

District Attorneys

Unrepresented Defendant/Persons Crisis Update

Amanda Dalton before the Joint Subcommittee on Public Safety

February 3, 2025

What have DAs done?

- Alerted Governor and Legislature in Aug '23
 - First federal ruling – aimed just at Washington County to begin to release unrepresented defendants in 10-days (what led to Betschart)
- Participated in the Unrepresented Crisis Plan Team Meetings as directed by SB 337
- Shared recommended solutions:
 - Aug 17 '23 letter to Governor at start of federal court dictating release
 - Sept 28 '23 letter to Co-Chair Sollman & Evans
 - June 13 '24 letter to Gov Kotek
 - DAs support HB 2734 (consortia bill before 2025 Legislature)
- Governor Workgroup during interim
- Local triage:
 - Example: Coos was notified by their PD office in May of 2024 they had reached their MAC for the contract period and would not be taking cases for the month of June....
 - Pressure point in best of circumstances but escalated by Betschart for in-custody
 - McShane 7-day order (Betschart) took effect June 21, 2024
 - State trial team was early option but can't take them all
 - Now weekly calls with OJD & OPDC

County Examples

Washington County

- Participated in every workgroup, taskforce, crisis team meeting, and other gathering possible to try to find solution
- Stood up special docket Jan 2023 to try to reduce unrepresented backlog and arranged for special defense appointments.
- Filed motions in court Feb 2023 to try to force state to make appointments
- Filed motions in court spring/summer 2023 to require OPDS to pay defense attorneys more to do court-appointed work.

Marion County

- Ran several specialty dockets:
 - Settlement conferences on complex serious felony cases
 - Special DUII dockets to clear diversion eligible cases
 - PV dockets to clear old PV cases
- Regular meetings with Presiding Judge & Defense
- Started RESTORE Court (Phase 2 of LEAD) – Restitution & Treatment On Route to Expungement serving individuals with low-level property crimes

Malheur County

- At the request of PJ delayed filing out of custody non-M11 cases for 6-months

County Examples

Multnomah County

- Attempted an early resolution docket to resolve cases and reduce overall cases
- Dedicated Data Analysis resources to tracking, research and reporting on the problem
- Re-indicted multiple felony cases either in an attempt keep prosecution going after DM or due to defendant committing new crimes

Union County

- Stood up deferred prosecution program through JRI to process cases outside of the courts

Lane County

- Utilized Drug Court, Veterans Court, Mental Health Court, 416 Program
- DA diversion to create early resolution

Crook County

- Implemented “fast track” early disposition process for lower level offenses

Our Requested Priority:

Unrepresented Out of Custody

- As of 1/27/25: 6,861 unrepresented cases
- What that's looked like last 2 months:
 - 1/22/25 6,820
 - 1/13/25 6,728
 - 1/6/25 6,703
 - 12/30/24 6,718
 - 12/24/24 6,635
 - 12/16/24 6,556
 - 12/9/24 6,519
- 187 Domestic Violence
- 351 Felony Weapon
- 613 M11 + Person Crimes (Strangulation, Assault, Robbery)
- 1006 DUII

Case Example: Douglas County

- **22CR58420**
- **6 counts: Burglary 1, Theft 1, UUMV and Conspiracy**
- **406 days without counsel**
- **Victim: Elderly man hired individual to work on his property**

Case Example: Douglas County

- **22CR13798**
- **11 Counts: Unlawful Sex Pen 1, Rape 1 and 2, Sex Abuse 1 x 3**
- **Bail was set but because no attorney was conditionally released**
- **22 months without counsel**
- **Minor victim under 12**

Case Example: Jackson County

- **24CR32765**
- **Strangulation constituting DV**
- **187 days without counsel**

Case Example: Jackson County

- **24CR37197**
- **Strangulation constituting DV + Menacing constituting DV**
- **Prior DV Assault w/ same victim in 2021**
- **189 days without counsel**

Case Example: Josephine County

Police shut down drug trafficking organization in Southern, Central Oregon

By Izzie Lund Nov 15, 2023 Updated Nov 3, 2024 0



- November 2023
- 24 defendants charged with Racketeering/Delivery
- 18-month law enforcement investigation
- Seized 9 pounds of fentanyl (equivalent to 144,000 deadly doses), 37 firearms, 40 pounds of meth, 3 pounds of cocaine, ½ pound of heroin
- Still around 10 unrepresented (OPDC did just find 2 more attorneys)