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ATTORNEY GENERAL MADIGAN SUES U.S. DOJ & AG SESSIONS TO RECEIVE PAYMENT FOR LAW ENFORCEMENT INITIATIVES

Madigan Sues Federal Government for Withholding \$6.5 Million in Funding

Chicago — Attorney General Lisa Madigan filed a lawsuit Thursday against U.S. Attorney General Jeff Sessions and the Department of Justice (DOJ) for violating federal law by refusing to release \$6.5 million in funding for Illinois law enforcement and criminal justice initiatives from the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) program. The Byrne JAG funds allocated to Illinois are used by law enforcement for innovative programs to protect communities, prevent crime and support victims and witnesses. But DOJ is withholding funding for these critical programs as punishment for Illinois' policies that encourage cooperation between law enforcement and immigrant communities.

In her [complaint](#) filed in the U.S. District Court for the Northern District of Illinois, Madigan alleges DOJ and Sessions are exceeding their authority under the U.S. Constitution and laws by using the Byrne JAG program funding to require Illinois law enforcement to actively participate in federal immigration work, even though the U.S. Court of Appeals for the Seventh Circuit recently declared DOJ's position unlawful. By doing so, Madigan alleges, DOJ and Sessions are interfering with the state's and municipalities' abilities to set their own law enforcement policies to protect their communities.

Madigan's complaint asks the court to declare that DOJ is unlawfully depriving the state of funding for critical law enforcement programs by mandating that Illinois comply with federal immigration initiatives as a condition for receiving the funds and to compel DOJ to immediately disburse the state's funding without further delay.

"Withholding millions of dollars that Illinois law enforcement depends on to prevent crime senselessly jeopardizes the safety and welfare of Illinois residents," Madigan said.

Madigan argues that Sessions and DOJ have explicitly targeted Illinois for denial of Byrne JAG funds because of the federal administration's opposition to the Illinois TRUST Act, a 2017 state law that encourages cooperation between law enforcement and immigrant communities. Madigan's lawsuit asks the court to declare that the Illinois TRUST Act complies with federal law, and that Sessions and DOJ may not continue withholding funds to which the state is entitled under federal law.

In addition, Madigan argues that federal law entitles Illinois to Byrne JAG funds as long as the state uses them to achieve one of eight criminal justice goals articulated in federal statute. The state has long satisfied this statutory standard, having received Byrne JAG funds every year since the program's creation in 2005. In recent years, Illinois has used Byrne JAG funds to fight human trafficking, as well as support drug diversion courts which seek to prevent recidivism by helping offenders overcome addiction.

In part, Madigan's complaint states:

"Byrne JAG funds allow Illinois law enforcement officers to respond to pressing community needs using data-driven, results-oriented techniques. They promote partnerships between federal, State, and local agencies to address shared enforcement responsibilities. They help to ensure that the State's criminal justice systems operate efficiently and effectively. Illinois residents are safer because of Byrne JAG funds."

Prior to filing her lawsuit, Madigan, along with 15 attorneys general, filed an amicus brief in February in support of the City of Chicago in its lawsuit challenging the DOJ's efforts to punish so-called "sanctuary" jurisdictions by putting immigration-related conditions on federal law enforcement grants. Madigan and the other attorneys general argued that the conditions far exceed DOJ's authority and interfere with the right of states and localities to set their own law enforcement policies.

Division Chief Cara Hendrickson and Assistant Attorneys General Jeanne Witherspoon, Karyn Bass Ehler, Darren Kinkead, Matthew Martin and Jeff VanDam are handling the case for Madigan's Public Interest Division.

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