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Oregon State Legislature
Joint Committee on Ways and Means
Subcommittee on Public Safety

Re: April 19, 2023 testimony POP 114

Oregon is facing a crisis of defense investigators. There is a shrinking number of licensed investigators focused on public defense work. Having a limited number of investigators creates inefficiency in Oregon's public defense system. A well-trained, experienced defense investigator working on a case allows the attorney(s) to focus on research and legal work rather than spending hours doing investigation that they are not trained for, as well as making it less likely that the case be returned on PCR.

Investigators are the eyes and ears of attorneys in the field. They work directly with witnesses, victims, and defendants, often straddling roles of factual defense and sentence mitigation, being the front-line workers who assist members of the public with navigating our complex judicial system. A good investigator can resolve many issues long before a trial.

Funding for investigators has fallen far behind the rates paid to attorneys and even farther behind the rates of inflation. In 1988, investigators were paid \$25/hr. Today the rate is \$40/hr. Oregon's indigent defense investigators are also the lowest-paid investigators on the west coast, with the wage difference particularly pronounced in urban areas. The low pay makes it difficult for OPDS to attract and maintain skilled investigators to work on state cases, especially when an investigator can make at least \$90/hr working on federal public defense cases or \$150/hr + working on retained cases—and that's if they decide to stay in our state.

We are now seeing how the delay in taking on investigator issues has impacted our legal system. A permanent increase in wages can help to increase the number of investigators willing to do indigent defense work and thereby help reduce public defense caseloads, increase attorney efficiency, and save taxpayer money.

Thank you.