

Crankstart Grant Recommendation - SF Public Defender's Office, Immigration Unit

Organization	<i>San Francisco Public Defender's Office</i>
Lead (organization lead) and/or project lead (if applicable)	<i>Angela Chan, Assistant Chief Attorney</i>
Request	<i>A \$3,400,000 grant to the Immigration Unit; \$850k/year for 4 years, for the purpose of [SF Response]</i>
Operating Budget	<i>\$51 million</i>
Alignment	<i>Democracy > Immigrant Justice > National Response</i>

Recommendation Overview

Organization Overview

The San Francisco Public Defender's Office is steadfastly committed to our mission of fiercely defending our indigent clients at the highest level, confronting state-sponsored violence, and advocating for community power. To achieve these goals, the Office provides zealous, compassionate, and client-centered legal representation to indigent adults and youth charged with crimes, who are disproportionately Black, Indigenous, and People of Color (BIPOC). In addition to defending individual clients and meeting our constitutional mandate, the Office continues to be uniquely positioned to partner with the communities we serve to advocate for systemic changes that benefit the City's most disenfranchised and disempowered while removing barriers and connecting our clients to critical life-affirming resources and opportunities to end the cycle of criminalization.

What started as an office of only one attorney one hundred years ago now proudly employs 123 dedicated and passionate attorneys and over 140 integral staff members, and provides legal representation and services to over 20,000 people per year.

The Public Defender Office's tenacious legal advocacy in the courtroom is coupled with the understanding that, for most of our indigent clients, their criminal case is not the only issue they face. Through various innovative and evidence-based programs and initiatives, the Office addresses the root causes of system involvement aimed at reducing recidivism and promoting community safety. This includes, but is not limited to:

- The Immigration Unit, which was formed in response to the Trump administration's threats of mass deportations in 2016, represents non-citizens and longtime community members – many of whom are locked in ICE detention facilities – facing deportation in the federal immigration courts. The Unit also works closely with our felony and misdemeanor teams to comply with Sixth Amendment requirements to advise clients of and avert collateral consequences that can stem from criminal convictions.

- The Clean Slate Unit expunges and clears clients' criminal records, removing barriers to employment, housing, and education. The unit recently partnered with Californians for Safety and Justice to effectively use SB 731, which expanded expungement opportunities to millions of Californians with convictions that were previously ineligible, and has also established partnerships at community-based organizations in underserved neighborhoods in San Francisco which conduct monthly community clinics.
- The "Freedom Project"- Post-Conviction Unit advocates for resentencing and release of individuals under new state laws aimed at reducing California's large prison population and supports our clients' successful reentry into the community by crafting thorough release plans that connect them with housing and other critical resources.
- The MAGIC (Mobilization for Adolescent Growth in our Communities) programs focus on prevention strategies by providing educational, recreational, and health support, essential resources, and opportunities to thousands of children, youth, and their families in the Bayview and Fillmore/Western Addition.
- The Integrity Unit sheds light on misconduct and holds government agencies and actors in the criminal legal system – the police, the sheriff, the prosecution, probation, parole, and the judiciary -- accountable to the communities they serve. The Unit tracks and analyzes data that is publicly shared, files misconduct complaints, advocates for changes before the Police Commission, and supports and empowers the Office's trial work.
- The Policy Team advocates for changes in local and state laws that negatively impact the Office's clients and their communities, and strategically advocates for substantive, measurable improvements in legislative, court, police, and sheriff policies to benefit them. The Public Defender's advocacy and policy arm continues to raise awareness through public outreach, media, and community-building to transform the criminal legal system, so it lives up to its promises of fairness, equity, and justice.

Mano Raju is the elected San Francisco Public Defender. A son of immigrants from India, his pursuit of justice is rooted in his acute awareness of the ramifications of social inequalities. Despite coming from a farming village, his parents managed to emigrate to America. Mano completed his undergraduate degree at Columbia University, and holds a Master's degree in South Asian Studies from U.C. Berkeley, where he also earned his law degree. He worked as a Deputy Public Defender in Contra Costa County for seven years before he was recruited by Jeff Adachi to join the SF Public Defender's Felony Unit in 2008. Due to his impressive practice as a felony line attorney, he was promoted by Jeff Adachi to be the Director of Training and then Manager of the Felony Unit. He has lectured for California Public Defender's Association, California Attorneys For Criminal Justice, and the Black Public Defender's Association on various aspects of complex trial practice such as race-conscious representation, and defending gang and homicide cases. He is on the Board of the National Association of Public Defense. He has been awarded North America South Asian Bar Association's 2019 Public Interest Achievement Award, the Society of Professional Journalists' 2021 James Madison Freedom of Information Award, La Raza Centro Legal's 2022 Visionary of Justice Award, and California Public Defender's Association's Special Recognition Award for achievements and contributions in the field of criminal defense.

Mano is deeply committed to a client and community-centered approach to defense work. "Our impact is not measured in numbers, but in the people we represent," he said. "It's by the mother who can return

home to her family. The son who can continue to work to support his family. And to the children of those we defend, who benefit from having an equal opportunity to survive and who might one day use that opportunity to lead.” The personal interest he takes in his clients’ lives helps fuel him not only to fiercely litigate and win cases, but also to raise his voice against the inequities he and his clients encounter in the criminal legal system. As the only elected Public Defender in California, Mano continues to uphold the Office’s reputation not only as a formidable group of lawyers, paralegals, social workers, investigators and support staff, but also as a catalyst for criminal legal system change in local and state-wide arenas.

Track Record of Success on Similar Efforts

Our Immigration Unit was launched in 2017 in response to overwhelming public support for increased legal services for immigrants who were detained facing deportation but unrepresented. Between May 2017 and June 2020, with a staff of approximately five attorneys and three support staff (average), the Unit represented approximately 312 individuals in removal proceedings. Nearly all of the individuals we represented were detained at some point in their proceedings. More than 57% of individuals were eventually released from custody. More than 50% entered the U.S. as children, and nearly two-thirds resided in the U.S. for longer than ten years.

At present, the Unit carries a high-volume caseload, and handles approximately 150-200 removal cases at any given time, including appeals at the Ninth Circuit Court of Appeals and the Board of Immigration Appeals. We have a highly experienced and talented immigration staff who specialize in the intersection of criminal and immigration law. Since our inception, we have stopped hundreds of deportations, helped close and empty several immigrant detention facilities, while reuniting countless families. During the COVID pandemic, the Immigration Unit shifted resources toward litigation, filed a federal lawsuit, helped secure the release of nearly 85% of all people detained in immigration detention facilities, and earned a \$1 million attorney fee award. *See* Zepeda Rivas et al v. Jennings, Case No. 3:20-cv-02731 (Northern District Cal).

Opportunity

The 2025 Trump Administration promises a mass deportation effort of a scale never-before seen in our country’s history. Trump has pledged to deport 15 million people, end sanctuary cities, co-opt local law enforcement to engage in deportation, and use the military and the National Guard to expand deportation forces. Trump has already named Stephen Miller and Tom Homan as key strategic advisors—both were architects of the now infamous family separation policy. Like in 2016, the Trump campaign regularly singled out San Francisco as a city emblematic of the country’s problems and promised to fix it. While many of Trump’s campaign ideas appear to be outlandish and impossible to implement, there are certain things we can anticipate:

- Increase in detention facility and transportation capacity;
- Targeting of immigrants who have had any contact with law enforcement, at any point because [ICE receives real-time fingerprint information](#) of anyone booked on a criminal offense;
- Increase in ICE field operations, including home and workplace raids, and collateral arrests;
- Increase in use of artificial intelligence and other technology to strengthen ICE’s ability to investigate and locate undocumented immigrants for deportation;
- Federal legislation preventing cities from implementing sanctuary policies;
- Attempts to rescind/eliminate Deferred Action for Childhood Arrivals (DACA), Temporary Protective Status (TPS), other forms of immigration relief to expand the number of people who could be deported;
- Increase in divisive rhetoric criminalizing and scapegoating immigrants.

Immigrants in San Francisco and throughout the country will be at an extreme risk of removal if these policies are implemented and there is no commensurate investment in their legal defense.

Approximately [35% of San Francisco's residents are immigrants](#), including approximately [43,000 people who do not have legal status](#) – many who may be eligible with the assistance of attorneys -- that form a core fabric of San Francisco's communities and labor force. The only way for mass deportation to be implemented is through the use of local and state institutions as force multipliers for ICE.

Deportation is regularly considered as among the harshest legal penalties in the law, and amounts to physical exile from one's home, separation from one's family, loss of income, and permanent separation from one's community. Immigrants facing deportation have a panoply of legal rights to defend against their deportation. However, people in detention often accept removal because they lack access to counsel, and unknowingly accept deportation without realizing they have strong legal claims to remaining in the U.S.

Immigrants who are represented in removal proceedings are five times more likely to win their case than those who are unrepresented. The representation gap is particularly stark for people who are detained: between 2000 and 2019 in San Francisco Immigration Court, 94% of detained and unrepresented respondents were ordered removed.

Bold and decisive steps should be taken in order to provide a check and balance to the coming attacks against immigrants in San Francisco and throughout California. San Francisco does not need to reinvent the wheel—we have already created legal services programs that can provide a defense to immigrant communities. However, it is vital to strengthen these networks as the Trump Administration will likely move quickly and decisively in launching deportation plans.

SMART Goals

The Immigration Defense Unit has an eight-year track record of providing a tangible, coordinated, flexible, and highly effective legal defense for immigrants in detention facing deportation. Modeled after the Family Unity Project in New York City—the largest free deportation defense provider in the country—the goal is to ensure all San Francisco residents in immigration custody facing deportation have access to counsel and a strong defense. Crankstart funding will enable the Immigration Unit to mobilize a decisive response, leveraging our proven expertise to defend against these attacks. The unique nature of our unit provides special benefits: namely, being able to leverage our team of highly skilled attorneys to defend against various types of enforcement tactics. We pride ourselves on adopting a high volume practice with a high standard of practice, and whose culture is fundamentally grounded in a public defender culture.

Specifically, with your support, we aim to:

1. Provide detention representation to 230 SF immigrants annually - while maintaining a 70% success rate. Accept at least 5 referrals/year from the San Francisco Rapid Response Network (SFRRN) for full-scope representation.
2. File 12 constitutional defenses by 2029 (i.e. challenging illegal deportation practices in immigration court and/or on appeal at the BIA and/or Ninth Circuit, advancing Fourth, Fifth, and other constitutional claims).
3. Educate community members about their rights by participating in at least 40 immigration Know Your Rights trainings by 2029.

Associated Risks

While the Immigration Unit is poised to take bold and decisive action, there are significant risks and challenges inherent to this work:

1. **Unpredictability of Immigration Enforcement, and Undermining of Basic Rights:** Under the Trump Administration, the federal immigration enforcement system will be even more volatile than previously, with frequent shifts in policy, priorities, and practices. Sudden extreme changes—such as mass raids, invocation of the military, or extreme expansion of expedited removal—could overwhelm our capacity to provide an effective response. The potential for systemic rollbacks of due process protections—including actions such as invoking the Alien Enemies Act or using the military in immigration enforcement—poses a grave threat to immigrants’ ability to access legal representation and fair hearings.
 - a. **Mitigation: *Scale Responsively and Responsibly***—Maintain a flexible operational structure to adapt quickly to changes in enforcement priorities, ensuring resources are allocated where they are most urgently needed, while maintaining consistent delivery of services without compromising our core work (high volume removal defense representation).
2. **Increasing Anti-Immigrant Rhetoric:** Escalating negative political rhetoric not only erodes public support for immigrant communities but also emboldens harsh enforcement actions. San Francisco is a city which values tolerance and inclusion, but it also is home of some of this country’s harshest anti-immigrant policies, including Chinese Exclusion and Japanese Internment. Today, anti-crime rhetoric frequently merges into anti-immigrant rhetoric, where politicians and pundits regularly blame immigration for crime. This scapegoating of immigrants, if it continues to expand, could influence political support for immigrant communities. It also could create an environment where immigrants may be less willing to come forward for assistance due to fear and mistrust.
 - a. **Mitigation: *Engage in Advocacy***—Collaborate with community partners to counteract anti-immigrant rhetoric, build public support, and advocate for policies that uphold immigrant rights.
3. **Elimination of Sanctuary Protections, and Forced Cooperation Between Local and Federal Law Enforcement:** Efforts to enact federal legislation or other measures to strip sanctuary protections could force localities to cooperate with immigration enforcement, undermining existing safeguards and due process protections. This could lead to a massive increase in cases that could overwhelm our capacity to respond to each case, and would force our team to adjust and reduce the amount of time we spend in each case.
 - a. **Mitigation: *Engage in Advocacy***—*As stated above*, collaborate with community partners to counteract erosions against sanctuary, scale effectively, and adapt our legal defense strategies to highlight injustices that could potentially have a larger impact.
4. **Funding Instability:** Local, state, and federal budget constraints may jeopardize the availability of consistent funding for legal defense programs. Reduced resources could significantly hinder our ability to maintain the high level of services necessary to counter mass deportation efforts.
 - a. **Mitigation: *Bolster Financial Sustainability***—Aggressively advocate for continued funding, and consider shifting internal financial resources within the relatively well-funded office to offset any potential budget strains within the immigration unit.

5. **Resource Strain from Litigation Complexity:** High-stakes federal litigation and the increased complexity of removal cases require significant resources. Balancing these demands with ongoing caseload management is a constant challenge that risks delaying outcomes for clients in urgent situations.
 - a. **Mitigation: *Focus on High-Impact Litigation***—Prioritize cases and legal actions with the potential to establish broad protections, ensuring efficient use of resources while maximizing impact. This can be through class-action type claims in federal district court, or in individual removal cases—i.e. testing new theories, focusing on courtrooms with a history of bias, or handling higher-profile removal cases that can educate the public about the injustices of the removal system.

Largest Funders

- City and County of San Francisco
- State of California
- Crankstart Foundation
- MacArthur Foundation
- Civil Litigation Attorney's Fees