



Agenda/Notes

Office of Governor Tina Kotek
 RJC Criminal Justice Reform Committee
 March 25, 2025 – Zoom
 3:00 pm – 5:00 pm
 Moderator – Javier Cervantes

MEMBERS

E	Babak Zolfaghari-Azar	X	Paul Solomon	X	Sterling Cunio
E	Michelle Love		Shay Huber	X	Tristen Edwards
X	Nansi Lopez	X	Shaylie Pickrell		

OTHER ATTENDEES

	Andre Bealer	X	Yasmin Solorio		Constantin Severe
X	Valerie Colas	X	Javier Cervantes		

Topic/Lead	Notes/Main Points	Decisions/Action Items
Bill run (review) and update—Valerie	<p>Valerie: focusing on bills that are still alive. These are bills that have works session</p> <ul style="list-style-type: none"> SB473 creates crime of threatening public official. Work session scheduled April 2nd. SB696 crime for manufacture transport or rapid fireactivator. Hearing or public work session scheduled April 2nd. HB3443 - house judiciary, April 7th. HB3553 – public hearing on April 7th. HB2175 – Public hearing on April 7th. HB2465 provides for unlawful departure First reading in the senate. Will be referred to judiciary committee in the senate. SB574 – referred to rules committee. Sen. Fredrick. Can possibly move forward. Removes death penalty from the statues. HB3582. Eliminates statute of limitations for civil actions based on child sexual assault or abuse. March 26th work hearing. <p>Next deadline is April 9th, if bill hasn't moved over to the floor for a vote or next house its likely not going ot move forward after that.</p> <p>Paul: have question on bills that create new laws that often have a racial impact. Every session we see new bills that create new laws, as if we don't have many already in effect. Many do a disservice to communities</p>	<p>Tristen and Sterling to draft letter.</p> <p>Valerie to share spreadsheet of bills tracking.</p>

of color.

Tristen: would agree with that. Wondering best approach. The ones that stood out to me as particularly problematic is HB3443. Preventing merger of firearm. So opening it up to preventing merger would mean that folks would be looking at five times as much prison time. The ones that are creating new crimes or enhancing is HB 2465 which basically expands the crime of escape to if you are you know if your parole or probation officer is trying to arrest you escape in general is a problematic charge, I mean it's a low level misdemeanor but if someone has an escape on their record it prohibits them from being able to get transitional leave in the future if they ever go to prison. I'm really glad to hear that there is a bill to remove the death penalty entirely that sounds like something we should support. Just thinking about what action we can take on this. Writing a letter. I suppose we could write a letter specifically about the ones that we find problematic we could also write a general letter we as a committee are opposed to increasing criminal penalties, adding new crimes because of the racially disparate impact. Understanding anything we write will go through RJC endorsement process. What do folks think is the best approach?

Javier: Do we know if any of these bills have a stance in our office?

Valerie: our practice is to remain neutral.

Sterling: I would say this is an opportunity to rely on the data and point on all the evidence. Particularly the enhancement and making it worse will not deter anything. So much data and literature on this is abundant. Don't know how to articulate it. Almost like when shelters say they accept anybody and then kick out addicts for their behavior. What I mean by that is there's an opportunity to show a real understanding of the dynamics and what it will take. More crimes and stiffer crimes do not work. Opportunity to advocate for what works.

Tristen: agree. Want to circle back. Sounds like there may be a limitation. If we write a letter opposing, do we just go through RJC endorsement process. What are challenges to make that happen on the Governor's office side.

Javier: We would go through process of endorsement. Once we go through those channels and we take vote

for RJC for 2/3. If there are any flags, legislative team would flag items. This does not preclude individual advocacy.

Nansi: When we do submit testimony on behalf, can I in the testimony include I'm part of the committee or not. For the bills we are talking about.

Javier: we want to make sure we are getting endorsement from RJC to be able to do that.

Paul: I provided testimony personally for OPDC. I recognized views do not reflect this public body.

Javier: so long as you aren't representing the committee or Council, you can do that for sure.

Tristen: it may be worthwhile to go to the RJC endorsement process. One letter that says we are against expanding criminal system. What do people think of SB574 on the death penalty bill. I have four bills for us.

Paul: so I have a couple of questions one I think many of these bills have already had their public hearings and so there isn't an opportunity to submit public testimony so I guess I'm curious then what will we do and then for like the CJC budget bill. The public hearing got put off until next week. I think so there is an opportunity to submit testimony there but I'd kick it back over to you Javier to get a better sense of the timeline if we have to write a letter, vetted with this group then legislative team, and then get it in front of the full RJC before we can submit it. Seems like the likelihood of getting all of that done in a week or two is well is not likely.

Javier: I navigated that in less than a weeks time. Question is where do we send bills to. Public testimony. Can we send these to individual missions of the commission as letter to them?

Paul: members of the committee?

Valerie: I believe so, but would double check. If you do send it to them don't know if it'd be part of the record of the bill. Would be advocating to those individuals you are advocating. Not necessarily for the bill's record. Will double check with the legislative team.

Javier: in the process its in-person, virtual, testifying, or letter writing. Meetings not so much. Unless its as an

individual and not a committee.

Nansi: I heard the latter. Is there a reason for that or is that something that doesn't get done. Either one of us can, as we do our own lobby days, can connect.

Javier: would not be speaking on behalf of the committee. This is a lot easier to keep track of what's going on. Unfortunately timing didn't work out for us. Good thing is its done now, so for us to move forward in short session. Right now its basically letter writing or testifying.

Javier: best advice is trying to keep them as concise as possible. Folk just read top page typically, want to get as much said on a one-pager.

Tristen: I see that 2641 on Aranda bill for prior convictions. Theres a hearing scheduled for Monday, 31st. That's fast.

Javier: thats when its scheduled, you have two days past that date for testimony.

Tristen: the second one is 5005 which incorporates restorative justice and JREP. That's April 3rd. SB574 the death penalty one. Don't understand this process. Valerie what does it mean to refer to rules?

Valerie: can just stay in rules and never move forward, can move anytime.

Paul: place where bills go to die or if you need more time.

Tristen: maybe it makes sense to focus on bills happening next week. With expansion bills, Valerie I know you said possession of firearm one has hearing on April 7th. Were there any upcoming hearings?

Valerie: HB 3553 has one for April 7th. Rapid fire activator one is on April 7th. Crime for threatening public official SB473 is April 2nd.

Tristen: Michelle and I had taken as our task 2641. Babak had taken his task justice reinvestment. Though he has a baby so don't know if we'll be getting him before April 3rd. I can take that one since its incorporated with restorative justice. Anyone willing to write a short letter on why we would oppose expansion of the system?

Javier: just a general letter?

Tristen: yes, we can do one of two ways, a general letter and apply it to all the bills Valerie mentioned. Or focus on one bill and write it focused on it.

Paul: Help me walk through the process Javier. You said you go it done fast with housing bills. Say we come back with five bills.

Javier: that would be challenging.

Paul: how were you able to get the housing bill through all these process when the RJC meets at a certain date.

Javier: it was all through email. Noting spring break, vacations, and the need to read through each.

Tristen: Going to amend my previous suggestion and suggest that we to do a written testimony for HB 5005. I can try and get a letter drafted by tomorrow I'm not planning to write something very long I'm going to have two paragraphs 1 is going to be talking about restorative justice the other paragraph is going to be talking about state.

Sterling: Maybe I can draft something and get eyes on it. Would say system itself is the basis of the argument.

Tristen: I think that's right

Sterling: yes, don't mind taking the first draft.

Paul: if you take the first draft, I can help you

Nansi: I'll be there already testifying on other items, if you feel it would be a good idea I can help with providing testimony in person. Reminder we are limited to two minutes.

Paul: great point. Knowing who the sponsors are and it may give us insight on if these are going anywhere. Valeire, can you provide us with who the bill sponsors are, that would be helpful.

Valerie: Have those listed on the excel sheet.

Tristen: these have April 7th hearing.

Tristen: Process for testimony. So I'm wondering if like if

	<p>we can get the is does it have to be two different processes can we get the letter approved and like have it just simultaneously have to ask if I just have to ask legislative team to see what their what their guidance is on that and I can and I can share with that back with you all and via e-mail as soon as we have with the final version is and stuff and be able to do that.</p> <p>Nansi: Javier, is there a practice of when there's folks from a Commission under the governor is there potential questions from the committee members that I know that just to make sure</p> <p>Javier: I don't know if that's a practice or not, I don't have that answer unfortunately.</p> <p>Tristen: If letter is done by end of week, we should have enough time to go through the endorsement process.</p> <p>Javier: right now we have eight members. Two thirds of eight would be 5 people.</p> <p>Tristen: we have five people here. Just make sure we are paying attention to our emails to get the letter moving quickly.</p> <p>Nansi: I know you mentioned sending the spreadsheet, would be great to have via email.</p>	
<p><i>Agneda amended to include -</i> OPDC letter</p>	<p>Tristen: Wrote a letter, Javier forwarded it out. It basically is adopting the reconditions from the MPDC like how to increase the number of attorneys in the state specifically through supporting the nonprofit delivery model. We can just take 5 minutes, the letter is 3 pages long. Are folks OK with taking 5 to 10 minutes just read this this letter right now</p> <p>Nansi: would be in the non-profit public defense area. Important to build importance of building the pipeline. I wasn't here in the last meeting but with what I read would want to make sure its reflecting the pipeline.</p> <p>Tristen: do you mean pipeline from law school to being an attorney?</p> <p>Nansi: from community to making decision to going to law school, which would then impact these services.</p> <p>Tristen: can put a little bit of that. Can put something in there in diversity section on college internships. Any other thoughts?</p>	

Sterling: Important to me I advocate this, felt like often times public defenders were overworked. When it comes to the attorneys that have worked from nonprofits and things, you feel like you get an advocate. I was kind of shocked honestly to find out that they wasn't treated the same so anything that helps support them I'm in.

Paul: we face right now and indigent defense and it's the ability to grow public defense in the right areas without creating these disparities and we've done that through the hourly program. We're doing that and I think with good intent behind the state trial division, the unintended consequences we've created these state jobs now that have lower caseloads and get paid more than the public nonprofit providers. That's a piece that I think you did a really beautiful job articulating the need to focus growth in this area where we have demonstrated good results.

Tristen: thanks for the feedback. I think what I heard from Sterling was endorsement. We have five people here. Shaylie, does this look good to you?

Shaylie agrees.

Tristen: next steps then. This is not something we want to submit as written testimony to anything. This is a letter from the committee to the governor. My first through process is to send it to the governor. Paul and I were hoping to schedule a meeting with Constantin, Andre, Valerie, and Danny to talk about it and flesh out our perspective and engage in a conversation on how we can best have our voice heard.

Javier: as we talked before, having a meeting with those folks makes sense. You mentioned it to our governor at our last RJC meeting. I think just working with Andre, taking his insight on how to deliver it.

Tristen: do we want to include them?

Paul: Constantin would be good since he has OPDC in his portfolio.

Javier: Andre, Constantin, Javier, Valerie, co-chairs. Best thing.

Tristen: will take Danny off. By end of this week will put in addition that Nansi suggested. Will send letter to folks

	<p>we just mentioned and Paul to schedule a more input conversation with letter. Does that sound right to you Nansi and Shaylie to spearhead that meeting?</p> <p><i>Nanis and Shaylie agree.</i></p>	
<p>Recommendations from the Committee on Public Defense Attorney Recruitment—Tristen</p>	<p><i>Omitted due to time.</i></p>	
<p>Javier to explain the RJC endorsement process, specifically for the following bills:</p> <ul style="list-style-type: none"> ○ SB 938 Restorative Justice Bill (Priority 1) ○ HB 2641 Prior Conviction—Aranda (Priority 7) ○ SB 477 Justice Reinvestment Equity Program Endorsement Letter (Priority 5) 	<p><i>Javier reviews RJC endorsement process.</i></p>	
<p>Update on RJCO's Budget request and how people can support as individuals</p>	<p>Tristen: I am also a member of the Restorative Justice Coalition of Oregon (RJCO). RJCO is asking for more money than what is in the governor's recommended budget. We crunched the numbers and realized that that \$4 million would essentially be cutting programs, we received a good amount of data that helped us determine what those numbers really were.</p> <p>Going back to OPDC letter want to ask for calcification on what we should be asking for. My understanding is the GRB is finalized before session starts. Maybe a better way to change her position on OPDC budget. What is the best thing for us to ask for?</p> <p>Valerie: there would be no changes to the GRB. Priorities for the governor. You aren't asking for additional funds, but a reworking of where the funds are allocated. I think be clear of the reallocation of funds, for example, would be more part of the ask. Trying to figure out with how this goes with the bill on changes that need to be made with pubic defense. Working with</p>	

	<p>Rep Kropf bill for consideration of Gov Office.</p> <p>Tristen: bill is HB5031.</p> <p>Valerie: maybe include this in your input or figure out changes for that bill.</p> <p>Tristen: will rework that and can see if Andre or Constantin have framework on how to change that.</p>	
Committee Priorities (if time allows)	<p>Tristen: we're going to write one letter. Priority focus 1: one letter will be drafted to combine JREP and Restorative Justice HB 5005.</p> <p>Javier: Priority 2: No new items as this is now included in the GRB.</p> <p>Priority 3: Funding for OPDC – will be submitting letter by end of the week. Send letter to Andre and team.</p> <p>Tristen: don't know of any updates for priority 4? Rep Kroft has convened a workgroup, might be a placeholder bill. Still time. Holding pattern at this time.</p> <p>Priority 5: combining with priority 1</p> <p>Priority 6: sterling and Paul will draft letter. This one to be done by end of the week. Aiming for RJC endorsement by April 7th.</p> <p>Tristen: Priority 7, would've been great to have a letter, just can't make the timeline for the RJC endorsement. Rep Chotzen (I believe) is shepherding that.</p> <p>Priority 8 deflection.</p> <p>Paul: there is a small technical fix bill. There isn't legislation. CJC put best practices report as counties are still in the process of building their deflection programs and given autonomy. Maybe we can keep this one as a standing agenda item or provide future updates on. Not much as far as legislative action at this point.</p>	Members to draft letter.
<i>Agenda amended to include –</i> RJC recruitment	<p>Tristen: any new updates on new members?</p> <p>Javier: meeting with one person tomorrow. Hopefully we will have one more person.</p> <p>Tristen: excited Cameron is moving through process. DOC Subcommittee meets on April 7th. Program is called circles of piece. Anyone wants to join, welcome to join. NYU will also be joining. If you'd like to attend, let me know and I can add you.</p>	

Meeting Materials



CJRC - Criminal Bills to Track.pdf



RJC CJR OPDC Letter_Draft 3.25.25.p

Zoom Chat

15:01:05 From Javier Cervantes, Gov. Office (El, He, Him, His) to Hosts and panelists:

Agenda

- Bill run (review) and update—Valerie
- Recommendations from the Committee on Public Defense Attorney Recruitment—Tristen
- Javier to explain the RJC endorsement process, specifically for the following bills:
 - o HB 2641 Prior Conviction— Aranda (Priority 7)
 - o SB 477 Justice Reinvestment Equity Program Endorsement Letter (Priority 5)
- Update on RJCO's Budget request and how people can support as individuals
- If time allows, review the rest of the committee priorities

15:04:18 From Javier Cervantes, Gov. Office (El, He, Him, His) to Hosts and panelists:

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15:50:43 From Tristen Edwards to Hosts and panelists:

SB 473

15:50:51 From Tristen Edwards to Hosts and panelists:

SB 696

15:50:57 From Tristen Edwards to Hosts and panelists:

HB 3443

15:51:02 From Tristen Edwards to Hosts and panelists:

HB 3453

16:26:03 From Nansi Lopez to Hosts and panelists:

I'll be back, 5 min. tops.

16:34:07 From Nansi Lopez to Hosts and panelists:

What is the program name if you have it?

Dear Governor Kotek,

We, the Racial Justice Council's Criminal Justice Reform Committee (RJC-CJR), write this letter to provide advice and feedback on your budget recommendations for the Oregon Public Defense Commission. The unrepresented crisis and public defense are among the RJC-CJR's top priorities. Over our last few meetings, we have deepened our understanding of the public defense delivery models and how their different approaches intersect with the urgent need to recruit and retain more indigent criminal defense attorneys in Oregon. **It is our opinion that the only way to address the unrepresented crisis in a timely and cost-effective way is to strengthen the state's commitment to and investment in nonprofit public defense offices.**

Nonprofit Public Defense Offices Are Essential For Increasing The Number of Public Defenders.

The nonprofit offices are the only providers that are equipped to meaningfully recruit additional attorneys. For example, since 2019, Metropolitan Public Defender (MPD) in Multnomah and Washington Counties has hired 159 attorneys, including 20 new attorneys scheduled to start later this year with 12 of those attorneys coming to Oregon from other states.¹ In addition to bringing in over 30 lateral hires from elsewhere in the country, MPD has recruited and trained nearly 90 new attorneys from law school, with over half of those new attorneys coming to work at MPD from other states over the course of the last six years. MPD and other nonprofit defense offices do not currently receive funding for recruitment (something we believe should be remedied) and yet they continue to contribute more new attorneys to the state of Oregon than any of the other delivery models. This makes sense as the ability to supervise and train new attorneys means that nonprofit public defense offices are the only public defense providers that are well suited for new lawyers. New lawyers want to know that they will receive support and training as they enter the field. Supervision ensures the quality of representation and provides opportunities to help new lawyers develop their skills.

The other delivery models (OPDC trial division, Hourly, and Consortia) are not effective at recruiting new attorneys, either from law schools or out of state. The OPDC trial division does not have a recruitment plan and requires multiple years of experience. The hourly program focuses on practicing attorneys who are willing to take public defense cases. The Consortia is best suited for experienced attorneys as they cannot meaningfully train and supervise new attorneys given the disparate practices and the inability to share client information. Recruitment for these models is likely to focus on current public defenders. Increasing the number of positions within the OPDC trial division and the hourly program will only lead to current providers moving to different offices. This is a problem because (1) it does nothing to increase the number of public defenders in the state and (2) it creates additional burdens for nonprofit providers who are then tasked with absorbing the caseloads of the people who have left.

¹ Metropolitan Public Defender is the largest nonprofit public defense office in Oregon.

Non-Profit Public Defense Offices Offer a Cost-Effective Approach.

The OPDC trial division and hourly program are the two most expensive delivery models in the state. The OPDC trial division provides salaries consistent with those of DOJ and OPDC appellate division attorneys. In addition to higher pay, attorneys at the OPDC trial division also enjoy smaller caseloads than contract providers (non-profits and consortia). Though we support the state's efforts to enforce ethical caseloads and ensure adequate compensation, creating one office that enjoys these benefits creates several problems: (1) a high level of investment is being made in a model that is not taking a substantial number of cases, (2) to date this model has not meaningfully attracted candidates from other states, and (3) recruitment has focused on existing providers who are attracted by the lower caseloads and higher pay.

The hourly program presents similar issues but with the added concern related to a lack of financial oversight. Under this model, solo practitioners and other private attorneys are invited to accept court appointed cases at a high hourly rate. Many full-time providers are leaving nonprofit offices and consortia to join the hourly program, where they can take fewer cases and make the same or more in compensation. Hourly attorneys can choose to take as few or as many cases as they like. OPDC has placed "soft caps" on the amount that these providers can bill per case. These "soft caps" set a high threshold, with providers being able to bill up to \$50,000 for certain misdemeanors. Additionally, a "soft cap" is not a ceiling rather it is a suggestion, and it is unclear that OPDC is doing anything when a provider exceeds that "soft cap."

The non-profit public defense offices contract with OPDC, agreeing to a set amount for each attorney based on qualification and to follow OPDC's "Maximum Allowable Caseload" (MAC) guidelines when determining caseloads. The MAC standards far exceed the recommendations of the American Bar Association and the 2023 RAND National Study. Although MAC is intended to signify a caseload limit as opposed to a caseload goal, non-profit providers like MPD are at over 90% of their MAC, indicating that they are taking as many cases as they possibly can.

Non-Profit Public Defense Offices Provide High Quality Representation.

The ability to provide consistent training and intensive supervision for attorneys lends to better public defenders and higher quality representation. Having a robust training and supervision model allows for necessary quality control and presents attorneys with opportunities to learn and address any issues they may be experiencing in their practice. Training and supervision is solely the purview of the non-profit defense offices. While we think it is important to deepen investments in the non-profit providers for this reason, we also believe work needs to be done to create better oversight for other providers. During a presentation by Director Kampfe in August of last year we learned that oversight of Consortia and hourly attorneys relies entirely on a complaint-based system, meaning the public defense client would need to send a complaint to OPDC for anyone at the agency to pay attention to the quality of representation they are receiving. Director Kampfe did not explain whether this complaint system is advertised to public defense clients and what measures, if any, are taken after receiving a complaint.

In addition to the intensive oversight and attorney resources offered by nonprofit providers, nonprofits also can apply for grants to expand the resources they provide. Some offices provide case managers, in-house investigators, and civil legal services. Nationwide recruitment also adds to the quality of attorneys as it invites a diverse pool of attorney applicants and creates a competitive application process, where high quality attorneys can be identified and recruited.

Non-Profit Public Defense Offices Are Essential To Diversifying the Defense Bar.

The nonprofit offices are crucial to Oregon's efforts to increase diversity within the public defense bar. The Oregon Criminal Defense Lawyer's Association's (OCDLA) Diversity, Equity, and Inclusion (DEI) committee is the primary body working on this issue. Over 75% of its members work for non-profit offices. The ability to connect students of color with internships, externships, and clinics is crucial for engaging them in the defense field and giving them opportunities to develop their skills. SPPE is another excellent way to engage law students of color and the most robust SPPE experience is offered by offices that have training and supervision built into their model. In Oregon, that exists exclusively in the nonprofit offices.

Diversity is important to every field but there is a heightened need in public defense, where attorneys are tasked with understanding and relating to clients who are disproportionately Black and Brown. During Director Kampfe's presentation, she stated that efforts to improve diversity in public defense come from the work being done at non-profit offices.

Conclusion: Suggested Revisions to the Governor's Recommended Budget.

Currently, the Governor's Recommended Budget focuses heavily on increasing positions for the OPDC trial division and the hourly program. As we have stated in this letter, it is our opinion that more resources need to be dedicated to funding non-profit offices to add attorney positions as well as support staff. We also believe there should be additional funding for non-profit defense offices to support and enhance attorney recruitment efforts. Lastly, we feel that additional resources must be allocated to providing oversight for consortia and hourly attorneys both as it relates to the quality of the attorney's representation and their billing practices.

Sincerely,

The Racial Justice Council's Criminal Justice Reform Committee

Tristen Edwards (Co-Chair)

Paul Solomon (Co-Chair)

Sterling Cunio

Shay Huber

Nansi Lopez

Michelle Love

Shaylie Pickrell

Babak Zolfaghari-Azar