

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. _____

AUDREY CROMWELL, in her official capacity as GALLATIN COUNTY
ATTORNEY,

Petitioner,

v.

AUSTIN KNUDSEN, in his official capacity as MONTANA ATTORNEY
GENERAL,

Respondent.

**PETITION FOR DECLARATORY RELIEF ON ORIGINAL
JURISDICTION**

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- Exhibit 7 May 1, 2026: Memorandum from Audrey Cromwell, Re: § 2-15-501(5), MCA

RELIEF REQUESTED

Petitioner Audrey Cromwell, in her official capacity as Gallatin County Attorney, seeks (1) this Court's declaration that Montana counties may not lawfully disseminate Confidential Criminal Justice Information ("CCJI") to Immigration and Customs Enforcement ("ICE"), upon receiving non-criminal civil or administrative requests without a court order; and (2) an Order terminating the Attorney General's exercise of supervisory control over the Gallatin County Attorney's Office. The matter involves a purely legal question of Montana law. The question is of significant statewide importance as it affects every county in the state. And the question arises under urgent and emergent circumstances, necessitating original jurisdiction in this Court.

FACTS

1. On April 30, 2026, the Attorney General assumed supervisory control over the Gallatin County Attorney's Office. Petitioner Audrey Cromwell is the Gallatin County Attorney. See Exhibit 1, April 30, 2026: Letter from Attorney General, Re: Invoking Supervisory Control.

2. The Attorney General has directed Cromwell to provide legal advice to her clients she assesses to be incorrect, while refusing to furnish Cromwell with a legal opinion that would give her and her clients protection from the severe civil

and criminal penalties associated with the improper or unlawful dissemination of CCJI.

3. The following events predated the Attorney General’s assumption of supervisory control.

4. In October 2025, the Gallatin County Attorney’s Office responded to a single, case-specific inquiry from the Gallatin County Records Office about how to respond to ICE’s request for an individual’s non-public CCJI to be utilized for civil, non-criminal purposes.

5. It is well established that immigration enforcement is a civil function. *E.g.*, *Arizona v. United States*, 567 U.S. 387, 396 (2012); Exhibit 2, April 2, 2026: Letter from Attorney General, Re: Cease and Desist Illegal Sanctuary Jurisdiction Policy, p. 5 (Attorney General Knudsen stating same).

6. Montana law only permits automatic disclosure of CCJI to “criminal justice agencies”—an agency that “perform[s] *as its principal function* the administration of criminal justice.” Section 44-5-103(7)(b), MCA (emphasis added). “Administration of criminal justice” is in turn defined as the performance of “detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation *of accused persons or criminal offenders.*” Section 44-5-103(2), MCA (emphasis added).

7. After consulting these authorities, the Gallatin County Attorney's Office, through a legal assistant, responded that ICE could obtain the requested CCJI through the civil processes available under statute, but did not qualify as a criminal justice agency when seeking CCJI for civil purposes. Exhibit 2, p. 5.

8. Six months later, on April 2, 2026, the Attorney General's Office issued a letter to Cromwell arguing that the October 2025 legal assistant email amounted to an office "policy." The Attorney General demanded that Cromwell rescind the "policy" and accused her of "stealthily" adopting sanctuary city policies. Exhibit 2, p. 2. He contemporaneously shared his letter with media outlets; Cromwell first learned of the letter through outreach from media organizations.

9. Attorney Cromwell responded on April 6, 2026, explaining that the email in question was not a policy and noting the critical distinction between ICE's civil and criminal enforcement functions. The request at issue originated from a civil enforcement proceeding; therefore, Cromwell's office determined that in that case-specific instance, "ICE was required to follow the same judicial process applicable to all such requests, ensuring judicial oversight and protection of Montanans' constitutional privacy rights." Exhibit 3, April 6, 2026: Letter from Audrey Cromwell, Re: Response to April 2, 2026 Correspondence Regarding CCJI with Formal Request for Attorney General Legal Opinion, p. 2.

10. As part of the April 6 letter, Cromwell also requested a formal legal opinion from the Attorney General’s Office. She noted that such an opinion, which creates binding authority on her, would help resolve the inherent tension between the Attorney General’s informal interpretation and Montana law governing the dissemination of CCJI. The binding nature of a formal legal opinion would also serve as a safe harbor for Cromwell, whose county entity clients rely on her for legal advice when navigating the serious civil and criminal penalties associated with the improper distribution of CCJI.

11. The Attorney General replied on April 23, 2026, accusing Cromwell of “lament[ing],” of being “recalcitrant,” and variously attacking her motives and judgment. He refused to provide a formal legal opinion and again ordered her to “rescind” the legal assistant email, which he continued to argue is a “policy.”

Exhibit 4, April 23, 2026: Letter from Attorney General, Re: Follow-up to ICE Inquiry, pp. 1-4.

12. Cromwell responded on April 27, 2026, reiterating that no such “policy” existed, restating the pertinent authorities, and again asking the Attorney General to furnish a legal opinion in accordance with the duties of his public office. She noted that she would direct future questions from the Gallatin County Records Department regarding ICE CCJI requests to his office. Exhibit 5, April

27, 2026: Letter from Audrey Cromwell, Re: Confidential Criminal Justice Information and Civil Use by ICE.

13. On April 30, 2026, the Attorney General informed Cromwell that he was taking supervisory control of her office. He demanded that she issue a memorandum informing “all relevant personnel and law enforcement agencies” of a policy of full disclosure of CCJI with ICE for all purposes, including civil enforcement. He also demanded several categories of records, some of which appear on their face to have nothing to do with the legal dispute, and ordered the production of a weekly report on CCJI requests for an indefinite amount of time.

14. On May 1, 2026, Cromwell sent a copy of the requested memorandum, noting that she could not verify the accuracy of the underlying legal conclusions and her intent to seek this Court’s declaration of the law. Exhibit 7, May 1, 2026: Memorandum from Audrey Cromwell, Re: § 2-15-501(5), MCA.

15. Without declaratory relief, Cromwell faces an impossible situation: compelled to provide legal advice she assesses to be incorrect. She and her clients face the immediate prospect of severe civil and criminal penalties if they follow incorrect advice and improperly release CCJI in response to a civil request without a court order.

16. Supervisory control of a County Attorney’s Office is an extraordinary remedy, not an excuse for political theater. Every day that the Gallatin County

Attorney's Office remains under the Attorney General's control deprives the people of Gallatin County the leadership of their duly elected County Attorney. The Attorney General's make-work assignments—like compiling reports, or producing documents to him about unrelated topics—are a distraction from Cromwell's core law enforcement and public safety work in one of Montana's most populous counties.

LEGAL ISSUES ANTICIPATED

- I. Whether counties may lawfully disseminate CCJI to federal agencies, specifically ICE, upon receiving non-criminal civil or administrative requests without a court order.
- II. Whether, based upon this Court's declaration of the law, the Attorney General should continue to exercise supervisory control over the Gallatin County Attorney's Office.

JURISDICTION

The Court considers a petition for declaratory relief on original jurisdiction according to the criteria of M. R. App. P. 14(4). *Mont. Dep't of Lab. & Indus., Emp. Rels. Div. v. Mont. Thirteenth Jud. Dist. Ct.*, 2020 MT 164, ¶ 5, 400 Mont. 320, 466 P.3d 517. That rule provides:

An original proceeding in the form of a declaratory judgment action may be commenced in the [S]upreme [C]ourt when urgency or emergency factors exist making litigation in the trial courts and the normal appeal process inadequate and when the case involves purely legal questions of statutory or constitutional interpretation which are of state-wide importance.

M. R. App. P. 14(4). Each of the required criteria is readily demonstrated here.

First, the issue is solely one of law—specifically, the requirements of the plain text of §§ 44-5-303 and 44-5-103(3) and -(7), MCA. Cromwell seeks this Court’s declaration of what Montana law is, and what disclosure duties are required of her office as a result. No factual record is necessary for this determination.

Second, the issue—and the expedient resolution thereof—is of clear statewide importance. The conflict between governing Montana law and the Attorney General’s unsupported, informal interpretation of the same has created confusion far beyond Gallatin County. County attorneys statewide must choose between potentially improper disclosure of CCJI—a violation of the Montana Constitution’s Right to Privacy and associated statutes—or the threat of losing control over their elected offices.

Third, urgent and emergent circumstances exist such that litigation in a district court would prolong this compounding crisis in an untenable manner. The Attorney General is currently exercising supervisory control over the Gallatin County Attorney’s Office, the full extent and consequences of which are unclear. Every day that supervisory control is in effect undermines public trust and diverts resources from the critical civil and criminal prosecution work necessary for Gallatin County to function. The uncertainty in the law is equally emergent: Cromwell can comply with the Attorney General’s demands, which she believes

violate Montana statutes and the Constitution, or she can openly defy the chief legal officer of the State. The Attorney General has threatened that anything but full and immediate compliance will result in a seizure of the County's IT infrastructure and an investigation of Cromwell's staff, both of which only further undermine public trust and magnify the needless diversion of resources caused by this event.

The Court can and should promptly declare the law by assuming original jurisdiction under M. R. App. P. 14(4).

ARGUMENT

The Attorney General's political theatrics have blown a simple, case-specific email exchange between a legal assistant and a county administrative office into a statewide crisis. Cromwell and her colleagues across the state are being forced to weigh their oath to the Montana Constitution and its individual privacy provisions, as well as their duties to protect their clients from needless liability, against the threat of an extraordinary and novel exercise of executive power—all without the benefit and protection of Montana legal authority. This Court should accept jurisdiction, declare the law, and terminate the Attorney General's supervisory control.

- I. Montana law prohibits the disclosure of CCJI to ICE in response to civil or administrative requests absent a court order.**

Montana’s Criminal Justice Information Act is premised on balancing the Montana Constitution’s robust privacy protections against the public safety benefit of the selective disclosure of certain criminal justice information. *See* Mont. Const. art. II, § 10 (Encompassing “a broad privacy right reflecting personal autonomy and the right to be left alone.” *Planned Parenthood v. State*, 2025 MT 120, ¶ 18, 422 Mont. 241, 570 P.3d 51.). Montana citizens and noncitizens accused or convicted of criminal activity enjoy the same constitutional protection. *See Ramon v. Short*, 2020 MT 69, 399 Mont. 254, 460 P.3d 867 (applying Montana constitutional protection to noncitizen arrestee detained in civil immigration arrest). To that end, one of the stated purposes of the Criminal Justice Information Act is to “establish effective protection of individual privacy in confidential and nonconfidential criminal justice information collection, storage, and dissemination.” Section 44-5-102, MCA.

In furtherance of its protective purpose, the statutory scheme permits the automatic release of non-public CCJI only to select agencies—“criminal justice agencies.” Section 44-5-302, MCA. A criminal justice agency is one “designated by statute or a governor’s executive order to perform *as its principal function* the administration of criminal justice.” Section 44-5-103(7)(b), MCA (emphasis added). “Administration of criminal justice” is defined to include the performance of “detection, apprehension, detention, pretrial release, posttrial release,

prosecution, adjudication, correctional supervisions, or rehabilitation *of accused persons or criminal offenders.*” Section 44-5-103(2), MCA (emphasis added).

This principal function test is generally straightforward to administer. The FBI, for example, principally administers criminal justice. The county sheriff and local police principally administer criminal justice. The Department of Environmental Quality has a law enforcement function, and has the authority to impose civil fines and collect fees, but of course does not principally administer criminal justice. For most agencies, their relationship with the criminal justice system is obvious, and the entity releasing CCJI has an immediate answer as to the propriety of the release.

Not so for ICE. In fact, Montana law defines ICE as a “federal immigration agency.” Section 27-16-801(a)(i), MCA. At best, its principal function is susceptible to variable interpretations and inconsistent applications. It is incontrovertible that deportation and removal proceedings—actions that comprise a great deal of ICE’s activities—are civil in nature. *See Hyun v. Landon*, 219 F.2d 404, 406 (9th Cir. 1955); *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984); *Zuniga v. Garland*, 86 F.4th 1236, 1239 (9th Cir. 2023). Because these strictly civil activities do not generally involve criminally accused persons or offenders, ICE does not *categorically* qualify as an organization whose principal function is the

administration of criminal justice, and thus is not *categorically* entitled to the disclosure of CCJI absent a court order.

That ICE has, within it, a subdivision that engages in criminal justice work (Homeland Security Investigations or “HSI”) does not alter the analysis. A host of state and federal agencies have law enforcement functions contained within various subdivisions, but this does not make the administration of criminal justice their “principal” function, which is the requirement under Montana law. If merely having some law enforcement function automatically rendered an agency a criminal justice agency, then the statute’s privacy protections and principal function test would have little meaning at all.

Of course, a non-criminal justice agency can still seek and receive CCJI in an expedient and efficient manner. Section 44-5-303, MCA, provides a process for any requester to seek the same information under the supervision of a court, which can authoritatively weigh “that the demands of individual privacy do not clearly exceed the merits of public disclosure.” That was the advice Cromwell’s office rendered in response to the case-specific request in October 2025: ICE can seek this information like anyone else, with a court order that ensures the individual’s constitutional rights are protected.

That was the right advice, because it follows the plain text of Montana law, which erects a careful balance between the emergent needs of criminal justice

agencies, the desires of other governmental and non-governmental requestors, and Montana's central protection for individual privacy, embodied in § 44-5-303, MCA, and animated by Article II, Section 10 of the Montana Constitution. Put differently, when a criminal justice agency seeks CCJI, the nature of its work inherently supports that the merits of disclosure outweigh the demands of individual privacy. For other purposes, a threshold determination of the individual's privacy rights against the merits of disclosure is necessary (especially in situations like the one that arose in October 2025, where the purpose for the information was indisputably civil in nature).

This reading of the plain text of § 44-5-303, MCA, is confirmed by other sections of Montana code. For example, § 10-1-112, MCA, provides that "the adjutant general or the adjutant general's designee may request . . . confidential criminal justice information . . . relating to a member of the national guard for use in an administrative action." This express authorization would be unnecessary if any government agency with any law enforcement function could obtain CCJI for administrative purposes as a matter of course. This targeted exception only confirms the general rule: absent a criminal justice purpose, express statutory authorization, or a court order, CCJI may not be disclosed. Instead, the requesting agency must go through the appropriate civil process and obtain a court order.

Accordingly, and consistent with the statute, this Court should issue a declaration that Montana counties are not permitted to release non-public CCJI in response to a request by ICE for civil or administrative purposes, absent a court order.

II. Supervisory control is unnecessary once the Court declares the law.

The Attorney General's authority to exercise supervisory control does not allow the Attorney General to override Montana's carefully constructed non-public CCJI statutes, compel improper disclosure, or punish a county attorney for seeking legal authority on a novel and disputed question of state law.

This Petition squarely presents the disputed legal question. Once this Court declares the governing law, no supervisory control is necessary: if the Attorney General is correct, Cromwell will be bound by this Court's legally operative interpretation. If Cromwell is correct, the Attorney General's directives pursuant to his assumption of supervisory control are unlawful. Either way, this Court's acceptance of original jurisdiction and declaration of the law provides the binding legal answer sought by Cromwell, which she will disseminate to her clients and from which her clients may obtain clarity and protection from liability associated with improper or unlawful release.

Therefore, this Court's declaration of the governing law should be accompanied by an Order terminating the Attorney General's exercise of

supervisory control, as the Court's declaration of law will govern prospectively. If for any reason either party fails to comply with this Court's decision, other more appropriate remedies are available.

CONCLUSION

The Court should accept jurisdiction and declare that, consistent with Montana's vigilant protection of individual privacy, counties may not release CCJI to ICE for civil or administrative purposes, absent a court order. The Court should issue an Order declaring the law and terminating the Attorney General's supervisory control.

DATED this 1st day of May, 2026.

/s/ Raph Graybill
Raph Graybill
Rachel Parker
Attorneys for Petitioner

CERTIFICATE OF COMPLIANCE

The undersigned certifies that the foregoing brief complies with the requirements of Rule 11, M. R. App. P., is double-spaced, except for footnotes, quoted, and indented material, and is proportionally spaced utilizing a 14-point Times New Roman typeface. The total word count for this document is 2851 words, as calculated by the undersigned's word processing program.

/s/ Raph Graybill

Raph Graybill

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 1st day of May, 2026, a copy of the foregoing document was served on the following persons by the following means:

- 1 Montana Courts E-Filing
- Hand Delivery
- Mail
- Fax
- 1 E-Mail

1. Austin Knudsen
Office of the Attorney General
215 N Sanders St.
Helena, MT 59620-1401

/s/ Raph Graybill
Raph Graybill
Attorney for Petitioners

EXHIBIT 1



April 30, 2026

Audrey Cromwell
Gallatin County Attorney
502 S. 19th Ave Suite 102
Bozeman, MT 59718
Via email to audrey.cromwell@gallatin.mt.gov

Re: Invoking Supervisory Control

Dear Ms. Cromwell:

Thank you for your timely letter in reply to my April 23, 2026, follow-up letter. The reply confirms that Gallatin County—at your direction—is in open defiance of the law. That is unacceptable.

The cognitive dissonance in your reply is astounding. You have now sworn under oath that there is no policy regarding sharing CCJI with ICE. Yet you also maintain that, under your novel interpretation of Montana law, Gallatin County will not share CCJI with ICE for civil immigration enforcement purposes without a court order. Both things cannot be true. Nothing in your reply limits your determination to the facts of one incident in October. Moreover, it confirms that Gallatin County will continue to refuse to share CCJI with ICE under similar circumstance. Whether you're right or wrong on the law (you're wrong), the Gallatin County Attorney's Office has obviously instituted a policy that it will not share CCJI with ICE for civil immigration enforcement purposes without a court order.

Your desire for an Attorney General Opinion is purely a *post hoc* rationalization. If you earnestly believed that this legal question implicating the safety of Montanans required careful analysis, you would have contacted my office prior to issuing your determination in October. But you didn't. Rather, you elected to surreptitiously issue "guidance" to the Records Division to avoid scrutiny.

The time for negotiation is over. I have given you ample opportunity to reverse course. You have left me no choice but to invoke supervisory control and conduct a full investigation.

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

THEREFORE: Pursuant to Mont. Code Ann. § 2-15-501(5), I am exercising supervisory control over the Gallatin County Attorney's Office and directing you to:

(1) Share confidential criminal justice information with ICE for all lawful purposes, including civil administrative immigration matters. You will issue a memorandum to all relevant personnel and law enforcement agencies, including ICE ERO's Field Office in Salt Lake City, announcing this policy by 5pm on Friday May 1, 2026. Your office will provide me with a weekly report of all requests for sharing CCJI with ICE and the status of those requests until such time as I terminate supervisory control.

(2) Produce all documents, records, and communications related to:

(a) The October 2, 2025, email stating that the Gallatin County Attorney's Office does not recognize ICE as a law enforcement agency entitled to receive CCJI. This includes any legal memoranda (including assistance from outside entities) used to reach the decision. It also includes all internal and external communications and legal memoranda produced in response to my April 2, 2026, and April 23, 2026, letters.

(b) All other instances beginning on January 20, 2025, where Gallatin County has not complied with an information request from a federal agency, including ICE.

(c) Your February 2026 trip to Minneapolis. This includes, but is not limited to, your communications with other members of the delegation, your meeting with the Minnesota Attorney General and any other meetings or events attended during the trip, and any policies, procedures, or strategies regarding ICE, immigration, or law enforcement that were discussed during or as a result of the trip;

(d) Any other policy, formal or informal rule, order, ordinance, whether written or unwritten, related to federal immigration law beginning January 20, 2025. This includes communication with groups or individuals outside the Gallatin County Attorney's Office.

* * *

I respectfully request full cooperation with these directives. Anything less than that will result in the Department of Justice conducting staff interviews and assuming control of your office's IT to secure the relevant records. Please be advised that purposely destroying, concealing, removing, or otherwise impairing the verity or

availability of a public record, document, or thing is subject to criminal penalties pursuant to Mont. Code Ann. § 45-7-208.

Please produce the requested records within 30 days. I have designated Montana Solicitor General Christian Corrigan and Assistant Attorney General Thane Johnson to monitor compliance with my directives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin Knudsen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

AUSTIN KNUDSEN
Montana Attorney General

cc:

Governor Greg Gianforte
Gallatin County Commission
Gallatin County Sheriff

EXHIBIT 2



April 2, 2026

Audrey Cromwell
Gallatin County Attorney
502 S. 19th Ave Suite 102
Bozeman, MT 59718
[Via email to audrey.cromwell@gallatin.mt.gov](mailto:audrey.cromwell@gallatin.mt.gov)

Re: Cease and Desist Illegal Sanctuary Jurisdiction Policy

Dear Ms. Cromwell:

I write in response to 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. See Attachment A. Your policy is legally incorrect and inconsistent with both Montana law and governing federal statutes.

Montana law defines the term "criminal justice agency" as a matter of statute—not local discretion. State law provides that a "criminal justice agency" includes "any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice."¹ This definition is broad and expressly includes federal agencies whose core function is the enforcement of criminal law.

ICE plainly meets that definition. As you should know, ICE is a component of the U.S. Department of Homeland Security charged with enforcing federal immigration and customs laws.² ICE officers are authorized to investigate, apprehend, detain, and remove individuals who violate federal law.³ They also routinely engage in criminal investigations and coordinate with federal, state, and local law enforcement agencies.⁴ For example, Homeland Security Investigations (HSI) is a federal criminal law enforcement agency within ICE that "investigates the illegal movement of people,

¹ MONT. CODE ANN. § 44-5-103(7)(b).

² See 6 U.S.C. § 251 (establishing ICE); 8 U.S.C. § 1103(a) (vesting authority in the Secretary of Homeland Security to administer and enforce immigration laws).

³ See generally 8 U.S.C. §§ 1226, 1231.

⁴ See, e.g., 8 U.S.C. § 1357 (powers of immigration officers); 18 U.S.C. § 1591 (human trafficking); 18 U.S.C. §§ 1956-57 (money laundering).

DEPARTMENT OF JUSTICE

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goods, money, contraband, weapons and sensitive technology into, out of and through the United States.”⁵ Similarly, ICE’s Enforcement and Removal Operations (ERO) “identifies and apprehends removable aliens, detains these individuals when necessary and removes illegal aliens from the United States”—prioritizing “the apprehension, arrest and removal of convicted criminals, those who pose a threat to national security, fugitives and recent border entrants.”⁶ The enforcement of federal immigration law—including criminal provisions—clearly constitutes the “administration of criminal justice” within the meaning of Mont. Code Ann. § 44-5-103(7)(b).

Moreover, nothing in Montana law authorizes a county attorney to unilaterally redefine or narrow this statutory term. The Legislature has spoken clearly, and where necessary, the Governor may designate additional agencies by executive order. Local officials lack the authority to override or reinterpret statutory definitions based on policy preferences. Your office’s determination effectively attempts to substitute local judgment for state law, which it cannot do.

Your policy also raises serious public safety concerns. CCJI sharing is a critical component of effective law enforcement cooperation. Denying ICE access to information routinely shared among criminal justice agencies impedes the ability of federal officers to identify, apprehend, and remove individuals who may pose a risk to Montana communities. It creates unnecessary barriers to coordination and undermines the integrated system of law enforcement cooperation that Montanans rely upon for their safety.⁷

Moreover, your policy appears to be a deliberate effort to functionally limit cooperation with federal immigration authorities while avoiding explicit acknowledgment. Such an approach resembles a “sanctuary” policy in practice, if not in name. Montana law does not authorize local jurisdictions to adopt policies that obstruct or materially hinder cooperation with federal law enforcement. Efforts to do so—whether done overtly or stealthily—are inconsistent with our State’s legal framework and public safety priorities.

⁵ See <https://www.ice.gov/hsi/who-we-are#mission>.

⁶ *Homeland Security Investigations, a Directorate within U.S. Immigration and Customs Enforcement: In Brief*, CONGRESSIONAL RESEARCH SERVICE, at 1 n.2 (Nov. 10, 2015), https://www.congress.gov/crs_external_products/R/PDF/R44269/R44269.3.pdf.

⁷ Gallatin County’s policy also implicates 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 the Party States 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.” MONT. CODE. ANN. § 44-5-601 art. I, § (16).

Let me be clear: Montana is not California. This State does not embrace policies that isolate our law enforcement partners or undermine the enforcement of duly enacted federal laws. Montana supports cooperation among all levels of law enforcement, including ICE, to ensure that our communities remain safe and that the rule of law is upheld.

Gallatin County must immediately bring its practices into compliance with Montana law and recognize ICE as a criminal justice agency entitled to appropriate access to CCJI, consistent with applicable statutes and regulations. This demand includes any other CCJI or immigration policies which violate state law. Accordingly:

- 1. Please communicate rescission of this policy to my office by 9am on Monday April 6, 2026, or I will take immediate action.**
- 2. Please retain all documents and communications related to this policy and any other policy, formal or informal rule, order, ordinance, whether written or unwritten, related to federal immigration law, including but not limited to (a) sending to, receiving from, exchanging with, or maintaining for a federal, state or local government entity information regarding a person's citizenship or immigration status for a lawful purpose; (b) complying with a notification request concerning the release of an individual, if the request is lawfully made by DHS pursuant to certain federal statutes; or (c) complying with an immigration detainer request.**

Please direct all correspondence to Montana Solicitor General Christian Corrigan, christian.corrigan@mt.gov. Thank you for your attention to this matter.

Sincerely,



AUSTIN KNUDSEN
Montana Attorney General

cc:

Governor Greg Gianforte
Gallatin County Commission
Gallatin County Sheriff

Attachment A

From: Veil, Jack <Jack.Veil@gallatin.mt.gov>

Sent: Thursday, October 2, 2025 12:29 PM

To: Bowman, Lauren <Lauren.Bowman@gallatin.mt.gov>; Babcox, Danielle <Danielle.Babcox@gallatin.mt.gov>

Subject: ICE as a Law Enforcement Agency

Good afternoon, Lauren and Danielle,

I am writing to inform you that the **Gallatin County Attorney's Office does not legally recognize Immigration and Customs Enforcement (ICE) as a law enforcement agency entitled to receive Confidential Criminal Justice Information (CCJI).**

Accordingly, ICE is not authorized under Montana Law to access CCJI without a court order. Therefore, ICE is only entitled to public documents. All other documents being requested should be processed like a standard CCJI request.

If you or ICE have any questions or concerns, please feel free to contact me directly.

Best,



Jack Veil

Executive Assistant to the County Attorney

Gallatin County Atrium

502 S. 19th Ave, Suite 102

Bozeman, Montana 59718

Office 406-582-3745

Ext. x3756

Mobile 406-548-8781

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EXHIBIT 3

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

Attorney General Knudsen
Montana Department of Justice
215 North Sanders
Helena, MT 59620
Sent via email to christian.corrigan@mt.gov

April 6, 2026

Re: *Response to April 2, 2026 Correspondence Regarding CCJI*

Dear Attorney General Knudsen,

I hope you and your family had a joyous Easter.

I write in response to your April 2, 2026 correspondence regarding alleged policies and the dissemination of confidential criminal justice information (CCJI).

Before turning to the substance of your letter, I will note that I would have welcomed the opportunity to discuss this matter with you directly. A simple phone call from you or a member of your team could have clarified the facts and avoided unnecessary public confusion. Instead, this issue was advanced publicly without that professional courtesy, which is disappointing given the importance and complexity of the legal issues involved.

At the outset, I want to be clear: **there is no Gallatin County policy – formal or informal – restricting cooperation with federal agencies, including U.S. Immigration and Customs Enforcement (ICE).** The County Attorney's Office does not create county policy. That authority rests solely with the Gallatin County Commission. Our role is to provide legal advice to county departments to ensure compliance with Montana law.

The communication referenced in your letter arose from a single, case-specific legal inquiry from the Records Department last fall regarding a request for nonpublic CCJI. My civil division attorneys reviewed the inquiry, and a legal assistant relayed guidance. It addressed one discrete factual scenario, did not establish policy, and should not be construed as a directive of general applicability. Legal assistants in my office do not and cannot set countywide policy.

The request at issue involved ICE seeking confidential criminal justice information for a civil administrative immigration purpose, not for a criminal investigation or prosecution. Under Montana law, dissemination of CCJI is restricted to criminal justice agencies acting within

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

the “administration of *criminal* justice,” or to those authorized by law or by a district court upon a written finding that the merits of disclosure outweigh individual privacy interests. See § 44-5-303(1), MCA. The statutory definition of “administration of *criminal* justice” is tied to criminal processes such as detection, apprehension, prosecution, and adjudication of *criminally* accused persons or *criminal* offenders. See § 44-5-103(2), MCA.

While ICE includes both civil and criminal components, this distinction is critical. The Enforcement and Removal Operations (ERO) agency of ICE primarily performs civil immigration enforcement functions, while the Homeland Security Investigations (HSI) agency conducts criminal investigations. The request at issue was civil in nature and therefore did not fall within the statutory framework requiring dissemination of CCJI to a criminal justice agency engaged in criminal enforcement activity. Federal law likewise recognizes that immigration proceedings are civil administrative proceedings, not criminal prosecutions. *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984).

Montana law provides a clear and consistent process when an entity seeks access to confidential criminal justice information outside the statutory framework. A district court may authorize dissemination upon a written finding that the merits of disclosure outweigh individual privacy interests. § 44-5-303(1), MCA. This process is routinely used by members of the public, media organizations, and government agencies. In that discrete, case-specific instance last fall, my civil division determined that ICE was required to follow the same judicial process applicable to all such requests, ensuring judicial oversight and protection of Montanans’ constitutional privacy rights.

Montana’s constitutional and statutory framework places a high value on individual privacy. CCJI includes sensitive information such as criminal histories, dismissed or deferred criminal action, identifying data, and arrest records. As County Attorney, I have a legal and ethical obligation to ensure that this information is not improperly disclosed. That obligation applies equally regardless of the requesting entity.

To the extent your office seeks information regarding county policy or records practices, those matters are properly directed to the Gallatin County Commission or the Records Department, respectively. The County Attorney’s Office provides legal advice but does not control the release of records or establish county policy.

Your letter characterizes Gallatin County as implementing an “illegal sanctuary policy.” That assertion is incorrect. There is no policy. The communication at issue was case-

Gallatin County Attorney
Audrey Cromwell, County Attorney



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specific legal advice, and Montana law requires individualized analysis of each request for confidential criminal justice information.

Given the importance of this issue and the need for statewide clarity, I am formally requesting an opinion from your office pursuant to § 2-15-501(7), MCA. Please see the attached request.

My office remains committed to protecting the privacy rights of Gallatin County residents, providing accurate legal guidance grounded in Montana law, and supporting lawful cooperation with criminal law enforcement agencies.

If your office would like to discuss this matter further, I am available at your convenience.

Sincerely,

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

Audrey Cromwell
Gallatin County Attorney

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

FORMAL REQUEST FOR ATTORNEY GENERAL LEGAL OPINION

TO: Austin Knudsen, Montana Attorney General, via email austin.knudsen@mt.gov

FROM: Audrey Cromwell, Gallatin County Attorney

DATE: April 6, 2026

RE: Dissemination of Confidential Criminal Justice Information (CCJI) to Federal Agencies, specifically ICE, for Civil or Administrative Purposes

Pursuant to § 2-15-501(7), MCA, I formally request a legal opinion on whether Montana counties may lawfully disseminate individuals' non-public Confidential Criminal Justice Information (CCJI) to Federal Agencies, specifically ICE, upon receiving non-criminal civil or administrative requests without a court order.

This request specifically asks your office to determine if such disclosures, absent the judicial balancing test under the Montana Criminal Justice Information Act, violate the fundamental right to privacy guaranteed by Article II, Section 10 of the Montana Constitution.

A formal opinion would provide the legal certainty so county governments can properly evaluate non-criminal administrative or civil requests from federal partners while remaining in strict compliance with Montana's statutory and constitutional privacy protections.

A handwritten signature in blue ink, appearing to read "ASC", is written over the printed name of the sender.

Audrey Cromwell
Gallatin County Attorney

EXHIBIT 4



April 23, 2026

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

Via email to 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.¹ Your delegation also referred to ICE as “the Gestapo.”²

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

¹ https://www.bozemandailychronicle.com/news/bozeman-sen-cora-neumann-convenes-coalition-in-minneapolis-demanding-ice-accountability/article_d47dc7af-5113-433e-8526-6831f57e3d03.html

² *Id.*

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

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 2025.³

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.⁴ The federal courts uniformly consider ICE a law enforcement agency and have never adopted your novel distinction.⁵ 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.”⁶ Additionally, although ERO operations generally involve civil immigration enforcement, ERO officers are federal law enforcement officers with the power to interrogate individuals about their

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

⁴ 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”).

⁵ 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....”).

⁶ *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.⁷

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."⁸ 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."⁹

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.¹⁰

* * *

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

⁷ 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.

⁸ MONT. CODE ANN. §44-5-303(1).

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

¹⁰ 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

EXHIBIT 5

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

Attorney General Austin Knudsen
Montana Department of Justice
215 North Sanders
Helena, MT 59620
Sent via email to christian.corrigan@mt.gov

April 27, 2026

Re: *Confidential Criminal Justice Information and Civil Use by ICE*

Dear Attorney General Knudsen,

I write in response to your recent correspondence regarding my April 6, 2026 request for a formal opinion. I appreciate your reply; however, it does not resolve the central legal question at issue, nor does it satisfy your statutory duty as Attorney General to provide legal guidance to county attorneys on questions of law.

At the outset, I reiterate that the following position is not grounded in policy or preference: my sole concern is to follow the law. As sworn constitutional officers, we are bound to uphold both the United States and Montana Constitutions, including Montana's explicit and heightened right to privacy. That obligation necessarily governs how confidential criminal justice information is handled and disclosed within our state.

Under Montana law, confidential criminal justice information may not be disseminated for civil or administrative purposes absent express statutory authorization; sharing confidential criminal justice information for a civil investigation without a court order is prohibited. Your request for me to "issue a memorandum to all relevant personnel stating that Gallatin County may share Confidential Criminal Justice Information with ICE for civil immigration enforcement functions" does not address a necessary analysis under Montana law. The Montana statute governing confidential criminal justice information does not authorize disclosure based solely on the identity of the requesting entity, it also requires examination of the purpose for which the information is sought.

That distinction is critical and has been omitted from your analysis.

The request in October from the Enforcement and Removal Operations (ERO) division of ICE was not for the investigation or prosecution of criminal offenses under Montana or federal law. Rather, it was for civil immigration enforcement, which is a federal administrative function. Even though ICE may be deemed a criminal justice agency in some contexts, last October it was acting for a civil purpose, not a criminal one.

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

Importantly, Montana law – and the advice my office gave – does not preclude ICE or any other entity from obtaining such records. It instead requires that such requests follow the process established by the Legislature pursuant to the Montana Constitution’s sacred privacy protections. Montana law provides a clear and consistent mechanism when any entity seeks access to confidential criminal justice information in these circumstances. A district court may easily authorize dissemination upon a written finding that the “demands of individual privacy do not clearly exceed the merits of public disclosure.” Mont. Code Ann. § 44-5-303(1). This process is routinely used by government agencies, members of the public, and media organizations.

In the discrete, case-specific instance last fall, my civil division determined that ICE should follow that same judicial process applicable to all such requests. This approach ensures judicial oversight and protects the constitutional privacy rights of Montanans. It is not a denial of access. It is adherence to the rule of Montana law. In this particular case, ICE was free to follow up at its discretion.

To assure you that my office does not have a formal or informal policy, rule, or order in this regard, I have attached an affidavit attesting to this fact under oath.

As the law is currently written, county records departments do not have the authority to unilaterally release confidential criminal justice information for civil or administrative use outside that statutory and judicial process. If the Legislature determines that such access should be granted without judicial oversight, it may amend the statute accordingly. Until that time, my duty is to apply the law as enacted.

Turning to your refusal to issue a formal opinion, I must respectfully but firmly disagree with your position. Montana law expressly contemplates that county attorneys may request opinions from the Attorney General on questions of law arising in the course of their official duties. *See* Mont. Code Ann. § 2-15-501(7).

For more than a century, Attorneys General in Montana have honored this duty. The published opinions of the office date back to 1899, reflecting over 125 years of continuous practice. Those opinions have long been relied upon by public officials across this State and carry the force and effect of law unless and until overturned by a court. This established practice provides uniformity, clarity, and stability in the administration of government.

Your refusal to issue an opinion in this instance departs from that longstanding tradition and leaves a significant legal question unresolved. Given the plain language of this statutory directive and the historical practice of the Attorney General’s office, I am compelled to question the basis for declining to act. The reasonable inference is that there is concern your office’s legal analysis

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

may not withstand judicial scrutiny. If that is not the case, then there is no reason to withhold an opinion that would resolve this matter definitively.

Accordingly, I reiterate my request and expectation that you fulfill your clear statutory duty and issue a formal opinion. My request was submitted on April 6, 2026. Pursuant to applicable law, I expect a response no later than Monday, July 6, 2026.

With respect to your reference to potential supervisory authority, I want to be clear and precise: I am happy to issue internal directives or memoranda to the county records department on this issue as soon as you provide a formal Attorney General opinion carrying the weight of law. If such an opinion concludes that my interpretation is incorrect, I will follow it unless or until it is overturned by the courts.

In the interim, I have instructed the county records department to direct any questions regarding this specific issue, namely the *release of confidential criminal justice information under MCA 44-5 et. seq. to the Enforcement and Removal Operations (ERO) division of ICE for civil immigration enforcement or administrative purposes*, directly to your office.

Finally, I return to first principles. Montana has long recognized a strong and independent right to privacy. Our citizens expect, and the Constitution demands, that government intrusion be limited, lawful, and justified. The improper dissemination of confidential criminal justice information for purposes not authorized by statute undermines that principle. My oath requires that I prevent such disclosures unless and until the law clearly permits them.

This legal issue is not about personalities or partisan politics. It is about adherence to the rule of law, respect for constitutional rights, and the proper roles of our respective offices.

I remain prepared to follow a lawful and authoritative interpretation from your office. Until then, I will continue to apply the statute as written.

I look forward to your formal opinion.

Respectfully,

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

Audrey Cromwell
Gallatin County Attorney

EXHIBIT 6

direct legal questions to AG's office

From Cromwell, Audrey <Audrey.Cromwell@gallatin.mt.gov>

Date Mon 4/27/2026 3:00 PM

To Martindale, Tim <Tim.Martindale@gallatin.mt.gov>

Cc Certain, LeeAnn <LeeAnn.Certain@gallatin.mt.gov>

Good afternoon Tim,

If you have any future legal questions regarding the release of confidential criminal justice information under MCA 44-5 et. seq. to the Enforcement and Removal operations (ERO) division of ICE for civil immigration enforcement or administrative purposes, please direct them to Attorney General Knudsen at austin.knudsen@mt.gov or (406) 444-2026.

Thank you,

Audrey



Audrey Cromwell

County Attorney

Gallatin County Atrium

502 S. 19th Ave, Suite 102

Bozeman, Montana 59718

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Ext. x3753

Mobile 406-548-5504

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EXHIBIT 7

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

Sent via email to:

Tim Martindale, Gallatin County Records Department
Sheriff Springer, Gallatin County Sheriff
ICE ERO's Field Office in Salt Lake City, SaltLakeCity.Outreach@ice.dhs.gov

May 1, 2026

Re: § 2-15-501(5), MCA Memorandum

To Whom It May Concern:

Under § 2-15-501(5), MCA, the Montana Attorney General directed me to provide the following in memorandum form.

(1) Share confidential criminal justice information with ICE for all lawful purposes, including civil administrative immigration matters. You will issue a memorandum to all relevant personnel and law enforcement agencies, including ICE ERO's Field Office in Salt Lake City, announcing this policy by 5pm on Friday May 1, 2026. Your office will provide me with a weekly report of all requests for sharing CCJI with ICE and the status of those requests until such time as I terminate supervisory control.

I requested a formal opinion from the Attorney General on the above-referenced matter pursuant to § 2-15-501(7), MCA, which requires the Attorney General to issue written opinions to county attorneys on questions of law relating to their offices. To date, no opinion has been provided.

As a result, I cannot vouch for the accuracy of the legal analysis underlying the directive referenced above, nor for how it aligns with the obligations imposed by § 44-5-303, MCA, and related statutes governing the handling of confidential criminal justice information by Montana agencies.

I have filed a Petition for Declaratory Relief in my official capacity with the Montana Supreme Court seeking a determination on whether confidential criminal justice information may be shared directly with ICE for civil administrative immigration purposes without a court order under Title 44, chapter 5, MCA. I will provide updates if and when the Court issues a ruling on this unresolved legal question.

Any questions regarding this matter should be directed to the Montana Attorney General's Office, which is exercising supervisory authority over this limited issue, care of Christian

Gallatin County Attorney
Audrey Cromwell, County Attorney



Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, Montana 59718

Corrigan, Solicitor General (Christian.Corrigan@mt.gov), and Thane Johnson, Assistant Attorney General (Thane.Johnson@mt.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "AC", is positioned below the word "Sincerely,".

Audrey Cromwell
Gallatin County Attorney

cc: Montana Attorney General
Gallatin County Commission

CERTIFICATE OF SERVICE

I, Raphael Jeffrey Carlisle Graybill, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ to the following on 05-01-2026:

Rachel Elizabeth Parker (Attorney)
300 4th St North
Great Falls MT 59403
Representing: Audrey Cromwell
Service Method: eService

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Representing: Austin Knudsen
Service Method: eService

Electronically signed by Sofie Wright on behalf of Raphael Jeffrey Carlisle Graybill
Dated: 05-01-2026