

# COMMUNITY TASK FORCE

March 13, 2017

## Summary Notes

**TASK FORCE MEMBERS PRESENT:** Kristal Brister; Sheila Burks; Frank Burton; Freddie Davis; Kevin Dowling; Myra Feiger; Ria Lancaster; Dione Lien; Kari McAlister; Rosaura Mendoza; Galilea Rios; Raj Singh; Veronica Solorio; Randy Wright; Arzo Mehdavi; Linda Moore; Vivian Phung; Giancarlo Scalise; Ruben Martinez; Mohammed Khan

**TASK FORCE MEMBERS ABSENT:** None

**STAFF:** Kelly McAdoo, City Manager; Maria Hurtado, Assistant City Manager; David Korth, Assistant to the City Manager; Mark Koller, Interim Police Chief; Colleen Kamai, Executive Assistant; Zach Ebadi, Volunteer Coordinator; Mary Thomas, Management Analyst; Monica Davis, Management Analyst; Sally Thomas, Supervising Librarian

**COUNCIL MEMBERS PRESENT:** Mayor Barbara Halliday (Facilitator), Councilmember Mark Salinas (Audience), Councilmember Elisa Márquez (Audience)

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### I. WELCOME & INTRODUCTIONS:

*Mayor Halliday:* The Mayor welcomed the Community Taskforce (CTF) and community members and acknowledged councilmembers in attendance. The Mayor announced the passing of Community Taskforce Member Betty DeForest and asked the group to observe a moment of silence in her memory. The Mayor reviewed the agenda and reminded the public to complete a speaker card if they'd like to make a public comment. The Mayor then asked taskforce members and staff to introduce themselves.

**II. RECAP OF 2/22/2017 TASKFORCE MEETING:** Assistant City Manager Maria Hurtado recapped the February 22<sup>nd</sup> meeting and talked briefly about what staff and taskforce members have been working on since that meeting. Ms. Hurtado then outlined the current agenda and introduced Assistant to the City Manager, David Korth.

**III. REPORT OUT/STATUS UPDATE ON PLANNING OF COMMUNITY CONVERSATIONS:** Mr. Korth announced that twenty-five community conversations have been identified. Mr. Korth then invited taskforce member leads to provide a brief update about their efforts in organizing and scheduling Community Conversations. Taskforce members provided updates and shared ideas about their efforts.

Mr. Korth reviewed the list of CTF volunteers serving as leads/co-leads and on subcommittees. He then talked about next steps to develop survey questions, CTF members conducting surveys were asked to let staff know where they will conduct their surveys (i.e. farmers market, events, supermarkets). CTF member leads were asked to let staff know once they finalize locations/dates for Community Conversations. Those who would like to do office hours were asked to provide their availability to staff. Mr. Korth advised that as information becomes available it will be added to the website and emailed

to CTF members. Staff will provide CTF leads an email template they can use when contacting groups about Community Conversations.

Note takers: Burton asked for note taking – Ria, Sophia  
 Street survey’s: Randy, Veronica, Kevin, Ria, Ruben  
 Social media: Vivian, Ria, Ruben, Arzo, Galilea (remove Myra)

**IV. REPORT OUT/STATUS UPDATE OF ADAP REVIEW TASKFORCE SUBCOMMITTEE TEAMS:** Ms. Hurtado reviewed the list of CTF volunteers for the ADAP Review leads, co-leads, and subcommittee members and asked if any CTF members were interested in joining. New additions include:

<b>Section 1-</b> Introduction and Guidelines:	Myra Feiger, Kristal Brister, Dione Lien, Vivian Phung
<b>Section 2, Part A –</b> Addressing Illegal Forms of Discrimination:	No additional Taskforce members
<b>Section 2, Part B –</b> Addressing Accessibility Issues	Ria Lancaster
<b>Section 2, Part C –</b> Addressing Discriminatory Values & Attitudes	Galilea Rios
<b>Section 3 –</b> Evaluation and Metrics	

Section 1 -  
 Section 2 Part A: None  
 Section 2 Part B: Ria Lancaster  
 Section 2 Part C: Galilea Rios  
 Section 3: Galilea  
 New Section: Arzo Mehdavi, Dione Lien, Kevin Dowling, Veronica Solorio, Mohammed Khan.

Frank Burton talked about additional documents that he believes the taskforce should consider as they update the Anti-Discrimination Action Plan. The documents are:

- Final Report of the President's Task Force on 21st Century Policing (May 2015)
- Police Body Worn Cameras: A Policy Scorecard (updated August 2016)

Ms. Hurtado outlined next steps: Staff will continue to work with leads/co-leads, reminded CTF members that they can submit comments and input on any of the ADAP sections by emailing the lead/co-leads, and reminded CTF members that status update will be reported at the 4/19/2017 meeting.

**V. SANCTUARY CITIES DISCUSSION:** Mayor Halliday spoke about Hayward’s long history of taking actions to protect civil rights and stand up to prejudice and discrimination. The Mayor then introduced Interim Hayward Police Chief Mark Koller.

**A. Presentation: Hayward Police Chief Review of Hayward Police Department's Immigration Violations Policy and Police Practices:** Interim Police Chief Mark Koller described the Hayward Police Department's Immigration Violation Policy and Police Practices.

The Hayward Police Department (HPD) has a long history of community policing and its priority is to ensure the public safety of the Hayward community. Interim Chief Koller talked about building relationships and trust with the community and HPD's efforts to connect with the community. The Hayward Police Department's focus is to protect and serve everyone who resides, works, shops, visits, or travels through Hayward community regardless of their immigration status.

Interim Chief Koller talked about issues of victimization of our immigrant community and acknowledged that residents are afraid to report crimes for fear their immigration status will be questioned. HPD's policy formally commits all its officers to equal enforcement of the law to serve and protect our immigrant community from victimization.

Interim Chief Koller said that HPD does not possess the training, authority, or access to databases needed to confirm immigration status.

Further, Interim Chief Koller said that HPD does not function as an arm of the Immigration and Customs Enforcement (ICE) agency. HPD officers do not participate in independent sweeps or other concentrated efforts to detain suspected undocumented individuals and are prohibited by policy from participating in any efforts solely designed to identify and detain undocumented residents. HPD does not recognize or respond to immigration detainers pertaining to individuals held in our city jail.

HPD is committed to meeting with community representatives to assure community members of HPD's commitment to protect and serve everyone in the Hayward community equally, regardless of their immigration status.

HPD has a history of working with the community to find safe solutions. Interim Chief Koller talked about the development of the Hayward Day Labor Center, a collaborative response to crime and victimization in the Tennyson Road area.

CTF members suggested HPD create a brochure/handout outlining their policies and practices to be distributed to the community.

City Manager McAdoo clarified that HUSD has declared their district a safe haven/sanctuary district, which means they do not allow immigration officers on school campus. In accordance with State law and the education code there are laws that prohibit disruption on school campuses, and therefore HUSD will not allow immigration officers on campus.

Interim Chief Koller noted that HPD does not have the authority to prevent Federal Immigration officers from conducting investigations, but HPD does not have to participate.

**B. Presentation: Comparison of Alameda County Sanctuary Cities with Hayward's Practices and Policies:** City Manager Kelly McAdoo shared information about free immigration legal clinics held by Centro Legal de la Raza in Oakland and information about how Alameda County created an education partnership for rapid response to concerns if residents suspect ICE is in a neighborhood or if an individual was contacted by ICE and is in need of immediate advice.

Ms. McAdoo explained that there is no formal definition or legal construction of what it means to be a sanctuary city. Generally, being a sanctuary city refers to a city that has formally welcomed refugees and/or undocumented workers. Most believe "sanctuary" refers to jurisdictions that attempt to limit cooperation with federal immigration officials or ICE. There is no legal protection provided to residents by declaring city a sanctuary city. Some believe that if Hayward declares itself a sanctuary city the residents are protected - this is not true and can create a false sense of security. HPD, City officials, and City employees do not have the authority to stop federal laws or enforcement activities. People living in sanctuary cities are still subject to federal immigration enforcement actions. Federal immigration laws and law enforcement agencies still have authority in cities. The City of Hayward cannot prevent federal immigration agents from coming into our community.

Ms. McAdoo talked about sanctuary cities in Alameda and Contra Costa Counties and compared them with City of Hayward's policies and practices.

Loss of federal funding is one of the main concerns of the City of Hayward in considering whether to become a sanctuary city or not.

Ms. McAdoo reported that the City of Hayward has approximately \$33 million dollars of current and future federal funding that could be at risk of being cut if we declared ourselves a sanctuary city.

**C. Taskforce Discussion, Questions, and Recommendations:** CTF members asked questions:

- Discipline for officers that violate HPD policy/practices: Internal Affairs investigate claims of HPD violations of policy or practices.
- Create brochure/handout to inform residents about COH/HPD policies and practices.
- CTF members thanked staff for compiling the information and sharing with the CTF – but wanted to know what the expectation is: CM McAdoo replied – to use information to share with residents during community conversations and in consideration as they make recommendations about the ADAP.
- CM McAdoo noted that urgent items can be added to the council agenda within 24 hours of a meeting.

- Mayor remarked that the City Council understands and realizes how important the issue of sanctuary cities is, yet they have to consider and balance the budget and community needs. Mayor Halliday acknowledged that this is a serious decision and that the City Council will consider input from all members of the community.
- Can COH/HPD warn residents if they learn of ICE raids – COH cannot prevent ICE actions, but COH will not actively participate. COH does not want to create a false sense of security.
- CM McAdoo talked briefly about the language differences between a sanctuary city versus welcoming city
- CTF members commented about COH funding concerns and how they effect residents

**VI. PUBLIC COMMENTS:** Speaker cards were submitted and are on record for those members of the public who shared their questions, concerns, and ideas during the Public Comment period of the meeting. These include:

Mr. Vander Williams talked about community fears related to immigration officials. He said he had no idea about the information shared until tonight and asked Interim Chief Koller how do you build the relationship between the police and the community.

Ms. Janevette Cole asked if ICE does appear in Hayward, whether is it possible to send a Nixle alert to notify residents.

Mr. Itoco Garcia said that the budgets are statements of values, this is an issue of values in our community. He said there's a lot of rhetoric coming from the federal government about our values. It is critically important that this community responds with a statement of values. He asked what percentage of the entire city budget is twenty million dollars. He said in terms of state education, funding the money that they stand to lose is only about nine percent of their budget. He said as a community, when we make statements of values we have to back it up with our pocket books. He said the police can't stop ICE actions but we as citizens have the right to protest in America if that's not what we believe is in line with our values. As much as our City officials are trying to support us and give us information, we as a community need to look at ourselves as a community in terms of what we can do.

Lior Jacob asked if there are any plans to cooperate with universities about programs to bring awareness and conduct studies to provide courses to do research about the impact of current policies. He asked if the City has any plans to communicate with the community, because we are talking as if we are one against them, the federal government, but to realize there are many people in Hayward that support the current administration and there are many arguments and separation amongst people and sense of divisiveness. Can the City create activities that can bring them together for sake of bringing compassion for how we are all feeling? As we are probably going to lose a lot of the education budget, are there any plans to supplement the loss of funds for education in Hayward with other people that are willing to provide alternative education sources?

Ms. Ande Peña wanted to share that the perception that she fears by not signing as a sanctuary city is that we are sending the wrong message because the people that need to hear this information are not always going to be in this room and in this setting, so by not making a declaration it is sending a message to the community. She believes we as a City need to do something, whether it is becoming a welcoming or sanctuary city, we need to do something. The City needs to be able to help people understand how to protect themselves, and while the City can't stop raids, the City can provide information that has been shared. The City can help people understand how to differentiate between

local law enforcement and INS agents. There is real fear right now because there are rumors that INS are posing as local law enforcement and so people will not respond to anyone. Having a reliable source of information is important. When we are looking at the funding dollars at risk, there are dollars on the other side that also have cost associated with them like lack of attendance and people not feeling safe or comfortable getting into mental health, physical health services. There are other costs associated with that the City would also need to bring that into frame as well.

Mr. Ramon Rios said that the Mayor gave a long record and history of city council passing progressive policies on immigration and to not make Hayward a sanctuary city is to default in consistency of those policies. The City is convening a taskforce right now and it would be disingenuous to not make Hayward a sanctuary city. He knows money is a bit issue but want to echo what others have said about money. His question is that these other cities in Alameda County have become sanctuary cities, they are standing and despite they are willing to “lose their funding”, why isn’t the City of Hayward? Is the answer that we are not as economically sufficient as some of these other cities? That is another conversation. We are in a new era of different politics and what the City is telling the community now is that the City is not up to date in terms of infrastructure and policies to support the dynamics of what is going on in this country, and this is one of them.

Ms. Dulce Acevedo said that after hearing all this information she is grateful to have it but said it is disheartening to hear. It seems that there is not much we can do but of course she feels there is a lot that we could do. She has questions for the Police Department and knows that they stand for community safety first and that it sounds like the City feels strongly about the policies about not participating with ICE and not intervening. It sounds like HPD does not agree with the executive orders that are out of our control right now, but as protectors and advocates of this community. She wants to know what more can HPD do, if they cannot stop ICE. Maybe there’s something more that HPS can do to help this community.

Ms. Stephanie Spencer, President of Eden Area Interfaith Council talked about interfaith cooperation for community well-being, how they can support people of different faiths. There are conversations about sanctuary, there are efforts to help people understand their legal rights regardless of immigration status. There is a faith based citizen’s rapid response network forming so that if a person is somewhere where there is ICE activity happening, it is possible for a social network rapid notification to people. Individuals can sign up to be part of a taskforce that would just stand with people encountering ICE, make their presence known and support people where this may be happening. In terms of the sanctuary city issue, the map would be very powerful if it were all filled in green because there is strength in neighboring communities. The more of us there are making statements then the harder it is for any to be singled out. She also mentioned she is a member of the Hayward Ghazni sister city and that organization is also committed to providing understanding about Muslims, and of Muslims within the community.

Mr. Austin Bruckner said this presentation and process was not the most respectful. He thanked the CTF for allowing time for public comment but noted that fifteen minutes was not enough. In response to a comment by the Police Chief, Mr. Bruckner shared that his boyfriend is an I551 Visa holder and the term Alien is extremely offensive, it’s disrespectful and shameful as a term to be used. While it is a term used by the federal government, the official document I551 form is a more appropriate term to refer to as individuals who pay taxes, live in this community, and choose Hayward to call their home. He noted that City Manager McAdoo’s presentation left out important information. While the City may have previously received grants, it doesn’t mean that the City will get them again. He would have liked to see the federal grants in context of the full City budget and he hoped there would be more time allotted for this in the future.

Ms. Aisha Wahab commented that she has been very interested in the topic at hand. She noted that the federal funds being discussed change in amount and that she would like to see a line item City budget reflecting federal funding. She calculates the federal funding portion of the annual City budget as Ms. Wahab noted that the federal government has already stated that they may be cutting HUD funding for CDBG grants already. Also, she noted that grants are no guarantee. Policies are built to change and we write policies that echo with the time. At one time, the federal government thought that slavery and internment camps was legal and something we should do, but real people knew that they should stand on the right side of the law. Ms. Wahab plans to stand with sanctuary cities. She recommends that the City needs to educate people in all different neighborhoods and communities. When 9/11 happened, ICE and federal agents came into schools without informing local police departments. Discrimination happens whether you are Sikh, Muslim, have a darker skin color - you will be targeted and that's not something we've begin to talk about. Raids historically have happened from 5am to 8am at people's homes. There is no safe space, people cannot go to Church. Deception is a tactic ICE uses – they do have police written across their chest then switch it over to ICE. They do whatever is within their legal right. We need to teach people that warrants have to be signed, and this needs to be translated into several languages. The City has people of all different backgrounds and we can use a work session to have it translated. The immigration system is broken, so standing up and saying that Hayward is a sanctuary city is one step forward to addressing the issue of discrimination. Ms. Wahab supports Hayward becoming a sanctuary city to stand up for an actual cause.

Ms. Corina Vasaura said she works with a lot of kids. She shared that kids are scared about going to school and having their parents being taken away. How can we have these conversations at their level versus sending a pamphlet home that gets thrown in the garbage? We need counseling to support kids and their families. During the meeting, it was mentioned that there are policies not to work with ICE, and Ms. Vasaura hopes referrals to ICE also do not happen. How do we think out of the box to support our community? Governor Brown talked about making CA a sanctuary state? What are you hearing from lobbyist at state level?

Ms. Ana Hernandez asked what the phone number is she could call if ICE comes to her house and this information was shared with her.

Ms. Peggy Guernsey said over the years she'd like to have seen this much cooperation with our own government when our assembly members and senators were cutting our education budgets. She commented that the taskforce does not seem to be targeting or looking into the problems of seniors, or what to do if there is a problem, whether it is an ICE raid or a 911 emergency. Ms. Guernsey commented that she wished to see the presentation be given as an assembly at the high schools and middle schools and even at elementary schools with the cooperation of teachers and principals.

Ms. Araceli Orozco said she's been involved in different community activities. Stories she listens to every day are about the fear of a parent being a part of their kids. She talked with teenagers who are citizens who have parents that are undocumented – the teenagers don't know that they cannot be deported. The lack of information to the community is one of the things the City needs to work on. Just knowing that Hayward is a sanctuary city will give people a peace of mind. The City needs to make sure information is passed on in Spanish. The City should provide clear information in Spanish that applications for grants are not for sure money.

Ms. Mireya Baltierra understood that the City is concerned about possibly losing money if declared a sanctuary city, but still thinks Hayward has a high percentage of people that are Latino or other

immigrant groups. Has the City considered that if the immigrant population left Hayward, the City would lose more money? How can the City guarantee that a teacher is not going to take action against immigrant students and parents? If the City of Hayward needs federal money to keep the City on its feet, keep in mind that the community is needed to keep the schools going.

Ms. Irazema Guerrero is a Hayward teacher representing her students 3<sup>rd</sup> graders, who are working on letters to President Trump. These 3<sup>rd</sup> graders want to know why Mr. Trump hates them and what is going to happen if their parents get taken away. Ms. Guerrero would love for her councilmembers and representatives to read these letters when they are done. These children are afraid. Ms. Guerrero urges representatives to speak to the community and Hayward police officers to come and make themselves available because talking in a room does not disseminate to the teachers and families who are worried.

**VII. NEXT MEETING DATE/TIME/LOCATION:**

**VIII. ADJOURNMENT:** The meeting was adjourned at 8:20PM