



**Adriana Piñon**  
**Policy Counsel & Senior Staff Attorney**  
713.942.8146  
apinon@aclutx.org

December 19, 2017

**Via Email:** bcsorecords@burnetcountytexas.org  
Business Manager of the Sheriff  
P.O. Box 1249  
Burnet, TX 78611

Re: Texas Public Information Act Request

To the Business Manager of the Sheriff:

Pursuant to the Texas Public Information Act, Texas Government Code § 552, I am writing on behalf of the American Civil Liberties Union of Texas to follow up on information requested to your agency. The initial request was sent to your agency in September 8, 2017. As of December 18, 2017 we have not received a response nor have we been informed that you sought an opinion from the Attorney General. This more than two month delay contravenes the law and waives any exceptions to disclosing information. We therefore ask that you disclose all the information we seek.

Texas Government Code § 552.221(a) clearly states that a public information officer shall promptly produce information for inspection or duplication.<sup>1</sup> “Promptly” is defined by the Code as “as soon as possible under the circumstances, that is, within a reasonable time, without delay.”<sup>2</sup> If a public information officer cannot produce the requested information within 10 days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available.<sup>3</sup> As of December 18, 2017, the ACLU of Texas has not received any such certification from your department.

While the Code permits an agency to request an Attorney General decision about whether the information requested falls within one of the exceptions to withhold information outlined by the Code, the decision must be sought within ten business days of

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<sup>1</sup> Tex. Govt. Code § 552.221(a)

<sup>2</sup> *Id.*

<sup>3</sup> Tex. Govt. Code § 552.221(d)

receiving the request.<sup>4</sup> Furthermore, the requestor must receive a copy of the comments submitted to the Attorney General no later than fifteen business days after the receipt of the request.<sup>5</sup> Otherwise, the information requested is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.<sup>6</sup> All objections to producing the requested information have been waived. As of December 18, 2017, the ACLU of Texas has not been copied on any comments to the Attorney General.

Given the lack of any communication from your department, we believe any exceptions from disclosing the information we seek has been waived. We ask that you promptly produce the information and inform us of the date you aim to do so. The requested information should be produced as soon as possible. To the extent possible, please provide this information electronically. Materials may be sent to: Adriana Piñon P.O. Box 8306, Houston, Texas 77288. They may also be emailed to [apinon@aclutx.org](mailto:apinon@aclutx.org) or sent by fax to 713.942.8966.

As a reminder, the originally requested information is detailed below:

1. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Burnet County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE).
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Burnet County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Burnet County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
4. All communications, including but not limited to emails and memoranda, between the Burnet County Sheriff's Department and CBP or ICE from January 1, 2017 through the date you received this request.
5. All agreements, whether formal or informal, written or unwritten, including but not limited to Delegation of Immigration Authority § 287(g) agreements, 287(g) memoranda of agreement (MOAs), and intergovernmental service agreements (IGSAs), between the Burnet County Sheriff's Department and CBP or ICE in effect at any time period between January 1, 2017 through the date you received this request.

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<sup>4</sup> Tex Gov. Code § 552.301

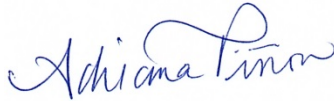
<sup>5</sup> *Id.*

<sup>6</sup> Tex Gov. Code § 552.302

6. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Burnet County's interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
7. All records, including notes, incident reports, and correspondence, relating to traffic stops or arrests performed by the Burnet County Sheriff's Department from January 1, 2017 through the date you received this request, during which CBP or ICE was contacted.
8. The current version of the Burnet County Sheriff's Department officer manual or handbook.

As mentioned in our request, we request a waiver of fees to produce the information pursuant to section 552.267(a) of the Texas Public Information Act. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$40.00.

Sincerely,



Adriana Piñon  
Policy Counsel & Senior Staff Attorney



Edgar Saldivar  
Senior Staff Attorney



December 19, 2017

Sheriff Al Auxier  
Kendall County Sheriff's Office  
6 Staudt Street  
Boerne, TX, 78006

Re: Texas Public Information Act Request

Dear Sheriff Auxier:

I write to request information from the Kendall County Sheriff's Department under the Texas Public Information Act, Chapter 552 of the Texas Government Code concerning your Department's application to participate in a 287(g) agreement with Immigration and Customs Enforcement (ICE). As you likely know, participation in such programs is voluntary. What you may not know is that, as documented in the attached letter, these programs fail to keep communities safe, cost local taxpayers significant amounts of money for work the federal government should undertake, erode trust with the community and may expose Kendall County to legal liability.

Our concern that Kendall County is considering entering into such an agreement is bottomed in part on the general problems associated with 287(g) programs but also in part on Kendall County's stance toward immigrants. During the 2014 humanitarian crisis, Kendall County was among the municipalities in Texas that refused to house unaccompanied children.<sup>1</sup> In that case, the County articulated a concern about costs to the county and health.<sup>2</sup> Yet, despite the sometimes staggering costs to local taxpayers associated with 287 (g) agreements—costs that can tally in the millions<sup>3</sup>—your Department submitted an application to proceed with such collaboration. If costs to the County are truly of concern to your residents, and it is a real concern, then we urge you to rescind your

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<sup>1</sup> Zeke MacCormack, "Kendall County wants to be notified and reimbursed if undocumented migrants put there", San Antonio Express News, Aug. 11, 2014, available at <http://www.expressnews.com/news/local/article/KendallCounty-wants-to-be-notified-and-5681828.php>

<sup>2</sup> *Id.*

<sup>3</sup> Mecklenburg County in North Carolina expended \$5.3 million to operate a 287(g) program in its first year alone, while another North Carolina county, Alamance, spent \$4.8 million in the first year of its 287(g) agreement. Mai Thi Nguyen and Hannah Gill, *The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities*, University of North Carolina at Chapel Hill, The Latino Migration Project (2010) at 33, [https://isa.unc.edu/files/2012/06/287g\\_report\\_final.pdf](https://isa.unc.edu/files/2012/06/287g_report_final.pdf).

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application.

We also request the following public information, recorded in any medium, in the possession or control of the Kendall County Sheriff's Department:

1. The Kendall County Sheriff's Office application to participate in ICE's 287(g) program.
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Kendall County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or ICE.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Kendall County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.
4. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Kendall County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
5. All communications, including but not limited to emails and memoranda, between the Kendall County Sheriff's Department and CBP or ICE. We seek information for this request from January 1, 2017 through the date you receive this request.
6. All agreements, whether formal or informal, written or unwritten, including but not limited to intergovernmental service agreements (IGSAs), between the Kendall County Sheriff's Department and CBP or ICE. We seek agreements in effect at any time period between January 1, 2017 through the date you receive this request.
7. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Kendall County's interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
8. All records, including notes, incident reports and correspondence, relating to traffic stops or arrests performed by the Kendall County Sheriff's Department, during which CBP or ICE was contacted. We seek records dating from January 1, 2017 through the date you receive this request.
9. All documents relating to or demonstrating the number of immigration detainer requests received by the Kendall County Sheriff's Department from January 1, 2016 through the date on which you receive this request.
10. All documents relating to or demonstrating the number of individuals detained pursuant to an immigration detainer request in Kendall County from January 1, 2016 through the date on which you receive this request.

11. The current version of the Kendall County Sheriff's Department officer manual or handbook.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. Open Records Dec. No. 561 at 8 (1990). I also ask that, in accordance with the law, you promptly produce the information I have requested. If you expect that fulfilling this request will take longer than ten days, please inform me when I can expect copies of these records.

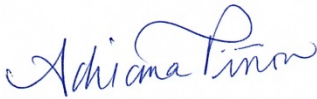
Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267. The American Civil Liberties Union of Texas is a nonprofit organization, and our mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. We request this information for the benefit of the general public.

If you deny any or all parts of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

I prefer to receive these documents electronically. Please send your response to [apinon@aclutx.org](mailto:apinon@aclutx.org) or the American Civil Liberties Union of Texas, P.O. Box 8306, Houston, Texas 77288-8306. I would be happy to coordinate about the easiest way to transmit your response. You can reach me by email at [apinon@aclutx.org](mailto:apinon@aclutx.org)

Thank you for considering this request.

Sincerely,



Adriana Pinon  
Policy Counsel & Senior Staff Attorney  
ACLU Foundation of Texas

Encl. Letter to Sheriff dated December 19, 2017.



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Texas

December 19, 2017

Sheriff Jim Kaelin  
Nueces County Sheriff's Department  
901 Leopard Street  
Corpus Christi, TX 78401

Re: Texas Public Information Act Request

Dear Sheriff Kaelin:

I write to request information from the Nueces County Sheriff's Department under the Texas Public Information Act, Chapter 552 of the Texas Government Code concerning your Department's application to participate in a 287(g) agreement with Immigration and Customs Enforcement (ICE). We applaud your statement that your deputies should focus on violent crime and not immigration enforcement<sup>1</sup> but are dismayed that, notwithstanding your opposition, your department submitted an application to deputize your agents as immigration officials. We urge you to reconsider.

You stated that your "biggest concern" about this type of collaboration was "discrimination."<sup>2</sup> You are right to be concerned. The Department of Homeland Security Inspector General documented the challenges encountered in the 287(g) program, noting that "[c]laims of civil rights violations have surfaced in connection with several [law enforcement agencies] participating in the program."<sup>3</sup> A clear example of this is Arizona's Maricopa County. An investigation by the Department of Justice concluded that the Maricopa County Sheriff's Office "engage[d] in a pattern or practice of unconstitutional policing. Specifically, ...that MCSO, through the actions of its deputies, supervisory staff, and command staff, engages in racial profiling of Latinos; unlawfully stops, detains, and arrests Latinos; and unlawfully retaliates against individuals who complain about or criticize

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<sup>1</sup> Beatriz Alvarado, Kaelin: "I don't enforce immigration law", Corpus Christi Caller Times, Feb. 9, 2017, <http://www.caller.com/story/news/2017/02/08/sheriff-kaelin-lead-discussion-county-immigrationpractices/97567978/>.

<sup>2</sup> Beatriz Alvarado, "ICE, local law enforcement partnerships spike in Texas," Corpus Christi Caller Times, Aug. 5, 2017, <http://www.caller.com/story/news/local/2017/08/05/ice-local-law-enforcement-partnershipsspike-texas/531383001/>.

<sup>3</sup> Department of Homeland Security Office of Inspector General, The Performance of 287(g) Agreements (2010) at23, available at [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_10-63\\_Mar10.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_10-63_Mar10.pdf)

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MCSO's policies or practices . . ."<sup>4</sup>The successful legal challenge to this racial profiling embroiled the county in costly, multi-year litigation.

In addition, as documented in the attached letter, these programs fail to keep communities safe, cost local taxpayers significant amounts of money for work the federal government should undertake, and erode trust with the community.

Given these concerns, I request the following public information, recorded in any medium, in the possession or control of the Rockwall County Sheriff's Department:

1. The Nueces County Sheriff's Office application to participate in ICE's 287(g) program.
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Nueces County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or ICE.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Nueces County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.
4. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Nueces County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
5. All communications, including but not limited to emails and memoranda, between the Nueces County Sheriff's Department and CBP or ICE. We seek information for this request from January 1, 2017 through the date you receive this request.
6. All agreements, whether formal or informal, written or unwritten, including but not limited to intergovernmental service agreements (IGSAs), between the Nueces County Sheriff's Department and CBP or ICE. We seek agreements in effect at any time period between January 1, 2017 through the date you receive this request.
7. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Nueces County Sheriff's Department interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
8. All records, including notes, incident reports and correspondence, relating to traffic stops or arrests performed by the Nueces County Sheriff's Department, during which CBP or ICE was contacted. We seek records dating from January 1, 2017 through the date you receive this request.

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<sup>4</sup> Letter to Mr. Bill Montgomery from the U.S. Department of Justice (Dec. 15, 2011) at 2, available at [https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso\\_findletter\\_12-15-11.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf)



9. All documents relating to or demonstrating the number of immigration detainer requests received by the Nueces County Sheriff's Department from January 1, 2016 through the date on which you receive this request.
10. All documents relating to or demonstrating the number of individuals detained pursuant to an immigration detainer request in Nueces County from January 1, 2016 through the date on which you receive this request.
11. The current version of the Nueces County Sheriff's Department officer manual or handbook.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. Open Records Dec. No. 561 at 8 (1990). I also ask that, in accordance with the law, you promptly produce the information I have requested. If you expect that fulfilling this request will take longer than ten days, please inform me when I can expect copies of these records.

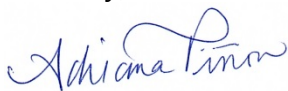
Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267. The American Civil Liberties Union of Texas is a nonprofit organization, and our mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. We request this information for the benefit of the general public.

If you deny any or all parts of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

I prefer to receive these documents electronically. Please send your response to [apinon@aclutx.org](mailto:apinon@aclutx.org) or the American Civil Liberties Union of Texas, P.O. Box 8306, Houston, Texas 77288-8306. I would be happy to coordinate about the easiest way to transmit your response. You can reach me by email at [apinon@aclutx.org](mailto:apinon@aclutx.org)

Thank you for considering this request.

Sincerely,



Adriana Pinon  
Policy Counsel & Senior Staff Attorney  
ACLU Foundation of Texas

Encl. Letter to Sheriff dated December 19, 2017.



December 19, 2017

Sheriff Brian Thomas  
Potter County Sheriff's Office  
608 South Pierce  
Amarillo, TX 79101

Re: Texas Public Information Act Request

Dear Sheriff Thomas:

I write to request information from the Potter County Sheriff's Department under the Texas Public Information Act, Chapter 552 of the Texas Government Code concerning your Department's application to participate in a 287(g) agreement with Immigration and Customs Enforcement (ICE). As you likely know, participation in such programs is voluntary. What you may not know is that, as documented in the attached letter, these programs fail to keep communities safe, cost local taxpayers significant amounts of money for work the federal government should undertake, erode trust with the community and may expose Potter County to legal liability.

The legal liability the Potter County Sheriff's office might incur should be of particular concern to you. As recently as last year, your department refused to give your officers profiling training<sup>1</sup> after two Sikh passengers were profiled, interrogated and arrested at gunpoint on a Grayhound bus.<sup>2</sup> The basis for this refusal was that the training was "beyond [your] jurisdiction."<sup>3</sup> And yet, one of the issues associated with 287(g) programs is a risk of racial profiling by local law enforcement officers. The Department of Homeland Security Inspector General documented the challenges encountered in the 287(g) program, noting that "claims of civil rights violations have surfaced in connection with several [law enforcement agencies] participating in the program." A clear example of this is Arizona's Maricopa County. An investigation by the Department of Justice concluded that the Maricopa County Sheriff's Office "engaged in a pattern and practice of constitutional violations, including racial profiling of Latinos, after entering a 287(g) agreement."<sup>4</sup> The

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<sup>1</sup> KFDA, "Civil Rights Activist address Potter County Policies", News Channel 10, Jul. 18, 2016, <http://www.newschannel10.com/story/32118206/civil-rights-activists-address-potter-counties-polices>

<sup>2</sup> See complaint sent to Sheriff Brian Thomas of Potter County, Jun. 1, 2016, <https://www.aclutx.org/en/press-releases/40-civil-rights-organizations-demand-accountability-texas-profilingcase>

<sup>3</sup> *Supra*, n. 1.

<sup>4</sup> See generally American Immigration Council, "The 287(g) Program: An Overview." (Mar. 15, 2017), <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

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successful legal challenge to this racial profiling embroiled the county in costly, multi-year litigation. Given your Department's stance toward profiling training, the legal liability for your County is a real concern.

And since the violation of people's constitutional rights is our concern, I request the following public information, recorded in any medium, in the possession or control of the Potter County Sheriff's Department:

1. The Potter County Sheriff's Office application to participate in ICE's 287(g) program.
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Potter County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or ICE.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Potter County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.
4. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Potter County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
5. All communications, including but not limited to emails and memoranda, between the Potter County Sheriff's Department and CBP or ICE. We seek information for this request from January 1, 2017 through the date you receive this request.
6. All agreements, whether formal or informal, written or unwritten, including but not limited to intergovernmental service agreements (IGSAs), between the Potter County Sheriff's Department and CBP or ICE. We seek agreements in effect at any time period between January 1, 2017 through the date you receive this request.
7. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Potter County's interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
8. All records, including notes, incident reports and correspondence, relating to traffic stops or arrests performed by the Potter County Sheriff's Department, during which CBP or ICE was contacted. We seek records dating from January 1, 2017 through the date you receive this request.
9. All documents relating to or demonstrating the number of immigration detainer requests received by the Potter County Sheriff's Department from January 1, 2016 through the date on which you receive this request.

10. All documents relating to or demonstrating the number of individuals detained pursuant to an immigration detainer request in Potter County from January 1, 2016 through the date on which you receive this request.
11. The current version of the Potter County Sheriff's Department officer manual or handbook.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. Open Records Dec. No. 561 at 8 (1990). I also ask that, in accordance with the law, you promptly produce the information I have requested. If you expect that fulfilling this request will take longer than ten days, please inform me when I can expect copies of these records.

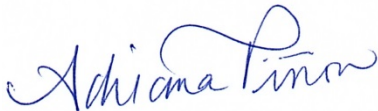
Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267. The American Civil Liberties Union of Texas is a nonprofit organization, and our mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. We request this information for the benefit of the general public.

If you deny any or all parts of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

I prefer to receive these documents electronically. Please send your response to [apinon@aclutx.org](mailto:apinon@aclutx.org) or the American Civil Liberties Union of Texas, P.O. Box 8306, Houston, Texas 77288-8306. I would be happy to coordinate about the easiest way to transmit your response. You can reach me by email at [apinon@aclutx.org](mailto:apinon@aclutx.org)

Thank you for considering this request.

Sincerely,



Adriana Pinon  
Policy Counsel & Senior Staff Attorney  
ACLU Foundation of Texas

Encl. Letter to Sheriff dated December 19, 2017.



December 19, 2017

Sheriff Harold Eavenson  
Rockwall County Sheriff's Department  
950 TL Townsend Drive  
Rockwall, TX 75087

Re: Texas Public Information Act Request

Dear Sheriff Eavenson:

I write to request information from the Rockwall County Sheriff's Department under the Texas Public Information Act, Chapter 552 of the Texas Government Code concerning your Department's application to participate in a 287(g) agreement with Immigration and Customs Enforcement (ICE). As you likely know, participation in such programs is voluntary. What you may not know is that, as documented in the attached letter, these programs fail to keep communities safe, cost local taxpayers significant amounts of money for work the federal government should undertake, erode trust with the community and may expose Rockwall County to legal liability.

The legal liability the Rockwall County Sheriff's Department might incur should be of particular concern to you. While you have gone on record dismissing racial profiling concerns<sup>1</sup>, the problem is a real one. The Department of Homeland Security Inspector General documented the challenges encountered in the 287(g) program, noting that "[c]laims of civil rights violations have surfaced in connection with several [law enforcement agencies] participating in the program."<sup>2</sup> A clear example of this is Arizona's Maricopa County. An investigation by the Department of Justice concluded that the Maricopa County Sheriff's Office "engage[d] in a pattern or practice of unconstitutional policing. Specifically, ...that MCSO, through the actions of its deputies, supervisory staff, and command staff, engages in racial profiling of Latinos; unlawfully stops, detains, and arrests Latinos; and unlawfully retaliates against individuals who complain about or criticize

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<sup>1</sup> Jasmine C. Johnson, "Panel Discusses Senate Bill 4 Implementation" Rockwall County Herald Banner, Jun. 27, 2017. [http://www.rockwallheraldbanner.com/news/local\\_news/panel-discusses-senate-billimplementation/article\\_d7677966-56c4-11e7-a50e-373d7ec054bd.html](http://www.rockwallheraldbanner.com/news/local_news/panel-discusses-senate-billimplementation/article_d7677966-56c4-11e7-a50e-373d7ec054bd.html)

<sup>2</sup> Department of Homeland Security Office of Inspector General, The Performance of 287(g) Agreements (2010) at23, available at [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_10-63\\_Mar10.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_10-63_Mar10.pdf)

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MCSO's policies or practices . . . .”<sup>3</sup>The successful legal challenge to this racial profiling embroiled the county in costly, multi-year litigation.

Despite this reality, you claim that window tint makes it “nearly impossible” for your deputies to determine the race of a person before pulling them over.<sup>4</sup> Such a flippant attitude toward constitutional rights is dismaying and cause for alarm generally. But in particular that window tint—rather than your law enforcement officers’ training or regard for the constitution—would protect the constitutional rights of your community is grossly deficient.

I therefore request the following public information, recorded in any medium, in the possession or control of the Rockwall County Sheriff’s Department:

1. The Rockwall County Sheriff’s Office application to participate in ICE’s 287(g) program.
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Rockwall County Sheriff’s Department is to contact United States Customs and Border Protection (CBP) or ICE.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Rockwall County Sheriff’s Department should inquire as to a person’s immigration status during a traffic stop.
4. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Rockwall County Sheriff’s Department should do when a person does not present a valid current driver’s license during a traffic stop.
5. All communications, including but not limited to emails and memoranda, between the Rockwall County Sheriff’s Department and CBP or ICE. We seek information for this request from January 1, 2017 through the date you receive this request.
6. All agreements, whether formal or informal, written or unwritten, including but not limited to intergovernmental service agreements (IGSAs), between the Rockwall County Sheriff’s Department and CBP or ICE. We seek agreements in effect at any time period between January 1, 2017 through the date you receive this request.
7. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Rockwall’s interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
8. All records, including notes, incident reports and correspondence, relating to traffic

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<sup>3</sup> Letter to Mr. Bill Montgomery from the U.S. Department of Justice (Dec. 15, 2011) at 2, available at [https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso\\_findletter\\_12-15-11.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf)

<sup>4</sup> *Supra*, n. 4.

stops or arrests performed by the Rockwall County Sheriff's Department, during which CBP or ICE was contacted. We seek records dating from January 1, 2017 through the date you receive this request.

9. All documents relating to or demonstrating the number of immigration detainer requests received by the Rockwall County Sheriff's Department from January 1, 2016 through the date on which you receive this request.
10. All documents relating to or demonstrating the number of individuals detained pursuant to an immigration detainer request in Rockwall County from January 1, 2016 through the date on which you receive this request.
11. The current version of the Rockwall County Sheriff's Department officer manual or handbook.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. Open Records Dec. No. 561 at 8 (1990). I also ask that, in accordance with the law, you promptly produce the information I have requested. If you expect that fulfilling this request will take longer than ten days, please inform me when I can expect copies of these records.

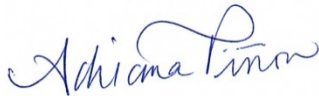
Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267. The American Civil Liberties Union of Texas is a nonprofit organization, and our mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. We request this information for the benefit of the general public.

If you deny any or all parts of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

I prefer to receive these documents electronically. Please send your response to [apinon@aclutx.org](mailto:apinon@aclutx.org) or the American Civil Liberties Union of Texas, P.O. Box 8306, Houston, Texas 77288-8306. I would be happy to coordinate about the easiest way to transmit your response. You can reach me by email at [apinon@aclutx.org](mailto:apinon@aclutx.org)

Thank you for considering this request.

Sincerely,



Adriana Pinon  
Policy Counsel & Senior Staff Attorney  
ACLU Foundation of Texas

Encl. Letter to Sheriff dated December 19, 2017.



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Texas

December 19, 2017

Sheriff Keith Hughes  
Terrell County Sheriff Department  
P.O. Box 320  
Sanderson, TX 79848

Re: Texas Public Information Act Request

Dear Sheriff Hughes:

I write to request information from the Terrell County Sheriff's Department under the Texas Public Information Act, Chapter 552 of the Texas Government Code concerning your Department's application to participate in a 287(g) agreement with Immigration and Customs Enforcement (ICE). As you likely know, participation in such programs is voluntary. What you may not know is that, as documented in the attached letter, these programs fail to keep communities safe, cost local taxpayers significant amounts of money for work the federal government should undertake, erode trust with the community and may expose Terrell County to legal liability.

Based on these concerns, I request the following public information, recorded in any medium, in the possession or control of the Terrell County Sheriff's Department:

1. The Terrell County Sheriff Department's application to participate in ICE's 287(g) program.
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Terrell County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or ICE.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Terrell County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.

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P.O. BOX 8306  
HOUSTON, TX 77288  
713.942.8146 | WWW.ACLUTX.ORG  
WITH OFFICES IN AUSTIN, BROWNSVILLE, DALLAS AND EL PASO



4. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Terrell County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
5. All communications, including but not limited to emails and memoranda, between the Terrell County Sheriff's Department and CBP or ICE. We seek information for this request from January 1, 2017 through the date you receive this request.
6. All agreements, whether formal or informal, written or unwritten, including but not limited to intergovernmental service agreements (IGSAs), between the Terrell County Sheriff's Department and CBP or ICE. We seek agreements in effect at any time period between January 1, 2017 through the date you receive this request.
7. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Terrell County Sheriff Department's interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
8. All records, including notes, incident reports and correspondence, relating to traffic stops or arrests performed by the Terrell County Sheriff's Department, during which CBP or ICE was contacted. We seek records dating from January 1, 2017 through the date you receive this request.
9. All documents relating to or demonstrating the number of immigration detainer requests received by the Terrell County Sheriff's Department from January 1, 2016 through the date on which you receive this request.
10. All documents relating to or demonstrating the number of individuals detained pursuant to an immigration detainer request in Terrell County from January 1, 2016 through the date on which you receive this request.
11. The current version of the Terrell County Sheriff's Department officer manual or handbook.

In the interest of open government, please be mindful of your duty to make a good-faith effort to relate these requests to any information that you hold. Open Records Dec. No. 561 at 8 (1990). I also ask that, in accordance with the law, you promptly produce the information I have requested. If you expect that fulfilling this request will take longer than ten days, please inform me when I can expect copies of these

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records.

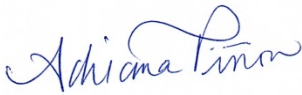
Please waive the fees for this request, as it is made for public and non-commercial purposes. Tex. Gov't Code § 552.267. The American Civil Liberties Union of Texas is a nonprofit organization, and our mission is to defend and preserve the individual rights and liberties guaranteed to every person in this country by the Constitution and laws of the United States. We request this information for the benefit of the general public.

If you deny any or all parts of this request, please cite each specific exemption that you claim justifies your denial and notify me of the appellate procedures available under the law.

I prefer to receive these documents electronically. Please send your response to [apinon@aclutx.org](mailto:apinon@aclutx.org) or the American Civil Liberties Union of Texas, P.O. Box 8306, Houston, Texas 77288-8306. I would be happy to coordinate about the easiest way to transmit your response. You can reach me by email at [apinon@aclutx.org](mailto:apinon@aclutx.org).

Thank you for considering this request.

Sincerely,



Adriana Pinon  
Policy Counsel & Senior Staff Attorney  
ACLU Foundation of Texas

Encl. Letter to Sheriff dated December 19, 2017.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF TEXAS

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WITH OFFICES IN AUSTIN, BROWNSVILLE, DALLAS AND EL PASO



**Adriana Piñon**  
**Policy Counsel & Senior Staff Attorney**  
713.942.8146  
apinon@aclutx.org

December 19, 2017

**Via Email:** rchody@wilco.org  
Robert Chody  
508 South Rock Street  
Georgetown, TX 78626

Re: Texas Public Information Act Request

Dear Sheriff Chody:

Pursuant to the Texas Public Information Act, Texas Government Code § 552, I am writing on behalf of the American Civil Liberties Union of Texas to follow up on information requested to your agency. The initial request was sent to your agency in September 8, 2017. As of December 18, 2017 we have not received a response nor have we been informed that you sought an opinion from the Attorney General. This more than two month delay contravenes the law and waives any exceptions to disclosing information. We therefore ask that you disclose all the information we seek.

Texas Government Code § 552.221(a) clearly states that a public information officer shall promptly produce information for inspection or duplication.<sup>1</sup> “Promptly” is defined by the Code as “as soon as possible under the circumstances, that is, within a reasonable time, without delay.”<sup>2</sup> If a public information officer cannot produce the requested information within 10 days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available.<sup>3</sup> As of December 18, 2017, the ACLU of Texas has not received any such certification from your department.

While the Code permits an agency to request an Attorney General decision about whether the information requested falls within one of the exceptions to withhold

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<sup>1</sup> Tex. Govt. Code § 552.221(a)

<sup>2</sup> *Id.*

<sup>3</sup> Tex. Govt. Code § 552.221(d)

information outlined by the Code, the decision must be sought within ten business days of receiving the request.<sup>4</sup> Furthermore, the requestor must receive a copy of the comments submitted to the Attorney General no later than fifteen business days after the receipt of the request.<sup>5</sup> Otherwise, the information requested is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.<sup>6</sup> All objections to producing the requested information have been waived. As of December 18, 2017, the ACLU of Texas has not been copied on any comments to the Attorney General.

Given the lack of any communication from your department, we believe any exceptions from disclosing the information we seek has been waived. We ask that you promptly produce the information and inform us of the date you aim to do so. To the extent possible, please provide this information electronically. Materials may be sent to: Adriana Piñon P.O. Box 8306, Houston, Texas 77288. They may also be emailed to [apinon@aclutx.org](mailto:apinon@aclutx.org) or sent by fax to 713.942.8966. As a reminder, the originally requested information is detailed below:

1. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Williamson County Sheriff's Department is to contact United States Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE).
2. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing when or how an officer of the Williamson County Sheriff's Department should inquire as to a person's immigration status during a traffic stop.
3. All documents, including but not limited to any communications or memoranda, relating to or evidencing current policies or procedures describing what an officer of the Williamson County Sheriff's Department should do when a person does not present a valid current driver's license during a traffic stop.
4. All communications, including but not limited to emails and memoranda, between the Williamson County Sheriff's Department and CBP or ICE from January 1, 2017 through the date you received this request.
5. All agreements, whether formal or informal, written or unwritten, including but not limited to Delegation of Immigration Authority § 287(g) agreements, 287(g) memoranda of agreement (MOAs), and intergovernmental service agreements (IGSAs), between the Williamson County Sheriff's Department and CBP or ICE in effect at any time period between January 1, 2017 through the date you received this request.

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<sup>4</sup> Tex Gov. Code § 552.301

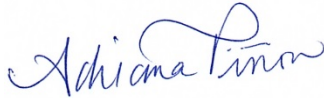
<sup>5</sup> *Id.*

<sup>6</sup> Tex Gov. Code § 552.302

6. All communications, including but not limited to emails, recordings, memoranda, and correspondence, relating to Delegation of Immigration Authority § 287(g) agreements or memoranda of agreement, including but not limited to Williamson County's interest in, consideration of, negotiations on, or discussions regarding such agreements with ICE.
7. All records, including notes, incident reports, and correspondence, relating to traffic stops or arrests performed by the Williamson County Sheriff's Department from January 1, 2017 through the date you received this request, during which CBP or ICE was contacted.
8. The current version of the Williamson County Sheriff's Department officer manual or handbook.

As mentioned in our request, we request a waiver of fees to produce the information pursuant to section 552.267(a) of the Texas Public Information Act. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$40.00.

Sincerely,



Adriana Piñon  
Policy Counsel & Senior Staff Attorney



Edgar Saldivar  
Senior Staff Attorney