

June 15, 2018

To: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger
County of Los Angeles Board of Supervisors
Kenneth Hahn Hall of Administration
500 W. Temple St.
Los Angeles, CA 90012

Cc: Sachi A. Hamai, County of Los Angeles Chief Executive Officer
Mary Wickham, County Counsel, Office of the Los Angeles County Counsel
Nicole Davis Tinkham, Interim Public Defender, Los Angeles County Public Defender's Office
Janice Y. Fukai, Alternate Public Defender, County of Los Angeles Public Defender Office
Rigo Reyes, Acting Executive Director, County of Los Angeles Office of Immigrant Affairs

Re: Urgent Expansion of the Los Angeles County Public Defender's Office (LACPD)'s Immigration Unit

Dear Members of the County of Los Angeles Board of Supervisors:

We write to urge you to expand the Immigration Unit at the Los Angeles County Public Defender's Office (LACPD) with an additional 15 immigration expert budgeted positions, as recommended in the ACLU of Southern California's report, *Defend L.A.*¹ These additional positions are necessary to ensure that LACPD has the resources to meet its constitutional, statutory, and ethical obligations to its noncitizen clients.

Acknowledging that prosecutions carry devastating immigration consequences for noncitizens, the U.S. Supreme Court held nearly a decade ago in *Padilla v. Kentucky* that noncitizens' Sixth Amendment right to effective counsel includes receiving affirmative, accurate advice about the immigration consequences of criminal dispositions. This right to effective counsel also includes defense against adverse immigration consequences like deportation through the pursuit of alternative dispositions that avoid or at least minimize such consequences. As you are well aware, such informed legal defense is all the more crucial today given the extraordinary complexity of the intersection between state criminal law and federal immigration law and the increasingly aggressive immigration enforcement practices of the Trump Administration.

Nevertheless, LACPD currently suffers from inadequate resources to guarantee noncitizen clients' Sixth Amendment right to effective counsel. The *Defend L.A.* report details how LACPD has been grossly under-resourced as measured against recommended staffing ratios and

compared to other California public defender offices. There are only two immigration experts supporting about 700 public defenders who handle approximately 300,000 criminal cases a year, including about 51,900 cases involving noncitizen clients.² As a result, despite the often-heroic work of individual defenders and LACPD's two immigration experts, defenders have systematically lacked the necessary resources and expert support to provide constitutionally mandated, quality representation to all their noncitizen clients.

Because of LACPD's extraordinarily large number of noncitizen cases, a dramatic staffing expansion is urgently needed. Los Angeles County must ensure LACPD's Immigration Unit is expanded by at least 15 additional attorneys. Only then would LACPD defenders be equipped to provide constitutionally mandated, quality representation by fully defending their noncitizen clients and preventing, where possible, avoidable criminal convictions that trigger severe immigration consequences.

More than a century ago, Los Angeles County inspired the nation by opening the first public defender office in the country.³ As the historic first, the County should lead again.

Sincerely,

A New PATH	Immigration Resource Center of San Gabriel Valley
A New Way of Life Reentry Project	Khmer Girls in Action
ACLU of Southern California	Koreatown Immigrant Workers Alliance (KIWA)
Advancement Project California	Korean Resource Center (KRC)
African Communities Public Health Coalition	Los Angeles County Federation of Labor, AFL-CIO
American Friends Service Committee	LA Voice
API RISE	Latino/a Roundtable of the San Gabriel and Pomona Valley
Asian Americans Advancing Justice-LA	LB GRRRL Collective
Asian Pacific Policy and Planning Council	Long Beach Immigrant Rights Coalition
Black Alliance for Just Immigration	Los Angeles Alliance for a New Economy (LAANE)
California Coalition for Women Prisoners	Los Angeles LGBT Center
California Families Against Solitary Confinement	Loyola Immigrant Justice Clinic, Loyola Law School Los Angeles
California Immigrant Policy Center	March and Rally Los Angeles
California Immigrant Youth Justice Alliance	Mexican American Bar Association of Los Angeles County (MABA)
Central American Resource Center (CARECEN)	Miguel Contreras Foundation
Centro CHA, Inc.	MPower Change
CLEAN Carwash Campaign	Muslim Public Affairs Council (MPAC)
Clergy & Laity United For Economic Justice (CLUE)	National Day Laborer Organizing Network (NDLON)
Coalition for Humane Immigrant Rights (CHIRLA)	National Immigration Law Center
Community Coalition	
Council on American-Islamic Relations, Greater Los Angeles (CAIR-LA)	
Critical Resistance Los Angeles	

Californians United for a Responsible Budget (CURB)	National Lawyers Guild - Los Angeles
Democratic Socialists of America-Los Angeles	Pilipino Workers Center
Dignity and Power Now	Pomona Economic Opportunity Center
DREAM Team Los Angeles	Public Counsel
Drug Policy Alliance	San Gabriel Immigrant Youth Coalition
Democratic Socialists of America-Long Beach	South Asian Network
Esperanza Community Housing Corporation	Thai Community Development Center
Esperanza Immigrant Rights Project Los Angeles	The Anti-Recidivism Coalition (ARC)
Essie Justice Group	The Foundation for Economic Democracy
Fair Chance Project (FCP)	UC Irvine School of Law Immigrant Rights Clinic
Filipino Migrant Center	UCLA Downtown Labor Center
Families United to End LWOP (FUEL)	UCLA School of Law Criminal Defense Clinic
Greater Long Beach Interfaith Community Organization	Union de Vecinos
Human Rights Watch	United Union of Roofers, Waterproofers and Allied Workers Local 36
Immigrant Defenders Law Center	Urban Peace Institute
Immigrant Legal Resource Center	Youth Justice Coalition
	L. Song Richardson, Dean and Professor of Law, UC Irvine School of Law

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1. *See generally* ACLU FOUNDATION S. CAL., DEFEND L.A.: TRANSFORMING PUBLIC DEFENSE IN THE ERA OF MASS DEPORTATION (May 2018), *available at* https://www.aclusocal.org/sites/default/files/aclu_social_defend_la.pdf.
 2. *See id.* at 49–50.
 3. *See generally* Ruth B. Ginsburg, *Woman Lawyer: The Trials of Clara Foltz*, by Barbara Babcock, 65 STAN. L. REV. 399, 405 (2013).