

Sheriff Hodgson urges area legislators to close legal loophole on protective custody

"Bristol County Sheriff Thomas M. Hodgson is asking the area's legislative delegation to pass urgent legislation on Beacon Hill to fix a legal loophole that currently prevents jails and regional lock-ups from housing protective custody individuals.

Back in April, the Massachusetts Appeals Court issued a decision in the Baptista vs. Bristol County Sheriff's Department and the City of New Bedford case in which the court found that intoxicated protective custody individuals cannot be held in a 'county jail' but only a 'police station.' Following the decision, Sheriff Hodgson notified area police chiefs and the Mass. State Police that the regional Lock-up at the Ash Street Jail in New Bedford could no longer hold protective custody individuals.

Sheriff Hodgson is asking the legislature to insert language to close this legal loophole and allow individuals in protective custody to be held at the Ash Street Jail to support the police departments in Bristol County and beyond.

"Many police departments don't have the staffing or facilities to house protective custody individuals," Sheriff Hodgson said. "Communities across Bristol County are safer when police are on the streets protecting the people rather than sitting at the police station with a protective custody individual."

Sheriff Hodgson recently notified all county police chiefs and the MSP of the legislative request, and several have expressed support and offered to contact legislators to help move the measure along.

The Sheriff's Office was recently cleared in the Baptista lawsuit, which stems from the 2013 death of an individual in protective custody after he got into a fight with another individual in a holding cell at the Ash Street Jail. In 2016, Luis Mojica pleaded guilty to involuntary manslaughter in the incident." -Bristol County Sheriff's Office.