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“...The Good Fight”

Oregon Department of Justice Domestic Violence Prosecutor Newsletter

SPOTLIGHT: Marion County DA Domestic Violence Prosecution Team and Advocates: A conversation with Jean Kunkle, Marion County DV Team Leader and Kim Larson, Director of the Victim Assistance Program

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When did the Marion County DA's office form the Domestic Violence team?

We started the discussion about forming a specialized domestic violence team sometime around 1998 or 1999. When these discussions first began, the District Attorney's office was divided into misdemeanor and felony sections with specialty teams in the felony section for property crimes, drug crimes, and sexual assault/child abuse. Because the majority of domestic violence crimes were misdemeanors, the misdemeanor section prosecuted most of the domestic violence cases in the office. In addition, they were also prosecuting the felony assault IV cases. This led to the misdemeanor section supervising attorney along with another attorney and the Victim Assistance domestic violence coordinator meeting with the District Attorney and talking about forming a specialty team for domestic violence cases and as well as discussing the benefits of this approach. In 2000 the District Attorney's office moved to a new building where there was space for the entire office in one location. At this time the structure of the office changed. It was no longer divided into felony and misdemeanor sections, but was instead divided as specialty teams with lawyers who prosecuted both misdemeanor and felony cases. The DV Team was officially formed at this point.

What were/who was the influencing factors in deciding to form the DV team?

Our District Attorney supported and encouraged this team. He was very involved in community efforts around issues of domestic violence and was active with our Domestic Violence Council. He was well-educated on the dynamics of domestic violence and the obstacles faced by victims. The support of our District Attorney was, and continues to be, critical to the success of the team.

Before the DV team was formed there weren't always consistent approaches across the office in the prosecution and negotiation of domestic violence cases. There were no established protocols or

guidelines that everyone followed. As a result, domestic violence offenders sometimes received very different treatment by our office. The dynamics of domestic violence often create a unique set of challenges for prosecution that benefit from the expertise of specialized prosecutors. With a specialized team, the prosecutors have the opportunity to gain expertise in the issues surrounding the prosecution of these cases and the dynamics of domestic violence. This helps ensure more consistency in the prosecution of domestic violence cases as well as a greater sensitivity to the needs of the victims.

Was there an existing Victim Assistance Office/ Program at that time? Were there advocates dedicated to DV cases or was that something that happened with the creation of the DV Team? Please explain that process.

We developed our dedicated domestic violence program within Victim Assistance in 1996, prior to the creation of the DV Team. The idea of a dedicated domestic violence program within Victim Assistance arose out of conversations at our local Domestic Violence Council where they identified the need for specialized domestic violence advocates within the District Attorney's office. To meet this need Victim Assistance applied for and received a STOP Violence Against Women Act Formula Grant to fund the program. This grant continues to fund this program today.

What is the current make-up (level of experience) of the DV team? How many attorneys? How do you decide who to put on the team?

Six attorneys and three law clerks.

20+ years: 1

15 yrs: 2

5-10 yrs: 3

(Continued on page 9)

OF NOTE:

A column featuring DV cases tried by local prosecutors so we can learn from each others' accomplishments, strategies, and, trial challenges.

State v. Brian Cole

- Prosecuted and Written by Jenna Plank and Amy Hehn

On June 28, 2011, after less than 8 full hours of deliberations, a Multnomah County jury unanimously found Brian Cole guilty of murdering his 31-year-old wife, Heather Mallory. This verdict is the culmination of over three years of tireless efforts by prosecutors in the Multnomah County DA's Office, the Missing Persons and Homicide Divisions of the Portland Police Bureau, the Bonner County, Idaho, Sheriff's Office and Prosecuting Attorney's Office, the Marion County Sheriff's Office, and the Clackamas County Sheriff's Department.

On March 10, 2008, Defendant called the Portland Police and reported that his wife, Heather Mallory, had stormed out of their residence on March 8, 2008, and was never to be seen or heard from again. Heather had virtually vanished into thin air, leaving absolutely no leads by way of phone activity, financial records, or communication with any friends or family for investigators to go on. From the beginning, Heather's trail was cold.

Over the ensuing months Detectives from the Portland Police Missing Persons Unit contacted nearly a hundred of Heather Mallory's friends, associates, family, co-workers and classmates. Fliers were posted, national databases were regularly checked, local wooded areas were canvassed with cadaver dogs and search teams. Prompted by a tip and a signal from cadaver dogs, Navy Seals even dove to the bottom of Detroit Lake on a body recovery mission. Nothing.

Phone and financial records for several key persons were examined, and only one person's activities stood out as markedly different around the time of Heather Mallory's disappearance – her husband. Detectives proceeded to engage the Defendant in a series of interviews in which Defendant gave conflicting accounts of his activities, but never quite enough to support a conviction. About two months after Heather Mallory's disappearance, Defendant promptly left the state, moving to rural Sagle, Idaho.

Instead of shelving the case into the cold case files after over a year of unsuccessful investigatory efforts, prosecutors and Detectives met regularly to brain storm other investigatory techniques and options. At one point all reports were submitted to other Detectives for peer re-review to ensure all possible avenues of investigation were being pursued.

Despite the Defendant's departure from the Multnomah County prosecutors and investigators were able to successfully apply for and obtain search warrants, a Pen Register and Trap and Trace Order, and a Wiretap on Defendant's phone in Idaho. Obtaining these orders required prosecutors in Oregon to conform all applications and affidavits to Idaho statutes, and all orders had

to be approved by an Idaho magistrate.

Countless hours of work and cooperation with the Bonner County, Idaho, Prosecuting Attorney, his Chief Deputy, and the Bonner County Sheriff's Department were instrumental in this process. Multnomah County Prosecutors themselves traveled out to Idaho on four separate occasions to work with Judges, prosecutors and investigators in Idaho. We believe that to date this may be the only application that has ever been granted to Oregon prosecutors for an out of state wiretap on a suspect's phone.

On June 30, 2010, Heather Mallory's body was found in a body bag in the woods in Clackamas County. Even with the body, prosecution of this case presented unique challenges in that much of the forensic evidence that may otherwise have been obtained from the body or items found with the body was destroyed by the outdoor conditions of where the body was secreted, and the long passage of time. Prosecutors worked to identify and develop pieces of circumstantial evidence used to tie items found along with the Heather Mallory's body to the Defendant's 2008 residence. Working with the Oregon State Medical Examiner's Office, prosecutors also identified circumstantial evidence which was used to prove the Heather Mallory's murder was intentional despite the lack of direct evidence of any particularized cause of death.

Volumes of phone records were examined, re-examined and synthesized early on in the case to develop arguments about Defendant's normal patterns of call activity and movement prior to the Heather Mallory's disappearance versus after. Synthesizing and understanding these records was a daunting task for lawyers not trained in records analysis, but the time spent in this area was invaluable as these records turned out to be key pieces of evidence in the case.

After a three week long jury trial in June, 2011, Defendant was found guilty of Murder Constituting Domestic Violence for the intentional killing of Heather Mallory. Defendant was sentenced on July 20, 2011, to life in prison with a possibility of parole after 25 years. At sentencing Judge Janice Wilson stated the following to the Defendant: *"My most fervent hope moving forward after this case is that your son, River Cole... who is blessed by being raised by loving and compassionate grandparents will learn that being a man does not mean possession or domination and does not mean destroying someone who no longer wants to stay."*

Legislative Update: What Passed, What Didn't (...except...THEY ALL PASSED!!!)

Now that the Session has come to an end, here is a final status update on the Domestic Violence Bills we were tracking.

House Bill 2925:

Summary: This bill would prohibit Domestic Violence and Sex Crimes offenders from contacting victims while incarcerated for those crimes. It would make violation of the no-contact order a contemptible offense.

Why is this important? Oregon law currently provides for issuance of no-contact orders upon the release of a defendant to prohibit contact with a victim. However, there is no such prohibition if the defendant remains in custody. As a result, defendants in both Sex Abuse and Domestic Violence crimes very often call the victims from the jail while they are in custody. Prohibiting contact with the victim while the defendant is in custody prevents possible emotional stress to the victim as well as potential tampering by the defendant of an already vulnerable witness.

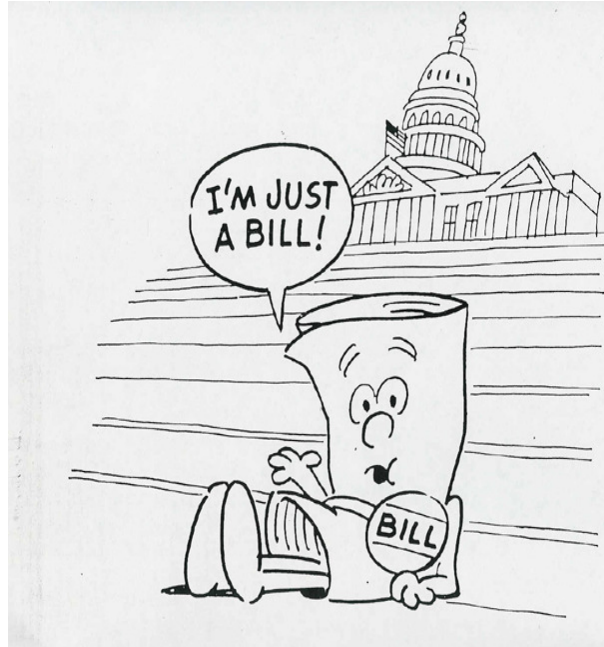
Status: Governor signed on 6/02/2011

Chapter 232, (2011 Laws): **Effective date June 2, 2011.**

House Bill 2928:

Summary: Authorizes hearings under the Family Abuse Prevention Act to be held in person or by telephone. Clarifies how motions for testimony by telephone should be considered in contested restraining order cases; cross-references current procedure as outlined in Oregon Revised Statute (ORS) 45.400, to make clear to

victims that such motions are allowed. Specifies that victims' safety is to be considered in assessing whether there is good cause. Specifies that timeframes be adjusted to allow for the expedited nature of restraining order proceedings.



Why is this important? This bill addresses safety concerns for victims. It provides an avenue for obtaining or maintaining a Restraining Order without having to withstand hostile and sometimes an unsafe environment created by the Respondent and/or the Respondent's family.

Status: Governor signed 06/07/2011.

Chapter 244, (2011 Laws): **Effective date January 1, 2012.**

House Bill 2940:

Summary: This bill amends the existing statute for the crime of Strangulation (ORS 163.187). Currently, Strangulation is a Class A misdemeanor regardless of the defendant's criminal history or circumstances surround the act. This

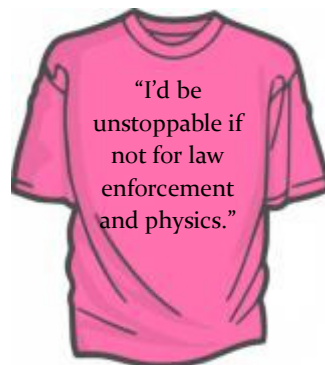
bill would make Strangulation a Class C felony under certain circumstances.

Why is this important? This bill would provide for recognition, in the law, of the seriousness of the act of strangulation and what the act of strangulation means in the context of a Domestic Violence relationship.

Status: Passed through both the House and the Senate floor. Is currently waiting to be signed by the governor.

Their T-Shirt Said What?!

(In honor of summertime, here are some sweet (insert sarcasm here) slogans you may see on t-shirts around town)



Remember What You Are Up Against

By Gillian Fischer

Prosecutors are trial attorneys. A large part of being an excellent trial attorney is knowing the case you are trying inside and out. That doesn't mean knowing just the facts; an excellent trial attorney will also be aware of whether there are any stigmas, stereotypes or societal beliefs surrounding the type of case he or she is prosecuting. Domestic Violence prosecutors are constantly battling myths surrounding our cases. Addressing these myths and discrediting them as a part of your trial strategy may be an effective tool in prosecuting certain Domestic Violence cases. Here are a few of the common myths about Domestic Violence and the facts that discredit them. An important part of ending this epidemic of violence against women is advocating for and encouraging dissemination of accurate information—inside and outside the courtroom—about the crime of Domestic Violence and its victims and survivors.

Myth: Domestic Violence is usually a one time occurrence where the batterers simply lose control.

Fact: Domestic Violence is usually a pattern of power and control that the perpetrator exerts over the victim. Physical violence is just one of many various tactics a batterer may use to control his victim. Other tactics include, but are not limited to: psychological abuse, threats to pets, constant belittling and humiliation, economic dependence, sexual abuse, and isolation. Physical violence is a control mechanism; it is not accidental or merely the result of an angry outburst. In fact, research shows that women who were physically assaulted by an intimate partner averaged **6.9** assaults by the same partner. A 1996 report done in the U.S. found that the average number of assaults on a woman currently suffering abuse was three per year. These statistics support the conclusion that physical violence is a *tactic* and that it is not a random, one-time occurrence, resulting from a fit of rage. The sad reality is that physical assaults are often a regular feature in an abusive relationship.

Myth: If the abuse was that bad, she would leave.

Fact: Unfortunately, even those of us who work in the Domestic Violence field sometimes inadvertently perpetuate this myth with our choice of language. Instead of asking why a victim stays in an abusive relationship, we should ask what prevents the victim from leaving an abusive situation. We all know that it is often when the abuse is at its worst, that the victim is least able to flee. This pervasive myth that prosecutors tirelessly battle dismisses the chronic progression of Domestic Violence in an abusive relationship. It also minimizes the power and influence a batterer creates to keep a victim where the abuser wants her. There are many reasons a victim cannot leave an abusive relationship; indeed far too many to list in this article. Some of the most common barriers to leaving include; lack of alternative means of economic support, concern for her children, fear of retaliation, lack of resources or support in her family and community, humiliation, and perhaps even a sincere love for her abuser and desire to believe that the abuser will change. According to research, the

process of leaving an abusive relationship usually involves leaving and returning several times before permanently terminating it. The point is, the ability to leave an abusive relationship is often a *process*. Regardless of the reasons a victim may have for feeling unable to leave, research indicates that danger to a victim increases exponentially when she does attempt to leave the relationship. The abuser escalates the use of violence and the severity of injury increases. In fact, in the U.S., research shows that a significant percentage of intimate partner homicides occur around the time that a woman is trying to leave her abuser. It is important for community members (and especially those that wind up on our juries) to be aware of the multitude of factors that contribute to a woman's decision regarding when to finally (if ever) leave a battering partner.

Myth: Men are just as likely as women to be abused.

Fact: Women experience more intimate partner violence than men. Men living with male intimate partners experience more intimate partner violence than do men who live with female intimate partners. However, even in those cases, they still experience less intimate partner violence than females. Additionally, women living with female intimate partners experience less intimate partner violence than women living with male intimate partners. Not only are women abused by intimate partners more often than men, they also experience more chronic and injurious physical assaults by their intimate partners than do men. Research found that 41.5 percent of women who were physically assaulted by an intimate partner were injured during their most recent assault, compared to the 19.9 percent of men reporting those same findings. Domestic Violence is not a result of women provoking or assaulting men to the point they abuse them. Research and data clearly illustrate that Domestic Violence is primarily and more frequently perpetrated by men.

Myth: Domestic Violence is not a societal problem, it is a relationship problem.

Fact: Annually, it is estimated that 4.8 million rapes and physical assaults are perpetrated against women by an intimate partner. Of those, 2 million will result in an injury, and 552,192 will require medical treatment of some kind to the victim. Women who have suffered abuse are more likely to be long-term users of health services. They experience more operative surgery, visits by doctors, hospital stays, visits to pharmacies and mental health consultations in comparison to their non-abused peers. Domestic Violence is a serious public health problem and contributes to rising health care costs in the United States. In addition to health care costs, abused women place an economic burden in terms of lost productivity and inability to work and increased use of social services, such as welfare assistance.

Domestic Violence does not stop with the two people involved.

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Making a Difference: Washington County's Domestic Violence Resource Center

- Submitted by Rhonda Coakley, DVRC

Who We Are:

Domestic Violence Resource Center was founded in 1975, offering a broad range of services. Our mission is to empower all individuals and families to have safe and healthy relationships. We are the only dedicated non-profit provider of free and bilingual services to survivors of domestic violence in Washington County, Oregon's most racially diverse and second most populous county. Domestic Violence Resource Center provides protective order advocacy, *Monika's House* emergency shelter and clinical counseling services to victims of domestic violence. We are focused on being the leading voice in Washington County, talking about how to achieve a stronger community by supporting activities and education about safe, healthy relationships.

Domestic Violence Resource Center is a long time community-based non-profit partner of the Department of Justice and the Office of Violence Against Women. We are a founding member of the Domestic Violence Intervention Council, a county-wide body of non-profit service providers and law enforcement who meet monthly. We are also regularly participating member in the Housing Services and Support Network, the Washington County Multi-Disciplinary Team for the Commission on Children and Families, and participate monthly in the Early Childhood Education Committee. These relationships help us to build and strengthen a responsive system of community services.

What We Do:

Although a limited full time staff of 17 supporting our Children and Family Intervention Programs, Protective Order Advocacy Program and Monika's House Shelter program, we are able to support nearly 10,000 clients each year with the assistance of Master-level interns who are critical to the delivery of our services. We maintain a decade-long relationship with local universities to provide supervision of interns working towards the completion of their degrees. Interns come from a variety of Masters

programs, including Social Work, Art Therapy, Counseling, Psychology and other applicable fields. The use of interns and partnering with local universities is the most cost-effective approach to providing our level of and quality of services throughout Washington County.

We are proud of this year's successes to date which includes:

- Receiving National recognition when members of the new *Washington County Animal Multi-Disciplinary Team* donated and built five(5) dog runs/kennels with a "cattery" addition scheduled for late summer 2011 – *DVRC is the third shelter in Oregon and one of only 35 among the nation's more than 2,000 domestic violence shelters across the country to allow pets.* http://www.oregonlive.com/pets/index.ssf/2010/11/pet_talk_monikas_house_is_a_re.html
- Reduced monthly expense obligations by streamlining our internal processes
- Awarded new three-year federal grant with specific focus on young adults ages 13-24 who experience Domestic Violence, Sexual Assault, Stalking and Dating Violence
- Honored to be invited to present at *Beaverton Mayor's State of the City* address <http://www.beavertonoregon.gov/mayor/meetmayor/stateOfTheCity.aspx>
- Launched *Small Business Enterprise Program* (soaps, lotions & puppet kits)
- Awarded a \$500 grant from *Oregon Food Bank* to start a shelter "community garden"
- Received a beautiful room makeover from a new foundation, *Project Imaginaire*, tied to *Super Bowl Champions the Green Bay Packers* and *Pint Size Designs*, as part of our shelter "Room Sponsorship Campaign"

For more information about Domestic Violence Resource Center, visit their website: <http://www.dvrc-or.org/>

Remember What You Are Up Against

(Continued from page 4)

Children are often present during domestic altercations. Children who witness intimate partner violence face an increased risk to suffer a whole range of emotional and psychological problems, similar to those an abuse victim might face. Domestic Violence affects everyone either directly by witnessing or experiencing it first hand, or indirectly through the burdens placed on the economy and social resources by victims and their children.

Myth: Domestic violence only happens to poor, uneducated, women and minority women.

Fact: Domestic Violence happens to women of all ethnicities, socio-economic backgrounds, and educational backgrounds. Although rates of violence vary significantly among women of diverse racial backgrounds, research shows that variances in other sociodemographic and relationship factors diminish the differences race may demonstrate. More research needs to be done in order to determine if there is indeed a correlation between these factors and the prevalence or likelihood that a woman will be a victim of Domestic Violence. What is clear is that *any* woman can be the victim of Domestic Violence. No amount of education, money, or difference in race immunizes a woman from being a victim and survivor of Domestic Violence.

LOCAL TRAINING OPPORTUNITIES

August 8 & 9, 2011 in Lake Oswego, Oregon:

CLACKAMAS COUNTY DISTRICT ATTORNEY'S OFFICE SPONSORED DOMESTIC VIOLENCE TRAINING

Deadline to register—July 8, 2011.

For more information contact:

tinakra@co.clackamas.or.us

September 2011 (Dates Vary Depending on Location):

ENHANCING SAFETY: LEGAL DEVELOPMENTS, DATA ENTRY, PROCEDURES AND FORMS for Oregon Judges and Court Staff.

Sponsored by the Oregon Firearms and Domestic Violence Task Force

For more information contact:

Gillian.j.fischer@state.or.us

DV Boot Camp II October 26-28, Newport, Oregon:

OREGON DEPARTMENT OF JUSTICE DOMESTIC VIOLENCE BOOT CAMP II

Registrations will be accepted August 29, 2011—September 21, 2011. Stay Tuned!

For more information contact:

erin.greenawald@doj.state.or.us

NATIONAL TRAINING OPPORTUNITIES

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

FOR ADVOCATES AND IMAMS: RESOURCES AND ROADBLOCKS FOR MUSLIM BATTERED WOMEN, hosted by the FaithTrust Institute. For more information visit:

<http://www.faithtrustinstitute.org/training/events/701A0000000VxBilAK>

August 2-3 in Denver, CO:

NATIONAL CONFERENCE ON STALKING ON CAMPUS, hosted by The National Center for Victims of Crime, Stalking Resource Center.

For more information visit: http://www.ncdsv.org/images/NCVC-SRC_NatlConfStalkingOnCampus_8-2011.pdf

August 10 (webinar, 3:00-4:30 pm ET):

PTSD AND RELATIONSHIPS: INTIMATE PARTNER VIOLENCE ACROSS THE LIFESPAN, hosted by the Battered Women's Justice Project.

For more information visit:

<http://conferences.bwjp.org/webconferencedetail.aspx?confid=234>

August 15 (webinar, 3:30-5:00 pm ET):

REPRESENTING GAY, LESBIAN, BISEXUAL AND TRANSGENDER (LGBT) CLIENTS IN DOMESTIC VIOLENCE CASES, hosted by the University of Southern Maine, Muskie School of Public Service.

For more information visit:

<http://conferences.bwjp.org/webconferencedetail.aspx?confid=233>

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

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

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.

A good example has twice the value of good advice.

-Author Unknown

Domestic Violence Checklists are an invaluable and easy tool that law enforcement agencies can incorporate into their investigation routine. Here is an example of a DV checklist used by Salem Police Department. For more information on this checklist or samples of others contact Erin at: erin.greenawald@doj.state.or.us.

VICTIM OBSERVATION:		
NAME: _____ DOB: _____		
ODOR OF INTOXICANTS: <input type="checkbox"/> STRONG <input type="checkbox"/> MODERATE <input type="checkbox"/> FAINT <input type="checkbox"/> NONE TYPE/ AMOUNT: _____		
DEMEANOR (Mark all that apply): <input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> AFRAID <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> NERVOUS <input type="checkbox"/> HOSTILE <input type="checkbox"/> CONFUSED <input type="checkbox"/> DRUGS <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> RELUCTANT <input type="checkbox"/> UNCOOPERATIVE		
INJURY (Mark all that apply): <input type="checkbox"/> RED MARKS <input type="checkbox"/> BRUISE(S) <input type="checkbox"/> ABRASIONS <input type="checkbox"/> CUT(S) <input type="checkbox"/> SWELLING <input type="checkbox"/> FRACTURES <input type="checkbox"/> STRANGULATION <input type="checkbox"/> SCRATCHES <input type="checkbox"/> BLEEDING <input type="checkbox"/> PAIN SCALE 1-10 ; (OCCURRED) _____ (INTERVIEW) _____ (CONCLUSION) _____		
<input type="checkbox"/> CONTACT PERSON / MSG. PHONE: _____		<input type="checkbox"/> DVA NOTIFIED <input type="checkbox"/> DVA RESPONDED
<input type="checkbox"/> PRIMARY LANGUAGE: _____		<input type="checkbox"/> CLAIMED SELF-DEFENSE <input type="checkbox"/> CLAIMED MUTUAL COMBAT
SUSPECT OBSERVATION:		
NAME: _____ DOB: _____		
ODOR OF INTOXICANTS: <input type="checkbox"/> STRONG <input type="checkbox"/> MODERATE <input type="checkbox"/> FAINT <input type="checkbox"/> NONE TYPE/ AMOUNT: _____		
DEMEANOR (Mark all that apply): <input type="checkbox"/> ANGRY <input type="checkbox"/> APOLOGETIC <input type="checkbox"/> CRYING <input type="checkbox"/> AFRAID <input type="checkbox"/> HYSTERICAL <input type="checkbox"/> CALM <input type="checkbox"/> NERVOUS <input type="checkbox"/> HOSTILE <input type="checkbox"/> DRUGS <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> UNCOOPERATIVE		
INJURY (Mark all that apply): <input type="checkbox"/> RED MARKS <input type="checkbox"/> BRUISE(S) <input type="checkbox"/> ABRASIONS <input type="checkbox"/> CUT(S) <input type="checkbox"/> SWELLING <input type="checkbox"/> FRACTURES <input type="checkbox"/> STRANGULATION <input type="checkbox"/> SCRATCHES <input type="checkbox"/> BLEEDING <input type="checkbox"/> PAIN SCALE 1-10 ; (OCCURRED) _____ (INTERVIEW) _____ (CONCLUSION) _____		
<input type="checkbox"/> PRIMARY LANGUAGE: _____		<input type="checkbox"/> CLAIMED SELF-DEFENSE <input type="checkbox"/> CLAIMED MUTUAL COMBAT (Describe in Report)
RELATIONSHIP BETWEEN VICTIM & DEFENDANT		
<input type="checkbox"/> SPOUSE <input type="checkbox"/> DATING / ENGAGED <input type="checkbox"/> SEPARATED <input type="checkbox"/> EX-DATING/ EX-ENGAGED <input type="checkbox"/> DIVORCE PENDING <input type="checkbox"/> FRIEND <input type="checkbox"/> DIVORCED <input type="checkbox"/> ACQUAINTANCE <input type="checkbox"/> COHABITANTS <input type="checkbox"/> FAMILY _____ <input type="checkbox"/> BIOLOGICAL PARENT'S		RELATIONSHIP OF YEAR(S) _____ MONTH(S) _____ RELATIONSHIP ENDED _____ HISTORY OF DOMESTIC VIOLENCE? (DESCRIBE IN REPORT) <input type="checkbox"/> YES <input type="checkbox"/> NO HISTORY DOCUMENTED? <input type="checkbox"/> YES <input type="checkbox"/> NO PRIOR CONVICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO COUNTY _____ YEAR _____ NUMBER OF INCIDENTS REPORTED _____ UNREPORTED _____ INVESTIGATING AGENCIES _____
COURT ORDERS IN EFFECT:		
<input type="checkbox"/> RESTRAINING ORDER <input type="checkbox"/> STALKING ORDER COUNTY/DOCKET# _____ <input type="checkbox"/> CURRENT <input type="checkbox"/> EXPIRED <input type="checkbox"/> RELEASE AGREEMENT <input type="checkbox"/> PROBATION <input type="checkbox"/> PAROLE <input type="checkbox"/> OTHER COURT ORDER _____		

Other Related Crimes

THREATS TO: ☐ KILL VICTIM ☐ KILL OTHERS ☐ KILL SELF ☐ ASSAULT VICTIM ☐ ASSAULT OTHERS ☐ DAMAGE PROPERTY ☐ TAKE CHILDREN ☐ OTHER: _____

HISTORY OF: ☐ ASSAULTS ☐ MENACING BEHAVIOR ☐ STRANGULATION ☐ STALKING ☐ INTIMIDATION ☐ ISOLATION

☐ ABUSED CHILDREN ☐ ABUSE TO A PREVIOUS PARTNER ☐ VIOLATION OF PROTECTIVE ORDERS

☐ VIOLATION OF PAROLE/PROBATION

ANIMAL ABUSE: ☐ THREATS TO HARM ANIMAL(S) ☐ PHYSICAL HARM TO ANIMAL(S).....IF YES: Describe Injuries _____

SEXUAL ABUSE: ☐ DEMANDED/FORCED SEXIF YES: When _____ How often _____

☐ WAS THIS REPORTED TO ANYONE? IF YES: To Whom _____ Contact Info _____

EVIDENCE**MEDICAL FORMS**PHOTOS OF: ☐ VICTIM ☐ DEFENDANT ☐ SCENETAKEN BY: _____ ☐ FOLLOW-UP PHOTOS SCHEDULED FOR: _____**EVIDENCE COLLECTED:**☐ PHOTOS ☐ CLOTHING ☐ DOCUMENTS ☐ WEAPON(S)* ☐ TELEPHONE (IF DAMAGED OR DESTROYED)*TYPE OF WEAPON(S) USED: _____ WEAPON(S) IMPOUNDED? ☐ YES ☐ NOOTHER FORMS OF EVIDENCE: ☐ HOUSE RULES ☐ CONTRACTS ☐ LETTERS OF APOLOGYANY OTHER FORM OF CORROBORATING EVIDENCE: ☐ CELL PHONE VIDEOS ☐ CELL PHONE PICTURES ☐ TEXT MESSAGES ☐ DIGITAL VIDEOS ☐
DIGITAL PICTURES that depict ☐ INJURIES ☐ SEXUAL ACTS ☐ ASSAULTSWITNESS(ES) INFORMATION: PLEASE INCLUDE WITNESS STATEMENTS, ADDRESSES AND PHONE NUMBERS IN REPORT.WITNESS(ES) PRESENT DURING INCIDENT? ☐ YES ☐ NO STATEMENTS TAKEN FROM WITNESSES? ☐ YES ☐ NO**PREGNANT:** ☐ VICTIM ☐ SUSPECT**CHILDREN:**CHILDREN PRESENT DURING VIOLENCE? ☐ YES ☐ NO NUMBER _____ AGES _____STATEMENTS TAKEN FROM CHILDREN ☐ YES ☐ NO LOCATION OF CHILDREN DURING INCIDENT _____

CHILDREN'S DEemeanor: _____

TREATMENT: ☐ NONE: ☐ FIRST AID ☐ TREATED / RELEASED ☐ ADMITTED ☐ DECLINED TREATMENTTREATED BY: ☐ SELF ☐ OFFICER ☐ PARAMEDIC ☐ HOSPITAL ☐ WILL SEEK OWN PHYSICIAN: _____☐ FIRE / PARAMEDICS RUN# _____ NAMES, ID# _____☐ TRANSPORTED TO HOSPITAL, ATTENDING PHYSICIAN / NURSE _____☐ DOMESTIC VIOLENCE INFORMATION CARD ☐ VICTIM'S RIGHTS CARD ☐ CONSENT TO SEARCH CARD ☐ MIRANDA RIGHTS CARD☐ RESTRAINING ORDER/STALKING ORDER INFORMATION ☐ MEDICAL RELEASE FORM ☐ INCIDENT REPORT #

Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Was your breathing restricted or pressure applied to your neck in any way?" <input type="checkbox"/> How? <input type="checkbox"/> Demonstrate? <input type="checkbox"/> One Hand? <input type="checkbox"/> Two Hands? <input type="checkbox"/> Arms Used? <input type="checkbox"/> Legs Used? <input type="checkbox"/> Ligature? (Seize) <input type="checkbox"/> Other Method? _____
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Was your head shaken while you were being strangled?" <input type="checkbox"/> Describe. <input type="checkbox"/> Was your neck twisted in any way? Y / N
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Did the suspect say anything to you while you were being strangled?" <input type="checkbox"/> What? <input type="checkbox"/> Significant quotations noted verbatim?
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Can you estimate you long your breathing was restricted?" -- ____ second(s) ____ minute(s) <input type="checkbox"/> How did it affect you? <input type="checkbox"/> Any loss of consciousness? Y / N
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"What were you thinking while you were being strangled/suffocated?" <input type="checkbox"/> Describe: _____
Yes <input type="checkbox"/>	N/A <input type="checkbox"/>	"Can you tell me what caused the strangulation/suffocation to stop?" <input type="checkbox"/> Describe: _____
Symptoms since incident:	(Mark all that apply): <input type="checkbox"/> Sore Throat <input type="checkbox"/> Headaches <input type="checkbox"/> Red/purple petechiae spots on lips, gums, face, scalp, neck, or throat <input type="checkbox"/> Neck swelling <input type="checkbox"/> Difficulty swallowing <input type="checkbox"/> Tongue trauma <input type="checkbox"/> Dizziness <input type="checkbox"/> Shortness of breath <input type="checkbox"/> Fainting <input type="checkbox"/> Voice hoarse or raspy <input type="checkbox"/> Coughing <input type="checkbox"/> Nausea <input type="checkbox"/> Drooling <input type="checkbox"/> Urinate <input type="checkbox"/> Defecate <input type="checkbox"/> Photo <input type="checkbox"/> Medical Exam!	
DOES THE CRIME OF "STRANGULATION" APPLY? RESTRICTED BREATHING MAY UPGRADE SEVERITY OF A CRIME.		

RISK ASSESMENT (Required)

To assist with recognizing any possible safety issues that could exist, please advise of any concerns you might have regarding the other involved person (Mark all that apply):

☐ Prior history of DV ☐ Strangled/suffocated in past ☐ Depression ☐ Major health issues ☐ Alcohol/drug abuse ☐ Obsessive/possessive behavior
☐ Access to weapons ☐ Abusive to children ☐ Possible job loss ☐ Violating protective order ☐ Plans to leave ☐ New relationship ☐ Access to you/your family ☐
 Stalking ☐ Fleeing from police ☐ Failure to appear at court hearing(s) ☐ Cruelty to animals ☐ Defiance of judicial system ☐ Reports of prior assaults on other persons
☐ Taking a hostage ☐ Threats, fantasies, or attempts of homicide or suicide
BEFORE LEAVING SCENE (Mark all that have been done):
☐ Recorded Statements ☐ Check for Warrants, RO's, P&P ☐ Fill out ATL if PC ☐ CCH by phone if needed ☐ Does Harassment apply? ☐ P&P called? ☐ Interview
 Child Witness ☐ DHS called? ☐ Caller ID checked ☐ Answering machine checked ☐ *69 checked ☐ e-mail checked ☐ Entry/Exit
☐ Signs of struggle ☐ Possible crime scene staging ☐ Area canvass ☐ Detective if appropriate ☐ Can residence be secured?☐ **Seize Evidence:** (hair, phone cords, damaged phones, weapons, ligature, messages, etc) ☐ **Photos** ☐ **Text Messages** (to be examined/reviewed)

Marion County DA Domestic Violence Prosecution Team and Advocates: A conversation with Jean Kunkle and Kim Larson*(Continued from page 1)*

The attorneys are on the team because they are both interested in DV prosecution and because DV cases are challenging. DV cases present excellent opportunities for lawyers wanting improve their trial skills – and to become better attorneys in general. The cases go to trial more often than other types of cases and in any given DV case there can be numerous legal, factual and evidentiary issues to grapple with. Working with DV victims, although challenging at times, helps you relate better to all types of victims. You can't prosecute domestic violence cases for any significant period of time without becoming a better litigator.

Does the DV Team *only* prosecute DV cases? What other types of cases does the DV team handle? How do case assignments occur in the office? Do you have an opinion as to whether this is an important factor in retaining experienced prosecutors on the DV Team?

Our office is divided into four specialty teams: Domestic Violence, Career Property Offenders, Drugs and Child Abuse/Sexual Assault. Cases that do not fit into any of those specialties are divided equally among the four teams. Thus, all teams prosecute DUII, Robbery, Homicide, non-DV Assaults, various misdemeanors, etc. Even though the attorneys on the DV team are there because they want to be, it is nice to have the occasional break with something slightly different and challenging in its own way.

The DV team prosecutes all Violation of Restraining Order cases, and has a law clerk dedicated to working those cases. Given the frequently seen link between domestic violence and animal abuse, the DV team prosecutes all of the animal abuse/neglect cases.

Cases are initially reviewed by the trial team leader and then assigned to a particular team member. This allows for cases to be matched with skill levels and particular interests of the team members.

What role does the Victim Advocate Program play in DV prosecution and why is it an important relationship? What do you do within the office to foster this relationship?

The Victim Assistance Program plays a critical role in DV prosecution when the approach of the office is victim-centered and offender-focused. The advocates complement the work of the prosecutors by providing a focused response to the victim and their needs. We know that when victims feel their basic needs of safety and security are met they are much more likely and able to meaningfully participate in the criminal justice system, which in turn can benefit the prosecution of the case. Additionally, in the course of the prosecution there may be times when the prosecution is at odds with the wishes of the victim. This makes it even more important that the victim has an ally in making sure their voice is heard and they feel supported in the process.

We have a long-established history of working together, prosecutor and advocate, for the benefit of victims. In considering what is key to fostering this relationship it is likely that the simple

answer is stepping back and recognizing that we each play different roles and each of these roles is equally important and intended to complement the other for the benefit of victims.

How many cases does a member of DV team handle at any one time?

DV case loads range between 50-100 cases per attorney, depending on the complexity of the cases. Less experienced attorneys generally have the higher case loads as their cases tend to be less complicated/labor intensive.

Does EACH DV case have an advocate?

All felony DV cases are automatically assigned an advocate who follows their case, proactively keeps in contact with the victim and accompanies them throughout the process. Because of limited advocate resources, we assign advocates to about 20% of the misdemeanor cases. On the remaining misdemeanor cases, advocates provide a one-time outreach and contact each victim early in the case to talk to them about their rights, about the process and general resources and safety planning as needed. These victims are encouraged to contact Victim Assistance if they have questions, need help with resources or filling out restraining order papers or simply want someone to attend a hearing with them. As a result of this initial, one-time contact, many of these victims request and receive additional services throughout the course of their case. If the assigned deputy sees a particular need for an advocate on a misdemeanor case where one is not assigned we need only request one – and like magic it happens.

How many advocates are dedicated to DV cases?

Our Victim Assistance Program has one person dedicated solely to managing and guiding volunteers who advocate on domestic violence cases, as well as providing direct victim services herself. Our volunteers choose what kinds of cases they carry and most often advocate on a varied caseload. We currently have thirteen volunteers who have chosen to advocate on domestic violence cases. We have two paid advocates who have caseloads that include domestic violence cases but are not advocates dedicated solely to domestic violence.

What policies or processes would you like to see implemented in Marion County to deal with DV cases (whether in your office, in the court system, or in the investigation stage)?

We have a few police agencies that have special domestic violence units. The existence of those units, combined with the frequent contact they have with the DA's office DV Team has resulted in better training and investigations all around. It would be nice to see such units in every agency. It would be GREAT to see some dedicated DV detectives in Marion County police agencies, but currently there are none. And if we had a full time person to listen to ALL DV case jail phone calls, we could resolve cases right and left!



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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!

[They Said What?!](#)

After he was read his rights, a DV suspect stated that the victim had grabbed his hand and MADE him punch her in the stomach. Suspect clarified though that the punch "wasn't very hard." Good to know.

[Have Fun, Do Good!](#)

Local: Domestic Violence Resource Center:

We are looking forward to our upcoming 4th Annual fundraiser, Autumn Affair Friday, September 23rd, featuring Oregon Wines and local business partners to include 'Ardiri Winery, Providence Health and Services, WSC Insurance, Beaverton Police Officer's Association, Les Schwab Tires and many more as we continue to raise the awareness of domestic violence in our community. For more information, please contact Executive Director, LaDonna Burgess at 503.640.5352, ext. 303 or stop by our offices at 3800 SW Cedar Hills Blvd, Suite 195 at the BG Plaza. website: www.dvrc-or.org.

National: DC Coalition Against Domestic Violence

Since 2006, Macy's Shop For A Cause Event has partnered with non-profit organizations nationwide to raise more than \$38 million for their ongoing charitable efforts. This is your chance to be part of this monumental event on Saturday, August 27, 2011.

Shop For A Cause gives you the opportunity to give back to your community and help support the DC Coalition Against Domestic Violence keep families throughout the District safe. Purchase a \$5 Shopping Pass* for exclusive savings in every Macy's store and online at macys.com on Saturday, August 27th, and we keep 100% of the proceeds. Plus, you can enter to win a \$500 Macy's Gift Card.