

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



Date: October 28, 2013

Committee: *Task Force on Victims' Rights Enforcement*

Attendees: Shannon Sivell - chair, Brad Berry, Rosemary Brewer, Debra Bridges, Johanna Costa, Dave Delsman, Matt English, Juliet Follansbee, Seantel Heisel, Jeff Howes, Nancy Howton, Thomas Hunt, Aaron Knott, Kim Larson, Denise Pena, AG Ellen Rosenblum, Chanpone Sinlapasai-Okamura, John Stein, Terry Thompson, Kristin Winges-Yanez

Teleconference Attendees: Kimberly Dailey

Staff Attendees: Aaron Knott, Ronelle Shankle, Rozlyn Finrock (*note taker*)

Introductions – Task Force members gave self-introductions including their title, agency and some background on their work with the Task Force. New members also gave background as to their interest or roles that brought them to joining the Task Force.

Welcome – AG Ellen Rosenblum

AG Rosenblum gave brief remarks regarding what she has been doing to push victims' rights issues out and up. Based on her background of practicing law before and after victims' rights statutes changed, she knows what needs to be done and knew coming into her role as AG that she wanted to be a spokesperson regarding saving money and reinvesting in crime victims' services. She is pleased that we were able to have some success to that regard. She has been amazed at the speakers we have in Oregon and been able to bring into Oregon for conferences. She feels she has a continued need to be educated around victims' rights and spoke to the important work that the Task Force is doing. While she may not be able to stay for the whole length of the quarterly meetings, that does not reflect on the importance she places on the Task Force and on the work they do.

Crime victims' rights is an area that DOJ legislatively takes responsibility. DOJ is also looking at what role they can be in sex and human trafficking areas and recently had a symposium on trafficking. The Young Lawyers Division of the American Bar Association has a public service project for 2013-2014 called 'Bullyproof' which is focused on ending the bullying epidemic. Ellen has offered to partner with them as they become more involved in the Oregon area.

HB 3194 – Craig Prins, Executive Director; Oregon Criminal Justice Commission

Craig thanked the AG's office for holding the victim services round tables while this bill was still in the planning stages. The bill looks at sentence changes *plus* reducing recidivism *would*

equal increased public safety **and** decreased prison growth. CJC in consultation with the “Justice Reinvestment Grant Review Committee” shall adopt rules regarding HB 3194.

The bill affects persons for crime committed on or after 8/1/13. Under HB 3194 transitional leave will increase from a maximum of 30 days to 90 days. DOC and the counties will identify the best candidates; approximately 2,500 inmates will be eligible per year. This is about 50% of the population being eligible for Short Term Transitional Leave (STTL). Currently only 10% is eligible. The plan is that by reaching offenders earlier there will be enhanced planning and community resources.

Victims’ Services Impact Section: VINE will be operative on any sentencing changes and probation officer will set conditions of probation instead of the courts. There is a separate section that speaks to earned discharge; restitution paid in full would be a prerequisite to earn discharge. Brad shared that Yamhill County has converted their probation cases to bench probation and then used their restitution court in conjunction so offenders are not incurring probation costs. Mike explained that the goal of this section is a concentrated effort on the most noncompliant.

There have been a lot of questions regarding reentry court; who has jurisdiction and consistency across counties. The BOPPPS is waiting to see how things roll out before they make rules/policies. Representative Hicks and Judge Akins are both really interested in how reentry courts will work. The HB 3194 workgroup believes that some counties will experiment with courts similar to drug courts.

Justice Reinvestment Fund Section 54: The Justice Reinvestment Program will be established and administered by the Oregon Criminal Justice Commission. No less than ten percent (10%) of the grant funds awarded must be distributed to community-based nonprofit organizations that provide services to victims. This biennium the \$20 million to county can be spend on whatever the county wants to spend it on but they must report on what they are planning to spend it on. For 2015/17 the definition of what the money can be spent on is defined by “programs”. By this definition DAVAP Offices would not be able to get any of the money.

Task Force: The whole bill has a Task Force doing more than just reviewing it – the Task Force on Public Safety. The first meeting will take place October 30, 2013.

Craig will take question back to committee regarding funding; if it can be a rule change or if it must be a legislative change. He believes based on the bold language and definition in the bill that it would need to be a legislative change.

Craig finished by reviewing the budge impact savings for this biennium.

Review of minutes – Minutes of the July 22, 2013 meeting were reviewed. John approves, Denise seconded. Minutes were approved with no changes.

Discussion: Task Force and Subcommittees –

- **Recommended subcommittees to continue** –

- **Legislative** – Shannon thought there would be several things to discuss every other year. The subcommittee would it down with any recommendations from the Task Force or the AG. Since 2014 is a short session, we will let it pass and start up in March 2014. HB 1145 mandates probation revocation that believes it will have to be part of the 2014 session. She believes it will be funded or offenders will be let go sooner, going back to the 60 day hold based on budgetary issues. The 60 day cap sunsetted on June 30, 2013 but many DA's Offices did not know the sunset took place.
- **Immigrant Crime Victims' Rights** – Chanpone reported that there are several major trafficking cases in the works right now involving 6 states and 50 victims in Oregon. Sub-committee is also working on a draft DOJ brochure/information sheet that would be posted on the state website. It would act as a "flashcard" for DAVAPs and law enforcement. Next meeting of the subcommittee is November 14th but they have a full agenda. New participants/members would be welcomed.
- **Juvenile Justice** – Committee has not met since finalizing the juvenile rights brochures in 2012. Roz will send a list of past members to Terry Thompson who has offered to chair the subcommittee. New members can join as well or suggest others that are not members of the Task Force.
- **Non-Compliance** – **Doug Hanson** is interested in getting this group started again. Taking a look to see how other states are tracking compliance with victims' rights. Brad and Debra remember being part of the group. DOJ is really not the place to go when a victim's rights have been violated. The subcommittee may be mostly research in the beginning.

Victims' Rights topics from July 2013 Task Force Meeting

- **Denise Pena – Adult P&P Supervision, Identifying Victims' Rights Issues**
She found that things are not as clear on the Post-Prison supervision side as it is on probation. If there is a violation of conditions, most sanctions are handled administratively – admits it and accepts sanction. If the sanction is contested or there is a Morsey hearing – this is a critical stage and the victim would/should be notified. Multnomah is not doing this (notifying the victim) and Denise does not think other counties are doing this either. The timeframe for a Morsey hearing is 3 days so she believes this need to be of an education piece that they need to be do notification on Morsey hearings like they do other hearings.

Most of these hearings are not done in court so they seem very informal especially to anyone who has been through the court process.

Multnomah Co P&P is going to continue to notify victims who have registered with BOPPPS.

- **Rosemary Brewer, OCVLC – HB 3282 – RE: Bray decision.** Does this decision reduce access for victims?
HB 3282 goes into effect January 2014. Google search records were subpoenaed. The case cleared up appeal process to get written orders from the judge. Now only the AG's Office and the victim can appeal a case. Prosecutors are no longer able to appeal a case.

DOJ's Appellate Division looked at it under a chapter 180 case – The State is represented by... The DA is still able to assert the victims' rights.

- **Kimberly Daily, OJD** – HB 2627 – RE: DUI diversion agreements
The bill allows prior to dismissal with prejudice, the court, DA or city attorney may issue an order requiring the defendant to appear and show cause why the court should not terminate the diversion agreement.

If terminating the diversion agreement, a money award judgment will need to be entered at the time. There are several updates Kimberly needs to make before the end of the year and would like to include any changes to the money award judgment form. She will make substantial updates next year and knows that some counties have their own money award judgment forms however she would like to have a statewide form next year. The updated forms typically go out electronically, to DA's – will send them to Shannon as well so they can go out to DAVAP Office

Other Business - Announcements

- **National Crime Victims' Rights Week 2014 – April 6-12** – We have submitted the grant to The Office for Victims of Crime and are not anticipated to hear back until toward the end of the year. We are planning on holding the Commemoration and a CLE on the same day. The AG and Meg are both available on April 8th, so plans are moving forward for that day.

Adjourn

Next meeting of the Task Force is Monday January 27, 2014.