



## **Lincoln County District Attorney**

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### **Progress Report: Responding to and Reducing Domestic Violence in Lincoln County**

The Lincoln County District Attorney's Office has continued to work hard over the past year to combat the problem of domestic violence in our community. Domestic violence remains a major problem in Oregon, and not all incidents of physical or sexual assault are reported to law enforcement. When they are reported, the District Attorney's Office seeks to hold offenders accountable and promote victim and community safety through a rapid, coordinated, and appropriate response to these crimes.

On September 17, 2010, a federal grant from the Office of Violence Against Women was renewed, providing \$400,000 in funds to support several positions in the community that deal with the response to crimes of domestic violence. The grant, which will provide funding through 2012, helps support portions of two domestic violence prosecutors, one domestic violence probation officer, a community victim advocate, and a data specialist working with our local non-violence education provider, Crossroads. Of particular note is the ability of these grant funded positions to work together and provide extra supervision for certain high-risk offenders who commit misdemeanor crimes of domestic violence. This is done through the Domestic Abuse Response Team (DART), which consists of grant partners working together to assess and respond to cases that involve a high risk of recidivism or lethality.

Through the cooperation of the District Attorney's Office, the Lincoln County Courts, the local defense bar, Department of Corrections, and Crossroads, this year a specialty Domestic Violence (DV) Court was created and is currently administered by Lincoln County Circuit Court Judge Sheryl Bachart. Starting in February of 2010, cases involving crimes of domestic violence, violations of protective orders, and stalking between intimate partners were assigned to the DV Court docket. The purpose of this specialized docket is to provide a more rapid response within the court system to crimes of domestic violence, in order to ensure that convicted offenders are placed in domestic violence education classes more quickly, to provide a speedier resolution to these cases for the families involved, to help create consistency in the handling of the cases by the courts, and to provide closer monitoring of offenders who are on probation.

The DV Court docket also has a separate "track" for defendants who qualify for a deferred sentencing agreement. These defendants with limited or no criminal history and lower risk behavior are provided an opportunity to enter into a one-year agreement. As part of that agreement, they must attend domestic violence education classes, attend drug or alcohol treatment if needed, and follow court orders to not contact the victim, along with other provisions. If the defendant is successful in completing the requirements, at the end of the year his or her criminal case is dismissed.

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One of the major components of DV Court is the addition of a compliance review hearing. Defendants, both those on probation and those on a deferred sentencing agreement, are ordered to appear in court after 60, then 180 days where he or she receives a progress report from Crossroads and the judge speaks directly to the defendant about how the defendant is doing with their classes and any other treatment. At these compliance reviews, a victim may also appear and request that a no contact order be lifted or modified, and the judge can make a determination based on what the judge has heard about the defendant's compliance with his or her probation or deferred sentencing agreement. At the latest compliance review day, October 4, 2010, only one defendant did not appear as ordered, and 85% of those that did appear were deemed compliant with their court required education and treatment. One defendant successfully completed his deferred sentencing agreement and his case was dismissed, and four no contact order provisions were lifted at the request of victims.

Since DV Court began in February 2010, a large amount of domestic violence criminal cases have been processed by court staff and the District Attorney's Office. The statistics from July of this year showed that 43 cases had been resolved in DV Court: 27 by deferred sentencing agreement, 14 convictions, and two dismissed on motion of the State. The volume of cases has continued to increase since July, and all cases reach a resolution in a relatively short amount of time as compared to the time before DV Court had begun. Some of the challenges of DV court include ensuring that all the involved parties are able to work within the "fast track" to investigate these cases, provide discovery to the defense, subpoena witnesses, fit cases onto the trial docket, and arrange time for plea and sentence and other court hearings. Judge Bachart and her court staff, the District Attorney's Office, Crossroads, the Department of Corrections, and the defense bar continue to meet these challenges and will be gathering again this month to discuss the current success and any possible future improvements to DV Court.

Though the District Attorney's Office is proud to continue to be a leader in the community in addressing and combating the problem of domestic violence through criminal prosecution, much work remains to be done.

Domestic Violence Awareness Month is an opportunity to inform the community not only about the solutions we are working toward, but also the fact that domestic violence, including physical assault, sexual assault, verbal and emotional abuse, and economic abuse, still exists within homes in our community. We must do everything in our power to work together and eliminate domestic violence in Lincoln County.

- *Melanie Kebler, Deputy District Attorney, Lincoln County*  
*(October 5, 2010)*