



IMMIGRANT LEGAL ADVOCACY PROJECT

ATTACHMENT 2

February 13, 2020

Chief Deputy Susan Herman
Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006

Re: Response to Request for Information Related to Racial Profiling

Dear Ms. Herman,

Thank you for requesting ILAP's assistance in exploring available techniques for the collection and compilation of profiling data related to the implementation of Public Law 2019, Chapter 410 (L.D. 1475). We have observed racial profiling to be a problem in Maine and appreciate the serious attention your office is giving to this important matter.

ILAP's services and expertise are focused on immigration law and we lack knowledge of the best techniques for collection and compilation of profiling data. Therefore, we are unable to provide that information. We understand that the ACLU of Maine is providing you with some recommendations and we urge you to consider their input and implement the best possible system to track profiling data. We will gladly assist your office in any way that we can as you implement the new system.

ILAP is Maine's only statewide immigration legal services organization. We provide direct immigration legal services and education and outreach to over 5,000 immigrants in all sixteen counties of Maine each year. This includes work with individuals who have been detained by Immigration and Customs Enforcement (ICE) after encounters with local and state police. Through our work, we have heard many reports that suggest racial profiling was involved in law enforcement encounters with members of the immigrant community. Because of these trends, we have been tracking cases in which there was some indicia of a pretextual stop and/or racial profiling. The following are examples of cases where individuals were arrested and detained by ICE after traffic stops for minor infractions or when no reason was provided:

- An individual was pulled over by state police, with no reason provided. ICE arrived shortly after and arrested him after reviewing his documents. When ILAP staff visited him at Cumberland County Jail he expressed fear of being killed by gangs in El Salvador after he is deported.
- An individual was pulled over by police, who claimed one of his mirrors was not working although he claimed that it was working. He was turned over to ICE and arrested.
- An individual was pulled over by the police for making a wrong turn when pulling into a motel. He was turned over to ICE and arrested. When ILAP staff visited him at the

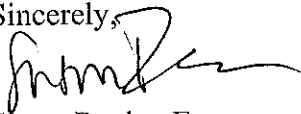
Cumberland County Jail he expressed a fear of deportation because he was badly beaten by gangs in Mexico before coming to the United States.

- Police pulled over a 15-passenger van because the front occupants were not wearing seatbelts and the front windshield was broken. They were turned over to ICE.
- An individual was pulled over but not given a reason for the stop. He was arrested for driving without a license/registration and was turned over to ICE.
- An individual was pulled over for failure to wear a seatbelt and was turned over to ICE.
- An individual was pulled over because his lights were not on while his windshield wipers were operating. He was turned over to ICE.

Racial profiling was also identified as a problem during “Community Conversation” meetings ILAP held during the fall of 2018 and spring of 2019 with client communities in different areas of the state. The purpose was to collect feedback and recommendations related to ILAP’s services and to hear about the most pressing concerns in client communities. During a meeting in Washington County with a group of 11 former clients and 1 community member (all of whom were from the Latinx community) the participants identified racial profiling by police as their greatest concern. Almost every person at the meeting, regardless of immigration status or citizenship, reported that they had been followed by police and/or stopped and questioned without cause.

Thank you again for reaching out to ILAP. We are grateful for the efforts your office is taking to set policies and guidelines to ensure the prohibition and elimination of profiling in Maine. Please let me know if we can be of any further assistance as you design and implement a system for collecting and compiling profiling data in Maine.

Sincerely,



Susan Roche, Esq.
Executive Director