

Case No. 17-2991

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UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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CITY OF CHICAGO  
*Plaintiff-Appellee,*

v.

JEFFERSON B. SESSIONS, III,  
ATTORNEY GENERAL OF THE UNITED STATES,  
*Defendant-Appellant.*

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On Appeal from the United States District Court for the Northern District of  
Illinois, Case No. 17-cv-5720 (Leinenweber, J.)

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**BRIEF OF *AMICUS CURIAE* ANTI-DEFAMATION LEAGUE IN  
SUPPORT OF PLAINTIFF-APPELLEE CITY OF CHICAGO**

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## **IDENTITY AND INTEREST OF *AMICUS CURIAE***

*Amicus curiae* Anti-Defamation League (“ADL”) is a non-profit organization that fights anti-Semitism and all forms of bigotry, defends democratic ideals, and protects civil rights for all. ADL has regional offices across the country, including an office in Chicago.

Over the past three decades, ADL has been recognized as a leading resource on effective responses to violent bigotry and building bridges of communication, understanding, and respect among diverse communities. To support those aims, ADL also plays a significant role in working with federal, state and local law enforcement to increase their understanding of bias and its potential impact on law enforcement. ADL trains law enforcement on issues including hate crimes and implicit bias. In addition, ADL’s *Law Enforcement and Society* (LEAS) training program, developed in 1998, specifically examines how police build trust with the members of the community. ADL is also a leading organization in preventing and responding to hate crimes, having drafted the nation’s first model hate crime law and having led a large coalition advocating for the passage of the federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

ADL is uniquely situated to assist the Court in evaluating the impact of the U.S. Department of Justice’s attempt to impose new immigration enforcement-related conditions for the City of Chicago to receive federal funding pursuant to the

Edward Byrne Memorial Justice Assistance Grant program. Specifically, ADL can provide perspective on the likely suppressive effect that imposing these conditions will have on community policing, and thus the reporting and prevention of crimes, including hate crimes. ADL's arguments thus further demonstrate, beyond the parties' briefing, why the preliminary injunction obtained by the City of Chicago should be affirmed.

No party's counsel authored this brief in whole or in part, and no party, party's counsel, or other person contributed money intended to fund the preparation or submission of this brief.

## **I. INTRODUCTION**

The United States Attorney General's (the "AG's") attempt to impose immigration enforcement-related conditions on the City of Chicago's ("Chicago's" or the "City's") receipt of federal law enforcement grants appears deliberately aimed at undoing the protections that Chicago and other cities provide to their most vulnerable communities and residents. The AG's proposed "notice" and "access" conditions seek to compel Chicago to either cease obeying long-standing local ordinances and "community policing" policies that encourage reporting and preventing crime without regard to immigration status, or otherwise face the loss of federal funding for desperately needed crime-prevention programs. Either alternative undermines public safety, and neither alternative is lawful or morally acceptable.

The AG's threats to withdraw funding apply specifically to the grants provided to Chicago and other communities by the Edward Byrne Memorial Justice Assistance Grant ("JAG") program. JAG grants are critical to efforts to implement community policing, which time and again has been recognized by federal and state authorities as the best approach to reducing crime rates and keeping communities safe. But the conditions on JAG grants sought by the AG have nothing to do with keeping Chicago or its citizens safe, and everything to do with stigmatizing immigrants.

By contrast, Chicago's Welcoming City Ordinance is carefully crafted to comply with federal immigration law, yet at the same time guarantee that citizens are not deterred from reporting crimes or otherwise engaging with local law enforcement because of fears that the authorities will question their immigration status. The goal is to ensure that local law enforcement is focused on deterring and responding to crimes rather than on whether the victim, witness or offender is an immigrant. In addition to conserving limited resources, Chicago's statute is thus designed to *assist* local law enforcement – *i.e.*, to advance police-community relations and encourage community members to come forward to report crimes, and turn to police for protection without the fear that their immigration or citizenship status will subject them to legal action themselves.

ADL has closely monitored, exposed, and worked to counter the increasingly hateful anti-immigrant, anti-Latino, and anti-Muslim rhetoric that has surrounded the national debate on immigration reform. In the wake of the anti-immigrant rhetoric and policies advocated by the current Administration, both undocumented and documented immigrants justifiably fear that the police will report their immigration information (or that of a family member or friend) to Immigration and Customs Enforcement ("ICE"), thereby resulting in detention and/or deportation. As a consequence, many individuals are avoiding contact with law enforcement. The conditions on JAG grants that the AG seeks to impose will

exponentially compound this problem by making any immigrant's visit to a police station fraught with perceived peril, regardless of whether they are in the country legally or not, and regardless of whether they are charged with a crime. In the experience of ADL, this break-down of trust and cooperation between police and minority communities not only undermines public safety generally, but also leaves communities more vulnerable to hate crimes.

The District Court correctly held that the "notice" and "access" conditions the AG seeks to impose on JAG grants exceed the AG's statutory authority, and correctly issued a preliminary injunction prohibiting enforcement of the conditions. Indeed, only an injunction can prevent the immediate and irreparable harm that will otherwise ensue from the imposition of the AG's unlawful conditions on JAG grants. Accordingly, ADL submits this *amicus* brief in support of Plaintiff/Appellee.

## **II. ARGUMENT**

### **A. Chicago's Welcoming City Ordinance Is Aimed at Protecting Victims and Witnesses of Crimes.**

Since 1985, Chicago has embraced a Welcoming City policy by limiting the circumstances under which City agents may inquire into an individual's

immigration status or provide assistance to federal immigration authorities.<sup>1</sup> The Chicago City Council (“City Council”) unanimously enacted the Welcoming City Ordinance (“WCO”) in 2006, which codified the Welcoming City policy, and then expanded the WCO in 2012.<sup>2</sup> In adopting the WCO, the City Council expressly recognized that “[t]he cooperation of the City’s immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City.” Chicago Municipal Code § 2-173-005.<sup>3</sup> The WCO is aimed at “clarify[ing] the communications and enforcement relationship between the City and the federal government and [] clarify[ing] what specific conduct by City employees is prohibited.” *Id.* Chicago has determined that such clarification is necessary to foster a relationship of trust between the City, the Chicago Police Department (“CPD”), and immigrant communities. *Id.*

The WCO accordingly includes a number of restrictions on local law enforcement’s ability to gather immigration-related information and/or take any immigration-related actions. *See* Chicago Municipal Code §§ 2-173-020, 2-173-030, 2-173-042. The WCO is designed to build trust between CPD and immigrant

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<sup>1</sup> Kori Rumore, *Chicago’s History as a Sanctuary City*, CHICAGO TRIBUNE (Oct. 13, 2017), <http://www.chicagotribune.com/news/ct-chicago-sanctuary-history-htmlstory.html>.

<sup>2</sup> *Id.*

<sup>3</sup> Available at [http://www.amlegal.com/codes/client/chicago\\_il](http://www.amlegal.com/codes/client/chicago_il).

communities in Chicago by eliminating the fear that any interaction with law enforcement will inevitably lead to deportation, while also allowing CPD to engage with federal immigration enforcement when serious crime is at issue.

The WCO's aim of fostering cooperation and communication between law enforcement and the public is the cornerstone of "community policing," which is based on forging partnerships between law enforcement and community members and groups. The AG's Office itself has affirmed that the value of community policing efforts depends in the first instance on establishing trust between the community and law enforcement, because "[c]itizens who do not trust the police are less likely to report crime and participate in developing solutions to problems."<sup>4</sup> A critical element of developing this trust is creating an environment in which both victims and witnesses are willing to come forward and actively participate in criminal investigations. In communities like Chicago with large immigrant populations, this necessarily means establishing policies that permit residents to interact with and report crimes to the police without fear that their immigration status will be used against them.

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<sup>4</sup> Matthew Scheider, *Community Policing Nugget*, COPS OFFICE, USAG (Feb. 2008), [http://web.archive.org/web/20170311171441/https://cops.usAG.gov/html/dispatch/february\\_2008/nugget.html](http://web.archive.org/web/20170311171441/https://cops.usAG.gov/html/dispatch/february_2008/nugget.html).

**B. The AG's Unlawful Imposition of Conditions on JAG Grants Ironically Undermines Law Enforcement and Threatens Public Safety.**

If the AG's conditions on JAG funding are not enjoined, the WCO would be a dead letter, and the community safety and trust that Chicago has fostered over decades of community policing would be replaced by suspicion and fear.

The proposed conditions at issue in this appeal require local law enforcement to provide federal agents with advance notice of the scheduled release of detainees suspected of immigration violations (*i.e.*, the “notice condition”) and that local agents allow federal agents to enter local law enforcement facilities and question those detained therein (*i.e.*, the “access condition”). *See* Memorandum Opinion and Order at 3–4, *City of Chicago v. Sessions*, No. 17 C 5720 (N.D. Ill. Sept. 15, 2017) (ECF No. 78). As the District Court correctly observed, these JAG grant conditions directly conflict with multiple aspects of the WCO. *Id.* at 9. Specifically, the conditions would undercut the WCO's prohibitions on immigration-related detentions, and eviscerate its restrictions on allowing ICE agents to access and use state law enforcement facilities for federal immigration enforcement purposes. *See* Chicago Municipal Code § 2-173-042.

The notice and access conditions make no distinction between convicted, accused, and innocent detainees, and give no consideration whatsoever to the rights of third parties – including victims, witnesses and family members – that may be at



a police station reporting a crime or merely visiting a detainee. In short, the conditions would risk turning the local police station into an immigration detention center, at least in the eyes of the community, if not in practice. The destruction of the trust between the community and the police that would inevitably follow is exactly what the WCO was adopted to avoid.

If Chicago complies with the AG's conditions, immigrants and members of communities with large immigrant populations will reasonably fear that their interaction with law enforcement will lead to unwanted interaction with ICE. Individuals who lack documentation (and their families) will be unwilling to report crimes and to assist in police investigations out of fear that contact with local police will lead to deportation. Nor will these effects be limited to those who are undocumented: U.S. citizens and lawful residents who live among immigrant communities and/or belong to ethnic groups that include many immigrants similarly will hesitate to report crimes or assist in the investigation of crimes absent injunctive relief in this case. Instead, they will fear mistakenly being treated as undocumented, and the consequences of drawing additional law enforcement attention to their friends and neighbors.<sup>5</sup>

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<sup>5</sup> Fears of being treated as undocumented are well-founded. At times, ICE civil detainer requests have been directed towards U.S. Citizens. *See Mendia v. Garcia*, 768 F.3d 1009, 1011 (9th Cir. 2014) (U.S. citizen spent two years in pre-

As the International Association of Chiefs of Police has recognized, the AG's efforts to penalize communities by withholding federal funding for law enforcement are counter-productive to community safety and the reduction violent crime.<sup>6</sup> Research has confirmed that the fear of retribution following interaction with law enforcement has serious practical implications for community safety because undocumented immigrants are significantly less likely to report a crime committed against them.<sup>7</sup> This natural reluctance is now being compounded exponentially by a federal requirement that local law enforcement will effectively act as immigration agents, which has led in turn to decreased crime reporting in the

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trial detention as a result of the detainer); *Galarza v. Szalczyk*, 745 F.3d 634, 636–38 (3d Cir. 2014) (U.S. citizen held in jail for three days pursuant to erroneous detainer); Eyder Peralta, *You Say You're an American, but What If You Had to Prove It or Be Deported?*, NPR (Dec. 22, 2016), <http://www.npr.org/sections/thetwo-way/2016/12/22/504031635/you-say-you-re-an-american-butwhat-if-you-had-to-prove-it-or-be-deported#foot1> (from October 2007 through July 2015, 693 detainers issued to local law enforcement agencies were lifted or resolved with the outcome “United States Citizen Interviewed”).

<sup>6</sup> *Statement by the International Association of Chiefs of Police on United States Immigration Enforcement Policy and Sanctions*, OFFICIAL BLOG OF THE INT'L ASS'N OF CHIEFS OF POLICE (March 27, 2017), <https://theiacpblog.org/2017/03/27/statement-by-the-international-association-of-chiefs-of-police-on-united-states-immigration-enforcement-policy-and-sanctions>.

<sup>7</sup> See, e.g., Sefano Camino, Giovanni Mastrobuoni, & Antonio Nicolo, *Silence of the Innocents: Illegal Immigrants' Underreporting of Crime and Their Victimization*, IZA (Oct. 2016), <https://ssrn.com/abstract=2861091>.

Latino community since last year.<sup>8</sup> For example, in Houston and Los Angeles, rape reports by Latinos decreased by 42.8 and 25 percent, respectively, from 2016.<sup>9</sup> Reports of spousal abuse by Latino victims have declined by 18, 13, and 3.5 percent in San Francisco, San Diego, and Los Angeles, respectively, as compared to 2016, while reporting among other individuals has remained the same.<sup>10</sup> The decline in reports of sexual assault, in particular, has led to increased difficulty in investigating and prosecuting domestic violence.<sup>11</sup>

The overall effect of the AG's policies is not a reduction in crime, but rather a reduction in the necessary trust and cooperation between the police and local communities. For example, one study completed in early 2016 compared counties with a "sanctuary" policy – *i.e.*, counties that do not assist federal immigration enforcement officials by holding people in custody beyond their release date – with

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<sup>8</sup> See Chris Magnus, *Tuscon's Police Chief: Sessions's Anti-Immigrant Policies Will Make Cities More Dangerous*, N.Y. TIMES (Dec. 6, 2017), <https://nyti.ms/2nBbnTZ>.

<sup>9</sup> Carolina Moreno, *Houston Police Announce Decrease in Latinos Reporting Rape, Violent Crimes*, HUFFINGTON POST (Apr. 10, 2017), [http://www.huffingtonpost.com/entry/houston-police-announces-decrease-in-latinos-reporting-rape-violent-crimes\\_us\\_58ebd5fae4b0df7e204455f4](http://www.huffingtonpost.com/entry/houston-police-announces-decrease-in-latinos-reporting-rape-violent-crimes_us_58ebd5fae4b0df7e204455f4).

<sup>10</sup> James Queally, *Fearing Deportation, Many Domestic Violence Victims Are Steering Clear of Police and Courts*, L.A. TIMES (Oct. 9, 2017), <http://www.latimes.com/local/lanow/la-me-ln-undocumented-crime-reporting-20171009-story.html>.

<sup>11</sup> Jennifer Medina, *Too Scared to Report Sexual Abuse. The Fear: Deportation*, N.Y. TIMES (Apr. 30, 2017), <https://nyti.ms/2qkt2wM>.

non-sanctuary counties that were similar on a broad range of demographic characteristics. The study concluded that “[t]here are, on average, 35.5 fewer crimes committed per 10,000 people in sanctuary counties compared to nonsanctuary counties.”<sup>12</sup>

Chicago’s recognition that enforcement of state criminal law should be delinked (to the extent possible) from the enforcement of federal immigration law simply echoes what the federal government itself has previously acknowledged. Indeed, federal agencies have expressly affirmed the importance of encouraging undocumented victims to report criminal activity and cooperate in the prosecution of crimes. As but one example, 8 C.F.R. § 245.24 provides an incentive for undocumented immigrants who are victims of certain enumerated crimes to report those crimes, and thereby become eligible to apply for lawful immigration status. U.S. Citizenship and Immigration Services has stated that the purpose of this provision is “to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and

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<sup>12</sup> Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, CTR. FOR AM. PROGRESS (Jan. 26, 2017), <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy>.

other crimes, while also protecting victims of crimes.”<sup>13</sup> The federal government has itself thus openly acknowledged that the participation of immigrant communities in law enforcement practices is essential to public safety.

**C. The AG’s Unlawful Imposition of Conditions on JAG Grants Directly and Disproportionately Harms Immigrant Communities and Leaves Them More Vulnerable to Crime, Including Hate Crime.**

By forcing Chicago to disregard its decades-old policies aimed at building trust between police and citizens, or otherwise face the devastating loss of JAG funding for crime prevention and law enforcement programs, the AG’s actions – if not enjoined – will leave a large segment of the population particularly vulnerable to crimes, especially hate crimes.

Forty-five states – including Illinois – and the District of Columbia have shown their commitment to protecting minority groups by enacting hate crime laws, most of which are based on, or similar to, a model statute drafted by ADL.<sup>14</sup> The landmark Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009 (“HCPA”) created a new federal law which criminalizes willfully causing

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<sup>13</sup> USCIS, *Victims of Criminal Activity: U Nonimmigrant Status* (Aug. 2017), <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status> (last visited Jan. 4, 2018).

<sup>14</sup> ADL, *Hate Crimes*, <https://www.adl.org/what-we-do/combat-hate/hate-crimes> (last visited Jan. 4, 2018).

bodily injury when the crime was committed because of the actual or perceived race, color, religion, or national origin of the victim, or the crime was committed because of actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability, and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction. 18 U.S.C. § 249(a). The purpose of the HCPA is to create more effective response to and prevention of hate crimes, which “are disturbingly prevalent, [] pose a significant threat to the full participation of all Americans in our democratic society,” and “are significantly under-reported.”<sup>15</sup>

ADL has closely monitored, exposed, and worked to counter the increasingly hateful anti-immigrant, anti-Latino, and anti-Muslim rhetoric that has surrounded the national debate on immigration reform.<sup>16</sup> Since the last presidential election, individuals have reported increased hate incidents and hate crimes

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<sup>15</sup> H.R. REP. NO. 111-86 at 5.

<sup>16</sup> ADL, *Executive Order on So-Called “Sanctuary Cities” Puts All Communities at Risk, ADL Says* (Jan. 25, 2017), <https://www.adl.org/news/press-releases/executive-order-on-so-called-sanctuary-cities-puts-all-communities-at-risk-adl>; Ric Anderson, *Q+A: ADL Leader Says That as Trump Surged, So Did Hate Crimes*, LAS VEGAS SUN (Dec. 22, 2016), <https://lasvegassun.com/news/2016/dec/22/qa-adl-leader-says-that-as-trump-surged-so-did-hat>.

targeting Latinos based on perceived immigration status.<sup>17</sup> Studies have also shown that hate crimes have been on the rise.<sup>18</sup> The FBI recently reported that, nationally, hate crimes rose nearly 5 percent from 2015 to 2016, including a 19 percent increase in anti-Muslim hate crimes.<sup>19</sup> Chicago saw an even larger increase in reported hate crimes: FBI data shows a 34 percent increase in reported hate crimes from 2015 to 2016.<sup>20</sup>

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<sup>17</sup> Jessica Weiss, *Six Months of Hate: How Anti-immigrant Sentiment Is Affecting Latinos in the United States*, UNIVISIONNEWS (June 14, 2017), <https://www.univision.com/univision-news/united-states/six-months-of-hate-how-anti-immigrant-sentiment-is-affecting-latinos-in-the-united-states>.

<sup>18</sup> See, e.g., German Lopez, *A New FBI Report Says Hate Crimes – Especially Against Muslims – Went up in 2016*, VOX (Nov. 13, 2017), <https://www.vox.com/identities/2017/11/13/16643448/fbi-hate-crimes-2016> (according to FBI statistics, reported hate crimes in 2016 increased by nearly 5 percent); L.A. Cty. Comm’n on Human Relations, *2015 Hate Crime Report*, [http://www.lahumanrelations.org/hatecrime/reports/2015%20Hate%20Crime%20Report%20PDF%20\(1\).pdf](http://www.lahumanrelations.org/hatecrime/reports/2015%20Hate%20Crime%20Report%20PDF%20(1).pdf) (finding that crimes targeting Latino/as jumped 69 percent in Los Angeles County in 2015); Michael Shively, et al., *Understanding Trends in Hate Crimes Against Immigrants and Hispanic-Americans*, NAT’L INST. OF JUSTICE (Dec. 27, 2013), <https://www.ncjrs.gov/pdffiles1/nij/grants/244755.pdf> (“From 2010 to 2011, there was a statistically significant increase in the prevalence of harassment or bullying targeting Hispanics because of their ethnicity.”).

<sup>19</sup> Ryan Lucas, *Hate Crimes up in 2016, FBI Statistics Show*, NATIONAL PUBLIC RADIO (Nov. 13, 2017), <https://www.npr.org/2017/11/13/563737883/hate-crimes-up-in-2016-fbi-statistics-show>; Katayoun Kishi, *Assaults Against Muslims in U.S. Surpass 2001 Level*, PEW RESEARCH CENTER (Nov. 15, 2017), <http://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level>.

<sup>20</sup> *Compare 2015 Hate Crime Statistics, Table 13, Illinois*, FBI UNIFORM CRIME REPORTING (2015), <https://ucr.fbi.gov/hate-crime/2015/tables-and-data->

People within immigrant communities are especially vulnerable to hate crime.<sup>21</sup> Indeed, one study found that “[i]n a national survey of 464 immigration service providers conducted in 2012 [], advocates reported that 73% of hate crime victims they had served were targeted on the basis of immigration status/nationality.”<sup>22</sup> Both documented and undocumented immigrants, and even members of minority communities that may be perceived as immigrants, face an increased danger of hate crimes.

While the increased number of reported hate crimes is already troubling, the data certainly *underrepresents* the number of hate crimes occurring across the U.S. Out of 15,254 law enforcement agencies that participated in FBI’s Hate Crime Statistics Act data collection in 2016, less than 12 percent reported one or more

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declarations/13tabledatadecpdf (38 reported hate crime incidents in Chicago in 2015), *with 2016 Hate Crime Statistics, Table 13, Illinois*, FBI UNIFORM CRIME REPORTING (2016), <https://ucr.fbi.gov/hate-crime/2016/tables/table-13/table-13-state-cuts> (51 reported hate crime incidents in Chicago in 2016). CPD data shows a 20 percent increase in reported hate crimes in Chicago from 2015 to 2016, from 60 to 72 incidents. Zak Koeske, *Hate Crimes in Chicago Rose 20 Percent in 2016, Marking 5-year High, Police Data Show*, CHICAGO TRIBUNE (March 3, 2017), <http://www.chicagotribune.com/suburbs/daily-southtown/news/ct-sta-hate-crimes-increase-st-0305-20170303-story.html>.

<sup>21</sup> Int’l Ass’n of Chiefs of Police, *Police Chiefs Guide to Immigration Issues* 28 (July 2007), <http://www.theiacp.org/Portals/0/pdfs/Publications/PoliceChiefsGuidetoImmigration.pdf>.

<sup>22</sup> Jeanine Braud, *et al.*, *U Visas for Immigrant Victims of Hate Crimes: A Practice Guide for Advocates*, U.C. BERKELEY PUB. L. AND LEGAL THEORY RESEARCH PAPER SERIES 20 (June 26, 2014), <https://ssrn.com/abstract=2459315>.



hate crimes to the FBI.<sup>23</sup> Data obtained by the Bureau of Justice Statistics' National Crime Victimization Survey show that, from 2011 to 2015, the majority (54 percent) of hate crime victimizations in the U.S. were not reported to the police.<sup>24</sup>

Moreover, the most likely victims of hate crimes are also those least likely to report those crimes.<sup>25</sup> These individuals are often immigrants who face cultural and language barriers, along with fear of deportation or reprisal if they report incidents to the police.<sup>26</sup> Immigrant victims of crime often face significant barriers to reporting, and even when a victim overcomes those barriers and reports a crime,

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<sup>23</sup> ADL, *Comparison of FBI Hate Crime Statistics (2016-2000)* (Nov. 2017), <https://www.adl.org/sites/default/files/documents/Final%20PDF%20FBI%20Hate%20Crime%20Statistics%20Comparison%202000-2016%20%282%29.pdf>.

<sup>24</sup> Bureau of Justice Statistics, *Majority of Hate Crime Victimization Go Unreported to Police* (June 29, 2017), <https://www.bjs.gov/content/pub/press/hcv0415pr.cfm>.

<sup>25</sup> ADL, *Testimony of Jonathan A. Greenblatt CEO and National Director Anti-Defamation League Before the Senate Judiciary Committee Hearings on Responses to Increase in Religious Hate Crimes* (May 2, 2017), <https://www.adl.org/sites/default/files/documents/Final%20ADL%20statement%20Senate%20Judiciary%20Committee%20on%20combatting%20religious%20hate%20crime.pdf>.

<sup>26</sup> *Id.*

“the crime may not be recognized as bias motivated by the local police because of lack of training or language difficulties.”<sup>27</sup>

These barriers extend beyond the fear of reporting violent crimes to infect every aspect of immigrant life. Indeed, people within immigrant communities are particularly susceptible to economic crimes, including wage theft and other employer abuses.<sup>28</sup> Day laborers are easy targets for unscrupulous employers, who hire them and then disappear before paying their day’s wages.<sup>29</sup> Workers who are robbed of their wages are often afraid to report the theft because of their immigration status. As Professor Stephen Lee of the University of California, Irvine School of Law stated, “[D]istrust of the police effectively neutralizes the potential of wage theft statutes when enforced against employers who hire unauthorized immigrant workers.”<sup>30</sup>

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<sup>27</sup> Michael Shively, *et al.*, *Understanding Trends in Hate Crimes Against Immigrants and Hispanic-Americans*, NAT’L INST. OF JUSTICE (Dec. 27, 2013), <https://www.ncjrs.gov/pdffiles1/nij/grants/244755.pdf>.

<sup>28</sup> Liz Robbins, *New Weapon in Day Laborers’ Fight Against Wage Theft: A Smartphone App*, N.Y. TIMES (Mar. 1, 2016), <https://nyti.ms/2mJBnst>.

<sup>29</sup> Stephen Lee, *Policing Wage Theft in the Day Labor Market*, 4 U.C. IRVINE L. REV. 655 (2014).

<sup>30</sup> *Id.* at 665. Day laborers are also especially vulnerable to robberies and anti-immigration vigilantes. *See, e.g.*, Jason McGahan, *Day Laborers Have Become an Easy Target for Anti-Immigrant Vigilantes*, LA WEEKLY (Jan. 10, 2017), <http://www.laweekly.com/news/day-laborers-have-become-an-easy-target-for-anti-immigrant-vigilantes-7803494>; Megan Cassidy, *Phoenix Police: Armed Robber*

Absent an injunction, victims and witnesses will hesitate to contact law enforcement when doing so may subject them or their family members to possible detention or deportation in the absence of statutory protections. Combined with the current atmosphere surrounding the immigration debate, this lack of community engagement will leave vast portions of the population especially vulnerable to hate crimes and other criminal attacks. Offenders will specifically target victims in immigrant communities without fear of prosecution. These effects are immediate and irreparable, and will severely undermine the relationships that law enforcement agencies have spent countless hours building with the very communities that they are charged with protecting.

### **III. CONCLUSION**

For the foregoing reasons, ADL requests that this Court affirm that portion of the District Court's opinion enjoining the AG from imposing the notice and access conditions on Chicago's receipt of JAG grants.

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*Targets Day Laborers with Promise of Work*, THE REPUBLIC (July 30, 2015), <http://www.azcentral.com/story/news/local/phoenix/2015/07/30/phoenix-police-armed-robber-lobo-bandit-targets-day-laborers-promise-work/30918721>.

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This brief complies with the 7,000 word limit of Seventh Circuit Rule 29 for amicus briefs because it contains 4,996 words.

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I hereby certify that I electronically filed the foregoing *amicus curiae* brief with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the appellate CM/ECF system on January 4, 2018.

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