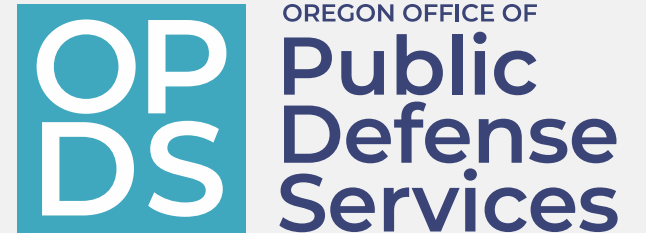


Oregon Office of Public Defense Services

**Joint Public Safety
Committee**

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

February 2, 2023



Unrepresented Persons Crisis

- Public Defense Services Overview
- Unrepresented Persons Crisis
- Public Defense Services Commission's Response
- Public Safety Partners' Response
- Emergency Board Appropriation
- Next Steps

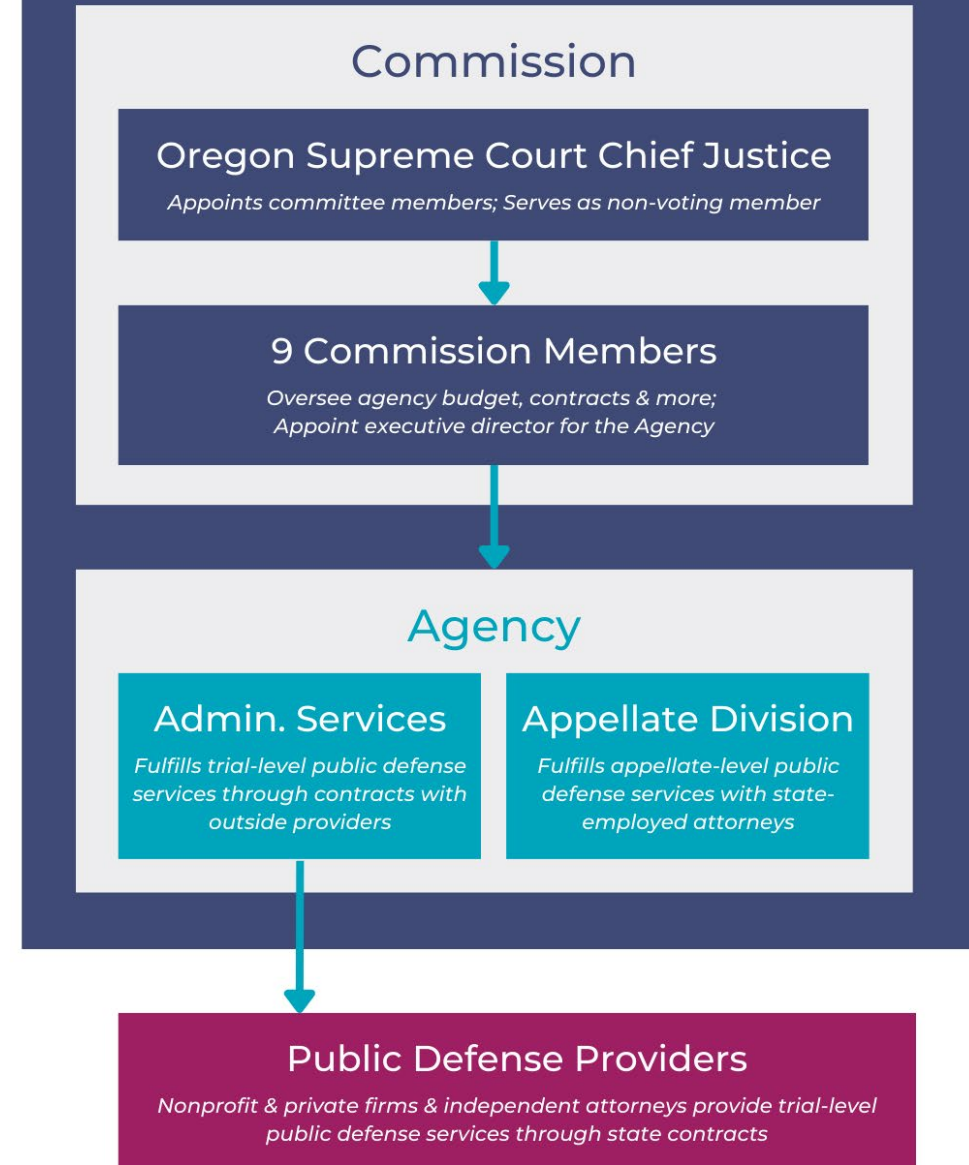
Public Defense Services

OUR VISION

Justice for all

Oregon Public Defense Services mission is to ensure that eligible individuals have timely access to legal services, consistent with Oregon and national standards of justice.

Oregon Public Defense Services



Unrepresented Person's Crisis

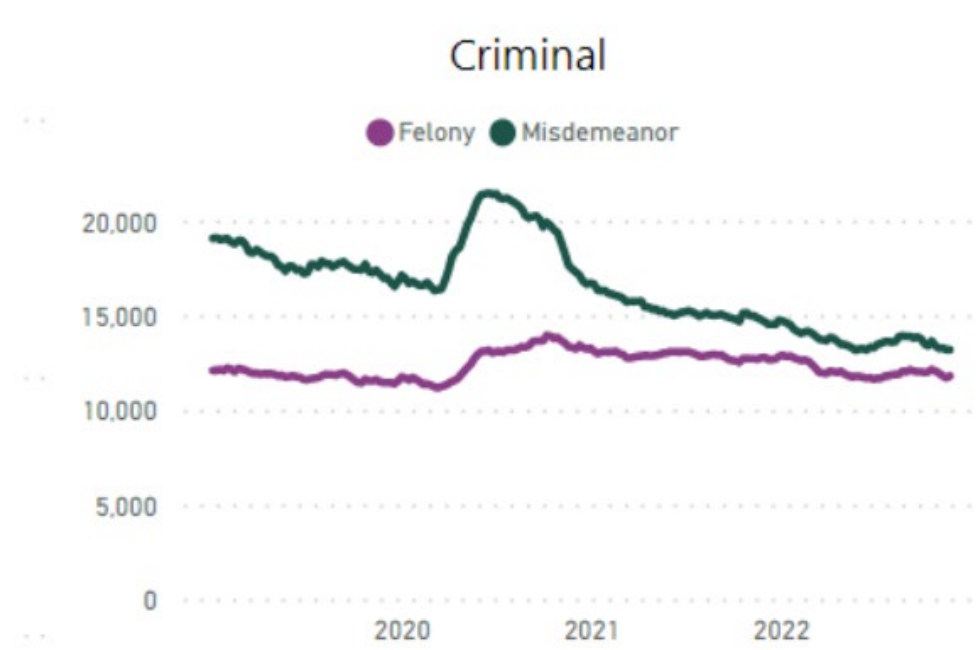
Crisis to Date

There are not enough defense attorneys meet caseload requirements:

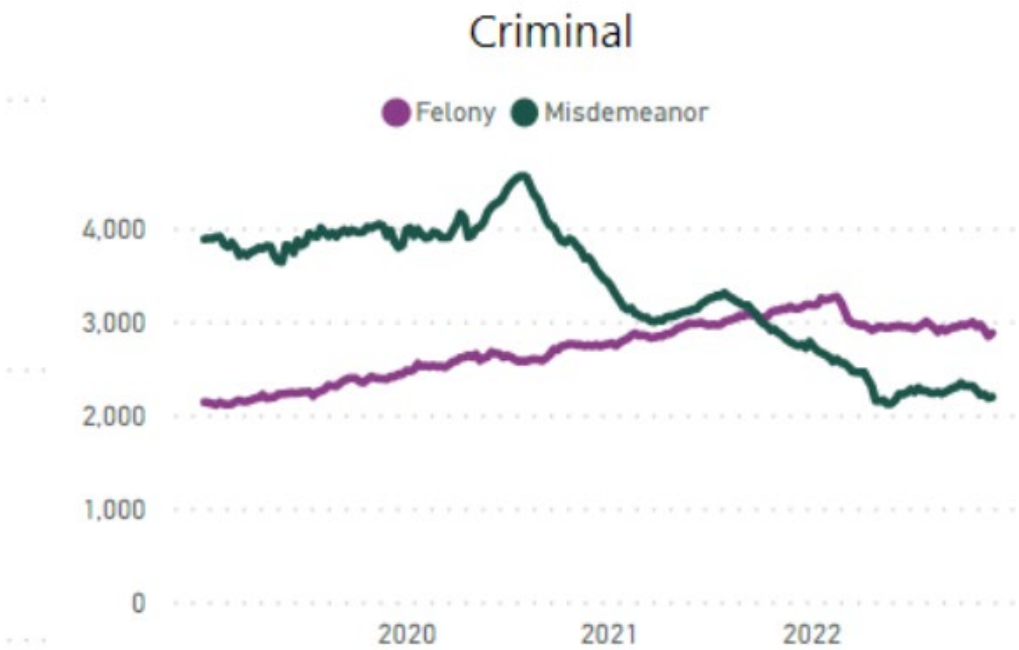
- Caseload model change
- Burnout
- Felony attorneys out, misdemeanor attorneys in
- Retention vs Recruitment



OJD case filing data



Statewide Pending Criminal Caseload
As of 12/01/2022

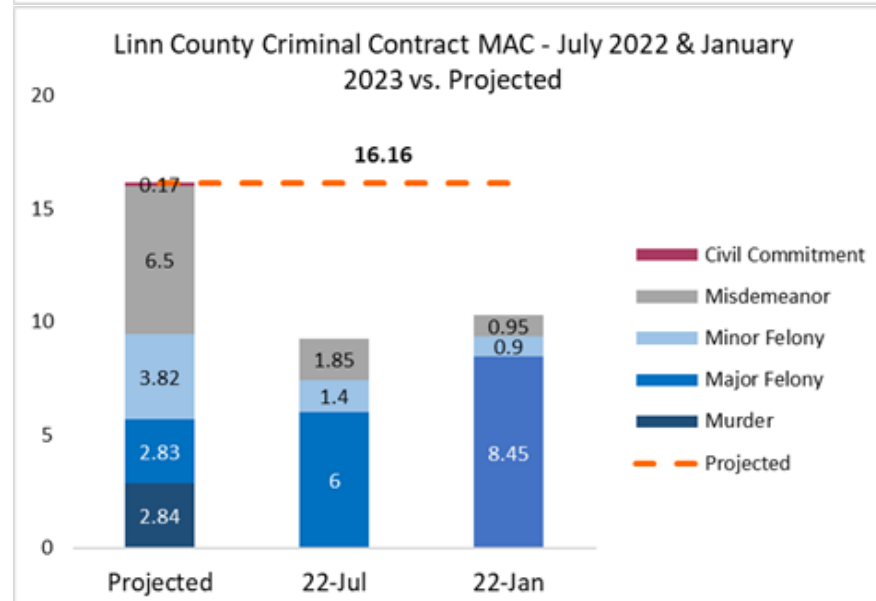
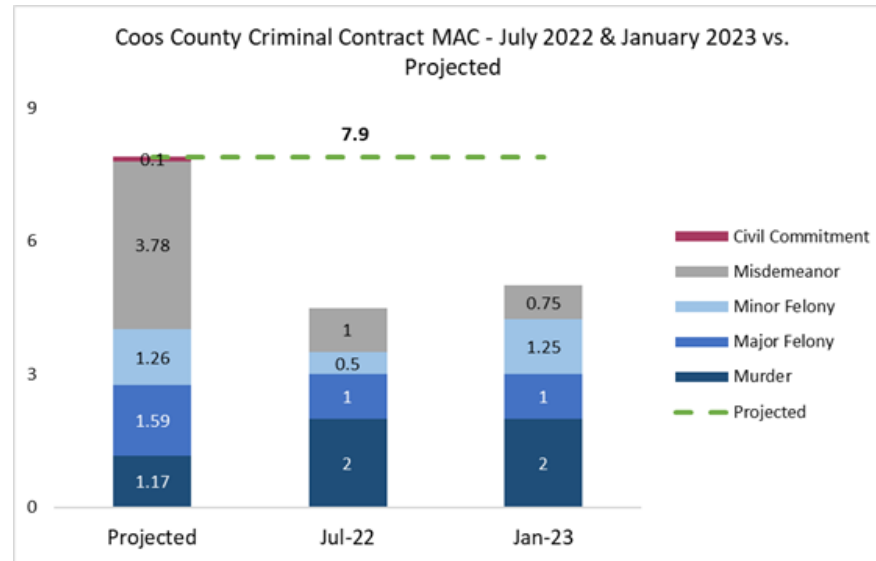
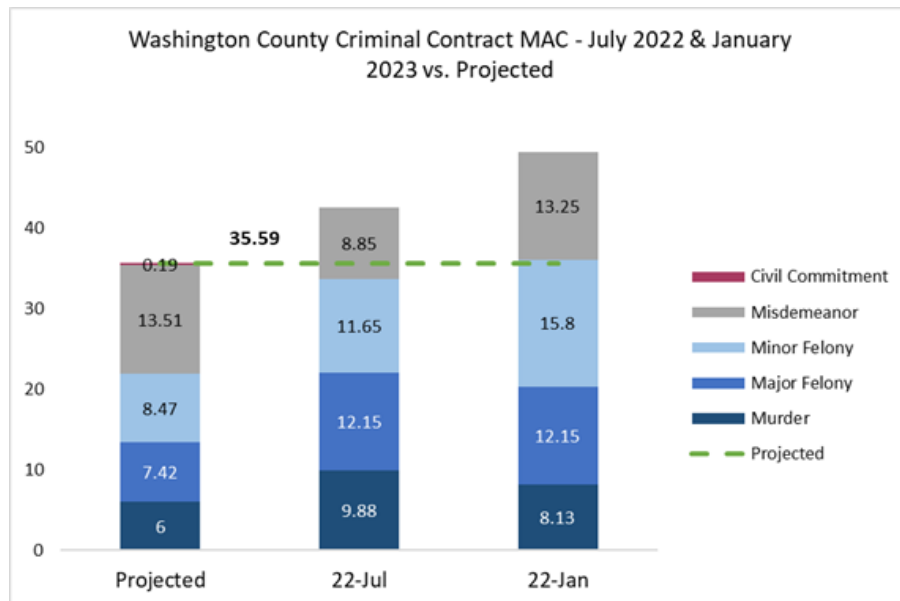


Multnomah Pending Criminal Caseload
As of 12/01/2022

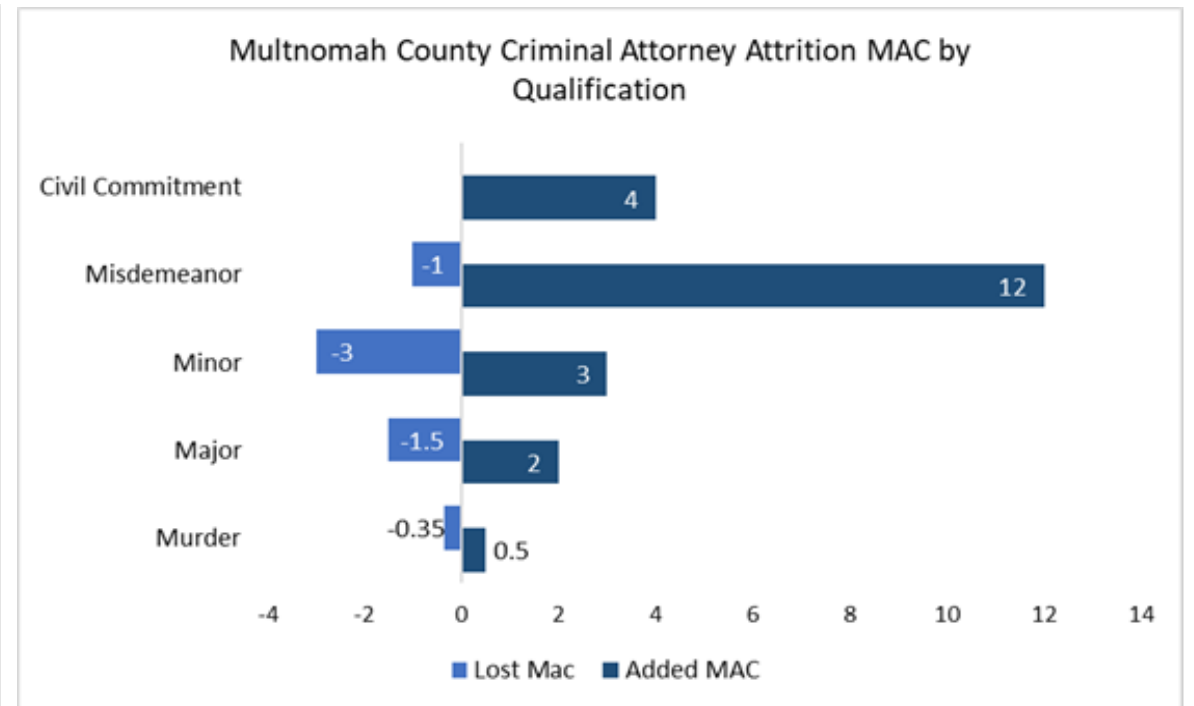
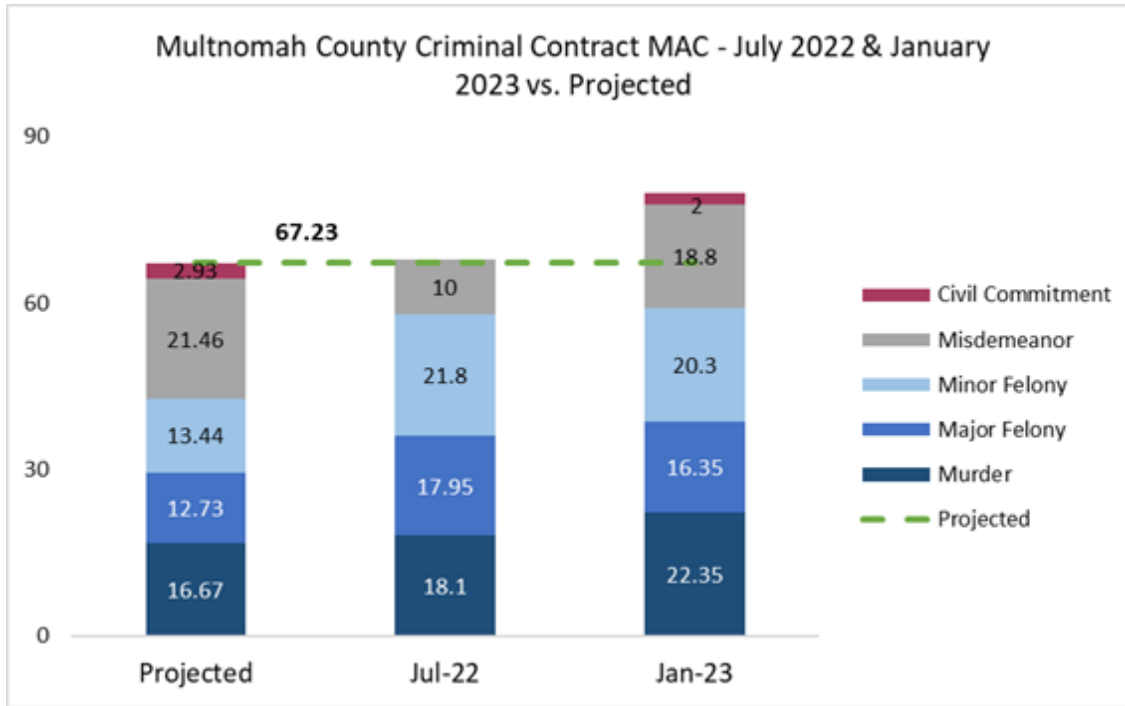
Unrepresented Person's Crisis

Multifactor Crisis

- Recruitment
- Retention
- External system efficiency
- Internal forecasting



Unrepresented Person's Crisis



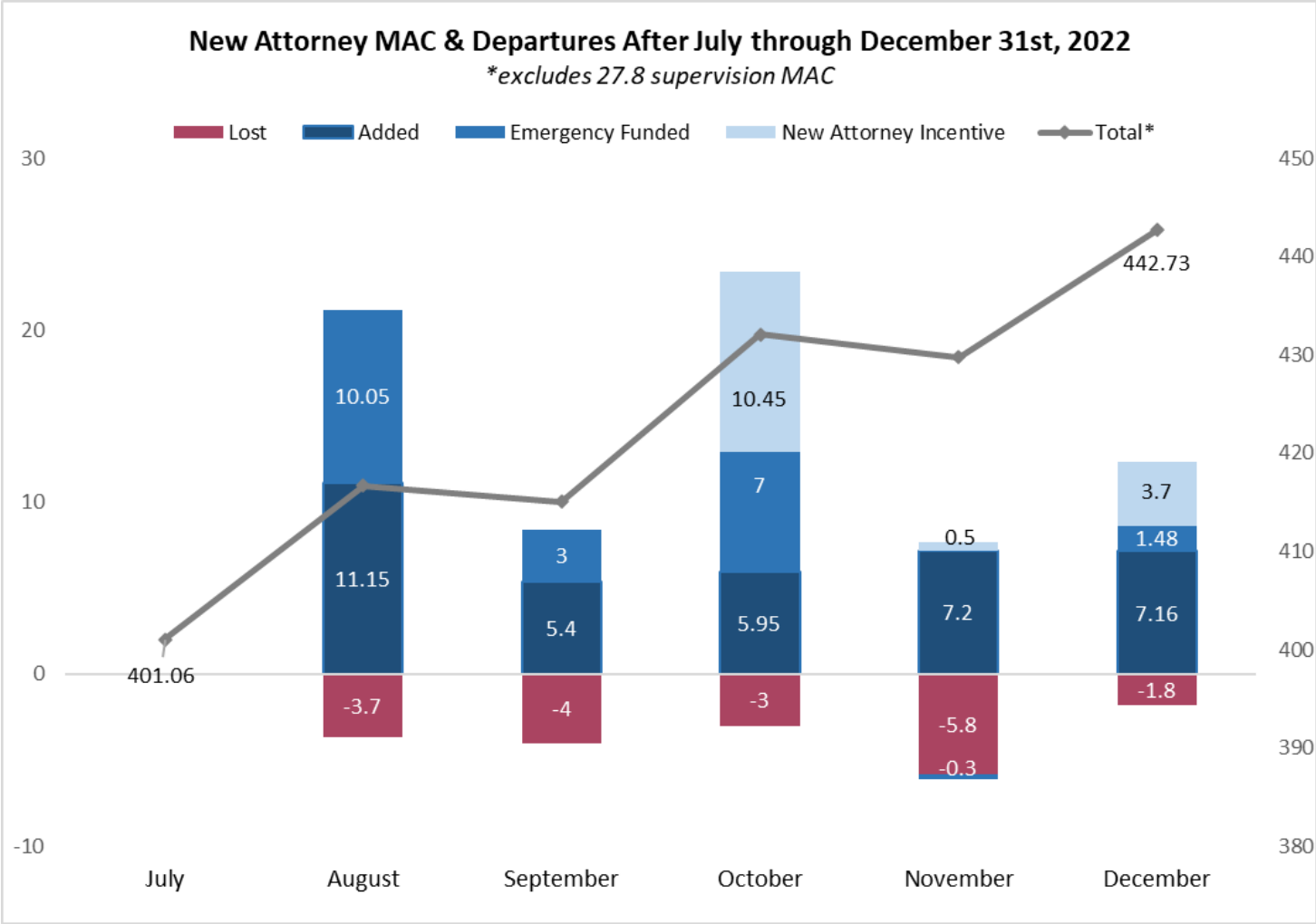
Commission's Response

Commission's Response

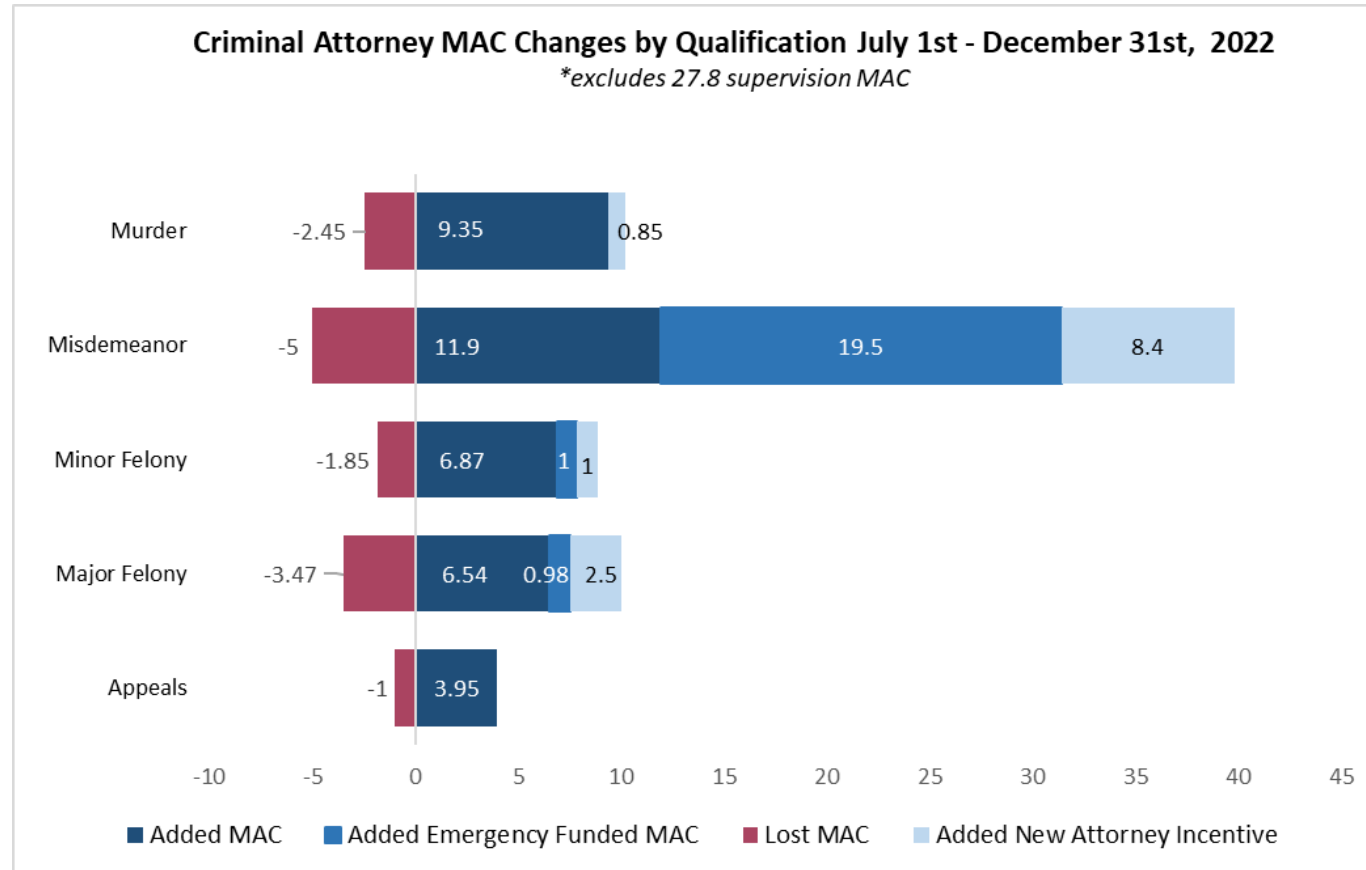
Initiatives to Date

Initiative	Duration	Budget/Source	Actuals	Impact	Notes
Contracts	July '22 - June '23	\$12.8 million HB 5202 Funds	\$6.99 million	• 31.5 MAC	
Tiered Contracting	July '22 - June '23	2022 Agency Funds	(\$14 million)	• Approximately 37 up-qualified attorneys in the past 6 months.	• Attrition savings rolled back to agency, used in retention initiative
New attorney incentive payment program	Oct '22 - June '23	\$800,000 2022 Agency Funds	\$729,400	• 18.71 MAC	• 2 payments, one in March one in June
Increased hourly compensation for in custody UI (\$158 Program)	Aug '22 - Jan '23	\$2 million 2022 Agency Funds	\$496,000	• Lawyers found for 320 cases, representing 213 individuals. (As of 1/27/23)	• Program ending and transitioning into hourly rates initiative
Training, supervision, and investigation	Aug '22 - June '23	\$7.5 million HB 5202 and Agency Funds	\$6,689,613 Training: \$1,283,115 Supervision: \$4,525,698 Investigation: \$880,800	• The agency is now funding a previously unfunded mandate for providers to support, recruit, and help up-qualify the next generation of public defenders.	
Total		\$12.8 million HB 5202 Funds	\$6.99 million HB 5202 Funds		
		\$10.3 million Agency Funds	\$7.91 million Agency Funds		

Newly Added MAC July-December 2022



MAC Changes July-December 2022



Public Safety Partners' Response

Partners' Response

OJD Data Share

Improved data quality to better quantify the unrepresented person's crisis and improve the agency's ability to respond to a problem that has varied over time and by county.

Resolution Dockets

Resourced resolution dockets to empower local jurisdictions to find creative solutions for communities with out-of-custody unrepresented persons.

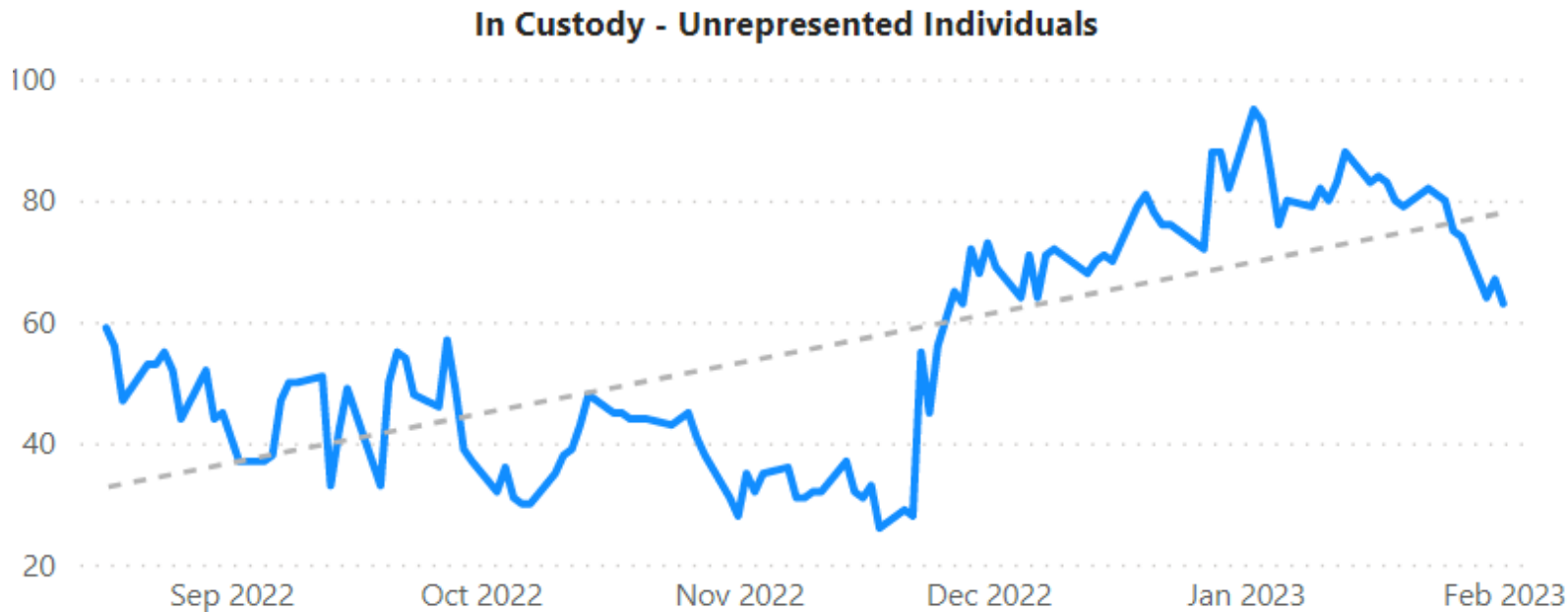
Collaboration

Chief Justice convened stakeholders—public defense attorneys, district attorneys, judges, and court staff—in counties experiencing the prosecution of unrepresented persons to increase our understanding of local needs and explore collaborative solutions.

The Chief Justice tasked her Criminal Justice Advisory Committee with making recommendations to the Chief Justice on criminal justice system efficiencies that Oregon's courts can implement.

Crisis Today

775 unrepresented persons in Oregon



63

775 unrepresented persons in Oregon

Emergency Board Appropriation

Emergency Board Appropriation

Plan for \$10 million

Initiative	Emergency allocation	Agency Funds	Goals
Increased and Tiered Hourly Rate Structure for All Unrepresented Persons	\$5,000,000		Incentivize new lawyers to take UI cases, expands \$158 programs reach
Strategic Reserves	\$2,500,000		Fund cases that work for UI
Supervised Civil Attorney Program	\$394,200		Piloting civil attorney
Existing Attorney Retention Incentive Program	\$2,105,800	\$6,000,000 attrition savings	Retain 441 MAC through end of biennium
Total	\$10,000,000	\$6,000,000	

\$16 million total investment

Increased and Tiered Hourly Rate Structure

GOALS

- Increase capacity by investing \$5,000,000 to increase the hourly rates for non-contract attorneys who accept assignment of cases from the Oregon Judicial Department’s “OPDS Unrepresented” list.
- Implement a tiered rate structure to target the greatest needs.

Hourly Rate	Case Type
\$125	Misdemeanor, contempt, and probation violation
\$158	Class C felony and felony drug possession
\$164	Class A and B felony, juvenile dependency, termination-of-parental-rights, juvenile delinquency, habeas corpus, post-conviction relief, civil commitment, and Psychiatric Security Review Board cases
\$175	Ballot Measure 11 and felony sex offense
\$200	Murder and Jessica’s Law

Strategic Reserves

GOAL

- Set the Agency up to be as strategic and adaptable as possible for the remainder of the biennium by setting aside \$2,500,000 of the Emergency Fund allocation for investment in programs that are proven to reduce unrepresented people.

Supervised Civil Attorney Program

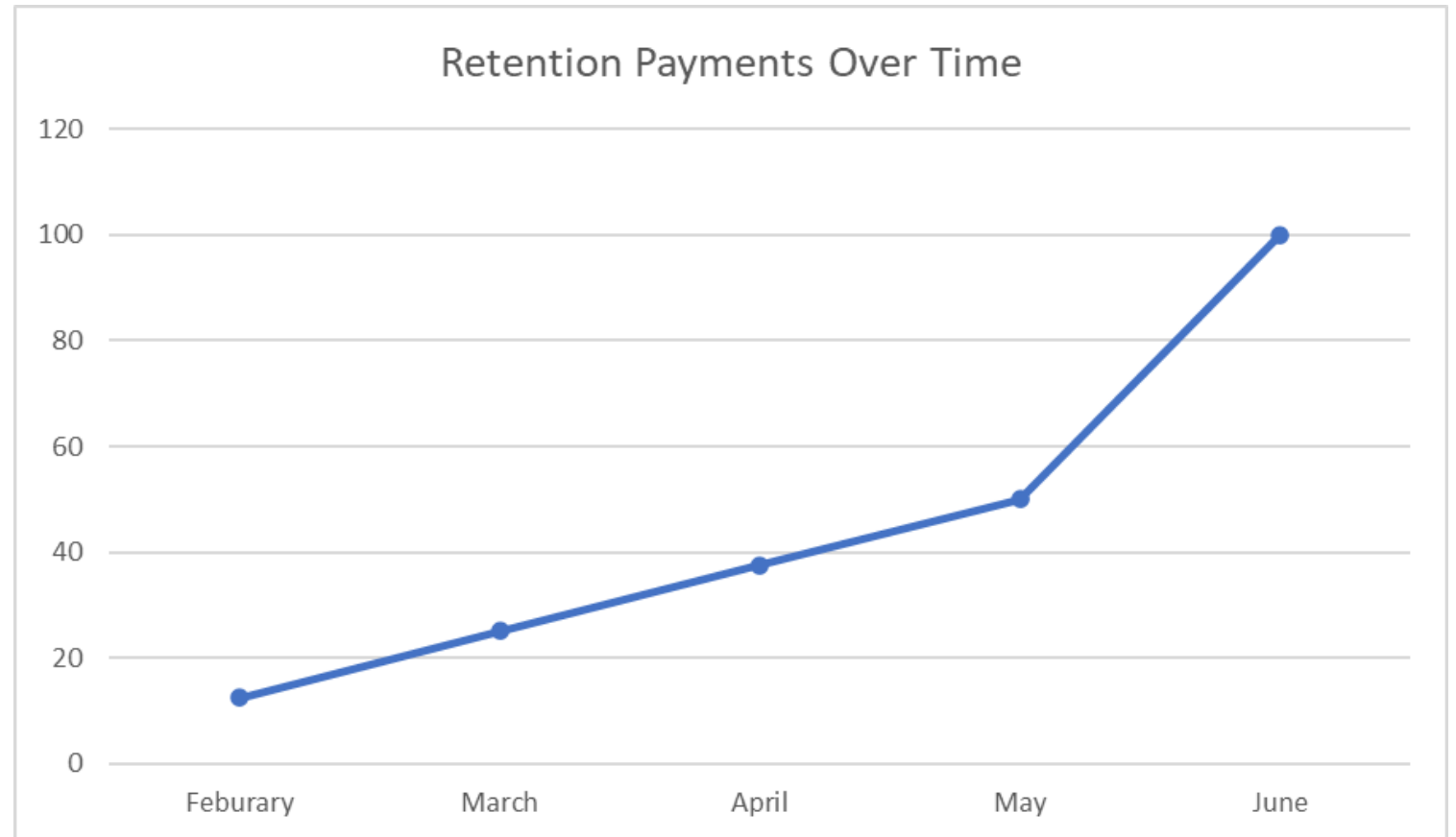
GOAL

- Increase capacity by expanding the pool of attorneys available to represent out of custody persons charged with misdemeanors and minor felonies by investing \$394,200 of the Emergency Fund allocation in a Supervised Civil Attorney Program.

Existing Attorney Retention Incentive Program

GOAL

- Stabilize existing contractors and increase accountability by investing \$6,000,000 of existing agency funds and \$2,105,800 of the Emergency Fund Allocation in a retention incentive program.



Next Steps

Reduce Unrepresented Number

- Monitor initiatives, collect data, report back;
- Intentional conversation in counties with emerging needs;
- Continue work with public safety partners on creative solutions;
- Contract to meet forecasted need;
- Strategically deploy reserve funds.

Stability

Efficiency

Accountability

The Crisis Continues

- *Ramos/Watkins*
- Counties reaching caseload cliff
- Continued attorney burnout and churn

- New attorneys eligible for up-qualify in July
- Data collection and analysis improving

NEXT STEPS

2023-25 Budget

- Early Session Rebalance and Supplemental Funding
- Policy Option Packages
- Tri-Branch Workgroup
- Governor's Budget

Thank you

