



**Testimony of Aliza Kaplan**  
**Professor & Director of the Criminal Justice Reform Clinic**  
**Lewis & Clark Law School**  
**[akaplan@lclark.edu](mailto:akaplan@lclark.edu)**  
**May 3, 2023**

Co-Chairs Steiner and Sanchez, Members of the Joint Committee on Ways and Means:

Thank you for the opportunity to provide supportive comments on the Board of Parole and Post-Prison Supervision budget (SB 5528). My name is Aliza Kaplan. I am a law professor and the director of the Criminal Justice Reform Clinic at Lewis & Clark Law School. The Criminal Justice Reform Clinic (Clinic) offers an opportunity for law students to get hands-on legal experience while working on cases and important issues in Oregon's criminal legal system.

The Board of Parole and Post-Prison Supervision (the Board), established in 1911, oversees the discretionary release of approximately 1,300 adults in custody (AICs). The sentencing structure for criminal convictions changed in 1989 to a determinate sentencing structure outlined in sentencing guidelines. Since then, only people convicted of murder or aggravated murder and those sentenced as dangerous offenders fall within the paroling function of the Board's jurisdiction. For those who are convicted of aggravated murder or murder and are sentenced to life with the possibility of parole, they go before the Board after serving their mandatory minimum sentences.

Every year for at least the last five years, the Clinic has represented between eight and 10 petitioners (AICs petitioning the Board for release) in release hearings. And in 2021, the Clinic began working with Dr. Christopher Campbell of Portland State University on a joint study on parole release hearings in Oregon and published the findings in a report the following summer. The report, linked [here](#), describes the history of parole in Oregon, as well as the current state of the parole system, and recommended several reforms that would improve the quality of the parole release process. A significant portion of the report was dedicated to interviews of past and present Board members, victims' advocates, adults in custody, and parolees; all who gave helpful insight on areas within the purview of the Board that are ripe for reform.

Of the recommended reforms, a common theme was representation for parties involved in the hearing process. Representation is important for AICs and victims but is largely not accessible. Currently, AICs going before the Board for a rehabilitation hearing are afforded an attorney paid for by the Board at a flat rate of \$1,900, and cases take anywhere from 50-90 hours of work. Attorneys representing petitioners before the Board have a tough job: they must walk a delicate

tightrope when advocating for their clients' best interests while also understanding that the Board sits both as factfinder and decisionmaker. The low pay for these cases has made it difficult for the Board to recruit quality attorneys to take these cases. We must remedy that this session and invest in quality legal representation for individuals petitioning the Board.

The Clinic supports the following investments:

- **POP 105 – Funding and support for juvenile hearings - \$953,897**  
SB 1008 (2019) made significant changes to the parole process for crimes committed by juveniles. POP 105 funds attorney rates for juvenile hearings at an increased rate of \$3,800 per case.
- **Additional funding for legal representation - \$350,000**  
Attorneys appointed to represent petitioners in rehabilitation hearings receive a flat rate payment of \$1,900, and for the remainder of the hearings, there is no access to counsel. An additional investment would increase the rate that attorneys are paid for taking adult rehabilitation cases to \$3,800 and would fund all other hearing types at \$2,000 per case.
- **POP 102 – Funding for an additional victim's specialist position - \$199,059**  
Victims have a constitutional and statutory right to receive advance notice of and be present at parole hearings, and this is often the first-time petitioners face victims since sentencing. This position assists victims and their families in navigating the parole process and process counseling participation options with them.

Thank you,

Professor Aliza Kaplan  
Criminal Justice Reform Clinic