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VIA ELECTRONIC MAIL

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Department of Homeland Security
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Re: Compilation of Detainee Complaints about the 287(g) Program in Wake County, North Carolina Jail

To Whom It May Concern:

The undersigned are working together as part of a coalition of state and national organizations in an effort to track and compile complaints about the 287(g) program currently in place in certain North Carolina county jails. One of our coalition volunteers has been gathering complaints about the 287(g) program in the Wake County Jail. We are enclosing the first batch of those complaints, which includes fifty-seven (57) complaints with date ranges from November 30, 2009 through February 10, 2010. You will notice that the complaints include allegations of the following:

- Detainees not provided an interpreter;
- Detainees not informed of right to an attorney or to remain silent;

- Verbal abuse on the part of Wake County Jail officials and the arresting officers, such as two Wake County jail deputies joking about sodomizing a detainee (complaint date – 12/21/09; date of incident – 1/4/10);
- Threats of deportation on the part of Wake County Jail officials and the arresting officers;
- Excessive force on the part of Wake County Jail officials and the arresting officers;
- Detainees not informed of right to contact consulate;
- Detainees forced to sign their names to documents, including “voluntary” removal documentation;
- Racial profiling on the part of the arresting agency (which may or may not be Wake County Sheriff’s Office), such as racial slurs made by officers toward arrestees (complaint date – 12/14/09; date of incident - 12/10/09 – “You fucking Mexican”), and questions as to immigration status (complaint date – 12/20/09; date of incident - 12/17/09 – “I think you’re not legal over here. Maybe you’ll go back to your country”; complaint date – 12/21/09; date of incident - 12/19/09 – “Are you legal here in the United States?”), as well as stopping vehicles after running license plates (complaint date – 12/14/09; date of incident – 12/6/09), and providing no reason for stops (complaint date – 12/14/09; date of incident – 12/12/09); and
- Arrests occurring at checkpoints (which may or may not have been conducted by Wake County Sheriff’s Office).

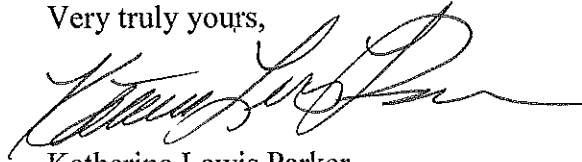
Based on anecdotal evidence from criminal defense and immigration attorneys throughout the state, we have no doubt that we would hear similar complaints from 287(g) detainees in other North Carolina jails, including Alamance County Jail. However, our volunteer has only tried to access detainees at the Wake County Jail, and ACLU-NCLF interns have been prevented in the past from accessing 287(g) detainees at Alamance County Jail.

Please note that these copies are redacted in an attempt to prevent identification of individual detainees and/or their families. We feel compelled to submit these complaints in redacted form because DHS has not provided assurances of confidentiality or protection from retaliation. As you know, last month the DHS Office of Inspector General issued a report on “The Performance of 287(g) Agreements.” Of the thirty-three (33) recommendations set forth in that report, we believe that it is significant that the only recommendation that ICE rejected pertains to “collection and reporting standards that provide objective data to increase monitoring of methods participating jurisdictions use in carrying out 287(g) functions, and their effect on civil liberties.” Recommendation # 18, OIG March 2010 287(g) Report at p.53. That refusal indicates that ICE is not serious about preventing civil rights abuses (let alone providing assurance of confidentiality and protection from retaliation). For that reason, we cannot in good conscience release these complaints to DHS with identifying information attached.

Please let us know what other information we can provide. As part of our investigation, we have also received documentation from Wake County in response to

several public records requests regarding the 287(g) program in Wake and the breakdown of crimes for which individuals are processed under 287(g). We are gathering that documentation, as well as recent news reports about the Wake County 287(g) program, and we will send you that information as soon as possible under separate cover. In the meantime, we enclose a recent article that appeared in the *Raleigh News & Observer* about the 287(g) program in North Carolina. Please note the quote from Wake Sheriff Donnie Harrison.

Very truly yours,



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Enclosures