

File No. 161288

Committee Item No. 6
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub-Committee Date March 2, 2017

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
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- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
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- Application
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OTHER (Use back side if additional space is needed)

- PowerPoint Presentations
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Completed by: Linda Wong Date February 24, 2017
Completed by: Linda Wong Date _____

AMENDED IN COMMITTEE
2/16/17

FILE NO. 161288

ORDINANCE NO. _____
RO# 17017
SA# 05-17

[Appropriation - General Reserve - Establishing a Legal Unit to Defend Immigrants from Deportation in FYs 2016-2017 and 2017-2018 - \$2,241,797]

Ordinance appropriating ~~\$6,945,965~~ \$2,241,797 of General Reserve to the Office of Public Defender, to create a legal unit to defend immigrants from deportation in FYs 2016-17 and 2017-18.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the projected revenue for Fiscal Year 2016-17.

SOURCES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF ACP	GENRESERVE -	098GR	General Reserve Admin	\$1,938,104
General Fund -	PGEGEN 00	Designated For	Code 10.60(B)	<u>\$218,105</u>
Continuous Project		General Reserve		
Total SOURCES Appropriation				<u>\$1,938,104</u>
				<u>\$218,105</u>

1 Section 2. The uses of funding outlined below are herein appropriated in Subsubject
 2 00100 Permanent Salaries, 01300 Mandatory Fringe, ~~03800 Community Based Organization~~
 3 ~~Services~~ and reflects the projected use of funding to establish and support a legal unit to protect
 4 immigrants from deportation at the Office of Public Defender in FY2016-17.

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF AAA	055300	00100—Permanent	Permanent Salaries	\$688,361
General Fund		Salaries—Misc.		
1G AGF AAA	055300	01300—Mandatory	Mandatory Fringe	\$237,158
General Fund		Fringe		
1G AGF AAA	055300	03800—Community	Community Based	\$1,012,585
General Fund		Based Organization	Organization	
		Services	Services	
1G AGF AAA	055300	00100 / 01300	Permanent Salaries	<u>\$218,105</u>
General Fund			and Mandatory	
			Fringe Benefits	
Total USES Appropriation				\$1,938,104
				<u>\$218,105</u>

24 Section 3. The sources of funding outlined below are herein appropriated to reflect the
 25 projected revenue for Fiscal Year 2017-18.

1 **SOURCES Appropriation**

2	Fund	Index/Project Code	Subobject	Description	Amount
3	1G AGF ACP	GENRESERVE -	098GR	General Reserve Admin	\$5,007,864
4	General Fund -	PGENEN 00	Designated for	Code 10.60(B)	<u>\$2,023,692</u>
5	Continuous Project		General		
6			Reserve		
7					
8	Total SOURCES Appropriation				<u>\$5,007,864</u>
9					<u>\$2,023,692</u>

10
 11 Section 4. The uses of funding outlined below are herein appropriated in Subobject
 12 00100 Permanent Salaries, 01300 Mandatory Fringe, ~~03800 Community Based Organization~~
 13 ~~Services~~ and reflects the projected use of funding to support a legal unit to protect immigrants
 14 from deportation at the Office of Public Defender in FY2017-18.

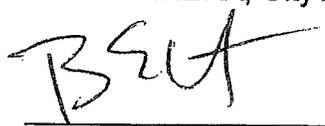
16	Fund	Index/Project Code	Subobject	Description	Amount
17	1G AGF AAA	055300	00100-Permanent	Permanent Salaries	\$1,876,810
18	General Fund		Salaries-Misc.		
19					
20	1G AGF AAA	055300	01300-Mandatory	Mandatory Fringe	\$700,847
21	General Fund		Fringe		
22					
23	1G AGF AAA	055300	03800-Community	Community Based	\$2,430,204
24	General Fund		Based Organization	Organization	
25			Services	Services	

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Fund	Index/Project Code	Subobject	Description	Amount
1G AGF AAA	055300	00100 / 01300	Permanent Salaries	<u>\$2,023,692</u>
General Fund			and Mandatory Fringe Benefits	
				<hr/>
				\$5,007,864
Total USES Appropriation				<u><u>\$2,023,692</u></u>

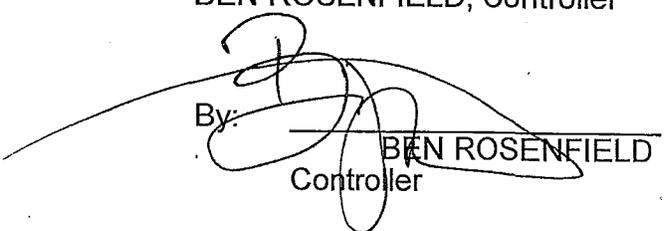
Section 5. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this Ordinance as necessary to conform to Generally Accepted Accounting Principles and revised wage and benefit rates.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 

BUCK DELVENTHAL
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFELD, Controller

By: 

BEN ROSENFELD
Controller

<p>Items 6 and 7 Files 16-1288 and 16-1289 <i>(Continued from February 16, 2017)</i></p>	<p>Department: Office of the Public Defender (OPD)</p>
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EXECUTIVE SUMMARY

Legislative Objectives

- File 16-1288 appropriates \$2,241,797 of General Reserve to the Public Defender’s Office to create a legal unit to defend immigrants from deportation in FY 2016-17 and FY 2017-18; and File 16-1289 amends the Annual Salary Ordinance to add 13 new positions in FY 2016-17 increasing to 15 positions in FY 2017-18 in the Public Defender’s Office.

Key Points

- The Board of Supervisors previously approved an appropriation of \$1.5 million to fund legal services to immigrants provided by community based organizations in FY 2016-17.
- The Public Defender is requesting 13 new positions in FY 2016-17 and 15 positions in FY 2017-18 to process an estimated 400 to 600 cases annually, providing legal services to immigrants facing detention and deportation.

Fiscal Impact

- The Budget and Legislative Analyst estimates that the Public Defender’s Office will not be able to hire new positions in FY 2016-17 prior to May 1, 2017, therefore, the number of FTEs in FY 2016-17 should be reduced from 3.25 to 2.17.

Policy Consideration

- The Administrative Code provides for a General Reserve equal to 2.25 percent of General Fund revenues in FY 2017-18. According to the Five-Year Plan Update, projected deposits to the General Reserve are \$14.6 million in FY 2017-18.
- The Board of Supervisors previously appropriated \$1.5 million from the General Reserve in FY 2016-17 to fund community based organizations to provide legal services to immigrants, and the proposed ordinance would appropriate \$2.1 million from the General Reserve in FY 2016-17 and FY 2017-18, totaling \$3.6 million. In order to comply with requirements of the Administrative Code, the City will need to increase the FY 2017-18 deposit to the General Reserve by \$3.6 million, from \$14.6 million to \$18.2 million. The City will need to identify revenue increases or expenditure savings in order to increase the deposit to the General Reserve by \$3.6 million in FY 2017-18.

Recommendations

- Amend File 16-1288 to reduce the appropriation by (a) \$139,368 from \$2,241,797 to \$2,102,429; and (b) place FY 2017-18 salaries and fringe benefits of \$301,098 on Budget and Finance Committee reserve pending submission of detailed caseload information by the Public Defender.
- Amend File 16-1289 to (a) reduce the FY 2016-17 FTE from 3.25 FTE to 2.17 FTE (see Tables 3 and 4 above); and (b) designating seven of the 15 new positions (four 8177 Attorneys, two 8173 Legal Assistants, and one 8108 Senior Legal Process Clerk) as limited tenure for three years.
- Approval of the proposed ordinances, as amended, is a policy matter for the Board of Supervisors.

MANDATE STATEMENT

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

BACKGROUND

There are approximately 115,000 non-citizen residents of San Francisco¹ of which 44,000 are estimated to be undocumented immigrants². Based on Immigration Customs Enforcement (ICE) fingerprint data, since 2010, an average of approximately 7,000 immigrants were deported each year from the San Francisco Immigration Court, which falls under the jurisdiction of the Executive Office for Immigration Review under the U.S. Department of Justice. The numbers of individuals who actually appear before the San Francisco Immigration Court are lower because many deportations occur without due process and without an opportunity to appear before a judge at a hearing in order to defend against removal. Based on the stated intent of the administration of President Trump, detentions and deportations are expected to expand in 2017.

In FY 2015-16, approximately 2,200 immigrants were detained during their deportation proceedings in the San Francisco Immigration Court, which is the only immigration court in Northern California. Immigration courts across the country have substantial backlogs, and San Francisco is no exception, with processing time for all cases averaging 704 days, or nearly two years, for cases completed in FY 2015-16. Immigrant detainees waited an average of 107 days, or approximately three months, for their case to be heard in San Francisco in FY 2015-16.³ While in detention, individuals are separated from their families and unable to access materials and evidence to prepare for their cases.

The vast majority of individuals who are deported are not represented by an attorney in their immigration court proceedings. An analysis of immigration court records, conducted by the California Coalition for Universal Representation, found that 67 percent of detained immigrants in San Francisco lacked representation by an attorney over a three-year period from 2012 to 2015. The analysis found that only 5 percent of unrepresented detainees obtained relief (i.e., asylum, cancellation of removal, or termination of case) compared to 35 percent of represented detainees as a result of their proceedings in the San Francisco Immigration Court.

Funding to Community-Based Organizations to Provide Legal Services

In January 2017, the Board of Supervisors approved a supplemental appropriation of \$1,500,000 to the Mayor's Office of Housing and Community Development (MOHCD), the City Administrator's Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach,

¹ U.S. Census Bureau American Community Survey (ACS) 2014 (5-Year Estimates)

² Migration Policy Institute (MPI) analysis of 2014 ACS

³ TRAC Immigration, Syracuse University (<http://trac.syr.edu/immigration/>)

and rapid response social services to be provided by community-based organizations in FY 2016-17 (File No. 16-1344).

The Public Defender's Office New Legal Unit for Immigration Services

The Public Defender's Office currently has one attorney dedicated to handle immigration cases, including some cases in immigration court. The Public Defender is proposing to create a new legal unit staffed with 15 new positions of 9 attorneys, 4 paralegals, and 2 senior legal process clerks to handle cases of detained immigrants in immigration court. The new legal unit would also handle some impact litigation cases⁴. In addition to handling detained deportation cases, the Public Defender will work with community-based organizations in the following:

- Advise non-citizens of the immigration consequences of criminal convictions.
- Create a standard referral form to refer cases between the Public Defender and the collaborative community-based organization members, and refer cases where appropriate.
- Begin working on clients' immigration matters while they are still in county custody to maximize the efficiency of the immigration cases.
- Collaborate on post-conviction relief, where appropriate.
- Assist community-based organizations in obtaining criminal court documents, where relevant.

The 9 attorneys are expected to handle a total of 400 to 600 detainee cases per year. According to Ms. Angela Auyong, Public Defender Office Manager, the average time expected to be spent on each detained immigrant case will be approximately 30 attorney hours, 17 paralegal hours, and 7 legal process clerk hours.

The Public Defender proposes to provide universal representation for detainees with proceedings at the San Francisco Immigration Court. As noted above, there were approximately 2,200 proceedings for detained immigrants at the San Francisco Immigration Court in FY 2015-16, and approximately two-thirds of detained immigrants at the San Francisco Immigration Court lack legal representation, so approximately 1,500 detained immigrants were unrepresented in FY 2015-16. The Public Defender's Office will establish criteria to determine which cases it will take, and estimates representation by the Public Defender's Office for up to 600 detainee cases per year.⁵

DETAILS OF PROPOSED LEGISLATION

File 16-1288: Supplemental Appropriation Ordinance

The proposed ordinance would appropriate \$2,241,797 of General Reserve to the Public Defender's Office to create a legal unit to defend immigrants from deportation in FY 2016-17 and FY 2017-18, as shown in Table 1 below. The appropriation amount for:

⁴ Impact litigation cases are typically class action lawsuits or individual claims with broader significance intended to influence public policy.

⁵ According to the Public Defender's Office, three community based organizations (Dolores Street Community Services, Pangea, and Asian Law Caucus, Asian Americans Advancing Justice) currently handle approximately 60 to 80 cases per year.

- FY 2016-17 of \$218,105 partially funds 13 positions with total salary and fringe benefits of \$418,105. The balance of \$200,000 is funded from salary savings in the Public Defender's FY 2016-17 budget; and
- FY 2017-18 funds 15 positions with salary and fringe benefits of \$2,023,692.

Table 1: Sources and Uses of Funds

Source of Funds	FY 2016-17	FY 2017-18	Total
General Reserve (File 16-1288)	\$218,105	\$2,023,692	\$2,241,797
Uses of Funds			
Salaries and Fringe Benefits	\$218,105	\$2,023,692	\$2,241,797

File 16-1289: Annual Salary Ordinance Amendment

The proposed ordinance would amend the Annual Salary Ordinance to add 13 new positions in the Public Defender's Office, equal to 3.25 full-time equivalent (FTE) positions in FY 2016-17 and 15 new positions in FY 2017-18 equal to 15.00 FTE positions, as shown in Table 2 below.

Table 2: Proposed New Positions in the Public Defender's Office

		Number of Positions	FY 2016-17 FTEs	Number of Positions	FY 2017-18 FTEs
8182	Head Attorney	1	0.25	1	1.00
8177	Attorneys	6	1.5	8	8.00
8173	Legal Assistant	4	1.0	4	4.00
8108	Senior Legal Process Clerk	2	0.5	2	2.00
Total		13	3.25	15	15.00

FISCAL IMPACT**New Positions in the Public Defender's Office**

The supplemental appropriation ordinance appropriates \$2,241,797 to create 13 new positions in the Public Defender's Office in FY 2016-17, increasing to 15 positions in FY 2017-18, as shown in Table 2 above.

Timeline to Hire New Positions

Since the Public Defender's Office cannot begin the hiring process until the requested appropriation is approved by the Board of Supervisors, and approval would occur on March 14, 2017, at the earliest, the Budget and Legislative Analyst assumes that all new hires will start on May 1, 2017 rather than April 1, 2017, as provided in the proposed ordinance.

The 8177 Attorney and 8182 Head Attorney positions are at-will positions exempt from the civil service hiring process. In the past, the Public Defender's Office has reported that the department can fill vacant attorney positions within about one month. The 8173 Legal Assistant (paralegal) and 8108 Senior Legal Process Clerk positions are civil service positions. According to

Ms. Auyong, the Public Defender's Office intends to use an existing eligible list to expedite the process of filling those positions.

Immigrant Defense Caseload

As noted above, the Public Defender's Office estimates immigrant defense caseload of 400 to 600 cases per year. The proposed ordinance would fund:

- 13 positions in FY 2016-17 (based on an annual caseload of 400); and
- 15 positions in FY 2017-18 (based on an annual caseload of 500).

As noted above, the Budget and Legislative Analyst estimates that the Public Defender's Office will not be able to hire new positions in FY 2016-17 prior to May 1, 2017, and not on April 1, 2017 as budgeted. Therefore, the Budget and Legislative Analyst recommends reducing the number of FTEs in FY 2016-17 from 3.25 to 2.17, as shown in Table 3 below.

Table 3: Proposed Reduction in FTEs in FY 2016-17

	FY 2016-17		
	Annual Positions	File 16-1289	Proposed (2 months)
8182 Head Attorney	1.00	0.25	0.17
8177 Attorney	6.00	1.50	1.00
8173 Legal Assistant	4.00	1.00	0.67
8108 Senior Legal Process Clerk	2.00	0.50	0.33
Total FTEs	13.00	3.25	2.17

The Budget and Legislative Analyst's recommendation would result in a reduction in the requested appropriation of \$139,386, as shown in Table 4 below, from \$2,241,797 to \$2,102,429.

Table 4: Budget and Legislative Analyst's Recommendation

	FY 2016-17				
	FTE	Total	FTE	Total	Savings
8182 Head Attorney	0.25	\$54,487	0.17	\$36,324	
8177 Attorney	1.50	219,246	1.00	146,164	
8173 Legal Assistant	1.00	103,385	0.67	68,923	
8108 Senior Legal Process Clerk	0.50	40,988	0.33	27,325	
Total	3.25	\$418,105	2.17	\$278,737	
Salary Savings in FY 2016-17		(200,000)		(200,000)	
Total		218,105		78,737	\$139,368

Because the actual number of cases for detained immigrants to be handled by the Public Defender's Office is not known, the Budget and Legislative Analyst recommends placing FY 2017-18 salaries and fringe benefits of \$301,098 for the two additional 8177 Attorney positions to be added in FY 2017-18 on Budget and Finance Committee reserve pending submission of detailed caseload information by the Public Defender. Additionally, because the ongoing need

for the new legal unit to represent detained immigrants in deportation proceedings is not known, the Budget and Legislative Analyst recommends approving seven of the 15 new positions (four attorneys, two legal assistants, and one senior legal process clerk) as limited tenure for three years.

POLICY CONSIDERATION

Administrative Code Section 10.60(b) provides for a General Reserve of 2.25 percent of General Fund revenues in FY 2017-18. According to the Five-Year Plan Update, prepared jointly by the Mayor's Office, Controller's Office, and Budget and Legislative Analyst Office in December 2016, projected deposits to the General Reserve are \$14.6 million in FY 2017-18.

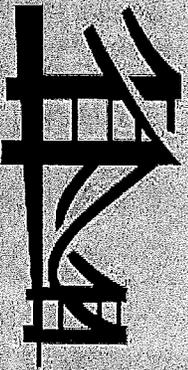
The Board of Supervisors previously appropriated \$1.5 million from the General Reserve in FY 2016-17 to fund community based organizations to provide legal services to immigrants, and the proposed ordinance would appropriate \$2.1 million from the General Reserve in FY 2016-17 and FY 2017-18, totaling \$3.6 million. In order to comply with requirements of the Administrative Code, the City will need to increase the FY 2017-18 deposit to the General Reserve by \$3.6 million, from \$14.6 million to \$18.2 million. The City will need to identify revenue increases or expenditure savings in order to increase the deposit to the General Reserve by \$3.6 million in FY 2017-18.

RECOMMENDATIONS

1. Amend File 16-1288 to reduce the appropriation by (a) \$139,368 from \$2,241,797 to \$2,102,429 (see Table 4 above); and (b) place FY 2017-18 salaries and fringe benefits of \$301,098 on Budget and Finance Committee reserve pending submission of detailed caseload information by the Public Defender.
2. Amend File 16-1289 to (a) reduce the FY 2016-17 FTE from 3.25 FTE to 2.17 FTE (see Tables 3 and 4 above); and (b) designating seven of the 15 new positions (four 8177 Attorneys, two 8173 Legal Assistants, and one 8108 Senior Legal Process Clerk) as limited tenure for three years.
3. Approval of the proposed ordinances, as amended, is a policy matter for the Board of Supervisors.

IMMIGRANTS IN SF

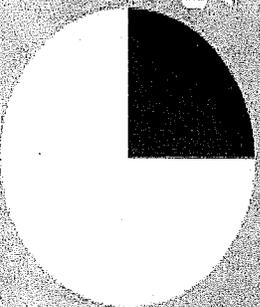
*File # 161288
Received in Committee
after 1/17
for*



840,763

total population
of San Francisco

25%



By the
Numbers



About one quarter of
all immigrants in the US
live in California

47,358

Estimated legal
permanent residents
who are eligible to
naturalize

34,152

New legal
permanent
residents in the SF
metropolitan area

44,000

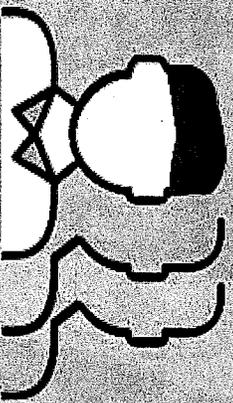
Estimated
undocumented
in SF

480,000

Estimated
undocumented in
the SF bay area

2,264,672

Total foreign born
in the SF bay area



1 in 3

San Francisco
residents is an
immigrant

PROTECTIONS

- ▶ Sanctuary City Ordinance
- ▶ Immigrant Rights Commission
- ▶ Language Access Ordinance
- ▶ Due Process for All Ordinance

IMMIGRATION EXECUTIVE ORDERS

EO#	TITLE	WHAT IT DOES
13767	Border Security and Immigration Enforcement Improvements	<ul style="list-style-type: none">Builds southern border wallIncreases immigration enforcement10,000 more border agents
13768	Enhancing Public Safety in the Interior of the United States	<ul style="list-style-type: none">Defunds sanctuary citiesReinstates S-COMMExpands immigration enforcement resources
13769	Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals	<ul style="list-style-type: none">Bans visa holders from seven majority Muslim countries from entering the U.S. for 90 daysSuspends refugee resettlement program for 120 daysIndefinitely bans Syrian refugees from entering U.S.

IMMIGRATION EXECUTIVE ORDERS

EO#	TITLE	WHAT IT WILL DO
U N S I G N E D	Ending Unconstitutional, Executive Amnesties	<ul style="list-style-type: none">❑ No new or renewal DACA applications❑ Current DACA work permits continue until expiration❑ Rescinds DAPA program entirely (blocked from implementation)
	Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility	<ul style="list-style-type: none">❑ Prohibits entry of any immigrant likely to be eligible for any kind of public benefit❑ Allows for deportation of visa holders who receive public benefits❑ Requires Sponsors to reimburse the federal government for any benefits used



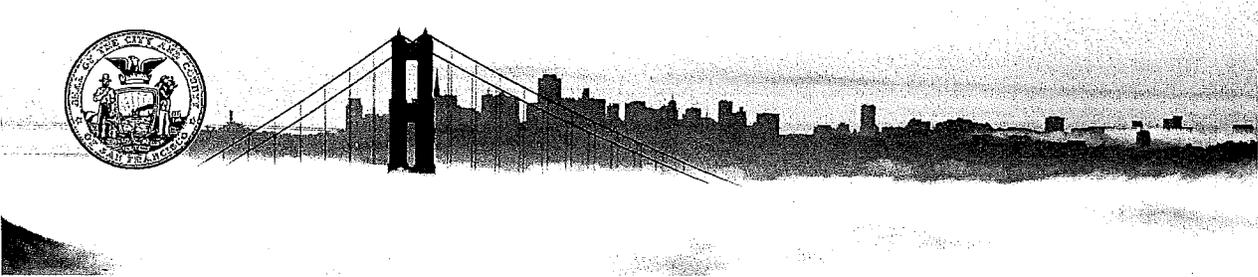
CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor
 Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

SUMMARY OF SIGNED PRESIDENTIAL EXECUTIVE ORDERS ON IMMIGRATION

EXECUTIVE ORDER	WHAT IT DOES	IMPACTS/RESPONSE
<p>Executive Order: 13767 Border Security and Immigration Enforcement Improvements <i>Issued on January 25, 2017 (signed)</i></p>	<ul style="list-style-type: none"> ▪ Directs immediate action on a southern border wall ▪ Increases detentions and stops 'catch and release' policies ▪ Expands hiring of 10,000 additional border agents 	<ul style="list-style-type: none"> ▪ Does not have a direct impact on SF services, however, increased Immigration Enforcement activity is anticipated. Other jurisdictions have reported what they believe to be increased activity and San Francisco has experienced one event
<p>Executive Order: 13768 Enhancing Public Safety in the Interior of the United States <i>Issued on January 25, 2017 (signed)</i></p>	<ul style="list-style-type: none"> ▪ Defunds Sanctuary Cities ▪ Reinstates Secure Communities (S-COMM) deportation program and broadens enforcement priorities ▪ Expands immigration enforcement resources 	<ul style="list-style-type: none"> ▪ San Francisco has filed a federal lawsuit to challenge the constitutionality of the executive order and to prevent the federal government from cutting funds to San Francisco ▪ San Francisco has repeatedly affirmed their commitment to remaining a Sanctuary City and increasing support for immigrant assistance programs
<p>Executive Order: 13769 Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals <i>Issued on January 27, 2017 (signed)</i></p>	<ul style="list-style-type: none"> ▪ Bans visa holders from seven majority Muslim countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) from entering the United States for 90 days ▪ Suspends the refugee resettlement program for 120 days ▪ Indefinitely bans Syrian refugees from entering the country 	<ul style="list-style-type: none"> ▪ Since issuance, federal government has exempted legal permanent residents (green card holders) ▪ Legal challenges were immediately filed and injunctions allowed refugees, green card holders, and others with valid visas to enter the U.S. and prevent over screening ▪ Ninth Circuit has upheld this injunction, indefinitely suspending this order



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

SUMMARY OF UNSIGNED PRESIDENTIAL EXECUTIVE ORDERS ON IMMIGRATION

EXECUTIVE ORDER	WHAT IT DOES	IMPACTS/RESPONSE
<p>Ending Unconstitutional, Executive Amnesties <i>Not Yet Issued, No Pending Date</i></p>	<ul style="list-style-type: none"> ▪ Ceases processing of new or renewal DACA applicants ▪ Allows current DACA recipients to maintain work permits until expiration ▪ Rescinds DAPA program entirely (program was initially blocked from implementation) 	<ul style="list-style-type: none"> ▪ Affects about 740,000 nationally ▪ OCEIA DACA programs include DreamSF Grant Program and DreamSF Fellowship
<p>Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility <i>Not Yet Issued, No Pending Date</i></p>	<ul style="list-style-type: none"> ▪ Prohibits the entry of any immigrant who is likely to be eligible for any kind of public benefit ▪ Allows for deportation of anyone in the United States on a visa who receives public benefits ▪ Requires anyone who sponsors an immigrant to reimburse the federal government for any benefits used 	<ul style="list-style-type: none"> ▪ Unknown impact, but likely significant, "public benefits" is not clearly defined by could include cash assistance and in-kind benefits

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST
1390 Market Street, Suite 1150, San Francisco, CA 94102
(415) 552-9292 FAX (415) 252-0461

File # 161288
Received in Com
2/16/17
fr

Policy Analysis Report

To: Supervisor Fewer
From: Budget and Legislative Analyst's Office
Re: Expansion of Legal Services for Immigrants in Other Cities
Date: February 15, 2017

Fred Brousseau

Summary of Requested Action

Your office requested that the Budget and Legislative Analyst survey other U.S. cities and public jurisdictions that have recently created or expanded legal services for immigrants facing deportation proceedings. You asked that we compile information about the scope of services being funded or provided by those jurisdictions and the extent to which the services are provided by public agencies or community-based non-profit organizations. You requested information on the amounts and sources of funding being provided for these legal services for each jurisdiction.

For further information about this report, contact Fred Brousseau at the Budget and Legislative Analyst's Office.

Executive Summary

- While many U.S. local and state government entities have pre-existing programs that provide services for immigrants, the Budget and Legislative Analyst has identified a number of jurisdictions that are establishing or expanding funding for immigrant services since the November 2016 election, particularly legal services for immigrants in deportation proceedings.
- We surveyed the following cities and counties that we identified as establishing or expanding funding for legal and other services for immigrants since November 2016:
 - Alameda County
 - City of Boston
 - City of Chicago
 - City of Los Angeles
 - County of Los Angeles
 - City of San José
 - County of Santa Clara
 - Washington, D.C.

We surveyed the City of New York though it has not announced plans for expansion of their legal or other services for immigrants since the November 2016 election. This is because, unlike the other surveyed jurisdictions, the City of New York funded a Universal Representation program starting in 2014 that provides legal representation services for indigent detained immigrants in deportation proceedings in their local immigration court. The City has also been providing an array of other immigrant services since before November 2016.

- Two bills are also pending before the California State Legislature that would provide new statewide funding for immigrant legal services.
- Funding for legal services for immigrants are being established or expanded by local and state governments because of expected increases in deportations and immigration court proceedings due to federal government policy changes since the November 2016 election and because the majority of defendants in deportation proceedings are not represented. Unlike constitutional provisions for citizens of the United States in criminal cases, the government is not required to provide representation in immigration proceedings for defendants unable to afford such services on their own.
- The arrangements for immigrant legal services being established or expanded vary in the surveyed jurisdictions, with some jurisdictions funding legal services through their existing indigent legal defense offices (public defenders) and others funding non-profit and for-profit legal services organizations. Some jurisdictions are establishing partnerships with other local governments and/or private philanthropic foundations to establish funding pools for immigrant services. Alameda County, for example, has appropriated funds to combine with those provided by a foundation. The City of Los Angeles and County of Los Angeles have created a partnership with several foundations to fund enhanced immigrant legal and other services and the City of San José and the County of Santa Clara have established a partnership, with private foundation funding expected, for funding enhanced and new immigrant services. A summary of the jurisdictions identified by the Budget and Legislative Analyst that have funded or are planning to fund legal services for immigrants since November 2016, plus New York City which has had such a program and other immigrant services in place since 2014, is shown in Exhibit A.

Exhibit A: U.S. Cities and Counties with New or Expanded Legal Immigrant or Other Services

Jurisdiction	New or Expanded Services since November 2016 Election	Funding for New or Expanded Services
Alameda County	Legal representation for immigration cases	Combination of: \$750,000 (County) \$750,000 (foundation) For a total of \$1.5 million thru FY '18
Boston	<i>Know Your Rights</i> immigrant education and outreach services, including legal rights education	Pending
Chicago	Legal representation for immigration cases Community outreach and legal rights education, including <i>Know Your Rights</i> training	\$1.3 million one-time funding
City of Los Angeles, County of Los Angeles	Legal representation for immigrants facing deportation Education and outreach	Combination of: \$2 million (City) +\$3 million (County) +\$5 million (est'd., from foundations) For a total of \$10 million thru FY '18
New York City	<i>Existing (various immigrant services started in 2014, including Universal Representation, providing legal services to all indigent detained immigrants in deportation proceedings)</i>	\$30 million+/year for existing services
San José, County of Santa Clara	Legal representation for immigration cases with immigrants in danger of deportation, except violent offenders	Combination of: \$75,000 anticipated (City) + \$1.5 million proposed (County) + \$1.5 million County match <u>anticipated from foundations</u> For a total of \$3.1 million
Washington, D.C.	Legal services for immigrants	\$500,000

Source: Budget and Legislative Analyst Survey of Jurisdictions

- In San Francisco, the Board of Supervisors approved a supplemental appropriation of \$1,500,000 in January 2017 to the Mayor's Office of Housing and Community Development (MOHCD), the City Administrator's Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach, and rapid response social services to be provided by community-based organizations in FY 2016-17.
- In San Francisco, out of its population of 840,763 for 2015, the U.S Census reports 115,186 non-citizen residents, or 13.7 percent of the total. There were 12,818 deportation proceedings in San Francisco's Immigration Court in FY 2015-16, with 2,209 detainees.
- In a 2016 study of case outcomes and representation for California immigration cases in process or disposed of between 2012 and 2015, the California Coalition for Universal Representation found that 68 percent of all detained immigrants and 27 percent of non-detained immigrants were unrepresented. Further, their analysis of the cases disposed of during that three year period found that, though success rates were low overall for detained immigrants, they were seven times as likely to have successful case outcomes if they had representation. Non-detained immigrants were found to have successful case outcomes 3.5 times more often if they were represented compared to those without representation.

Project Staff: Fred Brousseau, Latoya McDonald, and Linden Bairey

Background

A number of U.S. cities and counties are funding or plan to soon fund legal services for immigrants facing deportation as well as other services for immigrants such as education and outreach. Our office identified the cities of Boston, Chicago, Los Angeles, San José, and Washington, D.C. and the counties of Alameda, Los Angeles, and Santa Clara, California as adding or enhancing immigrant services, including legal services. Through its Universal Representation program, the City of New York has been providing legal services since 2014 for every detained immigrant whose income does not exceed 200 percent of the federal poverty level. Other jurisdictions are now establishing or enhancing such services in the wake of the November 2016 national elections.

Survey Results

Details on the surveyed jurisdictions are presented on the following pages. Documents and data pertaining to immigrant services were obtained for each city and county surveyed, followed by interviews with representatives of each jurisdiction. Population data for all jurisdictions is from the U.S. Census Bureau's American Community Survey 2015 five year survey. Immigration court and detainee data were obtained from Syracuse University's Transactional Records Access Clearinghouse (TRAC), using the Immigration Court and hearing locations serving the surveyed jurisdictions.

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County of Alameda

Total Population	Non-Citizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
1,584,983	233,980 (14.8% of total)	38,034	12,818	2,209

Funding for new or expanded immigrant legal services since November 2016	<p>\$750,000 one-time General Fund appropriation</p> <p>+\$750,000 in matching funds from the San Francisco Foundation</p> <p>For a total of \$1.5 million over two years</p>
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Services focused on immigrants prior to November 2016	<p>In 2014, Alameda County initiated California’s first Public Defender Immigration Representation Project for noncitizen immigrants in response to local residents’ requests. The goal of the project was to expand immigration representation services to better protect the immigrant community in Alameda County.</p> <p>The County’s Public Defender’s Office now has one full-time and one part-time attorney dedicated to immigrant representation. However, the demand for immigrant representation continues to outpace the existing capacity of the Public Defender’s Office.</p>
New or enhanced immigration services added or planned since November 2016	<p>In February 2017, the Board of Supervisors of Alameda County approved a supplemental appropriation of \$750,000 to implement the recommendations of the Ad Hoc Committee on Immigrant Rights. The San Francisco Foundation also provided a one-time matching grant of \$750,000 to support these services.</p> <p>The Board authorized the County to disburse these funds to a non-profit organization, which would then contract with the Public Defender’s Office as a grantee to provide immigrant representation services. This strategy would boost the capacity of the existing team at the Public Defender’s office through hiring additional full-time attorneys dedicated to immigrant representation for a period of one to two years.</p>
Population to be served	All non-citizen immigrants in removal proceedings.

Funding for new or enhanced services	\$750,000 County Supplemental Appropriation using General Funds. +\$750,000 San Francisco Foundation Matching Grant. For a total of \$1.5 million for up to two years.
Service providers for new or enhanced services	A non-profit organization would manage the grants while the Alameda County Public Defender's Office would deliver the immigration representation services as a grantee. The grants will not be disbursed directly to the Public Defender's Office as they do not currently have the capacity to manage the administrative responsibilities of managing a grant.
Helpful insights and findings	Limited Time Funds. The two-year grant period provides the Alameda County Board of Supervisors the flexibility to adapt to any changes in immigration policy and laws and to make revisions to their funding model as necessary. Alameda County will reassess the needs of the immigrant community at the end of the two-year period to determine whether a more permanent program at the Public Defender's Office would be appropriate.

City of Boston

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
650,281	93,095 (14.3% of total)	15,665	4,599	1,096

Funding for new or expanded immigrant legal services since November 2016	Pending
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Services focused on immigrants prior to November 2016	<p>The City of Boston's Mayor's Office for Immigrant Advancement (MOIA), created in 1998, has been providing education, outreach, advocacy and related services to immigrants, with the goals of helping immigrants become active in civic life and access services. MOIA coordinates immigration law clinics where volunteer lawyers provide one-on-one consultations but do not provide full representation for immigration cases. These clinics occur in the form of small twice-monthly sessions at City Hall and occasional large day-long events.</p> <p>Public defender services in Massachusetts are provided through the statewide Committee for Public Counsel Services (CPCS). According to its website, the Boston Public Defender's Office's Immigration Impact Unit assists criminal defense attorneys by providing advice on individual cases and offering trainings throughout Massachusetts on the immigration consequences of criminal conduct. The Immigration Impact Unit also provides post-conviction litigation support and distributes written materials and updates on significant legal issues.</p>
New or enhanced immigration services added or planned since November 2016	<p>After the 2016 general election, the MOIA partnered with a small non-profit legal services organization, Political Asylum/Immigration Representation Project (PAIR), to coordinate enhanced <i>Know Your Rights</i> workshops in schools, businesses, and numerous locations across the City. MOIA has served as a point of contact for organizations and agencies requesting the presentations, while PAIR coordinates presenters and content for the presentations. The workshops provide a forum for immigration attorneys to educate service providers, the local immigrant population, and City of Boston residents on legal rights related to immigration law and policy.</p>
Population to be served	Immigrants and other City of Boston residents.

<p>Funding for new or enhanced services</p>	<p>Pending; unknown at this time.</p> <p>Funding for new <i>Know Your Rights</i> workshops will not be provided by the City, but by external funders. MOIA provides staffing to coordinate the planning and scheduling of the workshops. MOIA only receives City funds for operational expenses, such as salaries and benefits. At this time, programs and initiatives, including the <i>Know Your Rights</i> workshops, are financed externally. MOIA is currently exploring various funding options, including public-private partnerships, as there is definite interest in future collaboration.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations for <i>Know Your Rights</i> workshops.</p> <p>MOIA does not directly administer programs and has instead chosen to disburse grants to community-based organizations (CBOs) that deliver legal services and other support to the immigrant community. MOIA chose CBOs because these organizations already have existing relationships with the immigrant community and the expertise required to provide effective legal counsel.</p>
<p>Helpful insights and findings</p>	<p>Local and regional philanthropic foundations serving the Boston area convened on February 8, 2017 to discuss how to better support vulnerable and marginalized communities in light of shifting policies at the federal level, especially for immigrants and refugees. MOIA's Director participated on the panel to brief the attendees prior to their strategy discussion.</p> <p>The City and County of San Francisco could consider such a convening to supplement local General Fund appropriations. The tighter restrictions on immigration directly impact the technology industry of Silicon Valley and such a discussion could potentially garner interest in that community.</p>

City of Chicago

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
2,717,534	331,369 (12.2% of total)	23,712	6,635	2,466

Funding for new or expanded immigrant legal services since November 2016	\$1.3 million
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<p>Services focused on immigrants prior to November 2016</p>	<p>The City of Chicago has not directly funded or provided legal representation services for immigrants in the past. The City's Office of New Americans, established within the Mayor's Office in 2011, provides information and referral services and collaborates with community organizations, academic institutions, and the private sector on topics pertinent to immigrants and refugees. The Office's goal is to improve services and community integration for immigrants and refugees.</p> <p>Cook County's Public Defender's Office does not provide legal services specifically to individuals with immigration issues. It does provide referrals to the Bar Associations of Cook County and Chicago and other community-based legal services organizations for immigration-related legal services.</p>
<p>New or enhanced immigration services added or planned since November 2016</p>	<p>The City appropriated new funding after the November 2016 election for a new Legal Protection Fund. The funds are being distributed to two key partners: Heartland Alliance's National Immigrant Justice Center (NIJC) and The Resurrection Project (TRP) which, together, will be responsible for providing legal consultations, legal representation, and community-based outreach and education efforts such as <i>Know Your Rights</i> trainings. City representatives anticipate that the Legal Protection Fund will serve more than 20,000 immigrants.</p> <p>NIJC has a network of 1,400 <i>pro bono</i> attorneys to represent individuals who are currently detained and those threatened with detention. TRP facilitates Chicago's Community Navigator Program through which it manages and awards funding to eight collaborating organizations with established local community relationships. All eight organizations are community-based and have long-standing histories of serving immigrant communities.</p> <p>Together, TRP and NIJC will focus on providing access to legal services to immigrants who face imminent deportation and on integrating local legal support with the Community Navigator Program, which serves as a liaison to provide outreach, education, and assistance to immigrants in their communities.</p>

<p>Population to be served</p>	<p>Immigrants threatened with detention and those currently detained for legal representation; all immigrants for outreach and education services.</p> <p>The National Immigrant Justice Center will continue to provide legal representation services for immigrants threatened with detention and those currently detained. The Resurrection Project will continue to facilitate community outreach and education programs to immigrants. In total, the City of Chicago anticipates that the Legal Protection Fund will serve more than 20,000 immigrants through legal consultations, legal representation, and community-based outreach and education efforts like <i>Know Your Rights</i> trainings.</p>
<p>Funding and sources for new or enhanced services</p>	<p>\$1.3 million in one-time funding.</p> <p>At the request of Chicago Mayor Rahm Emanuel, the City Council approved the redirection of \$1.3 million of available City property tax rebate funds to the Chicago Legal Protection Fund for Calendar Year 2017. The property tax rebate monies were unspent after the close of a 2016 initiative that allowed Chicago residents to claim a rebate on property taxes. The amount is a one-time funding source.</p> <p>The City of Chicago is also soliciting philanthropic support to supplement the initial funding from the City.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations.</p> <p>The City of Chicago's Department of Family and Support Services will manage the Legal Protection Fund and oversee all appropriations to the National Immigrant Justice Center and The Resurrection Project. Monthly reports will be provided to the "Chicago is With You" Task Force, which was created in December 2016 by the Mayor and other elected representatives from the Chicago area. Quarterly reports will be provided to the City Council Commission on Human Relations.</p>
<p>Helpful insights and findings</p>	<p>The City of Chicago elected to forego an open Request for Proposals process in light of the time sensitivity and overall urgency of need. Instead, the City created a specific and detailed list of criteria and qualifications to identify and select partner organizations. The City had previously worked with NIJC on a program to provide assistance to unaccompanied minors.</p> <p>The City of Chicago has also framed its efforts to solicit philanthropic support to supplement the City's initial investment.</p>

City of Los Angeles
County of Los Angeles

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
3,900,794 (City) 10,038,388 (County)	838,441 (City) (21.5% of total) 1,777,416 (County) (17.7% of total)	48,860	14,285	2,297

Funding for new or expanded immigrant legal services since November 2016	<p>\$2 million, over 2 years (City)</p> <p>+\$3 million, over 2 years (County)</p> <p>+Anticipated \$5 million in private funding (\$3.85 million raised as of February 14, 2017)</p> <p>Anticipated grand total of \$10 million over two years.</p>
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Services focused on immigrants prior to November 2016	<p>The Mayor's Office re-established an Office of Immigrant Affairs in 2011. The Office does not provide legal representation services but promotes and advances the economic, cultural, social, and political well-being of immigrants in the City through advocacy, education, and outreach services.</p> <p>Los Angeles County's Public Defender's Office maintains an Immigration Unit that provides counselling and information and referral services for immigrants and for their legal service providers.</p>
New or enhanced immigration services added or planned since November 2016	<p>New legal representation, outreach, and education services will be provided to individuals and families dealing with removal proceedings in Los Angeles County through the creation of the Los Angeles Justice Fund. The Fund is a public-private partnership created in December 2016 that combines funding from the City of Los Angeles, the County of Los Angeles, and private foundations, including the California Community Foundation, the Weingart Foundation, and the California Endowment. The goal of the Fund is to increase access to legal representation and counsel for individuals and families going through deportation proceedings in Los Angeles County, as well as provide community outreach and education services.</p> <p>The full details of how the Los Angeles Justice Fund will operate are still under</p>

	<p>discussion among all the partners of the initiative, and a consultant has been hired to develop criteria and priorities. The current plan is to award grants to nonprofit legal services organizations that are already providing legal representation and community outreach services, and in particular those organizations that depend on—and may be at risk of losing—federal funding.</p> <p>The Los Angeles Justice Fund expects to announce grant opportunities later in the spring of 2017.</p> <p>Separately, in January of 2017 the Los Angeles County Board of Supervisors approved a proposal to establish an Office of Immigrant Affairs to coordinate and streamline access to Countywide services for immigrants. The scope, budget, and staffing levels of the new office are currently under discussion.</p>
<p>Population to be served by new or enhanced services</p>	<p>Immigrants who are or may potentially be subject to detention and deportation hearings.</p> <p>The Los Angeles Justice Fund will also support efforts to engage and educate the community overall.</p>
<p>Funding and sources for new or enhanced services</p>	<p>\$10 million anticipated pool: \$3 million from County; \$2 million from City; \$5 million in private funding (currently \$3.85 million raised).</p> <p>In December of 2016 the Los Angeles County Board of Supervisors approved a motion directing the Chief Executive Officer to identify and set aside \$1 million in FY 2016-17 and up to \$2 million in FY 2017-18 for legal representation for County immigrant residents who are at risk of removal and unable to afford an attorney. The funding is a one-time appropriation over two years from the County's General Fund.</p> <p>The City of Los Angeles has announced its plans to join the County in funding this endeavor but has not yet identified the source of its contribution to the L.A. Justice Fund. At its meeting on February 8, 2017, the City Council adopted a Budget and Finance Committee Report directing the City Administrative Officer (CAO) and the Office of the City Attorney to identify and report on a \$2 million City contribution to the California Community Foundation for the L.A. Justice Fund. The CAO will report back to the City Council by March 1, 2017 on potential sources of funds for the contribution, among other matters.</p> <p>In addition to the \$5 million in public funding, the California Community Foundation has committed \$2.2 million, the Weingart Foundation has committed \$1 million, and the California Endowment has committed \$650,000, for a current total of \$3.85 million in philanthropic commitments as of February 14, 2017. The L.A. Justice Fund anticipates raising a total of \$5 million in philanthropic contributions, and ongoing fundraising efforts are underway. The anticipated \$5 million in private philanthropic contributions will be combined with the \$5 million in County and City funds for a total of \$10 million to be pooled for the new immigrant legal representation, outreach, and education services through FY 2017-18.</p>

Memo to Supervisor Fewer
February 15, 2017

Service providers for new or enhanced services	Community-based organizations. Services will be provided by non-profit community based organizations and other organizations selected to receive grants. Private attorneys may also be engaged to expand <i>pro bono</i> and 'low bono' (reduced fee) legal services. The grant application process, funding, and provision of services will be administered by the California Community Foundation.
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City of New York

Total Population	Noncitizen population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
8,426,743	1,462,222 (17.3% of total)	69,953	17,820	1,146

Funding for new or expanded immigrant legal services since November 2016	No new funding but over \$30 million funded for FY 2016-17 prior to November 2016, for existing immigrant services including Universal Representation program that provides representation to indigent detainees in immigration proceedings and three other key programs detailed below. The four key programs detailed below account for \$24.6 million of The \$30+ million in funding. The New York City Office of Civil Justice's 2016 Annual Report details the additional immigration legal services available to the immigrant community.
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Services focused on immigrants prior to November 2016	<p>The City of New York offers legal services to immigrants through a variety of programs funded by the Mayor, the City Council, and philanthropic organizations. Services are provided primarily by non-profit legal service providers including community-based organizations and legal service providers. The City of New York was the first jurisdiction in the United States to provide universal representation to detained indigent immigrants facing deportation.</p> <p>Some key programs include:</p> <ol style="list-style-type: none"> 1) New York Immigrant Family Unity Project (NYIFUP) is funded by a City Council discretionary grant and was the first government-funded legal representation program for detained immigrants in the United States. This initiative provides in-court legal representation to indigent immigrant in detention facing deportation who cannot afford an attorney. NYIFUP is funded at \$6.2 million for FY 2016-17. The program's target is to serve 1,250 people in the current fiscal year. Started in 2014, program service providers include three non-profit legal service providers: Brooklyn Defender Services, The Bronx Defenders, and the Legal Aid Society. 2) Immigrant Opportunity Initiative (IOI) was first established through the
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	<p>award of discretionary funding by the City Council and is now largely in the Mayoral baseline budget. Through IOI, service providers offer low-income immigrant New Yorkers access to legal assistance for citizenship and lawful permanent residency applications, as well as with legal representation in complex immigration matters and case management services in support of legal counsel. In FY 2016-17, these legal services programs are funded through a combination of Mayoral and City Council funding totaling approximately \$8.5 million. This includes \$2.7 million in Mayoral funding for legal representation in 1,000 complex immigration cases. The IOI program is expected to serve a total of approximately 5,000 individuals in FY 2016-17.</p> <p>3) ActionNYC is a partnership among the Mayor’s Office of Immigrant Affairs (MOIA), the New York City Human Resources Administration (HRA), and the City University of New York (CUNY). It is funded through the Mayoral budget at \$8.4 million for FY 2016-17. ActionNYC provides free immigration legal services at community-based locations, including community-based organizations, public schools, and hospitals, as well as programming that supports the provision of legal services, including outreach, navigation, technology and education services. The ActionNYC network is composed of community-based partners and legal services providers that conduct outreach, community navigation and legal services, including free comprehensive legal screenings, application assistance for straightforward cases, and linkages for complex cases and to relevant social services.</p> <p>4) The Unaccompanied Minors Initiative (UMI)/Immigrant Children Advocates Relief Effort (ICARE) was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal, and the opportunity to receive social, medical and health services. With \$1.5 million in funding for FY 2016-17, the program is expected to serve a projected 700 people.</p>
<p>New or enhanced immigration services added or planned since November 2016</p>	<p>The City of New York has not announced or funded new programs or services since the November 2016 election but will continue providing the comprehensive set of services already in place and described above.</p> <p>The City is now exploring strategies to adjust the level of resources dedicated to existing programs based on the shifting needs of the local immigrant community. As immigration laws and policies are subject to change, the City of New York is interested in the adaptability of existing programs to the changing immigration landscape.</p>

<p>Population to be served</p>	<p>The immigrant population in general is targeted for these services. Indigent immigrants in detention facing deportation receive legal services.</p>
<p>Funding for new or enhanced services</p>	<p>Unknown at this time if there will be new or enhanced services but the four key initiatives described above total \$24.6 million in FY 2016-17 funding and, in total, over \$30 million is already funded in FY 2016-17 by the City for existing immigrant legal services. The New York City Office of Civil Justice's 2016 Annual Report details the additional City immigration legal services available to the immigrant community.</p>
<p>Service providers for new or enhanced services</p>	<p>Non-profit community-based organizations.</p> <p>Legal representation services for detained immigrants in deportation proceedings will continue to be provided by three non-profit organizations: Brooklyn Defender Services, the Bronx Defenders, and the Legal Aid Society. Other community-based non-profit organizations and legal services providers will continue to provide other legal assistance services to other segments of the immigrant population.</p>
<p>Helpful insights and findings</p>	<p>New York City continues to fund local community-based organizations and legal services providers to lead these initiatives as City representatives believe that those organizations have developed deep expertise in immigration law and a strong understanding of the needs of the local immigrant community through years of experience.</p> <p>The Mayor's Office of Immigrant Affairs believes that a holistic and strategic approach is fundamental to the success of immigrant defense programs. In New York City, there are three key programmatic areas to strengthen the effectiveness of immigrant protection programs:</p> <ol style="list-style-type: none"> 1) Community Outreach – connecting with immigrant community members to ensure that they are well-educated about their legal rights and knowledgeable about the programs and resources available to them. The Office of Immigrant Affairs also advised that it is important to customize the outreach approach as needed for each immigrant community. 2) Screening – carrying out a legal screening process to determine the nature of an immigrant's legal needs and referring them to the appropriate program and resources. 3) Legal Representation – providing legal representation for immigrants both in deportation cases, which can be the most time-intensive, or for other cases such as special juvenile status, family status adjustments, or affirmative asylum. <p>Together, these three components help address the multifaceted nature of immigrant needs and can boost the effectiveness of program outcomes.</p>

City of San José
County of Santa Clara

Total Population	Non-Citizen population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
1,000,860 (City)	172,418 (City) (17.2% of total)	38,034	12,818	2,209
1,868,149 (County)	329,779 (County) (17.6% of total)			

<p>Funding for new or expanded immigrant legal services since November 2016</p>	<p>City: \$75,000 proposed for legal services; pending City Council approval scheduled for February 14, 2017.</p> <p>County: \$1.5 million proposed over two years, not yet approved by Board of Supervisors.</p> <p>County anticipates its funding be matched by private foundations.</p> <p>Total funding (with foundations) would be \$3.1 million</p>
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<p>Services focused on immigrants prior to November 2016</p>	<p>The City of San José created an Office of Immigrant Affairs in 2015, primarily providing education, outreach, and referral services for immigrants. The Office has not directly or indirectly provided legal representation to immigrants.</p> <p>The County of Santa Clara's Office of Immigrant Relations serves as a resource for other local governments and convenes groups of service providers and community-based organizations on immigrant-related matters. The Office administers funding from the County to local non-profit service providers who provide assistance to immigrants on immigration legal issues.</p> <p>The County of Santa Clara's Public Defender's Office added an immigration specialist position to its staff in 2014 to provide advice to Public Defender clients on the immigration consequences of criminal convictions.</p>
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<p>New or enhanced immigration services added or planned since November 2016</p>	<p>The City of San José and the County of Santa Clara are working together to address the new needs of the immigrant population after the 2016 general election and have identified three new initiatives to expand services for non-citizen immigrants.</p> <p>Communications and Outreach Campaign. The City of San José and the County of Santa Clara plan to launch a County-wide media campaign to educate local immigrants about their legal rights and the resources available. The City of San José has contracted with a consultant to conduct interviews with key stakeholders and to gain insight on the legal rights education needs of the local immigrant population. The results of will interviews will inform the communication campaign strategy, which would be led by the Santa Clara County Office of Immigrant Relations. While the City of San José is providing funding for the initial consultant work, Santa Clara County is exploring ongoing funding options for the communications campaign.</p> <p>Funding to Legal Services Providers Serving the Immigrant Community. The City of San José staff has also proposed \$75,000 in General Fund appropriations to establish a one-time fund dedicated to creating a coordinated <i>pro bono</i> system that can provide legal services until Santa Clara County's programs and initiatives are implemented. The mid-year budget request will be heard by the City Council at the end of February 2017.</p> <p>Through the Office of Immigrant Relations, Santa Clara County is exploring the option of disbursing block grants—renewable periodically based on performance—to organizations with expertise and success in providing legal defense and other immigration-related legal services for local non-citizen immigrants. These services would be provided to all immigrants in danger of deportation, except violent criminal offenders. The block grant model is being considered as a way to implement a pay-as-you-go model, which measures performance among grantees and would enable the County to discontinue funding if a grantee's performance is not meeting set goals. The Office of Immigrant Relations is currently considering a set of outcome-oriented performance metrics—such as number of clients and/or families released from detention, number of E-28 forms filed, among others—that could be used to measure grantee performance. The County funding level has not yet been determined but County staff is proposing a sum of \$1.5 million or more over two years and will submit a formal request for Board of Supervisors approval on February 28, 2017.</p> <p>Santa Clara County is seeking to have its funds for immigrant services matched by private foundations, making up to an estimated \$3 million available for legal assistance (assuming \$1.5 million is formally proposed and approved). The proposed funding amount would finance both legal services and the communications campaign.</p>
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	<p>At this time, the County's Office of Immigrant Relations is unaware of any increased funding to be allocated to the Public Defender's Office.</p> <p>Coordination of Pro Bono Legal Services. Santa Clara County is also considering implementation of a coordinated effort to recruit <i>pro bono</i> law firms to provide specific one-off legal counsel on citizenship and U-visa applications, and coordination across participating firms. The County is exploring this option as a way to engage private firms along with establishing a well-coordinated group of <i>pro bono</i> lawyers. These services would include litigation.</p>
<p>Population to be served</p>	<p>All immigrants for education and communications program; undocumented immigrants in danger of deportation, except the most violent criminal offenders, for legal services.</p>
<p>Funding for new or enhanced services</p>	<p>\$75,000 requested but not yet approved (City).</p> <p>County undecided at this time but \$1.5 million General Fund appropriations over two years, through FY 2017-18 has been preliminarily proposed by staff.</p> <p>County anticipates matching funds from foundations, or \$1.5 million if County appropriates that amount.</p> <p>Total funding, composed of City's \$75,000 and County and foundations each contributing \$1.5 million, would be \$3.1 million through FY 2017-18.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations will be the primary service providers. City representatives report they have strong connections and experience supporting the local immigrant community.</p>
<p>Helpful insights and findings</p>	<p>Making Pro Bono Legal Services Efficient. Through work with the County, the City of San José learned that the County recruits <i>pro bono</i> law firms to provide specific one-off legal counsel on citizenship and U-visa applications, and coordination across participating firms. The County chose these specific services as <i>pro bono</i> lawyers are often not available for complex long-term cases but are more likely able to complete short and less complex assignments. The City and County of San Francisco could consider supplementing the work completed by non-profit organizations with a similar initiative.</p> <p>Decreasing Wait Times for Immigration Case Documentation. Santa Clara County's Office of Immigrant Relations is exploring the option of collaborating with the Office of the Public Defender to provide immediate assistance in the collection and processing of immigration case documentation. As the Public Defender has a consistent presence in local courts, the Office's attorneys could expedite the document collection process for grantees by serving as points of contact and collecting documentation when it would be more expedient to do so.</p>

Washington, D.C.

Total Population	Noncitizen Population	Pending Cases in Local Immigration Court, as of December 2016	FY 2016 Deportation Cases Opened in Local Immigration Court	FY 2016 Number of Detainees
647,484	54,854 (8.5% of total)	31,588	10,941	1,476

Funding for new or expanded immigrant legal services since November 2016	\$500,000
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Services focused on immigrants prior to November 2016	The Mayor's Office on Latino Affairs, the Mayor's Office on Asian and Pacific Islander Affairs, and the Mayor's Office on African Affairs all administer annual community grant programs. In recent years some grants have been awarded for legal services proposals, but the grant programs were not aimed at immigrant rights or providing legal services for immigrants.
New or enhanced immigration services added or planned since November 2016	<p>A newly-established Immigrant Justice Legal Services grant program will use the \$500,000 in City funds to award grants to: community-based 501(c)(3) organizations; private entities partnering with 501(c)(3) organizations; and private entities providing legal resources. Awards will fund programs that provide targeted services to immigrants in Washington, D.C. through one-time grants of up to \$150,000.</p> <p>The scope of the program is broad and not focused on one area of legal services. Eligible projects include aid for Washington, D.C. residents applying for green cards, renewing DACA applications and work permits, <i>Know Your Rights</i> workshops, asylum applications, representation in deportation proceedings and at asylum interviews or hearings, legal assistance for family reunification efforts, and more.</p> <p>The program has issued a Request for Applications and is currently accepting grant applications through February 21, 2017. Awards will be announced in April 2017.</p>
Population to be served	Immigrant population in general.
Funding for new or enhanced services	\$500,000 from the District's Contingency Cash Reserve that may be used for nonrecurring or unforeseen needs between budget cycles. The Contingency Cash Reserve Fund maintains a minimum balance of 4 percent of Local Fund operating expenditures less debt service costs, based on the operating expenditures as

	<p>reported in the District's most recently published Comprehensive Annual Financial Report (CAFR) for the previous fiscal year.</p> <p>The District's 2017-18 budget has not yet been submitted, and it remains to be seen whether this funding represents a one-time commitment or whether D.C. will continue to award funding in future fiscal years.</p>
<p>Service providers for new or enhanced services</p>	<p>Community-based organizations and their private sector partners and private sector legal service providers.</p> <p>The Immigrant Justice Legal Services grant program is managed by the Executive Office of the Mayor and grants are solicited through the Mayor's Office on Asian and Pacific Islander Affairs, the Mayor's Office on Latino Affairs, and the Mayor's Office on African Affairs.</p>
<p>Helpful insights and findings</p>	<p>The District of Columbia decided to structure the program as an open grant opportunity to help foster creative partnerships between organizations and to take advantage of the high level of legal goodwill in the city. In addition to aiding immigrants, some of the program's goals are to boost organizations that are already serving immigrants, to help them diversify and expand their range of services into legal services with additional funding, and to connect volunteer lawyers interested in immigrant justice with community-based organizations.</p>

Pending State Legislation

In addition to new initiatives that cities and counties in California and elsewhere have undertaken or plan to roll out to fund expanded legal services for immigrants, two bills are pending before the State of California Legislature that would also establish programs and funding for legal services for immigrants.

Senate Bill 6

Senate Bill 6 (SB 6) would create a State program to fund legal representation for immigrants in removal proceedings who are not otherwise entitled to legal representation under existing programs. SB 6, also known as the Due Process for All Act, would require the California Department of Social Services (CDSS) to contract with qualified nonprofit organizations to provide these legal services to immigrants facing deportation. The bill would also authorize CDSS to contract with organizations to provide legal training and technical assistance to qualified nonprofit legal services organizations, to provide relief services to immigrants after convictions, and to provide placement services and case coordination to individuals in removal proceedings.

SB 6 would appropriate a currently unspecified amount from the General Fund to CDSS to fund the program, and also would establish the California Universal Representation Trust Fund to accept philanthropic and private donations.

The text of the bill declares that this act is an urgency statute, and therefore would take effect immediately.

Assembly Bill 3

This proposed bill would require CDSS or a nonprofit contracting with CDSS to issue requests for proposals and grants to qualified legal services projects, support centers, or county Public Defender offices to:

1. expand their programs to serve as regional centers to provide legal training, written materials, mentoring, and technical assistance to county Public Defender offices related to the immigration consequences of criminal convictions; and/or
2. act as a statewide resource center for these regional centers and county Public Defender offices and provide ongoing training, written materials, mentoring, and technical assistance, as well as to coordinate a statewide effort to ensure efficient delivery and high-quality services.

The bill would also require CDSS or a contracted nonprofit to issue requests for proposals and grants to county Public Defender offices for new tools to enable attorneys to represent noncitizen defendants in ongoing cases and for those offices to assist nonprofit organizations and private immigration attorneys serving noncitizens in removal proceedings with the acquisition of legal documents related to the noncitizen's prior criminal case.

Memo to Supervisor Fewer
February 15, 2017

The bill would appropriate an unspecified amount from the General Fund for the purposes of the grants. The text of the bill declares that this act is an urgency statute, and therefore would take effect immediately.

File # 161288
Received in Committee
2/14/17 - fr

EXPANSION OF LEGAL SERVICES FOR IMMIGRANTS IN OTHER CITIES

Policy Analysis Report to Supervisor Fewer

Presentation to:

BUDGET AND FINANCE COMMITTEE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

February 16, 2017

Budget and Legislative Analyst

Cities & Counties with New or Expanded Legal Immigrant & Other Services

Jurisdiction	New or Expanded Services since November 2016 Election	Funding for New or Expanded Services
Alameda County	Legal representation for immigration cases	\$750,000 (County) <u>\$750,000 (foundation)</u> For a total of \$1.5 million thru FY '18
Boston	Know Your Rights immigrant education and outreach services, including legal rights education	Pending
Chicago	Legal representation for immigration cases Community outreach and legal rights education	\$1.3 million one-time funding
City of Los Angeles, County of Los Angeles	Legal representation for immigrants facing deportation Education and outreach	\$2 million (City) +\$3 million (County) <u>+\$5 million (est'd., from foundations)</u> For a total of \$10 million thru FY '18
New York City	Existing (various immigrant services started in 2014, including Universal Representation, providing representation to all indigent detained immigrants in deportation proceedings)	\$30 million+/year for existing services
San José, County of Santa Clara	Legal representation for immigration cases with immigrants in danger of deportation, except violent offenders	\$75,000 anticipated (City) + \$1.5 million proposed (County) + \$1.5 million County match <u>anticipated from foundations</u> For a total of \$3.1 million
Washington, D.C.	Legal services for immigrants	\$500,000



Questions and comments

EXPANSION OF LEGAL SERVICES FOR IMMIGRANTS IN OTHER CITIES

Policy Analysis Report to Supervisor Fewer

Presentation to:

BUDGET AND FINANCE COMMITTEE
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

February 16, 2018

Contact: Fred Brousseau: fred.brousseau@sfgov.org

Wong, Linda (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, February 22, 2017 11:15 AM
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: File 161288/289 FW: Legal Support for Immigrant Defense
Attachments: CBO Letter in Support of Detained Rep-PD[1].docx

From: Lita Blanc [mailto:lblanc@uesf.org]
Sent: Wednesday, February 22, 2017 8:40 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Legal Support for Immigrant Defense

Dear Supervisors,

Attached please find UESF's letter in support of additional funds to guarantee legal services for detained and non-detained immigrants. Thank you.

Lita Blanc
President, UESF

February 23, 2017

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

via email: Board.of.Supervisors@sfgov.org

Dear San Francisco Board of Supervisors,

The below-signed members of the San Francisco Immigrant Legal Defense Collaborative (SFILDC), the San Francisco Immigrant Legal and Education Network (SFILEN), and other community groups, professional associations, and agencies in San Francisco urge you to take further action to protect the most vulnerable immigrants in our community: those who are detained and denied access to counsel.

Community-based organizations (CBOs) would like to partner with the Public Defender (PD) based on a well-deliberated plan to meet the need for both, detained and non-detained immigrants. In 2016, CBOs reached out to the PD to discuss the significant gap in access to counsel for detained immigrants. The CBOs agreed that our strength was in representing non-detained immigrants, given SFILDC's focus and excellent performance in this area. The PD agreed that its expertise was in providing high volume, high quality services for those whose liberty is at risk, individuals in detention. The PD already houses one of San Francisco's first city-funded deportation and detention defense attorneys (Francisco Ugarte) who built the first immigration defense program for our city. After months of discussions and deliberations, the PD agreed to help by building a program for detained immigrants while the CBOs would focus on representing non-detained immigrants. **CBOs and the PD mutually decided that such a division of labor and programs would be most beneficial to the community based on our capacities and expertise.**

The CBOs do not have the capacity of the PD to scale at the level that is needed for the detained population before the San Francisco Immigration Court. Of the 21 SFILDC and SFILEN organizations providing services to immigrants, only three are able to provide detained representation. While these **three organizations** are hiring one new attorney each for detention representation, **this is only a stop-gap measure.** Given the existing need for over 1,500 detainees, as well as the anticipated increase in detentions, there is a major gap in representation for detained immigrants. In addition, this is a significant organizational commitment and burden on our infrastructures as the CBOs each only house 3-8 total immigration attorneys at our nonprofits. We do not have the capacity to hire and train the additional attorneys and support staff that our city needs. However, the PD, with over 90 defense attorneys, has the capacity to hire the needed 9 attorneys with 6 support staff, to build an effective and much-needed immigration detention representation program.

Housing the detained representation program at the PD's office provides political advantages. Public defenders as government agents may have advantages and better channels of

communication when working with other government agencies, including the Department of Homeland Security and the Department of Justice. Providing immigrant defense through a city agency as opposed to CBOs therefore creates a more level playing field that is between government agencies.

The Department of Homeland Security released new anti-immigration directives in the last week, criminalizing broad classes of immigrants and their families, increasing arrests and detentions, and expediting deportations. These directives communicate a greater urgency than ever before to ensure that detainees processed through the San Francisco Immigration Court have legal representation.

CBOs and advocates would like to see a long-term commitment to the detained immigrant community. We believe that just as the federal government funds the Department of Homeland Security to detain and prosecute immigrants, our community is entitled to a public defense in all matters relating to detention or imprisonment. Funding through a city agency such as the PD demonstrates a long-term commitment and safety net for our community.

In the long-term, we believe that all immigrants in detention and deportation proceedings will be afforded a right to counsel through a federal program. An agency like the PD that has already led the way in a similar fashion for criminal defendants has the historical and institutional advantage to be able to successfully roll out such a plan. Prior to the landmark Supreme Court case, *Gideon v. Wainwright*, which afforded a right to an attorney for all criminal defendants, cities and counties supported access to counsel and a defense against unjust prosecution. While immigration proceedings are a civil and administrative matter, immigrants' liberty, safety, and freedom are at stake. We urge the city of San Francisco to lead the way toward the creation of a federal program to provide representation for all detained immigrants.

We are grateful for the funding that you approved for the 21 SFILDC and SFILLEN organizations to provide much-needed services to our community focusing on non-detained immigration services. We now also urge you to consider the families and individuals that were not fully funded: the detained immigrants.

Sincerely,

Lita Blanc
President, United Educators of San Francisco

File # 16/288
2/16/2017

Good morning, Supervisors.

My name is Zeenat Hassan, and I am a staff attorney at the AIDS Legal Referral Panel. ~~ALRP is a nonprofit organization that provides free legal services to people living with HIV and AIDS in the Bay Area.~~ I work in the Housing Unit, and the majority of my time is spent defending tenants in eviction proceedings. In so many of my cases, having a rental subsidy available was absolutely vital to preventing eviction and homelessness.

One of the first cases that I worked on at ALRP involved an HIV-positive tenant who was living in a privately owned, rent-controlled unit. In the months leading up to his eviction, he experienced a dramatic decline in health that forced him to stop working. Disability benefits were his only source of income, and he did not receive enough to pay for his rent. Fortunately, we were able to get him a rental subsidy and back-rent assistance from the Q Foundation. Because of the subsidy, my client remained housed in that building for an additional year before relocating to an affordable housing unit that was better suited to his financial and medical needs.

This client's story is not unique, but is representative of so many of the cases I see in my capacity as a tenant rights attorney. When I pick up an eviction case that involves nonpayment of rent, one of the first calls I make is to the Q Foundation because I know that getting my client a rental subsidy drastically reduces the likelihood that they will be evicted.

For so many tenants, rental subsidies are the safety net that keep them from homelessness. I don't think I need to remind anyone that we are in the midst of a housing crisis. For that reason, I urge you to support funding for these subsidies. San Francisco cannot afford to have more tenants out on the streets.

Thank you.



Zeenat Hassan
AIDS Legal Referral Panel
1663 Mission St, Suite 500
San Francisco, CA 94103
(415) 701-1200, x306
Zeenat@alrp.org

Agenda Items 4, 5, 6

2/16/17

File # 161288

Thank you Supervisors for the opportunity to speak in support of Sup. Farrow's proposals to fund legal services for immigrants and housing subsidies for seniors and people with disabilities. My name is Bill Hersh; I am the Executive Director of the AIDS Legal Referral Panel (ALRP), we provide legal services to people with HIV/AIDS; including legal services to immigrants and clients facing eviction. I also serve as the co-chair of the ~~Egg~~ Homeless Emergency Service Providers Association (HESPA). Last year we fought for a comprehensive approach to homelessness prevention, including eviction defense legal services, tenant outreach and education, and housing subsidies. We are experiencing an emergency in homelessness. You don't need to do more than open your eyes to see the suffering on the streets. Homelessness prevention is a critical strategy for the City. These housing subsidies will keep folks in their current rent-controlled units. Please support this measure. Thank you for your consideration.



HOMELESS PRENATAL PROGRAM

STABLE FAMILIES + HEALTHY COMMUNITIES

File # 1161346
Received in Comm.
2/14/17
for

Laura is a 47 year-old Guatemalan mother living with her two adult sons and teenage daughter. Originally selected for the Families Moving Forward (FMF) demonstration, the family was ineligible for a Housing Choice Voucher due to their immigration status. However, through the SHARE Subsidy Program she has since secured stable housing in San Francisco, allowing her to continue working on obtaining Permanent Residency status, which she needs to increase her income and transition off of the subsidy, while remaining in a Sanctuary City. Stable housing in San Francisco has also allowed Laura to petition for the two adult sons to travel to the US from Guatemala, and they have happily reunited as a family.

Janet is a 33 year-old mother of three children, aged 5, 9, and 11 years old. The eldest of her three children had been in dire need of a kidney transplant, but risked losing eligibility for the procedure because of the family's housing instability. The family had been homeless for over a year with her child fighting these ongoing health issues. On the same day that the family was accepted into the SHARE Program, our staff transported the family to view an available unit. During the process of securing that unit, the ill child was rushed to the hospital for his kidney transplant. The SHARE Program was able to negotiate with the landlord to hold the unit the child was discharged, following his emergency surgery. When the family finally received their keys, the 11 year-old son was overjoyed to explore his new home and choose his new bedroom.

Marta is a 21 year-old mother of three children, aged 4 years, 2 years, and 2 months. After years of encounters with much of the existing San Francisco shelter system, she was selected for the FMF demonstration but was ineligible for a Housing Choice Voucher due to her immigration status. Since that time, our SHARE Program services have successfully placed her family in a 2-bedroom unit, providing the stability needed for her to enroll in JobsNow through HSA-SF and most recently begin gainful and meaningful employment. She expresses a great deal of pride in the independence she has developed as a result of participation in the program.

Angela is a 41 year-old mother of an adolescent daughter who suffers from a chronic medical condition and has been hospitalized numerous times over the course of her young life. After relocating to San Francisco from Louisiana, the family was staying at a local family shelter for nearly 12 months before they were accepted to the SHARE Program. Jessica was a deeply devoted participant in her housing search, quickly "fell in love" with a unit, and wrote a shining character letter on behalf of herself and her daughter. She is now building her own business while receiving income for providing ongoing in-home care to her daughter.

"We were very thankful to SHARE for the help we have received. Our family has worked with other agencies as well, but has felt pressured to move out of San Francisco. We have a significant need to stay in San Francisco: our daughter's medical care is here, we need to remain in a Sanctuary City, and our family is well-established here, with agency resources and social connections. The possibility of living outside San Francisco was daunting: increased cost of living for expenses like travel and childcare – not to mention the thought of interrupting our daughter's medical care. Our family would like to ask Mayor Lee to do everything in his power to allocate resources for established San Franciscans who are working hard to recover from homelessness while remaining residents of the City & County."

SHARE Program Participant

Wong, Linda (BOS)

From: Carpenter, Adele
Sent: Wednesday, December 07, 2016 12:21 PM
To: Wong, Linda (BOS)
Cc: Somera, Alisa (BOS); Calvillo, Angela (BOS); Carolyn Goossen; crisplunkett@gmail.com
Subject: YC Referral Response to File Numbers 161288 and 161289
Attachments: 1617-RBM-05.pdf

Hi, Linda,

I hope that this finds you well. I am writing to share youth commissioners' attached response to the referred legislation file numbers 161288 and 161289. Please let me know if I can provide any further information.

Thanks,

Adele Failes-Carpenter
Director
San Francisco Youth Commission
Office: (415) 554-7112 | Fax: (415) 554-6140

Visit the official [Youth Commission site](#) and [YC facebook page](#).
Sign up for [our newsletter](#).

Complete a Board of Supervisors [Customer Satisfaction form](#).

Youth Commission
 City Hall ~ Room 345
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4532



(415) 554-6446
 (415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION

MEMORANDUM

TO: Linda Wong, Clerk, Budget & Finance Committee
FROM: Youth Commission
DATE: Wednesday, December 7, 2016
RE: Referral response to BOS File Nos. 161289 [Public Employment - Amendment to the Annual Salary Ordinance for the Office of Public Defender - Legal Unit to Defend Immigrants from Deportation - FYs 2016-2017 and 2017-2018] and 161288 [Appropriation - General Reserve - Establishing a Legal Unit to Defend Immigrants from Deportation in FYs 2016-2017 and 2017-2018 - \$6,945,965]

At our **Monday, December 5, 2016 meeting**, the Youth Commission voted to unanimously support the following motions:

To support BOS File No. 161289 - Ordinance amending Ordinance No. 146-16 (Annual Salary Ordinance FYs 2016-2017 and 2017-2018) to reflect the addition of 17 new positions (7.08 FTEs in FY2016-2017 and 17 FTEs in FY2017-2018) at Office of Public Defender for establishing a legal unit to defend immigrants from deportation.

To support BOS File No. 161288 - Ordinance appropriating \$6,945,965 of General Reserve to the Office of Public Defender, to create a legal unit to defend immigrants from deportation in FYs 2016-2017 and 2017-2018.

The Youth Commission's support for this legislation is based in its past support of sanctuary and due process for all policies, as well as youth commissioners' convictions that the impending threat of deportations constitute a true emergency requiring swift action to protect immigrant families and the wellbeing of 1 in 3 SFUSD students with an immigrant parent and that investments in keeping families together and parents out of detention help our City, school district, and communities avoid paying the long term costs associated with the harms of separation.

Youth Commissioners thank Mayor Lee and the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script, appearing to read "Madeleine Matz".

Chair, Madeleine Matz
 Adopted on December 5, 2016
 2016-2017 San Francisco Youth Commission

Wong, Linda (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, December 07, 2016 9:31 AM
To: Wong, Linda (BOS)
Subject: File 161288 and 161289 FW: NYIFUP's letter in support of legal services for people in removal proceedings in San Francisco
Attachments: 2016-12-06 - Letter to SF Board of Supervisors from NYIFUP .pdf

From: Luis Mancheno [mailto:luis.mancheno@yu.edu]
Sent: Tuesday, December 06, 2016 7:29 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Niloufar Khonsari <nilou@pangealegal.org>; Ugarte, Francisco (PDR) <francisco.ugarte@sfgov.org>; Adachi, Jeff (PDR) <jeff.adachi@sfgov.org>; FKreimer@dscs.org; Peter L Markowitz <peter.markowitz@yu.edu>
Subject: NYIFUP's letter in support of legal services for people in removal proceedings in San Francisco

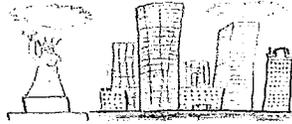
Dear San Francisco Board of Supervisors,

Attached to this email you will find a letter from the New York Immigrant Family Unity Project (NYIFUP) coalition in New York City in support of Supervisor Campos's proposal to provide legal services to people in removal proceedings in San Francisco.

Sincerely,

The NYIFUP Coalition

Luis Mancheno
Clinical Teaching Fellow
Kathryn O. Greenberg Immigration Justice Clinic
Benjamin N. Cardozo School of Law
55 Fifth Avenue, rm 1137
New York, NY 10003
Tel: (212) 790-0870
Fax: (212) 790-0256



THE NEW YORK IMMIGRANT FAMILY UNITY PROJECT

December 6, 2016

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

via email: Board.of.Supervisors@sfgov.org

All of us, members of the New York Immigrant Family Unity Project (NYIFUP) coalition, congratulate the San Francisco Board of Supervisors for your recent reaffirmation of your commitment to stand up for the rights and welfare of all San Francisco residents. In particular, we applaud your promise that San Francisco will remain a sanctuary city, continuing to protect immigrant communities from unjust deportation.

Last week, the Board of Supervisors demonstrated their commitment to justice by proposing to allocate \$5 million to establish a program to provide legal representation to detained immigrants facing deportation in San Francisco. In New York, we have been able to establish the first public defender system for detained immigrants in the nation—NYIFUP. As a result, New Yorkers no longer face deportation without counsel by their side. We speak from experience when we say that providing lawyers for people who face permanent separation from their families and exile from their communities is the most basic way to help them achieve justice.

Unlike criminal proceedings, in which the right to counsel is a recognized constitutional right, indigent immigrants in deportation proceedings appear in immigration court without the right to any legal representation. Many face permanent exile from their families and deportation to countries where they will face extreme hardship and, in many cases, life-threatening persecution. A significant proportion of NYIFUP clients have a legal right to stay in the United States, but they would be unable to defend their rights without a lawyer. The data from a study we conducted in New York demonstrate that, without counsel, it is virtually impossible for detained immigrants to avoid deportation, even when they have a strong claim for relief.

During the past three years, thanks to our strong partnership with the New York City Council, we have successfully designed and implemented the first-in-the-nation public defense system for indigent non-citizens facing deportation: NYIFUP. Today, NYIFUP provides lawyers to every detained immigrant facing deportation in New York City who cannot afford private counsel. NYIFUP has had a dramatic impact, improving immigrants' chance of success in immigration court by as much as 1000%. As a result,

countless New York families have been spared from the devastation of losing a loved one to deportation. We believe that, in the coming years, NYIFUP and initiatives like the one proposed by Supervisor Campos, will play a more important role in preserving immigrant families than ever before.

The New York City NYIFUP Coalition is hopeful, however, that as the federal government transitions into a new administration that has vowed to deport millions of our community and family members, affected communities and their advocates across the country can come together and stand up for what we believe is fair and just. We have learned many lessons as we implemented NYIFUP in New York City during these years and are ready to provide your office with any support you need that builds on those lessons.

Housing the NYIFUP program in existing public defender offices has been the key to the program's rapid success. NYIFUP's experienced attorneys were able to hit the ground running, rapidly turning NYIFUP into a sustainable program because of existing in-house infrastructure and the ability of public defenders to deal with a high volume of cases involving custody and other complex issues. We strongly believe that the San Francisco Board of Supervisors' plan to build a model of immigration court representation that relies in part on public defenders will ensure similar results in your city.

The New York City Council's goal of universal immigration representation in New York was ambitious from the start. However, providing representation for every indigent detained immigrant in deportation proceedings in New York has not only allowed our program to stay true to this ideal, but has also allowed it to create stronger partnerships with the immigration courts, other stakeholders, and has ignited similar initiatives across the country. Without universal representation, so many of our community members who would have been turned back after a too-brief assessment of the merits of their claims were actually able to fight their cases and prevail in them. Immigration laws are extremely complex, and only by offering an attorney to every person facing deportation can we ensure that all claims are fully assessed.

Universal representation in our immigration courts has both protected the due process rights of our community members and provided significant cost-savings to our city, to the benefit of our local economy. Employers bear the burden of replacing employees who are detained and deported. Children are forced to drop out of school and often become part of the foster care system because a parent is detained or deported. The city bears the costs of decreased economic activity and reduced tax revenue when longtime community members—workers, business owners, customers, mortgage- and lease-payers—are locked up and deported, and denied the opportunity to regularize their immigration status and continue making long-term contributions to the local economy. When households lose breadwinners to deportation, previously stable self-sufficient families become reliant on government safety-net programs.

The benefits of the initiative that Supervisor Campos has put forward will quickly become evident as the program is implemented in San Francisco. Thousands of New Yorkers have benefited from NYIFUP and we are confident that thousands of families will also benefit in San Francisco once universal representation is provided to every detained indigent immigrant facing deportation. Examples of the success of NYIFUP include Daniel, a gay man from Jamaica who was put into deportation proceedings in New York after fleeing his home country due to his sexual orientation. Thanks to the work of a NYIFUP attorney, Daniel was able to remain in this country and was protected from being deported to Jamaica where he faced likely persecution, including possible torture.¹

A study conducted from 2002 to 2014 found that nationally, only 37% of people fighting deportation have legal representation. This due process crisis will likely get worse under the new administration. That makes programs like the one San Francisco has proposed even more urgently necessary than ever. We are grateful that San Francisco has taken steps toward joining New York in providing universal representation for detained immigrants facing deportation and we offer our full support in the implementation of this initiative. Only legal representation will allow community members to successfully fight for the chance to challenge separation from their families and communities and remain in this country.

Sincerely,

NYIFUP Coalition

Brooklyn Defender Services
The Bronx Defenders
Cardozo Immigration Justice Clinic
Center for Popular Democracy
The Legal Aid Society
Make the Road New York
Northern Manhattan Coalition for Immigrant Rights
Vera Institute for Justice's Center on Immigration and Justice

¹ See Brooklyn Defender Services testimony to New York City Council Committee on Immigration on Oct. 21, 2016, available at <http://bds.org/wp-content/uploads/2016.10.21-BDS-testimony-on-Multi-Agency-Support-for-Immigrant-Families.pdf>.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Adele Carpenter, Director
Youth Commission

FROM: Angela Calvillo, Clerk of the Board

DATE: December 2, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following proposed legislation which is being referred to the Youth Commission as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 161288

Ordinance appropriating \$6,945,965 of General Reserve to the Office of Public Defender, to create a legal unit to defend immigrants from deportation in FYs 2016-2017 and 2017-2018.

Please return this cover sheet with the Commission's response to **Linda Wong, Assistant Clerk, Budget and Finance Committee.**

RESPONSE FROM YOUTH COMMISSION Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Youth Commission

Wong, Linda (BOS)

From: Pagoulatos, Nickolas (BOS)
Sent: Friday, January 13, 2017 2:54 PM
To: BOS-Legislative Services
Subject: Fwd: Adding Supervisor Fewer As Primary Sponsor

Hello Everyone,

Supervisor Fewer would like to be added as the primary sponsor for the following files:

161288,
161289,
161346 and
170004

Please let me know if you have any questions. Thank you!

Sent from my iPhone

Print Form

RECEIVED
11/29/16
5:20pm
AS

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

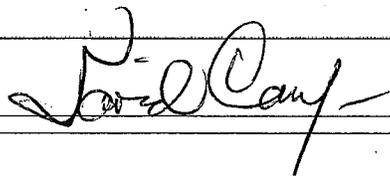
Campos, Mar, Avalos, Kim

Subject:

Appropriation - \$6,945,965 of General Reserve for Establishing a Legal Unit to Defend Immigrants from Deportation in Fiscal Years 2016-2017 and 2017-18.

The text is listed below or attached:

Please see attached ordinance. I kindly request that this be sent to the Government Audit and Oversight Committee.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

<p>Items 4 and 5 Files 16-1288 and 16-1289</p>	<p>Department: Office of the Public Defender (OPD)</p>
<p>EXECUTIVE SUMMARY</p>	
<p>Legislative Objectives</p>	
<ul style="list-style-type: none"> • <u>File 16-1288</u> would appropriate \$6,945,965 of General Reserve to the Public Defender’s Office to create a legal unit to defend immigrants from deportation in FY 2016-17 and FY 2017-18; and <u>File 16-1289</u> would amend the Annual Salary Ordinance to create 17 new positions in the Public Defender’s Office for the new immigrant defense unit. 	
<p>Key Points</p>	
<ul style="list-style-type: none"> • The Board of Supervisors previously approved an appropriation of \$1.5 million to fund legal services to immigrants provided by community based organizations in FY 2016-17. • The Public Defender is requesting 17 new positions to process an estimated 400 to 600 cases annually, providing legal services to immigrants facing detention and deportation. 	
<p>Fiscal Impact</p>	
<ul style="list-style-type: none"> • Because initial caseload will likely be less than estimated by the Public Defender’s Office, the requested number of positions should be reduced from 17 to 13 in FY 2016-17; and to 15 in FY 2017-18. • Because the Board of Supervisors previously appropriated funding of \$1.5 million, the proposed ordinance should be amended to delete \$3,442,789 allocated to community based organizations in FY 2016-17 and FY 2017-18. 	
<p>Policy Consideration</p>	
<ul style="list-style-type: none"> • The Administrative Code provides for a General Reserve equal to 2.25 percent of General Fund revenues in FY 2017-18. According to the Five-Year Plan Update, projected deposits to the General Reserve are \$14.6 million in FY 2017-18. • The Board of Supervisors previously appropriated \$1.5 million from the General Reserve in FY 2016-17 to fund community based organizations to provide legal services to immigrants, and the proposed ordinance would appropriate \$2.4 million from the General Reserve in FY 2016-17 and FY 2017-18, totaling \$3.9 million. In order to comply with requirements of the Administrative Code, the City will need to increase the FY 2017-18 deposit to the General Reserve by \$3.9 million, from \$14.6 million to \$18.5 million. The City will need to identify revenue increases or expenditure savings in order to increase the deposit to the General Reserve by \$3.9 million in FY 2017-18. 	
<p>Recommendations</p>	
<ul style="list-style-type: none"> • Amend File 16-1288 to reduce the appropriation by \$4,504,168, from \$6,945,965 to \$2,441,797. • Amend File 16-1289 to reduce the FY 2016-17 FTE by 3.83, from 7.08 FTE to 3.25 FTE; and the FY 2017-18 FTE by 2.0, from 17.0 FTE to 15.0 FTE. • Approval of the proposed ordinances, as amended, is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 9.105 states that amendments to the Annual Appropriations Ordinance, after the Controller certifies the availability of funds, are subject to Board of Supervisors approval by ordinance.

BACKGROUND

There are approximately 115,000 non-citizen residents of San Francisco¹ of which 44,000 are estimated to be undocumented immigrants². Based on Immigration Customs Enforcement (ICE) fingerprint data, since 2010, an average of approximately 7,000 immigrants were deported each year from the San Francisco Immigration Court, which falls under the jurisdiction of the Executive Office for Immigration Review under the U.S. Department of Justice. The numbers of individuals who actually appear before the San Francisco Immigration Court are lower because many deportations occur without due process and without an opportunity to appear before a judge at a hearing in order to defend against removal. Based on the stated intent of the administration of President Trump, detentions and deportations are expected to expand in 2017.

Over the past year, approximately 1,500 immigrants were detained during their deportation proceedings in San Francisco. While in detention, individuals are separated from their families and unable to access materials and evidence to prepare for their cases.

The vast majority of individuals who are deported are not represented by an attorney in their immigration court proceedings. An analysis of immigration court records, conducted by the California Coalition for Universal Representation, found that 67 percent of detained immigrants in San Francisco lacked representation by an attorney over a three-year period from 2012 to 2015. The analysis found that only 5 percent of unrepresented detainees obtained relief (i.e., asylum, cancellation of removal, or termination of case) compared to 35 percent of represented detainees as a result of their proceedings in the San Francisco Immigration Court.

Funding to Community-Based Organizations to Provide Legal Services

In January 2017, the Board of Supervisors approved a supplemental appropriation of \$1,500,000 to the Mayor's Office of Housing and Community Development (MOHCD), the City Administrator's Office of Civic Engagement and Immigrant Affairs (OCEIA), and the Human Rights Commission (HRC) to fund legal representation, pathways to citizenship, public outreach, and rapid response social services to be provided by community-based organizations in FY 2016-17 (File No. 16-1344).

The Public Defender's Office New Legal Unit for Immigration Services

The Public Defender's Office (Public Defender) currently has one attorney dedicated to handle immigration cases, including some cases in immigration court. The Public Defender is proposing

¹ U.S. Census Bureau American Community Survey (ACS) 2014 (5-Year Estimates)

² Migration Policy Institute (MPI) analysis of 2014 ACS

to create a new legal unit staffed with 17 new positions of 10 attorneys, 5 paralegals, and 2 senior legal process clerks to handle cases of detained immigrants in immigration court. The new legal unit would also handle some impact litigation cases³. In addition to handling detained deportation cases, the Public Defender will work with community-based organizations in the following:

- Advise non-citizens of the immigration consequences of criminal convictions.
- Create a standard referral form to refer cases between the Public Defender and the collaborative community-based organization members, and refer cases where appropriate.
- Begin working on clients' immigration matters while they are still in county custody to maximize the efficiency of the immigration cases.
- Collaborate on post-conviction relief, where appropriate.
- Assist community-based organizations in obtaining criminal court documents, where relevant.

Each of the 10 attorneys is expected to handle between 40 and 60 detainee cases each year, or a total of 400 to 600 detainee cases per year. According to Ms. Angela Auyong, Public Defender Office Manager, the average time expected to be spent on each detained immigrant case will be approximately 30 attorney hours, 17 paralegal hours, and 7 legal process clerk hours. The Public Defender's Office will establish criteria to determine which cases it will take.

DETAILS OF PROPOSED LEGISLATION

File 16-1288: Supplemental Appropriation Ordinance

The proposed ordinance would appropriate \$6,945,965 of General Reserve to the Public Defender's Office to create a legal unit to defend immigrants from deportation in FY 2016-17 and FY 2017-18, including 17 new positions and grants to community based organizations. The proposed ordinance would appropriate \$1,938,104 in FY 2016-17 and \$5,007,861 in FY 2017-18, totaling \$6,945,965, shown in Table 1 below. The appropriation amount for FY 2016-17 is prorated for the final five months of the year.

³ Impact litigation cases are typically class action lawsuits or individual claims with broader significance intended to influence public policy.

Table 1: Sources and Uses of Funds

Source of Funds	FY 2016-17	FY 2017-18	Total
General Reserve	\$1,938,104	\$5,007,861	\$6,945,965
Total Sources	\$1,938,104	\$5,007,861	\$6,945,965
Uses of Funds			
<u>Public Defender Positions</u>			
Permanent Salaries	\$688,361	\$1,876,810	\$2,565,171
Fringe Benefits	<u>237,158</u>	<u>700,847</u>	<u>938,005</u>
Subtotal, Public Defender Positions	\$925,519	\$2,577,657	\$3,503,176
Community-Based Organizations	1,012,585	2,430,204	3,442,789
Total Uses	\$1,938,104	\$5,007,861	\$6,945,965

File 16-1289: Annual Salary Ordinance Amendment

The proposed ordinance would amend the Annual Salary Ordinance to add 17 new positions in the Public Defender's Office, equal to 7.08 full-time equivalent (FTE) positions in FY 2016-17 and 17.00 FTE positions in FY 2017-18, as shown in Table 2 below.

Table 2: Proposed New Positions in the Public Defender's Office

	Number of Positions	FY 2016-17 FTEs	FY 2017-18 FTEs
8182 Head Attorney	1	0.42	1.00
8177 Attorneys	9	3.75	9.00
8173 Legal Assistant	5	2.08	5.00
8108 Senior Legal Process Clerk	2	0.83	2.00
Total	17	7.08	17.00

FISCAL IMPACT**17 New Positions in the Public Defender's Office**

The supplemental appropriation ordinance appropriates \$925,519 in FY 2016-17 and \$2,577,657 in FY 2017-18, totaling \$3,503,176 to create 17 new positions in the Public Defender's Office, as shown in Table 1 above.

Timeline to Hire New Positions

Since the Public Defender's Office cannot begin the hiring process until the requested appropriation is approved by the Board of Supervisors, and approval would occur on February 28, 2017, at the earliest, the Budget and Legislative Analyst assumes that all new hires will start on April 1, 2017.

The 8177 Attorney and 8182 Head Attorney positions are at-will positions exempt from the civil service hiring process. In the past, the Public Defender's Office has reported that the department can fill vacant attorney positions within about one month. The 8173 Legal Assistant

(paralegal) and 8108 Senior Legal Process Clerk positions are civil service positions. According to Ms. Auyong, the Public Defender’s Office intends to use an existing eligible list to expedite the process of filling those positions.

Immigrant Defense Caseload

As noted above, the Public Defender’s Office estimates immigrant defense caseload of 400 to 600 cases per year. The Budget and Legislative Analyst projects that initial caseload will be less than estimated by the Public Defender’s Office because federal policy to detain undocumented immigrants is not clear,⁴ and that the caseload of the new legal unit will take time to develop. Therefore, the Budget and Legislative Analyst recommends reducing the requested number of positions from 17 to:

- 13 positions in FY 2016-17 (based on an annual caseload of 400); and
- 15 in FY 2017-18 (based on an annual caseload of 500).

The requested number of FTEs in FY 2016-17 would be reduced from 7.08 (as shown in Table 2 above) to 3.25 FTEs to account for a start date of April 1, 2017, as shown in Table 3 below.

Table 3: Proposed Reduction in Positions

FY 2016-17 FTEs						
	Hours per Case ^a	Total Hours for 400 Cases	Hours per FTE ^b	Annual FTE for 400 Cases	Annual Positions	FY 2016-17 FTEs (3 months)
8182 Head Attorney ^c				1.00	1.00	0.25
8177 Attorney	30	12,000	1820	6.59	6.00	1.5
8173 Legal Assistant	17	6,800	1840	3.70	4.00	1
8108 Senior Legal Process Clerk	7	2,800	1840	1.52	2.00	0.5
Total FTEs				12.81	13.00	3.25
FY 2017-18 FTEs						
	Hours per Case ^a	Total Hours for 500 Cases	Hours per FTE ^b	Annual FTE for 500 Cases	Annual Positions	
8182 Head Attorney ^c				1.00	1.00	
8177 Attorney	30	15,000	1820	8.24	8.00	
8173 Legal Assistant	17	8,500	1840	4.62	4.00	
Legal Process Clerk	7	3,500	1840	1.90	2.00	
Total FTEs				15.76	15.00	

^a Hours per case are based on information provided by the Public Defender’s Office

^b Based on collective bargaining agreements for the respective classifications

^c Assumes that Head Attorney has no caseload but can support the work of the Attorneys

Salaries and Fringe Benefits

⁴ New federal policy on detaining undocumented immigrants will require additional funding appropriations by Congress and may face legal challenges. Implementation of the President’s Executive Order on “Border Security and Immigration Enforcement Improvement”, issued on January 25, 2017, calls for the hire of 10,000 officials to enforce the order.

The supplemental appropriation ordinance appropriates \$925,519 in FY 2016-17 and \$2,577,657 in FY 2017-18, totaling \$3,503,176 to create 17 new positions in the Public Defender's Office, as noted above. The Budget and Legislative Analyst's recommendation would result in 13 positions (3.25 FTEs with a start date of April 1, 2017) and salary and fringe benefits of \$418,105 in FY 2016-17 and 15 positions (15.0 FTEs) and salary and fringed benefits of \$2,023,692 in FY 2017-18, as shown in Table 4 below.

Table 4: Budget and Legislative Analyst's Recommendation

	FY 2016-17	FY 2017-18	Total
Ordinance (File 16-1288)	\$925,519	\$2,577,657	\$3,503,176
Budget and Legislative Analyst Recommendation	<u>418,105</u>	<u>2,023,692</u>	<u>2,441,797</u>
Recommended Reduction	\$507,414	\$553,965	\$1,061,379

The Budget and Legislative Analyst's reduction would reduce the appropriation for salaries and fringe benefits from \$3,503,176 to \$2,441,797, a reduction of \$1,061,379.

Appropriation for Community Based Organizations

Because the Board of Supervisors previously appropriated funding of \$1.5 million in January 2017 for community based organizations to provide legal representation and other services to immigrants in FY 2016-17, the proposed ordinance should be amended to delete \$3,442,789 allocated to community based organizations in FY 2016-17 and FY 2017-18.

Summary

The Budget and Legislative Analyst recommends amending:

- Ordinance 16-1288 to reduce the appropriation amount by \$4,504,168, from \$6,945,965 to \$2,441,797 (see Table 4 above); and
- Ordinance 16-1289 to reduce the FY 2016-17 FTE by 3.83, from 7.08 FTE to 3.25 FTE; and the FY 2017-18 FTE by 2.0, from 17.0 FTE to 15.0 FTE (see Table 3 above).

POLICY CONSIDERATION

Administrative Code Section 10.60(b) provides for a General Reserve of 2.25 percent of General Fund revenues in FY 2017-18. According to the Five-Year Plan Update, prepared jointly by the Mayor's Office, Controller's Office, and Budget and Legislative Analyst Office in December 2016, projected deposits to the General Reserve are \$14.6 million in FY 2017-18.

The Board of Supervisors previously appropriated \$1.5 million from the General Reserve in FY 2016-17 to fund community based organizations to provide legal services to immigrants, and the proposed ordinance would appropriate \$2.4 million from the General Reserve in FY 2016-17 and FY 2017-18, totaling \$3.9 million. In order to comply with requirements of the Administrative Code, the City will need to increase the FY 2017-18 deposit to the General Reserve by \$3.9 million, from \$14.6 million to \$18.5 million. The City will need to identify revenue increases or expenditure savings in order to increase the deposit to the General Reserve by \$3.9 million in FY 2017-18.

RECOMMENDATIONS

1. Amend File 16-1288 to reduce the appropriation by \$4,504,168, from \$6,945,965 to \$2,441,797 (see Table 4 above);
2. Amend File 16-1289 to reduce the FY 2016-17 FTE by 3.83, from 7.08 FTE to 3.25 FTE; and the FY 2017-18 FTE by 2.0, from 17.0 FTE to 15.0 FTE (see Table 3 above)
3. Approval of the proposed ordinances, as amended, is a policy matter for the Board of Supervisors.

