

Sheriff Daron Hall announces the end of Davidson County's controversial deportation program, but questions remain

287(gone)

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After nearly five years of controversies, bad headlines and a sustained cry of protest from Nashville's immigrant community, Davidson County Sheriff Daron Hall held a press conference Tuesday morning announcing that his office will no longer participate in the unpopular Immigration and Customs Enforcement program known as 287(g).

Hall told reporters that when the city's memorandum of agreement with ICE for 287(g) expires on Oct. 8, his office will not seek renewal of its contract. The federal program empowers local law enforcement officers — in this case, the Davidson County Sheriff's Office — with the powers to detain, interrogate and initiate deportation proceedings against suspected undocumented immigrants.

In the wake of 287(g)'s departure, another ICE program — an Obama administration project dubbed Secure Communities — will become the default anti-illegal immigration mechanism for the DCSO beginning this fall, following a national trend set by the federal agency as it transitions to a more tech-focused deportation system. The DCSO has participated in "S-Comm" since August 2010, and transmits biometric data from immigrants to ICE.

The resulting switch will render obsolete the 12 sheriff's deputies tasked with 287(g) duties. According to Hall, they'll be reassigned to other positions throughout the DCSO once the program sunsets in October. The elimination of those positions is expected to net an annual savings of \$700,000 in local taxpayer-subsidized salaries — which adds up to a cool \$3.5 million spent since 2007, when the Metro Council approved the initial 287(g) agreement.

Immigrant advocacy groups immediately hailed the end of the controversial program.

"Sheriff Hall has had a hand in separating thousands of immigrant families for no other crime than fishing or driving without a license, a costly and dangerous diversion of law enforcement resources," Stephen Fotopolos, executive director for Tennessee Immigrant and Refugee Rights Coalition, said in a statement. "It is true that Hall's program is but one cog in a sprawling and dysfunctional deportation machine, but his voluntary and insistent participation has given our city's reputation a long, black mark that will take many years to erase."

Instead of acknowledging blowback from critics or recognizing the "black marks" that have come to characterize the program — most notably the heinous detention and shackling of pregnant Juana Villegas, an undocumented mother of three who was restrained before and after going into labor while in DCSO custody in 2010 — Hall took to the podium on Tuesday to characterize 287(g) as a victim of its own success. Because arrests of illegal immigrants in Davidson County have declined 80 percent as a result of 287(g), the sheriff reasoned, the program is no longer needed.

"The [number of undocumented immigrants] processed have decreased so dramatically that the workload of our 287(g) deputies has also been significantly decreased," Hall told reporters. "We said from the beginning that we would not continue to do the program if it was not having a significant impact in our community, and that we would move on."

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"Well, that day has come."

When asked whether other factors played a part in the dwindling numbers — such as a national drop in the undocumented immigrant population since 2007 — Hall seemed to offer a mild rebuke to skeptical media coverage of the program.

"With all the sensation of [287(g)], we've been accused of spreading fear, putting fear into the communities and so forth," Hall said. "Well, if you believe that, then you will also think that in some cases that reduces some people's involvement in the criminal justice system and deters them from crime, if nothing else."

As Hall indicated in the presser, the timing of the announcement was purely political. At the same time the sheriff was announcing an end to the problematic program, an amendment to the Metro Charter filed recently by the Metro Legal Department on behalf of Mayor Karl Dean's administration is working its way through the Metro Council. The amendment would effectively expand the DCSO's powers to include the sort of duties sheriff's officers had been performing under 287(g).

That had been a major source of controversy over the program, as the Metro Charter draws a clear distinction between the duties of the police and the sheriff's office. Under the charter's terms, as it stands, the DCSO is not the branch with the authority to interrogate and detain. (See "Will an arcane legal challenge bring down Metro's controversial 287(g) program," Jan. 11, 2011.)

City officials insist that the amendment is not attempting to write those powers into the charter — although at a council committee hearing this week, the amendment hit a speed bump precisely over the inclusion of terminology such as "interrogation." But Metro Legal Director Saul Solomon acknowledged in comments to *The City Paper* that the amendment indeed addresses issues related to 287(g).

Nor will 287(g)'s problems end with Hall's announcement. Elliot Ozment, an immigration attorney and one of the program's most persistent critics, filed suit against the city last year on the basis that the 2007 agreement between Metro and ICE is unconstitutional. Ozment argued that according to the original Metro Charter, the Metro Nashville Police Department should have been running 287(g), not the sheriff's office.

Now the attorney and the sheriff's office are waiting for the Tennessee Supreme Court to hand down its decision in the matter. Ozment doesn't believe Hall's move to end 287(g) will affect the suit.

"This action by the sheriff today does not moot that case, because at least one of our clients was seeking damages that he suffered as a U.S. citizen in the 287(g) program," Ozment tells the *Scene*. "287(g) was a destructive program that tore thousands of Nashville families apart and gave inappropriate law enforcement powers to sheriff's deputies. Immigration decisions should be made by federal immigration officials, not local jailers.

"Programs like 287g have lost support nationwide, and the writing was on the wall in Nashville too. Good riddance."

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