

OFFICE OF THE ATTORNEY GENERAL  
STATE OF INDIANA



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**TODD ROKITA**  
ATTORNEY GENERAL

June 24, 2026

Town Council of the Town of Merrillville  
Attn: Council President Rick Bella  
7820 Broadway  
Merrillville, IN 46410

Re: Town of Merrillville's Compliance with Indiana Code ch. 5-2-18.2

Dear Members of the Town Council of the Town of Merrillville:

I write concerning the Town of Merrillville's compliance with Indiana Code § 5-2-18.2-1, *et. seq.* The Office of the Attorney General has cause to believe that Merrillville has taken and continues to take actions to limit and restrict federal authorities' ability to enforce federal immigration laws in violation of Indiana Code § 5-2-18.2-4. If the information below is accurate, please immediately discontinue such actions. If Merrillville fails to do so, my office will undertake legal action to compel Merrillville's compliance with state law.

On January 27, 2026, the Merrillville Town Council enacted Resolution No. 26-02. The resolution expresses Merrillville's opposition to any attempt by U.S. Immigration and Customs Enforcement ("ICE") to establish a processing or detention facility for illegal aliens within Merrillville. The Resolution states that "it is the position of the Town Council of the Town of Merrillville that the Town of Merrillville is not an appropriate municipality for the placement of a detainee processing facility." Further, the Resolution provides that the Town Council "unequivocally opposes the conversion of existing industrial warehouses within the Town for the creation of a U.S. Immigration and Customs Enforcement processing facility, or any other facility that disregards the Town's land use and regulatory ordinances and creates unanticipated burdens upon the Town's infrastructure, resources and services."

Subsequently, Council President Rick Bella published a message online that explained the purpose of the Resolution. In his message, President Bella stated that the Resolution "sends a clear message that **Merrillville is not an appropriate location for such a [federal detention] facility** and that any attempt to place one here without regard to local ordinances and community impact will be met with firm opposition." (emphasis in original).

Since the Resolution was enacted, my office has received reports that indicate Merrillville has been making good on its promise to oppose and interfere with any attempt to create new federal immigration detention space within the Town. In particular, federal authorities have alerted my office of multiple instances in the past four months in which Merrillville officials have contacted individuals and entities involved in potential real estate transactions between ICE and Merrillville property owners to discourage the consummation of any transaction that could result in ICE acquiring real property within Merrillville. The Town's actions have intimidated property owners, who reportedly fear reprisal from the Town, and resulted in the termination of multiple transactions through which ICE sought to acquire property for federal law enforcement purposes.

Indiana Code § 5-2-18.2-4 provides that a local government entity like Merrillville “may not in any way limit or restrict the enforcement of federal immigration laws . . . to less than the full extent permitted by federal law.” Any policy Merrillville implements, any resolution it enacts, and any other action it takes that have the purpose or effect of limiting or restricting federal immigration enforcement activities is therefore illegal under Indiana law.

Federal law authorizes ICE to establish and operate detention facilities to process and house illegal aliens. *See* 8 U.S.C. § 1231(g). Further, the Supremacy Clause of the United States Constitution preempts any local regulation, such as a land use ordinance, that would “retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by congress to carry into effect the powers vested in the national government.” *M’Culloch v. State*, 17 U.S. 316, 317 (1819). As a result, federal law allows ICE to create new detention space for illegal aliens regardless of what restrictions state or local law may otherwise place on property use. *See Geo Grp., Inc. v. Newsom*, 50 F.4th 745, 757 (9th Cir. 2022) (holding unlawful a state law that sought to “control ICE’s immigration detention operations in the state”).

Because federal law permits ICE to acquire property to use for the detention of illegal aliens, Indiana law forbids any action by a local government entity that would limit or restrict ICE’s ability to do so. Resolution No. 26-02 and the other actions Merrillville officials have taken to discourage and interfere with real estate transactions between ICE and Merrillville property owners are therefore illegal. These actions unquestionably qualify as unlawful restrictions on “the enforcement of federal immigration laws.” Ind. Code § 5-2-18.2-4.

Accordingly, I ask that Merrillville take the following steps at the soonest possible date to bring the Town into compliance with state law: (1) rescind Resolution No. 26-02; (2) discontinue any efforts to discourage or thwart real estate transactions between federal authorities and Merrillville property owners; and (3) issue a public statement that makes clear to Merrillville property owners that the Town will not oppose any attempt by ICE to acquire property within Merrillville and will not retaliate against any entity or individual that engages in or facilitates a real estate transaction with ICE.

Indiana Code § 5-2-18.2-5 authorizes my office to bring an action to compel Merrillville's compliance with state law and to impose a civil penalty of up to ten thousand dollars for each and every violation of Indiana Code § 5-2-18.2-4 that the Town has committed. If you fail to provide a satisfactory response to this letter by July 15, 2026, I will exercise that authority and file suit against the Town of Merrillville.

Thank you for your time and attention regarding this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Rokita". The signature is fluid and cursive, with a large initial "T" and "R".

Todd Rokita  
Indiana Attorney General

TER/bl