



February 1, 2018

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

AG Madigan & 15 AGs Condemn Federal Government's Attempts to Withhold Federal Grants for Law Enforcement

Chicago — Attorney General Lisa Madigan, along with 15 attorneys general, filed an amicus brief in support of the City of Chicago in its lawsuit challenging 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 far exceed DOJ's authority and interfere with the right of states and localities to set their own law enforcement policies.

The attorneys general filed the amicus brief Wednesday in the U.S. District Court for the Northern District of Illinois in City of Chicago v. Sessions in which Chicago challenged DOJ's imposition of new immigration-related conditions on grants issued under the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program. The brief was filed in opposition to DOJ's motion to dismiss Chicago's complaint.

In fiscal year 2016 (FY16), Illinois received over \$6.7 million in funds through Byrne-JAG program. Cities and counties across Illinois received FY16 Byrne-JAG funding for equipment, vehicles, community outreach, overtime pay and training systems. In FY17, the proposed FY17 statewide allocation of Byrne-JAG funds for Illinois was approximately \$6.5 million. However, the federal administration has asserted that its new grant conditions make Chicago ineligible for funds, and the FY17 funding is currently frozen.

"Federal grant money provides critical funding for public safety in our state," Madigan said. "DOJ's misguided effort punishes cities and states that believe building trust between law enforcement and immigrant communities promotes public safety."

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 DOJ has appealed that decision to 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 promotes 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."

Madigan argues that DOJ has exceeded its authority under federal law by imposing the new conditions. She also contends 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.

The Byrne-JAG program is a federal grant program that provides grants to states and localities according to a 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 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 Jersey, New Mexico, New York, Oregon, Vermont, Washington, and the District of Columbia.

The brief is available [here](#).

-30-

[Return to February 2018 Press Releases](#)

