

R. Paul Frasier

District Attorney for Coos County

Office of the District Attorney

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Oregon Department of Justice Review of Saraya Rees Case

On July 23, 2020, this office requested that the Oregon Department of Justice (ODOJ) review the case involving Saraya Rees. ODOJ was asked to review whether the charging decision of this office was appropriate and also to review whether the dispositional recommendation made by the Juvenile Department was appropriate.

On September 8, 2020, this office received a letter from ODOJ containing their analysis of the case. A copy of that letter is attached.

The ODOJ noted:

“The legal decisions by the DDA were within the bounds of the discretion of the District Attorney’s office and consistent with practices in other counties. The Juv. Dept., after having staffed the case with the substitute care committee, made a dispositional recommendation that is consistent with other counties when considering the allegations in light of the restorative needs of the youth. After a contested dispositional hearing, the judge determined that it was in the best interests of S.J.R. to be placed in the legal custody of the OYA with initial placement in a youth correction facility.

In short, based on the information available, there was no evidence that suggested a legal decision by the District Attorney’s office, or the dispositional recommendation the Juv. Dept. made to the court, was based on anything other than the facts of this case, the safety of the community, and the best interests of the youth.”



DEPARTMENT OF JUSTICE
CRIMINAL JUSTICE DIVISION

September 4, 2020

R. Paul Frasier
Coos County District Attorney
250 N Baxter St
Coquille OR 97423

Re: Legal Review of In the Matter of: S.J.R.; 19JU05072
ODOJ case no. CJD 0413-20

Mr. Frasier,

At your request, the Criminal Justice Division completed a legal review of the above-mentioned juvenile delinquency matter. Our legal review examined the general delinquency process in Coos County, as well as how the District Attorney's office processed this specific case. As further described below, our legal review determined that the Coos County delinquency process is consistent with the processes of other counties in this state. Further, the District Attorney's office processed this case in a manner consistent with other counties in this state, and within the bounds of the District Attorney's discretion.

In order to make these determinations, we first reviewed the entire legal file that your office provided to the Department of Justice. These materials included: police reports, a police body-camera multimedia recording, image files of the residence, both an audio-only and a multimedia recording of the interview with the youth, the 911 audio recording and a transcript of that call, a psychological examination report of the youth completed at the request of the youth's attorney, notes in the file by the assigned deputy district attorney (DDA), portions of the court record, portions of the Department of Human Services (DHS) reports, and portions of the e-mail communications between the involved parties and other persons.

To gain a better understanding of the delinquency process in Coos County, we spoke with: Bryan Baird, Director, Coos County Juvenile Department (Juv. Dept.); Theresa Haworth, Field Supervisor, Oregon Youth Authority (OYA); Karen McClintock, DDA, Coos County; and Kate Dyer, retained counsel for S.J.R. We also discussed with each of these persons, how this case proceeded from the investigation through the dispositional recommendation to the court.

Overall, the delinquency process in Coos County is substantially similar with other counties throughout the state. Law enforcement investigates the case and, in consultation with the Juv. Dept., makes the initial custody determination. The Juv. Dept. generally guides the matter through the system, including pre-trial custody or supervision, coordination with defense for assessments, and determining the available county-level rehabilitative and treatment resources. The District Attorney's office mainly is involved in the legal matters, including filing the petition, negotiating with the defense on potential admissions to allegations in consultation

with the Juv. Dept. and the OYA, and appearing in court on behalf of the state. The OYA assists when the youth's treatment or rehabilitative needs cannot be met in the home or in the county. The recommendation for an out-of-home placement is determined by a committee that includes the Juv. Dept.; the OYA; the DHS; education members (traditional and non-traditional settings); and treatment members (mental health, and drug and alcohol). This committee also invites the youth, the youth's attorney, and the youth's parents or guardian to attend and provide information. An attorney is either appointed or retained to advocate for the youth. The entire process is overseen by the court and the judge ultimately orders the disposition of the case.

Here, the matter followed the typical process described above. A careful review of the reports and recordings revealed the 911 call-taker, law enforcement, fire department, and ambulance personnel displayed a professional and courteous demeanor. From our review of the legal file, as well as our discussions with the people mentioned above, this court case proceeded in a routine manner. The legal decisions by the DDA were within the bounds of the discretion of the District Attorney's office and consistent with practices in other counties. The Juv. Dept., after having staffed the case with the substitute care committee, made a dispositional recommendation that is consistent with other counties when considering the allegations in light of the restorative needs of the youth. After a contested dispositional hearing, the judge determined that it was in the best interests of S.J.R. to be placed in the legal custody of the OYA with initial placement in a youth correction facility.

In short, based on the information available, there was no evidence that suggested a legal decision by the District Attorney's office, or the dispositional recommendation the Juv. Dept. made to the court, was based on anything other than the facts of this case, the safety of the community, and the best interests of the youth.

Please contact me if you have any questions or require any further information.

Best regards,



Kurt W. Miller
Sr. Assistant Attorney General