



METRO NASHVILLE COMMUNITY OVERSIGHT

Policy Advisory Report Examining Local Law Enforcement Policies and Immigration Enforcement Actions

Issued by the Community Oversight Board on April 14, 2020

Legal Review of Recommendations

This policy report and the four policy recommendations were reviewed by Metro Nashville Community Oversight’s General Counsel to ensure compliance with federal, state, and local laws. As stated in more detail *infra*, the state law most in question stems from HB2315, which is codified at Tennessee Code Annotated § 7-68-102. In no way are these policy recommendations designed to prevent or limit a local law enforcement officers’ ability to perform the duties required of them under the law nor would they be in violation of Tennessee Code Annotated § 7-68-102. Instead these recommendations are designed to address areas where training may be improved, to enhance relationships between the Metro Nashville Police Department and immigrant communities, and to encourage the reporting and tracking of any Metro resources used to provide assistance to the United States Immigration and Customs Enforcement within Davidson County.

Suggested reference: Metropolitan Government of Nashville and Davidson County Community Oversight Board. (2020). “Policy Advisory Report Examining Local Law Enforcement Policies and Immigration Enforcement Actions.”

Table of Contents

List of Acronyms.....	iii
Executive Summary.....	1
Policy Recommendations:.....	2
Introduction	3
Methodology.....	3
Background on Immigration Policy.....	4
The Immigrant Community in Nashville & Davidson County.....	4
Federal Immigration Enforcement.....	4
287(g) in Nashville.....	4
Tennessee State Policy.....	6
Metropolitan Government of Nashville & Davidson County Policy	6
Findings	9
MNPD Training, Policies, and Procedures.....	9
Known Incidents of ICE Requesting MNPD Assistance	10
Attempted Arrest in Hermitage	11
Difference between ICE Warrants, Judicial Warrants & ICE Detainers	11
ICE’s Use of Deadly Force in Antioch	12
ICE Arrest in East Nashville	12
Recommendations	13
Conclusion.....	17
Endnotes	19

List of Acronyms

- COB – Community Oversight Board
- MNCO – Metro Nashville Community Oversight Department
- MNPd – Metro Nashville Police Department
- ICE – Immigration and Customs Enforcement
- DCSO – Davidson County Sheriff’s Office
- CAD – Computer-Aided Dispatch
- DEC – Department of Emergency Communications
- TCA – Tennessee Code Annotated

Executive Summary

This policy advisory report was drafted by Metro Nashville Community Oversight (MNCO) in response to a policy advisory request from Community Oversight Board (COB) Vice Chair Andrés Martínez. The MNCO was tasked with examining all Metro Nashville Police Department (MNPd) policies related to interaction with federal immigration enforcement, training MNPd officers receive related to federal immigration enforcement, and the resources MNPd has expended responding to Immigration and Customs Enforcement (ICE) requests for assistance. Once adopted, this report and its recommendations become those of the Community Oversight Board.

To develop this report, MNCO research analysts reviewed media reports on immigration enforcement in Nashville, academic research on local police and immigration enforcement, the MNPd policy manual, requested information on MNPd officer training, incident and Computer-Aided Dispatch (CAD) and incident reports for all instances where MNPd officers responded to a call from ICE, and interviewed community leaders who work with and advocate for immigrant and refugee communities.

Overall, MNCO found that there was a lack of official MNPd policies and trainings related to federal immigration enforcement and immigrant rights in Nashville and Davidson County. Upon requesting all immigration enforcement related policies and trainings, MNCO received a copy of an informal roll-call training related to foreign forms of identification and other U.S. issued immigration documents that can be used to “identify offenders” in order to issue citations as well as a Frequently Asked Questions document. No other formal policies or trainings were sent to MNCO research staff.

To estimate the amount of resources expended by MNPd on immigration-related cases, MNCO requested records on all calls for service originating from ICE and all incident reports where MNPd assisted ICE officers. Both DEC and MNPd stated that they did not keep track of such instances in their records. As a result, MNCO was only able to request information related to three high-profile incidents that were reported by the media in 2019:

- On July 22, 2019, ICE officers attempted to pull over a man and his 12-year-old son who were in a van.¹ The man pulled the van into a residential driveway, where he and his son would spend more than four hours inside the vehicle while the ICE agents tried to talk them into exiting. During this incident, one of the ICE agents called for assistance from the Metro Nashville Police Department.²
- On September 5, 2019, in the parking lot of a Food Lion supermarket in Antioch, a federal immigration agent fired shots into a box truck and injured a man that had exercised his right to refuse to show ID without a judicial warrant.³ An ICE agent called the MNPd to the scene just after 7:00AM and informed the department that he had fired his weapon while attempting an apprehension.⁴
- On the morning of December 5, 2019, MNPd was called to respond to the scene of an ICE arrest at which ICE agents had pepper-sprayed three family members of the man they were arresting, including two women and a minor.⁵

In interviews with MNCO, community members and local advocates raised several concerns about law enforcement, immigration enforcement, and other aspects of the criminal justice system.

Based on the research and interviews conducted for this policy advisory report, Metro Nashville Community Oversight proposes four policy recommendations that can be found below.

Policy Recommendations:

1. The MNPDP should create and implement policies and formal training on what types of U.S. issued and foreign issued identification will be accepted in order to issue misdemeanor citations rather than take individuals into physical custody.
2. The MNPDP should create and implement policies that discourage police officers from asking about immigration or citizenship status. If an officer does ask about immigration status or citizenship status, they should be required to document that they asked and provide a justification for the question in their report narratives.
3. The MNPDP should create and implement training on the difference between administrative and judicial warrants and what ICE can and cannot do while conducting immigration enforcement in public vs. REP (Reasonable Expectation of Privacy) areas.
4. The Department of Emergency Communications and the Metro Nashville Police Department should document and track instances of federal immigration enforcement officials calling for MNPDP or first responder assistance during their enforcement actions in Davidson County.

Introduction

This policy advisory report is in response to a request from Community Oversight Board (COB) Vice Chair Martínez. Mr. Martínez tasked Metro Nashville Community Oversight (MNCO)—the Metropolitan Government of Nashville and Davidson County support agency for the COB—with examining all policies Metropolitan Nashville Police Department (MNPD) has relating to interaction with federal immigration enforcement, training MNPD officers receive related to federal immigration enforcement, and the resources MNPD has expended responding to Immigration and Customs Enforcement (ICE) requests for assistance.

The request from Mr. Martínez follows recent high-profile incidents where ICE requested MNPD assistance while attempting to arrest residents from the Nashville community, including an incident in which two women and a child were pepper sprayed by ICE officials. We describe the known incidents in detail below. The complete policy advisory request from Mr. Martínez is attached as Appendix A.

Methodology

To develop this report, MNCO research analysts reviewed media reports on immigration enforcement in Nashville, academic research on local police and immigration enforcement, the MNPD policy manual, requested training material on immigration enforcement and acceptable forms of identification from MNPD, requested Computer-Aided Dispatch (CAD) reports for all instances where MNPD officers responded to a call from ICE, requested all incident reports where MNPD officers responded to a call from ICE, and interviewed community leaders who work with and advocate for immigrant and refugee communities. Together, these efforts paint a picture where immigrants living in Nashville often have limited trust in police and the criminal justice system overall.

This report proceeds in three sections. First, we review relevant immigration policies in Nashville, the state of Tennessee, and at the federal level. Second, we discuss our findings on MNPD policies, trainings, and procedures relating to immigration enforcement actions in Nashville and Davidson County. Third, we make recommendations for improving MNPD policies, procedures, and training related to immigration enforcement using examples of actions taken by other cities.

Background on Immigration Policy

The Immigrant Community in Nashville & Davidson County

Nashville is home to a diverse population of residents including many mixed immigration status families. According to the Tennessee Immigrant & Refugee Rights Coalition, more than 1 in 10 Nashvillians are born outside of the United States, with 43% born in Latin America, 30% born in Asia, 19% born in Africa, 6% born in Europe, and 2% born elsewhere in North America. Of those foreign born Nashvillians, 54% have lived in the U.S. for ten or more years.⁶ As a community, it is important to understand how the political climate and immigration policies at the local, state, and federal level can impact our neighbors and their families.

Federal Immigration Enforcement

Federal immigration law has seen several dramatic shifts in recent decades. An important shift in enforcement happened following the 9/11 terrorist attacks in 2001 where immigration policy became inextricably tied to national security.⁷ Immigration enforcement and deportations shifted from primarily apprehensions at the border to internal removals inside the United States. In 2002, U.S. Immigration and Customs Enforcement (ICE) was formed as a department of the Department of Homeland Security. A primary role of ICE is enforcement and removal operations away from the border. ICE has local offices—including in Nashville—that investigate immigration violations, issue administrative warrants, and detain individuals for possible deportation.

Nashville and Davidson County are no strangers to issues involving federal immigration enforcement. Section 287(g) of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) allowed the U.S. Attorney General to make agreements with state and local law enforcement so that local officials could enforce immigration law. The Davidson County Sheriff's Office entered into an agreement with ICE in 2007 to enforce immigration law under section 287(g) which continued until 2012. The MNPDP was not part of this agreement as they do not manage detention facilities in Nashville and Davidson County.

287(g) in Nashville

In 2007, the Davidson County Sheriff's Office signed a memorandum of agreement (MOA) to participate in the 287(g) program.⁸ Participation in this program authorized up to twelve nominated, trained, and certified DCSO personnel to perform certain immigration enforcement officer functions. As the MOA details, these authorized DCSO employees were now able to “identify and process immigration violators in DCSO jail and correctional facilities.”⁹

The 287(g) program screened every foreign-born person arrested in Davidson County by the Metro Nashville Police Department for immigration violations. Amada Armenta, an immigration and criminal justice researcher at University of California Los Angeles, conducted in-depth ethnographic research on how the 287(g) program affected immigration enforcement in Nashville. Her 2017 book, *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement* reports on fieldwork she conducted in

Nashville between January of 2009 and August of 2010 as well as follow up trips in 2011, 2012, and 2013. She argued that the main impact of the 287(g) program in Nashville was to “ensnare thousands of low-level misdemeanor violators,” including those arrested for driving without a license.¹⁰

Armenta found that even though MNPD explicitly stated that they did not enforce immigration, the 287(g) program relied on MNPD reports to initiate investigation of immigration violations. Booking officers relied on the information from police officer’s arrest reports to determine who to flag for immigration questioning based on the *Place of Birth* field completed on arrest reports.¹¹ Arrestees that were flagged based on place of birth were put on an ICE investigative hold until the cross-deputized officers determined immigration status for the individual. If it was believed that an arrestee was removable, an administrative interview would be conducted for additional information.¹² If an administrative interview then revealed that the arrestee was removable, the investigative ICE hold would become a regular ICE hold, or an immigration detainer.¹³

Researchers from Vanderbilt University similarly found that following the implementation of 287(g) in Nashville, MNPD officers were more likely to include immigration status in their arrest reports for traffic violations.¹⁴ Donato and Rodríguez analyzed 5,529 arrest affidavits for driving-related offenses (e.g. driving without a license) from 2005 through 2010 for both foreign-born and US born arrestees. They found that after 287(g) began, “officers were more likely to use explicit statements that mentioned countries of origin, language ability, and legal status.”¹⁵ When an arrest affidavit includes immigration or citizenship status, it would have been used by DCSO officers to initiate an ICE investigative hold.

Due to an Intergovernmental Service Agreement that approved DCSO to house ICE inmates, the shift from DCSO custody to ICE custody at the end of a criminal case did not always require a physical transfer from the Davidson County jail to an ICE detention facility.¹⁶ Although the county paid for the incarceration of individuals who were in DCSO custody, the county received sixty-three dollars for every day that DCSO held someone for ICE. Two to three times per week, ICE detainees would be picked up from DCSO facilities and taken into physical custody by ICE.¹⁷

According to the DCSO’s 2009 *287(g) Two-Year Review*, 85% of people processed through 287(g) were in custody for misdemeanor arrests.¹⁸ According to the DCSO’s 2012 *287(g) Five-Year Report*, the total number of people processed for removal through the program was 9,686 people.¹⁹

In 2012, the MOA that established the 287(g) program in Davidson County expired, however, local officials continued to cooperate with federal immigration enforcement agencies through a program called Secure Communities (S-Comm).²⁰ Through S-Comm, fingerprints for every individual booked into the county jail are compared against federal immigration databases, which allows ICE officials to determine whether they want to issue immigration detainers for an individual. Like the 287(g) program, S-Comm targets immigrants with minor offense or who have no criminal convictions. Although S-Comm was discontinued in 2014 due to its lack of focus on high-priority immigrants for removal, a presidential executive order restored S-Comm nationwide in 2017.²¹

Tennessee State Policy

In 2018, Tennessee’s House of Representatives passed HB 2315, which became effective on January 1st, 2019 as TCA Title 7, Chapter 68. This law prohibits government entities at the state and local level from adopting what are referred to as “sanctuary policies” at the risk of losing grant contracts with the department of economic and community development until such a policy is repealed, rescinded, or otherwise no longer in effect.²² TCA § 7-68-102 (2019) defines a sanctuary policy as:

any directive, order, ordinance, resolution, practice, or policy, whether formally enacted, informally adopted, or otherwise effectuated, that:

- (A) Limits or prohibits any local governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien;
- (B) Grants to aliens unlawfully present in the United States the right to lawful presence within the boundaries of this state in violation of federal law;
- (C) Violates 8 U.S.C. § 1373;
- (D) Restricts in any way, or imposes any conditions on, a state or local governmental entity's cooperation or compliance with detainers from the United States department of homeland security, or other successor agency, to maintain custody of any alien or to transfer any alien to the custody of the United States department of homeland security, or other successor agency;
- (E) Requires the United States department of homeland security, or other successor agency, to obtain a warrant or demonstrate probable cause before complying with detainers from the department to maintain custody of any alien or to transfer any alien to its custody; or
- (F) Prevents law enforcement agencies from inquiring as to the citizenship or immigration status of any person.

All local governments in Tennessee risk losing funding for infrastructure projects if a department is found to violate the sanctuary policy law.

Metropolitan Government of Nashville & Davidson County Policy

Mayor Briley’s Executive Order Number 011

On September 3, 2019, Mayor David Briley released Executive Order Number 011 titled “Advancing Access to Metro Services and Public Safety.”²³ In this executive order, Mayor Briley told Metro employees that they would not be disciplined by the city or their supervisors for failing to comply with requests from ICE unless they were required to cooperate by state or federal law or by a court order.²⁴ This directive did not cover employees of certain departments that have independent governing authority or elected officials such as the Davidson County Sheriff’s Office.²⁵ The executive order also included directives that would take effect should HB 2315 be repealed by the Tennessee General Assembly or deemed legally invalid by a court with the appropriate jurisdiction.²⁶ Mayor Briley also ordered that the MNPD no longer inquire about a person’s country of origin unless necessary for identification purposes and that country of origin be removed as a form field on municipal citations.²⁷

Mayor Cooper's rescinding of Executive Order Number 011

On October 14, 2019, current Mayor John Cooper released a statement announcing he was rescinding former Mayor Briley's Executive Order Number 011.²⁸ Mayor Cooper stated that Executive Order Number 011 provided insufficient clarity for immigrant families as well as Metro Government employees.²⁹ The rescinding of this executive order was a prompt response to the state's threat of withdrawing four grants to the city that total about \$1.1 million.³⁰ As part of his statement, Mayor Cooper also announced that he would be forming a task force on immigration that would be responsible for recommending how city employees will work with ICE.³¹

Metro Council Letter to Congress and the President

On November 6, 2019, Nashville's Metro Council approved a letter to Congress and the President of the United States requesting immigration reform that would give "qualified undocumented neighbors" in Nashville a "path to citizenship and an opportunity to fully participate in the life of our community without fear."³² The letter estimated the population of undocumented immigrants that live and work in Nashville and Davidson County to be 31,000 people. Of the 31,000 people, about 5,000 of them have been in the country from five to twenty plus years.³³ The council's letter highlights the financial contributions made by the undocumented community and the fact that 7,000 people within the community are under the age of twenty-five.³⁴ Also addressed were concerns about how immigration enforcement has had an impact on the undocumented community's willingness to call the police to report crimes or violations of labor laws. The letter concludes by suggesting that immigration enforcement officers focus their resources on better securing the nation's borders and apprehending individuals who are truly a danger to the community.³⁵

Mayor Cooper's Immigration Task Force

Mayor Cooper's Immigration Task Force met four times between October 30th and December 9th, 2019, tasked with submitting a final report to the mayor within 60 days. All meetings were open to the public as well as recorded. The task force was made up of 11 individuals appointed by the Mayor ranging from the heads of Metro Nashville government departments to leaders from local immigrant advocacy groups, with the President of Think*Tennessee* serving as the task force's chair. Together, the task force set three goals related to requests for information from federal immigration authorities to Metro Nashville government employees: "(1) ensure the Mayor's Office is made aware of such requests; (2) provide clarity for immigrants families and city employees about current policies and practice related to such requests; and (3) comply with state and federal law."³⁶ After conducting a small survey of Metro Nashville government departments, the task force found that only a few departments had received a request for information from federal immigration authorities, including: the Police Department, the Sheriff's Office, State Trial Courts, General Sessions Courts, and potentially Metro Nashville Public Schools.³⁷ Ultimately, the Immigration Task Force landed on reporting policy recommendations for when Metro Nashville Government departments should report communication with federal immigration authorities to Mayor Cooper's office. Federal actions that would trigger this reporting policy were broken down into three categories:

- Communications between federal immigration authorities and the Department/Office pursuant to Department/Office policy or practice.

- Communications between federal immigration authorities and the Department/Office related to modifying Department/Office policy or practice.
- Knowing communications between federal immigration authorities and the Department/Office that are not pursuant to Department/Office policy or practice.

Each of these three categories had a respective timeline for reporting to the Mayor's Office: (1) Metro Departments/Offices should issue monthly reports, (2) Metro Departments/Offices should report to the Mayor's Office with sufficient time for the Mayor's office to assess and respond to proposed modifications, including seeking community input, before the Metro Departments/Offices consent to the modifications, and (3) Metro Departments/Offices should report to the Mayor's Office as soon as practicable, but in no case no longer than three business days, respectively.³⁸

Findings

This section will present the findings that MNCO made when researching Metropolitan Nashville Police Department (MNP) policies related to interaction with federal immigration enforcement, training MNP officers receive related to federal immigration enforcement, and the resources MNP has expended responding to Immigration and Customs Enforcement (ICE) requests for assistance.

The immigrant community's fear of immigration enforcement officials has complicated the role of local law enforcement, specifically the Metro Nashville Police Department (MNP). While the MNP has consistently stated that they do not enforce immigration laws, they are part of Davidson County's legal system that results in deportation for members of the community.

MNP Training, Policies, and Procedures

Training on Federal Immigration Enforcement

Metro Nashville Community Oversight's research staff requested Metro Nashville Police Department training materials related to federal immigration enforcement jurisdiction, judicial and administrative warrants, the evaluation of foreign identity documents, and immigrant civil rights. As per communication from leadership at the Metro Nashville Police Department, the MNP does not train their officers on federal immigration enforcement. All MNP officers are trained on civil rights, which apply to all people regardless of immigration status, however, they are not trained on specific legal concerns related to immigration.

Identification

Under certain circumstances, a person may be asked to provide identification to a police officer. One such instance, for example, is when a person has committed a misdemeanor in the presence of an officer. Such instances raise the question of what type of identification will be accepted by officers and be used to potentially issue a citation in lieu of an arrest. As per the MNP's department manual, a valid driver's license is the preferred type of identification though other documents with recognizable photos can also be utilized, such as government employee or military identification or a student identification. There are other items of identification without photos that can be accepted as satisfactory but less reliable, including: computer verified information, vehicle registrations and titles, government food or housing documents, voter registration cards, club/fraternal/service organization membership cards, social security cards, birth certificates, jail identification, parole/probation documents, and rent or utility receipts. The use of these documents for identification is at the discretion of individual officers, given guidance within the department manual, and citations that are issued and later determined by appropriate authority to be "in a fictitious or assumed name" will be "brought to the attention of the issuing officer and the approving supervisor."³⁹

MNP officers do, however, receive an informal roll-call training related to foreign forms of identification and other U.S. issued immigration documents that can be used to "identify offenders" in order to issue traffic citations. The types of identification described and pictured in this informal training include:

Permanent Resident Card (Form I-551), two previous versions of Permanent Resident Card (Form I-551) issued before 2017, foreign passport with I-551 stamp or a machine-readable immigrant visa (MRIV), temporary Form I-551 printed notation on a MRIV, current and previous versions of Employment Authorization Document (Form I-766), Certificate of Eligibility for Nonimmigrant Students Form I-20 accompanied by Form I-94 or Form I-94A (Arrival/Departure record), Certificate of Eligibility for Exchange Visitor (J-1) Status Form DS-2019 Accompanied by Form I-94 or Form I-94A, Arrival/Departure Record Form I-94 or Form I-94A, a valid/unexpired foreign passport that contains a valid U.S. visa or I-94 (foreign passports not issued in English must be translated and accompanied by a Certificate of Accurate Translation).

Also included in the information for officers were some best practices for passport verification, including: never accept expired documentation, never accept a damaged, defaced or altered document, and verify passports with the consulate or embassy. Under this information, photo examples of a Mexican passport and Matricula Consular (a consular ID card issued by the Mexican government that certifies the identity and address of Mexican nationals living abroad) were also included with the phone numbers for Mexitel (the issuing agency for Mexican passports) and the Mexican Consulate in Atlanta should officers believe that documents encountered are “false, altered, or otherwise not valid.”

A Frequently Asked Questions document that was distributed to MNPD officers (See Appendix D) includes: “What happens to an immigrant if pulled-over and they have no driver license? The answer: *“The handling of a person stopped for a traffic violation who has no driver license is the same, irrespective of immigrant or citizenship status.”* This question does not have an extended response included for officers. Although the answer is true in terms of policy, in practice, the consequences of being stopped while driving without a license can be drastically different for members of Davidson County’s undocumented community compared to others.

The decision of whether to issue a citation or arrest a motorist for driving without a valid driver’s license has been left up to the discretion of individual MNPD officers. The MNPD policy manual details the factors that an officer should take into consideration when deciding between continued custody and the issuance of a citation in section 5.50.020.⁴⁰ Some officers have expressed their willingness to accept and use alternative forms of identification, including foreign-issued driver’s licenses that were still valid.⁴¹

Known Incidents of ICE Requesting MNPD Assistance

MNCO requested all CAD reports from the Department of Emergency Communications (DEC) related to calls for MNPD assistance from ICE officers. DEC responded that they were not able to determine how many calls in their records came from ICE officers. As a result, MNCO was only able to request information related to known, high-profile incidents that had taken place in 2019. Upon receiving the audio of the call for service for the incident that took place in Hermitage that is detailed below, MNCO found that the caller clearly identified themselves as an ICE officer requesting police assistance and believes such information should be searchable by DEC within their records.

Similarly, MNCO requested from MNPd any reports or activity logs documenting incidents in which MNPd responded to a call for service from ICE officers. The MNPd was unable to fulfill this request, citing that no such records existed or were maintained by their department although the CAD and incident report for the Hermitage event was included in their response email. MNCO was also able to obtain incident and supplemental reports for another ICE incident in East Nashville that is detailed in this report by making a separate public records request to MNPd.

Attempted Arrest in Hermitage

On July 22, 2019, Immigration and Customs Enforcement (ICE) officers attempted to pull over a man and his 12-year-old son who were in a van.⁴² The man pulled the van into a residential driveway, where he and his son would spend more than four hours inside the vehicle while the ICE agents tried to talk them into exiting. During this incident, one of the ICE agents called for assistance from the Metro Nashville Police Department at 7:16AM, though they described the situation they were in, they did not specify what type of assistance was needed from MNPd.⁴³ According to the MNPd CAD report, a total of five officers responded to the scene, arriving between 7:22AM and 9:49AM.⁴⁴ MNPd officers were instructed to “not get involved unless necessary.”⁴⁵

Video recorded from inside the van by the man who ICE was attempting to detain shows that the ICE agents used the threat of MNPd to try and coax the man out of his vehicle.⁴⁶ One of the ICE agents can be heard intimidating the man in the van by threatening to call the Metro Police Department, “so we’ll just call the cops and they’ll arrest you. And then when they’re done with you in the jail, then we’ll get you... it’s your last chance, we’re calling them right now.”⁴⁷ According to the MNPd Incident Report, an officer asked the man in the van if he was going to come out of his vehicle and when the man stated he was contacting his lawyer, the MNPd officer told the ICE agents that officers were not going to forcibly remove the man from his van.⁴⁸ At 7:35 AM, a neighbor begins recording the incident after MNPd has already arrived. In this video, police officers are outside their patrol cars and standing around the van with the two ICE agents. When the neighbor approaches the scene and asks if the agents have a judicial warrant, a police officer responds, saying that the ICE agent has the warrant in his hand.⁴⁹ The warrant that the agents had, however, was not a judicial warrant, but rather an administrative ICE warrant [see box for definitions]. As the video continues, Metro officers can be heard telling the neighbor, “if you talk to me, I can tell you exactly how the

Difference between ICE Warrants, Judicial Warrants & ICE Detainers

An “**ICE warrant**” or an “**administrative warrant**,” is usually issued by immigration officers for civil violations of immigration law, not for criminal charges. ICE warrants or administrative warrants do not give ICE officials the authority to enter a home or a private space in order to carry out an arrest without consent.

In contrast, a “**judicial warrant**,” is reviewed by a judge and must be based on probable cause.

Another document that is often used by immigration enforcement officials is an “**ICE detainer**.” A detainer is a request that is made to other law enforcement agencies that is also based on alleged civil immigration violations and does not provide probable cause of a crime.

https://www.ilrc.org/sites/default/files/resources/ice_warrants_summary.pdf

process works.”⁵⁰ Metro officers can be heard repeatedly saying that the ICE agents present have a warrant and are allowed to be doing what they are doing.

Video of the incident taken later in the day by a member of Movements Including X – MIX, shows MNPD officers at the scene now keeping their distance from the driveway, however, community members at the scene pointed out that MNPD’s presence could lend ICE a degree of legitimacy or protection. One officer, at his patrol car, stated that MNPD was only there in case anything “got out of hand.” The officer also confirmed that MNPD was not looking for the man in the van and that there were no warrants for his arrest in Davidson County. While community members were on the scene recording, both ICE agents as well as MNPD officers eventually left the scene.⁵¹

ICE’s Use of Deadly Force in Antioch

On September 5, 2019, a federal immigration agent fired shots into a box truck in the parking lot of a Food Lion supermarket in Antioch while trying to apprehend a man.⁵² On this morning, an ICE agent approached three men sitting in a box truck and requested to see identification. Shots were fired into the truck at some point after one of the men exercised his right to refuse to show ID without a judicial warrant.⁵³ An ICE agent called the MNPD to the scene just after 7:00AM and informed the department that he had fired his weapon while attempting an apprehension.⁵⁴ MNPD was not involved in the investigation of the incident except for protecting the scene until the Federal Bureau of Investigation and the Department of Homeland Security could take it over and begin their own investigations.⁵⁵ MNPD spokesperson, Don Aaron, made a statement after the incident regarding MNPD’s search for the individual that was shot, stating that MNPD was not aware of any criminal warrant for the individual and that they were only seeking him to ensure that he received medical attention if needed.⁵⁶ The individual who was shot surrendered to authorities later that day and received life-saving medical attention.⁵⁷

In a statement made by MIX after the incident, it was noted that one of the agents involved in the shooting in Antioch was also present at the high-profile ICE incident that took place in Hermitage on July 22, 2019.⁵⁸ A member of a local immigrant rights group, MIX, expressed alarm at this federal immigration official’s use of lethal force in a civil matter.⁵⁹ Another local advocacy organization, Tennessee Immigrant and Refugee Rights Coalition (TIRRC) released a statement after the incident in which they detailed an influx of calls to their office from terrified Antioch residents, concerned that the ICE agents involved might still be in their neighborhood conducting immigration enforcement.⁶⁰

ICE Arrest in East Nashville

On the morning of December 5, 2019, MNPD was called to respond to the scene of an ICE arrest at which ICE agents had pepper-sprayed three family members of the man they were arresting, including two women and a minor.⁶¹ Both members of the public as well as the ICE agents called for police assistance when tensions at the scene had escalated and the family members were injured.⁶² According to the MNPD CAD report, a total of nine MNPD officers responded to the scene within a few minutes of each other.⁶³ An ambulance from the Nashville Fire Department was also called to the scene to provide medical assistance to the family members who had been pepper sprayed by ICE agents. The minor who was pepper

sprayed received treatment at Tristar Skyline Medical Center later that day.⁶⁴ Supplemental reports made by MNPD officers who were at the scene indicate that officers stood between the ICE agents and the crowd of residents that had formed in an effort to de-escalate the situation and also helped remove a family member from blocking the road in front of an ICE vehicle.⁶⁵ One such Supplemental Report by an officer at the scene states that a family member at the scene told MNPD that the ICE agents were carrying out this arrest without a warrant.⁶⁶ The report then details that the officer asked the ICE agents directly whether this was a “warrant arrest or what kind of arrest,” but the ICE agent did not respond to the officer’s question. Once the ICE agents had successfully placed the man in the back of their vehicle and residents at the scene were receiving medical treatment, MNPD officers left the scene.

Community Perspective on Recent High-Profile ICE Incidents

When asked about the community’s reaction to the two high-profile events that took place this summer, a community organizer interviewed by MNCO staff responded that people are afraid, not just of ICE and how bold their actions have been, but of the MNPD’s presence at the attempted apprehension in Hermitage. Community members perceived the MNPD’s presence as support for what the ICE agents were doing. The organizer doesn’t think there is a lot of confusion about who is MNPD and who is ICE, but people in the community right now are afraid of both agencies.

When it comes to interacting with ICE agents specifically, other workers had expressed their fears of being shot after the deadly use of force that took place in Antioch. Many of the workers in the community know what their rights are, such as not answering questions or not getting out of their car, this however, has not allayed their fears. The organizer quoted one worker saying, “yes, I know my rights, but what happened in Antioch? What if I decide not to respond or roll down my window and they just decide to kill me?”

“yes, I know my rights, but what happened in Antioch? What if I decide not to respond or roll down my window and they just decide to kill me?”

Recommendations

Recommendation #1: The MNPD should create and implement policies and formal training on what types of U.S. issued and foreign issued identification will be accepted in order to issue misdemeanor citations rather than take individuals into physical custody.

Discussion on Identification

The MNPD should eliminate the ambiguity that exists within their policies by clarifying and expanding the types of identification that are officially accepted and issue misdemeanor state citations whenever possible as directed by TN Code § 40-7-118 (2015): “A peace officer who has arrested a person for the commission of a misdemeanor committed in the peace officer’s presence, or who has taken custody of a

person arrested by a private person for the commission of a misdemeanor, shall issue a citation to the arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.”⁶⁷

If the MNPDP does not formally adopt the acceptance of alternate forms of identification, they will continue to contribute to the insecurity of residents who cannot secure state-issued identity documents and leave residents at the mercy and discretion of individual officers.⁶⁸ Solidifying additionally accepted forms of identification in MNPDP policy would help to build trust with the immigrant community and allay some of the fears related to police interaction.

Recommendation #2: The MNPDP should create and implement policies that discourage police officers from asking about immigration or citizenship status. If an officer does ask about immigration status or citizenship status, they should be required to document that they asked and provide a justification for the question in their report narratives.

The Relevance of Immigration Status

A Frequently Asked Questions document that was distributed to MNPDP officers, displays the complicated relationship between policy and practice when it comes to questions regarding immigration status. (See Appendix D) In response to a frequently asked question, “What’s MNPDP’s policy as it related to interactions with immigrants?” The MNPDP’s official answer is: *“Immigration status is not a relevant consideration in virtually all interactions with immigrants. The MNPDP has no reason to inquire or otherwise consider immigration status in the performance of our duties.”*

The MNPDP has expressed publicly that they do not get involved in immigration enforcement, however, MNCO has heard from community members that MNPDP officers are inquiring about immigration status and have done so more often since the passing of HB2315. Since MNPDP has no immigration enforcement authority, this question serves no practical purpose and instead spreads fear and a sense of alienation amongst the immigrant community.

An extended explanation in the FAQ document for this specific question goes on to detail that during arrest situations, there is a “place of birth” field on the arrest report that officers complete. The explanation emphasized that this place of birth field: *“is NOT an inquiry about immigration status, it is simply to aid in verification of a person’s identity. Verification of identification is most often the significant consideration in determining eligibility for a citation in lieu of continued custody or for ensuring a person is being correctly identified.”* Although this place of birth field may aid identification verification, its presence and use during interactions with undocumented members of the community raises concerns. This place of birth field on MNPDP arrest forms is precisely the field that was used for the 287(g) program within the Davidson County Sheriff’s Office in order to flag people for immigration interviews.

In an effort to track the use of city resources spent on federal immigration enforcement, other cities have begun to track information on local officer involvement in immigration enforcement matters. Resolution No. 20180614-074, passed by the City Council of Austin, Texas mandates that every instance that a police officer inquires into the immigration status of a person be recorded. This information is to include a documented reason for the stop or the arrest, the reason for the inquiry into immigration status, the race and the ethnicity of the person detained or arrested, a confirmation that the person was informed of their rights, the number of unduplicated officers involved, and the general location, such as the zip code.⁶⁹ This information is sent to the City Council in a quarterly memo that provides data concerning the use of city resources for immigration enforcement.⁷⁰ This resolution was passed and implemented after Texas passed SB4 in early 2018, which bans “sanctuary city” policies in the state.⁷¹ The MNPD can take positive steps towards a better relationship with the immigrant community in Nashville by discouraging officers from asking about immigration status.

Recommendation #3: The MNPD should create and implement training on the difference between administrative and judicial warrants and what ICE can and cannot do while conducting immigration enforcement in public vs. Reasonable Expectation of Privacy (REP) areas.

Types of Warrants used in Immigration Enforcement

MNPD staff should be trained on the difference between administrative ICE warrants and judicial warrants. ICE administrative warrants do not provide a basis for local law enforcement officers to arrest or detain an individual since they have not been reviewed by a judge and are for civil immigration arrests.⁷² These administrative ICE warrants do not satisfy the requirements of the Fourth Amendment and thus a detainment by local law enforcement based on an ICE warrant may violate the Fourth Amendment and could constitute false imprisonment under state laws.⁷³

It is important that local law enforcement officials understand the difference between these two types of warrants and how to identify each, especially if MNPD officers are responding to calls to assist federal immigration enforcement officials. It is recommended that this distinction between the types of warrants be made in the MNPD Policy Manual. Other police departments, such as the Metropolitan Police of the District of Columbia, provide this clarification in their policies and clearly state that officers shall not make arrests solely based on administrative warrants that appear in the Federal Bureau of Investigation’s National Crime Information Center (NCIC) database.⁷⁴ The Metropolitan Police manual notes the importance of developing effective partnerships with all members of their many diverse communities and how crucial it is that the community does not fear that Metropolitan Police will enforce civil immigration laws.⁷⁵

The San Francisco Police Department also has a section of their policy manual, 5.15 Enforcement of Immigration Laws, that serves as a comprehensive guideline on the boundaries surrounding local law

enforcement's involvement in federal immigration enforcement.⁷⁶ San Francisco's department manual addresses not only the issue of warrants, but also provides clear policy and procedures to be followed when ICE/CBP request emergency assistance from the police department:

III. PROVIDING EMERGENCY ASSISTANCE TO ICE/CBP.

A. ICE/CBP REQUESTS FOR EMERGENCY ASSISTANCE: Members may provide emergency assistance to ICE/CBP to the same extent members would respond to emergency assistance to any other law enforcement agency. For example, members may provide emergency assistance when the member determines there is an emergency posing a significant and immediate danger to public safety or to the ICE/CBP agents.

B. DUTIES OF MEMBERS: Members providing emergency assistance to ICE/CBP shall immediately notify their supervisor and complete an incident report describing the reasons for their assistance.

C. DUTIES OF SUPERVISORS: When notified that a member is providing emergency assistance to ICE/CBP, supervisors shall immediately respond to the location and ensure that such assistance is warranted.

D. TRANSPORTATION: Members shall not assist ICE/CBP in transporting individuals suspected solely of violating federal immigration laws.

E. ASSISTANCE: Members shall not provide assistance to ICE/CBP agents for routine ICE/CBP operations, investigations, or raids. If ICE/CBP requests assistance that does not amount to an emergency as outlined in this section, members shall follow the protocols listed for Interagency Operations. (See DGO 5.14, Interagency Operations.)⁷⁷

Recommendation #4: The Department of Emergency Communications and the Metro Nashville Police Department should document and track instances of federal immigration enforcement officials calling for MNPD or first responder assistance during their enforcement actions in Davidson County as well as other instances in which MNPD resources are used for immigration enforcement.

Documenting ICE Calls for Service

Given recent high-profile events involving federal immigration enforcement officials and Metro Government first responders within the Nashville community, DEC and MNPD should better document incidents in which federal agencies call for local law enforcement assistance. By keeping records that accurately capture these instances, Metro government officials can better assess the impact that these

calls are having on the community as well as keep track of the Metro government resources expended on such requests.

In the resolution passed by the City Council of Austin, Texas that is cited above, the Council requires documentation of all city resources that are used on immigration law enforcement assistance and a justification for the use of those resources in relation to the city's budget, public safety priorities, strategic priorities, or legal requirement.⁷⁸ Assistance with immigration enforcement includes: contacting an immigration law enforcement agency to provide the agency information about a resident or person in custody, transferring custody of an individual to an immigration law enforcement agency, responding to an immigration law enforcement agency's request for information, providing back up for an immigration law enforcement agency operation, engaging in joint operations with an immigration law enforcement agency, and facilitating immigration arrests or interrogations of individuals in conjunction with an immigration law enforcement agency.⁷⁹ The report that is provided to the City Council is to include the number of officers involved in such assistance, the amount of time those officers were involved in such assistance, the financial resources and human resources dedicated to such assistance, the number of individuals arrested as a result of immigration law enforcement assistance (if known), the number of these arrestees charged with criminal offenses, if any and if known, the number of arrestees taken into federal immigration custody for alleged civil immigration violations (if known), and, when it is possible to identify, what, if any, other criminal law enforcement work was schedule to be completed and was delayed or was incomplete due to the immigration law enforcement assistance provided.⁸⁰

Conclusion

Overall, MNCO found that there was a lack of official MNPDP policies and trainings related to federal immigration enforcement and immigrant rights in Nashville and Davidson County. Although MNPDP states that it is not involved in immigration enforcement, actions taken by MNPDP can impact who has contact with the immigration enforcement system and how immigration enforcement officials carry out their operations locally. Given our city's diverse population, MNCO believes that there are changes to local law enforcement policy, practice, and training that can be made in order to better serve and protect our community. It is important for everyone's safety that members of immigrant communities trust the MNPDP and that they feel safe calling the police to report crimes and emergency situations. Creating a clear line of separation between local law enforcement and federal immigration enforcement practices is an important step towards rebuilding trust between the MNPDP and the local community.

The collecting of data related to city resources spent on federal immigration enforcement would benefit multiple Metro Nashville agencies moving forward. By collecting data on calls for assistance with federal immigration enforcement as well as the time and resources spent responding to calls for assistance and other requests, the Metropolitan Government of Nashville and Davidson County, as well as the Metro Nashville Police Department, can better gauge the local resources spent assisting federal agencies.

Appendix

- A. Policy Advisory Report Request from COB Member Martínez
- B. Email: Reminder: Documents to Identify Offender for Citations-Foreign Citizens-UPDATED
- C. Email: RE: Training Materials Question
- D. Document: FAQ MNPD and Immigration 042019

Endnotes

¹ Brooklyn Dance, “ICE Agents Back down in Nashville after Neighbors, Activists Link Arms to Help Man, Boy Avoid Feds,” *Tennessean*, July 22, 2019, <https://www.tennessean.com/story/news/2019/07/22/nashville-neighborhood-responds-ice-agents/1796453001/>.

² *DEC Audio - Incident #201900635532*, 2019.

³ David Boddiger, “FBI Investigates Shooting of Undocumented Driver by ICE Agents in Tennessee,” *Splinter News*, September 7, 2019, <https://splinternews.com/fbi-investigates-shooting-of-undocumented-driver-by-ice-1837959283>.

⁴ Steven Hale, “ICE Agent Fires on Box Truck at Antioch Food Lion,” *Nashville Scene*, September 5, 2019, <https://www.nashvillescene.com/news/pith-in-the-wind/article/21085573/ice-agent-fires-on-box-truck-at-antioch-food-lion>.

⁵ Mariah Timms, “ICE Agents Pepper Spray Nashville Family While Pursuing Immigration Suspect; MNPD Forced to Intervene,” *Tennessean*, December 5, 2019, <https://www.tennessean.com/story/news/crime/2019/12/05/ice-pepper-spray-nashville-man/2613115001/>.

⁶ Tennessee Immigrant & Refugee Rights Coalition, “Beyond Welcoming: A Platform for Immigrant Inclusion for the Next Metropolitan Government of Nashville & Davidson County,” 2019, 3, https://static1.squarespace.com/static/55b64a59e4b020d709a8851d/t/5cf7da9e6ac9da0001b4379b/1559747251406/Beyond+Welcoming_Full_FINAL.pdf.

⁷ Katharine M. Donato and Amada Armenta, “What We Know About Unauthorized Migration,” *Annual Review of Sociology* 37, no. 1 (August 11, 2011): 529–43, <https://doi.org/10.1146/annurev-soc-081309-150216>.

⁸ “Memorandum of Agreement: 287(g),” 2007, <https://www.ice.gov/doclib/287gMOA/davidsoncountysheriffsoffice.pdf>.

⁹ “Memorandum of Agreement: 287(g).”

¹⁰ Amada Armenta, *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement* (Oakland, California: University of California Press, 2017).

¹¹ Armenta.

¹² Armenta, 51.

¹³ Armenta, 52.

¹⁴ Katharine M. Donato and Leslie A Rodríguez, “Police Arrests in a Time of Uncertainty: The Impact of 287(g) on Arrests in a New Immigrant Gateway,” *American Behavioral Scientist* 53, no. 13 (2014): 1696–1722.

¹⁵ Donato and Rodríguez, 22.

¹⁶ Armenta, *Protect, Serve, and Deport*, 52.

¹⁷ Armenta, 52.

¹⁸ “287(g) Two-Year Review” (Davidson County Sheriff’s Office, April 16, 2009).

¹⁹ “287(g) Five-Year Report” (Davidson County Sheriff’s Office, April 16, 2019).

²⁰ Armenta, *Protect, Serve, and Deport*, 147.

²¹ Armenta, *Protect, Serve, and Deport*.

²² Reedy, “House Bill 2315,” n.d., <http://www.capitol.tn.gov/Bills/110/Bill/HB2315.pdf>.

²³ David Briley, “Mayor David Briley Executive Order Number 011,” September 3, 2019, <https://www.nashville.gov/Metro-Clerk/Legal-Resources/Executive-Orders/Mayor-David-Briley/db011.aspx>.

²⁴ Briley.

²⁵ Briley.

²⁶ Briley.

²⁷ Briley.

²⁸ Kyle Cooke, “Mayor Cooper Rescinds Immigration Executive Order Issued by David Briley,” October 14, 2019, https://www.wsmv.com/news/davidson_county/mayor-cooper-rescinds-immigration-executive-order-issued-by-david-briley/article_b09a6df0-eed6-11e9-968b-cff4666c60c7.html.

²⁹ Cooke.

³⁰ Cooke.

³¹ Cooke.

- ³² The Council of the Metropolitan Government of Nashville and Davidson County, “Resolution RS2019-86,” 2019, <https://www.nashville.gov/Metro-Clerk/Legislative/Resolutions/Details/f2b8aabb-0e49-4d90-a6e2-6d77c7f9a4a6/2019-2023/RS2019-86.aspx>.
- ³³ The Council of the Metropolitan Government of Nashville and Davidson County.
- ³⁴ The Council of the Metropolitan Government of Nashville and Davidson County.
- ³⁵ Tony Gonzalez, “Nashville’s Council Backs Undocumented Immigrants In A Message To Congress and The President,” *Nashville Public Radio, WPLN*, November 6, 2019, <https://wpln.org/post/nashvilles-council-backs-undocumented-immigrants-in-a-message-to-congress-and-the-president/>.
- ³⁶ “Draft Final Report” (Mayor Cooper’s Immigration Task Force, December 9, 2019).
- ³⁷ “Draft Final Report.”
- ³⁸ “Draft Final Report.”
- ³⁹ Metropolitan Nashville Police Department, *Department Manual*, 2018, 493, <https://www.nashville.gov/Police-Department/Department-Manual.aspx>.
- ⁴⁰ Metropolitan Nashville Police Department, *Department Manual*.
- ⁴¹ Armenta, *Protect, Serve, and Deport*, 76.
- ⁴² Dance, “ICE Agents Back down in Nashville after Neighbors, Activists Link Arms to Help Man, Boy Avoid Feds.”
- ⁴³ *DEC Audio - Incident #201900635532*.
- ⁴⁴ “MNPd CAD History Activity Reports - 07/22/2019” (Metropolitan Police Department, November 5, 2019).
- ⁴⁵ Dance, “ICE Agents Back down in Nashville after Neighbors, Activists Link Arms to Help Man, Boy Avoid Feds.”
- ⁴⁶ “ICE in Nashville: New Footage Shows Interaction between ICE, MNPd and Hermitage Man,” *Tennessean*, July 25, 2019, <https://www.tennessean.com/videos/news/2019/07/25/ice-nashville-new-footage-shows-interaction-between-ice-mnpd-and-hermitage-man/1828102001/>.
- ⁴⁷ “ICE in Nashville: New Footage Shows Interaction between ICE, MNPd and Hermitage Man.”
- ⁴⁸ “MNPd Incident Report - 07/22/2019” (Metropolitan Police Department, July 22, 2019).
- ⁴⁹ “ICE in Nashville: New Footage Shows Interaction between ICE, MNPd and Hermitage Man.”
- ⁵⁰ “ICE in Nashville: New Footage Shows Interaction between ICE, MNPd and Hermitage Man.”
- ⁵¹ Dance, “ICE Agents Back down in Nashville after Neighbors, Activists Link Arms to Help Man, Boy Avoid Feds.”
- ⁵² Hale, “ICE Agent Fires on Box Truck at Antioch Food Lion.”
- ⁵³ Boddiger, “FBI Investigates Shooting of Undocumented Driver by ICE Agents in Tennessee.”
- ⁵⁴ Hale, “ICE Agent Fires on Box Truck at Antioch Food Lion.”
- ⁵⁵ Hale.
- ⁵⁶ Hale.
- ⁵⁷ Kaylin Jorge, “‘They Could’ve Killed Him’ Immigration Advocacy Group Slams ICE for Antioch Shooting,” *FOX17 Nashville*, September 6, 2019, <https://fox17.com/news/local/they-couldve-killed-him-immigration-advocacy-group-slams-ice-for-antioch-shooting>.
- ⁵⁸ Boddiger, “FBI Investigates Shooting of Undocumented Driver by ICE Agents in Tennessee.”
- ⁵⁹ Boddiger.
- ⁶⁰ Jorge, “‘They Could’ve Killed Him’ Immigration Advocacy Group Slams ICE for Antioch Shooting.”
- ⁶¹ Timms, “ICE Agents Pepper Spray Nashville Family While Pursuing Immigration Suspect; MNPd Forced to Intervene.”
- ⁶² Timms.
- ⁶³ “MNPd CAD History Activity Reports - 12/04/2019” (Metropolitan Police Department, December 9, 2019).
- ⁶⁴ Timms, “ICE Agents Pepper Spray Nashville Family While Pursuing Immigration Suspect; MNPd Forced to Intervene.”
- ⁶⁵ “MNPd Supplement Report 4 - 12/04/2019” (Metropolitan Police Department, December 4, 2019).
- ⁶⁶ “MNPd Supplemental Report 3 - 12/04/2019” (Metropolitan Police Department, December 4, 2019).
- ⁶⁷ “2015 Tennessee Code Title 40 - Criminal Procedure Chapter 7 - Arrest Part 1 - General Provisions § 40-7-118 - Use of Citations in Lieu of Continued Custody of an Arrested Person.” (Justia US Law, 2019), <https://law.justia.com/codes/tennessee/2015/title-40/chapter-7/part-1/section-40-7-118/>.
- ⁶⁸ Armenta, *Protect, Serve, and Deport*, 154.

⁶⁹ “Resolution NO. 20180614-074” (The City of Austin, 2018),
<https://www.austintexas.gov/edims/document.cfm?id=300891>.

⁷⁰ “Resolution NO. 20180614-074.”

⁷¹ Richard Gonzales, “Court Ruling On Texas Anti-Sanctuary City Law Sets The Stage For More Legal Battles,” *NPR*, March 14, 2018, <https://www.npr.org/sections/thetwo-way/2018/03/14/593743473/court-ruling-on-texas-anti-sanctuary-city-law-sets-the-stage-for-more-legal-batt>.

⁷² “ICE Warrants and Local Authority” (Immigrant Legal Resource Center, May 2017),
https://www.ilrc.org/sites/default/files/resources/ice_warrants_may_2017.pdf.

⁷³ “ICE Warrants and Local Authority.”

⁷⁴ “Administrative Warrants in NCIC” (Metropolitan Police - District of Columbia, 2017),
https://go.mpdconline.com/GO/EO_17_010.pdf.

⁷⁵ “Administrative Warrants in NCIC.”

⁷⁶ “Enforcement of Immigration Laws” (San Francisco Police Department, 2017),
<https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.15%20Enforcement%20of%20Immigration%20Laws.pdf>.

⁷⁷ “Enforcement of Immigration Laws.”

⁷⁸ “Resolution NO. 20180614-074.”

⁷⁹ “Resolution NO. 20180614-074.”

⁸⁰ “Resolution NO. 20180614-074.”

References

- "287(g) Five-Year Report." Davidson County Sheriff's Office, April 16, 2019.
- "287(g) Two-Year Review." Davidson County Sheriff's Office, April 16, 2009.
- "2015 Tennessee Code Title 40 - Criminal Procedure Chapter 7 - Arrest Part 1 - General Provisions § 40-7-118 - Use of Citations in Lieu of Continued Custody of an Arrested Person." Justia US Law, 2019. <https://law.justia.com/codes/tennessee/2015/title-40/chapter-7/part-1/section-40-7-118/>.
- "Administrative Warrants in NCIC." Metropolitan Police - District of Columbia, 2017. https://go.mpdconline.com/GO/EO_17_010.pdf.
- Armenta, Amada. *Protect, Serve, And Deport: The Rise of Policing as Immigration Enforcement*. Oakland, California: University of California Press, 2017.
- Boddiger, David. "FBI Investigates Shooting of Undocumented Driver by ICE Agents in Tennessee." *Splinter News*, September 7, 2019. <https://splinternews.com/fbi-investigates-shooting-of-undocumented-driver-by-ice-1837959283>.
- Briley, David. "Mayor David Briley Executive Order Number 011," September 3, 2019. <https://www.nashville.gov/Metro-Clerk/Legal-Resources/Executive-Orders/Mayor-David-Briley/db011.aspx>.
- Cooke, Kyle. "Mayor Cooper Rescinds Immigration Executive Order Issued by David Briley," October 14, 2019. https://www.wsmv.com/news/davidson_county/mayor-cooper-rescinds-immigration-executive-order-issued-by-david-briley/article_b09a6df0-eed6-11e9-968b-cff4666c60c7.html.
- Dance, Brooklyn. "ICE Agents Back down in Nashville after Neighbors, Activists Link Arms to Help Man, Boy Avoid Feds." *Tennessean*, July 22, 2019. <https://www.tennessean.com/story/news/2019/07/22/nashville-neighborhood-responds-ice-agents/1796453001/>.
- DEC Audio - Incident #201900635532*, 2019.
- Donato, Katharine M., and Amada Armenta. "What We Know About Unauthorized Migration." *Annual Review of Sociology* 37, no. 1 (August 11, 2011): 529–43. <https://doi.org/10.1146/annurev-soc-081309-150216>.
- Donato, Katharine M., and Leslie A Rodríguez. "Police Arrests in a Time of Uncertainty: The Impact of 287(g) on Arrests in a New Immigrant Gateway." *American Behavioral Scientist* 53, no. 13 (2014): 1696–1722.
- "Draft Final Report." Mayor Cooper's Immigration Task Force, December 9, 2019.
- "Enforcement of Immigration Laws." San Francisco Police Department, 2017. <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.15%20Enforcement%20of%20Immigration%20Laws.pdf>.
- Gonzales, Richard. "Court Ruling On Texas Anti-Sanctuary City Law Sets The Stage For More Legal Battles." *NPR*, March 14, 2018. <https://www.npr.org/sections/thetwo-way/2018/03/14/593743473/court-ruling-on-texas-anti-sanctuary-city-law-sets-the-stage-for-more-legal-batt>.
- Gonzalez, Tony. "Nashville's Council Backs Undocumented Immigrants In A Message To Congress and The President." *Nashville Public Radio, WPLN*, November 6, 2019. <https://wpln.org/post/nashvilles-council-backs-undocumented-immigrants-in-a-message-to-congress-and-the-president/>.
- Hale, Steven. "ICE Agent Fires on Box Truck at Antioch Food Lion." *Nashville Scene*, September 5, 2019. <https://www.nashvillescene.com/news/pith-in-the-wind/article/21085573/ice-agent-fires-on-box-truck-at-antioch-food-lion>.
- "ICE in Nashville: New Footage Shows Interaction between ICE, MNPd and Hermitage Man." *Tennessean*, July 25, 2019. <https://www.tennessean.com/videos/news/2019/07/25/ice-nashville-new-footage-shows-interaction-between-ice-mnpd-and-hermitage-man/1828102001/>.
- "ICE Warrants and Local Authority." Immigrant Legal Resource Center, May 2017. https://www.ilrc.org/sites/default/files/resources/ice_warrants_may_2017.pdf.
- Jorge, Kaylin. "'They Could've Killed Him' Immigration Advocacy Group Slams ICE for Antioch Shooting." *FOX17 Nashville*, September 6, 2019. <https://fox17.com/news/local/they-couldve-killed-him-immigration-advocacy-group-slams-ice-for-antioch-shooting>.
- "Memorandum of Agreement: 287(g)," 2007. <https://www.ice.gov/doclib/287gMOA/davidsoncountysheriffsoffice.pdf>.

Metropolitan Nashville Police Department. *Department Manual*, 2018. <https://www.nashville.gov/Police-Department/Department-Manual.aspx>.

"MNPD CAD History Activity Reports - 07/22/2019." Metropolitan Police Department, November 5, 2019.

"MNPD CAD History Activity Reports - 12/04/2019." Metropolitan Police Department, December 9, 2019.

"MNPD Incident Report - 07/22/2019." Metropolitan Police Department, July 22, 2019.

"MNPD Supplement Report 4 - 12/04/2019." Metropolitan Police Department, December 4, 2019.

"MNPD Supplemental Report 3 - 12/04/2019." Metropolitan Police Department, December 4, 2019.

Reedy. "House Bill 2315," n.d. <http://www.capitol.tn.gov/Bills/110/Bill/HB2315.pdf>.

"Resolution NO. 20180614-074." The City of Austin, 2018. <https://www.austintexas.gov/edims/document.cfm?id=300891>.

Tennessee Immigrant & Refugee Rights Coalition. "Beyond Welcoming: A Platform for Immigrant Inclusion for the Next Metropolitan Government of Nashville & Davidson County," 2019. https://static1.squarespace.com/static/55b64a59e4b020d709a8851d/t/5cf7da9e6ac9da0001b4379b/1559747251406/Beyond+Welcoming_Full_FINAL.pdf.

The Council of the Metropolitan Government of Nashville and Davidson County. "Resolution RS2019-86," 2019. <https://www.nashville.gov/Metro-Clerk/Legislative/Resolutions/Details/f2b8aabb-0e49-4d90-a6e2-6d77c7f9a4a6/2019-2023/RS2019-86.aspx>.

Timms, Mariah. "ICE Agents Pepper Spray Nashville Family While Pursuing Immigration Suspect; MNPD Forced to Intervene." *Tennessean*, December 5, 2019. <https://www.tennessean.com/story/news/crime/2019/12/05/ice-pepper-spray-nashville-man/2613115001/>.

To: William Weeden
Executive Director
Metro Nashville Community Oversight

From: Andres Martinez
Vice Chair
Community Oversight Board

Date: October 2, 2019

Re: Policy Advisory Report

Dear Mr. Weeden,

On Monday, July 22nd, federal immigration enforcement officers attempted to apprehend a man who, along with his 12-year-old son, sat in a van parked in his driveway. After the failed attempt, Mayor Briley stated “this type of activity by our federal government stokes fear and distrust in our most vulnerable communities, which is why we do not use our local resources to enforce ICE orders.”

However, since Immigration and Customs Enforcement (ICE) agents called the police, and Metro Nashville Police officers were present at the scene, concerns have surfaced about the role of Metro Nashville Police Department during such incidents and whether the proper policies and procedures exist to prevent ICE from co-opting Metro resources.

Accordingly, I request Metro Nashville Community Oversight research analysts initiate a Policy Advisory Report to examine the following:

- Any and all policies MNPd has relating to interaction with federal immigration enforcement officers and federal immigration enforcement actions.
- Any training MNPd personnel receives regarding federal immigration enforcement, including any training specifying federal immigration enforcement jurisdiction; any training on the differences between judicial warrants and administrative warrants; any training on the evaluation of foreign identity documents; and any training regarding immigrants’ civil rights.
- To the extent possible, the number of times ICE agents have requested the assistance of MNPd in any way, including the use of the emergency and non-emergency lines; to the extent possible, the outcomes of such requests; and, to the extent possible, the estimated amount of Metro resources expended on such requests.

Should no policies relating to the above exist, or if existing policies fail to protect immigrant Nashvillians and Metro’s resources, I request Metro Nashville Community Oversight research analysts research police department policies from across the country to compile a list of best practices and propose policies MNPd can adopt.

Sincerely,



Andres Martinez

Orozco, Liz (Community Oversight Board)

From: Hagar, Mike (MNPD)
Posted At: Friday, April 5, 2019 9:59 AM
Conversation: Reminder: Documents to Identify Offender for Citations-Foreign Citizens-UPDATED
Subject: Reminder: Documents to Identify Offender for Citations-Foreign Citizens-UPDATED

Recently, updated documents from the US Government have reminded us of the importance of understanding the use of alternative government issued documents (passports or US issued immigration documents) to identify persons who may not have a driver license. Specifically, the question relates to foreign passports or immigration documents.

MNPD is frequently asked by community groups and others, how the MNPD interacts with immigration enforcement and what role the MNPD plays in immigration issues. Also attached is a document that is a “Frequent Asked Questions” summary of the MNPD policy and procedures on these issues that you and your officers may find useful.

From the Department Manual:

O. Identification of Offender

1. The Metropolitan Nashville Police Department recognizes that a critical problem exists in the use of assumed or fictitious names by arrested persons. Therefore, satisfactory identification is required from any person before he/she receives a traffic citation. Because a traffic violation is generally committed while driving an automobile, a **valid** driver license is the preferred type of identification required from an arrested person. Valid documents bearing a recognizable photo of the person stopped may also be utilized in the determination of identity (e.g. government employee or military identification, student identification, etc.).

2. Other items of identification are to be considered satisfactory, but less reliable than photo identification. Such satisfactory items would include but limited to:

- a. Computer verified information,
- b. Vehicle registrations and titles,
- c. Government food or housing documents,
- d. Voter registration cards,
- e. Club/fraternal/service organization membership cards,
- f. Social security cards,
- g. Birth certificates,
- h. Jail identification,
- i. Parole/probation documents, and
- j. Rent or utility receipts.

3. Nothing herein shall prohibit the issuance of a citation when an officer uses investigative skills, interview techniques, or personal knowledge of an arrested person to satisfactorily identify that person. However, officers must be able to articulate their reasons for issuing a citation in the absence of identification required by could result in civil liability to the employee and/or department.

4. **Any citation that is issued**, and later determined by appropriate authority to be **in a fictitious or assumed name, will be brought to the attention of the issuing officer and the approving supervisor**. The reviewing authority will discuss with those employees the identification procedures used at the scene of the incident. The employees shall make every effort to correct the documents in question, and **will be held accountable for the identification requirements mandated herein**.

Some commonly encountered forms and examples of acceptable government issued identification, for foreign nationals who may be visiting or have some US recognized resident status, are:

Permanent Resident Card (Form I-551)

On May 1, 2017 USCIS began issuing a redesigned Permanent Resident Card, Form I-551 (also known as the “Green Card”). The card contains the bearer’s photo on the front and back, name, USCIS number, date of birth, card expiration date and laser engraved fingerprint. The new card does not have a signature or an optical stripe on the back. Some Permanent Resident Cards issued after May, 1 2017 may display the previous design format. Both the new and previous versions of the Permanent Resident Card remain valid until the expiration date shown on the card.

Current Permanent Resident Card (Form I-551) front and back



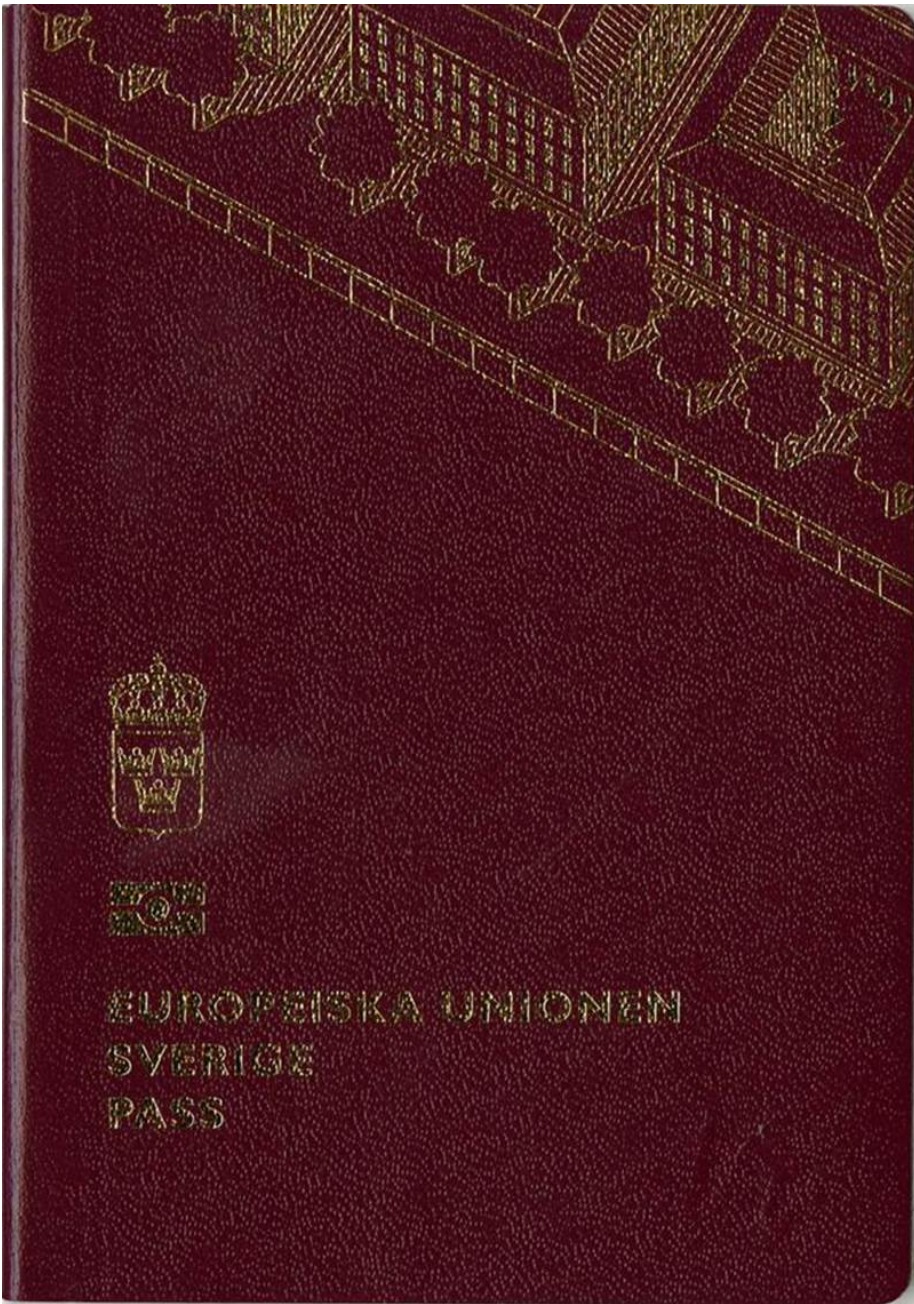


Foreign Passport with I-551 Stamp or MRIV

USCIS uses either an I-551 stamp or a temporary I-551 printed notation on a machine-readable immigrant visa (MRIV) to denote temporary evidence of lawful permanent residence. Sometimes, if no foreign passport is available, USCIS will place the I-551 stamp on a Form I-94 and affix a photograph of the bearer to the form. This document is considered a receipt.

Unexpired Foreign Passport with I-551 Stamp

I-551 Stamp



★	Upon endorsement, serves as temporary I-951 evidencing permanent residency for one year.	★
U	Issue Date _____	U
S	Officer: _____	S
D	EMPLOYMENT AUTHORIZED	C
H	Valid Until _____	I
S	00000	S
★		★

SEVIS ID: N0004705512

SURNAME/PRIMARY NAME Doe Smith	GIVEN NAME John	CLASS F-1 ACADEMIC AND LANGUAGE
PREFERRED NAME John Doe-Smith	PASSPORT NAME	
COUNTRY OF BIRTH UNITED KINGDOM	COUNTRY OF CITIZENSHIP UNITED KINGDOM	
DATE OF BIRTH 01 JANUARY 1990	ADMISSION NUMBER	
FORM ISSUE REASON INITIAL ATTENDANCE	LEGACY NAME John Doe-Smith	

SCHOOL INFORMATION

SCHOOL NAME SEVP School for Advanced SEVIS Studies SEVP School for Advanced SEVIS Studies	SCHOOL ADDRESS 9002 Nancy Lane, Ft. Washington, MD 20744
SCHOOL OFFICIAL TO CONTACT UPON ARRIVAL Helene Robertson FDSD	SCHOOL CODE AND APPROVAL DATE BAL214F1444000 03 APRIL 2015

PROGRAM OF STUDY

EDUCATION LEVEL DOCTORATE	MAJOR 1 Economics, General 45.0601	MAJOR 2 None 00.0000
NORMAL PROGRAM LENGTH 72 Months	PROGRAM ENGLISH PROFICIENCY Required	ENGLISH PROFICIENCY NOTES Student is proficient
PROGRAM START DATE 01 SEPTEMBER 2015	PROGRAM END DATE 31 MAY 2021	

FINANCIALS

ESTIMATED AVERAGE COSTS FOR: 9 MONTHS		STUDENT'S FUNDING FOR: 9 MONTHS	
Tuition and Fees	\$ 23,000	Personal Funds	\$ 3,000
Living Expenses	\$ 6,000	Scholarship and Teaching Assistantship	\$ 29,000
Expenses of Dependents (1)	\$ 3,000	Funds From Another Source	\$
Other	\$	On-Campus Employment	\$
TOTAL	\$ 32,000	TOTAL	\$ 32,000

REMARKS

Orientation begins 8/25/2015. Please report to ISSS upon arrival.

SCHOOL ATTESTATION

I certify under penalty of perjury that all information provided above was entered before I signed this form and is true and correct. I executed this form in the United States after review and evaluation in the United States by me or other officials of the school of the student's application, transcripts, or other records of courses taken and proof of financial responsibility, which were received at the school prior to the execution of this form. The school has determined that the above named student's qualifications meet all standards for admission to the school and the student will be required to pursue a full program of study as defined by 8 CFR 214.2(i)(6). I am a designated school official of the above named school and am authorized to issue this form.

<input checked="" type="checkbox"/>	SIGNATURE OF: Helene Robertson, FDSD	DATE ISSUED 21 April 2015	PLACE ISSUED Ft. Washington, MD
-------------------------------------	---	-------------------------------------	---

STUDENT ATTESTATION

I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full program of study at the school named above. I also authorize the named school to release any information from my records needed by DHS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status. **Parent or guardian, and student, must sign if student is under 18.**

<input checked="" type="checkbox"/>	SIGNATURE OF: John Doe Smith	DATE
<input checked="" type="checkbox"/>	SIGNATURE	ADDRESS (city/state or province/country)
	SIGNATURE	DATE

SEVIS ID: N0004705512 (F-1)

NAME: John Doe Smith

EMPLOYMENT AUTHORIZATION

EMPLOYMENT STATUS	TYPE
EMPLOYMENT START DATE	EMPLOYMENT END DATE
EMPLOYER NAME	EMPLOYER LOCATION
COMMENTS	

CHANGE OF STATUS/CAP-GAP EXTENSION

REQUESTED VISA TYPE	REQUEST/PETITION STATUS	RECEIPT NUMBER	BENEFIT START DATE/REQUEST DATE
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EVENT HISTORY

EVENT NAME	EVENT DATE
------------	------------

OTHER AUTHORIZATIONS

AUTHORIZATION	START DATE	END DATE
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TRAVEL ENDORSEMENT

This page when properly endorsed, may be used for reentry of the student to attend the same school after a temporary absence from the United States. Each certification signature is valid for one year.

SCHOOL OFFICIAL	TITLE	SIGNATURE	DATE ISSUED	PLACE ISSUED
		X		
		X		
		X		
		X		

See Form I-94 below.

Form DS-2019 Accompanied by Form I-94 or Form I-94A

Nonimmigrant exchange visitors (J-1) must have a Form I-94 or Form I-94A accompanied by an unexpired Form DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, issued by the U.S. Department of State, that specifies the sponsor. J-1 exchange students also need a letter from their responsible officer authorizing their employment.

DS-2019 Accompanied by Form I-94 or Form I-94A



U.S. Department of State
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS

OMB APPROVAL NO 1405-0119
 EXPIRES: 07-31-2011
 ESTIMATED BURDEN TIME: 45 min
 *See Page 2

1. Family Name: BOURQUARD		First Name: Bonita		Middle Name:		Gender: FEMALE		N0000136537	
Date of Birth (mm-dd-yyyy): 06-12-1975		City of Birth: Lyon		Country of Birth: FRANCE		Citizenship Country Code: FR		Citizenship Country: FRANCE	
Legal Permanent Residence Country Code: FR		Legal Permanent Residence Country: FRANCE		Position Code: 115		Position: PROFESSIONALS AND SCIENTISTS IN CENTRAL GOVERNMENT			
Primary Site of Activity: 1000 Main St. Fairfax, VA 20108									
2. Program Sponsor: Sujata's June 11th					Exchange Visitor Program Number: G-5-13782				
Participating Program Official Description: PROFESSOR; RESEARCH SCHOLAR; STUDENT ASSOCIATE; STUDENT BACHELORS; STUDENT DOCTORATE; STUDENT INTERN; STUDENT MASTERS; STUDENT NON-DEGREE									
tcomments									
Purpose of this form: Replace a DS-2019 form (Damaged)									
3. Form Covers Period:		4. Exchange Visitor Category:							
From (mm-dd-yyyy): 01-12-2009		RESEARCH SCHOLAR							
To (mm-dd-yyyy): 12-31-2012		Subject/Field Code: 26.0907		Subject/Field Code Remarks: None at this time.					
5. During the period covered by this form, the total estimated financial support (in U.S. \$) to be provided to the exchange visitor by: Current Program Sponsor Funds : \$25,000.00 Personal Funds : \$2,500.00 Total : \$27,500.00									
6. DEPARTMENT OF STATE CONSUL OR IMMIGRATION OFFICER TO WHOM THIS APPLICATION COPY OF THIS FORM HAS BEEN FORWARDED TO THE U.S. DEPARTMENT OF STATE (DATE):									
Name of Officer Preparing Form								Title	
AC 0881								4-454-4354	
AC 0882								Telephone Number	
DC								01-12-2009	
Responsible Officer or Alternate Responsible Officer								Date (mm-dd-yyyy)	
8. Statement of Responsible Officer for Releasing Sponsor (FOR TRANSFER OF PROGRAM) Effective date (mm-dd-yyyy): _____ Transfer of this exchange visitor from program number _____ sponsored by _____ to the program specified in item 2 is necessary or highly desirable and is in conformity with the objectives of the Mutual Educational and Cultural Exchange Act of 1961, as amended.									
Signature of Responsible Officer or Alternate Responsible Officer					Date (mm-dd-yyyy) of Signature				
PRELIMINARY ENDORSEMENT OF CONSULAR OR IMMIGRATION OFFICER REGARDING SECTION 212(c) OF THE IMMIGRATION AND NATIONALITY ACT AND PL 94-484, AS AMENDED (see item 1(a) of page 2).					TRAVEL VALIDATION BY RESPONSIBLE OFFICER (Maximum validation period is 1 year*)				
The Exchange Visitor in the above program:					*EXCEPT: Maximum validation period is up to 6 months for Short-term Scholars and 4 months for Camp Counselors and Summer Work/Travel.				
1. <input type="checkbox"/> Not subject to the two-year residence requirement.					(1) Exchange Visitor is in good standing at the present time				
2. <input type="checkbox"/> Subject to two-year residence requirement based on:					Date (mm-dd-yyyy)				
A. <input type="checkbox"/> Government financing and/or					Signature of Responsible Officer or Alternate Responsible Officer				
B. <input type="checkbox"/> The Exchange Visitor Skills List and/or					(2) Exchange Visitor is in good standing at the present time				
C. <input type="checkbox"/> PL 94-484 as amended					Date (mm-dd-yyyy)				
Name _____ Title _____					Signature of Responsible Officer or Alternate Responsible Officer				
Signature of Consular or Immigration Officer _____ Date (mm-dd-yyyy) _____					Date (mm-dd-yyyy)				
THE U.S. DEPARTMENT OF STATE RESERVES THE RIGHT TO MAKE FINAL DETERMINATION REGARDING 212(c).									
EXCHANGE VISITOR CERTIFICATION: I have read and agree with the statement in item 2 on page 2 of this document.									
Signature of Applicant _____ Place _____					Date (mm-dd-yyyy)				

See Form I-94 below.

Form I-94 or Form I-94A Arrival/Departure Record

CBP and sometimes USCIS issue arrival-departure records to nonimmigrants. This document indicates the bearer's immigration status, the date that the status was granted, and when the status expires. The immigration status notation within the stamp on the card varies according to the status granted, for example, L-1, F-1, J-1. Form I-94 can contain a handwritten date and status or be computer-generated. Form I-94A has a computer-generated date and status. Both may be presented with documents that Form I-9 specifies are valid only when Form I-94 or Form I-94A also is presented, such as the foreign passport, Form DS-2019, or Form I-20.

Valid, Unexpired Foreign Passport

- Foreign passports must contain a Valid United States Visa or I-94 to be used as a primary proof of identification.
- Foreign passports, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if expired.

An **I-94** is a form denoting the *Arrival-Departure Record* of particular foreigners used by U.S. Customs and Border Protection (CBP). U.S. Citizenship and Immigration Services (USCIS) uses Form I-94 also. Form I-94 must be completed at the time of entry to the United States by foreign citizens that are being admitted into the United States in a nonimmigrant visa status. I-94's may be verified at: [LINK](#)

Passport Verification: Some best practice recommendations

- Never accept expired documentation –it's not valid and therefore illegal.
- Never accept a damaged, defaced or altered document.
- Verify passports with the consulate or embassy.

For example, a commonly encountered version is with Mexican citizens who are travelling or have resident status may have a Mexican passport or matricula. These can be easily verified if an officer has indications that they may be false, altered, or otherwise not valid:

Mexitel is the issuing agency for Mexican passports and they have a toll free number 1-877-639-4835 or the Mexican Consulate in Atlanta at (404) 266 2233 can verify either document.

The dark green front cover of a Mexican passport.

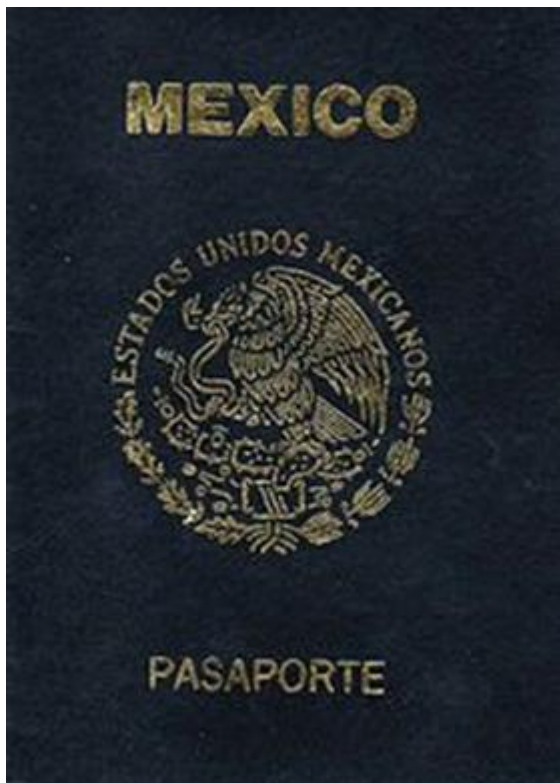
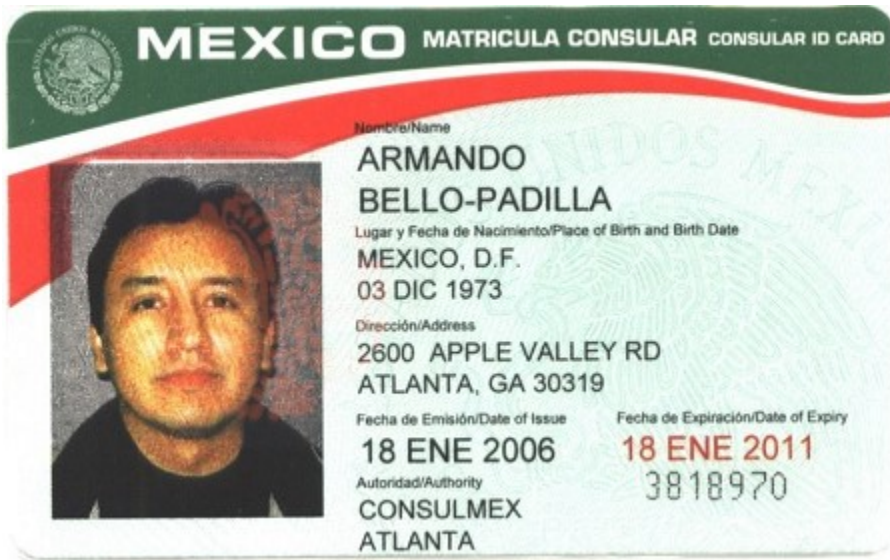


Photo Page of a Mexican passport issued in Mexico.



A Mexican consular passport, issued at consulates and embassies abroad.



Mike Hagar

Deputy Chief

Executive Services Bureau

Metropolitan Police Department

PO Box 196399

Nashville, TN 37219-6399

(615) 862-7790

Orozco, Liz (Community Oversight Board)

From: Huggins, Damian J. (MNPD)
Sent: Wednesday, October 16, 2019 5:08 PM
To: Orozco, Liz (Community Oversight Board)
Cc: Vielehr, Peter (Community Oversight Board); Huggins, Damian J. (MNPD)
Subject: RE: Training Materials Question
Attachments: Reminder: Documents to Identify Offender for Citations-Foreign Citizens-UPDATED; 2019 IST Catalog .pdf; Session 86 Curriculum FINAL.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for reaching out.

The MNPD does not train officers on federal immigration enforcement.

We do train officers on Civil Rights (applies to all people).

We do train officers on document identification as it relates to the issuance of state citations in lieu of arrest. We want to ensure officers have ample information and guidance to help determine if a citation can be provided and avoid custodial arrest when possible and in compliance with state law for minor qualifying offenses. (I have provided an attachment of the roll call training provided on this)

Other resources available on this topic are online and viewable on the MNPD web under Frequently Asked Questions:

<https://www.nashville.gov/Police-Department/Frequently-Asked-Questions.aspx>

Police Department [How does MNPD cooperate with ICE? Does the MNPD make immigration notifications to ICE?](#)

How does MNPD cooperate with ICE? Does the MNPD make immigration notifications to ICE?

Realizing that ICE is an acronym for a department which includes Customs enforcement and their role includes investigating or enforcing the attempted importation of controlled substances and counterfeit goods, and these offenses are also a violation of state law, the MNPD occasionally cooperates or assists US Customs and Postal Inspectors with these offenses. Immigration enforcement remains solely a function of federal law enforcement and the MNPD has no authority to investigate or enforce immigration laws. The MNPD expects to have no role in that activity. Similarly, the Metro Nashville Police Department (MNPD) makes no notifications to federal immigration officials regarding any arrestee immigration status. As the MNPD operates no booking or detention facilities, the Davidson County Sheriff's Office conducts the data collection and reporting under federal Secure Communities procedures.

Police Department [Does immigration status impact enforcement of law?](#)

Does immigration status impact enforcement of law?

Considering that immigration status is irrelevant to the MNPDP in carrying out our duties, there is no foreseeable impact to most of the MNPDP interactions-either enforcement activities or in the investigation of crimes, or providing services to victims. However, the MNPDP occasionally processes a U-Visa for immigrants. This form is used most often for victims of a crime, who due to their status may otherwise be eligible for removal by the federal government. The processing of this U-Visa allows them to remain.

U-Visas are processed by the MNPDP Case Preparation Section. The Office of the District Attorney is also authorized to process these applications.

I am not aware of any possible relevant training material as we do not teach federal immigration enforcement. I hope this is helpful. Please let me know if I can be of further assistance. I am including the 2019 In-Service Training outline and a Police Officer Trainee curriculum from a recent session to provide you with the summary of instruction and number of hours of instruction for the classes you have listed and the other classes we do train. If you still want the entire selection of materials used for those classes, lectures, power-point etc., a public records 720 request form would need to be completed. The form and instructions for its submission can be found at the following link: <https://www.nashville.gov/Police-Department/Administrative-Services/Central-Records-Division.aspx>

Damian

Damian Huggins
Deputy Chief
Metropolitan Nashville Police Department
Administrative Services Bureau
615-880-1334
damian.huggins@nashville.gov
<http://www.nashville.gov/Police-Department/Administrative-Services.aspx>



From: Orozco, Liz (Community Oversight Board)
Sent: Tuesday, October 15, 2019 11:08 AM
To: Huggins, Damian J. (MNPDP)
Cc: Vielehr, Peter (Community Oversight Board)
Subject: Training Materials Question

Good morning Deputy Chief Huggins,

We are reaching out for your guidance regarding the location of certain information within MNPDP training materials before we submit an official records request. We are looking for any MNPDP personnel training regarding federal immigration enforcement including:

- Federal immigration enforcement jurisdiction
- The difference between judicial and administrative warrants
- The evaluation of foreign identity documents
- Immigrants' civil rights

We think that there may be relevant information in the following training sessions:

- Tactics: Traffic Stops
- Interpersonal Communications: Command Spanish
- Criminal & Constitutional Law: Law Block I, II, IV, V, and the Warrant Screening Process
- Human Relations: El Protector Program
- Human Relations: Fair & Impartial Policing
- Human Relations: Mobile Diversity Seminar
- Human Relations: Nashville Gang Culture
- Criminal Justice System: Criminal Justice Agencies

If you could let us know if this list of sessions is comprehensive or if there are other training sessions that may contain relevant information, we'd greatly appreciate it.

Thank you,

Liz Orozco

Research Analyst

Metro Nashville Community Oversight

Liz.Orozco@nashville.gov

Desk: (615) 880-1886

Cell: (615) 306-4835

Fax: (615) 313-9161

Pronouns: She, her, hers

The MNPD is frequently asked by community groups and others, how the MNPD interacts with immigration enforcement and what role the MNPD plays in immigration issues. The following is a “Frequent Asked Questions” summary of the MNPD policy and procedures on these issues that you and your officers may find useful:

- **What's MNPD's policy as it relates to interactions with immigrants?**

*Immigration status is not a relevant consideration in virtually all interactions with immigrants. **The MNPD has no reason to inquire or otherwise consider immigration status in the performance of our duties.***

However, during arrest situations, "place of birth" is a field on the report about which an officer may inquire. This inquiry, about "place of birth"- is NOT an inquiry about immigration status, it is simply to aid in verification of a person's identity. Verification of identification is most often the significant consideration in determining eligibility for a citation in lieu of continued custody or for ensuring a person is being correctly identified. Example: An officer making an arrest on a suspect with a common name, whose fingerprints are not verifiable in the field, who has no appropriate identification, may believe it to be reasonably necessary to ask for place of birth in order to gather enough information for booking personnel to verify identification. This aids the judicial system in preventing identity theft and creating inaccurate records, which may prove costly or difficult to correct.

Our policy is to treat all persons, regardless immigrant status, equally.

- **Does immigration status impact enforcement of law?**

Considering that immigration status is irrelevant to the MNPD in carrying out our duties, there is no foreseeable impact to most of the MNPD interactions-either enforcement activities or in the investigation of crimes, or providing services to victims. However, the MNPD occasionally processes a U-Visa for immigrants. This form is used most often for victims of a crime, who due to their status may otherwise be eligible for removal by the federal government. The processing of this U-Visa allows them to remain.

U-Visas are processed by the MNPD Case Preparation Section. The Office of the District Attorney is also authorized to process these applications.

- **Do MNPD officers ask citizenship status questions?**

Citizenship status or immigration status is irrelevant to MNPD.

- **What happens to an immigrant if pulled-over and they have no driver license?**

The handling of a person stopped for a traffic violation who has no driver license is the same, irrespective of immigrant or citizenship status.

- **Do you see national immigration issues as potentially jeopardizing or straining relationships with law enforcement and federal agencies?**

Considering that immigration status is not and has not been a relevant issue for the MNPD to inquire about, investigate or otherwise a consideration in our activities, we would expect no change in ongoing relationships with local or federal partnerships.

On several occasions, Federal agencies-particularly immigration agents-have undertaken enforcement activities in Middle Tennessee while attired in raid vests and jackets bearing "POLICE". This can lead to a mistaken belief that local police are involved. Neither the MNPD nor the city can force federal law enforcement agencies to not wear "POLICE" on their uniforms or raid vests. This unnecessary confusion between MNPD and those federal agencies can undermine the trust within the Nashville immigrant community and the MNPD. However, this is not unique to Nashville. Throughout our various community based outreach programs within the immigrant neighborhoods, fortunately this has not been a significant issue for Nashville. It's important to remember that, by policy, a MNPD officer will always be wearing some form of our patch and will show their ID card.

- **Does the MNPD use any data on immigration status in its activities?**

The MNPD relies on data driven analytics. Immigration status is not an element in our crime analysis process or proactive policing activities. We do not maintain any data base relating to immigration or citizenship status.

- **How does MNPD cooperate with ICE? Does the MNPD make immigration notifications to ICE?**

Realizing that ICE is an acronym for a department which includes Customs enforcement and their role includes investigating or enforcing the attempted importation of controlled substances and counterfeit goods, and these offenses are also a violation of state law, the MNPD occasionally cooperates or assists US Customs and Postal Inspectors with these offenses. Immigration enforcement remains solely a function of federal law enforcement and the MNPD has no authority to investigate or enforce immigration laws. The MNPD expects to have no role in that activity. Similarly, the Metro Nashville Police Department (MNPD) makes no notifications to federal immigration officials regarding any arrestee immigration status. As the MNPD operates no booking or detention facilities, the Davidson County Sheriff's Office conducts the data collection and reporting under federal Secure Communities procedures.