



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 8, 2022

TO: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary and Ballot Measure 110 Implementation

FROM: Kimberly McCullough, Legislative Director,
Oregon Department of Justice

SUBJECT: SB 1584 – Wrongful Conviction Compensation

This testimony is presented in support of SB 1584.

Background

Many different factors can lead to a person’s wrongful conviction, including mistaken eyewitness identification, false confessions, invalidated or improper forensic science, ineffective lawyering, and prosecutorial and police misconduct. According to the University of Michigan’s National Registry of Exonerations, there have been [23 exonerations](#) in Oregon since 1991.

According to the Innocence Project, those proven to have been wrongfully convicted of a crime through post-conviction DNA testing spend, on average, more than 14 years behind bars. In addition to being deprived of connections with family and loved ones and the ability to establish oneself professionally, when the wrongfully convicted are released, they often have no resources to rebuild their lives.

Oregon is one of 13 states in the country without a compensation statute like the one proposed in SB 1584. That number is shrinking each year as more states formally acknowledge their duty to those who have been wrongfully convicted. When Oregon puts the wrong person behind bars, it should be incumbent upon us to do what we can to help them rebuild their lives.

Concept

DOJ worked closely with the Forensic Justice Project and Oregon Innocence Project to refine several provisions in this bill so that it provides due justice to those wrongfully convicted, while ensuring that the state has a clear and workable process for adjudicating and processing these cases. We are grateful to FJP and OIP for engaging in a collaborative process with us and for being responsive to our concerns.

SB 1584 will make it possible to legally determine who fits in the category of wrongful incarceration. Once that determination is made by the court, while financial remuneration is just a start – it is the least we can do to help with re-entry to their communities.

The bill will balance protecting the exoneree's constitutional rights to civil litigation with adequate process to ensure that compensation is only given in appropriate cases. After filing a claim, a person claiming compensation will have to serve the Department of Justice and the district attorney's office in the county where they were convicted. The DOJ may then agree to the relief or take the case to court.

We strongly urge your support of SB 1584.

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