

VIA CERTIFIED MAIL AND EMAIL

Sheriff Ken Mason
73 Winthrop Street
Augusta, ME 04330
kmason@kennebec.gov

May 29, 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 Mason:

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).

It has come to our attention that across Maine, law enforcement agencies are performing traffic stops of individuals and calling U.S. Immigration and Customs Enforcement (“ICE”) or U.S. Customs and Border Protection (“CBP”) to the scene of the stop, leading ICE or CBP to take the person into custody. We request public records related to all traffic stops performed by the Kennebec County Sheriff’s Office since December 1, 2024 that resulted in an individual being taken into ICE or CBP custody.

Specifically we request:

1. Incident reports detailing all traffic stops of individuals by the Kennebec County Sheriff’s Office from December 1, 2024 to present in which the individual was taken into ICE or CBP custody;
2. All documentation associated with the above-referenced traffic stops;
3. From December 1, 2024 to present, any communications between the Kennebec County Sheriff’s Office and ICE or CBP concerning transportation of aliens.

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*, (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).

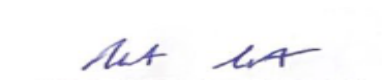
If any records responsive to this request are stored electronically, please produce them in the medium in which they are stored. *See* 1 M.R.S. § 408-A(7).

Please provide the applicable records to:

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,

A handwritten signature in blue ink, appearing to read 'Anahita D. Sotoohi', is positioned above the typed name.

Anahita D. Sotoohi
Staff Attorney
ACLU of Maine
asotoohi@aclumaine.org
207.613.4350