



Attorney General's Task Force on Victims' Rights Enforcement
Meeting Minutes
January 28, 2019; 1:30 to 3:40 pm
DPSST Board Room

Committee:	<u>Task Force on Victims' Rights Enforcement</u>
Attendees:	Hon. Brad Berry, Alison Bort, Saydyie DeRosia, Amy Guyer, Jeff Howes, Debbi Martin, Robyn Masella, Steve Payne, Chanpone Sinlapasai-Okamura
Phone Attendees:	Ashley Anstett, Rosemary Brewer, Marc Brown, Dana Vidoni Carelle, Steve Doell, Matt English, Jeff Howes, John Stein
Guests:	Bridget Budbill, Tuan Bui, Cindy Rosario
CVSSD Staff Attendees:	Helen O'Brien, Stephanie Hoskins, Sherree Rodriguez

Introductions, Appointment Updates and Welcome

The group did a round table of introductions.

Minutes – October 29, 2018 were overlooked in the meeting, but approved by the Task Force through email consensus on January 30, 2019.

Discussion

Update on Pretrial Reform and Public Safety Task Force (PSTF) – Criminal Justice Commission – Bridget Budbill

Bridget Budbill, of the Criminal Justice Commission (CJC) presented an overview of the PSTF work, based on House Bill 2238. This bill tasked the group with studying the Oregon "bail" system and reducing racial and ethnic disparity in pretrial incarceration, the impact of criminal fines and fees and the Justice Reinvestment grant program implementation.

The PSTF's preliminary recommendations include, but are not limited to, continuing efforts to obtain jail and failure to appear data, adding a focus on reducing economic, racial and ethnic disparity in pretrial incarceration; exploring options for expanding judicial discretion to consider an individual's ability to pay fines, for repayment of fines and fees through community service; allowing three-percent funding for Justice Reinvestment studies to be used to evaluate local programs and treatment service providers to ensure services meet evidence-based practices and population needs.

Bridget requested input to ensure the pretrial reform discussion fully considers enforcement of victim's rights and safety, the group made the following suggestions and comments:

- Consider a standard system for the risk assessment scoring continuity between jurisdictions, as each tool defines/scores what high, medium and low-risk means differently
- Consider a domestic violence/sexual assault expert to review and comment on the process
- Consider domestic violence-specific tools – domestic violence risk to victims is often not fully captured by pretrial risk assessment tools, as standard pretrial tools are not designed to assess specific threat factors present in domestic violence circumstances, e.g., some domestic violence defendants have little to no criminal history



- Concerning collection of criminal fines and fees, restitution could be paid before the collected funds go to the courts as the victims' needs are often overlooked

Update on Public Portal and In-field registration demonstration – Steve Payne

Sgt. Steve Payne gave a presentation on the Oregon State Police Sex Offender Registry Public Portal, demonstrating how the public will be able to track the location of level three, predatory, sex offenders by entering an address into the system. The address of the public portal is <https://sexoffenders.oregon.gov>. The site shows names, faces, addresses, conviction records of the offenders, among other information. The public can register for a 90-day period for any updates related to the address listed. They would be notified of any changes in the area of a one, two or five mile radius of the address, depending on their initial search request.

The second part of the demonstration showed how police officers in the field can register offenders through the Sex Offender Registry Mobile application. This allows for the registration of non-compliant offenders or to add new information for compliant individuals.

Adding a right to the Victims' Rights Request Form – Helen O'Brien

Helen requested group input regarding the addition of this right to the Victims' Rights Request Form: "to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal and equivalent information regarding the alleged youth offender." There was general agreement that this is a good thing to include.

New Best Practice document review – "Honoring a Victim's Right to Notice"

Helen requested input from the group. A minor typo was discovered. The group will email Helen with any further input.

Updates and Goals: Task Force and Subcommittees

Immigrant Crime Victims' Rights – Chanpone Sinlapasai and Cindy Rosario

The US Citizenship and Immigration Services (USCIS)' newly implemented Notice to Appear modification is now applied to every case since November 2018. Once a case is denied, the victim may be issued a notice to appear, which holds the potential to threaten their immigration status. The situation compromises their safety and rights as crime victims and undermines the purpose and intent of the VAWA regulation. The immigration attorneys are seeing chilling effects already in the community. Chanpone requested that if anyone received a notice of intent to revoke or deny, please reach out to her office and the Immigrant Crime Victims' Rights Subcommittee for legal assistance.

The American Immigration Lawyers Association (AILA) is working on legislation to modify the handling of U visas so that if a victim of a qualifying crime has been cooperating with the investigation, the agency receiving the request must respond, within a prescribed amount of time, by certifying or stating reasons for denial. Their position is that if such a victim has a criminal background, and a certifying agency has concerns, they can indicate in writing on the U visa certifications to USCIS. Victims of certain crimes are often forced to commit other crimes by captors (trafficking, domestic violence, prostitution), which complicates the situation. This would allow the qualifying victim an opportunity to see relief. Signing the U visa certification is the first step of many for them to be granted. Currently, there are over 100,000 U visa cases pending with USCIS, over a ten year wait.

Juvenile Justice – Debbi Martin and Dana Vidoni Carelle

The Juvenile Justice Subcommittee recently discussed and clarified the Child Support Waiver process. Juvenile offenders, who are incarcerated, often have Child Support funds collected from their family and paid to the state to help offset incarceration expenses. Under certain circumstances, this may be waived or reduced, such as when parental rights are terminated or another immediate family member has been the victim of a



person to person crime at the hands of the incarcerated youth. The waiver is not guaranteed in any circumstance.

Post-Conviction – Robyn Masella, Saydyie DeRosia, and Stephanie Hoskins

The Post-Conviction group reviewed many notifications from the Victim Information and Notification Every Day (VINE) system. The group identified a problematic script, suggested alternate language and now that significant change has occurred. Scripts notifying victims of the offender's death states the offender is deceased, rather than "no longer in custody" as it has said in the past, which was unclear communication and a cause of great stress to the victim. Death notifications are released 48 hours after death.

Bench Guides – Kimberly Dailey

There is no update on the bench guide as it is in process.

Follow up Action Items:

Since District Attorney Berry clarified the impact of an HIV test included in a standard Sex Offender Package with the District Attorneys across the state, Department of Corrections has received far fewer of them. Saydyie is working with Oregon Judicial Department to communicate with judges about the issue.

Meeting adjourned at 3:40 pm

Upcoming Meetings:

April 29 – Portland DOJ

July 29 – DPSST

October 28 - DPSST