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# Victim Notification and Pretrial Release Programs

Oregon Judicial Department

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# SUBCOMMITTEE'S QUESTION FOR THE COURTS

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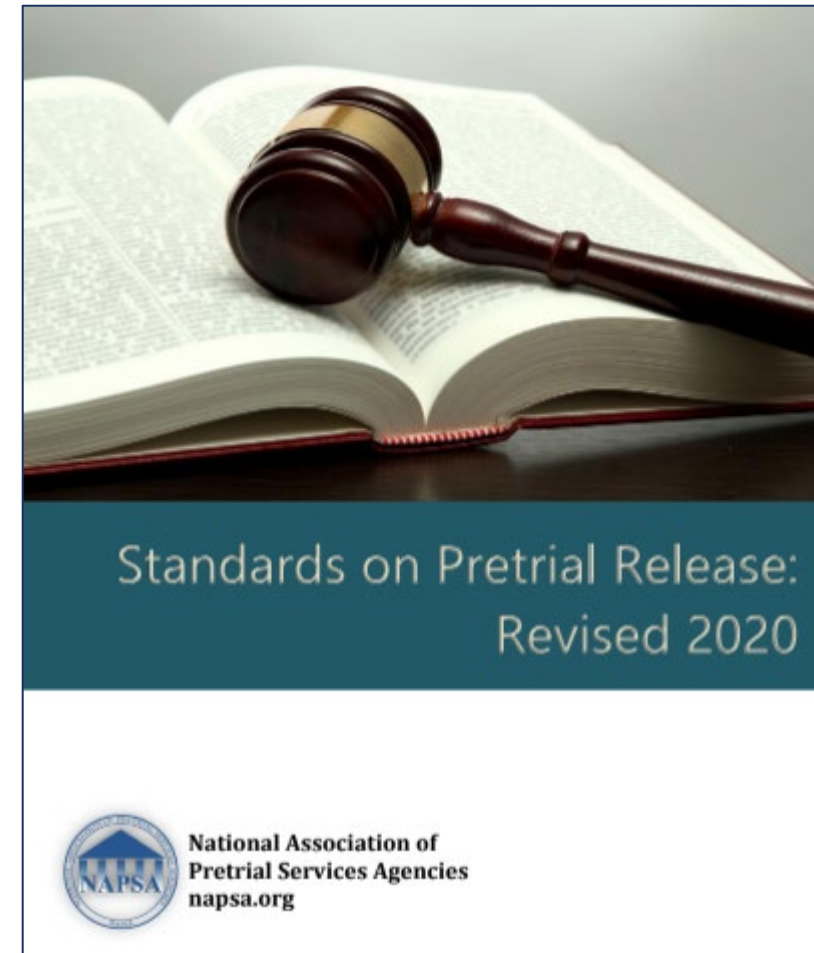
How does the Pretrial  
Release Program relate  
to victim notification and  
assistance?

# VICTIMS HAVE CONSTITUTIONAL & STATUTORY RIGHTS AT PRETRIAL RELEASE

- Crime victims have the right to be heard “at the pretrial release hearing” Or Const, Art I, section 42(1)(b)
- OJD Release Assistance Officers (RAOs) are required by ORS 135.235 to make reasonable efforts to contact victims:
  - In cases involving a person felony, Class A misdemeanor, or contempt charges relating to violation of a protective order
  - Before submitting a report or making a release decision
- If able to contact the victim the RAO must:
  - Include victim’s position on release, including special conditions, in the report to the court
  - Inform victim of the location, date, and time of arraignment

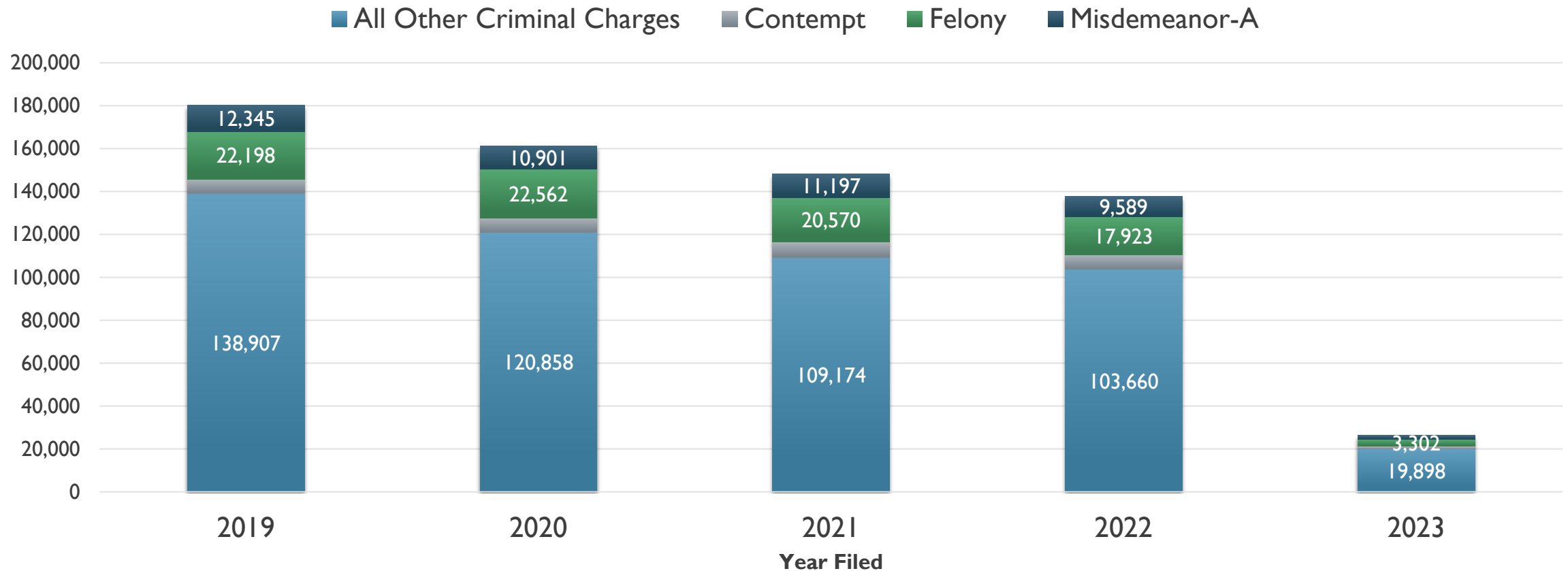
# BEST PRACTICES IDENTIFY RIGHTS OF VICTIMS AT PRETRIAL STAGE

- Standard 1.9
  - Jurisdictions should establish procedures to ensure that the rights of victims are recognized at the pretrial stage.
  - The rights afforded victims should include, but are not limited to, notification of all pretrial hearings, all bail decisions, conditions of release related to the victim's safety, the defendant's release from custody, and instructions on seeking enforcement of release conditions.



# 24% OF CHARGES FILED MEET STATUTORY REQUIREMENT FOR VICTIM NOTIFICATION

## Charges Filed in Circuit Courts



# RAO PRACTICES FOR VICTIM NOTIFICATION AND ASSISTANCE

- Obtain victim name/phone from law enforcement, attempt contact by phone through multiple attempts
- Utilize trauma-informed language and script
- Partner with DA crime victim assistance to minimize trauma of duplicative contacts
- Obtain position on release and conditions, include in release report to the court
- Notify victim of date/time/location of arraignment
- Connect victim to crime victim assistance as needed
- Training on trauma informed interviewing and contact, particularly in domestic violence cases, and best practices for rights enforcement and safety planning

# CHALLENGES TO VICTIM NOTIFICATION AND ASSISTANCE

- Victim information not always readily available to RAOs in the narrow window of time between arrest and initial hearing
- Victims can be difficult to locate and vary in willingness to respond
- Critical to develop local partnerships with law enforcement, crime victims assistance office, service providers
- Short timeframe between arrest and arraignment can make gathering information and safety planning difficult

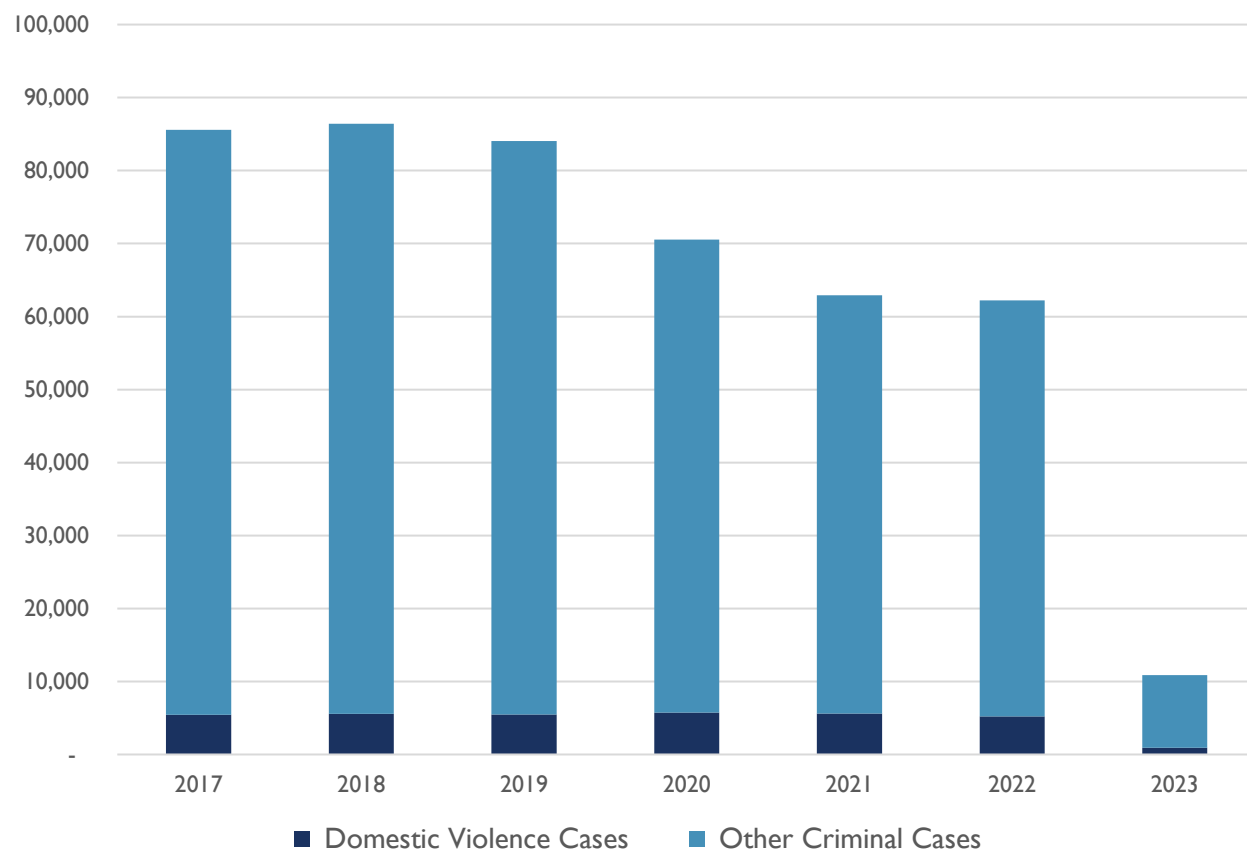
## PUBLIC SAFETY TASK FORCE RECOMMENDATIONS RELATED TO VICTIMS' RIGHTS AND DOMESTIC VIOLENCE SAFETY

- To the maximum extent possible, seek input from the victim prior to making a release decision.
  - Allow for adequate time to collect information for release decision-maker by the time a release decision is made.
  - Ensure RAOs follow instructions and guidance from presiding judges.
  - Employ specific domestic violence assessment tools.
- Ensure victims are notified of pretrial events and rights to be heard.
  - Schedule protective order dockets at separate times from arraignments.
  - Ensure victims have opportunities to be heard (including remote).
  - Provide judges, court staff, pretrial staff, and other system actors with robust training on domestic violence.



# DOMESTIC VIOLENCE (DV) CASES REQUIRE SPECIALIZED RESPONSE

Over 5,000 DV cases are filed each year



- **Chief Justice Order requires individuals with DV charges held for judicial decision**
- Training for RAOs & judges in 2022, continuing in 2023
- Developing domestic violence decision-making protocol for judges & RAOs
- Evaluating DV risk assessment tool

## LOCAL EXAMPLE: UNION/WALLOWA



- Collaborative process with DA crime victim assistance (CVA), victims advocate groups, and court pretrial program.
- Developed coordinated approach with separate duties and information sharing to ensure victim gets appropriate level of support and contact, and jointly work to address issues that arise during pretrial phase.
- This process is trauma-informed, ensuring information is shared without placing undue burden on the victim to repeat information.

## LOCAL EXAMPLE 2: DOUGLAS



- Coordinated approach to victim contact: jail provides contact information, RAO makes initial contact utilizing trauma-informed script, and makes referral to DA crime victims assistance.
- Collaborating with community partners to develop comprehensive resource list to provide to victims.
- Clear roles & responsibilities minimize trauma and maximize victim assistance.

## TWO ADDITIONAL CONSIDERATIONS

- RAOs assist in-custody individuals to complete paperwork necessary to determine eligibility for court appointed counsel
  - Difficult to obtain without RAO staff at the jail
  - Critical part of OJD's Application Contribution Program
- OJD is working to obtain mental health screening tool for RAOs as another way to assess and determine appropriate recommendations



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Thank You

QUESTIONS?

