



Attorney General's Task Force on Victims' Rights Enforcement

Meeting Minutes

January 24, 2022; 1:30 to 3:10 pm

Teams Video Meeting

Attendees: Rachel Andrew, Brad Berry, Alison Bort, Rosemary Brewer, Dana Vidoni Carelle, Saydyie DeRosia, Rhea Dumont, Matt English, Meg Garvin, Jeff Howes, Hon. Andrew Lavin, Debbi Martin, Robyn Masella, Kimberly Rose, John Stein, Carrie Walker, Alison Wilkerson

Absent: Ashley Anstett, Bridget Budbill, Luis Garcia, Meg Garvin, Jeff Howes, Ian McKay

Guests: Melissa Chureau - Department of Justice, (DOJ), Johanna Costa (DOJ), Sarah Sabri (DOJ), Parrish Van Wert - Department of Corrections (DOC)

Crime Victim and Survivor Services Division (CVSSD) Attendees: Helen O'Brien, Sherree Rodriguez, Shannon Sivell, Stephanie Stocks

Welcome – Helen O'Brien welcomed the task force and the group introduced themselves. Helen welcome new members: Carrie Walker, Director of Clackamas County Victim Assistance Program, Sgt. Ian McKay of Oregon State Police, Luis Garcia, Immigration Attorney, of Marandas, Sinlapasai, Garcia, LLC, and Judge Andrew Lavin of Multnomah County Circuit Court.

Minutes – The group approved the minutes from the October 2021 meeting.

Proposed Bias Package – Johanna Costa

Oregon DOJ Civil Rights Unit, Hate Crimes and Bias Incidents Response Coordinator, Johanna Costa shared their proposed Bias Package. They will pull together a team of field experts to determine the final components. Early guideline suggestions include:

- 1) Active formal supervision by probation officer
- 2) No eligibility for earned discharge
- 3) Education/Treatment
- 4) Victim impact panel
- 5) Not to participate in extremist groups or protests or marches
- 6) No weapons or guns ownership, even at mid-level
- 7) Community Service
- 8) Facilitated dialogue with a willing community group
- 9) For juveniles and certain offenders, and with victim consent, a restorative justice track
- 10) Courts must have evidence that the special condition ordered is necessary. We plan to encourage prosecutors to make a record of the conduct, even if bias conduct is uncharged or negotiated away in a plea. Make a record of what specific slur was used. Important for court to know the details of the language and the bias motivation.

Comments and Questions:

- How will it be funded? How will it be available in 36 counties, when there are numerous counties with minimal bias crimes?



This is a legislative concept that would have funding attached. Remote technology would be used for rural counties to receive the same services.

- Are you planning on researching Batterer Intervention Programs and their requirements to ensure providers comply? How might this focus on victim needs?
These concepts need to be worked out with the broader group of experts that has yet to form.
- Saydyie requested the group choose another name for their proposed facilitated dialogue so as not to confuse victims with the DOC program by that name.

The group is encouraged to reach out to Johanna with questions and suggestions.

Johanna.Costa@doj.state.or.us.

PSRB Victim Notification – Alison Bort and Melissa Chureau

PSRB is examining ways to improve its victim notification system for scenarios when the PSRB staff are not available to send out immediate notification. This includes possible use of existing victim notification systems available to other victims in Oregon.

Transition away from VINES – Saydyie DeRosia and Parrish Van Wert

DOC is moving away from the VINE (Victim Information Notification Every Day) program and the sponsoring business, Appriss. They are buying a different product that allows for customization, higher quality, and a better price. VINE is cumbersome to update and does not allow for much customization. It is a rented product; the new version will be bought with an updated license purchased annually. The Appriss contract will expire June 30th and the new program will go live on July 1st. There will be a beta test in June. Victims can choose how and when they receive notification. All current data will be transferred. The name of the program will change as well but has not yet been determined. Saydyie will report back to the task force at each of the remaining meetings this year to give an update. The group was asked to reach out directly to her with any input on how to customize the program, as now is the best time to do so: Saydyie.L.DeRosia@state.or.us.

Juvenile Restitution Statutes – Dana Vidoni Carelle

Oregon Juvenile Dept. Directors Association (OJDDA) has received proposed changes to juvenile restitution statutes from Youth Rights and Justice. They are reviewing this proposal to determine whether to support or not. Dana has submitted to Rosemary Brewer and Meg Garvin for review. The task force is invited to contact Dana with input: carelled@co.yamhill.or.us. The deadline is January 31st for to be returned to OJDDA.

New Victims' Rights Guides – Helen O'Brien

Plain language updates have been completed in both the Victims' Rights Guide and Victims' Rights in the Juvenile Justice System brochures. The new documents are available on the website, in six languages. Paper versions are available in English and Spanish, though there is a delay on printing the Spanish version until mid-March.

New Best Practice – Privacy Rights Related to Press Releases – Helen and Rosemary Brewer

Helen invited more feedback on this document.

Notification on Gun Return and Full Faith and Credit Legislation – Sarah Sabri

Sarah Sabri, Domestic Violence Prosecutor for DOJ shared an update on the legislation as follows. Law Enforcement agencies (LEA) may receive firearms as part of a court ordered dispossession under ORS 166.256. The firearm/ ammunition prohibition only applies while the qualifying order is still in effect. If the LEA receives a request to return the firearm, they must 1) contact DOJ for the purpose of



notification to the petitioner; 2) hold the firearm for 72 hours after getting the request and 3) confirm the person requesting the release is owner/ has a possessory interest and do a criminal background check.

Previous proposals have considered requiring the LEA or the District Attorney Victim Assistance Program to notify petitioner. Possible issues include method of contact, access to information, sufficiency of "notification." There are concerns with the timeline of notification in relationship to the 72-hour hold and returns of firearms in cases of firearms in LEA custody for reasons other than surrender under ORS 166.256.

Senate Bill 183 went into effect Jan 1, 2022. It created broader recognition of tribal judgments, decrees, and orders, beyond restraining orders. This changed Oregon law to be compliant with federal full faith and credit requirements; it created a facial validity test for law enforcement; it refined processes for *optional* filing of "foreign restraining order" process with sheriff's office or circuit court; and added liability protections for acting in good faith and without malice to comply with state and federal law.

House Bill 2746 also passed, directing DOJ (CVSSD) a Hope Card program. This is modeled on a Montana program that issues wallet-sized, laminated cards to petitioners of protection orders (including foreign/ tribal protection orders) upon request and at no cost. Cards are not meant to replace the need for the actual protection order when it is needed, but rather to provide a quick reference for information related to the order: case number, issuing court, protected parties, restrained persons, etc. This is to be an operative program by July 2022.

Subcommittee Updates

Immigrant Subcommittee – Sarah Purce

The group has recently reviewed CJC's U Visa certification report, which include number of requests, and approval and denial rates. One reason for not certifying was "any other lawful reason" which can leave too much room for subjective denial.

The Labor Trafficking Subcommittee also updated the group.

Juvenile Justice Subcommittee Update – Dana Vidoni Carelle / Debbi Martin

When an allegation (with a victim) is closed in the Juvenile Justice Information System it does not change the rights of victims. This is a training issue (for those supporting victims) whose cases may have been closed via a plea agreement. Updates to the system are more difficult while modernization is under way. Many victim advocates wear multiple hats and need training on how to do the work arounds.

Post-Conviction Advocacy Network (PCAN) Subcommittee – Robyn Masella/ Saydyie DeRosia

The group has a meeting scheduled on February 10th, to discuss training for new Parole Officers at DPSST, which includes guidelines for victims. They recently held the presentation on the Bias Package from DOJ and an update on the VINE changes.

The Community Corrections brochure has been drafted. It has allowed space for each county to add their own resource information. It was created to help victims understand differences in community corrections. Saydyie invited feedback from the group.

ACTIONS:

The Task Force will review and/or consider and provide feedback to the following items:

- Proposed Bias Package – Johanna Costa



- New victim notification system – Saydyie DeRosia
- Community Corrections paper – Saydyie DeRosia
- Privacy Rights Related to Victim Rights Best Practice Paper – Helen O’Brien

Meeting adjourned at 3:10 pm

2022 Scheduled Meetings: April 25, July 25, October 24