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**TO: Joint Committee on Ways and Means Subcommittee On Public Safety**  
**FROM: Shaun McCrea, Executive Director of the Oregon Criminal Defense Lawyers Association**  
**DATE: April 19, 2023**  
**RE: SUPPORT for SB 5532 and OPDS POPs – Critical Investments in Public Defense**

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Co-Chairs Sollman and Evans, and Members of the Joint Committee on Ways and Means Subcommittee on Public Safety:

The Oregon Criminal Defense Lawyers Association (OCDLA) is a 44-year-old statewide nonprofit professional association providing education and advocacy for attorneys, experts, investigators and others working to achieve the highest level of effective counsel in providing criminal and juvenile defense legal services in Oregon.

Oregon is facing a two-fold crisis: a public defense system in need of modernization, transparency and accountability and a shortage of qualified and experienced attorneys to do the work, the latter has resulted in 800 individuals accused of crimes who have not been appointed counsel, 50 of whom are in jail.

All individuals charged with a crime in Oregon have the right to an attorney to provide ethical and effective representation through the legal process. The current lack of legal representation for people facing criminal charges in Oregon is a crisis for public safety and for access to justice.

OCDLA strongly believes that public defense providers play a critical role in our public safety system and right now, we simply do not have enough of them to provide representation and we are losing more every day.

While the Tri-Branch Work Group bill (SB 337) is a crucial discussion about longer term delivery models, it is separate from the agency base budget bill and POPs contemplated in SB 5532 to address the immediate needs of the agency and the workforce shortage. And, without significant investments now in OPDS, the crisis will continue and deepen. While there is no shortage of areas for investment, and we support the agency's policy option packages, and we would prioritize investments in:

- 1. Training and Professional Development:** for new public defense providers and to more quickly develop providers who can handle more complex felony cases. OCDLA is advocating for more formal partnerships between OCDLA and the agency to build out a greater training network that would engage very experienced trainers in a more cost-effective manner than the agency could provide on its own.

2. **Staffing Capacity:** including increased hourly pay for investigators to \$75 per hour, more consistent timing in approval and payment to encourage investigators who are vital in assisting defense attorneys with the critical work of taking on and moving the backlog of cases.
  
3. **Workforce Retention. We need to retain experienced public defense providers** who can take on more complex felony level cases without overloading them to the point of burnout, which is a big driver in the unrepresented crisis.
  - Investments in retention are the single most important investments to ease the unrepresented crisis.
  
  - We have experienced and are continuing to experience historic levels of public defense provider attrition rates, as public defense providers leave for jobs with better compensation and manageable caseloads in other areas of law. It is less cost effective to continually recruit, hire, and train because of attrition than to make investments in retaining the existing workforce.
  
  - Equitable compensation, commensurate with other lawyers who provide comparable legal work on behalf of the state, would send a strong signal to the public defense bar that they are valued and should continue doing this critical work.
  
  - Directing resources to expand the open workload model also sends a signal that attorneys shouldn't fear burnout due to excessive caseloads.

**Data Collection:** so that the legislature has the information it needs to ensure the state is making a good return on its investment. And, to increase transparency and accountability.

SB 5532 and the POPs goes a long way toward making critical investments to address the crisis in unrepresented individuals. Without these investments the crisis will continue to grow, as will public distrust in the public safety system. **We urge your support of SB 5532 and the POPs.**

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