



HUMAN RIGHTS COMMISSION
&
COMMISSION ON IMMIGRANT AFFAIRS

JOINT MEETING MINUTES

Monday March 26, 2012
City Hall Council Chambers & Room 1027
First Floor, 301 W. Second Street, Austin, TX 78701

Chair Tom Davis called the Human Rights Commission Meeting to order at 5:38 p.m.
Chair Thomas Esparza called the Immigrant Affairs Commission Meeting to order at 5:55 p.m.

Human Rights Commission:

Board Members in Attendance:

Tom Davis, Chair
Paul Rhea, Vice Chair
Elizabeth Brenner
Judy Cortez
DeWayne Lofton
Delia Meyer
George Reynolds

Commission on Immigrant Affairs:

Board Members in Attendance

Thomas Esparza Jr., Chair
Laura Hernandez, Vice Chair
James Kuhr
Sunny Ogunro

Human Resources Staff Present:

Yamile M. Ortiz, EE/FHO Staff Liaison
Tony Robertson, EE/FHO Executive Liaison

1. CITIZENS COMMUNICATIONS

None

2. OLD BUSINESS

- a. Joint Meeting: Human Rights Commission and Commission on Immigrant Affairs:
Presentation, discussion, and possible action on a resolution by the Commissions on Immigrant Affairs about the “Secure” Communities initiative and its detrimental effects on relations between the people of Austin and the Austin’s law enforcement agencies.

Chair Davis asked to move the adoption of the first Resolution; Commissioner Rhea moved, Commissioner Cortez seconded. Chair Davis read the original Resolution; Commissioner Cortez mentioned she had the substitute Resolution in which she made edits. She read that to the Commissioners and the public and reviewed each edit. Chair Davis asked Commissioners if they had any discussion; they answered no. Chair Davis called for a vote and asked if they would accept the substitute motion; the Commissioners voted yes. Chair Davis then asked for a show of hands; the count was 4 in favor, 2

opposed, 1 abstaining. Chair Davis stated that the motion to substitute Commissioner Cortez's substitute Resolution (version # 4) was accepted.

Chair Thomas Esparza called his commission's meeting to order at 5:55pm. Chair Esparza asked for a motion for adoption of the first Resolution; Commissioner Kuhr so moved, Commissioner Ogunro seconded. Chair Esparza asked Commissioners if they have any discussion; they answer no discussion. Chair Esparza called for a vote as to whether they would accept the substitute motion, Commissioners voted yes, with 3 in favor. Chair Esparza said the motion to accept Commissioner Cortez's substitute Resolution was accepted.

Scheduled Speakers:

Esther Reyes: Executive Director of the Austin Immigrant Rights Coalition. Ms Reyes handed out a Fact Sheet with compiled information regarding the facts that (1) doing Holds is voluntary on the County, (2) that a person with a Hold is unlikely to be able to get a personal bond from a judge, (3) how much the program is costing the Travis County taxpayers, (4) the legal risk for Travis county, (5) the impact of public safety, and (6) the impact of deportation and the separation of families.

Ms Reyes asked the Commissioners to approve this Resolution as amended because it is important for the immigrant and the human rights advocate Communities. Travis County has many diverse populations of immigrants, and they contribute in many ways to our community. Ms Reyes placed emphasis on the Secure Communities program, which is really creating insecure communities in Austin – hence, they call it S-Comm instead. Ms. Reyes said the Austin faith community also supports them and opposes Immigration enforcement projects like S-Comm and other similar programs.

Patty Robinson: Assistant Chief of the Austin Police Department. Officer Robinson said the Police Department does not arrest individuals for immigration violation; they only arrest individuals for violation of the penal code or city ordinance. APD supports the Secure Communities because it takes criminals off the street. She commented that is the genesis of the Secure Communities.

Greg Hamilton: Travis County Sheriff. Sheriff Hamilton explained that his agency does not deport individuals. The Immigration and Customs Enforcement – ICE – is the one who will deport individuals after the individual goes through a process. Sheriff Hamilton stated his department enforces and abides the law. There are 27 agencies that bring their arrestees to the Travis County jail, where they process their fingerprints. Those records go to the Federal Bureau of Investigation – FBI – and they send fingerprints to other agencies. If ICE gets those records, they come and interview the individuals. If an individual has an arrest detention, ICE will then request a Hold until the person is cleared to be deported or to be released. Sheriff. Hamilton introduced Meg Seville to speak on the demographic and statistical data she maintains for the Sheriff's department.

Meg Seville: Researcher and Planner for Travis County Sheriff's Department. Ms. Seville spoke about the demographics of the population and those who were detained during years 2009 to 2011. She said that about 79% to 80% of the individuals processed

said their place of birth was Mexico, 7.5% Honduras, 3% Guatemala, 3% USA, and 2.8% El Salvador. She stated that the other 5% of individuals said their places of birth were in other countries.

Austin Citizens Speakers: Chair Davis informed the public that if any one wished to speak, each person would have 3 minutes each to do so:

1st speaker – John Sisson: Candidate for Sheriff of Travis County. Mr. Sisson spoke about the process of Secure Communities. He stated the first part is the processing of the fingerprints. Any time someone is booked, the jail processes his/her finger prints, and the records go to the Department of Public Service – DPS. Then they are sent to the Federal Bureau of Investigation – FBI. If the FBI determines that the individual has no documentation and has no criminal records, that person will be released.

Mr. Sisson said Secure Communities is a good way to get rid of bad people. said if a person has a criminal record or any other record, they send a request to the Sheriff's department and ICE will detain that individual. An individual will be in detention and cannot bond-out; even a Judge would not issue a bond to release an immigrant with a record who has been detained by ICE.

2nd speaker – Raul Zamora: University of Texas student who was a victim of Secure Communities in 2009 when he was stopped by UT police for having a non-working taillight on his car on campus. He was then detained by UT police and sent to Travis County central booking center in downtown Austin. He said he is not a criminal; he is a college student; but was treated as a criminal. He spent one week in detention, thinking about his and his family's futures and that of other families suffering, too.

3rd speaker – Gloria Sanchez: student and senior at McNeil High School. She said that Secure Communities is costly and a waste of money for Travis County. She stated that undocumented immigrants contribute in many ways to the community, and they work exactly like any other individual; but because they are immigrants they work longer hours doing more difficult jobs, and are being underpaid.

Ms. Sanchez mentioned the estimated cost per day of an individual in detention is \$60.59 – taken from the 2010 report of the Immigration Policy Center. She also mentioned that the *American-Statesman* reported that one deportation cost \$23,000. Ms Sanchez ended her comments by saying that Travis County should follow other counties and states in the country to stop this inhumane actions and costly practice.

4th speaker – Kathleen Ellis: Spoke on behalf of many religious traditions that are against Secure Communities. She said that her faith tradition urges us to recognize that no one is a stranger, and to promote and affirm the dignity of work and of individuals. Ms. Ellis mentioned that real people and families are affected by S-Comm, because they fear to report violent acts and are afraid to report dangerous situations because of intimidation and fear of deportation. She said we need immigration reform, and S-comm is a poor substitute for reform. It is time for Austin and Travis County to say No to S-Comm.

5th speaker – Antolin Aguirre: (Spoke in Spanish, translated by Ester Reyes). He represented Austin's Hispanic Coalition. Mr. Aguirre said that S-Comm undermines public safety in Austin and the trust of the immigrant community for law enforcement.

Mr. Aguirre said that the UT Communication Department Immigrant Center's research indicates that 65% of the people do not trust the police department. Also, 50% of immigrants fear calling the police because of the possibility of deportation if they work with ICE. Mr. Aguirre ended by saying that Austin should follow other cities like New York. This city rejected S-Comm because of the negative impact in the community's safety, respect, values and security.

6th speaker – Liliana Batista: AISD bilingual teacher. She mentioned that Travis County and the Sheriff's Department said they cannot do any thing to prevent ICE from picking up detained immigrants from their jails. However, she said these actions can be stopped, and should be, because they are devastating the community.

Ms. Batista said that in her school too many children are living with only a single parent because of S-Comm. She requested the Commissioners to pass the resolution for the children's wellbeing.

7th speaker – Natt Simpson: From the American Civil Liberties Union – ACLU – of Texas. He mentioned that detainer requests are not mandatory, but that the decision is being made to honor ICE. Mr. Simpson said it is not a good policy to roll local law enforcement into federal immigration efforts, because doing so makes community members feel insecure and unable to go to local law enforcement. Mr. Simpson encouraged Commissioners to pass the resolution.

8th speaker – Marta Catera: She said that in 2009 she came before the Commission to talk about this subject. She stated that S-Comm is not right, and it is dividing families with deportations. She mentioned that every day she works with documents of parents giving up their parental rights before the foster department takes their children away because they do not know when the other parent will be deported.

9th speaker – Abby Ann Batke: Law and Social Work student at UT. Ms. Batke said S-Comm is creating terror in the community, and we cannot separate members of our communities from each other.

10th speaker - Rebecca Bernhardt: From the Texas Criminal Justice Coalition. Ms. Bernhardt handed out an informational fact sheet from 2011 on statistics and reports of persons detained and inmates booked from Travis County Sheriff's Office into the Travis County jail. Ms. Bernhardt mentioned that in 2011 3,094 persons were detained by ICE, and the cost was between 2 to 3 million dollars.

At 6:44 pm, Chair Davis invited the Commissioners and the public to join and continue the meeting in room 1027

At 6:48 pm, Chair Davis and Chair Esparza called the joint meeting to back to order.

Commissioners reviewed and discussed previous recommendations and edits completed in the Joint Resolution. Commissioner Brenner requested to review the clause stating; **“WHEREAS**, Travis County has been found one of the highest levels of deportations for non criminal and petty offenses of any county in the United States”.

Commissioners discussed this, and agreed to amend that clause to;

“**WHEREAS**, Travis County has been found to have one of the highest levels of deportations for non-criminal and petty offenses of any county in the United States”.

Chair Davis asked for a motion to amend the change. Commissioner Brenner so moved, Commissioner Cortez seconded; both Commissions voted to accept the amendment.

After reviewing all the edits and amendments, Commissioner Meyer changed her vote to in favor of substituting Commissioner Cortez’s version of the Resolution for the original, making the revised vote 5 in favor, 1 opposed, and 1 abstaining.

Commissioner Meyer then read an article from the local Spanish newspaper *¡Ahora Sí!*, after which she translated it to English: “Out of the 10,000 cases that ICE presented for detention orders, 1,054 were less than Class C misdemeanors, for which it is only necessary to pay a fine.” Also, the article stated that 90% of those cases were Class C misdemeanors for public intoxication or moving traffic violations.

Each Commissioner had the opportunity to provide and share their recommendations, deletions, and comments. The Commissioners discussed all the suggestions submitted. After each Commissioner provided their comments and recommendations, they agreed to vote.

Chair Davis called for a vote by show of hands. From the HRC, 6 Commissioners vote in favor (Commissioners Davis, Brenner, Cortez, Reynolds, and Meyer), and 1 Commissioner opposed (Commissioner Lofton); from the IAC, 3 Commissioners voted in favor (Commissioners Esparza, Kuhr, and Ogunro), and 1 Commissioner opposed (Commissioner Hernandez).

3. NEW BUSINESS

None.

4. STAFF BRIEFINGS

- Enrique Serrano, Acting Administrator of the EEO/FH Office, thanked Chair Davis, Commissioner Cortez, and Commissioner Rhea for attending and participating in the outreach Community Event on March 24, 2012, at the Carver Museum and Cultural Center, which was a success.

5. FUTURE AGENDA ITEMS

- Commissioner Cortez requested Mr. Serrano, to report the Commission monthly about the resolutions of cases in Employment, Housing, and Public Accommodations.
- Chair Davis said that the Death Penalty and the use of New Media had already been placed on the agenda for April.

ADJOURN

Chair Tom Davis adjourned the meeting at 7:25 pm without objection.