

Undocumented Motorist Safety & Insurance Task Force

Wednesday, October 1, 2014

1:30-3:30p.m.

Buena Vista

Meeting Attendance

Task Force Members:

Present:

Senator Bryan Townsend
 Chief William Topping
 Javier Torrijos
 Major Melissa Zebley
 Ana Velasquez
 Jose Somalo
 Bryan Cochran
 Darlene Battle
 Claudia Peña Porretti
 Sean Lugg
 Karen Weldin Stewart

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Absent:

Senator Robert Marshall
 Representative Andria Bennett
 Senator Brian Pettyjohn
 Representative Helene Keeley
 Representative Joseph Miro
 Deborah Gottschalk, Esq.
 Matthew Heckels
 Keyla Rivero-Rodriguez
 Judy Diogo
 James Collins
 Rosario Calvachi-Mateyko
 Pastor Jeremias Rojas
 Director Jennifer Cohan
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Scott Vien

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|---------------|--------------|--------------|
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| Mike Williams | DelDot/DMV | |
| Andres R. | Public | 302-981-5696 |
| Kevin Andrade | Maxima Radio | 302-228-8942 |
| Rene Knight | UMC | 302-381-3345 |

INTRODUCTIONS

Senator Bryan Townsend, co-chair, brought the meeting to order at 1:44pm. The Senator then thanked the members of the Task Force and public for attending the meeting. Formally he announced the next and final meeting of the Task Force was scheduled for Monday, October 27th at Buena Vista from 1:30-3:30pm.

CONSIDERATION OF TASK FORCE MEETING MINUTES

Senator Townsend asked the Task Force members to consider the Meeting Minutes date June 19, 2014. The Senator noted he had not received any feedback about any proposed changes to the Minutes and asked if anyone had any proposed changes. With no responses, he asked for a motion to approve.

Javier Torrijos, representing the Delaware Hispanic Commission, motioned to approve the Minutes.

Bryan Cochran, representing the private insurance industry, seconded the motion.

The Task force Meeting Minutes dated June 19, 2014, were approved with all in favor.

OUTLINE OF DRAFT REPORT

Senator Townsend noted he had hoped to have a draft report available; however, instead he referred to an outline in the packet to encourage further discussion regarding any outstanding issues or concerns. He stated that the outline lists different topics he thought would be most helpful in the context of discussion today that still might be outstanding or of concern.

The Task Force had many thorough discussions over the course of the earlier meetings before the summer break. Senator Townsend stated that he was curious if the intervening months have led to any changes in anyone's position either in their personal feelings or their sense of the community. He mentioned that there may have been developments that may have shifted peoples' views on this kind of legislation and the prospects for it. He stated that in many ways the Task Force has focused on technical aspects of how this kind of system would move forward. The Senator further stated that there may be some outstanding questions in regards to that but he thinks it is important to be realistic and bear in mind things that have changed and he would welcome any comments.

Senator Townsend stated that more than anything he would like for a good discussion to serve as the basis for a report, that would be drafted in the next 7-10 days and then circulate to members for more time to review and comment prior to October 27th. At that point the Task Force can figure out if there is a group consensus on any issues and any recommendations that can be put forth to the General Assembly. Senator Townsend expressed that the content of

today's discussion will assist him in generating the report. With that he opened the discussion up to members of the Task Force.

OPEN DISCUSSION BY TASK FORCE & PUBLIC COMMENT

Mr. Torrijos stated at the last meeting they talked about ten-point fingerprinting and after talking with several people in the community there is some concern. It has to do more with Secure Communities. Mr. Torrijos invited Kevin Andrade of the public, representing Maxima Radio, to come to the meeting as Mr. Andrade has been talking on the radio and received a lot of feedback from the community. Mr. Torrijos wanted Mr. Andrade to share some of those concerns that the community has raised. He then asked Senator Townsend if he could give the floor to Mr. Andrade.

Senator Townsend stated he did not mind and if no one else objected he was pleased to let Mr. Andrade speak.

Kevin Andrade stated he learned that a requirement of fingerprints will make it very difficult to find people who are willing to apply for the Driving Privilege Cards. He said that people who are undocumented are afraid of being pulled over by the police. These individuals are afraid, and do not know that the police are not after undocumented people. He said that he thinks the response would be zero. When the Task Force first talked the Driving Privilege Card, we thought it would be a good idea, as they are doing it in the state of Maryland. However, now that Maryland has provided a Card, many people in Maryland have received calls from Immigration Enforcement. Before, Immigration Enforcement did not know where undocumented individuals were and now they do know. So to say that Immigration Enforcement is not going to come after undocumented individuals does not seem to be accurate. If fingerprints are required, no one is going to apply for the Driving Privilege Cards. It also is going to cause the same issue with the Secure Communities. Secure Communities has been in place since 2006.

Chief William Topping, representing the Police Chiefs' Council, said he was not sure we have Secure Communities in Delaware.

Mr. Andrade said yes, he thinks so. What happens is that local and state police have the power to take someone to the police department if they do not know who the individual is. The police can then fingerprint the individual and send him or her to Immigration. Many people have been pulled over for whatever reason, and police ask for a driver's license. If police officer is not sure they are who they say they are, the police officer will require fingerprints. Many people are getting deported because of this process. If the Task Force has the fingerprinting as a requirement, he suggests it would be very difficult to support.

Senator Townsend stated he was glad that there is something to discuss now, as he was surprised at the last meeting when there appeared to be agreement on the idea of fingerprinting. He stated that fingerprints are a very official item. He is curious about why people would not want to be fingerprinted even though they are willing to sign up with other kinds of documentation, such as a tax return. Do they think that fingerprints are the key difference between Immigration officials knowing where they are or not?

Mr. Andrade commented that the reality is when people cross the border into the country, many are not arrested. They are detained. They are put in centers and they often have family and

children here. He said the government knows they are here but as long as they do not get involved in criminal activity, they should be okay. Mr. Andrade stated again that people are still afraid and do not want to be pulled over by police officers and be asked for their driver's license. He said that for the past three years, the DMV allows people to register for licenses with a passport. The database number for that driver's license will be 000. If a Latino man is driving a car, he will be pulled over with no good reason, simply because a license tag check kicks back a 000 number.

Chief Topping stated that he still agrees with the ten-point fingerprint. Many of the countries south of the border require fingerprints for just about everything, including voter registration and driver's licenses. Someone is likely to be asked for fingerprints numerous times throughout his or her lifetime. In the United States, the state of Virginia was requiring fingerprinting prior to voting. The Chief said that is the same kind of thing that is being considered here for identification. He also talked at length with Homeland Security Investigations (HSI) about deportations. He said they are not doing this and have not done so for some time, at least not in his jurisdiction. He also stated that Mr. Andrade's comment about Immigration being contacted by local police is not correct. He said they might run someone through the National Crime Information Computer to see if the person is wanted. They will run for warrants but do not do Immigration job for them. They do not contact HSI or ICE unless there is a serious felony involved. He said for driver's license and traffic stops, they do not contact ICE. In regards to people being afraid, the Chief stated just about anyone he pulls up behind gets afraid. It is not just a certain ethnic group that is afraid. The implication that a police department would target any particular ethnic background is not true. His officers do run tags on many people. He said he is not aware of 000 showing up on tag numbers. The implication that any police department would target a particular ethnic group is very distasteful to him, and he and his officers do not even have time for such a practice.

He said that the ten-point fingerprint identification is paramount for DMV and for the police to have a positive identification on who is driving that car. He emphasized that the police need to know who is driving the car. He commented that they have gone before the Joint Finance Committee and received approval for new laptops for all the police cars and fingerprint identification devices. He showed a small electronic device that would allow him to identify someone from one or two fingerprints, by comparing to a database file. The Chief stated that he thinks this option is critical and that the real-time fingerprinting verification is not an imposition. He thinks that if it is this Task Force's recommendation to allow the Driving Privilege Card to go forward, and if it does go forward, then a lot of people would take advantage of it. While some people are apprehensive, many are not and do want to become legal drivers in the state of Delaware. A Card will facilitate that. Those are the people that the Chief is looking to help.

He further stated that if there are people who are afraid to come forward, those are their own particular feelings. This Task Force does not have control over how people feel, though if we have an education campaign through Mr. Andrade's radio station and other public campaigns it may help to make people less apprehensive. He said he has been in Georgetown over 18 years, and they have supported people and they have sent people away but for criminal activity. In regards to criminal activity, people will not be referred to Immigration for a traffic stop unless they are wanted for a previous crime. If anyone comes across the border, they are going to be fingerprinted and on file. If there is doubt or they are trying to avoid prosecution for some

reason, law enforcement will then have the capability to run prints to know who it is. If you have ever been to the FBI for any reason, your fingerprints will be on file. Law enforcement does not want to give up that capability because they want and need to know whom they are talking to. He is not opposed to the Driving Privilege Card. There are many cases where someone uses another person's name. If there is a positive ID through fingerprints, it helps the police to eliminate some of those issues.

Senator Townsend said that he does have some questions but will wait until others have a chance to respond.

Mr. Andrade responded to the Chief's comments. He said he thinks the police in Georgetown have been great in the last 4 or 5 years. He reminded the Chief that in 2006 they had done a campaign together to tell the people that the local police and the state police are not Immigration. However, three weeks after that, Immigration came and there were large raids. They had to tone down that campaign because Immigration did show up. Mr. Andrade stated that Chief Topping has been great with the community and is well aware of the issues. He agrees that we should know who the people are. However, he thinks that fingerprinting will make the situation more difficult. He suggested using Passports.

Jose Somalo, representing the Mid-Atlantic Hispanic Chamber of Commerce, said that there are some risks of requiring fingerprinting but he thinks the benefits of having that information outweighs the risk and will be a step forward. In order to become a permanent citizen, these individuals will have to get fingerprinting.

Senator Townsend asked for confirmation whether fingerprinting is part of the naturalization process.

Mr. Somalo said fingerprinting is part of the process before you become a permanent citizen.

Senator Townsend asked if there are people who do not have any fingerprints on record anywhere.

Major Melissa Zebley, representing the Delaware State Police, stated beyond those who have had involvement with FBI, many people who are applying for certain jobs or positions such as teachers and attorneys will also get fingerprinting done.

Senator Townsend, who is an attorney, joked about not remembering getting his fingerprints taken because he was more worried about passing the bar. In general, most citizens if they have not committed a crime or never had to go through a professional kind of application process would not have their fingerprints on record anywhere. He wondered what percentage of the population in Delaware has their fingerprints on file versus those who do not.

Darlene Battle, representing the Delaware Alliance for Community Advancement (DACA), said that anyone who is working around children is fingerprinted.

Claudia Peña Porretti, representing La Esperanza, stated that after the last meeting and after every meeting she goes back to the community and speaks to the La Esperanza staff because they are the eyes and ears. They know the community and the community trusts them. She brought this issue back and asked if they thought the community would object to fingerprinting. Nine out

of ten of the staff said they did not think they would object to the fingerprinting. However, they did come back to her and said it depends. Although there is fingerprinting in their country of origin, it is totally different when you are talking about people who are undocumented.

The hope of them becoming legal and going for a permanent resident card and being fingerprinted because they crossed the border and entered the U.S. that way is slim. We cannot expect these people who are living in Sussex County to become legal and become fingerprinted. She agreed that Americans get fingerprinted but it is voluntary. We do it for a reason such as a job, but we know why we are being fingerprinted. She said she understands Chief Topping's concerns that law enforcement wants to know who they say they are. However, she said law enforcement does not know that now. If the goal is safety on the road, then we might have to rethink the fingerprinting. Ms. Poretti said that when she first heard it she thought about privacy and disparate treatment. Why are we offering fingerprinting to a group of people. It is not "fair." However, if that is the only issue that is holding back the Driving Privilege Card, she thinks the majority might want to be fingerprinted. Maybe ICE is not deporting people, but on a regular basis people are getting picked up. She said she deals with this issue daily. Granted they are not deported but they are picked up and it is almost the same thing. Sometimes they are not who they say they are. They work under assumed names. They are living under assumed names. They might get stopped by the police and have a Driving Privilege Card that says they are Jose but they are Juan, then what, what will happen next? What is the unintended consequence for our community if they are stopped and they have a card? Will the police officer take their fingerprints on scene? She is wondering how the fingerprints on a Card are going to say who you are if you don't verify that somehow. Ms. Poretti stated it is the job of the federal government, not state law enforcement, to put fingerprints in a database.

Chief Topping stated it would not be the police but the DMV putting fingerprints in their database. He recommends that DMV requires other supporting documentation besides the fingerprint to verify who someone is. He agreed that the applicant might not be the person he or she says he or she is, but as far as the state of Delaware is concerned, the data is for tracking purposes such as criminal offenses. He stated that he cannot task DMV to do anything. The Chief said he understands Ms. Porretti is concerned about protecting her community but that he is charged with protecting all communities.

Ms. Porretti said she understands the Chief's comment but asked him to help her understand if it's going to be in the DMV database and not the police database, what will happen.

Major Zebley responded that she does not take the fingerprints at roadside. She would ask for the license or the Driving Privilege Card.

Ms. Porretti clarified with Major Zebley that it is more a reassurance to her that the person she stops is who they said they are based on photograph.

Chief Topping said that a person does not enter the criminal justice system until you get stopped or convicted of a violation. There would be a record.

Ms. Porretti asked if I get stopped and present you with a driver's license and you have my picture on there, with no fingerprint, is that enough. The DMV vetted it and that is my picture and that is me. If that is the case she wondered why they need the fingerprints for holders of a Driving Privilege Card.

Major Zebley explained they have to focus on the potential level of forgeries. Fingerprints make it more trustworthy.

Senator Townsend asked Major Zebley if she means, in other words, one-person-one-card; whether the person is actually who she says she is, at the very least we could guarantee one-person-one-card.

Chief Topping said that a person might not be who he says he is, but having fingerprints on file allows for future tracking. For people who go about their everyday lives with no criminal issues, it is not a problem. But for people with criminal activity, law enforcement needs to be able to positively identify them.

Senator Townsend asked the Chief to explain what he meant by the term “tracking.”

Chief Topping said he meant that law enforcement can track their offenses. You would not be logged into the system until stopped in connection with criminal activity. He gave an example of a case where the police doubted the identity of a man because it did not look at all like him.

Senator Townsend asked if fingerprints are the best form of identification as opposed to facial recognition software or all the other fancy technology available. Is fingerprinting still considered the gold standard?

Chief Topping said yes.

Ms. Porretti stated that the “tracking word” was also a concern. She said there is a fine line between running a red light and the criminality piece. She said the majority of people in Sussex County are not committing criminal offenses. She asked why penalize a group of people by making them give their fingerprints? If that is the case, everyone should have their fingerprints taken.

Senator Townsend said apparently we do. In general, he stated that if you are applying for some level of privilege or status, we do require people to submit fingerprints. He understands that there is a difference for people who may be undocumented.

Mr. Torrijos said there was a Memorandum of Agreement that was signed back in January of 2010 between the Delaware State Police and the United States Department of Homeland Security. It talked about the goals of Secure Communities, trying to identify convicted criminals and deport them. Mr. Torrijos said he did not think that fingerprinting was the issue, but more the fear of it leading to deportation. He suggested maybe there could be a Memorandum of Agreement with the DMV. He stressed that the big concern is how the information is passed along and can it be used against the community. He said we cannot stop the federal government from stepping in and asking for information, but at the same time the State could not offer that information and the communities would be protected. He also stated he would like to know more about Secure Communities and how the State Police interact with the Homeland Security office and how it impacts their communities.

Senator Townsend stated that is it still unclear to him what the difference is between having your fingerprint on file and not having it on file. He said he wants to explore it a bit more after others have a chance to talk.

Mr. Andrade suggested everyone keep in mind the entire picture. He emphasized that the discussion is about undocumented people. That is the group of people for whom we need to figure out an identification process. He does not think that fingerprinting is the best option for getting them through this process.

Commissioner Stewart, representing the Department of Insurance, said she had three experiences she wanted to share. She had previously helped a Philippian woman to become a citizen. She had several aliases that made it very difficult. A member of the Commissioner's family had come from Spain and they took the mother's last name so trying to get that straightened out was challenging as well. Another example was when Commissioner Stewart chose to get fingerprinted herself. It was difficult to get fingerprints done based on the hours it was available.

Senator Townsend agreed that the Task Force needs to bear in mind the logistical challenges.

Scott Vien, representing the DMV on Director Cohan's behalf, doesn't feel fingerprinting is absolutely necessary but if it is agreed upon DMV will make it happen. The main reason DMV does not feel it is necessary is because at the core of what they are doing with licensing and highway safety, fingerprinting does not help us vet them. It does give an additional biometric or additional identifying piece as part of a record but it does not vet to say yes. It would be that they acquire these fingerprints from this individual on this day to get this license on this day. Alternatively, they use the facial image and compare to last photo.

Senator Townsend asked why DMV insists on making people look at the camera in a way that is entirely unnatural.

Mr. Vien and others chuckled. Mr. Vien said that they may change that with new technology but the original intent behind the neutral expression was simply to standardize that facial image.

Senator Townsend asked whether the vetting based on facial recognition is instantaneous.

Mr. Vien answered yes. If it is in the DMV database, within seconds you can compare it to all 4 million photos. If there is someone who looks like you we will find out and look into it right away. And we will go from there. You have to be in our database. If you have a different name with the same image, we are not going to issue a license. The DMV staff would say they need to take a further look and would be contacting the applicant later.

Senator Townsend said he thinks this next question is pretty important in terms of what the Task Force is discussing here: what is the error rate or the success rate for facial recognition versus fingerprint comparison? Speed may be an issue but from an accuracy perspective, how much better is it to have fingerprints as opposed to the facial photo?

Chief Topping commented that maybe in a controlled environment the facial recognition is reliable, but when you make a traffic stop at 3:00 in the morning in the middle of a rain storm that picture is not going to look very good. We can take a device if we need to take a fingerprint. Facial recognition is good in the DMV but 99.9% of the time we are not in the DMV. Police are often on the side of the road. The Task Force is not talking about giving someone a passport or allowing them into the White House, but rather is talking about a Driving Privilege Card. The fingerprint for the police, since the days of Herbert Hoover, has been our go-to method. An example he gave was regarding a person they had who was in the database and had a picture.

They fingerprinted him and the picture did not match the person they had in custody. He wanted to make the point that it is a better process of elimination for the police if they have a biometric they can use on the side of the road or in a criminal offense situation.

Mr. Vien stated that the fingerprinting will not help the people at the DMV who are doing the best they can to establish that person's identity. It will not help in that initial vetting process.

Senator Townsend clarified from an identity perspective.

Mr. Vien said what it will do is establish another biometric which could be helpful down the road. It will not help the initial identification process.

Chief Topping said you are talking about eliminating 4 million people in Delaware. Not necessarily comparing that biometric or that face to the 250 other million licensed drivers in the country. With the fingerprint, the police can track across the country.

Mr. Vien commented that he was only talking from the DMV perspective. If the DMV is tasked with issuing these cards, then the DMV are the ones who will be identifying these individuals.

Senator Townsend clarified that what the Chief is saying is that when you are doing a facial comparison, your database is about 4 million. The Chiefs point is that a fingerprint comparison involves far more people across the country.

Mr. Vien stated the DMV does not have the mechanism to capture fingerprints accurately, store them, and share them.

Chief Topping said that the process is electronic and simple as opposed to the old days of ink.

Ms. Porretti wanted the Chief to clarify if they do have the capability while making a stop to check fingerprints, and do they currently do that.

Chief Topping responded that yes, he soon will have that capability. They do not have it yet but as he stated earlier they are getting new devices that look like a cell phone and that will be able to take the prints. The other point he wanted to make about the Driving Privilege Card is that collectively we have to protect the victims too, not just drivers.

Ms. Porretti said she gets that. But in response to the Chief's comment that they will have capabilities, that part is the part that concerns her because there is the potential for abuse. She commended the Chief for his personal handling of these kinds of situations, but she knows that there are some other law enforcers that could abuse this capability. She is aware of many stops and tickets that say "driving without a license," and she wonders what the cause was. If you have the capability now or will have it soon to check fingerprints randomly, there is potential for abuse. The more she hears, the more she has concerns that there will be potential for abuse of officers checking just to make sure that they are not criminals.

Mr. Torrijos asked the Chief if it was just any normal driver, you would not be searching for fingerprints, so you would be doing that for a Driving Privilege Card? Why would you be seeking fingerprint verification?

Chief Topping said the only reason would be if we stopped someone and he did not have his Driving Privilege Card, then it is a violation. The person can tell the police, who can then contact DMV and may come back and say the person is a licensed driver with the number. If that were the case, the police would have what they need and the person would be on his way. The police would not be contacting Immigration.

Mr. Torrijos asked why that is any different from a normal driver.

Chief Topping said it is not. The same thing would happen to anyone who does not have a license in possession. We can take a fingerprint right there on the scene and it shoots to the State Bureau of Identification, who will tell us who the driver is.

Senator Townsend asked what happens if it is someone who has never had his fingerprints taken before. Would the scan come back with no hits?

Chief Topping stated it would say No Record Found.

Senator Townsend asked what law enforcement would do then.

Chief Topping said they would take the person back and get ten prints. The fingerprints on the scene are an index finger and middle finger.

Senator Townsend asked if a Caucasian male was pulled over because he had a tail light out and did not have a license, would law enforcement take him and do a full print on him.

Chief Topping said yes, because they would not want to risk letting someone go who might very well have committed some sort of serious crime. He said that if they have reasonable cause to take someone's prints, they will. They must have a reasonable cause to run the fingerprints. If a person who is stopped gives a false name to a policeman who knows that the name actually belongs to another person, then yes, the police will conduct due diligence to positively identify that person before the police send him on his way.

Ms. Porretti gave an example where she was stopped in the State of Delaware and had left her license at home and no one took her in. She wondered why it would not be a normal stop for others.

Major Zebley stated she does not have the technology to take fingerprints. Traditionally if they have a card or they can be identified in some way that the police officer is comfortable with, there will be no fingerprints. She reiterated that she currently does not have the technology to do that. Major Zebley stated that one of the reasons fingerprinting is being recommended is because this is a national trend. Other states are looking to do the same thing, since states that have implemented a driving card system recommend it based on their research. The State Police fingerprinted 50,863 people last year. That is probably an average of what is typical, for a variety of reasons.

Ms. Battle asked with technology changing and moving towards fingerprinting more people, is the software available to eventually have everyone get fingerprinted.

Senator Townsend said it is a combination question for DMV and law enforcement. DMV is where everyone would flow through, as opposed to the police.

Ms. Battle stated that in New Castle County she would go to Troop 2 to get her fingerprints, and then when it is time to renew her license she would go to DMV. She asked if that is going to be a requirement for all of us eventually.

Mr. Vien said there is no discussion at DMV on this issue.

Chief Topping stated the Task Force discussed it in the last meeting but the police cannot give the DMV any fiscal responsibility.

Mr. Vien reiterated that there has been zero discussion about that topic internally with DMV. He does not know of any DMV throughout the country that does this, with the exception of Utah for their Driving Privilege Card.

Ms. Battle stated the Driving Privilege Card is just for driving and should stay in your car, as it would not be used for any other reason.

Chief Topping said it is a form of ID, so other people will ask for it. It should be a quality product and will become an accepted ID card. It will not just be a Driving Privilege Card; it will be an ID card.

Senator Townsend said not officially. Practically speaking, it might end up being used as that.

Mr. Torrijos asked Senator Townsend if he could give the floor to Pastor Rene from Sussex County.

Senator Townsend noted that this was the Task Force discussion part of the agenda and that there would be a time for public comment. He stated that he had made an exception when Mr. Torrijos asked for Mr. Andrade, however, he wanted to remind the public and members the importance of Task Force members' discussion for the report, due later that month. The Senator then told the Pastor to please go ahead and speak now.

Pastor Rene Knight, representing United Methodist Church (UMC), noted he was at one of Task Force meetings in Dover and would like to now comment. He stated people want to be able to drive without fear. However, he believes that if the fingerprinting is part of the proposal, it will cause damage. People will connect that to Immigration. If the fingerprints at DMV do not really add to the ability for people to prove who they are, then why do we need to add the fear?

Senator Townsend stated he does not think it is a matter of them proving who they are. They are somebody and they are being put into the system. By having a photo ID or fingerprints, they can try to make sure that one person only ever gets one card. People cannot sign up for multiple cards for fraudulent purposes that we do know exist. No one is proving ultimately who they are because we cannot verify all the documentation. It would be a way to prevent people from getting multiple cards.

Pastor Knight suggested in order for someone to receive a Privilege Card, they would have to prove who they are with the documentation that is required.

Senator Townsend said that the Delaware DMV is not in a position to certify whether or not people are exactly who people say they are. All the DMV can do is the best they can do and

make sure that people walk in one time only, receive one card only, and cannot come back and get other cards to be used for fraudulent purposes or to sell to people.

Pastor Knight said his experience is that the DMV has the capacity to identify, because they have the data.

Mr. Vien agreed with the Senator and said it is very difficult to validate some foreign documents. They can be very easily forged. The DMV will absolutely try but there is no system to say yes, that document is undoubtedly authentic.

Senator Townsend added that is why the cards would not be an official form of ID.

Pastor Knight is concerned there will be an issue if we require a specific group to be fingerprinted. If all have to be fingerprinted by law, that would be fine. He feels it will not be okay if just the Latino group is being fingerprinted.

Mr. Vien said that other databases have to be accessed for electronic identification. Foreign documents are especially challenging, and that is why they do not have that level of confidence with everyone else.

Mr. Somalo stated the trend of fingerprinting has helped in other states.

Mr. Torrijos said that the high number of people who do go to the DMV to get a license suggests the DMV usually can confirm who the person is.

Mr. Vien responded yes, with a high level of documents or additional databases.

Mr. Torrijos said that fingerprinting does not help you in any fact finding of that person's identity.

Mr. Vien stated there would be no validation from the fingerprinting.

Senator Townsend commented that it was a good point.

Mr. Torrijos said there are two separate issues. One is that we are trying to get people to drive safely in Delaware. And the other is that law enforcement is seeking information if there is criminal activity that a Card applicant could be tied to. He asked the Chief if that is correct.

Chief Topping said he would not classify it like that. If he pulled someone over and she gave him her Driving Privilege Card, he would look at it and determine if he would give her a ticket. However, if the person had been involved in a criminal offense and she presented her ID card, they could track that ID. This is an immigrant driving privilege card. It is not just for the Hispanic community. It is for any community. The issue that the Chief has is that he wants to know whom he is talking to. It is not about the Hispanic community. Anyone who gives law enforcement an ID card without a picture on it, he has doubts about it. Right now there are people driving who are afraid because they do not have anything. They cannot get back and forth to work. We have established that we need to know who they are. Undocumented people do not come here with a lot of documents, so what is the DMV going to use to verify who they are? Someone mentioned passports, and the Chief commented that many do not come with passports. When that happens the consulate comes to the church and issues a passport.

Pastor Knight said that Guatemala gets the government to issue the passport.

Ms. Porretti said for La Esperanza the bottom line is if the fingerprint is required it will chill the participation for the applicants for the Driving Privilege Card. Many will not sign up to get it because of fear. In today's climate of 2014, seldom do people who come here undocumented go on the path to citizenship. The other issue is the language barrier. If they are stopped and have to do fingerprinting, because of the language barrier they will be afraid because they will think it is some form of Immigration involvement. Kevin's radio station can help educate and send the message but it will still be a challenge to communicate the message. It is a concern if you are not speaking English and you have to get your fingerprints taken.

Senator Townsend stated for the time being they will be flexible with public comment. He noted they were speaking English in the meeting and he is still not sure everyone is communicating. He said it is important to bear in mind that it is a valid idea that fingerprinting will chill participation. We talked about fingerprinting at the last meeting and it seemed to be okay at that time but clearly it is not now. Communication and education to the communities is important as well as many other details and trainings. This discussion led him to suggest perhaps the Task Force needs more of a bulleted list of what else needs to be done rather than a report at the end of the month. Now we are talking more about the lack of trust or common understanding of what the Task Force is discussing. It is essential to reach an understanding in this room before we can communicate to the community. He is hoping that in the next 20 minutes we will get there.

Major Zebley wanted to clarify Senator Townsend's last point. She also noted she would not be taking fingerprints roadside. The Driving Privilege Card stands on its own. She said when she is talking about fingerprints it would be part of the identification process, not roadside. Only some agencies have that capability and she does not. In order to adopt any project such as this, there is the implication of fraud. Other states have found that to be a big issue. The community outreach will need to be done to combat the fears. This is a national theme that has been researched. Major Zebley recently attended at a DMV conference, and one of the sessions was on undocumented licenses. Fingerprinting for the Driving Privilege Cards is the national trend for law enforcement in states that are adopting this legislation. This is not just Chief Topping and Major Zebley trying to impose this. It is being talked about nationally.

Mr. Andrade said he had a couple of questions. If the DMV does the fingerprinting, will they have the machines right there?

Mr. Vien stated he had no idea.

Senator Townsend responded, possibly.

Mr. Andrade said that a Homeland Security person told him that passports have a high standard of security. Mr. Andrade suggested a solution would be to obligate them to have a passport or second form of identification, but not fingerprints. If the State is not authorizing the Driving Privilege Card as an ID, why obligate an applicant to get fingerprints?

Senator Townsend asked what percentage of people are we dealing with, that do not have a passport. He did not expect Mr. Andrade to know the answer to that. However, everything Mr. Andrade just said is based on the idea that an undocumented person has a passport. He also said

passport or second form of identification. Senator Townsend asked him if he meant a second form of ID in addition to the passport.

Mr. Andrade responded yes.

Senator Townsend said okay, so not instead of the passport.

Mr. Torrijos said right now we are giving them a license or a Driving Privilege Card.

Mr. Vien explained the process regarding the DMV verifying the documentation and determining if they can get a license or will need a Driving Privilege Card. Fingerprinting is just another data source.

Mr. Torrijos said he understands that the fingerprinting is to minimize fraud. He asked what direction states are moving. Are they moving toward ten-point fingerprinting?

Major Zebley said that at this point it is a validation point beyond DMV, and that would be for law enforcement. Law enforcement does that daily for anyone. It would be no different for this group. Getting their fingerprints is another measure to validate the Card.

Ms. Porretti wanted to ask a question because she was a little confused about something that was said earlier. She wanted it clarified whether or not Major Zebley has the ability to take fingerprints at roadside. Will they have that ability?

Major Zebley said if they have to further investigate any kind of scenario, that person would be coming back to the troop. Such as if the person does not have their card or is not in the system.

Senator Townsend commented that her point also was that Major Zebley does not currently have the technology that Chief Topping has.

Major Zebley stated nor would she intend to. That would not be the spirit of the Driving Privilege Card.

Senator Townsend clarified that it does not really matter to Major Zebley right now because she does not have the technology. However, the community might feel that might be fine now but perhaps someday the technology might be available.

Major Zebley agreed that at some point they might but she did not intend to fingerprint.

Ms. Porretti said the Major mentioned that there is a tremendous amount of fraud nationally. She then asked if anyone knew the percentages, because a tremendous amount could mean various things.

Senator Townsend stated they had data that was discussed at the first meeting and he did not have it on the top of his head right then. Certainly there were clear signs that far more people were signing up for these cards than should have been. Far more cards were being issued than should have been.

Major Zebley stated that for certain populations, the cards issued far surpassed the total that should have been issued. And those represented the fraud cases.

Commissioner Stewart said she was a little confused too because Chief Topping said he did have the phone-like device to take fingerprints. The overwhelming issue is they must have a valid passport. That seems almost a necessity if we are looking for one item that is paramount to have.

Senator Townsend said he really appreciated her comment and that Kevin had made a similar point. His response to that is for those people who do not have a valid passport. He would rather them be part of the system on the roads with the eye exams and driving test and have the confidence that if they get pulled over they will have a document that says they are part of the system and they would not have to drive around in fear. It would be nice if they have valid passports but (1) he is not sure that DMV's position is that all we need is a valid passport, and (2) what percentage of people who are undocumented in Delaware do and do not have a valid passport? Is it an overwhelmingly high percentage?

Mr. Andrade stated he has been working hard with the community. He asked Chief Topping what he thought the percentage would be.

Chief Topping said he cannot give a percentage, but from his personal experience he has seen people come in with passports and there is no entry visa stamp. They get issued at the church.

Pastor Knight said they get a passport through the church through the proper channels with Washington, D.C. or Philadelphia.

Chief Topping reiterated he could not provide a percentage.

Senator Townsend said he is not holding anyone to it.

Mr. Andrade said that in his country if he did not have his own passport he must have the correct documents. Every country is different but there is a high standard of security. Homeland security has to approve the passports. The passport will be good to use because it has been pre-authenticated.

Senator Townsend stated that it is an additional layer of protection against potential fraud and confusion to have fingerprints or a photo onsite at the DMV, relative to relying on a pre-issued passport. The biometrics of facial recognition and fingerprint seem to remove more doubt as to whether or not a document is fraudulent or whether or not a person has been there before or not. The Senator wants to try to help other Delawareans understand why this system is worth doing, and why Delaware can do it well. It does seem like the fingerprinting issue could cause problems in terms of having this be part of the system in Delaware. He also understands it can have a chilling effect. If we have the fingerprints onsite at the DMV, the idea is that it helps to verify if that person has been there before, and to try and prevent the issuance of fraudulent cards. On top of that, you have law enforcement, who have openly talked about the usefulness of having the fingerprints on file. The Senator understands why that creates a lot of questions and doubts in the minds of people. We are not talking about if someone gets stopped with a Privilege Card they would have to give their fingerprint. Being stopped with a Privilege Card is just like being stopped with a license, unless there is some special circumstance, such as the photo not looking like the person and therefore a reason to think that the person is not who is listed on the Card. But that is the end of it. So then we are talking about whether or not these databases are open to officials in the context of a 3:00 am traffic stop and the driver does not have his card. The officer would do a scan because the driver does not have his card, and if it does turn out to be the

person, then thank goodness he does have his fingerprint on file because otherwise he might be hauled down to the station. And then he would get ten fingerprinted. Senator Townsend said he is trying to understand the actual negative impact beyond a very legitimate psychological concern. He acknowledged that he does understand the psychological element. Do we think it is wrong to have someone's fingerprints on file because of some chance it might not be used for the correct purposes? There is so much data that people have on us, and fingerprinting seems so miniscule in comparison to all the other ways people can be tracked. He wondered if at some point if people would be okay with everyone being fingerprinted. It seems an invasion of privacy but would it help us solve crimes. Are we talking about people in the community who will not go sign up for these cards because they know that if they are fingerprinted they would be identified as having committed crimes in other places? But if they are not required to be fingerprinted they will go sign up for these cards? Let's talk about law-abiding people, who other than not being here legally do comply with all other laws. Wouldn't they go sign up because they are law abiding and just want to be part of the system? Are we saying that those people will not sign up too?

Mr. Torrijos said people who are law abiding have nothing to fear. But the problem is that because they are here undocumented that is the issue.

Senator Townsend stated no, he understood.

Mr. Torrijos said it is a fact that these people want to drive safely. They want to be out on the road. He then stated several questions the undocumented individuals have:

Where is that information going?

What is going to happen with that?

Is that going to be used against me?

In the middle of the night, is there going to be a raid?

Is the information going to be sent to other organizations?

Senator Townsend asked what is different about having their fingerprints on file, as compared to walking in and having their picture taken in terms of the federal official going to their home? What is it that makes federal officials go to their home because they have fingerprints, versus only having their name, address, and photo on file?

Mr. Torrijos said it is the perception. They feel that they are being treated differently. The majority of people do not have to get their fingerprints to get their license. People who are applying for a Driving Privilege Card are being singled out, and it is not just the Hispanic community. It will be anyone applying for a Driving Privilege Card who would be singled out. The information possibly could be used against them for deportation.

Senator Townsend said he does not understand what will be used against them.

Ms. Porretti said fingerprints are clearly identifiable. No two people are the same. Imagine if you are living here undercover. No one knows who you are. You might have a passport that might be yours or not. You might be working under an assumed name. You are able to assimilate and travel without anyone really knowing who you are. If there is a fingerprint on file it scares you. It is not just perception. You know that if you are stopped, someone knows who you are, and if you are undocumented the fear is strong.

Senator Townsend said the whole point is that we are trying to make it so that when undocumented individuals get stopped we do know who they are. Moreover, these individuals are otherwise willing to walk in to the DMV and say “I am undocumented and want to get my photo taken so I can be part of the system,” so the Senator does not understand the idea of “they know” being a reason to hesitate getting fingerprinted.

Ms. Porretti responded that the fear relates to a lack of trust in law enforcement. Undocumented individuals think law enforcement will tell Immigration, regardless of what has been said at the Task Force meetings.

Senator Townsend stated he understood, but what is the difference between courageously walking into the DMV for their photo to be taken and basically have a card that clearly shows that they are here and not documented, and getting your fingerprints taken at the DMV? The only thing that seems different is that by giving your fingerprint, you are increasing the chances that you will be identified if you are already in the system for something else. There are two scenarios the Senator can think of: 1. Are your fingerprints on file somewhere and have you committed a crime? 2. Are your fingerprints on file somewhere because you have come across the border in a way that your fingerprints were put into the system? And do we think that the Feds are going to somehow show up and swoop you away because now they can match your fingerprint from that instance to your fingerprint at Delaware DMV, as opposed to knowing that once you walk into DMV and have your photo taken that you are here illegally?

Ms. Porretti said that anyone can always deny that the photo is them. They cannot say that about a fingerprint. Some people will think I have done something criminal and I do not want my fingerprints taken. But there are also mothers who just want to be under the radar. They are afraid. Some are victims and do not want anyone to know them. A fingerprint is definitely clearly identifiable.

Commissioner Stewart gave an example of her own family background coming from other countries. She explained that it is a communication difference and an ideology difference. It has nothing to do with thinking they did something guilty. She gave an example of being a Western thinker versus an Eastern thinker. Most people from Latin America, South America, Mexico, or Europe have a passport. If they do not have a passport, well they need to get one. The passport is verified by their particular country or agencies representing their country. Therefore they think that is very verifiable and they are very proud of that. Many people came here to this country to escape and for safety. The fingerprint is not because they think they are guilty but rather a different way of thinking. They do not think like Americans. They have a different point of view.

Senator Townsend thanked the Commissioner. He clarified that he is not trying to say that this psychological fear is not valid or reasonable. He is just trying to marry it with the realities of how to make a policy work through a legislature. We are in a world now where he thinks that his fingerprints are so irrelevant to what actually can be done to steal his identity with other information that is out there. The Senator does not mean to minimize it, but he is trying to minimize it in the context of trying to balance the pros and cons of this effort in a way that still seems like it is worth it. The Senator stated he could be wrong about that and he is not saying that it is an extremely challenging task for the community to do outreach and to build more trust. Some of the Task Force members have said that they do not trust law enforcement. Several of them have clarified that they are not talking about Chief Topping but other law enforcement or

just the general fear. The Senator has not heard the actual difference between someone's actual chances of being apprehended, of being deported, of being identified; the difference of having the fingerprint as part of the DMV's process versus not. Either way they have walked into the DMV, they have knowingly turned themselves out in the community as someone who is not here in a legal fashion. They have had their photo taken, they have had their card produced, and Major Zebley is not going to ask them for their fingerprint if they have their card. He still does not understand what it is about their fingerprints that will actually cause a difference unless their fingerprints are already on a record somewhere else for a crime. He still has not heard anything else other than the very reasonable psychological reality that he thinks ends up coming from the community outreach perspective.

Mr. Torrijos said he does not think anyone will disagree with what Senator Townsend just said. He said he thinks we have to go back to the origin of why the members of the Task Force are sitting there. They are trying to get the community to drive safely on the road. If that is the goal of the Task Force, should we not look at the best possibility to get them on the roads safely? So that they all take the eye test and driving test and drive safely in Delaware? How do we do that: do we put more roadblocks or do we put the standards so that people can get there?

Senator Townsend said be careful with the word "standard," reiterating that we know it has a chilling effect. The Senator reminded the Task Force that one of the application requirements would likely be two years of tax returns. So what is the difference with their personal information shared on that document?

Mr. Torrijos said we are trying to get many individuals to participate in the Driving Privilege Card so that the communities can drive safely on the roads of Delaware. The biometrics of facial recognition greatly reduces the amount of fraud. It would be great to have fingerprints, but if that is going to prevent the Hispanic community from coming to the table and getting the Driving Privilege Card, then we should reconsider that part. It is not an obstacle but our concern is that the community may not respond to the fingerprint requirement. Is there something else that can be added that may encourage them? Mr. Torrijos stated that he did not have an answer himself.

Ms. Battle stated fingerprints are meant to prevent identity theft. That is a positive thing. She hopes one day the technology will be there so we all can be fingerprinted. She said she would not mind if it is going to prevent fraud. Ms. Battle said that she thinks that some of the members may have put the fear in the people because when she talked to them they had 15 to 20 people coming in applying for their passport and being approved. They are preparing them for the Driving Privilege Card so they can have the right documents. We provide the taxes for people and we just found out that the State is holding their money because they want them to prove they are who they say they are. As far as the trust factor, we as the Task Force can establish what we need to say. There was some confusion about the technology available for roadside fingerprinting.

Chief Topping responded the difference is because of the different departments.

Ms. Battle said she thinks the Trust Act will help us a lot because if it is a routine traffic stop the law enforcement cannot turn people in to Homeland Security or ICE. If you have to go before the judge for a ticket, the judge cannot turn you in. Some states have tried to put protections through after passage of the Card law and the projections were rejected, so it would be helpful to include the Trust Act as part of any proposed legislation.

Senator Townsend said he is glad Ms. Battle brought the Trust Act up. At previous Task Force meetings we talked about what would prevent the Feds from swooping in and asking for information. Would the community feel more confident if we had the Trust Act in place? He mentioned he would not be surprised if the answer is no. The Senator also understands the objection from law enforcement officers who are professional and are not going to ask people for fingerprints just because they look a certain way. That is why this is a tough issue.

Ana Velasquez, representing the Latin American Community Center (LACC), stated whether you are fingerprinted or just go and give your information, the concern is what is going to happen to that information. It goes back to the Trust Act, and having some level of assurance. She does not want to go back to the community and tell them to trust the process; she is not going to do that unless she knows for a fact that her community is protected and that the information they provide will not be used against them. Ms. Velasquez stated that she would feel very uncomfortable participating in this campaign if that is not the case. She also agrees that the fingerprinting does provide a chilling effect but she does think we can overcome it if we have a very strong educational campaign. Can we go through the education campaign and assure community members that they are protected?

Chief Topping said that he thinks there might be a misconception about the database of fingerprints. Not just anybody can get to these devices: (1) There must be a reason to access the database. (2) You have to have the authority to access the database. (3) As a police officer, you must be addressing a criminal event. Chief Topping and Major Zebley discussed at the last meeting that the Driving Privilege card must have some sort of validity and authority. Undocumented aliens may or may not have a passport. We must reach those people as well. He said he does not think anyone should worry about the data that they provide, because law enforcement officials do not just access it or randomly go into the database to find out what random people are doing.

Senator Townsend said he understands and agrees that those are real concerns. But as far as the Trust Act goes: as law enforcement, can you publicly say that people can trust that law enforcement is not going to be running fingerprints if people present their Cards?

Chief Topping said that he was not sure if a Trust Act would pass the legislature if it requires police to not do what they have sworn an oath to do.

Senator Townsend responded that he understands and that would depend on the appropriate wording. Do we have to say that these fingerprints that are taken at the DMV when you get your card will not be used to compare with crimes across the United States? We in Delaware are openly saying, give us your fingerprints, you will get your card but we promise you we are not going to care whether you are wanted for murder somewhere? A lot of people will not be impressed with the idea that we are not going to use the information to check to see if people are wanted for various kinds of crimes. This is a concrete example of what could happen. We need to understand what could be part of a Trust Act, so to speak, and what could not be part of a Trust Act. We probably cannot say we promise we will not run your prints to see if you are wanted somewhere. Would we say we promise not to provide them to the federal government to give for Immigration purposes? That is a little different. What would law enforcement be okay with and what would the community be okay with?

Mr. Torrijos stated that he does not think they want to be treated any differently than anybody else. What it comes down to is for Immigration purposes.

Senator Townsend clarified by stating that Mr. Torrijos mean the fear is that it would be for Immigration purposes.

Mr. Torrijos confirmed that was right. If there is a Trust Act, however the language is written, it should relate to information not being sent to Immigration. If the issue is criminal, that is different.

Senator Townsend responded that if it is a serious criminal issue it also would kick it into the Immigration process.

Mr. Torrijos said if it is criminal activity and leads to Immigration that is a totally different thing.

Senator Townsend said he wanted to make sure.

Mr. Torrijos said if someone is undocumented and stopped and now that information is going to go to ICE or Homeland Security, that is the distinction. If there is a Trust Act we need to get some assurance that that information is not going to be sent to ICE.

Senator Townsend stated that it appears the Task Force is honing in on the issue of a direct connection between a DMV database or whatever the database ultimately is and the Federal Immigration authorities.

Ms. Velasquez responded that it is important to have something that we can reference as to what are the protections of the people who apply for the card within the law. We understand the law and that they are undocumented, and what should happen if they committed a serious crime. We need something in writing that says “this” can be done and “this” cannot be done and these are your protections.

Chief Topping stated that if someone goes to the DMV and has fingerprints taken, and if it turns out those fingerprints are connected to other criminal activities, law enforcement is going to arrest the person.

Senator Townsend responded that none of what the Chief and the Major brought up today has an impact on people’s day-to-day activities. After doing a ride along in Wilmington, the Senator completely understands why law enforcement wants to know who it is they are talking to. He does not fault them for that at all. If that is not what law enforcement was asking the Task Force about now, then why would there be opposition to a Trust Act?

Chief Topping asked the Senator to clarify opposition.

Senator Townsend said he meant opposition to language that would say to the best we can as a state we are not going to connect this database with the Feds.

Chief Topping stated he did not think that would be a problem. But you cannot tell law enforcement that they cannot do their job. In other words, if the political environment changes, whether we have fingerprints on file or not, they can come to Delaware DMV and give you a court order to produce all of your driver’s license that say Driving Privilege Card. The federal

government can do what they want with that information. Now whether fingerprints are included in that information is immaterial. If you have facial recognition, addresses, and dates of birth on the card, he cannot tell the federal government he is not doing something.

Senator Townsend said he understood that. As the meeting was running over, the Senator thanked Mariclaire Luciano from Senator Bob Marshall's office for being there, as she had to go. He also took this time to thank Michelle Zdeb and Shelley Earley from his staff for their assistance with today's meeting. As far as fingerprints, unless we are saying that a federal official or state official is going to be going around a community in Georgetown or a place of employment and taking fingerprints off of counters or glasses or cups, he does not see how this has an impact day-to-day.

Chief Topping stated they do not do that now.

Senator Townsend said he knows they do not do that now. If they know not to go do that at that place, they are not going after fingerprints.

Major Zebley said the card would be institutionalized. It would be recognized by every officer in the state if this is a legitimate Driving Privilege card.

Senator Townsend said he understood but clarified that he is talking about people's fear of how fingerprints will be used. The only way to match it up to someone who is not involved in a crime or other kind of stop is to go around and lift prints. It is absurd that that is going to happen.

Chief Topping said he has been doing this in his jurisdiction for a lot of years. We have not found a way to relieve those fears. With every law that has been introduced or tried to pass, it has to benefit the majority. It cannot benefit every single one. We are not going to be able to do away with all the fears that some people have ingrained in them that law enforcement officials are bad and they are going to take people's money. We cannot change that in legislation. But we can provide for the majority a mechanism for them to have a Driving Privilege Card.

Senator Townsend asked Chief Topping when he said majority and minority whether the Chief was talking about the majority of the community not having fear and the minority having fear. Some of the laws the Senator is most proud of in this country do benefit the minority, which does make us better off as people. The heart of what we are talking about here is that there is a segment of the population in Delaware and nationwide that we are trying to show how to integrate into society and whether to integrate into society. And to Claudia's point earlier, we have very little reason to believe that the U.S. Congress is going to actually take action in a sensible way on this issue so we in Delaware are trying to do what we can do. The Senator stated he is trying personally and has colleagues who support him in doing what we can. He feels that we are at this logjam now where what we can do is limited by whether fingerprints are part of it. It is all we have talked about during the course of this meeting and that is okay.

Ms. Porretti restated that she has been against the fingerprinting since she heard about it and we have talked about it, mainly because of the privacy and immigration impact it will have. She stated that Sussex County is unique. The Hispanic community there is not the same as in New Castle County or Kent County. The fear is real. It is not just potential for fraud, it's potential for abuse. She said she has the tickets where the only infraction is driving without a license. How did that officer know that? Yet people get pulled over all the time. Chief Topping and his law

enforcement do not do that but others do, such as in Millsboro, Laurel, and other places in Sussex County. If it is not driving without a license then it is driving without insurance. She said she has studied the law. She emphasized that there is the fear that if there is an identifiable fingerprint it is just going to lead to Immigration. Yes, a Trust Act would be great, but for many people, they do not trust the government.

Senator Townsend stated he understood, he really is trying to drill down to what the difference is between having the fingerprints and not. Some fingerprints are collected at the border sometimes and then they can be matched up here and if that triggers a flag in D.C. then all of a sudden fifty people in Delaware just verified that they are there. If that is the case, the Senator understands the fingerprinting concern. But he does not understand the other scenarios. They are all valid concerns but they are more related to general community outreach about general police-community relations, not about whether or not we have fingerprints as part of a process.

Chief Topping said if we are successful and get this program through, a lot of that stuff will stop. The reason it will stop is that people would know they are going to have a license.

Ms. Porretti said we might have to wait and see, because although the Senator may absolutely be right about there not being a difference between fingerprints and no fingerprints, for some people there could be a big difference in willingness to participate. So instead of 70 or 80 percent participation you might only get 30 or 40 percent until the system is shown to work.

Mr. Somalo talked about cases in Maryland where there is a perception that information was given to immigration.

Senator Townsend said that he cannot emphasize enough that his intention is in no way, shape, or form to connect those agencies' efforts. If that is what happened in Maryland, the Senator thinks it is very, very unfortunate.

Mr. Andrade gave an example of situations in Salisbury. People got pulled over for having no license, and were arrested. They got bailed out and in the courthouse they paid the fees and then Immigration was right there. Mr. Andrade said he wrote a letter to the Governor to address this situation but nobody can touch Immigration. It has happened over and over. Congress has to pass a law to address this issue. People want to be identified, but there is fear of fingerprints. People would rather say "here is my passport or my two years of taxes," or take a picture.

Senator Townsend asked why is it that they are willing to identify themselves so publicly in all the other ways.

Mr. Andrade said Secure Communities is the problem. It has been in place since 2006. They have a fear about the fingerprints. A lot of people are being deported.

Senator Townsend said he would appreciate it if Kevin would reach out to his community and have the discussion. He stated that he would look into Secure Communities. He emphasized that he has still not heard actual differences that happen as a result of the fingerprints. Secure Communities sounds like it could be something. Bear in mind that we are talking about people who have volunteered to go into a DMV and identify themselves as here illegally. They are doing that already. He does not understand where the fingerprint part makes a difference beyond the psychological, assuming we are not linking the fingerprints to a Federal database.

Mr. Andrade said it is just the fear of the federal government having access to that database.

Senator Townsend responded that education is a key part then. There are times when fear is irrational. There are times that things do happen with law enforcement in Delaware. Law enforcement is not perfect. However, he has yet to hear why it is so different to ask for their fingerprints as opposed to not when they are already self-identifying in biometric ways that they are here illegally. He apologized if there is something about why he does not understand it.

Ms. Porretti thanked the Senator and said she was thinking the same thing and is trying to formulate an answer that will make sense. She gave an example of getting a driver's license in another state and if it is lost or confiscated it is gone. But if law enforcement has her fingerprints, they will always know who she is. Many people have lived so long in the shadows. They do not need a driver's license. They have been driving around a long time without one. Her point is if they have the fingerprint, there is abuse. They say I have your fingerprint and I can turn you in.

Senator Townsend said he does not understand something about the mechanics of this, where having a fingerprint on file results in any kind of being turned in. There would have to be several steps in between.

Chief Topping said it has to be a psychological state of mind with a certain group of people that have an abhorrence of official authority, and a lot of those people do. They do not want anything to do with the government. But they do not understand that the police do not care about randomly searching for fingerprints. Your fingerprints can be on file from the time they are taken until you pass away and never be accessed or ever be seen. Unless you commit a crime or have law enforcement contact where it is required that they check it, the police are never going to see it.

Senator Townsend said but even if it did, he does not understand how that immediately causes a problem any differently than when someone gets their photo and gives their address. What is it that puts him or her in a more compromised position about giving the fingerprints other than unless the person has committed a crime before, unless it triggers a search where it turns out that he is wanted in another state for something?

Ms. Porretti mentioned it is what Jose said, too. In Sussex County if people hear something that might not even be true, they still associate fingerprints with ICE.

Senator Townsend stated we have a big educational outreach challenge here. The idea of linking it to fingerprints is odd because they had already walked in and signed up so ICE could have gone in anyway since they had other information about them. What is it that is so special about fingerprints?

Ms. Porretti said if they have a license, she thinks in their mind they do not put a lot of weight on going into the DMV because they have never done that.

Senator Townsend responded they are wrong and we have to help them understand one by one and win their hearts. He expressed his frustration. Their individual fear that paralyzes them is going to paralyze the legislation. If you want to roll the dice to see what happens, we can do that. The Senator would rather work with the members and work with everyone to one by one show that this is not happening rather than allow that fear to stop the process.

Commissioner Stewart said she knows his frustration. She gave an example of her own mother being fearful of being deported. It is an ideology that is much inbred over hundreds of years. It is difficult to change one by one. It is generational.

Senator Townsend said that he does not think it is anything that will change overnight. He does think it can be changed one by one with very hard work.

Commissioner Stewart said it takes over 20 years. She has worked with this issue and it takes generations. It is at least a 20-year process.

Senator Townsend said he understands. However, if it is going to take 20 years, he does not see any more reason to delay.

Ms. Velasquez said she thinks it is definitely worthwhile looking into Secure Communities because it might connect with when you come into the country. There could be a linkage that could be harmful to the Hispanic community. Secondly, in Pennsylvania, it took her three months to get her license even though she had the correct documentation. Her experience there was a link between DMV and Immigration. She is not sure if that is the case in Delaware.

Mr. Vien said that yes, we can utilize that but they are not feeding that into us.

Senator Townsend said that seems to be more a connection between the federal officials and the state officials, not whether or not the state officials have fingerprints.

Ms. Velasquez said correct and that has been my point since the beginning. For me it is what is going to be done with the information. Whether you give your picture or fingerprint, either way, it is that connection that is her personal fear. She also wants something that they can reference to when it comes to legislation that says what the protections of the people who participate in the program would be. She thinks that is very important. It will be good to be able to tell them, you as an undocumented victim will not be turned in. It is going to go into the system but we are not going to use that information because you are protected by the victim's rights. Something she can share with the community, stating yes, the Federal government at some point can come and do whatever, but at least from the standpoint of the people here in the State, these are your protections. She asked if that made sense.

Senator Townsend said it does make sense. He thinks the drafting of the Trust Act makes sense.

Mr. Torrijos said that is exactly right. Let the people decide what they want. We will have to educate them and be very forthright. It is important to establish the relationship to be able to work with the community. As leaders in the communities, the Task Force members do not want to make promises they cannot keep. We can tell them, this is the best that can be put on the table and let them decide if they want to go forth with the Driving Privilege Card. The bottom line is we want a lot of participation. If you do not think we can get the bill passed without the fingerprinting, I would rather see something go forward with the Trust Act and a lot of education in the community.

Senator Townsend understood. He said it has been a wonderful journey. He thanked everyone and mentioned that he was glad that he did not draft something prior to the meeting because as it worked out, there would have been a misunderstanding that there was a lot of agreement on this

issue and clearly there was not. He emphasized how important the discussion has been to help him figure out a way to draft this report. This Task force tried to think about all kinds of implications about how this system would work. It is not a matter of questions being unanswered but more about how the General Assembly will feel about it. There are questions about what the Trust Act can contain or should or should not contain. It is more a recommendation that one be drafted. The Senator reiterated to the members of the Task Force in his introduction in moving forward we would have something drafted that we can circulate to everyone and come back together for the final meeting. We can finalize the report and see how it all comes together. He thanked everyone for their patience with the process. He re-announced the last meeting would be October 27th from 1:30-3:30pm at Buena Vista. An email will be sent out. The Senator thanked Michelle and everyone else.

Darlene Battle said congratulations on Senator Townsend's recent wedding and also for winning the primary election. She also announced Breast Cancer awareness month and reminded everyone to wear Pink.

The meeting was adjourned at 4:21p.m.