

Institute for
Constitutional Advocacy and Protection

GEORGETOWN LAW

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**Monroe County Sheriff Challenges New State Law Requiring Compliance With ICE
Detainer Requests**

*The federal suit claims the new state law requires the Sheriff's Office to violate the Fourth
Amendment*

Monroe County, IN – Yesterday, Monroe County Sheriff Ruben Marté filed a federal lawsuit challenging a portion of a new Indiana law—Senate Enrolled Act 76 (SEA 76)—that requires law enforcement to detain individuals based solely on immigration detainer requests from U.S. Immigration and Customs Enforcement (ICE).

The lawsuit argues that the Fourth Amendment prohibits detaining individuals without a judicial warrant or probable cause that the person committed a crime, and the Sheriff cannot constitutionally hold someone in custody simply based on their immigration status. SEA 76 therefore requires the Sheriff's Office to violate the U.S. Constitution. The Sheriff asks the federal court to stop the law from going into effect and to issue a ruling declaring that the state law is unconstitutional insofar as it requires compliance with immigration detainer requests in the absence of a judicial warrant.

Since 2023, the Monroe County Sheriff's Office (MCSO) has had a policy directing officers not to detain someone past their release date based solely on a non-criminal or administrative ICE detainer request. ICE detainers are requests from federal immigration authorities that ask state or local law enforcement agencies to maintain custody of an individual for up to 48 hours beyond when he would otherwise be released so that ICE can arrange to take him into custody. Because continuing to detain someone based solely on an ICE detainer is a new "seizure," it must meet the requirements of the Fourth Amendment. SEA 76 would abrogate Sheriff Marté's policy—which is already the subject of litigation brought by Attorney General Todd Rokita in state court in 2024—and force him to violate the constitutional rights of detainees and thus his oath to uphold the Constitution.

SEA 76 was signed into law on March 5. If not enjoined, the mandatory detainer policy will go into effect on July 1.

The lawsuit, brought by attorneys from the Monroe County Legal Department and the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center, was filed in the federal district court for the Southern District of Indiana. Further inquiries may be directed to legal counsel.

Read the complaint [here](#).

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***About the Sheriff:** Sheriff Ruben Martí is the elected Sheriff for Monroe County. He was elected to this position in 2022. He previously worked for 31 years for the Indiana State Police.*

The mission of the Institute for Constitutional Advocacy and Protection is to use litigation, policy, and public education to protect constitutional rights and to hold our governmental institutions to the highest standards of integrity and accountability. Connect with ICAP at www.law.georgetown.edu/icap/ or reachICAP@georgetown.edu.