



# OCVLC NEWSLETTER



## Seek Justice- Ensure Victims' Rights- Inspire Hope, Crime Victims' Rights Week 2020

BY EMILY LA BRECQUE

National Crime Victims' Rights Week will be held April 19-25, 2020. Since its inception in 1981, this has been a week of remembrance, celebration, and education, with a theme designated by the Office for Victims of Crime and promoted by local agencies across the country. In years past, communities throughout the country came together to honor crime victims and those who serve them with ceremonies, candlelight vigils and events to promote awareness of crime victims' issues. For the past two years OCVLC has celebrated National Crime Victims' Rights Week by hosting the annual Hardy Meyers Dinner to fundraise for our organization and honor those who serve victims in our community.

This year will be different, but the spirit of the week remains the same. For the health and safety of our communities there can be no gatherings, no public events, or celebrations, but as individuals we can still promote and support crime victims' rights. The pandemic has raised stress and increased isolation worldwide. It has put unprecedented strain on law enforcement and public agencies, decreased access to services for our most vulnerable populations and fostered an environment of fear and uncertainty. Now more than ever the victims within our communities need support, so please consider participating in National Crime Victims' Rights Week 2020 in the following ways:

- Make a donation to an organization in your community that supports crime victims.
- Promote National Crime Victims' Rights Week on your social media and encourage others to learn about crime victims' rights.
- Promote your local crime victims' resources on your social media, you never know who may need a reminder that they are not alone.
- Attend a virtual training on crime victims' rights.
- Light a remembrance candle.

Although we are unable to participate in this week together this year we are still bound by our common goals, and as a community we can continue to seek justice, ensure victims' rights, and inspire hope.

# Impact of COVID-19 on Law Enforcement Response and the Importance of Advocacy

BY YAZMIN WADIA

As the spread of the coronavirus continues in the United States and abroad, the impact has been felt in every community – particularly for victims of crime. Local law enforcement agencies throughout the state have issued statements encouraging crime victims to make police reports over the phone and online, reducing face to face interaction. These types of requests may lead crime victims to feel that they shouldn't contact the police or that what happened to them isn't important.

For victims, some of whom might be living in quarantine with their abusers, a reduced police presence can make them feel scared and alone. The importance of community and online/telephonic services may be greater than ever. Advocates are likely to encounter victims who are experiencing a higher levels of anxiety, stress, and frustration. Our communities are working together to provide creative, collaborative services to victims focusing on safety planning, housing, protective orders, and making reports to law enforcement. Often it is a police report that helps begin the process of the offender taking accountability for their actions.

As the times continually change, the resource list below may also change. As always, advocates and victims are encouraged to call OCVLC with questions. For the most up-to-date list of community-based advocacy services, please visit: <https://www.ocadsv.org/updates-impact-service-delivery-due-covid-19>

	<b>Multnomah County</b>	
Call to Safety		(503) 235-5333
Gateway Center for Domestic Violence Services		(503) 988-6400
	<b>Washington County</b>	
Domestic Violence Resource Center		(503) 469 -8620
	<b>Clackamas County</b>	
Clackamas Women's Services		(503) 654-2288
Clackamas County DA's Office (RO Assistance)		(503) 655-8616
	<b>Tri-County (Clackamas, Multnomah, Washington)</b>	
Sexual Assault Resource Center		(503) 640-5311
	<b>Marion County</b>	
Center for Hope and Safety		(503) 399-7722
	<b>Lane County</b>	
Sexual Assault Support Services		(541) 343-7277
Womenspace		(541) 485-6513
	<b>Jackson County</b>	
Community Works HelpLine		(541)779-4357
Jackson County Sexual Assault Response Team		(541) 840-0904
	<b>Yamhill County</b>	
Henderson House		(503) 472-1503
	<b>Klamath County</b>	
Marta's House		(541) 884-0390
	<b>Douglas County</b>	
Peace at Home Advocacy Center		(541) 673-7867
	<b>Clatsop County</b>	
The Harbor		(503) 325-5735
	<b>Central Oregon (Crook, Deschutes, Jefferson)</b>	
Saving Grace		(541) 389 -7021
	<b>The Dalles</b>	
HAVEN		(541) 296-1662
	<b>Baker County</b>	
MayDay, Inc.		(541) 523-4134

# Advocacy Corner: Assisting Survivors During the COVID-19 Outbreak

BY TAYLOR KILKENNY

COVID-19 is a public health emergency that is affecting both advocates and survivors. During this health crisis many advocates are continuing to provide services, but are working remotely and aren't serving survivors in person but instead by phone. Survivors who may be still living with their abuser are facing the decision to either protect their health by remaining in the home or prioritize their safety and leave to seek help.

The COVID-19 pandemic can make home situations even more dangerous for those suffering from domestic abuse. Stressful circumstances and financial pressures can escalate abusers, making home an unsafe place to be. Being quarantined with an abuser can put survivors and their children at higher risk. Abusers may use the outbreak as a way to have further control over their partner by using such methods as withholding hygiene or sanitizing products, providing the victim with misinformation about the virus and symptoms, preventing them from seeking medical care, or not allowing them to interact with their children.

During this time law enforcement may not be an option for survivors. Some law enforcement agencies are not responding to calls in person unless it's an emergency. This change in response might prevent a survivor from calling 911 and could make an abuser feel more empowered since there may not be the consequence of an arrest. A survivor calling 911 or a crisis line may be tempted to minimize their situation when seeking help if their abuser is in the home with them.

Most advocacy agencies are providing services by phone, but domestic violence shelters and homeless shelters remain open. If a survivor is able to leave the home, an advocate could help them identify a safe place to stay, such as with a friend



or at a relative's home. Shelters are no longer housing as many individuals as they typically would due to social distancing guidelines. If there happens to be availability in a shelter, a survivor may not be open to staying there for fear that they might contract the virus. To address this issue, some agencies have begun to distribute motel funds amongst survivors which will provide both a safe haven from their abusers and COVID-19.

Typically, survivors wait to seek help once they are away from their abuser. In quarantine, a survivor may never have an opportunity to pursue resources. Even receiving telephonic services may prove to be a challenge since their abuser may be monitoring their calls. If an advocate does have the opportunity to speak with a survivor while quarantined, it could be helpful to identify safe spaces within the house, such as areas near an exit and without sharp objects. It could also be helpful for an advocate to have online and local resources readily available to offer the survivor, and to be knowledgeable about what your local area is doing to assist survivors amid COVID-19.

## **Resources for COVID-19 and domestic violence:**

National Network To End Domestic Violence (NNEDV):  
<https://nnedv.org/>

National Domestic Violence Hotline:  
<https://www.thehotline.org/2020/03/13/staying-safe-during-covid-19/>

OCADSV: <https://www.ocadsv.org/find-help/by-county>  
and <https://www.ocadsv.org/> for agency COVID-19 updates and changes

Oregon Crime Victims Law Center's  
Third Annual Hardy Myers Dinner  
has been postponed to  
October 28, 2020.

Out of an abundance of caution and concern for our guests, we decided to postpone the Third Annual Hardy Myers Dinner.

We are excited to share a wonderful evening with all of you and to celebrate our award recipient, but we will wait until it is safe and comfortable for our attendees.

If you have already purchased tickets or a sponsorship, they will be valid for the new date! If you have any questions or concerns, please contact our office.

As always,  
thank you for your support!

# THIRD ANNUAL HARDY MYERS DINNER BENEFITING OREGON CRIME VICTIMS LAW CENTER

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# COVID-19 Pandemic and the Courts

BY MELANIE KEBLER

In response to the COVID-19 pandemic, the Oregon Judicial Department in March issued several orders that greatly affected how courts proceeded with criminal cases of all kinds, which in turn has greatly affected crime victims. Here is a brief summary of Chief Justice Martha Walter's latest order regarding court procedures as of publication of this newsletter:

- Level 3 restrictions are in effect in order to significantly limit the number of persons in courthouses.
- Essential proceedings are broken into Category 1, 2, or 3, with only Category 1 to be generally conducted by in-person means unless a judge has authorized remote appearance.
  - Category 1 includes these criminal proceedings when the defendant is being held in custody: arraignments, probable cause hearings, release hearings, probation violation hearings, plea hearings, sentencing hearings, aid-and-assist hearings, and any other hearing that will directly lead to the release of the defendant or the resolution of the case.
  - Category 1 also includes grand jury proceedings or preliminary hearings for felony indictments, and civil commitment hearings.
- Any hearing taking place in person must require social distancing and any other reasonable precautions to protect the health of participants.
- All essential hearings of any category may proceed as needed prior to June 1, 2020. All nonessential proceedings shall be postponed until after June 1, 2020, unless the presiding judge makes a special determination otherwise. This includes criminal trials where the defendant is out of custody.
- Courthouse must remain open and accessible to the public for essential functions, including receiving court filings like restraining orders or family law filings.
- Each presiding judge is ordered to work with local criminal justice partners to identify persons housed in their jails who can be safely released or are eligible for release.
- This order will stay in place until such time as it is amended or rescinded by the Chief Justice.



photo by: Gary Halvorson

- The Chief Justice is seeking legislative authority to suspend or extend certain statutory timelines and to ensure the ability to appear in court by telephone or other remote means in most circumstances. If this authority is granted, the Chief Justice will adopt a supplemental order in the future.

You can see all the categories of hearings and more information at this link:

[https://www.osbar.org/\\_docs/resources/CJO20-006-Amended\\_Order-Imposing-Level-3-Restrictions-on-Court-Operations.pdf](https://www.osbar.org/_docs/resources/CJO20-006-Amended_Order-Imposing-Level-3-Restrictions-on-Court-Operations.pdf)

One of the biggest impacts this will have on crime victims is the delay of many cases, including significant hearings and trials that victims were counting on to result in the resolution of their criminal cases. Some delays may be significant. It remains to be seen how the set over of a majority of trials in March and April will effect dockets later in the year, potentially causing more docket crowding and resulting in a cascade effect of other cases getting bumped out as well.

Another aspect that will potentially impact victims is the release of defendants from jail. Nothing in the Chief Justice's order suspends the statutory or constitutional rights of crime victims, but efforts to quickly reduce jail populations could result in a lack of notification to victims who have indicated they want to be heard on release issues. Release without notification or opportunity to be heard could result in safety concerns, especially for the safety of victims of domestic violence or sexual assault.

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(courts continued)

Discussions of plans to release inmates should include victim advocates and counties should put procedures in place to ensure victim notification when it is required.

Another aspect to be cognizant of is that the Chief Justice granted a certain amount of authority to presiding judges in each county to determine the specific procedures and guidelines their counties will be operating under until the Chief Justice's order is lifted or amended. This has resulted in slightly different implementations in different counties, which is something victim advocates who operate in multiple counties need to be aware of. Just because one county is handling set overs or telephonic appearances one way, does not mean all counties are doing the same thing. It is important to review the specific orders of each county's presiding judge before advising victims on how their criminal case or protective order case might proceed in the near future.



## Join Our Team

Oregon Crime Victims Law Center is in search of a development and communications manager responsible for creating and managing comprehensive fundraising and public outreach plans for long term sustainability and growth. This position is .75 FTE



For more information:

<https://www.ocvlc.org/developmentcommunications-manager-job-posting.html>

# A Look Back: Some of OCVLC'S Recent Work

BY ROSEMARY BREWER

OCVLC attorneys represented victims around the state this last quarter, assisting with issues that ranged from keeping a victim's medical records private to assisting in preparing victim impact statements for sentencing. Here is a sample of some of the work we've done recently:

OCVLC represented a minor victim of sexual abuse and her mother when a defense attorney for one of the codefendants in the case made a broad request for the victim's medical and counseling records, including asking for a list of previous sexual partners of the victim. An OCVLC attorney successfully filed a motion to limit the subpoena to a very narrow category of records, protecting the victim's privacy. The victim also received assistance from her OCVLC attorney when plea negotiations took place, ensuring her voice and input were heard and the plea deal was acceptable to the victim and her family. At the time of sentencing, the victim and her mother gave powerful victim impact statements in court with their OCVLC attorney by their side.

OCVLC represented a victim in a criminal case in which defense counsel had subpoenaed the victim to testify about grand jury. The victim was located in a rural county and had concerns about appearing at the courthouse as the same time as the defendant. OCVLC collaborated with the DA's office and their victim advocate to ensure that the victim felt safe but was also able to hear what was occurring in the courtroom. The victim's OCVLC attorney filed a motion asserting the victim's right to refuse a defense discovery request. Ultimately, the court denied defense's motions and the victim did not have to testify.

OCVLC represented a victim in a criminal case in which defense counsel subpoenaed victim's DHS records, medical records, and cell phone for forensic investigation. An OCVLC attorney filed objections and motions to quash on the victim's behalf. The OCVLC attorney successfully argued for the subpoenas to be quashed because they did not meet the statutory requirements nor did they comport with recent case law. The court quashed the subpoenas and the victim's records remain private.

An OCVLC attorney represented the parent of a homicide victim in a murder review hearing and assisted them in asserting their right to be heard at the hearing. OCVLC filed a memorandum with the parole board. The parent did not attend the review hearing, so OCVLC appeared and made a statement on their behalf, then ensured that the parent was provided with a recording of the hearing. After the hearing the parole board found that the offender was unlikely to be rehabilitated within a reasonable time and deferred the release date.