

Lincoln County District Attorney's Office



2010 Annual Report



February 2011

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

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**Lincoln County District Attorney's Office
2009 Annual Report**

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Reminders about life . . .

The year 2010, as well as early 2011, served as reminders about how fragile life can be. Two examples:

1. We lost a treasured friend and colleague, Melinda Dickinson, to a heart attack after a long and courageous battle against cancer. Melinda had a long career with law enforcement agencies in Lincoln County, most recently serving as a Legal Assistant with the District Attorney's Office. Heart disease is the number one killer of women, and we sponsored a [Resolution](#) in memory of Melinda before the Board of Commissioners to help raise public awareness. A copy of that resolution is on the inside of the back cover of this Annual Report. We encourage everyone to read that Resolution and learn more about this important issue.
2. 2010 and early 2011 also reminded us how dangerous it is to serve as a law enforcement officer. With multiple shootings and killings of police officers around the nation, the message loudly came home to Lincoln County in early 2011 with the shooting of Lincoln City Police Officer Steven Dodds during a routine traffic stop. Officer Dodds, twice chosen by his peers as Lincoln City Officer of the Year, was severely wounded in the attack. The good news is that Officer Dodds has survived and is recovering. We have been incredibly proud of the Lincoln County community for its strong and unwavering display of support for Officer Dodds and his family. The [search](#) for his assailant continues.

At various times many of us have been wearing a red ribbon in honor of Melinda and a blue ribbon in honor of Steve.



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 two years. I continue to be humbled by the dedication, passion, and commitment of the staff and volunteers of your District Attorney's Office, as well as our law enforcement partners.

The purpose of this Annual Report is to review some of the progress made 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.

Sincerely,



Rob Bovett

Lincoln County District Attorney

2. Who We Are

a. Staffing

The staff of your District Attorney's Office consists of eight Deputy District Attorneys, seven Legal Assistants, three Victim Advocates, two Child Support Caseworkers, an Investigator, a Records Technician, a Victim Assistance Program Manager, a Case Manager, an Office Manager, a Chief Deputy District Attorney, and the District Attorney.

This totals 27 employees. Twenty-three are full-time, and four are half-time, for a total of 25 Full Time Equivalent (FTE) positions. Just over 16 of those 25 FTE are supported by the County General Fund. The rest are funded through grants or other state and federal sources.

b. Volunteers

The Lincoln County District Attorney's Office is also blessed with many dedicated volunteers that help us perform critical and core functions. We simply could not continue to function without our volunteers. Traditional areas of volunteer work in the District Attorney's Office include administration and victim advocacy. In 2010 we further expanded the role of volunteers, which now include an investigator and two highly experienced special prosecutors.

Volunteer opportunities are always available, and we encourage all those interested in volunteering with our office to contact our Office Manager.

c. Second Major Office Reorganization

As a result of further budget cuts, including the loss of two additional FTE, we implemented a second major reorganization of the office. As with the first reorganization completed in 2009, the staff of the District Attorney’s Office helped design and implement our 2010 reorganization. Attached as page 10 of this Annual Report is a single page Roster and Assignment sheet giving a brief overview of our current office configuration, along with contact information.

3. What We Do

In 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.

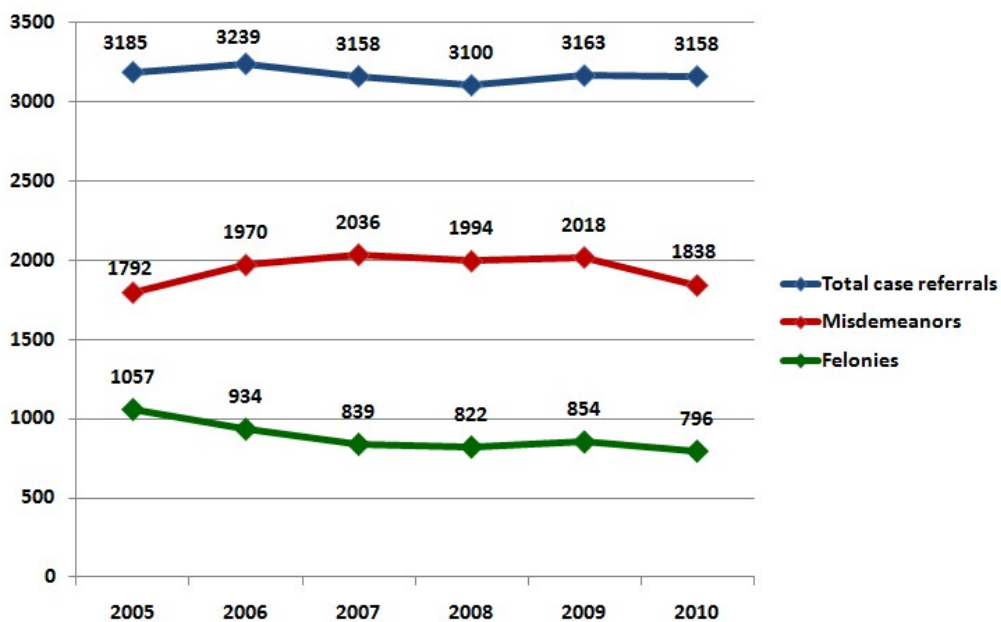
a. Our Mission Statement

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. Just over 3,100 cases are referred to us each year by our law enforcement partners. Below is a graph showing total case referrals to the District Attorney’s Office from 2005 through 2010, as well as broken out by felonies and misdemeanors.

Figure 1. Case Referrals to the Lincoln County District Attorney’s Office



A big caution: The number of case referrals to the District Attorney's Office is not a direct correlation with crime rates. It is more a reflection of law enforcement staffing levels. By way of extreme example, if we laid off all of our law enforcement officers, case referrals to the District Attorney's Office would go to near zero, but reported crime would go through the roof.

That being said, the ratio of felony referrals as compared to misdemeanors continues to decline (see the green line in Figure 1 on the preceding page). This is a good trend, of course. Misdemeanors also declined in 2010 (see the red trend line in Figure 1), but this is only a one year trend.

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 victim's 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, who works closely with the District Attorney's Investigator, Crash Team, Major Crime Team, and others.

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 collaboration with our courts and law enforcement partners.

a. Law Enforcement Administrators Meetings

Each month the law enforcement agency administrators meet to discuss issues, challenges, and opportunities for improvement. The location of the meetings rotate among the law enforcement agency offices. These meetings help coordinate our efforts, build teamwork, improve efficiencies, and head off potential problems.

b. Judges Meetings

Each month our four Circuit Court judges and their staff meet with the District Attorney to discuss issues, challenges, and opportunities for improvement. These meetings have likewise proven to be highly effective at solving issues, and helping our justice system improve for the 21st Century.

c. Local Public Safety Coordinating Council (LPSCC)

The Lincoln County Local Public Safety Coordinating Council 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.

d. Many Others

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

- 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.
- The ***Lincoln County Multi-Disciplinary Team (MDT)***, which coordinates the investigation and prosecution of cases involving child abuse and neglect.
- The ***Lincoln County Sexual Assault Response Team (SART)***, which coordinates the investigation and prosecution of cases involving sex crimes committed against adults.
- The ***Lincoln County Elder Abuse MDT***, which coordinates the investigation and prosecution of cases involving elder abuse and neglect.
- 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 Lincoln County Domestic Violence (DV) Court. More on DV Court can be found on page 6.

Focus on Predatory Sex Crimes

The District Attorney’s Office is strongly committed to prosecuting predatory sex crimes.

2010 served as a stark reminder that predators often target the most vulnerable in our community, such as children and the elderly. Sometimes that vulnerability makes these types of cases especially challenging, but also vitally important. Two recent cases serve to make the point:

1. State v Kirk Garrison

Following a 12 week trial prosecuted by Deputy District Attorney Michelle Branam, the defendant was convicted of sexually abusing and raping multiple at-risk foster children placed in his care. For those crimes, he was sentenced to over 40 years in prison.

2. State v John Larsen

Following a trial in January of 2011 prosecuted by Special Prosecutor Alice Vachss and Deputy District Attorney Drew Moore, the defendant was convicted of assaulting and raping meth-addicted young women. For those crimes, the defendant was [sentenced to 30 years in prison.](#)

The District Attorney’s Office will continue to aggressively prosecute these types of crimes.

- The *Lincoln Interagency Narcotics Team (LINT)*, which focuses on mid and upper level drug dealing and manufacturing in Lincoln County.
- 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 on pages 6 and 7.

5. Grand Jury

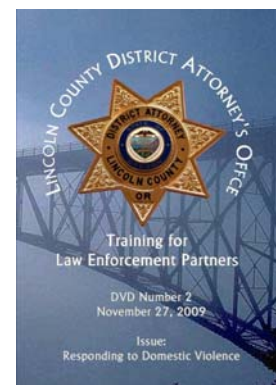
The Lincoln County Grand Jury is a core component of our criminal justice system. The Grand Jury performs a number of critical functions, most notably hearing evidence and issuing indictments in felony cases, and authorizing subpoenas during criminal investigations. Each Grand Jury panel serves for two months, and we currently utilize two simultaneous Grand Jury panels (one meets every Tuesday, 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 supported, 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. It is therefore 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 directly involve the participation of our courts. These are generally referred to as problem solving courts.

These evidence-based court programs save taxpayer dollars, hold offenders accountable, save lives and families, and reduce recidivism.

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 five 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.

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. Drug Court provides treatment, recovery support, and accountability.

In early 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, which currently has a capacity of 25 participants.

The Honorable Thomas Branford presides over our Drug Court. 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.

b. Domestic Violence Court

In early 2010, we began the Lincoln County Domestic Violence (DV) Court Program, with the Honorable Sheryl Bachart presiding. The goal of DV Court 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.

In October of 2010, after eight months of operation, here was Judge Bachart's assessment of the DV Court Program:

"I know there are a number of different ways to gauge the success of DV Court, but from the court's perspective it is a tremendous success thus far. Yesterday, there were 27 persons scheduled to appear for compliance review. (for those appearing yesterday, they can attest it was standing room only) 26 persons appeared. (this in and of itself is outstanding!!) The one person who did not appear was still in compliance with DV classes. Only 4 persons were noncompliant out of the 27. I have nothing to compare this to, but an 85% compliance rate is pretty amazing! In addition, many of the cases were 180-day reviews rather than the initial 60-day reviews. In at least 5 cases, no contact orders were lifted. The report the court receives from Mr. Chapin is that participation in his classes has increased overall. For these reasons, DV Court is exceeding any expectation the court had going into this."

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.

The Oregon Criminal Justice Commission has estimated that 78 percent of property crimes are committed by persons seeking to support their substance abuse and 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 presides over the Lincoln County HOPE Court Program, which has already achieved great success in its goals, while at the same time saving the State of Oregon precious funds during the current state budget crisis.

d. Mental Health Court

Like all other jurisdictions, the criminal justice system in Lincoln County is often 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.

In early 2010, the Lincoln County Mental Health Court Program began with a strong commitment from the partners, an initial capacity of five participants, and a small amount of funding. The Program has already achieved great success, and Judge Littlehales recently announced that Program capacity would therefore be expanded.

e. Expedited Case Resolution Docket

In 2010, we began working with our judges, court staff, and the head of our defense consortium to begin the process of establishing the parameters of a court docket to provide for expedited case resolution. The advantages of such an expedited docket is early intervention, fewer court appearances by attorneys, less delays, fewer required grand jury proceedings, and reduced crime. There are many details to work out and issues to sort through before such a docket can be implemented, but it is our goal to test such a system in 2011.

8. Meth Initiative

The Lincoln County 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 seventh consecutive 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 pages 6 and 7 of this report for a description of the Drug Court and HOPE Court Programs.

c. Lincoln County Drug Endangered Children (DEC) Program

The Lincoln County Drug Endangered Children (DEC) Program helps to break 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.

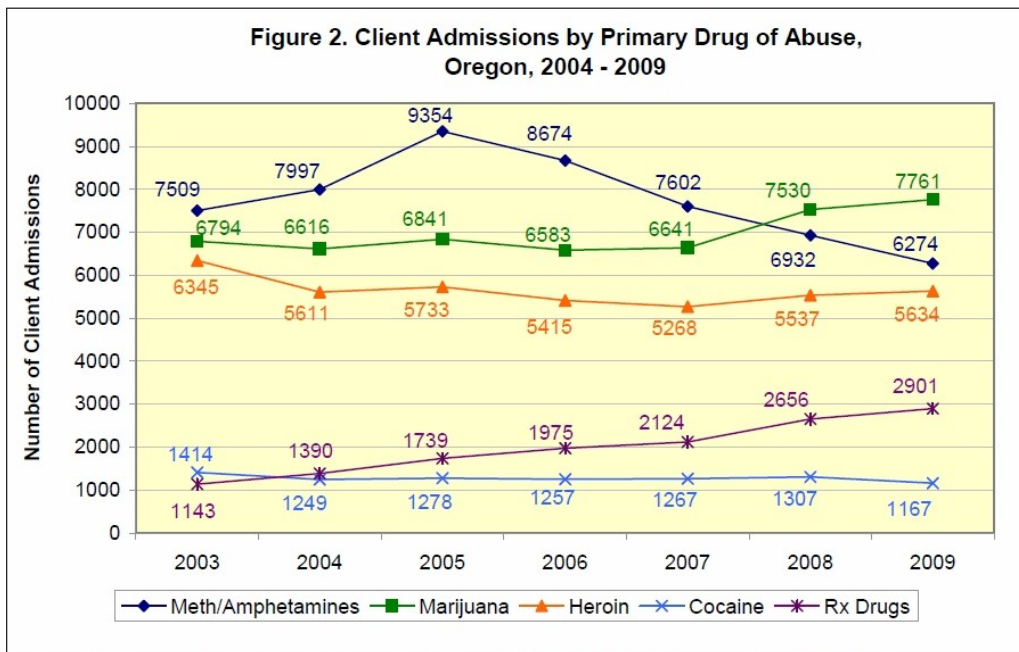
d. Oregon's Response to the Meth Epidemic

The Lincoln County Meth Initiative led Oregon's response to the meth epidemic. Extensive media coverage and [spreading the word](#) about the dramatic [positive results](#) have recently led other states and nations to follow Oregon's lead.

In 2010, the State of Mississippi followed suit and has already experienced [impressive results](#). Similar legislation is currently pending in many other states.

In Oregon we continue to promote science-based drug policies. Our most recent efforts are designed to address escalating levels of addiction to prescription drugs, especially among our youth. Figure 2 on the next page depicts recent drug abuse trends in Oregon as measured by treatment admissions.





Source: Graph derived from client admissions data obtained from the Addiction and Mental Health Division, Oregon Department of Human Services. Data for 2008 and 2009 client admissions were provided March 2010.

9. Crime

In 2009, Oregon experienced the largest drop in crime rates in our nation. By 2010, Oregon crime rates were at a 50 year low. Oregon’s response to the meth epidemic has been credited by the Oregon Criminal Justice Commission and *The Oregonian* as one of the reasons behind this good news.

Public perception is, however, quite another thing. In February of 2011, the Criminal Justice Policy Research Institute (CJPRI) of Portland State University issued a [report](#) which concluded, among other things, that:

- “Oregon’s violent and property crime rate trends continue to decline. Crime rates in Oregon are at their lowest level since the 1960’s.”
- “However, a recent statewide survey indicates most Oregonians believed crime across the state increased last year and very few believed crime decreased.”

Although reported crime rates in Oregon are available for 2009, and preliminary rates are available for 2010, they are not yet available for Lincoln County specifically. Hopefully that data will be available soon, so we are providing the following two hyperlinks to the web pages for the usual sources for that information:

- [Oregon State Police, Criminal Justice Information System \(CJIS\)](#)
- [Oregon Criminal Justice Commission, Statistical Analysis Center \(SAC\)](#)

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 and discovery billing*
- **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
- **Brenda Sigmon**, Records Technician, 265-0263, bsigmon@co.lincoln.or.us

Prosecutors

Legal Assistants

Drew Moore , 265-0251 dmoore@co.lincoln.or.us	→	Diana Flescher , 265-0250 dflescher@co.lincoln.or.us <i>Diana also handles special prosecutions</i>
Marcia Buckley , 265-0276 mbuckley@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 Alice and Kristin</i>
Jonathan Cable , 265-0254 (<i>except juvenile dependency</i>) jcable@co.lincoln.or.us		
Brian Gardner , 265-0246 (<i>except juvenile delinquency</i>) bgardner@co.lincoln.or.us	→	Candi Hart , 265-0248 chart@co.lincoln.or.us <i>Candi also handles LEDS</i>
Nelly Wright , 265-0264 nwright@co.lincoln.or.us		
Kylie Andrisa , 265-0258 kandrisa@co.lincoln.or.us	→	Debbie Howard , 265-0274 dhoward@co.lincoln.or.us
Rob Bovett , 265-0269 (<i>probation violations</i>) rbovett@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		
Vacant , (<i>child support enforcement and child dependency</i>)	→	Jen Tyler , 265-0256 jtyler@co.lincoln.or.us
Jonathan Cable , 265-0254 (<i>juvenile dependency</i>) jcable@co.lincoln.or.us	→	Paula Deahl , 265-0268 pdeahl@co.lincoln.or.us
Rob Bovett , 265-0269 (<i>except probation violations</i>) rbovett@co.lincoln.or.us	→	Gina Lekas , 265-0253 glekas@co.lincoln.or.us
All DUII cases	→	Vangie Eisenbarth , 265-0247 veisenbarth@co.lincoln.or.us

Victims Assistance Program:

- **Marcia Thompson**, Victims Advocate / Program Manager, 265-0265, mthompson@co.lincoln.or.us
- **Molly Hawley**, Part-time Victims Advocate, 265-0267, mhawley@co.lincoln.or.us
- **Motoko Buehn**, Part-time Victims Advocate, 265-0262, mbuehn@co.lincoln.or.us
- **Julie Bobo-Shisler**, Part-time Victims Advocate, 265-0275, JBobo-Shisler@co.lincoln.or.us

BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON



In the matter of:

Proclaiming February 4, 2011,

Lincoln County Wear Red Day for Women

RESOLUTION # 11-26-01 A

WHEREAS, the American Heart Association reports shocking and dramatic statistics about cardiovascular disease in women including:

- Heart disease is the #1 killer of women age 20 and over, killing approximately one woman every minute;
- More women die of cardiovascular disease than the next four causes of death combined, including all forms of cancer;
- Heart disease takes the lives of 1 in 3 women each year;
- Still, only 1 in 5 women believes that heart disease is her greatest health threat;
- Ninety percent of women have one or more risk factors for developing heart disease; and
- Eighty percent of cardiac events in women could be prevented if women made the right choices for their heart involving diet, exercise, and abstinence from smoking; and

WHEREAS, the issue became personal to Lincoln County in 2010 when we lost a treasured friend and colleague, Melinda Dickinson, to a heart attack after a long and courageous battle against cancer; and

WHEREAS, Go Red For Women is the American Heart Association's national call to increase awareness about heart disease - the leading cause of death for women - and to inspire women to take charge of their heart health; and


WHEREAS the American Heart Association and the Go Red for Women Campaign have declared February 4, 2011 as National Wear Red Day; and

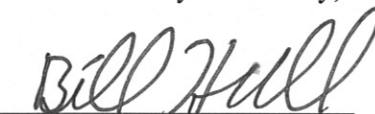
NOW THEREFORE we, the Lincoln County Board of Commissioners, in recognition of the importance of the ongoing fight against heart disease, do hereby declare **February 4, 2011**, to be

Lincoln County Wear Red Day for Women

and urge all citizens to "go red" for the day to call attention to the magnitude of cardiovascular disease in women, and to attend the educational events in our chambers on that day, to learn ways to prevent and fight this lethal disease.

DATED this 26th day of January, 2011.


Terry N. Thompson, Chair


Bill Hall, Commissioner


Don Lindly, Commissioner



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