



TODD ROKITA
ATTORNEY GENERAL

October 11, 2024

St. Joseph County Police Department
Attn: Sheriff William Redman
401 W. Sample Street
South Bend, IN 46601

Re: St. Joseph County Police Department's Compliance with Indiana Code ch. 5-2-18.2

Dear Sheriff Redman,

I write concerning the St. Joseph County Police Department's ("SJCPD") compliance with Indiana Code § 5-2-18.2-1, *et. seq.* The Office of the Attorney General ("OAG") has cause to believe that SJCPD has implemented and maintains a policy limiting its and its officers' cooperation with federal immigration authorities that is inconsistent with Indiana Code §§ 5-2-18.2-3, & 4. I ask that you confirm whether SJCPD maintains such a policy and, if it does, that SJCPD promptly discontinue it. If SJCPD fails to provide a satisfactory response to this inquiry, OAG will undertake legal action to compel SJCPD's compliance with state law.

According to a report prepared by U.S. Immigration and Customs Enforcement ("ICE"), SJCPD is designated by ICE as a non-cooperative law enforcement agency. That designation means that SJCPD does not provide notification to ICE prior to releasing noncitizens from custody and does not honor ICE detainer requests. Through communications with ICE, OAG has learned that SJCPD failed to honor 9 detainer requests in the period between March 1, 2024 and September 3, 2024. In some instances, the individuals who were the subjects of those detainers had committed crimes that pose direct threats to public safety.

Under Indiana Code § 5-2-18.2-3, it is unlawful for SJCPD to:

[I]mplement . . . a policy that prohibits or in any way restricts . . . a law enforcement officer . . . from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an 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. [or] (4) Exchanging information with another federal, state, or local government entity.

Likewise, Indiana Code § 5-2-18.2-4 makes it unlawful for SJCPD to "limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law."

ICE's designation of SJCPD as a non-cooperative law enforcement agency and SJCPD's pattern and practice of refusing to honor ICE detainees give OAG cause to believe that SJCPD has implemented and maintains a policy that limits or restricts SJCPD's and its officers' communications with ICE and that otherwise limits or restricts SJCPD's and its officers' ability to participate in the enforcement of federal immigration laws to the full extent permitted by federal law. Such a policy—whether formal or informal, written or not—violates Indiana law.

Accordingly, I ask that you: (1) confirm whether SJCPD maintains a policy limiting or restricting communications with ICE or otherwise adheres to a policy that limits or restricts SJCPD's and its officers' participation in the enforcement of federal immigration law; and (2) immediately discontinue any such policy.

Indiana Code § 5-2-18.2-5 authorizes OAG to bring an action to compel compliance with Indiana Code §§ 5-2-18.2-3 & 4. If you fail to provide a satisfactory response to this inquiry by November 8, 2024, I will exercise that authority and file suit against SJCPD.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Rokita". The signature is fluid and cursive, with the first name "Todd" being more prominent than the last name "Rokita".

Todd Rokita
Indiana Attorney General