

Lincoln County District Attorney's Office



2009 Annual Report



February 2010

Please send comments, questions, and suggestions regarding this Annual Report to:

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**Lincoln County District Attorney's Office
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1. Introduction

Dear fellow Lincoln County citizens, law enforcement partners, and local media:

It has been my distinct honor to serve as your Lincoln County District Attorney for the past year. There have been many challenges and changes, but also much progress. I could not be more proud of the work of the dedicated staff and volunteers of your District Attorney's Office, especially during these challenging times. Every day I am humbled by their dedication, passion, and commitment to public service.

The purpose of this Annual Report is to review some of the challenges and changes over the past year, as well as briefly describe our current initiatives to improve public safety in Lincoln County.

We have attempted to keep this Annual Report clear, concise, and concrete, as well as brief and to the point. However, I have no doubt that we may have skipped, not adequately covered, or spent too much time on certain issues. I therefore ask for your feedback, input, and suggestions, so that we may improve our Annual Report in years to come.

Again, I am honored to serve as your District Attorney, and very much look forward to the coming years.

Sincerely,



Rob Bovett

Lincoln County District Attorney

2. Who We Are

In addition to the District Attorney, the staff of your District Attorney's Office consists of eight Deputy District Attorneys, eight Legal Assistants, five Victims Advocates, two Child Support Caseworkers, an Investigator, a Case Manager, a Records Technician, a Chief Deputy District Attorney, and an Office Manager. This totals 29 employees. Twenty five are full-time, and four are half-time, for a total of 27 Full Time Equivalent (FTE) positions. Just over 18 of those 27 FTE are funded by the County General Fund. The rest are funded through grants or other state and federal sources.

The Lincoln County District Attorney's Office is also blessed with many dedicated volunteers that help us perform critical and core functions, including administration and victims advocacy. We simply could not continue to function without our volunteers, especially in these times of budget reductions.

a. Staffing Losses and Gains

During the 2009-2010 Fiscal Year, the District Attorney's Office lost 8.11% of its County General Fund support. As a result, five positions were lost due to budget cuts (a total of 3.3 FTE), including two Legal Assistants, a Grant Administrator, an Executive Assistant, and a Volunteer Coordinator.

However, we were successful in securing a number of federal Recovery Act grants that saved one position (Legal Assistant) and added a special two-year project position (Records Technician) to help us with our extensive file management, archiving, and warehouse challenges.

b. Office Reorganization

As a result of the budget cuts, we completely reorganized the office. The staff of the District Attorney's Office helped design and implement the reorganization, which included, among many other things, an alignment of Legal Assistants with Deputy District Attorneys.

Although change is often challenging and difficult, and our reorganization was and is no exception, the result has been improved efficiencies and teamwork, as well as an enhanced ability for our courts and law enforcement partners to better understand how we work and who to contact.

Attached as an Appendix to this Annual Report is our own single-page Roster and Assignment sheet giving a brief overview, along with contact information.

3. What We Do

In very brief summary, the Lincoln County District Attorney's Office prosecutes crimes, provides services to crime victims, provides training and resources for our law enforcement partners, facilitates child support enforcement, and handles child dependency cases.

a. Our Mission Statement

The Lincoln County District Attorney's Office is committed to holding offenders accountable, providing services to victims of crime, and using teamwork, leadership, and collaboration to make Lincoln County a safer and better place to live.

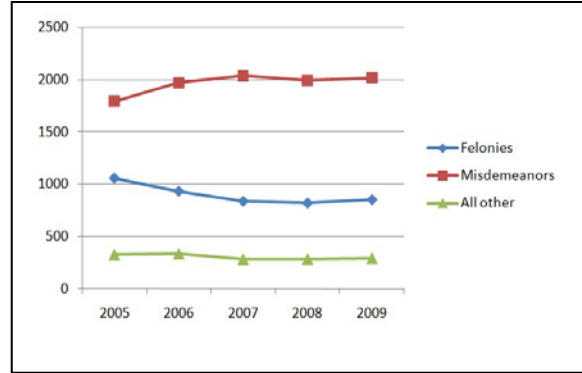
b. Prosecution of Criminal Cases

The largest single function of the District Attorney's Office is to review cases referred to us by our law enforcement partners, determine whether to charge one or more crimes or violations in each case and, for those cases where charges are filed, prosecute the cases on behalf of the State of Oregon.

i. Number and Types of Cases Received

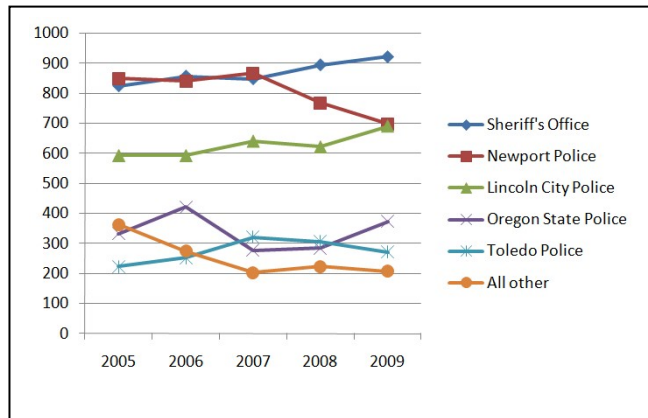
Just over 3,000 cases are referred to us each year by our law enforcement partners. Attached as an Appendix to this Annual Report is a chart showing total case referrals to the District Attorney’s Office over the past five years.

The chart to the right depicts those referrals, as broken out by type.



By way of caution: The number of case referrals to the District Attorney’s Office is not a direct correlation with reported crime rate. It is just as much a reflection of law enforcement staffing levels. By way of extreme example, if we laid off all of our police officers, case referrals would go to zero, but reported crime would go through the roof.

ii. Referring Agencies



The chart to the left depicts case referrals based on law enforcement agency over the past five years.

The Appendix to this Annual Report also includes a chart showing total case referrals to the District Attorney’s Office by agency over the past five years.

Again, these trends are in part a reflection of staffing levels. For example, the Oregon State Police staffing levels in Lincoln County have fluctuated dramatically over the past two decades, based upon alternating state budget cuts and restorations. Also, the intersecting trend lines between the Toledo Police Department and all other a few years back is due to the transfer of Siletz Tribal police services to the Toledo Police Department.

c. Victim Support Services and Advocacy

A key function of the District Attorney’s Office is to provide direct services to victims of crime. These services include, but are not limited to, notification of crime victims rights, notification of court proceedings, assistance with resource referral, assistance with crime victim compensation applications, and advocacy in court proceedings.

Many of our partner agencies, such as My Sister’s Place and the Children’s Advocacy Center, also provide direct services to crime victims. Our advocates work closely with those agencies to coordinate services.

d. Child Support Enforcement

The District Attorney's Office is also charged with enforcing child support obligations, both current and past due child support payments, on behalf of those to whom payments are due. These duties are carried out in accordance with state and federal law, and in close consultation and collaboration with the Oregon Department of Justice.

e. Medical Examiner

Under Oregon law, a county Medical Examiner is required to investigate all deaths which occur outside of institutions, and to process death certificates. Medical Examiner services in Lincoln County are provided through contract with a local physician, currently Marilyn Fraser, MD, who works closely with the District Attorney's Investigator and Major Crime Team.

4. Coordination

A critical part of our work is to ensure that we utilize our resources to deliver the best possible public safety services for the citizens of Lincoln County. This cannot effectively be accomplished without close coordination and collaboration with our courts and law enforcement partners. A few examples:

a. Law Enforcement Administrators Meetings

Each month the District Attorney meets with our law enforcement agency administrators to discuss issues, challenges, and opportunities for improvement. The location of the meetings rotate among the law enforcement agency offices. These meetings are productive in coordinating our efforts, improving efficiencies, and heading off potential problems.

b. Judges Meetings

Beginning in January of 2009, the District Attorney began meeting monthly with our four Circuit Court judges and their staff to discuss issues, challenges, and opportunities for improvement. These meetings have proven to be highly effective at vetting and solving issues, and helping our justice system survive these turbulent times.

c. Local Public Safety Coordinating Council (LPSCC)

The Lincoln County Local Public Safety Coordinating Council, currently Chaired by the Mayor of Waldport, is charged with reviewing key planning efforts to improve public safety in Lincoln County. LPSCC plays a vital role in reviewing and approving plans for community corrections, juvenile crime reduction, and implementation of problem solving courts.

There is also a special subcommittee of LPSCC that focuses exclusively on developing and implementing effective and meaningful responses to mental health issues that, unfortunately all too often, find themselves being resolved in the criminal justice system.

d. Many Others

There are also many specialized teams that meet regularly and coordinate activities relating to specific cases under investigation. A few examples include, but are not limited to:

i. The ***Lincoln County Major Crime Team (MCT)***, which consists of detectives from every law enforcement agency operating in Lincoln County, as well as prosecutors from the District Attorney's Office.

ii. The ***Lincoln County Multi-Disciplinary Team (MDT)***, which coordinates the investigation and prosecution of cases involving child abuse and neglect.

iii. The ***Lincoln County Elder Abuse MDT***, which coordinates the investigation and prosecution of cases involving elder abuse and neglect.

iv. The ***Lincoln Interagency Narcotics Team (LINT)***, which focuses on mid and upper level drug dealing and manufacturing in Lincoln County.

v. The ***Domestic Violence (DV) Council***, which coordinates Lincoln County's proactive response to domestic violence, including the Lincoln County Domestic Assault Response Team (DART) and the new Lincoln County Domestic Violence Court. More on the new DV Court can be found later in this report.

vi. The ***Lincoln County Drug and HOPE Court Team***, which meets weekly to staff cases in the Lincoln County Drug and HOPE Court Programs. More on those programs can be found later in this report.

5. Grand Jury

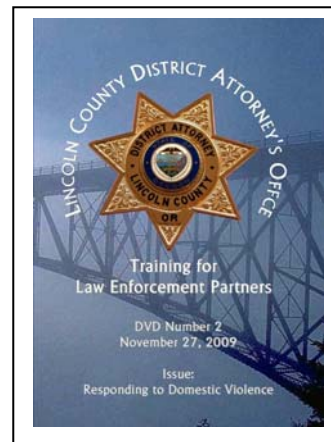
The Lincoln County Grand Jury is a core component of our criminal justice system. The Grand Jury performs a number of critical functions, most notably hearing evidence and issuing indictments in felony cases, and authorizing subpoenas during certain criminal investigations. Each Grand Jury panel serves for two months, and we currently utilize two simultaneous Grand Jury panels (one meets every Wednesday, the other every Thursday).

The Grand Jury is also required by law to tour and examine the operations of the Lincoln County Jail once each year. However, in January of 2009 we implemented, and the Sheriff's Office has enthusiastically welcomed, the expansion of those tours to every Grand Jury panel.

6. Training for Law Enforcement Partners

Laws are constantly being amended by our legislature and interpreted by our courts. This is especially true when it comes to criminal law. The year 2009 was particularly dynamic and changing, both in our legislature and in our appellate courts. As a result, it is vital that we keep our law enforcement partners up-to-date through regular training.

Therefore, in 2009 the District Attorney's Office developed and implemented a training program for our law enforcement partners. We select training topics that are current and relevant, and also encourage our law enforcement colleagues to suggest topics. A prosecutor or prosecutors from our office then provide a training program, followed by a question and answer period, at a shift change briefing at one of our local law enforcement agency offices. That training segment is video recorded on DVD by the Lincoln County Public Information Officer. We then duplicate the DVD and provide a copy to each law enforcement partner.



7. Problem Solving Courts

In the last part of the 20th Century, and continuing into this Century, justice systems have developed and implemented programs to remedy the revolving door of justice, reduce recidivism, and improve public safety. Some of these initiatives have directly involved the participation of our courts, and many are now what are referred to as Evidence-Based Practices (EBP's). In other words, they work. These are generally referred to as Problem Solving Courts. An added bonus is that they save taxpayer dollars. Here is a brief overview of the current status of Problem Solving Courts in Lincoln County:

a. Drug Court

The Lincoln County Drug Court Program was the first Problem Solving Court implemented in Lincoln County. It has been operating for four years. Oregon and Florida were the first to pioneer these courts, and they have now been expanded to nearly every Oregon County through the passage of the comprehensive Oregon anti-meth legislation in 2005, the strongest and most effective anti-meth legislation in our nation, to this day.

Drug Courts are not soft and squishy. They are demanding and tough, and participation requires at least a one year obligation. Drug Courts save lives and families, and reduce crimes driven by drug addiction. The focus of Lincoln County's Drug Court is meth addicted mothers and young women, but we also accept other appropriate candidates as well. Drug Court provides treatment, recovery support, and accountability.

In 2009, we took the last remaining and required steps to implement what are known as the 10 Key Components of Drug Court, thus ensuring the continuing viability and funding for the Lincoln County Drug Court Program. The Honorable Thomas Branford presides over our Drug Court. Each week there are typically both setbacks and miracles. But mostly progress. In a criminal justice system constantly filled with sad stories, tragedies, and victims, Drug Court is a beacon of hope and it is uplifting to see participants get clean and sober, stop committing crimes, and becoming parents once again. Our Drug Court is a bright and shining star.

b. Domestic Violence Court

In 2009, plans were solidified to implement a Domestic Violence Court in early 2010. The Honorable Sheryl Bachart will be presiding over DV Court, whose goal is to provide for a relatively uniform response to domestic violence, as well as a coordinated and rapid disposition of cases to enhance safety for victims, rehabilitation of offenders, and reduction of recidivism.

c. HOPE Court

In 2009, we successfully secured funding to begin the Lincoln County HOPE Court Program. HOPE Court, which stands for Help and Opportunity through Probation with Enforcement, was pioneered in Hawaii by a judge who had grown weary of repeatedly sending the same persons to prison, over and over again, due to property crimes driven by addiction. HOPE Court is very similar to Drug Court, with some key differences: Because HOPE Court deals primarily with property offenders rather than drug offenders, a key focus is on victim restitution. Also, sanctions for violations are even more swift and sure. The Honorable Thomas Branford will be presiding over the Lincoln County HOPE Court.

d. Mental Health Court

In many ways, the criminal justice system in Lincoln County is no different than anywhere else. We all too often are forced to deal with repeat offenders whose crimes stem primarily from mental illness. Typical examples are disorderly conduct and criminal trespass.

The system is not well suited to handle such cases, and a Mental Health Court is a proven method of solving some of those problems and breaking the cycle of crimes driven by mental health disorders. Key components are diversion from the typical criminal justice system, plus regular court appearances to ensure appropriate mental health treatment and medication.

Developing and implementing a Lincoln County Mental Health Court has been a consistent goal of the Honorable Charles Littlehales, Presiding Judge of the Lincoln County Circuit Court, and the Mental Health Subcommittee of the Local Public Safety Coordinating Council.

Depending upon the eventual resolution of current state budget issues, we are cautiously optimistic that we will begin this important problem solving court program sometime in 2010. Judge Littlehales will, of course, preside over our Mental Health Court.

8. Meth Initiative

In January of 2009, the Lincoln County Meth Initiative transferred from County Counsel to the District Attorney's Office. The Meth Initiative focuses on delivery of science-based prevention, enforcement, and treatment services, and has received national and international acclaim and replication for its accomplishments.

a. Lincoln County Youth Film Program

In contrast to our natural instincts, decades of prevention science tell us that we can't scare our children into not using and becoming addicted to drugs. One effective tool, however, is direct education and information, and this tool is amplified when the educators are peers. Thus became the Lincoln County Youth Film Program, featuring drug awareness film and media products that are produced, written, and directed by the youth of Lincoln County, supported by our own teachers and filmmakers-in-residence from the Northwest Film Center. Now in its sixth year, the Lincoln County Youth Film Program has produced film and media products that have been shown and showcased on national and international stages.

b. Lincoln County Drug and HOPE Courts

See above for a description of the Drug Court and HOPE Court Programs.

c. Lincoln County Drug Endangered Children (DEC) Program

The meth epidemic has destroyed lives, families, and communities across our nation. However, the most tragic victims are drug endangered children, forced to grow up in a physically and mentally toxic environment where drugs are used, sold, or cooked. The Lincoln County Drug Endangered Children (DEC) Program breaks the cycle of addiction and heals families wherever possible. The DEC Program provides direct services for drug endangered children and their families through the Children's Advocacy Center and state child welfare, including replacement clothing and personal effects, medical services, and counseling.

d. Oregon's Response to the Meth Epidemic

The Lincoln County Meth Initiative led Oregon's response to the meth epidemic. Dramatic positive results led to action by other states and nations. Details can be found at <http://www.oregondec.org/Oregonian.pdf> and <http://www.oregondec.org/>

9. Crime

In 2008, and continuing in 2009, despite the recession, Oregon has experienced the largest drop in reported violent and property crime rates in our nation. Our reported violent crime rates are the lowest they have been since 1970, and our reported property crime rates are the lowest they have been since 1966.

Oregon's response to the meth epidemic, led by the Lincoln County Meth Initiative, has been credited by the Oregon Criminal Justice Commission and *The Oregonian* as a key reason behind this good news. See above.

Interestingly enough, public polling indicates that the public mistakenly perceives otherwise: http://www.oregon.gov/CJC/docs/CJCNewsletter_Winter_2010.pdf

We are not social scientists, so we will leave it to others to explain that anomaly.

Although reported crime rates in Oregon are available for 2008, and preliminary rates are available for 2009, as mentioned above, they are not yet available for Lincoln County specifically. Hopefully that data will be available soon, so we are providing the following links to the usual sources:

Oregon State Police, Law Enforcement Data System (LEDS):

http://www.oregon.gov/OSP/CJIS/annual_reports.shtml

Oregon Criminal Justice Commission, Statistical Analysis Center (SAC):

<http://www.oregon.gov/CJC/SAC.shtml>

10. Appendix: Case Referral Data and Staff Roster and Assignments

Case Referrals:	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Total case referrals	3185	3239	3158	3100	3163
By Type					
Felonies	1057	934	839	822	854
Misdemeanors	1792	1970	2036	1994	2018
All other	326	335	283	285	292
By Agency					
Sheriff's Office	824	857	848	895	922
Newport Police	849	841	867	768	698
Lincoln City Police	593	593	641	622	691
Oregon State Police	333	422	278	285	373
Toledo Police	223	252	321	306	272
All other	363	274	203	224	207

Lincoln County District Attorney's Office

ROSTER and ASSIGNMENTS

- **Linda Evans**, Front Desk, 265-4145, levans@co.lincoln.or.us
 - *Linda also handles conviction requests, billing, and LPSCC*
- **Gina Lekas**, Case Manager, 265-0253, glekas@co.lincoln.or.us
- **Jill Wagner**, Office Manager, 265-0257, jwagner@co.lincoln.or.us
- **Ron Benson**, Investigator, 265-0271, rbenson@co.lincoln.or.us
- **Lori Grove**, Records Technician, 265-0270, lgrove@co.lincoln.or.us

Prosecutors

Legal Assistants

Brian Gardner , 265-0246 (<i>except juvenile delinquency</i>) bgardner@co.lincoln.or.us	➔	Diana Flescher , 265-0250 dflescher@co.lincoln.or.us <i>Diana also handles special prosecutions</i>
Melanie Kebler , 265-0264 mkebler@co.lincoln.or.us		
Michelle Branam , 265-0260 mbranam@co.lincoln.or.us	➔	Carol Quayle , 265-0249 cquayle@co.lincoln.or.us <i>Carol also handles MDT</i>
Drew Moore , 265-0251 dmoore@co.lincoln.or.us		
Jonathan Cable , 265-0254 (<i>except juvenile dependency</i>) jcable@co.lincoln.or.us	➔	Melinda Dickinson , 265-0263 mdickinson@co.lincoln.or.us <i>Melinda also handles Elder MDT</i>
Kylie Andrisa , 265-0258 kandrisa@co.lincoln.or.us		
Marcia Buckley , 265-0276 mbuckley@co.lincoln.or.us	➔	Candi Hart , 265-0248 chart@co.lincoln.or.us <i>Candi also handles LEDS and SART</i>
Jonathan Cable , 265-0254 (<i>juvenile dependency</i>) jcable@co.lincoln.or.us		
Elijah Michalowski , 265-0252 emichalowski@co.lincoln.or.us	➔	Teresa Canfield , 265-0273 tcanfield@co.lincoln.or.us
Brian Gardner , 265-0246 (<i>juvenile delinquency</i>) bgardner@co.lincoln.or.us		
Rand Overton , 265-0272 (<i>child support enforcement</i>) roverton@co.lincoln.or.us	➔	Jen Tyler , 265-0256 jtyler@co.lincoln.or.us
	➔	Paula Deahl , 265-0268 pdeahl@co.lincoln.or.us
Rob Bovett , 265-0269 rbovett@co.lincoln.or.us	➔	Debbie Howard , 265-0274 dhoward@co.lincoln.or.us
All DUII cases	➔	Vangie Eisenbarth , 265-0247 veisenbarth@co.lincoln.or.us

Victim's Department:

- **Marcia Thompson**, Victims Advocate, 265-0265, mthompson@co.lincoln.or.us
- **Mary Wright**, Victims Advocate, 265-0266, mwright@co.lincoln.or.us
- **Nancy Weaver**, Part-time Victims Advocate, 265-0267, nweaver@co.lincoln.or.us
- **Motoko Buehn**, Part-time Victims Advocate, 265-0262, mbuehn@co.lincoln.or.us
- **Jamie Kelly**, Part-time DEC Advocate, 265-0255, jkelly@co.lincoln.or.us



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