



January 16, 2015

Chief Probation Officer Ron Broich  
District 4A Probation  
1701 Farnam St.  
Room 164  
Omaha NE 68183

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Dear Mr. Broich:

I am writing to request a directive to all District 4A probation offices to cease granting access to ICE agents for surveillance, questioning and arrests.

My office has received several reports specifically related to the South Omaha office located on South 24<sup>th</sup> Street. According to the complaints we've received, probationers appear for their normally scheduled meeting with their probation officer, only to find federal ICE agents waiting for them. It appears your employees have been cooperating with ICE in several regards: (1) providing information about probationers' appointment schedules, (2) providing access to the probation office to await people and (3) providing a separate meeting room for ICE to question the probationer. All of these raise serious constitutional questions.

In the few circumstances where ICE has a warrant to arrest a probationer, it is possible your employees could cooperate appropriately. In the absence of a warrant or any written memorandum of understanding between your office and ICE, it appears your employees are cooperating in providing private and confidential information inappropriately. They are also participating in a questionable detention, since the probationer is not free to leave ICE questioning without violating the terms of their probation that require them to be there. In order to avoid a civil rights suit for violation of privacy, wrongful detention and seizure, you should immediately instruct your employees to cease this practice.

Separate from the legal question, this practice is also damaging the relationship between the probation office and the immigrant / Latino community. We've had reports from probationers who are contributing members of their community—they're meeting their probation requirements, working and supporting their families. This practice is likely to discourage people from satisfying their probation requirements if they fear detention and

arrest when they show up at your offices. The mission of the probation office is to facilitate supervision and rehabilitation—any practice that discourages cooperation is doing a disservice to the hard work of your probation officers in accomplishing their rehabilitative mission.

I understand you have recently spoken with Omaha attorney Ross Pesek about this issue, and that prior to his communication, you were unaware of the practice that had emerged in South Omaha. I write in order to ask you to direct all offices—especially the South Omaha branch—to immediately cease providing confidential information and physical access to ICE agents unless presented with a valid warrant.

If we receive your written assurance that this practice has stopped, I will close our file. I look forward to hearing from you.

A handwritten signature in black ink, appearing to read "Amy A. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Amy A. Miller  
Legal Director