

Submitter: Cindy Borders

On Behalf
Of:

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

Measure: SB5532

As a criminal defense investigator for almost 20 years, this increase is needed. Almost all criminal defense investigators who are paid through OPDS are self-employed 1099 contractors. We pay our own taxes, all of our own business expenses and living expenses. Several years ago \$40/hr could be livable, but with the increases in costs of living, etc., it simply is not.

Our job is vital to criminal defense, especially at the trial level. If you think of criminal defense as a 3-legged stool with the client being the main part, you have attorneys, experts and investigators as the legs of the stool. Remove one of the legs and stool collapses, as we are seeing with the indigent defense crisis in Oregon.

Not only are exceptionally qualified attorneys leaving the field of public defense and no new ones are being recruited due to the low wages, long hours, etc., the same is happening with investigators.

If trial level investigators are not available to investigate the cases thoroughly and efficiently, the constitutionally mandated defense is not made to the best of the ability of the attorney, leaving the client with a second means of pursuing their case, post-conviction relief, which requires a complete re-investigation of the original trial case and could result in a remand for retrial, costing many more dollars than if the work had been able to be done at the original trial level.

I have worked on over two dozen capital cases as both a mitigation specialist and a fact investigator. I do not know how many other major felonies I have worked on in the course of the last 20 years. I can tell you that many times the work of the investigator is to help the attorney resolve a case short of a trial with a plea bargain, thus saving many thousands (and since my career has spanned so many decades) millions of dollars.

Finding out if they truly deserve one of Oregon's extraordinarily long sentences is a huge part of what a criminal defense investigator helps the attorney to learn. Stretched attorneys cannot spend the time on the streets knocking on doors and talking to witnesses, etc., and need experienced qualified investigators who can do this work.

If qualified, competent, well paid investigators do not do the work at the trial level,

public defense will have to pay again at the post-conviction level for a re-investigation.

Please vote for the increase in our hourly rate.

Thank you.