

ATTACHMENT B: SURVEY RESPONSES



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS- State Trial Court

PURPOSE: To gather background information that enables the Task Force to deliver to the Mayor a report describing Metro Departments' current policies or practices related to complying with, and reporting to the Mayor's Office about, requests from federal immigration authorities.

DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS: State Trial Courts

Threshold Questions

- To be asked of all Departments/Offices listed above.
 - **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to Immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - **Yes/No:** YES.
 - If yes, please describe the type of information collected that would be subject to public disclosure. All probationers are required to provide Social Security numbers for investigatory and tracking purposes. Also, a probation Officer's notes might include information related to immigration status. It is our practice, however, to not disclose such information upon request.
 - **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? **Yes/No** (If yes, please describe briefly.)
YES. Agents from the Immigrations and Custom Enforcement have previously asked probation officers for general information.
 - Policies or practices in place? **Yes/No**
YES. Probation Officers are instructed to immediately notify the Trial Court Administrator of requests for immigration related information.
- If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from to the Mayor's Office? It is not currently our practice to notify the Mayor's Office of requests from federal immigration authorities.

- Please briefly describe any such policies or practices. Not applicable
- If your Department/Office has such policies or practices... Not applicable
 - Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office? STC is not aware of any law or regulation prohibiting the reporting of federal immigration requests to the Mayor's Office.

Questions Related to Complying with Requests from Federal Immigration Authorities

What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents? State Trial Court employees have been instructed to only provide the person's full name, OCA number and date of birth to requests from federal immigration authorities.

- Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, e.g., immigration status, place of birth, absence of social security number and/or type of identification used. The person's name, OCA number and date of birth is disclosed.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly) No
 - Have these policies or practices been developed within the last five years? (yes/no) YES
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff? YES. All Probation Officers
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities? This agency does distinguish between detainer warrants (signed by agents) and those warrants signed by a Federal Judge or Magistrate. For warrants signed by Federal Judges or magistrates, we may be required to provide immigration related information not otherwise provided.



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

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DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

- To be asked of all Departments/Offices listed above.
- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - Yes/No
 - If yes, please describe the type of information collected that would be subject to public disclosure.

A majority of the data in the care of the DCSO is generated by other agencies, such as MPD arrest information and court records. We do ask and collect information regarding language(s) spoken in order to provide appropriate services. The data would be released if requested.

- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.)
 - Policies or practices in place? Yes/No

The DCSO regularly receives requests from ICE for certain arrestees to be detained. This is in compliance with state law.

- If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices.

The DCSO does not have a policy or practice of reporting immigration related requests to the Mayor's Office.

- If your Department/Office has such policies or practices...
 - Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

We are not aware of any regulation that would prevent us from reporting atypical requests. Reporting routine requests from ICE to DCSO would be cumbersome and extremely time consuming for both parties.

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.

Our policy/practice is driven by state law regarding our required cooperation with immigration requests related to arrestees.

- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

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SURVEY QUESTIONS:

Threshold Questions

→ To be asked of all Departments/Offices listed above.

- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, e.g., immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?

- Yes/No
- If yes, please describe the type of information collected that would be subject to public disclosure.

Standard department procedure during intake requires informed questions to be asked of everyone regardless of ethnicity. Demographic information is collected during the arrest process with Metro Nashville Police Department and is then inputted in the database. The resident's information is transferred from MNPD's database to the Court Clerk's database known as CJIS. Once an individual is placed on supervised probation, that information is then downloaded into our database "ADPB" or Adult Probation. Shared information such as: Address, Phone Number, Date of Birth, and Social Security Number is transferred. Once in the intake process, additional information is gathered such as: employment and references. ADPB is a software that was created in the early 2000's.

This process has been in existence for numerous years with the shared databases of collective information. Justice Integration Services oversees the software for General Sessions Court Probation.

- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.)

General Sessions Court Probation has received requests from Immigration and Customs Enforcement. Those requests were sent to Bob Green, the Former Director of General Sessions Court Probation.

- Policies or practices in place? Yes/No

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office? None
 - Please briefly describe any such policies or practices.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for reporting? No...If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
No, employees are not trained with respect to such policies or practices. Employees involved in the process include: Non-English speaking Probation Officers and a P2.
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?
Federal Law prohibits General Sessions Court Probation from sharing social security numbers.

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents? None currently, as of today November 8, 2019.
However, after consultation with the Metro Legal Department, we will maintain full compliance with federal laws, including TCA 7-68-103.
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, e.g., Immigration status, place of birth, absence of social security number and/or type of identification used.
No policies or practices currently exist
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)

Monthly Reports were submitted to ICE from 2015-August 2019, however, we maintain full compliance with TCA 7-68-103.

- Have these policies or practices been developed within the last five years? (yes/no)
- Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?

No, employees are not trained with respect to such policies or practices. Employees involved in the process include: Non-English speaking Probation Officers and a P2.

- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?

No.



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

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SURVEY QUESTIONS:

Threshold Questions

- ➔ To be asked of all Departments/Offices listed above.
- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - Yes/No No.
 - If yes, please describe the type of information collected that would be subject to public disclosure.
- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.) MNPS schools received requests for student addresses. Some staff at the school believed that it was potentially immigration related.
 - Policies or practices in place? Yes/No MNPS policies and federal law limit the release of student information.

➔ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
MNPS does not have policies regarding reporting to the Mayor.
 - Please briefly describe any such policies or practices.
- If your Department/Office has such policies or practices...

- Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office? We would need to continue to seek guidance from legal council, but there may be some information protected by the Family Educational Rights and Privacy Act (FERPA).

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents? Federal law and the United States Constitution (See *Plyler v. Doe*) prohibits schools from discriminating on the basis of immigration status. MNPS does not ask about immigration status and does not disclose student information except when required by law.
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.

Attached is guidance from the Tennessee Department of Education
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?

Federal student privacy law (FERPA), the Equal Protection Clause of the United States Constitution (see *Plyler v. Doe*), and the guidance from the Tennessee Department of Education

1. This is the short version of what we have shared with districts a couple times over the past year:

The U.S. Supreme Court held in 1982 in the case of *Plyler v. Doe* that a state may not deny access to public education to any child, regardless of the student's citizenship or immigration status. Tennessee does not collect data on the immigration status of students. It is not the role of school officials to determine the legal status of students and their families. Additionally, school officials must remember that student records are protected as confidential under the Family Educational Rights and Privacy Act (FERPA), which restricts the disclosure of student records.

2. Around the time of the ICE raids in east TN, we were asked about how districts should handle ICE, and this is what we shared:

ICE is a federal immigration agency that has the legal authority to enforce immigration law. To ensure compliance with all laws, school districts are encouraged to set a protocol that all inquiries from federal agencies, such as ICE, requesting access to students or student records be directed to the director of schools who should consult with the local board attorney about the proper response.

3. And finally, this is our longer response, which is what I've shared with reporters (a few more now today have asked after yesterday's story) and we have shared it with districts, too:

Federal law – from *Plyler v. Doe* – says that no student can be denied a public education because of his or her citizenship or immigration status, and students and their parents cannot be required to share information about their immigration status. We have shared with our districts that it is not the role of school officials to determine the legal status of students and their families. Further, we have provided this guidance to our schools in this context of supporting our English learners (it is within our ESL Manual):

- Schools are prohibited from providing any outside agency—including the Immigration and Naturalization Service—with any information from a student's school file that would expose their undocumented status without first obtaining permission from the student's parents. The only exception is if a court order (subpoena) is served; however, parents may challenge such an order; (this is due to FERPA, the federal privacy law) and
- School personnel—especially building principals and those involved with student intake activities—should be aware that they have no legal obligation to enforce U.S. immigration laws.

Additionally, federal civil rights laws prohibit districts and schools from asking questions that could have a "chilling" effect or prohibit students from attending school.

Finally, section 6 of the law in question notes that it can only be implemented in a manner consistent with federal laws and protecting the civil rights of all persons, and it also notes that any part of the act that would be in conflict or inconsistent with federal law shall be superseded by the applicable laws.

Let me know if anything else would be helpful to have.

Thanks,
Laura



Education

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Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

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DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

→ To be asked of all Departments/Offices listed above.

- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?

- Yes/No YES
- If yes, please describe the type of information collected that would be subject to public disclosure.

The Metro Public Health Department issues birth and death certificates and collects a great deal of personal information in its various clinics. Our guiding principles regarding the release of this information are the federal HIPAA privacy guidelines (which define 'protected health information' covered by the Act) and the Tennessee Open Records Act. The state provides guidelines on who is eligible to get a copy of a death certificate or a birth certificate for someone besides themselves. If any individual does not fall within those guidelines we would require a court subpoena before providing it.

- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?

- Received a request? Yes/No (If yes, please describe briefly.) NO.
- Policies or practices in place? Yes/No NO

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, e.g., immigration status, place of birth, absence of social security number and/or type of identification used.

Our guiding principles regarding the release of information are the federal HIPAA privacy guidelines and the Tennessee Open Records Act. What is released depends upon the nature of the information requested and by whom, and whether or to what extent it is protected under one of these two laws. Our policy with regard to federal immigration authorities would be the same as it is for anyone else.

- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly) There are timelines in the state law with respect to open records requests.
 - Have these policies or practices been developed within the last five years? (yes/no) no
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff? Yes. All MPHD staff are required to take HIPAA training annually. The Records Management Team is trained on Records Management Essentials, Records Disposition Authorizations, and General Service Schedules
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?

HIPAA (without a subpoena)

Metropolitan Development and Housing Agency
701 SOUTH SIXTH STREET * NASHVILLE, TENNESSEE 37206 * TELEPHONE (615) 252-8400
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James E. Harbison
Executive Director

Mailing Address: P. O. Box 846
Nashville, TN 37202

November 12, 2019

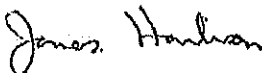
Mayor John Cooper
Metropolitan Courthouse
Nashville, TN 3701

Mayor Cooper,

Please find below our response to the threshold questions posed from the Immigration Task Force for their survey.

- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - **Yes.**
 - If yes, please describe the type of information collected that would be subject to public disclosure. **Applications for housing include a question on ethnicity. This information from the most recent opening of a waiting list is maintained and may be generated as a summary report. The summary report, provided it contained no personal identifying information or such information were redacted, would be subject to public disclosure.**
- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? **No.**
 - Policies or practices in place? **Yes. Requests for information from agencies and entities outside of MDHA are referred through the MDHA Department Director to the MDHA Executive Director for appropriate action and response.**
- **If you answered yes to "received a request" above, please also answer the additional questions.** We have not received a request from federal immigration authorities and have no other responses to the Task Force survey's questions.

Sincerely,


James Harbison
Executive Director



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

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DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

- ➔ To be asked of all Departments/Offices listed above.
- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - Yes/No **No**
 - If yes, please describe the type of information collected that would be subject to public disclosure.
- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.) **No**
 - Policies or practices in place? Yes/No

➔ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices. **None. We have a privacy policy for all library cardholders' hat would cover immigrants. There are also State laws protecting library use**
- If your Department/Office has such policies or practices...

- Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office? No

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities? **Yes, see above**



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- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - No
 - If yes, please describe the type of information collected that would be subject to public disclosure.
- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? No
 - Policies or practices in place? No

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for reporting? If so, what is it? (please describe briefly)

- Have these policies or practices been developed within the last five years? (yes/no)
- Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, e.g., immigration status, place of birth, absence of social security number and/or type of identification used.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS-CODES

PURPOSE: To gather background information that enables the Task Force to deliver to the Mayor a report describing Metro Departments' current policies or practices related to complying with, and reporting to the Mayor's Office about, requests from federal immigration authorities.

DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

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- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - Yes/No ANSWER: NO
 - If yes, please describe the type of information collected that would be subject to public disclosure.
- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.) ANSWER: NO
 - Policies or practices in place? Yes/No ANSWER: YES

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for reporting? If so, what is it? (please describe briefly)

- Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS

PURPOSE: To gather background information that enables the Task Force to deliver to the Mayor a report describing Metro Departments' current policies or practices related to complying with, and reporting to the Mayor's Office about, requests from federal immigration authorities.

DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

→ To be asked of all Departments/Offices listed above.

• **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, e.g., immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?

- Yes No
- If yes, please describe the type of information collected that would be subject to public disclosure.

• **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?

- Received a request? Yes No (If yes, please describe briefly.)
- Policies or practices in place? Yes No

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

• What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?

- Please briefly describe any such policies or practices. *None*

• If your Department/Office has such policies or practices... *no*

- Do they include a timeframe for reporting? If so, what is it? (please describe briefly)

- Have these policies or practices been developed within the last five years? (yes/no)
- Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, e.g., immigration status, place of birth, absence of social security number and/or type of identification used.
- If your Department/Office has such policies or practices... *Dept. would contact Legal Dept. for guidance.*
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?
- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities? *NO*

MNPD Response:

- **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?

- Yes/No Yes
- If yes, please describe the type of information collected that would be subject to public disclosure.

The MNPD collects a variety of information from victims of crime, suspects of crime and persons related to the investigation of crime. Often, an essential element of our duties involves the verification of identity for a person. Name, date of birth, place of birth, and social security number are all essential to that function. The MNPD complies with applicable state law in disseminating public records. To the extent permitted by law (TCA 10-7-504(a)(29)), personal identifying information is redacted prior to public release.

The MNPD has no authority to enforce or investigate immigration offenses. Immigration status is irrelevant to the MNPD in carrying out our duties.

The MNPD, along with the Office of District Attorney, occasionally processes U-Visa's for immigrants who self-report their immigration status; most often when they are a victim of a crime. This form is used for immigrants, 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 in order to assist in the prosecution of the case.

- **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?

- Received a request? Yes/No (If yes, please describe briefly.)

By charter and policy, the MNPD responds to calls for police service from anyone within the county. If the request is within the scope of MNPD duties, the MNPD

has no discretion to not respond. Requests for non-emergency mutual aid assistance would require approval of the Chief of Police, or designee.

Yes, on July 22, 2019 MNPD assistance was requested by immigration officers to respond to an address in Hermitage TN. Having unclear information about the request, MNPD responded. After determining that no emergency existed, that there was no imminent threat to life of property, and having no legal authority to investigate or enforce immigration issues, the MNPD, consistent with policy, did not involve itself in the federal matter. As a crowd developed, MNPD officers did stay in the area to monitor the situation.

o Policies or practices in place? Yes/No

Yes. Requests for non-emergency assistance would require approval of the Chief of Police, or designee. Having received no official request and lacking jurisdiction, the MNPD did not involve itself in the federal matter.

→ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

• What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?

o Please briefly describe any such policies or practices.

Requests for non-emergency mutual aid assistance require approval of the Chief of Police, or designee. The Chief of Police, as a department head and direct report to the Mayor, has authority to cause or direct any such report to the Mayor and/or his staff.

• If your Department/Office has such policies or practices...

o Do they include a timeframe for reporting? If so, what is it? (please describe briefly)

At the discretion of the Chief of Police and/or Mayor. It remains the practice of the Chief of police to make notifications. As appropriate, without unnecessary delay and as soon as practical.

o Have these policies or practices been developed within the last five years? (yes/no)
No. The practice of the Chief of Police making notification to the Mayor/Mayor's Office on significant events is a long standing policy/practice.

o Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?

The requirement that non-emergency requests for mutual aid assistance be approved by the Chief of Police, or designee, is contained in the MNPD Manual and issued to all employees.

• Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?

Yes, with respect to open criminal cases or ongoing criminal investigations.

Questions Related to Complying with Requests from Federal Immigration Authorities

• What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?

o Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.

The MNPD complies with applicable state law in disseminating public records. To the extent permitted by law (TCA 10-7-504(a)(29)), personal identifying information is redacted prior to public release.

- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, e.g., leadership, front-line staff?

State law on public requests for information provides specific time frames for the release of information. These state laws guide the development of MNPD policy and practice. MNPD policy and practices on the release of information have been in place more than 5 years. Employees involved in the release of information are provided appropriate training.

- Are you aware of any law or regulation, e.g., a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities?

With respect to dissemination of public records or related disclosures, the MNPD follows applicable law.



Mayor Cooper's Immigration Task Force SURVEY FOR METRO DEPARTMENTS- FIRE DEPARTMENT

PURPOSE: To gather background information that enables the Task Force to deliver to the Mayor a report describing Metro Departments' current policies or practices related to complying with, and reporting to the Mayor's Office about, requests from federal immigration authorities.

DEADLINE: Tuesday, November 12th

SURVEY QUESTIONS:

Threshold Questions

- ➔ To be asked of all Departments/Offices listed above.
 - **Required disclosures:** Does your Department/Office collect information from Nashville residents that is potentially related to immigration, e.g., immigration status, place of birth, absence of social security number and/or type of identification used, that you would be legally required to disclose upon request?
 - Yes/No No
 - If yes, please describe the type of information collected that would be subject to public disclosure.
 - **Requests from federal immigration authorities:** Has your Department/Office ever received a request, other than a routine public-records request, from federal immigration authorities? Does your Department/Office have policies or practices in place that would ensure that someone on your Department/Office's leadership team is made aware of such requests?
 - Received a request? Yes/No (If yes, please describe briefly.) No
 - Policies or practices in place? Yes/No No
- ➔ If you answered yes to "received a request" above, please also answer the below questions.

Questions Related to Reporting Requests from Federal Immigration Authorities to the Mayor's Office

- What, if any, are your Department/Office's current policies or practices with respect to reporting requests from federal immigration authorities to the Mayor's Office?
 - Please briefly describe any such policies or practices. **Currently the NFD does not have a policy in place to address reporting requests from federal immigration authorities to the Mayor's Office?**
- If your Department/Office has such policies or practices...

- Do they include a timeframe for reporting? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from being able to report information about federal immigration requests to the Mayor's Office?
The NFD is not aware any law or regulation

Questions Related to Complying with Requests from Federal Immigration Authorities

- What, if any, are your Department/Office's current policies or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents?
 - Please briefly describe any such policies or practices. Include a description of the type of information that you disclose, *e.g.*, immigration status, place of birth, absence of social security number and/or type of identification used.
Currently the NFD does not have a policy or practices with respect to complying with requests from federal immigration authorities, including requests for information about Nashville residents
- If your Department/Office has such policies or practices...
 - Do they include a timeframe for complying with such requests? If so, what is it? (please describe briefly)
 - Have these policies or practices been developed within the last five years? (yes/no)
 - Do you train your employees with respect to these policies or practices? If so, which categories of employees do you train, *e.g.*, leadership, front-line staff?
- Are you aware of any law or regulation, *e.g.*, a privacy law, that would prevent your Department/Office from complying with requests from federal immigration authorities? **HIPAA**