

# County of Santa Clara Human Rights Commission



**DATE:** June 13, 2019, Regular Meeting  
**TIME:** 6:30 PM  
**PLACE:** Board of Supervisors' Chambers  
County Government Center – 70 West Hedding Street, 1st Floor  
San Jose, CA 95110

## AGENDA

In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Human Rights Commission no less than 24 hours prior to the meeting at (408)299-5001, or TDD (408) 993-8272.

Please note: To contact the Commission and/or to inspect any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting, visit our website at <http://www.sccgov.org> or contact the Clerk at (408)299-5001 or 70 West Hedding Street, San Jose, CA 95110, during normal business hours.

Persons wishing to address the Commission on a regularly scheduled item on the agenda are requested to complete a request to speak form and give it to the Deputy Clerk. (Government Code Section 54953.3.) Individual speakers will be called by the Chairperson and are requested to limit their comments to two minutes. Groups of speakers on a specific item are asked to limit their total presentation to a maximum of twenty minutes for each side of the issue.

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including public transit, bicycles, carpooling, and hybrid vehicles.

For public transit trip planning information, contact the VTA Customer Service Department at (408) 321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at [www.vta.org](http://www.vta.org).

Bicycle parking racks are available in the James McEntee, Sr., Plaza in front of the County Government Center building. If this Board or Commission does not meet in the County Government Center, please contact VTA for related routes.

## Opening

1. Call to Order/Roll Call.
2. Public Comment.

This item is reserved for persons desiring to address the Commission on any matter within the subject matter jurisdiction of the Commission that is not on this agenda. Members of the public who wish to address the Commission on any item not listed on the agenda should complete a Request to Speak Form and give it to the Deputy Clerk. The Chairperson will call individuals to speak in turn.

Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Commission; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Commission; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Commission.

The law does not permit Commission action or extended discussion of any item not on the agenda except under special circumstances. If Commission action or response is requested, the Commission may place the matter on a future agenda.

### Regular Agenda - Items for Discussion

3. Approve minutes of the May 9, 2019 Regular Meeting.
4. Receive Committee reports:
  - a. Receive report from Justice Review Committee. (Stone)
  - b. Receive report from Social Equity Committee. (Martinez)
  - c. Receive report from Executive Committee. (Boren)
5. Receive Individual reports:
  - a. Receive Report from the Vice Chairperson.
  - b. Receive Report from Division of Equity and Social Justice.
  - c. Receive Report from the Chairperson.
6. Consider recommendations relating to the United States 2020 Census. (ID# 97196)  
Possible actions:
  - a. Receive report relating to the United States 2020 Census. (Nicholas Kuwada)
  - b. Appoint a standing Committee or establish an ad-hoc committee for the purpose of considering possible actions, and appoint Commissioners to serve on the Committee.
7. Consider nominations for Chairperson and Vice Chairperson for Fiscal Year 2019-2020.
  - a. Receive report from Nominations Committee. (Franzen)
  - b. Receive nominations from the Commission.
8. Consider recommendations relating to Public Forum held by the Human Rights Commission regarding Board Policy 3.54. (ID# 97197)  
Possible action:
  - a. Receive feedback relating to the Public Forum held on May 9, 2019.
  - b. Discuss letter forwarded to the Board of Supervisors on the Commission's behalf.
  - c. Discuss further recommendations and forward to the Board of Supervisors.
9. Discuss report from the California Housing Partnership relating to displacement impacts for new development in the Bay Area and discuss possible avenues for further Commission consideration. (Stone)
10. Discuss human rights concerns relating to recreational vehicle parking. (Franzen)

11. Discuss California Assembly Bill 5 and approve forwarding a letter of support to the Board of Supervisors.
12. Discuss and approve forwarding a recommendation to the Board of Supervisors, through the Children, Seniors, and Families Committee, to authorize the County of Santa Clara Human Rights Commission to collaborate with the Winter Faith Collaborative, in compliance with County policies. (Franzen)
13. Discuss and approve a date and budget relating to New Commissioner Orientation and August retreat.
14. Consider recommendations relating to honoring Noemi Cana.

Possible action:

- a. Discuss and approve honoring Noemi Cana.
  - b. Approve a budget for an award plaque not to exceed \$100.
15. Approve plaque cost to honor Brohne Lawhorne not to exceed \$100.
  16. Consider shift of the Commission to the Division of Equity and Social Justice. (ID# 96462)

Possible action:

- a. Receive report from the Division of Equity and Social Justice. (Mike Gonzalez)
  - b. Discuss shift of the Commission to the Division of Equity and Social Justice.
17. Receive report from Chairperson.
  18. Announcements:
    - a. Chairperson's announcements.
    - b. Commissioners' announcements.
    - c. There is currently one vacancy on the Commission. For Internet access to the vacancies list and applications visit <http://www.sccgov.org/sites/bos/bnc>.
    - d. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.

## Adjourn

19. Adjourn to the next regular meeting on Thursday, August 8, 2019 at 6:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.

County of Santa Clara  
Human Rights Commission



**DATE:** May 9, 2019, Regular Meeting  
**TIME:** 6:30 PM  
**PLACE:** Board of Supervisors' Chambers  
 County Government Center – 70 West Hedding Street, 1st Floor  
 San Jose, CA 95110

**MINUTES**

**Opening**

**1. Call to Order/Roll Call.**

Chairperson Boren called the meeting to order at 6:34 p.m. A quorum was present.

Attendee Name	Title	Status	Arrived
Marilyn Randolph	Commissioner	Present	
Justin Boren	Chairperson	Present	
Miryam Castaneda	Commissioner	Present	
Robert Chaykin	Commissioner	Present	
Bryan Franzen	Commissioner	Present	
Jinny Herter	Commissioner	Late	6:50 PM
Kelly Martinez	Commissioner	Present	
Clarissa Moore	Commissioner	Absent	
Narendrakumar V. Pathak	Commissioner	Present	
Saigal Shahnawaz	Commissioner	Present	
Greer Stone	Vice Chairperson	Present	
Richard Vierhus	Commissioner	Present	
Hyon Chu Yi-Baker	Commissioner	Present	
Mita Dey	Commissioner	Present	

**2. Review Articles 26 through 30 of the United Nations Universal Declaration of Human Rights.**

Vice Chairperson Stone read Article 26-27 of the United Nations Universal Declaration of Human Rights into the record.

Chairperson Boren read Articles 28-30 of the United Nations Universal Declaration of Human Rights into the record.

Chairperson Boren welcomed new Commissioner Mita Dey.

**3. Public Comment.**

No public comments were received.

### Time Certain – To Be Heard No Earlier Than 6:45 p.m.

#### 4. Public Forum relating to the Civil Immigration Detainer Requests, Board Policy 3.54.

Taken out of order after Item No. 12.

- a. Open public forum and receive testimony. (ID# 96597)

Chairperson Boren read Board Policy 3.54 which related to the Civil Immigration Detainer Requests.

Commissioner Herter took her seat at 6:50 p.m.

Raquel Ortega, Organizer, ACLU of Northern California, expressed the importance of constitutional rights for all people across the country and recommended amending the policy to affirm to the immigrant community that the County of Santa Clara is willing to deploy its resources to facilitate the deportation of its community member, which creates distrust with the County and local law enforcement.

David Doyle, Immigration Law Society, Santa Clara University, stated that if the County of Santa Clara were to adopt the proposed change to the policy, it would allow Immigration and Custom Enforcement (ICE) agents to bypass the California Values Act and open the County to civil liability if mistakes are made.

Oswaldo Hidalgo Otamendi, Immigration Law Society, Santa Clara University, advised that allowing this policy change to pass would lead to fear and distrust in Santa Clara County's status as a Sanctuary City.

Luis Angel Reyes Savalza, Defense Attorney, Pangea Legal Services, urged the Commission to oppose any collaboration between local law enforcement and ICE and stated that a policy of no entanglement with ICE is essential to the County's commitment to due process and equal protection.

Eunice Hernandez, Community Organizer, Sacred Heart Community Service, provided examples of how ICE has affected communities. She stated that ICE has detained people and they were not allowed due process.

Christopher Arriola, Supervising District Attorney, County of Santa Clara, recalled facts from Bambi Larson's case. He further stated that the County is responsible for the safety of all communities within the County and that the District Attorney considers, this not an immigration issue, but a safety issue. Mr. Arriola advised that the District Attorney created the first Collateral Consequences Policy eight years ago which protected hundreds from deportation for crimes including petty theft and driving without a license. He further advised that the District Attorney believes that the County policy was made in good faith and believes that the county could create a policy that protects immigrants without compromising safety. Mr. Arriola stated

that only 100-150 immigrants will be impacted by this policy and they are people who committed serious crimes which include human trafficking, murder and rape. He further stated that the Office of the District Attorney has a responsibility and obligation to provide safety to the County's residents.

David Campos, Deputy County Executive, Division of Equity and Social Justice, County of Santa Clara, stated that the Board of Supervisors directed administration to work with County Counsel in responding to the request to consider amendments to the policy in a manner that is consistent with due process. Mr. Campos further stated that if the proposed policy change had been in place before Bambi Larson was killed, it would not have changed the outcome of the events that day.

Cecila Chavez, Columnist, Silicon Valley De-Bug, stated that any changes or collaboration with ICE will be a step back for the County.

Maricela Gutierrez, Executive Director, SIREN, recommended no changes to the County's current policy and stated that the County of Santa Clara has been a national leader ensuring ICE is not entangled with local law enforcement. She further stated that the Board of Supervisors has decided no less than three times since the establishment of the policy in 2011 to ensure there is no communication with ICE.

In response to an inquiry by Commissioner Chaykin, Mr. Campos stated that this policy would not have changed the outcome in Bambi Larson's case because the previous crime committed by of the individual did not fall into the definition of a serious or violent felony.

In response to an inquiry by Commissioner Franzen regarding the process of notifying ICE, Mr. Arriola stated that the Bambi Larson case would not have fallen under this statute, however, it could have fallen under the Values Act. He further stated that there were many crimes in immigrant communities that could have been prevented by this policy including a triple homicide in a gang case.

Vice Chairperson Stone stated that the County has a standard which is based on promoting human dignity and the change to the policy would do the opposite. He further raised concern regarding this policy and racial profiling in an effort to identify undocumented members of the community. Mr. Arriola advised that this is a difficult choice when drawing lines regarding public safety. He further stated that ICE is not supposed to racially profile and should be looking at citizenship status of who they are arresting.

In response to an inquiry by Commissioner Yi-Baker regarding entangling local law enforcement with ICE when the agency has a negative reputation, Mr. Arriola advised that seeing the victim and their family's firsthand and knowing that something could have done to prevent it is very difficult to live with. He further stated that this policy change could prevent a rape, murder, or serious injury in the



future. Mr. Arriola stated that in 2017 there were 41 people who would have fallen under the policy that had been convicted of serious or violent felonies and 73 had prior convictions. He further stated that in 2018 there were 11 people who would have fallen under the policy that had been convicted of serious or violent felonies and 100 had prior convictions. Mr. Arriola advised of cases of strangulation and domestic violence, and that one person who should have been deported committed a triple homicide on behalf of a gang in San Jose.

67 individuals addressed the commission and two individuals submitted written comments for the record.

- b. Close public forum.

Chairperson Boren closed The Public Forum.

**5. Authorize Chairperson to prepare and submit a letter to the Board of Supervisors summarizing the forum and providing the opinion of the Commission.**

**5 RESULT: APPROVED [12 TO 0]**  
**MOVER:** Greer Stone, Vice Chairperson  
**SECONDER:** Narendrakumar V. Pathak, Commissioner  
**AYES:** Randolph, Boren, Castaneda, Franzen, Herter, Martinez, Pathak, Shahnawaz, Stone, Vierhus, Yi-Baker, Dey  
**ABSTAIN:** Chaykin  
**ABSENT:** Moore

**Regular Agenda - Items for Discussion**

**6. Approve minutes of the April 11, 2019 Regular Meeting.**

Taken out of order after Item No. 3.

**6 RESULT: APPROVED [12 TO 0]**  
**MOVER:** Narendrakumar V. Pathak, Commissioner  
**SECONDER:** Richard Vierhus, Commissioner  
**AYES:** Randolph, Boren, Castaneda, Chaykin, Franzen, Martinez, Pathak, Shahnawaz, Stone, Vierhus, Yi-Baker, Dey  
**ABSENT:** Herter, Moore

**7. Receive Committee reports:**

- a. Receive report from Justice Review Committee. (Stone)

No report was received.

- b. Receive report from Social Equity Committee. (Martinez)

Minutes Acceptance: Minutes of May 9, 2019 6:30 PM (Regular Agenda - Items for Discussion)

Commissioner Martinez advised that the Social Equity Committee met on April 25, 2019 and discussed possible items to discuss at the Implicit Bias Workshop.

**7.b RESULT: RECEIVED**

c. Receive report from Nomination Ad-Hoc Committee. (Franzen)

Commissioner Franzen invited Commissioners to submit nominations for Chairperson and Vice Chairperson.

**7.c RESULT: RECEIVED**

**8. Discuss and approve a certificate of appreciation for Brohne Lawhorne, Manager, Office of Mediation and Ombuds Services, for his service to the Commission.**

The Commission expressed appreciation to Mr. Lawhorne regarding his time spent working with the Commission.

**8 RESULT: APPROVED [12 TO 0]**

**MOVER:** Robert Chaykin, Commissioner

**SECONDER:** Narendrakumar V. Pathak, Commissioner

**AYES:** Randolph, Boren, Castaneda, Chaykin, Franzen, Martinez, Pathak, Shahnawaz, Stone, Vierhus, Yi-Baker, Dey

**ABSENT:** Herter

**9. Discuss California Assembly Bill 5 and approve forwarding a letter of support to the Board of Supervisors. (ID# 96157)**

**9 RESULT: NO ACTION TAKEN**

**10. Consider shift of the Commission to the Division of Equity and Social Justice. (ID# 96462)**

Possible action:

a. Receive report from the Division of Equity and Social Justice. (Mike Gonzalez)

b. Discuss shift of the Commission to the Division of Equity and Social Justice.

By order of Chairperson Boren, there being no objection, the item was held to June 13, 2019.

**10 RESULT: HELD [NO VOTE] Next: 6/13/2019 6:30 PM**

**11. Receive report from Chairperson.**

Chairperson Boren expressed appreciation to the panel for their attendance at the Public Forum.

**11 RESULT: RECEIVED**

**12. Receive report from Vice Chairperson.**



Vice Chairperson Stone also expressed his appreciation to the panel for their attendance at the Public Forum.

**12 RESULT: RECEIVED**

**13. Propose agenda items for the Thursday, June 13, 2019 meeting.**

No agenda items were proposed.

**14. Announcements:**

a. Chairperson's announcements.

Chairperson Boren made no announcements.

b. Commissioners' announcements.

No announcements were made.

c. There is currently one vacancy on the Commission. For Internet access to the vacancies list and applications visit <http://www.sccgov.org/sites/bos/bnc>.

d. The County of Santa Clara provides reimbursement to appointed Commissioners for family care expenses incurred during the time spent performing their official County duties. For additional information please contact the Office of the Clerk of the Board at (408) 299-5001.

**Adjourn**

**15. Adjourn to the next regular meeting on Thursday, June 13, 2019 at 6:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.**

Chairperson Boren adjourned the meeting at 9:16 p.m.

Respectfully submitted,

Charisse Sumoba

Deputy Clerk

Minutes Acceptance: Minutes of May 9, 2019 6:30 PM (Regular Agenda - Items for Discussion)

**County of Santa Clara  
Human Rights Commission**



97196

**DATE:** June 13, 2019

**TO:** Human Rights Commission

**FROM:** Charisse Sumoba,

**SUBJECT:** Consider recommendations relating to the 2020 Census

**RECOMMENDED ACTION**

Consider recommendations relating to the United States 2020 Census.

Possible actions:

- a. Receive report relating to the United States 2020 Census. (Nicholas Kuwada)
- b. Appoint a standing Committee or establish an ad-hoc committee for the purpose of considering possible actions, and appoint Commissioners to serve on the Committee.



97197

**DATE:** June 13, 2019  
**TO:** Human Rights Commission  
**FROM:** Charisse Sumoba,  
**SUBJECT:** Discuss Public Forum on Board Policy 3.54

**RECOMMENDED ACTION**

Consider recommendations relating to Public Forum held by the Human Rights Commission regarding Board Policy 3.54.

Possible action:

- a. Receive feedback relating to the Public Forum held on May 9, 2019.
- b. Discuss letter forwarded to the Board of Supervisors on the Commission's behalf.
- c. Discuss further recommendations and forward to the Board of Supervisors.

**ATTACHMENTS:**

- Letter to Board with Recommendation about Board Policy 3-54 (PDF)



# HUMAN RIGHTS COMMISSION COUNTY OF SANTA CLARA

24 May 2019

President S. Joseph Simitian  
Board of Supervisors  
70 W. Hedding St, 10<sup>th</sup> Floor  
San José, CA 95129

**Justin P. Boren, Ph.D.**  
CHAIRPERSON

**Miryam Castaneda**  
DISTRICT 5  
**Mita Dey**  
DISTRICT 3  
**Jinny Herter**  
DISTRICT 4  
**Clarissa Moore**  
DISTRICT 2  
**Marilyn Randolph**  
DISTRICT 2  
**Richard Vierhus**  
DISTRICT 4

**Greer Stone, Ph.D.**  
VICE CHAIRPERSON

**Robert Chaykin**  
DISTRICT 1  
**Rev. Bryan Franzen**  
DISTRICT 1  
**Kelly Martinez**  
DISTRICT 2  
**Narendra Pathak**  
DISTRICT 3  
**Shahnawaz Saigal**  
DISTRICT 3  
**Hyon Chu Yi-Baker**  
DISTRICT 1

Re: Recommendation from the Human Rights Commission Regarding Board Policy 3.54

Dear Board President Simitian and County Supervisors,

Pursuant to County Ordinance Code NS-300.934, the Santa Clara County Human Rights Commission held a public forum on May 9, 2019 to assist us in formulating a recommendation to the Board of Supervisors on the human rights implications of any potential changes to Board Policy 3.54 and any potential collaboration with or notification to the United States Immigration and Customs Enforcement (I.C.E.) agency.

The commission invited representatives from various community-based organizations with subject matter expertise on immigration rights, representatives from county organizations (including the Sheriff, District Attorney, and Public Defender), and members of the community to present to the Commission (the specific organizations in attendance are detailed below). The commission received expert testimony from many of these organizations and heard from 65 members of the public. At the conclusion of the forum, the Commission voted (12 in favor, 1 abstention, and 1 absence) to recommend that **no substantive changes be made to the existing Board Policy 3.54**. The Commission has asked me to provide the Board with a summary of the proceedings, which formed the basis of this recommendation.

### Background & Subject Matter Jurisdiction

The Human Rights Commission (formerly Human Relations Commission) was formed in 1972 to advise the Board of Supervisors on human rights concerns in the community. To achieve that goal, the Commission relies heavily on the principles set forth in the United Nations Universal Declaration of Human Rights (UNDHR). On November 20, 2018 the Board voted unanimously to declare the county a “Human Rights County” (BOS-2018-128), specifically finding ways to enact the principles of the UNDHR in to county governance. Furthermore, as a “Sanctuary County,” Santa Clara County has made an explicit commitment to members of immigrant and refugee communities that they should feel safe in the County. Given many human rights concerns associated with I.C.E., the Human Rights Commission felt that the potential for the County to further collaborate with I.C.E. was, at its core, a human rights concern.

## Recommendation of the Human Rights Commission

Re: Board Policy 3.54

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### Expert Panelists

The Commission invited nearly 20 community-based organizations, governmental agencies, and other experts on the legal issues associated with any potential changes to Board Policy 3.54 to a public forum. The following organizations responded to our request to serve as expert panelists and to deliver testimony to the commission on the matter: American Civil Liberties Union, Immigration Law Society of Santa Clara University, Pangea Legal Services, Sacred Heart Community Services, Santa Clara County District Attorney's Office, Santa Clara County Division of Equity and Social Justice, Silicon Valley DeBug, and SIREN. Alternate Defender David Epps was unable to attend, but did send written testimony to the Commission.

The commission heard from representatives with these organizations and published into the agenda any written documents sent prior to or immediately following the meeting. I have been asked to summarize the commentary from these experts. To do so, I would like to start with the prevailing opinion that further collaboration with I.C.E. is detrimental to the members of immigrant and refugee communities and to the County. The following arguments were made by the expert panelists as to why such entanglement would be detrimental:

- Notifying I.C.E. of the release of inmates would ostensibly be a sign of increased collaboration with the agency, thereby reducing the current benefits of a strong sanctuary policy in the County. Such collaboration may reduce the trust developed between members of immigrant and refugee communities and local law enforcement agencies. This established trust is essential in ensuring the safety of the public at large.
- Collaboration with I.C.E. could easily impact other important areas of government. For instance, the ability for county employees to work with members of immigrant and refugee communities to be counted in the 2020 census may become more challenging if sanctuary policies are diminished.
- Civil detainers are not legal reasons to hold inmates for extended periods of time. Such requests may violate a person's due process of law and their 4<sup>th</sup> & 5<sup>th</sup> amendment rights. Lawyers present from these various organizations indicated that any extended inmate hold could put the county in jeopardy of a civil lawsuit.
- As an agency, I.C.E. has regularly engaged in human rights violations with respect to access to legal counsel, ensuring the safety of detainees, and respecting the communities they purportedly serve.

## Recommendation of the Human Rights Commission

Re: Board Policy 3.54

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- I.C.E. already has the ability to obtain a judicial warrant – a mechanism that they can use to apprehend and detain individuals, which would bind the County to act.
  - Given that there is no established system that can be used to determine immigration status, our panelists expressed a concern that surrogate mechanisms to determine such status may be used, including a person’s surname or place of birth. This is tantamount to racial profiling.
  - There was discussion and critique of the list of offenses that are categorized as “serious and violent” felonies, including the notion that some offenses are “conspiracy to commit” or “attempted.”
  - There has been no progress made as to how best to operationalize the process associated with notification in a way that addresses the legal and moral issues raised here.

Many of our expert panelists sent in written testimony, which can be found as supplemental information in the agenda from our meeting. Also included in that agenda is an audio-recording of the meeting, available here: [http://sccgov.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=10972](http://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=10972)

### Dissenting Opinion

Only one member of the expert panel (the representative from the District Attorney’s office) dissented to many of the aforementioned items; however, the D.A.’s office did recognize that some of the approaches and strategies utilized by I.C.E. are problematic. The D.A.’s office also sent over written testimony to the commission (the same testimony sent to the Board) outlining the basis for their argument to modify Board Policy 3.54 from what the D.A. has called a primarily public safety position.

There was also some discussion among the panelists that certain changes to strengthen Board Policy 3.54 could be implemented. However, the prevailing opinion among our expert panelists was that any change to the policy should emphasize a lack of coordination with I.C.E. and further memorialize the commitment that the County has made toward promoting sanctuary county principles.

### Summary of Public Testimony

Immediately following the expert panel’s testimony, we heard public commentary. In what was likely a record-number of attendees to an HRC meeting, the Commission heard from 65 members of the public who submitted speaker cards. Of those members, nearly all (63) spoke in favor of no changes to the existing policy. We requested interpretation services from the Clerk of the Board’s office and did have a few members of the public address the Commission in Spanish.



## Recommendation of the Human Rights Commission

Re: Board Policy 3.54

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The Commission heard nearly 75 minutes of public testimony during this forum. The consensus among the members of the public largely matched that of the expert panelists with the two dissenting opinions largely focused on public safety issues.

I have attempted to thematically summarize the public commentary below:

- Members of the public spoke to the fact that they would specifically feel threatened if the County proceeded with changing the policy to allow for I.C.E. notifications. Some members of the public even indicated that they would lose trust in the County and local law enforcement agencies.
- Some members of the public described treatment that they or their family members have had at the hands of I.C.E. agents. The accounts that were presented were often emotional and underlined the human right concerns that were outlined earlier. One individual even stated that “being held in I.C.E. custody is not humane.”
- Another theme that arose from the conversation was linked to the notion of racial profiling, or as one member of the public stated, “racial scapegoating.” One commentator indicated that the County shouldn’t be carving out a loophole in due process of law to only single out a particular class of people – those who are undocumented. A common theme was the notion that due process of law ought not be linked to citizenship status.
- Many members of the public addressed concerns related to the reduction of trust in the community along with increasing fear of persecution if the County were to change the policy.
- Members of the public reminded the Commission that the County’s policies should reflect the communities that are served in the County and that I.C.E. notifications would violate the tenets of the County’s sanctuary policy.

### The Commission’s Final Recommendation

Immediately following the public commentary, the Commission was informed by our Deputy Clerk that, since the meeting extended to after the time the building had closed (9:15pm), our options were limited to an immediate vote or to close the meeting without a final decision. After recognizing a properly made and seconded motion, the Commission voted with 12 commissioners in favor and one abstention. The commissioner who abstained did so, as they felt that further discussion by The Commission was necessary in order to finalize their opinion on the matter.

Recommendation of the Human Rights Commission

Re: Board Policy 3.54

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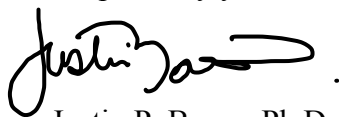
Therefore, the final recommendation from the Human Rights Commission is that the Board should make no changes to Board Policy 3.54, especially as those changes would relate to entanglement with I.C.E. The Commission makes this recommendation based on the input from our community partners and members of the public. We hope that the information presented in this letter is useful to the Board, as you work toward making your decision on this very important topic.

Finally, this letter was reviewed and approved by our executive committee at our May 23, 2019 meeting.

On behalf of the Human Rights Commission, I would like to thank the members of the Board for your ongoing commitment to ensuring that all residents of The County of Santa Clara are entitled to their basic human rights.

With all hope that our recommendation is useful to the Board, we remain,

Respectfully yours,



Justin P. Boren, Ph.D.

*Chairperson*

HUMAN RIGHTS COMMISSION

THE COUNTY OF SANTA CLARA

CC: Hon. Mike Wasserman, Supervisor  
 Hon. Cindy Chavez, Supervisor  
 Hon. Dave Cortese, Supervisor  
 Hon. Susan Ellenberg, Supervisor  
 John P. Mills, Deputy County Executive  
 David Campos, Deputy County Executive  
 Christine Stavem, Chief of Staff, District 1  
 Scott Strickland, Chief of Staff, District 2  
 Don Rocha, Chief of Staff, District 3  
 Derrick Seaver, Chief of Staff, District 4  
 Tyler Haskell, Chief of Staff, District 5  
 Charisse Sumoba, Deputy Clerk

**County of Santa Clara  
Human Rights Commission**



96462

**DATE:** June 13, 2019  
**TO:** Human Rights Commission  
**FROM:** Charisse Sumoba,  
**SUBJECT:** The Equity and Social Justice Division

**RECOMMENDED ACTION**

Consider shift of the Commission to the Division of Equity and Social Justice.

Possible action:

- a. Receive report from the Division of Equity and Social Justice. (Mike Gonzalez)
- b. Discuss shift of the Commission to the Division of Equity and Social Justice.

**HISTORY:**

05/09/19 Human Rights Commission  
 06/13/19

HELD [NO VOTE]

Next: