

OREGON CRIME VICTIMS LAW CENTER NEWSLETTER

January 2018



FROM THE EXECUTIVE DIRECTOR

The Oregon Crime Victims Law Center had a busy year in 2017! Our attorneys and our advocate opened more than 200 cases, provided training to other victim service providers, and consulted with attorneys and prosecutors throughout the state. We provided legal assistance or advocacy to more than 250 victims of crime. We continued to serve Multnomah County victims through a program at the Gateway Center, where domestic violence victims can access a number of services in a safe environment. We look forward to continuing this program in 2018!

This year we represented clients in 29 counties, and we hope to grow our reach throughout the state. While the majority of our cases come from the metro area, in 2017 we handled cases in Lake, Wheeler, Malheur, Klamath, Coos, Wasco, Wallowa, and others. Our cases ranged from representing victims in contested restraining order hearings to filing motions to protect victim privacy in criminal cases. We continue to work on cases involving post-conviction issues as well, 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.

This year we added attorney Emily La Brecque to our staff. Emily will be working primarily at the Gateway Center but will be handling cases outside of Multnomah County as well. Emily's background includes work as a prosecutor in Baker County and as an attorney for the Oregon Law Center. She has a strong sense of justice and compassion for victims and we are very happy to have her! We look forward to 2018, continuing our core mission of advocating for victims and providing a voice for victims to ensure justice for all.

THANK YOU FOR YOUR SUPPORT!

OCVLC had its most successful giving season to date thanks to the participation of generous donors and supporters like you.

2017 was our first year participating in the Willamette Week Give Guide and we feel very lucky to have been counted among so many amazing nonprofits working in the Portland area.

Thank you for your continued support as we head into 2018!

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3 Important New Laws for Victim Safety in 2018

Each year OCVLC reports exciting and important updates to the law. This year we highlight three changes which will serve to keep victims safer.

By Yazmin Wadia, Staff Attorney

1. Extreme Risk Protection Order (ERPO)

What is it? A civil protective order requesting that an individual be prevented from having, owning, purchasing, possessing or attempting to purchase a firearm or ammunition.

Who can petition the court? A peace officer, as defined by ORS 133.005, or a family or household member as defined by ORS 135.230. A family or household member may also include a relative of the respondent or any person living in the same household as the respondent (no sexual intimacy requirement).

How does an individual petition for an ERPO? Similar to the process with other protective orders, upon submitting the ERPO petition, the Petitioner shall appear at an ex parte hearing for protective order petitions. Once the petition is granted, the Respondent must be served and must surrender all firearms to a law enforcement agency, a gun dealer or a third party who may lawfully possess the deadly weapons. They must also surrender any concealed handgun license to a law enforcement agency.

What has to be shown? A petitioner must demonstrate by clear and convincing evidence that the Respondent presents a risk in the near future of suicide or of causing physical injury to another person. Note that there is a higher burden of proof with the ERPO than with other protective orders which require the Petitioner meet the burden by a preponderance of the evidence. The judge will consider the following: history of suicide/violence/use of force; prior convictions for certain crimes; recent substance abuse; prior use of a deadly weapon; prior protective order violations; and recent acquisition of weapons.

Can the Respondent Contest the ERPO? Yes, the Respondent may challenge the issuance of the ERPO by requesting a hearing within 30 days of being served. The courts will set a contested hearing within 21 days. If the ERPO is continued, both the Petitioner and Respondent may request termination of the protective order within the one year time period.

Can the ERPO be renewed? Yes, while the ERPO is active for a year, the protective order may be renewed. Renewal is not done at ex parte, instead a motion must be filed within 90 days of expiration. The original Petitioner or any family or household member has standing to renew the ERPO.

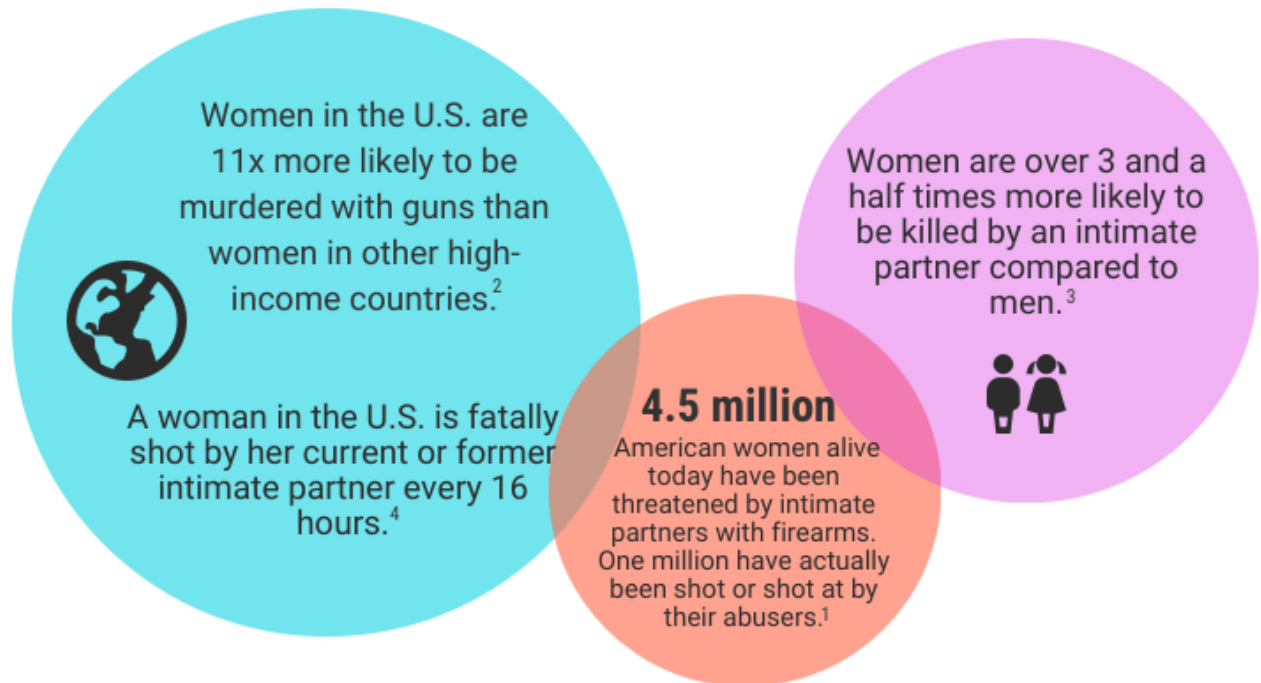
2. Unlawful Use of Global Positioning System

It is a Class A misdemeanor for a person to affix a GPS system onto the motor vehicle of another without their consent. If the person has been previously convicted of stalking or is currently subject to a family abuse prevention act protective order or other court issued no contact orders, unlawful use of a global positioning system is a Class C felony.

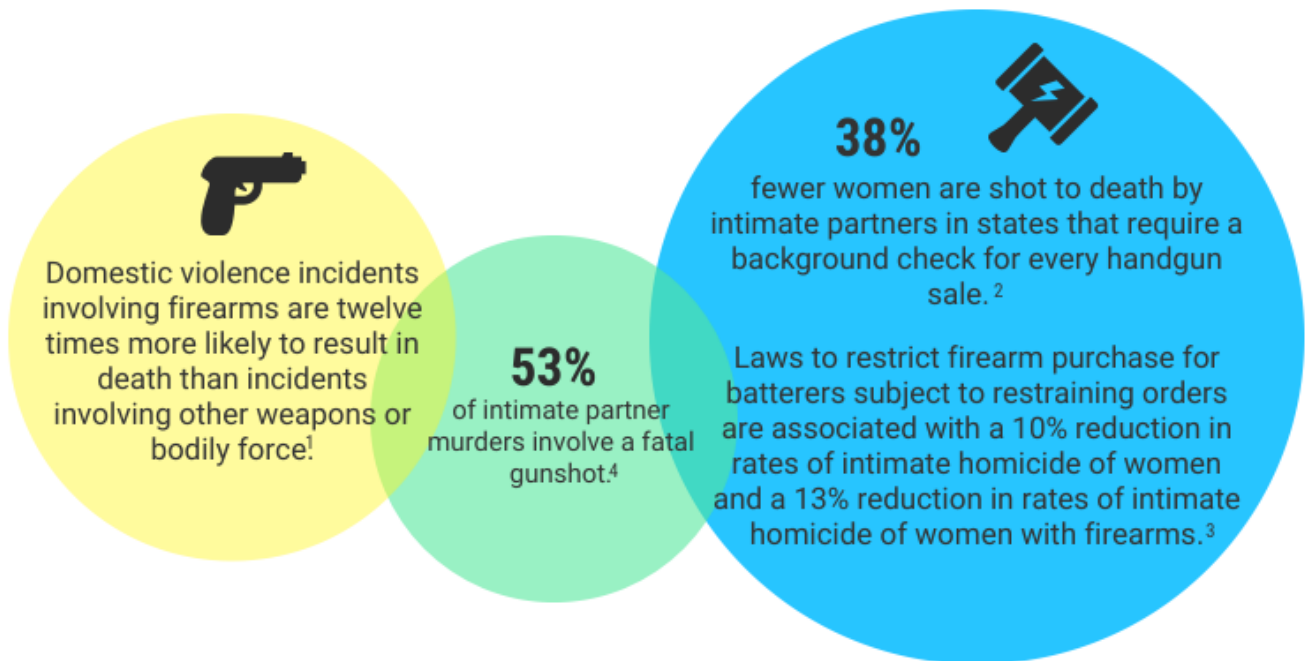
3. Harassment

ORS 166.065 has been amended to change harassment to a Class A misdemeanor if the offense is committed against a family or household member and witnessed by or in the immediate presence of a minor child.

Domestic Violence and Firearms



The presence of a gun in a domestic violence situation increases the risk of homicide by 500%.¹



1. National Coalition Against Domestic Violence <https://ncadv.org/statistics> 2. The National Domestic Violence Hotline <http://www.thehotline.org/resources/firearms-dv/> 3. Johns Hopkins Bloomberg School of Public Health, Center for Gun Policy and Research https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/IPV_Guns.pdf 4. <https://www.thetrace.org/2016/08/15-facts-that-show-how-guns-make-domestic-violence-even-deadlier/>

RECENT OCVLC CASE SUMMARIES

OCVLC remains committed to serving victims throughout the criminal justice process. In 2017 we represented victims in three post conviction cases in front of the Oregon Board of Parole and Post-Prison Supervision. Here are some brief summaries of those cases:

Dail Yates Denied Parole for at Least Six More Years

On November 8, 2017, the Oregon Board of Parole and Post-Prison Supervision deferred the release date of inmate Dail Yates for a period of six years. Yates pleaded guilty in 1990 for the murder of Shelley Elkins, 20, in Clackamas County.

After deliberating, the Board found that Yates had a present severe emotional disturbance that cannot be sufficiently controlled to protect the health and safety of the community. The Board also found that the inmate failed to demonstrate an understanding of the factors that led to his criminal offenses and that the inmate demonstrated a lack of effort to address his criminal risk factors of substance abuse problems.

OCVLC attorney Nelly Wright submitted a memorandum in opposition to Yates' release on behalf of the parents and sister of Shelley Elkins and argued against the inmate's release at the hearing. Also in attendance were many family members and friends of Ms. Elkins. Clackamas County Deputy District Attorney John Millar argued against Yates' release as well.

Kevin A. Roper Denied Parole for at Least Two More Years

OCVLC Executive Director Rosemary Brewer successfully represented the family of Eddie Gibbs at a hearing before the Board of Parole and Post-Prison Supervision on November 16, 2017 regarding the release of Kevin Roper. In 1987, inmate Kevin Roper and his co-defendant Scott Wickee were convicted of Aggravated Murder in Multnomah County. After deliberating, the Oregon Board of Parole and Post-Prison Supervision deferred the release date of the inmate for at least another 24 months based on a finding that the inmate suffers from a present severe emotional disturbance that constitutes a danger to the health or safety of the community. The inmate's release was also opposed by Deputy District Attorney Laura Rowan. The inmate's co-defendant, Scott Wickee, was released following a Parole Board hearing in 2016.

Convicted Killer Tony Wik Denied Parole for at Least Two More Years

On October 19, 2017, OCVLC helped to persuade the Oregon Board of Parole and Post-Prison Supervision that an inmate who orchestrated the beating death of a 21-year-old Oregon City man should spend at least another 24 months in prison. After deliberating, the Board concluded that the inmate had a present severe emotional disturbance that would make him a threat to the safety of the community. Rosemary Brewer, Executive Director of OCVLC, argued on behalf of Rob Elledge's parents, Mary and Robert. The Clackamas County District Attorney's Office also spoke in opposition to the release.

WHAT OUR CLIENTS ARE SAYING ABOUT OCVLC'S SERVICES:

"My case was handled promptly and with the most professional manner possible. I was so happy and absolutely impressed with the speed and proficiency of expertise my attorney...handled my case. [My attorney] was so personable I was instantly comfortable with her, I feel so much gratitude to her and your organization."

"The staff were cordial whenever I called. They were cordial when I would call and did their best to get any information I needed. I felt that the whole team did their best to make a stressful situation as good as possible. It helped make my family as ease because we knew they were there for us."

"Thank you so much for all your help in my case. My only wish is that I would have reached out for your help sooner."

"I was treated with utmost respect from the first phone call through the entire process. All communication was effective and productive, so very organized and everything was done with maximum expertise. I was so very impressed and elated with all of the work [my attorney] did on my case."

"[My OCVLC attorney] made me feel like my case was the only one she has. I was notified of any change in a timely manner and every issue and concern was addressed. Being represented by her made me feel confident because she took her time to explain everything to me."

"This has been a wonderful experience: an exceptionally high level of communication, care and respect."

"THANK YOU SO MUCH FOR HELPING ME WHEN I NEEDED IT."

"[Our attorney] did a remarkable job in both appearances before the Board of Parole. In our opinion, we could not have had a better person to represent us. She worked hours on our case so that the Board understood that this man is a danger to society. As a family, we felt confident that we could not have had a better spokesperson for our son. She gave credence to the memory of our beloved son and made an unbearable situation bearable."



NEW STAFF MEMBER

EMILY LABRECQUE – STAFF ATTORNEY

Ms. La Brecque is a graduate of the University of Nevada Reno, after which she attended Lewis and Clark Law School. In law school Ms. La Brecque focused on criminal law and clerked at the Ada County Public Defender’s Office in Boise, Idaho. After law school she worked as a deputy district attorney in Baker County, where she focused on domestic violence and juvenile dependency cases, and then as a staff attorney for the Oregon Law Center, where she specialized in family law cases involving domestic violence and stalking. Ms. La Brecque is excited to continue to work closely with victims, and to provide representation in both criminal cases and protective order proceedings.



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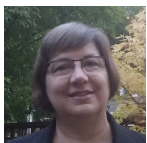
NELLY WRIGHT
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EMILY LABRECQUE
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PAM MADAU
Finance Manager



AMANDA BURNETT
Victim Advocate and
Administrative Specialist



WE SERVE OREGON

We serve clients across the state and we are looking for more referrals from outside the greater Portland area. Please contact us to refer a crime victim who may benefit from our services, or if you are an attorney interesting in volunteering to provide pro bono legal services to victims.

HOW TO CONTACT OCVLC

Phone: 503-208-8160

Email: info@ocvlc.org

Fax: 1-866-838-4142



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Mt. Hood as seen from Clear Lake. Photo by Melanie Kebler.

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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.

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