

# 68.2

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CRIMINAL #2013-00983

---

COMMONWEALTH OF MASSACHUSETTS

v.

AARON HERNANDEZ

---

**AFFIDAVIT OF MICHAEL K. FEE IN SUPPORT OF DEFENDANT'S MOTION FOR  
TRANSFER FROM THE BRISTOL COUNTY JAIL AND HOUSE OF CORRECTION  
TO ANOTHER COUNTY JAIL LOCATED CLOSER TO BOSTON**

Michael K. Fee, being duly sworn according to law, hereby says and deposes as follows:

1. I am a member in good standing of the Bar of the Supreme Judicial Court of Massachusetts and co-counsel for the Defendant in the above-captioned criminal case. I make this affidavit based upon personal knowledge and documents obtained by me, as noted herein.
2. In connection with my representation of Defendant, I have driven to and visited him at the Bristol County Jail and House of Correction ("Bristol County HOC") located in North Dartmouth, Massachusetts many times. In favorable traffic conditions on some of Eastern Massachusetts' most congested roadways (the Southeast Expressway, Route 128 and Route 24), a round trip takes over two hours. (See Exhibit 1, Printout from Mapquest.com illustrating a round trip of 116 miles taking 2 hours). When the roadways to and from North Dartmouth are congested or under construction, a round-trip to the Bristol County HOC has taken me as long as four hours. The distance of Bristol County HOC from my office in Boston materially limits my ability to visit Defendant in person.

3. On May 28, 2014, Hernandez was arraigned on multiple charges in Suffolk County, including two counts of First Degree Murder. A true and correct copy of the indictments upon which Hernandez was arraigned is attached hereto as Exhibit 2.
4. The distance between Boston and North Dartmouth requires that I often confer with Hernandez by telephone. When Hernandez calls, the quality of the connection is often so poor, Hernandez has to raise his voice to a point where he can be heard by Corrections Officers and inmates standing nearby. On one occasion, Hernandez's call to me was preceded by an unidentified Corrections Officer speaking first on the telephone to verify my identity. According to Hernandez, for the duration of this call, the Corrections Officer remained nearby, close enough to hear Hernandez's conversation.
5. On or around October 4, 2013, my co-counsel sent a letter to Sheriff Thomas M. Hodgson which inquired about the Commonwealth's visitation restrictions with respect to Defendant, and about our inability to conduct private phone conversations with our client. A true and correct copy of the October 4, 2013 letter is attached hereto as Exhibit 3. We have not yet received a response to this letter.
6. When my co-counsel and I visit with Hernandez in person, the Staff at Bristol County HOC have, with only rare, seemingly random exceptions, required our in-person meetings with Hernandez to be conducted in one particular meeting room, "Room A." Room A is located approximately four feet from the Corrections Officer's desk in the contact visiting area.
7. On at least one occasion when I arrived to meet with Hernandez and Room A was occupied by an attorney waiting to see his client, the Corrections Officer on-duty ejected that attorney from Room A, relocating him to another meeting room and placing Hernandez and me in Room A.
8. When asked why we were always required to meet with Hernandez in Room A, a Corrections Officer informed me that they were under orders to restrict Hernandez's attorney visits to Room A. One Corrections Officer pointed out a memorandum from a senior jail official at the Bristol County HOC taped to the Corrections Officer's desk

located in the Contact Visiting Area of Bristol County HOC which states this policy, a policy applicable only to Hernandez.

9. A true and correct copy of an article published in the March 5, 2012 issue of *Massachusetts Lawyers Weekly* entitled "Murder Case in Jeopardy After Error by Prosecutor" is attached hereto as Exhibit 4.
10. On January 17, 2014, my co-counsel and I attended a meeting at the Office of the District Attorney for Bristol County in New Bedford, Massachusetts, at which we were informed by First Assistant District Attorney William McCauley that the Sheriff of Bristol County was voluntarily forwarding Hernandez's mail to the District Attorney's Office to be reviewed for evidence. At this same meeting, we were also informed that the Sheriff had invited members of the prosecution team to listen to recordings of Hernandez's telephone calls.
11. On February 7, 2014, I attended a hearing at Fall River Superior Court held for the purpose of determining whether the Office of the District Attorney could secure a subpoena compelling the Sheriff to produce recordings of Hernandez's jail calls. During that hearing, First Assistant District Attorney William McCauley revealed that his office already had recordings of these telephone calls in their possession courtesy of the voluntary action of the Sheriff.
12. True and correct copies of samples of the dozens of pages of emails and documents that were exchanged between the Staff of the Bristol County HOC and the staff of the District Attorney for Bristol County are attached hereto as Exhibit 5. They evidence close collaboration between the Sheriff and the District Attorney, including one that explains the background on how the Office of the District Attorney came to possess recordings of Hernandez's calls without seeking a subpoena. That email dated July 8, 2013, from Assistant District Attorney Jennifer Purcell of the Bristol County District Attorney's Office to Julie Oliveira of the Sheriff's staff states:

Julie – Bill told me that he had a discussion with the Sheriff (or maybe the DA did, not sure). According to Bill, the Sheriff agreed that we could "take" the phone calls. Bill told him the point of contacts were you and me only. I don't

know if emailing the calls were discussed. But I think to maybe put the Sheriff a little more at rest, I could just come down by Ash Street and pick up the calls. That way, there is no concern about did they get there, anyone else get them, etc. I'll bring you a stack of blank discs. I'll give you a call in the AM to see what you've heard on your end.

Thanks for all your help!!

Jenn

Exhibit 5 at Page 12.

The emails also reveal the artifice the parties attempted to construct to effectuate their wholesale, non-stop invasion of Hernandez's privacy by circumventing due process. For example, one exchange in September 2013 describes how the District Attorney's Office would gain access to Hernandez's mail, while preserving their ability to deny they had "access" to Hernandez's mail:

Oliveira (BCSO) to ADA Purcell (DA): Oh, I figured...no worries. Thanks Julie. The Superintendent is going to speak w our "guy" I'm thinking they will want something more detailed requesting mail. Once I know I'll call you.

ADA Purcell (DA) responds to Oliveira (BCSO): Like how much more detailed? We don't want to take possession of it, just look at it. If there's stuff we want to take, then Eric [presumably Tpr. Benson] will do all the more formal stuff.

Exhibit 5 at Page 16.

13. Discovery provided to Hernandez consists of a vast quantity of varied information relating to Hernandez's detention at the Bristol County HOC. The discovery includes copies of:

- all of Hernandez's Bristol County HOC Disciplinary Reports
- a list of inmates in Hernandez's unit
- copies of letters sent to and from Hernandez
- a list of all of Hernandez's visitors

- a list of Hernandez's approved persons for telephone calls
- a list of all attorneys visiting Hernandez
- copies of all visitation request forms
- video/audio of Hernandez's visits

14. A true and correct copy of an article from the *Taunton Gazette* is attached hereto as Exhibit 6.
15. A true and correct copy of a BCSO Formal Disciplinary Report supplied through discovery is attached hereto as Exhibit 7<sup>1</sup>
16. A true and correct copy of a report from TMZ.com dated April 15, 2014 is attached hereto as Exhibit 8.
17. True and correct copies of two indictments issued by a Bristol County Grand Jury on May 1, 2014 are attached hereto as Exhibit 9.
18. A true and correct copy of the results of a search on Google.com using the search terms "Hernandez, Hodgson and Bristol" is attached hereto as Exhibit 10. That search yielded 4,490,000 results.
19. A true and correct copy of an article published in the May, 2014 issue of *Boston Magazine* entitled "Big House, Big Mouth," is attached hereto as Exhibit 11.
20. A true and correct copy of an editorial published on May 1, 2014, in *Massachusetts Lawyers Weekly* entitled "Sheriff Should Cease Media Exposure at Inmate's Expense," is attached hereto as Exhibit 12.
21. As recently as June 2, 2014, the Sheriff "revealed" specific details about Hernandez's detention to FoxSports.com, continuing a 12-month effort to publically portray Hernandez in the worst possible light. A true and correct copy of a June 2, 2014 article

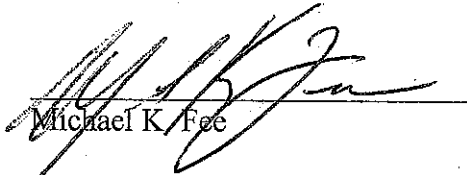
---

<sup>1</sup> As the Court well knows, but to eliminate any chance of confusion by others who may read this affidavit, the words "true and correct" as used herein refer only to authenticity of the reproduction, not the substance or content of the document.

from the website FoxSports.com is attached hereto as Exhibit 13.

22. True and correct copies of the Code of Ethical Conduct for the International Corrections and Prisons Association (“ICPACEC”) and the Code of Ethics for the American Correctional Association (“ACACOE”) are attached hereto as Exhibits 14 and 15 respectively.

Signed and sworn under the pains of perjury this 19th day of June, 2014.

  
Michael K. Fee

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document and accompanying exhibits upon the Commonwealth by e-mail and by delivering a copy thereof by first mail to Roger Michel, Assistant District Attorney, Bristol County, 218 South Main Street, Suite #101, Fall River, MA 02720 on June 19, 2014.

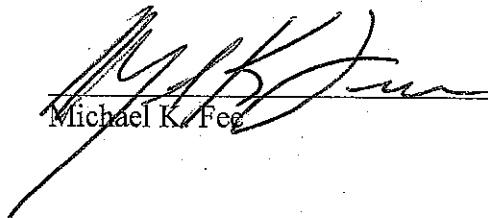
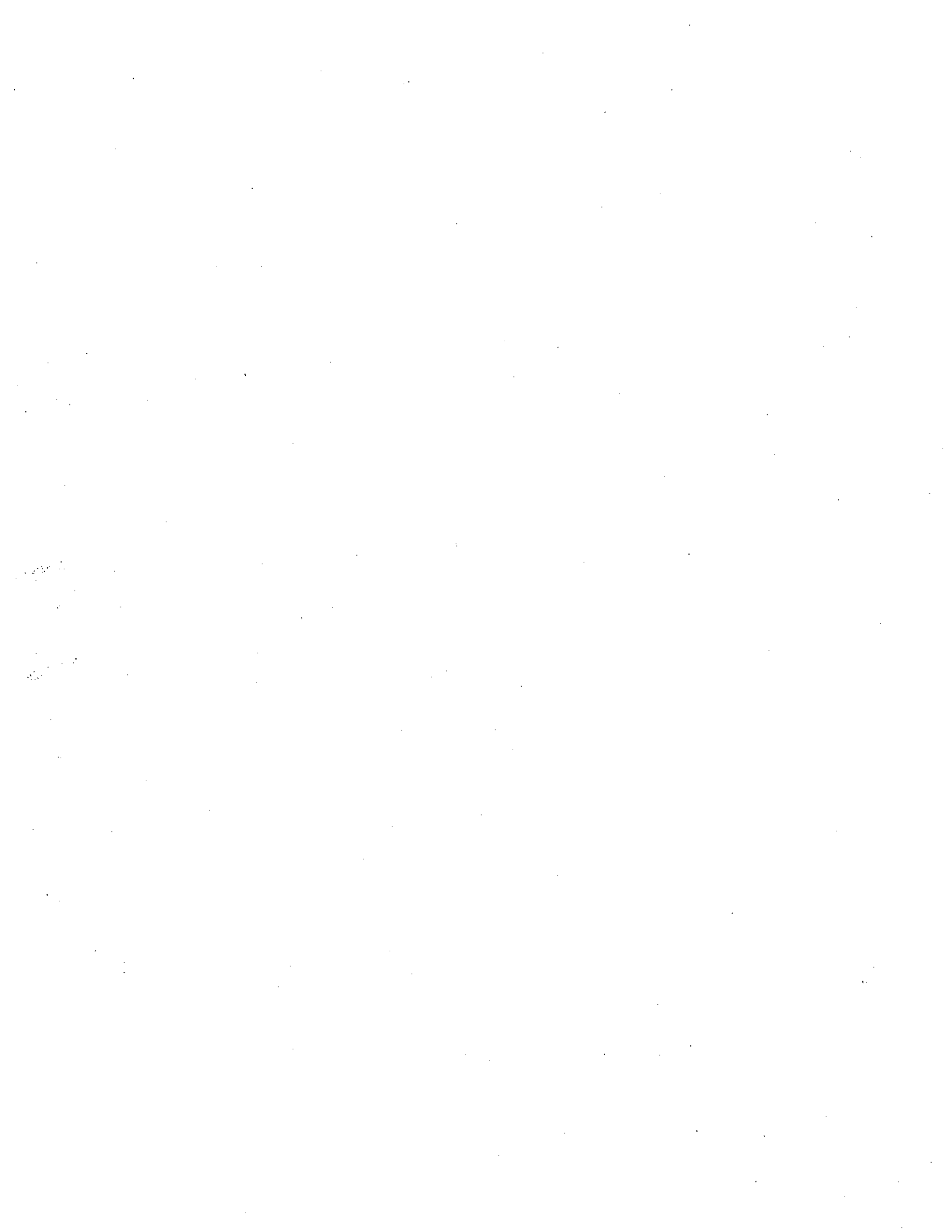
  
Michael K. Fee

TABLE OF EXHIBITS

<u>Title</u>	<u>Number</u>
Printout from Mapquest.com	1
Copy of Suffolk County Hernandez Indictments	2
Letter to Sheriff Thomas M. Hodgson dated October 4, 2013	3
Copy of Massachusetts Lawyers Weekly Article "Murder Case in Jeopardy After Error by Prosecutor" dated March 5, 2012	4
Copies of samples of emails and documents that were exchanged between the Staff of the Bristol County HOC and the staff of the District Attorney for Bristol County	5
Copy of Taunton Gazette article "Aaron Hernandez attorneys call jailhouse phone call request a "fishing expedition" dated February 3, 2014	6
Bristol County Sheriff's Office (BCSO) Formal Disciplinary Report dated 11/2/13	7
Copy of a report from TMZ.com dated April 15, 2014	8
Copies of two indictments issued by a Bristol County Grand Jury on May 1, 2014	9
Copy of the results of a search on Google.com using the search terms "Hernandez, Hodgson and Bristol"	10
Copy of a Boston Magazine article "Big House, Big Mouth" published in the May, 2014 issue	11
Copy of Massachusetts Lawyers Weekly article "Sheriff Should Cease Media Exposure at Inmate's Expense" dated May 1, 2014	12
Copy of a June 2, 2014 article from the website FoxSports.com	13
Copy of the Code of Ethical Conduct for the International Corrections and Prisons Association ("ICPACEC")	14
Copy of Code of Ethics for the American Correctional Association ("ACACOE")	15







Trip to:  
**400 Faunce Corner Rd**  
 North Dartmouth, MA 02747-1275  
 57.82 miles / 57 minutes  
 Notes

**Which "Carb" Kills your Blood Sugar?**

**Click To Reveal #1 Worst Carb EVER (Don't Eat This!)**  
 FixYourBloodSugar.com



**200 Clarendon St, Boston, MA 02116-5009**

Download Free App



1. Start out going south on Clarendon St / MA-28 toward Stuart St / MA-9. [Map](#)

0.04 Mi  
 0.04 Mi Total



2. Take the 1st left onto Stuart St / MA-9. [Map](#)  
*Flour Bakery and Cafe is on the corner  
 If you reach Stanhope St you've gone a little too far*

0.2 Mi  
 0.3 Mi Total



3. Turn right onto Arlington St. [Map](#)  
*Arlington St is 0.1 miles past Berkeley St  
 Liquid Art House is on the corner  
 If you are on MA-28 and reach Church St you've gone a little too far*

0.2 Mi  
 0.5 Mi Total



4. Arlington St becomes Herald St. [Map](#)

0.4 Mi  
 0.9 Mi Total



5. Turn right onto Albany St. [Map](#)

0.01 Mi  
 0.9 Mi Total



6. Merge onto I-93 S / US-1 S via the ramp on the left. [Map](#)

12.3 Mi  
 13.1 Mi Total



7. Merge onto MA-24 S via EXIT 4 on the left toward Brockton. [Map](#)

23.9 Mi  
 37.1 Mi Total

Highway Exits



Exit 18A



8. Merge onto MA-140 S via EXIT 12 toward New Bedford / Galleria Mall Drive. [Map](#)

18.0 Mi  
 55.1 Mi Total



9. Merge onto I-195 W via EXIT 2B toward Fall River. [Map](#)

1.7 Mi  
 56.8 Mi Total



10. Merge onto Faunce Corner Rd via EXIT 12B. [Map](#)

1.0 MI

57.8 Mi Total



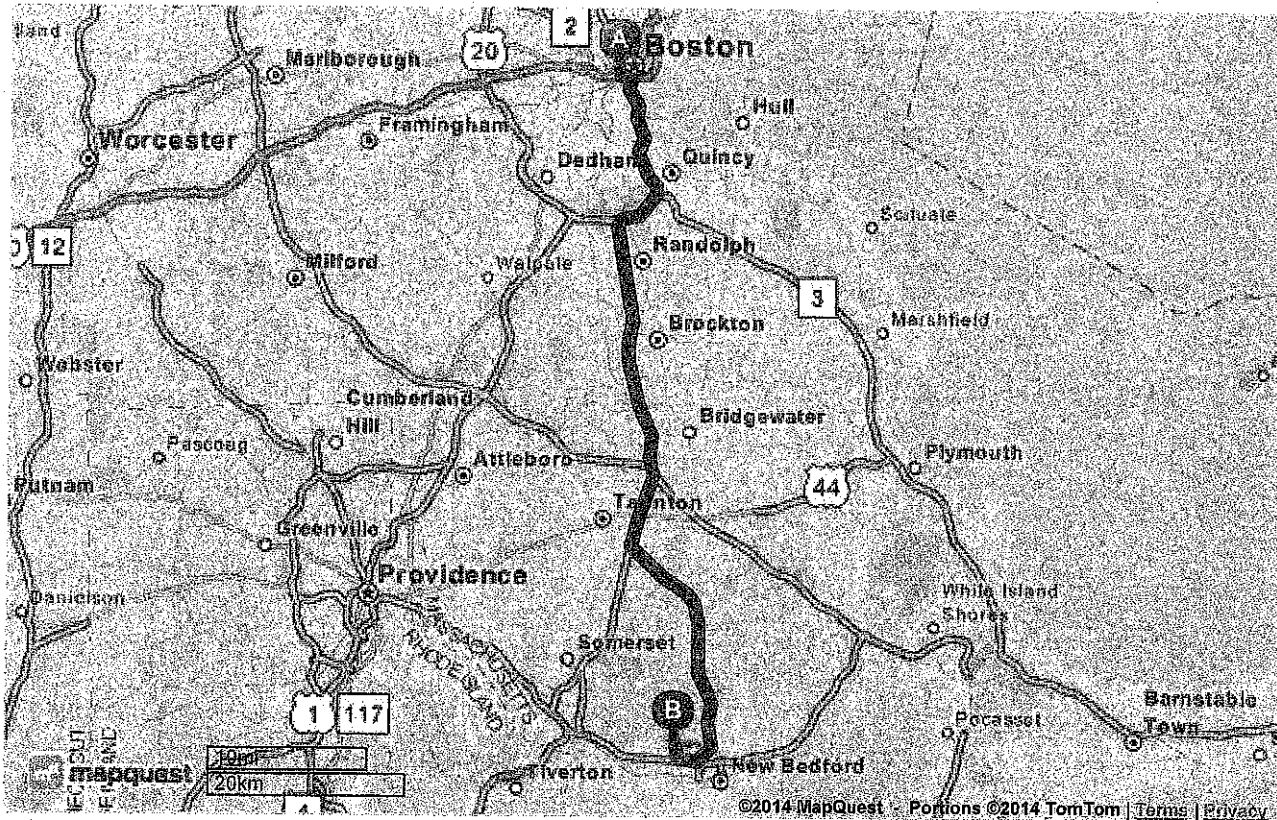
11. 400 FAUNCE CORNER RD is on the left. [Map](#)

*Your destination is 0.3 miles past Ledgewood Blvd  
If you reach Ventura Dr you've gone a little too far*



**400 Faunce Corner Rd, North Dartmouth, MA 02747-1275**

Total Travel Estimate: 57.82 miles - about 57 minutes



©2014 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)



*Commonwealth of Massachusetts*

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,  
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our  
Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, did assault and beat Daniel de Abreu with intent to murder him and by such assault and beating did kill  
and murder Daniel de Abreu.

A TRUE BILL

*[Signature]*  
Assistant District Attorney

*[Signature]*  
Foreman of the Grand Jury

*Superior Court Department - Criminal Business*

*May, Filing, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

*Clerk Of Court*

*Commonwealth of Massachusetts*

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,  
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our  
Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, did assault and beat Safiro Furtado with intent to murder him and by such assault and beating did kill  
and murder Safiro Furtado.

A TRUE BILL

*R. M. Haggan*  
Assistant District Attorney

*AH*  
Foreman of the Grand Jury

*Superior Court Department - Criminal Business*

*May, Filing, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

\_\_\_\_\_  
*Clerk of Court*

*Commonwealth of Massachusetts*

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,  
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our  
Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, being armed with a certain dangerous weapon, to wit: a firearm, did assault one Aquilino Freire with  
intent to murder him.

A TRUE BILL

*R. M. Huggins*  
\_\_\_\_\_  
*Assistant District Attorney*

*[Signature]*  
\_\_\_\_\_  
*Foreman of the Grand Jury*

*Superior Court Department - Criminal Business*

*May, Felling, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

\_\_\_\_\_  
*Clerk of Court*

INDICTMENT

Assault with Intent to Murder - Armed  
C. 265, §18(b)

*Commonwealth of Massachusetts*

SUFFOLK, SS.

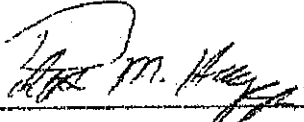
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,  
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our  
Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, being armed with a certain dangerous weapon, to wit: a firearm, did assault one Gerson Lopes with  
intent to murder him.

A TRUE BILL



*Assistant District Attorney*



*Foreman of the Grand Jury*

*Superior Court Department - Criminal Business*

*May, Filing, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

*Clerk of Court*



*Commonwealth of Massachusetts*

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,

begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our

Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, being armed with a certain dangerous weapon, to wit: a firearm, did assault one Raychides Sanchez with intent to murder him.

A TRUE BILL

*[Signature]*  
Assistant District Attorney

*[Signature]*  
Foreman of the Grand Jury

*Superior Court Department - Criminal Business*

*May, Sitting, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

*Clerk of Court*

INDICTMENT

*Commonwealth of Massachusetts*

---

SUFFOLK, SS.

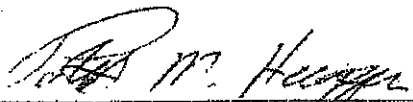
At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,  
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our  
Lord two thousand and fourteen.

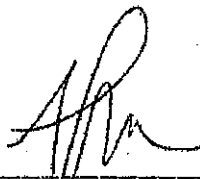
THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, did commit an assault and battery upon one Aquilino Freire, by means of a certain dangerous weapon,  
to wit: a firearm.

A TRUE BILL

  
\_\_\_\_\_  
*Assistant District Attorney*

  
\_\_\_\_\_  
*Foreman of the Grand Jury*

*Superior Court Department - Criminal Business*

*May, Filing, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

\_\_\_\_\_  
*Clerk Of Court*

INDICTMENT

Possession of Firearm, Not Home/Work, No License  
C. 269, §10 (a)

*Commonwealth of Massachusetts*

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,

begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of May in the year of our

Lord two thousand and fourteen.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

**AARON HERNANDEZ,**

on July 16, 2012, did unlawfully and knowingly have in his possession, a firearm, to wit: a .38 caliber revolver, as defined by G.L. c. 140, § 121, that is, a weapon from which a bullet could be discharged and of which the length of the barrel was less than sixteen inches, the said AARON HERNANDEZ not being present in his residence or place of business, not having in effect a license to carry firearms issued under G.L. c. 140, § 131 or 131F, and not complying with the provisions of G.L. c. 140, § 129c and 131g.

A TRUE BILL

*James M. Hassett*  
\_\_\_\_\_  
*Assistant District Attorney*

*[Signature]*  
\_\_\_\_\_  
*Foreman of the Grand Jury*

*Superior Court Department - Criminal Business*

*May, Sitting, 2014*

*Returned into said Superior Court by the Grand Jurors and ordered to be filed.*

\_\_\_\_\_  
*Clerk Of Court*



**RANKIN & SULTAN**  
ATTORNEYS AT LAW

CHARLES W. RANKIN  
JAMES L. SULTAN  
CATHERINE J. HINTON  
MICHELLE MENKEN

JONATHAN P. HARWELL  
KERRY A. HABERLIN  
AUDREY M. GRACE\*

\*ALSO ADMITTED IN MAINE

151 MERRIMAC STREET  
SECOND FLOOR  
BOSTON, MA 02114

(617) 720-0011

FAX (617) 742-0701

EMAIL OFFICE@RANKIN-SULTAN.COM

October 4, 2013

Thomas M. Hodgson, Sheriff  
Bristol County Jail and House of Correction  
400 Faunce Corner Road  
North Dartmouth, MA 02747

Re: **Aaron Hernandez, #174954**

Dear Sheriff Hodgson:

We are writing to raise several serious concerns about the conditions under which our client, Aaron Hernandez, is being held at your jail while awaiting trial. We recognize your responsibility to keep all inmates safe and secure and that having a well-known individual in your custody creates particular challenges. At the same time, we're sure you would agree that Aaron deserves to be treated no worse than any other detainee who has been convicted of no crime and is awaiting trial.

First and foremost, we are concerned about Aaron's safety at the institution. Aaron was told at the outset of his incarceration by jail officials that Bristol was a "Crip Jail" and that he was in danger due to his red tattoos (including the words "blood, sweat, tears" on his hand). As a result, he has been held in a segregation unit from June 26<sup>th</sup> through the present. He is not allowed to communicate with other inmates or staff. He cannot participate in recreation with other inmates. He has been threatened by other inmates. This is not a safe place for him to be, particularly if he has to suffer inhumane isolation for a protracted period of time. Is there any alternative to this situation that you can propose?

Second, all of Aaron's attorney visits are required to take place in Room Number One. There is a memorandum to that effect on the officer's desk, which is located in the Contact Visiting Area. Why is that? We are concerned that our privileged conversations in that room are being illegally monitored and/or recorded, either by the guard listening in or by a recording device. Are they? As far as we know, no other inmate has to have attorney visits in any particular room. We request that we be allowed to meet with our client in whatever room is open and available for use.

Thomas M. Hodgson, Sheriff  
Bristol County Jail and House of Correction  
October 4, 2013  
Page 2

Third, it is virtually impossible for us to hear Aaron when he calls us on the phone in his present unit. If he shouts so that we can hear, other inmates and guards can hear his side of the conversation. Is there anything that can be done to enable us to have audible, private telephone conversations with our client?

Fourth, guards assigned to search his cell have apparently read through his legal papers, including our letters to him, as well as his letters or other documents he has prepared for us. What can be done to safeguard the confidentiality of his legal materials?

Fifth, it appears that the same guards have been assigned to Aaron's unit during his time at the jail. As far as we are aware, guards in other units are rotated on a regular basis, in part to prevent guards and inmates from becoming too comfortable with each other. Is Mr. Hernandez being singled out in this fashion, and, if so, for what reason?

Sixth, Aaron is being treated without cause as if he is a suicide risk. Aaron has not been allowed to wear a tie or belt or shoelaces when he goes to court. For some period of time, the light in his cell was kept on for 24 hours per day, and he has been subjected to constant video surveillance. He is not and has never been a suicide risk. Why is he being singled out for such treatment, and how can it be rectified?

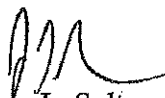
Finally, he has never had access to a television while at the jail, although other inmates have access to television. This is yet another way in which his conditions appear more onerous than everyone else's. Can this be rectified?

We appreciate your consideration of these important issues and look forward to hearing from you at your earliest convenience.

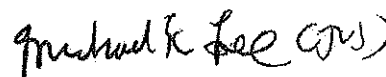
Sincerely,



Charles W. Rankin



James L. Sultan



Michael K. Fee

CWR:pcb

cc: Superintendent Steven J. Souza



# MASSACHUSETTS LAWYERS WEEKLY

www.masslawyersweekly.com

---

Mar 5, 2012

---

## Murder Case in Jeopardy After Error by Prosecutor

### Attorney-client phone calls were put before grand jury

By David E. Frank

david.frank@lawyersweekly.com

The CD was marked "Grand Jury Exhibit No. 7."

Robert M. Griffin thought nothing of the disc, until he popped it into his computer and listened. The Walpole defense lawyer was astounded by what he heard.

The CD, which had been introduced to the grand jury by Bristol County Assistant District Attorney Aaron T. Strojny, contained an illegally recorded phone call between Griffin and his client, Jonathan Niemic, a murder suspect being held without bail at the Dartmouth House of Corrections.

The disc also included a privileged voicemail Niemic left for Griffin, relaying specific information about search warrants being executed by police at various locations after the killing.

"I was — and still am — stunned," Griffin, the former chief of Superior Court prosecutions in the Suffolk County DA's Office, told Lawyers Weekly. "There's no right more sacrosanct to the process than the attorney-client privilege. For them to do this to me and my client is really one of the most shocking and reprehensible things I've ever seen."

In response, Griffin has filed a motion, scheduled to be heard on March 28, that requests a judge dismiss the indictment with prejudice.

If Griffin is successful, prosecutors will be permanently barred from trying Niemic on charges that he stabbed a Fairhaven man outside an Alcoholics Anonymous meeting in October 2010.

The motion comes just months after Superior Court Judge John P. Connor Jr. ruled that prosecutors in the case improperly seized and read Niemic's incoming and outgoing mail without a warrant.

"[T]he government conduct is outrageously egregious in that an attorney for the Commonwealth caused a Grand Jury subpoena to issue to the Sheriff to secure privileged attorney-client communications and then took the additional step of presenting those privileged communications as evidence," Griffin wrote in the filing. "[T]he court must dismiss the indictment."

Bristol County DA C. Samuel Sutter Jr. declined to comment on how the misstep occurred or the fact that Strojny is no longer assigned to the case.

A spokesman for Sheriff Thomas Hodgson said the department is investigating the incident.

#### 'Office looks really bad'

Boston attorney David R. Yannetti, a former Middlesex County homicide prosecutor, said Strojny violated his duty to carefully analyze evidence before introducing it to the grand jury.



With the telephone calls marked as an exhibit, the court must assume the jurors listened to the CD and deemed it relevant to their probable-cause analysis, Yannetti said.

"You'd like to think when you've attained a status within a DA's office where you're handling murder cases, it's because you've put the proper time into preparing your cases and have a good understanding of what you can and can't do," he said. "With what's at stake — a guy being held without bail and a family probably seeking justice — the idea that a prosecutor did this makes him and his office look really bad."

Recently retired U.S. District Court Judge Nancy Gertner said she was "floored" by the blunder. She added that it was the first such error she had heard of in her 39 years as an attorney.

While judges rarely agree to the draconian sanction of dismissal with prejudice, the judge assigned to decide Griffin's motion may have no choice, Gertner said.

"You don't easily dismiss murder cases," she said. "But on the other hand, it's really hard to imagine, short of perjury-creating evidence, what kind of rights violation would be as egregious as this."

The question for the court will be whether the case can proceed untainted, she said.

"My initial reaction is that I don't see how you disentangle the information gleaned as a result of this violation from any charge going forward, given the damage that was done," she said. "We assume an officer of the court pays attention to what he's doing. It's hard to imagine what the explanation would be for how this could happen."

Several prosecutors and defense lawyers familiar with the case said newly assigned ADA Maryclare Flynn will likely argue Strojny inadvertently introduced the disc.

It is expected that she will ask for permission to re-present the case to a new grand jury without using the confidential communications.

Gertner, now a professor at Harvard Law School, said she does not believe such a solution would eradicate the damage, as the prosecution would still be privy to the Griffin-Niemic conversations and could develop derivative evidence from them.

"The fact that no one was aware of what was going on until [Griffin] told them about it is simply outrageous," she said. "If we forgive this kind of inattentiveness, we are really lowering the standards for prosecutors to a level [that] is extraordinary."

Although the initial blame lies with the Bristol County Sheriff's Office for including the privileged calls on the disc, Gertner said, Strojny had ample opportunity to discover the error before introducing the CD as an exhibit.

"There were so many steps along the way where this could've been detected," she said. "The fact it got as far as it did, where the prosecutor included it as evidence in the case, warrants a real sanction."

### **Un-ringing the bell**

Joseph F. Krowski of Brockton said any sanction short of dismissal with prejudice sends a dangerous message to the bar.

The criminal defense attorney, who recently convinced a judge to dismiss without prejudice another Bristol murder case due to prosecutorial misconduct, said there is no way to get around the fact that communications between a lawyer and his client are now in the public domain.

"A client needs to know he can say anything to a lawyer and that it's going to be privileged," he said. "What they've done is contaminate the whole process; there's got to be a real prophylactic ruling where the court says the case is over for good."

While Boston appellate attorney Dana A. Curhan agrees that the proceedings are “clearly tainted,” he said it is highly unlikely a judge will bar prosecutors from putting the case before a new grand jury.

“It might be difficult to untangle this, but it’s not impossible,” he said. “Based on the caselaw that’s been developed in this area over the years, I just don’t see a murder case being dismissed with prejudice, even on something as egregious as this.”

Curhan, who argued a seminal government misconduct case before the Supreme Judicial Court in 1987 when he oversaw appeals in the Bristol County DA’s Office, said judges set an intentionally high bar for the type of prejudice necessary for such a sanction.

Even so, Curhan said, DA Sutter would be wise to ask for a special prosecutor not connected with his office to take over the case.

“It’s hard to fathom how something this bad could happen,” he said. “The question is whether you can un-ring the bell. There probably are ways of doing it.”

## Former Prosecutor: Blunder Never Should’ve Happened

While prosecutors have long subpoenaed and — controversially — used defendants’ recorded telephone calls in their cases, they have done so with the clear understanding that conversations between lawyers and clients are strictly off limits.

So when the Bristol County Sheriff’s Office responded to a grand jury subpoena by erroneously including communications between accused murderer Jonathan Niemic and his attorney, Robert M. Griffin of Walpole, it was clear a major error had been committed. That error was compounded when the prosecutor in the case introduced the calls as an exhibit to the grand jury.

Rep. Christopher M. Markey, D-Dartmouth, who served as second assistant DA under former Bristol County DA Paul F. Walsh Jr., said he is “embarrassed,” as a former prosecutor, that such an error could occur.

When the Bristol County DA’s Office received the CD, the following steps should have been taken, according to Markey:

- The prosecutor should have reviewed the CD;
- As soon as the prosecutor heard Griffin’s voice on the CD, he should have stopped listening;
- At that point, the prosecutor should have alerted Griffin, the court and the sheriff of the error;
- If necessary, the prosecutor should have submitted an affidavit to the court documenting what happened and what steps he took in response.

“Whether it was laziness or intentional, there is no excuse,” Markey said. “I hope for the victim’s family’s sake, the remedy the court arrives at doesn’t hurt the case.”

— David E. Frank

---

Copyright © 2014 Massachusetts Lawyers Weekly | 10 Milk Street Suite 1000, Boston, MA 02108 | 1-800-451-9998

[About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [Subscriber Agreement](#) | [Lawyers Weekly Books](#)





- Mail
  - Calendar
  - Contacts
  - Deleted Items (14)
  - Drafts
  - Inbox
  - Junk E-mail
  - Sent Items
- Click to view all folders
- Arnold Andrews
  - Badlo, Marshall, Smith
  - Darius and Ryan Gamboa
  - Fernandes, Mitchell, Jef...
  - Gayle Botelho
  - Hernandez, Ortiz, Wallac...
  - Misc Cases
  - Office
  - Phone Call Requests
  - Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**FW: Hernandez requests**  
 Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

**Sent:** Thursday, January 23, 2014 11:17 AM  
**To:** Purcell, Jennifer (ERI)

**From:** Steven Souza  
**Sent:** Thursday, November 07, 2013 9:24 AM  
**To:** Julie Oliveira  
**Subject:** RE: Hernandez requests

sure

**Steven J. Souza**  
 Superintendent

**From:** Julie Oliveira  
**Sent:** Thursday, November 07, 2013 8:42 AM  
**To:** Steven Souza  
**Subject:** RE: Hernandez requests

Good Morning,

Should I share this w the DA's Office???

**From:** Steven Souza  
**Sent:** Thursday, November 07, 2013 8:30 AM  
**To:** Julie Oliveira  
**Subject:** FW: Hernandez requests

**Steven J. Souza**  
 Superintendent

**From:** Glen Pinchbeck  
**Sent:** Thursday, November 07, 2013 8:27 AM  
**To:** Celeste Cabral  
**Cc:** Steven Souza; James Lancaster; IS Group  
**Subject:** RE: Hernandez requests

Hi Celeste,

Attached is the new PAN list for when he is off restriction. The numbers are in the list but not active, please let me know when he is off restriction so I can activate the numbers. NOTE: The names shown are registered to those numbers, some of the names are different from what you provided, please verify.

Thanks,  
 Glen

**From:** Celeste Cabral  
**Sent:** Thursday, October 31, 2013 12:06 PM  
**To:** Glen Pinchbeck  
**Subject:** RE: Hernandez requests

HI GLEN,

COULD YOU ALSO CHANGE OLD NUMBER 860-845-4518 TO NEW NUMBER 860-506-4401. THIS IS ALL UNDER GINA.

THANKS  
CELESTE

---

**From:** Glen Pinchbeck  
**Sent:** Tuesday, October 29, 2013 2:52 PM  
**To:** Celeste Cabral  
**Subject:** RE: Hernandez requests

Hi Celeste,

Attached file is his current PAN list.

Glen

---

**From:** Glen Pinchbeck  
**Sent:** Monday, October 28, 2013 12:58 PM  
**To:** Celeste Cabral  
**Subject:** RE: Hernandez requests

Hi Celeste,

Do you have the numbers associated with the names to be removed? I can make these changes but he will not be able to call them as long as he is in EE.

Thanks,  
Glen

---

**From:** Celeste Cabral  
**Sent:** Monday, October 28, 2013 12:04 PM  
**To:** Glen Pinchbeck  
**Subject:** FW: Hernandez requests

GLEN HERE ARE THE SWITCHES FOR HERNANDEZ:  
Take off

Brandon Spikes  
Brandon Beam  
Andy Tirando

Add on  
Michael Bakaysa  
508 728 9420  
Maurkse Pouncey  
863-660-8968  
Savannah Wall  
270-703-0712

---

**From:** Bruno Ventura  
**Sent:** Monday, October 28, 2013 11:41 AM  
**To:** Celeste Cabral  
**Subject:** Hernandez requests

Hi Celeste,

Inmate Hernandez is requesting a hip-hop weekly magazine. He is also requesting to switch people on his phone list.

He wanted to double check his visit list, to check if it was correct.

Visit List

Shayanna Jenkins

Ryan McDonnell

Thomas McDonnell

Melinda McDonnell

Michael Bakaysa

Thanks

Bruno

 Connected to Microsoft Exchange

**Purcell, Jennifer (BRI)**

---

**From:** Julie Oliveira <JULIEOLIVEIRA@bcso-ma.org>  
**Sent:** Thursday, January 23, 2014 11:13 AM  
**To:** Purcell, Jennifer (BRI)  
**Subject:** FW:

-----Original Message-----

**From:** Purcell, Jennifer L (DAA) [<mailto:jennifer.l.purcell@state.ma.us>]  
**Sent:** Tuesday, October 22, 2013 2:01 PM  
**To:** Julie Oliveira  
**Subject:**

I got the copies of aaron's envelopes and there's an inmate from WI who sent him a letter. I don't know if it went through but there's no stamp saying rejected.

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

Mail

Calendar

Contacts

Deleted Items (14)

Drafts

Inbox (7)

Junk E-mail

Sent Items

Click to view all folders

Arnold Andrews

Badillo, Marshall, Smith

Darius and Ryan Gamboa

Fernandes, Mitchell, Jef...

Gayle Botelho

Hernandez, Ortiz, Wallac...

Misc Cases

Office

Phone Call Requests

Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

**FW: Hernandez**

Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.

**Sent:** Thursday, January 23, 2014 10:53 AM

**To:** Purcell, Jennifer (BRI)

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]

**Sent:** Wednesday, September 25, 2013 9:14 AM

**To:** Julie Oliveira

**Subject:** Hernandez

Julie,

Per our earlier conversation, Trooper Benson and I would like to view the discarded mail at the HOC.

Thanks!

Jenn

Sent from my Samsung smartphone on AT&T

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.



- Mail
  - Calendar
  - Contacts
  - Deleted Items (14)
  - Drafts
  - Inbox (8)
  - Junk E-mail
  - Sent Items
- Click to view all folders >
- Arnold Andrews
  - Badillo, Marshall, Smith
  - Darius and Ryan Gamboa
  - Fernandes, Mitchell, Jef...
  - Gayle Botelho
  - Hernandez, Ortiz, Wallac...
  - Misc Cases
  - Office
  - Phone Call Requests
  - Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**FW: Hernandez Mail**

Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.

**Sent:** Thursday, January 23, 2014 10:52 AM  
**To:** Purcell, Jennifer (BRI)

**From:** Julie Oliveira  
**Sent:** Wednesday, September 25, 2013 7:37 AM  
**To:** 'Purcell, Jennifer L (DAA)'  
**Subject:** RE: Hernandez Mail

Thanks Jenn, I'll let the Superintendent know.

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Tuesday, September 24, 2013 4:49 PM  
**To:** Julie Oliveira  
**Subject:** Hernandez Mail

Hi Julie,

I spoke to Bill and he did want to retrieve Hernandez's discarded mail. I am going to ask Eric Benson to stop by tomorrow morning. I will give you a call in the morning to find out the logistics so I can relay it to Eric.

Thanks!  
Jenn

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

Mail

Calendar

Contacts

Deleted Items (14)

Drafts

Inbox (8)

Junk E-mail

Sent Items

Click to view all folders >

Arnold Andrews

Badillo, Marshall, Smith

Darius and Ryan Gamboa

Fernandes, Mitchell, Jef...

Gayle Botelho

Hernandez, Ortiz, Wallac...

Misc Cases

Office

Phone Call Requests

Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

**FW: Hernandez Mail**

Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.

Sent: Thursday, January 23, 2014 10:51 AM

To: Purcell, Jennifer (BR)

From: Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]

Sent: Tuesday, September 24, 2013 4:49 PM

To: Julie Oliveira

Subject: Hernandez Mail

Hi Julie,

I spoke to Bill and he did want to retrieve Hernandez's discarded mail. I am going to ask Eric Benson to stop by tomorrow morning. I will give you a call in the morning to find out the logistics so I can relay it to Eric.

Thanks!  
Jenn

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- Mail
- Calendar
- Contacts
- Deleted Items (12)
- Drafts
- Inbox (4)
- Junk E-mail
- Sent Items
- Click to view all folders
- Arnold Andrews
- Badillo, Marshall, Smith
- Darius and Ryan Gamboa
- Fernandes, Mitchell, Jef...
- Gayle Botelho
- Hernandez, Ortiz, Wallac...
- Misc Cases
- Office
- Phone Call Requests
- Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**FW: Hernandez**  
 Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.

Sent: Thursday, January 23, 2014 10:16 AM  
 To: Purcell, Jennifer (BR)

-----Original Message-----

From: Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
 Sent: Tuesday, July 16, 2013 8:39 PM  
 To: Julie Oliveira  
 Subject: Hernandez

Oh, Hernandez... Bill had asked me a couple of days to ask you this. When they have a visit, are they recorded on video? We're not expecting like audio of it. Remember that part of the visit that Shayanna and Hernandez go silent on the visit? Bill wants to review the video to see their gestures to perhaps confront her.

Thanks  
 Jenn

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- 8 -

**Purcell, Jennifer (BRI)**

---

**From:** Julie Oliveira <JULIEOLIVEIRA@bcso-ma.org>  
**Sent:** Thursday, January 23, 2014 10:12 AM  
**To:** Purcell, Jennifer (BRI)  
**Subject:** FW: Hernandez Visits

-----Original Message-----

**From:** Purcell, Jennifer L (DAA) [<mailto:jennifer.l.purcell@state.ma.us>]  
**Sent:** Friday, July 12, 2013 2:06 PM  
**To:** Julie Oliveira  
**Subject:** Hernandez Visits

Julie,

I'm scared to even ask this but how long did Hernandez' visit last? There is only one "call" of a visit on the link you sent to me which is Ryan.

Thanks  
Jenn

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- Mail
- Calendar
- Contacts
- Deleted Items (12)
- Drafts
- Inbox (6)
- Junk E-mail
- Sent Items
- Click to view all folders
- Arnold Andrews
- Badillo, Marshall, Smith
- Darius and Ryan Gamboa
- Fernandes, Mitchell, Jef...
- Gayle Botelho
- Hernandez, Ortiz, Wallac...
- Misc Cases
- Office
- Phone Call Requests
- Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**FW: Visit**  
 Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

**Sent:** Thursday, January 23, 2014 10:10 AM  
**To:** Purcell, Jennifer (BRI)

**From:** Julie Oliveira  
**Sent:** Thursday, July 11, 2013 7:33 AM  
**To:** 'Purcell, Jennifer L (DAA)'  
**Subject:** RE: Visit

Just checked the visits are being recorded!!!

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Wednesday, July 10, 2013 4:02 PM  
**To:** Julie Oliveira  
**Subject:** RE: Visit

Thanks!

Sent from my Samsung smartphone on AT&T

----- Original message -----

**Subject:** Visit  
**From:** Julie Oliveira <JULIEOLIVEIRA@bcso-ma.org>  
**To:** "Purcell, Jennifer (BRI)" <Jennifer.L.Purcell@MassMail.State.MA.US>  
**CC:**

Jenn,

Visits are from 7-8 for SMU which is where he is..

Thanks Julie

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- Mail
- Calendar
- Contacts
- Deleted Items (12)
- Drafts
- Inbox (3)
- Junk E-mail
- Sent Items
- Click to view all folders
- Arnold Andrews
- Badillo, Marshall, Smith
- Darius and Ryan Gamboa
- Fernandes, Mitchell, Jef...
- Gayle Botelho
- Hernandez, Ortiz, Wallac...
- Misc Cases
- Office
- Phone Call Requests
- Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**RE: Your CD Image is ready**  
 Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.  
 You replied on 7/15/2013 12:09 PM.

**Sent:** Monday, July 15, 2013 11:56 AM  
**To:** Purcell, Jennifer (BRI)

**Name & Address Verification**

Phone Number: 8038045557  
 Last Verified: 07/11/2013 15:37:42  
 Name: MIKE ROUNCEY  
 Address: SW 35TH STREET DAVIE FL 33331

As far as the Pastor thing ...Is she a Pastor as they need to provide documentation & they have no special privileges. The only time they would, is if they wanted to do a Religious Service.

-----Original Message-----

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Monday, July 15, 2013 11:26 AM  
**To:** Julie Oliveira  
**Subject:** RE: Your CD Image is ready

Hi Julie,

Some interesting stuff on the phone calls. There are a couple of new numbers. Could you possibly tell me who they are registered to? (863) 804-5557

Also, I heard Hernandez's grandmother on the phone say that she wanted visit but to put her as a pastor. If they do that, is there any special privileges that come with that?

And last thing, would the last visit between Hernandez, Ryan and Shayanne have a video? Obviously that would go though the powers above but Bill wanted me to check on that.

Thanks!  
 Jenn

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- Mails
- Calendar
- Contacts
- Deleted Items (12)
- Drafts
- Inbox (3)
- Junk E-mail
- Sent Items
- Click to view all folders
- Arnold Andrews
- Badillo, Marshall, Smith
- Dartus and Ryan Gamboa
- Fernandes, Mitchell, Jef...
- Gayle Botelho
- Hernandez, Ortiz, Wallac...
- Misc Cases
- Office
- Phone Call Requests
- Manage Folders...

Reply Reply to All Forward Move Delete Junk Close

**FW: Info**

Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]

The sender of this message has requested a read receipt. Click here to send a receipt.

Sent: Thursday, January 23, 2014 10:05 AM  
 To: Purcell, Jennifer (BRI)

From: Julie Oliveira  
 Sent: Tuesday, July 09, 2013 7:34 AM  
 To: 'Purcell, Jennifer L (DAA)'  
 Subject: RE: Info

Good Morning Jenn...  
 Sounds like a good plan...  
 TTYS

From: Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
 Sent: Monday, July 08, 2013 6:51 PM  
 To: Julie Oliveira  
 Subject: RE: Info

Julie - Bill told me that he had a discussion with the Sheriff (or maybe the DA did, not sure). According to Bill, the Sheriff agreed that we could "take" the phone calls. Bill told him the point of contacts were you and me only. I don't know if emailing the calls were discussed. But I think to maybe put the Sheriff a little more at rest, I could just come by Ash Street and pick up the calls. That way there is no concern about did they get there, anyone else get them, etc. I'll bring you a stack of blank discs. I'll give you a call in the AM to see what you've heard on your end.

Thanks for all your help!!  
 Jenn


From: Julie Oliveira [mailto:JULIEOLIVEIRA@bcso-ma.org]  
 Sent: Monday, July 08, 2013 3:38 PM  
 To: Purcell, Jennifer (BRI)  
 Subject: Info

Jenn,  
 Spoke too soon,, Shayann told him that ADP (Security Company) called her to tell her that someone was breaking into the house,, Shayann checked the cameras and saw a car then Shayann called ADP and ADP told her they called the Police and it was them,,  
 Looks like she is still watching the house from where she is...

He thinks his Co-Def will be housed here as well... this call was made today at 9:30 am...  
 No visits either,,

the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.



 Connected to Microsoft Exchange



**Purcell, Jennifer (BRI)**

---

**From:** Nicholas Drinkwine <NICHOLASDRINKWINE@bcso-ma.org>  
**Sent:** Thursday, January 23, 2014 5:01 PM  
**To:** Purcell, Jennifer (BRI)  
**Subject:** RE: Hernandez Mail

Not a problem.

Thank you,

Sgt. Nicholas Drinkwine  
Special Investigations Unit  
Bristol County Sheriff's Office  
400 Faunce Corner Rd  
N. Dartmouth, MA 02747  
Work: 508-995-6400 ext. 2509  
Cell: 508-400-0502  
Fax: 508-998-4723

-----Original Message-----

**From:** Purcell, Jennifer L (DAA) [<mailto:jennifer.l.purcell@state.ma.us>]  
**Sent:** Thursday, January 23, 2014 1:21 PM  
**To:** Nicholas Drinkwine  
**Subject:** RE: Hernandez Mail

Sgt Drinkwine,  
Please don't send us copies of the envelopes going further.  
Thanks!  
Jenn Purcell

---

**From:** Nicholas Drinkwine [NICHOLASDRINKWINE@bcso-ma.org]  
**Sent:** Wednesday, January 22, 2014 4:00 PM  
**To:** Purcell, Jennifer (BRI)  
**Subject:** Hernandez Mail

Thank you,

Sgt. Nicholas Drinkwine  
Special Investigations Unit  
Bristol County Sheriff's Office  
400 Faunce Corner Rd  
N. Dartmouth, MA 02747  
Work: 508-995-6400 ext. 2509  
Cell: 508-400-0502  
Fax: 508-998-4723

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

- Mail
- Calendar
- Contacts
- Deleted Items (14)
- Drafts
- Inbox (5)
- Junk E-mail
- Sent Items
- Click to view all folders
- Arnold Andrews
- Badillo, Marshall, Smith
- Darius and Ryan Gamboa
- Fernandes, Mitchell, Jef...
- Gayle Botelho
- Hernandez, Ortiz, Wallac...
- Misc Cases
- Office
- Phone Call Requests
- Manage Folders...

Reply
 Reply to All
 Forward
 Move
 Delete
 Junk
 Close

**FW:**  
**Julie Oliveira [JULIEOLIVEIRA@bcso-ma.org]**

The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Purcell, Jennifer (BRI)

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Wednesday, September 25, 2013 10:12 AM  
**To:** Julie Oliveira  
**Subject:** RE:

Like how much more detailed? We dont want to take possession of it, just look at it. If there's stuff we want to take, then Eric will do all the more formal stuff

Sent from my Samsung smartphone on AT&T

----- Original message -----

**Subject:** RE:  
**From:** Julie Oliveira <JULIEOLIVEIRA@bcso-ma.org>  
**To:** "Purcell, Jennifer (BRI)" <Jennifer.L.Purcell@MassMail.State.MA.US>  
**CC:**

Oh I figured,,,no worries.. Thanks Julie  
 The superintendent is going to speak w our "guy" I'm thinking they will want something more detailed requesting the mail. Once I know I'll call you.

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Wednesday, September 25, 2013 10:03 AM  
**To:** Julie Oliveira  
**Subject:** RE:

OK. I meant I was waiting on Eric... not you.... :-)

Sent from my Samsung smartphone on AT&T

----- Original message -----

**Subject:** RE:  
**From:** Julie Oliveira <JULIEOLIVEIRA@bcso-ma.org>  
**To:** "Purcell, Jennifer (BRI)" <Jennifer.L.Purcell@MassMail.State.MA.US>  
**CC:**

On the phone w the Superintendent now, stand by

**From:** Purcell, Jennifer L (DAA) [mailto:jennifer.l.purcell@state.ma.us]  
**Sent:** Wednesday, September 25, 2013 9:56 AM  
**To:** Julie Oliveira  
**Subject:**

Can I just call you when we're ready to go to there? I'm still waiting...

Sent from my Samsung smartphone on AT&T

---

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

---

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

---

This e-mail message is generated from the Office of the Bristol County District Attorney and contains information that is confidential and may be privileged as an attorney/client communication or as attorney work product. The information is intended to be disclosed solely to the addressee(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this email information is prohibited. If you have received this email in error, please notify the sender by return email and delete it from your computer system.

 Connected to Microsoft Exchange



By Brian Fraga

Print Page

February 03, 2014 3:42PM

## Aaron Hernandez attorneys call jailhouse phone call request a 'fishing expedition'

Rather than obtaining important evidence for its case, prosecutors are trying to monitor who is visiting Hernandez at the Bristol County House of Correction in Dartmouth, defense lawyers said.

FALL RIVER — Aaron Hernandez's lawyers say prosecutors are on a "fishing expedition" in requesting recordings of the former Patriots star's jailhouse phone conversations.

In documents filed Monday in Fall River Superior Court, Hernandez's lawyers say that Judge E. Susan Garsh should reject the prosecution's "sweeping" request because it lacks legal merit.

Rather than obtaining important evidence for its case, Hernandez's lawyers said prosecutors are trying to monitor who is calling and visiting the former Patriots star tight end at the Bristol County House of Correction in Dartmouth.

"Surely, there is no basis for that," Hernandez's lawyers, Michael K. Fee and James L. Sultan, wrote.

Last Thursday, prosecutors filed an affidavit with their request for Hernandez's phone call recordings and jail visitor logs. The affidavit alleged that Hernandez, who is charged with murder and firearms violations, spoke in coded messages about his murder case, and that he discussed his and his codefendants' criminal liability in the June 17 slaying of Odin Lloyd in the North Attleborough Industrial Park.

Hernandez, prosecutors said, also made incriminating denials about owning a vehicle connected to the investigation and discussed the extent of his control over his alleged associates and co-defendants.

The allegation that Hernandez spoke in coded messages, defense lawyers said, is based on hearsay.

"Who provided this information to the district attorney? In what form? Under what circumstances? What makes it reliable?" asked Hernandez's lawyers, who also wondered whether the recorded phone calls that prosecutors are seeking include Hernandez's conversations with his lawyers.

"Apparently, attorney visits would be encompassed within the sweeping, unjustified subpoena the commonwealth seeks. The motion should be denied," Hernandez's lawyers wrote.

Bristol County Sheriff Thomas Hodgson said inmates' phone conversations with their lawyers are not recorded because the attorneys' phone numbers are programmed into a computer system at the House of Correction that does not allow calls to and from those numbers to be recorded.

Hodgson also said that inmates and pretrial detainees are notified in writing that their jailhouse phone conversations may be monitored and recorded. Anything an inmate says that prosecutors and police detectives investigating a crime would find interesting is often passed along to those authorities, Hodgson said.

"We have a full legal right to do so," Hodgson said. "There is no reason why we wouldn't share that information with law enforcement and prosecutors. Public safety is our job."

Hernandez, 24, who is held without bail while his murder case is pending, is scheduled to appear Friday in Fall River Superior Court for a pretrial hearing.



PHOTO / BRYAN SNYDER | THE ASSOCIATED PRESS

Former Patriots player Aaron Hernandez attends a pretrial court hearing in Fall River on Oct. 9, 2013. Hernandez was indicted in August in the killing of 27-year-old Odin Lloyd.

<http://www.tauntongazette.com/article/20140203/News/140209255>

Print Page



D-REPORT NO. D-BOARD USE ONLY 11-010-13		<b>BCSO FORMAL DISCIPLINE REPORT</b> (FOR USE WITH MAJOR OFFENSES ONLY)		Report Date (MM/DD/YY) 11/2/13
Inmate Name: Aaron Hernandez		ID Number: 174954	Assigned Unit: EE	
Division/Facility DHOC	Location of Incident: EE unit M-8	Date of Incident: 11/1/13	Time of Incident: 1130	
Description of Offense (Describe event in detail, including inmates involved, what transpired, unusual inmate behavior, staff or other witnesses, property damage, if any, disposition of any evidence, etc.) (Use and attach additional D-Report form(s) if more space is needed)				
On the above date and time I officer Matt Bowen was working EE unit, while passing out chow I denied inmate Aaron Hernandez # 174954 extra meals. Inmate Hernandez became verbally aggressive and stated multiple times that when he gets out of jail he is going to shoot me and kill my family. EOR				
Was property damage caused? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Was medical attention needed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Describe:				
Was additional or emergency assistance required? (i.e. Security, SRT) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Describe:				
Reporting Staff Member Signature Matt Bowen		Reporting Staff Member (Print Name) Matt Bowen		Date: 11/2/13
Inmate placed on Awaiting Action Status? Yes <input type="checkbox"/> Form is attached <input type="checkbox"/> No <input type="checkbox"/> Already on Status <input checked="" type="checkbox"/>				
After review of this incident, I am referring this report to the Inmate Discipline Office for further action.				
Watch Commander/Designee Signature Capt Scott C Rose		Watch Commander/Designee (Print Name) CAPT Scott C Rose		Date 11-2-13

**D-BOARD USE ONLY - Information for the inmate being charged--**

You are being charged with the following code violations, a Hearing Officer will be seeing you not less than 24 hours from this date/time to hold a disciplinary hearing to discuss the charge(s) against you.

**Code Number: Offense:**

- |   |   |
|---|---|
| 1-01 Disobeying an order...   | 1-27 Participation in or encouraging a riot, work stoppage, ...         |
| 1-02 Failing to maintain an acceptable cleanliness ...                            | 1-28 Taking or holding any person hostage.                              |
| 1-03 Being out of place.  | 1-29 Making a bomb threat   |
| 1-04 Refusal to accept a work assignment, housing assignment or program.          | 1-30 Possession of a weapon, ammunition, sharpened instrument, ...      |
| 1-05 Conduct which disrupts...  | 1-31 Possession of any tobacco, ...                                     |
| 1-06 Gambling ...   | 1-32 Interfering with staff members in the performance of their duties. |
| 1-07 Misuse of issued supplies, goods, services, or property.                     | 1-33 Causing injury to another person                                   |
| 1-08 Horseplay ...  | 1-34 Setting fire or making a false fire alarm.                         |
| 1-09 Lost inmate ID cards.  | 1-35 Vandalizing county property ...                                    |
| 1-10 Use of obscene, or threatening gestures                                      | 1-36 Threatening to vandalize county property...                        |
| 1-11 Possession of any material that depicts sexually explicit acts               | 1-37 Unauthorized possession of property                                |
| 1-12 Throwing objects, spitting... at another.                                    | 1-38 Theft of property or possession of stolen property ...             |
| 1-13 Possession of items not authorized for retention                             | 1-39 Tampering with any locking or security device                      |
| 1-14 Being tattooed while incarcerated, tattooing another                         | 1-40 Unauthorized accumulation of prescribed medication...              |
| 1-15 Violating library procedures   | 1-41 Refusing to submit to a urinalysis, breathalyzer, ...              |
| 1-16 Violating any department rule or regulation                                  | 1-42 Refusing or failing to submit to testing such as DNA...            |
| 1-17 Violation any law of the Commonwealth of Massachusetts or the United States. | 1-43 Failing to comply with court procedures                            |
| 1-18 Conspiring with another person to commit any of the above offenses           | 1-44 Possession, ...of unauthorized keys.                               |
| 1-19 Killing.   | 1-45 Counterfeiting of any document, ...                                |
| 1-20 Assaulting or threatening to assault   | 1-46 Giving, selling, borrowing, lending or trading to another inmate   |
| 1-21 Fighting with or threatening another person                                  | 1-47 Giving, receiving or offering any staff member a bribe             |
| 1-22 Sexual assault on a staff member, another inmate or visitor.                 | 1-48 Receiving, accepting, or obtaining goods by fraud                  |
| 1-23 Engaging in sexual acts  | 1-49 Demanding or receiving money or anything of value ...              |
| 1-24 Escape, attempted escape or possession of escape tools.                      | 1-50 Wearing or displaying colors / STG                                 |
| 1-25 Use of any narcotic, controlled substance, illegal drug, ...                 | 1-51 Abusing telephone privileges                                       |
| 1-26 Use of intoxicants and alcohol   | 1-52 Using another inmate's PIN   |
|   | 1-53 Defacing an inmate ID number affixed to inmate property            |
|   | 1-54 Violating law library procedures                                   |

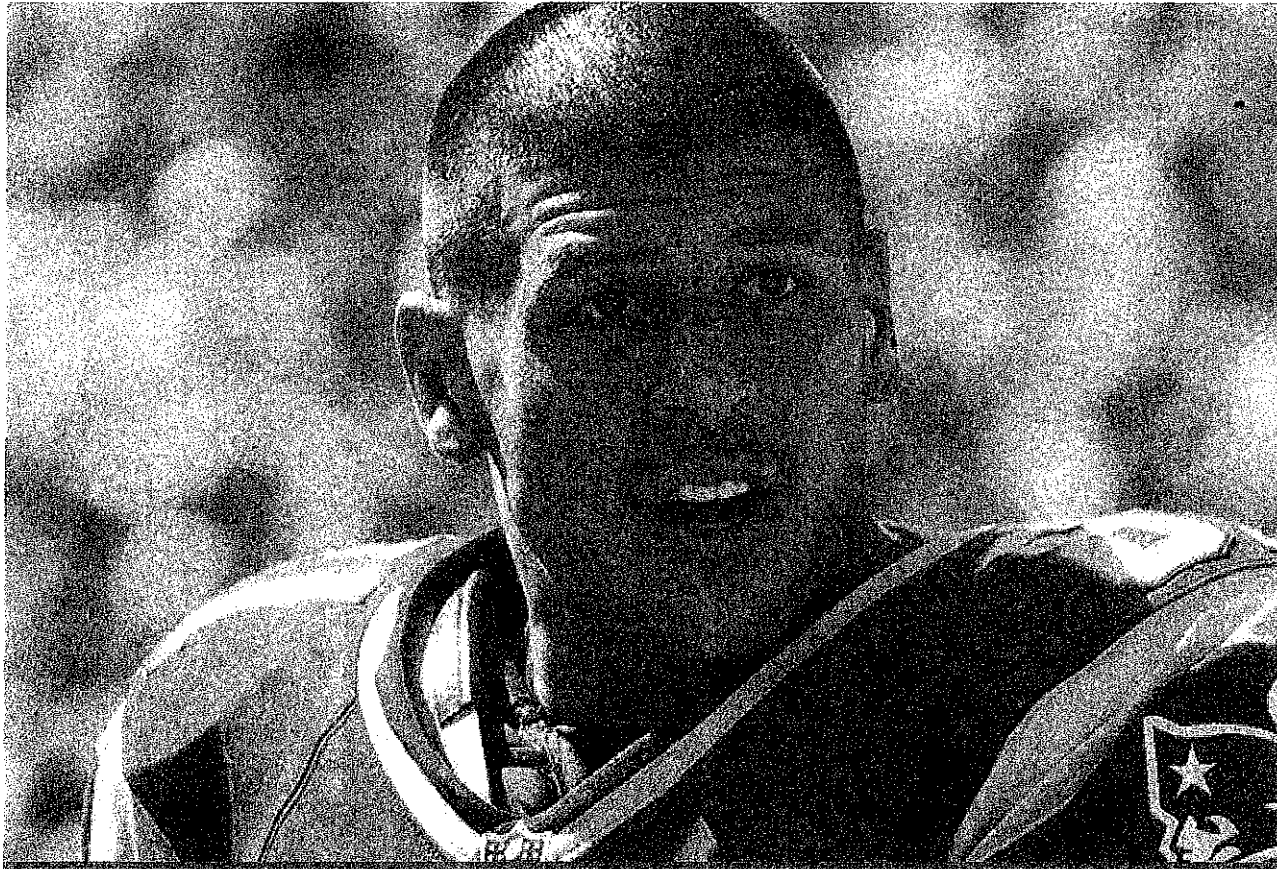




Allegedly Threatened to Kill Jail Guard

4/15/2014 12:45 AM PDT BY TMZ STAFF

EXCLUSIVE



Getty

**Aaron Hernandez** is being investigated for allegedly threatening to shoot and kill a guard at Bristol County Jail late last year ... though one of the NFL star's fellow inmates says it just ain't true ... **TMZ Sports** has learned.

We know ... investigators recently met with an ex-inmate who was locked up near Hernandez at BCJ to discuss a 2013 incident between the former New England Patriots tight end and a correctional officer.

During the questioning ... investigators asked if Hernandez had threatened to kill the guard -- who blew the whistle on Aaron when he was trying to deviously score extra food inside the joint.

(**Note** -- The ex-inmate told investigators Aaron was noticeably losing weight in jail and would run various schemes to get extra food ... like putting an insect on a half eaten meal and then complain to officials so he could get a fresh serving. But the ex-inmate claimed Aaron pulled his schemes "one too many times" which pissed off the officers ... who put an end to the extra food.)

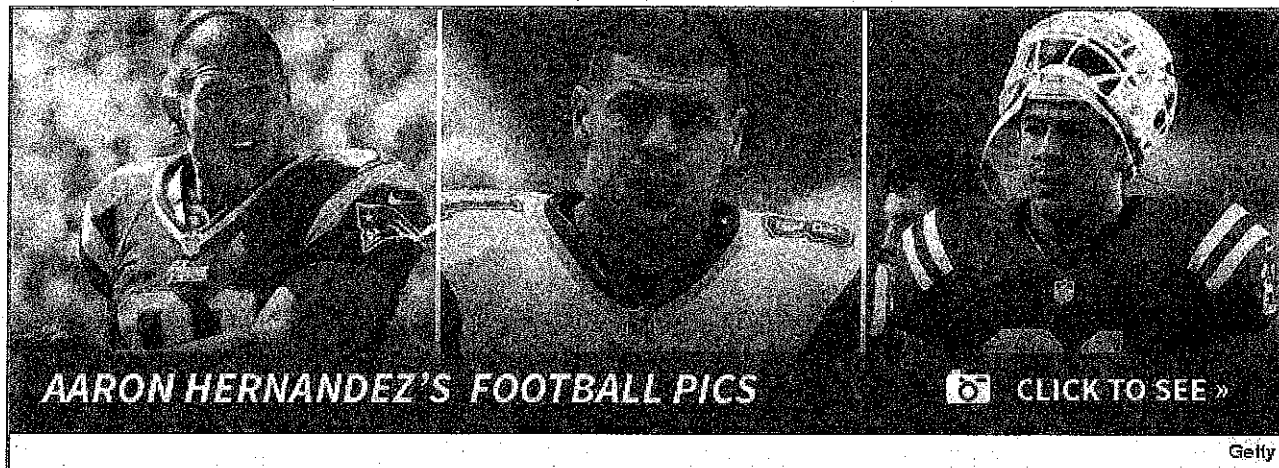
Among the questions investigators asked the ex-inmate -- did Aaron ever say anything to the effect of ... when he gets out of jail, he's going to "kill the guard and shoot his family."

They also want to know if Aaron ever made a noise like a "machine gun round" to the guard.

The ex-inmate was adamant Hernandez NEVER threatened the guard ... though he did claim Aaron called the guy a "bitch" during the heated exchange.

Hernandez was "written up" over the incident.

We placed multiple calls to Bristol County Jail officials to find out where things stand with the investigation -- so far, no word back.



**FOR MORE SPORTS STORIES CHECK OUT**

**TMZ SPORTS.COM**

Get TMZ Breaking News alerts to your inbox  
your@email.com

Yes! Also send me  
"In Case You Missed It..."  
[Read our privacy policy >](#)

See More:

[Aaron Hernandez](#), [TMZ Sports](#) Hide these

- 
- 
- 
- [59](#)

[Add to My Links](#)

**From Around The Web**

**Also On TMZ**

[Little Ricky, Dennis the Menace, Laura Ingalls and Danny Partridge--Where... \(AARP\)](#)

[Sherri Shepherd's Ex -- She's the Mom From Hell ... Our 9-Year-Old Can't...](#)



BRISTOL, SS. On this *first* day of *may*  
in the year Two Thousand and Fourteen this indictment was returned and  
presented to said Superior Court by the Grand Jury and ordered to be filed and filed.

Attest: *Joseph W. ...* Clerk/Magistrate

No. *2014-0386-1*

NB-DI

**INDICTMENT**

**Commonwealth**

vs.

**Aaron Hernandez**

A&B 265/13A

Sup. C. April Sitting 2014

Commonwealth of Massachusetts

BRISTOL, SS.

*At the SUPERIOR COURT holden at Fall River within and for the County of Bristol, for the transaction of criminal business on the First Monday of April, 2014,*

THE JURORS for the said Commonwealth on their oath present, That

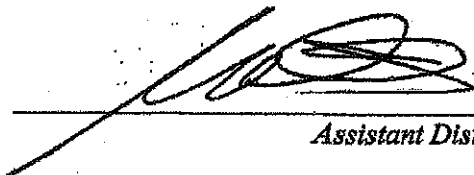
Aaron Hernandez,

on or about February 25, 2014, at Dartmouth, in the County of Bristol aforesaid,

did assault and beat one Andrew Booker.

(G.L. Chap. 265, Sec. 13A)

A true bill.

  
\_\_\_\_\_  
*Assistant District Attorney.*

  
\_\_\_\_\_  
*Foreperson of the Grand Jury.*

NB-DI

No. 2014-0386-2

# INDICTMENT

Commonwealth

vs.

Aaron Hernandez

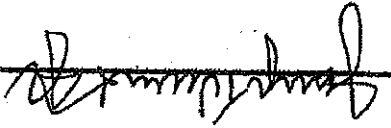
Threats 275/2

Sup. C. April Sitting 2014

BRISTOL, SS. On this *first* day of *May* in the year Two Thousand and Fourteen this indictment was returned and presented to said Superior Court by the Grand Jury and ordered to be filed and filed.

Attest:

Clerk/Magistrate



Commonwealth of Massachusetts

BRISTOL, SS.

*At the SUPERIOR COURT holden at Fall River within and for the County of Bristol, for the transaction of criminal business on the First Monday of April, 2014,*

THE JURORS for the said Commonwealth on their oath present, That


Aaron Hernandez,

on or about November 1, 2013, at Dartmouth, in the County of Bristol aforesaid,

did threaten to kill and/or do bodily harm to Correctional Officer Matthew Bowen and/or his family.

(G.L. Chap. 275, Sec. 2)

A true bill.

  
\_\_\_\_\_  
Assistant District Attorney.

  
\_\_\_\_\_  
Foreperson of the Grand Jury.





Hernandez Hodgson Bristol

Web Maps News Images Shopping More Search tools

→ About 4,490,000 results (0.56 seconds)

### Big House, Big Mouth: Aaron Hernandez Spotlights Bristol ...

www.bostonmagazine.com/.../thomas-hodgson-aaron-hernandez-... ▾ Boston ▾  
Apr 29, 2014 - Ever since Aaron Hernandez arrived at his jail, Bristol County Sheriff Thomas Hodgson has been enjoying the spotlight. But is the lawman's ...

### It Is What It Is » Bristol County Sheriff Tom Hodgson on D&... ifiswhattis.veel.com > It Is What It Is ▾ WEEI ▾

Feb 27, 2014 - After a physical altercation with another inmate, former Patriot Aaron Hernandez has been relocated to an isolated cell at Bristol County Jail.

### Bristol County Sheriff Thomas Hodgson: Aaron Hernandez ...

blog.masslive.com/.../bristol\_county\_sheriff\_thomas.htm... ▾ The Republican ▾  
Feb 26, 2014 - Bristol County Sheriff Thomas Hodgson: Aaron Hernandez was involved in 'brief' jailhouse scuffle, unclear which inmate was aggressor.

### Sheriff: I won't let Aaron Hernandez get married - USA Today



www.usatoday.com/story/.../hernandez.../2484793/ ▾ USA Today ▾  
by Lindsay H. Jones - in 676 Google+ circles

Jul 2, 2013 - Sheriff Thomas M. Hodgson said he would deny any request from ... Hernandez has been held at the Bristol County jail since June 26, the day ...

### What it's like for Aaron Hernandez in jail - The Boston Globe

www.bostonglobe.com/.../hernandez.../story.html ▾ The Boston Globe ▾  
Jul 16, 2013 - For one hour a day, Aaron Hernandez gets to breathe fresh air and ... population, according to Bristol County Sheriff Thomas M. Hodgson.

### Aaron Hernandez in Jailhouse Fight, Could Face New ...

abcnews.go.com > US ▾ ABC News ▾  
Feb 26, 2014 - Former Patriots tight end Aaron Hernandez, already charged with ... Bristol County Sheriff Tom Hodgson told ABC News confirmed that two ...

### Bristol Co. Sheriff: Aaron Hernandez to be charged in jail fight



www.cbssports.com/.../bristol-co-sheriff-aaron-h... ▾ CBSSports.com ▾  
by John Breech - in 61 Google+ circles

Mar 6, 2014 - You can now add an assault charge to Aaron Hernandez's list of problems. ... Bristol County Sheriff Thomas Hodgson had said that there would ...

### Bristol County sheriff details Aaron Hernandez's new ...

www.cbssports.com/.../bristol-county-sheriff-details-aaro... ▾ CBSSports.com ▾  
Jul 16, 2013 - As Hodgson tells the newspaper, Hernandez is locked in a 7-by-10 foot ... Drew Bledsoe's father, Mac Bledsoe, is an auxiliary sheriff in Bristol ...

### Bristol County Sheriff Tom Hodgson on D&C: Aaron ...

boston.greatlocalnews.info/?p=13193 ▾  
Feb 28, 2014 - Bristol County Sheriff Tom Hodgson on D&C: Aaron Hernandez altercation raises questions of 'potential failure in our protocols'.

### Aaron Hernandez Involved in Altercation With Fellow Inmate ...

www.nbcconnecticut.com > news > local ▾ WWIT ▾  
Feb 26, 2014 - Hernandez, a Bristol, Conn. native, and the other inmate were both ... Mass. and only one inmate is allowed out at a time, Hodgson said.

1 2 3 4 5 6 7 8 9 10 Next

Boston, MA - From your Internet address - Use precise location - Learn more

[Help](#) [Send feedback](#) [Privacy & Terms](#)



**Boston**

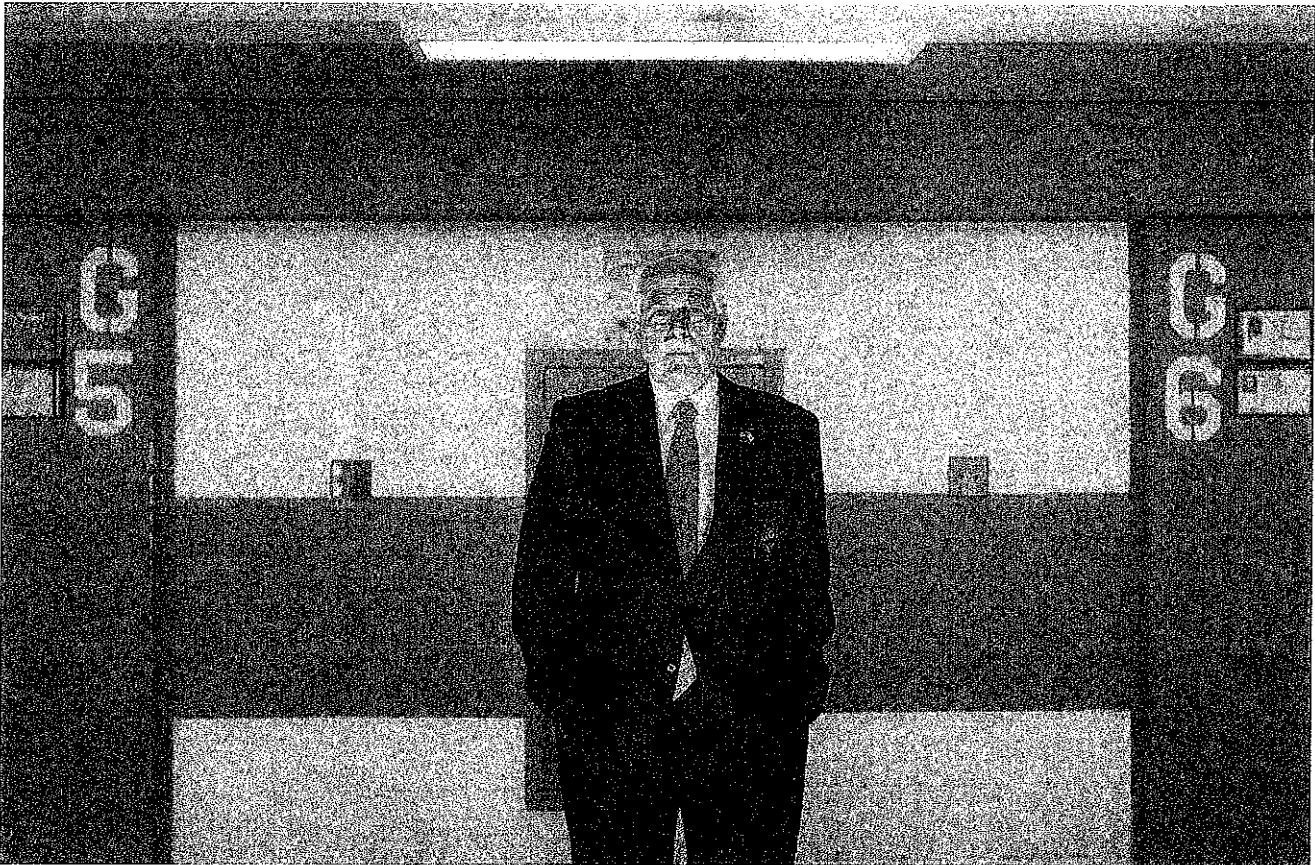
**BOSTON'S ONLY LAUGH**  
**FULL TIME COMEDY CLUB** BOSTON

NEWS RESTAURANTS A&E HEALTH REAL ESTATE STYLE HOME DESIGN WEDDINGS BEST OF BOSTON IN THE MAGAZINE

## Big House, Big Mouth

Ever since Aaron Hernandez arrived at his jail, Bristol County Sheriff Thomas Hodgson has been enjoying the spotlight. But is the lawman's recent celebrity helping his inmates, his taxpayers, or himself?

By Jason Schwartz | Boston Magazine | May 2014



BRISTOL COUNTY SHERIFF THOMAS HODGSON IN HIS DARTMOUTH FACILITY. / PHOTO BY MATT KALINOWSKI

Before Aaron Hernandez ended up in his jail, Bristol County Sheriff Thomas Hodgson was not particularly aware of TMZ. Leaning against the wall of what, until recently, had been the former Patriot's cell, the 60-year-old sheriff says, "I do know it now." The celebrity gossip site has all but had Hodgson on speed dial since Hernandez's arrest in June. It works like this: Some TMZ reporter calls and asks a question like, Can Aaron Hernandez watch Patriots games? Hodgson answers, and then the site cranks out a story, complete with a quote from the sheriff and a big ol' headline—"AARON HERNANDEZ BLOCKED FROM WATCHING NFL IN JAIL"—that zings all across the Internet. TMZ has also reported that Hernandez did not get cake on his birthday and, in case you were wondering, is not allowed to receive porn (though he has apparently been sent much of the homemade variety).

As sheriff, Hodgson, a Republican who's been elected to three six-year terms, is charged with running Bristol County's corrections system. From the moment Hernandez arrived on his doorstep, the sheriff has been eager to tell reporters just how unpleasant his star inmate's life has suddenly become. Hodgson tells me this is his fourth or fifth time giving a media member a tour of the jail's high-security "special management unit," where Hernandez lived for about eight months before being transferred following a February jailhouse brawl. The accommodations in Hernandez's old 7-by-10-foot cell are indeed spartan: There is a metal-

frame bed with a thin mattress, a metal sink connected to a toilet, and a cement desk with a cement stool stuck to the ground. All Hernandez could see out his narrow, barred window was a red fire hydrant and the barbed wire fence surrounding the Dartmouth facility. The meals delivered to Hernandez, Hodgson has often repeated, were bland and unsatisfying. The Four Seasons, it ain't.

Which is exactly Hodgson's point. Since becoming sheriff in 1997, the former Maryland cop and New Bedford city councilor has made a name for himself as Massachusetts' toughest jailer—an old-school law-and-order type in the mold of Arizona's notoriously controversial Sheriff Joe Arpaio. Over the years, Hodgson has instituted inmate "chain gang" work crews, as he calls them, restricted meal portions, introduced medical copays for inmates, and clashed publicly with Governor Deval Patrick. In 2002 he started charging his inmates rent—\$5 per day. In protest, prisoners clogged their toilets and hurled feces at their walls, but the fee remained in force until 2004, when a judge overruled it. All of these gambits have earned Hodgson his share of headlines and media appearances, but now, with Hernandez under his care, he has more opportunity than ever to make his views heard. Since last summer, he's been on *ESPN SportsCenter*, *WEEI*, and *Fox 25*, and has been quoted in articles all over the country. After Hernandez's fight, Hodgson says, he spent a day and a half on the phone talking with the press.

The sheriff, who's up for reelection in 2016, says he's working to get a message out to kids about consequences and making good choices. But when Hodgson goes on camera or talks to a reporter, is he doing it to educate the kids—or to advance his career?

Hodgson's office, in a cinderblock building beside the Dartmouth jail, is a treasure-trove of knickknacks and memorabilia. In a trophy room off to the side, a shelf features two shots of him with George H. W. Bush, set up next to a portrait of Ronald Reagan. Across from his desk, there's a bust of Abraham Lincoln with a framed copy of the Gettysburg Address on the wall above it. Nearby hangs a fanciful painting of past Republican presidents sitting around a poker table. It's like that famous print of card-playing dogs, except with Richard Nixon.

In Massachusetts, the most serious convicted criminals are sent to state prison, but those awaiting trial, like Hernandez, and prisoners who are sentenced to two and a half years or less, enter one of the state's 14 county corrections systems. Elected sheriffs essentially run these as their own private fiefdoms. Of the roughly 1,000 inmates under Hodgson's care, about half are pretrial and the rest are low-level convicts.

From the moment he took office, Hodgson, who sports a white lawman's mustache, has never been shy about accentuating the differences between him and most Massachusetts politicians—or about courting controversy. One of his first acts was to eliminate televisions, weight-lifting equipment, and smoking from his jails. He's also made a show of cutting coffee and orange juice from the budget (the OJ, at least, was replaced by Tang). A judge once even chided him for not giving inmates adequate access to bathrooms. Hodgson has always argued that jails should run as leanly as possible—that it's better to allocate resources elsewhere—and they should be unpleasant places to which you'd never want to return. In 1998 prisoners became so fed up with the conditions at Bristol County's nearly 200-year-old Ash Street Jail that they rioted. Soon after, a group of inmates sued. Despite their accusations, Hodgson declared the facility "perfectly fine." (That was not Hodgson's last riot. In 2001, during an uprising at the Dartmouth facility, a guard was taken hostage for more than 30 minutes. Again, living conditions were cited as the cause, though Hodgson contests that allegation.)

Hodgson's biggest public controversy came in 1999, when he instituted inmate "chain gangs." Across Massachusetts, sentenced inmates are released for supervised work in the community—whether it's picking up trash or painting or something else—but Hodgson forced his prisoners to wear shackles while doing it. He's argued that the program is voluntary and that the inmates are happy to be able to get out of the prison to do work (and that he also has work programs for lower-risk inmates that don't require restraints). But many have found the practice, at best, unnecessary and, at worst, offensive and demeaning. When Hodgson introduced the program, the media erupted in outrage, with even the conservative *Herald* editorializing against the chains. Despite the uproar, Hodgson's "chain gangs" continue today.

Over the past eight years, Hodgson has also been a frequent thorn in Governor Patrick's side, opposing him on just about any issue anyone asks him about. The biggest dustup came in 2011, after Patrick declared his opposition to a Department of Homeland Security program called Secure Communities, which allows the feds access to local and state databases that can be used to check someone's immigration status. Hodgson, who operates a detention center in Dartmouth that the federal government pays to hold undocumented immigrants, supported the program. Even as Patrick fought to keep Secure Communities out of Massachusetts, Hodgson was working to implement it anyway. "With the governor, look, philosophically he and I differ," the sheriff says. "He didn't like the statement I made that said his decision to say that Secure Communities was bad for Massachusetts was moronic." After Patrick later vetoed millions in funding earmarked for Hodgson, the sheriff hit back hard, helping persuade the legislature to override Patrick's cuts.

Hodgson believes that growing up in Maryland with 12 siblings taught him the importance of being a good communicator—and of finding ways to make his voice heard. He says he's always viewed controversy and media attention as a means to an end. "If it's controversial, that's not a bad thing, because it raises the debate with the public," he says. "And it makes the public think." If the ensuing debate moves policy in the direction he wants it to go, all the better.

Not surprisingly, Hodgson has attracted many critics. Leslie Walker, the executive director of Prisoners' Legal Services of Massachusetts, says that when she started seeing him on TV after Hernandez's arrest, "I found it not unpredictable. I found it amusing, more than unseemly. He's a politician. He wants to get reelected."

State Senator Brian Joyce, a Democrat who represents parts of Bristol County, which includes crime-heavy areas like New Bedford and Fall River, has a similar view. "I see him somewhat as a showman," Joyce says. "He's good with a quip. He's good with a publicity stunt." A common estimate is that 90 percent of convicts in the Massachusetts county system are dealing with some form of addiction, and Joyce points out that many also suffer from mental-health issues or have never received any meaningful education or job training. "An enlightened sheriff today," he says, "needs to be more than just lock 'em up and throw away the key."

While Hodgson favors a scared-straight approach, other sheriffs in Massachusetts, both Democrat and Republican, focus their rhetoric and efforts more on rehabilitation, and on providing the counseling and education inmates need to successfully rejoin society. "I spend a lot of energy on reentry and programming," says Essex County Sheriff Frank Cousins, a Republican. At any given time, Cousins says, he has 285 to 325 inmates living in a monitored prerelease center outside of the prison. Currently, 75 of them have jobs in the community. "I'm a pretty conservative guy," he says, before adding that he thinks the programming, designed to reduce recidivism, is the type of good policy that also makes good business sense.

Sheriff Michael Bellotti, a Democrat from Norfolk County, has a similar approach. The reasoning, he says, is simple: His prisoners are headed back to the community sooner than later. The maximum county sentence is two and a half years, but Bellotti estimates that the average stay is eight or nine months. "Things like education, lack of healthcare, mental-health issues, vocational skills, lack of housing, and substance abuse, we attack all those areas," Bellotti says. "We assess and then we come up with a plan for programming."

While Hodgson offers programming such as drug counseling, vocational training, and religious mentoring, defense lawyers and inmate advocates frequently complain that there's not enough of it. And that, too often, the programs that do exist don't have enough spaces, helping make Hodgson's prison among the most dreaded in the state. According to defense attorney Michele Rioux, when a judge was recently weighing whether to sentence one of her clients to Hodgson's prison or to a longer stint in the Massachusetts system, the client requested the longer sentence.

A mountain of other complaints against Hodgson has piled up over the years: Critics questioned his purchase of a \$500,000 "mobile command unit" in 2001. In 2010, the *Globe* ran a story reporting that a curious number of Hodgson's employees had been given inflated job titles, making them eligible for larger pension benefits. During Hodgson's last reelection campaign, his opponent, John Quinn, blistered him with patronage attacks, noting that Hodgson was running up big legal bills for the county by pursuing an unusually high number of lawsuits, and that many of the billable hours seemed to be going to firms run by his campaign supporters.

Hodgson brushes aside the criticisms. He says his philosophy is all about accountability. "While you're here, it's not about entertainment," he says. "It's about focusing on making yourself a better person. I'm for programs for people who want to help themselves. But people aren't being honest about the prison system." He argues that inmates aren't under his care long enough for most programs to have any real effect, and that he'd rather see public money spent on reaching school-aged kids to try to break the cycle at the beginning. "We're never going to stop building prisons and [start] cutting into the recidivism rate in this country until we start changing our policies in dealing with kids in third and fourth grade," he says.

As of right now, it's impossible to tell whether Hodgson's tough-on-crime approach works. According to Natasha Frost, a professor and associate dean at Northeastern University's School of Criminology and Criminal Justice, there is a general sense in national research that the more progressive approach favored by Cousins and Bellotti is better at reducing recidivism, but the data is not stone-cold conclusive. Within Massachusetts, even though the state allocated more than half a billion dollars this year to run its county prisons, remarkably, nobody is measuring the 14 different systems' effectiveness. Consistent recidivism numbers simply aren't tracked across the different counties (though an effort to fix that is under way). When I asked Hodgson's press person whether Bristol County keeps any sort of internal recidivism statistics, I was told it does not.

Regardless, Hodgson remains popular with the people who matter most: Bristol County voters. The county is fairly politically balanced—it contains both a healthy chunk of old Scott Brown country and Democratic strongholds like New Bedford and Fall River—and in his last election, in 2010, the sheriff racked up 72,581 votes, compared with his Democratic rival's 60,251. He is constantly rumored as a GOP candidate for higher office, including Congress, but says he intends on running for another term as sheriff when he's up again in 2016. "You never say never, but I can tell you honestly that I really enjoy this job," he says. If nothing else, after his nearly two decades in office, Bristol County voters know what Hodgson is about. "Look, I believe in what I believe," he says. "I'm not shy about telling people that."

Hodgson says that Hernandez is treated like any other prisoner, but in reality that doesn't always happen. When Hernandez arrived, standard procedure was for Hodgson's staff to examine Hernandez's tattoos to determine if he had any gang affiliations. Normally Hodgson does not get involved, but this time, he says, "I personally interviewed him myself after my gang guys did just to be sure." (There were no gang affiliations found.) Typically, someone lower-profile than the former Patriot—who is charged with first-degree murder—would be kept among the general population, but Hodgson says Hernandez was placed in the high-security unit to protect him from potential attacks. There, he was allowed out of his cell for three hours a day: one hour in the morning to shower and make calls, one hour midday to walk around a small courtyard outside his unit, and, in the afternoon, one hour for outdoor recreation inside a 12-by-8-foot chainlink pen. No other prisoners were allowed near him unless they were restrained, so when Hernandez started a fistfight in late February, Hodgson was surprised. He and his staff were so focused on safeguarding Hernandez, he says, "We didn't anticipate that the person we were protecting would turn around and try to harm the people we were protecting him from."

Hodgson is pursuing an assault and battery charge against Hernandez, so he told me he couldn't divulge any details about the incident. However, he made it clear that Hernandez was walking around the courtyard during one of his hours outside his cell when he attacked another inmate who was in restraints while being transferred to another part of the prison. "It was relatively quick, because we had three officers right in the immediate vicinity," Hodgson says. "There was no medical requirement or anything like that." Hernandez has since been moved to a "higher-class" unit—it's similar to the one Hodgson showed me, except now he's allowed out of his cell only one hour per day.

Hodgson says he's made an effort to be a fatherly influence for Hernandez, whom he talks with every couple of weeks. With the exception of the alleged assault, "he's been pretty quiet, laid-back. Reads books," Hodgson says. The sheriff suggested he pick up Mitch Albom's *Tuesdays with Morrie*, and says that after reading it, Hernandez recommended it to the rest of his family. Hodgson also asked him if he read the Bible, which Hernandez has been doing as well. Says Hodgson, "I told him in the beginning, 'Ask for help.'"

Hodgson places great faith in the power of religious healing. He recalls telling Hernandez, "Always remember that God writes straight with crooked lines. What that means is that when you're reading *Tuesdays with Morrie*, it might be a week, it might be a month later—something's going to click for you, or somebody's going to say something, or an experience will happen that you don't know where it came from but it somehow altered your mood, your attitude, your perspective on life. You won't be able to understand where it came from, it just happened. So we talk about that kind of thing."

In a way, herein lies the rub with Hodgson: While others are less confident in the combined healing powers of Mitch Albom and the Bible—opting instead for more counseling and rehabilitation programming—Hodgson is of the "salvation lies within" school. And just as he saw the chain gang and \$5-per-day controversies as chances to advance his argument to the public, so he sees Aaron Hernandez's stay in his jail as another opportunity.

"He's a great football standout [who's now] sitting in a 70-square-foot cell with no car, with a very different kind of uniform, and being told what he can eat and when he can eat and having his freedoms restricted," Hodgson says. "This was a huge lesson that the press were actually helping to promote out there for kids."

Hodgson recalls a reporter once asking him if he'd rather have Whitey Bulger or Hernandez staying in his jail. "No children relate to Whitey Bulger, but they do to Aaron Hernandez," he says. And so the answer was easy: "Aaron Hernandez all day long."

**Source URL:** <http://www.bostonmagazine.com/news/article/2014/04/29/thomas-hodgson-aaron-hernandez-bristol-county-jail/>

Copyright © 2014 Metrocorp, Inc. All Rights Reserved.





# MASSACHUSETTS LAWYERS WEEKLY

## Sheriff should cease media exposure at inmate's expense

By: admin May 1, 2014

Bristol County Sheriff Thomas Hodgson has had an awful lot to say about Aaron Hernandez ever since the former New England Patriots tight end has been confined to the Dartmouth House of Corrections.

Hodgson has offered the public a bird's eye view into Hernandez's life behind bars, describing his typical meals, daily schedule, and even the appearance of his cell.

He's recounted conversations he's had with the football player and answered questions about whether Hernandez has been allowed to watch TV, read books and interact with other prisoners.

He's discussed Hernandez on local radio and with the national media, including telling USA Today that he won't let Hernandez get married while he's incarcerated.

There's clearly an audience for such inside information about a former professional athlete who has so dramatically fallen from grace. And unless Hernandez can somehow show that Hodgson's willingness to talk to the press has impacted his right to a fair trial, it's unlikely there will be any legal consequences for the sheriff's loose lips. But the fact that Hodgson's conduct is unlikely to be addressed by a judge doesn't make it any less inappropriate.

It's important to remember that Hernandez has not been convicted of any crime. Yet despite that presumption of innocence, his privacy is being violated by someone who has enormous power over the inmates in his care.

Hodgson's supporters will argue that the public is looking for reassurance that Hernandez isn't getting any special perks because of his celebrity. But that could easily be accomplished without divulging the details of his incarceration. Instead, we have a public official betraying the confidences he is privy to about an inmate's daily life in order to score political points and feed the public's interest in the lives of the rich and famous.

Hodgson's behavior stands in stark contrast to that of Middlesex County Sheriff Peter J. Koutoujian. Koutoujian also has a high-profile inmate in his charge: Jared Remy. But while Remy's behavior in jail has been the subject of press scrutiny, most recently after he was charged with assaulting another inmate, Koutoujian has been circumspect in his interactions with the media.

And that's as it should be. Inmates are generally not sympathetic figures. But their relative powerlessness requires public officials charged with their supervision to exercise those custodial powers properly. Hodgson's failure to do so further contributes to the carnival atmosphere that surrounds high-profile criminal trials and fails to give the criminal justice process the respect it deserves.

*Massachusetts Lawyers Weekly's Editorial Advisory Board provides knowledge and guidance for the editorials that appear on this page. The board is an advisory panel only, with no official voting or participation record. The input from the board is a tremendous resource to Lawyers Weekly, however, the editorials represent the position of the newspaper and its editorial staff, not the members, nor any given member, of the board.*

**BOARD OF EDITORS:** Martha R. Bagley, Salem; Paula S. Bliss, Boston; Randy S. Chapman, Chelsea; John M. Connors, Salem; Hon. Edward M. Ginsburg, Newton; L. Scott Harshbarger, Boston; Martin W. Healy, Boston; Hon. Margaret R. Hinkle, Boston; Thomas M. Hoopes, Boston; Kathleen Joyce, Boston; Hon. Rudolph Kass, Boston; Marsha V. Kazarosian, Haverhill; Renee M. Landers, Boston; Richard L. Levine, Boston; Hon. David A. Mills, Danvers; Eric Neyman, Boston; Eric J. Parker, Boston; Michelle R. Peirce, Boston; C. Max Perلمان, Boston; Martin R. Rosenthal, Boston; Jeffrey Sacks, Boston; Albert W. Wallis, Boston; Tory A. Weigand, Boston

Issue: MAY 5 2014 ISSUE

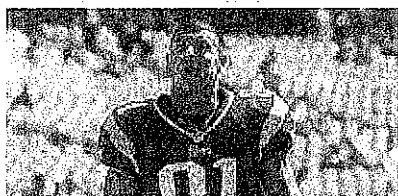


## Day in life of Aaron Hernandez

Updated Jun 2, 2014 1:56 PM ET

FoxSports.com

Though the details of Aaron Hernandez's future remains to be seen, more is being learned about his current daily routine and privileges in Massachusetts' Bristol County House of Corrections.



Aaron Hernandez

### LATEST ON HERNANDEZ

- Can't watch AFC title game
- Girlfriend wants charge dropped
- Judge preserves some assets
- Lloyd family files suit
- Prosecution: Fiancee lied 29 times
- Defense slams prosecution
- Key witness pleads not guilty
- Fiancee admits disposing of box

In a phone call with FoxSports.com on Wednesday, Bristol County Sheriff Thomas M. Hodgson revealed the following details on Hernandez's day-to-day life in prison.

### Visitation rights

- Hernandez has to submit a list of up to five people he wants to allow access to visit him each week.
- Those five people—and that's the maximum—are then put through a very detailed screening process, where there are background checks on all of them. Every requested visitor needs to be approved by the Sheriff's department. That process usually takes 48 hours. A criminal background or a history of suspicious activity are two reasons a visitor could be denied.
- Hernandez is given just one hour per week for these visits, can have only one visitor at a time and can divide that hour up however he wishes. He can have one visitor in for the full hour, he can have two visitors in for 30 minutes apiece, or he can have five visitors, split across the full 60 minutes. Those 60 minutes can not be divided throughout the week, but rather, all in one consecutive span.
- Any visitor has to be approved by Hernandez, first. What's that mean? Well, even if Tom Brady or Tim Tebow were to decide they wanted to take a trip up to Bristol, Mass., and drop in to visit their ex-teammate, they would need to go through the formal process of getting in touch with Hernandez, Hernandez putting them on his list of five visitors for week, and them being approved by the sheriff's department.

### Daily Routine

- Hernandez currently spends 21 hours of the day in his cell and three hours outside of it. He had just one hour outside of the cell last week, but that's been increased to three. The first hour outside, he can use the phone and he can use the shower. The second hour, according to Hodgson, "he can mill around the facility". The third hour, he has access to what's known as "the rec yard". However, there are no weights or basketball courts or anything like that at this facility.
- Hernandez currently has no direct interactions with other inmates, but they can hear and see him. He can see and hear them, as well.



Arrests

### TROUBLE WITH THE LAW

The 2013 offseason was a rough one for NFL players and the law. Take a look back at the players arrested before camp ever opened.

- Hernandez has his own cell. It contains a bed, a desk, and a combination sink/toilet.

### **Privileges**

- Hernandez's attorneys have no limits on number of times they can visit or how long they can stay. The attorneys must alert the jail they are coming and they accommodate his schedule.
- There is a book exchange, which Hernandez has access to. He also has access to writing material.
- Hernandez has no access to email, but he has limited access to the phone, which he can use in that one hour.
  - Week 10 Cheat Sheet
  - Will scandal soften 'Hard Knocks'?



Like Send 289 people like this.



**ICPA**  
International  
Corrections and Prisons Association  
*for the Advancement of Professional Corrections*

Non-Member  
(click here for free membership)

Log In Register

Join with Facebook

ICPA ▾

Events ▾

Community ▾

search ICPA

Search

## Becoming a member of the International Corrections and Prisons Association (ICPA)

### Our Code of Ethical Conduct

There are three types of ICPA membership that you can register for via our online process: 1) Individual Membership (\$50 US annual fee applies); 2) Professional Individual Membership (\$250 US annual fee applies); and 3) Affiliate Membership (free membership).

Regardless of membership type, all potential members of ICPA are asked to read and agree to ICPA's Code of Ethical Conduct and our Mission and Shared Values before continuing the registration process.

#### Introduction

Ethics refers to commonly agreed and accepted standards of right and wrong. These standards prescribe what individuals ought to do, usually in terms of their rights, obligations, benefits to society, fairness or specific virtues such as honesty and integrity.

Ethical guidelines should be expressed in general terms, not in detail. Still, they must be clear enough to give guidance when in doubt, faced with the dilemmas in decision-making in corrections.

Ethical guidelines do not offer concrete answers or solutions to problems, but they must offer a framework for reflections, guiding the employee in the right direction. Ethical conduct is highly reliant on the development of one's own ethical standards. It refers to the continuous effort of studying our own conduct and striving to ensure that we, and the institutions that we help to shape, live up to standards that are reasonable and beneficial to society.

The importance of ensuring the highest standards of ethical conduct among prison and correction employees cannot be overstated. The supervision of offenders in the community and the detention of individuals in custody raise unique challenges for all corrections employees that are not covered by the generic provisions of existing public service codes and legislation. Still, in all countries, quality in corrections is a government responsibility. A code of ethical conduct in corrections must therefore be based on ethical guidelines for the public sector. These are valid not only for corrections, but also for other government agencies, not-for-profit organizations and private companies who deliver services in corrections.

Although based on general quality expectations in the public sector, the ethical guidelines must highlight the specific concerns of corrections. Prison and correction employees must at all times be conscious of the power conferred upon them by legislation, the courts and the inferred trust of their community. Correction and prison staff are empowered to direct and restrict many aspects of the lives of offenders in the community. In a custodial setting, officers can direct and guide almost all aspects of a prisoner's life.

Decisions, conduct and behaviour within the correctional environment must always be founded on what is right, what is just and what is ethical.

The International Corrections and Prison Association expects of its members and all correctional officials unfailing honesty, respect for the dignity and individuality of human beings and a commitment to professional and compassionate service. To this end, we subscribe to the following code of ethical conduct:

#### 1. Concern for the citizenry and for the reputation of the organization

Both as the exerciser of authority, provider of services and steward of significant social resources, correctional agencies - and thus the individual employee - are obliged to take account of the public interest, to strive to achieve equal treatment and to treat individuals with respect.

Quality in corrections requires responsiveness to prisoner needs, to the Government, to the community and to other stakeholders. Correctional officials shall respect and protect the right of the public to be safeguarded from criminal activity.

Treating individuals with respect implies maintaining a courteous and respectful attitude when interacting with others during the course of duty, even when the language or behaviour of others is offensive or inappropriate.

The individual employee is required to perform his or her duties and behave in an ethical manner, and thus avoid damaging the reputation of the organization. The same principles must be upheld unconditionally when correctional officials are off duty or off site for any reason or for any given length of time.

#### 2. Duty of obedience, duty to report and duty of efficiency

Correctional officials are required to comply with the legal rules and ethical guidelines that apply to the activities, as well as to follow orders issued by superiors. The duty of obedience entails no obligation to follow orders to do anything illegal or unethical.

Correctional officials are required to report to their employer corruption, unethical behaviours or any circumstances of which she or he is aware that could cause the employer, employee or the surroundings to suffer losses or damages of any kind.

Correctional officials are required to use and preserve the organization's resources in the most economical and rational manner possible, and shall not abuse or waste the organization's funds. Reaching the established targets in a good and efficient manner requires striking a balance between efficiency and the use of resources, thoroughness, quality and good administrative practice.

#### 3. Duty of care

Correctional officials should continue to identify in each individual the potential to become a law abiding citizen.

He or she must exercise reasonable care and skill, and support a safe and secure environment for the community by humanely and securely managing individuals under custodial and community sanctions. Correctional officials must recognize the inherent dignity and worth of every human being and ensure human rights and civil liberties are safeguarded. He or she shall refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination. Correctional officials shall preserve the integrity of private information. They shall refrain from seeking information about individuals beyond that which is necessary to implement responsibilities and perform their duties. He or she shall refrain from revealing non-public information unless expressly authorized to do so.

#### 4. Transparency

There should be openness and transparency throughout the administration so that the general public can understand the organization's activities, and thus gain insight into how the organization attends to its responsibilities. All employees must ensure open communication between staff, offenders, prisoners and the community. Information should be shared with the public to the extent permitted by law subject to individuals' right to privacy.

Public administration has an active duty of disclosure. Correctional officials should always provide correct and adequate information, whether to other authorities, companies, organizations or residents. In certain contexts, this will mean that one should, of one's own volition, disclose information of significance needed for the processing of a case.

Like everyone else, correctional officials enjoy a fundamental right to express critical opinions about the government's activities and all other matters. Still, objectivity must be maintained while acting in an official capacity by differentiation between personal views and those expressed on behalf of the agency.

Correctional officials must be able to report circumstances in the service that are worthy of criticism. Before a report is filed, an attempt should be made to sort the matter out in-house. Public criticism of colleagues or of the organization should be made only when warranted, verifiable and constructive.

#### 5. Confidence in the service

Correctional officials shall not behave in a manner that might impair faith in their impartiality.

Correction and prison personnel shall refrain from entering into any formal or informal activity or agreement which presents a conflict of interest or is inconsistent with the conscientious performance of duties, or that lend themselves to undermining trust in the service. There must be transparency about the potential impact of correctional officials' outside and second jobs, etc. on the discharge of their duties.

All employees are to be careful about how they treat confidential information. This includes in respect of former colleagues, especially if they represent an interested party in a matter where the agency is the decision-making authority, or if they are employed by an organization engaged in interaction or negotiations with the agency.

Correctional officials shall not, on their own behalf or on behalf of others, accept or facilitate the acceptance of gifts, travel, hotel accommodations, hospitality, discounts, loans or other contributions or perquisites that are appropriate to, or intended by the donor, to influence their work.

Correctional officials must not use their position to gain an undue advantage for themselves or anyone else. This also applies in cases where these advantages would not affect their service-capacity actions.

Correctional officials shall not, as part of discharging their duties, give or offer gifts or other perquisites that are appropriate to, or intended to, sway the recipient's service-capacity actions.

#### 6. Professional conduct and independence

The principle of professional independence means that correctional officials should use their professional knowledge and professional judgement to discharge their duties.

Correctional officials shall apply sound judgement, which is fair, reasonable, and just. Reasons for decisions should be explained, be based on evidence and made free from bias.

In order to perform the challenging, demanding and often complex tasks of corrections, all employees must continuously update and develop their knowledge, and be prepared to raise their professional level.

Correctional officials shall maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service. He or she shall respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment. Cooperation with other agencies and stakeholders should be used as a multiplier in improving standards of delivery.

### The Mission of ICPA

To contribute to public safety and healthier communities by encouraging and enabling best correctional practices in prisons and outside communities

### Shared Values

1. The enhancing of public safety by the development of sound corrections and criminal justice policy.
2. The respect for the dignity of all individuals and the protection of their rights in accordance with the United Nations Standards and Norms in Criminal Justice, including the Universal Declaration of Human Rights.
3. The expansion and testing of the theoretical and empirical body of knowledge that underpins professionalism in corrections.
4. The open and free sharing of ideas, knowledge, values and experience that is essential for sustained growth and development of all communities.
5. The importance of strong partnerships, built upon mutual respect and ongoing collaboration.
6. The recognition that sound correctional practices contribute to the harmony, health, and prosperity of communities.

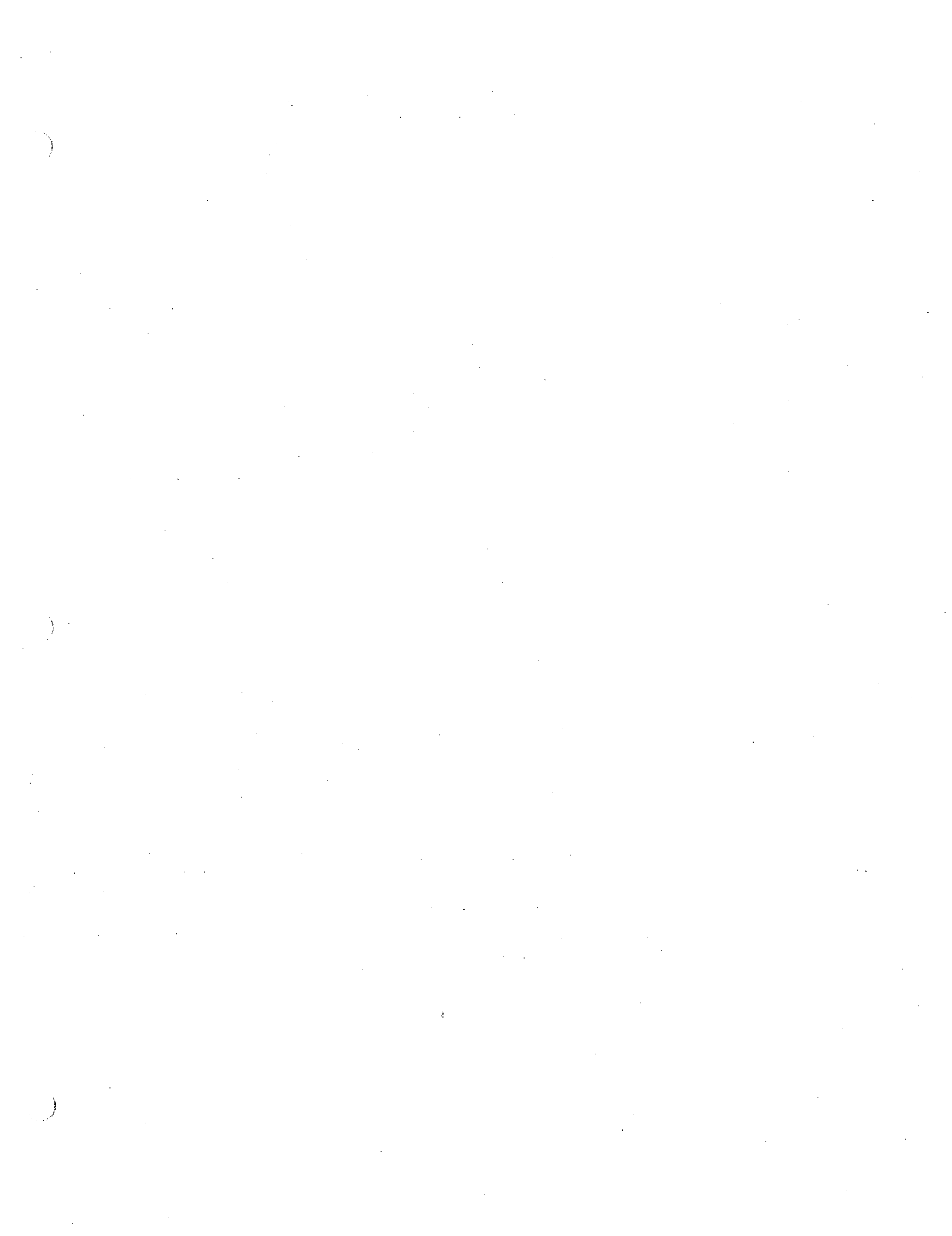


ICPA is a non-governmental organisation in Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC)

Follow us on: Twitter YouTube Facebook

© 2013 ICPA,  
All Rights Reserved  
[Contact ICPA](#) · [Code of ethics](#)





**ACA Code of Ethics****Message From The Executive Director**

<u>ACA History</u>	<u>Resolutions &amp; Policies</u>
<u>ACA Vision Statement, Mission and Goals</u>	<u>ACA Leadership</u>
<u>Declaration of Principles</u>	<u>ACA Committees</u>
<u>Constitution &amp; Bylaws</u>	<u>To Lead and To Serve: Guidelines for Effective Leadership in ACA</u>
<u>ACA Code Of Ethics</u>	<u>ACA Awards</u>
<u>Legislative Position Statements</u>	

---

**ACA Code Of Ethics****Preamble**

The American correctional Association expects of its members unfailing honesty, respect for the dignity and individuality of human beings and a commitment to professional and compassionate service. To this end, we subscribe to the following principles.

1. Members shall respect and protect the civil and legal rights of all individuals.
2. Members shall treat every professional situation with concern for the welfare of the individuals involved and with no intent to personal gain.
3. Members shall maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service.
4. Members shall make public criticism of their colleagues or their agencies only when warranted, verifiable, and constructive.
5. Members shall respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment.
6. Members shall honor the public's right to information and share information with the public to the extent permitted by law subject to individuals' right to privacy.
7. Members shall respect and protect the right of the public to be safeguarded from criminal activity.
8. Members shall refrain from using their positions to secure personal privileges or advantages.
9. Members shall refrain from allowing personal interest to impair objectivity in the

performance of duty while acting in an official capacity.

10. Members shall refrain from entering into any formal or informal activity or agreement which presents a conflict of interest or is inconsistent with the conscientious performance of duties.
11. Members shall refrain from accepting any gifts, services, or favors that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties.
12. Members shall clearly differentiate between personal views/statements and views/statements/positions made on behalf of the agency or Association.
13. Members shall report to appropriate authorities any corrupt or unethical behaviors in which there is sufficient evidence to justify review.
14. Members shall refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination.
15. Members shall preserve the integrity of private information; they shall refrain from seeking information on individuals beyond that which is necessary to implement responsibilities and perform their duties; members shall refrain from revealing nonpublic information unless expressly authorized to do so.
16. Members shall make all appointments, promotions, and dismissals in accordance with established civil service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests.
17. Members shall respect, promote, and contribute to a work place that is safe, healthy, and free of harassment in any form.

Adopted by the Board of Governors and Delegate Assembly in August 1994.