



**CONTRA COSTA COUNTY
PUBLIC DEFENDER**

Ellen McDonnell
Public Defender

MEMORANDUM

DATE: JULY 13, 2022

TO: CONTRA COSTA COUNTY FINANCE COMMITTEE
SUPERVISOR KAREN MITCHOFF, CHAIR
SUPERVISOR JOHN GIOIA, VICE CHAIR

FROM: ELLEN MCDONNELL, PUBLIC DEFENDER

SUBJECT: STAND TOGETHER CONTRA COSTA

During the Board of Supervisor's May 10, 2022 Budget Hearing, the Board directed staff to present to the Finance Committee detailed information regarding the outcomes and programmatic needs of Stand Together Contra Costa for its consideration related to the funding request. This report contains information responding to those inquiries.

I. INTRODUCTION

Stand Together Contra Costa provides no-cost rapid-response support, civil deportation defense legal services and clinics, immigrant rights education and training, and direct-service support for immigrant individuals and families in Contra Costa County. Unlike criminal proceedings, immigrants facing deportation proceedings who cannot afford to hire a private immigration firm are NOT provided an attorney free of charge by the federal deportation authorities. **This leaves thousands of Contra Costa families, left to navigate the rigors of the complex deportation system without legal assistance.** Stand Together Contra Costa protects the due process rights of our immigrant community members by providing no-cost attorneys to represent those facing deportation without the resources to hire a private immigration trial lawyer. Our program takes a community-based approach to providing timely and accurate workshops and legal clinics targeted to our immigrant community members. As a public-private initiative managed by the Office of the Public Defender in partnership with nonprofit organizations and community members, the current coalition agencies include, Bay Area Community Resources, Jewish Family and Community Services East Bay, and the Immigration Institute of the Bay Area (formerly International Institute of the Bay Area).

II. CONSULTATIONS

Stand Together Contra Costa conducts free legal consultations and intakes for Contra Costa's vibrant immigrant community members, providing community members with a comprehensive screening and accurate legal advice about their immigration situation. These screenings serve as intakes for potential indigent immigrant families in need of help with upcoming deportation proceedings, while also providing critical free legal consultations with trained immigration attorneys for marginalized and hard to reach immigrant populations. At our events, and through the use of our hotline, we screen potential residents who may need representation in deportation proceedings and provide critical free legal consultations followed by referrals to appropriate service providers where community members need other assistance such as affirmative immigration legal services, clean

slate services, referrals to county health providers or EHSD services, and assistance with WIC and other safety net benefits. STCC has completed 2,511 FREE legal consultations since launch in 2017. Due to lack of staffing capacity, there are currently 101 clients who have recently been screened but have been placed on waiting list for representation in their upcoming deportation hearings.

III. LEGAL SERVICES (CLINICS, CONSULTATIONS, AND REMOVAL-DEFENSE REPRESENTATION)

Stand Together Contra Costa conducts no-cost legal clinics in safe and familiar community settings to provide immigrants and their families with individualized legal consultations and structured and customized referrals. Through our program, Contra Costa community members detained by ICE are eligible to receive no-cost legal representation in pursuing bond or release, and to receive legal representation in removal defense and applications for relief before the Executive Office of Immigration Review (Immigration Court).

Program outreach continues by holding consultation clinics and attending community events to offer free legal advice to immigrants. Our Removal Defense Team continues to provide excellent professional legal representation in on-going deportation proceedings.

Services offered since our launch in 2017 include:

- Representation in 152 removal proceedings in Immigration Court
 - 82 cases are ongoing
 - 70 cases have closed
- 2,511 free legal consultations have been completed
 - Outreach/Community Engagement
 - 2,735 community members served to date by bundling legal consultations with public education, and safety net services offered by partner agencies throughout the County.

IV. DEMOGRAPHIC INFORMATION

Racial breakdown of Stand Together Contra Costa removal defense clients:

- Latino/a – 91%
- Indigenous – 5%
- Asian/Pacific Islander – 2%
- Black – 2%
- Middle Eastern – 1%

Socioeconomic Status of removal defense clients: All clients are screened for financial eligibility at intake to determine whether they have the personal financial ability to hire a private immigration deportation defense attorney.

Country of Origin of removal defense clients:

- El Salvador – 34%
- Mexico – 19%
- Guatemala – 12%
- Honduras – 12%
- Nicaragua – 12%
- Venezuela – 4%
- Peru – 2%
- Cameroon – 1%
- Laos – 1%

- Turkey – 1%
- Uganda – 1%
- Vietnam – 1%

Stand Together Contra Costa provides services to all who live, work, or go to school in Contra Costa County. All removal defense clients served by Stand Together Contra Costa to date are Contra Costa residents.

V. TYPES OF DEPORTATION (“REMOVAL”) DEFENSES

Stand Together Contra Costa provides no-cost legal representation to indigent immigrants who are facing deportation proceedings, also known as “removal” proceedings. Deportation or removal proceedings occur when the federal government initiates legal action to attempt to forcibly remove someone from the United States. All of our represented clients are facing deportation or “removal” proceedings. The various types of relief from deportation sought in Stand Together Contra cases:

- Asylum – 79%
- United States Citizenship and Immigration Services (USCIS) (ex. U visa, family adjustment, waivers) – 12%
- Cancellation of Removal – 9%

VI. PRIOR CRIMINAL CONVICTIONS

17% (28 of 163) of Stand Together Contra Costa clients have prior criminal convictions, while 9% (15 of 163) have been public defender clients.

VII. OUTCOMES

The program has prevailed in 79% of its deportation defense cases since its inception in 2017. This means that, thus far, 79%, or 55 of the 70, families with competed cases represented by Stand Together Contra Costa were granted the right to remain in the United States. In addition to providing legal representation in deportation proceedings, Stand Together Contra Costa also provides high quality professional legal consultations with immigration attorneys for our immigrant community, so that all can fully understand their legal rights and options. Since the program’s inception, Stand Together Contra Costa has provided 2,511 free professional legal consultations to immigrant families in Contra Costa.

VIII. IMMIGRATION LEGAL SERVICES AND PUBLIC DEFENDER OFFICES IN CALIFORNIA

Offering in house immigration legal services in Public Defender’s Office’s is considered a best practice in holistic defense. Currently, 16 of the 33 Public Defender Offices in California have immigration attorneys on-staff (Alameda, Contra Costa, Los Angeles, Orange County, Riverside, San Bernadino, Santa Clara, Fresno, Marin, Monterey, Napa, San Francisco, Sonoma, Ventura, Yolo, Santa Cruz).

A comprehensive review of staffing models across all offices is not available, but some examples of in-house immigration unit staffing at Public Defender’s Offices include:

- Alameda County Public Defender: 7 Immigration attorneys plus legal support staff
- San Francisco County Public Defender: 9 Immigration attorneys plus legal support staff
- Los Angeles County Public Defender: 9 Immigration attorneys plus legal support staff

From Stanford Law Review: “Public defender offices that we studied in California that take on deportation defense have found it to be an effective and efficient way to advocate for their clients. Through plea bargaining and representation in the criminal case, public defenders have already gathered facts and legal research needed to defend their clients from conviction-based deportation.

Nationally, many offices that have welcomed bringing deportation defense into the fold of public defense have adopted an approach known as holistic defense. In this advocacy model, public defenders

work in teams with social workers, immigration lawyers, and other team members to provide services beyond the confines of traditional criminal representation. Holistic defense is particularly amenable to incorporating civil immigration representation because the multidisciplinary team can work to seamlessly deliver a broader menu of services from the very first client meeting.”

IX. THE ONLY PRO BONO DEPORTATION DEFENSE PROGRAM IN CONTRA COSTA COUNTY

Stand Together Contra Costa is the only program providing pro bono deportation defense legal services in Contra Costa County. Stand Together Contra Costa current has three deportation defense attorneys to serve the entire county (1 public defender removal defense attorney, 2 Jewish Family and Community Services removal defense attorneys).

X. PROGRAM HISTORY

Although the program was launched in the context of the wave of anti-immigrant sentiment and policies that accompanied the Trump presidency, the need for these critical services has not abated with the new federal administration. In fact, the number of NEW deportation filings this year is the highest in recorded US history. The numbers bear this out locally with unprecedented numbers of Contra Costa residents being newly placed into deportation proceedings. In the three-month period between March and May of this year alone, 533 Contra Costa residents have been newly placed into removal proceedings. Click [here](#) for more information found on the Syracuse University immigration statistics website. (<https://trac.syr.edu/phptools/immigration/addressrep/>)

Tragically, 85% of these community members newly placed into deportation proceedings do not have attorneys (447). These numbers are historically high and are consistent with historically high numbers of new deportation filings in the previous quarter of the federal fiscal year. New filings are on a pace to be the largest amount of new deportation cases in history. Noting the backlogs and unprecedented filings, the Department of Homeland Security is opening a new deportation processing center (“Immigration Court) in Concord this year. [Federal immigration agency seals lease deal for big Concord expansion \(eastbaytimes.com\)](#).

The new deportation processing center will have twenty immigration “judges,” *almost doubling* the Bay Area’s deportation courtrooms (San Francisco has 25 “judges” currently). The wait list for removal defense services for Stand Together Contra Costa remains at over 100, and data from Syracuse University shows that there are thousands of Contra Costa residents that have pending deportation cases without the services of an attorney. The numbers are growing every day and we know from our own cases and from our outreach work across the County that U.S Immigration and Customs Enforcement (ICE) continues to conduct enforcement actions throughout Contra Costa County (usually arresting residents as they are leaving their homes in the morning to go to work or school). The fear among Contra Costa’s immigrant community of ICE separating families has not been diminished by the change in federal executive branch leadership given these on-going and increasing deportation arrests and filings.

XI. LINKS TO PRIOR STCC REPORTS AND PRESENTATIONS:

July 10, 2018 – Board of Supervisors Item Request #34338

- Board Order: [Agenda Item Request \(cccouny.us\)](#)
 - Attachments: [34338 Stand Together Contra Costa Project Status Report.pdf \(cccouny.us\)](#)

August 1, 2019 –

- Attachments: Stand Together Contra Costa Project Status Report

September 12, 2019 – Community Corrections Partnership (CCP) Community Advisory Board (CAB) Meeting Presentation

- CCP/CAB Agenda: [_09122019-2269 \(ca.gov\)](#)

July 28, 2020 Board of Supervisors Item Request #42645

- Board Order: [Agenda Item Request \(cccouny.us\)](#)
- Attachments: [42645 STCC Report FY19-2020 - FINAL.pdf \(cccouny.us\)](#)

October 16, 2020 – Community Corrections Partnership / Community Advisory Board

- Attachments: STCC Report FY19-2020

November 12, 2020 – Community Corrections Partnership / Community Advisory Board Meeting

- CCP/CAB Agenda and Presentation: [_11122020-3029 \(ca.gov\)](#)

December 3, 2021 – Community Corrections Partnership / Community Advisory Board Agenda Packet

- STCC Report FY20-2021 BOS & CPP
 - Deportation Consequences Infographic
 - Keeping Families Together Client Testimonials
 - Welcome Dinner Report
 - G4G_Contra-CostaV4
 - Project Status Presentation for 12.3.21 CCP
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