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Sheriff seeks federal funds for controversial immigration program

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Written by Mark Bell

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MURFREESBORO — The county sheriff has submitted an application to the U.S. Department of Homeland Security that, if approved later this week, would allow jailers to enforce federal immigration laws while receiving federal funding to do so.

It's a move that has drawn the ire of groups, including the American Civil Liberties Union of Tennessee and the Tennessee Immigrant and Refugee Rights Coalition, and the support of those such as State Rep. Joe Carr (R-Lascassas).

ACLU-TN and TIRRC contend that a 287(g) jail program — which would allow jailers to check the immigration status of offenders once they are arrested and booked into the county jail — would undermine public safety by encouraging racial profiling and ushering in the distrust of law enforcement in immigrant communities.

Carr, a state legislator who has been a leader on several illegal immigration bills, believes a 287(g) bill will only allow local law enforcement to more thoroughly do its job of “detecting, detaining and deporting” illegal immigrants while receiving federal grant money to do so.

ACLU-TN and TIRCC point to evidence in an ACLU-TN report that shows the implementation of a 287(g) program in Davidson County corresponded with foreign-born people being arrested more frequently for minor offenses.

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Arnold Arnold Rutherford County Sheriff Robert Arnold

For example, foreign-born people were arrested at an increasing rate of 9.4 percent for the single minor offense of driving without a license, according to the report.

“The percentage of single-charge arrests for ‘No Driver’s License’ that led to removal (deportation) increased from 18 percent of arrests before implementation of 287(g) to 43 percent after, an increase of 136 percent,” an ACLU-TN news release reads.

The numbers in the report were gathered as part of an original quantitative data analysis led by Professor Katharine Donato of Vanderbilt University’s Sociology Department, as well as interviews with community members.

Also report findings on Davidson County’s program show that in 2012, misdemeanors accounted for nearly 79 percent of arrests of foreign-born people, and for those ultimately put into immigration-removal proceedings, 67 percent of their arrests were for level-2 offenses, which include traffic violations.

— Mark Bell, 615-278-5153

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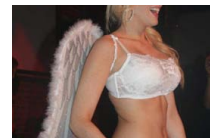
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Simultaneously, after implementation of 287(g), among the foreign-born population, arrests for the most severe Level 1 offenses actually decreased 21 percent, moving the program "far from its stated goal of targeting threats to public safety," according to the ACLU.

Carr, however, points to evidence he received from Davidson County Sheriff Daron Hall that showed the 287(g) program there cut down on the number of "repeat offenders of felonious crimes."

"A lot of arrest data showed there was a significant drop in gangland crimes, as well," Carr said. "The program had an incredibly positive effect."

Eben Cathey, spokesman for the TIRRC, said that means nothing when innocent people such as 20-year-old Mercedes Gonzalez, a Nashville resident, are being placed in deportation proceedings for speeding.

"She managed to fight her way out of deportation, but it took years and a tremendous amount of community support," Cathey said. "Look at the individual story and say the same thing."

Carr responded that he understands it is unfair that people like Gonzalez have been the victims of a crime "that their parents perpetuated by virtue of their illegal entry into this country," but that he could draw an equal parallel in that there are "15, 16, 17-year-old thugs who come here for no other reason than to sell drugs."

"They are not all morally equivalent and that shows the problem," Carr said.

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Hall called an end to Davidson County's 287(g) this year in the midst of lawsuits filed in response to the program, and under pressure from the mayor's office.

Carr says he believes Rutherford County Sheriff Robert Arnold should continue his push for a 287(g) program, even if that means an increase in lawsuits for Rutherford County.

"My hope is that Sheriff Robert Arnold certainly pursues the program," he said. "I know he is a strong advocate for fairness, law and order, and I hope he continues to pursue it. If any law enforcement makes decisions based on the number of lawsuits it gets, then that doesn't bode well for our future as a civilized society."

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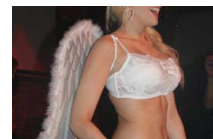
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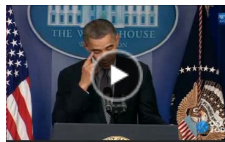


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Arnold was not willing to speak directly with a reporter last week about the sheriff's office application for a 287(g) program, but said through a department spokeswoman that the sheriff's office is a "professional law agency" that "respects the rights of all people," and that deputies will "enforce the law equally and fairly."

Lisa Marchesoni, spokeswoman for the sheriff's office, wrote that Arnold and the rest of the sheriff's administration have not had the opportunity to review the ACLU report.

TIRRC spokesman Cathey said the group, along with the ACLU-TN, recently mailed letters to leaders throughout Rutherford County, including Arnold, and in the city of Murfreesboro urging them not to support the 287(g) program.

Murfreesboro Mayor Tommy Bragg and Murfreesboro Police spokesman Kyle Evans, who speaks on behalf of police chief Glenn Chrisman for the department, did not return calls for comment on the matter. Rutherford County Mayor Ernest Burgess referred a reporter to Sheriff Arnold.

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