



Date: July 20, 2018

To: Mayor and Members of the City Council

From: Patrick H. West, City Manager *T.H.W.*

Subject: Update on Long Beach Values Act 2018 – Legal Defense Fund

On March 13, 2018, the City Council adopted the Long Beach Values Act of 2018. The City Council also requested that staff investigate the establishment of a legal defense fund in the amount of \$250,000, including universal representation, and to report back with options. Staff has completed an analysis of options for creating a legal defense fund. This memorandum provides a summary of the analysis and identifies a recommended option.

Analysis of Options

Staff utilized the conceptual model presented to the City Council on March 13, as a basis for identifying and analyzing options for a legal defense fund. At that time, staff recommended partnering with a local foundation or community-based organization that could independently manage a charitable fund, and, through a qualified contractor, administer a community-based legal defense program for immigrant-residents facing deportation. This approach would facilitate a one-time grant of “seed” funding and help establish and promote the fund and program. In assessing potential partnership opportunities, viable options available for consideration included either a partnership with the Vera Institute of Justice, through its Safety and Fairness for Everyone (SAFE) Cities Network Project, or the Long Beach Community Foundation. Following is an analysis of each option.

Vera Institute of Justice

Based in New York, with an office in Los Angeles, the Vera Institute of Justice (Vera) is a national nonprofit research and policy organization whose mission is to improve justice systems by ensuring fairness, promoting safety, and strengthening communities. Vera’s Center for Immigration and Justice administers the SAFE Cities Network Project. It was initiated in April 2017 to expand on the pioneering success of the New York Immigrant Family Unity Project, the nation’s first public defender system for immigrants facing deportation, for which Vera was a co-founder and project evaluator. The SAFE Cities Network consists of 12 cities and counties from eight states that are committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants at risk of removal. California is represented in the Network by the Cities of Santa Ana, Sacramento, and Oakland, and by Alameda County. Vera is also a partner and grant recipient of the Los Angeles Justice Fund and is working with the San Francisco Public Defender and other Bay Area legal service providers.

Vera receives grants from, and contracts with, each jurisdiction to establish a locally-based, legal defense fund and program. As part of these agreements, Vera sub-contracts with legal services providers in accordance with mutually-accepted terms with each jurisdiction.

Vera also contributes matching catalysts/grants to initiate local funds based on funding availability. Above all, Vera assumes full responsibility for management, implementation, and evaluation of the legal defense fund and program, and does not charge any fees for these services. To become a member of the SAFE Cities Network, Vera requires each jurisdiction to:

- Dedicate public funding to removal defense, preferably for detained immigrants;
- Aspire to a “universal representation” model, which serves all immigrants in removal proceedings;
- Assign a government official or staff member to be a liaison to the Network; and,
- Support Vera’s collection of data on legal representation services for program evaluation.

Long Beach Community Foundation

Partnering with the Long Beach Community Foundation (LBCF) could be an alternative to working with Vera. However, while the LBCF could manage a charitable, legal defense fund, the organization does not have the capacity to administer a community-based legal defense program. A partnership with the LBCF would, therefore, require the City to serve as the program administrator. To fulfill this role, an additional .5 FTE, at a cost of \$64,000, would be needed. The LBCF also charges a fee to manage charitable funds. Paying a management fee would reduce the amount of funding available for services.

Recommended Option

Partnering with Vera, through its SAFE Cities Network, offers the most efficient option for establishing a legal defense fund consistent with City Council’s direction, and it is staff’s recommended approach. In consulting with Vera, staff confirmed the possibility of Long Beach participating in the SAFE Cities Network and Vera’s willingness to be the fiscal sponsor and manager of the legal defense fund. Eligibility criteria for the fund would include the following:

- Residency or employment in Long Beach;
- Household income below 200 percent of the federal poverty level;
- Detained individuals in removal proceedings and others at risk of removal;
- Asylum-seekers and Deferred Action for Childhood Arrivals (DACA) legal support; and,
- Other related removal defense support.

To formalize the partnership, the City must first submit a letter of intent to Vera that justifies the need for the legal defense fund; describes the City’s investment in the fund, including specific amounts, timing, and certainty of funding; details the types of legal defense that the jurisdiction intends to fund; and outlines the support and technical assistance that the City desires from Vera. Additionally, City Council authorization of a contract with, and a grant award to, Vera

would be required. After formalizing the partnership, Vera would work with the City and community stakeholders to determine criteria for selecting a legal services provider or providers. With input from the City, Vera would coordinate a competitive selection process and negotiate a sub-contract with a preferred legal services provider or providers.

The Office of Equity Manager would support the establishment of the legal defense fund at an estimated 3 to 5 hours per week, until legal services are initiated. The staffing impact thereafter would be minimal and primarily limited to reviewing and reporting evaluation outcomes to stakeholders and working with the partners to promote the fund. The fiscal impact of this option would be limited to a one-time grant award to initiate the fund.

Funding

Staff have identified \$100,000 in savings in the FY 18 Budget that will be set aside for this purpose and can be used as matching funds. The remaining \$150,000 could be identified through Council deliberation of the FY 19 budget. Staff anticipate applying for a \$100,000 catalyst-grant from Vera using the \$100,000 in FY 18 savings as a matching source, to help build the fund.

Next Steps

Staff will submit a letter of intent to Vera in July 2018 and begin working on contract terms in August 2018. After finalizing the proposed contract terms, staff will seek City Council approval of a contract with Vera in early fall of 2018.

Please contact Deputy City Manager Kevin Jackson at (562) 570-5028 with any questions.

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