



**Way Forward Act Annual Compliance Report
2022 Preliminary Summary Statistics
Civil Rights Bureau of the Illinois Attorney General's Office¹
March 1, 2024**

I. Introduction and Background

Law enforcement has long recognized that a strong relationship with the community encourages individuals who have been victims of or witnesses to a crime to cooperate with the police. Building trust is particularly crucial in immigrant communities where residents may be reluctant to engage with their local police department if they are fearful that such contact could result in deportation for themselves, their family, or their neighbors.² This is true of not only undocumented individuals who may be concerned about their own immigration status, but also U.S. citizens who may be worried about their parents, their children, or other members of their family who immigrated to the United States.

With this goal in mind, Illinois law enforcement agencies are subject to two important state laws designed to build trust with immigrant communities:

- The Illinois TRUST Act (5 ILCS 805/5) helps bolster community trust and cooperation by affirming that law enforcement agencies in Illinois are largely prohibited from participating in immigration enforcement.
- The Voices of Immigrant Communities Empowering Survivors (“VOICES”) Act (5 ILCS 825/1) sets forth specific procedures that Illinois law enforcement officers must follow to support immigrants victimized by violent crime or human trafficking who help law enforcement investigate or prosecute criminal activity and who are seeking U or T visa certification.

In 2021, the Illinois General Assembly expanded the protections and obligations in both these laws through a new law, the Way Forward Act. Among other things, the Way Forward Act tasks the Illinois Attorney General's Office (the “OAG”) with investigating possible violations and enforcing compliance with the TRUST Act and the VOICES Act. In order to ensure compliance, the Act also requires each law enforcement agency in Illinois to provide an annual

¹ This report was prepared by Civil Rights Bureau Chief Amy Meek and Assistant Attorneys General Alexandra Reed and Carolyn Wald, with data analysis support from Data Analyst/Statistician Franklin Joseph and Data Intern Angelina Chen. This preliminary analysis reflects the information received and processed by OAG as of Feb. 29, 2024, and may be subject to correction or change. Each reporting law enforcement agency is responsible for certifying the accuracy of its own data upon submission to the OAG.

² See Min Xie & Eric P. Baumer, *Neighborhood Immigrant Concentration and Violent Crime Reporting to the Police: A Multilevel Analysis of Data from the National Crime Victimization Survey*, 57 CRIMINOLOGY 2 (May 2019) (observing much lower rates of violence reporting in newer immigrant communities).

report to the Illinois Attorney General’s Office (the “OAG”) with information related to its compliance with the Illinois TRUST Act and the Illinois VOICES Act.

Each law enforcement agency must collect all required reporting information on a calendar year basis (January 1 through December 31 of each year), and report to the OAG the following March 1. Compliance with the Act’s reporting requirements is mandatory, and failing to submit a report or submitting an incomplete report is a violation of state law.³

II. OAG Implementation of Way Forward Act Reporting Requirements

March 1, 2024 marks the Act’s second annual reporting deadline. Over the past year, the OAG’s Civil Rights Bureau has undertaken significant efforts to inform, train, and bring into compliance law enforcement agencies across the state of Illinois regarding the Way Forward Act and its reporting requirements. The Civil Rights Bureau also conducted outreach and public education efforts to immigration advocates, community groups, victims’ rights advocates, and legal aid organizations regarding the law.

Estimates suggest that there may be more than 1,000 state and local law enforcement agencies in the state of Illinois; there is no single official list of agencies or their contact information. For this inaugural 2022 Way Forward Act reporting year, the Civil Rights Bureau compiled a contact database of law enforcement agencies using state and federal data sources. Initially, compliance was slow, and fewer than 150 law enforcement agencies submitted the required 2022 report by the first March 1, 2023 deadline.

In order to ensure compliance with this important law, the Civil Rights Bureau took a number of steps subsequent to the 2022 reporting year deadline, including:

- Sending **4** past-due notices via U.S. mail, email, or both to over **700** delinquent law enforcement agencies;
- Hosting **2** statewide webinars on the TRUST and VOICES Acts and Way Forward Act reporting for law enforcement (in addition to an initial Way Forward Act reporting webinar prior to the March 1, 2023 deadline); and
- Fielding more than **100** questions about the Way Forward Act reporting process via email at LEA.Reports@ilag.gov.

III. Compliance Reporting for 2022 and Preliminary Analysis

The Civil Rights Bureau’s efforts have led to an unprecedented level of compliance in statewide law enforcement reporting. As of the date of this report, **838** Illinois law enforcement agencies have submitted their annual compliance reports to OAG’s Civil Rights Bureau for calendar year 2022, including **100** of the 102 county sheriff’s departments. This exceeds the number of law enforcement agencies reporting for other comparable statewide annual reporting requirements, such as the Illinois Uniform Crime Reporting Program⁴ and the Illinois Traffic and

³ 5 ILCS 805/25, 5 ILCS 825/20.

⁴ For 2021, 669 law enforcement agencies reported crime statistics to the Illinois State Police, including 71 sheriffs’ offices. Illinois State Police, Crime in Illinois 2021 Annual Uniform Crime Report: Introduction at 6, *available at* <https://isp.illinois.gov/StaticFiles/docs/CrimeReporting/cii/cii21/Introduction.pdf>.

Pedestrian Stop Study.⁵ A list of non-reporting entities for calendar year 2022 is provided at the end of this report.

For calendar year 2023, OAG anticipates that compliance will remain high as a result of these widespread informational and training outreach efforts. OAG has already received a significant number of reports for the 2023 reporting year in advance of the March 1, 2024 reporting deadline.

Each reporting law enforcement agency was responsible for certifying the accuracy of its own data upon submission to the OAG. Due to the large number of agencies reporting, OAG continues to analyze the data submitted and will publish a fuller report of 2022 calendar year data later in 2024. Below are some summary statistics based on a preliminary analysis of the data provided by law enforcement agencies to date. ***NOTE: These numbers are not yet final and may be subject to revision in future months as OAG continues to review the data provided.***

Many police departments in Illinois receive U- and T-visa certification requests from immigrant victims of crimes who helped in the investigation or prosecution of those crimes, and most of those requests were granted. Based on preliminary data submitted to OAG, 140 police departments across the state received at least one U- or T-visa certification request in 2022. The certification request process offers an important opportunity for police departments to build trust with local immigrant communities and reinforce the importance of reporting and assisting in the investigation and prosecution of criminal activity. In 2022, law enforcement agencies reported receiving a total of 2,199 U- or T-visa certification requests, and reported granting 1,402 requests.

Although most U- and T-visa certification requests were granted, there is room for improvement in law enforcement timeliness and response processes for these requests. Across the state, preliminary data shows that law enforcement agencies reported providing responses to over 96 percent of the total U- and T-visa certification requests they received in 2022; however, this suggests that nearly 4 percent of U- and T-visa certification requests may have gone unanswered that year. In this data, departments reported making decisions on 2,117 out of the 2,199 total certification requests received, indicating that 82 certification requests were neither granted nor denied in 2022. Although this is a small number, the VOICES Act generally requires that law enforcement agencies respond to *all* certification requests within 90 business days of receipt (or sooner in some circumstances), except by written agreement with the requester or their representative. Over the past year, OAG's Civil Rights Bureau identified some law enforcement agencies that were unfamiliar with the U- and T-visa certification process as well as with the VOICES Act, and provided trainings and technical assistance to address these issues. The Civil Rights Bureau has also opened two investigations into departments based on potentially systemic issues with VOICES Act compliance. Overall, most law enforcement agencies in Illinois have shown a recognition of the value that U- and T-visa certifications provide to public safety and community trust, and eagerness to comply with the requirements of the VOICES Act.

⁵ For 2022, 793 law enforcement agencies reported traffic and/or pedestrian stop data to the Illinois Department of Transportation. Illinois Department of Transportation, Illinois Traffic and Pedestrian Stop Study 2022 Annual Report Executive Summary: Traffic Stops (2023) at 2, *available at* <https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/transportation-system/reports/safety/traffic-stop-studies/final--part-i-executive-summary-traffic--6-30-23.pdf>.

Few law enforcement agencies in Illinois reported receiving requests from federal immigration authorities regarding civil enforcement, and the overwhelming majority of such requests were rejected. The TRUST Act generally prohibits local law enforcement from sharing information with federal immigration agents, including a prohibition on providing non-public information in response to an immigration agent’s inquiry or request for information regarding any individual in law enforcement custody. Local law enforcement may provide these types of assistance only in two narrow circumstances: when they are presented with a federal criminal warrant, or when otherwise required by a specific federal law.⁶ For 2022, only 21 law enforcement agencies reported to OAG that they received any requests from the U.S. Department of Homeland Security (“DHS”), including requests from ICE, related to participation, support, or assistance in any immigration agent’s civil enforcement operation. OAG’s preliminary data shows that of the 182 total DHS requests reported to have been received in the state of Illinois, 25 requests were reported as accepted (meaning that 86 percent of requests were rejected). In the coming months, OAG’s Civil Rights Bureau will further examine this data, including information on requests that were granted, in the context of TRUST Act compliance.

Similarly, few law enforcement agencies in Illinois reported receiving immigration detainers or civil immigration warrants. The TRUST Act prohibits local and state law enforcement agencies in Illinois from complying with immigration detainers or civil immigration warrants.⁷ Holding detainees past their scheduled release for ICE pick up could expose the law enforcement agency to civil liability.⁸ For 2022, only 25 law enforcement agencies reported to OAG that they received any civil immigration detainers or warrants, with a preliminary total of 239 detainers or warrants received statewide. OAG’s Civil Rights Bureau will further examine this data, including reported release information, in the context of TRUST Act compliance.

IV. Conclusion

The OAG’s Civil Rights Bureau encourages law enforcement agencies and members of the public to reach out with questions, concerns, or additional information regarding the TRUST Act and VOICES Act compliance.

Information for law enforcement agencies can be found at:
<https://illinoisattorneygeneral.gov/Safer-Communities/Resources-for-Law-Enforcement/Law-Enforcement-And-Immigration/>

The Civil Rights Bureau’s webpage, including information on filing a complaint, is at:
<https://illinoisattorneygeneral.gov/Rights-of-the-People/civil-rights/>

⁶ 5 ILCS 805/15(h).

⁷ 5 ILCS 805/15(a). In some states, local law enforcement may enter into formal agreements with the federal government to detain people who have been apprehended for violating federal civil immigration law. *See* 8 U.S.C. § 1103(a)(11)(B). Illinois law, however, also prohibits law enforcement agencies and officials from entering into any “agreement to house or detain individuals for federal civil immigration violations.” 5 ILCS 805/15(g)(1). *See McHenry County v. Raoul*, No. 21-cv-50341, ECF No. 41 at *8 (N.D. Ill. Dec. 6, 2021).

⁸ *Santos v. Frederick County Bd. of Comm’rs*, 725 F.3d 451, 464–65 (4th Cir. 2013); *see also Villars v. Kubiowski*, 45 F.Supp.3d 791, 801–03 (N.D. Ill. 2014) (denying motion to dismiss claims against village police department for detaining individual post-bond); *Galarza v. Szalczyk*, 745 F.3d 634, 645 (3rd Cir. 2014) (finding county liable for unlawful detention pursuant to Immigration Detainer).

Illinois Law Enforcement Agencies Not in Compliance with OAG Way Forward Act Reporting Requirements for Calendar Year 2022 (as of Feb. 29, 2024)

Non-Reporting County Sheriff's Offices

Jasper County
Jefferson County

Non-Reporting Municipal Police Departments

Alorton	Chesterfield	Germantown	La Harpe
Amboy	Clayton	Gillespie	Lakemoor
Aroma Park	Cobden	Gladstone	Leaf River
Ashkum	Columbia	Goreville	Lenzburg
Astoria	Creal Springs	Grand Tower	Lewistown
Atlanta	Creve Coeur	Grandview	Liberty
Augusta	Delavan	Hamilton	Livingston
Ava	Desoto	Hardin	Lostant
Barry	Divernon	Hebron	Ludlow
Bayview Gardens	Dixmoor	Highland	Magnolia
Belgium	Dolton	Hillsdale	Manito
Bellflower	Dowell	Hindsboro	Mansfield
Bradford	Dwight	Hinsdale	Markham
Broadview	East Alton	Hurst	Martinsville
Brocton	East Saint Louis	Illiopolis	Mascoutah
Brownstown	Easton	Indianola	McClure
Buckley	Edinburg	Irving	Metamora
Buffalo-Mechanicsburg	Elkville	Irvington	Minooka
Bureau	Ewing	Johnston City	Mount Auburn
Bushnell	Fairmount	Jonesboro	Mount Morris
Cambria	Fillmore	Joppa	Nashville
Cedarville	Fithian	Junction City	New Berlin
Centreville	Freeburg	Karnak	Niantic
Cerro Gordo	Freeman Spur	Keithsburg	North Utica
Chandlerville	Galena	Kilbourne	Police
Chapin	Galva	Kinmundy	Odin
Orangeville	Rutland	Spring Grove	Walnut
Orient	Saint Elmo	Stewardson	Wamac
Palmyra	Saint Francisville	Summerfield	Warsaw
Park City	Sauk Village	Tamms	Washburn
Patoka	Seneca	Taylor Springs	Washington Park
Percy	Sheffield	Thayer	Wayne City
Petersburg	Sheldon	Thomasboro	West City
Pierron	Sheridan	Thompsonville	Williamsfield
Pittsburg	Sidell	Thornton	Winchester
Plymouth	Sorento	Ursa	Witt
Posen	South Elgin	Valier	Woodhull
Rankin	Spaulding	Venice	Wyoming
Richton Park	Spillertown	Vermont	Zion
Ridott	Spring Bay	Viola	