METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS



###### Human Services & Public Safety Policy Committee

**Meeting Notes**

**CHAIR**: Hon. Walter Tejada

Arlington County Board Member

**VICE CHAIR**: Hon. George Leventhal, Montgomery County Council Member

**STAFF CONTACT**: Chevelle Glymph, Chief,Health & Substance Abuse, COG

Melissa Rivord, Chief, Public Safety Programs, COG

October 15, 2010

**Item #1 Call to Order, Introductions, Announcements and Approval of Minutes**

***Chair’s report on recent COG activities:***

* The Committee has been tasked with keeping the Board updated on snow issues and provided an update at the September meeting. The committee will continue to monitor the snow issues and prepared another report in the near future.
* In September, the Emergency Preparedness Committee (EPC) approved the updated NCR Homeland Security Strategic Plan. The Strategic Plan can be viewed at [www.ncrhomelandsecurity.org](http://www.ncrhomelandsecurity.org).
* The NCR received just over $59 million from DHS under the Urban Area Security Initiative (UASI). Officials announced in September how that money will be spent (attached). There are additional documents attached that the committee might want to review for more information.

**Item #2 Secure Communities: A Public Safety and Human Service Perspective**

***Background:*** *Secure Communities is a DHS program designed to identify immigrants in US jails who are deportable under immigration law. Participating jails submit arrestees’ fingerprints to criminal and immigration databases allowing ICE access to information on individuals held in jails. When an individual is booked into jail, the fingerprints are checked against the US Visitor and Immigrant Status Indicator Technology Program (US-VISIT). The fingerprints check allows state and local law enforcement and ICE to search the databases for an individual’s criminal and immigration history.*

*If the arrested person is matched to a record indicating an immigration violation, ICE and the local law enforcement are automatically notified. ICE investigates the case to determine the individual’s immigration status and take enforcement action; ICE will issue a detainer against the jailed individual. The concerns of Secure Communities are identification and prioritization. ICE claims to base action on an individual hit in the following order.*

* *Level 1 - Individuals who have been convicted of major drug and violent offenses.*
* *Level 2 – Individuals who have been convicted of minor drug and property offenses.*
* *Level 3 – Individual who have been convicted of other offenses.*

In June, Arlington County learned of DHS’ Immigration and Customs Enforcement (ICE) Secure Communities initiative being implemented. This raised questions as to what this program was about and where it originated from. The County held a public forum to establish a process to find out more the community’s concerns. This has also been a topic within many local jurisdictions, and the committee expressed the desire to have an educational briefing on this matter.

Unfortunately, two of the confirmed guests on the first panel, the Director of the Secure Communities initiative and the ICE-WFO Special Agent in Charge, notified the Chair that they would not be in attendance due to legal and FOIA issues and concerns. Chief Tom Manger, Montgomery County Police Department, and Joan Friedland, Managing Attorney, National Immigration Law Center discussed the issues related to the communities, and the pros and cons from their perspective.

Chief Manger explained that one size does not fit all when policing immigrant communities; this has been an ongoing issue that has polarized the communities. Undocumented residents present a challenge to law enforcement because they are frequently victims/targets of crime, and represent a large number of unreported crimes due to distrust. He also emphasized that each jurisdiction will have to make their own decision on this; police departments have not asked to take on the immigration enforcement role. To the extent that Secure Communities allows ICE to do their job without using local law enforcement, it is a step in the right direction.

Ms. Friedland began by explaining the difference between the 287g program (involves a shift in immigration authority) and Secure Communities. An issue with Secure Communities is that it operates at point of arrest, not point of conviction. It creates fear, discourages reporting of crime, and undermines what communities want to do. She also noted that ICE statistics show that Secure Communities operates beyond level 1 crimes and that ICE does not follow their own 48-hour rule, which has resulted in an increase of liabilities again local departments for holding individuals. Lastly, she said that she is not aware of any state or federal law that requires participation in Secure Communities.

A brief Q&A period followed this panel:

Members wondered if there was a good partnership between local law enforcement and ICE; Chief Manger replied affirmatively that he is kept in the loop but noted that ICE is still trying to figure this out. It is his opinion that there is a difference in thinking between career vs. appointed employees.

Members noted that this is an unfunded mandate for law enforcement, and a catalyst that creates an “underworld” or “shadow” society. Comprehensive immigration reform at the federal level and consistent policies at the state and local levels are needed.

The program needs further analysis and evaluation so that informed decisions can be made. What happens on the public safety side will put a strain on the human services side.

The second panel focused on the impact deportation has on remaining family members who may be left behind, and the challenges the community faces in providing health and human services to such families. The panel members were Mr. Esteban Garces (Tenants and Workers United), and Mr. Saul Solarzano (Central American Resource Center).

Mr. Garces said that even before Secure Communities, immigrant groups had a fear of government overall, not just police, and anything “official” (i.e. hospitals and schools). Immigrant advocates are very upset with these programs.

Mr. Solarzano emphasized that a majority of people being detained/deported are not reaching level 1 or 2 requirements. These are people who lack resources to pay attorneys. In many cases, it is the parent/breadwinner of the family. Latinos seem to be particularly affected.

Supervisor Gross noted that this puts a burden on the Human Services side because when a head of household is picked up for something and his fingerprint sent to ICE and he is deported, the mother and children might have legal documentation and this will results in the splitting up of families, which in turn has an impact on society. She also asked how other immigrant communities are affected. Other than speculation that Latinos were impacted the most, it was not clear what the effects of this program were on other groups. The committee indicated that this would be helpful information.

Ms. Carr asked the panel what they were doing to help these families. In Gaithersburg, they have been successful educating immigrant communities and creating cultural change (i.e. ensuring there are 2 names on leases, statements, accounts etc.; ensuring emergency contact information is clearly defined). Having these plans in plan helps deplete some anxiety.

Chair Tejada wanted to know at the conclusion of this panel discussion what should be done and what the committee was asking for. There are still a number of unanswered questions surrounding this initiative, and it needs to be monitored closely; there seems to be the most problems with implementation.

The committee mentioned that they want more information on other immigrant communities so it can be determined whether other advocates need to be involved. Members want to hear more from social services agencies (health providers, schools, etc) and what they are doing. And they want to hear from ICE specifically, about how this is being implemented, how it is being monitored, what standards are decided, etc.

The committee will request ICE attends the next meeting to address these issues and have a dialogue with the elected officials, who have a lot of concerns to share with them.

Chair Tejada said he would work with COG staff to draft a letter to ICE, in an attempt to get their participation in December.

**Item #3 Public Health State Legislative Statement**

COG reviewed its 2010 legislative priorities for 2011. The following Public Health priority was proposed:

***Public Health***

*Take a holistic approach to providing equitable access to quality healthcare and focus on wellness and prevention. The social determinants of health, including access to high-quality education, prominence of safe workplaces, absence of discrimination, and availability of transportation options, must be included in a comprehensive public health initiative.*

There was some discussion that it should be changed to read “Health & Human Services”, but the committee decided to leave it as Public Health. There was also discussion surrounding the phrases “prominence of safe workplaces” and “absence of discrimination”. Amended language will be circulated prior to the next meeting.

Mr. Barker recommended that COG consider legislative priorities prior to October.

**Item #4 Jurisdictional Roundtable**

Members provided local updates related to the committee work plan, follow ups and interests.

Supervisor Gross announced the VDOT would be hosting a Severe Winter Weather Program in the Mason District.

Senator Barker announced that there is a Healthcare Reform Task Force in VA, so significant legislation can be expected in 2012/13.

Mr. Wojahn discussed the recent crimes against students, and the actions taken to address this matter.

**Item #45 Closing Remarks and Adjournment**

**The next meeting will be December 17, 2010 12:00 – 2:00pm, in Meeting Room 1.**

**(Please note room change!)**