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M E M O R A N D U M

TO: Honorable Sen. Prozanski, Chair

FROM: Aaron Knott, MCDA Policy Director

SUBJECT: Testimony in support of SB 337

DATE: 3/30/23

BACKGROUND

Oregon's system of public defense is failing. In Multnomah and Washington Counties, the shortage of adequate public defenders has already led to the dismissal, over state objection, of hundreds of cases. It appears that these two counties may have been only the first dominos to fall. For the victims in these cases, which include serious property crime, domestic violence and other felonies, the pursuit of justice is utterly disrupted. For the defendants charged with these serious crimes, the legal representation that is required by our state and Federal constitutions is denied. Cases simply persist in limbo, clogging dockets and frustrating the interests of justice and due process.

But this is only the most obvious manifestation of a deeper problem. The chronic overwork and underpay of our public defenders impairs the fair, equitable and efficient functioning of the criminal justice system in myriad ways, many of which are far less immediately evident than the total denial of counsel. Our public defenders are being asked to spend less and less time with each client as their numbers dwindle and their caseloads increase. That's less time to draft motions, review discovery, interview clients and prepare for trial. Long before the current crisis finally drove this discussion to the point where the basic machinery of the criminal justice system began to fail in such obvious ways, we have been overworking our public defenders in a way that silently annexes their evenings, weekends and basic quality of life with ever more intrusive

demands into their slivers of free time. Our public defenders should not be confronted with the impossible decision between spending adequate time with their clients and giving over any semblance of a work/life balance, and all at a salary that is by no definition competitive or sufficient to retain their services over time.

Both prosecutors and public defenders have seen their workload and caseload increase as a result of the COVID epidemic and recent increase in crime, and both sides of our adversarial criminal justice system have seen statewide struggles with recruitment, retention and quality of life resulting in vacancies and understaffing. We commend the legislature for stepping forward and addressing these systemic shortfalls through a series of legislative investments and refinements which include SB 337.

We do not claim to be experts on the structure of public defense offices, consortia systems or funding models which might best resolve the complex budgetary and supervisory issues which are called into urgent attention by this crisis. We submit this testimony only to add our names to the chorus calling for competitive compensation and a manageable caseload for our partners in public defense. We cannot do our work, nor public safety survive, in their absence.

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