

Volume 2, Issue 1
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“...The Good Fight”

Oregon Department of Justice Domestic Violence Prosecutor Newsletter

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Did You Know?

February is National
Teen Dating
Violence Awareness
and Prevention
Month. Check out a
brief history and
links to related
resources on page
6 of this newsletter.

SPOTLIGHT: Klamath County’s Veterans Treatment Court

Q & A With Steve Tillson, Treatment Court Coordinator

Here is some background information on how the court works: (Provided by Steve Tillson)

The Klamath County Veterans Treatment Court (VTC) follows a model adopted by the 50 or so VTCs recently formed around the nation. It essentially follows a now common treatment court model (drug court) adapted for the specific characteristics and needs of veterans. In order to accept as broad a range of case types as possible consistent with public safety, the program design does not follow a single adjudicatory model. Thus, lower level/risk cases might be resolved by a diversion or conditional discharge while higher level/risk cases might simply be afforded no prison time upon successful completion. This flexibility has also created a steep “learn by doing” curve in our infancy as every case’s sentence is structured individually. The attorneys on our court treatment team are presently working out mitigation challenges presented by some DV cases, especially those perpetrated by active duty service members. It would be fair to say we might not be able to give you a pat answer today on how we handle all DV cases. Yet, our experience is growing as we speak, and rapidly. We are likely to have refined and defined our policy in this area by month’s end.

How has the community responded to the new court?

Klamath County citizens have historically demonstrated strong support for our veterans as evidenced by active participation in numerous community events to honor and benefit our veterans. While overall community reaction to the new court has been positive yet sparse, local veterans organizations and local government agencies have been vocal supporters of the program. These groups participated in the needs assessment and planning processes to implement the Veterans Treatment Court.

What resources/services are available through the VA?

Health care, mental health services and substance abuse treatment for veterans are available through the VA. Level of care available ranges from outpatient to hospitalization. DV specific treatment, however, is not available through the VA. Therefore, the Klamath County Veterans Treatment Court mandates DV offenders to an evidence based Batterers Intervention Program delivered by Klamath County

Community Corrections partnered with a community based mental health agency.

What services, if any, are provided to victims, particularly DV victims?

Regardless of whether or not the offender participates in the Veterans Treatment Court, victims are assisted by the Victims Assistance program of the DA’s Office. The program assures compliance with victim’s rights notifications, helps with referrals to the Crime Victims Compensation Program and offers support and information to the victim. Domestic Violence and person crime victims may be assigned an advocate in collaboration with the Women’s Crisis Center that will walk the victim through the legal process and provide support for the victim at court.

In DV cases, how much input/consideration do you give the victims regarding how to resolve the case?

DV cases are resolved individually considering multiple factors including victim impact statements, the nature of the offender/victim relationship, seriousness of the offense, offender criminal history and others. The victim is afforded the opportunity to review and respond to any plea negotiation offered the offender prior to case resolution. The victim does not have to agree to the offender entering the Klamath County Veterans Treatment Court. The victim’s and the State’s interests are protected in that all sentence structures admitted to the court require guilty pleas. Contingencies for both successful and unsuccessful program termination are incorporated in the plea negotiations.

What types of crimes make up the majority of the cases brought to the court?

In our first months of operation we have seen predominately person and substance abuse related offenses come before the court. In all cases, and required for admission, the veteran defendant must present with a diagnosed substance abuse and/or mental health problem. Predictably, these afflictions have been factors in the offenses, thus justifying a treatment court response.

For more information regarding Veterans Court, you may contact Steve Tillson:

Steve.Tillson@ojd.state.or.us

Expanding (...and Limiting) DV Diversions

This newsletter's "spotlight" article on Klamath County's Veteran's Court indirectly highlights the passing of important amendments to Oregon's law allowing diversion for Oregon service members charged with crimes. Oregon Senate Bill 999 was amended several times before it passed both houses of the legislature in February of last year. It expands the authority of district attorneys to divert military personnel and veterans accused of certain crimes, but its original wording was amended to afford special consideration for crimes of Domestic Violence. The bill allows for diversion treatment to avoid a permanent criminal record of the crime or a potentially harsher punishment, such as jail time.

Senate Bill 999 amended ORS 135.881, 135.886, and 135.896, the statutes currently in place to authorize diversion to first time DUI offenders. The amended law now also lays out the conditions under which a "servicemember" accused of a crime may be eligible to enter diversion under the discretion of the district attorney. "Servicemember" is defined in the statute to include any current or previous member of the U.S. Armed Forces that has not been subject to a dishonorable

discharge.

Domestic Violence Considerations:

The bill, as *originally* introduced in the Senate Interim Committee on Veterans' Affairs, set out just a few factors the DA would be *required* to consider in determining diversion eligibility. The factors included those listed in the original statute and additionally, that the offense must not:

(a) Have involved serious physical injury to another person; or

(b) Be classified as a Class A or B felony and have involved physical injury to another person.

However, advocates for victims of Domestic Violence lobbied to include limitations on eligibility for crimes specifically involving DV. In the end, the enrolled version of the bill required a number of additional stipulations for those service members entering diversion for charges of Domestic Violence.

Through the proposed amendments, the following criteria were added to the list *disqualifying* eligibility if the offense:

(c) Is described in ORS 163.365,

163.375, 163.395, 163.405, 163.408, 163.411 or 163.427; or

(d) Involved Domestic Violence as defined in ORS 135.230 and, at the time the offense was committed, the defendant was subject to a protective order in favor of the victim of the offense.

Additionally, a section of the law requires that the service member entering a diversion agreement for DV related charges plead guilty or no contest to all DV charges listed in the charging instrument in order to stay the court proceedings and permit the defendant service member to complete the agreed upon treatment. As mentioned above, these are merely the factors that a DA is *required* to consider in whether to allow diversion for certain service members. As you have read in the article on Klamath County's Veteran's Court, additional considerations lie within the discretion of the DA and any cooperating agencies and could be significantly more limiting than the statute sets out.

To view the complete enrolled version of SB 999 visit the link below:

<http://www.leg.state.or.us/10ss1/measpdf/sb0900.dir/sb0999.en.pdf>

New Column

OF NOTE

The newsletter will be featuring a new column intended to recognize and share DV cases tried by local prosecutors. The hope is that we can learn from each others' accomplishments, strategies, and, trial challenges. DDA Melanie Kebler handled this Lincoln County case from intake and through grand jury until about a month before trial, when she left to Yamhill County. DDA Drew Moore and special prosecutor Alice Vachss tried the case in front of Judge Sheryl Bachart over a period of 8 days.

State v. John Larsen: From A Misdemeanor to Measure 11

When police first arrested John Larsen, it was for Assault IV and Strangulation. The report read that he and his girlfriend, K, were together in her car and used meth on the night of May 7, 2010. Larsen was supposed to drive them to a friend's house, but instead he became enraged and drove K into the woods behind Lincoln City. Over the night and into the morning hours, he repeatedly assaulted her, hitting her, pulling her hair, and strangling her.

The grand jury indicted Larsen for Attempted Murder, Attempted Assault II, Kidnapping, Coercion, Assault IV, Menacing, and Strangulation. With Larsen in jail on serious charges, K contacted her friend, G, a former girlfriend of his. G felt safe enough to disclose the physical and sexual abuse Larsen had subjected her to earlier that year. K and G came back before the grand jury and testified again. The indictment grew to 40 counts, including new counts of Rape 1, Sex Abuse 1, Coercion, Kidnapping, Assault IV, Menacing, Strangulation, and Stalking.

The State argued against a motion to sever due to the link between the victims and the fact that these were crimes of domestic violence against both victims, whether physical or sexual in nature. The court agreed, denied the motion to sever, and set the case for a week-long trial.

The use of meth by both victims, and G's ongoing consensual sexual relationship with Larsen even after he had raped her, were brought out by the State as unfortunate facts. Although not the most "sympathetic" victims, it was clear that these women were vulnerable and chosen by Larsen because they would have less incentive to report the abuse perpetrated upon them.

In his closing, defense counsel berated and belittled the victims as confused, lying meth users whose stories made no sense. The State asked the jury to keep its eyes open; a victim should not be punished or disbelieved simply because she is an addict.

After deliberating for about 7 hours, the jury returned with its verdict of guilty on most of the crimes alleged against both victims, including two counts of Rape 1, and several counts of Kidnapping, Coercion, Assault IV, and Sex Abuse. The jury acquitted Larson on the Attempted Murder charge and on every charge of Strangulation – there were not visible marks of strangulation in this case and the defense had called a doctor to testify about that issue, and that may have influenced the jury. Sentencing is scheduled for mid-February and Larsen will go to prison for at least thirty years on Measure 11 crimes.

Understanding the Dynamics of PTSD and Domestic Violence

Posttraumatic Stress Disorder (PTSD) is a commonly recognized medical term in today's society. It is especially common among today's servicemen and veterans. The United States Veterans Affairs Administration has made tremendous efforts to assist combat veterans battling PTSD in receiving effective treatment and care. However, the veterans suffering from PTSD themselves are not the only victims in need of assistance.

Domestic Violence rates among veterans with PTSD are higher than those of the general population. In fact, Domestic Violence rates among military servicemen as a whole are higher than the general population. According to the U.S. Veterans Affairs Administration (VA), estimates of Intimate Partner Violence committed by Veterans and active duty servicemen range between 13.5% and 58% and these rates have been found to be up to three times higher than seen among civilians. PTSD is not the only factor contributing to such increased rates of Domestic Violence. There are various risk factors specific to military personnel and their families that affect these rates, including:

- A high percentage of military personnel have prior histories of family violence.
- The military population is concentrated in the ages of highest risk for interpersonal violence (20-40).
- Constant mobility and geographic separation isolate victims by cutting them off from family and support systems.
- Higher-than-average unemployment underemployment rates for military spouses leave them economically dependent on service members

- Deployments and reunification create unique stresses on military families.¹

In addition to all of the above mentioned factors, existing research suggests that alcohol and substance use among active duty servicemen is more prevalent and is associated with an increased risk of perpetrating Domestic Violence.² These different variables demonstrate the immense challenges presented to law enforcement, prosecutors, military administration, and both civilian and non-civilian support agencies working to stifle current DV rates and prevent further increases as more veterans return home.

The multi-dimensional problem requires a multi-dimensional solution that involves various agencies working together to develop the proper treatment plans for servicemen as well as provide protection to their victims. The Klamath County Veterans' Court, spotlighted in this newsletter, is a step in the right direction. Innovative solutions, like the Veterans' Courts around the country, which help both servicemen and victims, must encompass resources from both the military and civilian arena.

In order for prosecutors, advocates, and law enforcement officers to effectively use these resources they must become familiar with them and with the unique circumstances surrounding military families. A basic understanding of the dynamics of PTSD and how it can be a trigger for Domestic Violence is important in considering treatments. Treatments for DV are very different than those for PTSD and simply treating the PTSD will not substitute as a treatment for Domestic Violence or substance use. Combined programs will help veterans be successful in taking

responsibility for their behavior and help alleviate the suffering of their victims who are bearing a real burden of war.

The Battered Women's Justice Project (BWJP) has developed a guide for civilian advocates called "Understanding the Military Response to Domestic Violence". It is a wonderful resource that outlines the dynamics of military response systems, punishments, and administrative tools. It also includes contact information for liaisons that can help form collaborative relationships between civilian and military representatives.

With an increasing number of troops returning home from Iraq and Afghanistan, in addition to the already existing veteran population in the U.S., the problem of DV among servicemen is not going away. Domestic Violence victims deserve a more effective response to stop the abuse and our troops deserve our support in getting the treatment they need to reintegrate successfully and safely.

To access the BWJP's handbook click the link below:

<http://www.bwjp.org/articles/article-list.aspx?id=30>

¹ Beals, Judith E., (updated by Patricia Erwin), Understanding the Military Response to Domestic Violence: Tools for Civilian Advocates, (Battered Women's Justice Project, 2003, updated 2007).

²A.D. Marshall et al., Intimate partner violence among military veterans and active duty servicemen, Clinical Psychology Review 25, (2005) 862-876.

Veterans Justice Outreach Program: How It Can Help You, Too

Last year, the Department of Veterans Affairs (VA) implemented a “Five Year Plan to End Homelessness Among Veterans”. As part of that plan, the VA has committed to preventing incarceration and reducing recidivism among Veterans through the development of the Veterans Justice Outreach (VJO) Program. The purpose of the VJO initiative is to avoid unnecessary criminalization of mental illness and extended incarceration among Veterans by ensuring that eligible Veterans in contact with the criminal justice system have access to Veterans Health Administration mental health and substance services.

As part of the program, the VJO hopes to staff an Outreach Coordinator at each VA medical center around the nation. Although funding for full time coordinators has been difficult in some states, Oregon is fortunate to have three coordinators. One of them, Linda Maddy, is a licensed Clinical Social Worker and is the Outreach Coordinator at the VA medical center in Portland. As a Coordinator, Linda facilitates veterans’ access to VA medical resources and can provide valuable information to criminal justice professionals regarding veteran treatment options. In addition, Linda is working with counties interested in starting their own Veterans’ Treatment Courts (VTC) like the one in Klamath County. In fact, the Klamath County VTC works directly with one of Oregon’s VJO Coordinators, Paul Skinner, as part of their collaborative treatment team. Recently, Linda has been working with Marion County to implement a “Veterans’ Docket” which, she says, is a step in the right direction for veterans.

Currently, there is no state-wide system to track when veterans or military personnel enter the criminal justice system.

One of the goals of the VJO is to develop such a system that notifies local outreach coordinators when a veteran in their area is booked for a crime. This is not because the VA hopes to get a defendant off-the-hook for consequences. Linda explains, “we are not looking for special treatment, just appropriate treatment.” According to Linda, many of the cases she has seen with veterans involve driving infractions and Domestic Violence which can both be linked to symptoms of PTSD or Traumatic Brain Injury (TBI). Although Linda may be able to assist in coordinating appropriate treatments for PTSD or substance use related to these crimes, the VA does not currently offer DV treatment. Therefore, Linda and her counterparts around Oregon are good resources to utilize in assessing treatment options and may act as liaisons between the VA and other treatment organizations.

The VJO has three focus areas:

Courts and Attorneys – Provide information and education about Veterans’ issues to include PTSD and Traumatic Brain Injury and services available. Develop and implement Veterans’ Courts.

Law Enforcement – Provide training to local law enforcement on Veterans’ issues and strategies to help work with Veterans.

Jails – Develop communication with jails to identify Veterans who are incarcerated and engage Veterans in available services upon their release.

What a VJO Can Do:

- Serve Veterans of all eras
- Assess Veteran’s health care needs, identify appropriate VA and non-VA services

- With Veteran consent, communicate essentials (attendance, progress, treatment testing, discharge plan)
- Function as a court team member
- Provide Evidence Based Treatment for court-monitored Veterans.

What a VJO Can’t Do:

- Perform forensic psychiatric/psychological evaluations for the court
- Accept custody
- Guarantee program acceptance
- Write lengthy court report, complete Diversion paperwork
- Advocate for legislation
- Serve VHA ineligible Veterans
- Decide criminal justice criteria for Veteran Court participation or decide who gains admission to specialty treatment court.

For more information on how the VJO program can help you, you may contact any of the three VJO coordinators:

Belinda Maddy (Portland):

Belinda.Maddy@va.gov
(503)220-8262, ext. 32716

Paul Skinner (White City):

Paul.skinner@va.gov
541-826-2111 ext 3305

Susan Harrison (Roseburg):

Susan.harrison@va.gov
541-520-3447

“Courage is not the absence of fear, but rather the judgment that something else is more important than the fear.”

- A. Redmoon

To find out more about other resources regarding veterans’ affairs go to the Oregon Department of Veterans Affairs homepage and click the “Justice Portal” link. The page is dedicated to Veterans in the criminal justice system and provides a list of resources specifically for criminal justice professionals. To go directly to the site, just click the link below:

http://www.oregon.gov/ODVA/criminal_justice_portal.shtml

“We are what we repeatedly do. Excellence, therefore is not an act, but a habit.”

- Aristotle

LOCAL TRAINING OPPORTUNITIES

February 4: 10 am to 4 pm, Portland, OR

Combating Domestic Violence Using Federal and State Firearms Laws

A free conference for investigators, prosecutors, advocates, parole and probation officers.

To request a copy of the training materials you may contact Erin Greenawald.

February 8 –10: Salem, Oregon

Joint SA/DV Prosecutor Training:

The Oregon Sexual Assault Task Force, Sexual Assault Training Institute, is collaborating with the Department of Justice's Domestic Violence Resource Prosecutor to bring you this advanced prosecutor training focusing on both domestic and sexual violence.

This training FREE to all attendees.

For more information and to register visit:

<http://oregonsatf.org/>

If you are unable to attend the training but are interested in receiving a copy of the training materials, feel free to contact Erin Greenawald and request them.

February 11: 9am–3:30pm, Gresham, OR.

Preventing & Addressing Discord in the Home: A Faith Based Response To Intimate Partner Violence

www.agapecoc.com

NATIONAL TRAINING OPPORTUNITIES

A Two part Webinar Series: May be accessed at any time

BWJP & NRCDDV Webinar Series: Military Experience, Trauma, and Intimate Partner Violence

Session 1: What I Need to Know About Intimate Partner Violence and Military-Related Issues Even if I Don't Live Near a Military Installation

Session 2: Justice-Involved Veterans and Intimate Partner Violence

http://www.bwjp.org/webinar_recordings.aspx

February 4: Los Angeles, CA

The 3rd Annual Violence-Free Teens Conference: Middle School Matters—Setting The Stage For Early Prevention

-hosted by Peace Over Violence.

<http://www.peaceoverviolence.org/calendar/2011/2>

February 9:(webinar, 2:00-3:30 pm ET)

Veterans and Domestic Violence: The Traumatic Impact on Women

- co-hosted by the BWJP & NRCDDV and the National Network to End Domestic Violence.

http://www.ncdsv.org/ncd_upcomingtrainings.html

March 14 - 16: Location: San Diego, CA

Domestic Violence Response and Investigation: Special Issues for Law Enforcement

A Training for Law Enforcement Officers and Advocates

<http://conferences.bwjp.org/conferencedetail.aspx?confid=44>

INFO, INFO, INFO: RESOURCE IDEAS FOR THE DV DDA

Check out the variety of interesting websites and tools available to you completely free!

Here are a few resources with great information on military and DV:

Battered Women's Justice Project Military Advocacy Resource Network

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

Power Point from the BWJP - The Difference in treatment between PTSD and DV:

http://www.bwjp.org/files/bwjp/files/Difference_in_treatment_between_PTSD_and_DV.pdf

Defense Centers of Excellence For Psychological Health & Traumatic Brain Injury

This website hosts monthly webinars on a variety of mental health topics affecting military members—check it out.

<http://www.dcoe.health.mil/default.aspx>

Illinois Coalition Against Domestic Violence Video Lending Library:

A library of over 200 videos available to the public. The videos cover an unlimited number of DV related topics and trainings tailored to all areas of DV professionals including law enforcement, advocates, prosecutors, and general outreach. Take advantage of this fantastic resource.

http://www.ilcadv.org/resources/lending_library/Video%20Catalog%20fy09.pdf

DV Resources Available from the DOJ:

Strangulation resource material:

This brand new comprehensive training video features national experts on the subject of strangulation from detection through prosecution of strangulation cases. It's a "must-do" training for any professional who

works with victims of Intimate Partner Violence.

Other resources:

A three part video series on Domestic Violence.

- "Power and Control: Domestic Violence in America"
- "Domestic Violence Law Enforcement: It Started in Duluth"
- "Domestic Violence and Health Care: Best Practices in Action"

New DV Video Resource:

"Telling Amy's Story" is based on a timeline of events leading up to a Domestic Violence homicide that occurred in central Pennsylvania in 2001.



*Oregon Department of Justice
Domestic Violence Newsletter*

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**SEEN, HEARD, NOTED, AND
QUOTED:**

There is no job more interesting than the one that we do. And as they say, truth is stranger than fiction. So, if you have a funny anecdote you'd like to share, send it my way!

THEY SAID WHAT??

Aaaah, the pleasure of a night cap...

(From a local police report...)

"It was evident during my conversation with Roberts that he was very intoxicated. I could detect an overwhelming odor of alcoholic beverage on his breath and his speech was very slurred with poor enunciation of his words. Several times throughout our conversation Roberts would begin swaying and sometimes it was to the point that he had to grab a hold of the house to help him brace his balance. I asked Roberts



if he felt that he has had a lot to drink and he told me yes but didn't see a problem with it because he was in the comfort of his own home."

Next paragraph:

"As we were leaving the residence Roberts told us that he was going to go make himself another rum and Coke before going to bed."

...The police left without making an arrest, but had to come back. When asked why he spit on his 40 year old son from the top of the stairs the defendant replied, "You told me not to go downstairs."

February is National Teen Dating Violence Awareness and Prevention Month

Since 2004, Congress has designated the first full week in February as National Teen Dating Violence Awareness and Prevention Week. However, this year, the Justice Department worked with the Senate to designate the entire month of February as National Teen Dating Violence Awareness and Prevention Month. As noted by Associate Attorney General Tom Perrelli, "The department will continue to raise awareness regarding teen dating violence, and will use federal resources to assist schools and communities in stopping such violence." (Associate Attorney General Perrelli, Senators Announce Passage of Teen Dating Violence Awareness Month Resolution, U.S. Department of Justice Press Release, January 28, 2010)

The designation of National Teen Dating Violence Awareness and Prevention Month provides parity to the three other crimes included in VAWA, which was signed into law by President Clinton 15 years ago. Each of the other crimes (sexual assault, domestic violence and stalking) have an existing designated month for public education and awareness activities. This is another installment in the department's year-long effort to raise public awareness, build stronger coalitions among federal, state, local and tribal communities, and redouble efforts to end domestic and teen dating violence, sexual assault and stalking for men, women and children across the country. (Associate Attorney General Perrelli, Senators Announce Passage of Teen Dating Violence

Awareness Month Resolution, U.S. Department of Justice Press Release, January 28, 2010)

The unanimously approved Senate Resolution establishing National Teen Dating Violence Awareness and Prevention Month calls on communities to "empower teens to develop healthier relationships" and promote programs and activities to draw attention to the issue that puts teen victims at risk for "substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization." It calls for awareness among parents and children and community events on the issue and notes that abuse can keep victims from attending school and result in psychological problems later in life. (New Focus on Teen Dating Violence, U.S. Senator Mike Crapo Press Release, January 28, 2010)

To help bring greater awareness to the dangers and consequences of teen dating violence, National Criminal Justice Reference Service presents an online compilation of resources on this topic, just click the links below.

Publications:

<http://www.ncjrs.gov/teendatingviolence/publications.html>

Related Resources:

<http://www.ncjrs.gov/teendatingviolence/relatedresources.html>

Information provided by the NCJRS