

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>STATE OF IOWA,</p> <p>Plaintiff,</p> <p>v.</p> <p>DANIEL MARX, in his official capacity as Winneshiek County Sheriff, and WINNESHIEK COUNTY,</p> <p>Defendants.</p>	<p>Case No. _____</p> <p>PETITION</p>
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Introduction

1. The State of Iowa plays a vital role in the cooperative federalism to enforce immigration law. To that end, the Legislature enacted a State law reflecting the reality of cooperative federalism. Under Iowa law, State law enforcement officers are required to cooperate with federal immigration authorities. That explicitly includes cooperating with U.S. Immigration and Customs Enforcement.
2. The Legislature takes its mandated cooperation seriously. It instructed the Attorney General to investigate potential violations when a valid complaint is filed. And the remedy is harsh: stripping County funding.
3. The Sheriff posted on Facebook a message rife with legal and factual errors that discouraged enforcing immigration laws in violation of chapter 27A. The Governor, recognizing that the post violated the law, filed a complaint with the Attorney General’s Office. And finding a violation, the Attorney General now sues to enforce the law.
4. That requires stripping Winneshiek County of State funding until the Sheriff follows the procedure to reinstate the funds.

I. Jurisdiction

5. This Court has jurisdiction over this matter under Iowa Code section 27A.8.
6. The State of Iowa is at home in Polk County and the statute authorizing suit explains that “the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.” Iowa Code § 27A.8(6).
7. Denial of funds is the remedy that the Legislature instructed is the remedy available for violations of Chapter 27A. *See* Iowa Code § 27A.9 (“Denial of state funds”).

II. Parties

8. Plaintiff is the State of Iowa. Under Iowa Code chapter 27A the Attorney General may sue in district court to remedy a violation.
9. Defendant Dan Marx is the elected Sheriff of Winneshiek County subject to chapter 27A.
10. Defendant Winneshiek County is a County in the State of Iowa.

III. Factual Allegations

11. On February 4, 2025, Winneshiek County Sheriff Dan Marx intentionally posted on Facebook. His post included many factual and legal inaccuracies. Those factual and legal inaccuracies impeded and discouraged cooperation with federal immigration authorities in violation of Iowa law.

12. Sheriff Marx's Facebook post is reproduced in full here:



13. The post included many inaccuracies and language violated Iowa Code section 27A.8, including:

- a. Inaccurately stating that “[t]he only reason detainers are issued is because the federal agency does not have enough information or has not taken the time to obtain a valid judicial warrant.”
- b. Wrongly claiming “these detainers are violations of our 4th Amendment protection against warrantless search, seizure and arrest, and our 6th Amendment right to due process.”

- c. Threatening that he might “make every effort to block, interfere and interrupt [ICE] actions from moving forward.”
 - d. Discouraging cooperation by explaining that he shares “mistrust” with the “legitimacy with which federal agents conduct business.”
 - e. And incorrectly explaining that his “long-time stance” is to “not recogniz[e] detainees.”
14. The Sheriff knows many of those inaccurate claims are wrong and thus discourage law enforcement. The Sheriff is aware that ICE seeks detainees for reasons other than “solely . . . because the federal agency does not have enough information or has not taken the time to obtain a valid judicial warrant.”
 15. The Sheriff knows is aware that ICE detainees are not all “violations of our 4th Amendment protection against warrantless search, seizure and arrest, and our 6th Amendment right to due process.” *Id.*
 16. The Sheriff has complied with every ICE detainer request made of his office since November 26, 2018. He knows that the Sheriff’s “long-time stance” is not to “not recogniz[e] detainees.”
 17. To the extent there are open constitutional questions on these issues, his post did not raise or ask them: it made clear declarative legally incorrect statements. It made false statements about his office’s policies. And those statements “discourages the enforcement of immigration laws.” Iowa Code § 27A.4(1).
 18. Given the obvious problems and violations of State law in the post, the Governor filed a formal complaint on February 4, 2025.
 19. The Attorney General opened an investigation that day, sending a request for more information on February 7, 2025. Ex. A
 20. The Sheriff responded on February 14, 2025. Ex. B.

21. The response's cover letter explained that the Sheriff's purpose "was not to suggest that the Winneshiek County Sheriff's Office will not cooperate in immigration enforcement." Ex. B. He acknowledged that failure to cooperate contradicted the November 2018 written policy. He acknowledged that his office will cooperate "with ICE or other agencies in the lawful execution of their duties." *Id.*
22. The Sheriff continued that "[o]bviously, I support ICE in their efforts to keep our country and community safe. They have a difficult, dangerous, and important task before them." *Id.* That sentiment is perfectly consistent with the law but undermines the post's claim that there is a longstanding policy not to comply with ICE detainers.
23. Also undermining the Sheriff's unfounded and incorrect allegations are the attachments to the response. That includes a November 26, 2018 policy that remains in effect today. *Id.* That policy requires "Compliance with federal 'immigration detainer requests.'" *Id.* And it specifically references ICE. *Id.* There is no ambiguity that the post contradicted that longstanding written policy.
24. The post discouraged complying with Winneshiek County's written policy and the law in violation of Iowa Code section 27A.8.
25. Also attached to the response was 56 pages of documentary evidence going back to December 14, 2018 of the Sheriff complying with every single ICE detainer request made. Ex. B. The documentation, consistent with the County policy, details each of the 21 ICE detainer requests that the Sheriff complied with. Rather than a longstanding policy of defying ICE (and the written policy), the Sheriff has duly enforced federal and State law whenever asked.
26. By stating wrong facts about following State and federal law and misleadingly posting about complying with 21 ICE encounters, the Sheriff intentionally

posted false information. That false information had the effect of discouraging violation enforcement in violation of the law.

27. The final page of the Response was an email from County Attorney Andrew F. Van Der Maaten that, in part, addressed the discouraging post. County Attorney Van Der Maaten explained that after discussing with the Sheriff he was “writing the email to confirm that Winneshiek County will continue to following [sic] the written policy.” *Id.* He acknowledged that the “practice in our County has followed the attached policy.” And, he continued, “[u]pon review of the County records, I have been unable to find an instance where the policy was not followed as we have turned over inmates on all detainees pursued by ICE.” *Id.*
28. On information and belief, that response was sent because the post discouraged law enforcement and the County Attorney and Sheriff realized, belatedly, the error.
29. As of the time of this filing, the violating Facebook post remains posted and no public walk back, revocation, or other corrective action has been taken.

Violations of Iowa Code section 27A.

30. The Governor filed a formal complaint with the Attorney General’s Office. Iowa Code § 27A.8(1) (“Any person, including a federal agency, may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation.”).
31. The Sheriff intentionally posted his inaccurate Facebook post on February 4, 2025.
32. The Attorney General investigated the complaint and found an intentional violation. *See Ex. C*; Iowa Code § 27A.4.

33. Under the Act:

Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

Iowa Code § 27A.9.

34. The Attorney General has found an intentional violation of the Act and seeks to enforce the statutory penalty.

Conclusion and Prayer

The State of Iowa requests that the Court render judgment in the State's favor and:

- A. Declare that Winneshiek County is ineligible to receive any state funds;
and
- B. Grant all other relief necessary or appropriate to remedy the effects of Defendants' acts or to which the State may be entitled.

BRENNNA BIRD
Attorney General of Iowa

/s/ Jeffrey C. Peterzalek
Jeffrey C. Peterzalek
Deputy Attorney General
Hoover State Office Bldg.
Des Moines, Iowa 50319
(515) 281-5164
jeffrey.peterzalek@ag.iowa.gov