



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Katherine Sheehan
Mayor of Albany
City Hall Eagle Street
Albany, NY 12210

Dear Mayor Sheehan,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Albany laws, policies, or practices may violate section 1373:

- Executive Order No. 1-17. Section 2(a) states that “law enforcement officers shall not inquire as to an individual’s immigration status” unless certain exceptions apply. The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- Executive Order No. 1-17. Section 4(a) states that the police department “shall not collect information regarding immigration or citizenship status except as required by law, and shall prohibit the use or disclosure of such information except as required by law.” The Department is concerned that this appears to restrict the sending, maintaining, or requesting of information regarding immigration status, in violation of section 1373(a) and (b).
- Executive Order No. 1-17. Section 4(b) states the police department “shall not respond to [ICE] . . . request[s] for non-public information . . . including but not limited to . . . information about an individual’s release [or] home address” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Albany has laws, policies, or practices that violate section 1373, including those discussed above. In

addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Albany laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Albany officers or employees.

The Department has not made a final determination regarding Albany's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Jesse Arreguin
Mayor
City of Berkeley
2180 Milvia Street 5th floor
Berkeley, CA 94704

Dear Mayor Arreguin,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Berkeley laws, policies, or practices may violate section 1373:

- Berkeley City Council Resolution 63,711-N.S. Section 1 prohibits “gather[ing] or disseminat[ing] information [sic] status . . . unless . . . required by . . . statute, court decision, or regulation.” The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).
- Berkeley City Council Resolution 63,711-N.S. Section 2(b) prohibits “[r]equesting information about, or disseminating information regarding, the immigration status of any individual.” The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).


As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to Alameda County under federal award 2016-DJ-BX-0748, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Alameda County, and submit a joint response to this letter that addresses whether Berkeley has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an

FY 2017 Byrne JAG grant award. To the extent Berkeley laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Berkeley officers or employees.

The Department has not made a final determination regarding Berkeley's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Debbie O'Malley
Chair, County Commission
Bernalillo County
One Civic Plaza NW 6th Floor
Albuquerque, NM 87102

Dear Ms. O'Malley,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Bernalillo County laws, policies, or practices may violate section 1373:

- Bernalillo County Board of Commissioners Administrative Resolution AR 2017-22. Section 2.E states that no "county monies, resources, or personnel shall be used to enforce federal civil immigration laws or to investigate . . . persons on the basis of immigration status." The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to City of Albuquerque under federal award 2016-DJ-BX-0488, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Albuquerque, and submit a joint response to this letter that addresses whether Bernalillo County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Bernalillo County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Bernalillo County officers or employees.

The Department has not made a final determination regarding Bernalillo County's

compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Miro Weinberger
Mayor of Burlington
City Hall, Room 34
Burlington, VT 05401

Dear Mayor Weinberger,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Burlington laws, policies, or practices may violate section 1373:

- Burlington Police Department's Fair and Impartial Policing Policy. Part V.C states that "local police officers . . . will not . . . comply with requests for notification [of release]," subject to certain exceptions. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- Burlington Police Department's Fair and Impartial Policing Policy. Part VIII.B states that "[o]fficers may not inquire about a person's civil immigration status unless [this status] is necessary to the ongoing investigation of a criminal offense." The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- Burlington Police Department's Fair and Impartial Policing Policy. Part VIII.C states that "[o]fficers may utilize general federal databases in attempts to establish an individual's identity, but should not involve federal immigration officials in such an inquiry unless necessary." The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Burlington has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Burlington laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Burlington officers or employees.

The Department has not made a final determination regarding Burlington's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, prominent initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Mary Jane Robb
Sheriff of Contra Costa County
651 Pine Street, 11th Floor
Martinez, CA 94553

Dear Sheriff Robb,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Contra Costa County laws, policies, or practices may violate section 1373:

- Contra Costa Sheriff's Office General Policy and Procedure No. 1.02.28. Part III.D.1 states that a custody deputy shall not "notify ICE of the immigration status of arrestees" except in limited circumstances. The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).
- Contra Costa Sheriff's Office General Policy and Procedure No. 1.02.28. Part III.D.2 states that a custody deputy shall not "notify ICE of the immigration status of inmates." The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Contra Costa County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Contra Costa County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Contra Costa County officers or employees.

The Department has not made a final determination regarding Contra Costa County's

compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Robert White
Chief of Police
City of Denver
1437 Bannock Street
Denver, CO 80204

Dear Chief White,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Denver laws, policies, or practices may violate section 1373:

- Denver City Code § 28-250. Part (a)(2) prohibits “[r]equesting information about . . . immigration or citizenship status.” The Department is concerned that this appears to restrict the requesting of information regarding citizenship or immigration status, in violation of section 1373(b).
- Denver City Code § 28-250. Part (a)(4) prohibits “[d]isseminating information about . . . immigration or citizenship status.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Denver has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Denver laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Denver officers or employees.

The Department has not made a final determination regarding Denver's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Lilu Mai
Mayor
City of Fremont
3300 Capitol Ave.
Fremont, CA 94538

Dear Mayor Mai,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Fremont laws, policies, or practices may violate section 1373:

- Fremont Police Department Policy Manual, Policy 428. Part 428.9 states that “it is not necessary to notify ICE when booking arrestees into a detention facility.” The policy sets out a number of factors to be considered in determining whether to notify ICE, and requires the decision be approved by the Watch Commander. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- Fremont City Council Resolution No. 2017-06. Section 4 prohibits the Fremont Police Department from “maintain[ing] records associated with immigration status,” except in certain limited circumstances. The Department is concerned that this appears to restrict the maintaining of information regarding immigration status, in violation of section 1373(b).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to Alameda County under federal award 2016-DJ-BX-0748, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Alameda County, and submit a joint response to this letter that addresses whether the City of Fremont has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you

receive an FY 2017 Byrne JAG grant award. To the extent Fremont laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Fremont officers or employees.

The Department has not made a final determination regarding Fremont's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Tony Yarber
Mayor of the City of Jackson
PO Box 17
Jackson, MS 39205

Dear Mayor Yarber,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of is concerned that the following Jackson laws, policies, or practices may violate section 1373:

- Jackson Code of Ordinances, Section 86-194. This section prohibits “solicit[ing] information concerning immigration status for the purpose of ascertaining a person’s compliance with federal immigration law.” The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).

By December 8, 2017, please submit a response to this letter that addresses whether Jackson has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Jackson laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Jackson officers or employees.

The Department has not made a final determination regarding Jackson’s compliance with

section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Joe McDermott
Chair, King County Council
King County Courthouse
516 Third Avenue
Seattle, WA 98104

Dear Mr. McDermott,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following King County laws, policies, or practices may violate section 1373:

- King County Sheriff's General Orders Manual Chapter 5.05.000 Handling Immigration Contacts. Part 5.05.010(2) provides that deputies shall not "[i]nitiate any inquiry . . . based solely on a person's . . . civil immigration status." The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- King County Sheriff's General Orders Manual Chapter 5.05.000 Handling Immigration Contacts. Part 5.05.010(4) prohibits "tak[ing] any action on [ICE] detainees." In addition to a request to hold an alien beyond his or her scheduled release, ICE detainer requests typically also include a request for advance notice of an alien's release from custody. If King County interprets this policy to restrict providing notice of an alien's release from custody, the Department is concerned that this policy may restrict the sending of information regarding immigration status, in violation of section 1373(a).
- King County Ordinance 16692. Section 2.B.5. provides that "sheriff's office personnel shall not initiate any inquiry . . . based solely on a person's civil immigration status." The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to the City of Seattle under federal award 2016-DJ-BX-0138, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Seattle, and submit a joint response to this letter that addresses whether King County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent King County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to King County officers or employees.

The Department has not made a final determination regarding King County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

James Fitzpatrick
Chief of Police
City of Lawrence
200 Common Street
Lawrence, MA 01840

Dear Chief Fitzpatrick,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Lawrence laws, policies, or practices may violate section 1373:

- Lawrence Trust Ordinance § 9.20.040. Part (b) prohibits “respond[ing] to any ICE notification request seeking information about an individual’s incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Lawrence has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Lawrence laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Lawrence officers or employees.

The Department has not made a final determination regarding Lawrence’s compliance with

section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Jeff Gorell
Deputy Mayor for the City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

Dear Deputy Mayor Gorell,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Los Angeles laws, policies, or practices may violate section 1373:

- Los Angeles Police Department and Federal Immigration Enforcement Frequently Asked Questions, May 16, 2017. The response to question 10 states “LAPD does not notify ICE that a person in LAPD custody may be in violation of civil immigration laws.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- Los Angeles Police Department and Federal Immigration Enforcement Frequently Asked Questions, May 16, 2017. Question 12 asks whether LAPD will “notify ICE . . . [of] reasonable suspicion that [a] person may have illegally re-entered the United States in violation of 8 U.S.C. § 1326.” The response states that such notice is provided only when the person was “convicted of an ‘aggravated felony.’” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Los Angeles has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Los Angeles laws or policies contain so called “savings clauses,” please explain in your

submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Los Angeles officers or employees.

The Department has not made a final determination regarding Los Angeles's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson

Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Greg Fischer
Mayor of the City of Louisville
527 West Jefferson Street
Louisville, KY 40202

Dear Mayor Fischer,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Louisville laws, policies, or practices may violate section 1373:

- An Ordinance Creating a New Section of Chapter 39 of the Louisville/Jefferson County Metro Government Code of Ordinances Relating to Employee Authority in Immigration Matters, October 26, 2017. Section I(C)(2)(a) states that “no Metro officer or employee should inquire into the immigration status of any person or request any . . . information verifying the immigration status of any individual.” The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- An Ordinance Creating a New Section of Chapter 39 of the Louisville/Jefferson County Metro Government Code of Ordinances Relating to Employee Authority in Immigration Matters, October 26, 2017. Section I(C)(2)(b) states that the “confidentiality of [immigration information] shall be maintained to the fullest extent permitted” by state and federal law. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- An Ordinance Creating a New Section of Chapter 39 of the Louisville/Jefferson County Metro Government Code of Ordinances Relating to Employee Authority in Immigration Matters, October 26, 2017. Section I(C)(2)(c) states that “Metro employees and representatives shall not use Metro Government resources or personnel solely for the purpose

of detecting . . . persons whose only violation of law is or may be being undocumented.” The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Louisville has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Louisville laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Louisville officers or employees.

The Department has not made a final determination regarding Louisville’s compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Mary Adams
County Supervisors Chair
Monterey County
168 West Alisal St., 1st Floor
Salinas, CA 93901

Dear Ms. Adams,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Monterey County laws, policies, or practices may violate section 1373:

- Monterey County Sheriff's Office General Order No. 14-01. Section IV.D provides that detainees shall only be honored in limited circumstances, including by providing notice of the date and time of an alien's release. Section IV.D.1 acknowledges that ICE detainees include a request that "the Sheriff's Office . . . notify ICE . . . prior to releasing [an] individual." Section IV.D.3 states that "[i]mmigration detainees shall not be honored based solely on a subject's immigration status," and further details when detainees should be honored. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to the City of Salinas under federal award 2016-DJ-BX-0614, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Salinas, and submit a joint response to this letter that addresses whether Monterey County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Monterey County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted

and applied, and whether these interpretations are communicated to Monterey County officers or employees.

The Department has not made a final determination regarding Monterey County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson

Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Deborah Kafoury
County Chair
Multnomah County
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214-3587

Dear Ms. Kafoury,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Multnomah County laws, policies, or practices may violate section 1373:

- Multnomah County Sheriff's Office Policy and Procedure Manual Policy 610.00. Procedure 4 states that the sheriff's office will respond to requests from ICE with "no greater information than is available to the public." The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to the City of Portland under federal award 2016-DJ-BX-0833, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Portland, and submit a joint response to this letter that addresses whether Multnomah County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Multnomah County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Multnomah County officers or employees.

The Department has not made a final determination regarding Multnomah County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

Handwritten signature of Alan R. Hanson in black ink.

Alan Hanson

Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Elaine Flynn
County Clerk
Middlesex County
Administration Building, 4th floor
75 Bayard Street
New Brunswick, NJ 08901

Dear Ms. Flynn,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Middlesex County laws, policies, or practices may violate section 1373:

- Policy of the County of Middlesex Regarding 48 Hour Civil Immigration Detainers. This policy states that “it shall be the general policy of the County of Middlesex to not comply with 48 hour civil detainer requests from ICE” In addition to a request to hold an alien beyond his or her scheduled release, ICE detainer requests typically also include a request for advance notice of an alien’s release from custody. If Middlesex County interprets this policy to restrict providing notice of an alien’s release from custody, the Department is concerned that this policy may restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made from the New Jersey Department of Law and Public Safety under federal award 2016-DJ-BX-0318, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with the New Jersey Department of Law and Public Safety, and submit a joint response to this letter that addresses whether Middlesex County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Middlesex County laws or policies contain so called “savings clauses,” please explain in your submission the

way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Middlesex County officers or employees.

The Department has not made a final determination regarding Middlesex County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Anthony Ambrose
Director of Public Safety
920 Broad Street
Newark, NJ 07102

Dear Mr. Ambrose,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Newark laws, policies, or practices may violate section 1373:

- City of Newark Executive Order No. MEO 17-0001. Part 2.C prohibits “[h]onor[ing] immigration detainer requests,” which is defined to include a “request[] [for] notice of release.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- City of Newark Executive Order No. MEO 17-0001. Part 3 prohibits “inquir[ing] about or request[ing] information about or otherwise investigat[ing] the citizenship or immigration status of any person.” The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- City of Newark Executive Order No. MEO 17-0001. Part 6 prohibits “maintain[ing] and/or shar[ing] confidential personal information,” which is defined to include, among other things, national origin, criminal history, and release date from incarceration. The Department is concerned that this appears to restrict the maintaining and sending of information regarding citizenship and immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Newark has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section

1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Newark laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Newark officers or employees.

The Department has not made a final determination regarding Newark's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

John F. Tavaglione
Chairman, Board of Supervisors
Riverside County
4080 Lemon Street
Riverside, California 92501

Dear Mr. Tavaglione,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Riverside County laws, policies, or practices may violate section 1373:

- Riverside County Sheriff's Department Corrections Division Policy Manual No. 506.23. This policy states that ICE detainers will only be honored in limited circumstances, and sets out the precise steps that are to be taken in response to an ICE detainer request. In addition to a request to hold an alien beyond his or her scheduled release, ICE detainer requests typically also include a request for advance notice of an alien's release from custody. If Riverside County interprets this policy to restrict providing notice of an alien's release from custody, the Department is concerned that this policy may restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to the City of Riverside under federal award 2016-DJ-BX-0767, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with the City of Riverside, and submit a joint response to this letter that addresses whether Riverside County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Riverside County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses

are interpreted and applied, and whether these interpretations are communicated to Riverside County officers or employees.

The Department has not made a final determination regarding Riverside County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Lee Seale
Chief Probation Officer
Sacramento County
700 H Street
Sacramento, CA 95814

Dear Mr. Seale,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Sacramento County laws, policies, or practices may violate section 1373:

- County of Sacramento Memorandum Regarding Trust Act and Immigration Detainers, May 20, 2014. This memo states that “ICE will no longer be contacted as a notification of a foreign born arrestee being booked or of the inmate’s pending release.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Sacramento County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Sacramento County laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Sacramento County officers or employees.

The Department has not made a final determination regarding Sacramento County’s

compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Edwin Lee
Mayor of the City of San Francisco
1 Dr. Carlton B. Goodlett Place, Suite 496
San Francisco, CA 94102

Dear Mayor Lee,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following San Francisco laws, policies, or practices may violate section 1373:

- San Francisco Administrative Code Section 12H.2. This section prohibits the use of city funds or resources to “assist in the enforcement of Federal immigration law or to gather or disseminate information regarding release status of individuals or other personal information” The Department is concerned that this appears to restrict the sending, maintaining, or receiving of information regarding immigration status, in violation of section 1373(a) and (b).
- San Francisco Administrative Code Section 12I.3. This section restricts “provid[ing] any individual’s personal information to a federal immigration officer” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether San Francisco has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent San Francisco laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to San Francisco officers or employees.

The Department has not made a final determination regarding San Francisco's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive, slightly slanted style.

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Miguel Pilido
Mayor
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92701

Dear Mayor Pilido,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Santa Ana laws, policies, or practices may violate section 1373:

- Santa Ana City Council Ordinance No. NS-2908. Section 3 prohibits “request[ing] or maintain[ing] information about . . . immigration status.” The Department is concerned that this appears to restrict the requesting or maintaining of information regarding immigration status, in violation of section 1373(b).
- Santa Ana City Council Ordinance No. NS-2908. Section 4 prohibits “disclos[ing]” information about immigration status. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- Santa Ana City Council Ordinance No. NS-2908. Section 6 prohibits “[n]otifying federal authorities about the release or pending release of any person” and “[p]roviding federal authorities with non-public information . . . for immigration purposes.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to Orange County under federal award 2016-DJ-BX-0746, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with Orange County, and submit a joint response to this letter that addresses whether the City of Santa Ana has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Santa Ana laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Santa Ana officers or employees.

The Department has not made a final determination regarding Santa Ana's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Dave Cortese
President, Santa Clara County Board of Supervisors
70 West Hedding Street
10th Floor, East Wing
San Jose, CA 95110

Dear Mr. Cortese,

Your FY 2016 Byrne JAG grant required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Santa Clara County laws, policies, or practices may violate section 1373:

- Santa Clara County Board of Supervisors Policy Resolution No. 2011-504, Amending Board Policy 3.54. Section 3 states that “County personnel shall not expend County time or resources responding to ICE inquiries or communicating with ICE regarding individuals’ incarceration status or release dates.” The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

As a result of your FY 2016 Byrne JAG subaward made as a part of the disparate jurisdiction award to the City of San Jose under federal award 2016-DJ-BX-0608, compliance with 8 U.S.C. § 1373 is required.

By December 8, 2017, please coordinate with San Jose, and submit a joint response to this letter that addresses whether Santa Clara County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Santa Clara County laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Santa Clara County officers or employees.

The Department has not made a final determination regarding Santa Clara County's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Tim Burgess
Mayor of the City of Seattle
700 Fifth Ave., Suite 5800
Seattle, WA 98124

Dear Mayor Burgess,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Seattle laws, policies, or practices may violate section 1373:

- City of Seattle Municipal Code § 4.18.015. Subsection A provides that, subject to certain exceptions, “no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.” The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).
- City of Seattle Executive Order 2016-08. Section 1 provides that “[c]ity employees will not ask about immigration status” and notes that “Seattle Ordinance 121063 passed in 2003 instructs all city employees to refrain from inquiring about the immigration status of any person,” except in limited circumstances. The Department is concerned that this appears to restrict the requesting of information regarding immigration status, in violation of section 1373(b).

By December 8, 2017, please submit a response to this letter that addresses whether Seattle has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Seattle laws or policies contain so called “savings clauses,” please explain in your submission

the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Seattle officers or employees.

The Department has not made a final determination regarding Seattle's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Veronica Ferguson
County Administrator for Sonoma County
575 Administration Drive
Santa Rosa, CA 95403

Dear Ms. Ferguson,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Sonoma County laws, policies, or practices may violate section 1373:

- Sonoma County Sheriff's Office Policy Statement Regarding Immigration Status. Section 4.C states that the "Sheriff's Office will only notify ICE of an inmate's pending release from custody if the inmate falls within the Sheriff's Office immigration notification criteria." The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Sonoma County has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Sonoma County laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Sonoma County officers or employees.

The Department has not made a final determination regarding Sonoma County's compliance

with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Michelle Garcia
Director, District of Columbia
Office of Victim Services and Justice Grants
441 4th Street, NW
Washington DC, 20001

Dear Ms. Garcia,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Washington, D.C. ("DC"), laws, policies, or practices may violate section 1373:

- District of Columbia Department of Corrections Policy and Procedure No. 4356.2D Part 8 & Mayor's Order No. 2011-174 Part II.B. These policies state that "employees shall not inquire about a person's immigration status or contact [ICE] for purposes of initiating civil enforcement immigration proceedings." The Department is concerned that these policies appear to restrict the requesting of information regarding immigration status, in violation of section 1373(b).

By December 8, 2017, please submit a response to this letter that addresses whether DC has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent DC laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to DC officers or employees.

The Department has not made a final determination regarding DC's compliance with section

1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

Handwritten signature of Alan R. Hanson in black ink.

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Charles Montoya
City Manager for the City
of Watsonville
275 Main Street, Suite 400
Watsonville, CA 95077

Dear Mr. Montoya,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Watsonville laws, policies, or practices may violate section 1373:

- An Uncodified Ordinance of the City Council of the City of Watsonville Relating to the City's Procedures Concerning Federal Immigration Law and Reaffirming Its Declaration as a Sanctuary for All Residents.¹ Section 4 prohibits "disclos[ing] information about a person's immigration status," subject to certain exceptions. Section 5 elaborates that this prohibition includes sending information regarding "the release or pending release of any person detained for immigration purposes" and "non-public information about any person's immigration status" The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- An Uncodified Ordinance of the City Council of the City of Watsonville Relating to the City's Procedures Concerning Federal Immigration Law and Reaffirming Its Declaration as a Sanctuary for All Residents. Section 3 prohibits us[ing] city monies, resources or personnel to investigate . . . a person on the basis of his or her immigration status," subject to certain exceptions. The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

¹ The Department's preliminary understanding is that Watsonville sometimes chooses not to codify certain ordinances, while still giving them the full force of law.

By December 8, 2017, please submit a response to this letter that addresses whether Watsonville has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Watsonville laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Watsonville officers or employees.

The Department has not made a final determination regarding Watsonville's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Geraldine Muoio
Mayor of the City of West Palm Beach
PO Box 3366
West Palm Beach, FL 33401

Dear Mayor Muoio,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following West Palm Beach laws, policies, or practices may violate section 1373:

- West Palm Beach City Commission Resolution 112-17. Section 3 prohibits “request[ing] information about or otherwise investigat[ing] or assist[ing] in the investigation of citizenship or immigration status” unless certain exceptions apply. The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).
- West Palm Beach City Commission Resolution 112-17. Section 4 prohibits “disclos[ing] information regarding the citizenship or immigration status of any person” unless certain exceptions apply. The Department is concerned this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether West Palm Beach has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent West Palm Beach laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to West Palm Beach officers or employees.

The Department has not made a final determination regarding West Palm Beach's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

Handwritten signature of Alan R. Hanson in black ink.

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

John Maki
Executive Director
Illinois Criminal Justice Information Authority
300 West Adams Street
Chicago, IL 60606

Dear Mr. Maki,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Illinois laws, policies, or practices may violate section 1373:

- SB 31, Effective August 28, 2017. Section 15(a) prohibits “comply[ing] with an immigration detainer,” which is defined to include a request for “notice of release” from custody. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).

By December 8, 2017, please submit a response to this letter that addresses whether Illinois has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Illinois laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Illinois officers or employees.

The Department has not made a final determination regarding Illinois’s compliance with

section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A" and a distinct "R".

Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Michael Schmidt
Executive Director
Oregon Criminal Justice Commission
885 Summer Street NE
Salem, OR 97301

Dear Mr. Schmidt,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Oregon laws, policies, or practices may violate section 1373:

- HB 3464, Effective August 15, 2017. Section 1(1) prohibits “disclos[ing], for the purposes of enforcement of federal immigration laws,” address and contact information. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- HB 3464, Effective August 15, 2017. Section 1(3) states that a “public body may decline to disclose . . . information concerning a person’s citizenship or immigration status” unless certain exceptions apply. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- ORS § 181A.820. This law provides that “[n]o law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting . . . persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.” The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Oregon has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Oregon laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Oregon officers or employees.

The Department has not made a final determination regarding Oregon's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Alan Hanson
Acting Assistant Attorney General



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Thomas Anderson
Commissioner
Vermont Department of Public Safety
45 State Drive
Waterbury, VT 05671

Dear Commissioner Anderson,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department is concerned that the following Vermont laws, policies, or practices may violate section 1373:

- Vermont Model Fair and Impartial Policing Policy.¹ Part 8.1.3 requires officers to “communicate” that they will not “report immigrants or the immigration status of victims/witnesses to the Department of Homeland Security.” The Department is concerned that this policy appears to restrict the sending of information regarding immigration status, in violation of section 1373(a). It is not the Department of Justice’s nor the Department of Homeland Security’s policy or practice to request information from state and local jurisdictions regarding the immigration status of victims or witnesses. There are, however, instances where requesting this information could be appropriate, such as where a person is both a perpetrator and a victim/witness.

¹ While this is only a model policy, the State of Vermont’s official website states the following with respect to this model policy: “Agencies and constables have until July 1, 2016, to either adopt the model policy in its entirety or ensure that its current policy contains the essential elements as identified by the Council. I should note that if an agency makes no movement at all by July 1, it will have been deemed to have adopted, and be bound by, the Council’s Model Policy.” <http://vcjtc.vermont.gov/content/model-fair-and-impartial-policing-policy>; see also 20 V.S.A. § 2366(a) (“[o]n or before July 1, 2016, every State, local, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, the elements of the Criminal Justice Training Council model policy”). The provisions relied on in this letter are identified as “essential elements” of the policy.

- Vermont Model Fair and Impartial Policing Policy. Part 8.3.2 provides that officers “shall utilize federal databases in attempts to establish an individual’s indentity [sic] only when all other attempts to identify the person have failed.” It also provides that “contact with federal authorities made to determine an individual’s identity is restricted to the purpose of determining his or her identity.” The Department is concerned that this policy appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b). The Department further notes that the use of federal databases to obtain information about arrestees is a primary method for providing information to Immigration and Customs Enforcement.²

By December 8, 2017, please submit a response to this letter that addresses whether Vermont has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Vermont laws or policies contain so called “savings clauses,” please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Vermont officers or employees.

The Department has not made a final determination regarding Vermont’s compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,



Alan Hanson
Acting Assistant Attorney General

² The Department also takes note of the State of Vermont’s suggestion, in its Guidance to Vermont Cities & Towns Regarding Immigration Enforcement, that section 1373 “may not constitutionally prohibit state and local governments from maintaining confidentiality policies directly serving sovereign state interests—even if immigration status is included in the class of protected information.”