

Submitter: Seamus OConnor

On Behalf
Of:

Committee: Joint Committee On Ways and Means Subcommittee On Public
Safety

Measure: SB5532

Co-Chair Sollman, Co-Chair Evans and Members of the Committee

I am an Oregonian living in Multnomah County. Daily, I see evidence of the problems with our criminal justice system.

Crime, vandalism, and individuals on the street in various types of crisis--who threaten and frighten citizens--are symptoms of the ailing system.

As with any system to function properly all parts have to be healthy. When one part is weak or failing the whole system lags and can come crashing down--not unlike our bodies.

In the case of our criminal justice system a major issue is the crisis in our public defense system. Although they are not the first to come to mind public defenders play an essential role in the criminal justice system.

Our Constitution guarantees defendants the right to be adequately represented by counsel. When they cannot be represented by counsel the State is limited in its remedies. Often times our judges and prosecutors have to release these defendants under less than ideal restrictions because they do not have a lawyer to adequately represent them in court, or in the very least, their cases drag on longer than necessary because of limited resources.

And perhaps a greater affront to justice is the fact that due to unreasonably high case loads and limited time to adequately represent client, those defendants who do get a public defender are more likely to be encouraged to take a plea deal regardless of the strength of the State's evidence against them. We must not forget innocence until proven guilty--and it is the State's burden to prove that beyond reasonable doubt.

Without significant investments in the public defense system, the crisis of unrepresented persons will continue and deepen across the State as a whole.

Although the State has many areas for investment, it is my opinion that investments in the criminal justice infrastructure--especially public defense--should be prioritized.

Increases in compensation for retention and Recruitment. We need to retain experienced public defenders who can take on more serious felony level cases,

which are over represented in unrepresented crisis.

Experienced attorneys also can train and supervise the large number of public defenders we need to meet the demand of the number of criminal charges filed in Oregon everyday.

Investments in retention are the single most important investments to ease the unrepresented crisis.

Oregon has had historic attrition of public defenders, as they leave in droves for higher pay and lower caseloads in other areas of law. It costs more to constantly recruit, hire, and train because of losses than it does to retain the workforce.

Increasing compensation, commensurate with state employee pay for similar work, sends the strongest message of support to public defenders that they should stick in this critical work.

Investment in modernization of the agency for improved infrastructure and data collection so that the legislature has the information it needs to ensure the state is making a good return on its investment.

Additionally, there should be a call to the Oregon Bar and Oregon's law schools to look at how they can increase the number of lawyers willing to work in this area, as well as, decrease the financial burden they carry with them to their first day on the job.

Thank you for considering my testimony.
Seamus O'Connor, Multnomah County