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## **ILLINOIS TRUST ACT IS INVALID AND UNENFORCEABLE, SHERIFFS ALLEGE IN LAWSUIT**

March 9, 2020- Kankakee, IL- A group of four elected Illinois sheriffs Monday filed a joint lawsuit in U.S. District Court for Northern Illinois seeking a preliminary and eventually a permanent injunction against the Illinois Trust Act, a 2017 state statute that restricts the ability of law enforcement officers to coordinate with federal officials regarding the custody of illegal aliens.

The suit also seeks a declaratory judgment that the Trust Act is in fact preempted by both the U.S. Constitution and Congressional statutes and is therefore invalid and unenforceable.

The suit was filed on behalf of McHenry County Sheriff Bill Prim, Ogle County Sheriff Brian E. VanVickle, Stephenson County Sheriff David Snyders and Kankakee County Sheriff Mike Downey. It names Illinois Attorney General Kwame Raoul as defendant.

The sheriffs jointly contend that the Trust Act has exposed them and their offices to litigation over the years as three of the four have been sued for alleged violations of the Act.

The suit notes that the federal government alone has broad and undoubted authority “to regulate matters pertaining to immigration and the status of aliens” and that this authority has been exercised continuously since the nation’s founding and reaffirmed as recently as 2012 in the U.S. Supreme Court decision *Arizona v. United States*, 567 U.S. 387, 394.

“Based on its enumerated powers and its constitutional power as a sovereign to control and conduct relations with foreign nations, the federal government alone has the authority to establish immigration laws, the execution of which the States cannot obstruct,” the suit notes.

It continues: “The Trust Act has both the purpose and effect of obstructing federal immigration enforcement in Illinois.”

The majority of the conflict between the Trust Act and federal law revolves around the use of “detainers,” which require local law enforcement officers to maintain custody of an undocumented alien for up to 48 hours to give federal officials time to discover his or her immigration status. Based on their findings, the individual may then be released or turned over to the custody of Immigration and Customs Enforcement (ICE).

However, the Trust Act bars any law enforcement agency or official from detaining “any individual solely on the basis of any immigration detainer....” According to the suit, the net result is the “Trust Act is in direct conflict with federal laws requiring cooperation and communication between federal and state law enforcement officials.” All despite the fact that as the *Arizona* case decision declares: “Consultation between federal and state officials is an important feature of the immigration system.”

Concluding, the lawsuit asserts that the sheriffs face “irreparable harm in the face of ongoing litigation and threats of enforcement of the Trust Act” and that “enforcement of an unconstitutional law creates per se irreparable harm.”

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