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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
Family Law Department

In the Matter of:

KIM E. BRADLEY,  
Petitioner,  
and  
JOHN W. BRADLEY,  
Respondent.

CASE NO. 16PO02279

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND RULINGS**

Retained by the Honorable Judge  
Holmes Hehn

This case came before the court over several days, concluding on April 5, 2018, for a hearing requested by Respondent John W. Bradley to contest this Court's renewal of Petitioner Kim Bradley's Family Abuse Prevention Act Restraining Order, which was renewed by the Court on March 7, 2018. Petitioner is represented by Mr. Bradford F. Miller, OSB No. 074675. Respondent is represented by Ms. Robin DesCamp, OSB No. 975415. The Court listened carefully to the evidence presented, read all of the exhibits received, and makes the following findings of fact, and conclusions of law and rulings.

PROCEDURAL POSTURE

On March 15, 2016 this Court granted to Petitioner a Family Abuse Prevention Act Restraining Order (hereafter "FAPA") against Respondent, her then husband. Respondent did not request a hearing to contest that order. On March 10,

1 2017 Petitioner filed a petition to renew the Order, which was granted. On April 4,  
2 2017 Respondent filed a request for a hearing to contest the renewal order, however  
3 on May 18, 2017 Respondent filed a notice with the court withdrawing his request for  
4 a hearing. Finally, on March 7, 2018 Petitioner sought, and this Court granted,  
5 another renewal of the restraining order. That renewal order is the subject of these  
6 proceedings.

### 7 LEGAL STANDARD

8 The Court may renew a FAPA if “a person in petitioner’s position would  
9 reasonably fear further acts of abuse by respondent if the order is not renewed.”  
10 ORS 107.725(1)(a). Abuse is defined in the law as not just physically or sexually  
11 abusive conduct, but also “Intentionally, knowingly or recklessly placing another in  
12 fear of imminent bodily injury.” ORS 107.705(1)(b). A “finding that there has been a  
13 further act of abuse is not required” for the Court to grant a renewal of a FAPA. If an  
14 order of renewal is issued, and the respondent requests a hearing to contest the  
15 renewal, the issue at the renewal hearing is not whether the petitioner is actually in  
16 danger of further abuse. Rather, the issue at the hearing is limited to the petitioner’s  
17 fear, and whether a person in the petitioner’s position would reasonably fear further  
18 acts of abuse by the respondent. ORS 107.725(4). The Court is unaware of any  
19 Oregon appellate cases decided under the FAPA statutes which directly addresses  
20 FAPA renewal.

21 In understanding abuse in a FAPA case, the Court may consider the “totality  
22 of the circumstances.” LeFebvre v. LeFebvre, 165 Or App 297 (2000). In this case,  
23 in order to understand and judge whether the Petitioner reasonably fears further acts  
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1 of abuse by the Respondent, a consideration of history is essential. The Court thus  
2 allowed the presentation of substantial evidence about that history.

### 3 HISTORY OF ABUSE

4 The Court listened carefully to the testimony of Kim Bradley about the history of  
5 abuse perpetrated against her by Respondent John Bradley. Based upon the level  
6 of detail she provided about abusive incidents, the manner in which she testified,  
7 including the emotional content of her statements, corroborative evidence that she  
8 supplied such as photographs of injuries, and the fact that the allegations of abuse in  
9 the original restraining order petition, and in her first petition for renewal, were not  
10 contested, the Court finds Ms. Bradley's testimony to be credible regarding the  
11 history of abuse in her relationship with Mr. Bradley.

12 John Bradley's violence toward Kim Bradley was extensive and chronic. Abusive  
13 acts included several incidents in which he cornered her in their home and in other  
14 locations, kneeled on her, once to the point where she felt like her arm was  
15 breaking, screamed and yelled at her, called her demeaning names such as "bitch,"  
16 "cunt" and "moron," several instances of strangulation, including grabbing her  
17 forcefully by the neck from behind without warning, kneeling on her, grabbing her by  
18 the forearms leaving bruises, shaking her, in one instance lifting her off the ground  
19 and throwing her to the floor causing her to hit her head, grabbing and holding her  
20 around the head in such a way that her breathing was impaired and her jaw was  
21 injured, getting agitated and upset on the street in San Francisco and grabbing her  
22 around the neck leading to physical intervention by citizens, a similar incident of  
23 grabbing her by the neck from behind on the Portland Waterfront, leading to citizen  
24 intervention, cornering her in a closet in a hotel room in Hawaii and screaming at



1 her, grabbing her in the office of their marriage counselor, and throwing a chair at  
2 her with such force that the chair hit and broke a cabinet door in the parties' kitchen.  
3 Ms. Bradley also described Mr. Bradley as abusive to their pets, putting scalding  
4 water in a dog bowl and over-feeding the dog in the hope that the dog would "get fat  
5 and die sooner."

6 Ms. Bradley testified that Mr. Bradley would "snap" without reason, flying into  
7 rages, face red, screaming and yelling. He also made frightening statements to her,  
8 such as that they would be going out of their house "in boxes" (coffins), that he's a  
9 "powerful man and the laws and the rules don't apply to him," and that "nobody  
10 knows you, nobody cares about you," which contributed to her feelings of  
11 powerlessness. She was afraid to disclose the abuse to others, and remained  
12 trapped in this abusive relationship for many years.

13 Ms. Bradley so feared Mr. Bradley's abuse that she would frequently run away  
14 and hide from him, either in the home, in the yard, in the guest house or in other  
15 locations, including in the woods and bushes near the home, hoping that he would  
16 be unable to find her.

17 This abuse occurred in the context of a relationship in which Mr. Bradley, as  
18 wealthy primary income earner and Ms. Bradley as primarily a stay at home wife,  
19 had significantly greater power than Ms. Bradley. He used his power to make her  
20 feel helpless and unworthy, including by telling her that no one in their community  
21 liked her, that no one would believe her allegations of abuse, that she was an  
22 unattractive "washer woman" and a "timid little mommy," and by telling her that she  
23 was "disappointing."

24

1 Mr. Bradley also blamed Ms. Bradley for his abusive acts. For example, he  
2 can be heard in the background of a 911 call played for the court from an incident in  
3 September of 2015 which ultimately resulted in his conviction for Assault IV  
4 Constituting Domestic Violence, Case No. 15CR43070. While Ms. Bradley is on the  
5 phone to a 911 dispatcher, hysterical and clearly terrified, Mr. Bradley can be heard  
6 in the background yelling at her, saying "All you're doing is making me more angry!"  
7 and "Just stop your fucking bitchiness and get off the phone with those people!"  
8 blaming her for making him "even more angry" by calling the police to her aid.  
9 Further, as he was taken to the police car Mr. Bradley yelled at her, "Look what  
10 you've done, Kim! I'm in handcuffs!" Abusive acts would be followed by apologies  
11 and statements that "it would never happen again," but, as Ms. Bradley testified, "it  
12 always did," undermining her faith today that things have changed.

13 Mr. Bradley also subjected Ms. Bradley to various controlling behaviors, such  
14 as limiting her activities, controlling her clothing and makeup, including demanding  
15 that she remove her windbreaker at the Portland waterfront so that people could  
16 "see her butt," and then attacking her when she refused such that citizens had to  
17 intervene to protect her. He required her to quit her participation in the Junior  
18 League so that she would be home at night. He required her to quit tennis on  
19 weekends so as to be home with him and the children. Ms. Bradley testified that she  
20 tried her best to please Mr. Bradley, but could never get it right.

21 As noted, Mr. Bradley was arrested for domestic violence against Ms. Bradley  
22 in September of 2015. In spite of no-contact orders issued for her protection in  
23 connection with that case, Mr. Bradley made multiple efforts to contact her and to  
24 get messages to her through third parties. Mr. Bradley was ultimately adjudicated for



1 contempt for contact with Ms. Bradley in violation of a protection order, Case No.  
2 17CN01761. He was also revoked from participation in the Domestic Violence  
3 Deferred Sentencing Program for unwanted contact with Ms. Bradley, and is  
4 currently on probation as a result of that revocation. See Case No. 15CR43070.  
5 These acts cause Ms. Bradley to fear that even with court orders in place for her  
6 protection, she is unsafe from Mr. Bradley.

7 Mr. Bradley's assertions that he was a victim of abuse by Ms. Bradley, that she  
8 was the primary aggressor in their relationship, and that all of his acts of violence  
9 against her were defensive in nature only, are not supported by the evidence  
10 presented to this Court. Mr. Bradley did not present any witnesses or other  
11 evidence to controvert Ms. Bradley's testimonial and documentary evidence of  
12 abuse. Mr. Bradley asserted a 5<sup>th</sup> Amendment right not to answer many of the  
13 questions posed to him at trial about past acts of violence, however the Court draws  
14 no inference from his 5<sup>th</sup> Amendment invocation.

15 The credibility of Mr. Bradley's testimony regarding the relevant history was  
16 undermined in a number of ways. First, he testified that he had no memory of a  
17 number of relevant facts and events. Second, he testified that he is an alcoholic  
18 who is significantly impacted by the consumption of alcohol, and per Ms. Bradley's  
19 testimony, he had been drinking at the time of several acts of abuse. Finally, some  
20 of his testimony was clearly inconsistent with fact, such as his denial that he  
21 screamed and yelled at Ms. Bradley when she was on the phone to 911 in  
22 September of 2015 (controverted by the recording of the call), and by his claim that  
23 he never drove by the family home on Beuhla Vista Drive when protection orders  
24 were in place (controverted by the credible testimony of neighbor Katherine McCoy).

1       Regarding Mr. Bradley's abuse of alcohol, Mr. Bradley testified that he completed  
2       a course of substance abuse treatment and is currently not drinking. This is very  
3       much to his credit, however it does not reduce Ms. Bradley's fear because, she  
4       testified, Mr. Bradley was abusive to her whether he was drinking or not.

5 For further detail regarding the history of abuse recounted by Ms. Bradley the  
6 parties are referred to the record of the hearing. As noted, the Court found Ms.  
7 Bradley's testimony to be credible.

## CURRENT FEAR

9           The Court finds that Ms. Bradley is currently fearful of further acts of abuse by  
10 Mr. Bradley.

### REASONABLENESS OF MS. BRADLEY'S FEAR

12 Mr. Bradley and his counsel make much of the fact that Mr. Bradley has not  
13 had direct contact with Ms. Bradley since October of 2015. This is certainly worthy  
14 of the Court's consideration. The standard for renewal does not require recent  
15 contact or new acts of abuse, however, so lack of direct contact is not determinative.  
16 The Court finds that Ms. Bradley's current fear of further acts of abuse is reasonable,  
17 for the following reasons.

18 The nature of the abuse Mr. Bradley subjected Ms. Bradley to was extensive and  
19 chronic. It is reasonable for Ms. Bradley to doubt that things have changed and that  
20 Mr. Bradley is no longer a threat to her safety.

21 Dr. Christopher Wilson testified at trial. Dr. Wilson is an expert in the dynamics  
22 of domestic violence and on the impacts of trauma on the brain, particularly of  
23 domestic violence and sexual assault. Dr. Wilson formerly conducted domestic  
24 violence-focused psychological evaluations, and worked for ten years running



1 groups for those (mostly men) who struggle with abusive behaviors. He is currently  
2 a trainer and educator in his field of expertise. Dr. Wilson has met and spoken with  
3 many victims of domestic violence in his many years of practice. The Court finds Dr.  
4 Wilson's testimony to be credible.

5 Dr. Wilson testified that the goals of domestic violence intervention counseling  
6 (also known as batterer's intervention) are threefold: 1) For the perpetrator of abuse  
7 to be fully accountable for their abusive behaviors; 2) for the person to recognize  
8 and change beliefs that drive and support their abusive behaviors; and 3) to  
9 understand and demonstrate an understanding of the impact of their abusive  
10 behaviors on the victim of their abuse.

11 Dr. Wilson testified that the fear of a survivor of domestic violence of the kind  
12 perpetrated by Mr. Bradley against Ms. Bradley, which he described as "domestic  
13 terrorism" (part of a pattern of abusive and controlling behavior in the context of an  
14 intimate relationship), can be heightened when it appears that the perpetrator of  
15 abuse has not held himself fully accountable for the abuse.

16 Mr. Bradley has not demonstrated much accountability for his abusive behaviors,  
17 which understandably heightens Ms. Bradley's fear. This fear is to be expected,  
18 according to Dr. Wilson, especially when the nature of abuse is as extensive and as  
19 embedded in a dynamic of power and control as in this case. For example, one of  
20 the violations of a protection order that the Court heard about, and which Mr. Bradley  
21 does not dispute, is him sending a check in the mail to Ms. Bradley upon which he  
22 had written notes, both on the check and on the envelope. Dr. Wilson testified that a  
23 seemingly innocuous action such as this can be manipulative and frightening to a  
24



1 survivor, as it constitutes an invasion into the survivor's sense of safety in their safe  
2 haven, their home.

3 Dr. Wilson testified that a survivor's fear often rises further when the  
4 perpetrator of abuse attempts to minimize the significance of his conduct, as Mr.  
5 Bradley has done when he complains that one of his arrests was "only" as a result of  
6 the messages he wrote on the check and envelope to Ms. Bradley. Dr. Wilson  
7 testified that this type of minimization betrays a lack of awareness and  
8 understanding of the impact of his abuse, which is an important part of  
9 accountability. Mr. Bradley's lack of awareness and accountability understandably  
10 heightens Ms. Bradley's fear, and understandably so.

11 Dr. Wilson testified that one cannot begin the process of changing one's behavior  
12 for the better until one accepts and "owns" their abusive behavior. Mr. Bradley has  
13 not done that to the Court's satisfaction, and more to the point, has not done so  
14 sufficiently to make Ms. Bradley feel safe from further acts of abuse by Mr. Bradley.  
15 When asked on the witness stand at trial what he does take accountability for, he  
16 testified only that he takes accountability for having affairs during his marriage to Ms.  
17 Bradley. When describing his assault on Ms. Bradley in September of 2015, which  
18 ultimately led to his criminal conviction, he described his conduct essentially as self-  
19 defense in response to Ms. Bradley "charging" him. Mr. Bradley asserting that he is  
20 the victim of domestic violence from Ms. Bradley, and not acknowledging his role as  
21 perpetrator, is not consistent with the evidence presented to this Court or with  
22 accountability.

23 Mr. Bradley did participate in and "successfully" complete the Allies in Change  
24 batterer's intervention program, which is to his credit. The Court puts "successfully"

1 in quotes, however, because the Court was not provided with much evidence that  
2 Mr. Bradley gained understanding, accountability and empathy as a result of his  
3 participation in that program. Dr. Wilson reviewed the Allies in Change records and  
4 relied in part upon them for his opinion testimony. Significant to Dr. Wilson was the  
5 absence of an "accountability letter" in the Allies file. An accountability letter is a  
6 letter prepared by the client towards the end of his participation in the Allies program  
7 in which he details and accepts responsibility for his abusive acts. In his testimony,  
8 Mr. Bradley could not articulate what admissions were contained in his accountability  
9 letter. He did not produce a copy of the letter for this Court to review.

10 Of further significance to Dr. Wilson were comments in the Allies records such  
11 as, "it seemed like John was not internalizing group concepts, nor did it seem that he  
12 was working toward applying group concepts into his daily life. For example, when  
13 he was nearing the end of our program, he reported feeling confused why sending a  
14 letter to his (ex-)wife with a strange tag line (I do not remember specifics) was  
15 psychologically abusive/controlling. Though he quickly agreed with the facilitator's  
16 assertions about how such an act can feel abusive to a victim, it seemed that John  
17 did not authentically understand how his action was inappropriate. In layman's  
18 terms, it seemed John was able to 'talk the talk, but not walk the walk.'" Further  
19 comments from the Allies records that Dr. Wilson referred to and relied on in part for  
20 his opinion testimony:

- 21 a. "I recall that when John spoke to the impact his abuse had on his wife,  
22 he seemed detached and ingenuous."  
23 b. "I do not have 'hard evidence' that he did not understand the impact,  
24 but this was my impression and is my clinical opinion."



1 c. "He often seemed to engage in impression management, meaning that  
2 he would say what he thought we wanted him to say, but would seldom  
3 offer feedback or empathy to others or offer his individual perspective  
4 on group topics."

5 Ms. Bradley hearing Dr. Wilson's analysis of the Allies in Change records would  
6 understandably lead her to conclude that Mr. Bradley engaged in the program only  
7 to complete the legal requirements of his probation, but did not truly internalize the  
8 concepts and goals of the program. This understandably heightens Ms. Bradley's  
9 fear.

10 Further contributing to Ms. Bradley's fear are statements she has heard in the  
11 community suggesting that Mr. Bradley is claiming she has recanted her accounts of  
12 abuse, that she lied and made up all of her accounts of abuse, and that she lied to  
13 the Willamette Week in connection with a story that Willamette Week ran about this  
14 case. Along these lines, Ms. Bradley heard testimony at trial from a family friend, F.  
15 Michael Nugent, that Mr. Bradley told him, "I never hit my wife." Hearing these  
16 statements through third parties contributes to Ms. Bradley's fear because it  
17 constitutes Mr. Bradley either blaming her, or not being accountable, or both.

18 When a person does not take accountability for their abusive conduct, a victim's  
19 fear reasonably rises. When a person blames the victim, or accuses the victim of  
20 making up the accounts of abuse, or accuses the victim of being physically abusive,  
21 those are signs the abuser is not taking accountability. Ms. Bradley has reason to  
22 believe that this has happened here, which contributes to her reasonable fear.

23 Other events have contributed to Ms. Bradley's fear: Mr. Bradley chose to  
24 contact her best friend, a realtor, out of all the realtors in Portland, to help him with

1 the purchase of a house. Per Ms. Bradley, Mr. Bradley knew that this home was  
2 "her favorite house in Portland." The friend told Ms. Bradley that when signing the  
3 closing documents, Mr. Bradley wept, said "I just want to talk to my wife," and called  
4 Ms. Bradley "the love of his life." Ms. Bradley feels Mr. Bradley knew that her realtor  
5 friend would pass all of this information along to Ms. Bradley, which she did. Ms.  
6 Bradley took this as an effort by Mr. Bradley to connect with her, and she found it to  
7 be quite unnerving.

8 Further, Mr. Bradley, knowing Ms. Bradley's workout schedule at the  
9 Multnomah Athletic Club (the "MAC"), sat at a window of the MAC, positioning  
10 himself in a place and time where he would be able to see her arrive at and enter the  
11 club. Ms. Bradley did arrive, and Mr. Bradley stared fixedly at her as she entered  
12 the building. Ms. Bradley believed this was intentional on his part, and she found it  
13 quite disturbing.

14 Ms. Bradley has behaved, and is behaving, like someone who is genuinely in  
15 fear of Mr. Bradley, for example by fiercely defending this restraining order renewal  
16 and by trying to keep her address confidential from Mr. Bradley. She describes  
17 having frequent nightmares, which include dreams of looking at bruises, of seeing  
18 Mr. Bradley coming close to her screaming, and of being in bed trapped. She will  
19 see someone she thinks is him on the street and will "freeze," in "fight or flight  
20 mode." Ms. Bradley stated that she is "continually reliving the experiences of her  
21 marriage."

22 Finally, the Bradleys are likely to encounter one another if this restraining  
23 order is not continued in effect, which adds to Ms. Bradley's fear. Even though Mr.  
24 and Ms. Bradley are now divorced, both are still members of and frequent the MAC,



1 and Mr. Bradley expressed in testimony his desire to attend various family events  
2 and gatherings where Ms. Bradley will likely be present.

3 CONCLUSIONS OF LAW AND RULINGS

4 Ms. Bradley has met her burden of proof justifying the renewal of her  
5 restraining order. The Court finds that Ms. Bradley is genuinely fearful of further acts  
6 of abuse by Mr. Bradley, and further finds, considering all of the relevant facts and  
7 circumstances, that it is reasonable for a person in Ms. Bradley's position to fear  
8 further acts of abuse by Mr. Bradley. Mr. Bradley's motion to dismiss the restraining  
9 order is hereby denied, and the Court's order renewing the order is hereby affirmed.

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11 DATED this 16<sup>th</sup> day of April 2018.

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Amy Holmes Hehn  
The Honorable Amy Holmes Hehn  
Circuit Court Judge

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