

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO. 2084CV01035

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

**DEFENDANT'S SURREPLY TO PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S REQUEST FOR INJUNCTIVE RELIEF**

The Defendant Bristol County Sheriff's Office ("BCSO") hereby submits this surreply to Plaintiff American Civil Liberties Union of Massachusetts' ("ACLU") Reply to Defendants' Opposition to Plaintiff's Request for Injunctive Relief. A hearing was held on June 9, 2020 on Plaintiff's request for injunctive relief, pursuant to which Plaintiff seeks the immediate release under the Massachusetts Public Records Law of all BCSO records relating to a violent disturbance on May 1, 2020 by United States Immigration and Customs Enforcement ("ICE") detainees being in held in the BCSO's C. Carlos Carreiro Detention Center. ICE is an Operational and Support Component of the United States Department of Homeland Security ("DHS").<sup>1</sup> The violent disturbance by ICE detainees resulted in extensive property damage and injury to BCSO employees and ICE detainees ("Incident"). The Defendant submits the attached Affidavit of Lorraine J. Rousseau, Esq., in support of this surreply.

In addition to the BCSO conducting its own internal criminal investigation, which has been ongoing since May 1<sup>st</sup>, the Inspector General of the Department of Homeland Security ("IG") and the Massachusetts Attorney General ("AG") have both undertaken independent

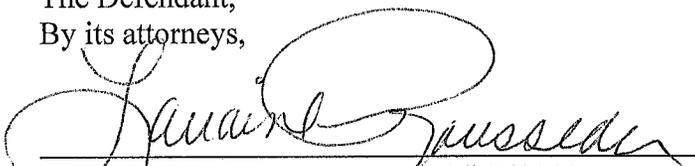
<sup>1</sup> <https://www.dhs.gov/operational-and-support-components>.

investigations of this matter. These independent investigations, are to the best of our knowledge, still ongoing as well. During the hearing, the Court inquired regarding whether the Defendant possessed documentary records evidencing these independent investigations by the IG and AG not previously submitted with Defendant's Opposition to Plaintiff's Request for Injunctive Relief. Further, the Court inquired regarding whether the BCSO was conducting its own investigation regarding the Incident.

Pursuant to the Court's inquiry, the following documents are provided. Following the Incident, the IG notified the BCSO on May 4, 2020 that it was opening an investigation into the riot that took place on May 1, 2020. (Ex. A). Further, on or about May 4, 2020, the AG contacted the BCSO to discuss the Incident and their intention to investigate the Incident. On May 5, 2020, the AG submitted a request for records relating to the Incident and its investigation. (Ex. B). (See Affidavit of Lorraine J. Rousseau, Esq.).

Date: June 12, 2020

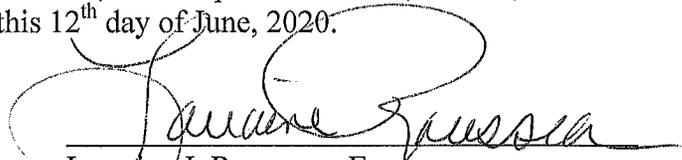
Respectfully submitted,  
The Defendant,  
By its attorneys,



Lorraine J. Rousseau, Esq., BBO# 561989  
Robert C. Heroux, Esq., BBO# 553904  
Special Assistant Attorneys General  
Bristol County Sheriff's Office  
400 Faunce Corner Road  
North Dartmouth, MA 02747  
Tel. (508) 995-1311; Fax (508) 995-7835  
[LorraineRousseau@bcso-ma.org](mailto:LorraineRousseau@bcso-ma.org)  
[RobertHeroux@bcso-ma.org](mailto:RobertHeroux@bcso-ma.org)

CERTIFICATE OF SERVICE

I, Lorraine J. Rousseau, Esq., hereby certify that I have caused a copy of Defendant's Surreply to Plaintiff's Reply to Defendant's Opposition to Plaintiff's Request for Injunctive Relief to be served by email transmission to Christopher Hart, Esq., Foley Hoag, LLP, Seaport West, 155 Seaport Boulevard, Boston, MA 02210-2600 at CHart@foleyhoag.com, and to Nicholas Anastasi, Esq., Foley Hoag, LLP, Seaport West, 155 Seaport Boulevard, Boston, MA 02210-2600 at NAnastasi@foleyhoag.com on this 12<sup>th</sup> day of June, 2020.

  
Lorraine J. Rousseau, Esq.

EX. A

**Sheriff Thomas Hodgson**

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**From:** Robert Perry  
**Sent:** Wednesday, May 06, 2020 10:48 AM  
**To:** Sheriff Thomas Hodgson  
**Subject:** FW: Request for video surveillance and Incident reports

Sheriff Hodgson, This is the e-mail request from DHS OIG requesting information. I also have forwarded this to Supt. Souza.

Thank You

Captain Robert T. Perry, Jr.  
Special Investigations Unit  
Bristol County Sheriff's Office  
400 Faunce Corner Road  
North Dartmouth, MA 02747  
(508) 995-1311 ext. 2514  
(508) 995-3507 fax  
[robertperry@bcso-ma.org](mailto:robertperry@bcso-ma.org)

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**From:** Gittens, Matthew [mailto:Matthew.Gittens@oig.dhs.gov]  
**Sent:** Monday, May 4, 2020 2:37 PM  
**To:** Robert Perry  
**Subject:** Request for video surveillance and Incident reports

Captain Perry,

Per our conversation this morning, my office will be opening an investigation regarding the riot that took place this past weekend. I would like to request any incident reports, medical reports, and video surveillance that your office might have. Also, can you confirm whether the individuals have been quarantined.

Thank you,

Matt

Matthew P. Gittens  
Special Agent  
Department of Homeland Security  
Office of Inspector General  
(609) 358-2103 (C)



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

Ex B

(617) 727-2200  
(617) 727-4765 TTY  
www.mass.gov/ago

May 5, 2020

Via Email

Robert Novack  
General Counsel  
Bristol County Sheriff's Office  
400 Paunce Corner Road  
North Dartmouth, MA 02747

Re: Recent Incident at Unit B of the C. Carlos Carreiro Immigration Detention Center

Dear Mr. Novack:

Based on reports of the incident that occurred on Friday May 1, 2020 in Unit B of the C. Carlos Carreiro Immigration Detention Center (the "Incident"), the Attorney General's Office asks that you produce the following:

1. All video or audio recordings of the interior or exterior spaces of Unit B of the Detention Center between the hours of 12:00 pm and 11:59 pm on May 1, 2020. This request includes any recordings captured by surveillance cameras or by any recording device, including camcorders or cell phone footage, in the possession, custody, or control of any Bristol County Sheriff's Office ("BCSO") officer or employee.
2. Recordings of all telephone calls by any detainee housed in Unit B of the Detention Center between 12:00 pm on May 1, 2020 and 11:59 pm on May 3, 2020.
3. The name and title for each BCSO staff member or employee who was on duty in Unit B on May 1, 2020 or who responded to, participated in, provided support or consultation for, or was present for any part of the Incident.
4. The names of all detainees or other individuals who were present in the Detention Center on May 1, 2020, and specification as to which of those individuals were present in Unit B on that day.
5. All incident reports or other documentation pertaining to the Incident.

We also ask that you please continue to take all necessary steps to preserve all documents and information that may be relevant to this matter.

We appreciate your cooperation in this matter and ask that you produce the requested materials on or before May 11, 2020. Please contact me if you have questions relating to any of the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Taylor", with a long horizontal flourish extending to the right.

Abigail Taylor  
Assistant Attorney General  
(617) 963-2232  
abigail.taylor@mass.gov

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO. 2084CV01035

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

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 ("BCSO").
3. This affidavit is submitted in support of the Defendant's Surreply to Plaintiff's Reply to Defendants' Opposition to Plaintiff's Request for Injunctive Relief.
4. A hearing was held on June 9, 2020 on Plaintiff American Civil Liberties Union of Massachusetts' request for injunctive relief, pursuant to which Plaintiff seeks the immediate release under the Massachusetts Public Records Law of all BCSO records relating to a violent disturbance on May 1, 2020 by United States Immigration and Customs Enforcement ("ICE") detainees being in held in the BCSO's C. Carlos Carreiro Detention Center.
5. The violent disturbance by ICE detainees resulted in extensive property damage and injury to BCSO employees and ICE detainees ("Incident").
6. The BCSO has been conducting its own internal criminal investigation of the Incident, which has been ongoing since May 1, 2020.
7. The Inspector General of the Department of Homeland Security ("IG") and the

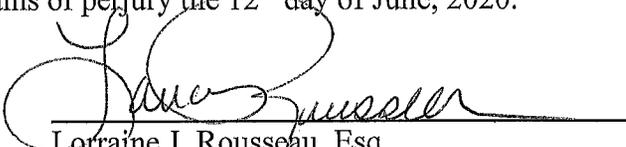
Massachusetts Attorney General (“AG”) have both undertaken independent investigations of the Incident.

8. Following the Incident, the IG notified the BCSO on May 4, 2020 that it was opening an investigation into the riot that took place on May 1, 2020.

9. On May 5, 2020, the AG submitted a request for records relating to the Incident and its investigation.

10. These independent investigations are, to the best of our knowledge, still ongoing as well.

Signed under the penalties and pains of perjury the 12<sup>th</sup> day of June, 2020.

  
Lorraine J. Rousseau, Esq.