into adult restitution so they can be monitored. The probation can be maintained after 18 and they have a PO that sits down works with the offenders.

### **Other Business – Announcements**

Denise: has been in contact with Anne Seymour; and is pursuing a technical assistance grant with NIC. The project requiring assistance would focus on identifying victim rights in Oregon as they relate to post conviction and would include a gap analysis. The projected timeline is a start in December to begin documentation ending in May of 2015 with the publications and finalization of the project. As the project firms up Denise will reach out to appropriate representatives to participate. She will keep the task force apprised of the progress of this application and project.

Further discussion on this subject included Shannon and Brad suggesting that DOJ and DA Offices would be good partners in this process.

Chanpone sought ideas from the group regarding how we would respond to a multiple victim trafficking incident. She asked for leads for key members of the community to help us plan and noted we have not been able to respond to more than a single victim at a time.

Kristin discussed Trauma informed Oregon. PSU received a grant to do coalition building and she attended from the victim's services standpoint. There is a new website [traumainformedoregon.org](http://traumainformedoregon.org) that she will send out. The meetings are in different areas around the state and being led by Mandy Davis.

**Monday, January 26<sup>th</sup>** is our next meeting. Please send Helen any items of interest you have that you would like to update us on.

Meeting adjourned at 2:40pm.