

TO: Joint Interim Committee on the First Special Session of 2020
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: June 22, 2020
RE: Support for LC 45 (section 14, subsection 3a) and LC 84 (section 6, subsection 3a)

Dear Speaker Kotek, President Courtney, Co-Vice Chairs Drazan and Girod, and Members of the Committee:

LC 45, section 14, subsection 3a (page 19, line 30 to page 21, line 31) and LC 84, section 6, subsection 3a (page 10, line 17 to page 12, line 18) was a consensus product that was the result of a collaborative and diligent workgroup of which OCDLA was a part.

OCDLA has been the leading voice for public defense policy in Oregon for over 40 years representing 1,200 providers statewide. Our members work with youth in the juvenile justice system, parents whose children have been removed, children in foster care, and adults in criminal justice system, appeals, civil commitments, and post-conviction relief proceedings. OCDLA advocates for legislation ensuring the rights of the accused, those involved in the juvenile justice system, and the attorneys, investigators and others who do this difficult work.

OCDLA was involved in the work group to put guardrails on the request for legislative authority to extend the timelines for which a person could be held in custody pending trial because there was a concern that the grant of authority as originally drafted was too broad. The workgroup had a thorough discussion to narrowly tailor the ability for judges to extend a person's pre-trial detention beyond 180-days. We were able to reach a consensus given the short timeframe of the workgroup.

The staff explanation provided in the meeting materials accurately explains the intent of the workgroup. OCDLA emphasizes that the intent of the work group was for the cases where a judge could have discretion to extend a person's time in custody beyond 180 days would be the exception to the norm. OCDLA asks the members of this committee to refer to the explanation of the workgroup process and the tiered approach in the staff explanation. OCDLA is grateful for being included in the work group process and welcomes any questions or additional conversations moving forward.

OCDLA recognizes the long overdue importance of reforming pretrial detention in this state and the elimination of cash bail. We hope that there will be a discussion around these issues and serious reform in the near future, and we hope to be a part of that process.

Please contact me with your questions and concerns. Thank you for your consideration.

Respectfully submitted by,
Mae Lee Browning, J.D.
Oregon Criminal Defense Lawyers Association