



# Agenda

## IMMIGRATION COMMITTEE MEETING

**Tuesday, April 9, 2019  
Market Station  
Caboose Room  
500 Market Station  
4:30 p.m.-6:00 p.m.**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes: February 5th Meeting
4. Community Comments
5. New Business/Action Items:
6. Old Business:
  - a. Subcommittee Updates:
    - i. Welcoming Communities
      1. Legislative Updates
    - ii. Education
      1. Dr. Lujan's update on schools
    - iii. Social Media & Communications
      1. Member updated bios and photos posted on website
      2. Potential Facebook Page
        - a. Update from city.
    - iv. Police Department
      1. Guest Sheriff Adan Mendoza
7. Comments from the Chair and Committee Members
8. Report from Staff
9. Adjournment

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**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: April 3, 2019**

**TIME: 3:46 PM**

INDEX – IMMIGRATION COMMITTEE  
APRIL 9, 2019

COVER PAGE		Page 1
CALL TO ORDER	Maria Cristina Lopez, Acting Chair, called the meeting to order for the Immigration Committee at 4:45 pm at the City of Santa Fe Market Station. Roll call reflects a quorum.	Page 2
APPROVAL OF AGENDA	<b><i>Ms. Jewel Cabeza de Vaca moved to approve the agenda as amended, second by Ms. Diaz, motion carried by unanimous voice vote.</i></b>	Page 2
APPROVAL OF MINUTES: February 5, 2019 Corrections: Corrections: page 4 – 1 <sup>st</sup> sentence Government Conduct Act – HB 141 Made changes to the Government Conduct Act	<b><i>Ms. Diaz moved to approve the minutes of February 5, 2019 as amended, second by Mr. Conejo, motion carried by unanimous voice vote.</i></b>	Page 2-3
NEW BUSINESS Sheriff Adan Mendoza and Under Sheriff Ken Johnson	Presentation, verbal.	Page 3 - 10
OLD BUSINESS Subcommittee Updates Legislative Updates Education, Dr. Lujan’s Report Follow Up Report on forum with Superintendent of Schools Social Media Police Department:	<b><i>Informational Legislative Updates postponed to next meeting Guest: Adan Mendoza, Sheriff, minutes reflected under new business.</i></b>	Page 10-11
COMMENTS FROM THE CHAIR AND COMMITTEE MEMBERS	<b><i>Items not covered under this meeting will be heard at next month meeting</i></b>	Page 11
REPORT FROM STAFF	<b><i>Staff Follow up on documents to be sent to Sheriff Mendoza.</i></b>	Page 11-12
ADJOURNMENT	There being no further business to come before the Immigration Committee, the Acting Chair called for adjournment at 6:00 pm	Page 12

IMMIGRATION COMMITTEE  
Tuesday, April 9, 2019  
4:30 pm – 6:00 pm

MINUTES

**1. Call to Order**

Maria Cristina Lopez, Acting Chairwoman, called the meeting to order for the Immigration Committee at 4:45 pm at the City of Santa Fe Market Station. Roll call reflects a quorum.

**PRESENT:**

Maria Cristina Lopez, Acting Chairwoman  
Ivan Cornejo  
Marcela Diaz  
Jewel Cabeza de Vaca

**NOT PRESENT/EXCUSED**

Javier Rios  
Susan Hayre  
Amparo Guerrero

**STAFF/OTHERS PRESENT:**

Sheriff Adan Mendoza and  
Under Sheriff Ken Johnson  
Dr. James A. Lujan, Assistant Superintendent of SFPS  
Fran Lucero, Stenographer  
Audience came in mid-meeting: No names at that time.

**2. Approval of Agenda**

1. *Added to the Education Committee report two items; follow up report on forum with superintendent from SFPS and Citizenship report, placing the introduction and presentation from the Santa Fe County Sheriff first on the agenda.*

***Ms. Jewel Cabeza de Vaca moved to approve the agenda as amended, second by, motion carried by unanimous voice vote.***

**3. Approval of Minutes: February 5, 2019**

Corrections: page 4 – 1<sup>st</sup> sentence  
Government Conduct Act – HB 141  
Made changes to the Government Conduct Act

***Ms. Diaz moved to approve the minutes of February 5, 2019 as amended, second by Mr. Conejo, motion carried by unanimous voice vote.***

**4. Community Comments**

None

**5. New Business/Action Items**

Sheriff Adan Mendoza provided an introduction to the members present on his background. He was born and raised in Santa Fe and provided his extensive education and employment history as well as his attributes in his experience which added to his attaining the position of Sheriff for Santa Fe County. In Santa Fe County he was a Code Enforcement Officer, went on to work in the Sheriff's office as a Patrol Officer, Investigator both property and violent crimes for several years and then promoted through the office and ultimately retired in 2016 as Major. After retirement he made a dedicated decision to run for Sheriff. He was successful in his race and informed the Immigration Committee members that he is committed to working with the community. He also offered to work together with the Immigration Committee and the community to provide assistance when needed. Sheriff Mendoza stated that they are off to a great start; the Sheriff's Office has a good track record with the community and if issues come up they will deal with them appropriately. His philosophy is to be respectful, compassionate and firm when needed.

Undersheriff Ken Johnson, also born and raised in Santa Fe spent 23 years in the Sheriff's Department before he retired as a Major and is very proud and happy to be working together with Sheriff Mendoza.

The Chair gave a brief description and history of the Immigration Committee which was formed in 2002 after the passing of the first Sanctuary Resolution. The Resolution basically said that no city resources would be used to enforce immigration law, to inquire about immigration status, to aid in the enforcement of immigrations laws and that was voted unanimously by the city council. SFPD did not have any direction on stopping people and asking them if they had papers or calling ICS whenever they thought they had a person who didn't have papers. All of those things separated the community from the police department and all of the police chiefs and the sheriff have worked together to create trust in the community. The relationships created with the Santa Fe Police Department regarding the rights of immigrants has been a positive action. This committee was created in 2002 and our membership is representative of people who work with immigrants in one way or another and they are the ones that bring the issues to the floor. This committee has worked with Santa Fe County to write policies for the jail as there were none, ICE was being called and let in, and it took a few months getting together with the lawyers and now the SF County Jail has a set of

policies to protect the rights of everybody including the immigrants. Our membership is representative of groups of people who work with immigrants in one way or another and they can bring the issues to the floor here.

Ms. Diaz: The Committee makes recommendations to the Mayor and City Council on policies. We work to pass through a strengthened resolution a set of policies at the city level in February 2017 that included improving Language Access, strong confidentiality policy insuring that ICE would not have access to public buildings without a court order, streamlining to make sure as tensions were high and continue to be high as a result of different things not just political changes with ICE and Homeland Security, that people would feel that they could come to the city as their government office and that there are policies as well as confidentiality policies making sure our city staff and police department is trained. The Committee did training with the Santa Fe Police Department on policies and confidentiality and assuring that they understand the immigrant community and why aren't people becoming citizens, how long is the process, etc. We feel like our Police Department, the more information that our Police Department about our community and the fears and whether they are founded or perceived, the fears are real, that they have all of the information that they need to make the best decision with any given interaction in our community for both the safety of the community as well as the safety of the officers. Ms. Diaz also stated that we work with Santa Fe County as well as our SFPD, with Pablo Sedillo, Public Safety Director of the county, the jail and the County Commission. We have also worked to lobby for statewide policies that will impact us.

The Chair said she attended one of the trainings and she said she was very impressed with the conversations that took place, the questions and the sharing. Some of the police had lived the immigration problems that communities have because they were either married or had relatives, it was a good exchange but informative. There were lawyers there, community members, representation from Santa Fe Faith (Sheila Lewis) who talked about U-Visas. Even though the rank and file doesn't certify U-Visas, we thought why have those clear divisions, there is clear division of labor but everyone in the department needs to know how U-Visas work when they are interacting with people even though they are not the ones certifying it.

A community member also stated that she attended and that there are concerns when they work to become citizens. They spend money to educate their children and there are times when it leaves them with no money to feed their families, they make many sacrifices. They feel that they do not receive information so they feel less informed. This particular family of 4 has financial problems to become a citizen.

Sheriff Mendoza said that he is not fluent in Spanish.

Ms. Diaz said the community member was touching on costs in adjusting status so even if you are eligible it is really expensive especially if she has 4 children and there are a lot of people in the process and more so expensive even for one to become a citizen, and that is even if you are eligible. Ms. Diaz said that our city is co-sponsoring a citizenship project so we are doing outreach.

Audience: There are approximately 4,000 local residents are trying to become citizens and there is a need in the community. They are working with the city and are happy to learn that there will be citizenship meetings to outreach to these eligible individuals to become citizens.

Ms. Cabeza de Vaca stated that there could be more than 4,000 and it is important to do good outreach to hopefully reach those other individuals as well.

Mr. Cornejo said that the goal is to encourage these individuals to speak up and they want to be sure that they are provided with civic services, we are here for those who are unheard. Mr. Cornejo works with Community in Schools, the younger student population.

Sheriff Mendoza said he was a substitute teacher when he retired.

Ms. Cabeza de Vaca said that this committee is appointed by the Mayor and it is an honor to work within his agenda, we are here to represent the city and assist them with the immigration population.

Ms. Diaz said that 1/3 of the population is documented of those 4,000 are LPR's eligible to become citizens. The last 1/3 are citizens already, it is more than a piece of paper to be a citizen. One of the things we here from law enforcement and we ask, "what is your interaction with immigrants" and they say it is pretty proportionate to the population. It isn't that you are only dealing with immigrants.

Ms. Cabeza de Vaca: This committee is appointed by the Mayor, we serve at his pleasure for the things that are important to him and making sure that what he sees in terms of immigration, policy, care, attention, being heard concerns, reading something that he trusts us with; we carry that out. It is an honor to be appointed by the Mayor, this is something that we all take seriously and take full responsibility to serve the Mayor and the City of Santa Fe and everything that is involved at the schools and government.

Ms. Diaz:

We have written policies and protocols and training on those policies in how the SFPD interacts with immigrants; we have the bias based policing policy that includes no inquiry or that disallows inquiry on immigration status and it is in writing and incorporated in to our training. It is something that people can look forward to and expect from our local officers. We have well-tested procedures on basically how not to turn people over to ICE, inquiring about status, cooperating with ICE when it comes to identifying and detaining people solely based on their immigration status. That leads to a lot of other things we have done at the city, for example Officers know that there is a difference between an Administrative Warrant that is in the NCIC database which is not a criminal warrant it is for a person who has not been charged with a crime but is in the country illegally, they get hits in the process. A lot of Officers and not always new recruits, there is continuous training which is why it is so important that we have these things in writing so new recruits learn that there are two kinds of warrants and we do not arrest on administrative warrants on immigration status. These are things we have worked out with our local police department years ago.

Circumstances change, which is fine based on what the community is telling us. Also when our local police department, and a lot of these practices were in place with your predecessor, but we still don't have the policies and protocols in writing so we still wanted; 1) to know what you would take on if you would change these policies, if you were going to follow them and clearly if you are aware of them as you operated under them for so long. The other piece, Task Forces and any other joint operations with Federal Law Enforcement and ICE particularly, I don't this we enter in to these joint operations but when we do and have in the past at the city level our law enforcement has made it very clear to those federal agencies, this is what we are focusing on, we are not in this operation focusing on detaining people solely based on immigration status because that will take us 5 steps backwards. We don't want people not calling our local police department if they are victims of crimes. We would like to know if you are going to operate with these policies, will you make any changes, law enforcement and federal agency relationship/detaining on immigration status?

Sheriff's Department

I will agree that there isn't a written policy on how we deal with the immigration population and what we are going to enforce and what we haven't. I can tell you that the days of working with ICE on immigration status focus enforcement, I can't remember that last time we did something like that. I would be against something like that, I wouldn't cooperate in a task force or operation that is solely focused on that situation. We do work with the federal agencies, we do work with the US Marshall's, there is a Task Force with them and we do work with any federal law enforcement agency that would request our assistance. Sheriff Mendoza stated that it is his

feeling that let' say specifically, if ICE came to us and said we need your help I would be very wary about what specifically we would be asked to do. In my opinion in the real world how things work, if ICE came to me and they had a criminal warrant for someone very bad, no matter in my mind, it is a federal agency. Maybe they were a child abuser, or perpetrated on a child or did a violent crime and had a criminal warrant, we might assist them because it is our duty to keep the community safe and enforce a criminal warrant.

Sheriff Mendoza: We take out the work of ICE, it would be any Federal Agency that would ask for our assistant in reference to a criminal warrant and that would be done on a case by case basis. We would look at the warrant, validate it, make sure that it was valid and then decide how we would proceed. Maybe it is not us specifically but maybe we would support them with backup or whatever, but that is something we would look at on a case by case basis and take a good look at it before we would take any action.

Ms. Diaz said that is what the City Policy does, there is a chain of command, the everyday interactions go through two or three people higher ups, in this case it could be you, to determine whether ICE's call or not. That is the good thing about the policy, the Police Department came in and educated us on certain things that needed tweaking. We would like to have that relationships since there is no equivalent to this at the County.

The Chair asked if the Sheriff's Department would like an informational meeting where we talk about Immigration, the laws and where people come and talk about their experiences? The Chair will ask the Staff Liaison to send the Sheriff more information on the policies.

The Sheriff said yes, he is open to having those conversations about the policies from the City.

Ms. Diaz asked how many deputies they have?

Sheriff Mendoza said they have 100 sworn in the Sheriff's Office in Santa Fe County. Sheriff Mendoza would like to review what policies the City is following before he commits to a training, let's start with that first step. There are a lot of policies that they realize need to be changed and that is throughout. The Sheriff's administration is going to go through a revamping process on a lot of different policies. That might be a good time to review these policies and see if it is something that would work for the Sheriff's office and the community.

Ms. Diaz: It would be great to be in discussion about it; you talk about criminal warrants and there are things within Immigration Law, if a person is deported for instance, these are the things you would take on case by case,



right? If a person is deported, no crime committed not even under immigration law and they come back in to the country and ICE finds out that they are here, they can issue a criminal reentry, that is a felony and that is an unfortunate law. The vast majority of reentry felonies are for people who never committed any crime in the first place. ICE is really doing a lot of these, and we as a community; this is one reason we don't use the word sanctuary because we can't create a sanctuary when it comes to ICE, they have their job to do and they do it. They are becoming very aggressive, they are doing I-9 audits, they are checking records in some communities like Farmington where their Sheriff works close in proximity with ICE. The ICE officer who lives in that community has access to utility records that the city provides because Farmington and San Juan County are not Santa Fe City and County, they are very cooperative. We are a statewide organization, SOMOS, members will not call, they will call the Farmington Police Department because we worked closely to get them the training and policies right, but they have to think twice as a victim of calling 911 because they don't know if the Sheriff or Police Department

The Chair stated that one of the issues they are concerned about is Language Access, she feels that any and all businesses should be bi-lingual. The Chair asked if all documents in the Sheriff's office are in Spanish.

The Sheriff said that they are not. They are working on these important documents and there are many considerations to get it done, resources and money.

Ms. Diaz asked if they have a line item budget for language access?

The Sheriff said that they do not have a budget dedicated to language access and he is pleased to say that a large percentage of his staff do speak Spanish and he also makes someone available to do translations. They also have a Deputy who is going through certification to be an official translator.

Ms. Diaz asked if the Sheriff's department has incentives for bi-lingual staff?

The Sheriff said no, they are union and this is not in place. The Sheriff said if the Immigration Committee can think of any resources he would welcome that information.

Ms. Diaz said it would be good if they could go before the County Commission to talk about the importance of language access.

Ms. Diaz: Some of us participated in the Mayor's transition in public safety, we discussed new and old ways in public safety. One recommendation was to work with the schools on the restorative justice programs, there will be a

working group to discuss these items, have you thought of this or your deputies? We can't do it without the schools.

Sheriff Mendoza said that those programs have not come up yet, he would like to sit at the table and listen and see how they could take part. We are trying to get on board with the LEAD program. He is very invested in any programs that help the youth.

Ms. Diaz asked if she could request the Sheriff's Department participation in the working group and Sheriff Mendoza said yes.

Ms. Diaz: The City has a big Task Force called the Municipal Drug Strategy Task Force and it is folks from schools, communities, we did lots of community conversations including at SOMOS and Community in Schools and the SFPD did a lot of anonymous surveys and interviews with those in the community regarding substance, problematic substance abuse, problematic alcohol and abuse disorder which are really big issues in our community. How do we get the Sheriff's department involved? Many of us are participating; we don't have anyone from the Sheriff's Office to participate. Part of the recommendations are under LEAD.

Sheriff would like to be invited to the meetings and he cannot commit that he can attend them all but he is invested in helping and being a part of group that works on this endeavor.

Ms. Diaz said there are a lot of recommendations that are going to be made that will impact even the Sheriff's department. We know we cannot do a comprehensive approach to this public health issue without all law enforcement.

Sheriff Mendoza said he did not want to commit this evening but he would like to have a seat at the table at the next meeting, Ms. Diaz noted that the Drug Policy Alliance Director, Emily Kaltenbach will contact the Sheriff's office. Ms. Diaz said it is much broader than immigrants, our role in that is to make sure that information is going both ways in our community and to the city.

Sheriff Mendoza: U-Visas, there are no written policies in the department. The prior sheriff was signing off on the U-Visas. When the first U-Visas came in Sheriff Mendoza said he reviewed carefully, he isn't against certifying them if they are warranted and he does understand what they are. His opinion is if it meets the requirements of the program and it is not misused he will continue to be in favor of the U-Visas program. Sheriff Mendoza has asked other Sheriff colleagues how they do it, and some are not doing it. Sheriff Mendoza is very selective on his process and does not sign off on every U-

Visa. He reads them, he does his research on the information that the immigration attorney's provide, and if it falls under the categories of the U-Visa, he approves it and if it doesn't he won't sign.

Ms. Diaz said that they have written policies on UVisas and she explained or commented on immigration attorney. You should not get non-qualifying crimes from immigration attorney's and it is usually immigration attorneys that are submitting the paper work.

Sheriff Mendoza clarified that it wasn't a non-qualifying crime, I think the details of how the person, whether was a victim or cooperated to the Sheriff was not the question when he read the case.

Ms. Diaz said she has talked about Immigration attorney's about this in the past and one of the policies at the city level; two things; one we look at all of them and before the city police was selective on what they looked at, consider all certifications; 2) if there is going to be a denial, a statement as to why it is denied, it could be just a miscommunication or a poorly written report and it gives the immigration attorney an opportunity to talk with the client whether or not there was something; that has happened. 3) we contract with SOLACE (Sheila Lewis) and they have a UVisas expert to make sure that we are not necessarily denying unnecessarily. She also provides training. It is the certifying entities obligation to determine whether the person is worthy or not worthy. It is UCIS who actually denies U-Visas as the final determination.

Sheriff Mendoza said that for him, reporting a crime doesn't qualify you for a U-Visa, and he believes people think that reporting a crime is all you need. The Sheriff is aware of it and he will seek speaking with Ms. Lewis. Sheriff Mendoza said he doesn't get them all the time, he has had possibly two since he took office. They do look in to them and takes them serious.

Thank you to the Sheriff and Under Sheriff for attending. The Chair said we always want to communicate with the Sheriff and his department.

## **6. Old Business**

### **a. Subcommittee Updates**

- **Welcoming Communities**

1. Legislative Updates – postponed to next month meeting.

- **Education**

1. **Dr. Lujan's Update**

Schools are in the middle of budget season. Teachers are going to receive a 6% salary increase. What just occurred in our district, we had 121 bi-lingual seal recipients, 111 were from Santa Fe

Public Schools and the other 20 were from Charter and private schools. We had an increase in graduation rates! There should be a media release coming out soon.

Dr. Lujan talked about the Bi-lingual and dual-language programs and how they communicate with the parents. (Exhibit A) The letter are requested from the PED, Language Bureau. The goal is to send this letter home to parents of students who will be continuing in the program or will be placed in a bi-lingual multi-cultural education program. These letters need to be sent prior to placing the kids. What was happening in the past was that wrong kids were placed in wrong programs. The letters will be sent to parents in the summer for initial placement. What is good about these placement documents is that it will give a good picture of the bi-lingual models that exist and what is happening in our state. Letters have been sent out for the last 6 or 7 years, but not all of those districts were communicating with the parents.

The Chair asked if the SFPS has presentations for the parents to talk about what it means.

Dr. Lujan said that they do have presentations; some have videos that discuss the programs.

Bilingual seal: They have to go through a rigorous training.

## **2. Follow Up Report on Forum with Superintendent**

Dr. Lujan asked the Immigration Committee if they could reconsider the time and length of the forum on behalf of the Superintendent. Her health is a priority at this time and long meetings are taking a toll on her health.

## **3. Citizenship**

- **Social Media & Communications**
  1. **Member updated bios and photos posted**
  2. **Potential Facebook Page**
    - a. **Update from city - In process.**
- **Police Department**
  1. **Guest Sheriff Adan Mendoza (transcript provided above)**

## **7. Comments from the Chair and Committee Members**

Items not heard today to be listed on next month agenda.

Staff to follow up in sending documents to Sheriff Mendoza as reflected in the minutes.

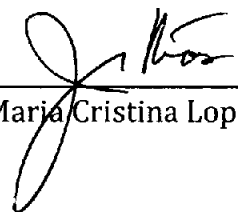
**8. Report from Staff**

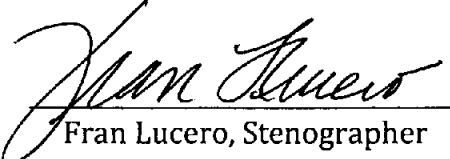
None

**9. Adjournment**

There being no further business to come before the Immigration Committee, the meeting was adjourned at 6:00 pm.

Signature

  
\_\_\_\_\_  
Maria Cristina Lopez, Acting Chair

  
\_\_\_\_\_  
Fran Lucero, Stenographer