



## Mike Schmidt, District Attorney

1200 SW First Avenue, Suite 5200  
Portland, OR 97204-1193  
Phone: 503-988-3162 Fax: 503-988-3643  
[www.mcda.us](http://www.mcda.us)

### MEMORANDUM

---

**TO:** Honorable Sen. Prozanski, Chair

**FROM:** Aaron Knott, MCDA Policy Director

**SUBJECT:** Testimony in support of SB 1543

**DATE:** 2/9/22

---

#### BACKGROUND

Our criminal legal system and immigration system are very different – they have different legal standards, different applicable terminology and drastically different procedural rights. Despite that, the two systems share many of the same core characteristics – both systems can deprive a person of their liberty, confine them against their will and relocate their person to a location far from friends, family and employment.

The United States Supreme Court recognized in their seminal decision in *Gideon v. Wainwright* that a person facing a criminal prosecution without legal assistance and representation is so fatally disadvantaged that the process becomes unconstitutionally unfair. Because our criminal system is adversarial, it is impossible for either the judge or even a well-meaning prosecutor to protect a criminal defendant from their ignorance of criminal law and procedure, and the existence of a well-trained advocate on the other side almost always guarantees a poorer outcome for anyone who dares to represent themselves. This is especially acute when the unrepresented person is a child, suffers from a developmental disability, is not fluent in English, or is in any other way a member of a vulnerable population.

Immigration proceedings share many of these same characteristics, and the impact on the unrepresented is often just as profound. It is therefore unsurprising that unrepresented individuals in the immigration system are deported at a far higher rate than those with representation, even when they may have otherwise been able to succeed on the merits of their case.

SB1543 expands a successful pilot program launched in Multnomah County which has already reached over a thousand people facing potential immigration consequences since its launch in 2018. We have seen this program improve the representation of individuals in the immigration system and materially improve outcomes throughout Multnomah County. Multiple studies have recognized that fear of deportation is a significant barrier to justice for those who may face immigration consequences for coming forward. At times, that fear is based on an understandable ignorance of the complex and ever changing world of immigration law. Improving access to attorneys improves access to justice, not just across the immigration system but across the larger interconnected network of all legal systems.

As prosecutors, we are deeply committed to the principle that no one should face a deprivation of their liberty without fair representation. SB 1543 furthers this principle.

Contact: Aaron Knott – Policy Director ([aaron.knott@mcdca.us](mailto:aaron.knott@mcdca.us)).