

**Members:**

Robert Harris, Chair  
Susan Mandiberg, Vice Chair  
Stephanie Engelsman  
Alton Harvey, Jr.  
Leslie Kay  
Philippe Knab  
Tom Liningner



**Nonvoting Members:**

Rep. Paul Evans  
Haley Olson  
Caitlin Plummer  
Sen. Floyd Prozanski

**Executive Director:**

Kenneth Sanchagrín

**Oregon Public Defense Commission**

*Meeting will occur virtually via Zoom.\**

*Wednesday, March 18, 2026*

*9:00 AM – approx. 12:45 PM PST*

**Administrative Announcement**

*This is a public meeting, subject to the public meeting law and it will be recorded. Deliberation of issues will only be conducted by Commission members unless permitted by the Chair. Individuals who engage in disruptive behavior that impedes official business will be asked to stop being disruptive or leave the meeting. Additional measures may be taken to have disruptive individuals removed if their continued presence poses a safety risk to the other persons in the room or makes it impossible to continue the meeting.*

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# AGENDA

Approx. Time	Item	Lead(s)
9:00-9:05	Welcome – Call to Order	Vice Chair Mandiberg
9:05-9:20	Public Comment	
9:20-9:30	<b>Update:</b> <a href="#">Unrepresented Persons in Oregon Courts: Attorney Shortage</a>	Ken Sanchagrín
9:30-9:45	<b>Update:</b> Director’s Update <ul style="list-style-type: none"> <li>• <a href="#">Financial Case Management System (FCMS)</a></li> <li>• <a href="#">Budget Update</a></li> <li>• State v. Roberts</li> <li>• Agency Policies</li> </ul>	Ken Sanchagrín
9:45-10:15	<b>Discussion:</b> <ul style="list-style-type: none"> <li>• <a href="#">Policy Option Packages</a></li> <li>• <a href="#">Legislative Policy Proposals</a></li> </ul>	Lisa Taylor
10:15-10:40	<b>Briefing:</b> <a href="#">Continuity of Operations Plan</a>	Mahesh Keswani

10:40-10:50	<b>**Break**</b>	
10:50-11:10	<b>Briefing:</b> <a href="#">Agency Rulemaking Calendar</a>	Dacia Smith
11:10-11:20	<b>Briefing:</b> <a href="#">Retention Incentive Funds</a>	Kim Freeman
11:20-11:25	<b>Update:</b> Board Subcommittees	Vice Chair Mandiberg
11:25-11:40	<b>Action Item:</b> <a href="#">Updates to the Public Comment Guidelines</a>	Vice Chair Mandiberg
11:40-12:00	<b>Update:</b> Legislative <ul style="list-style-type: none"> <li>• <a href="#">2026 Session Wrap-Up</a></li> </ul>	Lisa Taylor
12:00-12:15	<b>Discussion:</b> Agency Key Performance Measures	Kim Freeman
12:15-12:45	<p><b>**Executive Session**</b></p> <p><b><i>The Commission will meet in Executive Session pursuant to ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.</i></b></p> <p><i>At the beginning of the agenda item, Vice Chair Mandiberg will introduce the Executive Session. After the introduction, the Commission will meet privately in Executive Session. At the conclusion of the Executive Session, Commissioners will re-join the public Zoom meeting to adjourn.</i></p> <p><i>Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other participants may not attend. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the Executive Session, except to state the general subject of the session as previously announced. No decision may be made in Executive Session.</i></p>	Vice Chair Mandiberg
12:45 (Approximately)	<b>**Adjourn**</b>	

\*To join the Zoom meeting, click this link: <https://zoom.us/j/91098519696>. This meeting is accessible to persons with disabilities or with additional language service needs. Our Zoom virtual meeting platform is also equipped with Closed Captioning capabilities in various languages, which agency staff can assist you with setting up ahead of meetings.

Requests for interpreters for the hearing impaired, for other accommodations for persons with disabilities, or for additional interpreter services should be made to [info@opdc.state.or.us](mailto:info@opdc.state.or.us). Please make requests as far in advance as possible, and at least 48 hours in advance of the meeting, to allow us to best meet your needs.

Listed times are an estimate, and the Chair may take agenda items out of order and/or adjust times for agenda items as needed.

The Commission welcomes public comment. Verbal and written comments must be directly related to agenda items. Please [click here](#) to review the guidelines for providing public comment on our website.

Next meeting: **April 15, 2026, 9am – 2pm via Zoom**. Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opdc/commission/Pages/meetings.aspx>.

# STATEWIDE

## Unrepresented Numbers

Statewide, there are 1,438 unrepresented individuals as of February 28, 2026, including adults and juveniles in- and out-of-custody, post-disposition, and non-criminal cases. This is a decrease of 1,056, or 42.3%, since January 31, 2026. Much of this decrease is due to case dismissals pursuant to *State v. Roberts*.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	3,488	2,164	1,218
In-Custody	167	102	99
Probation Viol.	290	161	70
Non-Criminal	137	67	51
<b>Total</b>	<b>4,082</b>	<b>2,494</b>	<b>1,438</b>

Out-of-custody individuals decreased by 946, or 43.7%, and in-custody individuals decreased by 3, or 2.9%, in February compared to January.

Year over year, the number of unrepresented individuals has fallen by 64.8%.

## Caseload Capacity

2025-27 provider contracts started on October 1, 2025. Case counts and MAC utilization for contractors have reset as of that date. As the Oregon Trial Division is not on a contract cycle, its data is reported for the 25-27 biennium. OPDC's real-time OTD data is current as of February 28, while contractors' data is current as of January 31.

Provider Type	Total Cases	Monthly Cases	MAC Utilization
<b>Contractors<sup>1</sup></b>	<b>30,365</b>	<b>8,023</b>	<b>96.4%</b>
Consortia	13,176	3,238	94.7%
Non-Profits	12,282	3,618	96.5%
Individuals/Firms	4,907	1,167	100.9%
<b>OPDC Trial Div<sup>2</sup></b>	<b>1,438</b>	<b>132</b>	<b>89.8%</b>
Northwest	328	45	92.6%
Central Valley	492	55	88.7%
Southern	618	32	87.6%

<sup>1</sup> OPDC Criminal Contract Data, January 2025

<sup>2</sup> Oregon Trial Division, MAC excludes Chiefs, July 2025-February 2026

## Case Assignments

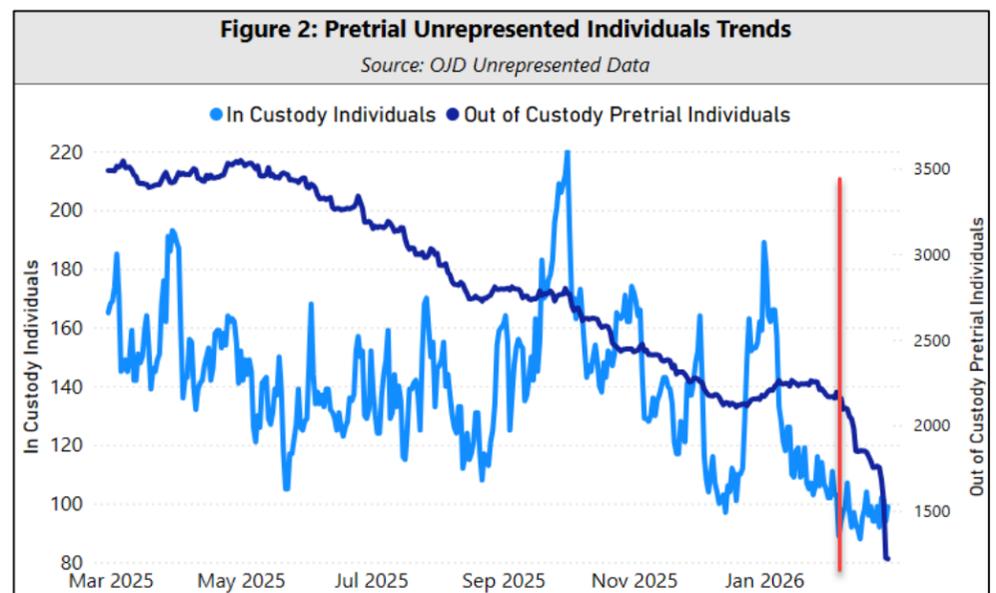
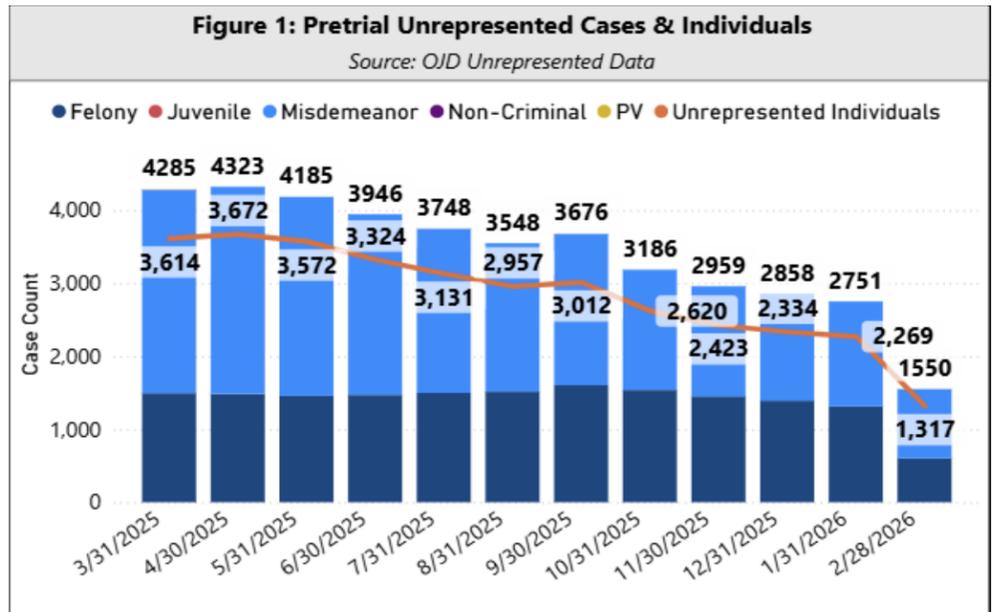
OPDC assignment coordinators identified counsel for 681 unrepresented cases, including 134 cases subject to *Betschart*, in February. Below are case assignments made by OPDC staff for unrepresented cases in February 2026.

Provider	January	February	Total Since 7/1/25
Contractor	156	90	933
Hourly	378	518	4,296
OTD	86	73	522
<b>Total</b>	<b>620</b>	<b>681</b>	<b>5,714</b>



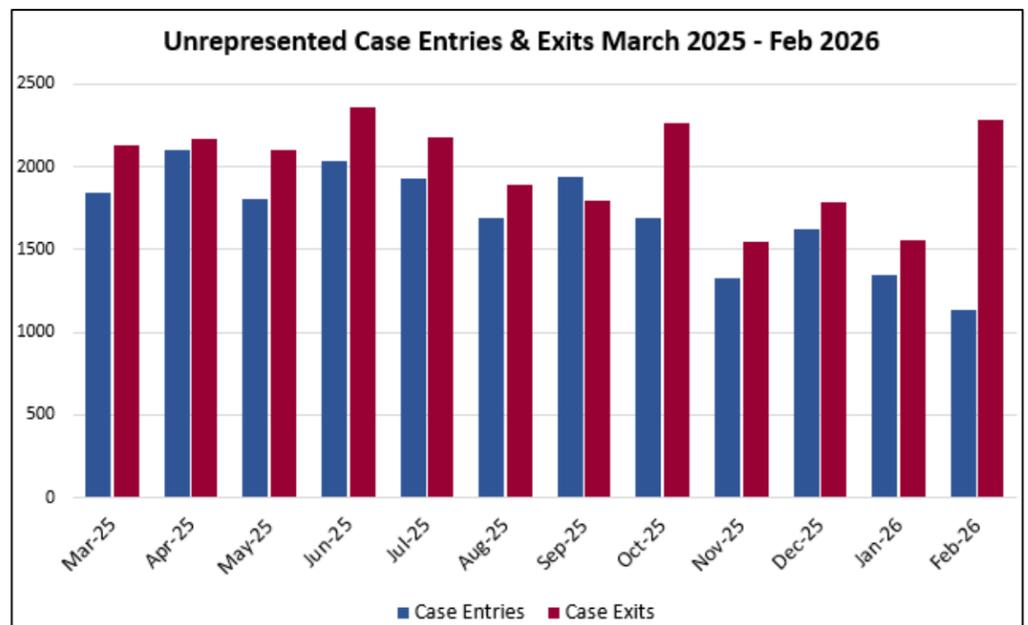
## Unrepresented Trends

Figure 1 shows the number of unrepresented individuals in custody and out of custody over the past 12 months, broken into case categories. Figure 2 shows the trend line for both in-custody and out-of-custody pretrial individuals over the past 12 months. The red line indicates when the *Roberts* decision was released.



## Entries and Exits

In the past 12 months 20,465 cases entered unrepresented status and 24,080 cases exited unrepresented status. Cases can enter and exit unrepresented status multiple times. There have been more exits than entries in 11 of the past 12 months.



## State v. Roberts

In early February, the Oregon Supreme Court ruled that cases must be dismissed without prejudice when the state fails to provide counsel to an eligible defendant for more than 60 consecutive days for misdemeanors and 90 consecutive days for felonies. Local courts dismissed a large number of cases during the month of February, many of which may be refiled in the future. Current data trends, therefore, should be viewed with caution. OPDC is partnering with OJD to identify *Roberts* cases in future reporting to aid in tracking.

### Unrepresented Numbers

Between January and February, the number of in-custody individuals increased by 3, and out-of-custody pretrial individuals decreased by 79, or 44.8%.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	249	176	97
In-Custody	8	4	7
Probation Viol.	7	16	6
Non-Criminal	2	2	2
<b>Total</b>	<b>266</b>	<b>198</b>	<b>112</b>

### Providers

Providers took 136 cases in January and are currently at 92.7% MAC utilization.

Provider Type	MAC Utilization
Consortia	96.8%
Non-Profits	100.4%
Other	67.7%
<b>All</b>	<b>92.7%</b>

### Oregon Trial Division

Since July 1, 2025, OTD has taken 35 cases in Douglas County.

Region	January	February	Total Since 7/1/25
Central	0	2	32
Southern	0	0	3
<b>Total</b>	<b>0</b>	<b>2</b>	<b>35</b>

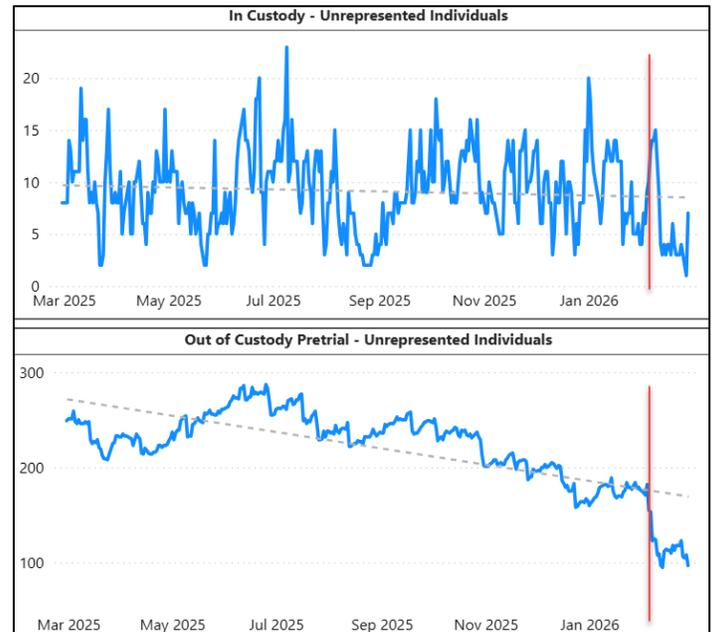
### Case Assignments

In February, OPDC assignment coordinators identified counsel for 68 unrepresented cases, including 29 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in February.

Provider Type	January	February	Total Since 7/1/25
Contractor	32	25	271
Hourly	25	42	327
OTD	6	1	27
<b>Total</b>	<b>63</b>	<b>68</b>	<b>619</b>

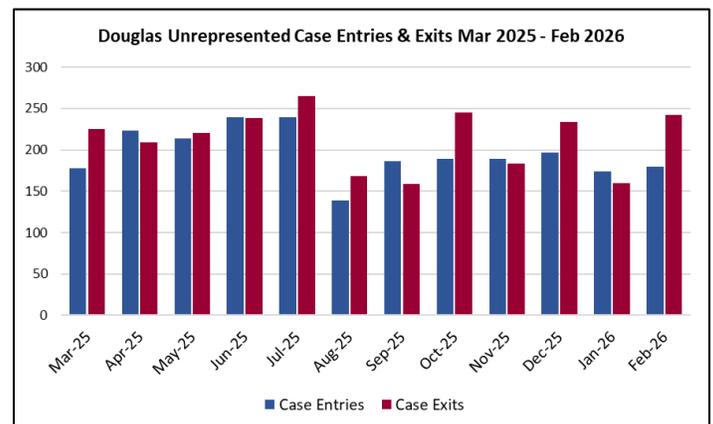
### Unrepresented Trend Lines

The total number of unrepresented individuals is down 57.9% compared to February 28, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Douglas County, 2,347 cases entered unrepresented status, and 2,548 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



### Unrepresented Numbers

Between January and February, the number of in-custody individuals decreased by 9, and out-of-custody pretrial individuals decreased by 127, or 37.3%.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	666	340	213
In-Custody	14	18	9
Probation Viol.	60	69	30
Non-Criminal	17	10	4
<b>Total</b>	<b>757</b>	<b>437</b>	<b>256</b>

### Providers

Jackson County has five attorneys participating in the Enhanced MAC Program. Contractors took 358 cases in January and are at 95.3% MAC utilization.

Provider Type	MAC Utilization
Consortia	95.6%
Non-Profits	95.3%
Other	90.3%
<b>All</b>	<b>95.3%</b>

### Oregon Trial Division

Since July 1, 2025, OTD has taken 572 cases in Jackson County.

Region	January	February	Total Since 7/1/25
Southern	61	30	572
<b>Total</b>	<b>61</b>	<b>30</b>	<b>572</b>

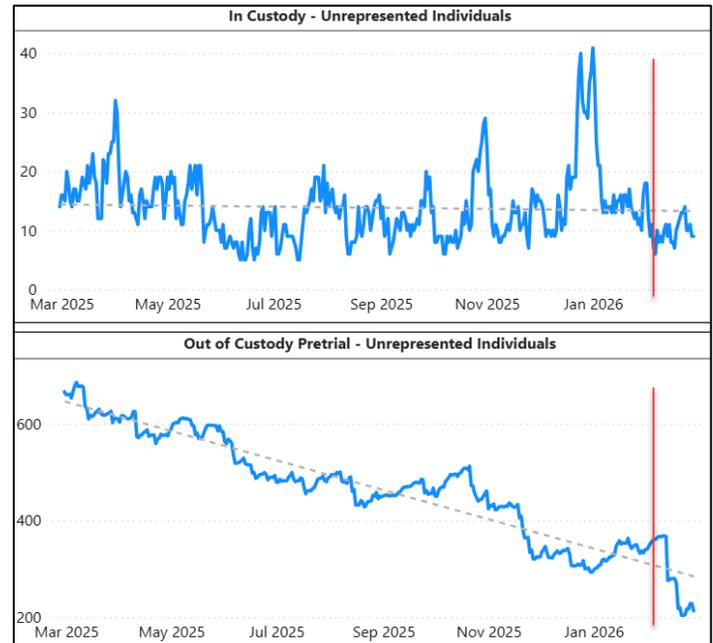
### Case Assignments

In February, OPDC assignment coordinators identified counsel for 25 unrepresented cases, including 4 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC.

Provider Type	January	February	Total Since 7/1/25
Contractor	27	3	115
Hourly	21	22	180
OTD	0	0	73
<b>Total</b>	<b>48</b>	<b>25</b>	<b>362</b>

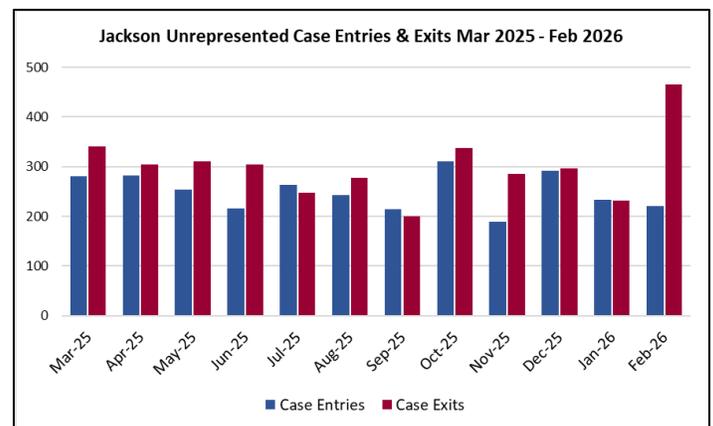
### Unrepresented Trend Lines

The total number of unrepresented individuals is down 66.2% compared to February 28, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Jackson County, 2,998 cases entered unrepresented status, and 3,602 cases exited unrepresented status. The county has seen more exits than entries in 9 of the past 12 months.



### Unrepresented Numbers

Between January and February, the number of in-custody individuals decreased by 2 and out-of-custody pretrial individuals decreased by 17, or 94.4%.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	619	18	1
In-Custody	14	2	0
Probation Viol.	128	24	0
Non-Criminal	13	9	9
<b>Total</b>	<b>774</b>	<b>53</b>	<b>10</b>

### Providers

Contractors took 711 cases in January. OPDC entered into a contract with Public Defender of Marion County as well as a new law firm in January.

Provider Type	MAC Utilization
Consortia	97.9%
Non-Profits	30.4%
Other	133.1%
<b>All</b>	<b>74.4%</b>

### Oregon Trial Division

Since July 1, 2025, OTD has taken 306 cases in Marion County.

Region	January	February	Total Since 7/1/25
Northwest	0	0	2
Central	74	10	304
<b>Total</b>	<b>74</b>	<b>10</b>	<b>306</b>

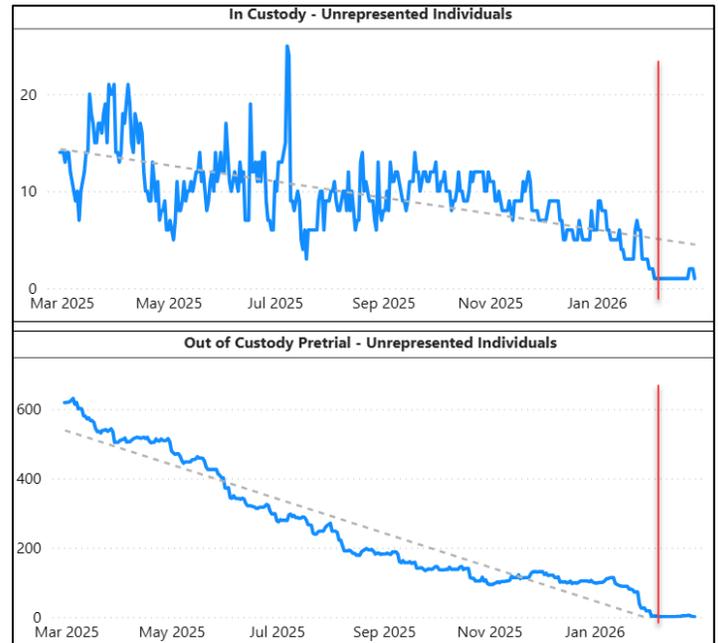
### Case Assignments

In February, OPDC assignment coordinators identified counsel for 25 unrepresented cases (0 cases were subject to *Betschart*). Below are unrepresented case assignments made by OPDC assignment coordinators in February.

Provider Type	January	February	Total Since 7/1/25
Contractor	25	13	96
Hourly	18	8	290
OTD	29	4	90
<b>Total</b>	<b>72</b>	<b>25</b>	<b>474</b>

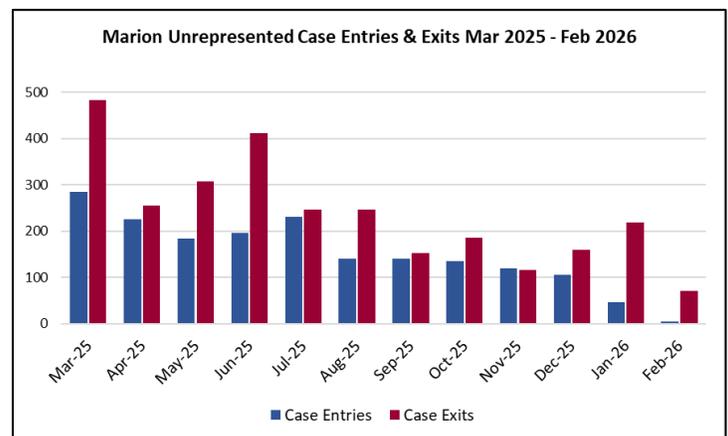
### Unrepresented Trend Lines

The total number of unrepresented individuals is down 98.7% compared to February 28, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Marion County, 1,811 cases entered unrepresented status and 2,848 cases exited unrepresented status. The county has seen more exits than entries in 11 of the past 12 months.



# MULTNOMAH

## Unrepresented Report

February 2026

### Unrepresented Numbers

Between January and February, the number of in-custody individuals decreased by 1, and out-of-custody pretrial individuals decreased by 456, or 41.8%.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	1,107	1,091	635
In-Custody	67	50	49
Probation Viol.	18	6	9
Non-Criminal	6	5	1
<b>Total</b>	<b>1,198</b>	<b>1,152</b>	<b>694</b>

### Providers

Multnomah County has three attorneys participating in the Enhanced MAC Program with the 2025-2027

Provider Type	MAC Utilization
Consortia	86.6%
Non-Profits	114.4%
<b>All</b>	<b>108.8%</b>

contracts. Contractors took 1,709 cases in January and are at 108.8% MAC utilization.

### Oregon Trial Division

Since July 1, 2025, the OTD has taken 273 cases in Multnomah County.

Region	January	February	Total Since 7/1/25
Northwest	24	34	247
Central	0	26	26
<b>Total</b>	<b>24</b>	<b>60</b>	<b>273</b>

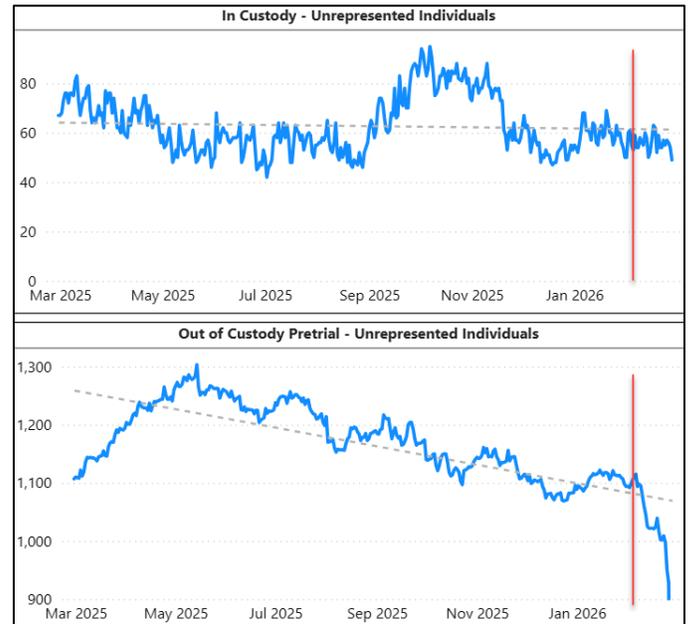
### Case Assignments

In February, OPDC assignment coordinators identified counsel for 137 unrepresented cases, including 59 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in February.

Provider Type	January	February	Total Since 7/1/25
Contractor	11	7	65
Hourly	68	87	689
OTD	22	43	138
<b>Total</b>	<b>101</b>	<b>137</b>	<b>890</b>

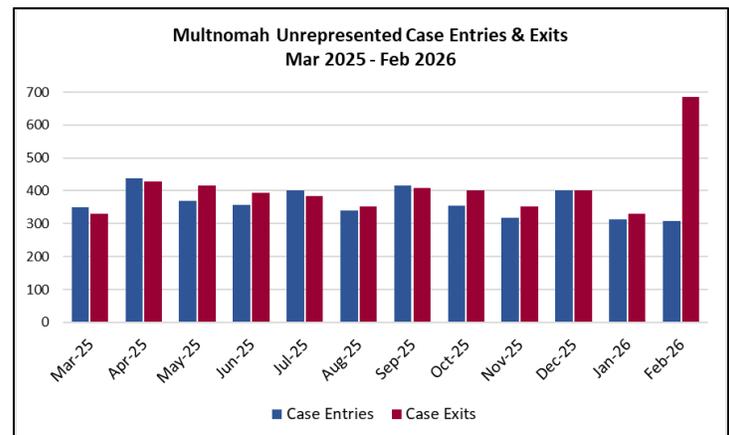
### Unrepresented Trend Lines

The total number of unrepresented individuals is down 42.1% compared to February 28, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Multnomah County, 4,360 cases entered unrepresented status, and 4,880 cases exited unrepresented status. The county has seen more exits than entries in 8 of the past 12 months.



### Unrepresented Numbers

Between January and February, the number of in-custody individuals decreased by 3, and out-of-custody pretrial individuals decreased by 218, or 48.4%.

Category	2/28/25	1/31/26	2/28/26
Out-of-Custody	543	450	232
In-Custody	31	18	15
Probation Viol.	41	36	19
Non-Criminal	12	8	5
<b>Total</b>	<b>627</b>	<b>512</b>	<b>271</b>

### Providers

Washington County has four attorneys participating in the Enhanced MAC Program with the 2025-2027

Provider Type	MAC Utilization
Consortia	118.5%
Non-Profits	116.6%
Other	101.0%
<b>All</b>	<b>111.8%</b>

contracts. Contractors took 1,131 cases and are at 111.8% MAC utilization.

### Oregon Trial Division

Since July 1, 2025, OTD has taken 78 cases in Washington County.

Region	January	February	Total Since 7/1/25
Northwest	9	5	61
Central	3	12	17
<b>Total</b>	<b>12</b>	<b>17</b>	<b>78</b>

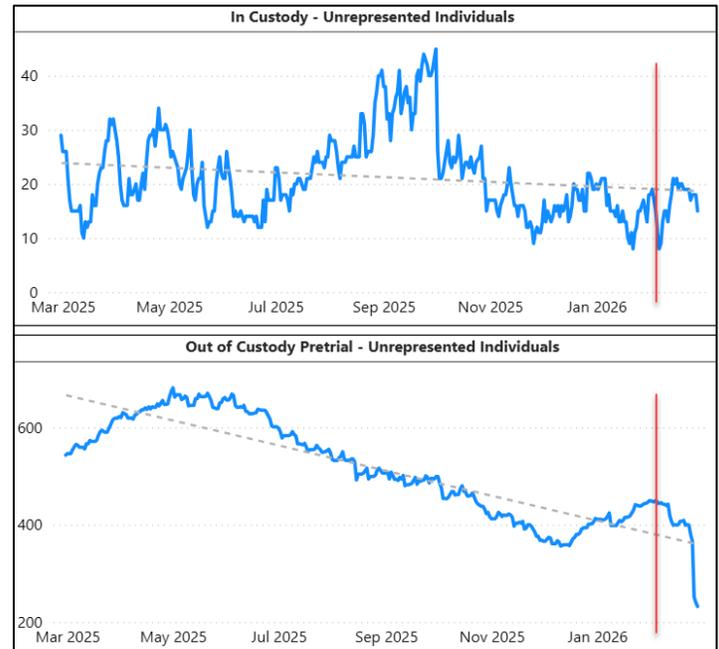
### Case Assignments

In February, OPDC assignment coordinators identified counsel for 122 unrepresented cases, including 24 cases subject to *Betschart*. Below are unrepresented case assignments made by OPDC assignment coordinators in February.

Provider Type	January	February	Total Since 7/1/25
Contractor	10	15	103
Hourly	69	90	738
OTD	12	17	69
<b>Total</b>	<b>91</b>	<b>122</b>	<b>908</b>

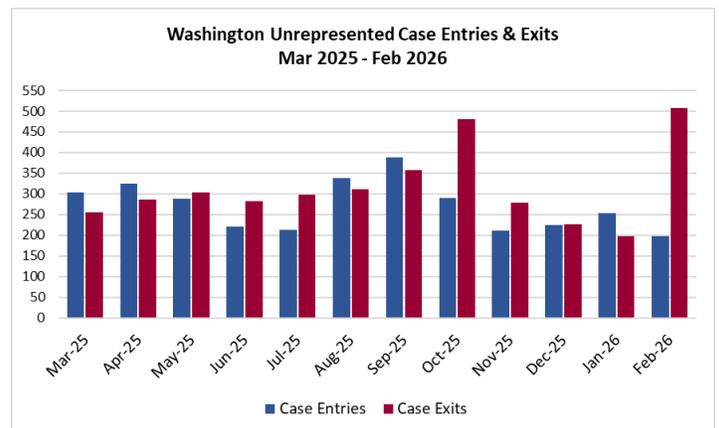
### Unrepresented Trend Lines

The total number of unrepresented individuals is down 56.8% compared to February 28, 2025. The red line indicates the date the *Roberts* decision was released.



### Entries and Exits

In the past 12 months in Washington County, 3,254 cases entered unrepresented status, and 3,784 cases exited unrepresented status. The county has seen more exits than entries in 7 of the past 12 months.



# Oregon Public Defense Commission

**Financial & Case  
Management System  
Update**

March 18, 2026

**Kenneth Sanchagrin, Executive Director**  
[kenneth.sanchagrin@opdc.state.or.us](mailto:kenneth.sanchagrin@opdc.state.or.us)

**David Martin, CIO, FCMS**

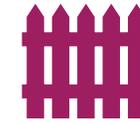


# Implementation Planning Phase Approval & Procurement Status



## Procurement:

Leadership elected to enter into Phase 3 (Contract Negotiations and Execution). OPDC received a protest in response to public notice of its Intent to Award a Contract, and with Dept of Justice concurrence, denied the protest. The proposer has the option to seek judicial review through the date a contract is executed. Contract negotiations began following the protest disposition and are in Round 5. An introductory meeting between the negotiations team, DAS, IQMS, and the apparent successful proposer was held on 11.5.2025.



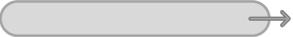
## Implementation Planning:

Compliance process flow diagramming completed as well as Trial and Juvenile GAP analyzed process flow diagrams. User Story-Use Cases for both tracts are currently in progress. Data & Reporting SIPOC review was completed by IT and CAP's review is at 82% complete. Forms and Template collection and census documentation completed March 5, 2026.

# Procurement Schedule

## Phase 2: Potential for Judicial Review of Contract Award Protest Disposition

Protesting proposer has the **option** to seek judicial review until the contract is approved by the Office of the Attorney General and executed by OPDC. Began October 2025.



## Phase 3: Contract Negotiations

Contract negotiations began in November 2025

### Contract Review

Nov 5, 2025, thru May 11, 2026

### Contract Execution

Nov 5, 2025, thru May 29, 2026



**SOW Development Completion** Apr 28, 2026  
Project Management plan included



✓  
**Today**



JANUARY  
2026

FEBRUARY  
2026

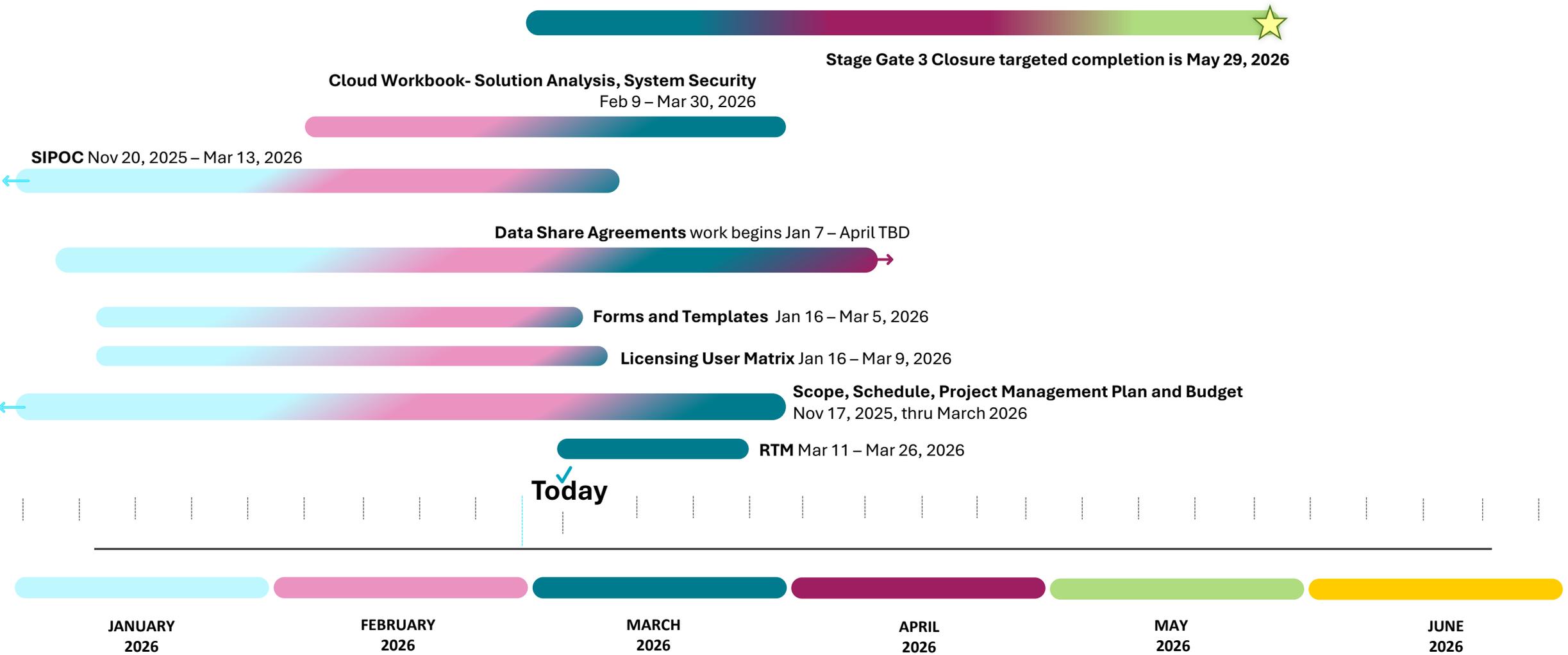
MARCH  
2026

APRIL  
2026

MAY  
2026

JUNE  
2026

# Implementation Planning Timeline



# Accomplishments



**Implementation:** Compliance process flow diagramming completed as well as Trial and Juvenile GAP analyzed process flow diagrams. User Story-Use Cases for both tracts are currently in progress. Data & Reporting SIPOC review was completed by IT and CAP's review is at 82% complete. Forms and Template collection and census documentation completed March 5, 2026.



**Procurement Phase 3:** Leadership elected to enter into Phase 3 (Contract Negotiations and Execution). OPDC received a protest in response to public notice of its Intent to Award a Contract, and with Dept of Justice concurrence, denied the protest. The proposer has the option to seek judicial review through the date a contract is executed. Contract negotiations began following the protest disposition and are in Round 5.



**Change Management:** Developed a change champion/sponsor toolkit and a Frequently Asked Questions (FAQs) document. Conducted a virtual kickoff meeting with internal change champions and sponsors to clarify roles and responsibilities, and to provide an overview of available resources.



# Upcoming Milestones

01

FCMS 7th round draft of SOW and FCMS Project Management Plan (pre-SOW development) complete.

02

Contract execution **May 29.**

03

Implementation Planning document revision continues for Scope, Schedule, Budget Alignment. Training Strategy being developed.

04

Identifying Forms and Templates used in FCMS processes will complete in March 2026. Documentation of External Provider Portal Framework continues through March.

# Budget

Current funding is being covered by ASD General Fund until the Bond sale in late spring 2026.

The bond funding spending plan was finalized January 30<sup>th</sup>.

Hosting/Licensing Cost Review upcoming March 2026.

SOW Cost review upcoming in March 2026.

**Month Ending January 2026**

<b>Appropriation</b>	<b>Funding Purpose</b>	<b>Original Budget Total Appropriation</b>	<b>Unscheduled Appropriation</b>	<b>Available Appropriation</b>	<b>January 2026 Expenditures</b>	<b>Planned Expenditures</b>	<b>Unused Appropriation</b>
<b>General Funds</b>							
Executive Division	Main Appn	\$ 3,356,449		\$ 3,356,449	\$ 880,805	\$ 2,606,290	\$ (130,646)
Compliance, Audit, and Performance Division	Main Appn	\$ 8,645,518		\$ 8,645,518	\$ 2,268,876	\$ 7,429,508	\$ (1,052,866)
Appellate Division	Main Appn	\$ 28,826,029		\$ 28,826,029	\$ 8,442,048	\$ 21,807,042	\$ (1,423,061)
Adult Trial Division	Main Appn	\$ 329,576,667	\$ -	\$ 329,576,667	\$ 84,209,954	\$ 240,199,634	\$ 5,167,079
Adult Trial Division	Civil Commitment	\$ 1,111,456		\$ 1,111,456	\$ -	\$ -	\$ 1,111,456
Juvenile Trial Division	Main Appn	\$ 45,417,129	\$ -	\$ 45,417,129	\$ 14,285,633	\$ 33,139,387	\$ (2,007,891)
Preauthorized Expenses Division	Standard-Main Appn	\$ 94,115,182		\$ 94,115,182	\$ 25,079,123	\$ 69,466,229	\$ 607,187
Preauthorized Expenses Division	THIP	\$ 7,307,131		\$ 7,307,131	\$ 6,275,173	\$ 1,421,573	\$ (389,615)
Court Mandated Expenses Division	Standard-Main Appn	\$ 52,272,158		\$ 52,272,158	\$ 14,574,276	\$ 36,148,330	\$ 3,647,813
Court Mandated Expenses Division	THIP	\$ 11,121,931		\$ 11,121,931	\$ 12,205,299	\$ 5,597,272	\$ (6,680,640)
Trial Representation Division	Main Appn	\$ 18,090,808	\$ -	\$ 18,090,808	\$ 5,005,943	\$ 15,052,882	\$ (1,968,017)
Parent Child Representation Program	Main Appn	\$ 46,737,940	\$ -	\$ 46,737,940	\$ 15,340,769	\$ 29,908,122	\$ 1,489,049
Administrative Services Division	Main Appn	\$ 23,771,498		\$ 23,771,498	\$ 8,426,086	\$ 19,600,064	\$ (4,254,652)
Administrative Services Division	FCMS	\$ 693,866		\$ 693,866	\$ -	\$ -	\$ 693,866
Special Programs, Contracts and Distributions Division	Guardianship	\$ 1,627,594		\$ 1,627,594	\$ 214,170	\$ 1,413,610	\$ (186)
Special Programs, Contracts and Distributions Division	County Discovery	\$ 6,348,960		\$ 6,348,960	\$ 1,432,592	\$ 4,916,368	\$ -
Special Programs, Contracts and Distributions Division	Law School Program	\$ 3,437,460		\$ 3,437,460	\$ 1,514,450	\$ 1,923,010	\$ -
Debt Service	Capital Debt Service	\$ 2,392,223		\$ 2,392,223	\$ -	\$ 2,392,223	\$ -
<b>Total General Funds</b>		\$ 684,849,999	\$ -	\$ 684,849,999	\$ 200,155,197	\$ 493,021,544	\$ (5,191,124)
<b>Other Funds</b>							
Juvenile Trial Division	Title IV-E	\$ 7,393,486	\$ -	\$ 7,393,486	\$ 921,683	\$ 6,471,803	\$ -
Preauthorized Expenses Division	Title IV-E	\$ 1,037,357	\$ -	\$ 1,037,357	\$ -	\$ 1,037,357	\$ -
Court Mandated Expenses Division	ACP	\$ 4,449,677	\$ -	\$ 4,449,677	\$ 635,689	\$ 3,924,479	\$ (110,491)
Court Mandated Expenses Division	Title IV-E	\$ 2,098,261	\$ -	\$ 2,098,261	\$ -	\$ 2,098,261	\$ -
Parent Child Representation Program	Title IV-E	\$ 11,684,477	\$ -	\$ 11,684,477	\$ 1,128,896	\$ 10,555,581	\$ -
Administrative Services Division	FCMS	\$ 13,769,781	\$ -	\$ 13,769,781	\$ -	\$ 13,769,781	\$ -
Administrative Services Division	FCMS	\$ 145,219	\$ -	\$ 145,219	\$ -	\$ 145,219	\$ -
<b>Total Other Funds</b>		\$ 40,578,258	\$ -	\$ 40,578,258	\$ 2,686,268	\$ 38,002,481	\$ (110,491)
<b>Total All Funds</b>		\$ 725,428,257	\$ -	\$ 725,428,257	\$ 202,841,465	\$ 531,024,025	\$ (5,301,615)



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Lisa Taylor, Government Relations Manager

**Re:** 2027-29 Budget Process, Legislative Concepts, and Policy Option Packages

**Nature of Presentation: Briefing**

**Background:**

**Fiscal Context**

Under statewide guidance issued by the [Governor's Office](#) and [DAS CFO](#), it is clear that the 2027–29 biennium will be fiscally constrained. Agencies have been advised to focus on:

- Maintaining core programs and services related to the agency's mission,
- Identifying ways to self-fund strategic investments,
- Scrutinizing operational efficiencies,
- Carefully evaluating new spending proposals, and
- Preparing for potential limitations on growth or expansion.

The agency has also been advised that funding requests should not require new revenue and that ***equivalent reductions must be proposed to self-fund any packages put forward.***

For the Oregon Public Defense Commission (OPDC), this environment reinforces the importance of aligning requests with our constitutional obligations, statutory duties, and demonstrable service need, particularly in light of ongoing workload, provider capacity, and caseload challenges.

**Budget Process**

While the agency informally followed the Executive Branch's budget development process for the 2025-27 biennium, the 2027–29 biennium marks OPDC's first full budget cycle as part of the Executive Branch. As a result, the agency's budget will

now move through the Governor's formal budget development process, rather than being developed independently and transmitted directly to the Legislature.

While the full budget development process is much more detailed, to summarize, agencies will build their 2027–29 budgets in structured phases:

1. **Current Service Level (CSL):**  
The cost of continuing existing programs and services, adjusted for standard inflationary and mandated caseload.
2. **Agency Request Budget (ARB):**  
CSL plus any proposed **Policy Option Packages (POPs)** for new investments, structural changes, reductions, or program enhancements.
3. **Governor's Recommended Budget (GRB):**  
The Department of Administrative Services' (DAS) Chief Financial Office (CFO) reviews each agency's ARB in light of statewide revenue forecasts, policy priorities, and fiscal constraints. The Governor's Recommended Budget may include some, all, or none of an agency's proposed POPs and may also include reductions or adjustments.
4. **Legislative Action:**  
The Governor's Budget is then introduced to the Legislature for consideration, modification, and adoption.

In short, while the Commission will continue to set agency priorities and direction, the ARB is no longer the version of the budget that automatically advances to the Legislature. The Governor's Budget will represent the Executive Branch's balanced proposal across all state agencies and will represent the budget that the agency will be able to advocate for once session begins.

### **Policy Option Packages (POPs)**

Policy Option Packages are the primary mechanism for proposing changes to the agency's budget. They may include:

- Program expansions or new initiatives,
- Investments in staffing or provider compensation,
- System modernization or technology improvements,
- Structural or operational reforms,
- Caseload-driven adjustments beyond standard assumptions, and/or
- Reductions or efficiency proposals.

Each POP must clearly articulate:

- The policy problem being addressed,
- The operational or constitutional impact,
- The fiscal impact by fund type,
- Performance or accountability outcomes, and
- Alignment with statewide priorities and fiscal guidance.

In a constrained fiscal environment, POPs must be narrowly tailored, defensible, and strategically aligned. Proposals that do not demonstrate clear necessity, efficiency, or

constitutional relevance are unlikely to advance through the Governor's review process.

Given early statewide signals that 2027–29 will be a lean biennium, expectations for growth should be tempered. The stronger approach will be to focus on:

- Stabilizing core service delivery,
- Improving operational efficiency,
- Addressing structural barriers to constitutionally required representation,
- Protecting provider network capacity, and
- Identifying targeted, high-impact investments.

As an Executive Branch agency, OPDC cannot commit to any potential POPs until the Governor's office has approved them to move forward.

### **Legislative Concept (LC) Development**

A legislative concept is the initial stage of a bill, before it is introduced during a session and given a bill number. If an LC has a financial impact on the agency, it must be accompanied by a POP. LCs that are purely policy changes and would not have a fiscal impact do not need an accompanying POP.

As an Executive Branch agency, OPDC's LC process must follow the Department of Administrative Services (DAS) process:

- Agencies will submit LCs to DAS by April 10 (April 1 for agencies with more than 10 concepts),
- CFO analysts review legislative concepts for policy and fiscal issues,
- The Governor's Policy Advisors review requests and recommend whether to approve or deny the concept to move forward for drafting,
- DAS notifies agencies of final approvals, and
- DAS sends approved concepts to Legislative Counsel for drafting.

As an Executive Branch agency, OPDC cannot commit to any potential legislative concepts until the Governor's office has approved the concept to move forward.

OPDC should consider the following when considering potential 27-29 LC requests:

- Focus on no-/low-cost changes to current work or programs that enhance customer service or improve agency efficiency,
- Limit proposals for new work or programs to those with no-/low-cost and enhance customer service or improve agency efficiency, and
- Clearly identify proposals that may be required due to impacts of federal action or changes to agency budgets the Legislature makes in 2026.

### **Stakeholder Engagement**

To inform the development of the Agency Request Budget and potential Policy Option Packages, OPDC will host two virtual public town halls on March 10 and March 11. [The invitation](#) was distributed through OPDC's newsletter list and will be resent with the March 6 newsletter. Links to the town halls have also been posted on OPDC's [stakeholder engagement webpage](#).

Feedback is being solicited on:

- Service delivery improvements,
- Efficiency opportunities,
- Structural reforms,
- Reduction options, and
- Targeted investments necessary to uphold constitutional representation standards.

This engagement is intended to ensure that proposals submitted through the Executive Branch process reflect operational realities and stakeholder experience. Staff will summarize the input received and present on the town halls during the March 18 Commission meeting.

**Fiscal Impact:**

This briefing does not request a fiscal action.

However, the 2027–29 budget development process will directly shape:

- OPDC’s operational capacity,
- Staffing levels and provider compensation structures,
- Investments in system improvements and oversight, and
- The agency’s ability to address unrepresented persons and workload pressures.

**Next Steps:**

The ARB is due to DAS by August 31, 2026. Between now and then, OPDC needs to finalize the 27-29 Current Service Level, engage stakeholders, draft initial POPs and LCs, go through DAS review and approval, finalize POPs and LCs, and submit the ARB for Commission approval.

March-April 2026: Commission and stakeholders provide input on what they would like to see in the ARB. The Commission and agency will evaluate potential POPs and LCs for strategic alignment, fiscal viability, and constitutional necessity.

Spring 2026: DAS and the Governor’s office will review POP and LC proposals for approval. Staff will continue to work with them on details and clarifications as needed.

Spring- Summer 2026: Once POPs and LCs are approved to move forward, staff will work to fully develop the proposals and finalize the details. OPDC will develop a disciplined Agency Request Budget that reflects operational realities and aligns with the Governor’s statewide fiscal guidance. The ARB will be brought to the Commission for approval as required by ORS 151.



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Lisa Taylor, Government Relations Manager

**Re:** Provider Feedback Summary From Budget Town Halls  
March 10–11, 2026

**Nature of Presentation: Briefing**

**Background:**

OPDC hosted two virtual town halls with public defense providers and stakeholders to gather input on priorities for development of the 2027–2029 agency budget. Participants included attorneys from contract organizations, private panel attorneys, investigators, and other members of the defense community.

**OVERALL THEMES**

Across both town halls, several consistent themes emerged:

**Workforce pipeline investments**

Providers broadly emphasized the need for programs that bring new attorneys into public defense and support their early development.

**Retention and compensation**

Participants highlighted compensation as an important factor in maintaining a stable workforce.

**Equity across service delivery models**

Providers encouraged the agency to consider how funding decisions affect different types of public defense providers.

**Support for existing provider infrastructure**

Many commenters noted that current provider organizations already serve as

training grounds for new attorneys and should be considered in workforce development strategies.

### **Operational efficiency and support services**

Comments also addressed investigative resources, administrative capacity, and technology tools that could improve system efficiency.

## **DETAILED SUMMARIES**

The summary below provides more details on these major themes. Nothing in this summary should be interpreted as agency support or agreement; it is solely intended to provide a high-level summary of the two town hall meetings.

[Recordings of the meetings](#) can be found on our website.

### **Workforce pipeline investments**

A significant portion of the feedback focused on building and sustaining the public defense workforce, particularly amid ongoing recruitment challenges. Providers emphasized the importance of expanding pipeline programs that bring new attorneys into public defense, including:

- Expanding law clerk and internship opportunities, particularly in rural communities where recruitment is more difficult.
- Adequately fund public defense entities to bring on Supervised Practice Portfolio Examination (SPPE) candidates.
- Continue the Law School Clinic programs.
- Ensure graduating law students can enter public defense by allowing public defense entities, particularly in counties with law schools, to hire newly graduated law students.
- Providing funding to support housing, relocation, or stipends for law students and clerks working in underserved areas.
- Supporting training and mentorship programs operated by contract providers, many of which currently absorb those costs internally.

Several commenters noted that contracted providers have historically played a major role in training new attorneys. They suggested that budget proposals should consider funding those efforts.

Participants also emphasized the need for recruitment efforts that extend beyond Oregon, including outreach to attorneys in other states who may be interested in public defense work.

### **Retention and compensation**

Providers raised concerns about attorney compensation levels across the public defense system, particularly in relation to recruitment and retention.

Several commenters noted challenges in:

- Retaining experienced attorneys,
- Competing with private-sector or prosecution salaries,
- Supporting early-career attorneys entering public defense.

Participants emphasized that competitive compensation is an essential component of workforce stability, particularly as the system works to expand capacity and address shortages.

### **Equity across service delivery models**

Multiple providers raised concerns about differences in resources and compensation between different public defense service models, including:

- State-run trial offices
- Nonprofit public defense firms
- Consortia
- Hourly panel attorneys

Some commenters expressed concern that investments in staffing, benefits, or program support could unintentionally create a two-tier system in which attorneys performing similar work receive different levels of compensation or support depending on their employment structure.

Participants encouraged the agency to consider how investments are distributed across the system to maintain fairness and avoid unintended disparities.

### **Support for existing provider infrastructure**

Providers emphasized the importance of sustaining the existing network of nonprofit providers, consortia, and private attorneys who currently deliver a large share of representation.

Suggestions included:

- Supporting training, supervision, and mentorship programs within contracted organizations.
- Providing resources that allow provider organizations to develop internal recruitment pipelines.
- Recognizing the role that established provider organizations play in mentoring new attorneys and maintaining institutional knowledge.
- Reimburse entities for recruitment efforts for out-of-state attorneys.
- Provide recruitment funds like signing bonuses and moving stipends.

Several commenters noted that these organizations often provide these functions without dedicated funding.

## **Operational efficiency and support services**

### Administrative and Agency Staffing

Some providers discussed the value of having adequate analyst and contract management support within the agency, noting that these roles can help facilitate communication between providers and OPDC. It was suggested that the agency should bring on an additional contract analyst to support this work.

Providers would also like to see the agency pursue and distribute grant money, specifically for artificial intelligence or other programs to expedite the review of body-camera footage.

Providers would like to see a change to the preauthorized expense (PAE) process for interpreters, which would cut down on the amount of PAEs submitted.

### Investigative Services

Investigators and defense team members raised concerns regarding investigator compensation and availability.

Key issues raised included:

- Current investigator compensation rates are below market levels,
- Low compensation can make it difficult to retain experienced investigators,
- When investigator resources are limited, attorneys may spend time performing investigative tasks that could otherwise be handled by specialized staff,
- OPDC contracts do not fully cover the cost of in-house investigators,
- OPDC should increase the differential for bilingual investigators.

Participants noted that adequate investigative support is an important component of effective defense representation.

### Technology and Modernization

A smaller number of comments focused on technology tools that could improve efficiency, including tools that assist with transcribing body-camera footage, jail calls, and interviews, and technology that could reduce administrative workload for attorneys.

Participants suggested that technology investments may help the defense system keep pace with the increasing volume of digital evidence.

## **Other topics**

### Parent Child Representation Program (PCRP)

Several participants discussed the Parent Child Representation Program as an example of a service delivery model with positive outcomes.

Comments included:

- Interest in exploring incremental expansion of PCRCP to additional jurisdictions,
- Recognition that the model may support improved representation and case outcomes in dependency matters,
- Concern that reductions or instability in funding for existing PCRCP programs could affect recruitment and retention of dependency attorneys.

Some providers suggested that the agency evaluate the cost and feasibility of statewide expansion as part of longer-term planning.

#### Other

- Desire for OPDC to no longer pay for discovery.
- Replace MAC with the National Public Defense Workload Standards.
- Continue the Exceed Caseload Program (115% MAC Program).
- Stop paying PAEs for privately retained attorneys.
- Develop ways to improve the discovery process.



3/12/2026

Director Sanchagrin,

Thank you for the opportunity to provide feedback on agency direction and to offer policy direction to improve the provision of public defense in Oregon.

I'd like to express our gratitude to the approach the agency is taking in terms of transparency of both the process and constraints, and in terms of requesting both short term feedback and feedback related to long-term priorities of the agency.

The agency has requested suggestions in the following areas:

- Strategic reinvestment of funds to programs or policies that increase the number of providers and OPDC's ability to ensure constitutionally competent and effective representation for persons eligible for a public defender;
- Policies that would streamline processes and increase efficiencies for providers and OPDC staff;
- Programs or policies that are not serving their intended goals and should be considered for elimination or reform; and
- Long-term goals OPDC should prioritize in future biennia.

After reviewing these areas, the Oregon Defense Consortium Association offers the following recommendations for the consideration of policymakers and agency staff.

**1. Continue Expansion of the Parent Child Representation Program (PCRP).**

Oregon should not have a two-tiered system of juvenile public defense services and the state should settle on the higher standard demonstrated by PCRP in terms of improvements in child welfare, court efficiency, better outcomes and reduced downstream costs. OPDC should determine the marginal cost of expanding the Parent Child Representation Program, both statewide and to additional individual counties.

**In a constrained budget environment, OPDC can expand incrementally in targeted ways that meet other priorities such as facilitating attorney recruitment.**

The agency's 2017 analysis demonstrated promising results, but expansion stalled during COVID and due to subsequent agency decisions to prioritize a transformation of the adult criminal service model.

Because juvenile public defense involves far fewer providers than adult criminal public defense, completing the transformation of juvenile defense through PCRCP would be comparatively inexpensive, given the opportunity cost, and should be restored as a short and long-term priority for the agency.

This also aligns with the agency's desire to shift more of the workforce to an open caseload model.

## **2. Restore agency analyst positions.**

The passage of SB 337 envisioned a different service delivery model than existed prior to the legislation or the delivery model that exists today following the partial rollback enacted by the 2025 legislative session. The 337 model contemplated a mix of hourly contractors, larger nonprofit providers, and a substantial state trial division. This shift was reflected in the share of cases handled hourly increasing from roughly 4 percent of the statewide caseload to approximately 13–14 percent. As the agency moves away from planned reliance on hourly contractors, it should restore staff to support the annual contracting and consortia model. Restoring analyst capacity would facilitate this.

## **3. Support training and supervision capacity among contracted providers.**

Many private firms and consortia operate strong internal training and recruitment programs but receive no compensation for providing them. Firms such as Cornerstone, LLC and Harris Velasquez Gibbons maintain associate-based training models, while consortia such as the Clackamas Indigent Defense Program have developed formal pipelines to recruit and train new law school graduates. **OPDC should consider targeted funding to support and expand these efforts, which, because these firms have very low turnover, are highly cost-effective ways to directly increase workforce capacity and improve the quality of representation.**

## **4. Maintain and publicize compensation for expanded caseload participation.**

Ensuring sufficient funds to continue the **expanded caseload compensation program** is important for short-term capacity. As of early November, 42 attorneys had participated in the program. Continued funding and clearer communication about its availability may encourage additional participation while longer-term workforce strategies are implemented. **This reduces costs by reducing reliance on hourly contracts.**

Thank you for your consideration and for your continued public service.

Sincerely,

**Sal Peralta**

Executive Director

Oregon Defense Consortium Association

Date: March 10, 2026  
To: Lisa Taylor, OPDC  
From: Shaun McCrea and Mae Lee Browning, OCDLA  
Re: OCDLA Input on 2027-29 Budget

Ms. Taylor,

Thank you for the opportunity to provide input on the 2027–29 budget on behalf of the Oregon Criminal Defense Lawyers Association (OCDLA). For more than 40 years, OCDLA has provided training and education to criminal defense practitioners across Oregon. We are actively engaged with Oregon’s law schools, mentoring students and recruiting them into this critical area of practice. Given this history and commitment, OCDLA is deeply invested in the supervision, training, recruitment, and retention of public defenders.

The proposals below are intended to strengthen OPDC’s and providers’ ability to ensure constitutionally competent and effective representation for individuals eligible for appointed counsel by increasing the number of attorneys practicing public defense in Oregon. Increasing the number of public defenders in Oregon requires both growing talent within the state and recruiting attorneys from outside Oregon. OPDC should support both pathways.

**Proposal One: Maintain and Support Law Clerk Programs**

To remain competitive with other practice areas, public defense organizations must be able to recruit law students. One of the most effective tools for recruitment is a paid law clerk program.

Today’s law students often graduate with significant debt and face a high cost of living. As a result, financial considerations frequently shape their early career decisions. While public defense may never compete with Oregon’s largest private firms on salary, it must be able to provide meaningful stipends to students committed to public service. These stipends include hourly wages, and housing and relocation reimbursement, particularly for those willing to work with rural public defense entities.

Experience shows that when law students work in public defense offices, especially when they are Certified Law Students and appear in court and try

cases, many develop a lasting commitment to the work. Paid clerkships therefore serve as an important pipeline into full-time public defense positions.

### **Proposal Two: Adequately Fund Public Defense Entities to Bring on SPPE Candidates**

OCDLA urges OPDC to fully compensate entities that accept candidates for the Supervised Practice Portfolio Examination (SPPE), the alternative licensure pathway that allows law school graduates to represent clients instead of taking months away from practice to study for the bar exam.

Because SPPE candidates require intensive supervision and must be paid at least the salary and benefits of other recent graduates (SPPE Rule 2.2(D)), the agency's current approach—compensating providers at only a fraction of a Maximum Attorney Caseload (MAC)—is inadequate. SPPE compensation should not be tied to MAC at all.

Although SPPE candidates initially carry a reduced caseload, the investment quickly produces a fully licensed attorney capable of handling minor felony cases. OPDC and providers can work together to develop criteria and a framework for SPPE participation, but in the meantime the program must be fully funded. Without adequate funding, public defense entities cannot bring on SPPE candidates, and those graduates will pursue opportunities in other practice areas—representing a lost opportunity to expand Oregon's public defense workforce.

### **Proposal Three: Ensure Graduating Law Students Can Enter Public Defense**

Oregon's law schools are located in three different cities, and many graduates understandably seek employment in the communities where they attended school. While some graduates may be willing to commute or relocate, most prefer to begin their careers near their law school.

Public defense entities in these cities already maintain strong connections with the law schools. Attorneys serve as mentors, offices host externs and clerks, and through recently legislatively-funded public defense law school clinics, students work directly with local public defenders.

OPDC should take a flexible, long-term approach by allowing public defense entities to hire law students who want to enter public defense. There are

relatively few graduates choosing this path, and the state should make every effort to ensure they are able to do so. Even in counties that may currently appear “over-resourced,” circumstances can change quickly if filings increase or experienced attorneys retire.

The designation of a county being “over-resourced” is a fallacy based a MAC quota requirement that has recently been deemed unconstitutional. It is difficult to reconcile the notion that any county is oversaturated with attorneys given broader workforce trends. Bar membership in Oregon and nationally has flattened over the past decade, and retirement rates have recently accelerated. In Oregon, retirements are expected to continue increasing at a pace that significantly outstrips the number of new lawyers entering the profession from law school.

#### **Proposal Four: Reimburse Recruitment Efforts for Out-of-State Attorneys**

Public defense entities that successfully recruit attorneys from outside Oregon help expand the state’s public defense workforce. Entities that successfully recruit out-of-state public defenders and that can demonstrate the costs associated with recruiting out-of-state candidates, including advertising and outreach, should be eligible for reimbursement to support these efforts.

#### **Proposal Five: Pursue and Distribute Grant Monies**

Designate part of an OPDC employee’s job duties to include pursuing grant monies for JusticeText or other resources (e.g., AI education and training), training of public defenders, and recruitment efforts. Pursuing grant monies diversifies OPDC funding streams and given the current budget environment, can support programs that will benefit public defense.

JusticeText would move practitioners into the 21st century in terms of handling the advances in surveillance and technology utilized by law enforcement and the state. JusticeText can transcribe hours of body-worn camera footage, interrogation videos, and jail calls in a matter of minutes. Many law enforcement agencies in Oregon are using similar technology to aid in the drafting of police reports.

The benefits of training and recruitment are self-evident. Training public defenders is mandatory (attorneys have mandatory CLE credits they must report), up-qualifies attorneys or trains them to take on different case types,

and makes them better practitioners, thus ensuring that providers are providing effective assistance of counsel consistently to all eligible persons in this state as required by statute and the Oregon and United States Constitutions. Given the current budget environment, pursuing private-public partnerships, such as with OCDLA, are the most cost-efficient way to achieve the training capacity that is needed in Oregon.

### **Proposal Six: Prioritize Investment in Cost-Effective Public Defense Models**

OPDC can help “self-fund” some of the proposals above by prioritizing investment in consortia, nonprofits, and law firms—at least temporarily given the current budget environment—over expansion of the State Trial Division.

Consortia and nonprofits are Oregon’s longest-standing public defense delivery models. Because of this history, they have well-established relationships with law schools, including the recently legislatively-funded public defense clinics, and they have developed tested and refined training programs.

These entities are particularly well positioned to recruit, train, and mentor new attorneys entering public defense. They also provide structured supervision, which is critical for new lawyers developing the skills necessary to represent clients effectively. Strong supervision improves job satisfaction and ultimately increases retention within the public defense workforce.

We understand that proposals are supposed to be revenue neutral. We invite suggestions on from the agency's budget experts on how to fund these important programs essential to growing the number of public defenders in Oregon. OCDLA looks forward to working collaboratively on solutions to strengthen and sustain Oregon’s public defense system.

Sincerely,

*Shaun McCrea*

Shaun McCrea  
Executive Director  
Oregon Criminal Defense Lawyers Association



# METROPOLITAN PUBLIC DEFENDER SERVICES, INC.

CARL D. MACPHERSON  
Executive Director

March 12, 2026

## MPD Input Regarding 2027-29 Budget Planning

Good afternoon,

Thank you for soliciting feedback from providers regarding budget planning for 2027-29. MPD is the largest single public defense provider in Oregon. MPD has five main departments that are funded through our OPDC contracts, which support almost 200 employees: (1) Multnomah County adult criminal and specialty courts; (2) Washington County adult criminal and specialty courts; (3) Multnomah County PCRPs; (4) Washington County juvenile; and (5) our Statewide homicide team. We also have a grant and contract funded civil division with 30 employees, which does not work on OPDC contract cases.

We would ask for your consideration of the following priorities for the budget planning process:

1. Maintain and enhance training and supervision support for non-profit public defense offices

Non-profit offices are Oregon's main source of recruitment, training, supervision and mentorship for new public defenders. MPD alone has recruited and trained more than 160 lawyers in the past 7 years. Established and funded training and supervision are required to ensure ethical and effective representation. They are also critical for both recruitment and retention: new quality lawyers seek out offices that provide these resources. National trends show that recruitment and retention of public defenders is extremely challenging nationwide, not just in Oregon. They also provide support for attorneys in our demanding and challenging profession, which we know is helpful in retaining lawyers.

2. Continue support of Oregon's legal clinic programs

Similarly, the establishment of legal clinics have provided more law students with experience in public defense before deciding their legal career path. This has been incredibly important in bringing more new lawyers into public defense. Further, the new lawyers have a better understanding of the work, which helps with retention, and they are better able to provide effective representation earlier in their career. Lastly, in 2025, 22 students at MPD provided representation for 252 cases that had been on the unrepresented list.

3. Support attorney recruitment efforts at non-profit public defender offices

As stated above, non-profit public defender offices expend significant resources on recruitment. Many of our efforts (beyond supervision and legal clinics) are not currently funded by OPDC. Recently, OPDC received funding to recruit for new trial division positions. Non-profits should also receive funding for our extensive recruitment, including funds for relocation of new and

lateral attorneys. Further, MPD has calculated that our foundational training program costs \$9,000 per new attorney, which is not reimbursed by OPDC.

4. Fully-fund staff investigators at provider offices

Independent investigation is ethically required in public defense cases. In order to meet this requirement, MPD and other offices employ staff investigators. OPDC contracts fund a staff investigator at a total annual cost of \$75,000 per investigator. This amount is insufficient as the average total cost for a staff investigator (salary, benefits, payroll taxes, admin/overhead etc.) is approximately \$110,000 per year. Therefore, we are subsidizing the State at a cost of \$35,000 per investigator. Given the size of MPD, and the number of staff investigators on contract, MPD is subsidizing \$910,000 annually (\$35,000 x 26 investigators) in order to provide our clients with ethically required investigation. This is neither just nor sustainable.

5. Continue to support full-time providers

We very much appreciate the Commission's movement away from the expensive and disparate hourly program.

6. Technology: fund storage and discovery costs

With the advent of body camera video footage, cell phone extractions, audio and visual discovery etc., it has become increasingly expensive and time consuming to upload, store and access discovery. This requires both additional employees and technology. We would appreciate OPDC advocating to reallocate the money it spends paying the prosecution for discovery it is legally obligated to provide to the defense for employees to process it, and for the technology and storage of it.

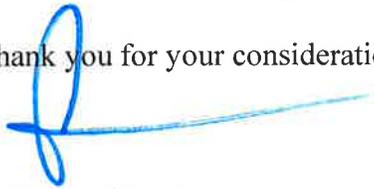
7. Discontinue the funding of PAE for retained clients

Our understanding is that OPDC funds PAE's (experts) for clients that have retained attorneys. Those clients are not indigent and OPDC funds should not be expended on them.

8. Reduce disparities by provider type

OPDC's contracts lead to pay and resource disparities. There is a significant pay disparity between the OPDC Trial Division and non-profit employees, especially attorneys. The single-type contract contributes to the disparity. OPDC could tailor contracts by provider-type and their associated business expenses related to public defense to help reduce disparities.

Thank you for your consideration,



Carl Macpherson

## **Submitted comments from the March 10 and 11 Budget Town Halls**

EMAIL:

My name is Kurt Wohlers and I teach the Criminal Defense Clinic at Willamette University School of Law; I attended the town hall today and would like to provide a written comment on the 2027-29 OPDC budget. Specifically, I am writing in support of continuing funding for the criminal defense clinics, as well as funding for SPPE candidate programs.

***Criminal Defense Clinics.*** As OPDC is aware, the criminal defense clinics at the three Oregon law schools are currently training approximately sixty students each year and taking hundreds of misdemeanor cases. OPDC has much of the data on these programs, but I'll give a brief on-the-ground perspective. At Willamette, last semester we assisted the OPDC Trial Division in working with Trial Division attorneys on the Early Resolution Docket in Marion County--this docket played a role in reducing the overall unrepresented numbers in a then-crisis county. As the unrepresented list in Marion County dwindled last month, we took some of the final cases off the list. The law school programs provide indigent defense services, but more importantly, they train the next generation of public defenders, and they reduce downstream costs in multiple ways. First, students who complete the Criminal Defense Clinic are immediately eligible for misdemeanor attorney qualification (now Criminal Attorney I) after bar passage. This allows them to start taking cases sooner, reduces the amount of training needed, reduces the amount of supervision necessary on those cases, and helps them attain higher qualification levels sooner. Second, students involved in the clinics connect with practicing criminal defense attorneys, and they start to build professional networks while still in law school. This builds a law-school-to-public-defense pipeline and reduces the costs of external recruitment efforts (bringing in attorneys from other states or other fields). Third, while I have had many students who were unsure of their plans after law school decide to pursue a career in public defense after taking the clinic, I have also occasionally had some students who were initially unsure about their career path, and ultimately decided that criminal defense is not the right career path for them. If a student, after doing the work for a few months, decides that criminal defense is not the right career path for them, it is better to have that happen while still in law school rather than three or four months into a job at a public defender office, after onboarding and training that individual. Fourth, and finally, students who participate in the Willamette Clinic (and I believe this is true of other clinics as well) are taught about subjects like handling stress, burnout, and secondary trauma. Studies have established (for example, Dotson, et al., *An Exploratory Study of Occupational and Secondary Traumatic Stress Among a Mid-sized Public Defenders' Office* (2020)) the importance for reducing future burnout by having these conversations with aspiring public defenders while

they are still in law school. By ensuring that students are prepared for the psychological realities of public defense work, we are reducing costly turnover in public defense offices. Funding for the criminal defense clinics was, and continues to be, a highly strategic investment in the future of public defense that is likely to continue to pay dividends.

**SPPE Programs.** Many of my students highly value experiential education (it is sometimes what brought them to the clinic in the first place). For some, traditional written examinations have not been a good measure of their true skills; some of the best students in the clinic are not those who have excelled academically. Those students are very hesitant about the prospect of sitting for the bar examination, and they are likewise very interested in seeking licensure through SPPE. Other students, who may have failed the bar the first time around, begin looking for SPPE positions instead of sitting for the bar a second time. But when they look for positions in public defense offices to obtain licensure through SPPE, those opportunities are not available due to a lack of funding. Meanwhile, prosecutor offices (such as the Marion County District Attorney's Office) and civil firms have numerous SPPE openings, and I have personally seen several students pursue careers in other fields because of the lack of public defense SPPE opportunities available. Like students who complete a criminal defense clinic, SPPE candidates are able to attain higher levels of attorney qualification more quickly, as they will spend the summer after law school gaining experience in public defense while their colleagues wait until October for bar results. Likewise, SPPE candidates are getting close supervision and mentorship, which increases the likelihood that they will stay in public defense after bar passage. Funding for SPPE is a crucial component of the law-school-to-public-defense pipeline, and without it, we risk increased turnover, lack of capacity among highly qualified attorneys, and many of the other issues identified in the SB 337 report, which in turn, has substantial costs to the state, as we have seen.

I appreciate that OPDC is looking to providers and the public for input, and I also appreciate OPDC's candor about the current budget environment. I submit these comments in my personal capacity, as I believe both programs are an important part of ensuring long term budgetary savings.

**Kurt Wohlers**

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EMAIL:

An ongoing and costly issue in Oregon state public defense is the use of Spanish interpreters. Not only are interpreters costly, they are in short supply. OJD has few to zero candidates pass the Spanish interpreter exam in the last several years. At the same time, interpreters have aged out of the profession or have moved on to other states and to more lucrative opportunities.

The most efficient and cost effective way to manage a case with a Spanish speaking client or witnesses is to use a Spanish speaking investigator. There is a massive need for more Spanish speaking investigators. In the last year only 25 fact investigators have been paid a bilingual differential in OPDC cases. This is far less than the number of investigators who are needed to handle these cases. When there is not a Spanish speaking investigator available, an interpreter must be used, and the case proceeds more slowly and often with a less favorable outcome.

Spanish speaking investigators have been paid a \$5 differential since the hourly rate was \$29 per hour, when I started working as an investigator 15 years ago. At that time the differential was 17.2% of the base rate. That differential dollar amount has stayed the same as rates have increased. Currently the differential is 8.5% of the \$59 per hour base rate. This rate is not enough to motivate more Spanish speaking investigators to take state public defense cases. In comparison, the federal courts pay investigators using Spanish on public defense cases \$120 per hour - a differential of 20%.

OPDC pays zero differential for Spanish speaking mitigators.

OPDC can save money spent on interpreters, have cases move faster, and see more favorable outcomes by setting a bilingual differential at 20% on fact investigation and mitigation services. I ask OPDC to consider this change, which may not actually require a POP, as it is a relatively small increase in investigation and mitigation cost, which offsets a much larger interpreter cost, in addition to the cost savings reducing case delays.

Thank you

**James Comstock**

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EMAIL:

Thank you for holding these sessions. I agreed with the comments made by Reid at the last meeting, in particular, the continued rollout of the State Trial Division and the two-tiered system of public defense it creates with disparate resource allotment. Just as all eligible Oregonians deserve adequate assistance of counsel, all providers deserve adequate resources to provide that assistance, and that is not the situation we currently have.

Continuing to provide higher levels of resources to some providers over others drives providers out of the system, rather than bringing them in and retaining them, and lowers the quality of representation overall. It is an inefficient use of resources. When public defenders are well-resourced, taxpayer dollars are saved through the reduction of funds spent on housing people long-term in prisons and in other state aid to families who are trying to compensate for members who are unavailable to be productive members due to incarceration. Well-resourced public defense also saves taxpayer dollars by avoiding unnecessary trials, court continuances, and later appeals.

In addition, continuing to rely on the current non-profit offices to fund this work from their limited savings is not a lasting strategy, and once those institutions are lost, their value to communities cannot be recreated in the short term. For example, in my office, in operation since the 1980s, we have practitioners who have represented multiple generations of families, which can really help build trust between a new attorney and their client. I can provide a new attorney with a client's history to help them understand where the client is coming from and how best to communicate with them, and I have experienced times when the mere mention of my name has reassured the client. This is important, especially in rural communities.

I also agree with what Mae Lee said in both meetings. In particular, at SWOPDS, we have thus far had three successful SPPE applicants obtain their bar numbers and remain employed with our office. Our fourth is also doing well thus far and is soon to submit her halfway portfolio. She will, however, be our last SPPE licensee because SWOPDS simply cannot fund the position. We regularly train new public defenders at our office, and even for those who choose to leave Coos County, the majority of those we train have remained in public defense, thus adding to the workforce long term. This is work SWOPDS currently pays for, given that it is not fully funded and still needs to be done; this is not sustainable, but it is highly valuable for our community and the entire state.

I also agree with what Carl Macpherson said today regarding the cost of investigation, as well as funding for training, supervision, and recruitment. I also agree with his request to fund full-time contractors rather than hourly contractors, as they are more cost-efficient.

I want to know if the agency is aware that my office, in particular, has been underfunded for the past few years and will not be able to remain operational unless we see an increase in funding. One way to help with this would be to add another attorney FTE to our office, so we could handle more PCRP, criminal, habeas, and involuntary commitment hearings. We lost one during COVID and have struggled since. Another important way to assist with this is to equalize pay across contract types. Thank you for your time. I am happy to answer any questions.

Stacey K. Lowe

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Upon further consideration, I realized I left out one additional, but very important, issue I think OPDC needs to change. That issue is MAC. OPDC needs to abandon MAC entirely and adopt, for all providers, the National Public Defense Workload Standards that the commission previously indicated were evidence-based, ethical workload standards for public defense. Then I think OPDC should, in accordance with ORS 151.216(11), request that the Governor include in the Governor's requested budget, at a minimum, the amount of funds the commission identifies as necessary to carry out its duties and activities IN FULL. Those being, of course, to fund constitutionally adequate public defense for every eligible Oregonian. Then I think the commission needs to ask for what it would actually cost to do so, including equalizing pay across provider types. That way, everyone will know the true cost, and we can work toward it. Continuing to ask for less than what is needed will always only ever get you less than what is needed, which will deepen the crisis and make matters much worse and much more difficult to dig back out of. So far, we have seen a huge waste in resources, so I think it is about time OPDC listens to what the nonprofit directors have been telling you for years. I am sorry, I appear to be out of patience for diplomacy, but this is ridiculous.

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**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Mahesh Keswani, Facilities Manager

**Re:** 2025 OPDC Continuity of Operations Plan

**Nature of Presentation: Briefing**

**Background:**

Every state agency in Oregon is required to submit a Continuity of Operations Plan (COOP or CP) to the Oregon Department of Emergency Management (OEM). This requirement is part of the state's efforts to ensure that essential government functions continue to operate during emergencies. The COOP is about risk management and fiduciary oversight. Continuity of operations is a governance responsibility; public defense is constitutionally required, and disruption can carry legal risk.

The COOP is required to be submitted in September of each plan year, but due to the recent move to the executive branch, OPDC was granted a 6-month extension with a new deadline of March 31, 2026. OPDC plans on submitting the 2026 COOP in September this year.

This is a DRAFT version of the 2025 COOP, and it ensures the continued performance of the agency's essential functions during emergencies or situations that disrupt normal operations. The plan consists of five key components:

- Essential Functions
- Essential Personnel
- Vital Records, Applications, Contacts, and Resources
- Facilities-Relocation/Alternate Work Sites
- Communications Plan

This plan also clearly defines governance and activation authority, activation criteria, leadership succession, and delegations of authority to avoid ambiguity. It reiterates that operational command rests with the staff and policy authority rests with the Commission. Finally, the plan also includes a reconstitution strategy, which includes damage assessment, restoration, systems validation, and an after-action review.

This plan will be updated annually based on periodic reviews and assessments, and results from restoration and tabletop exercises throughout the plan year.

**Fiscal Impact:**

None.

**Recommendation:**

Briefing only.

**Proposed Motion:**

None.



OREGON PUBLIC  
DEFENSE  
COMMISSION

Continuity Plan DRAFT

APPROVED BY:

Kenneth Sanchagrin

Date:

March 18, 2026

## Overview

This is a **DRAFT** version of the 2025 Continuity of Operations Plan (COOP) and is a document in progress expected to be completed and submitted later this month. The COOP is required to be submitted to Oregon Department of Emergency Management in September of each plan year, but OPDC was granted a 6-month extension with a new deadline of March 31, 2026, due to the recent move to the executive branch. OPDC plans on submitting the 2026 COOP in September 2026.

The purpose of this COOP is to ensure the continued performance of OPDC's **Essential Functions** during emergencies or situations that disrupt normal operations. The plan consists of five key components and are collectively designed to ensure that the agency can respond to any emergency efficiently and effectively, with minimal disruption to its core responsibilities. The components are:

- Essential Functions
- Essential Personnel
- Vital Records, Applications, Contacts, and Resources
- Facilities-Relocation/Alternate Work Sites
- Communications Plan

The COOP is about risk management and fiduciary oversight. Continuity of Operations is a governance responsibility; public defense is constitutionally required, and disruption can carry legal risk. Commission oversight protects system integrity. This plan also clearly defines governance and activation authority, activation criteria, leadership succession, and delegations of authority to avoid ambiguity. While operational command rests with the staff, policy authority rests with the Commission. Finally, the plan includes OPDC's reconstitution strategy, which includes damage assessment, restoration, systems validation, and an after-action review.

This plan will be updated annually based on periodic reviews and assessments, and results from restoration and tabletop exercises throughout the plan year.

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## EXECUTIVE SUMMARY

The Oregon Public Defense Commission (OPDC hereafter) is an independent body in the executive branch charged with establishing and maintaining a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and national standards of justice. OPDC's mission is to work within the statewide public defense system to deliver skilled, independent, timely, and client-focused representation to eligible people. The agency administers contracts with public defense providers and distributes funds for representation and related services for criminal, juvenile and civil commitment cases. It provides compliance and oversight to the trial community providers and gathers data to inform decision-making. It also processes all expenses related to representation in public defense cases. OPDC's appellate division provides legal representation in the state appellate courts in criminal cases, parole cases, and juvenile dependency and termination of parental rights cases.

Four primary program areas support this mission:

- **Effective Public Defense Provision**
- **Provider Relationships**
- **Operational Excellence**
- **Integration with the Executive Branch**

In addition to these four program areas, the agency also includes leadership, administrative, and internal support teams that are vital to the continuity of the agency's operations. These teams and programs are responsible for:

- ensuring ongoing legal representation for indigent clients in compliance with Oregon and federal law,
- minimizing disruptions to essential defense operations,
- safeguarding employees, clients, and critical infrastructure,
- providing timely restoration of full services following disruptions, and
- ensuring interoperability with courts, correctional facilities, law enforcement, and partner agencies.

The purpose of this CP is to ensure the continued performance of OPDC's **Essential Functions** during emergencies or situations that disrupt normal operations. This plan establishes procedures to maintain vital defense services, protect constitutional rights, preserve continuity of leadership, and safeguard critical records and systems. The Executive Director, or their designated successor, may activate this CP and initiate the CP

Response Teams ([ANNEX A: OPDC CP TEAMS](#)) based on known or anticipated threats and emergencies that could occur with or without warning.

## KEY COMPONENTS

The CP plan consists of five key components, each described in detail below. These components are designed to ensure that the agency can respond to any emergency efficiently and effectively, with minimal disruption to its core responsibilities:

1. **Essential Functions:** The identification and prioritization of essential functions must be maintained during an emergency, and they include:
  - timely representation for clients,
  - courtroom advocacy and scheduled time-sensitive proceedings,
  - client access and confidential communication,
  - case management and critical legal filings,
  - coordination with courts, jails, and partner agencies,
  - maintenance of IT systems, legal databases, and secure communications, and
  - HR/Payroll and administrative continuity.
2. **Essential Personnel:** This plan identifies critical personnel, their contact information, their roles and responsibilities and identifies lines of succession and delegations of authority to ensure seamless transitions of duties during emergencies.
  - [ANNEX B: Critical Staff List by Essential Function](#)
  - [ANNEX C: Staff Emergency Contact List](#)
  - [ANNEX D: Orders of Succession](#)
  - [ANNEX E: Delegations of Authority](#)
3. **Vital Records, Applications, Contacts, and Resources.** The protection of vital records, systems, and equipment, including the ability to access and utilize these resources during an emergency. Vital records include record locations and tracking logs for all OPDC departments, emergency response protocols, licenses and permits (if required).
  - [ANNEX F: Vital Records](#)

- [ANNEX G: Vital Applications/Systems](#)
  - [ANNEX H: Vital Contacts](#)
  - [ANNEX I: Vital Resources](#)
4. **Facilities-Relocation/Alternate Work Sites.** In addition to OPDC’s detailed relocation plans, alternate work sites are available through the Agency of Administrative Services (DAS). Identified alternate work sites are equipped to ensure that the agency can continue its operations during an emergency. These sites are enchanted to support staff, systems, and containment facilities, ensuring the agency can maintain essential functions. Capabilities include secure communication networks, access to transportation methods (e.g., **Portkeys**), and space for emergency teams to coordinate efforts. At least one site is physically and geographically separate from the primary location, ensuring continuity even in the case of a regional disaster.
- [ANNEX J: OPDC Facilities](#)
  - [ANNEX K: Evacuation Plans](#)
  - [ANNEX L: Alternate Headquarters MOU OPDC & DAS](#)
5. **Communications Plan.** This portion of the plan outlines a robust and redundant system for communicating with employees, local, state and federal agencies, and the public following an emergency. This includes contact lists for leadership, essential staff, and magical resource coordinators, as well as guidelines for the Department of Administrative Services (DAS) to provide updates and manage public relations during crises. Redundant communication methods ensure that critical information can flow through both internal and external channels as needed.
- [ANNEX M: OPDC Emergency Communication Plan](#)

## INTRODUCTION

OPDC has essential functions that must be performed or swiftly resumed in the event of a crisis or emergency. To prepare, OPDC has developed this Continuity of Operations Plan (CP). This plan outlines policies and procedures to ensure that OPDC can continue its essential operations during an emergency, even if it disrupts normal activities or requires relocating key staff and agencies.

CP planning is not only a requirement but also an integral component of OPDC's fundamental responsibility to ensure uninterrupted delivery of constitutionally mandated defense services during disruptions.

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## **PURPOSE**

The ability to prepare for, respond to, and recover from disruptions to OPDC's operations is critical to maintaining the agency's effectiveness in carrying out its responsibilities. This preparation is made possible through the proficiency and well-being of the agency's personnel, and the clarity of its leadership.

This CP provides a framework to help ensure that OPDC:

- Can activate the CP and continue operations with or without warning.
- Can sustain operations for up to 30 days or until the crisis is resolved.
- Conducts regular testing, training, and exercises for staff and systems as required.
- Provides for a thorough risk assessment of all alternate locations.
- Develops standard operating procedures for the continuation of essential functions under emergency conditions.
- Promotes the ongoing development and review of OPDC's CP capabilities.

This CP provides for the performance of critical functions from alternate (continuity) locations, should the primary headquarters become unusable. It also ensures continuity of leadership, case management, and decision-making if senior leadership or key subject matter experts are unavailable or incapacitated.

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## **POLICY**

It is the policy of OPDC to respond quickly and effectively at all levels during an emergency or disruptive event. The agency is committed to maintaining its essential functions and ensuring the safety and well-being of its staff.

Additional Policies/Guidance:

- **ORS 107.001.010**
- **Homeland Security Presidential Directive 5 (HSPD-5)**

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## **OBJECTIVES**

The objectives of this plan are to:

- Ensure the continuation of essential functions, the safety of its staff, and the management of its systems.
- Maintain command, control, and direction during emergencies, with a clear hierarchy for decision-making and response.
- Minimize disruptions to OPDC operations and ensure timely responses.
- Protect critical facilities, equipment, records, and other resources essential to the agency's operations.
- Assess and minimize damages and losses from any disaster or incident.
- Provide operational and organizational stability during emergencies.
- Facilitate decision-making during crises, ensuring clarity and effective communication.
- Achieve an orderly recovery of all essential functions and return to full operational capacity.
- Ensure continuity of leadership and expertise through established lines of succession to critical management and technical positions.
- Provide resources and capabilities to restore or reconstitute regular activities, depending on the scope and nature of the incident.
- Fulfill the agency's responsibilities in local, regional, and state emergency operations plans, including coordination with emergency agencies.

---

## **ASSUMPTIONS**

The following assumptions are made in considering continuity of operations planning for OPDC:

- Evacuation Protocols: During business hours, in the event of a crisis or emergency, the agency will initiate evacuation procedures in accordance with its Emergency Prevention and Response Plan (available **on the OPDC server in the xxxx folder**).
- Activation of CP: Upon declaration of CP activation by senior leadership, all employees / staff will be given clear instructions regarding their roles and responsibilities during the activation and relocation phases if necessary.
- Emergency Impacts: Emergencies can severely disrupt the agency's ability to continue supporting essential functions, such as client representation, case management, and coordination with state or partner agencies.
- Resource Availability: The necessary resources, including funding and supplies, will be available to implement and maintain the CP program effectively. These resources will be provided promptly following CP activation.
- Staff Availability: In the event of an emergency, staff and external personnel located outside the affected area will be available to support the agency in the continuation of essential functions. This is possible through training and implementation of the Disaster Service Worker Agreement.
- Availability of Alternate Sites: Pre-established alternate facilities will be ready to support essential operations within 12 hours of CP activation.
- Emergency Adaptability: Some agency personnel may be unavailable due to the aftermath of an emergency. Contingency procedures will ensure the availability of backup staff to fill critical roles.
- Recovery of Essential Functions: A subset of critical systems will be prioritized for recovery to maintain essential operations.
- Degraded Service: During the initial recovery period, the agency may need to function with limited automated systems or degraded services until full recovery is achieved.
- NIMS and ICS Compliance: In accordance with the National Incident Management System (NIMS) and Homeland Security Presidential Directive 5 (HSPD-5), the CP program will incorporate the principles of the Incident Command System (ICS) for coordinated, effective response and recovery.

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## HAZARD VULNERABILITY & BUSINESS IMPACT ANALYSIS

OPDC is vulnerable to a range of hazards, each of which could disrupt its operations. A comprehensive risk analysis has been conducted and is available in:

- [ANNEX N: Risk Analysis and Vulnerability Assessment Matrix](#)

In addition to the hazard assessment, a Business Impact Analysis (BIA) was conducted to evaluate the potential consequences of disruptions to each of OPDC’s Essential Functions. The BIA helps prioritize recovery efforts by identifying critical operations, assesses the impact of downtime on services, identifies dependencies between functions, and outlines the necessary resources to restore each function in a timely manner. The detailed findings of the BIA, linked to each identified Essential Function, can be found in:

- [ANNEX O: BIA-Essential Function Analysis](#)

## **ESSENTIAL FUNCTIONS AND CONTINUITY SUPPORT**

OPDC has identified and prioritized key functions that must continue during disruptive events. During activation of this CP, non-essential activities may be temporarily suspended to focus the agency’s resources on the critical functions required to restore services. Ensuring the safety of its staff, protecting its systems, and providing ongoing communication with those affected by these suspensions will remain a top priority.

In line with industry and planning standards, OPDC has categorized its essential functions into five key tiers, reflecting the urgency and priority of each function. Although all of OPDC’s essential functions fall under two tiers currently, the five-tiered approach allows the agency to prioritize and re-categorize time-sensitive functions during a crisis and as the situation progresses. The functions are supported by a network of critical processes, resources, and personnel, and a list with their associated support mechanisms is outlined in the accompanying EFs sections. These sections will be reviewed and updated regularly to ensure that they reflect any changes in regulation, operational priorities, or needs.

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## **FUNCTIONAL CATEGORIES AND RECOVERY TIME OBJECTIVES (RTOs)**

OPDC has identified and prioritized its essential functions according to the following classification system, based on Recovery Time Objectives (RTOs). An RTO is the estimated maximum tolerable duration of time between when a disruption occurs and when the function must be resumed, even under emergency conditions. The following classifications help ensure that the most urgent functions are prioritized for immediate restoration.

- Tier 1 – 0 to 12 hours

- Tier 2 – 13 hours to one week
- Tier 3 – One to two weeks
- Tier 4 – Two weeks to 30 days
- Tier 5 – 30 + days

## **DETAILED OVERVIEW OF ESSENTIAL FUNCTIONS**

### **EF #1 – Financial Management**

#### **Tier 2 - 13 hours to 1 week**

- **EF #1.1 – Pre-Authorized Expenses (PAE)**

Ensure that authorization requests are processed within 5 business days (per PAE policy).

#### **Tier 4 – Two weeks to 30 Days**

- **EF #1.2 – Payments**

In 2025, OPDC processed ~5,000 invoices/month and paid out \$300 million.

Ensure that payment processing for 1000+ contract defense providers, investigators, agencies, discovery, interpreters, and vendors remains operational. OPDC must retain the ability to process invoices within 45 days per state law.

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### **EF #2 – Case Management**

#### **Tier 2 – 13 Hours to One Week**

- **EF #2.1 – Case Management**

Ensure that case management services across the Trial and Appellate Divisions remain operational. These services include centralized state-wide case assignments, tracking, and attorney workload management.

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### **EF #3 – Legal Services**

#### **Tier 2 – 13 Hours to One Week**

- **EF #3.1 – Legal Services**

Ensure that legal cases are categorized as Tier 1, Tier 2, and Tier 3, and assigned counsel accordingly. Tier 1: in-custody cases and hearings, arraignments,

juvenile detention hearings, and time-sensitive filings; Tier 2: Cases with statutory deadlines such as appeals & revocations; Tier 3: Non-custody cases that can be postponed without prejudice. Request emergency orders, schedule revisions, or switch court appearances to remote platforms if necessary. Maintain intake and conflict-counsel assignment systems. Establish client communication procedures.

---

### **Glossary of Legal Terms**

- [Add here](#)
-

## OPDC CP ACTIVATION PROCESS

The activation protocol is critical for ensuring a rapid and organized response during emergencies. The following steps outline the process for triggering and communicating a CP event within OPDC:

### Activation Criteria:

CP activation is triggered by events such as large-scale natural disasters, cyber-attacks, or threats to public safety affecting OPDC operations. The **CP Activation Decision-Maker** (Executive Director of OPDC or designated decision-maker in the Order of Succession) will assess the situation and determine if CP activation is necessary.

### Steps for Activation:

**Event Identification and Assessment:** When an event occurs that may trigger a CP event, the Leadership Team assesses the situation's severity. This may involve information from external partners, emergency responders, or internal staff.

**Decision to Activate:** The decision-maker will review the situation and approve the CP plan activation if the event meets predetermined criteria.

**Notification of Activation:** The **Everbridge System** will be used as the primary tool to send out activation notifications to all critical personnel and stakeholders. Notifications will include information on the nature of the event, activation status, and further instructions. This will be followed by phone calls to key personnel to confirm receipt of the notification.

**Acknowledgement:** Each team member and agency head will confirm receipt of the activation notice via Everbridge, text, or other communication channels. If a team member is unreachable by phone, alternate contacts (e.g., satellite phones, radios) will be used.

**Deployment of Communication Systems:** Once activated, OPDC will deploy a combination of traditional and hybrid communication tools to ensure all critical personnel can stay in contact during the event. This includes cellular phones or alternate systems as outlined in the existing plan.

**Ongoing Evaluation:** The Leadership Team will monitor the situation and adapt communication strategies as needed, ensuring that the CP plan remains effective throughout the crisis.

# GENERAL ACTIONS FOR ALL OPDC PERSONNEL DURING CP ACTIVATION

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## 1. Immediate Response Actions

- Notification of Activation: Upon CP activation, all OPDC personnel will receive an official notice through the primary communication system (e.g., mass messaging, encrypted alerts).
  - Acknowledge Receipt: Personnel must confirm receipt of the activation and check in with their designated supervisor or agency head using the most reliable communication method.
  - Reporting Locations: Staff will proceed to their assigned emergency operation centers (EOCs) or other specified locations based on their role and CP instructions.
  - Initial Safety Check: Personnel must ensure their own safety, as well as the safety of colleagues under their care.
- 

## 2. Safety and Welfare Actions

- Employee Welfare: All personnel should immediately address their own safety and that of their colleagues. This includes ensuring access to emergency food, water, and medical supplies, and activating safety protocols (e.g., evacuation plans).
  - Medical Support: Personnel trained in first aid should provide immediate assistance to any injured or distressed individuals. If necessary, coordination with external medical agencies may be required for further treatment or support.
- 

## 3. Operational Continuity Actions

- Focus on Critical Functions: Employees will focus on executing essential agency functions as outlined in the CP plan. Critical functions include:
  - Containment and Safety
  - Case Management and Client Access
  - Communication with External Partners
  - Maintenance/recovery of IT Systems and Administrative Continuity

- **Temporary Role Assignment:** Personnel may be reassigned to a response team based on immediate needs. Supervisors will provide instructions for these role changes. Please see [ANNEX AA: Disaster Service Worker Agreement](#) for details.
  - **Team Coordination:** Personnel assigned to specific teams must work closely with team leads, maintaining open communication and cooperation across agencies.
- 

#### **4. Resource Protection and Management**

- **Secure OPDC Resources:** Those working with sensitive materials must secure them per CP protocols, protecting against theft, tampering, or external threats.
  - **Activate Backup Communication:** Communication personnel will activate backup systems and verify that all lines are operational and secure.
  - **Inventory & Resource Tracking:** Maintain accurate, real-time records of available resources (equipment, fleet vehicles etc.), updating them as necessary using alternative communication methods.
  - **Relocation Support:** Employees involved in relocation efforts will coordinate with external agencies (e.g., ODOT, FEMA) if required to safely transport personnel to designated shelters or safe zones.
- 

#### **5. Documentation and Reporting**

- **Incident Documentation:** Personnel should document all actions, observations, and significant events, using encrypted devices or manually if necessary. This documentation will be submitted to the relevant agency heads for review and record-keeping.
  - [ICS Form 214: Activity Log](#)
- **Operational Updates:** Agency leads will provide frequent updates to OPDC headquarters and external partners using secure communication methods.
  - [ICS 213: General Message](#)
- **Situation Reports:** Each division/location will submit regular Situation Reports, outlining ongoing operations, resource status, and immediate needs. These will be sent securely to the Executive Team.
  - [ICS Form 209: Incident Status Summary](#)

---

## 6. Coordination with External Agencies and Partners

- **Government Liaison:** Designated personnel will coordinate with local, state, and federal agencies (e.g., OEM, ODA, FEMA, FDA) to ensure synchronized operations and information exchange during the CP activation.
- **Private Sector & Contractors:** Maintain communication with essential providers and contractors to ensure resource availability and logistical support.
- **Public Communication:** The communications team will manage outgoing public information, ensuring transparency about OPDC operations and any disruptions caused by the emergency.
  - Please see [ANNEX M: OPDC Emergency Communication Plan](#)

---

## 7. Devolution and Relocation Support

- **Devolution Team Activation:** If OPDC's primary headquarters and/or leadership are compromised, the Devolution Team will activate and continue operations from an alternate location, maintaining essential services. Please see:
  - [ANNEX R: OPDC Modular Devolution Plan](#)
  - [ANNEX S: OPDC to XXX Devolution Plan](#)
  - [ANNEX T: OPDC Inter-State Devolution Plan](#)
- **Relocation Team Activation:** If relocation of personnel is necessary, the Executive Team will follow established protocols for safe transport to alternative locations. Please see [ANNEX A: CP Teams](#)
- **Evacuation:** All staff, including those involved in critical functions, will follow evacuation procedures, in coordination with external agencies. The safety of all personnel is the top priority, and staff will evacuate promptly when directed, even if they are currently engaged in critical functions. Please see [ANNEX K: OPDC Evacuation Plans](#)

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## 8. Deactivation of CP Response

- **Return to Normal Operations:** Once the emergency is resolved, the CP plan will be deactivated. Personnel will be notified and will transition back to normal operations.
  - **Post-Emergency Review:** After the activation, all personnel will participate in a debriefing session to review the actions taken, identify lessons learned, and provide feedback for future improvements. Additionally, to support the well-being of our staff, OPDC Human Resources will provide information on available emotional and mental health resources to help address post-incident stress. These resources may include counseling services, peer support programs, and other tools.
  - **Final Reports:** Department heads / Chief Deputy Defenders will submit comprehensive reports detailing actions, resource usage, and CP response effectiveness.
- 

## **PERSONNEL RESPONSIBILITIES SUMMARY**

### **1. Leadership (Executive Team):**

- Oversee agency actions during CP activation.
- Ensure coordination with OPDC headquarters, external agencies, and providers.
- Maintain situational awareness and provide strategic direction.
- Please refer to the following resources to assist with this process:
  - [ANNEX P: CP-Decision Making Flow Chart](#)
  - [ANNEX Q: CP-Activation Checklist](#)

### **2. Specialized Teams (Executive and Management Teams.):**

- Follow specific protocols and instructions for assigned teams.
- Actively coordinate with other teams to achieve common goals.

### **3. General Staff:**

- Focus on essential functions, ensuring operational continuity.
- Maintain communication with team leads and adhere to safety protocols.
- Assist with transportation and welfare as needed.

#### **4. Support and Logistics Personnel (Procurement, IT, Facilities):**

- Ensure continued availability of resources, including activating backup communication systems.
  - Support logistics and coordination efforts as needed.
- 

### **ALTERNATE FACILITY/WORK SITE OPERATIONS**

#### **(12 hours to termination of emergency)**

Upon CP activation, OPDC will perform essential functions at the primary facility until ordered to cease operations. Once ordered, OPDC will transfer essential functions to the continuity facility, with the goal of resuming identified Tier 1-5 functions in line with their Recovery Time Objectives.

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#### **Operations During Continuity Phase**

- **Check-in & Accountability:** Upon arrival, designated OPDC administrator(s) or designees will check in and direct key personnel to designated workspaces, and ensure equipment and systems are activated. All essential personnel must report for check-in, receive instructions and required equipment, and set up their systems.
  - **Monitoring & Status Updates:** OPDC will monitor personnel status, resources, and operational systems continuously.
  - **Sustaining Essential Functions:** Personnel will maintain core functions like safety and well-being.
  - **Communication & Reporting:** Regular updates and instructions will be disseminated internally and to external agencies.
  - Please refer to [ANNEX P: OPDC CP Activation Checklist](#)
- 

### **RESOURCE PROCUREMENT**

- **Emergency Procurement:** If additional resources are needed to sustain operations, OPDC may activate DAS Emergency Procurement procedures or request through

OEM's EOC. These may include acquiring personnel, equipment, or supplies for up to 30 days or until normal operations are restored. Please see the following forms:

- [ANNEX U: DAS Space Request-Emergency](#)
  - [ANNEX V: DAS-Disaster Resource Coordination Process](#)
  - [ANNEX W: DAS-Emergency Procurement Form](#)
  - [ANNEX X: OEM-DP300 Resource Request Form](#)
  - [ANNEX Y: DAS-Disaster Coordination of Personnel and Supplies-Template](#)
- 

## **PHASE III – RECONSTITUTION**

### **(Transition back to normal operations)**

Reconstitution focuses on returning OPDC operations to their original or new home facility, ensuring a smooth and efficient transition back to normal operations.

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### **Reconstitution Objectives**

- Plan Development: Develop a comprehensive reconstitution plan, which includes options for returning operations to the original facility or relocating to a new one if necessary. The goal is minimal disruption to operations and a phased, smooth transition back to full capacity.
- 

### **Reconstitution Procedures**

- Reconstitution Team Activation:
  - The OPDC Director will appoint a Reconstitution Manager. This is not a predetermined position or team since it is unknown which facilities, teams or essential functions will have been affected.
  - Program area Chief Deputy Defenders will designate a team representative to work with the Executive and Management Teams and facilitate smooth transitions.
- Reconstitution Options:

1. Continuing Operations from Continuity Facility: If the original facility is unusable, OPDC will continue at the continuity site until further notice.
  2. Reconstitute to Original Facility: If the original facility is safe, OPDC will begin transitioning back in phases.
  3. Reconstitute to New Facility: If the original facility is permanently unavailable, OPDC will establish operations in a new location.
- 

## **Reconstitution Phases**

- Phase 1 – Initial Assessment: Assess the readiness of the original or new facility and identify critical repairs.
  - Phase 2 – Transition Plan: Develop a detailed plan for relocating personnel and systems.
  - Phase 3 – Full Reconstitution: Begin the physical move, resuming normal operations while ensuring continuity of essential functions.
- 

## **Key Personnel Roles in Reconstitution**

- Reconstitution Manager: Leads all reconstitution activities.
- Program Area Chief Deputy Defenders: Manage specific areas of OPDC functions.
- IT & Systems Support: Ensure seamless data migration and system restoration.
- Logistics Coordinator: Oversees the relocation of personnel and equipment.

## **ADMINISTRATION AND LOGISTICS**

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### **VITAL RECORDS IDENTIFICATION**

In the context of OPDC, vital records refer to critical documents, information systems, and applications—whether electronic or physical—that support essential functions during an

emergency event. These records are essential for maintaining operations in the event of a crisis or disaster.

### **Objectives of OPDC's Vital Records Program:**

1. **Protection:** Ensure that records detailing how OPDC will operate during an emergency or disaster are identified and securely protected.
2. **Continuity of Operations:** Identify records needed to support ongoing operations, such as containment protocols, data, and emergency response guidelines.
3. **Protection of Legal Rights:** Safeguard records that protect the legal and financial rights of the state, government, and citizens of Oregon as required.

### **Access to Vital Records During CP Activation:**

Upon activation of the **Continuity of Operations Plan (CP)**, continuity personnel at the assigned relocation site must have access to the necessary media and systems to retrieve vital records, which include:

- Local area network (LAN) access to internal systems and data / databases.
- Electronic versions of vital records, such as case documentation and regulatory compliance records.
- Internal and external communications.
- Hard copies of vital records as required.

A prioritized list of vital records, along with their restoration timelines, is provided in [ANNEX F: Vital Records](#) to guide personnel in the retrieval and restoration of key documents during a CP event.

## **SENSITIVE RECORDS**

OPDC holds sensitive records related to cases and filings which may include classified or confidential data or information. The protection of these sensitive records is important to prevent unauthorized access.

Protection measures include:

- **Access control:** Restricting access to sensitive records stored in secure vaults or encryption systems.

- Physical protection: Sensitive client records may be stored in locked chambers and secure filing cabinets within OPDC’s designated facilities.
- Data security: Sensitive electronic records are encrypted, and access is restricted to authorized personnel only.

In the event of a facility disaster, these records will be fully protected, and systems will be in place to retrieve them for continued operations.

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## VITAL RESOURCES

Essential equipment and systems that are required to support OPDC operations during an emergency are identified in [ANNEX I: Vital Resources](#).

Key equipment includes:

- Communication tools, such as communication devices, cellphones, and secure email.
- Backup power systems to ensure all case and administrative management systems stay operational during power outages.
- **Add here as needed**

---

## VITAL CONTACTS

The Vital Contacts annex provides a centralized list of essential individuals, agencies, organizations, and companies that support OPDC in both normal operations and emergencies. This annex ensures that OPDC personnel can quickly access the right contacts for coordination and support during critical situations.

It includes contact information for emergency response partners, state and federal agencies, contractors, and other key organizations. By categorizing contacts by role and priority, the annex streamlines communication, helping OPDC maintain operational continuity and a coordinated response during any disruption

Please see [ANNEX H: Vital Contacts](#)

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## VITAL APPLICATIONS AND IT DISASTER RECOVERY PLAN

The Vital Applications and IT Disaster Recovery Plan outline the strategies and procedures necessary to ensure the continuity and recovery of critical IT systems and applications that support OPDC. This section identifies the key software, hardware, and infrastructure required for OPDC’s operations, and details the steps to restore these systems in the event of a disaster or significant disruption. It ensures that essential functions can resume as quickly as possible, minimizing downtime and maintaining operational efficiency during and after an IT-related emergency.

- [ANNEX G: Vital Applications/Systems](#)
- [ANNEX Z: OPDC IT Disaster Recovery Plan](#)

## CONTINUITY COMMUNICATIONS

OPDC has established redundant communication systems to ensure continuity of operations during an emergency. These systems are described in [ANNEX M: OPDC Emergency Communication Plan](#) and include traditional telecommunications as well as alternative communication methods to ensure effective interaction during a crisis.

Key systems include:

- Internal communication: Communication devices (computers, laptops/tablets, cell phones) will be used to facilitate communication between OPDC staff, regardless of their location.
- External communication: These systems enable OPDC to maintain contact with external agencies and emergency services, during an emergency. Examples include cellphones, emails, and public broadcasting systems.
- Telework portals: If necessary, OPDC staff will work from home or alternate locations, especially in situations involving a pandemic or lockdown.
- Emergency alerts: **Special communication devices** will allow OPDC to send urgent alerts to staff and other relevant parties about developments in ongoing emergencies.

---

## ALTERNATE HEADQUARTERS LOCATION

In case the primary OPDC headquarters facility is rendered unusable due to a disaster or emergency, the following alternate office locations have been identified:

1. Home Offices or nearby OPDC Facilities:  
Many OPDC staff members can work remotely, especially when managing magical

creature care through enchanted devices or portal communications. Home offices will be the first line of relocation for remote work during an emergency.

2. Oregon Public Defense Commission (Appellate Division)  
1175 Court St. NE  
Salem, OR 97301
3. OPDC has also secured access to the (insert agency name here) headquarters, where staff can be temporarily relocated. The facility was confirmed available as of March 2026 for OPDC use during an emergency.

- [ANNEX L: Alternate Headquarters MOU OPDC & DAS](#)

## CONTINUITY FACILITIES IDENTIFICATION

OPDC has designated specific continuity facilities to accommodate personnel and operations during emergencies. These facilities are evaluated to ensure they can support essential operations under CP conditions.

Criteria for Continuity Facilities:

- Space and Equipment: Adequate workspace for personnel and equipment.
- Health & Safety: These locations will have provisions for the emotional and psychological well-being of personnel.
- Interoperability: Facilities will be equipped with communication systems for both internal and external communication.
- Backup Power: All facilities will have backup power or generators to keep essential operations running even in case of power failure.
- All OPDC facilities have identified back up locations in a different area of Oregon in case of a regional disaster affecting multiple facilities. See [ANNEX J: OPDC Facilities](#) for all alternate facility locations.

---

## HUMAN CAPITAL

### CONTINUITY PERSONNEL

During an emergency, OPDC designates certain positions as continuity personnel or disaster service workers - those critical to maintaining agency operations. These individuals are notified through formal documentation from Human Resources and are

trained specifically for emergency scenarios. All continuity personnel have 3 successors identified to maintain functional operability of OPDC:

- [ANNEX D: Orders of Succession](#)
- [ANNEX E: Delegations of Authority](#)
- [ANNEX AA: Disaster Service Worker Agreement Template](#)

Key roles include:

- OPDC Executive Team: Providing guidance and oversight of all operations.
- OPDC Management Team: Responsible for continuity operations and resource management.
- Field Response Coordinators: Manage regional team operations.
- Logistics and Support Team: Handle facilities and equipment issues.

Training records for essential personnel are maintained by **OPDC HR** and all essential personnel are expected to complete required emergency preparedness training.

## **ALL STAFF**

OPDC maintains communication procedures to ensure that all staff—including those not classified as continuity personnel—remain informed and accounted for during an emergency.

- [ANNEX C: OPDC Staff Emergency Contact List](#)

### **Communication Protocols for All Staff:**

- Direct Contact: Staff members are expected to stay in touch with their supervisors via electronic communication or telephone during any relocation or closure.
- Human Capital Support: OPDC Human Resources will assist staff with any personal needs during a crisis, including leave, benefits, and emotional support.

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## **ESSENTIAL FUNCTIONS – OREGON PUBLIC DEFENSE COMMISSION**

### **Tier 1 – 0 to 12 Hours (Critical Response)**

- None

### **Tier 2 – 13 Hours to One Week (Priority Recovery)**

- EF #1.1 – Financial Management: Pre-Authorized Expenses (PAE)
- EF #2.1 – Case Management
- EF #3.1 – Legal Services

#### Tier 3 – One to Two Weeks (Secondary Recovery)

- None

#### Tier 4 – Two Weeks to 30 Days (Long-Term Recovery)

- EF #1.2 Financial Management: Payments

#### Tier 5 – 30+ Days (Extended Recovery)

- None
- 

## DEVOLUTION PLANNING FOR OPDC

### 1. Introduction

#### Purpose

The OPDC Devolution Plan(s) provide a structured framework for OPDC to maintain the continuity of its critical operations during major crises.

- [ANNEX R: OPDC Modular Devolution Plan](#) outlines three tiers of devolution, staff reallocation strategies, resource management, and facility coordination to ensure essential functions continue uninterrupted, even in the face of a widespread disaster.

The additional OPDC Devolution Plans would be activated in the order below during a Tier 3 scenario where internal operations can no longer be maintained:

- [ANNEX S: OPDC to OXX Devolution Plan](#)
- [ANNEX T: OPDC Inter-State Devolution Plan](#)

#### Scope

The Devolution Plan(s) apply to all OPDC facilities and staff across the state and ensures that even under extreme circumstances, OPDC will maintain its core operations, with clear roles and responsibilities designated across staff levels.

---

### 2. Devolution Tiers & Triggers

### **Tier 1: Standard CP Activation-- Operations (Essential Functions at Full Capacity)**

Condition: An isolated event has activated Standard CP operations without significant external disruptions.

Key Actions:

- All critical operations proceed without modification.
- Full staffing across all facilities.
- Internal and external communication systems remain functional.
- Resource management follows routine protocols.

Trigger Point: Any crisis or external event affecting normal operations.

---

### **Tier 2: Partial Devolution (Reduced Capacity)**

Condition: A significant disruption that impacts some operations but does not incapacitate the entire agency.

Key Actions:

- Prioritize critical functions.
- Non-critical operations like administrative tasks are paused or scaled back.
- Cross-facility support: Staff from unaffected facilities provide assistance.
- Staff reductions: Only essential personnel remain on-site in impacted facilities.

Trigger Point: A regional disaster (e.g., earthquake, wildfire, flooding) significantly disrupts one or more facilities but does not incapacitate them entirely.

---

### **Tier 3: Full Devolution (Emergency Operations)**

Condition: A catastrophic event severely disrupts operations, requiring drastic measures.

Key Actions:

- Focus on life-saving operations: Emergency response teams are activated to assist with containment and provide disaster relief.

- Staff reallocation: Personnel are reassigned to high-priority tasks, and non-essential functions are halted.
- Non-critical facilities may be closed, and all available resources are redirected to core operations.
- Use of backup systems for essential infrastructure.

Trigger Point: A catastrophic event (severe earthquake, wildfire, or flooding) causes major damage to facilities, overwhelming the agency's resources.

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## **GOVERNORS DECLARATION OF EMERGENCY & ACTIVATION OF DEVOLUTION**

In the event of a Tier 3 emergency, which renders OPDC unable to maintain normal operations due to a catastrophic event, the Governor of Oregon shall have the sole authority to formally activate the devolution process as outlined in this plan. The activation of devolution is contingent upon the Governor's issuance of an official State of Emergency Declaration or other legally binding executive order.

Upon the Governor's declaration of a state of emergency, the following steps will be taken to ensure continuity of operations and the protection of public entities:

1. Activation of Devolution: The Governor will authorize the transfer of specific operational functions from OPDC to the designated receiving state agencies, which may include:
  - Add here if OPDC functions can be carried out by any other agency.
2. Legal Authority: The Governor's declaration will grant the receiving state agency the legal authority to temporarily manage Oregon's containment, care, and regulatory responsibilities. This authority will remain in effect until such time as the emergency is resolved or the Governor issues a subsequent order.
3. Activation of Interstate Assistance: Upon activation by the Governor, Oregon may request mutual aid and assistance from neighboring states and federal agencies, including the National Guard, as necessary. These requests will be made in accordance with the terms of pre-established Mutual Aid Agreements and/or Interstate Compacts.

4. **Regulatory Modifications:** The Governor may issue temporary regulatory waivers or adjustments to facilitate the devolution process, including permitting the receiving agency to operate across state lines and manage regulatory enforcement within Oregon’s borders, as necessary for the emergency response.
  5. **Emergency Powers:** During the devolution period, the Governor will retain the authority to modify or extend the duration of the devolution process, including adjusting the roles and responsibilities of state agencies based on the evolving nature of the emergency.
  6. **Coordination with Legislative Bodies:** The Governor will ensure timely notification to the Oregon Legislature, relevant stakeholders, and federal agencies regarding the initiation of devolution and the necessary steps to ensure continued safety and public security during the emergency period.
- 

## **TEST, TRAINING, AND EXERCISES PROGRAM**

OPDC maintains a Test, Training, and Exercises (TT&E) program that ensures all operational continuity capabilities are well-practiced and fully ready to respond in an emergency or disaster scenario. This program is aligned with the requirements of the Agency of Homeland Security’s National Exercise Program for entities, ensuring that OPDC can perform its vital functions under the most extraordinary circumstances.

The TT&E program is essential to demonstrate, assess, and improve the OPDC’s ability to enact the Continuity Plan (CP), validate its procedures and processes, and ensure that the agency’s leadership is ready to respond in an emergency. Training familiarizes OPDC’s continuity personnel with their roles and responsibilities, while tests and exercises help to assess, validate, and correct the agency’s infrastructure, systems, procedures, and facilities in response to a disruptive event.

### **Key TT&E Components:**

- **Equipment Validation:**  
Test and validate IT equipment to ensure it can interoperate with other agencies and remain functional in an emergency.
- **Alerting and Activation of Continuity Personnel:**  
Test notification systems to alert continuity personnel about emergency events.

Ensure that all staff are reachable and able to mobilize designated continuity facilities.

- **Primary and Backup Infrastructure:**  
Test both primary and backup infrastructure at continuity facilities. Ensure these facilities are capable of supporting essential functions in emergencies.
- **Essential Functions Testing:**  
Conduct tests to ensure the agency’s essential magical functions can be performed under emergency conditions.
- **Vital Records Recovery:**  
Conduct tests to recover legal records, data, and information in case of emergency.
- **Physical Security:**  
Test physical security and access control systems at continuity facilities if required.
- **Interagency Coordination:**  
Test internal and external interagency communication systems, allowing seamless coordination in the event of a crisis.
- **Familiarity with Reconstitution Procedures:**  
Train personnel on the procedures for reconstitution, where essential functions will return to normal from a continuity environment.

### Annual Testing, Training, and Exercise Calendar

OPDC will conduct the following TT&E activities at regular intervals throughout the year. These activities will be designed to prepare OPDC personnel for any emergency scenario, ensuring that every team member knows their role and responsibilities.

Activity	Frequency	Description
Test Communication Systems	Quarterly	Validate Teams, <a href="#">add here</a> , for internal and external communication.
Test Notification & Activation of Personnel	Bi-Annually	Activate <a href="#">FlashAlert?</a> <a href="#">Everbridge?</a> and confirm personnel can receive alerts for emergency events.

Activity	Frequency	Description
Test Continuity Facility Defenses	Quarterly	Ensure facilities are safe during a crisis.
Vital Records Protection and Retrieval Exercise	Annually	Activate (Add system/application here) and check retrieval of records and essential documents.
Reconstitution Exercise	Annually	Train on restoring OPDC's base of operations, including the return to normal facilities.
Cybersecurity Breach Exercise	Semi-Annually	Test for cybersecurity threats.
Leadership Role-Play and Succession Training	Annually	Simulate continuity leadership transitions through role-play to ensure preparedness in times of crisis.
Disaster Recovery & Devolution Exercises	Annually	Test continuity capabilities when environments are compromised, and OPDC must devolve its operations.

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## Training Procedures and Personnel Development

- **Essential Personnel Role Training:**  
Training is focused on ensuring that essential personnel are proficient in their roles. Essential staff will also be trained on reconstitution, communication, and continuity operations using (add tool here if we have one?) for off-site personnel coordination.
  - **Leadership Development:**  
OPDC will provide specialized training to ensure leadership readiness. OPDC leaders will undergo training of operational continuity under emergency conditions.
  - **Vital Records Protection:**  
Relevant staff will be trained in the protection of OPDC's vital records..
  - **Reconstitution Procedures Familiarization:**  
Training will include tests and exercises where personnel will move between continuity facilities and reconstituted headquarters to ensure smooth transitions and restoration of normal operations following an emergency.
-

## **After Action Reviews and Continuous Improvement**

All TT&E events will be formally documented with records detailing the date, participants, exercise results, and any necessary corrections. After each exercise, the Emergency Preparedness Coordinator will conduct a debriefing, where participants discuss the effectiveness of procedures and identify areas for improvement.

A Corrective Action Program (CAP) will then be enacted to address weaknesses discovered during the exercises, ensuring that all identified deficiencies are corrected and solutions implemented as soon as possible. The CAP will be prioritized and managed by the Emergency Preparedness Coordinator, with a timeline for improvements to be made based on operational requirements.

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## **PLAN MAINTENANCE**

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### **CP MULTI-YEAR STRATEGY AND PROGRAM MANAGEMENT**

OPDC's management and Program Area Directors/Chief Deputy Defenders are responsible for overseeing the implementation and maintenance of the agency's Continuity of Operations Plan (CP), which serves as the operational guide during activation and recovery, and provides structured framework to support continuity of operations.

The following roles and responsibilities have been assigned to ensure the ongoing effectiveness of the CP:

#### **Suggested Roles and Responsibilities of Management:**

- Maintaining a policy (if required) that grants authority for the creation, modification, ongoing maintenance, and execution of the CP.
- Identifying issues that will influence the frequency of changes required to the CP.
- Establishing a Review Cycle that ensures all CP practices and emergency protocols are reviewed regularly.
- Setting a Testing and Exercise Cycle to continually assess and update OPDC's ability to maintain operations during crises.

- Guiding and Prioritizing Mitigation Activities that OPDC must undertake.

## CP MAINTENANCE

To ensure the CP remains viable, OPDC is engaged in an ongoing process of reviewing and updating its functions, resources, and plans. The Emergency Preparedness Coordinator, in collaboration with OPDC’s Management Team, will oversee all aspects of CP maintenance, ensuring its alignment with operational needs.

Following is a list of activities necessary to monitor and maintain the dynamic elements of the agency’s CP. These activities are key to keeping OPDC prepared to respond quickly and effectively, should the need arise.

<b>Activity</b>	<b>Description</b>	<b>Frequency</b>
Review and Certify CP Plan	Review entire CP for accuracy, incorporate lessons learned, and update policies as needed.	Annually
Maintain Orders of Succession & Authority	Identify current incumbents of leadership positions and update contact information.	Semi-annually
Emergency Relocation Site Readiness	Check systems and verify accessibility.	Monthly
Monitor and Maintain Vital Records	Ensure all vital records are protected and updated.	Ongoing
Maintain Alternate Worksite Readiness	Test communication systems and verify portal access.	Semi-annually
Review and Update MOUs/MOAs	Ensure all agency agreements are current and revise as necessary to meet new needs.	Annually
Monitor and Maintain Equipment at Alternate Sites	Conduct regular equipment training and assist in updating files / data.	Ongoing
Train New Key Personnel	Provide orientation for new key personnel and ensure they participate in exercises.	Within 30 days of Appointment
Orient Leadership and Senior Management	Brief new leadership/management on CP procedures, leadership roles, and emergency response protocols.	Within 30 days of Appointment

<b>Activity</b>	<b>Description</b>	<b>Frequency</b>
Plan and Conduct Exercises	Conduct internal exercises and joint exercises with other entities or agencies.	Semi-annually, Annually, or As Needed
Maintain Security Clearances	Ensure security clearances are updated for all key personnel, including access to restricted knowledge.	Ongoing, as needed
Review and Approve CP	Conduct an annual review of the CP to ensure it remains aligned with continuity needs.	As Needed

## **CP CERTIFICATION**

To ensure the real-world applicability and effectiveness of the CP, OPDC’s plan will be cross walked against Federal and State guidelines. This includes ensuring all protocols and emergency response plans are in line with recognized standards. Certification activities will also include the verification of plan components, ensuring that all procedures are fully capable of supporting OPDC's mission, even in extreme circumstances.

## **CONCLUSION**

The Continuity of Operations Plan (CP) for Oregon Public Defense Commission (OPDC) is a vital document that ensures the agency’s ability to maintain critical functions during emergencies, disasters, and other disruptions. This plan outlines essential functions, resources, personnel responsibilities, and recovery strategies, and it serves as a foundation for responding to various threats and ensuring that operations continue seamlessly, no matter the circumstances.

This document provides an organized structure for maintaining operational continuity, focusing on preparedness, responsiveness, and recovery. By identifying key roles, vital resources, and backup systems, OPDC is empowered to respond efficiently and effectively to both planned and unforeseen emergencies. The Testing, Training, and Exercises (TT&E) program will further enhance the agency’s readiness, ensuring all personnel are well-prepared and able to perform their duties in times of crisis.

The Continuity Plan will be reviewed and updated regularly to incorporate lessons learned from exercises, training, and actual emergency events. Through this continuous improvement process, OPDC will adapt to evolving threats and challenges, ensuring that it remains resilient in the face of adversity.

To facilitate rapid and efficient implementation, the following annexes provide detailed, critical information for the activation, execution, and management of the CP. These annexes contain essential procedures, staff roles, contact lists, resource identification, and more to ensure that OPDC personnel can act swiftly and confidently when required.

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## **ANNEXES OVERVIEW:**

The following annexes provide the necessary operational details and guidance for effective CP activation and ongoing continuity operations:

- **[ANNEX A: CP Teams](#)** – Defines the roles and responsibilities of the teams responsible for executing the CP.
- **[ANNEX B: Continuity Staff List by Essential Function](#)** – Lists the critical staff assigned to each essential function to ensure uninterrupted operations.
- **[ANNEX C: OPDC Staff Emergency Contact List](#)** – Provides emergency contact details for all OPDC personnel.
- **[ANNEX D: Orders of Succession](#)** – Identifies the chain of command in the event of incapacitation or absence of key personnel.
- **[ANNEX E: Delegations of Authority](#)** – Details the specific authority granted to individuals during a CP activation.
- **[ANNEX F: Vital Records](#)** – Identifies records critical to the agency’s function and continuity.
- **[ANNEX G: Vital Applications/Systems](#)** – Lists key systems and applications essential for operations.
- **[ANNEX H: Vital Contacts](#)** – Provides a list of external and internal contacts necessary for continuity.
- **[ANNEX I: Vital Resources](#)** – Details resources (physical and financial) needed for recovery.
- **[ANNEX J: OPDC Facilities](#)** – Identifies and outlines the primary and alternate OPDC facilities for operations.
- **[ANNEX K: OPDC Evacuation Plans](#)** – Details the evacuation plans for all OPDC staff.

- **ANNEX L: Alternate Headquarters MOU OPDC & DAS** – Memorandum of Understanding for use of alternate headquarters.
- **ANNEX M: OPDC Emergency Communication Plan** – Lays out emergency communication protocols for continuity.
- **ANNEX N: Risk Analysis and Vulnerability Assessment Matrix** – Assesses potential risks and vulnerabilities to guide preparedness.
- **ANNEX O: BIA-Essential Function Analysis** – Analyzes the Business Impact of essential functions to prioritize recovery.
- **ANNEX P: OPDC CP Activation Checklist** – Provides a checklist for activating the CP efficiently.
- **ANNEX Q: CP-Decision Making Flow Chart** – Visual flow chart for decision-making during CP activation.
- **ANNEX R: OPDC Modular Devolution Plan** – Modular plan for devolution, outlining the delegation of responsibilities.
- **ANNEX S: OPDC to XXXX Devolution Plan** – Details the transfer of functions to the (insert name of state agency here) if needed.
- **ANNEX T: OPDC Inter-State Devolution Plan** – Describes the inter-state plan for resource sharing and support.
- **ANNEX U: DAS Space Request-Emergency** – Process for emergency space requests through the Agency of Administrative Services.
- **ANNEX V: DAS-Disaster Resource Coordination** Process – Coordination procedures for accessing disaster resources.
- **ANNEX W: DAS-Emergency Procurement Form** – Form for requesting emergency procurement of resources.
- **ANNEX X: OEM-DP300 Resource Request Form** – State-level form for requesting resources in emergencies.
- **ANNEX Y: DAS-Disaster Coordination of Personnel and Supplies**-Template – Template for coordinating personnel and supplies during a disaster.
- **ANNEX Z: OPDC IT Disaster Recovery Plan-FINAL** – Detailed IT disaster recovery protocols for OPDC systems and data.

- **ANNEX AA: OPDC Disaster Service Worker Agreement Template** – Template for agreements related to the use of disaster service workers.
- **ANNEX BB: ICS FORMS—Various ICS Forms used by OPDC to document and communicate during a CP activation**



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Dacia Smith, Rules and Records Retention Coordinator

**Re:** 2026 Oregon Administrative Rules (OAR) Calendar

**Nature of Presentation: Briefing**

**Background:**

The Administrative Procedures Act (ORS 183) requires all Executive Branch agencies to adopt Oregon Administrative Rules (OARs). The agency continues to take steps to begin adopting OARs as appropriate.

- The rulemaking process can take between six and nine months to complete, including informing the Board of planned rulemaking activities
- Background work to draft the rule by internal stakeholders
- Noticing and facilitating a Rules Advisory Committee (RAC) meeting
- Opening the legislative and public comment periods and holding a hearing
- Developing agency approved responses to public rulemaking comments
- Presenting to the Board: RAC, Public Comment and Hearing Officer reports.

During 2025, the agency's goals for rulemaking required engaging with the Board and other key partners to educate and communicate essential rulemaking activities, developing programmatic best practices, and completing key tasks necessary to ensure future uncontested rulemaking. To achieve these goals, the agency held several public office hours over multiple months to engage with key partners and interested parties. Feedback received during these sessions provided information that additional education was necessary to help partners better understand rulemaking. To improve understanding, the agency continued to engage in critical conversations, diligently worked to educate, and developed best practices.

OPDC created forms and processes to solicit applications for a robust Rulemaking Advisory Committee (RAC) with fair representation from a broad array of associated individuals across our state. Members of the RAC have experience working with rural, urban, criminal, juvenile, and underrepresented populations. Members are attorneys, investigators, indigent defense experts, and extended family of those

potentially impacted by our rules. Over several months, staff attended important training courses led by the Department of Justice and the Secretary of State.

An introductory RAC meeting was convened in August of 2025 to orient the members to the process and explain the scope of the work. Drafts of proposed rulemaking for authority, acronyms and definitions were shared and used as an exercise in the collection of feedback and comments. RAC members include attorneys, investigators, administrative staff, court partners, contract administrators, and community members.

The proposed rules recommended to adopt or amend in 2026 include:

<b>Effective Date</b>	<b>Rule</b>
<b>July 1</b>	Uniform and Model Rules of Procedure
<b>July 1</b>	Notice of Proposed Rulemaking
<b>July 1</b>	Delegated Authority
<b>July 1</b>	Agency Overview
<b>Ongoing – Modified as needed</b>	Agency Acronyms
<b>Ongoing – Modified as needed</b>	Agency Definitions
<b>October 1</b>	Public Records Requests
<b>October 1</b>	Public Records Exemptions

\*\*Additional rules may be identified throughout the year but will follow the same process.

Rulemaking statutes direct agencies to include certain members of the legislature in the process to ensure our rules align with the Legislative Assembly’s intent. As a result of this requirement, the agency will invite some members of the Legislative Assembly and members of the Joint Interim Public Safety Committee to the RAC. All members of the Legislative Assembly will be invited to submit public comments.

Potential risks the agency may incur if we were to not hold RAC meeting(s) or include members of the Legislative Assembly including:

- Judicial determinations,
- Contested case hearings,
- Rule invalidations.

The first RAC meeting of 2026 will be held virtually via Zoom on March 17 from 1 to 4 p.m. This meeting will be livestreamed and the Board may view at [this link](#). The recording will be posted after the conclusion of the meeting on the agency’s YouTube Channel.

**Fiscal Impact:**

None.

**Recommendation:**

Briefing only.

**Proposed Motion:**

None.



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Kim Freeman, CAP Manager

**Re:** Survey results for the \$9.9m Retention Incentive funds

**Nature of Presentation: Briefing**

**Background:**

SB 337 appropriated out of the General Fund \$7,406,190 for Adult (Criminal) Trial Division, \$1,234,365 for the Parent Child Representation Program and \$1,234,365 for the Juvenile Trial Division to provide incentive compensation for retention of both recently hired contract providers as well as experienced contract providers.

The Policy was approved by the Commission for OPDC to disseminate two (2) payments from the \$9.9 million General Fund for Services and Supplies for Professional Services. The first payment was issued on April 15, 2024, followed by the second payment on April 30, 2025. To be eligible for the incentive funding, the contractor shall not have any outstanding monthly caseload reports, along with the contractor will be required to report back to OPDC regarding how the funds were spent, whether on attorney compensation, staff compensation, additional staff hours or other overhead and expenses.

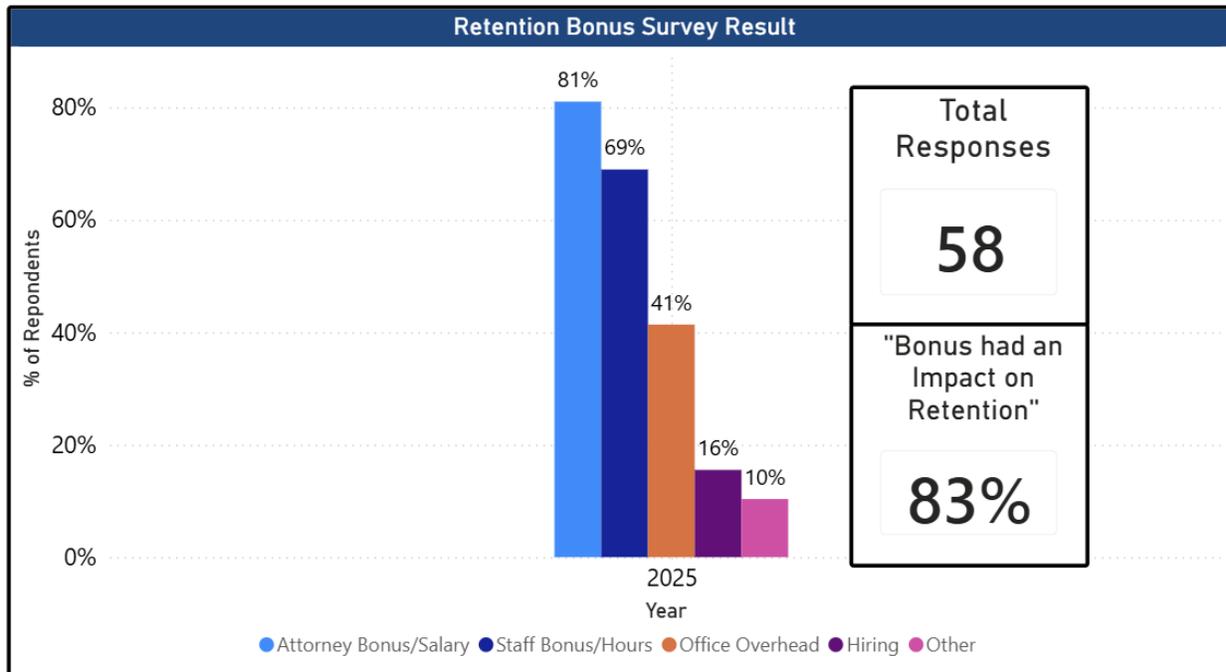
Link to review policy: [Click here](#)

In 2025, the agency disbursed \$4,936,696.52, to 92 Criminal contracts, 44 Juvenile contracts and 23 PCRCP contracts.

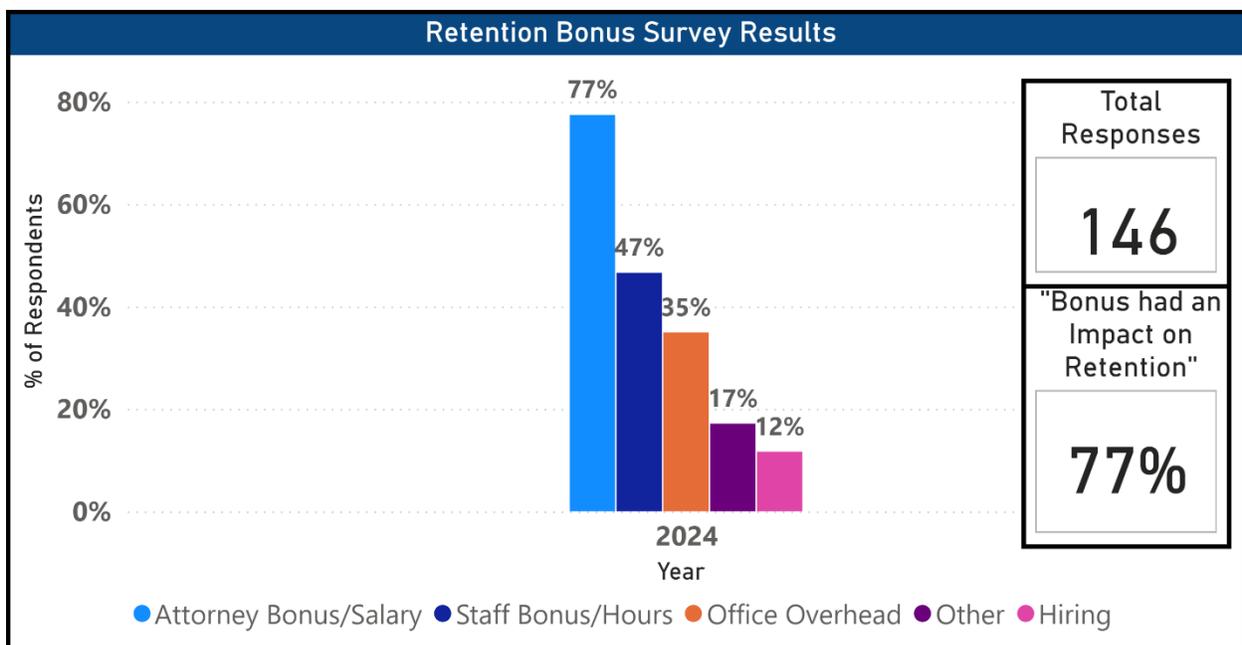
The agency sent a survey in December 2025 to each provider who received incentive funds asking them to complete the survey on how the incentive funds were used in their offices. They could select as many of the categories as they needed; Attorney Bonus, Staff Bonus, Hiring, Office Overhead and others. The survey was distributed to 159 contractors and was administered at the contractor administrator level. Of these, 108 contractor administrators were eligible to participate as some administrators are the administrator for multiple contracts. A total of 58 responses were received, resulting in a 54% response rate.

Eighty-three percent of survey respondents indicated that the bonus had an impact on retention, representing a six-percentage-point increase compared to 2024.

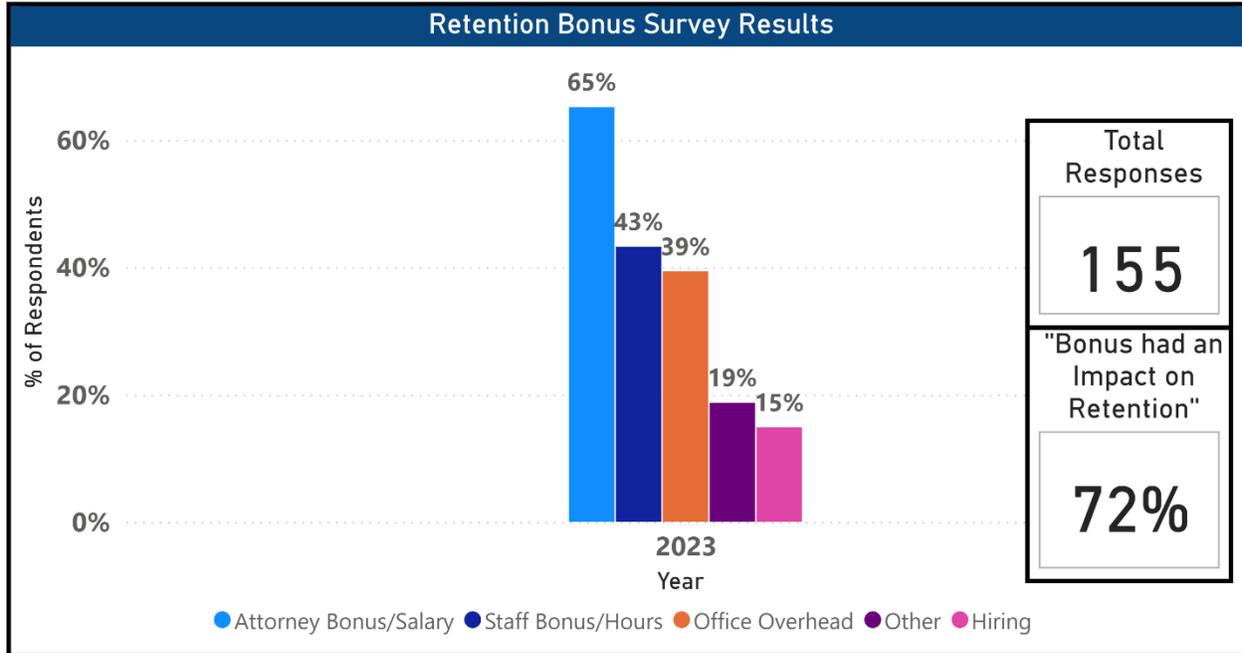
Below is the graph with the results from the December 2025 Retention Incentive funds survey.



Below is the graph with the results from the April 2024 Retention Incentive funds survey.



Below is the graph with the results from 2023 Retention Incentive funds survey.



**Agency Recommendation:**

This is an update to share the results of the Retention Incentive Funding.

**Fiscal Impact:**

None, funds allocated from SB337.

**Proposed Motion:**

None



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Susan Mandiberg, Chair of OPDC Governance Subcommittee

**Re:** Proposed Revision of Public Comment Guidelines

**Nature of Presentation: Action Item**

**Background:**

During their March 9, 2026 meeting, members of the Governance Subcommittee discussed proposed revisions to the OPDC Public Comment Guidelines document currently posted on the external OPDC website. The document outlines the protocol for members of the public to provide public comment during regular Commission meetings. With the recent approval of the revised Board Bylaws, it was deemed necessary to revisit the Public Comment Guidelines to ensure the two documents were aligned. The revised document is attached below for consideration.

**Fiscal Impact:**

None.

**Recommendation:**

The Governance Subcommittee recommends that the Commission discuss and approve the updated document to be published on the OPDC website.

**Proposed Motion:**

The Governance Subcommittee proposes that the Commission approve the revised Public Comment Guidelines document as written.



## **Public Comment Guidelines**

### **General Guidelines**

Written or oral public comments may be offered regarding general matters of concern regarding the Commission's statutory duties under ORS 151.216; its policies, procedures, standards and guidelines regarding the provision of public defense; and/or objective criticism of Commission operations.

The Commission will not accept comments regarding any individual public defense provider, Commission member, or employee of the Commission. Complaints regarding a public defense provider, Commission member, or employee of the Commission may be submitted following the Complaint procedures posted on the [OPDC website](#).

### **Oral Public Comment**

The Oregon Public Defense Commission welcomes oral public comment that adheres to the general guidelines. Normally, the limited amount of time to provide oral public comment during each Commission meeting allows each commentator up to three minutes of time. However, in the Chair's sole discretion the time limit for public comment may be reduced or expanded, either in general or for any individual speaker.

Oral public comment will be virtual unless the meeting is in person, in which case oral public comment can be either virtual or in person. Those interested in providing oral public comment to the OPDC should submit a request using our online form no later than 5:00 pm PT two (2) business days prior to the meeting. Until the deadline for submission, the form for oral public comment will be available and linked on our Commission meeting webpage under the applicable meeting and on the meeting agenda. Please include a name and an email address where you can be contacted.

If your request is to make virtual public comment, upon receipt of your completed request you will be provided a link to join the meeting as a panelist for the public comment portion of the meeting. After you provide your oral comments, you will be moved to attendee status to continue viewing the meeting if you choose.

### **Written Public Comment**

The Oregon Public Defense Commission welcomes written public comment that adheres to the general guidelines. Those wishing to provide written public comment should submit a request using our [online form](#). The form will be available and linked on our Commission meeting webpage under the applicable meeting and on the meeting agenda. Please include a name and an email address where you can be contacted.

Any attachments should be submitted separately by emailing them to [info@opdc.state.or.us](mailto:info@opdc.state.or.us). Please include a reference to the name and your written comment in your email.

Written comment regarding action items.

Written comment regarding action items must be submitted no later than two (2) business days prior to the meeting.

Other written comment.

- a) Submissions received up to two business days prior to the meeting. Written comment received by the close of business two (2) business days in advance of the meeting will be provided to Voting and Non-voting Members and posted to the public on the OPDC website prior to the meeting.
- b) Submissions received after the deadline. Written comment that is received after the pre-meeting deadline but up to two (2) business days after the posted meeting time will be provided to Voting and Non-voting Members and posted to the public on the OPDC website prior to the subsequent OPDC regular meeting.



**Date:** March 18, 2026

**To:** Robert Harris, Chair of OPDC  
Susan Mandiberg, Vice Chair of OPDC  
OPDC Commissioners

**Cc:** Kenneth Sanchagrin, Executive Director

**From:** Lisa Taylor, Government Relations Manager

**Re:** 2026 Legislative Session Report

**Nature of Presentation: Briefing**

**OPDC 2026 Legislative Session Report**

**Overview**

The 2026 Oregon legislative session, a 35-day “short session” that convened on February 2, was dominated by efforts to rebalance the state budget amid a projected \$900 million deficit rising from the impacts of the Federal HR 1. Before the session began, agencies were required to submit potential budget reduction options the Legislature could consider in rebalancing the budget. While the passage of [SB 1507](#), which disconnected parts of the State’s tax code from the Federal tax code, significantly reduces the projected budget deficit, the Legislature still needed to [make reductions](#) to rebalance the budget, which is a constitutional mandate.

Most relevant to OPDC, the 2026 session included:

- Budget adjustments enacted through House Bill 5204,
- Multiple informational reports to the Joint Ways and Means Subcommittee on Public Safety, and
- Monitoring of legislation that could affect the Commission or public defense system capacity.

Legislative information and bill materials for the session are available through the [Oregon Legislative Information System \(OLIS\)](#).

## **Budget**

As discussed at the [October Commission Meeting](#), OPDC was required to submit a [5% budget reduction](#) list to the Legislature. In the end, internal administrative and cost-containment measures were selected for reductions, along with unspent law school clinic funding from the prior biennium. The Legislature enacted statewide budget adjustments, including those for OPDC, through [House Bill 5204](#), which is the primary budget reconciliation bill for the 2025–27 biennium.

More specifically, OPDC will see \$1.5 million in budgetary adjustments, which include an increase of \$2.3 million in the General Fund and a decrease of \$824,170 in Other Funds. The agency's total funds budget increased 0.2% from the 2025-27 legislatively approved budget. However, this increase is due to the statewide cost-of-living adjustment (aka "salary pot"), which is a standard practice across the entire enterprise, not specific OPDC program investments. All other changes to OPDC programs were budget neutral. The full [Budget Report](#) can be found on the Legislature's website. Below is a summary.

### Oregon Trial Division and *Roberts* Response

In January, OPDC requested \$1.6 million for 6 Oregon Trial Division (OTD) attorneys to begin on July 1. This request was approved by the January Interim Ways and Means and included in the initial version of HB 5204. This was a budget-neutral request with funding shifted from Court Mandated Expenses (CME) to the Trial Division. In response to *Roberts*, which was decided right after the 2026 session began, OPDC requested that the start dates for those 6 positions be moved up to March 1, at an additional cost of \$511,502. This was included in the final amended version of 5204, with the additional funds also shifted from CME.

To further respond to the *Roberts* decision, OPDC requested 2 additional Trial Division attorneys, 5 support staff, and 2 case assignment coordinators for a total cost of \$1.9 million. The request was approved and included in HB 5204, with the funds being transferred from the Adult Trial Division to the Trial Representation Division (for the additional attorneys and support staff) and the Administrative Service Division (for the case assignment coordinators).

### Realignment

A net-zero budgetary realignment of agency positions was also included in HB 5204. These are not new positions, but rather existing positions being moved within the agency.

- Moved 7 Resource Counsel and 1 Admin from the compliance, audit and performance division (CAP) to the newly created Resource Counsel Division
- Moved 1 Senior Research Analyst from Procurement to CAP-Research
- Moved 1 Operations and Policy Analyst 3 from the financial and case management system to the Legislative and Communications Division

### Application Contribution Program Technical Adjustment

The Legislature approved an agency request for a technical adjustment to reduce Other Funds expenditure limitation by \$952,073 for a revenue shortfall in Court-Mandated Expenses and the Application Contribution Program. This adjustment aligns program expenditures with forecasted revenues.

### Budget Reductions

To rebalance the state budget, the following reductions were enacted, totaling \$1.3 million General Fund:

- \$50,000 Services and supply reduction for the Executive Division,
- \$612,000 Vacancy saving from CAP,
- \$313,000 Training and travel reductions for Trial Representation, and
- \$321,412 General Fund in services and supplies tied to the three law school clinics funded by OPDC. This represents an unspent amount from the 2023-25 biennium.

### Other

The only non-budget-neutral investment OPDC received was an increase in the “salary pot,” which is a statewide process designed to cover cost of living adjustments for state employees. The agency received \$3.6 million in General Funds and \$128,000 in Other Funds to increase OPDC agency staff salaries.

HB 5204 also included a request that the Department of Administrative Services (DAS) schedule the \$22.1 million that was contingent on OPDC submitting its Capacity Report to the Legislature (see below).

## **Reports**

Throughout the 2026 session, OPDC provided several informational updates to the Joint Ways and Means Subcommittee on Public Safety, which oversees the agency’s budget.

### Public Defense Capacity Update

OPDC’s [Capacity Report](#) provided a detailed comparison between budgeted and actual capacity amongst public defense providers. The report was well-received, and the Legislature requested that DAS schedule the \$22.1 million that was contingent on the submission of this report. OPDC was also directed to submit an updated Capacity Report during the 2027 session.

### Key Performance Measures (KPMs)

OPDC provided updates on the development of [Key Performance Measures](#) that the agency will submit to the 2027 Legislature for approval. The legislature recommends that the agency review national best practices and develop KPMs that are more externally focused and that engage stakeholders.

### Unrepresented Persons Update and Roberts

The Joint Ways and Means Subcommittee on Public Safety invited the Oregon

Judicial Department, OPDC, and the Oregon District Attorneys Association to provide [information](#) on their response to the *Roberts* ruling. The agency provided an update on the number of unrepresented individuals and on the collaborative work it is undertaking with the courts and local DAs to address *Roberts*. This presentation was well-received.

## Policy

Several bills considered this session may be of interest to OPDC or public defense providers generally. OPDC received 40 fiscal requests on 21 bills throughout the session, most of which had minimal fiscal impact on the agency and providers.

[HB 4041](#): **Public safety omnibus**. This bill reduces two categories of driving while suspended from misdemeanors to violations; increases the presumptive sentence for fleeing or attempting to elude a police officer in a vehicle for either repeat offenses or when causing injury to another person; creates new procedural requirements for petitions for post-conviction relief for nonunanimous jury verdicts; establishes new procedures for sentence computations and for addressing erroneous releases (i.e., *Torres Lopez*); and increases the monetary value thresholds for varying degrees of theft and criminal mischief.

[HB 4151](#): **Swatting**. Increases the penalties for the crime of initiating a false report when a person intentionally causes an enhanced law enforcement response and recklessly causes serious physical injury or death as a result of the response.

[HB 4157](#): **Hearsay**. Provides that certain hearsay statements related to certain sex crimes are admissible in evidence, even though the declarant is available as a witness.

[HB 4177](#): **Public Meetings**. The measure changes the meaning of meetings, convening, and deliberation to restate the prohibition on serial communications while adding types of communications that are allowed and not considered public meetings.

[SB 1515](#): **Post-conviction relief (PCR)**. The act changes the law regarding compensation for wrongful convictions and creates a new PCR process when a conviction is based on discredited scientific analysis.

## Future Legislative Days and OPDC Reporting Schedule

June 15-17 Legislative Days:

No Reports

September 8-10 Legislative Days:

Interim Status Report II

December 1-3 Legislative Days:

Comprehensive Public Defense Report III

2027 Session:

Law School Clinics Report

Capacity Report II