



# EXPOSE & DISRUPT

Using Public Record Act (PRA) requests to challenge immigration enforcement in your community.

**OCTOBER 2024**

The “Expose and Disrupt” guide illustrates how immigrant rights advocates can use state Public Records Act (PRA) requests to fight back against immigration enforcement. Strategic PRA requests can peel back the curtain on ways state and local agencies work together with immigration authorities to reinforce the deportation machinery and traumatize our communities. The guide explains the mechanics of requesting public records, strategies on what information can be useful for campaigns to stop or limit immigration enforcement, and includes examples of what kinds of records exist.

This guide focuses on local and state immigration enforcement practices. For more general information on Public Records Act requests please see the FAQ section. Additional resources on public records requests and federal Freedom of Information Act (FOIA) requests are also available in the Appendix.

## **SECTION 1: WHAT IS A PUBLIC RECORDS ACT (PRA) REQUEST AND WHY IS IT IMPORTANT?**

### **WHAT IS A PUBLIC RECORDS ACT (PRA) REQUEST?**

Do you know that you can ask government agencies for their records, and they are required to give you copies?

Most government documents, including emails and meeting notes and contracts, are subject to these rules.

- For federal government agencies, such as Immigration and Customs Enforcement (ICE) or Border Patrol, release of records is required under a federal law called the Freedom of Information Act, or FOIA.
- Every state has similar laws that apply to state and local agencies, such as your county sheriff or your local police



*continued...*

department.

Modeled after the federal Freedom of Information Act (FOIA), PRAs - shorthand for Public Records Acts- are state laws that empower the public to hold their state and local authorities accountable by requesting information about their policies and operations. Records that can be retrieved include government emails, statistics, videos, policies, staff manuals, and other information that affect the public. All 50 states and the District of Columbia have their own open records laws. PRAs have specific names in each state, such as “Freedom of Information Law” (FOIL - NY), “Public Information Act” (PIA-TX), “Open Public Records Act” (OPRA - NJ), or are sometimes referred to as “Sunshine Laws,” that provide access to documents and data kept by state and local public agencies.

### ***PRA REQUESTS ARE IMPORTANT TO GET GOVERNMENT RECORDS FOR ADVOCACY CAMPAIGNS***

Understanding what different government agencies do, at a general level, is the first step to strategizing on which agencies might have the kind of information or records you are looking for. What is the difference between police and sheriffs, between jails and state prisons? What does the probation department do? What is a joint task force and what do they do? How might these local and state law enforcement agencies be involved in immigration enforcement? What records might they maintain that could help inform us or support our advocacy?

The power of public records laws cannot be overstated. Alongside promoting governmental transparency, PRAs have long been critical tools of resistance and social justice efforts. When advocacy groups, activists, or community members access government records, they are often able to uncover information that the government would not otherwise disclose. Immigration and Customs Enforcement (ICE) is especially notorious for their shadowy operations, and systematically withhold information about their tactics that they claim are “law enforcement sensitive.” While immigration enforcement is entrusted strictly to the federal government, ICE and the Department of Homeland Security (DHS) have increasingly co-opted the resources of law enforcement to run their operations. As a result, those local and state agencies also possess many records related to immigration enforcement that can be accessed via state public records requests.

continued...

## **SECTION 2 - BASICS OF THE ARREST TO DEPORTATION PIPELINE**

Although Public Records Act (PRA) requests can turnover crucial information for advocacy groups, the sheer amount of records within the many different government agencies can seem overwhelming. To understand what information could be useful, it's crucial to understand immigration authorities' relationship to local and state agencies. ICE's partnership with local and state law enforcement is the main engine of the interior deportation system. About 75% of all ICE arrests nationwide are facilitated through the criminal legal system. This system is sometimes referred to as the arrest to deportation pipeline.

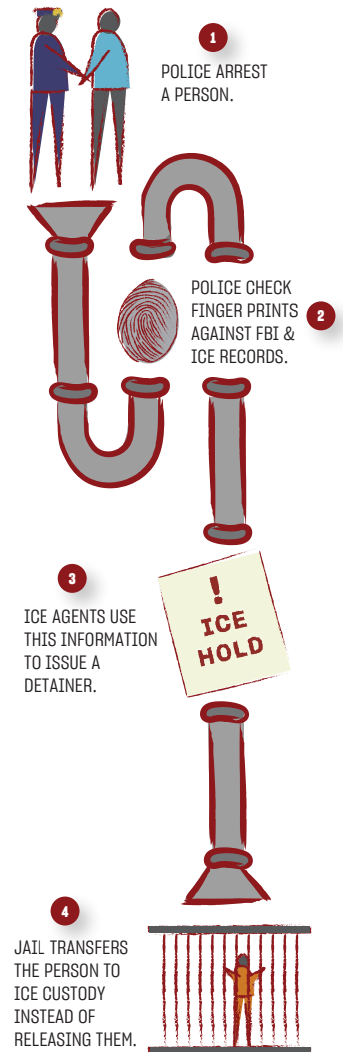
### **SECURE COMMUNITIES**

The entry to this pipeline generally begins with a program called "Secure Communities", under which every time local police or sheriffs arrest someone, anywhere in the country, the person's fingerprints are automatically sent to be checked against ICE databases. ICE uses these checks as a flag to where immigrants might be in local or state custody, and may issue a detainer immediately, or may do more investigation first. A detainer is a request from ICE to transfer a non-citizen from the custody of another law enforcement agency to immigration authorities. Once the person is released from local custody, they may be handed directly to immigration authorities.

Law enforcement agencies funnel thousands of

people to ICE custody after they have served their time or have been found eligible for release. Many advocates call this a cruel "double punishment" that's inflicted on people just based on their place of birth. Involvement in immigration enforcement means that law enforcement encounters become a gateway to deportation. PRA requests can be leveraged to illuminate how local and state resources are being used at every step of the arrest to deportation pipeline.

Beyond fingerprint sharing, law enforcement agencies have many formal and informal relations with ICE. Information-sharing is central, including individual identifying information, criminal records, investigations and suspect lists, biographic data, contact information, and social media surveillance. Moreover, many officers may call ICE or CBP to traffic stops or other enforcement actions, request their help with "interpretation," or form contracts for specific services, including detention, transportation, or data collection. Common forms of collusion between immigration authorities and various local entities are described below.



continued...

## SECTION 3 - WHICH AGENCIES SHOULD I FOCUS ON?

Local or state agencies have no federal legal obligation to work with ICE, but historically, law enforcement agencies have been more than happy to assist. This is particularly true of **sheriffs**, but **police, probation, state prisons, joint task forces**, and **private companies** participate in various ways. These inter-agency partnerships also allow ICE to appropriate local and state level resources for unjust and racially discriminatory purposes. This section explains how various local and state agencies may be contributing to the deportation machine.

### **SHERIFF**

#### ***What they do?***

As elected officials and their county's highest ranking law enforcement authority, most sheriffs run their county jails and have vast discretion over how much they will assist ICE. From deciding how they engage in policing, to whether they join immigration raids, and most importantly whether they will work with ICE to transfer people into immigration detention, **sheriffs play an outsized role in sustaining the arrest to incarceration to deportation pipeline**. For more basics on what Sheriffs do and how they work with ICE, see: [https://www.ilrc.org/sites/default/files/resources/2021.02\\_ilrc\\_sherrifs-final.pdf](https://www.ilrc.org/sites/default/files/resources/2021.02_ilrc_sherrifs-final.pdf)

#### ***How do they help ICE?***

Transfer people to immigration detention: Sheriffs

transfer people directly from local custody to ICE, usually on the basis of an ICE detainer. Although several states have laws limiting compliance with ICE detainers, these transfers remain common across the country and even mandatory in a few states.

Making the Rules: Sheriffs set law enforcement priorities and policies for the sheriff's department, and can tailor them for ICE. For example, unless prohibited or mandated by local or state law, a sheriff can decide that the jail will collude with ICE by responding to detainers and transferring people to immigration detention, even after people have finished their jail term or are found eligible for release.

Oversee and Operate Local Jails: Sheriffs oversee and operate local jails, managing jail conditions, such as visitation hours, phone services, and access by other agencies. The Sheriff can allow ICE access to its jails and can even rent space in its facilities to ICE in order for ICE to detain people who are facing deportation proceedings.

Information Sharing: ICE routinely requests that local jails provide information on the people in their custody, including when they will be released, biographical and booking data, criminal history records, fingerprints, aliases, contact information, and last known addresses. Although compliance with these requests is often up to the sheriff's office (again depending on state laws), many are happy to comply, even enacting notification policies to alert ICE whenever immigrants or

*continued...*

refugees come into custody.

Arrests: Sheriffs make arrests under criminal laws, usually in unincorporated areas of the county that do not have their own municipal police force. Sheriff departments make approximately a fifth of all arrests in the country. Sheriff patrols may contact ICE or Border Patrol during stops or checkpoints, set up joint checkpoints with immigration agents, or participate in other joint task forces or operations, unless limited by state laws.

Other: Some sheriffs have entered into 287(g) agreements that empower sheriffs to act as immigration agents. Additionally, many sheriff deputies operate in schools as “School Resource Officers.” Most sheriff departments also carry out evictions and serve process (deliver notice of lawsuits) on people who have been sued.

## ***POLICE DEPARTMENTS***

### ***What they do?***

Police are responsible for a wide range of activities, from traffic stops and area patrols to responding to emergency calls for help and preparing cases for prosecution. Officers are most known for their power to make arrests. The 2020 uprisings following the police murders of George Floyd and Breonna Taylor brought national consciousness to the racism embedded in policing. When police work with ICE, it multiplies the injustices across both the criminal legal and immigration systems.

### ***How do they help ICE?***

Information Sharing: Although immigration status is generally beyond the scope of local policing, many police ask people about their immigration status or place of birth. Some state and local policies prohibit these inquiries, but nevertheless police often collaborate with ICE and share any relevant information they uncover with the agency. Sometimes, ICE reaches out to police seeking information about individuals in police custody. Police happily comply with these requests as well.

Arrests and Transfers: When police detain or arrest someone they believe is not a US citizen, they sometimes call ICE or Border Patrol to the roadside to respond with immigration enforcement. In most jurisdictions, police book the people they have arrested to the county jail, and from there immigrants are routinely transferred to ICE.

Checkpoints and Traffic Stops: Police often set up DUI and traffic checkpoints in areas where Black, indigenous, and people of color live in higher density. Because immigrants often reside in these communities, they are more likely to encounter the police through these checkpoints. In some states, if the police officer suspects that an individual they’ve stopped is undocumented, they can contact ICE.

Securing the Perimeter for ICE raids: At times, ICE requests that police establish traffic perimeters so that ICE can carry out sweeping raids at work sites or neighborhoods, undisturbed. Police often comply.

*continued...*

## **PROBATION AND PAROLE AGENCIES**

### **What they do?**

Twice as many people are on probation compared to people incarcerated in the United States. Probation is granted by the courts as an alternative to, or in addition to, jail. Many of the local probation agencies that monitor the approximately 4.5 million people on probation work directly with ICE and regularly refer people for deportation. Probation departments have vast power over the defendants they oversee. They are involved in numerous areas of the criminal legal system, such as running treatment and rehabilitation programs, influencing juvenile proceedings and monitoring individuals' location and activities. For more about how probation departments work with ICE, see <https://www.ilrc.org/sites/default/files/resources/probations.pdf>.

Parole agencies work similar to probation. Parole is granted to individuals who are already incarcerated and have served part of their sentence, as long as they follow rules set by the parole board. Parole officers also have wide discretion to collude with ICE. Probation and parole wind up landing many people back in jail and prison—feeding mass incarceration rather than curtailing it.

### **How do they help ICE?**

Information Sharing: Many probation and parole officers share information about people under their supervision with ICE, including their contact information, criminal history, or other personal data.

Check Ins: ICE partners with some probation and parole officers to schedule mandatory check-ins, allowing ICE to be present to arrest the person when they arrive at their appointment.

## **STATE PRISONS**

### **What they do?**

The U.S. incarcerates more people per capita than any other country, and the majority of people are locked up in state prison. In almost all states across the country, immigrants and refugees sentenced to serve time in state prison are directly transferred to ICE for detention and deportation when they have completed their time or are found eligible for release.

### **How do they help ICE?**

Transfer people to ICE: Most state prisons comply with ICE detainers, and work closely with ICE. State prisons transfer custody of someone who has served their time and who are scheduled to be released. The state prisons then send them directly to immigration detention for deportation.

Making the Rules: Governors and the head of the state prison system (ex. the Director or Secretary of Corrections) have the power over the prison policy and its collusion with ICE. Each state prison includes various departments that enforce prison policy. The state legislature can also pass laws on the state prison's relationship with ICE.

Oversee and Operate State Prisons: The state department of corrections and Governor oversees the state prison. Corrections departments

*continued...*

that work with ICE include the case records department, counselors, and the receiving and release department.

Information Sharing: Similar to jails, ICE routinely requests that state prisons provide information on the people in their custody, and when they will be released. Some state prisons proactively flag immigrants to ICE when they are booked at the beginning of their sentences.

## ***JOINT TASK FORCES AND FUSION CENTERS***

### ***What they do?***

A Joint Task Force is made up of multiple different law enforcement agencies - often a mix of local, state, and federal police officers. Although it could be a short term arrangement for a particular case or situation, many joint task forces involve a standing agreement to collaborate on a particular issue or types of cases. ICE, and particularly ICE's Homeland and Security Investigations (HSI) branch, are frequently involved in these task forces. While HSI claims that its division is separate from ICE's Enforcement and Removal Operations (ERO), which handles enforcement of civil immigration laws, HSI has used joint task forces to apprehend immigrants and turn them over to ERO for deportation proceedings.

Fusion Centers similarly involve multiple law enforcement agencies at the local, state, and federal level. These are standing joint surveillance centers where many kinds of data is collected and shared across law enforcement agencies. See the [Brennan Center's detailed report on National](#)

[Security and Local Police](#) for more details about joint task forces and fusion centers.

### ***How do they help ICE?***

Data collection: Fusion Centers collect data from many different agencies and surveillance operations and make it available to partnering law enforcement agencies, including local police, federal law enforcement agencies, and ICE

Information Sharing: Under the guise of addressing a specific criminal matter like gang activity or drug trafficking, joint task forces allow ICE to capitalize on police department resources and personnel to identify, apprehend and deport immigrants.

Joint operations/raids: Task forces often focus on arrests and prosecutions on particular types of crime and will involve interagency investigations as well as joint arrests or raids. Task forces can also lead to collateral arrests, which endanger the larger community and put more people into deportation proceedings.

## ***SURVEILLANCE AND TECHNOLOGY COMPANIES***

### ***What they do?***

The U.S. incarcerates more people per capita than any other country, and the majority of people are locked up in state prison. In almost all states across the country, immigrants and refugees sentenced to serve time in state prison are directly transferred to ICE for detention and deportation when they have completed their time or are found eligible for release.



*continued...*

### **How do they help ICE?**

Data Collection: Data brokers collect and buy tons of information on the public, such as names and addresses, criminal and employment history, travel history, credit scores, utility bills, relations, DMV records, etc. They analyze and sell this information to law enforcement agencies like ICE and CBP.

Technological capacity: Many data and technology companies not only sell information to ICE and CBP, but contract with the agencies to build and expand their software capacities and internal databases.

Surveillance technology: Private companies build and sell technologies used to surveil the movements and habits of the American public, from automated license plate readers that track driving patterns to cell phone simulators to facial recognition software and ubiquitous cameras.



continued...

## **SECTION 4 - WHAT RECORDS SHOULD I ASK FOR?**

With an understanding of the agencies involved in the arrest to deportation pipeline, you can tailor requests for records to better understand immigration enforcement in your community. This section includes ideas on the kinds of records you can request to help you uncover how law enforcement is involved with immigration authorities, and ultimately support campaigns to disrupt this inter-agency cooperation. It also provides various examples of advocates' PRA requests and agencies' responses to PRA requests.

### **LAW ENFORCEMENT'S ENTANGLEMENT WITH IMMIGRATION ENFORCEMENT**

Getting a basic understanding of how law enforcement works with immigration authorities is essential to starting a campaign. This section includes information on asking for data, policies, and communications between law enforcement and immigration authorities.

#### **Ask for Data on ICE arrests, transfers, information requests, or other collusion**

Requesting data, such as requesting the number of people who have been turned over to ICE custody by law enforcement, can shed details on the scale of ICE collusion in your community. If you suspect that the jail is delaying release of people in order to transfer them to ICE, you may want to request movement logs or exact times that people were in custody and released.

Sample language for requests for data.

- *Records of how many ICE detainees were received each [month/week] during [time period];*
- *Records of the number of people released from local custody directly to the custody of ICE, CBP or a federal immigration subcontractor during [time period].*
- *Records of ICE warrants, immigration subpoenas, or other ICE requests were received during [time period]*
- *Records of the demographic data on people subject to ICE detainees, warrants, or other requests, such as: race, ethnicity, nationality, age, gender, zip code of home address, etc.*



**TAKE A CLOSER LOOK**

**Example of data received from a PRA request:** The Harbor Institute in Orange County, California filed a PRA request and learned about the uptick of the number of ICE transfers facilitated by their Sheriff's office (OCSD) in 2023.

continued...

**Ask for Internal Policies and Protocols**

Requesting internal policy documents and protocols from law enforcement related to requests from ICE can reveal how officers are expected to respond to ICE requests for assistance. Some law enforcement agencies' policies and protocols are publicly available, so be sure to double check websites first. If it makes sense, you can simply contact a staff at the agency to ask for policy documents as well.

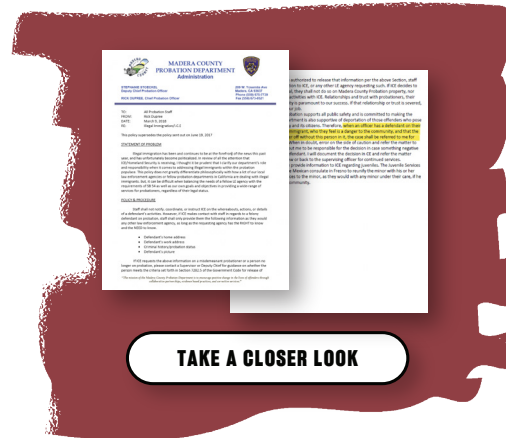
Policy and protocol documents can reveal:

- Records of any policies or protocols for responding to ICE detainer requests.
- Guidance or directives for how to respond to ICE requests for backup or other enforcement assistance;
- Policies and protocols for officers regarding inquiries into immigration status or nationality or sharing of personal information
- Documents reflecting agency plans on engagement with ICE or CBP

Sample language for a request for internal policies and protocols:

- *Records regarding the [name of the law enforcement agency]'s policies or protocols pertaining to immigration enforcement, interactions with Immigration and Customs Enforcement or Customs and Border Protection, or involving treatment of*

*foreign nationals;*



**Example of a Response to a PRA request:** The image above is an example of an internal policy update from the Madera County Probation Department, directing staff to flag immigrants for ICE.

**Ask For Memoranda of Understanding with Immigration Authorities**

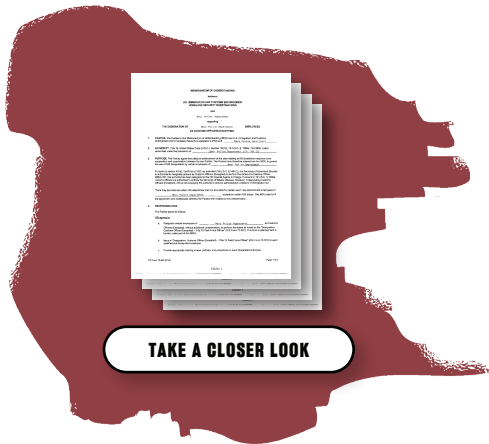
Memorandum of understanding (MOU) or agreements with federal immigration agencies or private companies can reveal the extent to which your local government is involved in enforcing federal immigration laws and advancing federal priorities or participating in joint law enforcement task forces.

Sample language for requesting records about joint law enforcement task forces or other interagency agreements:

- *Records regarding contracts, memoranda of understanding, or similar agreements between the [name of the law enforcement agency] and Immigration and Customs*

continued...

*Enforcement, including Homeland Security Investigations and/or Enforcement and Removal Operations; Customs and Border Protection [or other federal agencies as needed].*



**Example of a Response to a PRA request:** The image above is an example of a MOU between the Maui Police Department and HSI.

Law enforcement often participate in or have access agreements for databases or other systems of records. A general request for documents, communications, and records can reveal information about databases and records and how they may have been shared with external agencies like ICE.

Sample language for requesting information about records in a known database:

- *All records regarding [name of database] within the [name of law enforcement agency] established between [time period].*



**Example of a Response to a PRA request:** The image below is an example of a request from DHS to the Vermont DMV to search its online photo repository of drivers licenses, obtained by the Georgetown Center on Privacy, Law, and Technology.’

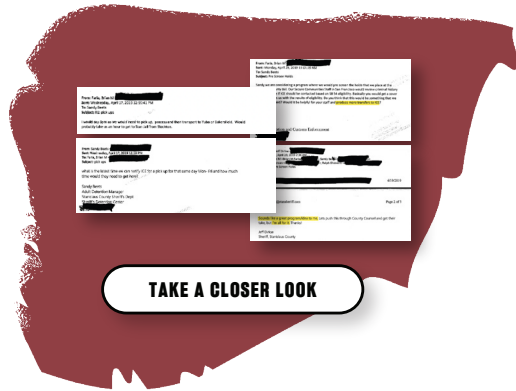
**Ask for Communications with Immigration Authorities**

Communication between law enforcement and immigration authorities often comes in the form of email or text message exchanges. Because law enforcement regularly coordinates ICE pick-ups by notifying ICE of an individual’s release date and time, asking for communications can be critical..

Sample language for requesting communication between law enforcement and ICE:

- *All communications between the [name of the law enforcement agency] and any staff, employee, representative, agent, officer, or official of Immigration and Customs Enforcement (“ICE”) between [time period].*

continued...

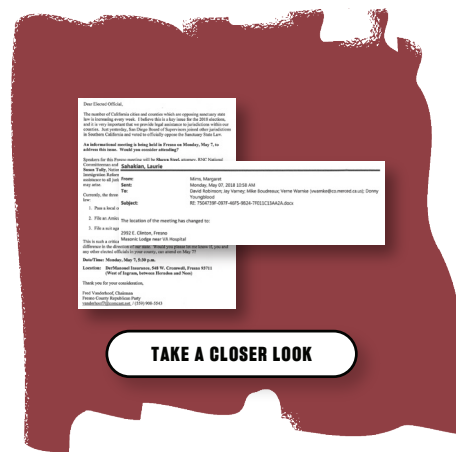


**Example of a Response to a PRA request:** The following images are the result of PRA requests to the Stanislaus County Sheriff’s Department. The PRA request for communications exposed email exchanges where the Sheriff’s Department supplied ICE advance notice of individuals’ release times, and a new tactic of coordination between ICE and the Sheriff’s Department. Read more about a report that uncovered these communications at [Collusion in California’s Central Valley: The Case for Ending Sheriff Entanglement with ICE](#) by Maria Romani, (February 2022), ACLU Northern California



**Example of a Response to a PRA request:** Immigrant Defense Project (IDP) and Black Alliance for Just Immigration (BAJI) obtained over a thousand pages of emails exchanged between the New York City

Department of Corrections (DOC) and Immigration and Customs Enforcement (ICE) between 2015 and 2019. The correspondence revealed that the DOC was violating the city’s detainer laws and actively taking steps to facilitate immigrant New Yorkers’ detention by ICE. The following is an example of email communications between a New York City Department of Corrections captain (Rainey) and ICE.



**Example of a Response to a PRA request:** The ACLU of Northern California obtained records of the Fresno County Sheriff inviting other local officials and sheriffs to a meeting with anti-immigrant groups.

### **COMMUNITY RESOURCES CO-OPTED BY IMMIGRATION ENFORCEMENT**

To what extent are local taxpayers shouldering the financial burdens of immigration enforcement? How much local taxpayer money is being diverted away from needs like education and housing, and towards federal immigration enforcement? Accessing records detailing local law enforcements’ financial affairs can uncover the

continued...

answers to these questions.

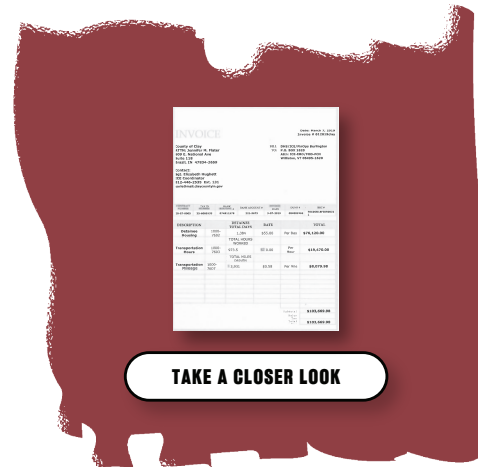
**Ask for Financial Records and Contracts**

Requesting data, such as requesting the number of people who have been turned over to ICE custody by law enforcement, can shed details on the scale of ICE collusion in your community. If you suspect that the jail is delaying release of people in order to transfer them to ICE, you may want to request movement logs or exact times that people were in custody and released.

**Financial records can show how much of your state or city resources are diverted for federal immigration enforcement.**

Sample language for requesting information regarding financial records:

- *Records related to salaries of designated 287(g) officers or other expenses arising from a 287(g) program;*
- *Invoices from counties and law enforcement agencies to I.C.E.*
- *Records of overtime pay to law enforcement officers between [time period]*
- *Budget records of [name of law enforcement agency], including grant money received for purposes of immigration enforcement assistance and expenditures on immigration enforcement activities or support to federal agencies between [time period].*



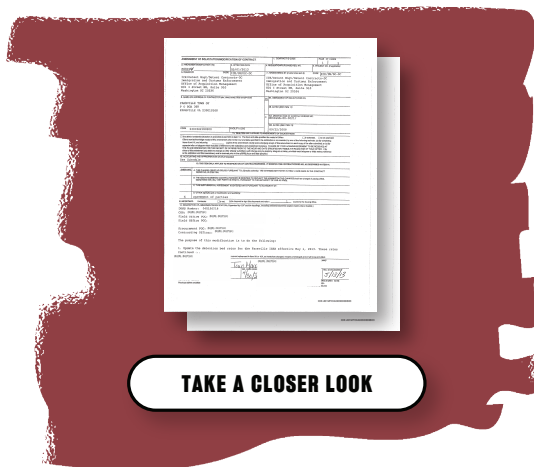
**Example of a Response to a PRA request:** The following invoice was retrieved by the National Immigrant Justice Center through a PRA request of the now infamous Clay County jail in Indiana, which contracted with ICE to provide jail beds for ICE detainees, and has been [sued for inhumane conditions and misappropriation of funds](#).

**Similarly, retrieving contracts, memorandums of understanding (MOU) and agreements** between immigration and law enforcement can reveal where local agencies profit off the arrest to deportation pipeline. Additionally, ICE contracts with jails to rent beds to detain people in removal proceedings. Legally, these are people in ICE custody, but in fact they are held in local jails, and the jails typically make a profit by renting beds to ICE. But be careful – detention contracts can generate mountains of paperwork, so try to tailor your request as narrowly as possible. For background on where ICE has detention contracts, see this map: <https://www.freedomforimmigrants.org/>. Additionally, the [National Immigrant Justice Center and Detention Watch Network have a guide](#) specifically for using PRAs on ICE contract detention facilities:

continued...

Sample language for requesting information regarding contracts, MOUs, and agreements:

- *Records of the current or most recent contract between [law enforcement or other government agency] and ICE [and/or U.S. Marshals, and/or GEO or CoreCivic, etc.] for the purpose of holding civil immigration detainees in [name of jail or detention facility].*
- *Records of contracts, costs and actual expenditures for any contract with Immigration and Customs Enforcement, or ICE, U.S. Marshals, or private entities to detain or transport people in federal immigration custody.*



**Example of a Response to a PRA request:** This extension of a contract for ICE detention in Farmville Virginia was obtained by the National Immigrant Justice Center.

## ***RACIAL JUSTICE, POLICING, AND IMMIGRATION ENFORCEMENT***

The use of the criminal legal system as an extension of federal immigration enforcement often compounds and amplifies the racism that is inherent to both systems. Black immigrants in particular bear the brunt of racist practices within both the criminal and immigration systems. For example, The Atlantic reported in 2017 that even though only 7% of noncitizens are Black, 20% of people in removal proceedings on criminal grounds are Black immigrants.

- Demographic information about the people who are subject to local police contact, including race, religion, gender, age group and national origin may reveal racial profiling and other unlawful conduct by your local officials.

Sample language for requesting **arrest records**:

⇒ *All records of arrests by [law enforcement agency] between [time period], including the location of the arrest and [race, ethnicity, gender, age, or other factors] of all subjects engaged with during the arrest.*

- Police interactions tend to escalate, especially in their interactions with people of color.

Sample language for requesting **incident**

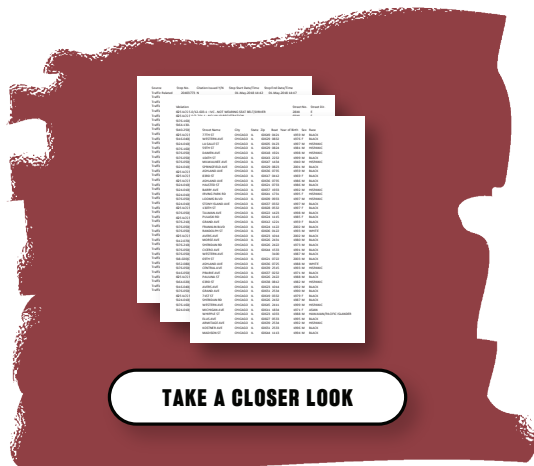
continued...

**records:**

⇒ *All records of incident reports by [law enforcement agency] between [time period] that did not lead to arrest, including the location of the arrest and [race, ethnicity, gender, age, or other factors] of all subjects engaged with during the incident.*

- More great advice about requesting records from police databases is here: <https://www.muckrock.com/news/archives/2020/jan/17/the-trace-police-database-documentation/>.

substance indicated. The outcome of the stop (e.g., warning, ticket, arrest). Any available demographic information about the driver(s) stopped.” The following spreadsheet shows the data received from the Chicago police department.



**Example of a Response to a PRA request:** Alexander Love filed a request with the Chicago police department (CPD) asking about data on when CPD conducted traffic stops with the canine unit. The request asked for: “Date and time of each traffic stop where a canine unit was employed. Location of the traffic stop. The reason for the traffic stop. Whether the canine unit indicated the presence of any substances, and if so, the type of

continued...

## **SECTION 5 - CASE STUDIES: HOW CAMPAIGNS USE PRA REQUESTS TO DISRUPT THE ARREST TO DEPORTATION PIPELINE**

PRA requests were designed to increase public awareness of their government's operations and resources, and to hold authorities accountable. Obtaining information about how law enforcement is targeting immigrants comes with a responsibility to notify your broader community. The case studies in this section illustrate some of the PRA strategies advocates have used to raise awareness and push back against immigration enforcement in their communities.

### **CAMPAIGNS TO LIMIT OR STOP ICE COLLUSION IN YOUR COMMUNITY**

- Information uncovered through PRA requests can be a launching point for campaigns that empower impacted communities to pressure authorities to act and change policies.
- ⇒ In 2014, New York City enacted local laws limiting collaboration with federal immigration authorities. But the NYC Department of Correction continued transferring residents to ICE, in violation of local laws. Through a [freedom of information law request](#), the Immigrant Defense Project (IDP) and Black Alliance for Just Immigration (BAJI) obtained over a thousand

pages of emails exchanged between the New York City Department of Correction (DOC) and Immigration and Customs Enforcement (ICE) between 2015 and 2019. The correspondence showed without a doubt that the City agency has been violating the city's detainer laws and actively taking steps to facilitate immigrant New Yorkers' detention by ICE. The advocates published and highlighted the outrageous emails demonstrating the collusion between the DOC and ICE, bringing this to the City Council to demand reforms.

### **HOLDING THE GOVERNMENT ACCOUNTABLE**

- The documents you receive may reveal information about officials' conduct or activity that was previously unknown to the public. Some of these activities may even violate state, local or federal laws. Records you find also may show internal policies or government practices that raise public safety concerns and limit people's rights. You can use all of this information as a basis to demand answers from local authorities, achieve changes in law, or initiate a lawsuit to end certain practices.
- ⇒ For example: In 2023, the ACLU of Northern California uncovered documents and released a [shocking report](#), covered by the [Los Angeles](#)



continued...

[Times](#), that shows how California's state prison system voluntarily goes to extreme lengths to systematically discriminate against immigrants, refugees, and anyone, including U.S. citizens, who prison officials assume are born outside of the U.S. Through the findings from the PRA request, [incarcerated and formerly incarcerated Californians sued the state prison system](#) for illegally discriminating against people suspected of being born outside the U.S.

## **REPORTING THE INFORMATION**

- ▶ Information received from local agencies can be shared in detailed reports that expose the information to the public. By using novel evidence from PRA requests, advocates can craft captivating accounts of what's occurring in their communities, and make a compelling case for ending ICE involvement with law enforcement.
- ⇒ In 2019, the Immigrant Legal Resource Center, with partners in the UCI Law Immigrant Rights Clinic and Resilience Orange County shared their damning report on the Orange County Sheriff Department's collusion with ICE, supported by data from PRA requests to the Orange County Sheriff's Department. The advocacy organizations used their findings to

make demands for government action and raise awareness. [View the report here](#).

- ⇒ Similarly, the ACLU of Northern California released a thorough study of Central Valley sheriffs' unlawful practices with ICE developed through the use of PRA requests, and leveraged the report into a call to action. [View the report here](#).

## **SHARING YOUR FINDINGS WITH THE MEDIA**

- ▶ Not every advocacy group has the capacity or desire to publish a report. Another strategy to release the information widely and quickly is to cooperate with a local media outlet.
- ▶ Advocacy groups can leverage the power of local media in the process of drafting and filing their request to ramp up pressure on the local agency to respond and public interest and support for the request.
- ▶ Groups can also use the media to amplify their findings and raise awareness about the underlying concerns and immigrants rights issues after receiving their PRA results.
- ⇒ Bay Area advocates [exposed Daly City's collusion with ICE](#) when the police turned over a community member to ICE after a traffic stop. Through a PRA request, advocates

continued...

obtained videos and reports of the incident. With permission and partnership from the community member impacted, advocates exposed the incident to the media, and worked on a campaign to [free the community member from ICE](#), reach a settlement, and improve Daly City's immigration policy.

### **EMPOWER THE COMMUNITY**

- Sharing relevant PRA findings with your community is usually the first step in your campaign. A great way to use the information received from PRA requests could be to develop a Know Your Rights (KYR) training. KYR trainings equip community members with tools to defend themselves against hostile and insidious policies. They can also be designed in ways that empower the audience to become trainers themselves, and help others in their communities to assert their rights. For more information on KYR trainings and developing your own, see this [advisory](#).

## **SECTION 6 - DRAFTING YOUR PUBLIC RECORDS ACT (PRA) REQUEST**

One of the most challenging aspects of filing a public records act request is translating the information you want into a request for records from the agency. But, you don't need a lawyer to request records held by your state or local government. This section gives an overview about the process and logistics of drafting a PRA request, including what to do before you file, key components to include in your request, and letter templates. It's good to have a plan, including an organizing and communications strategy, but you can also make a simple request that doesn't cost you much time. See the Appendix for sample records requests.

### **Consider how the information you are seeking might be stored within the agency.**

- Groups can also use the media to amplify their findings and raise awareness about the underlying concerns and immigrants rights issues after receiving their PRA results. Government agencies are not required to create new records to comply with your request for information. For instance, if you're seeking information about patterns of discrimination in your police department's operations, asking for documents that evidence racist practices would not get you far. Rather, think about what sorts of information, documents and records the police department stores

*continued...*

already, and which of these documents might contain the information that is helpful to your search. You could ask for records of the race, nationality, or ethnicity of all persons entered into a local gang database during a certain time period.

**Keep requests concise and easy to comprehend.**

- Groups can also use the media to amplify their findings and raise awareness about the underlying concerns and immigrants rights issues after receiving their PRA results. Keep in mind that behind the faceless government bureaucracy, there is a real human employee charged with processing your request. That employee may or may not be a lawyer, have previous experience fulfilling records requests, or know where to find the records you seek. You want to make it as easy as possible for government staff to fulfill your request.

**Keep requests targeted and narrow.**

- Groups can also use the media to amplify their findings and raise awareness about the underlying concerns and immigrants rights issues after receiving their PRA results. While it might be strategic to set out on a fishing expedition, an overbroad request is likely to lead to unfavorable results, such as receiving a landslide of useless information you'll have to sift through or delays from the agency. To save yourself headaches and time, keep your

request narrow enough so that an employee can figure out what documents you want. If possible, cite newspaper articles, legislative reports, or other publicly-available documents to demonstrate that the records you are requesting actually exist.

**Keep in mind that you may not be granted access to all records.**

- Advocacy groups can leverage the power of local media in the process of drafting and filing their request to ramp up pressure on the local agency to respond and public interest and support for the request.
- Groups can also use the media to amplify their findings and raise awareness about the underlying concerns and immigrants rights issues after receiving their PRA results.

**A surefire way to draft a successful PRA request is to do your research first. Please see the next section.**

continued...

## **BEFORE YOU SUBMIT YOUR PRA REQUEST**

### **WHAT INFORMATION IS ALREADY PUBLICLY AVAILABLE?**

*Before you begin the writing process, consider what information you're looking for, and research what might already be publicly available.*

*Law enforcement agencies and counties aren't always shy about their immigration protocol or collaboration with ICE. Sometimes this information is available in news articles or on their websites.*

- ▶ If you're wondering about what Sheriffs and counties are involved in the 287(g) program and what is written in those agreements, there's no need to file a PRA request, the information is publicly available, and can be found here.
- ▶ You can see if your local jail has an IGSA contract, check: <https://www.freedomforimmigrants.org/map>
- ▶ Transactional Records Access Clearinghouse (TRAC) publishes substantial data on immigration enforcement, criminal prosecutions, and immigration courts. <https://trac.syr.edu>
- ▶ Many journalists and activists share the results of FOIA and PRA requests on MuckRock. You can search by different agencies, jurisdictions, or requesters, as well as other filters.
- ▶ Review newspaper articles covering local law enforcement's cooperation with ICE.
- ▶ Search through law enforcement manuals, typically available online, for protocol regarding immigration and ICE.

continued...

## RESEARCH THE STATE PUBLIC RECORDS LAW

*Laws and procedures for records requests vary across states. You should read the applicable laws in your state for specific requirements and restrictions. This will help you avoid delays or a denial of your request.*

- ▶ Both the National Freedom of Information Coalition ([www.nfoic.org/state-freedom-of-information-laws/](http://www.nfoic.org/state-freedom-of-information-laws/)) and the Reporters Committee for Freedom of the Press ([www.rcfp.org/open-government-guide](http://www.rcfp.org/open-government-guide)) have state-by-state guides and other state-specific information.
- ▶ Review the agency website and look for their records department for information on PRA submission requirements.

## RESEARCH STATE LAW

*Familiarize yourself with your state's laws so you can identify unlawful activity when you receive your records; and know what to look out for. State immigration laws vary wildly, and local law enforcement agencies across the country are beholden to different rules and responsibilities.*

*You might find that your local law enforcement is required to report data about their role in immigration enforcement. Advocacy groups often compare publicly reported data to the records they recover in their PRA requests for discrepancies.*

- ▶ The Immigrant Legal Resource Center has created a map that focuses on state laws that regulate the state's involvement in immigration enforcement.
  - ▶ <https://www.ilrc.org/state-map-immigration-enforcement>

continued...

## **KEY COMPONENTS TO INCLUDE IN YOUR PRA REQUEST**

- A Brief Description of the Types of Records you're looking for. Consider what information the staff charged with fulfilling your request might need to know to conduct their search.
  - ⇒ Remember, keep your request narrow and targeted!
  - ⇒ i.e.: *We request records from January 2020 to the present related to any communications, including emails and/or letters between the Denver Police Department and ICE or DHS regarding the department's new detainer policy.*
  
- A Deadline for how soon the agency must respond to your request, depending on your state's law. It may be as fast as one week or as slow as one month.
  - ⇒ Ask for the agency to provide reasons if they decide to deny your request.
  
- A Fee Waiver Request
  - ⇒ Although there is no cost associated with filing a PRA request, you may be charged for the printing or processing of the documents you've requested. A fee waiver will allow you to avoid a charge or pay a discounted rate.
  - ⇒ Include a brief description of who you or your organization are, to emphasize that you intend to use any records you receive for the public interest.
  
- Your contact information for the agency to write back with any questions, and respond to your request.



continued...

## **PRA TEMPLATE**

[Date]

[Recipient Name - Identify the department/office/unit that processes records, or just send to the main address for the agency you seek records from]

[Recipient's Address]

Sent via [Email / U.S. mail]

Dear [Name of department/office/unit that processes records],

[Background - A background is not necessary, but can be helpful to establish your position as a public interest group for fee waiver purposes]

I request, pursuant to the state open records law [provide statutory citation of state PRA law], copies of the following documents:

We ask that you please direct this request to all appropriate offices and departments within the [Name of the Agency] that may supply any of the information sought through this request.

- [Provide a clear description of the records you seek]
- [Provide a clear description of the records you seek]
- [Provide a clear description of the records you seek]

We look forward to receiving a response within [check your state's response deadlines] calendar days following receipt of this letter. If this request is denied in whole or part, we ask that your office describe with specificity each record withheld and justify in writing all deletions by reference to specific exemptions of the [provide statutory citation of state PRA law]. Please also disclose any portions of those records for which no exemption is claimed. We reserve the right to appeal a decision to withhold any records.

Please send the documents to me via [email/U.S. mail] in [description of any ways you want the document formatted]. If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. If a portion of these documents are exempt from disclosure, provide all segregable portions. If your agency does not maintain any of the requested records, please let me know who does and include the proper custodian's name and address.

I request a waiver of all fees because the information is not being sought for commercial purposes and its disclosure is in the public interest and will contribute significantly to the public's understanding of [explanation of why you want to know]. However, if there are fees for searching or copying these records, please inform me if the cost will exceed \$25.00, otherwise invoice me with the records.

If you have any questions about this request, please do not hesitate to contact me at [email] or [phone number].

Thank you for your attention to this matter.

Sincerely,

[Your Signature]

[Your Signature Block]

continued...

## FAQ AND FURTHER RESOURCES

### FREQUENTLY ASKED QUESTIONS

#### 1. WHAT ARE PUBLIC RECORDS?

'Public Records' encompass most documents generated or used by state or local government entities. Records that can be retrieved include photographs, videos, and voice recordings, as well as more traditional mediums like emails, memos, staff manuals, and policies etc.

#### 2. WHO CAN REQUEST PUBLIC RECORDS?

Public Records laws were enacted so that any member of the public could request records. You do not have to be a lawyer. [Some states have restrictions for people who are incarcerated or under supervision](#) by the criminal legal system.

#### 3. HOW MANY REQUESTS CAN SOMEONE MAKE?

As many as you want. There is no limit. But keep in mind that these requests take time to respond to, and that a person on the other end of your request must figure out how to locate the records. For the sake of efficiency and best results, do your research prior to drafting your request and tailor your search accordingly.

#### 4. WHAT CAN I ASK FOR?

You can ask for anything, but that doesn't guarantee you'll get it. Here are some of the key restrictions on what you may get:

⇒ First, some documents might not exist, and agencies are not required to create new documents to fulfill your request. For example, if the local jail does not keep track of how often ICE comes to interrogate people in local custody, then a PRA request cannot require them to figure out how often it has happened and create a document about it.



continued...

- ⇒ Some documents are exempt from disclosure by law. Each state has its own set of rules, but typically, the types of documents that are exempt include, but are not limited to: personnel records, medical records, and privileged attorney–client communications. Most states also make an exception for “law–enforcement sensitive” information; a highly discretionary standard.
- ⇒ To ensure transparency, you can include a clause in your PRA asking for a written explanation for any denied requests, including a reference to the specific legal exception.
- ⇒ Lastly, consider the practicality of what you are requesting. While government agencies are abstract, faceless institutions; there are real, human employees who are charged with fulfilling your request. Any staff is going to be daunted by a 10 page long request that lists dozens of items; and this can affect when, and even if you receive the information you’re after. You should also clearly articulate the documents you are seeking so that a staff can readily identify them.

Sections 3 and 4 provide explanations of agencies and the documents they might have related to immigration enforcement.

## **5. IS THERE AN ASSOCIATED COST?**

While most agencies charge a nominal processing fee, fee waivers are available for those requesting documents on behalf of public interest. Section 6 includes sample language for fee waiver requests.

## **6. WHAT GOVERNMENT AGENCIES ARE SUBJECT TO THE PUBLIC RECORDS ACT?**

**Most state and local agencies** are subject to Public Records Act laws. However, not all records are necessarily obtainable. For example, personnel records (biographic and contact information, as well as employment history, of government employees) are typically exempt from public records disclosure requirements.

continued...

## **7. DO I HAVE TO SPECIFY MY REASON FOR MAKING A REQUEST?**

No. While it might be helpful to include that you are requesting the information for non commercial/public interest purposes so that you can qualify for a fee waiver (see FAQ 9 below), it is not necessary to explain your plan or reasoning. If you are requesting a fee waiver, you will need to show your purpose in the request and capacity to use it for the public interest.

## **8. WHAT RECORDS ARE EXEMPT FROM DISCLOSURE?**

The types of documents that are exempt include, but are not limited to: personnel records, medical records, and privileged attorney-client communications. Most states also make an exception for “law-enforcement sensitive” information; a highly discretionary standard.

To ensure transparency, you can include a clause in your PRA asking for a written explanation for any denied requests, including a reference to the specific legal exception. *More on that in Section 4.*

## **9. HOW LONG DOES THE PROCESS TAKE?**

Processing times vary depending on state law. Many state PRA laws include requirements that agencies turnover records by a certain deadline, but some states don't. [Check your state timelines here.](#)

## **10. WHAT SHOULD THE REQUESTOR DO IF THE REQUEST IS DENIED OR GOES UNANSWERED?**

*Follow-up with the agency*

- ⇒ If you do not receive a response, call the agency to confirm they received your request. Be sure to track the interactions you have with the agency. Don't be afraid to push them or argue why they should provide the records.
- ⇒ If you receive an incomplete response, redactions, or denial; email the agency. Include the original request in your email, and request the documents you are missing and/or request a legal justification for why they were not turned over.

continued...

### Contact a Public Official

- ⇒ Reach out to an elected government official who is supportive to your cause. This can be a useful strategy to apply pressure on the agency to comply.

### Complain publicly/organize

- ⇒ You can use an agency's denial as a rallying point for your campaign. Advocates can publicly call out the local agency for their unwillingness to share vital information about its operations in the community with the public, by staging rallies, public forums, social media campaigns, writing reports etc. It can also be helpful to contact your local news media or journalists about the situation to amplify your message.

### Sue

- ⇒ You have the right to appeal an agency's denial, and you can do so through the agency's own administrative appeal process or in court.

continued...

## APPENDIX - SAMPLE PRA REQUESTS

### SAMPLE SHERIFF'S OFFICE REQUEST

#### VIA E-MAIL

Sheriff Paul Miyamoto  
San Francisco Sheriff's Office  
City Hall, Room 456  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **PUBLIC RECORDS ACT REQUEST**

Dear Sheriff Miyamoto,

This is a formal request under the California Public Records Act (Cal. Gov't Code §§ 6250-6270) and the San Francisco Sunshine Ordinance (Ch. 67, SF Admin Code) for access to certain public records or documents in the possession of the San Francisco Sheriff's Office ("SFSO"). [Name of the organization], requests any and all documents, communications, or records in the custody and/or control of the SFSO that fit the descriptions provided below.

#### **Definitions As Used In This Request**

I have tried to be as specific as possible in designating public records without having access to the records themselves. If you find any of these requests to be insufficiently focused, we request that you provide the assistance required by California Government Code § 6253.1 and S.F. Administrative Code § 67.21(c).

1. As used herein, the term "**record**" includes, but is not limited to, all records or communications preserved in electronic or written form, such as agendas, agreements, analyses, audio tapes, cell phone records, correspondences, data, documents, emails, evaluations, faxes, files, guidance, guidelines, instructions, legal opinions, memoranda, notes, orders, policies, presentation slides, procedures, protocols, reports, rules, studies, technical manuals, technical specifications, telephone messages, telephone records, text messages, training manuals, videotapes, voicemails, or any other record of any kind.
2. As used herein, "**document(s)**" means and includes both paper documents and electronic representations of information, including handwriting, typewriting, printing, photographing, photocopying, transmitting, by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
3. As used herein, "**communication(s)**" means and includes every means of transmitting information from one person or organization to another that results in the creation of a "document," including but not limited to letters, memoranda, notes, email, cell phone, and facsimile transmissions.
4. As used herein, the term "**SFSO**" means and includes any staff, employee, representative, agent, officer, or official of the Sheriff's Office, including Sheriff Miyamoto himself.

#### **Separate Requests Requiring Separate Responses**

Please treat each numbered request for records as a separate and discrete request under the California Public Records Act and Sunshine Ordinance so that any delay in producing one request does not delay the production of any other request. Please respond to each separately as to (1) the existence of such documents; (2) whether you intend to make such documents available; (3) if you claim an exception to privilege; (4) when documents are produced or made available, the paragraph to which such documents are intended to respond. See S.F. Admin. Code § 67.21.



continued...

**General Instructions**

- 1. Date of Inquiry:** Unless another date is specified the requests below extend to documents prepared, transmitted, or in effect on or after **Dec. 1, 2022**.
- 2. Exemptions:** If you determine that any information in a requested record or document is exempt from disclosure, please state which exemption applies, including a citation to the section of the Government Code that provides the exemption, and please provide an explanation for why the information or document falls under that exemption.
- 3. Redactions:** As to each responsive document to be provided, please redact confidential or privileged identifying information, such as names or addresses, only to the extent required by law. And whenever a record, document, or communication contains both the requested information and information that is exempt from disclosure, please provide a redacted version of the record or document that still shows the non-exempt information. See Cal. Gov't Code § 6253(a).
- 4. Costs or Expenses:** Please make the information requested available for review before charging me for copies. Where the information is contained in electronic databases, I request that such information be provided in electronic form, pursuant to Government Code section 6253.9.

**Requested Information**

- All **DOCUMENTS/ COMMUNICATIONS/ RECORDS** in the possession of the SFSO regarding the San Francisco Sanctuary Ordinance (SF Admin Code Chapter 12H and 12I);
- All **DOCUMENTS/ COMMUNICATIONS/ RECORDS** in the possession of the SFSO regarding Supervisor Dorsey's proposed Ordinance related to Fentanyl Sales and ICE Notification Requests;
- All **DOCUMENTS/ COMMUNICATIONS/ RECORDS** in the possession of the SFSO regarding the Sheriff's Department's policies pertaining to Immigration and Customs Enforcement ("ICE") or immigration enforcement;
- All **DOCUMENTS, COMMUNICATIONS, RECORDS** between the SFSO and any staff, employee, representative, agent, officer, or official of Immigration and Customs Enforcement ("ICE");
- All **DOCUMENTS/ COMMUNICATIONS/ RECORDS** between the SFSO and any staff, employee, representative, agent, officer, or official of the Department of Homeland Security ("DHS");

[Name of this organization] a 501(c)(3) a national organization advocating for drug policies grounded in science, compassion, health and human rights. The records sought by this request will be used to monitor and advance public understanding of immigrant rights and immigration enforcement in California and nationally. No part of the information obtained pursuant to this request will be sold or distributed for profit. For that reason, we respectfully request that you waive any fees in connection with the production of these documents. If you are not able to waive the applicable fees, please inform us immediately of any payment required prior to copying.

**We look forward to receiving a response within ten (10) calendar days following receipt of this letter. Cal. Gov. Code § 6253(c).** Electronic correspondence of the requested records by email is preferred. Please send electronic records via email to [Email Address] . Please send any paper records to the following address:

[Mailing Address]

Thank you for your time and consideration. If you have any questions, please contact me directly at [Phone Number],

Sincerely,

[Name + Contact Information]



continued...

## **SAMPLE PROBATION AGENCY REQUEST**

Attn: Custodian of Records

Dear [Your County] Probation Agency,

This is a request for information pursuant to California's Public Records Act, California Government Code §§ 6250 - 6276.48. We ask that you please direct this request to all appropriate offices and departments within the Ventura County Probation Agency that may supply any of the information sought through this request.

### A. Background

I am a Staff Attorney with the Immigrant Legal Resource Center (ILRC). The ILRC is a national nonprofit organization that provides training, consultations, publications and advocacy support to individuals and groups assisting low-income persons with immigration matters. ILRC works with a broad array of individuals, agencies, and institutions including immigration attorneys and advocates, criminal defense attorneys, civil rights advocates, social workers, law enforcement, judges, and local and state elected officials.

The California Public Records Act was enacted for government entities like the Sheriff's Office to provide transparency to the public. We hope that the Sheriff's Office upholds this law by providing its residents the requested information below.

### B. Requested Information

1. We request any and all records from January 2021 to the present related to:
  - a. The number of immigration requests that the Probation Agency has responded to including, information requests, notification requests, and transfer requests (through Forms I-247A, I-247D, I-247N, and I-247X, as well as any other means of formal or informal requests) that the Probation Agency has received from Immigration and Customs Enforcement ("ICE") or Customs and Border Protection ("CBP");
  - b. The basis for which the Probation Agency responded to each request; and
  - c. The number of people ICE or CBP picked up after the office's response to a request.
2. Any and all policies, guidelines, directives or training materials concerning interactions with ICE or CBP, and protocol for maintaining records of those interactions
3. Any and all records regarding administrative approval of information-sharing with ICE, including internal communications, and records relating to the criterion used to approve a request.
4. Any and all records (including communications) of instances whereby probation personnel have shared confidential information with ICE, including residence addresses.

### C. Requested Format and Fee Waiver

We look forward to receiving a response within ten (10) calendar days following receipt of this letter. Cal. Gov. Code § 6253(c). **If this request is denied in whole or part, we ask that your office describe with specificity each record withheld and justify in writing all deletions** by reference to specific exemptions of the Public Records Act. Cal. Gov. Code § 6255. Please also disclose any portions of those records for which no exemption is claimed. We reserve the right to appeal a decision to withhold any records.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9.



*continued...*

We request a waiver of all costs because disclosure of the information recovered will likely contribute significantly to public understanding of the extent of the Probation Agency’s involvement in federal immigration enforcement. Our organizations will use this information to inform our public education efforts.

Furthermore, we have no commercial interest in this matter, and plan to make any information received as a result of this request available to the public at no cost. Disclosure in this case therefore meets the statutory criteria, and a fee waiver would fulfill legislative intent.

If you are not able to waive the applicable fees, please inform us immediately of any payment required prior to copying.

We prefer receipt of the requested records through email. Please send electronic records via email to [Name] at [Email Address]

Sincerely,

[Name + Contact Information]

## **SAMPLE PROBATION AGENCY REQUEST**

Dear FOIL Officer,

Black Alliance for Just Immigration (“BAJI”) and the Immigrant Defense Project (“IDP”) submit this request to the Department of Criminal Justice Services (“DCJS”) under the New York Freedom of Information Law, N.Y. Pub. Off. Law § 85, et seq., for access to records relating to collaboration between DCJS and Immigration and Customs Enforcement (“ICE”).

### [Time period]

Black Alliance for Just Immigration (“BAJI”) and the Immigrant Defense Project (“IDP”) submit this request to the Department of Criminal Justice Services (“DCJS”) under the New York Freedom of Information Law, N.Y. Pub. Off. Law § 85, et seq., for access to records relating to collaboration between DCJS and Immigration and Customs Enforcement (“ICE”).

BAJI and IDP requests the following documents:

1. Any policies, guidelines, directives, or training materials concerning the circumstances under which DCJS shares criminal justice records with DHS, ICE and CBP.
2. Any policies, guidelines, directives, or training materials concerning DCJS sending electronic notices to ICE’s law Enforcement Support Center (“LESC”).
3. Any policies, guidelines, directives, or training materials concerning DCJS sending notifications to or corresponding with ICE’s New York City Fugitive Apprehension Unit.
4. Any internal policies, documents, or reports that refer to DHS, ICE, or CBP.
5. Any policies, guidelines, directives, or training materials identifying DCJS’s policy on honoring or otherwise responding to external agency requests to access DCJS data and specifically granting access to the eJustice system.
6. Any records identifying all of the agencies and bodies that have access to the eJustice system as of the day of this request.
7. Any internal audits and/or reports on the functioning of eJustice, the agencies that have access to it, and what agencies have access to.
8. The application for, or any document relating to, an agency gaining access to eJustice.
9. Any guidelines relating to how an agency may qualify for an eJustice account as well as any document related to



*continued...*

the approval process for an agency.

10. Any policies, guidelines, directives, or training materials relating to Terminal Agency Coordinators (TAC) and how individuals are appointed to that position.

As you know, the Freedom of Information Law requires that an agency respond within five business days of receipt of a request. Therefore, we would appreciate a response as soon as possible. If you determine that certain documents may be more quickly identified and produced than others, we are amenable to establishing a production schedule for documents that will take longer to produce.

We are prepared to compensate you for the cost of duplicating the records we request, as provided by law. Upon locating the requested documents, please contact us prior to photocopying and advise us of the actual costs of duplication so that we may decide whether a narrowing of the request will be necessary. To the extent that records are available in electronic format, we request that they be provided in that format.

Please furnish records to:

[Contact Person + Address]

If for any reason any portion of this request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed. If you determine that any portion of the requested records are exempt from disclosure pursuant to FOIL, please delete only the material claimed as exempt, inform us of the basis for the exemption claim, and furnish copies of those portions of the records that you determine not to be exempt.

Sincerely,

[Name + Contact Information]

## **SAMPLE POLICE DEPARTMENT REQUEST**

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law, M.G.L. c.66, §10, I hereby request the following records:

Any documents, memoranda, or training files that outline the role of the Department in immigration enforcement. This includes department policies regarding inquiries to immigration status, the Secure Communities program and ICE detainees.

I also request that, if appropriate, fees be waived as we believe this request is in the public interest, as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records. The requested documents will be made available to the general public free of charge as part of the public information service at [MuckRock.com](http://MuckRock.com), processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

I expect the request to be filled in an accessible format, including for screen readers, which provide text-to-speech for persons unable to read print. Files that are not accessible to screen readers include, for example, .pdf image files as well as physical documents.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Grace Raih



*continued...*

More details and the agency response for this request are available here: <https://www.muckrock.com/foi/boston-3/immigration-enforcement-40673/>

## **SAMPLE DETENTION-RELATED REQUEST**

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Any record reflecting an investigation of alleged criminal activity, death, or other harm at 555 GEO Drive, Phillipsburg (Clearfield County), PA, between April 2022 and December 15, 2023.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request be filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Andrew Free

More details and the agency response for this request are available here: <https://www.muckrock.com/foi/pennsylvania-126/pa-investigation-156041/#comms>

## **ADDITIONAL RESOURCES:**

This guide focuses on public records requests strategy for advocates wanting to get information on local and state immigration enforcement practices. Other resources on public records requests are also available below.

- MuckRock - a searchable website for public records requests and responses, many shared by journalists and advocates.
  - ⇒ [Tips for beginners.](#)
  - ⇒ [Search existing records that people have shared.](#)
- American Oversight - a transparency organization that publishes many government records that they obtain through FOIAs and PRAs
  - ⇒ [Archives searchable by state.](#)
  - ⇒ Contact Alissa Lopez for more information or help with immigration-related FOIAs and PRAs: [Alissa.Lopez@americanoversight.org](mailto:Alissa.Lopez@americanoversight.org)
- State Public Records Requests Resources:



continued...

- ⇒ The ILRC, CLINIC, AIC, and CCR offer a [guide and free recorded webinar](#) on state records requests for immigrant rights advocates more generally.
  - ⇒ [Prison Policy Initiative has an excellent guide and set of resources](#) for PRAs focused more on the criminal legal system and criminal justice data:
  - ⇒ [Just Futures Law and Mijente offer a toolkit](#) for tech and surveillance-focused records requests.
  - ⇒ The [National Freedom of Information Coalition offers general procedural information](#) and templates for each state.
  - ⇒ Reporters' Committee for Freedom of the Press provides an [Open Records Guide](#).
- Resources on federal FOIA requests:
  - [Center for Constitutional Rights Guide: FOIA and the Movement](#)
  - ILRC's guide on FOIA Requests and other background checks: [https://www.ilrc.org/sites/default/files/sample-pdf/foia\\_manual-2nd-2019-toc.pdf](https://www.ilrc.org/sites/default/files/sample-pdf/foia_manual-2nd-2019-toc.pdf)

**ACKNOWLEDGEMENTS:**

This guide was written by Immigrant Legal Resource Center staff Belen de Leon, Lena Graber, and Sarah Lee. The ILRC thanks all organizations who contributed to this guide and shared their PRA request and results. This includes the Black Alliance for Just Immigration, Immigrant Defense Project, ACLU Northern California, ACLU Foundation of Texas, Harbor Institute for Immigrant and Economic Justice, Immigration Law & Justice Network-Hawai'i, National Immigrant Justice Center, Andrew Free, American Oversight, Georgetown Center on Privacy, Law, and Technology, Alexander Love, Grace Raih.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for <b>FREE</b> immigration legal services!		Discover more community explainers, toolkits, & alerts about immigration law.	
<b>FIND OUT MORE</b>	<b>CCC:</b> <a href="http://findyourally.com">findyourally.com</a>	<b>CSU:</b> <a href="http://findyourally.com/csu">findyourally.com/csu</a>	<b>FOLLOW US</b> 