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# “...The Good Fight”

*Oregon Department of Justice Domestic Violence Prosecutor Newsletter*

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## Did You Know?

April is Sexual Assault Awareness Month. For more information about it check out page 3.

**The Question:** How can the Hood River Domestic Violence Enhanced Response Team (DVERT) provide information about domestic violence to every single person in Hood River County?

**The Answer:** In mid November of 2009 the answer came to us even before we realized what the question was. Hood River County DVERT team hosted an INOKA (It's Not OK Anymore) class in Hood River to better equip religious leaders in the community to deal with domestic abuse in their congregations. Jan Black, co-author and instructor of the INOKA training, revealed a “new” concept she was working on called the “We kNOw DV” campaign. The concept is to use very simple questions or “LUDI-Q” (ludicrous question) to inform others about domestic abuse. Questions, such as “may I control you?” or “will you believe that if I am not hitting you I'm not abusing you?”, demonstrate how an abuser thinks in that if the abused says nothing, he/she is, in the abusers mind, agreeing to the statement and consenting to the abuse. It is like saying, “if you accept, say nothing at all.” The We kNOw DV campaign is a year- long, media centered campaign, geared to inform our community, in a very fun and simple way, about domestic abuse.

The Hood River DVERT team, after hearing the presentation by Jan Black, elected to use her campaign in Hood River County and immediately began preparations. By using a different LUDI-Q each month the Hood River DVERT team was able to provide information on domestic abuse in an innovative way. Many residents did not even realize they were victims of abuse before receiving the information provided by the campaign.

The DVERT team understood that once our communities became saturated with information about domestic abuse there was going to be a lot of people needing services from support service providers. Therefore, we provided training to various groups in the county on how to hold INOKA groups and trained the treatment providers, clergy, Hispanic representatives, and volunteers to teach classes and answer questions on domestic abuse.

Once the foundation was laid, the next step

was to build a team, or a core group of volunteers, made up of members that represent all areas of Hood River County and its residents. We asked members of the business community, law enforcement, schools, treatment providers, Hispanic community, clergy, media, and members from the community. Hood River DVERT team trained the core group about the campaign and how to go out and train other representatives as well.

With the various community members represented, we then discussed the best way to provide the information to their demographic area. In addition, we discussed the need for funding and explored possible ways to raise money. Even though fundraising is difficult, our team was energetic and creative about how to raise money and spread the word to the community about the We kNOw DV campaign. Some of our fundraising events included concerts, donkey basketball, and raffles. We also went to local businesses and other community sponsors, such as, The Lions Club, Soroptimists Clubs and ELKS Clubs. Fundraising became a continuous project and was very successful in our community. As a result, Hood River DVERT team was able to purchase weekly ads in the local paper, advertise on both the English and Spanish radio programs, and provide written material for businesses and supporters of the campaign. The group also petitioned Governor Kulongoski to sign a proclamation in support of the We kNOw DV campaign. Not only did the former Governor proclaim 2010 as the “We kNOw DV” year, all of Hood River County and municipalities issued a proclamation in support of the We kNOw DV campaign.

The success of the campaign in Hood River County has sparked interest in other communities and groups to start a We kNOw DV campaign in their areas. Hopefully the program will take on a national significance. Our challenge is for other states to see the benefit and take steps to use the We kNOw DV campaign for their citizens.

## Intimate Partner Sexual Violence and Domestic Violence: Not One and the Same

Intimate Partner Sexual Violence (IPSV) refers to situations where sexualized violence is present along with any form of violence within an intimate relationship. The phrase is meant to include all types of intimate relationships that are excluded by the terms “marital rape” or “wife rape” which limit the context of sexual assault of intimates to spousal relationships. Sexual violence can occur in any type of intimate relationship and may or may not be accompanied by other forms of abuse. Most often, however, sexual assault is only one of many types of abuse, both physical and emotional, being inflicted upon the victim by their partner or former partner. In a study done by the U.S. Department of Justice, 68% of the women studied that were physically abused also reported sexual assault.

Although IPSV is one form of Domestic Violence, studies have shown that women who are battered and sexually assaulted consider the sexual assault to be the more traumatic of all the abuse<sup>1</sup>. An important distinction between the two is that the effects of the sexual violence on the victim’s psyche are longer lasting than those from physical abuse alone. Additionally, research shows that survivors of IPSV are more likely to attempt or threaten to commit suicide than women who were physically abused only<sup>2</sup>. Unlike in the cases of rape by a stranger, a woman raped by her intimate partner is often times forced to continue living with her rapist and often endures the sexual violence over and over again. An equally significant fact is that sexually assaulted women reported more risk factors of femicide, especially strangulation and threats from the abuser to kill the woman and hurt the children, compared to physically-abused only women<sup>3</sup>.

The occurrence of rape among intimate partners is staggering. It is estimated that over 7 million women have been raped by their intimate partners in the United States<sup>4</sup>. This is a conservative estimate considering that IPSV is often under reported (as are many types of Domestic Violence); the under-reporting may be in part due to lack of awareness that sexual

violence among intimates is in fact a crime. Our society’s patriarchal history of women being considered the property of their husbands has hindered progression of criminal law regarding crimes like marital rape. For example, the common law definition of rape, as well as the first adopted Model Penal Code definition of rape, made it impossible for a man to commit the crime of rape against his wife. Even today, although all fifty states have repealed any complete exemption, thirty states still have some exemptions given to husbands from rape prosecution in cases because a wife’s consent is presumed and no force is required, i.e. when she is asleep or unconscious. The fact that the law itself is still teetering regarding whether marital rape is in fact a crime leaves little room for surprise that men and women in civil society question whether rape among intimates is wrong or illegal. Laws granting exemptions perpetuate the mindset that a man is in fact granted an easement over his wife’s body after marriage and a woman may feel she has little or no right to complain.

It is important for Domestic Violence service providers, whether they be shelters, medical providers, police officers, victim advocates, etc., to be specifically trained in the unique characteristics associated with intimate partner sexual violence. There are important differences between IPSV survivors and other sexual assault and DV survivors. In order to provide sufficient and effective assistance, these differences must be understood and addressed by the professionals victims turn to for help.

<sup>1</sup> Bergen, Rachel, “*Wife Rape: Understanding the response of survivors and service providers*,” (Sage Publications Inc., California, 105) 1996

<sup>2</sup> McFarlane, Dr. Judith, and Malecha, Dr. Ann, “*Sexual Assault Among Intimates: Frequency, Consequences & Treatments*,” pg. 3 (U.S. Dept. Of Justice, Oct. 2005).

<sup>3</sup> *Id.*

<sup>4</sup> Mahoney, P., Williams, L. M., & West, C. M. (2001). Violence against women by intimate

## New Column

### State v. Roquez

Morrow Co. Circuit Court, Tried by Sr. AAG Rachel Bridges (author of summary)

### 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.

In this case, the defendant and the victim were each married to others and began a consensual sexual relationship. The victim tried to end the sexual relationship, but initially consented to one last encounter before ending their relationship. During what began as a consensual contact, the defendant used force on the victim to prevent her from fleeing and physically fighting. The victim repeatedly begged the defendant to stop, told him she just wanted to leave, cried, told the defendant she was in pain, and that she wanted him to leave. The defendant told her she wasn’t going anywhere until he was finished (among other statements). The defendant was charged with Rape 1 (forcible compulsion), Sodomy 1 (forcible compulsion), and two counts of Sex Abuse 2 (a lesser included of Rape 1 and a lesser included of Sodomy 1, lack of consent).

The defendant had a prior conviction in 2006 for Sex Abuse in the Second Degree. The State requested and received certified copies of his prior conviction,

including a copy of the indictment. The State located the prior victim and spoke with her. There were certain details of how the crimes were committed that resembled each other, namely that the defendant became MORE forceful when the victims fought. The State filed and was granted a motion in limine to admit evidence of the defendant’s prior conviction under OEC 404(4), and to have the prior the victim testify. The prior conviction came in, the prior the victim testified, and the fact that the defendant’s family tried to give her money to “drop the charges” all came into the state’s case-in-chief.

The current victim also testified, which was extraordinarily difficult for her to do. She had to discuss the prior sexual contacts as well as the graphic details of this assault. While this the victim was unquestionably one of the most fragile victims I have ever worked with, her ability and willingness to testify was a testament to her strength. The defendant was convicted of Sodomy 1 and Sex Abuse 2.

# April Is Sexual Assault Awareness Month



## April is Sexual Assault Awareness Month

The month of April has been designated Sexual Assault Awareness Month (SAAM) in the United States. The goal of SAAM is to raise public awareness about sexual violence and to educate communities and individuals on how to prevent sexual violence. Each day, people witness a continuum of behaviors that range from being respectful and safe, to sexually abusive and violent.

The 2011 national Sexual Assault Awareness Month (SAAM) campaign explores common, everyday behaviors and offers individuals viable, responsible ways to intervene. This primary prevention approach helps to create environments where people are safe in their relationships, families, neighborhoods, schools, work places and communities. This year's SAAM brings together resources and information, thus offering everyone the opportunity to address behaviors before sexual violence occurs.

On the SAAM site, you will find information and materials for both upcoming and past campaigns. The National Sexual Violence Resource Center (NSVRC) encourages state, territory, tribal and local organizations and groups focused on sexual violence awareness and prevention to tailor these campaign materials to their local communities. By working together we can highlight sexual violence as a major issue in our communities and reinforce the need for prevention efforts.

For more information and ideas on what you can do to support the campaign visit:

<http://www.nsvrc.org/saam>

**HAVE FUN, DO GOOD !****A List of Local Fundraiser Events to Support DV Service Providers**

**“Movies and Mimosas”** A monthly movie event to benefit Raphael House of Portland.

Held on the third Sunday of every month at noon @ the Academy Theater in Portland. For more information:  
[http://raphaelhouse.com/events/raphael\\_house\\_special\\_events/movies-mimosas/](http://raphaelhouse.com/events/raphael_house_special_events/movies-mimosas/)

**“Wine Women & Shoes”** A charity event benefiting Bradley Angle, offering Domestic Violence survivors options for safety, empowerment, healing and hope.

May 19, 2011 @ the Crowne Plaza Hotel in Portland. For more information: <http://bradleyangle.org/news-events/wine-women-shoes/>

**“Divas in De-Stress”** An afternoon of women celebrating women in benefit of the Sexual Assault Resource Center.

Sunday April 17, 2011, 11am-3pm @ Large Films in Portland. For more information: <http://www.sarcoregon.org/events.asp#divas>

**“Heroes of Hope Gala”** An honoree dinner, program and dance benefiting Clackamas Women’s Services. Saturday, April 16, 2011, 6:00pm @ the Oregon Golf Club in West Linn. For more information: <https://cwsor.ejoinme.org/MyEvents/HeroesofHope25thAnniversaryGala/tabid/263923/Default.aspx>

**Good Things!****Jacksons Food Stores Join Oregon Fight Against Domestic Violence**

We at the DOJ learned of the Jacksons Food Stores DV fundraising efforts and wanted to share their previously printed press release regarding the success of those efforts. We think it is important to show support to those local companies who are choosing to contribute towards the fight against Domestic Violence in their communities.

**Jacksons Food Stores’ Press Release, January 6, 2011 :**

Jacksons Food Stores and the Oregon Coalition Against Domestic & Sexual Violence launched the “Give the Gift of Peace” Campaign, an annual Christmas-season campaign to raise funds for the prevention of domestic violence and dating violence through community awareness and to provide free legal civil services to victims. Jacksons CEO John Jackson matched the contributions dollar for dollar with all the proceeds going to the Oregon Coalition Against Domestic & Sexual Violence

“Jacksons Food Stores is pleased to assist again this year with this extremely important program to prevent domestic violence and dating violence through community awareness and to provide free legal services to the victims of domestic violence. Despite the economic down turn, our customers have generously responded to increase the level of support for Oregon victims of domestic violence,” Jackson said.

Through the “Give the Gift of Peace” Campaign, a one dollar Dove was available from Thanksgiving through December 31st for customers to purchase and contribute to the worthy

**Restraining Order Notification Project (update)**

Back in December, 2010, the “Good Fight” included an article on a new program developed by the Oregon State Police in collaboration with the OJD and the DOJ. The project provides for a notification to be sent to the petitioner of a restraining order via cell phone or e-mail regarding the service of a protection order as well as a notification 30 days prior to the expiration of an active protection order. Service of a restraining order is one of the most dangerous times for a victim and this timely and convenient notification allows for a victim to plan for their safety prior to them receiving the true copy of proof of service after the fact. Additionally, the notice regarding expiration of an active order allows the petitioner to request an extension of the order if desired, rather than apply for a new order as would be required if the order were allowed to expire.

We are happy to report that the system is now in full swing. Since implementation of the notification project last month, 508 notifications have been sent out to petitioners and a tracking system has been developed to collect the data regarding county to county use of the system which will provide information on both petitioner participation in the program and county use around the state. Just another fabulous new tool in the “Good Fight” against domestic violence.

For more information you may contact: Terry O’Connell  
[Terry.OConnell@state.or.us](mailto:Terry.OConnell@state.or.us)

cause. Oregon Jacksons customers contributed over \$8,000 through the purchase of a Dove at local stores. The \$8,000 contribution will double with the donation match by John Jackson which brings the total contribution to more than \$16,000. Employees at the Jackson’s Food Store, located at 25737 SE Stark St. in Troutdale Oregon had the highest contribution, selling over 600 Doves.

Jackson also matched dollar for dollar contributions in Idaho, Washington and Nevada, totaling over \$47,000 (over \$94,000 with Mr. Jackson’s match), including Oregon. Contributions in Idaho totaled over \$19,000; over \$14,000 in Washington; and over \$5,000 in Nevada. All proceeds will go toward coalitions against domestic violence in the respective states.

**ABOUT JACKSONS FOOD STORES**

Jacksons Food Stores, Inc., headquartered in Meridian, was founded in Idaho in 1975 as a single service station. It has grown to be a nationally recognized chain of more than 200 stores in four western states. The company is the 6th largest privately held corporation in Idaho, and has been widely recognized for its support of community and charity projects for local businesses and organizations.

For more information on the charity projects Jacksons Food Stores supports, visit [www.jacksonsfoodstores.com](http://www.jacksonsfoodstores.com).



## LOCAL TRAINING OPPORTUNITIES

### **April 4-5: Seaside, OR**

ADOLESCENT SEXUALITY CONFERENCE – HEALTHY RELATIONSHIPS MATTER, hosted by the Oregon Department of Human Services.

For more information: <http://www.oregon-asc.org/>

### **April 5: Portland, OR (All Day)**

SAFETY IS NO ACCIDENT: Public Health Week Panel discusses DV related topics, hosted by the Oregon Health Authority— For more information: <http://public.health.oregon.gov/spotlight/phweek/Pages/index.aspx>

### **June 14-15 in Portland, OR**

NCVLI'S 10TH ANNUAL CRIME VICTIM LAW CONFERENCE, hosted by the National Crime Victim Law Institute. For more information: <http://www.lclark.edu/live/news/10654-register-now-for-the-crime-victim-law-conference>

### **Ongoing (Webinar):**

DOMESTIC VIOLENCE AND THE WORKPLACE: LEARN WHAT YOU CAN DO TO HELP, Hosted by Family Violence Coordinating Council, Mult. County. For more information: <http://www.co.multnomah.or.us/dchs/dv/content/mod01/page01.html>

**June 29-July 1, Sunriver, Oregon:** Oregon Coalition Against Domestic and Sexual Violence:

2011 ANNUAL CONFERENCE, Hosted by OCADSV. For more information: <http://www.ocadsv.com/>

### **May 3 - May 4, 9:00 a.m. - 5:00 p.m., @ Lewis & Clark, Portland, OR:**

A CALL TO MEN: Institute Training Institute on Engaging Men and Boys to Prevent Domestic and Sexual Violence, Hosted by OCADSV. For more information:

<http://www.ocadsv.com/>

## NATIONAL TRAINING OPPORTUNITIES

### **April 6 (webinar, 3:00-4:30 pm ET)**

ADVANCED ISSUES AND HOT TOPICS IN VAWA CASES, sponsored by the Immigrant Legal Resource Center.

[https://www.ilrc.org/trainings\\_seminars/detail.php?id=218](https://www.ilrc.org/trainings_seminars/detail.php?id=218)

### **May 2-4 in Jacksonville, FL**

NATIONAL INSTITUTE FOR SART TEAM LEADERS, hosted by the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault.

[http://www.mncasa.org/svji\\_NationalInstitute.html](http://www.mncasa.org/svji_NationalInstitute.html)

### **May 2-6 in Coeur d'Alene, ID**

DOMESTIC VIOLENCE INSTRUCTOR TRAINING PROGRAM, hosted by the U.S. Department of Homeland Security, Federal Law Enforcement Training Center.

<http://www.fletc.gov/state-and-local/office-of-state-and-local-training/tuition-free-training-programs/domestic-violence-instructor-training-program-dvitp/>

### **May 25 (web conference, 11:00 am - 12:30 pm PT; repeated on 5/26)**

UNDERSTANDING THE DIFFERENCES BETWEEN NATIONAL SEXUAL VIOLENCE AND INTIMATE PARTNER VIOLENCE SURVEYS, hosted by PreventConnect.

<http://www.preventconnect.org/display/displaySection.cfm?sectionID=268>

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

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

### **Joyful Heart Foundation:**

<http://www.joyfulheartfoundation.org/reunion.htm?gclid=COyNO-PX6qcCFQgHbAodtgOjaw>

### **The Family Violence Prevention Fund:**

<http://endabuse.org/>

### **National Network to End Domestic Violence:**

<http://www.nnedv.org/resources/stats.html>

### **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](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 or disturbing anecdote you'd like to share, send it my way!

## ***HE SAID WHAT??***

First of all, we're sorry that you're having to read another article on Charlie Sheen. However, since neither he nor his nonsensical rants seem to be going anywhere, we thought we'd highlight some of his acts that are not nearly as well known. You see, for over two decades, Mr. Sheen has demonstrated violent behavior toward women:

In 1990, he accidentally shot his fiancée at the time, the actress Kelly Preston, in the arm. (The engagement ended soon after.) In 1994 he was sued by a college student who alleged that he struck her in the head after she declined to have sex with him. (The case was settled out of court.) Two years later, a sex film actress, Brittany Ashland, said she had been thrown to the floor of Mr. Sheen's Los Angeles house during a fight. (He pleaded no contest and paid a fine.)

In 2006, his wife at the time, the actress Denise Richards, filed a restraining order against him, saying Mr. Sheen had shoved and threatened to kill her. In December 2009, Mr. Sheen's third wife, Brooke Mueller, a real-estate executive, called 911 after Mr. Sheen held a knife to her throat. (He pleaded guilty and was placed on probation.) Last October, another actress in sex films, Capri Anderson, locked herself in a Plaza Hotel bathroom after Mr. Sheen went on

a rampage. (Ms. Anderson filed a criminal complaint but no arrest was made.) And most recently, Ms. Mueller requested a temporary restraining order against her former husband, alleging that he had threatened to cut her head off, "put it in a box and send it to your mom." (The order was granted, and the couple's twin sons were quickly removed from his home.) Given that context, NOW consider a few of Mr. Sheen's comments:

- "I think my passion is misinterpreted as anger sometimes. And I don't think people are ready for the message that I'm delivering, and delivering with a sense of violent love. "
- "I'm 0 for 3 with marriage - the scoreboard doesn't lie, never has. So what we all have is a marriage of the heart. To sully or contaminate or radically disrespect this union with a shameful contract is something that I will leave to the amateurs and the Bible grippers. "
- " If you're a part of my family, I will love you violently."

So, you decide... "winning"? We don't think so.

## **"The Good Fight": A One-Year Reflection**

Hello! About a year ago, I sent out the first "Good Fight" newsletter, introducing myself as the new Domestic Violence Resource Prosecutor for the Oregon Department of Justice. I honestly cannot believe that an entire year (and a bit more) has passed since I began this job. It's an understatement to say that it has been a whirlwind of activity. Through that whirlwind, though, I have been able to get a "birds-eye" view of the DV "landscape" throughout this state. And while there are certainly obstacles to overcome, I have been struck time and again by all of the amazing people—all of you—who are doing such tremendous, invaluable work to combat Domestic Violence. When I stop and think about the last 13 months, I truly am overwhelmed by all of the wonderful people I've met from various agencies, organizations, shelters, crisis centers, police departments, sheriff's offices, DA's offices, community corrections units, and the list goes on.

I have had the honor of meeting many of you at the various trainings and conferences that the Department of Justice has hosted over the last year. As you know, one of the

primary goals of my job over the last year was to create and facilitate FREE trainings for law enforcement, prosecutors, and other allied professionals on DV-related topics. I am pleased to report that since I started, the Oregon Department of Justice has funded or directly hosted six (6) Domestic Violence-related trainings. Over 250 people from many, many different disciplines have been able to attend, without cost to their respective agency, a Domestic Violence training. Over 80 Oregon agencies, from nearly EVERY county in Oregon have received free training through the DOJ's Domestic Violence Resource Prosecutor program. We hope to continue these trainings for you in the year ahead! Having said that, help me help you! If there are resources that would be useful to you, training topics that you would like to see, materials that I can provide, please let me know. That is what I am here for. It's truly been a pleasure to meet so many of you and I look forward to meeting even more of you who are doing this great work, in the future.

- Erin Greenawald