



# MARION COUNTY JUSTICE REINVESTMENT COUNCIL



## Meeting Minutes

**Monday, July 25, 2022 – 1:00-2:00 p.m.**

Via In Person and Microsoft Teams Video Conference

Commissioners Board Room  
555 Court Street NE, 5<sup>th</sup> Floor  
Salem, OR 97301

### **Attendees:**

#### **Council members (present)**

Chair Jeff Wood, Undersheriff, Marion County Sheriff's Office  
Vice-Chair Kevin Karvandi, Commander, Marion County Sheriff's Office, Community Corrections  
Tamra Goettsch, Director, Marion County Community Services  
Ann-Marie Bandfield, Program Manager, Marion County Health and Human Services  
Kristy McIntosh, Interim Director, Salem Health – Care Management, Regulatory and Patient Safety  
Skip Miller, Deputy Chief, Salem Police Department  
Jimmy Jones, Executive Director, Mid-Willamette Valley Community Action Agency  
Sherry Bensema, EMS Coordinator, Lyons Rural Fire District  
Kevin Cameron, Commissioner, Marion County Board of Commissioners  
Paige Clarkson, District Attorney, Marion County District Attorney's Office  
Jessica Howard, President, Chemeketa Community College  
Shannon Wilson, Executive Director, Public Defender of Marion County  
Tim Murphy, Executive Director, Bridgeway Recovery Services  
Erik Andersson, President, Strategic Economic Development Corporation (SEDCOR)

Quorum is present.

#### **Council members (absent)**

Joe Kast, Sheriff, Marion County Sheriff's Office  
Alison Kelley, Chief Executive Officer, Liberty House  
Dick Withnell, Business Member

#### **Others**

Peggy Lowery as recorder



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### Welcome and Introductions

- Undersheriff Wood called the meeting to order and introduced the attendees.

### Minutes Approval

- Jessica Howard made a motion to approve the minutes from April 25, 2022.
  - Kevin Cameron seconded the motion.
  - Motion passed unanimously.

### Presentation – Public Defender of Marion County

Shannon Wilson presented this item.

- The Supreme Court recognized public defense as a constitutional right under the 6<sup>th</sup> amendment 60 years ago.
  - This decision recognized the necessity of adequate defense. Attorney must have a minimum level of competency.
  - The Government is required to pay for this defense if the defendant cannot afford one.
  - This right has not been adequately funded or respected throughout the history of the criminal justice system.
- There are more people who qualify for public counsel in Marion County compared to Washington or Clackamas.
  - Per capita, Marion County needs more defense attorneys than other counties in the state.
- In 1994, the Oregon State Bar Indigent Task Force indicated concern of increasing caseloads and decreasing quality of representation in the state. The Task Force came up with numbers based on national best practice standards.
  - We are still working under these same numbers since 1994.
- In 2001, SB 145 passed and created the Public Defense Services Commission (PDSC) replacing State Public Defenders.
- In 2007, the Public Defender of Marion County (PDMC) was established to meet the need for more attorneys in Marion County.
- In 2018, the Oregon Legislature ordered a study be done on the entire system, called the 6<sup>th</sup> Amendment Study.
  - The study showed that the way people were being paid to represent low-income clients was unconstitutional.
    - Paying on a per-case basis which incentivized attorneys to take on as many cases as possible in order to make more money.
- In 2020, the funding model was changed based on the 6<sup>th</sup> Amendment Study.
  - Full-time equivalent attorneys will get paid a certain amount of money.
  - Expectation is that full-time equivalent attorneys will handle a certain number of cases.
- In 2022, Chief Justice Walters ordered the Office of Public Defense Services (OPDS) to address the public defender crises.



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- There is a huge disparity in the yearly salary range of PDMC attorneys compared to other government funded attorneys in the state.
  - This has prevented PDMC from staying competitive in hiring and retaining attorneys.
- PDMC is currently dealing with excessive caseloads.
  - The American Bar Association (ABA), Oregon Project study showed that overwhelming caseloads forced even excellent public defenders to cut corners and spend less time than they should on every client's case.
- Please watch the video from David Hayes. He has a beautiful story on how he went from being a law enforcement officer to doing public defense work.
- The shortage of public defenders in a National Crisis.
- According to the ABA, Oregon is deficient 1,296 public defenders.
- PDMC triage response to prevent resignations and retain attorneys:
  - enforcing ethical rules in our office;
  - weekly workload analysis for each attorney;
  - prioritize defense representation; and,
  - retain and recruit.
- Presiding Judge Prall has made strong efforts toward settling cases prior to trial:
  - settlement conferences in the Jail;
  - expedited out-of-custody settlement conferences;
  - transparent and collaborative planning with public defense attorneys; and,
  - court facilitated learning experience for new public defenders.
- Commander Tad Larson and Deputy Director Jeffers are working on Wi-Fi accessibility at the Jail.
- PDMC is working on creating a work group to explore a holistic defense model. The state is looking at Marion County to figure out how to do it because we are so collaborative.
  - This model would bring under one roof:
    - housing assistance;
    - substance abuse assessments;
    - social workers;
    - immigration services;
    - family law; and,
    - access to basic needs.
  - Holistic defense model would resolve cases more effectively and reduce recidivism by also addressing underlying challenges and needs that may lead to criminal activity.
  - Harvard Law Review did a 10-year study on holistic defense model of the Bronx Defenders of New York. Study shows:
    - Likelihood of custodial sentence reduced by 16% and expected sentence length by 24%, without increasing future crime.
    - Averted 1.1 million days of custodial punishment.
    - 3,200 fewer people incarcerated each year if all New York City defendants had comparable holistic defense.



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- It retained attorneys even though compensation didn't go up, because they were participating in a practice that was making a real difference in their clients' lives.
- Please watch the video from Assistant Director, PDMC, Kim Davis. Kim started her career as an educator first so is fantastic with clients and the jury as well. She has a wonderful way of framing what value is and the importance of the holistic defense model.
- PDMC is looking for people to participate in the work group exploring a holistic defense model. The work group has a team of consultants helping to build a pilot program. If the Council knows of anyone who is interested please have them reach out to Shannon. The work group needs and welcomes many different perspectives.
- Questions/Discussions
  - Question: Is the consortium you are working with looking to introduce a bill at the next legislative session to address funding?
    - Answer: There is a legislative work group working on this issue. Public defense is going to run out of money really fast. There is a need to fund the contractors that currently exist and also pay folks on an hourly basis to cover the unrepresented cases that were not anticipated in the budget.
  - Question: Who goes to the eboard from the Public Defenders to get more funding?
    - Answer: The Executive Director, OPDS and the PDSC. They had a meeting last Friday and are trying to craft a 4-part plan to focus on retention and building capacity. Finding a balance to figure out a short-term solution has been difficult.
  - Question: What can we do to support other than advocate?
    - Answer: Supporting the holistic defense model.
  - Question: Have you received funding for the work group exploring the holistic defense model?
    - Answer: The State is in a rebuilding year so unfortunately they do not have the appropriate equipment, data, and people to figure out what to do. The State is interested in being part of our workgroup to see how this pilot program works. This is an opportunity at the local level working with community partners. Part of that will be looking for alternate funding sources other than the state. We can do that because we are a nonprofit 501(c). It will be community led and community grown.
  - Question: Have you heard anything lately on the Wi-Fi you need at the Jail?
    - Answer: Where it left off a month ago was trying to figure out what hot spot Wi-Fi provider would be the best to get through the structure.



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## Announcements

- No announcements brought forward.

The next scheduled meeting will be held Monday, October 24, 2022, at 1:00 p.m.

The meeting was adjourned at 1:57 p.m. by Undersheriff Wood.

Completed by: Peggy L. Lowery

Completed date: August 5, 2022

Attachments: Public Defender of Marion County Presentation