

Attachment B

Phoenix City Council Response to Trump Executive Orders Ad Hoc Subcommittee Summary Minutes Friday, April 14, 2017

City Council Subcommittee Room
Phoenix City Hall, Assembly Rooms A, B and C
200 W. Washington St.
Phoenix, Ariz.

Subcommittee Members Present

Councilman Daniel Valenzuela, Chair
Vice Mayor Laura Pastor
Councilwoman Kate Gallego

Subcommittee Members Absent

1. Call to Order

Chairman Valenzuela called the Response to Trump Executive Orders Ad Hoc Subcommittee meeting to order at 10:33 a.m. with Councilmembers Pastor and Gallego present.

2. Approval of the minutes from March 17, 2017

Vice Mayor Pastor made a motion to approve the minutes from the March 17, 2017 Response to Trump Executive Orders Ad Hoc Subcommittee meeting. Councilwoman Gallego seconded the motion, which passed unanimously.

3. Call to the Public

Resident Wade Padgett, Vice President of the Somos America Coalition, said Police Department Operations Order 4.48 gives police broad powers to discriminate in terms of immigration enforcement. He encouraged the City Council to take action to remedy this.

Resident Irwin Sandler, member of Arizona Jews for Justice, said research shows fear of deportation, and deportation itself, are painful and traumatic for children, and he stated the Council has a responsibility to care for children who experience these traumatic events.

Resident Petra Falcon, Executive Director of Promise Arizona, said she is a part of the We Are All America Phoenix Coalition that has submitted recommendations to the Subcommittee. She communicated the coalition's request for an ongoing conversation with the Mayor and Council to work toward long-term solutions regarding immigration issues. She said the coalition is uncertain what challenges they might face in the future and they want to be prepared.

Resident James Garcia said undocumented immigrants are contributors to the local economy and are part of the fabric of the community. He further stated this population is not going away and may grow, and the City needs to continue to address issues that

relate to this community, potentially by incorporating discussion of immigrant affairs into a City Council subcommittee.

Donna Cheung, President of the Japanese American Citizens League, Arizona Chapter, said her organization was a signatory of the We Are All America Phoenix Coalition recommendations. She advocated for safe zones for educational institutions so immigrant children do not come to associate schools with being torn apart from their families. She also reiterated the request for continued conversations within a City Council subcommittee.

4. Immigration Enforcement

Police Chief Jeri Williams said the Police Department appreciates the community dialogue that has come out of the Subcommittee and is trying to make adjustments based on that dialogue. She said she wanted to listen, gather more information and make further adjustments as necessary. She introduced Commander Thomas Vandorn, who oversees School Resource Officers (SROs) and is knowledgeable about issues of concern to the Subcommittee.

Chairman Valenzuela said, pursuant to the City Charter, Phoenix elected officials have the responsibility to take in community concerns and highlight them for the City Manager.

Councilwoman Gallego noted the community has informed the Council of policies being utilized in Mesa and Tucson that are working in Arizona, and we can learn from those policies.

Resident Will Gaona was concerned about Phoenix's policy regarding extension of traffic stops to engage in immigration enforcement. He said Phoenix's policy advises officers not to prolong traffic stops to engage in immigration enforcement, but it should expressly prohibit this because the Supreme Court has said this practice of extending stops is a violation of the Fourth Amendment. He added the Arizona Attorney General's policy regarding extending stops has been adopted by Mesa and Maricopa County. He stated Operations Order 4.48 references state statutes that have been deemed unenforceable and have been permanently enjoined by courts.

Vice Mayor Pastor asked Chief Williams to explain the City's 287(g) status. Chief Williams said 287(g) was originally intended to create equal access to information for ICE. She noted participation requires officers be trained in 287(g), and she does not intend to have 287(g) officers in the Police Department. Vice Mayor Pastor asked if the City has an agreement with the federal government regarding 287(g); Chief Williams said it did not, and City Manager Ed Zuercher emphasized the City has no plans to enter into a 287(g) agreement with the federal government. Vice Mayor Pastor asked if cities must participate in 287(g) to comply with S.B. 1070; Chief Williams said no.

Councilmembers Gallego and Valenzuela believed the Subcommittee could recommend not implementing 287(g) in Phoenix.

Vice Mayor Pastor asked how officers deal with community members being fearful of Police. Chief Williams said she does not want the community to be fearful of providing Police with information, but the Police Department does have relationships with other federal agencies. Chief Williams stated Police should not question individuals beyond the scope of the specific violation at hand.

Vice Mayor Pastor asked if the Police Department knows how often it has contacted immigration enforcement. Chief Williams said no, but the department is working toward ensuring such calls go through a supervisor before they are made and also tracking when and why calls are made. Vice Mayor Pastor said community activists have requested this information, and providing it is critical to building trust with the community.

Vice Mayor Pastor said she had heard a sentiment within school districts and school boards to do away with having SROs on school campuses, and she asked Chief Williams to describe why it is important to have SROs on campus. Chief Williams replied the SRO program began as a response to the Columbine shooting to provide safety on campuses, but the Police Department also wants officers to be a resource for students. She said many schools want to maintain strong relationships with law enforcement via SROs and she also advocated for keeping SROs on campuses. She offered it could be a valid response to prohibit SROs from contacting ICE. Mr. Zuercher clarified SROs are only on campuses that request them. Vice Mayor Pastor said when law enforcement is allowed to ask students about their immigration status, that discourages students from feeling comfortable at schools.

Vice Mayor Pastor asked if the City of Phoenix has any language in our policies requiring SROs not to ask about immigration status. Chief Williams said no.

Chairman Valenzuela said SROs should not be taken out of schools, but work needs to be done on building relationships and fixing perceptions. He also encouraged further utilization of SROs.

Resident Ben Clark said section 1.B. of Operations Order 4.48 prohibits racial profiling, while Operations Order 4.48 also identifies factors for reasonable suspicion of unlawful presence that would allow an officer to ask about immigration status, and significant difficulty speaking English is considered one of those factors. He asked what safeguards are in place to ensure racial profiling is not happening, given these elements of the Operations Order. Councilwoman Gallego replied there are deep concerns about that section of Operations Order 4.48. Mr. Clark asked if there are plans to update Operations Order 4.48 accordingly, and the Subcommittee members said yes.

Resident James Garcia said it is important to treat immigrants as respectfully and lawfully as possible, and the Mayor and Council play a critical role in delivering the message to the immigrant community that Phoenix is a safe, welcoming place.

Vice Mayor Pastor said Mesa, Tucson, and Maricopa County Sheriff's Office require officers to get approval from supervisors before asking about immigration status or contacting ICE. She asked if current Police Department policy requires officers to contact a supervisor before asking about immigration status or contacting ICE. Chief Williams said no.

Resident Wade Padgett said in Operations Order 4.48 there are 18 references to 287(g) and there is a Memorandum of Agreement regarding establishing a 287(g) agreement with ICE. He asked for clarification around this agreement and wondered if it had lapsed. Chief Williams said Operations Order 4.48 came about because the Police Department wanted to make sure its officers would be complying with S.B. 1070. She said the department plans to make the policy compliant with the most recent court decisions and to remove references to 287(g). Commander Vandorn said the agreement in question ended several years ago. Councilwoman Gallego said there has been a significant court decision that shows the policies in section 4.A. are illegal. Commander Vandorn said officers have been informed of legal updates, but the policy has not been updated to reflect these changes.

5. Refugee Community

Community and Economic Development Deputy Director Cynthia Spell-Tweh introduced the next item.

Executive Director of the International Rescue Committee (IRC) Donna Magnuson provided an overview of refugee services in the local community. She stated the IRC is one of four resettlement agencies in the Valley that provide initial resettlement and ongoing services to refugees. She said the initial resettlement process in the first 90 days is coordinated through the State Department and involves providing housing and employment assistance to create self-sufficiency. Ongoing services can last up to five years, and include helping refugees access education, housing, health, and employment services. She stated refugees come with a wide variety of skills and experiences and refugee resettlement agencies hope to be able to get them integrated into the community via skills training.

Councilwoman Gallego said she understands there are challenges in terms of workforce and housing and that job readiness classes that help people with language skills they need for employment are important. She asked what the City can do to help. Ms. Magnuson said because of the executive order and fewer refugees coming to the state, there are many jobs to fill and not as many refugees to fill them. She said it is important to focus on vocational English language training with a focus on vocabulary necessary for specific jobs. She said refugees also want to feel safe, and transportation options from housing to employment could be improved, as they are often located far apart. Mr. Zuercher said language training for obtaining vocational jobs fits in with work of the Community and Economic Development Department.

Ms. Magnuson added that the vetting process for refugees to come to the U.S. takes about two years.

Vice Mayor Pastor said she has worked with refugees living in District 4 who live in substandard housing. She said she will be tough on landlords that are not providing the level of accommodations they are required to provide. Ms. Magnuson said she welcomed partnership to improve housing for refugees. She added the State Department has housing requirements for resettlement in the first 90 days, however when refugees come to Phoenix after living in another state, they do not have access to the same resources because they have already utilized the resources in the state in which they were living. Vice Mayor Pastor said she wants refugees to know they have housing rights and there should not be retribution for speaking up for these rights.

Councilwoman Gallego emphasized refugee vetting is extensive. She said this Subcommittee can start with encouraging workforce partnerships and then look at housing and transportation, or any other ideas.

Ms. Magnuson said she would love the City to help build awareness around what steps are involved in refugee vetting and resettlement. She also said refugees coming with college degrees need recertification.

6. Ad Hoc Recommendations

Chairman Valenzuela said the Subcommittee's recommendations will go to the Formal Council meeting April 19.

Vice Mayor Pastor made a motion to approve sending the following recommendations to the full City Council for consideration:

1. That the City Manager direct the Police Department to modernize Phoenix Police Operations Order 4.48 to more closely align with the policies outlined in Mesa Police Department Policy Manual 2.4.35, Tucson Police Department General Order 2300, and Maricopa County Sheriff's Office Policies EB-1, EB-2, and EA-11. Additionally, Operations Order 4.48 should be in compliance with recent court decisions;
2. That the Police Department develop policies and procedures to responsibly collect data and better report Phoenix Police activity related to the City's compliance with S.B. 1070;
3. That the City Council affirm that the City of Phoenix currently does not and will not in the future participate in the federal government's 287(g) program;
4. That the Police Department work with local school district leaders to foster greater trust between students and Phoenix Police Officers through the School Resource Officer Program;
5. That the City of Phoenix work to create a Workforce Development Program for the refugee community focusing on areas such as English language learning, vocational

English language programs, and recertification programs for refugees entering the country with higher-level education degrees and experience; and

6. That the City create a web page on the City website to provide a list of community resources available to refugees and other persons affected by the Executive Orders.

Councilwoman Gallego seconded the motion, which passed unanimously.

7. Adjournment

Chairman Valenzuela adjourned the meeting at 11:50 a.m.

Respectfully submitted,
Carmen Ronan
Management Intern