



**U.S. Department of Justice**

Office of Intergovernmental and Public Liaison

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*Office of the Director*

*950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

*(202) 514-3465*

April 30, 2010

Dennis J. Herrera  
City Attorney  
Office of the City Attorney  
City Hall Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4682

Dear Mr. Herrera:

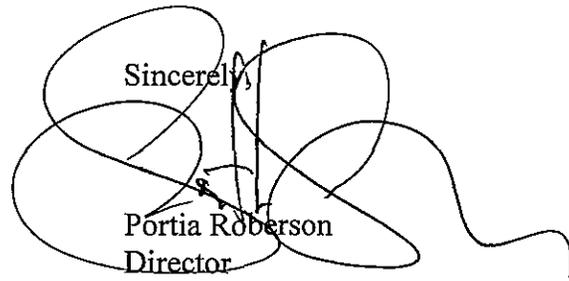
This responds to your letter dated March 12, 2010, to Acting Deputy Attorney General Gary Grindler, expressing concern over the inquiries and actions taken by the United States Attorney's Office for the Northern District of California with regard to how the City and County of San Francisco (hereinafter the "City") has implemented its confidentiality policy for undocumented juveniles.

The United States Attorney's Office for the Northern District of California (USAO) has expressed valid concerns about how the City has treated undocumented individuals who are part of the juvenile delinquency system. As you know, the USAO and the City have discussed these issues and, as part of those discussions, the USAO outlined provisions of the harboring statute about which it was most concerned. The USAO has not threatened to arrest any City employee in connection with these discussions.

The USAO is concerned that the City has not implemented any appropriate safeguards to ensure that the individuals the City seeks to protect are in fact juveniles, rather than adults attempting to circumvent removal or deportation. Furthermore, there has been no confirmation that these undocumented juveniles have been reunited with actual family members. A number of undocumented juveniles have regularly and illegally re-entered the United States, resumed their criminal conduct, and been re-arrested.

Please know that the Department of Justice recognizes that "rehabilitating juveniles through the juvenile justice system" is important for a strong, safe community. In fact, the USAO cosponsored a symposium in the Fall of 2008, specifically focused on this issue. We understand that representatives of the City participated in this program and some even served on panels dealing with truancy and juvenile justice. In addition to rehabilitative efforts, however, removing

and deporting undocumented criminal offenders, including juvenile offenders, is a critical component of the cooperative effort to keep our communities safe and strong.

Sincerely,  
  
Portia Roberson  
Director