

CITY COUNCIL COMMUNICATION



MEETING DATE: May 16, 2017 **ITEM NUMBER:** 5.A.
SECOND READING: N/A
TYPE OF ITEM: Study Session
PRESENTED BY: Harold Dominguez, City Manager 303-651-8601; Mike Butler, Chief of Public Safety 303-651-8533; Karen Roney, Community Services Director 303-651-8633

SUBJECT/AGENDA TITLE: Review Of The City of Longmont's Policies And Practices Regarding The City's Undocumented Immigrant Community

EXECUTIVE SUMMARY: City of Longmont staff will make presentations at the Council meeting about current policies and practices regarding our community's undocumented immigrant population. Brief background information can be found below.

COUNCIL OPTIONS: Information and discussion

RECOMMENDED OPTIONS: N/A

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION: N/A

BACKGROUND AND ISSUE ANALYSIS:

Staff from the Longmont Public Safety Department and Community Services Department will present a more detailed review of policies and practices regarding our town's undocumented immigrant community. This presentation will offer information about:

1. Community safety
2. Longmont Public Safety's policies and practices
3. Our relationship with local, state and federal agencies
4. Our relationships with various populations in our community
5. Impact of federal and state requirements related to grants and services to the community
6. Highlights of the work of the Longmont Multicultural Action Committee

In the meantime, below is information from each department that may be helpful.

Public Safety:

As Council is aware, there have been numerous conversations at the local, state, and federal levels focusing on immigration. Law enforcement agencies' policies and practices have been the central focus of these conversations. However, these policies and practices vary by jurisdiction, and in many cases, the general conversation does not account for practices that have previously existed in municipalities. Based on recent local conversations, Public Safety Chief, Mike Butler,



sent an email to the public safety staff addressing this issue. In this email, Chief Butler reiterated his expectations for how the Longmont Public Safety Department will interact with all members of the community and other law enforcement agencies. The following is Chief Butler's email in its entirety:

*From: Mike Butler
Sent: Wednesday, March 15, 2017 7:40 AM
To: Public Safety Staff
Subject: Immigration Issue*

Good Evening Everyone,

Thank you for what you do for our community! We have all worked hard over the years to not only make our community safe, but we've also assisted many people, families, neighborhood and businesses in developing their unique ways to sustain their own safety. Let there be no doubt that we have performed in a way that has contributed mightily in making our community one of the safest communities in Colorado and our nation.

You all are aware of the recent focus on immigration. I do not want to even get close to making this political commentary. My intentions are to let you all know how we will treat those people in our community who are immigrants and undocumented and/or overstayed their visas.

It is important for you to know that the acts of overstaying one's visa or coming into our country without any government authorization are civil/administrative violations of federal government regulations. They are not criminal acts. What is a criminal act is when someone has been deported from our country and then, without authorization, comes back into our country. That act is a federal crime. (The above information came from our District Attorney and our local FBI's office).

We have worked hard over the years to enhance our relationships with everyone who resides in our community notwithstanding their culture, their country of origin, their economic means or their immigration status. There is no doubt in my mind that our close relationships with people in our community is one of the reasons our community is as safe as it is and why we have as much trust and confidence as we do.

What is concerning to me and others is that there may be people, because of their immigration status, who choose to shrink back into the shadows of our community. They or their family members may become reluctant to report a crime or access public safety services in any way for fear of being deported. In doing so, they potentially make themselves more vulnerable to being victimized by crime or exploited by others who wish to prey on their vulnerability.

What ICE's practices become over the next few months are still unknown. I believe there has been a stirring of the pot by the media that has greatly contributed to the fear that currently exists. I am not hearing any federal agency or agent state that mass deportations will occur. However, regardless of what the source of fear might be, there are many people in our community who now fear deportation. What is concerning for me is that their fears may be unfounded but yet so real to certain people that they may be very reluctant to call on us. That is where each of us can make a difference.

I would like for each of you to let people you contact know that Longmont Public Safety is not interested, whatsoever, in any person's immigration status as we perform our assignments. We need to encourage people to reach out to us if they need any kind of public safety service. They need to know that we can be trusted and that our services are accessible to anyone, regardless of their status. That does not mean we cannot or will not use the full force of local and state ordinances and statutes to enforce our laws against anyone who commits a crime regardless of immigration status.

We will also not participate in the federal 287(g) program. This program trains local police officers on how to work with ICE in assisting in the deportation of undocumented immigrants. That would completely devastate our relationships and trust with those from within our Latino community. In addition, we are stretched too thin already in dealing with other public safety related issues in our community to add the responsibility of identifying and detaining those who are not documented. That does not mean we will not work with ICE. If ICE were to come to our community with the intentions of arresting a person or persons known to be a danger to our community, we will assist in their efforts to find and detain that person or persons.

In no way, shape or form do I want our public safety department to be at odds with any federal, or state or local enforcement agency. Historically, we have experienced the benefits of cooperating with all agencies from all levels and we will continue to do that.

In summing up my comments, our purpose is to provide public safety services to any resident of our community. Our purpose is to help ensure the safety of our community in any way that we can. That can be through prevention, being proactive and certainly by being responsive to the ongoing public safety issues that exist in our community. We need to sustain our purpose in our community as fiercely, skillfully and compassionately as we can.

You are welcome to contact me if you have questions, comments or concerns. Thank you. Mike

Community Services: This section describes how federal and state immigration laws impact programs, resources and facilities the Community Services Department offers to the Longmont community. In addition, this section highlights the work of the Longmont Multicultural Action Committee, which was established by City Council in 2003 to promote cultural understanding, inclusion, and involvement to ensure that Longmont is a welcoming community where everyone belongs.

The City of Longmont receives federal Community Development Block Grant (CDBG) funding as an entitlement city and HOME funding as part of a countywide consortium to address housing and community development needs within the Longmont community. Federal law requires the City to verify the lawful presence of adults applying for certain public benefits. Therefore, staff who operate programs funded with CDBG and HOME (non-Down Payment Assistance) dollars document that applicants over 18 years of age are lawfully present, unless the programs are exempted from this requirement, as outlined in the statute. Some examples of exempted programs/benefits include emergency services, certain health care services, immunizations, prenatal care, "soup kitchens," short term shelter, and crisis counseling, to name a few.

State funding cannot be used to assist adults not lawfully present in the country, other than for those same types of services/benefits cited above. This requirement applies to State funded Down Payment Assistance (DPA) funding, CDBG-DR (since this funding is passed through the State to Longmont), and staff applies it to HOME DPA funds to make it easier to administer the DPA program regardless of the funding source. Staff must document everyone in the household to ensure all household members are lawfully present. During Longmont's flood recovery efforts, staff accessed private funding resources to assist those non-documented residents impacted by the flood, since these residents were ineligible to be assisted with state disaster funding.

Affordable Housing Funds, while local funding, also cannot be used to assist people who are not lawfully present in the country, other than for emergency situations. Staff follows the same procedures it does in managing federally funded programs to document the applicant is lawfully present.

Other human service, recreation, education, arts and cultural programs and resources provided by Community Services Divisions generally do not meet the definitions of public benefits under the State statute. Senior Services does manage a "last resort" fund that provides direct cash assistance for older adults with financial hardships and have exhausted all other resources. This fund is made possible through private donations from the Friends of the Longmont Senior Center, not public funds.

State statutes apply to the City's contracts with human service agencies and contain language requiring verification of lawful presence. However, the City can determine if one or more of the exceptions to the verification requirement apply and in those cases, Contractors are not required to verify lawful presence of the clients they serve. Most human services provided by contracted agencies are exempt from this requirement. In addition to exceptions referenced earlier in this communication, other exceptions include services to children and in-kind services delivered at the community level (including services through non-profit agencies) where the assistance does not depend on the recipient's income and are necessary for the protection of life or safety.

The Community Services Department also supports the work of the Longmont Multicultural Action Committee (LMAC), which is a community-based group that works to promote cultural understanding, inclusion, and involvement with the goal that Longmont remains a welcoming community where everyone belongs. LMAC creates engaging opportunities for all residents to learn about and celebrate the many different cultures represented in our community. LMAC's important work helps cultivate stronger connections that bridge relationships between community members from diverse cultures, backgrounds, and circumstances. LMAC focuses on three main areas:

- Sponsoring and/or supporting a variety of inclusive community gatherings, cultural events, and other activities that promote understanding and build relationships
- Supporting learning opportunities that foster Longmont's connection with people, communities, and cultures around the world, and
- Enhancing representation within city and community leadership, government and advisory roles to ensure that diverse voices and ideas are considered during the development of policies and programs.

In 2017, LMAC began ramping up its community leadership role to be a stronger voice for respectful interactions among and equitable opportunities for all who call Longmont home through public statements, community outreach and engagement.

Contracts Citywide: State statute requires the City to insert terms into contracts for services that prohibit the contractor from knowingly using undocumented immigrants to perform the work, and requiring the contractor to verify the immigration status of the employees performing the work. § 8-17.5-102, C.R.S.

ATTACHMENTS: N/A