



OREGON OFFICE OF
**Public
Defense
Services**

April 18, 2023

Joint Committee on Ways & Means
Subcommittee on Public Safety
Oregon State Capitol
Salem, OR 97301

Dear Co-Chairs Sollman and Evans, Members of the Committee,

We are writing today in support of SB [5532](#) and the policy option packages requested by the Office of Public Defense to make critical investments in Oregon's Public Defense System. It is our duty to ensure every eligible person is represented by competent counsel when they enter a courtroom in Oregon.

Our constitution ensures that no matter who we are, or how much money we have, we have a right to zealous legal representation. When defendants do not receive good legal representation, the system breaks down. Those who cannot afford a lawyer that has the time, ability, and resources to present an effective defense are more likely to be unfairly charged, detained, and potentially even deported. People who are eligible for pre-trial release wait needlessly in jail at public expense. Innocent people may be convicted, and the guilty might never be investigated. People do not receive the help of a public defender to enroll in alternatives to incarceration. To protect the constitutional right to a fair trial and the pursuit of justice, Oregon must ensure everyone has equal access to adequate legal representation.

This legislative session, we have an opportunity to pursue reforms that will create manageable caseloads for public defenders, allow us to recruit and retain the necessary workforce, increase accountability and transparency within the system by modernizing the agency, and live up to the standard of fairness that our constitution requires.

We support the full funding of the agency's budget request and recommended Policy Option Packages. These POPS are focused on recruitment and retention, modernizing the agency, and addressing the current unrepresented crisis.

A strong public defense system is a vital piece of a functioning, fair, and just public safety system. Unfortunately, Oregon's justice system is currently in crisis due to a lack of qualified attorneys to meet the demands. The public defender shortage is particularly acute, leading to



OREGON OFFICE OF
**Public
Defense
Services**

adoption of emergency measures over the last year to incentivize attorneys to take up cases for unrepresented people at temporary increased rates.

Chronic low pay and excessive workloads have increasingly made it difficult to recruit and retain public defenders to serve eligible clients in need of representation. The Policy Option Packages detailed below are critical investments that Oregon needs to ensure public defense lawyers have appropriate support to represent Oregonians. These changes to our system will help to recruit and retain more public defenders, and ensure every eligible Oregonian has access to justice.

Provider Compensation – Stabilization, Recruitment, & Retention

Recruit and Retain Providers

POPs 101, 102, 114

POP 101: Provider Compensation

This POP puts provider compensation on par with PDSC (Public Defense Services Commission) Appellate attorneys. Included in this calculation is funding for limited training and some limited support services including investigators.

POP 102: Provider Staffing

This package takes the next step after POP 101 by providing a menu of options to provide funding for support staffing, supervision, training, and administrative costs. The importance of support staff, investigators, case managers, social workers dedicated supervision cannot be overstated. By funding these critical positions in a non-profit PD office or consortium, the overall attorney workload will be reduced, and case outcomes improved.

POP 114: Increased Hourly Rates

This request has three components: first to increase hourly attorney pay from \$75 to match the federal rate of \$164 per hour; second to increase the investigator rate from \$40 per hour to \$75 per hour to be competitive with the federal rate; and third to request an additional accountant (accountant 4) to enable the agency to maintain and handle the increased accounting workload as the agency continues to grow at its current pace.

MODIFIED AGENCY BUDGET REQUEST

Agency Modernization and Administration

POPs 112, 105, 107, 108, 109, 104, 103

POP 112: Mandated Caseload for Juvenile Representation

The commission seeks to have the legislature designate legal representation in juvenile delinquency, juvenile dependency, and termination-of-parental-rights cases as a mandated caseload, that is, representation required by the state or federal constitutions or statutes or as a result of court actions.



OREGON OFFICE OF
**Public
Defense
Services**

POP 105 & 107: FCMS and OJD

POP 105 allows the agency to move forward with the Financial and Case Management System essential to the future operations of the agency. POP 107 supports the implementation of a Hybrid approach with the continuation of the Oregon Judicial Department's inter-agency agreement and internal staff supporting new technological advancements for the agency.

MODIFIED AGENCY BUDGET REQUEST

Agency Modernization and Administration

POPs 112, 105, 107, 108, 109, 104, 103

POP 108, 109, 104: Agency Staffing

POP 108 makes 8 limited duration positions permanent. POP 109 requests the re-establishment of one permanent PA 1 that was mistakenly removed from the 21-23 budget. POP 104 establishes 17 positions throughout the agency to improve services, communication, transparency, and leadership.

POP 103: PCRCP Expansion

This package is intended to provide high-quality legal representation for parents, children, and youth in juvenile court proceedings. This package would expand PCRCP to 14 additional counties around the state. This package also includes two permanent Program Analyst 4 positions (1.01 FTE) positions as case contract administrators.

Unrepresented Crisis SPA

POP 115

Oregon's public defense system needs comprehensive and structural modernization to move beyond the current crisis and ensure consistent, timely access to a public defender for all eligible persons. Until modernization and reform are complete, the unrepresented crisis will continue. The agency is requesting a special purpose appropriation of \$33.5 million be established to pay for increased hourly rates for attorneys (\$26.9 million) and investigators (\$2.5 million) who are appointed to unrepresented persons cases. There is an additional amount requested for other case support services costs (\$4.1 million). The agency is using the same methodology to forecast the cost that was employed to forecast the expenditures for the \$10 million appropriation from the December 2022 Emergency Board.



OREGON OFFICE OF
**Public
Defense
Services**

Thank you for the opportunity to share our support of SB 5532. We urge the committee to prioritize fully funding the Office of Public Defense Services, by supporting SB 5532.

Sincerely,



Public Defenders of Oregon
180 E. 11th Eugene, Oregon 97401
info@publicdefendersoforegon.org



Organizing Committee of Oregon Defense Investigators
sean@cruxprivateeye.com
Jamesbcomstock@gmail.com