



February 11, 2022

House Judiciary Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of HB 4007

Chair Bynum, Vice-Chairs Noble and Power, and Committee Members,

I am Sandy Chung, Executive Director of the American Civil Liberties Union (ACLU) of Oregon, a civil liberties and civil rights organization representing more than 28,000 members statewide.

Oregon's public defense system is in crisis. According to a recent report by the American Bar Association, Oregon needs about 1900 public defenders to ensure the constitutional rights of those in the criminal legal system, but Oregon currently has fewer than 600, which is a 69% deficit.

We were recently contacted by an Oregonian who had been in jail for weeks, without access to an attorney. It is hard to adequately describe the depth of the frustration and despair of this individual and their family, as well their difficulty maintaining trust and faith in our governmental and judicial systems. It also is hard to adequately convey how incredibly difficult it is to have no answers or resources for Oregonians in this situation.

However, the insufficient number of public defenders is not the only part of the crisis. Attorneys have shared with us the many ways and reasons why it is hard to continue doing public defense work:

- Their work is incredibly hard and takes long hours, and the inherent qualities of this job make it difficult to maintain work-life balance, especially for attorneys who try to represent their clients zealously and effectively.
- They repeatedly experience vicarious trauma through their clients and cases.
- Many of them – and especially if they are women of color, people of color, and women – too frequently are treated with disrespect, racism, and misogyny.
- Their work is often vilified by a public who does not understand the fundamental importance of public defense to our democratic system.

- They do not have access to the resources – from support staff to social services for clients – needed to zealously and effectively represent their clients.
- They are not supported – and at times even subjected to negative or retaliatory actions – by state agencies such as the Office of Public Defense Services.

We need to fix the crisis we face with the public defense system in Oregon in a holistic way, and the following steps are required for real and lasting solutions to this crisis:

- We need everyone at the table – public defenders, defense attorneys, civil liberties and civil rights advocates, prosecutors, the judiciary, lawmakers, and the public and communities, including those who have been accused of crimes and victims and survivors of crime – in determining and implementing solutions.
- We need to have conversations about what real public and community safety is and how it can be achieved – and that it does not look like the status quo which over criminalizes people based on their race, ethnicity, low-income, and other marginalized status(es) and not based on real measures of safety.
- We need to figure out how to respect and support public defenders and how to root out racism, misogyny, and other toxic practices and microaggressions from the criminal legal system.
- We need to figure out how to recruit and retain more women of color, people of color, and women into public defense jobs.
- We need to figure out how to make public defense work sustainable and how we can support public defenders so they can thrive in their professional and personal lives.

It will be challenging to address the public defense crisis, but we can and must do it. For now, we need to engage in crisis and harm reduction efforts. Critical to this is identifying and implementing ways to support public defenders as soon as possible.

Supporting the tuition loan assistance program for public defenders as set out in HB 4007 will not fix all of our challenges with the public defense system.

However, the tuition loan assistance program is a very necessary step that the State Legislature has the ability and resources to implement now.

Therefore, we strongly urge the Committee to support HB 4007.

Thank you,

Sandy Chung
Executive Director
ACLU of Oregon
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