



September 28, 2023

Co-Chair Sollman and Evans:

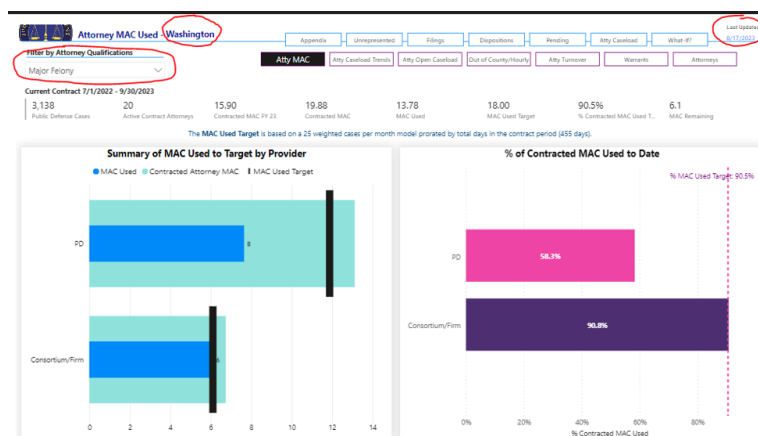
District Attorneys across Oregon recently participated in local stakeholder meetings pursuant to SB 337 (2023) in an effort to find solutions - both short and long-term - to the Defense Attorney shortage in our state. As the top elected prosecutors in each of our counties, we are committed to ensuring that our court process upholds its Constitutional obligation to everyone within the criminal justice system. An effective and efficient defense is as necessary for those charged with crimes as it is for victims of crime.

We specifically wanted to highlight a few of those solution-driven conversations that we believe should be prioritized as you continue your efforts to secure defense representation across the State and provide oversight and accountability for the Office of Public Defense Services. We offer the following:

- **Increased Transparency from Oregon Public Defense Services (OPDS)** - the 2023 Legislature funded historical levels of new funds into OPDS yet there is significant confusion about how those dollars will be used in each of our individual counties. Transparency should include how many actual attorneys each contract provides for by County, the average contract dollar value by contracted attorney by County and whether or not the contract allows for the hiring of new attorneys and how many. Many of our local workgroups identified that the hiring of more attorneys would all but eliminate the current concerns.
- **Increased Accountability for OPDS** -The Secretary of State Audit must identify several areas where increased accountability and more responsible spending could assist with ensuring that taxpayer money is responsibly managed and dependably dedicated to increasing defense attorney capacity.
- **Clarifying the Mission of OPDS** - Our local workgroups often struggled to answer the question of who in fact is the customer of this State Agency. There could be significantly different outcomes if the customers are the lawyers providing services throughout the state, the Courts, the defendants themselves, or the taxpayers. Simplifying the core mission could result in increased efficiencies.
- **Eliminating the Appearance of/Actual Conflict in the Setting of Indigency Threshold with Regular Revisions** - currently the Public Defense Services Commission (PDSC), the body charged with the supervision of OPDS, sets the threshold under which an individual qualifies for a court appointed attorney. There is no oversight of that threshold and no clear legislative mandate for the calculus of that economic level. Legislative or judicial review of that standard, with regular

updating, could potentially result in a higher threshold that ensures indigent defense services reach those truly in need of indigent services.

- **Standardizing Indigency Review** - Courts across the State seem to employ different processes for determining and confirming indigency and thus necessitating court appointed counsel. Standardizing this process via the Oregon Judicial Department and ensuring courts are adequately staffed to make decisions could more accurately refine the numbers of people needing court appointed counsel.
- **Provide Broader Access to Dashboard for Indigent Appointments** – It is our understanding that currently only a few Courts have access to up-to-date information about local attorney capacity and contractual limits. It's also our understanding the current dashboard does not include capacity by individual attorney level. This information should be made available to Courts, local defense public defense and consortia offices and District Attorneys. This transparency would allow Judges to appoint attorneys more efficiently and expeditiously. Example of current dashboard (shared with us as DA does not have access):



- **Expedite Change to Executive Branch Oversight** - the 2023 Legislature delayed the Supervision of OPDS from the Judicial to the Executive Branch to 2025. Given the current pressures mounting on this Agency, with no immediate relief in sight, we believe increased oversight is necessary now to address the current problems.

Thank you for this opportunity to offer additional potential solutions to the Defense Attorney Shortage. As District Attorneys, we stand ready to assist in this process in ways that will promote and protect public safety.

Sincerely,

Dan Primus  
President, Oregon District Attorneys Association  
District Attorney Umatilla County