

# Legislature strengthens strangulation penalties

## Move will help domestic violence prosecutions

By Steve Tool

Wallowa County Chieftain

Two bills approved by the Legislature in its recently completed short session will help in prosecuting domestic violence cases, Wallowa County officials say.

Senate Bill 1562 more thoroughly defines strangulation, and elevates all strangulation of any household member to a Class C felony.

House Bill 4145 expanded prohibited ownership of firearms to those convicted of the state's stalking statutes from family members to those of domestic partners as well.

Governor Kate Brown signed the house bill on March 5 and is expected to sign the senate bill shortly. Both bills will take effect on Jan. 1, 2019.

### Help for prosecutors

Rebecca Frolander, the county's deputy district attorney, said that the changes may appear minor, but they could have a major impact. Frolander prosecutes all the county's domestic violence cases.

"I agree that strangulation against a family or household member

should be a felony," Frolander said. "I think that any strangulation should be a felony because of the nature of the charge. I can tell you that every training I've been to that pertains to domestic violence, they say that strangulation needs to be a felony and they talk about the huge risk of lethality that goes along with the crime."

Here's her thinking. "In the crime of strangulation, you are communicating to your victim, 'I determine in this moment, whether you live or die,'" she said.

Even if a perpetrator doesn't strangle the victim to the point of death, tissue damage and swelling occur. In a significant number of cases, the damage can continue for up to 12 hours after the act. Frolander said she recommends to all strangulation victims to see a physician as soon as possible after the act.

Upping the punishment for crime helps her office in a number of ways, including providing her with more funds for supervised probation. She added that those convicted of strangulation were previously put on supervised probation, but their fees didn't cover the costs.

"Having that one funding component helps with the supervision," she said.

She added that the upgrade also gives her more to bargain with in plea negotiations.

"There's the option of saying I'll reduce something to a misdemeanor," Frolander said. "I'm not saying I would do that for this crime, but it's a possibility."

As the law stands, someone with no previous convictions would be eligible for up to 20 days in jail, but if they have a personal felony conviction (a felony crime against an individual) the crime guidelines grid allows for 9-10 months in the county jail. A defendant with two previous personal felony convictions is looking at 13-14 months incarceration.

### Strangulation and domestic violence

Strangulation is common in domestic violence cases. Frolander said her training and her own personal experience with victims is that continued domestic violence tends to escalate into strangulation after time.

"Once someone starts strangling their victim, they'll do it every time," Frolander said. She said that one domestic violence victim she encountered had endured numerous strangulations and said that if she struggled or resisted, it made the abuser more angry and determined.

"It think it's important for them to have that on their criminal history if that's something they do," she said. Frolander also said that both defense attorneys and perpetrators can accept

the injury to the victim or placed them in fear of imminent severe physical injury but won't acknowledge that the defendant placed their hands around the victim's throat and strangled them.

"They're just not ready or willing to go there," Frolander said.

Frolander also noted that under the law, strangulation is defined as any attempt to deprive another person of oxygen or cut off their blood flow.

"It takes less than the pressure to open a pop can than to impede someone's blood flow," she said.

She added that the bill also broadened the definition of strangulation to include kneeling on a victim's chest to impede air flow, an act that has seen a nationwide uptick. Previously, the law had only covered blocking access through the nose or mouth. She also said that the high risk of injury or death is why police departments seldom apply chokeholds on suspects resisting arrest.

From a health perspective, Frolander said that the loss of oxygen destroys brain cells and can cause permanent damage. She said she's noticed that a number of victims subjected to repeated strangulation, particularly those who have been strangled to the point of blackout, have trouble remembering the circumstances of the crime. Some of the

memory loss she also attributes to the trauma of the incident.

Contrary to the way strangulation victims are portrayed on movies and television, a victim's throat rarely shows visual signs of trauma.

### Legislative maneuvering

Sen. Bill Hansell, who represents District 29, which includes Wallowa County, said he's been behind a bill tougher on strangulation for years, and in fact, co-sponsored several bills. The senator said he had been presented statistics that show nearly every domestic violence case that ends in a fatality includes strangulation as a common denominator.

He co-sponsored a bill in 2015 that would have labeled all domestic strangulations as felonies, only to have the chairman of the legislature's committee, Democrat Floyd Prozanski, block its passage.

Hansell later worked with newly elected senate Democrat Kathleen Taylor on a similar bill she had sponsored. The two testified together before the House, The bill was approved by the house unanimously.

When it got to the senate's judiciary committee, it again met a roadblock in Prozanski. However, this time, the bill had a co-sponsor from the democratic caucus, and the #metoo movement had picked up considerable steam.

## COUNTY

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SA calculated its crime stats by the violent and property crimes per 100,000 residents. Using the school and crime numbers, the company calculated a community score, which is the ratio of the school rank to the combined crime rate per 100,000 residents.

Other statistics used were the number of households, median home value and average property tax rate to calculate a per capita property tax collected for each county.

Lastly, the company calculated a tax value by creating a ratio of the community score to the per capita property tax paid.

On the top 10 list, Wallowa County registered third on property taxes with a 0.72 of one percent on taxes, which is

based on lowest taxes paid as a percentage of home value.

Although both Hood River and Curry counties paid slightly less property taxes, Wallowa County's school performances and lower crime rates sealed the deal for the county.

Schools registered a 9.0 of 10 on the company's rating system while crime stats showed 569 crimes committed per 100,000 residents.

Wallowa County's overall value in the competition stood at 90.38 points of 100. Baker County was the nearest competitor with an 87.10 score, followed by Lake County with a 78.17 score.

County commissioner Todd Nash was impressed with the accolades, but he saw warning signs as well.

"People should know that we have about the third lowest taxes in the state of Oregon," he said. "Our services and

**Because we have such low taxes, we're unable to provide services the same way that other counties do."**

— Todd Nash  
County commissioner

quality of life is pretty high."

"Conversely," Nash continued, "Because we have such low taxes, we're unable to provide services the same way that other counties do. It's a trade-off."

The commissioner's concerns spotlighted law enforcement particularly. He noted that even though the county's crime rate is lower than other

counties, he believes Wallowa County is on the cusp of a situation under which that could change.

"We need to find ways to fund our sheriff's department," he said. "We're down two men right now. We have to provide services to tourists as well, part of that being law enforcement. That's a real concern."

Nash isn't worried that the Smart Asset award for property taxes will bring multitudes of individuals looking to lighten their property tax burden.

"We only have room for so many here," he said. "Whether people have been vacationing here or reading Sunset magazine or any of the plethora of other articles about the county, we've been at a fairly stagnant number for a long time. The demographics have changed, but the population hasn't exploded as of yet."

## Former hospital employee arrested

### Gray had been facility's head of physical therapy

By Steve Tool  
Wallowa County Chieftain

Aaron Douglas Gray, 38, Enterprise, was arrested and charged with Sexual Abuse in the Third Degree and Harassment March 5. He was detained at the Wallowa County Detention Center until transported to the Umatilla County Jail. He was later released on \$1,000 bond.

Gray appeared at a March 7 arraignment, represented by attorney Benjamin Boyd of Hostetter Law Group. Deputy District Attorney Rebecca Frolander represented the state, and Judge Russell B. West presided.

Boyd requested a change in Gray's release agreement that allowed him to return to the home of his parents in Orofino, Idaho. West granted the request. Gray will appear back in court on April 11 for a plea hearing.

Gray had worked at Wallowa Memorial Hospital in the physical therapy department for 4-5 years and served as its director at the time of his arrest.

Wallowa Memorial Hos-

pital Chief Executive Officer Larry Davy said he first learned of the accusation and arrest on Monday night when someone alerted him to a Facebook post of the arrest on the Enterprise Police Department's page.

"I was shocked when the charges were shared with me," Davy said. "It was like total disbelief. Obviously, that is not who we are as an institution, and it does not reflect our mission, vision or values."

Noting that Gray is presumed innocent until proven guilty, Davy also said the hospital has great respect for the legal process. Gray has not worked since the day of the arrest and resigned his position on March 7.

Davy said he is unaware of any other charges or incidents with Gray. Because of the hospital's lack of information about the incident, and Gray's resignation, he said a thorough in-house investigation is impossible, although Davy said no other employees were aware of any red flags.

"You always ask the question as a group: 'If true, what did we miss?' Because no one saw that coming," he said. "Our highest obligation is to our patients, for the trust, the safety, the excellence," Davy said.

## Leaders to consider bills to protect gun retailers

By Paris Achen  
For the Chieftain

Oregon legislative leaders say they are willing to change Oregon law to protect retailers that voluntarily restrict gun and ammunition sales to customers 21 and older.

Under state and federal law, Oregonians 18 and older can buy rifles and shotguns, and the ammunition for those firearms. You must be at least 21 to buy a handgun and handgun ammunition.

Oregon Labor Commis-

sioner Brad Avakian has concluded gun retailers that have stopped selling to customers younger than 21 in the wake of recent mass shootings could be violating the state's anti-discrimination laws.

The decision could be challenged at the Bureau of Labor and Industries or in a civil court complaint.

In order to raise the minimum age to buy firearms, state lawmakers would need to enact an exemption during the next upcoming legislative session.

## STREETS

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With nearly 40 long and short-term goals in hand, the council showed its determination to work together for the benefit of Joseph citizens and hammered out eight short-term and seven long-term priority goals for the city.

City administrators Tammy Mauro and Sandra Patterson acted as facilitator for the session. Those attending said that the session went relatively smoothly and was dominated by a spirit of reaching common priority goals.

Mayor Dennis Sands said much of the meeting went smoothly, street repair, the top goal on the sheet hit a few bumps in the road.

"We had quite a discussion on the streets," he said. "Several councilors wanted to do

all the streets in town in one fell swoop. It's pretty spendy."

How much to spend remains unsure. The city only holds one goal-setting meeting per year.

The mayor said that he thought the February meeting was more focused than a previous meeting two years ago. Sands' priorities followed expressed citizen concerns.

"Number one is streets, and number two is getting all our water lines up to snuff, replacing the steel water lines and we need to complete our sewer study," Sands said.

Council member Teresa Sajonia said she was impressed with the tenor and accomplishments at the session. She thought it helped bring the council together and get its members on the same page.

"This meeting was based on what the citizen survey said

not on anyone's personal opinion," she said. She noted that the survey and session helped reprioritize the streets as the top issue. She added that even high school students who participated in the survey named the streets as their highest priority.

Because of the infrastructure issues, Sajonia said the council has had to tighten its belt regarding expenditures.

"We're even telling the library people: 'Hey, we're putting stuff on hold ... ' How can we justify anything else.'" She added that even the lodging tax grants were on hold until more pressing issues were addressed.


"You can't spend \$30,000 on something when that money would fix two blocks of streets," she said.

Sajonia also said that maintaining the flower boxes on Main Street were a top concern on the survey and also something the council will address. She saw a bright future ahead for the citizen concerns as a result.

"As far as the goal setting goes, I was impressed," she

### ATHLETE OF THE WEEK

Jordan Alford




This week's athlete of the week is Enterprise Elementary School first grade teacher, Jordan Alford. The 30-year-old Alford and her boyfriend, Kyle Hook, thought they'd take time to do a little angling on the Imnaha River before the town. As it turned out, a 34-inch steelhead was waiting for Alford's bait. It now resides in a smoker awaiting further developments.

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**Jeff Fields**  
Zumwalt Project Manager, The Nature Conservancy

*As Zumwalt Project Manager for The Nature Conservancy, Jeff brings his experience in forest, river, and grassland management over the past 30 years to his current work focused on the 275,000 acres of privately owned grasslands of Wallowa county, including the Conservancy's Zumwalt Prairie and Clear Lake Ridge Preserves.*

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