

MINUTES OF THE IMMIGRATION TASK FORCE
OF THE DANE COUNTY BOARD OF SUPERVISORS
Meeting of April 29, 2010

The Immigration Task Force of the Dane County Board of Supervisors met in Room 315 of the City-County Building, in Madison, Wisconsin, on Thursday, April 29th, 2010 at 5:00 p.m.

PRESENT: Hampton, Hawkins, Hesselbein, Bidar-Sielaf, Natera, Bauer, Mahoney, Yudice

EXCUSED:

ABSENT:

OTHERS PRESENT: Pabellon

1. Call to Order. Meeting called to order at 5:01 p.m.
2. Approval of Minutes. Hesselbein moved, seconded by Hawkins to recommend approval of the minutes of April 12, 2010. *Motion carried, 6-0. (Bauer & Mahoney arrived late)
3. Discussion of Chairperson's Memo on How to Review and Analyze the Information Obtained from Committee Hearings and Listening Sessions. Natera advised that the next steps memo was reviewed at the last meeting. No further discussion.
4. Discussion of the Committee's Final Report and Its Format, Length, Authorship and Content. Discussion on who would draft task force recommendations. Natera asked whether Corporation Counsel will draft. Hawkins volunteered to draft the report, and allow committee to comment. Yudice agreed to assist Hawkins with draft report, and informed committee that Corporation Counsel staff will assist with finalizing the report rather than drafting the substance of the report. Nater also agreed to help.

Bauer asked whether a press release will be prepared, and Yudice stated that there will be once the report was complete. Bidar-Sielaf informed the committee that the report was only a means to the end for her, and that the recommendations are what she needs in order to introduce legislation to the City Council as soon as possible. Bidar-Sielaf suggested having the recommendations completed so that she can introduce legislation by June. Yudice agreed that proceeding as fast as possible was important but that the report needs to be thorough in order to provide a education benefit.

Yudice asked whether the sub-committee to draft the report, Natera, Hawkins and he, could meet over the weekend of April 30- May 2 to produce a draft report. Hawkins stated that it was possible to produce a very rough draft by Monday, May 3, 2010 at the ITF's next meeting.

Yudice stated that the final meeting of May 11, 2010 would be moved to May 13, 2010 at 6:30 p.m. Hesselbein asked whether another meeting could be scheduled after the draft was finalized. Mahoney, Yudice and Sielaf discussed how the public could be invited by putting the draft on website and inviting comment. Mahoney expressed concern of limiting comment by inviting only interest groups rather than the public. Yudice summarized that the public will be invited to comment as soon as a report is closer to a finalized draft at the May 13, 2010 ITF meeting if this is determined to be appropriate..

5. Discussion of The City of Ithaca Resolution, Washington Post Article of March 27, 2010, and the Racial Disparities Task Force Recommendations. Sielaf-Bidar passed out a document titled Cities and Immigration, the Racial Disparities Task Force Recommendations, and the City of Ithaca Resolution (attached to these minutes). Yudice commented that the Racial Disparities Task Force recommendations were well drafted and formatted and invited comment from other members. Yudice asked whether the ITF committee should adopt the Racial Disparities Task Force Recommendations in total. Bidar-Sielaf informed the committee that both the Madison City Council and the County Board of Supervisors were already taking steps to adopt the Racial Disparities recommendations. Yudice proposed making a recommendation to support the racial disparities recommendation, and the committee agreed.

Bidar-Sielaf stated that the Ithaca resolution was an example of what any legislative body will be able to produce as a way to move forward. Bidar-Sielaf also stated that it was important to go on record supporting comprehensive immigration reform while at the same time making recommendations that focus on local policies and practices. Hawkins agreed. Bidar-Sielaf referred the committee's attention to the Cities and Immigration document as examples of practical local level recommendations.

Yudice asked for comment on The City of Ithaca Resolution. None was provided. Yudice informed the committee that he was in support of ¶ 4 and ¶ 11 of the Ithaca resolution. Hawkins stated that he was in support of ¶ 12 of the Ithaca Resolution based on his experience dealing with children of immigration families and the danger of deportation. Bidar-Sielaf and Bauer discussed the meaning of "criminalization of socially beneficial work" and gave an example of situation which would apply under ¶ 12: when someone is in a position where they must make a decision to either contact law enforcement and risk deportation of someone seeking help or not doing so and risking potential harm.

Natera stated that page 14 of the City & Immigration document, § 2.2.2 which advised agencies to cease collecting social security numbers before rendering

social services unless necessary. Yudice stated that such a position is a reason why the report must have an educational purpose in addition to a legislative one.

6. Discussion of the Committee's Recommendations.

First Proposed Recommendation: Hawkins suggested the following recommendation: To inform law enforcement to follow the Vienna Convention's mandate to notify consulates when a citizen of certain countries were placed in jail. Mahoney stated that under current policy deputies contact those countries which are mandatory notifiers under Vienna convention, and that for those non-mandatory countries the question is still asked. Yudice suggested that the committee include a recommendation that law enforcement should follow the Vienna Convention notification, but that the recommendation specifically states that that Dane Co. deputies already abide by this but not clear if smaller agencies do. Committee agreed.

Second Proposed Recommendation: Bidar-Sielaf suggests a recommendation that the Dane County Sheriff's policy of inquiring jail detainees about their citizenship status be clarified because based on her opinion the policy violates the civil rights of those detainees. The proposed recommendation would seek to ensure that the policy is clarified to make it clear that racial profiling is not permitted when notifying ICE. Mahoney reminded the committee that the ICE notification policies were already provided to the committee. Natera stated that the admission procedure located on page 5 of the policy is too broad. Bauer stated that page 11 of the Cities and Immigration was a good example of how to word a recommendation regarding ICE notification.

Yudice stated that the sheriff's policy is fairly clear: everyone is asked the same question: Are You a U.S. Citizen. Mahoney corrected Yudice by reminding him that there are actually two questions everyone is asked: (1) date of birth & (2) country of citizenship.

Yudice posed the following question for each committee member: Do you support the policy as it stands now? Bidar-Sielaf stated she did not, because whether a deputy sheriff believes someone is telling the truth in response to a question regarding his or her citizenship status is determined by racial profiling, and that the data supports this belief. Mahoney stated that while he appreciated the opposition the practice will not change. Mahoney also reminded the committee that any recommendation seeking to do away with the policy will only serve to inflame the police chiefs in other jurisdictions because of their reluctance to take direction from Madison. Mahoney advised that any recommendation should be worded carefully, and gave an example: a recommendation against racial profiling would be well-received because most law enforcement agencies are already working to prevent the practice.

Yudice asked the other members whether they were in support of a policy change. Natera, Hawkins and Bidar-Sielaf stated they were in favor of recommending a policy change. Hesselbein stated she was undecided until the actual recommendation was determined. Hampton stated that she would be in favor if a the policy could be changed reasonably without risking public safety, such as perhaps notifying ICE when a serious offense occurred or evidence of a previous deportation. Bidar-Sielaf agreed with Hampton and clarified that she was in favor of a reasonable change in such a policy.

(Bidar-Sielaf leaves meeting at 6:05 p.m.)

Mahoney stated that the practice of ICE notification has continued for 30 years, but what has changed is federal policy. Mahoney stated that ICE is the keeper of immigration information and so deportation history can only be accessed by contacting them. Mahoney also reaffirmed his reluctance to deputize Dane Co. deputies in order to access the immigration records.

Bauer stated she was in favor of a change in policy, but wanted to discuss the actual change. Bauer stated that current policy is providing obstacles to safety by making people reluctant to assist law enforcement.

Mahoney stated he was interested in discussing potential changes depending on details and specifics, but informed the committee that he will not cease working with ICE.

Yudice summarized that sub-committee will work on the wording of a specific recommendation. Bauer wondered why the committee should be worried about what making a practical recommendations, rather than just having the committee making a strong recommendation against it. Bauer also stated that it should be someone else's job to compromise and work on reasonable suggestions after the recommendations are made. Yudice agreed but stated that the drawback will be that no advancement or change of the policy would result from just a strong recommendation, with no suggestions which may be practical. Natera agreed with Bauer. Hesselbein stated that Bauer was correct and that by being in support of our recommendations we could influence other counties, the state, other departments. Hawkins stated he could summarize findings and draft sample paragraphs for recommendations which may be able to address everyone's concerns.

Mahoney stated that the issue of ICE notification was not brought up too often by the public, but rather the recurring issue was about drivers licenses, and access to social services. Hawkins disagreed and reminded Mahoney of the information and interviews he had provided where victims expressed their fear to approach law enforcement. Bauer agreed with Hawkins.

Yudice asked Hesselbein about NACO's progress on addressing the issue, and Hesselbein reported that NACO is also struggling with the issue of making appropriate recommendations, and that in one case Sioux County, South Dakota determined that the public was in favor of the ICE notification policies.

Third Proposed Recommendation. Yudice asked for other recommendations. Mahoney suggested a recommendation for the State of Wisconsin to institute a Drivers ID for undocumented workers so that they can drive legally, obtain auto insurance, and provide them with proper identification.

Fourth Proposed Recommendation. Yudice proposed a recommendation for the Sheriff to coordinate with the Madison Police Department on how to develop a policy of best practices when law enforcement agencies come to contact with non-U.S. citizens.

Fifth Proposed Recommendation. Bauer recommended making a recommendation for state & federal comprehensive immigration reform. Hesselbein suggested adopting the Ithaca resolution language and stating that reform must include path to citizenship.

Sixth Proposed Recommendation. Hawkins recommended adopting the recommendation on page 23 of the Racial Disparities Task Force regarding ICE policy.

Seventh Proposed Recommendation. Natera recommended that law enforcement continue protecting communities to the greatest extent, while at the same time providing everyone with equal justice under the law. Hampton clarified that the recommendation should include a provision that law enforcement should make it clear to the public that it is the behavior of individuals, not the individuals themselves that law enforcement looks to when enforcing laws.

Eighth Proposed Recommendation. Yudice recommended that since there is real fear of law enforcement, the various law enforcement agencies should increase outreach & education to communities. Mahoney asks that such a recommendation be specific as to the Dane County Sheriff jurisdiction so that he could garner further support for his plans on how to implement it.

Ninth Proposed Recommendation. Hawkins proposed a recommendation to continue the policy of not deputizing sheriff's deputies as ICE agents. Mahoney asked that the recommendation be clarified so that it would be clear that the Dane County Sheriff's department is not considering a change and that other law enforcement in Dane County should be encouraged to follow the Sheriff Department's lead. Natera stated that program regarding deputizing law enforcement as ICE agents is the Homeland Dep. Program 287 G.

Tenth Proposed Recommendation. Hawkins proposed a recommendation regarding the use and request for social security numbers in schools, libraries, and higher education programs and scholarships.

Eleventh Proposed Recommendation. Natera proposed a recommendation addressing the importance and necessity of providing access to immigration attorneys to individuals suspected to be undocumented or deportable.

7. Adjournment. Hesselbein moved, seconded by Hampton, to adjourn. *Motion carried, 6-0. The committee adjourned at 6:45p.m.