



**TO:** Mayor and Members of the City Council  
**FROM:** Council Assistant Rebecca Boydston on behalf of Council Member Blocker  
**COPY:** Elizabeth Pauli, City Manager and City Clerk  
**SUBJECT:** Resolution Authorizing the Use of Up to \$50,000 of City Council Contingency Funds for the Creation of a Deportation Defense Subfund to Assist with Access to Legal Counsel for Indigent Tacoma Residents Facing Deportation at Deportation Hearings; and Directing the City Manager to Conduct a Request for Proposals and to Execute a Professional Services Agreement Outlining the Scope of Work and Deliverables. – October 24, 2017  
**DATE:** September 26, 2017

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**SUMMARY:**

Resolution authorizing the use of up to \$50,000 of City Council Contingency Funds for the creation of a Deportation Defense Subfund to assist indigent Tacoma residents, who are facing deportation at deportation hearings, with access to legal counsel; directing the City Manager to conduct a request for proposals from entities when the subfund has reached \$100,000 or three months have passed; and, directing the City Manager to execute a professional services agreement outlining the scope of work and deliverables. A resident would be defined as an individual who can establish residency in Tacoma prior to being detained.

**COUNCIL SPONSORS:**

Council Members: Blocker, Ibsen and Walker Lee.

**STRATEGIC POLICY PRIORITY:**

The creation of a Deportation Defense Subfund to assist residents of Tacoma facing deportation with access to legal counsel at deportation hearings best aligns with the City Council’s Strategic Priorities to:

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.

**BACKGROUND:**

In response to federal immigration practices, several cities such as New York, Los Angeles, San Francisco, Chicago, Baltimore, and Seattle have established such funds. New York’s defense fund dates back to 1997.

Unlike most criminal defendants in the United States, immigrants facing potential deportation are not constitutionally guaranteed counsel if they aren’t able to afford a private attorney. The purpose of such a subfund is to assist immigrants facing deportation that cannot afford a lawyer with access to legal counsel.

A 2015 study published by the *University of Pennsylvania Law Review* reported that detained immigrants with legal counsel were 10 times more likely to be granted legal residency than those without. For immigrants who were not detained, those with a lawyer were five times more likely to avoid deportation than those without. According to the City of Seattle’s defense fund statistics, approximately 92% of individuals in Tacoma’s immigration court are not represented, and in 2016 approximately 1,249 individuals were deported. The Northwest Immigrant Rights Project estimates that in any given year, approximately 50-100 Tacoma residents are detained.



Initial spending levels have ranged from \$200,000 (San Francisco) to \$10 million (Los Angeles).

At the July 18, 2017 Study Session, a Council Consideration Request was shared to bring this topic forward to the Community, Vitality and Safety (CVS) Committee. The topic was related to the feasibility of the City establishing a Deportation Defense Subfund for residents of Tacoma facing deportation by assisting these residents with access to an attorney at their deportation hearing.

At the August 8, 2017 study session, the Immigrant and Refugee task force presented several recommendations, including the establishment of an Immigrant Defense fund. At the August 10, 2017 CVS meeting, the committee discussed the feasibility and policy issues surrounding such a subfund.

There were several large policy questions that were discussed to establish such a subfund. Some of the discussions included:

- **Eligibility: Who would be qualified to access dollars from such a subfund?**  
Most jurisdictions have established that immigrants must not already have ability to secure a private attorney, with many basing this assessment on income levels. Seattle's fund provides services to residents and workers with limited financial means and immigration matters before either the Seattle or Tacoma immigration courts. The City Council would have to come to a consensus as to whether this subfund was only for those defined as residents of Tacoma when detained, as well as tackle issues other jurisdictions have faced such as whether a background of criminal convictions could be a disqualifier.
- **How will this subfund be administered?**  
In Seattle/King County, the fund is structured as a grant that will require interested community based organizations to respond to a competitive request for proposal that is facilitated by the Office of Immigrant and Refugee Affairs. Qualified community based organizations can apply for this fund to hire immigration attorneys, legal staff and legal navigators. As the City does not have an Immigrant and Refugee Office, staff would need to discuss who would oversee such a program.
- **What is the source of the subfunding?**  
The City of Seattle allocated \$1 million in 2017 from the General Subfund, while councilmembers pursue options in the next budget cycle to sustain the funding. In speaking with the City Manager, the initial thought was to put some seed money towards starting a subfund, with the hope that public and private partners would contribute.

**ISSUE:**

In order to authorize use of the City Council's Contingency Funds for this purpose, a resolution must be adopted.

**ALTERNATIVES:**

The City Council could choose to adopt, modify, or reject the resolution.



**RECOMMENDATION:**

Council Members: Blocker, Ibsen and Walker Lee recommend adoption of a resolution authorizing the use of up to \$50,000 of City Council Contingency Funds for the creation of a Deportation Defense Subfund to assist indigent Tacoma residents, who are facing deportation at deportation hearings, with access to legal counsel; directing the City Manager to conduct a request for proposals from entities when the subfund has reached \$100,000 or three months have passed; and, directing the City Manager to execute a professional services agreement outlining the scope of work and deliverables. Although the use of up to \$50,000 of Council Contingency Fund will not provide enough funds to fully assist with these services, the creation of a seed subfund will allow others in the community to donate funds and increase the number of residents that can be served. A resident would be defined as an individual who can establish residency in Tacoma prior to being detained.

**FISCAL IMPACT:**

If approved, this resolution would authorize the use of up to \$50,000 of the City Council's Contingency Fund, which is available in the 2017-2018 biennial budget. In addition, through the creation of this Deportation Defense Subfund, the City can accept donations to increase the available funding for this purpose.



**EXPENDITURES:**

FUND NUMBER & FUND NAME *	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1030 City Council Contingency Fund	660000	5310100	\$50,000
<b>TOTAL</b>			

\* General Fund: Include Department

**REVENUES:**

FUNDING SOURCE	COST OBJECT (CC/WBS/ORDER)	COST ELEMENT	TOTAL AMOUNT
1030 City Council Contingency Fund	660000	6311010	\$50,000
<b>TOTAL</b>			

**POTENTIAL POSITION IMPACT:**

POSITION TITLE	PERMANENT/ PROJECT TEMPORARY POSITION	FTE IMPACT	POSITION END DATE
<b>TOTAL</b>			

*This section should only be completed if a subsequent request will be made to increase or decrease the current position count.*

**FISCAL IMPACT TO CURRENT BIENNIAL BUDGET:** Up to \$50,000

**ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED?** Yes