

State declines prosecution of Morgan for carrying firearm in courthouse

In a letter from Elijah C. Michalowski, Deputy Attorney General of the Oregon Department of Justice (ODOJ), Criminal Justice Division at Josephine County District Attorney Ryan Mulkins the state has declined to pursue charges against County Commissioner Lily Morgan.

Morgan was under investigation by the ODOJ stemming from a Feb. 2, 2018 incident at the Mark Hatfield Federal Courthouse in Hood River. According to the letter, Morgan, while attending a marijuana summit, was reportedly seen by Hood River County Sheriff Matt English within the security lobby of the Federal Courthouse presenting a badge to lock up a firearm. Peace officers may carry their firearms into the security lobby, between the front doors and the metal detectors, and check them in to be secured by the U.S. Marshals Service. However, the ability to secure firearms is not available to the general public.

Morgan, who was sworn in by Sheriff Daniels as a special deputy April 20, 2017, was under the impression she could carry in her capacity as a special deputy.

The letter continues that Feb. 13 of this year, Sheriff Dave Daniel referred an investigation to the Criminal Justice Division of the Oregon Department of Justice regarding County Commissioner Lily Morgan. Sheriff Daniel requested that the ODOJ investigate three allegations: that Commissioner Morgan had used a law enforcement badge to check in a firearm at a the Federal Courthouse in Portland, that an F-4 Change of Status form had not been submitted to the Division of Public Safety Standards and Training (DPSST), which may have resulted in her receiving unentitled PERS benefits, and that she was

unlawfully carrying a concealed firearm within the Josephine County Courthouse.

ODOJ opened an investigation into two of those matters and referred the Hood River incident to the federal authorities as it is a Federal Courthouse.

“We determined that because the incident took place within the federal facility, the matter was more appropriately handled by federal officials. As a result, we have referred the matter to the U.S. Marshals Service,” the letter from Michalowski stated.

Before Morgan’s election as a county commissioner, she was a probation supervisor with Josephine County Community Corrections (JCCC). The law states that employers of public safety professionals must submit an F-4 Change of Status Form within 10 business days after an employee is no longer employed with the agency. However, an F-4 was not submitted JCCC with regard to Morgan until Feb. 12, 2018, which was over a year after she left the employment of the JCCC.

“In this case, the failure to submit the F-4 in a timely manner is attributable to JCCC as the employer, not to Commissioner Morgan. JCCC corrected the error by submitting an F-4 immediately after learning of the oversight. Therefore, we will not be pursuing any charges with respect to the failure to file the F-4 in a timely manner.”

Oregon law provides that it is unlawful to carry a firearm in a court facility. The prohibition does not apply to on-duty peace officers or those who have been given permission to carry a firearm by the presiding judge.

Morgan asked Presiding Circuit Judge Lindi Baker for an order under ORS 166.370(2)(b)

granting her permission to carry a firearm in the courthouse that was declined in January 2017.

Morgan told investigators that she and Sheriff Daniel explicitly talked about the appointment giving her authority to carry a firearm in the courthouse.

“Sheriff Daniel denies telling her that the appointment gave her any authority with respect to a firearm, but also states that he did not specifically tell her that it did not grant her such authority,” Michalowski’s letter stated.

The letter continued that Daniel also appointed Commissioner Dan DeYoung as a special deputy. Commissioner DeYoung admitted that he too has carried, but not very often.

“One eyewitness, a staff member to the county commissioners, states that she has seen Commissioner Morgan carry a firearm concealed on her hip and on her ankle approximately five times in the portion of the courthouse occupied by the county commissioners’ office. We were unable to locate any other witnesses who claimed to have personally observed Commissioner Morgan with a firearm in the courthouse.”

Commissioner Morgan stated that she believes that the prohibition on the possession of firearms only applies to that portion of the building which is occupied by the Circuit Court. She also stated that she believes that as a special deputy for the sheriff’s office she is afforded the rights of a peace officer to carry a firearm and that whenever she is acting as a county commissioner, she is simultaneously on duty as a special deputy. Commissioner Morgan denied carrying a firearm in any part of the building occupied by the Circuit Court and declined to answer whether she had carried

one within any other portion of the building.

“We determined that the evidence is insufficient to prove beyond a reasonable doubt that Commissioner Morgan violated ORS 166.37. More specifically, the evidence is not sufficient to prove that she knew that the portion of the courthouse occupied by the county commissioners’ office is a court facility, or that her appointment and status as a special deputy for the sheriff’s office did not provide her legal authority to possess a firearm

in the courthouse.”

“For the above-outlined reasons, DOJ will not be pursuing criminal charges with respect to the allegations against Commissioner Morgan and have closed our investigation,” Michalowski finished.

In an email to the *Illinois Valley News* Morgan said “I am relieved the investigation is complete. Moving forward, I will continue to serve Josephine County as best I can.”



Josephine County Commissioner Lily Morgan

Jubilee Park Baseball Field

SAFETY AND WHEELCHAIR ACCESS PROJECT

THANK YOU DONORS

Billboard Donors

ROTARY
DUCK DERBY

PACIFIC
POWER

Platinum Donors

THE FOURWAY
COMMUNITY FOUNDATION

Illinois Valley News
541 592-2541

Gold Donors

allcare health

Siskiyou Community Health Center

Bronze Donors

Southern Oregon Sanitation
541 479-5335

Secret Trailer Park

Chrome Donors

Lone Mountain RV Park
541-596-2878

Southern Oregon Guild
541-592-5019

Special Thanks
Bigfoot Printing
541-592-4116

Tony and Robin Paulson Family

Dovetrail Joint Furniture
541-592-5360

Dr Joes Pet Hospital
541-592-4589

EVERGREEN
FEDERAL BANK
541 479-3351

Oregon Caves Chevron
541-592-3080

Fire Mountain Gems
541-956-7700

H&R BLOCK
541-592-3667

Diamond Donors

ROCK'N SOIL

Mary Reynolds INSURANCE, LLC
541-592-6262

Field Lights

Wheelchair Access

Walking loop

WE ARE HERE

Field Fencing

Backstop

Project info
541 592-4316
www.Highway199.org