



MECKLENBURG COUNTY SHERIFF

GARRY L. MCFADDEN

*Working to influence change by being...
“the difference”*



Sheriff McFadden Denounces ICE's 'Misleading' Claims, Calls for True Cooperation

Charlotte, N.C. – In response to a recent local news report featuring the ICE ERO Atlantic Office Chief of Staff discussing my alleged lack of cooperation with their detainer requests, I want to clarify that this portrayal is both deceptive and harmful to our community's safety.

As I watched the interview, it became clear once again that ICE relies on misleading language to suggest I do not follow or prioritize public safety. Furthermore, the Chief of Staff mentioned in the report that a criminal warrant is not needed, since these undocumented immigrants have already broken the law by staying in the country illegally and committing serious crimes. A criminal warrant is very much needed as a detainer is simply a piece of paper signed by an ICE agent requesting we hold someone in custody. It's not a legal document signed by a judge. The Chief of Staff failed to explain the actual legal process involved in transferring individuals from our custody. This omission misleads the public and takes advantage of their limited understanding of ICE's detainer and administrative warrant process, which differs significantly from a criminal warrant.

It's evident ICE would prefer the Sheriff's Office simply hand over undocumented individuals in our custody without legal oversight. Similarly, ICE expects documented family members and friends of undocumented immigrants to grant them "consent to search" their homes, rather than obtaining a proper search warrant from a federal magistrate or judge based on probable cause. We've all seen these types of scenarios portrayed in television shows, like *Law & Order*, *The First 48*, and the Netflix documentary, *Immigration Nation*.

Despite my repeated attempts to foster cooperation, ICE has yet to engage in any meaningful dialogue with me or other local sheriffs who are facing similar circumstances. I have emailed and called the ICE ERO Atlantic Office multiple times, asking the agency to provide the names of their most recent arrests in Charlotte and to clarify their intentions regarding undocumented individuals in our custody, while keeping MCSO's policies in mind, policies that fully comply with House Bill 10. Each time, I fail to receive a response.

So, our wait continues.