



Major Developments Relating to “Sanctuary” Cities under the Trump Administration

Since his first week in office, President Trump has attempted to leverage the power of the federal government to coerce state and local law enforcement agencies to assist with his mass detention and deportation agenda – regardless of their own law enforcement priorities, the wishes of their communities, and the U.S. Constitution. Time and again, these illegal efforts by the President and his Attorney General have been rejected by the courts. A month-by-month summary is below.

- Jan. 20, 2017 Donald J. Trump is inaugurated as President of the United States.
- Jan. 25, 2017 President Trump issues [Executive Order: Enhancing Public Safety in the Interior of the United States](#) (EO 13768). Section 9 is titled “Sanctuary Jurisdictions.” Section 9(a) states that “jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 [addressing information-sharing regarding immigration and citizenship status among government officials] are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes.” It also threatens “appropriate enforcement action” against “any entity” with a “statute, policy, or practice that prevents or hinders the enforcement of Federal law.” See Appendix I for complete text of Section 9. See Appendix II for text of 8 U.S.C. 1373.
- Jan. 31, 2017 *City and County of San Francisco v. Trump* is filed in the U.S. District Court for the Northern District of California. The complaint, as amended on February 27, asks the court to declare that both Section 9(a) of the January 25 EO and 8 U.S.C. 1373 are unconstitutional, and to halt the enforcement of Section 9(a). The complaint also asks for a declaration that San Francisco complies with 8 U.S.C. 1373.
- Feb. 3, 2017 *County of Santa Clara v. Trump* is filed in the U.S. District Court for the Northern District of California. The complaint asks the court to declare that Section 9 of the January 25 EO is unconstitutional, and to halt the enforcement of Section 9.
- Feb. 8, 2017 *Cities of Chelsea and Lawrence v. Trump* is filed in the U.S. District Court for the District of Massachusetts. The complaint asks the court to halt the

enforcement of Section 9(a) and declare that 8 U.S.C. 1373 is unconstitutional. The complaint also asks for a declaration that Chelsea and Lawrence comply with 8 U.S.C. 1373. This case is later administratively closed.

- Feb. 9, 2017 Jeff Sessions is sworn in as Attorney General of the United States.
- Feb. 10, 2017 The San Francisco and Santa Clara cases are consolidated so they can be decided together.
- March 20, 2017 DHS begins publishing a weekly “Declined Detainers” report – a list of jurisdictions that turned down ICE detainer requests – pursuant to the January 25 EO. Sheriffs across the country condemn the report, and multiple inaccuracies surface. DHS [stops publishing the report](#) two weeks later.
- March 21, 2017 *City of Richmond v. Trump* is filed in the U.S. District Court for the Northern District of California. The complaint asks the court to declare that the January 25 EO is unconstitutional, and to halt the enforcement of the EO against Richmond. The complaint also asks for a declaration that Richmond complies with 8 U.S.C. 1373. This case is later dismissed.
- March 27, 2017 Attorney General Sessions delivers [public remarks](#) on “sanctuary” jurisdictions. He implies that jurisdictions that decline to honor ICE detainer requests are violating federal law, although the only law he cites – 8 U.S.C. 1373 – is unrelated to local willingness to detain people for ICE. He also announces that all jurisdictions seeking DOJ funds will henceforth be required to certify that they comply with 8 U.S.C. 1373.
- March 29, 2017 *City of Seattle v. Trump* is filed in the U.S. District Court for the Western District of Washington. The complaint, as amended on June 26, asks the court to declare that Section 9 of the January 25 EO is unconstitutional. The complaint also asks for a declaration that Seattle and the City of Portland (OR) comply with 8 U.S.C. 1373. This case is on hold.
- April 21, 2017 DOJ [sends letters](#) to 9 jurisdictions stating that compliance with 8 U.S.C. 1373 is a condition of Byrne JAG grants, and requiring proof of such compliance by June 30, 2017. The [Byrne JAG program](#) is the main source of federal criminal justice funding to state and local jurisdictions. The jurisdictions include **the State of California, Cook Co., IL; Chicago, IL; New Orleans, LA; New York, NY; Philadelphia, PA, Milwaukee Co., WI, Clark Co., NV, and Miami-Dade Co., FL.**
- April 25, 2017 In the San Francisco and Santa Clara cases, the district court issues a **nationwide preliminary injunction prohibiting the implementation of Section 9(a) of the January 25 EO.**

- May 22, 2017 Attorney General Sessions [issues a memorandum](#) to all DOJ grant-making components stating that “for purposes of enforcing the [January 25] Executive Order, the term ‘sanctuary jurisdiction’ will refer only to jurisdictions that ‘willfully refuse to comply with 8 U.S.C. 1373.’” The memo also states that Section 9(a) of the EO applies “solely to federal grants administered by the Department of Justice or the Department of Homeland Security, and not to other sources of federal funding.”
- July 20, 2017 In the San Francisco and Santa Clara cases, the district court declines to reconsider the April 25 nationwide preliminary injunction in light of the May 22 memorandum from Attorney General Sessions. The judge concludes that the memorandum “is functionally an ‘illusory promise’ to enforce the Executive Order narrowly.”
- July 25, 2017 Attorney General Sessions [announces two new requirements](#) for jurisdictions seeking Byrne JAG grants: 1) notice to DHS at least 48 hours in advance of any immigrant’s release from custody if DHS has requested such notice (**notice**); and 2) permission to DHS to access any detention facility in order to meet and question an immigrant (**access**).
- Aug. 7, 2017 *City of Chicago v. Sessions* is filed in the U.S. District Court of the Northern District of Illinois. The complaint asks the court to declare that the new notice and access conditions on Byrne JAG funds, as well as the previously announced condition of compliance with 8 U.S.C. 1373, are all unlawful, and to halt the enforcement of all three conditions on Byrne JAG funds. The complaint also asks for a declaration that Chicago complies with 8 U.S.C. 1373.
- Aug. 11, 2017 *City and County of San Francisco v. Sessions* is filed in the U.S. District Court of the Northern District of California. The complaint, as amended on December 12, asks the court to prohibit the DOJ from enforcing the new notice and access conditions on Byrne JAG funds, as well as the previously announced condition of compliance with 8 U.S.C. 1373, because they are unconstitutional and violate federal law. The complaint also asks for a declaration that San Francisco complies with 8 U.S.C. 1373 in all activities supported by Byrne JAG funds. This case is ongoing.
- Aug. 14, 2017 *State of California v. Sessions* is filed in the U.S. District Court of the Northern District of California. The complaint, as amended on October 13, asks the court to prohibit the DOJ from enforcing the new notice and access conditions on Byrne JAG funds, as well as the previously announced condition of compliance with 8 U.S.C. 1373, because they are unconstitutional and violate federal law. This case is ongoing.

- August 25, 2017 *City and County of San Francisco v. Sessions* and *State of California v. Sessions* are consolidated so they can be decided together.
- Aug. 30, 2017 *City of Philadelphia v. Sessions* is filed in the U.S. District Court for the Eastern District of Pennsylvania. The complaint asks the court to prohibit the DOJ from enforcing the new notice and access conditions on Byrne JAG funds, as well as the previously announced condition of compliance with 8 U.S.C. 1373, because they are unconstitutional and violate federal law. The complaint also asks for a declaration that Philadelphia complies with 8 U.S.C. 1373.
- Sept. 7, 2017 Attorney General Sessions [announces that the DOJ will give “priority consideration” to COPS Office grant applicants](#) that 1) notify DHS at least 48 hours in advance of any immigrant’s release from custody if DHS has requested such notice (**notice**); and 2) permit DHS to access any detention facility in order to meet and question an immigrant (**access**). [COPS Office grants](#) are intended to advance community policing practices in state and local law enforcement agencies.
- Sept. 15, 2017 In *City of Chicago v. Sessions*, the district court issues a **nationwide preliminary injunction barring the Attorney General from imposing the new notice and access conditions on Byrne JAG funds**. The government appeals the preliminary injunction to the Seventh Circuit.
- Sept. 29, 2017 *City of Los Angeles v. Sessions* is filed in the U.S. District Court for the Central District of California. The complaint asks the court to declare that the new notice and access conditions on Byrne JAG funds are unconstitutional or otherwise unlawful, and to prohibit the DOJ from enforcing them. The complaint also asks the court to declare that the new DOJ’s new practice giving priority consideration to COPS Office grant applicants that provide notice and access to DHS is unconstitutional or otherwise unlawful, and to prohibit the DOJ from continuing the practice.
- Oct. 12, 2017 DOJ [sends letters](#) to **Cook Co., IL; Chicago, IL; New Orleans, LA; New York, NY; and Philadelphia, PA**, stating that DOJ preliminarily finds that they may be violating 8 U.S.C. 1373, and setting a deadline of October 27, 2017, for replies. DOJ sends letters to **Milwaukee Co., WI, and State of Connecticut** stating that DOJ finds “no evidence that they are currently out of compliance” with 8 U.S.C. 1373. DOJ also announces that letters were already sent to **Clark Co., NV, and Miami-Dade Co., FL**, notifying them that DOJ found “no evidence that they are currently out of compliance” with 8 U.S.C. 1373.
- Nov. 15, 2017 In *City of Philadelphia v. Sessions*, the district court issues a **preliminary injunction barring the Attorney General from imposing the new notice and access conditions on Philadelphia’s Byrne JAG funds**. The

court also holds preliminarily that Philadelphia is in “substantial compliance” with 8 U.S.C. 1373. The government appeals the preliminary injunction to the Third Circuit.

- Nov. 15, 2017 DOJ [sends letters](#) to the following 29 jurisdictions stating that DOJ preliminarily finds they may be violating 8 U.S.C. 1373: **Berkeley, CA; Contra Costa Co., CA; Fremont, CA; Los Angeles, CA; Monterey Co., CA; Riverside Co., CA; Sacramento Co., CA; City and Co. of San Francisco, CA; Santa Ana, CA; Santa Clara, CA; Sonoma Co., CA; Watsonville, CA; City and Co. of Denver, CO; West Palm Beach, FL; Louisville Metro, KY; Lawrence, MA; Jackson, Mississippi; Middlesex, NJ; Newark, NJ; Bernalillo Co., NM; Albany, NY; Multnomah Co., OR; King Co., WA; Seattle, WA; Washington, DC; Burlington, VT; State of Illinois, State of Oregon, State of Vermont.** DOJ sets a deadline of December 8, 2017, for replies from the jurisdictions.
- Nov. 20, 2017 In the Santa Clara and San Francisco cases, the district court issues a **nationwide permanent injunction halting the implementation of Section 9(a) of the January 25 EO.** The government appeals to the Ninth Circuit.
- Jan. 24, 2018 DOJ [sends letters](#) to the following 23 jurisdictions demanding all documents reflecting guidance to law enforcement employees regarding all communication with DOJ, DHS, and/or ICE: **Chicago, IL; Cook Co., IL; New York, NY; Albany, NY; Berkeley, CA; Bernalillo Co., NM; Burlington, VT; City and Co. of Denver, CO; Fremont, CA; Jackson, Mississippi; King Co., WA; Lawrence, MA; City of Los Angeles, CA; Louisville Metro, KY; Monterey Co., CA; Sacramento Co., CA; City and Co. of San Francisco, CA; Sonoma Co., CA; Watsonville, CA; West Palm Beach, FL; State of Illinois; State of Oregon; State of California.** DOJ sets a deadline of February 23, 2018, for replies, and threatens to subpoena any jurisdiction that fails to respond in a timely and complete manner.
- March 6, 2018 *USA v. California* is filed in the U.S. District Court for the Eastern District of California. The complaint asks the court to declare that specific provisions in three California state laws – SB 54 (the California Values Act), AB 103 (regarding the inspection of ICE detention facilities), and AB 450 (the Immigrant Worker Protection Act) – are preempted and violate the intergovernmental immunity doctrine. The complaint asks the court to prohibit the state of California from enforcing the challenged provisions in all three state laws.
- April 11, 2018 In *City of Los Angeles v. Sessions*, the district court issues a **permanent nationwide injunction prohibiting the DOJ from giving priority**

consideration to COPS Office grant applicants that provide notice and access to DHS. The government appeals to the Ninth Circuit.

- April 13, 2018 DOJ [sends letters](#) to **Seattle, WA, and the State of Vermont** demanding all documents reflecting guidance to law enforcement employees regarding all communication with DOJ, DHS, and/or ICE, with a reply deadline of May 14, 2018, and a subpoena threat if they fail to respond in a timely and complete manner. The DOJ sends a letter to **Oakland, CA**, requesting an official legal opinion addressing the city's compliance with 8 U.S.C. 1373, with a reply deadline of May 14, 2018. The DOJ sends letters to **the District of Columbia and Louisville Metro, KY**, notifying them that DOJ found "no evidence that they are currently out of compliance" with 8 U.S.C. 1373.
- April 19, 2018 In *City of Chicago v. Sessions*, the Seventh Circuit **upholds the nationwide preliminary injunction barring the Attorney General from imposing the notice and access conditions on Byrne JAG funds.** The government asks for an en banc rehearing in the Seventh Circuit on the nationwide scope of the preliminary injunction.
- June 6, 2018 In *City of Philadelphia v. Sessions*, the district court **issues a permanent injunction barring the Attorney General from imposing the notice, access, and 8 U.S.C. 1373 compliance conditions on Philadelphia's Byrne JAG funds.** The court holds that Philadelphia is in compliance, or substantial compliance, with 8 U.S.C. 1373. The court also finds that **8 U.S.C. 1373 is unconstitutional on its face.** The government appeals the permanent injunction to the Third Circuit.
- June 4, 2018 In *City of Chicago v. Sessions*, the Seventh Circuit grants en banc review of the nationwide scope of the preliminary injunction barring the Attorney General from imposing the notice and access conditions on Byrne JAG funds.
- June 26, 2018 In *City of Chicago v. Sessions*, the Seventh Circuit **stays the nationwide scope of the preliminary injunction pending en banc review. The preliminary injunction applying to Chicago remains in effect.**
- June 28, 2018 DOJ [announces four requirements](#) for jurisdictions seeking any of four small law enforcement grants: 1) compliance with 8 U.S.C. 1373 and 1644; 2) when practicable, advance notice to DHS in advance of any criminal alien's release from custody; 3) permission to DHS to access any detention facility in order to meet and question an inmate; 4) compliance with all federal criminal laws relating to the harboring of illegal aliens.
- July 5, 2018 In *USA v. California*, the district court **denies a preliminary injunction of SB 54 (the California Values Act) and AB 103 (regarding the**

inspection of ICE detention facilities), and the employee notice provision in AB 450 (the Immigrant Worker Protection Act). The court preliminarily enjoins the consent and re-verification provisions in AB 450. The government has filed a notice of appeal.

- July 16, 2018 *City of Evanston and United States Conference of Mayors v. Sessions* is filed in the U.S. District Court for the Northern District of Illinois. The complaint asks the court to declare that the notice, access, and 8 U.S.C. 1373 compliance conditions on Byrne JAG funds are unlawful, and to bar the Attorney General from imposing the conditions on Byrne JAG funds on any of the Conference's member cities.
- July 18, 2018 *State of New York v. Sessions* is filed in the U.S. District Court of the Southern District of New York by the States of New York, Connecticut, New Jersey, Washington, Massachusetts, and Virginia. The complaint asks the court to declare that the notice, access, and 8 U.S.C. 1373 compliance conditions on Byrne JAG funds are unlawful, and to prohibit the Attorney General from enforcing the conditions on Byrne JAG funds against any of the six States or their localities.
- July 18, 2018 *City of New York v. Sessions* is filed in the U.S. District Court of the Southern District of New York. The complaint asks the court to declare that the notice, access, and 8 U.S.C. 1373 compliance conditions on Byrne JAG funds are unlawful, and to bar the Attorney General from enforcing the conditions on any Byrne JAG recipient. The complaint also asks the court to declare that 8 U.S.C. 1373 is unconstitutional and that New York City is in compliance with 8 U.S.C. 1373.
- July 27, 2018 In *City of Chicago v. Sessions*, the district court issues a **permanent nationwide injunction barring the Attorney General from imposing the notice, access, and 8 U.S.C. 1373 compliance conditions on Byrne JAG funds, but stays the injunction for all parts of the country except Chicago.** The court also finds that **8 U.S.C. 1373 is unconstitutional on its face.**
- August 1, 2018 In the San Francisco and Santa Clara cases, the Ninth Circuit **affirms the district court's permanent injunction halting the implementation of Section 9(a) of the January 25 EO, but vacates the injunction's nationwide scope.** The court remands the case to the district court for additional fact-finding on the EO's nationwide scope. This case is ongoing in the district court.
- August 9, 2018 In *City of Evanston and United States Conference of Mayors v. Sessions*, the district court issues a **preliminary injunction barring the Attorney General from imposing the notice, access, and 8 U.S.C. 1373 compliance conditions on Byrne JAG funds on any of the**

**Conference's member cities, but stays the injunction as to all
Conference members other than Evanston.**

August 10, 2018

In response to [a motion](#) filed by the U.S. Conference of Mayors, the Attorney General extends the deadline for all applicants to accept FY 2017 Byrne JAG awards, with the notice, access, and 8 U.S.C. 1373 compliance conditions, until August 31, 2018. Plaintiffs who have filed legal challenges to the conditions are given extensions into September.