



Steve Eberlein Testimony on LC 45 section 14

June 22, 2020

Dear Co-chairs Courtney and Kotek and Members of the special committee,

Thank you for the opportunity to provide testimony regarding LC 45 Section 14 and its effect on pretrial detention during the COVID 19 pandemic. My name is Steve Eberlein and I am the President of AFSCME Local 3668 Metropolitan Public Defender.

As public defenders, my coworkers and I know as well as anyone that it is difficult to conduct a trial during the pandemic. But we urge you to stay focused on our values as Oregonians as we confront this pandemic together.

LC 45 Section 14 creates two new categories of people that may be held indefinitely due to COVID-19. These categories are described in Section 14(3)(b)(B) and Section 14(3)(b)(C). Others have referred to these subsections as Tier 2 and Tier 3. As the law stands now, there is no authority for the courts to deny these individuals release -- in other words, the courts must set a cash bail for everyone in Tier 2 and Tier 3. If a person is unable to pay their bail, they know that they will wait no longer than 180 days for their day in court.

LC 45, in its current form, seeks to do away with the 180 day guarantee for those that cannot afford their bail. The 180 day guarantee represents the final safeguard we have to minimize the disparate treatment of the wealthy and the indigent as they await their trials. Certainly, if this body adopts Tiers 2 and 3 into law it not affect all of the criminally accused in Oregon -- it will be reserved only for those without the financial resources to buy themselves out of jail.

I ask the committee to amend the bill to address these concerns and thank you again for your time.