

CONFIDENTIAL RECORD SHEET

Registration Service  
Boy Scouts of America

Date 7-10-90

Social Security Number \_\_\_\_\_

Full name RICHARD HERBERT SMITH  
(no initials if you can possibly get full name)

Address \_\_\_\_\_

City PORTLAND State OREGON Zip 97206

Date of birth FEBRUARY 10, 1938 (This is important & should be exact)

Approximate age \_\_\_\_\_ (To be used ONLY when date of birth is not known)

Religion \_\_\_\_\_ Nationality \_\_\_\_\_

Occupation SAWMILL WORKER

Education \_\_\_\_\_

Weight 200 Height 5'10" Race CAUCASIAN

Color of hair RED Color of eyes \_\_\_\_\_

Outstanding characteristics or interests WALKS WITH NOTICEABLE SWAGGER

Married or single DIVORCED Children \_\_\_\_\_  
(Number, ages, and names, if known)

Spouse's name N/A

Scouting connections:					
Unit No.	City	State	Position	Date registered	Date resigned
<u>TROOP 624</u>	<u>TILLAMOOK</u>	<u>OR</u>	<u>SM</u>	<u>1981</u>	<u>1983</u>

Special recognition no reg. at this time

Suspended or denied registration for following reasons: "eased out" of troop in 1983

- convicted of oral sodomy with a minor on May 11, 1966, in Hamppange, Suffolk County, New York
- arrested July 9, 1990, in Portland, Oregon - oral sodomy with a minor

*Added to IV file 7/23/90 cm*

SPECIFY THE FACTS THAT LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION, AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE, OR SPECULATION):

Signed Dwaine Rhodes DFS  
Scout Executive

Council Columbia Pacific #492

GER:go  
12/87  
APR 01 1991  
CONFIDENTIAL

April 2, 1991

Mr. Douglas Smith  
Scout Executive  
Columbia Pacific Council, No. 492

PERSONAL AND CONFIDENTIAL

SUBJECT: RICHARD HERBERT SMITH

Dear Doug:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Ineligible Volunteer File.

Sincerely,

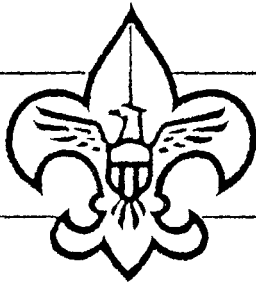
Paul Ernst, Director  
Registration and Statistical Service

eko

cc: Richard E. Parker, Western Region

READY FOR FILE  
APR 03 1991  
ERIN O'RILEY

CONF019399



Douglas S. Smith, Jr.  
SCOUT EXECUTIVE

February 27, 1991

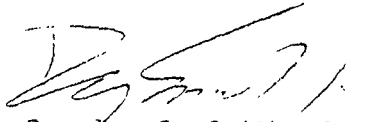
Paul Ernst  
Registration Department  
National Office, BSA  
[REDACTED]  
P.O. Box 152079  
Irving, Texas 75015-2079

Dear Paul,

Enclosed are the conviction reports on Richard Herbert Smith.

This should complete the file.

Sincerely,

  
Douglas S. Smith, Jr.  
Scout Executive

DSS:go

COLUMBIA  
PACIFIC  
COUNCIL  
[REDACTED]

CONF019400

THE PEOPLE OF THE STATE OF NEW YORK

against

RICHARD H. SMITH,

DEFENDANT.

The Grand Jury of the County of Suffolk, by this indictment, accuse

RICHARD H. SMITH

of the following crimes: Sodomy in the Second Degree; Carnal Abuse of a Child of Over Ten Years of Age and Less Than Sixteen; Endangering Life or Health of a Child.

FIRST COUNT

Defendant on or about the 9th day of October, 1965, at Oakdale, Town of Islip, Suffolk County, New York, committed the crime of Sodomy in the Second Degree, contrary to Penal Law, Section 690.

SECOND COUNT

Defendant on or about the 9th day of October, 1965, at Oakdale, Town of Islip, Suffolk County, New York, committed the crime of Carnal Abuse of a Child of Over Ten Years of Age and Less Than Sixteen, contrary to Penal Law, Section 483-b.

THIRD COUNT

Defendant on or about the 9th day of October, 1965, at Oakdale, Town of Islip, Suffolk County, New York, committed the crime of Endangering Life or Health of a Child, contrary to Penal Law, Section 483, Subdivision 2.

FOURTH COUNT



District Attorney of the County of Suffolk

At Trial Term of the County Court

Held in and for Suffolk County, at the Court House, in Riverhead, Suffolk County, New York, on the

11th day of May, 19 66

Present, Hon. Fred A. Dickinson, Acting County Judge

Indictment No. 539-65

THE PEOPLE OF THE STATE OF NEW YORK

Against

RICHARD H. SMITH, a/k/a  
RICHARD HERBERT SMITH,

Defendant

Theodore Jaffe, Esq., Asst.  
DISTRICT ATTORNEY FOR PEOPLE

Edward LaFreniere, Esq.  
FOR DEFT

Sodomy as a Misdemeanor as to 1st count; Endangering Life or Health of a Child as a Misdemeanor as to 3rd count, in satisfaction of the indictment.

This cause having been called in its order on the Calendar,

The following question was asked the defendant: Have you any legal cause to show why judgment should not be pronounced against you?

The defendant answering "No Sir" thereto.

Whereupon it is Ordered and Adjudged by the Court, that the said RICHARD H. SMITH, a/k/a RICHARD HERBERT SMITH for the Sodomy as a Misdemeanor aforesaid whereof he is convicted, be imprisoned in the Common Jail of the County of Suffolk for the term of Time Already Served less one day.

It is Further Ordered and Adjudged by the Court, that the said RICHARD H. SMITH, a/k/a RICHARD HERBERT SMITH for the Endangering Life or Health of a Child as a Misdemeanor aforesaid whereof he is convicted, be imprisoned in the Common Jail of the County of Suffolk for the term of ONE (1) YEAR.

Execution of one year jail sentence suspended pending good behavior and defendant RICHARD H. SMITH, a/k/a RICHARD HERBERT SMITH placed on Probation under all provisions of §932 of the Code of Criminal Procedure, on the CONDITION, however that defendant return to the home of his Parents in the State of Oregon.

Supervision of Probation transferred to Oregon.

A true extract of the Minutes

Norman E. Klejtz Clerk.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON

CASE # 90-07-34123

D.A. # 424134

v.

RICHARD HERBERT SMITH

Defendant

JUDGMENT OF CONVICTION  
AND SENTENCE (MULTIPLE COUNTS)

1. Hearing Date: December 11, 1990

Reporter/Tape No. \_\_\_\_\_

2. District Attorney: January 17, 1991 Charles H. Sparks

OSB # 85416

3. Defense Attorney: Richard L. Parker

OSB # 76279

4. Defendant is convicted of the following offenses:

Count	Offense	Date of Incident
<u>1 - 11</u>	<u>SODOMY IN THE SECOND DEGREE</u>	<u>5/1/89 to 5/20/90</u>
<u><del>16 - 21</del></u>	<u><del>USING A CHILD IN A DISPLAY OF SEXUALLY EXPLICIT CONDUCT</del></u>	<u><del>5/1/89 to 5/20/90</del></u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(attach list if additional offenses)

Count(s) \_\_\_\_\_ involved operation of a motor vehicle.

Defendant's: DOB \_\_\_\_\_ ODL \_\_\_\_\_

Defendant is unrepresented and knowingly waived counsel.

Defendant waived two-calendar-day delay before sentencing.

5. Defendant is:  in custody  on recognizance

on security release  on sheriff's population release.

6. IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on defendant's plea of:

guilty.

no contest.

not guilty and verdict of guilty, by jury trial.

not guilty and finding of guilty, by court trial.

7a. Defendant is acquitted of the following count: \_\_\_\_\_

b. All other counts contained in the charging instrument in this case are hereby dismissed on motion of the District Attorney in the interests of justice.

8. The security posted is to be:

applied to other court-ordered obligations owed by the defendant or surety in this or any other case, and the balance, if any, is to be refunded.

refunded to the person who posted it less the applicable security release fee.

9. Defendant was advised of the right to appeal (ORS 137.020).

10. Security on appeal (to guarantee the appearance of the defendant)

is set at \$ \_\_\_\_\_ (ORS 135.285).

is denied.

Bond on appeal (to guarantee payment of fines and costs (ORS 161.665) is set at \$ \_\_\_\_\_ (ORS 138.135).

91 FEB 12 PM 4:58

CLERK OF COURT

ENTERED

FEB 13 1991

IN REGISTER BY PL

The court FINDS that Counts 1, 6, 16 and 17 of Case No. C 90-07-34123 occurred after November 1, 1989, and that Counts 1 and 6 occurred on different dates.

The court FINDS that the defendant falls into Crime Category "H" based upon defendant's criminal history, as sworn to by the defendant on the criminal history form.

The court FINDS re: C 90-07-34123 that the following facts support the imposition of consecutive sentences under ORS 137.122 and ORS 137.123:

1. That the defendant's sexual activities with the victim in Case No. C 90-07-34123 did not occur on the same date and were not part of a continuous and uninterrupted course of conduct, but instead occurred over a substantial period of time, approximately one year, and this demonstrates the defendant's willingness to commit multiple and separate crimes against this victim;

2. That each act of sodomy against this victim caused additional harm to the victim;

3. That the photographing of this victim, in addition to the sexual acts against him, represent the defendant's willingness to commit a different crime against this victim, and represents a different potential for loss, harm or injury to this victim; it is not merely an incidental violation of a separate statutory provision.

Pursuant to OAR 253-08-002, upward departure sentences are based upon the following facts found by the court:

1. The defendant knew, or had reason to know, of this victim's particular vulnerability, to-wit: the victim was placed in the defendant's care by the Children Services Division of the State of Oregon for [REDACTED], and was in need of a stable and secure home environment to help alleviate problems he was having due to his youth and his unstable home life and personal history. This vulnerability increased the harm or threat of harm from the defendant's conduct.

2. The defendant has engaged in another, completely separate, sexual assault, also repetitive in nature, against an eleven year old female child in the State of New York in the year 1965. This conduct is not accurately reflected in the defendant's criminal history since he ultimately was allowed to plead guilty to the crimes in New York of "Sodomy as a Misdemeanor" and "Endangering the Life or Health of a Child", also a misdemeanor. The crime of Sodomy as Misdemeanor as it existed then in New York involved

consensual sodomy between two persons; it had no element concerning the age of the victim and is thus not a crime at all for Oregon criminal history calculation. Further, the "Endangering" conviction fails to reflect the sexual nature of the defendant's conduct against that child victim. Moreover, the defendant's sworn affidavit concerning these crimes shows that he committed what in Oregon would be the crimes of Sexual Abuse in the First Degree by touching the 11 year old child's breasts and vaginal area on multiple occasions, and that he committed oral sodomy upon her on multiple occasions by putting his mouth on her vagina and having her put her mouth on his penis. Thus, the only conviction for these acts that can be used for Oregon Criminal History, that of "Endangering the Life or Health of a Child," a misdemeanor, does not accurately reflect the seriousness of the conduct that led to the conviction. A copy of the defendant's criminal conviction, the relevant statutes, the police reports, his affidavit and that of the child's in this 1965 case are attached to the plea and sentencing contract accepted by this court, and are incorporated by reference for purposes of this sentencing record.

3. That these convictions involve a violation of public trust in that the defendant was given responsibility for this child as a foster parent by the Children's Services Division of the State of Oregon, and the offenses against this boy occurred during the pendency of that relationship.

4. That this sentencing involves multiple victims in that the defendant also committed the crimes of Sexual Abuse in the Second Degree against the victim in Case No. C 90-08-34412. This fact that the defendant acted upon more than one victim is not captured in a consecutive sentence.

The court hereby FINDS by clear and convincing evidence, pursuant to ORS 426.675, that defendant is a sexually dangerous offender.



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON

CASE# 90-08-34412

D.A.# 424019

V.  
RICHARD HERBERT SMITH  
Defendant

JUDGMENT OF CONVICTION  
AND SENTENCE (MULTIPLE COUNTS)

1. Hearing Date: December 11, 1990  
January 17, 1991

Reporter/Tape No. \_\_\_\_\_

2. District Attorney: Charles H. Sparks OSB # 85416

3. Defense Attorney: Richard L. Parker OSB # 76279

4. Defendant is convicted of the following offenses:

Count	Offense	Date of Incident
1, 2	SEXUAL ABUSE IN THE SECOND DEGREE	9/1/89 to 1/31/90
3	FURNISHING ALCOHOL TO A MINOR	9/1/89 to 1/31/90

(attach list if additional offenses)

Count(s) \_\_\_\_\_ involved operation of a motor vehicle.  
Defendant's: DOB \_\_\_\_\_ ODL \_\_\_\_\_

- Defendant is unrepresented and knowingly waived counsel.
- Defendant waived two-calendar-day delay before sentencing.
- Defendant waived the Presentence Investigation Report.

5. Defendant is:  in custody  on recognizance  
 on security release  on sheriff's population release.

6. IT IS ADJUDGED THAT DEFENDANT HAS BEEN CONVICTED on defendant's plea of:
- guilty.
  - no contest.
  - not guilty and verdict of guilty, by jury trial.
  - not guilty and finding of guilty, by court trial.

7a. Defendant is acquitted of the following count: \_\_\_\_\_  
b. All other counts contained in the charging instrument in this case are hereby dismissed on motion of the District Attorney in the interests of justice.

8. The security posted is to be:  
 applied to other court-ordered obligations owed by the defendant or surety in this or any other case, and the balance any, is to be refunded.  
 refunded to the person who posted it less the applicable security release fee.

9. Defendant was advised of the right to appeal (ORS 137.020).

10. Security on appeal (to guarantee the appearance of the defendant)  
 is set at \$ \_\_\_\_\_ (ORS 135.285).  
 is denied.  
 Bond on appeal (to guarantee payment of fines and costs (ORS 161.665) is set at \$ \_\_\_\_\_ (C 138.135).

ENTERED  
FEB 13 1991  
IN REGISTER BY PL

91  
FEB 12 PM 4:59

January 24, 1991

FILE  
JAN 24 1991  
A. GRAVES

Mr. Douglas Smith  
Scout Executive  
Columbia Pacific Council, No. 492

PERSONAL AND CONFIDENTIAL

SUBJECT: RICHARD HERBERT SMITH

Dear Doug:

We have not heard from you since August and wondered if the legal action had now been completed against Mr. Smith. If you could send us newspaper clippings or court records which would indicate the outcome, we would appreciate it. This would then complete our file.

Thanks for your help in protecting the youth of America.

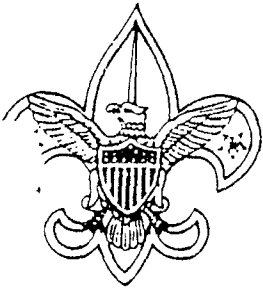
Sincerely,

Paul Ernst, Director  
Registration and Statistical Service

PR

cc: Richard Parker, Western Region

CONF019407



# COLUMBIA PACIFIC COUNCIL BOY SCOUTS OF AMERICA

Portland, OR 97201  
• Council No. 492

August 7, 1990



Richard C. Alexander  
President

Lee A. Pintar  
Council Commissioner

Paul Lorenzini  
Senior Vice President  
Program Division

William E. Love  
Senior Vice President  
Operations Division

James Martin  
Senior Vice President  
Support Division

David Larimer  
Senior Vice President  
Finance Division

Victor G. Atiyeh  
Senior Vice President  
Endowment/Trust Fund

Nick Collins  
Vice President  
Activities

Sandi Larson  
Vice President  
Training

Lyn Hall  
Vice President  
Advancement

James Deming  
Vice President  
Varsity Scouting

Don Lengacher  
Vice President  
Exploring

Ed C. Sammons, III  
Vice President  
Membership

Judge Hollie Pihl  
Vice President  
Pacific Service Area

Dr. Robert Corlett  
Vice President  
Mt. St. Helens Service Area

Dr. Wallace Teuscher  
Vice President  
Columbia Service Area

Sheldon Edner  
Vice President  
Camping & Properties

Wes Perrin  
Vice President  
Public Relations

Lee Shalhope  
Vice President  
Relationships

Robert G. Yingling, Jr.  
Treasurer

John Purcelli  
Assistant Treasurer

Douglas S. Smith, Jr.  
Scout Executive

Paul Ernst, Director  
Registration Service  
National Office, BSA

Irving, TX 75015-2079

RE: Richard Herbert Smith

Dear Paul:

Enclosed are news clippings pertaining to Richard Herbert Smith as you requested. I will send more information as it becomes available.

Sincerely,

Duane L. Rhodes  
Director of Field Service

DLR/jag

Enc.



# METRO

## CSD initiates foster case reviews

□ The agency has moved a few children as a result of the plan, but no major errors have been discovered

By GORDON OLIVER  
of The Oregonian staff

The Portland office of the Children's Services Division will routinely review foster placements every four months as part of its strategy to make sure children in state custody are living in homes that meet their needs, CSD Regional Administrator David Fuks said Monday.

In a case review now under way, Fuks

said he had found "a number of cases" where children are not in the right settings.

Most commonly, he said, children have been in foster care too long because there aren't enough residential treatment centers or are living with relatives who may not be suitable foster parents. Also, the agency is finding that some children have such severe problems that it has no good places to send them, he said.

Fuks gave no specific numbers and said the agency had not finished its current case review. Fuks oversees CSD's Multnomah and Clackamas County branch offices.

The agency is reacting to the criticism that followed the disclosure two weeks ago that a Portland boy under CSD's custody had spent more than a year in the foster

home of a known sex offender. Workers in CSD's Multnomah County branch left the 13-year-old boy in the care of Richard Herbert Smith for eight months after learning Smith had molested an 11-year-old girl 25 years ago in New York.

Smith now faces 21 counts of sex abuse in Multnomah County. He has pleaded not guilty.

After the Smith case became public, Fuks asked caseworkers to surrender files of any cases where they were worried about the children in state custody. Foster care workers in the Multnomah County branch turned in 54 cases, and Fuks said he had received cases from other departments within the branch and the Clackamas County branch.

The agency already has moved a few children as a result of the case review, Fuks said. But he said he has not discovered major errors of the kind that came to light in the Smith case.

"There has been nothing where we've fallen out of our chairs and said, 'Oh, my God, here's another one,'" he said.

Fuks said he would work on increasing supervision of casework, starting with the routine reviews every four months. He said he would not personally review difficult cases but would insist on reviews by branch managers.

Please turn to  
CSD, Page B5

**CSD: System  
not adequate**

■ Continued from Page B1  
"I will expect a report every four months," he said.

Fuks said he had thought the review system was adequate in the past, but the Smith case taught him otherwise.

"It was happening on an as-needed basis," he said. "My expectation was that it was happening adequately. This case shows me that it wasn't."

Last week, the agency reassigned six workers to investigate 22 child-abuse claims that needed immediate attention. Fuks said those workers can help on the foster care cases, but he said he didn't know what to do about the shortage of suitable treatment centers and foster homes.

"We're going to continue screaming loud and raise our concerns," he said. "We have to point out the problems and take them up the line more frequently."

7-21-90

The Oregonian

# Foster parent's sex-crime conviction known early

□ Officials say Richard Herbert Smith's history was noted years ago by the CSD's Tillamook County office

By GORDON OLIVER  
of The Oregonian staff

Children's Services Division officials in Tillamook County knew that Richard Herbert Smith, a Portland man accused of sexually abusing his teen-age foster son, was a convicted child molester even before CSD workers in Multnomah County made him a foster parent.

But Multnomah County CSD workers didn't learn about Smith's criminal history until November, seven months after the state agency placed a teen-age foster child in his home.

Also, officials said Friday that the agency had taken custody of Smith's son and stepson while the family was living in Tillamook County in the 1980s.

That information was available in the agency's computer system, but it was unclear whether Multnomah County workers had fully investigated the Smith family background before certifying him as a foster parent in May 1989.

In the case of the foster son, Smith, 52, was indicted Wednesday in Multnomah County Circuit Court on 21 counts of sexual abuse, sodomy and photographing a child in a sexually explicit display. He pleaded

innocent to the charges. The foster son, who had been arrested on a juvenile charge last week, is lodged in the Donald E. Long home.

Smith had been convicted of molesting a child in New York state in 1966, according to CSD officials.

Multnomah County workers didn't remove the foster son from Smith's home after learning of that conviction, even though five CSD workers agreed in February that the boy should be removed.

The Children's Services Division has launched both internal and outside investigations into the affair.

In other developments, state Sen. Lenn Hannon, R-Roseburg, said he would propose legislation to intensify background investigations of foster parents. Hannon said he favored mandatory nationwide background

investigations of potential foster and adoptive parents, similar to those now required for child-care employees.

State law prohibits nationwide criminal background checks of potential foster or adoptive parents. Hannon said the state might need to impose a fee on foster homes to help pay for the criminal background checks.

Also, state Sen. Bill McCoy, D-Portland, said he would call a special meeting of Senate Interim Committee on Human Resources to investigate whether children were at risk while under CSD's care. He said he might ask the Legislative Emergency Board for money to help the agency.

Please turn to  
CSD, Page D5

## CSD: Computer file closed

■ Continued from Page D1

The Multnomah County case file on Smith first refers to his New York crime in notes about a November conversation between workers in the Multnomah and Tillamook offices, said Alice Galloway, an agency spokeswoman. She said she didn't know who had initiated the conversation or how the subject of Smith's past had come up.

The file shows that Smith admitted the crime to a Multnomah County worker in December, Galloway said.

Smith apparently lived in Tillamook County for about 20 years before moving to Portland a few

years ago, Galloway said. The agency's computer system has entries about Smith dating to 1981, she said.

However, the computer file on Smith had been closed by the time he applied in May 1989 to become a Multnomah County foster parent, Galloway said. Since both his son and his stepson are now adults, the file may have been closed when the children reached age 18, said Karen Sheppard, spokeswoman for the agency's Multnomah County branch.

The CSD officials would not disclose why the boys had been taken from Smith's home or for how long.

# Foster father faces charges

The Oregonian 7-18-90

□ The child abuse case, only the latest in a series, prompts an investigation of how CSD places its clients

By GORDON OLIVER  
and FRED LEESON

*of The Oregonian staff*

A Portland foster parent will be charged Wednesday with a range of sexual abuses of a boy placed in his care by the state Children's Services Division.

Authorities allege the abuse continued eight months after the man told CSD officials he had been convicted of molesting a child in 1965, and five months after agency officials agreed the child should be removed from his care.

The case is the latest in a series of cases in which children placed by the Children's Services Division were victimized by their foster parents. It has spurred an investigation into the way the agency places its clients.

Richard Herbert Smith, 52, was arrested Monday on accusations involving 21 sexually related crimes. The accusations involve a boy who had been placed in his care by the Children's Services Division in May 1989. The boy, now 14, ran away from the man's home last week.

Smith told division workers in November that he had been convicted of sexual abuse of a child in New York in 1965, CSD officials admitted Tuesday. The boy stayed with Smith even after five division employees agreed in February that he should be placed elsewhere, said David Fuks, the division's regional administrator.

"It appears that serious mistakes were made in terms of judgment with this case," Fuks said. "The agency should have removed the child in a much more speedy man-

Please turn to  
CSD, Page A9

# CSD: Agency set to conduct two investigations of case

■Continued from Page One

ner, and that wasn't done."

The boy told Portland police about the alleged sexual abuse last Thursday after he was picked up on a juvenile delinquency charge, Fuks said.

Fuks said the agency would launch a pair of investigations of its handling of the case. The Multnomah County CSD office will conduct an internal investigation, and the agency's statewide office will appoint a committee of employees and independent experts for an outside review, Fuks said.

Fuks said he expected to hold people accountable for the decisions they made in the case. Discipline against employees involved in decisions could range from written reprimands to firings, he said.

The boy is staying in the Donald E. Long home, Fuks said.

Smith has been indicted by a Multnomah County grand jury with 11 counts of second-degree sodomy, four counts of second-degree sexual abuse and six counts of photographing a child in a display of sexually explicit conduct.

The youth and Detective Thomas Jacobs of the Portland Police Bureau were listed as the only witnesses to appear before the grand jury.

Smith is being held at the Justice Center jail. Bail is set at \$136,500. He is scheduled to be charged Wednesday morning in a courtroom at the Justice Center.

The indictment charges that the crimes occurred between May 1989 and May 1990. Specific dates for the alleged sexual acts are not listed.

Second-degree sodomy is defined as deviate sexual intercourse with a victim who is younger than 14. Second-degree sexual abuse is defined as subjecting a person to sexual contact when the victim is younger than 18.

None of the accusations alleges that Smith used force against the youth.

Charges of using a child in a display of sexually explicit conduct are Class A felonies under state law. The sodomy counts are Class B misdemeanors, and the sex abuse counts are Class A misdemeanors.

The boy first came into the care of the Children's Services Division when he was 7 and was in and out of CSD custody after that, said Karen Sheppard, spokeswoman for the agency's Multnomah County office.

The boy came into state care because of emotional and behavioral problems, she said.

He was returned to his mother in September 1988 but returned to state custody seven months later, after his mother was arrested for operating a methamphetamine laboratory, Sheppard said.

The boy asked to be placed with Smith after he became friends with the man's son, Fuks said. The agency accepted Smith, who is divorced, as a foster parent under a special certification review process generally used to place children in homes of friends and relatives. About half of the foster homes in Multnomah County are homes approved under the special certification.

Smith told the agency in initial interviews that he had no criminal record, and the agency found none in a background check, Sheppard said. But the agency's criminal checks look for records only within the state of Oregon, noted Alice Galloway, spokeswoman for the agency's central office.

Fuks said he was trying to find out why the boy wasn't immediately removed from Smith's home after the man said he had been convicted of sexual abuse in 1965. He said Smith's statement was one of many "red flags" that raised questions but were not pursued.

Fuks said he thinks a CSD worker was trying to gather more information about Smith between November and February of this year. In February, the caseworker assigned to the case met with a CSD foster home certifier, two supervisors, and an acting program manager to discuss the case, he said. The group decided that the boy should be removed from Smith's home. They also thought Smith should lose his certification as a foster parent, Fuks said.

"We made a decision that the child should be removed, and then I think the case got caught up in bureaucratic red tape," he said.

Several other CSD placements this year have come back to haunt the state agency this year:

• In January, CSD removed a 7-year-old boy from the Salem home of Andrew and Diana Mae Kerp after the boy suffered second-degree burns and blisters on his legs and buttocks. The couple, who planned to adopt the boy, were accused of ordering him to stand close to a fireplace as a disciplinary measure

while he was naked from the waist down. Both parents recently admitted to criminal mistreatment charges and await sentencing.

• In February, an Aurora foster father died of a heart attack while allegedly trying to sexually assault a teen-age foster daughter. Two case workers said the man, Robert Nelson, 49, was immature and said they had reported feeling uneasy about him before his death.

• In April, the former director of the Children's Farm Home, an independent treatment center in Corvallis, was arrested on sexual abuse charges. Grand jury indictments accuse William Henry Dufort, a longtime counselor and administrator, of 43 counts of sodomy and sexual abuse for acts allegedly committed against 10 young residents over the previous two years. Most youths at the home are referred there by CSD.

• And in June, a Washington County couple were charged with murder by abuse in the death of a 2-year-old girl placed in their home by CSD for adoption. It's the first time such charges have been brought in Oregon. The girl, Katie Gonzalez-Butterfield, also known as Felina Dillon, died Jan. 11. An attorney for the couple, Bruce L. Butterfield and Sarita J. Gonzalez, maintained that the child died of natural causes related to being a cocaine-addicted baby, not of head injuries.

Galloway said the case involving Smith would raise questions about the CSD's performance. "We're very disturbed by this case," she said. "It's an extremely serious case."

Fuks, who said he was grieving over the incident, defended the agency's ability to protect most children under its care.

"This agency is capable of doing a good job and every day is doing a good job with many, many children," he said. "But this is an agency run by human beings, and sometimes human beings make errors."



One Of The Best Selections  
Of Men's Shoes & Boots In  
The West is At Al's.  
Black & Light Grey  
Shark  
6 1/2-13, S.O.E.E.  
**AL'S SHOES**  
5811 SE 82nd  
771-2130 Mon-Fri 10-8 Sat 10-6

July 25, 1990

READY FOR FILE

JUL 25 1990

JULIE FIELDER

Mr. Duane Rhodes  
Director of Field Service  
Columbia Pacific Council, No. 492

PERSONAL AND CONFIDENTIAL

SUBJECT: RICHARD HERBERT SMITH

Dear Duane:

Thanks for the Ineligible Volunteer Record Sheet you recently sent concerning the above named individual. This is most helpful for identification purposes should he attempt registration in some other area.

We would like to have some documentation on his arrest. Newspaper clippings would be most helpful. We would also like to have the outcome of the legal action once it has been completed as this would give us a more solid case.

Thanks for your help.

Sincerely,

Paul Ernst, Director  
Registration Service

jf

cc: Western Region  
Douglas Smith, Scout Executive - Council No. 492

CONF019413