

May 11, 2017

Budget & Finance Committee
Los Angeles City Council
200 N. Spring Street, Room 435
Los Angeles, CA 90012

CITY CLERK'S OFFICE
2017 MAY 12 PM 4:00
CITY CLERK
BY P/S [Signature] DEPUTY

Re: CF # 17-0600 – Budget Proposal Fiscal Year 2017-18 & LA Justice Fund

Dear Honorable Members of the Los Angeles City Council Budget & Finance Committee:

We are heartened that the County and City have made commitments to fund attorneys for our community members facing deportation, and firmly support the creation of the LA Justice Fund (LAJF). However, we, the undersigned Executive Directors of South Los Angeles policy and direct service organizations, as well as of labor, faith, and community leaders, write to express our support for due process for all through the LA Justice Fund and for full City funding from general funds. We feel that any proposed limitations on eligibility, without, at the very least, allowing that a legal services provider may identify that the person may have a meritorious claim for relief, would have devastating effects on our community in South Los Angeles. Thus, we seek a fully-inclusive, universal legal representation program for Los Angeles immigrants, grounded in due process principles.

We respectfully ask you to commit City funding, from general funds, to establish a program to provide universal legal representation for *all* immigrants in deportation proceedings, beginning with detained individuals, as other cities, such as New York and San Francisco, have done. Failing that, at a bare minimum, the City should approve the language endorsed by the Los Angeles City Council Immigrant Affairs Committee on Thursday, March 30, 2017.¹ Legal services providers *must* be able to provide representation to immigrants who may have a meritorious claim for relief in immigration court.

In South LA, the detention and deportation goes beyond the individual and permeates families and neighborhoods. South Los Angeles is home to a growing immigrant population and mixed status families. According to a 2016 study by the USC Center for Immigrant Integration, 36% of the residents in South Los Angeles are immigrants. The same study reports that 88% of youth in South Los Angeles are born in the United States, and 36% have at least one undocumented parent.² Given these facts about the demographics of our community, we know that it will have a far-reaching and severe the impact, both from the detention/deportation actions of ICE, as well as from the denial of due process should the LAJF not be universal.

¹ The City's proposed program would exclude people with criminal convictions under Section 667.5(c) of the California Penal Code, in addition to people convicted of crimes highlighted by Council Member Nuri Martinez ("human trafficking, child abuse, domestic violence, and/or pimping")—unless a legal services provider identifies that the person may have a meritorious claim for relief. Moreover, the City's proposed program sets aside at least 70 percent of the funds for direct representation of detained immigrants in removal proceedings.

² "Roots and Raices: Latino Engagement, Place Identities and Shared Futures," USC Study for Immigrant Integration (October 2016.)

Entire communities face disruption from this process. The history of South Los Angeles has been defined by disinvestment, over-policing, and poverty. Even today, South LA communities find themselves increasingly targeted for incarceration, detention, and deportation – intensifying the collective trauma and daily threat of institutional violence and forced displacement. An inclusive program ensures that the rights of individuals in deportation proceedings are protected, and that there is some protection afforded to community members most vulnerable to such disruption. Detention and deportation are disruptive to families, neighborhoods and schools. At the very least, due process helps families deal with the disruption by providing time and process by which to achieve some stability while navigating the system – this could include rejoining their families and communities while they await proceedings and attending to financial and other legal matters to take care of their loved ones. True universal representation can help our communities deal with this disruption.

South LA residents could benefit from universal representation. Take Claudia Pacheco, for example. Claudia is a 16-year-old resident of South Los Angeles who has seen her father incarcerated and deported multiple times throughout her young life. When she was 5-years-old, her father was incarcerated and subsequently deported. He did not have access to legal counsel for the duration of his deportation proceedings. Claudia was never able to say goodbye to her father before he was sent back to his home country. Her life, and the life of her entire family, was turned upside down. The trauma from his deportation affects her to this day and she has used her story to connect with other youth who have had their families torn apart by incarceration and deportation. Due process for all is important to ensure that families and communities have the legal resources to navigate the traumatic and difficult process of deportation hearings. It is important for everyone to have a fair chance to keep their families together. Families like Claudia's could be helped by inclusive - universal representation - through the LA Justice Fund.

In response to the draconian enforcement practices put in place by the new administration, we had hoped that the L.A. Justice Fund would be a bold action by the County defending our community members who are at risk. We understand the desire to prioritize certain individuals such as DACA recipients and unaccompanied minors; however, prioritizing does not have to mean we exclude others. As you are aware, the new administration has prioritized targeting individuals with criminal histories regardless of the severity of the crimes. In fact, the majority, of individuals (151 of 161) detained in the recent ICE raids in Los Angeles had past criminal records, many of which reflected non-violent or non-serious convictions³. These are the Angelinos who would benefit most from the LA Justice Fund. Yet, they would be denied representation should the City choose to exclude individuals solely due to prior convictions under Section 667.5(c) and, as well, not allow legal services providers to identify that the person may have a meritorious claim for relief. Section 667.5(c) includes commonly charged offenses that encompass a wide range of behavior, including non-violent behavior. Such convictions would not alone make a noncitizen deportable or ineligible for relief. Excluding individuals with convictions under Section 667.5(c), from services would leave behind valuable members of our communities, despite having served

³ 161 People Arrested in Controversial ICE Raids in Los Angeles Area, Associated Press (March 2016)

their sentence and having been deemed rehabilitated under our state penal system. The L.A. Justice Fund should serve to address the unfairness in our immigration system, not replicate it. It should also preserve the integrity of our system by ensuring access to legal counsel for all, regardless of the final outcome, as due process is a cornerstone of our judicial system.

Fundamental fairness, and our values as Angelenos, demand that when our community members face imprisonment and separation from their loved ones, they receive the basic and necessary protection of legal representation. Our immigrant community in South Los Angeles deserves the right to due process. We hope you can protect it by making the eligibility requirements align with due process for all and providing universal representation or, at a minimum, endorse the language as approved by the Immigrant Affairs Committee on Thursday, March 30, 2017. Also, it is crucial that the City of LA allocates public funds in support of legal representation for detained immigrants in addition to whatever private funding is provided.

Sincerely,

Beverly Roberts
Board Member
Alliance of Californians for Community
Empowerment

Benjamin Torres
President & CEO
Community Development Technologies

Opal Tometi
Executive Director
Black Alliance for Just Immigration

Mark Anthony Johnson
Director of Health and Wellness
Dignity and Power Now

Charisse Bremond Weaver
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Nancy Halpern Ibrahim
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Esperanza Community Housing
Corporation

Flor Rodriguez
Executive Director
CLEAN Carwash Campaign

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