

2006-2018

ICE Collaboration, Cooperation, and Correspondence Overview

CASE STUDY: CABARRUS COUNTY, NC

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Executive Summary

This report contains information about the Cabarrus County Sheriff Office's collaboration, cooperation, and correspondence with Immigration and Customs Enforcement (ICE). The Department first entered into this agreement in 2007, but this report also includes additional collaboration, cooperation, and correspondence with ICE. Furthermore, the report covers information about the Sheriff's Office, publicly available data and information about the ICE partnership with the Sheriff's Office from a variety of sources (Sheriff website, TRAC, County Budget, ICE.gov, and observations from 287(g) Steering Committee meetings).

Previously, agencies could participate in a Jail Enforcement Model or a Task Force Model, but recently the Task Force Model ended and in 2019, the Warrant Service Officer Program began in Florida. At this time, Illinois and California have banned local or state governments from participating in this program while Arizona, Georgia, and Massachusetts have a statewide Department of Corrections 287(g) partnership (Nichanian 09/06/19).

Currently, the Cabarrus County Sheriff's Office is 1 of 79 law enforcement agencies in 21 states participating in the 287(g) program (as of July 2019). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), to the Immigration and Nationality Act. This section of law authorizes the Director of ICE to enter into agreements with state and local law enforcement agencies, that permit designated officers to perform limited immigration law enforcement functions. Agreements under section 287(g) require the local law enforcement officers to receive appropriate training and to function under the supervision of ICE officers. Initially, few localities showed interest in 287(g) programs until after 9/11.

The Cabarrus County Sheriff's Office

The current Sheriff is Sheriff Van Shaw, elected in 2018 with support from the previous Sheriff Brad Riley. Sheriff Brad Riley would be appointed to the National Sheriff's Association Board of Directors in 2017 and previously served as the NC Sheriff's Association President in 2006. The office is the primary law enforcement agency in the county, additional responsibilities include:

- Investigates crime
- Patrols the county
- Provides custody and control for defendants in the court system
- Securing courtrooms
- Serving criminal and civil papers

The 2017 salary for then Sheriff Brad Riley was \$114,151.05. For FY 2018/2019, the county commissioners adopted a budget of \$26,262,212.00 for the Sheriff's Department. This includes funding for administration & operations, jail operations, animal control, and the animal shelter (in order from highest to lowest expenses).

Immigration Enforcement Information

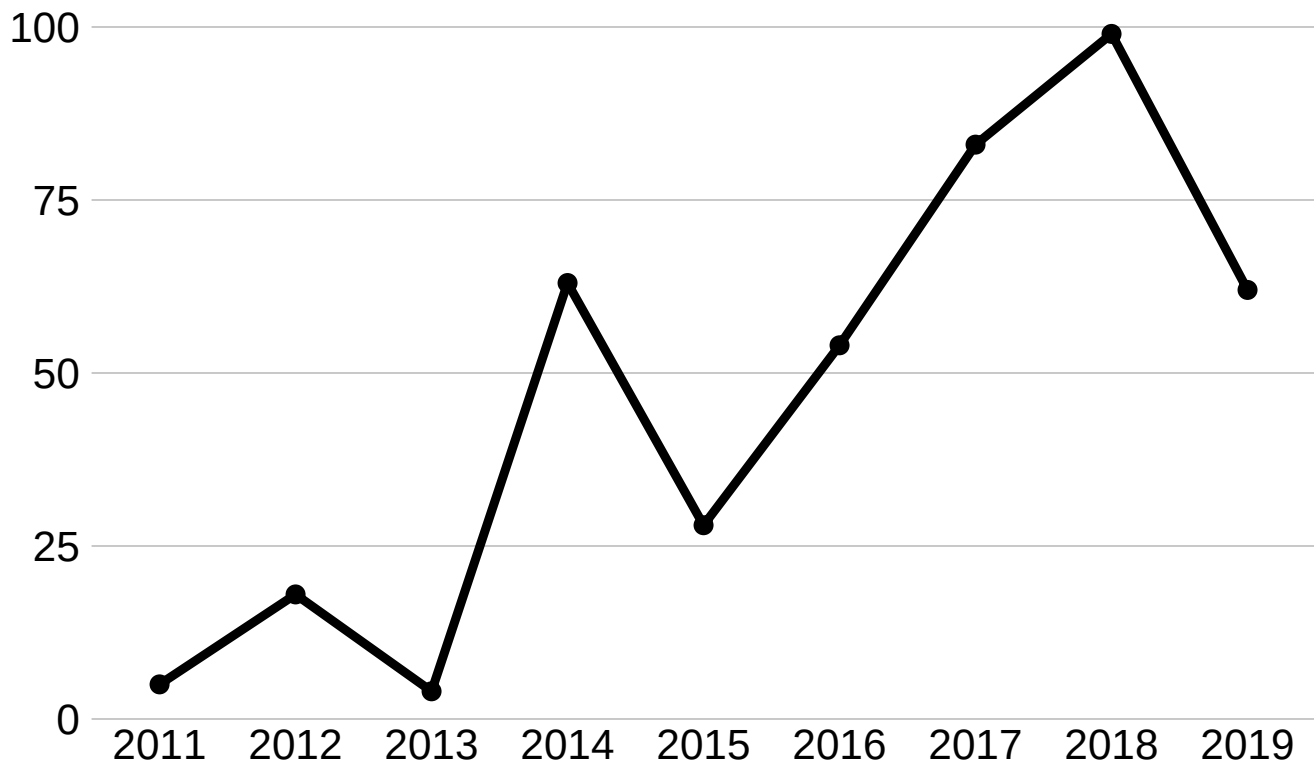
There is little information (statistics, financial, etc.) about one of the programs geared toward immigration—the 287(g) Program. On April 11th, the Sheriff's Office had a Steering Committee meeting with Immigration and Customs Enforcement. Across the country, these types of meetings are described as opportunities to discuss 287(g) statistics, training for officials, and an opportunity for community members to raise concerns and ask questions about the program. The announcement for such meetings is posted about 2 weeks ahead of time, but this year, the ACLU of NC also created a public facebook event to encourage community members to attend. A quick search of the department's website results in 0 instances of immigration related posts and similarly no information information related to the program.

Publicly Available Data

The Transactional Records Access Clearinghouse (TRAC) is a data gathering, data research and data distribution organization at Syracuse University. TRAC's Immigration Project is a unique new multi-year effort to systematically go after very detailed information from the government, check it for accuracy and completeness and then make it available in an understandable way to the American people, Congress, immigration groups and others.

416

According to the TRAC, 416 datainers were issued to the Cabarrus County Jail since 2011, although following pages complicate this matter.. See chart below with agency level information.



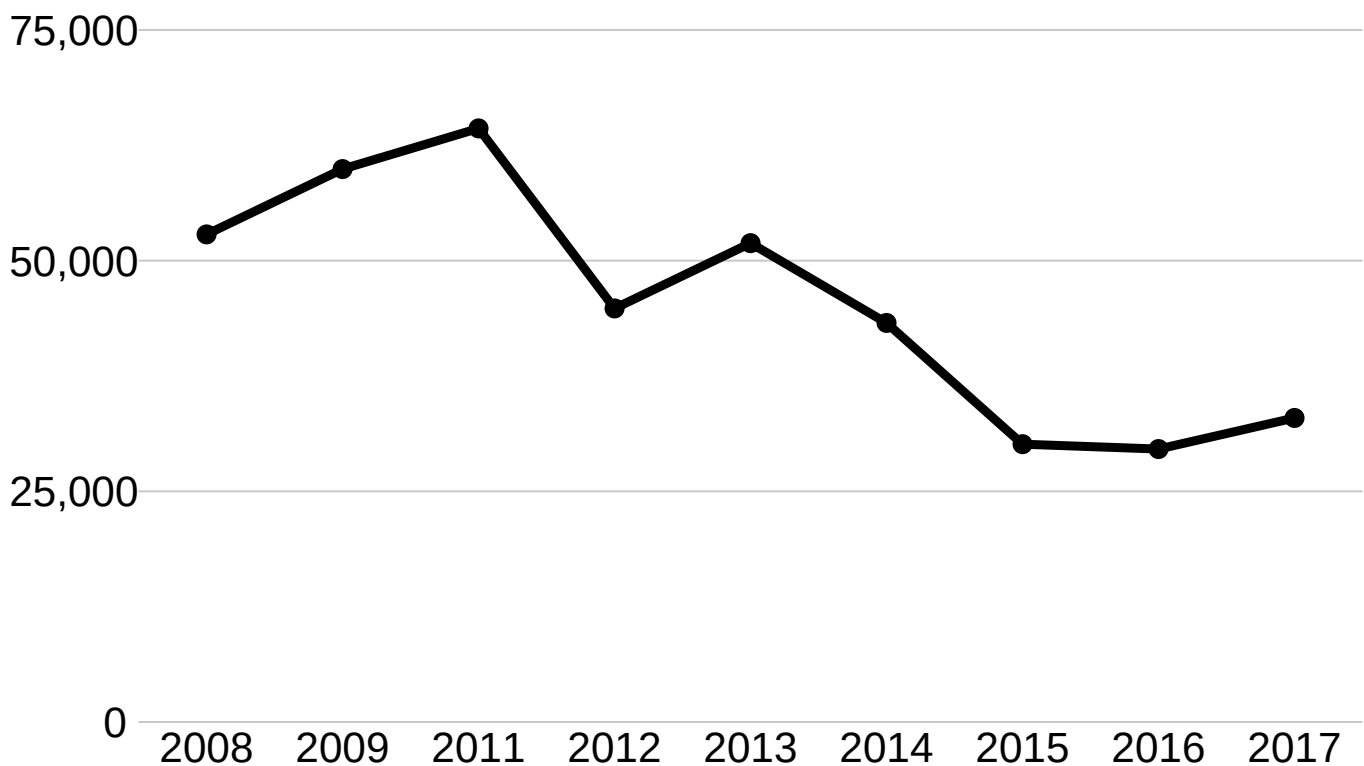
<https://trac.syr.edu/phptools/immigration/detain/>

SCAAP data

The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers SCAAP, in conjunction with the U.S. Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period.

492

According to the SCAAP Award data, 492 unique individuals were incarcerated in the Cabarrus County Jail from 2008-2017. This totaled \$409,709.00 reimbursed to the Sheriff's Office.



<https://bja.ojp.gov/program/state-criminal-alien-assistance-program-scaap/archives>

Predicted 287(g) Program Cost

Mai Nguyen and Hannah Gill (2010) first estimated the costs of the 287(g) program. They did so by combining the estimated salaries of Sheriff Office personnel involved with the program, training costs, and the annual cost of detaining undocumented immigrants. They did this for two counties—Mecklenburg and Alamance counties—for the initial year of operation. What follows are updates to these calculations for Mecklenburg and Wake Counties, with one addition, namely

- Estimated annual cost of detaining undocumented immigrants based on information from reimbursements applied for by that county to SCAAP, which is a conservative estimate since these awards can only be applied for when a person is incarcerated “who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period.”

Although the total cost of the 287(g) program varied across counties, in recent 287(g) steering committee meetings, the total cost of the program has been a subject of conversation, albeit with limited answers from ICE or the local Sheriff’s Office. These difference in costs and reimbursements from the federal government clearly fall short in achieving the “goal” of total reimbursement as indicated in each Sheriff’s adoption rationale.

Sheriff's Deputy Salary	\$34, 500
Active Officers	6
ICE eligible inmate days	3247
Per Day Jail Cost*	~\$100.00
Training	\$15,923.08
Total 2016 estimate	\$222,923.08
Total SCAAP reimbursement Award	\$29,582.00
Difference	\$518,041.08

*Estimates are based on similar localities since this information is not readily available. Other amounts in this calculation pertain to 2016 information.

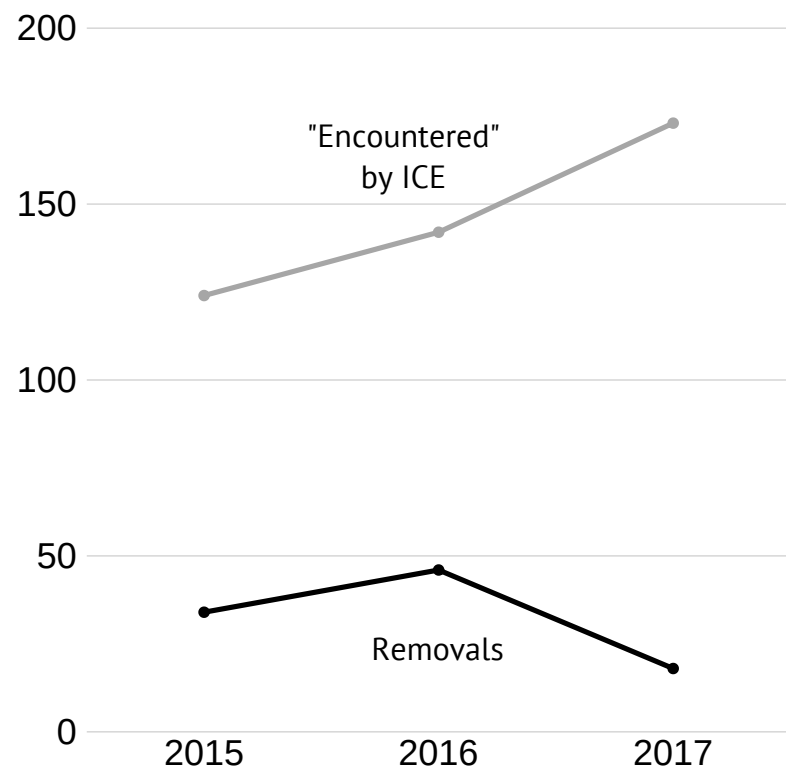
287(g) Steering Committee Meetings

Although the 287(g) Program is only one type of partnership between Immigration and Customs Enforcement and local law enforcement, since 2015, the localities with these programs are also required to hold annual Steering Committee meetings to report the purpose of the Steering Committee, answer questions from community members, report the number of people identified through the program and the number of people processed for removal. Information is provided from the most recent Steering Committee meetings.

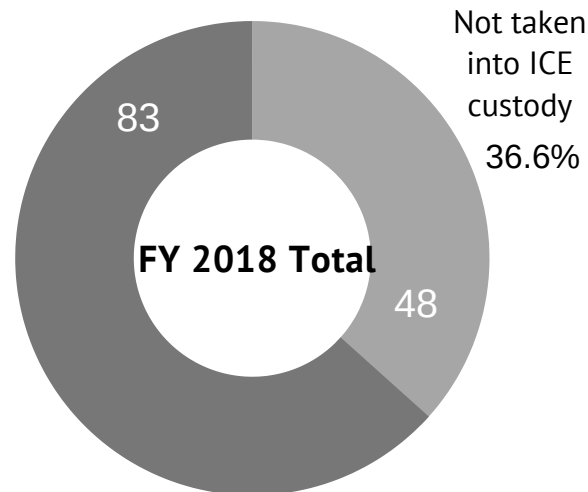
“When they come into our jail, they’re coming in as an offender. If a person is here illegally and committing crimes in our community, then we need to get that person out of our community.

~Sheriff Van Shaw

”



ICE custody
63.4%



Commissioner Input

On **May 7th, 2007**, Brad Riley, the Cabarrus County Sheriff reported to the Commissioners that he would be entering into an Memorandum of Agreement as the next step in the process to create a 287(g) Program. Commissioner Privette would motion for approval, the motion was seconded by Commissioner White and it was unanimously carried. The following meeting, May 21st, 2007, the Sheriff was then commended for this effort and a reference was made to the success of Sheriff Pendergraph in Mecklenburg County, along with "his foresight to use the tool to control illegal immigration in Cabarrus County."

On **May 27th, 2008**, Sheriff Brad Riley would request support from the Board for 1 new Sergeant to handle ICE operations among 40 total positions.

On November 17th, 2008, the Sheriff's Office submitted an amendment which included \$52,845.00 from the SCAAP, earmarked to purchase radio communications equipment for the county jail. The motion was unanimously approved.

On **February 15th, 2010**, the Sheriff's Office submitted an amendment which included \$59,925.00 from the SCAAP, earmarked to purchase Inmate Classification Software for the new jail facility. The motion was unanimously carried.

On **June 4th, 2012**, additional budgetary changes included the addition of 16 part-time ICE transportation officers and 2 supervisors. This request was previously made in January of that year for a "Transportation Team." It was further discussed on May 22nd, 2012.

The primary goal is to start this new program without placing any new funding responsibility on the current or future budget. This plan allows federal ICE (Immigration and Customs Enforcement) reimbursements to incur the expense of Cabarrus County Sheriff's Office transports (including non -ICE transports.) Currently, the Sheriff's Office transports approximately 900 individuals (mental health and /or jail trips) to and from different facilities all over NC.

Total

Sheriff's Office Net for trip: \$196.09 (continued on next page)

Commissioner Input continued

By signing an agreement with ICE, the Sheriff's Office will be responsible for daily pick -up of all Immigration detainees within a hundred (100) mile radius of Cabarrus County. ICE will agree to reimburse the Sheriff's Office for the staffing at a rate of \$18.23 or \$27.35 overtime (currently our rate is \$15.55 per hour, but we will not agree to less than the \$18.23, or we will not participate in the program) and .55 cents a mile. The "Team" will pick -up all Immigration detainees and within 100 miles of Cabarrus County and non -ICE transports such as mental health and /or other jail trips in North Carolina facilities and transport them to their destination. Through a contractual arrangement, ICE will reimburse the Sheriff's office for staffing and mileage. He estimated deputies make more than 600 trips to mental health facilities, estimated to cost approximately \$49,000. He suggested these funds be transferred to the ICE program and said the program could be profitable. He also advised ICE only pays for services they use. Attached is an example of how this program works, which shows how no new money will be needed to do the program. It even has the potential to earn a few bucks. But, it will allow patrol officers to remain in their community, and it will eliminate the need for off -duty officers to be on -call. It also greatly reduces overtime related to trips....I believe that after we pilot the program for a year, we will see that we have banked enough extra revenues to continue maintaining the trip fleet out of these ICE funds.

On **January 4th, 2016**, Pam Dubois, Senior Deputy County Manager, reported during the FY16 budget process, the Board approved funding for the Detention Center security software and hardware upgrades for door access and the security camera network. The general fund provided initial funding for this project. She advised another similar camera project includes security cameras in five interview rooms at the Sheriff's Administration Facility. The County has access to SCAAP (State Criminal Alien Assistance Program) funds, which can pay for the Detention Center project, but not the Sheriff's Administration camera project. She requested to reallocate general fund monies to cover the Sheriff's Administration security cameras and allocate SCRAP funds to cover a portion of the Detention Center security camera project, to allow both projects to be completed in this fiscal year. Chief Deputy Paul Hunt, Cabarrus County Sheriff's Office, was also in attendance.

County Budget

The **Fiscal Year 2007** personnel justifications included two new Gang/Vice Narcotics Officers, including justifications tying alleged gang activity with immigrants.

First, it would allow the Cabarrus County Sheriff's Office to begin compiling data on gang activity in the county, identifying known gang factions represented in the county, and researching trends and activities associated with those factions. It is important to know what affiliations gang members are working under; as well as, which gangs align with each other and which gangs are rivals of each other. Charlotte/Mecklenburg has created a Gang Task Force in which the Cabarrus County Sheriff's Office participates; however, Cabarrus County does not have a designated gang officer. Through the Task Force, Cabarrus County has been cited as one of approximately six (6) counties in North Carolina with factions in its community representative of ALL five (5) of the major listed gangs. Many of the members of these identified gangs are Hispanic. Illegal Hispanics are increasing in population in Cabarrus County and with them come countless Cocaine traffickers, Methamphetamine, Heroin and Marijuana. This poses an imminent threat of continual growth of violent crime in this county. In January of 2006, a Cabarrus County Sheriff's Office patrol vehicle was shot into three (3) times by an illegal alien that was identified by Charlotte Gang Task Force members as a known gang affiliate. Numerous sightings of graffiti are appearing all over Cabarrus County and some is being photographed and analyzed. It is very important to have designated officers that can begin compiling data of these type activities to determine what it means and if it is representative of gang activity. Graffiti can tell you alot.

Fiscal Year 2008 Major Accomplishments included: Five Cabarrus deputies completed a fourweek ICE Training in Gainesville, Georgia, in February 2008. The Cabarrus 287(g) program is to be implemented in February. In the **Fiscal Year 2009** Budget, the 287(g) program is described as "on a very limited basis and it will be 100% reimbursement by the Federal Government."

In the **Fiscal Year 2010** Major Accomplishments & Challenges, the 287(g) Program was highlighted,

350 foreign born inmates were interviewed as potential undocumented aliens last year. 270 of them were found to be illegal; and 89% of those illegals were from Mexico. The others have either been found to be within the United States legally, or await completion of state charges before being deported. A federal contract has been finalized and Cabarrus County is being reimbursed \$63.00 per day for all 287g inmates once they complete state charges and become federal detainees. Again, the Cabarrus County Jail is designated as a less than 72 hour hold facility for ICE inmates. The federal reimbursement contract was not finalized until May of 2009; since that time, the program has received over \$20,000.00 in reimbursement.

County Budget continued

The **Fiscal Year 2013 budget** was adjusted to include additional funds for the ICE transportation program. One major accomplishment in the **Fiscal Year 2015-2016** budget was “Continued participation in the 287(g) Illegal Immigrant Program which allows certified Officers to place deportation orders on those people who are arrested and found to be in this country illegally”

According to the **2017 Fiscal Year** budgeting process, it was noted,

By continuing to participate in the 287(g) program, we were able to bring in revenue of \$2,252 for fiscal year 2015. This was a decrease of 49% from the previous year. This decrease is the result of ICE initiatives, which reduces the offenses that are fully processed. Revenues from the 287(g) program are not expected to result in significant revenues in FY 2017.

According to the **2018 Fiscal Year** budgeting process, it was noted,

By continuing to participate in the 287(g) program, we were able to bring in revenue of \$1,963.50 for FY16. This was a decrease of 13% from the previous. This decrease is the result of ICE initiatives, which reduces the offenses that are fully processed. These initiatives have already begun changing with the change in this Country 's leadership and it is expected to increase this amount for Fiscal Year 2018.

Conclusion

Conflicting information: According to TRAC data, 83 detainees were sent to the Sheriff's Department. That same year, 18 individuals were removed according to information presented at the 287(g) Steering Committee meeting. For that same year, 21 incarcerated individuals were reported in SCAAP award application information. When there is not publicly available data to confirm this type of information, then it is obvious that there needs to be more transparency regarding the operations related to not only detainees, but interviews and contacts made by 287(g) officers.

Funding and Transparency Concerns: Besides the information of the total salaries of the 10 287(g) program officers, no information was available regarding the cost of program implementation. Although it is challenging to calculate the total cost of the program and other forms of ICE collaboration, a more robust figure would include salaries, BJA reimbursements for holding immigrants, cost of detention, and training costs (Arriaga 2018; Thi Nguyen and Gill 2010).*

Current Status: Although some county commissioners are concerned with the detentions of immigrants within the Clark County Detention Center, information has not been provided to them along with the general public regarding the collaboration, cooperation, and correspondence with ICE at this time. 287(g) Steering Committee meetings occur sporadically across the country, typically once a year as a way to allow for public discussion of the program, yet, the most recent meeting only last approximately 5 minutes. This does not provide opportunities for both local electeds and communities ample time to raise concerns about the program.

**Wake County is helping to deport people for minor traffic violations. It shouldn't ~Dr. Felicia Arriaga
The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities ~Dr. Mai Thi Nguyen and Dr. Hannah Gill*