

Victims' Rights

This brochure lists rights given to victims of crime in Oregon. **Please contact your local District Attorney or Juvenile Department** for more information about your rights or about upcoming hearings. See the Victim Services Contact Information in this brochure for other options and resources.

Some victims' rights become rights only if you request them. Contact your local District Attorney's Office/Victim Assistance Program or the Juvenile Department if you want more information about these rights or if you want to request these rights.

Upon request, your local District Attorney's Victim Assistance Program or local Juvenile Department will give you a booklet, "*Legal Rights for Crime Victims in Oregon*". This booklet has more information about victims' rights.

For more information about your rights, including what to do if your rights have not been honored, contact your local District Attorney's office, your county Juvenile Department or visit:

www.doj.state.or.us/victims

This brochure is available in the following languages:

Hardcopy and On-line

• English • Russian • Spanish

To receive additional copies please call:

503-378-5348

(Salem and surrounding areas)

800-503-7983

(statewide toll free)

Definitions

Generally, the juvenile court has jurisdiction over persons under the age of 18 who commit acts that if committed by an adult would be a crime. This includes violations of city, county, or state laws.

Some crimes, often called "Measure 11 offenses" are handled in adult court. A juvenile who commits a Measure 11 offense is considered an adult in the criminal justice process. If the juvenile in your case has been charged as an adult, contact the District Attorney's office for further information about your rights.

- **"Adjudication"** – When the youth offender is found "guilty" in a fact finding hearing (trial) or has admitted guilt .
- **"Disposition"** – The sentence. This can include conditions of probation or commitment to the Oregon Youth Authority.
- **"Dispositional Hearing"** – When the youth is "sentenced."
- **"Diversion"** – May include a youth court, mediation program, crime prevention or chemical substance abuse education program or other program established for the purpose of providing consequences and reformation and preventing future delinquent acts.
- **"Formal Accountability Agreement (FAA)"** – A voluntary contract between a youth and a juvenile department whereby the youth agrees to fulfill certain conditions in exchange for not having a petition (formal charging document) filed and going in front of the juvenile court.
- **"REI"** – Responsible Except for Insanity.
- **"Serious Physical Injury"** – Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- **"Taken into Custody"** – Arrested and charged with a crime. The youth may be lodged in detention OR released to parent or guardian.
- **"Teen Court or Peer Court"** – Youth courts, where a youth panel hears the case and recommends consequences.
- **"Victim"** - Any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, "victim" includes the legal guardian of the minor.
- **"Violent Felony"** – Any offense that, if committed by an adult, would constitute a felony and involves actual or threatened serious physical injury or is a sexual offense.

Victim Services Contact Information

**Oregon Department of Justice
Crime Victims' Services Division**
1162 Court Street NE, Salem, OR 97301

503-378-5348

(Salem and surrounding areas)

800-503-7983

(statewide toll free)

www.doj.state.or.us/victims

Crime Victims' Compensation Program
800-503-7983

Statewide Legal Aid Information
www.oregonlawhelp.org

Oregon Crime Victims Law Center
503-208-8160

Oregon State Bar

800-452-7636

www.osbar.org/public

Oregon Psychiatric Security Review Board
503-229-5598

Oregon State Police – Sex Offender Registry
503-934-1258

Oregon Youth Authority
503-373-7205

Portland Women's Crisis Line
Statewide Referral to Local Crisis Programs
888-235-5333

Immigration Counseling Service (ICS)
503-221-1689

Catholic Charities Immigration Legal Services
503-542-2855

VINE: Victim Information Notification Everyday
877-674-8463

www.VINELINK.com

VICTIMS' RIGHTS IN THE JUVENILE JUSTICE SYSTEM



MIKE SCHMIDT

District Attorney
Multnomah County, OR

**FAMILY JUSTICE DIVISION
JUVENILE COURT OFFICE**

1401 NE 68TH Avenue
Portland, OR 97213
503-988-3472

VICTIMS' ASSISTANCE PROGRAM

503-988-3222
www.mcda.us

**Every victim, every crime,
every right, every time**

In order to protect your rights, you must keep the District Attorney's office, or Juvenile Department updated with your contact information.

General Rights

Crime Victims' Rights in the Juvenile Justice system apply to the victim of an offense as well as to the parent or legal guardian of a minor victim.

- Your right to justice includes the right to a meaningful role in the juvenile justice process, to be treated with dignity and respect, to fair and impartial treatment, and to reasonable protection from the youth offender.
- Many victims' rights are automatic although you may need to "tell" someone you want to receive them.
- Other rights you must specifically request to receive the right. One way to do this is to contact your District Attorney or Juvenile Department to request these rights.
- You, your attorney, or, upon your request, the District Attorney, may assert your rights in court.

Automatic Rights:

- You have the right to have a support person with you.
- If your case involved physical harm or death, you may be able to get financial help for counseling, medical, or death related costs.

**Crime Victims' Compensation Program
800-503-7983**

- You can **attend** open court proceedings.
- You can **get** a copy of a transcript or recording of open court proceedings if one is already made. You may be charged for the transcript or recording.
- Most "**personal identifiers**" can usually be protected from an alleged youth offender. These include your phone number, address, social security number, date of birth, bank account and credit card account numbers.
- You or the district attorney can **ask** the court to limit distribution of information and recordings in cases involving sexual or invasion of personal privacy offenses.

Rights that must be requested:

- To get certain criminal history information about the youth offender (alleged or adjudicated).
- That the youth offender adjudicated in your case get testing for HIV if the crime involved the transmission of bodily fluids.

After A Youth Is Taken Into Custody

Automatic Rights:

- The judge will consider your safety at a release hearing.
- You can refuse to speak to an attorney or private investigator for the alleged youth offender or adjudicated youth offender.
- Some cases may be handled informally rather than through the court process. You can ask to be notified of this decision. These can include:
 - Formal Accountability Agreement
 - Diversion
 - Teen or Peer Court

Rights that must be requested:

- To be notified of certain open court proceedings.
- To be notified in advance about the release hearing
- To be consulted about the plea in a violent felony case.
- If you did not have notice of, or an opportunity to be heard at, certain hearings in which the youth offender was released, you can **request** a hearing to reconsider the release decision

If Your Case Goes to Adjudication & Disposition

Automatic Rights:

- The court will take your schedule into account when setting trial dates or hearings that you need to attend.
- Rape shield laws may apply in your case.
- You have a right to agree or disagree to personal service being performed for you as a condition of probation for a youth offender.
- If your property is damaged by graffiti, you can allow or refuse to allow, a youth offender on your property to clean it up.
- You can ask to know the outcome in your case.

Rights that must be requested:

- To express your views at a detention or shelter hearing or at a hearing to review placement of the youth or youth offender.
- To express your views at a disposition (sentencing) in person or in writing.
- For the court to exclude media television, photography, or recording equipment during sex offense proceedings. The court may deny this request.

After Disposition

Automatic Rights:

- To receive prompt restitution
- To be heard at a hearing on a motion to set aside, vacate, or dismiss a case
- The District Attorney will notify you if the youth offender in your case applies for expunction
- To attend an expunction hearing.
- To be heard at an expunction hearing.
- For youth found Responsible Except for Insanity (REI) there may be additional victim services available from the Department of Justice – for more information call

503-378-5348

Rights that must be requested:

- To be notified about juvenile review hearings including hearings where probation may be revoked.
- To be notified about expunction hearings.
- To be notified of hearings for relief from sex offender reporting requirements.

In sex offense cases

- You have a right to not be contacted by the sex offender adjudicated in your case.

For information about registered sex offenders call:

**Oregon State Police Sex Offender Information
503-934-1258**

Youth Committed to the Oregon Youth Authority (OYA)

Rights that must be requested:

- To be notified when the adjudicated youth is released from an OYA Youth Correctional Facility. *You must give your contact information directly to OYA and keep this information up to date with any changes.*
- For more information concerning victim services while a youth offender is in OYA custody, contact:

503-373-7205

- You may also receive automated notifications of youth releases from an OYA Youth Correctional Facility by registering with **VINE** (Victim Information Notification Everyday). For more information contact:

877-674-8453

www.VINELINK.com

Youth Placed Under the Jurisdiction of the Juvenile Psychiatric Security Review Board (JPSRB)

Automatic Rights:

- You have the right to attend PSRB hearings
- You have the right to speak at a PSRB hearing

Rights that must be requested:

- To get certain information about the youth offender's (patient) case from the Psychiatric Security Review Board if the youth is under their jurisdiction. You must give your contact information directly to the PSRB.
- To be notified of PSRB hearings.

Other Legal Information

The following information applies to the victim, or to the legal guardian of a minor child who is the victim.

- If you are a victim of stalking, you can go to the police or to court and ask for a stalking protective order.
- If you are a victim of sexual assault, a hospital must give you accurate information and access to emergency contraception.
- If you are a victim of domestic violence, you may be able to get financial help from the Department of Human Services through their Oregon Temporary Assistance to Domestic Violence Survivors (TA/DVS) fund.
- If you are a victim of domestic violence, sexual assault or stalking, you may be able to:
 - Take leave from work to attend court proceedings
 - Take leave from work for medical or counseling appointments
 - Get unemployment benefits
 - End a rental agreement early
 - Have your locks changed
 - Get special arrangements for public housing
 - Set up a payment plan with the phone company
- Your immigration status should not affect your rights as a crime victim.
- Immigrant victims may have additional legal options.
- If your rights are not honored, you can assert a claim of violation of crime victims' rights. There are time limits for this right. For more information visit:

www.doj.state.or.us/victims