



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

January 24, 2018

Joe McDermott
Chair – King County Council
King County Courthouse
516 Third Avenue
Seattle, Washington 98104

RE: Document request for subgrant under Grant 2016-DJ-BX-0138, City of Seattle, Washington

Dear Chairman McDermott:

Thank you for your response to our November 15, 2017, letter from the Office of Justice Programs regarding your jurisdiction's compliance with 8 U.S.C. § 1373, a federal law with which your jurisdiction must comply as an eligibility requirement for receiving Byrne Justice Assistance Grant (Byrne JAG) funding from the Department of Justice (Department or DOJ). The Department remains concerned that your jurisdiction's laws, policies, or practices may violate section 1373, or, at a minimum, that they may be interpreted or applied in a manner inconsistent with section 1373.

In light of these concerns, the Department is requesting certain documents as described below. This request is made consistent with 2 CFR § 200.336, as adopted by Department regulation 2 CFR § 2800.101. In your FY 2016 Byrne JAG subaward, you were required to have agreed to the following (listed as special condition #23):

[The recipient agrees to] cooperate with [the Bureau of Justice Assistance (“BJA”)] and [Office of the Chief Financial Officer (“OCFO”)] on all grant monitoring requests.... The recipient [also] agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including but not limited to withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

Please coordinate with the primary grantee/fiscal agent for your disparate jurisdiction to respond to the below request by providing to Chris Casto, BJA, at Chris.Casto@usdoj.gov by no later than February 23, 2018, all responsive documents, consistent with the instructions in Attachment A.

Documents Requested:


All documents reflecting any orders, directives, instructions, or guidance to your law enforcement employees (including, but not limited to, police officers, correctional officers, and contract employees), whether formal or informal, that were distributed, produced, and/or in effect during the relevant timeframe, regarding whether and how these employees may, or may not, communicate with the Department of Justice, the Department of Homeland Security, and/or Immigration and Customs Enforcement, or their agents, whether directly or indirectly.

BJA will review your submissions and seek additional information, if necessary. The Department fully anticipates your complete cooperation in this matter. Should you fail to respond in a timely and complete manner, the Department will subpoena these documents in accordance with 34 U.S.C. §§ 10225, 10221, 10230, 10151 – 10158, 10102(a)(6), 10110, and 10110 note.

These materials are critical to our ongoing review. Should the Department determine your jurisdiction is out of compliance with section 1373, the Department may, as detailed in the disparate jurisdiction award documents, seek return of your FY 2016 subgrant funds, require additional conditions for receipt of any FY 2017 Byrne JAG subgrant funding for which you may have applied, and/or deem you ineligible for FY 2017 Byrne JAG subgrant funds.

Thank you for your prompt attention to this request. We look forward to working through this matter with both you and the primary grantee/fiscal agent for your disparate jurisdiction. Any specific questions concerning this request can be sent to directly to Tracey Trautman, BJA Deputy Director, at Tracey.Trautman@usdoj.gov or call (202) 305-1491.

Sincerely,



Jon Adler
Director
Bureau of Justice Assistance
Office of Justice Programs
810 7th Street NW
Washington, DC 20531

CC: Diane Pilon, City of Seattle, Washington
Jenny Durkan, City of Seattle, Washington