

October 25, 2019

ATTORNEY GENERAL RAOUL SECURES \$6.6 MILLION IN FEDERAL FUNDING FOR ILLINOIS LAW ENFORCEMENT

Illinois Will Not Comply with Illegal Conditions Placed on Byrne JAG Funds

Chicago — Attorney General Kwame Raoul today announced that Illinois has reached an agreement in the lawsuit filed against U.S. Attorney General William Barr for violating federal law by placing illegal immigration-related conditions on funding for Illinois law enforcement and criminal justice initiatives from the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) program. A federal court order implementing the parties' agreement allows \$6.6 million in federal funding to flow to Illinois law enforcement and prohibits the federal government from applying the conditions to Illinois.

"Placing immigration-related conditions on funding for law enforcement is unlawful and jeopardizes public safety," Raoul said. "The money we secured ensures that law enforcement will have the money it depends on to fight crime and continue to protect all Illinois residents. We are also sending a message to the federal government that we will not allow important funding to be used as a tool to push illegal and discriminatory immigration policies."

In May, Raoul filed a complaint in the U.S. District Court for the Northern District of Illinois alleging that Barr had exceeded his authority under the Constitution and federal law by requiring Illinois law enforcement to actively participate in federal immigration matters in order to receive Byrne JAG program funding. The conditions imposed sought to require Illinois authorities to allow federal immigration agents access to suspected undocumented immigrants in state custody and to provide notification when those immigrants are scheduled to be released, among other requirements.

The U.S. Court of Appeals for the 7th Circuit and multiple other courts across the country have declared much of Barr's position unlawful. Raoul alleged in the complaint that Barr continued a U.S. Department of Justice (DOJ) policy of interfering with the ability of Illinois and its municipalities to set law enforcement policies and protect their communities.

This is the second lawsuit the Attorney General's office has filed after the federal government attempted to place illegal conditions on Byrne JAG funding. The office sued the DOJ in 2018 after the department first placed illegal immigration-related conditions on the state's 2017 Byrne JAG funding. The Attorney General's office secured the funds and prohibits the federal government from applying the conditions to Illinois.

Raoul argued that Barr denied Illinois' Byrne JAG funds as a means of opposing the Illinois TRUST Act, a 2017 state law that encourages cooperation between law enforcement and immigrant communities. Raoul's lawsuit asked the court to declare that the Illinois TRUST Act complies with federal law, and that Barr may not continue withholding funds to which the state is entitled under federal law.

Additionally, Raoul argued that federal law entitles Illinois to Byrne JAG funds as long as the state uses them to achieve one of the criminal justice goals listed in federal law. The state has long satisfied that requirement and had received Byrne JAG funds without incident every year since the program's creation in 2005. In recent years, Illinois has used Byrne JAG funds to fight human trafficking and to support drug diversion courts that seek to prevent recidivism by helping offenders overcome addiction.

Byrne JAG grants provide an annual source of funding used by law enforcement for innovative programs to protect communities, prevent crime, and support victims and witnesses. The federal government, Raoul

argued, is effectively withholding support for these critical programs as punishment for Illinois policies that encourage cooperation between law enforcement and immigrant communities.

Special Litigation Bureau Chief Jeanne Witherspoon, Public Interest Counsel Jeff VanDam, and Assistant Attorney General Darren Kinkead are handling the case for Raoul's Public Interest Division.