

FAIR SHOT 2023 LEGISLATIVE AGENDA

IN DEFENSE OF HUMANITY

FAIR
SHOT
FOR ALL

We are currently failing to provide people of all backgrounds with their Constitutional right to legal representation. This upholds systemic racism and classism and harms our communities and families.

When people accused of a crime are forced to wait months for a public defender, they are not the only victims. Families, employers, schools, and communities are all impacted by a needlessly prolonged absence.

We must, with all haste, continue to root out systemic racism and classism in our public institutions so that every Oregonian has a fair shot.



BIG PICTURE OVERVIEW

Together, we can defend humanity by ending decades of disinvestment in Oregon's public defense system and ensuring that everyone receives their constitutional right to legal representation.

"It just became abundantly clear that we are broken. You cannot do your job when you have 130 open felony cases per attorney."

—Carl Macpherson, Executive Director of Metropolitan Public Defender

"At current caseloads, OPDS simply is unable to adequately represent individuals in adult criminal and juvenile cases."

—The Oregon Project, American Bar Association

"You can't keep everything in your head when you have that many clients at the same time. Even things like, you know, 'What's your current plea offer?' I can't remember that for 100 people. Or I can't remember, 'What exactly does the police report say?'"

—Drew Flood, public defender

"The Constitutional right [to a fair trial with legal representation] for most, is a myth"

—U.S. District Judge John Kane

ABOUT FAIR SHOT FOR ALL

Our work as a coalition is centered on ideas and input from those both historically and currently bearing the burden of Oregon's broken systems and the COVID-19 pandemic. Our ideas work for the state as a whole because they work for those of us who are most impacted.

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THE PROBLEM

Oregon has been experiencing a Constitutional and ethical crisis for decades as our public defense system has been routinely underfunded and major reforms to root out racism inherent in our system have not been realized. Currently, in Oregon...

- We continue to disproportionately arrest and convict more Black and brown people. **An estimated 60% of Black Oregonians have a conviction compared to just 17% of white Oregonians.**
- **Going to prison leads to an average of 52% reduction in annual earnings**, perpetuating economic injustice for communities of color.
- Low income people accused of crime disproportionately rely on public defenders, but we have underfunded that system for so long that it is completely broken. **OPDS has only 31% of the FTE attorneys needed to provide reasonably effective assistance of counsel.**
- Public defenders are disproportionately white, upper middle class men because no one else can afford the low salary and high student debt required. This lends to more implicit bias in our public defender pool.
- Implicit bias and a strained system couple to ensure that defendants with publicly appointed attorneys are more likely to be detained before trial as well as more likely to be jailed.
- **We have a backlog of cases so severe that only 4% currently proceed to trial.** That means that most people are accepting plea bargains behind closed doors without due process. This does not ensure justice for victims or the accused (both disproportionately most likely to be Black or brown).
- **Victims and communities of color have lost trust in our court process and ability to serve justice** after decades of disinvestment and a lack of meaningful reforms rooted in equity and anti-racism.

OUR SOLUTION

We can finally move the needle on reforming our fractured public defense system and begin the essential work of addressing the impacts of those historically and currently harmed by our system. Together, we can create a future where...

- Individuals engaged with the justice system have access to wraparound services like housing, addiction treatment, and mental health counseling, all with a culturally-specific lens that supports those most historically and currently harmed by our systems
- Families and employers experience less disruption and upheaval
- Students loans for public defenders are forgiven to help create a more robust workforce
- Oregon's public defenders are representative of the clients they are serving and burn out rates are lowered
- We reduce workload and eliminate backlog for trials by creating a pathway for low-level or non-violent crimes to be dealt with by alternative forms of sentencing, such as counseling or community service

