

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) SS:
COUNTY OF MONROE) CAUSE NO.

STATE OF INDIANA *ex rel.* TODD ROKITA,))
ATTORNEY GENERAL OF INDIANA))
))
Plaintiff,))
))
v.))
))
RUBEN MARTÉ, in his official capacity as))
MONROE COUNTY SHERIFF and))
MONROE COUNTY SHERIFF'S OFFICE))
Defendants.))

COMPLAINT TO COMPEL COMPLIANCE WITH INDIANA CODE 5-2-18.2

Plaintiff, State of Indiana, *ex rel.* Todd Rokita, Attorney General of Indiana, by counsel, brings this complaint against Defendants, Monroe County Sheriff Ruben Marté and the Monroe County Sheriff's Office, to compel compliance with state laws preventing local governments from limiting or restricting enforcement of federal immigration laws.

INTRODUCTION

1. Monroe County Sheriff Ruben Marté and the Monroe County Sheriff's Office violated Indiana law by implementing a policy which limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

2. Attorney General Todd Rokita determined probable cause exists that, by implementing that policy, Sheriff Marté and the Monroe County Sherriff's Office have violated Indiana Code chapter 5-2-18.2.

3. The State of Indiana seeks an order compelling Sheriff Marté and the Monroe County Sheriff's Office to comply with Indiana law.

JURISDICTION AND VENUE

4. This Court has both subject matter jurisdiction over the claims and personal jurisdiction over the parties.

5. Venue is appropriate in Monroe County because the principal office of the Monroe County Sheriff's Office is located in Monroe County and a substantial portion of the events giving rise to this complaint occurred in Monroe County.

PARTIES

6. The State of Indiana brings this lawsuit to protect its responsibility as a sovereign state to enact and enforce its laws. Todd Rokita is the Attorney General for the State of Indiana. The office of attorney general is established by Indiana Code § 4-6-1-2. As chief legal officer for the State of Indiana, Attorney General Rokita vindicates the legal interests of the State and brings this lawsuit to redress injury to the sovereignty of the State. Attorney General Rokita is empowered to pursue this cause of action under Indiana Code § 5-2-18.2-5.

7. Ruben Marté is the Monroe County Sheriff. Sheriff Marté is responsible for the policies implemented at the Monroe County Sheriff's Office.

8. The Monroe County Sheriff's Office is a governmental body as defined by Indiana Code § 5-22-2-13.

FACTUAL AND LEGAL ALLEGATIONS

A. Operating Procedure on Immigration and Citizenship Status

9. On June 29, 2024, Monroe County Sheriff Marté promulgated a standard operating procedure, MCSO-12, to govern the actions of personnel of the Monroe County Sheriff's Office on matters concerning immigration and citizenship status. MCSO-12 replaces a prior version of the Office's standard operating procedure. MCSO-12 is incorporated into this pleading and attached as Exhibit A.

10. MCSO-12 purports to prohibit or limit voluntary cooperation by personnel of the Monroe County Sheriff's Office with federal officials in the enforcement of federal immigration laws.

11. MCSO-12 provides that the Monroe County Sheriff's Office will not "engage in enforcement of immigration or citizenship status unless required to do so by law."

12. MCSO-12 also states that the Monroe County Sheriff's Office "shall not enter into any agreement, including the 287(g) program, with the Department of Homeland Security – Immigration and Customs Enforcement (ICE) for enforcement of immigration or citizenship violations."

13. MCSO-12 prohibits personnel of the Monroe County Sheriff's Office from "request[ing] or attempt[ing] to ascertain (i.e. run) immigration or citizenship status of an individual that they encounter related to their official duties for the [Monroe County Sheriff's Office], unless required to do so in the execution of their official duties."

14. MCSO-12 also bars Monroe County Sheriff's Office personnel from holding an individual "beyond their scheduled release date based on a non-criminal/administrative ICE detainer."

B. Indiana Law on Citizenship and Immigration Status Information and Enforcement of Federal Immigration Laws

15. MCSO-12's substantial restrictions on the ability of personnel of the Monroe County Sheriff's Office to cooperate with federal agencies or otherwise assist in the enforcement of federal immigration laws are clear violations of Indiana law.

16. Indiana Code § 5-2-18.2-3 provides that a governmental body "may not enact or implement an ordinance, a resolution, a rule, or a policy that prohibits or in any way restricts another governmental body . . . including a law enforcement officer, a state or local official, or a state or local government employee" from taking certain actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual.

17. Specifically, where information of citizenship or immigration status is concerned, Indiana Code § 5-2-18.2-3 prohibits policies that restrict the ability of a local government employee from:

- (1) Communicating or cooperating with federal officials;
- (2) Sending to or receiving information from the United States Department of Homeland Security;
- (3) Maintaining information; or

(4) Exchanging information with another federal, state, or local government entity.

18. Similarly, Indiana Code § 5-2-18.2-4 provides that “a governmental body . . . may not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law.”

19. Indiana Code §§ 5-2-18.2-3 and -4 were enacted in 2011.

20. By promulgating and maintaining MCSO-12 Monroe County Sheriff Marté and the Monroe County Sheriff’s Office injure the State of Indiana by violating the sovereignty of the State.

21. If the Attorney General determines that probable cause exists that a governmental body has violated Indiana Code chapter 5-2-18.2, he is authorized to bring an action to compel the governmental body to comply. Ind. Code § 5-2-18.2-5.

22. If an action to compel is brought by the Attorney General, a court shall enjoin the violation if it finds by a preponderance of the evidence that the governmental body knowingly or intentionally violated the chapter. Ind. Code § 5-2-18.2-6.

23. On May 14, 2024, Attorney General Rokita sent a letter to the attention of Monroe County Sheriff Ruben Marté of the Monroe County Sheriff’s Office regarding the Office’s immigration-related policies. In his May 14 letter, the Attorney General informed the Defendants of the requirements of state law pertaining to immigration enforcement and asked the Defendants to rescind their policies that were inconsistent with state law if they were still in effect.

24. Through further communications with the Monroe County Sherriff's Office, the Attorney General learned that Defendant Marté intended to promulgate a revised policy concerning immigration and citizenship status. After reviewing a draft of the revised policy, the Attorney General determined that the revised policy would violate state law and informed the Monroe County Sherriff's Office accordingly.

25. Despite the Attorney General's determination, the Defendants proceeded to promulgate the unlawful version of MCSO-12 currently in effect.

CAUSE OF ACTION

Action to Compel for Violation of Indiana Code Chapter 5-2-18.2

26. MCSO-12 violates Indiana Code §§ 5-2-18.2-3 and 5-2-18.2-4 in whole or in part.

27. Attorney General Rokita has determined that probable cause exists that the Defendants have violated Indiana Code chapter 5-2-18.2.

28. Defendants, Monroe County Sheriff Ruben Marté and the Monroe County Sheriff's Office, knowingly or intentionally violated Indiana Code chapter 5-2-18.2 by promulgating MCSO-12 on June 29, 2024, after Attorney General Rokita informed them that the policy was not compliant with state law. The Defendants continue knowingly or intentionally to violate state law by maintaining and implementing MCSO-12.

RELIEF REQUESTED

WHEREFORE, the Plaintiff, State of Indiana, respectfully requests the Court to enter an order enjoining the Monroe County Sheriff Ruben Marté and the Monroe County Sheriff's Office from violating Indiana Code chapter 5-2-18.2.

Respectfully submitted,

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