



PRESS RELEASE

Attorney General Frosh Joins Amicus Brief to Protect Maryland Cities and Police Departments from Funding Cuts *Byrne-JAG Grants Fund Critical Vital Public Safety Initiatives Including Efforts to Reduce Gun Violence and Combat the Opioid Epidemic*

BALTIMORE, MD (January 5, 2018) – Maryland Attorney General Brian E. Frosh today joined 15 Attorneys General in an [amicus brief](#) to protect Maryland’s cities and police departments from federal funding cuts, supporting a challenge to the Trump administration’s efforts to punish so-called “sanctuary” jurisdictions by putting immigration-related conditions on federal law enforcement grants. The Attorneys General argue that these conditions interfere with states’ and localities’ right to set their own law enforcement policies and that the Department of Justice lacks the authority to impose these new conditions.

The Byrne-JAG program is a federal grant program that provides grants to states and localities according to a mandatory statutory formula. Congress designed Byrne-JAG to give states and localities a reliable source of law enforcement funding, while also giving them maximum flexibility to decide how to use the funds in accordance with state and local law enforcement policy.

In Fiscal Year 2016 (FY16), Maryland received \$3.5 million* through the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program. Maryland targeted use of Byrne-JAG funds at strategies to address the state’s growing heroin problem, identify high-risk offenders, reduce illegal gun use and possession, maximize use of the best available technology, assist crime victims, and a variety of other crime prevention and intervention strategies.

Federal law permits states and localities to limit their voluntary involvement with enforcing federal immigration policy. In July 2017, DOJ announced that it was imposing new immigration-related conditions on recipients of Byrne-JAG funding, and threatened to withhold funds from jurisdictions that did not comply with these conditions. Specifically, DOJ sought to require states and localities to provide the Department of Homeland Security with advance notice of an immigrant’s scheduled release date from a correctional facility, and to grant federal agents access to correctional facilities to question immigrants.

In *City of Chicago v. Sessions*, Chicago challenged DOJ’s imposition of new immigration-related conditions on grants issued under the Byrne-JAG program. Last fall, a district court entered a nationwide preliminary injunction against DOJ’s enforcement of two of the new immigration-

related conditions, holding that DOJ lacked authority to impose them. The case is now before the U.S. Court of Appeals for the Seventh Circuit.

As the Attorneys General argue, the new conditions violate the law, the constitutional principle of separation of powers, and the federalism principles enshrined in the Byrne-JAG statute - interfering with states' and localities' abilities to set their own law enforcement policies and overstepping DOJ's authority to impose the new conditions under the statute.

“The United States Attorney General now claims authority to withhold Byrne-JAG funding from States and localities that have made law-enforcement policy judgments that federal law permits, but with which he disagrees. Specifically, he contends that he may deny grants to States and localities that limit their voluntary involvement with enforcing federal immigration policy because they have concluded that fostering a relationship of trust between their law-enforcement officials and their immigrant communities will promote public safety for all their residents. The Byrne-JAG statute does not authorize the U.S. Attorney General's position, which is also contrary to the federalism principles that Congress enshrined in the Byrne-JAG program,” the amicus brief states.

The amici states have received law-enforcement grants under the Byrne-JAG program and its predecessors since 1968, and have used those funds to support a broad array of critical-law enforcement programs tailored to local needs, including to support community-based policing, and reduce sexual assault, elder abuse, gun violence, recidivism, and drug addiction.

In addition to Maryland, the Attorneys General of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, New Mexico, New York, Oregon, Vermont, Washington, and the District of Columbia also joined the brief.

* Source: <https://external.ojp.usdoj.gov/selector/awardDetail?awardNumber=2016-MU-BX-0441&fiscalYear=2016&applicationNumber=2016-H2963-MD-DJ&programOffice=BJA&po=BJA>