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Sheriff McFadden Expresses Outrage Over Controversial Immigration Bill

CHARLOTTE, N.C. – Sheriff Garry McFadden's stance on the new version of House Bill 10 remains unchanged. The 20-page bill packages several items, including the mandating of all 100 sheriffs in North Carolina to hold individuals upon Immigration and Customs Enforcement (ICE) detainer requests and the allocating of funds to Medicaid, public school and community college enrollment and private school vouchers. It also contains funding for children with disabilities, scholarship opportunities and water and sewer projects in Chatham County.

Under the provisions of House Bill 10, local sheriffs are required to present the undocumented detainee to a state magistrate with a federal detainer and an administrative warrant to have a state order issued directing the detainee to be held for 48 hours while ICE verifies his or her immigration status. Sheriff McFadden says instead, ICE could utilize the two current federal complaints, 8 U.S. Code § 1325 – Improper entry by alien and 1912. 8 U.S.C. 1326 – Reentry after deportation (removal) rather than holding sheriffs' offices accountable.

The \$248 million bill does not offer any support or funding for local sheriffs, including the additional 2-day hold that would cost Mecklenburg County taxpayers \$181 per day to house the detainee.

Sheriff McFadden believes the bill undermines the authority of sheriffs and prevents local communities from setting policies that reflect the will of the voters who elected them. The sheriff strongly supports the idea that each county, through its elected sheriff, should have the power to decide, within the bounds of the law, how much local law enforcement cooperates with federal immigration authorities. According to North Carolina General Statute 162.62, local sheriffs, including Sheriff McFadden, already fully cooperate with ICE.

These new administrative burdens strain an already stretched workforce, all without commensurate pay raises or additional hiring. Furthermore, the bill places sheriffs at legal risk for any deviations from the mandated custody process, exacerbates the mental strain on law enforcement agencies and imposes a heavier financial load on taxpayers.

Despite arguments from some legislators that House Bill 10 enhances public safety, Sheriff McFadden knows it achieves just the opposite. By fostering fear and reluctance for citizens and residents to engage with law enforcement, the bill hampers crime-solving efforts and nurtures further distrust within the community. In his discussions with the Department of Homeland Security and ICE, Sheriff McFadden has learned that these agencies have not dealt with state officials or engaged in conversations regarding the bill's impact at the local level.

"I'm frustrated by the outcome of House Bill 10, but I'm not surprised. This legislation is merely a political move, a slap in the face to me and other local sheriffs who continue to follow existing laws," said Sheriff McFadden. "But I must say, the Republican legislators are clever, putting together a bill that would be more appealing for citizens and lawmakers who might be sitting on the fence. Regardless of the outcome, MCSO will remain dedicated to maintaining trust and cooperation with the community, upholding the law, and ensuring that all citizens and residents, regardless of immigration status, are treated with dignity and respect."

"This new version of House Bill 10 is like buying a Maserati with a broken radio. You'll buy the car because it's a Maserati and overlook the broken radio," Sheriff McFadden said. "A bill that was once 2 or 3 pages, is now 20 pages, containing copious amounts of provisions that simply sweeten the deal."

Over the summer, the Department of Homeland Security's Investigations unit sought to rebrand without ICE because of the negativity surrounding its name. HSI claims its own branding will allow it to better conduct investigations and work with law enforcement agencies without the political turmoil that's associated with the ICE name.

"Imagine. HSI is distancing itself from ICE, but now expects their job of working with ICE to be handed off to local sheriffs. 'Woke' sheriffs, as we're often termed, the eight sheriffs who run the major counties in North Carolina, who just so happen to be African American, will now be forced to work with ICE, something that will undoubtedly harm law enforcement agencies," Sheriff McFadden said. "Sadly, I must applaud our local politicians for working with state conservative sheriffs against progressive sheriffs for keeping their promise during the Lexington meeting in Davidson County in 2022 of passing bills that force 'woke' sheriffs to cooperate with ICE."

Sheriff McFadden would like the citizens of Mecklenburg County to keep in mind the statements made by ICE Acting Director Patrick J. Lechleitner and HSI Executive Associate Director Katrina Berger during an interview with ABC News on the rebranding that do claim ICE has consistently carried with it a bad reputation in the public eye and that state sheriffs follow sanctuary policies, which is far from the truth as those policies do not exist in North Carolina.

"HSI's new 'independent branding' will allow its agents to work without the undue toxicity that in some places comes with the ICE moniker," Lechleitner said.

"Having been branded as ICE, having an ICE email address, we're oftentimes not able to partner with law enforcement in certain jurisdictions that aren't working with ICE, oftentimes college campuses, schools," Berger said. "The change allows HSI to be able to promote its mission with law enforcement departments that don't associate themselves with ICE due to 'sanctuary' policies, which allows some cities and states to not cooperate with the immigration agency." Berger goes on to say, "we're just able to independently brand ourselves, to better show people exactly what we do to keep the American public safe. It gives us more opportunities to work better with our partners or communities."

"To the citizens of Mecklenburg County, while I must comply with the law, I will not stop working with our immigrant communities, the Latinos, Africans, Europeans, Arabs, everyone," Sheriff McFadden said. "I promise to continue engaging with all communities, going to the people, collaborating, and encouraging those within to report crimes and be great witnesses to crimes."

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