



# OCVLC NEWSLETTER



## From the Executive Director

**BY ROSEMARY BREWER**

The Oregon Crime Victims Law Center had a busy year in 2022! Our attorneys and our advocate opened more than 300 cases for the first time since 2020, conducted trainings for other victim service providers, and provided technical assistance to attorneys throughout the state. As the courts and community-based service providers continue to come back from the closures and delays experienced as a result of the pandemic, we have seen a higher number of calls, cases, and training opportunities. We continued to serve Multnomah County victims through a program at the Gateway Center, a holistic center where domestic violence victims can access a number of services in a safe environment. Last year one of our attorneys began working one day a week at the Washington County Family Justice Center, a collaboration of 15 agencies offering wrap-around services to anyone experiencing domestic violence and/or sexual assault. These partnerships allow us to reach more people in our communities and provide much-needed assistance.

This year we represented clients in 29 counties, and we hope to continue our reach throughout the state. While the majority of our cases come from the metro area, in 2022 we handled cases in Lake, Wheeler, 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 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. We also worked with a number of clients this year on issues involving clemency, assisting victims to ensure that their voices were heard in the process.

We look forward to 2023, continuing our core mission of providing legal representation and advocacy for Oregon's crime victims to ensure their rights are protected as they seek protection, safety, healing, and justice.

# Restraining Orders and Criminal No Contact Orders

BY EMILY LA BRECQUE

## **Can I still apply for a restraining order if I am protected from the offender by a no contact order in a criminal case?**

With a single exception, yes. Victims, witnesses, or others protected by a criminal no contact order are still eligible to apply for Family Abuse Prevention Act restraining orders (“FAPAs”), Elderly Persons and Persons with Disabilities Abuse Prevention Act restraining orders (“EPPDAPAs”), and Stalking Protective Orders (SPOs). Only Sexual Abuse Protective Orders (“SAPOs”) prohibit a petitioner from obtaining a SAPO if the respondent is currently prohibited from contacting petitioner by any other restraining or no contact order (ORS 163.763(1)(c)). If the petitioner is seeking any other type of protective order it is not only a legally viable option, but a safety tool that may benefit the protected person in ways that a criminal contact order would not.

## **What are the potential benefits of obtaining a restraining order when a criminal no contact order exists?**

There are many reasons that the victim in a criminal case may not wish to file a restraining order, but they should not be deprived of this option due to an existing criminal no contact order. Restraining orders and no contact orders alone are not sufficient to prevent a determined offender from causing harm, but they are important tools that exist to aid victims in planning for their safety.

## **Entry in LEDS**

The Law Enforcement Data System (“LEDS”) is a database of law enforcement records such as warrants, protective orders, stolen property, criminal histories, and other vital investigative files. No contact orders issued in criminal cases are typically not entered into this database, which can cause delay in response or arrest while law enforcement seeks to verify the existence of a no contact order. Unlike criminal no contact orders, restraining orders should always be entered into LEDS once they are granted by the court. This allows law enforcement to more easily ascertain that a valid order prohibiting contact exists when they are contacted and to act accordingly. Pursuant to ORS 133.310 it is mandatory for law enforcement officers to arrest the respondent if they have probable cause to believe that they have violated a FAPA, EPPDAPA, SPO, or SAPO. In high lethality situations the ability to verify the existence of an order prohibiting contact can be an important protective tool for both victims and responding law enforcement. A victim who is protected by a valid restraining order from another state can have that order entered into LEDS by bringing a certified copy of that order to the sheriff’s department in their county.

(Continues...)

# Restraining Orders and Criminal No Contact Orders (Continued)

## **Potential for additional criminal charges upon a violation**

In both FAPAs and SPOs Oregon law allows for criminal charges to be issued upon some violations of those restraining orders. Pursuant to ORS 163.193 a respondent who violates an existing FAPA and by engaging in the prohibited conduct, recklessly created a substantial risk of physical injury to a person protected by the order, or intentionally attempted to place a person protected by the order in fear of imminent physical injury can be charged with the class C felony of Endangering a Person Protected by a FAPA Restraining Order.

Pursuant to ORS 163.750 a Respondent who violates an existing SPO may be charged with Violation of a Stalking Protective Order, a class A misdemeanor for their first stalking offense and a class C felony for any subsequent offense.

## **Control of the case that allows for long term safety planning**

Those protected by no contact orders in a criminal case, whether victims or witnesses, are not parties to that case and do not have control over the outcome of the matter. A criminal matter may be dismissed by the court or District Attorney's office or the sentencing may lead to a short term of probation. There is no tolling period for the timing requirements in FAPAs, SPOS, or EPPDAPAs that occurs while a no contact order exists or while an offender is on probation or post-prison supervision. Once the 180 days (for FAPAs and EPPDAPAs) since abuse has occurred or the two years (for SPOs) since two instances of unwanted contact have lapsed a petitioner is no longer eligible for those orders. FAPAs and EPPDAPAs can both be renewed, potentially beyond the time that the respondent's probation or post-prison supervision came to an end and SPOs are permanent. It would be a disservice to petitioners to prevent them from obtaining a protective order in a case in which they are a party, and thus may have both more information and more control over the status of that order.

It is not uncommon for a person protected by a criminal no contact order to be unaware of the exact date of the end of an offender's probation or post-prison supervision, and thus the end of that no contact order. In obtaining a restraining of the precise date of the end of that order if it is not renewed, allowing them to better plan for their safety.

-Emily La Brecque

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# Black History Month - Community Spotlight: Healing Roots and Kinship Program

**BY MICKEY KARNAS**

OCVLC supports the important work of advocates and counselors who provide culturally specific services to Black/African American survivors and victims. In honor of Black History Month, we are highlighting the Bradley Angle Healing Roots & Kinship Program. Bradley Angle is a domestic violence agency in Portland and one of our community partners. Through referrals to community organizations like Bradley Angle, we help create a comprehensive support system for our clients so that they can access healing and justice. We recently had a chance to connect with Gladys Ndungu, the Healing Roots Coordinator, to ask a couple of questions about the program.

Ms. Ndungu described the Healing Roots and Kinship Youth Support program. "Our Healing Roots Program has been in operation since 2006. It offers survivors a safe space and access to resources that promote healing and connection. Our advocates understand how our unique history has shaped our community, and shape their support accordingly. The Kinship Program was launched in September 2020 to address the impacts of intergenerational trauma experienced by the children of our Healing Roots participants. We help kids to strengthen community bonds through peer support groups, family field trips, and culturally specific mentorship opportunities."

## **How long has the Healing Roots program been active?**

Since 2006.

## **What are your main areas of focus right now?**

Advocates work with each individual household to develop an individual support plan to identify goals and strategies designed to help achieve housing and financial stability. We offer survivors a safe space and access to resources that promote healing and connection.

## **What is your favorite part about the program?**

Engaging with participants through our Weekly Parent Empowerment Support Groups.

## **Any changes or exciting projects on the horizon for 2023?**

We will be adding more workshops!

## **How can survivors get in touch?**

Through our website, emails, phone.

<https://bradleyangle.org/get-help/programs/healing-roots/>

(503) 232-1528

healingroots@bradleyangle.org

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# Recent Case Summaries

BY RACHEL GARRETT

An OCVLC attorney recently represented the survivors of a murder victim in a hearing before the Oregon Board of Parole and Post-Prison Supervision. The offender was convicted of murdering the victim, a young woman, in 1981. The family wanted to request that the Board defer the inmate's imminent release date based on a finding that the inmate continued to be a danger to the community. The attorney filed a memo with the Board addressing the legal findings necessary and helped a family member prepare a statement to be given the day of the hearing. The attorney also addressed the Board during the hearing, requesting that the inmate's release date be deferred. After the hearing, the Board deferred the inmate's release by four years.

OCVLC's victim advocate was able to connect with a victim of domestic violence and their adult child to complete their application and assistance with the Oregon Department of Justice's Address Confidentiality Program. As a survivor of domestic violence still at risk from their offender, this program will enable the client and their family to conceal their new, safe home address from court and other public record documents. As a part of this service, our advocate also worked to create a broader safety plan and connected the family to ongoing support through community organizations. The family reported feeling safer and supported through this process, and can now move forward to seek healing from the trauma they suffered.

An OCVLC attorney represented a victim at a contested renewal hearing for a protective order. After a recent development in a related family law case, the victim was concerned about retaliation by the respondent and had received communication and threats from the respondent's family. Prior to the hearing, the attorney worked with the victim to prepare for the hearing and to prepare for her testimony. The attorney represented the victim at the hearing, after which the court renewed the victim's protective order for another year.

An OCVLC attorney represented a domestic violence victim in a contested restraining order hearing and was able to assist the victim in successfully objecting to a Petition for Attorney Fees. The petition was filed following the contested restraining order hearing and the OCVLC filed a timely written objection to the request. The court ultimately denied the Petition and did not award any fees to the respondent.



THE OREGON CRIME VICTIMS LAW CENTER  
CORDIALLY INVITES YOU

# FIFTH ANNUAL HARDY MYERS DINNER

Wednesday, April 26, 2023  
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

Please join  
Oregon Crime Victims Law Center  
in celebrating the work of our  
2023 Hardy Myers Victim Advocacy  
Award winner,

**Slavica Jovanovic**  
**Victim Assistance Specialist/Advocate**  
**Portland Police Bureau**

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 or more Information  
[www.ocvlc.org/hardy-myers-dinner.html](http://www.ocvlc.org/hardy-myers-dinner.html)

