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**MAYOR EMANUEL, CITY OF CHICAGO ANNOUNCE ANOTHER LEGAL VICTORY
AGAINST PRESIDENT TRUMP'S JUSTICE DEPARTMENT & ITS UNLAWFUL CONDITIONS
ON PUBLIC SAFETY GRANT FUNDING**

*Seventh Circuit Court of Appeals Denies DOJ's Motion to Stay the Nationwide Preliminary Injunction
Granted by a U.S. District Judge in September*

Mayor Rahm Emanuel today announced that the City of Chicago has won a second legal victory in its case against President Donald Trump's Justice Department's new conditions on public safety grant funding. In a ruling today, the United States Court of Appeals for the Seventh Circuit denied the Trump Justice Department's request for a partial stay of the nationwide preliminary injunction, which was issued by the United States District Court Northern District of Illinois. As a result, the nationwide injunction will stay in place as the appeal proceeds.

"Try as they might, the Trump Administration cannot bully Chicago into abandoning our values or violating the rights of our residents," said Mayor Emanuel. "Chicago will not accept the Trump Justice Department's false choice between public safety and our core principles as a welcoming city. This legal victory is a win for the rule of law and for our most fundamental American values."

The ruling is in response to a Trump Justice Department appeal of the nationwide injunction ordered by U.S. District Judge Harry Leinenweber. In his ruling, U.S. District Judge Harry Leinenweber agreed with the City's argument that the Trump Justice Department has no authority under federal law to impose requirements including providing the U.S. Department of Homeland Security (DHS) with at least a 48 hour notice prior to an arrestee's release and unlimited access to City lockups. The City's legal brief considered by the judge, filed on August 31, further established the reasons the DOJ's conditions are invalid and unconstitutional; argues that the Byrne JAG statute contains no authorization for the conditions, and DOJ offers no authority for the conditions in the grant statute; and states that DOJ's position also contradicts the Byrne JAG statute, which expressly restricts the Attorney General's authority to limit Byrne JAG grant funds for specific purposes favored by the Attorney General. The reply also stated that Chicago would be irreparably harmed without a preliminary injunction, and that a nationwide injunction is necessary to protect all Byrne JAG grant recipients across the country from the invalid and unconstitutional conditions placed on the grant.

"Today's ruling is a significant legal victory that reaffirms the City's position that the Attorney General lacks the authority to create the grant conditions we have challenged," said Corporation Counsel Ed Siskel. "Despite the fact that Byrne JAG grant funding is typically dispersed to cities by

October of each year, the funding for FY2017 has not yet been released and the Trump administration has cited ongoing litigation as the reason these public safety funds haven't been released to cities. With their request for a stay denied, the Trump Justice Department now has no excuse for holding off on issuing this important public safety funding to cities and municipalities."

Over the years, Chicago has used Byrne JAG funds in a number of ways to benefit public safety, including the purchase of SWAT equipment, police vehicles, radios and tasers. On August 31, the Chicago Police Department (CPD) submitted its application for FY2017 Byrne JAG grant funding, making clear that the City will not agree to unlawful and unrelated new conditions attached to the federal grant application. CPD proposes using FY2017 JAG funding to expand ShotSpotter gunfire detection, one of the key components of the new, strategically located nerve centers that help police get ahead of crime and prevent violence from happening in the first place. The funding in this grant would allow CPD to add an additional 20.31 square miles to the ShotSpotter network in Districts 003 and 004, two police districts experiencing higher than average rates of gang and gun related crime.

[On August 7, 2017, the City of Chicago filed a federal lawsuit](#) against President Trump's Justice Department for attaching unlawful and unconstitutional conditions to the FY2017 JAG application, including provisions to provide unlimited access to local police stations and law enforcement facilities by U.S. Department of Homeland Security (DHS) 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. President Trump's Justice Department filed its response to the lawsuit on August 24, 2017, in which the Administration announced that it was changing the conditions to avoid the Fourth Amendment problems identified by the City's lawsuit. Further, the judge made it clear, and the DOJ agreed, that while this litigation is pending, the City would be able to submit the 2017 JAG application without certifying its compliance with these new, unlawful conditions.

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 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.

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