



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE

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THOMAS M. HODGSON

SHERIFF

May 18, 2022

I respectfully request that emergency legislation be filed to amend Mass. Gen. Law Chapter 111B § 8 to add the words “Sheriff’s Offices, Prisons, and Regional Lock-Ups” so as to permit all Sheriffs in the Commonwealth to offer local police departments the ability to afford those persons incapacitated by alcoholism a resource providing professional protective custody.

In 1998, I opened the first regional lock-up facility in the Commonwealth to minimize liability exposure for police officers and the communities they serve. Requiring police officers who are not trained in care, custody and monitoring of prisoners or detainees, often without the resources to respond to medical emergencies which often arise in custodial settings, is an invitation to personal and professional liability for the municipalities and the individual police officers. Moreover, many police departments, especially the ones from the smaller towns, either have no holding cells or inadequate facilities.

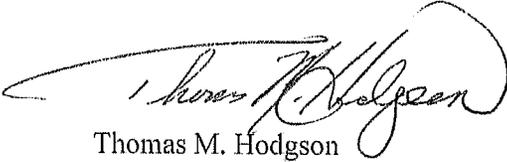
The Massachusetts Appeals Court in the case of Baptista v. Bristol County Sheriff’s Department took a narrow interpretation of Section 8 of Chapter 111B deciding that no Sheriff’s Office was a “police station” authorized under the statute to care for inebriated individuals in protective custody. It appears that the court reasoned that because the legislature specifically added the Dukes County Sheriff’s Office to the section, all the other Sheriff’s Offices were excluded. In truth, the purpose of adding Dukes to the statute was because Martha’s Vineyard has no police lock-up or access to a Regional Lock-Up.

This decision means that no Regional Lock-Up facility can now accept inebriants for protective custody. Accordingly, the only alternatives for municipal police in such situations is to either “arrest” the individual on some charge so they can be booked, or leave them on the street un-cared for facing risk of victimization or even death. Neither approach is in the best interest of either these individuals or the communities they reside in.

I cannot emphasize enough the importance of this proposed amendment that is needed to support not only our communities’ public safety but the welfare of some our most vulnerable residents. Police officers should be free to devote their time and resources to protecting our citizens in the community and not be forced to assume a protective custody responsibility for which they are neither equipped nor trained, or be forced to ignore the needs of this vulnerable population.

I therefore respectfully request immediate action be taken to address this urgent situation.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Hodgson". The signature is fluid and cursive, with a large, sweeping initial "T" and "H".

Thomas M. Hodgson  
Sheriff

TMH/bnc