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### **MADIGAN FILES AMICUS BRIEF TO PROTECT PUBLIC SAFETY INITIATIVES FROM FEDERAL FUNDING CUTS**

#### ***AG Madigan, Coalition of 14 AGs Condemn Federal Government's Attempts to Withhold Federal Grants for Law Enforcement***

**Chicago** — Attorney General Lisa Madigan, along with 14 attorneys general, yesterday filed an amicus brief in support of the City of Chicago in *City of Chicago v. Sessions*, which challenges the Department of Justice's (DOJ) efforts to punish so-called "sanctuary" jurisdictions by putting immigration-related conditions on federal law enforcement grants. The attorneys general argue that the conditions interfere with the right of states and localities to set their own law enforcement policies. They also argue that DOJ lacks the authority to impose the new conditions.

In fiscal year 2016 (FY16), Illinois received over \$6.7 million in funds through the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program. In addition, cities and counties across Illinois received FY16 Byrne-JAG funding for equipment, vehicles, community outreach, overtime pay, and training systems. While FY17 Byrne-JAG funds are currently frozen due to the pending litigation, the proposed FY17 statewide allocation for Illinois was approximately \$6.5 million. However, the federal administration has asserted that its new grant conditions make Chicago ineligible for funds.

"Byrne-JAG grants give communities throughout Illinois much-needed resources to address public safety issues, such as gun violence and the opioid epidemic," Madigan said. "Holding this funding hostage seriously jeopardizes public safety."

In *City of Chicago v. Sessions*, Chicago challenged DOJ's imposition of new immigration-related conditions on grants issued under the Byrne-JAG program. Last fall, the district court in Chicago's case entered a nationwide preliminary injunction against DOJ's enforcement of two of the new immigration-related conditions, holding that DOJ lacked authority to impose them. The case is now before the U.S. Court of Appeals for the Seventh Circuit.

Many states and localities have limited their voluntary involvement with enforcing federal immigration policy because they have concluded that fostering a relationship of trust between law-enforcement officials and immigrant communities will promote public safety.

In July 2017, DOJ announced that it was imposing new immigration-related conditions on recipients of Byrne-JAG funding, and threatened to withhold funds from jurisdictions that did not comply with these conditions. Specifically, DOJ sought to require states and localities to provide the Department of Homeland Security (DHS) with advance notice of the scheduled release date from a correctional facility of anyone DHS considers an "alien." DOJ also asked Byrne-JAG recipients to allow federal agents access to correctional facilities to question "aliens."

The attorneys general argue that the new conditions are far beyond DOJ's authority to impose under federal statute. They also contend that the conditions violate the constitutional principle of separation of powers and the federalism principles enshrined in the Byrne-JAG statute, interfering with states' and localities' abilities to set their own law enforcement policies.

In part, the brief states:

*"The United States Attorney General now claims authority to withhold Byrne-JAG funding from States and localities that have made law-enforcement policy judgments that federal law permits, but with which he disagrees. Specifically, he contends that he may deny grants to States and localities that limit their voluntary involvement with enforcing federal immigration policy because they have concluded that fostering a relationship of trust between their law-enforcement officials and their immigrant communities will*

*promote public safety for all of their residents. The Byrne-JAG statute does not authorize the U.S. Attorney General's position, which is also contrary to the federalism principles that Congress enshrined in the Byrne-JAG program."*

The Byrne-JAG program is a federal grant program that provides grants to states and localities according to a mandatory statutory formula. Congress designed Byrne-JAG to give states and localities a reliable source of law-enforcement funding, while also giving them maximum flexibility to decide how to use the funds in accordance with state and local law-enforcement policy.

The amici states have received law-enforcement grants under the Byrne-JAG program and its predecessors since 1968, and have used those funds to support an array of critical law enforcement programs tailored to address local needs, including to support community-based policing and reduce sexual assault, elder abuse, gun violence, recidivism and drug addiction.

In FY16, Illinois utilized Byrne-JAG grants to fund a human trafficking task force in Cook County, partnerships to reduce violent crime in multiple jurisdictions, a DNA and digital evidence litigation program, and a women's correctional residential treatment program in Chicago among several other initiatives. Without Byrne-JAG funding, Illinois may be forced to cut funding to these critical state and local programs.

Joining Madigan in filing the amicus brief were the attorneys general of California, Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Vermont, Washington and the District of Columbia.

The brief is available [here](#).

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