



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