

**VIA CERTIFIED MAIL AND EMAIL**

Hancock County FOAA Requests  
Commissioners Office  
50 State Street, Suite 7  
Ellsworth, Maine 04605  
[FOAA@hancockcountymaine.gov](mailto:FOAA@hancockcountymaine.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 Hancock County FOAA officer,

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 the Hancock County Sheriff's Office and Hancock County Jail'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 to Sheriff Scott Kane on April 2 and March 26, see attached.

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 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>

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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, 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*

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 Hancock County Jail and ICE;
2. Any contracts governing the relationship between Hancock County Jail and the United States Marshal Service;
3. Any documents indicating the actual and maximum possible number of ICE detainees held at Hancock County Jail from December 1, 2024 to present;
4. Any policies or procedures related to holding individuals for ICE at Hancock County Jail;
5. Any policies or procedures related to holding individuals for CBP at Hancock County Jail; and
6. 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.

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,*

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the Maricopa County Sheriff's Office (Dec. 15, 2011), <https://www.justice.gov/archives/opa/pr/departments-justice-releases-investigative-findings-maricopa-county-sheriff-s-office>.

(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](mailto: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** Wed 4/2/2025 7:06 AM

**To** scott.kane@hancockcountymaine.gov <scott.kane@hancockcountymaine.gov>

**Cc** Anahita Sotoohi <asotoohi@aclumaine.org>

Dear Sheriff Kane,

I am writing to follow up on the request (below) for basic information about how your office and the Hancock County Jail are working with ICE and CBP. Thank you for your time and attention to this matter.

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

**Sent:** Wednesday, March 26, 2025 2:38 PM

**To:** scott.kane@hancockcountymaine.gov <scott.kane@hancockcountymaine.gov>

**Cc:** Anahita Sotoohi <asotoohi@aclumaine.org>

**Subject:** Information request

Dear Sheriff Kane,

I am writing to request some basic information about how your office and the Hancock County Jail 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 Hancock County Sheriff's Office, Hancock County Jail, and ICE.

- Is the Hancock County Jail 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 Hancock County Jail.
- A copy of the contract or any other document governing the relationship between the Hancock County Sheriff's Office, Hancock County Jail, 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 Hancock County Jail. Thank you for your time and assistance.

Best wishes,

**Heather L. Zimmerman**

*pronouns: she/her/hers*

Legal Fellow

American Civil Liberties Union of Maine

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