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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT

AMERICAN CIVIL LIBERTIES UNION
OF MASSACHUSETTS, INC.,

Plaintiff,

v.

PLYMOUTH COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

C.A. No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This lawsuit seeks the production of records under the Massachusetts Public Records Law, G.L. c. 66, § 10, which have been unlawfully withheld by the Plymouth County Sheriff's Department ("PCSD") in response to a public records request from the American Civil Liberties Union of Massachusetts, Inc. ("ACLUM") concerning medical care for immigration detainees at Plymouth County Correctional Facility ("PCCF").

2. PCCF has an Intergovernmental Service Agreement ("IGSA") with the United States Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE") for the detention and care of immigration detainees. Provisions of the IGSA set forth the responsibilities and standards that PCCF shall fulfill when providing detention services, including medical care for immigration detainees.

3. On December 11, 2025, ACLUM submitted the public records request that forms the basis of this lawsuit (the "Request"). The Request sought twelve categories of records, including records referenced in several IGSA provisions on medical care for immigration detainees.

4. On December 26, 2025, the PCSD responded with two documents and a website link. The PCSD otherwise withheld all responsive records in its possession and did not provide information on the records it withheld. For nearly all of the categories of requested records, the PCSD invoked the same four exemptions to public disclosure.

5. ACLUM sent a letter to the PCSD on February 6, 2026 concerning the PCSD's response to the Request. The letter asserted that the exemptions did not apply and requested the PCSD to promptly provide the responsive records. As of the time of this filing, the PCSD has not responded to ACLUM's letter.

6. The PCSD's refusal to produce records is contrary to law. Additionally, release of the requested records would serve the public interest in promoting transparency and accountability. Such accountability is particularly important in the context of ongoing concerns about the availability of adequate medical care for immigration detainees held in detention facilities across the country, including in PCCF.

7. Accordingly, ACLUM respectfully requests that the Court order the PCSD to produce all responsive records as soon as possible.

PARTIES

8. Plaintiff American Civil Liberties Union of Massachusetts, Inc., is a Massachusetts non-profit corporation with its principal place of business in Boston, Massachusetts. ACLUM is dedicated to the protection of civil rights and civil liberties, and in service of that mission it pursues government transparency and accountability.

9. Defendant Plymouth County Sheriff's Department is an agency of the Commonwealth of Massachusetts. PCCF is a component of the PCSD. The PCSD is administered

by an elected sheriff, who is an employee of the Commonwealth. The Plymouth County Sheriff is Joseph D. McDonald, Jr.

JURISDICTION AND VENUE

10. Jurisdiction and venue are proper pursuant to G. L. c. 66, § 10A(c), c. 212, § 4, c. 231A, § 1, c. 231A, § 1, and Chapter 61 of the Acts of 2009.

FACTS ALLEGED

Adequacy of Medical Care for Immigration Detainees

11. There have been widespread concerns about the availability of adequate medical care for immigration detainees in detention facilities across the country.¹ For example, a U.S. Senate investigation identified at least 85 instances of medical neglect in immigration detention facilities between January and August 2025, “including reports of delayed or denied medical care, even in urgent circumstances, and reported failures by facility staff to administer critical medication . . . [with] detainees reportedly suffered life-threatening injuries and complications.”²

¹ See, e.g., Rick Jervis and Lauren Villagran, *Life for immigrant families in detention: sick children, no doctors*, USA Today (Jan. 29, 2026), <https://www.usatoday.com/story/news/nation/2026/01/29/immigrant-families-conditions-detention-sick-kids/88405597007/> (in an immigration detention center in Dilley, Texas, “[t]here were a lot of sick people in there . . . [a]nd no doctors”); Hibah Ansari, *Inside an ICE Detention Center: Detained People Describe Severe Medical Neglect, Harrowing Conditions*, ACLU (Dec. 17, 2025), <https://www.aclu.org/news/immigrants-rights/inside-an-ice-detention-center-detained-people-describe-severe-medical-neglect-harrowing-conditions> (immigration detainee in California was showing signs of prostate cancer, but “ICE thwarted his attempts to get a biopsy”); *Results of an Unannounced Inspection of ICE’s Buffalo Federal Detention Facility in Batavia, New York*, U.S. Dep’t of Homeland Sec. Off. of Inspector Gen. (Jun. 3, 2025), <https://www.oig.dhs.gov/sites/default/files/assets/2025-06/OIG-25-24-Jun25.pdf> (immigration detention center with 500+ detainees had no doctor or dentist on site).

² *Medical Neglect & Denial of Adequate Food or Water in U.S. Immigration Detention*, Office of U.S. Senator Jon Ossoff (Oct. 24, 2025), https://www.ossoff.senate.gov/wp-content/uploads/2025/10/25.10.24_Sen.-Ossoff-Medical-Neglect-Denial-of-Adequate-Food-or-Water-in-U.S.-Immigration-Detention.pdf; see also Dan Raby, *Ossoff investigation details alleged medical neglect, poor conditions at ICE detention centers*, CBS News (Oct. 31, 2025),

12. Similarly, on February 6, 2026, a group of U.S. Public Health Service Providers reported that “[l]ife-threatening delays in getting medicine and care to detainees, chaotic screenings, and overcrowded yet understaffed conditions have pushed some medical professionals to quit” their jobs in immigration detention facilities.³

13. At PCCF, there have been numerous documented concerns about the adequacy of medical care for immigration detainees since at least September 2022.⁴ For example, PCCF has been the subject of a civil rights complaint by Massachusetts advocacy organizations,⁵ as well as

<https://www.cbsnews.com/atlanta/news/ossoff-investigation-details-alleged-medical-neglect-poor-conditions-at-ice-detention-centers/>.

³ Keren Landman, *Some Public Health Service officers deployed in detention centers suffer 'moral distress'*, NPR (Feb. 5, 2026), <https://www.npr.org/2026/02/05/nx-s1-5698538/public-health-service-ice-detention-centers>.

⁴ See, e.g., Mike Beaudet, *Inside the only facility in Massachusetts still holding immigration detainees for ICE*, WCVB Boston (Apr. 10, 2025), <https://www.wcvb.com/article/massachusetts-ice-holding-facility-plymouth-county/64445839>; *ICE Detention at Plymouth County Correctional Facility: Chronicling Twenty-Five Years of Violations*, Massachusetts Prisoners' Legal Services and Boston University School of Law (Sep. 2024), <https://www.bu.edu/law/files/2024/09/ICE-detentions-plymouth.pdf>; Letter from Immigration Advocates to Att’y Gen. Andrea Campbell, Off. of the Mass. Att’y Gen., *Re: Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility* (Aug. 8, 2024), https://harvardimmigrationclinic.org/files/2024/08/MA-AG-Complaint-Summer-2024_FINAL.pdf; Fiscal Year 2022 Annual Report to Congress, Off. for Civ. Rights and Civ. Liberties 53 (Nov. 17, 2023), https://www.dhs.gov/sites/default/files/2023-12/23_1117_crcl_fy22-annual-report-508.pdf (referencing Memorandum from Dana Salvano-Dunn, Dir., Compliance Branch, Off. for Civ. Rights and Civ. Liberties and Zazy Ivonne Lopez, Deputy Dir., Compliance Branch, Off. for Civ. Rights and Civ. Liberties to Corey A. Price, Executive Assoc. Dir., Enf’t and Removal Operations, U.S. Immigr. and Customs Enf’t, *Plymouth County Correctional Facility Expert Recommendations* (Sept. 29, 2022)).

⁵ Letter from Immigration Advocates to Att’y Gen. Andrea Campbell, Off. of the Mass. Att’y Gen., *Re: Request for Investigation into Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility* (Mar. 9, 2023), <https://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>.

an investigation by the DHS Office for Civil Rights and Civil Liberties,⁶ regarding multiple civil rights concerns including the denial of medical care.

14. Further, it has been reported that immigration detainees at PCCF “often have to wait for weeks or months to see a doctor”⁷ and have their “medications delayed or abruptly discontinued.”⁸

15. The availability of medical care in immigration detention facilities is vitally important, as immigration detainees have no other way to seek medical help while detained. And for some, not receiving medical care can be a matter of life or death.

The IGSA

16. PCCF is a detention center that houses, among others, civil immigration detainees. Civil immigration detainees at PCCF are not held for any purpose connected to the criminal legal system. Rather, they are held pending the resolution of civil proceedings to decide their immigration status or, in some cases, while awaiting deportation.

17. PCCF has housed civil immigration detainees pursuant to a series of intergovernmental services agreements with DHS and/or ICE. On information and belief, PCCF entered into the current IGSA with DHS and ICE on September 29, 2024. *See* Ex. A (IGSA). The IGSA remains in effect through September 29, 2029. *Id.*

⁶ Off. for Civ. Rights and Civ. Liberties, *supra* note 4 (referencing Memorandum, *Plymouth County Correctional Facility Expert Recommendations*, *supra* note 4).

⁷ Letter from Immigration Advocates, *Re: Supplemental Information*, *supra* note 4.

⁸ Letter from Edward J. Markey and Elizabeth Warren, U.S. Senators, to Alejandro Mayorkas, Sec’y of Homeland Sec., Patrick J. Lechleitner, Dir. of Immigr. and Customs Enf’t, Shoba Sivaprasad Wadhia, Off. for Civ. Rights and Civ. Liberties, and Joseph V. Cuffari, Inspector Gen. of the Dep’t of Homeland Sec. (Aug. 8, 2024), https://www.warren.senate.gov/imo/media/doc/warren_markey_pccf_follow-up_letter.pdf.

18. The IGSA establishes that PCCF “shall house detainees and perform related detention services.” *Id.* Under the IGSA, PCCF is responsible for providing immigration detainees “with safekeeping, housing, subsistence, medical and other services.” *Id.* (Art. 3(B)). In so doing, PCCF must provide “all personnel, management, equipment, supplies, and services necessary for performance of all aspects of the agreement and ensure that the safekeeping, housing, subsistence, medical, and other program services provided to ICE detainees housed in the facility are consistent with ICE’s civil detention authority, IGSA requirements, ICE standards . . . and all applicable state and local laws.” *Id.* (Art. 1(B)).

19. The IGSA establishes specific responsibilities and standards that PCCF is required to fulfill when housing and providing services to immigration detainees. Specifically, Article 6 of the IGSA contains provisions related to medical services.

20. For example, Article 6(B) provides that PCCF “ensures health care delivery and accountability in compliance with detention standards through a continuous quality improvement (CQI) system that includes risk management, patient safety, and health services delivery quality assurance programs,” which “identifies, addresses, and monitors health care delivery for undesired outcomes and trends.” Article 6(K) provides that if PCCF “determines that an ICE detainee has a medical condition which renders that person unacceptable for detention under this agreement,” PCCF “shall notify ICE.” Article 6(M) provides that PCCF “shall submit a MedPAR [Medical Payment Authorization Request] to IHSC [ICE Health Services Corps] for off-site medical care.”

The Request

21. On December 11, 2025, ACLUM sent a public records request (the “Request”) to the PCSD for records referenced in the IGSA, including those referenced in several provisions of IGSA Article 6. *See* Ex. B (Request).

22. The Request sought the production of twelve categories of records:
- (1) The current operative agreement between DHS, ICE, and PCCF for civil immigration detention, if different than the IGSA described above;
 - (2) All amendments, modifications, and other written changes to the IGSA from October 2024 to the present;
 - (3) All records of the CQI system, including of:
 - (a) Risk management, patient safety, and health services delivery quality assurance programs as described in IGSA Art. 6(B);
 - (b) Corrective action plans as described in IGSA Art. 6(B);
 - (4) All incident reports as described in IGSA Art. 6(C);
 - (5) All notifications of Immigration Detainee serious medical conditions as described in IGSA Article 6(D);
 - (6) All notifications of Immigration Detainee medical emergencies as described in IGSA Art. 6(G);
 - (7) All requests for approval of emergent medical care for Immigration Detainees, including through the MedPAR system, as described in IGSA Art. 6(G);
 - (8) All requests for approval of non-emergency medical care for Immigration Detainees, including through the MedPAR system, as described in IGSA Art. 6(H);
 - (9) All notifications of an Immigration Detainee with a medical condition which renders that person unacceptable for detention as described in IGSA Art. 6(K);
 - (10) All payment authorization requests for off-site medical care for Immigration Detainees, including through the MedPAR system, as described in IGSA Art. 6(M);
 - (11) All itemized invoices submitted by PCCF to ICE as described in IGSA Article 17(C);
 - (12) All written reports addressing corrective/preventative actions taken concerning any unsatisfactory condition pertaining to Immigration Detainees, as described in IGSA Art. 26(C).

23. The Request sought the records to “be produced in an anonymized format, with all Immigration Detainee names, dates of birth, A numbers, and other personally identifying information redacted.” *Id.*

24. Pursuant to 950 C.M.R. 32.07, the Request also sought a waiver of any fees and copying costs, because it was made by a non-profit organization that makes information available to the public, and was therefore in the public interest and not in ACLUM’s commercial interest.

PCSD’s Refusal to Produce Responsive Records

25. Pursuant to G.L. c. 66, § 10 (the “Public Records Law”), the PCSD was required, within 10 business days, to either produce the requested records pursuant to § 10(a), or provide a written response pursuant to § 10(b). A written response pursuant to § 10(b) “shall” include nine enumerated categories of information, including identifying:

any records, categories of records or portions of records that the . . . municipality intends to withhold, and . . . the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based.

See G.L. c. 66, § 10(b)(iv)-(v).

26. On December 26, the PCSD provided a written response to the Request. *See* Ex. C (PCSD Response Letter). The PCSD provided a website link and a two-page document, and otherwise withheld all other responsive records in its possession. *See id.*; Ex. D (Responsive Record - ‘MOUD QCI’).

27. In response to request number 3, the PCSD invoked several exemptions to the Public Records Law.⁹ *See* Ex. C. The exemptions include:

- (1) G.L. c. 4, § 7(26)(a), pursuant to 8 C.F.R. § 236.6;
- (2) G.L. c. 4, § 7(26)(a), pursuant to 8 C.F.R. § 236.6;
- (3) G.L. c. 111, § 70E;
- (4) G.L. c. 4, § 7 cl. 26(c).

28. G.L. c. 7, § 26(a) provides that records that are “specifically or by necessary implication exempted from disclosure by statute” are exempt from the Public Records Law.

29. G.L. c. 6, § 167 provides that “records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of . . . incarceration” are exempt from the Public Records Law.

30. 8 C.F.R. § 236.6, a DHS federal regulation, provides that no entity “that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the [DHS] (whether by contract or otherwise) . . . shall disclose or otherwise permit to be made public the name of, or other information relating to, such detainee.” Further, 8 C.F.R. § 236.6 provides that “[i]nsofar as any documents or other records contain such information, such documents shall not be public records.”

31. G.L. c. 111, § 70E provides that “[e]very patient or resident of a facility shall have the right . . . to confidentiality of all records and communications to the extent provided by law.”

⁹ The PCSD invoked G.L. c. 7, § 26(a) as an exemption, asserting that the language of the statute says: “(a) specifically or by necessary implication exempted from disclosure by statute.” *See* Ex. C. That language, however, comes from G.L. c. 4, § 7(26)(a). For purposes of this complaint, ACLUM assumes that the PCSD meant to cite G.L. c. 4, § 7(26)(a).

32. G.L. c. 4, § 7 cl. 26(c) provides that “medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy,” are exempt from the Public Records Law.

33. In response to requests #4–11, the Department stated: “Records responsive to this request are being withheld for the same reasons stated in request #3.” Ex. C.

34. The PCSD failed to comply with the Public Records Law in responding to the Request, as the PCSD neither described the documents being withheld, nor articulated with specificity why the asserted exemptions applied.¹⁰

35. Even without such explanations, it is clear that the blanket application of these exemptions is unwarranted. These exemptions apply only in limited circumstances. They cannot possibly justify the withholding of nearly all records, particularly because the Request explicitly requested the records to be anonymized and redacted to remove the names and other personally identifiable information of detainees.

36. The first asserted exemption, G.L. c. 6, § 167, cannot apply to the records requested, including because the Request does not include names or personally identifiable information of detainees.

37. The second asserted exemption, 8 C.F.R. 236.6, cannot apply to the records requested, as the exemption is not a “statute” as defined in G.L. c. 7, § 26(a).¹¹ As such, 8 C.F.R.

¹⁰ See G.L. c. 66, § 10(b)(iv)-(v); see also *Worcester Tel. & Gazette Corp. v. Chief of Police of Worcester*, 436 Mass.378, 383 (2002) (custodian carries the burden to prove applicability of relevant exemptions); *Rahim v. Dist. Attorney for Suffolk Dist.*, 486 Mass. 544, 553 (2020) (applicability of each exemption is demonstrated through “an itemized and indexed document log [with] detailed justifications for its claims of exemption”).

¹¹ See *Am. Civ. Liberties Union of Michigan v. Calhoun Cnty. Sheriff's Office*, 509 Mich. 1, 4 (2022) (8 C.F.R. 236.6 is not applicable to Michigan state FOIA law that exempts records or information “exempted from disclosure *by statute*,” because “a regulation is not a statute”) (emphasis added).

236.6 does not fall within the scope of G.L. c. 7, § 26(a) and is thus not a valid exemption pursuant to that provision.¹²

38. What is more, irrespective of 8 C.F.R. 236.6, the PCSD cannot contract its way out of the public disclosure of records that it has “made or received,” as enumerated in the Public Records Law.¹³

39. Additionally, the third asserted exemption, G.L. c. 111, § 70E, cannot apply to all records withheld by the PCSD, including because many of the documents requested are not medical files and do not contain information about patients, and also including because the files are requested with redactions of all personally identifiable information.

40. Similarly, the fourth asserted exemption, G.L. c. 4, § 7 cl. 26(c), cannot apply to all records withheld by the PCSD, including because many of the documents requested are not medical files. Regardless, G.L. c. 4, § 7 cl. 26(c) cannot be the basis of exempting all records requested, including because the exemption does not categorically exempt “every bit of information which might be found in a . . . medical file.”¹⁴

41. Further, none of the asserted exemptions can overcome the public interest in disclosure. It is important for the public to know whether PCCF has met at least the minimum

¹² *Id.*

¹³ *See Rahim v. Dist. Attorney for Suffolk Dist.*, 486 Mass. 544, 545–48 (2020) (FBI records received by Suffolk District Attorney were subject to disclosure under G.L. c. 4, § 7 cl. 26, regardless of agreement between the two entities that the FBI records “were not to be disclosed under a Massachusetts public records law request”); *see also* G.L. c. 4, § 7 cl. 26 (““Public records” shall mean all . . . documentary materials or data . . . *made or received* by any officer or employee of any [Massachusetts governmental entity].”) (emphasis added).

¹⁴ *Globe Newspaper Co. v. Boston Ret. Bd.*, 388 Mass. 427, 435 (1983) (not all information in medical files are “personal so as to fall within the exemption's protection”); *see also Rahim*, 486 Mass. at 554 n.16 (“[I]t is unclear whether and how the privacy interests of a “specifically named individual” are implicated when the description of the records merely as “medical” remains abstract and general.”).

standards for medical care set forth in the IGSA with DHS and ICE, particularly where there is reason for concern that PCCF is not providing adequate medical care to immigration detainees.

42. On February 6, ACLUM sent a letter to the PCSD regarding the deficiencies in the PCSD's response to the Request. *See* Ex. E (ACLUM Letter). In the letter, ACLUM gave detailed reasons for why each cited exemption did not apply to the records requested, and accordingly requested the PCSD to provide the responsive records by February 12, 2026.

43. As of the date of this filing, the PCSD has not responded to ACLUM's letter.

CLAIMS FOR RELIEF

Count I – Violation of the Massachusetts Public Records Law (G.L. Ch. 66, § 10 & 10a)

44. ACLUM incorporates by reference the foregoing paragraphs as if set forth in their entirety.

45. The PCSD has unlawfully refused to produce public records in response to ACLUM's Request.

46. ACLUM is entitled to injunctive relief requiring the PCSD to produce the requested records forthwith.

47. ACLUM is entitled to injunctive relief prohibiting the PCSD from charging any fee for the production of the requested records.

Count II – Declaratory Judgment (G.L. Ch. 231A, § 1)

48. ACLUM incorporates by reference the foregoing paragraphs as if set forth in their entirety.

49. There is an actual controversy between ACLUM and the PCSD regarding the production of the requested records in response to the Request.

50. ACLUM is entitled to a declaration that the requested records are public records within the meaning of G. L. c. 66, § 10, that their release is required by law, and that PCSD is prohibited from charging any fee for responding to the request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court:

1. Expedite these proceedings pursuant to G.L. c. 66, § 10A(d)(1)(iii), and order the Defendant to show cause forthwith why the requested relief should not be granted;
2. Issue a declaratory judgment pursuant to G. L. c. 231A that the records Plaintiff has requested are public records within the meaning of G. L. c. 66, § 10, that their release is required by law, and that Defendant may not charge a fee for responding to the Request;
3. Enter a permanent injunction ordering Defendant to immediately disclose the requested records to Plaintiff in an anonymized format, with all Immigration Detainee names, dates of birth, A numbers, and other personally identifying information redacted;
4. Award Plaintiff attorney fees and costs; and
5. Grant such other and further declaratory and equitable relief as the Court deems just and proper.

[signatures on following page]

Dated: February 13, 2026

Respectfully submitted,

/s/ Mackenzie R. Saunders

Mackenzie R. Saunders (BBO# 717801)

Daniel L. McFadden (BBO# 676612)

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