




Re: FOAA request April 17, 2025

From Peter Marchesi <peter@wheelerlegal.com>

Date Fri 5/16/2025 2:12 PM

To Heather Zimmerman <HZimmerman@aclumaine.org>

Cc Dale Lancaster <Dale.Lancaster@somersetcounty-me.org>; Kristen Washburn <Kristen.Washburn@somersetcounty-me.org>; Donna Campbell <dcamp@wheelerlegal.com>; Tim Curtis <Tim.Curtis@somersetcounty-me.org>; Kristen Washburn <Kristen.Washburn@somersetcounty-me.org>

 3 attachments (15 MB)

Outlook-hkxr1ctw; ICE Detainee 2021[24].pdf; Blank Order to Detain or Release Alien[27].pdf;

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Heather,

Thanks for your patience whilst my client and I reviewed records potentially responsive to your April 17, 2025, FOAA request. It turns out that there is precious little in the way of responsive records, so we were able to complete the process more quickly than anticipated. Kindly accept this email communication as the County's formal response to your noted request. The paragraph numbers below correspond to those in your request.

1. None.
2. This request is respectfully denied *at the present time*. The US Marshal's service asserts privilege as to this document. The bases for denial of this portion of your request are 1 M.R.S. (3)(L) and (Q), and 16 M.R.S. 804(1), (7), (8) and (9). You may make a request directly to the US Marshal's service. Notwithstanding the denial of this request at this time, the County is continuing to review the responsive records for potential partial redactions and partial disclosure. I intend to follow up with you on this particular request in the coming week.

3. None. However, as a courtesy, though not required by the FOAA, the County reports that at the present time there are 14 ICE detainees being held at the Somerset County Jail.
4. Attached. Please note that this record is not truly a “policy” or “procedure,” but reading this portion of your request very broadly could be considered responsive.
5. Please see #4.
6. None as to the first portion of this request (decision not to charge). As to the second portion (decision to leave charges field blank), please see the attached document. Although not required to provide an explanation, as a courtesy I will share that this is what the Jail receives when a detainee is delivered, and this is what the Jail uses to complete the booking log. If there are no “charges” listed, then the “charges” field on the booking forms are left blank.
7. None.

This email and the attachments are the County’s formal response to your request. Should you have any questions please feel free to contact me at your convenience.

Thank you,

Pete Marchesi, Esq.

From: Heather Zimmerman <HZimmerman@aclumaine.org>

Date: Friday, April 18, 2025 at 3:49 PM

To: Peter Marchesi <peter@wheelerlegal.com>

Cc: Dale Lancaster <Dale.Lancaster@somersetcounty-me.org>, Kristen Washburn <Kristen.Washburn@somersetcounty-me.org>, Donna Campbell <dcamp@wheelerlegal.com>, Tim Curtis <Tim.Curtis@somersetcounty-me.org>

Subject: Re: FOAA request April 17, 2025

Thank you for this email acknowledgement.

Heather L. Zimmerman

pronouns: she/her/hers

Legal Fellow

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From: Peter Marchesi <peter@wheelerlegal.com>

Sent: Friday, April 18, 2025 3:30 PM

To: Heather Zimmerman <HZimmerman@aclumaine.org>

Cc: Dale Lancaster <Dale.Lancaster@somersetcounty-me.org>; Kristen Washburn <Kristen.Washburn@somersetcounty-me.org>; Donna Campbell <dcamp@wheelerlegal.com>; Tim Curtis <Tim.Curtis@somersetcounty-me.org>

Subject: FOAA request April 17, 2025

Dear Ms. Zimmerman,

Please be advised that this office serves as general counsel to Somerset County, Maine. In that capacity we are in receipt of your FOAA request dated April 17, 2025.

Pursuant to 1 M.R.S. ss.408-A(3), please be advised that the County acknowledges receipt of your request. Further, pursuant to the same statutory provision, please be advised that the County estimates that it will take approximately 4 weeks to research and gather the records contemplated by your request. Following that, it will

take approximately 2 additional weeks to complete a review of the records to determine which, if any, are subject to protection under the FOAA.

The County reserves all potential bases of denial to the request, as it is not possible to determine which bases for denial may apply until such time as the records have been retrieved and reviewed. Such bases potentially include, but are not limited to , those found in ss.402(3)(A), (B), (F), (L) and (Q). Further, the County reserves the right to request pre-payment pursuant to ss. 408-A(10).

Thank you for your attention to this matter.

Peter. T. Marchesi, Esq.