



February 18, 2020

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

The Fair Shot For All Coalition is writing in support of House Bill 4004 as a first step to ensuring that every Oregonian that enters a courtroom has equal access to justice - regardless of their income. The bill continues this work by putting into statute the abolishment of the flat rate case contracting, allowing for public defenders to have reasonable caseloads that allow them to better provide adequate defense; provides for other transparency and certainty measures now; and gives a voice to impacted communities by creating a new position on the Public Defense Services Commission.

The shortcomings of Oregon's current public defense system have received increased attention in recent years. High caseloads, inadequate funding, and an outdated contract model create significant risk that the legal services provided to clients fail to meet constitutional right to a fair trial. Many public defenders in Oregon are juggling more than 100 open cases at any given time.

Lack of effective legal assistance exacerbates economic inequalities in our community. Defendants with publicly appointed attorneys are more likely to be detained before trial as well as more likely to be jailed. This means more time away from work and family, placing additional economic burdens on family members, especially women, that can keep families in poverty for generations.

This constitutional violation creates immense harm for low-income Oregonians, who are disproportionately people of color as the result of historic and ongoing systemic racism. These inequities are amplified by racial profiling and bias embedded in the criminal justice system.

According to an analysis of racial and ethnic disparities in Multnomah County's court system:

- For every 1,000 blacks whose cases are prosecuted, 750 are assigned court-appointed attorneys.
- Blacks are 4.1 times more likely to have a case accepted for prosecution than whites, when compared to the overall jail population.
- Blacks are 4.2 times more likely than whites to be referred to the District Attorney's Office for a case review and they're less likely than whites to receive a citation in lieu of arrest.
- Blacks are six times more likely than whites to be in jail.

For Oregonians experiencing homelessness, lack of adequate representation contributes to a spiral of instability. Those in our community who are living without a home come in contact with law enforcement much more frequently, leading to more arrests and making it more difficult to find stability, housing and steady work. In 2017, the 3% of Portland residents without housing accounted for 52% of arrests. Of those arrests, 84% were for nonviolent offenses.

Inadequate representation compounds discrimination and mistreatment of LGBT Oregonians within the criminal justice system. A national 2014 survey showed that 73% of all LGBT people and people living with HIV reported having face-to-face contact with police during the past five years. One in five young people in U.S. juvenile justice facilities identify as LGBTQ, and 85% of these individuals are youth of color.

We urge your support of HB 4004 as a first step to addressing these inequities and reforming the Public Defense System of Oregon.

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About Fair Shot For All - Fair Shot for All is made up of AFT Oregon, Asian Pacific American Network of Oregon, Basic Rights Oregon, Bus Project, Causa Oregon, Coalition of Communities of Color, Community Alliance of Tenants (CAT), Family Forward Oregon, Forward Together, Health Care for All, NARAL Pro-Choice Oregon, Northwest Workers' Justice Project, Oregon AFL-CIO, Oregon AFSCME, Oregon Education Association, Oregon Latino Health Coalition (OLHC), Oregon National Organization for Women, Oregon Nurses Association, Oregon Student Association, Partnership for Safety and Justice, Pineros y Campesinos Unidos del Noroeste, Planned Parenthood Advocates of Oregon, Portland Jobs with Justice, Rural Organizing Project, Service Employees International Union (SEIU), United Food and Commercial Workers (UFCW) 555, Unite Oregon, Urban League of Portland, Voz Workers' Rights Education Project, and the YWCA.