

EXHIBIT A

Accepted for Metro Govt
only

STATE OF TENNESSEE 20 TH JUDICIAL DISTRICT CHANCERY COURT	SUMMONS	CASE FILE NUMBER 11-32-TT
PLAINTIFF Daniel Renteria-Villegas	DEFENDANT Daron Hall, Sheriff, in his official and individual capacity; MNPD Officer Ricky Bearden, in his individual capacity; Metro Govt. of Nashville and Davidson Co.	Jenny L. Howard
TO: (NAME AND ADDRESS OF DEFENDANT) Metropolitan Government of Nashville and Davidson County C/o Karl Dean, Mayor One Public Square - Metro Cthouse, Suite 100 Nashville, TN 37201		Method of Service: G Certified Mail G Davidson Co. Sheriff G *Comm. Of Insurance G *Secretary of State G *Out of County Sheriff G Private Process Server G Other *Attach Required Fees
List each defendant on a separate summons.		
YOU ARE SUMMONED TO DEFEND A CIVIL ACTION FILED AGAINST YOU IN CHANCERY COURT, DAVIDSON COUNTY, TENNESSEE. YOUR DEFENSE MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU MUST FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLAINTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. IF YOU FAIL TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR THE RELIEF SOUGHT IN THE COMPLAINT.		
Attorney for plaintiff or plaintiff if filing Pro Se: (Name, address & telephone number) Elliott Ozment Law Offices of Elliott Ozment 1214 Murfreesboro Pike Nashville, TN 37217 615-321-8888	FILED, ISSUED & ATTESTED JAN - 7 2011 CRISTI SCOTT, Clerk and Master By: 1 Public Square Suite 308 Nashville, TN 37201 Deputy Clerk & Master	
NOTICE OF DISPOSITION DATE		
The disposition date of this case is twelve months from date of filing. The case must be resolved or set for trial by this date or it will be dismissed by the Court for failure to prosecute pursuant to T.R.C.P. 41.02 and Local Rule 18. If you think the case will require more than one year to resolve or set for trial, you must send a letter to the Clerk and Master at the earliest practicable date asking for an extension of the disposition date and stating your reasons. Extensions will be granted only when exceptional circumstances exist.		
TO THE SHERIFF:	DATE RECEIVED	
	Sheriff	
	METRO DEPT. OF LAW	

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2011 JAN 10 PM 3:15
CLERK OF COURT
DAVIDSON COUNTY

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

DANIEL RENTERIA-VILLEGAS,

Plaintiff,

v.

DARON HALL, in his official capacity as
Sheriff of Davidson County, and individually;
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY;
and OFFICER RICKEY BEARDEN, in his
individual capacity,

Defendants.

CASE NO. _____

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& DAVIDSON CO
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METRO DEPT. OF LAW

VERIFIED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES

Plaintiff Daniel Renteria-Villegas ("Renteria"), by and through his undersigned counsel, files this Verified Complaint against Defendants, Daron Hall, Sheriff of Metropolitan Nashville and Davidson County ("Hall"), the Metropolitan Government of Nashville and Davidson County ("Metro Government"), and Officer Rickey Bearden of the Metropolitan Police Department of Nashville/Davidson County.

I. Preliminary Statement

1. In 1963, the Charter of Metropolitan Nashville and Davidson County transferred the law enforcement role as principal conservator of the peace from the Davidson County Sheriff to the Chief of the newly created Metropolitan Police Department. Metropolitan Charter of Nashville and Davidson County, Tennessee §§ 16.05, 8.202. See Certified Copy of Metro Charter §§ 16.05 and 8.202 (attached hereto as **Exhibit 1** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

2. The very next year, the Tennessee Supreme Court held: “It is plain to us that it is the purpose and intent of the Charter to take away the responsibility from the Sheriff for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal property rights except insofar as may be necessary and incidental to his general duties as outlined in T.C.A. sec. 8-8-10 and to transfer such duties to the Department of Police of the Metropolitan Government.” *Metropolitan Government of Nashville and Davidson County v. Poe*, 383 S.W.2d 265, 275 (Tenn. 1964).

3. In 1996, Congress added Section 287(g) to the Immigration and Nationality Act (“INA”), which authorizes the federal government to enter into written agreements allowing the “performance of immigration officer functions by State officers and employees.” 8 U.S.C. § 1357(g). Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), § 133, Pub. L. 104-208, 110 Stat. 3009-546 (1996). Section 287(g) allows State and local law enforcement officers to perform federal immigration law enforcement functions only “to the extent consistent with State and local law.” 8 U.S.C. § 1357(g)(1).

4. In October 2009, after extensive efforts led by Defendant Daron Hall, Defendant Metropolitan Government of Nashville and Davidson County (“Metro Government”) approved a resolution authorizing the Davidson County Sheriff’s Office (“DCSO”) to enter into a 287(g) contract with the U.S. Department of Homeland Security (DHS) – Bureau of Immigration and Customs Enforcement (ICE). *See* Memorandum of Agreement (“287(g) contract” or “contract”) (attached hereto as **Exhibit 2** and incorporated herein as provided by Tenn. R. Civ. P. 10.3). *See also* Metro Council Resolution 2009-997 (approved Oct. 20, 2009; signed by Mayor Karl Dean Oct. 23, 2009) (attached hereto as **Exhibit 3** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

5. To “enable DCSO to identify and process immigration violators and conduct criminal investigations within its area of responsibility[,]” the contract deputizes DCSO personnel, called “Jail Enforcement Officers” (“JEOs”), “to perform immigration officer functions . . . regarding the investigation, apprehension, or detention of aliens.” 287(g) Contract at ¶ 1.

6. Appendix D to the contract lists the specific federal law enforcement functions delegated to DCSO Jail Enforcement Officers. These functions include “the power and authority to interrogate any person believed to be an alien as to his right to be in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1))” and the “power and authority . . . to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)).” 287(g) Contract at Appendix D.

7. Speaking under oath, Defendant Hall has offered his understanding of the interrogation and evidence-taking functions DCSO 287(g) Jail Enforcement Officers perform: “Well, the way I understand it, it’s just like a Police Department, or, you know, taking their charges to a district attorney, for example; here’s what we believe happened, here are the facts surrounding this case; and then it’s determined whether to pursue charges. Charges, in my analogy, is that the federal agent then takes that case to a federal judge. Very similar to that. We’re doing the grunt work of the case and we’re turning in what we have on the individual[.]” See Excerpt from Deposition of Daron Hall (attached hereto as **Exhibit 4** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

8. Defendant Hall’s understanding of these functions matches that of the United States Supreme Court, which construed the federal immigration law enforcement power to “interrogate” as “precisely the same as that of a policeman, constable, sheriff, or Federal Bureau of Investigation agent who interrogates a person, perhaps himself a suspect, in connection with a

murder or some other crime.” *United States v. Minker*, 350 U.S. 179, 191 (1956) Black, J. concurring.

9. Plaintiff is a natural born citizen of the United States who was subjected to a law enforcement investigation by one or more DCSO Jail Enforcement Officers acting under the authority of the 287(g) contract and the powers it delegates.

10. During this law enforcement investigation, one or more Jail Enforcement Officers interrogated Plaintiff about suspected violations of federal immigration and criminal law.

11. As a result of this law enforcement investigation, Defendant DCSO detained Plaintiff for twelve hours after a court order required his release.

12. As a part of this law enforcement investigation, the DCSO required Plaintiff to supply documentary proof of his U.S. citizenship in order to secure his release.

13. The JEOs’ investigation of Plaintiff constituted law enforcement by DCSO employees.

14. This law enforcement activity was not necessary and incidental to the Sheriff’s duty to house inmates and serve civil process. *Cf.* Metro Legal Opinion No. 2004-04, Department of Law Metropolitan Government of Nashville and Davidson County (From: Sue B. Cain, Deputy Director of Law; To: Daron Hall, Sheriff of Davidson County; Approved by: Karl Dean, Director of Law) (Oct. 6, 2004) (analyzing the Sheriff’s duty to investigate and pursue an escapee) (attached hereto as **Exhibit 5** and incorporated herein as provided by Tenn. R. Civ. P. 10.03). *See also* DCSO Policy No. 1-3.142, Preservation of Physical Evidence at 2 (listing crimes calling for DCSO investigation and preservation of evidence (attached hereto as **Exhibit 6** and incorporated herein as provided by Tenn. R. Civ. P. 10.03)

15. Consequently, DCSO's law enforcement investigation of the Plaintiff and the contract that authorized it violate Sections 16.05 and 8.202 of the Metro Charter, the Tennessee Supreme Court's decision in *Poe*, and the Tennessee Constitution.

II. Nature of the Complaint

16. This is an action for declaratory judgment, injunctive relief, and damages. Pursuant to T.C.A. §§ 29-14-102 and 29-14-103, Plaintiff seeks a declaration of his rights and a construction of the validity of the 2009 287(g) contract between Metro Government and ICE.

17. Under the claimed authority of this contract, Defendant Metro Government allowed Defendant Hall and the DCSO to implement a standardized policy, custom, and practice that violates sections 16.05 and 8.202 of the Metro Charter and *Poe* by empowering DCSO personnel to perform civil and criminal law enforcement functions, including the "investigation and apprehension" of suspected aliens, that are not "necessary and incidental" to Defendant Hall's duties as the custodian of Metro's jails.

18. Pursuant to Appendix D of the Agreement, DCSO Jail Enforcement Officers have the authority to "interrogate" and "take and consider evidence" from any inmate who enters the Davidson County Jail system and is suspected to be foreign-born.

19. The express objective of their interrogation and evidence collection is to determine the inmate's right to be and remain in the United States, and to ascertain if the inmate has violated federal immigration and criminal laws.

20. Plaintiff seeks a declaratory judgment that the 287(g) contract is void *ab initio* because it authorizes DCSO employees to perform law enforcement functions in excess of the Sheriff's authority under the Metro Charter – specifically, "the power and authority to

interrogate” under 8 U.S.C. § 1357(a)(1), 8 C.F.R. § 287.5(a)(1) and the power to take and consider evidence, other than fingerprints, under 8 U.S.C. § 1357(b), 8 C.F.R. § 287.5(a)(2).

21. Plaintiff also seeks a temporary and a permanent injunction, as well as compensatory and punitive damages, costs and reasonable attorneys’ fees.

22. This is Plaintiff’s first application for extraordinary relief.

III. Jurisdiction and Venue

23. This Court has jurisdiction over this action and the parties under Tenn. Code Ann. §§ 16-11-102 and 29-14-101 *et seq.*

24. Venue is proper in this Court under Tenn. Code Ann. § 20-4-101(a) as the wrongful and unlawful conduct for which Plaintiff seeks relief has occurred and is occurring in Davidson County, Tennessee. Plaintiff and, upon information and belief, all Defendants are currently located in Davidson County, Tennessee.

IV. Parties

25. Plaintiff **Daniel Renteria-Villegas (“Renteria”)** is a nineteen year-old United States citizen of Latino race, ethnicity, and appearance. He is a member of a protected class under the Tennessee Human Rights Act. At all times relevant to this action, he has resided in Davidson County, Tennessee.

26. Defendant **Daron Hall** is the Sheriff of Metropolitan Nashville and Davidson County. Defendant Hall is responsible for performing the duties of Sheriff as defined by the Tennessee Constitution, the Tennessee Code Annotated, the Charter of Metropolitan Nashville and Davidson County, and the Metro Code. Defendant Hall’s principal responsibilities under the Metro Charter are limited to housing inmates and serving civil process. Defendant Hall is a signatory, on behalf of the DCSO, to the current 287(g) Memorandum of Agreement between

ICE and the DCSO. Sheriff Hall is the chief policymaker and decision-maker with ultimate responsibility for the activities of the DCSO. He is sued in his official capacity for declaratory and injunctive relief, and in his individual capacity for compensatory and punitive damages.

27. Defendant **Metropolitan Government of Nashville and Davidson County** ("Metro Government") is an incorporated, legal subdivision of the State of Tennessee. Metro Government is governed by a Mayor and a Metro Council, subject to the organic document enabling its creation – the Metropolitan Charter of Nashville and Davidson County – and the Tennessee Constitution and Tennessee Code Annotated.

28. Defendant **Rickey Bearden** is an Officer of the Metropolitan Nashville Police Department. He is sued in his individual capacity for compensatory and punitive damages.

V. Factual Allegations

29. Plaintiff Daniel Renteria-Villegas is a natural born citizen of the United States.

30. He was born in Portland, Oregon.

31. Renteria is of Latino race, ethnicity, and appearance.

32. He is a native Spanish-speaker of limited English proficiency.

33. On August 14, 2010, he was arrested by the Metro Nashville Police Department.

34. The August 14 Arrest Report correctly states Renteria's Place of Birth is "Portland, OR." See Arrest Report No. 100069817, August 14, 2010 (attached hereto as **Exhibit 7** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

35. The DCSO booked Renteria into custody at the Criminal Justice Center ("CJC") the same day, and his booking documents also reflect his place of birth is Oregon. See DCSO JMS Demographics Page, Aug. 14, 2010 (attached hereto as **Exhibit 8** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

36. Shortly after his arrest, Renteria's family enlisted the help of Barbara Murphy to assist with determining the bond amount and securing his release. *See* Affidavit of Barbara Murphy, ¶ 2 ("Murphy Affidavit"). (attached hereto as **Exhibit 9** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

37. Murphy contacted the DCSO by phone on or around August 16, 2010 to determine the amount of Renteria's bond. **Exh. 9**, Murphy Affidavit, ¶ 4.

38. Murphy provided the DCSO with Renteria's full name and date of birth. **Exh. 9**, Murphy Affidavit, ¶ 5.

39. Upon information and belief, the DCSO employee informed Ms. Murphy that Renteria was being held subject to an "ICE Hold." **Exh. 9**, Murphy Affidavit, ¶ 6.

40. An "ICE Hold" is a notation in the DCSO Jail Management System (JMS) indicating that the inmate is under federal investigation by DCSO's 287(g) Jail Enforcement Officers and ICE for suspected violations of immigration and criminal law.

41. Murphy contacted Renteria's family and told them about the ICE hold. The family informed Murphy that Renteria was born in the United States. **Exh. 9**, Murphy Affidavit, ¶¶ 7-8.

42. Murphy called the DCSO again and informed the officer who answered the call that Renteria is a U.S. citizen. **Exh. 9**, Murphy Affidavit, ¶ 9.

43. Upon information and belief, the DCSO employee with whom Murphy spoke during this call told her that in order to release Renteria, the DCSO required his U.S. passport and his original birth certificate as proof of U.S. citizenship. **Exh. 9**, Murphy Affidavit, ¶ 10.

44. Murphy relayed this message to Renteria's family, and they provided her with Renteria's original U.S. passport and original birth certificate. **Exh. 9**, Murphy Affidavit, ¶ 11.

45. Murphy made a copy of the biographic page of Renteria's passport and a copy of his birth certificate. **Exh. 9**, Murphy Affidavit, ¶ 12.

46. Murphy went to CJC on the evening of August 19, 2010 with the photocopies of Renteria's passport and birth certificate. **Exh. 9**, Murphy Affidavit, ¶ 13.

47. Murphy presented these documents to an African-American male DCSO employee at a window in the Sheriff's Office at the CJC. **Exh. 9**, Murphy Affidavit, ¶ 14.

48. The DCSO employee took possession of these documents and did not return them. **Exh. 9**, Murphy Affidavit, ¶ 15.

49. The next day, Renteria's family called Murphy and told her that the DCSO required original documents, not just photocopies. **Exh. 9**, Murphy Affidavit, ¶ 16.

50. Renteria's family picked up the original documents from Murphy on August 19. **Exh. 9**, Murphy Affidavit, ¶ 17.

51. At or around 9:23 p.m. on August 19, 2010, a representative of A.B. Bonding Co., Inc. posted Mr. Renteria's bond. *See* Criminal Appearance Recognizance (attached hereto as **Exhibit 10** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

52. Renteria was scheduled for release at 11:35 p.m. on August 19, according to the DCSO's Jail Management System records. *See* DCSO JMS Release Form (attached hereto as **Exhibit 11** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

53. Renteria's family and friends arrived at the CJC late in the evening on August 19, 2010.

54. After being informed by a DCSO employee that Renteria would not be released unless his original U.S. passport and birth certificate were presented, one of these friends showed

Renteria's original birth certificate and passport I.D. page to an African-American male DCSO employee at the CJC.

55. Upon information and belief, the DCSO employee took possession of the original documents, made photocopies, and returned the originals.

56. The DCSO did not release Renteria until 1:18 a.m. on August 20, 2010, according to the DCSO's records. *See* DCSO Jail Management System Log for Daniel R. Villegas, Aug. 14-August 20, 2010 (attached hereto as **Exhibit 12** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

57. On Sunday, August 22, 2010, Renteria was arrested at or around 4:46 p.m. by Defendant Ricky Bearden on a separate charge at his home in Davidson County.

58. This arrest occurred pursuant to a criminal warrant that was subsequently dismissed by a General Sessions Judge for lack of probable cause. *See* Criminal Court Clerk Case Search Result, Case No. GS505783 (attached hereto as **Exhibit 13** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

59. Defendant Bearden never asked Renteria where he was born.

60. Bearden never asked Renteria if he was from Mexico.

61. During the arrest at Renteria's house, Defendant Bearden asked for Renteria's I.D.

62. Renteria handed his Tennessee state I.D. card to Bearden.

63. Bearden reviewed the card and handed it back to Renteria.

64. Renteria put the I.D. back in his wallet.

65. Upon information and belief, Defendant Bearden completed an Arrest Report for Renteria's August 22 arrest. *See* Arrest Report for Arrest Number 100072288. (attached hereto as **Exhibit 14** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

66. According to this Arrest Report, Renteria's Place of Birth is "Mexico."

67. Upon information and belief, Defendant Bearden had no articulable reason to believe Renteria was born in Mexico other than his Latino-sounding name, his Latino ethnicity, his Latino appearance, and his lack of English proficiency.

68. Upon information and belief, Defendant Bearden was aware at the time he arrested Renteria that the DCSO operates a 287(g) program in Metro's jails.

69. Upon information and belief, Defendant Bearden was aware at the time of Renteria's arrest that DCSO officers interview foreign-born arrestees to determine immigration status.

70. Upon information and belief, Defendant Bearden was aware at the time he arrested Renteria that deportation is one possible consequence of the 287(g) program.

71. Upon information and belief, prior to his arrest of Renteria, Defendant Bearden had arrested both United States citizens and non-citizens pursuant to his duties as an MNPD officer.

72. Upon information and belief, Defendant Bearden knew that listing Renteria's Place of Birth as a foreign country would subject Renteria to the DCSO's 287(g) program.

73. Despite Defendant Bearden's knowledge of the 287(g) program and its possible consequences, and despite his failure to question Renteria about his place of birth, Defendant Bearden listed "Mexico" on the arrest report.

74. Between 5:00 p.m. and 8:00 p.m. on August 22, DCSO employees booked Renteria into the DCSO's Criminal Justice Center facility. See DCSO Jail Management System Log for Daniel R. Villegas, Aug. 22-Sept. 4, 2010 ("JMS Log II") (attached hereto as **Exhibit 15** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

75. Among the belongings Renteria had in his possession at the time of booking was his Tennessee state Identification Document (I.D.) card.

76. A DCSO employee took this card and all Renteria's other belongings into the DCSO's possession at the time of booking.

77. When DCSO deputies booked Renteria into the Criminal Justice Center, they asked him where he was born. See DCSO Policy No. 1-4.100, Inmate Admission and Orientation Procedures (attached hereto as **Exhibit 16** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

78. He responded that he was born in Portland, Oregon.

79. The demographic information in his JMS file states his P[lace] O[f] B[irth] as "OR[EGON]". See DCSO JMS Demographics Report for Daniel R. Villegas (attached hereto as **Exhibit 17** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

80. At approximately 5:57 p.m. on August 22, during the booking process, a DCSO deputy or employee in the booking department named "K. Cash" placed an ICE Hold on Renteria. See **Exh. 15**, JMS Log II (showing the following notation on Renteria's JMS Log: "Hold Inserted: Type = ICE – Sent to ICE. Status: Active.").

81. At 7:57 p.m. on August 22, a DCSO deputy named "W. Sydnor" updated Renteria's ICE Hold status to reflect that an active ICE investigation was underway. See **Exh.**

15, JMS Log II, (showing notation: "Hold Inserted: Type = ICE – Investigative. Status = Active.").

82. Upon information and belief, a DCSO deputy placed a red stamp that reads "ICE" on Renteria's intake and booking paperwork and dropped that paperwork into a box for DCSO's 287(g) Jail Enforcement Officers to retrieve. *See* Amada Armenta, *From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail*, at 9 (attached hereto as **Exhibit 18** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

83. At this point, DCSO's 287(g) Jail Enforcement Officers or other DCSO employees had initiated a federal law enforcement investigation of Renteria to determine his immigration status, and whether he had made a false claim to U.S. citizenship.

84. Constance Taite is the Administrative Counsel to the Davidson County Sheriff's Office.

85. Responding to an Open Records Request submitted by undersigned counsel on Renteria's behalf, Taite stated that Renteria "was interviewed because the arrest report stated his birthplace was Mexico, which conflicts with what he later told booking staff." *See* Email from Constance Taite to Elliott Ozment, January 4, 2011, 6:59 PM (attached hereto as **Exhibit 19** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

86. At approximately 9:47 a.m. on August 24, 2010, DCSO 287(g) Jail Enforcement Officer Marty Patterson scheduled Renteria for an "ICE Interview" to occur between 10:30 a.m. and 11:00 a.m. the same day. *See* **Exh. 15** JMS Log II.

87. This 287(g) interrogation occurred in a small office within the CJC's booking area between 12:26 p.m. and 1:09 p.m. on August 24. *See* **Exh. 15** JMS Log.

88. The sign above the door on this small office reads, "ICE OFFICE." *See* Photographs of DCSO 287(g) Office, (attached hereto as **Exhibit 20** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

89. Upon information and belief, a computer terminal inside this ICE office is equipped with ICE's IDENT/ENFORCE software and database. *See* DHS-ICE Office of Professional Responsibility Management Inspections Unit 287(g) Program Review Findings (May 12-14, 2009) at 8 ("The processing area was adequately equipped with working IDENT/ENFORCE terminals and printers.") (attached hereto as **Exhibit 21** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

90. Upon information and belief, the IDENT/ENFORCE system is used by DCSO 287(g) Jail Enforcement Officers to collect and share with ICE and other law enforcement agencies information the DCSO JEOs gather during encounters with suspected foreign-born inmates.

91. Upon information and belief, a DCSO 287(g) Jail Enforcement Officer utilized the IDENT/ENFORCE system and other computer technology during Daniel Renteria's interrogation on August 24, 2010.

92. The purpose of the DCSO Jail Enforcement Officer's interrogation of Renteria was to elicit specific information related to possible violations of federal immigration and criminal law. *See* 8 C.F.R. § 287.5(a)(1). *See* also Sample ICE Interview Data Collection Sheet (attached hereto as **Exhibit 22** and incorporated herein as provided by Tenn. R. Civ. P. 10.03)

93. During this interrogation, a male DCSO 287(g) Jail Enforcement Officer told Renteria that he was suspected of having lied about being born in the United States.

94. Making a false claim to U.S. citizenship is a violation of federal criminal law. *See* 18 U.S.C. § 911.

95. The Jail Enforcement Officer asked Renteria the name of the hospital where he was born.

96. Renteria truthfully answered that he was born at St. Vincent's Hospital.

97. Renteria's answer, however, did not appear to allay the Jail Enforcement Officer's suspicions about Renteria's citizenship.

98. Improper entry into the United States by a non-U.S. citizen is a federal crime, as is illegal reentry. *See* 8 U.S.C. §§ 1325, 1326.

99. Constance Taite has previously stated that a DCSO inmate will be subjected to 287(g) investigation if the inmate "claims to have been born at Baptist Hosp., but speaks little English." *See* Email from Constance Taite to TBALINK-TALK listserv, July 18, 2007, 3:05:52 PM CDT (attached hereto as **Exhibit 23** and incorporated herein as provided by Tenn. R. Civ. P. 10.03).

100. Upon information and belief, the DCSO's booking and intake staff and DCSO 287(g) Jail Enforcement Officers have an unwritten policy, practice and custom of subjecting any Latino or Hispanic inmate who is not fluent in English to a 287(g) investigation.

101. Upon information and belief, this unwritten policy, practice, and custom occurs regardless of whether the inmate claims to be a United States citizen, or reports being foreign-born.

102. Upon information and belief, this practice involves flagging the inmate for investigation by the DCSO Jail Enforcement, and then letting the JEO sort out the Latino or Hispanic inmate's citizenship status.

103. The DCSO 287(g) Jail Enforcement Officer informed Renteria that the social security number he provided at booking did not match the one on a previous report.

104. Using a false social security number is a federal crime. *See* 18 U.S.C. § 1028.

105. When Renteria recited his social security number, the DCSO Jail Enforcement Officer appeared to type that number on a computer keyboard.

106. Renteria recalls the DCSO JEO interrogator looking at a computer monitor after typing the numbers into the computer saying, "Oh, okay. That's right."

107. This indicated to Renteria that his social security number had come back on a computer database as being valid, and as belonging to him.

108. Upon information and belief, at this point in the interrogation and investigation, the DCSO Jail Enforcement Officer had objectively verified using a government or other database that Renteria possessed a valid social security number.

109. In addition to questioning him about his social security number, the DCSO Jail Enforcement Officer questioned Renteria about the names of his family members, their places of birth, and their current places of residence.

110. Renteria responded that both of his parents had been born in Mexico, and that some of his relatives currently live in Mexico. He also said that other relatives currently live in the United States.

111. During the interrogation, Renteria saw his Tennessee state I.D. card paper-clipped to a file folder that the DCSO Jail Enforcement Officer was using as part of the investigation.

112. Renteria saw several pages of paper, including some that appeared to be light pink, like carbon copies, inside this file folder.

113. The Jail Enforcement Officer took Renteria's I.D. card off the file folder, showed it to Renteria, and asked Renteria how he had obtained it.

114. Renteria told the officer he used his U.S. passport and social security card when he applied for his state I.D.

115. Using a false identification document is a federal crime. *See* 18 U.S.C. § 1028.

116. Tennessee law requires applicants to demonstrate proof of U.S. citizenship or other lawful immigration status as a pre-requisite for obtaining a valid, state-issued I.D.

117. The DSCO Jail Enforcement Officer who conducted the 287(g) interrogation did not lift the ICE Investigative Hold when the interrogation ended. *See Exh. 15*, JMS Log II.

118. Nor did the JEO tell Renteria what, if anything, he could do to prove his U.S. citizenship to the DCSO and ICE.

119. The JEO did not ask that Renteria arrange with his family to provide documents proving his U.S. citizenship.

120. Upon information and belief, at or around 12:52 p.m. on September 3, 2010, the DCSO became aware via the JMS that a Davidson County General Sessions Judge dismissed the charge for which Renteria was arrested on August 22, 2010. *See Exh. 15*, JMS Log II.

121. Upon information and belief, it was not until 9:56 p.m. on September 3, 2010 that DCSO deputy or employee "W. Ford" deactivated Renteria's ICE Investigative Hold. *See Exh. 15*, JMS Log II.

122. "W. Ford" lifted the ICE Investigative Hold only after Renteria's friend and relatives brought his original birth certificate and original passport to the CJC late in the evening on September 3, 2010.

123. A DCSO employee made a copy of these documents, returned the originals, and kept the copies.

124. Even after DCSO employees had original documents proving Renteria's U.S. citizenship and made photocopies of those documents at around 10:00 p.m. on September 3, it took almost three more hours for Defendants to release him.

125. The DCSO finally released Renteria at 12:48 a.m. on September 4, 2010. *See Exh. 15, JMS Log II.*

126. The twelve hours Renteria spent in Defendant DCSO's custody after his charge was dismissed were a direct result of the DCSO's 287(g) Program and the ICE Investigative Hold.

127. DCSO employees did not return Renteria's Tennessee state I.D. card when he was released on September 4, 2010.

128. Approximately three days later, on or around September 7, 2010, Renteria visited the CJC and asked DCSO to return his Tennessee state I.D. card.

129. An African-American male DCSO employee on the second floor of the CJC asked for Renteria's full name.

130. Then the DCSO employee typed something into a computer.

131. After reading what was on the screen, the DCSO employee said that Renteria could not have his I.D. card back.

132. Three days after Renteria's release, at around 12:43 p.m. on September 7, 2010, DCSO 287(g) Jail Enforcement Officer Marty Patterson added one final note Renteria's Jail Management System record: "Updated inmate: Villegas, Daniel . R. control no: 436258." *See Exh. 15, JMS Log II.*

133. Upon information and belief, a 287(g) Jail Enforcement Officer was the last DCSO employee to make a record in Renteria's file after his release.

134. Nevertheless, the DCSO's 287(g) program contends that it has no 287(g) file on Renteria in its possession. *See Exh. 19*, Email from Constance Taite in Response to Open Records Request.

135. DCSO also claims that it does not have Renteria's Tennessee state I.D. card. *See Exh. 19*.

136. DCSO Jail Enforcement Officers either failed to create an investigative file on Renteria, or have failed to maintain that file.

137. Despite being provided photocopies of Renteria's citizenship documents on two separate occasions, the DCSO maintains that it has no such records in its possession. *See Exh. 19*.

138. Even though the General Sessions Judge dismissed Renteria's August 22 charge, Renteria's criminal attorney has informed him that the two other criminal charges from August 14, 2010 have been bound over.

139. If for any reason Renteria is taken back into DCSO custody, there is nothing to stop Defendants' 287(g) program from opening yet another investigation and issuing yet another ICE Investigative Hold, once again forcing Renteria to prove his U.S. citizenship in order to secure his freedom.

140. As a result of Defendants' actions, Plaintiff has suffered a deprivation of his liberty, public humiliation, severe emotional distress and discrimination based on his Latino race, ethnicity, and appearance, all resulting in damages in the amount of \$100,000.

VI. Causes of Action

Count I – Violation of the Metro Charter and *Metro v. Poe*

(Tenn. Code. §§ 29-14-102, 103, 111)

Against Defendants Hall and Metro Government

141. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

142. Plaintiff and both Defendants meet the definition of a “person” under T.C.A. § 29-14-101.

143. The Tennessee legislature has directed that the Declaratory Judgment provisions of the Tennessee Code be liberally construed to settle disputes and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations. T.C.A. § 29-14-113.

144. A real and actual controversy exists between Plaintiff and Defendants Hall and Metro Government concerning the legality of the DCSO’s conduct and the 287(g) contract under the Metro Charter.

145. Plaintiff claims the DCSO’s 287(g) law enforcement investigation and interrogation of him exceeds the Sheriff’s powers under the Metro Charter.

146. Defendants Hall and Metro Government maintain the 287(g) Agreement is valid in all respects.

147. A declaratory judgment as to the validity of the contract – specifically, Appendix D’s delegation of the law enforcement power to “interrogate” and to “take and consider evidence” – would resolve this controversy.

148. Plaintiff’s legal rights have been adversely affected by Defendants’ actions under the 287(g) Agreement. T.C.A. § 29-14-103.

149. Plaintiff therefore seeks a declaration that Appendix D of the 287(g) contract between Defendants and ICE violates the Metro Charter by empowering DCSO employees to perform law enforcement functions that are not necessary and incidental to the Sheriff's role as custodian of the jail and civil process server, and that the DCSO and Sheriff Hall have exceeded their powers under the Metro Charter by implementing the contract.

Count II – Violation of the Metro Charter and *Metro v. Poe*
(Tenn. Code. §§ 29-14-102, 103, 111)
Against Defendant Metro Government

150. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

151. Both Plaintiff and Defendant Metro Government meet the definition of a "person" under T.C.A. § 29-14-101.

152. A real and actual controversy exists between Plaintiff and Defendant Metro Government concerning the legality of the 287(g) contract under the Metro Charter.

153. Plaintiff claims that because the 287(g) contract violates mandatory provisions of the Metro Charter, *see* §§ 16.05 and 8.202, as interpreted in the binding precedent *Metro v. Poe*, Metro Government acted *ultra vires* by passing Resolution 2009-997, and that the contract the Council approved is consequently void *ab initio*.

154. Defendant Metro Government maintains the 287(g) contract is valid in all respects.

155. A declaratory judgment as to the validity of the contract – specifically, Appendix D's delegation of the power to "interrogate" and to "take and consider evidence" – would resolve this controversy by determining whether Metro Government's actions are inconsistent with the mandatory provisions of the Metro Charter.

156. Plaintiff's legal rights have been affected by Defendants' actions under the 287(g) Agreement. T.C.A. § 29-14-103.

157. Plaintiff therefore seeks a declaration that the Metro Government acted *ultra vires* when it approved a contract that violates mandatory provisions of the Metro Charter by empowering DCSO employees to perform law enforcement functions that are not necessary and incidental to the Sheriff's role as custodian of the jail and civil process server, and that the contract between Metro Government and DHS is consequently void *ab initio*.

Count III – Violation of Due Process
(Tenn. Constitution, Article I, Section 8 &
Tenn. Code. §§ 29-14-102, 103, 111)
Against Defendants Hall and Metro Government

158. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

159. Defendants Hall and Metro Government exceeded their lawful authority under the Charter by approving a 287(g) contract that violates the mandatory provisions of the Charter, as interpreted by *Poe*.

160. Defendant was illegally interrogated, investigated, and detained for hours after a court dismissed his charges as a result of Defendants actions.

161. Defendants' implementation of the 287(g) contract is consequently a violation of Renteria's right to due process of law under Article I, Section 8 of the Tennessee Constitution.

Count IV – Malicious Harassment
Based on Race, Color and National Origin
(T.C.A. §§ 4-21-701, 702)
Against Defendant Hall

162. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

163. Plaintiff's Latino race, ethnicity, and appearance make him a member of a protected class under the Tennessee Human Rights Act.

164. In exceeding the authority of the Charter, Defendant Hall created, directed, and supervised a program within Metro's jail system which allows for impermissible discrimination based on race, color, and national origin in violation of the Tennessee Human Rights Act.

165. Hall's approval and supervision of the 287(g) contract directly resulted in Plaintiff's being subjected to impermissible and invidious discrimination in the form of disparate treatment while in the CJC, being subject to a prolonged, unlawful law enforcement investigation, being automatically categorized as a medium-security prisoner due to the ICE hold, and other disparate treatment that non-Latino U.S. citizen arrestees are not subjected to.

166. As a result, Renteria sustained substantial injuries, including prolonged restraint of his liberty, emotional distress, and public humiliation.

Count V – Malicious Harassment
Based on Race, Color and National Origin
(T.C.A. §§ 4-21-701, 702)
Against Defendant Bearden

167. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

168. Plaintiff's Latino race, ethnicity, and appearance make him a member of a protected class under the Tennessee Human Rights Act.

169. Without even asking Renteria where he was born, Defendant Bearden assumed, based on Renteria's Latino-sounding name, appearance, and limited English proficiency, that he was born in Mexico.

170. Defendant Bearden knew when he reported this incorrect information on the arrest report that it would have immediate legal and practical consequences once Renteria

entered the DCSO's 287(g) program. Specifically, Defendant Bearden was aware of the 287(g) program and the possibility that Renteria would be placed in deportation proceedings if he could not prove that he was a U.S. citizen or otherwise lawfully present.

171. Bearden's actions thus intentionally deprived Renteria of his civil rights under the Tennessee Human Rights Act and constituted malicious harassment on the basis of Renteria's Latino race, appearance, ethnicity, and perceived national origin.

**Count VI – False Imprisonment
Against Defendant Hall**

172. Plaintiff hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

173. Defendant Hall created, supervised, and directed a 287(g) program that directly resulted in twelve hours of unlawful imprisonment after Renteria was ordered released.

174. Under Hall's supervision, 287(g) Jail Enforcement Officers engaged in law enforcement activities that exceeded Hall's authority under the Metro Charter and *Metro v. Poe*.

175. The ICE Investigative Hold that occurred as a result of Hall's policies and supervision was without legal authority because the 287(g) contract that authorized DCSO's ICE investigation of Renteria is void under the Metro Charter and *Metro v. Poe*.

176. Defendant Hall thus intentionally subjected Renteria to the tortious deprivation of his liberty without legal authority.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief:

(a) Issue a Declaratory Judgment declaring:

1. The 287(g) contract between DCSO and ICE violates the Metro Charter and the Tennessee Supreme Court's holding in *Metro v. Poe* by allowing

Defendants' employees to interrogate inmates and take and consider evidence as part of a federal law enforcement function that is not necessary and incidental to the Sheriff's role as custodian of the jail and civil process server, and that contract is consequently invalid;

2. Defendant Metro Government acted *ultra vires* by approving a contract that violates the mandatory provisions of the Metro Charter, and that the contract is consequently void *ab initio*;

3. Defendants Hall and Metro Government acted *ultra vires* by implementing a contract that violates the mandatory provisions of the Metro Charter, and that the contract is consequently void *ab initio*;

(b) That this Court issue a Temporary and then a Permanent Injunction enjoining Defendants Hall and Metro Government from the following actions because the performance of these actions violates the Metro Charter and *Poe*: (1) authorizing, allowing, or directing DCSO personnel to perform the federal immigration law enforcement function of "interrogation," as delegated in Appendix D of the Agreement and defined at 8 U.S.C. § 1357(a)(1) and 8 C.F.R. § 287.5(a)(1); and (2) authorizing, allowing or directing DCSO personnel to perform the federal immigration law enforcement functions of "tak[ing] and consider[ing] evidence" as delegated in Appendix D of the Agreement and defined at 8 U.S.C. § 1357(b) and 8 C.F.R. § 287.5(a)(2);

(c) That the Court issue an order bifurcating these proceedings, in the interest of efficiency and judicial economy, to first determine the validity of the 287(g) contract under the Metro Charter and *Poe* (Counts I-III).

- (d) That the Court order a speedy hearing on the declaratory judgment phase of the proceedings and advance the case on the calendar, pursuant to Tenn. R. Civ. P. 57.
- (e) That Plaintiff be awarded compensatory damages and punitive damages and reasonable attorney's fees;
- (e) That Plaintiff be awarded such costs as are equitable and just, pursuant to T.C.A. § 29-14-111; and
- (e) That Plaintiff be granted such other relief as the nature of his claims may require.

DATED this 7th day of January, 2011.

Respectfully submitted,



Elliott Ozment
Law Office of Elliott Ozment
1214 Murfreesboro Pike
Nashville, TN 37217

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

VERIFICATION

I, Daniel Renteria-Villegas, being first duly sworn and under oath, state that I am a Plaintiff in this matter, that I have read the foregoing Verified Complaint, that I am personally familiar with the facts stated therein or otherwise know of those facts based upon diligent investigation and reports, and that the same are true and correct based upon my present knowledge, information and belief.

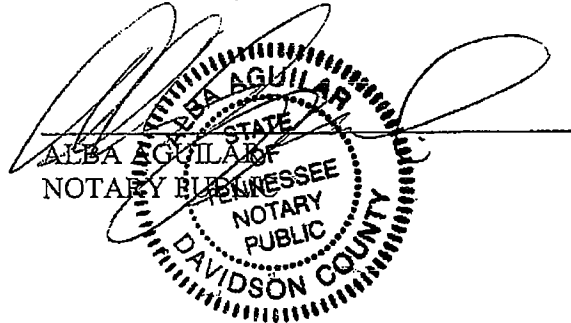


DANIEL RENTERIA-VILLEGAS

SWORN TO AND SUBSCRIBED before me at Davidson County, Tennessee, this the
07 day of January, 2011

My Commission Expires:

5/20/14



TRANSLATION CERTIFICATION

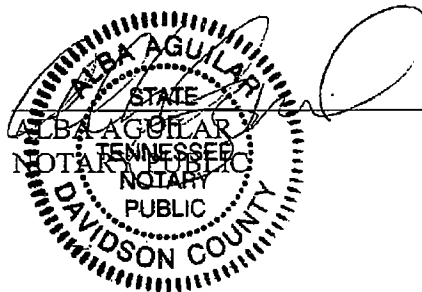
STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

After being duly sworn, I hereby certify that I am proficient in both English and Spanish and that the above document was translated from English to Spanish and from Spanish to English for the above-named affiant, and the above document represents an accurate and true record of his sworn statement.



SHIRLEY LOPEZ

Sworn to and subscribed before me this 07 day of January, 2011.



My commission expires 5/20/14.

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

DANIEL RENTERIA-VILLEGAS,

Plaintiff,

v.

DARON HALL, in his official capacity as
Sheriff of Davidson County, and individually;
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY;
and OFFICER RICKEY BEARDEN, in his
individual capacity,

Defendants.

CASE NO. _____

EXHIBIT LIST

- Exhibit 1: Certified Copies of Metropolitan Charter of Nashville and Davidson County, Section 16.05 and Section 8.202
- Exhibit 2: 287(g) Memorandum of Agreement (October 2009)
- Exhibit 3: Certified Copy of Metro Council Resolution 2009-997 (Approved Oct. 23, 2009)
- Exhibit 4: Excerpt from Deposition of Daron Hall, July 23, 2010
- Exhibit 5: Legal Opinion No. 2004-04, Department of Law of the Metropolitan Government of Nashville and Davidson County (From: Sue B. Cain, Deputy Director of Law, To: Daron Hall, Sheriff of Davidson County; Approved by: Karl Dean, Director of Law) (Oct. 6, 2004)
- Exhibit 6: DCSO Policy No. 1-3.142, Preservation of Physical Evidence
- Exhibit 7: Arrest Report No. 100069817, August 14, 2010
- Exhibit 8: DCSO JMS Demographics Page, Aug. 14, 2010
- Exhibit 9: Affidavit of Barbara Murphy
- Exhibit 10: Criminal Appearance Recognizance Form
- Exhibit 11: DCSO Jail Management System Release Form

- Exhibit 12: DCSO Jail Management System Log for Daniel R. Villegas, Aug. 14-August 20, 2010
- Exhibit 13: Criminal Court Clerk Case Search Result, Case No. GS505783
- Exhibit 14: Arrest Report for Arrest Number 100072288
- Exhibit 15: DCSO Jail Management System Log for Daniel R. Villegas, Aug. 22-Sept. 4, 2010
- Exhibit 16: DCSO Policy No. 1-4.100, Inmate Admission and Orientation Procedures
- Exhibit 17: DCSO JMS Demographics Report for Daniel R. Villegas
- Exhibit 18: Amada Armenta, *From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail*, Univ. of California at San Diego Center for Comparative Immigration Studies Working Paper (funded by National Science Foundation Doctoral Dissertation Improvement Grant No 0960882)
- Exhibit 19: Email from Constance Taite, DCSO Administrative Counsel to Elliott Ozment, Counsel for the Plaintiff, January 4, 2011, 6:59 PM
- Exhibit 20: Photographs of DCSO 287(g) Office
- Exhibit 21: U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Office of Professional Responsibility, Management Inspections Unit 287(g) Program Review Findings; Davidson County Sheriff's Office, TN; DRO Field Office Director New Orleans, LA (May 12-14, 2009)
- Exhibit 22: Sample ICE Interview Data Collection Sheet
- Exhibit 23: Email from Constance Taite to TBALINK-TALK listserv, July 18, 2007, 3:05:52 PM CDT

Exhibit 1

Certified Copies of Metropolitan Charter of Nashville and Davidson County, Section 16.05 and Section 8.202

Sec. 16.05. - Sheriff.

The sheriff, elected as provided by the Constitution of Tennessee, is hereby recognized as an officer of the metropolitan government. He shall have such duties as are prescribed by Tennessee Code Annotated, section 8-8-201, or by other provisions of general law; except, that within the area of the metropolitan government the sheriff shall not be the principal conservator of peace. The function as principal conservator of peace is hereby transferred and assigned to the metropolitan chief of police, provided for by article 8, chapter 2 of this Charter. The sheriff shall have custody and control of the metropolitan jail and of the metropolitan workhouse to which persons are sentenced for violation of state law, but the urban jail and workhouse in which persons are confined for violations of ordinances of the metropolitan government, or while awaiting trial for such violation, shall be under the custody and control of the metropolitan chief of police. By ordinance the urban jail may be consolidated with the metropolitan jail and the urban workhouse may be consolidated with the metropolitan workhouse. After either or both such consolidations, the jail and the workhouse shall be under the custody and control of the sheriff.

All fees, commissions, emoluments and perquisites of the office of sheriff shall accrue to the metropolitan government as the same formerly accrued to the County of Davidson.

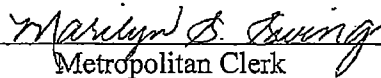
(Res. No. 88-526, § 30, 10-4-88)



CERTIFICATION

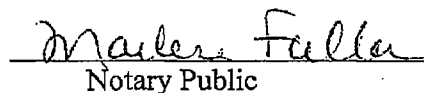
I, Marilyn S. Swing, being the duly appointed Metropolitan Clerk of The Metropolitan Government of Nashville and Davidson County, do hereby certify that the foregoing is a true and exact copy of **Section 16.05** of the Charter of The Metropolitan Government of Nashville and Davidson County, approved in referendum on June 28, 1962, and amended on October 21, 1965; November 8, 1966; August 5, 1971; November 7, 1972; November 5, 1974; November 6, 1976; November 7, 1978; November 4, 1980; August 4, 1983; November 4, 1986; March 8, 1988; August 1, 1991; September 5, 1991; November 3, 1992; November 8, 1994; November 5, 1996; August 7, 2003; November 7, 2006; August 2, 2007; November 4, 2008; and November 2, 2010.

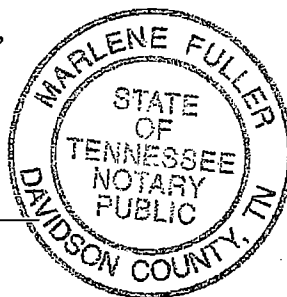
WITNESS MY HAND and the Seal of The Metropolitan Government of Nashville and Davidson County, Tennessee, this 7th day of January, 2011.


Metropolitan Clerk

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me,
by Marilyn S. Swing this 7th
of January, 2011.


Notary Public



My Commission expires: 07-08-2013

Sec. 8.202. - Responsibility and powers of department.

The department of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government.³ The director and other members of the metropolitan police force shall be vested with all the power and authority belonging to the office of constable by the common law and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities.

3. Designation of police department, rather than sheriff as principal conservator of the peace is a valid exercise of power under T.C.A., § 6-3701 et seq. Metropolitan Government v. Poe, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

CERTIFICATION

I, Marilyn S. Swing, being the duly appointed Metropolitan Clerk of The Metropolitan Government of Nashville and Davidson County, do hereby certify that the foregoing is a true and exact copy of **Section 8.202** of the Charter of The Metropolitan Government of Nashville and Davidson County, approved in referendum on June 28, 1962, and amended on October 21, 1965; November 8, 1966; August 5, 1971; November 7, 1972; November 5, 1974; November 6, 1976; November 7, 1978; November 4, 1980; August 4, 1983; November 4, 1986; March 8, 1988; August 1, 1991; September 5, 1991; November 3, 1992; November 8, 1994; November 5, 1996; August 7, 2003; November 7, 2006; August 2, 2007; November 4, 2008; and November 2, 2010.

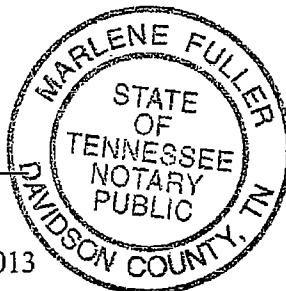
WITNESS MY HAND and the Seal of The Metropolitan Government of Nashville and Davidson County, Tennessee, this 7th day of January, 2011.

Marilyn S. Swing
Metropolitan Clerk

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me,
by Marilyn S. Swing this 7th
of January, 2011.

Marlene Fuller
Notary Public



My Commission expires: 07-08-2013

Exhibit 2

287(g) Memorandum of Agreement (October 2009)

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the Metropolitan Government of Nashville and Davidson County, by and through the Davidson County Sheriff's Office (DCSO), pursuant to which ICE delegates nominated, trained, certified, and authorized DCSO personnel to perform certain immigration enforcement functions as specified herein. It is the intent of the parties that these delegated authorities will enable the DCSO to identify and process immigration violators and conduct criminal investigations under ICE supervision, as detailed herein, within the confines of the DCSO's area of responsibility. The DCSO and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

I. PURPOSE

The purpose of this collaboration is to enhance the safety and security of communities by focusing resources on identifying and processing for removal criminal aliens who pose a threat to public safety or a danger to the community. This MOA sets forth the terms and conditions pursuant to which selected DCSO personnel (participating DCSO personnel) will be nominated, trained, and approved by ICE to perform certain functions of an immigration officer within the DCSO's area of responsibility. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating DCSO personnel as members of the DCSO. However, the exercise of the immigration enforcement authority granted under this MOA to participating DCSO personnel shall occur only as provided in this MOA.

II. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Public Law 107-296, authorizes the Secretary of DHS, acting through the Assistant Secretary of ICE, to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

III. POLICY

This MOA sets forth the following: 1) the functions of an immigration officer that DHS is authorizing the participating DCSO personnel to perform; 2) the duration of the authority conveyed; 3) the supervisory requirements, including the requirement that participating DCSO personnel are subject to ICE supervision while performing immigration-related duties pursuant to this MOA; and 4) program information or data that the DCSO is required to collect as part of the operation of the program. For the purposes of this MOA, ICE officers will provide supervision for participating DCSO personnel only as to immigration enforcement and/or immigration investigative functions as authorized in this MOA. DCSO retains supervision of all other aspects of the employment and performance of duties by participating DCSO personnel.

The Davidson County authorities is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which the Davidson County authorities has jurisdiction.

ICE will assume custody of an alien 1) who has been convicted of a State, local or Federal offense only after being informed by the alien's custodian that such alien has concluded service of any sentence of incarceration; 2) who has prior criminal convictions and when immigration detention is required by statute; and 3) when the ICE Detention and Removal Operations (DRO) Field Office Director (FOD) or his designee decides on a case-by-case basis to assume custody of an alien who does not meet the above criteria.

IV. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating DCSO personnel will be authorized to perform immigration officer functions outlined in 287(g)(1) of the INA regarding the investigation, apprehension, or detention of aliens in the United States, subject to the limitations contained in the Standard Operating Procedures (SOP) in Appendix D to this MOA.

V. DETENTION AND TRANSPORTATION ISSUES

ICE retains sole discretion in determining how it will manage its limited detention resources and meet its mission requirements. ICE Field Office Directors may, in appropriate cases, decline to detain aliens whose detention is not mandated by Federal statute. ICE and the DCSO will prioritize the detention of aliens in conformity with ICE detention priorities. ICE reserves the right to detain aliens to the extent provided by law.

If ICE deems it necessary, the DCSO will enter into an Inter-Governmental Service Agreement (IGSA) with ICE pursuant to which the DCSO will provide, for a reimbursable fee, detention of incarcerated aliens in DCSO facilities, upon the completion of their sentences. If ICE and the DCSO enter into an IGSA, the DCSO must meet the applicable ICE National Detention Standards.

In addition to detention services, if ICE deems it necessary, the IGSA may include a transportation component for the transportation of all incarcerated aliens for a reimbursable fee. Under a transportation IGSA, the DCSO will transport all incarcerated aliens in its facilities who are subject to removal, upon completion of their sentences, to a facility or location designated by ICE. Reimbursement to the DCSO will occur only when the DCSO obtained the prior approval of ICE for the transportation. ICE will not reimburse if the DCSO did not obtain prior approval from ICE.

The parties understand that the DCSO will not continue to detain an alien after that alien is eligible for release from the DCSO's custody in accordance with applicable law and DCSO policy, except for a period of up to 48-hours, excluding Saturdays, Sundays, and any Federal holiday, pursuant to an ICE detainer issued in accordance with 8 C.F.R. § 287.7, absent an IGSA in place as described above.

VI. NOMINATION OF PERSONNEL

The DCSO will nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens. The DCSO is responsible for conducting a criminal background check within the last five years for all nominated candidates. Upon request, the DCSO will provide all related information and materials it collected, referenced, or considered during the criminal background check for nominated candidates to ICE.

In addition to the DCSO background check, ICE will conduct an independent background check for each candidate. This background check requires all candidates to complete a background questionnaire. The questionnaire requires, but is not limited to, the submission of fingerprints, a personal history questionnaire, and the candidate's disciplinary history (including allegations of excessive force or discriminatory action). ICE reserves the right to query any and every national and international law enforcement database to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. Upon request by ICE, the DCSO will provide continuous access to disciplinary records of all candidates along with a written privacy waiver signed by the candidate allowing ICE to have continuous access to his or her disciplinary records.

The DCSO agrees to use due diligence to screen individuals nominated for training and agrees that individuals who successfully complete the training under this MOA will perform immigration officer functions authorized under 287(g) of the INA for a minimum of two years. If DCSO personnel under consideration are in a bargaining unit, that DCSO must, prior to the execution of the MOA, have an agreement with the exclusive representative that allows the designated officers to remain in their position for a minimum of two years. This requirement may be lifted solely at the discretion of ICE for good cause in situations that involve, among other things, imminent promotion, officer career development, and disciplinary actions. Failure by the DCSO to fulfill this commitment could jeopardize the terms of this MOA, and ICE reserves the right, under these circumstances, to take appropriate action as necessary, including terminating this MOA.

All DCSO candidates shall have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions.

In the task force model setting, all DCSO task force officer candidates must be sworn/certified officers, must possess arrest authority, must be authorized to carry firearms, and must be employed full-time by the DCSO. Each DCSO candidate must certify that he/she is not prohibited from carrying a firearm pursuant to State or Federal law, including, but not limited to, the Lautenberg Amendment (18 U.S.C. § 922(g)(8) or (9)).

All DCSO candidates must be approved by ICE and must be able to qualify for access to appropriate DHS and ICE databases. Should a candidate not be approved, a qualified substitute candidate may be submitted. Such substitution must occur without delaying the start of training. Any future expansion in the number of participating DCSO personnel or scheduling of additional training classes may be based on an oral agreement between the parties and is subject to all the requirements of this MOA and the accompanying SOP.

VII. TRAINING OF PERSONNEL

ICE will provide participating DCSO personnel with Immigration Authority Delegation Program (IADP) training consistent with the accompanying SOP.

VIII. CERTIFICATION AND AUTHORIZATION

Before participating DCSO personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete the IADP training, as described in the accompanying SOP. The IADP will be provided by ICE instructors who will train participating DCSO personnel in the enforcement of Federal immigration laws and policies, the scope of the powers delegated pursuant to this MOA and civil rights and civil liberties practices. Participating DCSO personnel must pass an ICE examination after instruction. Upon completion of training, those DCSO personnel who pass the ICE examinations shall be deemed "certified" under this MOA.

ICE will certify in writing the names of those DCSO personnel who successfully complete training and pass all required test(s). Upon receipt of the certification, the ICE Special Agent in Charge (SAC) and/or the ICE FOD in the New Orleans Field Office will provide the participating DCSO personnel a signed authorization letter allowing the named DCSO personnel to perform specified functions of an immigration officer for an initial period of one year from the date of the authorization. ICE will also provide a copy of the authorization letter to the DCSO. Only those certified DCSO personnel who receive authorization letters issued by ICE and whose immigration enforcement efforts are subject to a designated ICE supervisor may conduct immigration officer functions described in this MOA.

Along with the authorization letter, ICE will issue the certified DCSO personnel official Delegation of Authority credentials. Upon receipt of the Delegation of Authority credentials, DCSO personnel will provide ICE a signed receipt of the credentials on the ICE Record of Receipt – Property Issued to Employee (Form G-570).

Authorization of participating DCSO personnel to act pursuant to this MOA may be withdrawn at any time and for any reason by ICE or the DCSO, and must be memorialized in a written notice of withdrawal identifying an effective date of withdrawal and the personnel to which the withdrawal pertains. Such withdrawal may be effectuated immediately upon notice to the other party. The DCSO and the ICE SAC and/or the ICE FOD in the New Orleans Field Office will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA shall constitute immediate revocation of all immigration enforcement authorizations delegated hereunder.

The DCSO will immediately notify ICE when any certified and/or authorized DCSO personnel is no longer participating in the 287(g) program so that appropriate action can be taken, including termination of user account access to DHS and ICE systems.

IX. COSTS AND EXPENDITURES

Participating agencies are responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. The DCSO is responsible for the salaries and benefits, including overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating DCSO personnel while they are receiving training. The DCSO will cover the costs of all DCSO personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines the training provides a direct service for the Government and it is in the best interest of the Government, the Government may issue travel orders to selected personnel and reimburse travel, housing, and per diem expenses only. The DCSO remains responsible for paying salaries and benefits of the selected personnel.

ICE will provide instructors and training materials.

Subject to the availability of funds, ICE will be responsible for the purchase, installation, and maintenance of technology (computer/IAFIS/Photo and similar hardware/software) necessary to support the investigative functions of participating DCSO personnel at each DCSO facility with an active 287(g) program. Only participating DCSO personnel certified by ICE may use this equipment. ICE will also provide the necessary technological support and software updates for use by participating DCSO personnel to accomplish the delegated functions. Such hardware, software, and other technology purchased or provided by ICE shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, or when deemed necessary by the ICE SAC and/or the ICE FOD in the New Orleans Field Office.

The DCSO is responsible for covering all expenses at the DCSO facility regarding cabling and power upgrades. If the connectivity solution for the DCSO is determined to include use of the DCSO's own communication lines - (phone, DSL, site owned T-1/T-3, etc), the DCSO will be responsible for covering any installation and recurring costs associated with the DCSO line.

The DCSO is responsible for providing all administrative supplies, such as paper, toner, pens, pencils, or other similar items necessary for normal office operations. The DCSO is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints and flexi cuffs, etc.

Also, if ICE deems it necessary, the DCSO will provide ICE, at no cost, with an office within each participating DCSO facility for ICE supervisory employees to work.

X. ICE SUPERVISION

Immigration enforcement activities conducted by the participating DCSO personnel will be supervised and directed by ICE supervisory officers or designated ICE team leaders. Participating DCSO personnel are not authorized to perform immigration officer functions except when working under the supervision or guidance of ICE. To establish supervisory and other administrative responsibilities, the SAC/FOD will specify the supervisory and other administrative responsibilities in an accompanying agreed-upon SOP.

Participating DCSO personnel shall give timely notice to the ICE supervisory officer within 24 hours of any detainer issued under the authorities set forth in this MOA. The actions of participating DCSO personnel will be reviewed by ICE supervisory officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for individual training or guidance.

For purposes of this MOA, ICE officers will provide supervision of participating DCSO personnel only as to immigration enforcement functions and for investigations conducted in conjunction to this authority. The DCSO retains supervision of all other aspects of the employment of and performance of duties by participating DCSO personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating DCSO personnel in exercising these authorities shall be DHS and ICE policies and procedures, including the ICE Use of Force Policy. However, when engaged in immigration enforcement activities, no participating DCSO personnel will be expected or required to violate or otherwise fail to maintain the DCSO's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE supervisory officer or a DHS or ICE policy and the DCSO's rules, standards, or policies, the conflict shall be promptly reported to the SAC and/or the FOD in the New Orleans Field Office, or designees, and the DCSO, or designee, when circumstances safely allow the concern to be raised. The SAC and/or the FOD in the New Orleans Field Office and the DCSO shall attempt to resolve the conflict.

XI. REPORTING REQUIREMENTS

ICE does not require the DCSO to provide statistical or arrest data above what is entered into ENFORCE; however, ICE reserves the right to request the DCSO provide specific tracking data and/or any information, documents, or evidence related to the circumstances of a particular alien's arrest. ICE may use this data to compare and verify ICE's own data, and to fulfill ICE's statistical reporting requirements, or to assess the progress and success of the DCSO's 287(g) program.

XII. LIABILITY AND RESPONSIBILITY

If any participating DCSO personnel are the subject of a complaint of any sort that may result in that individual receiving employer discipline or becoming the subject of a criminal investigation

or civil lawsuit, the DCSO shall, to the extent allowed by State law, immediately notify the local point of contact for the ICE Office of Professional Responsibility (OPR) and the SAC/FOD of the existence and nature of the complaint. The resolution of the complaint shall also be promptly reported to ICE. Complaints regarding the exercise of immigration enforcement authority, as specified herein, by participating DCSO personnel shall be handled as described below.

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the DCSO will be responsible and bear the costs of participating DCSO personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating DCSO personnel will be treated as Federal employees only for purposes of the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA, 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. It is the understanding of the parties to this MOA that participating DCSO personnel will enjoy the same defenses and immunities for their in-scope acts that are available to ICE officers from personal liability arising from tort lawsuits based on actions conducted in compliance with this MOA, 8 U.S.C. § 1357(g)(8).

Participating DCSO personnel named as defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. Such requests must be made in writing directed to the Attorney General of the United States, and will be handled in coordination with the SAC and/or the FOD in the New Orleans Field Office. Requests should be in the form of a written memorandum prepared by the defendant addressing each and every allegation in the complaint, explaining as well as admitting or denying each allegation against the defendant. Requests for representation must be presented to the ICE Office of the Chief Counsel at 1010 East Whatley Road, Oakdale, Louisiana 71463.. Any request for representation and related correspondence must be clearly marked "Subject to Attorney-Client Privilege." The Office of the Chief Counsel will forward the individual's request, together with a memorandum outlining the factual basis underlying the event(s) at issue in the lawsuit, to the ICE Headquarters Office of the Principal Legal Advisor, which will forward the request, the factual memorandum, and an advisory statement opining whether such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Torts Staff, Civil Division, Department of Justice. ICE will not be liable for defending or indemnifying acts of intentional misconduct on the part of participating DCSO personnel.

The DCSO agrees to cooperate with any Federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, and documents. Failure to do so may result in the termination of this MOA. Failure of an officer to cooperate in any Federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The DCSO agrees to cooperate with Federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any DCSO personnel under threat of disciplinary action in an administrative investigation cannot be used against that

individual in subsequent criminal proceedings, consistent with Garrity v. New Jersey, 385 U.S. 493 (1967), and its progeny.

As the activities of participating DCSO personnel under this MOA are undertaken under Federal authority, the participating DCSO personnel will comply with Federal standards and guidelines relating to the Supreme Court's decision in Giglio v. United States, 405 U.S. 150 (1972), and its progeny, which relates to the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The DCSO and ICE are each responsible for compliance with the Privacy Act of 1974, as applicable, and related system of records notices with regard to data collection and use of information under this MOA. The applicable Systems of Record Notice for privacy compliance is the ENFORCE Systems of Records Notice, 71 FR 13987, dated March 20, 2006.

XIII. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating DCSO personnel, with regard to activities undertaken under the authority of this MOA, is included in Appendix B.

XIV. CIVIL RIGHTS STANDARDS

Participating DCSO personnel are bound by all Federal civil rights laws, regulations, guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance Regarding The Use Of Race By Federal Law Enforcement Agencies" dated June 2003 and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq., which prohibits discrimination based upon race, color, or national origin (including limited English proficiency) in any program or activity receiving Federal financial assistance.

XV. INTERPRETATION SERVICES

Participating DCSO personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the DCSO, as needed.

The DCSO will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. Participating law enforcement personnel will be instructed on the proper administrative procedures to follow to obtain the services of an interpreter. A qualified interpreter means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records.

XVI. COMMUNICATION

The ICE SAC and/or the FOD in the New Orleans Field Office, and the DCSO shall meet at least annually, and as needed, to review and assess the immigration enforcement activities conducted

by the participating DCSO personnel, and to ensure compliance with the terms of this MOA. When necessary, ICE and the DCSO may limit the participation of these meetings in regards to non-law enforcement personnel. The attendees will meet in Nashville, Tennessee at locations to be agreed upon by the parties, or via teleconference. The participants will be supplied with specific information on case reviews, individual participants' evaluations, complaints filed, media coverage, and, to the extent practicable, statistical information on immigration enforcement activity in DCSO's jurisdiction. An initial review meeting will be held no later than nine months after certification of the initial class of participating DCSO personnel under Section VIII, above.

XVII. COMMUNITY OUTREACH

The DCSO may, at its discretion, engage in community outreach with individuals and organizations expressing an interest in this MOA. ICE may participate in such outreach upon the DCSO's request. Nothing in this MOA shall limit ICE's own community outreach program.

XVIII. RELEASE OF INFORMATION TO THE MEDIA AND OTHER THIRD PARTIES

The DCSO may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the DCSO is authorized to do the same.

The DCSO agrees to coordinate with ICE prior to releasing any information related to, or exchanged under, this MOA, including any SOPs developed for the implementation of this MOA. If ICE determines that any requested records are protected from public disclosure/ not appropriate for public disclosure/ law enforcement sensitive under federal law, ICE will provide the DCSO with the legal authority that makes such records protected from public disclosure under federal law. The DCSO will not release any records that it agrees are protected from disclosure under federal laws, regulations, or executive orders. If there is a good faith disagreement between the DCSO and ICE regarding the public nature of such records, the DCSO may release such records; provided, however, that DCSO will release such records only after notifying ICE of the date the DCSO intends to release the records so that ICE may seek a judicial order, stay, or other intervention barring release on the proposed date.

The release of statistical information regarding the 287(g) program must be coordinated with the ICE Office of Public Affairs. The DCSO hereby agrees to coordinate with ICE regarding information to be released to the media regarding actions taken under this MOA. In the task force model setting, all contact with the media involving investigations conducted under this MOA by Task Force Officers (TFO) will be done pursuant to ICE policy. The points of contact for ICE and the DCSO for this purpose are identified in Appendix C.

Appendix B to this MOA describes the complaint procedures available to members of the public regarding actions taken by participating DCSO personnel pursuant to this agreement.

XIX. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by the signatories. Modification to Appendix D shall be done in accordance with the procedures outlined in the SOP.

XX. POINTS OF CONTACT

ICE and DCSO points of contact for purposes of this MOA are identified in Appendix A. Points of contact (POC) can be updated at any time by providing a revised Appendix A to the other party to this MOA.

XXI. DURATION AND TERMINATION OF THIS MOA

This MOA will remain in effect for three (3) years from the date of signing unless terminated earlier by either party. At the expiration of the three year effective period, ICE and the DCSO shall review the MOA and modify, extend, or permit the MOA to lapse. During the MOA's effective period, either party, upon written notice to the other party, may terminate the MOA at any time. A termination notice shall be delivered personally or by certified or registered mail and termination shall take effect immediately upon receipt of such notice.

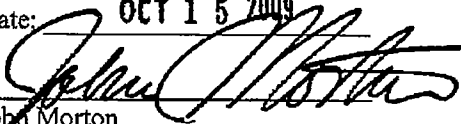
Either party, upon written or oral notice to the other party, may temporarily suspend activities under this MOA when resource constraints or competing priorities necessitate such suspension. Notice of termination or suspension by ICE shall be given to the DCSO.

Notice of termination or suspension by the DCSO shall be given to the SAC and/or the FOD in the New Orleans Field Office. Upon a good faith determination that the DCSO is not fulfilling its duties, ICE shall notify the DCSO, in writing, and inform the DCSO that it has 90 days to demonstrate a continued need for 287(g) program services. If this continued need is not demonstrated by the DCSO, the authorities and resources given to the DCSO pursuant to this MOA will be terminated or suspended. Upon a subsequent demonstration of need, all costs to reinstate access to such authorities and/or program services will be incurred by the DCSO.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

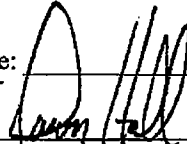
By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

Date: OCT 15 2009



John Morton
Assistant Secretary
Immigration and Customs Enforcement
Department of Homeland Security

Date: 10-8-09



Daron Hall
Sheriff
Davidson County Sheriff's Office
Nashville, Tennessee

APPENDIX A
POINTS OF CONTACT

The ICE and DCSO points of contact for purposes of implementation of this MOA are:

For the DCSO:

John L. Ford, III, Chief Deputy
Davidson County Sheriff's Office
506 Second Avenue North
Nashville, TN 37201
(615) 862-8955
jford@dcso.nashville.org

For ICE DRO:

Gerald B. Smith
Assistant Field Office Director
827 Forrest Avenue
Gadsden, AL 35901
(256) 543-8154 x 233

APPENDIX B

COMPLAINT PROCEDURE

This Memorandum of Agreement (MOA) is between the US Department of Homeland Security's Immigration and Customs Enforcement (ICE) and the Davidson County Sheriff's Office (DCSO), pursuant to which selected DCSO personnel are authorized to perform immigration enforcement duties in specific situations under Federal authority. As such, the training, supervision, and performance of participating DCSO personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through these complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

The MOA sets forth the process for designation, training, certification, and authorization of certain DCSO personnel to perform certain immigration enforcement functions specified herein. Complaints filed against those personnel in the course of their non-immigration duties will remain the domain of the DCSO and be handled in accordance with the DCSO's Manual of Policy and Procedures, or equivalent rules, regulations, or procedures.

If any participating DCSO personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving employer discipline or becoming the subject of a criminal investigation or civil lawsuit, the DCSO shall, to the extent allowed by State law, immediately notify ICE of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be promptly reported to ICE. The ICE notifications should be made to the SAC and the Office of Professional Responsibility (OPR) points of contact in New Orleans, Louisiana. Complaints regarding the exercise of immigration enforcement authority by participating DCSO personnel shall be handled as described below.

The DCSO will also handle complaints filed against DCSO personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Further, any such complaints regarding non-designated DCSO personnel shall be forwarded to the SAC or the FOD in the New Orleans Field Office.

In order to simplify the process for the public, complaints against participating DCSO personnel relating to their immigration enforcement can be reported in the following manner "Complaint and Allegation Reporting Procedures."

1. Complaint and Allegation Reporting Procedures

Complaint reporting procedures shall be disseminated by the DCSO within facilities under its jurisdiction (in English and other languages as appropriate) in order to ensure that individuals are aware of the availability of such procedures. Such reporting procedures shall also be included within facility manuals for detainees who have been processed under the 287(g) program. Such material must include up-to-date contact information necessary to file the complaint.

Complaints will be accepted from any source (e.g., ICE, DCSO, participating DCSO personnel, inmates, and the public). ICE will immediately forward a copy of the complaint to the DHS Office for Civil Rights and Civil Liberties (CRCL) Review and Compliance.

Complaints can be reported to Federal authorities as follows:

- A. Telephonically to the DHS Office of the Inspector General (DHS OIG) at the toll free number 1-800-323-8603, or
- B. Telephonically to the ICE OPR at the Joint Intake Center (JIC) in Washington, D.C., at the toll-free number 1-877-246-8253, email Joint.Intake@dhs.gov, or
- C. Via mail as follows:
 - Department of Homeland Security
 - Immigration and Customs Enforcement
 - Office of Professional Responsibility
 - P.O. Box 14475
 - Pennsylvania Avenue NW
 - Washington D.C. 20044

2. Review of Complaints

All complaints or allegations (written or oral) reported to the DCSO directly that involve DCSO personnel with ICE delegated authority will be reported to ICE OPR. ICE OPR will verify participating personnel status under the MOA with the assistance of the SAC of the ICE Office of Investigations in New Orleans, Louisiana. Complaints received by any ICE entity will be reported directly to ICE OPR as per existing ICE policies and procedures.

ICE OPR, as appropriate, will make an initial determination regarding ICE investigative jurisdiction and refer the complaint to the appropriate ICE office for action as soon as possible, given the nature of the complaint.

Complaints reported directly to ICE OPR will be shared with the DCSO's Internal Investigations Unit when the complaint involves DCSO personnel. Both offices will then coordinate appropriate investigative jurisdiction, which may include initiation of a joint investigation to resolve the issue(s).

3. Complaint and Allegations Resolution Procedures

Upon receipt of any complaint or allegation, ICE OPR will undertake a complete review of each complaint in accordance with existing ICE allegation criteria and reporting requirements. As stated above, the ICE OPR will adhere to the reporting requirements as stated above and as they relate to the DHS OIG and CRCL and/or the DOJ CRD. Complaints will be resolved using the existing procedures, supplemented as follows:

A. Referral of Complaints or Allegations to the DCSO's Internal Investigations Unit.

The ICE OPR will refer complaints, as appropriate, involving DCSO personnel to the DCSO's Internal Investigations Unit for resolution. The Chief Deputy will inform ICE OPR of the disposition and resolution of any complaints or allegations against DCSO's participating officers.

B. Interim Action Pending Complaint Resolution

When participating DCSO personnel are under investigation for any reason that could lead to disciplinary action, demotion, or dismissal, or are alleged to have violated the terms of this MOA, ICE may revoke that individual's authority and have that individual removed from participation in the activities covered under the MOA.

C. Time Parameters for Resolution of Complaints or Allegations

It is expected that any complaint received will be resolved within 90 days of receipt. However, this will depend upon the nature and complexity of the substance of the complaint itself.

D. Notification of Resolution of a Complaint or Allegation

ICE OPR will coordinate with the DCSO's Internal Investigations Unit to ensure notification as appropriate to the ICE SAC in New Orleans, Louisiana, the subject(s) of a complaint, and the person filing the complaint regarding the resolution of the complaint.

These Complaint Reporting and Allegation Procedures are ICE's internal policy and may be supplemented or modified by ICE unilaterally. ICE will provide DCSO with written copies of any such supplements or modifications. These Complaint Reporting and Allegation Procedures apply to ICE and do not restrict or apply to other investigative organizations within the federal government.

APPENDIX C

PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section XVIII of this MOA, the signatories agree to coordinate appropriate release of information to the media regarding actions taken under this MOA before any information is released. The points of contact for coordinating such activities are:

For the DCSO:

Karla Weikal, Director of Communications
Davidson County Sheriff's Office
506 Second Avenue North
Nashville, TN 37201
(615) 862-8226
kweikal@dcso.nashville.org

For ICE:

Temple Black
Public Affairs Officer
Office of Public Affairs and Internal Communication
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
1250 Poydras Street, Suite 2200
New Orleans, LA 70113
(504) 310-8887

APPENDIX D

STANDARD OPERATING PROCEDURE (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the 287(g) delegation of authority program within the SAC/FOD area of responsibility. This appendix can be modified only in writing and by mutual acceptance of the SAC/FOD, the Sheriff of Davidson County, the ICE Office of State and Local Coordination (OSLC) and the ICE Office of the Principal Legal Advisor (OPLA).

There are two models for the 287(g) program, a Task Force Officer (TFO) model or a Detention model. Pursuant to this MOA, DCSO has been delegated authorities under the Detention model as outlined below.

Prioritization:

ICE retains sole discretion in determining how it will manage its limited resources and meet its mission requirements. To ensure resources are managed effectively, ICE requires the DCSO to also manage its resources dedicated to 287(g) authority under the MOA. To that end, the following list reflects the categories of aliens that are a priority for arrest and detention with the highest priority being Level 1 criminal aliens. Resources should be prioritized to the following levels:

- ☐ Level 1 – Aliens who have been convicted of or arrested for major drug offenses and/or violent offenses such as murder, manslaughter, rape, robbery, and kidnapping;
- ☐ Level 2 – Aliens who have been convicted of or arrested for minor drug offenses and/or mainly property offenses such as burglary, larceny, fraud, and money laundering; and
- ☐ Level 3 – Aliens who have been convicted of or arrested for other offenses.

Training:

The 287(g) training program, the Immigration Authority Delegation Program (IADP), will be taught by ICE instructors and tailored to the immigration functions to be performed. ICE Office of Training and Development (OTD) will proctor examinations during the IADP. The DCSO nominee must pass each examination with a minimum score of 70 percent to receive certification. If the DCSO nominee fails to attain a 70 percent rating on an examination, the DCSO nominee will have one opportunity to remediate the testing material and re-take a similar examination. During the entire duration of the IADP, the DCSO nominee will be offered a maximum of one remediation examination. Failure to achieve a 70 percent on any two examinations (inclusive of any remediation examination), will result in the disqualification of the DCSO nominee and their discharge from the IADP.

Training will include, among other topics: (i) discussion of the terms and limitations of this MOA; (ii) the scope of immigration officer authority; (iii) relevant immigration law; (iv) the ICE Use of Force Policy; (v) civil rights laws; (vi) the U.S. Department of Justice "Guidance Regarding the Use Of Race By Federal Law Enforcement Agencies," dated June 2003; (vii) public outreach and complaint procedures; (viii) liability issues; (ix) cross-cultural issues; and (x) the obligation under Federal law and the Vienna Convention on Consular Relations to make proper notification upon the arrest or detention of a foreign national.

Approximately one year after the participating DCSO personnel are trained and certified, ICE may provide additional updated training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions. Local training on relevant issues will be provided as needed by ICE supervisors or designated ICE team leaders. An OSLC designated official shall, in consultation with OTD and local ICE officials, review on an annual basis and, if needed, refresh training requirements.

Trained DCSO personnel will receive, as needed, a DHS email account and access to the necessary DHS applications. The use of the information technology (IT) infrastructure and the DHS/ICE IT security policies are defined in the Interconnection Security Agreement (ISA). The ISA is the agreement between ICE Chief Information Security Officer (CISO) and DCSO Designated Accreditation Authority (DAA). DCSO agrees that each of its sites using ICE-provided network access or equipment will sign the ISA, which defines the IT policies and rules of behavior for each user granted access to the DHS network and applications. Failure to adhere to the terms of the ISA could result in the loss of all user privileges.

Data Collection:

ENFORCE is the primary processing system for alien removals and is the main resource for statistical information for the 287(g) program. All ENFORCE entries must be completed in accordance with established ICE policies and adhere to OSLC guidance.

ICE does not require the DCSO to provide statistical or arrest data above what is entered into ENFORCE; however, ICE reserves the right to request specific tracking or arrest data be maintained and provided for comparison and verification with ICE's own data and statistical information. This data may also be used for ICE's statistical reporting requirements or to assess the progress and success of the DCSO's 287(g) program.

The DCSO and ICE are each responsible for compliance with the Privacy Act of 1974, as applicable, and related system of records notices with regard to data collection and use of information under this MOA. The applicable Systems of Record Notice for privacy compliance is the ENFORCE Systems of Records Notice, 71 FR 13987, dated March 20, 2006.

DETENTION MODEL:

Participating DCSO personnel performing immigration-related duties pursuant to this MOA will be DCSO officers assigned to detention operations supported by ICE. Those participating DCSO personnel will exercise their immigration-related authorities only during the course of their normal duties while assigned to DCSO jail/correctional facilities. Participating DCSO personnel will identify and remove criminal aliens that reside within the DCSO's jurisdiction pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section.

The participating DCSO personnel are authorized to perform the following functions as allowed by 287(g) of the INA for the Detention Model:

- The power and authority to interrogate any person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations any removable alien or those aliens who have been arrested for violating a Federal, State, or local offense;
- The power and authority to serve warrants of arrest for immigration violations pursuant to INA § 287(a) and 8 C.F.R. § 287.5(c)(3);
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)), to complete required criminal alien processing, including fingerprinting, photographing, and interviewing of aliens, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review;
- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of a Notice to Appear (NTA) application or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors;
- The power and authority to issue immigration detainers (INA § 236, INA § 287, and 8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and
- The power and authority to detain and transport (INA § 287(g)(1) and 8 C.F.R. § 287.5(c)(6)) arrested aliens subject to removal to ICE-approved detention facilities.

As noted under Appendix D's "Prioritization" section, ICE requires the DCSO to focus its use of the 287(g) program in accord with ICE's priorities.

Supervision:

A 287(g) delegation of authority detention model is designed to identify and remove aliens amenable to removal that are incarcerated within the DCSO's detention facilities pursuant to the tiered level of priorities set forth in Appendix D's "Prioritization" section. The following

identifies each entity's roles and responsibilities. These roles and responsibilities include, but are not limited to:

The DCSO shall provide notification to the ICE supervisor of any detainees placed under 287(g) authority within 24 hours.

The DCSO shall coordinate transfer of detainees processed under 287(g) authority in a timely manner. Prior to initiating the transfer of 287(g) arrests from the Sheriff's custody to the custody of ICE under the provisions of the DCSO Intergovernmental Service Agreement (IGSA) with ICE, DCSO must obtain detention authorization from the ICE supervisor, or his designee, in accordance with the MOA. No 287(g) arrests may be booked under the ICE IGSA by DCSO without an I-203A (Order to Detain Aliens) signed by the ICE supervisor, or his designee.

The DCSO is responsible for ensuring proper record checks have been completed, obtaining the necessary court/conviction documents, and, upon arrest, ensuring that the alien is processed through ENFORCE/IDENT and served with the appropriate charging documents.

The DCSO must immediately report all encounters of an individual who claims U.S. citizenship to the FOD through their chain of command. The FOD shall make the appropriate notification to DRO headquarters.

The ICE supervisor is responsible for requesting alien files, reviewing alien files for completeness, approval of all arrests, and TECS checks and input. The FOD office is responsible for providing the DCSO with current and updated DHS policies regarding the arrest and processing of illegal aliens.

On a regular basis, the ICE supervisors are responsible for conducting an audit of the IDENT/ENFORCE computer system entries and records made by the DCSO's officers. Upon review and auditing of the IDENT/ENFORCE computer system entries and records, if errors are found, the ICE supervisor will communicate those errors in a timely manner to the responsible official for DCSO. The ICE supervisor will notify the DCSO of any errors in the system and the DCSO is responsible for submitting a plan to ensure that steps are taken to correct, modify, or prevent the recurrence of errors that are discovered.

Custody decisions will be made on an individualized case basis consistent with the above priorities. Whenever deemed appropriate, DCSO through the ICE supervisor will utilize an alternative to detention for lower level violators. Such alternatives may include but need not be limited to electronic monitoring and/or personal reporting schedule as outlined on Form I-220A (Order of Release on Recognizance).

Nominated Personnel:

All DCSO jail enforcement officer candidates shall have specific experience that should consist of having supervised inmates. Candidates must show that they have been trained on and concerned with maintaining the security of the facility. Candidates must have enforced rules and regulations governing the facility on inmate accountability and conduct. Candidates must also show an ability to meet and deal with people of differing backgrounds and behavioral patterns.

SIGNATURE PAGE
Davidson County 287(g) MOA

IN WITNESS WHEREOF, the parties have by their duly authorized representatives set their signatures.

**METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY**

APPROVED AS TO AVAILABILITY
OF FUNDS:

Richard Riebeling
Richard Riebeling, Director
Department of Finance

10/8/09
Date

APPROVED AS TO RISK AND INSURANCE:

TJ CN
Director of Insurance

10/8/09
Date

APPROVED AS TO FORM AND
LEGALITY:

Kathleen
Metropolitan Attorney

10/8/09
Date



Marilyn D. Swing
Metropolitan Clerk *862009-997*

10/20/09
Date

Exhibit 3

**Certified Copy of Metro Council
Resolution 2009-997
(Approved Oct. 23, 2009)**

RESOLUTION NO. RS2009-997

A resolution approving an agreement between the United States Bureau of Immigration and Customs Enforcement and The Metropolitan Government of Nashville and Davidson County authorizing the training and use of Davidson County Sheriff's Office personnel to identify and process immigration offenders in DCSO jail and correctional facilities.

WHEREAS, the United States Bureau of Immigration and Customs Enforcement (ICE), a component of the United States Department of Homeland Security, is authorized under 8 U.S.C. 1357(g) to enter into written agreements with any political subdivision of a State so that qualified personnel can perform certain functions of immigration officers; and,

WHEREAS, the Davidson County Sheriff's Office will perform such immigration officer functions, in coordination with ICE, as specified in the Agreement attached hereto and incorporated herein; and,

WHEREAS, it is to benefit the citizens of The Metropolitan Government of Nashville and Davidson County that such Agreement be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

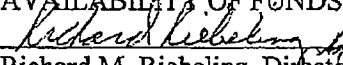
Section 1. That the Agreement between The Metropolitan Government of Nashville and Davidson County and the United States Bureau of Immigration and Customs Enforcement authorizing Davidson County Sheriff's Office personnel to perform certain functions of immigration officers, attached hereto and incorporated herein, is hereby approved.

Section 2. That any amendments to the terms of the Agreement must be approved by resolution of the Metropolitan Council receiving twenty-one affirmative votes.

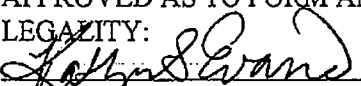
Section 3. That any funds received pursuant to this Agreement shall be appropriated to the Davidson County Sheriff's Office.

Section 4. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

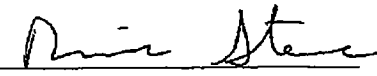
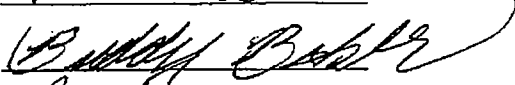
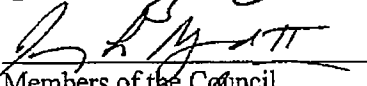
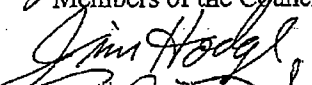
APPROVED AS TO THE
AVAILABILITY OF FUNDS:


Richard M. Riebeling, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:


Metropolitan Attorney

INTRODUCED BY:




Members of the Council



R:\D\04100-04199\09-04153\Res ICE Agreement-DCSO.doc

ORIGINAL

METROPOLITAN COUNTY COUNCIL

2009 OCT 13 PM 1:46

FILED
METROPOLITAN
CLERK

Resolution No. RS2009-997

A resolution approving an agreement between the United States Bureau of Immigration and Customs Enforcement and The Metropolitan Government of Nashville and Davidson County authorizing the training and use of Davidson County Sheriff's Office personnel to identify and process immigration offenders in DCSO jail and correctional facilities.

Introduced OCT 20 2009

Amended _____

Adopted OCT 20 2009

Approved OCT 23 2009

By LCIL
Metropolitan Mayor

CERTIFICATION

I, Marilyn S. Swing, being the duly appointed Metropolitan Clerk of The Metropolitan Government of Nashville and Davidson County, do hereby certify that the foregoing is a true and exact copy of Resolution No. RS2009-997 of said Metropolitan Government, which resolution was adopted on October 20, 2009, at the meeting of the Metropolitan Council held on that date, and is now recorded in Book No. M66, Page 75.

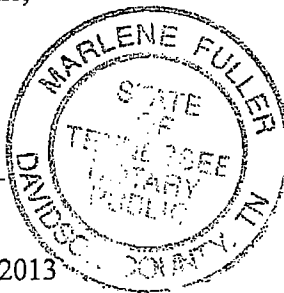
WITNESS MY HAND and the Seal of The Metropolitan Government of Nashville and Davidson County, Tennessee, this 7th day of January, 2011.

Marilyn S. Swing
Metropolitan Clerk

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me,
by Marilyn S. Swing, this 7th
day of January, 2011.

Marlene Fuller
Notary Public



My Commission expires: 07-08-2013

Exhibit 4

**Excerpt from
Deposition of Daron Hall
(July 23, 2010)**

1 Q. Is it the DCSO 287(g) interrogator
2 that makes the determination that the person
3 being interrogated is or is not an
4 undocumented alien?
5 A. No. Is it their job to determine? Is
6 that what you --
7 Q. No. Who makes the determination that
8 this person being interrogated is not, or is
9 an undocumented alien?
10 A. I believe it's the federal
11 government's job to do it. We do the work,
12 hand it over to them, and they review it and
13 either agree or not with what our conclusion
14 is.
15 Q. So the person who finds that this
16 person being interrogated is an undocumented
17 alien is not the DCSO deputy, but the ICE
18 representative on-site; is that correct?
19 A. Well, the way I understand it, it's
20 just like a Police Department or, you know,
21 taking their charges to a district attorney,
22 for example; here's what we believe happened,
23 here are the facts surrounding this case; and
24 then it's determined whether to pursue
25 charges.

1 Charges, in my analogy, is that the
2 federal agent then takes that case to a
3 federal judge. Very similar to that. We're
4 doing the grunt work, if you will, of the
5 case and we're turning in what we have on the
6 individual and the federal employee is the
7 one who must sign off on the report.

8 Q. Is the NTA initiated before that case
9 is taken to the, to the ICE, the federal ICE
10 representative?

11 A. I mean, I wouldn't think it would be
12 finalized. There may be some preliminary
13 work done on it. I mean, I'm not real clear
14 about that.

15 Q. My question was, is it initiated.

16 A. I don't know.

17 Q. Let me take you back to this Hispanic
18 Nashville article. I don't know why I don't
19 just put it on top of all my stuff. Here we
20 go. This is Exhibit 22.

21 In this article on the second page,
22 you say, "Would deportation -- I mean, H,
23 Hispanic Nashville Notebook said, "Would
24 deportation occur in every instance in which
25 an individual is flagged for deportation or

Exhibit 5

**Legal Opinion No. 2004-04, Department of
Law of the Metropolitan Government of
Nashville and Davidson County**

**(From: Sue B. Cain, Deputy Director of Law,
To: Daron Hall, Sheriff of Davidson County;
Approved by: Karl Dean, Director of Law)
(Oct. 6, 2004)**

BILL PURCELL
MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

KARL F. DEAN
DIRECTOR OF LAW



DEPARTMENT OF LAW
204 COURTHOUSE
NASHVILLE, TENNESSEE 37201

Legal Opinion 2004-04

To: Daron Hall, Sheriff
Metropolitan Nashville & Davidson County Sheriff's Office
506 Second Avenue North
Nashville, TN 37201

Date: October 6, 2004

You have requested a legal opinion from the Department of Law on the following question:

Question

Does the Metropolitan Sheriff have the authority or the duty to apprehend a jail escapee who was in the custody of the Metropolitan Sheriff before escaping?

Short Answer

The Metropolitan Sheriff has the authority and the duty to apprehend an escapee if the pursuit is fresh, that is, if there has not been significant delay in the pursuit. Once the pursuit is no longer fresh pursuit, the Metropolitan Police Department has the authority and the duty to locate and apprehend the escapee.

Analysis

"Sheriffs are constitutional officers." *Smith v. Plummer*, 834 S.W.2d 311, 313 (Tenn. Ct. App. 1992); Tenn. Const., Art. VII, § 1. "The duties of sheriffs are not prescribed by the Constitution and were originally defined by common law." *Smith v. Plummer*, 834 S.W.2d at 313.¹ At common law, the sheriff was the custodian of the county jail. *Prescott v. Duncan*, 148 S.W. 229, 238 (Tenn. 1912) ("[T]he sheriff at common law was the keeper of the county jail and had given to him the custody of the prisoners confined therein, and, when the Constitution of 1870

¹ See, *State ex rel. Thompson v. Reichman*, 188 S.W. 225, 227 (Tenn. 1916) ("The office of sheriff is a most ancient one. It carries with it, in America, all of its common-law duties and powers except as modified by statute.")

TELEPHONE NUMBER: (615) 862-6341 FAX NUMBER: (615) 862-6352

EXHIBIT

5

provided for the election of a sheriff without defining his duties, it was held that the term 'sheriff' must be understood in its constitutional sense as including all the duties and powers, and having all the privileges and emoluments, which belonged to that office at common law." See, *Felts v. City of Memphis*, 39 Tenn. 650 (Tenn. 1859) ("At the common law, the custody of jails, of right belonged, and was annexed, as an incident, to the office of sheriff.")

As custodian of the jail, the sheriff had the common law duty to pursue prisoners who escaped and to use every lawful means to recapture them. See, *State v. Faulk*, 136 So. 601, 603 (Fla. 1931). However, if the sheriff lost sight of the prisoners, the duty to pursue no longer existed. *Id.*; *Barry v. Mandell*, 10 Johns 563 (N.Y. Sup. Ct. 1813).

"Most duties of sheriffs are now prescribed by statute." *Smith v. Plummer*, 834 S.W.2d at 313. See, Tenn. Const., Art. VII, § 1.² The sheriff's statutory duties encompass his common law duties and include operating the jail³ and preserving the peace.⁴ *Smith v. Plummer*, 834 S.W.2d at 313; *George v. Harlan*, 1998 WL 668637 (Tenn. 1998).

In 1953, the Tennessee Constitution was amended to authorize the consolidation of cities and counties. Tenn. Const., Art. XI, § 9;⁵ *Metropolitan Government of Nashville & Davidson County v. Poe*, 383 S.W.2d 265, 277 (Tenn. 1964). Pursuant to the provisions of Tenn. Const., Art. XI, § 9, the General Assembly enacted laws providing for the creation of metropolitan governments. T.C.A. §§ 7-1-101 *et seq.* The legislature permitted the alteration of the duties of any city or county office by the metropolitan charter so long as the alteration is consistent with

² Tenn. Const., Art. VII, § 1 provides in relevant part: "The qualified voters of each county shall elect for terms of four years a legislative body, a county executive, a Sheriff, a Trustee, a Register, a County Clerk and an Assessor of Property. Their qualifications and duties shall be prescribed by the General Assembly. Any officer shall be removed for malfeasance or neglect of duty as prescribed by the General Assembly."

³ See, T. C. A. § 41-4-101 ("The sheriff of the county has, except in cases otherwise provided by law, the custody and charge of the jail of the county, and of all prisoners committed thereto, and may appoint a jailer, for whose acts the sheriff is civilly responsible.") See also, T.C.A. § 8-8-201(a)(3) ("It is the sheriff's duty to: ... Take charge and custody of the jail of the sheriff's county, and of the prisoners therein; receive those lawfully committed, and keep them personally, or by deputies or jailer, until discharged by law").

⁴ See, T. C. A. § 38-3-102 ("The sheriff is the principal conservator of the peace in the sheriff's county, and it is the sheriff's duty to suppress all affrays, riots, routs, unlawful assemblies, insurrections, or other breaches of the peace, to do which the sheriff may summon to such sheriff's aid as many of the inhabitants of the county as such sheriff thinks proper.") See also, T. C. A. § 8-8-213 ("The sheriff and the sheriff's deputies are conservators of the peace, and may call any person, or summon the body of the county to their aid, in order to keep the peace, prevent crime, arrest any person lawfully, or to execute process of law.")

⁵ See, Tenn. Const., Art. XI, § 9 ("The General Assembly may provide for the consolidation of any or all of the governmental and corporate functions now or hereafter vested in municipal corporations with the governmental and corporate functions now or hereafter vested in the counties in which such municipal corporations are located; provided, such consolidations shall not become effective until submitted to the qualified voters residing within the municipal corporation and in the county outside thereof, and approved by a majority of those voting within the municipal corporation and by a majority of those voting in the county outside the municipal corporation.")

the Tennessee Constitution. T.C.A. § 7-1-110;⁶ T.C.A. § 7-2-108(16).⁷ See, *Metropolitan Charter* § 2.01(36).⁸

In accordance with the provisions of the enabling statutes addressed above, the Metropolitan Government of Nashville and Davidson County adopted charter provisions that transferred to the Metropolitan Chief of Police, the duties of the sheriff as the principal conservator of peace. *Metropolitan Charter* § 16.05.⁹ The Charter specifies that the "department

⁶ T. C. A. § 7-1-110 provides: "Any city or county office, department, board, commission, agency or function established by private act prior to the adoption of a metropolitan form of government may be altered, consolidated or abolished by ordinance of the chief legislative body of the metropolitan government if the charter of the metropolitan government does not otherwise provide for the office, department, board, commission, agency or function, and such alteration, consolidation or abolition is not otherwise prohibited by chapters 1-6 of this title or the Constitution of Tennessee."

⁷ T.C.A. § 7-2-108(a)(16) provides: "The proposed metropolitan charter shall provide: ... For such administrative departments, agencies, boards and commissions as may be necessary and appropriate to perform the consolidated functions of city and county government in an efficient and coordinated manner and for this purpose for the alteration or abolition of existing city and county offices, departments, boards, commissions, agencies and functions, except where otherwise provided in chapters 1-6 of this title or prohibited by the Constitution of Tennessee".

⁸ Metropolitan Charter § 2.01(36), which adopts the power given to the Metropolitan Government by the legislature to alter offices, provides: "The metropolitan government of Nashville and Davidson County shall have power: ... To create, alter or abolish departments, boards, commissions, offices and agencies other than those specifically established by this Charter, and to confer upon the same necessary and appropriate authority for carrying out of all powers, including the promulgation of building, plumbing, zoning, planning and other codes; but when any power is vested by this Charter in a specific officer, board, commission or other agency, the same shall be deemed to have exclusive jurisdiction within the particular field."

⁹ Metropolitan Charter § 16.05, which addresses the duties of the Metropolitan Sheriff, provides in relevant part as follows:

The sheriff, elected as provided by the Constitution of Tennessee, is hereby recognized as an officer of the metropolitan government. He shall have such duties as are prescribed by Tennessee Code Annotated, section 8-8-201, or by other provisions of general law; except, that within the area of the metropolitan government the sheriff shall not be the principal conservator of peace. The function as principal conservator of peace is hereby transferred and assigned to the metropolitan chief of police, provided for by article 8, chapter 2 of this Charter. The sheriff shall have custody and control of the metropolitan jail and of the metropolitan workhouse to which persons are sentenced for violation of state law, but the urban jail and workhouse in which persons are confined for violations of ordinances of the metropolitan government, or while awaiting trial for such violation, shall be under the custody and control of the metropolitan chief of police. By ordinance the urban jail may be consolidated with the metropolitan jail and the urban workhouse may be consolidated with the metropolitan workhouse. After either or both such consolidations, the jail and the workhouse shall be under the custody and control of the sheriff."

(Emphasis added.)

of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government." *Metropolitan Charter* § 8.202. The Charter, however, still reserves for the sheriff, the duty and obligation of overseeing the consolidated jail and workhouse. *Metropolitan Charter* § 16.05.

The Tennessee Supreme Court has held that the Charter's transfer of law enforcement duties from the sheriff to the police department is a valid exercise of the Metropolitan Government's power under Tennessee Code sections permitting the creation of metropolitan forms of government. *Metropolitan Government of Nashville & Davidson County v. Poe*, 383 S.W.2d 265 (Tenn. 1964).¹⁰ The Court stated that the "Sheriff, in the conduct of his office, shall be subject to and governed by Sec. 16.05 and Sec. 8.202 of the Metropolitan Charter." *Id.* at 278. When any power is vested by the "Charter in a specific officer, board, commission or other agency, the same shall be deemed to have exclusive jurisdiction within the particular field." *Metropolitan Charter* § 2.01(36). According to *Poe*, section 16.05 of the Charter makes such an exclusive vesting of criminal law enforcement duties in the Metropolitan Chief of Police. *Poe*, 383 S.W.2d at 275.

The Charter has assigned custody and control of the jail to the sheriff. *Metropolitan Charter* § 16.05. Incident to exercising such control, the Sheriff retains the common law duty and authority to pursue and apprehend inmates attempting to escape. *See, State v. Faulk*, 136 So. 601, 603 (Fla. 1931). *See, State v. Faulk*, 136 So. at 603 ("[I]t is the duty of the legal custodian of a prisoner to maintain his custody of such prisoner and, if the prisoner attempts to escape, to pursue him and use every lawful means to recapture and return him to prison so long as he does not lose sight of the prisoner.") *See also, Barry v. Mandell* (N.Y. Sup. Ct. 1813) ("The statutes ... have not altered the common law as to the liability of sheriffs for escapes, nor taken away their common law rights as to a fresh pursuit and recaption").

Tenn. Code Ann. § 40-7-114 provides that if "a person arrested escapes or is rescued, the person from whose custody the arrested person escaped or was rescued may immediately pursue and retake the arrested person at any time and in any place within the state." Pursuant to the provisions of Tenn. Code Ann. § 40-7-114, in the case of an immediate pursuit, the custodian of the escapee may pursue and retake him. *McCaslin v. McCord*, 94 S.W. 79 (Tenn. 1906). In *McCaslin v. McCord*, *supra*, the Tennessee Supreme Court construed the provisions of Shannon Code §§ 7006 and 7007, the precursor to Tenn. Code Ann. §§ 40-7-114 and 40-7-115.¹¹ The

¹⁰ *See, Metropolitan Government of Nashville and Davidson County v. Poe*, 383 S.W.2d 265, 276 (Tenn. 1964) ("The duties of the Sheriff of Davidson County in regard to criminal law enforcement have been taken from him by the Charter adopted pursuant to a general law which, in turn, was specifically authorized by a constitutional amendment. The Charter bears the approval of the people in a plebiscite conducted for that purpose in the area covered by the Metropolitan Government. ... Therefore, we see no constitutional infirmity against taking this one duty and responsibility from the Sheriff and transferring it to the Chief of Police.")

¹¹ T.C.A. § 40-7-114 is nearly identical to Shannon Code § 7006. *Compare* T.C.A. § 40-7-114 ("If a person arrested escapes or is rescued, the person from whose custody the arrested person escaped or was rescued

Court interpreted the referenced statutes as stated in Shannon's Code, to permit an officer to pursue and retake an escapee without a warrant, but only when the pursuit is immediate or "fresh".^{12 13}

[W]e think that under these sections an officer would have the right to make such immediate pursuit and recapture, without a warrant, where a person charged with crime had escaped, whether from jail or from the personal custody of the officer.

We are of the opinion, however, that these sections ... do not authorize either a private person or an officer to arrest, without a warrant, a person who has escaped from jail or from custody when the pursuit is not immediate or fresh.

McCaslin v. McCord, 94 S.W. at 82.

Thus, if an arrested defendant escapes from the custody of the Sheriff, and the Sheriff is in fresh pursuit, he may, without a warrant, pursue and recapture the escapee. 9 Tenn. Prac. Crim. Prac. & Procedure § 18.163 (2003).

may immediately pursue and retake the arrested person at any time and in any place within the state") with Shannon Code § 7006 ("If a person arrested escape or be rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him, at any time and in any place within the state") [Provisions of Shannon Code 7006 as cited in *McCaslin v. McCord*, 94 S.W. 79, 82 (Tenn. 1906)].

Likewise, T.C.A. §40-7-115 is nearly identical to Shannon Code 7007. Compare T.C.A. 40-7-115 ("To retake the party escaping or rescued, the person pursuing may, after notice of such person's intention and refusal of admittance, break open any outer or inner door or window of a dwelling house") with Shannon Code § 7007 ("To retake the party escaping or rescued, the person pursuing may, after notice of his intention and refusal of admittance, break open any outer or inner door or window of a dwelling house") [Provisions of Shannon Code 7007 as cited in *McCaslin v. McCord*, 94 S.W. at 82].

¹² Fresh pursuit is defined in T.C.A. § 40-7-202 as follows:

"Fresh pursuit" includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony;

(A) It also includes the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed;

(B) "Fresh pursuit" does not necessarily imply instant pursuit, but pursuit without unreasonable delay ...

Although the above referenced definition is only applicable as used in the Uniform Law of Fresh Pursuit, T.C.A. § 40-7-201 *et seq.*, dealing with pursuit across state lines, it is nonetheless instructive in that "fresh pursuit" is not limited to instant pursuit, but includes pursuit without unreasonable delay.

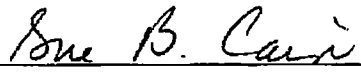
¹³ Where the pursuer is a private person, not only must pursuit be fresh, the escape itself must be a felony. *McCaslin*, 94 S.W. at 82 ("Nor do we think that [the] sections...authorize any private person to make an arrest for an escape, except in those instances in which the escape itself is by law a felony.")

However, if the pursuit is not fresh, a warrant must be obtained. *State v. Endsley*, 126 S.W. 103, 103 (Tenn. 1910) ("We find no authority for the sheriff's arresting a prisoner for a crime not committed in his presence, or in fresh pursuit, where there is sufficient time to get a warrant, even after he has escaped from jail.") *See also*, 5 Am. Jur. 2d Arrest § 104 (citing *McCaslin* and *Endsley*). Because Charter § 8.202 gives the Metropolitan Police exclusive jurisdiction over the preservation of the public peace, once the inmate has escaped or is reasonably believed to have done so, unless the sheriff is in fresh pursuit, it is the sole duty of the Police Department to pursue and apprehend the escapee.¹⁴ *Metropolitan Charter* § 8.202.

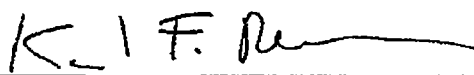
Conclusion

The Sheriff has the ability and the common law duty to pursue and apprehend inmates attempting to escape from the metropolitan jail and workhouse pursuant to the authority to maintain custody and control of those areas. However, once the inmate has escaped, or is reasonably believed to have done so, unless the sheriff is in immediate pursuit, it is the sole duty of Police Department to pursue and apprehend the escapee.¹⁵

THE DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY


Sue B. Cain
Deputy Director of Law

APPROVED BY:


KARL F. DEAN
Director of Law

cc: The Honorable Bill Purcell, Mayor

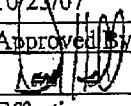
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¹⁴ Currently, when an inmate escapes from custody, is outside of the jail or workhouse, and the Sheriff is unsure of the inmate's whereabouts, the sheriff's office takes out an escape warrant. In accordance with the legal authority cited in this opinion, the duty then falls on the Metropolitan Police Department to recapture the escapee.

¹⁵ Major portions of this opinion were researched and drafted by Ms. Niki Eke, J.D., Mr. Jeff Campbell, J.D., and Ms. Erica Kruse, J.D., Research Staff

Exhibit 6

DCSO Policy No. 1-3.142, Preservation of Physical Evidence

 Davidson County Sheriff's Office	<u>Chapter</u> Institutional Operations	<u>Page</u> 1 of 2
	<u>Subject</u> Preservation of Physical Evidence	<u>Effective Date</u> 10/23/07
<u>Index Number</u> 1-3.142	<u>Related Standards</u> ACA 4-ALDF-2C-06, 6C-19	<u>Approved By</u> 
<u>Supersedes</u> Policy # 1-3.142	<u>Subject</u> Preservation of Physical Evidence	<u>Effective</u> 8/23/06

PURPOSE

To outline procedures to be followed for investigation of possible criminal violations of law and/or agency regulation on Davidson County Sheriff's Office (D.C.S.O.) property.

POLICY

D.C.S.O. staff will provide for the preservation, control, and disposition of all physical evidence obtained in connection with a violation of law and/or departmental regulation. At a minimum, the procedures will address the following:

- chain of custody;
- evidence handling;
- location and storage requirements;
- manner of disposition.

This policy is reviewed annually.

PROCEDURAL GUIDELINES

This policy governs all searches and preservation of evidence when an inmate is suspected of a new crime and/or major disciplinary infraction. Only the facility administrator/designee and/or the investigative division may authorize such searches unless immediate action is necessary, in which case the facility administrator/designee and the investigative division shall be fully informed as soon as possible after the search.

Evidence of inmate disciplinary infractions shall be obtained, controlled, and preserved in accordance with D.C.S.O. policy # 1-3.141, "Contraband Control." If the administrator or designee wants to pursue criminal charges, the supervisor/designee shall take the evidence before the appropriate authority to request that a criminal warrant be issued. If a warrant is issued, the supervisor/designee will see that the contraband items are delivered to the Metropolitan Police Department's property section to be stored while the case awaits adjudication.

Strict accountability of physical evidence collected in connection with a crime must be established to preserve the integrity of the disciplinary and/or legal process.

Minor rule violations should be exempt from the procedural requirements of this policy. The procedures set forth in policy # 1-3.141, "Contraband Control" will be followed.

Crime Scene Preservation

In addition to the preservation of individual items of evidence, the following incidents will require that the area of the incident itself be secured to prevent the contamination of the crime scene:

OFFICIAL



<u>Index Number</u> 1-3-142	<u>Effective Date</u> 10/25/07	<u>Subject</u> Preservation of Physical Evidence	<u>Page</u> 2 of 2
<u>Supersedes</u> Policy # 1-3.142	<u>Effective</u> 8/23/06	<u>Subject</u> Preservation of Physical Evidence	<u>Page</u> 2 of 2

- death of an inmate or service-related death of an employee, volunteer, or visitor;
- extensive property damage resulting from fire, manmade or natural disaster, or inmate actions;
- actual, suspected, or attempted hostage situation;
- sexual assault of any type;
- assaults involving weapons that result in serious bodily injury;
- actual suicide;
- riot or use of riot control equipment, including chemical agents;
- escape or attempted escape;
- actual or suspected sabotage resulting in major property damage or prolonged disruption of operations, such as suspected arson, cutting off power lines or telephone lines, or tampering with heating/cooling/ventilation plant;
- use of firearms by any person on facility property;
- accidental discharge of a weapon;
- any other occurrence that the facility administrator/designee believes to be of sufficient magnitude to warrant such measures.

Where possible, access to the crime scene area should be denied by securing the area. If the location of the incident is such that it cannot feasibly be locked down, it will be cordoned off with crime scene tape that is available in each facility. In either case, access to the area will be denied/restrictive until such time as the D.C.S.O. investigative staff instructs the facility staff to this effect.

OFFICIAL

Exhibit 7

Arrest Report No. 100069817

August 14, 2010

Arrest Report



Metropolitan Police Department
Nashville, Tennessee

1. M.P.D. Incident Number

☐ Juvenile

15-677314

2. Related Incident Number ☐ N/A		3. I.D. / O.C.A. Number 431258		4. Arrest Number 100069817		5. Arrest Date / Time 08-14-10/0310	
6. Day of Week ☐ SU ☐ MO ☐ TU ☐ WE ☐ TH ☐ FR ☐ SA		7. Charge Which Precipitated Arrest EVADING					
8. Reason Arrested (Offense / Classification) EVADING				9. Social Security Number ☐ UNK		10. Driver License No. ☐ UNK	
11. Defendant's Name (Last, First, Middle) VILLEGRAS, DANIEL REYER				12. Nickname / Alias ☒ None			
13. Defendant's Address (Apt No.) [REDACTED] NASHVILLE TN 37211				14. Place of Employment / School ☐ None ☒ UNK			
15. Home Phone [REDACTED]		16. Work Phone [REDACTED]		17. County Resident? ☒ Yes ☐ No		18. Occupation [REDACTED]	
19. Is Arrestee a College Student? (If Yes, where?) ☐ Yes ☒ No ☐ UNK		20. Sex ☒ M ☐ F ☐ UNK		21. Race ☐ White ☐ Black ☐ Asian/Pac. Islander ☐ Other ☐ Am Indian/Alaskan ☐ UNK		22. Ethnicity ☒ Hispanic ☐ Non-Hispanic ☐ UNK	
23. Age 19		24. DOB [REDACTED]		25. Place of Birth BALTIMORE, MD		26. Domestic Violence ☐ Yes (If Yes, Specify Prosecutor) ☒ No ☐ UNK	
27. Height 5'10"		28. Weight 165		29. Hair BLK		30. Eyes BRN	
31. Location of Arrest (Street Address) OLD GLENKROSS RD - GLENKROSS LN							
32. Type of Arrest ☐ On-View ☐ Summoned/Cited ☒ Taken into Custody		33. Resisted Arrest? ☐ Yes ☒ No		34. Assaulted Officer? ☐ Yes ☒ No		35. Chemical Agent Used? ☐ Yes ☒ No	
36. Arrestee Was Armed With: (Select up to 2) (Enter 'A' in Box if Automatic) ☒ Unarmed ☐ Rifle ☐ Lethal Cutting Instrument (e.g. Switchblade knife) ☐ Firearm (Type Not Stated) ☐ Shotgun ☐ Other Firearm ☐ Handgun ☐ Club, Blackjack, Brass Knuckles							
37. Injury (Select up to 5) ☐ Apparent Broken Bones ☐ Possible Internal Injury ☐ Severe Laceration ☐ Apparent Minor Injury		38. Medical Treatment ☐ Refused Treatment ☐ Nashville Fire Dept ☐ General / Meharry ☐ Skyline		39. Transported By ☐ N/A ☐ Reporting Officer ☐ Private Ambulance ☐ N.F.D. Ambulance ☐ Self ☐ Other (Specify)		40. Describe Illness or Injury	
41. Examining Physician ☐ N/A		42. Medical Treatment Status ☐ Admitted ☐ Released		43. License Number State Year		44. Year	
45. Make		46. Model		47. Style		48. Color	
49. V. I. N. ☐ None ☐ Altered ☐ UNK		50. If Towed, VTR No. ☐ N/A		51. Vehicle Towed To: ☐ N/A		52. Vehicle Towed By: ☐ N/A	
53. Warrant Number		54. Code (Chapter & Section)		55. Charge EVADING		56. Related Incident Number	
57. Refused ☐ Yes ☒ No		58. Judge ☒ N/A		59. Reason ☒ N/A		60. Physical Evidence ☒ None ☐ See Incident Report	
61. Held or Stored By: ☒ N/A		62. Name J. REESE		63. CODE 1		64. Residence (Street, City) [REDACTED]	
65. Home Phone 767		66. Work Phone 767		67. [REDACTED]		68. [REDACTED]	

EXHIBIT

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Exhibit 8

DCSO JMS Demographics Page

Aug. 14, 2010

December 29, 2010 14:37

DCSO JMS
Demographics - 527771 VILLEGAS, DANIEL

CIS No:	527771	OCA No:	436258	Complaint No:	2010677314	Date Admitted:	08/14/2010 08:16	
Last Name:	VILLEGAS	First:	DANIEL	Middle:	R	Suffix:		
Address:			City:	NASHVILLE	State:	TN	Zip:	37217
SSN:			OLN:		OLS:		TOMIS ID:	
					Phone:		() -	

Admission Type:	Normal
Federal Responsibility:	
Booking Location:	CRIMINAL JUSTICE CENTER
Interpreter:	
Language:	

Arresting Officer Name:	
Badge No:	
Agency:	
Location of Arrest:	GLENROSE AVE & OLD GLENROS

Sex:	MALE	Ethnicity:	Hispanic	Height:	070	Eye:	BROWN	Education:	
Race:	White	Age:	19	Weight:	165	Hair:	BLACK	Marital:	
DOB:			POB:	OR	Religion:		Employed:	☐ Yes ☒ No	

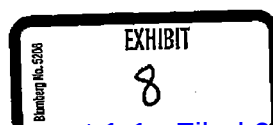


Exhibit 9

Affidavit of Barbara Murphy

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

DANIEL RENTERIA-VILLEGAS,

Plaintiff,

v.

DARON HALL, *et al.*

Defendants.

CASE NO. _____

AFFIDAVIT OF BARBARA MURPHY

I, Barbara Murphy, having been duly sworn, hereby make oath that the facts are true and correct and are based upon my personal knowledge:

1. I am an adult resident citizen of Rutherford County, Tennessee. I am in all respects competent to give sworn testimony;

2. Shortly after the arrest of Daniel Renteria-Villegas ("Renteria"), his family contacted me and requested my assistance with locating him in the detention system and finding out the amount of his bond.

3. I am proficient in English and Spanish, and familiar with the detention system.

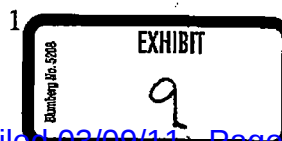
4. I contacted the Davidson County Sheriff's Office ("DCSO") by phone on or around August 16, 2010 to determine the amount of Renteria's bond.

5. I gave the male DCSO officer who answered the phone Renteria's full name and date of birth.

6. The DCSO employee told me Renteria was being held subject to an "ICE Hold."

7. I called back Renteria's family and told them about the ICE hold.

8. The family member I spoke with told me Renteria was born in the United States.



9. I called the DCSO back and, after giving Renteria's information, told the DCSO officer who answered the phone that Renteria is a U.S. citizen.

10. The DCSO employee I spoke with during this call told me that in order to release Renteria, the DCSO required his U.S. passport and his original birth certificate as proof of U.S. citizenship.

11. I relayed this message to Renteria's family, and they provided me with his original U.S. passport and original birth certificate.

12. I made a photocopy of the biographic page of Renteria's passport and a copy of his birth certificate.

13. I took these photocopies to the CJC late in the evening on or around August 18, 2010.

14. I presented them to an African-American male DCSO employee at a window in the Sheriff's Department at the CJC.

15. The DCSO employee took possession of the photocopies and did not return them.

16. The next day, Renteria's family called me and said that the DCSO required the original documents – not just photocopies.

17. They came to pick up their original documents from me on or around August 19, 2010.

18. The family members later told me that DCSO required these original documents in order to release Mr. Renteria on or around August 19, 2010.

Further the affiant sayeth not.


Barbara Murphy

State of Tennessee)

County of Davidson)

Sworn to and subscribed before me a notary public for said state and county, this the
6th day of January, 2011.

My Commission Expires: 5/20/14

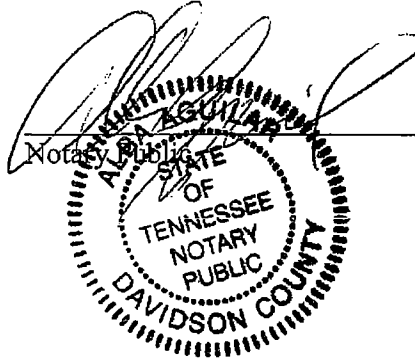


Exhibit 10

Criminal Appearance Recognizance Form

Receipt #: 195671

CRIMINAL APPEARANCE RECOGNIZANCE

State vs Daniel R Villegas- 436258 Herein after called the defendant.

This case having been continued thereupon the defendant, named above, with Surety AB his security acknowledge themselves to owe and be indebted to the State of Tennessee in the Penal sum of \$4,000.00 jointly and severally, to be levied of their goods and chattels, lands and tenements; to be void, however on condition that the defendant doth make his personal appearance before the Court of Davidson County, having jurisdiction of his cause, from day to day then and there to answer to the State of Tennessee on a charge of

<u>CASE /</u>			<u>COURT</u>
<u>WARRANT #</u>	<u>CHARGE</u>	<u>BOND</u>	<u>DATE / TIME</u>
1. GS504696	Evading Arrest AMISD	\$2,000.00	08/25/2010 09:00 AM
2. GS504697	Contributing to the Delinquency of AMISD	\$2,000.00	08/25/2010 09:00 AM
Total:		\$4,000.00	

and not to depart without leave of the Court first had and obtained.

IDENTIFICATION DATA

STATE OF TENNESSEE vs Daniel R Villegas 436258

Alias NASHVILLE GAS

Address: 571 GLENDALE DR

City: NASHVILLE State: Tennessee Zip: 37217

SSN: XXX-XX-XXXX

DOB: 4/5/1991

Age: 19

Sex: M

Race: White

Height: 5'10"

Weight: 165

Hair Color: Black

Eye Color: Brown

DL#:

DL St:

Principal Daniel Villegas

Address

Telephone

Security Agent (Signature)

Company Name

Telephone

Acknowledge and subscribe to before me this 15th day of August, 2010

DAVID C TORRENT

Clerk

By:

Tommy Martin, Deputy Clerk

1000.10002

EXHIBIT

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Aug 24:22 0102/61/80

Exhibit 11

DCSO Jail Management System Release Form

August 19, 2010 23:40

DCSO JMS
Release Form - 527771 VILLEGAS, DANIEL R

DAVIDSON COUNTY SHERIFF'S OFFICE
Release Form

08/19/2010 23:40

CIS No.	OCA No.	Inmate Name	Housing Location	Security Level	SRA
527771	436258	VILLEGAS, DANIEL R	CDM-C-C2-1-49	Minimum	MW19

Scheduled Release Date: 08/19/2010 23:35

Release Reason: Bond Out

Release Event: REL

Release To Agency: AB Bonding Company

Release Auth By: MARTIN

Comments:

Authorized By:

ATW

Date:

8/19/10

Officer's name:

Hills

Badge number:

2106

Released to:

Home

Time:

2350

Inmate Signature:

X DMR

EXHIBIT

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Exhibit 12

DCSO Jail Management System

Log for Daniel R. Villegas

Aug. 14-August 20, 2010

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
interface	Server	SBT_INITIAL_FILE	08/14/10 06:16.28	0	Successful	Inserted inmate: VILLEGAS , DANIEL , RETERIA control no: 436258	527771
dgraves	DCSO\DCSO18	SBT_CREATE_PRO	08/14/10 07:00.35	0	Successful	Inserted or Updated Process Status 527771	527771
dgraves	DCSO\DCSO18	SBT_MEDICALSCR	08/14/10 07:00.35	0	Successful	Inserted or Updated Health Screening 527771 Time Creation 14-AUG-10	527771
dgraves	DCSO\DCSO18	SBT_CREATE_PRO	08/14/10 07:44.15	0	Successful	Inserted or Updated Process Status 527771	527771
dgraves	DCSO\DCSO18	SBT_MEDICALSCR	08/14/10 07:44.15	0	Successful	Inserted or Updated Health Screening 527771 Time Creation 14-AUG-10	527771
dgraves	DCSO\DCSO18	SBT_CREATE_PRO	08/14/10 07:44.26	0	Successful	Inserted or Updated Process Status 527771	527771
dgraves	DCSO\DCSO18	SBT_MEDICALSCR	08/14/10 07:44.26	0	Successful	Inserted or Updated Health Screening 527771 Time Creation 14-AUG-10	527771
interface	Server	SBT_DEMOGRAPHI	08/14/10 07:49.52	0	Successful	Updated inmate: VILLEGAS , DANIEL , R control no: 436258	527771
interface	Server	SBT_WARRANT_FIL	08/14/10 07:49.57	0	Successful	Case No.=NA; Warrant No.=GS504697; Charge Status=AWTRL	527771
interface	Server	SBT_WARRANT_FIL	08/14/10 07:49.57	0	Successful	Case No.=NA; Warrant No.=GS504696; Charge Status=AWTRL	527771
ksmith	DCSO\T2	SBT_UPDATE_CHA	08/14/10 07:52.22	0	Successful	Case No.=NA; Warrant No.=GS504697; Charge Status=AWTRL	527771
ksmith	DCSO\T2	SBT_EVAL_INMATE	08/14/10 07:52.22	0	Successful	Update inmate final status in jail 527771	527771
ksmith	DCSO\T2	SBT_UPDATE_CHA	08/14/10 07:52.43	0	Successful	Case No.=NA; Warrant No.=GS504696; Charge Status=AWTRL	527771
ksmith	DCSO\T2	SBT_EVAL_INMATE	08/14/10 07:52.43	0	Successful	Update inmate final status in jail 527771	527771
interface	Server	SBT_CHECKPERSC	08/14/10 07:55.06	0	Successful	Checking Conflicts in Holding areas for event 2737809	527771
interface	Server	SBT_REGISTERNE	08/14/10 07:55.06	0	Successful	Next event didn't exist. Next event is going to be 0INSERT next event(2737809).Movement Status 0	527771
interface	Server	SBT_COURT_SCHE	08/14/10 07:55.06	0	Successful	Court appearance created : SC918057 (21-SEP-2010 08:30)	527771
jwilson		SBT_UPDATEHOUS	08/14/10 08:00.27	0	Successful	Update house changeorder table with information for jms_number 527771 and bed ckey 32902	527771
jwilson		SBT_REGISTERNE	08/14/10 08:00.27	0	Successful	Current next event is 2737809 and is not active. Seeing if 0 will take its place. Changing to active.Movement Status 0	527771
jwilson		SBT_CREATEMOVE	08/14/10 08:00.27	0	Successful	For unscheduled event (HOUS-UNSCH moved inmate 527771 from CJC-TNKM-1-18 to CJC-TNKM-1	527771
jwilson		SBT_UPDATEHOUS	08/14/10 08:00.27	0	Successful	Update house changeorder table with information for jms_number 527771 and bed ckey 28322	527771
jwilson		SBT_REGISTERNE	08/14/10 08:00.27	0	Successful	Current next event is 0 and is active. Seeing if 0 will take its place. is not Active.UPDATE next event(2737809)	527771
jwilson		SBT_COMPLETEMC	08/14/10 08:00.27	0	Successful	Changing beds to CJC-TNKM-2-3(28322)	527771
jwilson		SBT_RETURNMOVE	08/14/10 08:00.27	0	Successful	Returned inmate 527771 to CJC-TNKM-1-8 from event 0 (HOUS-UNSCH).Unscheduled	527771

EXHIBIT

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Log Count 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
jwilson		SBT_CREATE_PRO	08/14/10 08:00.27	0	Successful	Inserted or Updated Process Status 527771	527771
jwilson		SBT_CHANGEHOUS	08/14/10 08:00.27	0	Successful	Changing Housing Location b CJC-TNKY-M-2-3(28322)	527771
cmcfalls	DCSO\DCSO18	SBT_UPDATEYESR	08/14/10 08:20.52	0	Successful	Updated class_id 274624, part 1	527771
grodgers	DCSO\DCSO18	SBT_UPDATEHOUS	08/14/10 08:49.28	0	Successful	Update house changeorder table with information for jms_number 527771 and bed_ckeiv.32326	527771
grodgers	DCSO\DCSO18	SBT_CHECKPERSO	08/14/10 08:49.28	0	Successful	Checking Conflicts in Holding areas for event 2904791	527771
grodgers	DCSO\DCSO18	SBT_REGISTERNE	08/14/10 08:49.28	0	Successful	Current next event is 2737809 and is not active. Seeing if 2904791 will take its place. 2904791 is not Active.2904791	527771
grodgers	DCSO\DCSO18	SBT_SCHEDULEHO	08/14/10 08:49.28	0	Successful	(F) For Inmate 527771 Created event 2904791 Scheduled Inmate for event 2904791	527771
jwilson		SBT_REGISTERNE	08/14/10 09:12.50	0	Successful	Current next event is 2904791 and is not active. Seeing if 2904791 will take its place. Changing 2904791 to active.	527771
jwilson		SBT_CREATEMOVE	08/14/10 09:12.50	0	Successful	For event 2904791 (HOUS-SCHED) moved inmate 527771 from CJC-TNKY-M-2-3 to CJC-1-A-1-148	527771
czlotnicki		SBT_CREATE_PRO	08/14/10 09:23.59	0	Successful	Inserted or Updated Process Status 527771	527771
czlotnicki		SBT_UPDATECLOT	08/14/10 09:23.59	0	Successful	Clothing form updated 1-pant, 1-shrt, 1-shoe, For INMATE, CLOTHING_ID: 233286, Jms_cloth_hist_rec#310590	527771
czlotnicki		SBT_UPDATEISSUE	08/14/10 09:24.36	0	Successful	Inserted Jail Issued Property form for JMS number 527771	527771
czlotnicki		SBT_CREATE_PRO	08/14/10 09:24.45	0	Successful	Inserted or Updated Process Status 527771	527771
czlotnicki		SBT_UPDATEPROP	08/14/10 09:24.45	0	Successful	Inserted new property form. Group Id: 237951, Form Id: 259531	527771
mnoel	DCSO\DCSO18	SBT_UPDATEHOUS	08/14/10 09:34.59	0	Successful	Update house changeorder table with information for jms_number 527771 and bed_ckeiv.32326	527771
mnoel	DCSO\DCSO18	SBT_REGISTERNE	08/14/10 09:34.59	0	Successful	Current next event is 2904791 and is active. Seeing if 2904791 will take its place. 2904791 is not Active. Next event	527771
mnoel	DCSO\DCSO18	SBT_COMPLETEMO	08/14/10 09:34.59	0	Successful	New bed is CJC-1-A-1-148(32326) They were moved in their new bed when the move was started	527771
mnoel	DCSO\DCSO18	SBT_RETURNMOVE	08/14/10 09:34.59	0	Successful	Returned inmate 527771 to CJC-1-A-1-148 from event 2904791 (HOUS-SCHED). Completing Move to	527771
interface	Server	SBT_CHECKPERSO	08/14/10 10:04.39	0	Successful	Checking Conflicts in Holding areas for event 2834995	527771
interface	Server	SBT_REGISTERNE	08/14/10 10:04.39	0	Successful	Current next event is 2737809 and is not active. Seeing if 2834995 will take its place. 2834995 is not Active.2834995	527771
interface	Server	SBT_COURT_SCHE	08/14/10 10:04.39	0	Successful	Court appearance created : GS504696 (16-AUG-2010 12:00)	527771
interface	Server	SBT_COURT_SCHE	08/14/10 10:13.38	0	Successful	Court appearance created : GS504697 (16-AUG-2010 12:00)	527771
awoolbri		SBT_CHECKPERSO	08/15/10 08:09.14	0	Successful	Checking Conflicts in Holding areas for event 2905155	527771
awoolbri		SBT_REGISTERNE	08/15/10 08:09.14	0	Successful	Current next event is 2834995 and is not active. Seeing if 2905155 will take its place. 2905155 is not Active.2905155	527771

Log Count: 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
awoolbri		SBT_SCHEDULEINN	08/15/10 08:09.14	0	Successful	Schedule Inmate 527771 for event 2905155 MED-TRTCJC	527771
vnoel	JCSO\DCSO18	SBT_REGISTERNE	08/15/10 13:34.11	0	Successful	Current next event is 2905155 and is not active. Seeing if 2905155 will take its place. 2905155 is not Active.UPDATE	527771
vnoel	JCSO\DCSO18	SBT_UPDATEINMA	08/15/10 13:34.11	0	Successful	Updated[U] Inmate 527771 schedule for event 2905155	527771
chcarter		SBT_CHECKPERSO	08/16/10 05:29.47	0	Successful	Checking Conflicts in Holding areas for event 2905516	527771
chcarter		SBT_REGISTERNE	08/16/10 05:29.47	0	Successful	Current next event is 2834995 and is not active. Seeing if 2905516 will take its place. 2905516 is not Active.2905516	527771
chcarter		SBT_SCHEDULEINN	08/16/10 05:29.47	0	Successful	Schedule inmate 527771 for event 2905516 MED-MD-CJC	527771
dharding	JCSO\DCSO18	SBT_REGISTERNE	08/16/10 10:03.06	0	Successful	Current next event is 2905516 and is not active. Seeing if 2905516 will take its place. 2905516 is not Active.UPDATE	527771
dharding	JCSO\DCSO18	SBT_UPDATEINMA	08/16/10 10:03.06	0	Successful	Updated[U] Inmate 527771 schedule for event 2905516	527771
lmitchel	JCSO\DCSO18	SBT_REGISTERNE	08/16/10 11:05.48	0	Successful	Current next event is 2834995 and is not active. Seeing if 2834995 will take its place. Changing 2834995 to active.	527771
lmitchel	JCSO\DCSO18	SBT_CREATEMOVE	08/16/10 11:05.48	0	Successful	For event 2834995 (CBC-CRTA moved inmate 527771 from CJC-1-A-1-148 to BC - COURT ROOM 3C	527771
lmitchel	JCSO\DCSO18	SBT_REGISTERNE	08/16/10 11:06.49	0	Successful	Current next event is 2834995 and is active. Seeing if 2834995 will take its place. 2834995 is not Active. Next event	527771
lmitchel	JCSO\DCSO18	SBT_COMPLETEMC	08/16/10 11:06.49	0	Successful		527771
lmitchel	JCSO\DCSO18	SBT_RETURNMOVE	08/16/10 11:06.49	0	Successful	Returned inmate 527771 to BC - COURT ROOM 3C from event 2834995 (CBC-CRTA).Completing Move to	527771
interface	Server	SBT_CHECKPERSO	08/16/10 14:40.48	0	Successful	Checking Conflicts in Holding areas for event 2665284	527771
interface	Server	SBT_REGISTERNE	08/16/10 14:40.48	0	Successful	Current next event is 2737809 and is not active. Seeing if 2665284 will take its place. 2665284 is not Active.2665284	527771
interface	Server	SBT_COURT_SCHE	08/16/10 14:40.48	0	Successful	Court appearance created : GS504697 (19-AUG-2010 09:15)	527771
interface	Server	SBT_COURT_SCHE	08/16/10 14:40.48	0	Successful	Court appearance created : GS504696 (19-AUG-2010 09:15)	527771
tcaldwell		SBT_CHECKPERSO	08/17/10 06:52.56	0	Successful	Checking Conflicts in Holding areas for event 2906554	527771
tcaldwell		SBT_REGISTERNE	08/17/10 06:52.56	0	Successful	Current next event is 2665284 and is not active. Seeing if 2906554 will take its place. 2906554 is not Active.2906554	527771
tcaldwell		SBT_SCHEDULEINN	08/17/10 06:52.56	0	Successful	Schedule inmate 527771 for event 2906554 MED-TRTCJC	527771
jgriffit		SBT_UPDATEYESR	08/17/10 08:34.11	0	Successful	Updated class_id 274624, part 1 Ins item 1; Ins item 237; Ins item 378; Ins item 381; Ins item 382; Ins item 389; Ins item	527771
jgriffit		SBT_UPDATEPROC	08/17/10 08:34.11	0	Successful	Updating classification to S1 for 527771	527771
jgriffit		SBT_CREATE_PRO	08/17/10 08:34.38	0	Successful	Inserted or Updated Process Status 527771	527771
jgriffit		SBT_UPDATECLAS	08/17/10 08:34.38	0	Successful	Update inmate classification history table with information for inmate 527771	527771

Log Count: 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
lappleto	DCSO\DCSO18	SBT_REGISTERNE	08/17/10 10:20.19	0	Successful	Current next event is 2906554 and is not active. Seeing if 2906554 will take its place. Changing 2906554 to active.	527771
lappleto	DCSO\DCSO18	SBT_CREATEMOVE	08/17/10 10:20.19	0	Successful	For event 2906554 (MED-TRTCJC) moved inmate 527771 from CJC-1-A-1-148 to CJC MEDICAL	527771
lappleto	DCSO\DCSO18	SBT_REGISTERNE	08/17/10 10:20.38	0	Successful	Current next event is 2906554 and is active. Seeing if 2906554 will take its place. 2906554 is not Active. Next event	527771
lappleto	DCSO\DCSO18	SBT_COMPLETEMC	08/17/10 10:20.38	0	Successful		527771
lappleto	DCSO\DCSO18	SBT_RETURNMOVE	08/17/10 10:20.38	0	Successful	Returned inmate 527771 to CJC MEDICAL from event 2906554 (MED-TRTCJC). Completing Move to	527771
alking		SBT_CHECKPERSC	08/18/10 07:00.03	0	Successful	Checking Conflicts in Holding areas for event 2907970	527771
alking		SBT_REGISTERNE	08/18/10 07:00.03	0	Successful	Current next event is 2665284 and is not active. Seeing if 2907970 will take its place. 2907970 is not Active. 2907970	527771
alking		SBT_SCHEDULEINN	08/18/10 07:00.03	0	Successful	Schedule inmate 527771 for event 2907970 MED-PHYCJC	527771
sbuchholz		SBT_CHECKFORCC	08/18/10 07:27.16	-505700	Application Spec	The event 2907970 MED PHYCJC is scheduled for the inmate between 18-AUG-10 09:00 and	527771
sbuchholz		SBT_REGISTERNE	08/18/10 07:27.21	0	Successful	Current next event is 2907970 and is not active. Seeing if 2907970 will take its place. 2907970 is not Active. UPDATE	527771
sbuchholz		SBT_UPDATEINMA	08/18/10 07:27.21	0	Successful	527771 [E] Cancelled by 2907984: MED-TRTCJC	527771
sbuchholz		SBT_CHECKPERSC	08/18/10 07:27.21	0	Successful	Checking Conflicts in Holding areas for event 2907984	527771
sbuchholz		SBT_REGISTERNE	08/18/10 07:27.21	0	Successful	Current next event is 2665284 and is not active. Seeing if 2907984 will take its place. 2907984 is not Active. 2907984	527771
sbuchholz		SBT_SCHEDULEINN	08/18/10 07:27.21	0	Successful	Schedule inmate 527771 for event 2907984 MED-TRTCJC	527771
fbender	DCSO\DCSO18	SBT_REGISTERNE	08/18/10 09:46.28	0	Successful	Current next event is 2907984 and is not active. Seeing if 2907984 will take its place. Changing 2907984 to active.	527771
fbender	DCSO\DCSO18	SBT_CREATEMOVE	08/18/10 09:46.28	0	Successful	For event 2907984 (MED-TRTCJC) moved inmate 527771 from CJC-1-A-1-148 to CJC MEDICAL	527771
alking		SBT_UPDATEYESR	08/18/10 10:01.38	0	Successful	Updated class id 274624, part 3 ins item 598; Ins item 42; Ins item 44; Ins item 72; Ins item 73; Ins item 75; Ins item 76;	527771
fbender	DCSO\DCSO18	SBT_REGISTERNE	08/18/10 10:18.06	0	Successful	Current next event is 2907984 and is active. Seeing if 2907984 will take its place. 2907984 is not Active. Next event	527771
fbender	DCSO\DCSO18	SBT_COMPLETEMC	08/18/10 10:18.06	0	Successful		527771
fbender	DCSO\DCSO18	SBT_RETURNMOVE	08/18/10 10:18.06	0	Successful	Returned inmate 527771 to CJC MEDICAL from event 2907984 (MED-TRTCJC). Completing Move to	527771
ccrain	DCSO\DCSO18	SBT_UPDATEYESR	08/18/10 13:39.37	0	Successful	Updated class id 274624, part 1 ins item 617; Ins item 337; Ins item 338; Ins item 343; Ins item 344; Ins item 349; Ins item	527771
ccrain	DCSO\DCSO18	SBT_UPDATEPROC	08/18/10 13:39.37	0	Successful	Updating classification to S2 for 527771	527771
tpickard	DCSO\DCSO18	SBT_CREATE_PRO	08/18/10 14:18.14	0	Successful	Inserted or Updated Process Status 527771	527771
tpickard	DCSO\DCSO18	SBT_CREATE_PRO	08/18/10 14:18.15	0	Successful	Inserted or Updated Process Status 527771	527771

Log Count: 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
tpickard	JCSO\DCSO18	SBT_UPDATEHOUS	08/18/10 14:18.15	0	Successful	Update house changeorder table with information for jms_number 527771 and bed_cke_v.41310	527771
tpickard	JCSO\DCSO18	SBT_CHECKPERSON	08/18/10 14:18.15	0	Successful	Checking Conflicts in Holding areas for event 2908290	527771
tpickard	JCSO\DCSO18	SBT_REGISTERNEXT	08/18/10 14:18.15	0	Successful	Current next event is 2665284 and is not active. Seeing if 2908290 will take its place. 2908290 is not Active. 2908290	527771
tpickard	JCSO\DCSO18	SBT_UPDATECLASS	08/18/10 14:18.15	0	Successful	Update inmate classification history table with information for inmate 527771	527771
cmthomas	JCSO\DCSO18	SBT_INTERFACILITY	08/18/10 19:00.16	0	Successful	Inter-Facility move has affected the schedule of inmate 527771 Schedule for 0 events changed status, 0 events were	527771
cmthomas	JCSO\DCSO18	SBT_REGISTERNEXT	08/18/10 19:00.16	0	Successful	Current next event is 2908290 and is not active. Seeing if 2908290 will take its place. Changing 2908290 to active.	527771
cmthomas	JCSO\DCSO18	SBT_CREATEMOVE	08/18/10 19:00.16	0	Successful	For event 2908290 (HOUS-TCJC) moved inmate 527771 from CJC-1-A-1-148 to CDM-C-C2-1-49 Inter-Facility	527771
dvickers		SBT_UPDATEPROPERTY	08/18/10 19:59.53	0	Successful	Update property location for Inmate Property Form 259531 to Fac=CDM, Loc=MA, Contivoes=BAG, Contids=0830	527771
dvickers		SBT_CREATE_PROCESS	08/18/10 20:00.23	0	Successful	Inserted or Updated Process Status 527771	527771
dvickers		SBT_UPDATECLOTH	08/18/10 20:00.23	0	Successful	Clothing form inserted for INMATE_CLOTHING_ID: 233286; Deact. cloth hist rec #310590 Ins. cloth	527771
jalford		SBT_UPDATEHOUS	08/18/10 21:51.17	0	Successful	Update house changeorder table with information for jms_number 527771 and bed_cke_v.41310	527771
jalford		SBT_REGISTERNEXT	08/18/10 21:51.17	0	Successful	Current next event is 2908290 and is active. Seeing if 2908290 will take its place. 2908290 is not Active. Next event	527771
jalford		SBT_COMPLETEMOVE	08/18/10 21:51.17	0	Successful	New bed is CDM-C-C2-1-49(41310) They were moved in their new bed when the move was started.	527771
jalford		SBT_RETURNMOVE	08/18/10 21:51.17	0	Successful	Returned inmate 527771 to CDM-C-C2-1-49 from event 2908290 (HOUS-TCJC). Completing Move to	527771
dpeterse		SBT_REGISTERNEXT	08/19/10 05:02.04	0	Successful	Current next event is 2665284 and is not active. Seeing if 2665284 will take its place. Changing 2665284 to active.	527771
dpeterse		SBT_CREATEMOVE	08/19/10 05:02.04	0	Successful	For event 2665284 (CBC-CRTA) moved inmate 527771 from CDM-C-C2-1-49 to BC - COURT ROOM 3C	527771
lgriffin		SBT_CREATE_PROCESS	08/19/10 07:33.15	0	Successful	Inserted or Updated Process Status 527771	527771
lgriffin		SBT_UPDATECLASS	08/19/10 07:33.15	0	Successful	Update inmate classification history table with information for inmate 527771	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:10.45	0	Successful	Court appearance created : GS504697 (19-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:10.46	0	Successful	Court appearance created : GS504696 (19-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:16.42	0	Successful	Court appearance deleted : GS504696 (19-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:16.42	0	Successful	Court appearance deleted : GS504697 (19-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:22.42	0	Successful	Court appearance created : GS504697 (19-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHE	08/19/10 09:22.42	0	Successful	Court appearance created : GS504696 (19-AUG-2010 09:00)	527771

Log Count: 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
interface	Server	SBT_CHECKPERSON	08/19/10 10:49:54	0	Successful	Checking Conflicts in Holding areas for event 2555115	527771
interface	Server	SBT_REGISTERNEXT	08/19/10 10:49:54	0	Successful	Next Event unchanged. The event 2555115 being registered is not the currently active event 2665284	527771
interface	Server	SBT_COURT_SCHEDULE	08/19/10 10:49:54	0	Successful	Court appearance created : GS504697 (25-AUG-2010 09:00)	527771
interface	Server	SBT_COURT_SCHEDULE	08/19/10 10:49:55	0	Successful	Court appearance created : GS504696 (25-AUG-2010 09:00)	527771
sbell		SBT_CHECKPERSON	08/19/10 13:53:09	0	Successful	Checking Conflicts in Holding areas for event 2909911	527771
sbell		SBT_REGISTERNEXT	08/19/10 13:53:09	0	Successful	Next Event unchanged. The event 2909911 being registered is not the currently active event 2665284	527771
sbell		SBT_SCHEDULEINMATE	08/19/10 13:53:09	0	Successful	Schedule inmate 527771 for event 2909911 MED-TRTCDM	527771
kcahall		SBT_REGISTERNEXT	08/19/10 14:25:38	0	Successful	Current next event is 2665284 and is active. Seeing if 2665284 will take its place. 2665284 is not Active. Next event.	527771
kcahall		SBT_COMPLETEMOVE	08/19/10 14:25:38	0	Successful		527771
kcahall		SBT_RETURNMOVE	08/19/10 14:25:38	0	Successful	Returned inmate 527771 to BC - COURT ROOM 3C from event 2665284 (CBC-CRTA) Completing Move to	527771
tgant		SBT_REGISTERNEXT	08/19/10 15:51:03	0	Successful	Current next event is 2909911 and is not active. Seeing if 2909911 will take its place. Changing 2909911 to active.	527771
tgant		SBT_CREATEMOVE	08/19/10 15:51:03	0	Successful	For event 2909911 (MED-TRTCDM) moved inmate 527771 from CDM-C-C2-1-49 to CDM-MEDICAL	527771
tgant		SBT_REGISTERNEXT	08/19/10 16:33:30	0	Successful	Current next event is 2909911 and is active. Seeing if 2909911 will take its place. 2909911 is not Active. Next event.	527771
tgant		SBT_COMPLETEMOVE	08/19/10 16:33:30	0	Successful		527771
tgant		SBT_RETURNMOVE	08/19/10 16:33:30	0	Successful	Returned inmate 527771 to CDM MEDICAL from event 2909911 (MED-TRTCDM) Completing Move to	527771
interface	Server	SBT_UPDATE_CHARGE	08/19/10 21:24:37	0	Successful	Case No.=NA; Warrant No.=GS504696; Charge Status=BM	527771
interface	Server	SBT_UPDATE_CHARGE	08/19/10 21:24:37	0	Successful	Case No.=NA; Warrant No.=GS504697; Charge Status=BM	527771
pstadake	DCSO\DCSO19	SBT_CREATE_PROCESS	08/19/10 23:35:06	0	Successful	Inserted or Updated Process Status 527771	527771
pstadake	DCSO\DCSO19	SBT_UPDATERELEASE	08/19/10 23:35:06	0	Successful	Updated release checklist	527771
pstadake	DCSO\DCSO19	SBT_CHECKPERSON	08/19/10 23:35:22	0	Successful	Checking Conflicts in Holding areas for event 2910381	527771
pstadake	DCSO\DCSO19	SBT_REGISTERNEXT	08/19/10 23:35:22	0	Successful	Current next event is 2555115 and is not active. Seeing if 2910381 will take its place. 2910381 is not Active. 2910381	527771
pstadake	DCSO\DCSO19	SBT_UPDATERELEASE	08/19/10 23:35:22	0	Successful	Updated Release Form.	527771
khowell		SBT_REGISTERNEXT	08/19/10 23:43:10	0	Successful	Current next event is 2910381 and is not active. Seeing if 2910381 will take its place. Changing 2910381 to active.	527771
khowell		SBT_CREATEMOVE	08/19/10 23:43:10	0	Successful	For event 2910381 (REL-RELEASE) moved inmate 527771 from CDM-C-C2-1-49 to	527771

Log Count: 153

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
groundtree	DCSO\DCSO19	SBT_VERIFY_MED	08/19/10 23:45.33	0	Successful	Set med_notification to Y in inmate_release for jms number:527771	527771
nhibbs	DCSO\DCSO19	SBT_PROPERTYRE	08/20/10 01:18.02	0	Successful	Updated the inmate_property_group table with release information for group id_number.237951	527771
nhibbs	DCSO\DCSO19	SBT_CLOTHINGREI	08/20/10 01:18.34	0	Successful	JMS: 527771-STEP_1 233286 STEP_2 BAG-0830 STEP_3 0-v cl=TRUE STEP_4.BOTH_STEP_5.0-v.pr=TRUE	527771
nhibbs	DCSO\DCSO19	SBT_REGISTERNE	08/20/10 01:18.48	0	Successful	Current next event is 2910381 and is active. Seeing if 2910381 will take its place. 2910381.is.not.Active. Next event.	527771
nhibbs	DCSO\DCSO19	SBT_COMPLETEMC	08/20/10 01:18.48	0	Successful		527771
nhibbs	DCSO\DCSO19	SBT_RETURNMOVE	08/20/10 01:18.48	0	Successful	Returned inmate 527771 to from event 2910381 (REL-RELEASE) Completing Move.to.CDM=C-C2-1-49	527771
nhibbs	DCSO\DCSO19	SBT_REGISTERNE	08/20/10 01:18.49	0	Successful	Current next event is 2555115 and is not active. Seeing if 2555115 will take its place. 2555115.is.not.Active.UPDATE	527771
nhibbs	DCSO\DCSO19	SBT_REGISTERNE	08/20/10 01:18.49	0	Successful	Current next event is 2737809 and is not active. Seeing if 2737809 will take its place. 2737809.is.not.Active.DELETE	527771
nhibbs	DCSO\DCSO19	SBT_DEACTIVATEIN	08/20/10.01:18.49	0	Successful	Inmate Deactivated: 527771	527771
Log Count:							153

Exhibit 13

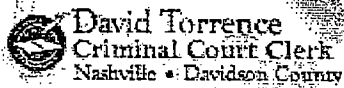
Criminal Court Clerk

Case Search Result

Case No. GS505783

1/7/2011

Criminal Court Clerk of Metropolitan Na...



Case Search Results

—Defendant Details

Defendant	Case Number	Defendant Status	Case Status
Villegas, Daniel R	GS505783	CONCLUDED	CLOSED

—Appearance Details

Date	Judge	Court Room	Attorney	Reason
			Christensen, David	

—Charge Details

Charged/Cited Offense(s)	Convicted	Disposition	Bond	Date
Agg. Assault		Dismissed	\$50000	09/03/2010

—Charging Instrument

Downloads

Search Disclaimer

Search will retrieve names as submitted by arresting agency to this office. Some search results may produce records without a date of birth -- if so, please verify by visiting our office before using for official purpose.

NOTE: The "detailed background information" report available via your search will provide information separated in the following categories - CJIS Data and Legacy Data. The definitions of each are below.

- **CJIS Data**
 - General Sessions Court dispositions beginning January 11, 2000
 - State Trial Court dispositions beginning July 11, 2000
- **Legacy Data**
 - Records posted between 1980 and the dates noted above

For records prior to 1980, please contact our office directly.

The public information viewed here reflects the actual filed documents or docket entries required to be kept by the Office of the Davidson County Criminal Court Clerk which are considered to be public record and contained in the official case files. The information provided herein includes the offense(s) with which an individual was charged/cited and the disposition(s) if the case has been concluded. No information is contained herein regarding charges/citations that have been expunged pursuant to state law. The data entry can generally be deemed reliable. However, the information is subject to change at any time. It is important to note the Tennessee General Assembly has made it a criminal offense for information to be made public once it has been expunged pursuant to T.C.A. 40-32-101. Therefore, it is strongly suggested that you update any search before using the information for official purposes. In no event shall the Criminal Court Clerk of Davidson County, Tennessee, be held liable for damage of any nature, direct or indirect, arising from the use of this Internet service or product.

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EXHIBIT

13

Exhibit 14

**Arrest Report for
Arrest Number 100072288**

Arrest Report



Metropolitan Police Department
Nashville, Tennessee

1. M.P.D. Incident Number ☐ Juvenile

115-699-095

2. Related Incident Number ☒ N/A		3. I.D. / O.C.A. Number 436258		4. Arrest Number 100072288		5. Arrest Date / Time 08-22-11 1646	
6. Day of Week ☒ SU ☐ MO ☐ TU ☐ WE ☐ TH ☐ FR ☐ SA		7. Charge Which Precipitated Arrest Outstanding Warrants					
8. Reason Arrested (Offense / Classification) Outstanding Warrants				9. Social Security Number ☐ UNK		10. Driver License No. ☐ UNK	
11. Defendant's Name (Last, First, Middle) Villiger, Daniel Keric				12. Nickname / Alias None		13. State ☒ TN ☐ UNK	
12. Defendant's Address (Apt No.) [Redacted]				City Nashville		State TN	
13. Zip Code 37262				14. Place of Employment / School ☒ None ☐ UNK			
15. Home Phone [Redacted]		16. Work Phone [Redacted]		17. County Resident? ☒ Yes ☐ No		18. Occupation [Redacted]	
19. is Arrestee a College Student? (If Yes, where?) ☐ Yes ☒ No ☐ UNK							
20. Sex ☒ M ☐ F ☐ UNK		21. Race ☒ White ☐ Black ☐ Am Indian / Alaskan ☐ Asian/Pac-Islander ☐ Other ☐ UNK		22. Ethnicity ☒ Hispanic ☐ Non-Hispanic ☐ UNK		23. Age 19	
24. DOB [Redacted]		25. Place of Birth Mexico		26. Domestic Violence ☐ Yes (If Yes, Specify Prosecutor) ☒ No ☐ UNK		Officer ☐ Victim ☐ Both	
27. Height 5'10"		28. Weight 180		29. Hair Blk		30. Eyes Brn	
31. Location of Arrest (Street Address) 521 Glenmont							
32. Type of Arrest ☐ On-View ☐ Summoned/Cited ☒ Taken into Custody		33. Resisted Arrest? ☐ Yes ☒ No		34. Assaulted Officer? ☐ Yes ☒ No		35. Chemical Agent Used? ☐ Yes ☒ No	
36. Arrestee Was Armed With: (Select up to 2) (Enter 'A' in Box if Automatic) ☒ Unarmed ☐ Rifle ☐ Lethal Cutting Instrument (e.g. Switchblade knife) ☐ Firearm (Type Not Stated) ☐ Shotgun ☐ Other Firearm ☐ Club, Blackjock, Brass Knuckles ☐ Handgun							
37. Injury (Select up to 5) ☐ Apparent Broken Bones ☐ Other Major Injury ☐ Possible Internal Injury ☐ Loss of Teeth ☐ Severe Laceration ☐ Unconsciousness ☐ Apparent Minor Injury ☐ Gunshot		38. Medical Treatment ☐ Refused Treatment ☐ Baptist ☐ Centennial ☐ Southern Hills ☐ St Thomas ☐ Summit		39. Transported By ☐ N/A ☐ Reporting Officer ☐ Private Ambulance ☐ N.F.D. Ambulance ☐ Self ☐ Other (Specify)			
40. Describe Illness or Injury		41. Examining Physician ☐ N/A		42. Medical Treatment Status ☐ Admitted ☐ N/A ☐ Released			
43. License Number State Year		44. Year		45. Make		46. Model	
47. Style		48. Color					
49. V. I. N. ☐ None ☐ Altered ☐ UNK		50. If Towed, VTR No. ☐ N/A		51. Vehicle Towed To: ☐ Tow-In Lot ☐ Other (Specify)		52. Vehicle Towed By: ☐ N/A	
53. Warrant Number 65505783		54. Code (Chapter & Section)		55. Charge Agg. Assault		56. Related Incident Number 2011 AUG 22 11:30	
57. Refused ☐ Yes ☒ No		58. Judge ☒ N/A		59. Reason ☒ N/A			
60. Physical Evidence ☒ None ☐ See Incident Report		61. Held or Stored By: ☒ N/A					
62. Name State of Tennessee		63. CODE P		64. Residence (Street, City) 201 James A. Robertson		65. Home Phone [Redacted]	
66. Work Phone [Redacted]							

EXHIBIT

14

M.P.D. Incident Number (Same as #1)

67. Perpetrator Suspected of Using: ☐ Drugs ☐ Alcohol ☐ Computer ☒ N/A

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

615

89. If Misdemeanor Arrest Only, Check Reason Misdemeanor Citation Not Issued. (Check 1 or More) ☐ N/A

- | | |
|--|--|
| ☐ Requires medical care or unable to care for own safety. | ☐ Reasonable likelihood that the person will fail to appear in court. |
| ☐ Reasonable likelihood that offense will continue. | ☐ Defendant demands to be taken before magistrate. |
| ☐ Unsatisfactory evidence of identification or fingerprint refusal. | ☐ Intoxicated person who is in danger to such person or others. |
| ☐ Prosecution will be jeopardized. | ☒ Outstanding arrest warrants exist. |

70. Arresting Officer (First, MI, Last) (Employee No.) (Radio Call Sign)

71. Arresting Officer (First, MI, Last) (Employee No)

Victoria Beaman 643208 3115

72. Supervisor Approving (Employee Number)

73. Transporting Officer (Employee Number)

74. Booking Clerk

(Employee Number)

Exhibit 15

**DCSO Jail Management System Log for
Daniel R. Villegas,
Aug. 22-Sept. 4, 2010**

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
interface	Server	SBT_INITIAL_FILE	08/22/10 17:26.43	0	Successful	Inserted inmate: VILLEGAS , DANIEL , R control no: 436258	528998
kcash	DCSO\T2	SBT HOLDER	08/22/10 17:56.45	0	Successful	Hold Inserted: Type = DNA Testing Required , Status = Active	528998
interface	Server	SBT_DEMOGRAPHI	08/22/10 17:56.48	0	Successful	Updated inmate: VILLEGAS , DANIEL , R control no: 436258	528998
interface	Server	SBT_WARRANT_FILE	08/22/10 17:56.50	0	Successful	Case No.=GS505783; Warrant No.=GS505783; Charge Status=AWTRL	528998
kcash	DCSO\T2	SBT HOLDER	08/22/10 17:57.11	0	Successful	Hold Inserted: Type = ICE - Sent to ICE Status = Active	528998
kcash	DCSO\T2	SBT_UPDATE_CHA	08/22/10 17:57.25	0	Successful	Case No.=GS505783; Warrant No.=GS505783; Charge Status=AWTRL	528998
kcash	DCSO\T2	SBT_EVAL_INMATE	08/22/10 17:57.25	0	Successful	Update inmate final status in jail	528998
hmcquade		SBT_CREATE_PRO	08/22/10 17:58.42	0	Successful	Inserted or Updated Process Status	528998
hmcquade		SBT_MEDICALSCR	08/22/10 17:58.42	0	Successful	Inserted or Updated Health Screening 528998 Time Creation 22-AUG-10	528998
interface	Server	SBT_CHECKPERSC	08/22/10 18:02.01	0	Successful	Checking Conflicts in Holding areas for event 2737809	528998
interface	Server	SBT_REGISTERNE	08/22/10 18:02.01	0	Successful	Next event didn't exist. Next event is going to be 0INSERT next event(2737809).Movement.Status.N	528998
interface	Server	SBT_COURT_SCHE	08/22/10 18:02.01	0	Successful	Court appearance created : SC918057 (21-SEP-2010 08:30)	528998
interface	Server	SBT_CHECKPERSC	08/22/10 18:02.02	0	Successful	Checking Conflicts in Holding areas for event 2555115	528998
interface	Server	SBT_REGISTERNE	08/22/10 18:02.02	0	Successful	Current next event is 2737809 and is not active. Seeing if 2555115 will take its place. 2555115 is not Active.2555115	528998
interface	Server	SBT_COURT_SCHE	08/22/10 18:02.02	0	Successful	Court appearance created : GS504696 (25-AUG-2010 09:00)	528998
interface	Server	SBT_COURT_SCHE	08/22/10 18:02.03	0	Successful	Court appearance created : GS504697 (25-AUG-2010 09:00)	528998
interface	Server	SBT_CHECKPERSC	08/22/10 18:02.03	0	Successful	Checking Conflicts in Holding areas for event 2713963	528998
interface	Server	SBT_REGISTERNE	08/22/10 18:02.03	0	Successful	Current next event is 2555115 and is not active. Seeing if 2713963 will take its place. 2713963 is not Active.UPDATE	528998
interface	Server	SBT_COURT_SCHE	08/22/10 18:02.03	0	Successful	Court appearance created : GS505783 (26-AUG-2010 09:00)	528998
hmcquade		SBT_CREATE_PRO	08/22/10 18:08.41	0	Successful	Inserted or Updated Process Status	528998
hmcquade		SBT_MEDICALSCR	08/22/10 18:08.41	0	Successful	Inserted or Updated Health Screening 528998 Time Creation 22-AUG-10	528998
hmcquade		SBT_CREATE_PRO	08/22/10 18:09.37	0	Successful	Inserted or Updated Process Status	528998
hmcquade		SBT_MEDICALSCR	08/22/10 18:09.37	0	Successful	Inserted or Updated Health Screening 528998 Time Creation 22-AUG-10	528998
jwilson		SBT_UPDATEHOUS	08/22/10 18:37.04	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckeiv.32902	528998

EXHIBIT

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Log Count: 164

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
jwilson		SBT_REGISTERNE	08/22/10 18:37.04	0	Successful	Current next event is 2555115 and is not active. Seeing if 0 will take its place. Changing to active. Movement Status	528998
jwilson		SBT_CREATEMOVE	08/22/10 18:37.04	0	Successful	For unscheduled event (HOUS-UNSCH) moved inmate 528998 from CJC-TNKK-M-1-6 to CJC-TNKK-M	528998
jwilson		SBT_UPDATEHOUS	08/22/10 18:37.04	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckey 25337	528998
jwilson		SBT_REGISTERNE	08/22/10 18:37.04	0	Successful	Current next event is 0 and is active. Seeing if 0 will take its place. is not Active.UPDATE next event(2555115)	528998
jwilson		SBT_COMPLETEM	08/22/10 18:37.04	0	Successful	Changing beds to CJC-TNKK-M-1-14(25337)	528998
jwilson		SBT_RETURNMOVE	08/22/10 18:37.04	0	Successful	Returned inmate 528998 to CJC-TNKK-M-1-8 from event 0 (HOUS-UNSCH) Unscheduled	528998
jwilson		SBT_CREATE_PRO	08/22/10 18:37.04	0	Successful	Inserted or Updated Process Status 528998	528998
jwilson		SBT_CHANGEHOUS	08/22/10 18:37.04	0	Successful	Changing Housing Location b CJC-TNKK-M-1-14(25337)	528998
wsydnor	DCSO\DCSO18	SBT HOLDER	08/22/10 19:57.06	0	Successful	Hold Inserted: Type = ICE - Investigative Hold , Status = Active	528998
wsydnor	DCSO\DCSO18	SBT HOLDER	08/22/10 19:57.14	0	Successful	Hold Updated: Type = ICE - Sent to ICE Status = Inactive	528998
jbhollin		SBT_UPDATEHOUS	08/22/10 20:38.28	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckeey 19017	528998
jbhollin		SBT_CHECKPERSC	08/22/10 20:38.28	0	Successful	Checking Conflicts in Holding areas for event 2911967	528998
jbhollin		SBT_REGISTERNE	08/22/10 20:38.28	0	Successful	Current next event is 2555115 and is not active. Seeing if 2911967 will take its place. 2911967 is not Active. 2911967	528998
jbhollin		SBT_SCHEDULEHO	08/22/10 20:38.28	0	Successful	(F) For Inmate 528998 Scheduled inmate for event 2911967	528998
mbarshaw		SBT_REGISTERNE	08/23/10 00:11.56	0	Successful	Current next event is 2911967 and is not active. Seeing if 2911967 will take its place. Changing 2911967 to active.	528998
mbarshaw		SBT_CREATEMOVE	08/23/10 00:11.56	0	Successful	For event 2911967 (HOUS-SCHED) moved Inmate 528998 from CJC-TNKK-M-1-14 to CJC-1-A-1-12	528998
jdemonbr	DCSO\DCSO18	SBT_CREATE_PRO	08/23/10 00:35.56	0	Successful	Inserted or Updated Process Status 528998	528998
jdemonbr	DCSO\DCSO18	SBT_UPDATEPROP	08/23/10 00:35.56	0	Successful	Inserted new property form. Group Id: 238684, Form Id: 260345	528998
jdemonbr	DCSO\DCSO18	SBT_UPDITEMONE	08/23/10 00:36.15	0	Successful	Update money form 45846.Total collected is \$9	528998
jdemonbr	DCSO\DCSO18	SBT_CREATE_PRO	08/23/10 00:37.08	0	Successful	Inserted or Updated Process Status 528998	528998
jdemonbr	DCSO\DCSO18	SBT_UPDATECLOT	08/23/10 00:37.08	0	Successful	Clothing form updated 1-pant, 1-shrt, 1-shoe, For INMATE_CLOTHING_ID: 234007. Ins_cloth hist rec#311793	528998
jdemonbr	DCSO\DCSO18	SBT_UPDATEISSUE	08/23/10 00:37.14	0	Successful	Inserted Jail Issued Property form for JMS number 528998	528998
jfaigenbau	DCSO\DCSO18	SBT_UPDATEHOUS	08/23/10 00:40.18	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckeey 19017	528998
jfaigenbau	DCSO\DCSO18	SBT_REGISTERNE	08/23/10 00:40.18	0	Successful	Current next event is 2911967 and is active. Seeing if 2911967 will take its place. 2911967 is not Active. Next event	528998

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User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
fajgenbau	DCSO\DCSO18	SBT_COMPLETEMC	08/23/10 00:40.18	0	Successful	New bed is CJC-1-A-1-12(19017) They were moved in their new bed when the move was started.	528998
fajgenbau	DCSO\DCSO18	SBT_RETURNMOVE	08/23/10 00:40.18	0	Successful	Returned inmate 528998 to CJC-1-A-1-12 from event 2911987 (HOUS-SCHED) Completing Move to	528998
szavala	DCSO\DCSO18	SBT_CHECKPERSO	08/23/10 19:37.38	0	Successful	Checking Conflicts in Holding areas for event 2913171	528998
szavala	DCSO\DCSO18	SBT_REGISTERNE	08/23/10 19:37.38	0	Successful	Current next event is 2555115 and is not active. Seeing if 2913171 will take its place. 2913171 is not Active. 2913171	528998
szavala	DCSO\DCSO18	SBT_SCHEDULEINN	08/23/10 19:37.38	0	Successful	Schedule inmate 528998 for event 2913171 MED-TRTCJC	528998
sdavis	DCSO\DCSO18	SBT_REGISTERNE	08/23/10 19:53.39	0	Successful	Current next event is 2913171 and is not active. Seeing if 2913171 will take its place. Changing 2913171 to active.	528998
sdavis	DCSO\DCSO18	SBT_CREATEMOVE	08/23/10 19:53.39	0	Successful	For event 2913171 (MED-TRTCJC) moved inmate 528998 from CJC-1-A-1-12 to CJC MEDICAL	528998
sdavis	DCSO\DCSO18	SBT_REGISTERNE	08/23/10 20:02.45	0	Successful	Current next event is 2913171 and is active. Seeing if 2913171 will take its place. 2913171 is not Active. Next event	528998
sdavis	DCSO\DCSO18	SBT_COMPLETEMC	08/23/10 20:02.45	0	Successful		528998
sdavis	DCSO\DCSO18	SBT_RETURNMOVE	08/23/10 20:02.45	0	Successful	Returned inmate 528998 to CJC MEDICAL from event 2913171 (MED-TRTCJC) Completing Move to	528998
mpatters	DCSO\DCSO18	SBT_CHECKPERSO	08/24/10 09:47.39	0	Successful	Checking Conflicts in Holding areas for event 2914071	528998
mpatters	DCSO\DCSO18	SBT_REGISTERNE	08/24/10 09:47.39	0	Successful	Current next event is 2555115 and is not active. Seeing if 2914071 will take its place. 2914071 is not Active. 2914071	528998
mpatters	DCSO\DCSO18	SBT_SCHEDULEINN	08/24/10 09:47.39	0	Successful	Schedule inmate 528998 for event 2914071 ADD-ICEINT	528998
lappleto	DCSO\DCSO18	SBT_REGISTERNE	08/24/10 12:26.44	0	Successful	Current next event is 2914071 and is not active. Seeing if 2914071 will take its place. Changing 2914071 to active.	528998
lappleto	DCSO\DCSO18	SBT_CREATEMOVE	08/24/10 12:26.44	0	Successful	For event 2914071 (ADD-ICEINT) moved inmate 528998 from CJC-1-A-1-12 to CJC BOOKING	528998
lappleto	DCSO\DCSO18	SBT_REGISTERNE	08/24/10 13:09.48	0	Successful	Current next event is 2914071 and is active. Seeing if 2914071 will take its place. 2914071 is not Active. Next event	528998
lappleto	DCSO\DCSO18	SBT_COMPLETEMC	08/24/10 13:09.48	0	Successful		528998
lappleto	DCSO\DCSO18	SBT_RETURNMOVE	08/24/10 13:09.48	0	Successful	Returned inmate 528998 to CJC BOOKING from event 2914071 (ADD-ICEINT) Completing Move to	528998
apressle	DCSO\DCSO18	SBT_REGISTERNE	08/25/10 05:10.07	0	Successful	Current next event is 2555115 and is not active. Seeing if 2555115 will take its place. Changing 2555115 to active.	528998
apressle	DCSO\DCSO18	SBT_CREATEMOVE	08/25/10 05:10.07	0	Successful	For event 2555115 (CBC-CRTA) moved inmate 528998 from CJC-1-A-1-12 to BC COURT ROOM 3A	528998
interface	Server	SBT_CHECKPERSO	08/25/10 11:12.13	0	Successful	Checking Conflicts in Holding areas for event 2552572	528998
interface	Server	SBT_REGISTERNE	08/25/10 11:12.13	0	Successful	Next Event unchanged. The event 2552572 being registered is not the currently active event 2555115.	528998
interface	Server	SBT_COURT_SCHE	08/25/10 11:12.13	0	Successful	Court appearance created : GS504697 (03-SEP-2010 09:00)	528998
interface	Server	SBT_COURT_SCHE	08/25/10 11:12.14	0	Successful	Court appearance created : GS504696 (03-SEP-2010 09:00)	528998

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User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
fbender	DCSO\DCSO18	SBT_REGISTERNE	08/25/10 12:18.49	0	Successful	Current next event is 2555115 and is active. Seeing if 2555115 will take its place. 2555115 is not Active. Next event	528998
fbender	DCSO\DCSO18	SBT_COMPLETEMC	08/25/10 12:18.49	0	Successful		528998
fbender	DCSO\DCSO18	SBT_RETURNMOVE	08/25/10 12:18.49	0	Successful	Returned inmate 528998 to BC - COURT ROOM 3A from event 2555115 (CBC-CRTA) Completing Move to	528998
ccrain	DCSO\DCSO18	SBT_UPDATEYESR	08/25/10 12:23.28	0	Successful	Updated class_id 275352, part 1 Ins item 237; Ins item 378; Ins item 381; Ins item 382; Ins item 389; Ins item 390; Ins item	528998
interface	Server	SBT_REGISTERNE	08/25/10 13:27.16	0	Successful	Current next event is 2713963 and is not active. Seeing if 2713963 will take its place. 2713963 is not Active.UPDATE	528998
interface	Server	SBT_COURT_SCHE	08/25/10 13:27.16	0	Successful	Court appearance deleted : GS505783 (26-AUG-2010 09:00)	528998
interface	Server	SBT_COURT_SCHE	08/25/10 13:27.16	0	Successful	Court appearance created : GS505783 (03-SEP-2010 09:00)	528998
etrotter		SBT_UPDATEHOUS	08/25/10 23:16.16	0	Successful	Update house changeorder table with information for jms_number 528998 and bed ckey 18475	528998
etrotter		SBT_CHECKPERSO	08/25/10 23:16.16	0	Successful	Checking Conflicts in Holding areas for event 2916577	528998
etrotter		SBT_REGISTERNE	08/25/10 23:16.16	0	Successful	Current next event is 2552572 and is not active. Seeing if 2916577 will take its place. 2916577 is not Active.2916577	528998
etrotter		SBT_SCHEDULEHO	08/25/10 23:16.16	0	Successful	(F) For Inmate 528998 Scheduled Inmate for event 2916577	528998
jhart	DCSO\DCSO18	SBT_REGISTERNE	08/25/10 23:41.52	0	Successful	Current next event is 2916577 and is not active. Seeing if 2916577 will take its place. Changing 2916577 to active	528998
jhart	DCSO\DCSO18	SBT_CREATEMOVE	08/25/10 23:41.52	0	Successful	For event 2916577 (HOUS-SCHED) moved inmate 528998 from CJC-1-A-1-12 to CJC-3-A-8-16	528998
lbrown		SBT_UPDATEHOUS	08/26/10 00:10.29	0	Successful	Update house changeorder table with information for jms_number 528998 and bed ckey 18475	528998
lbrown		SBT_REGISTERNE	08/26/10 00:10.29	0	Successful	Current next event is 2916577 and is active. Seeing if 2916577 will take its place. 2916577 is not Active. Next event	528998
lbrown		SBT_COMPLETEMC	08/26/10 00:10.29	0	Successful	New bed is CJC-3-A-8-16(18475) They were moved in their new bed when the move was started	528998
lbrown		SBT_RETURNMOVE	08/26/10 00:10.29	0	Successful	Returned inmate 528998 to CJC-3-A-8-16 from event 2916577 (HOUS-SCHED) Completing Move to	528998
ccrain	DCSO\DCSO18	SBT_UPDATEPROC	08/26/10 06:59.38	0	Successful	Updating classification to S1 for 528998	528998
interface	Server	SBT_CHECKPERSO	08/26/10 09:45.25	0	Successful	Checking Conflicts in Holding areas for event 2713963	528998
interface	Server	SBT_REGISTERNE	08/26/10 09:45.25	0	Successful	Current next event is 2552572 and is not active. Seeing if 2713963 will take its place. 2713963 is not Active.2713963	528998
interface	Server	SBT_COURT_SCHE	08/26/10 09:45.25	0	Successful	Court appearance created : GS505783 (26-AUG-2010 09:00)	528998
interface	Server	SBT_REGISTERNE	08/26/10 09:45.26	0	Successful	Current next event is 2713963 and is not active. Seeing if 2713963 will take its place. 2713963 is not Active.UPDATE	528998
interface	Server	SBT_COURT_SCHE	08/26/10 09:45.26	0	Successful	Court appearance deleted : GS505783 (26-AUG-2010 09:00)	528998
slee	DCSO\DCSO18	SBT_UPDATEYESR	08/26/10 14:21.01	0	Successful	Updated class_id 275352, part 1	528998

Log Count: 164

User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
slee	DCSO\DCSO19	SBT_UPDATEPROC	08/26/10 14:21.01	0	Successful	Updating classification to S2 for 528998	528998
slee	DCSO\DCSO19	SBT_CREATE_CON	08/26/10 14:21.25	0	Successful	Created Contactfor 528998 contact type S	528998
slee	DCSO\DCSO19	SBT_CREATE_CON	08/26/10 14:21.26	0	Successful	Created Contactfor 528998 contact type C	528998
slee	DCSO\DCSO19	SBT_CREATE_CON	08/26/10 14:21.26	0	Successful	Created Contactfor 528998 contact type P	528998
slee	DCSO\DCSO19	SBT_CREATE_CON	08/26/10 14:21.26	0	Successful	Created Contactfor 528998 contact type E	528998
slee	DCSO\DCSO19	SBT_CREATE_CON	08/26/10 14:21.26	0	Successful	Created Contactfor 528998 contact type O	528998
slee	DCSO\DCSO19	SBT_CREATE_PRO	08/26/10 14:21.32	0	Successful	Inserted or Updated Process Status 528998	528998
slee	DCSO\DCSO19	SBT_UPDATECLAS	08/26/10 14:21.32	0	Successful	Update inmate classification history table with information for inmate 528998	528998
slee	DCSO\DCSO19	SBT_UPDATEHOUS	08/26/10 14:21.57	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckeey.18627	528998
slee	DCSO\DCSO19	SBT_CHECKPERSO	08/26/10 14:21.57	0	Successful	Checking Conflicts in Holding areas for event 2917622	528998
slee	DCSO\DCSO19	SBT_REGISTERNE	08/26/10 14:21.57	0	Successful	Current next event is 2552572 and is not active. Seeing if 2917622 will take its place. 2917622 is not Active.2917622	528998
slee	DCSO\DCSO19	SBT_UPDATECLAS	08/26/10 14:21.57	0	Successful	Update inmate classification history table with information for inmate 528998	528998
wevans		SBT_REGISTERNE	08/26/10 15:27.33	0	Successful	Current next event is 2917622 and is not active. Seeing if 2917622 will take its place. Changing 2917622 to active.	528998
wevans		SBT_CREATEMOVE	08/26/10 15:27.33	0	Successful	For event 2917622 (HOUS-SCHED moved inmate 528998 from CJC-3-A-8-16 to CJC-3-D-18-36	528998
wevans		SBT_UPDATEHOUS	08/26/10 15:49.56	0	Successful	Update house changeorder table with information for jms_number 528998 and bed_ckeey.18627	528998
wevans		SBT_REGISTERNE	08/26/10 15:49.56	0	Successful	Current next event is 2917622 and is active. Seeing if 2917622 will take its place. 2917622 is not Active..Next event	528998
wevans		SBT_COMPLETEM	08/26/10 15:49.56	0	Successful	New bed is CJC-3-D-18-36(18627) They were moved in their new bed when the move was started.	528998
wevans		SBT_RETURNMOVE	08/26/10 15:49.56	0	Successful	Returned inmate 528998 to CJC-3-D-18-36 from event 2917622 (HOUS-SCHED) Completing Move to	528998
ccrain	DCSO\DCSO19	SBT_UPDATEYESR	08/27/10 06:26.56	0	Successful	Updated class_id 275352, part 4Ins item 49;	528998
ccrain	DCSO\DCSO19	SBT_CREATE_PRO	08/27/10 06:26.59	0	Successful	Inserted or Updated Process Status 528998	528998
ccrain	DCSO\DCSO19	SBT_UPDATECLAS	08/27/10 06:26.59	0	Successful	Update inmate classification history table with information for inmate 528998	528998
alking		SBT_CHECKPERSO	08/27/10 07:07.33	0	Successful	Checking Conflicts in Holding areas for event 2918040	528998
alking		SBT_REGISTERNE	08/27/10 07:07.33	0	Successful	Current next event is 2552572 and is not active. Seeing if 2918040 will take its place. 2918040 is not Active.2918040	528998
alking		SBT_SCHEDULEINN	08/27/10 07:07.33	0	Successful	Schedule inmate 528998 for event 2918040 MED-PHYCJC	528998

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User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
ktrue		SBT_REGISTERNEXT	08/27/10 13:27.55	0	Successful	Current next event is 2918040 and is not active. Seeing if 2918040 will take its place. Changing 2918040 to active.	528998
ktrue		SBT_CREATEMOVE	08/27/10 13:27.55	0	Successful	For event 2918040 (MED-PHYCJC) moved inmate 528998 from CJC-3-D-18-36 to CJC MEDICAL	528998
ktrue		SBT_REGISTERNEXT	08/27/10 14:24.09	0	Successful	Current next event is 2918040 and is active. Seeing if 2918040 will take its place. 2918040 is not Active. Next event.	528998
ktrue		SBT_COMPLETEMOVE	08/27/10 14:24.09	0	Successful		528998
ktrue		SBT_RETURNMOVE	08/27/10 14:24.09	0	Successful	Returned inmate 528998 to CJC MEDICAL from event 2918040 (MED-PHYCJC) Completing Move to	528998
alking		SBT_UPDATEYESR	08/27/10 14:49.08	0	Successful	Updated class id 275352, part 3 Ins item 72; Ins item 74; Ins item 75; Ins item 76;	528998
mransom		SBT_CASE_NOTE	08/31/10 14:04.33	0	Successful	Inserted case_note #:847061 for inmate#:528998	528998
tdotson		SBT_REGISTERNEXT	09/03/10 05:17.33	0	Successful	Current next event is 2552572 and is not active. Seeing if 2552572 will take its place. Changing 2552572 to active.	528998
tdotson		SBT_CREATEMOVE	09/03/10 05:17.33	0	Successful	For event 2552572 (CBC-CRTA) moved inmate 528998 from CJC-3-D-18-36 to BC - COURT ROOM 3A	528998
mransom		SBT_CASE_NOTE	09/03/10 11:01.33	0	Successful	Inserted case_note #:848991 for inmate#:528998	528998
Interface	Server	SBT_UPDATE_CHA	09/03/10 12:52.16	0	Successful	Case No.=GS505783; Warrant No.=GS505783; Charge Status=DIS	528998
deadams		SBT_REGISTERNEXT	09/03/10 14:31.53	0	Successful	Current next event is 2552572 and is active. Seeing if 2552572 will take its place. 2552572 is not Active. Next event.	528998
deadams		SBT_COMPLETEMOVE	09/03/10 14:31.53	0	Successful		528998
deadams		SBT_RETURNMOVE	09/03/10 14:31.53	0	Successful	Returned inmate 528998 to BC - COURT ROOM 3A from event 2552572 (CBC-CRTA) Completing Move to	528998
blavende	DCSO\DCSO19	SBT HOLDER	09/03/10 18:39.17	0	Successful	Hold Updated: Type = DNA Testing Required , Status = Inactive	528998
blavende	DCSO\DCSO19	SBT_CREATE_PRO	09/03/10 20:07.02	0	Successful	Inserted or Updated Process Status 528998	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 20:07.02	0	Successful	Updated release checklist	528998
blavende	DCSO\DCSO19	SBT_CHECKPERSC	09/03/10 20:07.16	0	Successful	Checking Conflicts in Holding areas for event 2925362	528998
blavende	DCSO\DCSO19	SBT_REGISTERNEXT	09/03/10 20:07.16	0	Successful	Current next event is 2737809 and is not active. Seeing if 2925362 will take its place. 2925362 is not Active. 2925362	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 20:07.16	0	Successful	Updated Release Form.	528998
blavende	DCSO\DCSO19	SBT_REGISTERNEXT	09/03/10 20:11.57	0	Successful	Current next event is 2925362 and is not active. Seeing if 2925362 will take its place. 2925362 is not Active. UPDATE	528998
blavende	DCSO\DCSO19	SBT_UPDATEINMAT	09/03/10 20:11.57	0	Successful	Updated[E] Inmate 528998 schedule for event 2925362	528998
blavende	DCSO\DCSO19	SBT_UPDATERETA	09/03/10 20:11.57	0	Successful	Updated Retain Flag to: T	528998
wford	DCSO\DCSO19	SBT HOLDER	09/03/10 21:56.41	0	Successful	Hold Updated: Type = ICE - Investigative Hold , Status = Inactive	528998

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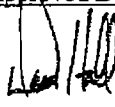
User ID	Location	Function	Log Time	Code	Entry Type	Log Message	CIS No.
blavende	DCSO\DCSO19	SBT_UPDATERETA	09/03/10 22:59.19	0	Successful	Updated Retain Flag to: F	528998
blavende	DCSO\DCSO19	SBT_CREATE_PRO	09/03/10 22:59.19	0	Successful	Inserted or Updated Process Status 528998	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 22:59.19	0	Successful	Updated release checklist	528998
blavende	DCSO\DCSO19	SBT_CREATE_PRO	09/03/10 22:59.21	0	Successful	Inserted or Updated Process Status 528998	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 22:59.21	0	Successful	Updated release checklist	528998
blavende	DCSO\DCSO19	SBT_CREATE_PRO	09/03/10 22:59.26	0	Successful	Inserted or Updated Process Status 528998	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 22:59.26	0	Successful	Updated release checklist	528998
blavende	DCSO\DCSO19	SBT_CHECKPERSO	09/03/10 22:59.51	0	Successful	Checking Confids in Holding areas for event 2925427	528998
blavende	DCSO\DCSO19	SBT_REGISTERNE	09/03/10 22:59.51	0	Successful	Current next event is 2737809 and is not active. Seeing if 2925427 will take its place. 2925427 is not Active. 2925427	528998
blavende	DCSO\DCSO19	SBT_UPDATERELE	09/03/10 22:59.51	0	Successful	Updated Release Form.	528998
jilaster	DCSO\DCSO19	SBT_PROPERTYTYR	09/03/10 23:47.22	0	Successful	Updated the inmate_property_group table with release information for group id number 238684	528998
jilaster	DCSO\DCSO19	SBT_CLOTHINGRE	09/03/10 23:48.29	0	Successful	JMS: 528998-STEP_1 234007 STEP_2 BAG-2956 STEP_3 0-v cl=TRUE STEP_4 BOTH STEP_5 0-v pr=TRUE	528998
jfajgenbau		SBT_REGISTERNE	09/03/10 23:56.57	0	Successful	Current next event is 2925427 and is not active. Seeing if 2925427 will take its place. Changing 2925427 to active	528998
jfajgenbau		SBT_CREATEMOVE	09/03/10 23:56.57	0	Successful	For event 2925427 (REL-RELEAS moved inmate 528998 from CJC-3-D-18-36 to	528998
truck	DCSO\DCSO19	SBT_REGISTERNE	09/04/10 00:48.35	0	Successful	Current next event is 2925427 and is active. Seeing if 2925427 will take its place. 2925427 is not Active. Next event	528998
truck	DCSO\DCSO19	SBT_COMPLETEMC	09/04/10 00:48.35	0	Successful		528998
truck	DCSO\DCSO19	SBT_RETURNMOVE	09/04/10 00:48.35	0	Successful	Returned inmate 528998 to from event 2925427 (REL-RELEAS) Completing Move to CJC-3-D-18-36	528998
truck	DCSO\DCSO19	SBT_REGISTERNE	09/04/10 00:48.35	0	Successful	Current next event is 2737809 and is not active. Seeing if 2737809 will take its place. 2737809 is not Active. DELETE	528998
truck	DCSO\DCSO19	SBT_DEACTIVATEIN	09/04/10 00:48.35	0	Successful	Inmate Deactivated: 528998	528998
mpatters		SBT_CREATE_DEM	09/07/10 12:39.54	0	Successful	Updated inmate: VILLEGAS, DANIEL, R control no: 436258	528998

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Exhibit 16

DCSO Policy No. 1-4.100

**Inmate Admission and Orientation
Procedures**

 Davidson County Sheriff's Office	<u>Chapter</u> Institutional Services	<u>Page</u> 1 of 9
	<u>Subject</u> Inmate Admission and Orientation Procedures	<u>Effective Date</u> 1/22/08
<u>Index Number</u> 1-4.100	<u>Related Standards</u> ACA 4-ALDF-2A-20, 22, 23, 27, 28, 65, 66, 4C-01, 6A-05, 7D-19, 7E-05; 2-CO-4A-01	<u>Approved By</u> 
<u>Supersedes</u> Policy # 1-4.100	<u>Subject</u> Inmate Admission and Orientation Procedures	<u>Effective</u> 11/08/07

PURPOSE

To describe the procedures that will be used to process inmates into the Davidson County Sheriff's Office (D.C.S.O.) facilities.

POLICY

It is the policy of the D.C.S.O. to admit and process inmates in a way that ensures the legality of their commitment, assures that the conditions of confinement to which they are assigned will be appropriate, and assures that the security of the D.C.S.O. facilities is maintained.

This policy is reviewed annually.

PROCEDURAL GUIDELINES

The D.C.S.O. booking and intake area will be staffed twenty-four (24) hours a day and will have the following facilities available:

- a sally port entrance that ensures the area's integrity;
- secure holding cells for arrestees, with seating for the capacity of the areas;
- drinking water reasonably available in the area;
- hand washing and toilet facilities for all categories of arrestees;
- secure storage for arrestee property retained in the institution but not permitted in housing units;
- telephones for use by arrestees to make calls to attorneys and other approved calls in the initial confinement period;
- office space for use by booking, pretrial services staff and medical staff;
- computer terminals for staff to enter information in the D.C.S.O. and other automated data systems and to check for "wants and warrants" on each individual booked.

All incoming inmates will undergo thorough screening and assessment at admission and receive thorough orientation to the facility's procedures, rules, programs, and services.

All inmate property will be immediately searched upon arrival at the facility.

These procedures will include at a minimum the following:

- determination that the inmate is legally committed to the facility;
- determination of drug/alcohol use;

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EXHIBIT

Exhibit No. 120

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- thorough search of the individual and possessions;
- disposition of personal property;
- shower and hair care, if necessary;
- issue of clean, laundered clothing when appropriate;
- photographing and fingerprinting, including notation of identifying marks or other unusual physical characteristics;
- medical, dental, and mental health screening;
- assignment to housing unit;
- recording of basic personal data and information to be used for mail and visiting list;
- explanation of mail and visiting procedures;
- assistance to inmates in notifying their next of kin and families of admission;
- suicide screening;
- assignment of registered number to the inmate;
- giving written orientation materials to the inmate;
- giving procedures for telephone calls by the inmate and allowing telephone calls by the inmate;
- assignment of a housing unit;
- criminal history checks.

Automated Systems

The D.C.S.O. will have computer terminals in the intake and booking areas with links to the Tennessee Criminal Information Center (TCIC), the Tennessee Repository for the Apprehension of Persons (TRAP), and the National Crime Information Center (NCIC). The facility administrator/designee may identify additional locations for selected purposes.

These computer terminals will be used to enter all relevant data regarding incoming arrestees. All staff using these terminals will be trained in their use and in the relevant security procedures to safeguard against sabotage of the hardware and against unauthorized access to the data contained in the automated systems.

A transaction and access log system will be in place to document the use of these terminals.

The automated fingerprint and mug shot equipment will be used to enter all relevant data regarding incoming arrestees, and this equipment will be used to verify the arrestees' identification. All staff using this equipment will be trained in the proper use of the equipment and in relevant security procedures to safeguard against sabotage of the hardware, as well as against unauthorized access to the data contained in this equipment.

All manuals and instructional materials for each of the information systems will be treated as confidential and kept secure from unauthorized access.

Records contained in these systems may be expunged only by court order or on a documented finding that the information was erroneously entered. A documented finding must be approved

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by the D.C.S.O. records manager/designee before the record may be expunged from the automated jail system. A documented finding must be approved by the Metropolitan Nashville Police Department (MNPd) information service administrator/designee or by a supervisor in the MNPd identification division or quality control division before the record can be expunged from the automated arrest system.

Initial Processing

The committing agent will be buzzed into the booking sally-port by the D.C.S.O. master control officer. Note: The committing agent shall not surrender his/her duty weapon unless it is necessary to breach the secured area during the booking process.

The committing officer will give the D.C.S.O. intake officer a jail intake form, original arrest report, arrest warrant, a parole or probation revocation warrant, a judgment order, or an equivalent document authorizing the arrestees' commitment. A booking correctional officer will review the commitment papers to determine whether they have been properly completed. If inaccuracies exist, the committing court, commissioner, or agency will be contacted immediately so inaccuracies can be corrected.

A unique Originating Case Agency (OCA) number and Correctional Information System (CIS) number will be assigned to the arrestee upon entering him/her into the automated computer systems.

The committing officer will prepare a "Jail Intake Form" on each individual being committed to a D.C.S.O. facility. The committing officer will include his own name, title, and signature on this form. The original "Jail Intake Form" will be placed in the arrestee's commitment file. The designated turnkey officer will enter admission information in the hallway logbook.

When an inmate is being transferred from another D.C.S.O. facility, the escorting officer will deliver any available inmate file information to the receiving booking correctional officer. All personal property accompanying such transfer cases will be turned over to the secure property room.

A booking correctional officer will decline to accept into custody an arrestee who requires immediate medical attention or who gives clear signs of serious mental illness. If necessary, the supervisor on duty will be advised, and medical staff on duty will be summoned to the area to examine the arrestee. The medical staff examining the arrestee will document the physical or mental condition of any such arrestee.

A booking correctional officer will maintain observation of inmates in the booking area. The designated booking correctional officer will make an initial risk assessment on each committed inmate based on any evidence that he/she may be suicidal or prone to victimization or violence or may need protection or some other special management.

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Medical, dental, and mental health screening will be performed by health-trained or qualified health care personnel on all inmates, excluding intrasystem transfers, on the inmate's arrival at the facility. All findings will be recorded on a form approved by the health authority. The screening will include at least the following:

Inquiry into:

- current illness and health problems, including venereal diseases and other infectious diseases;
- dental problems;
- mental health problems;
- use of alcohol and other drugs, including type(s) of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of any problems that may have occurred after ceasing use (e.g., convulsions);
- past and present treatment or hospitalization for mental disturbance or suicide;
- possibility of pregnancy;
- other health problems designated by the responsible physician.

Observation of:

- behavior, including state of consciousness, mental status, appearance, conduct, tremor, and sweating;
- body deformities, ease of movement, etc.;
- condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of drug abuse;

Medical disposition of inmate:

- general population OR
- general population with prompt referral to appropriate health care service OR
- referral to appropriate health care service for emergency treatment.

The medical authority will provide for early identification and treatment of inmates with alcohol and drug abuse problems through a standardized battery assessment. This battery shall be documented and include, at a minimum, the following:

- screening and sorting;
- clinical assessment and reassessment;
- medical assessment for drug and alcohol program assignment appropriate to the needs of the individual;
- referrals;
- monitoring and drug testing.

Inmates in need of emergency prenatal care will be referred to Metro Nashville General Hospital by medical staff, and appropriate transportation will be provided by the D.C.S.O. or by an ambulance service. If the medical staff directs that care be given chemically addicted, pregnant female inmates upon their arrival in the booking room or intake area, any necessary transportation to the hospital will be provided by the D.C.S.O. or by an ambulance service.

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Medical staff will inform classification regarding any special housing needs of the inmate.

Medical staff in the Criminal Justice Center clinic will be notified in each instance when one of the above-identified risk factors is noted. Medical staff will be responsible for making an immediate housing assignment and for referring the case for more detailed review. Inmates with urgent medical or mental health needs will be placed in designated medical housing at once, and the medical or mental health staff will be called to attend to their needs and to make a determination regarding the need for emergency care outside the D.C.S.O.

The designated booking correctional officer will be alert to observe signs of new commitments that are under the influence of alcohol or other substances. He/she will observe these individuals and ensure they are promptly screened by medical staff.

During the admissions process, newly admitted inmates will be separated from the general population.

Female inmates will be separated from male inmates in the intake area. Juvenile inmates who have been bound over as adults will be separated from adult inmates in the intake area.

Prior to being placed in the general population, each inmate will be provided with an orientation to the facility, which will include at a minimum,

- written materials describing facility rules and regulations
- explanation of mail and visiting procedures
- explanation of transportation options for visitors
- explanation of grievance procedures
- explanation of all fees, charges, or co-payments that may apply
- description of services, programs, and eligibility requirements
- information on how to access medical care
- identification of available pretrial release options

This information will be contained in a written handbook that is given to each inmate. The handbook is translated into those languages spoken by significant number of inmates.

Identification

Arrestee identification is a critical part of the booking process. A prisoner processor will photograph, fingerprint, and record identifying information, handicaps, marks, or unusual physical characteristics. Identifying marks and/or unusual physical characteristics will be recorded by the officer completing the automated mug shot of the arrestee, which will include, but not be limited to, visual examination of visible scars, notation of physical deformities, and a photograph of any tattoos which are visible or which can be photographed.

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Foreign Nationals

When foreign nationals are arrested or detained:

- they must be advised of the right to have their consular officials notified;
- they must be advised that their consular officials will be notified regardless of the national's wishes if it is a mandatory notification country;
- consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

Offense Information

Charge-related information obtained during booking and incorporated into the inmate file will also include the following:

- name of the committing agency;
- name and title of the committing officer;
- charge or other reason for commitment;
- date of, and authority for, commitment;
- any legal commitment papers, arrest report, mittimus, probation or parole violation report, or other court document supporting the commitment;
- existence of any confirmed warrants placed against the arrestee indicating another jurisdiction's intention to take custody of that individual when released;
- any information known to the committing officer regarding previous medical condition or mental health status.

Background Information

The booking/security personnel will personally observe, or will secure from the committing officer and the arrestee, the following background information:

- name, nickname, and aliases used;
- gender;
- address, or last known address;
- race/ethnic origin;
- age;
- nationality;
- date and place of birth;
- date, time, and duration of confinement, when appropriate;
- booking/OCA number;
- prior offense record;
- comments on physical and mental status;
- next of kin, with address and phone number;
- date of prior confinement and duration, if known;
- occupation and last place of employment;
- notation that the arrestee had access to make phone calls while in admission status;
- driver's license and Social Security numbers;
- any information gathered at other institutions;

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- complaint number;
- date and time of arrest;
- date and time booked;
- education;
- disposition of vehicle, when appropriate;
- court and sentence, if arrestee is sentenced;
- amount of bond and bonding company (if arrestee makes bond);
- warrant number;
- court date and time, when appropriate;
- cell assignment;
- additional information concerning special custody requirements, service needs, or other identifying information such as birthmarks or tattoos.

Want and Warrant Check

An NCIC check and a check of TRAP will be made for each new commitment. Prisoner processing staff will review the results of any such check and take action as deemed necessary.

Searches

As soon as the arrestee is turned over to D.C.S.O. custody, the designated booking correctional officer will conduct a preliminary (pat) search of each new arrestee to make an immediate determination no weapons are introduced into the intake area. Thorough searches of incoming arrestees are critical to ensuring the security of the facility and will be conducted in accordance with D.C.S.O. policy # 1-3.140, "Inmate Searches."

Property Processing

There will be an itemized inventory of all personal property of newly admitted inmates and secure storage of inmate property, including money and other valuables. The inmate will be given a receipt for all property held until their release. Property processing will be conducted in accordance with D.C.S.O. policy # 1-4.102, "Inmate Personal Property."

Phone Calls

After the initial booking process, newly arrested inmates may make one free phone call. Collect telephones are also located in the open booking area, open booking holding cells and the rear holding cells for use by every arrestee. Every arrestee who is unable to complete at least one collect phone call will be allowed to complete at least one telephone call to the person of his or her choice free of charge.

Orientation, Rules, and Regulations

An orientation program will be available for all new inmates in a D.C.S.O. facility. This orientation program will be offered in both English and Spanish. As a minimum, all incoming inmates, including transfers from other agencies, will receive an inmate handbook containing general information about the D.C.S.O.

OFFICIAL

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1-4.100	1/22/08	Inmate Admission and Orientation Procedures	8 of 9
<u>Supersedes</u>	<u>Effective</u>	<u>Subject</u>	<u>Page</u>
Policy # 1-4.100	11/08/07	Inmate Admission and Orientation Procedures	8 of 9

The inmate handbook will include a complete list of jail rules, regulations, and penalties for violations of the rules and regulations; information regarding counts; a description of programs available; a description of jail activities; an explanation of any educational or vocational testing and examinations that may be available; rules on visiting and mail; legal rights; and information on sick call, commissary, and similar institutional activities. The inmate will sign a form acknowledging receipt of this material. This acknowledgment form will be maintained in his inmate file.

Staff will help inmates who are illiterate read and understand applicable rules. In addition, booking staff will have available to them contract interpreters who may be called on to assist in specific cases.

The D.C.S.O. rules for booking and intake will be posted in English and Spanish in the admission area. Inmates who do not understand either of these languages will be provided a special orientation, arranged within forty-eight (48) hours of receipt in the booking room, by special contract interpreters.

An audio-visual presentation may be used for inmate orientation in order to ensure that standardized information is presented to all inmates. Inmates will sign a record acknowledging participation in any audio-visual presentation, and staffs providing or overseeing the orientation will also sign this record. This record will then be placed in the individual's inmate file.

Reasonable accommodation will be made to ensure that all parts of D.C.S.O. facilities that are accessible to the public are accessible and usable by staff and visitors with disabilities.

Inmate Medical Access

All inmates are informed about how to access health services and the grievance system upon arrival at the facility. This information is communicated orally and in writing, and is conveyed in a language that is easily understood by each inmate. The information is translated into those languages spoken by significant numbers of inmates. When a literacy or language problem prevents an inmate from understanding written information, a staff member or translator assist the inmate.

Inmate Classification

After completing intake processing and being provided with orientation information, the inmate will be moved to the classification housing area. The information gathered during the booking and admissions process will be used by D.C.S.O. classification personnel when determining an appropriate housing location for the inmate. When the inmate is moved to the classification-housing unit, he will be classified in accordance with D.C.S.O. policy # 1-4.101, "Inmate Classification."

Clothing and Hygiene Issue for New Commitments

Upon admission, inmates will be issued an initial "hygiene package" that will include all necessary articles for maintaining personal hygiene. Additional hygiene items will be provided

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through commissary purchase or under provisions of indigent status. Each incoming inmate will be showered and fitted with properly sized, suitable inmate clothing. Clothing issued to new arrivals will be in accordance with D.C.S.O. policy # 1-4.102, "Inmate Personal Property."

Inmate Mail and Visitation

Inmates will be allowed to send and receive mail in accordance with D.C.S.O. policy # 1-5.400, "Inmate Mail." Inmates will be allowed to receive visitors in accordance with D.C.S.O. policy # 1-5.420, "Inmate Visitation."

OFFICIAL

Exhibit 17

DCSO JMS Demographics Report for Daniel R. Villegas

December 29, 2010 14:38

DCSO JMS
Demographics - 528998 VILLEGAS, DANIEL

CIS No:	528998	OCA No:	436258	Complaint No:	2010699095	Date Admitted:	08/22/2010 17:26		
Last Name:	VILLEGAS	First:	DANIEL	Middle:	R	Suffix:			
Address:			City:	NASHVILLE	State:	TN	Zip:	37221	
SSN:		OLN:		OLS:		TOMIS ID:		Phone:	() -

Admission Type:	Normal		
Federal Responsibility:	☐		
Booking Location:	CRIMINAL JUSTICE CENTER		
Interpreter:	☐	Language:	

Arresting Officer Name:	
Badge No:	
Agency:	
Location of Arrest:	521 GLENPARK DR

Sex:	MALE	Ethnicity:	Hispanic	Height:	070	Eye:	BROWN	Education:	
Race:	White	Age:	19	Weight:	130	Hair:	BROWN	Marital:	
DOB:		POB:	OR	Religion:		Employed:	☒ Yes ☐ No		

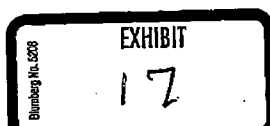


Exhibit 18

Amada Armenta, *From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail*, Univ. of California at San Diego Center for Comparative Immigration Studies Working Paper (funded by National Science Foundation Doctoral Dissertation Improvement Grant No 0960882)

From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail¹

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From Sheriff's Deputies to Immigration Officers: Screening Immigrant Status in a Tennessee Jail

This paper contributes to emerging literature documenting the devolution of immigration enforcement authority by focusing on the implementation of the 287(g) program in Davidson County, Tennessee. It outlines how deputized immigration officers do their work, as well as the ways they come to think about their roles in the larger immigration bureaucracy. Immigration officers see themselves as objective administrators whose primary responsibilities are to identify and process immigrants for removal, but who are not responsible for their subsequent deportation. While immigration officers never waiver about their obligation to uphold the rule of law, alternate narratives emerge depending on how they feel about the immigrants they encounter. These frames range from pride at identifying "criminal aliens", to guilt for processing immigrants who were arrested for very minor violations. Ultimately, this work shows deputized immigration officers act as extensions of the federal government, rather than independent agents.

I. INTRODUCTION

This article seeks to shed light on the local implementation of a 287(g) program, a federal policy that permits state, county or city officers and employees to perform the functions of federal immigration officers.¹ The 287(g) program is a primary example of the devolution of immigration authority from the federal bureaucracy to county and municipal agencies. Thus, the implementation of 287(g) represents a massive effort, not just on the part of federal bureaucrats who have traditionally controlled immigration, but also by localities across the country where federally deputized officers screen immigration status.

The 287(g) program provides a rich case with which to study policy implementation and contributes to two important areas of research and theory. First, it draws from existing research about how administrative discretion is deployed by frontline immigration personnel (Calavita 1992, 2000; Ellermann 2005, 2009; Fuglerud 2004; Gilboy 1991; van der Leun 2003; Wells 2004). Second, it contributes to the growing body of literature focusing on the rescaling of immigration enforcement away from the federal government and the nation's borders to subnational authorities and the nation's interior (Coleman 2007; Varsanyi 2008). By focusing on

the frontline officers to whom enforcement is delegated, we can understand how non-federal bureaucrats produce and reproduce the authority of the state (Bloim Hansen and Stepputat 2001). Specifically, how do county employees interpret their roles as deputized immigration officers?

My data come from a variety of sources including interviews, observations of meetings at the Sheriff's office, and news articles. I rely heavily on in-depth interviews with deputized immigration officers in a Tennessee county Sheriff's Office and their supervisors.

The paper is organized as follows. First, I provide an overview of policy changes that allowed for increased local authority in immigration enforcement as well as the specific local context in which my study takes place. Next, I examine how deputized immigration officers explain their work and how they link their roles as local deputies to the goals of the 287(g) program and the larger societal context. I show that immigration officers see themselves as objective administrators whose primary responsibilities are to process and identify immigrants for status, but who are not implicated in the deportation process. While immigration officers never waiver about their obligation to uphold the rule of law, alternate frames emerge depending on how they *feel* about the immigrants they encounter. These frames range from pride at identifying "criminal aliens", to guilt for processing immigrants who were arrested for very minor violations. Ultimately, this work shows that despite the great deal of concern about localities creating de facto policies and implementing laws as they please, the 287(g) program in Davidson County is tightly controlled by the federal government and immigration officers act as extensions of the state, rather than autonomous actors.

II. IMMIGRATION ENFORCEMENT GOES LOCAL

A. CHANGES IN THE POLICY AND ENFORCEMENT LANDSCAPE

Many scholars identify 1996 as a watershed year when the “criminalization” of immigration law began (Miller 2002; Stumpf 2006). That year, the Illegal Immigration Reform and Responsibility Act (1996) made noncitizens who had previously committed misdemeanor crimes eligible for deportation. Changes to immigration law also allowed for greater cooperation between federal immigration enforcement and local and state law enforcement through the 287(g) provision. Although not immediately implemented, 287(g) represented a blurring of immigration enforcement boundaries. Historically, local enforcement agencies enforced only criminal violations of immigration law, while federal agencies enforced both civil and criminal violations.¹ In 2002, reversing their previous position, a Department of Justice memo (US Office of the Assistant Attorney General 2002) announced that states have the “inherent authority” to enforce civil provisions of immigration law. That year, the state of Florida signed the nation’s first 287(g) agreement after officials learned several 9/11 hijackers had lived in the state. The 287(g) program is just one of the initiatives operated through ICE’s Office of State and Local Coordination. ICE also cooperates with local law enforcement agencies through the Criminal Alien Program (CAP) and Secure Communities, both resulting in immigration screenings at state, county, and municipal jails. Post 9/11, the nation’s interior has emerged as a new space to police immigrants, increasingly by local and state actors who previously had no power to enforce immigration law (Coleman 2007)

Through the 1990s and 2000s, there has also been a rapid expansion of immigration detention infrastructure. In addition to for-profit private detention facilities, and their own federal detention facilities, Immigration and Customs Enforcement (ICE) pays municipalities to house detainees in local jails and transport detainees between detention centers through inter-governmental service agreements. In 2009, an estimated three hundred thousand deportable

immigrants were housed in detention facilities nationwide, and over 60% of them arrived in immigrant detention after local arrests resulted in immigration checks at federal, state, or county jails (Schriro 2009). Detainees remain in custody until they are released, bonded and paroled, or deported from the United States (Hernandez 2008).

Concurrent with the devolution of immigration authority from federal to local agencies, we have also seen the emergence of immigration policymaking at multiple levels of government, called immigration federalism (Motomura 1999). Convinced that the federal government is not doing enough to curtail unauthorized migration, attempts to regulate immigration have trickled down to state, county, and municipal governments (Chavez and Provine 2009; Ramakrishnan and Wong 2007). Hopkins (2010) finds that local anti-immigrant policies are most likely in communities that experienced a sudden growth in the immigrant population and when national rhetoric about immigration is most salient and threatening. In Pennsylvania, a town of twenty-two thousand people grabbed national headlines for its Illegal Immigration Relief Act (2006), which sought to punish employers who hire undocumented immigrants and landlords who rent to them. More recently, Arizona's Support Our Law Enforcement and Safe Neighborhoods Act (2010), more commonly known as SB 1070, sought to require Arizona police officers to check individual's immigration status if officers suspected the person might be in the country without status. Courts struck down these local immigration policies because of federal preemption, holding that the federal government has the exclusive authority to control immigration.

B. FRONTLINE WORKERS, BUREUACRACY, AND IMMIGRANTS

Understanding how officials in bureaucratic agencies make decisions has been a topic of import for socio-legal scholars for decades. Rather than focus on the government elites who create policy, Lipsky (1980) famously argued that street-level bureaucrats, although regarded as

low-level workers, should also be considered policy makers. According to Lipsky (1980), understanding street-level bureaucrats is important because they are most peoples' point of contact with the government and they "make policy" through their "relatively high degrees of discretion and relative autonomy from organizational authority" (p. 13).

Scholars have examined how frontline workers execute their administrative duties in varied settings including how police officers patrol the streets (Maynard-Moody and Musheno 2003) or how welfare workers provide services to clients after welfare reform (Meyers et al. 1998). Recently, scholars have turned their attentions to how bureaucrats respond to the presence of immigrants (see Jones-Correa 2007; Lewis and Ramakrishnan 2007; Marrow 2009; van der Leun 2003) especially in light of increased local pressure to deny services to the unauthorized. In the Netherlands, van der Leun (2003) describes variability in how employees in different sectors implement national policies toward unauthorized migrants. For example, police officers who worked in immigration enforcement were selective and pragmatic about who to detain and deport. Moreover, workers in education and health sectors found loopholes in the law and provided services to undocumented immigrants, contradicting policy directives.

Others have turned their attention more specifically to the immigration enforcement bureaucracy by examining how administrative discretion is deployed by officials implementing the Chinese Exclusion Act (Calavita 2000), airport inspectors regulating entry (Gilboy 1991), and deportation officers making decisions about who to return to their countries of origin (Ellermann 2005, 2009). While often immigration enforcement is imagined as being executed by some monolithic state, these studies illustrate how frontline workers apply regulations on entry and exit.

Research suggests that employees in the federal immigration bureaucracy are constrained in their ability to enforce immigration policies. Although U.S. immigration investigators are motivated to do their job because of their strong orientation towards law enforcement (Weissenger 1996), employees in the immigration bureaucracy are ineffective because they are given conflicting and unclear policy directives (Magaña 2003). Wells (2004) shows how informal agreements between city officials and Immigration and Naturalization Service (INS) employees³ resulted in practices that were less restrictive than mandated federal policies. Specifically, after immigration raids outraged the local community, city officials and INS officers made informal agreements after which INS narrowed its enforcement efforts to those with felony convictions (Wells 2004). Ellermann (2009) documents variation in the capacity of bureaucrats to deport migrants and argues that lack of implementation is a result of incapacity rather than unwillingness. For instance, in Germany, where immigration bureaucrats are more insulated from external pressures than in the United States, deportation officers face fewer hurdles when implementing deportation policy (Ellermann 2009).

The devolution of immigration authority from the federal bureaucracy to non-federal law enforcement agencies necessitates examining immigration enforcement from the bottom-up to understand the numerous actors and their roles in the new enforcement regime. Decker et al. (2009) found police departments reported substantial variation when surveyed about the circumstances under which they would inquire about individual's immigration status. Variation was largest in places where neither the police department nor the city had an official immigration policy for officers to follow (Decker et al. 2009). A study of three cities in the Phoenix area described how anti-solicitation ordinances (ordinances that prohibit day-laborers from seeking employment) resulted in immigration policing "through the back door" (Varsanyi 2008: 29).

Thus, not only are more local law enforcement agencies involved in immigration enforcement through federally authorized programs like 287(g), but the evolving immigration enforcement landscape has also led to de-facto immigration policing.

C. BACKGROUND AND METHODS

This paper focuses on the politics and policy implementation of a 287(g) program in Davidson County, Tennessee. Over the last 20 years, Latino population growth in the South has exploded, with most Latinos in the South concentrated in metropolitan areas (Neal and Bohon 2003). A 2006 estimate placed the Hispanic foreign born population in Nashville-Davidson County at about 4% of the total population, with over 26,500 people (American Community Survey 2005-2007).⁴

In 2006, several high profile drunk driving cases in Davidson brought immigration to the political forefront after it was revealed that the assailants were unlawfully present in the United States. One case that received a great deal of attention occurred in July 2006, when an undocumented drunk driver with fourteen previous arrests killed a Nashville couple after crashing into their vehicle.

By September of 2006, the Sheriff of Davidson County, flanked by the District Attorney, the Police Chief, and other local politicians, announced their intent to participate in the 287(g) program. The Davidson County Sheriff announced, "During 2006, several very serious cases involving criminal illegal immigrants in Nashville prompted the three of us to begin formulating plans to better protect the citizens of Davidson County... It is important for us to emphasize that this program will affect only those illegal immigrants who have a blatant disregard for laws in Davidson County. If you are in this country illegally and commit a crime, we will process you under the federal authority given to us through 287(g)" (Crocker 2006). After a meeting in

Washington D.C. where Tennessee's elected officials pressed the federal government to approve Davidson County for the program, Davidson was approved for participation by the end of the year.

After 287(g) approval, the Davidson County Sheriff's Office was charged with assembling a team of fifteen employees who would receive training to be deputized ICE officers. For employees to be eligible for ICE deputization they had to have been DCSO employees for at least two years and they had to be United States citizens. After the team was selected, these employees completed a federal training program that prepared them to be deputized ICE officers. While most agencies involved in 287(g) send their employees to the Federal Law Enforcement Training Center in Charleston for training, in this instance, ICE sent instructors directly to Nashville. Training lasted for four weeks during February and March of 2006, and occurred at the Davidson County Sheriff's Office training facility. Deputies describe the program as especially rigorous or harder than they expected.

Davidson County performs the jail model of 287(g), meaning that immigration checks occur in the jail, after foreign-born people are arrested and incarcerated. In Davidson County, the DCSO does not have the authority to make arrests; arrests are made by officers from the Metropolitan Nashville Police Department, which does not have a 287(g) agreement. When individuals are arrested, police officers fill out an arrest report that indicates the arrestee's place of birth. If this information indicates the person is foreign born, when they are booked in to the DCSO jail, a red stamp that says "ICE" is placed on their paperwork and dropped into a box for deputized officers to retrieve and the person is placed on an "ICE Hold". The deputized ICE officers then conduct an administrative interview where they determine the arrestee's

immigration status. If the person has legal status, the individual's ICE Hold is removed but if the person is found to be illegally present, the ICE Hold remains.

When the individual is on an ICE hold, he or she may be eligible for an immigration bond. Immigration bonds range from \$5,000 to \$20,000 and must be paid in full in Memphis, Tennessee. If the individual does not qualify, or cannot pay the immigration bond, he or she is transferred to ICE custody after serving the local time for the crime for which he or she was arrested. The DCSO has an inter-service government agreement to hold individuals for Immigration and Customs Enforcement, so although technically in ICE Custody, the individual is still housed in the Davidson County jail. DCSO is reimbursed \$63 a day by the federal government for housing ICE Holds. Twice a week, agents from the Office of Detention and Removal pick up ICE Holds to take them to the local ICE office, after which they are transported to a detention facility in Oakdale, Louisiana.

Data from this paper comes from in-depth interviews and observations with administrative actors from the Davidson County Sheriff's Office (DCSO). While DCSO employs over 500 people, but only a small number of its employees are directly involved in the 287(g) program. DCSO employees involved in 287(g) include the Sheriff, the ICE Supervisor, the Communications Director, the ICE Services Coordinator, and the 10-12 deputized ICE officers. I conducted interviews with these employees in addition to the ICE agent from the Office of Detention and Removal charged with overseeing 287(g) in Davidson County. Interviews were conducted inside offices at the Sheriff's Office or in the jail during work hours. Each interview lasted approximately one hour, and was audio-recorded and subsequently transcribed. I coded these interviews for analytic themes that came up repeatedly in the interviews.

Observations include two years of attendance at Sheriff's Advisory Council meetings, which are held quarterly at the Sheriff's Office. Sheriff's Advisory Council meetings are meant to serve as a conduit of information between the Sheriff's Office and interested parties (police officials, the public defender, and immigrant advocates) with respect to the operations of the 287(g) program.

III. CASE STUDY ANALYSIS

When the Sheriff's office announced it would select a team that would be trained as immigration officers, over two hundred people (one-fourth of all Sheriff's office employees) applied for the available positions. Consequently, upper level management refers to the group as "the cream of the crop." Those ultimately selected included men and women, they have between five and nineteen years of experience, and they came from different positions from within the jail—including guards, booking officers, and one employee from the maintenance department.

This section highlights the work that deputized immigration officers do, and how they interpret this work. Primarily, immigration officers see themselves as objective implementers of immigration law, a role I characterize as the **by-the-books administrator**. Immigration officers think of themselves in these terms because they identify and process immigrants for removal, but they have no discretion. Other narratives that emerge to describe how immigration officers do the work they do include the **public protector**, the **reluctant regulator**, and the **benevolent gatekeeper**. For example, the immigration officer's role as a public protector emerged when the officer discussed cases where the immigrant screened for removal was arrested for a serious offense. In contrast, officers spoke about themselves as reluctant regulators when immigrants they screened could not be easily characterized as criminal aliens and were sympathetic or deserving. In a few cases, officers described themselves as people who bestowed legal

immigration status, a role I've described as the benevolent gatekeeper. Below, I present each narrative in more detail.

The by-the-books administrator

When generalizing about their jobs, deputized immigration officers emphasized their professionalism and the federal training they received. Overwhelmingly, Sheriff's office deputies cited this federal training as one of their reasons for applying for 287(g) positions. Employees described 287(g) as an opportunity to participate in something unique, and saw the position as a promotion even if they received no pay increase. Instead of interacting with large segments of the inmate population, they interviewed foreign born arrestees one by one. DCSO immigration officers had the use of two furnished offices that contained several desks, rolling office chairs, and multiple computers with internet access. A picture of the deputized officers hung on the wall in one of the offices, a picture that officers frequently pointed to as I interviewed them. Below, DCSO employees explain their motivations to become deputized immigration officers:

Look at the picture on the wall [points to picture with team of immigration officers]. All these individuals there were the ones who started this and no one else, whether they come to replace (us) or not, they can't say they were at ground level when it got started. (Interview Officer 3)

My number one reason was I kind of felt like it was cutting edge law enforcement. You know, it was kind of what was coming. You could see it coming across the board in the entire nation. (Interview Officer 2)

DCSO immigration officers described their participation in the 287(g) program as something special. They saw themselves as pioneers—among the first to be trained for a cutting edge law enforcement program.

They had a strong sense of identity as officers of the law. When describing their jobs and various cases, officers using the by-the-books administrator frame usually highlighted their strict

interpretation of the law and their lack of discretion. They would speak of the law in black and white terms often saying “the law is the law” or, when referring to foreign born arrestees’ immigration statuses, “illegal is illegal.” Officers did not make moralistic statements or judgments about those who lacked status, but emphasized that those without immigration status violated the law:

Most of these people are good hardworking people, but they're violating some kind of law. Two laws, I know one's a civil immigration law but the other one is a criminal law. It might happen to be a misdemeanor but it's the law and that's an apolitical statement. That's just the law. (Interview Officer 8)

While some research highlights how immigration laws *create* immigration status (Calavita 1998; DeGenova 2002, Ngai 2004), to immigration officers, the law as unambiguous. As the quote above demonstrates, the immigrants he screens may be “good hardworking people” but they have violated both federal immigration law and state criminal law. Similarly another officer said, “If you’re here illegal, you’re illegal and that’s just how it is.”

Much of the work on the street-level bureaucrats focuses on the role of discretion in the implementation of policy. For example, street-level bureaucrats exercise discretion based on their judgments about the worth of the client, rather than the written rules or procedures they are directed to follow (Maynard-Moody and Musheno 2000). In contrast, immigration officers describe a strict adherence to immigration law, and make few judgments regarding immigrants’ worth. One immigration officer mentioned it might feel better to process a gang member than someone who was arrested for driving without a license but she made no distinctions because “it’s not my responsibility to carry that burden.” Thus, the statements made by officers as they describe their adherence to laws and rules shows, as Ellermann (2009) suggests, that immigration bureaucrats are driven by mandate fulfillment, and a desire to enforce the law.

Research on street-level workers has demonstrated that often workers have wide latitude in exercising discretion; workers ignore or bend the rules to cope with a stressful working environment (Lipsky 1980) or to help deserving clients (Maynard-Moody and Leland 1999). In contrast, immigration officers describe their roles in the 287(g) program as very limited. Immigration officers question every foreign born arrestee about his or her immigration status and verifies immigration status by taking fingerprints and using federal databases. If the person is amenable to removal, the immigration officer begins prepares the paperwork for an order of removal or a reinstatement of deportation (if the person has been ordered deported before).

Below, officers explain the extent of their authority:

Well of course my powers are the power to question someone as to their admissibility or inadmissibility (for deportation) and beyond that my powers are none. I get all the guys, you can let me go, and you can let me go. And I said, 'You don't understand. I'm not the man. (Interview Officer 6)

We have nothing to do with them getting arrested. We get called heartless, we're cold, we're breaking up families, but they don't understand we don't go out and get these folks. They get dropped off to us.... All my job is, once they get brought in here, I just have to find out their legal status. So all this that we go out and we're breaking up families and we're arresting people for- I mean, we have nothing to do with that. That's not our job. (Interview Officer 9)

These statements demonstrate that although the DCSO immigration officers determine one's admissibility for removal, officers do not see themselves as participants in removal proceedings. Almost every officer emphasized that he or she did not deport anyone. When deploying the frame of a by-the-books administrator, immigration officers describe their jobs in terms of categorizing status and processing paperwork, rather than removing people. In fact, immigration officers take offense to any claims that they are responsible for breaking up families. As one officer states, "I'm not the man." Indeed, although local officers prepare charging documents so that ICE can proceed with removal, a supervisor from ICE's Detention and Removal Operations

reviews and signs off on the document again. Consequently, officers describe ICE as ultimately responsible for removal. For example, in those instances where a person's immigration status is more difficult to determine, officers rely on an ICE supervisor to make the determination regarding how to proceed. In contrast to work by Ellermann (2009) and Wells (2004) that illustrates how immigration officials avoid implementing some immigration laws; DCSO officers do not have prosecutorial discretion.

Over and over officers described their jobs in very narrow terms and emphasized their objectivity. For example, one said, "We kind of do what is directed from the top. It depends on the Feds; I don't know why they change their mind on what they do. We have to go with whatever they recommend for us... I don't take it personal." Further reinforcing their interpretation that they are not participants in removal proceedings, immigration officers do not know if the people they initiate proceedings against are ultimately removed. One explains their role in the following terms:

We're *helping*, I think this gets lost a little bit, we're *helping* the federal government with their immigration issues so we're a force multiplier so there are more ways for us to get people to immigration court. I don't know what happens to them when they go to immigration court. I don't know if they get deported, I don't know if they come back. I don't know what happens (Interview Officer 7).

The by-the-books administrator then, emphasizes one's limited authority, and deference to the federal government. While officers are proud of their training as law enforcement officers, they speak about their jobs in neutral terms. They emphasize the importance of following rules and laws, and describe implementing them because "the law is the law", and not because they are right or wrong. Officers lack discretion, and see their job in narrow terms. Immigration officers process people and filter paperwork to assist in due process; they do not break up families or deport people.

The Public Protector

By-the-books administrators emphasize their limited discretion when applying the law and argue that although they are immigration officers, they are not responsible for or participants in deportation. In contrast, when using the public protector frame, officers speak proudly about identifying immigrants for removal and keeping the public safe. For public protectors, immigrants must be removed not necessarily because they are in violation of immigration laws, but because they are a threat to the public. Their statements closely mirror the initial justifications for the 287(g) program because they talk about immigrants as criminal aliens.

So what we do when we screen people, we got rid of some... pretty bad, pretty rough people- gang members... I think we're doing the community a service by having this program. (Interview Officer 5)

It's a tool to help our community to try to make it safer... actually, it's a service for the community (to) try to document some of these individuals if they're, let's say a threat to the community, we'll deal with it. (Interview Officer 8)

Unlike the by-the-books administrator, who is "just enforcing the law", the public protector relishes his or her role as an immigration officer. In the statements above, officers highlight their roles in getting rid of or dealing with "bad people" who pose a threat to the community. Moreover, they describe identifying immigrants for removal as a form of service to the community. Officers are most likely to emphasize their role in the deportation process when immigrants are arrested for serious charges such as drunk driving, drug charges, and crimes against people.

When immigrants commit crimes, they are viewed as having committed multiple violations, one of which is violating the way guests should behave in the country (Sayad 2004).

Some days you're more than happy to do your job because you have a real criminal. A child rapist or all the horrible people that we get in here... I'm just

like yes we've got to get them out of here and a lot of these ones that are criminal, an *illegal* criminal... (Interview Officer 2)

This officer describes getting pleasure from his job, particularly when identifying "real" criminals to remove. This quote demonstrates that being an "illegal" criminal makes one even more deserving of removal. Indeed, the Illegal Immigration Reform and Responsibility Act (1996), of which 287(g) is a part, imposed "stunningly harsh control measures" on criminal offenders because few interest groups were willing to lobby on the behalf of undocumented immigrants who committed crimes (Ellermann 2009: 67). Ellermann (2009) argues that Congress focused on tightening restrictions for criminal offenders because they were "a migrant group much different from undocumented workers" (p. 67).

Many immigrants processed for removal through the 287(g) program, however, have not committed serious crimes. Half of those identified for removal were arrested for misdemeanor crimes such as driving without a license or failing to appear in court (Davidson County Sheriff's Office 2009). In addition, twenty-five immigrants have been processed for removal after being arrested for fishing without a license (Echegaray 2010). Although it may not be clear why processing immigrants for removal after non-violent misdemeanor offenses contributes to public safety, to the public protector, today's misdemeanor violator is tomorrow's drunk driver. An officer says, " If I determine that that person's a good person and I'm gonna let him go and he goes out and gets a DUI and kills someone than I have to answer to that and than people say why'd you let him go?" To the public protector, misdemeanor violators could turn out to be a threat to public safety someday. Therefore, it is more desirable to remove them before they commit a serious crime, because if they go on to commit more serious offense, the public will have already been threatened.

Since even those arrested for misdemeanors could commit more serious crimes in the future, public protectors believe the best way to keep the public safe is to process all of those without status for removal. As one officer said, "We have to be consistent and the only way to be consistent is to process everyone." This statement illustrates how the secondary frame of the public protector converges with the primary frame of the by-the-books administrator. Processing everyone identically appeals to by-the-books administrators' interest in fairness and the public protectors' interests in removing potential threats.

The Reluctant Regulator

Inevitably, officers encounter cases where, even though immigrants have been arrested, they are not perceived as criminals. By-the-books administrators justify their removal because they have violated the nation's civil immigration laws and public protectors argue they may commit more dangerous crimes in the future. However, sometimes immigration officers face a moral dilemma—they must treat everyone identically, even those who they believe should not be processed for removal. In these instances, officers become reluctant regulators.

As the implementation of 287(g) demonstrates, although its purpose may have been to identify criminal aliens, in practice it results in removal proceedings for people who are hard to label as criminals. When asked to explain the range of crimes for which people are arrested and then processed for removal, several officers recalled, in detail, cases that bothered them months or years later. For example, an officer explained a case where a young man had been arrested by mistake:

One of my very first ones, he was, I don't know, probably 23, had been in the country since he was 15, had never been arrested, had never been charged with anything, hadn't been caught at the border, nothing. He was here with his older brother and I think one of his cousins, they all lived together. Metro served a warrant at his house and he came and turned himself in. Like I said, the program was new, so he probably didn't know much about it. Turned himself in, ended up

getting processed because he was here illegally, and then it turned out the next day they had served the warrant at the wrong house. It wasn't even for him. So I felt horrible. I mean, there was nothing I could do. But I felt so bad for that guy because he had not done anything wrong. (Interview Officer 7)

In the case this officer described, the young man she processed for removal was taken into custody after the police department served an arrest warrant at the wrong house. The officer emphasized the young man had spent eight years in the country with a clean record and took the fact that he turned himself in as more evidence of his good character. The next day, criminal charges against the young man were dropped. However, because immigration screening occurs upon booking, the young man was screened even though "he had not done anything wrong." Once the young man was identified as having committed a civil immigration violation, there was nothing the immigration officer could do but process him for removal. Although she processed hundreds of people for removal after this case, she remembered this case as one she wished had never happened.

Most officers shared stories about immigrants who they processed for removal to whom they were especially sympathetic. An officer told me about a Honduran man who was arrested for driving without a license. The officer described the man as a "little old farmer guy working tobacco" and he explained that the man came to the United States to pay for his daughters' college tuition in Honduras. The immigration officers' description of the immigrant as a *worker* is notable because it highlights the tensions between immigration control and labor, a primary dilemma in contemporary immigration enforcement (Calavita 1992). Early versions of the Illegal Immigration Reform and Immigrant Responsibility Act introduced provisions for worksite enforcement, but legislators dropped these plans because of public opposition (Ellermann 2009). Instead, Congress focused on tightening restrictions for criminal offenders because they were "a

migrant group much different from undocumented workers” (Ellermann 2009: 67). However, statements from immigration officers charged with processing jailed immigrants for removal demonstrate how these categories are not always easily distinguishable.

While the Davidson County Sheriff points out that immigrants are eligible for immigration screening because they are incarcerated, statements from officers demonstrate how undocumented workers *become* criminals. Indeed, when the Sheriff’s Office shares its statistics regarding the number of immigrants processed for removal, these reports do not specify whose charges were dropped or those arrested by mistake. Instead, the Sheriff emphasizes that all those screened for immigration status were arrested for committing crimes in Davidson County. He therefore implies that all those identified for removal are criminals, something that is easy for him to do as the elected head of the agency, and as someone who rarely interacts with immigrants during immigration screening.

In contrast to the Sheriff, who can gloss over the cases where “deserving” immigrants were processed for removal, an immigration officer explained that although he liked his job, “some days it’s bad.” Officers expressed the most reluctance at processing immigrants who were arrested by mistake or whose arrest was bad luck, such as those arrested for fishing without a license or loitering. Moreover, officers recognized that immigrants came to work and several said that lacking other options, they might do the same thing to provide for their family. Some of the immigrants processed for removal had lived in the U.S. for years, had U.S. citizen children, and owned property. One officer explained she was sometimes frustrated when immigrants signed voluntary departure orders when they might be eligible for relief, if they fought their deportation in court. She shrugged and explained that by law, they were not allowed to give legal advice.

As this data demonstrates, Davidson County 287(g) immigration officers do not have the authority to choose not to process people for removal. Usually, the best they can do to help “deserving” immigrants is to recommend to the federal ICE officer stationed at the jail regarding people’s immigration bond, possible humanitarian release, or releasing people on their own recognizance. Often, the federal ICE officer follows the recommendations of 287(g) immigration officers and 287(g) officers.

When removable immigrants get out of jail on an immigration bond, humanitarian release, or when they are released on their own recognizance, this does not mean their immigration charges go away. Instead, immigrants can go through the adjudication process from home, rather than from detention facilities. And, since immigration officers do not know the outcomes of immigration court, this allows them to imagine that deserving immigrants will have a positive outcome and will be able to legally remain in the country.

The Benevolent Gatekeeper

When officers used the public protector frame, they explained their job in terms of serving the community by keeping the community safe. In contrast, the benevolent gatekeeper frame emerged when officers described how they have been able to help immigrants while simultaneously screening them for immigration status.

Most officers described helping immigrants by being compassionate during the immigration screening process. For example, officers mentioned they tried to tell jokes to put immigrants at ease because they understood it was a tenuous situation. In addition, officers described answering questions, letting immigrants use the phone to call family, and listening to immigrants’ stories during the interview process, even when these stories included much more detail than was necessary. In addition, some officers believed that by getting unauthorized

immigrants an immigration court date, they were giving immigrants the opportunity to regularize their immigration status.

When using the frame of the benevolent gatekeeper, officers described admitting people who “belonged” in the country. Belonging in the United States was not described in terms of language or culture, but immigration status:

I hate the fact that people feel like we're profiling. If you have somebody who comes in and they say, “I was born in Utah.” Ok. And they speak Spanish. Ok, you're a Spanish-speaking person that was born in Utah. If you have a social security number and we know it's a good number, by all means, you belong here, you're an American. (Immigration Officer 1)

In over three years of screening, immigration officers screened two foreign-born arrestees who thought they were undocumented, but discovered they had derived citizenship. A DCSO immigration officer described this discovery as giving people immigration status: “That was a situation that when they came to us they were illegal and when they left they were legal. We cut them loose.” Although those cases were clearly the exception, other officers relied on those examples as evidence of their good work. An officer said, “What I'm trying to do is basically I'm trying to help people and inform people and make sure they are legal because if you're legal you get more benefits than if you're illegal.”

In another case, an officer described interviewing a Mexican woman who had been smuggled to the United States to engage in prostitution. The woman was arrested during a prostitution sting. Listening to her story made the officer sick to his stomach, because the woman had already been victimized. The officer believed that incarcerating her while she was in the process of removal was akin to additional punishment. After explaining her case to the federal ICE officer, the ICE office declined to prosecute her civil immigration violation. The woman was released, provided information about the prostitution ring to federal authorities, and was

approved for a “visa for victims.” The officer who brought her case to the attention of the ICE office described being proud of the outcome of that case.

It is clear that in addition to indifferently applying the law (the role of the by-the-books administrator), immigration officers sometimes see themselves as benevolent gatekeepers. On a few occasions, immigration officers have been able to intervene on behalf of immigrants, after which a few have adjusted their status. Although these cases are the exception, officers can rely on them as proof of the ways immigration officers help immigrants. Moreover, all officers claim to help immigrants by being kind to them during the immigration screening process. In this sense, officers see themselves as ambassadors or gatekeepers of information.

IV. DISCUSSION

Research on federal immigration officers shows that officers exercise discretion regarding whether or not to pursue deportation, particularly when faced with public opposition (Ellermann 2009; Wells 2006). In contrast, this paper shows that deputized immigration officers in Davidson County, Tennessee have a narrow mandate and virtually no discretion. Their lack of discretion is not a result of being tightly monitored or controlled; in fact, a report issued by the Government Accountability Office (2009) criticized the federal government for not supervising deputized immigration officers closely enough. Although immigration officers deputized through the 287(g) program technically have the authority of any federal ICE officer, in practice they do not have prosecutorial discretion and characterize making decisions as above their pay grade. Deputized immigration officers determine who is eligible for removal, and then they create the charging documents for the federal government to pursue that person’s deportation. It is up to federal immigration officers, however, to intervene and decline to prosecute.

The picture of immigration control that emerges in Davidson County is not one where local actors are enforcing immigration laws however they deem necessary. Instead, immigration officers have a very narrow role in immigration enforcement. The 287(g) program is an example of devolution, in the sense that county officers are processing people for removal rather than federal officers. However, as it is implemented, county immigration officers are acting as extensions of state authority, rather than independently. Thus, incorporating non-state actors in immigration control represents a consolidation of state power, rather than a weakening of federal authority (Lahav 1998; Lahav and Guiraudon 2006). In this particular context of interior immigration enforcement, deputized immigration officers are policy implementers, but not policy makers, as Lipsky (1980) describes street-level bureaucrats.

This paper, then, explains how deputized officers understand their roles in the federal immigration bureaucracy, given their very limited authority. Primarily, in what I have characterized as the by-the-books administrator frame, immigration officers in the Davidson County jail see themselves as objective implementers of federal immigration law. In this role, officers do what is directed by the federal government, and express few opinions regarding the merits of the 287(g) program. To them, screening immigrants for immigration status is just a job, and one where they lack discretion and their role is limited to administrative processing. Under these circumstances, processing everyone identically for immigration violations, regardless of their suspected crimes, is a way to ensure fairness. To the by-the-books administrator, the law is not interpreted, it is applied; all immigrants can be categorized as either legally present or removable. Moreover, because immigration officers lack prosecutorial discretion, they are incredibly efficient at processing immigrants for removal—between April of 2007 and 2009, county immigration officers identified 5,300 immigrants for removal (DCSO 2009).

To the Sheriff, the 287(g) program is successful because it results in the identification and eventual removal of thousands who were arrested for local criminal charges. Deputized immigration officers speak of the immigrants they process as criminals when they have been arrested for serious charges. In these instances, immigration officers talk about performing a service to the community by getting rid of bad people.

While it is easy for officers to feel proud of protecting the public they identify a drunk driver for removal, it is more difficult to explain why removing non-violent misdemeanor offenders serves the public's interests. Some officers justify their removal by arguing that it is preventative—misdemeanor offenders could commit more serious crimes in the future.

Sometimes, however, officers express reluctance at having to process especially deserving immigrants for removal. This is most likely to happen when immigrants are not easily categorized as criminals—people the 287(g) program was designed to remove. While research on bureaucracy shows that front-line bureaucrats go out of their way to help deserving immigrants (Maynard-Moody and Musheno 2000), immigration officers cannot choose to ignore immigration violations. Instead, the best officers can do is recommend humanitarian release so that immigrants can go through the removal process from home rather than from a detention center.

In addition, since immigration officers do not know the outcome of immigration cases, they imagine that deserving immigrants have the opportunity to adjust their legal status. Officers imagine that by giving immigrants an immigration court date, they are helping them by putting them on a path to legal status, rather than deportation. Immigration courts, however, are reluctant to overturn the decisions of the immigration officers because administrative agencies such as the

Department of Homeland Security are politically accountable to the executive branch of government, and therefore not subject to judicial oversight (Ellermann 2009).

Immigration officers could only recall one case in which an immigration officer intervened on the behalf of a removable immigrant. A woman who had been smuggled to the United States to engage in prostitution was able to get a visa after a deputized officer brought her case to the attention to federal authorities. The deputized officer who intervened was proud he helped the woman adjust her status. In addition, officers mentioned two cases where immigration officers discovered foreign born arrestees had derived citizenship. Thus, in isolated cases, immigration officers have acted as benevolent gatekeepers whereby a lucky few achieve legal status.

V. CONCLUSION

This article sheds light on the devolution of immigration enforcement by examining the local implementation of a 287(g) program. It shows that, as a result of their limited discretion, deputized immigration officers have developed overlapping and contradictory ideas about their jobs. Most often, they rely on a law enforcement ethos and think of themselves as objective implementers of the law. In their role as by-the-books administrators, they process everyone who violates civil or criminal immigration laws identically. However, depending on the particular cases that officers encounter, they also believe they protect the public by identifying criminals for deportation *and* they help immigrants adjust their status by giving them an immigration court date.

Deputized immigration officers identify incarcerated immigrants for removal and process their paperwork, work formerly performed by ICE officers. In this context then, devolution entails transferring tasks, but not authority, from federal to local bureaucracies. Local actors are

acting as extensions of state power (Lahav 1998; Lahav and Guiraudon 2006). Consequently, subnational immigration enforcement is a powerful political tool. Locally elected officials take credit for processing criminal aliens for removal because they are instrumental in *adopting* local immigration enforcement programs. At the same time, they deflect criticism by arguing that they have no say in the program's implementation.

NOTES

1. In 1996, Congress added subsection (g) "Performance of Immigration Officer Functions by State Officers and Employees" to section 287 of the Immigration and Nationality Act (8 USC § 1357) through the Illegal Immigration Reform and Responsibility Act (Pub L 104-208, Div C, 110 Stat 3009-546). Although signed into law in 1996, no state or local law enforcement agencies received training to enforce immigration laws until 2002.
2. Civil violations of immigration law include unauthorized presence or overstaying a visa. Criminal immigration violations include illegal re-entry to the United States after a prior deportation or "willfully" refusing a deportation order.
3. The Immigration and Naturalization Service, formerly under the Department of Justice, was the agency in charge of enforcing immigration laws before the creation of the Department of Homeland Security in 2002.
4. The actual size of the Hispanic immigrant population is likely significantly higher, as surveys tend to undercount immigrants, particularly if they are undocumented.

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Performance of Immigration Officer Functions by State Officers and Employees, 8 USC § 1357 (g) (1996).

Support our Law Enforcement and Safe Neighborhoods Act (Arizona SB 1070).

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Exhibit 19

**Email from Constance Taite,
DCSO Administrative Counsel to
Elliott Ozment, Counsel for the Plaintiff,
January 4, 2011, 6:59 PM**

Elliott Ozment

From: Taite, Constance (DCSO) [CTaite@DCSO.nashville.org]
Sent: Thursday, January 06, 2011 12:17 PM
To: Elliott Ozment
Subject: RE: Daniel Renteria-Villegas

Hello Elliott,

As I said yesterday, it's my understanding that a 287(g) record, for lack of a better term, is created when information sufficient to request a detainer is discovered. A record is not created by virtue of the fact that a staff member talks to an inmate, nor does the fact that someone's name is run in a database create a record. I don't know that any DCSO employee viewed your client's Tennessee ID card, and we have no record that Mr. Renteria possessed such a card at the time of booking. I don't know that any DCSO employee verified Mr. Renteria's place of birth, only that Mr. Patterson made an entry clarifying the place of birth as Oregon.

We have produced the public records you requested and provided additional information that is not part of the records request. As I noted earlier, you may want to contact MNPd to confirm the ID card isn't in their property room, or if you want to obtain additional records related to Mr. Renteria's arrests.

Thanks,
CT

From: Elliott Ozment [mailto:elliott@ozmentlaw.com]
Sent: Thursday, January 06, 2011 10:55 AM
To: Taite, Constance (DCSO)
Subject: RE: Daniel Renteria-Villegas

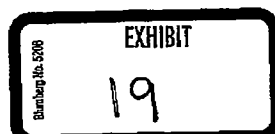
Thanks, Constance. I just have a few follow-up questions:

- (1) If Marty Peterson created no 287(g) records, how did he know Renteria was a U.S. Citizen when he updated the record on September 7?
- (2) Did Marty Peterson ever examine Mr. Renteria's Tennessee state I.D. card?
- (3) Did Marty Peterson ever enter Mr. Renteria's name into any federal database?
- (4) If the answer to either question 2 or question 3 is yes, why wasn't a record created?
- (5) If the answer to either or both question 2 and question 3 is no, how did Officer Peterson verify Renteria's citizenship?

If I could get the answer by the close of business today, it would be most helpful. Thanks again for your help.

Elliott Ozment
Immigration Law Offices of Elliott Ozment
1214 Murfreesboro Pike

1/7/2011



Nashville, TN 37217
615-321-8888

From: Taite, Constance (DCSO) [mailto:CTaite@DCSO.nashville.org]
Sent: Wednesday, January 05, 2011 6:59 PM
To: Elliott Ozment
Subject: RE: Daniel Renteria-Villegas

Hi Elliott,

This is to confirm that no 287(g) records responsive to your request exist or ever existed. Nothing was either initiated or destroyed. Your client was interviewed because the arrest report stated his birthplace was Mexico, which conflicts with what he later told booking staff. The time frame in JMS only indicates inmate movement, not the actual number of minutes the interview lasted. Think of it as analogous to how long you sit in a doctor's office compared to how much time you actually spend with the doctor.

Marty Patterson made an entry a few days later to ensure our system shows Mr. Renteria's birthplace was Oregon so that if he is rearrested in the future there will be no confusion.

I'm advised that the in-house hold, which was applied only to indicate the arrestee needed to be interviewed, was released less than two hours after his court appearance on the criminal charges.

It's my understanding that when a routine interview results in a conclusion that there's no cause to request a 287(g) detainer, no paperwork is initiated documenting the interview.

I hope this resolves your questions, but if not, feel free to let me know.

Best wishes,
CT

From: Elliott Ozment [mailto:elliott@ozmentlaw.com]
Sent: Tuesday, January 04, 2011 11:23 AM
To: Taite, Constance (DCSO)
Subject: RE: Daniel Renteria-Villegas

Thank you, Constance. Sorry to bug you during your time off. Just let me know today or tomorrow whether any records exist from the 287(g) program and I'll leave you alone. Thanks especially for checking on this during your time off. You're very kind.

Elliott Ozment
Immigration Law Offices of Elliott Ozment
1214 Murfreesboro Pike
Nashville, TN 37217
615-321-8888

From: Taite, Constance (DCSO) [mailto:CTaite@DCSO.nashville.org]
Sent: Tuesday, January 04, 2011 10:16 AM

1/7/2011

To: Elliott Ozment
Subject: RE: Daniel Renteria-Villegas

Hi Elliott,

While I am off this week, the wonderful world Of Blackberry and VPN allow me to follow up on your requests. ☺ Tom Davis plans to speak with Marty Patterson to clarify the meaning of the JMS entries to which you refer below. I believe that will be today or tomorrow.

Your message indicates Mr. Renteria's release was delayed until he provided some documents. Does your client say to whom he provided a passport and birth certificate, or, if they were brought to the jail by someone else, who brought them? Even if for some reason they were provided, that is no indication that we have a record of it in response to your records request. Mr. Renteria was released from jail the same day his state criminal charges were adjudicated.

I cannot "re-verify . . . that all 287(g) records were indeed destroyed." As I said in yesterday's message, there was no indication that any 287(g) records were created beyond what you see in JMS, so naturally none would have been destroyed. However, as noted above, the ICE supervisor intends to speak with Mr. Patterson when he returns to work to ensure nothing has been overlooked.

Constance S. Taite
Administrative Counsel
Davidson County Sheriff's Office
506 Second Ave. N., Nashville, TN 37201
Office: (615) 862-8164 Fax: (615) 880-3900

Assistant: Joy Vague (615) 862-8191

From: Elliott Ozment [mailto:elliott@ozmentlaw.com]
Sent: Monday, January 03, 2011 3:23 PM
To: Taite, Constance (DCSO)
Subject: RE: Daniel Renteria-Villegas

Constance,

Thank you so much for your response.

I'm puzzled by the lack of documentation from the 287(g) program. Renteria reports to me that he was interviewed for immigration status. I can also tell from the Jail Management System report that Marty Patterson scheduled Renteria for a 287(g) interrogation, that a 287(g) was conducted on 8/24 from 12:26 PM til 1:09 PM, and that Marty Patterson made yet another entry on the Jail Management System on 9/7/10, three days after his release on 9/4. Renteria also reports to me that he was only released after jail personnel were given a copy of his birth certificate and US passport. Could you please try to re-verify from your sources that all 287(g) records were indeed destroyed? Thank you again for your attention to this matter.

Elliott Ozment
Immigration Law Offices of Elliott Ozment
1214 Murfreesboro Pike
Nashville, TN 37217
615-321-8888

From: Taite, Constance (DCSO) [mailto:CTaite@DCSO.nashville.org]
Sent: Monday, January 03, 2011 7:25 AM
To: Elliott Ozment

1/7/2011

Cc: Grizzle, Byron (DCSO); Miller, Wayne (DCSO)
Subject: Daniel Renteria-Villegas

Good morning Mr. Ozment,

Pursuant to your public records request, I recently forwarded your client's institutional file by e-mail. I promised to contact you again once we determined whether records exist related to any conversations between Mr. Renteria and DCSO's 287(g) officers that might have occurred when he was booked into jail after his arrests on August 14, 2010 and August 22, 2010.

We have no record documenting conversations or interviews between Mr. Renteria and DCSO 287(g) officers, and there is no indication that any such record was ever created.

As you are likely aware, mug shots, arrest reports, arrest affidavits and so forth belong to the Metro Police Department and therefore are not included in our response to your request.

Please feel free to contact me if you have any questions about this matter.

Best wishes for a good New Year,

Constance S. Taite
Administrative Counsel
Davidson County Sheriff's Office
506 Second Ave. N., Nashville, TN 37201
Office: (615) 862-8164 Fax: (615) 880-3900

Assistant: Joy Vague (615) 862-8191

Exhibit 20

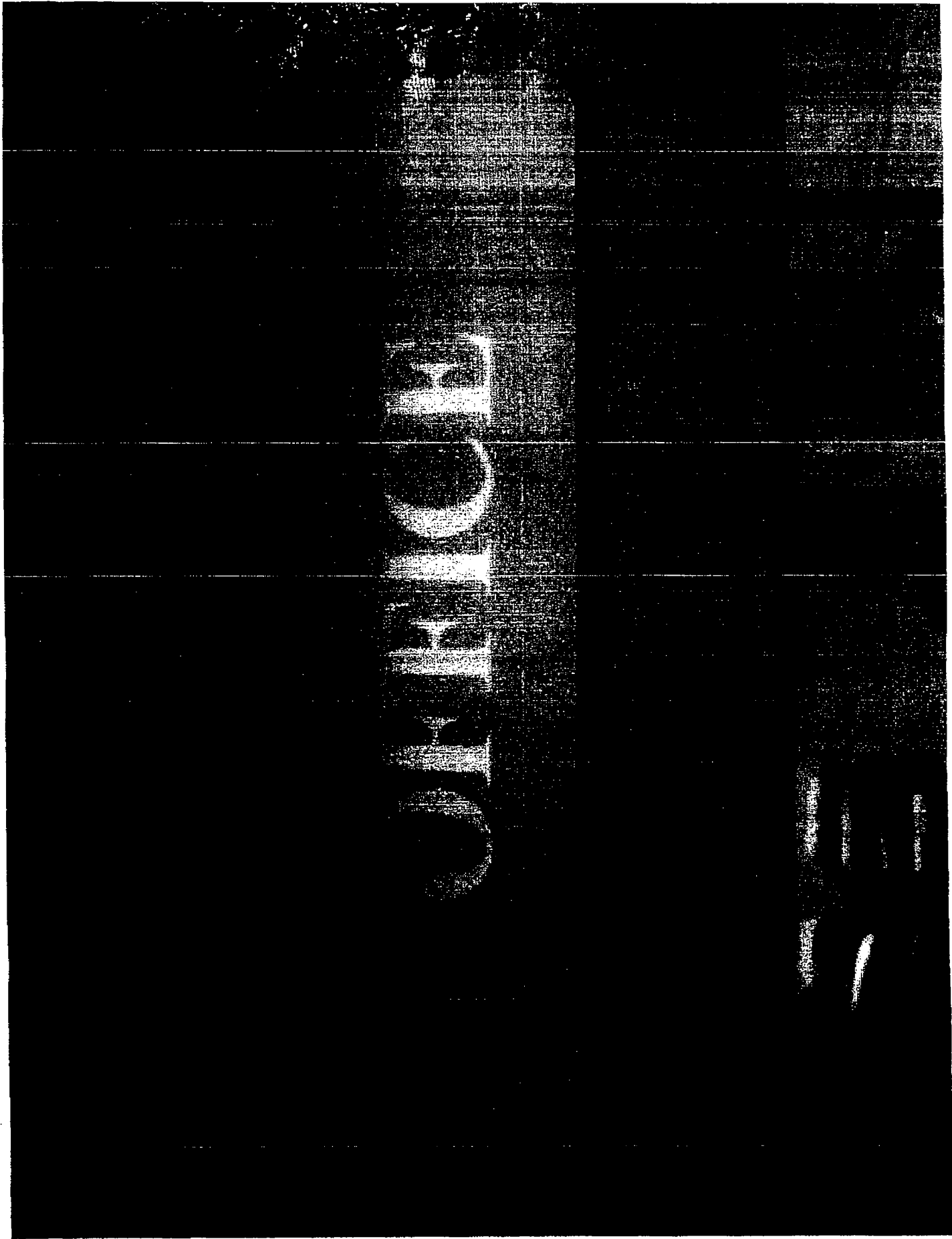
Photographs of DCSO 287(g) Office

ICE
OFFICE

Burnberg No. 3006

EXHIBIT

20



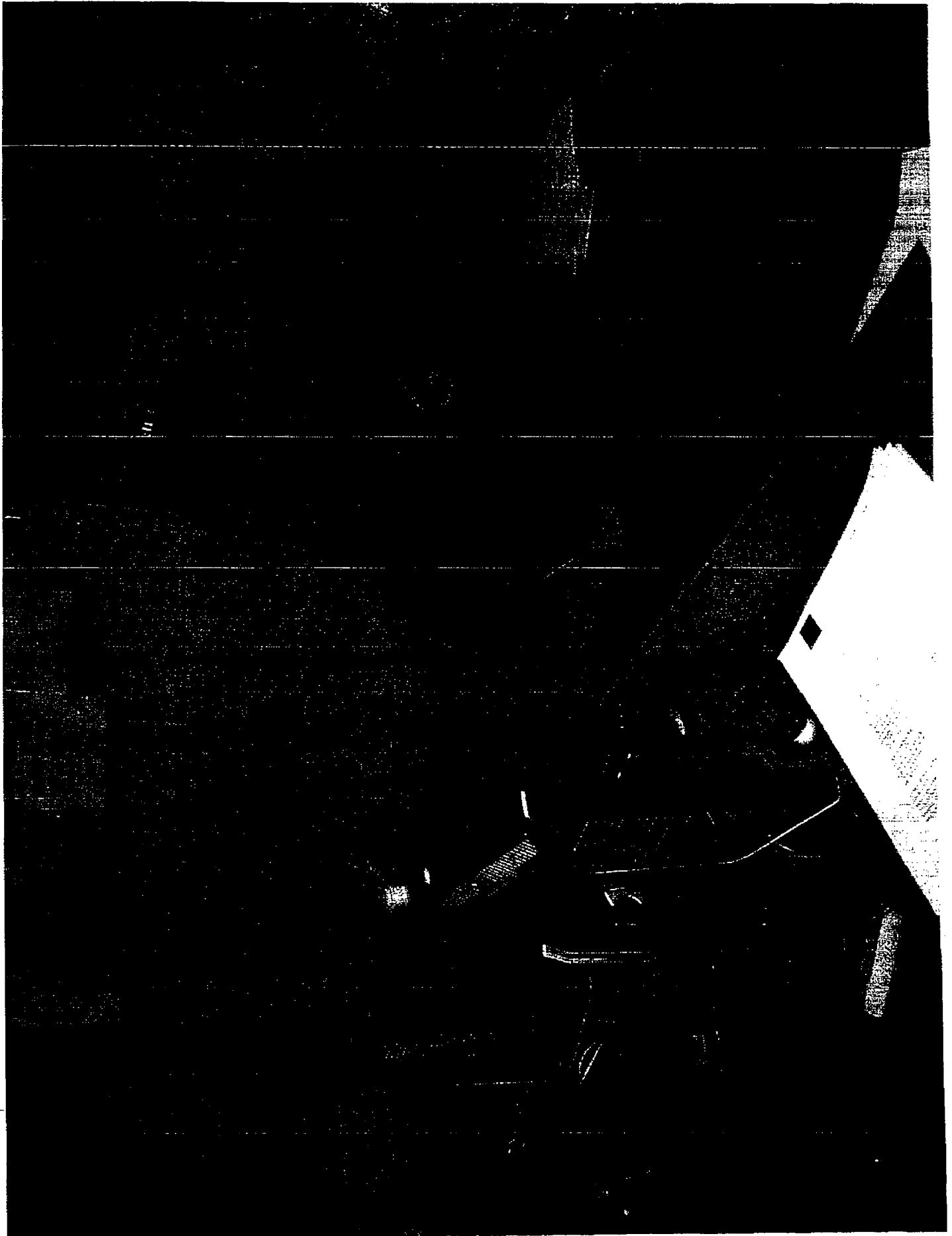




Exhibit 21

**U.S. Department of Homeland Security, U.S.
Immigration and Customs Enforcement,
Office of Professional Responsibility,
Management Inspections Unit 287(g)
Program Review Findings; Davidson County
Sheriff's Office, TN; DRO Field Office
Director New Orleans, LA**

(May 12-14, 2009)



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
Management Inspections Unit
Washington, DC 20024

Management Inspections Unit
287(g) Program Review Findings

Davidson County Sheriff's Office, TN
DRO Field Office Director New Orleans, LA

May 12 - 14, 2009

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LAW ENFORCEMENT SENSITIVE



OFFICE OF PROFESSIONAL RESPONSIBILITY

MISSION STATEMENT

The Office of Professional Responsibility (OPR) is responsible for investigating allegations of employee misconduct impartially, independently, and thoroughly.

OPR prepares timely and comprehensive reports of investigations for judicial or management action.

OPR inspects and reviews U.S. Immigration and Customs Enforcement (ICE) field offices, operations and processes in order to provide executive management with an independent review of the agency's organizational health, and assesses the effectiveness and efficiency of the overall ICE mission.

LAW ENFORCEMENT SENSITIVE

**OFFICE OF PROFESSIONAL RESPONSIBILITY
MANAGEMENT INSPECTIONS UNIT
287(g) PROGRAM REVIEW**

This summary outlines the results of a program review conducted on May 12 - 14, 2009, by the OPR Management Inspections Unit (MIU) of the Davidson County Sheriff's Office (DCSO), TN, 287(g) Delegation of Authority Program. The objective of the review was to assess conformance with conditions of the Memorandum of Agreement (MOA) between ICE and DCSO, and provide management with feedback on the administration of this program by DCSO and the responsible ICE field offices. To accomplish this objective, MIU reviewed procedures, case files, DCSO jail records, Automated Biometric Identification and Enforcement Case Tracking Systems (IDENT/ENFORCE) entries, and detainee Alien Files (A-Files). The team also conducted interviews with the Office of Detention and Removal Operations (DRO) and DCSO management and staff regarding the 287(g) program.

EXECUTIVE SUMMARY

On January 31, 2007, the ICE Assistant Secretary signed a MOA with the DCSO, authorizing the Sheriff's office to identify and process immigration violators in the Davidson County jail. Based on the agreement, ICE initially authorized DCSO to have 12 trained officers; four additional officers were later authorized, trained and certified, for a total of 16 trained officers.

The DCSO 287(g) program is a jail enforcement model. Only those individuals arrested by local law enforcement agencies and booked into the DCSO jail are scrutinized under the 287(g) authority. In Davidson County, the Sheriff has the primary responsibility of serving civil process and jail functions without the common law enforcement powers to keep the peace. The Metropolitan Nashville Police Department is the primary provider of law enforcement services for Metropolitan Nashville and Davidson County, TN.

DCSO uses the 287(g) authority to identify and process immigration violators in the Davidson County jail population. MIU observed the booking and admission procedures at Davidson County Jail and found the processing area was adequately equipped with working IDENT/ENFORCE terminals and printers to accomplish the processing of illegal aliens. DCSO 287(g) Jail Enforcement Officers (JEO) reported the need for local information technology support. DCSO 287(g) JEOs stated the closest Office of the Chief Information Officer (OCIO) support was located approximately 200 miles away in Memphis, TN.

DCSO has contracted detention services with ICE. The Intergovernmental Service Agreement (IGSA) with ICE has an estimated reimbursement of one million dollars for

LAW ENFORCEMENT SENSITIVE

fiscal year 2009. On average, an illegal alien is detained in Davidson County Jail three to five days, until removed by ICE DRO.

The DCSO 287(g) program is under the supervision of the Field Office Director (FOD), New Orleans. Currently, an Assistant Field Office Director (AFOD) and a Supervisory Detention and Deportation Officer (SDDO) are responsible for the daily supervision of the DCSO 287(g) program.

Both DCSO and DRO consider the program an effective force multiplier. Communication between DRO and DCSO is excellent. Overall, morale was assessed as good, and employees described the program as a great enhancement to their law enforcement authority and overall mission.

Currently, the DCSO is a defendant in a civil case involving an undocumented alien. According to the Sheriff, the undocumented alien is alleging mistreatment during transportation by the arresting agency, Berry Hill Police Department. This case has recently made national headline news.

In an unrelated case, the Acting Field Office Director issued a Letter of Revocation of 287(g) Authority to a DCSO 287(g) officer who reportedly worked part-time at a family business that employs illegal aliens. The 287(g) officer had reportedly processed at least two of these illegal aliens while working at the DCSO jail. The allegations are currently being investigated by the DHS Office of Inspector General.

At the time of the review, DCSO 287(g) JEOs had processed over 5,300 illegal aliens for removal from the United States. The MIU review found no significant deficiencies with the DCSO 287(g) Delegation of Authority Program. Overall, the DCSO 287(g) program is well managed.

LAW ENFORCEMENT SENSITIVE

**REPORT OF PROGRAM REVIEW
DAVIDSON COUNTY SHERIFF'S OFFICE
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LAW ENFORCEMENT SENSITIVE

REVIEW PROCESS

REPORT ORGANIZATION

This report documents review results, and serves as the official record. MIU conducted the review through interviews, and through examinations of Law Enforcement Agency (LEA) and field office records and procedures. MIU reviewed the MOA, and current policies and procedures, and applied these against the processes employed by the LEA and the ICE field offices with oversight responsibilities. Interviews were conducted with employees, and their perceptions are represented in the report. External relationships were evaluated through interviews of relevant agency representatives within the area of responsibility of the field offices and the LEA.

Prior to the review, MIU collected and analyzed information from the Headquarters Office of State and Local Coordination (OSLC), in addition to data provided by the field offices and the LEA.

Comments and questions regarding the report findings can be forwarded to the Director, OPR.

REVIEW TEAM MEMBERS

Karen I. Ballard (Lead)	Management Analyst	OPR, Headquarters, MIU
Victor Vartanian	Section Chief	OPR, Headquarters, MIU
Steven Daugherty	Senior Special Agent	OPR, Headquarters, MIU
Michael Tirrell	Management Analyst	OPR, Headquarters, MIU
Roemer Villa	Senior Special Agent	OPR, Long Beach, CA
Richard Zabel	Senior Special Agent	OPR, Headquarters, MIU

BACKGROUND

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, enacted on September 30, 1996, amended the Immigration and Nationality Act (INA) by adding Section 287(g), 8 USC 1357(g). Section 287(g) of the INA provides for the Department of Homeland Security (DHS) to enter into an agreement to delegate the authority to enforce federal immigration laws to state and local law enforcement. The law requires an agreement be created that defines the authorities being certified, the training requirements, the required DHS/ICE supervision, the length of the agreement, and other important issues.

DAVIDSON COUNTY SHERIFF'S OFFICE 287(g) PROGRAM OVERVIEW

The Sheriff of Davidson County is an elected official. As of the 2000 census of, there were 569,891 people; 237,405 households; and 138,109 families residing in the county. The population density was 1,135 people per square mile.

On April 16, 2007, DCSO began participation in the 287(g) Delegation of Authority Program. To date, over 5,300 illegal aliens have been processed for removal from the United States.

In all Tennessee counties except Davidson County, the sheriff is an official with full police powers. In Davidson County, the sheriff has the primary responsibility of serving civil process and jail functions without the common law powers to keep the peace. The Metropolitan Nashville Police Department is the primary provider of law enforcement services for Metropolitan Nashville and Davidson County, TN.

DCSO operates jail and rehabilitation programs at the Criminal Justice Center (CJC), the Hill Detention Center, and the Correctional Development Center, (CDC). CJC provides detention services to numerous state and local law enforcement agencies serving the Nashville metropolitan area and Davidson County. The DCSO 287(g) officers screen all individuals booked into CJC, the main intake point for arrestees in Davidson County. Arrestees who remain in custody after 48 hours are classified for housing and custody levels. The arrestees housed at CJC are pre-trial males classified at maximum, medium, medical or mental health custody levels. Female arrestees are booked and transferred to the CDC. Although the CJC is the maximum security facility for the county, it also houses juveniles adjudicated by the courts to stand trial as adults.

DCSO has trained and certified a total of 16, 287(g) officers. Currently, two are not working due to medical conditions, one is on a military deployment, and one has been

Management Inspections Unit
May 2009
QPR/MIU-2009-06836

3

Office of Professional Responsibility
287(g) Review and Inspection Section
Davidson County Sheriff's Office, TN

LAW ENFORCEMENT SENSITIVE

suspended from the 287(g) program due to allegations of conflict of interest and misconduct.

DRO 287(g) PROGRAM OVERVIEW

The FOD, New Orleans has the ultimate responsibility for managing the DCSO 287(g) program, and has delegated the oversight of the program to the AFOD, Birmingham, and the SDDO in Nashville, TN. The SDDO has daily contact with DCSO, regularly discusses the effectiveness of the 287(g) program with DCSO staff and resolves any operational issues that may arise. The SDDO is also responsible for the Criminal Alien Program (CAP). The SDDO has four Deportation Officers (DOs) and one Immigration Enforcement Agent (IEA) assigned to assist with both CAP and 287(g) related duties. The SDDO is responsible for reviewing A-Files and signing charging documents.

The DCSO 287(g) program was managed by the Office of Investigations from its inception in April 2007, until DRO assumed supervisory responsibilities in June 2008. From June 2008 to January 2009, due to staffing issues, there were several temporary duty SDDOs responsible for the CAP and 287(g) programs. This was resolved in January 2009, with the placement of a permanent SDDO.

OPERATIONAL ENVIRONMENT

MIU has developed this section to offer the concerns and opinions of ICE and LEA management and employees. MIU encourages interviewees to provide their perceptions of the program and how it functions. This often results in examples and anecdotes. MIU cautions that, due to the nature of the information, it is not possible to verify each statement. Nonetheless, it is important those interviewed have their views represented:

ICE MANAGEMENT AND EMPLOYEES

MIU interviewed the Acting Deputy Field Office Director (ADFOD), who stated the DCSO 287(g) program was very beneficial to ICE, and an additional 15 ICE employees would be needed to perform the work accomplished by the DCSO officers. The ADFOD stated the communication between DCSO and ICE has improved since DRO placed a permanent SDDO at the county jail. The DRO supervisors consider the conduct and performance of the DCSO 287(g) officers to be professional and meeting the requirements of the MOA.

The AFOD was interviewed during the review. The AFOD stated the program is well run since a permanent SDDO was hired. In addition, the AFOD stated the recent hiring of another SDDO to take over the supervision of CAP will allow for a more focused supervision of the 287(g) program.

MIU interviewed the SDDO who currently supervises both CAP and the 287(g) program. The SDDO stated there is a need for dedicated IEAs and DOs for the 287(g) program. He indicated ICE office space is needed at the jail to properly supervise the DCSO 287(g) JEOs and review A-Files. The SDDO also stated direct communication with the Sheriff has added to the effectiveness of the overall program.

DCSO SHERIFF, MANAGEMENT AND EMPLOYEES

SHERIFF

MIU interviewed the Sheriff of Davidson County, who has occupied his position for seven years. The Chief Deputy was also present during the interview. The Sheriff stated the relationship with ICE has been very good since the arrival of a permanent SDDO. The Sheriff stated the current DRO representatives have improved the relationship, as well as the efficiency of the program. He indicated a local Immigration Judge would expedite the processing of the large number of aliens they handle.

The Sheriff regularly interacts with the FOD/New Orleans via e-mail and meets with the FOD in person at least once a year. The Sheriff conducts a weekly meeting with the DCSO Chief Deputy and the DCSO Director of Immigration Enforcement to address any concerns with the program and the 287(g) JEOs. The Sheriff also conducts a quarterly Steering Committee meeting with DRO to review and assess the immigration enforcement activities of DCSO personnel.

The Sheriff stated all internal investigations, including investigations of 287(g) personnel, are conducted in the Investigative Division, and then reported directly to the Chief Deputy. The Sheriff stated his office is currently the defendant in a civil lawsuit filed by an undocumented alien.

DCSO JAIL ENFORCEMENT OFFICERS

MIU conducted interviews with DCSO 287(g) JEOs. The JEOs reported having daily contact and communication with DRO officers. Several JEOs stated the relationship between ICE and DCSO is very good, and the SDDO is responsive to any questions and concerns that arise.

The JEOs indicated the initial 287(g) training lacked procedural hands-on exercises. The JEOs further stated they had received approximately two weeks of on-the-job training provided by DRO at the DCSO processing area, which was extremely helpful.

The JEOs reported the need for better access to technical support for the IDENT/ENFORCE systems. In one case, when the systems were not operational, the JEOs were unable to conduct the search and enroll functions for several days.

UNITED STATES ATTORNEY'S OFFICE (USAO)

MIU interviewed the Chief of the Criminal Division within the U.S. Attorney's Office (USAO) in the Middle District of Tennessee.

The Chief stated the establishment of a permanent SDDO in Nashville markedly improved the efficiency of Re-entry After Deportation cases being presented to the USAO. Prior to the SDDO's arrival, timeliness of case presentations was lacking.

The USAO accepts for prosecution all Re-entry After Deportation cases, which meet established local minimum guidelines. The Chief is unaware of any pending civil or criminal actions against the 287(g) program or 287(g) personnel.

DAVIDSON COUNTY DISTRICT ATTORNEY GENERAL

MIU interviewed the District Attorney General (DAG) for Davidson County. The DAG stated the 287(g) program was established in Davidson County due to public outcry after an undocumented alien, with a history of multiple arrests, committed a vehicular homicide of two individuals. The DAG's office prosecutes all persons charged with felony violations, regardless of their alienage or removability. The DAG stated his office becomes concerned with alienage and removability only during the sentencing stage of the prosecution. He explained it is unrealistic to expect a removed alien to satisfy the terms of supervised probation. Therefore, the DAG asks the court to have the alien serve a suspended sentence, or be given time served if an ICE detainee is going to be removed from the country. The DAG stated the implementation of the 287(g) program has not changed the ratio of felony or misdemeanor arrests.

The DAG stated he is unaware of any civil rights or civil liberties allegations, or actions against the DCSO 287(g) program. According to the DAG, the 287(g) program is well received by a majority of the population of Davidson County.

DEPUTY CHIEF OF POLICE, CITY OF NASHVILLE

The Deputy Chief of Police for the Nashville Police Department (PD), TN, was interviewed. The Nashville PD is the main law enforcement body providing arrestees to DCSO. The Deputy Chief stated Nashville PD is not involved with 287(g) in any way. Generally, there is no interaction between DCSO and Nashville PD regarding the 287(g) program. All arrests are based on state or local charges, and are not related in any way to the possibility that an individual may be impacted by the 287(g) program at the DCSO jail. The Deputy Chief stated he knows of no problems regarding the DCSO or the 287(g) program.

REVIEW RESULTS

DAVIDSON COUNTY SHERIFF'S OFFICE JAIL OPERATIONS

The DCSO 287(g) JEOs are available 24 hours a day to process 287(g) cases. All arrestees are brought to the CJC for booking, but before an arrestee can be committed to jail and subjected to 287(g) screening, the arresting officer must bring the individual before a judicial magistrate who validates the arrest. This is an additional step most other jurisdictions do not have in place.

The DCSO 287(g) JEOs have no enforcement authority outside the jail, and do not participate in any enforcement operations. If arrestees do not bond out and are not diverted through pre-trial release, they are classified and assigned a housing location at either the CJC or one of the other DCSO facilities. Inmates housed at CJC are generally in a pre-trial status on at least one felony charge.

The communications and working relationship between DRO and DCSO is excellent.

The review reveals the JEOs have the materials, resources and equipment for the processing of undocumented aliens. The processing area was adequately equipped with working IDENT/ENFORCE terminals and printers. However, MIU found the lack of local OCIO technical support has contributed to extended delays in processing when the IDENT/ENFORCE systems are not properly functioning.

MIU observed the facility intake process and reviewed A-Files of processed criminal aliens. During intake, JEOs review arrest reports, and segregate criminal aliens based on country of birth and citizenship. All foreign born individuals are interviewed by 287(g) JEOs to determine if they are subject to immigration proceedings. A JEO completes the processing, and as required, places ICE detainers on the criminal aliens. MIU noted criminal aliens are not formally served with immigration charges by the DCSO 287(g) officers until they have completed the state judicial process.

ICE personnel are available by telephone 24-hours a day to assist the JEOs in resolving problems. The Davidson County CJC has two rooms equipped with IDENT/ENFORCE within the booking area for 287(g) processing. However, the workspace allocated to ICE was deemed inadequate to properly review A-Files and supervise the JEOs.

DCSO is currently a defendant in a civil case filed by a female undocumented alien. A pregnant female was arrested by Berry Hill Police Department subsequent to a traffic stop and was transported to the Davidson County jail. The female was booked and processed by DCSO 287(g) personnel. A detainer was issued pending the adjudication of the case. Before coming into ICE custody, the arrestee went into labor and was

transported to the Metro-Nashville General Hospital for delivery of the baby. The arrestee remained at the hospital for a few days after giving birth. She was returned to the jail and released later that day. The ICE detainer was cancelled and the female was released. The DCSO 287(g) officers were not cited in the lawsuit.

On January 5, 2009, the FOD received information from a Nashville-based news reporter alleging a DCSO 287(g) officer was working part-time at a family business which employs illegal aliens. The 287(g) officer had processed at least two of these illegal aliens while on duty at the DCSO jail. On January 7, 2009, the Acting FOD issued a Letter of Revocation of 287(g) Authority to the DCSO 287(g) officer against whom the allegations had been made. The allegations are currently under investigation by the DHS Office of Inspector General.

MIU reviewed the following A-Files processed by the 287(g) JEOs:

A088641510, A088641504, A099762489, A099762476, A089848045, A072254050, A087218073, A088641511, A094487492, A088641482, A089848077, A089848034, A089848061, A089235105, A088641514, A099762491, A029287477, A089843033, A089848048, A095080073

The review showed A-Files were in good order. In each case prosecution was pursued by the District Attorney's Office, and consular notification was made, when appropriate.

The MIU review found no significant deficiencies with the DCSO 287(g) Delegation of Authority Program. The program appears properly supervised and efficient.

AREAS OF CONCERN

None

RECOMMENDATIONS TO IMPROVE EFFECTIVENESS AND EFFICIENCY

None

Office of State and Local Coordination

U.S. Department of Homeland Security
500 12th Street SW 11th Floor
Washington, DC 20024



U.S. Immigration
and Customs
Enforcement

MAY 19 2009

MEMORANDUM FOR: Timothy Moynihan
Acting Director
Office of Professional Responsibility

FROM: William F. Riley *W.F. Riley*
Acting Executive Director
Office of State and Local Coordination

SUBJECT: Davidson County Sheriff's Office 287(g) Review Follow-Up

The Office of Professional Responsibility (OPR) Management Inspection Unit (MIU) conducted a review of the Davidson County Sheriff's Office (DCSO) 287(g) Delegation of Authority Program during May 12th – May 14th, 2009. The MIU review of the DCSO 287(g) Program revealed several findings that need to be addressed by the Office of State and Local Coordination (OSLC), the Office of Detention and Removal Operations (DRO), the Office of the Chief Information Officer (OCIO), and the Office of the Principal Legal Advisor (OPLA).

OSLC has reviewed the findings and has addressed the concerns raised by OPR. Attached is a summary of the findings; along with the responsible party for addressing/resolving the findings, the scope of the issue, the proposed action, and an estimated time for resolution.

Attachment 1: Summary Response Memorandum Attachment DCSO

www.ice.gov

Concerns Raised in the Davidson County Sheriff's Office (DCSO) Report

1. The MIU report mentions statements by DCSO 287(g) officers requesting improved information technology (IT) support. On one particular occasion, computers went offline for several days and officers were subsequently unable to conduct search and enroll procedures within the ENFORCE/IDENT/IAPIS processing module.

Responsible Program(s): DRO, OCIO

Scope: Local

Action: It is recommended that DRO officials coordinate with OCIO and local officials to designate an IT specialist whom will be responsible for providing efficient and timely 287(g) technical support.

Estimated Time for Resolution: 6 months

Status: On-going

Call-Up Date: March 2010

2. The report mentions a civil lawsuit filed against the DCSO by an undocumented alien alleging mistreatment. The complainant was detained on local charges filed by the Berry Hill Police Department, TN. While in DCSO custody, 287(g) personnel interviewed and processed the subject. An ICE detainer was issued and pending adjudication of the case, the alien was transported to a local medical facility for child birth. The alien was subsequently released and the ICE detainer was cancelled. This case was still pending when the MIU conducted their review.

Responsible Program(s): DRO

Scope: Local

Action: It is recommended that local DRO officials ascertain the status of this case. It is also recommended that DRO officials determine and report to the OSLC the following details:

- Explanation for release and cancellation of the ICE detainer;
- Was the complainant subject to removal under the INA;
- If subject to removal, was the complainant eligible and/or is she currently enrolled in the Intensive Supervision Appearance Program (ISAP) or the Enhanced Supervision/Reporting (ESR) program.

Estimated Time for Resolution: 6 Months

Status: On-going

Call-Up Date: March 2010

3. The report mentions an on-going investigation by the Department of Homeland Security, Office of the Inspector (DHS, OIG). This investigation stemmed from information provided by a local news reporter. According to the review, a DCSO 287(g) officer was reportedly working at a local business that employs illegal aliens; aliens that the officer had previously encountered and processed at the Davidson County jail.

Responsible Program(s): OSLC, DHS/OIG

Scope: Local

Action: The OSLC and FOD New Orleans revoked this officer's 287(g) authority on or about 1/7/2009. There's no further action required.

Estimated Time for Resolution: N/A

Status: Complete

Call-Up Date: N/A

4. An inadequate allocation of DRO work space and personnel are mentioned within the report. Lack of work space and personnel at the jail has made it difficult for DRO officials to review A-Files and supervise the program.

Responsible Program(s): DRO

Scope: Local

Action: It is recommended that local DRO officials address any personnel shortages and coordinate with DCSO officials to evaluate the feasibility of expanding their work area. Creating an improved DRO work environment within the Davidson County jail would help maintain current program perception and integrity.

Estimated Time for Resolution: 6 Months

Status: On-going

Call-Up Date: March 2010

5. The report mentions statements by the Davidson County Sheriff, TN. The Sheriff suggested an assignment of a local immigration judge to accommodate the large number of aliens his officers' encounter and process for removal.

Responsible Program(s): OSLC, OPLA

Scope: Local

Action: It is recommended that OSLC and OPLA officials ascertain the necessity and feasibility of this request.

Estimated Time for Resolution: 6 Months

Status: On-going

Call-Up Date: March 2010

Exhibit 22

Sample ICE Interview Data Collection Sheet

INFORMACIÓN DE LA FAMILIA
FAMILY INFORMATION

14. Estado Civil (*Marital Status*); Soltero (single); Cosado (married); Divorciado (divorced).
[REDACTED]
15. Número de niños/Ciudadanía de niños
(*Number of children/Citizenship of children*)
16. Nombre del esposo/Ciudadanía del esposo
(*Spouse name/Citizenship of spouse*)
17. Dirección del esposo
(*Address of spouse*)
18. Nombre completo de su padre
(*Your father's complete name*)
19. Ciudadanía del padre
(*Father's citizenship*)
20. Dirección del padre
(*Father's address*)
21. Nombre completo de su madre
(*Your mother's complete name*)
22. Ciudadanía de la madre
(*Mother's citizenship*)
23. Dirección de la madre
(*Mother's address*)
24. Nombre, dirección y número de teléfono de la familia en los Estados Unidos? (*Name, address and phone number of family in the United States?*)
[REDACTED]

ESTADO DE LA INMIGRACIÓN
IMMIGRATION STATUS

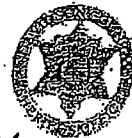
25. Tiene Pasaporte (*Passport*) [REDACTED]
26. Permiso De Trabajar (*Employment Authorization Card*) [REDACTED]
27. Tarjeta de Seguro Social (*Soc. Sec. Card*) [REDACTED]
28. Deportado antes? (*Prior deporta*) [REDACTED]
29. Cuanto veces? (*How many times*) [REDACTED]
30. Empleo unido del estado, nombre de la compañía? (*United State employment name, company?*) [REDACTED]
31. Cuanto tiempo a su trabajo. (*Length of service*) [REDACTED]
32. Cuanto por hora? (*How much per hour*) [REDACTED]
- * Tatuajes (*Tattoos*) [REDACTED]
- * Cicatrices (*Scars*) [REDACTED]
- * Markas (*Marks*) [REDACTED]

A# [REDACTED] Event# [REDACTED]
Fins# [REDACTED] Occ# [REDACTED]
Cis# [REDACTED]



ICE Interview Data Collection Sheet

I'm officer _____ I'm an immigration officer for Davidson
County Sheriff's Office. I will be conducting an interview to determine your status
here in the United States. Any one born outside the United States will be
interviewed after they have been arrested



Date: _____

Time: _____

Soy _____ del oficial que soy oficial de la inmigración para Office, I del
sheriff del condado de Davidson conducirá una entrevista para determinar su estado aquí, en los
Estados Unidos. Nato fuera de los Estados Unidos será entrevistado con después de que se
hayan arrestado.

SU INFORMACIÓN (UNO MISMO) YOUR INFORMATION (SELF)

1. Nombre completo y correcto
(Complete and correct name)
2. Fecha de cumpleaños
(Date of birth)
3. Ciudad, estado y país de nacimiento
(City, state and country of birth)
4. Donde naci
(Country of citizenship)
5. Direccion en los Estados Unidos
(US address)
6. Su teléfono casero o teléfono portátil
(Your home phone or cellular phone?)

CÓMO USTED ENTRÓ EN ESTADOS UNIDOS HOW YOU ENTERED UNITED STATES

7. Cómo usted entró en los Estados Unidos; caminando, coche, natación, barco, plano del
aire. (How did you enter the United States, walking, car, swimming, boat, air plane.)
8. Donde usted cruzó la frontera.
(Where did you cross the border?)
9. Mes, día y año usted entró en los Estados Unidos
(Month, day and year you entered the United States)
10. Mes, día y año usted entró en por último los Estados Unidos
(Month, day and year you last entered the United States)
11. Pasado de contrabando para cuanto "ice" etc.
(Smuggled for how much?)
12. Problemas medicos. Qué medicación que usted toma?
(Medical problems What medication do you take?)
13. Su dirección fuera de los Estados Unidos. (Your address outside the United
States)

4#

Fins#

Event#

Oca#

Cts#

Exhibit 23

Email from Constance Taite to

TBALINK-TALK listserv

July 18, 2007, 3:05:52 PM CDT

From: "Taite, Constance (DCSO)" <CTaite@DCSO.nashville.org>
Date: July 18, 2007 3:05:52 PM CDT
To: <tbalink-talk@tba2.org>
Subject: RE: [Tbalink-talk] Immigration "hold"
Reply-To: tbalink-talk@tba2.org

John,

I can answer your question if he was arrested in Davidson Co. and held pursuant to the 287(g) program. I agree that he should have received a citation in lieu of arrest under the circumstances you describe, and TN law certainly encourages use of citations.

The police department has repeatedly told us that the issue is whether the person can show ID, and that "even a utility bill" showing the name & address may be acceptable under otherwise routine circumstances. If your guy had gotten a citation, he would have had to report for citation booking, but absent an NCIC hit that triggers an arrest, e.g., burglary warrants in Georgia, his immigration status would not have been checked.

Once the police make an arrest and the commissioner signs a committal, the person MUST be booked into jail. Information is automatically streamed to ICE on anyone who acknowledges being born outside the U.S. (or claims to have been born at Baptist Hosp. but speaks little English). After the local charges are disposed of (dismissed, bail posted, time served, etc.) ICE officers have 48 hrs., excluding holidays and weekends, to investigate and take action, which may be anything from a release with a notice to appear to a detainer for deportation. Typically, however, the investigation is completed long before 48 hrs.

I can't speak to police practices or explain their decisions regarding who gets arrested and who gets a citation. However, the decision to arrest leaves us no discretion about what happens next. We have to book.

Constance Taite
Davidson County Sheriff's Offc.
506 Second Ave. North, Nashville, TN 37201
Offc: (615)862-8164 Fax: 880-3900

