



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