

Chief justice floats summit to address public defense crisis

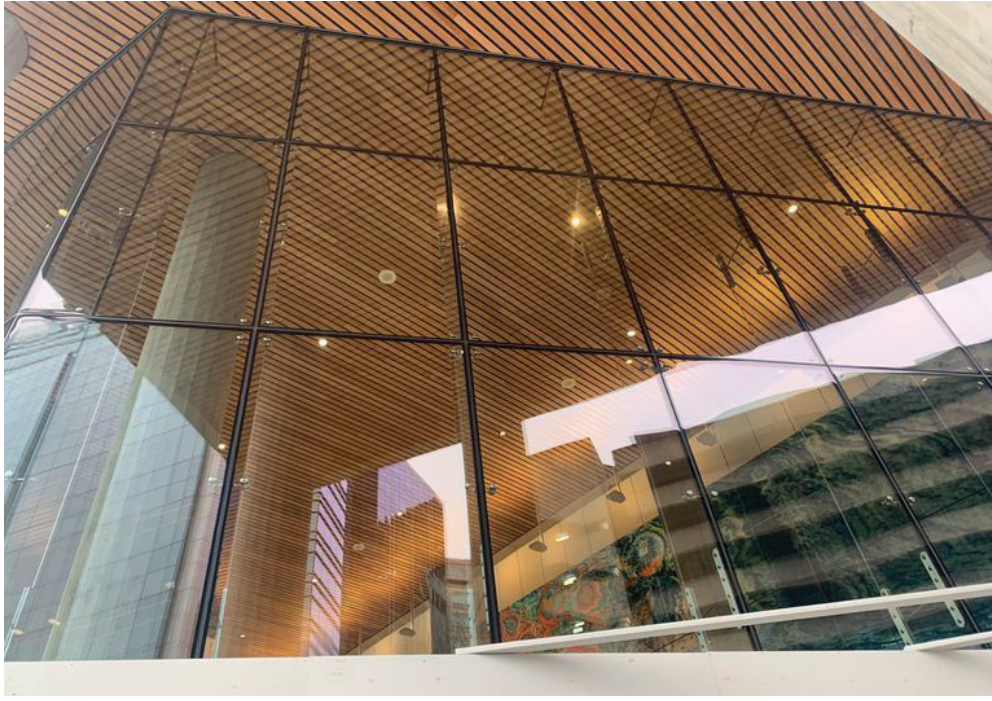
By CONRAD WILSON
Oregon Public Broadcasting

Oregon's Supreme Court chief justice wants government leaders to come together to address systemic issues driving the state's deepening public defense crisis.

Chief Justice Martha Walters, who leads the state's judicial branch, asked legislative leaders and Gov. Kate Brown in a letter Tuesday to help plan a summit to find solutions for public defense and public safety.

"I envision the summit as a way for us to discuss and agree on longer-term changes to our public defense and public safety systems to make them stronger and more effective," Walters wrote.

Since last fall, a shortage of public defenders has left hundreds of indigent criminal defendants without an attorney — a right afforded by the U.S. Constitution that the state has violated repeatedly. Oregon contracts its entire trial-level public defense systems to groups of attorneys and nonprofits. With courts operating in a limited capacity during much of the pandemic, caseloads for public defenders have built up to the point those lawyers are unable to take on new clients.



Courtney Sherwood/Oregon Public Broadcasting

A view of the Multnomah County Courthouse.

In Washington County, 11 people in custody are without an attorney, court staff said Wednesday. In Multnomah County, more than 260 people are without an attorney. Of those, 22 are in custody.

While public defense is highly decentralized in Oregon, it's run by the Office of Public Defense Services, largely through securing and paying contracts to public defense firms. The office is part of the judiciary. Walters is responsible for appointing

the commission members who hire and oversee the agency's executive director.

The lack of public defenders has exposed the role they play in the state's public safety system.

In Multnomah County, judges have dismissed 35 cases, over the objections of prosecutors, because the state has been unable to provide a public defender, according to a memo dated Tuesday from the district attorney's office. Many of those defendants

could still be indicted later by a grand jury.

"Only the most serious person crimes are moving forward," the memo states. The office "is unable in any meaningful manner to prosecute felony crimes other than the most serious person crimes."

In a recent op-ed published in The Oregonian, Multnomah County District Attorney Mike Schmidt said that prior to the pandemic, the county's Circuit Court

would hold 25 to 30 jury trials per week. During the last two years, the county has averaged three to five.

"The backlog of cases will take years to resolve, and in the meantime, prosecutions are taking far, far longer than they did prior to the pandemic," Schmidt wrote. "Evidence gets stale. Victims move on or move away. Memory becomes foggy. Justice is delayed, if not denied."

Leading up to the summit, Walters said she'll host a series of meetings with prosecutors, judges and public defenders starting next week. She said the state needs to move faster to address its "immediate crisis." Her first meeting will be next week in Multnomah County where, she noted, a lack of staffing at the sheriff's office has made it challenging to assist with attorney-client visits "critical to case resolution," as well as transporting people in custody to court hearings.

"The current crisis is having a real impact on defendants who have a constitutional right to counsel, on courts' ability to resolve cases, on the safety of our communities," Walters wrote.

The public defense crisis has been most acute in Multnomah, Marion, Wash-

ington and Lane counties, where lawmakers targeted \$12.8 million at the last legislative session to hire more public defenders and support staff. In her letter, Walters wrote, "providers have found it more difficult than anticipated to do that hiring and are also facing the unanticipated loss of experienced counsel."

"I would say that's very true," said Jessica Kampfe, the executive director of Multnomah Defenders Inc., one of two public defense nonprofits in the county. "We hired two lawyers, planning to use the funds as well as an investigator and support staff. We were on our way to hiring a third (attorney)."

At the same time, more experienced attorneys are leaving.

"In the last month, I've had five lawyers quit," Kampfe said. "I can't hire my way out of this problem if I can't stop the bleeding."

Caseloads and staffing challenges have prevented her office from taking new clients charged with felonies since February. On Monday, Multnomah Defenders Inc. and Metropolitan Public Defender, the largest public defense nonprofit firm in the state, will temporarily stop taking new clients charged with misdemeanors in the county.

Child care: 'There's a lot of merit and great benefits to both proposals'

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right fit at the time. They looked at ways to expand in their space on 10th Street, and when they discovered it was not feasible, they decided to send the city a proposal.

Bumble, which offers a preschool program and summer camps, has proposed taking over the Sprouts facility at the Astoria Recreation Center and existing enrollment and offering preschool and child care with expanded hours as soon as July.

Atkinson expects to serve 20 to 40 children at the start, then gradually grow to include infant care. She said they would likely move over the rest of their services by the end of summer.

Bumble is requesting the city assist with building upgrades and offer the space rent free for the first five years.

"There really is no way we can afford a space that large on our existing programs," Atkinson said, adding that the cost would also keep them from being able to hire another employee.

Atkinson also expects to raise rates, saying that the city's rates were too low to be sustainable. However, she hopes to partner with Preschool Promise, a state funded preschool program that makes services available to low-income families.

"As we move along, we

feel confident that it will be a good step for us if it goes through," Atkinson said.

Astoria Head Start, a federally and state funded preschool program for low-income families, operates at Gray School in Astoria and provides care for about 40 children.

Grace Robinson, the Head Start center manager, said they are unable to expand the program at the campus and have had difficulty finding other options in Astoria. Gray School is also expected to undergo renovations, making the preschool space unusable.

"The overall goal for us is to continue to strengthen the partnerships that we have in our community but also to build on the services we provide for our families now," Robinson said. "A change in location could help us create an early childhood center."

She said they are proposing to shift their operations to the city's space at the Astoria Recreation Center and partner with another provider to offer care for infants and toddlers.

Head Start is also requesting building improvements

from the city.

Dart-McLean said that depending on how the City Council wants to proceed, he would work with a provider on a negotiated lease agreement, which would be presented to the council for review.

The city has said it can support a child care provider through a partnership by removing common burdens like the cost of rent or assist with other things needed to start and maintain longevity.

Financial challenges

When the city requested proposals in October from parties interested in forming a public-private partnership, there were no responses by the December deadline. In the days following, an interested group approached the city and formed into the nonprofit Clatsop Promise.

The nonprofit sought to raise funds to operate while the city continued to own and maintain the facility, but ultimately determined the plan was not financially viable.

The city opened Sprouts Learning Center a decade ago to meet a need in the

community. It remains one of the few of its size that provides care for infants.

The closure of the day care is one of a series of setbacks for child care in the

county, which has lost over half of its licensed child care capacity — more than 1,000 slots — since 2017.

However, Dart-McLean is hopeful.

"We are in a good spot where there is interest from the community from different groups in providing some sort of child care, and there's a lot of merit and great benefits to both proposals," he said. "Still I think, neither of these proposals, unfortunately, are going to be the end-all, be-all solution for child care in Astoria and our area."

"But it is a good, positive step anyway. So, I am happy for that."

Bike ban: Council will discuss topic in May

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In March, after hearing safety and environmental concerns, city councilors suggested adding language to the city's parks master plan to ban bicycles along the path.

At that meeting, City Attorney Peter Watts said when donations were solicited for the Ridge Path, it was presented as a walking path. He also said bicycles could create a legal liability for the city.

But in correspondence, residents pointed to the tradition of bikes on the path and their health advantages, urging the City Council to drop the ban.

Skyler Archibald, a resident who serves as executive director of the Sunset Empire Park and Recreation District in Seaside, said development of recreation opportunities is one of the characteristics that make a community livable and inclusive. "I strongly object to the notion of ban-

THE MAYOR WILL SEEK AN ALTERNATIVE. FOR NOW, THE WORDING 'FOOTPATH' WILL REMAIN IN THE PARKS MASTER PLAN FOR HISTORICAL PURPOSES.

ning bicycles on the Ridge Path," he said. "Limiting recreation opportunities for the citizens of Gearhart, particularly young people, is an injustice to those that need less barriers to participation, not more."

Penny Sabol, a resident, said her parents bought a cottage on the Ridge Path when

she was a child.

"One of the most wonderful memories in my life is traveling that path to Little Beach on our bikes to spend the day playing with our friends," she said. "We would travel the path, once again on our bikes, to Cutler's Grocery to buy penny candy and then just tool around town."

"Now, I have young grandchildren just entering the age to enjoy the Ridge Path. I want them to have the happy memories I have enjoyed. I urge you to please not pass this ordinance."

Rather than an ordinance, Cockrum said she would work with staff on some improved signs, particularly on Third Street.

The topic will return at a City Council work session in May, at which time the mayor will seek an alternative. For now, the wording "footpath" will remain in the parks master plan for historical purposes.

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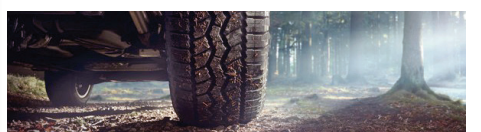
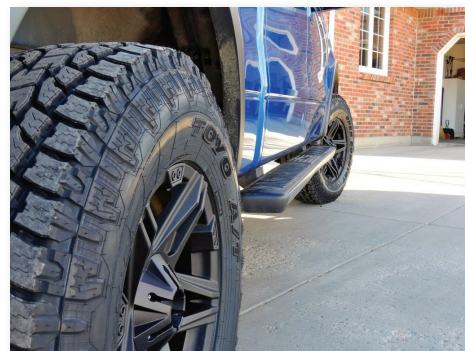
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