



September 3, 2015

Sheriff Terry Ashe, Ret.
Executive Director
Tennessee Sheriffs' Association
145 South College Street
Lebanon, TN 37087

VIA EMAIL AND FIRST CLASS MAIL

Dear Sheriff Ashe:

I write to express ACLU-TN's serious concern over recent remarks by the Sevier County and Hamilton County sheriffs vilifying and disparaging Muslim members of their communities. In addition, they publicly asserted plans to monitor protected religious activities and encourage other Tennessee law enforcement to do the same.

As the professional association for Tennessee sheriffs with a mission, in part, "to promote better and more effective law enforcement [and] maintain a high level of ethical conduct on the part of all sheriffs, their deputies, and their jail administrators," I hope that the Tennessee Sheriffs' Association will publicly speak out against bias-based policing in the wake of these statements.

The First Amendment of the United States Constitution and Article I, § 3 of the Tennessee Constitution protect every Tennessean's freedom to worship or not, regardless of his or her faith tradition. ACLU-TN has long defended the religious freedom of Tennesseans from across the religious spectrum, including Christians, Jews, Muslims and more. Muslims, like people from other religious traditions, have the right to practice their religion freely, without fear of harassment or harm. These constitutional guarantees prohibit the government from taking positions on religious doctrine or dictating what one group's religious beliefs are or mean.

Both the U.S. and Tennessee constitutions also prohibit the singling out of religious groups for discrimination. Targeting people for monitoring, interrogations, detention or searches on the basis of their perceived race, ethnicity, nationality or religion rather than evidence of criminal activity is racial and cultural profiling. Such profiling by law enforcement is at odds with our American values of fairness and justice, betraying the promise of equal protection under the law and the Fourth Amendment guarantee of freedom from unreasonable searches and seizures.

As you know, racial and ethnic profiling is ineffective. Law enforcement officers who stop or search individuals based solely on demographic factors rather than evidence of criminal activity are less effective at protecting public safety because they waste resources following an unproductive, bias-based approach rather than conducting actual police work. "Hit rate" analyses of stops and searches in jurisdiction after jurisdiction show that

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people of color are stopped, frisked and searched at rates far higher than that of whites, but that they are no more likely—and often less likely—to have drugs or weapons.

Professional law enforcement organizations and criminal justice agencies agree that basing law enforcement practices solely on race or religion is not only unfair, it's bad policing. The International Association of Chiefs of Police has issued a recommendation that police departments "Develop a clear and unequivocal departmental policy prohibiting racial profiling." The Department of Justice has implemented a policy that bars profiling on the basis of race, ethnicity, national origin, gender, gender identity, religion, and sexual orientation by federal law enforcement agencies and by state and local law enforcement officers who participate in federal law enforcement task forces. In Tennessee, numerous law enforcement agencies across the state already have policies in place prohibiting racial profiling and bias-based policing.

In addition, during the last legislative session the Tennessee General Assembly passed the "Racial Profiling Prevention Act," which requires that all law enforcement agencies in Tennessee adopt a written policy that prohibits racial profiling by their employees by January 1, 2016.

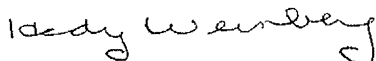
It is important to note that racial and cultural profiling negatively impacts public safety. It often leads to unnecessary monitoring and harassment of innocent community members, as well as selective enforcement for low-level infractions, such as traffic violations. Such discriminatory targeting clogs up the justice system and damages the relationship between law enforcement and the communities it serves. In turn, the distrust of law enforcement fostered by discriminatory over-policing jeopardizes public safety, as community members become less likely to report when they are the victims of, or witnesses to, actual crimes. Moreover, profiling is based on false stereotypes ascribing criminal propensity to certain religious groups or communities of color. But extremist violence is not limited to one religion or belief. Targeting people based on their faith makes us less safe by blinding us to real threats.

The Tennessee Sheriff's Association is well-positioned to set the standard and promote model policies and practices that prohibit bias-based policing to law enforcement statewide. We urge you to speak publicly and among your membership on the problematic nature of racial and cultural profiling and the limitations on law enforcement's authority to investigate constitutionally-protected religious activities.

I hope that the Tennessee Sheriffs' Association and ACLU-TN can join together to pursue our shared goal of upholding the constitutional guarantees of equal treatment and protection under the law. I look forward to working together to support legislative initiatives that challenge bias-based policing which, we are confident, will ensure greater public trust and safer communities.

Please free to contact me at (615) 320-7142 or [REDACTED] if you have any questions or thoughts to share. I look forward to hearing from you.

With best wishes,



Hedy Weinberg
Executive Director

cc: Sheriff Bill Holt, Tennessee Sheriffs' Association President