

Oregon Public Defense Commission

Unrepresented Crisis Plans

House and Senate
Judiciary Committees

January 2024

Jessica Kampfe, Executive Director

Jessica.Kampfe@opds.state.or.us

Lisa Taylor, Government Relations Manager

Lisa.Taylor@opds.state.or.us



**Oregon
Public
Defense
Commission**

OPDC's Comments on Crisis Plans

- **Jurisdiction specific;**
 - **Collaborative;**
 - **Well considered and thorough;**
 - **Valid and executable;**
 - **Overall:** Positive that partners outside of public defense are recognizing the challenges facing public defense, and identifying the same improvements and needs OPDC has identified.
-

Four Levers

- **Reduce filings**
 - Outside of OPDC's control.
 - **Increase dispositions**
 - All public safety responsible, DAs lead on dispositions, OJD lead on efficiencies, OPDC secondary on both.
 - **Adding attorneys**
 - OPDC responsibility.
 - **Adding attorney capacity**
 - OPDC lead, with OJD secondary.
-

Commission Action

- **Retention;**
- **SB 337;**
- **Recruitment;**
- **Information and data sharing;**
- **Workload model, exceed MAC;**
- **Court efficiencies;**
- **PDSC customer service;**
- **Reduce filings and increase dispositions.**

*Full presentation on PDSC (OPDS) actions as presented to the Commission's Right to Counsel Subcommittee 10/20 can be found in presentation's appendix.

State Employees and THIP

- **Temporary Hourly Increase Program (THIP)**
 - THIP has provided counsel for 4,769 cases.
 - Since 10/1/2023 THIP has taken 414 individuals off the in-custody list, averaging 130 cases/month.
 - **State Employees**
 - NW Trial Office took its first case 12/18;
 - Southern Office has 3 attorneys starting 1/29 and 2/12;
 - Taking high priority cases, working with local judges to prioritize.
-

OPDC Systemic Mitigation

- **New Commission**
 - **Financial/Case Management System**
 - **Remediation Plan**
 - **Compliance, Audit, and Performance**
-

Thank you



**Oregon
Public
Defense
Commission**

Appendix

Presentation given to Right to Counsel Subcommittee 10/20/23



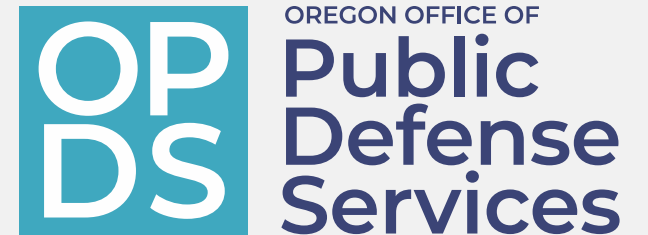
**Oregon
Public
Defense
Commission**

Oregon Office of Public Defense Services

**RIGHT TO COUNSEL
SUBCOMMITTEE**

Jessica Kampfe, Executive Director
Jessica.Kampfe@opds.state.or.us

October 20, 2023



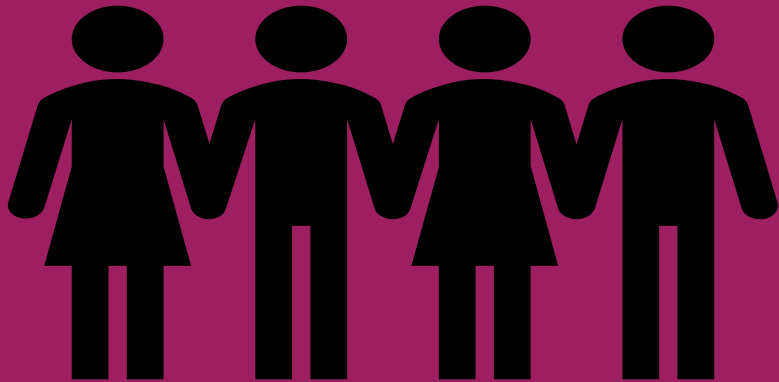
UNREPRESENTED PERSONS CRISIS PLANS

OREGON'S PUBLIC DEFENSE UNREPRESENTED PERSONS CRISIS PLANS

- **SB 337 §§ 103 to 108** – Coordinated public safety Unrepresented Person Crisis Plan to address immediate crisis.
 - August 15, 2023 – PDSC deadline to submit guidance for the Crisis Plans, Guidance submitted July 19.
 - September 1, 2023 - 27 judicial districts must submit crisis plan to the Criminal Justice Commission. These plans were submitted through the Oregon State Courts Administrator, along with a summary of the crisis plans.
 - September 14, 2023 - PDSC provided a response to the CJC on OSCA's summary.
 - October 1, 2023 – CJC reviewed the crisis plans and submitted a report and executive summary of the plans.
-

**CJC SUMMARY OF UNREPRESENTED
PERSONS CRISIS PLANS**

**Retention of existing
public defenders in
Oregon is paramount**



RETENTION OF PUBLIC DEFENDERS



RETENTION OF PUBLIC DEFENDERS

- Increased Compensation for Public Defenders:
 - Increase in attorney compensation rates for the 23-25 contract cycle;
 - Increased hourly attorney and investigator rates;
 - New Attorney Incentive Program and the Retention Incentive Program were successful at retaining attorneys during the Spring of 2023.
 - \$9.9 million for retention of recently hired contract providers as well as experienced contract providers – 2023-2025. PDSC is currently working on the disbursement plan.
 - Mentoring and Training Programs:
 - Gideon’s Promise/ OCDLA Trial Skills – September 2023 & January 2024;
 - Rebalance of current PDSC resources to fully fund 2 years of training and supervision in the 23-25 contracts.
-

**CJC SUMMARY OF UNREPRESENTED
PERSONS CRISIS PLANS**

**SB 337 and impact on
efforts to retain the current
public defense workforce**



SB 337 – PUBLIC DEFENSE DELIVERY



SB 337 – PUBLIC DEFENSE DELIVERY

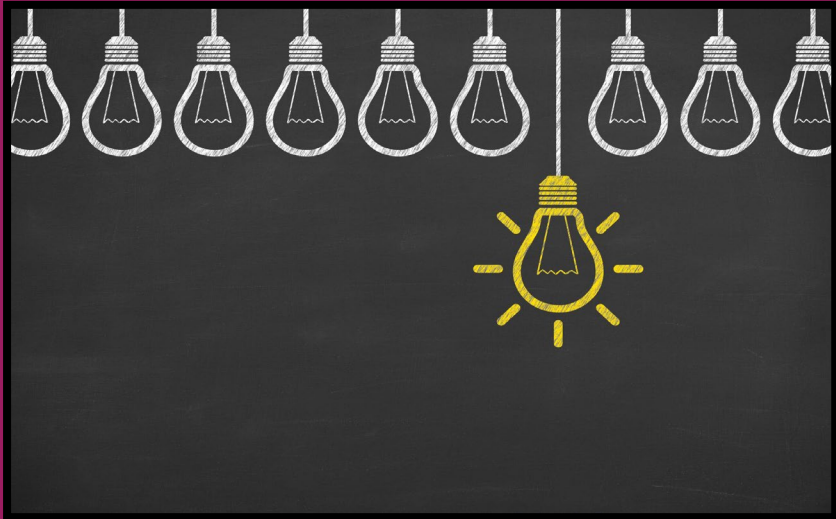
- PDSC Management Conference – November 2-3, 2023:
 - Overview of SB 337 and system reforms listening session;
 - Presentation by Massachusetts Hourly Private Bar Program;
 - More interactions between OPDS staff and provider community.
 - Expansion of Hourly Attorney Programs.
 - Temporary Hourly Increase Program was extended through the end of November for unrepresented in custody persons.
-

SB 337 – PUBLIC DEFENSE DELIVERY

- State Trial Offices:
 - November 2023, Deputy Chief Trial Counsel, Aaron Jeffers, starts;
 - November 2023, Interview and hire for attorneys and staff;
 - Northwest office attorneys taking cases in December;
 - Southern office taking cases by January.
-

CJC SUMMARY OF UNREPRESENTED PERSONS CRISIS PLANS

Recruitment strategies strengthened and refined to attract new attorneys to public defense



RECRUITMENT OF PUBLIC DEFENDERS



RECRUITMENT OF PUBLIC DEFENDERS

- Improve and expand recruitment efforts.
 - Current or Planned Efforts:
 - Supervised Civil Bar Program – AY 2023;
 - New Attorney Recruitment and Mentoring Programs;
 - De Muniz "Misdemeanor Boot Camp" – November 15, 16 & 17, 2023;
 - Law and undergraduate student stipends – Summer 2023.
 - Future Efforts:
 - Law school misdemeanor clinics – Legislative ask in 2024;
 - Alternatives to the Bar Exam “Licensure Through Portfolio Examination” – Spring 2024 (not yet approved);
 - Rural Fellowship Program is in the early planning stages, a request has not been made.
-

**CJC SUMMARY OF UNREPRESENTED
PERSONS CRISIS PLANS**

**Improve information and
data coordination and
communication
between state and local
agencies**



IMPROVE DATA SHARING



IMPROVE DATA SHARING

- OJD and OPDS coordinated and shared data for SB 337 Unrepresented Persons Crisis Plans and public dashboard.
 - Weekly meetings with OJD to discuss data and unrepresented numbers:
 - Better visualizations on the public dashboard;
 - Improved utility and accuracy of the dashboard;
 - Now tracking the average days in custody over time.
 - Improved contracts and data sharing with providers to reduce inefficiencies and increase understanding.
 - OPDS collaborates with national public defense data experts, SMU Deason Center, to conduct presentations & workshops for providers, OJD, CJC and agency staff.
-

CJC SUMMARY OF UNREPRESENTED PERSONS CRISIS PLANS

Movement toward an open workload model is necessary; short-term allowances for attorneys to exceed existing MAC, but only with careful oversight



MAC AND WORKLOAD MODEL



MAC AND WORKLOAD MODEL

- PDSC successfully implemented a workload model for the PCRCP.
 - SB 337 directs PDSC to implement a Statewide Workload Plan - July 2025.
 - Crisis Plan proposals to increase MAC:
 - Removal of appointed counsel from warrant-status cases;
 - Local/conflict coordinators;
 - Increase provider supports;
 - Establish duty attorneys;
 - Judicial oversight of case appointments.
-

Maximum Attorney Caseload

- MAC refers to the annual caseload limits for criminal case types.
 - Caseload limits reflect the maximum caseloads for full-time public defense attorney.
 - Caseload limits assume an even distribution throughout the year.
 - 15% variance in monthly caseload numbers allow for flexibility in case assignments.
 - Contract provider compensation is based on attorney qualification and FTE.
 - PDSC oversight is important to monitor attorney capacity.
 - PDSC policies allow for providers to exceed maximum caseloads for hourly rate.
-

CJC SUMMARY OF UNREPRESENTED PERSONS CRISIS PLANS

**Courts and local public
safety systems should continue
to seek out and implement
efficiencies, wherever possible**



COURT AND SYSTEM EFFICIENCIES

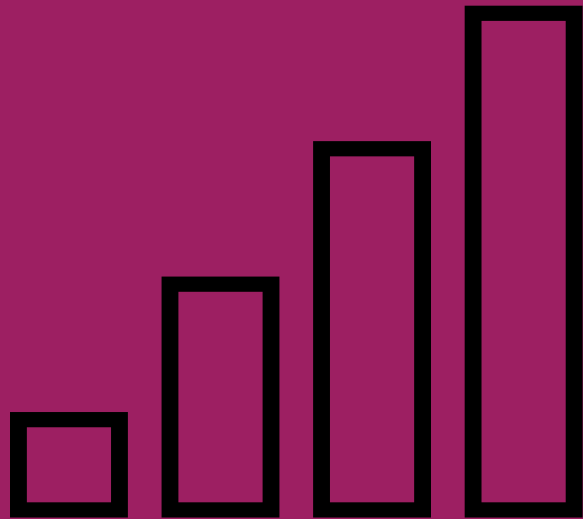


COURT AND SYSTEM EFFICIENCIES

- PDSC is available and willing to work with OJD on court and system efficiencies.
 - OPDS staff attorneys are members of the CJAC Case Processing Subcommittee.
 - Efforts to improve discovery timelines.
-

**CJC SUMMARY OF UNREPRESENTED
PERSONS CRISIS PLANS**

**OPDS should work toward
improved responsiveness and
customer service**



AGENCY RESPONSIVENESS



AGENCY RESPONSIVENESS

- OPDS creation of Criminal and Juvenile Trial Services Division to provide greater communication to providers, courts and other stakeholders.
 - OPDS bi-weekly newsletter to all stakeholders.
 - Improved OPDS website.
 - Legislature funded additional resources in administrative services.
 - SB 5532 Comprehensive Remediation Plan, including improving agency efficiency and effectiveness, greater accountability and transparency, and agency remediation – January 2024.
 - Listening sessions with providers are in the works.
-

CJC SUMMARY OF UNREPRESENTED PERSONS CRISIS PLANS

**Additional effort should
be made find
opportunities to reduce
filings and increase case
dispositions**



**REDUCE FILINGS AND INCREASE
DISPOSITIONS**



REDUCE FILINGS AND INCREASE DISPOSITIONS

- Legislature funded Early Disposition Program in Multnomah County.
 - OPDS partners with providers and courts to implement early disposition programs in other judicial districts (e.g., Lincoln, Linn).
 - Public safety partners implement alternatives to prosecution with agency support (e.g., diversion programs, LEADs, restorative justice).
 - Violation treatment, other filing reductions.
 - Specialty dockets, settlement conferences.
-

RETENTION, RECRUITMENT AND RESPECT

OPDS will strengthen Oregon's public defense and address the unrepresented crisis by implementing programs that:

- Improve the retention of both new and experienced public defenders.
 - Improve recruitment of new lawyers into public defense.
 - Provide greater training and mentoring opportunities to new lawyers, investigators and other support staff.
 - Add more public defense attorneys, which will reduce public defender caseloads.
 - Develop and implement a workload model to reduce caseloads.
 - Foster and promote greater respect for public defense, providers, and clients with adoption of mission statement and development of 5-year strategic plan.
-

Thank you

