



Office of Public Defense Services

OPDS Teleconference with Oregon Public Defense Providers
April 7th, 2020 10:30am – 11:30am PST

Teleconference Recap

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

Greeting & Welcome (Kimberly McCullough)

- We appreciate your patience and understanding as we continue to work out technical difficulties!
- We will hear from a couple practitioners during today's call. Bruce Tarbox will share some information about organized efforts to release in-custody clients in Clackamas County Jail. Amanda Marshall will give us some information about what's going on with civil commitments.
- If you have a topic that you would like to share or cover in a future teleconference, please reach out to Kaysea at Kaysea.R.Dahlstrom@opds.state.or.us.
- We want to remind folks that have a [COVID-19 webpage](#) on our website, and we will continue to update that with notes from these meetings, an FAQ, links to information from various justice and legal system partners, juvenile advocacy resources, and some other helpful links.
- Please send any information about challenges with access to clients in jails to me at Kimberly.L.McCullough@opds.state.or.us.

Updates from the Executive Director (Lane Borg)

- At this time, release of the Special Purpose Appropriation ("SPA") is not looking promising. OPDS doesn't want to give up on the SPA, but we may be talking to folks soon about extending the current contracts.
- We would like to make the shortest extensions possible with hope that we could make adjustments and increase if we receive more money.
- OPDS will continue to advocate for providers, just as providers are continuing to advocate for clients.

Civil Commitment in the Time of Corona (Amanda Marshall)¹

- Civil commitment hearings are still occurring, and it is the first time technology has been used like this in Oregon courts. The hearing takes place in the court room while the attorney and patient are in the hospital. They are connected via Polycom audio and are able to see each other. Cross examination still occurs, and anyone who needs to testify by phone is hooked into the Polycom system.

¹ Please note that we have requested notes from Ms. Marshall and will update these notes when we receive them. You can find Ms. Marshall's OSB profile [here](#) if you wish to reach out to her directly.

- We are regularly appearing at hospitals and are, therefore, self-quarantining and not appearing in court.

Organized Efforts to Release In-Custody Clients (Bruce Tarbox)²

- We're working with jail commanders to identify people who might be good candidates for release and/or are not being taken into custody now.
- So far, we've identified about 20 people – many of whom had previous release hearings set up.
- Our next step will be to find all sentenced people who may be eligible for release.
- The key to this effort really has been our relationship with the jail manager. Normally there are 500 people in Clackamas County Jail. Now that number is below 200. They're only booking and keeping DV cases or Measure 11 cases. Everyone else is being released.
- We suggest that you work to identify people who may have been denied release previously (bail set too high for example). And if you have the opportunity to communicate with jail commander, do so to try to advocate for safe candidates to be released.

DOC & Habeas Corpus (Eric Deitrick)

- Both staff and inmates have been testing positive for COVID-19 in jails and prisons. There is currently a class action lawsuit against the DOC.
- A group of public defense providers have put together a packet to make habeas claims in local trial court. You can mail these packets to your former [incarcerated] clients, and the packets will provide necessary tools and instructions for the inmate to fill out forms and submit them to their trial court.
- Email me at Eric.J.Deitrick@opds.state.or.us if you want a copy of this packet.
- Additionally, I am curating list of people who are interested in providing representation for these habeas claims. If you want to take some of these habeas petitions on, please contact me. And if you do hear from former clients, feel free to mail them these packets. We want to get this information out to them as quickly possible.
- We will also be sending out a message to providers to submit blocks of hours, as authorized, for processing. We will also have staff coming in each day to authorize and release of batches of bills to DAS. This staff member was previously doing so on Tuesdays and Thursdays but will now be in Monday – Thursday to release batches.

Legislative Update (Kimberly McCullough)

- The special session we expected to occur last week will likely be pushed back for some time. The Governor's office is concerned about the State's financial situation and they want to be very careful about spending money until the revenue forecast is

² Please note that we have requested notes from Mr. Tarbox and will update these notes when we receive them. You can find Mr. Tarbox's OSB profile [here](#) if you wish to reach out to him directly.

- in place (which should be the third week of May). This is a fluid process and we are sure there are lots of conversations and negotiations happening.
- We are grateful for partnerships with OCDLA, ODCA, and AFSCME in our work to advocate for public defense funding and reform. Waiting to get answers on this is challenging but also very understandable considering what we're facing. The uncertainty is difficult for everyone but we appreciate your patience during these times.
 - In juvenile dependency work, our PCRP Manager, Keren Farkas, has started a workgroup that is looking at issues in the juvenile justice system. We are hearing about the impact that COVID-19 is having on visitation and such impacts can affect clients' emotional health and the trajectory of their cases. Please let us know if you want to join that group. You can email Keren at Keren.L.Farkas@opds.state.or.us.

Updates on Access to Clients in Jail (Eva Rippeteau, Oregon AFSCME)

- AFSCME represents the workforce in a variety of areas. One of our current concerns with our public defense provider workforce is to reduce face-to-face contact across the board. What can we do to make attorneys feel more comfortable to continue those visits? AFSCME is happy to facilitate these conversations. Please contact erippeteau@oregonafscme.org with any questions, comments, or concerns.
- We have been in touch with the jail commander at Washington County Jail to set up private videoconferencing options at WCJ. Sheriff Garrett brought up a resource issue: setting up a videoconference area using WiFi would be difficult due to the internal structure of the jail and, therefore, connections might need to be hardwired. He also brought up staffing considerations and the need to reassign people to monitor phones, videoconferences, etc. AFSCME is looking into federal funding to help institutions with these resources.

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

- Since our last teleconference, we've received some specific payment and billing questions that we have directed to our A/P department and addressed. We have also received some follow-up questions from providers that Eric Deitrick is responding to. Lastly, we are fielding requests for assistance in releasing incarcerated individuals with specific concerns for their risk to COVID-19 exposure.

Open Questions and Announcements from Providers (Kimberly McCullough)

1. A provider who does not do criminal work asked, "When people get released from jail, where do they go and who takes care of them?"
 - a. Jessica Kampfe responded that attorneys are working to find family placement for these individuals. During the current pandemic, no in-patient treatment facilities or transitional housing are accepting new residents.
 - b. Bruce Tarbox added that he has come across at least one person who indicated they didn't want to leave jail (it was a DV situation with no contact order)

because they didn't have anywhere to go. Bruce said that they plan to reassess that situation soon.

2. Jessica Kampfe asked, "Did you indicate that OPDS may not be making decisions about new contracts until the SPA is released?"
 - a. Lane responded that he would not like to extend the current contracts because, ideally, the SPA will be released, and we will be able to allocate more money to contractors and add capacity. OPDS doesn't want to give up on the SPA and doesn't want to set an expectation that we'll be negotiating with our current budget. In short run, convos with analysts on what providers should keep doing. OPDS has not extended the RFP deadline and it is still set for April 10, 2020. If you are planning on submitting something, submit it this week or ask your analyst for extension as soon as possible.
3. Rob Harris followed up with the question, "So you didn't want to extend the current contracts for 6 or 12 months? Will it instead be a month- to-month extension, or what should we expect?"
 - a. Lane says he anticipates it will be about a two-month extension. Anything longer 60-day extension wants. We were hoping for money to be released so we can have the ability to renegotiate those contracts to increase compensation and add capacity to the workforce.

Closing Remarks (Kimberly McCullough)

- Thank you again for taking time out of your day to join us on this teleconference. We would also like to thank Amanda, Bruce, and Eva for their announcements. Please reach out to us if you would like to give an announcement during our next teleconference. You all are such an amazing group of practitioners and we want to be there for you and support you during this time. Take care!