

STATE OF INDIANA) IN THE ST. JOSEPH _____ COURT
) SS:
COUNTY OF ST. JOSEPH) CAUSE NO. **71C01-2501-PL-000026**

STATE OF INDIANA *ex rel.* TODD ROKITA,)
ATTORNEY GENERAL OF INDIANA,)

Plaintiff,)

v.)

WILLIAM REDMAN, in his official capacity as)
ST. JOSEPH COUNTY SHERIFF and)
ST. JOSEPH COUNTY POLICE DEPARTMENT,)

Defendants.)

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

Plaintiff, State of Indiana, *ex rel.* Todd Rokita, Attorney General of Indiana, by counsel, brings this Complaint against Defendants, St. Joseph County Sheriff William Redman and the St. Joseph County Police Department, to compel compliance with state laws prohibiting local government entities from limiting their or their agents' participation in immigration enforcement activities to less than the full extent allowed by federal law and restricting communication and cooperation between their employees and federal immigration authorities.

INTRODUCTION

1. It is the policy of the State of Indiana to ensure that state and local government agents and law enforcement officers are allowed to cooperate with and participate in, to the fullest extent permitted by law, the enforcement of federal immigration laws.

2. Defendants St. Joseph County Sheriff William Redman (Sheriff Redman) and the St. Joseph County Police Department (“SJCPD”) have implemented and maintain policies and practices of impermissibly restricting Defendants’ and Defendants’ officers’ cooperation and communications with federal immigration authorities. Such policies and practices clearly violates state law.

3. Attorney General Todd Rokita has determined probable cause exists that, by implementing and maintaining these policies and practices, Sheriff Redman and SJCPD have committed multiple violations of Indiana Code chapter 5-2-18.2. The appropriate remedy is for this Court to enjoin the violations.

JURISDICTION AND VENUE

4. The State of Indiana seeks an order compelling Sheriff Redman and SJCPD to comply with Indiana law.

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

6. Venue is appropriate in St. Joseph County because the principal office of SJCPD is located in St. Joseph County and a substantial portion of the events giving rise to this complaint occurred in St. Joseph County.

PARTIES

7. The State of Indiana brings this lawsuit to protect its interests 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 inflicted by Defendants' lawless policy. Attorney General Rokita is empowered to pursue this cause of action under Indiana Code § 5-2-18.2-5.

8. William Redman is the St. Joseph County Sheriff. Sheriff Redman is responsible for the policies and practices implemented at SJCPD.

9. The St. Joseph County Police Department is a governmental body as defined by Indiana Code § 5-22-2-13.

FACTUAL AND LEGAL ALLEGATIONS

I. Attorney General Rokita Receives Information that Defendants Are Violating Indiana Law

10. In a publicly available report prepared by U.S. Immigration and Customs Enforcement ("ICE") in June 2024, ICE designated SJCPD as a non-cooperative law enforcement agency. This designation means that SJCPD does not provide notification to ICE prior to releasing aliens from custody and does not honor ICE detainer requests that SJCPD detain an alien in SJCPD's custody for a period of up to 48 hours in order for ICE to assume custody of the alien.

11. Upon reviewing the report, the Office of the Attorney General contacted ICE to confirm that SJCPD had been properly designated as a non-cooperative law enforcement agency. In response, ICE verified that SJCPD does not adequately communicate with ICE concerning aliens in SJCPD's custody and does not honor ICE detainer requests by releasing aliens who are the subjects of detainers before the 48-hour detention period requested by the detainer expires. In just the six-month period between March and September 2024, SJCPD failed to honor nine detainer requests

issued by ICE to SJCPD. In some instances, the aliens who were the subjects of the detainer requests and released by SJCPD before ICE could assume custody had committed crimes that pose a direct threat to public safety.

12. Thus, on October 11, 2024, Attorney General Rokita sent a letter to the attention of Sheriff Redman regarding SJCPD's immigration-related policies and practices to inform Defendants that the Attorney General had cause to believe Defendants were violating Indiana Code chapter 5-2-18.2. In his October 11 letter, the Attorney General reminded Defendants of the requirements of state law concerning immigration enforcement and communications with federal authorities and asked Defendants to confirm whether SJCPD maintains a policy or engages in a pattern and practice of restricting communications and cooperation with ICE inconsistent state law. The Attorney General directed SJCPD to discontinue immediately any such policy or pattern and practice.

13. On November 7, 2024, Defendants responded to Attorney General Rokita and claimed they do not maintain any immigration-related policy that violates state law. The substance of Defendants' response, however, belied their claim.

14. In their response, Defendants did not acknowledge or attempt to provide any explanation for their failure to honor nine ICE detainers between March and September 2024. Nor did Defendants acknowledge or address the ICE report designating SJCPD as a non-complaint jurisdiction.

15. Defendants' response also failed to provide any information concerning SJCPD's policies or practices regarding the temporary detention of aliens in response

to an ICE detainer request. Instead, Defendants asserted that they provide notice to ICE about the impending release of an alien in detention in accordance with 8 C.F.R. § 287.7(a), while making no mention of the provisions of 8 C.F.R. § 287.7(d), which describes the manner in which a local law enforcement agency should temporarily maintain custody of an alien who is the subject of a detainer request.

16. Defendants also claimed that they “do not prohibit or restrict the enforcement of federal immigration law by ICE or any other agency empowered by the Department of Homeland Security.” Notably absent from Defendants’ response was any discussion of whether Defendants place limits or restrictions on their own engagement in immigration enforcement activities, such as by honoring ICE detainees.

17. In sum, Defendants offered little more than their *ipse dixit* that they are in compliance with state law in response to Attorney General Rokita’s letter. That was insufficient to dispel the Attorney General’s belief that SJCPD maintains a policy or otherwise engages in a pattern and practice that violates state law. If anything, the omissions and evasions in Defendants’ response served to confirm that SJCPD deliberately limits or restricts its engagement in immigration enforcement activities and communications and cooperation with ICE.

18. Consequently, on December 10, 2024, Attorney General Rokita sent a second letter to the attention of Sheriff Redman regarding SJCPD’s compliance with state law. In his December 10 letter, the Attorney General informed Defendants that their November 7 response was unsatisfactory and had given additional cause to

believe that Defendants are violating Indiana Code chapter 5-2-18.2. The Attorney General requested Defendants provide a more detailed response by January 7, 2024, to address the omissions and evasions of their original response.

19. Defendants did not respond to the Attorney General’s second letter and have not communicated with the Office of the Attorney General regarding their immigration-related policies and practices since submitting their inadequate, November 7, 2024 response.

20. Through further communications with ICE, the Office of the Attorney General confirmed that SJCPD persists in its policy and practice of refusing to honor ICE detainer requests, including failing to honor at least four additional detainers issued by ICE after the Attorney General sent SJCPD the December 10, 2024 letter, and otherwise limits its communications with ICE about aliens in SJCPD’s custody.

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

21. Indiana law bars state and local entities from preventing their officers and employees from cooperating and communicating with federal authorities in the enforcement of immigration laws and related criminal matters.

22. Indiana Code § 5-2-18.2-3 (“Section 3”) states that a governmental body “may not enact or implement an ordinance . . . or a policy that prohibits or in any way restricts another governmental body or employee . . . , including a law enforcement officer, a state or local official, or a state or local government employee, from taking” specified “actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual.”

23. The protected actions include: “(1) Communicating or cooperating with federal officials[;] (2) Sending to or receiving information from the United States Department of Homeland Security [(“DHS”)] [;] (3) Maintaining information[;] [and] (4) Exchanging information with another federal, state, or local government entity.” *Id.*

24. Indiana Code § 5-2-18.2-4 (“Section 4”) states 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.”

25. Section 3 and Section 4 were enacted in 2011.

26. Under Indiana Code § 5-2-18.2-5, “[i]f the attorney general determines that probable cause exists that a governmental body or a postsecondary educational institution has violated” sections 3 or 4, “the attorney general shall bring an action to compel the governmental body or postsecondary educational institution to comply with this chapter.”

27. Indiana Code § 5-2-18.2-6 provides that “[i]f a court finds by a preponderance of the evidence that a governmental body or postsecondary educational institution knowingly or intentionally violated this chapter, the court shall enjoin the violation.”

III. Defendants’ Actions Violate Section 3 and Section 4

28. Defendants’ deliberate and persistent refusal to cooperate with ICE is inconsistent with the requirements of state law and constitutes a clear restriction on the ability of Defendants’ officers and agents to cooperate with federal agencies or otherwise assist or engage in the enforcement of federal immigration laws.

29. As demonstrated by their non-cooperative designation by ICE, Defendants maintain a policy or otherwise engage in a pattern and practice of restricting Defendants and their agents' communications with ICE concerning aliens in SJCPD's custody, including by engaging in a pattern and practice of not providing adequate notice to federal authorities about the release of detained aliens.

30. By limiting their communications and cooperation with ICE concerning the immigration status of aliens in their custody, Defendants have violated Section 3.

31. Persistently failing to provide adequate notice to federal agencies prior to releasing noncitizens from custody or otherwise limiting communications with ICE also violates Section 4. Federal law unqualifiedly permits state and local law enforcement officers to exchange information about aliens' immigration status with federal authorities. *See* 8 U.S.C. § 1373(b). By restricting communications with federal authorities concerning immigration matters, Defendants are thus "limit[ing] or restrict[ing] the enforcement of federal immigration laws to less than the full extent permitted by federal law." Ind. Code § 5-2-18.2-4.

32. Defendants' policy and practice of failing to honor ICE detainer requests likewise violates Section 4. Federal immigration authorities often request local assistance in the enforcement of federal immigration law through an immigration "detainer"—a document issued by DHS to advise another law enforcement agency "that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien." 8 C.F.R. § 287.7(a). A

detainer asks the custodial agency to advise DHS, “prior to release of the alien, in order for [DHS] to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.” *Id.* Federal regulations provide that the custodial agency may hold an alien for up to 48 hours after his scheduled release in order to permit federal authorities to take custody of the alien. *Id.* § 287.7(d).

33. Local compliance with detainer requests is thus permitted by federal law. *See* 8 U.S.C. § 1357(g)(10)(B); 8 C.F.R. §§ 287.7, 241.2. Federal law expressly allows state and local officials “to cooperate with [DHS] in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.” 8 U.S.C. § 1357(g)(10)(B). Defendants’ policy and persistent practice of not honoring ICE detainer requests for the 48-hour period authorized by federal law thus limits Defendants’ engagement in the enforcement of federal immigration law to less than the full extent permitted by federal law. Defendants are therefore in violation of Section 4.

CAUSES OF ACTION

Count I – Action to Compel for Violation of Indiana Code § 5-2-18.2-3

34. Plaintiff repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

35. Defendants have violated Indiana Code § 5-2-18.2-3, including for but not limited to the reasons alleged above.

36. Attorney General Rokita has determined that probable cause exists that the Defendants have violated Indiana Code § 5-2-18.2-3.

Count II – Action to Compel for Violation of Indiana Code § 5-2-18.2-4

37. Plaintiff repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

38. Defendants have violated Indiana Code § 5-2-18.2-4, including for but not limited to the reasons alleged above.

39. Attorney General Rokita has determined that probable cause exists that the Defendants have violated Indiana code § 5-2-18.2-4.

RELIEF REQUESTED

WHEREFORE, the Plaintiff, State of Indiana, *ex rel.* Todd Rokita, Attorney General of Indiana, respectfully requests that the Court enter an order enjoining Defendants from violating Indiana Code chapter 5-2-18.2.

Respectfully submitted,

THEODORE E. ROKITA
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Date: January 24, 2025

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