

# Introduction

Juan moved to Smyrna, a small town twenty-five miles outside Nashville, Tennessee, directly from Guatemala in 2005. He drove himself to work every day at a factory that prepared bagged salads. However, because Juan was in the country without permission, he was ineligible for a Tennessee driver's license. This meant that every time Juan got behind the wheel, he was breaking the law.

Within five years of moving to Smyrna, Juan had been stopped by local police three times. The first two stops, which occurred in 2006 and 2007, were virtually identical. Both times officers stopped Juan for speeding and arrested him for driving without a license. The first time Juan was arrested, he was scared. He had not been in the United States long and could not communicate with the patrol officer or jail staff. Moreover, he had never been handcuffed, put in the back of a patrol car, and placed in a jail cell. He was not a criminal. However, Juan was in and out of custody the same day. He paid a fine (\$250), went to community service, and resolved the offense. The same thing happened in 2007. This time, Juan was not scared. He describes his second arrest as "nothing." Again, Juan bailed out, paid the fines, and resolved the offenses.

Thus, when Juan was stopped by local police a third time in 2009, he was not particularly alarmed. He had done this before; he thought he knew what was going to happen: he would bail out, pay fines, and go to community service. However, rather than let Juan post bond, the county detained him until his court date. Juan spent three nights in jail. In court, a judge convicted him of a driving offense, sentencing him to time served. Instead of releasing Juan from custody, however, jail officials held Juan on an immigration detainer.

An immigration detainer, also known as an “immigration hold” or an “ICE hold,” is a tool that the federal government uses to take custody of noncitizens in jails and prisons. Federal officials issue immigration detainers when they learn that a correctional facility has custody of someone who may be deportable. A detainer allows correctional facilities to hold inmates for up to forty-eight hours past the time when they are eligible for release, so that Immigration and Customs Enforcement (ICE) has the option to assume custody. While correctional facilities are not required to hold inmates for ICE, many agencies do so out of professional courtesy.

ICE did not arrive for Juan within forty-eight hours. Instead, two days turned into two weeks, which turned into two months. By the time Juan spoke to an ICE agent, he had been in county custody for 135 days.

Juan recalls that when an ICE agent did finally pick him up to process him for removal, the agent was confused:

They asked what I had done—had I killed or raped or something. Why had I been in jail all that time? I told them it was for not having a license. They didn’t believe me. They said they wouldn’t keep me in jail for all that time just for not having a license, but then they called the jail, and the jail said they didn’t know anything. Like, they wiped their hands of it. They kept saying that they didn’t know, they didn’t know. And the ICE guy said it wasn’t right, that they were going to try to help me because what they did to me was wrong, they were going to deport me, but then they decided to let me go home.

Detaining someone without probable cause is a violation of the Fourth Amendment. Thus Juan’s prolonged and warrantless detention in the Tennessee county jail was unconstitutional.<sup>1</sup> With the help of an immigration lawyer, Juan settled a lawsuit against the Rutherford County Sheriff’s Office for illegally detaining him. ICE declined to deport him, and when I spoke to Juan in 2010 he was waiting for an employment authorization document that would give him permission to work. He looked forward to getting a driver’s license.

I share Juan’s story because it demonstrates the connections between police, jails, and the immigration enforcement system. Between 2008 and 2015, over 2.6 million people were deported from the United States; according to ICE, over half were “convicted criminals.”<sup>2</sup> With a misdemeanor conviction for driving without a license, Juan is also a “convicted criminal.” However, state laws and police practices are central to producing Juan’s “criminality.”

Between 2006 and 2009, local police stopped Juan three times on his way home from work and arrested him each time. To Juan, driving without a license was not a crime; it was a necessity. As I will explain in chapter 2, driver’s license eligibility requirements in Tennessee have changed several times during the last two decades. By the time Juan moved to Tennessee, state law precluded him from getting

a driver's license. Tennessee legislators made Juan a lawbreaker by making it impossible for residents like him to legally drive. Police further contributed to Juan's criminality by arresting him for violating laws with which he could not comply. Thus a traffic stop set into motion a series of events that almost resulted in Juan's deportation, even though local police do not formally participate in immigration enforcement.

For unauthorized migrants, there is no such thing as a "minor" arrest. Arrests can trigger immigration status checks because removing "criminal aliens" is a central priority of US immigration enforcement. ICE's strategy involves using the criminal justice system, particularly jails, as places to locate deportable immigrants. This means that local police "choose" whom to expose to immigration screening and immigration detainers through their discretionary arrest decisions.<sup>3</sup> Therefore, examining the laws and policies that affect police practices is key to understanding how contemporary immigration enforcement works. What are law enforcement policies and practices with respect to suspected undocumented immigrants? How do bureaucratic priorities and local politics influence law enforcement agencies? How do officers understand and respond to (suspected) unauthorized immigrants' mundane legal infractions?

These are the questions I sought to answer when I moved to Nashville, Tennessee, to unpack the role of local law enforcement agencies in immigration enforcement. When I moved to Nashville, the Davidson County Sheriff's Office (DCSO) had recently acquired immigration enforcement authority through a program called 287(g). Before the 287(g) program, the Davidson County Jail had relied on ICE to request immigration detainers for suspected removable immigrants. Under this model, ICE requested an average of ten to fifteen detainers per month. After the jail began operating the 287(g) program, jail employees—newly trained as immigration officers—identified removable immigrants themselves, issued detainers, and held arrestees until ICE assumed custody. During the 287(g) program's five-year tenure in Davidson County, the sheriff's office identified over ten thousand immigrants for removal, most of them Mexican or Central American men arrested for minor violations like driving offenses.

This book is the story of local immigration enforcement under Nashville's 287(g) program. To understand how immigration enforcement operates on the ground, I spent almost two years in Nashville, sitting in on meetings, poring through news reports, interviewing law enforcement administrators, and even riding with police officers as they patrolled immigrant neighborhoods. Specifically, my findings show that police traffic stops played a critical role in channeling Mexican and Central American immigrants into the jail, where newly deputized officials could identify and process them for removal. These traffic stops were part of an institutional effort to "be proactive" by initiating police contact with civilians through the mass deployment of vehicle stops.

This book explains how the convergence of local politics, state laws, institutional policies, and law enforcement practices criminalizes unauthorized immigrants and deposits them into an expanding federal deportation system. For example, Tennessee state laws make unauthorized immigrants ineligible for state-issued driver's licenses, thereby criminalizing immigrants' everyday practices. The police department's dependence on investigative vehicle stops ensures that police will encounter unauthorized immigrants who are driving outside the law. Faced with this criminal violation, officers respond with punitive sanctions through either citation or arrest. The officer's decision to cite generates fees for the city, as residents who are cited must pay fines. The officer's decision to arrest ensures that immigrants are screened for immigration violations because of the county jail's participation in the 287(g) program. While the confluence of these laws, policies, and practices appears to be race-neutral, it conveys powerful messages about race, citizenship, and belonging and reinforces Latinos' subordinate status in the racial hierarchy.

#### PUNISHING LATINOS THROUGH "ILLEGALITY" AND CRIMINALIZATION

The American obsession with immigrant "illegality" is a relatively recent phenomenon. The term *illegal* rose to prominence in the 1980s and 1990s, when it became the default term for describing immigrants who lived in the United States without authorization.<sup>4</sup> Since then, social scientists have used a variety of terms to describe the legal circumstances of immigrants who reside in countries without permission, including *undocumented*, *irregular*, *extralegal*, *clandestine*, *liminal*, and *unauthorized*. In this book, I will use the terms *undocumented* and *unauthorized* interchangeably to describe foreign-born residents who are "out of status," or who lack legal permission to live in the country. At its core, "illegality" is a *social* and *legal* construction, a function of laws that dictate which migrants are eligible for legal admission, residence, and regularization.<sup>5</sup>

As "illegal" immigration has become an enduring fact of contemporary American society, public officials and the media have constructed it as a national political crisis that can be solved only through tougher enforcement and more restrictive immigration laws. To that end, the United States has devoted billions of dollars to border enforcement by drastically increasing the number of agents stationed at the border and by adopting new technology and equipment to stop unauthorized entries.<sup>6</sup> Sociologist Douglas Massey argues that the "rising tide of illegality" among Latinos in the United States stems directly from draconian enforcement strategies.<sup>7</sup> That is, as the United States drastically expanded its border enforcement efforts, unauthorized migrants opted to stay in the United States, unwilling to go home and face the trials of a future US trip.<sup>8</sup> As new migrants arrived but few returned to their countries of origin, the unauthorized immigrant

population in the United States grew. Today, over 60 percent of unauthorized residents have lived in the United States for over ten years; immigration law has essentially trapped them in place, with few options to regularize their status.<sup>9</sup>

There are roughly eleven million unauthorized men, women, and children residing in the United States.<sup>10</sup> While they hail from all over the world, nearly 80 percent of them are Latino, hailing from Mexico, Central America, South America, or Spanish-speaking Caribbean countries.<sup>11</sup> While not all Latinos are immigrants, and not all Latino immigrants are unauthorized, more Latino residents in the United States are out of status today than at any other time over the last four decades.<sup>12</sup> Today, the majority of Latinos in the United States are of Mexican and Central American origin, the national-origin groups with the highest proportions of undocumented residents.<sup>13</sup> Moreover, among foreign-born Mexican and Central Americans residing in the United States, over half are undocumented.<sup>14</sup>

The growth of the Latino population, and the growing numbers of Latinos who are undocumented, have been accompanied by an intense anti-immigrant rhetoric that often focuses on immigrants' presumed criminality.<sup>15</sup> For example, during his presidential campaign, Donald Trump referred to Mexican immigrants in the United States as “rapists,” “criminals,” and “bad hombres.” This rhetoric is not new; as I will explain in the next chapter, linking immigrants to crime is an American tradition.<sup>16</sup> Yet though many people perceive immigrants as *inherently* delinquent, decades of research conclude that immigrants are *less* likely to commit crimes than the native born.<sup>17</sup> For example, an examination of 2010 Census data reveals that young men born in Mexico, El Salvador, and Guatemala have significantly lower incarceration rates than similarly situated native-born men.<sup>18</sup> Moreover, scholars argue that immigrant populations *decrease* crime because crime rates tend to fall in places with expanding immigrant populations, including those who are undocumented.<sup>19</sup>

Some may object to this characterization, arguing that all unauthorized immigrants are “criminals” whose very presence in the country makes them delinquent “lawbreakers.” However, like “illegality,” immigrant criminality is socially and legally produced through law and discourse.<sup>20</sup> Unlawful presence in the United States is a civil violation, not a criminal offense. Moreover, a staggering number of people break laws in the United States. In a hurry, people park their cars in “no parking” zones. They dash across the street outside the designated crosswalk. They choose not to wear seat belts. They drink while underage, they take drugs, and they get in fights. Yet American society would never declare that committing these offenses—illegally driving, parking, walking, drinking, or fighting—transforms the offender into an entirely illegal person. Even people who have been convicted of the most egregious violations imaginable are not described as “illegal” just for existing. This is true for all offenses except residing in the country without the legal right to stay.

Over the last several decades, US immigration law has taken a decidedly punitive turn, blurring the features of crime control and immigration control.<sup>21</sup> Changes include the creation of new federal immigration crimes, severe immigration consequences for criminal convictions, and new options for local police and jails to participate in immigration enforcement.<sup>22</sup> These developments have expanded the criminalization of immigrant communities by elevating crimes that were once considered misdemeanors to aggravated felonies, or recasting formerly civil immigration violations to felony immigration offenses. As a result, immigration violations currently send more people to federal prison than drug offenses do.<sup>23</sup> Moreover, civil immigration offenses result in arrest, prolonged incarceration, and banishment from the country.

To some, the presence of unauthorized immigrants in the United States is proof of the “failure” of American immigration policy, or the “gap” between the nation’s restrictive immigration policies and their outcomes.<sup>24</sup> However, an alternate view suggests that immigration laws are designed, not to physically expel undocumented residents, but to assign them a subordinate and marginalized status.<sup>25</sup> In this regard, the negative effects of “illegality” stem not only from physical expulsion but from enduring daily life as an undocumented resident.<sup>26</sup> Discussing the immigration system in Spain, Kitty Calavita argues that Spanish immigration laws inflict economic punishment on unauthorized immigrants by relegating them to the informal economy.<sup>27</sup> Immigration laws are not the only laws that produce unauthorized immigrants’ marginality. Federal, state, and local laws that target immigrants’ economic and physical mobility also remake immigrants into “criminal” subjects.<sup>28</sup> Sociologists Cecilia Menjivar and Leisy Abrego use the concept of “legal violence” to capture the “normalized but cumulatively injurious effects” of these laws on immigrants’ daily lives.<sup>29</sup> In her seminal article, Juliet Stumpf describes the convergence of immigration and criminal law as “cimmigration,” arguing that this new mode of social control is designed to exclude and punish noncitizens, casting them as outsiders in the nation’s imagined community.<sup>30</sup>

The law shapes legal status categories and attaches consequences to them, creating boundaries around citizenship and membership. These boundaries are highly racialized, since “being considered an unproblematic part of the imagined nation” is highly dependent on one’s country of origin.<sup>31</sup> Thus some social scientists describe immigration enforcement as a “racial project,” a set of state practices and structures that create ideas about racial difference.<sup>32</sup> Work in this tradition emphasizes the mutual constitution of race and the law; that is, ideas about race shape anti-immigrant legislation, and laws produce racial inequality, foster racial stereotypes, and imbue legal categories with racial meanings.<sup>33</sup> For example, Douglas Massey and Karen Pren argue that the demonization of Latino immigrants expanded the immigration enforcement regime and created a new Latino

underclass.<sup>34</sup> Tanya Golash-Boza and Pierrette Hondagneu-Sotelo call the modern immigration enforcement regime a gendered racial removal program, arguing that changes in federal immigration law and administrative enforcement priorities target working-class Latino men.<sup>35</sup> The sociologist Jamie Longazel describes the criminalization of Latinos in the United States as a “subordinating myth,” a fiction that is used to racialize immigrants and control them through expanded enforcement efforts.<sup>36</sup> As a result, the terms *Latino*, *immigrant*, and *undocumented immigrant* are often treated as interchangeable social categories.<sup>37</sup> In the popular imaginary, to be *Mexican* or *Latino* is to be “illegal.”<sup>38</sup>

### IMMIGRATION ENFORCEMENT FROM THE BOTTOM

Restrictive immigration laws cannot regulate immigration without the bureaucratic capacity to enforce and administer them. In this study, I turn my attention to what the geographer Mathew Coleman calls the “local migration state” to examine how immigration control unfolds on the ground.<sup>39</sup> Other scholars have described this approach as studying immigration enforcement “from the bottom” or “from below.”<sup>40</sup> Indeed, research that goes on “inside” the state suggests that laws are implemented through the work of bureaucrats across numerous institutions, operating with competing bureaucratic mandates and levels of autonomy.<sup>41</sup> These studies make the state legible by illustrating how frontline workers regulate non-citizens, often while facing bureaucratic and public constraints.<sup>42</sup> This approach emphasizes that immigration control does not unfold identically throughout a nation-state. While there is only one set of federal immigration laws in the United States, varied state and local responses to immigrant communities ensure that, in practice, immigration enforcement varies across localities.<sup>43</sup> The multilayered structure of American governance creates openings for local actors to transform how immigration controls operates on the ground, creating a “multijurisdictional patchwork of enforcement policies and practices.”<sup>44</sup>

Examining immigration enforcement as a set of on-the-ground practices contributes to a broader tradition in socio-legal research that considers both the law “on the books” and the law “in action.”<sup>45</sup> This approach lays bare the dilemmas that emerge as a result of unauthorized immigrants’ formal exclusion under the law and their partial incorporation as members of the polity. For example, in a study of deportation officers in the United States and Germany, Antje Ellermann found significant within-country variation in the capacity of bureaucrats to deport removable immigrants.<sup>46</sup> All deportation officers tried to fulfill their legislative mandates, but officers could do so effectively only when they were insulated from political pressure for nonimplementation. This political pressure emerged when officers sought to deport “deserving” immigrants who were considered legitimate and long-standing members of their communities.<sup>47</sup>

Indeed, localities can also undermine the federal government's immigration enforcement efforts by declaring themselves "sanctuary cities"—cities and towns that refuse to provide information, personnel, or facilities to detain unauthorized immigrants on the federal government's behalf.<sup>48</sup> On the opposite end of the spectrum, some localities have chosen to amplify the federal government's enforcement efforts by allowing local law enforcement agencies to serve as "force multipliers" that help bring suspected unauthorized immigrants to the attention of the immigration bureaucracy. In this emerging landscape, local law enforcement agencies play a key role in immigration control because their policies and practices mediate immigration enforcement outcomes.<sup>49</sup> For example, police enforcement of minor crimes related to housing, public space, and antisolicitation ordinances has the indirect but intended effects of immigration policing "by proxy."<sup>50</sup> A number of studies reveal that police vehicle stops and checkpoints play a crucial role in depositing unauthorized immigrants into the deportation system.<sup>51</sup>

The strategic move toward interior immigration enforcement has generated new institutions, actors, and technologies dedicated to policing immigrants. Because of ICE's expansive reach into jails, arrests that once might have resulted in a short sentence and release from custody now lead to deportation. As immigrants' first point of contact with the criminal justice system, local police figure prominently in unauthorized immigrants' potential exclusion.

This book extends the literature on immigration control by examining the role of state law and local law enforcement agencies in producing immigrant criminality. It contributes to the project of "bringing the state back in" to immigration research by focusing on local law enforcement agencies that punish "illegality" through their daily practices. As I show in subsequent chapters, many of these practices are deployed, not in the name of immigration enforcement, but in the name of a color-blind "law and order" rhetoric that local police take for granted. Indeed, common police activities like traffic stops, citations, and arrests discipline Latino immigrants and mark them as criminal subjects. This, in turn, serves as justification for an immigration enforcement regime that focuses on "criminal aliens."

#### BRINGING IMMIGRATION INTO THE STUDY OF POLICING

Local law enforcement agencies become involved in immigration control in a number of ways: through formal participation in federal immigration enforcement programs, through state and local laws that require local agencies to police immigration, and through the day-to-day enforcement of criminal violations that are often associated with immigrant "illegality."

Scholars interested in understanding the relationship between Latino immigrants and the police note that there is a paucity of research on this subject.<sup>52</sup>



Qualitative studies of Latino immigrants' experiences with police describe many barriers to effective relationships. For example, in their examination of Latino immigrants' perceptions of the police in Phoenix, Arizona, sociologists Cecilia Menjivar and Cynthia Bejarano find that many immigrants avoid contact with the criminal justice system.<sup>53</sup> Immigrants are hesitant to interact with law enforcement because of experiences with corrupt police in their countries of origin and reports from friends and family about negative experiences with police and immigration officials in the United States. Respondents also describe language as an obstacle, expressing doubt about their ability to communicate with officers.

More recent studies argue that the intensification of interior immigration enforcement and the devolution of immigration enforcement authority to state and local agencies have only increased Latino immigrants' fear and distrust of law enforcement.<sup>54</sup> Although most local police agencies do not technically enforce federal immigration laws, many engage in what scholar Monica Varsanyi calls "immigration policing by proxy" or immigration policing "through the backdoor."<sup>55</sup> That is, agencies target and arrest undocumented immigrants for violating state and local laws. For example, in Los Angeles, police and health department inspectors surveil, cite, and arrest undocumented fruit vendors because informal vending is illegal.<sup>56</sup> Similarly, immigrant day laborers risk arrest because of a variety of laws that outlaw their presence in public spaces, such as ordinances against solicitation, loitering, or trespass.<sup>57</sup> Unauthorized immigrants' ineligibility for state-issued identification cards and driver's licenses also puts them at risk of arrest. This restriction turns the otherwise mundane act of driving into a criminal and arrestable offense and has increased allegations of racial profiling.<sup>58</sup>

Latinos' frustration with their encounters with law enforcement, however, presents only one side of the story. Policing Latino immigrants also poses a challenge for police departments. The most extensive research on police behavior toward immigrants relies on mail-in surveys of police administrators, including a national survey of police chiefs and sheriffs and a survey of police chiefs in California.<sup>59</sup> This research indicates that most police departments lack instructions from city government officials regarding how their agencies should interact with immigrant communities and that most agencies have no official immigration policy.<sup>60</sup> In a study of police in California suburbs and towns with relatively new immigrant populations, Paul G. Lewis and S. Karthick Ramakrishnan found that police organizations adapted to the presence of immigrant populations by developing new practices and procedures.<sup>61</sup> In fact, they found that police were more responsive than other branches of city government in providing language support for local immigrant communities.<sup>62</sup> A different national-level survey asked police chiefs and sheriffs to report how patrol officers might respond to suspected unauthorized immigrants during traffic stops or after arrests for minor or serious violations.

Researchers found greater variation in police administrator's expectations of officer behavior in agencies with no official immigration policies.<sup>63</sup>

While these studies are tremendously important for understanding the range of official department policies with respect to immigrants, and how police might respond to particular situations, they also demonstrate the importance of grounded ethnographic observations of police officers. Surveys of police administrators reveal what police leaders *think* officers will do, but they cannot fully capture the complexities of on-the-ground police work. Moreover, since most police and immigrant interactions occur in the absence of an official department policy, street-level officers make immigration-related decisions on an ad hoc basis.<sup>64</sup> In a qualitative study of patrol officers in three cities in the Midwest, for example, officers described immigration fears, language barriers, and Latinos' general distrust of the police as barriers to achieving better relationships with Latino immigrants.<sup>65</sup> Officers also described their own traffic enforcement activities as a barrier to community relations, since many of Latinos' interactions with the police were involuntary.

Regardless of how sensitive police bureaucracies are to serving the needs of their diverse constituents, the police bureaucracy's regulatory mission is often at odds with its orientation toward public service.<sup>66</sup> The integration of the criminal justice system with the immigration enforcement system has additionally increased the stakes of contact with criminal justice institutions for immigrant residents. Arrests are especially risky for those who are deportable because state and local jails are the primary sites through which immigration authorities identify, detain, and remove noncitizens from the United States.<sup>67</sup> Consequently, local police figure prominently in unauthorized immigrants' potential exclusion. They are on the front lines of immigration enforcement, whether they want to be or not.

#### METHODS AND CASE SELECTION

The fieldwork for this study took place in Nashville, Tennessee. Nashville is located in the southeastern United States, in the north central part of Tennessee. In the late 1990s, Middle Tennessee boomed with construction and service jobs, and Latino workers eagerly filled these positions.<sup>68</sup> Latinos flocked to the region's employment opportunities and its reasonable cost of living. Tennessee's slower pace, less densely populated neighborhoods, and southern landscapes appealed to Latino immigrants arriving from the more traditional gateways like Los Angeles and Houston. Nashville-Davidson County received more Latino immigrants than any other city or county in the state.<sup>69</sup> While the population of Nashville's Latino residents was negligible in 1990, they made up almost 5 percent of Nashville's population in 2000 and almost 10 percent in 2010.<sup>70</sup>

Most Latino immigrants continue to reside in traditional immigrant gateway cities such as New York, Los Angeles, and Miami, but in the 1990s Latino residents began moving to urban, suburban, and rural areas across the US South and Midwest.<sup>71</sup> The 1990s saw an explosion of Latino immigrants in “new destinations,” ranging from sprawling metropolitan areas like Atlanta, to industrial towns like Dalton, Georgia, to small rural areas like Tarboro, North Carolina. Newcomers who arrived in these cities and towns were different from their counterparts in traditional gateway cities; they were, on average, more recently arrived, and a higher proportion were unauthorized compared to those in more traditional destinations.<sup>72</sup>

As has been documented in a variety of studies of immigrant integration in the US South, the local context of reception that Latino immigrants experienced in “new destinations” was initially positive, as immigrants provided labor to important employment sectors.<sup>73</sup> However, as temporary immigrant workers gave way to immigrant families and communities, Latino newcomers changed the fabric of southern neighborhoods, workplaces, and schools.<sup>74</sup> As they settled within cities and towns previously untouched by immigration, immigration enforcement and border security emerged as central political concerns in many southern cities and towns.<sup>75</sup> In the absence of federal immigration reform, some local governments entered the policy vacuum by adopting their own enforcement measures aimed at punishing undocumented immigrant residents by restricting their ability to drive, work, receive health care, and rent apartments.<sup>76</sup>

*Protect, Serve, and Deport* examines local immigration enforcement in Nashville, with a particular focus on local-level policies and practices. I chose to do this work in Nashville (Davidson County) because southern cities have been important sites for federal initiatives that devolve immigration enforcement to local law enforcement agencies.<sup>77</sup> The DCSO, for example, was an early adopter of the 287(g) program, enabling designated county employees to investigate arrestees for immigration status violations and process them for removal. The 287(g) operated between 2007 and 2012 and was then phased out and replaced with a federal immigration enforcement initiative called Secure Communities.

The bulk of the data for this book comes from almost two years of fieldwork in Nashville, conducted between January of 2009 and August of 2010, and during short follow-up trips in 2011, 2012, and 2013. I conducted ethnographic observations at Latino community events sponsored or attended by law enforcement. These included events hosted by the Mexican consulate, community health fairs, community policing fairs, cultural festivals, and community policing meetings.

I also conducted over 120 hours of police ride-alongs with officers in Nashville’s South Precinct, where the majority of Latino residents in Nashville have settled. Ride-alongs began in the precinct roll call room, where officers received instructions about how to direct their enforcement priorities before they went on patrol.

Ride-alongs ended when officers returned their cars at the end of the shift. I rode with one officer at a time but interacted with numerous officers during each shift as they participated in roll call, answered calls for service, and took meal breaks. I used these opportunities to conduct field interviews with officers about their experiences. Because of the nature of police-civilian encounters, I could not conduct field interviews with city residents during ride-alongs. As a result, like officers, I relied on markers such as name, phenotype, language, accent, and identification cards to infer whether residents were Latino. While this does not accurately reflect the diversity of Latinos in Nashville, it does reflect local understanding of Latinos as a homogeneous group. After each ride-along, which spanned between six and eleven hours, I recorded my observations as field notes.

While in Nashville, I conducted forty-seven in-depth interviews with law enforcement personnel, city officials, employees in immigrant advocacy organizations, and Latino immigrants in Nashville. Interviews with police administrators addressed the department's policing strategies, bureaucratic priorities, and policies and practices with respect to driver's license violations. Interviews with sheriff's deputies addressed 287(g) processing and asked deputies to reflect on their experiences of participating in the program. Interviews with immigrants and immigrant rights' advocates provided insights about the community's perceptions of law enforcement and immigration enforcement in Nashville. Eight of the people I interviewed were also members of the 287(g) Sheriff's Advisory Council. The council met quarterly and consisted of law enforcement officials from the police and sheriff's office, city officials and attorneys, and representatives from immigrant advocacy organizations. I asked each respondent to discuss his or her history on the advisory council, experiences at meetings, and details about the 287(g) program's implementation. All interviews, which ranged in length between forty-five minutes and two and a half hours, were audio-recorded and subsequently transcribed.

My ethnographic field notes and interview transcripts yielded hundreds of pages of data, which I manually coded for analytic themes. Drawing from techniques in the grounded theory tradition, I conducted open coding, grouped data according to analytic themes, and wrote and rewrote memos to sort and clarify the identified conceptual categories.<sup>78</sup> I supplemented qualitative data with public records, including state and county documents detailing policy changes, as well as newspaper articles about policing, the 287(g) program, and unauthorized immigration in Nashville. These additional data sources allowed me to triangulate data from my ethnographic observations and interviews and provided additional local context.

## BOOK OVERVIEW

As "illegal" immigration has become an enduring fact of contemporary American society, public officials and the media have constructed it as a national political

crisis that can be solved only through tougher enforcement and more restrictive immigration laws.<sup>79</sup> To that end, the United States has devoted billions of dollars to border enforcement by drastically increasing the number of agents stationed at the border and by adopting new technology and equipment to stop unauthorized entries.<sup>80</sup> Although border control continues to be a core immigration enforcement strategy, it has been joined with a growing emphasis on interior immigration enforcement. Today, the most salient developments in interior immigration enforcement are the devolution of immigration enforcement authority to state and local law enforcement agencies, attempts by state and local governments to enact immigration restrictions, and the integration of the deportation system with the day-to-day operations of the criminal justice system.

*Protect, Serve, and Deport* lies at the intersection of these developments, examining immigration enforcement in Nashville. This book traces the adoption and implementation of the 287(g) program in Nashville, Tennessee. In 2007, the DCSO sought and received the authority to screen foreign-born arrestees who were booked into the local jail for immigration status. The adoption of immigration screenings in the Davidson County Jail raised the stakes of local policing for Latino immigrant communities, complicating relations between Latino residents and the city's two principal law enforcement agencies: the Metropolitan Nashville Police Department and the DCSO. The goal of this book is to take readers inside local immigration control to reveal the logics by which governments and local law enforcement agencies punish Latino immigrants. It pushes readers beyond simplistic accounts of racist police officers and victimized immigrants by offering a rich description of how local officers interact with, understand, and police Latino immigrants and, in turn, how Latino immigrants understand and interpret policing. It also focuses on the intersections of formal law and institutional policies, clarifying how local law enforcement agents intensify the effects of immigration law through their bureaucratic practices.

The book proceeds as follows. Chapter 1 provides an overview of the history of immigration law in the United States, documenting the evolving role of the federal government, states, and localities in regulating the arrival and expulsion of foreigners. Chapter 2 focuses on the particularities of immigration politics in Nashville and Tennessee, documenting how Latino immigrants emerged as a political problem that local and state policy makers scrambled to address through restrictive laws and the 287(g) program. Chapters 3 and 4 examine the Metropolitan Nashville Police Department and its policing practices vis-à-vis Latino immigrants. Chapter 3 argues that the department's emphasis on proactive policing subjects Latino residents to the risk of disproportionate punishment, given their ineligibility for state-issued driver's licenses and the department's ambiguous identification policy. Chapter 4 addresses the department's attempts at Latino immigrant outreach, documenting the remarkable gulf between what Latino residents believe law enforcement agencies in Nashville are doing and how agencies characterize

their activities. Chapter 5 moves from the streets of Southeast Nashville to the corridors of the Davidson County Jail to examine the jail's management of immigrant subjects. The chapter highlights the discursive strategies that deputized immigration officers deploy as they simultaneously seek to take credit for deporting "criminals" and distance themselves from the distasteful realities of immigration processing. By categorizing, sorting, and processing removable immigrants for deportation, deputized officers bring the power and techniques of the state inside the jail, expanding the federal government's deportation infrastructure and enhancing its capacity to expel unwanted members of the polity. Chapter 6 chronicles the effects and formal termination of Davidson County's 287(g) program, highlighting its role in punishing Latino residents. The Conclusion addresses continuing debates about the role of local law enforcement agencies in immigration enforcement with suggestions for reform.

Although the 287(g) program has been phased out in Davidson County, there are two reasons why these findings still matter. First, the federal government continues to use contact with the criminal justice system to identify immigrants for deportation. Second, all indications suggest that the federal government plans to revive the 287(g) program and expand its immigration enforcement efforts in criminal justice institutions like jails and even courthouses. Thus it is crucial to underscore how state laws and on-the-ground policing practices criminalize Latino immigrants and channel them to local jails where they feed the deportation machine.