

September 23, 2021

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Boston Field Office  
U.S. Department of Homeland Security  
1000 District Avenue  
Burlington, MA 01803

Sheriff Joseph D. McDonald  
Plymouth County Sheriff's Department  
24 Long Pond Road  
Plymouth, MA 02360

***Re: Releasing Individuals in ICE Custody Due to Conditions at Plymouth County Correctional Facility***

Director Lyons and Sheriff McDonald:

In view of the inadequate conditions at the Plymouth County Correctional Facility (PCCF), which have been exacerbated by the COVID-19 pandemic, we, the undersigned organizations, urge ICE's Boston Enforcement and Removal Operations (ERO) and the Plymouth County Sheriff's Department (PCSD) to release immigrants in ICE custody at PCCF and terminate the Intergovernmental Service Agreement (IGSA) between ICE and PCCF. Releasing individuals and terminating said contracts are the only remedies that can fully address the critical health risks posed by COVID-19 within PCCF and the resulting deprivations of liberty and legal rights faced by immigrants in ICE custody. In the interim, it is imperative that PCCF and ICE take the steps identified in this letter to mitigate the harmful conditions faced by individuals in their custody.

As organizations that work in support of immigrant communities and/or provide legal representation to detained immigrants throughout Massachusetts and New England, we are aware of and deeply concerned with the inadequate conditions and patterns of mistreatment that detained immigrants at PCCF frequently report.

**Reported conditions include:**

- **Lack of appropriate and timely medical, mental health, and substance use disorder services:** Detained individuals often report waiting several weeks, and sometimes several months, to receive medical attention, including initial and follow-up evaluations, examinations, treatment, surgery, and physical therapy. Some individuals who arrive at PCCF on prescriptions for existing medical or mental health conditions report their medications being discontinued without notice. Others who are dealing with long-term and potentially life-threatening medical issues, like Hepatitis-C, are denied treatment altogether. Repeatedly, individuals dealing with pre-existing and developed mental health issues, or substance use disorder, complain about the nonexistence of any robust support

services. Current mental health services are limited to irregular, brief and perfunctory check-ins with social workers that consist of asking the distressed individual whether they are considering harming themselves or others. Out of fear of being placed in medical isolation, as has occurred in some cases, detained individuals are unsurprisingly wary of sharing their intimate thoughts and emotions. This results in compounded mental trauma. Similarly, individuals suffering from substance use disorders are not provided with any programming or treatments.

- **Irregular and deficient COVID-19 protocols:** The current protocols on COVID-19 fail to adequately address the complexities and urgency of this public health crisis. Newly arrived individuals and currently detained individuals who travel outside of PCCF report not being tested or offered a vaccine upon entry into PCCF. Many correctional staff members are unvaccinated and others habitually avoid wearing masks when interacting with detained individuals. For several months, detained individuals reported being subjected to 26 hour lockdowns. Although those restrictions were recently lifted, detained individuals report living in increasingly crowded conditions as the detained population at PCCF grows as a result of local enforcement operations and transfers from out of state.
- **Exceedingly limited access to and prohibitively expensive phone calls, eroding access to attorneys and family:** It is fairly common for adding a phone number to an individual's approved caller list to take several weeks. Some detained individuals also experience having phone numbers for family members or support networks blocked without reason. Costs for collect phone calls, often borne by family members, are exorbitantly high. For unrepresented individuals, who often rely on their support networks to help them seek legal representation, limited access to phone calls has serious ramifications, including potential deportation. Individuals who have legal representation often do not fare much better. That is because attorneys frequently have trouble contacting detained individuals in a timely manner using the collect call system. For example, attorneys cannot initiate a phone call with their clients and must try to schedule phone calls in advance, even in circumstances where timely information is needed. The inability to initiate calls to clients is equally burdensome when attorneys require the assistance of an interpreter to speak with their clients. In the face of these obstacles, attorneys are pressured to communicate with their clients using a private internet-based conferencing system that could cost hundreds of dollars.
- **Other attorney access and confidentiality issues:** Attorneys report facing difficulty communicating in-person with their clients in an orderly, simple and confidential way. For over a year, attorneys have not been permitted to have contact visits with their clients. Therefore, their only manner of meeting with their client has been through a glass barrier, using a telephone. Attorneys and clients report facing difficulty hearing one another via the use of these phones. Attorneys, who unsuccessfully try to communicate via phones that do not function properly, or at all, must yell to their clients, hindering their ability to have confidential conversations. Further, attorneys are unable to review documents in person with their clients. Instead, they must give confidential documents to a PCCF staff member, to then pass on to clients for their signatures. Additionally, it is not possible for

attorneys to leave documents with their clients. All documents for receipt by clients must be sent through the mail which can take a very long time. Considering that attorneys must often attend hearings and submit court filings within a short period of time, the inability to quickly and confidentially share documents with clients can be extremely detrimental to the client's case.

- **Limited access to legal resources and materials:** Individuals in ICE custody at PCCF have inadequate access to computers, printers, legal materials, and stationary materials for preparing court filings. The computers that do exist do not contain software or information related to immigration law or their particular immigration cases.
- **Phone numbers required by law to be accessible, in order to report civil rights violations, are frequently blocked:** On numerous occasions detained individuals reported that anonymous phone calls to hotlines offered by investigative entities, such as the Office for Civil Rights and Civil Liberties (CRCL) or the Department of Homeland Security Prison Rape Elimination Act (PREA) are blocked by PCCF.
- **Retaliation and threatened retaliation against individuals who grieve their concerns:** After instances where detained individuals are able to report civil rights violations, they are often approached and harassed by correctional staff for submitting formal complaints against PCCF. A similar pattern plays out when individuals complain about their conditions using internal mechanisms, such as the grievance process, or other means. They are threatened with being placed in solitary confinement, transferred out of state or deported, among other things.
- **Physical and verbal abuse, including discriminatory conduct:** On a number of occasions, detained individuals have reported physical violence by correctional officers against them or other detained individuals. During a recent incident, correctional officers reportedly dragged an older man out of his cell, despite being told by other detained individuals that the man was having trouble communicating in English. Correctional staff handcuffed him, sat him in a disciplinary restraint chair, covered his mouth, tied his arms and legs, put a covering over his face and proceeded to kick him. It is also common to hear complaints that correctional officers refer to detained immigrants using racial epithets and other xenophobic and discriminatory terms.
- **Insufficient access to hot water:** Throughout the pandemic, detained immigrants have not had sufficient access to hot water. Until recently, they relied on a faucet in the mop closet as their only source of hot water. After receiving complaints about the lack of hot water, PCCF installed a hot water machine. The machine was reportedly installed in replacement of the only private toilet that existed in the recreation room for that particular unit.
- **Inadequate interpretation and translation services for English Language Learners:** We have received reports of English Language Learners not being provided with interpreters on multiple occasions, including during admission/intake, disciplinary

proceedings and medical visits. As a result, detained ELL immigrants often rely on other bilingual detained individuals to interpret or translate for them. Since facility documents, readings materials, news broadcasting and other posted materials are typically provided in English, it is difficult for ELL detained individuals to properly address day to day tasks or comprehend important information that may be relevant to their safety, health, or legal rights.

- **Inattention to religious needs:** Individuals who practice non-Christian religions, such as Islam, report lack of proper diets and other religious accommodations, including not having access to Halal food, Muslim reading materials and religious services conducted by an Imam.
- **Cursory ICE inspections allow PCCF to circumvent constitutional, statutory and regulatory requirements.** Inspections of ICE detention conditions are ineffective at identifying pervasive and troubling conditions in detention at PCCF. This is typically because inspectors engage in pre-planned, brief and perfunctory reviews of PCCF. Immigrants detained at PCCF often report the implementation of new practices immediately preceding an announced inspection. This includes, but is not limited to, 1) Changes in staffing, 2) Unblocking of phone numbers, and 3) Cleaning the facility in manners which do not typically occur. Moreover, detained immigrants report being threatened by correctional staff to not report conditions that would reflect poorly upon PCCF. When inspectors visit PCCF they are usually guided and accompanied by a PCCF staff member and they seldom engage in private, thorough interviews with detained individuals.

### **Immediate Demands**

In light of these conditions, and others, we believe that the most effective manner to respond to the ongoing COVID-19 crisis and the general conditions at PCCF is to:

- **Release of all individuals detained in ICE custody.** This includes using discretionary power to release all immigration detainees or using community-based alternatives to detention methods.
- **Terminate the Intergovernmental Service Agreement (IGSA) between ICE and PCCF.** Although PCCF is terminating their 287(g) contract with ICE, hundreds of immigrants are still subject to detention and poor conditions at PCCF.
- **Halt all ICE transfers from facility-to-facility and to/from out-of-state locations** in order to prevent the spread of the coronavirus throughout the U.S. and to safeguard access to local support services, attorneys and family members.

Immediately restoring the physical liberty of those currently in civil custody and guaranteeing the freedom of those who are at risk of detention merely due to their immigration status would support the prevention and management of COVID-19 and promote the health of the community

at large. Ending immigration detention and releasing individuals is critical to public health and community wellbeing.

### **Additional Demands**

In addition to these top priorities above, we urge you to take the following measures:

- **Respond to medical, mental health and substance use disorder issues with urgency, providing affected individuals with appropriate evaluations, examinations, treatment, surgery, and therapy:** Courses of treatment must be evidence-based, available immediately, and in compliance with scientifically-based public health protocols.
- **Eliminate the cost of phone calls and allow for both in-person and video-visitation** between detained individuals and their support networks. Detained immigrants should also be allowed to make unrestricted and anonymous phone calls to hotlines offered by investigative entities.
- **Hold correctional staff accountable for harmful conduct, including physical and verbal abuse, discriminatory conduct and the disregard of COVID-19 safety protocols.**
- **Regularly offer COVID-19 testing to the current ICE population and all new incoming individuals,** as delayed confirmation of cases will be too late to prevent transmission within the population.
- **Offer COVID-19 vaccinations and educational materials to all current and incoming individuals in ICE detention.** The information should be provided in writing *and* by other means since many detained individuals are not fully literate or do not primarily communicate in English.
- **Regularly test staff and volunteers,** considering they regularly travel into and out of PCCF and risk subjecting each other and the detained population to COVID-19 exposure.
- **Require and administer vaccinations against COVID-19 to all PCCF employees.**
- **Provide sufficient hygiene supplies** (soap, masks, sanitizer, etc.) for all detained individuals. The most basic aspect of infection control is hygiene.
- **Make hot water readily accessible in all units.**
- **Eliminate the use of solitary confinement and other forms of prolonged isolation.** Extended lockdowns and prolonged isolation present austere conditions for those incarcerated.

- **Implement language access protocols and provide interpretation and translation services** that are readily available to all ELL individuals during admission and throughout their time in custody.
- **Offer religious accommodations to all detained individuals, including those who practice non-Christian religions.**
- **Allow for independent, unannounced and comprehensive inspections.** Inspections should include private, multilingual interviews with detained individuals and unrestricted access to the immigration housing units, intake and holding cells, segregation/special housing units, medical units, library, kitchen areas, dining areas, family and attorney visitation areas, and recreation spaces. State officials should also have the ability to conduct unannounced visits and interview detained individuals. All efforts should be made to accommodate visits and interviews of detained individuals by non-governmental entities who have interests in protecting the human rights and civil liberties of individuals under ICE custody at PCCF.

This matter is of paramount importance to immigrants, their family members and the well-being of the residents of the Commonwealth and beyond. Accordingly, we ask that you please respond in writing to this letter with detailed plans on how you will respond to the concerns raised in this letter. We ask that you forward your responses, or direct any questions, to [elizabeth@communityjusticeexchange.org](mailto:elizabeth@communityjusticeexchange.org) and [mparedes@plsma.org](mailto:mparedes@plsma.org).

Respectfully,

Boston Immigration Justice Accompaniment Network (BIJAN), Prisoners' Legal Services of MA (PLS), Alianza para Movilizar Nuestra Resistencia (AMOR), Never Again Action Boston, and families/individuals who are directly impacted by ICE detention at PCCF.

*In partnership with the undersigned organizations:*

Boston Liberation Health  
 Massachusetts Bail Fund  
 Jewish Activists for Immigration Justice of Western MA  
 Community Partnerships and Action Team of Old Cambridge Baptist Church  
 IfNotNow Boston  
 Unitarian Universalist Mass Action  
 National Immigration Litigation Alliance  
 SOLACE San Diego  
 Asian American Resource Workshop (AARW)  
 Massachusetts Communities Action Network  
 Beyond Borders/Sin Fronteras of First Parish Cambridge  
 Harvard Graduate School of Education Latinx Alumni Network  
 Central American Students Association at Harvard

Quaker Universalist, Beacon Hill Friends Meeting  
 Student Clinic for Immigrant Justice  
 New Beginnings Reentry Services, Inc  
 Cambridge United for Justice with Peace  
 Immigration Justice Task Force, FP Concord  
 HarborCOV  
 Central West Justice Center  
 Women's International League for Peace & Freedom, Boston branch  
 Charles Hamilton Houston Institute for Race and Justice at Harvard Law School  
 Immigrant Service Providers Group/Health  
 Cape Cod Coalition for Safe Communities  
 ADW Educational Consulting  
 Latin America/Caribbean Working Group of Mass Peace Action  
 Roger Williams University School of Law, Immigration Law Clinic  
 Harvard Immigration and Refugee Clinical Program  
 United Food and Commercial Workers Local 1445  
 League of Women Voters of Massachusetts  
 Grannies Respond  
 The R.I. Center for Justice  
 Rhode Island Working Families Party  
 Dorcas International Institute of RI  
 Providence Student Union  
 First Parish in Brookline  
 RI State Council  
 First Parish of Norwell UU Church  
 Paulist Center Immigrant Advocacy Group  
 Progreso Latino  
 Ocean State Advocacy  
 Sisters of St. Joseph of Boston  
 Unitarian Universalist Service Committee  
 The Immigrant Coalition of Rhode Island (AMOR, Rhode Island Coalition Against Domestic  
 Violence, Dorcas International Institute, Rhode Island Center for Justice, Pro Bono  
 Collaboration, Rhode Island State Council of Churches, Latino Policy Institute)  
 Health and Law Immigrant Solidarity Network  
 Essex County Community Organization  
 Immigrant Family Services Institute  
 Centro Presente  
 The Community Church of Boston  
 Inside the Sun  
 NH Conference United Church of Christ Immigrant and Refugee Support Group  
 The Real Cost of Prisons Project  
 Progressive Massachusetts  
 Massachusetts Coalition for Health Equity  
 Amnesty International Local Group 15  
 Harvard Law School National Lawyers Guild

Massachusetts General Hospital Center for Immigrant Health  
The FANG Collective  
Housing = Health  
Massachusetts's Poor People's Campaign & Massachusetts's Union of the Homeless  
We Got Us: A Community Empowerment Project  
DARE (Direct Action for Rights & Equality)  
True Alliance Center Inc.  
Haitian Americans United Inc.  
Kavod  
Black and Pink MA

CC:

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