

August 29, 2019

Warner Hassell  
Court Administrator  
General Sessions Court  
Administration Office  
Justice A.A. Birch  
408 2nd Ave. N., Suite 1140  
P.O. Box 196300  
Nashville, TN 37219

Dear Mr. Hassell:



PO Box 120160  
Nashville TN 37212  
(615) 320-7142  
aclu-tn.org

I am writing to express the ACLU of Tennessee's deep concern about reports of the Metro Probation Department's damaging and voluntary support of Immigration and Customs Enforcement's (ICE) deportation of community members. Such practices are not only troubling and contradictory of the department's mission, but they harm public safety, waste taxpayer dollars and make clear the need for policies to guide probation officers' interaction with federal immigration enforcement.

As a law enforcement agency, the probation department's reported actions can have harmful ripple effects on our criminal justice system. Police know from experience that trust between immigrant communities and law enforcement is undermined when police are believed to be working with federal immigration officials.

For example, in early 2017, the federal government escalated its threats to detain and deport as many immigrants as possible. Police departments across the country subsequently saw pronounced drops in the reporting of serious crime by Latino or Hispanic residents. During the first three months of 2017, the Houston Police Department found that rapes reported by Hispanics were down nearly 43 percent and other violent crimes reported by Hispanics were down 13 percent compared to the same period the previous year.<sup>i</sup> The Los Angeles Police Department reported a 25 percent drop in sexual assault reports from Latinos.<sup>ii</sup> In Denver, crime reports from Latinos fell 12 percent.<sup>iii</sup>

While the probation department does not traditionally receive reports of crimes, it is part of local law enforcement and its actions harm community policing as a whole. The Major Cities Chiefs Association, the Presidential Task Force on 21<sup>st</sup> Century Policing and law enforcement leaders from across the country, including Metro Nashville,<sup>iv</sup> have all adopted policies or practices opposing LEA entanglement with immigration enforcement, on the grounds that it harms public safety. The Metro Probation Department is potentially

causing irreparable harm at a time when immigrant communities' vulnerabilities have never been higher.

In addition to the cost to public safety, local officials' entanglement with federal immigration responsibilities is a waste of taxpayer money. Enforcement of federal immigration law is the federal government's responsibility and probation officers should not unwittingly do federal officers' jobs for them. Local law enforcement agencies have no obligation to offer their limited resources to help with immigration enforcement. The federal government typically does not reimburse localities for personnel time or other resources spent taking on federal immigration enforcement responsibilities. Wasting taxpayer dollars and Metro Probation Department employees' time and energy volunteering for the federal government is not what taxpayers expect, nor should it be permitted.

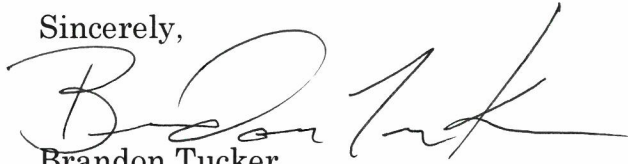
Tennessee's criminal justice system, especially the Department of Probation, is meant to deter criminal conduct – but news reports on the behavior of Nashville probation officers put undocumented individuals under supervision in an impossible position. They must choose between completing the terms of their probation, on the one hand, versus detention by immigration officials and removal from their families and community, on the other. An undocumented probationer is in a lose-lose situation. Should they be responsive to their probation officer and to the terms of their probation after these reports? Should they trust their probation officer is solely working for Metro government – and not doing volunteer work for ICE? The Metro Probation Department is not deterring criminal conduct with these reported actions – it is inviting it.

The ACLU of Tennessee urges you to take steps to remedy these misguided, unnecessary actions taken by probation officers. Metro Probation Department employees should be prohibited from expending any time or using any resource for responding to inquiries from Immigration and Customs Enforcement beyond what is mandated by state and federal law. State and federal law do not prohibit the adoption of a policy of non-cooperation with regards to giving out personal information or setting up a probationer to be detained by ICE. These are policies that can easily be adopted and publicized so that individuals within our immigrant communities under your office's supervision are not dissuaded from following the law and completing their probation. Additional training to educate officers as to what is required by state and federal law should accompany such a policy change.



We ask you to weigh the full ramifications of past poor decisions made by the Metro Probation Department, including the impossible position in which the department's officers have put those who are undocumented and under their supervision. Working diligently to deport those with misdemeanor offenses is not the function of this department and we urge you to take swift action to put an end to these mean-spirited and unnecessary practices. Thank you.

Sincerely,



Brandon Tucker  
Policy Director  
ACLU of Tennessee

CC: Judge Lynda Jones



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<sup>i</sup> <https://www.chron.com/news/houston-texas/houston/article/HPD-chief-announces-decrease-in-Hispanics-11053829.php>

<sup>ii</sup> <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>

<sup>iii</sup> <https://fivethirtyeight.com/features/latinos-report-fewer-crimes-in-three-cities-amid-fears-of-deportation/>

<sup>iv</sup> <https://www.conexionamericas.org/wp-content/uploads/2018/05/Memorandum-from-Chief-Steven-Anderson.pdf>