

# District Attorney

**Department Head:** Scott Heiser, District Attorney

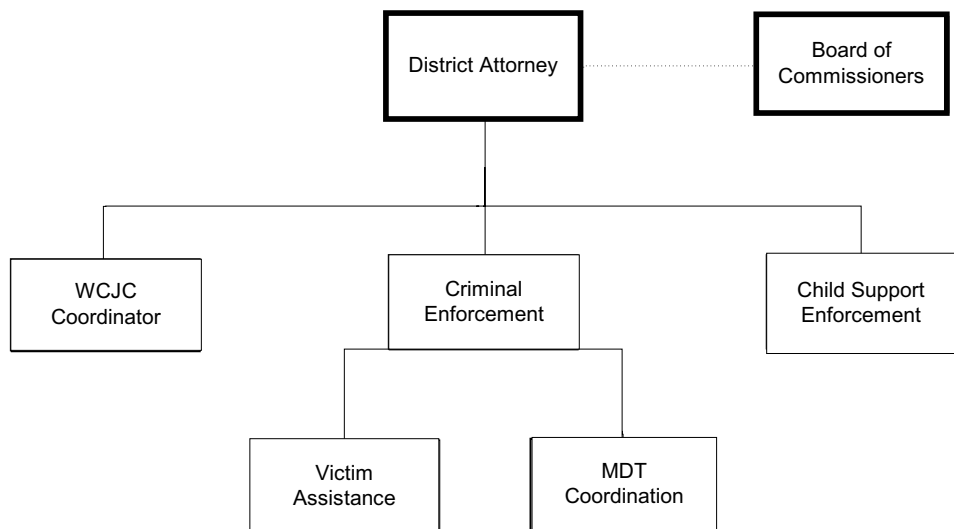
**Location:** Benton County Courthouse  
120 NW 4th Street  
Corvallis

**Telephone:** (541) 766-6815

**FAX:** (541) 766-6701

**Mission:** It is the mission of the District Attorney's office to protect the public from crime; safeguard children from abuse and neglect; enforce the rights of children and families to receive child support; assist and advise crime victims; and foster a respect for the rule of law.

**Organization:** The District Attorney is a non-partisan, elected official who represents the State of Oregon in a wide variety of legal actions, including criminal, juvenile delinquency, juvenile dependency and child support enforcement proceedings. The office of District Attorney was created by the Oregon Constitution in 1859. The duties of the office are established by the Oregon Legislature. The majority of office expenses are borne by local funds.



## Budget Summary

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	1,012,828	353	-	-	-	-
Charges for Service	59,686	63,303	54,000	54,000	75,000	75,000
Operating Grants/Contributions	410,426	312,818	282,155	282,155	304,176	304,126
Capital Grants/Contributions	1,275	-	-	-	-	-
Loans & Transfer/Revenues	70,248	-	-	-	42,318	-
Dedicated Beginning Balance	160,051	189,982	183,020	183,020	178,318	154,750
<b>Total Resources</b>	<b>1,714,514</b>	<b>566,456</b>	<b>519,175</b>	<b>519,175</b>	<b>599,812</b>	<b>533,876</b>
Personal Services	981,336	1,008,472	1,131,696	1,095,602	1,129,192	1,215,335
Materials & Services	384,386	368,109	525,038	525,038	616,731	599,401
Capital Outlay	3,200	244	1,102	1,102	1,600	1,000
Other	-	-	32,841	32,841	82,568	36,282
<b>Total Expenditures</b>	<b>1,368,922</b>	<b>1,376,825</b>	<b>1,690,677</b>	<b>1,654,583</b>	<b>1,830,091</b>	<b>1,852,018</b>
Surplus / (Deficit)	345,593	(810,369)	(1,171,502)	(1,135,408)	(1,230,279)	(1,318,142)
<b>Fund Summary</b>						
General Fund	1,302,265	1,311,749	1,597,012	1,564,512	1,758,597	1,782,642
Health & Safety Enhancement	66,657	65,076	93,665	90,071	-	-
Trust Fund	-	-	-	-	71,494	69,376
<b>Total Budget by Fund</b>	<b>1,368,922</b>	<b>1,376,825</b>	<b>1,690,677</b>	<b>1,654,583</b>	<b>1,830,091</b>	<b>1,852,018</b>
Full Time Equivalent (FTE)	17.50	16.00	17.00	16.94	17.64	17.64
Temporary Hire Dollars	17,303	12,877	13,653	13,653	35,675	36,606

# Overview

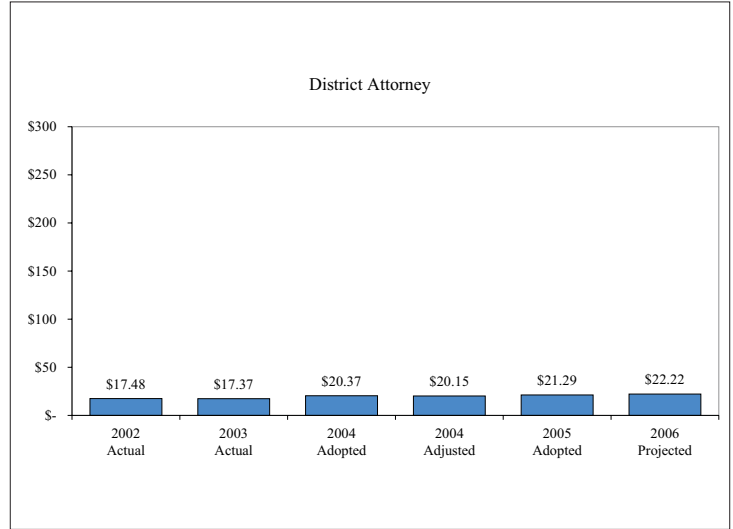
## Department Head Message

It is the mission of the District Attorney's Office to protect the public from crime; safeguard children from abuse and neglect; enforce the rights of children and families to receive child support; assist and advise crime victims; and foster a respect for the rule of law.

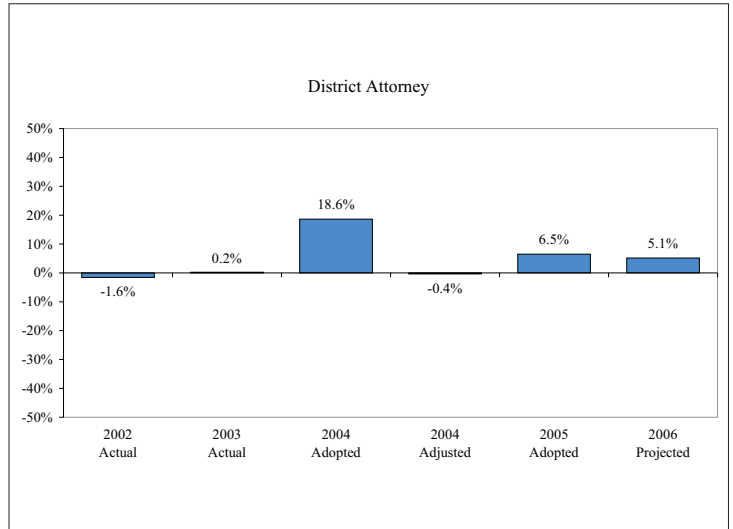
Due to the volatile nature of the State's revenue collections, this is an unprecedented time in the history of Oregon's criminal justice system. The Benton County District Attorney's Office, just like Oregon's other 35 District Attorneys, has been significantly impacted by the recent reductions in state revenue. The office used to employ 6.5 FTE Deputy District Attorneys (DDAs). Currently we employ 5.0 FTE DDAs. Back in 1990 we had 5.0 FTE DDAs, when law enforcement submitted approximately half the number of cases for prosecution that they do today. Stated another way, the reduction from 6.5 to 5.0 FTE DDAs is a 23% reduction in attorney staff at a time when our caseload is at an all-time high.

Historically, the County has funded approximately 80% of the total cost of the District Attorney's Office, although state and federal funds pay for about 75% of the cost of the victim assistance and child support enforcement programs. However, with the recent State budget cuts, these percentages have been substantially diluted.

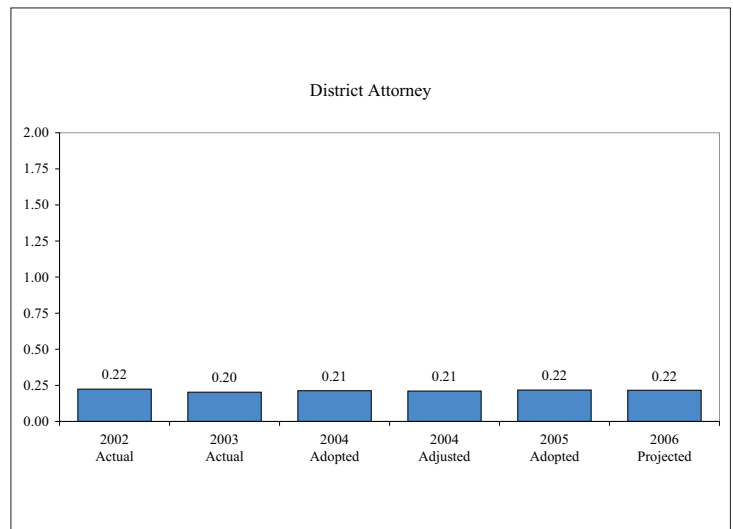
Expenditures per capita



Annual change in budget



Employees per 1000 population



## Criminal Enforcement

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	1,012,828	353	-	-	-	-
Charges for Service	59,686	63,303	54,000	54,000	75,000	75,000
Operating Grants/Contributions	88,030	54,927	43,179	43,179	30,000	30,000
Capital Grants/Contributions	-	-	-	-	-	-
Loans & Transfer/Revenues	70,248	-	-	-	-	-
Beginning Balance	-	-	-	-	-	-
<b>Total Resources</b>	<b>1,230,793</b>	<b>118,582</b>	<b>97,179</b>	<b>97,179</b>	<b>105,000</b>	<b>105,000</b>
Personal Services	723,615	732,343	853,625	825,322	862,530	927,501
Materials & Services	278,195	266,860	270,185	270,185	309,105	311,859
Capital Outlay	800	244	402	402	600	-
Other	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,002,610</b>	<b>999,447</b>	<b>1,124,212</b>	<b>1,095,909</b>	<b>1,172,235</b>	<b>1,239,360</b>
Surplus/(Deficit)	228,182	(880,865)	(1,027,033)	(998,730)	(1,067,235)	(1,134,360)

**Purpose:** Enforce state criminal law. Review investigations and determine when and whether to initiate legal action on behalf of the state. Represent the state in legal proceedings in any cases filed including adult criminal, juvenile delinquency, juvenile dependency, involuntary mental commitments and drug asset forfeiture proceedings. Provide legal advice and training to law enforcement agencies. Coordinate the Benton County Child Abuse Response Team (CART), the Multi disciplinary Team and the Benton County Child Fatality Review Team (collectively the Benton County Multi disciplinary Team, or MDT).

**Accomplishments:**

- ☑ With the encouragement of the Oregon Attorney General and endorsement of Willamette Criminal Justice Council, Benton County's local public safety coordinating committee, the Benton County DA has implemented a Sexual Assault Response Team comprised of local law enforcement personnel, members from the local medical community and representatives of victim advocacy groups. The purpose of this team is to ensure a coordinated, victim sensitive and aggressive response in all sexual assault cases.
- ☑ The Benton County DA Victim Services Division, working in conjunction with the Willamette Criminal Justice Council, has implemented a DUII victim impact panel and all Benton County DUII offenders are required to attend this compelling program. The victim impact panel presents the real world consequences of driving while impaired. The victim impact panel is in its second year of operation.
- ☑ The Benton County DA Victim Services Division was awarded a \$50,000 grant (to be paid out over two years) to help crime victims establish their restitution claims. This is a key position, particularly in light of the 2003 change in Oregon law that terminated a trial judges ability to reduce a victim's restitution award because the judge believed the offender was not to pay his victims for the damage he caused them.
- ☑ With strong support from local law enforcement, the Benton County Multi-Disciplinary Team (run by the DA's office) is in its fifth year of implementation and operation of the Child Abuse Response Team (CART). The CART is comprised of specially trained detectives from member law enforcement agencies, a Department of Human Services Child Protection caseworker, a District Attorney's victim advocate and Deputy District Attorney. The implementation of the Benton County CART was identified as a top priority for Juvenile Justice Task Force and the Benton County Commission on Children and Families/Yes for Kids. CART membership has been expanded to include members of the Benton County Juvenile Department and the Court Appointed Special Advocates office. However, due to state budget cuts, the Oregon State Police & the Philomath Police have pulled their detective from this team.
- ☑ Both the Benton County DA and CART maintain a close working relationship with the Linn County Child Victim Assessment Center (known as the ABC House) and the DA is now contracting all child abuse assessment, interview and medical examination services from the ABC House. The Benton County DA serves on the Board of Directors of the ABC House. The DA secured grant funding to buy the ABC House digital video equipment for the in-house child abuse assessments.
- ☑ The caseload in the DA's office is running at near record levels. This is true despite the fact that the DA, in response to state budget cuts to his office, has implemented aggressive caseload reduction practices by reducing a large share of misdemeanor charges to violations.
- ☑ Oregon's 35 other district attorneys elected the Benton County DA to serve as a member of the Board of Directors of the Oregon District Attorneys Association for a fourth year.
- ☑ At the request of the National District Attorneys Association, the Oregon Justice Department and the Oregon District Attorneys Association, the Benton County DA continues to provide statewide substantive and procedural training to all Oregon prosecutors

and prosecutors from around the nation. Further, we have provided training to local law enforcement agencies either directly or through their members on the Benton County major crimes team.

- Because of the work and cooperation between the DA, a trial judge, the defense bar, local substance abuse professionals and the Oregon Health Plan, Benton County is now in its third year of running a drug court (which is an intensive treatment program designed to successfully treat non-violent drug addicts). Further, the Drug Court Planning Team (DA is a member) received a three-year, \$490,000, federal drug court implementation grant. The first graduates from this program were honored in March of 2003. The Benton County DA is jointly exploring the viability of a juvenile drug court with the presiding judge and the Benton County Juvenile Department.

**Performance Measures:**

- In calendar year 2003, this office prosecuted 2672 defendants (851 felony defendants and 1821 misdemeanor defendants). By comparison, this is a 14% increase over the number of defendants prosecuted in 1999, and a 6% increase over 2002. The caseload for the last three calendar years has been running at record levels. We see no relief in sight for 2004.
- The number of criminal charges submitted by law enforcement for prosecution by the DA was an all-time high. In 2003, law enforcement submitted 6411 charges for prosecution by this office. By comparison this is a 26% increase over the number of charges submitted for prosecution in 1999 and a 5% increase when compared to 2002. As with the number of criminal defendants, we see no relief in sight for 2004 on the number of crimes committed.

**FY 04-05 Objectives:**

- Manage a substantially increased and complex caseload with less attorney staff than we had in 1999.
- Continue to support the Child Abuse Response Team (CART) and advocate for law enforcement's efforts to obtain more investigative resources for the CART. Continue to support the Sexual Assault Response Team (SART) and advocate for law enforcement's efforts to obtain more investigative resources for the SART.
- Provide training to local law enforcement via case specific feedback and at regularly scheduled training sessions.

## Child Support Enforcement

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	-	-	-	-	-	-
Charges for Service	-	-	-	-	-	-
Operating Grants/Contributions	138,857	81,441	135,000	135,000	125,000	125,000
Capital Grants/Contributions	-	-	-	-	-	-
Loans & Transfer/Revenues	-	-	-	-	-	-
Beginning Balance	-	-	-	-	-	-
<b>Total Resources</b>	<b>138,857</b>	<b>81,441</b>	<b>135,000</b>	<b>135,000</b>	<b>125,000</b>	<b>125,000</b>
Personal Services	122,648	120,444	116,716	113,152	111,987	119,504
Materials & Services	35,541	32,099	47,177	47,177	54,274	54,500
Capital Outlay	-	-	300	300	500	500
Other	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>158,189</b>	<b>152,542</b>	<b>164,193</b>	<b>160,629</b>	<b>166,761</b>	<b>174,504</b>
Surplus/(Deficit)	(19,332)	(71,101)	(29,193)	(25,629)	(41,761)	(49,504)

**Purpose:** The purpose of the child support enforcement unit is to enforce child support obligations in accordance with state and federal regulations.

**Accomplishments:**

- On average, the Benton County DA's office collects more than \$250,000 per month in child support payments. The Child Support Division collection rate continues to increase, despite both a significant downturn in the statewide economy and the budget cuts to this division in FY 01-02.
- Our support enforcement paralegals are actively involved in several statewide committees designed to guide Oregon's child support policy makers on methods to improve the state child support enforcement system.

**Performance Measures:**

- This office is currently managing just under 800 active child support cases with 2.0 FTE (plus the support of a criminal deputy district attorney who splits his time between a full-time criminal caseload and assisting the support enforcement division with their work). This caseload has increased by more than 20% in the last five years. Despite the growing caseload, our staff count in this division was reduced by 1.0 FTE (from 3 FTE to 2). This office is particularly fortunate to have two highly skilled child support paralegals who can get a large volume work done.

**FY 04-05 Objectives:**

- Continue to serve an expanding caseload with very limited resources. Be prepared to implement any major changes that the Department Of Human Resources may have in mind for this practice area.

## Victim Assistance

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	-	-	-	-	-	-
Charges for Service	-	-	-	-	-	-
Operating Grants/Contributions	102,040	92,569	53,000	53,000	60,000	60,000
Capital Grants/Contributions	-	-	-	-	-	-
Loans & Transfer/Revenues	-	-	-	-	-	-
Beginning Balance	2,915	-	-	-	-	-
<b>Total Resources</b>	<b>104,956</b>	<b>92,569</b>	<b>53,000</b>	<b>53,000</b>	<b>60,000</b>	<b>60,000</b>
Personal Services	125,527	138,707	142,823	138,596	134,575	146,930
Materials & Services	30,269	25,177	25,053	25,053	31,208	31,848
Capital Outlay	2,400	-	400	400	500	500
Other	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>158,196</b>	<b>163,884</b>	<b>168,276</b>	<b>164,049</b>	<b>166,283</b>	<b>179,278</b>
<b>Surplus/(Deficit)</b>	<b>(53,240)</b>	<b>(71,315)</b>	<b>(115,276)</b>	<b>(111,049)</b>	<b>(106,283)</b>	<b>(119,278)</b>

**Purpose:** The purpose of this division is to assist the victims and survivors of crime, especially those who have been victims of violent crime.

### Accomplishments:

- Continued to serve all victims despite the increase in the number of victims of major criminal events without adding staff. Recruited and trained college practicum students and volunteers necessary to comply with all Victim of Crime Act (a federal grant that funds more than 50% of this reporting unit's budget) requirements and, more importantly, to meet the needs of crime victims.
- Obtained grant funding necessary to support this department's current operational needs.
- Exceeded our recruitment and training goals for practicum students and victim assistance volunteers.
- Played a key role in operating a victim impact panel for driving under the influence of intoxicants cases.

### Performance Measures:

- In 2003, we provided 1811 victims of all types of crimes (adult and juvenile) with a full spectrum of services (from soliciting sentencing and restitution input from the victims to accompanying and supporting families of homicide victims plus rape, sodomy and assault victims through the entire court process). In 2002 the number of victims served was 1,793 and in 1999 the number of victims served was 1,627. Thus, 2003 represents a one percent increase compared to 2002 but a 10% increase when compared to 1999.

### FY 04-05 Objectives:

- Recruit and train no less than two victim assistance volunteers within the year. Recruit, train and use at least one college practicum for each college quarter to assist in providing basic victim services.

## Willamette Criminal Justice Council - Trust Fund

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	-	-	-	-	-	-
Charges for Service	-	-	-	-	-	-
Operating Grants/Contributions	23,789	28,974	23,976	23,976	29,176	29,126
Capital Grants/Contributions	1,275	-	-	-	-	-
Loans & Transfer/Revenues	-	-	-	-	42,318	-
Dedicated Beginning Bal	37,300	44,686	46,020	46,020	42,318	40,250
<b>Total Resources</b>	<b>62,364</b>	<b>73,660</b>	<b>69,996</b>	<b>69,996</b>	<b>113,812</b>	<b>69,376</b>
Personal Services	9,546	16,979	18,532	18,532	20,100	21,400
Materials & Services	8,132	11,636	18,623	18,623	11,144	11,694
Capital Outlay	-	-	-	-	-	-
Other	-	-	32,841	32,841	82,568	36,282
<b>Total Expenditures</b>	<b>17,678</b>	<b>28,615</b>	<b>69,996</b>	<b>69,996</b>	<b>113,812</b>	<b>69,376</b>
Surplus/(Deficit)	44,686	45,045	-	-	-	-

**Purpose:** The WCJC was created in 1993 to improve criminal justice services provided to the citizens of Benton County. The bylaws provide that the WCJC shall (1) Promote and facilitate fair, efficient and coordinated criminal justice services in Benton County; (2) Provide long-range planning for delivery of criminal justice services in Benton County; (3) Provide timely information to governmental agencies and to the public on criminal justice matters of local concern. While the WCJC is an entity independent of Benton County, Benton County does act as the fiscal agent for the WCJC.

**Budget Note:** Since its creation, and in addition to its original charge, the Board of Commissioners assigned the WCJC the responsibility of serving as Benton County's Local Public Safety Coordinating Council (LPSCC), as required under ORS 423.560. The LPSCC is responsible for developing and recommending to the BOC a plan for the use of: (a) State money to serve the needs of offenders and (b) State and local resources to serve the needs of offenders between the ages of 15 and 18, including prevention, treatment, education, employment and intervention strategies.

The operating budget of the WCJC is being transferred from the General Fund to the Trust Fund. The budgeted transfer of resources accounts for the large one-year increase of budget.

Some examples of WCJC projects and activities include (not a complete list):

- Commission a study of the issues attendant to law enforcement agency consolidation;
- Coordinate a Data Systems Integration Project (DSIP) that led to the creation of a new District Attorney's Case Management System;
- Conducted a comprehensive study of the need to build a new jail in Benton County (the Corrections Task Force);
- Completed an extensive Victimization Survey;
- Serve as the advisory body to the Benton County drug court planning team;
- Facilitated the implementation of a DUII victims impact panel that began operating in March of 2002, and Studied the viability of creating and operating a mental health court.

As noted above, the WCJC is an entity independent of the County. In FY 99-00, the WCJC decided to end its contract for full-time staff services with the Cascades West Council of Governments and hire a part-time coordinator. To simplify the staffing issue, the Board of Commissioners offered to supply the WCJC with a Benton County employee to fill the role of WCJC coordinator on a contractual basis. The Board of Commissioners decided to make the WCJC coordinator an employee of the DA's office, though this employee is devoted to meeting the needs of the WCJC.

## District Attorney Special Projects

	2002 Actual	2003 Actual	2004 Adopted	2004 Adjusted	2005 Adopted	2006 Projected
General Revenues	-	-	-	-	-	-
Charges for Service	-	-	-	-	-	-
Operating Grants/Contributions	57,709	54,907	27,000	27,000	60,000	60,000
Capital Grants/Contributions	-	-	-	-	-	-
Loans & Transfer/Revenues	-	-	-	-	-	-
<b>Beginning Balance</b>	<b>98,323</b>	<b>126,063</b>	<b>130,000</b>	<b>130,000</b>	<b>120,000</b>	<b>108,500</b>
<b>Total Resources</b>	<b>156,031</b>	<b>180,970</b>	<b>157,000</b>	<b>157,000</b>	<b>180,000</b>	<b>168,500</b>
Personal Services	-	-	-	-	-	-
Materials & Services	29,969	32,336	157,000	157,000	180,000	168,500
Capital Outlay	-	-	-	-	-	-
Other	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>29,969</b>	<b>32,336</b>	<b>157,000</b>	<b>157,000</b>	<b>180,000</b>	<b>168,500</b>
<b>Surplus/(Deficit)</b>	<b>126,063</b>	<b>148,633</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Purpose:**

Multi-disciplinary Team: Under ORS 418.747, the District Attorney is charged with the duty to coordinate a multi-disciplinary team (MDT) that is responsible for ensuring that child abuse cases are investigated and handled appropriately and according to all written protocol set by the MDT (this includes all adult criminal cases, all juvenile delinquency cases and all juvenile dependency cases). The MDT is also charged with conducting all child fatality reviews. The MDT is funded by an annual grant and does not receive any general fund money from the county. The MDT is comprised of officials from law enforcement, SCF, schools, Child Care Division, Health Department and the courts. The DA's MDT responsibilities are assigned to members of the criminal enforcement division of the DA's office.

Data Systems Integration: This account is funded entirely from sources outside of the County (e.g., grants or contributions from other jurisdictions) and is used to manage the fiscal affairs of the Oregon District Attorney's Association Case Management Steering Committee (DACMS Steering Committee). DACMS Steering Committee is charged with the responsibility of coordinating the upgrading and integration of the District Attorney Case Management System that the Benton County DA's office developed in conjunction with the Willamette Criminal Justice Council and 21 other Oregon District Attorney Offices.

**Accomplishments:**

- Acquired grant funding for CART Detective overtime costs.

**Performance Measures:**

- Organize and implement a pilot Child Abuse Response Team.
- Re-negotiated a contract for abuse assessment services with the ABC House.
- For more detail, please see the minutes of the MDT meetings.

**FY 04-05 Objectives:**

- Renew grant funding for CART Detective overtime costs.

