

United States Senate

January 3, 2022

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 seek immediate review of the conditions at the Plymouth County Correctional Facility (PCCF) in Plymouth, Massachusetts, which is managed by the Plymouth County Sheriff's Department (PCSD).¹

While PCSD recently announced the termination of its 287(g) contract with Immigration and Customs Enforcement (ICE),² numerous concerns related to detainee treatment and care have been brought to our attention, evidencing PCCF and PCSD's failure to comply with ICE's National Detention Standards (NDS) for Non-Dedicated Facilities.³

The Plymouth County Sheriff's Department detains people on behalf of ICE at PCCF. After ICE terminated immigration-detention agreements with the Bristol and Franklin County, the other Massachusetts jails that previously held immigrant detainees, a number of detainees were transferred to PCCF. Attorneys for immigrant detainees, advocacy groups, and family members of those detained have raised serious concerns related to the treatment and care of detainees at PCCF.

These concerns include lack of access to food and hot water, inadequate medical care, insufficient hygienic maintenance, limited and monitored interactions with counsel, violation of

¹Inter-Governmental Service Agreement between the DHS ICE Office of Detention and Removal and the Plymouth County Sheriff's Department, September 23, 2008. Copy on file with Senator Markey's office.

² Statement of ACLU of Massachusetts on Plymouth County Plan to Terminate 287(g) agreement. ACLU Massachusetts. September 20, 2021

<https://www.aclum.org/en/news/statement-aclu-massachusetts-plymouth-county-plan-terminate-287g-agreement>.

³ 2019 National Detention Standards for Non-Dedicated Facilities. U.S. Immigration and Customs Enforcement. <https://www.ice.gov/detain/detention-management/2019>.

their rights to practice religion, and retaliatory punishment — all of which give us cause for concern about the rights and health of those detained on behalf of ICE at PCCF.

In order to better understand whether PCCF, PCSO, and ICE are fulfilling their responsibility to treat people in their custody fairly and humanely and in compliance with ICE's NDS, we ask that you provide answers to the following questions no later than January 19, 2022:

1. How many meals a day does PCCF provide to detainees? If a detainee does not have access to commissary funds, are detainees still ensured at least two hot meals every day?
 - a. How does staff ensure all food served is fit for consumption?
 - b. Do detainees have access to hot water? If so, what is the process for requesting hot water for meals or drinks?
2. The 2019 NDS states that "all detainees shall have access to appropriate medical, dental, and mental health care, including emergency services." When a detainee requests medical attention or medication (e.g., an inhaler), how long do they wait to receive it? Where does the request go and who approves it? How are requests prioritized?
3. Please identify the hygiene items made available to detainees.
 - a. How often are detainees allowed to cut their nails?
 - b. What type of bathroom facilities are provided for use? Communal or private?
4. Detainees often do not speak English and need translators to communicate. How often are translators made available to detainees?
 - a. In the event that translators are not available, how does the facility ensure detainees can communicate with staff?
 - b. When detainees do not understand staff, are they punished for not obeying orders due to language barriers?
5. When detainees need to communicate with their attorneys, what restrictions are placed on their access to telephones?
 - a. When attorneys visit their clients in person, is attorney-client privilege honored and respected? What spaces are provided so that attorneys and their clients can meet privately?
6. How are detainees of non-Christian faiths accommodated? Are their requests for prayer time and dietary restrictions respected?
7. Are staff required to wear personal protective equipment (PPE) when at work and interacting with detainees?
 - a. How often are the staff and detainee population tested for COVID-19?
 - b. Are all staff members vaccinated?
 - c. Are detainees given the option to be vaccinated? If so, how many detainees are vaccinated?
 - d. Are detainees provided regular access to clean and effective PPE and allowed to safely social distance?
8. Please describe the grievance process and how complaints are addressed. Has PCCF engaged in any retaliation against detainees who have lodged complaints?

We are highly concerned that the rights and health of people detained on behalf of ICE at PCCF remain in jeopardy. Detainees should have access to a safe, dignified, and lawful environment. ICE officials and contractors must be transparent about how they treat people in their custody, and held accountable if they have refused to treat people in their custody consistent with basic human dignity and DHS rules and regulations.

We look forward to hearing from you.

Sincerely,



Edward J. Markey
United States Senator



Elizabeth Warren
United States Senator