



Cumberland Legal Aid Clinic

December 11, 2020

VIA ELECTRONIC MAIL

Laura Hrubowchak
Cumberland County Sheriff's Office
50 County Way
Portland, Maine 04102
hrubowchak@cumberlandcounty.org

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

Dear Ms. Hrubowchak:

Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408-A. We request records regarding communications between the Cumberland County Sheriff's Office and U.S. Immigration and Customs Enforcement ("ICE").¹ Unless otherwise specified, we request all records since March 1, 2020, until the present. Specifically, we request the following public records:

1. Any communications between ICE and the Cumberland County Jail, including but not limited to electronic mail, regarding detention of immigrant detainees at the Cumberland County Jail;
2. Any communications with ICE, including but not limited to electronic mail, regarding COVID-19 precautions;
3. Any directives, orders, policies, practices, or precautions with respect to transfers to the Cumberland County Jail from outside the state of Maine.

¹ As used in the request, Cumberland County Sheriff's Office includes all officers and employees and other representatives affiliated with the Cumberland County Sheriff's Office, and ICE includes all officers and employees and other representatives affiliated with ICE.

In responding to this request, please be advised that, under § 402(3) of the Freedom of Access Act, the term “public record” is broadly defined as including:

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). It should be noted that the term “public record” includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mail. 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 of government officials and employees.

Please note that, unless otherwise specified, we are requesting records regarding currently operative directives, policies, practices, and methods. Additionally, to the extent that responsive records contain confidential information, including personally identifiable information, please provide the records only after redacting such confidential information.

Under Maine’s Freedom of Access Act (FOAA), you have five (5) working days to acknowledge this request.

The requested records are not exempt from disclosure. If you deny all or any part of this request, please cite each specific applicable FOAA exemption and notify us of appeal procedures available under the law.

Pursuant to 1 M.R.S. § 408-A(11)(B), we are entitled to waiver of any fees because release of the requested records is in the public interest. In the words of the statute, 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 pursuant to 1 M.R.S. § 408-A(9).

Thank you for your anticipated cooperation. We look forward to hearing from you.

Very truly yours,



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