



OFFICE OF THE MAYOR
CITY OF CHICAGO

FOR IMMEDIATE RELEASE

August 6, 2017

CONTACT

Mayor's Press Office

(312) 744-3334

press@cityofchicago.org

**MAYOR EMANUEL, CITY OF CHICAGO FILE FEDERAL LAWSUIT TO PREVENT
PRESIDENT TRUMP'S JUSTICE DEPARTMENT FROM MAKING FEDERAL CRIME
PREVENTION GRANTS CONDITIONAL ON UNRELATED IMMIGRATION ENFORCEMENT
ACTIONS**

*Trump Administration's latest unlawful, misguided action undermines public safety and
violates Constitution*

Mayor Rahm Emanuel, Chicago Corporation Counsel Ed Siskel and Chicago Police Department (CPD) Superintendent Eddie Johnson announced that on Monday the City of Chicago will file a federal lawsuit to prevent President Donald Trump's Justice Department from making a federal crime prevention grant that is critical to public safety efforts conditional on unrelated and unlawful immigration enforcement actions.

"Chicago will not be blackmailed into changing our values, and we are and will remain a welcoming City," said Mayor Emanuel. "The federal government should be working with cities to provide necessary resources to improve public safety, not concocting new schemes to reduce our crime fighting resources. The City of Chicago will continue to stand up to President Trump and his Justice Department to ensure that their misguided policies do not threaten the safety of our residents."

On Thursday, August 3, 2017, the U.S. Department of Justice published the application for FY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) program, which provides states and cities with federal funding to support local law enforcement efforts. Unlike previous applications, this year's iteration requires that new conditions be met by local municipalities in order to be eligible for grant funding. These conditions include the certification of compliance with 8 U.S.C. § 1373, a federal statute that bars restrictions on federal-local sharing of immigration status information; unlimited access to local police stations and law enforcement facilities by U.S. Department of Homeland Security personnel to interrogate arrestees; and the requirement that cities provide DHS with at least a 48 hour notice prior to an arrestee's release, which would require detaining residents longer than is permissible under the Fourth Amendment of the United States Constitution. These conditions effectively federalize local detention facilities and violate the Fourth

Amendment in instances where detainees are otherwise lawfully eligible for release from police custody.

Over the years, Chicago has used Byrne JAG funds for a variety of purposes that benefit public safety, including the purchase of SWAT equipment, police vehicles, radios and tasers. Last year, the City of Chicago received \$2.3 million in Byrne JAG funds.

As part of the suit, the City asks the court to declare the Attorney General's actions in imposing the new conditions unlawful and that Chicago and its Welcoming City ordinance are in compliance with all valid and applicable federal laws.

"We are filing this suit because the Attorney General does not have the authority to add these requirements to a grant program created by Congress and cannot commandeer local law enforcement to carry out federal immigration law functions," said Corporation Counsel Siskel. "We are asking the court to ensure that we are not forced to either forego critical grant funds or agree to new conditions, which violate the Constitution and our Welcoming City ordinance."

Chicago's Welcoming City ordinance prioritizes effective local law enforcement and crime prevention over federal civil immigration issues. This ordinance promotes public safety by ensuring that no city resident, regardless of their status, is afraid to cooperate with law enforcement, report criminal activity to the police, serve as a witness in court, or seek help as a victim of crime.

"The federal government has been an effective partner in the crime fight, as funding and additional federal agents have greatly helped us to take guns off the streets and make our communities safer," said Superintendent Johnson. "Removing those resources, regardless of the reason, makes CPD's mission to protect all residents in Chicago that much more difficult."

Applications for FY2017 Byrne Grants are due on September 5, 2017. The Byrne JAG program is named for Edward Byrne, a New York City police officer who was murdered in 1988 while on assignment protecting a Guyanese immigrant who had reported illegal activity to police.

The City of Chicago is being supported in its legal efforts on this issue by two outside law firms, Riley Safer and Wilmer Hale, who are providing their services pro bono.

###