

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**

**DEFENDANT'S SECOND RESPONSE TO SECOND ORDER
ON PLAINTIFF'S REQUEST FOR INJUNCTIVE RELIEF**

The Defendant, Bristol County Sheriff's Office ("BCSO"), respectfully submits this Second Response to the Court's Second Order on Plaintiff's Request for Injunctive Relief 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' ("ACLU") public records request. In its Second Order, 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").

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.

Pursuant to the BCSO's [First] Response to the Court's Second Order, dated December 23, 2020, 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. 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.

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

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

Further, 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. However, 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.

The BCSO submits the Affidavit of Lorraine J. Rousseau attesting to the foregoing information in further response to the Court's Second Order and the ACLUM's Records Request Nos. 6, 8 and 10.

Date: January 14, 2021

Respectfully submitted,

The Defendant,

By its attorney,

/s/ Lorraine J. Rousseau

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The Defendant,

By its attorney,

/s/ Robert C. Heroux

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CERTIFICATE OF SERVICE

I, Lorraine J. Rousseau, Esq., hereby certify that on this 14th day of January, 2021, I have caused a copy of this response and Affidavit of Lorraine J. Rousseau to be served by email transmission to:

Christopher E. Hart, Esq. at CHart@foleyhoag.com;
Nicholas Anastasi, Esq. at NAnastasi@foleyhoag.com;
Matthew Segal, Esq. at MSegal@aclum.org;
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/s/ Lorraine J. Rousseau
Lorraine J. Rousseau, Esq.