



Mecklenburg County Sheriff's Office

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MEDIA ADVISORY

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Sheriff McFadden's Response to the Passage of Senate Bill 101

(CHARLOTTE, NC) – “As the elected Sheriff of Mecklenburg County, I have the sole official responsible in Mecklenburg County for the care and custody of those remanded to detention and I feel compelled to address the passage of Senate Bill 101 by the North Carolina House. I read in one media report that legislators suggested it would only cost from \$10 to \$20 to a high of \$40 per day for a Sheriff to house ICE detainees. Let's be clear, I can't imagine there is one detention facility in North Carolina that can house a resident for \$40/day. In Mecklenburg County, the cost/day is based on Federal Circular A-87 and has been audited twice by the United States Marshals' Service (USMS). We currently receive \$160/day from the United States Marshal Service (USMS) and prior to the elimination of the 287(g) program we received the same federal rate from Immigration and Customs Enforcement (ICE) so it only serves to reason, as Sheriff, I would not be willing to receive a lower rate for housing especially a rate based on the speculative cost suggested by a legislator(s).

The cost per day was a contributing factor to my decision in April 2019 to no longer participate in the Statewide Misdemeanant Confinement Program which only reimbursed Sheriffs \$40/day for housing sentenced residents. From a historical perspective, the "\$40/day" has been in place for State housing since 1997. Surely, we can agree, no one is paying the same price they did in 1997 for anything. Even the average cost per day for housing a state inmate was \$95.92/day in FY 2021 (ncdps.gov). The FY 2021 actual cost per day for the Mecklenburg County Detention Center Central was \$191.41/day for direct and indirect cost. I suspect it will be higher in FY 2022 based on the current economic challenges with staffing and cost of non-labor expenses such as food, utilities, medical, etc. as well as the reduced population required by the State of North Carolina.

Sheriffs in North Carolina continue to be discounted and forced to meet unfunded mandates at the hands of the State. From the prolonged housing of sentenced state residents (referred to as backlog) without compensation

to the gun permit laws that are antiquated and labor intensive, I am concerned this is just another unfunded mandate that will burden our already taxed resources.

North Carolina General Statute § 162-62 mandates all Sheriffs in North Carolina to make a query and notify ICE regarding undocumented persons, therefore, all Sheriffs, by law, are already required to cooperate with ICE with or without 287(g) in place. It is important to understand when a Sheriff is ordered by a judicial official to release someone, he/she cannot continue to hold a person in custody. The signature of a federal agent does not supersede a judicial order. The law has not changed. What has changed however, is the singling out of some sheriffs who just so happen to be black sheriffs. In 2019 we were classified as “urban sheriffs”, “sanctuary sheriffs”, “super-minority-majority sheriff’s” and in 2021, “metro sheriffs”.

While I am a proud member of the North Carolina Sheriff’s Association, the National Sheriff’s Association, and the Major County Sheriffs of America; these associations do not speak for me or the citizens of Mecklenburg County who have re-elected me for a second term. I respect every Sheriff’s position as well as the position of other duly elected officials as I hope they respect mine.”

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