

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

Plaintiff,)

RUBEN MARTÉ, in his official capacity as)
MONROE COUNTY SHERIFF and)
MONROE COUNTY SHERIFF'S OFFICE,)

Defendants.)

This Consent Decree is made and agreed upon by and between Plaintiff State of Indiana *ex rel.* Todd Rokita, Attorney General of Indiana, and Defendants Ruben Marté, in his official capacity as Monroe County Sheriff, and the Monroe County Sheriff's Office to partially resolve the outstanding claims in the above-captioned lawsuit by settling all of the Attorney General's challenges to MCSO-012 under Indiana Code § 5-2-18.2-3 (Section 3) and the Attorney General's challenge to MCSO-012 §§ II and IV(A) under Indiana Code § 5-2-18.2-4 (Section 4).¹ Plaintiff and Defendants shall be jointly referred to as the "Parties."

1. Plaintiff Todd Rokita is the Attorney General of the State of Indiana. Attorney General Rokita is the chief legal officer for the State of Indiana and vindicates the

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legal interests of the State. Attorney General Rokita is responsible for enforcing Indiana Code ch. 5-2-18.2.

2. Defendant Ruben Marté is the Monroe County Sheriff and is responsible for the policies implemented at the Monroe County Sheriff's Office (MCSO).
3. MCSO is a governmental body as defined by Indiana Code § 5-22-2-13.
4. As amended by Senate Enrolled Act 76 (SEA 76), 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.”
5. The protected actions are: “(1) Communicating or cooperating with federal officials[;] (2) Sending to or receiving information from the United States Department of Homeland Security[;] (3) Maintaining information[;] (4) Exchanging information with another federal, state, or local government entity[;] [and] (5) Gathering information as long as the request for information does not conflict with applicable federal or state: (A) law; or (B) policy.” Ind. Code § 5-2-18.2-3.
6. As amended by SEA 76, Section 4 states that “[a] governmental body or a postsecondary educational institution may not in any way limit or restrict the enforcement of federal immigration laws, regardless of whether the enforcement related activity is carried out by a federal, state, or local law enforcement agency,

to less than the full extent permitted by federal law as long as the enforcement actions do not violate federal or state law.”

7. As amended by SEA 76, Indiana Code § 5-2-18.2-5 (Section 5) states that “[i]f the attorney general determines that probable cause exists that a governmental body or a postsecondary educational institution has violated this chapter, the attorney general shall bring an action to compel the governmental body or postsecondary educational institution to comply with this chapter.” The Attorney General is authorized to seek relief to enforce compliance with Chapter 5-2-18.2, including “enjoin[ing] an act or a practice constituting a violation,” “impos[ing] a civil penalty of not more than ten thousand dollars (\$10,000) for each knowing or intentional violation,” and seeking “such other relief as is necessary to ensure future compliance.” *Id.*
8. Sheriff Marté promulgated Standard Operating Procedure MCSO-012 to govern the actions of MCSO personnel on matters concerning immigration.
9. As is relevant here, at the time Plaintiff filed this lawsuit, MCSO-012 stated that MCSO will not “engage in enforcement of immigration or citizenship status unless required to do so by law.” MCSO-012 § II.
10. The policy further stated that MCSO “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 and citizenship violations.” *Id.*

11. MCSO-012 also prohibited MCSO personnel 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 . . . unless required to do so in the execution of their official duties.” MCSO-012 § IV(A).
12. On July 11, 2024, the Attorney General brought a Complaint to Compel Compliance with Indiana Code 5-2-18.2 against Defendants.
13. During the pendency of this litigation, the General Assembly amended Indiana Code ch. 5-2-18.2 by enacting SEA 76. Sections 4 and 5 of Chapter 5-2-18.2, as quoted above, went into effect immediately upon passage of the bill. The amendments to Section 3 quoted above took effect July 1, 2026.
14. Following SEA 76 being signed into law, MCSO revised MCSO-012 twice. The current version of MCSO-012 was promulgated on July 1, 2026.
15. MCSO-012 § II (MCSO-012 dated July 1, 2026) now provides that,

in accordance with the requirements and provisions of Indiana Code 5-2-18.2-4, it is the policy of the Department to not in any way limit or restrict the enforcement of federal immigration laws, regardless of whether the enforcement related activity is carried out by a federal, state, or local law enforcement agency, to less than the full extent permitted by federal law as long as the enforcement actions do not violate federal or state law.
16. MCSO-012 dated July 1, 2026, no longer includes the provision, previously located in § II, stating that MCSO will not enter into a 287(g) agreement.
17. MCSO-012 dated July 1, 2026 no longer contains the provision, previously located in § IV(A), that stated that MCSO shall not “request or attempt to ascertain (i.e. run) immigration or citizenship status of an individual that they encounter related

to their official duties . . . unless required to do so in the execution of their official duties.”

18. MCSO-012 dated July 1, 2026 continues to state that MCSO does not prohibit or restrict employees of MCSO from taking the protected actions with respect to citizenship or immigration status enumerated in Indiana Code § 5-2-18.2-3, but that provision has been moved to MCSO-012 § IV(B). It now lists among the actions that the Department does not prohibit or restrict: “Gathering information as long as the request for information does not conflict with applicable federal or state law or policy.” MCSO-012 § IV(B) (MCSO-012 dated July 1, 2026). The revised provision also provides that “State law does not require employees of the MCSO to take any of the above-specified actions, and whether to take such action is left to the discretion of an individual employee based on the circumstances.” MCSO-012 § IV(B) (MCSO-012 dated July 1, 2026).

19. As a result of the recent changes to Indiana Code ch. 5-2-18.2 and MCSO’s policies, the Parties have agreed to this Consent Decree.

20. The Court finds this Consent Decree fair, adequate, reasonable, and consistent with law, and enters it as a final judgment with respect to:

- a. The Attorney General’s challenge to MCSO-012 § II under Section 3
- b. The Attorney General’s challenge to MCSO-012 § IV(A) under Section 3
- c. The Attorney General’s challenge to MCSO-012 § II under Section 4
- d. The Attorney General’s challenge to MCSO-012 § IV(A) under Section 4

Terms for Compliance

21. Defendants agree not to enact, implement, maintain, or encourage any policy or practice, whether official or unofficial, written or unwritten, that prohibits or restricts MCSO or MCSO personnel from engaging in the enforcement of federal immigration laws to less than the full extent permitted by federal law. Per ¶ 25, *infra*, nothing about this provision addresses Defendants' policy of not honoring immigration detainer requests.
22. Defendants agree not to enact, implement, maintain, or encourage any policy or practice, whether official or unofficial, written or unwritten, that prohibits or restricts MCSO or MCSO personnel from attempting to ascertain the immigration or citizenship status of an individual in the course of their official duties, including by performing status checks with federal authorities.
23. Defendants agree not to enact, implement, maintain, or encourage any policy or practice, whether official or unofficial, written or unwritten, that prohibits or restricts MCSO or MCSO personnel from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual:
- a. Communicating or cooperating with federal officials;
 - b. Sending to or receiving information from the U.S. Department of Homeland Security;
 - c. Maintaining information;

- d. Exchanging information with another federal, state, or local government entity;
- e. Gathering information, as long as the request for information does not conflict with applicable federal or state law or policy.

24. Defendants agree not to enact, implement, maintain, or encourage any policy or practice, whether official or unofficial, written or unwritten, that would prohibit, create unreasonable obstacles to, or preclude MCSO from entering into an agreement or other cooperative arrangement with the Department of Homeland Security, Immigration and Customs Enforcement, or any other federal agency for enforcement of immigration and citizenship violations, including but not limited to the 287(g) program. Parties agree that a decision by Sheriff Marté or a subsequent decisionmaker not to enter into any such agreement, including a 287(g) agreement, in a particular instance will not, without more, establish a violation of this term.

25. The parties agree that no provision of this Consent Decree addresses or resolves the remaining dispute in this litigation between the Parties concerning compliance with immigration detainer requests, nor does any term of this Consent Decree require Sheriff Marté or MCSO to change the policy of not honoring immigration detainer requests.

26. Following the effective date of this Consent Decree, Defendants agree to post prominently on bulletin boards in the squad room and jail accessible to all MCSO personnel, for a period of not less than six months, the Notice attached to this

Consent Decree as Appendix A. This will serve as a one-time notice to MCSO employees of the change in MCSO-012 and of the immigration enforcement activities protected under Indiana law.

27. Defendants agree to notify Plaintiff in advance of future substantive changes, whether direct or indirect, to MCSO-012 for twelve years following the effective date of this Consent Decree. The version of MCSO-012 which went into effect on July 1, 2026, and is the current version at the time of this Consent Decree, is attached as Appendix B.

28. For twelve years following the effective date of this Consent Decree, Defendants agree to timely notify Plaintiff of any claims or complaints Defendants receive from MCSO employees concerning Defendants' compliance with MCSO-012 or the provisions of state law addressed in MCSO-012, including any claims or complaints concerning actions taken by MCSO employees at Defendants' direction or on Defendants' behalf.

Enforcement of Consent Decree

29. If Plaintiff reasonably believes that Defendants are not in substantial compliance with the terms of this Consent Decree, Plaintiff's counsel shall, by written notice, call a meeting with counsel for Defendants to be held at a mutually agreeable time and place within fifteen (15) days of the request to discuss and attempt to resolve the dispute. Plaintiff's counsel and Defendants' counsel shall meet and confer to attempt to develop a plan towards achieving compliance with the terms of this Consent Decree.

- 30.If counsel for the Parties cannot resolve the claimed issue within 30 days after good-faith conferral, Plaintiff may move this Court to compel compliance with the Consent Decree and Indiana Code ch. 5-2-18.2 pursuant to the terms in Indiana Code ch. 5-2-18.2, including injunctive relief and civil penalties.
- 31.The Parties may jointly agree to make changes, modifications, and amendments to this Consent Decree, which shall be effective if approved by this Court.
- 32.The Parties agree that this Consent Decree is made consistent with Indiana law as amended by SEA 76 and that, in the event that Section 3 or Section 4 (or any provision thereof) is repealed, is amended, or is otherwise modified by any other provision of Indiana law enacted in the future, in a way that directly bears on the obligations Defendants undertake pursuant to this agreement, Sheriff Marté (or any subsequent decisionmaker) and MCSO may amend MCSO-012 consistent with such change in the law after providing Plaintiff notice and an opportunity to consult.
- 33.Any provision of this Consent Decree that would require Defendants to violate current or future provisions of Indiana law, federal law, or the state or federal constitutions is null and void.
- 34.By consent of the Parties, the Court shall retain jurisdiction to monitor and enforce the terms of this Consent Decree.
35. The parties agree that by entering into this Consent Decree, Defendants are not admitting any liability or culpability in the underlying action.

36. This Consent Decree becomes effective when the Court enters it and it is filed on the docket.

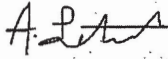
AGREED AND CONSENTED TO BY:

Sheriff Ruben Marté and the Monroe County Sheriff's Office



Ruben Marté, Monroe County Sheriff

Date: 8/26/26



Alexandra Lichtenstein
Institute for Constitutional Advocacy
and Protection
600 New Jersey Ave. NW
Washington, DC 20001
Counsel for Defendants

Date: 8/26/26

State of Indiana *ex rel.* Todd Rokita, Attorney General of Indiana

THEODORE E. ROKITA
Attorney General
Attorney No. 18857-49

By: 

Blake E. Lanning
Assistant Chief Deputy Attorney General
Counsel for Plaintiff

Date: 8/26/26

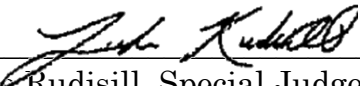


Aaron M. Ridlen
Section Chief,
Administrative & Regulatory Enforcement Litigation
Counsel for Plaintiff

Date: 8/26/26

APPROVED, ORDERED, ADJUDGED, AND DECREED

Date: 8/27/2026



Luke Rudisill, Special Judge
Monroe Circuit Court

Distribution:

All counsel of record via IEFS

APPENDIX A

NOTICE

As of July 1, 2026, MCSO-012 has been amended to comply with changes to Indiana Code Chapter 18.2 made by a newly enacted state law.

Under Indiana law and the amended version of MCSO-012 now in effect, all MCSO personnel have discretion to assist and cooperate with federal authorities in the enforcement of federal immigration laws in any and all ways that are allowed under federal and state law. However, MCSO-12's prohibition on honoring immigration detainer requests unaccompanied by a judicial warrant based on probable cause of a crime currently remains in effect and is the subject of pending litigation.

In addition, state law and MCSO-012 protect your ability to communicate with federal authorities about individuals' immigration and citizenship status, including by:

1. Communicating or cooperating with federal officials.
2. Sending to or receiving information from the United States Department of Homeland Security.
3. Maintaining information.
4. Exchanging information with another federal, state, or local government entity.
5. Gathering information as long as the request for information does not conflict with applicable federal or state law or policy.

As a result, various law enforcement actions that were prohibited by previous versions of MCSO-012, such as officers' ability to contact U.S. Immigration and Customs Enforcement to perform a status check to verify a person's legal status, are now permitted.

It is against state law for any government entity to limit or restrict your ability and discretion to engage in the actions and communications described above. Indiana law protects your discretion to choose voluntarily to take any of the above-specified actions, but nothing in Indiana law or MCSO-012 requires you to engage in such enforcement activities. Whether to take such action is left to your individual discretion and sound law enforcement judgment based on the circumstances.

MCSO is committed to upholding state law. If you believe that anyone is attempting to restrict or limit your ability or discretion to assist, communicate, or cooperate with federal immigration authorities in violation of MCSO-012 or state law, you are encouraged to raise your concerns with Department leadership.

APPENDIX B

	STANDARD OPERATING PROCEDURE	Reference Number MCSO-012
	Subject Immigration and Citizenship Status	
	Special Instructions Replaces MCSO-012 dated March 22, 2026	Effective Date July 1, 2026

I. PURPOSE

Establish guidelines for Department personnel related to immigration and/or citizenship status of suspects, offenders, witnesses, victims, or other parties contacting the Department.

II. POLICY

Immigration and citizenship status is primarily an issue of federal law and enforced by federal authorities. It is the policy of this Department to treat all individuals fairly and equally during law enforcement encounters, regardless of their immigration or citizenship status. Further, in accordance with the requirements and provisions of Indiana Code 5-2-18.2-4, it is the policy of the Department to not in any way limit or restrict the enforcement of federal immigration laws, regardless of whether the enforcement related activity is carried out by a federal, state, or local law enforcement agency, to less than the full extent permitted by federal law as long as the enforcement actions do not violate federal or state law.

III. DEFINITION

A. IMMIGRATION DETAINER REQUEST – this term shall be used to describe a request issued by an authorized immigration officer to a law enforcement agency to detain an individual pursuant to 8 CFR 287.7 or any successor provision or other applicable federal authority.

IV. PROCEDURE

A. Employees shall not detain or arrest any individual solely based on their immigration or citizenship status.

B. In accordance with the requirements and provisions of Indiana Code 5-2-18.2-3, the Department does not prohibit or in any way restrict, and employees of the MCSO will not prohibit or in any way restrict, any other employee from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of any individual:

1. Communicating or cooperating with federal officials.
2. Sending to or receiving information from the United States Department of Homeland Security.
3. Maintaining information.
4. Exchanging information with another federal, state, or local government entity.
5. Gathering information as long as the request for information does not conflict with applicable federal or state law or policy.

State law does not require employees of the MCSO to take any of the above-specified actions, and whether to take such action is left to the discretion of an individual employee based on the circumstances.

C. In accordance with the requirements and provisions of Indiana Code 5-2-18.2-7:

1. If a law enforcement officer arrests an individual for a felony or misdemeanor and there is probable cause to believe that the person is not lawfully present in the United States, the jail or detention facility shall, during the intake process at the jail or detention facility, notify the county sheriff of the probable cause to believe the person is not lawfully present in the United States.
2. The county sheriff shall report information received under section C.1. to the proper authority.
3. If there is an active criminal arrest warrant for the individual, an employee shall notify the jurisdiction issuing the warrant of the detainment, regardless of immigration status.

D. Employees shall not make any threats of immigration actions or consequences to any person, as a result of any interaction, including in the context of criminal investigations.

E. Immigration Detainers

1. MCSO employees shall not hold or detain an individual beyond his scheduled release date solely based on a non-criminal/administrative immigration detainer (that is, an immigration detainer request that is not accompanied by a criminal judicial warrant).
2. In accordance with the requirements and provisions of Indiana Code 5-2-18.2-9,¹ if MCSO receives an immigration detainer request for an individual it has in custody, employees shall:
 - a. provide to the judge authorized to grant or deny the individual's release on bail under IC 35-33-8-3.2 written notice that the individual is subject to an immigration detainer request;
 - b. record in the individual's case file that the individual is subject to an immigration detainer request; and
 - c. inform the individual that ICE has issued a detainer request for him. No employee is obligated to notify an individual that he is being *held* pursuant to an ICE detainer request if that individual is not being detained past his scheduled release date.
3. If an individual who is the subject of an immigration detainer request challenges the detainer request by claiming that the individual has been misidentified and the correct subject of the immigration detainer request is not the individual or that the individual is a citizen of the United States and is not subject to removal, MCSO employees shall contact the authorized immigration officer who issued the detainer request to determine whether the individual subject to the detainer request has been misidentified or is a citizen of the United States.

¹ Pursuant to a preliminary injunction issued on June 30, 2026, the State of Indiana is enjoined from enforcement of IC 5-2-18.2-9(a)(3) against Sheriff Marté or the Monroe County Sheriff's Office. That provision is therefore excluded from this policy.

F. U Visas or T Visas

1. Under certain circumstances, federal law allows victims and witnesses of certain qualifying crimes to obtain temporary Immigration Status from the U.S. Citizenship and Immigration Services (USCIS) (See 8 U.S.C. § 1101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(T)).
 2. Upon the request of a victim or witness for the completion of a certification for a U Visa or T Visa, the certification (Supplements B for I-918 or I-914) shall be referred to Commander of the Detectives Division or designee.
 3. The officer or Commander shall review the case report involving the individual and confer with the prosecutor's office regarding the request for certification.
 4. If the individual meets the requirements for certification, the Commander of the Detectives Division, or designee, may complete the certification, or request the prosecutor to complete the certification.
 5. The certification must include information detailing how the person has been, is being, or is likely to be helpful in a criminal investigation or prosecution.
- G. This procedure shall be used in conjunction with all relevant Department regulations, rules, policies and procedures.