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EL PASO COUNTY JOINS LOCAL GOVERNMENTS FROM ACROSS THE COUNTRY TO SUPPORT THE CITY OF CHICAGO'S BID TO PRESERVE LOCAL CONTROL OVER LAW ENFORCEMENT POLICY

Local Government Amicus Brief Challenges Unconstitutional Federal Grant Conditions

On Thursday August 31, 2017, El Paso County joined 36 cities, counties, and municipal agencies across the nation, along with other organizations, in filing an amicus curiae or “friend of the court” brief with the United States District Court for the Northern District of Illinois. The brief, authored by the County of Santa Clara, California in *City of Chicago v. Sessions*, urges the Court to grant the City of Chicago’s motion for a preliminary injunction barring enforcement of new federal grant conditions recently announced by the U.S. Department of Justice (“DOJ”).

The new DOJ conditions target the Edward Byrne Memorial Justice Assistance Grant program, the leading source of federal grant funds for law enforcement, crime prevention, correctional, prosecution, indigent defense, and crime victim and witness programs. The new conditions would disqualify state and local governments from receiving these funds unless they agree to assist the federal government in enforcing federal immigration law. The amicus brief argues on behalf of local governments nationwide that these unconstitutional and unlawful conditions undermine the ability of local law enforcement agencies to carry out their own considered judgments about how best to keep their communities safe.

The diverse group of local government entities and organizations that joined the amicus brief argue that local governments must maintain discretion to develop law enforcement policies tailored to the needs of their communities. Many cities and counties around the country have decided that limiting their involvement in federal immigration enforcement best promotes public safety by empowering *all* community members to report crimes and serve as witnesses, avoiding creating a class of “silent victims” who feel local law enforcement doesn’t serve them. In fact, the brief cites evidence that communities where local police do not engage in immigration enforcement—including major cities like Chicago—have lower crime rates than those that do.

DOJ's new grant conditions would force local governments to either abandon the policies that they have adopted to increase community trust and lower crime rates, or lose their main source of federal funding for critical law enforcement programs that help achieve these goals.

El Paso County Commissioners approved joining the County of Santa Clara's amicus brief at their meeting on Monday, August 28, 2017. El Paso County will not expend any public funds in joining the amicus brief.

The cities, counties, and organizations that signed the brief filed today are:

The County of Santa Clara, California; the City of Austin, Texas; the City of Cambridge, Massachusetts; the City of Chelsea, Massachusetts; the City and County of Denver, Colorado; the District of Columbia; El Paso County, Texas; the City of Houston, Texas; the International City/County Management Association; the International Municipal Lawyers Association; the City of Iowa City, Iowa; the City of Ithaca, New York; King County, Washington; the City of Lawrence, Massachusetts; the City of Los Angeles, California; the City of Madison, Wisconsin; the City of Menlo Park, California; the Metropolitan Area Planning Council; the National Association of Counties; the National League of Cities; the City of New York, New York; the City of Oakland, California; the City of Philadelphia, Pennsylvania; the City of Portland, Oregon; the City of Providence, Rhode Island; the City of Rochester, New York; the City of Sacramento, California; the City of Salinas, California; the City and County of San Francisco, California; the City of San José, California; the City of Santa Ana, California; the County of Santa Cruz, California; the City of Santa Fe, New Mexico; the City of Seattle, Washington; the City of Somerville, Massachusetts; the County of Sonoma, California; the City of Syracuse, New York; Travis County, Texas; the City of Tucson, Arizona; the City of Union City, New Jersey; The United States Conference of Mayors; and the City of West Hollywood, California.

To download a copy of the amicus brief filed today with the US District Court for the Northern District of Illinois, please follow this link: <https://goo.gl/xMs1hi>

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