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FOR IMMEDIATE RELEASE: July 18, 2018
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**THE CITY OF NEW YORK SUES THE U.S. DEPARTMENT OF JUSTICE FOR
IMPOSING UNLAWFUL CONDITIONS ON FEDERAL PUBLIC SAFETY GRANTS
TO NEW YORK CITY**

City asks the court to deem DOJ measures illegal and compel immediate payment

NEW YORK—Mayor Bill de Blasio and Corporation Counsel Zachary W. Carter today announced the filing of a lawsuit against the U.S. Department of Justice for its unlawful efforts to force New York City officials to engage in federal immigration enforcement. Last year, DOJ placed unprecedented conditions on a key public safety grant the City has relied on for years. DOJ has yet to release the \$4 million grant and has also threatened to retract millions more from previous years. According to the City’s complaint, the conditions are illegal and undermine key City policies that protect all residents, including its immigrants, and keep crime low. The City has asked the Court to deem the conditions illegal and compel immediate payment to the City.

“Our message is clear: the Trump Administration’s actions are illegal and morally bankrupt,” said **Mayor Bill de Blasio**. “We have proven, time and again, that welcoming immigrants has helped make this the safest big city in the country. Any attempt to jeopardize the trust between our local law enforcement and immigrant New Yorkers will fail.”

The Edward Byrne Memorial Justice Assistance Grant is named after Edward Byrne, a New York City police officer killed while protecting a Guyanese immigrant who was acting as a cooperating witness. Until recently, New York City has applied for and received its local allocation under the federal grant formula every year since the program’s inception in 2005. The Byrne grant supports 911 emergency responders, diversion programs for nonviolent felony drug offenders, and anti-cybercrime and identity theft efforts, to name only a few public safety initiatives.

City Corporation Counsel Zachary W. Carter said: “For years New York City has qualified for the Byrne grant under a fixed formula, but DOJ has abruptly altered grant requirements in an attempt to force the City to abandon policies of constructive engagement with its immigrant residents that have proven effective in maintaining and enhancing public safety. The conditions DOJ seeks to impose are an unprecedented and unconstitutional intrusion on the City’s policy prerogatives, are inconsistent with the intent of Congress and diminish the City’s safety. As detailed in our complaint, DOJ’s efforts would cause immigrant communities to disengage from public services and retreat into the shadows, to the detriment of their own safety and that of the

public. We are asking the Court to permanently enjoin DOJ from imposing the three conditions and compel immediate payment to the City.”

For the fiscal year 2016 Byrne grant funding, DOJ demanded that New York City, along with eight other jurisdictions, certify that they complied with Section 1373, a statute that bars states and localities from adopting policies that restrict communications regarding immigration and citizenship status between state and local officials and the federal government. This was the first time DOJ ever requested such compliance since the enactment of Section 1373 roughly 20 years ago. In a letter sent to DOJ in June 2017, the City demonstrated that it was legally entitled to the grant.

For the following fiscal year’s grant, DOJ said recipients would have to certify compliance with Section 1373 and the following two new conditions in order to receive funding: the City must provide at least 48 hours’ advance notice to the Department of Homeland Security regarding the release date and time of an inmate for whom DHS requests such advance notice, and DHS must be permitted to access any detention facility maintained by the City in order to meet with persons of interest. While the City timely submitted its application, it did not certify its compliance with these three illegal conditions. In the last year, federal courts in Illinois, Pennsylvania, and California have struck down these or similar conditions, yet DOJ continues to insist NYC comply with them in order to receive its funding.

DOJ later announced it was distributing \$200 million in JAG Program funds to jurisdictions that shared its commitment to “keeping criminal aliens off our streets and our law abiding citizens safe.” However, DOJ has not communicated a final determination to New York City about its compliance with Section 1373 or its Byrne grant application.

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