

# United States Senate

WASHINGTON, DC 20510

August 8, 2024

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20528

Patrick J. Lechleitner  
Director  
U.S. Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536

Shoba Sivaprasad Wadhia  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
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Joseph V. Cuffari  
Inspector General  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Washington, D.C. 20528

Dear Secretary Mayorkas, Director Lechleitner, Officer Wadhia, and Inspector General Cuffari:

We write to express ongoing concern about conditions at the Plymouth County Correctional Facility (PCCF) in Plymouth, Massachusetts.

During the Biden Administration, U.S. Immigration and Customs Enforcement (ICE) terminated its agreements with two Massachusetts counties to detain immigrants on behalf of ICE.<sup>1</sup> Since then, PCCF — managed by the Plymouth County Sheriff’s Department (PCSD) — has been the last remaining correctional facility that detains individuals for ICE in Massachusetts.<sup>2</sup> The contract between Plymouth County and ICE recently expired on July 31, 2024.<sup>3</sup> We ask ICE to consider whether continuation of the contract is appropriate, and if the contract is renewed, to implement stronger guardrails to ensure that, at a minimum, the facility’s conditions comply with established detention standards and civil rights.

In January 2022, we wrote to you expressing concern about inhumane conditions at PCCF.<sup>4</sup> Since then, the Department of Homeland Security’s (DHS) Office for Civil Rights and Civil Liberties (CRCL) completed an investigation of complaints about the facility, including two in-

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<sup>1</sup> Boston Globe, “Biden administration terminates ICE contract with Bristol Sheriff Thomas Hodgson”, Laura Crimaldi, May 20, 2021, <https://www.bostonglobe.com/2021/05/20/metro/biden-administration-terminates-ice-contract-bristol-sheriff-thomas-hodgson/>.

<sup>2</sup> Great Blue Hill News, “Plymouth County extends its contract with ICE for the only county detention center left in Mass,” Sarah Betancourt, September 20, 2023, <https://www.wgbh.org/news/local/2023-09-20/plymouth-county-extends-its-contract-with-ice-for-the-only-county-detention-center-left-in-mass>.

<sup>3</sup> U.S. Immigration and Customs Enforcement, “Amendment of Solicitation/Modification of Contract,” April 24, 2024, <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aacds%3AUS%3A759baf18-1c90-3f95-999f-acd88c0be0f4>.

<sup>4</sup> Letter from Senators Edward J. Markey and Elizabeth Warren to Secretary Alejandro Mayorkas and ICE Acting Director Tae D. Johnson, January 3, 2022, [https://www.markey.senate.gov/imo/media/doc/pccf\\_oversight\\_letter.pdf](https://www.markey.senate.gov/imo/media/doc/pccf_oversight_letter.pdf).

person “spot-checks” and one “virtual on-site” inspection.<sup>5</sup> The investigation revealed numerous problems, including allegations of rotten food, limited access to clean water, delays in medical attention, physical violence, and retaliation for complaints about conditions — including through placement in solitary confinement and denial of legal mail.<sup>6</sup> These issues harmed detained individuals’ wellbeing and compromised their ability to fight their immigration cases effectively. In September 2022, CRCL issued around 70 recommendations for ICE to improve conditions, including recommendations related to medical and mental health care and environmental health and safety.<sup>7</sup> In February 2024, CRCL announced that ICE had concurred with 44 of CRCL’s recommendations and declined to concur with 13 of them.<sup>8</sup> ICE agreed to some corrective actions, including having medical staff available for sick calls at regularly scheduled times.<sup>9</sup>

In the two years since CRCL issued its findings, PCCF’s substandard conditions have persisted, including deficiencies in medical care, the punitive use of solitary confinement, and restricted communication with legal counsel and family members.<sup>10</sup> This week, immigration organizations submitted a letter to Massachusetts’ Office of the Attorney General outlining continuing violations of detention standards.<sup>11</sup> Some of the most concerning reports that have emerged in recent years include the following:

- **Substandard medical care:** Detained individuals continue to face prolonged waits for medical, mental health, and substance use disorder treatments.<sup>12</sup> It is not uncommon to

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<sup>5</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “CRCL Expert Recommendations Memo to ICE concerning Plymouth County Correctional Facility,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf).

<sup>6</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf); Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility (PCCF),” January 5, 2022, [https://www.dhs.gov/sites/default/files/2022-08/2022.01.05%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Plymouth%20Facility%20PCCF%20-%20Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2022-08/2022.01.05%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Plymouth%20Facility%20PCCF%20-%20Redacted_508.pdf).

<sup>7</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, p. 9, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf).

<sup>8</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Summary of CRCL’s Recommendations and ICE’s Response: Plymouth County Correctional Facility,” February 8, 2024, [https://www.dhs.gov/sites/default/files/2024-04/24\\_0208\\_crcl\\_plymouth-onsite-close-summary\\_508.pdf](https://www.dhs.gov/sites/default/files/2024-04/24_0208_crcl_plymouth-onsite-close-summary_508.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, on file with the Office of Senator Elizabeth Warren.

<sup>11</sup> *Id.*

<sup>12</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, pp. 9-11, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf); Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, p. 16, on file with the Office of Senator Elizabeth Warren.

wait weeks or months to see a doctor.<sup>13</sup> Those who arrive on medication for chronic conditions often have these medications delayed or abruptly discontinued.<sup>14</sup> Even after they have been seen by medical staff at PCCF, it can take months for detained people to secure an appointment with an outside specialist.<sup>15</sup> Mental health services are also inadequate and limited to infrequent, sporadic check-ins that fail to address deeper psychological needs.<sup>16</sup> Similarly, those with substance use disorders receive minimal or no therapeutic support or rehabilitation, worsening their health challenges while in custody.<sup>17</sup>

- **Lack of access to language interpretation:** Many at PCCF do not speak English yet have not been provided language interpretation services during health care appointments.<sup>18</sup> Some have apparently also been required to sign important forms in English without access to language interpretation.<sup>19</sup> While your 2022 response to us indicated that language interpretation services are available “24/7,”<sup>20</sup> in practice, legal representatives have found that “Plymouth regularly fails to use the Telephonic Interpreter Services or any other means of interpretation with individuals who do not speak English.”<sup>21</sup>
- **Inadequate phone communication:** Individuals detained at PCCF face significant barriers to communicating with legal counsel and loved ones alike.<sup>22</sup> Phone and video

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<sup>13</sup> Interview with Leah Hastings, Immigrant Detention Conditions Project, Prisoners' Legal Services of Massachusetts, June 27, 2024; Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, p. 16, on file with the Office of Senator Elizabeth Warren.

<sup>14</sup> *Id.*

<sup>15</sup> Boston Immigration Justice Accompaniment Network (BIJAN), et al., “Releasing Individuals in ICE Custody Due to Conditions at Plymouth County Correctional Facility,” September 23, 2021, pp. 1-2, [https://docs.google.com/document/d/1-FVara5Snp3QpdxwpsFUc\\_VtEMzqDLCW/edit](https://docs.google.com/document/d/1-FVara5Snp3QpdxwpsFUc_VtEMzqDLCW/edit).

<sup>16</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, pp. 12-13, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf).

<sup>17</sup> Interview with Leah Hastings, Immigrant Detention Conditions Project, Prisoners' Legal Services of Massachusetts, June 27, 2024.

<sup>18</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, p. 11, [https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf).

<sup>19</sup> *Id.* at 5.

<sup>20</sup> Letter from U.S. Immigration and Customs Enforcement to Senators Edward Markey and Elizabeth Warren, February 24, 2022, <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:24fc8431-32b7-3e26-b224-522721c0300e>.

<sup>21</sup> Harvard Immigration and Refugee Clinical Program, et al., “Request for Investigation into Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” March 9, 2023, pp. 6-7, <http://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>; *see also* Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, p. 12, on file with the Office of Senator Elizabeth Warren.

<sup>22</sup> Department of Homeland Security, Office of Civil Rights and Civil Liberties, “Plymouth County Correctional Facility: Expert Recommendations,” Dana Salvano-Dunn and Zazy Ivonne Lopez, September 29, 2022, p. 6,

calls are often prohibitively expensive. This includes legal calls via JurisLink’s technology; some attorneys have reported spending over \$6,000 on attorney calls over the course of the representation.<sup>23</sup> Legal representatives have also reported multi-week delays before getting attorney phone numbers approved for confidential legal calls, an inability to call into the facility, and PCCF staff not allowing detained clients to join video calls at scheduled call times.<sup>24</sup> Other problems include a lack of language interpretation services, even for Spanish, and a lack of privacy for legal calls, which are often held in crowded common areas and on recorded phone lines.<sup>25</sup>

- **Retaliation & solitary confinement:** Detained individuals who voice grievances continue to face retaliation. This includes harassment, intimidation by correctional staff, out-of-state transfers, threats of deportation, and other abuses.<sup>26</sup> Detained individuals have consistently reported placement in solitary confinement as a form of retaliation.<sup>27</sup> Many have expressed to attorneys that they are unwilling to report complaints because they have seen what has happened to others who have spoken out.<sup>28</sup> Vulnerable detained individuals, including those who are disabled, queer, or mentally ill, are often most harmed by this culture of intimidation at PCCF.
- **Use of force:** Some detained individuals have faced physical violence by correctional officers at PCCF.<sup>29</sup> For example, in 2023, PCCF officers allegedly pepper sprayed a

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[https://www.dhs.gov/sites/default/files/2023-08/2022.09.29\\_CRCL%20Expert%20Rec%20Memo%20to%20ICE\\_Plymouth%20County\\_Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf).

<sup>23</sup> Harvard Immigration and Refugee Clinical Program, et al., “Request for Investigation into Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” March 9, 2023, <http://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>; Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, p. 8, on file with the Office of Senator Elizabeth Warren.

<sup>24</sup> Harvard Immigration and Refugee Clinical Program, et al., “Request for Investigation into Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” March 9, 2023, <http://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>.

<sup>25</sup> *Id.* Harvard Immigration and Refugee Clinical Program, et al., “Request for Investigation into Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” March 9, 2023, p. 4, <http://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>.

<sup>26</sup> GBH, “Civil rights complaint urges state to investigate ICE facility in Plymouth,” Tori Bedford, March 10, 2023, <https://www.wgbh.org/news/local/2023-03-10/civil-rights-complaint-urges-state-to-investigate-ice-facility-in-plymouth>; GBH, “Plymouth County extends its contract with ICE for the only county detention center left in Mass.,” Sarah Betancourt, September 20, 2023, <https://www.wgbh.org/news/local/2023-09-20/plymouth-county-extends-its-contract-with-ice-for-the-only-county-detention-center-left-in-mass>.

<sup>27</sup> Harvard Immigration and Refugee Clinical Program, et al., “Supplemental Information Regarding Review of Civil Rights Violations as to Individuals Detained at Plymouth County Correctional Facility,” August 8, 2024, pp. 12-14, on file with the Office of Senator Elizabeth Warren.

<sup>28</sup> GBH, “Senators seek probe of Plymouth County ICE detention facility following detainee allegations of abuse,” Sarah Betancourt, January 5, 2022, <https://www.wgbh.org/news/local/2022-01-05/senators-seek-probe-of-plymouth-county-ice-detention-facility-following-detainee-allegations-of-abuse>; Interview with Leah Hastings, Immigrant Detention Conditions Project, Prisoners' Legal Services of Massachusetts, June 27, 2024.

<sup>29</sup> Boston Scope, “Outcry over conditions at Plymouth County Correctional Facility — community groups call for ICE detained individuals’ release,” Marigo Farr, December 16, 2021, <https://thescopeboston.org/7428/news-and->

detained individual in the face and denied him use of his inhaler.<sup>30</sup> PCCF officers then placed him in solitary confinement and held him there for thirty days before transferring him out of state.<sup>31</sup>

- **Daily living conditions:** During the pandemic, detained individuals relied on a single faucet in a mop closet for hot water, and access to hot water remains inadequate at PCCF.<sup>32</sup> CRCL’s investigation also revealed that PCCF served spoiled and rotten food, as well as inadequate portion sizes, particularly for those with halal and vegetarian diets.<sup>33</sup> Individuals have also reported inadequate heating and access to warm clothing; they are often left with only the option of buying a grossly overpriced sweatshirt at the canteen.<sup>34</sup> These conditions have compromised detained individuals’ nutrition and overall health.

DHS must do more to tackle these problems if it chooses to renew its PCCF contract. CRCL should conduct regular, unannounced inspections of PCCF to monitor whether conditions of confinement meet ICE’s detention standards. Inspections should include interviews with a range of detained individuals, and not only with those who are hand selected by PCCF officers. If CRCL will not conduct these inspections, the Office of the Immigration Detention Ombudsman (OIDO) or Office of the Inspector General (OIG) should be tasked with doing so. DHS should also work with Plymouth County to ensure that correctional staff are held accountable for physical and verbal abuse, discriminatory behavior, and other serious violations of protocols. Accountability measures should include thorough investigations, appropriate disciplinary actions, and training programs to prevent future incidents. Finally, ICE should increase access to public records about PCCF to improve transparency surrounding the facility’s conditions.

We urge DHS to implement reforms to safeguard the well-being and dignity of individuals detained at PCCF. We require answers to the following questions prior to August 22, 2024:

1. Does ICE plan to renew its contract with PCCF?
  - a. If so, what guardrails will ICE implement to ensure humane conditions at PCCF?
2. Please describe in detail any concrete steps ICE is taking or will take over the next six months to remedy the problems identified by CRCL.
  - a. Which officials will be tasked with overseeing this continued accountability process?

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[features/news/outcry-over-conditions-at-plymouth-county-correctional-facility-community-groups-call-for-ice-detained-individuals-release/](#).

<sup>30</sup> Boston Globe, “A Massachusetts man, detained by ICE for four years, says he was beaten and abused before being deported,” Ivy Scott, March 24, 2024, <https://www.bostonglobe.com/2024/03/24/metro/massachusetts-man-detained-immigration-beaten-deported/>.

<sup>31</sup> *Id.*

<sup>32</sup> Boston Immigration Justice Accompaniment Network (BIJAN), et al., “Releasing Individuals in ICE Custody Due to Conditions at Plymouth County Correctional Facility,” September 23, 2021, p.3, [https://docs.google.com/document/d/1-FVara5Snp3OpdxwpsFUc\\_VtEMzqDLCW/edit](https://docs.google.com/document/d/1-FVara5Snp3OpdxwpsFUc_VtEMzqDLCW/edit); Interview with Leah Hastings, Immigrant Detention Conditions Project, Prisoners’ Legal Services of Massachusetts, June 27, 2024.


<sup>33</sup> *Id.*

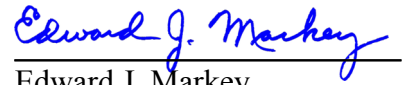
<sup>34</sup> *Id.*

3. What measures is DHS taking to ensure the size, quality, and nutritional content of the meals that PCCF serves detainees reflect the standards to which PCCF has committed?
4. How promptly are detained individuals able to access medical attention when needed, including for chronic conditions and emergencies?
  - a. What protocols are in place to ensure the timely distribution of prescribed medications to detained individuals?
  - b. How does PCCF prioritize and respond to medical requests submitted by detained individuals?
  - c. Over the past twelve months, how many times have ICE detainees been transferred from PCCF to an outside hospital by ambulance, and for what reasons or conditions?
  - d. On average, how long does a detained person wait between each of the following: PCCF's identification of their need to see a specialist, PCCF's referral of them to a specialist, and an appointment with that specialist?
5. Please describe PCCF's protocol or policy related to providing language interpretation services during health care appointments?
6. Under what circumstances are PCCF staff permitted to rely on detained individuals to interpret or translate for one another?
7. Over the past year, how many times has PCCF used an approved interpretation or translation service, and how many times has PCCF denied requests for such services?
8. Are individuals detained at PCCF and/or their counsel charged for phone or video calls?
  - a. How much are individuals charged and what exceptions permit waiving charges?
  - b. Does PCCF participate in the Virtual Attorney Visitation Program? If not, why not?
9. Please describe PCCF's protocol or policy related to international and domestic phone and video call access, including: the process for obtaining approval to call attorney and non-attorney phone numbers; the median length of time for obtaining approval to call a particular phone number; steps to ensure the confidentiality of legal calls; any limits on the number of phone numbers an individual may call; and the protocol on distribution and use of tablets.
  - a. Please provide or describe call-related grievances filed by individuals detained at PCCF in the past 12 months.
  - b. Please provide copies of PCCF's contracts with any telecommunications providers.
10. What training programs are provided to PCCF staff regarding the rights and needs of detained individuals, including cultural sensitivity and trauma-informed care?

11. How does PCCF monitor and address allegations of misconduct or abuse towards detained individuals, including LGBTQ+ individuals, by staff or other detained individuals, and what measures are in place to prevent such incidents?
12. How are detained individuals' grievances investigated and addressed, and by whom?
  - a. How are detained individuals protected from retaliation by PCCF staff for making verbal complaints or filing written grievances?
  - b. Who investigates allegations of retaliation?
13. Please describe PCCF's protocol or policy related to the use of solitary confinement.
14. How does PCCF accommodate the religious and cultural practices of detained individuals, including access to dietary requirements and religious services?
15. How does PCCF ensure that the temperature inside detained individuals' cells does not drop below the level prescribed by applicable health guidelines and other regulations?

Sincerely,

  
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Elizabeth Warren  
United States Senator

  
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Edward J. Markey  
United States Senator