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Sheriff McFadden Continues to Cooperate with ICE Following Passage of House Bill 10

Charlotte, N.C. – Sheriff Garry McFadden of the Mecklenburg County Sheriff's Office (MCSO) has consistently honored the requirements of House Bill 10 (HB 10) since it went into effect Dec. 1 of last year. But even prior to the bill becoming law, Sheriff McFadden complied with immigration laws.

If MCSO receives a detainer and a magistrate then orders a hold of the detainee for 48 hours from the receipt of that detainer, even if the detainee's underlying state charges would no longer hold him/her (e.g. the state charges are dismissed, the detainee makes bond or his/her bond is unsecured), then MCSO will comply the magistrate's order and hold the detainee for that 48-hour period.

Should ICE come for the detainee during those 48 hours, again, if the state charges are no longer holding the detainee, then MCSO will release the detainee to allow ICE to take custody of him/her.

MCSO received 45 detainers in December 2024, but ICE did not endeavor to take custody of any of the individuals named in those detainers pursuant to HB 10.

Sheriff McFadden says there is still some confusion surrounding what the bill truly entails and a lack of collaboration between ICE and law enforcement.

"We have always followed the law when North Carolina General Statute 162.62 mandated all sheriffs cooperate with ICE. Under House Bill 10, we will do the same, honoring any court order requiring us to hold the individual named in an ICE detainer for 48 hours from our receipt of that detainer," Sheriff McFadden said. "We don't know why there haven't been any ICE pickups. But the law does not require us to notify ICE of a person's release. ICE should keep up with that," he said.

MCSO will remain transparent with the public and maintain trust and communication with local immigrant communities as it navigates this legislative change.

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