

**Monroe County Circuit Court**  
**Cause No. 53C06-2407-PL-001733**

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

*Plaintiff,*

*v.*

**Ruben Marté, in his official capacity as  
Monroe County Sheriff, and the  
Monroe County Sheriff's Office,**

*Defendants.*

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**DEFENDANTS' NOTICE REGARDING AMENDMENT OF  
STANDARD OPERATING PROCEDURE MCSO-012**

On April 30, 2025, Governor Braun signed into law House Enrolled Act No. 1393, An Act to amend the Indiana Code concerning criminal law and procedure. That law amended Indiana Code § 5-2-18.2-7 to require that if a law enforcement officer arrests an individual for a felony or misdemeanor and there is probable cause to believe that the person arrested is not lawfully present in the United States, the jail or detention facility must notify the county sheriff of that probable cause. The law further requires that a county sheriff must report such information to the proper authority. The new law is scheduled to go into effect on July 1, 2025.

On June 10, 2025, the Monroe County Sheriff's Office promulgated an amended version of Standard Operating Procedure MCSO-012 that explicitly incorporates the requirements of the new law. A copy of the amended policy is attached and has been shared with counsel for the Attorney General.

June 24, 2025

Respectfully submitted,

/s/Justin D. Roddye

Justin D. Roddye

# 31583-53

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## CERTIFICATE OF SERVICE


I certify that on June 24, 2025, service of a true and complete copy of the above and foregoing pleading or paper was made upon all counsel of record herein by electronic service using the Indiana E-Filing System:

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/s/Justin D. Roddye

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# 31583-53

	<b>STANDARD OPERATING PROCEDURE</b>	Reference Number <b>MCSO-012</b>
	Subject <b>Immigration and Citizenship Status</b>	
	Special Instructions <b>Replaces MCSO-012 dated June 29, 2024</b>	Effective Date <b>June 10, 2025</b>

## **I. PURPOSE**

Establish guidelines for Department personnel related to immigration and/or citizenship status of suspects, offenders, witness(es), 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, it is the policy of this Department to not engage in enforcement of immigration or citizenship status unless required to do so by law. 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 or citizenship violations.

## **III. DEFINITIONS**

A. NON-CITIZEN – this term shall be used to describe individuals that do not have a legal right (proper immigration or citizenship status) to remain within the United States.

## **IV. PROCEDURE**

A. Employees of the Department will not request or attempt to ascertain (i.e. run) immigration or citizenship status of an individual that they encounter related to their official duties for the Department, unless required to do so in the execution of their official duties. For instance, status can be determined for the purpose of Firearms Licensing.

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

C. In accordance with the requirements and provisions of Indiana Code 5-2-18.2-3, members of the MCSO will not prohibit, or in any way restrict, any other member from doing any of the following regarding 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.

D. 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 D.1. to the proper authority.

Outside the circumstances identified in D. 1 and 2. above, it is generally not the responsibility of the MSCO or its employees to notify federal immigration officials when a non-citizen is taken into custody. 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.

E. Employees shall not make any threats of immigration actions or consequences to a non-citizen or suspected non-citizen, as a result of any interaction, including in the context of criminal investigations.

F. ICE Detainers

1. MCSO may receive an ICE Detainer if a non-citizen is in-custody. This is automatic when fingerprints are taken during arrestee processing. It is generally not the responsibility of the MSCO or its employees to notify federal immigration officials of the detention or to solicit ICE to send a detainer for a non-citizen in-custody of the Department.
2. MCSO employees shall not detain individual(s) solely based on a non-criminal/administrative ICE detainer.
3. MCSO employees shall not hold an individual(s) beyond their scheduled release date based on a non-criminal/administrative ICE detainer.

G. 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.

H. This procedure shall be used in conjunction with all relevant Department regulations, rules, policies and procedures.