

PHILIPS CONSULTING GROUP

March 20, 2025

Hon. Sen. Broadman, Co-Chair
Hon. Rep. Evans, Co-Chair
Members, Joint Committee On Ways and Means, Subcommittee On Public Safety

RE: *Public Defense Investigators Pay Rate Increase – POP 104*

My name is Rachel Philips, I have been working as an attorney in public defense for over 20 years, and I am writing to urge you to support the increase in the rate paid to public defense investigators included in the POP 104 of the OPDC proposed budget, and to support rapid implementation of the rate change, making it effective in July of 2025.

As you all are well aware, Oregon's criminal justice system is in the midst of an ongoing public defense crisis. According to the unrepresented dashboard, as of March 19, 2025 there are 5,606 unrepresented individuals across the state.

All of these unrepresented individuals need qualified attorneys to represent them, and those attorneys need qualified investigators working as part of the defense team, in order to provide a constitutionally adequate defense to each individual. In addition to the large numbers of attorneys leaving public defense, investigators have been leaving public defense in equal measure.

The investigator workforce is dwindling for two reasons:

- 1) the historically low rate of pay, and
- 2) the 5-6 weeks it takes the Oregon Public Defense Commission to pay investigators after they have submitted their invoices for completed work.

In 1985 investigators were paid \$25/hour. The equivalent of that rate today is \$75/hour. The current rate is \$55/hour.

Investigators don't submit invoices for completed hours on a case until the case is closed or they have exhausted the pre-authorized hours for that case. Meaning, once an investigator has received pre-authorization for a set number of hours (generally in amounts of 20 or 40 hours per authorization), they may not submit an invoice for that authorization until they have completed working the total hours authorized. If a case is in the investigation stage, very often it can be months before an investigator has reached the number of hours necessary to submit an invoice, and once that invoice is submitted, it will take 5-6 weeks for OPDC to process and pay that invoice. Imagine trying to run a small business as a private investigator with an almost 2-month lag between a submitted invoice and payment on that invoice.

PHILIPS CONSULTING GROUP

Moreover, as independent contractors, investigators are responsible for their own health insurance, state licensing fees and insurance, continuing education requirements, office supplies and overhead, along with the personal expenses everyone shoulders, such as food, gas and housing for themselves and their family members.

Investigators play a critical role in criminal cases: effective public defense requires investigators with knowledge and/or expertise in a broad range of areas, including record collection and management, FOIA and public records requests, mobile phone data extraction, computer forensics, social media analysis, and multi-jurisdictional and cross-agency investigations and prosecutions. Additionally, investigators must be adept at interviewing witnesses, locating and verifying evidence, analyzing surveillance footage, and working collaboratively with defense teams to uncover mitigating factors and wrongful prosecutions. Strengthening the investigative resources available to public defenders is essential to ensuring fair and thorough representation for every client.

This is especially critical and necessary work on the more serious felony cases, such as Ballot Measure 11 offenses and murder cases. An experienced and well-trained investigator can locate a key witness or piece of evidence that not only ensures there is a constitutionally adequate defense for the accused, it also helps ensure a just outcome.

Recruiting and retaining investigators at \$75/hour is a key component to resolving the public defense crisis in Oregon. I am urging you to support the rate change for investigators and to implement this rate change effective July 2025.

Sincerely,

/s/Rachel Philips

Rachel Philips

Attorney

Philips Consulting Group