



Legislation Text

File #: 18-0236, **Version:** 1

Recommendation to receive and file a report on the Long Beach Values Act; and

Adopt resolution entitled the "Long Beach Values Act of 2018" regarding procedures for the requesting, collecting, maintaining, and disclosing of sensitive information and the enforcement of federal immigration law. (Citywide)

At its September 19, 2017 meeting, the City Council directed the City Manager, through the Office of Equity, to partner with local immigrant rights organizations, the Sanctuary Long Beach Coalition (Coalition), Centro CHA, California State University, Long Beach (CSULB), Long Beach City College, and the Long Beach Unified School District to develop a local policy that expands on immigrant protections in California Senate Bill 54, also known as the California Values Act (CVA). Policy considerations to be included were as follows:

- Protecting and advocating for local Deferred Action for Childhood Arrivals (DACA) and Development, Relief, and Education for Alien Minors (DREAMer) students;
- Preventing future deportations of Long Beach residents;
- Examining partnerships with Los Angeles County for a local legal defense fund;
- Protecting the confidentiality of local immigrant residents and their information, and ensuring no City resources are used to create registries based on religious affiliation, immigration status or any other protected class such as gender, sexual orientation, race, etc.; and
- Affirming an aggressive approach to advocating at the federal and state level for pro-immigrant policies.

Policy Development

Staff began the policy development process with a comprehensive stakeholder analysis and engagement of an interdepartmental team, including the Office of Equity, Police Department, City Attorney, and Office of Government Affairs.

This initial step provided the foundation on which to effectively assess relevant issues; identify a method for facilitating community and organizational engagement and consensus during the policy development process; and, ultimately, to develop a local policy consistent with City Council direction. Community engagement was identified as the immediate priority after the stakeholder analysis, and the City team initiated a series of listening sessions with

key community stakeholders, beginning with the Coalition. The initial session with the Coalition was held on September 29, 2017, and provided an opportunity for staff to get acquainted with Coalition members, listen to their concerns, and establish a basis for working together. In a follow-up session held on October 16, 2017, Coalition members discussed their specific policy recommendations with City staff from the City Manager's Office, Office of Equity, Police Department and City Attorney's Office. Listening sessions were also held with Centro CHA on October 16, 2017, CSULB Police on November 2, 2017, and the CSULB Dream Center on November 7, 2017.

Based on City Council direction and input from the listening sessions, staff identified three core policy considerations for further analysis and development: (1) a local policy that protects sensitive information and limits the use of City resources for assisting with enforcement of federal immigration law; (2) enhancing access to legal representation for Long Beach residents facing deportation; and, (3) federal and state legislative advocacy. The following is a summary of actions staff conducted to address these policy considerations:

- Analyzed related policies from 28 California cities;
- Conducted a comparative analysis of the California Values Act, Coalition policy recommendations and the current policies and practices of the Police Department concerning the handling of sensitive information and assisting with enforcement of federal immigration law;
- Created a draft local policy that contains provisions for protecting sensitive information and limiting the use of City resources for assisting with enforcement of federal immigration law, and seeks to ensure compliance with 8 U.S.C. § 1373 and the City's eligibility for federal grant funding;
- Met with the State and Federal Legislative Committees on November 21, 2017, to review recommendations for the City's 2018 State and Federal Legislative agendas, concerning due process protections and deferred action from deportation for immigrant-residents of Long Beach; and
- Conducted an analysis of the Los Angeles Justice Fund (LAJF) and similar initiatives within the region, state, and nation offering legal representation and/or family support services to immigrants facing deportation via contracts with nonprofit legal and/or community service providers; and outlined options and cost assumptions for enhancing access to legal representation for undocumented, immigrant-residents of Long Beach, beyond what is offered by the Los Angeles Justice Fund.

On February 13, 2018, staff held a follow-up meeting with the Coalition to obtain input on the draft local policy and options for a local legal defense fund. In response to additional input from the Coalition, staff made some adjustments to draft policy and options for a legal defense fund. Staff further notified all the City's employee associations on February 27, 2018

of the draft policy. The various employee associations have an opportunity to respond by March 13, 2018, with any issues and/or a request to meet and confer on the draft policy. Therefore, the proposed policy that may be adopted is subject to change pending completion of the meet and confer process.

Local Policy on Immigrant Protections

The California Values Act places limitations on state and local law enforcement agencies with respect to communications and coordination with federal immigration authorities including, but not limited to, prohibiting state and local law enforcement from inquiring into an individual's immigration status, entering into agreements authorized by federal law to delegate immigration powers to local agencies, designating local law enforcement officers as immigration officers, and arresting or participating in arrests based on civil immigration warrants. However, the California Values Act does authorize a state or local law enforcement agency, in its discretion, to exercise exceptions to the general prohibition against using agency funds or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, provided such exceptions do not violate any local law or policy applicable to that agency. A significant exception provided for in the California Values Act, for certain specified actions by law enforcement, is found in Section 7282.5 (a)-(b) of the Government Code relating to persons with criminal histories involving serious and violent crimes.

The proposed Resolution entitled the "Long Beach Values Act of 2018," including the attached Administrative Regulation (AR), would establish a local policy with procedures specifying limits for requesting, collecting, maintaining, and disclosing sensitive information, and assisting with enforcement of federal immigration law. The policy provides protections for sensitive information beyond citizenship and immigration status, by also including one's:

- Status as a victim of domestic abuse or sexual assault
- Status as a victim or witness to a crime generally
- Status as a recipient of public assistance
- Religious affiliation
- Sexual orientation
- Biological sex or gender identity
- Place of birth
- Race

- Ethnicity
- Disability

As an AR, this policy would apply to all City departments and offices directly responsible to the City Manager including, but not limited to, Police, Fire, Development Services, and Health and Human Services. It is also requested in the AR, as well as outlined in the Resolution, that elective offices and other independent offices and departments of the City comply with the procedures of this policy, or similar procedures, in the interest of administrative uniformity. The policy maintains the California Values Act exceptions, in furtherance of the public health, safety, and welfare. Above all, the policy seeks to ensure compliance with local, state, and federal laws and regulations to, among other things, maintain eligibility for federal grant funding programs.

Enhancing Access to Legal Representation

The Los Angeles Justice Fund is a partnership between Los Angeles County, the City of Los Angeles, the Weingart Foundation, and the California Community Foundation that strives to promote due process by expanding access to legal services for immigrants of Los Angeles County. Although the Los Angeles Justice Fund would provide services to Long Beach residents, it focuses on representing individuals detained at the Adelanto Detention Center. Individuals detained by Immigration and Customs Enforcement (ICE) from Long Beach could also be held at other regional facilities, including the Theo Lacy and Musick ICE detention centers in Orange County. The Legal Aid Foundation of Los Angeles is the only Los Angeles Justice Fund grantee with a satellite office in Long Beach, and its services primarily focus on providing U and T Visas to victims of crime or domestic violence. Additionally, the Los Angeles Justice Fund does not provide local services for unaccompanied minors, asylum seekers, DACA recipients, Temporary Status (TPS) recipients, individuals who may have expired documentation status, and individuals who may be released from ICE custody on bond that did not receive legal representation during their detention. Additionally, if Long Beach were to consider partnering directly with the Los Angeles Justice Fund, its contribution would be available countywide, providing no guarantee of access by Long Beach residents.

Based on this analysis of the Los Angeles Justice Fund, as well as similar initiatives within the region, state and nation, and input from local stakeholders, staff has identified a recommended program model for the creation of a local legal defense fund, via a public-private partnership, to provide legal representation services for immigrant-residents facing deportation. The program would require a one-time investment of City funding that would be used as a catalyst to secure matching funds from philanthropic and individual sources. Staff estimates that an initial City investment of \$100,000 would be sufficient to incentivize additional community investment. Services would be provided by a non-profit legal services provider identified through a Request for Proposals (RFP) process. Staff envisions the following eligibility criteria for the fund that would address service gaps identified in the analysis of the Los Angeles Justice Fund and exclusively target local needs:

- Residency: people who live or work in Long Beach;
- Income: individuals with a household income below 200 percent of the federal poverty level;
- Case type: individuals in detention, facing deportation, or in danger of losing immigration status;
- Universal representation that serves immigrants (meeting income and residency requirements) facing deportation;
- Family custody support for adult parents of any minor who fears potential deportation;
- Asylee and Deferred Action for Childhood Arrivals (DACA) legal support; and,
- Other related deportation defense support.

To leverage City funding with philanthropic and private contributions, staff recommends establishing a legal defense fund with a fiscal intermediary, such as a local foundation. The foundation would manage the fund and contract with a qualified, non-profit legal services provider as a grantee of the fund. Staff believes from its research that there would be interested fiscal agents with the capacity to host this fund. The Office of Equity could lead a process to finalize a selection upon receiving authorization to create the fund. Additionally, the Office of Equity would explore potential fundmatch opportunities with supportive philanthropic partners, including the California Community Foundation and the Vera Institute of Justice. After finalizing the necessary partnership agreements to establish the fund, the Office of Equity would engage community partners in the development of the RFP process and assist with the selection of a legal services provider. Currently, there is no funding budgeted for this activity.

However, to support this program, the City Council could consider appropriating funding during the FY 19 Budget process. Taking this approach would delay initiation of the local fund until early winter of 2019, following adoption of the budget. Alternately, the City Council could consider reallocating departmental savings identified in the FY 18 budget. In this scenario, the fund could be initiated by early Fall 2018, although it would not be certain that funds would be available until the fiscal year-end close.

Federal and State Legislative Advocacy

On January 23, 2018, the City Council adopted the Federal and State Legislative Agendas, including its official position on issues related to immigration, citizenship and the DACA Program and affirming the City's commitment to advocating at the federal and state level for pro-immigrant policies. Below is a summary of the City's related legislative position statements for 2018.

2018 Federal Legislative Agenda

- Support comprehensive immigration reform that will provide a dignified path to United States citizenship to strengthen the nation's workforce and the economy.
- Support policies and legislation to continue funding the EB-5 Immigrant Investor Program to stimulate the U.S. Economy.
- Support federal legislation that maintains existing allowances for undocumented immigrants who qualified for the DACA Program to remain in the United States and local resources are not used to support deportations, collect information about an individual's religious beliefs or affiliations, and ultimately hurt California's economy.
- Support policies and legislation that enable immigrants who arrived in the United States as children and who meet certain criteria to apply for work permits, as well as deferred action from deportation.
- Support policies and legislation that provide qualifying undocumented youth with a conditional path to citizenship requiring completion of a college degree or military service.

2018 State Legislative Agenda

- Support legislation and pursue pilot programs that expand workforce opportunities for immigrant communities that may utilize recent State measures related to undocumented youth and other measures that have sought to remove barriers toward self-sufficiency.
- Support policies, legislation and grants that provide immigrant populations with due process protections, including legal representation for individuals facing deportation proceedings.
- Seek opportunities to pilot innovative programs that expand employment for workers who are not part of the traditional taxable economy by developing skillsets in alignment with emerging industry sectors, enabling work experience while achieving citizenship, solidifying entrepreneurial pursuits to gain self-sufficiency, and/or addressing underlying barriers to consistent employment.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on March 5, 2018 and by Director of Financial Management John Gross on March 2, 2018.

Timely adoption of the proposed Resolution will ensure responsiveness to the community needs identified by the Council direction given on September 19, 2017 and to community members who have dedicated considerable time providing input on the development of the policy. However, the policy attached to the Resolution is subject to change pending

completion of the meet and confer process.

There is no foreseeable fiscal impact relating to implementation of the local policy as currently crafted. The local policy includes protective language relating to federal laws and regulations, and the City's obligations related to such laws and regulations, in an effort to maintain eligibility for federal grant funding, among other considerations. There could be an eventual fiscal impact of \$100,000 should the City Council authorize funding for the establishment of a legal defense fund as described herein. Staff time is not expected to be substantial, but there would be an initial impact to establish the fund.

Approve recommendation.

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APPROVED:

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