



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,

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