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Citing Nashville 287(g) lessons, ACLU wants other TN sheriffs to shun immigration program

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Amada Armenta, Nashville mother shackled to a bed while in labor, spoke at a Stop 287(g) Rally in downtown Nashville, Tenn. on June 14, 2012. More than 100 people then marched to the Tennessee Supreme Court in protest. / Shelley Mays / File / The Tennessean

Written by Brian Haas The Tennessean

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The [287\(g\) immigration enforcement program](#) disappeared two months ago in Davidson County, and now supporters and opponents are trying to define its legacy.

Was it a successful program that deported repeat immigration offenders and kept the community safer? Or was it a divisive program that led to racial profiling and treated fishing and driver's license violations as harshly as it did rape charges?

Opponents are hoping a report released Wednesday by the [American Civil Liberties Union of Tennessee](#) will persuade Rutherford and Knox county sheriffs to drop applications to join the federal immigration enforcement program.

Since 2007, the [Davidson County 287\(g\) program](#) has been under constant political and legal assault. The program, which expired in October and led to the deportation of about 10,000 people, had jail deputies interview arrestees about their immigration status. If a suspect was thought to be in the country illegally, deputies could detain and initiate deportation proceedings.

The ACLU report summarizes many of the arguments against the program, using research from Katharine Donato, sociology professor at Vanderbilt University, and two postdoctoral students, Blake Sisk at Vanderbilt and Amada Armenta at UCLA. The report criticizes the program for leading to immigrants being treated

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differently by law enforcement, for deporting immigrants for minor offenses and for creating a hostile atmosphere where immigrants don't want to call police.

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"The purpose of this report was to explain the devastating impact of that program and urge both the Knoxville and Rutherford county sheriffs to withdraw their applications," said Hedy Weinberg, executive director of the ACLU in Tennessee. "We're especially concerned about Rutherford County's application, given the area's hostility toward immigrants and local Muslims."

Davidson County Sheriff [Daron Hall](#) said the criticisms cited in the report have already been hashed and rehashed. He reiterated that his agency screened all arrestees.

"The ACLU would love to confuse people in trying to make it that we changed the program, that we changed what we were targeting," Hall said. "That's not true, that's never been the case. The priorities have been and will always be decided by the feds in terms of who to remove."

The report also accused Metro police of a pattern of racial profiling through traffic arrests, showing that after 287(g) went into effect, foreign-born persons were more likely to be arrested, instead of cited, for traffic violations.

"The Nashville police department rejects the notion that the 287(g) program, of which the police department was not a participant, resulted in ethnicity profiling," Metro police spokesman Don Aaron said in an email. "The Nashville police department has worked for years, even before the start of the 287(g) program here, to build relationships with the Latino community. The MNPD is committed to the safety of all Nashvillians, regardless of race, ethnicity or culture."

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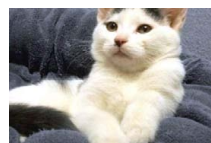
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program, in which deputies simply fingerprint all arrestees and send the results to federal immigration authorities, who decide whether to detain and begin deportation proceedings. All law enforcement agencies by next year are expected to join the program.

But the 287(g) program remains in place and is to be expanded in 2013, with Rutherford and Knox counties looking to ride that wave.

The Rutherford County Sheriff's Office opted not to enter into the debate about the pros and cons of 287(g) on Wednesday.

"We have not had an opportunity to review the report at this time," said Lisa Marchesoni, spokeswoman for the sheriff's office.

The ACLU said it was particularly worried, given the battle over a mosque in Rutherford County and anti-immigration legislation filed by local legislators. It said the program has led to officers arresting suspects instead of giving out citations, based on language barriers or flimsy probable cause.

"We are a professional law agency, and we respect the rights of all people," Marchesoni said. "We will enforce the law equally and fairly."

Eben Cathey, spokesman for the Tennessee Immigrant and Refugee Rights Coalition, said the solution to the nation's immigration problems is not in enforcement but a better immigration system.

Contact Brian Haas at 615-726-8968 or bhaas@tennessean.com.

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