

Illegal Immigrants/ICE Detainers

Several high-profile North Carolina sheriffs have enacted policies that defy federal strategies to detain illegal immigrants:

- **On December 5, 2018, the newly elected Mecklenburg County Sheriff, Garry McFadden, withdrew from the U.S. Immigration and Customs Enforcement (ICE) 287(g) Program that allows ICE to ‘operate within’ local jails.** “On his first day in office, Mecklenburg County Sheriff Garry McFadden ended the 287(g) program that allowed Immigration and Customs Enforcement (ICE) to operate within the Mecklenburg County Jail. The voluntary federal program has allowed ICE to operate within the jail since 2006. According to the sheriff’s office, Mecklenburg was one of only 78 counties nationwide - out of more than 3,000 - that had the voluntary arrangement.” (WBTV Staff, “Mecklenburg Co. Sheriff keeps promise, ends controversial immigration program on first day in office,” [WBTV - CBS 3](#), 12/5/2018)
- **On December 7, 2018, the newly elected Wake County Sheriff, Gerald Baker, announced that his office would no longer participate in the U.S. Immigration and Customs Enforcement (ICE) 287(g) Program.** “Newly elected Wake County Sheriff Gerald Baker said Friday that his office will no longer participate in a controversial immigration program. For years Wake has been part of 287(g), which allows local law enforcement agencies to partner with U.S. Immigration and Customs Enforcement to identify and eventually deport people living in the country illegally who have been charged with a crime. Baker announced the end of Wake’s participation at a news conference Friday afternoon.” (Thomas McDonald, “New sheriffs in Wake and Durham will no longer cooperate with immigration agency,” [The News & Observer](#), 12/7/2018)
- **On December 7, 2018, the newly elected Durham County Sheriff, Clarence Birkhead, announced that his office would no longer honor ICE detainees, as they were never party to the 287(g) Program.** “The Durham County Sheriff’s Office also said in a press release Friday that newly elected Sheriff Clarence F. Birkhead would end the practice of honoring ICE detainees. Durham County has not participated in 287(g), but it used detainees to hold suspects up to an additional 48 hours so ICE could take them into custody. Under the new plan, ‘absent of a court order or arrest warrant signed by a judicial official any person who has had their criminal charges disposed of or who has made bond will not be held beyond the normal timetable for release,’ according to the statement.”

Of North Carolina’s 100 counties, only 15 remain enrolled in the 287(g) Program with Immigration and Customs Enforcement:

Editor’s Note: North Carolina contains [100 counties](#).

- According to Schehr Law, only 15 North Carolina sheriff offices or district jails remain active participants of the 287(g) program. (Erin Leutenegger, “What Is the 287G Program and Where is It Used in North Carolina?,” [Schehr Law, PLLC](#), Accessed 7/19/2022)

LAW ENFORCEMENT AGENCY	SUPPORT TYPE	SIGNED	Memo. of Agree.
Alamance County Sheriff's Office	Warrant Service Officer	2020-05-21	link
Albemarle District Jail	Warrant Service Officer	2020-03-19	link
Avery County Sheriff's Office	Warrant Service Officer	2020-07-23	link
Brunswick County Sheriff's Office	Warrant Service Officer	2020-07-23	link
Cabarrus County Sheriff's Office	Jail Enforcement Model	2020-03-11	link
Caldwell County Sheriff's Office	Warrant Service Officer	2020-03-19	link
Cleveland County Sheriff's Office	Warrant Service Officer	2020-01-16	link
Duplin County Sheriff's Office	Warrant Service Officer	2020-06-25	link
Gaston County Sheriff's Office	Jail Enforcement Model	2020-06-09	link
Henderson County Sheriff's Office	Jail Enforcement Model	2020-06-09	link
Lincoln County Sheriff's Office	Warrant Service Officer	2020-06-05	link
Nash County Sheriff's Office	Warrant Service Officer	2020-01-29	link
Randolph County Sheriff's Office	Warrant Service Officer	2020-05-21	link
Rockingham County Sheriff's Office	Warrant Service Officer	2019-12-31	link
Yancey County Sheriff's Office	Warrant Service Officer	2020-07-20	link

(Erin Leutenegger, “What Is the 287G Program and Where is It Used in North Carolina?,” [Schehr Law, PLLC](#), Accessed 7/19/2022)

In 2019, nearly 500 undocumented immigrants were allowed to go free in North Carolina because ICE detainers were invalidated by local law enforcement officials:

- 489 detainers were declined by local law enforcement in North Carolina per ICE’s Enforcement and Removal Operations data. “Nearly 500 undocumented immigrants have been released from jails across the state in the past ten months despite administrative detainers filed against them by US Immigration and Customs Enforcement. WBTV

obtained new data compiled by ICE outlining the figures. The data covers Fiscal Year 2019, which began in October 2018 and runs through next month. According to the data, 489 detainees were declined by law enforcement.” (Nick Ochsner, “ICE: Nearly 500 undocumented immigrants released from NC jails despite detainer,” [WBTV - CBS3](#), 9/9/2019)

- **Per the obtained data, of the 2,975 total detainees issued, 16.4% of those detainees were lifted, as they were declined by law enforcement agencies.** (Jennifer, “ICE ERO Data,” [Scribd](#), uploaded 9/10/19)

FY2019 YTD ERO Detainers Prepared by Detention Facility for North Carolina	
ERO	Detainers Prepared
Total	2,975

FY2019 YTD ERO Detainers Lifted with Lift Reason of Declined by Law Enforcement Agency for North Carolina	
ERO	Detainers Lifted
Total	489

(Jennifer, “ICE ERO Data,” [Scribd](#), uploaded 9/10/19)