

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. 2684CV00477

**STATEMENT OF MATERIAL FACTS IN SUPPORT OF PLAINTIFF'S
CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Massachusetts Rules of Civil Procedure and Superior Court Rule 9A, Plaintiff American Civil Liberties Union of Massachusetts ("ACLUM") submits the following statement of material facts in support of its cross-motion for summary judgment against Defendant Plymouth County Sheriff's Department ("PCSD").

A. Plymouth County Correctional Facility's Intergovernmental Service Agreement.

1. Plymouth County Correctional Center ("PCCF") has an Intergovernmental Service Agreement ("IGSA") with the U.S. Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE"). Declaration of Mackenzie R. Saunders ("Decl.") ¶ 2; Decl. Ex. 1 (IGSA).

2. The IGSA between PCCF, DHS, and ICE became effective on September 29, 2024. Decl. ¶ 2; Decl. Ex. 1, at 1.

3. A true, accurate, and complete copy of the IGSA is attached as Decl. Ex. 1.

B. ACLUM's Public Records Request to PCSD.

4. On December 11, 2025, ACLUM sent PCSD a public records request requesting twelve categories of records. Defendant's Memorandum of Law In Support of its Motion to Dismiss Plaintiff's Complaint ("Def's Br.") Ex. A (Public Records Request).

5. The Requests were for the following records created on or after June 1, 2025, unless otherwise specified:

1. The current operative agreement between DHS, ICE, and PCCF for civil immigration detention, if different than the IGSA as 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). *Id.* at 2–3.

6. ACLUM requested that the records “be produced in an anonymized format, with all Immigration Detainee names, dates of birth, A numbers, and other personally identifying information redacted.” *Id.* at 2.

C. PCSD’s Response to ACLUM’s Public Records Request.

7. On December 26, 2025, PCSD sent ACLUM a response letter, a two-page PDF document, and a website link in response to Requests 2 and 3 of ACLUM’s public records request. Def’s Br. Ex. B (PCSD Response Letter); Decl. ¶ 3; Decl. Ex. 2 (Responsive Records).

8. A true, accurate, and complete copy of the two-page PDF document that PCSD sent to ACLUM is attached as Decl. Ex. 2.

9. PCSD otherwise withheld all other responsive documents. Def’s Br. Ex. B; Decl. ¶ 4. Further, PCSD did not identify or provide an indexed log of responsive documents in its possession that it withheld. Decl. ¶ 5.

10. In its response letter, PCSD asserted four exemptions to the public records law in response to Request 3 of ACLUM’s public records request. Def’s Br. Ex. B, at 1. In response to Requests 4–11, PCSD stated: “Records responsive to this request are being withheld for the same reasons stated in request #3.” *Id.* at 2. The four exemptions asserted by PCSD are: G.L. c. 6, § 167, 8 C.F.R. § 236.6, G.L. c. 111, § 70E, and G.L. c. 4, § 7 cl. 26(c). *Id.* at 1–2.

D. ACLUM's Letter to PCSD.

11. On February 5, 2026, ACLUM sent a letter to PCSD concerning PCSD's response to ACLUM's public records request. Def's Br. Ex. C (ACLUM Letter).

12. In ACLUM's letter, ACLUM asserted that none of the cited exemptions apply to the responsive records withheld by PCSD, including because "ACLUM did not request any documents containing names or personally identifiable information regarding detainees." *Id.* at 2.

13. ACLUM requested PCSD to respond and produce the requested records by February 12, 2026: one week upon receipt of the letter. *Id.* at 3.

E. ACLUM's Complaint Against PCSD.

14. On February 13, 2026, Plaintiff ACLUM filed a civil complaint against Defendant PCSD seeking the production of records under the Massachusetts Public Records Law, G.L. c. 66, § 10, that were withheld by PCSD in response to ACLUM's public records request. Dkt. 1 (Plaintiff's Complaint Against Defendant).

F. PCSD's Email in Response to ACLUM's Letter.

15. On February 17, 2026, after ACLUM filed its complaint, PCSD sent an email to ACLUM in response to ACLUM's letter. Def's Br. Ex. D (PCSD Response Email). PCSD reasserted that the records ACLUM sought are exempted from the public records law by 8 C.F.R. § 236.6, G.L. c. 4, § 7 cl. 26(c), and G.L. c. 111, § 70E. *Id.*

16. Further, PCSD attached a copy of SPR25/1221, asserting that the decision by the Massachusetts Supervisor of Records demonstrates that PCSD is prohibited from releasing the responsive records under the DHS regulation. *Id.*; Def's Br. Ex. E (SPR25/1221).

17. No additional records were produced with the February 17, 2026 email, nor have any further records or information been produced at any time thereafter. Decl. ¶ 4.

Dated: May 21, 2026

Respectfully submitted,

/s/ Mackenzie R. Saunders

Mackenzie R. Saunders (BBO# 717801)

Daniel L. McFadden (BBO# 676612)

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF MASSACHUSETTS, INC.

One Center Plaza, Suite 850

Boston, MA 02108

(617) 482-3170

msaunders@aclum.org

dmcfadden@aclum.org

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2026, the foregoing document was filed with the Suffolk Superior Court and served via email on counsel for Defendant at:

Jessica Kenny
Plymouth County Sheriff's Department
jkenny@pcsdma.org

/s/ Mackenzie Saunders
Mackenzie Saunders