

Domestic Violence: Threat Assessment, Managing Risks & Protecting Your Clients

March 7, 2014

World Trade Center – Bldg 2

Facilitated by:

Lynn Fairweather, MSW

&

Robin Runstein, JD



OAAP

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Qualifies for 3.25 General or Practical Skills MCLE credits

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Agenda

8:30 a.m. – 9:00 a.m.	Registration	
9:00 a.m. – 10: 00 a.m.	Domestic Violence Foundations and the 3 R's	Lynn Fairweather
10:00 a.m. – 10:15 a.m.	Break	
10:15 a.m. – 11:15 a.m.	Threat Assessment and Management	Lynn Fairweather
11:15 a.m. – 11:30 a.m.	Break	
11:30 a.m. – 12: 30 a.m.	Protecting Your Clients	Robin Runstein

MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

Instructions:

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in **accredited** CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.

Name:		Bar Number:	
Sponsor of CLE Activity:			
Title of CLE Activity:			
Date:		Location:	
<input type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i> <div style="text-align: center;"> ____ General ____ Prof Resp-Ethics ____ Access to Justice ____ Child Abuse Rep. ____ Practical Skills ____ Pers. Management Assistance </div>	<input type="checkbox"/> Full Credit. <i>I attended the entire program and the total of authorized credits are:</i> <div style="text-align: center;"> ____ General ____ Prof Resp-Ethics ____ Access to Justice ____ Child Abuse Rep. ____ Practical Skills ____ Pers. Management Assistance </div>	<input type="checkbox"/> Partial Credit. <i>I attended _____ hours of the program and am entitled to the following credits*:</i> <div style="text-align: center;"> ____ General ____ Prof Resp-Ethics ____ Access to Justice ____ Child Abuse Rep. ____ Practical Skills ____ Pers. Management Assistance </div>	

***Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

Caveat:

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

Biographies

Moderator:

Shari R. Gregory is a graduate of Wurzweiler School of Social Work (MSW 1987) and Rutgers School of Law (JD 1992) and received her Certificate of Business Management from Portland State University (2003) and her license in clinical social work (2010). She is experienced in career and life transition counseling, mental health counseling, crisis intervention, and alcohol/drug and addiction counseling. She was in private practice specializing in criminal defense law for four years before joining the OAAP staff in 1999, served on the board of the Oregon Women Lawyers, served on the OSB Diversity Section Executive Board and as Liaison to the OSB Advisory Committee on Diversity and Inclusion. She is the assistant director of the OAAP.

Speakers:

Lynn Fairweather, MSW is an abuse survivor who has worked in the domestic violence response and prevention field for more than twenty years. In her role as President of Presage Consulting and Training, she is responsible for providing expert guidance and specialized education to professionals who confront domestic violence in both the public and private sector. She has earned a Bachelor's degree in Social Science, a Master's degree in Social Work, and multiple training certifications from institutions such as Homeland Security's Federal Law Enforcement Training Center and Gavin de Becker's Advanced Threat Assessment Academy. Ms. Fairweather has served in shelters and police departments, on state and county level task forces, and has facilitated victim support groups as well as batterer's intervention programs. She is an active member in the Association of Threat Assessment Professionals, and has served on the Board of Directors for the Northwest chapter. She also sits on the Board of Directors for Oregon's Violence Against Women Political Action Committee. In 2012, Ms. Fairweather released her first book "Stop Signs: Recognizing, Avoiding, and Escaping Abusive Relationships" (Seal Press).

Robin Runstein, JD practice areas include criminal defense and family law. She began practicing as a public defender in 1997. Thereafter she has worked for a solo criminal defense attorney, as a solo practitioner, and finally at Kell Alterman and Runstein where she is a partner. A large number of her cases involve both family law and criminal or quasi-criminal issues. She represents defendants, respondents, victims and petitioners in matters involving domestic violence. Ms. Runstein has been a speaker at several CLEs ranging from the treatment of mental health defendants in the criminal justice system to issues presented in million dollar divorces. She is also a bar leader for the Oregon State Bar new lawyer program. Ms. Runstein is a member of the Multnomah Bar Association, the Oregon Women's lawyer association and is licensed to practice in Federal Court.

1. Introduction
 - b. Language and “Toolbox” Caveats
 - b. References and Citations
 - c. Questions and Comments

2. Domestic Violence (DV) Foundations
 - a. Types of DV
 - b. Forms of DV
 - c. Prevalence and Perpetrators
 - d. Cycle of Violence (Victim and Perpetrator Perspectives)
 - e. Traumatic Bonding
 - f. Why do Victims Return or Stay?

3. Screening Clients and the 3 R’s
 - a. Recognize
 - b. Signs of Abuse
 - c. Signs of an Abuser
 - d. Respond
 - e. What to Say/Do
 - f. What Not to Say/Do
 - g. Sample Scripts
 - h. Refer
 - i. Tips and Resources

BREAK

4. Threat Assessment
 - a. Intimate Partner Homicide and Lethality
 - b. High Risk Factors (Red Flags)

- c. Evaluating Stated Threats
 - d. The High Lethality Mindset
 - a. The Path to Intended Violence
 - b. Situational Analysis: Questions to Ask
 - c. Possible Markers of Imminent Risk
 - d. Points of Attack
 - e. Weapons
 - f. Measuring Risk
5. Threat Management
- a. Target Hardening
 - b. Knowledge is Power: Educating Victims
 - c. Safety: Client, Office, and Court
 - d. Protection Orders: Pros, Cons, and Questions to Ask
6. Conclusion and Contact Information

Learning Objectives:

1. Increase knowledge of domestic violence and how it impacts clients and attorneys
2. Learn how to recognize domestic violence victims, ask appropriate questions, sensitively respond to disclosures, and refer to community resources
3. Understand key factors associated with targeted violence and lethality
4. Discover valuable threat assessment principles and techniques for managing high risk cases
5. Develop safety strategies to reduce client and attorney risk

Domestic Violence Resources

Oregon Coalition Against Domestic and Sexual Violence

380 SE Spokane St. Suite 100

Portland, OR 97202

(503) 230-1951

www.ocadsv.com

National Domestic Violence Hotline

1800-799-SAFE (7233)

www.ndvh.org

National Coalition against Domestic Violence

One Broadway, Suite B210

Denver, CO 80203

(303) 839-1852

www.ncadv.org

National Network to End Domestic Violence

660 Pennsylvania Ave. SE #303

Washington, D.C. 20003

(202) 543-5566

www.nnedv.org

End Violence Against Women International

P.O. Box 33

Addy, WA 99101-0033

(509) 684-9800

Family Justice Center Alliance

<http://www.familyjusticecenter.org/index.php>

Battered Women's Justice Project Criminal Justice Office

2104 Fourth Ave. S #B

Minneapolis, MN 55404

(612) 824-8768

<http://www.bwjp.org/>

Battered Women's Justice Project Civil Justice Office

(Pennsylvania Coalition Against Domestic Violence)

6400 Flank Drive #1300

Harrisburg, PA 17112

(717) 671-4767

The Battered Women's Justice Project Defense Office

National Clearinghouse for the Defense of Battered Women

125 S. 9th St. #302

Philadelphia, PA 19107

(215) 351-0010

National Resource Center on Domestic Violence: Child Protection and Custody

National Council on Juvenile and Family Court Judges

P.O. Box 8970

Reno, NV 89507

(800) 527-3223

www.nationalcouncilfvd.org

Legal Momentum

395 Hudson St.

New York, NY10014

(212) 925-6635

www.nowldef.org

APRI (American Prosecutor's Research Institute)

99 Canal Center Plaza Suite 330

Alexandria, VA 22314

Stalking Resource Center

<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

Phone: (202) 467-8700 Email: src@ncvc.org

Protecting Your Clients – Robin Runstein, JD

Outline:

- I.** Family Abuse Protection Act Orders:
 - A. Petitioner: the level of protection, the impact/use of an order
 - B. Respondent: the impact in other matters
- II.** Stalking Orders
 - A. Petitioner: application and relief granted
- III.** Crime Victims:
 - A. Domestic violence package
 - B. Relationship to other matters
- IV.** Domestic Relations Matters

TO PETITIONER AND RESPONDENT:

NOTICE OF "Exceptional Circumstances HEARING:

The Court has scheduled an "exceptional circumstances" hearing about the temporary custody of your child/ren, on:

Date: _____ Time: _____

Courtroom: _____

(To Be Completed by Court Staff Only)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF _____

Petitioner (your full name)

See CIF)
(date of birth))

Case No. _____

v.)

**RESTRAINING ORDER
TO PREVENT ABUSE**

(Family Abuse Prevention Act)

Respondent
(full name of person to be restrained)

See CIF)
(date of birth))

NOTICE TO RESPONDENT:

- You must obey all of the provisions of this Restraining Order, even if the Petitioner contacts you or gives you permission to contact him/ her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- See the attached "NOTICE TO RESPONDENT/REQUEST FOR HEARING" for more information about your rights to a hearing.

The Court, having reviewed the Petition, and having heard testimony, makes the following findings:

Judge's Initials

1. Petitioner and Respondent are **RELATED** as follows:

1. _____

- A. Petitioner and Respondent are spouses/ registered domestic partners, or former spouses/former registered domestic partners.
- B. Petitioner and Respondent are adults related by blood, marriage or adoption.
- C. Petitioner and Respondent have been **cohabiting** (living together in a sexually intimate relationship) since _____ (date), or **cohabited** from _____ (date) to _____ (date).
- D. Petitioner and Respondent have been involved in a **sexually intimate relationship within the last two years.**
- E. Petitioner and Respondent are the **unmarried parents of a child/ren.**
- F. Petitioner is a **minor** and has been involved in a **sexually intimate relationship** with Respondent who is **18 years of age or older.**

2.

Respondent has **ABUSED** Petitioner as defined by ORS 107.705; the abuse occurred **WITHIN THE LAST 180 DAYS** as provided in ORS 107.710; Respondent represents a **CREDIBLE THREAT** to the physical safety of Petitioner or Petitioner's child/ren; and the Petitioner is in **IMMINENT DANGER OF FURTHER ABUSE.**

2. _____

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
Family Law Department**

_____, Guardian Petitioner for Petitioner First / Middle / Last (Guardian or Guardian ad litem, if applicable))	Case No. _____
)	
)	
)	
_____, Petitioner First Middle Last DOB)	PETITION FOR RESTRAINING ORDER TO PREVENT ABUSE OF ELDERLY PERSON OR PERSON WITH DISABILITY
)	
)	
vs.)	
_____, Respondent First Middle Last DOB)	
)	

**YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION.
IF YOU DO NOT, THE COURT MAY DISMISS ANY RESTRAINING ORDER
AND MAY ALSO HOLD YOU IN CONTEMPT OF COURT.**

I am the Petitioner and I state that the following information is true:
 I am a resident of _____ County, Oregon. I am _____ years old.
 The Respondent is a resident of _____ County, Oregon and is _____ years old.

1. CHECK AND FILL OUT ALL THAT APPLY:
- A. I am 65 years of age or older, and I do not live in a long-term care facility. My age: _____
 - B. I am a disabled person. I have a mental or physical disability:
 - that substantially limits one or more of my major life activities.
Describe the impairment: _____
 - caused by a brain injury. This disability interferes with my daily living.
2. CHECK AND FILL OUT ALL THAT APPLY:
- A. Respondent and I have lived together or are now living together.
 From (date) _____ to (date) _____
 - B. The Respondent and I live within 150 feet of each other.
 - C. The Respondent is my guardian or conservator. *(If so, you do not qualify under this law).*
 - D. I was under the care of the Respondent or I am under the care of the Respondent.
 - E. Respondent is my *(describe relationship):* _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF MULTNOMAH

Petitioner or Petitioner-Parent/Guardian of Minor
Child

(use full names) (Name of Protected Minor Child)

Case No. _____

**PETITION FOR SEXUAL ABUSE
PROTECTIVE ORDER**

v.

Respondent (full name of person to be restrained)

NOTICE TO PETITIONER

You must provide complete and truthful information. If you do not, the court may dismiss the protective order and may also hold you in contempt.

Contact Address and Telephone Number: If you wish to have your residential address or telephone number withheld from Respondent, use a contact address and telephone number so the court and the sheriff can reach you if necessary. *NOTE: It is important for you to keep the court and sheriff's office advised of your most current contact information while an Order is in effect.*

NOTICE TO PETITIONER

You may keep certain information ("protected personal information") out of any papers you file or submit to the court. You may instead provide that information in a Segregated Information Sheet. On this Petition, where that protected personal information would otherwise appear, you may provide that in a Segregated Information Sheet (under UTCR 2.100) (see instructions).

I am the Petitioner and I state that the following information is true:

I am a resident of _____ County, Oregon. I am ____ years old.

Respondent is a resident of _____ County, State of _____.

At the hearing, I will need an interpreter in the _____ language.

At the hearing, I will need Americans with Disabilities Act accommodations.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH**

★ _____) First Name Full Middle Name Last Name) PETITIONER (person asking for protection))	Case No: _____)))
vs.))
★ _____) First Name Full Middle Name Last Name) RESPONDENT (person to be restrained))) PETITION FOR STALKING) PROTECTIVE ORDER) under ORS 30.866)

YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT, THE COURT MAY DISMISS THE ORDER AND MAY ALSO HOLD YOU IN CONTEMPT OF COURT. If you wish to have your residential address and telephone number withheld from respondent, use a contact address and telephone number so the court and sheriff can reach you.

YOU MUST COMPLETE EVERY LINE PRECEDED BY A ★

I am the Petitioner and I state that the following is true:

- ★1. I am a resident of _____ County, state of _____.
- ★2. Respondent is a resident of _____ County, state of _____.
He or she is _____ years old.
- ★3. Relationship between Respondent and Petitioner: _____

(Describe how Respondent and Petitioner are related or know each other).

Petitioner requests the Court to order the Respondent to STOP ANY CONTACT and AVOID ANY CONTACT WITH PETITIONER.

To qualify for a stalking protective order, the respondent must have intentionally, knowingly, or recklessly alarmed or coerced Petitioner or a member of Petitioner's family or household by engaging in repeated and unwanted contact within the last two years. The Petitioner must provide detail about the conduct by Respondent that constitutes this repeated and unwanted contact. If you do not allege facts to support this application, it may be denied.

Describe in Section 4 on the next page any UNWANTED CONTACT by Respondent within the last two years, listing the most recent contact first, followed by the next most recent, etc. For each contact, indicate the PLACE, DATE, AND APPROXIMATE TIME of the contact. Explain what was alarming or coercive about the contact and WHO was alarmed or coerced.

AT LEAST TWO SEPARATE INCIDENTS of unwanted contact must have occurred.

- ★4(A). Date/Time of Last Incident: _____
- ★Location of Last Incident: _____

Crime Victims Rights

§ 147.405¹

Short title

Chapter 2, Oregon Laws 1987, shall be known as the CRIME VICTIMS BILL OF RIGHTS.
[1987 c.2 §1]

Note: Legislative Counsel has substituted chapter 2, Oregon Laws 1987, for the words this Act in sections 1, 2 and 18, chapter 2, Oregon Laws 1987, compiled as [147.405 \(Short title\)](#), [147.410 \(Purpose\)](#) and [147.415 \(Severability\)](#). Specific ORS references have not been substituted, pursuant to [173.160 \(Powers and duties of Legislative Counsel in preparing editions for publication\)](#). These sections may be determined by referring to the 1987 Comparative Section Table located in Volume 20 of ORS.

§ 147.410¹

Purpose

We, the people of the State of Oregon, declare that victims of crime are entitled to fair and impartial treatment in our criminal justice system. The purpose of chapter 2, Oregon Laws 1987, is to declare to our legislature and our courts that victim's rights shall be protected at each stage of the criminal justice system. We reject the notion that a criminal defendant's rights must be superior to all others. By chapter 2, Oregon Laws 1987, we seek to secure balanced justice by eliminating unbalanced rules. [1987 c.2 §2]

Note: See note under [147.405 \(Short title\)](#).

§ 147.415¹

Severability

If any section, portion, clause or phrase of chapter 2, Oregon Laws 1987, is for any reason held to be invalid or unconstitutional, the remaining sections, portions, clauses and phrases shall not be affected but shall remain in full force in effect. [1987 c.2 §18]

Note: See note under [147.405 \(Short title\)](#).

§ 147.417¹

Victim to be notified of constitutional rights

(1) As soon as is reasonably practicable in a criminal action in which there is a victim, a law enforcement agency shall notify a person who reasonably appears to be a victim of the offense of the persons rights under section 42, Article I of the Oregon Constitution. The notice may be oral or written. If exercise of any of the rights depends upon the victim making a request, the law enforcement agency shall include in the notice the time period in which the victim is required to make the request. A law enforcement agency satisfies the requirements of this section if the law enforcement agency:

(a) Provides notice to the victim named in the accusatory instrument, the victims guardian or, in a homicide case, the victims next of kin; and

(b) Presents, if written notice is given, the notice directly to the victim or sends the notice to the last address given to the law enforcement agency by the victim.

(2) Failure by a law enforcement agency to properly notify the victim as required by this section:

(a) Is not grounds for setting aside a conviction.

(b) Does not affect the validity of a plea, except as provided by section 42 or 43, Article I of the Oregon Constitution.

(3) Nothing in subsection (2) of this section justifies a failure to properly notify the victim.

(4)(a) As used in this section, law enforcement agency means the police agency that initially responds in the case, the police agency that investigates the case or the district attorney who prosecutes the case.

(b) The district attorney shall determine if the notice required by this section has been given and, if not, shall provide the notice. [1997 c.313 §5; 2009 c.178 §25]

Note: [147.417 \(Victim to be notified of constitutional rights\)](#), [147.419 \(Authority of victim to obtain copy of transcript or tape of criminal proceeding\)](#) and [147.421 \(Information about defendant that public body is required to provide to victim\)](#) were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

§ 147.419¹

Authority of victim to obtain copy of transcript or tape of criminal proceeding

In any criminal proceeding in which a transcript, audiotape or videotape of the proceedings held in open court is prepared, the victim may obtain a copy of the transcript or tape by paying the court or the person who prepared the transcript or tape the actual cost of copying it. [1997 c.313 §2]

Note: See note under [147.417 \(Victim to be notified of constitutional rights\)](#).

§ 147.421¹

Information about defendant that public body is required to provide to victim

(1) If a public body is the custodian of any of the following information, upon the request of the victim, the public body shall provide to the victim any of the following information of which it is the custodian and that is about the defendant or convicted criminal:

- (a) The conviction and sentence;
- (b) Criminal history;
- (c) Imprisonment; and
- (d) Future release from physical custody.

(2) A public body, in its discretion, may provide the requested information by furnishing the victim with copies of public records. The public body may charge the victim its actual cost for making public records available as provided in ORS [192.440 \(Copies or inspection of public records\)](#) (4).

(3) As used in this section:

(a) Criminal history means a description of the prior arrests, convictions and sentences of the person.

(b) Future release means the projected or scheduled date of release of the person from confinement, the name and location of the correctional facility from which the person is to be released and the community where the person is scheduled to reside upon release.

(c) Imprisonment means the name and location of the correctional facility in which the person is confined.

(d) Public body has the meaning given that term in ORS [192.410 \(Definitions for ORS 192.410 to 192.505\)](#). [1997 c.313 §6; 2007 c.467 §2]

Note: See note under [147.417 \(Victim to be notified of constitutional rights\)](#)

§ 147.425¹

Personal representative

(1) As used in this section:

(a) Health care provider has the meaning given that term in ORS [192.556 \(Definitions for ORS 192.553 to 192.581\)](#).

(b) Law enforcement agency means:

(A) A city or municipal police department.

(B) A county sheriffs office.

(C) The Oregon State Police.

(D) A district attorney.

(E) A police department established by a university under ORS [352.383 \(University police departments and officers\)](#).

(F) A special campus security officer commissioned under ORS [352.385 \(Special campus security officers\)](#) or [353.050 \(Powers and duties of board and university officials\)](#).

(G) An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.

(c) Person crime means a person felony or person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(d) Personal representative means a person selected under subsection (2) of this section to accompany the victim of a crime to certain phases of an investigation and prosecution.

(e) Protective service worker means an employee or contractor of a local or state agency whose role it is to protect children or vulnerable adults from abuse or neglect.

(2) A victim of a person crime, who is at least 15 years of age at the time the crime is committed, may select a person who is at least 18 years of age as the victims personal representative for purposes of this section. The victim may not select a person who is a suspect in, or a party or witness to, the crime as a personal representative.

(3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy center recognized by the Department of Justice, a personal representative may accompany the victim to those phases of the investigation, including medical examinations, and prosecution of the crime at which the victim is entitled or required to be present.

(4) A health care provider, law enforcement agency, protective service worker or court may not prohibit a personal representative from accompanying a victim as authorized by subsection (3) of this section unless the health care provider, law enforcement agency, protective service worker or court believes that the personal representative would compromise the process.

(5) A health care provider, law enforcement agency, protective service worker or court is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to a decision under subsection (4) of this section to prohibit a personal representative from accompanying a victim.

(6) The fact that a personal representative was allowed or was not allowed to accompany a victim may not be used as a basis for excluding otherwise admissible evidence.

(7) The fact that a victim has or has not selected a personal representative under this section may not be used as evidence in the criminal case. [2005 c.490 §1; 2011 c.506 §19; 2011 c.644 §21]

Note: The amendments to [147.425 \(Personal representative\)](#) by section 44, chapter 644, Oregon Laws 2011, become operative July 1, 2015. See section 58, chapter 644, Oregon Laws 2011, as amended by section 77, chapter 644, Oregon Laws 2011. The text that is operative on and after July 1, 2015, is set forth for the users convenience.

[147.425 \(Personal representative\)](#). (1) As used in this section:

(a) Health care provider has the meaning given that term in ORS [192.556 \(Definitions for ORS 192.553 to 192.581\)](#).

(b) Law enforcement agency means:

(A) A city or municipal police department.

(B) A county sheriffs office.

(C) The Oregon State Police.

(D) A district attorney.

(E) A police department established by a university under ORS [352.383 \(University police departments and officers\)](#).

(F) A special campus security officer commissioned under ORS [352.385 \(Special campus security officers\)](#) or [353.050 \(Powers and duties of board and university officials\)](#).

(c) Person crime means a person felony or person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(d) Personal representative means a person selected under subsection (2) of this section to accompany the victim of a crime to certain phases of an investigation and prosecution.

(e) Protective service worker means an employee or contractor of a local or state agency whose role it is to protect children or vulnerable adults from abuse or neglect.

(2) A victim of a person crime, who is at least 15 years of age at the time the crime is committed, may select a person who is at least 18 years of age as the victims personal representative for purposes of this section. The victim may not select a person who is a suspect in, or a party or witness to, the crime as a personal representative.

(3) Except for grand jury proceedings and child abuse assessments occurring at a child advocacy center recognized by the Department of Justice, a personal representative may accompany the victim to those phases of the investigation, including medical examinations, and prosecution of the crime at which the victim is entitled or required to be present.

(4) A health care provider, law enforcement agency, protective service worker or court may not prohibit a personal representative from accompanying a victim as authorized by subsection (3) of this section unless the health care provider, law enforcement agency, protective service worker or court believes that the personal representative would compromise the process.

(5) A health care provider, law enforcement agency, protective service worker or court is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to a decision under subsection (4) of this section to prohibit a personal representative from accompanying a victim.

(6) The fact that a personal representative was allowed or was not allowed to accompany a victim may not be used as a basis for excluding otherwise admissible evidence.

(7) The fact that a victim has or has not selected a personal representative under this section may not be used as evidence in the criminal case.

Note: [147.425 \(Personal representative\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

§ 147.430¹

Speedy trial

- (1) A victim in a criminal or juvenile delinquency proceeding has the following rights:
 - (a) The right to have the trial or adjudication, including the imposition and execution of the sentence or disposition, conducted with all practicable speed.
 - (b) The right to the prompt and final conclusion of the criminal or juvenile delinquency proceeding in any related appellate or post-judgment proceeding.
- (2) The sole remedy for a violation of the rights described in subsection (1) of this section is for the trial or proceeding to promptly occur or for the sentence to be promptly imposed or executed. This remedy may not be imposed if the remedy would:
 - (a) Affect the defendants due process right to adequately prepare and present a defense;
 - (b) Impair the right of the defendant to a fair and impartial hearing in accordance with the Oregon and United States Constitutions; or
 - (c) Impair the ability of the state to prepare and locate witnesses.
- (3) Nothing in this section authorizes:
 - (a) The dismissal of a criminal or juvenile delinquency proceeding;
 - (b) The imposition of sanctions against the state or the defendant; or
 - (c) A court to sever into separate trials or proceedings a single charging instrument alleging criminal acts committed against multiple victims.
- (4) Upon the victims request, the state may assert the rights of the victim on behalf of the victim.
- (5) A victim who intends to assert a right described in this section must assert the right:
 - (a) Orally, at any critical stage of the proceedings as described in section 42, Article I of the Oregon Constitution; or
 - (b) In writing, after providing a copy to the parties.
- (6) When a victim asserts a right described in this section, the court may hold a hearing or resolve the issue based on the record of the case.

(7) As used in this section, victim means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. [2009 c.563 §1]

Note: [147.430 \(Speedy trial\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

§ 147.433¹

Rights afforded upon request

- • **notice**
- • **attendance**
- • **protection**

(1) To accord crime victims due dignity and respect, a victim in a criminal proceeding described in subsection (2) of this section has, upon request to the district attorney before a judgment of conviction is entered, the following rights:

(a) The right to be notified by the district attorney of the victims rights described in this section and ORS [138.627 \(Victims rights\)](#) and [144.750 \(Victims rights\)](#);

(b) The right to reasonable, accurate and timely notice from the Attorney General when an appeal is taken in the criminal proceeding;

(c) The right to reasonable, accurate and timely notice from the counsel for the state when a conviction in the criminal proceeding is the subject of a petition for post-conviction relief filed under ORS [138.510 \(Persons who may file petition for relief\)](#) to [138.680 \(Short title\)](#);

(d) The right to attend any public hearing related to the criminal proceeding that is conducted by an appellate court; and

(e) The right to be reasonably protected from the offender, if the offender is present, at any related appellate or post-conviction relief proceeding.

(2) The provisions of this section apply only to criminal proceedings involving a defendant charged with or convicted of:

(a) A person felony, as that term is defined in the rules of the Oregon Criminal Justice Commission;

(b) A person Class A misdemeanor, as that term is defined in the rules of the Oregon Criminal Justice Commission;

- (c) Burglary in the first degree under ORS [164.225 \(Burglary in the first degree\)](#);
 - (d) A sex crime as defined in ORS [181.594 \(Definitions\)](#); or
 - (e) An attempt, conspiracy or solicitation to commit a crime described in paragraph (a) or (b) of this subsection.
- (3) As used in this section, victim has the meaning given that term in ORS [131.007 \(Victim defined\)](#). [2010 c.89 §1]

Note: [147.433 \(Rights afforded upon request\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

§ 147.438¹

Habeas corpus proceedings in federal court

In any habeas corpus proceeding brought in federal court to which the State of Oregon is a party, the state shall comply with the rights afforded to crime victims under 18 U.S.C. 3771. Remedies for violations of 18 U.S.C. 3771 are as provided under federal law. [2010 c.89 §5]

Note: [147.438 \(Habeas corpus proceedings in federal court\)](#) was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 147 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Safety First: Supervised Parenting Time and Safe Exchange Center

The first priority of Safety First is the safety of adult victims of domestic violence and their children.

MULTNOMAH/CLACKAMAS LOCATION

Gateway Children's Center
Service Building
10317 E Burnside St.,
Portland, OR 97216
Phone: 503.988.6270

HILLSBORO LOCATION

Washington County Center for
Counseling and Victim Services
150 N 1st Ave.
Hillsboro, OR 97124
Phone: 503.846.3025

Email/Fax Referrals:

Fax: 503.988.6445

E-mail:

sara.windsheimer@multco.



**SERVICES INCLUDE:
SUPERVISED ON-SITE
PARENTING TIME
SUPERVISED SAFE
EXCHANGE
(STARTING IN 2013)**

- **Safe Secure locations**
- **Staff trained in the dynamics of domestic violence**
- **Visits/Exchanges offered during evenings and weekends**
(weekends only available at the Multnomah/Clackamas site).
- **Sliding Fee for services**
Up to \$60 per visit
Up to \$30 per exchange
- **Court Orders are not required to receive services. However, without a court order both parents must agree to services.**

Hours of Operation:

Washington County Location:

Tuesday and Wednesday
5:00—9:00 pm

Multnomah and Clackamas County Location:

Thursday and Friday
5:00—9:00 pm
Saturday
10:00 am—6:00 pm

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