Introduction

Crime victims, survivors and advocates have a critical and unique perspective on the topics under consideration by the Governor’s Commission on Public Safety (Commission). Two roundtable discussions were held to provide survivors and advocates with an overview of the Commission’s work, and to seek their input in establishing priorities for crime victims and those who serve them in Oregon.

All told, 35 survivors and advocates attended either the Salem roundtable on October 15 or the Klamath Falls roundtable on October 16 (the second roundtable sought to identify issues and concerns of victims and advocates in rural, remote and Tribal jurisdictions). A roster of participants at both roundtables is included in Appendix A.

Both roundtables were facilitated by national crime victim advocate Anne Seymour, who is a consultant to the Pew Center on the States’ Public Safety Performance Project.

Welcome and Overview

At the Salem roundtable, Department of Justice Legislative Liaison Aaron Knott welcomed participants on behalf of Attorney General Ellen F. Rosenblum, who was ill and unable to attend. He said that the Attorney General was honored to host the roundtables and excited about receiving input from both discussions.

At both discussions, Oregon Department of Corrections Director and Commission member Colette S. Peters welcomed participants and thanked them for providing “victims’ incredible voices in the public safety conversation.” She noted her personal background in crime victim services and emphasized the importance and value of input from survivors and advocates in the Commission’s work. An ultimate goal of the Commission is to create a system that is more balanced, that holds offenders accountable for their actions, and prevents further victimization.

Zoe Towns of the Pew Center on the States provided an overview of the Commission’s work and initial findings.

Victim/Survivor/Advocate Roundtable Priorities
Participants at the Salem roundtable identified ten priorities to improve victims’ rights and services in Oregon. At the end of the Klamath Falls Roundtable, participants reviewed and concurred with these priorities:

1. Additional funding is needed to increase access to domestic and sexual violence advocacy services, both at community-based shelters and through state agencies. Wrap-around services for domestic violence survivors are needed to increase access to emergency shelter, treatment, support groups, legal advocacy, and victim support through the criminal and civil justice processes.

2. Additional funding is needed to ensure that every child in Oregon has access to child abuse intervention services as needed.

3. Additional funding for system-based victim assistance programs is needed to help advocates with victims’ rights implementation, including: explaining the sentence; providing crisis response and court accompaniment; providing victim outreach and notification; assisting with restitution; and providing information and referrals.

4. Education is needed for victim advocates and other service providers about offender risk and needs assessment tools and processes.

5. Victim assistance programs should be established throughout community corrections to provide services and support to victims whose offenders are being supervised in the community.

6. A portion of any savings derived from justice reinvestment should be directed to meeting victims’ needs, including victims who don’t report crimes to the police.

7. The findings from the Portland State University victim needs assessment should be used to embark on a statewide strategic planning process, which includes community- and system-based victim assistance programs, to further explore ways to meet victims’ needs over the next decade.

8. Research and evidence-based practices about recidivism prevention and what works in assisting specific victim populations should be used to inform justice reinvestment priorities for victims.

9. Primary prevention and education – within the community and prisons – are needed to address the underlying issues of victimization; the cycle of violence and victimization; mental health issues and treatment; and alcohol/other drug treatment (that specifically addresses victims and substance abuse).

10. Mandatory training on victim issues and victim sensitivity is needed for all professionals who interact with victims, including law enforcement, prosecutors, judges, defense
attorneys, the Department of Human Services, Child Protective Services, schools, and public health agencies.

The Klamath Falls roundtable identified three additional priorities:

1. Victim advocates are needed to help female inmates address the cycle of violence and victimization, addiction, mental health and child protective services issues.

2. Statewide program standards for Batterers Intervention Programs are needed to ensure consistency in program implementation, and should address cultural diversity, programs that are specific to female offenders, and follow-on community support for program participants.

3. Improved communications among jail, pre-trial, prosecution/court, probation agencies and Batterer Intervention Programs are needed to hold offenders accountable and respond to violations of conditions of community supervision.

Summary of Discussion at the Salem Roundtable

Domestic and Sexual Violence

Less than half of domestic violence crimes are reported to law enforcement (this is also true for sexual assault crimes), resulting in a significant victim/survivor population that doesn’t receive services or treatment.

Additionally, in Oregon, domestic violence can be charged as a misdemeanor even in repeat crimes.

Batterers Intervention Programs have been reduced from 52 weeks to 23 weeks.

In Oregon, there is a lack of:

- Emergency shelter and beds
- Treatment options for survivors, and for children exposed to domestic violence
- Funding for support groups for survivors
- Victim support and assistance through civil processes
- Staff attorneys at shelters
- Assistance to victims in implementing their rights (see needs identified by victim assistance programs below)

In 2011 alone, there were over 20,000 requests for emergency shelter from violence that couldn’t be met because of a lack of funding for community-based domestic and sexual violence programs.
There are many evidence-based best practices for domestic violence services, including those provided to marginalized communities and victims that should be implemented in Oregon.

Additional funding is needed to increase access to domestic and sexual violence advocacy services, both at community-based shelters and through state agencies. Wrap-around services for domestic violence survivors are needed to increase access to emergency shelter, treatment, support groups, legal advocacy, and victim support through the criminal and civil justice processes.

**DUI Victims**

A participant attributed Oregon’s success in reducing DUI fatalities by half – from 280 in 1998 to 139 in 2010 – to Measure 11. She noted that, “the public is taking DUI crimes seriously.” A concern was expressed about DUI offenders being “resistant to change” and a lack of alcohol/other drug treatment programs. A former prosecutor explained that you need many misdemeanor DUs to “get a felony DUI,” and that prosecutors know and use this criminal history information in assessing future risk.

**Child Abuse Victims**

There is a need for providers to conduct research-based assessments in child abuse cases yet, as one participant noted, “our ability to address child abuse using best practices has been diminished at a time when needs have increased.”

Jurisdictions examine several data points unique to their local community to understand the need for Children’s Advocacy Center-based intervention services. In 2011, Oregon was home to 863,425 children. Nationally, it is estimated that one in four girls and one in six boys will be sexually abused by their 18th birthday, so the potential impact on Oregon children is significant and devastating. A second indicator may be in the number of reports received by the Department of Human Services/Child Abuse Hotlines in Oregon. Reports of concerns of child abuse increased in Oregon by over 90 percent over the last decade. This indicator includes all types of child abuse and neglect, including sexual abuse.

Increased funding is needed to ensure that every child in Oregon has access to child abuse intervention services as needed.

**Victim Assistance Programs throughout Court Processes**

In Oregon, victims have many rights but there is a lack of resources to help them exercise their rights (“rights without resources”). As one participant noted, “It feels like we are pushing paper and dealing with (victims’) rights from only a technical point.”

Additional funding for system-based victim assistance programs is needed to help advocates with victims’ rights implementation, including: explaining the sentence; providing crisis
response and court accompaniment; providing victim outreach and notification; assisting with restitution; and providing information and referrals.

**Risk and Need Assessment**

Participants concurred on the need for consistency in the use of risk assessment tools, and consistency in how they are applied to decision-making. Few advocates were aware of how Oregon offenders are assessed for risk and need.

Education is needed for victim advocates and other service providers about offender risk and needs assessment tools and processes.

A concern was expressed that offenders’ out-of-state records are not considered in the risk score. Another concern was expressed about the limitation of the risk tool, given the limited definition of “recidivism” (conviction of a new felony within three years of the prior conviction). The Public Safety Checklist, the actuarial risk assessment instrument used in Oregon, may have limitations from the victim perspective.

**Mandatory Sentencing**

Mandatory sentencing can be a double-edged sword: For domestic violence victims, mandatory sentencing can become a barrier to reporting crimes. Lack of sentencing discretion is “a problem and fear for mandatory reporters.” Yet for some victims, mandatory sentencing is a key tenet of justice and offender accountability.

Victims need consistent and reliable access to the criminal, civil, juvenile and family courts, including “making sure the courthouse is open and available.”

**Community Supervision**

Currently, very few counties in Oregon have victim assistance programs in community corrections. If more offenders will be supervised in the community, there will likely be an increase in the number of victims who require services and support. Victim assistance programs should be established throughout community corrections to provide services and support to victims whose offenders are being supervised in the community.

**Justice Reinvestment**

“*While crime has gone down in Oregon, victims’ needs have risen.*”

Concerns were expressed that resources would be needed to accommodate any increase in the number of offenders supervised in the community in order to protect against an increase in crime.
Participants concurred that many resources are available for offender reentry programs while victim assistance programs endure significant financial cutbacks. One participant noted that “we have gotten out of balance” and “we are in desperate need of help.” The 2006 Oregon Equity Study found that $16.8 million (adjusted for inflation) is needed annually to meet domestic and sexual violence victims’ basic and emergency needs, while current combined state and federal funding is only $7.5 million annually.

A portion of any savings derived from justice reinvestment should be directed to meeting victims’ needs, including victims who don’t report crimes to the police.

The findings from the Portland State University victim needs assessment should be used to embark on a statewide strategic planning process, which includes community- and system-based victim assistance programs, to further explore ways to meet victims’ needs over the next decade.

Research and evidence-based practices about recidivism prevention and what works in assisting specific victim populations should be used to inform justice reinvestment priorities for victims.

Primary prevention and education – within the community and prisons – are needed to address the underlying issues of victimization; the cycle of violence and victimization; mental health issues and treatment; and alcohol/other drug treatment (that specifically addresses victims and substance abuse).

Mandatory training on victim issues and victim sensitivity is needed for all professionals who interact with victims, including law enforcement, prosecutors, judges, defense attorneys, the Department of Human Services, Child Protective Services, schools, and public health agencies [?].
Summary of Discussion at the Klamath Falls Roundtable

Recognizing the diverse geography and cultures of Oregon, the Klamath Falls roundtable was designed to seek input about victims’ rights and needs in rural, remote and Tribal jurisdictions.

Important concerns were expressed about the disproportionate number of Native offenders, including female offenders, who are also crime victims/survivors. One participant commented that “Native women who are not serious offenders are filling our prisons.”

There was a sense that arrests in Oregon are “more targeted to Native American and Hispanic populations,” resulting in a level of distrust between these populations and justice/law enforcement officials.

Victims’ Rights and Services

There have been significant reductions in funding for both system- and community-based victim services at the state and federal levels. Federal funding that was previously available specifically for rural jurisdictions is no longer available. This has resulted in challenges to compliance with victims’ statutory rights in Oregon.

Participants discussed the need to improve the criminal justice system’s “connectivity to nonprofit organizations in the community.” Many victims, including those who don’t report crimes, choose to access services from such community-based organizations.

Criminal Justice System

In many cases, jurisdiction over crimes is held by city law enforcement, sheriffs, state and/or federal law enforcement, often resulting in “joint jurisdiction.” In rural/remote communities, there is sometimes a lack of any 911/emergency and law enforcement response to crimes.

The “domestic violence checklist” used by law enforcement in Klamath County is a good tool to assess further risk to the victim, and ensure that relevant victims’ rights and services are implemented.

Most domestic violence cases result in plea agreements by judges and prosecutors. In cases that are pled, victims are seldom notified or allowed to provide input through pre-sentence investigative reports or victim impact statements. As one participant noted, “These cases are a very low priority” and detrimentally affect victim reporting and participation in justice processes.

Participants concurred that offenders’ legal/financial obligations – including victim restitution and child support – are seldom ordered or collected and given to victims.

Victim Services and Offender Populations
When women are incarcerated in jail or prison, there is a lack of services to help them deal with the cycles of violence and addiction. Victim advocates are needed to help female inmates address the cycle of violence and victimization, addiction, mental health and child protective services issues.

While there was strong support for batterers intervention programs (BIPs), concerns were expressed about the need for:

- Statewide program standards
- BIP curricula that are culturally-specific
- BIP curricula that are designed for female offenders
- Follow-on support in the community for offenders who have completed BIP programs

Statewide program standards for BIPs are needed to ensure consistency in program implementation, and should address cultural diversity, programs that are specific to female offenders, and follow-on community support for program participants.

**Community and Institutional Corrections**

Participants expressed concerns about the lack of supervision of offenders in misdemeanor cases (especially since domestic violence cases are often misdemeanors and sometimes involve high-risk offenders). They expressed strong support for the use of evidence-based risk assessment tools that can prioritize community supervision strategies for higher-risk offenders.

Concerns were also expressed about pre-trial and probation supervision, including probation caseloads that are “huge.” One participant noted that “post-release supervision looks like a mess from a victim’s perspective.” There appears to be a lack of communication among justice agencies about how to effectively address violations of conditions of community supervision.

Improved communications among jail, pre-trial, prosecution/court, probation agencies and batterer intervention programs are needed to hold offenders accountable and respond to violations of conditions of community supervision.

Participants identified the need for restrictions on contact between inmates within the Department of Corrections and their victims (Director Peters explained that a new inmate telephone system will allow specific restrictions in phone calls).
The Impact of Crime on Victims in Rural/Remote/Tribal Jurisdictions

Throughout the Klamath Falls Roundtable, victim impact issues that are unique to rural/remote/Tribal jurisdictions were identified, and are summarized as follows:

Victims often won't report crime due to lack of trust, concerns about their personal safety, and concerns about receiving an appropriate (or any) response.

Some victims fear not being believed and being blamed (by law enforcement and others).

Victims often rely on “Indian justice” for self-protection and sometimes “go underground.”

Victims have concerns about their personal safety:
- Threats and actual harm from the offender and his/her family
- Lack of law enforcement or justice system response when victims report violations of protective/no-contact orders

Restraining orders are seldom provided in cases where the victim and alleged offender are not married.

Some domestic violence cases result in dual arrest of both parties.

In domestic violence cases involving same-gender and twin spirit individuals, “law enforcement doesn’t know what to do.”

Barriers to accessing victim services include:
- The geographic distance required to access assistance
- Perceived “bureaucracy” within the administration of Tribes that provide victim services
- Lack of emergency and transitional housing for victims who seek help

There is a vicious cycle of victimization (child abuse, sexual assault, domestic violence) and addiction.

Participants noted that Latino victim populations endure the same impact, along with:
- Fear of Immigration authorities
- Concerns about court participation
- Threats of deportation
- Lack of follow-up from social services
Appendix A

Salem Roundtable Participants

Louise Bauchard  Voices Set Free
Gretchen Bennett  Liberty House, ONCAC
Debra Bridges  Yamhill DAVAP
Dan Bryant  First Christian Church
Jayne Downing  Mid-Valley Women’s Crisis Service
Doug Harclerode  Oregon Anti-Crime Alliance
Karen Heywood  DOJ CVSD
Sybil Hebb  Oregon Law Center
Emily Hyde  Multnomah County DA’s Office
Aaron Knott  DOJ
Dee Dee Kouns  Founder of Victims’ Rights in Oregon CVU
Kim Larson  Marion County DAVAP
Joe McCarty  DOJ CVSD
Tina Morgan  Kids First
Kerry Naughton  Partnership for Safety and Justice
Klarissa Oh  O.A.A.S.I.S
Colette S. Peters  Department of Corrections
Anne Pratt  MADD
Bob Robison  DOJ CVSD
Rebecca Shaw  DOJ CVSD
Meredith Shelb  OCADSV
Diane Stecher  Victim Assistance Program
Vanessa Timmons  OCADSV
Diane Wehage  Clackamas County DAVAP

Klamath Falls Roundtable Participants

Carolyn Acevedo  Marta’s House/Klamath Crisis Center
Jeri Allen  Klamath Tribes Victim’s Advocate
Bonita Corona  Klamath Crisis Center/District Attorney
Lee R. Coss  Klamath Crisis Center/Healing Winds Advocate
Camille DeLorme  Klamath Tribes Domestic Violence Program/Healing Winds
Casey L. Hicks  WOCUS Blossoms
Mark McDaniel  Marta’s House and Klamath Crisis Center
Barbara C. Miller  WOCUS Blossoms
Colette S. Peters  Department of Corrections
Melanie Taylor Prummer  Battered Persons’ Advocacy
Gerry Sea  Community Works, Jackson County