



Illinois TRUST Act and VOICES Act Annual Reporting

Instructions for Law Enforcement Agencies

As a law enforcement agency in Illinois, state law requires you to provide an annual report to the Illinois Attorney General's Office with information related to your compliance with two state statutes: the Illinois TRUST Act (5 ILCS 805/25) and the Illinois VOICES Act (5 ILCS 825/20). The annual reporting deadline will be March 1 each year for information covering the preceding calendar year. For example, information regarding calendar year 2022 (January 1 through December 31) must be reported by March 1, 2023.

This document provides instructions on how to prepare and submit your required annual reports. The template your agency should use to collect the required information is at <https://www.illinoisattorneygeneral.gov/rights/ILAG-LEA-Reports.xlsx>. You can find guidance for law enforcement on compliance with the Illinois TRUST Act and the VOICES Act on the Illinois Attorney General's website at this link: <https://www.illinoisattorneygeneral.gov/rights/ImmigrationLawGuidancetoLawEnforcement.pdf>. The Attorney General's Office prepared this guidance to help your agency ensure it complies with these laws.

The annual reporting requirements are mandatory. Failing to submit a report, or submitting an incomplete report, is a violation of state law. Violations of the annual reporting requirements can expose your agency to a lawsuit to compel compliance. 5 ILCS 805/30, 5 ILCS 825/30.

Introduction

The annual reporting requirement comes from a new state statute, the Way Forward Act, which became law in Illinois on August 2, 2021. The Way Forward Act amended two existing state laws to add additional requirements and protections: the Illinois TRUST Act and the Voices of Immigration Communities Empowering Survivors (“VOICES”) Act. The TRUST Act generally prohibits local law enforcement¹ in Illinois from participating in immigration enforcement. The VOICES Act provides procedural protections for immigrants victimized by violent crime or human trafficking who have assisted law enforcement in investigating or prosecuting certain types of crimes. Now, with the Way Forward Act taking effect, law enforcement agencies in Illinois must submit annual reports to the Attorney General’s Office regarding their compliance with the TRUST Act and the VOICES Act.

Law enforcement agencies must collect required information on a calendar year basis (covering January 1 through December 31 of each year). To help your agency achieve compliance, Part I below describes the information you must collect throughout the year. The Attorney General’s Office has a template spreadsheet that law enforcement agencies should use to collect the required information throughout the year: <https://www.illinoisattorneygeneral.gov/rights/ILAG-LEA-Reports.xlsx>.

Law enforcement agencies must *not* include names or any other personally identifying information in reports submitted to the Attorney General’s Office. Part II below describes redactions agencies are required to make before submitting reports. In order to ensure that personally identifying information is not included in the submission, the Attorney General’s Office does not ask law enforcement agencies to submit copies of actual requests, responses, detainers, warrants, certification forms, or other records as part of the annual reporting process. However, law enforcement agencies should retain copies of such records in accordance with applicable records maintenance policies and statutes.

Law enforcement agencies must submit their annual reports by March 1 each year, and the first reporting deadline will be March 1, 2023 (for information covering calendar year 2022). To help your agency to prepare to meet this deadline, Part III below provides instructions on how to submit your report to the Attorney General’s Office.

I. Information to Collect Throughout the Year

Law enforcement agencies must collect and report on the following three categories of information. The template spreadsheet provided includes separate tabs for each of these categories to allow agencies to log and record this information throughout the year. Additional instructions can be found in the “Directions” tab of the template spreadsheet.

¹ Throughout these instructions, the term “local law enforcement” is used to describe state and local law enforcement agencies and law enforcement officials in Illinois. “Law enforcement agency” is defined in the TRUST Act as an agency of the State of Illinois or of a unit of local government charged with enforcement of state, county, or municipal laws, or with managing custody of detained persons in the state. 5 ILCS 805/10. This includes state and local agencies such as municipal police departments, sheriffs’ offices, Illinois State Police, and other non-federal law enforcement authorities, including campus police departments of public and private higher education institutions. “Law enforcement official” means any individual with the power to arrest or detain individuals, including corrections officers and probation officers.

- 1) **Requests from federal immigration authorities regarding civil enforcement.** If your agency receives any requests from the U.S. Department of Homeland Security (“DHS”) (including requests from ICE) related to participation, support, or assistance in any immigration agent’s civil enforcement operation, you must report on each request and how it was addressed by your agency.

For each request received by your agency, use the spreadsheet to record:

- ✓ The date the request was received;
- ✓ The agency or entity (such as ICE) that made the request;
- ✓ A brief description of the request;
- ✓ Whether your agency denied, did not respond to, or accepted the request;
- ✓ The date that your agency responded to the request (if applicable);
- ✓ If your agency accepted the request in whole or in part, a description of how you addressed the request in compliance with Section 15 of the TRUST Act (e.g., verifying receipt of a federal criminal warrant).²

If your agency does **not** receive any such requests from DHS during a reporting period, you still must certify and report that your agency received no such requests.

- 2) **Immigration detainers and civil immigration warrants.** Your agency must report information on every immigration detainer request and civil immigration warrant received throughout the year.

For each detainer or warrant received by your agency, use the spreadsheet to record:

- ✓ The date when the immigration detainer or civil immigration warrant was received;
- ✓ The date and time the individual subject to the immigration detainer or civil immigration warrant posted criminal bail, if applicable;
- ✓ Whether the individual subject to the immigration detainer or civil immigration warrant was released or transferred;
- ✓ The date and time the individual was released or transferred; and
- ✓ If the individual was transferred, to which governmental agency’s custody.

If your agency does **not** receive any immigration detainers or civil immigration warrants during a reporting period, you still must certify and report that your agency received no such requests.

- 3) **Requests for certification forms for U-visas and T-visas.** Your agency must collect and report data on every request for a certification form for a U-visa or T-visa that your agency receives in a year.

For each certification request received by your agency, use the spreadsheet to record:

² Section 15 of the TRUST Act provides that local law enforcement must not participate, support, or assist in any capacity with an immigration agent’s enforcement operations, unless the local law enforcement agency has received a federal criminal warrant or is otherwise required by a specific federal law.

- ✓ The date that your agency received the request;
- ✓ The date on which your agency responded to the requester, either by providing a completed certification form to the requester OR by providing written notice explaining why the available evidence does not support a finding that the requester is a victim of qualifying criminal activity; and
- ✓ Whether your agency granted the request (by providing a completed certification form to the requester) or denied it (by providing written notice explaining why the available evidence does not support a finding that the requester is a victim of qualifying criminal activity).

If your agency does **not** receive any requests for completion of a certification form in the reporting period, you still must certify and report that your agency received no such requests.

II. Personally Identifying Information to Redact

Before submitting your report, you must redact any names or other personally identifying information (such as addresses, phone numbers, Social Security numbers) in these reports. **Agencies are prohibited from revealing any personally identifying information in reports submitted to the Attorney General's Office.**

Before submitting the completed spreadsheet, redact the personally identifying information about private individuals:

- ✓ Names of individuals;
- ✓ Home and work addresses of individuals;
- ✓ Telephone numbers of individuals;
- ✓ Email addresses and social media handles for individuals;
- ✓ Social security numbers;
- ✓ Drivers' license or passport numbers;
- ✓ Descriptive elements that, combined together, could be used to identify a specific individual; and
- ✓ Any other personally identifying information.

The annual reporting process does not require law enforcement agencies to submit copies of actual requests, responses, detainers, warrants, certification forms, or other records along with the spreadsheet. However, your agency should retain copies of any such records in accordance with applicable records maintenance policies and statutes. Such records may be requested by the Attorney General's Office in order to verify compliance with state law.

III. How to Submit Your Report

After completing the template spreadsheet with all required information for the calendar year, reviewing the spreadsheet for completeness and accuracy, and redacting any personal identifying information, your spreadsheet is ready for submission. To fulfill the reporting requirement, your agency should submit its completed spreadsheet via email **by March 1** of each year following the calendar year for which data was collected.

Completed spreadsheets must be submitted as an attachment via email to LEA.Reports@ilag.gov by **March 1**. The first reporting deadline will be March 1, 2023 for information collected regarding calendar year 2022. The body of your email should include a point of contact and contact information for a designated person in your agency whom the Attorney General’s Office may contact for follow-up inquiries. No other information should be included in the body of the email. The subject line of your email should read “Annual Report from [your agency’s name].”

Questions regarding the annual reporting requirements may be directed to LEA.Reports@ilag.gov by using the subject line: “Question About Reporting.”