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MEMORANDUM

TO: Honorable Rep. Janelle Bynum, Chair

FROM: Aaron Knott, MCDA Policy Director

SUBJECT: Testimony in support of HB 3265

DATE: 3/25/21

SUMMARY

Our courts should be a place of safety for everyone. Our judicial system is necessary to obtain a restraining or stalking order, to pursue a civil lawsuit, or to seek justice as the victim of crime. The enforcement of warrantless immigration arrests within and around these spaces creates a severe barrier to the pursuit of justice. This barrier does not only impacts those who do not have documentation of citizenship but also anyone who has a question about their documentation, their family and friends, and anyone concerned with the possibility of being accidentally detained by immigration enforcement authorities.

An ACLU study suggests that heightened immigration enforcement has lowered the willingness of immigrant populations to make police reports, assist in investigations, or work with prosecutors. Fifty-four percent of judges reported court cases had been interrupted due to an immigrant crime survivor's fear of coming to court. At the same time, legal services attorneys and victims advocates reported that cases filed on behalf of immigrant crime survivors decreased by 40 percent.¹

The fear to pursue justice or contact law enforcement makes immigrant populations tempting targets for criminals who understand that existing Federal immigration enforcement practices leave an immigrant crime victim confronted with the terrible

¹ "Freezing Out Justice: How immigration arrests at courthouses are undermining the justice system," American Civil Liberties Union (ACLU) (2018)(available at https://www.aclu.org/sites/default/files/field_document/rep18-icecourthouse-combined-rel01.pdf)

decision between reporting their victimization and facing deportation or simply doing nothing. Many choose the latter. And the impacts ripple out far beyond immigrant communities. If a member of our immigrant community is the only one able to record the license plate of a driver involved in a fatal hit and run, their ability to participate as a witness without fear extends far beyond their own safety.

HB 3265 REMOVES BARRIERS TO JUSTICE

In our view, HB 3265 is first and foremost a public safety bill. By decoupling local law enforcement databases and resources from ICE enforcement, HB 3265 maintains Oregon's judicial and criminal justice systems as places where justice is available for all. It maintains clear lines of separation between state and Federal enforcement, protects state resources from appropriation for non-state purposes, and maintains the integrity of our judicial system for all those who come in pursuit of justice. The bill also allows us to deploy Oregon's library of evidence based rehabilitative programs to immigrant defendants who are incarcerated in Oregon's jails and prisons, decreasing the odds that they will reoffend in the future.

HB 3265 was the subject of a brief but very productive workgroup involving the Multnomah County District Attorney (MCDA), Oregon State Sheriffs Association (OSSA), Oregon Association of Chiefs of Police (OACP), Association of Oregon Counties (OAC), Oregon Department of Justice (DOJ), Oregon District Attorneys Association (ODAA) and Latino Network. This group worked hard to craft consensus amendments which are presently being drafted. MCDA appreciates the ability to participate in this process and look forward to lending our full support to those amendments when they become available.

We urge the passage of HB 3265 as amended.

Contact: Aaron Knott - Policy Director (aaron.knott@mcda.us).