

Congress of the United States
Washington, DC 20510

April 30, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Dear Secretary Mayorkas and Acting Director Johnson:

On February 19, 2021, we wrote to you to ask that U.S. Immigration and Customs Enforcement (ICE) swiftly terminate its Inter-Governmental Service Agreement (IGSA) and its 287(g) Memorandum of Agreement with the Bristol County Sheriff's Office (BCSO) in Massachusetts.¹ We are still awaiting a response to that letter. We write again to renew this request, and to bring to your attention new information that increases the urgency of this request.

As we mentioned in our last letter, we remain highly concerned that the rights and health of people detained on behalf of ICE at the Bristol County House of Correction remain in jeopardy, and that the BCSO's track record amply demonstrates that ICE should terminate its agreements. We cited the deeply concerning findings of the investigation conducted by the Massachusetts Attorney General's Office.² The violent altercation between BCSO personnel and detainees on May 1, 2020,³ figured prominently in the report by the Massachusetts Attorney General's Office, and also prompted the Massachusetts congressional delegation and a number of our colleagues to ask that the Department of Homeland Security (DHS) Office of Inspector General (OIG) conduct an investigation of the incident.⁴

¹ Letter from Senators Elizabeth Warren and Edward J. Markey, and Representatives William R. Keating, James P. McGovern, Lori Trahan, Ayanna Pressley, Jake Auchincloss, Seth Moulton, Katherine Clark, and Richard E. Neal, to Secretary Alejandro Mayorkas and Acting Director Tae D. Johnson, February 19, 2021.

² Office of the Massachusetts Attorney General Civil Rights Division, "Investigation into the Events of May 1, 2020 at the C. Carlos Carreiro Immigration Detention Center, Unit B, Bristol County Sheriff's Office," December 15, 2020, <https://www.mass.gov/doc/ago-report-into-bcso-response-to-may-1-disturbance/download>.

³ 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/>.


⁴ Office of Senator Elizabeth Warren, "Warren, Markey, Keating, Kennedy, Colleagues Seek Federal Investigation of Violent Incident at Bristol County Jail," press release, May 6, 2020,

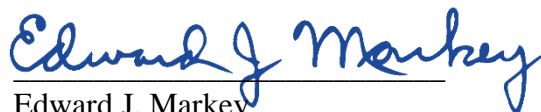
Since we wrote, the parties in *Savino v. Souza*,⁵ the case regarding the unsafe conditions at the Bristol County House of Correction, reached a preliminary settlement.⁶ This preliminary settlement follows a number of findings by the court that reflect extremely concerning conditions at the facility. While we view the preliminary settlement as an important positive development, we are concerned that once the settlement is finalized—as is expected to occur in a hearing on May 4, 2021—the court’s injunction preventing any immigration detainees from being transferred to the facility will be dissolved. Additionally, no new immigration detainees at the Bristol County House of Correction will be members of the class in *Savino v. Souza*, meaning that they will not benefit from the settlement. They will be endangered, without important legal protections, in a setting that should not be housing detained persons. This prospect is unacceptable. It is therefore imperative that you take action by May 4, 2021 to terminate ICE’s IGSA and 287(g) Memorandum of Agreement with the BCSO.

We understand that Massachusetts Attorney General Maura Healey and Connecticut Attorney General William Tong sent the enclosed letter to Secretary Mayorkas on April 29, 2021. That letter provides several new and concerning facts about the BCSO’s behavior since the Massachusetts Attorney General’s Office released the findings of its investigation. For example, “Bristol County Sherriff Thomas Hodgson has publicly stated that the BCSO will not consider or adopt *any* of the [Massachusetts Attorney General’s Office’s] recommendations or otherwise address the concerns raised in the Report, while repeatedly insulting the” office and its report. Another example: the Massachusetts Attorney General’s Office “has continued to receive complaints of alleged civil rights violations by the BCSO against immigration detainees outside of the May 1 Incident. Many of these alleged violations similarly involve inadequate medical care.” These additional facts dramatically increase the urgency of this matter and strengthen the case for terminating ICE’s agreements with the BCSO.

In their letter, Attorneys General Healey and Tong requested a meeting with you. We urge you to grant that meeting without delay. We also respectfully request a response to our letter before May 4, 2021.

Sincerely,

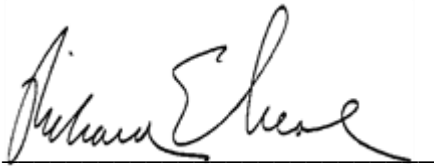

Elizabeth Warren
United States Senator


Edward J. Markey
United States Senator

<https://www.warren.senate.gov/oversight/letters/warren-markey-keating-kennedy-colleagues-seek-federal-investigation-of-violent-incident-at-bristol-county-jail>. The DHS OIG is indeed conducting an investigation.

⁵ No. 1:20-cv-10617, ECF No. 398 at 12 (D. Mass., April 6, 2021).

⁶ WilmerHale, “Settlement Reached in Landmark COVID-19 Class Action Case Against Bristol County House of Correction,” press release, April 7, 2021, <https://www.wilmerhale.com/en/insights/news/20210407-settlement-reached-in-landmark-covid-19-class-action-case-against-bristol-county-house-of-correction>.



Richard E. Neal
Member of Congress



Jake Auchincloss
Member of Congress



James P. McGovern
Member of Congress



William R. Keating
Member of Congress



Lori Trahan
Member of Congress



Ayanna Pressley
Member of Congress



Seth Moulton
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