

# Immigrant, Pregnant, Is Jailed Under Pact

THE NEW YORK TIMES

July 20, 2008

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It started when Juana Villegas, an illegal immigrant from Mexico who was nine months pregnant, was pulled over by a police officer in a Nashville suburb for a routine traffic violation.

By the time Mrs. Villegas was released from the county jail six days later, she had gone through labor with a sheriff's officer standing guard in her hospital room, where one of her feet was cuffed to the bed most of the time. County officers barred her from seeing or speaking with her husband.

After she was discharged from the hospital, Mrs. Villegas was separated from her nursing infant for two days and barred from taking a breast pump into the jail, her lawyer and a doctor familiar with the case said. Her breasts became infected, and the newborn boy developed jaundice, they said.

Mrs. Villegas's arrest has focused new attention on a cooperation agreement signed in April 2007 between federal immigration authorities and Davidson County, which shares a consolidated government with Nashville, that gave immigration enforcement powers to county officers. It is one of 57 agreements, known formally as 287G, that the federal Immigration and Customs Enforcement agency has signed in the last two years with county and local police departments across the country under a rapidly expanding program.

Nashville officials have praised the agreement as a successful partnership between local and federal government.

"We are able to identify and report individuals who are here illegally and have been charged with a criminal offense, while at the same time remaining a friendly and open city to our new legal residents," Karl Dean, the mayor of Nashville, said in a statement on Friday.

Lawyers and immigrant advocates say Mrs. Villegas's case shows how local police can exceed their authority when they seek to act on immigration laws they are not fully trained to enforce.

"Had it not been for the 287G program, she would not have been taken down to jail," said A. Gregory Ramos, a lawyer who is a former president of the Nashville Bar Association. "It was sold as something to make the community safer by taking dangerous criminals off

the streets. But it has been operated so broadly that we are getting pregnant women arrested for simple driving offenses, and we're not getting rid of the robbers and gang members."

Mrs. Villegas, who is 33, has lived in the United States since 1996, and has three other children besides the newborn who are American citizens because they were born here.

She was stopped on July 3 in her husband's pickup truck by a police officer from Berry Hill, a Nashville suburb, initially for "careless driving." After Mrs. Villegas told the officer she did not have a license, he did not issue a ticket but arrested her instead. Elliott Ozment, Mrs. Villegas's lawyer, said driving without a license is a misdemeanor in Tennessee that police officers generally handle with a citation, not an arrest.

After Mrs. Villegas was taken to the Davidson County jail, a federal immigration agent working there as part of the cooperation agreement conducted a background check. It showed that Mrs. Villegas was an illegal immigrant who had been deported once from the United States in March 1996, Karla Weikal, a spokeswoman for the county sheriff, said. She had no other criminal record.

As a result, immigration agents issued an order to take charge of Mrs. Villegas once she was released by the local authorities. Based on that order, county officers designated her a medium-security inmate in the jail, Ms. Weikal said.

So when Mrs. Villegas went into labor on the night of July 5, she was handcuffed and accompanied by a deputy as she was taken by ambulance to Nashville General Hospital at Meharry. Cuffs chaining her foot to the hospital bed were opened when she reached the final stages of labor, Mrs. Villegas said.

"I felt like they were treating me like a criminal person," Mrs. Villegas said, speaking in Spanish in a telephone interview. The phone in her room was turned off, and she was not permitted to speak with her husband when he came to retrieve their newborn son from the hospital on July 7 as she returned to jail, she said.

As Mrs. Villegas left the hospital, a nurse offered her a breast pump but a sheriff's deputy said she could not take it into the jail, Mrs. Villegas said.

Mr. Ozment, the lawyer, said Mrs. Villegas would never have been detained without the 287G cooperation agreement.

"Whether this lady was documented or undocumented should not affect how she was treated in her late pregnant condition and as she was going through labor and bonding with her new baby," Mr. Ozment said.

On July 8, Mrs. Villegas was taken to court, where she pleaded guilty to driving without a license and was sentenced to time served. Immigration agents immediately released her

while a deportation case proceeds, following a policy adopted last year by the Immigration and Customs Enforcement to avoid separating babies from nursing mothers.

Ms. Weikal said Mrs. Villegas's jail stay was prolonged by the Independence Day holiday weekend, when the courts were closed.

"There is a perception that she was treated different from other inmates, and it just is not true," Ms. Weikal said. "Unfortunately the business of corrections is that families are separated. It's not pretty, it's not understandable to a lot of people."

She said that it was standard procedure to bar medical equipment like a breast pump from the jail.

More than 60,000 illegal immigrants have been identified for deportation since 2006 through 287G cooperation programs, said Richard Rocha, a spokesman for the federal immigration agency. Most of the agreements are aimed at increasing the screening of immigrant convicts serving sentences in local jails, in order to speed their deportation. Some, like Nashville's, provide for immigration screening right after any foreign-born person is arrested.

Arrests of immigrants have increased rapidly in Tennessee since early 2006, when the state stopped allowing illegal immigrants to obtain driver's licenses, after five years when they had been able to drive legally.