



House Committee on Judiciary

February 3, 2020

Re: HB 4004

Chair Sanchez, Vice-Chair Bynum, Vice-Chair Sprenger, and members of the committee:
On behalf of the Asian Pacific American Network of Oregon (APANO), I am writing to express our support for House Bill 4004. This legislation represents a small step toward public defense reform. As a statewide, grassroots organization, APANO works with Asian Americans and Pacific Islanders across Oregon to advance social justice. We recognize that meaningful access to public defense services is critical to ensuring the wellbeing of families and communities by giving their loved ones and community members equal treatment in the justice system.

HB 4004 moves the reform process forward by ending the flat rate case contracting system, considering essential costs accrued by public defense contractors, building models that address regional needs and incorporate best practices, and advancing transparency and accountability.

These changes will improve Oregon's public defense services by bringing certainty to what contractors can expect when working with the Office of Public Defense Services. It also sets up much-needed conversations on broader reforms. The bill also adds two positions to the Public Defense Services Commission that will be held by people who have actually been represented by a public defense services provider, bringing an invaluable perspective from non-attorneys who have directly received services.

The current inadequacy of representation can result in justice-involved individuals being unfairly charged or detained. Like other immigrants, Asian and Pacific Islander immigrants run the risk of deportation when they do not receive an adequate legal defense, with potential repercussions years after a conviction. Detailed data on the numbers of Asian Americans and Pacific Islanders involved in the criminal justice system is limited, but we know that the monolithic categorization of "Asians" and "Asian/Pacific Islanders" invisibilizes the significant disparities in outcomes for members of these communities. The "model minority" myth masks the fact that criminal justice, including equal access to representation, is indeed an Asian American and Pacific Islander issue. And as a racial justice organization, APANO also believes that we must increase equal access to justice in a system that disproportionately impacts black, indigenous, and other individuals of color.



APANO also wishes to highlight the importance of culturally-specific services as a critical part of the comprehensive public defense services that are needed to address inequities in our system. We are eager to work with the Office of Public Defense Services and our partners to build policies and trainings that support current public defense service providers in working with a range of clients. Equal access to justice absolutely requires culturally-responsive and trauma-informed practices, as well as the creation of a diverse pool of attorneys to better reflect our communities.

We are heartened to see this small move toward real reform of Oregon's public defense system, and we look forward to conversations about the broader, urgently-needed improvements that will be critical in 2021. We respectfully ask you to take this important first step by supporting HB 4004.

Sincerely,

Jenny Lee
Advocacy Director, APANO