



OCVLC NEWSLETTER



From the Executive Director

BY ROSEMARY BREWER

Last year was our busiest ever at the Oregon Crime Victims Law Center as our attorneys and advocate provided legal representation and advocacy to more than 360 crime victims throughout Oregon. We also conducted a number of trainings for attorneys and other victim service providers, and we provided technical assistance to attorneys throughout the state. We continue to have attorneys staffing both the Gateway Center for Domestic Violence Services in Multnomah County and the Washington County Family Justice Center. These partnerships allow us to reach more people in our communities and provide much-needed assistance.

This year we represented clients in 32 counties, stretching across the state and building partnerships with service providers. While the majority of our cases come from the metro area, in 2023 we handled cases in Jackson, Harney, Lake, Tillamook, Crook, and Jefferson counties as well. Our cases ranged from filing motions in criminal cases to protect victim privacy to representing victims in contested restraining order hearings. We handled cases in both juvenile courts and adult courts, ensuring victims' rights are protected in all proceedings. We continue to work on cases involving post-conviction issues as well, including representing the families of homicide victims in hearings before the Oregon Board of Parole and Post-Prison Supervision and assisting victims in asserting their rights when an offender is on probation.

Victims in Oregon have had enforceable rights now for nearly 15 years. We've seen improvements: courts across the state routinely ask whether the victims in criminal cases requested to be heard on issues like pretrial release and at sentencing. But our focus remains on ensuring that victims in every criminal case, in every county, know their rights, are able to assert their rights, and, in situations where a right is violated, are able to ask for and receive an appropriate remedy. The Oregon Constitution assures victims a "meaningful role" in the criminal justice system, and it takes all of us to uphold that promise.

Oregon Sexual Abuse Protective Orders

BY EMILY LA BRECQUE

Continues...

On January 1, 2014, Sexual Abuse Protective Orders (SAPOs) became available for issuance and enforcement in Oregon. The relative newness of this order, lack of case law, and significant changes to the statute have led to some confusion about the qualifications for this order. SAPOs are available for a variety of durations based on the circumstances of the victim, but they are only available to those survivors who meet very specific qualifications, which leaves practitioners and potential petitioners wondering, "Who actually qualifies for a SAPO?"

Two requirements cause the most confusion:

1. The Petitioner's relationship to the Respondent, and
2. The requirement that there be no existing protective or no contact order prohibiting the respondent from contacting the petitioner.

Who Qualifies for a SAPO?

SAPOs are intended to protect survivors who have been sexually assaulted by someone other than an intimate partner, offering protection to those who would not qualify for a FAPA. Adults and minors are both eligible to apply for SAPOs, with stricter requirements for adult petitioners.

To qualify, a Petitioner must allege sexual abuse, which means sexual contact with:

- A person who does not consent to the sexual contact, which includes any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.
- A person who is incapable of consenting due to incapacity.

Unlike any other Oregon protective order there is no time limit for when the abuse occurred, however, the Petitioner must show that they reasonably fear for their physical safety with respect to the respondent.

Respondent's Relationship to the Petitioner

2

Respondents cannot be a household or family member of the petitioner as defined by FAPA statute. (ORS 163.763(a); ORS 163.760(1); ORS 107.705)

- Family or household members are defined as:
 - Spouses
 - Former spouses
 - **Adult** persons related by blood, marriage or adoption
 - Persons who are cohabiting or who have cohabited with each other.
 - Persons who have been involved in a (consensual) sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under ORS 107.710 (Petition to circuit court for relief).
- Unmarried parents of a child.

Oregon Sexual Abuse Protective Orders

BY EMILY LA BRECQUE

Continued

This means that minor petitioners can apply for a SAPO against a Respondent related to them by blood, marriage, or adoption, but are not exempt from other qualifications.

This requirement is particularly frustrating in cases of sexual abuse or rape by a relative, as petitioners in those cases may qualify if they apply as a minor, but not as an adult. Adult petitioners in this circumstance may no longer qualify for any protective order if they are related to the respondent by blood, marriage, or adoption, and the qualifying time limit for other types of restraining orders has elapsed.

Effect of an Existing Protective Order

SAPOs are intended to protect petitioners in situations where no other protective order exists. To qualify for a SAPO, respondent cannot be prohibited from contacting the petitioner pursuant to:

- Any other restraining order issued by an Oregon court.
- Any no contact order in a criminal case including as a condition of pretrial release, probation, post-prison supervision, or parole.
- Any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in the state of Oregon
- Any judgment, decree or order of a tribal court of a federally recognized Indian tribe, except when another Oregon statute provides a different process to enforce a tribal judgment, decree or order, or as provided in ORS 426.180.

If any of these orders are currently in place the petitioner may qualify at the termination of that order, but will not qualify while the order is in place. For example, if an offender is prohibited from contacting the victim as a term of their probation the victim will not be eligible to apply for a SAPO until the end of that probation or the termination of the no contact order.

Duration of the order

- Five years, but order can be renewed upon a finding that person in petitioner's situation would reasonably fear for their physical safety if not renewed. No need to prove further acts of abuse.
- If petitioner is under 18, the SAPO is effective until January 1st of the year³ following the year of Petitioner's 18th birthday or for 5 years, whichever occurs later.
- Court shall enter a permanent order if respondent has been convicted of a crime described in ORS 163.355- 163.445 against petitioner.
 - Court may enter a permanent restraining order if it is objectively reasonable for petitioner to fear for their physical safety and the passage of time or change in circumstance would not dissipate that fear.

The Contested hearing

As with other Oregon protective orders, respondents have the right to request a hearing within 30 days of service. There are very few cases where a Petitioner would not need to testify at this hearing for the order to be upheld. In cases where a parent, guardian, or guardian ad litem petitions for the SAPO on behalf of a minor victim there is still a chance that the minor victim would need to testify at the contested hearing for the order to be upheld.

THE SIXTH ANNUAL HARDY MYERS GALA

Please join the Oregon Crime Victims Law Center in celebrating the work of our 2024 Hardy Myers Victim Advocacy Award winner.

In Memoriam
Chanel Thomas
Victim Advocate
Multnomah County District Attorney's Office

Thursday, April 25, 2024
The Loft at 8th Ave | 2010 SE 8th Ave, Portland

This year we'll be trying something new! Rather than dinner, we'll be serving delicious hors d'oeuvres and drinks so our guests can mingle, connect with others, and enjoy the evening.

www.ocvlc.org/hardy-myers-gala



Supporting Sexual Assault Victims: Listening, Empowering, Resource Connection

BY MICKEY KARNAS

Continues...

In the United States, an alarming average of 463,634 sexual assaults occurs annually among victims aged 12 and older every year.¹ A 2003 survey conducted in Oregon of women aged 20-55 revealed that nearly one-third (31%) had experienced one or more incidents of sexual assault, domestic violence, or stalking in the preceding five years. Within Oregon, one in six adult women, roughly 230,000 individuals, has been victim to forcible rape during their lifetime.²

Sexual assault remains the top most underreported crime in the United States, with a staggering 63% of cases not reaching law enforcement.³ Only 12% of Child Sex Abuse incidents are reported to authorities.⁴ When victims do summon the courage to come forward, what are best practices in supporting them?

The answer lies in equipping survivors with information, genuinely listening to their experiences without judgment, and carefully attending to their expressed needs and goals. We should strive to connect survivors with appropriate services based on their statements, rather than imposing our assumptions about what we believe they need. The Oregon Crime Victims Law Center (OCVLC) stands as a vital resource for these victims. Our dedicated attorneys and advocate, along with other sexual assault advocates in Oregon, undergo specialized training in trauma-informed support for victims. Recognizing the disempowering nature of the trauma they have experienced, we strive to restore decision-making power to victims whenever possible. Choices such as whether or not to report to law enforcement or contact a sexual assault agency should ideally be made by the victims themselves.

OCVLC is committed to empowering survivors and all crime victims throughout Oregon, aiding them in their pursuit of justice and safety. Our staff provides non-judgmental support and information, and are available to lend a compassionate ear. In instances where a victim has reported and their case is being prosecuted, we are dedicated to ensuring their rights as victims are upheld for the duration of the case and post-conviction.

Listed below are support services and OCVLC community partners in the Portland Metro area. For additional information, please contact info@ocvlc.org or call 503-208-8160.

Supporting Sexual Assault Victims: Listening, Empowering, Resource Connection

Continued

BY MICKEY KARNAS

Multnomah County

Call To Safety (24/7) 503-235-5333

Gateway Center 503-988-6400

Clackamas County

Clackamas Women's Services (24/7) 888-654-2288

A Safe Place Family Justice Center for Clackamas County (503) 655-8600

Washington County

Sexual Assault Resource Center (24/7) 503-626-9100

Family Justice Center of Washington County 503-430-8300

1. <https://www.rainn.org/statistics/victims-sexual-violence>

2. Rape in Oregon: One in Six (Charleston, SC: National Violence Against Women Prevention. Research Center 2003)

3. Factors related to the reporting of childhood rape. Child Abuse and Neglect (Hanson, R. F., Resnick, H. S., Saunders, B. E., Kilpatrick, D. G., & Best, C. 1999 via National Sexual Violence Resources Center)

4. Rape and sexual assault: Reporting to police and medical attention (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: 1992-2000 via National Sexual Violence Resources Center)

Case Summaries

BY RACHEL GARRETT

An OCVLC attorney was contacted by a minor victim of sexual abuse after they were told that the offender's supervision was terminated early. OCVLC assisted the victim in obtaining a Sexual Abuse Protection Order (SAPO), and represented the victim when the offender contested the order. After negotiations with the offender's attorney he withdrew his request for a hearing on the matter, and the order remained in place.

Our victim advocate recently assisted a stalking victim who reached out to OCVLC seeking guidance on civil protection orders and expressing ongoing safety concerns. Before connecting with an attorney, our advocate engaged in a thorough discussion to address the victim's primary safety issues and collaboratively develop a comprehensive safety plan. As a result of these discussions, the victim reported feeling better equipped and supported to navigate their situation, with hopes of mitigating any potential harm in the future.

A victim came to see an OCVLC attorney at the Family Justice Center in Washington County for assistance with a contested restraining order hearing. The OCVLC attorney represented the victim at the contested hearing, and the order was upheld by the court. The victim reported that having the attorney's help made the difficult process much easier for them.

Our office was contacted by a victim in a criminal case who felt that they didn't understand what was going on in the criminal case. They had questions about the process and why certain decisions were being made. An OCVLC attorney was able to answer questions about the criminal justice process and help facilitate discussions with the district attorney. Through these discussions, the victim was able to get clarity on the case, more notice about upcoming hearings, and was able to make a victim impact statement at sentencing. The victim indicated that they felt that having the attorney's help made a big difference in the outcome of the case.