

AG'S TASK FORCE ON VICTIMS' RIGHTS ENFORCEMENT
REPORT – APRIL 2012
APPROVED

1. **Corrections to the minutes** for the Task Force meeting held October 24, 2011 have been made following comments at the January 23, 2012 meeting and later contact with PSU/RRI – Debi Elliott per Task Force request. The minutes to be approved via e-mail.
2. **Law Enforcement DVD** – Victims' Rights Notification. Task Force requested a report on how the training was implemented and how many pocket cards distributed.
 - a. The DVD was viewed at the Quarterly DA/Victim Assistance Program (VAP) Directors' teleconference via (GoTo meeting) with CVSD on February 16, 2012. The VAPs were asked to e-mail a request for copies
 - b. A total of 145 DVDs were mailed out to all 36 county DA/VAP offices and one juvenile department. Each County had its own approach, e.g.,
 - i. The DA used the video at a law enforcement chiefs meeting and then distributed copies to each department
 - ii. The VAP used a DVD to train at each law enforcement office in the county
 - iii. The VAP used a DVD to train at each law enforcement office in the county and gave each office its own copy
 - iv. In one county, the Juvenile Department Director and victim advocate trained at each law enforcement office in the county
 - c. Pocket cards were shipped with each DVD – 75 to 100 English and 25 Spanish for each individual DVD, sample pocket cards in the other four languages were provided for training purposes. Some counties requested larger quantities. Total distribution of pocket cards is approximate:
 - i. 10,875 English
 - ii. 2,900 Spanish
 - iii. 750 each Chinese, Korean, Vietnamese, Russian
 - d. Copies of the relevant statutes and re-ordering information were provided for each DVD.
 - e. Portland Police Bureau distributed its own training. As of April 27, 2012, 455 views of the video were recorded (officers have access via intranet to view the video).
3. **Immigrant Crime Victims' Rights** – The group last met on March 8, 2012 at NCVLI offices. A mission statement was developed and approved: ***“Promote crime victims' rights for immigrant populations through outreach and information to legal and service providers throughout the state of Oregon.”*** The next meeting is scheduled for May 3, 2012 with guests from the FBI and the US Attorney's Office to inform the committee about victim services for foreign born crime victims.
4. **Juvenile Justice Workgroup** – An overview of the progress of the group and the drafts of the Victims' Rights Guide and Victims' Rights Request Form designed for the juvenile justice system were presented to the Oregon Juvenile Justice Directors' Association (OJDDA) membership meeting on Wednesday, February 15, 2012. Feedback was positive and suggestions for improvements were made. The juvenile directors will receive final drafts once completed.

OJDDA also recommended that Terry Thompson, Deputy Director of Benton County Juvenile Department, fill the vacant seat on the Task Force. This seat was previously held by Christine

McMahan of Douglas County – now with Multnomah County. This recommendation has been forwarded to the Attorney General.

5. **Victims’ Rights Request Form (VRRF or VRN) –**

- a. The VRRF was discussed at a quarterly tele-conference meeting for the DA/Victim Assistance Program Directors on February 16, 2012. If the VRRF is updated and additional requested rights are added, the VAPs would like a single page form, suggested that the rights be numbered, ideally would like requested and automatic rights explained, and questioned whether statistics reported would be expanded.
- b. The Task Force asked if Meg Garvin (who was not able to attend the meeting) could provide a brief summary of her view on legal language vs. simplified language – this is her response: *“It is my understanding that the Task Force discussed the question of whether the victims’ rights request form/notification form should use legal language or lay language for the rights at a meeting when I was not present. Since I was at the Victim Awareness Subcommittee Meeting (12-29-2011) at which we discussed the issue I will try to capture the ideas we discussed there. There are good arguments on both sides of this issue, and in fact I remember that we had quite substantial discussions years ago when the victims’ rights materials were first being created and the decision was for more lay language. On the side of using legal language two points. First, when informing victims of their rights if we move too far away from the legal language there is a risk that we are not actually informing them of the rights as they exist in law and therefore creating false expectations (high or low). Second, if we do not use legal language and a victim interprets what is communicated to inform them of something that is not quite the right - then when/if the issue of whether notice was actually afforded to the victim of the right is presented there is an argument that in fact there was not actual notice of the right. This second point could arise particularly in the context of the question of whether there was waiver of a right that required requesting. On the flip side - the desire to use lay language - we know that most victims are not knowledgeable in law and that legalese is, to say the least, less than clear. So using lay language may lead to more victims having understanding of their rights or at least a generalized understanding. These are the arguments/ideas we discussed and the idea that clarity on the goals/point of the form might help determine which tactic to use (or to use both - although we also discussed that a lengthy form that contains both might result in additional difficulties for victims). I hope this summary of that meeting and the arguments/ideas is useful.” – Meg Garvin*

6. **NCVRW 2012 –**

- a. **DOJ/CVSD** - The commemoration ceremony was held on Wednesday April 25, 2012 at Montag Den – Willamette University. With approximately 100 in attendance, 5 individuals were honored for their work that reflected the theme of **“Extending the Vision: Reaching Every Victim.”** Included were:
 - i. **Desireé Allen-Cruz** – Family Violence Services Program Manager for the Confederated Tribes of the Umatilla Indian Reservation – Pendleton
 - ii. **Lior Azen** – Case Manager, Advocate, and Therapist at Northwest Human Services – Salem
 - iii. **Allison Elise Cleveland** – Executive Director/Program Coordinator for The Gender Center – Eugene

- iv. **Janine Robben, J.D.**, - First Director of the Oregon Crime Victims Law Center (OCVLC) – Portland
- v. **Gloria Wiggins** – Who passed away in December 2011, was Division Manager, Catholic Charities – El Programa Hispano.

Walt Beglau, Marion County District Attorney gave the welcome and set the tone for the commemoration. He then introduced CVSD incoming Director – Shannon Sivell who delivered the Governor’s proclamation. Attorney General John Kroger gave the keynote address. Fred Boss, Chief Counsel for the DOJ Civil Enforcement Division introduced the honorees.

This year the guest speaker was Kathy Pollock, a victim whose daughter-in-law, and granddaughter were killed when their car was hit by a driver who was drug impaired and mentally ill. The driver stipulated to a plea of Guilty Except for Insanity (GEI) of 2nd degree manslaughter. Kathy gave the audience a picture of who these victims were to their family and community. She discussed how victims’ rights were honored by the District Attorney and Victim Assistance Program, but where rights to notification were not honored when the “patient” escaped from the Oregon State Hospital. Kathy remains an outspoken advocate for improvements in the system. April 25 was the 3rd anniversary of her family’s loss.

For more information and photographs, please visit the DOJ/CVSD website at: oregoncrimevictimsrights.org

- b. **NCVLI** presented two trainings on Friday April 20, 2012
 - i. Morning Session: *Extending the Vision: Pro Bono Protection of Victims’ Rights* – a training for attorneys interested in representing victims of crime.
 - ii. Afternoon Session: *Extending the Vision: Self-Represented Protection of Victims’ Rights* – a training for advocates to assist victims who want to file a claim of violation of victims’ rights. **Note: This training will be repeated at a later date for DA/VAPs and non-profits. Posters developed for public awareness will be distributed following the training. (See copy attached on page 4). Further distribution will be sought through the Task Force and associated committees.**
7. **Restitution Pilot Project** - As a result of the passing of HB 3066, the Department of Justice (DOJ) awarded grants to the following counties: Multnomah, Jackson, Lane and Crook/Jefferson for projects scheduled to start January 1, 2012. Each participating county has hired restitution clerks whose role is to ensure that all necessary information regarding the victim’s crime related economic loss is gathered and given to the prosecuting attorney prior to sentencing.

DOJ hired five Collection Agents to work with the Restitution Clerks in each project - two in Multnomah, one each in Lane and Jackson and one working in the collaborative counties of Crook and Jefferson. Three of the DOJ Collection Agents were on board as of January 1, 2012, however due to the hiring freeze in January; the last two DOJ Collection Agents were not hired until late February.

The participating counties are currently receiving case referrals from the Oregon Judicial Department. Since the inception of the project the collection agents have collected \$84,673.78 in restitution, fines and fees.

8. CVSD updates –

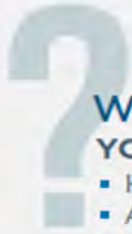
- a. Shannon Sivell has been appointed as the new director of the division beginning May 1
- b. Fred Boss will serve as the deputy director of the division and continues as Chief Counsel for the Civil Enforcement Division
- c. The Crime Victims' Rights Program has been moved to the Victim Response Section, Karen Heywood is the manager
- d. The Post-Conviction Program has been moved to the Crime Victim Compensation Section, Joe McCarty is the manager

- 9. Other Information: NCVLI - 2012 Crime Victim Law Conference – "Enhancing Justice – Empowerment Through Victims' Rights"** June 8-9, 2012, Portland, Oregon. This will be the 11th Annual Crime Victim Law Conference, marking the start of the second decade of dedicated rights enforcement in this country. This Conference continues to be the only national conference in the country focusing on rights enforcement in criminal cases, which is a critical but often overlooked component of holistic victim services. The Conference provides participants with the knowledge and practical skills necessary to provide effective legal services to victims of crime.

10. Next regularly scheduled meetings of the Task Force

- a. **Monday, July 23, 2012**
- b. **Monday, October 22, 2012**

OREGON CRIME VICTIMS HAVE RIGHTS



WHO CAN ASSERT MY RIGHTS? YOU HAVE THE OPTION TO

- Have an attorney represent you
- Ask the prosecutor to do it on your behalf
- Do it yourself

KEEP IN MIND

The prosecutor's client is the state, even if the prosecutor agrees to assert your rights

WHAT IF I AM REPRESENTING MYSELF?

ASK FOR YOUR RIGHTS

- Get more information at www.ncvli.org or www.oregoncrimevictimsrights.org
- Contact the prosecutor, victim assistance, or the juvenile department

BE HEARD

- Confer with the prosecutor early in the case
- You have the right to independently talk to the court at most hearings, when your rights are at stake

PROTECT YOUR PRIVACY

- You have the right to refuse an interview, deposition, or other discovery request by the defense
- You can object to a subpoena for your records (medical, mental health, school, banking, etc.)

STAY SAFE

- Tell the court what you need to stay safe
- Create a safety plan
- Consider asking for a protective order

BE PREPARED

- Talk to a counselor
- Tour the courthouse
- Keep crime-related expense receipts
- Keep your current address on file with the state or local authority
- If available, register for custody status updates at www.vinelink.com

WHAT IF MY RIGHTS ARE VIOLATED?

- **DON'T WAIT!** You have 30 days to inform the court that your rights were violated
- Use a **VIOLATION OF CRIME VICTIM'S RIGHTS FORM - UTCR FORM 4.100.2A** for adult, **4.100.2B** for juvenile. Search under "Find a Form" at <http://courts.oregon.gov>

YOU HAVE A VOICE! VICTIMS' RIGHTS BELONG TO YOU!



WWW.NCVLI.ORG

This project is supported by a National Crime Victims' Right Week Community Awareness Project subgrant awarded by the National Association of VIOCA Assistance Administrators under a Victims of Crime Act (VOCA) grant from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings and conclusions or recommendations expressed here are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.