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**ICE Access
Common Council Committee of the Whole**

Re: Minutes of the Common Council Committee of the Whole held on January 14, 2008

Council President Cavo called the Common Council Committee of the Whole to order at 7:00PM.

The members were recorded as follows:

Present- McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Saadi, Cavo, Seabury, Rotello, Diggs, Teicholz, Arconti, Curran, Knapp, Levy, Riley, Stanley

21 Present 0 Absent

Mayor Mark Boughton, Chief Alan Baker, Deputy Corporation Counsel Lazlo Pinter and Chief Counsel Robert Yamin were also present to be available to provide information to the Council. Also in attendance were Atty, John Marley from ICE, Deputy Chief Terrance Shanahan, Det. Capt. Mitchell Weston, Det. Lt James Fisher, and Captains Bob Miles, Tom Wendall, and Dan Mulvey.

ICE Access

The Honorable Mayor Mark D. Boughton opened the discussion by giving an overview of the background for his letter dated December 26, 2007 to the Common Council. Mayor Boughton stated that ICE currently has a presence in the City. He also stated that the utilization of the current process to form an agreement with ICE is consistent with past practice. The Mayor further recommended authorizing the Chief to enter into an agreement with ICE, a Memo of Understanding (MOU), to utilize the ICE Access for several of the police officers to receive training. This would be an extra level of training provided, free of charge, by the federal government. The Council is authorized to opt out of the agreement at any time and terminate or adjust the agreement with ICE at any time.

Atty. Pinter advised that ICE Access has been under study since October 2007 and that there have been preliminary discussions with Chief Baker. The Charter and Code of Ordinances allow the Common Council to enter into federal agreements. Past practice and policy establishes the process to enter into these types of agreements. The Immigration and Naturalization Act itself, gives the authority to negotiate, execute and enter into these agreements.

Chief Baker introduced the senior Police Department staff present and Atty. John Marley from ICE. The Chief gave a brief overview of the research he has conducted on this matter. It was his recommendation that the City make application and enter into a formal partnership with ICE with the focus on crime. Gangs and organized crimes, document fraud, drug trafficking, human trafficking, identity and benefit theft and work site investigation would be the main areas of concentration. He stated that the Police Department currently has a number of formal and informal relationships with other law enforcement agencies and this would add another layer of protection for the residents of Danbury.

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He further stated, that there are significant benefits associated with a partnership with ICE which includes training, supervision and access to ICE and Homeland Security databases. A complaint process would be in place to ensure there is no abuse and this partnership is in the best interest of the City of Danbury and the Police Department.

Mr. Cavo opened the floor for discussion. Several Common Council members asked questions regarding database access, benchmarks community outreach, economic factors, modifications to the MOU, U.S. Government Grants search warrant process, and fingerprinting evaluation.

Mr. Seabury **moved to recommend that the Common Council authorize the Police Chief to enter into an agreement with the Federal Government to permit the participation of the ICE Access.** Second by Ms. Stanley.

Further discussion followed. In particular, interrogation of non-english speaking persons, identification of undocumented people, source of materials, clarification of "arrest without warrant" training, immigration investigations and chain of command.

Mr. Perkins **moved to amend the motion to require the final MOU be presented to the Council prior to approval.** Second by Mr. Rotello. Discussion followed on the amendment motion. Mr. Saadi inquired, for the record, if the proposed amendment is to require the document go back to the council, but also allows the negotiation to proceed as proposed in the ordinance. Mr. Perkins answered in the affirmative.

A roll call vote was taken on the motion to amend as follows:

Perkins, Visconti, Chianese, Esposito, Saadi Rotello, Diggs, Levy, Riley in favor. McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Cavo, Seabury, Teicholz, Arconti, Curran, Knapp and Stanley voted against. **Motion failed with 12 no and 9 yes.**

Mr. Seabury **called the question for the main motion.** Ms. Teicholz seconded. A roll call vote was taken as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Cavo, Seabury, Teicholz, Arconti, Curran, Knapp, Levy, Riley and Stanley in favor. Perkins, Visconti, Chianese, Esposito, Saadi, Rotello and Diggs voted against. **Motion passed with 14 yes and 7 no.**

A roll call vote was taken on the main motion to make recommendation to the Common Council as follows: McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Visconti, Chianese, Esposito, Saadi, Cavo, Seabury, Diggs, Teicholz, Arconti, Curran, Knapp, Levy, Riley and Stanley voting yes. Perkins and Rotello voted no. **Motion passed with 19 voting yes and 2 voting no.**

Mr. Saadi **moved to adjourn at 9:30PM.** Second by Mr. Rotello. **Motion passed by unanimous vote.**

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary