

**Minutes  
Human Relations Commission  
June 8, 2010**

**Minutes of the HUMAN RELATIONS COMMISSION held on Tuesday, June 8, 2010,  
6:00 P.M. at City Hall, 3<sup>rd</sup> Floor Conference Room, 31 East Fifth Street, Tempe, Arizona.**

**(MEMBERS) Present:**

Colleen Byron  
Belinda Chiu  
Kathy Dietz  
Frank Morales  
Jay Scherotter  
Thaddeus Swiecki  
Patricia Young

**(MEMBERS) Absent:**

Florence Boyle  
Armando Espinoza  
Robert Marshak  
Joseph Mann  
Kade Twist  
Josephine Vega

**Diversity Staff Present:**

Rosa Inchausti, Diversity Manager  
Ginny Belousek, Sr. Diversity Specialist

**Guests Present:**

Ed Ableser, District 17 Representative  
Steve Adolph, Superintendent, TUHSD  
Bill Amato, City Attorney's Office  
Charles Cobbs, Police Department  
Jeff Kulaga, Assistant City Manager  
Arthur Tate, Superintendent, TD3  
Gina Taylor, Asst. Superintendent, Kyrene School District  
John Valenzuela, Fire Department

**Meeting convened at 6:05 P.M.**

**Vice-Chair Patricia Young** called the meeting to order and invited members of the public to address the Commission.

**Agenda Item 1 – Public Appearances**

None

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**Agenda Item 2 –Consideration of Minutes**

**May 11, 2010, HRC Commission Minutes**

**Motion made by Commissioner Dietz to ACCEPT minutes.**

**Second by Commissioner Swiecki.**

**Minutes APPROVED.**

**Feb. 22, 2010 Unity Grant Subcommittee Minutes**

**Motion made by Commissioner Dietz to ACCEPT minutes.**

**Second by Commissioner Morales.**

**Minutes APPROVED.**

**May 11, 2010 Teen Diversity Dialogue Subcommittee Minutes**

**Motion made by Commissioner Morales**

**Second by Commissioner Dietz**

**Minutes APPROVED.**

**March 22, 2010 Regional HRC Minutes**

**Motion made by Commissioner Young**

**Second by Commissioner Dietz**

**Minutes APPROVED.**

**May 27, 2010 SB 1070 Subcommittee Minutes**

**Motion made by Commissioner Byron**

**Second by Commissioner Morales**

**Minutes APPROVED.**

**Agenda Item 3 – SB 1070 and HB 2281 Discussion**

Bill Amato, legal advisor to the Tempe Police Department, gave a presentation to the Commission on SB 1070. He stated that there are six civil suits pending to stop the bill. If the bill does go through, it will become law on July 29, 2010. The bill as written would give local police departments the authority to enforce federal immigration law. Mr. Amato highlighted various sections of the bill, including section 13-1509, which makes it a misdemeanor to unlawfully pick up workers, to transport or shield an illegal immigrant (which could result in getting your car impounded), and to be stopped without appropriate documentation. He also stated that section 11-1051 prohibits agencies from limiting or restricting enforcement of the law. That said, Tempe cannot choose if they want to enforce the law or not.

The commission asked Mr. Amato what is considered “appropriate documentation”. He responded that there are four types of ID – 1) a valid driver’s license, 2) a valid non-operator license, 3) a Tribal ID, and 4) a valid U.S. Federal, or local government ID. If a valid ID is shown, the inquiry is immediately stopped. Mr. Amato stated that if a person does not have a valid ID, there are several factors an officer can use to determine reasonable suspicion. Singular factors that can work together “in totality” to form ***reasonable suspicion*** that someone is in the country unlawfully are:

- No ID, especially in situations, like driving, where ID is needed

- A foreign ID or foreign registered vehicle
- A heavy vehicle packed with people trying to hide
- Fleeing
- Not being able to give a home address or answer how long they've lived there
- An evasive manner, nervousness, no eye contact
- Being around other illegal aliens or in location illegal aliens are known to frequent (i.e. places they hang around and wait for work)
- Pretending not to know all the other illegal aliens around them or in the vehicle with them
- Looking out of place, lost or uncomfortable
- Not being able to explain where or how they got their Visa
- Dress – if wearing layers, long sleeves or other clothes not consistent with climate or having bags of clothing and other articles that appears they have been carrying.

Bill said that AZ Post is writing the training for all law officers, and they are working on a model policy for the local police chiefs. Bill is working with AZ Post to create the training, and will be personally conducting all training for Tempe officers. Tempe is particularly fortunate to have a dedicated legal advisor on staff. Each officer will be mandated to watch a one-hour video between June 30 and July 29, which was produced by AZ Post. In addition to the video, Tempe officers will attend a 4-hour extensive training class. The training of the officers is a priority, but also a strain on the department.

Bill mentioned that another factor to the bill is that much hinges on ICE's participation. The only organization that can identify immigration status is ICE. He also stated that this bill will be very costly to the cities, because they will have to verify the status of everybody who is arrested, and everyone cited will go to jail until ICE can verify their status. The current procedure is to cite and release, but with the new bill everyone will get arrested. The jail bills will go up tremendously. It should also be noted that the costs will be incurred by the courts, city attorney offices, and police departments, but there will be no additional costs for the state.

Commissioner Dietz asked Mr. Amato if the police officers are indemnified. He responded, no, the bill is full of potential for law agencies to be sued, not only for racial profiling, but also if someone does not believe the law is being enforced.

Commissioner Dietz referenced a decision made by the Phoenix Union High School District, who will not follow SB1070, but will rather honor a Supreme Court Case ruling regarding immigration. Mr. Amato added that the bill is making a difficult situation for the school resource officers, who are working within the school district, but who are employed by the local police department.

Commissioner Young thanked Bill Amato for his presentation, and asked him to return in six months to give an update to the Commission.

Commissioner Young then asked the school representatives for their thoughts on the bill. Gina Taylor, Assistant Superintendent for the Kyrene School District stated that they are conducting business as usual. She mentioned that the district registers many homeless families for school, and the families are not required to give proof of residency. Dr. Arthur Tate, superintendent of the Tempe Elementary School District agreed, stating that they are not doing anything different this year. The three school superintendents all stated that they are operating under the Supreme Court Ruling.

Representative Ed Ableser shared a few facts about the bill. He stated that the bill includes a clause for civil interaction, which means that if a neighbor calls about a loud party and the police arrive they must check for citizenship of the homeowner. This also applies to code enforcement of property. He also said that an individual citizen can sue the police department if they think the department is not enforcing the law. Another part of the bill is "shielding". If you are a citizen, but are with someone who is not a citizen and there is an altercation, you can be tried for shielding, which is a misdemeanor.

Commissioner Young then asked the school superintendents about the impact of HB 2281 (ethnic studies) for the schools.

Steve Adolph, Superintendent of the Tempe Union High School District, replied that the school's attorney has advised them that there is nothing currently being done by the district that will need to change. He stated that the ASBA (Arizona School Board Association) will issue a statement regarding the bill.

Representative Ableser said that there are many gray areas with this bill. He said that as the bill is written, AZ History and US History can be thought of as ethnic studies. He stated that it can all be challenged in court.

Commissioner Young asked John Valenzuela, from the Tempe Fire Department, if he had anything to report. Asst. Chief Valenzuela stated that the Fire Department is not anticipating any change due to SB 1070.

Commissioner Young thanked all the guests for their presentations.

**Motion:** Commissioner Young moved to adjourn the meeting

**Second:** Commissioner Morales

**Meeting adjourned at 7:45 P.M.**

Prepared by: Ginny Belousek

Reviewed by: Rosa Inchausti

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Rosa Inchausti, Diversity Manager