



Oregon Judicial Department

Unrepresented Crisis – September 2024 Update

Key Insights

[Unrepresented Trends](#)

The total number of unrepresented individuals has reached a new record high with 3,875 unrepresented individuals and 4,345 unrepresented cases. ([Figure 1](#)). Daily updates are available at the [Unrepresented Individuals Dashboard](#) on the OJD website.

[Unrepresented – In Custody](#)

Most unrepresented individuals in custody are being held in custody on the unrepresented case. Some unrepresented persons in custody are not being held on the circuit court case, but are being held on separate matters (e.g., a federal court hold). Others are held in custody in another county where they are represented by counsel but are released on the unrepresented case in the first county.

[Unrepresented – Out-of-Custody](#)

On average, unrepresented individuals out of custody have three court appearances and wait 96 days before they are assigned an attorney. Unrepresented individuals with alleged probation violations wait longer on average, 120 days, before being assigned an attorney.

[Unrepresented – Post-Conviction Relief and Habeas Cases](#)

In some courts, the unrepresented cases are primarily post-conviction relief (PCR) or Habeas Corpus cases. The number of unrepresented PCR/Habeas cases has been declining.

[Unrepresented by County](#)

The crisis continues to be most severe in Jackson, Marion, Multnomah, Washington, and Douglas counties. ([Figure 7](#)). Deschutes, Clatsop, Coos, Clackamas, and Malheur counties are seeing increasing numbers of unrepresented individuals.

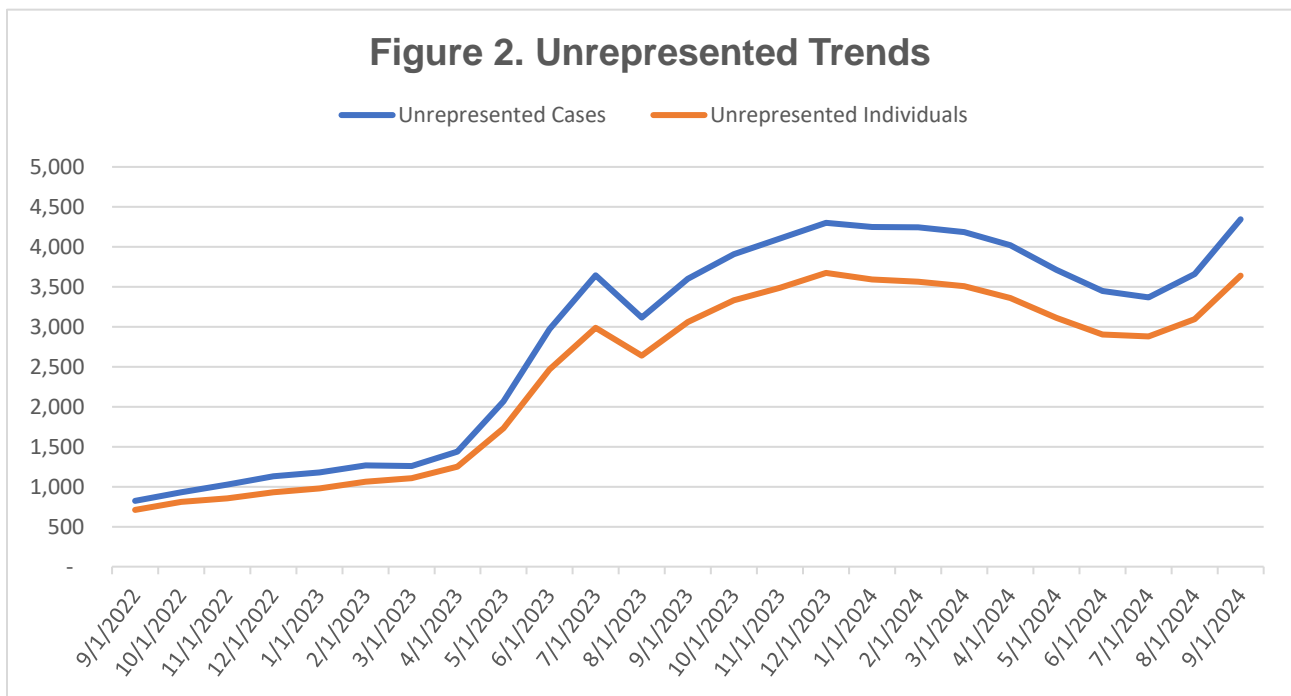
The severe crisis has existed longest in Jackson, Marion, and Multnomah counties, and the number of unrepresented individuals is rising in all three counties. ([Figure 8](#), [Figure 9](#), [Figure 10](#)). In Deschutes and Coos/Curry counties, the local public defender offices lost attorneys this year, contributing to a dramatic increase in unrepresented individuals. ([Figure 11](#), [Figure 12](#)).

Unrepresented Trends

Figures 1 and 2 show the number of unrepresented individuals is continuing to increase. In August 2024, the number of unrepresented individuals surpassed the previous December 2023 record high. As of September 1, 2024, the number of unrepresented individuals and cases again hit record-setting levels.

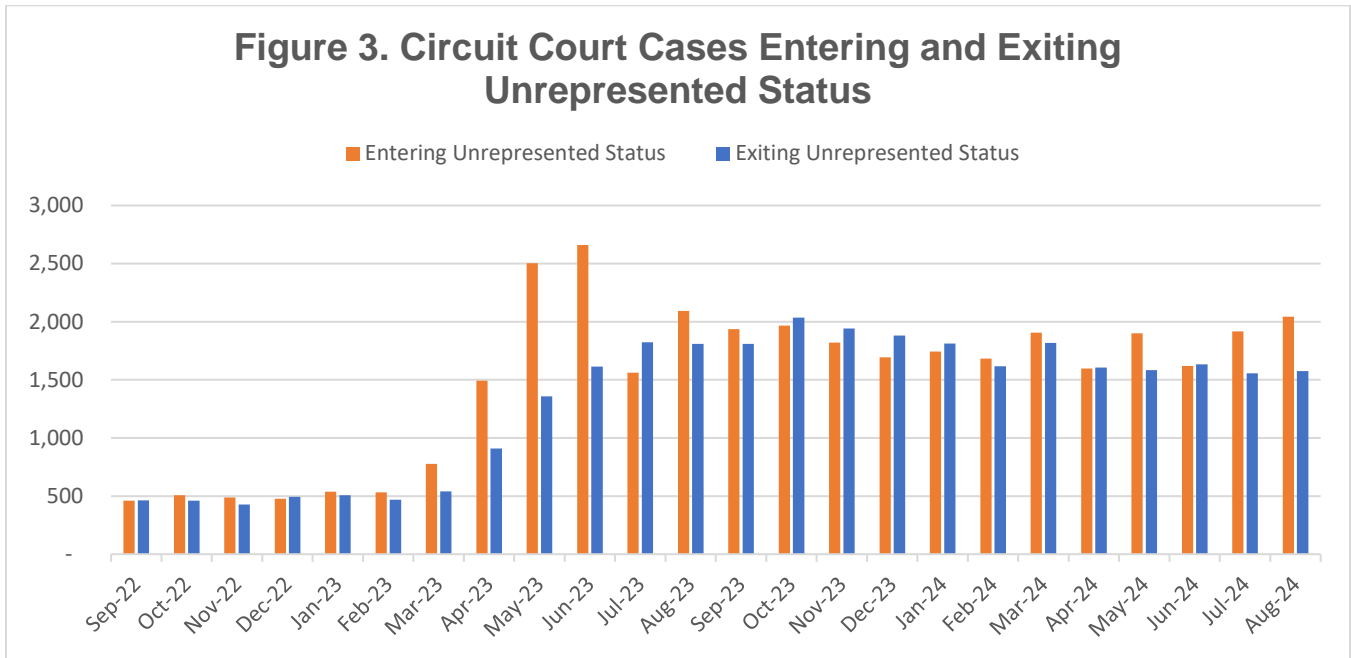
Figure 1. Number of Unrepresented Persons and Cases on First of Each Month						
	04/01/24	05/01/24	06/01/24	07/01/24	08/01/24	09/01/24
Total Unrepresented persons	2,671	2,747	3,210	3,097	3,306	3,875
Total Unrepresented cases	3,110	3,184	3,707	3,685	3,952	4,345
Misdemeanors	1,693	1,769	2,082	2,217	2,282	2,616
Felonies	1,305	1,340	1,552	1,414	1,611	1,642
Non-criminal cases	112	75	73	54	59	87

Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).

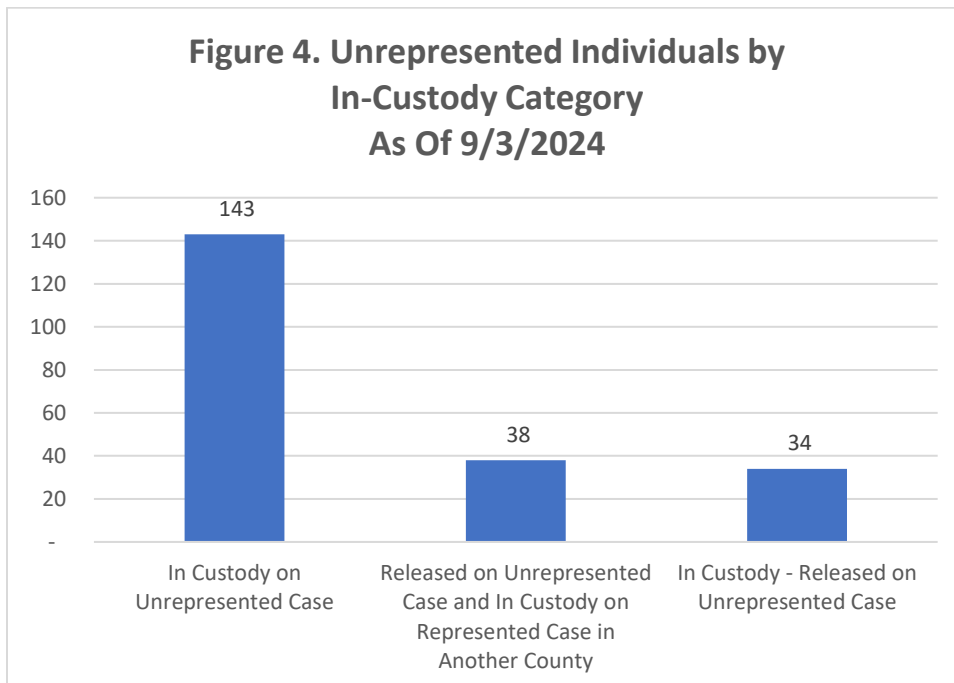
Figure 3 shows the number of unrepresented cases entering and exiting unrepresented status by month and year. In July and August 2024, the number of cases exiting unrepresented status remained roughly the same, while the number of cases added to the unrepresented list grew in significantly larger numbers.



Source: OJD Odyssey Data (eCourt).

Unrepresented – In-Custody

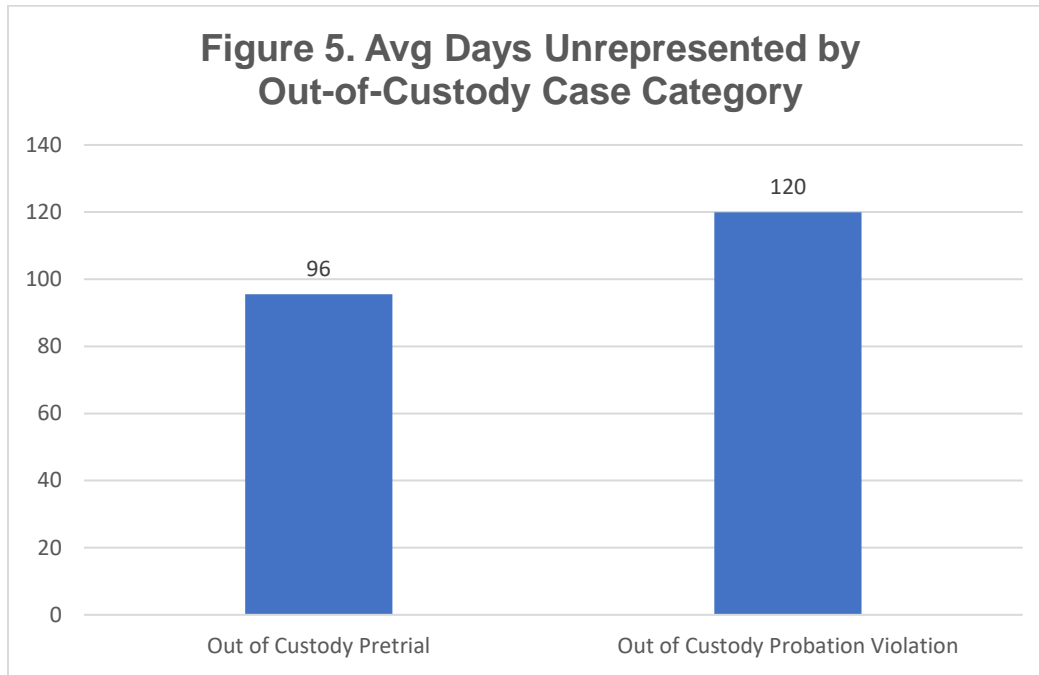
Figure 4 shows the number of unrepresented individuals by in-custody category. On 9/3/24, most of the unrepresented individuals in custody were held on the unrepresented case. There were 34 individuals released on the unrepresented case but held in custody on other matters that do not come before a circuit court, such as federal holds, parole violations, or probation violation administrative sanctions.



Source: OJD Odyssey Data (eCourt).

Unrepresented – Out-of-Custody

Figure 5 shows the average days an individual is unrepresented by out-of-custody case category. Unrepresented individuals in out-of-custody pretrial cases appear in court, either remotely or in person, an average of three times before an attorney is appointed. Unrepresented individuals in out-of-custody probation violation cases appear an average of nine times prior to an attorney appointment. The longer a person remains on pretrial release, i.e., the longer it takes to resolve their criminal case, the more likely a person will fail to appear in court or violate pretrial release conditions.¹



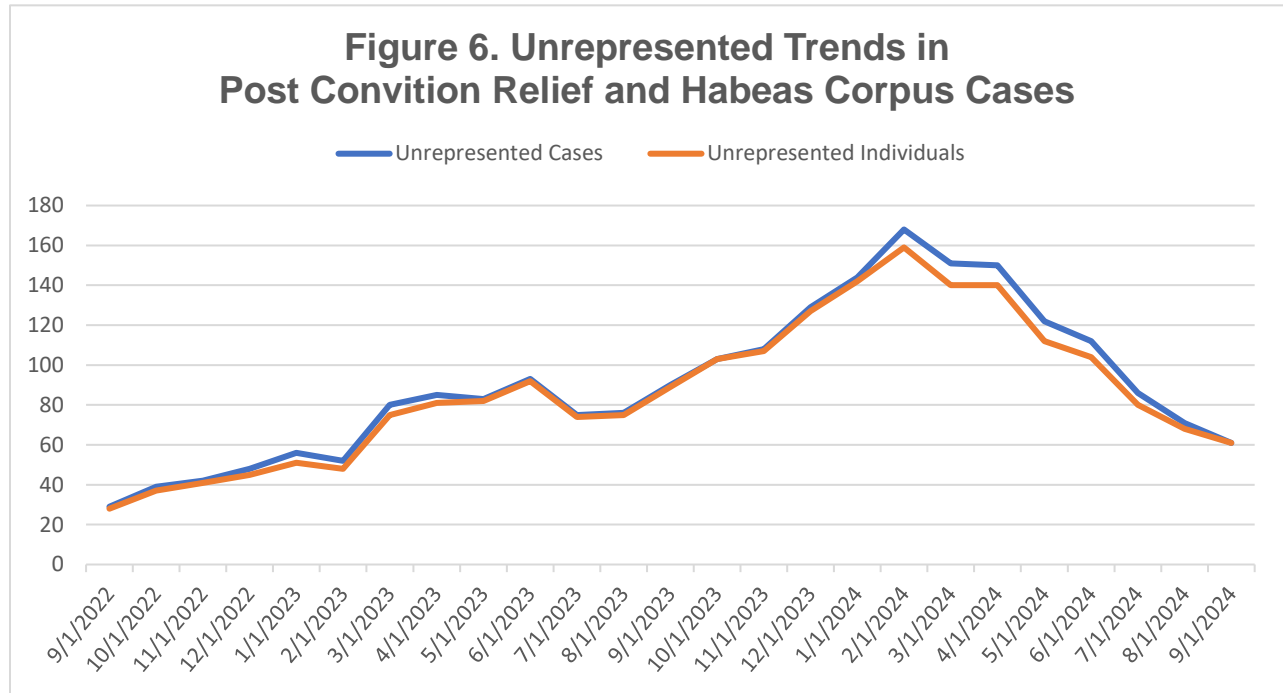
Source: OJD Odyssey Data (eCourt).

Unrepresented – Post Conviction Relief and Habeas Corpus

Figure 6 shows the unrepresented trends in Post Conviction Relief and Habeas Corpus (PCR/Habeas) cases by month. The average time an individual is unrepresented in these cases is 67 days. The longest an individual has been unrepresented in a PCR/Habeas case is 278 days. Habeas cases are filed by individuals being held in custody, whereas in a PCR case an individual may be in custody or out of custody. A PCR petition must be filed within two years of entry of the judgment of conviction. In some judicial districts with state prisons, a

¹ Advancing Pretrial Policy and Research. *Roadmap for Pretrial Advancement*. (2022), 16, <https://cepp.com/wp-content/uploads/2022/04/Roadmap-for-Pretrial-Advancement-April-2022.pdf>.

majority of the unrepresented cases are PCR/Habeas cases, such as in Malheur, Crook/Jefferson, and Umatilla/Morrow counties.

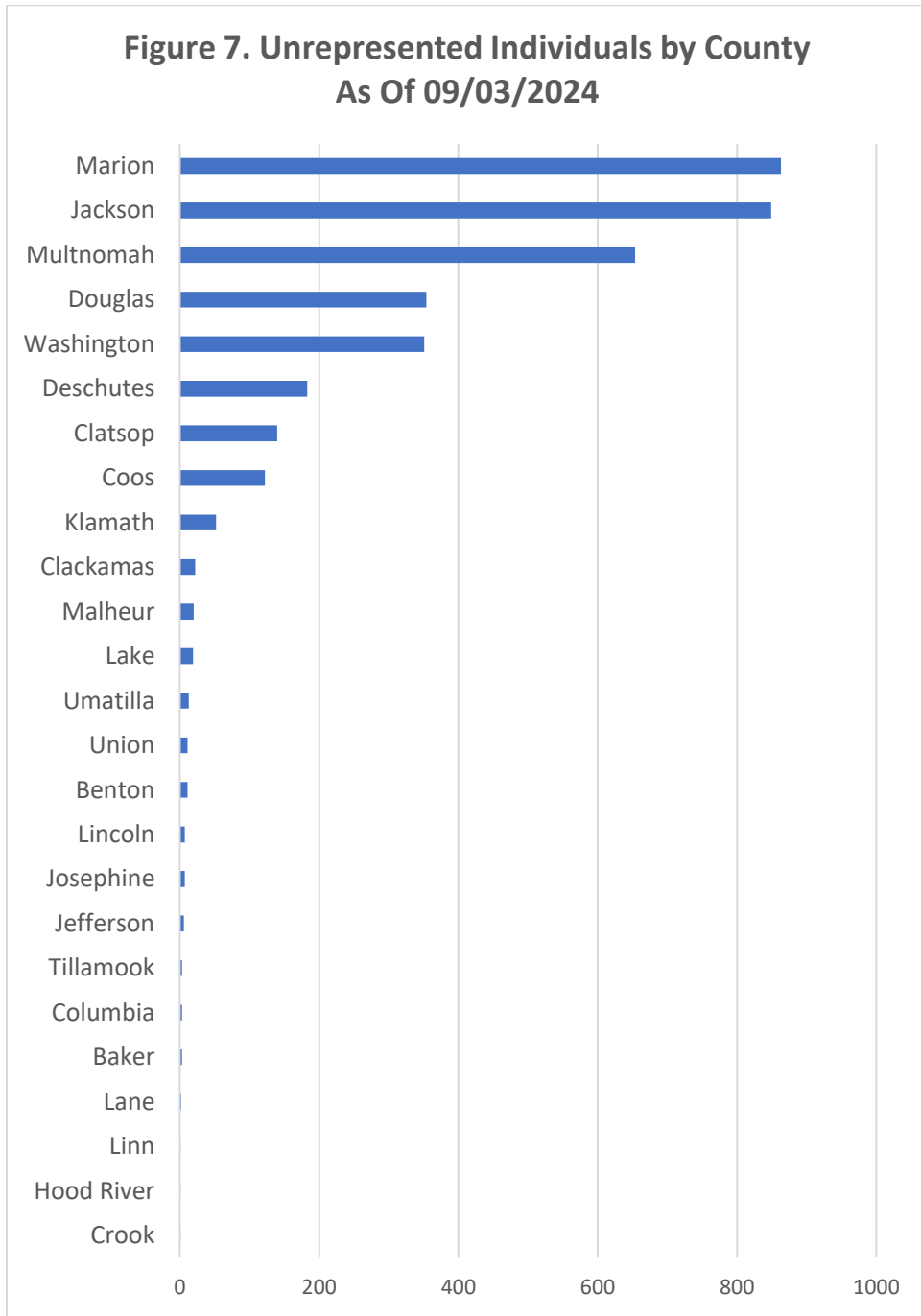


Source: OJD Odyssey Data (eCourt).

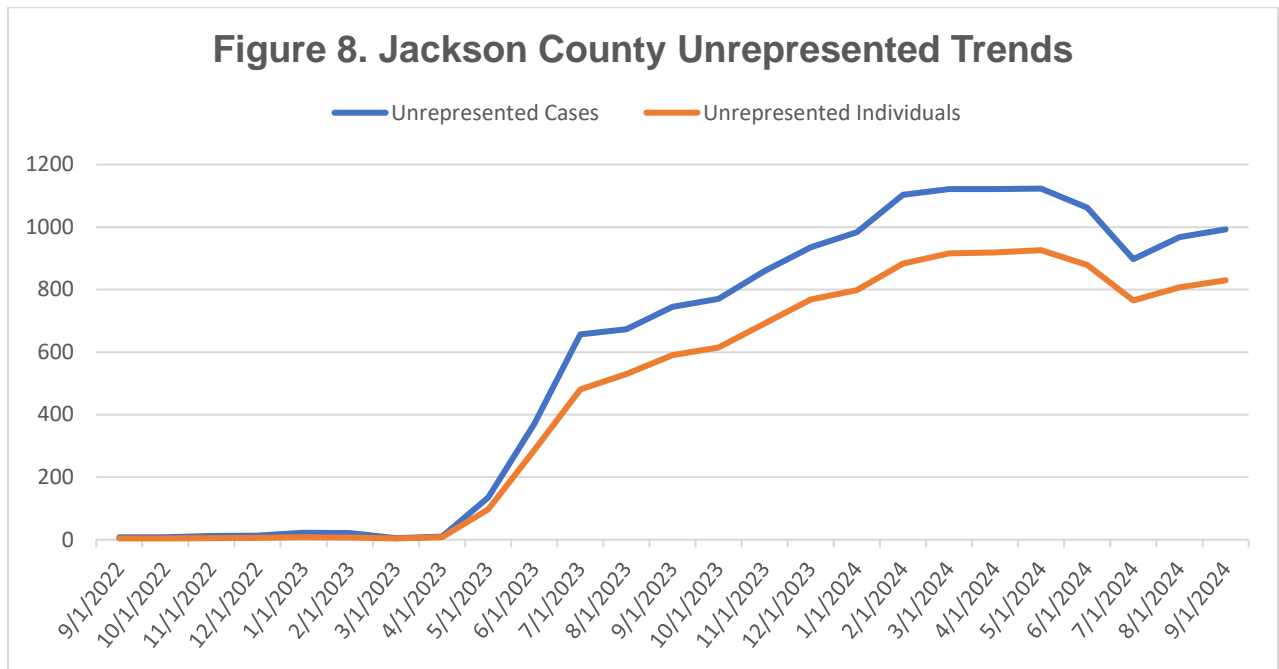
Unrepresented by County

Figure 7 shows the number of unrepresented individuals by county. **Figures 8-12** show the unrepresented trends in Marion, Jackson, Multnomah, Deschutes, and Coos/Curry counties, to help illustrate how differently the crisis presents itself. Marion, Jackson, and Multnomah counties consistently have had the highest number of unrepresented individuals in the state. While Marion County had the highest number of unrepresented individuals at 854 on September 1, 2024, Jackson County had the highest number of unrepresented cases at 993.

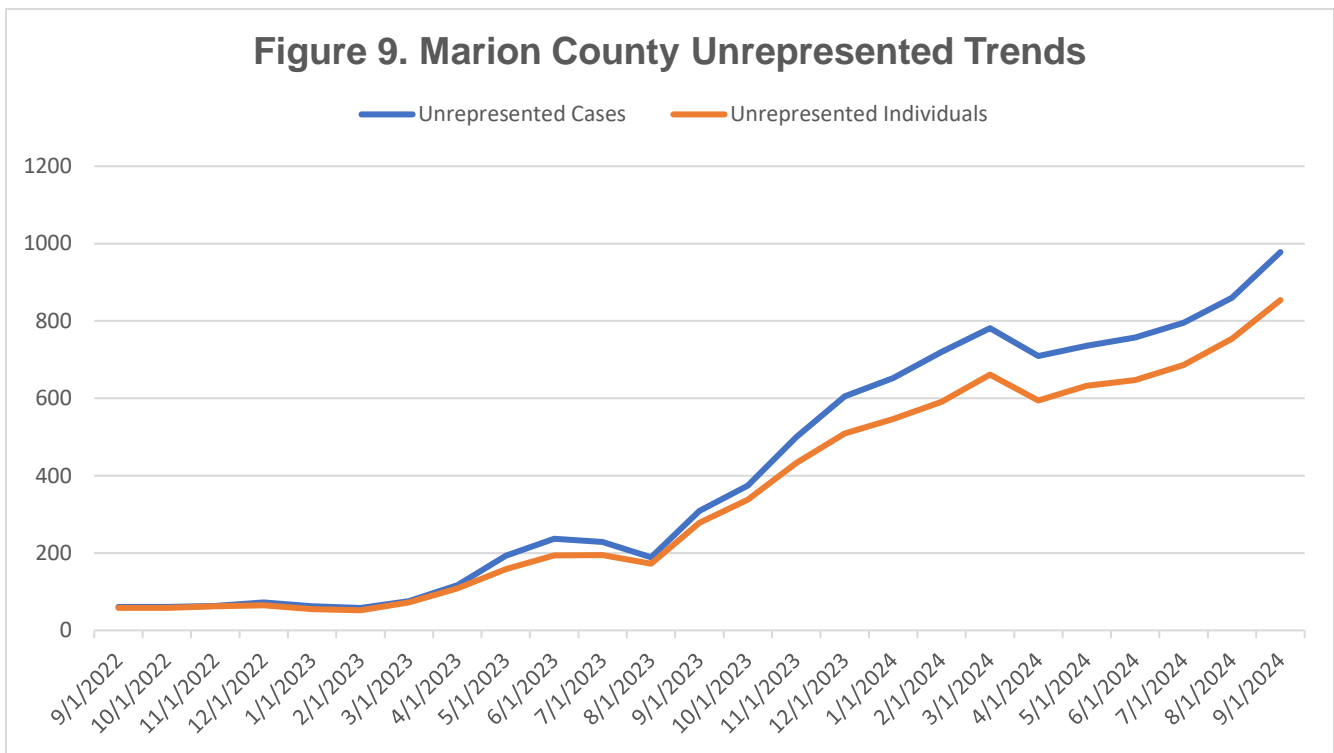
The number of unrepresented individuals in Multnomah County has grown by 208 since August 1, 2024. Deschutes and Coos and Curry counties have seen attorneys leave the local public defense offices and are continuing to see increases in the number of unrepresented individuals in each county. OPDC reported that the Deschutes public defender office was able to fill most of its vacancies; however, the number of unrepresented individuals continues to increase.



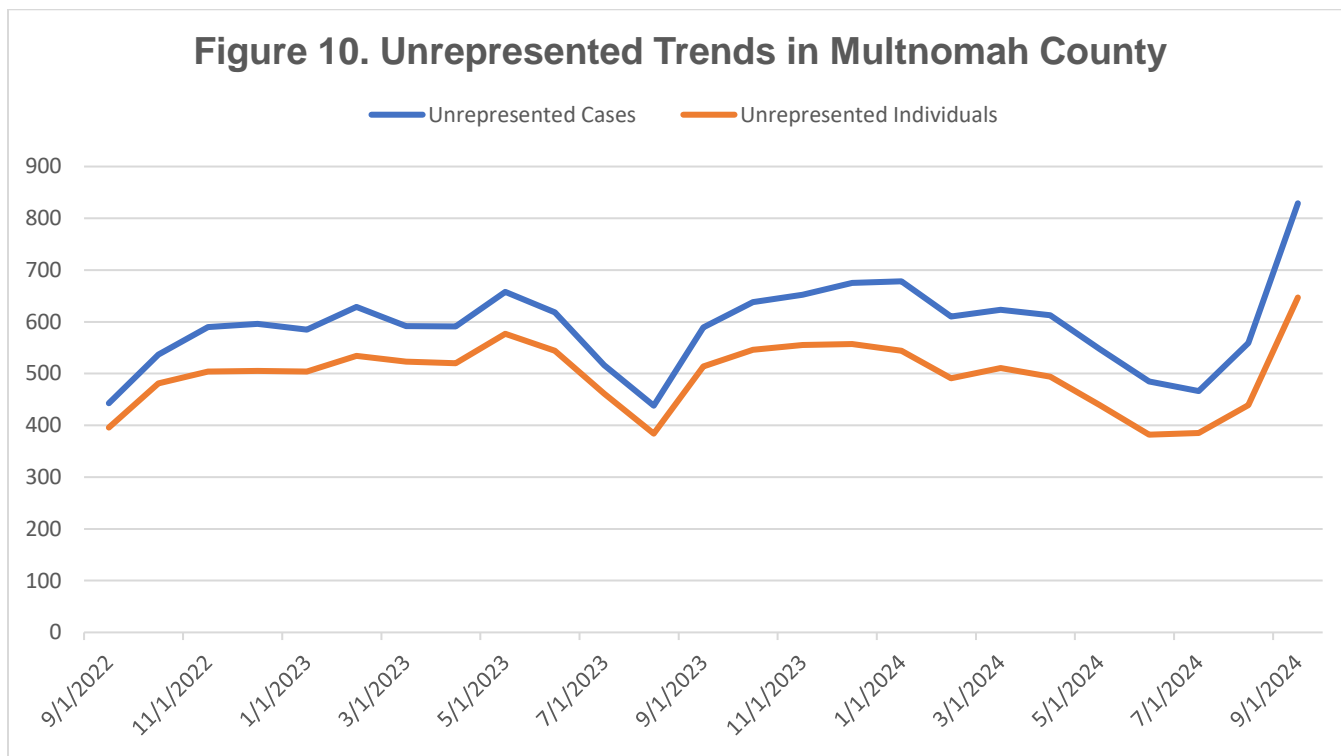
Source: OJD Odyssey Data (eCourt).



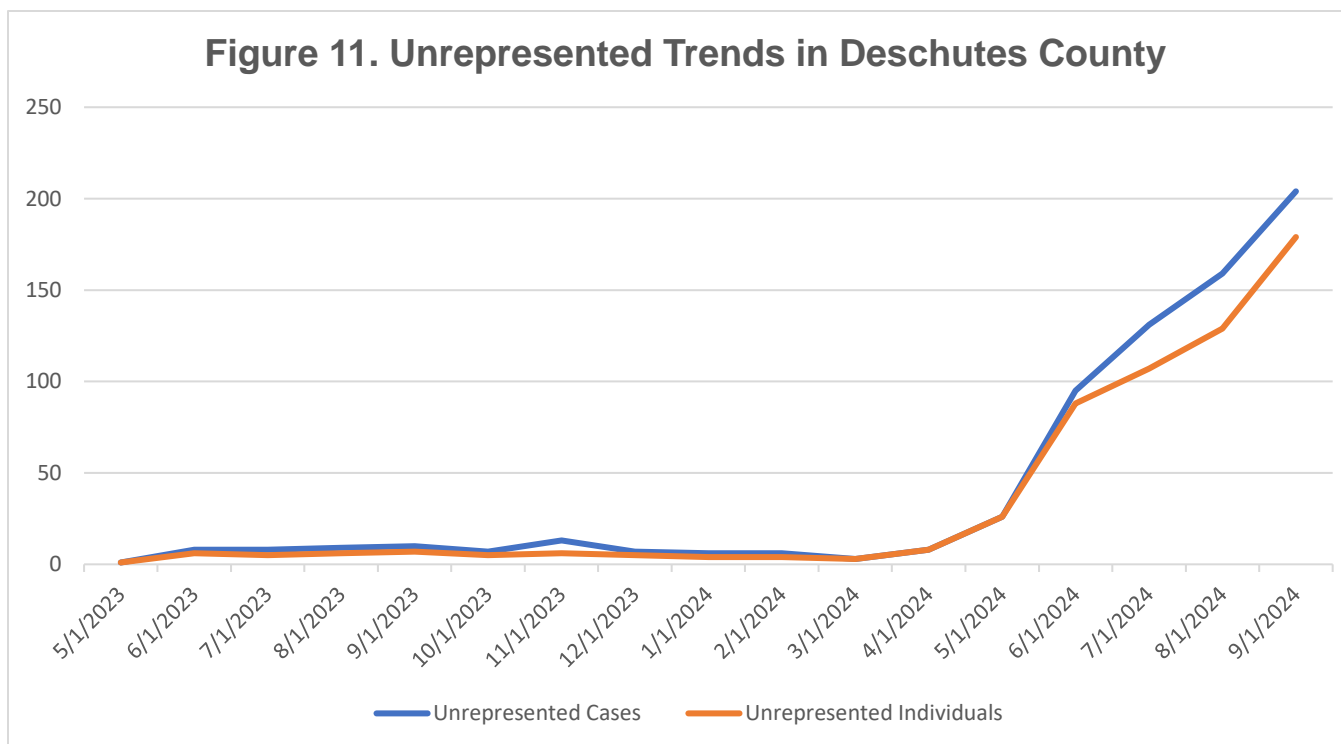
Source: OJD Odyssey Data (eCourt).



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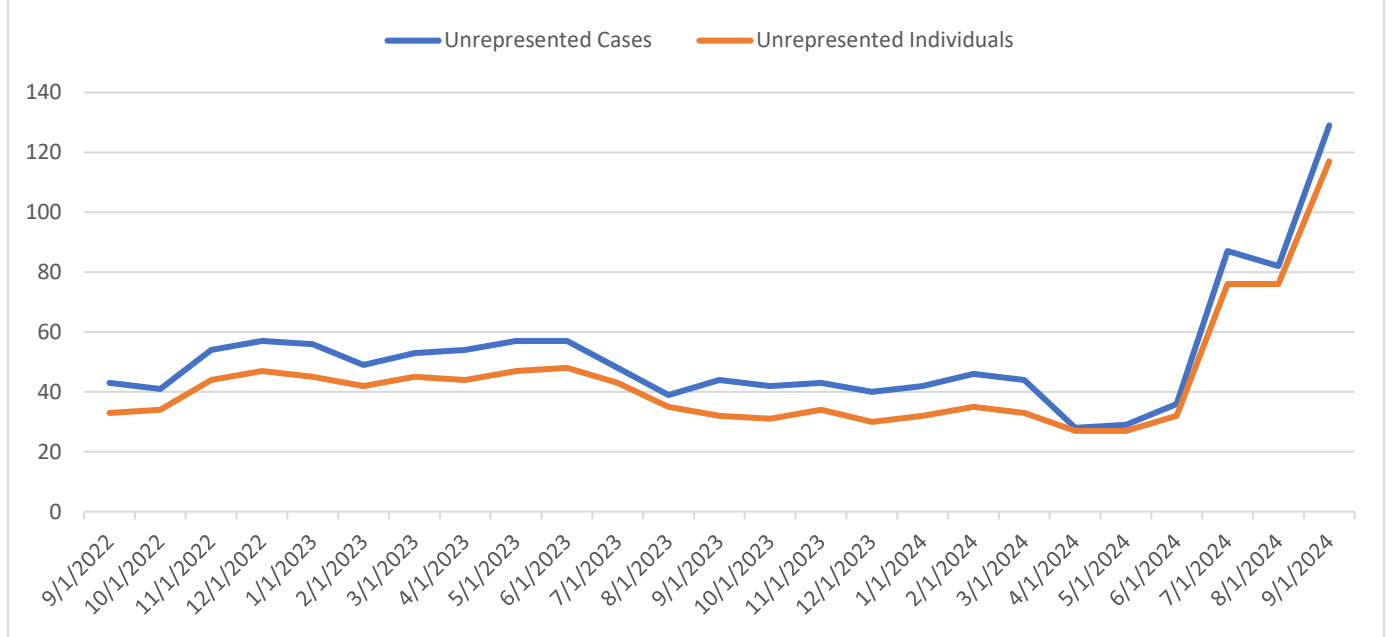


Source: OJD Odyssey Data (eCourt).



Source: OJD Odyssey Data (eCourt).

Figure 12. Unrepresented Trends in Coos and Curry Counties



Source: OJD Odyssey Data (eCourt).