



## Office of Public Defense Services

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OPDS Teleconference with Oregon Public Defense Providers  
May 12<sup>th</sup>, 2020 10:30am – 11:30am PST

### Teleconference Recap

Questions? Please send them to [Kaysea.R.Dahlstrom@opds.state.or.us](mailto:Kaysea.R.Dahlstrom@opds.state.or.us).

### Greeting & Welcome (Kimberly McCullough)

- Welcome to our weekly provider call where we discuss things related to the current COVID pandemic. After considering several factors - next week there will be Public Defense Services Commission ("PDSC") meeting, the decrease in the volume of information we have to share, and the fact that all of you are working hard and have other commitments – we will be moving these calls from weekly to every other week. Our next teleconference with providers will be on Tuesday May 26<sup>th</sup> at 10:30am.
- The PDSC meeting is scheduled for next Thursday, May 21<sup>st</sup>, at 10:00am. It will be held virtually, and information on how to view it will be posted to our website, as well as sent out to the Pond and OPDS Listservs.

### Updates from the Executive Director (Lane Borg)

- Welcome and thanks for making time to be on this call.
- We will be doing virtual PDSC meetings at least through June if not July. After next week's PDSC meeting, we will be having our first virtual Executive Session. Although this first virtual Executive Session will primarily be for working out technical kinks, we will be reviewing the Multnomah County PCRFP contract proposals. We anticipate further contract and proposal review, as well as voting, to occur during the next Executive Session in June.
- Despite the emergency pandemic situation, the contracts team will give due consideration to every proposal that was submitted. If there is an entire county where the submissions have been evaluated, I've authorized them to move forward with those negotiations. I've also authorized to start conversations about possible extensions. We hope to engage with you relatively soon.
- It's important to acknowledge, though, that the budget environment is different. We have not yet been cut but we have gone through cut exercises to sort out what our agency will do if and when cuts happen.

### Remote Court Hearings (Lane Borg)

- The court is developing guidelines on remote hearings. This is important not just in this moment, but we will be doing these remote hearings in some capacity at least through the next fiscal year. They might not look the same as they do now, but we expect there to be future closures and we need to figure out what we can effectively do remotely and

what we cannot. I have a hard time imagining a jury trial being held virtually, but other hearings might be viable. We should be open to the idea of continuing remote hearings.

- Karen Stenard recently sent us an email providing a great rundown of what works and what doesn't. Rob Harris thoughtfully suggested to put together a one-pager of what to expect, how to behave, and what the protocols will be on these remote hearings. You all have experience on this and have been able to provide thoughtful input. I'll be participating in meeting next Monday morning about how to move forward with these remote hearings. I appreciate the way the Chief and the courts have been seeking input. I believe that they are sincerely listening, and I am grateful for that.

#### DHS Request for Attorney Feedback Regarding COVID-19 Visitation Restrictions (Keren Farkas and Kimberly McCullough)

- We have been in communication with many of you who have clients involved in dependency cases. We understand that there have been many challenges in visitation, especially with virtual visitations due to lack of technology or scheduling or kids' attention spans. Beyond that, there are folks who had in-person visitation before COVID who now do not. Visitation is so important for family reunification.
- We reached out to DHS as soon as this pandemic began to have conversations about these issues. They don't necessarily have communication with public defense providers, and therefore the stories we hear from providers are different than the aspirational values on what DHS wishes to achieve with visitation. We need to provide good feedback so that DHS may understand what our providers are experiencing and the challenges they are facing. DHS is very open to collaborating and working with us. However, the system itself is very large, so the more we can do to facilitate communication and problem solving, the more potential there is to make some real improvements. It's also important for providers to understand intentions of DHS.
- Additionally, there is some DHS budget for technology purposes. Talk to case managers about accessibility of technology if your clients are challenged in this way. Specifically, what challenges are they facing, and in which jurisdiction are they located?
- We are building a line of communication so that there are more opportunities for stakeholder engagement. DHS believes the policy that they have issued (posted to our [website](#) along with other resources under the Department of Human Services section) is functioning well. They have suspended in-office visitation but are still allowing for community visits where safety measures can still be met. They are looking to create clearer guidance and to ensure that families can visit. In order to do so, they need to understand the barriers and successes in making virtual visitation work by county. Also, let them know whether escalation through DHS or DOJ was helpful. You may email [Keren](#) or [Kimberly](#) with this information so that we can share it.
- We want to thank providers across the state that have been on our weekly calls. They provide an opportunity for OPDS to understand what the issues are so that we are well informed when we have discussions with DHS. And thanks to all folks who are

participating in the juvenile workgroup! It helps us be better advocates for you all at a State agency level.

#### Legislative Update (Kimberly McCullough)

- We are close to the May Revenue Forecast; it's scheduled for May 20<sup>th</sup>. We've been told that the legislature is on hold until after that May Revenue Forecast. We were also recently were not to expect a special session until July. We anticipate there will be a short session to move some money around, but that won't happen in July. We are, however, still expecting Legislative Days in June – possibly during the first week – to hold remote informational hearings. There are really no firm dates on any of this, but we will continue to keep you posted.

#### Open Questions and Announcements from Providers (Kimberly McCullough)

- ***Eva Rippeteau, AFSCME***
  - o We recently found out that someone overstated the timeline of getting technology set up in order for incarcerated individuals in Washington County Jail to have confidential conversations with their attorneys. This is a bit of a disappointment, but we're optimistic that they are still moving forward. They are looking into other options, and we would greatly appreciate any input you may have regarding other types of access or similar conversations you may have had. Please email [Eva](#) and cc [Kimberly](#) with this information. We would like to hear your updates on access to clients. We also recommend chatting with Jason Meyers from Sheriffs Association, as he wants to be included in these conversations. We should be reaching out to jail commanders so that they can communicate with and learn from each other.
  - o Senator Merkley's office was asked to earmark accessing public safety money to help jails make technology updates like this so that attorneys can continue to have access to clients in custody. The CDC has a grant application out right now that is open and can be applied to by local government – some funding could go towards addressing the monetary side of this. It's important for people to understand that any criminal justice funds/grants come through the CJC, as they have the authority for distribution of this federal money. Grants are seen more favorably if a provider is partnering with the jail commander; the more you can show that you are collaborative with other agencies in your community, the more likely you are to receive these funds.
  - o There is also a new Request for Proposals for services in Washington County. The number of changes has effectively reopened their contract, so they are looking at six-month timeline of putting in video conference capabilities.

- **Jennifer Kimble, Crook County**
  - We've been using WebEx to keep our Specialty Courts alive and robust. Hearings are continuing, and it's really phenomenal. I'm happy to provide input to Lane of that meeting on Monday.
  
- **Brook Reinhard, Public Defender Services of Lane County**
  - I'm interested in what everyone is hearing from their presiding judge about reopening up county court. Level 2 restrictions will be in place through rest of the year.
    - **Carl Macpherson, MPD** – We heard that there will be new CJO for presiding order in which the restrictions would be lowered from level 3 to level 2. Then, each presiding judge would have more discretion as to what will be in court for proceedings. We expect the primary focus to be on family justice and civil matters, but we do not have a timeline.

Closing Remarks (Lane Borg & Kimberly McCullough)

- Thanks everyone. Keep doing the good work. We hope you're able to join the Commission meeting next week. We'll talk to you again on the 26<sup>th</sup>!