



# COMMUNITY WEBINAR ON SB 819 (PART TWO)

PRESENTED BY

DON'T SHOOT PDX AND THE OREGON JUSTICE RESOURCE CENTER



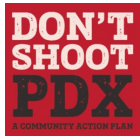
This webinar is a joint project between Don't Shoot PDX and the Oregon Justice Resource Center's FA:IR Law Project.

Nothing contained herein constitutes legal advice.

This webinar is being recorded and will be posted on Youtube and other public internet channels.

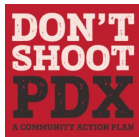
# ■ Part II Webinar Overview

- Introduction
- Application Best Practices and Tips
- Overview of County-by-County Policies
- Multnomah County Applications
  - Innocence Claims
  - Collateral Consequences Claims
  - Excessive Punishment Claims
- Questions and Answers

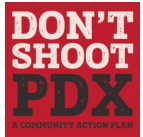


# ■ Introduction and Available Resources

- Webinar Part I: [https://www.youtube.com/watch?v=gc\\_0zAgs6GE](https://www.youtube.com/watch?v=gc_0zAgs6GE)
- The statute:  
<https://olis.oregonlegislature.gov/liz/2021RI/Downloads/MeasureDocument/SB819/Enrolled>
  - La ley:  
<https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/62560af784f9dc0bc1b59a53/1649806074260/SB+819+Enrolled+ESPAÑOL.pdf>
- OJRC's FAQs about SB 819: [www.ojrc.info/819](http://www.ojrc.info/819)
  - OJRC's FAQs en español:  
<https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/62560d68cb8e5c343f83c032/1649806700431/SB+819+FAQs+ESPAÑOL.pdf>
- Individual DA policies by county with links to the policies:  
<https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/625479ba707f9b23900e955c/1649703355319/Senate+Bill+819+UPDATED%282%29.pdf>
  - Los requisitos por condado en español:  
<https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/62560b3a6b16e17bc3bb5112/1649806140548/SB%2B819%2BWebsite%2BPDF+ESPAÑOL.pdf>

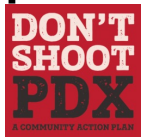


# ■ Application Best Practices and Tips



# ■ Application Best Practices

- Consider a cover letter to put the whole story together (sometimes required) – what is your theme?
  - Why should SB 819 apply in your case – why is justice no longer being served by the sentence/conviction?
  - Why is your case compelling?
  - Why should the prosecutor take a shot on you?
  - How will the world be a better place if you get relief?
- Identify the specific relief you are seeking
- Document and provide proof of everything (e.g., classes, jobs, etc.)
- Do NOT provide originals
- Update application as you get more documents



# ■ Document Collection

- **Oregon State Police Report**

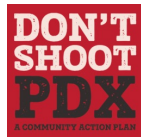
- Submit form by mail or email: <https://www.oregon.gov/osp/programs/pages/public-records-requests.aspx>

- **Case Documents**

- **Records requests:** Each court has their own way to requests records and there's no uniform process.
  - Google search "[COURT NAME] records." Or call court and ask for records
- **Reach out to past attorney.**

- **Department of Corrections Records:** Email the NAME, SID NO., and DOB of the person you want records for to [docoiscinforequests@doc.oregon.gov](mailto:docoiscinforequests@doc.oregon.gov). In the email, specify what type of records you want.

- Example: "I am emailing you for my DOC records. Can you please send me my disciplinary and programming records - [NAME], SID No. XXXXXXXX and DOB XX/XX/XXXX? I am not in custody at this time. Thank you!"
- Disciplinary and programming records are generally free.



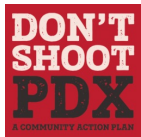


# Record of Rehabilitation

Record = documents support your claim

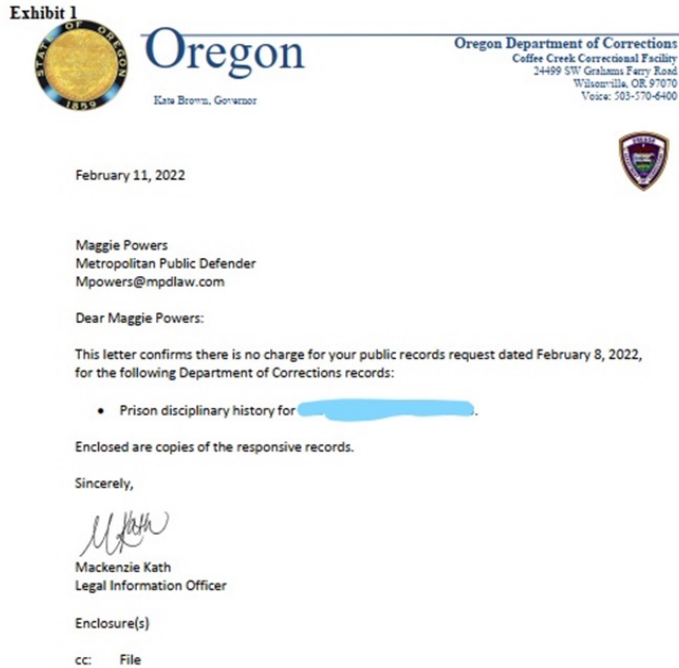
Supporting documents *can* include:

- Character references
- DOC records
- Resume
- Personal statement
- Letter from past & current employers
- Police reports
- Psych reports/evaluations
- Certificates of course completion
- Transcripts/diplomas
- Job/housing denial
- Pictures
- Business reviews



# Organizing Documents

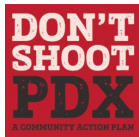
1. Label exhibits.



2. In your cover letter, include a list of documents you are including.

Please see the attached SB 819 application and the following exhibits:

- Exhibit 1: Oregon Department of Correction Prison Disciplinary History
- Exhibit 2: Certification of Completion, June 7, 2016
- Exhibit 3: Certification of Completion, September 27, 2016
- Exhibit 4: Certification of Completion, September 29, 2016
- Exhibit 5: Personal Statement
- Exhibit 6: Letter of Support from [redacted]
- Exhibit 7: Letter of Support from [redacted]
- Exhibit 8: Letter of Support from [redacted]
- Exhibit 9: Letter of Support from [redacted]
- Exhibit 10: Letter of Support from [redacted]
- Exhibit 11: Letter of Support from [redacted]
- Exhibit 12: Letter of Support from [redacted]
- Exhibit 13: Letter of Support from [redacted]
- Exhibit 14: Letter of Support from [redacted]
- Exhibit 15: Letter of Support from [redacted]
- Exhibit 16: Letter of Support from [redacted]
- Exhibit 17: Letter of Support from [redacted]
- Exhibit 18: Letter of Support from [redacted]
- Exhibit 19: Letter of Support from [redacted]
- Exhibit 20: Letter of Support from [redacted]



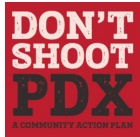


# Submitting Documents

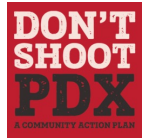
- Submit documents with application if possible.
- You can submit materials by
  - Mailing them to the DA's office
  - Emailing them to the DA's office
- Multnomah County SB 819 application:
  - If you are submitting the Google Form, you will not be able to attach documents or cover letter to the Google Form. You will have to email them or mail them in separately.

# ■ Developing Evidence

- Investigating claims
- Collecting and providing proof of your claims
- Talking to witnesses
- Taking statements from witnesses

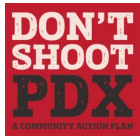


# ■ County-by-County Policies



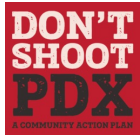
# ■ No Policy Counties

- Counties: Curry, Douglas, Gilliam, Harney, Jefferson, Lincoln, Morrow, Polk, Sherman, Tillamook, Umatilla, Yamhill
- Application but no policy counties: Linn, Union



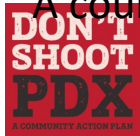
# ■ More Liberal Policies

- Generally: Will consider all statutorily eligible convictions that are not currently on direct appeal. Convictions for crimes of sex abuse, domestic violence, or for a crime involving a child as a victim will be approved for submission only in rare circumstances.
- Counties: Wasco, Deschutes, Malheur, Clatsop\*, Klamath, Clackamas\*\*, Benton\*, Baker, Crook\*, Hood River\*
  - Benton, Clatsop, Crook, Hood River: Cannot violate any victim rights law; must have a completely filled out application and cover letter
  - Clackamas: Ineligible if applicant: has not yet served at least 50% of imposed sentence; owes victim restitution; convicted of a subsequent crime or has pending charges; if sentenced to probation, probation not successful completed or revoked; requested and was denied the same request in last 36 months



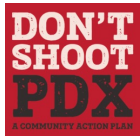
# More Restrictive Policies

- Generally: Absent extraordinary circumstances that includes newly identified evidence that significantly calls into question the integrity of the evidence that formed the basis for the original conviction, the following types of cases will not be reviewed for sentencing reconsideration:
  - Any level of homicide;
  - Any violent sexual offense;
  - Any sexual offense involving the abuse, solicitation or unlawful depictions of a child;
  - Any violent felony conviction;
  - Cases with defendants with an extensive violent criminal history;
  - Cases where incarceration was imposed after the defendant was found to be in violation of probation on a downward dispositional departure;
  - Cases where the defendant benefitted from a significant reduction in charges as a product of negotiations;
  - Cases where the defendant has not already served at least 50% of the original imposed sentence; and
  - Cases involving enhancements for firearm and use of deadly weapons.
- Other Considerations for Denial of a Resentencing Review
  - The original sentence is appropriate under current sentencing laws;
  - The crime victim strongly opposes a resentencing;
  - A request from the same party was declined within the past 24 months;
  - The requesting defendant has an open appeal or post-conviction petition filed; and
  - A court would be required to impose the same sentence, such as a case subject to a mandatory minimum sentence.



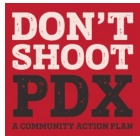
## ■ More Restrictive Policies (con't)

- Counties: Wheeler, Lane, Lake, Josephine, Marion, Grant, Washington\*, Jackson\*, Coos\*
- Washington, Jackson: “rarely” considered
- Coos: +multiple sentences with multiple victims



# ■ Multnomah and Columbia Counties

- Requests for SB819 consideration fall into one of three categories: Actual Innocence, Collateral Consequence, or Excessive Sentence
- Actual Innocence: you were wrongfully convicted because you did not commit the crime for which you were accused.
- Collateral Consequence: your conviction has an undue and extraordinarily unfair impact on other aspects of your life (affecting, for example, your ability to get housing, a job, or participate fully in your child's life).
- Excessive Sentence: you were guilty of the crime that you were convicted of but disproportionately punished for the crime.
- Each category has its own application.





# Accessing the Application - Multnomah

The screenshot shows the Multnomah County District Attorney website. At the top, there is a blue header with the Multnomah County District Attorney logo on the left, the text "Multnomah County District Attorney" in the center, and a search bar on the right. Below the header is a navigation menu with the following items: Case Information, Protecting Victims & Families, About The Office: Values & Mission, Community Initiatives & Programs, Justice Center, and Data Dashboards. The "Community Initiatives & Programs" menu item is highlighted. Below the navigation menu is a sidebar with the following items: Justice Integrity Unit, Civil Commitments, DUII Diversion And DISP, Treatment First Program and STOP Court, LEAD® – LAW ENFORCEMENT ASSISTED DIVERSION, Mental Health Court, and Community Court. The "Justice Integrity Unit" menu item is highlighted. The main content area shows the "Justice Integrity Unit" page. The page title is "Justice Integrity Unit". The page content includes a description of the unit's mission and a list of links to various resources. The page also includes a "Jump to:" section with the following links: MCDA JIU, Senate Bill 819 (Top of SB 819 section), For SB 819 applicants, For victims and survivors, For interested community members, and Clemency. The page also includes a "You can read our full unit policy here:" link.

**Multnomah County District Attorney**

1200 SW 1st Avenue | Suite 5200 | Portland, OR 97204 | 503-988-3162

ENHANCED BY Google

Case Information | Protecting Victims & Families | About The Office: Values & Mission | Community Initiatives & Programs | Justice Center | Data Dashboards

**Community Initiatives & Programs**

- Justice Integrity Unit
- Civil Commitments
- DUII Diversion And DISP
- Treatment First Program and STOP Court
- LEAD® – LAW ENFORCEMENT ASSISTED DIVERSION
- Mental Health Court
- Community Court

Multnomah County District Attorney > Community Initiatives & Programs > Justice Integrity Unit

## Justice Integrity Unit

The Multnomah County District Attorney's Justice Integrity Unit ("JIU") works to uphold justice. The JIU ensures justice integrity in cases that the office handled in the past as well as future cases by working with relevant community stakeholders and internal committees to reform prosecutorial practices. The JIU's expansive scope of review and transparent practices are designed to remedy past injustices, recognize the potential for rehabilitation, enhance community confidence in the justice system, and to improve office practices to reduce the likelihood of errors occurring in the future.

The formation of this unit demonstrates MCDA's commitment to the notion that our role as ministers of justice does not end at the conclusion of a case in the courtroom, but instead recognizes that ensuring justice integrity is an iterative process that must be proactively nurtured and protected.

You can read our full unit policy here:

**Jump to:**

- MCDA JIU
- Senate Bill 819 (Top of SB 819 section)
- For SB 819 applicants
- For victims and survivors
- For interested community members
- Clemency

Go to website:

<https://www.mcda.us/index.php/community-initiatives-special-programs/justice-integrity-unit>

The screenshot shows the first page of the "Justice Integrity Unit Policy" document. The document is titled "Justice Integrity Unit Policy" and is published by the "Multnomah County District Attorney's Office". The document is dated "2023-01-10". The document is titled "Justice Integrity Unit Policy" and is published by the "Multnomah County District Attorney's Office". The document is dated "2023-01-10". The document is titled "Justice Integrity Unit Policy" and is published by the "Multnomah County District Attorney's Office". The document is dated "2023-01-10".

Multnomah County District Attorney's Office

Justice Integrity Unit Policy

2023-01-10

## Justice Integrity Unit Policy

### I. INTRODUCTION

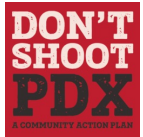
The Multnomah County District Attorney's Justice Integrity Unit ("JIU") works to uphold justice. The JIU ensures justice integrity in cases that the office handled in the past as well as

# Overview of Multnomah Application

- Actual Innocence: JIU can identify one or more avenues of investigation that have the potential to substantiate the applicant's claim of innocence. • The applicant has not committed another criminal offense within the last 36 months and does not have pending charges in any jurisdiction. • The applicant is willing to cooperate fully with law enforcement identify and bring to justice the person who actually committed the crime.
- Collateral Consequence: • The applicant's conviction did not involve domestic violence, unless the domestic violence conviction was committed while the applicant was a juvenile. • The applicant has not applied for and been denied SB819 relief within the last 36 months. • The applicant has not committed another criminal offense within the last 36 months and does not have pending charges in any jurisdiction. • The applicant demonstrates substantial rehabilitation and presents a low risk for further criminality. • The applicant demonstrates that their conviction causes manifest and particularized hardship.
- Excessive Sentence: The applicant does not owe outstanding victim restitution. • The applicant is willing to admit guilt • The applicant is incarcerated. • The applicant's sentence was not part of a global settlement with multiple counties. • The applicant has not committed another criminal offense within the last 36 months and has no pending charges in any jurisdiction. • The applicant has not applied for SB819 consideration in the last 36 months.  
And:
  - The applicant was sentenced as a juvenile, they have a term of incarceration remaining on their sentence, are approaching age 25 and will be transferred to adult prison.
  - The applicant committed the crime when they were under 18.
  - The applicant is over the age of 60, or has a terminal or debilitating illness or is currently on hospice care.
  - The applicant's conviction is for a non-person crime and the sentence or is longer than 10 years in total.OR
  - The applicant's conviction is for a person crime and the sentence or sentences are longer than 16 years in total.



# ■ Shared Questions - Multnomah



1.1 Which of the following options best describes the person filling out this form?

*Mark only one circle.*

I am filling out this application for myself as the convicted person. *Proceed to question 3.1*

A designee is helping me fill out this application. *Proceed to question 2.1*

2.1 Name of the convicted person

---

2.2 Name of the designee assisting in the completion of this application

*Please provide their name and contact information. If you are being assisted by an attorney, law student, or other legal professional, please write their bar or CLS number (if applicable).*

---

2.3 I, as the convicted person named above, who would like my case reviewed by the JIU, and I am providing express consent for the person named in this application as my designee, to assist me in filling out this application.”

*Mark only one circle.*

Yes, I provide consent.







No, I do not provide consent.





**IMPORTANT NOTIFICATIONS**

3.1 Please initial each statement below to show understanding and acceptance of the following terms. Don't initial any statement you don't understand or that you don't agree with  
*Mark only one circle*

	I have read and understand this statement	I do not understand and/or agree with this statement
 This document, and any information that you provide to the Multnomah County District Attorney's Office, is subject to release under the Oregon Public Records law, found at ORS Chapter 192.	<input type="radio"/>	<input type="radio"/>
 Requesting review by submitting this application to the JIU will not toll the time you have to pursue post-conviction remedies, such as filing an appeal or post-conviction motion. You need to pursue those remedies separately. Additionally, acknowledgement of receipt of my Application by the JIU does not mean the JIU will agree to jointly petition, and I understand that the JIU may ultimately determine that my cases not appropriate for anoint petition for reconsideration.	<input type="radio"/>	<input type="radio"/>
 The Justice Integrity Unit is a program of the Multnomah County District Attorney's Office. They are not defense lawyers. They do not provide legal advice.	<input type="radio"/>	<input type="radio"/>
 I understand I am providing information to a prosecutor's office and that any statements here are provided voluntarily.	<input type="radio"/>	<input type="radio"/>
 I understand my statements on this application might have to be disclosed based on mandatory reporting requirements and Brady obligations that apply to the Multnomah County District Attorney's Office.	<input type="radio"/>	<input type="radio"/>
 I understand that there could be negative consequences for me if have lied in this.	<input type="radio"/>	<input type="radio"/>
No-one has promised me anything to fill out this application.	<input type="radio"/>	<input type="radio"/>
I understand the Justice Integrity Unit reviews cases based on its own standards and my case may or may not be reviewed or investigated.	<input type="radio"/>	<input type="radio"/>
I understand the JIU is under no legal obligation to review my case and may not be able to review my case or resolve my claims.	<input type="radio"/>	<input type="radio"/>
I understand the Justice Integrity Unit may contact the people or witnesses I have listed in this application to talk with them about my conviction	<input type="radio"/>	<input type="radio"/>





**IMPORTANT NOTIFICATIONS**

3.2 Select the statement that best represents your status at the time of submitting this application

*Mark only one circle*

- I am not currently represented by an attorney.
- I am currently represented by an attorney but wish to submit this application on my own after consulting with my lawyer.
- My attorney is acting as my designee in helping me submit this application.

3.3 If you agree to the following statements, please fill out the optional authorization sections that follow this page of the application.

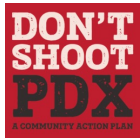
*The following statements are OPTIONAL; you do not have to accept them for the JIU to begin reviewing your case.  
Mark only one oval per row.*

	I agree with this statement	I do not agree with this statement
I want to give my attorneys and former attorneys permission to share information from their files with the JIU.	<input type="radio"/>	<input type="radio"/>
I want to give any innocence organization that I have contacted permission to share information from their files with the JIU. This includes and is not limited to the Oregon Innocence Project, the Lewis & Clark School of Law Criminal Justice Reform Clinic, the National Innocence Project, the Oregon Justice Resource Center.	<input type="radio"/>	<input type="radio"/>
I want to give the JIU permission to share information from their review of my case with any local innocence project or any other innocence organization or law clinic related to innocence work.	<input type="radio"/>	<input type="radio"/>



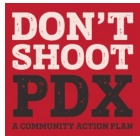
## ■ Questions 4.1 to 4.16

- General applicant and case information questions
- Be as accurate as possible – refer to your records
- Age at time crime was committed is especially important



## ■ Questions 5.1 to 5.7

- 5.1 All of your attorneys – anyone who represented you at any stage
- 5.2. Plea vs. bench trial vs. jury trial vs. jury trial – non-unanimous\*\*
- 5.3-5.5 Active appeals or post-conviction motions, case number and court
- 5.6 prior post-conviction motion





# ■ Questions 5.8 to 5.12

- 5.8 “Was DNA evidence used in your case”?

5.9 Was DNA evidence used in a trial on your case, was it by:  
*Mark only one circle*

State

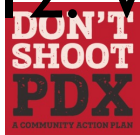
Defense

I don't know

I did not have a trial

DNA evidence was not used at my trial

- 5.10: Have you filed a motion for DNA testing
- 5.11: Was your DNA testing motion granted?
- 5.12: Was DNA testing done?



## CONTACT WITH INNOCENCE ORGANIZATIONS

5.13 Have you contacted any local Innocence Organizations or law clinics about your case?

*Mark only one circle*

Yes

No

I don't know

5.14 If you have contacted any local Innocence Organizations or law clinics about your case, which organization and when?

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5.15 If you have contacted any local Innocence Organizations or law clinics about your case, are they currently investigating?

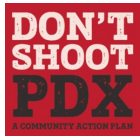
*Mark only one circle*

Yes

No

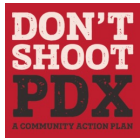
I don't know

Not applicable

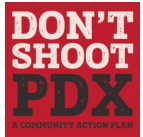


## ■ Questions 5.16 to 5.23

- Questions about prior clemency petitions and expungement applications
- Remember, if you are currently eligible for expungement, you are statutorily ineligible for SB 819 relief.



# ■ Actual Innocence - Multnomah



# ■ Actual Innocence Application - Multnomah

- Actual Innocence: JIU can identify one or more avenues of investigation that have the potential to substantiate the applicant's claim of innocence.
  - The applicant has not committed another criminal offense within the last 36 months and does not have pending charges in any jurisdiction.
  - The applicant is willing to cooperate fully with law enforcement identify and bring to justice the person who actually committed the crime.





SB 819 QUESTIONNAIRE

6.1 Check true for every statement that is true. You can check as many boxes as you need.

	True	Not True
My conviction(s) happened in Multnomah County, Oregon.	<input type="radio"/>	<input type="radio"/>
The conviction(s) I am applying for review of is/are not aggravated murder.	<input type="radio"/>	<input type="radio"/>
The conviction(s) I am applying for review of was/were sentenced as felony convictions.	<input type="radio"/>	<input type="radio"/>

6.2 Check true for every statement that is true. You can check as many boxes as you need.

	True	Not True
A witness/informant who testified against me has recanted or changed their testimony.	<input type="radio"/>	<input type="radio"/>
I was not at the crime scene and have an alibi.	<input type="radio"/>	<input type="radio"/>
Police said I confessed to them, but I did not.	<input type="radio"/>	<input type="radio"/>
Police said I confessed to them, but my statement was coerced.	<input type="radio"/>	<input type="radio"/>
An eyewitness or victim didn't know me but identified me as the committing the crime, and got it wrong.	<input type="radio"/>	<input type="radio"/>
There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.	<input type="radio"/>	<input type="radio"/>
There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea.	<input type="radio"/>	<input type="radio"/>
There was scientific testimony at my trial that was wrong or has been discredited.	<input type="radio"/>	<input type="radio"/>
There is DNA in my case that was never tested.	<input type="radio"/>	<input type="radio"/>
The officer who arrested me or presented testimony against me was arrested or has a sustained finding of dishonesty or bias, or there was news coverage of bad conduct on the part of the officer.	<input type="radio"/>	<input type="radio"/>
The State used hair comparison evidence against me.	<input type="radio"/>	<input type="radio"/>
Forensic evidence used in my case should not have been relied upon.	<input type="radio"/>	<input type="radio"/>
I don't know the answer to some or all of these questions	<input type="radio"/>	<input type="radio"/>



6.3 Check true for every statement that is true. You can check as many boxes as you need.

	True	Not True
An eyewitness or victim identified me from a show-up or confrontation.	<input type="radio"/>	<input type="radio"/>
An eyewitness or victim identified me from a photo array or photo lineup.	<input type="radio"/>	<input type="radio"/>
An eyewitness or victim identified me from a live lineup.	<input type="radio"/>	<input type="radio"/>
An eyewitness or victim identified me for the first time in court.	<input type="radio"/>	<input type="radio"/>

6.4 Use the space below to provide explanations about any new evidence that proves your innocence that wasn't available when you went to trial or entered your plea.

Answer only if you selected "true" to the statement "There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea."

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6.5 Use the space below to provide explanations about any new evidence that shows your trial was unfair that wasn't available when you went to trial or entered your plea.

Answer only if you selected "true" to the statement "There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea."

\_\_\_\_\_

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6.6 Use the space below to provide explanations about any scientific testimony at your trial that was wrong or has been discredited.

Answer only if you selected "true" to the statement "There was scientific testimony at my trial that was wrong or has been discredited."

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6.7 Use the space below to provide the name and DPSST number of any officer that arrested you or presented testimony against you that has been arrested or has a sustained finding of dishonesty or bias.

Answer only if you selected "true" to the statement "The officer who arrested me or presented testimony against me was arrested or has a sustained finding of dishonesty or bias, or there was news coverage of bad conduct on the part of the officer."

\_\_\_\_\_





6.8 Use the space below to provide brief explanations about the forensic evidence used in your case that should not have been relied upon.

Answer only if you selected "true" to the statement "Forensic evidence used in my case should not have been relied upon."

Four horizontal lines for providing explanations.

6.9 Please check every statement that applies to you

Table with 3 columns: Statement, Yes, No. Contains 8 statements regarding legal conditions and personal circumstances.

APPLICATION TYPE

7.1 Please identify which claim you are seeking.

Mark only one circle

- Three radio button options: Innocence claim, Excessive sentencing claim, Collateral consequences claim

INNOCENCE CLAIM

8.1 Please explain your version of the events surrounding your conviction.

For instance, if you were somewhere else when the crime happened, tell us where you were and what you were doing. If you don't think a crime really happened, please tell us why you believe that.

Seven horizontal lines for explaining the conviction events.

8.2 Please explain what you were doing the day of the incident.

Seven horizontal lines for explaining activities on the day of the incident.

8.3 Explain how you came to be arrested.

Seven horizontal lines for explaining the arrest process.

8.4 To the extent that you are able, please list the names and phone numbers of witnesses or alibis, or any other person with relevant information, you think can provide information and who we should contact.

Seven horizontal lines for listing witnesses or alibis.





8.5 Do you know of anything new about your case you didn't know when you went to trial or pleaded guilty? Do you have information you didn't share at the time of your case but you are willing to share now?

*Has a witness changed his story, or do you think they will? Has someone else confessed to the crime? Do you know about new evidence? Please include as many details as possible.*

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8.6 Do you have information about who may have committed the crime?

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8.7 Is there anything else you want the JIU to know about your case?

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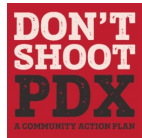
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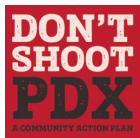
# Collateral Consequence -

## ■ Multnomah



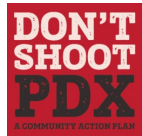
# ■ Collateral Consequence Application - Multnomah

- You have a non-expungable, felony conviction AND
  - You have *fully completed your sentence*, including all post-prison supervision or probation; and
  - there is a manifest and particularized hardship associated with your conviction, AND that you are substantially rehabilitated and present low risk for future criminality.
- Request relief in the form of getting your conviction off your record or modifying your conviction in some way.
  - Example: vacate judgment; reduce to an expungable conviction



# ■ What is a "manifest & particularized hardship"?

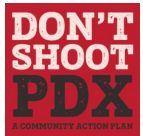
- What are the barriers you are facing because of the felony on your record?
  - Housing
  - Employment
  - Volunteering at child's school
    - ORS 326.607 – requires volunteers to undergo a background check
    - Forever crimes - <https://www.oregon.gov/ode/schools-and-districts/ptf/Documents/forever%20crime%20volunteer.pdf>
  - Stigma of having a felony





# What is “substantial rehabilitation & low risk for future criminality”?

- An applicant must demonstrate that...they are “substantially rehabilitated.”
- Includes but not limited to:
  - Completion or participation in courses of treatment, including substance abuse, mental health, anger management and other treatment
  - Full payment of any financial obligations, or demonstrated efforts to pay financial obligations
  - Rigorous compliance with all court-ordered conditions
  - Evidence of pro-social community involvement (volunteer work)
  - Evidence of stable employment
  - Academic or professional certifications or accomplishments, or academic efforts
  - No subsequent criminal convictions



# Collateral Consequence Specific Questions 10.1-10.14

Page 14-17 of the PDF application



Multnomah County  
District Attorney's Office

Justice Integrity Unit  
Collateral Consequences Application

## COLLATERAL CONSEQUENCES CLAIM

10.1 Please check all that apply

	This applies to me	This does not apply to me
I am not currently incarcerated and have completed all terms of supervision associated with my conviction(s).	<input type="radio"/>	<input type="radio"/>
My conviction(s) is/are not registerable sex offenses and did not involve domestic violence, or if they did involve domestic violence, they were committed when I was a juvenile and did not involve an intimate partner	<input type="radio"/>	<input type="radio"/>
I believe that I have completed substantial rehabilitation.	<input type="radio"/>	<input type="radio"/>
I believe that I present as a low risk for future criminality.	<input type="radio"/>	<input type="radio"/>
I believe that my conviction causes manifest and particularized hardship for me.	<input type="radio"/>	<input type="radio"/>

10.2 Please provide an explanation of the particularized hardship(s) you are experiencing as a result of your conviction(s).

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10.3 Please briefly and accurately explain the events surrounding your offense. If your version differs from the official version of events, you must give the official version before explaining the way in which your view differs..

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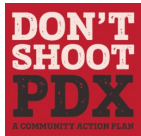


# Question 10.1

## COLLATERAL CONSEQUENCES CLAIM

10.1 Please check all that apply

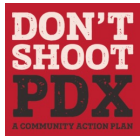
	This applies to me	This does not apply to me
I am not currently incarcerated and have completed all terms of supervision associated with my conviction(s).	<input type="radio"/>	<input type="radio"/>
My conviction(s) is/are not registerable sex offenses and did not involve domestic violence, or if they did involve domestic violence, they were committed when I was a juvenile and did not involve an intimate partner	<input type="radio"/>	<input type="radio"/>
I believe that I have completed substantial rehabilitation.	<input type="radio"/>	<input type="radio"/>
I believe that I present as a low risk for future criminality.	<input type="radio"/>	<input type="radio"/>
I believe that my conviction causes manifest and particularized hardship for me.	<input type="radio"/>	<input type="radio"/>



# Question 10.2

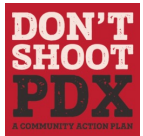
- Please provide an explanation of the particularized hardship(s) you are experiencing as a result of your conviction(s).
  - What hardships are you facing or have faced because of this felony conviction?
    - Jobs
    - Housing
    - Stigma
    - Other...
- Be as specific as possible. Example:
  - “Because of this felony conviction, I am having a hard time getting a job. For example, when I applied to be a Lyft driver in March 2022, I was denied because of my criminal record.”

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# Question 10.3

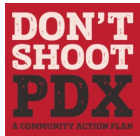
- Please briefly and accurately explain the events surrounding your offense. If your version differs from the official version of events, you must give the official version before explaining the way in which your view differs.
  - What is the “official version”?
    - Look at police report or indictment.





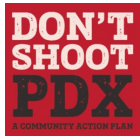
# Question 10.4

- Explain any challenging circumstances you dealt with leading to your conviction. For example, substance use, domestic violence, mental health challenges, etc.
  - What did your life look like at the time of the incident?
  - Were you struggling with substance abuse or a mental health crisis? Were you the victim of domestic violence at the time?
  - Growing up & home life – sometimes this matters.



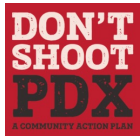
# Question 10.5

- Describe your family situation and responsibilities, indicating whether you are single, married, or divorced, and whether you have dependent children or other people for whom you are financially responsible. Please also tell us about non-traditional family members or relationship.
  - Who lives in your household?
  - Who are you financially responsible for?
  - How many children do you have? Ages? Do they all live with you?
  - Are you married or single?



# Question 10.6

- Describe any courses of treatment, including substance abuse, mental health, anger management or other treatment that you have engaged in since you were convicted.
  - Substance Abuse Treatment
    - In-patient treatment – when & where
    - Out-patient treatment – when & where
    - Did you or do you live at a sober living facility?
    - Do you attend recovery meetings today? When? Where? How often?



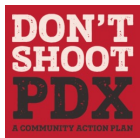
# Question 10.7

- Describe any academic accomplishments or professional certifications you have obtained since being convicted. Describe how your conviction has affected your efforts.
  - High school
  - College
  - Vocational training
  - Education & professional training while incarcerated



# Employment Questions 10.8, 10.9, 10.10

- Employment before & after conviction
  - For each job, include:
    - When, where, and for how long?
    - Job responsibilities
    - Why you left the job?
- Future employment goals
  - Ideal future career
  - Any barriers faced
- Resume (if you have one)



# Question 10.11

- Tell about your involvement with any public service or community activities. List any special accomplishments.
  - Volunteer work, community activities, & public service –
    - Where?
    - When? And for how long?
    - Volunteer responsibilities?
  - Any future volunteer work?



# Question 10.12

- Describe your criminal record since your conviction.
  - If you have convictions OR arrests after the conviction, go through each one describe the incident and any mitigating circumstances.
  - Explain your side of the story.
- If you are expunging other eligible offenses, make a note of that.



# Question 10.13

- List any debts you owe, including restitution, and how you plan to pay them. If you have paid restitution associated with your case, tell us about it.
  - Call court and ask.
  - **Restitution** is money that is paid to a victim (can be a person or a corporation).





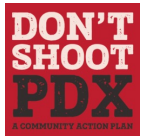
# Question 10.14

- Character References. **Do not list relatives.** If possible, these individuals should be aware of your crime. Whether they know about the crime or not, they must be familiar with your present circumstances and activities.
  - Name & contact information.



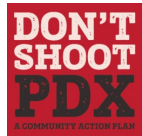
# 3 Takeaways:

1. You should submit a collateral consequence claim if you:
  - a. Have a non-expungable felony conviction;
  - b. Have completed your sentence;
  - c. Are experiencing a manifest hardship because of the conviction;
  - d. Are “substantially rehabilitated” and present a low-risk for future criminality; and
  - e. Meet any other county-specific requirements.
2. Build a strong record of rehabilitation.
3. Disclose information to your comfort level.

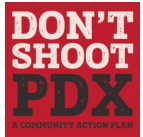


# Contact Information

- Maggie Powers, Staff Attorney at the Community Law Division
  - Preferred method of communication - [mpowers@mpdlaw.com](mailto:mpowers@mpdlaw.com)
  - Direct phone number: 503-273-1388
- Community Law Division
  - Website: <https://mpdlaw.com/community-law/>
  - Intake number: 503-273-1334

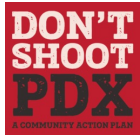


# ■ Excessive Sentence - Multnomah



# ■ Excessive Sentence – Key Points

- These are, in some ways, the riskiest applications from the prosecution's perspective, so a strong narrative is important. Write down your narrative theme and make sure everything supports it. Examples:
  - My circumstances have changed and here is how (I am in recovery; I have aged; I am rehabilitated) and I will not re-offend PLUS my continued incarceration no longer serves justice, is harmful to me and/or others.
  - My crime was totally out of character and everything prior to and since shows my true character PLUS my continued incarceration no longer serves justice, is harmful to me and/or others.
- Your record of rehabilitation is critical – must be well-supported.
- You must have a detailed, clear, concrete and well-supported release plan!



# ■ Excessive Sentence Eligibility - Multnomah

- I am incarcerated.
- I do not owe outstanding victim restitution.
- I am willing to admit guilt
- My sentence was not part of a global settlement with multiple counties.
- I have not committed another criminal offense within the last 36 months and have no pending charges in any jurisdiction.
- I have not applied for SB819 consideration in the last 36 months.

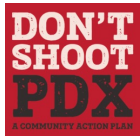
And at least one of the following is true:

- I was sentenced as a juvenile, I have a term of incarceration remaining on their sentence, I am approaching age 25 and will be transferred to adult prison.
- I committed the crime when I was under 18.
- I am over the age of 60,
- I have a terminal or debilitating illness (suffering from an incurable condition that is likely to lead to death within two years or suffering from an illness that requires chronic assistance with a necessary daily function, such as eating, breathing, toileting, walking, or bathing)
- I am currently on hospice care.
- My conviction is for a non-person crime and the sentence or is longer than 10 years in total.
- My conviction is for a person crime and the sentence or sentences are longer than 16 years in total.



# ■ Excessive Sentence Application – Multnomah

- Similar to prior applications
- Questions 9.1 and 9.2 ensure eligibility
- Questions 9.3 to 9.6, 9.8 and 9.9, 9.12, 9.14 are the same as questions on the collateral consequences application (10.3 to 10.6, 10.10, 10.11, 10.13, 10.14)





**EXCESSIVE SENTENCE CLAIM**

9.1 Please check all that apply

	True	Not True
I am currently incarcerated.	<input type="radio"/>	<input type="radio"/>
I have served at least 5 years of my sentence.	<input type="radio"/>	<input type="radio"/>
The conviction or convictions I'm applying about were not part of a global plea deal with multiple counties.	<input type="radio"/>	<input type="radio"/>
None of the above statements apply to me.	<input type="radio"/>	<input type="radio"/>

9.2 Please check all that apply

	This applies to me	This does not apply to me
I was sentenced as a juvenile, and I have a term of incarceration remaining on my sentence that will involve me being transferred to adult prison.	<input type="radio"/>	<input type="radio"/>
I committed the crime(s) when I was younger than 18 years old.	<input type="radio"/>	<input type="radio"/>
I am over the age of 60.	<input type="radio"/>	<input type="radio"/>
I have a terminal or debilitating illness (suffering from an incurable condition that is likely to lead to death within two years or suffering from an illness that requires chronic assistance with a necessary daily function, such as eating, breathing, toileting, walking, or bathing).	<input type="radio"/>	<input type="radio"/>
I am currently on hospice care.	<input type="radio"/>	<input type="radio"/>
My conviction(s) are for non-person crimes and my total sentence is longer than 10 years.	<input type="radio"/>	<input type="radio"/>
My conviction(s) are for person crimes and my total sentence is longer than 16 years.	<input type="radio"/>	<input type="radio"/>
None of the above statements apply to me.	<input type="radio"/>	<input type="radio"/>





9.3 Please Briefly and accurately explain the events surrounding your offense. If your version differs from the official version of events, you must give the official version before explaining the way in which your view differs.

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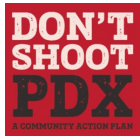
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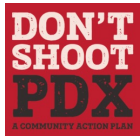
## ■ Questions 9.4 to 9.9

- Same as questions for collateral consequences – challenging circumstances leading to your conviction; family situation and responsibilities; pre-incarceration employment; in-custody work; future employment (and what you've done while in custody to prepare); public service or community activities and special accomplishments.
- The difference here is that you want to emphasize why the sentence that was previously imposed can now be said to be excessive / no longer serving the interest of justice.
- Consider: how your being away affects your family (esp. those who depend on you) or community; how you can show you will be productive and law-abiding; what you have done inside and how it will translate outside.



# ■ Questions 9.10 and 9.11: Describe your past criminal record and disciplinary history

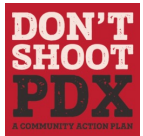
- If these are extensive
  - “Own” everything in your record
  - Explain how your history fits in with your narrative about why your sentence was excessive – and why you are not at risk to reoffend if released
- If you do not have much prior history (i.e., this was unusual)
  - Shows why you don’t need a long(er) sentence
  - Confident that you will return to a law-abiding life



## ■ Question 9.12

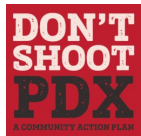
“List any debts you owe and how you plan to pay them”

- Incorporate from collateral consequences – especially if the relief you are seeking will help you get meaningful and well-paying work



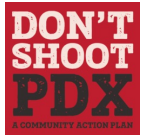
# ■ Questions 9.13: Release Plan

- Extremely important question!
- Your release plan should be detailed, clear, concrete, and well-supported
  - Think through seemingly minor details like transportation; financial support for a period of time before you get employment, etc.
- Include letters from those who plan to support you and how (housing, work, economic support)
- Consider supportive letters from family and community members who may provide intangible support (religious leaders, community members who will welcome you home and can explain the value of your presence)
- If you are in recovery, or require other forms of medical care or support, identify relevant groups, facilities, etc. and how you will use them



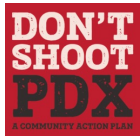
# ■ Excessive Sentence – Key Points

- These are, in some ways, the riskiest applications from the prosecution's perspective, so a strong narrative is important. Write down your narrative theme and make sure everything supports it. Examples:
  - My circumstances have changed and here is how (I am in recovery; I have aged; I am rehabilitated) and I will not re-offend PLUS my continued incarceration does not serve justice, is harmful to me and/or others.
  - My crime was totally out of character and everything prior to and since shows my true character PLUS my continued incarceration does not serve justice, is harmful to me and/or others.
- Your record of rehabilitation is critical – must be well-supported.
- You must have a detailed, clear, concrete and well-supported release plan!



# ■ Questions + Answers

- We cannot provide legal advice.
- We cannot answer case-specific questions.
- Please remember that this webinar is being recorded and will be made available on public websites.



■ Thank you + Let us know if you want more trainings!

