

F. IDENTIFY ANY EMERGING ISSUES OR NOTABLE TRENDS IMPACTING CRIME VICTIM SERVICES IN YOUR STATE.

There has been a great deal of work that has progressed during this federal fiscal year by the Crime Victims' Services Division. One significant change was our move from a Section within another division of the Oregon Department of Justice. In May 2008 we were recognized by the Oregon Attorney General who changed our designation to a full Division within the Department of Justice. We believe that this recognizes the breadth and volume of the work that is being done by our staff and our outreach to statewide victim services partners.

In this last year our focus has been in several areas. We have continued our work in best practices and improving access to services for victims of crime. Below you will read about our work with partners in the area of human trafficking, victim assistance in appellate cases and the work with the Oregon Parole Board. We have recognized these areas as gaps that need to be filled to enhance services to victims of crime. An additional area of focus has been on confidentiality of victim information as we continue training and technical assistance to our sub grantees to ensure compliance.

Lastly, we have focused on state funding issues and legislative issues. We have continued our training for Karly's Law due to 2007 legislation. The remainder of our focus is on our upcoming 2009 Oregon legislative session to begin January 2009. We have outlined below some of our legislative concepts to strengthen existing services and our funding to our sub grantees.

HUMAN TRAFFICKING

As mentioned previously in Section C, Anti Human Trafficking efforts continue to be an emerging issue across the State for both domestic and international victims. However, the issue of safety and long term housing for domestic minor victims of sex trafficking has risen as the single greatest challenge faced by the Oregon Human Trafficking Task Force at this time. There are currently no funded services available in the State and therefore the need for collaboration and partnerships is vital. This is just one of the reasons for the development of the services directory as discussed in Section C of this report. The key issues that need to be addressed are:

- Victim misidentification as child prostitutes rather than victims of sex trafficking;
- Lack of safe and secure shelter options and access to appropriate services by victims; and
- Need for training resources to increase education and understanding of victims' plight and profile.

Attorney General-elect John Kroger has committed to make anti-human trafficking a focus and the AG's Sexual Assault Task Force has agreed to take on research and policy issues related to advancing progress in the anti-human trafficking area.

VICTIM ASSISTANCE IN APPELLATE CASES

The Crime Victims' Services Division has included in its budget policy option package request a new advocacy program at the Division for victims whose offender's case is going through a direct or collateral judicial review (appeals and other actions). CVSD Director, Cynthia Stinson, traveled to Virginia in 2007 as part of a conference sponsored by the National Association of Attorney's General and discovered that many other states offer coordinated services for victims whose offender's case is on appeal. Oregon offers no such services. Because the Appellate Division has no staff dedicated solely to serving victims of the cases received on appeal, notification of case events is inconsistent and for direct services, victims are referred back to the Victim Assistance Program (VAP) at the District Attorney's office in the county where the case was initially prosecuted. VAPs know little about the appeals process and often, because of the lag time between initial prosecution and appellate actions, those directly involved in the case are no longer available. Staff at the Appellate Division have no expertise in working with victims of crime. This lack of services leaves victims bewildered, scared and uninformed about the process. This new service at CVSD will consolidate services for victims in one place and working closely with the Appellate Division and local VAPs, establish a program of notification, information, advocacy, support and referral for victims.

As this concept was forming, the Appellate Division had already begun a pilot of contacting victims in death penalty cases to provide hearing information. In anticipation of the new program being approved by the 2009 legislative assembly, CVSD has agreed to provide the initial phone calls to victims and court accompaniment when practicable. The Appellate Division will handle all logistics and detailed information about upcoming court events. CVSD is also working with Appellate staff to provide victim services training, especially regarding the reactions of survivors of homicide.

STATE FUNDING ISSUES

The opening of this funding year found CVSD developing proposals for increasing the funding appropriations to its various state-funded grant programs, including the Child Abuse Multidisciplinary Intervention (CAMI) fund that provides grants to multidisciplinary child abuse teams in all of Oregon's 36 counties, Criminal Fine and Assessments distributed to the 36 county prosecutor based Victim Assistance Programs throughout the state and to the Oregon Domestic and Sexual Violence Services fund (ODSVS) providing grant funds to nearly 50 domestic and sexual violence service agencies. The proposals were included in the package the DOJ submitted to the Governor during the Spring. However, the severe economic downturn resulted in the Governor rejecting the proposals and the reporting year ended with CVSD awaiting direction on budget reductions of unspent funds for the current year, as well as reductions in funds requested for the next biennium. CVSD has already begun working with its advisory boards and other stakeholder groups to plan for the ways to mitigate the impact of this economic crisis on victims and to proactively work to safeguard existing resources.

BEST PRACTICES & ACCESS TO SERVICES

Section B describes the collaborative work underway to develop outcome-based “best practices” for domestic and sexual violence services in Oregon. In the last reporting period, advisory boards to the funds administered by CVSD came together to develop, recommend and implement a single definition of “equity” that would guide allocation of all DV/SA non-competitive funds. The definition on which they settled was: “*Meaningful access to services for victims within each of Oregon’s 36 counties.*” One piece of assuring access was reflected in the formula itself: by allocating funding equitably throughout the state, program services could be widely available. Another, equally important piece was to describe, “*What makes access to services meaningful?*” Stakeholders participating in this process agreed that the answer was grounded in the responsiveness of the services provided to victim needs. Advisory boards and funders alike recognized that answering these questions would necessarily involve being able to articulate both minimum requirements and “best practices” in serving victims and survivors. For reasons described in Section B, this important work was deferred until this reporting year.

The “Best Practices” Workgroup is led by the Advisory Committee to DV/SA funding at DHS and functions through close to a dozen subcommittees, each focused on a particular service area. The Workgroup, in which CVSD participates, includes more than a dozen stakeholder members, while subcommittee membership increases that number. This reflects the Workgroup’s objective, which is to assure that the work includes and reflects the greatest possible breadth of experience and expertise.

As noted above, the format for development is a logic model that concentrates on the purpose of services or what the survivor should be able to anticipate as a result of being served by the agency. Each model defines: Target Population; Theoretical Framework/Underlying Philosophies; Goal of Service Delivery System; Intermediate and Long Term Policy Objectives; Short Term Process Objectives or Services; and Activities/Outputs. For most services, the Target Population is “Victims and Survivors of DV/SA and/or Stalking in Oregon.” The System Goal is “Mitigation of the impact of DV/SA and Stalking on survivors”. Taking 24-Hour Crisis Line as an example, a Policy Objective is “*Survivors will feel validated, heard, and not isolated in the situation*”. Short Term Objectives/Services include “*Provide access to trained, culturally sensitive advocate who can respond appropriately to victims ... [to] provide crisis intervention; increase knowledge & skills related to safety planning; and increase knowledge about available resources and how to access them.*” Again, these are drafts that will be polished during the next reporting year and then disseminated for feedback throughout the provider community. Part of CVSD’s role in this work is focused on its alignment with other concurrent initiatives in order to avoid duplication or conflict.

CONFIDENTIALITY OF VICTIM INFORMATION

In the last year, CVSD has taken steps to ensure grantees are engaging in practice that protects the confidentiality of victim information. These efforts are, in part, a response to the provisions put forward in the Violence Against Women and U.S. Department of Justice Reauthorization Act of 2005. As a matter of policy, CVSD began including the VAWA 2005 provisions in its 2007 grant agreements, citing 42 U.S.C.A § 13925 that states that, “personally identifying information collected in connection with services may not be released without the informed, written, reasonably time-limited consent of the victim served.”

1. Victim Assistance Programs

In July 2007, CVSD convened a work group to address the implications for practice in government based victim assistance programs (VAP) resulting from the federal provisions. Twenty-four VAP Directors volunteered to meet three times between November 2007 and March 2008. Three subgroups were formed to develop recommendations to the workgroup on specific issues, including:

- Discovery and exculpatory evidence;
- Confidentiality requirements of staff and volunteers; and
- Release of information template and policy.

As a result of this work, helpful application tools for VAPs to use were produced and posted to the CVSD website including:

- Discovery and exculpatory evidence guidelines;
- Release of information guidelines; and
- Confidentiality agreement template.

The work group’s efforts also coincided and complimented the Crime Victims’ Rights Compliance Program best practices document released in January 2008 see Section D. This best practices document outlines recommendations for how VAPs deliver services to victims, including suggestions for protecting victim information.

2. Non-profit victim services providers

Non-profit victim services providers also face concerns with the federal provisions on confidentiality. The provision states that, “if release of information is compelled by statutory or court mandate, grantees shall take steps necessary to protect the privacy and safety of persons affected by the release of information.” In Oregon, the client/advocate relationship is not protected by statutory privilege thus making it essential for a provider to take precautions when any victim information is kept on record.

CVSD continues to partner with the Oregon Law Center to address issues surrounding matters of confidentiality for non-profit victim services providers, particularly in circumstances where they are subpoenaed for information. CVSD also looks to national technical assistance providers like the National Network to End Domestic Violence for guidance on how to best support non-profit victim services providers in Oregon on this subject.

LEGISLATIVE ISSUES

In addition to the Restitution Reform Task Force (Section B) and Batterer Intervention Program (Section B) legislative concepts, CVSD is moving forward with several bills for the 2009 session. They include bills that:

- Update the Unitary Assessment statutes to reflect current practice(s) of county and city attorney Victim Assistance Programs (VAP) receiving funding through DOJ from criminal fines and fees. CVSD worked extensively with a work group of VAPs to craft legislation that will update the statute and set reasonable expectations for core services. The legislation also adds the requirement that VAPs notify victims of their rights by law;
- Allow the Crime Victims' Services Division to pay for exams mandated under Karly's Law (passed as HB 3328 in 2007), regardless of the exam setting or finding of abuse. Karly's law requires law enforcement or child welfare workers to ensure that a child with a "suspicious physical injury" have a medical exam. Because of the way our medical assessment statute is worded, costs associated with children seen in the ER who receive an exam, but not a child abuse assessment as defined in statute and who are found to have NOT been abused, are not eligible for Reimbursement. Parents are then left with the bill. This legislation proposes to close that loophole and will allow CVSD to pay for medical exams mandated by Karly's Law; and
- Provide a monitoring and certification mechanism for Batterer Intervention Programs through the Oregon Health Licensing Agency.
- Add Crime Victims' Compensation benefits to victims of crime whose offenders are initiating an appeal or collateral process and those whose offender is eligible for a hearing before the Oregon Board of Parole. In addition, the same piece of legislation would allow claims for survivors of homicide to be open for 5 years instead of 3. These enhancements, while affecting a relatively small number of victims, will be very significant to those survivors.

In addition, CVSD has been intricately involved in crafting implementation legislation related to the passage of the constitutional amendments effective June 19, 2008 providing victims remedy when their rights are violated. DOJ attempted to pass similar implementation legislation in February of 2008 that would be effective upon passage of the amendments, but the legislation was unsuccessful. This renewed effort, with additional input throughout the victim service and criminal justice system has widespread support. It is likely it will become law, providing much needed structure by which victims will be able to navigate assertion of their constitutional rights.

KARLY'S LAW

Passed in the 2007 legislative session, House Bill 3328, Karly's Law, has had a significant impact on the way child physical abuse cases are investigated in Oregon. The House Bill sets specific timelines for photographing a child's injuries and ensuring that the child receives a medical assessment from a trained medical professional during the course of a child abuse investigation.

Upon inception of the law, the Department of Justice created and provided training regarding the law's requirements to multidisciplinary teams (MDTs) and community partners responding to child abuse. In the past year, the Department has provided 20 trainings to more than 400 MDT members and community partners. The Department also facilitated a medical workgroup to coordinate outreach and training for the medical community around their responsibilities under this legislation. A product of this workgroup, a free training that qualifies for continuing medical education (CME) credits, is available to Oregon physicians via the CAMI Program website at www.doj.state.or.us/crimev/cami.shtml.

The Department will work closely with MDTs and community partners as this legislation continues to evolve in the 2009 legislative session.

PAROLE BOARD

In the summer of 2008, the Oregon Board of Parole and Post-Prison Supervision (Board) boldly invited review of its practices with victims. This review was prompted after several high profile cases left victims unsatisfied with their experiences with the Board. The Board initiated a workgroup to review their hearing practices related to victims and provide recommendations for change to the Board.

CVSD Director Cynthia Stinson was an appointed member of the "Hearings Workgroup." CVSD Victims' Rights Section Manager, Carol Schrader, and Portland State University intern, Margaret Braun also attended the meetings.

The group constructed a report that outlines several strong recommendations for change to the Board including changing the venue of the hearings which are currently held in the prison, and allowing all victims of an offender to speak at hearing. The "Parole Hearings Workgroup" report of November 12, 2008 (Rocklin Report) is attached (Attachment E).

It is hoped that the Parole Hearings Workgroup recommendations will help the Board address its concerns about its interaction with victims and bolster the Board's support for, engagement with, and accountability to the victims with whom it interacts. The Oregon Department of Justice welcomes collaboration with the Parole Board in this work and hopes that the Board will engage us through the Attorney General's Crime Victims' Rights Advisory Committee and through trainings for the Board, district attorneys, and other stakeholders in conjunction with the Crime Victims' Services Division.

One outgrowth of CVSD's involvement in this project is the legislative proposal referenced in Section F and this Section allowing victims whose offenders are going before the Board for hearing to apply for limited Compensation benefits for counseling and transportation.