

VIA CERTIFIED MAIL

Maine Department of Public Safety
Att'n: Maine State Police, Records Management Services
45 Commerce Dr, Ste 1
42 State House Station
Augusta, ME 04333

January 17, 2023

RE: Request for Inspection and Copying of Public Records Pursuant to the Maine
Freedom of Access Act, 1 M.R.S. § 408-A

To Records Management Services:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S. § 408-A submitted on behalf of the American Civil Liberties Union of Maine Foundation.

Maine's Freedom of Access Act (FOAA) must "be liberally construed" to promote its underlying purpose of promoting openness and transparency in governance, and exceptions to the law are interpreted narrowly. 1 M.R.S. § 401. The law broadly defines the term "public record" to include:

any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, . . . and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business.

1 M.R.S. § 402(3)

The term "public record" includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mails and text messages. Information "received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business" includes, but is not limited to, information stored on the home computers, phones, and other devices of government officials and employees.

It has come to our attention that Maine State Police has performed traffic stops of individuals and then either 1) transported those individuals into the custody of either U.S. Immigration and

Customs Enforcement (“ICE”) or U.S. Customs and Border Protection (“CBP”) or 2) called ICE or CBP to the scene of the stop, leading ICE or CBP to take a person into custody. We request public records related to all traffic stops performed by Maine State Police since January 1, 2019 that resulted in the individual being taken into ICE or CBP custody. Specifically, we request:

- incident reports detailing all traffic stops of individuals by Maine State Police from January 1, 2019 to present in which the individual was taken into ICE or CBP custody;
- all documentation associated with the above-referenced traffic stops;
- all documentation showing the number of people Maine State Police has transferred *or* released to ICE or CBP custody from January 1, 2019 to present;
- any communications between Maine State Police and ICE or CBP concerning transportation of aliens or 8 U.S.C. § 1324.

Under FOAA, you are required to acknowledge this request within five working days. You are further required, within a reasonable time, to provide an estimate of the time frame for your response. 1 M.R.S. § 408-A(3).

If you deny all or any part of this request, please provide written notice of the denial and the asserted basis for that denial within five working days, as required by law. 1 M.R.S. § 408-A(4). Please cite each specific FOAA exemption that you assert as a basis for your denial. To the extent that you deny this request on the basis of 16 M.R.S. § 804, please indicate which subsection of the statute is applicable to the withheld records.

Under 1 M.R.S. § 408-A(11)(B), ACLU of Maine is entitled to a waiver of any fees because release of the requested records is in the public interest. Release of the requested records is “likely to contribute significantly to public understanding of the operations of activities of government and is not primarily in the commercial interest of the requester.” 1 M.R.S. § 408-A(11)(B). To the extent that fee waiver is not granted, please provide a cost estimate within a reasonable time as required by law. *See* 1 M.R.S. § 408-A(3), (9).

If any records responsive to this request are stored electronically, please produce them in the medium in which they are stored. *See* 1 M.R.S. § 408-A(7).

Please provide the applicable records to:

Anahita D. Sotoohi
ACLU of Maine
P.O. Box 7860
Portland, ME 04112
asotoohi@aclumaine.org

Thank you for your anticipated cooperation. We look forward to hearing from you as soon as possible and no later than five working days from your receipt of this request.

Respectfully,

Anahita D. Sotoohi
Legal Fellow
ACLU of Maine
asotoohi@aclumaine.org
207.613.4350
