

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE) CAUSE NO.

STATE OF INDIANA *ex rel.* TODD ROKITA,))
ATTORNEY GENERAL OF INDIANA,))
))
Plaintiff,))
))
v.))
))
CITY OF EAST CHICAGO))
COMMON COUNCIL,))
))
Defendant.))

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 action against Defendant, City of East Chicago Common Council, to compel compliance with state laws preventing local governments from limiting or restricting enforcement of federal immigration laws.

INTRODUCTION

1. The City of East Chicago Common Council violates Indiana law by maintaining an ordinance that restricts taking certain actions regarding information of citizenship or immigration status and 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 maintaining that ordinance, the City of East Chicago Common Council has violated Indiana Code chapter 5-2-18.2.

3. The State of Indiana seeks an order compelling the City of East Chicago Common Council 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 Lake County because the principal office of the City of East Chicago Common Council is located in Lake County and a substantial portion of the events giving rise to this complaint occurred in Lake 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. The City of East Chicago Common Council is a governmental body as defined by Indiana Code § 5-22-2-13. The East Chicago Common Council acts as the legislative body for the City of East Chicago.

FACTUAL AND LEGAL ALLEGATIONS

A. The Welcoming City Ordinance

8. On June 26 2017, the City of East Chicago Common Council enacted Ordinance 17-0010, which is codified in East Chicago City Code Title III, Chapter 39, §§ 39.050 through 39.999. That portion of the East Chicago City Code is incorporated into this pleading and attached as Exhibit A.

9. Various provisions of Ordinance 17-0010 purport to prohibit or limit voluntary cooperation by East Chicago agents and agencies with federal officials in the enforcement of federal immigration laws.

10. East Chicago City Code § 39.052(A) restricts the ability of an agent or agency of the City of East Chicago to “request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person.”

11. East Chicago City Code § 39.055(A) prohibits East Chicago agents and agencies from “continu[ing] to detain a person” based upon an immigration detainer, administrative warrant, or “[a]ny other basis that is based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.”

12. East Chicago City Code § 39.055(B)(1) provides that East Chicago agents and agencies are not permitted to accept requests from federal agencies “to support or assist in any capacity with immigration enforcement operations,” to provide information on persons who may be subject to immigration enforcement

operations (except as otherwise required by law), or “to establish traffic perimeters, or to otherwise be present to assist or support an [enforcement] operation.”

13. East Chicago City Code § 39.055(B)(2) requires that if an agent of the City of East Chicago receives a request to support an immigration enforcement operation, the agent must report the request to the agent’s supervisor, who, under the Ordinance, must deny the request.

14. East Chicago City Code § 39.055(C) prohibits agents and agencies of the City of East Chicago from entering into agreements with the federal government to assist in the enforcement of federal civil immigration laws—including agreements authorized by United States Code Title 8 § 1357(g).

15. East Chicago City Code § 39.055(D) also restricts the ability of agents and agencies of the City of East Chicago to cooperate with U.S. Immigration and Customs Enforcement (“ICE”), a federal law enforcement agency within the U.S. Department of Homeland Security. Specifically, unless presented with a criminal warrant, no agent or agency is allowed to: (1) permit ICE agents access to a person in their custody; (2) transfer a person to ICE custody; (3) permit ICE agents to use facilities, equipment, databases, or share information (except as otherwise required by law); or (4) spend time responding to ICE inquiries or communicating with ICE about certain information including a person’s custody status.

16. A person who violates Ordinance 17-0010 is subject to a fine under East Chicago City Code § 39.999.

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

17. Ordinance 17-0010's numerous and onerous restrictions on the ability of East Chicago agents and agencies to cooperate with federal agencies or otherwise assist in the enforcement of federal immigration laws are clear violations of Indiana law.

18. 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.

19. Specifically, where information of citizenship or immigration status is concerned, Indiana Code § 5-2-18.2-3 prohibits ordinances 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.

20. 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.”

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

22. By passing and maintaining Ordinance 17-0010 the City of East Chicago Common Council injures the State of Indiana by violating the sovereignty of the State.

23. 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.

24. 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.

25. On May 14, 2024, Attorney General Rokita sent a letter to the members of the City of East Chicago Common Council asking whether Ordinance 17-0010 was still in effect, demanding its repeal if it was still in effect, and warning of legal consequences if the Common Council fail to repeal its unlawful ordinance.

26. The City of East Chicago Common Council has not responded to the May 14, 2024, letter or repealed Ordinance 17-0010.

CAUSE OF ACTION

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

27. Defendant, City of East Chicago Common Council, passed Ordinance 17-0010 in 2017.

28. Ordinance 17-0010 as codified in East Chicago City Code §§ 39.052 and 39.055 violate Indiana Code §§ 5-2-18.2-3 and 5-2-18.2-4 in whole or in part.

29. Attorney General Rokita has determined that probable cause exists that the City of Chicago Common Council has violated Indiana Code chapter 5-2-18.2.

30. Attorney General Rokita informed the City of East Chicago Common Council of his determination that Ordinance 17-0010 violates Indiana law.

31. Despite the Attorney General's determination, the City of East Chicago Common Council has not repealed Ordinance 17-0010.

32. Defendant, City of East Chicago Common Council, knowingly or intentionally violated Indiana Code chapter 5-2-18.2.

RELIEF REQUESTED

WHEREFORE, the Plaintiff, State of Indiana, respectfully requests the Court to enter an order enjoining the City of East Chicago Common Council from violating Indiana Code chapter 5-2-18.2.

Respectfully submitted,

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

By: /s/Aaron M. Ridlen
Aaron M. Ridlen
Deputy Attorney General
Attorney No. 31481-49

OFFICE OF INDIANA ATTORNEY GENERAL TODD ROKITA
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 232-2826
Facsimile: (317) 232-7979
E-mail: Aaron.Ridlen@atg.in.gov