

“...The Good Fight”

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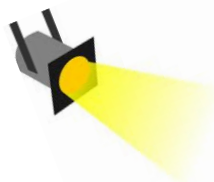
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Spotlight: Lethality Assessment Program

Article by Letitia Wilson, Operations Director, CARDV

In the Spring of 2009, the Center against Rape and Domestic Violence (CARDV) received training from the Maryland Network against Domestic Violence (MNADV) on the Lethality Assessment Program (LAP). The training was to assist CARDV and the eight local law enforcement agencies in Linn and Benton Counties with implementing the Lethality Assessment Program.

The main purpose of the LAP is to connect Domestic Violence victims who are working with law enforcement with a local Domestic Violence advocacy agency. MNADV worked with Dr. Jacquelyn Campbell and researchers from John Hopkins University to develop 11 questions which provide information on how dangerous a Domestic Violence abuser is in any specific case. Law enforcement completes this 11-question form during an

interview with the DV victim. The answers to these questions help law enforcement identify how dangerous the situation is and the likelihood that the abuser will seriously injure or murder the victim.

Once the form is completed, the law enforcement agency contacts the DV agency to inform them of the situation. Most importantly, law enforcement immediately connects the victim to the DV agency, via phone. The advocacy agency takes no more than 10 minutes to identify a safety plan which may include an intake to shelter, information to obtain a protective order, or a plan to meet in person with the victim.

Statistics from the LAP have shown that there is a decrease in DV-related homicides when a jurisdiction is using the lethality screen and connecting victims to

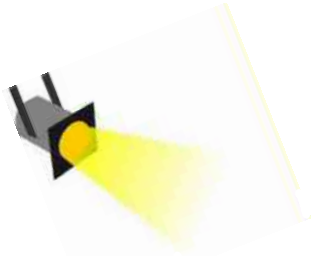
advocates.

One of the challenges that come with the LAP is the extra time it takes during the investigation; obviously, it requires an additional form that law enforcement officers are asked to complete at the time of the interview, in addition to the contact with the DV agency and facilitation between the victim and advocacy resources.

CARDV has been trained to train other jurisdictions. If you are interested in the LAP or have other questions, contact Letitia Wilson, CARDV Operations Director at 541-738-8319.



**October is Domestic Violence
Awareness Month**



Spotlight: Kids' FIRST

Article by Tina Morgan, Director of Kids' FIRST

Kids' FIRST (KF), a child abuse intervention center serving Lane County, has taken a new approach to meet the needs of children involved in the criminal justice system through acts of their parents. Through a multidisciplinary effort with community partners, KF has created and implemented the "Domestic Violence Witness Project."

Changes to Oregon laws and local practice initially spurred Lane County's MDT to develop a plan for extending KF Center services to child witnesses to Domestic Violence:

- ◆ Lane County Juvenile Court was the first court to make a finding that Domestic Violence in the presence of children is abusive. The Oregon Court of Appeals upheld the decision.
- ◆ In 1997, Oregon statutes were changed to make the Lane County precedent clearer; when a child is a witness to Domestic Violence, the crime is upgraded from a misdemeanor assault to a felony assault. As a result, children who witness Domestic Violence are acknowledged as victims of child abuse and are critical witnesses in the felony judicial process.
- ◆ The Lane County MDT decided

that extending Center services to these children was **"the right thing to do."** And in 1999, KF became the first in the nation to offer these child victims the same support and services they offer other child victims of abuse.

The cornerstone of KF's approach is the DVD-recorded interview. Once a report of Domestic Violence witnessed by a child is made to the proper authorities, a child is referred to the Center for an interview. A team of trained staff from the Center, DV advocates from Womenspace, child protective service social workers and a Domestic Violence investigator from the District Attorney's Office work with a child interview specialist.

The intent of this program is to interview children who have witnessed Domestic Violence in a child-focused atmosphere that will lessen the trauma to the child. We hope to improve the quality of the cases with recorded interviews. We know the stronger the criminal case the more likely the defendant is to plead guilty. If this occurs, neither the child nor the battered victim has to testify in court. Additionally, and foremost, we provide an early team intervention and offer services to both children and the battered person. The team works collaboratively to enhance the safety of the victim and her

children. In addition the project goals are to:

- ◆ Decrease the number of cases opened by Child Welfare by increasing the stability and safety of moms through DV Witness Team advocacy and collaborative efforts, thereby reducing the number of children placed in out-of-home care;
- ◆ Reduce duplication of DHS/CWP with family;
- ◆ Reduce the time between an incident and interview and intervention;
- ◆ Increase rate of successful prosecution holding batterers accountable with less trials due to more changes of pleas, therefore children and battered persons not having to testify and;
- ◆ Subsequently providing cost effectiveness to the criminal justice system response.

Does KF's DV Witness Project Make a Difference?

Research of DV cases from calendar year 2002 through 2008 supports remarkable prosecutorial outcome measures. This study compared outcomes between the total number of Domestic Violence Cases involving children witnesses coming into the District Attorney's Office and those cases where children were interviewed and received services at Kids' FIRST.

Spotlight continued: Kids' FIRST

Here's what we found: Cases involving a child interview were:

- ◆ More likely to be filed by the District Attorney;
- ◆ More likely to result in a conviction;
- ◆ More likely to result in a plea bargain (preventing child witnesses & adult victims from having to testify);
- ◆ Less likely to result in a dismissal;
- ◆ Equally likely to result in conviction for a charge constituting Domestic Violence.

In 2005, an independent research firm was commissioned to examine Child Welfare outcomes as they relate to the project. Although, that study involves only a one year sampling of cases, the findings still demonstrate the positive effects of the project.

Child Welfare Outcomes: 2002-2003

- ◆ Of the 103 families served in 2002-2003, 52 had subsequent referrals to DHS within 1-2 years following the incident;
- ◆ Only 12 families (12% of the total) had subsequent referrals related to new intimate partner violence incidents;
- ◆ Calculated from founded reports, the recurrence rate within 6 months was about 2% - lower than the statewide average of 7% (2001 Oregon Child and Family Services Review);
- ◆ The overall recurrence rate

within two years for families seen at Kids' FIRST was 6% (statewide data for this range was unavailable);

The research firm concluded that the low rate of subsequent founded referrals related to intimate partner violence found in their case file review substantiates the value of the intervention provided by the Project.

Lane County's Team continues its efforts to improve its practice and create better outcomes for children and families exposed to Domestic Violence:

Recently, the Department of Human Services Child Welfare Program, along with Kids' FIRST, implemented as a pilot project the "Safe & Together Model," in its response to child witnesses. The "Safe & Together Model," developed by David Mandel & Associates LLC

(www.endingviolence.com), is a field-tested approach to helping child welfare and its partners make good decisions for children impacted by Domestic Violence perpetrators. This model focuses on five critical elements that help the team identify the batterer's pattern of coercive control, behaviors that harm or have adverse impact to their children, and assist in identifying a survivor's efforts to promote the safety and well being of the children. Being able to recognize and identify these key elements is critical in risk and safety assessment of children exposed to Domestic Violence and allows for a more effective intervention with Domestic Violence perpetrators. Consideration for statewide implementation by DHS/CWP to

incorporate the Safe & Together Model is likely if this pilot project proves successful.

Lane County's DV Witness Project Guidelines are available from Kids' First. For more information, please contact Tina Morgan or visit the KF website:

tina.morgan@co.lane.or.us

www.lanecounty.org/KidsFIRST

This project is partially funded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this article are those of the author and do not necessarily reflect the views of the Department of Justice, Office of Violence Against Women.



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. Rivera Parilla

Article by Laura Cromwell, Deputy District Attorney in Jackson County

Jackson County Circuit Court 12-1340DV



Seven months ago, I started handling the felony Domestic Violence caseload at the Jackson County DA's Office. Though I wanted the position, I simultaneously dreaded the move; I do not consider myself a patient individual, I obsess about details, and I hate last-minute surprises. Seems perfect for a position as a Domestic Violence prosecutor, right? Like many DV prosecutors, I find myself walking into a day or two of trial with the last minute panic of a far-from-perfect factual scenario. Frankly I've discovered that, in the DV world, there is nothing even remotely resembling a "simple assault" case. But I'm also discovering that the challenges of a difficult trial are often times surpassed by the rewards—both for myself and for the victims and survivors in these cases.

In July 2012, I went to trial on *State v. Rivera-Parilla*. The Defendant was charged with a number of crimes from various incidences that occurred between March 1, 2012 and March

21, 2012. This most recent Domestic Violence case was not the Defendant's first. Rivera-Parilla had been convicted of assaulting the same victim in 2010, and she had subsequently returned to the relationship. In early 2012, the couple was going through yet another break-up. On March 1, 2012, the situation came to a head when the victim visited Rivera-Parilla at his home. An argument ensued, and Defendant assaulted the victim by slapping and punching her. She attempted to leave the residence, but Rivera-Parilla pulled out a gun, pointed it at her head while simultaneously advising her that "we're just gonna get this all done and over with." When the victim started screaming, he shoved his fingers hard into her mouth and throat to quiet her, causing injury. He kept her in his room overnight by threatening her life if she left. He also put chains on the door—blocking her only means of escape. As Rivera-Parilla had done many times in the

past, he also reminded her that if she reported the incident, he would kill both her and her mother. The next morning, the victim was able to escape when the Defendant's roommate returned home. However, due to her belief that the Defendant would follow through with his death threats, she did not report the incident for a three full weeks. I was able to use the Defendant's threats and their effect on the victim during my case: "This is why Domestic Violence is so insidious," I repeated during closing statements, in an attempt to explain the delayed report and lack of injury photographs.

A few days after the initial assault, Rivera-Parilla began leaving a barrage of text and voicemail messages on the victim's phone. In typical DV fashion, the messages started out sweetly: "I love you. I miss you!" When the victim did not
(continued next page...)

Of Note: State v. Rivera Parilla

respond, the Defendant changed his strategy, calling the victim derogatory and degrading names.

For nearly three weeks in early March, Rivera-Parilla continued to contact the victim outside her home. At one point, he even hid in the bushes and jumped out at her as she passed. On one of these occasions, he informed her, "I've been watching you" and went on to describe in detail his observations of the victim through her blinds at night. The final straw came on March 21st, when Rivera-Parilla approached the victim as she was walking home. He walked up to her just as she lit a cigarette and proceeded to grab it out of her mouth. As he threw the cigarette down, he saw a pencil on the ground which he picked up and used to jab at the victim. She grabbed her cell phone to call police, and a struggle over the phone ensued. The victim managed to escape his grasp and ran home, where her mother later convinced her that, despite his threats, it was time to report what Defendant had done and was doing to her.

Police were subsequently able to track down Rivera-Parilla. They found a revolver similar to that described by the victim from the initial incident on March 1st. The Defendant admitted the revolver belonged to him, though denied that he had done anything to the victim. Despite his denials, Rivera-Parilla was indicted on Coercion, Unlawful Use of a Firearm, Assault IV-Felony, Pointing a Firearm at Another, Menacing, Harassment, Interfering with Making a Report, and Stalking.

Like most Domestic Violence cases, this one had its share of problems. One bonus, however, was that the victim in my case happened to be fairly involved in the process. Due to that involvement, I met with her a handful of times throughout the pre-trial process. With a victim advocate always present, we discussed the case. During these meetings I began to notice a "delay" in the manner with which she absorbed my questions and that her responses to the questions were fairly fragmented and disorganized. I felt that the victim's ability to answer questions could pose a significant problem for a

jury in regard to their impression of her sincerity. Fortunately, during trial I was able to call the victim's mother as a witness prior to the victim's testimony. The victim's mother was able to explain the victim's developmental delays and comprehension problems. The jury appeared to respond with an open mind. I realize that had I not met with the victim pre-trial, I may not have noticed this challenge or been able to address it effectively.

The next significant issue I encountered was during a meeting with the victim the day prior to trial. Unfortunately, this was the first time that she had been shown the firearm since police had located it at the Defendant's home and logged it into evidence. I fully expected her to identify the gun and move on to the next question. When she saw the firearm, she immediately responded with, "Sorry, that's not the gun." My dumbfounded response was, "Huh??" She again affirmed my fear: it was not the firearm Rivera-Parilla had used on her that night, and therefore not the correct gun for my charges of Unlawful Use of a Weapon, Coercion, and Pointing a Firearm at Another. I left the office

Of Note: State v. Rivera Parilla

that evening, continuing to obsess about that detail. That evening it occurred to me: that fact made my case stronger, not weaker. If the victim was fabricating the entire story, as Mr. Rivera contended, then surely she wouldn't have informed us that we had the wrong gun. At trial, the "missing gun" issue actually supported the victim's credibility, and I used that for all it was worth in closing statements.

The final major issue that I had in this case was, like many trial issues, completely unexpected. Perhaps I should have anticipated it, but I did not. My trial judge proposed *sua sponte* that a *Boots* instruction on the charge of Stalking would be appropriate and that the jury must concur on which instances comprised the "repeated and unwanted contacts". The judge's suggestion was raised during a break in trial, so as I often do, I consulted with Erin Greenawald and the appellate attorneys at DOJ. (Most of my emails to DOJ begin with the standard line: "I'm on my way to court in 10 minutes and I need an answer!")

My contention was that the jury simply had to agree that there existed repeated (i.e., two or more) and unwanted contacts causing the victim reasonable apprehension for her personal safety during the time frame alleged. I suggested that the progeny of *Boots* had tempered the initial "floodgates" that the *Boots* opinion had opened. My case, I argued, involved one crime where the material element that the jury must agree upon was only that the contacts were "repeated," "unwanted" and "caused the victim reasonable apprehension for her safety."

Even amongst the attorneys at DOJ there was room for argument about the best answer to this question. Surprisingly, the *Boots* issue ended up being a NON-issue: When I arrived back in the courtroom, the defense attorney agreed that there was no need for a *Boots* instruction.

In the end, Rivera-Parilla was found guilty by a unanimous verdict of all counts. Though the Defendant was sentenced to 22 months prison, I was recently informed by ICE that, despite his status as a permanent resident, he will likely be deported. This outcome is not only a relief for the victim and survivor in this case who has finally moved on with her life, but also quite the bonus for an obsessive, compulsive and impatient DV prosecutor.



Trinidad Jose Rivera Parilla

GUILTY: Mitchell Alan Below



Mitchell Alan Below

According to media accounts, Mitchell Alan Below and his girlfriend, Bonnie Sue Payne, had a “volatile and chaotic relationship.” Following a verbal altercation during which Payne told Below to get out of their apartment, Below began assaulting the 5-foot-tall, 100-pound woman, smashing her head into the walls. When Payne went to the kitchen to call the police, Below attacked her from behind, placing Payne in a stranglehold. After Below pushed Payne down on the floor, he stepped on her throat and covered her mouth and nose with both hands to finish the suffocation. He grabbed a bottle of whiskey, wrote a suicide note, and then attempted to kill himself.

On August 9, 2012, after a three-day trial, Jackson County Circuit Court Judge sentenced Tim Gerking sentenced Below to life in prison. After serving a mandatory sentence of 300 months, which is 25 years, Below will be able to apply for parole. Should officials grant him parole, he would be on post-prison surveillance for the remainder of his life.

Defendant’s suicide note read:
 “She pushed me too far for the last time. I did it. She deserved it.. I am not ashamed. God forgive me.”

For more information about this case see:

- ◆ <http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20120810/NEWS/208100326&cid=sitesearch>
- ◆ <http://www.kdrv.com/tag/mitchell-below-murder-trial/>

DOMESTIC VIOLENCE FATALITIES

Oregon has seen thirty-eight Domestic Violence-related fatalities in 2012. Of those deaths, twenty-six have resulted from gunshot wounds.

Since the August edition of “The Good Fight,” five (5) Oregonians have died as a result of Domestic Violence incidents:

- ◆ On August 5th in Clackamas County a man shot his girlfriend and his girlfriend’s mother. The mother died. The man fled and was later caught in Beaverton. The defendant has an extensive DV history with his current girlfriend and other partners before her. The defendant also has history of standoff(s) with police.
- ◆ On August 13th in Wasco County, a woman shot her husband in the chest (he survived), and then shot and killed herself.
- ◆ On September 3rd in Coos County, a man shot and killed wife’s mother’s current husband, as well as his mother-in-law’s former husband.
- ◆ On September 12th in Coos County, a man kidnaped his estranged girlfriend in her own car outside her place of employment. The woman persuaded the man to let her leave and then called police. The man checked into a nearby hotel room. Police try to contact him and negotiate surrender however the man shot and killed himself.



Upcoming Events: Do Good!

- ◆ Wednesday, October 3rd, 2012 at 12:00pm- Memorial for Victims of Domestic Violence 2012

Brandy Pokovich is organizing this event. Her mother, Angela Walker, was murdered by her boyfriend in 1998. Location: Salem Capital Steps. Contact: Brandy Pokovich at (503) 586-3833.

- ◆ Friday, October 5, 2012 from 6:00pm-7:30pm- Super!Drag! by Bradley Angle House

To commemorate Domestic Violence Awareness Month and the heroism of survivors, Bradley Angle is teaming up with the fabulous performers of Darcelles XV for a one-night only special. It's a drag show, superhero style! Join Darcelle, Poison Waters, and friends for a happy-hour of song, wit, and celebration to benefit Bradley Angle's life-altering programs. Location: Darcelles XV, 208 Northwest 3rd Avenue, Portland, OR 97209. Cost: \$20. Super!Drag sold out in 2011 so buy tickets soon! <https://bradleyangle.ejoinme.org/MyPages/SuperDrag/tabid/312546/Default.aspx>

- ◆ Wednesday, October 10, 2012 at 7:00pm- Smarty Pants Trivia Night for Portland Women's Crisis Line

Location: Country Cork Public House, 1329 Northeast Fremont Street, Portland, OR 97212. Cost: \$15 each, or \$50 for a team of four! All proceeds benefit the programs and services of PWCL. [Buy tickets now!](mailto:info@pwcl.org) Contact: info@pwcl.org

- ◆ Saturday, October 13, 2012 at 9:00am- Marion County Domestic Violence Council 6th Annual Domestic Violence Walk/Run event.

The purpose of the event is to promote awareness about domestic violence and to raise money for survivors of abuse within our community. Fifty percent of the proceeds from the event will go toward supporting Mid-Valley Women's Crisis Service and the work they do for survivors of abuse. The other fifty percent is used to help fund next year's event as well as other awareness activities in the community. Location: Minto Brown Park, 2200 Minto Island Road SE, Salem, OR. Cost: Early registration (before October 1st) is only \$15 for individuals or \$50 for teams of 4. After October 1st, registration is \$20 for individuals or \$70 for teams of 4. You can register online at: www.mcdvccouncil.org or <https://www.signmeup.com/site/online-event-registration/85254>.

- ◆ Wednesday, October 17, 2012 from 7:00pm-9:00pm

Soroptomist Domestic Violence Panel at West Linn Lutheran Church, 20390 Willamette Drive (Highway 43), West Linn, OR. Panelists include: Clackamas Women's Services and Clackamas County DA office. For more information contact Carole White (503) 557-1895.

- ◆ Wednesday, October 24, 2012 from 11:15am-1:00pm

Putting the Pieces Together- Clackamas Women's Service 11th Annual Harvest of Hope Luncheon at the Abernathy Center, 605 15th Street, Oregon City, OR 97045. Celebrate the work that CWS does to support and empower survivors of domestic and sexual violence as they put the pieces together into a beautiful life of non-violence and self-sufficiency. The event is free but a raffle will be held to raise money for CWS. Please RSVP to Pamela at pamelaw@cwsor.org or call (503) 722-2366.



They Said What?!?

"You can hold a piece of paper up in front of this gentleman, and he can shoot you right through it."

Oregon Department of Justice Domestic Violence Newsletter

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Judge Bruce Lamdin of Maryland announced his retirement after outrage over his comments to a Domestic Violence victim began to intensify. The DV victim was seeking a protection order against her husband when the now-former judge heavily criticized her in open court.

Read more about the story at the link below. You will also be able to listen to a clip of the audio of the hearing at issue: http://www.abajournal.com/news/article/judge_under_fire_for_comments_to_alleged_domestic_abuse_victim_decides_to_r/

Upcoming DV Trainings

◆ Tuesday October 16, 2012 and Tuesday, November 20 from 10:00am-12:00pm
Family Violence Coordinating Council Training at the Multnomah County Southeast Health Clinic, 3653 SE 34th Ave, Portland, 97202. Trainings are free of charge and no pre-registration is required.

◆ Friday, October 26th, 2012 from 8:00am-5:00pm
Yamhill County Domestic Violence Task Force presents the 3rd Annual Domestic Violence Summit at the McMinnville Community Center. This is a free training for individuals from agencies and organizations within our community and neighboring counties, covering topics surrounding the dynamics of Domestic Violence and our community response. **There is limited space available.** Please register October 15th. Please send any questions or inquiries to dvsummit@co.yamhill.or.us. Information and registration is available on the Yamhill County Domestic Violence Task Force website www.domesticviolenceresources.org.

◆ Tuesday, October 30, 2012 from 9:00am-4:00pm
Free two part DV workshop with national expert Lundy Bancroft. Part one: Accountability, Intervention and Change for Men who Abuse Women. Part two: Understanding the Post-Separation Needs of Abused Women and their Children. Space is limited and pre-registration is required. Contact Margo at (360) 906-9102 or mpribe@ywcaclarkcounty.org. Location: Vancouver, WA. For more information see flyer: http://ywcaclarkcounty.com/wp-content/uploads/2012/08/SC-Lundy_2012.pdf

