

# “...The Good Fight”

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**STALKING:**  
**KNOW IT. NAME IT.**  
**STOP IT.**

**JANUARY 2013**

StalkingAwarenessMonth.org



## 'Tis the Season for Giving



In response to the consumer frenzy surrounding Black Friday and Cyber Monday, 92<sup>nd</sup> Street Y came together with the United Nations Foundation and other partners to create Giving Tuesday, a day dedicated to giving to charitable organizations. On Tuesday November 27, 2012 charities, families, businesses and individuals came together to transform the way people think about, talk about and participate in the giving season. There are more than 2,000 recognized Giving Tuesday partners that come from all 50 states.

Think about joining this national celebration of our great tradition of generosity by giving to a recognized partner of Giving Tuesday or to one of the local organizations devoted to supporting survivors of domestic violence. For more information about Giving Tuesday and to learn about their partner organizations go to: <http://givingtuesday.org/>

## #GIVINGTUESDAY™

*Think about giving to these local organizations this Holiday Season.*

**Benton and Linn Counties-** Center Against Rape and Domestic Violence: <http://cardvservices.org/>  
Check out their wish list [here!](#)

**Clackamas County-** Clackamas Women's Services: <http://www.cwsor.org/index.htm>  
Check out their wish list [here!](#)

**Columbia County-** Women's Resource Center: <http://noexcuse4abuse.com>

**Coos County-** Women's Safety and Resource Center: <http://www.womensafety.org/index.htm>  
Check out their wish list [here!](#)

**Crook, Deschutes, and Jefferson Counties-** Saving Grace: <http://www.saving-grace.org>  
Check out their wish list [here!](#)

**Jefferson County-** Community Works: <http://www.community-works.org>  
Check out their wish list [here!](#)

**Lincoln County-** My Sister's Place: <http://www.mysistersplace.us/>

**Marion County-** Mid-Valley Women's Crisis Service: <http://www.mvwcs.com/index.html>  
Check out their wish list [here!](#)

### Multnomah County-

- ◆ Bradley Angle House: <http://bradleyangle.org/> Check out their wish list [here!](#)
- ◆ Domestic Violence Resource Center: <http://www.dvrc-or.org/> Check out their wish list [here!](#)
- ◆ Native American Youth and Family Center: <http://www.nayapdx.org/> Check out their wish list [here!](#)
- ◆ Portland Women's Crisis Line: <http://pwcl.org/> Check out their wish list [here!](#)
- ◆ Raphael House of Portland: <http://raphaelhouse.com/> Check out their wish list [here!](#)
- ◆ YWCA of Portland: <http://ywcapdx.org/> Check out their wish list [here!](#)

**Polk County-** Sable House: <http://www.sablehouse.org/index.php> Check out their wish list [here!](#)

**Yamhill County-** Henderson House: <http://www.hendersonhouse.org/> Check out their wish list [here!](#)

# NATIONAL STALKING AWARENESS MONTH

## JANUARY 2013

# StalkingAwarenessMonth.org

## Educate Yourself About Stalking During National Stalking Awareness Month

Stalking is a dangerous crime that affected 6.6 million adults in the United States in one year. The better we understand the facts about stalking, the more we can do to stop it.

That's why the Stalking Resource Center, National Center for Victims of Crime, and the Office on Violence Against Women, U.S. Department of Justice, launched National Stalking Awareness Month in 2004. Every January since then, communities across the country have focused on stalking – holding events, sharing information, and building awareness about the crime.

Whether you have a few minutes, a few hours, or a few days, you can educate yourself and your community about stalking during January, National Stalking Awareness Month. Here are just a few ideas:

### ♦ 5 Minutes

Read the stalking fact sheet **here**: [http://www.victimsofcrime.org/docs/src/stalking-fact-sheet\\_english.pdf?sfvrsn=4](http://www.victimsofcrime.org/docs/src/stalking-fact-sheet_english.pdf?sfvrsn=4).

### ♦ 10 Minutes

Take the **"How much do you know about stalking?"** quiz on the next page.

### ♦ 20 Minutes

Watch the video, **"Stalking: Real Fear, Real Crime."** It is a training tape produced through the collaborative efforts of the National Center for Victims of Crime, Lifetime Television, and LMNO Productions. This 18-minute training tape was inspired by the tragic death of Peggy Klink. Ms. Klink was stalked and murdered by her ex-boyfriend in January 2003. While the tape is designed primarily for use with law enforcement officers, it is an educational tool that can be used with a wide variety of audiences. **Watch the video here.**

### ♦ 30 Minutes

Read the Bureau of Justice Statistics Report "Stalking Victimization in the United States" **here**: <http://www.victimsofcrime.org/docs/src/baum-k-catalano-s-rand-m-rose-k-2009.pdf?sfvrsn=0>.

For more ways to educate yourself and your community about stalking, go to: <http://stalkingawarenessmonth.org/awareness>.

**EXTRAS:** You can promote National Stalking Awareness Month (NSAM) and enhance your activities by using posters, buttons, magnets, logos, certificates of appreciation, website banners, letterhead, and much more. Follow this link to access these resources: <http://stalkingawarenessmonth.org/promote>.

"...THE GOOD FIGHT"

**STALKING: KNOW IT. NAME IT. STOP IT.**  
**JANUARY 2013** StalkingAwarenessMonth.org

## Take the Quiz: How Much Do You Know About Stalking?



1. How many people are stalked in the United States every year?
  - a) 850,000
  - b) 1.2 million
  - c) 2 million
  - d) 3.4 million
2. How many states have stalking laws?
  - a) 25
  - b) 34
  - c) 48
  - d) 50
3. Most stalking victims are celebrities.
  - a) True
  - b) False
4. Most stalking victims will report the stalking to the police.
  - a) True
  - b) False
5. What percentage of victims know their stalker?
  - a) 2%
  - b) 29%
  - c) 75%
  - d) 83%
6. What percentage of victims are stalked by a current or former intimate partner?
  - a) 5%
  - b) 11%
  - c) 30%
  - d) 44%
7. Which of the following is a common stalking behavior?
  - a) Following
  - b) Frequent phone calls
  - c) Monitoring computer usage
  - d) All of the above
8. If you ignore a stalker, he or she will go away.
  - a) True
  - b) False
9. Most stalkers are mentally ill.
  - a) True
  - b) False
10. Technology is used only by the savviest stalkers.
  - a) True
  - b) False

\*\*\*To check your answers to the quiz, go to the last page of the newsletter.\*\*\*



Give what you have  
to somebody, it may  
be better than you  
think.

~Henry Wadsworth Longfellow



## Legal Update: Is This an Injury?

### Question: So, is this an injury?

*State v. Wright (11/7/12)*: In this appeal, the defendant challenges her conviction for first-degree criminal mistreatment.

**Facts:** Defendant admitted to spanking a 16-month old child, while she babysat him. The baby cried when she spanked him. When the child's mother picked him up later that evening, he looked tired and "his eyes were all red." Later on that same day, the mother's boyfriend was changing the child's diaper and noticed black and purple bruising extending from the top of his diaper to the bottom of his left buttock.

**Held: Conviction reversed.** The court concluded that "where the bruising did not diminish the child's bodily movement or ability to engage in everyday activities, there was insufficient evidence that defendant impaired the child's physical condition." The court declined to address the state's argument that a rational trier of fact could infer that the child suffered substantial pain during the spanking since the trial court had previously ruled that there was no evidence of substantial pain.

<http://www.publications.ojd.state.or.us/docs/A142417.pdf>

The *Wright* case referenced another recent Court of Appeals case, *State v. Glazier (10/24/12)*:

*Glazier*: Defendant challenged entry of separate convictions for three assault counts stemming from one single criminal episode. He also argued that the evidence was insufficient to prove that the victim had sustained "physical injury" and that the hardwood floor did not constitute a "dangerous weapon."

**Facts:** Defendant assaulted the victim by dragging her out of bed by her ankle, causing her to hit her head and hip on the floor, dragged her out of the room, repeatedly striking her head against a hardwood floor, and kicked her in the torso. The Defendant was charged with second-degree assault and two counts of fourth-degree assault.

**Held: Reversed and remanded with instructions to merge the guilty verdicts into a single conviction for second-degree assault and for resentencing, otherwise affirmed.** The court concluded that the state had proven that the victim sustained physical injury by proving that she suffered "impairment of physical condition." The victim testified that the pain arising from her injuries made it more difficult for her to engage in

normal activities such as walking up and down stairs and lifting small objects. (**Note:** The child in the *Wright* case was non-verbal. The only evidence about the "impairment" of his physical condition due to his significant bruising came from observations of his mother, the officer, and the doctor.) The court concluded that the state had presented sufficient evidence for a trier of fact to determine that a hardwood floor met the test for a "dangerous weapon." Unfortunately, the court also concluded that there was not enough of a "temporal break" in the defendant's assaultive conduct to allow for the imposition of separate convictions.

<http://www.publications.ojd.state.or.us/docs/A144711.pdf>

*State v. Rennells (11/21/12)*: In this appeal, the defendant challenged his conviction for Fourth-Degree Assault.

**Facts:** Officers responded to defendant's apartment after an anonymous 911 call reporting screams coming from that apartment. The officers observed that both defendant and the victim had their cars parked nearby and that defendant was on probation with a no-contact order. After no one responded to their persistent knocking, the officers entered with a pass key and found the victim and defendant in the bedroom. Defendant was charged with coercion, fourth-degree assault, and menacing. At trial, defendant made a motion for judgment of acquittal on the assault charge, arguing that the evidence did not prove the victim suffered "substantial pain."

**Held: Conviction reversed.** The evidence was not sufficient to prove that the victim suffered "substantial pain." At trial, the victim evaded a question about whether defendant's kicking her caused her pain. "Although the evidence- a bruise lasting several days- may be sufficient to [allow the jurors to] infer that the victim suffered *some* pain as a consequence of the kicking incident, it is not sufficient to infer that she suffered *substantial* pain."

<http://www.publications.ojd.state.or.us/docs/A144017.pdf>



## Assurance Wireless offers a "Lifeline Phone Program"

Wireless phones and technology can serve as a vital link to emergency or support services in a time of crisis or as a reliable, safe connection to employers, family and friends as survivors rebuild their lives. Assurance Wireless is a federal Lifeline Assistance program brought to you by Virgin Mobile. Lifeline is a government benefit program supported by the federal Universal Service Fund. Enrollment is available to individuals who qualify based on federal or state-specific eligibility criteria.

The Lifeline Assistance program is available for only one wireless or wireline account per household. Separate households that live at the same address are eligible, including residents of homeless shelters and nursing homes, for example. Residents with temporary addresses are also eligible.

Here's how it works: You get 250 free voice minutes and 250 free texts added automatically. You can add money if you

decide to choose the \$5, \$20 or \$30 plan and to pay for any services, like additional minutes, additional texting or international call. You can also buy Virgin Mobile Top-Up cards from thousands of stores across the country, or use credit, debit or PayPal.

According to [etoengineering.com](http://etoengineering.com), the Federal Government, in a partnership between the Federal Communications Commission (FCC) and the National Association of Regulatory Commissioners (NARUC), started the Lifeline Across America national program in 2005. While Lifeline has been in existence since 1985, the goal of this program is to sign up poor and low-income Americans into the government's Lifeline and Link-up free phone and free cell phone programs.

For more information about this program, go to: <http://www.assurancewireless.com/Public/Welcome.aspx>

**You make a living by what you get. You make a life by what you give.**

~Winston Churchill

## Verizon Wireless HopeLine Program: Recycle Your Old Phone and Provide Support to Domestic Violence Organizations

If you were going to throw your old phone away, think about donating it to HopeLine instead. HopeLine from Verizon turns wireless customers' no-longer-used cell phones into support for domestic violence victims and survivors. Verizon Wireless has made the phone donation process easy for consumers by providing a postage-paid shipping label on the HopeLine website (get one [here](http://aboutus.verizonwireless.com/communityservice/Shipping.html): <http://aboutus.verizonwireless.com/communityservice/Shipping.html>). You can also drop your old phone off at any Verizon Wireless store.

### HopeLine Statistics

Since 2001, HopeLine has:

- ◆ Collected more than 8 million phones.
- ◆ Awarded more than \$10 million in cash grants to

domestic violence agencies and organizations throughout the country.

- ◆ Distributed more than 106,000 phones with more than 319 million minutes of free wireless service to victims of domestic violence.
- ◆ Properly disposed of nearly 1.7 million no-longer-used wireless phones in an environmentally sound way.
- ◆ Kept more than 210 tons of electronic waste and batteries out of landfills.

To get more information about HopeLine, click here <http://aboutus.verizonwireless.com/communityservice/hopeLine.html> or visit [http://aboutus.verizonwireless.com/communityservice/Hopeline\\_PressKit.pdf](http://aboutus.verizonwireless.com/communityservice/Hopeline_PressKit.pdf).



## Protective Order Electronic Notification Project

One of the most dangerous times for a victim is when service of a protection order occurs. Timely notice to the victims is essential so they can plan for their safety. The Protective Order Electronic Notification Project provides notification regarding service and expiration of protection orders in Family Abuse Protection Orders (FAPAs), Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) and civil Stalking cases by cell phone text message or email. This electronic notice is an enhancement to the existing process and is not meant to take the place of the requirement to send the victim a true copy of proof of service.

Twenty-six Oregon counties have implemented the Protective Order Electronic Notification Project. These counties have electronically notified over 8,000 victims of service of a protection order since the program's inception!

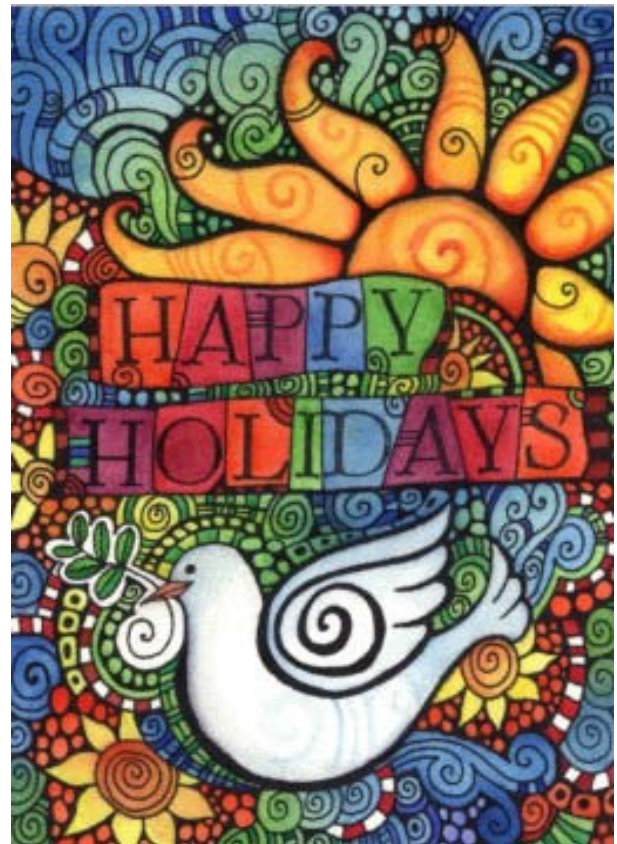
Click here for the Confidential Information Form that allows a petitioner to request that he or she be notified when an protection order has been served and when it's about to expire or go to: <http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/forms/2010FAPAUupdate/Package4/CIFforFAPAPetitionerFormerProtectedChildRenewRestrainingOrderFINAL12-12-11.pdf>

Jurisdiction	Count
Benton County	86
Clackamas County	953
Clatsop County	201
Columbia County	64
Coos County	85
Crook County	50
Curry County	11
Deschutes County	524
Douglas County	874
Harney County	12
Hood River County	1
Jackson County	630
Josephine County	241
Lake County	7
Lane County	1406
Lincoln County	133
Linn County	371
Malheur County	69
Marion County	1002
Polk County	127
Tillamook County	45
Union County	12
Wallowa County	7
Wasco County	77
Washington County	1142
Yamhill County	193

# Upcoming DV Trainings

- ♦ January 8-11, 2013- **The National Institute on the Prosecution of Domestic Violence Institute:** A three and one-half day course designed to challenge participants to reevaluate their approach to prosecuting domestic violence. NIPDV explores the complex issues faced by prosecutors in balancing offender accountability and the impact of criminal prosecution on victims. In addition to practical case evaluation and trial advocacy skills, the curriculum addresses the development and improvement of culturally sensitive victim responses by prosecutors; examines the benefits of developing a coordinated community response; explains common injuries, relevant medical evidence and offers guidance on the use of medical experts; provides guidance in evidence-based prosecution methods with up-to-date Crawford analysis and recommended practices in responding to victim intimidation through innovative solutions and the doctrine of forfeiture by wrongdoing; explores ethical issues confronted by prosecutors; and offers prosecutors the ability to redefine outcomes and the very nature of justice in domestic violence cases. This course is open to all prosecutors and attendance is **free of charge**. Seating is limited and applicants are encouraged to apply early. Location: Courtyard Portland City Center, 550 SW Oak Street, Portland, OR 97204. Attendance at this event will qualify participants for approximately twenty (20) continuing legal education credit hours including at least one (1) hour of ethics credit. For more information, go to: <http://www.aequitasresource.org/trainingDetail.cfm?id=80>. To apply, go to: <http://www.aequitasresource.org/trainingRegister.cfm?id=80>.
- ♦ December 18, 2012: 10:00am-12:00pm- **Family Violence Coordinating Council's** monthly training. Location: SE Health Center, basement conference room, 3653 SE 34th Ave, Portland, OR 97202.
- ♦ **Advocacy Learning Center-** Praxis International and Manavi, in partnership with the Office on Violence Against Women, are pleased to announce that they are accepting applications for the next Advocacy Learning Center class that will begin in March 2013. The Advocacy Learning Center is an 18-month course for community-based advocacy organizations, tribal advocacy programs, and coalitions and is intended for programs to attend as a team

in order to reflect on and strengthen their advocacy. It involves travel to three events and one site visit but primarily involves distance learning to accommodate advocates' busy schedules. OVW funded programs may use grant travel funds to attend or travel subsidies are available. Programs that are not funded by OVW may also apply. If you'd like to strengthen your advocacy for women and girls who experience violence please visit the Praxis website at <http://www.praxisinternational.org/>. For more info please contact staff at [advocacy@praxisinternational.org](mailto:advocacy@praxisinternational.org) or 651-699-8000, ext. 16. **Applications for this class are due by December 14, 2012.**



For it is in giving that  
we receive.  
~St. Francis of Assisi

## Cases to Watch

**State v. Benton**— Deborah Higbee Benton was found dead in her beauty shop May 28, 2011. She had been shot, beaten and strangled. Investigators immediately focused on her husband, Gladstone Police Sgt. Lynn Benton.

Circumstantial evidence, discrepancies in Benton's story and the couple's deteriorating relationship all seemed to link the veteran cop -- and one-time homicide investigator -- to the vicious killing.

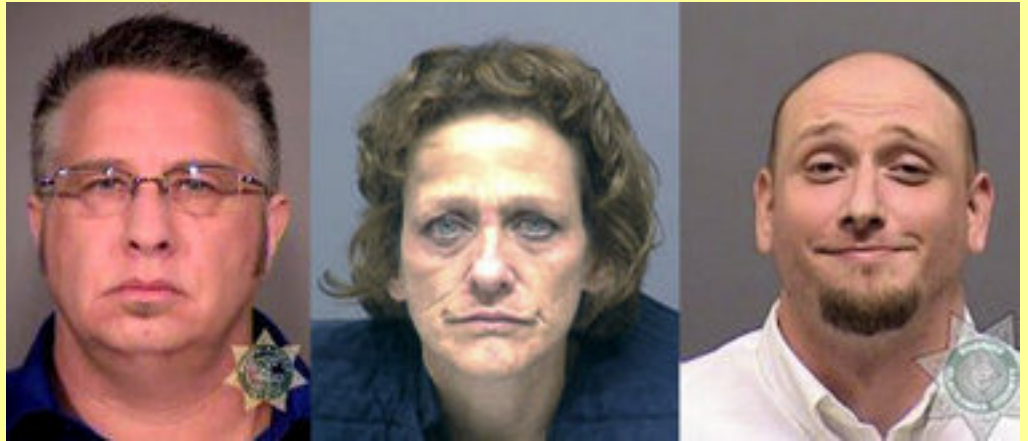
The indictment of Benton included a chilling disclosure, the allegation that Benton, with the aid of Susan Ellen Campbell and Jason Jay Jaynes, began plotting the murder before the Bentons were married. Campbell pleaded guilty to attempted aggravated murder and agreed to testify against the other defendants. Her plea agreement calls for her to serve 15 years in prison in return for her cooperation.

For more information about State v. Benton go to: [http://www.oregonlive.com/milwaukie/index.ssf/2012/11/investigators\\_spent\\_18\\_months.html](http://www.oregonlive.com/milwaukie/index.ssf/2012/11/investigators_spent_18_months.html)

**State v. Copeland**— This case is on Review to the Supreme Court. It is set for oral arguments in March.

### EVIDENCE OF PROOF OF SERVICE OF RESTRAINING ORDER IS WITHIN PUBLIC-RECORDS "HISTORICAL EXCEPTION" TO CONFRONTATION REQUIREMENT

*State v. Copeland*, \_\_ Or App \_\_, \_\_ P3d \_\_ (December 29, 2011) (Multnomah) (AAG Jeff Payne). Defendant was charged with contempt of court based on allegations that he violated a Family Abuse Prevention Act restraining order. At trial, the court admitted, over defendant's objection, proof of service of the restraining order to show that defendant had notice of the order; the state did not call as a witness the officer who served the order. The court found him in contempt and imposed punitive sanctions. On appeal, defendant argued that admitting the proof of service violated his right to confront witnesses, because the state did not establish that the deputy who certified that he served him was unavailable as a witness.



Lynn Benton, Susan Ellen Campbell, and Jason Jay Jaynes

**Held:** Affirmed. [1] When the state seeks to present otherwise admissible hearsay statements in the declarant's absence, Art I, § 11, "precludes the admission of that evidence unless the state establishes that (a) the declarant is unavailable to testify and (b) the statements bear adequate indicia of reliability, e.g., that the evidence falls within a firmly rooted hearsay exception or has particularized guarantees of trustworthiness." Moreover, "there were, and are, certain 'historical exceptions' corresponding to types of hearsay that the framers of the Oregon Constitution would have understood ... to have constituted an exception to the confrontation rights guarantee." [2] The court reaffirmed its holding in *State v. William*, 199 Or App 191 (2005), that evidence of proof of service falls within the public-records historical exception to Art I, § 11. Consequently, the state was not required to establish that the declarant was unavailable. [3] Admission of the proof of service did not violate the Confrontation Clause in Sixth Amendment.

**Note:** The concurring opinion questioned whether *William* remains good law in light of *State v. Birchfield*, 342 Or 624 (2007).

To read the full opinion, go to: <http://www.publication.s.ojd.state.or.us/A143210.pdf>





There is no job more interesting than the one we do. And, as they say, truth is stronger than fiction. So, if you have a funny or disturbing anecdote, send it my way!

## You Got Me What?!?

### **Oregon Department of Justice Domestic Violence Newsletter**

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#### A list of some of this year's weirdest holiday gifts:

- ◆ Cheese Head Bed: A mattress shaped like a slice of cheese.
- ◆ Pink Bunny Suit: Pink footie pajamas with a hood and ears for adults.
- ◆ Barking Door Alarm: This plays the sound of an angry dog when someone tries to forcefully open your door.
- ◆ UnderUps: Suspenders that go under your shirt so you don't look like a throw-back from the 70s.
- ◆ CanBeGlobal: A can of air from any one of the fabulous cities around the world. Why not give that hard to buy for person a can of air from France, Italy or Spain?
- ◆ Shredder Scissors: They have five blades and shred the paper as you cut.
- ◆ Breathalyzer Keychain: Your own Breathalyzer on the end of a keychain. Blow into it after a few to make sure you're alright to drive.
- ◆ Superman Socks: knee socks that look like Superman's footwear for adults.
- ◆ ProToast Elite Toaster: This toaster sings your favorite NFL Team logo into your toast.



## Answers to the “How much do you know about stalking?” Quiz

1) a. 2) d. 3) b. 4) b. 5) c. 6) c. 7) d. 8) b. 9) b. 10) b.