



Date: April 20th, 2023
To: Joint Committee on Ways and Means Subcommittee on Public Safety
From: Jennifer Parrish Taylor, Director of Advocacy and Public Policy for the Urban League of Portland
Re: Support for Funding the Public Defense Services Agency, SB 5532

Chairs Sollman and Evans, and Members of the Committee,

Thank you for the opportunity to provide testimony in support of Senate Bill 5532. My name is Jennifer Parrish Taylor, and I am testifying in my capacity as the Director of Advocacy and Public Policy at the Urban League of Portland. The Urban League of Portland is one of Oregon's oldest civil rights and social service organizations, empowering African Americans, and others to achieve equality in education, employment, health, economic security, and quality of life across Oregon and SW Washington.

Fundamentally the problem that we are trying to solve is one of workforce. We agree that increased wages through commensurate pay and ethically manageable workloads are all ways in which we can retain and attract the skilled individuals we need to meet the moment we are in. Higher wages are not only a reflection of how the work being done is valued but by extension how we value the community being served. A community currently that is overly represented by the Black, brown, and mostly poor. I've been doing this work for quite a while and whether it be the state, a company, or non-profit, across the board you can determine their commitment to diversity, equity, and inclusion by how they budget their money.

I want to start with some data which frames how we come to the issue we're discussing today. According to the Equal Justice Initiative, "the United States incarcerates its citizens more than any other country. Mass incarceration disproportionately impacts the poor and people of color and does not make us safer." In Oregon, 9% of incarcerated people are Black, despite Black people accounting for only 2% of the state's residents.¹ According to data from Campaign Zero, "Portland police arrest Black people at a per capita rate 4.3 times higher than white people, the fifth worst in the country. Officers in Portland also kill Black people 3.9 times more than white people."² Additionally, "Black drivers made up 18% of the vehicle stops conducted by police in 2019, while 65% involved white drivers. Meanwhile, white people make up 75.1% of the city's population, and Black people make up only 5.8%. The disparity is even higher for non-vehicle stops, where Black people made up 22% of the 2019 stops compared to 62% for white people."³ I raise these disparities because it underscores just how important solving this current constitutional crisis is for our communities. 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. Fifty 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.

¹ <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-oregon.pdf>

² <https://www.opb.org/article/2021/02/07/portland-has-5th-worst-arrest-disparities-in-the-nation-according-to-data/>

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No one in Oregon should face criminal charges without access to an attorney, regardless of financial resources. Yet hundreds of Oregonians are currently stuck in limbo because the state government has failed to uphold its constitutional responsibility to provide adequate legal counsel to those who can't afford a private attorney. This is because the state has failed to invest in our public defense system for decades, and at the same time, has allowed the overcriminalization of marginalized communities, which along with the pandemic, has created a massive backlog of cases in our courts. As a result, hundreds of Oregonians accused of a crime are currently stuck in limbo waiting for an attorney and victims are waiting for justice. When our public defense system is chronically under-resourced justice is nearly impossible to achieve. Prosecutors are continuing to file thousands of cases a year — including many cases involving low-level or nonviolent crimes — knowing that there are not enough public defense providers available to support everyone who needs legal representation. This leads to an imbalanced, unsustainable system where people accused of a crime are either indefinitely stuck in limbo waiting for the state to find an attorney or left to negotiate plea deals through an attorney who has more cases than they can reasonably or humanely be expected to juggle.

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. We know that folks who have access to wealth will always find representation in a way poor and working folks will not have access to, especially those from communities of color who are disproportionately targeted by law enforcement and therefore disproportionately arrested and detained. We believe that strategic investments in the above areas will set the foundation for the system we are trying to build, so that all Oregonians who need a lawyer and cannot afford one, will have access and adequate representation; our communities are counting on it. We urge you to support Senate Bill 5532.

Respectfully,

Jennifer Parrish Taylor
Director of Advocacy and Public Policy
Urban League of Portland
Portland, OR 97227
Phone: 503.280.2600 ext. 609
Fax: 503.281.2612