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Over Sixty Criminal Justice Leaders Challenge US DOJ Attempt to Tie Public Safety Funding for Local Law Enforcement to Cooperation with Immigration Enforcement

Evanston, IL – Today 61 criminal justice leaders – including 36 elected prosecutors from 24 states around the nation – filed an [amicus curiae brief](#) in the United States Court of Appeals for the Seventh Circuit. The brief is in support of a challenge by the City of Evanston, Illinois and the U.S. Conference of Mayors to U.S. Department of Justice (DOJ) efforts to condition critical federal funding for public safety initiatives on cooperation with federal immigration enforcement. The local community initiatives that are threatened include gang intervention programs and programs aimed at increasing community engagement, funded by the federal Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) program. Amici argue that forcing local law enforcement to carry out immigration functions would erode trust between law enforcement and immigrant communities, reduce the effectiveness of community policing models and undermine public safety.

“In recent years, many jurisdictions have rightly begun to move toward community policing models that focus on building trust that is integral to keeping communities safe,” said **Miriam Krinsky, Executive Director of Fair and Just Prosecution** and a former federal prosecutor. “The Department of Justice’s attempts to commandeer local law enforcement to assist in immigration enforcement creates a no-win scenario in which jurisdictions would either refuse to comply and be stripped of critical public safety funds or acquiesce and fracture relationships with their community and the vital trust that they need to promote public safety.”

In arguing that local law enforcement should not carry out federal immigration functions, amici stress the adverse impact of these requirements: “When community residents live in constant fear that interactions with local law enforcement officials could result in [deportation], that fundamental breakdown in trust threatens public safety and impedes justice system leaders from doing their jobs.” Amici further highlight the need to keep local law enforcement from becoming de facto immigration agents by citing recent studies demonstrating that such measures can discourage immigrants from reporting crimes and cooperating with law enforcement officers and prosecutors because they fear deportation.

“Effective, legitimate law enforcement, from the investigation of crimes to holding people accountable in individual cases, is built on trust that the criminal justice system is fair and has integrity,” said **Charlottesville, VA Police Chief RaShall Brackney**, a signatory to the brief. “The DOJ’s attempt to place these conditions on Byrne JAG grants would endanger communities by eroding our hard-fought and ongoing efforts to restore community trust, undermine police legitimacy, and also threaten key public safety funding.”

DOJ is currently appealing the lower district court's decision in favor of the plaintiffs, which permanently enjoined the challenged condition in ruling that DOJ unconstitutionally exceeded its statutory authority and usurped the role of the legislature when it attempted to entangle cities in federal immigration enforcement.

Mary B. McCord, Legal Director at Georgetown Law's [Institute for Constitutional Advocacy and Protection](#) and a former federal prosecutor for over 20 years, also noted, "Immigrants have been critical partners in reporting crimes, appearing as witnesses, and protecting their communities. A ruling that overturns the district court's decision would put law enforcement across the country at risk of losing the trust they've built with communities and erode public safety at a moment when crime is at a historic low."

The brief was authored by [Hughes, Socol, Piers, Resnick & Dym, Ltd](#) and Georgetown Law's [Institute for Constitutional Advocacy and Protection](#), with the assistance and coordination of [Fair and Just Prosecution](#), a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.

Read the [brief](#) and see below for a full list of signatories.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).

The Institute for Constitutional Advocacy and Protection (ICAP) uses the power of the courts to defend American constitutional rights and values. Based at Georgetown Law Center, ICAP draws on expert litigators, savvy litigation strategy, and the constitutional scholarship of Georgetown to vindicate individuals' rights and to protect America's constitutional way of life. More information about ICAP can be found law.georgetown.edu/icap.

List of Signatories

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