



City of Bellingham
Immigration Advisory Board Meeting Minutes
May 17, 2022, 6:30 PM

Call to Order

The meeting was called to order at 6:30 PM

Board Members

Present:

Danielle Siedlecki
Ada Rumford
Holly Pai
Homero Israel Jose Garrido
Liz Darrow
Bridget Reeves
Australia Tobon
Alfredo Juarez
Monika Cassidy

Absent:

Tarnjot "TJ" Brar

Russian Interpretation: Alfia Logunova

Spanish Interpretation: Martha Sabalsa

Punjabi Interpretation: Piku Dillion

City Council Legislative Staff: Nalini Margaitis

City Council Representative: Hannah Stone

Deputy City Administrator: Brian Heinrich

Mayor: Seth Fleetwood

There is an audio/ video recording of this meeting. Times in brackets [] indicate the start time on the recording for each section. See <https://cob.org/gov/public/bc/immigration-advisory-board-materials> to listen to the recording.

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Welcome [0:08]

- Nalini Margaitis welcomed the group.
- Nalini Margaitis and tri-facilitators facilitated this meeting.
- Minutes for the April 19, 2022 meeting were approved as written

Announcements [5:33]

- Nalini Margaitis reminded Board members whose terms expire June 2022 to submit email indicating their preference to stay on with the Board by 5/27/2022

Public Comment and Community Reports [7:15]

- Liz Darrow shared a comment from a community member received via email relating to the IRC
- Dana asked about the timeline for the IRC and if CM Stone had updates on how the federal contact data is received
- Brian Heinrich explained that an additional column for data could be added to the federal contact data, however the extent to which other agencies would be able to provide the outcome could be limited and have an impact on Dispatch's time
- Bridget Reeves reminded that these outcomes could be obtained via a public records request
- Hannah Stone added that it is further complicated by the fact that the City of Bellingham and neighboring municipalities might differ in their internal policies
- Liz Darrow clarified that WhatComm is under the Bellingham Police Department
- Dena Jensen thanked Lelo Juarez and Liz Darrow for their participation in the Public Safety Town Hall that took place on May 16, 2022 and observed how much support there is for a jail prior to needs assessment. Jensen suggested issuing a statement from the committee whereby the committee provides their opinion on the jail that includes their specific concerns.

Presentation - Enoka Herat, ACLU [19:45]

- Enoka Herat, Police Practices and Immigration Counsel of the ACLU of Washington, provided a presentation on police practices and immigration enforcement in WA. The presentation included current statistics of WA's immigrant community (WA state foreign born: approximately 1 million), agencies involved in immigration enforcement under DHS (ICE (interior) and CBP (border with jurisdiction within 100 miles of the boarder), information on deportation in WA (all deportations through the Yakima airport) and an overview of the Keep WA Working Act, passed in 2019 (prohibits the sharing of information between police and jails and immigration authorities and banned intergovernmental service agreements between jails and ICE and border patrol). Under the KWWA: you cannot share information with ICE or CBP (including: name, date of birth, address, location, numbers, email, workplace, driver's license, and biometric data), cannot use CBP for language services

Presentation – Phil Neff, UW Center for Human Rights [28:24]

- Phil Neff provided a presentation on the analysis that has been done on Keep WA Working Act. UWCHR was established by the WA state legislative in 2009. One of the projects currently under UWCHR is called: Immigrant Rights Observatory, where the

Center monitors implementation of and compliance with state laws pertaining to immigrant rights. Preliminary investigation of BPD revealed information sharing with ICE HIS (if used for civil enforcement) & WhatComm Dispatch relationship with border patrol. Any information sharing with local law enforcement and border patrol that is not publicly available is a violation of the KWWA. For more information, please visit: <http://humanrights.washington.edu/>

Presentation - Mina Barahimi Martin, ACLU [38:09]

- Mina Barahimi Martin, Policy Analyst with the ACLU of WA, provided a presentation on concerns related to KWW in Bellingham and Whatcom County. Specifically, the interlocal contract between COB and Whatcom County for WhatComm requires that all emergency calls for the police be routed automatically to CBP. This violates KWW. Federal contact data provided by IAB displayed a snapshot of interactions between City, County and ICE and CBP which may be in violation of the KWW. The snapshots displayed sharing non-publicly available personal information about individuals include: identity information, personal information relating to the dispatch call, home address, location information as well as language interpretation requests. For more information, see presentation.
- Following the presentation, Board members followed up with questions including clarifying what constitutes a violation of the KWW and inquired if there were any exceptions to the KWW. ACLU representatives clarified that any information sharing [not publicly available] is a violation of KWW. Tara V, a member of the public asked what avenues do the people who have been victims of the KWW have (ACLU representatives responded that they have the capacity to sue the City or County in violation of KWW). Lelo Juarez added that once the sweep happens, the deportation happens so quickly and then the community never hears from them again and asked the representatives what options there are for these people. Brian Heinrich asked if the context is not immigration related, is there room for distinction? (Response: if they are speaking relating to a case, then is it still a violation of KWW). The ACLU representatives expressed interest to work with COB attorneys on this issue. For more information, see presentation.

Q&A with Mayor Seth Fleetwood [1:17:53]

- Mayor Seth Fleetwood responded to the questions prepared by the Board. To view the Q & A, watch sections **1:17:53 – 1:26:50** and **1:43:07-1:58:58** of the IAB meeting (<https://cob.org/gov/public/bc/immigration-advisory-board/immigration-advisory-board-materials>)
- In relation to Police Policy 417, Brian Heinrich responded that COB has adopted this policy, but will double check. Bridget Reeves added that the City does have an Immigration Policy, however KWW is not reflected in the City's policy and wanted to know if COB will submit their policy to the AG's office. Mayor Fleetwood will follow up with Deputy Chief Almer to see why they did not adopt the uniform rule and if it has been submitted to the AG's Office.

- Following the discussion, Holly Pai asked what the Mayor's position is on the scope of this Board and added that she was surprised that the Mayor would not support the Board to go through all department policies. Fleetwood clarified that Boards and Commissions are a policy created by ordinance by the legislative authority (Council) and they have very subscribed purposes which are laid out in the ordinance. As executive, the Mayor oversees the implementation of the authorizing ordinance. Fleetwood responded that he does not oppose a review by the IAB, he would like clarification of what "review by the IAB" would mean.

Update on proposed amendments to the IAB Ordinance [1:26:53]

- Questions were raised regarding the proposed amendments to the ordinance and Hannah Stone provided a response. Stone responded that she was looking for additional clarifications from the Board regarding scope and purpose. For e.g., the scope and purpose of the proposed IRC go beyond the City's border and as a result there is much room for collaboration with the County. Stone added that there is a distinction in the following: Immigration status as legal construct vs whether or not someone is an immigration (which is separate from the legal confines). With the creation of the Racial Equity Commissions (and how this group might intersect with the IAB), there are still details to be fleshed out. The ordinance should clearly articulate where the Board is going as a community to ensure everyone is on the same page.
- Australia Tobon added that the more time is spent on rewriting things, it only delays the commitment of response to the immigrant communities. Stone clarified that one area is as it relates to the county (with varying policies in neighboring municipalities) and not having jurisdiction in what occurs throughout the entire county. Stone added that the proposed amendments will be brought to the City Attorney and the Mayor's Office and is hoping to have this reviewed this month.

Subcommittee Reports [2:15:57]

- Lelo Juarez provided an update on the IRC subcommittee: 5 Committee members (Liz, Homero, Lelo, Danielle, and Australia) presented to the City Council during the 5/9/2022 meeting and reported that all CMs were in favor of an IRC and hopes that the Mayor's Office will be quick to provide a response. Homero Garrido thanked the Mayor and Council and is pleased that the Legislative body was in agreement to have an IRC in Bellingham.
- The process subcommittee shared that they have an application from Tara Villalba and the subcommittee will meet with this individual and after this meeting, they will present their recommendation to the Board and to the Mayor

Federal Contact Data Review [2:23:40]

- Bridget Reeves shared that she conducted a public records request for a couple of items from last month's data (4/24 and "Troy"). Reeves followed up on the 4/18 incident on a "fugitive warrant" and "assault" from Spokane county and were released the following day – the follow-up was done because of the communication between

WhatComm and the Sheriff's Department (BPD took part in transferring that information). Reeves also followed up with an item that occurred in Lynden (wanted to confirm if it was CBP pulling over someone in Lynden).

- Holly Pai shared that she spent \$9 on a fee for an audio recording

Old/New Business [2:31:35]

- There was no old and new business

The meeting adjourned at 9:02 PM

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