



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, stylized initial "A".

Alan Hanson
Acting Assistant Attorney General