



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

March 24, 2017

The Honorable Jeff Sessions
Attorney General, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions,

Important questions have recently emerged in Louisiana and around the country with regard to “sanctuary cities.”

Pursuant to Section 9(b) of Executive Order 13768 entitled “Enhancing Public Safety in the Interior of the United States” and Section H of the Secretary of Homeland Security’s subsequent implementation memo, Enforcement of the Immigration Laws to Serve the National Interest – U.S. Immigration and Customs Enforcement (ICE) made public the jurisdictions in the country that fail to cooperate with and honor ICE detainer requests.

The recently released report noted that there was an ICE detainer request denied by authorities in Orleans Parish (in Louisiana, “Counties” are known by the term “Parishes”) on February 1, 2017.

I write to bring your attention to an issue in New Orleans that has concerned me. The Orleans Parish Prison is currently under a federal consent decree. In early 2008, Orleans Parish Sheriff Marlin Gusman requested assistance in reforming the Orleans Parish Prison – leading to the entry of a consent decree in 2013 and a court-ordered independent compliance director in July 2016.

My office spearheaded efforts last year in Louisiana to prohibit sanctuary policies that undermine the rule of law, invite crime, and make our citizens less safe. During those efforts, it was noted by several persons that the U.S. Department of Justice (DOJ) had mandated to the New Orleans Police Department – through a consent decree – the adoption of policies that created a sanctuary jurisdiction for illegal aliens. I found this to be incredible and was perplexed by the notion that the DOJ would require any city, law enforcement agency, or peace officer to not cooperate with federal authorities.

It is simply shocking that a federal court would approve language in any consent decree that would force a municipality or law enforcement agency to knowingly violate federal law. However, the facts showed that inconceivable reality did exist.

Our efforts led to a DOJ Inspector General Report noting federal law was likely violated by provisions in some consent decrees approved, and pushed, by the Obama Administration. As a result, measures were taken to remedy the violations; but those fell well short of the duty to cooperate as mandated by 8 U.S.C. 1373.

Unlike the NOPD consent decree and the policies approved in accordance therewith, the consent decree for the Orleans Parish Prison actually envisions cooperation and communication with ICE officials. In paragraph A(9), the decree calls for a creation of a system regarding the confinement of those subject to an ICE detainer; and the provisions of paragraph F(2) call for the adoption of “written policies, procedures and protocols for documenting, processing, and tracking of individuals held for up to 48 hours for the U.S. Department of Homeland Security.”

In the June 2016 court order for the appointment of independent jail compliance director, the authority for operating the jail was taken from the Sheriff of Orleans Parish and placed in the hands of a court-sanctioned director. The order stated in paragraph A(1) that the director “will have final authority to operate the Orleans Parish Jail...including authority over the entire prisoner population in the custody of the sheriff.” In essence, the federal government’s judicial branch took control of this facility.

I am writing to raise the issue and clear up my concerns on how the Orleans Parish Prison, now under control of a federal court-ordered monitor and director, can violate federal law when it comes to cooperation with ICE. Since the federal government is in essence running this facility, it seems any person arrested in the City of New Orleans and therefore booked in the Orleans Parish Prison could be immediately processed if under an ICE detainer request. Those federal requests could be satisfied right at this federally-controlled facility.

I believe that actions taken by the DOJ can influence the changes necessary to remedy this incongruence of policies created by the Obama Administration. While there is much to be done to achieve compliance nationwide, I urge you to look at those cities and jurisdictions under federal supervision as a starting point for the implementation of your Administration’s changes in policy.

I stand fully behind law enforcement and cooperation with federal immigration authorities. If my office can be of assistance in this matter, please do not hesitate to inform me. Thank you in advance for your timely response to this matter and for you dedication to keeping our country secure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Landry", with a long horizontal flourish extending to the right.

Jeff Landry
Louisiana Attorney General