

MCDA's  
Justice Integrity Unit  
SDDA Kelley Rhoades

# What is a Justice Integrity Unit?

- ◆ An independent unit that works to ensure justice integrity in cases that the office handled in the past as well as future cases
- ◆ The JIU is designed to:
  - Remedy past injustices
  - Recognize the potential for rehabilitation
  - Enhance community confidence in the justice system
  - Improve office practices to reduce the likelihood of errors occurring in the future

# What do we do?

- ◆ Resentencing under Senate Bill 819 (ORS 137.218)
  - Will be the primary focus of today's presentation
- ◆ Expungements / EASI Project
- ◆ Project Reset
- ◆ Clemency application review
- ◆ JIU-related Policies
- ◆ Community Outreach
- ◆ Post-Conviction Relief cases
  - Standard claims
  - Non-unanimous jury verdict cases

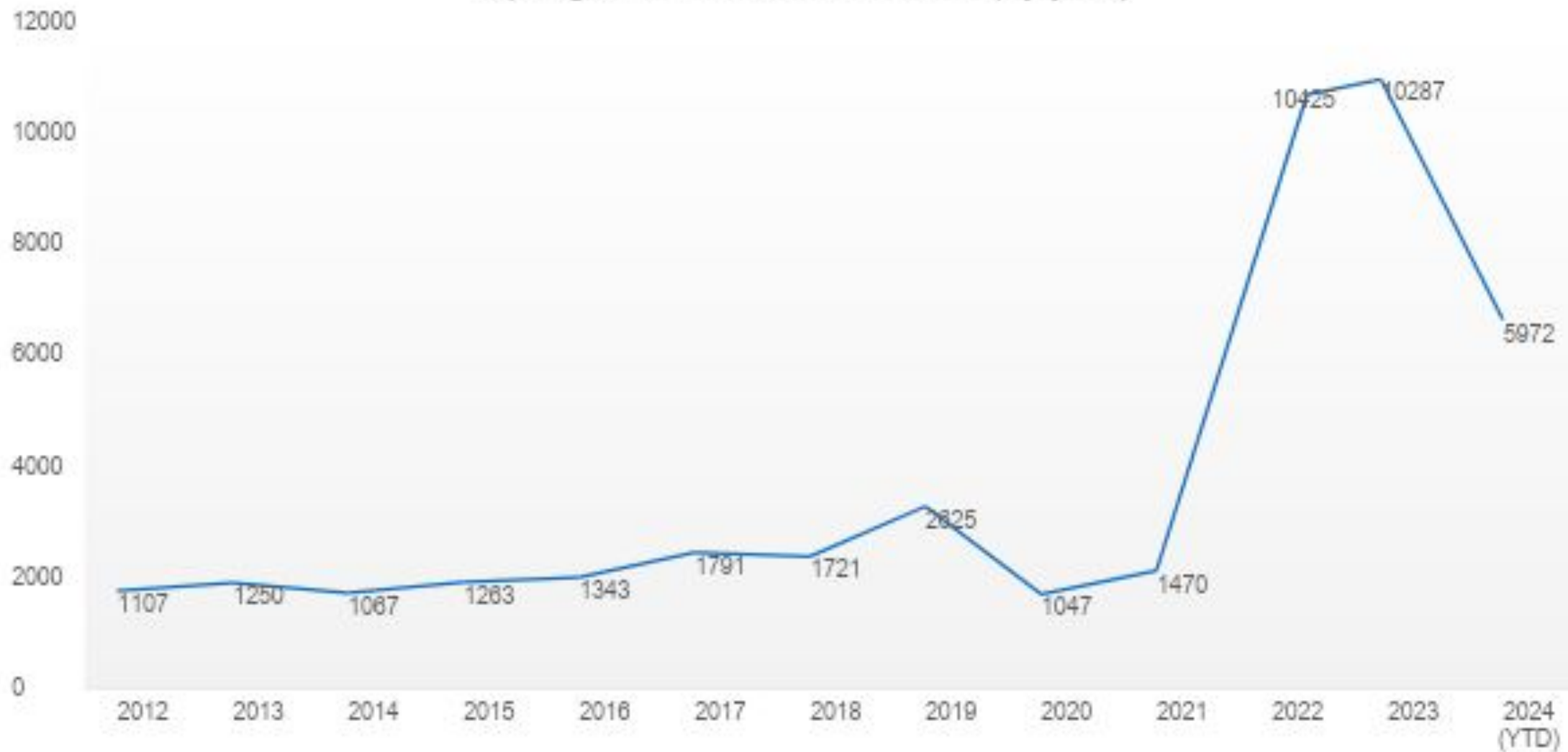
# Expungements

Aka, Motions to Set Aside

# Expungement – ORS 137.225

- ◆ A **motion to set aside** (expunction) is a legal proceeding for sealing a record of a criminal arrest and conviction. After a motion is granted, all official records of the arrest and conviction are sealed. In the eyes of the law, the arrest or conviction did not occur and the record does not exist. Expunction can be beneficial for job and school applications, acquiring bonding, and other situations that question an individual's records. The process is not complicated, but it is lengthy.
- ◆ Eligibility basics:
  - Type/level of crime
  - Length of time from date of conviction / release from imprisonment and crime free
  - Compliance w/ all requirements of sentence, including financial obligations
  - No pending criminal charges
- ◆ Resources: [Criminal Record Expunction | Multnomah County District Attorney \(mcda.us\)](#)

Expungement Motions Received (by year)



# Project Reset

- ◆ Partnership between MPD's Community Law Division, the DA's office, the Circuit Court, and Multnomah County.
- ◆ Individuals with outstanding Multnomah County fines / fees can apply to have their fines / fees forgiven.
- ◆ Eligibility Criteria:
  - Those who have not been a participant of a Multnomah Project Reset in the last 18 months
  - Those below 80% the Area Median Income for Portland.
  - Participants cannot be in prison or jail at the time of entry.
- ◆ **Cannot** waive of restitution, compensatory fines, probation fees, child support, fines on open cases, or fines on open probation cases.

# Senate Bill 819 / ORS 137.218

Resentencing Applications



# What is SB 819 / ORS 137.218?

- ◆ Allows a defendant and the DA to jointly ask the court to reconsider a felony conviction or sentence if the original sentence no longer advances the interests of justice. Only applies to non-expungable felonies.
- ◆ Options:
  - Vacate and dismiss convictions
  - Allow pleas to alternative offenses
  - Change the original sentence

# What we use SB 819 for

- ◆ Accept Applications for
  - Actual or constructive innocence claims
  - Excessive sentences
  - Collateral consequences – housing, employment, etc
- ◆ Self-Initiated Projects

# SB 819 Relief for 78 individuals

- 66 Collateral Consequence
- 4 Second Look reviews of Juveniles sentenced under Ballot Measure 11 prior to the passage of SB 1008
- 3 Excessive Sentences
- 1 Compassionate Release
- 13 JIU-Initiated, Interest of Justice

# Application Success Stories

# MCDA's First SB 819 Hearing

“My whole life I was warned that the system sought to destroy me, that it was created to oppress my community. I believe in a way that this built-in hate for the system and its hate for me became a self-fulfilling prophecy and, at the age of 18, I became part of the system. After 13 years of incarceration and nearly 20 years in the system I could never imagine standing here with my friends and family with the opportunity to clear this off of my record. I could never imagine a DA's Office that would stand with me and advocate on my behalf. I am humbled that I will be the first of many in Multnomah County to be impacted by the decision of a few people. SB 819 is an amazing first step to right the wrongs of the system and redeem people like myself back to their community.”

“After today every aspect of my life, my children's life and my family's life will never be the same. Thank you for this moment and this opportunity and I will be grateful to everybody that's here.”



Laborers' Local 483

December 30, 2023 · 🌐



Metro member Stephanie contacted Laborers' Local 483 staff when she received notice that her promotional probationary period as a Park Ranger was set to end unsuccessfully. A distinguishing feature of the Park Ranger classification is the ability to issue citations. To do so, park rangers must pass an in-depth background check by the Sheriff's Office. Stephanie's background check turned up old criminal convictions from 25 years ago, a very different period of her life.

In her 20s, Stephanie suffered from drug addiction and was trying to get out of an abusive relationship. After she lost custody of her daughters, Stephanie knew something had to change. Stephanie persevered and became clean and sober. She worked in a bakery for several years until she enrolled at Mt. Hood Community College. Stephanie received a degree in Natural Resource Management, graduating near the top of her class.

While working to help save Stephanie's promotion, Laborers' Local 483 connected Stephanie with the Multnomah County District Attorney's Office. Senate Bill 819, passed by the Oregon Legislature in 2021, allows the District Attorney to jointly petition with a defendant when the DA agrees the conviction no longer serves the interest of justice. Senate Bill 819 petitions are approved by a community panel before the District Attorney may file them. The Multnomah County District Attorney's Justice Integrity Unit lead attorney Kelly Rhodes reviewed Stephanie's case, as well as over a dozen letters of recommendation speaking to Stephanie's character and transformation. Stephanie's petition to reconsider her felony conviction from the late 90s was approved.

Last June, Laborers' Local 483 field reps Dashiell and Paige sat in the gallery of the courtroom while the District Attorney gave their highest recommendation to the court for Stephanie to have her conviction vacated from her record.

Stephanie still works at Metro as a Park Ranger, successfully keeping her promotion. We are so proud of Stephanie and members like her that continue to better themselves and our community everyday.

# Self-Initiated Projects

# Felony Driving While Suspended (DWS) Audit

- ◆ Problem: Driving records (relied on DDAs and Officers when making charging decisions) were not accurately displaying individuals' suspensions levels
- ◆ Reviewed over 760 Felony DWS Convictions to confirm each individual's license was suspended at the felony level
- ◆ Identified 12 invalid Felony DWS Convictions
- ◆ Assisted with legislation to correct the driving record issues.



# Possession of a Stolen Vehicle (PSV) Project

- ◆ Issue: Despite being convicted of essentially the same crimes, individuals with PSV convictions will never be able to expunge their conviction, whereas those convicted of UUV will.
- ◆ Pulled approximately 1000 cases in which the individual was convicted of PSV.
- ◆ Analyzing each case to see if the convicted individual would otherwise be expungement eligible and if the interests of justice would be best served by removal of their PSV conviction.

# QUESTIONS??

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