

May 24, 2019

Via First Class Mail & E-mail

Lorraine J. Rousseau, Esq.
Bristol County Sheriff's Office
400 Faunce Corner Road
North Dartmouth, MA 02747

Re: **March 18, 2019 Public Records Request**

Dear Ms. Rousseau:

This firm represents the ACLU of Massachusetts ("ACLUM") in the above-referenced matter.

As you are aware, ACLUM submitted a public records request (the "Request") to the Bristol County Sheriff's Office ("BCSO") on March 18, 2019 ("Request"). *See* Ex. 1. BCSO was required by statute to provide a written response containing nine categories of information within ten days after the Request, followed by production of the records within five days thereafter. G.L. ch. 66, § 10(b). BCSO never sought or received any extension of these deadlines.

On March 21, 2019, you sent ACLUM an email, in which you acknowledged receipt of the Request on BCSO's behalf and stated that BCSO "will forward an additional response within several days, including an estimate of the cost to process your request." Ex. 2. ACLUM received no further communications regarding the Request from BCSO for nearly two months. On May 16, 2019, you sent ACLUM another email, in which you stated that it would be "several weeks" before a "further response" would be provided. *See* Ex. 3. You provided no estimate for when any documents would be produced, and gave no basis for withholding documents. In that email, you also stated that your Chief Financial Officer would not be available until June 5th.

By failing to provide a timely response and production of records, BCSO is in violation of law. BCSO appears to rely on the temporary absence of its CFO as a basis for continued delay. This is not a valid basis to deviate from the relevant statute, and, in any event, most of the records requested are not financial in nature. Even to the extent the presence of BCSO's CFO might be relevant, his or her current absence until June 5th does

Lorraine J. Rousseau, Esq.
May 24, 2019
Page 2

not explain why there has been a delay since March 18th; we have no reason to believe, for example, that the CFO has been continuously absent for the past two months.

ACLUM does not agree to any extension of time for BCSO to respond to the Request. If BCSO's written response to the Request and all records responsive to Request categories 2, 3, 4, 5, 7, 8, and 9 are not received by **May 31, 2019**, and if all remaining responsive records are not received by **June 12, 2019** (one week after your CFO returns), ACLUM will evaluate all available options to enforce BCSO's obligations under law.

Lastly, we note that, after the Request was submitted, BCSO modified the identifiers of two of the referenced Twitter accounts (@Sheriff_Hodgson to @SheriffHodgson, and @BCSO1 to @BristolSheriff). BCSO's legal obligations to produce the requested records concerning these accounts persist, and we expect BCSO to produce all responsive documents concerning them.

ACLUM reserves all rights.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'C' followed by a horizontal line that ends in a small arrowhead pointing to the right.

Christopher E. Hart

CEH/sml

EXHIBIT 1



Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

March 18, 2019

Via Electronic Mail

Lorraine Rousseau, Esq.
Records Access Officer
Bristol County Sheriff's Office
400 Faunce Corner Rd.
North Dartmouth, MA 02747
publicrecords@bcso-ma.org

Re: Public Records Request

Dear Ms. Rousseau:

This is a request for public records under M.G.L. ch. 66, § 10, made on behalf of the American Civil Liberties Union of Massachusetts, Inc. ("ACLUM").

For purposes of this request, the Bristol County Sheriff's Office is referred to as "BCSO," and Bristol County Sheriff Thomas Hodgson is referred to as "Sheriff Hodgson."

Please provide the following records:

1. All records that are communications between BCSO or any accountant, attorney, or other agent acting on BCSO's behalf, on the one hand, and the Office of the State Auditor (the "OSA"), on the other hand, from January 1, 2018, to the present, including:
 - a. All such communications relating to the OSA's audit of BCSO for the period July 1, 2015, to December 31, 2017 (the "Audit");¹
 - b. All such communications relating to any findings, recommendations, or other results of the Audit;

¹ Further information concerning this audit can be found in OSA's report, which is available at: <https://www.mass.gov/files/documents/2019/02/13/201814713j.pdf>

Lorraine Rousseau, Esq.
March 18, 2019

- c. All such communications relating to how BCSO received, retained, and used the \$348,922 described in Finding #1 of the Audit; and
 - d. All documents and other information provided to the OSA by BCSO in connection the Audit.
2. All tweets and replies by, and all direct messages to or from, the Twitter account @Sheriff_Hodgson. To assist your search, a screenshot reflecting additional identifying information for the account is attached hereto as Exhibit A.
3. All direct messages to or from the Twitter account @BCSO1. To assist your search, a screenshot reflecting additional identifying information for the account is attached hereto as Exhibit B.
4. Records identifying the names of all people or entities who use, manage, or post content to the Twitter accounts referenced in paragraphs 2 and 3, above, or who otherwise possess login credentials for those accounts.
5. All policies, procedures, guidelines, and instructions for use of social media accounts by BCSO personnel.
6. All records reflecting expenditure of public funds for travel by Sheriff Hodgson outside the Commonwealth of Massachusetts from January 1, 2017, to the present, including without limitation:
 - a. Records of expenditures and reimbursements for air travel, ground travel (*e.g.*, train, taxi), hotel costs, and meals associated with such travel;
 - b. All receipts submitted for reimbursement purposes in connection with such travel;
 - c. Records of any expenditures or reimbursements for travel by, or lodging for, any security detail or other staff accompanying Sheriff Hodgson on such trips; and
 - d. Records reflecting the source of funding for each instance of such travel, including the relevant state budget line item(s).
7. All records that are communications between Sheriff Hodgson or his staff, on the one hand, and the Executive Office of the President or U.S. Secret Service, on the other hand, from January 1, 2013, to the present.
8. All records of any request, decision, or recommendation by BCSO to participate in, or not to participate in, any pilot program for the delivery of medication-assisted treatment for opioid use disorder at county

Lorraine Rousseau, Esq.
March 18, 2019

correctional facilities, including under Section 98 of Chapter 208 of the Acts of 2018.

9. All records concerning the formulation or preparation of any request, decision, or recommendation described in paragraph 8, above, including without limitation any discussion of the reasons for such request, decision, or recommendation.

To the extent you contend that any of the requested records are not public records, or are otherwise exempt from disclosure in response to this request, you should take steps to ensure that such records are preserved, and are not modified, deleted, or destroyed, pending our review of your contention and the resolution of any resulting dispute.

I ask that you waive any fees and copying costs, including pursuant to 950 C.M.R. 32.07. ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website² and regular posts on social media sites such as Facebook and Twitter. Accordingly, disclosure of the records serves the public interest, and not the commercial interest of ACLUM.

If you withhold some portions of the requested documents on the grounds that they are exempt from disclosure, please specify which exemptions apply and release any portions of the records for which you do not claim an exemption. We ask that you provide the records in electronic format to the maximum extent possible.

As you know, a custodian of public records shall comply with a request within ten days of receipt.

Thank you for your assistance. Please do not hesitate to contact me if I can clarify any part of this request.

Sincerely,

/s/ Daniel L. McFadden

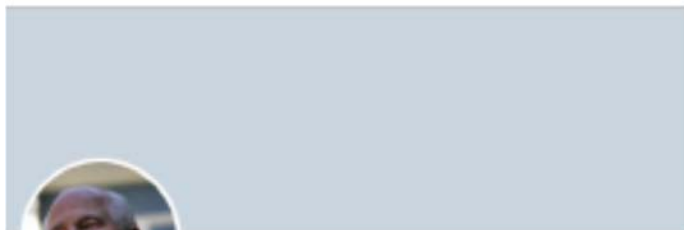
Daniel L. McFadden

² www.aclum.org

EXHIBIT A

[←](#) **Thomas M Hodgson** 

51 Tweets



Follow

Thomas M Hodgson 

@Sheriff_Hodgson

Sheriff, Bristol County, Massachusetts

 Bristol County, Massachusetts

 facebook.com/thomas.hodgson...

 Joined March 2010

288 Following **529** Followers

These Tweets are protected

Only approved followers can see @Sheriff_Hodgson's Tweets. To request a click Follow. [Learn more](#)



EXHIBIT B



Search Twitter



Log in

Sign up



Follow

Bristol County Sheriff's Office

@BCSO1

News and information from the Bristol County Sheriff's Office in Southeastern Massachusetts.

📍 Dartmouth, MA bcso-ma.us

📅 Joined April 2011

1,565 Following 1,849 Followers

Tweets

Tweets & replies

Media

Likes

EXHIBIT 2

Hart, Christopher

From: Lorraine Rousseau <LORRAINEROUSSEAU@bcso-ma.org>
Sent: Thursday, March 21, 2019 3:08 PM
To: Daniel McFadden; Public Records
Cc: Jessica Lewis
Subject: RE: Public Records Request

Mr. McFadden,

The Bristol County Sheriff's Office is in receipt of your public records request dated March 18, 2019. An initial review of your request shows that it is quite extensive. I will forward an additional response within several days, including an estimate of the cost to process your request.

Thank you,
Lorraine Rousseau

*Lorraine J. Rousseau, Esq.
Bristol County Sheriff's Office
400 Faunce Corner Road
North Dartmouth, MA 02747
Tel. (508) 995-1311
Fax (508) 995-7835
lorrainerousseau@bcso-ma.org*

From: Daniel McFadden [mailto:DmcFadden@aclum.org]
Sent: Monday, March 18, 2019 5:20 PM
To: Public Records
Cc: Jessica Lewis
Subject: Public Records Request

To whom it may concern,

Please see the attached public records request.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org

aclum.org

ACLU

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Massachusetts

EXHIBIT 3

Hart, Christopher

From: Lorraine Rousseau <LORRAINEROUSSEAU@bcso-ma.org>
Sent: Thursday, May 16, 2019 12:12 PM
To: Daniel McFadden
Subject: Public Records Request - OSA Audit

Mr. McFadden,

I want to touch base with you regarding your request. We are working on it; unfortunately, it will several weeks before I can provide you with a further response. Our Chief Financial Officer will not be available until June 5. At that time, I will forward a further response to you concerning the records requested.

My apologies for the delay in processing your request.

Thank you,
Lorraine Rousseau

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North Dartmouth, MA 02747
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