



Theresa Sparks
Executive Director

Edwin M. Lee
Mayor

Lesbian Gay Bisexual Transgender Advisory Committee Minutes of the November 27, 2012 Meeting

Committee Members Present: Commissioner Pappas, Amos Lim, Angie Perone, Amy Whelan, Bianca Polovina, Bonnie Miluso, Corrin Buchanan, Diane Alcalá, Mark Murphy, Patrick Pablo, Paul Klees, Tracy Garza, and Vaughn Villaverde.

Committee Members Absent: Commissioner Mavis, Bill Ambrunn, Fayaz Rajani, Mark Snyder, Matthew Valdez, Mike Van Nguyen, and Neo Veavea.

Staff Present: Nadia Babella

Community Members Present: Alejandra Maciel, Stacy Umezo, M. Carolina Morales, Morgan Bassichis, Pablo Espinoza, Leticia C. Flores, Frederick Martin, Peter Mancina, Edmond Juicye, and Rob.

1. **Call to order and roll call**

Commissioner Pappas called the meeting to order at 5:35 pm. Nadia Babella did roll call.

Commissioner Pappas thanked everyone for coming, and thanked Communities United Against Violence (CUAV) for hosting the meeting.

2. **Public Comment for Items not on the Agenda**

None.

3. **Approval of October 16, 2012**

Minutes approved.

4. **Approval of LGBT Advisory Committee 2013 Appointments**

Commissioner Pappas: Thank you to Nadia Babella and Vaughn Villaverde for the work they put into the Committee interview process. They interviewed 17 people in person and 2 over the phone. Ultimately, they recommended 13 applicants for the Committee to approve.

Mark: I am impressed with the variety of people who were recommended. There was a mix of people in age, range, ability, and faith.

Motion to approve appointments, motion seconded. Appointments approved.

5. **Presentation by Community United Against Violence (CUAV) Staff and Members on CUAV's Work with LGBTQ Immigrant Survivors of Violence**

Commissioner Pappas: I would like to introduce Stacy Umezu from CUAV who will describe CUAV's work and tonight's event.

Stacy: Welcome everyone from HRC's LGBT Advisory Committee. CUAV has been around since 1979 and was founded right after the assassination of Harvey Milk and Mayor Moscone, at a time when community members were looking for solutions to hate violence and to police violence and raids. CUAV provides life affirming support to LGBTQ individuals throughout the city. CUAV works primarily with low and no income LGBTQ people of color. CUAV's mission is to address the root causes of violence, to understand why these individuals experience violence, and what we can do as a community to address the violence. A majority of the clients that come to CUAV have experienced not only violence on the street or by police, but also are dealing with low income and housing issues.

CUAV provides one-on-one counseling as well as activities related to the arts. CUAV uses art activities to teach skills, such as how to put out a boundary, how to hear a boundary, and how to understand what it feels like when someone doesn't respect the boundary. Everything CUAV does is bilingual English and Spanish because many of CUAV's clients are immigrants. CUAV serves people of any age, though the majority of people are above 25 years old. However, this is a drop in center for anyone of any age.

One of the biggest issues that CUAV's clients face is negative interactions with law enforcement, which include: false arrests, mis-arrests, police responding to domestic violence calls by arresting both people, challenges to the fact that people's identifications don't match the gender they present, and the collaboration between local law enforcement and federal immigration officials.

I would like to introduce two of our members here at CUAV.

CUAV Member: I am a survivor of domestic violence. I was in a domestic violence shelter in LA, and then came to another one in SF. I was really happy to contact CUAV. I am an undocumented person and unfortunately a lot of times we [undocumented people] get marginalized because of that -the police don't cooperate. I was trying to get a visa, but the police wrote my case as a vandalism case, not a domestic violence one, so I couldn't get the visa. It was really frustrating. My kids are undocumented and I am scared that the police will arrest them because my aggressor lives in LA and I know that person is going to do everything they can to do damage to my family. We need a lot of support to counter the violence that is happening with the police.

Susan: I come from El/La, a collective for transgender women, where I am a staff member. While we work mostly with transgender Latina immigrants, our doors are open to people of all genders. Many times these women have a lot of baggage from their countries where there they experienced a lot of oppression in their communities. We give them services and refer them to people who help them with immigration, and to CUAV. We have seen a lot of violence this year against our community. A lot of our clients have been robbed at night when they try to get on BART or a bus here in the Mission. On one occasion I saw a member being hit so I called the police. The police looked us up and down from head to toe, and said who called the police. And I said the person who was going to kill us is over there, and the police took his time and started calling, and another police car came and I said this can't happen, that person hit my friend, and what are you doing about this? I had to run after the guy and he hid under a truck and only then did the police come. The police judge us first before they do their job. We are oppressed because we are Latinos, and immigrants, and transgender, and we want to change that and that's why we're here. We tell our girls what's happening, we walk in groups so we don't get accosted so much, and that's what we do.

Stacy: It has long been that LGBTQ people have feared the police, but now we see that immigrant enforcement is working with local law enforcement such that our clients now not only have to fear how police will respond to them, but also what will happen to them when the immigration officials get involved. Under the existing policy, when local law enforcement take your fingerprint, your fingerprint is sent automatically to federal immigration officials. If you are unauthorized, then you can be deported regardless of how the police came to acquire your fingerprint. This policy is called “Secure Communities,” or “S-Comm.”

[Stacy put on a video showing undocumented LGBTQ immigrants explaining their stories and their fears of being deported. After the video, the group broke into pairs to discuss impressions of the video, feelings about the collaboration between immigration and law enforcement, and how the HRC can work to improve the situation.]

Stacy: What would you like to share from your discussions?

Tracy: It is my impression that the HRC cannot intervene when someone complains to them about police discrimination or any mal-treatment by police. Is that correct?

Nadia: The Office of Citizen Complaints is the agency that hears complaints about police. Complainants find it difficult to prove a complaint against the police. However, it is still important for people who have been discriminated against by the police to file a complaint, even if the complaint is not sustained.

Mark: Will you tell us what the program is that you [Stacy] are referring to? Considering that SF is a safe harbor city, how is the program leading to someone being fingerprinted and getting info sent to immigration officials.

Carolina Morales: San Francisco is a sanctuary city, and has been for about 20 years. The Sanctuary City Ordinance is meant to protect immigrants from being reported to ICE through city institutions (such as hospitals, law enforcement, and educational institutions). However, Homeland Security created a series of programs (not laws – which can be fought) that are coercing law enforcement in various cities to have the “Secure Communities” software. The software has everyone’s fingerprints which go to ICE and then to Homeland Security to be checked. Then, local police can hold an undocumented person until ICE comes to get them. If you are you are fingerprinted for whatever reason, even if you are let off the hook for whatever you were originally suspected of doing, you will be deported if you are undocumented. As a result, many people live their lives in fear of being fingerprinted after violating any minor law (or fir looking like they are violating a law), or after calling the police for assistance during a domestic violence situation.

Committee Member: How much does the program cost to enforce?

Carolina: It has been hard to figure out, but it is a lot of money.

Committee Member: Who is in the database besides people who have previously interacted with the criminal justice community?

Carolina: Secure Communities sends all fingerprints no matter what to the FBI and Homeland Security. They have fingerprints of everyone who has been registered as an immigrant or who has entered the country through customs – most immigrants are in the system somehow.

Committee Member: What happens if you don't have a fingerprint in the system?

Carolina: You are held until it is determined that you are a citizen.

Susan: People who look like immigrants are the ones who police pick on. It is a profiling – if you look like a Latino, the police don't realize that you are a citizen. Also, I think the Sanctuary City thing has become an illusion for the communities. A lot of times people say come to San Francisco, you are trans, and there is a lot of support here. There is support, but there is also a lot of discrimination. I don't want you to think this is a Sanctuary City; I would like for us to have rights, but that's not true.

Commission Member: Could you describe the Trust Act?

Stacy: The Trust Act was vetoed by the legislature. However, it would have been imposed on a state-wide level, and would have said that law enforcement could only involve ICE in the case of a serious or violent felony conviction. Instead, now the fingerprints always get sent, and if an individual is undocumented, ICE sends requests that local law enforcement hold the person on an ICE hold. Local law enforcement doesn't have to comply with the request.

Commissioner Pappas: HRC is involved with CUAV because of the Trust Act. The HRC unanimously passed a letter in support of the Act to send to the legislature.

Carolina and Stacy: A resolution was passed in San Francisco so that the local law enforcement doesn't comply with ICE, but an ordinance actually needs to be passed to be able to hold government bodies accountable.

Commission Member: Wouldn't Ross Mirkarimi be supportive of your message?

Carolina: Probably, but we want an ordinance, we want a law to make sure it is enforced.

Mark: I wonder if we should use language to further strengthen Sanctuary City, or if we should instead work to repel the programs that undermine Sanctuary City (such as S-Comm).

Commissioner Pappas: Sanctuary City began to protect victims of political oppression from Central America, and the religious communities opened their doors to them. Religious people are meeting quarterly with ICE to sensitize ICE to the realities of immigrant communities. I wonder if, because of the LGBTQ bend of CUAV, CUAV has had any interaction with the religious community?

Stacy: CUAV does advocacy work with a mix of faith-based and non-faith-based organizations.

Bonnie: What can we do at HRC to help CUAV/this issue?

Commission Member: We have a duty to raise awareness and educate the LGBTQ community in San Francisco at large. So we should raise awareness in other parts of the LGBTQ community who are not necessarily aware of immigrant issues. As a branch of the executive body of the city, we are limited in what stances we can take. But we are charged with educating, so we should think about how we can shape our subcommittees for 2013 to do so.

Mark: Who addresses the Asian Pacific Islander (API) LGBTQ community in the issues that CUAV works on?

Carolina: Through our assessment, it is the black and Latino communities that are most affected, so we want to make sure to have programs for them. However, we also serve the API community.

CUAV Client: Most of the interactions I have heard of relate to open containers or drug possession. CUAV and the HRC can provide more assistance related to alcoholism and substance abuse. I know someone who is a resident, but has had 3 charges for possession of methamphetamine, but now he will be deported because of that even though he is a legal resident of California. I know another person from Gabon who has a lot of problems related to his alcoholism, and he ran into problems because of that when the police found out he overstayed his visa.

Bonnie: I don't know if HRC has addressed that problem of alcoholism and substance abuse, but it is a problem in our community that we should address.

Commission Member: Can you talk more about what CUAV does?

Carolina: We have three strategies. We promote wellness through direct services (restraining order assistance, support groups, counseling, resources connections, etc.). We also ask how we can bring new practices to our culture through new perspectives and art. Finally, we organize. Our organizing strategy is working with Immigrants Rights Defense Committee to help pass policies to continue protecting Sanctuary City. We ask how we are addressing systematic problems – we listen to the needs of the community to make sure that people feel safer.

Stacy: We are also on a national coalition of anti-violence.

Commissioner Pappas: It was actually the Latino community who coalesced behind Obama, and everyone is anticipating some kind of immigration reform. Has CUAV been involved with the Democratic leaders in the Bay Area to work on that?

Susan: Just like good things happen, bad things also happen. Proposition 35 was passed in the same election. Proposition 35 comes with oppression against the community that provides sexual services – all of them are oppressed by this law, so that when they find us working, they see it as a felony as a sex offender and it is going to be on the internet and everyone can see it. People with residency will lose it and are in danger of deportation. Also, if they see you with 3 condoms in the street then they see you as a sex worker.

Nadia: Related to the condoms – the HRC worked with the Police, District Attorney, Department of Public Health, Public Defender, SAGE and St. James Infirmary to create a pilot program for 3 months in San Francisco where the district attorneys and police won't use condoms as evidence. This pilot program will end in January, at which point there will be a meeting to try to make it permanent. Sex workers should never have their health at issue. We feel positive that we are seeing movement with this. But about Proposition 35, you are right – it potentially has horrible effects for people in the sex industry. People could be arrested for aiding or abetting just because they provide housing to or share resources with sex workers, and they would have to be registered as sex offenders. The Proposition was passed at a high rate because it was called trafficking, but people didn't realize the unintended consequences it can have on people involved in the sex trade who are not traffickers. The HRC is trying

to work with the police and the District Attorney to make sure Proposition 35 won't be interpreted in a broad way.

Carolina: We were quick to talk to ICE when Secure Communities was brought up, but it amounted to nothing. Also, the Obama administration is now famous for setting records on the number of immigrants who are deported.

CUAV Client: There is not a lot of cultural sensitivity at the shelters – the public ones especially, and especially for transgender people. Although transgender people can sleep in the area that they identify with, they still face discrimination.

Bonnie: One of our work groups is working hard to deal with sensitivity issues at shelters (domestic violence etc.).

Nadia: Although we make recommendations, that doesn't mean anything will happen. So we are hoping to work with people like you who really know in detail what is going on so we can continue to push to make changes happen. We can have a team of to implement the recommendations by working with CUAV.

CUAV Client: CUAV has taught me a lot about the language of violence and abuse that occurs... As an African American, I can go back to my community and family and talk about the things we do here. I have been sexually abused and harassed. I am a native San Franciscan and have used a lot of the resources here. I have only felt really empowered since I became involved with CUAV. There is violence against African Americans who are not immigrants – they face violence also. I think there are populations who are not getting enough resources. I don't want LGBTQ African American males to be forgotten – if you look at jails there is a lot of violence and discrimination that isn't being talked about. There should be outreach for us/them as well.

Commissioner Pappas: Thank you, you remind us of one of our core missions: reaching those populations that are "beyond Castro."

CUAV Client: When I was reading the minutes from the last meeting ["Beyond the Castro"], I felt like I was reading about my life. I think there should be more services for people in the Mission and the Tenderloin. We go through so much in the city and if we are not in the Castro, we don't get the services. I don't have much faith in the HRC because of everything I experience.

6. **Announcements**

The HRC is hosting its annual holiday party on December 6, 2012 at Lush from 5:00 – 8:00 pm. We invite you all and people from CUAV to attend. World AIDS Day is on Friday. The Trans Health and Wellness Fair will be held at the City of Refuge church in San Francisco from 2:00 – 4:00 on Wednesday, December 28th. The next LGBT Advisory Committee meeting will be the third Tuesday of January.

7. **Old/New Business**

Old business – there was a Day of Remembrance event, and it was a wonderful event.

8. **Adjournment**

Meeting was adjourned at 7:30 pm.