



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

October 11, 2017

The Honorable Mitchell Landrieu
City of New Orleans
Criminal Justice Coordination
1300 Perdido Street, Room 8E15
New Orleans, LA 70112-2112

Dear Mayor Mitchell Landrieu,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373; to undertake a review to validate your jurisdiction's compliance with 8 U.S.C. § 1373; and to submit documentation, including an official legal opinion from counsel, adequately supporting the validation. Thank you for your recent submission. The Department of Justice has reviewed your submission, all attached documentation, and your jurisdiction's laws, policies, and practices relating to compliance with section 1373, to the extent they were provided or are readily available.

This letter is to inform you that, based on a preliminary review, the Department has determined that the following laws policies, or practices may violate 8 U.S.C. § 1373, depending on how your jurisdiction interprets and applies them. These laws, policies, or practices include, but may not be limited to:

- New Orleans Police Department Operations Manual Chapter 41:6:1. Section 3 of the Operations Manual states that police officers "shall not make inquiries into an individual's immigration status, except as authorized by this Chapter." Under 8 U.S.C. § 1373(b)(1), however, New Orleans may not "in any way restrict" the "requesting" of "information regarding . . . immigration status" from federal immigration officers. On its face, the Department has determined that this section appears to bar New Orleans officers from requesting information regarding immigration status from federal immigration officers. In order to comply with 8 U.S.C. § 1373, the Department has determined that New Orleans would need to certify that it interprets and applies this section to not restrict New Orleans officers and employees from requesting information regarding immigration status from federal immigration officers. The Department has also determined that New Orleans would need to certify that it has

communicated this interpretation to its officers and employees. If New Orleans cannot provide this certification, the Department has determined that this provision violates section 1373(b).¹

Your jurisdiction may submit a response to this preliminary assessment, as well as any additional evidence you would like the Department to consider, before it reaches its final determination. Please submit all additional documentation by October 27, 2017. Once the Department has had an opportunity to review your submission, the Department will notify you of its final determination.

This letter reflects the Department's preliminary assessment of your jurisdiction's compliance with 8 U.S.C. § 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. Additionally, as the United States continues to collect information about your jurisdiction, it reserves the right to identify additional bases of potential violations of 8 U.S.C. § 1373.

Sincerely,



Alan Hanson
Acting Assistant Attorney General

¹ To the extent this policy was adopted in response to the consent decree entered into between the United States and the City of New Orleans, the consent decree should not be read to require any policy not in compliance with 8 U.S.C. § 1373 or any other federal law. *Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367, 388 (1992); *United States v. International Broth. of Teamsters*, 931 F.2d 177, 189 (2d Cir. 1991).