

# Newsletter



## From the Executive Director

**Rosemary Brewer**

OCVLC is headed back to the office! After nearly two years of working remotely, our staff is pleased to be returning to in-person work. We stayed well connected while working online, but being able to meet with our clients and collaborate with one another face-to-face is something to look forward to. Over the last few years we have learned that we are creative, innovative, and committed to connecting with each other and our clients. We have been inspired by others in the victims' services community around the state, who were able to work together to ensure victims maintained avenues for accessing justice. While OCVLC met the challenges the pandemic brought, we are excited to see what the new "normal" will bring as we seek justice for our clients.

In 2021 OCVLC provided assistance to nearly 285 victims in Oregon, helping with issues that ranged from protecting a victim's privacy to asserting a victim's right to be heard at sentencing. We represented many victims of domestic violence, sexual assault, and stalking who were seeking safety and protection in contested restraining order hearings. We provided trainings to attorneys and advocates around the state, helping to ensure that victims' rights are protected by those working in the justice system. We provided prosecutors with technical assistance on victims' rights' issues.

Going into 2022 we are happy to announce that one of our attorneys will be spending time each week at the Washington County Family Justice Center, providing legal assistance and consultation to victims who access services there. The Family Justice Center seeks to provide holistic services to survivors of family violence by housing a number of organizations in one location, allowing a survivor to work with multiple agencies at a time and improving the quality of coordinating services. At the FJC survivors have access to counseling, legal services, advocacy, protective orders, food assistance, and more – all in one location. We are very excited to be joining the FJC!

As we head into 2022, we look forward to the opportunity to connect in person again, and remain committed to our mission of providing a voice for victims to obtain justice for all.

# Human Trafficking

Molly Bineham

Last month the U.S. Attorney’s Office prosecuted an Oregon man for transporting an adult victim from California to Oregon and selling access to her for sex. The defendant pleaded guilty in Portland to sex trafficking and was sentenced to 104 months in federal prison. Human trafficking is a serious federal crime where individuals are compelled by force, fraud, or coercion to engage in commercial sex, labor, or domestic servitude against their will. The Trafficking Victims Protection Act of 2000 defines human trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” “Human trafficking is associated with negative physical, mental, and social outcomes (Oram, et al., 2012). Unfortunately, establishing human trafficking prevalence is challenging, as victims tend to be members of hidden populations (Bonilla, T. et al, 2019). The portrayal in the media of human trafficking victims is unlikely to be realistic. In 2010, the International Human Rights Clinic at Willamette University College of Law published the first comprehensive study on Oregon’s human trafficking problem. This study examined the emerging trends in commercial sex trafficking, the growing phenomenon of underage sex trafficking victims, and showed the prevalence of commercial sex trafficking in the metro and rural parts of the state. Evidence pointed to the prevalence of trafficking in poverty-stricken communities in remote and urban parts of Oregon. Unlike typical trafficking in metro areas, sex trafficking in remote rural areas, particularly of minors is often exclusively online, which adds a challenge for law enforcement. In these areas with less police presence, it creates opportunities for trafficking of an at-risk demographic. (Haunsperger, 2020). States, and communities throughout the state, need to work together to combat human trafficking. The government’s legal tactics, health care systems, and research organizations should continue to collaborate to decrease trafficking and educate the public.

## References

Nemeth, J. M., & Rizo, C. F. (2019). Estimating the prevalence of human trafficking: Progress made and future directions. *American journal of public health*, 109(10), 1318.

Bonilla, T., & Mo, C. H. (2019). The evolution of human trafficking messaging in the United States and its effect on public opinion. *Journal of public policy*, 39(2), 201-234.

Haunsperger, N. B. (2020). *Foreign-Born Human Trafficking—A Dark Spectre Haunting America: An Examination of the Sex and Labor Trafficking Landscape*. Naval Postgraduate School.



## Services for individuals who have experienced human trafficking in the Portland Metro Area:

- ❖ Call to Safety - 24/7 crisis line and urgent support
  - 503.235.5333 or 211
  
- ❖ New Avenues for Youth - New Day Program Case management for individuals who have experienced sex trafficking or are at risk for experiencing sex trafficking can receive long term case management
  - 503-258-7081
  
- ❖ Morrison Child and Family Service SAGE - A secured residential facility for individuals who have experience commercial sexual exploitation (Age Range: 12 - 16)
  - 503-258-4200
  
- ❖ New Options for Women - Serves adult women who have been involved in the sex industry.
  - 503-761-5272 x 5614
  
- ❖ Department of Health Services and Child Protective Services - Provides custodial and case management support to commercially sexually exploited children and young adults
  - 1-800-509-5439

## Outside of the Portland Metro Area:

- ❖ National Human Trafficking Resource Center
  - 1-888-373-7888 or text "Help" to 233733

# What are we talking about when we talk about clemency?

Emily La Brecque

The power to grant clemency is an executive power granted to the governor in Article 5 Section 14 of the Oregon State Constitution, and is separate from judicial processes such as reviews by the board of parole and probation, appeals, post-conviction relief, and expungement. When we hear the term clemency it is common to immediately think of a pardon, however, pardons are only one of the four types of clemency that can be granted by the Governor.

## Types of clemency include:

1. A pardon, which forgives the offender for the crime that they committed.
2. A commutation, which substitutes a less severe punishment for the original sentence that the offender was given.
3. A reprieve, which grants the offender temporary relief from their punishment.
4. A remission of fines, which grants a reduction or cancellation of court-ordered fines imposed against the offender.

## What does the clemency process involve?

Typically, the clemency process is initiated by an application to the governor from the offender. However, the governor can also decide to initiate the clemency process on her own.

There is no specific form required for an offender to request clemency, however, ORS 144.650 requires the applicant to send their request for clemency and the attached materials to the director of the Department of Corrections, the State Board of Parole and Probation, the district attorney for the county in which they were convicted, and the district attorney for the county in which they are currently incarcerated. Only after doing this may the offender submit their request for clemency to the governor.

Upon receiving an offender's request for clemency the convicting district attorney's office is required by law to notify the victim of the offender's application for clemency and of the victim's right to provide the governor with information relevant to the governor's decision. That district attorney's office is then required to provide the governor with the information from the victim as well as police and investigative reports from the underlying case, the charging instrument, the plea petition if one was filed, the judgment of conviction and sentence, any previously filed victim impact statements and any information relevant to the governor's decision that the victim wishes to submit, and any documents showing the payment or non-payment of restitution or compensatory fines.

The convicting district attorney's office is not the only agency with a duty to provide documents or information to the governor. After receiving the offender's application for clemency the Board of Parole and Probation, the Director of the Department of Corrections, and the district attorney's office for the county in which the offender is incarcerated are required to provide any statements made by the victim or their immediate family members, any statements by the convicting district attorney's office, and any photos of the victim or autopsy report, as well as any other records that the governor might request. All of this information is intended to give the governor an accurate, educated picture of the scope of the crime, its impact on the victim, the family of the victim, and the community, before a decision about clemency is made.

Once the Governor has received the application for clemency, the Governor is statutorily required to wait for at least 30 days before deciding whether or not to grant the application. This waiting period is intended to give the Governor time to receive and review the materials before making a decision on clemency. By statute if clemency has not been granted after 180 days from the Governor's receipt of the application the offender is required to repeat the notice and application requirements before a decision can be made.

Deviations from the statutory framework for the Oregon clemency process create significant challenges for victims of crime. Under this framework notice to the victim is given by the convicting district attorney's office after that office receives notice from the offender prior to their application being sent to the governor. It is then the convicting district attorney's office that provides information from the victims to the governor. However, if the clemency process is initiated by the governor or her office rather than by the application of the offender, the victim may be deprived of the ability to provide the governor with an impact statement or other relevant input before a decision regarding clemency is made. Additionally, if the district attorney's offices, Parole Board, and Director of the Department of Corrections are not given notice, they too lose the opportunity to provide necessary information. Without notice and opportunity for submissions by the victims and these agencies, the governor will not be provided with critical information about the history of the case, the history of the offender, the impact and current risk to the victim, and the current risk that the offender may pose to the general public.

## What should victims concerned about clemency do?

If a victim is concerned about the potential for an offender in their case to be granted clemency they should reach out to the convicting district attorney's office to confirm that office has updated contact information for them. If a victim becomes aware that the offender in their case is being considered for clemency by the governor they should reach out to the convicting district attorney's office immediately.



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## Some examples of the work OCVLC has done lately:

An OCVLC attorney represented a victim of serious assault in a juvenile case. The victim reached out to OCVLC because they had questions about the criminal justice process and wanted to make sure they would be able to be heard at the dispositional hearing. Their OCVLC attorney helped guide them through the process and put together a victim impact statement. OCVLC also assisted the victim in overcoming the youth's attorney's objection to their request for restitution, and assisted them in applying for Crime Victims' Compensation. Restitution was ordered and the victim will receive reimbursement through Crime Victims' Compensation for medical expenses.

An OCVLC's victim advocate recently supported a young woman as she went through the process of obtaining a protective order. She filed for the Family Abuse Protection Act, a restraining order, against a past partner who had been sexually abusive towards her multiple times. The respondent contested the restraining order and a contested hearing was set for the next week. OCVLC's advocate spoke regularly with the victim as she prepared for the hearing and was able to attend the hearing with her to provide additional support. OCVLC's advocate the client at the entrance of the courthouse, and ensured that while they waited they were out of view of the respondent. After the parties had testified, the judge granted the restraining order. The victim was relieved but also became very emotional as a result of the proceedings. OCVLC's advocate was able to reassure the victim and helped calm her down. The victim walked away knowing she was supported, and that she has the extra protection she needed for her safety. This experience is an example of how a victim advocate can provide extra support and knowledge to community members. This support provided by an advocate can help a victim find the confidence to make her voice heard.

An OCVLC attorney represented a crime victim to assert his constitutional right to restitution and filed a violation of victims' rights' claim. The attorney successfully represented the victim at a hearing to determine whether his rights were violated. Upon the conclusion of the hearing, the court determined the victim's right to restitution had been violated. The court then ordered that a restitution hearing be held to determine the amount of restitution owed to the victim.

An OCVLC attorney recently represented the family of a murder victim in a hearing before the Oregon Board of Parole and Post-Prison Supervision. The family was facing the Board for the third time in the last six years, and they wanted to make sure that they were able to fully express themselves concerning the inmate's release into their community. Several family members wanted to attend the hearing and be heard, and they wanted to ensure that the district attorney from their community would participate in the hearing as well. Their OCVLC attorney secured the participation of the district attorney and worked with the family members on coordinating their victim impact statements. The OCVLC attorney also addressed the Board on behalf of the family.

# Introducing OCVLC's new Staff Attorney



## Rachel Kennel

Rachel Kennel joined OCLVC as a Staff Attorney in December. She represents clients in contested restraining order cases and helps victims of crime assert their rights in the criminal justice system.

Rachel received her J.D. from Lewis & Clark Law School with a certificate in Public Interest Law. During law school, she participated in a clinic with the National Crime Victim Law Institute, learning how to conduct trauma-informed care and the specific challenges that victims face in the legal system. Rachel also conducted pro bono work with Alaska Legal Services, helping low-income Alaskan residents with their estate planning.

Prior to attending law school, Rachel earned a Bachelor of Arts in Gender & Sexuality Studies from University of California, Irvine and worked as a dance teacher.

**OREGON CRIME VICTIMS LAW CENTER  
CORDIALLY INVITES YOU**

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# **FOURTH ANNUAL HARDY MYERS DINNER**

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**Wednesday, April 27, 2022  
The Loft at 8th Ave  
2010 SE 8th Ave, Portland**

**6 PM Cocktail Hour and Silent Auction  
7 PM Dinner and Program, including Live  
Auction, Raffle, and Special Appeal**

**COVID 19 vaccinations required. Any State and local  
rules regarding masking will be followed.**

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Please join the  
Oregon Crime Victims Law Center  
in celebrating the work of our  
2022 Hardy Myers Victim Advocacy  
Award Recipient

**Johanna Costa  
Bias Response Coordinator  
Oregon Department of Justice**

The Hardy Myers Victim Advocacy Award  
is named for the Oregon Crime Victims  
Law Center Co-founder, Hardy Myers, and  
recognizes those who advance the  
interests of crime victims through  
advocacy, ingenuity, and courage.

**Ticket purchase and other  
information:**

**[www.ocvlc.org/hardy-myers-dinner](http://www.ocvlc.org/hardy-myers-dinner)**

