



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers
March 31st, 2020 10:30am – 11:30am PST

Teleconference Recap

Questions? Please send them to Kaysea.R.Dahlstrom@opds.state.or.us.

Greeting & Welcome (Kimberly McCullough)

- Hello and thank you for your patience and understanding as we continue to work out any technical difficulties that arise.
- This is our second teleconference call with all of you. We hope that holding this weekly conference call will provide a space to share updates, challenges we're seeing in the justice system, and information about what we're doing to facilitate solutions.
- We have placed all participants on mute for now, but we will be opening the line to all for questions and announcements at the end of this call.

Updates from the Executive Director (Lane Borg)

- We appreciate you taking the time to join us on this call today.
- We anticipate several rounds of relief packages from Congress. We are actively advocating for criminal justice relief to be included in one of those packages.
- Remote court is happening at some level or another throughout Oregon. However, there are limitations due to technological capabilities, capacity, etc. We hope that the National Legal Aid & Defender Association (NLADA) can advocate that telecommunication companies cut us some slack. We would like your input about any complications or challenges you are experiencing with remote court in your jurisdictions.
- Andy Ko, the Executive Director of Partnership for Safety & Justice, would also like to know: 1) of any challenges in communication with clients at the DOC, and 2) of any current or former clients who may be of high risk to COVID-19 exposure in the DOC due to age, health conditions, or social distancing challenges. You can provide your response by filling out the questionnaire at the following link:
<https://safetyandjustice.org/coronaviruscommunity/>

Website Updates (Kimberly McCullough)

- We have a new COVID-19 response webpage on our website:
<https://www.oregon.gov/opds/provider/Pages/COVID-19.aspx>
- An FAQ can be found on that webpage with a list of common questions we've received and our answers. We will continue to add to and update this FAQ.
- Our COVID-19 webpage also provides helpful links and resources for the Justice & Legal System response as well as the response from other State of Oregon agencies.

- Additionally, we have posted juvenile advocacy and visitation resources and some motion templates from other jurisdictions.
- Please feel free to share your resources with us! Email them to [Kaysea Dahlstrom](mailto:Kaysea.Dahlstrom).

Brief Overview of the State Payment Process (Julie Fetsch)

1. We receive a submitted invoice and we review it to ensure it is reasonable and in compliance. Of the 150+ invoices we receive daily, 50-60% of them have errors and are returned to the vendor for revision and amendment. Please find the current date of invoices being entered at the following link: <https://www.oregon.gov/opds/provider/Pages/default.aspx>
2. Once an invoice is correct and in compliance, we accept it and the 30-day clock starts. If there is an error, the 30 days does not start until the invoice has been corrected by the provider.
3. We follow a strict invoice revision process to ensure that we follow state agency guidelines, as we are subject to annual reviews and audits.
4. Once an invoice has been thoroughly reviewed, we release it to the Oregon Department of Administrative Services (“DAS”) with permission for payment processing. Please find the current date of invoiced being released at the following link: <https://www.oregon.gov/opds/provider/Pages/default.aspx>
5. DAS processes the released invoices in approximately 3-5 business days and a payment to the vendor/provider is made.

Chief Justice Order (Lane Borg)

- The Chief Justice released CJO 20-010 last Friday, March 27th, temporarily authorizing waiver or suspension of the collection fees established by CJO 11-027. A copy of the order can be found at the following link: <https://www.courts.oregon.gov/rules/Documents/CJO20-010-AuthorizingWaiverOrSuspensionOfPSASFees.pdf>
- The Chief Justice also released an amended CJO 20-006 last Friday, March 27th, imposing Level 3 restrictions on court operations. A copy of the order can be found at the following link: <https://www.courts.oregon.gov/rules/Documents/CJO-20-006-AmendedOrderImposingLevel3RestrictionsCourtOperations.pdf>
- The Chief Justice seeks input regarding the criminal justice implications for the proposed CJO that would implement delayed timelines. Please provide your input ASAP to [Shaun McCrea](mailto:Shaun.McCrea) or [Mae Lee Browning](mailto:Mae.Lee.Browning) at OCDLA know – or – to [Marc Brown](mailto:Marc.Brown), OPDS Chief Deputy Defender.

Legislative Update (Kimberly McCullough)

- We are currently awaiting special sessions and we anticipate there to be 4-5 in total and that the first one will be kicking off soon. We also expect that this first special session will be largely focused on COVID-19 response and providing emergency relief.

- The Chief Justice and judiciary committees have requested the ability to extend and suspend timelines. We encourage you to share your comments/concerns about this to OCDLA or to us.
- Our OPDS PCRCP manager, Keren Farkas, is also soliciting input on how this affects juvenile and dependency cases.
- At this time, it is not clear if and when the Special Purpose Appropriation (“SPA”) will be released. We are working hard to advocate for its release as we believe it’s a ready-made economic stimulus package and would significantly benefit Oregon’s public defense community.
- The Request for Proposals (“RFP”) deadline has not been extended and remains April 10th, 2020. However, please do not hesitate to contact your analyst if you have any questions or need to request more time. We will be flexible during this challenging time.

Response to Questions from Providers Received via E-mail (Kimberly McCullough)

1. Question about the Oregon State Hospital not taking people with .370 order (orders finding a defendant unable to aid and assist and ordering that the defendant be treated at the hospital until fit).
 - *This has been passed along to folks at OPDS and they will be reaching out directly when they have an answer.*

2. Question asking if providers are still able to drop off invoices at our Commercial St. SE office.
 - *In the interest of the safety and wellbeing of our providers and staff, we are currently not accepting visitors. We encourage you to mail your invoices to:*

198 Commercial St. SE, Suite 205
Salem, OR 97301

3. Question about who to contact to report non-compliance of courts in your local jurisdictions.
 - *We are currently working with OJD to designate a special point of contact for these reports. We will be posting their name and contact information to our website as soon as possible.*

Open Q&A with Providers (Kimberly McCullough)

1. Will OPDS extend the current six-month contract extension?
 - *The current contract extension is set to expire on June 30, 2020. Ideally, the SPA funds will be released, and we will be able to award new contracts on July 1, 2020 that would incorporate funding to add capacity. However, it is unclear when the SPA will be released. For that reason, we will likely be extending the current contract for a couple more months, to allow time for the legislature to determine if they will be releasing the SPA, but this has not yet been officially decided. We only want to extend for a couple months, so that we can hopefully award enhanced contracts as soon as possible.*

2. Announcement from Andy Ko, Executive Director of Partnership for Safety & Justice:
 - *Please reach out to Andy with any comments or concerns about how COVID-19 is affecting community-based services, supervision, and incarceration. In particular, he would appreciate any information regarding current or former clients who may be of high risk to COVID-19 exposure in the DOC due to age, health conditions, or social distancing challenges.*
 - *You can provide your response by filling out the questionnaire at the following link: <https://safetyandjustice.org/coronaviruscommunity/>*
 - *Alternatively, you can contact Andy directly via phone at (917) 392-4084 or via email at andy@safetyandjustice.org.*

3. Question from Brook Reinhard, Executive Director of Public Defender Services of Lane County: how should we respond to the Chief Justice order? Many parts of the order are unclear.
 - *Please direct any input you may have to Marc Brown, OPDS Chief Deputy Defender, at Marc.D.Brown@opds.state.or.us. We are also working with the OJD to establish a point of contact for reporting non-compliance. We will be posting their name and contact information to our website as soon as possible.*
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4. Announcement from Kimberly McCullough, OPDS Legislative Director:
 - *Kimberly sent an email out to the Pond inquiring about any issues or challenges people have been facing in regard to accessing their clients in jail. Many people responded and she encourages you to continue to send her your information and input, as well as to share any news of jails that are doing well.*

5. Announcement from Adrian Arias, Court Interpreter:
 - *Adrian recently completed a successful 3-way phone call into Multnomah County Jail in order to interpret between the defendant and their attorney. The defense attorney reached out to Adrian directly to facilitate this. Adrian encourages providers to reach out to their interpreters if a service like this is needed.*

6. Question from Kris Kaino, Administrator of the Clatsop County Defenders Association: is April 10th still the deadline for the RFP?
 - *Yes, we expect submissions by April 10th. However, if you have any questions or if you need an extension, please contact your analyst!*

Closing Remarks (Lane Borg)

- We are incredibly proud of the response to this crisis from our public defense provider community. We acknowledge the critical work you continue to do for your clients while at the same time dealing with the personal disruptions this crisis has introduced into your daily lives. Thank you for all that you do!