



Henderson County sheriff says ICE contract is a burden on jail and taxpayers

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Henderson County continues to debate the controversial 287(g) program, in which local law enforcement agencies check the immigration status of people they've arrested.

The current 287(g) contract in Henderson County expires in June.

Several residents spoke about their concerns at the county commissioners meeting Wednesday morning, imploring commissioners to continue the program.

"287(g) must remain as it was put in place two sheriff's ago. The safety of our citizens must be paramount and above political campaign promises," one resident said.

Another resident, Jane Bilello said after the meeting she thought the cost to local taxpayers was worth continuing the program and she was worried about the effects of not renewing the contract.

"We have seven pages full of signatures of people in this county that have signed, that are concerned about this," Bilello said. "We don't want to go the way of some of these other counties, where we're letting these criminals loose."

After comments from the public concluded, Henderson County Sheriff Lowell Griffin presented a prepared statement about the program and answered commissioners' questions.

Griffin stated he wanted to take the opportunity to clear up "public misinformation" about the program, including Immigration and Customs Enforcement, also known as ICE.

An excerpt from the statement reads:

"The 287(g) program is mistakenly used synonymously with the federal detainers. The 287(g) is an act of the federal government which allows local agencies to partner with I.C.E. in identifying and detaining criminal aliens. This program only allows the Henderson County Sheriff's Office to identify an illegal alien **ONLY AFTER THEY HAVE BEEN ARRESTED AND BROUGHT INTO THE JAIL ON STATE CHARGES.** The Henderson County Sheriff's Office has no authority to even ascertain the immigration status of an individual in the field, and certainly no authority to detain an illegal immigrant in the field. The authority of the Henderson County

287(g) officers rests SOLELY WITHIN THE WALLS OF THE JAIL."

Griffin went on to discuss the burden on officers trained to identify and place a hold on an undocumented immigrant, saying the process can take between two and 12 hours. Many times, Griffin said, the act can be redundant as ICE officials will later transmit a detainer for the same individual.

According to the sheriff's office, its staff has not issued a detainer in the last six to eight weeks, while ICE has issued four.

Griffin also stated the contract is a burden to local taxpayers, since the county is no longer reimbursed with federal funds for its participation. He also pointed out that only four counties in North Carolina have a 287(g) contract, with a total of 78 counties nationwide.

At one point, Commissioner Charlie Messer asked Griffin if an additional \$250,000 would cover the cost to continue the program. Griffin said it would.

Another commissioner asked Griffin if he had read through a 2018 study conducted by the CATO institute, which concluded that counties where 287(g) was in place did not see a reduction in crime rates. Griffin said he had not heard of the study but thought it was interesting.

Griffin spoke to News 13 after the meeting, saying his office will honor the federal retainers and hold ICE detainees regardless of any decision about the 287(g) contract.

"We're going to hold ICE detainees," Griffin said. "All I'm saying is I'm not sure that the application of the 287(g) in Henderson County is actually the most efficient way to identify the criminal illegal aliens because we work with, hand in hand with the actual federal ICE officers that are assigned here locally. We're going to continue that partnership and that relationship."

A spokesperson for the Henderson County Sheriff's Office said Griffin has not made up his mind about whether or not to renew the 287(g) contract

Henderson County Sheriff Lowell Griffin's full statement to the board:

"Mr. Chairman, Commissioners, Mr. Wyatt and staff, it has come to my attention that there have been conversations, questions, and even petitions concerning the Federal 287(g) program. The content of most of these questions and conversations detail misinformation associated with the program and Immigration and Customs Enforcement, commonly known as I.C.E. Recent developments across North Carolina have served as a catalyst to fuel debate resulting in public misinformation. I would like to take this opportunity to set the record straight concerning operations in Henderson County

First and foremost, it is imperative that we recognize there is a difference between honoring a detainer placed on a criminal alien by I.C.E. and contracting with the federal government to assist in identifying criminal illegal aliens as outlined in section 287(g) of 8 USC 1357.

Detainers are issued by federal officials from I.C.E. The detainers that are transmitted to a local agency, typically via fax, are the result of the identification of a criminal alien after they are arrested and processed into a local jail. During any arrest process, certain biometric information, such as fingerprints, are obtained and submitted to the state and federal government electronically. I.C.E. may use this information to discover that an alien has a previous history with I.C.E., or the criminal justice system, and choose to place a detainer on the person for deportation proceedings. I.C.E. will then transmit a detainer to the county jail where officers have the authority to place a hold on the criminal alien for I.C.E. Once the person detained has met the conditions of release concerning the state charges for which they were initially arrested, I.C.E. has 48 hours to take custody of the detainee. This process does not only apply to counties with a 287(g) contract, it applies nationwide. Some Sheriff's in North Carolina have made the decision not to honor the federal detainers. Only 4 counties in N.C. have a 287(g) contract with a total of only 78 counties nationwide participating in the 287(g) program

The key point to the federal detainers is that the detainee is identified due to their biometric identifiers being in the system from a previous investigation or arrest. An illegal immigrant who has not had prior contact with I.C.E., or the criminal justice system, will not have identifiers in the system.

The 287(g) program is mistakenly used synonymously with the federal detainers. The 287(g) is an act of the federal government which allows local agencies to partner with I.C.E. in identifying and detaining criminal aliens. This program only allows the Henderson County Sheriff's Office to identify an illegal alien **ONLY AFTER THEY HAVE BEEN ARRESTED AND BROUGHT INTO THE JAIL ON STATE CHARGES**. The Henderson County Sheriff's Office has no authority to even ascertain the immigration status of an individual in the field, and certainly no authority to detain an illegal immigrant in the field. The authority of the Henderson County 287(g) officers rests **SOLELY WITHIN THE WALLS OF THE JAIL**.

Under the current 287(g) contract, the Henderson County Sheriff's Office has the authority to identify and place detainers on criminal illegal immigrants. Only officers that are certified and deputized by I.C.E. can place these self-initiated detainers. These officers must travel and spend over a month out of state training at the Federal Law Enforcement Training Center to be able to identify and place a hold on an illegal immigrant. The initial training is followed up by annual in-service training that must be completed by all 287(g) officers.

The identification of aliens and creation of detainers in house can take from 2 to 12 hours to accomplish. The research and background checks that must be accomplished leading up to the placement of a detainer is extremely time consuming. This very act can be redundant as many times the 287(g) officer will spend valuable time identifying an alien only to have I.C.E. officials transmit a detainer through the process described previously.

The 287(g) process is burdensome to the operation of the jail and taxpayers as federal government provides **NO** funding for the program in Henderson County. The only funds that the program could provide is for housing and transportation, which go hand in hand. Henderson County is no longer able to contract to house federal inmates due to our rising jail population and the lack of available bed space.

Currently I.C.E. has agents assigned in Henderson County that work hand in hand with our jail officers. We will continue to maintain a strong working relationship with these federal I.C.E. agents assigned to Henderson County. I believe the most efficient way to pursue the criminal aliens in our area is to work directly with federal I.C.E. agents.

I will sum this up with a few points:

I.C.E. detainees are placed on criminal aliens regardless of participation in the 287(g) program and Henderson County will continue to honor these detainees.

The 287(g) program is burdensome to local taxpayers. There is no funding for the local program from the federal government and continuing the current contract will require additional county funding.

Regardless of the 287(g) program, the Henderson County Sheriff's Office has no authority, and has never had the authority, to participate in any I.C.E. operations outside the walls of the jail.

The Henderson County Sheriff's Office only becomes involved in matters of immigration status after the person has been charged with a state crime and is committed to the Henderson County Jail.

Federal I.C.E. Agents are assigned in Henderson County and work routinely with the Henderson County Jail Officers.

The most efficient way to identify the criminal illegal aliens in Henderson County is to work directly with the federal I.C.E. agents and support them as they investigate and detain criminal aliens.

In closing, I want to express that I intend to serve ALL the people of Henderson County. My priority will always be to keep the people safe and focus on getting the criminals off our streets. I refuse to offer sanctuary to the CRIMINAL ELEMENT of any demographic. The surest way to keep the Henderson County Sheriff's Office from looking into a person's background, including their immigration status, is to avoid committing a crime that will bring them into the Henderson County Jail."

-Sheriff Lowell S. Griffin