



# Newsletter April

## THE SECOND ANNUAL HARDY MYERS DINNER

Our second annual Hardy Myers Dinner was held on April 10th, and we had a number of reasons to celebrate! More than 200 guests helped the Oregon Crime Victims Law Center celebrate ten years of providing legal representation and advocacy to victims throughout the state. We were also privileged to have the family of Hardy Myers in attendance. As one of our founders and our first Board president, Hardy left an indelible stamp on our organization, and we continue to honor his memory by serving the victims of Oregon.

Guests included former Governor Ted Kulongoski; Chief Justice Martha Walters and former Chief Justice and Associate Justice Thomas Balmer from the Oregon Supreme Court; Judges Rex Armstrong, Erika Hadlock and Steve Powers of the Oregon Court of Appeals; Washington County District Attorney Kevin Barton; Multnomah County District Attorney Rod Underhill; Columbia County District Attorney Jeff Auxier; and Clackamas County District Attorney John Foote.



Mary Elledge



Jon Myers & Mary Ann Myers



District Attorneys Rod Underhill & Kevin Barton

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...Second Annual Dinner continued

OCVLC awarded the Hardy Myers Victim Advocacy Award to Mary Elledge, the leader of the local chapter of Parents of Murdered Children. Mrs. Elledge has been with POMC for 33 years, having found the group after the murder of her son Rob. Mrs. Elledge's kindness and compassion has helped countless others and she's been a tireless advocate for victims' rights.

The dinner was held at the Loft at 8th Avenue, a larger venue that enabled us to expand the event this year. We were honored to have so many join us as we took to heart the theme of this year's National Crime Victims' Rights Week, Honoring Our Past and Creating Hope for the Future!



Paul Jensen & Bryan Milligan



Emcee Greg Matthews with Greg June & Greg Vining

[Click here for more photos from the Annual Dinner](#)



Jackie & Megen Sandmeyer



Melanie Kebler & Jennifer Gardiner



Oregon Department of Corrections Team





# Tips for Trauma Informed Victim Interviews with Sexual Assault Survivors

Upon coming to your office a sexual assault survivor has most likely already been questioned about the assault by law enforcement, medical professionals, the prosecutor, and possibly family and friends. Each time the victim must relive the traumatizing events that they endured. As attorneys and advocates, our goal is to best provide support, guidance, and advocacy to the survivor but in order to do so, we need information from the survivor.

So what is the best way to gather this vital information? Trauma informed practices are the most ideal way to support the survivor while obtaining the information needed. Below are some considerations to keep in mind during your next survivor interview.

## **Environment**

Provide a welcoming environment to the survivor. While many may not have access to comfortable seating, large spaces, or have alternatives to harsh fluorescent lighting, there are things you can do to make your space more inviting.

- Introduce yourself, your role, and what the goals of the meeting are. If there are others in the room, allow them to do the same.
- Try not to position yourself or other advocates between the survivor and the door. You don't want to become a barrier for the survivor.
- Keep the survivor informed about what you are doing. If you are filming or recording the interview, let the survivor know. When taking notes, explain the purpose behind your note taking.
- Provide stress balls, stuffed animals, silly putty, or other items that the survivor may find soothing.
- Schedule the interview for a time that best works for the survivor. For example, if the survivor has difficulties sleeping, try scheduling the meeting in the afternoon when the survivor may feel more alert.

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...trauma informed interviewing continued

## **Word Choice**

In the legal world it seems as if everything has been distilled into an acronym. Often attorneys will use terms like “release hearing” or “motions”, terms that may seem elementary to a practitioner but may be a foreign language to the survivor.

- Mirror the survivor’s word choice. Use the words that they choose to describe the event.
- Avoid legalese, but explain terms when necessary. For example, when discussing the criminal justice system and what next steps may look like, explain what they mean rather than simply stating that “arraignment is on Tuesday.”

## **Interviewing**

Although it may be the goal of your meeting to gain information from the survivor, building a rapport is crucial. A basis of trust and safety is important for moving forward with your interview.

- Take into account cultural considerations of the survivor. Considerations should include: gender identification, race, subject matter, and narrative style.
- Survivors may have difficulties providing a linear, chronological timeline. When asking questions, utilize open-ended questions that invoke a narrative. Consider “Tell me a little more about...” or “what else happened?” when asking for more information.
- To the extent possible, allow the survivor to control the pace of the interview. Let them know at the start of the interview that they can take a break, step outside, or just stop the interview.
- **Listen!**

Staff Attorney Yazmin Wadia





## CHANGES TO UTCR 3.180

A recent update to the Uniform Trial Court Rules is a small win for victims of crime in Oregon. Prior to the August 1, 2018, update to UTCR 3.180 circuit court judges had discretion to prohibit electronic recording in their courtrooms at the request of the victim in a sex crime case. As defined by UTCR 3.180 electronic recording includes: video and audio recording, live streaming, and still photography by any means. After the 2018 update, a circuit court judge **no longer** has the discretion to deny a request to prohibit electronic recording in a courtroom when the request is made by a victim of a sex crime.

Victims of sex crimes are victimized by their abusers and are often continually re-victimized within the criminal justice system. Sex crime cases are typically long and invasive. The victim will be subject to multiple interviews by law enforcement, their private records may be subpoenaed and scrutinized, if the case goes to trial they will be subject to invasive cross examination, and media attention on the case may have far reaching implications in their personal and professional lives. This small shift in language from “may” to “shall” in UTCR 3.180 grants victims the power of choice within the system. Even if they will still be subject to the challenges of the criminal justice process, they can elect not to have that process electronically recorded. It is no longer just another request they can make within the system and hope that their wishes are respected. If the victim makes this request, their request shall be granted.

Staff Attorney Emily La Brecque



Magnolia tree blossoms next to the State Capitol in Salem. Photographer: Gary Halvorson, Oregon State Archives





## Legislative Session: Bills That Could Affect Crime Victims

The 2019 Oregon Legislative Session is in full swing, and many bills that could affect the rights and remedies of crime victims are seeing movement in the Oregon State Senate and House. In general, a bill begins in a committee, where it must be voted on before it advances to the floor of either chamber, where the Senate or House takes a full vote before passing the bill to the other chamber. Once the bill passes both the Senate and the House, the Governor must sign the bill for it to become law. Through the process, bills can stall or be amended in many different ways. The best way to get information about a pending bill is through the [Legislative Information website](#). Here are some summaries of bills to watch as the 2019 Session comes to a close. Please check the legislative website for the most up to date information about the status of a bill or any amended language.

### House Bill 2750

**This bill will:** Increase trauma-informed training of law enforcement through Oregon Department of Public Safety Standards and Training (DPSST), including making training grants available and directing DPSST to develop training taking into account the effects of trauma, with the objective of minimizing further trauma during investigations.

**Officially supported by:** OCVLC, Oregon Law Center, Attorney General's Sexual Assault Task Force, Oregon Association of Chiefs of Police, Oregon State Sheriff's Association, and others.

**Current status:** Referred to Ways and Means with a do pass recommendation.

[Please see here for more information.](#)

### House Bill 2239

**This bill will:** Increase the number of judges in a number of counties across the state, adding a total of fourteen new judges. Notably, this will increase the number of judges in Deschutes County by one. Deschutes County has grown immensely, but due to no increases in judges in recent years, criminal cases move slowly through Deschutes County Circuit Court, which greatly impacts victims waiting for their cases to go to trial.

**Officially supported by:** Oregon State Bar, Oregon Association of Defense Counsel, Oregon Trial Lawyers Association, and others.

**Current status:** Referred to Ways and Means with a do pass recommendation.

[Please see here for more information.](#)

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...Legislative Session continued

### House Bill 3117

**As currently amended, this bill will:** Change the language in the Family Abuse Prevention Act statute from requiring Petitioners to show “imminent danger of further abuse” at a contested restraining order hearing, instead replacing it with “Petitioner reasonably fears further for their physical safety.”

**Officially supported by:** Oregon Law Center, Oregon District Attorneys Association, Oregon Association of Community Corrections Directors, OCVLC.

**Current status:** Passed out of committee, House floor vote scheduled for April 17, 2019.

[Please see here for more information.](#)

### House Bill 2013

**As currently amended, this bill will:** Create a mandatory obligation for respondents to give up their firearms after having an order entered against them, either in a domestic violence criminal case or a restraining order case, stating they cannot possess guns per state and federal law. Firearms and ammunition must be transferred to a law enforcement agency, a gun dealer, or a third party. Will require law enforcement agencies who get a request to return the firearm(s) to notify Department of Justice and hold the firearm for 72 hours so the petitioner of the restraining order can be notified.

**Officially supported by:** Moms Demand Action for Gun Sense in America, League of Women Voters of Oregon, Center for Hope and Safety (Marion County), and others.

**Current status:** Passed out of committee, no current House floor vote set.

[Please see here for more information.](#)

### Senate Bill 576 “Kaylee’s Law”

**This bill will:** Create a regulatory scheme for college campus security officers in Oregon, with the intent of making sure college campus security officers do not act as police officers or dress in uniforms, or drive vehicles, that are easily mistaken for those of police officers. This bill was created in response to the murder of Kaylee Sawyer, a Central Oregon Community College student. You can read more about Kaylee’s case and her family’s push for this legislative change [here](#).

**Officially supported by:** Deschutes County DA John Hummel, Associated Students of Central Oregon Community College, Bend City Chief of Police Jim Porter, and others.

**Current status:** Passed out of committee, no current Senate floor vote set.

[Please see here for more information.](#)

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...Legislative Session continued

### Senate Bill 597

**This bill will:** Authorize the use of a pseudonym, initials or other signifier instead of the name of a victim in criminal indictments, if at least one of the crimes alleged is a sex crime. Protects the confidentiality of the victim on the indictment until a final judgment is entered in the case.

**Officially supported by:** OCVLC, Trafficking Victims and Survivors Law Center

**Current status:** Passed the Senate 27-0, now awaiting a floor vote in the House.

[Please see here for more information.](#)

### Senate Bill 482

**As amended, this bill will:** Make changes to the Sexual Abuse Protection Order statute allowing for longer duration of orders, and remove the 180 day time period required for petitioners to file for an order.

**Officially supported by:** Attorney Generals' Sexual Assault Task Force, Center for Hope and Safety (Marion County), and many individual written testimonies have been submitted.

**Current status:** In Senate Committee on Judiciary.

[Please see here for more information.](#)

Senior Staff Attorney Melanie Kebler



The State Capitol in Salem from Oregon State Archives Photos



## OCVLC CASE SUMMARIES HIGHLIGHTED AT ANNUAL DINNER

During our Annual Hardy Myers Dinner we had the opportunity to share some brief summaries of our cases throughout Oregon:

After months of harassment, stalking, and finding a tracking device on their car a victim finally had enough. They called OCVLC for assistance in filing a stalking protective order against their abuser. Concerned about the safety and wellbeing of the victim, we partnered with local law enforcement, the district attorney's office, and the victim to create a sustainable safety plan. OCVLC represented the victim throughout the criminal case against their abuser and represented them in the contested restraining order cases. Today, the survivor has a permanent stalking order in place against the offender.

OCVLC was contacted by a family who wanted to assert their right to be heard at a parole hearing but was concerned about the inmate knowing about their involvement. OCVLC represented the family, researched the facts of the case, and was able to submit a confidential memo to the Parole Board outlining their opposition to the release. OCVLC worked with the prosecutor handling the case to ensure that the victims' request to not be named at the hearing was honored, and that the prosecutor and OCVLC memo asked for the same result. The Parole Board denied the inmate's release and deferred his next hearing for a number of years, ensuring the family will have some relief from this issue.

OCVLC represented the family of a minor victim who had been shot with an AR-15 and was seriously injured. During the nearly yearlong representation, OCVLC helped facilitate communication with the district attorney's office, participated in settlement conferences insuring the victim's position was heard, and fought to quash overly broad, invasive subpoenas for the victim's records. As a result of improved communication and input from the victims, the case was returned to grand jury and the defendant was re-indicted on enhanced charges for which he was eventually convicted.

At our Gateway Center for Domestic Violence Services satellite office, we are able to provide immediate, in person victim advocacy and legal consultations. Recently, an elderly and disabled victim sought assistance through the Gateway Center. OCVLC assisted the victim with completing their restraining order applications and in developing a comprehensive safety plan. After a contested hearing, in which the victim was represented by OCVLC, the restraining order was upheld. OCVLC further assisted the victim in reporting potential restraining order violations to law enforcement and following up with the district attorney's office.



# HELP US SPREAD THE WORD

Respecting crime victims' rights is a community issue. Join the conversation by staying informed about events, statistics, and cases by following us on [Facebook](#) and [Twitter](#).

## TRAINING UPDATES

OCVLC provides free trainings throughout Oregon on crime victims' rights to a wide-variety of service providers. Please contact us at [info@ocvlc.org](mailto:info@ocvlc.org) or 503-208-8160 to discuss OCVLC connecting with your team! Here are some examples of trainings OCVLC staff has completed in 2019:

- ▶ State Victim Assistance Academy
- ▶ Polk County Sexual Assault Response Team
- ▶ Confederated Tribes of Warm Springs Victims of Crime Services Tribal Advocates
- ▶ Washington County Victim Advocates
- ▶ Multnomah County District Attorney's Office
- ▶ Washington County Family Justice Center
- ▶ Oregon on-campus advocates hosted by Oregon Sexual Assault Task Force



## YOUR DONATION HELPS CRIME VICTIMS

DONATE

OCVLC is a 501(c)(3) non-profit organization funded by grants and private donations. All of our legal services are offered at no cost to the crime victims we serve. By donating to OCVLC, you can make a huge difference in the life of a crime victim.