



April 23, 2026

Audrey Cromwell  
Gallatin County Attorney  
502 S. 19<sup>th</sup> Ave Suite 102  
Bozeman, MT 59718

Via email to [audrey.cromwell@gallatin.mt.gov](mailto:audrey.cromwell@gallatin.mt.gov)

**Re: Follow-up to ICE Inquiry**

Dear Ms. Cromwell:

Thank you for your timely response letter (“Response”) to my April 2, 2026, letter regarding your office’s determination that U.S. Immigration and Customs Enforcement (ICE) is not a criminal justice agency entitled to receive Confidential Criminal Justice Information (CCJI) absent a court order. The Response confirms that Gallatin County does not uniformly share CCJI with ICE.

As an initial matter, the Response laments that my office did not contact you prior to issuing the letter. This isn’t the first instance, however, where your office has demonstrated poor judgment on this issue. As my May 21, 2025, letter explained, your April 24, 2025, legal opinion contending that Gallatin County should not enter into an intergovernmental services agreement with ICE was a political objection to enforcing our nation’s immigration laws rather than actual legal analysis. Then, in February 2026, you traveled with other Montana Democrats to Minnesota to discuss immigration with Keith Ellison.<sup>1</sup> Your delegation also referred to ICE as “the Gestapo.”<sup>2</sup>

Moving to the substance, the Response contradicts itself and the facts. It claims that “there is no Gallatin County policy – formal or informal – restricting cooperation with federal agencies, including [ICE].” But the plain text of the October 2, 2025, email is clear and nothing limits the stated policy to a “single, case-specific

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<sup>1</sup> [https://www.bozemandailychronicle.com/news/bozeman-sen-cora-neumann-convenes-coalition-in-minneapolis-demanding-ice-accountability/article\\_d47dc7af-5113-433e-8526-6831f57e3d03.html](https://www.bozemandailychronicle.com/news/bozeman-sen-cora-neumann-convenes-coalition-in-minneapolis-demanding-ice-accountability/article_d47dc7af-5113-433e-8526-6831f57e3d03.html)

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

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legal inquiry.” Moreover, the Response confirms that the Gallatin County Attorney’s Office created a policy restricting the sharing of information with ICE in the form of legal advice purporting to distinguish between ICE’s civil and criminal enforcement activities. Montana law, however, makes no such distinction.

As explained in my initial letter, ICE plainly meets the definition of a “criminal justice agency” under Mont. Code. Ann. § 44-5-103(7)(b). ICE’s core law enforcement activities constitute the “administration of criminal justice” under Mont. Code. Ann. § 44-5-103(2). For example, it was ICE agents that arrested six known members of Venezuelan Transnational Criminal Organization Tren de Aragua in Gallatin County in February 2025.<sup>3</sup>

Your claim that ICE doesn’t qualify as a law enforcement agency in all contexts because one bureau, Enforcement and Removal Operations (ERO), primarily performs “civil immigration enforcement functions” misses the mark. First, even if ERO’s primary mission consists of civil immigration enforcement, it sits structurally inside a criminal law enforcement agency whose principal function is to promote public safety and homeland security.<sup>4</sup> The federal courts uniformly consider ICE a law enforcement agency and have never adopted your novel distinction.<sup>5</sup> As one court explained, “ICE as a federal law enforcement agency has access to the same national databases as any other law enforcement agency, from which ICE can secure information about where an individual subject to removal/deportation, has recorded his or her last known address and other important facts such as medications, continuing of medication for certain diseases, etc.”<sup>6</sup> Additionally, although ERO operations generally involve civil immigration enforcement, ERO officers are federal law enforcement officers with the power to interrogate individuals about their

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<sup>3</sup> <https://www.krtv.com/news/crime-and-courts/ice-agents-arrest-alleged-tda-gang-members-in-gallatin-county>

<sup>4</sup> See 6 U.S.C. § 251; 8 U.S.C. § 1103(a); 8 U.S.C. §§ 1226, 1231; 8 U.S.C § 1357; *Am. Immigr. Council v. U.S. Dep’t of Homeland Sec.*, 950 F. Supp. 2d 221, 245 (D.D.C. 2013) (“ICE is an agency specializing in law enforcement”).

<sup>5</sup> See, e.g., *Steinle v. City and Cnty. of San Francisco*, 919 F.3d 1154, 1167 (9th Cir. 2019) (referring to “law enforcement authorities, including ICE”); *Frimmel Mgmt., LLC v. United States*, 897 F.3d 1045, 1055 (9th Cir. 2018) (referring to “law enforcement agency,’ i.e., ICE”); *Nat’l Day Laborer Org. Network v. U.S. Immigr. & Customs Enf’t Agency*, 811 F. Supp. 2d 713, 744 (S.D.N.Y. 2011), *amended on reconsideration* (Aug. 8, 2011) (“ICE, DHS and FBI ... are unquestionably federal law enforcement agencies”); see also *Arizona v. United States*, 567 U.S. 387, 445 (2012) (Alito, J., concurring in part and dissenting in part) (“Like most law enforcement agencies, ICE does....”).

<sup>6</sup> *City of Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 610 (E.D. Pa. 2017).

immigration status, make arrests for violations of immigration law, and make arrests for any federal offense committed in their presence.<sup>7</sup>

In other words, it doesn't matter if ICE is "seeking confidential criminal justice information for a civil administrative immigration purpose" and "not for a criminal investigation or prosecution." Montana law simply says "dissemination of confidential criminal justice information is restricted to criminal justice agencies."<sup>8</sup> ICE is a criminal justice agency. Full stop.

My initial letter also explained that Gallatin County's policy implicates—and jeopardizes—the National Crime Prevention and Privacy Compact, adopted by Mont. Code Ann. § 44-5-601, which organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment. Under this Compact, the FBI and Montana have agreed to maintain detailed databases of their respective criminal history records, including arrests and dispositions, and to make them available to the Federal Government and to Party States for authorized purposes. "Noncriminal justice purposes" includes "immigration and naturalization matters."<sup>9</sup>

Finally, the Response requests a legal opinion regarding "whether Montana counties may lawfully disseminate individuals' non-public [CCJI] to Federal Agencies, specifically ICE, upon receiving non-criminal civil or administrative requests without a court order." The time to request a legal opinion was *before* issuing a communicate that ICE is not always criminal justice agency. The request is denied.<sup>10</sup>

\* \* \*

The recalcitrant nature of your Response is troubling. I am deeply concerned that the Gallatin County Attorney's Office is putting the safety of its residents—and all Montanans—in jeopardy. Therefore, I respectfully request that you immediately recognize ICE *in toto* as a criminal justice agency in accordance with state law. To

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<sup>7</sup> See 8 U.S.C. § 1357. Although removing immigrants from the country is a civil matter, unlawful entry and re-entry into the country, are crimes subject to punishment by the criminal justice system. See 8 U.S.C. §§ 1325, 1326.

<sup>8</sup> MONT. CODE ANN. §44-5-303(1).

<sup>9</sup> MONT. CODE ANN. § 44-5-601 art. I, § (16).

<sup>10</sup> In response to my preservation request, the Response suggests that my office obtain records about your Office's policies and practices from the Gallatin County Commission or the Records Department. I respectfully decline.

that end, please issue a memorandum to all relevant personnel stating that Gallatin County may share CCJI with ICE for civil immigration enforcement functions. **If you refuse to follow the statute, I will have no choice but to invoke supervisory control pursuant to Mont. Code Ann. § 2-15-501(5). Please provide proof of compliance by 5pm on Monday April 27.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin Knudsen".

AUSTIN KNUDSEN  
Montana Attorney General

cc:

Governor Greg Gianforte  
Gallatin County Commission  
Gallatin County Sheriff