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defendant's ability to pay on most fines, but there is a big difference between those two directives and for many defendants, their fine amount can depend heavily on whose courtroom and in what jurisdiction they find themselves.

Another factor in Oregon is funding.

"As the courts' budget has been reduced and staff positions have gone away, it puts more pressure on courts to process cases faster, which means they can't always spend the amount of time that they would like to in considering cases," said Phillip Lemman, Deputy State Court Administrator at Oregon Judicial Department. "We've come across that in a variety of situations, where courts have to make some tough choices in terms of do they do a drug court, which requires more staff and judge time, or do they just process cases in the normal course? Do they answer phones and staff their public counters, or do they have people in the back doing the work to move the cases along?"

Lemman said his department has been having a conversation about funding with legislators throughout his 10-year tenure. "Ultimately they make most of the decisions that affect how we do our business," he said.

Erasing the debt

Since Legal Services Day began in Multnomah County in August 2017, about 600 people have been relieved of \$2.9 million in debt to Multnomah County Circuit Court – a small fraction of the \$474.3 million it's owed.

These legal clinics are projects of the Community Law Division at Metropolitan Public Defenders and the Multnomah County District Attorney's Office.

The Community Law Division was founded by public defender Alex Bassos and Aliza Kaplan, who teaches at Lewis & Clark Law School and serves as its Criminal Justice Reform Clinic director.

"Community Law is the only organization in the area, in the state, whose whole mission is to remove the barriers downstream from the criminal justice system that keep people in poverty," Kaplan said.

"Whether it's traffic or whether it's parking or whether it's related to a misdemeanor, people get charges that there is no way they are ever going to pay," she said. "Then they get multiplied and multiplied and multiplied."

While Legal Services Day has only been available to a limited number of people in Multnomah County, staff at Community Law are working to change that. They've set up an additional legal clinic in North Portland, with its first Legal Services Day scheduled for March 2019. There are also plans to extend its programs to Marion and Columbia counties.

In the meantime, they're looking at ways to change recruitment so that people aren't camping out and waiting in long lines, hoping to get services.

Community Law also serves about 20 people per month through Project Reset in Multnomah County, and since it started there this past spring, about three people per month in Clackamas County. To qualify for this legal services program, people must have a caseworker and a referral.

"We will expunge your record. We will do

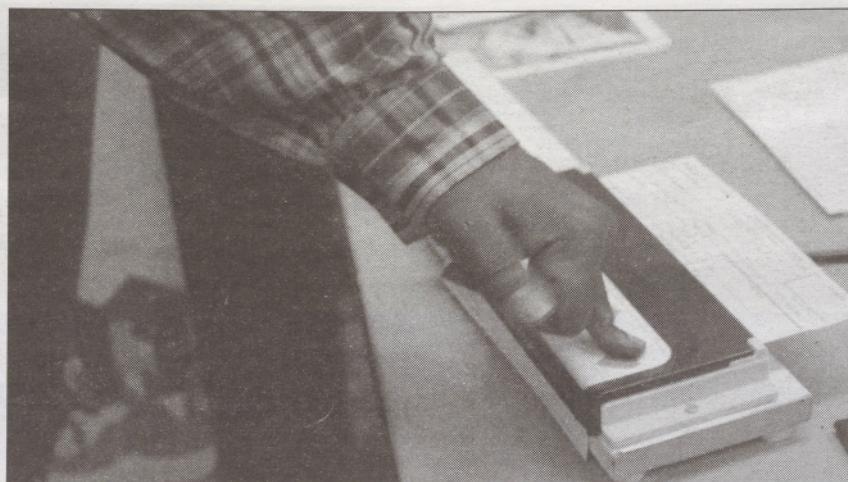


PHOTO BY EMILY GREEN

Dion gets fingerprinted as part of expungement process at the Veterans Stand Down, Sept. 11. By state law, all court fines and fees must be paid before a conviction can be expunged.

everything we can to either get rid of your fines and fees or reduce them," said Kaplan. "We will call places that our clients owe restitution for a historical behavior, we will ask places to excuse fines and fees. We will do everything we can to remove the barriers."

Project Reset clients have frequently taken Community Law attorneys to various municipal and county courtrooms to ask judges to use their discretion and reduce or erase debts.

"These are incredibly difficult motions to get passed," Kaplan said. "Even when there is a long record of not only nonpayment, but of interest and transfer fees."

She said often they simply ask the court

to bring the amount owed back down to the original fine, and while a few judges will grant this request, she said "we're rejected regularly."

Several people at Legal Services Day said that while they were relieved to have their debts in Multnomah County forgiven, they still owed money to Washington and Clackamas county or other municipal courts and jurisdictions.

Dion, who asked we not use his full name, had felony convictions in both Multnomah and Washington counties. After getting his fines and additional fees forgiven, he must pay \$80 to the Oregon State Police for a background check in each of these counties before his expungement can be approved.

Oregon: Where the money goes

In Oregon, money owed on criminal fines – the fines imposed when a person is convicted of a misdemeanor or felony – is split between the state's Criminal Fine Account and the state's general fund.

During the 2017-2019 biennium, \$77 million is expected to go to the Criminal Fine Account, and \$66.8 million to Oregon's general fund.

Criminal Fine Account dollars are dispersed to an array of public safety programs under different state departments, with the largest chunk – \$32.7 million – going to police training. The Department of Justice will get \$21 million, Judicial Department \$9.5 million, and money will also go to pay for programs such as alcohol and drug prevention at Oregon Health Authority, a domestic violence fund at the Department of Human Services and

programs and facilities for the Department of Corrections.

Traffic tickets are allocated differently. First, the state takes \$65 dollars off the top if the ticket was cited into a circuit court, such as in Multnomah County. The state takes \$45 if the ticket was cited into a municipal or county justice court. Then the remaining dollars paid on the ticket after the state gets its cut are split between the law enforcement agency that issued the ticket and the government that runs the court it was cited into. For example, when Portland Police write traffic tickets, which are cited into Multnomah County Circuit Court, the funds that remain after the state takes its \$65 are divided equally between the city of Portland and Multnomah County.

– Emily Green



While attorneys at Legal Services Day can waive the \$265 expungement filing fee, this \$80 payment to state police is one of several expenses they cannot eliminate.

When we met Dion at the legal clinic for military veterans in September, he told us he was unable to settle his legal matters all at once, and this was his third year in a row seeking legal relief services.

One year earlier, a portion of his fines and fees was waived and he was able to expunge a 10-year-old marijuana conviction in Multnomah County.

While the drug has since been legalized, anyone who owes fines or fees on an old marijuana charge can't expunge it until those debts are settled. For Dion, this was especially problematic because the charge showed up on his record as "manufacturing a controlled substance."

Unable to pay for both expungements at once, Dion still has to come up with the money he will need to expunge his conviction in Washington County.

The father of four was injured during his tenure as a Navy fireman, dislocating his knee. The military doctor told him then it would be an issue for the rest of his life.

"It's hard to get work with felonies on your record that isn't hard labor," he said.

Right now things are tight. He said he had to sacrifice paying his cellphone bill that month so he could buy his kids back-to-school clothes.

In addition to his fines, Dion served a 15-month prison sentence. "I took responsibility," he said. "I shouldn't be punished for the rest of my life."

Kaplan said the court system doesn't reflect the reality of low-income people's lives. While people of means might have the ability to show up to a court date in the middle of the work week and challenge their fine, it isn't as simple for someone living in poverty.

"Even paying for parking outside the courthouse is difficult for some of our clients," said Kaplan. "We've had clients who were in court trying to get their fines and fees reduced and while they were in there, they were getting a parking ticket because they had to spend three hours in a courtroom waiting to deal with the issue."

Since 1988, Multnomah County has collected 57 percent of the \$1.2 billion in punitive fines and fees it's imposed. And while 68 percent of violations, such as traffic tickets, have been paid to the county, just 40 percent of felony-related fines have been collected, including restitution, according to records requested from the Oregon Judicial Department.

Some Oregon jurisdictions, including Multnomah County, have shown more leniency in the application of fines to low-income defendants in recent years. However, some punitive fines remain mandatory, and fees and surcharges have grown.

But Kaplan is hopeful.

"There's a definitely a new awareness around the country, and now here in Oregon, that this is a problem, and it's a problem that we're going to need to figure out and solve," she said. "I hope that if not in this session, then in the next one, it's something that the legislators will take up."

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