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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 2684CV00600 E
NO. 2684CV00738
NO. 2684CV00739
NO. 2684CV00740

CITIZENS FOR JUVENILE JUSTICE

vs.

ESSEX COUNTY SHERIFF'S DEPARTMENT
(and consolidated cases[1])

MEMORANDUM OF DECISION AND ORDER ON PLAINTIFF'S MOTIONS FOR PRELIMINARY INJUNCTION AND DEFENDANTS' MOTIONS TO DISMISS

In February 2026, Citizens for Juvenile Justice ("CFJJ") brought a lawsuit against the Essex County Sheriff's Department ("Essex Sheriff"). This action was soon followed by similar lawsuits against the Barnstable County Sheriff's Office ("Barnstable Sheriff"), Berkshire County Sheriff's Office ("Berkshire Sheriff"), and Middlesex Sheriff's Office ("Middlesex Sheriff"; collectively, "Defendants"). In these lawsuits, which have since been consolidated, CFJJ claims that the Defendants have violated the public records law, G. L. c. 66, by failing to provide documents related to their communication and coordination with U.S. Immigration and Customs Enforcement ("ICE"). The matter is now before the Court on CFJJ's motions for preliminary injunction and the defendants' motions to dismiss.

For the reasons that follow, CFJJ's motions for a preliminary injunction are **ALLOWED** and the Defendants' motions to dismiss are **DENIED.**

[1] Citizens For Juvenile Justice vs. Barnstable County Sheriff's Office, 2684CV00738; Citizens For Juvenile Justice vs. Berkshire County Sheriff's Office, 2684CV00739; and Citizens For Juvenile Justice vs. Middlesex Sheriff's Office, 2684CV00740.

BACKGROUND

In August 2025, CFJJ submitted a written public records request to each defendant pursuant to G. L. c. 66, § 10. The requests sought three categories of records:

1. All policies governing communication and information sharing between the Sheriff's employees and federal agencies, including ICE and Department of Homeland Security ("DHS"), in effect on or after January 20, 2025;
2. The three most recent communications between any of the Sheriff's employees and any ICE or DHS employee, together with related internal records concerning awareness, evaluation, or follow-up regarding those communications; and
3. All communications concerning incidents, if any, from January 20, 2025 forward in which an individual in the Sheriff's custody was taken into ICE custody, including emails, call logs, text messages, and related internal documentation.

In September 2025, each defendant responded. As to the second and third categories of records, which are the subject of this litigation, all four Defendants denied access to responsive communications, justifying their refusal by invoking 8 C.F.R. § 236.6, a federal regulation promulgated by DHS.

In November 2025, CFJJ appealed each of the responses to the Supervisor of Records. As for the Berkshire and Middlesex Sheriffs, the Supervisor agreed with them that 8 C.F.R. § 236.6 rendered the records exempt from disclosure under G. L. c. 4, § 7, Twenty-sixth (a) ("Exemption (a)") because the Supervisor concluded that the sheriffs had official relationships with persons or entities who house, maintain, provide services to or otherwise hold detainees on behalf of DHS. As for the Essex and Barnstable Sheriffs, the Supervisor concluded they had not met their burden of showing that, pursuant to 8 C.F.R. § 236.6, Exemption (a) applied and that they needed to clarify their position to withhold the responsive documents. Following the rulings, the Essex and Barnstable Sheriffs supplemented their responses to CFJJ, continuing to withhold the requested documents based on 8 C.F.R. § 236.6.

CFJJ subsequently filed actions against each defendant in the Superior Court. At the same time, it filed against each defendant an emergency motion which sought a preliminary injunction.

DISCUSSION

A. Procedural Posture

In their briefing and initial emergency motions, CFJJ requests that the Court convert the hearing on the motion for a preliminary injunction to a hearing for disposition on the merits under Mass. R. Civ. P 65 (b) (2). The Court did not do so and conducted a hearing in this case, and not a trial. While the Court's conclusion below that CFJJ is likely to succeed on the merits effectively ends the substantive dispute presented by these lawsuits, it does not necessarily terminate all potential disputes between these parties. Nonetheless, should the parties agree that further litigation is unnecessary, they are free to submit a stipulation of dismissal following this ruling. See Rule 41(a)(1), Mass. R. Civ. P.

The Defendants make the same arguments to support both their motions to dismiss under Mass. R. Civ. P. 12 (b) (6) and 12 (b) (1) and their oppositions to the motions for preliminary injunction. The Court's conclusion that CFJJ is likely to succeed on the merits necessarily requires denial of the Defendants' motions to dismiss. The Court's analysis of the motions for preliminary injunction does not rely on any facts that cannot be considered in connection with the motions to dismiss. As such, the analysis below does not separately address the motions to dismiss. See Lopez v. Commonwealth, 463 Mass. 696, 701 (2012) (discussing standard of review Rule 12(b)(6)); Golchin v. Liberty Mut. Ins. Co., 460 Mass. 222, 223 (2011) (same); New Bedford Educators Ass'n v. Chairman of Massachusetts Bd. of Elementary & Secondary Educ., 92 Mass. App. Ct. 99, 106 n.13 (2017) (discussing standard of review under Rule12(b)(1)).

B. Applicable Law

"A preliminary injunction is an extraordinary remedy never awarded as of right," Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 24 (2008), and "should not be granted unless the plaintiff[] ha[s] made a clear showing of entitlement thereto." Student No. 9 v. Board of Educ., 440 Mass. 752, 762 (2004). Generally, "[t]he party seeking a preliminary injunction must show '(1) a likelihood of success on the merits; (2) that irreparable harm will result from denial of the injunction; and (3) that, in light of the [moving party's] likelihood of success on the merits, the risk of irreparable harm to the [moving party] outweighs the potential harm to the [nonmoving party] in granting the injunction.'" Garcia v. Department of Hous. & Cmty. Dev., 480 Mass. 736, 747 (2018), quoting Loyal Order of Moose, Inc., Yarmouth Lodge # 2270 v. Board of Health of Yarmouth, 439 Mass. 597, 601 (2003). Moreover, where, as here, the subject of the injunction would be a government entity, the Court must also consider whether the injunction "promotes the public interest, or, alternatively, ... will not adversely affect the public.'" Id., quoting Loyal Order of Moose, Inc., Yarmouth Lodge # 2270, 439 Mass. at 601.

"A preliminary injunction ordinarily is issued to preserve the status quo pending the outcome of litigation." Doe v. Superintendent of Schs. of Weston, 461 Mass. 159, 164 (2011). However, "there is no per se prohibition against granting an applicant, through a preliminary injunction, all of the ultimate relief the applicant seeks ...." Petricca Constr. Co. v. Commonwealth, 37 Mass. App. Ct. 392, 400 (1994). See Golden Bridge, LLC v. Navem Partners, LLC, No. 2084CV03017BLS2, 2021 WL 965691, at *4 - *5 (Mass. Super. Feb. 2, 2021) (court may grant affirmative relief with a preliminary injunction where the status quo is causing irreparable injury).

C. Likelihood of Success on the Merits

The public records law, G. L. c. 66, "governs the creation, maintenance, destruction, and, as relevant here, disclosure of public records." Attorney Gen. v. Mystic Valley Reg'l Charter Sch., 497 Mass. 251, 253 (2026). It is "designed to give the public broad access to governmental records" and reflects the Legislature's determination "that [t]he public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner and that broad access to governmental information is an essential ingredient of public confidence in government." Id., quoting Attorney Gen. v. District Attorney for the Plymouth Dist., 484 Mass. 260, 262-263 (2020) (Plymouth District) (internal quotations omitted).

Under G. L. c. 66, § 10 (a), agencies, like Sheriff's offices, must "provide access to public records on request." Mack v. District Attorney for Bristol Dist., 494 Mass. 1, 9 (2024). General Laws c. 4, § 7, Twenty-six "broadly define[s]" the records subject to disclosure. Id. It also sets forth various exemptions to that definition. Id. at 10. Each exemption, however, is "strictly and narrowly construed," and whether one applies "requires a case-by-case analysis." Id. (internal quotations omitted). Under the public records law, "a presumption … exist[s] that each record sought is public and the burden [is] on the defendant agency … to prove, by a preponderance of the evidence, that such record or portion of the record may be withheld in accordance with state or federal law." G. L. c. 66, § 10A (d) (1) (iv). See Mack, 494 Mass. at 10.

A record requestor denied access to public records may pursue a remedy under G. L. c. 66, § 10A, which provides "two avenues for judicial review." Friedman v. Division of Admin. Law Appeals, 103 Mass. App. Ct. 806, 817 n.15 (2024). The requestor can "initiate[] a civil action in the Superior Court 'to enforce the requirements of [G. L. c. 66]'" as CFJJ did here.

Friedman, 103 Mass. App. Ct. at 817 n.15, quoting G. L. c. 66, § 10A (c). Alternatively, the requestor may seek relief from an order of the Supervisor of Records by filing an action in the nature of certiorari under G. L. c. 249, § 4. See G. L. c. 66, § 10A (a); Friedman, 103 Mass. App. Ct. at 817 n.15. In either case, the Court's review is de novo. See G. L. c. 66, § 10A (d) (1) (ii); Friedman, 103 Mass. App. Ct. at 817 & n.15.

As noted above, the Defendants' sole reason for refusing to provide responsive documents related to the second and third categories of records requested is their contention that such disclosure is prohibited by 8 C.F.R. § 236.6, which provides, in relevant part, that:

> No person, including any state or local government entity or any privately operated detention facility, that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the Service[2] (whether by contract or otherwise), and no other person who by virtue of any official or contractual relationship with such person obtains information relating to any detainee, shall disclose or otherwise permit to be made public the name of, or other information relating to, such detainee. Such information shall be under the control of the Service and shall be subject to public disclosure only pursuant to the provisions of applicable federal laws, regulations and executive orders. Insofar as any documents or other records contain such information, such documents shall not be public records.

The Defendants primarily argue that because of the regulation, they must withhold the documents under both the federal preemption doctrine and Exemption (a), which "excludes records from disclosure where they are 'specifically or by necessary implication exempted from disclosure by statute.'" Boston Globe Media Partners, LLC v. Department of Criminal Justice Info. Servs., 484 Mass. 279, 282 (2020), quoting G. L. c. 4, § 7, Twenty-sixth (a); Rahim v. District Attorney for the Suffolk Dist., 486 Mass. 544, 549 (2020) (explaining that Exemption (a) prevents disclosure in two scenarios – express prohibition and prohibition by necessary

[2] The regulations define "Service" to mean "U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and/or U.S. Immigration and Customs Enforcement as appropriate in the context in which the term appears." 8 C.F.R. § 1.2.

implication). See also Plymouth District, 484 Mass. at 267 (in deciding whether the exception applies, courts "must exercise considerable caution").

The Defendants' arguments fail because § 236.6 is not applicable to them.[3] Plainly read, the first sentence of § 236.6 only bars the release of information relating to detainees by (1) a "person ... that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the Service" or (2) a "person who by virtue of any official or contractual relationship with such person [i.e., a person that houses, maintains, provides services to, or otherwise holds any detainee on the Service's behalf] obtains information relating to any detainee." The Defendants do not fall into either category of "person."

The Defendants do not fall into the first category of "person" because it is undisputed that no defendant houses, maintains, provides services to, or holds detainees on behalf of the federal government. See Essex Opp. at 7; Berkshire Opp. at 14, Middlesex Opp. at 10; Barnstable Opp., Ex. 2. The people in their custody have all been arrested, detained, and held only pursuant to state law. See Lunn v. Commonwealth, 477 Mass. 517, 519 (2017) (immigration detainers provide no authority for Massachusetts court officers to arrest or detain under Massachusetts law).[4]

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[3] The Defendants argue that the Court should defer to the Supervisor of Records' repeated determinations that Exemption (a) applies. The Court rejects this argument. In the first place, the Court's review is de novo. See G. L. c. 66, § 10A (d)(1)(ii) ("the superior court shall determine the propriety of any agency or municipal action de novo"). In the second place, the regulation at issue here is a federal regulation, not a state regulation within the Supervisor's expertise. Reinstein v. Police Com'r of Boston, 378 Mass. 281, 287 n.13 (1979) (declining to determine "the precise weight to be given the Supervisor's view"). In any event, for the reasons explained below, the Supervisor's analysis is not consistent with a plain reading of the regulation and is therefore owed no deference. See Sutton v. Jordan's Furniture, Inc., 493 Mass. 728, 739 (2024) ("no deference is given to an agency's interpretation of a statute if it is contrary to plain language of the statute and its underlying purpose") (internal quotations omitted).

[4] The Defendants' briefing only provides conclusory argument on whether they fall into the first category of person. However, at the hearing, the Defendants argued that Voces De La Frontera, Inc. v. Clarke, 373 Wis. 2d 348 (Wis. 2017) supports their contention. In that case, the Wisconsin Supreme Court concluded that immigration detainer forms (I-247 forms) were not subject to disclosure under the state's public records law under 8 C.F.R. § 236.6. Id. at 353-354. In so ruling, the Court interpreted the regulation's first clause, which, as stated above, prohibits disclosure by a "person ... that houses, maintains, provides services to, or otherwise holds any detainee on behalf of the Service." The Court determined, after first finding the phrase "holds any detainee on behalf of" to be ambiguous,

The Defendants likewise do not fall into the second category of "person" because the records at issue were not obtained as a result of a relationship with third-party entities that house, maintain, provide services to, or hold detainees for the federal government. The Defendants suggest that they fall into this category because they have an official relationship with ICE / DHS and the phrase "such person" in the regulation includes ICE / DHS. This reading, however, is contrary to the regulation's plain language, which concerns an "other person who by virtue of any official or contractual relationship with such person," meaning the entity holding a detainee on behalf of the "Service," obtains the information at issue in the regulation. No such "person," and no such "other person," exist here.

Accordingly, the regulation cannot serve as a basis to bar disclosure.

The additional arguments made by certain defendants are easily dispensed with.

First, the Berkshire and Middlesex Sheriffs argue that the lawsuits against them are time-barred. Both contend that the claims are, in substance, an untimely certiorari challenge to the Supervisor of Records' final decisions under G. L. c. 66, § 10A (a). The Berkshire Sheriff further argues that, even if the complaints are construed as civil enforcement actions under G. L. c. 66, § 10 (c), the Court should import the timing requirements of G. L. c. 249, § 4 or G. L. c. 30A, § 14 and conclude that the lawsuits are untimely. These arguments are unavailing. The Court reads the complaints against these Sheriffs as asserting claims under G. L. c. 66, § 10 (c), not § 10 (a). Moreover, Berkshire has cited no authority, and the Court has found none, to support its

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that the regulation applies to any detainee for whom an I-247 form has been issued by the federal government. Id. at 362-371. To the extent the decision is apposite, this Court does not find it persuasive, as it sees no ambiguity in the regulation for purposes of resolving the issue before it. See id., 373 Wis. at 379–380 & n.6 (Bradley, J. dissenting) ("The phrase 'on behalf of the Service' indicates that the regulation applies only to detainees being held on behalf of federal immigration authorities."). Moreover, the decision conflicts with the reasoning of Lunn.

contention that the limitations periods of G. L. c. 249, § 4 or G. L. c. 30A, § 14 should apply to a § 10 (c) action. The public records law provides no such limitations.[5]

Second, the Barnstable Sheriff contends, in conclusory fashion, that the CFJJ's requests implicate the comity interests protected by the exemption in G. L. c. 4, § 7, Twenty-sixth (f). See Rahim, 486 Mass. at 552 n.13 ("We recognize that preserving comity between State and Federal law enforcement agencies may qualify as an interest protected by exemption (f) when the record custodian can demonstrate that disclosure of particular materials would so prejudice law enforcement efforts arising from State-Federal cooperation that secrecy is in the public interest."). The Barnstable Sheriff has not met its burden of showing the requisite prejudice to law enforcement efforts.

Lastly, the Middlesex Sheriff asserts, without citation to any relevant case law, that DHS is an indispensable party because the relief sought would effectively invalidate, limit, or interfere with DHS's regulatory scheme and because DHS has a substantial and legally protected interest in maintaining the confidentiality of detainee-related information and ensuring uniform application of its regulations. The Court disagrees that the matter before it so interferes with DHS's regulatory scheme or its interests as to render it indispensable. CFJJ is merely asking this Court to interpret a federal regulation to determine whether the actions of Massachusetts actors violate Massachusetts law, and since the Court concludes that regulation doesn't apply in this case, the federal government has no protected interest here. Under these circumstances, such interpretation, without more, does not make the federal government indispensable to the resolution of a lawsuit. See Mass. R. Civ. P. 19.[6]

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[5] The Court is also not convinced by the Middlesex Sheriff's related contention that the equitable principle of laches bars the claim.

[6] The Middlesex Sheriff maintains that "[a]djudicating this matter in DHS's absence ... would expose [it] to a substantial risk of inconsistent obligations namely, compliance with a state court order compelling disclosure in

Accordingly, CFJJ is entitled to the documents they seek.

D. Irreparable Harm/ Balance of Harms /Public Interest

Irreparable harm occurs when the moving party faces the loss of rights "not capable of vindication by a final judgment, rendered either at law or in equity." Packaging Indus. Grp., Inc. v. Cheney, 380 Mass. 609, 617 n.11 (1980). Here, CFJJ has shown that failing to grant injunctive relief will deny CFJJ the opportunity for meaningful and timely public input in legislative and municipal policy debates on civil immigration enforcement activities and local cooperation, an issue that has received much public attention. CFJJ has demonstrated that immediate access to these records is important to its advocacy. In contrast, the Defendants have not demonstrated that they will be harmed by producing the documents at issue.[7] Moreover, given the purpose of the public record statute and the importance of the requested information to the public, granting the injunction serves the public interest. The Court is not persuaded that any delay in bringing the present litigation is fatal to CFJJ's showing of irreparable harm. See Globe Newspaper Co. v. Evans, No. CIV.A 97-4102-E, 1997 WL 448182, at *4 (Mass. Super. Aug. 5, 1997) ("The Globe has met its burden of showing irreparable harm. If these are public records and the Globe is entitled to them, even a day's delay in access to the documents is, as a matter of law, deemed to be irreparable harm.").

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contravention of a federal regulatory mandate." Middlesex Opp. at 16-17. The Court sees no such risk, particularly where, as discussed above, the purported regulatory mandate does not apply.

[7] CFJJ concedes that reasonable redaction of personally identifying information within the records is appropriate. Such redactions materially reduce any privacy or safety-related risk that the defendants might claim from disclosure.

ORDER

For the forgoing reasons, Plaintiff Citizen for Juvenile Justice's motions for a preliminary injunction are **ALLOWED** and the Defendants' motions to dismiss are **DENIED.**

SO ORDERED.

M. D. Ricciuti
MICHAEL D. RICCIUTI
Chief Justice, Superior Court

Dated: June 23, 2026