

Congress of the United States
Washington, DC 20510

May 6, 2020

The Honorable Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Cameron Quinn
Officer
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, DC 20528

Dear Dr. Cuffari and Ms. Quinn:

We write to request that you swiftly open an investigation into the events that occurred on May 1, 2020 at the Bristol County House of Correction’s C. Carlos Carreiro Immigration Detention Center, Unit B, located in North Dartmouth, Massachusetts (Unit B). That day, Unit B was the scene of a violent altercation between personnel of the Bristol County Sheriff’s Office and individuals whom the Sheriff’s office detains on behalf of U.S. Immigration and Customs Enforcement (ICE). There are conflicting accounts about what occurred, and both parties have leveled serious accusations of assault.¹ We write to you to seek clarity regarding the nature of this troubling incident.

Attorneys for immigrant detainees at the facility say the incident began after detainees—who had previously expressed concerns about contracting the coronavirus disease 2019 (COVID-19) given the conditions in the facility²—objected to being moved outside of Unit B for COVID-19 testing. They also feared that the move could be a ploy to place them into solitary confinement, which they say is unsafe.³ Corrections personnel then allegedly tried to forcibly remove the group.⁴ Attorneys for the detainees claim that guards were violent in their confrontation, using pepper spray or tear gas, as well as riot gear and K9 units to control the conflict.⁵ One attorney says Bristol County Sheriff Thomas M. Hodgson “threw his client to the ground and pepper sprayed him when he was on the phone with counsel.”⁶ Attorneys further

¹ See, e.g., CommonWealth, “Bristol County immigration detention unit melts down,” Sarah Betancourt, May 1, 2020, <https://commonwealthmagazine.org/health/bristol-county-immigration-detention-unit-melts-down/>.

² Letter from Detainees to Bristol County Sheriff’s Office, U.S. Immigration and Customs Enforcement, et. al, March 18, 2020, <https://d279m997dpfwgl.cloudfront.net/wp/2020/03/BHOC-EMERGENCY.pdf>.

³ *Id.*

⁴ WBUR, “After Brawl at Bristol County Jail Involving Sheriff, Advocates For Immigrant Detainees Call For Investigation,” Quincy Walters, May 2, 2020, <https://www.wbur.org/news/2020/05/02/bristol-county-sherriff-brawl-immigrant-detainees>.

⁵ *Id.*

⁶ 1420 WBSM, “Lawyer: Hodgson Assaulted ICE Detainee Ahead of Violent Conflict,” Mary Serreze, May 4, 2020, <https://wbsm.com/lawyer-says-sheriff-hodgson-assaulted-ice-detainee-ahead-of-violent-conflict/>.

state they have been denied access to their detained clients, and that the incident was retaliation for a lawsuit the detainees are pursuing.⁷

The Bristol County Sheriff's Office offers a different account, claiming that the ICE detainees refused to be tested for COVID-19 altogether,⁸ and that they were symptomatic and could not remain where they were because they posed a risk to others.⁹ The Sheriff's Office also claims the detainees "rushed violently at" Sheriff Hodgson and corrections officers, "barricaded themselves inside the facility," and "trashed the entire unit," causing \$25,000 worth of damage.¹⁰ At a press availability, Sheriff Hodgson said one of the detainees struck him with a chair, and that the detainees instigated the entire incident.¹¹ Sheriff Hodgson also posted on social media that the claim he "threw a detainee to the ground and pepper sprayed him is the most ridiculous and absurd" example of the "lies and fiction" about the altercation.¹² Three ICE detainees were taken to the hospital and no Bristol County personnel were hurt, according to the Bristol County Sheriff's Office.¹³

Sheriff Hodgson has confirmed the existence of video footage concerning the incident, but has said that his investigators intend to review the footage for themselves to determine whether they wish to press charges against any detainees.¹⁴ Four members of the Massachusetts Congressional Delegation informed Sheriff Hodgson of their intention to request a full, independent investigation, and asked him to preserve the video recordings that relate to the May 1 events.¹⁵

Given the seriousness of the reports about this altercation, we ask you to quickly undertake an investigation into the May 1 incident, and the circumstances leading to it. We respectfully request that your investigation include an attempt to answer the following questions:

⁷ Boston Globe, "Bristol County ICE detainees clash with guards over coronavirus testing," Tim Logan, May 2, 2020, <https://www.bostonglobe.com/2020/05/02/metro/ice-detainees-clash-with-bristol-county-corrections-officials-coronavirus-testing-dispute/>.

⁸ Office of the Bristol County Sheriff, "ICE Detainees Refuse COVID Testing, Trash Unit in Disturbance," May 1, 2020, <https://twitter.com/BristolSheriff/status/1256404027925041152>.

⁹ Boston Globe, "Bristol County ICE detainees clash with guards over coronavirus testing," Tim Logan, May 2, 2020, <https://www.bostonglobe.com/2020/05/02/metro/ice-detainees-clash-with-bristol-county-corrections-officials-coronavirus-testing-dispute/>.

¹⁰ Office of the Bristol County Sheriff, "ICE Detainees Refuse COVID Testing, Trash Unit in Disturbance," May 1, 2020, <https://twitter.com/BristolSheriff/status/1256404027925041152>.

¹¹ New Bedford Standard-Times, "Hodgson defends himself and staff in wake of 'violent disturbance' at Bristol ICE facility," Tim Dunn, May 4, 2020, <https://www.southcoasttoday.com/news/20200504/hodgson-defends-himself-and-staff-in-wake-of-violent-disturbance-at-bristol-ice-facility>.

¹² Tweet by Sheriff Thomas Hodgson, May 4, 2020, <https://twitter.com/SheriffHodgson/status/1257379339542421507>.

¹³ Office of the Bristol County Sheriff, "ICE Detainees Refuse COVID Testing, Trash Unit in Disturbance," May 1, 2020, <https://twitter.com/BristolSheriff/status/1256404027925041152>.

¹⁴ Boston Globe, "Bristol County ICE detainees clash with guards over coronavirus testing," Tim Logan, May 2, 2020, <https://www.bostonglobe.com/2020/05/02/metro/ice-detainees-clash-with-bristol-county-corrections-officials-coronavirus-testing-dispute/>.

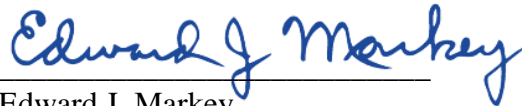
¹⁵ Letter from Senator Elizabeth Warren, Senator Edward J. Markey, Congressman William Keating, and Congressman Joseph P. Kennedy, III, to Sheriff Thomas M. Hodgson, May 3, 2020, <https://www.warren.senate.gov/imo/media/doc/2020.05.03%20Letter%20to%20Bristol%20County%20Sheriff%20Hodgson%20re.%20incident%20w%20immigration%20detainees.pdf>.

1. Who or what instigated the incident on May 1, 2020?
2. Did the Bristol County Sheriff's Office's handling of the threat posed to detainees by COVID-19 contribute to the incident?
 - a. Has the Bristol County Sheriff's Office complied with federal protocols to prevent and manage the transmission of COVID-19 among ICE detainees, including the Centers for Disease Control and Prevention's Interim Guidance on Management of COVID-19 in Correctional and Detention Facilities?¹⁶
3. Who caused the damage to the facility? What was their reason for doing so?
4. Were Bristol County Sheriff's Office personnel at elevated risk of harm during this incident? Was the use of force by Bristol County Sheriff's Office personnel against detainees during the incident appropriate?
5. Did anyone try to conceal evidence of what happened during the May 1 events?
6. Has the Bristol County Sheriff's Office complied with its Inter-Governmental Service Agreement with ICE, particularly its requirement to perform services "in accordance with the most current edition of ICE National Detention Standards"?¹⁷
7. Were attorneys for ICE detainees denied access to their clients in the wake of the May 1 incident?

Sincerely,



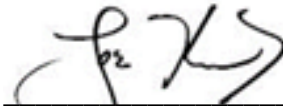
Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator

/s/

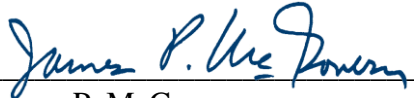
William Keating
Member of Congress



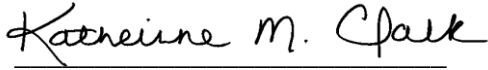
Joseph P. Kennedy, III
Member of Congress

¹⁶ CDC, "Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities," March 23, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>.

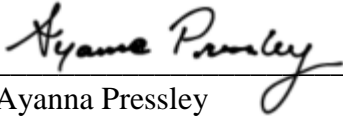
¹⁷ Inter-Governmental Service Agreement between the DHS ICE Office of Detention and Removal and the Bristol County Sheriff's Office, September 27, 2007.



James P. McGovern
Member of Congress



Katherine Clark
Member of Congress



Ayanna Pressley
Member of Congress

/s/

Seth Moulton
Member of Congress



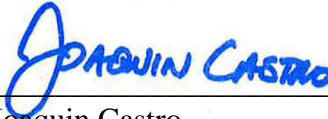
Lori Trahan
Member of Congress



Stephen F. Lynch
Member of Congress



Richard E. Neal
Member of Congress



Joaquin Castro
Member of Congress

/s/

Jesús G. “Chuy” García
Member of Congress

/s/

Juan Vargas
Member of Congress

/s/

Alexandria Ocasio-Cortez
Member of Congress

/s/

Nydia M. Velázquez
Member of Congress