

*If you are a victim of crime, you have legal rights. This booklet serves as notice of your rights as a victim of a crime or juvenile offense in Oregon. The rights listed in this booklet apply in both the juvenile and the adult justice systems unless otherwise noted. Sometimes different words may be used to identify the stage of the justice system process in the two systems. Sometimes you may have to **request** a right before you can use it. Once you have made a timely request of a right that applies in your case, you are entitled to that right. Because every case is different, some of the rights will not apply to you. Please contact your county's district attorney's Victim Assistance Program or juvenile department for help related to your case.*

FOR MORE INFORMATION about crime victims' rights in Oregon, visit the Oregon Crime Victims' Assistance Section website at www.OregonCrimeVictimsRights.org or call our toll-free information line at 1-877-287-1010. The information line has crime victims' rights information in English, Spanish, Russian, Korean, Traditional Chinese and Vietnamese. To talk with someone in person, please call 1-800-503-7983 during usual business hours.

GENERAL RIGHTS

YOU HAVE THE RIGHT TO A SUPPORT PERSON.

You can choose a personal representative to be with you throughout the criminal justice process if you were harmed by the crime, or if one of your close family members was killed as a result of the crime. A personal representative can go with you to most criminal proceedings, but cannot go into a grand jury or child abuse assessment with you. You need to have been at least fifteen years old when the crime occurred to be allowed to have a personal representative with you. The personal representative needs to be at least 18 years old. The personal representative may not be a suspect in, or a party or witness to, the crime.

IF YOU ARE A FEMALE VICTIM OF A SEXUAL ASSAULT, A HOSPITAL MUST GIVE YOU ACCURATE INFORMATION ABOUT AND ACCESS TO EMERGENCY CONTRACEPTION.

If you are a female victim of sexual assault and a hospital is caring for you because of the assault, the hospital must give you fair and accurate information about emergency contraception. The hospital must also tell you that they will give you emergency contraception at the hospital if you want it and it is medically safe for you. If you ask for emergency contraception, the hospital must give it to you immediately unless it is medically unsafe.

YOU MAY BE ABLE TO GET FINANCIAL HELP.

There are several programs available, including the Crime Victims' Compensation Program (CVCP), that help victims of crime when someone is injured or killed. You may be able to get financial help through these programs. If you are a victim of sexual or other assault, suspected child abuse, or child abuse, CVCP may pay for your medical assessment. CVCP does not compensate for lost or damaged property. To apply, call the Crime Victims' Compensation Program at 1-800-503-7983.

YOU CAN GO TO OPEN COURT PROCEEDINGS.

You can request to be notified of some court proceedings before they happen. You can also go to any proceedings that happen in open court when the defendant or alleged youth offender is there even if you have not asked to attend.

CAN ASK FOR A COPY OF ANY RECORDING OF AN OPEN COURT PROCEEDING.

You can have a copy of a recording of any proceeding held in open court if the recording is already being made. You can get copies of transcripts, audiotapes, or videotapes from the county's court clerk. You are expected to pay for these transcripts or recordings. Access to a juvenile delinquency transcript may be limited by confidentiality laws.

YOU HAVE THE RIGHT TO GET CERTAIN INFORMATION.

You have the right to get certain information about a defendant, alleged youth offender, convicted criminal, or youth offender. You can know: 1) their criminal or juvenile history; 2) their conviction and sentence or juvenile disposition; 3) when and for how long they are to be imprisoned; and 4) when they are expected to be released. The Victim Information Notification Everyday service (VINE, which can be reached at (877) 674-8463) may provide this and other information.

LAW ENFORCEMENT, JUDGES AND OTHERS WORKING WITHIN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS WILL TRY TO PROTECT YOU.

You have the right to reasonable protection from the defendant, convicted criminal, alleged youth offender, or youth offender as your case is being processed and decided. Contact your county's district attorney Victim Assistance Program for more information about this right.

YOU CAN ASK A COURT TO LIMIT THE USE OF SEXUALLY EXPLICIT INFORMATION OR RECORDINGS DESCRIBING A SEX OFFENSE.

In some sex and invasion of personal privacy offense cases, you or the district attorney may ask a court to order that sexually explicit information or recordings of you telling about a sex offense may not be copied or shared with others. Sexually explicit information includes certain photographs, information of prior sexual history and certain video and audio recordings. There are times when the information or recordings are allowed to be shared even if the court makes this order. For example, the information or recordings may be shared with parties in the case, with an expert witness or with a state agency.

YOU CAN ASK THAT THE PERSON CHARGED OR CONVICTED IN YOUR CASE GET HIV TESTING.

If the crime involves the transmission of body fluids, you have the right to ask the district attorney *to request* HIV testing of the person charged. The court can decide not to order the test unless the person is convicted. If the person is convicted, the court has to order the testing if you request it.

YOU CAN GET HIV TESTING, COUNSELING AND REFERRALS FOR HEALTH CARE.

If the convicted person in your case has a positive HIV test, you may receive counseling and health care referrals. If you are eligible for crime victims' compensation, the Crime Victims' Compensation Program will pay for the HIV test and counseling.

RIGHTS AFTER AN ARREST

YOU CAN BE NOTIFIED ABOUT RELEASE HEARINGS.

You can *request* to be notified about release hearings. You can go to the hearing and talk to the judge about your views during the hearing if they are relevant to the issue. You can go to the hearing even if you have not asked to be at the hearing.

JUDGES WILL TAKE YOUR SAFETY INTO CONSIDERATION.

A judge decides whether or not a defendant will be released at the pretrial hearing. The judge will make pretrial release decisions with your safety in mind.

IF YOU ARE A VICTIM OF A JUVENILE OFFENSE, RELEASE OF INFORMATION ABOUT YOU MAY BE DELAYED TO PROTECT YOU.

In a juvenile investigation, release of the following information may be delayed if and only so long as there is a clear need to delay its release to protect you. The alleged youth offender's name, age, employment and school status; the offense the youth was taken into custody for; the name and age of the adult who filed the complaint; your name and age if you are an adult victim; the name of the agency who arrested the youth and the agency investigating the offense; when and where the youth was taken into custody; and if the youth resisted, had a weapon, or was pursued when taken into custody.

THE DEFENDANT MAY NOT BE ALLOWED TO CONTACT YOU.

A judge may release the defendant at the pretrial release hearing. If a judge does this, the judge may order that the defendant not contact you. If the defendant threatens you, the judge can order the defendant back in custody.

YOU CAN REFUSE TO SPEAK TO AN ATTORNEY OR PRIVATE INVESTIGATOR FOR THE DEFENDANT OR ALLEGED YOUTH OFFENDER.

A defense attorney or private investigator might contact you to ask questions about your case. She or he must tell you who is contacting you and why. You can choose not to talk with her or him. You may also choose to talk with her or him only when the district attorney is present.

THE DEFENDANT SHOULD NOT LEARN YOUR PERSON IDENTIFIERS.

The defendant's lawyer may not tell the defendant your address, telephone number, social security number, birth date and bank or credit card account numbers. If the defendant does not have a lawyer, the district attorney may not share this information with the defendant. There are times when a trial court will order that they defendant may get this information.

YOU CAN BE CONSULTED ABOUT THE PLEA IN A VIOLENT FELONY CASE.

If you are the victim of a violent felony, you can request to talk to the district attorney or juvenile department about a possible guilty plea in the case. At the sentencing, the judge must ask if you asked to talk with the district attorney or juvenile department about the plea. If you did, the judge will ask the district attorney if you agree with the plea offer and why you agree or disagree with it.

YOU HAVE CERTAIN RIGHTS IN DRIVING UNDER THE INFLUENCE OF INTOXICANTS (DUI) CASES.

If the DUI case involves a car crash you can request that the same information given to the defendant is given to you. If you have damaged property from a DUI offense you can come to court and speak at a diversion agreement hearing.

THE DISTRICT ATTORNEY WILL CONSIDER YOUR RECOMMENDATION ABOUT DIVERSION.

The district attorney will consider your recommendations, if any, when deciding if diversion of a defendant is in the interest of justice and of benefit to the defendant and the community. A diversion program takes the defendant out of the court system and into a treatment or educational program. If the defendant completes the program, the case is dismissed. If the defendant does not complete the program, the case is brought back into court.

JOINTLY CHARGED DEFENDANTS SHALL BE TRIED JOINTLY.

Jointly charged defendants shall be tried jointly unless the court decides it is clear the defendants should be tried separately. In deciding, the court shall strongly consider your interest in a joint trial.

IF YOUR CASE GOES TO TRIAL AND SENTENCING THE COURT WILL TAKE YOU INTO ACCOUNT WHEN SCHEDULING TRIAL DATES OR HEARINGS.

If the court needs to reset a trial date or court hearing at which you need to appear, they will ask the district attorney or juvenile department if the new date works with your schedule. If you are not consulted, you may ask the court to allow the hearing to be held at a later date.

YOU CAN REQUEST THAT THERE BE NO MEDIA COVERAGE OF SEX OFFENSE HEARINGS.

If you request, a judge can order that no television, photography or recording equipment, other than equipment used by the court, be allowed in the court during hearings related to sex offenses.

YOUR PAST SEXUAL BEHAVIOR SHOULD NOT USUALLY BE BROUGHT UP IN COURT.

Generally, talking about your past sexual behavior is not allowed in court. The way you were dressed at the time of a crime against you is also not usually allowed as evidence. The judge will decide whether or not these rules apply to your case.

YOU CAN PUT A STATEMENT IN A PRE-SENTENCE INVESTIGATION REPORT.

If the defendant is convicted, the district attorney or defense attorney can ask for a pre-sentence investigation report. This report will give the court information about the defendant's past and is used to help the court decide on the best sentence for the defendant. The probation officer who writes the report must try to contact you for a statement to put in the report. If you give the statement, the probation officer must put it in the report. Presentence investigation reports are confidential; you may view the report but will not be given a copy of it. This right may not apply in juvenile cases.

YOU HAVE A RIGHT TO EXPRESS YOUR VIEWS AT SENTENCING.

You may express your views at sentencing. Some victims will speak without preparation and some may offer their opinion about a proper sentence. Most victims exercising this right write a victim impact statement that tells the court how the crime affected their lives. You can read a statement aloud in court or have your attorney read it, or you can ask that the judge read it silently. Some courts may allow someone other than you or your attorney to read your statement.

YOU HAVE A RIGHT TO PROMPT RESTITUTION.

The Oregon Constitution gives crime victims a right to prompt restitution. This means that the district attorney or juvenile department will tell the court how much it cost for you to replace, fix or recover from what was lost, harmed or injured in your case. The court then decides how much the convicted person has to pay for your losses. The court will order restitution, but the payment schedule for how fast you get the restitution can vary.

THE CONVICTED CRIMINAL MAY BE ORDERED TO PAY YOU A FINE.

A court can order someone convicted of a crime to pay a “compensatory fine” on top of restitution. A court can order the convicted person to pay the fine to the court, and the court will pass along the money to you. This right does not apply in the juvenile system.

POST-CONVICTION RIGHTS YOU CAN BE NOTIFIED ABOUT JUVENILE REVIEW HEARINGS.

The court holds review hearings in juvenile court. These hearings are like adult sentencing hearings and include detention review hearings and shelter evidentiary hearings. If you *request*, you will be notified by the juvenile department about the time and place of the hearing.

FOR A REDUCTION OF A JUVENILE SENTENCE (DISPOSITION), A YOUTH OFFENDER MUST PROVE THAT HE OR SHE WILL NOT BE A THREAT TO YOU.

For some offenses, when a juvenile has served half of his or her sentence (“disposition”), the court may conditionally release him or her to community supervision. Before the court does this, the youth offender has to convince the court that he or she has been rehabilitated and will not be a threat to you or your family.

YOU CAN BE HEARD AT A MOTION TO SET ASIDE A CONVICTION.

A convicted criminal or youth offender can submit a motion to set aside a conviction. The district attorney or juvenile department will mail a copy of the motion to your last known address. The letter will include the hearing date for the motion. You can make a statement at the motion hearing.

YOU CAN GET 30 DAYS NOTICE ABOUT PAROLE HEARINGS.

You can *request* 30 days notice of a convicted person’s parole hearings. The Oregon Board of Parole and Post-Prison Supervision must then try to contact you 30 days before all hearings (they will mail information to your last known address). You have the right to go to any hearing. You can express your views there or submit a written statement. To prepare your statement, you can have access to the same information the Board will use. This right does not apply in the juvenile system.

YOU CAN BE NOTIFIED ABOUT AND SPEAK AT HEARINGS TO REVOKE PAROLE.

Before someone’s parole is revoked, he or she is entitled to a hearing. You can contact the convicted person’s parole officer to ask to be informed if the person requests a hearing, to learn who the hearing officer will be, and to be given notice of the time and location of the hearing. You may express your view about the parole revocation at the hearing. This right does not apply in the juvenile system.

YOU MAY NOT BE REQUIRED TO PARTICIPATE IN A POST-CONVICTION RELEASE PROCEEDING WITHOUT A COURT ORDER REQUIRING YOU TO PARTICIPATE.

You may not be forced to testify at a hearing, disposition or in any other way in a post-conviction release proceeding unless a court allows a subpoena. A court may not allow a subpoena unless the person who wants you to testify shows that you have important information that is favorable to the convicted person and the information was not used at trial. If you end up having to testify, your testimony may be given over the phone or by another communication device approved by the court.

YOU CAN BE NOTIFIED WHEN A CONVICTED PERSON IS RELEASED FROM PRISON.

You can fill out a form with the Oregon Board of Parole and Post-Prison Supervision. This form will tell the Board to notify you when a convicted person is released from prison. You must *request* this right in the juvenile system.

YOU CAN BE NOTIFIED ABOUT HEARINGS TO REVOKE PROBATION.

You can *request* notice of a hearing to revoke a defendant or alleged youth offender's probation. The district attorney or juvenile department will send you the notice if you ask for it. You can go to the hearing and speak there even if you didn't ask for notice. You can also submit a written statement.

YOU CAN ACCEPT OR REFUSE PERSONAL SERVICE FROM A YOUTH OFFENDER.

The court may require a youth offender to perform personal or community service as part of their probation. Personal and community service work is one way for the youth offender to pay you restitution. You have the right to refuse personal service from the youth offender.

YOU HAVE RIGHTS IF YOUR PROPERTY IS DAMAGED BY GRAFFITI.

A judge can order a youth offender to clean up the graffiti on your property. If you do not want the youth to clean up graffiti on your property, let the judge know.

YOU WILL BE NOTIFIED ABOUT EARLY DISPOSITION PROGRAMS.

Some courts have early disposition programs. These programs are for first-time offenders of non-person crimes and for people who have violated probation. These programs have to notify you when the offender has a court date through the program.

YOU HAVE THE RIGHT TO KNOW ABOUT SEX OFFENDERS.

The Oregon State Police keeps information about sex offenders. You can call for information about the incarceration status of the sex offender in your case, and that person's release information or parole status. To get information, call (503) 378-3725 x 4417 or toll-free (800) 551-2934. The toll-free number only works for in-state phone calls. To access the toll-free system, you will need to get a signed "Victim of Sex Crime Notice of Rights" card from the district attorney who prosecuted your case. When you submit this card to the Oregon State Police they will give you a victim identification number.

YOU CAN REQUEST TO BE TOLD IF THE YOUTH OFFENDER ASKS FOR RELIEF FROM A DUTY TO REPORT AS A REGISTERED SEX OFFENDER.

If you request it, the district attorney or juvenile department will try to let you know as soon as practical that the offender requests relief from a duty to report as a registered sex offender. This notice will let you know the date, time and place of the hearing on the request.

YOU SHOULD NOT BE CONTACTED BY THE SEX OFFENDER CONVICTED IN YOUR CASE.

A convicted sex offender *on parole or post-prison supervision* is not allowed to contact you without prior approval from you, the offender's treatment provider, and a supervising officer.

YOU MAY BE ABLE TO REQUEST THAT A CONVICTED PERSON NOT LIVE WITHIN THREE MILES OF YOU.

If a person convicted of a sex crime or an assault is on post-prison supervision or parole, you may request that the Board of Parole and Post-Prison Supervision or other supervisory authority (the Board) require that the person not live within three miles of you if the following apply: 1. You were under 18 years old when the sex crime or assault occurred. 2. You live in a county with a population of more than 130,000 *or* you live in a county with a population of less than 130,000 and the convicted person is not required to reside in that county (as determined by Oregon law). 3. The convicted person does not demonstrate to the Board that no mental intimidation or pressure was brought to bear during the commission of the crime. 4. The convicted person does not demonstrate to the Board that the convicted person would be deprived of a place to live that would aid in his or her rehabilitation. 5. The person will not be residing in a residential facility that provides rehabilitative care and treatment for sex offenders. You may request this special condition of post-prison supervision or parole at the time of sentencing in person or through the prosecuting attorney.

YOU CAN REQUEST NOTICE IF THE YOUTH OFFENDER ASKS TO HAVE HER OR HIS RECORD EXPUNGED.

When a district attorney gets notice of an application for a juvenile court expunction, she or he will notify you of the acts that the offender is seeking to have expunged and will send a copy of the expunction application to your last known address. When the district attorney receives notice of the expunction hearing, the district attorney will mail notice of the hearing to your last known address if you request it.

YOU CAN REQUEST INFORMATION ABOUT THE DEFENDANT OR ALLEGED YOUTH OFFENDER FROM THE PSYCHIATRIC SECURITY REVIEW BOARD OR THE JUVENILE PSYCHIATRIC SECURITY REVIEW BOARD.

The court may find a defendant or alleged youth offender guilty except for insanity. This puts the defendant or alleged youth offender in the care of the Psychiatric Security Review Board or Juvenile Psychiatric Review Board. You have the right to *request* notice of Board hearings. You may also request to be notified when the defendant or alleged youth offender is released, discharged, or escapes. The Board will make a reasonable effort to notify you if the defendant or alleged youth offender is released, discharged, or escapes. You may contact the Oregon Psychiatric Security Review Boards at (503) 229-5597. If you want to be notified of an escape as soon as possible, contact the facility where the defendant or alleged youth offender is committed as soon as you know where he or she will be committed.

OTHER LEGAL INFORMATION

POLICE WILL GIVE YOU INFORMATION TO HELP PROTECT YOU FROM FURTHER ABUSE.

Police have information about how you can stay safe from abuse: family, disabled person, or elder abuse. They may also have information about shelters, services in the community, and legal rights. They must give you information about what to do if you are a victim of domestic violence.

YOU CAN ASK FOR A TEMPORARY RESTRAINING ORDER IF YOU HAVE BEEN A VICTIM OF ABUSE.

If you want a restraining order to protect you from someone who has abused you, you may go to the circuit court in your county. When you go, you will receive a booklet with instructions for filling out the restraining order request forms. After you fill out the forms, you will appear before a judge who will decide whether or not to grant you the restraining order. If the judge gives it to you, the restraining order will tell the abuser to stay away from you for up to one year. The restraining order also allows you to use an address other than the one where you live.

YOU CAN ASK FOR A STALKING PROTECTIVE ORDER IF YOU HAVE BEEN A VICTIM OF STALKING.

If you have been exposed to repeated and unwanted contact that has alarmed or coerced you, and that contact has made you feel that you or your family is unsafe, you may be able to get a civil stalking protective order. To get such an order, you would need to file a petition with the circuit court in your county, or contact local law enforcement, and ask for the order. A stalking order can include an award of damages.

YOU MAY BE ABLE TO GET UNEMPLOYMENT BENEFITS.

If you are a victim of domestic violence, sexual abuse, or stalking, it may be too dangerous for you to go to work. If it is, you can ask for unemployment benefits.

YOU MAY BE ABLE TO GET TIME OFF FROM WORK TO ATTEND A CRIMINAL HEARING.

You may get time off from work to attend a criminal proceeding if the following apply: 1) you are a crime victim; 2) you give your employer reasonable notice that you plan to take time off to attend a criminal proceeding; 3) you have worked for an average of more than 25 hours per week at your job for 6 months before you take the time off; 4) your employer has six or more employees working in Oregon. Your employer may limit the amount of time you take off if the time off would create an “undue hardship” to the employer’s business. Your employer is not required to pay you for time off to attend a criminal proceeding unless you use paid vacation leave you already earned. The court needs to take your work schedule into consideration when scheduling the criminal proceeding.

YOU MAY BE ABLE TO GET TIME OFF FROM WORK TO PROTECT YOURSELF AND YOUR DEPENDENTS FROM DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING.

If you, your child or dependent has been a victim of domestic violence, sexual assault or stalking, **and** you have worked for more than 25 hours per week at your job for a least the last 6 months, **and** your employer has six or more employees, you may be able to get time off from work to get law enforcement or legal help, get medical treatment or heal from injuries, get counseling, get other services, move, or

take steps to make your home safer. Your employer is not required to pay you for time off to protect yourself unless you use paid vacation leave that you already earned.

YOU MAY BE ABLE TO END A RENTAL AGREEMENT.

If you, or a child living with you, are a victim of domestic violence, sexual abuse, or stalking, you may be able to end a rental agreement or lease early. You will have to give 14 days notice within 90 days of the incident.

YOU MAY BE ABLE TO HAVE YOUR LOCKS CHANGED.

If you, or a child living with you, are the victim of domestic violence, sexual abuse or stalking, you may be able to get your locks changed right away, either by the property owner or by you with the owner's permission.

YOU MAY BE ABLE TO CONTINUE AS A PUBLIC HOUSING TENANT.

If you or your family member are a victim of domestic violence, dating violence, or stalking, you may be protected from being evicted or having your housing assistance terminated.

YOU MAY BE ABLE TO GET SPECIAL ARRANGEMENTS FOR PUBLIC HOUSING.

If you are a victim of domestic violence and are seeking housing through the Oregon Housing Authority, you may be able to get priority for the housing.

YOU MAY BE ABLE TO SET UP A PAYMENT PLAN WITH THE PHONE COMPANY.

If you are a victim of abuse and your phone service is disconnected because you can't pay the bill, you may be able to set up a payment plan with the phone company. This only applies if you are elderly and at risk of abuse, a person with disabilities at risk of abuse, or living in the same house as your abuser.

YOUR TEMPORARY RESTRAINING ORDER IS VALID IN ANY STATE OR INDIAN NATION.

If you get a temporary restraining order, it is valid in any state or Indian nation, even though it was not issued in the state or nation.

THE DEPARTMENT OF HOMELAND SECURITY SHOULD NOT GIVE OUT INFORMATION ABOUT YOU WITHOUT YOUR PERMISSION OR A COURT ORDER.

The Department of Homeland Security keeps personal information about victims. They should only release this information if you give them permission or if they are required to release it because of a court order.

YOU MAY BE ABLE TO GET FINANCIAL SUPPORT FROM THE STATE OF OREGON.

If you are a victim of domestic violence, and you are pregnant or have children, you may be able to get financial help from the Oregon Department of Human Services (DHS). Check with your local DHS office about money in the Temporary Assistance to Domestic Violence Survivors (TA/DVS) fund.

YOU MAY HAVE LEGAL OPTIONS IF YOU ARE AN UNDOCUMENTED IMMIGRANT VICTIM OF CRIME.

In some cases, undocumented victims may be eligible for a work permit, lawful permanent residency, a U visa (in cases of substantial abuse from criminal activity), a T visa (in cases of human trafficking), or other options affecting immigration status. You should be able to pursue these options even if the defendant or convicted person in the case does not help you pursue them.

IMMIGRATION OFFICIALS WILL LOOK AT SEVERAL FACTORS WHEN DECIDING YOUR CASE.

If you are an undocumented victim of crime, an abuser may sometimes try to say things to get you deported. The immigration officials will consider other factors in your case besides what the abuser has to say. It is very important that you get legal help during this process so that your rights are protected.

YOU ARE A VICTIM OF CRIME NO MATTER WHAT YOUR IMMIGRATION STATUS MAY BE.

You may get emergency medical care, get help from the police, see the people who committed a crime against you prosecuted, and use a community service (like a shelter or a protection order) to stay safe.