

# WASHINGTON COUNTY MDT QUARTERLY

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ISSUE 10, JULY 2019

## Oregon Department of Justice to Appear in Dependency Hearings

In 2015, the Oregon legislature established the Oregon Task Force on Dependency Representation, which issued a 2016 report recommending that the Oregon Department of Justice (DOJ) assume total representation of the Department of Human Services (DHS) in all dependency court proceedings throughout Oregon. In 2017, the legislature allocated funding for statewide implementation of the DOJ full-representation model via a three-phase rollout amongst the 36 Oregon counties. Washington County rollout occurred on July 1, 2019 (along with Clackamas, Marion, Multnomah, Union, and Clatsop counties).

Although the DOJ now represents DHS in all dependency court proceedings in Washington County, the District Attorney's Office is still a party to dependency cases and will appear where there is either a nexus to a criminal matter or another compelling reason to appear exists. Washington County Juvenile DDAs are still a resource for DHS in any way that the District Attorney's Office can be helpful. Further, Washington County DDAs can also be of service as liaisons between Washington County law enforcement agencies, DHS, and the District Attorney's Office.

If there are any questions about dependency cases in Washington County, please contact Washington County Deputy District Attorneys Ana Maria Carter at (503) 846-8855 and Dustin Staten at (503) 846-3800.

# MENTAL HEALTH MATTERS

Debbie Moussa, LCSW



This edition's article is a reminder of the basics of good self care. Much research shows us of the connection between mental health and physical health. This mind-body connection research is the focus of Dr. John Arden, Chief Psychologist for Kaiser Permanente. In his book *Rewire Your Brain*, he provides an easy method to remind us of good self care: "SEEDS." The elements of SEEDS are as follows:

**S- Social Factor:** Fifty years of psychological research has shown that people with a strong social support system live longer, are happier and are more cognitively astute. In contrast, people who are cut off from social contact are emotionally starved, ill more often and are more depressed. They also may be more vulnerable to certain types of dementia.

**E- Exercise:** Exercise changes your brain's chemistry and boosts its longevity. One way that it does this is by stimulating the production and release of a "magic tonic" for the brain called Brain-Derived Neurotrophic Factor (BDNF). BDNF serves as a sort of "miracle grow" for your brain and the birth of new neurons, a process called neurogenesis. Aerobic exercise also serves as a powerful antidepressant, anti-anxiety agent and energy booster.

**E- Education:** Engaging in learning activities on a regular basis boosts your brain's longevity. It has been widely shown that people with higher levels of education show symptoms of dementia much later than do people with less education. When applied to the brain, the maxim "use it or lose it" means that the less you use your brain for learning, the less it will be available to make learning possible. Alternatively, the more you use your brain for learning, the more "cognitive reserve" you will have for later use in life. Cognitive reserve represents structural changes to the brain, which will promote greater longevity.

**D-Diet:** What you eat can determine whether your brain is capable of learning and producing positive emotions. A balanced diet forms the foundation for generating the cornucopia of neurotransmitters. This foundation allows you to enjoy positive moods, be calm and have sharper focus.

**S-Sleep:** Most people don't know that the amount and quality of their sleep has a major effect on how their brain functions over the long term. Getting poor quality sleep or missing a few hours of sleep increases your stress hormones, including cortisol. Higher levels of cortisol impact your prefrontal cortex, reducing your ability to focus, make clear decisions or remember what you are attempting to learn. Also, higher levels of cortisol are corrosive to your brain and are associated with atrophy in the hippocampus- the area critical for laying down new memories.

So, as you go about your summer, keep in mind the "SEEDS" of good mind and body health. Print off the handy list and put it up in your work area, give one to a colleague and keep one on your fridge at home. Here's to your health, MDT members!

# Case Law Updates:

## **State v. Sperou, 365 Or 121**

In this case, the Oregon Supreme Court reversed multiple child sex abuse convictions because some witnesses used the word “victim” during their testimony. The defendant was charged with crimes related to sexually abusing a female child, SC. However, there had been allegations that the defendant, a pastor, had sexually abused other female children. Due to the timing of when and how the allegations came out, the State was only able to prosecute defendant for some of the charges related to SC.

At trial, the judge allowed the other females (now adults) to testify about the defendant abusing them even though they were not charged victims. The defense sought to prohibit the prosecutor and any witness from referring to SC or these other females as a “victim.” The judge denied the defense motion. During the trial, the prosecutor and some witnesses referred to SC and the other females as “victims.” A jury convicted the defendant of all counts.

The Oregon Supreme Court held that it was improper for witnesses to refer to SC or the other females as a “victim,” but it was not improper for the prosecutor to do so. The Court said that there are times when it is appropriate for the prosecutor to use that term because of their unique role in the criminal justice system, but it is never appropriate for a witness. To allow a witness to refer to any individual as a “victim” amounts to impermissible vouching.

Vouching is when one witness gives his or her opinion that he or she believes the testimony of another witness. It is the jury’s job to determine the credibility of witnesses, so a witness should not be allowed to testify in any way that communicates they believe another witness is telling the truth. The Court felt that when the witnesses referred to SC and the other females as victims, they were essentially telling the jury that they believed those females’ accounts of being abused. The Court takes the perception of vouching very seriously, and, accordingly, reversed the convictions and remanded the case for a new trial.

## **State v. Lien, 364 Or 750**

In this case, the Oregon Supreme Court ruled that it is now illegal for police to seize and search an individual’s garbage without a search warrant. Police believed defendant was engaged in illegal drug activity. Police asked the garbage company to turn over the defendant’s garbage so police could search it. The garbage company complied with the request, and police searched the garbage without getting a search warrant.

## Case Law Updates Continued:

Police found evidence of drug activity in the defendant's garbage. The defendant asked the trial court to suppress the warrantless search of his garbage as a violation of his right to privacy. The Court denied the motion. The defendant then pled guilty and appealed the ruling.

In 2007, the Oregon Supreme Court ruled that it was not unlawful for police to search the defendant's garbage without a search warrant (*State v. Howard/Dawson*, 342 Or 635). Both the police and the trial court undoubtedly relied on this previous ruling in deciding to search the garbage without a search warrant and ruling that such conduct was lawful, respectively. However, the Court departed from their earlier holding and decided that it was in fact unlawful for police to search the defendant's garbage without a search warrant.

It is now illegal for police to search an individual's garbage without getting a search warrant. This is an unfortunate situation where police did everything correct based on the law at the time, and the defendant got the benefit of what appears to be the Oregon Supreme Court changing their mind.

### ***State v. Saunders, 294 Or App 102***

In this case, the defendant was charged with crimes relating to sexually abusing his five-year-old granddaughter. At trial, the State sought to introduce evidence of the defendant possessing images of child pornography to demonstrate his sexual interest in children. The defense objected to the evidence, claiming that it was irrelevant, since the images depicted children who were older than the victim. The Court allowed the State to introduce the images that showed "young girls" or "fake young girls" (older women in scenarios where they are clearly meant to be children). The defendant was convicted and appealed.

The Court of Appeals affirmed the trial court's decision to allow the evidence of the pornographic images. There is a long line of cases that stand for the general proposition that in child sexual abuse cases, evidence that tends to demonstrate the defendant has a sexual interest in children is relevant and admissible.

# [Digital Corner]



## Digital Forensics Laboratory Update

The Washington County Digital Forensics Laboratory (DFL) welcomes Detective Tim Mateski to the DFL team. Det. Mateski has been with the Washington County Sheriff's Office since 2004 serving in a variety of investigative roles. Det. Mateski's primary duty will be the investigation of Internet Crimes Against Children (ICAC). In addition to ICAC investigations, Det. Mateski is trained to conduct computer forensic examinations. Det. Mateski's combined skills will expand and enhance the capabilities of the DFL.

As a reminder to all Washington County investigators, the DFL published a template Search Warrant Package for the search and seizure of all digital devices. This three-part package includes the search warrant template, the affidavit template, and an authoritative guide on digital devices. The guide is designed to provide investigators with expert information on how digital devices operate and record data, and allows investigators to avoid asserting a basis of knowledge outside of his or her skill set. The templates are designed to comply with Oregon case law and provide a framework for investigators. Investigators need to be sure to establish probable cause to search of each category of data in each device. All Washington County Circuit Court judges expect to see this package for searches of all digital devices. All Washington County Deputy DAs will also need to review this completed package as well. Every Washington County Law Enforcement Agency has received a copy of the template package. Please contact your investigations division or the Washington County District Attorney's Office for an additional copy. Please use this tool and feel free contact the DFL with questions.

The Washington County DFL strives to provide the best available digital forensics services to all of our Washington County law enforcement partners in the most efficient and effective manner possible. Please contact the DFL for expert advice and digital forensics services at (503) 846-8666. After-hours calls are forwarded to Detective Sergeant Dave Thompson with the Washington County Sheriff's Office.

## **Buy your tickets for CASA Night with the Portland Thorns!**

**When:** Saturday, August 3rd at 8:00pm

**Where:** Providence Park (1844 SW Morrison Street)

Loving the Women's World Cup? Come see the Thorns stars who have been helping to lead Team USA to victory!

A portion of the proceeds will go to supporting  
CASA's programs!

Can't make it to the game? You can purchase a ticket through CASA to sponsor a child to attend!

[Click here to buy tickets!](#)



**CASA**

Court Appointed Special Advocates

**FOR CHILDREN OF MULTNOMAH,  
WASHINGTON, & COLUMBIA COUNTIES**





# Sexual Exploitation of Youth:

## A Trauma Informed Mental Health Perspective



### Training sessions:

Thursday, June 6 – Bend

Thursday, August 8 – Ontario

Thursday, October 10 – Lincoln City, Center for Health & Education

Thursday, December 5 – Portland Dept. of Justice Legal office

### 6 CEUs (approval of CEUs pending approval from the NASW)

Gain an understanding of youth impacted by sexual exploitation. The training will include an overview of sexual exploitation in our communities, trauma and related impact, diagnostic considerations in youth with extensive trauma related to exploitation, and how to move from conceptualization to diagnosis and treatment

**Speaker: Cassie Trahan LCSW, RN**

***Executive Director & Co-Founder of A Village for One***

A Village for One

(503) 730-1469

[Avillageforone.org](http://avillageforone.org)

[avillageforone@gmail.com](mailto:avillageforone@gmail.com)



**To register:** Please send an email to [Amanda.L.VanTil@doj.state.or.us](mailto:Amanda.L.VanTil@doj.state.or.us) with your name, organization, position, and preferred training date/location.





## **Oregon Child Forensic Interview Training (OCFIT)**

This 3 1/2 day, comprehensive training teaches the Oregon Interviewing Guidelines Forensic Interview Structure, which is designed to gather the greatest amount of reliable information in a child sensitive, developmentally-appropriate, and legally-defensible manner. The Oregon Child Forensic Interview Training is evidence-based, supported by current research, and approved by the National Children's Alliance to meet the Forensic Interview Training Standards. Click the following link for information about upcoming trainings:

**<http://www.childabuseintervention.org/training/ocfit>**



## Registration Now Open- Trauma Informed Care Conference in Sunriver, Oregon

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Trauma Informed Oregon (TIO) is excited to host a [statewide conference](#) in Sunriver, Oregon on October 16-18, 2019. Registration is now open. Purchase tickets on the [Registration page](#).

We are focusing on trauma informed care efforts in Oregon and we need your voice! Come together with individuals, families, youth, providers, and communities to learn more and share about the trauma informed care movement in Oregon.

**<https://traumainformedoregon.org/conference/registration/>**

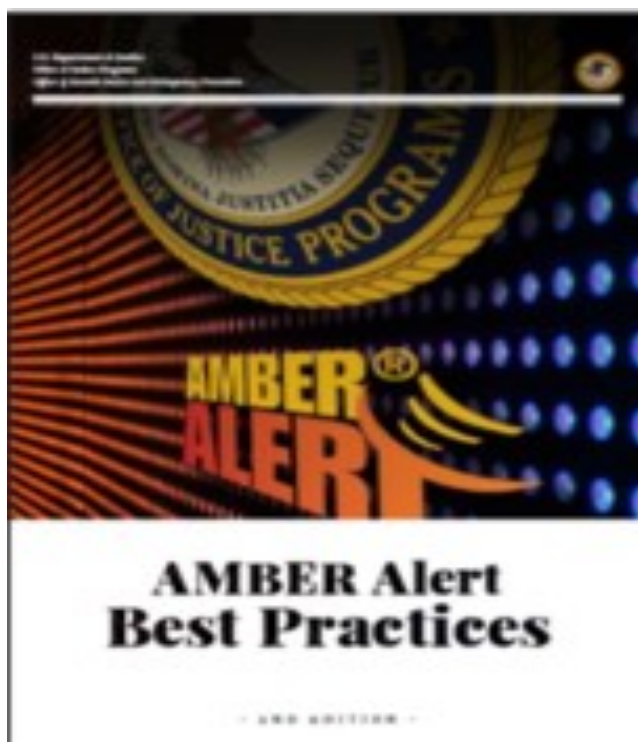




## **OJJDP's Updated AMBER Alert Best Practices**

The Office of Justice Programs has announced the publication of OJJDP's updated Amber Alert Best Practices guide- <https://www.ojjdp.gov/enews/19juvjust/190416.html>.

This resource provides a "what works" approach to responding to cases of missing or abducted children at the state and regional levels. "Protecting children—especially those whose lives are in imminent danger—is fundamental to the mission of the Office of Juvenile Justice and Delinquency Prevention," said OJJDP Administrator Caren Harp. "This new resource will give our regional, state, and local AMBER Alert partners the latest information, solicited from veteran public safety officials and seasoned experts, on how to respond swiftly and effectively to child abductions."





SAVE the DATE for

# Amani Center's Celtic Experience

Saturday, September 21, 2019

St. Helens City Docks

Aboard the Portland Spirit

This will be an evening that you won't want to miss! Experience Celtic food inspired by Ireland and Scotland, prepared aboard the Portland Spirit by their professional chefs. Delight in unlimited libations of beer, wine and select cocktails.

Enjoy live entertainment from the moment you step on board until you depart at the end of the evening. Partake in the Experience & Excursions Sign ups, Live Auction, Raffles & Wine Wall. All proceeds from this event support the Amani Center (Columbia County's nonprofit Child Abuse Assessment Center). Donations are tax deductible as allowed by law.

Sponsorships & tickets available – please contact Beth Pulito for information. [bpulito@amanicenter.org](mailto:bpulito@amanicenter.org) or 503-366-4005.



**cares**  
northwest

Child Abuse DDAs

Andy Pulver (Supervisor)

Rayney Meisel

Chris Lewman

Allison Brown

Jason Weiner

Juvenile DDAs

Ana Maria Carter

Dustin Staten

DA's Office Child Abuse Victim Advocates:

Gladys Ismail

Lucy Bailey (Spanish-speaking victims)

Juvenile Victim Advocates:

Gabriella Estrada

Tonya Hartman

**MDT Chair:** Andy Pulver, Senior DDA

503-846-8671 / [Andy\\_Pulver@co.washington.or.us](mailto:Andy_Pulver@co.washington.or.us)

**MDT Coordinator:** Kathleen McDonough

(503) 846-3862/

[Kathleen\\_McDonough@co.washington.or.us](mailto:Kathleen_McDonough@co.washington.or.us)

**Designated Medical Provider:** CARES Northwest-

(503) 276-9000 <http://www.caresnw.org/>

**DHS Child Abuse Hotline:** (503) 681-6917

**On-Call Child Abuse DDA:**

During business hours, call DA's Office at 503-846-8671. After business hours, call dispatch at 503-629-0111 for on-call DDA cell phone.

Like to contribute? Please e-mail Kathleen McDonough at [kathleen\\_mcdonough@co.washington.or.us](mailto:kathleen_mcdonough@co.washington.or.us)

## Andy Pulver Named New CAT Senior District Attorney



Congratulations to new Senior DDA Andy Pulver, who was chosen earlier this year to lead the District Attorney's Office Child Abuse Team! Andy brings many years of experience to the team as a seasoned child abuse trial attorney, and we also welcome him as the new Chair of our Child Abuse MDT. Andy replaces the interim head of the DA's Office Child Abuse Team Megan Johnson, who recently departed from the DA'S Office to join the firm of Pickett Dummigan McCall LLP as a civil litigator.

Congratulations to both Megan and Andy, and we wish them well in their new roles!