

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

June 14, 2018

Secretary Daniel Bennett
Executive Office of Public Safety and Security
Commonwealth of Massachusetts
One Ashburton Place, Suite 2133
Boston, MA 02108

Re: Bristol County Sheriff's Office

Dear Secretary Bennett:

I write to convey my concern about recently reported risks to the health and safety of inmates housed by the Bristol County Sheriff's Office (BCSO). I urge the Executive Office of Public Safety and Security and the Department of Correction to exercise their statutory authority to conduct a thorough investigation and, if necessary, take action to establish and enforce minimum standards for the care and custody of all persons committed to county correctional facilities. *See* M.G.L. c. 124-127; 103 CMR 900 *et. seq.*

Recent lawsuits have raised serious allegations about the conditions of confinement at Bristol County jails.¹ Among other things, these lawsuits allege that inmates with mental illness are routinely segregated for unreasonably long periods of time, exposed to unnecessarily harsh conditions, and denied access to basic programs and services. These allegations are consistent with reports the Civil Rights Division of the Office of the Attorney General has received from members of the public alleging inadequate mental health screening and treatment, denials of medical care, overcrowding, unsanitary conditions, poor nutritional services, and a lack of adequate programming at BCSO facilities.

Inmate suicides at Bristol County facilities are of particular concern. Suicide is a tragic and serious problem at many Massachusetts prisons and jails. However, based on the available public data, Bristol County appears to be an outlier. From 2006 to 2016, while BCSO facilities housed only thirteen percent of inmates in the state's county jails, they reportedly accounted for approximately a quarter of all jail suicides.² During that same time period, the BCSO reportedly had fifty percent more suicides than Suffolk County and more than twice as many as Essex and Worcester Counties.³

¹ *See, e.g., Battle et al. v. Hodgson et al.*, 1873-cv-00020 (Bristol County Superior Court, Jan. 9, 2018).

² McKim & Sajadi, *They Left Him Everything to Hang Himself*, The Boston Globe (May 6, 2017); McKim and Burrell, *Lawsuits Add Up Over Bristol County Jail Inmate Suicides*, The Boston Globe (March 9, 2018).

³ Burrell & McKim, *Why is the Suicide Rate in Bristol County Jails So High?*, New England Center for Investigative Reporting (May 8, 2017).



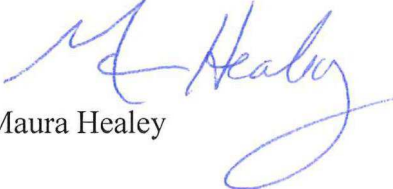
As you know, county correctional facilities are required to comply with specific state laws and regulations on a variety of subjects relating to the care and custody of inmates, including food services, health care services, safety and emergency standards, and sanitation and hygiene. *See, e.g.*, 103 CMR 928, 932, 973, and 974. County facilities are also subject to state and federal laws that guarantee due process and prohibit discrimination based on disability, including the Massachusetts Equal Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, and the state and federal constitutions.

The Department of Correction is responsible for setting and enforcing operational standards for county correctional facilities, including conducting regular audits and ensuring compliance with applicable laws and regulations. *See* M.G.L. c. 124-127; 103 CMR 903-904. Specifically, the Commissioner is required to visit and inspect each county correctional facility at least once every six months and to submit written reports of such inspections to appropriate agencies and officials. M.G.L. c. 127, § 1B; 103 CMR 903.01. In addition, as part of its obligation to ensure compliance with 103 CMR 900.00 through 979.00 (including the health and safety provisions cited above), the Commissioner is empowered to issue notices of non-compliance to county sheriffs, schedule and conduct evidentiary hearings, and petition the Superior Court for appropriate relief in the event of continued noncompliance. 103 CMR 904.00 *et seq.*

The alleged failure by the BCSO to meet required health and safety standards at its facilities should be of significant concern to EOPSS and the Department. Inmates awaiting trial or serving sentences in county jails have a statutory and constitutional right to be housed in safe and secure conditions.⁴ Subjecting inmates to unnecessarily harsh or unhealthy conditions serves no valid public interest. Moreover, the liability that may result from the BCSO's failures has the potential to impose significant financial costs on the Commonwealth and its residents.

I ask EOPSS and the Department to undertake a thorough, independent investigation of these matters and, if necessary, to take enforcement action. My office stands ready to assist as needed.

Very truly yours,



Maura Healey

cc: Commissioner Thomas A. Turco, III

⁴ Many of the inmates at Bristol County facilities are in custody awaiting trial and therefore have not been convicted of the crimes for which they have been arrested and charged, including inmates who remain in custody because they cannot afford to post bail. *See Bristol County Sheriff's Office: Facilities*, <http://www.bcs0-ma.us/facilities.htm>.