

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

MCHENRY COUNTY and KANKAKEE)	
COUNTY, bodies politic and corporate,)	
)	
Plaintiffs,)	
)	Case No. 21 CV 50341
v.)	
)	Judge Phillip G. Reinhard
KWAME RAOUL, in his official capacity)	
as Illinois Attorney General,)	Magistrate Judge Lisa A. Jensen
)	
Defendant.)	

AFFIDAVIT OF BILL PRIM

1. I am the duly elected Sheriff of McHenry County, have personal knowledge of the facts contained herein and, if called as a witness, could competently testify as follows:

2. As Sheriff, I have authority over the McHenry County Adult Correctional Facility. In 2003, McHenry County entered into an Intergovernmental Cooperative Agreement with the United States Marshals Service and the Immigration and Naturalization Service for the detention of federal inmates. A revised Detention Services Intergovernmental Agreement was entered into in 2014 to which the Bureau of Immigration and Customs Enforcement (“ICE”) is also a party. This agreement continues in force to this day. A true and correct copy of the 2014 agreement is attached to the Amended Complaint (Doc # 7) as Exhibit A.

3. Under the agreement, McHenry County receives a per diem of \$95.00 for each federal detainee it houses, including ICE detainees. For the fiscal years 2016-2020, the McHenry County Jail housed, on average, 240 ICE detainees per day. This has resulted, for these five fiscal years, in more than \$41 million of revenue for McHenry County.




4. The revenue generated by the agreement is not controlled by the Sheriff, but instead, is used to fund many aspects of county government.

5. Without the revenue from the agreement, the county will need to increase the amount of tax collected to offset the loss or make budgetary cuts.

6. I estimate that I will need to lay off seven full-time corrections officers if the agreement is terminated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 9/30/21



Bill Prim

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

<p>MCHENRY COUNTY and KANKAKEE COUNTY, bodies politic and corporate,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>KWAME RAOUL, in his official capacity as Illinois Attorney General,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 21 CV 50341</p> <p>Judge Phillip G. Reinhard</p> <p>Magistrate Judge Lisa A. Jensen</p>
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AFFIDAVIT OF MICHAEL DOWNEY

1. I am the duly elected Sheriff of Kankakee County, have personal knowledge of the facts contained herein and, if called as a witness, could competently testify as follows:

2. As Sheriff, I have authority over the Jerome Combs Detention Center. On or about December 1, 2004, Kankakee County entered into an Intergovernmental Service Agreement with the United States Marshals Service to house federal prisoners at the Jerome Combs Detention Center. In October 2016, Kankakee County began housing ICE detainees in addition to other federal detainees. This agreement has been renewed and updated from time to time, most recently on March 1, 2019. A true and correct copy of the 2019 agreement is attached to the Amended Complaint (Doc # 7) as Exhibit B.

3. Under the agreement, Kankakee County receives a per diem of \$90.00 for each federal detainee it houses, including ICE detainees. For the fiscal years 2017-2020, the Jerome Combs Detention Center housed, on average, 122 ICE detainees per day. This has resulted, for these four fiscal years, in nearly than \$16 million of revenue for Kankakee County.

4. The revenue generated by the agreement is not controlled by the Sheriff, but



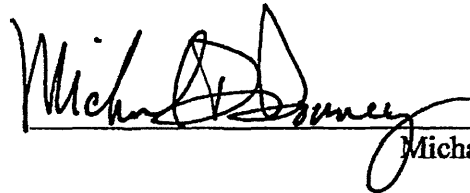
instead, is used to fund many aspects of county government.

5. Without the revenue from the agreement, the county would need to increase taxes in order to provide the same level of government service. However, because Kankakee County's ability to increase taxes is capped, it is more likely budget cuts will need to occur.

6. I estimate that I will need to lay off 25 full-time corrections officers and medical and clerical staff if the agreement is terminated or the county is prohibited from renewing it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: September 30, 2021


Michael Downey