



JOEL ANDERSON
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: December 5, 2023

22

TO: Board of Supervisors

SUBJECT

**ENDING TAXPAYER FUNDED DEPORTATION DEFENSE FOR CRIMINAL
NONCITIZENS (DISTRICTS: ALL)**

OVERVIEW

Historically, San Diego County (County) has served as a welcoming binational border community. Our region continues to welcome thousands of refugees and immigrants from all over the world. The diversity of our County's residents benefits us culturally, socially and economically. We have a responsibility to protect these new arrivals to our country from becoming victims of crime, of which research shows they are at a greater risk.

In May 2021, the Immigrant Rights Legal Defense Program (IRLDP) was approved by a majority of the Board of Supervisors and implemented by the County. The IRLDP has been funded at a level of \$5 million annually beginning Fiscal Year (FY) 2021-22, to provide free legal defense to detained individuals facing deportation. As established, the program did not create any eligibility criteria for participants to receive a county-funded immigration legal defense – the program is described by County staff as “merit-blind.”

Upon thorough review of the first annual IRLDP report, I learned that County funds are being used to provide free legal defense in immigration court for non-citizens with very serious criminal convictions. In fact, the report specifically mentions 34 individuals who have convictions related to criminal activities that include:

- Trafficking Controlled Substances which could include **fentanyl, heroin, cocaine**, or other drugs (8)
- Money Laundering (1)
- Aggravated Felony Convictions which could include **drug offenses, murder, or rape** (13)
- Controlled Substances Offenses which could include **fentanyl, heroin, cocaine**, or other drugs (3)
- Trafficking which could include humans or drugs (1)

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- Crime Involving Moral Turpitude (CIMT) which could include **murder, rape, aggravated assault, child abuse, domestic violence** (6)
- Multiple Criminal Convictions (2)

(number in parenthesis indicates the number of individuals with those charges)

For those residents of our unincorporated communities, the County is responsible for providing them all public services, such as public safety, roads, parks, and libraries. Every general-purpose dollar spent to defend convicted felons in immigration court means there is less critical funding for our underserved communities. My constituents demand that I make progress in addressing the critical issues facing our community, such as the homelessness and fentanyl crisis. Without a framework for eligibility, our limited public dollars will continue to go to people federally ineligible to become citizens.

RECOMMENDATION(S)

SUPERVISOR JOEL ANDERSON

1. Direct the Chief Administrative Officer to conduct further research into the Immigrant Rights Legal Defense Program in the following areas and report back to the Board within 120 days addressing and providing:
 - a. the specific criminal convictions that would disqualify an individual from becoming a U.S. citizen either temporarily or permanently;
 - b. if any Immigrant Rights Legal Defense Program participants have any of these types of convictions on their record;
 - c. a list of the exact convictions, and how many convictions, for each individual.
2. Direct the Chief Administrative Officer to suspend any and all work on immigration case assistance to any individual with a criminal conviction or charge identified in Recommendation 1.
3. Direct the Chief Administrative Officer to amend the Immigrant Rights Legal Defense Program to preclude participants with criminal convictions identified in Recommendation 1.

EQUITY IMPACT STATEMENT

This Board action promotes the County's values and principles of equity through a focus on underserved communities.

SUSTAINABILITY IMPACT STATEMENT

This Board action aligns with the County of San Diego's Sustainability Goal to provide just and equitable access to County services and to focus investment in chronically underserved communities.

FISCAL IMPACT

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There is no fiscal impact associated with research and report back to the Board regarding the IRLDP. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On May 4, 2021, the Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to work with the Director of the Office of Assigned Counsel (OAC) of the Public Defender's Office to establish a permanent Immigrant Rights Legal Defense Program (IRLDP). This program was allocated \$5 million of taxpayers' money per year.

The Board further directed County staff to provide an annual report to include required statistical information and lessons learned from the first year of the program. An annual report covering the first 15 months of the program for cases opened April 1, 2022, through June 30, 2023, was completed and is included in this Board Letter as Attachment A.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Community, Empower, and Justice Initiatives of the County of San Diego's 2023-2028 Strategic Plan. These Initiatives include transparency and accountability through reports, disclosures and audits, supporting safety for all communities, and ensuring a fair and equitable justice system in the defense and prosecution of crimes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joel Anderson', with a long horizontal flourish extending to the right.

JOEL ANDERSON
Supervisor, Second District

ATTACHMENT(S)

Attachment A – San Diego County Immigrant Rights Legal Defense Program Annual Report

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