

SERVICES COMMITTEE SUMMARY

MARCH 4, 2008

Mr. Ellinger chaired the committee meeting. The meeting was called to order at 1:00 p.m. All committee members were in attendance except CM DeCamp and CM Lane.

I. Immigration Report Response

Shaye Rabold, Chief of Staff, went through each Lexington-Fayette Commission on Immigration recommendation along with other LFUCG staff.

1. Housing Code Enforcement – Commissioner Bennett, Public Safety, stated a couple of things have been implemented since this report came out. He stated one being improving the efficiency of Code Enforcement through the improved use of technology. He stated the second thing they have done is build on the Game Day Program. Commissioner Bennett stated they are calling it the neighborhood task force. The effort is to not only team code enforcement and police but to bring in other divisions in LFUCG that can have an impact on improving neighborhoods. He stated they have been in a few areas so far using this approach. They have been in the Hawkins Ave, Smith St. and Ward Dr. area. Commissioner Bennett stated they are getting good cooperation and will be identifying other areas to go into.

CM Blevins stated that one of the suggestions made by a citizen was extending the hours of code enforcement. He asked if this has been looked at.

Commissioner Bennett stated they are evaluating this and have made some schedule adjustments.

CM Blevins asked if the abatement budget has become a constraint for code enforcement.

David Jarvis, Director of Code Enforcement, stated currently they are okay in the abatement budget. He stated since we are going into spring they may come back with a request.

2. Office of International Affairs - Ms. Rabold stated this was to determine the feasibility of establishing an Office of International Affairs. She stated they are going to be considering this in conjunction with the budget.

CM Beard asked the name "Office of International Affairs" could be toned down some.

Ms. Rabold stated they will take that into consideration when they look into the recommendation.

3. Title VI Compliance - Isabel Taylor, Multicultural Affairs Coordinator, stated Mayor Newberry asked for a review of all LFUCG's Divisions for Title VI compliance. She stated she focused on 24 divisions. Ms. Taylor stated she began interviewing and reviewing divisions in January and has done 15 divisions so far. She stated she is not reviewing those divisions that do not have contact with the general public. She stated she is reviewing under the LEP Guidelines (Limited English Proficiency Guidelines) from the Department of Justice. She briefed the committee on her findings so far. She stated there will be recommendations made across the board.

CM Stinnett asked Ms. Taylor to explain Title VI Compliance.

Ms. Taylor stated Title VI is part of the Civil Rights Act of 1964. It states one will not discriminate against race, color or national origin. She stated the Supreme Court ruled that if you don't provide language access to your programs then you are discriminating against national origin.

CM Stinnett asked if we are required to put all of our online materials in other languages or on an as needed basis.

Ms. Taylor stated it is on an as needed basis. She stated the more important the document to the LEP person the more likely it will need to be translated. Ms. Taylor stated for translations alone the Department of Justice Guidelines say that if you have either 5% of your population or one thousand people in that language population then you should translate vital documents.

CM Stinnett asked how many of those groups do we have in Fayette County.

Ms. Taylor stated in Fayette County Public Schools we have over 100 languages, however; Ms. Taylor stated she looks at the 38 languages that are represented in the ESL (English as Second Language) classes. She stated she also looks at the refuge center in the past 2 ½ years they have resettled here over 300 people from around the world.

CM Stinnett asked how many documents we already translate into Spanish.

Ms. Taylor stated we already have quite a few documents that are being translated. She stated we might not have critical ones though. She stated she sees Chinese as a coming language.

CM Stinnett asked who will set the standards as to when we have enough documents translated.

Ms. Taylor stated her impression is the Department of Justice expects every division to have its own monitoring individual. She stated she hopes to come back to the committee with her findings within 4 to 6 weeks.

CM Myers stated some states have a flag at the bottom of their websites that when clicked on will translate the information into that language. He asked if that is something we could look into doing here.

Ms. Rabold stated they are currently moving toward a new website design and have noted that.

4. No Local Enforcement of Federal Immigration Laws - Ms. Rabold stated the commission found no basis to change the Police Department's policy with regards to immigrants and recommended that no LFUCG agency enter into §287(g) Memorandum of Agreement with Immigration and Customs Enforcement(ICE) at this time. She stated the administration agrees with the recommendation but has implemented a new policy at the jail.

Commissioner Bennett stated effective February 1st they begin a program at the jail identifying those not born in the United States and notifying Immigration and Customs Enforcement Agency of those people. He stated to accomplish this they added one question to their booking process that being "were you born in the United States" and follow it up with "where were you born" to get the additional information. He stated this question is asked of every person that comes in and is asked of every repeat visitor. Commissioner Bennett stated once a day they send a report to ICE with the names of those that were booked the previous day that were identified as being born outside of the United States. He stated the month of February they booked a total of 2046 people with 264 names being referred to ICE. ICE filed 21 detainers for the people that were booked the month of February. He stated during that period one person was released to ICE custody.

CM Beard asked how they know who they are dealing with if they are undocumented.

Commissioner Bennett stated the detention center is not equipped to determine the immigration status of anyone. He stated they are also not

equipped to determine the authenticity of a document. They made the determination that they are going to refer the names to ICE. He stated they are working on improving some identification systems. Commissioner Bennett stated they are also running everyone through NCIC check.

CM Beard asked about the 20 detainees that have not been picked up by ICE.

Commissioner Bennett stated they stay there until they are eligible to be released on their state charges. The detainer comes into play when they are eligible to be released. He stated they normally keep people up to 48 hours on a detainer after they are eligible to be released to ICE to give them a chance to come and get them.

CM Stinnett asked if the 264 names turned over to ICE didn't have a valid form of identification.

Commissioner Bennett stated they may have had identification but based on their response to the question of being born outside of the United States their name was turned over.

CM Stinnett asked about those who state they were born in the United States but do not have identification to prove it.

Commissioner Bennett stated at this point they are not referring those people to ICE. He stated they run fingerprints nationally on everyone that comes in.

CM Stinnett asked how many ICE officers are there in Fayette County.

Commissioner Bennett stated he's not for sure but he doesn't think there is anyone specifically assigned to Fayette County.

CM Stinnett asked what is the daily cost to house an inmate at the jail.

Commissioner Bennett stated the average cost is about \$60-\$65 a day.

CM Blues asked if the federal authority always pick up the detained person within the 48 hours.

Commissioner Bennett stated typically it is 48 working hours. He stated sometimes we may keep them a little longer.

CM Henson asked about the 20 inmates that have detainers on them from ICE and what their offenses are.

Commissioner Bennett stated ICE doesn't have to give them a list of offenses.

Ray Larson, Commonwealth Attorney, gave an update as to what his office is doing. He stated he has been talking with Commissioner Bennett about reinstituting the iris scan. He stated we need the iris scan, national automated fingerprinting system and NCIC to work together at the detention center.

CM Myers asked if there is a name for the three systems Mr. Larson talked about.

Mr. Larson stated they are all different but need to work together. He stated that is part of the process him and the Commissioner are working on.

CM Myers asked how do the systems that Mr. Larson talked about correlate with the administrations recommendation on #4.

Commissioner Bennett stated he doesn't think it correlates with the recommendation on #4. He stated we need the systems to work together regardless of who is coming in the front door of the detention center. He stated it is nothing targeted specifically at #4.

CM Myers asked Mr. Larson where he stands on recommendation #4.

Mr. Larson stated he doesn't think we need to go through the §287(g) training. He stated we just need everyone to work together.

CM Beard asked where does ICE take these people to.

Mr. Larson stated he doesn't know where they take them.

CM Stinnett asked what system are we currently using at the jail.

Mr. Larson stated the pretrial release program does the NCIC check but that is done by AOC. The detention center uses the NCIC but it is later on in the process.

CM Stinnett asked if part of the change would be to run it through these systems earlier in the process.

Mr. Larson stated he would hope so.

CM Stinnett asked if Mr. Larson's office prosecutes someone for using illegal documentation.

Mr. Larson stated yes we can prosecute them.

CM Crosbie asked how much the iris system costs.

Mr. Larson stated he doesn't know.

CM Crosbie asked if other communities use the iris system.

Mr. Larson stated yes.

CM Crosbie asked if we could utilize our current system and go with another company.

Commissioner Bennett stated this system was put in place in the 80's. He stated there had been some issues with how reliable it is. He stated they are working on it though.

CM Myers asked about the gap with the automated fingerprinting identification system (AFIS) that the state police use.

Mr. Larson stated it isn't staffed 24/7.

CM Myers asked if we have access to the system that we could plug in the gap while they aren't using it.

Mr. Larson stated what we need to do is work with AFIS center with state police.

5. Issuance of Local Identification Cards – Ms. Rabold stated the administration is opposed to this and hasn't taken any action.

6. Issuance of Driver's Licenses – Ms. Rabold stated the administration isn't supportive of this so they haven't advocated the state to make this change.

7. Enforcement of Labor Laws – Ms. Rabold stated Mayor Newberry sent a letter to Governor Beshear and the legislative delegation asking that all labor laws be enforced.

CM Stinnett asked if they are going to send letters or resolutions to the federal people asking for support of ICE and additional funds.

Ms. Rabold stated they don't have a resolution prepared at this time but that is the prerogative of the council.

CM Stinnett asked if the administration has contacted the federal people about funding ICE more.

Ms. Rabold stated they have sent a letter to the federal delegation and she will review it to see what they specifically asked them to do. She stated she will provide it to the committee.

II. Panhandling Update

David Barberie, Department of Law, stated the consensus is to leave the existing ordinance as is.

III. Graffiti

Officer Gaines stated they are still in the process of working on the ordinance and would like to meet with the County Attorney before going forward.

IV. Items In Committee

No motions came out of this item.

The meeting adjourned at 2:16 pm.