

“THE GOOD FIGHT”

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INSIDE THIS ISSUE:

Meet Marybeth! 2

Spotlight: Teamwork and Technology 3

Collaboration is key 4

National Crime Victims' Rights Week 5

Former Prosecutor helping victims 6

Sexual Assault Awareness Month 7

They Did What??! 8

Meet Marybeth:

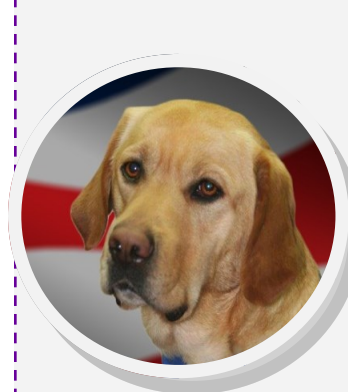
Q & A With The Newest Member of the Yamhill County DA's Office

How old are you? I recently turned two years old! My birthday is January 11, 2012

Where were you born and raised? I was born and raised in the San Francisco Bay area. I am definitely a California girl! That winter storm in February was one FRIGID introduction to Oregon!

How long was your training? Canine Companions for Independence bred and trained me for this work for the past two years. I have spent my entire life training to become a certified service animal.

What was training like? Well, I was at my Breeder's home, with my siblings and mom for the first eight weeks. I was then supposed to be moved to the Puppy Raising training phase, but Canine Companions was short on puppy raisers at that time. So instead, I was moved to a 'foster trainer' for three weeks until they



Marybeth is Oregon's first professional courthouse dog!

found a puppy raising family to match me with. I then spent the next 18 months being trained, socialized, and exposed to all sorts of places, things, people, and animals.

After that, I went to Advanced service dog training at Canine Companions' facility in Santa Rosa, CA. I learned all of the commands and behavior expectations of a professional service animal. I am trained to work in a public facility or to be a skilled companion for someone who is non-ambulatory. I am able to take all of these

skills and use them in different ways, depending on what work placement I receive.

In January 2014, once my training was complete, I went to a Team Training class to see if I would be matched with a Handler and receive a career assignment. That's where I met Sarah and Brad. We were matched the second day of training. After an intense week of training together we graduated as a certified facility service dog team!

Who are your human handlers? Sarah Grabner is my Primary Handler; she is a Victim Advocate in the Yamhill County District Attorney's Office. Brad Berry is my Secondary Handler; he is the elected District Attorney for Yamhill County and he is certified to take care of me and work me in Sarah's stead, if needed.

Where do you stay at night? I live with my Primary Handler, Sarah. She takes

More With Marybeth: *Impawwsibly* Adorable!

care of me and keeps me sharp on my training and skills.

How was your office able to afford to bring you on? I have not cost Yamhill County one cent. My Secondary Handler, Brad has been working diligently for the past year to privately fundraise for the costs associated with this courthouse dog program. The Newberg Veterinary Clinic has generously offered to sponsor all of my veterinary needs and a local pet store, Pet Stop Inn, is providing me with discounted food and supplies. There are still funds to be raised for the remainder of my 8-10 year career, though!

When did you start work? My first day of work was February 3, 2014! **I am the first professional courthouse dog in Oregon, it is pretty exciting!**

What does your job involve? I provide emotional support and comfort to victims and witnesses of crimes, especially children and vulnerable adults. I attend Grand Jury and other court proceedings with them (I have only been caught snoring once!). I help keep them calm as they are filling out paperwork, such as restraining orders or victim impact statements, and visit with them while they are meeting with my co-workers, and/or are having to talk about the abuse they've experienced. I am also able to use some of my skills to distract them for a brief time and open up conversation by doing things such as turning pages of a book, picking up items and handing them off, shaking paws, turning lights on or off, and open or shutting drawers and doors.



How do you relax after work? Well, I have to keep up my skills and certification for work, so I have training time with my Handler every day. After that, then I get to just be a dog! I like to go on walks, play with my Kong, chase tennis balls, and run as fast as I can around the yard. My Handlers are going to let me start doing agility courses, as well! I get excited for play dates with my doggie pals, Lambeau and Piper. I am a big fan of mealtime, too! **Food. Is. Good.** I also really enjoy going to visit friends and family, especially the kids!

Though, I would have to say my absolute favorite things are cuddling, being petted, and napping on my Handlers.

Do you have any "special moments" that stand out in your career, at this point? I have been able to do so much in such a short amount of time and all of it has been important to me. A few nuggets, though, would have to be my first plea and sentencing, one of my first protective orders, and a DV trial I helped out with the other day. Several weeks ago, **I accompanied a young child sex abuse victim to court for the plea and sentencing.** When her offender came into the courtroom in custody, the victim ducked down and decided they did not want to see the Defendant's face, but just listen to the proceedings instead. The victim sat down on the floor next to me and petted me while the sentencing happened. Afterwards, the victim kept hugging me and thanking me for being there as support.

Around that same time, **I was helping a victim fill out a protective order.** I would lay my head in her lap and she would begin petting me, which would help her slow her breathing and calm her tears. She would then take a deep breath and go back to filling out the paperwork. Later that day I was able to go to court with her when she was before the judge with her request for protection.

Recently, **I was able to work with victims and child witnesses in a domestic violence trial.** The children were able to play with me while they were waiting to testify. The youngest child was very shy and did not want to talk much, but just preferred to sit on the floor and have me lay across his lap. I walked him to the door to testify and waited for him until he came out. As soon as he got off the stand, he came rushing out to the hallway and gave me a big hug! He then proceeded to tell me all about his experience in court and cuddled with me in the hall until it was time to go.

SPOTLIGHT: Teamwork and Technology put DV Defendant in Prison

By Kate Petersen, Yamhill County DDA

SPOTLIGHT:

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

"The officer noted that as Carrie cried, her tears were red with blood from her injured eyes."

Shortly after midnight on February 13, 2013, McMinnville Police was dispatched to a report of a female screaming at an apartment. When officers arrived they heard Carrie* screaming, "You hit me...you.. (blank) hit me...you hit me." When officers entered the apartment they observed multiple injuries to Carrie's head and neck. Both of Carrie's eyes were blackening and her left eye was swollen nearly shut. Her lips were significantly swollen. Red marks were visible on her neck. Derek Durrett (Carrie's husband) claimed he had pushed Carrie off of him, causing her to hit her face on the corner of a mattress and land on the floor. Durrett had lacerations to his knuckles which he said were caused by punching a tree. Carrie initially told officers nothing had happened, she was fine, and wanted them to leave. She next told them she had beaten her head into a wall. Medics transported her to a local hospital, where she met with a victim's advocate.

With the advocate present she very reluctantly acknowledged to an officer that Durrett had assaulted her but did not provide many details. She did not want Durrett arrested, stating, "I must have said something mean to him and that made him mad." The officer noted that as Carrie cried, her tears were red with blood from her injured eyes.

While at the hospital Carrie

agreed to be photographed. She also underwent a sexual assault examination based on information provided by a family member of defendant and her reported lack of memory about what had happened to her. The SANE who conducted the examination carefully and thoroughly documented Carrie's injuries: strangulation (redness, bruising to jaw line/clavicle, finger impressions on sides of neck, ligature marks from hands, pain, and abrasions), eyes swollen shut/bruised all over, bruising and swelling to her entire top lip, and multiple bruises/abrasions all over her body. Durrett was arrested that night for assault.

Although Carrie's injuries were egregious there was not sufficient evidence at initial intake to charge Durrett with more than misdemeanor assault. Additionally, Carrie's willingness to speak to authorities about the assault was short-lived. Fortunately, Durrett was held in custody on security based on the photos taken by the officer and a 2012 out-of-state conviction for Battery against a former intimate partner.

While Carrie's case was pending the assigned victim's advocate recalled another case previously investigated by the Yamhill County Sheriff's Office involving Durrett and a second victim, Emma*, in late 2012. Emma, still in high school, had disclosed to a counselor that Durrett had abused her but would not talk about the abuse to police when interviewed. Emma did obtain a restraining

order against Durrett, however, which contained frightening details of how he had abused her. A detective re-contacted Emma at our request. This time she was ready to talk.

Durrett had abused Emma by putting a cigarette out on her chest and using a lighter to burn her hand to leave a scar in the shape of a "D." He also assaulted and strangled her, yelling "is this what you want? Do you want to (blanking) die?"

We also continued searching for evidence that could support additional charges pertaining to Carrie and obtained information regarding past abuse. Kris Karcher, a DME from Coos County, agreed to review the case and prepare a report with her findings.

Diligence and fantastic timing led to the discovery of a jail call Durrett made to a family member. From that call we learned that defendant had inadvertently pocket-dialed Carrie as he was assaulting her. We immediately took steps to ensure that Carrie's cell phone provider preserved her voicemails and obtained a search warrant. By the time the warrant was served on Carrie she had already deleted the voicemail. Fortunately, her cell phone provider had retained it. The voicemail was somewhat garbled, but chilling nonetheless. A Newberg-Dundee Police detective with expertise in forensic analysis "cleaned-up" the recording by reducing background noise. In the "cleaned-up" voicemail the defendant audibly beats and strangles Carrie, yelling, "I'll kill you!" as Carrie gasps for air.



Derek Durrett received 73 months prison for DV charges against two victims.

SPOTLIGHT: Cont'd

At this point the case was re-presented to grand jury. An amended indictment was returned for seven crimes for both victims, including Attempted Murder Constituting Domestic Violence and Assault II Constituting Domestic Violence (pertaining to Carrie). On November 25, 2013, the defendant pled guilty to crimes involving both victims and received a 73 month DOC sentence. Emma chose not to attend

sentencing. Carrie did attend sentencing and said she forgave Durrett, knew he could be a good person, and would wait for him. Although Carrie was never OK with what he did to her, she was afraid of what would happen to him.

Carrie had not supported prosecution of Durrett and fit the textbook definition of riding the proverbial emotional roller coaster during the pendency of the case. Nonetheless, she stayed in contact with her victim's advocate throughout the case and after sentencing as she tried to figure out who to trust and the crushing realities of her world. Several months after sentencing she stopped by to thank us, let us know she had decided not to wait for Durrett and was moving on with her life.

****The names of the victims have been changed to protect their privacy.**

COLLABORATION IS KEY



**No one can
whistle a
symphony. It
takes an entire
orchestra.
—H.E. Luccock**

In 2013 I supervised Joseph Craig when he was on parole. In May 2013, a Warm Springs officer responded to the home where Craig was living on a report of a disturbance. While the officers were speaking with Craig and his girlfriend, Craig actually began to strangle the victim in front of the officers. He was charged in Tribal Court and sanctioned on his parole case.

In July 2013 Craig assaulted his girlfriend, again. I called Craig Gabriel, USDOJ, and pro-

vided information on the latest assault case. I made a request to file charges in federal court. After the initial contact, I had frequent discussions with Mr. Gabriel on the progress of the case.

Federal charges were filed against Defendant Craig, in September, 2013. Mr. Gabriel made it a point to have direct contact with me when he was our area. I was also contacted by U.S. Pre-Trial Services while they were developing the Pre-Sentence Investigation report. Joseph

Craig was convicted in Federal Court in November 2013.

I was pleased to work with Craig Gabriel and the U.S. Attorney's Office. They have been a very strong community partner and are dedicated to community safety and offender accountability. I would encourage others to locate their federal resources and get to know them. They can provide further resources to increase public safety.

(By: Brad Mondoy, Jefferson County P/P)

National Crime Victims' Rights Week



This year's theme of National Crime Victims' Rights Week is **30 Years: Restoring the Balance of Justice**. As we celebrate three decades of defending victims' rights, we are reminded of how far we have come—and how much work is yet to be done. Only 30 years ago, crime victims had virtually no rights and no assistance. The crim-

inal justice system often seemed indifferent to their needs. Victims were commonly excluded from courtrooms and denied the chance to speak at sentencing. They had no access to victim compensation or services to help rebuild their lives. There were few avenues to deal with their emotional and physical wounds. Victims were on their own to recover their health, security, and dignity. Today, the nation has made dramatic progress in securing

rights, protections, and services for victims. Every state has enacted victims' rights laws and all have victim compensation programs. **More than 10,000 victim service agencies now help people throughout the country.** In 1984, Congress passed the bipartisan Victims of Crime Act (VOCA), which created a national fund to ease victims' suffering. Financed not by taxpayers but by fines and penalties paid by offenders, the Crime Victims Fund supports victim services, such as rape crisis and domestic violence programs and victim compensation programs that pay many of victims' out-of-pocket expenses from the crime, such as counseling, funeral expenses, and lost wages.

FORMER DV PROSECUTOR HELPING VICTIMS IN A DIFFERENT WAY

The **Oregon Crime Victims Law Center** (OCVLC) is a non-profit, 501(c) (3) organization that advocates for crime victims in Oregon to ensure that they have a meaningful voice in the criminal justice system by providing:

- no-cost direct legal representation to crime victims to help them assert their legal rights;
- social-support services and referrals; and
- trainings regarding crime victims' rights to the public and to agencies and organizations whose employees and agents interact with crime victims.

Melanie Kebler, former Domestic Violence prosecutor who worked in Lincoln and Yamhill counties, is now a staff attorney for OCVLC. The **"Good Fight"** caught up with Melanie and got her insight into working with and advocating for victims now that she's experienced it in both the criminal and civil arenas.

GF: So, tell us about your work with OCVLC. What's a typical day like?

MK: On a typical day, I usually will spend some time answering questions or take referrals from prosecutors, Legal Aid attorneys, advocates, and crime victims who call in. I do a lot of work helping restraining order petitioners who need legal representation at a contested hearing, and that entails gathering witness information and other evidence, as well as talking to the respondent or respondent's attorneys. (Cont'd on page 6)

"Those who are happiest are those who do the most for others."

-Booker T. Washington

PROSECUTOR, CONT'D

When I'm involved with criminal cases, I spend time talking to the DDA on the case, or meeting with law enforcement. I also attend meetings with community partners, like the monthly Family Violence Coordinating Council meeting in Multnomah County. I have trained multidisciplinary groups and visited with the National Crime Victim Law Institute's law school students in their clinic class. I do get to travel around the Portland area a bit, going to court and meeting with clients. Most of the crime victims I work with are domestic violence and sexual assault survivors, but I also handle other types of cases in counties around the state. The legal work entails everything from something fairly simple, like notifying a court of a victim's speedy trial right, to more complicated work, like filing an appeal in a stalking protective order case.

GF: Have your skills as a DV prosecutor helped you in your current position? How?

MK: My skills as a DV prosecutor, especially those skills I developed working directly with victims, have really helped me in my current position. I know how to talk to an upset person on the phone or in person. I understand all the parts of the criminal justice system and have good practice explaining the system to someone who's never been involved in it before. My trial skills translate pretty well to contested restraining order hearings, which are basically mini trials.

GF: What's been the most challenging or surprising thing you've encountered since you started working for OCVLC?

MK: The most challenging thing so far has been getting to know the criminal justice system and protection order docket in Multnomah County. Most of my cases are through a grant project that is restricted to Multnomah and Marion Counties at the moment, so I've had to learn all over again which cases are heard on which days, how different judges run their court rooms, and how the docketing system works in a jurisdiction that is much larger than ones I've practiced in before. The most surprising thing has been the sheer number of cases that are out there where crime victims need legal representation, in criminal or civil cases. I was aware before that the need was high, but working in this position has really given me a better perspective of just how few low or no-cost attorneys are available for victims of crime.

GF: What's one thing about representing victims or victims' rights that you *know now* that you wished you'd known as a prosecutor?

MK: I have learned quite a bit about how victims' rights can interact with a pending restraining order case so far in my work. In one case, I successfully asked the restraining order judge to stay a deposition the defendant wanted to take of my client until after the parallel criminal case is over, based on crime victims' rights as well as discovery rules. I wish I had known more about how to do this as a prosecutor, because in many DV cases, the restraining order hearing was often used by the defendant to get information or cause more hardship to the victim, and I think I might have been able to do more in my criminal cases to prevent that.

GF: Can prosecutors call OCVLC or refer victims to OCVLC?

MK: Absolutely. We are able to provide technical assistance, such as answering legal questions, brainstorming possible community resources, or providing legal arguments and motions to prosecutors who have crime victims' rights issue come up in their cases. If the victim is referred to us, we can talk to him or her about legal representation in the criminal case to help assert a right, or ask for a remedy if a right has been violated. Many times, the prosecutor's interests in the case and the victim's interests are aligned, and a dual approach can be effective in correcting an error made by a judge or reigning in a defense attorney.

SEXUAL ASSAULT AWARENESS MONTH

APRIL 2014: It's Time....To Talk About It!

The month of **April** has been designated **Sexual Assault Awareness Month (SAAM)** in the United States. The goal of **SAAM** is to raise public awareness about sexual violence and to educate communities and individuals on how to prevent sexual violence. **SAAM** highlights sexual violence as a major public health, human rights and social justice issue and reinforces the need for prevention efforts. The **2014 SAAM** campaign focuses on healthy sexuality and young people. This campaign provides tools on healthy adolescent sexuality and engaging youth. For more info, visit: <http://www.nsvrc.org/>



DID YOU KNOW??

Oregon was the first state to prosecute a husband for raping his wife. On October 10, 1978, Greta Rideout called the Salem Women's Crisis Service in Salem to report she had been raped by her husband. The service advised her to call the police. The police responded and Greta Rideout explained to the officers that her husband had raped her. Officers took an initial report, referring it to detectives. Eight days later, John Rideout was indicted under **Oregon's** recently revised state rape law which did not hold an exemption for men accused of raping their wives. Under the old law, and the laws of 47 other states at the time, men could legally rape their wives due to common law practices dating back to 17th century England. The trial, which took place during the week of Christmas 1978, lasted only six days. The strategy of the defense was two-fold: first, the defense argued a rape did not occur because John Rideout was not aware of the change in law. The second argument was that he felt he had a right to his wife based on common law. In other words, Mr. Rideout did not deny having sexual intercourse with his wife without her consent. The jury heard a lot of evidence during the trial which (hopefully) would not be admissible today. The four men and eight women deliberated for only a short time before they acquitted John Rideout. Despite the acquittal, the case sparked a national movement for the abolition of marital rape exemptions. The last state to remove its marital rape law was North Carolina in 1993. There are states, however, which still have exceptions and restrictions in their marital rape laws.

Intimate Partner Sexual Violence

- *Nearly **1 in 10 women** in the United States (9.4% or approximately 11.2 million) **has been raped by an intimate partner in her lifetime**
- *6.6% of women have experienced completed forced penetration by an intimate partner
- *2.5% have experienced attempted forced penetration
- *3.4% have experienced alcohol/drug facilitated penetration.
- *Approximately **1 in 6 women** (15.9% or nearly 19 million) and **1 in 12 men in the United States** (8.0% or approximately 9 million), **have experienced sexual violence other than rape by an intimate partner in their lifetime.**

Breiding, M.J., Chen J., & Black, M.C. (2014). *Intimate Partner Violence in the United States — 2010*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.



Oregon Department of
Justice

**Do you have a funny or
disturbing anecdote to
share? Let me know!**

Erin Greenawald

**DV Resource Prosecu-
tor**

They Did What?!?

A Michigan man was arrested after posting a Facebook "selfie" showing him with a sub-machine gun used in a bank robbery.

Jules Bahler, 21, is accused of robbing three banks, but he used the gun in only one heist on March 5, the same day he posted the selfie, police said.

One they deemed him a suspect, police pulled over Bahler and found the gun in his vehicle. He reportedly confessed to all three robberies.

PROSECUTOR: Continued

We've also worked with victims who, for whatever reason, are not communicating effectively with the prosecutor or advocate assigned to their case. In those cases we can come in and try to assist that communication, which can ease some of the frustration that the victims may be feeling. Also, there are times when the victim's goals are not necessarily aligned with the prosecutor's goals, and having a victim's attorney involved can help manage that situation to ensure that the DDA is able to effec-

tively do their job while the victim's interests are still being represented.

GF: What's the future hold for OCVLC? (Are you going to be able to add attorneys/staff, broaden the areas of representation, etc.)

MK: As with all non-profits, we are always thinking about funding for the future. My position is grant-funded, and we continue to seek those funds as well as funds from foundations and the legislature.

The plan is to continue growing in the future, and hopefully we will be able to broaden my grant project to other counties, and maybe hire more employees to help us continue to work with crime victims who are in need of free legal guidance and representation.

**Fore more infor-
mation on OCVLC,
visit their website:
<http://www.ocvlc.org/>**