

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO. 2084CV01035

AMERICAN CIVIL LIBERTIES UNION)
OF MASSACHUSETTS,)
Plaintiff,)
)
v.)
)
BRISTOL COUNTY SHERIFF’S OFFICE,)
Defendant)

AFFIDAVIT OF LORRAINE J. ROUSSEAU, ESQ.

NOW comes Lorraine J. Rousseau, Esq., under oath, deposes and states as follows:

1. I am an attorney admitted to practice law within the Commonwealth of Massachusetts with 28 years of experience.
2. I am employed as an attorney by the Bristol County Sheriff’s Office, 400 Faunce Corner Road, North Dartmouth, MA 02747.
3. This affidavit is submitted in support of the *Defendant’s Second Response to the Second Order on Plaintiff’s Request for Injunctive Relief*.
4. Pursuant to the Court’s Second Order on Plaintiff’s Request for Injunctive Relief (“Court’s Second Order”), the Court ordered the Defendant, Bristol County Sheriff’s Office (“BCSO”), to provide a written response and affidavit attesting to the existence or non-existence of email communications requested under Plaintiff American Civil Liberties Union of Massachusetts’ (“ACLUM”) under # 6, 8 and 10 of its public records request.
5. The Court also requested information on the status of the outside investigations of the May 1, 2020 incident in the BCSO’s Immigration and Customs Enforcement (“ICE”) Detention Center (“Incident”).

6. Nos. 6, 8 and 10 request:

6. All records containing communications between the BCSO (including Sheriff Hodgson and BCSO employees), on the one hand, and any federal department or agency (including the Department of Homeland Security and U.S. Immigration and Customs Enforcement), on the other, concerning the Incident. The requested records include, but are not limited to, any such electronic mail and any and all attachments thereto.
8. All records containing communications between the BCSO (including Sheriff Hodgson and BCSO employees), on the one hand, and the Office of the Inspector General for the Department of Homeland Security, on the other, concerning the Incident. The requested records include, but are not limited to, any such electronic mail and any and all attachments thereto.
10. All records containing communications between the BCSO (including Sheriff Hodgson and BCSO employees), on the one hand, and the Executive Office of the President, on the other, concerning the Incident. The requested records include, but are not limited to, any such electronic mail and any and all attachments thereto.

7. On December 23, 2020, the BCSO filed its [First] Response to the Court's Second Order on Plaintiff's Request for Injunctive Relief ("First Response") regarding the existence or non-existence of any materials responsive to Request Nos. 6, 8 and 10 of Plaintiff American Civil Liberties Union of Massachusetts' ("ACLUM") public records request.

8. Pursuant to the BCSO's [First] Response, the BCSO produced copies of two written communications (Record Nos. 754 and 755) requested under # 6, 8 and 10 that are not emails and stated that very few such records exist.

9. The BCSO also stated that it would continue to search for any such other written communications (not emails) and would provide a further response on or before January 15, 2021 regarding whether any other such written communications exist.

10. The BCSO conducted this search and did not locate any other written communications (that are not emails) that are responsive to Request Nos. 6, 8 and 10 of ACLUM's records request.

11. However, in the event that any other such written communications are located, the BCSO will submit a further response regarding such.

12. With respect to the search for emails communications, ACLUM has not yet provided the BCSO with search terms to be used to search for the requested emails and has informed the Court that it will wait until a Status Conference is held in this action to do so.

13. The BCSO has been and is prepared to work in good faith with the ACLUM to search for email communications without delay.

14. With respect to the investigation by the Massachusetts Senate Committee on Post Audit and Oversight (“Senate”) of the May 1, 2020 Incident, the Senate notified the BCSO on January 13, 2021 that the Senate has closed its investigation of the Incident.

15. The investigation of the May 1, 2020 Incident by the Office of the Inspector General (“OIG”) for U.S. Department of Homeland Security is ongoing and the BCSO has no further information regarding the status of the OIG’s investigation.

Signed under the penalties and pains of perjury the 14th day of January, 2021.

/s/ Lorraine J. Rousseau, Esq.

Lorraine J. Rousseau, Esq.