



155 Seaport Blvd  
Boston, MA 02210

617.832.1000 main  
617.832.7000 fax

Nicholas L. Anastasi  
617-832-1241 direct  
nanastasi@foleyhoag.com

May 8, 2020

**Via Electronic Mail**

Jimmy Wolfrey  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. AVE SE  
Washington, DC 20528-065  
Phone: 202-343-1743 or 866-431-0486  
Fax: 202-343-4011  
E-mail: foia@hq.dhs.gov

Freedom of Information Act Office  
500 12th Street, SW, Stop 5009  
Washington, D.C. 20536-5009  
FOIA Officer: Fernando Pineiro  
FOIA Requester Service Center Contact: Fernando Pineiro  
Phone: 866-633-1182  
Fax: 202-732-4265  
E-mail: ice-foia@dhs.gov

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, D.C. 20528-0305  
FOIA.OIG@oig.dhs.gov

Re: FOIA Request

May 8, 2020

Page 2

To whom it may concern:

This firm represents the ACLU of Massachusetts, Inc. (“ACLUM”). This letter constitutes a request pursuant to the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, submitted on behalf of the ACLUM.

On May 1, 2020, the Bristol County Sheriff’s Office (“BCSO”) released a letter purporting to describe an incident that occurred that day at the BCSO’s immigration detention facility (the “Incident”). *See* Ex. A. According to the BCSO, the Incident involved a confrontation between BCSO personnel and immigration detainees in the B Wing of the detention facility that escalated to physical violence. BCSO personnel evidently used force to restrain the detainees, and three detainees were hospitalized.

After the Incident, Bristol County Sheriff Thomas M. Hodgson made a series of public assertions regarding the sequence of events. For example, on or about May 2, 2020, Sheriff Hodgson gave a press conference in which he purported to describe the Incident.<sup>1</sup> Among other things, Sheriff Hodgson stated that the Incident began no later than 5:20 p.m. He appeared to assert that he was personally present in the B Wing during at least part of the Incident, and that he personally initiated the use of force against a non-violent detainee by, at least, attempting to forcibly remove a telephone from the detainee’s hand. Sheriff Hodgson also appeared to express personal animus towards that detainee, calling him “the ringleader of all these people” and referring to him multiple times as a “con man.” Sheriff Hodgson further stated “we have it all on film.”

Conflicting reports of the Incident have emerged. For example, news organizations have published audio recordings purportedly made during the Incident, in which a detainee stated that Sheriff Hodgson “attacked” him, and in which detainees assert that tear gas and pepper spray were deployed against them.<sup>2</sup> Sheriff Hodgson has made a series of additional public statements, including apparently on Twitter, Facebook, and the radio, addressing these allegations and denying certain of them. *See* Exs. B, C, & D.

We understand that certain documents and other records concerning the Incident, or copies thereof, may have been transmitted to the U.S. Department of Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”), and/or the Inspector General for the U.S. Department of Homeland Security (“DHS OIG”). We also understand that these entities may have exchanged written correspondence with the BCSO concerning the Incident. Consequently, we are submitting this request for audiovisual recordings, documents, and other records concerning the Incident.

Please provide the following records in your custody or control:

1. All audio and visual recordings of or concerning the Incident, including but not limited to recordings from any and all installed cameras, handheld or mobile

---

<sup>1</sup> <https://www.facebook.com/nbc10/videos/live-bristol-county-sheriff-thomas-hodgson-delivers-a-press-conference-regarding/931771247283424/>

<sup>2</sup> <https://commonwealthmagazine.org/immigration/recordings-of-detainees-at-bristol-jail-released/>

cameras, mobile phones, and body cameras. We understand this would include, but is not limited to, all audio and visual recordings of the B Wing of the BCSO's immigration detention facility, and events taking place therein, from 4:00 p.m. to midnight on May 1, 2020.

2. All still photographs of or concerning the Incident.
3. All reports and other records prepared by BCSO's employees, agents, and contractors concerning the Incident, including, but not limited to, reports describing the Incident, and any reports describing the BCSO's response to the Incident (including any reports documenting or concerning any use of force, chemical agents, and/or ammunition).
4. All records collected, made, or prepared during any investigation of the Incident by the BCSO, and a complete copy of any investigation file concerning the Incident.
5. All records containing any findings, conclusions, recommendations, or other results of any investigation by the BCSO concerning the Incident.
6. All reports and other records prepared by DHS, ICE, or DHS OIG concerning the Incident, including, but not limited to, reports describing the Incident, and any reports describing the any response to the Incident (including any reports documenting or concerning any use of force, chemical agents, and/or ammunition).
7. All records collected, made, or prepared during any investigation of the Incident by DHS, ICE, or DHS OIG, and a complete copy of any investigation file concerning the Incident.
8. All records containing any findings, conclusions, recommendations, or other results of any investigation by DHS, ICE, or DHS OIG concerning the Incident.
9. All records containing communications between the BCSO (including Sheriff Hodgson and BCSO employees), on the one hand, and DHS, ICE, or DHS OIG, 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 documents, audio and visual recordings, and other records concerning the Incident provided by the BCSO to DHS, ICE, or DHS OIG.
11. All communications concerning the incident, including electronic mail, from DHS, ICE, or DHS OIG to any other office, agency, or department of the federal government, including the Executive Office of the President.

If this request is denied in whole or in part, we ask that you justify all withholding and redaction by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver. Our client, ACLUM, is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national

May 8, 2020

Page 4

ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website<sup>3</sup> and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representation of the news media. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *Nat's Security Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989).

With respect to the form of production, we request that responsive electronic records be provided electronically in their native file format, to the maximum extent possible. Paper records may be scanned and provided in static-image format (PDF). Please provide copies of entire correspondence in relevant searches, including any and all documents or attachments that were included or forwarded. Records should include but not be limited to electronic correspondence transmitted via computer, laptop, mobile phone and other electronic devices, and should include but not be limited to any emails in which an employee was the direct recipient, CC recipient, BCC recipient and/or listserv recipient. All images in any email should be downloaded and viewable before being copied.

**Thank you for your assistance. Please do not hesitate to contact me if I can clarify any part of this request.**

Sincerely,

*/s/ Nicholas L. Anastasi*

Nicholas L. Anastasi

cc: Christopher E. Hart, Esq.  
Daniel L. McFadden, Esq.  
Kristin M. Mulvey, Esq.

---

<sup>3</sup> [www.aclum.org](http://www.aclum.org)

# EXHIBIT A



**Bristol County Sheriff's Office**

@BristolSheriff

Community Advisory: Group of ICE detainees in Bristol County reported multiple COVID symptoms Friday but refused to get tested and ultimately trashed the facility, attacked officers and caused thousands in damages.



THOMAS M. HODGSON  
SHERIFF

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE

BRISTOL COUNTY SHERIFF

400 Frances Corner Road  
Dartmouth, MA 02747-1275  
TEL: (508) 995-1311  
FAX: (508) 995-7835  
BOSTON: (617) 554-0122  
WWW.ECSO-MA.GOV

#### ICE Detainees Refuse COVID Testing, Trash Unit in Disturbance

DARTMOUTH — ICE detainees at the C. Carlos Carreiro Immigration Detention Center at the Bristol County Sheriff's Office caused more than \$25,000 worth of damage in a disturbance Friday evening.

On Friday, a group of about 10 detainees in the B Wing of the detention center reported to medical personnel having multiple symptoms of COVID-19. The detainees refused to get tested for COVID-19, then when notified they were required to be tested because of reporting symptoms, rushed violently at Sheriff Thomas M. Hodgson and corrections officers, barricaded themselves inside the facility, ripped washing machines and pipes off the wall, broke windows and trashed the entire unit.

Bristol County Sheriff's Office corrections officers, special response team members and the K9 unit entered the facility and were attacked by the ICE detainees. The Bristol County security team was able to quickly gain control of the wing and restrain the detainees.

No Bristol County personnel were injured in the incident. Three ICE detainees were transported to the hospital; one for symptoms of a panic attack, one for a pre-existing medical condition and another for a medical incident after being removed from the ICE wing. All three are expected to be fine.

"This all started because a group of 10 detainees each reported having at least two symptoms of COVID-19," Sheriff Hodgson said. "The health care professionals told them they had to be tested in the medical unit because of the reported symptoms. The detainees refused to go to the medical unit for testing. Our medical team alerted me, and I advised the detainees that for their health and the health of their fellow detainees and our staff, they needed to be tested at the medical unit. The detainees refused to comply, became combatant and ultimately put the lives of themselves and many Bristol County officers at risk with their reckless actions.

"I want to commend our medical professionals and our security team for their amazing work for quickly resolving the disturbance."

The damage to the Ice B Wing is extensive. Detainees have been moved to single cells in the special housing unit pending disciplinary action, COVID-19 testing and criminal charges.

10:03 PM · May 1, 2020 · [Twitter Web App](#)

47 Retweets 32 Likes

<https://twitter.com/BristolSheriff/status/1256404027925041152>

# EXHIBIT B



**Sheriff Thomas Hodgson**  
@SheriffHodgson



Of all the lies and fiction being peddled by political activist attorneys about Friday's incident at [@BristolSheriff](#) ICE facility, saying I threw a detainee to the ground and pepper sprayed him is the most ridiculous and absurd.



Lawyer: Hodgson Assaulted ICE Detainee Ahead of Violent Conflict  
Atty. Ira Alkalay says the Bristol County Sheriff precipitated the chaotic conflict that left the North Dartmouth ICE lockup with \$25,000 worth of ...  
[wbsm.com](#)

2:39 PM · May 4, 2020 · [Twitter for iPhone](#)

<https://twitter.com/SheriffHodgson/status/1257379339542421507>



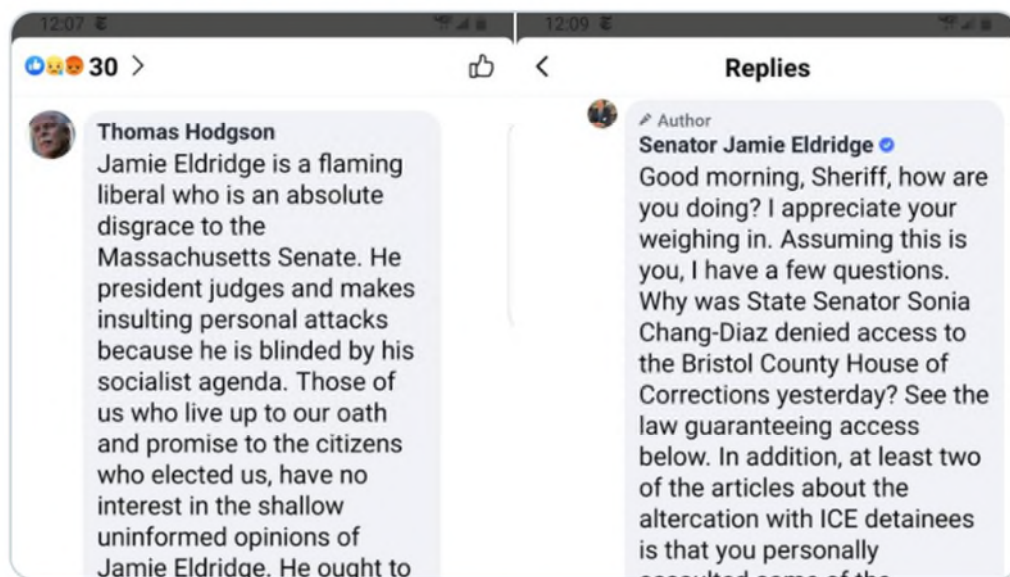
# EXHIBIT C



**Jamie Eldridge** ✓  
@JamieEldridgeMA



If you remain disturbed by the altercation between [@SheriffHodgson](#) & [#immigrant](#) [#ICE](#) detainees on Friday night, Sheriff Hodgson has commented on my Senate Facebook page, please weigh in there or here on Twitter [#mapoli](#) [#maleg](#) [facebook.com/SenatorJamieEl...](https://www.facebook.com/SenatorJamieEl...)



12:27 PM · May 3, 2020 from [Acton, MA](#) · [Twitter for Android](#)

**24** Retweets **61** Likes

<https://twitter.com/JamieEldridgeMA/status/1256983819778916353>

# EXHIBIT D

↳ Sheriff Thomas Hodgson Retweeted



**Christopher McCarthy**

@Chris\_topher\_Mc

Bristol County Sheriff Tom Hodgson will join be on "The Chris McCarthy Show" on [@WBSM1420](#) radio at 10am tomorrow to discuss illegal alien attacks on him and his staff [@BristolSheriff](#) [@SheriffHodgson](#) [@realDonaldTrump](#) stream live



1420 WBSM – New Bedford's News, Talk and Sports Radio

WBSM News Talk Sports Radio has the best news and sports coverage in New Bedford, Massachusetts.

[wbsm.com](#)

8:29 PM · May 3, 2020 · [Twitter for iPhone](#)

4 Retweets 9 Likes

[https://twitter.com/Chris\\_topher\\_Mc/status/1257105110288814083](https://twitter.com/Chris_topher_Mc/status/1257105110288814083)