

May 10, 2021

The Honorable Jim McGovern
370 Cannon House Office Building
Washington, DC 20515

Via electronic mail: cindy.buhl@mail.house.gov

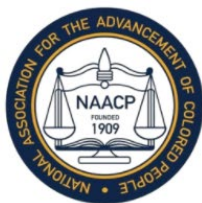
Re: Termination of all immigration-related contracts between BCSO and DHS

Dear Representative McGovern,

We are writing to you to urge you to take action to promote the immediate termination of all immigration-related contracts between the Bristol County Sheriff's Office ("BCSO") and the Department of Homeland Security ("DHS"). These contracts include an Intergovernmental Service Agreement ("IGSA") to house federal civil immigration detainees in BCSO facilities, as well as a 287(g) agreement, through which BCSO wastefully deploys state resources to do ICE's work without any compensation from the federal government. Now is the time to end these contracts. In December 2020, the Massachusetts Attorney General's Office ("AGO") found that BCSO committed egregious violations of immigration detainees' civil rights and requested that these contracts be terminated. And, since at present, BCSO's immigration detention facilities are substantially depopulated, there is no practical justification for keeping these contracts in effect.

BCSO has long been a particularly troublesome immigration detention facility. Detainees have frequently complained of mistreatment by staff and abysmal health services, among many other deficiencies. These dangerous flaws became particularly apparent during the COVID-19 pandemic. In March 2020, Lawyers for Civil Rights, joined by Yale's Worker and Immigrant Rights Advocacy Clinic, and private counsel WilmerHale, filed the *Savino* class action lawsuit [alleging](#), among other things, that BCSO and ICE were confining ICE detainees in "close proximity, without adequate soap, toilet paper, and other daily necessities; [was] admit[ing] new detainees without COVID-19 testing or screening; [was] deny[ing] access to testing and medical care for . . . detainees; and [was] refus[ing] to release even the most vulnerable detainees with medical conditions that heighten their risk for infection, sickness, and death." In response, Judge William Young of the U.S. District Court for the District of Massachusetts ordered the release of more than 40 BCSO detainees on conditions, and further entered a [preliminary injunction](#) prohibiting BCSO from admitting new detainees into the facility. In his decision entering the injunction, Judge Young ruled that BCSO "likely display[ed] deliberate indifference to a substantial risk of serious harm" to the detainees.

Over the last year, through the *Savino* class action, as well as through deportations and releases through other immigration processes, BCSO has been virtually emptied of immigration detainees. And, under a settlement set to be approved in mid-May, the number of detainees will decline to fewer than 10 detainees remaining. This presents a golden opportunity to terminate BCSO's IGSA with DHS and shutter its immigration detention program for good.



Indeed, the need to terminate BCSO’s relationship with DHS is particularly urgent today, in light of the AGO’s shocking findings last December. In May 2020, BCSO staff—including Sheriff Thomas Hodgson himself—deployed force against ICE detainees who questioned the safety of BCSO’s COVID-19 testing procedure. BCSO’s violent response put three detainees in the hospital. Another detainee suffered an apparent cardiac arrest and was revived with emergency chest compressions, after which BCSO staff brought him to solitary confinement rather than a hospital.

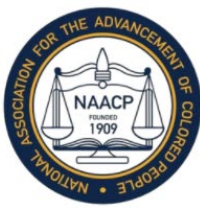
Last December, following an extensive investigation, the AGO issued a [report](#) concluding that “a series of institutional failures and poor decisions by BCSO leadership” led to egregious civil rights violations, including “a calculated—that is, planned and deliberate—use of force against the ICE B detainees that was disproportionate to the security needs at that time” and the deployment of chemical agents in a manner that was deliberately indifferent to “a substantial risk of serious harm to the health of the detainees.” Among other things, the report describes the use of “a variety of less-lethal but dangerous weapons—including a flash bang grenade, pepper-ball launchers, pepper spray canisters, anti-riot shields, and canines—against detainees who had exhibited calm and nonviolent behavior for at least an hour before this operation.” The AGO recommended that DHS and the Massachusetts Legislature terminate BCSO’s agreements with DHS “as expeditiously as possible” and “immediately transfer all federal immigration detainees held at the BCSO to other detention facilities.” The AGO also made thirteen recommendations for internal reforms at BCSO. Sheriff Hodgson promptly [responded](#) that the AGO’s report was “about halfway down the sewer pipe.”

BCSO has also worked tirelessly to frustrate public transparency concerning the incident. A Massachusetts State Senate investigation [found](#) that Sheriff Hodgson illegally blocked a state senator’s access to the jail the day after the incident. And the ACLU of Massachusetts has [sued](#) the office for records relating to the incident, after BCSO withheld literally every piece of paper and frame of video concerning the incident in response to the ACLU’s request for public records.

Sheriff Hodgson has shown repeatedly that he cannot be trusted to humanely run a jail, and certainly not a facility housing civil detainees who stand accused of no crime. Indeed, he appears to spend a substantial percentage of his time [pursuing matters entirely unrelated to the duties of a Massachusetts sheriff](#), most recently [playing cowboy dress-up](#) at the Southern Border. Bristol County for Correctional Justice, the NAACP New Bedford Branch, and the ACLU of Massachusetts together now call upon the Massachusetts Congressional Delegation, and the chairs of the House and Senate Judiciary committees to take steps to support the termination of DHS’s 287(g) contract and IGSA with the Bristol County Sheriff’s Office.

Respectfully,

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President, NAACP New Bedford



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Marlene Pollock
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