



50 Federal Street, 4th Floor
Boston, MA 02110
Tel: 617-482-2773
Fax: 617-451-6383
plsma.org

August 12, 2021

Via Electronic Mail

Patrick C. Lee
General Counsel
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360
plee@pcsdma.org

Re: Public Records Request

Dear Mr. Lee:

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") and Prisoners' Legal Services of Massachusetts ("PLS").

The following terms are defined for purposes of this request:

- "PCSD" shall refer to the Plymouth County Sheriff's Department.
- "PCCF" shall refer to the Plymouth County Correctional Facility.
- "Immigration Detainee" shall refer to civil immigration detainees held at the PCCF or otherwise in the custody of the PCSD.
- "Limited English Proficiency" and "LEP" shall refer to a person who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English.¹

¹ See U.S. Immigration and Customs Enforcement, National Detention Standards for Non-Dedicated Facilities (Rev'd 2019), ii, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>.

- “Attorney Visitation” shall refer to any communication between an Immigration Detainee and an attorney.
- “In-person Attorney Visitation” shall refer to any Attorney Visitation conducted by meeting at the PCCF.
- “Remote Attorney Visitation” shall refer to any Attorney Visitation conducted by remote communication technology, including telephonic, video conference, and electronic mail.
- “Writing Materials” shall refer to any supplies or equipment used to prepare a paper or electronic writing, including without limitation, paper, writing implements, typewriters, computers with word processing capability, and printers.

Please provide the following records:

1. Records reflecting the current number of immigration detention units at PCCF and the current number of Immigration Detainees in each unit.
2. Records reflecting the number of immigration detention units and number of Immigration Detainees in each unit for the months of May, June, and July 2021.
3. Records of any COVID-19 exposures and infections among people living in and working at PCCF from July 1, 2021, to the present.
4. Records reflecting COVID-19 testing at PCCF from July 1, 2021, to the present, including the number of tests administered to staff, third party contractors, and Immigration Detainees, and any criteria or guidance concerning which persons to test.
5. All policies, procedures, guidelines, and instructions concerning the vaccination of staff, contractors, and Immigration Detainees at PCCF against COVID-19, and records reflecting the current number and percentage of PCCF staff, contractors, and Immigration Detainees who are fully vaccinated against COVID-19.
6. All policies, procedures, guidelines, and instructions regarding the identification of LEP Immigration Detainees.
7. Records sufficient to identify the languages spoken by LEP Immigration Detainees from January 1, 2019, to the present, and the number of detainees speaking each language.

8. Records sufficient to determine whether there is a designated language access coordinator at PCCF, and, if so, that person's identity and contact information at PCCF.
9. All policies, procedures, guidelines, and instructions pertaining to language interpretation and translation services for LEP Immigration Detainees, including without limitation with respect to:
 - a. Admissions, booking, and intake;
 - b. Release and transfer;
 - c. Disciplinary proceedings;
 - d. Placement in segregation;
 - e. Medical care, including dental care;
 - f. Mental health care;
 - g. Sick calls and requesting sick calls;
 - h. Classification;
 - i. Religious services;
 - j. Access to the grievance system;
 - k. Access to the law library and legal resources;
 - l. Any communications related to the COVID-19 pandemic, including COVID-19 testing and vaccination; and
 - m. Informal and formal staff-detainee communication.
10. Any contracts for language translation services (including written, in-person, and telephonic) for Immigration Detainees.
11. All policies, procedures, guidelines, and instructions concerning In-person Attorney Visitation for Immigration Detainees.
12. All policies, procedures, guidelines and instructions concerning Remote Attorney Visitation for Immigration Detainees.

13. Records reflecting any cost of Remote Attorney Visitation to the participating Immigration Detainee or attorney, including without limitation policies, procedures, and fee schedules.
14. Any contracts for communications services used by the PCCF for Remote Attorney Visitation for Immigration Detainees.
15. All policies, procedures, guidelines, and instructions concerning Immigration Detainees' access to paper or electronic law libraries.
16. All policies, procedures, guidelines, and instructions concerning Immigration Detainees' access to Writing Materials.
17. All policies, procedures, guidelines, and instructions concerning Immigration Detainees' use of the mail to send or receive letters or other documents.
18. All policies, procedures, guidelines, and instructions concerning attorneys' use of the mail to communicate with Immigration Detainees or other persons incarcerated at the PCCF.
19. Any contracts between the PCCF and any third party engaged to review, inspect, copy, or otherwise process mail sent to or from Immigration Detainees.

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.

Please 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.

² www.aclum.org

Accordingly, disclosure of the records serves the public interest, and not the commercial interest of ACLUM.

PLS is a non-profit Section 501(c)(3) organization dedicated to providing civil legal assistance to people who are incarcerated or detained in Massachusetts state prisons (Department of Correction facilities) or in the county jails and houses of correction. Further, PLS promotes the safe, humane and lawful treatment of Massachusetts prisoners and detainees through civil rights litigation, administrative advocacy, client counseling, and outreach to policy makers and the public. The issues of the treatment of vulnerable ICE detainees, including those without attorneys and with limited English proficiency, are of significant public interest. PLS has undertaken this work in the public interest and not for any private commercial interest. The primary purpose of this records request is to obtain information to further the public's understanding of policies and practices pertaining to ICE detainees in Massachusetts. Access to this information is necessary for the public to meaningfully evaluate the consequences of federal immigration policies, including policies with regard to the treatment of ICE detainees who are non-English speaking and LEP individuals.

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 us at koehlke@aclum.org if we can clarify any part of this request.

Sincerely,

/s/ Krista Oehlke
Krista Oehlke
ACLU of Massachusetts

/s/ Mario N. Parades
Mario N. Paredes
Prisoners' Legal Services