

UNDER THE RADAR AND UNDER ARREST: IMPLICATIONS OF ENFORCEMENT IMMIGRATION POLICIES IN TENNESSEE

LAURA ZAPATA, DARTMOUTH COLLEGE

RESEARCH GUIDED BY:

AJAY CHAUDRY, DANIEL KUEHN, JUAN PEDROZA

INTRODUCTION AND PURPOSE OF STUDY

Since the country's establishment, the United States has experienced continuous waves of immigration. This study focuses on the policies at the local level that responded to the latest wave of immigrants from Latin America and the establishment of Latino communities in Tennessee, where population trends point to "pre-emerging" gateways in Memphis and Nashville. Through a study of two policies—the 287 (g) Program and the Criminal Alien Program—in two Tennessee counties, Davidson and Shelby counties, respectively—this study explores their consequences in the criminal justice system. The aim is to disentangle effects of these policies, which continue to be adopted across the United States, on Latino immigrant and non-immigrant communities.

HISTORY AND POLICY CONTEXT: A BROAD VIEW

In the 1990s the United States experienced a dramatic influx of immigrants arriving and establishing communities across the country, including new destinations. The unique characteristics of this wave of immigration were not only demographic, but also geographic. While the initial wave was mostly composed of relatively young males from Latin America who were impermanent residents of any one state or region, the latter and major part of the immigration wave was different. As time progressed, although most immigrants were still from Latin America, this second, more permanent wave was composed of men, women, and children of a wide range of ages, including families who established themselves throughout the United States. Regions of the United States with little to no historical presence of migrants until unprecedented settlement patterns beginning in the 1990s became "pre-emerging new gateways" for the new migrant families.¹ Tennessee's two

¹ Singer, Audrey. *Twenty-First Century Gateways: Immigrant Incorporation in Suburban America*. 2008. Brookings Institution Press. Page 10. Washington DC.

largest urban centers are poised to join the list of pre-emerging gateways in the south, alongside cities in North and South Carolina.

The United States South, a region historically characterized by predominantly black and white communities, experienced large increases in the Latino immigrant population. For example, from 1990-2000 the increase in the Latino population was 337% in Arkansas, 278% in Tennessee, and 148% Mississippi². While immigrants from Latin America continue to move to these regions today, the 1990s wave of immigrants established communities that have continued to grow after initial settlement. As a result, both foreign born and native born residents make up the region's Latino population in these areas. In 2009, there were 227,897 Latinos in Tennessee, which made up almost 5% of the total population.

More than a decade after these demographic shifts occurred in the United States South, policies that targeted these newly arrived migrants also began to take form and spread at the state and local levels. Although the federal government has a Constitutional mandate to create and regulate immigration policy, the changing realities on the ground led state and local governments to react by embracing a variety of policies beginning in the late 1990s onward. Local governments face challenges when creating policies intended to react to new and growing communities. The Latino communities established in gateway states are subject not only to perceived barriers (e.g. linguistic or

cultural isolation), but also to questions about their immigration status. As a result, when creating policy, local governments are faced with the added pressure of reacting to a new and growing community with a wide range of cultures and experiences, while at the same time being mindful of the equal protection clause.

Local governments do not have broad authority to deal with immigration matters as the federal government does, but must deal with immigrant realities in their changing communities³. While addressing safety and dealing with criminal activities in their jurisdictions, local governments must also address those criminals who are not authorized to be in the United States. Yet local governments must also tailor policy in such a way that it remains Constitutional and does not negatively affect the rest of the newly established communities. These challenges have resulted in a "patchwork" of policies adopted by the many local governments facing similar pressures throughout the United States.

THE CASE OF TENNESSEE

In 2001, the Tennessee state legislature introduced and passed a law that would allow all residents of the state—with or without social security documentation—to be eligible to acquire a driver's license⁴. This state law was in effect from January 1, 2001 until July 1, 2004. In May 2004, with an increasingly polarized national debate around immigration, Tennessee

² Kochhar, Rakesh, Robert Suro, and Sonya Tafoya. The New Latino South: The Context and Consequences of Rapid Population Growth. Rep.No. Pew Hispanic Center. Washington, D.C, 2005.

³ Rodriguez, Cristina, The Significance of the Local in Immigration Regulation. Michigan Law Review, February 2008; NYU Law School, Public Law Research Paper No. 08-22. Available at SSRN: <http://ssrn.com/abstract=1006091>.

⁴ Dewan, Shaila. "Immigrants in Tennessee Issued Certificates to Drive." New York Times 9 May 2005. <http://www.nytimes.com/2005/05/09/national/09license.html?pagewanted=2&_r=1>.

implemented the Certificate for Driving (CFD)⁵, in which requirements of U.S. residency and legal immigration status were established for the issuance of a state driver's license. The law provided for a separate "Driving Certificate" for those with proof of authorized presence in the United States for longer than a year before the day of receiving the driving certificate, and no driver's permit for those undocumented or who did not reach the one year residency minimum⁶. The Driving Certificate could not be used for official identification purposes. After 2004—without driving privileges—the risk of everyday activities for unauthorized immigrants became more risky. Therefore, unauthorized immigrants might avoid driving, opt for carpools or otherwise stay under the radar to avoid being stopped by local law enforcement. Again in October 2007, the CFD was rescinded and yet another law, the Temporary Driver License (TDL) law, was passed. Unlike its predecessor, this License is valid for identification as well as driving purposes. United States Citizens and Permanent Residents are eligible for a permanent license. Yet, those with proof of legal residency in the United States and in the state of Tennessee are eligible for the TDL for the duration of their authorized residency in the United States.

While the question of the proper identification of immigrant communities was debated through driving license laws at the state level, local governments and

agencies also debated and implemented a number of policies reacting to the immigrant presence. In this study, the two largest counties in Tennessee are discussed. These two counties, Davidson—where Nashville, the capital of the state, is located—and Shelby—where Memphis, one of the largest cities in the Southeastern United States, is located—were chosen both because of their prominence, their large immigrant populations, and because of the policies each implemented in 2007.

OVERVIEW AND FRAMEWORK OF STUDY

Davidson and Shelby County implemented similar enforcement policies in the form of agreements with the Department of Homeland Security (DHS) to empower local law enforcement to assess the immigrant status of arrestees, including the power to investigate administrative (i.e., non-criminal) immigration violations. These policies, both implemented in 2007, screen individuals who cannot prove that they are authorized to be in the country and are intended to focus immigration enforcement on the worst offenders at the local level with the stated goal of increasing public safety.

In April 2007 the Davidson county Sheriff's Department began to implement the Jail Enforcement model of the 287(g) program. This program was established under a joint Memorandum of Agreement (MOA) between DHS's Immigration and Customs Enforcement (ICE) agency and the Davidson County Sheriff's Department. The agreement between the federal and local law enforcement agency allows for the Sheriff's Department to receive delegated authority for immigration enforcement within its jurisdiction. In practice, the 287(g) model in

⁵ Lubell, David. The Tennessee Driving Certificate-- Background, Pitfalls and Lessons Learned. Issue brief. Tennessee Immigrant and Refugee Rights Coalition, 05 June 2005. Web. <http://www.nilc.org/immspbs/dls/TN_cert_lessons_learned_0605.pdf>.

⁶ "Tennessee Certificate for Driving (Class TD)." Home - TN.gov. Web. 27 Aug. 2010. <<http://www.state.tn.us/safety/driverlicense/classstd.htm>>.

Davidson County allows for ICE trained local law enforcement officers to verify the immigration status of individuals once arrested.

A Davidson County arrestee must complete a profile sheet and, among various questions, state their country of origin. The person arrested is then turned over to the Davidson County Sheriff's Department, which has sole jurisdiction over the county's jails. Once under the Sheriff's purview, the arrestee's country of origin is checked. If the arrestee identified a country besides the United States as his birthplace, the paper is then stamped and a screening process begins. An ICE trained officer questions the foreign born arrestee to determine the immigration status of the person in question. If the officer determines that the arrestee is not authorized to be in the United States, then the arrestee is referred to ICE to begin removal proceedings. After the unauthorized alien serves his due time in jail, he is then picked up by ICE officers and transported to an ICE detention facility in another region of the country⁷.

Around the same time the Davidson County Sheriff's Department reviewed and implemented its 287(g) program, the Shelby County Sheriff's Department was also assessing the same agreement. However, in Shelby County the Sheriff's Department decided that this program was not appropriate for the county's needs. Nevertheless, while Shelby County did not adopt the 287(g) program, the county did adopt the Criminal Alien Program (CAP). The Federal government refunds local law

⁷ Armenta, Amada. 2010. "Policing Immigrants: The Local Dilemmas of Immigration Enforcement." Cumbre 2010: Human Mobility, the Promise of Development and Political Engagement. University of Nebraska-Omaha (Omaha, NE). May 15, 2010. And conversations with author.

enforcement agencies through CAP for a portion of the costs incurred while detaining or jailing a criminal alien. This program predates the 287(g) programs and has evolved to an agreement between the Department of Homeland Security and local law enforcement agencies.⁸ The details of how this program was implemented in Shelby County are not clear both because of lack of studies on the topic.

The program is intended to streamline the process of removal from the United States and increase public safety.⁹ However, suspicions exist regarding whether localities properly administer the program and whether factors other than public safety motivate its implementation. The 287(g) program has drawn sustained criticism from the Office of Inspector General and the Government Accountability Office. The program, according to these external auditors, lacks effective performance measures that reflect the goal stated by ICE to focus on serious criminals.¹⁰ Previous work has examined how state-level (e.g., electoral politics, spending on public

⁸ "ImmigrationProf Blog: The Criminal Alien Program ICE's Biggest and Least Understood Enforcement Program." Law Professor Blogs Network. Web. 27 Aug. 2010.

<<http://lawprofessors.typepad.com/immigration/2010/02/the-criminal-alien-program-ices-biggest-and-least-understood-enforcement-program.html>>.

⁹ Rodriguez, Cristina, Muzzafar Chishti, Randy Capps, and Laura St. Johns. "A Program in Flux: New Priorities and Implementation Challenges for 287(g)." Migration Policy Institute Mar. 2010. Web.

<<http://www.migrationpolicy.org/pubs/287g-March2010.pdf>>.

¹⁰ Office of Inspector General, comp. *The Performance of 287(g) Agreements*. Rep. no. OIG-10-63. Washington, D.C: Department of Homeland Security, March 2010.

Office of Inspector General, comp. *The Performance of 287(g) Agreements Report Update*. Rep. no. OIG-10-124.

Washington, D.C: Department of Homeland Security, September 2010.

Controls Over Program Authorizing State and Local Enforcement of Federal Immigration Laws Should Be Strengthened, Committee on Homeland Security, House of Representatives Cong. (March 2009) (testimony of Richard M. Stana, Director of Homeland Security and Justice)

assistance, the size of the Latino population, and whether localities previously signed 287(g) agreements) and county-level factors (e.g., Latino population growth and Republican majorities) are associated with—or can precipitate—the implementation of 287(g) programs.¹¹ Davidson County, Tennessee drew criticism for misuse of the program and lack of federal oversight.¹²

In this study, I explore whether these two policies have changed arrest rates for Latinos. The underlying assumption is that arrest behavior should not change since the programs are centered on jails. The hypothesis—then—is that a change in arrest behavior suggests that there may be unintended consequences of letting localities take the lead on immigration enforcement. In order to hone in on this question, this study focuses on the encounters of the Latino communities in both Davidson and Shelby County with the criminal justice system, comparing them to the experiences of the non-Latino population. The hypothesis is that the Latino arrest rate in both counties will increase as a result of these policies. Presumably, there is no reason for programs that check the identification status of arrestees to increase arrest rates for Latinos, unless local law enforcement is using these policies as a

pretext to more aggressively arrest either immigrants or people perceived to be immigrants.

METHODOLOGY

Since this study explores the effect of Tennessee enforcement policies on Latino arrest rates, the analysis relies on publicly-available, incident-level arrest data in Tennessee. The unit of analysis in this is the county because both the 287(g) and CAP programs are restricted in scope to the county limits and county law enforcement agencies. In order to explore the effects of the programs, I create arrest rates for Latinos and Non-Latinos before and after the implementation of these policies. Since both programs were put in place in the middle of 2007, this study looks before implementation, with 2006 arrest rates, and after the policy with 2008 arrest rates. Although data are available for arrests on specific dates, 2007 was not used in determining the arrest rates before and after the implementation of the program because of other factors that could affect the arrest rate, such as seasonality in criminal activity.

In order to create an annual arrest rate for the populations of interest, this study uses comparable data for two counties: population estimates from the American Communities Survey (ACS) and arrest data from the National Incident-Based Report Data System (NIBRS). The NIBRS is a report by individual law enforcement agencies across the country to the FBI. This report provides the two categories for offenses used in this study. The Type A, or Serious Offense, category includes major

¹¹ Creek, Heather, and Stephen Yoder. "With a Little Help from Our Feds: Understanding State/Federal Cooperation on Immigration Enforcement." Social Science Research Network, 25 Aug. 2010. Web. 29 Oct. 2010. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643159>.

Wong, Tom. "287(g) and the Politics of Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities." Social Science Research Network, 27 May 2010. Web. 31 Aug. 2010. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1605259>.

¹² Lacayo, Elena. *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community*. Publication no. 21. Washington, D.C.: National Council of La Raza, 2010. Print. Brief 2010.

crimes such as rape, murder, and theft¹³. The Type B or Non-Serious Offense category includes non-violent crimes such as traffic offenses, bad checks, and DUI. The emphasis in this study is on Type B offenses, because these offenses do not entail serious crimes. Law enforcement agencies are also assumed to exercise more discretion in making Type B arrests than in Type A arrests, rendering Type B arrest rates more responsive to policy changes.

The adult arrest rate for non-serious crimes for both Latino and non-Latino populations in both counties were calculated by dividing the number of arrests by the ACS population estimate. The rate only included adults (18 years old or older) to prevent for any inflation of the denominator of the arrest rate due to the fast-growing Latino population. The adult arrest rate also allowed for a more focused study of the population subject to the criminal justice system.

In the NIBRS data system under the category “Ethnicity” there were three options: Hispanic in origin, Not Hispanic in origin, and Unknown. The main limitation of the incident-level data stems from the number of arrests where ethnicity remains “unknown.” Ethnicity in a large portion of the arrests—especially in Davidson County in 2006—are unknown but included in the arrest rate calculation. For comparison purposes, “unknown” arrests are assigned to either the Latino or non-Latino sample. In this study a lower bound and an upper bound for both Latino and Non-Latino arrest rates were calculated. The lower bound calculation for the Latino arrest rate did not

¹³ For a full list of offense included in Type A and B categories see <http://www.icpsr.umich.edu/NACJD/NIBRS/>

add the arrests with unknown ethnicity to the Latino arrest rate, but did add them to the non-Latino arrest rate. Likewise, the upper bound of the Latino arrest rate added unknown ethnicity arrests to the Latino arrest rate, excluding them from the non-Latino arrest rate. The actual division of the arrests with unknown ethnicity would fall between these two extremes. Below is the formula for the arrest rates:

LATINO ARREST RATE—LOWER-BOUND:

$$NLAR = (NLA + UEA) \div (TAP - LAP)$$

$$LAR = LA \div LAP$$

LATINO ARREST RATE—UPPER-BOUND:

$$NLAR = NLA \div (TAP - LAP)$$

$$LAR = (LA + UEA) \div LAP$$

Where NLAR is the non-Latino arrest rate, NLA and UEA are the number of non-Latino and unknown ethnicity arrests, respectively and where TAP is the total arrested population and LAP is the Latino arrested Population. LAR is the Latino arrest rate.

Once the arrest rate ranges are calculated, the effect of the policy on these rates must be determined, using a difference in differences (DID) test¹⁴. The assumption is that this policy will significantly impact Latinos because of their size and visibility as newcomers. Non-Latinos, then, act as a sort of control group that is not heavily affected

¹⁴ Ashenfelter, Orley, P. R. G. Layard, and David E. Card. "27." Handbook of Labor Economics. Vol. 3. Amsterdam: North-Holland, 1986. Print.

by either 287g or the Criminal Aliens Program. By subtracting the 2006 arrest rates for both Latino and non-Latino categories from the arrest rates for each in 2008, and then subtracting the non-Latino difference over time from the Latino difference for the same period of time, this test estimates the impact of each program on the Latino arrest rate. The non-Latino change over time is subtracted from the Latino change over time in order to isolate the time-variant factors affecting the arrest rate that are unique to the Latino population, which the study attributes to the programs implemented around that same period. Thus, this test controls for other characteristics that remain constant within each population group, by differencing out characteristics that are constant over time. Below is the formula for the difference in differences test:

$$DID = (LAR^{08} - LAR^{06}) - (NLAR^{08} - NLAR^{06})$$

The test provides an estimate of the percentage point change induced by the policy. In other words, without these policies the Latino arrest rate is estimated to have been that much higher or lower as a result of the policy. There are two key assumptions that accompany the hypothesis with the evaluation of the effects of the policies being explored. One is that the policy would affect Latinos more because the plurality of the foreign born population in both counties is Latino, and immigrants comprise a higher share of the Latino population than the non-Latino population. The visibility of this new and growing community and the ambivalence about immigration status allow for the community to be perceived as more homogeneous; the perceived distinction between foreign born and native Latinos is minimal. The second

assumption inherent in comparing Latino arrest rates against non-Latino arrest rates is that immigrants from other parts of the world—who may be affected by these policies—do not comprise a large share of the non-Latino population—thereby, not significantly influencing the arrest rate of non-Latinos.

DESCRIPTIVE FINDINGS

Arrest rates give a snapshot of the arrest activity trends in each county. The arrest rate for non-serious crimes in Davidson County was higher for Latinos in 2006—with a 3.58% to 8.53% range—than for non-Latinos with a 2.55% to 2.87% arrest rate range¹⁵. In 2008, the non-serious offense arrest rate for both Latinos and non-Latinos increased in Davidson County. However, the Latino arrest rate range—3.99% to 4.00%—remained higher than the Non-Latino arrest rate of 3.89%. The bigger arrest rate increase, however, was among non-Latinos and the Latino & non-Latino difference is likely not significant by 2008.

In 2006, Shelby County’s Latino non-serious offense arrest rate was also higher than the non-Latino arrest rate with a 3.02% to 3.41% range compared to the 1.94% to 1.96% non-Latino arrest rate range. Although the arrest rates also increased in 2008 for both of these population groupings

¹⁵ The wide range of the non-serious offense arrest rate in Davidson county in 2006 can be explained by the large number of unknown ethnicity arrests (1, 333 arrests), which more than doubled the identified Latino arrests number of 965. In 2008, Davidson County’s reported data became much more accurate. In 2008 there were only 2 unidentified ethnicity arrests, which allowed for the arrest rate range to be bounded much more tightly and accurately around a certain percentage.

in Shelby County, the Latino non-serious arrest rate was higher with a 3.78% to 4.03% range compared to a non-Latino arrest rate of 2.42%.

Most importantly, however, even though this study focuses on the non-serious offenses to test for the hypothesis, when the serious offense arrest rates are calculated and compared for these two population groupings, the Latino arrest rate is consistently lower than the non-Latino arrest rate in both 2006 and 2008.

The tables below display the arrest rate range for non-serious crimes discussed above.

DIFFERENCE IN DIFFERENCES (DID) TEST

As discussed above, the difference in differences test estimates the percentage point change in the Latino arrest rate induced by the policy. This test sheds light on the impact of the 287(g) program in Davidson County and the Criminal Alien Program in Shelby County by teasing out the change in the arrest rates before and after policy implementation attributable to each

program.

The formula for the DID test is presented below:

DAVIDSON COUNTY

$$\begin{aligned} & \text{**Unknown Ethnicity is included in the Non-Latino population} \\ & (\text{Latino arrest rate08- Latino arrest rate06}) - \\ & (\text{Non-Latino arrest rate08**}- \text{Non-Latino arrest rate06**}) = \\ & (3.99-3.58) - (3.89-2.87) = 0.41- 0.02= - \\ & \mathbf{0.61} \end{aligned}$$

When the unknown ethnicity arrests are included with the non-Latino arrests, the arrest rate for non-serious offenses in Davidson County for Latinos is estimated to have decreased by 0.61 percentage points as a result of the 287(g) Program. If the unknown ethnicity arrests are included with the non-Latino arrests, the arrest rate for non-serious offenses in Shelby County for Latinos would have increased 0.29 percentage points as a result of the Criminal Aliens Program.

NON-SERIOUS ARREST RATE

Davidson County

	Latino	Non-Latino
2006	3.58%	2.55%
	8.53%	2.87%
2008	3.99%	3.89%
	4.00%	3.89%

Shelby County

	Latino	Non-Latino
2006	3.02%	1.94%
	3.41%	1.96%
2008	3.78%	2.42%
	4.03%	2.42%

Source: Author's calculations from ACS and NIBRS

Legend:



Does include unidentified ethnicity



Does not include unidentified ethnicity

SHELBY COUNTY

**Unknown Ethnicity is included in the Non-Latino population
 (Latino arrest rate08- Latino arrest rate06) –
 (Non-Latino arrest rate08** - Non-Latino arrest rate06**) =
 (3.78-3.02)- (2.43-1.96) = 0.76-0.47=
0.29

On the other hand, using the arrest rates that include the unknown ethnicity arrests with the Latino arrests, the arrest rate for non-serious offenses in Davidson County for Latinos would have decreased 5.87 percentage points as a result of the 287(g) Program¹⁶.

DAVIDSON COUNTY

**Unknown Ethnicity is included in the Latino population
 (Latino arrest rate08** - Latino arrest rate06**) –
 (Non-Latino arrest rate08- Non-Latino arrest rate06) =
 (4.00-8.53) - (3.89-2.55) =
 (-4.53)- (1.34) = **-5.87**

Using the arrest rates that include the unknown ethnicity arrests with the Latino arrests, the arrest rate for non-serious offenses in Shelby County for Latinos would have increased 0.14 percentage points as a result of the Criminal Alien Program.

SHELBY COUNTY

**Unknown Ethnicity is included in the Latino population
 (Latino arrest rate08** - Latino arrest rate06**) –
 (Non-Latino arrest rate08- Non-Latino arrest rate06) =
 (4.03-3.41)- (2.42- 1.74) =
 0.62- 0.48= **0.14**

However, these impacts are estimated with error. Confidence intervals associated with the difference in differences test results can be examined to determine the significance of the results. Using the standard errors associated with ACS population estimates, and the delta method for identifying the standard error of the quotient, the significance levels of each of the results

DID TEST RESULTS

Davidson County

	DID Estimate	DID 95% Confidence Interval	
Unknowns are Latino	-5.87%	-14.50%	2.77%
Unknowns are Non-Latino	-0.61%	-5.38%	4.16%

Shelby County

	DID Estimate	DID 95% Confidence Interval	
Unknowns are Latino	0.14%	-15.65%	15.94%
Unknowns are Non-Latino	0.29%	-14.33%	14.93%

¹⁶ The author of this study does not place much confidence in this large percentage point decrease because of the vast difference in data availability between 2006 and 2008. See footnote 6 for more detailed information on the unidentified ethnicity arrests reported in Davidson County for 2006 and 2008.

were calculated. On the next page is a table summary of each DID test result and its confidence interval.

As indicated in the tables above, the confidence interval around all of the DID estimate results contains the zero impact estimate. The difference in differences confidence interval is too wide—it straddles both negative and positive impacts—for any of the results to be significant. These results are not significantly different from zero, and the data could detect no direct impact of the policy on Latino arrest rates in either county.

CONCLUSIONS

In exploring whether these two policies are effective in capturing criminal aliens, or if they are actually criminalizing the everyday activities of aliens and then attaching steep immigration consequences to minor offense, this study tested a hypothesis of the arrest rates of a population most likely to be affected by the implementation of these policies. The arrest rates of Latinos for non-serious crimes are higher than non-Latino arrest rate and increased over time. However, the DID test for the impact of the two policies on the Latino arrest rate was not statistically significant. Thus, the results of the tests undertaken by this study and hypothesis were inconclusive.

The reality of local and state policies and programs that aim to react to issue surrounding new populations in the United States highlights the importance of studies that evaluate the impact of such policies on vulnerable populations. Therefore, an implication of this study is the need for law enforcement agencies to report more complete data regarding arrestees in their

custody. For example, arrestee nativity and the inclusion of various ethnic groups in the NIBRS database would allow for a more thorough evaluation on the efficacy and unintended consequences of policy.

As immigrants continue to settle and grow communities in the United States and policies such as 287(g), Criminal Alien Program, and Arizona’s SB 1070 continue to be implemented and debated, it is imperative that data is made available to evaluate the policies.

FUTURE RESEARCH

In the future, a more refined test that targets the arrest rates and policy effects for a more specific population – adult males –will be explored. This test is important because of the higher probability of this specific population to encounter the criminal justice system. In addition, in the future I will conduct a DID test between Shelby County and other Tennessee counties that have not implemented similar policies, and again with Davidson County against non-policy counties to see if public knowledge of the policy makes a difference in these counties.

Finally in a follow-up report to this study coming out in the spring of 2011, the policy evaluation process followed in this pilot study will be applied nation-wide for counties that have implemented either the 287(g) jail model or the Criminal Alien Program. In this follow up report, specific type of offenses—not just the Type A and B category—will be included to understand the role of policies on each offense type.

REFERENCES:

- Armenta, Amada. 2010. "Policing Immigrants: The Local Dilemmas of Immigration Enforcement." *Cumbre 2010: Human Mobility, the Promise of Development and Political Engagement*. University of Nebraska-Omaha (Omaha, NE). May 15, 2010.
- Ashenfelter, Orley, P. R. G. Layard, and David E. Card. "27." *Handbook of Labor Economics*. Vol. 3. Amsterdam: North-Holland, 1986. Print.
- Chaudry, Ajay, Randolph Capps, Juan Pedroza, Rosa M. Castaneda, Robert Santos, and Molly M. Scott. "Facing Our Future: Children in the Aftermath of Immigration Enforcement." *The Urban Institute | Research of Record*. 2 Feb. 2010. Web. 20 July 2010. <<http://www.urban.org/publications/412020.html>>.
- Controls Over Program Authorizing State and Local Enforcement of Federal Immigration Laws Should Be Strengthened*, Committee on Homeland Security, House of Representatives Cong. (March 2009) (testimony of Richard M. Stana, Director of Homeland Security and Justice).
- Creek, Heather, and Stephen Yoder. "With a Little Help from Our Feds: Understanding State/Federal Cooperation on Immigration Enforcement." *Social Science Research Network*, 25 Aug. 2010. Web. 29 Oct. 2010. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1643159>.
- Dewan, Shaila. "Immigrants in Tennessee Issued Certificates to Drive." *New York Times* 9 May 2005. <http://www.nytimes.com/2005/05/09/national/09license.html?pagewanted=2&_r=1>.
- "ImmigrationProf Blog: The Criminal Alien Program ICE's Biggest and Least Understood Enforcement Program." *Law Professor Blogs Network*. Web. 27 Aug. 2010. <<http://lawprofessors.typepad.com/immigration/2010/02/the-criminal-alien-program-ices-biggest-and-least-understood-enforcement-program.html>>.
- Kochhar, Rakesh, Robert Suro, and Sonya Tafoya. *The New Latino South: The Context and Consequences of Rapid Population Growth*. Rep.No. Pew Hispanic Center. Washington, D.C, 2005.
- Koralek, Robin, Juan Pedroza, and Randolph Capps. "Untangling the Oklahoma Taxpayer and Citizen Protection Act: Consequences for Children and Families." *The Urban Institute | Research of Record*. 1 Dec. 2009. Web. 21 July 2010. <<http://www.urban.org/publications/1001356.html>>.
- Lacayo, Elena. *The Impact of Section 287(g) of the Immigration and Nationality Act on the Latino Community*. Publication no. 21. Washington, D.C: National Council of La Raza, 2010. Print. Brief 2010.

Lubell, David. The Tennessee Driving Certificate-- Background, Pitfalls and Lessons Learned. Issue brief. Tennessee Immigrant and Refugee Rights Coalition, 05 June 2005. Web.
<http://www.nilc.org/immspbs/dls/TN_cert_lessons_learned_0605.pdf>.

Office of Inspector General, comp. *The Performance of 287(g) Agreements*. Rep. no. OIG-10-63. Washington, D.C: Department of Homeland Security, March 2010.

Office of Inspector General, comp. *The Performance of 287(g) Agreements Report Update*. Rep. no. OIG-10-124. Washington, D.C: Department of Homeland Security, September 2010.

Rodriguez, Cristina, The Significance of the Local in Immigration Regulation. Michigan Law Review, February 2008; NYU Law School, Public Law Research Paper No. 08-22. Available at SSRN: <http://ssrn.com/abstract=1006091>.

Singer, Audrey. Twenty-First Century Gateways: Immigrant Incorporation in Suburban America. 2008. Brookings Institution Press. Page 10. Washington DC.

"Tennessee Certificate for Driving (Class TD)." Home - TN.gov. Web. 27 Aug. 2010.
<<http://www.state.tn.us/safety/driverlicense/classtd.htm>>.

Wong, Tom. "287(g) and the Politics of Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities." Social Science Research Network, 27 May 2010. Web. 31 Aug. 2010.
<http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1605259>.



LAURA ZAPATA

Is currently a senior at Dartmouth College majoring in government and minoring in anthropology. Ms. Zapata is a member of the 2010 class of the UI Summer Academy.

RESEARCH MENTORS

AJAY CHAUDRY

Dr. Chaudry is a Senior Fellow in the Urban Institute's Center on Labor, Human Services and Population

DANIEL KUEHN

Mr. Kuehn is a Research Associate in the Urban Institute's Center on Labor, Human Services and Population

JUAN PEDROZA

Mr. Pedroza is a Research Associate in the Urban Institute's Center on Labor, Human Services and Population

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2100 M Street NW
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www.urban.org