

**VIA CERTIFIED MAIL AND EMAIL**

Sheriff Scott R. Nichols  
Franklin County  
123 County Way  
Farmington, ME 04938  
[snichols@franklincountymaine.gov](mailto:snichols@franklincountymaine.gov)

April 17, 2025

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

Dear Sheriff Nichols,

This is a request for inspection and copying of public records under 1 M.R.S. § 408-A submitted by the American Civil Liberties Union of Maine Foundation (ACLU of Maine). As detailed below, we request records regarding Franklin County Sheriff's Office and Franklin County Detention Center's policies and practices regarding holding people in Immigration and Customs Enforcement (ICE) detention or Customs and Border Patrol (CBP) custody. This request follows up on email requests sent on April 7 and March 24 and 26, see attached.

Based on our review of Franklin County Detention Center's daily inmate lists, in the past 30 days the facility has held at least 39 individuals with no criminal charges: the only "charge" listed is "Hold for Border Patrol," or a similar variant. We have also received complaints about the Franklin County Detention Center holding people for extended periods of time, well past the 48 hours afforded by an immigration detainer, and in unconstitutional conditions such as being detained virtually incommunicado.

It is our understanding that the federal government plans to increase its detention of non-citizens, and that this effort involves ICE and CBP contracting with local law enforcement and county jails to arrest and detain people. The arrest and detention of people in local jails for ICE and CBP may violate their constitutional and civil rights and cooperation with these federal agencies can expose local law enforcement to legal liability.<sup>1</sup> Police cannot arrest anyone simply because someone else

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<sup>1</sup> See L.J. Wolfgang Keppley, *Mistaken Detainment, Racial Profiling, and Discrimination: How ICE Fails to Protect Communities*, Niskanen Center (Dec. 14, 2020), <https://www.niskanencenter.org/mistaken-detainment-racial-profiling-and-discrimination-how-ice-fails-to-protect-communities/#:~:text=The%20resolution%20mandated%20that%20police%20only%20inquire,prohibited%20racial%20profiling%20for%20the%20PWC%20police> (discussing how local law enforcement agreements with ICE,

asks them to, even if that someone else is the federal government. Local police have been investigated and sanctioned by courts for violating prohibitions against racial profiling.<sup>2</sup>

To increase public understanding of the nature, duration, location, and finances of ICE and CBP detention in Maine, we request the following public records:

1. Any contracts governing the relationship between Franklin County Detention Center and ICE;
2. Any contracts governing the relationship between Franklin County Detention Center and the United States Marshal Service;
3. Any documents indicating the actual and maximum possible number of people in ICE detention or CBP custody held at Franklin County Detention Center from December 1, 2024 to present;
4. Any policies or procedures related to holding individuals for ICE at Franklin County Detention Center;
5. Any policies or procedures related to holding individuals for CBP at Franklin County Detention Center;
6. Any documents describing or discussing the charge “hold for Border Patrol”; and
7. Any policies or procedures related to ICE detainees or immigration detainees.

Maine’s Freedom of Access Act (FOAA) must “be liberally construed and applied to promote its underlying purposes” 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 records” 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.

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whether a 287(g) or another agreement, “set up localities and states for policies that increase the risk of mistaken detainment and deportation and that racially profile and discriminate against immigrant communities”).

<sup>2</sup> See, e.g., Press Release, ACLU, Union Pacific Railroad Police Cuts Ties with ICE (July 27, 2020), <https://www.aclu.org/press-releases/union-pacific-railroad-police-cuts-ties-ice>; American Civil Liberties Union, Letter to Bruce Friedman (Mar. 15, 2016), <https://www.aclu.org/documents/aclu-letter-dhs-crcl-re-287g-renewals-march-2016>; Press Release, U.S. Department of Justice, Department of Justice Releases Investigative Findings on the Maricopa County Sheriff’s Office (Dec. 15, 2011), <https://www.justice.gov/archives/opa/pr/departments-justice-releases-investigative-findings-maricopa-county-sheriffs-office>.

1 M.R.S. § 402(3).

The term “public records” 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.

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). Failure to comply in good faith with the requirements of FOAA can result in substantial penalties. *See, e.g., Human Rights Defense Center v. MCCA Risk Pool*, (Super. Ct. No. 21-131) (ordering government entity to pay over \$130,000 in attorneys’ fees and costs based on its bad faith failure to comply with FOAA request for records).

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 of the receipt of the request, 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:

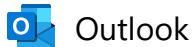
Heather Zimmerman  
ACLU of Maine  
P.O. Box 7860  
Portland, ME 04112  
hzimmerman@aclumaine.org

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,

Heather L. Zimmerman  
Legal Fellow

ACLU of Maine  
[hzimmerman@aclumaine.org](mailto:hzimmerman@aclumaine.org)  
207.400.5131



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**Re: Information request**

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**From** Heather Zimmerman <HZimmerman@aclumaine.org>

**Date** Mon 4/7/2025 4:53 PM

**To** Scott R. Nichols <snichols@franklincountymaine.gov>

Dear Sheriff Nichols,

I am writing to check on the follow-up questions I sent for basic information about how your office and the Franklin County Detention Center are working with ICE and CBP. Thank you for your time and attention to this matter.

1. Is the Franklin County Detention Center currently holding any detainees for ICE or CBP? If yes, how many detainees for each agency? In addition, can you please provide your office's record of persons committed, including the cause and by what authority the persons have been committed.
2. I noticed that booking sheets for individuals held for CBP list the charge as "Hold for Border Patrol." Can you please explain what this charge designation means? Does the charge designation relate to a grant of authority for holding these individuals? If yes, can you please refer me to the relevant source of authority.

Sincerely,

**Heather L. Zimmerman**

*pronouns: she/her/hers*

Legal Fellow

American Civil Liberties Union of Maine

PO Box 7860, Portland, ME 04112

[hzimmerman@aclumaine.org](mailto:hzimmerman@aclumaine.org)

207-774-5554

207-619-8688 (direct)

[www.aclumaine.org](http://www.aclumaine.org)



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**From:** Heather Zimmerman <HZimmerman@aclumaine.org>

**Sent:** Wednesday, March 26, 2025 3:21 PM

**To:** Scott R. Nichols <snichols@franklincountymaine.gov>

**Subject:** Re: Information request

Dear Sheriff Nichols,

I am writing with a couple of follow-up questions.

1. Is the Franklin County Detention Center currently holding any detainees for ICE or CBP? If yes, how many detainees for each agency? In addition, can you please provide your office's record of persons committed, including the cause and by what authority the persons have been committed.
2. I noticed that booking sheets for individuals held for CBP list the charge as "Hold for Border Patrol." Can you please explain what this charge designation means? Does the charge designation relate to a grant of authority for holding these individuals? If yes, can you please refer me to the relevant source of authority.

Thank you, again, for your assistance.

Best,

**Heather L. Zimmerman**

*pronouns: she/her/hers*

Legal Fellow

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**From:** Heather Zimmerman <[HZimmerman@aclumaine.org](mailto:HZimmerman@aclumaine.org)>

**Sent:** Monday, March 24, 2025 2:41 PM

**To:** Scott R. Nichols <[SNichols@franklincountymaine.gov](mailto:SNichols@franklincountymaine.gov)>

**Subject:** Re: Information request

Dear Sheriff Nichols,

Thank you for your quick response.

Best,

**Heather L. Zimmerman**

*pronouns: she/her/hers*

Legal Fellow

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**From:** Scott R. Nichols <SNichols@franklincountymaine.gov>  
**Sent:** Monday, March 24, 2025 12:40 PM  
**To:** Heather Zimmerman <HZimmerman@aclumaine.org>  
**Subject:** RE: Information request

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**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

Heather,

I am not aware of any contracts/documents that govern the relationship we have with ICE or CBP. We do not have any policies related to holding individuals for CBP/ICE.

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**From:** Heather Zimmerman <HZimmerman@aclumaine.org>  
**Sent:** Monday, March 24, 2025 10:38 AM  
**To:** Scott R. Nichols <SNichols@franklincountymaine.gov>  
**Cc:** Anahita Sotoohi <asotoohi@aclumaine.org>  
**Subject:** Information request

**Caution:** This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Dear Sheriff Nichols,

I am writing to request some basic information about how your office and the Franklin County Detention Center are working with ICE and CBP. Can you please send me the following information and documents:

- A copy of the current contract or any other document governing the relationship between the Franklin County Sheriff's Office, Franklin County Detention Center, and ICE.
- Is the Franklin County Detention Center currently holding any ICE detainees? If yes, how many ICE detainees? Please also advise how we can receive regular information about the number and names of ICE detainees being held in the Franklin County Detention Center.
- A copy of the contract or any other document governing the relationship between the Franklin County Sheriff's Office, Franklin County Detention Center, and CBP.
- Any policies or procedures related to holding individuals for CBP/ICE, including any policies or procedures related to ICE detainees.

Please let me know if I should direct this request to someone else at Franklin County Detention Center. Thank you for your time and assistance.

Best wishes,

**Heather L. Zimmerman**

*pronouns: she/her/hers*

Legal Fellow

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