

Congress of the United States
Washington, DC 20510

February 19, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Dear Secretary Mayorkas and Acting Director Johnson:

We write to ask that U.S. Immigration and Customs Enforcement (ICE) swiftly terminate its Inter-Governmental Service Agreement (IGSA) and its 287(g) Memorandum of Agreement with the Bristol County Sheriff's Office in Massachusetts.

The Bristol County Sheriff's Office detains people on behalf of ICE at the Bristol County House of Correction in North Dartmouth, Massachusetts. On May 1, 2020, there was a violent altercation between Sheriff's Office personnel and detainees.¹ The incident followed detainees' expression of concerns about contracting COVID-19 in the facility.²

The Massachusetts Attorney General's Office conducted an investigation of the May 1 incident and made a number of concerning findings,³ including that the Bristol County Sheriff's Office "violated the civil rights of the detainees on May 1 by using excessive force against the ICE B detainees and by acting with deliberate indifference to a substantial risk of serious injury

¹ See, e.g., CommonWealth, "Bristol County immigration detention unit melts down," Sarah Betancourt, May 1, 2020, <https://commonwealthmagazine.org/health/bristol-county-immigration-detention-unit-melts-down/>.

² Letter from Detainees to Bristol County Sheriff's Office, U.S. Immigration and Customs Enforcement, et. al, March 18, 2020, <https://d279m997dpfwgl.cloudfront.net/wp/2020/03/BHOC-EMERGENCY.pdf>.

³ Office of the Massachusetts Attorney General Civil Rights Division, "Investigation into the Events of May 1, 2020 at the C. Carlos Carreiro Immigration Detention Center, Unit B, Bristol County Sheriff's Office," December 15, 2020, <https://www.mass.gov/doc/ago-report-into-bcso-response-to-may-1-disturbance/download>. The DHS Office of Inspector General is also conducting an investigation of the incident, as requested by the Massachusetts congressional delegation and a number of our colleagues. Office of Senator Elizabeth Warren, "Warren, Markey, Keating, Kennedy, Colleagues Seek Federal Investigation of Violent Incident at Bristol County Jail," press release, May 6, 2020, <https://www.warren.senate.gov/oversight/letters/warren-markey-keating-kennedy-colleagues-seek-federal-investigation-of-violent-incident-at-bristol-county-jail>.

or harm to the detainees and their health.”⁴ The Massachusetts Attorney General’s Office recommended that “DHS should terminate its IGSA and 287(g) agreement with the” Bristol County Sheriff’s Office.⁵ We agree, and we ask you to implement this recommendation without delay.

In addition, the Massachusetts State Senate conducted an investigation and concluded that the Bristol County Sheriff’s Office “violated applicable state law and their own policies and procedures when they denied” entry to a Massachusetts State Senator who attempted to conduct lawful oversight after the altercation.⁶ Importantly, the Bristol County Sheriff’s Office declined to cooperate with this investigation.⁷

We are highly concerned that the rights and health of people detained on behalf of ICE at the Bristol County House of Correction remain in jeopardy, and that the Bristol County Sheriff’s Office’s track record amply demonstrates that ICE should terminate its agreements with it. ICE can end its IGSA with the Bristol County Sheriff’s Office by providing written notice 60 days in advance of the termination.⁸ ICE should do so. In addition, we urge you to prohibit the transfer of any other detainees into the facility during that 60-day period.

We also understand that the Trump Administration might have taken steps to make it more difficult to terminate 287(g) Memoranda of Agreement, and that this is the case for the 287(g) Memorandum of Agreement with the Bristol County Sheriff’s Office.⁹ We urge you to investigate the legality of the Trump Administration’s efforts (as is consistent with President Biden’s executive order of “a full review of the previous administration’s harmful and counterproductive immigration policies, basically across the board”¹⁰), to seek to terminate the 287(g) Memorandum of Agreement with the Bristol County Sheriff’s Office as quickly as possible, and to prohibit the transfer of any other detainees into the facility while the 287(g) Memorandum of Agreement remains in force.

⁴ Office of the Massachusetts Attorney General Civil Rights Division, “Investigation into the Events of May 1, 2020 at the C. Carlos Carreiro Immigration Detention Center, Unit B, Bristol County Sheriff’s Office,” December 15, 2020, p. 24, <https://www.mass.gov/doc/ago-report-into-bcso-response-to-may-1-disturbance/download>.

⁵ *Id.* at p. 54.

⁶ Massachusetts Senate Committee on Post Audit and Oversight, “Report of the Senate Committee on Post Audit and Oversight Concerning a Visit to the Bristol County House of Corrections by a Member of the Massachusetts State Senate on May 2, 2020,” December 18, 2020, p. 4, <https://archives.lib.state.ma.us/bitstream/handle/2452/836403/on1227625748.pdf>.

⁷ *Id.*

⁸ Inter-Governmental Service Agreement between the DHS ICE Office of Detention and Removal and the Bristol County Sheriff’s Office, September 27, 2007, Article VIII, <https://www.ice.gov/doclib/foia/isa/bristolcounty.pdf>.

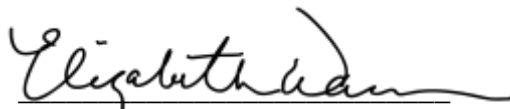
⁹ Memorandum of Agreement, 287(g) Jail Enforcement Model, between DHS ICE Enforcement and Removal Operations, and the Bristol County Sheriff’s Office, June 8, 2020, https://www.ice.gov/doclib/287gMOA/287gJEM_BristolCoMA_06-08-2020.pdf.

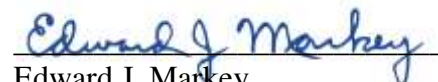
¹⁰ White House, “Remarks by President Biden at Signing of Executive Orders Advancing His Priority to Modernize Our Immigration System,” February 2, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/02/remarks-by-president-biden-at-signing-of-executive-orders-advancing-his-priority-to-modernize-our-immigration-system/>; Executive Order 14012, February 2, 2021, <https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts>.

As of the end of last month, there were 17 people still held in immigration detention at the Bristol County House of Correction. Given the small size of the remaining detainee population, we expect that their release from this facility can be easily accomplished without transferring them to faraway facilities, and alternatives to detention should be considered.


President Biden has made clear that the United States must “adhere to due process of law as we safeguard the dignity and well-being of all families and communities. My Administration will reset the policies and practices for enforcing civil immigration laws to align enforcement with these values and priorities.”¹¹ Terminating ICE’s IGSA and its 287(g) Memorandum of Agreement with the Bristol County Sheriff’s Office in Massachusetts is an important way to achieve that goal. We respectfully request that you take this step immediately.

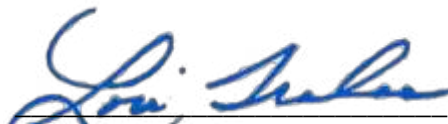
Sincerely,


Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator


William R. Keating
Member of Congress

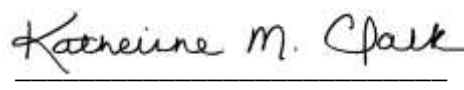

James P. McGovern
Member of Congress



Lori Trahan
Member of Congress


Ayanna Pressley
Member of Congress


Jake Auchincloss
Member of Congress


Seth Moulton
Member of Congress


Katherine Clark
Member of Congress


Richard E. Neal
Member of Congress

¹¹ Executive Order 13993, January 20, 2021, <https://www.federalregister.gov/documents/2021/01/25/2021-01768/revision-of-civil-immigration-enforcement-policies-and-priorities>.