



Agenda/Notes

Office of Governor Tina Kotek — RJC Criminal Justice Reform Committee

August 27, 2024 – Zoom

3:00 pm – 5:00 pm

Moderator – Javier Cervantes

MEMBERS

X	Paul Soloman	X	Tristen Edwards	X	Constantin Severe
X	Babak Zolfaghari-Azar	X	Sterling Cunio	X	Nansi Lopez
X	Michelle Love	X	Shaylie Pickrell		

OTHER ATTENDEES

X	Andre Bealer	X	Lisa Fox	X	Jessica Kampfe
X	Zachary Gehringer	X	Mia Ruston	X	Shannon Flowers
X	Ken Sanchagrin				

Topic/Lead	Notes/Main Points	Decisions/Action Items
Introductions		
CJRC History of Work Legislative accomplishments Impact What this work can lead to DOC subcommittee work Constantin		
Agency Policy Option Packages Criminal Justice Commission- Restorative Justice POP (15 minutes) Department of Corrections-GIPA POP (15 minutes) Oregon Public Defense Commission-Supervised Provisional Practice Examination POP (15 minutes) Oregon Youth Authority-Behavioral	Public Defense Pops – Jessica Kampfe & Shannon Flowers Oregon doesn't have enough public defenders right now, and there are waitlists. Most of work is aimed at more public defenders. 2025 requests are focused on competent representation. SB337-changed the way we deliver public defense. Reconstituted the commission; moving us from judicial to executive branch with more access to support; changing the way we deliver public defense. Current delivery model – agency contracts with entities to provide representation. Contract with large firms (mostly non-profit) and groups of private bar lawyers. Historically we have not been able to provide much oversight, its in the contracts. SB337 took on that issue and provided more oversight through changes like having state employees as public defenders (35% goal);	Mia to get transgender data from Coffee Creek Jessica to get demographic data on involved DOC & Coffee Creek staff

Health In-Treatment
POP (15 minutes)

private defenders are moved to an hourly panel of defenders, appointed and billed to the state hourly to increase oversight; maintaining public defender offices.
POP1 – we need to build the hourly lawyers bucket. Continued investment in new tech. Need to be able to get case management and financial management system for hourly defenders to be able to interact with our system. Will also improve oversight through billing entries.

POP2 – Stabilize rates for hourly lawyers. Were paying \$75 and \$100 per hour up until last year. Then went \$135 & \$145 per hour. Not getting lawyers at those rates. Have been working to increase those. With increased rates, we're getting more lawyers. Economic survey was put out to determine market rates. It's \$205-\$230/hr. we're asking for an investment to be able to stabilize that rate and add more defenders to our system.

Paul – Case management system, I hope its good because some have been pretty bad. Regarding state employees and rate stabilization – are we doing anything to correspond to increases with non-profits. There's already a disparity between state employees and non-profits. What's it look like for increased non-profit funding?

Jessica – Yes, POP102 uses same economic survey to set compensation for non-profits. Increase there too, matched to increase in hourly rates. Inequities were created, and we want to fix that. Recruitment is a mix. Recruited heavily out of state. More recently it's evened out with current and new public defenders. Working with recruiter to be able to do a better job of recruiting nationally. Requesting funding for trial level offices to improve here.

POP criminal contracts – Adopted national standards from earlier this year and are on a path to implement. Case load maximums and 4 staff positions to defender offices. Legal assistants, social workers, investigators etc. Increase number of people working in public defense system.

POP108 recruitment and retention. Request to expand exam policy adopted into rural areas.

Shannon Flowers
Power Point
SPPE Licensing

Tristen – SPPE – good, we need more defenders. Have received multiple requests from attorneys of color from out of state about getting Bar'd in Oregon
Increased oversight for hourly attorneys – there have been time that people leave because of performance issues but then get a license to practice without supervision. Clients entering the system might get lemons. Need quality representation, but we also need bodies in the courtroom. What is the agency doing now to ensure quality control on contracts for solo practitioners?

Jessica – This is a real challenge. Pushing to grow the numbers, but hard to keep pace with oversight. There's a lot of pressure to allow people in. Oregon historically did 1% representation hourly, but in rate increase program puts us at 10% hourly. Can be a wild west in terms of oversight on quality. Scope grows, but not incorporating new supports and quality provisions. We don't have infrastructure yet. Hourlies have to sign an agreement and be qualified by staff for the case they are seeking to represent. There's a complaints-based system for oversight right now. Complaints are reviewed and can be referred to OSB. How to we build out the structure going forward? Looking to other states for examples (Massachusetts).

Paul – Appreciate the potential in SPPE. Need data on demographics of attorneys. Attorneys of color recruitment?

Jessica – Don't have demographic data. Because system is disbursed, the recruitment occurs with contracted providers. Variety between offices regarding recruitment of people of color. Not a specifically targeted area at this time.

Constantin – Given the deep hole with providing representation, it seems like it wont be a temporary thing. What concerns do you have around the hourly rates of creating incentives and pulling people from contracts or non-profit to do FIP (sp?)

Jessica – the hourly program has been effective. 200 appointments a month right now. Most flexible because its not geographically restrictive. We hope the areas leaning on FIP will be able to use state employees. Destabilizing impact is real. People make more money doing full time hourly work under FIP program than they would in a larger firm. We want to pay offices for core staff members so that offices that are investing in public

defense don't have to decrease salaries.

Nansi – Regarding recruitment – we hear agencies talk about recruitment but don't have appropriate lens for communities of color. How do we get people with those lenses to be the voice of our colored communities?

Jessica – Will get an answer and get the materials for distribution.

Nansi – Who's is in the HR department re race/ethnicity/position?

Paul – 4002 – you and chair expressed concerns re recriminalization impact on indigent defense providers. I have concerns re ability to ramp up deflection programs and will have huge influx of people charged. How can we address the potential onslaught.

Jessica – There will be a lot more new case filings and may not end up deflected. We expect increased filings. Spoke with legislature about it and asked how many more defenders we need to meet the need. We aren't there yet. Funding was allocated to add state employees and more defenders to contracts as well as case managers. We likely won't have sufficient defenders.

GIPA POP

Mia Ruston

Power Point

Tristen – What troubled us regarding this POP, it sounds like you'd figured out implementation and that you were told to half the budget. The overall DOC budget is big, why was the POP limited?

Mia – DOC did half a percent for GIPA which isn't a lot, but its formula.

Mia - Concerns regarding number of positions?

Paul – Concern about positions is that all the positions would be DOC. Concerned about loading the DOC's budget with un-needed positions. Assistant physical plant manager??

Mia – They are tiered (by priority). Some of the names seem odd, but they have limited selection for naming those positions.

Paul – Would they report to somewhere else?

Mia – No, but the gender-responsive manager would work closely with the ombudsmen and gov office, but would be reporting to DOC.

Paul – Case management and re-entry positions should be in DOC budget not POP. Can this committee play a role when DOC has its budget meetings to make our voice heard?

Constantin – In between now and the budget, a big value ad for the committee is to have the ability to articulate concerns. Our feedback has led to changed in POPs. The committee should try to articulate that clearly in the next month or so.

Paul – We should consider that as a committee. Also, more body scanners and less positions that should really be in the DOC budget.

Sterling – Skeptical of major changes that are overseen by a manager within the institution. The language is very dated. Institutions historically limited who could even participate in surveys and studies. Gatekeeping participation. Are we setting ourselves up to repeat history on this GIPA?

Mia - Independent researchers performed the GIPA. As you read through the GIPA report, the way its organized, the first part is staff structure, and the meat is later on in the report. I don't have misgivings because we have our GOV staff working with the managers at Coffee Creek. We need someone inside who is empowered to make the changes.

Shaylie - I agree that despite how purposeful a project may be, that if it is put in the hands of those who are intended to be learning will not be conducted our held in the way it was intended to, as well as funding for DOC positions should be within a DOC budget.

Sterling – If the DOC gets to pick the inside person, we're just going to see the same old thing,

Shaylie – McClaren developed a model with great ideas, people were trained, but there was no follow up for participation or education, and people were not held responsible to uphold the model. How do we know there will be follow through?

Mia – We're at the point where the advisory panel will be monitoring more. What's out check-in structure?

How do we get a report card? We are trying to build that into the advisory panel at the GOV office.

Michelle – Talking about importance of transgender support services. Do we have data on that group?

Mia – We don't, but we want them to fix that. We don't have an exact number on the case load. Can try to get. Recently did listening session with 5 individuals on transgender case load and heard opinions and thoughts. We want to make sure we're looking at providing services they want/need.

Restorative Justice POP

Ken Sanchagrin

POP106 went in last month

Tristen – The \$4mil number is plaguing us. We ask for 10, get 4, and it was sufficient for first biennium. How is tribal consultation going? \$4mil might not be enough next round. How did we end up with 4 again? Is there hope for more?

Ken – Foundationally, coming up with the right amount of money, difficulty in pinning down a number is that we are building as we fly. Don't know what the correct number is. Started building months ago in short session. Trying to be modest with asks, but have been successful in asks. If you're too aggressive you get the door shut. Tribal consult – did one on this and other grants, lots of focus on new deflection program. Process ongoing. Restorative justice wasn't as much of a focus on this as there was deflection. Practically, if we get the full 4mil, when the gov supports us, the agency can advocate better. The leg starts over when it does the budget process. Plans for additional leg concept for this program. Willing to be supportive in pushing other numbers. Need to get into the GRB first, the new can support more.

Paul – POPs vs. CSL – we keep having to ask for funding from one biennium to the next. Is this a 2 year funding and we have to do it again?

Ken – Pretty squishy. We were funded at end of session in the first place, but we need to be funded in the normal process. We should put a sunset on a program to ensure more funding. It's a better tactic. Work towards making sure the legislators are clear that this is a continuing program.

Q&A	<p>Paul – Figure process by email to get our recs in before the GRB. Get together and talk through and follow up. Schedule meeting w/ chairs/Andre/Javir and then share to group. Scheduled for 8/29/24</p> <p>Move December meeting or release? Annual report committee – Tristen and Paul</p>	