



The Good Fight

OREGON

DEPARTMENT OF
JUSTICE

DOMESTIC VIOLENCE
PROSECUTOR

NEWSLETTER

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20 Years of VAWA: Celebrate and Rededicate

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"Our work will
not be done until
every woman in
America feels free
and is free to live
in peace."

—Governor John
Kitzhaber

"Our work will not be done until every woman in America feels free and is free to live in peace," Governor John Kitzhaber told those who attended a December 9th event at the Oregon State Capitol to commemorate the 20th Anniversary of the passing of the Violence Against Women Act (VAWA). On that day, approximately one hundred people gathered in the Galleria of the Capitol to celebrate the landmark legislation, as well as to rededicate efforts in the continuing battle against Domestic and Sexual Violence.

The anniversary event was co-sponsored by the Oregon Department of Justice, the Oregon Coalition Against Domestic and Sexual Violence (OCADSV), and the Multnomah County District Attorney's office. In addition to Governor Kitzhaber, other speakers at the event included Oregon Attorney

General Ellen Rosenblum, US Attorney for the District of Oregon Amanda Marshall, Multnomah County District Attorney Rod Underhill, Multnomah County Chair Deborah Kafoury, Confeder-

ated Tribes of the Siletz Indians Tribal Chair Delores Pigsley, Oregon Attorney General Ellen Rosenblum, Charlene Wesler, Multnomah County Chair Deborah Kafoury, Multnomah County District Attorney Rod Underhill, and Representative Carolyn Tomei listen to event host, Vanessa Timmons.



Governor John Kitzhaber, US Attorney for the district of Oregon Amanda Marshall, Confederated Tribes of the Siletz Indians Tribal Chair Delores Pigsley, Oregon Attorney General Ellen Rosenblum, Charlene Wesler, Multnomah County Chair Deborah Kafoury, Multnomah County District Attorney Rod Underhill, and Representative Carolyn Tomei listen to event host, Vanessa Timmons.

ated Tribes of the Siletz Indians Tribal Chair Delores Pigsley, and domestic violence survivor and small business owner Charlene Wesler. Vanessa Timmons, Executive Director of OCADSV, facilitated the presentation.

Multnomah County District Attorney Rod Underhill

stressed the need to take firearms out of the hands of abusers. He also urged men in leadership roles to speak out against domestic violence. "Men too often look at young women as something to pos-

sess, own and dominate, and that attitude must stop," Underhill said. "As a father of two daughters, I want their future and our collective future to be free of domestic violence."

Charlene Wesler, 41, of Portland shared her personal story of survival.

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VAWA Celebration: Cont'd

VAWA

The 1994 VAWA bill was a watershed, marking the first comprehensive federal legislative package designed to end violence against women. It was also a triumph for women's groups that lobbied hard to persuade Congress to legislate federal protections for women on the grounds that states were failing in their efforts to address this violence. VAWA included provisions on rape and battering that focused on prevention, funding for victim services and evidentiary matters. It included the first federal criminal law against battering and a requirement that every state afford full faith and credit to orders of protection issued anywhere in the United States. Since the passage of VAWA, from law enforcement to victim services to Capitol Hill, there has been a paradigm shift in how the issue of violence against women is addressed.

—legalmomentum.org

Wesler said she survived a brutal attack by her husband of nine years in July 2008. "He came home from church and just lost it," she said. "He began by strangling me. ... I was raped, tied to a chair and held at gunpoint by a man who was simply out of his mind." Wesler said she eventually reported the attack, and her husband was prosecuted in Multnomah County and sent to prison for 15 years. She said she went on to raise three boys as a single mom, obtain her accounting degree, and open her own business, a restaurant in Portland called Gigi's Café. Wesler urged those working with victims to be careful how they describe people who suffer domestic violence. "The label victim was a crushing blow to me," she said. "Pick your words carefully. You are helping someone who has had their world completely turned upside down." Wesler said she's now described by others as fearless, an entrepreneur, a chef and an accountant. "I'm described by many words, and none of them are victim," she said. Those in attendance, as well as Wesler's fellow speakers, stood in ovation at the end of her remarks.

"The Good Fight" Against Domestic and Sexual Violence: State and National Milestones

1975: Oregon opens Bradley Angle, the first Domestic Violence Shelter on the West Coast.

1977: Oregon adopts the Family Abuse Prevention Act (FAPA), among the first four states in the country to do so.

1978: Oregon is the first state in the country to prosecute a man for marital rape. John Rideout is acquitted, but later jailed for harassing his wife.

1978: The Oregon Coalition Against Domestic and Sexual Violence is founded.

1987: The National Coalition Against Domestic Violence establishes the first national toll-free DV hotline.

1991: Oregon legislature passes HB2994 which directs police officers to determine the "primary aggressor" in a DV incident.

1993: Oregon legislature codifies the definition of "domestic violence."

1994: The federal Violence Against Women Act is passed.

1997: Oregon legislature increases penalty for DV assault in certain circumstances.

1999: The Oregon Attorney General's Sexual Assault Task force is formed.

2005: VAWA is reauthorized.

2010: Gateway Center in Multnomah County is opened.

2011: Oregon legislature passes bill to increase penalties for Strangulation.

2013: Oregon legislature passes the Sexual Abuse Prevention Order.

2013: 'A Safe Place,' Clackamas County's Family Justice Center, opens.

2013: VAWA is reauthorized.



Spotlight Article: A Plan Thwarted

By: Jennifer Gardiner

Marion County DA's Office

Lori Robbins* and Jabbar Al-Khafagi met through mutual friends in 2009 but did not begin dating until August of 2012. As the relationship progressed, the defendant was more and more controlling; he would not permit Lori to speak to other men and was constantly questioning her on her whereabouts. Lori attempted repeatedly to end the relationship and, during the process, defendant made statements that he would kill her and any man she tried to be with. Defendant continued to e-mail, call and text Lori, prompting her to get a restraining order in February of 2013. Within a month, there were warrants issued for his arrest due to multiple violations.

Defendant was convicted of stalking Lori on October 29, 2013. He was sentenced to 60 months of probation with a suspended jail sentence of 365 days. That same day he was sentenced to 360 days jail on two separate counts of contempt of court for violating the restraining order.

In early January of 2014, defendant befriended inmate Saul Avila. During early conversations with Avila, defendant would discuss his and Avila's criminal history, which, for Avila, included violations of restraining or-

der involving his own girlfriend, as well as having once been charged with murder. It quickly became clear to Avila that defendant was obsessed with Lori, making comments that in Iraq, a man could deal with his woman, "take care of her" when there were issues such as those he encountered with Lori. The defendant blamed Lori for putting him in jail, and for calling police, ranting "I hate that (bleeping) bi—" and "I wish she was dead." Eventually, defendant asked Avila if he knew anyone who would "do something to her," whether there was someone who could "get rid of her." Avila asked what he wanted done, and defendant said "I want her dead." Defendant said he would pay a lot of money to the person who would do this for him; Avila asked defendant how much he would pay Avila if he killed Lori for defendant. Defendant offered him cars, told him that he would "take care of him" and showed him a bank statement with a balance of \$65,000.00. Defendant described what Lori looked like, described where she lived and even drew two maps for Avila, noting which apartment belonged to Lori, where the security lights were, where Avila should park his car and what was in the surrounding area. Defendant instructed Avila on how to get into the apartment and what to say, and then to make it look like a home invasion robbery.

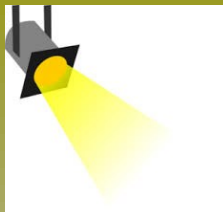
Defendant told Avila he would have to kill Lori while defendant was still in custody so that defendant would not be a suspect. Defendant asked Avila how he would know that Avila had killed her and Avila said he would send him a post card saying "Happy Late New Year's," which would mean she was dead.



Jabbar Al-Khafagi was sentenced to 200 months for the Attempted Aggravated Murder of his girlfriend.

Avila informed his cellmate, Michael Weiner, of his conversations with defendant and Weiner convinced Avila to report the defendant to corrections deputies, which he subsequently did.

(Continued on page 4).



A Plan Thwarted: Cont'd

A pretext call was placed between Avila and defendant upon Avila's release from custody. In that pretext call, defendant asked Avila how he was coming with the "job." Avila asked defendant if he would take care of Avila and defendant responded "yeah, please do it."

Pre-trial, the court permitted introduction of defendant's prior bad acts, the history of the relationship, as evidence of motive: his attempt to have her killed was revenge for calling police and "putting" him in jail. During the motions hearing, the defendant began to yell during the state's argument, screaming that he did not understand why his attorney was not introducing evidence of Lori's supposed drug use. This was particularly fantastic, as the defendant was assisted by an Arabic interpreter: when the defendant began to yell in English, the interpreter began to interpret his own statements back to him in Arabic. Part of defendant's defense was that he did not understand English and was taken advantage of by Avila.

During trial preparations, the state discovered that defendant was being assisted by several inmates (one of them awaiting trial for murder, one of them awaiting trial in a case in which the state is seeking a dangerous offender sentence.) Those inmates were in the process of organizing a "super-gang" within in the jail and within the greater Department of Corrections system; part of the gang's by-laws included assisting "associates" however possible. Defendant listed one of those inmates on his witness list; the State discovered defendant's son was putting money on the books of the other. That inmate wrote a letter to the testifying inmate witness that "The Muslim" had slipped

him \$100 and the money was available for his use as well.

The Defendant's son was thus subpoenaed as a state's witness, as he was the one who put the money on the books of that inmate.

After waiving jury, the defendant interrupted the state's opening statement at least five times and was visibly agitated. The state's witnesses testified as expected and then the defense called their star witness, the pending-murder trial gangster, who testified that Saul Avila told him that he was going to make up "something" about some "dumb

Arab" in order to get out of jail. During cross-examination, the court interrupted questioning, stating that the court did not believe the witness and found him to be dishonest and then informed the defense that while they may attempt to rehabilitate the wit-

ness, it was unlikely. As if it could not get any better, against his attorney's advice, defendant testified. Defendant's testimony consisted primarily of a rant against Lori, explaining how he was simply trying to help her. During cross-exam, he attempted to insist the prosecutor read an excerpt from the Koran; when the prosecutor ignored his demands, he sat on the edge of his chair, pointing his finger at her, demanding that she do as he said. It was, in short, a dream display of the defendant's belief that he had complete power over the opposite sex.

Defendant was convicted of Attempted Aggravated Murder and, after a sentencing hearing on enhancements, was sentenced to 200 months in prison.

****Lori is not the victim/survivor's true name.**

The Defendant was being assisted by several inmates who were in the process of organizing a "super gang" within the jail and greater DOC system.

Monica Van Laer, Nicolette Elias, Cynthia Phillips, Elaine Wooden, Donna Perry, Rebekah Johnson, and Tonya Davis.

These **SEVEN** women were killed in DV-related incidents in our state in **November of this year alone.**

For the second year in a row November turned out to be a very lethal month in Oregon. Last year, November was the deadliest month in Oregon in terms of DV-related deaths. In that one month, six of our fellow **Oregonians** died in five incidents in five separate counties.

This year has seen those numbers increase:

In November 2014 there were seven fatal DV incidents that occurred in five different Oregon counties. There were nine deaths in total (including two perpetrators). Two other perpetrators tried to kill themselves but were unsuccessful. At least three of these incidents happened in front of children or where children were present. In fact, one of the perpetrators is currently charged with attempting to murder his minor child.

And, at least five of the incidents involved the use of a firearm.

In all of 2013, there were 27 domestic violence related deaths in Oregon that occurred during the course of 24 separate incidents.

Domestic and Sexual Violence, let alone the deaths related to Domestic and Sexual Violence, are far too prevalent in Oregon and in this country.

Oregon's statewide Domestic Violence Fatality Review Team (DVFRT) has been tasked by statute to meet semi-annually and review domestic violence cases with the goal of improving the coordinated statewide response to and prevention of domestic violence and domestic violence fatalities. The Team has been meeting regularly since mid-2011 and reviewing cases since spring 2012. The DVFRT has reviewed four cases, the most recent one in early December. Due to the exhaustive nature of the review,

As United Nations Secretary General Ban Ki-Moon states, "we must unite. Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any government."

the Team only reviews two cases per year. However, even within the limited number of cases reviewed, the Team has been able to identify themes, trends, and areas for coordinated improvement. The Team is statutorily obligated to report on its work in biennial reports to the legislature which it delivered on December 9th to the House Interim Committee on Human Services and Housing. A link to the report can be found at the end of this article.

In addition to providing information on the Team's case reviews, the report also sets forth startling statistics related to DV Homicides, in general. Those statistics include:

- Approximately **1 in 5 homicides** in Oregon is related to IPV
- **75% of all homicide/suicide** events is related to IPV
- **Gunshot wound** was a predominant mechanism of death—on average, 60-65% of IPV deaths are caused by guns. If a woman dies in Oregon (or in the country) because of IPV, she's probably died due to firearm use.

The current DVFRT report sets forth the key findings of the most recent case reviews (excluding the most recent one completed in December, 2014). Beginning February 2015,

the Team will submit reports about those findings to the legislature. **The findings are:**

Addressing the impact on children exposed to DV, improving safety provided by civil protection orders, addressing diverse points of intervention, improving community awareness and cultural change. The discussion of each finding

will include concrete recommendations on how we, as a state, can effect change. As the report notes, it will take a truly cooperative effort to make the social, cultural, and political changes necessary in order to decrease and hopefully, one day, prevent these and all types of violence from occurring.

As United Nations Secretary General Ban Ki-Moon states, "we must unite. Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any government."

****For more information or a copy of the report please contact Erin Greenawald at: erin.greenawald@doj.state.or.us.**

*Thank you for all you do!
it makes a difference.*

The Weight of a Snowflake

"Tell me the weight of a snowflake," a coal mouse asked a wild dove. "Nothing more than nothing," the dove answered. "In that case I must tell you a marvelous story," the coal mouse said. "I sat on a fir branch close to the trunk when it began to snow. Not heavily, not in a raging blizzard. No, just like in a dream, without any violence at all. Since I didn't have anything better to do, I counted the snowflakes settling on the twigs and needles of my branch. Their number was exactly 3,471,952. When the next snowflake dropped onto the branch--nothing more than nothing--as you say--the branch broke off."

Having said that, the coal mouse ran away. The dove, since Noah's time an authority on peace, thought about the story for a while.

Finally, she said to herself, "Perhaps there is only one person's voice lacking for peace to come to the world."

—Source unknown



Questions about information in this newsletter?

Please contact Erin Greenwald at erin.greenawald@doj.state.or.us

**Thank you to Elli Work, Multnomah County DA's office, for the photograph on the front page.

Honeybadger Awards: We DO Care!

For three days in late October, nearly 30 of Oregon's finest domestic violence prosecutors gathered in Newport, Oregon to attend and present at the fifth annual Oregon Department of Justice Domestic Violence Prosecutor "Boot Camp." This training is a two and a half day trial advocacy course that provides prosecutors an opportunity to develop and hone trial advocacy skills in domestic violence cases through lecture, group discussion, and intense participation by attendees. During the training, several of the prosecutors were presented with the Boot Camp's inaugural

"Honeybadger" award. The "Honeybadger" epitomizes many of the characteristics of a great domestic violence prosecutor: **tenacity, creativity, vigilance, and willingness to do the hard work.** All of the prosecutors who received the award embody these



**PEOPLE SAY I DON'T CARE,
BUT I DO.**

traits and apply them to the domestic violence cases they handle day in and day out: **Jean Kunkle** (Marion County), **Jennifer Gardiner** (Marion County), **Sarah Sabri** (Lane County), **Sarah Lundstedt** (Polk County), **Holly Allen** (Benton County), and **Katherine Krauel Hernberg** (formerly of Crook county, now with Umatilla county). Congratulations to the recipients and thank you to their offices and many others for supporting the hard work done by Oregon's amazing domestic violence prosecutors all over the state!