

Welcome to Marion County District Attorney's Office newest quarterly newsletter, *CAIR (Child Abuse Issue Review)*.

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Marion County District Attorney's Office | 1st Quarter 2016



## Welcome!

Welcome to the brand new Marion County District Attorney's Office newsletter, *CAIR (Child Abuse Issue Review)*. Over the years, we have worked closely with you--our local law enforcement and community partners--to put the safety of children and families first in Marion County. This collaboration is invaluable in creating successful outcomes when it comes to protecting the vulnerable in child abuse and family violence cases.

The purpose of *CAIR* is to amplify our communication, ensuring that our collective network remains in sync through up-to-date and relevant information. In this quarter's update, we feature:



As a follow up to April's National Child Abuse Prevention month, we are kicking off our office's new newsletter, *CAIR*. My hope is to provide local community partners with helpful information about these critical and ever-changing cases.

- Legal updates
- CART-Marion County's Child Abuse Multidisciplinary Team (MDT)
- Child Abuse Investigation Checklist
- A celebration of local success
- Cases by the Number: Trending from 2013 - 2016
- Team Y, the team of attorneys focused on child abuse cases (roster and contact information)

We are always looking for contributing information. If you have news you would like to share or information that you think would be helpful, we would be happy to add it to future issues. You can contact any of the prosecutors on the child abuse team with submission ideas (see contact information below).

Thank you for all your hard work and dedication to these cases. We hope that this information makes your job just a little bit easier.

-Team Y

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## Updates: Legislative Session & Case Law

Please see the attached document for updates from the 2016 Legislative Session as well as recent updates to case law, including the following topics:

### Legislative Updates:

- **New Crime:** HB 1567 - Criminal Impersonation expanded to more than just "public official"
- SB 1571 - Melissa's Law - Requires police agencies to set procedures for rape kit testing

Everyone has a role in preventing child abuse and we are committed to providing more regular, in-depth, local discussion about child abuse and family violence in our community. I am very excited about this outreach, and I hope you will find this newsletter as helpful as we intend it to be. Thank you for all that you do.

Walter M. Beglau  
District Attorney

### Key Events

- **July 8, 2016 and October 7, 2016, 9am**  
CART Meetings:  
Keizer Civic Center,  
Keizer Oregon

- **October 21, 2016**  
Free! Marion County  
Child Abuse Protocol  
Training Hall of  
Heroes.

Tentative Agenda:  
Child Abuse for First  
Responders.

AM: Medical  
PM: Issue Spotting  
Hypotheticals

- SB 1600 - Expands the statute limitations for certain sex crimes
- HB 4082 - Expands promoting prostitution to include exchange of anything of value (not just money)
- HB 4075 - Directs OSP to work with schools to set up a hotline system for cyber bullying
- HB 2776 - Creates a system for emergency protective orders. Call on-call DDA for procedure.

### Case Law Updates:

- Assault
- Drug Endangered Children/Endangering the Welfare of a Minor
- Evidence
- Forcible Compulsion
- Expert Testimony
- "Use" of a Weapon

This information is also available on our website.

## Cases by the Number

The following provides a snapshot of case filings by category from January through April between 2013 and the present.

	2016	2015	2014	2013
Child Abuse - Sexual Assault	44	40	22	41
Child Abuse - "Other"	28	31	21	41
Criminal Child Death	1	2	5	1
Drug Endangered Children	2*	16	23	33
Delinquency Petitions	126	165	170	174
Dependency Petitions	121	116	100	138
Domestic Violence	265	308	263	256

See case law update re: *State v. Gonzalez-Valenzuela*, 358 or 451 (2015), which changes our ability to charge EWAM.

# CART: FAQs



**Q.** Does the Juvenile DA's office accept referrals for cases involving sexualized behavior in kids under 12 (SBU12)?

**A:** Yes! We welcome law enforcement and DHS referrals for cases involving the sexualized behavior in kids under 12. SBU12 referrals can be sent to David Wilson at [DRWilson@co.marion.or.us](mailto:DRWilson@co.marion.or.us) or Bobbie Cogswell at the Marion County Juvenile Department at [BCOGSWELL@co.marion.or.us](mailto:BCOGSWELL@co.marion.or.us).

**Q:** I am investigating a case in which a 9-year old disclosed to her mom that she was touched by her 17-year old brother two years ago. Her brother still lives in the home. DHS responded and referred the victim to Liberty House but the interview is two weeks from now. Mom says the brother admitted the touching occurred. What should I do?

**A:** Great question! A lot depends on the facts, but here are some things to keep in mind:

- Talk to your supervisor or detective sergeant, but in this case it is probably helpful to make sure we

get a detailed statement from the mother about what the brother said occurred. Depending on the detail and the mother's cooperation, it may make sense to proceed with a suspect interview quickly.

- If you are investigating a case involving a juvenile suspect, CART protocol asks law enforcement to arrest a youth when the investigator feels they have probable cause, §XIV(C)(1)(c)(i). This is because the juvenile department can quickly implement a safety plan for the offender, which protects other children the suspect may have access to.
- Consider asking for a CART "SOC" staffing if you are concerned that a DHS, law enforcement, or Liberty House interview is going to negatively affect your investigation. To do so, contact Liberty House at [KWolfer@libertyhousecenter.org](mailto:KWolfer@libertyhousecenter.org).

**Q:** What are the odds that my child abuse investigation also includes domestic violence?

**A:** The odds are high. If you're investigating child abuse, you are probably investigating domestic violence as well. The overlap between child abuse and domestic violence in the same family is significant--40-60 percent of families who present with partner violence also report child abuse.\*

\*<http://www.childwitnessstoviolence.org>

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## Investigation Checklist



The following checklist is a helpful tool in ensuring that your case file is complete.

**Recorded Statements by all Parties:**

- Recorded Statement by Victim
- Recorded Statement or invocation of *Miranda* by Suspect
  - Consider a pretext phone call

**A Thorough Investigation of the Suspect:**

- Answer: who is this person?
- Prior bad acts by Suspect (charged AND uncharged)
  - Family
  - Prior DHS records/referrals
  - Prior access to children
  - Prior girlfriends

**Full Reports:**

- First responders and detective follow ups.
- Liberty House (if applicable)
- DHS records (if involved)

**Technology:**

- Documentation about what technology was seized and why, or if not, why not
- Warrant?

\*Remember, only trained professionals should search cell phones, computers, etc.

**Sexual Assault Exam:**

- Medical Records with the report
- Evidence sent to OSP if collected

**Collaterals Interviewed:**

- Disclosure witness
- Corroborating witnesses
- Grooming witnesses

**Any other corroboration** (no fact is too small!)

**The Victim is Safe:**

- Report contacts *accurate* contact information
- Victim is connected to resources

- Victim will be safe once case is charged



## Success!

- In March, Anthony Vandekoppel (SMP) identified a homicide suspect in another agency's case merely by recognizing the phone number!
- Paul Eves (SYP) and Tim Cobos (WBP) worked together to get a victim located and interviewed for a rush GJ. The case was over 7 years old. The case was indicted.
- J Smith (SMP) worked tirelessly to help prepare a human trafficking trial. One victim was an uncooperative minor from out of state, and the other was a difficult to locate material witness. Case resolved short of trial with the defendant pleading guilty to 80+ months in prison.
- Thanks to a terrific investigation by Detective Ben Howden (KZP), a convicted sex offender was sentenced to 405 months for possession of recordings of child sexual assault. The defendant had over 1,000 images in his possession and was a long-time offender.

- Detective Aaron Devoe (WPD) recently received kudos from the court regarding his interviewing skills. In ruling against the defense on a motion to suppress regarding the voluntariness of a defendant's interview, the court stated that it was "as if [Devoe] had read the case law on point in this matter himself."
- Officer Andy Phelps (K2P) was recently promoted to detective. Congratulations Andy!