

The Browning of Threat: The “Unintended” Aftermath of Immigration Enforcement in a
New Destination Community

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
Sociology in the Graduate School
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ABSTRACT

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Abstract

My dissertation is a mixed-methods approach to investigate how local law enforcement implements federal immigration enforcement programs throughout the state of North Carolina. I've spent time as a participant observer as well as conducted formal and informal follow-up interviews with attendees at 287(g) Steering committee meetings and/or persons previously involved with each program in each of the following counties: 1) Henderson County, 2) Gaston County, 3) Cabarrus County, 4) Wake County, and 5) Mecklenburg County. I've supplemented this information with archival data from counties during their adoption phase of the 287(g) program and incorporated related immigration information when relevant.

In this research, first, I document how various entities became crimmigration entities. Second, I theorize how these partnerships became normalized in order to protect a variety of white interests. Lastly, I focus on how this one program might be situated within a broader framework, which attempts to define immigration enforcement practices at the local level.

Dedication

To my Latinx, immigrant community who pushed me to see that, “the only secure community is an organized one.”

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1. Introduction

In the fall of 2017, as I drove down I-85 South to Charlotte, North Carolina, I noticed a van pulled over on the northbound side of the highway with two police cars behind it and seven individuals—all Latino—walking away from the van. I took the upcoming exit, and circled back to ask them—one young woman, five men in their twenties, and an older man in his late thirties to early forties—if they needed a ride anywhere or some help. As I drove them to a nearby hotel, I learned the driver of the van was pulled over for speeding. He was a legal permanent resident who was eventually arrested for not having a driver's license. I also learned all of them recently crossed the U.S.-Mexico border, intending to meet family in Maryland and New York. Hours later, I dropped off the older man in Charlotte with his family members. And I anxiously hoped that the other six would be picked up at the hotel, while they awaited a ride from the young woman's family member to drive from Maryland.

Almost ten years earlier, a similar stop occurred along I-85 where Maria Chavira Ventura, a Mexican national, her three children, and a church friend were pulled over by an Alamance County Sheriff's deputy for displaying a false license plate. Maria could not provide the sheriff deputy with a license and was ultimately taken to jail while her children were left on the side of the road with the church friend, who later fled, fearing deportation. Maria was eventually placed under a federal deportation order after going through the 287(g) process, where local jailers interview arrestees about their immigration status. Her children, were forced to wait for their father to get a ride from a family member because he also lacked legal status, an identification, and a driver's license. The sheriff deputy

spoke very little Spanish, making it difficult to discern whether or not he asked Maria for permission to leave her children on the side of the road. Once the children were reunited with their father, he told reporters, “They were left abandoned in the middle of the street, it was a horrible experience for them, just horrible.”

Although the Department of Justice would eventually investigate the Alamance County Sheriff’s Department for racial profiling and Immigration and Customs Enforcement (ICE) ended the 287(g) program in 2012 due to these allegations, throughout this dissertation, I focus on the routine ways that law enforcement and local government agencies partner and communicate with ICE in the other counties with 287(g) programs throughout North Carolina. Between 2006 and 2008, places like North Carolina became the testing ground of various immigration enforcement practices in response to an increase of mostly Latina/Latino immigrants. Yet, the expansion of these programs are currently being called for under recent 2017 Executive Orders like the Enhancing Public Safety in the Interior of the United States Order and The Border Security and Immigration Enforcement Improvements Order.

Border enforcement and militarization, particularly under the current presidential administration, often monopolize the national immigration debate, yet increasingly, immigration enforcement has become common within the interior of the United States. Although raids and ICE showing up to someone’s home/workplace are also entering into the popular understanding of immigration enforcement, this distracts from a more systematic approach—one that functions through a system already present, the use of local law enforcement.

This project broadly seeks to examine this criminalization of immigration law and procedure, or crimmigration (Stumpf 2006) in the southeast, a “new immigrant destination,” to explore how local law enforcement and other public officials frame interactions with Latinos and Latino immigrants. Furthermore, I emphasize how this system interacts with immigration policies to create a form of racialized social control different than that targeted at the “criminal black man” (Russel-Brown 2008), yet still subject to anti-terrorism (i.e. anti-Muslim) tactics (Saenz and Manges Douglas 2015). Race scholars emphasize how some immigrant groups are racialized and, therefore, subject to exclusion and subordination by those same entities that have historically subjugated other racial/ethnic groups (Saenz and Manges Douglas 2015, Golash-Boza and Hondagneu-Sotelo 2013, Vazquez 2015).

I focus on how local law enforcement partners with immigration authorities in five counties within North Carolina operating with a 287(g) program to understand how street-level bureaucrats, other than local law enforcement, partake in immigration enforcement practices. The 287(g) partnership—one type of partnership at the county level—allows local law enforcement to become deputized immigration officers and provide additional measures to identify undocumented immigrants. The 287(g) program was first amended to The Illegal Immigration Reform and Immigrant Responsibility Act in 1996 and became more popular after 9/11. It is called a force multiplier because it provides an additional level of support to local law enforcement in identification processes. This interior immigration enforcement is an example of the devolution of immigration federalism or the reallocation of responsibilities to local law enforcement entities to embark on immigration

enforcement matters. Although immigration and race scholars focus on the differences between traditional and new immigrant destinations, I argue that ICE practices—acting as social control agents—are similar across localities, because they have become normalized, except when there is community resistance. Throughout this dissertation, I show that city councils, county commissioners, and the occasional appointed commission also act as crimmigration entities, which further allows for the devolution of immigration federalism.

1.1 Literature Review

This work bridges race, immigration, criminology, and legal studies literatures by highlighting the need for research focused on Latinos and immigrants within the criminal justice system (Eagly 2013; Weitzer 2013). A wide range of scholars focus on different areas of social life where a demographic change or “racial threat” is met with repressive responses to maintain social control. These studies typically focus on the black/white binary and measure threat in various arenas of social life. Racial threat theory builds upon Blumer’s (1958) group threat hypothesis and is often operationalized in political, cultural, economic, and crime arenas.

A political threat occurs when there is a challenge to the political power held by whites, often in the form of increasing numbers of elected officials of color (Blalock 1967; Eitle, D’Alessio, and Stolzenberg 2002). An economic threat may result from a sense of increased competition in ways that suggest that the black population and undocumented workers are taking the jobs of white citizens (Blalock 1967; Quillian 1996). A threat socially or culturally is characteristic of initiatives which provide support for bicultural learning, integration, and immersion. An example of this is the implementation of dual

language/dual immersion programs in K-12 schools (Giles and Evans 1986; Quillian 1996; Chavez 2008).

Although responses to the Latino immigrant population in the Southeast in these arenas may exist, more relevant to my focus on immigration enforcement are the social control implemented by local law enforcement. For example, in the threat of black crime relationship, an increasing black population is met with increased law enforcement spending (Kane 2003). Typically the threat of black crime is determined by quantitative data collection and analysis, yet there is still much to be uncovered about the process itself and how local actors are involved in this process.

We might expect that an increasing Latino immigrant population might be met with the same type of social control responses directed at black populations. Yet, scholars find mixed results when measuring the relationship between demographic changes in the immigrant population and social control implementation, like the passage of anti-immigrant bills (Ramakrishnan and Wong 2007). Some scholars find associations between partisanship and conservative ideology and the passage of anti-immigrant laws (Chavez and Provine 2009). While others find that multiple jurisdictions have contradictory stances when it comes to immigration enforcement (Varsanyi, Lewis, and Provine 2012).

This simplistic understanding of responses from one social control agency, misses the point that implementation occurs through a variety of institutions and can subsequently be manipulated to interact in other arenas. So instead, this is more in line with my model, where social control is only possible through this specific crimmigration partnerships.

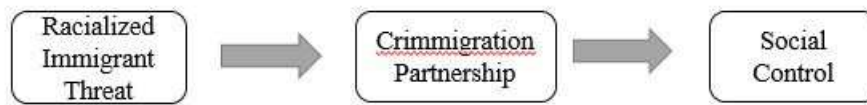


Figure 1: Racialized Immigrant Threat

Legal scholars trace how classifications in immigration and criminal justice offenses have facilitated the creation of these crimmigration partnerships (Stumpf 2006; Trujillo-Pagan 2013). These localized immigration practices are examples of the devolution of immigration federalism or the reallocation of responsibilities to local law enforcement entities and local government (Coleman 2014; Armenta 2015; Farris and Homan 2017). Increasingly, immigrants are subject to both the criminal justice and immigration systems. Legal Scholar Garcia Hernandez (2012) went further to describe how various local officials and actors within the criminal justice system participate in such efforts. Sociologist Micheal T. Light (2014) describes how judges make decisions based on immigration status, labeling some individuals based on their country of origin. This raises the question of who is and is not a crimmigration law entity and how these entities interact at the local level.

1.2 Methods

To begin to answer the questions about crimmigration partnership adoption and implementation, I first explore media/legislative coverage, which allows me to speak broadly about North Carolina specific immigration issues. I then turn to interviews with individual law enforcement officers, legal counsel, and community organizations to conduct deeper analysis of the interactions between Latinos and local law enforcement. I

focus on Latinos because of this population's rapid increase in the Southeast but also because they, and more specifically Mexican nationals, are overrepresented in detentions and deportations.

In summary, I use a mixed-methods data collection approach to answer my research questions. I employ the following techniques: content-analysis of newspaper articles and archival data, case studies, interview data (see Table 2), and participant observation (see Table 2). In my content-analysis, I explore gender, race, and nationality of immigrants within *The Charlotte Observer* and *The Raleigh News and Observer* from 2003-2016 to contextualize the current state of partnerships in North Carolina. Newspaper data offers a rich source for analyzing public discourse around immigration and for identifying key state policy actors. The full sample consists of all articles from the two papers in North Carolina, where the words immigrant, immigrants, or immigration (immigra*) appear. I analyze 325 randomly sampled news stories from 2003-2016 from each newspaper. To create the sample, I searched for articles containing the terms "immigra*" and retained only those articles that discuss immigration-related issues in North Carolina. After compiling the dataset I coded these articles in Excel before adding them to NVivo.

The bulk of my data stems from case studies of five Sheriff's Agencies in North Carolina, two with an opportunity for community input in the process of adopting the 287(g) program and three that did not undergo this same process. Although Mathew Coleman (2012) uses a case study approach to study immigration partnerships in Wake and Durham counties, there are a few ways a matched pair comparison can explain more of the immigration partnership adoption process and the subsequent implications. For one,

Coleman chose to study two cases where local law enforcement agencies operated with both Secure Communities (biometric screening system) and 287(g) programs, leaving little room for theoretical specification with regards to the type of law enforcement agency and the particular partnership. Second, and as Coleman (2012) indicates, “the ‘local’ migration state is an aggregation of site-specific practices” and “non-287(g) and/or non-Secure Communities agencies may be as important, if not more so, than formally deputized or otherwise formally cooperative law enforcement agencies when it comes to measuring the impact of local immigration enforcement practices in specific sites.” To address this last point, I interviewed and observed both deputized (those formally trained as ICE officers), non-deputized law enforcement officers, and local bureaucrats in order to broaden our understanding of the roles local law enforcement plays in crimmigration.

I use these interviews, organizational data, archival material, and participant observations in a modified grounded theory approach to capture insights about local law enforcement efforts to implement social control mechanisms. Few studies qualitatively explore these partnerships (Coleman 2012; Armenta 2012), making a grounded theory methods approach an appropriate route. These methods require the researcher to simultaneously be involved in data collection and analysis. Kathy Charmaz (2006) describes these methods as follows,

Grounded theory methods consist of systematic, yet flexible guidelines for collecting and analyzing qualitative data to construct theories ‘grounded’ in the data themselves. The guidelines offer a set of general principles and heuristic devices rather than formulaic rules (p. 2).

The main difference in these cases is that the Henderson County Sheriff’s Office and the Mecklenburg County Sheriff’s Office both adopted a 287(g) program after opportunities for community input (Figure 2). In contrast to the Gaston County Sheriff’s Office, Wake County Sheriff’s Office, and the Cabarrus County Sheriff’s Office that did not undergo a similar process. Currently, there are only 5 local law enforcement agencies operating with a 287(g) agreement in North Carolina, while there were 34 of these partnerships across the country at the time of data collection.

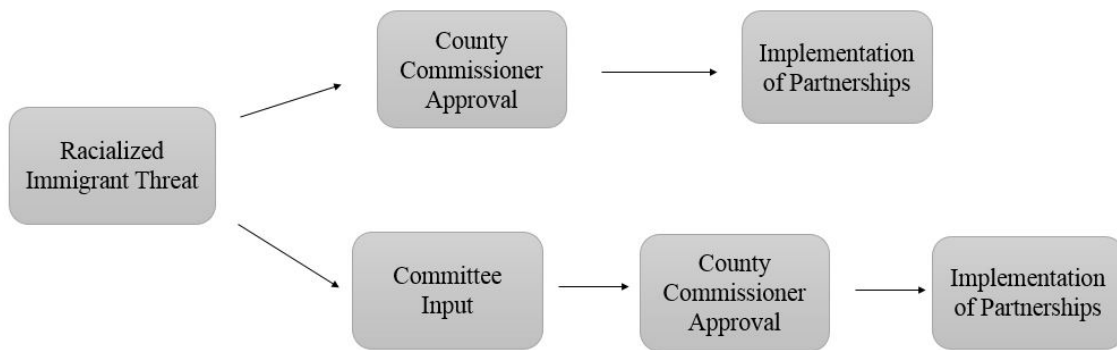


Figure 2: Adoption Process of 287(g) Programs

I conducted open-ended interviews with officers at each agency and collected organizational data. I formally interviewed approximately 30 individuals across a variety of sectors. I recorded and transcribed interviews shortly after conducting them. Once I initial interviews, I analyzed the data and identified key areas where I needed further clarification from respondents. I then used that information to guide my future interviews and considered revisiting previously interviewed respondents so that they could expand on those areas. Interviewees were also selected through snowball sampling, to identify how

all entities (sheriff, ICE affiliates, non-ICE affiliates, etc.) participated in crimmigration processes. This was necessary in order to consider the role of all law enforcement officers in immigration matters, instead of solely focusing on those who may have a particular, federally appointed, title.

In addition, I conducted content-analysis of archival data from all five counties from the years 2006-2016. This consisted of county commissioner meetings, city council documents when applicable, and annual budgets. A close reading of these documents resulted in a variety of information, including details regarding the adoption of the 287(g) program, any responses from community members, any requests for more information throughout the ten years of the program, and financial exchanges between ICE and the county or local law enforcement agencies (all instrumental for the development of chapter 4).

Lastly, I spent time at a variety of meetings as a participant observer, mainly at 287(g) steering Committee Meetings and at additional follow-up meetings and rallies with community members. Some of this time—over the course of two years—includes attending other meetings like those hosted by the Faith Action ID Network, to learn more from law enforcement who were willing to consider additional solutions for those unable to obtain a valid driver's license.

1.1.1. Why North Carolina?

North Carolina, experienced a rapid increase in the Latino population between 1990-2010. Latinos accounted for 25% of North Carolina's population increase during that time (Mann 2010). Additionally, North Carolina has the eleventh highest Latino

population out of all U.S. states and saw the sixth highest Latino population growth from 2000 to 2010. This population increase accounts for both undocumented and documented immigrants (Hoefer, Rytina, and Baker 2011). Subsequently, North Carolina is now deemed an emerging, or new destination Latino community (Marrow 2009; Gill 2010). Yet, more established Latino communities like Chicago or Los Angeles remain at the forefront of scholarly interest. This rapid population increase in new destinations is met with a mix of attitudes and actions from the nonimmigrant, majority white communities, including legislative measures, partnerships with ICE and targeted checkpoints.

The North Carolina counties with current 287(g) partnerships are included in Table 1. These counties experienced a more than 100% increase in the Latino/a population between 2000 and 2014. In 2014, Latinos made up roughly 10% of each of these county's population, except for in Gaston County. I've also included on the far right of Table 1, whether or not a Latino serving institution or community center exists as an indicator of organized efforts against the 287(g) partnerships. The North Carolina Sheriff's Association proved instrumental in the roll out of this program across the state and certain sheriffs advocated for more usage of these types of partnerships throughout the country (Coleman 2012).

Table 1: North Carolina Characteristics

County	Percent change in Latino Population (1990-2010)	Percent change in Latino Population (2000-2014)	Percent of County Population (2014)	Political Leaning** (2016)	Latino Community Center
Cabarrus	1271%	190%	10%	Republican (58.5%)	No
Gaston	562%	136%	6%	Republican (64.8%)	No
Henderson	477%	126%	10%	Republican (62.6%)	Yes
Mecklenburg	570%	186%	13%	Democrat (63.3%)	Yes
Wake	530%	193%	10%	Democrat (58.4%)	Yes
State	943%	111%	9%	Republican (50.5%)	
<p>* http://www.pewhispanic.org/states/state/nc/</p> <p>**Political Leaning indicates winning party in the 2016 presidential election (http://www.politico.com/2016-election/results/map/president/north-carolina/).</p>					

1.3 Dissertation Overview

Chapter 2 is an overview of the 287(g) program and the current practices in North Carolina. Chapter 3 provides a more in-depth look at how other local crimmigration entities contribute to the maintenance of white supremacy. Chapter 4 focuses on a more nuanced way that local law enforcement and other crimmigration entities could publicly acknowledge collaboration, cooperation, and financial exchanges with ICE. I conclude with some considerations we must make under this current administration and some

specific changes that must be made if we are to disentangle crimmigration practices and procedures.

1.3.1 Chapter 2 Overview: Relationships Between the Public and Crimmigration Entities in North Carolina: A 287(g) Program Focus

This chapter provides an overview of the 287(g) partnership between local law enforcement and ICE in five counties throughout North Carolina. The movement toward interior immigration enforcement practices is not new, however, I offer a more nuanced understanding whereby the adoption and implementation of intergovernmental partnerships like the 287(g) program, seek to curb the increase and survival of the Latino immigrant population at the local level. Furthermore, previous research typically did not describe and assess how city and county governments participated in the 287(g) adoption process. Between 2006 and 2008, the county commissioners meetings were the only public forum to discuss the program. More recently, the 287(g) Steering Committee Meetings have taken place to discuss implementation of these partnerships and may be one of the only ways to sift through difficult to access data and determine the program's goals during a time of changing deportation priorities.

1.3.2 Chapter 3 Overview: Collective Amnesia: White Innocence and Ignorance in the Devolution of Immigration Enforcement

The shift of immigration enforcement from the federal level to the local level through the 287(g) program, is maintained by local governing entities who have responded to a perceived racial threat. These policy changes, enacted ten years ago are now entrenched as part of legal and state violence directed at Latinos and Latino immigrants alike (Menjivar

and Abrego 2012). Local governments initially approved the implementation of partnerships with federal authorities, and within that initiation process, racial threat was explicit as a motivator for local level immigration policy changes like the 287(g) program. Albeit the 287(g) program was visible in the beginning, it became invisible through normalized enforcement practices, subsequent *collective amnesia* of the program's impetus, and competing priorities, which prevented community members from maintaining a sustained resistance. These practices, in turn, continue to protect white innocence and involvement in decision making (Bonilla-Silva 1997; Hughey 2012; Ross 1990) while also protecting white economic interest.

1.3.3 Chapter 4 Overview: Redefining Responses to Racialized Immigrant Threat

Local law enforcement engagement in immigration enforcement is typically viewed as binary where agencies either do or do not participate in enforcement practices. This understanding distracts from other means of communication, collaboration, and financial exchanges with ICE. In reality, there is a variation of collaboration, correspondence, and communication occurring, yet in many of the settings, particularly immediate responses to the recent executive orders under the new Presidential Administration, local crimmigration entities (local law enforcement, city council, and county representatives) are simply responding to concerns about collaboration by stating, “we will not be rounding up individuals.” Even if local law enforcement is not actively “rounding up” individuals, I find that even the most progressive localities are participating in collaborative efforts with ICE.

In this chapter, I propose and test an alternative scale to measure how immigration enforcement practices factor into the politics of reception for immigrants, particularly in newer immigrant destinations. Current attempts to define localities as welcoming or unwelcoming to immigrants define it based on one to two measures, i.e. either targeted policing or no visible forms of policing. Yet, this does not adequately encompass the breadth of such stances or policies that contribute to the welcomeness of a community. To address this, I develop a scale with nine dimensions, which include: indirect collaboration through identification protocols, technology usage, deputized staff, reimbursement funding, honoring detainers/hold requests, intergovernmental service agreements, participation in interagency task forces, U-Visa Certification policies, and any additional context needed to aid ICE.

2. Relationships Between the Public and Crimmigration Entities in North Carolina: A 287(g) Program Focus

Sociologists are becoming more interested in citizenship as a marker of social status. Race scholars (e.g. Golash-Boza and Hondagneu-Sotelo 2013; Romero 2008; Sáenz and Manges Douglas 2015), in particular, theorize how both race and citizenship are seen together as indicators of social status through the eyes of local law enforcement, filling the gap Ronald Weitzer (2013) once called “The Puzzling Neglect of Hispanic Americans in Research on Police–citizen Relations.” Yet, scant research exists which tackles the interplay between various levels of governance that both dictate the day-to-day functions of criminal justice entities and allow for adoption, implementation, and continuation of intergovernmental agreements such as immigration enforcement partnerships (Vargas and McHarris 2017).

Although the movement towards interior immigration enforcement practices is not new, I offer a more nuanced understanding whereby the adoption and implementation of intergovernmental partnerships like the 287(g) program, was and still remains characteristic of a racial state (Goldberg 2002) seeking to curb the increase and survival of the Latino immigration population at the local level. Furthermore, previous research typically did not describe and assess how city and county governments participated in the adoption process, yet I find that, except in the last two years when 287(g) Steering Committee Meetings began occurring in North Carolina, the county governments provided the only public forum to usher in these partnerships between 2006 and 2008. With this in mind, these county-level Steering Committee Meetings may be one of the only ways to

begin sifting through difficult-to-access data and begin to assess both the program's goals and implementation in a time of changing deportation priorities.

This article is organized into four parts. First, I review how communities and local law enforcement have responded to racial threat and the importance of studying such phenomenon in a new Latino immigrant destination like North Carolina. Second, I focus on the process whereby these communities and local law enforcement entities have become crimmigration (criminalization of immigration law and procedure) entities through the use of a specific intergovernmental program, in order to respond to a racialized immigrant threat. Third, I describe the adoption and implementation of one of these intergovernmental agreement across five counties. I conclude with a discussion about the future of such intergovernmental agreements.

2.1 Literature Review

2.1.1 Racial threat and local law enforcement responses

Racial threat theory builds upon Blumer's (1958) group threat hypothesis. Blumer describes what is at the heart of the dominant group's sense of group position: 1) a feeling of superiority, 2) a feeling that the subordinate race is intrinsically different and alien, 3) a feeling of proprietary claim to certain areas of privilege and advantage, and 4) a fear and suspicion that the subordinate race harbors design on the prerogatives of the dominant race. This hypothesis moves away from individuals and their individual feelings and instead concerns itself with the relationships between racial groups. Blumer asserts that racial identification with one's group is necessary for racial prejudice. This sense of group identity is formed through a collective process vis-à-vis the subordinate group. The

formation of this sense of group position may begin through initial contact between groups, but is recreated over time as the dominant racial group defines the subordinate racial group and the relations between them.

Building upon Blumer's framework, Hubert Blalock (1967) expanded group threat theory to explain economic and political responses to such a threat, and other scholars have turned their attention to conceptualizing and operationalizing the threat of minority crime and the subsequent responses from local law enforcement, typically without explaining the process whereby local governments are involved. Researchers find this threat of black crime is associated with greater police expenditures. Kane (2003: 266) uses the allocation of crime-control resources as his measure of social control, stating:

Because crime-control resources are an indicator of the state's capacity to exercise formal social control, an examination of how such resources are distributed is justified, especially when the static characteristic of certain group members may be used in determining such allocations.

Several studies also find racial threat is associated with police force size, arrest rates, and incarceration rates. Even controlling for aggregate crime rates across cities, researchers still find racial/economic composition substantially affects arrest rates (Greenberg, Kessler, and Loftin 1985; Liska & Chamlin 1984). Jacobs and Helms (1999) find that political factors and the size of the black population are positively associated with incarceration rates, and Bridges, Cruthfield, and Simpson (1987) find a positive association between the size of the nonwhite population and incarceration rates for nonwhites.

Yet, few studies focus on Latinos as a new threat, particularly in the Southeast where the Latino population is overwhelmingly of immigrant background. Some scholars also question if the group threat/racial threat hypothesis is even applicable to groups other

than blacks and whether or not the same social control variables should be used (Taylor 1998). This is one reason why Ramakrishnan and Lewis (2005) and Ramakrishnan and Wong's (2007) focus on municipal policy proposals in their tests of the racial threat hypothesis is so important in helping to expand the meaning of racial threat and the variables to operationalize such a process. In their 2005 study, they find that Latino population size and partisanship partially explain the adoption of anti-immigration legislation. However, in their 2007 study, they find little explanatory value in the growth of the Latino population and the Latino proportion of the population. Similarly, Chavez and Provine (2009) test multiple threat hypotheses: racial and ethnic threat, economic threat, and criminal threat. They do not find that economic indicators, crime rates, or demographic changes are able to explain state level legislation aimed at restrictions on immigrant populations. However, they do find that conservative citizen ideology and pro-immigrant laws are associated with larger concentrations of the Hispanic population. Another study of 237 cities found that the Latino/Hispanic proportion in the population was not related to local police involvement in aggressive immigration enforcement (Lewis, Provine, Varsanyi and Decke 2013).

Overall, there are mixed statistical findings when Latino threat is operationalized as the Latino proportion of the population or as the percent change in the Latino population. Therefore, there is ample room to analyze this phenomenon through qualitatively studying the adoption of particular programs like intergovernmental partnerships with Immigration and Customs Enforcement and the subsequent authority employed by these crimmigration—the criminalization of immigration law and procedure—entities.

2.1.2 Becoming crimmigration entities

García Hernández (2015) describes crimmigration law entities as encompassing both public and private entities like the Department of Homeland Security (DHS) and state and local governments. He goes on to describe how public officers and state and county prosecutors play an important role in investigations that “creates immigration law problems for people who lack US citizenship” (García Hernández 2015:16). Regarding state court judges, he writes,

Not only do they oversee state criminal prosecutions, but since 2010 they have increasingly been called upon to determine whether defendants receive the type of advice about potential immigration consequences of conviction that is constitutionally required. The 6th amendment right to counsel, the Supreme Court recognized that year, obligates defense attorneys to determine whether a client is clearly going to face immigration consequences if convicted and advise accordingly. (García Hernández 2015:16)

Furthermore, sociologist Michael T. Light (2015) finds in interviews with judges, differential treatment based on non-citizenship status, indicating unequal treatment under the law. As one judge stated, "Is there an annoyance because some of these criminals are basically biting the hand that feeds them? Yes (Light 2015:35)." Another judge, specifically spoke about “cultural” divides between himself and Hispanics,

Now one of the things I've noticed from a lot of the Hispanic illegal aliens that I find here, they don't seem [sic] to have a great deal of problem in beating up their women, and that bothers me, It just seems to be a cultural thing I keep encountering...So if this is your way of life, I'm probably gonna hurt you. (Light 2015:36)

Other work focuses on local law enforcement as a crimmigration entity operating within new destination communities in the southeastern part of the country (Coleman 2012; Armenta 2012). More specifically, researchers have focused on local law enforcement's

role in an intergovernmental program known as the 287(g) program, introduced in the late 1990s and early 2000s, which was amended to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Initially, few localities showed interest in 287(g) Programs until after 9/11. 287(g) Programs, authorize local law officers to detect, detain, and deport unauthorized immigrants through an agreement with ICE (Nguyen and Gill 2010). Below is an explanation:

Under Section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security (DHS) may deputize selected state and local law enforcement officers to perform the functions of federal immigration agents. Like employees of U.S. Immigration and Customs Enforcement (ICE), so-called “287(g) officers” have access to federal immigration databases, may interrogate and arrest noncitizens believed to have violated federal immigration laws, and may lodge “detainers” against alleged noncitizens held in state or local custody (American Immigration Council 2012).

To study this program, Mathew Coleman (2012) drew from the feminist political geography tradition to study up the migration state in a case study of the 287(g) programs implemented by the Durham Police Department and the Wake County Sheriff’s Office in North Carolina. Coleman (2012: 181) concluded:

The Wake County example shows that non-287(g) and/or non-Secure Communities agencies may be as important, if not more so, than formally deputized or otherwise formally cooperate law enforcement agencies when it comes to measuring the impact of local immigration practices in specific sites.

In addition, Amada Armenta (2012; 2015) conducted two years of ethnographic fieldwork with the Davidson County Sheriff’s Office and the Nashville Police Department in Tennessee and found the 287(g) partnership between Immigration and Customs Enforcement (ICE) and the Sheriff’s Office to be tightly regulated by ICE officials. Sheriff personnel on the other hand, saw themselves as “objective administrators whose primary

responsibilities are to identify and process immigrants for removal” (2012:191). Amada’s studies highlight the role of one particular crimmigration entity, yet little has surfaced about how this entity works with other crimmigration entities like city and county governments to usher in intergovernmental agreements between local law enforcement and Immigration and Customs Enforcement meant to deal with a Latino threat (Chavez 2013).

In North Carolina, five Sheriff Offices operate with 287(g) Programs, making it the state with the most programs in the country, yet the impact of Latino immigrants is a relatively new one. North Carolina, like many states in the South, experienced a rapid increase in the Latino population from the years 1990-2010. Latinos accounted for 25% of North Carolina’s population increase over that time span and, more specifically, North Carolina saw a 111% growth in the Latino population in the years 2000-2010 (Mann 2010). The growth of this population has been met with a variety of responses and deportations are one such response through programs like intergovernmental agreements. I argue that the criminal justice system and local county government responds to this new Latino--i.e. Mexican, “threat” by collaborating with immigration enforcement programs within the interior of the country to create a form of racialized¹ social control meant to impact all Latinos, regardless of immigration status, age, or gender. Although the movement towards interior enforcement practices is not new, I offer a more nuanced understanding whereby

¹ Here I allude to the racialized social system theorized by Eduardo Bonilla-Silva (2014:9) where society’s racial structure is conceived as, “the totality of the social relations and practices that reinforce white privilege.” Rogelio Sáenz and Karen Manges Douglas (2015:166) describe this more specifically for studies of immigration, asserting, “The racialization of immigrants has occurred historically but particularly over the past half century as non-Europeans became the primary groups of immigrants in this country.”

the adoption of such enforcement, through the use of intergovernmental partnerships like the 287(g) program, is framed as an overt attempt at the local level to curb the increase and survival of the Latino immigration population. Furthermore, previous research typically does not describe and assess how city and county governments participate in the adoption process, yet I find that until the past two years when 287(g) Steering Committee meetings began occurring, the county governments in particular provided the only public forum to usher in these partnerships. Therefore, I seek to answer the following research questions to better understand the framing taking place during initial adoption and in the current functioning of the 287(g) programs throughout the state.

- 1) How do local law enforcement, with the aid of city and county governments, respond to racialized immigrant threat through policy implementation, namely through adoptions of intergovernmental agreements?
- 2) More specifically, how is this response tailored for Latino immigrant communities, particularly in new destination communities?
- 3) How is the 287(g) program publically framed by local law enforcement in the communities where they are enacted?

2.2 Methods

For this article, I describe my time as an active participant observer as well as time spent conducting formal and informal follow-up interviews with attendees at 287(g) Steering Committee Meetings and/or persons previously involved with programs in each of the following counties: 1) Henderson County, 2) Gaston County, 3) Cabarrus County,

4) Wake County, and 5) Mecklenburg County. Table 1 above provides general information about each county's demographics.

These counties were chosen because they are active in the 287(g) program but they also reflect the locations across the state where there is an opportunity for ICE, local law enforcement, and the community to engage in discussions about immigration enforcement. Information at each Steering Committee Meeting was presented in the same manner during each occurrence. The 287(g) program Manager for North Carolina presented the vision and the following mission statement,

To improve the program oversight, identify issues and concerns regarding the immigration enforcement activities, to increase the transparency of the program, and offer the community stakeholders opportunities to communicate from a community level perspective.

The Program Manager then presented the number of personnel trained in each county, the number of persons encountered and removed, and success stories from the program. This was then followed by a time for questions and answers which varied in length and depth at each location, dependent on the number of community members in attendance. In 287(g) Steering Committee Meetings where I was the only person in attendance, three out of the five meetings, I took advantage of the question and answer section of the presentation to ask questions of both sheriff personnel and Immigration and Customs Enforcement officials who were present. In those circumstances, 5-10 people were available to respond to my questions in meetings that lasted approximately 30-45 minutes, ample time for me to ask about most of the topics included in my interview guides. In the other two instances, where others were present, either the sheriff personnel or the ICE officials ended the

meeting whereas in the other meetings, the meeting ended once I completed asking questions. Because these were public meetings, I tape-recorded whenever possible and transcribed the material soon after to best instruct follow-up questions for those in attendance. Observations were also included in my field notes.

I draw heavily from public archival resources which I use to triangulate information from each county. These documents are described as they appear in the text, particularly from around the time of program adoption (2006-2008), in the form of county budgets, county commissioner meeting minutes, etc. Most of these documents are publicly available or available upon request from city/county officials. Although I utilize these publicly available documents in this article, the process to bolster some of my claims is only possible through the use of information obtained through public records requests which are ongoing. Requests for the Steering Committee presentations from the 287(g) program Officer were initially denied and then steered to the Southern Region Communications Director at U.S. Immigration and Customs Enforcement (ICE) who then suggested I submit a public records request online with Immigration and Customs Enforcement. Additional information also requested from each Sheriff's Office were steered back to the 287(g) program Officer and once again to the Southern Region Communications Director with instructions to submit a formal public records request with Immigration and Customs Enforcement. As explained later on, this process for obtaining information related to the 287(g) program limited my own information gathering, but also hindered similar efforts from community members.

In addition, I have included information when applicable from 10 in-depth interviews with law enforcement personnel, legal counsel, immigration advocacy group

representatives, and city/county officials (both elected and non-elected); most of whom are concentrated in one county and were identified through their current participation with the 287(g) program and/or their previous participation during the adoption phase between the years of 2006-2008. I designed four semi-structured interview guides and requested demographic information from each interviewee. Some of these interviews took place over the phone, some at a person's place of employment, and others in public spaces.

Once field notes, interviews, and archival resources were collected, I utilized a modified grounded-theory approach for coding to identify analytic themes, to organize, and to analyze the information. Most of the quotes throughout the piece do not identify the speaker by name, unless it was from a public meeting. If their name is not attached to their statement(s), then I indicated what agency or community organization the person represented. Data collected from each site is included in Table 2.

Table 2: Data Collection Sources Across Counties

County	Public Archival Data from:	Interview Data from:	Public meetings/events
Henderson	Blue Ribbon Committee on Illegal Immigration (2007), County Commissioner meetings (2006-2016), MOA	Blue Ribbon Committee members (4), county officials (2) , Sheriff personnel (2), other law enforcement (3)	2015 & 2017 287(g) Steering Committee meeting (only participant), community meeting, Sheriff information session
Gaston	County Commissioner meetings (2006-2016), MOA	State representative (former commissioner)	2015 & 2016 287(g) Steering Committee meeting (only participant)
Mecklenburg	County Commissioner meetings (2006-2016), Mayor’s Immigration Study Commission (2006-2007), MOA	Community organization (2) , Immigration Study Commission members (2)	2015, 2016, & 2017 287(g) Steering Committee meeting
Wake	County Commissioner meetings (2006-2016), MOA	Community members (5), Sheriff personnel (2)	2015 & 2016 287(g) Steering Committee meeting
Cabarrus	Visioning meeting of County Commissioners (2007), County Commissioner meetings (2006-2016), MOA		2015 & 2016 287(g) Steering Committee meeting (only participant)
Other: correspondence with 287(g) Program Managers in North Carolina and Southern Region Communications Director (Spokesman) with U.S. Immigration and Customs Enforcement.			

2.3 Findings

I categorize my findings into three key areas of interest. The first is the reasons for and logistics of *Program Adoption Rationale* and *Program Implementation*, a theme I connect to initial program adoption and framing by incorporating paraphrased sections of meeting minutes from the Board of Commissioners in each county. The second theme which emerged is the extent to which each Sheriff's Office exhibited a sense of *Program Ownership*, which helped to delineate the role of local law enforcement, state legislation, and/or federal immigration enforcement authority. Lastly, given the limited ability for community members to engage with the government officials involved, particularly since the inception of each program, the *Nonexistent Community Relationships* with both ICE and the Sheriff's Office are described.

2.3.1 Program Adoption Rationale

The 287(g) programs can be implemented at the request of the Sheriff's Office and/or by Immigration and Customs Enforcement. In all five counties where the 287(g) program currently exists, local law enforcement presented the program to the Board of Commissioners prior to initial adoption between the years of 2006-2008. In Mecklenburg, Henderson, and Gaston counties the Sheriff's request to enter into these agreements were bolstered by a formal appointed committee or by a resolution which would assess the impact of "illegals," (their term, not mine) and/or Latino immigrants within the county.¹

¹ In Gaston County, the resolution was titled To Adopt Policies and Apply Staff Direction Relating to Illegal Residents in Gaston County. In Mecklenburg County, the City Council committee was the Mayor's

These efforts showcased a more widespread framing of the perceived problems that immigrants brought to the communities. These proposals and reports provided recommendations in the following areas: monitoring of local funding which might provide support to “illegal [sic] residents” ceasing to work with businesses employing “illegal [sic] residents,” monitoring housing occupancy in rental dwellings, etc. Furthermore, this acceptance by the County Board of Commissioners was necessary, in most cases, for the Sheriff’s Office to dedicate budgetary resources and personnel to new obligations under the 287(g) program, yet this did not necessitate a sense of ownership on behalf of the Board of Commissioners.

Surprisingly, in meeting minutes from the County Commissioner meeting on February 20, 2008, the Henderson County Sheriff candidly emphasized the geographic rationale for ICE to implement these agreements within specific areas of the state. Not only does this imply a greater influence of ICE in specific areas of the state, but it also contributes to arguments by scholars of the racialization of space, although other Sheriff’s Offices did not allude to this in public comments.

Wake, Cumberland and Henderson County were recommended by ICE for the 287(g) program....Henderson, Wake and Cumberland Counties were chosen because of the demographics, geographics and intensive lobbying. ICE cannot support 100 individual 287 (g) programs across the state. They are going with the “Hub & Spoke” approach. They have set up an Executive Steering Committee which includes Sheriff’s, ICE Agents and Technical experts. The concept is a fifty (50) mile radius where a county would support the surrounding counties. We would be actively supporting the counties of Transylvania, Buncombe, Polk, Rutherford,

Immigration Study Commission. And in Henderson County, the committee was called The Blue Ribbon Committee on Illegal Immigration.

Haywood, McDowell, Madison and Yancey. (Henderson County Board of Commissioners on February 20, 2008)

Some sheriffs have maintained their position over the course of this intergovernmental agreement, making it possible to hear their original intentions during the 287(g) Steering Committee meetings. When the Sheriff, or sheriff personnel were asked about the history of the program and the rationale for adoption, four of the five shared the following sentiment provided by Sheriff Donnie Henderson of Wake County,

The reason, I'll be honest with you, the reasons why I came up with 287(g) was when I became Sheriff, our jail had a lot of people in it and there were people in it that I knew that we were letting out that we didn't have a clue who they were. And it doesn't matter to me, as she said, that's the way we feel—people who have a badge on. Our job is to keep every one of you safe and that's why I felt like, looking at the jail reports and some of the names I was seeing, and some of the people I was seeing, and some of the questions that were being asked of me, we're not sure we've got this person. We've got finger prints we can't match up anymore. And our partnership with ICE started because of that, because I felt like that if I let somebody out on the street, regardless of what it was.

Sheriff Donnie Harrison also shared this rationale about the program's feasibility to assist in identifying individuals when he described the program to the County Board of Commissioners in 2007 (video available on the county website), yet there was no consistent agreement amongst entities in the five counties over whether or not the program would solely target criminals. For example, in Gaston County, Commissioner Torbett's resolution *To Adopt Policies and Apply Staff Direction to Illegal Residents in Gaston County*, which passed on November 9, 2006, included the following, "Allow County Police to partner with ICE to verify undocumented residents during any minor/major public safety infraction and if identified as undocumented, detain for deportation." Although other County Commissioners and local law enforcement may not share the sentiment of Commissioner

Torbett, initial adoption was heavily dictated by both the Sheriff's Office and the County Board of Commissioners.

Commissioner Torbett (Gaston County) and a subgroup of representatives of a special committee, *The Blue Ribbon Committee on Illegal Immigration*, appointed by the Board of Commissioners in Henderson County also broadened the scope of those who should be deported through such agreements. Some studies suggest that if there were federal guidelines describing the categories of individuals to deport, it was overreaching in that both criminal and noncriminal categories of people were being deported (Golash-Boza and Hondagneu-Sotelo 2013).

2.3.2 Program Implementation

In interviews with community members in one county, they described the visible and overt enforcement by the Sheriff's Office in the initial years following adoption of the 287(g) program. This included but was not limited to reports of sheriff deputies sitting outside of the migrant health clinic and waiting to stop individuals. These reports also seem to be consistent with the number of detainers (requests from ICE to hold undocumented individuals for an additional 48 hours) reported by TRAC Immigration data gathering services.²

² 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. Since the inception of the 287(g) program in Henderson County, 1,057 detainers have been sent for undocumented persons and ICE assumed custody for 749 of those people. The peak of these occurred between 2009 (183), 2011 (287), and 2012 (154). (<http://trac.syr.edu/phptools/immigration/detain/>).

Information from the 2015 287(g) Steering Committee meeting in Henderson County is characteristic of this phenomenon where out of 120 criminal encounters, 45 persons were removed and out of 7 noncriminal encounters, 3 persons were removed. Unfortunately for data collection purposes, reporting mechanisms and guidelines for the categories of persons to be deported changed during the course of my field work, making it difficult to track the persistence of the categories of criminal/non-criminal deportations. Instead, in the fall of 2015, the North Carolina 287(g) Program Manager addressed the current process and newly implemented guidelines, whereby criminals are identified and prioritized as various categories of threats through the Priority Enforcement Program. The following three priorities were outlined in a memorandum on November 20, 2014 by Secretary of Homeland Security Jeh Johnson. This memorandum (Johnson 2014) also did away with the program formerly known as Secure Communities, a program that will now potentially be ushered in under the Trump administration.

Priority 1: threats to national security, border security, and public safety

Priority 2: misdemeanors and new immigration violators

Priority 3 : other immigration violations

Although this memorandum was issued in 2014, the guidelines did not immediately take effect. Like those ordered deported prior to the 2014 memorandum, Table 3 indicates many individuals were also deported under the lowest priority, and potentially without any criminal record.

Table 3: 287(g) Encounters and Removals for FY2015

	Encounters	Removals	Percent of Removal
Cabarrus County			
Priority 1	56	20	36%
Priority 2	28	9	32%
Priority 3	40	5	12.5%
<i>Total</i>	124	34	27%
Gaston County			
Priority 1	19	17	89%
Priority 2	24	21	88%
Priority 3	44	31	70%
<i>Total</i>	87	69	79%
Henderson County			
Priority 1	19	15	79%
Priority 2	7	2	29%
Priority 3	26	10	38%
<i>Total</i>	52	27	52%
Wake County			
Priority 1	591	109	18%
Priority 2	550	134	24%
Priority 3	1124	51	.05 %
<i>Total</i>	2265	294	13%
Mecklenburg County			
Priority 1	499	168	34%
Priority 2	290	100	34%
Priority 3	657	118	18%
<i>Total</i>	1146	386	34%
287(g) STATE TOTAL	3,622	783	22%

The Mecklenburg County Sheriff's Office facilitated the removal of the highest number of unauthorized immigrants (386) albeit the Wake County Sheriff's Office reported encountering the highest number of individuals (2,265). However, not all those encountered were removed, regardless of the priority level they fell into, yet, it is unclear

why such a variation exists, particularly across counties. For example, the Gaston County Sheriff’s Office had the highest overall percentage of individuals who were encountered and processed for removal at 89% for those who fell into Category 1. Overall, the Gaston County Sheriff’s Office processed individuals for removal at high rates, greater than or equal to 70%, across priority categories whereas the Wake County Sheriff’s Office did not report similar rates of encounter to removal numbers.

In addition, to end each Steering Committee Meeting, the 287(g) program Officer described various examples or “success” stories whereby 287(g) officers determined when an arrestee fit the priorities outlined in the Johnson memo. Listed below are the country of origin and some information of their offenses (both criminal and civil when applicable).

Table 4: “Success” Stories

Country of origin	Offense(s)
Honduras	Failure to appear on traffic related charge with criminal conviction and drug trafficking, possession of a weapon, and DUI
Dominican Republic	Felony burglary and entering, robbery, possession of firearm by felon and sale of controlled substance
Mexico	Driving while impaired,, had criminal conviction of carrying a loaded firearm in public and twice for DUI
Mexico	Felony attempted robbery, firearm, assault with a deadly weapon and misdemeanor injury to personal property
Mexico	Previously awarded 3 counts of trafficking, etc.
Uruguay	Federal RICO Act, MS-13 gang member
Jordan	Charged with breaking and entering, possession of weapons

Colombia	DWI, prior convictions for 1 st degree rape and assault, kidnapping.
Mexico	Arrested for injury to personal property. Prior criminal conviction and arrest history for attempted kidnapping, attempted 2 nd degree kidnapping, felony probation violation and resisting an officer. Removal order in January 2010, reentered illegally.

It is clear from this sample that many of those encountered and deported are from Mexico, Central or South America which emphasizes the focus on a “Latino threat.” Unfortunately, the total number of encounters and deportations were not reported by race, ethnicity, or county of origin but requests for this information are in progress. These examples make it appear as though the only people processed for removal are criminals of the highest priority, yet I would assume that these examples were strategically chosen to reiterate a sense of moral panic (Longazel 2013) and justification which also strengthens the rationale of the program.

2.3.3 Program Ownership

The Memorandum of Understanding between each Sheriff’s Office and Immigration and Customs Enforcement (ICE) outlines various duties and benefits for both parties, namely “to which ICE delegates nominated, trained, certified, and authorized [Sheriff’s Office] personnel to perform certain immigration enforcement functions as specified herein.” Nowhere in the agreement is it indicated that the county or city implementing the agreement is also responsible, yet a representative from the Board of Commissioners can also sign onto the agreement. Within the Steering Committee meetings,

the 287(g) program Manager typically presented all relevant information, unless an audience member directly asked questions to sheriff personnel. A combination of the Supervisory Detention & Deportation Officer, The Southern Region Communications Director, and Acting Deputy Field Office Director for the Atlanta Field Office was also present in the four latter meetings to field questions.

In presentations made to the County Board of Commissioners in the initial stages of adoption, the inter-governmental aspect of the partnership was highlighted, yet, only a representative from the Cabarrus County Sheriff's Office suggested the following during a 287(g) Steering Committee Meeting: "Just like anything else, forging another partnership. It was an additional tool for local law enforcement." The Southern Region Communications Director made additional comments about the program not granting additional authority and the benefit from the perspective of ICE to utilize their staff of 90-100 federal immigration officers elsewhere in North Carolina,

But what it really does from the ICE perspective is rather than having an ICE officer at a County Jail doing the processing, that by letting a local law enforcement who is already here...One of the things we get all the time is why don't you focus on criminals or fugitives or things of that nature? That's put an additional ICE officer out back, eligible to be out in the community doing exactly that. So that's why, from our perspective bottom line 287(g) is an important thing. But I know we do get that question a lot, that the assumption is that local law enforcement gets additional authority.

Because ICE officials typically ran the Steering Committee Meeting, program ownership became a central topic for discussion for both sheriff personnel and community members. On two occasions, in separate Steering Committee Meetings, sheriff personnel asked questions of the 287(g) program Officer, indicating this was also their first time hearing

the information. Only in Mecklenburg County was the meeting space set up with sheriff personnel seated in the front of the room with the Immigration Officers (Supervisory Detention and Deportation Officer, Southern Region Communications Director, and the Acting Deputy Field Office Director). And in Wake County, Sheriff Donnie Henderson felt compelled to make a statement and speak with audience members. Interestingly enough, local law enforcement from the Police Department were never present at these meetings, yet, the Assistant Chief Deputy Jail Administrator in Gaston County commented,

They think 287(g) encounter, but they can be brought in by city police/etc. for whatever charges and brought before us then it's become apparent by going through the process. In the public, they think it's the Sheriff's office are the ones going out and targeting, not really true—don't have that decision.

The County Board of Commissioners were present in the adoption of the 287(g) programs, yet have not remained involved in the decision making process aside from managing funding requests from the Sheriff and approving reimbursements from Immigration and Customs Enforcement. This budgetary component of the program only surfaced in a few of the public records from county budgets after initial adoption, yet there was not public discussion, except in Henderson County, about some of the costs and/or funds that were dedicated to the 287(g) program. In 2008, during the February and March County Commissioner meetings in Henderson County, the Sheriff also gave the following economic rationale for the program,

This is a relief mechanism to have someone with lower offenses to at least bond out. The majority of the people that are in our Detention Center that are wanted, illegal or not, are there because they were picked up on minor offenses. Persons under arrest will be identified. Henderson County will recover all cost then some. (February 20, 2008)

Although the Memorandum of Understanding, reiterated by The Southern Region Communications Director, specifies no salaried positions are associated with the 287(g) program, both sheriff office personnel and ICE representatives described the costs incurred by ICE to train and maintain the program in each county. The 287(g) program Manager described those costs and highlighted the number of officers trained in the county specific presentation, ranging from 14 to 37 officers across the five counties with Wake County functioning with the most.

We provide the training, all the equipment the officers are using in the facilities. So there's no cost to the Sheriff of the county. So everything is run by immigration and everything is equally distributed and equally applied to all the nation, not just in North Carolina.

Complicating this understanding of the financial components of the program were county budget documents which indicated other transactions between ICE and the County Board of Commissioners. For instance, in Henderson County, an Immigration and Customs Enforcement Fund, which ranged from \$745,691 in 2008 to \$469,151 in 2015, was included in the annual budget. Similarly, in Gaston County, periodic reimbursements were made marked as "Appropriated Overtime Funds from United States Immigration and Customs Enforcement." In addition, seed money for the program in Henderson County was approved by County Commissioners in the following manner:

Commissioner Chuck McGrady made the motion that the Board support the Sheriff's efforts in this regard and authorize the recruitment of two (2) positions contingent upon the successful negotiation of an agreement with ICE officials. He further moved that the Board request that the Sheriff's Department work with the county staff to estimate the costs for any related capital needs at the Detention Center and bring those estimates back for the Board's consideration at the earliest possible date. He further moved that the Board authorize that \$25,000 be taken from fund balance with the understanding that it will be reimbursed in the future as the

funds flow from the ICE program. All voted in favor and the motion carried. (County Board of Commissioners March 19, 2008)

During initial adoption, two of the County Board of Commissioners did request to remain updated about the progress of the program, yet it does not appear that such oversight was taking place from the County Board of Commissioners, particularly during time spent in the field. Surprisingly that limited governance and sense of ownership was a topic of concern in the 2015 North Carolina Legislative Session and at one of the Steering Committee meetings. Over the span of the 2015-2016 287(g) Steering Committee meetings, House Bill 318—“Protect Workers Act”—was passed in the North Carolina General Assembly, bringing a renewed interest in the level of involvement of local governments in deterring and/or welcoming immigrants. Namely, this was showcased in Section 15.(a) and (b) of HB318:

- (a) No county [or city] may have in effect any policy, ordinance, or procedure that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.
- (b) No county [or city] shall do any of the following related to information regarding the citizenship or immigration status, lawful or unlawful, of any individual:
 - 1) Prohibit law enforcement officials or agencies from gathering such information.
 - 2) Direct law enforcement officials or agencies not to gather such information.
 - 3) Prohibit the communication of such information to federal law enforcement agencies.

Prior to this law, no localities in North Carolina existed with anything remotely similar to a policy which would restrict this type of enforcement and/or data collection (e.g. California TRUST Act or New Orleans ordinance), yet it is clear from the involvement of

the local governments in the acceptance and adoption of the 287(g) programs that they did in fact have the power to create similarly “pro-immigrant” policies.

2.3.4 Nonexistent Community Relationships

On December 14, 2006, at the Gaston County Board of Commissioners meeting, three audience members were recognized for public comment. The meeting minutes note these individuals “voiced their opposition to wording used in the recently adopted resolution, *To Adopt Policies and Apply Staff Direction Relating to Illegal Residents in Gaston County*, and requested the Board of Commissioners rescind the resolution” (Gaston County BOC 2016). Aside from this public comment, the most feedback on the 287(g) program initially were only heard whenever the county appointed a committee and/or task force dedicated to studying the impact of immigration in their county which was also in two locations where a Latino community center existed. Some community members, particularly in Henderson County through the *Blue Ribbon Committee on Illegal Immigration*, found participating in such discussions to be combative and full of anti-immigrant rhetoric. Yet, the initial stages of adoption of the 287(g) program actually provided the most opportunities for public input, albeit much of this input may have been hindered by the unconditionally accepted authority of local law enforcement on the particular matter of enforcement.

Fast forward almost 10 years and the program began to function with the 287(g) Steering Committee meetings which are showcased as a public forum for community members to voice their opinions and ask questions about the program. I am not suggesting there were not instances in these counties during that 10-year time period where questions

about the program arose, but the mandate to hold such Steering Committee Meetings obligates local law enforcement to initiate such a public forum instead of community members doing so. The Steering Committee meetings were typically only advertised on the Sheriff's Office website and even after asking for a yearly list of the meetings, I was informed that they would only be available two weeks prior to the meeting on each county's respective website. The only outlier in this advertising was in Wake County, where a coalition of community members created their own informational materials and encouraged community members to attend.

Although myself and community members asked questions about services and relationships with the immigrant community, the typical response referenced Latinos and/or Hispanics. This response emphasized the population dynamics in North Carolina and a more nuanced understanding of those most impacted, in number, by this particular ICE partnership. Furthermore, responses to these questions described more reactive than proactive attempts to maintain these relationships, albeit those representatives in Henderson County did specify the availability of a daily interpreter line available until midnight. The reactive response is exemplified in comments from a Cabarrus County Sheriff representative,

Over the years, we've had, especially in the inception of the program, we naturally reached out to all organizations that we felt had some kind of brush with Hispanics/Latinos and we had more involvement in the beginning because there's probably more speculation on their behalf on how it worked, what it looked like, will we be targeted, that sort of thing. For a number of years, we had those discussions and I think that has subsided greatly for a number of reasons. First and foremost, I think it has subsided because the fear went away. After a while, they realized. I remember going on several media outlets and answering questions—

open questions, live questions. It was all positive, I never received any negative response, I don't think.

In Wake and Mecklenburg counties, the community members present at Steering Committee Meetings alluded to previous meetings with the Sheriff and some even expressed familiarity with the services and website information. In Mecklenburg County, the reporters from a Spanish language newspaper were present and asked questions regarding the Sheriff's previous policy where data about those deported were available on the Sheriff's Office website. The relationship between the community members and ICE affiliates was less familiar, yet the Deputy Field Officer indicated his direct work with North Carolina specific groups such as NC DREAM Team, Jesus Ministries, and other NGOs. The Deputy Field Officer, along with the Southern Region Communications Director, also challenged the folks in the room to not deter community members from contacting local law enforcement during times of need, particularly if they might be eligible for a U-Visa³ or if they were a victim of domestic violence, where the latter sentiment was repeated in two separate meetings. The Southern Region Communications Director also directed both reporters and community members to reach out to him for data requests and then to submit public records requests in the event he was unable to provide the relevant information.

The events that took place in the Wake County Steering Committee meeting remained a topic of discussion in the following two meetings and showcased an example

³ U and T visas are reserved for undocumented individuals who have been the victims of crimes and who assist law enforcement in criminal investigations (Eagly 2010).

of a contentious relationship between the community members and ICE/local law enforcement. In this particular meeting, 17 community members and three media outlets were present. Some of those community members attended a press conference held prior to the Steering Committee meeting following their first court appearance after protesting and being arrested on October 29, 2015 in response to the adoption of North Carolina House Bill 318—The Protect Workers Act. Although HB 318 included many provisions, one piece attempted to clarify the relationship between local law enforcement and ICE—a relationship that many in the Steering Committee Meeting wanted to see end. During the Q&A portion of the Steering Committee Meeting, these community members, most of whom were Latino, stood up and Gregorio Morales read the following statement,

Our perception of this program is completely different. Let me tell you that, the 287(g) program didn't work from the beginning and didn't work from day 1 and HB318 is not going to work. Because we're not safer now. Do you think we are safer than before 9/11? I don't think so. It will not work. Why? Because from the beginning you decided to down the community, the Latino community under the bus. You decided not to work for the people's safety. Instead, you decided to work on behalf of the private prison shareholders. Why are so many Latinos deported for nothing? Just for a traffic violation? What is this? How do we take the racial component from this issue? Is it ethnic cleansing? Do you know that 50% of the undocumented people came by plane? We are not safe. We are less confident. We are actually scared. So that is why we are demanding ICE out of North Carolina. We are demanding ICE out of every jail in North Carolina. The system is not working.

Immediately afterwards, the community members, most of whom proudly wore a black t-shirt that read "Ice out of NC" in white letters on the front and "Stop the Hate" in red letters on the back, began shouting "Ice out of North Carolina" as they left the room. Despite community members walking out of the room, four stayed in the room, along with representatives from both Spanish-language and English-language media to continue

participating in the Q&A portion of the meeting which lasted about 40 minutes longer. To an extent, it seemed the personnel from ICE were prepared to handle such a disruption, particularly given that they attended this meeting with more individuals to handle and manage queries from the press. After the disruption, they continued responding to questions from both audience members and from media. Aside from this meeting disruption, there was typically not the opportunity for community members to participate in dialogue initiated by local law enforcement, partially due to the way the meetings were advertised, the time of the meeting (only one was at 6:00 PM), and for whatever reason, the lack of a sustained interest from those who initially participated in challenging the adoption of the program between 2006 and 2008.

2.4 Discussion

In this article, I explain how local crimmigration entities, namely county commissioners and local law enforcement work together to respond to Latino immigrant threat through intergovernmental programs. Not only has the racial threat literature taken for granted the differences between overt and covert responses to racial threat, but scholars also assume responses by local law enforcement are consistent across demographic groups. This research bridges that gap to show the usefulness in adopting an intergovernmental program for three government agencies or rather crimmigration entities (ICE, county commissioners, and local law enforcement). Furthermore, the relationships between the entities along with the processes of adoptions are necessary to understand in order to study resistance efforts underway against such programs. In addition, the 287(g) intergovernmental program described in this research was recently highlighted as a

program for expansion under the Trump administration's executive order on immigration. Coupled with attacks at the state level through the passage of bills like HB318-Protect Workers Act (fall 2015), the proposed HB100-Local Government Immigration Compliance bill (summer 2016) that was defeated, and newly proposed bills HB35-Protect North Carolina Workers Act and HB63-Citizens Protection Act of 2017, intergovernmental agreements are more important than ever to identify. Community members, in particular, believe these state bills protect the communication and functions of the federal 287(g) Program, ensuring that any local (city or county) government does not alter their current level of cooperation with Immigration and Customs Enforcement.

2.5 Conclusion

Amada Armenta (2012) writes about the street-level bureaucrats she encountered while studying local law enforcement in Tennessee, yet during my research, it became clear that there are various levels of responsibility when it comes to intergovernmental immigration enforcement programs. With the adoption of HB318, North Carolina joined a handful of other states limiting local and county governments from creating ordinances or laws that would cease programs like 287(g), yet North Carolina has also become the focus of national campaigns working to stop the spread of copycat bills in other states. Furthermore, the adoption of this bill redirects attention towards the Sheriff's Offices who now maintain all the local power to either renew or cease such intergovernmental agreements, even though local city and county governments were instrumental in creating what many see as a gendered racial removal program (Golash-Boza and Hondagneu-Sotelo 2013).

These 287(g) agreements also allowed sheriff personnel to skirt public information requests, some of which I do not believe fall under the purview of federal level information (i.e. requests about community level relationships with both the immigrant and Latino community). Of course, my research and requests for information are not occurring in isolation, and community organizations are taking matters into their own hands by proposing their own meetings with both Sheriff and police, particularly during a time when anti-immigrant bills are being proposed each time the North Carolina Assembly reconvenes.

In January of 2016, the National Day Laborer Organizing Network (NDLON), Asian Americans Advancing Justice-Asian Law Caucus (AAAJ-ALC), and the Kathryn O. Greenberg Immigration Justice Clinic at the Cardozo School of Law filed a federal lawsuit against ICE and nine other federal agencies, requesting information about the Priority Enforcement Program (PEP). Pablo Alvarado, from the National Day Labor Organizing Network described their rationale for doing so,

ICE is, once again, operating in secrecy. It's time for the nation's largest police force to come clean. PEP has failed to meet the bare minimum requirements for transparency and accountability.

This lawsuit comes after 10 months of waiting for the federal agencies to fill previous FOIA requests. With this in mind, these county level Steering Committee meetings may be one of the only ways to begin sifting through this data while assessing both the program's goals and the compliance with deportation priorities under the Priority Enforcement Program (PEP). Unfortunately, the 287(g) Steering Committee meetings where community members are invited to attend are not common in other counties where the program does

not exist. Moreover, it is more common to see community involved efforts aimed at police accountability and transparency, without focusing on the manners in which both police and sheriff along with local city and county governments might be held accountable for partnering with ICE. As a result, and as some warn (Langarica 2015), we may find ourselves in a situation where criminal justice reforms, no matter how meager, may not impact foreign-born and those perceived to be foreign-born.

3. Collective Amnesia: White Innocence and Ignorance in the Devolution of Immigration Enforcement

The devolution of federal immigration enforcement throughout the United States places the ability to implement new practices/policies/procedures into the hands of local law enforcement and local governments. For the latter, local governments initially approved the implementation of partnerships with federal authorities, and it is within that initiation process that racial threat is explicit as a motivator for local level immigration policy changes like the 287(g) program—a partnership that deputizes local sheriff personnel to implement federal immigration enforcement practices and procedures. These policy changes initiated almost 10 years ago have become normalized and gone unchallenged as part of legal and state violence (Menjivar and Abrego 2012) directed at Latinos and Latino immigrants alike in locales where 287(g) programs were adopted. Albeit this program was visible in the beginning, it became invisible through normalized enforcement practices, subsequent *collective amnesia* of the program's impetus, and competing priorities, which prevented community members from maintaining a sustained

resistance against such implementation. These practices in turn protect white innocence and involvement (Bonilla-Silva 1997; Hughey 2012; Ross 1990) while also protecting white economic interest.

First, I describe the program in detail, focusing on the local level input from local law enforcement, county commissioners, and the local community members that is a unique characteristic of this program. I then shift the focus to issue of accountability and transparency of the local program's existence over the past 10 years. And finally, I conclude with a discussion of the collective amnesia, which developed during the past 10-year period and how renewed interest in the program's implementation challenges it in the wake of a new presidential administration.

3.1 Local Immigration Enforcement

Various partnerships between local law enforcement and Immigration and Customs Enforcement exist at the local level, but the 287(g) program is both the most contentious programs because of what it requires of local law enforcement agencies within the interior of the United States. This program, and the implementation of similar immigration enforcement practices, can be viewed as responses to a racialized immigrant threat (Pedroza 2013; Ramakrishnan and Lewis 2005; Ramakrishnan and Wong 2007). Scholars and ICE officials alike describe this program as a force-multiplier, meaning that it enables local law enforcement to further verify someone's immigration status beyond the use of biometric screening tools that are common throughout local jails. This program, introduced in the late 1990s and early 2000s, was amended by Section 133, to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Initially, few localities showed

interest in 287(g) programs. However, after 9/11—when national rhetoric encouraged further screening of immigrants—interest grew, couched in the guise of national security rationales. Essentially 287(g) programs authorize local law officers to detect, detain, and deport unauthorized immigrants through an agreement with ICE (Nguyen and Gill 2010).

Below is an explanation:

Under Section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security (DHS) may deputize selected state and local law enforcement officers to perform the functions of federal immigration agents. Like employees of U.S. Immigration and Customs Enforcement (ICE), so-called “287(g) officers” have access to federal immigration databases, may interrogate and arrest noncitizens believed to have violated federal immigration laws, and may lodge “detainers” against alleged noncitizens held in state or local custody.

Overwhelmingly the program identifies immigrants from central and South America, predominantly in the Southeast where they make up the majority of the immigrant population.

Over the course of a two year period (2006-2008), counties adopted these partnerships throughout the state of North Carolina. I focus on five (Henderson, Gaston, Mecklenburg, Cabarrus, and Wake) of those counties for this analysis since their 287(g) programs have remained in place throughout the past ten years. These counties adopted the program through a combination of community input, input from the Sheriff’s Office personnel, and eventual approval by the County Board of Commissioners. Not only does this indicate a devolution of federal immigration authority to local law enforcement, but it also indicates a devolution of decision-making authority about immigration to individuals and governing bodies—or crimmigration law entities (García Hernández 2015). Increasingly, this has become a practice throughout the country, most notably in places like

Arizona, but also in newer immigrant destinations like Georgia, Mississippi, and Pennsylvania (Longazel 2014). Yet, what many of these studies fail to mention is the blatantly racist rhetoric utilized to implement local level policies, as well as the ways in which whites maintain those practices while simultaneously embarking in collective amnesia about that initial implementation.

3.2 Data Sources

I completed 30 in-depth interviews with law enforcement personnel, legal counsel, immigration advocacy group representatives, and city/county officials (both elected and non-elected), most of whom are concentrated in Henderson County, which is consistent with my research design for the broader dissertation project. I designed four semi-structured interview guides and requested demographic information from each interviewee. Some of these interviews took place over the phone, some at the person's place of employment, and others in public settings.

In addition, I heavily draw on archival resources, which I use to triangulate information from each county. These documents are described as they appear in throughout the chapter, but most of these materials are from newspapers as well as archival data (city and county commissioner documents), particularly from around the time of program adoption (2005-2008), in the form of county budgets, county commissioner meeting minutes, etc. Although I utilize these publicly available documents in this article, the process to bolster some of my claims is only possible through the use of information obtained through public records requests which are ongoing. The scope, appointment, and

duties of each commission differs slightly, so I included in Table 1 descriptive information of each commission and/or committee.

Once I completed my collection of field notes, interviews, and archival resources, I used a modified grounded-theory approach for coding to identify analytic themes, to organize the information, and to analyze it. This included sorting through approximately ten years of city and county level documentation searching for references to ICE and/or immigrants. In some cases, this included references to the issue of national security, but for the most part it did not. When local newspapers were available, they were also sampled for terms related to immigration. Most of the quotes throughout the piece do not identify the speaker by name, unless the information was publicly available. Instead, I have indicated what agency, community organization, etc. the person is representing.

3.3 Additional Context

3.3.1 Community Input During Initial Implementation

In Mecklenburg, Henderson, and Gaston counties, the Sheriff's request to enter into 287(g) agreements was initiated by a formal appointed committee or by a resolution^{II} meant to assess the impact of "Illegals" and/or Immigrants within the county. These efforts showcased a more widespread framing of the perceived problems that immigrants brought to the communities. Recommendations resulting from these commissions/committees came in the following areas, to name a few: monitoring of local funding which might provide support to "illegal [sic] residents," ceasing to work with businesses employing "illegal [sic] residents," and monitoring housing occupancy in rental dwellings.

In Gaston County, recommendations were introduced by Commissioner Torbett. This commissioner introduced the *To Adopt Policies and Apply Staff Direction Related to Illegal Residents in Gaston County* resolution on November 9, 2006 based on the rationale that the commissioners “must look out for the health and welfare of the legal citizens of Gaston County.”

In Henderson County, members of the Blue Ribbon Committee on Illegal Immigration mutually agreed to support the Sheriff’s proposal to adopt the 287(g) program in order to “collect and evaluate immigration data from county departments, particularly Health, Social Services, Schools, and Law Enforcement, especially as new immigration laws are enacted and/or old laws are enforced.” This committee also suggested a follow-up citizens committee, employee verification programs, make statements about not welcoming illegal immigration, push Congress to reform immigration laws, and “recognize the economic contributions of our Hispanic labor force to our county’s economy.” In addition to similar recommendations related to enforcement practices, the committee also recommended integration steps which included:

- encouraging ESL and US citizenship courses,
- encouraging driver education, Board of Commissioner follow-up in 3 to 6 months
- communicating clearly to the Latino community who 287(g) program violators are, “issuing ID cards to undocumented immigrants with no criminal records who have a paying job and pay taxes,”
- bi-directional cultural awareness training,
- refraining from measures that will hurt the business community,
- and supporting the business community to help their employees obtain legal immigration status.

Not surprisingly, a few members of the Blue Ribbon Committee also proposed a Minority Report of recommendations to include the immediate implementation of the 287(g) program, the immediate implementation of the federal Employment Eligibility Verification Program (now E-verify), implementation of the SAVE system in hospitals, “establish[ing] a long-range planning committee consisting of qualified County employees to determine the impact of immigration on Henderson County schools, infrastructure, budgets, and taxes,” phasing out of employment of “illegal” immigrants within 3-5 years, and that future committees only consist of “U.S. citizens registered to vote in Henderson County.”

In Mecklenburg County, The Charlotte Mayor’s Immigration Study Commission, led by a “local immigration attorney, Board Certified Immigration Specialist, and Vice-Chair of the Mayor’s International Cabinet” (Final Report 2007, was charged to “analyze the impact of immigration on Charlotte’s (and [the] region’s) quality of life, public safety, and economic opportunities.” The Commission established four areas of study—Public Safety, Economic Development/Workforce, Education and Healthcare. In total, this study commission produced 9 Public Safety Recommendations, 3 Economic Development/Workforce Recommendations, 3 Education Recommendations, 4 Healthcare Recommendations, and 3 General Recommendations. One member of this task force concluded that although they ultimately supported the implementation of the 287(g) program, they wanted “light enforcement” (former Charlotte City Council Member).

3.3.2 Reasons for Implementation

In all five counties where the 287(g) program currently exists, local law enforcement presented the program to the Board of Commissioners prior to initial adoption between the years of 2006-2008. When the Sheriff, or Sheriff personnel were asked about the history of the program and the rationale for adoption, representatives from four of the five counties shared the following sentiment provided by Sheriff Donnie Henderson of Wake County:

The reason, I'll be honest with you, the reasons why I came up with 287(g) was when I became Sheriff, our jail had a lot of people in it and there were people in it that I knew that we were letting out that we didn't have a clue who they were. And it doesn't matter to me, as she said, that's the way we feel—people who have a badge on. Our job is to keep every one of you safe and that's why I felt like, looking at the jail reports and some of the names I was seeing, and some of the people I was seeing, and some of the questions that were being asked of me, we're not sure we've got this person. We've got finger prints we can't match up anymore. And our partnership with ICE started because of that, because I felt like that if I let somebody out on the street, regardless of what it was.

Sheriff Donnie Harrison also shared this rationale about the program's feasibility to assist in identifying individuals when he described the program to the County Board of Commissioners in 2007, yet there was not consistent agreement amongst entities in the five counties over whether or not the program would solely target criminals. For example, in Gaston County, Commissioner Torbett's resolution *To Adopt Policies and Apply Staff Direction to Illegal Residents in Gaston County*, included the following, "Allow County Police to partner with ICE to verify undocumented residents during any minor/major public safety infraction and if identified as undocumented, detain for deportation." This rationale would therefore allow any undocumented person to face deportation proceedings for minor or major public safety infractions, although federal regulations supposedly laid out

differing priorities for deportation. These same priorities seem to be contradictory in nature⁴ and have changed over the past 10 years. It is important to also note that elsewhere commissioners and community members providing input use immigrant and Latinos synonymously, which remains the case today.

Across the counties, other county commissioners and local law enforcement did not necessarily share the sentiment of Commissioner Torbett, but initial adoption was heavily dictated by both the Sheriff's Office and the county Board of Commissioners. Furthermore, Commissioner Torbett and a subgroup of representatives of the Blue Ribbon Committee on Illegal Immigration in Henderson County also broadened the scope of those who should be deported through such agreements. Some studies suggest that if there were federal guidelines describing the categories of individuals to deport, it was overreaching in that both individuals with criminal and noncriminal charges were at risk of deportation (Golash-Boza and Hondagneu-Sotelo 2013).

Lastly, the rationale stated by Sheriff Johnson in Alamance County (05/15/06)—a place where the 287(g) program would eventually be ended by the Department of Justice for racially profiling Latinos—does not drastically differ from those offered in the five

⁴ Tanya Golash-Boza and Pierrette Hondagneu-Sotelo (2013) highlight how individuals may enter the deportation process through minor traffic violations and cite Alamance County, NC as the example case of racial profiling occurring by the Alamance County Sheriff's Office. In 2014, when the 287(g) Steering Committees began, data presented at the meetings showed that those "encountered" by the 287(g) officers were categorized into two categories: criminal and non-criminal. In the fall of 2014, then Department of Homeland Security Secretary Jeh Johnson issued new priorities for deportation which categorized individuals into three areas of priority: 1) Priority 1-Threats to National Security, border security, and public safety, 2) Priority 2-misdemeanants and new immigration violators, and 3) other immigration violations. Although, some applauded these new priorities, others found that individuals outside these categories were often still detained and deported.

counties I studied. Johnson emphasized compliance with driver's license usage, revenue generation, and the deportation of Mexicans explicitly. I include this example to showcase the overt targeting of a racialized immigrant group, the sentiments expressed within sharing great similarities to the rationale given in other counties. The difference in the other five counties lies in the coordinated efforts of community groups, academics, a legal team, and others who fought for transparency and accountability, eventually leading to the end of the program.

Sheriff Johnson reported that the jail has tentatively passed inspections from the Detention Division of Immigrations and Custom Enforcement. He introduced Tom O'Connell, Supervisor with the Department of Homeland Security, Bureau of US Immigrations and Customs Enforcement (ICE), who provided information and answered questions on the 287(g) program and other related programs. He stated he feels the 287(g) program will be a good fit for Alamance County for several reasons, including the Sheriff's commitment to enforcing the laws of the driver's license office. He stated the jail beds provided to ICE will generate revenue and deporting people directly from here to Mexico will create jobs. He stated he feels the best utilization of the 287(g) program is when it is in a contained correctional facility environment, because criminal illegal immigrants are already being booked for another crime, and will rotate back to the jail after court instead of onto the street to commit more crimes. The deputies who are cross trained will have the authority to issue immigration detainees, and the detainee will come into ICE's custody and be removed from the country. Mr. O'Connell stated the program will require a dedicated T-1 line for \$12,000 annually or, if adequate, a DSL line, to provide deputies access to ICE's databases. He further stated that Dell computers will be funded by the federal government and transportation vehicles may also be provided by the federal government.

The revenue generation cited by Sheriff Johnson was also explicitly proposed as a positive aspect of adopting the program in Henderson County. In a County Board of Commissions meeting on February 20, 2008, Sheriff Rick Davis stated, "the program allows law enforcement agencies to begin deportation processes locally. In addition to leading to a safer community, this program will enable Henderson County to recover

virtually all costs associated with illegal aliens incarcerated in the County's Detention Center." Surprisingly, Sheriff Davis also emphasized revenue generation more broadly (03/06/08):

Those with lower offenses to at least bond out. The majority of the people that are in the detention center that are wanted, illegal or not, are there because they were picked up on minor offenses. Persons under arrest will be identified. Henderson County will recover all cost and then some.

Furthermore, Sheriff Davis brought forth Gaston County's Memorandum of Agreement as an example of what would be expected of the Sheriff's Office, as well as the importance of serving as a hub for other counties in the area to send those arrested. The commissioners fully supported the request and approved additional financial support be set aside for the initial phases of implementation.

3.3.3 Maintaining Accountability

Although more attention—from media and community members—surrounded the initiation of the programs from 2006-2008, other opportunities existed in which to revive concerns about the devolution of decision-making power of local governments regarding immigration-related practices. One community member involved in the Blue Ribbon Committee on Illegal Immigration in Henderson County described how sheriff officers would sit outside of the local clinic frequented by Mexican immigrants in the first few years of the 287(g) program, which inspired community members to attend County Commission meetings to voice their grievances. In Gaston County, community members also opposed the initial implementation,

Mr. Dan Aleman, Gastonia, Mrs. Janette Blandford, Mount Holly, NC, and Ms. Rebecca Wey, Charlotte, voiced their opposition to wording used in the recently

adopted resolution, To Adopt Policies and Apply Staff Direction Relating to Illegal Residents in Gaston County, and requested the BOC to rescind the resolution.
(November 14, 2006)

Commissioners in Gaston County (Commissioner Floyd) and Henderson County (Commissioner Williams) raised questions about the rights of immigrants and potential legal battles, yet these concerns were quieted by other commissioners namely through similar arguments.

[There are a] lot of safeguards in the MOA with respect to the protection of the rights of the people involved, citizens of the community and appeal processes. This will not be a break into places and arrest people without due procedures. If we are not satisfied with how it's going we can terminate immediately. The downside is that the Federal Government can also terminate at anytime without paying us.

-Chairman Moyer (March 19, 2008)

Because the county commissioners approved the initial hiring of new sheriff deputies who would become deputized with ICE authority, this budgetary component of the 287(g) program was available for the public to access. This sometimes included additional costs for updated technology, additional transportation costs, and additional personnel costs. Over the next 10 years, the funding component would become less visible, but occasionally county sheriffs in these five counties would request county commissioners to appropriate funds for costs related to ICE expenses, although it is unclear whether or not these costs were directly related to the 287(g) partnership, since other partnerships/data sharing/communication with ICE were also occurring. Over the course of this period, various financial exchanges occurred between ICE, the county board of commissioners, and the local law enforcement offices (both the sheriff and in some cases the police). In a 2010 report Mai Nguyen and Hannah Gill estimated the financial costs of the program, noting that in certain localities like Prince William County, VA the Board of

Commissioners needed to adjust their general budget in order to adjust for initial costs of implementation.⁵

Aside from direct costs allocated to individual local governments and local law enforcement agencies, strategic planning efforts to construct jails were also brought to the county board of commissioners with explicit input from ICE and U.S. Marshalls about rental space. For example, in an August 14th, 2007 Mecklenburg County Commissioners meeting, the building of a new facility was brought up for discussion. Explicit in this discussion were the following statements,

Staff has inquired with the U.S. Marshall Service in Washington and Immigration and ICE regarding the potential of these entities providing funding to help the County build a detention facility.

Staff has a Letter of Intent from ICE that says whatever the County builds, they would rent at the per diem that's currently being charged to the U.S. Marshall Service at the same contract.

The rent that the County would take in from renting space would pay for the lease, the facility, and staff that would be needed. It may even generate revenue for the County.

The facility would house immigrants apprehended from the Mid-Atlantic and Southeast regions, not just in North Carolina.

⁵ Nguyen and Gill (2010) estimated 287(g) program costs in the following areas: 1) staff salary, 2) supervisor salary, 3) cost of training and associated office materials, and 4) estimated annual cost of housing/detaining immigrants. They also note they did not calculate costs for the following items (p.35): expansion or retrofitting of jail; sanitation/maintenance of jail; medical services for unauthorized immigrants; social services for unauthorized immigrants; costs for transport to federal detention facility; court costs associated with processing unauthorized immigrants; new computer equipment for accessing the Federal immigration database; officer uniforms, equipment and automobiles; other personnel salaries to maintain added capacity of jail; and litigation fees or Freedom of Information Act responses.

The county and city task forces and study commissions were asked to make recommendations during the initial implementation phase of the 287(g) program, they were not tasked with the responsibility to follow-up with such recommendations. Furthermore, when county commissioners failed to create follow-up and oversight mechanisms, the only accountability and public engagement came from the entities implementing the recommendations, meaning that for immigration enforcement purposes the responsibility lies with the various sheriff's departments themselves. Beyond the initiation periods of the 287(g) program in particular, given that this was the one recommendation by commissioners and committees/task forces that was overwhelmingly supported and implemented, there was not many reports back to the County commissioners, except for statistics highlighted on the Mecklenburg County Sheriff's website. It was not until about 2-3 years ago that Immigration and Customs Enforcement included in the Memorandum of Agreements a mandate for local law enforcement who have entered into the 287(g) partnership to hold annual steering committee meetings, with the following charge:

To improve the program oversight, identify issues and concerns regarding the immigration enforcement activities, to increase the transparency of the program, and offer the community stakeholders opportunities to communicate from a community level perspective.

3.4 Collective Amnesia

Albeit this program was visible in the beginning, it became invisible through normalized enforcement practices, subsequent *collective amnesia* of the program's impetus, and competing priorities, which prevented community members from maintaining a sustained resistance against such implementation. These practices in turn protect white innocence and involvement (Bonilla-Silva 1997; Mills 2007, Hughey 2012; Ross 1990)

while also protecting white economic interest. Charles Mills (2007 p. 29) writes about collective amnesia,

But if we are to understand collective memory, we also need to understand collective amnesia. Indeed, they go together insofar as memory is necessary selective—out of the infinite sequence of events, some trivial, some momentous, we extract what we see as the crucial ones and organize them into an overall narrative... Thus there will be both official and counter-memory, which conflicting judgements about what is important in the past and what is unimportant, what happened and does matter, what happened and does not matter, and what did not happen at all. So applying this to race, there will obviously be an intimate relationship between white identity, white memory, and white amnesia, especially about nonwhite victims.

3.4.1 White Ignorance

I draw from Charles Mills' development of the term white ignorance, where he describes "ignorance to cover both false belief and the absence of true belief," which includes the spread of misinformation within the group identity and social practices of whites (Mills 2007:16). In *The Racial Contract*, Mills also describes this phenomena as "a cognitive model that precludes self-transparency and genuine understanding of social realities" (Mills 1997:p__). Among the ten characteristics Mills uses to describe white ignorance, he notes that this ignorance stems from race being central in the non-knowing and this racialized causality to cover interpersonal and social-structural instances.

Fourth, the racialized causality I am invoking needs to be expansive enough to include both straightforward and racist motivation and more impersonal social-structural causation, which may be operative even if the cognizer in question is not racist.... So white ignorance need not always be based on bad faith. Obviously from the point of view of a social epistemology, especially after the transition from de jure to de facto white supremacy, it is precisely this kind of white ignorance that is most important.

Mills 2007:21

First and foremost, whites continue to minimize the initial implementation of these 287(g) programs and the blatant racist and xenophobic language predominantly voiced by their sheriffs, and sometimes by their county commissioners. Local law enforcement in particular attempted to maintain their “law and order” approach. This is consistent with Amada Armenta’s findings in Tennessee where she describes the frames used by local law enforcement like the *by the books administrator* and the *Public Protector*. She finds that the by the books administrators believe they have limited authority when implementing immigration laws and are fairly implementing the law by not employing discretion. Simultaneously, the public protector felt confident that the removal of “criminals” from the community serves to protect the larger community.

In the more urban centers and in Henderson County, some of these individuals were sympathetic and recognized that state-level laws did not allow for individuals to obtain valid driver’s licenses, but these same individuals chose not to 1) support a driver’s license bill and 2) consider alternatives in the absence of such legislation. Another area where Whites (local law enforcement and elected officials alike) maintained a perplexing level of ignorance was more generally about the immigration system itself, where local law enforcement commented that immigrants needed to work to become legal—an option that is not possible for many given the various restrictions laid out in the Illegal Immigration and Immigrant Responsibility Act (IRAIRA).⁶

⁶ “In addition, nonimmigrants who overstay their visas for an aggregate of 180 to 365 days will be penalized by a three-year period of exclusion, during which they would be ineligible to receive immigrant or nonimmigrant visas. Nonimmigrants who overstay their visas for an aggregate of more than 365 days will be subject to a ten-year period of exclusion (Fragomen 1997:439).” New classes of inadmissible aliens:

Scholars who study civic participation rates find that whites attend political meetings (on local, town or school affairs) at higher rates compared to other racial and ethnic groups, particularly older whites in suburban areas (Pew Research 2009). On the other hand, Hispanics under 30 and English-speaking were “more likely to have attended an organized protest in the previous twelve months” (Pew Research 2009, p. 17). If voter turnout and attendance at political meetings is any indication of the likelihood of other types of political participation, than it is clear that whites should be participating more often in the types of public meetings where decisions about financial exchanges with ICE and any updates about the program are presented. Yet, whites participated in rational ignorance (Robbins, Simonsen, and Feldman 2008) in these matters and instead local elected officials (both county commissioners and sheriffs) maintained authority over the decision-making process. Over the span of ten years, immigration enforcement reimbursement decisions were made during county commissioner meetings, particularly in Gaston and Henderson County Board of Commissioner Meetings. This means that financial aspects of the 287(g) program and other collaborations with ICE were publicly available for invested community members to identify and question. The most obvious example of this is in the Henderson County budget passed each year from 2008-2015. Each year, an Immigration and Customs Fund was passed by the Board of Commissioners. It ranged from a low of approximately

“7) aliens who had been unlawfully present in the United States for an aggregate period of more than one year and who reentered or who attempted to reenter the United States without inspection, and aliens who had been ordered removed and who reentered or who attempted to reenter the United States without inspections (such aliens may immigrate after ten years if they receive advance permission from the INS (Fragomen 1997: 452).

\$600,000.00 in Fiscal Year 2011 to a high of approximately \$825,000.00 in the 2012-2013 budget. In 2015, the remaining amount of approximately \$475,000.00 was moved into the general fund. This decision coincided with the end of the transportation agreement between ICE and the Henderson County Sheriff’s Office in what the public information officer rationalized as, “no longer being good stewards of taxpayer funds.”

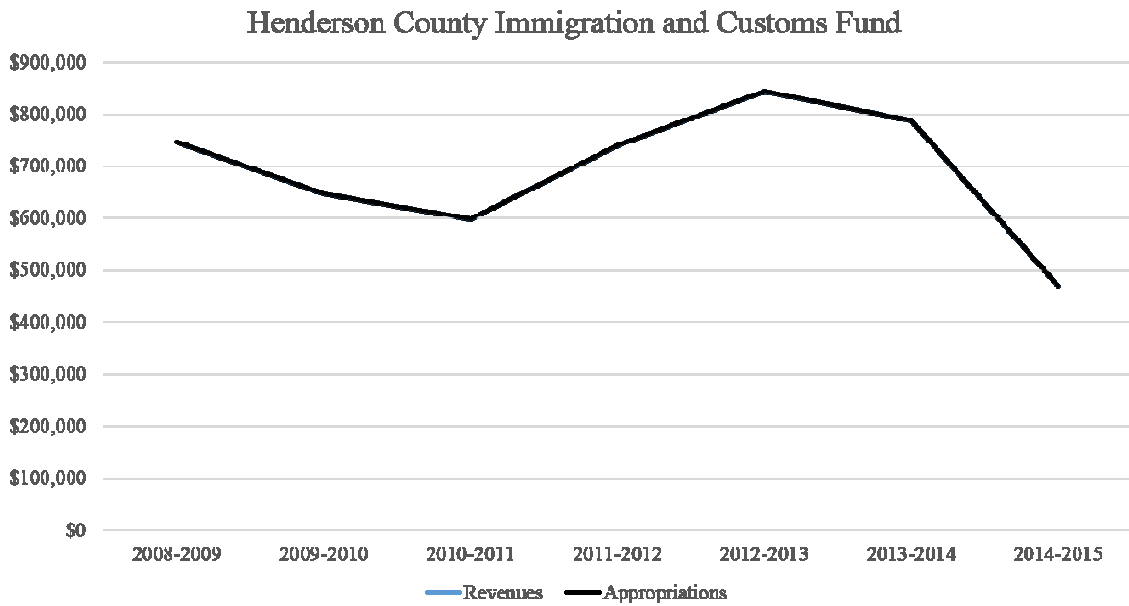


Figure 3: Henderson County Immigration and Customs Fund

As previously mentioned, community members highlighted the blatant policing of locations where many Latino immigrants frequented. Yet, once that overt form of policing subsided, this population ceased to consider the possibility that more covert practices were occurring. At the peak of its implementation, similar overt practices occurred in Alamance County, which ultimately led to the coordinated community response with the Department of Justice.

Not surprisingly, many of the local elected officials have made their way into decision making positions at the state level, where they have maintained a sense of ignorance of the impacts of such a program. During their time spent at the North Carolina General Assembly, three of these individuals (from Henderson, Mecklenburg, and Gaston Counties) have failed to voice concerns about the programs in their respective counties, even when a proposed statewide bill would have implemented the program across the state. Perspectives from both the Governor's Office and congressional representatives are strikingly similar, although one congressional representative did agree that the program took on a life of its own after it was introduced in his committee at the federal level. Although it's not always useful to "hunt for racists," because this oftentimes contributes to a racial dualism approach to understanding whiteness, other scholars note the influential nature of those who move up in the political realm like Kris Kobach—author of many anti-immigrant legislation laws throughout the South and the West (Stewart 2011; Odem 2016).

3.4.2 White Innocence

Mills also pushes for an expansive definition of ignorance, which can include moral ignorance as part of a racialized moral psychology (Mills 2007; Mills 1997), where,

Whites will then act in racist ways **while** thinking of themselves as acting morally. In other words, they will experience genuine cognitive difficulties in recognizing certain behavior patterns **as** racist so that quite apart from the question of motivation and bad faith, they will be morally handicapped simply from the conceptual point of view in seeing and doing the right thing.

Mills 1997:p_

Thomas Ross (1990) describes this cognitive dissonance by tracing the legal opinions and rhetoric of the Dred Scott Case, the Civil Rights Cases, and Plessy v. Ferguson. In the first case, Justice Taney makes clear that the forefathers of this country did not imagine blacks

as citizens, and therefore Taney and his counterparts were not responsible for ruling differently on this matter. Ross (1990:12) goes on to say, “Taney’s theory is an example of the white man taking the position of nonculpability for the circumstances of the black person.” And in the Civil Rights Cases, innocent whites were being “protected” from the threat of forced integration according to Justice Bradley. In *Plessy v. Ferguson*, whites could remain innocent because of the argument that segregation was a natural part of everyday life at the time and was not necessarily meant to make one group inferior to the other.

The self-imposed stigma argument permitted the white to evade responsibility for any degradation felt by the black person. Moreover, the racism expressed explicitly and implicitly throughout the opinion gave a naturalness and logic to the de jure segregation which, in turn, let the white person off the hook. Blacks were different and inferior. Thus, the segregation of blacks was natural and not an act of oppression.

Ross 1990:18

Although these cases, provide a historical account of legal rhetoric, Ross notes,

On the other hand, the rhetoric of white innocence in its contemporary form may be rhetorically more powerful. Our public ideology and discourse is one of nonracism. Judges cannot say out loud that blacks are inferior. Lawyers cannot make arguments with the explicit premises of racism.

Ross 1990: 37

Elsewhere, Eduardo Bonilla-Silva (1997) focuses his attention on this nonracism or colorblindness to describe how contemporary whites also employ frames of innocence and minimization to make sense of racism. Whereas Ross and Jamie Longazel (2014) focus on black and Latina/o abstraction—or the necessity to consider these populations in the abstract and not as fully human—Bonilla-Silva focuses on another form of abstraction, namely the abstract liberalism exhibited by whites to maintain a sense of innocence when

it comes to social policies. Bonilla-Silva shares the story of Eric, a corporate auditor responding to a question about reparations as follows,

Oh tell them to shut up, OK! I had nothing to do with the whole situation. The opportunity is there, there is no reparation involved and let's not dwell on it. I'm very opinionated about that! But something that happened three God-damned generations ago, what do you want us to do about it now? Give them opportunity, give them scholarships, but reparations?"

Bonilla-Silva 1997: 79

Eric grasps to his own innocence, while also standing against government intervention in such "race" matters. Eric's comments were not unique and mirror those in the Detroit Area Study. In this study, 39.6% of those surveyed agreed with Eric that, "the government should make every effort to improve the social and economic position of blacks living in the United States," while 64.3% of them agreed with more favorable policies for the poor (Bonilla-Silva 1997:79).

Like the naturalization argument found in *Plessy v. Ferguson*, Bonilla-Silva also finds this pertains to the contemporary way segregation, dating, and school choice occur, resulting from a "white habitus."

Socialized in a "white habitus" and influenced by the Eurocentric culture, it is no wonder whites interpret their racialized choices for white significant others as "natural." They are the "natural" consequence of a white socialization process.

Bonilla-Silva 1997:87

Mai Nguyen and Hannah Gill (2010) described the costs of the implementation of the 287(g) programs in a contradictory manner to the way that the County Board of Commissioners and appointed committees described the "cost." Furthermore, this mirrors

what Longazel (2014) found throughout his research in Hazelton, Pennsylvania—another new immigrant destination,

White majority manages not only to avoid culpability for having contributed to the hostility engendered by the Latino threat narrative but also to present itself as victimized by this perceived invasion.

County commissioners and committees described the cost to them when it came to hypothetical services that could be used by immigrants throughout various counties. In Gaston County, Commissioner Torbett justified the implementation in the following ways,

[Gaston] County has a limited supply of incoming revenue from ad valorem taxes; services to County citizens become limited when illegals extract funds for services, would like to meet with listed departments to work toward implementation, if adopted; do not know impact or number of illegal aliens residing in-County; not allowed to ask if legal/illegal; must look out for the health and welfare of the legal citizens of Gaston County.

-November 9, 2006 BOC meeting

Similarly, the Blue Ribbon Commission focused on the economic impacts of losing the workforce, arguing this imposed “a hard to measure cost loading on health care, social services, law enforcement, and schools systems.” They also included sometimes contradictory information,

The county’s unemployment rate is 3.3%, well below the national average. It does not appear that in our county at this time, there is any measurable negative impact on jobs for resident citizens, nor even on pay levels for similar work. HOWEVER, there is reasonable concern that such negative impact could be happening here and in other parts of the USA.

-October 17, 2007 Henderson County BOC Meeting

The Charlotte Mayor’s Immigration Study Commission presented a report in 2007 which reviewed recommendations in four areas: 1) Public Safety, 2) Economic

Development/Workforce, 3) Education, and 4) Healthcare. They mainly highlighted the fiscal costs in these arenas.⁷ Although this commission conflated the costs of Hispanics and illegal [sic] immigrants, they ultimately proposed 26 recommendations, many of which reiterate the negative impact of immigrants and the need for enforcement to protect citizens both physically and financially. These promised protections, which allowed communities to maintain their sense of innocence is explained below:

Commissioner Bryan said so there could be as many as 3000 people that have been in the jails. **The county is using local county dollars to deal with these individuals.** He said the Sheriff expressed concern that people may think they are targeting people. Mr. Boutwell explained it is only the people arrested for a crime that would be brought in the jail and processed.

-Wake County, November 5, 2007

Community members were often the only ones considering a more ethical approach to enforcement practices. On the other hand Commissioner Ward (Wake County) was the one anomaly. She wanted to maintain a sense of innocence and asked the Wake County Sheriff what would happen to any children involved in situations where their caregiver was taken into jail and subsequently entered into deportation proceedings (see exchange below),

Commissioner Ward: If you discover that a man, any man, that is perhaps here and doesn't have the legal documentation and they have a family—a wife and children, do you do anything beyond take care of the person and place them in a position to go back to their

⁷ In Healthcare—“In 2005, the State’s Medicaid Manager reported that North Carolina illegal [sic] immigrants cost the state \$52.8 million in Medicaid payments....Carolinas Healthcare System has determined that it takes 17.6% longer to care for a Spanish speaking patient than it does to care for an English speaking patient.” In Economic Development/Workforce—“Hispanics annually contribute about \$756 million in taxes (direct and indirect) while costing the state of North Carolina about \$817 million annually for K-12 education, health care, and corrections for net cost to the state of about \$61 million.

country? Do you do anything with the wife and children? That always bothers me—because they’re left so hopeless and helpless.

Sheriff Donnie Harrison: That’s entirely up to ICE, let me back up and tell you this. We treat everybody the same—I use the term feed them out of the same spoon. If we stop someone on the road or if we have a warrant for somebody and we pick them up and they have children or whatever—we treat them just like we would you if you had children in your car. We make sure that someone comes and picks those children up if the parent says it’s okay for them to go with. What you’re getting at—if they’re going to be deported—that’s up to ICE. They do—when a person leaves us and goes into ICE’s custody, ICE notifies the people plus the person that has been picked up has the right to use the phone just like everything else—there’s paperwork he or she has to fill out so sometimes you hear that the family don’t know where they are, that’s because evidently they don’t talk to their family. Because we do and ICE does, and the paperwork that they fill out and the lawyers—they know where they are.

-September 15, 2008 Wake County BOC Meeting (3:16-18)

Furthermore, some local law enforcement even claimed that their current practices are much better than their previous counterparts. In Henderson County, representatives from the Sheriff’s Office maintain that the initiation was the result of a “bad apple” in the previous Sheriff’s administration. Yet, they say little about the Henderson County Board of Commissioners take on the issue. In various interviews and public settings, community members referred to the previous Sheriff as a racist, while local law enforcement simply stated, “that was under a different administration (2017 LINK Meeting in HC).” During a meeting where the Sheriff’s Office and local police departments in Henderson County, were asked to provide information at the recently revived Latino Information Network (LINK) meeting, community members (both older white individuals and Latino individuals—mostly direct service providers) asked a variety of questions of law enforcement officials. The public information officer for the Sheriff’s Office emphasized

their willingness to work with the Latino community, something that was also stated by other local law enforcement agencies across the state, yet little evidence pointed to good will between the Latino community and the Sheriff's Office. After an opportunity to answer questions from the audience, that same public information officer later on felt attacked and commented,

There are multiple things that we do within the community that people may not know. But I'm glad to be able to sit here today and share with you some of the things that we do. I'll tell y'all a little bit about me, it may not mean anything to you. I've been to Honduras 7 times—on Mission Trips, I've been to Nicaragua, I sponsor a child with Compassion International in Honduras...So don't think that we sit here and don't have compassion, care, and concern for the Latino community, because we do. We care very deeply for them. And we want you to know that we do have a job to do in law enforcement but we also are very respectful of your culture and your life in our community.

Frank Stout
Public Information Officer
Henderson County Sheriff's Office
April 12, 2017 (Latino Information Network Meeting)

3.4.3 White Savior Mentality

The above quote is also emblematic of a white savior, the third category of white people in these settings. For some—predominantly faith representatives—initial efforts to oppose the 287(g) program local efforts were not led by Latino leaders but were spearheaded by white leaders. For local law enforcement and some local white leaders, this frame showcased their desire to rid the county of “criminals” in order to make the community safer.

It even became apparent that ICE's steering committees renewed white interest in the program, while the new presidential administration has mobilized “white saviors”

through groups like Indivisible and national ACLU efforts—mirroring what Winant (2004) calls the “politicization of whites,” which stems from the racial egalitarianism of the post-civil rights era. In *White Bound* (2012), Mathew Hughey argues against the classification of whites into racists and anti-racists and instead suggests this practice is, “dangerously reductive and violently oversimplified for understanding the link between racism and white racial identity.” In Henderson County, the last 287(g) Steering Committee meeting was attended by approximately 30 white people, many of whom were also in attendance at the LINK meetings and at an additional informational meeting with Pisgah Legal Services about recent immigration enforcement measures. And in Mecklenburg County, the public defender’s office recently sued the Sheriff for the use of detainees in the county jail—a lawsuit sparked not by calls from directly impacted community members but from a recent gathering of public defenders coordinated by Gideon’s Promise. Public defenders, in Mecklenburg County, noted that judges were in favor of stopping the use of detainees but that the Sheriff continued to work with ICE in issuing them.

For local law enforcement, the reemergence of explicitly racist rhetoric by a new presidential administration has forced their participation with ICE into the forefront in localities across the country. Yet local law enforcement and local elected officials (in 287(g) counties and elsewhere) utilize the following rhetoric to maintain their stance on local level implementation of federal immigration enforcement:

That’s not how we do business, my ability to do the job has to do with communication with the community....If anyone calls us for any service, please understand we don’t care and don’t ask about how you came here, we’re here to make you more secure....We have access to a criminal database to see who is in our community, most of y’all don’t want them either.

-Sheriff Charles S. McDonald, Henderson County Sheriff's Department,
April 12, 2017 (Latino Information Network Meeting)

In that time, Carmichael said, the department has discovered it was holding undocumented immigrants who were wanted for felony child abuse, murder and possessing a weapon of mass destruction. As a result of such arrests, Carmichael believes participating in 287(g) makes both his staff and the community safer.

-Sheriff Irwin Carmichael, *The Charlotte Observer*, March 2, 2017

I think that's what the president is saying and I know that's what I'm saying -- if you're a bad guy regardless of who you are -- I want you out of Wake County.

-Sheriff Donnie Harrison, February 15, 2017

They maintained that they are doing a favor for the Latino community by “saving” them from “criminals.” They also utilized the U-Visa program, a visa available for victims of some crimes, as a means to “prove” that they are truly committed to issues of public safety of all community members.⁸ But when pushed for rates of certifications of these

⁸ This was common outside of the counties with the 287(g) program, particularly in localities seen as having more progressive local law enforcement agencies. In Durham County, both the Durham County Sheriff's Office and the Durham Police Department participate in the Faith Action Identification program and have quarterly opportunities to communicate with community members. In 2017, many of these meetings focused on the positive relationships with the Latino and immigrant communities. Each of these agencies also stated “we are not ICE,” with little to no further explanation. The ability to apply for a U-Visa, after being the victim of a particular set of crimes, was often cited as the exemplary model of cooperation between local law enforcement and the Latino immigrant community—because a mandatory requirement of the U visa application is a signed certification by a law enforcement agency indicating that the victim was helping in the investigation or prosecution—yet, in Durham County, approval ratings were low (UNC School of Law Immigration/Human Rights Policy Clinic). In Orange County approval ratings were increased by a change in the policy and the Orange County Sheriff's Office stopped the use of detainers in their detention facility so when they state, “we are not ICE,” they are actually making a substantively different claim. Elsewhere, those in the UNC School of Law Immigration/Human Rights Policy Clinic in coordination with ASISTA (2014:2) found,

The U visa holds out promise to those who have suffered as crime victims and at the same time, promotes improved community relations with law enforcement and other investigatory agencies. Despite the salutary purposes of the statute, immigrant and civil rights advocates have observed that there is no uniformity among U visa certification processes, as the decision whether to sign a U visa certification is within discretion of that law enforcement agency. For this reason, certification practices vary among different law enforcement agencies and in different jurisdictions. As a result, some immigrant victims who meet the statutory elements are successful in obtaining the signed I-918B certification form and, ultimately, the U visa. Other immigrant victims with virtually identical fact patterns are often denied certification by agencies whose

types of programs and/or other proof of noncompliance with ICE, it becomes clear that these statements are empty promises at a time when 44% of Latinos are less likely to contact police officers “because they fear that police officers will use this interaction as an opportunity to inquire about their immigration status or that of people they know (Theodore Nik, et al. 2013).” Furthermore, “progressive” organizations that endorse and/or support some of these elected officials do not themselves have accountability structures in place to monitor these types of initiatives—effectively creating a no accountability feedback loop.

3.4.4 White Economic Power

White dominance also relies on surplus labor (Roediger 2007; Stuart 2011), particularly in places like the South where an agricultural system depends on undocumented workers to keep operating costs low. Nowhere else was this more apparent than in the various attempts at the local, state, and federal level to pass legislation which would make it more difficult to hire undocumented workers, and the subsequent responses from the agricultural sector. Although only one of the counties with a 287(g) program is heavily dependent on this type of agricultural system, the other 95 counties in the state would face negative consequences from statewide anti-immigrant legislation that disproportionately hindered business interests. To the extent that this is expected, the North Carolina Farm Bureau continues to lobby against those bills that would be harmful to this class of workers. In one 287(g) county—Henderson County—this is also always the case.

policies run contrary to the Congressional intent in establishing the U visa program. These applicants, thus, have no chance to obtain consideration of their U visa application by USCIS as they are unable to meet the requirement of submitting an I-918B certification.

The owners of several local agriculture businesses have penned a letter to Meadows, Burr and Tillis asking them to support immigration reform legislation that allows them to keep their workforce. The Town of Mills River's Agricultural Advisory Committee crafted the letter Thursday and addressing it to U.S. Rep. Mark Meadows, U.S. Sen. Richard Burr and U.S. Sen. Thom Tillis. "Congress must pass legislation that preserves agriculture's experienced workforce by allowing current farm workers to earn legal status," the letter says. "For future needs, legislation must create an agricultural worker visa program that provides access to a legal and reliable workforce moving forward. This visa program needs to be market-based and have the flexibility to meet the needs of producers, including those with year-round labor needs, such as dairy and livestock."

(BlueRidgeNow.com February 17, 2017)

Yet, a docile labor force was key to these economic interests. To simplify this argument from a pro-business perspective, in eastern NC, state representatives (who also happen to own larger farms) passed legislation in the 2017 Farm Bill meant to dissuade any organizing and collective bargaining agreements of farmworkers—particularly those affiliated with the Farm Labor Organizing Committee. FLOC president, Baldemar Velasquez, emphasized this self-serving purpose by saying, "Politicians that are also growers shouldn't pass self-serving laws simply because they don't want their workers to unionize" (SPLC 2017). In effect, the law bars the following:

- Bars farmworker unions from entering into agreements with employers to have union dues transferred from paychecks, which will force FLOC to collect individual member dues—a process that requires significant resources.
- Prohibits agricultural producers from signing agreements with a union relating to a lawsuit.

More recently, a local community group in the Triad reposted a visit to a dairy farm by Congressional Senator Thom Tillis to highlight the contradiction of needing a stable, yet undocumented workforce. After that visit and a meeting with 30 areas farmers, Tillis commented,

Their survival really depends on whether or not we get it right. There are millions of positions that can only be filled by guest workers because first off we are at a high rate of employment, but we simply do not have people at these farm operations lining up. If we don't start recognizing this industry and our ability to grow food...we [will] rely on other countries to provide. This is not a place the United States wants to be."

Senator Thom Tillis (Moore 2017):

3.5 Maintaining a System

Whites were not the only group which utilized these frames and Mills (2007) states,

the "white" in "white ignorance" does not mean that it has to be confined to white people...it will often be shared by nonwhites to a greater or lesser extent because of the power relations and patterns of ideological hegemony involved.

Black police chiefs in particular noted the pressure to appear tough on crime, which meant that they could not necessarily be lenient when it came to policies and procedures which might benefit immigrants. Often, they hid behind the "law and order" approach consistent with their white counterparts who agreed that interventions like municipal or organizational identifications were not secure enough to be utilized as a valid form of identification—the most prominent manner in which immigrants are encountered. Latino community activists and staff at local nonprofits also fell into another trajectory all together. Most of these community members had moved on to tackle the need for proper identification or refocused their attention towards the direct service needs of the community. The 287(g) Steering Committee meetings that began back in 2014/2015, initiated by ICE officials, revived this conversation and the blatantly anti-immigrant rhetoric characteristic of the most recent presidential election sparked an interest from the predominantly complacent white community.

Local police chiefs were not the focus of this study because of their complicated relationship within the process of immigrant identification, etc. but they were more likely to be black and did participate in some public forums related to immigration enforcement. They also maintained their innocence when it came to immigration enforcement but for different reasons. One former police chief noted his difficult position by admitting that during his tenure driver's licenses were no longer issued to undocumented persons. In this regard, he expressed his sympathy towards this group and then proceeded to compare his community policing efforts with the new police chief's stances. That new police chief—also a black man—took a different stance regarding the issue of identification and emphasized he could not in good faith accept other forms of identification. He, like his counterpart in the Raleigh police department—which is in Wake County—expressed the same concerns about the misuse of a municipal or organizational identification program. The Raleigh police chief was dramatically impacted by remarks directed at her about her stance on such an identification program where she stated her skepticism about a municipal identification program being a secure enough process.

To further complicate this typically binary race relationship, Latino community members exhibited a puzzling sense of ignorance. This was puzzling in the sense that community members who were involved against the initiation of the program later seemed unaware of its continuation into the present day. Of the three counties (Wake, Henderson, and Mecklenburg) where resistance from the Latino community was part of the initial discussions of the programs, community members in Henderson County were the least knowledgeable about the current practices of the program. These individuals did not think

the program still existed and revived a relationship with the Sheriff's Office, since the previous relationship ended after the initial program adoption. Unfortunately, that relationship did not equate to the Sheriff being forthcoming about the upcoming renewal process of the 287(g) program—which must be renewed every 2-3 years. Instead, the Sheriff did not inform these community members—many of whom work with the local Latino-serving non-profit—of the upcoming steering committee meeting or the renewal of the Memorandum of Agreement with ICE. Moreover, even when groups in Wake and Mecklenburg Counties—the two counties with a continued presence of community monitoring—had some type of relationship with the Sheriff's Office, it did not result in knowing up to date information about the program and/or the status of both renewal processes and the upcoming steering committee meetings. This was showcased in Mecklenburg County when reporters, familiar with Sheriff Office deputies, requested more up to date information about detainees and deportations be included on the Sheriff's Office website.⁹ In the past year, when these groups did become aware of the upcoming steering committee meetings, they encouraged community members to attend and even underwent their own forms of community outreach. In Cabarrus and Gaston counties, resistance efforts were limited and are not noted in government documents or local media.

Combined with a white populace also struggling to assert local political power through the Democratic party, some political activism is apolitical when it comes to matters

⁹ At the time, Mecklenburg County was the only county that would upload recent statistics about the number and country of origin of those identified immigrants.

of immigration enforcement, similar to what Longazel (2014) found in Hazelton, Pennsylvania. For local Latino community leaders, the dependence on whites who adopted the above frames and competing priorities meant that they also contributed to a sense of collective amnesia. The issues with the 287(g) program have only resurfaced under recent attacks from the federal government¹⁰ and through the opportunity to provide public input through the 287(g) Steering Committee Meetings. Otherwise, there is little oversight of the program—only recently (within the past year) have community members in Mecklenburg County disrupted both city and county level governing body meetings to express their disapproval of the program.

3.6 Conclusion

I argued that the practices surrounding the 287(g) program became invisible over a 10 year span of implementation for three reasons, all of which served to protect white innocence, involvement, and economic interest. First, community members noted the blatant policing of their communities in the initial years of the program, but once that overt form of policing ended, more covert practices were not interrogated, contributing to the normalization of interview practices occurring within jails by deputized 287(g) program officers. The lack of transparency regarding the number of deportations and practices within the jail bolstered this normalization.

¹⁰ There was a cooling off period for activists immediately after the first few years of implementation but there has always been a small group of people who have continued to hold vigils, rallies, etc. across the state.

Second, many community members (both pro and anti-immigrant), who may have involved themselves in the adoption process, did not remain involved in accountability processes. In communities where a formal community input process was undertaken, pro-immigrant forces became frustrated with the silencing of their voices and some settled for “lite immigration enforcement.” By no means did these community members remove themselves entirely from related efforts, but many saw that traditional routes (appeals to city and county governments) to combat the program were exhausted. On the other hand, overtly anti-immigrant segments of these communities, albeit not entirely pleased by the level of immigration enforcement practices, were more aligned with the desires of law enforcement to enter into such agreements.

Third, collective amnesia regarding the impetus of the program (both in process and rhetoric) ensured these practices became invisible until recent changes, which require that sheriff departments host 287(g) Steering Committee meetings to discuss the mission and results of the program. In the initial adoption of the programs, county commissioners signed off on the memorandum of agreement between the sheriff’s departments and ICE. In subsequent renewal periods, only the Sheriff’s Department signed off on the agreement, neutralizing the need—and responsibility—of county commissioners to be involved in the process. In recent 287(g) meetings, Sheriff Department representatives ignore the initial impetus for the program and deflect any anti-immigrant sentiments that previously existed

by suggesting, “that was a different administration,”¹¹ although they are unwilling to describe any adjustments in the implementation of the program. Financial benefits of the program were visible, yet also part of this collective amnesia of the general population. Of course, elected officials and law enforcement leadership were certainly aware of this.

I follow this transition to program invisibility and its transition back to visibility in the current moment to highlight how whites benefit from this program and what they ultimately chose to protect. Overwhelmingly law enforcement representatives from Sheriff’s Offices are white and during interactions with community members, they maintained their stance as “by the books administrators” and protectors of the community from “criminal” elements. On the other hand, white community members also distanced themselves from mostly Latino community members who chose to engage in direct actions during the adoption phases of the program. Yet, many of those white community members did not monitor the implementation practices and financial gains of the program, although they did remain involved in government input processes. In localities where community input was part of the adoption process, safeguards to ensure accountability and transparency were initially requested, yet those community members and local government officials did not follow up.

This invisibility also protects white economic interests and benefits majority white communities. In community input sessions, business representatives expressed concerns

¹¹ Deputy McDonald made this statement in the April LINK meeting to distance the current Sheriff administration from the previous Sheriff.

about the negative impact of extra immigration enforcement. On the other hand, similar concerns were not raised about additional income resulting from detaining and housing undocumented immigrants. In the initial years of implementation, incentives to detain and house individuals came from state and national entities.

At the local, state, and federal level, immigration enforcement remains at the forefront of politics. Even now, Executive Orders, which have implemented a Muslim Ban, the further militarization of the border, and more internal immigration enforcement ensure that immigration enforcement will remain in the spotlight. But by focusing on the initial implementation of certain local law enforcement partnerships with federal immigration enforcement occurs, we can begin to see a different story of resistance, responses to a perceived racialized immigrant threat, and a power struggle in areas of the country where communities are attempting to maintain white dominance. Furthermore, we must critically interrogate how Whites on all sides of the debate have contributed to a ten year span of collective amnesia regarding local immigration efforts.

4. Redefining Responses to Racialized Immigrant Threat

4.1 Introduction

In recent months, community members continue seeking reassurance from local government agencies regarding immigration enforcement practices outlined in most notably two Executive Orders—Border Security and Immigration Enforcement Improvements and Enhancing Public Safety in the Interior of the United States.¹² Unfortunately, these responses from local government and local law enforcement

¹² Executive Order: Border Security and Immigration Enforcement Improvements: <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements>.

Executive Order: Enhancing Public Safety in the Interior of the United States:

in particular, do not delve into the complexities of communication, collaboration, and financial exchanges with ICE and Department of Homeland Security entities, which occurred and continue occurring regardless of the change in presidential administrations. Scholars and community members alike tend to focus on the question of whether or not local law enforcement is “going to round up immigrants.” Yet, this narrows down a much more complicated process that transcends local policies while simultaneously highlighting local level decision making capabilities. Furthermore, it is unclear whether or not those local level decision makers, namely city and county leadership recognize their ability to implement or refuse to implement immigration enforcement.

In some counties across the country, local sheriffs and police chiefs make the ultimate decision whether or not to enter into specific agreements with Immigration and Customs Enforcement (ICE) and in other places, state-level agreements are implemented with little publicity. Although various scholars focus on the former and on the devolution of immigration enforcement, these scholars tend to focus on the most intrusive of these agreements like the 287(g) program—a partnership between local law enforcement and ICE, which deputizes them to act as immigration officers (Armenta 2012; Coleman 2012). Yet, this is only one dimension of immigration enforcement and other mechanisms are often neglected, such as the technology and data sharing capabilities characteristic of the former version of the Secure Communities program (Pedroza 2011).¹³ And to some extent,

<https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.

¹³ Secure Communities mainly served as a database sharing tool between ICE and local law enforcement once a person reach a jail facility. This tool was paired with a set of deportation priorities which then

studies which focus on the revenue generating component of the broader prison industrial complex, neglect to consider the ways that intergovernmental service agreements allow ICE to rent space in local, state, and federal facilities (Doty and Whitley 2013).

Local agencies—both local law enforcement and local governments—may attempt to provide support for the integration of immigrant, predominantly Latino communities, but participation with ICE may ultimately be a deterrent for such efforts (Marrow 2009). Yet, scholars who write about welcoming policies (Williams 2015) and the politics of reception (Fussell 2014) have not thoroughly defined the ways in which local law enforcement and governments play a role in the collaboration, communication, and other exchanges with ICE. This begs the question whether communities are comfortable with partial policies labeled as welcoming or whether—provided with all the information about collaboration, communication, and financial exchanges—communities are willing to live with a patchwork of policies (Varsanyi, Lewis, Provine, and Decker 2012).

4.2 Literature Review

4.2.1 Racial Threat and Local Law Enforcement Responses

At the national level, harsher immigration enforcement practices and policies typically resulted from anti-immigrant sentiment cleverly disguised as counter terrorism efforts after 9/11. This has opened up the possibilities for local law enforcement to participate in both immigrant enforcement and surveillance directed at racialized

changed in 2014 to become the Priority Enforcement Program until Secure Communities was reintroduced through an Executive Order in 2017.

immigrant communities in order to respond to a perceived racial threat. Racial threat theory builds upon Blumer's (1958) group threat hypothesis. Blumer describes what is at the heart of the dominant group's sense of group position: 1) a feeling of superiority, 2) a feeling that the subordinate race is intrinsically different and alien, 3) a feeling of proprietary claim to certain areas of privilege and advantage, and 4) a fear and suspicion that the subordinate race harbors designs on the prerogatives of the dominant race. This hypothesis moves away from individuals and their individual feelings and instead concerns itself with the relationships between racial groups. Blumer asserts that racial identification with one's group is necessary for racial prejudice. This sense of group identity is formed through a collective process vis-à-vis the subordinate group. The formation of this sense of group position may begin through initial contact between groups, but is recreated over time as the dominant racial group defines the subordinate racial group and the relations between them.

Building upon Blumer's framework, Hubert Blalock (1967) expanded group threat theory to explain economic and political responses to such a threat, and other scholars have turned their attention to conceptualizing and operationalizing the threat of minority crime and the subsequent responses from local law enforcement, typically without explaining the process whereby local governments are involved. Researchers find this threat of black crime is associated with greater police expenditures. Kane (2003: 266) uses the allocation of crime-control resources as his measure of social control, stating:

Because crime-control resources are an indicator of the state's capacity to exercise formal social control, an examination of how such resources are distributed is

justified, especially when the static characteristic of certain group members may be used in determining such allocations.

Several studies also find racial threat is associated with police force size, arrest rates, and incarceration rates. Even controlling for aggregate crime rates across cities, researchers still find racial/economic composition substantially affects arrest rates (Greenberg, Kessler, and Loftin 1985; Liska & Chamlin 1984). Jacobs and Helms (1999) find that political factors and the size of the black population are positively associated with incarceration rates, and Bridges, Cruthfield, and Simpson (1987) find a positive association between the size of the nonwhite population and incarceration rates for nonwhites.

Yet, few studies focus on Latinos as a new threat, particularly in the Southeast where the Latino population is overwhelmingly of immigrant background. Some scholars also question if the group threat/racial threat hypothesis is even applicable to groups other than blacks and whether or not the same social control variables should be used (Taylor 1998). This is one reason why Ramakrishnan and Lewis (2005) and Ramakrishnan and Wong's (2007) focus on municipal policy proposals in their tests of the racial threat hypothesis is so important to expand the meaning of racial threat and the variables to operationalize such a process. In their 2005 study, they find that Latino population size and partisanship partially explain the adoption of anti-immigration legislation. However, in their 2007 study, they find little explanatory value in the growth of the Latino population and the Latino proportion of the population. Similarly, Chavez and Provine (2009) test multiple threat hypotheses: racial and ethnic threat, economic threat, and criminal threat. They do not find that economic indicators, crime rates, or demographic changes are able to explain state level legislation aimed at restrictions on immigrant populations. However,

they do find that conservative citizen ideology and pro-immigrant laws are associated with larger concentrations of the Hispanic population. Another study of 237 cities found that the Latino/Hispanic proportion in the population was not related to local police involvement in aggressive immigration enforcement (Lewis, Provine, Varsanyi and Decker 2013). In that same study, the researchers further define a city's stance on immigration enforcement by creating a city government enforcement policy scale and a police enforcement practices scale. Generally, these efforts to define social control mechanisms directed at racialized immigrant groups like Muslims and Latinos, are not comprehensive enough to capture all the ways collaboration and cooperation occurs between local law enforcement and ICE and rely on self-reported data from the law enforcement agencies.

Overall, there are mixed statistical findings when Latino threat is operationalized as the Latino proportion of the population or as the percent change in the Latino population. In addition, only Lewis et al. (2013) have produced a more appropriate scale to measure social control. Therefore, there is ample room to analyze this phenomenon through qualitatively studying the adoption of particular programs like intergovernmental partnerships with Immigration and Customs Enforcement and the subsequent authority employed by these crimmigration entities.

4.3 Data Sources

These key dimensions of immigration enforcement result from in-depth interviews, public records requests, and participant observations at public forums with local law enforcement and ICE agents in North Carolina. Public records requests for all counties in North Carolina is ongoing, but for some counties, they serve as an additional check to

responses observed in public forums. For other counties, namely those with 287(g) programs, public records requests did not result in any additional information, and instead, requests were redirected to ICE.

Approximately 30 crimmigration law entities¹⁴ were interviewed. These individuals interacted with noncitizens and Latinos on a regular basis and interviews focused on their involvement with a specific immigration enforcement partnership, namely the 287(g) program. In addition, much of the of information resulted from time spent as a participant observer in 287(g) Steering Committee Meetings along with time at Faith Action ID drives which sought to bring local law enforcement and the immigrant community together. The latter participant observations were conducted as a volunteer of the program although these are open to the public. The FaithAction ID cards are available to any resident who may have limited access to government issued forms of ID and is a program of the Faith Action International House, a non-profit based in Greensboro, NC. They provide ID cards holders with a verifiable form of identification that may be accepted by certain law enforcement agencies, health centers, and businesses. Participants must attend a mandatory orientation at a monthly ID drive, and provide proof of photo ID and address. These orientations became an even more important piece of this research once the new presidential administration began, serving as a mechanism for non-profit partners to

¹⁴ César Cuauhtémoc García Hernández considers various local entities as crimmigration law entities, some include local law enforcement, legal counsel, etc.

utilize the relationships developed in the FaithAction ID drives as an entryway to discussing immigration enforcement at the local level.

During the beginning of the 45th Presidential Administration, many of these local law enforcement agencies who held a preexisting relationship with their local, immigrant—mostly Latino—community, were then asked to participate in these “reassurance” public forums to discuss any expected changes under the new presidential administration. Participant observations were conducted at these types of public forums across the state, which included: six police agencies in the Triad region, three agencies in Western, North Carolina, and six agencies in the Triangle region.¹⁵ During these reassurance forums, a combination of these questions related to immigration enforcement were typically asked:

- What would you say to crime victims who are afraid to report an incident to the authorities because of the fear of repercussions, specifically being detained and turned into immigration? Can you guarantee that a crime victim (either with a criminal record or without one) will not be reported to immigration?
- What is the protocol if someone is pulled over by a police officer? Does the person receive a fine for the infraction? What if they don’t have a driver’s license? At what point would a person be arrested? Where do they go once they are arrested? At what point might they be handed over to ICE?
 - Does your agency accept the Faith Action ID? Or other forms of identification?
- One of the main concerns of our community is the possible collaboration of the police departments and sheriff offices with ICE. What can you say to address this concern of the Latino community? Who does the department report to?

¹⁵ Triad region participants-Burlington Police Chief (on two separate occasions), Elon Police Chief, Graham Police Chief, Haw River Police Chief, Gibsonville Police Chief, along with two representative from the Highway Patrol.

Western region participants-Henderson County Sheriff’s Department, Hendersonville Police Chief, Laurel Park Police representative.

Triangle region participants-representatives from Durham County Sheriff’s Office, City of Durham Police Chief, Hillsborough Police Chief, Raleigh Police Department, Orange County Sheriffs, Chapel Hill Police Department

- Would the police department be asked to provide information about its residents to ICE?
- The Latino community feels targeted when checkpoints are set up close to places where they frequent. Can the community report a checkpoint if it seems to be targeting the community?
- What role does your agency play in the 287(g) program?
- Does the agency have a role in the U-Visa application process?
- What impact might the new Executive Orders have on the local agency? What about proposed state legislation?

These questions formed as a result of individual experiences but were also constructed by community organizations who invited the local law enforcement agencies to participate. Additional questions, not related to local law enforcement's collaboration with ICE, ranged from questions about differences in local law enforcement agencies to specific questions about personal interactions with law enforcement to questions about diversity trainings and racial profiling. In some settings, local law enforcement agencies were willing to continue working with the community members who invited them to speak. These questions reflect curiosity regarding a variety of topics, yet, some questions were passed over because those in the room were unable to respond. Through these questions, community members showcase their confusion about local law enforcement collaboration with ICE, yet these questions and corresponding responses only touch the tip of the iceberg. Instead, the following dimensions pertaining to enforcement may broaden and even strengthen a local community's ability to interrogate such collaboration.

Observations and transcribed tape recorded interviews and meetings were initially open coded and then more focused coding resulted in the construction of the following eight dimensions.

4.4 Dimensions of Enforcement

Seven dimensions of immigration enforcement and one indirect dimension better represent the ways that local law enforcement communicates, collaborates, and exchanges money with Immigration and Customs Enforcement, sometimes only after the approval of local elected officials. Immigration enforcement should be operationalized and discussed as a spectrum of communication, collaboration, and financial exchanges including the following: indirect collaboration through identification procedures/protocols pre-jail entry, technology usage, deputized staff, reimbursement funding, honoring detainer or ICE hold requests, additional intergovernmental agreements, participation in joint agency task forces, and special conditions for collaboration/communication.

4.4.1 Dimension One: Indirect Collaboration-Identification Procedures/Protocols Pre-Jail Entry

The 2006 *Technical Corrections Act* was signed into law by North Carolina Governor Mike Easley, which reinstated the requirement that anyone applying for a driver's license must provide a valid Social Security Number, eliminating the ability to use an ITIN or Individual Taxpayer Identification Number (Riggsbee Denning 2009). Across the country, each state has the ability to do the same and place limitations on who is eligible to obtain a driver's license and/or valid form of identification. The Technical Corrections Act, effectively meant that undocumented people would no longer be able to obtain and/or renew a driver's license¹⁶ and could therefore be driving with expired licenses, since no

¹⁶ Aside from individuals receiving DACA which was not relevant until 2012 and even this was subject to a state by state patchwork of allowing individuals to obtain a driver's license.

feasible alternative was proposed for these individuals. Driver's Licenses are particularly important when interacting with local law enforcement because they also serve the purpose of verifying one's identity. Without such a document, local law enforcement often, depending on the agencies procedures and policies, use their discretion and take the motorist to the jail facility to attempt to verify their identity. As explained in the next dimension, this verification process exposes individuals to a variety of biometric sharing tools, which may begin the process of communicating with ICE. Some local law enforcement agencies across the country recognize this conundrum and choose to participate in initiatives which provide an alternative method for identification like municipal or organizational ids. In response to the creation of some of these alternatives, usable forms of identification can become restricted by state lawmakers.¹⁷

4.4.2 Dimension Two: Technology Usage

Secure Communities was first introduced in 2008 and implemented throughout the country, county by county, into 2013. This biometric data sharing tool allowed for a suspected undocumented person's prints to be run through the ICE database (IDENT) along with other federal and state databases like the State Bureau of Investigation/State Identification Bureau and Federal Bureau of Investigations. Unlike more other communication practices, this form of digital communication was implemented by a state level policy, most often with the State Identification Bureau. Although Secure

¹⁷ House Bill 318 passed in the fall of 2015 and current proposed legislation such as Senate Bill 145 and House Bill 113.

Communities (first iteration) officially ended when the Priority Enforcement Program (PEP) was introduced during the Obama Administration under Department of Homeland Security Secretary Jeh Johnson, the data sharing did not end, meaning that this component continued under the Priority Enforcement Program. It is unclear how the 2nd iteration of Secure Communities, implemented through the *Public Safety in the Interior of the United States Executive Order* issued by the new Presidential Administration will differ from the 1st iteration of the program or if the data sharing will continue as before.

4.4.3 Dimension Three: Deputized Staff

The 287(g) program Memorandum of Understanding between each sheriff's office and Immigration and Customs Enforcement (ICE) outlines various duties and benefits for both parties, namely "To which ICE delegates nominated, trained, certified, and authorized [sheriff's office] personnel to perform certain immigration enforcement functions as specified herein." Specifically with this program, representatives from the sheriff's office are nominated to receive training to act as deputized immigration officers in county jails. ICE then pays for the training and representatives are expected to participate in refresher courses. Their purpose is to act as another check or a "force-multiplier" to accompany the Secure Community fingerprint checking process (Armenta 2012; Varsanyi, Lewis, Provine, and Decker 2012). For example, someone may not have encountered ICE and therefore not show up within the fingerprint database but may still be undocumented and subject to the deportation process. The deputized officers may question this person for further information to determine their legal status along with any prior offenses they may also have.

4.4.4 Dimension Four: Reimbursement Funds

A combination of The Bureau of Justice Assistance (BJA), Office of Justice Programs, and the U.S. Department of Justice, with the U.S. Department of Homeland Security (DHS) administers the State Criminal Alien Assistance Program (SCAAP) awards. States and localities are able to apply for these awards by demonstrating various costs, namely those “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 (SCAAP Program Details).” Payment formulas differed slightly each year but beginning in 2008 (SCAAP Award Guide 2008), payment formulas are available online.¹⁸ Overtime, the per diem rate range spans from \$28.16 in 2011 to a high of \$41.26 in 2014.

4.4.5 Dimension Five: Honoring Detainer/Hold Requests

Detainer or ICE hold requests are made by ICE to local law enforcement agencies to hold an undocumented person beyond that individual’s release date. In certain circuit

¹⁸ In 2008, the method for the payment formula was as follows:

- a. Using financial data from applicants, a per diem rate is calculated for each jurisdiction. For FY2007, the average per diem rate was \$30.30 per inmate.
- b. Inmate data is provided to the U.S. Department of Homeland Security to validate inmate data for eligible, unknown, and invalid records.
- c. Each jurisdiction’s total eligible inmate days and a percentage of the unknown days are totaled then multiplied by the applicant’s per diem rate to derive the total correctional officer salary costs for eligible and unknown inmate days. The percentage used for unknown days is determined by a sliding scale: citizens 60%, states 65%, and counties 80% of their total unknown inmate days.
- d. The value of each applicant’s correctional officer salary costs associated with its eligible and credited unknown inmate days are totaled. This total value reflects the maximum amount for SCAAP reimbursement. A percentage factor is used to reflect the relationship between the maximum reimbursable salary costs and the appropriation. For FY2007, this factor was approximately 41.98%.

court rulings, detainers were found to be unconstitutional (ILRC Legal Update 2016). The Transactional Records Access Clearinghouse (TRAC) reports detailed analysis of case-by-case ICE records (TRAC Immigration). Data in this clearinghouse contain individual records on each recorded I-247 detainer or notice request prepared by ICE. For each detainer, information on the law enforcement agency that sent the request, as well as information about the individual who was the subject of the request is typically included in the data. In addition to demographic information, detailed criminal histories for each individual are also included when provided. Unfortunately, this database is becoming less reliable, something TRAC has noted but that has also become noteworthy in ICE's failed attempt to publicly shame any law enforcement agency which may have denied detainer requests (Vasquez 2017). TRAC was established in 1989 as a research center jointly sponsored by the S.I. Newhouse School of Public Communications and the Martin J. Whitman School of Management at Syracuse University with the purpose to provide the American people — and institutions of oversight such as Congress, news organizations, public interest groups, businesses, scholars and lawyers — with comprehensive information about staffing, spending, and enforcement activities of the federal government through FOIA requests recently issued the following on March 21, 2017:

Unfortunately, Immigration and Customs Enforcement (ICE) has started withholding other more comprehensive information that ICE previously released to TRAC in response to Freedom of Information Act (FOIA) requests. ICE does not claim the withheld information is exempt from disclosure, it simply claims past releases were discretionary and it is no longer willing to make many of these details available to the public. Because of these ICE refusals, TRAC is unable to update its online free web query tools that allow the public to view ICE activities under both the previous Bush and Obama Administrations. We are also currently in court on another FOIA action trying to obtain ICE records on what fields of information the agency's databases actually track. Even though ICE released these

descriptive documents before, ICE now refuses to provide updated listings describing its data. Our brief in that litigation was filed March 10.

4.4.6 Dimension Six: Intergovernmental Service Agreements

Although some local law enforcement agencies may make financial exchanges with ICE through reimbursement structures, some county jails also rent space to ICE. Intergovernmental Service Agreements are agreements between the federal government—more specifically ICE—and a state or local government to provide detention beds in jails, prisons, and other local or state government detention facilities. While government owned, these facilities may be operated by either local or state agencies or by a private company in the business of providing detention services. Some of these facilities may even be dedicated for federal use (IGSA Facility).

4.4.7 Dimension Seven: Participation in Interagency Task Forces with ICE

Various interagency task forces allow for mostly criminal investigations to occur at the local level. One type is agreements with Homeland Security Investigations, which was formed in 2010 within ICE. Their charge is to investigate a variety of criminal activity that may transverse borders, such as financial crimes, cybercrimes, narcotics, and gang activity. HSI also conducts counterterrorism investigations (Oliver 2007).

4.4.8 Dimension Eight: Additional Context Needed to Aid ICE

Lastly, although local law enforcement agencies may not have formal communication, collaboration, and financial exchanges with ICE, they may be willing to assist when federal immigration officers are in their jurisdiction. That is why exploring the

context and conditions needed for local law enforcement to aid ICE when channels of communication and collaboration are not present are also telling. Furthermore, recent high profile events highlight and complicate the role of local law enforcement and local government entities when ICE may be searching for specific individuals in schools, churches, etc. (Durkie 2017), even though these locations are considered “sensitive locations” according to ICE (October 24, 2011 Memo).

4.5 How Various Departments/Offices Define Local Immigration Enforcement

Local law enforcement and local government officials, particularly in the Triad (High Point, Winston-Salem, Greensboro) and the Triangle (Raleigh, Durham, Chapel Hill) areas of North Carolina, respond to community concerns about immigration enforcement by making the general statement “we are not ICE.” They may not be ICE agents nor have all the authority of ICE, but they may collaborate, correspond, and participate in financial exchanges with the agency. Although certain agencies attempted to explain the process by which a person could come in contact with ICE after a traffic stop or other encounter with local law enforcement, most agencies were not forthcoming about all the ways that they collaborate, correspond, or make financial exchanges with ICE. Furthermore, when the process is often explained, local law enforcement reiterates their commitment to keeping everyone safe—both citizens and undocumented people—by justifying their hypothetical support for efforts to capture criminals who may be undocumented.

This was before the election of a new president, yet, the statements remain the same even after the announcement of the two Executive Orders. After the election and the inauguration of a new president, community members convened conversations with their local law enforcement agencies to once again discuss any enhanced immigration enforcement that might occur. In both pre and post Executive Order conversations with local law enforcement, these agencies typically did not discuss their role in the eight dimensions of enforcement. Although many of the dimensions are only applicable within the county jail and through the sheriff's office, police agencies and local government officials play key roles in the following ways.

4.5.1 Local Government Involvement

Local decision makers may or may not recognize their involvement in these dimensions, yet, they still maintain some influence over the local law enforcement agencies they are charged with overseeing. For example, city council must pass police department budgets and the county commissioners must pass the budget for the sheriff. The most obvious instance of this can be seen in counties where the sheriff's office has presented their plan to implement a 287(g) program with ICE and may need additional funding from the county commissioners to hire new staff, build new facilities, etc.

Because county commissioners and each county's sheriff's office are not required to sign individual agreements for programs like Secure Communities—a biometric sharing program between ICE and local law enforcement signed into law at the state level—there seems to be confusion and little understanding of their role in implementing a program signed into law by a state governing body. In addition, this is also the case when navigating

state-level legislation, which is attempting to preempt the ways cooperation and collaboration occurs with ICE through bills like Senate Bill 4 in Texas, and House Bill 318 in North Carolina.

One type of intergovernmental agreement that must be presented to county commissioners for approval,¹⁹ is the 287(g) program, which deputizes local law enforcement as immigration officers (dimension 3). The five programs in North Carolina were all presented to the county board of commissioners between 2006 and 2008, yet no consistent financial or detainee information has been presented back to the county commissioners in public formats in the past 10 years (XXX 2017). Furthermore, many county commissioners and city council officials have little knowledge of these processes, meaning that they are unable to make educated decisions about ICE cooperation, collaboration, or financial exchanges. What is clear though, is their unwavering faith in the decision making capability of the local law enforcement agencies they work with. Across the country, only a handful of local government bodies have encouraged the end to certain partnerships with ICE but only through community pressure like that exhibited in Harris County, Texas. Although an end to the 287(g) program in Harris County did not mean an end to ICE collaboration and communication (Pinkerton and Barned-Smith 2017).

¹⁹ During the 2006-2008 time period when 287(g) programs were implemented throughout the state of North Carolina, sheriff offices asked county commissioners for additional funding for additional personnel, technological improvements, etc.

4.5.2 Police Agency Involvement

A few years ago, the City of Durham Police Department operated with a 287(g) program, which was constantly targeted by public pressure until its end. Although, the program officially ended, an agreement with Homeland Security Investigations remained. Such an agreement differs slightly from the 287(g) program and the Durham Police Chief maintains that such a collaboration is useful for human and drug trafficking matters (Chen 2015), given that the Memorandum of Understanding between the two authorizes a customs agent to be on staff and, “HSI is not conveying the authority to enforce administrative violations of immigration law.” These task forces or interagency collaboration are rare at the city police department level and instead, community members typically focus on the issue of checkpoints or general traffic stops conducted by this agency.

In March 2017, the City of Durham Police Chief took a bold step at a reassurance forum by stating, “checkpoints in the city of Durham have been directed to cease and desist” (Hellerstein, 2017). Furthermore, Chief C.J. Davis clarified her rationale in a press release, “This was done to dispel fears that have currently arisen and to further encourage sustainable relationships with the diverse community we serve.” Not only was the City of Durham Chief of Police present in this forum, but so were representatives from the city and county governing bodies, the Superintendent of Durham Public Schools, and Major Martin from the Sheriff’s Office. Many of the approximately 1,000 people in attendance were there to hear news from the local law enforcement agencies regarding their expected implementation and compliance of Executive Orders.

The concerns with traffic stops were not unique to the police department or to Durham. In other reassurance forums—like the one in Burlington, NC—Chief Smythe of the Burling Police Department brought an enlarged map of all the checkpoints in his jurisdiction to reassure community members of their random locations and to distill the fear that they were conducting targeted checkpoints in Latino communities. Although Chief Smythe and others refuted the notion that racial profiling may be occurring in this type of enforcement practice, much of the community concern stems from the post-stop activities, namely the citations or arrests that can result for driving without a license. Across the various police departments and sheriff’s offices, law enforcement expressed the complications they face when stopping someone who is driving without a license. Most made it clear that they may be forced to take someone to jail in order to verify they’re identify if that person does not have any form of identification.

As an alternative to arresting individuals and verifying their identity at the local jail, some local law enforcement agencies in North Carolina are able to use an organizational id called the Faith Action Network Identification as a verified form of identification. Such a program is characteristic of the *Welcomeness* dynamic, which is an attempt by local law enforcement to create more positive engagement with immigrant communities (Williams 2015). As of the spring of 2017, approximately 10,000 identifications were issued through the participation of four sheriff offices, fifteen police departments, and four health centers. In addition, those seeking an identification card, must participate in an orientation with the local law enforcement agency or agencies in their area. Similar issues with identification were also expressed by local law enforcement

agencies in Western, North Carolina where the Faith Action ID program is not implemented.

In many of the locations where this initiative is taking hold, community members have then taken the opportunity to engage local law enforcement in conversations about ICE involvement after the new Executive orders were announced. In this regard, community members may feel more comfortable reaching out to local law enforcement with concerns about national and state level changes. In addition, local law enforcement benefits by receiving positive publicity for interacting with a minority community, by encouraging individuals to report more crimes, and by taking these opportunities to recruit bilingual individuals:

The Burlington Police Department has been involved with the Faith Action ID Card program for several years. Every month we are able to attend an ID drive and engage new residents. We discuss many aspects of public safety and build great relationships with folks who previously were suspicious or fearful of the police. These relationships lead to enhanced safety for immigrants and citizens alike.

-Jeffrey Smythe, Burlington Police Chief

The FAITH ID program has helped the Greensboro Police Department reach out, get to know, and develop trust in a section of our community that has been traditionally underserved and over victimized. The bridges built in trust through this partnership have led to a safer community overall, not just for the ID recipients.

-Mike Richey, Greensboro Police Department Deputy Chief

4.6 Jail Facilities and Dimensions Mainly Applicable to Sheriff Offices

4.6.1 Dimension Two: Technology Usage

In North Carolina, biometric data sharing technology associated with Secure Community was implemented between November 12, 2008 and March 15th, 2011, with the Wake County Sheriff's Office being the first to adopt (ICE-SC Activated 2013). The

Memorandum of Agreement between ICE and the North Carolina State Bureau of Investigation was signed in October/November of 2009, meaning that some county jails were early adopters of the program prior to the state-wide agreement. Included in this MOA was a list of three offense categories, 1) Level 1-major drug offenses, national security crimes, and violent crimes, 2) Level 2-minor drug and property offenses, and 3) Level 3-individuals convicted of other offenses. These categories would later change in 2014 under the Obama Administration and the implementation of the Priority Enforcement Program.

In the fall of 2016, information provided through public records requests to the Durham County Sheriff's Office did not include information regarding the County's participation with ICE and instead notes there is no formal policy with ICE. Furthermore, they maintained:

In the absence of a formal agreement, the Sheriff's Office complies with state and federal law....There are no internal or external communications related to the Priority Enforcement Program (PEP), Secure Communities (S-COMM) during the timeframe you've requested...Because the Sheriff's Office does not participate in PEP or S-COMM programs, we do not maintain individual records related to PEP or S-COMM.²⁰

²⁰ Note from Public Records Request received in August 2016: Below are the steps utilized when determining the immigration status of an arrestee at the Durham County Detention Facility:

1. An arrestee is processed and fingerprinted.
2. Fingerprints are sent electronically to the State Bureau of Investigation (SBI).
3. If the arrestee is wanted by ICE, their fingerprint is flagged through the fingerprint machine or the Finger Print Tech fills out a Notification of Arrest form and faxes it to ICE.
4. The Fingerprint Tech will print the flagged information and fax it to ICE. If needed, Immigration authorities will determine their status and issue a detainer.
5. An arrestee is allowed to leave the facility (on bond or per magistrate or judge's order) as long as a detainer has not been received.
6. If a detainer is received the detainee will remain in custody until his case is adjudicated.
7. Once all charges (for any county, or state) have been adjudicated, ICE is notified (by the arresting agency). There's a 48-hour deadline including holidays and weekends for ICE to take custody of the arrestee.
8. If ICE does not arrive within 48 hours, the detainee is released.

In subsequent public forums through the Faith Action Identification Orientations, the Durham County Sheriff Office representatives stated they were involved in Secure Communities. And most recently, two more opportunities to clarify their cooperation with ICE have left some doubt about their current operations. Information presented to the City of Durham Human Relations Commission included a memo from the Durham County Sheriff stating that they did in fact participate in Secure Communities. Weeks later, a Major with the Sheriff's Office then presented contradictory information in a public forum focused on local level participation with ICE where the sheriff's Office, police chief, city and county officials gave comments about their efforts to curb fears in the immigrant community. Across a period of about six months, four different responses were publicly given about participation in this dimension, causing alarm for some and confusion for most.

4.6.2 Dimension Three: Deputized Staff

In addition to the use of the biometric data sharing tools, some Sheriff Offices opted into 287(g) programs, which has been described as a force multiplier for its ability to more accurately identify undocumented persons in county jails (Coleman 2009; Eagly 2010; Armenta 2012; Menjivar 2014). Each of the five sheriff's offices with a 287(g) program in North Carolina operate with dedicated personnel who are deputized as immigration officers. During the initial implementation of the programs, some of the sheriff's offices requested additional funding to support such activities of their respective county board of commissioners. Below are the number of trained and active deputized officers for FY2015 for the sheriff's offices with a 287(g) program.

Table 5: Number of Trained Officers in 2015

County	Number of Trained Officers	Number of Active Officers
Henderson	18	6
Cabarrus	14	3
Gaston	20	6
Mecklenburg	29	8
Wake	37	17

In addition, those agencies with agreements with Homeland Security Investigations, like the City of Durham also employ dedicated personnel who perform certain immigration enforcement duties.

4.6.3 Dimension Four: Reimbursement Funds

In FY2015, 46 counties in North Carolina received some amount of SCAAP awards while the state government received \$1,915,850.00. In that year, the range of awards spanned \$14.00 to Person County to Mecklenburg County with the highest award at \$269,859.00. The number of counties receiving similar awards varies over time but the chart below indicates more than half of North Carolina counties—over the course of a time period with reliable data tracking—participated in financial exchanges with the Department of Homeland Security, the overarching governing body of ICE.

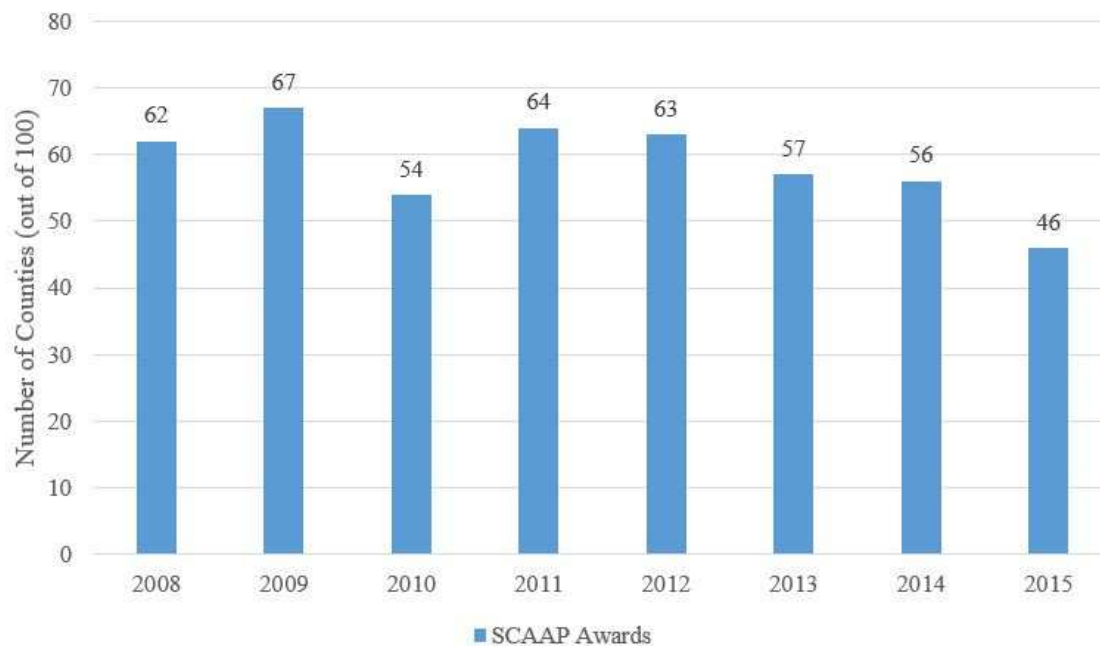


Figure 4: 2015 SCAAP Awards

Although this is no longer the case, many of the sheriff offices that adopted the 287(g) program, introduced the program to their county commissioners with the caveat that the program would be fully reimbursed by ICE or the state. For example, Sheriff Rick Davis in Henderson County described his rationale for bringing the program to the county commissioners in a March meeting back in 2008:

Sheriff Davis felt this was an appropriate course of action because of the inability to identify the majority of criminal wanted illegal aliens...An annual loss of an estimated \$750,000 to county just from the detention center...It is important for Henderson County to be the “HUB” first and foremost because it would give the Sheriff the discretion as to whether someone that is coming through the detention center with minor crimes would go through the deportation process. This is a relief mechanism to have someone with lower offenses to at least bond out. The majority of the people that are in our Detention Center that are wanted, illegal or not, are there because they were picked up on minor offenses. Persons under arrest will be identified. Henderson County will recover all cost then some...Sheriff Davis stated that the Sheriff’s Office is fully committed to using only federal money for this plan’s operation.

The proposal was further explained by the county manager at the time in regards to setting up a separate fund specifically for 287(g) operations with excess revenue in the county budget, “The Project based on the plan is self-sustaining. It could be based on the projections. Down the road it will be a self-contained Revenue Fund that would basically pay for itself over that period of time.” Between 2008 and 2015, the Henderson County Immigration and Customs Fund ranged from \$469,151.00 in 2015—when it became part of the general fund—to \$843,908.00 at its peak in Fiscal Year 2012-2013.

4.6.4 Dimension Five: Honoring Detainer/Hold Requests

The TRAC team collects information about detainer/hold requests across various years, yet some of that information is incomplete due to reporting inconsistencies across various local law enforcement agencies. This table shows the number of counties where ICE sent detainer/hold requests. Although the requests may be sent to the local law enforcement agency, that agency may not be willing to comply with the requests and hold that person for additional time. Recently, Guilford and Forsyth counties reiterated their policies not to honor these requests unless ICE also had an outstanding criminal arrest warrant or a valid court order, citing fourth amendment violations (Green 2017). According to the TRAC database, between 2010 and 2015, a majority of the counties in North Carolina were receiving detainer/hold requests, yet it is unclear how many of these county jails were honoring the requests. In addition, in seven counties, ICE sent requests to multiple facilities.

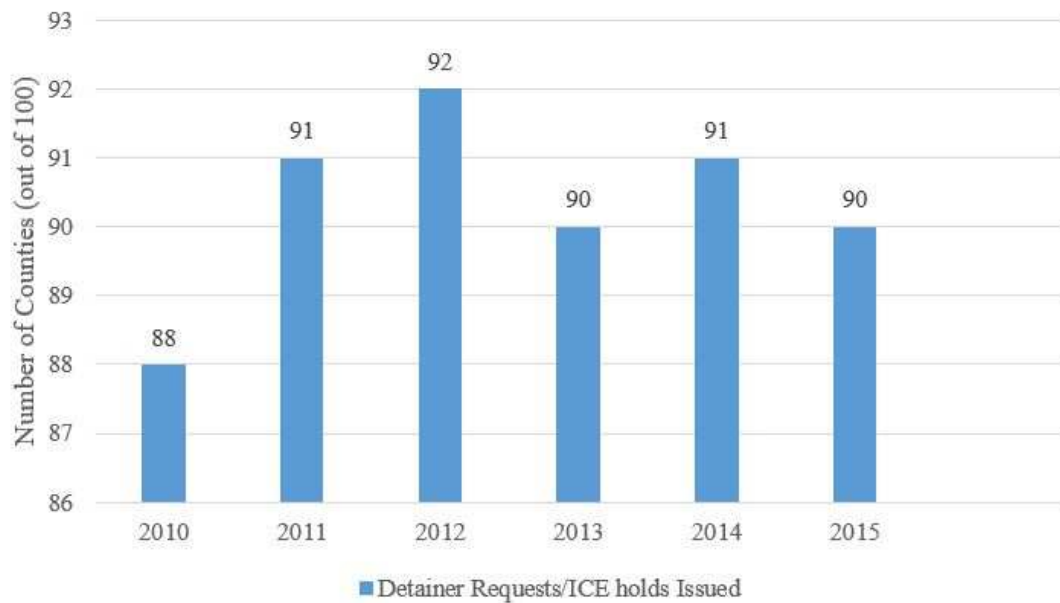


Figure 5: Detainer Requests 2010-20015

4.6.5 Dimension Six: Intergovernmental Service Agreements

Although less common throughout the state, in 2015, besides these agreements existing in counties with the 287(g) program, New Hanover County Detention Center and Forsyth County Jail were the other two locations. Beyond, the agreements made with fully functioning county detention centers, there is evidence that in some counties, like Mecklenburg County, that the prospect of ICE renting space in a newly constructed county facility was discussed beginning in 2007, prior to the construction of the detention center. In an August 14th, 2007 detention update to the Mecklenburg Board of County Commissioners, the County Manager and Sheriff provided some of the following highlights:

- ICE funds are only available for renting space. They do not have upfront funds to contribute towards building a facility.

- ICE is interested in renting bed space if the County builds a new facility.
- Staff has a Letter of Intent from ICE that says whatever the County builds, they would rent at the per diem that's currently being charged to the U.S. Marshall Service on the same contract.
- The rent that the County would take in from renting space would pay for the lease, the facility, and staff that would be needed. It may even generate revenue for the County.
- The facility would house immigrants apprehended from the Mid-Atlantic and Southeast regions and not just in North Carolina.

Additional rental space can be requested by the U.S. Marshalls to house federal detainees, both citizens and undocumented persons. Guilford County, Mecklenburg County, and Wake County facilities also serve as holding spaces for U.S. Marshall Districts.

4.7 Additional Considerations

4.7.1 Dimension Seven: Interagency Task Forces

Other joint task forces and interagency collaboration with ICE may also occur, which may add some fear into communities because of the inability to differentiate which agency is ultimately “rounding up immigrants,” characteristic of a recent occurrence in Durham where ICE participated in a U.S. Marshals Joint Fugitive Task Force (Willets 2017). This confusion about which agency is in fact going door to door looking for people is further complicated by the use of gear with Police emblems. Earlier this year, a bill was introduced by Congressional Representative Nydia Velazquez, a Democrat from New York, which would prohibit ICE officers from wearing pieces of clothing with police printed on it (Green 2017). This concern also arose in questions from various community members in public forums who questioned whether or not they could call local law enforcement if someone, perhaps ICE, came to their door but were not recognizable as local law enforcement officers.

4.7.2 Dimension Eight: Context Needed to Aid ICE

Many of the local law enforcement agencies spoke about the courtesy call they would get from ICE if that entity was in the area, although they simultaneously denied any participation in such “surprise” operations. In addition, local law enforcement officers reiterated that they would help in cases when ICE was clearly going after a criminal, which the removal of such a person would benefit all communities, both immigration and citizen alike. However, it is unclear in what circumstances many of the local law enforcement agencies would participate beyond the areas listed above. In multiple public forums, community members asked whether or not they could call the local law enforcement agency if ICE came knocking at their door. Some agencies stated that would be fine and then attempted to explain what documents ICE would need for the local agency to be limited in their actions.

Increasingly, local law enforcement agencies are present in K-12 public schools as school resource officers (SROs), shifting the context of interaction for immigrant youth. Since these locations are labeled as “sensitive” by ICE, little attention is focused on a school’s role in immigration matters. This has changed in recent months in North Carolina and across the country, forcing some community groups to push for sanctuary policies within the public school system. Such policies limit information sharing with ICE and are constructed to make any information sharing harder by routing requests up to the superintendent. Efforts such as these in Durham and Wake County might also provide a renewed interest in not only limiting information sharing with ICE, but also any type of information sharing with local law enforcement.

4.8 ICE Perspectives

Although local law enforcement never spoke extensively about the distinctions between the various collaborative efforts with ICE, ICE agents were very careful not to discuss another partnership or collaborative effort when answering questions about the 287(g) program. The most recent 287(g) Steering Committee Meeting held in Henderson County illustrates this careful maneuvering,

Well most jails m'am, what they do is fingerprint every individual whether they're a United States citizen or not—they get fingerprinted. Those fingerprints then go into a database that informs us or the FBI whether they want them out of the country or not. That's how that takes place.

The fingerprints are being read by command centers across the country. The difference between that and the 287(g) program is that the 287(g) program is on site encountering them, processing them and assisting. They're a force multiplier to identifying people and initiating the encounter.

Sir, real quick we're addressing this in a lot of jurisdictions right now. What we're here for today is to talk about the 287(g) program—it is completely separate from the detainer point that you brought up. The 287(g) program identifies someone at intake as to whether or not they are in this country illegally, notifies ICE that they are in this country illegally and from there they either contact us and let us know and we either come pick them up or they get adjudicated throughout [the process].

In a similar incident in the Mecklenburg County 287(g) Steering Committee meeting in December of 2015 and 2016, community members requested information about the program's budget, which also required ICE to make distinctions about revenue from the various programs they implement at the local level.

4.9 Conclusion

Initiatives like the Faith Action Identification create opportunities for local law enforcement agencies to become involved in immigrant and Latino communities in North

Carolina, yet these relationships could also allow for much deeper conversations about the role of local law enforcement with ICE. They also serve the two-fold purpose of providing one of the only opportunities local law enforcement to proactively communicate with the Latino, immigrant community and the purpose of allowing the community to obtain information about collaboration, communication, and financial exchanges between local law enforcement and ICE—since various requests to ICE from national organizations for similar information have been unsuccessful.

Although, many see the 287(g) program as the only obvious sign that a local law enforcement agency is communicating with ICE, it is clear from SCAAP Award data and detainer information that the communication, collaboration, and financial exchanges occur throughout the majority of the state of North Carolina. North Carolina may be unique in the number of 287(g) programs throughout the state, but the state is not unique when it comes to other forms of communication, collaboration, and financial exchanges with ICE.

When local law enforcement agencies and local governing bodies choose to solely focus their attention on the most intrusive aspects of immigration enforcement, they limit their public presentation of their involvement. More intentional conversations around the eight dimensions would resolve issues of transparency and accountability, particularly if the goals of a community is to become more welcoming—a goal that many of these local governing bodies have stated by adopting various resolutions with no real policy changes. Until then, the following questions remain.

First, will Latino and immigrant communities cooperate with local law enforcement if those agencies were more forthcoming about their collaboration, correspondence, and

financial exchanges with ICE? Local law enforcement encourages the participation of the community, particularly to report crimes occurring within communities that traditionally have a higher police presence, yet it's unclear how communities respond when some "welcoming" policies are in place while these same communities are still fearful of local-level entryways into deportation proceedings. The implementation of the U-Visa program at the local level is another one of the policies that is often showcased as a measure of good will towards the immigrant community, yet even this program has varying degrees of implementation.

Second, will city councils and county commissioners be willing to interrogate local law enforcement agencies about their practices? What role will progressive politics play in such an effort? Local law enforcement may maintain that they are not "controlled" by elected governing bodies, yet their operating budgets are controlled by these entities. Of course, it is rare to find a city council or county commission that is drastically in opposition to their local law enforcement agencies and willing to interrogate their respective law enforcement agencies about immigration enforcement matters. This becomes more complicated regarding sheriffs who are also elected into their positions. But, a sheriff's unique position also means they are subject to political pressure, although at the national level, state, and local levels, progressives have not necessarily used this pressure to change the collaboration, communication, and financial exchanges with ICE.

Lastly, will the public safety arguments made by local law enforcement withstand questions related to these eight dimensions? Local law enforcement, particularly in locations with the Faith Action Identification program, state that the acceptance of the

identification card makes it easier for them to complete their job of ensuring public safety and lessens the amount of time/paperwork they need to spend on taking individuals to jail to be identified. Priorities for deportation, both previous and current, include threats to public safety and national security threats. These threats may complement or be in opposition to each other, yet it's up to local law enforcement to determine how they will act. Ultimately, local law enforcement and local governing bodies must make decisions about local, state, national, and even international laws while responding to their community specific needs.

5. Conclusion

These results contribute to a thorough understanding of localized immigration enforcement practices in North Carolina. By providing an overview of current practices under the 287(g) program, I first show the prevalence of these programs throughout the

state. I found that some local governing entities played a role in the inception of the programs, but did not maintain oversight over the program through in the ten years that followed. In addition, I found that these same entities, along with community members, often do not know the extent of immigration enforcement practices at the local level, which ultimately limits their ability to resist or change them. Lastly, law enforcement agencies, in counties with 287(g) programs did not operate with community relationships with the Latino immigrant community.

5.1 Localized Practices

Some scholars focus on the deportation statistics without understanding how immigrants enter into the criminal justice system. For many, they enter through low-level traffic stops, but traffic stops are imperfect measures and little research exists, which focuses on who governs law enforcement agencies when it comes to immigration enforcement partnerships.

5.2 Ownership

In studies measuring the threat of racial/ethnic crime, the dependent variable is often operationalized as law enforcement spending, where one law enforcement agency is the unit of analysis. Yet, interagency collaborations and partnerships are often not considered and sociologists have paid little attention to the relationship between an elected sheriff and the role of county commissioners who approve that sheriff's budget. What results is a complicated relationship between county commissioners, federal

agencies (ICE), and a local elected sheriffs. Furthermore, transparency is not high on the list for these entities, which makes collecting data about these processes a challenge.

In these case studies, some sheriffs were extremely proud to participate in a program that extends their authority and increases their budgets. Local police on the other hand, did not have the same level of excitement about program implementation, particularly if they described themselves as community oriented. Missing from recent conversations about these programs is the voice of local government entities, although some of these voices were quite present in the phase of initial adoption. Unfortunately, community members who were once involved in adoption processes, were unable to maintain interest in practices that became hidden overtime and the overt policing practices characteristic of the first few years of the program (2006-2010), overshadowed the increasingly covert nature of the program as time passed.

5.3 Expanding Enforcement and Narrowing Citizenship

Saenz and Mangas Douglas (2015) focus on the racialization of the mainly non-European immigrant groups within the mid-twentieth century, particularly with regards to the impacts of crimmigration practices. However, Michael T. Light (2012) suggests White noncitizens also face the same “citizenship penalty” as racialized noncitizen groups, yet we know those most “at-risk” of entering the criminal justice system fit a particular mold whereby, “the costs become greater upon examining who is most often excluded. Both immigration and criminal law tend to exclude certain people of color and members of lower socioeconomic classes” (Stumpf 2006, p. 415). As immigration and criminal laws continue

to exclude certain members, both noncitizens and those lacking full citizenship (Nakano Glenn 2004), the definition of citizenship continues to narrow in scope.

Many studies of immigrants do not focus on the racialization aspects of those groups or the racialized nature of immigration policies. Other scholars also note the spillover effect (Aranda et al.2014) and the disproportionate impact of policies directed at curbing “terrorist” threats have had on Latino/a citizens and noncitizens (Aranda et al. 2014). In addition to these groups, lawful permanent residents and immigrants with offenses that have been retroactively applied also feel the brunt of this merger (Golash-Boza 2014). Aside from the foreshadowed implications for those with a criminal record and those with second-class citizenship, other areas of spillover effects remain understudied. Some of those impacts are predominantly felt in mixed-status families, where the day-to-day impacts of “cimmigration” laws takes a psychological and physical impact on all family members. In addition, Yolanda Vasquez (2015) notes that these mixed-status families face higher rates of entering poverty once a parent is deported, which could contribute to our understanding of inequality.

Lastly, some of these policies are adopted as a result of negative public perceptions of those “criminals” that are illegally entering the United States. The rationale is that once these policies are adopted that undocumented individuals will either self-deport or be caught through tougher immigration enforcement leading to lower crime rates in the communities where they may reside. However, Stowell et al. (2013) find the relationship between violent crime rates and deportation rates to be complex and dependent on local context, indicating that the emphasis on public policies that increase deportations may not

have the intended impact of decreasing crime. Nguyen and Gill (2010) found disproportionate coverage of DWI cases involving undocumented immigrants yet no link between population growth of the Hispanic, mostly immigrant, population and an increase in crime rates in North Carolina. Furthermore, the Department of Homeland Security often changes the guidelines for deportations, meaning that immigrants remain in a precarious position.

5.4 Challenges in Identifying Enforcement Practices

Two years after submitting public records requests, I am still awaiting responses. I also signed onto national lawsuits against ICE for withholding certain types of information. Fortunately, I could rely on a few national databases to curate some data for this project and I obtained other data through community relationships, relationships with journalists, and through participant observation. Although I still believe it is necessary to empower community members to request similar types of information, it ultimately becomes cumbersome if entities are unwilling to provide it or only provide incomplete information. I only began to grasp the complexity of immigration enforcement practices and involvement at the local level by analyzing county commission documents, pulling from national databases, reading legal manuals, and conducting interviews. I do not necessarily expect local officials to be aware of these complexities, but I at least expect them to be somewhat more knowledgeable about financial components of immigration enforcement. Instead, officials heavily trusted local law enforcement to manage these partnerships with little transparency or accountability, in line with the broader challenges within the criminal justice system.

5.5 Time for Reform

The intersections between criminal and immigration law should now be blatantly apparent, yet what remains unclear are ways to either decouple these two arenas and/or how to push for the reform of one without reforming the other. The latter is the current state the United States finds itself where immigration reform is on the minds of some politicians and always on the minds of those who need it most. Yet, immigration reform is not synonymous with crimmigration reform and while we await some type of immigration reform, immigration enforcement practices, like sentencing, warrantless arrests and detention, and policing should also be included in a broader understanding of criminal justice reform (Fan 2013). To decouple them when asking for reform neglects the intricate way they have developed together. Furthermore, when they are decoupled, we will continue to see instances of the undermining of sentencing reform. For example, Monika Langarica (2015) describes how 1/3 of those who would have been eligible for “early release” from federal prisons were not released at all because they are noncitizens or legal permanent residents. The general public has a basic understanding of policing practices, particularly after the widespread media attention focused on police brutality, yet the general public does not often know about the particular immigration enforcement programs in which their local law enforcement participates, posing significant problems in creating comprehensive reform strategies and proposals. Group specific solutions are necessary, yet unlikely given immigration policies’ inextricable link with national security policies (Tumlin 2004), Juliet Stumpf (2006, p. 419) also reminds us why these strategies may be limited in scope,

Although criminal law and immigration law begin with opposite assumptions about the membership status of the individuals that they regulate, once the individual is deemed unworthy of membership, the consequences are very similar in both realms. The state treats the individual—literally and figuratively—as an alien, shorn of the rights and privileges of membership. This creates an ever-expanding population of outsiders with a stake in the U.S. community that may be at least as strong as those of incumbent members. The result is a society increasingly stratified by flexible conceptions of membership in which nonmembers are cast out of the community by means of borders, walls, rules, and public condemnation.

This sentiment is the focus of a report titled *We Too Belong: A Resource Guide for Inclusive Practices in Immigration and Incarceration Law and Policy* (2016) produced by The Haas Institute. One component of the report discusses ways to gain support for limited interactions between local authorities and ICE, where advocates frame the matter as an issue of federalism and funding for local law enforcement agencies on the one hand and community safety and family unity on the other. At the launch of this report, the contributors were brought together and reiterated the following, “My freedom is bound to yours.”

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Biography

Felicia is a bilingual latinx scholar-activist in Durham NC. Originally from Hendersonville, North Carolina, Felicia completed her undergraduate degree and Masters degree from Duke University in Sociology. From this research, Felicia has published an article in *Sociology of Race and Ethnicity* titled “Relationships Between the Public and Crimmigration Entities in North Carolina: A 287(g) Program Focus.” In a review article, published in *Sociology Compass*, she reviews research on race and ethnicity in the emerging field of crimmigration. And in a piece that recently received a revise and resubmit at *Law & Policy*, she suggests methodological advances to the ways in which responses to racial/immigrant threat are measured. Before joining the Southern Vision Alliance, Felicia worked for Student Action with Farmworkers, building community campaigns through the Adelante Education Coalition. Felicia is a member of the City of Durham Human Relations Commission, on the board of the Durham Solidarity Center, the board co-chair for the Ignite NC Action Fund, and involved with the Latino Migration Project at UNC-Chapel Hill.