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**Clay County Officials Sued for Lack of Transparency in Proposed Jail Expansion**

**[Brazil, Indiana] -** Clay County officials have been named as defendants in a lawsuit filed this past Wednesday, December 15 in Clay Circuit Court. The lawsuit, filed by Mariposa Legal on behalf of the Communities Not Cages Indiana Coalition, names three Clay County entities as defendants in the suit: the Clay County Commissioners, Clay County Council, and Clay County Sheriff’s Office.

The substance of the lawsuit centers around the lack of transparency in the county’s proposal to expand their jail. The proposal, expected to cost the county $25-27 million and nearly triple the number of existing beds with an eye to housing more ICE detainees, has been in the works for a series of months. However, specific details of the budget and scope remain unavailable to the public.

The lawsuit alleges violations of two specific parts of Indiana statute, the Indiana Open Door Law (ODL) and the Indiana Access to Public Records Act (APRA), and asks the court to enjoin county officials from proceeding with the plan until “substantial reconsideration” has been given at a public meeting compliant with the ODL.

As grounds for this request, the lawsuit notes that all decisions about the expansion have taken place either in closed-door committee meetings or “special meetings” rather than the regular monthly meetings open to the public. In addition, commissioners have refused to answer questions from the public as recently as their December 6 meeting. The lawsuit thus claims that the defendants have engaged in “a pattern of decision-making [...] in direct contradiction to the statutory purpose of the Indiana Open Door Law.”

In terms of the public records complaints, the lawsuit lays out a detailed timeline (see pp. 4-18 in complaint) of over seven public records requests made to the defendants by the National Immigrant Justice Center. Responses to these requests were either late or incomplete, despite timely follow-up from NIJC. Subsequently, on November 11, NIJC and Mariposa Legal filed three formal complaints with the Indiana Public Access Counselor citing a lack of transparency on the part of county officials.

The lawsuit is filed on behalf of Communities Not Cages Indiana, a coalition of advocacy groups in Indiana and Illinois opposed to the expansion of incarceration, particularly ICE detention. For a number of months, members of the coalition have been raising questions at county meetings and connecting with local residents opposed to the expansion. Organizing from coalition members has generated a [petition](https://www.thepetitionsite.com/325/335/091/stop-expansion-of-ice-detention-and-get-ice-out-of-indiana/) with 40,000 signatures, over 2,000 of whom are from Indiana.

Opponents have expressed numerous concerns with the proposal and the way Clay County is proceeding. In particular, they worry that the county is taking a large financial risk without a clear contract with ICE. Beyond this, many have expressed dismay that officials are focused on expanding incarceration rather than providing badly-needed services, such as those related to mental health and the treatment of substance use disorders.

While county officials claim that they have not yet made a final decision about the plan, correspondence from County Attorney Eric Somheil indicated that a previously-invalidated MOU (memorandum of understanding) with developers had been reactivated sometime around November 12, without public notice. Moreover, the county is moving to rezone properties near the jail that have been acquired in the past year, presumably for the expansion. This rezoning from R2 “residential” to I1 “industrial” will be discussed at the Brazil Planning Commission meeting on Monday, December 20 at 5:00pm.

Against this background, attorney Hannah Cartwright of Mariposa Legal asserted the significance of the filed lawsuit, saying “The people of Indiana deserve to have transparency and accountability from their elected public officials. We hope that this lawsuit will bring such transparency around the proposed jail expansion of Clay County Jail that not only directly affects Clay County taxpayers but has significant regional and even national implications as this small county seeks to unilaterally collaborate with ICE in the detention of immigrant residents in the Midwest.”

The lawsuit has now been assigned to Judge Joseph D. Trout of Clay Circuit Court. The defendants have 20 days from the date of filing to respond.